

On September 15, 2017, the Monterey County Water Resources Agency (MCWRA) conducted a “Stakeholder Workshop” to provide updated information on the status and progress of the Interlake Tunnel Project and the San Antonio Dam spillway modification. The meeting, at Heritage Ranch, a community on Lake Nacimiento, occurred on a Friday, and began at 2:00 pm, a day and time seemingly chosen by MCWRA to insure that many of the stakeholders who work for a living would not be able to attend. Clearly, MCWRA did not expect much of a crowd, since they quickly ran out of program handouts. However, in addition to “stakeholders,” several Directors who sit on the Board of the Nacimiento Regional Water Management Advisory Committee (NRWMAC)ⁱ, also attended the meeting, and thanks to their advance community outreach efforts, the meeting room was filled to capacity.

Judging by the questions asked of the presenters concerning the tunnel project, the audience was divided roughly into two separate factions: the large landowners whose properties abut the tunnel alignment, and the owners of homes in the various lakeside communities who enjoy the recreational aspects of the lake. There was anger and fear in the voices of both groups, and the answers provided by the presenters did not do much to allay their emotions.

The owners of the large parcels of land along the tunnel alignment expressed concern with the possible adverse effect that the tunnel project will have on their wells, and anger with MCWRA’s continuing disregard for these concerns. These landowners stated in the meeting that they have been telling MCWRA for over two years that any drilling or excavating on their properties could, and likely would, cause the intrusion of oil or sulfur water into their well water, or cause their wells to drain altogether. During these two years, the landowners have requested that MCWRA find a way to completely protect them, and have suggested as a solution, either their own insurance policies at Monterey County’s expense, or at the very least, being named as additionally insured on Monterey County’s own insurance policy.

MCWRA has responded to these concerns with “Resolution No. 16-R03,” adopted by the Monterey County Board of Supervisors on June 26, 2016. MCWRA insists that this resolution offers the protection the landowners want, but the landowners counter that the resolution merely states that the agency will *try to avoid* harming the wells, and will “address impacts to wells that can be proven to result from construction or operation of the tunnel project.” Both NRWMAC and the landowners believe the resolution, written by lawyers for Monterey County, is designed to protect only Monterey County. Should the worst happen, should a well run dry or be contaminated with a hazardous material, the landowners rightly want to know how and what their families and their livestock will drink, and what effect the loss of water will have on their home and land values, while they battle Monterey County in court over the required “proof” that the “impacts to wells” resulted from construction or operation of the tunnel project.

MCWRA did offer to allow NRWMAC and the landowners the opportunity to rewrite the resolution, so that it would offer the protection sought. This, MCWRA stated, they would present to the Board of Supervisors for final approval. However, before that process could even begin, MCWRA threatened to invoke eminent domain against at least two landowners who were present at the meeting for not permitting MCWRA onto their property to drill boreholes for purposes of geotechnical and soil testing in advance of the tunnel construction.

Lakeside homeowners were similarly outspoken with the concerns they have which revolve around the “invert,” or opening, on the Lake Nacimiento side of the tunnel connecting it with Lake San Antonio. The engineering and hydrology studies, according to MCWRA, dictate that the tunnel height be at an elevation of 745 feet above sea level, allowing for the 15 feet of “head pressure” required to force the water through the tunnel so as not to create any damaging cavitation. This means the lake would not arise above 760 feet above sea level. The lake is at about that height now, and the resulting volume of water at that elevation is approximately 50%. Already many docks around the lake are out of the water and not usable. Homeowners fear that this lake level, if perpetuated by the tunnel, will ultimately have a negative effect on the recreational activities around the lake and consequently diminish their home values.

The homeowners were later informed, during the question and answer portion of the presentation, that the tunnel height of 745 feet was also chosen “to reduce construction costs.” The implication, of course, is that this will save the Monterey County taxpayers money when they eventually vote to approve the tunnel project. This did not sit well with the homeowners in the audience who realize that Monterey County is going to save money at their expense, and they cannot even vote on it. What the homeowners want, and what NRWMAC has been lobbying MCWRA for on their behalf, is an invert at a height of 780 feet. This would accomplish the same goal, for the same expense, but would not have the deleterious affect that the chosen height will have.

In response, MCWRA asked the homeowners to simply trust them, that their plan is actually intended to keep higher water levels in the lake to support recreational use. Just how they could achieve this was not stated in the meeting inasmuch as the operations plan has not been released. Moreover, they would not explain what their idea is of a higher lake level is.

Furthermore, on the issue of trusting Monterey County to do anything they say they will do in respect of their management of Lake Nacimiento, one only needs to know the saga of Betty Eyraud to realize how fruitless that endeavor is. At the conclusion of the meeting, Phil Humfrey, a NRWMAC Director, stood in the audience and related her story: Before there was a lake, there was the Nacimiento River. Much of the land around the river was owned by three large cattle ranchers. One of these ranchers was Carl Hendricks, who had been raising cattle in the area since 1944. Almost 60 years ago, as part of the arrangement wherein Monterey County

obtained land to create Lake Nacimiento, they promised to replace Carl's previous easement with a new easement so that he could cross the land Monterey County had purchased around the lake. This easement would enable Carl to access the land he owned that was not taken as part of the development of the reservoir. Incredibly, the agreed upon, *and promised*, easement has still not been issued.

Carl Hendricks has since passed away and his daughter, Betty Eyraud, and his son, Larry Hendricks, now have the property. They have continued the fight for the easement. Ms. Eyraud has literally dozens of documents going back and forth from Monterey County, wherein the county indicated, over and over again, that she should indeed have the easement -- they just need to complete their "final review." However, on every occasion when Ms. Eyraud has asked for an update, she has been given one excuse or another as justification for the lack of follow through. A popular county response seems to be, words to the effect of: "We just got a new County Counsel, and he/she is reviewing everything that the previous Counsel had approved."

Over a year ago, NRWAC representatives took a bankers box full of the above-referenced documents to a MCWRA meeting in Salinas, where they outlined what had been going on for so long. MCWRA said then they would get with County Counsel to get the issue resolved. They never responded. Today, almost 60 years after the original promise, there is still no easement.

One of the methods for predicting the future is to look at the past. Monterey County says to trust them on the Interlake Tunnel Project. However, the Hendricks/Eyraud family, for decades, trusted Monterey County to do what they promised and got nothing for it. Based on that family's experience, it should be obvious to the stakeholders around the lake that trusting Monterey County to keep their promises concerning the tunnel project seems, at the least, inadvisable.

¹ Lake Nacimiento was designed to provide irrigation water and flood control by Monterey County, which built the 210-foot earth-fill dam to create the reservoir in 1957. Although the borders of Lake Nacimiento are entirely within the confines of San Luis Obispo County, the waters are controlled by Monterey County, which has displayed little concern for the economic or social impact that its management of the lake has had, and continues to have, on San Luis Obispo County property owners. Because of this, the Nacimiento Regional Water Management Advisory Committee ("NRWAC") was organized in 1989 to represent property owners in San Luis Obispo County with issues concerning Monterey County's management of the lake.