



## August 2022 NEWSLETTER

### Monterey County Dock Threat

In May, NRWMAC officially requested Monterey County modify its interpretation of its dock policies, outlining why and what NRWMAC was opposed to. This letter can be viewed here:

<https://nrwmac.org/wp-content/uploads/2022/05/NRWMAC-Response-re-Dock-Fees-050422-.pdf>

Monterey County replied to NRWMAC's request and that response can be viewed here:

[https://nrwmac.org/wp-content/uploads/2022/08/MC\\_Response\\_to\\_NRWMAC\\_220606.pdf](https://nrwmac.org/wp-content/uploads/2022/08/MC_Response_to_NRWMAC_220606.pdf)

After reviewing Monterey County's response and ordinance 4605, we have had our attorney's submit an official formal correspondence to Monterey County, which states in relevant part:

"NRWMAC respectfully requests that the Agency immediately change its implementation of rules regarding dock renewal fees that are not floating. The fees are either exempt or deferrable under the plain language of Ordinance 4605. Furthermore, insofar as the Agency has already imposed renewal fees, and some have been paid in contravention of the Ordinance, such fees should be refunded to the dock operators."

The complete letter sent to Monterey County may be viewed at:

[https://nrwmac.org/wp-content/uploads/2022/07/NRWMAC\\_Dock\\_Fees\\_Response\\_220726\\_.pdf](https://nrwmac.org/wp-content/uploads/2022/07/NRWMAC_Dock_Fees_Response_220726_.pdf)

More dock information can be found at the NRWMAC Knowledge Base here, under MCWRA Dock Fees:

<http://nrwmac.org/knowledge-base/>

### NRWMAC vs Monterey County

NRWMAC continues litigation against Monterey County and its various agencies for mismanaging Lake Nacimiento and the continued push against the recreational rights on the lake and area.

A portion of the lawsuit has been referred to the State Water Board and continues to move forward. This referral is meant to determine administratively if Monterey County exceeded its yearly release quota, which NRWMAC asserts it did based on its published releases for at least one past year. Once the administrative portion of the lawsuit is settled, the suit will continue in the San Luis Obispo County Superior Court for the breach of contract portion of the lawsuit.

In April NRWMAC and its attorneys attended the first referral proceeding which basically outlined how the proceedings will commence, followed by additional hearings in May and June. As soon as we can we shall provide more information.

### Changes at NRWMAC

Taking on the role of Vice President is NRWMAC board member Steve Blois. Steve's experience and skill with water agency's and board processes has been a great asset to NRWMAC and we look forward to his new role.

NRWMAC is pleased to announce new board member Rick Kleinsasser. Rick is a member of Tri-Counties Boat Club and has been associated with Lake Nacimiento for many years.

A new NRWMAC website is in the works! The new site will show an updated format, and should result in better, easier access to all areas including Shopping and News. We are looking forward to it's release in the forthcoming months.



## A Moving Target

We talk a lot about ‘water amounts’ and you hear the terms “acre foot” and “cfs” thrown around a lot, but what are those and what do they really mean to the lake?

The term “acre foot” means “enough water to cover an acre of land - one foot deep”, and is the equivalent of roughly 326,861 gallons of water. Roughly the amount of water to supply the annual indoor and outdoor needs of one to two households.

The term “cfs” or cubic feet per second, is used a lot in reference to releases, and calculation of water flow at a specific point. One cfs is 7.46 gallons per second. To put that into some perspective, one cfs in volume is roughly the size of a basketball, and a wide open fire hydrant is approx 3 cfs.

Some typical numbers we hear and relate to at Lake Nacimiento are:

60 cfs which equals:  
 118.6 acre feet per day, or  
 38,776,320 gallons per day

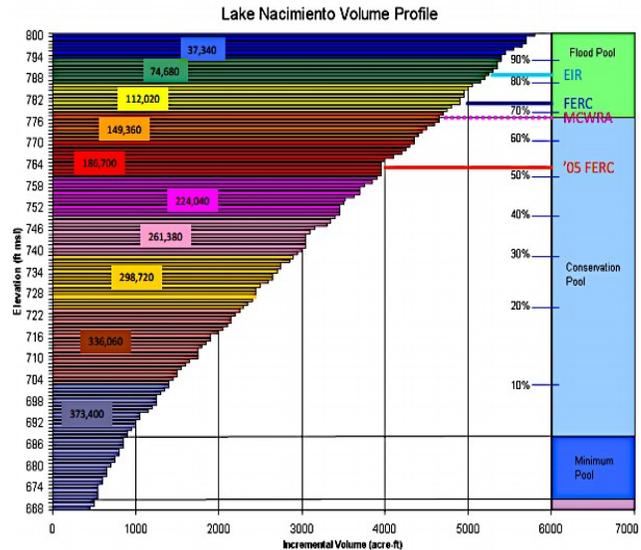
400 cfs which equals:  
 791.6 acre feet per day, or  
 258,508,800 gallons per day

The dam at Lake Nacimiento has the potential to release 105,000 cfs of water, which equals:  
 207,606 acre feet per day, or  
 67,858,560,000 gal per day

Since the Lake Nacimiento storage profile is kind of like a martini glass, the elevation to acre feet is an interesting calculation, with the top 12 feet containing 20% of the lake’s water.

The following graphic shows the percentage of water a given lake elevation.

## Lake Nacimiento Storage Profile



A larger version of the storage profile is available at:

<https://nrwmac.org/wp-content/uploads/2022/07/Lake-Nacimiento-Storage-Profile.pdf>

## Tough on Mussels

NRW MAC realized early on that introduction of Quagga or Zebra mussels into our natural environment threatened to destroy our beautiful Lake Nacimiento. If these non-native species infest our lake, the ecosystem is permanently affected and there is currently no known means of mussel eradication without killing everything else in the lake.

In conjunction with San Luis Obispo and Monterey counties, NRW MAC created and maintains a comprehensive “Quagga Mussel Prevention” program to train screeners and require inspections for all boats entering Lake Nacimiento.

NRW MAC has certified instructors who, along with SLO County, have trained over 400 Level I Quagga Mussel inspectors who provide vessel examinations at more than thirty ramps around Lake Nacimiento.



NRWMAC is the driving force behind the “Resident Vessel Program” for watercraft permanently kept at Lake Nacimiento. We originally created this program, and along with SLO County, continue to update and implement it, including teaching all “Mussel Awareness Classes” to protect the lake for everyone's use and enjoyment.

NRWMAC's long term commitment to mussel awareness and prevention continues with ongoing muscle certification classes and awareness. So far this year the classes have been:

- March 19 Re-certification class at Cal-Shasta
- March 19 Level I class at Cal-Shasta
- April 2 Re-certification class at Oak Shores
- April 2 Level I class at Oak Shores
- April 30 Re-certification class at Heritage Ranch
- April 30 Level I class at Heritage Ranch
- May 28 Re-certification class at Cal-Shasta
- May 28 Resident Vessel class at Cal-Shasta

No further classes are scheduled at this time, however please contact NRWMAC if you are interested in attending the next class.

And please practice responsible boating by ensuring that all your watercraft are clean, drained, dry, and mussel-free before launching.



## What You Can Do

We are back in court, now in Sacramento with the State Water Board, maintaining the battle with Monterey. It's very costly to fund our hardworking legal team, and now more than ever, we need you to support NRWMAC's efforts on your behalf. We urgently need an influx of dollar donations at this time.

Generous people like you are the ONLY source of funding to support NRWMAC efforts to correct and hold Monterey accountable for water mismanagement at Lake Nacimiento. Even if you have previously donated, **We urgently need you to keep supporting our efforts at this time with your dollar donations for NRWMAC's legal expenses.**

Please donate any amount that you can. Clicking a link below will take you directly to a donation site.

**GoFundMe:**



[www.gofundme.com/lake-nacimiento-save-the-dragon](http://www.gofundme.com/lake-nacimiento-save-the-dragon)  
or

**Private Donation:**  
(via PayPal)



<http://nrwmac.org/donate#Private-Donation>

If you prefer to write a check, please make it out to NRWMAC and mail to: NRWMAC, PO BOX 398, Paso Robles, CA 93447.

And, we need you to pass this newsletter along to everyone you can think of who can help us to inform anyone and everyone who is concerned about Lake Nacimiento and our legal battle to

***Save the Dragon!***

NRWMAC needs volunteers to help get the word out, help procure time and dollar donations, sign up to help at fundraisers and events, and help inform people at information stations.

[www.nrwmac.org/get-involved](http://www.nrwmac.org/get-involved)

NRWMAC participates in events all around the lake and in various communities. Please look for our notices and events in your area, and if you have an event you would like to host, please let us know and we can help and participate as well.



## Who to Call/Contact

We need the right people to hear about Monterey's mismanagement of Lake Nacimiento, and our fight to correct the problems they are causing to recreation and property rights.

We encourage you to write, call, or email your elected local, state, and federal officials as well as the local press. Let them know what is happening to our recreational water, and how the lake quality and property rights have been affected under Monterey's mismanagement. The more people we reach the better chance of succeeding in our legal pursuits and in making the changes needed at Lake Nacimiento.

NRWMAC's "Who to Call" contact list is on our website. It has contact information for your San Luis Obispo and Monterey County supervisors, California state representatives, the California State Water Boards and more. Go to: [www.nrwmac.org/who-ya-gonna-call](http://www.nrwmac.org/who-ya-gonna-call)

**Thank You for Supporting NRWMAC!**

## California Water Rights

Let's be clear about water rights. Water in California is protected for the use and benefit of all its citizens. **California's waters cannot be owned by individuals, groups, businesses, or governmental agencies.** Permits, licenses, and registrations give individuals and others the right to beneficially use reasonable amounts of water. Monterey was provided a grant in 1958, based on their application to develop a first-class recreation area at Lake Nacimiento, thereby making a long-term commitment to promote and develop recreational facilities at Lake Nacimiento.

Monterey was again licensed in 1964, with the statement of purpose: "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."

In 1996, Monterey was once again granted a permit subject to prior rights that *authorized specific purposes* for using the water for irrigation, industrial, municipal, **recreation**, and domestic use.

There are **no percentages of water** listed in those grant rights. There is **no single group** that owns the water. In fact, there are five groups with interest rights that share the water in Lake Nacimiento and **ALL FIVE** are entitled to the water!

## The Recreation Component

The Monterey County Flood Control and Water Conservation District (the "District"), built Lake Nacimiento in the mid-1950s, for recreation, flood control, and water conservation. The District first had to condemn and take private properties in and around the reservoir site by eminent domain.

In part, this 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...**" Therefore, the provision of recreation at the reservoir was **key** to allowing the construction to commence. (*Boldface supplied by NRWMAC for emphasis.*)

To put it simply, Monterey claimed and based recreational support at Lake Nacimiento as an *equal right* to take land. They must continue to support recreation or they can face invalidating their right to that land.