



NWP NACIMIENTO WATER PROJECT

San Luis Obispo County Flood Control & Water Conservation District

**Nacimiento Project Commission
Meeting and Agenda
Thursday, August 23, 2012 – 4:00 pm
Templeton Community Services District Offices**

1. Call to Order
 - a. Call to Order, Roll Call, and Flag Salute
2. Public Comment
This is the opportunity for members of the public to address the Commission on items that are not on the agenda, subject to a three minute time limit.
3. Meeting Notes from May 24, 2012 (RECOMMEND APPROVAL)
4. COMMISSION INFORMATION ITEMS – written reports with brief verbal overview by staff or consultant. No action is required.
 - a. Project Management Report
5. PRESENTATIONS – no action required.
 - a. None
6. COMMISSION ACTION ITEMS
(No Subsequent Board of Supervisors Action Required)
 - a. Invasive Species Prevention Program
7. COMMISSION ACTION ITEMS
(Board of Supervisors Action is Subsequently Required)
 - a. District/County Fiber Optic MOU
 - b. Intake Pipe Repair Status
8. FUTURE AGENDA ITEMS DESIRED BY COMMISSION

Commissioners

John Hamon, Chair, City of El Paso de Robles

Judy Dietch, Vice Chair, Templeton CSD

Grigger Jones, Atascadero MWC

Andrew Carter, City of San Luis Obispo

Frank Mecham, SLO County Flood Control & Water Conservation District

**Next Commission meeting scheduled for
Thursday, November 15, 2012, at 4:00 pm at
Templeton Community Services District Offices**



Nacimiento Project Commission
August 23, 2012
Agenda Item 3 – Meeting Notes from May 24, 2012

Agenda Item 1.a – Call to Order, Roll Call, Flag Salute

Vice-Chairman Dietch convened the meeting at 4:05 p.m.

Commissioners Present: Vice-Chairman Judith Dietch, Templeton Community Services District
Frank Mecham, San Luis Obispo County Flood Control and Water Conservation District
Andrew Carter, City of San Luis Obispo
Grigger Jones, Atascadero Mutual Water Company

Absent: Chairman John Hamon, City of Paso Robles

Agenda Item 2 – Public Comment

There are no public comments.

Agenda Item 3.a – Meeting Notes from April 19, 2012

Commissioner Carter moved to approve the meeting notes from the April 19, 2012, Commission Meeting, and Commissioner Jones seconded the motion. Motion passed unanimously.

Agenda Item 4 –Commission Informational Items

Agenda Item 4.a – April 13, 2012 Pipe Section Rupture

Mr. Ogren stated that the District has not received a response from Southern California Pipeline on the letter asking Southern California Pipeline to construct a permanent solution for the temporarily repaired pipe; District will be sending Southern California Pipeline a second letter. Mr. Ogren stated that rumors had surfaced in regards to a potential pressure issue in the pipe but stated that it is not likely that it was a pressure issue. Mr. Ogren stated that he would have the Engineers look into placing a “T” and a pressure gauge in the repaired pipe.

Commissioner Mecham asked about the potential of a water hammer leading to the rupture. Mr. Ogren stated that a water hammer issue is a possibility too.

Agenda Item 4.b – Status of Construction Contracts

Mr. Ogren stated that the Southern California Pipe claim has been settled; the Teichert claim is set for mediation in December; and the Mountain Cascade claim does not have a mediation date set.

Agenda Item 4.c – Invasive Species Prevention Program

Mr. Ogren discussed the Resident Vessel Program pertaining to communities of private homeowners not connected by a homeowners association who use a ramp through easement of said ramp. District staff talked to Monterey County about not having 100% support from private ramps and Monterey County agreed requiring 75-80% signatures of the homeowners with easement rights to a particular ramp was acceptable. A notice will be sent by certified mail to



“non-signatory” property owners to comply with overall mussel prevention program. District staff will work with Monterey County to work out the details of the program.

Commissioner Jones and Commissioner Mecham would like this agenda item to return to the Commission at a special meeting (date to be determined) but prior to the August meeting.

Commissioner Carter asked why community members would choose not to sign the program. Commissioner Mecham responded that a large majority of the property owners will sign and that just a few will be holdouts for other reasons. Commissioner Carter asked why Phil Humphrey expressed disappointment in the County requiring 100% of property signatures for the Resident Vessel Program to be in effect.

Mr. Ogren stated that between now and August, District, Monterey County and NWRMAC can work on getting the signatures of the property owners. Commissioner Mecham asked if Monterey County Water Resources Agency could shut down private ramps if they choose to.

Mr. Ogren stated that both counties believe they can shut down the ramps due to land use issues, if any, but Mr. Ogren believes that it would be best for both counties to be in agreement on closing a ramp prior to its shutdown. The biggest issue, according to Mr. Ogren, would be developing the evidence to support the closure. Commissioner Carter asked if an individual did not sign the Resident Vessel Program agreement, could that individual participate in the program. Mr. Ogren stated that that individual could not participate in the program.

Agenda Item 4.d – District/County Fiber Optic MOU Status Update

Mr. Ogren discussed the TSG suggested MOU revisions. Mr. Ogren stated that from the last Commission meeting, in regards to revenues from third party use, the Commission discussed an 80/20 split to the County and District respectively and desired to have the TSG go back and look at the agreement for other issues.

Mr. Ogren distributed the Update on Fiber Optics Memorandum of Understanding (copy attached) to the Commissioners and TSG members present at the meeting. The handout summarized issues raised by the TSG with District responses. Discussion on the 8 items listed follows:

Item. 1 Recitals. Mr. Ogren discussed changes in regards to recitals that are proposed to be added and revised, and believes all significant issues related to recitals are complete. Commissioner Mecham asked what was meant by recitals being added. Mr. Ogren discussed the desire for clarification of the recitals and the need for wordsmithing. Mr. Ogren stated that District staff provided revisions.

Items 2. Intent & 3. Parties & 4. Costs. Mr. Ogren stated that District provided comments in regards to these items and that proposed revisions are incorporated throughout the document.

Item 5. Easements. Mr. Ogren stated that District staff did not have any revisions for this section because the MOU provides very limited access at specific points. Mr. Ogren stated that the project is maintaining the fiber optic system, with assistance from ITD, and that the County pays its fair share of the maintenance costs.



Item 6. Spare Conduit. Mr. Ogren stated that the District erroneously sent back suggested language stating that there would be a 50/50 revenue split on any revenues generated from use by third parties. Mr. Ogren advised that the District staff did not have the authority to propose such a revenue split. Mr. Ogren discussed that the MOU says that the use of the spare conduit will be addressed at the time of proposed use. The current MOU leaves the spare conduit as an open issue. Mr. Ogren discussed an addition regarding this item stating that prior to taking a resolution to the Board of Supervisors in regards to spare conduit use, the item will be taken to the Nacimiento Project Commission. Commissioner Jones asked about who the third party use was referring to – local government use, commercial use or private party use. Commissioner Jones stated that AMWC stock holders want the revenue generated to reduce the costs they are paying for the construction of the system. Mr. Ogren stated that it is hard to envision what the split may be at this time. Vice-Chairman Dietch agreed with Mr. Ogren and suggested not to put a number to the division of revenue resulting from the spare conduit use and that the exact split could be decided at a later date.

Item 7. Unaddressed Scenarios. Mr. Ogren stated that the management of the 72 fiber optic strands falls to County GSA/ITD and that the Commission and District will be responsible for managing the 24 fiber optic strands assigned to the project. Mr. Ogren stated that District staff did not see the need for suggested revisions for this item.

Item 8. Project Dedicated Strands. Mr. Ogren discussed the number of fiber optic strands required for the operation of the project. Mr. Ogren stated that he did not believe that the use of the 24 District strands was pertinent to the MOU because the 24 strands are purview of the Commission. Vice-Chairman Dietch asked if the 24 strands were in the recitals as belonging to the District. Mr. Ogren stated they were assigned to the District and stay with the Commission. Commissioner Mecham clarified that the 24 strands belong to the Project.

Item 9. Revenues to the Project. Mr. Ogren discussed including more explicit language stating that any revenues that the District gets will be used to offset Project and Participant costs.

Item 10. County. Mr. Ogren discussed item number 10 about how the \$632,000 County paid portion was determined.

Item 11. Strand Use Priorities. Mr. Ogren stated that if ITD is managing the 72 strands that ITD is also assigning the priority to those strands. Mr. Ogren believes that there may be a conflict between the 72 and 24 strands if both the District and ITD were looking towards third party use for the strands and believes that the 24 strands should stay with the Project. Mr. Ogren stated that the County will probably be the one to do the marketing of the spare strands due to the fact that the goal of the Project did not include marketing fiber optic strands. Mr. Ogren stated that at the time of any third party request, the Commission and the County can work together to determine the best course of action.

Items 12. Revenue Split & 13. 20% Project, 80% County cost share split. Mr. Ogren discussed these items which were brought up at the last Commission meeting. Vice-Chairman Dietch and Commissioner Jones stated that the 80/20 split was only discussed



at the last Commission meeting rather than acted upon. Commissioner Jones stated that the TSG reviewed the MOU and provided comments and that he would like to hear their comments. Vice-Chairman Dietch asked if this MOU could be open for discussion for a little while and why the MOU is such a time sensitive issue. Mr. Ogren stated that one of these perspectives is that the County got a great deal because the incremental cost approach was much cheaper than the actual cost to install fiber optic cables. Mr. Ogren believes that the additional 72 fiber optic strands would not have been installed without the Project providing the County with a low cost participation opportunity. Mr. Ogren stated that the County has dedicated approximately \$1M in property taxes a year to pay for the project; that there is a continuing financial contribution from the County; and that for any third party use the County ITD will be initiating and managing the work.

Vice-Chairman Dietch requested a joint meeting with TSG members to provide feedback on the proposed MOU.

Mr. Neil stated that at the last TSG meeting there was a lot of discussion on revenue. He stated that the project has a big investment and that the Participants took the risk to build the project and install the fiber optic cables, which Mr. Hollenbeck had estimated at \$7M to install the 72 fibers as a stand alone project. Mr. Neil stated that County ITD, with the understanding that the County would pay the incremental cost of the fibers, would use the fibers for non-profit, government use. Mr. Neil stated that after Commissioner Mecham suggested “for profit” third party use of the fibers, he saw the use to be for the benefit of the project. Mr. Neil stated that “we are all the County,” and that whatever benefits the Project, by decreasing the debt, benefits the County. Mr. Neil stated that he threw out 100% going to the Project at the TSG meeting, but believes that the County could be rewarded with a “finder’s fee” for third party use.

Mr. Hodge concurred with Mr. Neil and hoped that in the future the third party use could be used to free up tax dollars going to the Project.

Commissioner Mecham asked how money from the sale of water comes back to the Project.

Mr. Ogren stated that the money would, through the Water Delivery Entitlement Contracts for new participants, as a “buy-in fee,” come back to pay for Project debt.

Mr. Savage stated that the same applies for third party fiber use, because the County does not know what is out there in terms of third party revenue.

Commissioner Mecham agrees with Vice-Chairman Dietch’s request to have the next Commission meeting to be a joint TSG and Commission meeting to discuss the third party use further where the Commission and TSG can interact and hear each other’s opinions.

Mr. Savage stated the County ITD is not currently using the 72 strands due to the fact that a MOU has yet to be signed and cannot legitimately use the fibers. Mr. Savage stated that the County ITD would like to be using the strands to, for example, connect the County libraries and is waiting to use the fibers.

Vice-Chairman Dietch asked if an agreement could be used to allow 72 fibers to be used for County purposes at this time.



Mr. Savage stated that ITD may connect laterals to the existing fiber and without the MOU in place it could result in future issues.

Commissioner Mecham asked if there were significant costs incurred when tying into the fibers and what a rough estimate of costs would be.

Mr. Savage estimated the cost to be \$25,000 per mile plus the infrastructure required to connect to the fiber optic cables. Mr. Savage stated that County ITD would like to cross connect other County fiber optic cables so if the cables should break, data can still be transmitted. Mr. Savage said that County ITD has money for these and other fiber optic projects in this year's fiscal budget and is ready to begin these projects.

Mr. Neil stated that if the Commission gives in now, that the Project will lose its negotiating power for the revenue generated in the future.

Mr. Ogren stated that he believes the loss of negotiating power is more of a perception than reality.

Commissioner Mecham stated that negotiation should be between the Board of Supervisors and the Commission.

Commissioner Carter discussed the need for an accounting breakdown of all of the costs associated with the fiber optic cables. Commissioner Carter stated that the Board of Supervisors and the Commission could use the breakdown to better evaluate the costs and determine the best course of action; that it would be helpful to see how the dollars stack up; and what the fibers are worth and the revenue potential for said fibers

Mr. Ogren suggested having both the Commission/TSG and the Board of Supervisors create a list of bullet points of each Board's goals to aid in the negotiation process.

Commissioner Mecham suggested removing any language regarding revenue generated from the proposed MOU.

Commissioner Carter stated that the Commission does not want to delay ITD's work.

Mr. Savage stated that fiber being used for commercial purposes is not being discussed between the County and third party users, but believes that there are companies who would desire to use the cables for commercial purposes. Mr. Savage discussed only allowing the spare conduit to be used as a revenue source.

Commissioner Mecham discussed looking into the existing public easements for the Project and determining if from the original contracts, the easements can be used for commercial use. Commissioner Mecham also discussed looking in to the easements to determine if the land owners should be paid additional money due to the commercial use.

Mr. Ogren stated that he liked the idea of removing the revenue discussion from the MOU in order to allow the County ITD to complete public projects budgeted for the current fiscal year.

Mr. Ogren asked if the Commission wanted to see the proposed MOU again if third party revenue was removed from the document.

Commissioner Jones stated that the Commission would like to see the proposed MOU again and that a special meeting is an option.

Commissioner Mecham stated that the proposed MOU should come through the Commission again so that the Commission is aware of what is taking place.

Mr. Ogren suggested looking at a tiered approach to the third party revenue as a potential option.

Agenda Item 5. –Presentations (No Action Required)

No presentations were scheduled nor made at the meeting.

Agenda Item 6. – Commission Action Items (No Subsequent Board of Supervisors Action Required)

No Action Items were scheduled nor made at the meeting.

Agenda Item 7 – Commission Action Items (Board of Supervisors Action Subsequently Required)

No Action Items were scheduled nor made at the meeting.

Agenda Item 8 – Future Agenda Items Desired by Commission

Commissioners desired a special meeting with TSG in the interim before the August Commission meeting.

- 1) Resident Vessel Program
- 2) Fiber Optic MOU

Vice-Commissioner Dietch adjourned the meeting at 5:12 p.m.

* * *

Submitted by Scott Duffield, Project Manager



Nacimiento Project Commission
August 23, 2012
Agenda Item 4.a– Utilities Division Management Report
(Information Only – No Action Required)

PROJECT UPDATES

Project Status Update

A summary of construction contract recent activities are as follows:

Spec 2 (Facilities): The contractor filed a Complaint on January 20, 2012, related to withholdings made to their final payment. Mediation is scheduled for September 12, 2012.

Spec 3 (Pipeline North): The District is progressing forward with defense of the contractor's Complaint filed September 29, 2011, pending information obtained by completion of the Unit C1 pipeline inspection that was not inspected during Project construction. Mediation is scheduled for December 18, 2012.

Operations Report

Nacimiento operations this month include contract delivery to Atascadero, Templeton and San Luis Obispo. This has brought the Santa Ysabel Pump Station (SYPS) into full time use. Issues developed with the control logic at SYPS under full operation that was not apparent during the start-up and testing phase. We are working to get these issues remediated. We also had an air conditioning issue at SYPS which caused the station to shut down. Because the control rooms at the pump stations are so very dependent on climate control for proper operation we are going to begin having monthly servicing of the AC systems during the summer months as opposed to the biannual schedule we currently follow.

Operation and maintenance for the system has been routine with some extra time being spent on weed eating around pump stations and tanks this month. USA locations have also taken some extra time due to the need at a couple locations to expose the fiber optic pull boxes to connect our locator. Some of these boxes are up to 3 feet deep and take an hour or so just to expose. We are working on a solution for this. We are looking at either raising the entire box up to the surface or just the locating wire.

Nacimiento Reservoir Status

Reservoir status as reported by MCWRA is 48-percent full, or 179,913 acre-feet, as of August 15, 2012. MCWRA releases are reported as 440 cfs.



Outside Agency Issues

Monterey County Water Resources Agency: Paavo Ogren continues to represent the District at the monthly Reservoir Operations Committee meetings.

Monterey County has provided a proposed settlement agreement which is under review with legal counsel.

New Participants:

- Santa Margarita Ranch has contacted the District about obtaining a minor allocation to use for frost protection. Existing contracts require “like-kind” contracts for new participants, so some modification may be needed for the Ranch. This topic was briefly discussed at the TSG meeting of August 9th, who generally supported addressing how the Ranch’s request might be met.
- Representatives of the Lewis Pollard Family Trust have recently contacted the District regarding costs for obtaining approximately a 9 acre-foot allocation for the Bella Vista Mobile Home Park in Cayucos. This area was included in the original project EIR for an allocation of up to 30 acre-feet.

Fiber Optic MOU with GSA IT: See Agenda Item No. 7.a.

Invasive Species Prevention Program

See Agenda Item No. 6.a.

Your Technical Support Group was given a report on this item at their August 9, 2012, meeting.

18-inch Pipe Rupture

The District has obtained a purchase order with Element Materials Technology of Huntington Beach to provide forensic testing of the section of 18-inch pipe that ruptured April 13, 2012 near Santa Margarita. Transportation and testing of the pipe section will be coordinated by the District. The District intends to invite the contractor (Southern California Pipeline) and the pipe manufacturer (U.S. Pipe) to observe the testing and will provide them with a copy of the testing report. Depending on what is determined to be the cause of the failure, the District reserved the right to seek reimbursement from Southern California Pipeline Construction, its insurance carriers, or Surety, for the cost of repairs and any consequential or resultant damage which has or may occur as a result.

Unit C1 Pipe Inspection

The completion of the Unit C1 Pipe Inspection has been delayed and complicated by the fact that it is interrelated with the Complaint filed by the contractor (Teichert). The District will issue two Change Orders to Teichert to provide and maintain access into the pipe that will allow Jacobs to perform their inspection. The initial Change Order was executed on August 9, 2012, for a



change in contract price to be determined based on an estimated maximum, and no change in contract time. Once the work is complete a second Change Order will be executed to reflect the actual time and material costs.

The District has reserved its rights to recover costs associated with the Change Orders. The District has received a preliminary cost estimate from Teichert to perform the Change Order work of \$253,000-\$367,000. The District has withheld approximately \$433,000 from the construction manager's (Jacobs) payments for non performance of the interior pipe inspection.

Your Technical Support Group was given a report on this item at their August 9, 2012, meeting.

Water Delivery Shutdowns Coordination

The District has the following projects on the horizon that will require shutdown and or interruption of water deliveries from the Nacimiento Pipeline and the Salinas Pipeline.

- Unit C1 Pipe Inspection Project (Naci)
 - Inspection tied to Teichert's lawsuit
 - Need to meet lawsuit mediation date of December 18, 2012
 - Delivery shutdowns (preliminary) Aug/Sep/Oct 2012
- Intake Pipe Repair Project (Naci)
 - Board of Supervisors to consider a no cost Amendment to B&V Agreement, and a no cost/no bid contract with B&V's contractor (OCI)
 - Delivery shutdowns (preliminary) Nov 2012 (Three times/11 days total)
 - Delivery shutdowns (preliminary) Jan/Feb 2013 (Three times/34 days total)
- Tassajara Median Project (Salinas)
 - Caltrans project
 - Delivery shutdowns (preliminary) Oct/Nov
 - Caltrans may choose to reschedule for Spring 2013

The attached graphic shows tentative schedules for these projects as well as the Nacimiento water delivery schedule.

Your Technical Support Group was given a report on this item at their August 9, 2012, meeting.

Agency Web Access to SCADA Screens

Web access to the SCADA information screens has been established for all Participants. Staff will continue to provide support if Participants have questions and as needed.

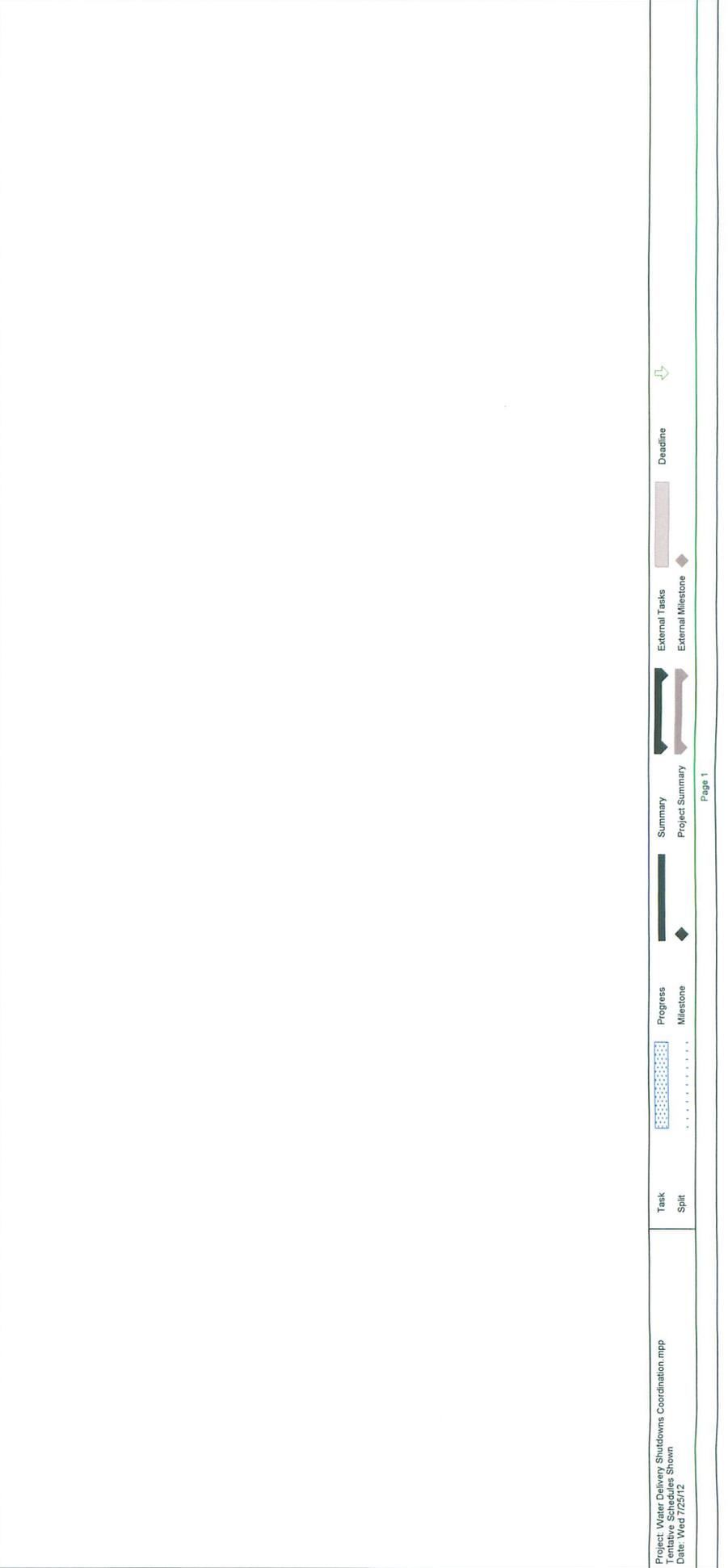
Water Quality Work Effort Budget Report

Your Technical Support Group was given a report on this item at their August 9, 2012, meeting and included the following.

- Budget projections, broken down by individual program and by major tasks.
- A description of major programs, including the purpose of the program, the basis for developing the program, and aspects of program management to be considered in evaluating each program.

* * *

ID	Task Name	Start	Duration	August 2012	September 2012	October 2012	November 2012	December 2012	January 2013	February 2013	March 2013	April 2013	May 2013	June 2013	July 2013	August 2013
1	Teichert Lawsuit Mediation	Tue 12/18/12	0 days	7/15/7/22/7/29	8/5/8/12/8/19/8/26/8/2	9/9/9/16/9/23/9/30/10/7/0/1	0/2/1/1/4/1/1/1/1/1/1/2	1/2/1/2/2/9/2/1/2/2/3	2/10/2/17/2/24/3/3	3/10/3/17/3/24/3/31/4/7	4/14/4/21/4/28/5/5	5/12/5/19/5/26/6/2	6/9/6/16/6/23/6/30/7/7	7/14/7/21/7/28/8/4/8/11/8/18		
2	Unit C1 Pipe Inspection	Mon 8/27/12	42 days													
3	Intake Pipe Repair	Wed 10/31/12	114 days													
4	Outage 1A	Wed 10/31/12	1 day													
5	Outage 1B	Fri 11/9/12	3 days													
6	Outage 2	Mon 11/19/12	7 days													
7	Outage 3	Mon 1/7/13	7 days													
8	Outage 4	Wed 1/16/13	4 days													
9	Outage 5	Wed 1/30/13	23 days													
10	Tassajara Median (Salinas Line)	Mon 10/15/12	42 days													
11	TCSD Delivery	Wed 7/25/12	365 days													
12	AMWC Delivery	Wed 7/25/12	68 days													
13	SLO Delivery	Wed 7/25/12	365 days													



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS



Paavo Ogren, Director County Government Center, Room 207 • San Luis
Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

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

TO: Nacimiento Project Commission

FROM: Carolyn Berg, Utilities Division Staff Engineer

VIA: Dean Benedix, Utilities Division Manager

SUBJECT: Mussel Prevention Program Status Update

DATE: August 23, 2012

Recommendation

Support the modified approach to the Resident Vessel Program (RVP) to allow participation by eligible lakeside residents that share easement rights to a common ramp, provided that owner(s) of at least 75% of the properties with easement rights to the ramp sign the RVP's private ramp participation resolution.

Discussion

The 2012 Mussel Prevention Program includes the voluntary-enrollment Resident Vessel Program (RVP) as an option for eligible vessels owned by residents of a participating "community" who execute an affidavit certifying that the vessel is only launched at Lake Nacimiento and who adhere to program requirements¹. During the initial RVP discussions with your Commission, community² enrollment into the RVP was identified and discussed, but participation by individual lakeside residents who share easement rights to a common ramp (Easement Holders) was not. However, there is existing language in the RVP with respect to Easement Holders:

"If ramp does not have an elected board of directors, use the sample resolution, which shall be signed by all owner(s), easement holder(s), or development member(s) of the ramp."

During your Commission's May 24, 2012 meeting, discussion took place regarding the difficulty of achieving 100% participation by Easement Holders of any one particular

¹ The other option for residents is to follow the existing general Mussel Prevention Program requirements (e.g. 21-day recertification of mandatory vessel inspection).

² Communities include those homes with access to lakeside ramps and are regulated/overseen by the governing body of a Home Owners Association, Community Services District, or some other local organization.



private ramp. Your Commission requested that Staff return with a recommended approach to allow RVP enrollment of interested Easement Holders while providing adequate notice to the remaining Easement Holder(s) of the ramp's RVP enrollment and of general prevention program requirements. This approach must continue to protect the lake from undue risk

Recommended Approach:

The recommended RVP modification (Attachment A) includes requiring signatures from 75% or more of the Easement Holders of a particular private ramp in order to enroll in the RVP (provided that these signatories coordinate with Staff to identify remaining Easement Holder(s)). Subsequently, Staff would send out certified letters to the remaining Easement Holder(s) with notification of intent to enroll the ramp in the RVP. The letter serves two main purposes:

1. To promote the importance of the Mussel Prevention Program and associated prevention efforts in protecting our local lakes from an invasive mussel infestation.
2. To provide residents with formal notice of prevention program requirements, raising residents' awareness of program requirements, and enhancing the ability of San Luis Obispo and Monterey Counties to take enforcement actions if needed by constructively noticing mussel prevention requirements.

District Staff seeks your Commission's policy support of the proposed approach described above, as well as guidance on whether or not this approach sufficiently addresses concerns about adequately informing lakeside residents who are not currently active in prevention efforts. District Staff will subsequently work out the details of this approach.

Other Agency Involvement

The NWP Technical Support Group considered and supported this draft approach on June 14, 2012.

Staff is working with the Monterey County Water Resources Agency and Parks Department to obtain their input on this RVP modification. Staff will provide the most current input from Monterey County at the Commission meeting.

The following communities have executed Community (RVP) Participation resolutions, which allow eligible residents within their communities to participate. Staff has received several Resident Vessel applications and expects to receive more.

Communities Participating in the Resident Vessel Program:

Cal Shasta Boat Club Inc.
Tri Counties Club Inc.
Running Deer Ranch Inc.
South Shore Village Club
Oak Shores Community Association



Financial Considerations

Prevention program costs are included in the approved FY 2012-2013 budget. The costs will be funded in the Nacimiento Operation and Maintenance Fund (2200002000).

Summary

Continuing support of the invasive species prevention efforts will ensure a healthy, safe, well-governed community.

Attachments: Attachment A – Draft Amended Resident Vessel Program
(and Certified Letter of Constructive Notice of Program
Requirements)



**SAN LUIS OBISPO COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT**

**2012 LAKE NACIMIENTO
RESIDENT VESSEL PROGRAM**

REVISED: July 3, 2012

**San Luis Obispo County Flood Control & Water Conservation District
Department of Public Works**

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BACKGROUND

San Luis Obispo County Flood Control & Water Conservation District (SLO District), Monterey County Water Resource Agency, and Monterey County implement a Mussel Prevention Program at Lakes Nacimiento and San Antonio. This involves mandatory inspection of all vessels entering either lake, and requires re-certification and re-inspection at regular intervals, with the intent of restricting all vessels that pose a potential risk of carrying invasive mussels from another body of water. The Nacimiento Regional Water Management Advisory Committee, lakeside communities and homeowners have been integral in carrying out the Mussel Prevention Program.

The “Resident Vessel Program” is a new feature of the 2012 program available to all participating, eligible private launch ramps. There are two main types of participating, eligible private launch ramps: community ramps and easement ramps. The community ramps refer to those private launch ramps participating in the program, which have governing bodies/ boards. The easement ramps refer to those private launch ramps participating in the program, which do not have governing bodies/ boards. This differentiation led to slightly different modes of enrolling the two types of private launch ramps. Eligibility and enrollment of both ramp types is further described below.

The Resident Vessel Program recognizes that many boaters keep their vessels solely at Lake Nacimiento and therefore pose a low threat of mussel infestation.

Eligible private launch ramps may voluntarily enroll in the Resident Vessel Program and in doing so agree to conform to a specific set of standards which are set forth in this document. Overall, the Resident Vessel Program is intended to reduce redundant inspections and help ensure inspector focus on higher risk boats.

THE 2012 NACIMENTO RESIDENT VESSEL PROGRAM

The Resident Vessel Program is provided for those eligible private launch ramps who have controlled access to the lake, who have trained screeners actively engaged in protecting the lake, and whose vessel traffic warrants going through the enrollment steps enumerated herein. Enrollment in the program is subject to the following conditions:

Community Eligibility

The Resident Vessel Program is available to the community ramps and easement ramps listed in **Attachment A**. SLO District has established that each of these have controlled access to Lake Nacimiento (such as a locked gate)¹ and that each played an active part in the overall Mussel Prevention Program for at least one year. An eligible private launch ramp interested in participating should follow the following steps to get enrolled:

1. Contact SLO District to understand the necessary steps to take if community ramp or easement ramp is interested in enrolling (Mussel Prevention Program Hotline (805) 788-6006).

¹ Alternatively, members or residents may also launch from a public ramp.

2. Governing body (such as a board of directors) shall execute a Resolution (**Attachment B-1**) committing to the various program steps. If ramp does not have an elected board of directors (referred to as “easement ramp”), use the sample Resolution in **Attachment B-2**, which shall be signed by at least 75% of the properties with easement rights to the ramp provided that the easement holders follow the process indicated in the “Easement Ramp RVP Enrollment Steps” section. The private launch ramp is committing to:
 - a. Adhere to the program requirements;
 - b. Authorize eligible residents within community or with easement rights to the ramp to participate;
 - c. Provide necessary certified screener(s) to conduct screenings and provide a Mussel Coordinator to facilitate the program; and
 - d. Coordinate with Vessel Owners to ensure assistance with required random field verification of Enrolled Vessels storage location with SLO District; and
3. Assign a “Mussel Coordinator” who will be responsible for communicating with SLO District throughout the year and for enforcing the Program with private launch ramp members.

Easement Ramp Enrollment Steps

1. Easement Holder Identification: Easement ramp applicants/owners shall identify a list of parcels and/or easement holder(s) eligible/authorized to use the easement ramp(s).
2. RVP Resolution for Easement Ramp Enrollment: Easement holder(s) interested in participating in the RVP will:
 - a. Conduct outreach to all other properties with easement rights to the eligible easement ramp(s);
 - b. Obtain resolution signatures from a minimum of 75% of the properties with easement rights to the ramp, but will strive to collect signatures from 100% easement holder(s); and
 - c. Coordinate with SLO District Staff to identify and notify remaining easement holders (if any) that have not signed the resolution (shall not exceed 25% of the properties with easement rights to the ramp).
3. Contact List for Easement Ramp’s Remaining Easement Holders. After receipt of information and documents listed in Easement Ramp RVP Enrollment Steps 1 and 2, SLO District Staff will develop a contact list for the remaining easement holder(s) that did not sign the resolution (if any). This contact list will be based upon the current ownership mailing address information obtained from the County Assessor’s Department. If 100% of the properties with easement rights to the easement ramp(s) have executed the resolution, skip to Easement Ramp RVP Enrollment Step 5.
4. Notification of Intent to Enroll Easement Ramp in RVP: SLO District Staff shall issue a certified letter to the remaining properties with easement rights to the ramp using this contact list. The certified letter will serve as a constructive notice of mussel prevention

program requirements and the intent to enroll the easement ramp associated with the property in the RVP. It will convey the importance of adhering to the program requirements, as well as consequences of non-compliance. The letter will provide the easement ramp's Mussel Coordinator's name in an effort to connect them to the current easement ramp efforts.

5. Coordination with Monterey County Staff: District Staff will maintain continued coordination with Monterey County Staff throughout this process.

Resident Vessel Eligibility and Application

Once a private launch ramp is enrolled in the Resident Vessel Program, then individual residents/members can apply to enroll specific vessels.

A Resident Vessel is defined by:

1. Vessel Owner is legal owner of vessel and provides satisfactory evidence of current DMV vessel registration. The DMV vessel registration storage address must match that of the Vessel Owner's lakeside property address listed in the Resident Vessel Program Application; and
2. Vessel Owner has property or is formally affiliated with an enrolled community/easement ramp as demonstrated by a recent secured property tax bill or other SLO District approved document; and
3. Vessel remains on Lake Nacimiento and may only be removed and returned under conditions stated below.

Attachment C is the Resident Vessel Enrollment Application that individuals are to use. Each application is to be accompanied by:

1. Evidence that the owner has property or is formally affiliated with an enrolled private launch ramp (to be verified by the community Mussel Coordinator).
2. Provide copies of DMV vessel registration that Vessel Owner is legal owner of the vessel. The DMV vessel registration storage address must match that of the Vessel Owner's lakeside property address listed in the Resident Vessel Program Application.

*** Note: This is indicated by the County Code ("C.C." or "Co. Code") noted on the vessel registration. San Luis Obispo County Code is "40". The example below shows an example of where to look on vessel registration. In the example, the County Code shows "4000", which indicates that the vessel owner residence and storage location are both in San Luis Obispo County. If registration is not correct, Vessel Owner may need to file a DMV14 Form to make a correction: <http://apps.dmv.ca.gov/forms/dmv/dmv14.pdf>*

VESSEL CERTIFICATE OF NUMBER													
BUILDER YAMAHA		VESSEL USE PLEASURE			REGISTRATION EXPIRES DEC/31/2013			CO. CODE 4000		TYPE V1		VESSEL NUMBER	
HULL NUMBER		LENGTH		TYPE		HULL		HULL		PROP		DATE ISSUED 12/30/2011	
YEAR	YEAR	FT	IN	VSL	TYPE	MATL	PROP	FUEL	TOTAL FEES PAID \$20		RF		
2001	2001	81.0	00	82	X	P	J	S	PEN		DI		
<div style="border: 1px solid red; padding: 5px; margin: 10px;"> <p>County Code = "40" for SLO County</p> <p>Co. Code = "XXYY"</p> <p>"XX" = Residence/Mailing Address</p> <p>"YY" = Vessel Location, if different from Residence/Mailing Address</p> </div>												TOT	
 State of California DEPARTMENT OF MOTOR VEHICLES													

Vessel Owner should send the completed Resident Vessel Program Application along with the required documentation to:

County of San Luis Obispo
 Attn: Carolyn Berg, Mussel Prevention Coordinator
 County Government Center, Room 207
 San Luis Obispo, CA 93408

SLO District Review and Acceptance

Upon completion of Resident Vessel Program Application steps above, including submittal of required documentation, SLO District will review the application for conformance with Program requirements. After complete applications are approved, SLO District will prepare a Resident Vessel Certificate and Affidavit for each eligible vessel conforming to the Program requirements. Resident Vessel Certificate and Affidavits will be distributed after completion of a "Mussel Awareness Class" as described below.

Vessel Owner will be contacted to participate in a one-hour required Mussel Awareness Class conducted by certified instructors² [SLO District representative(s) and/or others approved by SLO District]. It is anticipated that there will be one class per month, depending upon demand.

At the Mussel Awareness Class, Vessel Owner must provide a copy of current, valid Vessel Screening Permit for each Enrolled Vessel, which is certified by a certified screener/inspector. Upon completing the Mussel Awareness Class and verification of the current, valid Vessel Screening Permit for each Enrolled Vessel, the Level 1 Training Instructor will fill out the appropriate class information and sign the Resident Vessel Certificate and Affidavit, and provide the Resident Vessel Certificate and Affidavit to the Vessel Owner. Vessel Owner will be asked to sign two copies of a notarized "Resident Vessel Certificate and Affidavit" (**Attachment D**) one of which will remain on the vessel at all times (the other will be kept on file with SLO District).

Please note that the Resident Vessel Certificate and Affidavit is only valid when it is issued and signed by SLO District, signed by Vessel Owner and Mussel Awareness Class instructor, and notarized.

² Completed the Pacific States Marine Fisheries Commission (US Fish and Wildlife Service and 100th Meridian) Level II Watercraft Inspection and Decontamination Training for Zebra/Quagga Mussels (Level I Training Instructor); representative instructors and educational course materials are approved by SLO District.

Issuance of Resident Vessel Certificate and Affidavit

Resident Vessel Certificate and Affidavit will be issued at the completion of the Mussel Awareness Class (two copies) – one to be carried on the enrolled vessel at all times and the other to be returned to and retained by SLO District. At that point, the vessel owner is agreeing to adhere to all of the Resident Vessel Program elements described in this document.

Vessel Owner will also be issued a sticker to display on each enrolled vessel signifying that vessel's enrollment in the Resident Vessel Program. A Resident Vessel Program sticker will be assigned to each enrolled vessel and is valid for the remainder of the program year³ as long as the Enrolled Vessel remains in sustained compliance with the program. The sticker should be displayed directly next to the DMV registration sticker on the driver side/port side of the hull:



The Resident Vessel Program is intended for that unique group of vessels that remain on Lake Nacimiento year-round. So, once a vessel is enrolled in the program, it is understood that it may only leave the watershed under the circumstances described in the “Choosing to Leave the Lake” section. Vessel Owner is also agreeing, with 24-hour advance notice, to make enrolled vessel(s) available to a representative of SLO District in order to verify that an enrolled vessel is in its storage location or on the lake.

Enrolled vessels are also subject to electronic tracking or other means of tracking and enforcement as those program aspects are phased in.

Choosing to Leave the Lake

If Vessel Owner chooses to take an enrolled vessel away from the lake for any reason, follow these steps:

1. Leave a message on the SLO District Mussel Prevention Program Hotline (805) 788-6006 stating:
 - Vessel Owner name
 - Resident Vessel Certificate and Affidavit Number and the vessel CF number
 - Reason for leaving the lake and when the vessel is expected to return
 - If maintenance may require removal of the trailer/vessel band (i.e. damage to vessel hull), please state on message. Vessel Owner may be asked to provide evidence from mechanic verifying why the band was removed.
2. Alert private launch ramp Mussel Coordinator in advance, describe to them why the boat is being taken away from the lake, when it is expected to return, and then ask to have a

³ Program years run from May 1st to April 30th of the following year.

Certified Screener affix a band to the trailer and vessel before departure. If removal of the band is expected to conduct maintenance or for other reasons, please explain this to the Mussel Coordinator and make advance arrangements.

3. Upon enrolled vessel's return, only a Certified Screener may remove the band, authorize the vessel for launch, and keep record of enrolled vessel's valid return to the lake.

It is imperative that we protect Lake Nacimiento from invasive mussels. Because of this, taking an enrolled vessel away from the lake without advance coordination with a Mussel Coordinator is not allowed. Failure to follow this procedure renders the Resident Vessel Certificate and Affidavit null and void and may result in vessel not being allowed to launch on Lake Nacimiento for a period of six (6) months.

What's at Stake?



Quagga and Zebra Mussels cause irreparable damage by reproducing at an alarming rate:

1 MILLION EGGS per each female mussel per spawning season

- Polluting lakes
- Clogging water delivery pipes and increasing costs to operate/maintain lake and facilities
- Littering beaches with smelly, sharp mussel shells
- Devastating lakes' ecosystem
- Permanently altering lake's water chemistry and increasing algae growth at great depths
- Increasing drag on boats and clogging engine intakes
- Negatively impacting on economy

Re-Entry of a Banded Enrolled Vessel

Upon return to Lake Nacimiento, alert Mussel Coordinator and make arrangements to have a Certified Screener remove the intact band and screen the vessel. *Only Certified Screeners are authorized to remove the bands and screen the vessel.*

If the band is removed by someone other than a Certified Screener, if the band has been tampered with, or if the returning vessel fails to pass inspection for any reason, then the Resident Vessel Certificate and Affidavit will be rendered null and void. Certified screener shall not accept an enrolled vessel without an intact band, unless SLO District has verified that evidence has been reviewed and approved, and supports the required removal of the band necessary to conduct maintenance (i.e. damage to vessel hull). This is described further below.

Potentially Non-Compliant Enrolled Vessel

The Resident Vessel Program has been designed with the year-round Lake Nacimiento boater in mind and is only intended for that unique group of boaters whose vessels do not leave the lake.

Mussel Coordinators, Certified Screeners, communities, and owner(s) of the properties with easement rights to a private launch ramp are responsible for monitoring the comings and goings of enrolled vessels and for notifying Mussel Coordinators/SLO District immediately of any potentially non-compliant enrolled vessel. For example, if the owner of an enrolled vessel asks a Certified Screener to clear them for launch but no band is intact, the Certified Screener must report that breach of procedure to their Mussel Coordinator who will in turn alert SLO District. The concern would be that the vessel had visited an infested lake and could pose a risk of infestation to Lake Nacimiento. Mussel Coordinator shall immediately contact SLO District with enrolled vessel information and description of (potential) non-compliance.

A non-compliant enrolled vessel would be issued a “Notice of Non-Compliance” by SLO District and would be removed from the Resident Vessel Program for the current program year (i.e. Resident Vessel Certificate and Affidavit would be nullified and Resident Vessel Program stickers removed from the hull), unless SLO District makes a determination otherwise. This process is described further below.

Null and Void Resident Vessel Certificate and Affidavit

Vessels removed from the program would be prohibited from launching onto Lake Nacimiento for six (6) months following the date that the Resident Vessel Certificate and Affidavit is nullified. Additionally, the Vessel Owner is no longer eligible to enroll additional vessels in the then-current year’s Resident Vessel Program and risks losing Resident Vessel Certificate and Affidavits on other enrolled vessels.

Vessel Owner shall have the right to appeal and request a hearing of Administrative Appeal. The determination of the hearing officer shall be considered final. If enrolled vessel is found to be non-compliant after the Administrative Appeal, the Resident Vessel Certificate and Affidavit shall be rendered null and void and revoked, and the Resident Vessel Program sticker will be removed by a Certified Screener or Mussel Coordinator.

Depending on the circumstances, incidents of non-compliance by individual enrolled vessel owners could be grounds for removal of the affiliated private launch ramp from the Resident Vessel Program. This is also stated on the resolutions (**Attachment B-1 and B-2**).

Program Monitoring

SLO District, Monterey County Water Resource Agency, and Monterey County are supportive of a successful Resident Vessel Program. The success of the Resident Vessel Program is dependent upon individuals and private launch ramps adhering to the program requirements. To ensure success and continuation of the program, the following monitoring steps are included:

1. Conduct periodic verifications that enrolled vessels are stored at Lake Nacimiento and provide the vessel owner with 24-hour notice to make his/her enrolled vessel(s) available. This may include collection of global positioning system (GPS) data on vessel storage location and/or boat slip, and associated launch ramp facility to improve track-ability of this program.
2. Maintain a log of enrolled vessels and associated Resident Vessel Certificate and Affidavit unique identification number, bands issued and removed, potentially non-compliant vessel renewal screenings and revoked Resident Vessel Certificate and Affidavit via the Mussel Coordinator’s record of the same.

3. Mussel Coordinators will be asked to report suspected incidents of non-compliance to SLO District within 24 hours and to submit monthly records (log of vessels that have left the property and banding issuance/removal information) by the 4th Friday of each month.
4. SLO District will initiate a quality control program among the private ramps to verify that the standards set forth in both the Mussel Prevention Program and the Resident Vessel Program are being followed.
5. SLO District will alert area lakes about the Resident Vessel Program and have them flag the enrolled vessels in their tracking system and notify Monterey County Parks Department or SLO District if any enrolled vessels attempts to launch at their lakes.
6. Monterey County Parks Department may run enrolled vessels through their vessel tracking system to determine if vessels are identified as having left the area.



Adhering to the Resident Vessel Program and the overall Mussel Prevention Program is of utmost importance to in order to protect Lakes Nacimiento and San Antonio.

It is SLO District's intent that the Resident Vessel Program is a welcome option for eligible lakeside communities and property owners and is viewed as an enhancement to protecting the lake from invasive species. However, depending on the circumstances, non-compliance with the program requirements by individual enrolled vessels can be grounds for removal of the affiliated private launch ramp from the Resident Vessel Program, and possibly loss of the private launch privilege to the lake.

The Resident Vessel Program is proposed to be in effect for the 2012 boating season. Upon publishing of this document, the 2012 Resident Vessel Program is subject to adaptive management in its initial implementation.

* * *

ATTACHMENT A

Communities/Easement Ramps Eligible to Participate in Resident Vessel Program as of May 2012

Community	Primary Contact as of May 2012
Cal Shasta *	Phil Humfrey
Christmas Cove *	Claire Simoulis
Heritage Ranch HOA *	Martin Rowley
Northshore S & B *	Ray Green
Oak Shores *	Dennis Javens
Running Deer Ranch *	Chuck Enterline
South Shore Village *	Debbie Kopack
Tri Counties Club *	Eric Gamble
Laguna Vista Boat Club *	Bill Capps
Easement Ramp	Primary Contact as of May 2012
Rancho Del Lago	Russ Johnson
Private Ramp near Running Deer	Dave Kinman
Private Ramp	Ronald Stephenson
Private Ramp	Bart Matta
Private Property w/ramp	Don Andre
Private Property w/ramp	Dave Dellamora
Private Property w/ramp	Mike McDermot
Private Property w/ramp	Mike and Lina Vaughn
Private Property w/ramp	Tom Vaughn
Private Ramp near Bee Rock	Jay Slater
Happy Landing	Dennis Stinnette

* Organizations with established boards use sample Resolution Attachment B-1; others to use sample Resolution Attachment B-2. It is understood that "easement ramps" that lack an established board would have at least 75% of the properties with easement rights to the ramp sign Resolution Attachment B-2 as a program enrollment step.

RESOLUTION No. _____
of Community Participation in the
Nacimiento Resident Vessel Program

The Board of Directors of _____ who have control of _____ launch
[community name] [no. of ramp(s)]
ramp(s) hereby offer and read the following:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District (SLO District) has established a “Nacimiento Resident Vessel Program” in conjunction with Monterey County Parks Department’s Quagga and Zebra Mussel Prevention Program; and

WHEREAS, participation in the Resident Vessel Program is available to Nacimiento lakeside community members that:

1. Provide proof of membership, ownership, or other formal affiliation with this community and that comply with all community requirements in said program, as described in Exhibit A – Nacimiento Resident Vessel Program.
2. Provide current vessel ownership/registration documentation as described in Exhibit A.
3. Attend a Mussel Awareness Class as described in Exhibit A.
4. Sign an “Affidavit of Resident Vessel Owner” which itemizes the program limitations, conditions, repercussions and penalties for failure to comply or transport enrolled vessels as described in Exhibit A.
5. Ensure that enrolled vessels successfully pass an initial mussel screening/inspection by a Certified Screener as described in Exhibit A.
6. Have a completed “Resident Vessel Certificate and Affidavit” issued by the appropriate agencies as described in Exhibit A.
7. Maintain proof of participation on vessel at all times while on the lake, including the Resident Vessel Program Certificate and Affidavit and associated sticker.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of _____ hereby resolve to participate in the “Nacimiento Resident Vessel

[community name]

Program” at said community and resolve to comply with all of the Program requirements, including but not limited to:

1. Provide Certified Screeners/ inspectors to inspect/band vessels using our launch ramp.
2. Cooperate with SLO District in random quality control verifications by SLO District representatives.
3. Cooperate with SLO District in maintaining a log of vessels enrolled in the Resident Vessel Program.
4. Cooperate with SLO District in identifying and logging vessels that have had their Resident Vessel Program Certificate and Affidavit revoked for cause.
5. Designate a Mussel Coordinator and cooperate with Mussel Coordinator and Certified Screeners/ inspectors to remove null and void Resident Vessel Certificate and Affidavit and associated sticker.
6. Causing to be prominently displayed and posted proximate to launch ramp(s), signage describing the invasive mussel threat and what boaters must do to prevent the spread of invasive mussels.

The Community hereby designates _____ as the acting Mussel Coordinator.
[Name; must be certified Level I Screener]

The Community acknowledges that non-compliant vessels found associated with said launch ramp(s) could result in removal of Community from Resident Vessel Program.

Executed on _____ (day) of _____ (month) _____ (year) by:

President

Secretary/ Witness

Mussel Coordinator

RESOLUTION
of Privately Owned Launch Ramp ("Easement Ramp") Participation in the
Nacimientto Resident Vessel Program

The properties with easement rights to the ramp ([easement ramp address/ development name])who have control of
[no. of ramp(s)] launch ramp(s) hereby offer and read the following:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District (SLO District) has
established a "Nacimientto Resident Vessel Program" in conjunction with Monterey County Parks Department's
Quagga and Zebra Mussel Prevention Program; and

WHEREAS, participation in the Resident Vessel Program is available to eligible Nacimientto lakeside properties
with easement rights to a private launch ramp that:

- 1. Provide proof of membership, ownership, or other formal affiliation with this easement ramp and that
comply with all community requirements and other requirements in said program, as described in Exhibit A
- Nacimientto Resident Vessel Program.
2. Provide current vessel ownership/registration documentation as described in Exhibit A.
3. Attend a Mussel Awareness Class as described in Exhibit A.
4. Sign an "Affidavit of Resident Vessel Owner" which itemizes the program limitations, conditions,
repercussions and penalties for failure to comply or transport enrolled vessels as described in Exhibit A.
5. Ensure that enrolled vessels successfully pass an initial mussel screening/inspection by a Certified Screener
as described in Exhibit A.
6. Have a completed "Resident Vessel Certificate and Affidavit" issued by the appropriate agencies as
described in Exhibit A.
7. Maintain proof of participation on vessel at all times while on the lake, including the Resident Vessel
Program Certificate and Affidavit and associated sticker.

NOW, THEREFORE, BE IT RESOLVED by

[individual's name] of the [easement ramp address/ development name] easement ramp

hereby resolves to participate in the "Nacimientto Resident Vessel Program" and to provide Certified Screeners/
inspectors to inspect/band vessels using this easement ramp.

- 1. Cooperate with SLO District in random quality control verifications by SLO District representatives.
2. Cooperate with SLO District in maintaining a log of vessels enrolled in the Resident Vessel Program.
3. Cooperate with SLO District in identifying and logging vessels that have had their Resident Vessel
Program Certificate and Affidavit revoked for cause.
4. Designate a Mussel Coordinator and cooperate with Mussel Coordinator and Certified Screeners/
inspectors to remove null and void Resident Vessel Certificate and Affidavit and associated sticker.
5. Causing to be prominently displayed and posted proximate to easement ramp(s), signage describing the
invasive mussel threat and what boaters must do to prevent the spread of invasive mussels.

The Easement Ramp designates [Name; must be certified Level I Screener] as the acting Mussel Coordinator.

The owner(s) of the properties with easement rights to the Privately Owned Launch Ramp acknowledge that non-
compliant vessels found associated with said easement ramp(s) could result in removal of easement ramp from
Resident Vessel Program.

Executed on (day) of (month) (year) by:

Name

Witness

Mussel Coordinator



2012 Resident Vessel Enrollment Application

RESIDENT VESSEL INFORMATION		
Applicant Name (As it appears on DMV Vessel Registration):		
Lakeside Community or Easement Ramp Name:		
Applicant Mailing Address (as it appears on DMV Vessel Registration)		
(city)	(state)	(zip code)
Home Phone:		Cell Phone:
Email Address (optional):		
Vessel #1 CF No.	Vessel Type:	Trailer License No.

Address Where This Vessel is Stored:

If applying to enroll more than one vessel, fill out the following:

Vessel #2 CF No.	Vessel Type:	Trailer License No.
Address Where This Vessel is Stored:		
Vessel #3 CF No.	Vessel Type:	Trailer License No.
Address Where This Vessel is Stored:		

Submit this Application with the following documents:

- Provide proof of membership, ownership, or other formal affiliation at participating community or easement ramp listed above.
- Provide proof of current vessel ownership/registration documentation with registered storage address matching address of lakeside property ownership (Note: DMV registered mailing address can differ from vessel registration address).
 - I've submitted the Change of Address DMV14 form, but have not received updated registration documentation yet.

If accepted into the Resident Vessel Program, I, the Applicant and Vessel Owner, agree to the following:

- Attend a Mussel Awareness Class and produce a valid photo identification for admittance to the class.
- At the Mussel Awareness Class, provide copy of current, valid Vessel Screening Permit certified by a Certified Screener/inspector for each vessel you wish to enroll.
- At the Mussel Awareness Class, execute two Resident Vessel Certificate and Affidavits and have the documents notarized.
- Each enrolled vessel will be issued a unique certificate/identification number and sticker which is to be placed directly next to the DMV registration sticker on the left side/port side of the hull.
- Vessel Owner shall allow SLO District to verify vessel storage location. Each enrolled vessel is subject to random verification of storage location with 24-hour advance notification by SLO District.

I declare under penalty of perjury that the statements made herein by me are true and correct and that all documents submitted herewith are true and correct copies of documents issued to me. I understand that I am applying to voluntary participate in the Resident Vessel Program and if I am accepted into the Resident Vessel Program, I must adhere to the standards which govern it. I also understand that if I do not comply with program standards and my Resident Vessel Certificate and Affidavit is revoked, the associated enrolled vessel shall not be able to launch at Lake Nacimiento for a period of six months.

X _____ Signature of Vessel Owner	Date:
Vessel Owner Name (printed):	

2012 Resident Vessel Enrollment Application (cont'd)

**MAIL completed application and required documents to
San Luis Obispo County Flood Control and Water Conservation District for review:**

San Luis Obispo County Public Works Department
Attn: Carolyn Berg, Mussel Prevention Coordinator
County Government Center, Room 207
San Luis Obispo, CA 93408

Thank you for completing and submitting this application form, for your continued support of the Mussel Prevention Program, and for protecting Lake Nacimiento. You will be contacted by SLO District or your community's Mussel Coordinator about attending the required Mussel Awareness Class. Feel free to call the Mussel Prevention Program Hotline (805) 788-6006 to speak to a team member or to get answers to any questions you may have.

FOR SLO DISTRICT USE ONLY

Received on:	Received by:	Review start:
Review completed on:	Is Vessel/ Vessel Owner Eligible for RVP? Y / N	Entered into SLO District database on:
Ready for Mussel Awareness Class enrollment:	Mussel Awareness Class scheduled for:	Resident Vessel Certificate and Affidavit provided to Level I Instructor on:

TO BE PROVIDED BY SLO DISTRICT UPON ACCEPTANCE INTO PROGRAM (this is just a sample for reference)

CERTIFICATE NO. 2012-XXXXX



2012 RESIDENT VESSEL CERTIFICATE AND AFFIDAVIT

I, [redacted], hereby certify that I own the enrolled vessel identified as CF No. [redacted].

Vessel Type [redacted] and that said vessel is stored at (storage address): [redacted]

[redacted] and launched from the [redacted] launch ramp at Lake Nacimiento.

I also certify that by executing this Resident Vessel Certificate and Affidavit, this vessel shall remain stored at the above address and only be launched at Lake Nacimiento. If the vessel is removed from the Lake Nacimiento watershed, I shall notify SLO District (805) 788-6006 and my Mussel Coordinator; I shall have the enrolled vessel banded by a Certified Screener before leaving the watershed. Upon return to the lake, I shall make arrangements with a Certified Screener to inspect this enrolled vessel. ONLY A CERTIFIED SCREENER MAY REMOVE THE BAND AND CERTIFY THE VESSEL FOR RE-ENTRY. I understand that if the band is tampered with, removed by anyone other than a Certified Screener, or if the enrolled vessel fails to pass its re-entry screening, then this Resident Vessel Certificate and Affidavit is rendered null and void and will be revoked and the Resident Vessel Program sticker will be removed by my Mussel Coordinator and/or Certified Screener.

I also understand that, given 24-hour advance notification at the phone numbers indicated below, I shall make the enrolled vessel available to SLO District for random verification of its storage location.

I also understand that if I am granted a Resident Vessel Certificate and Affidavit and I fail to comply with any of the conditions listed above I will have my Resident Vessel Certificate and Affidavit revoked for the remainder of the Program Year (i.e. through April 30th). Should I fail to comply with the Resident Vessel Program conditions, I grant the Certified Screener(s), Mussel Coordinator, and/or SLO District representative the authority to remove the enrolled vessel stickers. I further understand that if I do not comply with program standards, and my Resident Vessel Certificate and Affidavit is revoked, the associated Enrolled Vessel will not be able to launch at Lake Nacimiento for a period of six months.

Home Phone # ([redacted]) - [redacted] Cell Phone # ([redacted]) - [redacted]

[redacted] (Vessel Owner Signature) [redacted] (Vessel Owner Name) [redacted] (Date)

State of California NOTARY ACKNOWLEDGMENT FOR VESSEL OWNER'S SIGNATURE County of [redacted].

On [redacted] before me, [redacted] personally appeared [redacted] (insert name and title of the officer)

[redacted], who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

TO BE COMPLETED BY MUSSEL AWARENESS CLASS INSTRUCTOR:

The Vessel Owner indicated on page 1 of this Resident Vessel Certificate and Affidavit has completed the required Mussel Awareness Class on [REDACTED] (date of class) conducted on behalf of the San Luis Obispo County Flood Control & Water Conservation District (SLO District).

By checking this box, I (the Mussel Awareness Class Instructor) hereby certify that the SLO District approved me as a representative instructor and that I am certified as a Level I Training Instructor under the Pacific States Marine Fisheries Commission (US Fish and Wildlife Service and 100th Meridian) Level II Watercraft Inspection and Decontamination Training for Zebra/Quagga Mussels.

(Instructor Signature)

(Instructor Printed Name)

(Date)

SLO DISTRICT CERTIFICATION AND APPROVAL:

The required documentation for the Vessel Owner indicated on page 1 of this Resident Vessel Certificate and Affidavit has been verified on [REDACTED] (date) and approved for enrollment in the Resident Vessel Program by the San Luis Obispo County Flood Control & Water Conservation District.

Resident Pass Number Assigned to this Vessel: [REDACTED]

(SLO District Signature)

(SLO District Representative Printed Name)

(Date)

INSTRUCTIONS:

SLO District has issued two originals of this Resident Vessel Certificate and Affidavit to eligible vessel conforming to Program requirements, which will be distributed after completion of the Mussel Awareness Class. Upon verification of remaining Program requirements being met, Level I Training Instructor shall execute the two original Resident Vessel Certificate and Affidavits and verify the date of completed Mussel Awareness Class.

Vessel Owner shall execute two original Resident Vessel Certificate and Affidavits and have both notarized.

*Vessel Owner shall **return one original, fully executed Resident Vessel Certificate and Affidavit to SLO District.** SLO District will provide a Resident Vessel Program sticker upon receipt of one original, fully executed Resident Vessel Certificate and Affidavit. Resident Vessel Certificate and Affidavit must be received by SLO District before Vessel Owner and his/her vessel is considered an Enrolled Vessel in the Resident Vessel Program.*

Draft Notice to Residents Not Signing the Resolution – Mussel Prevention Program Resident Vessel Program Easement Ramp Enrollment

COUNTY LETTERHEAD

DATE

RESIDENT NAME

RAMP/ "COMMUNITY" NAME (if applicable)

ADDRESS PER TAX RECORDS

CITY, STATE, ZIP CODE

ATTENTION: Constructive Notice of Mussel Prevention Program Requirements/
Intent to Enroll Launch Ramp in Resident Vessel Program

Dear NAME:

Lake Nacimiento faces a serious threat – invasive mussels. This letter provides information on our local Mussel Prevention Program, informs you of the intent to enroll your shared boat launch ramp in the Resident Vessel Program (RVP), and identifies the serious consequences of non-compliance with either.

Maintaining a mussel-free lake is paramount to the lake's well being; therefore, the County takes incidents of non-compliance with the prevention program (i.e. mandatory boat inspections or RVP requirements) very seriously. In accordance with San Luis Obispo (SLO) County Code, Chapter 11.20.120, approved on May 11, 2010, non-compliance can result in:

- **Fines up to \$2,000**
- **Revocation of a boater's right to access the lake for six months**
- **Private launch ramp closure**
- **Infestation and closure (CDFG Code 2301) of Lake Nacimiento**

Attached are the current prevention program standards established by Monterey County Parks Department, and the RVP requirements established by SLO County.

The responsibility to protect the lake lies in the hands of those with the privilege of using the lake: lakeside residents and boaters/recreators. The responsibility includes controlling lake access by monitoring ramp traffic of the "resident vessels" and the regular boating traffic launching from your ramp. It also involves ensuring that all vessels undergo a screening/inspection prior to launching and that inspected vessels carry current, valid permit/certification on-board at all times.

At least 75% of the properties with easement rights to your shared launch ramp opted to participate in the RVP by signing the resolution, but were unable to obtain your signature. This letter is to notify you of your ramp's participation in the RVP. If you meet the RVP eligibility requirements (e.g. never boat outside of Lake Nacimiento), you

are welcome to apply for program enrollment. Otherwise, you are required to meet the mandatory inspection requirements of the general program.

Protect your lake by controlling your launch ramp access. Make sure all watercraft and equipment coming in contact with Lake Nacimiento have not been on infested water bodies and show up in a “cleaned, drained, and dried” condition.

Thank you in advance for your support and cooperation with the Lake Nacimiento Mussel Prevention Program.

Sincerely,

CAROLYN K. BERG
Mussel Prevention Program Coordinator
County of San Luis Obispo, Public Works Department
cberg@co.slo.ca.us
805.788.6006 (o)

[http://www.slocounty.ca.gov/PW/NacWP/Quagga-Zebra Mussel Info.htm](http://www.slocounty.ca.gov/PW/NacWP/Quagga-Zebra_Mussel_Info.htm)

Attachments: 2012 Mussel Prevention Program Standards
2012 Lake Nacimiento Resident Vessel Program
Mussel Prevention Program Information Packet

cc: **Name**, Mussel Coordinator for **COMMUNITY**

File: NWP E.5.4.3.1



ATTACHMENT 7.a
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC
WORKS

Paavo Ogren, Director County Government Center, Room 207 • San Luis
Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

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

TO: Nacimiento Project Commission

FROM: Paavo Ogren, Director of Public Works

SUBJECT: Fiber Optics MOU

DATE: August 23, 2012

Recommendation

That your Commission approve the attached Fiber Optics MOU with modifications that you deem appropriate, if any.

Background

The staff report on the draft MOU and associated information (separate attachment to the agenda package) were considered by the Technical Support Group at their meeting of August 9, 2012. After discussion, the TSG decided to unanimously recommend that your Commission approve the draft MOU, with modifications, so that revenue sharing of future 3rd party net revenues, if any, will be addressed by all parties in a collaborative manner at the time that a third party agreement is being developed.

As a result, the following page provides edits to the draft MOU that your Commission may wish to consider to approve the MOU as recommended by the TSG.

Modify the following "Whereas"

~~WHEREAS, in recognition of the facts that 100% of future revenues of new participants in the Project will be provided to the benefit of the Project Participants and not the County, nor the District which is contributing in excess of \$1 million per year, and that no additional costs were incurred by the Project for the request of GSA IT, any revenues developed from third parties after subtracting costs (i.e. net revenues) are appropriately shared 20% with the Project Participants by the County.~~

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Alternatively,

WHEREAS, in recognition that all parties, including the Project Participants, the District and County have worked cooperatively to develop funding for the Project and for the efficient development of fiber optics, it is appropriate that all parties work collaboratively to determine how any net revenues from 3rd parties, are to be shared at such time that agreements with 3rd parties are being developed.

Deleted: ¶

Modify Article 3.2.2.

~~3.2.2. To the extent that any other 3rd party revenues are generated from the use of the Fiber Optic Communication Element, 20% of the net of those revenues shall be paid to the District and used to offset Project costs incurred by the Project Participants and 80% of the net of those revenues shall be paid to the County.~~

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Alternatively,

3.2.2 To the extent that any other 3rd party revenues are generated from the use of the Fiber Optic Communication Element, the District, the County, and the Nacimiento Commission, on behalf of the Project Participants, shall work cooperatively to determine appropriate sharing of those revenues at such time that agreements with 3rd parties are being developed.

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ATTACHMENT 7.b

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director County Government Center, Room 207 • San Luis Obispo CA
93408 • (805) 781-5252

Fax (805) 781-1229

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

TO: Nacimiento Project Commission

FROM: Scott Duffield, Project Manager

VIA: Dean Benedix, Utilities Division Manager

SUBJECT: Intake Pipe Repair

DATE: August 23, 2012

Recommendation

We recommend that your honorable Commission approve the Intake Pipe Repair Project that is anticipated to be considered by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District (District) on August 28, 2012, to:

1. Approve and execute Amendment No. 27 to the Agreement for Professional Engineering Services with Black & Veatch Corporation in the amount of \$0.00 for Design and Construction Support Services; and
2. Approve and execute a contract for the repair of the Nacimiento Water Project Intake Pipe, with Overland Contracting Inc., of Conyers, Georgia, for the Contract Price of \$0.00.

Discussion

Amendment No. 27 to the existing Agreement for Professional Engineering Services with Black & Veatch Corporation (Designer) is a settlement of any and all disputes between the District and the Designer arising out of the intake pipe collapse incident. The Amendment provides for the repair and correction of the Intake Pipe damage through a no bid/zero cost contract between the District and Overland Contracting Inc., ("OCI"), a California-licensed engineering contractor that is a wholly-owned subsidiary of Black & Veatch. OCI will be responsible for performing all the work required to correct and repair the Intake Pipe. The work will be performed at no cost to the District and at the sole cost of Designer. The Designer will guarantee the performance of OCI in completion of the work and

will guarantee the payment of any and all suppliers, subcontractors or service providers of any type involved in the performance of the work.

Other Agency Involvement

Your Technical Support Group was given a report on this item at their August 9, 2012, meeting and supports the District's recommendation.

Financial Considerations

Since Amendment No. 27 and the repair contract will be undertaken at no cost to the District. In order to cover the District costs associated with the repair, the District has previously withheld \$294,974.18 from payments due to the Designer. If, upon Final Completion of the Intake Pipe Repair work, the actual costs incurred by the District total less than the withheld amount, the District shall pay the Designer the difference. If the actual costs incurred by the District are equal to or higher than the retention amount, then no payment shall be due Designer and no payment by Designer shall be due under Amendment No 27. We anticipate there will be no additional cost to the District because we believe sufficient funds have been withheld from payments to the Designer. Computation of the estimated and known District costs (\$265,104.00) is summarized in the attached Exhibit A.

Results

Approval of the recommended actions will provide for repair of the Nacimiento Water Project Intake Pipe. This will enable the Nacimiento Water Project to perform to its full capabilities, providing a reliable supplemental water source and ensuring a healthy, safe, and well-governed community.

ATTACHMENTS: EXHIBIT A – Estimated District costs
EXHIBIT B – Site and easement plot plan

* * *

Nacimiento Water Project
 Computation of Estimated District Costs Associated with Intake Pipe Repair
 300187.08.24

Estimated District Labor/Expense Costs - Design Phase

Description	FTE	\$/hour*	\$/Day	Est. Days**	Est. Cost
Project Manager (Duffield)	0.2	96.37	154.192	122	\$18,811
Right of Way Agent (Acosta)	1	124.51	996.08	2	\$1,992
Subtotal					\$20,804

Estimated District Easement Costs

Description		\$/Year	Est. Years**	Est. Cost
Temporary Construction Easement		\$20,358	0.5	\$10,179
Subtotal				\$10,179

Estimated District Labor/Expense Costs - Construction Phase

Description	FTE	\$/hour*	\$/Day	Est. Days**	Est. Cost
Project Manager (Duffield)	0.2	96.37	154.192	91	\$14,031
Construction Manager (Whalen)	0.25	120.35	240.7	91	\$21,904
Water System Worker (Chiaramonte)	0.4	84.08	269.056	91	\$24,484
Accounting Staff (Hall)	0.05	101.75	40.7	91	\$3,704
Description	FTE	\$/mile*	mile/Day	Est. Days**	Est. Cost
Travel (sedan)	0.2	0.53	90	91	\$868
Travel (1/2 ton truck)	0.25	0.52	90	91	\$1,065
Travel (1/2 ton truck)	0.4	0.52	90	91	\$1,704
Subtotal					\$67,759

Estimated District Environmental Labor/Expense Costs

Description	FTE	\$/hour*	\$/Day	Est. Days**	Est. Cost
Environmental Specialist (Wier)	0.2	93.89	150.224	91	\$13,670
Description	FTE	\$/mile*	mile/Day	Est. Days**	Est. Cost
Travel (sedan)	0.2	0.53	90	91	\$868
Subtotal					\$14,539

Estimated District Electrical Costs While Shut Down for Repair

Description		Rate Sch.	Fixed \$/Day	Est. Days**	Est. Cost
IPS		E19P	50	45	\$2,250
SYPS		A6X	30	45	\$1,350
RCPS		E19P	50	45	\$2,250
Subtotal					\$5,850

Estimated 3rd Party QA Inspector Labor/Expense Costs

Description	FTE	\$/hour	\$/Day	Est. Days**	Est. Cost
Shop Insp of Stiffener Ring	1	150	1200	1	\$1,200
Shop Insp of Pipe Sect 2	0.5	150	600	15	\$9,000
Pipe Sect 4 Rehab	1	150	1200	10	\$12,000
Pipe Sect 3 Rehab	1	150	1200	5	\$6,000
Pipe Sect 2 Rehab	1	150	1200	5	\$6,000
Pipe Sect 3/4 Weld	1	150	1200	3	\$3,600
Pipe Sect 1 Weld	1	150	1200	2	\$2,400
Hydraulic Lines	1	150	1200	15	\$18,000
Description		\$/mile*		Est. Days**	Est. Cost
Mobilize to shop			200	2	400
Mobilize to field			200	4	800
Stay over			150	40	6000
Travel		0.53	50	50	\$1,325
Misc Office Expenses			20	50	1000
Subtotal					\$67,725

Actual District Costs as of March 4, 2012

Description	Cost	
Spec 1 - Dive work for valve A-V-0002 and Pipe Deformation Inspection (Attributed to B&V)	\$29,769	
Spec 2 - Attempt A-V-0008 Rotation / Add A-P-3001 Tether (Attributed to B&V)	\$22,000	
District - Labor, Equipment, & Expense Costs	\$20,266	
District - Third Party Review of Work Plan	\$6,214	
Subtotal		\$78,249

Total \$265,104

* Based on 2011-12 County Public Works Department Weighted Labor and Equipment Rates

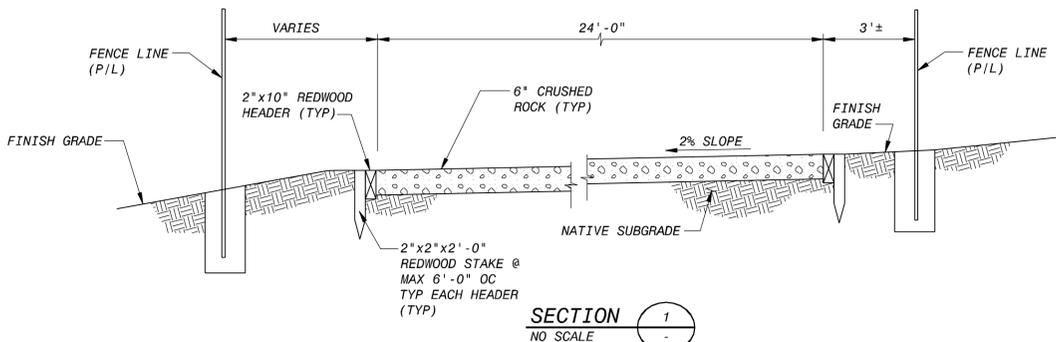
** Based on B&V Preliminary Project Schedule, February 2011



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	163.41	100.00	93°37'30"

LINE TABLE						
LINE	LENGTH	BEARING	START NORTHING	START EASTING	END NORTHING	END EASTING
L1	312.05	N80°20'11"E	2475832.85	5705288.42	2475780.47	5704980.80
L2	139.02	N31°20'15"W	2475780.47	5704980.80	2475661.73	5705053.10
L3	344.55	N83°32'47"E	2475661.73	5705053.10	2475700.45	5705395.46
L4	17.83	N05°47'04"W	2475815.11	5705290.22	2475832.85	5705288.42
L5	207.00	N80°35'26"E	2475760.38	5705610.27	2475726.53	5705406.06
L6	222.17	N80°35'26"E	2475700.45	5705395.46	2475736.77	5705614.64

* TABLE DATA BASED ON EDGE OF CRUSHED ROCK



SECTION 1
NO SCALE



0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE

NO.	BY	CHK	APP



BLACK & VEATCH
building a world of difference™

ENERGY WATER INFORMATION GOVERNMENT

BOYLE
ENGINEERING CORPORATION

NWP NACIMIENTO WATER PROJECT
San Luis Obispo County, Fish Control & Water Conservation District

**UNIT A - INTAKE PUMP STATION
CIVIL
GRADING PLAN AND ROAD SECTION**

DESIGNED: RWT
 DETAILED: SIMM
 CHECKED: RWT
 APPROVED: RWT
 DATE: 05/09/07

BV PROJECT NO.
137522

NWP PROJECT NO.
300187.08

SPEC
02

A-C102
SHEET
42 OF 179

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D137522