



August 2019 NEWSLETTER

NRWMAC VS MONTEREY COUNTY

The Nacimiento Regional Water Management Advisory Committee (NRWMAC) lawsuit filed against Monterey County, the Monterey County Board of Supervisors, Monterey County Water Resources Agency, marches on. The suit alleges that the defendants violated their obligation to operate Lake Nacimiento Reservoir in such a way so as to provide sufficient water levels for recreation. The suit further alleges the defendants did not provide all the documents responsive to a Public Records Act request and court filings related to the lake.

The lawsuit may be reviewed on NRWMAC's website: <http://nrwmac.org/knowledge-base>

NRWMAC also lodged a complaint with the California State Water Board alleging that MCWRA diverted more water from Lake Nacimiento than permitted by the State of California, which limits withdrawal of water from the lake to 180,000 acre-feet per year.

NRWMAC continues to monitor all issues concerning Lake Nacimiento and will provide updates as possible during the lawsuit and the investigation of the environmental complaints. Currently, we can say that because of the lawsuit, Monterey county has asked us to conduct negotiation meetings to help find resolutions to issues that were presented, and while we are meeting with them, at this time the lawsuit is still moving forward.

NRWMAC Making a Difference...

With the increased pressure that the NRWMAC Lawsuit has been applying, and help from the recent rains too... it looks like we will have a decent water level through labor day.

MCWRA publishes the current water release schedule as 'a working document', claiming it will provide for the lake levels to be at or 'very near' 757ft by Labor Day. The current MCRWA release schedule can be viewed here:

<http://nrwmac.org/knowledge-base/mcrwa-release-schedule-april-25-2019/>

Monterey County Parks has completed deployment of the 20 new navigational buoy's and you should be seeing them on the lake now! And the Ranger and Sheriff presence around the lake has been increased and appears to be visually present.

Park Management maintenance and upkeep of lake areas and facilities is also showing improvement, and will continue to be a priority.

Dam Audit Report

As some of you may have heard, the Monterey County Water Resources Agency is required to participate in the "Owners Dam Safety Program" (ODSP) and have an outside audit of the dam every five years. This audit was held in July of 2019 and the contents of the audit can be viewed here:

<http://www.nrwmac.org/nacimiento-dam-audit-july-2019-presentation-1563497351/>

Let's be very clear about the water...

In California, water is protected for the use and benefit of all Californians. California's waters cannot be owned by individuals, groups, businesses, or governmental agencies. And permits, licenses, and registrations give individuals and others the right to beneficially use reasonable amounts of water.



Monterey County was provided a grant in 1958 on their application of developing a first class recreation area at Lake Nacimiento, making a long term promise to promote and develop recreational facilities at Lake Nacimiento.

Monterey County was again licensed in August of 1964 with a statement of purpose of “Recreational use at Lake Nacimiento Reservoir within San Luis Obispo County and irrigation, domestic, municipal, industrial and recreational uses within an area of Monterey County”.

And again in 1996 Monterey County applied for and was granted Permit # 21089, subject to prior rights that authorized purposes for using the water for irrigation, industrial, municipal, recreation and domestic use.

There is no “Percentage of” listed in those rights. There is no “group” that owns the water... all five interests share the water interest, and all five interests are entitled to it.

The Recreation Component...

The Monterey County Flood Control and Water Conservation District (“District’), the predecessor to MCWRA, built Nacimiento Reservoir in the mid-1950’s for recreation, flood control and water conservation. In order to begin construction, the District first had to condemn and take private properties in and around the reservoir site by eminent domain. (The District had eminent domain powers under the Monterey County Flood Control and Water Conservation District Act (“Act”). At that time, SLO County Supervisors approved the eminent domain by Monterey County because they were paying to have the dam built on SLO County property.

In relevant part, the Act gave the District the power to condemn “lands deemed by the

supervisors of the district to be **necessary or convenient for the installation, construction, use and maintenance of recreational areas or facilities including picnic grounds, play grounds, camp grounds, home sites, boats and fishing, bathing or other facilities for use by the public...**”(Emphasis supplied.) Thus, the provision of recreation at the reservoir was key to allowing the construction to commence.

These proceedings provide the basis for the ‘Recreational Portion’ of Lake Nacimiento and the removal or diminishing of this component invalidates Monterey’s Eminent Domain claims and provides a strong case for overturning the Eminent Domain proceedings.

Simply put, Monterey County claimed and based recreational support at the lake as an equal right to take land, and they must continue to support recreation or they can be faced with invalidating their right to that land.

Tunnel Status

What we have heard at MCWRA meetings, is basically the same information available in the media and the press. The tunnel project is behind schedule due to modeling issues, and MC has more pressing concerns at this time.

It has been reported that the Tunnel is now estimated at a completion cost of \$189.5 million, and at current MC budget levels that means it is estimated that \$165 million will need to be provided by Salinas valley property owners via an assessment fee.



Quaga Mussel Information

Danielle Ruedas, (SLO County Public Works), works with NRW MAC, Fish and Game, Rangers and other groups around SLO County, has asked to help spread the word to lake communities, regarding the steps that need to be taken if a vessel is found with adult mussels on it.

If you come across a vessel with suspected zebra/quagga mussels:

- 1) **DO NOT** allow the vessel to leave the area!
- 2) **Call Surcom Fish & Wildlife** dispatch number is 951-443-2944.
- 3) Contact Monterey County Park Rangers, SLO County, or report the suspected vessel to the local Fish and Wildlife game warden.
- 4) **It is Very Important** to let the vessel owner know that they are not in trouble, but if they leave the area with the vessel they will be fined for knowing they have mussels on their vessel and are still traveling around with them.
- 5) Take pictures of the vessel, the mussels, the license plate, the CF number (any item that will help to identify the vessel if they should leave)
- 6) Record any information (license number of vehicle, CF number of vessel, color, make) that will help law enforcement find the vessel if needed.

Once Fish and Wildlife is notified, they will quarantine the vessel and work with the vessel owner to make sure the vessel is decontaminated and that the mussels are disposed of properly.

It is Very Important to get ahold of someone (ramp coordinate, SLO County, Monterey County Rangers). We need to make sure that we close the loop with Fish and Wildlife and also be able to pass the information to other

Nacimiento ramps, local lakes, and other authorities ASAP.

With the change in Public Ramp staffing of Park Rangers, we need to distribute alternate sources for you to contact should this happen again. This is on our fix it list and we are presently working with Fish and Wildlife to help create a list of contacts and numbers for this type of incident.

Although our mussel screeners and Resident Vessel Participants are very aware of mussels and the damage they may cause, there are still some communities that might need help with spreading the word to residents/home owners who may not be aware. Please let us know how we can help you in getting the word out to your communities about the threat of invasive mussels (i.e. informational meetings, flyers, training).

Thank you and if you have question please call!!

Danielle Ruedas
 Water Systems Tech
 Public Works, County of San Luis Obispo
 Tel: (805) 781-5109

Handy Lake Contact numbers

Phone numbers	
Mussel Prevention Hotline	805-788-6006
SLO WQL	805-781-5111
Park Ranger Station	805-472-2311
Danielle Ruedas SLO	805-781-5109
Surcom Fish and Wildlife	951-443-2944



Help NRWMAC Save The Dragon

“Save The Dragon” is not simply a turn of phrase; it’s a fervent plea for help. Lake Nacimiento is not going to save itself from Monterey County’s mismanagement. Without a court’s intervention, Monterey County is not going to realize the error of its profligate ways and turn off the drain spigot all by itself.

NRWMAC’s lawsuit against Monterey County Water Resources is the start of the correction of this dire situation that has gone on too long, and will force Monterey County to adopt a recreation plan that will protect all aspects of recreation in the future for the rights of lake owners and recreational users. However, this litigation will require funding support from all lake property owners and enthusiasts to make this happen.

NRWMAC’s GoFundMe legal campaign, and other events, with your contributions, has raised over \$150,000 and we are grateful to all of those who have contributed.

Being the primary source of funding for these legal efforts, your donations, now more than ever, will make a difference.

Please share, forward and circulate this newsletter with your friends, family and anyone you know that uses or cares about the lake, wildlife, and future of the lake!

We need to inform people of this fight, and let everyone know why their funding support is so critically important right now, and to please donate today.

If you value your recreation, water quality, way of life and property values, please donate today – even if you have previously donated.

If you prefer you can privately donate using the nrwmac.org link below, or mail a check to NRWMAC at P.O. Box 398, Paso Robles, CA 93447.

For more information, updates and donations please go to our website, www.NRWMAC.org or directly to the GoFundMe location here: www.gofundme.com/lake-nacimiento-save-the-dragon

The Latest NRWMAC Apparel ...

The latest styles and colors are showing at NRWMAC. We have beanies back in stock by popular demand! And the new Grey and Teal colors are a HUGE hit! Ladies shirts in Teal, Sweat shirts (“hoodies”), Tanks and t-shirts in gray!

And the new two color hats Khaki / Green and Blue / White !

Thank you for your support

We wish to thank everyone that supports NRWMAC, and as everyone continues to come up with more ways to help, we need everyone to get involved.

NRWMAC needs volunteers to help with getting the word out, donations, sign-ups, handouts, information booths, fund raisers, t-shirt sales, and help at functions and events.

You can help the effort by donating time, dollars, purchasing merchandise or signing up for events here: www.nrwmac.org/get-involved