



## October 2020 NEWSLETTER

### NRWMAc VS MONTEREY COUNTY

NRWMAc has come a long way in its litigation this past year, despite the pandemic, delays, and a process that has slowed down considerably. Negotiations with MCWRA ground to a halt, with MCWRA “participating” at least on the promise of negotiating. And so, NRWMAc, a team of attorneys and water rights experts, confident it has a path to success in order to make Monterey County change its lake operations continues onward with litigation. Monterey County attempted to move the court venue into Monterey County, citing that this was a Monterey County issue, however the judge disagreed, the change of venue was denied and the lawsuit will stay in SLO county at this time.

NRWMAc is aggressively pursuing legal action for past releases which would have given us a higher start level in many past years. We have expert documentation that shows MCWRA has violated their state permit in the past by releasing in excess of the allowed 180,000 AF/Y. MCWRA has routinely stated numerous conflicting reasons as to why they are allowed to release the excess amount with no supporting legal foundation or documentation. We are challenging these assertions both in court and with the CA State Water Control Board. This has been a long, in-depth legal research project that is both time consuming and expensive. We have well founded legal reasoning that we can win this conflict, but we must go through the drawn out legal process to do so. Until we do so we cannot change MCWRA’s release schedule and lack of support for lake recreation even though it is listed in the state operations permit.

We, and you, can do little about Mother Nature, and we all know there could be drought years in succession that will mean low lake levels do not support adequate and safe recreation. However we CAN do something about mismanagement of water releases and not supporting lake recreation as specified in the state operating permit for Lake Nacimiento.

### MCWRA Dock Fee Increase

As many of you have already heard, MCWRA has come up with a new dock fee plan, which is not only ill timed, it is outrageous given the state of Monterey County’s reduction in the Lake’s maintenance services. Monterey County has steadily and substantially reduced Ranger participation at the Lake, as well as maintenance services such as buoy maintenance, buoy placement and hazard obstruction markings as the water level lowers. **ALL required services of recreation management and boater safety.**

The proposal to substantially raise the dock and safety boom fees is an unjustified, destructive and provocative attack on the availability of recreation at Lake Nacimiento, every Lake homeowner, and the County of San Luis Obispo. This Monterey County proposal **is clearly taxation without representation** since everyone who lives at the Lake is in San Luis Obispo County and has no representative on the Water Resources Board or the Monterey County Board of Supervisors.

At a time when many docks have not been in the water since September, MCWRA wanting to increase dock fees shows just how unaware or uncaring MCWRA is about property owners on the lake.



MCWRA’s Proposed Dock Fees are as follows:  
 Phase I

Fee Description	Current Fees	Updated Fees
Initial Licensing Fee	n/a	\$1,500.00
Annual Renewal License Single Slip Fee	\$60.00	\$400.00
Additional Slip Fee	\$20.00	\$150.00
Non-Operational Fee	n/a	\$75.00
Late Penalty Fee on past due licensing fees (50% after 30 days past due)	n/a	
Single Slip		\$150.00
Additional Slip		\$50.00
Non-Operational		\$25.00
Appeal Filing Fee	\$25.00	\$175.00
Return Item Fee	n/a	\$82.00
Penalty Fee for Violations	\$100.00 (per day)	\$500.00 (per day)
Disposal Fee Single		
Slip Additional Slip	\$300.00	\$3,500.00
Additional Slip	\$125.00	\$1,750.00
Fee for Outside Disposal Services, provided as needed (Outside Service Provider)	n/a	Cost of service
Annual Log-Boom Licensing Fee	n/a	\$1,200.00

**This proposed rate increase is a 567% increase on the cost of a SINGLE SLIP, and is onerous for most individuals!**

MCWRA reports that they only collected \$34,000 for 2019/2020. With the increase they project they will collect \$150,000 for 2020/2021. **This is a 441% estimated Increase in revenue!!**

MCWRA’s own failure to increase dock fee’s over the years is not the fault of dock owners, and should not be born by dock owners.

**We all need to fight these increased fee’s and be united** against MCWRA in this unjustified attack on lake recreation and dock owners.

And make no mistake, **this is NOT just about Dock owners.** This is **ABOUT what Monterey County is doing to deter and destroy recreation** at the lake.

Some Monterey County supervisors as well as other ResOps board members have publicly stated on record (and have been recorded) saying things like:

"I don’t care about recreation, and recreation is not a priority for the water agency "

"If dock owners don’t want to pay the new fee they should move to another state "

If we don't defeat this, if we don't curb Monterey County’s destruction of recreation at this lake, then what is next? Will the final nail in the recreation coffin be the Interlake Tunnel?

### What can YOU do?

**1) There is a notice of public hearing** scheduled for November 17<sup>th</sup>, 2020 @ 1:30 pm – We need people (preferably with Monterey county residence) to show up and make it known how unhappy we all are.

At a minimum, we need a well formed letter from each community objecting to the fee increase, showing the number of community members, and then one representative from EACH lake community board to be present and be prepared to read this letter.

**2) NRWMAC is currently forming a petition** to fight these increases. This petition will be sent to every community board on the lake, and sent to as many email addresses as we have, as well as up on the NRWMAC website. We need EVERY SINGLE PERSON at the lake to sign this petition!



We need everyone to make sure your signed up for newsletters and email at [NRW MAC.org](http://nrwmac.org)

<http://www.nrwmac.org/save-the-dragon/lake-nacimiento-dock-fee-opposition-petition/>

**3) We need all lake community boards to send a letter** and email to the Contact list below, defining their opposition and arguments against the dock fee increase. And **especially to the Monterey County Board of Supervisors** who ultimately are the people in charge of all of this!

**4) We need all individual lake property owners to send a letter** and email to the Contact lists below, defining their opposition and arguments against the dock fee increase. And again, **especially to the Monterey County Board of Supervisors** who ultimately are the people in charge of all of this!

**5) We need all lake community boards to email this newsletter to THEIR community** mailing lists, as some community members may NOT get NRW MAC newsletters.

**6) We need community support.** Talk with your community boards. Make sure there is help for your board members and movement to help us fight this. Meetings, mailings, donations, and in getting the word out... ALL of this needs to happen in your community and around the lake to win this fight!

**7) Get educated on this!** There are multiple links on the NRW MAC website in the knowledge base. Link to the study, plans and meetings that MCWRA has drawn up and are in process now:

- MCWRA Board Report:
- MCWRA Boat Dock Fee Study:
- Article XI-Proposed (tracked changes):
- Draft Public Hearing Notification:
- Ordinance 4065 Licensing of Docks:

and much more is available here... Please visit this link to learn more about their plans:

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

**8) We need people to hear about this** and everyone needs a **Call To Action !**

- Make sure your neighbors, lake friends, and people around the lake KNOW about this

- **We need San Luis Obispo County involved!** We need people calling, emailing and writing SLO County about this problem and **how we are NOT BEING REPRESENTED in this!!**

- **We need Monterey County Board of Supervisors involved!** We need people calling, emailing and writing Monterey County supervisors about this problem and **how THEY are ultimately responsible for this and what THEY ARE DOING to destroy recreation at the lake.**

**AND THAT WE ARE BEING TAXED WITHOUT BEING REPRESENTED in this!!**

- **And we need press!!** Call or contact ALL the local papers and **get your opinions in to them!!**

**9) We need inboxes, mail slots, and phones/voicemail** for EVERY SINGLE PERSON in both supervisor boards of Monterey and San Luis Obispo county **to be inundated** with the understanding of how upset people are, and the opposition and arguments against the dock fee increase.



**10) We need your support.** We know times are tough, and money is very tight. However, we cannot do this alone.

NRW MAC is in court right now fighting for the lake rights – our rights, your rights!! However, money is running out and **without your continued donations** we may not make it to the end of the fight!

We **NEED** everyone to donate and help us complete this fight against Monterey County! Both this dock increase as well as the current litigation need continued pressure on MCWRA and Monterey County and your donations are the only thing that can make this happen!

### Who can you call?

Please see the contact list at the bottom of this newsletter for who to contact, call, email and/or write.

### 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 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.

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.

### 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 and their application made a long term promise to promote and develop recreational facilities at Lake Nacimiento. Monterey County was again licensed in 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 was granted a permit 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 grant rights. There is no “group” that owns the water! All five interests share the water interest, and all five interests are entitled to it.



## Thank you for your support

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

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

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!

NRW MAC needs volunteers to help with getting the word out, getting 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](http://www.nrwmac.org/get-involved)

## Donate Today

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

Even if you have previously donated, we need your continued help, please donate any amount using the GoFundMe link, or if you prefer you can donate privately using the link Private donation link below, or mail a check to NRW MAC at PO Box 398, Paso Robles, CA 93447.

GoFundMe:

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

Private donations: [www.nrwmac.org/save-the-dragon/donate-today](http://www.nrwmac.org/save-the-dragon/donate-today)

## Action List – Who to call / contact

You should write letters, emails and call our state representatives, Calif. Water Board, San Luis Obispo County Supervisors and especially the Monterey County Supervisors to **let them know exactly how upsetting and unfair this is.**

### State Assembly

Jordon Cunningham

email Form:

<https://cmspubcontact.lc.ca.gov/PublicLCMS/contactPopup.php?district=AD35&iframe=Y>

(unconfirmed email address)

email: [cunningham.jordan@gmail.com](mailto:cunningham.jordan@gmail.com)

Mailing Addresses:

Capitol Office, Room 4102

P.O. Box 942849

Sacramento, CA 94249-0035

Phone: (916) 319-2035

District Office

1304 Broad Street

San Luis Obispo, CA 93401

Phone: (805) 549-3381

### Governor Gavin Newsom

1303 10th Street, Suite 1173

Sacramento, CA 95814

Phone: (916) 445-2841

Fax: (916) 558-3160

Email: <https://govapps.gov.ca.gov/gov40mail/>

Facebook: [facebook.com/GavinNewsom](https://www.facebook.com/GavinNewsom)

Twitter: [twitter.com/gavinnewsom](https://twitter.com/gavinnewsom)

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### San Luis Obispo County Supervisors

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San Luis Obispo County Administrative Officer

Wade Horton

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Phone: 805-781-5011

SLO Public Comments email:

[ad\\_board\\_clerk@co.slo.ca.us](mailto:ad_board_clerk@co.slo.ca.us)

San Luis Obispo County Water Resources

Engineer

Wes Thomson

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### Monterey County Supervisors

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Monterey, CA 93940

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Email: [district5@co.monterey.ca.us](mailto:district5@co.monterey.ca.us)



## California State Waterboard

State Water Resources Control Board

1001 I Street, 24th Floor

Sacramento, CA 95814

Phone: (916) 341-7365

Phone: (916)-341-5585

Fax: (916) 341-5252

Email: [info@waterboards.ca.gov](mailto:info@waterboards.ca.gov)

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