



Notice of Regular Meeting
NACIMIENTO PROJECT COMMISSION

THURS., FEB 23, 2023 – 4:00 PM

IN-PERSON LOCATION: (COMMISSIONERS MUST ATTEND IN-PERSON)
Templeton CSD, Board Meeting Room, 206 5th Street, Templeton, CA 93465
(805) 434-4900

VIRTUAL OPTION: (ONLY FOR AGENCY STAFF OR MEMBERS OF THE PUBLIC)
Virtual Meeting Option (Zoom):
<https://us02web.zoom.us/j/82636793430?pwd=RHBNTnNESDlPK0VlQXhURWFtYwZz09>
Meeting ID: 826 3679 3430 Passcode: 653691 Call in: 1-669-900-6833

AGENDA ITEMS & PUBLIC COMMENTS:

For more information: <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Nacimiento-Project-Commission.aspx>
Public comments can be submitted to: wthomson@co.slo.ca.us

John Peschong, Chair (District); John Hamon, Vice Chair (Paso Robles)

AGENDA

- I. **CALL TO ORDER** (Roll Call, Quorum Count & Flag Salute)
- II. **PUBLIC COMMENT** *Non-agenda items within Commission jurisdiction; subject to three-minute limit each.
- III. **MEETING MINUTES** (Recommend Approval)
 - A. Naci Commission, August 25, 2022
- IV. **COMMISSION ADMINISTRATIVE ITEMS**
 - A. Annual Nomination & Election of Commission Officers
 - B. Annual Conflict of Interest (COI) filing – “Form 700” (*Information Only*)
- V. **UTILITIES DIVISION REPORT**
 - A. NWP Operations – Emergency Repairs from January 2023 Storm Damages
**Review and consider approving a strategy for completing emergency repairs*
 - B. Water Rights Update (*Information Only*)
 - C. Draft EIR for MCWRA’s Interlake Tunnel Project (*Information Only*)
 - D. Second Quarter Operations Budget Report (FY 22-23) (*Information Only*)
 - E. FY 2023-24 Operating Fund Proposed Budget (*Information Only*)
- VI. **FUTURE AGENDA ITEMS DESIRED BY COMMISSION**
 - A. Next Commission Meeting: Apr. 27, 2022 (SPECIAL)

ATTACHMENTS

- 1. Item III.A – Minutes from Aug. 25, 2022
- 2. Item IV.A – Staff Report
- 3. Item IV.B – Staff Report
- 4. Item V.A – Staff Report
- 5. Item V.B – SWRCB Letter & Order
- 6. Item V.C – Staff Report
- 7. Item V.D – Staff Report
- 8. Item V.E – Staff Report
- 9. Item VI.A – NWP Calendar 2023

CONTACT: All Americans with Disabilities Act (ADA) accommodations shall be promptly reviewed and resolved. Persons who require accommodations for any audio, visual or other disability to review an agenda, or to participate in the meeting per the ADA, are encouraged to request such accommodation 48 hours in advance of the meeting from Wes Thomson at (805) 781-5252.



MEETING MINUTES (DRAFT) NACIMIENTO PROJECT COMMISSION

August 25, 2022

COMMISSIONERS PRESENT (Voting Share %)

District (20%): John Peschong, Chair
Paso Robles (33%): John Hamon, Vice Chair
Templeton CSD (2%): Wayne Peterson
Atascadero MWC (17%): Grigger Jones
City of SLO (28%): Carlyn Christianson

CLERK: Wes Thomson, District

1. CALL TO ORDER: The Commission meeting was held on Thursday, August 25, 2022, at 4:00 P.M., with John Peschong serving as the Chair. Quorum established (minimum of 3/5 seats present with voting share > 51%).

2. PUBLIC COMMENT: *None.*

3. REVIEW OF PREVIOUS MEETING MINUTES: Meeting minutes for April 28 & May 26 were recommended for approval. No questions from the board, no public comments, and no further discussion by the Commission. Motion to approve minutes by Petersen, seconded by Christianson. Verbal vote in favor, none opposed or abstained. Approved.

4. COMMISSION INFORMATIONAL ITEMS:

- A. Utilities Division Report – provided by Thomson (District). Nacimiento Reservoir is at 21% of capacity, with a water surface elevation at 724 ft, corresponding with 77,865 AF in storage. MCWRA is operating at minimum releases required under their water right. NWP is delivering water to all Participants. Nacimiento scheduled to be at about 720 ft elevation by the end of October, which is better storage conditions than the same time last year. Overall, Monterey is operating the reservoirs conservatively, which benefits SLO County.

Commission Questions:

Hamon asked about what next year might look like. Thomson noted that the State Climatologist has said that it is more likely than not that next year (statewide) will be a dry year. For the Central Coast, more often than not, our hydrology is more reflective of what is happening in southern California than in northern California. It's really too early to say – that's the guidance from the experts.

Hamon asked about the "minimum pool" (MP) for Nacimiento, what's that number, does it limit our ability to get water, and do we have a long way to go until we get to the MP? Thomson said that MP is at 687.8 ft, and the NWP can continue to operate even with the reservoir below that level. The MP has 12,000 AF of storage that the NWP can draw from for SLO County. That amount of water could get SLO County through two years. And because SLO County does not have storage rights (i.e., the ability to carry over unused water from one year for use in the next year), or much control over how the storage is managed, it is generally to SLO County's

advantage to take as much of that as it can during the delivery year – since the contract for that water is essentially a “use it or lose it” situation.

- B. Q4 Budget Update (FY 21/22) – provided by Harold Wright, District / County Public Works Finance Division. Wright announced his new role in taking over NWP finance responsibilities from Katie Franco. Highlighted the \$2.5M true-up credit noted in the staff report. Reported that District staff will be coordinating with Participant staff to determine how those funds will be returned. There is about \$800K in O&M savings and \$1.7 in Non-Routine O&M savings, relative to the FY 21/22 budget.

5. PRESENTATIONS (NO ACTION REQUIRED): *None.*

6. COMMISSION ACTION ITEMS (NO SUBSEQUENT ACTION BY BOS REQUIRED): *None.*

7. COMMISSION ACTION ITEMS (ACTION SUBSEQUENTLY REQUIRED BY BOS): *None.*

8. FUTURE AGENDA ITEMS DESIRED BY COMMISSION: Next Commission Meeting: Nov 17, 2022

- Shandon San Juan Water District (SSJWD) – Hamon asked about the status on SSJWD’s Nacimiento water right application with the State Water Board. Peschong reiterated that both Monterey and SLO Counties remain opposed to SSJWD on the matter. Jones asked who would follow up on it; Thomson volunteered the District.
- Water Right “Place of Use” Issue for SLO County (re: MCWRA’s water right change petition) – Hamon asked for an update when there is news to share.

Peschong adjourned the meeting at 4:11 P.M.

Wes Thomson, Secretary



MEMORANDUM

TO: Nacimiento Project Commission
FROM: Wes Thomson, Utilities Division Engineer
VIA: Nola Engelskirger, Utilities Division Manager
DATE: February 23, 2023
SUBJECT: 2023 Nomination and Election of Commission Officers

In accordance with the Commission's adopted Rules of Procedure, the Commission is to elect a Chair and Vice-Chair at the first meeting of each year. Terms of office are for one year.

During calendar year 2022, Commissioner Peschong served as Chair, and Commissioner Hamon served as Vice-Chair. Nominations and elections for 2023 will be held at the Commission meeting on February 23, 2023.

Current Commissioners appointed by each Participant and the District are ***(please confirm)***:

City of Paso Robles:	John Hamon Steven Martin, Alternate
Templeton CSD:	Wayne Peterson Debra Logan, Alternate
Atascadero MWC:	Grigger Jones John Neil, Alternate
City of San Luis Obispo:	Emily Francis Michelle Shoresman, Alternate
San Luis Obispo County Flood Control and Water Conservation District (District): <i>(representing the District and CSA 10A)</i>	John Peschong Vicki Janssen, Alternate

* * *



MEMORANDUM

TO: Nacimiento Project Commission
FROM: Wes Thomson, Utilities Division Engineer
VIA: Nola Engelskirger, Utilities Division Manager
DATE: February 23, 2023
SUBJECT: 2023 Statement of Economic Interests – Form 700

This memo is a reminder for Commissioners and Alternates to file a ***Statement of Economic Interests (Form 700)***, pursuant to the Commission's adopted Conflict of Interest Code. Additionally, Commissioners and Alternate Commissioners assuming and leaving an appointment must file the appropriate form within 30-days of the event.

The County Clerk-Recorder's office maintains a list of Form 700 filers, so if an email address is on file, Commissioners and Alternates should have received an email in February that explains the filing process. **The deadline to file the annual Statement of Economic Interest – Form 700 is April 1.**

Additional information may be found at the Clerk-Recorder website and the Fair Political Practices Commission website shown below:

www.slocounty.ca.gov/clerk

<http://www.fppc.ca.gov/>

* * *



TO: Nacimiento Project Commission
FROM: Wes Thomson, Utilities Division Engineer
DATE: February 23, 2023
SUBJECT: NWP Water Supply Report

NWP DELIVERY REPORT

Attachment 1 is the draft monthly summary of NWP deliveries through January 2023 for the 2023 Nacimiento "Water Year" (Oct. 1, 2022 – Sept. 30, 2023).

NACIMIENTO RESERVOIR DATA & OPERATIONS SYSTEM

Attachments 2, & 3 are provided for planning purposes.

NWP OPERATIONS

POTENTIAL ACTION ITEM: District staff will provide a summary report on the storm damages to the NWP system in January 2023 and recommend a strategy for making emergency repairs. If there is clear indication from the Participants they support the proposed strategy, the District intends to also request the Commission's approval of the strategy.

ATTACHMENTS

1. District's NWP Delivery Report – January 2023 (DRAFT).
2. MCWRA Reservoir Data, dated 2/17/23.
3. MCWRA Reservoir Pool Schematic (from "Nacimiento Dam Operation Policy," 2018).

NWP Delivery Report – Jan 2023 DRAFT

Deliveries ^{1, 2, 5}

	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	TOTAL
Paso (T2)	440.84	492.72	180.25	75.57	0	0	0	0	0	0	0	0	1189.38
Ops Water													0.00
TCSD (T4)	37.49	36.73	5.49	0.39	0	0	0	0	0	0	0	0	80.10
Ops Water													0.00
AMWC (T6)	229.37	0.00	0.00	0.00	0	0	0	0	0	0	0	0	229.37
Ops Water													0.00
SMR (T9)	7.35	6.99	6.66	2.18	0	0	0	0	0	0	0	0	23.17
Ops Water													0.00
SLO (T11)	394.95	305.71	275.19	46.49	0	0	0	0	0	0	0	0	1022.34
Ops Water													0.00
TOTAL	1110	842	468	125	0	2544.36							
<i>Cumulative</i>	1110	1952	2420	2544	2544	2544	2544	2544	2544	2544	2544	2544	
Intake Meter	1084.09	819.39	444.51	135.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2483.94
Variance (UW)	25.91	22.76	23.08	(11.32)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.42
Ops Water ⁴	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Requests ^{1,3}

	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	TOTAL
Paso (T2)	658	504	159	123	111	301	292	658	636	658	658	636	5394
TCSD (T4)	23.75	23.00	9.00	8.25	22.00	23.75	23.00	23.75	23.00	23.75	23.75	23.00	250
AMWC (T6)	250	0	0	0	0	0	0	0	500	500	500	500	2250
SMR (T9)	0	7	7	7	7	7	7.3	7.3	7.3	7.3	7.3	7.3	80
SLO (T11)	504	488	228	260	455	504	488	504	488	504	504	488	5415
TOTAL	1435	1022	403	399	596	836	810	1193	1655	1693	1693	1655	13389
<i>Cumulative</i>	1435	2457	2861	3260	3855	4692	5502	6695	8349	10042	11735	13389	

NOTES

- All table values listed are in units of acre-feet (AF).
- Deliveries are based on monthly reporting provided by County Operations.
- Requests based on latest schedule request submitted for project "Water Year 2023" deliveries. WY = Oct thru Sep.
- "Ops Water" is water sent through the turnout for O&M needs and not counted against Participants' Delivery Entitlement.
- Deliveries interrupted due to January storms; extended outage for Participants downstream of RCPS (impacting SMR and SLO).

NACIMIENTO WATER PROJECT

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

G:\NWP\O&M Phase\DELIVERY & REQUESTS\Actuals\2023\230210-NWP Delivery Report_Jan-2023-DRAFT

2/10/2023

Monterey County Water Resources Agency
DAM AND RESERVOIR - DAILY DATA (provisional)
February 11, 2023 through February 17, 2023

San Antonio	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
Date	2/11	2/12	2/13	2/14	2/15	2/16	2/17
Percentage of Capacity (%)	39	39	39	39	40	40	40
Elevation (feet)	730.35	730.45	730.55	730.65	730.7	730.8	730.9
Depth (feet)	130.35	130.45	130.55	130.65	130.7	130.8	130.9
Storage (acre-feet)	131398	131683	131968	132253	132395	132680	132965
Lake Surface Area (acres)	2862	2867	2871	2876	2878	2882	2887
Length of Lake (miles)	12.1	12.1	12.1	12.1	12.1	12.1	12.1
Releases (cfs)	10	10	10	10	10	10	10
Rainfall Past 24 Hours (in.)	0	0.23	0.01	0.01	0	0	0
Rainfall Total to Date (in.)	13.96	14.19	14.2	14.21	14.21	14.21	14.21
Total Rain to Date Last Year (in.)	6.64	6.64	6.64	6.64	6.64	6.64	6.64
Total Rain Last Season (in.)	8.19	8.19	8.19	8.19	8.19	8.19	8.19

Nacimiento	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
Date	2/11	2/12	2/13	2/14	2/15	2/16	2/17
Percentage of Capacity (%)	86	86	86	85	85	85	85
Elevation (feet)	790.1	790.1	790.05	790	789.95	789.9	789.85
Depth (feet)	175.1	175.1	175.05	175	174.95	174.9	174.85
Storage (acre-feet)	323580	323580	323315	323050	322788	322525	322263
Lake Surface Area (acres)	5249	5249	5246	5244	5242	5240	5237
Length of Lake (miles)	17.7	17.7	17.7	17.7	17.7	17.7	17.7
Releases (cfs)	375	350	350	350	350	350	355
Rainfall Past 24 Hours (in.)	0	0.22	0	0	0	0	0
Rainfall Total to Date (in.)	11.96	12.18	12.18	12.18	12.18	12.18	12.18
Total Rain to Date Last Year (in.)	7.44	7.44	7.44	7.44	7.44	7.44	7.44
Total Rain Last Season (in.)	9.11	9.11	9.11	9.11	9.11	9.11	9.11

Notes: Daily reservoir release numbers are targets. Actual releases may deviate slightly and are reported annually. Elevation referenced to NGVD 29. Data are 7:00 AM values from real time provisional USGS water surface elevation gage sites. Full data sets can be accessed via the following links:

[Nacimiento Elevation](#)

[San Antonio Elevation](#)

Current Releases: The Monterey County Water Resources Agency is currently making releases from both reservoirs to maintain fish habitat downstream of both dams.

[Reservoir release schedule approved by MCWRA Board of Directors](#)

The Nacimiento Dam Operation Policy provides a detailed description of the regulations, requirements, and other considerations that inform our reservoir operations.

[Nacimiento Dam Operation Policy](#)

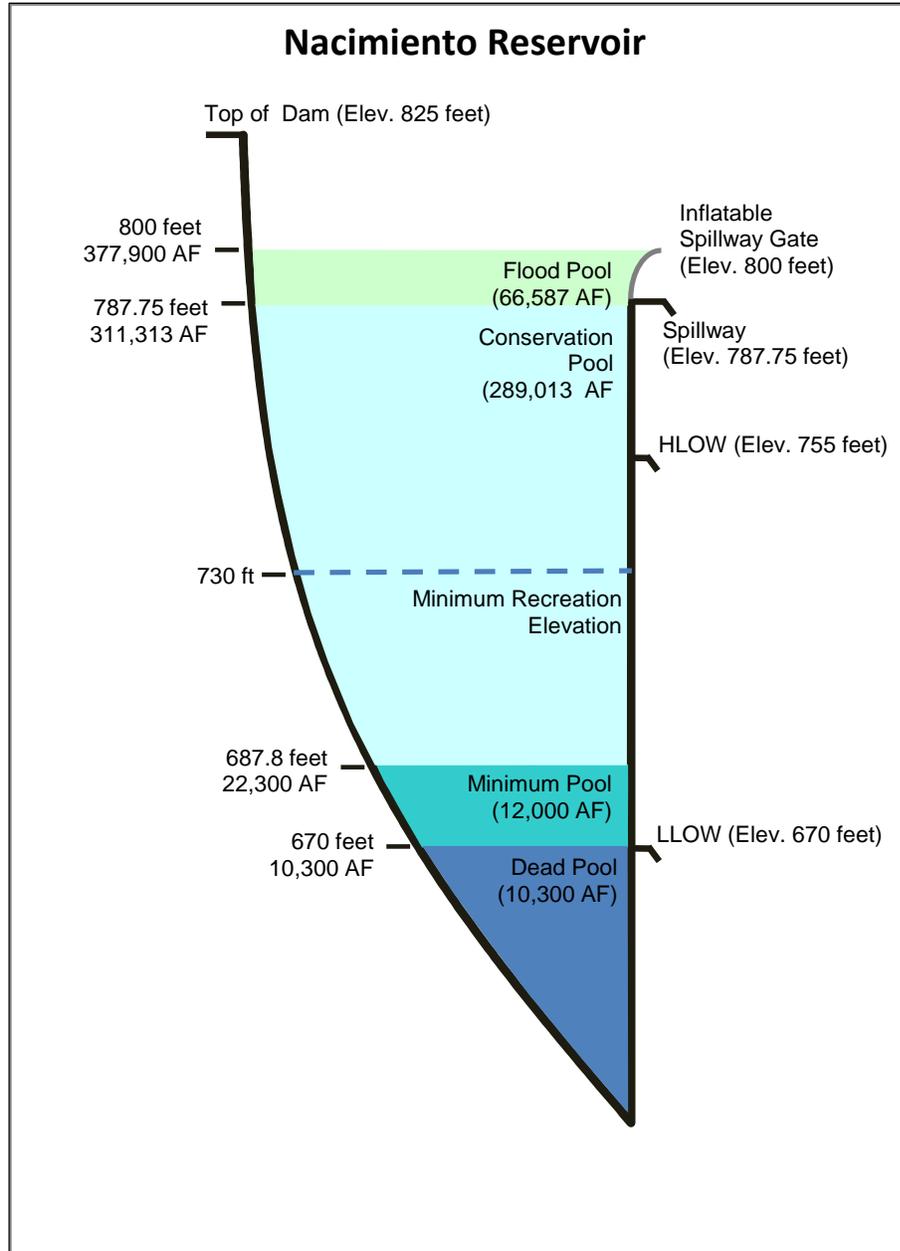


Figure 1. Schematic of Nacimiento Reservoir Pools



TO: Nacimiento Project Commission
FROM: Wes Thomson, Utilities Division Engineer
DATE: February 23, 2023
SUBJECT: Nacimiento Water Right Update

RE: ORDER APPROVING CHANGE IN PLACE OF USE AND PURPOSE OF USE FOR LICENSE 7543 AND PERMIT 21089 (APPLICATIONS 16124 AND 30532) NACIMIENTO RIVER TRIBUTARY TO SALINAS RIVER IN MONTEREY COUNTY

Attached please find a pdf copy of the above referenced Order (with transmittal letter) dated "FEB 17, 2023," from the State Water Resources Control Board.

ATTACHMENTS

1. A016124_trans_ltr.pdf
2. Order on License 7543 and Permit 21089.pdf



State Water Resources Control Board

FEB 17, 2023

In Reply Refer to:
AC: A016124,
A030532

Brent Buche, General Manager
Monterey County Water Resources Agency
1441 Schilling Place, North Building
Salinas, CA 93901
bucheb@co.monterey.ca.us

Dear Mr. Buche:

ORDER APPROVING CHANGE IN PLACE OF USE AND PURPOSE OF USE FOR
LICENSE 7543 AND PERMIT 21089 (APPLICATIONS 16124 AND 30532)
NACIMIENTO RIVER TRIBUTARY TO SALINAS RIVER IN MONTEREY COUNTY

Your petitions for change in the place of use and purpose of use for Applications 16124 and 30532 have been approved and are reflected in the enclosed order.

The State Water Board maintains the electronic Water Rights Information Management System (eWRIMS), a computer database where you may view the current information related to your water rights. The database can be accessed at the following website:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/

If you have any questions, please contact Arvin Chi by email at Arvin.Chi@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, and Attn: Arvin Chi, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY

Sam Boland-Brien, Manager
Petition, License, and Registration Section
Division of Water Rights

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Enclosure: Order approving the petitions for change on License 7543 and Permit 21089

ec (w/enclosure): **MBK Engineers**
Anne Williams
williams@mbkengineers.com

Downey Brand LLP
Kevin M. O'Brien
kobrien@downeybrand.com

Meredith E. Nikkel
mnikkel@downeybrand.com

Holly E. Tokar
htokar@downeybrand.com

California Department of Fish and Wildlife
Julie Vance
Julie.Vance@wildlife.ca.gov

Annette Tenneboe
Annette.Tenneboe@wildlife.ca.gov

National Marine Fisheries Service
William Stevens
William.Stevens@noaa.gov

Rick Rogers
Rick.Rogers@noaa.gov

Mandy Ingham
Mandy.Ingham@noaa.gov

Nacimiento Regional Water Management Advisory Committee
savethedragon@nrwmac.org

Wayne Lemieux
wlemieux@awattorneys.com
waynelemieux1201@gmail.com

Stephen R. Onstot
sonstot@awattorneys.com

Salinas Valley Water Coalition

Nancy Isakson
nisakson@mbay.net

Eric N. Robinson
erobinson@kmtg.com

County of San Luis Obispo

John Diodati
jdiodati@co.slo.ca.us

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 7543 and Permit 21089 (Applications 16124 and 30532)

MONTEREY COUNTY WATER RESOURCES AGENCY

**ORDER APPROVING PETITIONS FOR CHANGE IN THE
PURPOSE OF USE, AND PLACE OF USE**

SOURCE: Nacimiento River tributary to Salinas River

COUNTY: San Luis Obispo

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued water right License 7543 to the Monterey County Water Resources Agency (Agency) on November 4, 1965 (amended September 5, 2008), pursuant to Permit 10137; and issued Permit 21089 to the Agency on March 23, 2001 (amended September 5, 2008), pursuant to Application 30532.
2. License 7543 and Permit 21089 authorizes the collection to storage at Nacimiento Reservoir of up to 350,000 acre-feet (af) and 27,900 af, respectively, per annum from October 1 of each year to July 1 of the succeeding year. The maximum withdrawal in any one year is 180,000 af. The authorized purposes of use are Municipal, Domestic, Industrial, and Irrigation within (1) 200,000 acres net within a gross area of 240,000 acres in Monterey County; (2) 500 acres of irrigated agriculture and 7,000 acres of urban and suburban lands within the San Luis Obispo County Flood Control and Water Conservation District (District) as shown on a map dated June 8, 1967; and (3) 421,425 acres comprising the Agency's Zone 2-C (an assessment zone) as shown on map dated August 18, 2008, all filed with the State Water Board. The authorized purposes of use also include recreational use at Nacimiento Reservoir within San Luis Obispo County, also shown on a map dated August 14, 2008, filed with the State Water Board.
3. The District was granted 17,500 af of water from Nacimiento Reservoir annually under License 7543 and Permit 21089 through a settlement agreement executed

in 1959 with the Monterey County Flood Control and Water Conservation District, the predecessor to the Agency.

4. On April 1, 2021, the Agency submitted petitions for change seeking to change the place of use and purpose of use. The Agency proposed to remove the current net area limits under the District's authorized place of use to allow better flexibility of its water supply¹. Additionally, the Agency proposed to add Incidental Power to its license and permit as a purpose of use to appropriately account for power generation under the Agency's water rights.
5. On February 18, 2022, the State Water Board provided public notice of the petitions², and no protests were filed on the proposed place of use and purpose of use changes for License 7543 and Permit 21089.
6. The District certified the Nacimiento Water Project Final Environmental Impact Report (NWP FEIR) in December 2003 and has since prepared five addenda to the NWP FEIR. The District prepared Addendum No. 5 to the NWP FEIR for the proposed changes in this Order under the California Environmental Quality Act (CEQA) and a Notice of Determination was filed on March 16, 2021 (SCH # 2001061022). The District is the Lead Agency for the project under CEQA, and the State Water Board and Agency are Responsible Agencies. The State Water Board has considered the environmental documents prepared by the Lead Agency and will file a Notice of Determination in accordance with the California Code of Regulations, title 14, section 15096, subdivision (i), after issuance of this Order.
7. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed change on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal. Rptr. 346, 658 P.2d 709].) There is no evidence that the petitions will have any adverse impacts on public trust resources.

¹ The Agency also described these changes as a correction for consistency purposes, however State Water Board staff were unable to find a basis for characterizing the changes as a correction.

² The Agency submitted separate petitions for change under License 7543 and Permit 21089 to facilitate the Interlake Tunnel Project, which were also publicly noticed on February 18, 2022. Protests were filed on the changes related to the Interlake Tunnel Project pursuant to Licenses 7543 and 12624 and Permit 21089, which are currently under review.

8. No additional mitigation terms outside of the current and standard terms are recommended to be included in the license and permit issued pursuant to the petitions for change of License 7543 and Permit 21089.
9. The currently authorized delivery of up to 17,500 af will not increase and the existing diversion and withdrawal limitations within License 7543 and Permit 21089 will remain unchanged. The change to the place of use will not affect return flows to the Salinas River; the gross area of the authorized place of use will not change. The portions of the Salinas River present within the District's boundaries overlie the Paso Robles Area groundwater subbasin, which is in a condition of critical overdraft. The Salinas River in this area drains to the underlying aquifer and return flows are unlikely to occur under the existing place of use. The State Water Board has reviewed the petitions and the whole record, including all associated CEQA documents for the proposed changes. The State Water Board finds that the petition for change in the place of use, and purpose of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
10. The State Water Board has delegated the authority to act on change petitions to the Deputy Director pursuant to Resolution No. 2012-0029. (Resolution No. 2012-0029, section 4.2.4.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.

THEREFORE, IT IS HEREBY ORDERED THAT LICENSE 7543 AND PERMIT 21089 (APPLICATIONS 16124 AND 30532) ARE AMENDED AS FOLLOWS:

1. The place of use shall be amended to read:

Municipal, Domestic, Industrial, and Irrigation uses within: the San Luis Obispo County Flood Control and Water Conservation District as shown on map dated June 8, 1967; and 421,425 acres comprising Monterey County Water Resources Agency Zone 2C as shown on a map dated August 14, 2008, all filed with the State Water Board. Recreational use at Nacimiento Reservoir within San Luis Obispo County, also shown on a map dated August 14, 2008, filed with the State Water Board.

2. The purpose of use shall be amended to read:

Municipal, Domestic, Industrial, Irrigation, Recreational, and Incidental Power

3. A term shall be added as follows:

No water shall be diverted or used under this right for commercial and applicable personal medical use cannabis cultivation unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation*, which is available online at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf

4. A term shall be added as follows:

Right holder shall comply with the measuring and monitoring requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgement or probationary designation. The more stringent requirements shall control in each instance where there is conflict or inconsistency between the requirements. Right holder shall comply with the measuring and monitoring of chapter 2.8, title 23, California Code of Regulations.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
SAM BOLAND-BRIEN, FOR

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: FEB 17, 2023



TO: Nacimiento Project Commission
FROM: Wes Thomson, Utilities Division Engineer
DATE: February 23, 2023
SUBJECT: Draft EIR for MCWRA's Interlake Tunnel Project

The Draft EIR for the Interlake Tunnel and Spillway Modification Project is open for public review and comment between Friday January 20th, 2023, and March 21, 2023.

Attached please find a pdf copy of the comments SLO County provided in June 2016 on the NOP to MCWRA's proposed Interlake Tunnel Project. District staff will bring points for the Participants' consideration in light of the window of opportunity to provide follow up comments on the Draft EIR.

MCWRA's website provides additional background on the project and links to the Draft EIR:
<https://www.co.monterey.ca.us/government/government-links/water-resources-agency/projects-facilities/interlake-tunnel>

ATTACHMENT

1. NOP for ILT_SLO County Comments-June 2016.pdf



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

38



June 10, 2016

Robert Johnson, Assistant General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901

RECEIVED

JUN 13 2016

WATER RESOURCES
AGENCY

Subject: San Luis Obispo County Department of Public Works Comments on the Interlake Tunnel and Spillway Modification Project (project) Notice of Preparation/Initial Study (NOP).

Dear Mr. Johnson,

Thank you for the opportunity to comment on the Interlake Tunnel and Spillway Modification Project (project) Notice of Preparation/Initial Study (NOP). The San Luis Obispo County Department of Public Works supports the efforts to maximize the efficient use of our shared water resources, and looks forward to exploring opportunities to partner with the Monterey County Water Resources Agency on the development as well as the operation of this project.

We understand that the project includes construction of an approximately 10-foot-diameter, 2.3-miles-long tunnel connecting the Nacimiento and San Antonio Reservoirs. The project also includes raising the San Antonio Dam Spillway by approximately 10 feet, thereby increasing capacity of the reservoir by approximately 59,000 acre feet. We have reviewed the NOP and offers the following comments:

1. While we recognize the project description has not been fully developed, it is challenging to comment on the scope of the EIR based on the information provided. The basic physical improvements are described, but the proposed operations of the tunnel are not provided. For example, Page 2 of the NOP suggests that the tunnel would be operated such that "...water could be transferred from Nacimiento Reservoir at appropriate times to maximize the net storage of the combined reservoirs." The Project Description in the EIR should therefore clearly define the phrase "appropriate times" and describe how the water transfer would affect the long-term, average elevation of Nacimiento Lake. Once this has been described, resulting impacts to resources such as, but not limited to, water, recreation, biological, and aesthetic, can be properly evaluated. We suggest that the Project Description include an "operations plan" that describes specifically under what conditions Nacimiento Reservoir water would be transferred to San Antonio Reservoir and how this is consistent with the 1959 Agreement.

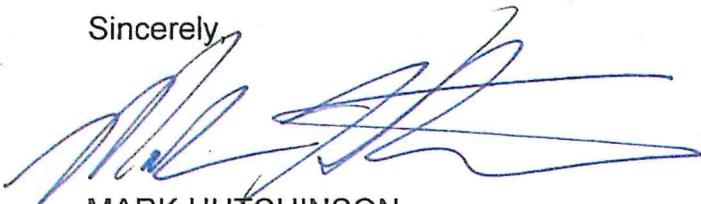
2. Page 37 of the NOP reads "*Operation of the proposed project would increase releases from the reservoirs during the dry season and thereby support groundwater recharge downstream of the project area.*" The EIR should explain if and how the project would result in increased releases from the Nacimiento Reservoir during the dry season, and what affect this would have on existing average water levels in the reservoir. A comprehensive operations plan would help guide the evaluation.
3. We would appreciate an opportunity to review any proposed operations plan when available, and ask that it be made available prior to completion of the Draft EIR.
4. The NOP analysis consistently describes potential impacts (e.g. biological, cultural, geology and soils) related to raising water levels in the San Antonio Reservoir, but does not describe any potentially corresponding impact related to a lower water level in Nacimiento Reservoir. This implies that the only water that would be transferred to San Antonio Reservoir would otherwise have been released downstream by Nacimiento Reservoir. The EIR should clarify the proposed operation of the tunnel during the dry and rainy seasons, and evaluate water level affects related to construction and operation of the project.
5. The project objectives included in the NOP include "*Continue to meet environmental flow requirements.*" The EIR should describe what currently constitutes an "environmental" flow requirement, and how the project will continue to meet them during construction and operation of the project.
6. The project description should describe whether or not the interlake tunnel would be capable of pumping water back into the Nacimiento Reservoir in the event it was determined necessary due to an unforeseen environmental or safety concern.
7. Given the relatively shallow slope proposed for the interlake tunnel, the EIR should also evaluate the possibility of organisms being transferred from San Antonio to Nacimiento Reservoir.
8. The EIR should clearly identify potential locations for spoils disposal and the associated haul routes. In addition to elevated air emissions that may affect sensitive receptors (e.g. schools, residences) along the haul routes during construction, truck traffic could impact public road surfaces as well as traffic levels during the dry season when recreational traffic is already peaking along Nacimiento Lake Drive and Interlake Road, for example.
9. The County agrees that the visual impacts are potentially significant and requests a visual impact assessment, which includes visual simulations, as well as a discussion of temporary and permanent impacts to views from Nacimiento Lake and surrounding public spaces that will result from construction and operation of the project.

10. The County agrees that the tunnel has the potential to impact local groundwater supplies and alter the function of wells that are located in the fractured bedrock along the tunnel alignment. The EIR should describe these potential impacts and include a specific monitoring program to ensure any short or long-term impacts to local groundwater wells are identified. Further, the EIR should include contingency measures that would be employed in the event that data shows that the wells have been impacted by the tunnel.

11. The Recreation section of the EIR should clarify this statement from page 48 of the NOP *"In addition, potential changes in reservoir levels due to the operation of the project have the potential to result in conflicts with established recreational opportunities at the reservoirs."*

Thank you again for the opportunity to comment on the NOP for this important project. We look forward to receiving additional information regarding both the construction and proposed operation of the project as soon as the information is available. If you have any questions on this letter or would like to discuss the project further, please do not hesitate to contact me at mhutchinson@co.slo.ca.us or at (805) 781-5458. Also, the San Luis Obispo County Department of Planning and Building has prepared comments on the NOP. Their comments, which include contact information are attached.

Sincerely,



MARK HUTCHINSON
Deputy Director of Public Works

Enclosure

c: James Caruso, Department of Planning and Building

File: CF 230.30.01 Agency Request

L:\Management\2016\June\PW Interlake Tunnel NOP Comments.docxKM.mj



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

DATE: JUNE 1, 2016

TO: KEITH MILLER, PUBLIC WORKS DEPT

FROM: JAMES CARUSO, SENIOR PLANNER

SUBJECT: MONTEREY COUNTY WATER RESOURCE AGENCY INTERLAKE
TUNNEL NOTICE OF PREPARATION (NOP)

This Department has reviewed the Notice of Preparation for the Interlake Tunnel project. The Department has one comment on the Notice of Preparation. Pursuant to Government Code section 65402, the Monterey County Water Resources Agency will need to request a general plan conformity report from San Luis Obispo County. However, no County building or land use permits are necessary for the Interlake Tunnel project pursuant to Government Code section 53091.

If you have any questions regarding the processing of the application, please feel free to contact me at (805) 781- 5702.

c: Ellen Carroll



TO: Nacimiento Project Commission
FROM: Harold Wright, Finance Division
VIA: Nola Engelskirger, Utilities Division Manager
DATE: February 23, 2023
SUBJECT: FY 2022-23 Second Quarter Operations Budget Update
(Information Only – No Action Required)

Figures summarizing the Fiscal Year 2022-23 Second Quarterly Operating Fund Budget are provided for your information. With 50% of the year elapsed, total expenditures and purchase order commitments are at 18.3% of budget. This includes Non-Routine projects that fluctuate during the fiscal year. More notably, annual Routine Operations and Maintenance efforts are a less than budgeted levels at 26% of the budget.

		<u>Budget</u>	<u>Expenses & Purchase Orders</u>	<u>Expenses and Purchase Orders as a % of Budget</u>	<u>Balance Available</u>
	Routine O&M	4,541,504	1,179,837	26.0%	3,361,667
	Non Routine O&M Projects	1,775,476	9,615	0.5%	1,765,861
	Capital Outlay Projects	200,000	-	0.0%	200,000
	Total	6,516,980	1,189,451	18.3%	5,327,529
[a]	Variable Energy	3,086,823	1,657,190	53.7%	1,429,633
[a]	<i>PG&E invoices for Variable Energy usage. Costs are billed to participants based upon actual usage, and are not included in Participants' Installment Billings or Final Billings.</i>				

[a] PG&E invoices for Variable Energy usage. Costs are billed to participants based upon actual usage, and are not included in Participants' Installment Billings or Final Billings.

If you have any questions, please feel free to contact me at (805) 781-5462 or via e-mail at hwright@co.slo.ca.us. Staff will be available to answer specific questions at the meeting.

**Nacimiento Water Operating Fund
Budget Status Report
FY 2022-23**

A	B	C	D	D	E	F	G	H	I	J	K	L	M		
		WBS Element	New Budget FY 2022-23	Roll-Fwd Budget FY 2021-22	Internal Revisions	Budget FY 2022-23	Quarter 1 July-Sep	Quarter 2 Oct-Dec	Quarter 3 Jan-March	Quarter 4 April-June	Total Expenses	Purchase Orders (POs)	Total Expenses and POs	Exps & POs % of Budget	Available Budget
1		Routine Operation and Maintenance													
2		MASTER WATER CONTRACT	\$ 595,434			\$ 595,434	\$ -	\$ -			\$ -	\$ -	-	0.0%	\$ 595,434
3		WATER CONSERVATION MANAGEMENT	-			-	-	-			-	-	-	0.0%	-
4		WATER QUALITY SUPPORT/ANALYSIS	198,901			198,901	16,878	18,004			34,882	-	34,882	17.5%	164,019
5		REGULATORY AGENCY/DPH	12,476			12,476	-	-			-	-	-	0.0%	12,476
6		INVASIVE SPECIES/QUAGGA MUSSEL	137,885	50,288		188,173	8,688	16,296			24,984		24,984	13.3%	163,189
7		ENVIRONMENTAL MITIGATION	53,042			53,042	11,075	11,825			22,900		22,900	43.2%	30,142
8		UTILITIES OPERATIONS AND OFFICE ENGINEERING	276,049			276,049	33,361	44,164			77,525		77,525	28.1%	198,524
9		LAKESIDE CONTRACTS	15,411	11,751		27,162	943	229			1,173		1,173	4.3%	25,989
10		WATER RIGHTS	9,955	61,406		71,361	-	-			-		-	0.0%	71,361
11		GENERAL-ACCOUNTING	218,659			218,659	7,203	15,832			23,034		23,034	10.5%	195,625
12		COUNTY WIDE OVERHEAD	112,897			112,897	80,825	31,075			111,900		111,900	99.1%	997
13		CONTRIBUTION TO ISF/NEW EQUIP	3,000	10,719		13,719	-	459			459		459	3.3%	13,260
14		GENERAL UNITS	456,589			456,589	33,829	45,117			78,946	39,649	118,595	26.0%	337,994
15		UNIT A	300420.10.A	259,353		259,353	75,030	55,881			130,910		130,910	50.5%	128,443
16		UNIT A1	300420.10.A1	60,072		60,072	-	11,318			11,318		11,318	18.8%	48,754
17		UNIT B	300420.10.B	196,932		196,932	28,665	40,923			69,588		69,588	35.3%	127,344
18		UNIT C	300420.10.C	35,701		35,701	1,154	5,101			6,255		6,255	17.5%	29,446
19		UNIT C1	300420.10.C1	39,515		39,515	3,513	6,533			10,045		10,045	25.4%	29,470
20		UNIT D	300420.10.D	23,140		23,140	1,172	2,473			3,645		3,645	15.8%	19,495
21		UNIT E	300420.10.E	22,212		22,212	2,022	2,117			4,139		4,139	18.6%	18,073
22		UNIT F	300420.10.F	22,342		22,342	1,894	3,692			5,587		5,587	25.0%	16,755
23		UNIT F1	300420.10.F1	19,783		19,783	1,695	1,659			3,354		3,354	17.0%	16,429
24		UNIT F2	300420.10.F2	157,561		157,561	52,887	34,868			87,755		87,755	55.7%	69,806
25		UNIT G	300420.10.G	30,085		30,085	4,564	7,649			12,213		12,213	40.6%	17,872
26		UNIT G1	300420.10.G1	26,020		26,020	5,550	6,297			11,847		11,847	45.5%	14,173
27		UNIT G2	300420.10.G2	20,035		20,035	2,168	1,493			3,661		3,661	18.3%	16,374
28		UNIT H	300420.10.H	3,632		3,632	-	296			296		296	8.2%	3,336
29		UNIT H1	300420.10.H1	30,015		30,015	7,552	19,018			26,570		26,570	88.5%	3,445
30		UNIT T-2	300420.10.T2	49,820		49,820	6,086	4,536			10,621		10,621	21.3%	39,199
31		UNIT T-4	300420.10.T4	13,773		13,773	3,460	4,291			7,751		7,751	56.3%	6,023
32		UNIT T-6	300420.10.T6	14,260		14,260	370	10,104			10,474		10,474	73.4%	3,786
33		UNIT T-9	300420.10.T9	10,760		10,760	538	1,958			2,496		2,496	23.2%	8,264
34		UNIT T-11/11A	300420.10.T11/T11A	33,759		33,759	6,888	4,345			11,233		11,233	33.3%	22,526
35		UNIT T-11B	300420.10.T11B	-		-	-	-			-		-	0.0%	-
36		REIMBURSABLE BILLINGS	-			-	-	-			-		-	0.0%	-
37		REIMB BILLINGS: EMERGENCY WTR LINE BREAK MAY 2018	300420.11.20 / 40163744	-		-	-	-			-		-	0.0%	-
38	(*)	NACI WATER SALE PROGRAM	300420.12	-		-	1,030	3,762			4,792	77,799	82,591	0.0%	(82,591)
39	(*)	SAN ANTONIO SPILLWAY REHAB	(*) 300420.13	98,916		98,916	-	-			-		-	0.0%	98,916
40	(*)	LEGAL	300420.10.A1.01 & .02	1,149,356		1,149,356	129,688	122,348			252,037		252,037	21.9%	897,319
41		SUBTOTAL: ROUTINE OPERATIONS AND MAINTENANCE	\$ 3,159,068	\$ 1,382,436	\$ -	\$ 4,541,504	\$ 528,728	\$ 533,661	\$ -	\$ -	\$ 1,062,389	\$ 117,447	\$ 1,179,837	26.0%	\$ 3,361,667
42		Non-Routine O&M													
43		MISC. FIBER OPTIC REPAIR (rebudget annually) (\$6500 MISC FIBER)	(*) 300420.08.TBD	\$ 7,500		\$ 7,500					\$ -		-	0.0%	\$ 7,500
44		INTERLAKE TUNNEL PLANG (place holder)	(*) 300420.08.02	-		-					-		-	0.0%	-
45	(*)	NORTH SALINAS RIVER CROSSING REPAIR (MAINT: TYPE 3)	300641	-		-	(1,411)	292			(1,119)		(1,119)	0.0%	1,119
46	(*)	5 YR INTAKE INSPECTION (EVERY 5 YRS. 2022/23)	(*) 300420.08.03	121,000		121,000					-		-	0.0%	121,000
47	(*)	5 YR PIPELINE CLOSE INTERVAL SURVEY (EVERY 5 YRS) (CLSD)	(*) 300420.08.04	270,000		270,000					-		-	0.0%	270,000
48	(*)	SANTA MARG CRK BRIDGE PIPE RELOCATION	(*) 300420.08.05	30,000	849,748	879,748					-	5,785	5,785	0.7%	873,963
49	(*)	INTAKE PUMP SYSTEM IMPROVEMENTS (5 SYSTEMS)	(*) 300420.08.12	-		-					-		-	0.0%	-
50	(*)	INTAKE PS: SLOPE REPAIR AND DRAINAGE WORK (S/B CLSD Q1 20/21)	(*) 300420.08.14	-		-					-		-	0.0%	-
51	(*)	POWER MONITORING AT INTAKE (CLSD)	(*) 300420.08.15	-		-					-		-	0.0%	-
52	(*)	SCADA EFFORTS AT BOOSTER STN PROJECT	(*) 300420.08.16	-	254,210	254,210	1,844	3,105			4,949		4,949	1.9%	249,261
53	(*)	SCADA EFFORTS AT BOOSTER STN O&M (REBUDGETED ANNUALLY)	(*) 300420.08.16	-		-					-		-	0.0%	-
54	(*)	SYPs EFFICIENCY ALTERNATIVES (CXL)	(*) 300420.08.19	-		-					-		-	0.0%	-
55	(*)	GENERATOR PAD AT BOOSTER STN INSTALL (33%)	(*) 300420.08.22	-		-					-		-	0.0%	-
56	(*)	AIR VACS REPAIRS AND PREVENTION	(*) 300420.08.23	46,600	51,418	98,018					-		-	0.0%	98,018
57	(*)	RAISE VALVES ON ROCKY CANYON RD	(*) 300420.08.26	-		-					-		-	0.0%	-
58	(*)	RELOCATE AIR VAC CAL TRANS UNDERPASS	-	45,000		45,000					-		-	0.0%	45,000
59	(*)	UNANTICIPATED NON-ROUTINE PROJECTS	(*) 300420.08.TBD	100,000		100,000					-		-	0.0%	100,000
60		SUBTOTAL: NON ROUTINE OPERATION & MAINTENANCE - (NON-CAPITAL ACCOUNTS)	\$ 620,100	\$ 1,155,376	\$ -	\$ 1,775,476	\$ 433	\$ 3,397	\$ -	\$ -	\$ 3,830	\$ 5,785	\$ 9,615	0.5%	\$ 1,765,861
61		Capital Outlay													
62	(*)	UNANTICIPATED NON-ROUTINE PROJECTS	TBD	100,000	100,000	200,000								0.0%	200,000
63		SUBTOTAL: CAPITAL OUTLAY (CAPITAL ACCOUNTS)	\$ 100,000	\$ 100,000	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	\$ 200,000
64		TOTAL BUDGET / INSTALLMENT BILLINGS	\$ 3,879,168	\$ 2,637,812	\$ -	\$ 6,516,980	\$ 529,161	\$ 537,058	\$ -	\$ -	\$ 1,066,219	\$ 123,232	\$ 1,189,451	18.3%	\$ 5,327,529
65		VARIABLE ENERGY COSTS (NON-CAPITAL ACCOUNT)	300420.03	\$ 3,086,823		\$ 3,086,823	814,283	842,907			1,657,190		1,657,190	53.7%	\$ 1,429,633
66		BUDGET FOR UNANTICIPATED CAPITAL PROJECT - (CAPITAL ACCT)	n/a	100,000		100,000					-		-	0.0%	100,000
67		TOTAL	\$ 7,065,991	\$ 2,637,812	\$ -	\$ 9,703,803	\$ 1,343,444	\$ 1,379,965	\$ -	\$ -	\$ 2,723,409	\$ 123,232	\$ 2,846,641	29.3%	\$ 6,857,162



TO: Nacimiento Project Commission
FROM: Harold Wright, Finance Division
VIA: Nola Engelskirger, Utilities Division Manager
DATE: February 23, 2023
SUBJECT: FY 2023-24 Operating Fund Proposed Budget
(Information Only – No Action Required)

An electronic version along with a hard copy of the budget booklets of the Proposed Fiscal Year 2023-24 Nacimiento Water Operating Budget will be sent to the Commission prior to their February 23, 2023, meeting. No action will be required at that time. An electronic version will also be emailed to the TSG and Finance Committee members the same day.

On March 16, 2023, the Nacimiento TSG and Finance Committee will meet with District staff at 2:00 p.m. to review the proposed budget.

Any requested revisions to the budget will be returned to the TSG at their April 20, 2023, meeting, and will be communicated and distributed electronically to the Finance Committee and Commission.

On April 27, 2023, the Nacimiento Commission will conduct its annual special budget meeting to consider approval of the 2023-24 Proposed Budget. District staff will provide a short presentation, followed by a vote for endorsement.

In June 2023, the District Board of Supervisor conducts its annual budget review and approval process.



**NWP TECHNICAL SUPPORT GROUP (TSG) &
 NACIMIENTO PROJECT COMMISSION
 2023 CALENDAR OF ACTIVITIES (REV. 1/12/23)**

TSG (Participants & District Staff Only): Monthly, Thursdays at 2:00 PM.

Commission (Public Meetings): Quarterly, Thursdays at 4:00 PM at Templeton CSD, Board Meeting Room, 206 5th Street, Templeton, CA 93465. (805) 434-4900

<u>JAN</u> TSG – Jan 19 Commission – Dark	<u>FEB</u> TSG – Feb 16 Commission – Feb 23 <i>Annual election of Chair & Vice Chair; COI forms and proposal of draft FY 22-23 budget.</i>	<u>MAR</u> TSG & Finance Committee – Mar 16 Commission – Dark
<u>APR</u> TSG – Apr 20 Commission – Apr 27 Budget approval (<i>special mtg.</i>)	<u>MAY</u> TSG – May 18 Commission – May 25	<u>JUN</u> TSG – Jun 15 Commission – Dark
<u>JUL</u> TSG – Jul 20 Commission – Dark	<u>AUG</u> TSG – Aug 17 Commission – Aug 24	<u>SEP</u> TSG – Sep 21 <i>Request for 2023-2025 water delivery schedules.</i> Commission – Dark
<u>OCT</u> TSG – Oct 19 Commission – Dark	<u>NOV</u> TSG – Nov 9 Commission – Nov 16 <i>Distribution of Next Year's Calendar of Activities.</i>	<u>DEC</u> TSG – Dec 21 Commission – Dark

***Meeting logistics are subject to change.** Please contact County Public Works at 805-781-5252 or pwd@co.slo.ca.us for confirmation of date, location & time.