

December 19, 2025

Monterey County Water Resources Agency
Board of Directors
PO Box 930
Salinas, CA 93902

Attention: Board of Directors:

Mike LeBarre, Chair	Matthew Simis, V. Chair
John Baillie	Jon Conaster
Ken Ekelund	Mark Gonzalez
Mike Scattini	Jason Smith
Diedre Sullivan	

Dear Directors:

We write on behalf of a group of long-standing dock owners and lake users at Lake Nacimiento, many of whom have held dock licenses continuously for decades and have worked in good faith to comply with Agency requirements and to steward the reservoir responsibly.

We fully recognize and support the Agency's authority – and obligation – to regulate dock construction and operation in order to protect public safety and the environmental quality of Lake Nacimiento. We share those goals and have no interest in avoiding compliance with reasonable standards. Our purpose in writing is to request clarification regarding the Agency's recent enforcement of dock flotation requirements, and to respectfully propose a transitional approach that aligns enforcement with principles of notice, reliance, and practical feasibility.

Background and Concern

In recent months, a number of licensed dock owners received correspondence indicting that docks utilizing unencapsulated Styrofoam flotation are now considered non-compliant under Ordinance 4065 (as amended), and may be subject to penalties or license revocation absent corrective action. For many recipients, this was the first time such a deficiency has been identified, despite the fact that these docks have been licensed and relicensed annually – often for many years – without prior written notice, citation, or conditional approval relating to flotation materials.

We understand that Ordinance 4065 contains material standards applicable to licensed docks. However, the practical reality is that a significant number of docks currently identified as non-compliant were originally licensed prior to the adoption of Ordinance 4065, or were licensed and renewed repeatedly thereafter without objection to flotation materials that were open, visible, and known to exist. Many of these docks have been well-maintained, seasonally removed when not in use, and have not posed safety or navigational hazards.

The sudden application of enforcement, without an announced policy change, compliance timeline, or prior notice has created substantial uncertainty and financial strain for owners, with retrofit costs commonly ranging from \$4,000 to over \$10,000 per dock

Core Requests for Clarification

To allow dock owners to respond constructively and responsibly, we respectfully request clarification on the following points:

1. Enforcement Basis and Process

Please clarify how the flotation requirement is evaluated during the license renewal process, what standards or inspection criteria are currently being applied, and whether a change in enforcement policy or inspection practice has occurred recently.

2. Notice and Reliance Considerations

Given the history of repeated license renewals without flotation-related finding, how does the Agency account for reasonable reliance by licensees who believed – based on Agency action – that their docks were in compliance?

3. Compliance Expectations and Timeline

What specific corrective actions are required, and within what timeframe, before a dock is deemed subject to enforcement action or license revocation?

Proposed Path Forward: Transitional Compliance

We respectfully submit that the most effective and defensible approach is not immediate punitive enforcement, but rather the adoption of a **clear, uniform transitional compliance framework**, such as:

- A **phased compliance schedule** (e.g., 24 – 36 months) allowing owners to plan, budget, and perform retrofits responsibly;
- Defined **interim safety expectations**, with continued licensing conditioned on good-faith progress toward compliance;
- Consideration of **case-specific hardship or variance mechanism**, where appropriate;
- Clear written guidance so that all licensees understand expectations going forward.

Such an approach would preserve the Agency's regulatory authority, advance environmental and safety objectives, and avoid unnecessary disruption or conflict – particularly where past Agency conduct reasonably led licensees to believe their docks were acceptable.

Commencement to Cooperation

We wish to emphasize that dock owners are committed to cooperating with the Agency, maintaining safe conditions on the lake, and working toward full compliance. Our request is not for exemption, but for **clarity, predictability, and reasonable transition** consistent with longstanding principles of administrative fairness.

We respectfully ask that these issues be discussed at the upcoming Board meeting, and that affected licensees be given an opportunity to engage constructively with the Agency on a path forward.

Thank you for your time, your service, and your consideration of this matter.

Respectfully submitted,

	RICHARD HART 1/06/26

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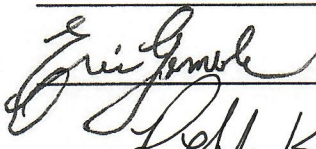
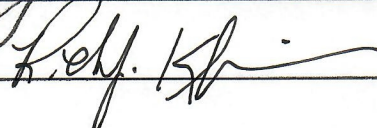
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	TRI-COUNTIES CROB, INC.	Eric Gamble
	Tri counties Club, Inc	Rick Kleinsasser

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Scott Johnson

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Ronnie Gymbble	Ronnie Gymbble 1-6-25

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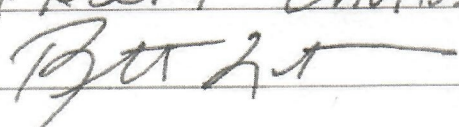
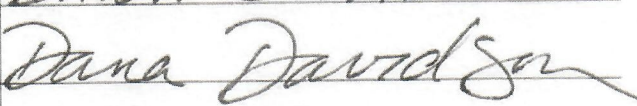
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ROBERT DAVIDSON	DANA DAVIDSON
	

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