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1 Public Hearing
 2 STATE WATER RESOURCES CONTROL BOARD
 3 DIVISION OF WATER RIGHTS
 4 STATE OF CALIFORNIA

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8 Subject: Amendment of City of Los Angeles'
 9 Water Rights Licenses for Diversion of Water
 10 from Streams that are Tributary to Mono Lake

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14 Held in
 15 Ackerman Union Building, UCLA
 16 Los Angeles, California

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20 Tuesday, October 4, 1993
 21 1:00 p.m.

VOLUME I

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APPEARANCES

Board Member:

MARC DEL PIERO

Staff:

- DAN FRINK, Counsel
- JAMES CANADY, Environmental Specialist
- STEVE HERRERA, Environmental Specialist
- RICHARD SATKOWSKI, Engineer
- HUGH SMITH, Engineer

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1 MONDAY, OCTOBER 4, 1993, 1:00 P.M.
 2 --oOo--
 3 MR. DEL PIERO: Ladies and gentlemen, we are going to
 4 begin the hearing. If you will all take your seats, we will
 5 appreciate it.
 6 Good afternoon. My name is Marc del Piero. I am a
 7 member of the State Water Resources Control Board.
 8 This is the first of three sessions scheduled by the
 9 State Water Resources Control Board for receiving policy
 10 statements from individuals and organizations interested in
 11 issues relating to water diversions from the Mono Lake
 12 Basin.
 13 As I indicated, I am on the State Water Resources
 14 Control Board, actually, I am Vice Chairman. The current
 15 Chairman, Mr. John Caffrey of our Board, extends his
 16 compliments to everyone who has chosen to come and
 17 participate in this hearing today.
 18 With me today are some excellent staff individuals
 19 who have been assigned to work on this matter with me. We
 20 have two environmental specialists, Jim Canaday and Mr.
 21 Steve Herrera; and two additional staff members who are
 22 engineers working on this project, Richard Satkowski and
 23 Hugh Smith.
 24 And finally, to my immediate right is my good friend
 25 and staff attorney for this matter, Dan Frink.

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1 So that everyone has at least some information, I am
 2 going to read, the prepared statement that I am obliged to
 3 read into the record for just a moment and indicate that
 4 oftentimes during the course of water rights hearings that
 5 people are interested in knowing what the State Water
 6 Resources Control Board is and why it is that I and my
 7 colleagues on the Board are chosen to render decisions in
 8 regard to water rights.
 9 So, if I can just take a moment -- the State Water
 10 Resources Control Board is a five-member Board appointed by
 11 the Governor. The five members are appointed to categoric
 12 positions.
 13 One is required to be an attorney. I fill that
 14 position currently.
 15 One is required to be a water quality specialist.
 16 John Caffrey, our current Chairman, fills that capacity. He
 17 was formerly the Deputy Director of the California
 18 Department of Water Resources.
 19 Additionally, we have two engineers. One is required
 20 to be a civil engineer, who is John Brown. He served for at
 21 least three decades in the private sector and is a
 22 specialist in agricultural irrigation systems.
 23 Our other engineer is a gentleman named James
 24 Stubchaer. He spent 30 years as the Chief Engineer and
 25 Executive Officer for the Santa Barbara County Flood Control

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1 and Water Conservation District, as well as the Santa
 2 Barbara County Water Resources Agency.
 3 Then finally, we have one public member. Her name is
 4 Mary Jane Forster. She was to be with me here today, but
 5 because of an illness in her family, it is likely she will
 6 not be here during the afternoon session, but we expect her
 7 here for the evening session.
 8 The State Water Resources Control Board is an agency
 9 that is responsible primarily for areas related to water.
 10 First of all, we ultimately adjudicate water rights through
 11 the State of California. Appropriative permits for
 12 individuals wishing to take water from various creeks and
 13 rivers throughout the State of California fall under our
 14 jurisdiction.
 15 We're responsible not only for issuing those permits,
 16 but also, for modifying them on occasion when necessity

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demands.
 Additionally, the State Water Resources Control Board
 is more or less the appeals body for the nine Regional Water
 Quality Control Boards that exist around the State of
 California. The Regional Water Quality Control Boards are
 responsible for protecting water quality throughout the
 State. They deal with toxic contamination in water
 supplies, groundwater contamination, sanitary sewage
 discharges and the like.

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1 Our Board also developed policy and guidelines for
 2 them so that those policies and guidelines for the most part
 3 are implemented uniformly throughout the entire State of
 4 California.
 5 Now that I have said that, so everyone has an
 6 understanding of what the State Water Resources Control
 7 Board is, I would like to continue on with the prepared
 8 statement for the record.
 9 The State Water Board has been charged with the task
 10 of amending the City of Los Angeles' water rights in the
 11 Mono Lake Basin to include terms and conditions necessary to
 12 protect fishery resources in the affected streams.
 13 The State Water Board has also been charged with the
 14 task of considering the effects of water diversions on the
 15 public trust resources of the Mono Basin and protecting
 16 those public trust resources where feasible.
 17 This second task involves the difficult job of
 18 balancing the public interest served by the City of Los
 19 Angeles water diversions against the effects of those
 20 diversions on public trust resources.
 21 Considerable information regarding the background to
 22 this proceeding, the issues to be considered by the State
 23 Water Board and the Board's hearing procedure are provided
 24 in the June 30, 1993, hearing notice and the supplemental
 25 hearing notice dated September 2, 1993.

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1 As explained in those notices, the formal evidentiary
 2 hearing will begin on October 20 in Sacramento. I will be
 3 the presiding hearing officer there also.
 4 The proposed testimony and exhibits for the
 5 evidentiary hearing were required to be submitted by the
 6 State Water Resources Control Board by September 22, 1993.
 7 In contrast to the evidentiary hearing, the hearing
 8 session today is to provide an opportunity for the
 9 presentation of non-evidentiary policy statements.
 10 Presentation of policy statements will be subject to the
 11 following conditions:
 12 1. Policy statements will not be presented
 13 under oath.
 14 2. Persons making policy statements are not
 15 subject to cross-examination, although I, as
 16 the Hearing Officer, have the discretion to ask
 17 questions of those individuals for purposes of
 18 clarifying their views or positions.
 19 3. Policy statements may be used to present
 20 the views or position of the speaker but will
 21 not be considered factual evidence as part of
 22 the evidentiary hearing of the Board.
 23 And there's a fourth one that is not here -- all
 24 applause has to be saved for the Hearing Officer and no one
 25 else (laughter).

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1 The Board is scheduled to receive policy statements
 2 today through five o'clock, and then after we have taken a
 3 dinner break, we will begin again at seven and conclude at
 4 nine.
 5 Tomorrow, staff from the State Water Board and I will
 6 be in Mammoth Lakes for a hearing much like what is taking
 7 place here this afternoon and tomorrow evening.
 8 Today's session and the other policy statement
 9 sessions have been scheduled to provide an opportunity for
 10 interested persons to express their views to the Board
 11 concerning any of the issues involved in the process.
 12 Let me emphasize again, however, that this session is
 13 not for the presentation of technical information, but for

14 policy statements.
 15 In order to allow as many people as possible the
 16 opportunity to make a statement today, I have asked that
 17 the parties limit their policy statements to five minutes.
 18 If you wish to speak and you have not already done so, in
 19 the back of the room when you first walked in you will see a
 20 table with a bunch of blue cards. We have at least two
 21 staff people back there now to assist in filling them out.
 22 In order for you to make a presentation here today, you have
 23 to fill out a blue card so that I get the opportunity of
 24 practicing your name in announcing it for the record.
 25 A transcript of this proceeding is being prepared for

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1 the Board's review. Anyone who wishes a copy of the
 2 transcript for this session, or any of the other hearing
 3 sessions, should make their own arrangements with the court
 4 reporter, Ms. Alice Book, who is right below us here, to
 5 purchase a copy of the transcript.

6 With that, that concludes the formal statement I'm
 7 obliged to read into the record.

8 Do we have any staff comments, Mr. Canaday?
 9 MR. CANADAY: No.

10 MR. DEL PIERO: Okay. Are there any questions of
 11 anyone before we begin the formal policy hearing?

12 MS. TAYLOR: Are there copies of that formal
 13 statement?

14 MR. DEL PIERO: Yes.

15 MS. TAYLOR: Could I have that one?

16 MR. DEL PIERO: Can I give it to you at the end?

17 MS. TAYLOR: Yes.

18 MR. DEL PIERO: The first individual that I would
 19 like to call today to make a presentation is the Honorable
 20 James Strock. Mr. Strock is the Secretary of the California
 21 EPA. He is here on behalf of Governor Wilson.

22 MR. STROCK: Thank you, Mr. Chairman.
 23 With your leave, Mr. Chairman, in the interest of
 24 time, I would ask if you would let me submit my formal
 25 statement for the record and I will read from it.

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1 MR. DEL PIERO: That's fine.

2 MR. STROCK: In a more rapid way.

3 For the record, I am James Strock, Secretary for
 4 Environmental Protection and I appreciate the opportunity to
 5 appear before you as you make very critical decisions with
 6 respect to one of the great natural resources of California,
 7 indeed of the United States as a whole today.

8 From the standpoint of environmental regulation,
 9 there is tremendous complexity in the decisions before you.
 10 As you know, they go not only into areas of water quality in
 11 the traditional sense, but also, into fishery resource
 12 protection, habitat protection, species preservation, even
 13 air quality.

14 Then, to the next side very closely are issues of
 15 land use, water supply and the extraordinary vista presented
 16 visually to visitors to the area.

17 So, in sum, this is a very strong example of where
 18 the traditional boundaries of environmental law are breached
 19 and it is clear that your responsibility goes far beyond
 20 that of the water quality issues or the legal basis for your
 21 sitting here today.

22 The Draft EIR makes it clear that the various
 23 challenges can be met and we believe that the arguments are
 24 very strong for a target level of 6390 feet or higher to
 25 meet the various challenges before you.

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1 The Air Resources Board will report separately that
 2 such a level would allow the Mono Basin to meet the federal
 3 PM-10 standards for particulate matter and we believe that
 4 would lead to our ability to settle potential enforcement
 5 sanctions by the Federal Government in that regard.

6 We also believe that the 6390-foot level would meet
 7 requirements of the Forest Service and the State Department
 8 of Fish and Game.

9 As you know, there are also a great number of
 10 complexities at that or any other level. We believe that

11 there can be very strong mitigation measures taken as
 12 described in the EIR and we commend that to your attention.

13 Finally, I would make two points: The Governor and
 14 the administration would intend to work very closely with
 15 you and with members of the State Legislature, Mr. Katz and
 16 others, as well as federal officials in a bipartisan way to
 17 make your ultimate decision work at this or another level.

18 That would, of course, include funding commitments.

19 The Governor, both as United States Senator and
 20 today, is very committed to this very particular basin and
 21 will continue to be so.

22 And finally, I would stress the precedent-setting
 23 nature of your act because you will be held accountable in
 24 the future for the ability you have exhibited to apply a
 25 whole series of environmental requirements to a single

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1 ecosystem by a date certain, and I urge and fully believe
 2 that you will do that in a very responsible, indeed
 3 precedent-setting way.

4 MR. DEL PIERO: Thank you very much, Mr. Strock.
 5 If you would be kind enough to leave your statement,
 6 and you have a safe trip to San Francisco, Jim.

7 MR. STROCK: I would be pleased to answer any
 8 questions.

9 MR. DEL PIERO: Any questions by staff of Mr. Strock?
 10 No. Thank you, again.

11 Next, I would like to introduce a good friend of
 12 mine, and also, a Legislator who is best characterized as
 13 both a prolific and talented Assemblyman, Richard Katz from
 14 Los Angeles. He is here to make a presentation also.

15 Welcome, Mr. Katz.

16 ASSEMBLYMAN KATZ: Thank you, Mr. Chairman. I
 17 appreciate your comments and the working relationship that
 18 my office has with the Board, and I very much appreciate
 19 your being here today, and our opportunity to testify as the
 20 Board contemplates an important decision on Mono Lake.

21 Like many people here, I have spent a great deal of
 22 time and energy fighting a stubborn bureaucracy that I think
 23 is determined to fall on its sword in order to continue
 24 bringing water from the Mono Basin. LADWP, frankly, seems
 25 more interested in paying their lawyers to fight a losing

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1 battle than in applying real and available solutions to a
 2 very critical problem.

3 In the past, the courts and the State Water Resources
 4 Control Board have recognized the integrity of the unique
 5 ecosystem in the Mono Basin, and I also applaud the thorough
 6 analysis provided in the Mono Basin Draft EIR. I really
 7 appreciate the work this Board has done, and your staff in
 8 particular. In putting that Draft EIR together and the
 9 alternatives and suggestions made in that document.

10 As you know, the Board has an historic opportunity to
 11 stop the ridiculous merry-go-round of litigation, and save
 12 the ancient Mono Lake ecosystem. Your conclusions ought to
 13 lead to an endorsing policy which would significantly
 14 restore the ecological balance to Mono Lake. A minimum lake
 15 level of 6390 is the only adequate level of the lake to
 16 restore this ecosystem, restore the fisheries and improve
 17 the air quality in more helpful standards.

18 Even with setting that level of 6390, L. A.
 19 Department of Water and Power would not be at a loss to
 20 replace water that would remain in the Mono Basin. DWP has
 21 had many opportunities which have been specifically created
 22 to bail them out, opportunities which have been obstinately
 23 ignored.

24 For example, in 1989, I co-authored along with now
 25 Congressman Bill Baker and Assemblyman Phil Isenberg, AB 444

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1 known as the Environmental Water Act. This act provided 60
 2 million dollars in funding for projects which contributed to
 3 the permanent protection of Mono Lake Basin by providing the
 4 City of Los Angeles with replacement water. Sixty percent
 5 of the funds were specifically earmarked for Los Angeles,
 6 giving DWP priority on these resources until June of next
 7 year. The City has had access to the resources and even

8 projects were pushed upon replacement water. They even have
9 a goal of recovering 40 percent of their water with
10 wastewater by 2010.

11 But it seems clear to most of us and I think to this
12 Board that DWP has no intention of reclaiming water that
13 could be considered replacement water for Mono Lake
14 diversions, even if the State picks up the tab.

15 While there are a number of facilities capable of
16 recovering wastewater, the East Valley Project or the West
17 Basin Project, just two that combine would be the equivalent
18 of 150,000 acre-feet of water.

19 DWP and the City were approached by West Basin to go
20 after AB 444 funds and use some of the projected 100,000
21 acre-feet of water that will be reclaimed to replace Mono
22 Lake water. They were turned down flat.

23 Nevertheless, the West Basin Project is going ahead
24 and will begin delivering reclaimed water next year.

25 If DWP had sought AB 444 money, 20,000 acre-feet of

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1 water would be available in 1994, 5,000 acre-feet more than
2 is needed to replace the amount of water that this debate is
3 over.

4 The East Valley Project, which is capable of
5 providing up to 50,000 acre-feet of water for Los Angeles is
6 still on the drawing boards. It is two to three years
7 behind the West Basin Project, yet it is half the size and
8 requires one-quarter of the funding. It is not difficult to
9 see where DWP is interested in spending ratepayer
10 money. DWP is willing to pay top dollar for the printing and
11 the books they prepared for this hearing certainly back that
12 up.

13 Reclamation seems to be an unwanted stepchild and it
14 just doesn't add up. It reflects political maneuvering and
15 deficient management, or both.

16 While the State has given L. A. the tools to replace
17 Mono Lake water, federal lawmakers have also provided
18 similar tools. Through HR 429, Congress handed DWR
19 financial opportunity as well as water markets to replace
20 the water from Mono Lake. Funding is available under the
21 federal act much like that money provided in AB 444.

22 While others enthusiastically seized this opportunity
23 to apply for millions of dollars to fund reclamation
24 projects, LADWP has reluctantly applied for \$250,000, not
25 nearly enough to cover their catering bills during the last

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1 strikes.

2 Legislation also removed barriers to a free market
3 for federal water. MWD recently put together a model
4 transfer under that act. DWP could do the same thing, or
5 they could work with us to create a State trading market to
6 avail themselves of water that would be available on a market
7 basis.

8 Instead, they buried their heads in the sand and
9 claimed no other viable solutions other than to hold fast to
10 a legally invalid, 53-year-old license to divert water.

11 Year after year DWP has purposely ignored the
12 alternatives and instead forged ahead in a battle of wits, a
13 battle which they have entered unarmed and which they have
14 virtually lost every step of the way.

15 Each solution handed to DWP could fully replace the
16 water which could be left in the Mono Basin while creating
17 jobs in Los Angeles. West Basin and East Valley Projects
18 combined could provide nearly 900 jobs in Los Angeles almost
19 immediately.

20 DWP can solve an endangered species problem, improve
21 air quality and provide a constant reliable water supply for
22 the City of Los Angeles and provide jobs.

23 DWP hasn't figured out yet for some reason that their
24 lawyers are the only ones who gain financially or by any
25 other measure by this continued battle.

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1 L. A. has spent 12 million dollars of ratepayer money
2 as of 1991, and that doesn't include all the activity in the
3 last two years, all that money being used to block
4 resolution for Mono Lake.

5 And while DWP may not get it, the ratepayers have
6 been getting it in the pocketbook for years.

7 It is interesting -- I think DWP may be genetically in-
8 capable of admitting their wrong, or giving up a right which
9 has been refused them by the court, by the Water Board and
10 virtually every other adjudicatory authority that has looked
11 at this issue.

12 I believe that it is up to you to take it from them.
13 They will not give it up on their own no matter how much it
14 costs or how wrong they are. It is up to the Water Board to
15 act, not only in the interest of Mono Lake and the
16 ecosystem, but it is up to you to act in what would be in
17 the best interests of the Los Angeles ratepayers as well.

18 I appreciate the decision you face. It is a critical
19 and historic decision as Secretary Strock said. I believe
20 the decision is clear cut and relatively simple. I urge you
21 to set a minimum lake level of 6390 feet, to join me in
22 demanding DWP utilize the available resources to secure
23 replacement water and free themselves from this stubborn
24 dependency on a unique and vital ecosystem.

25 Mr. Chairman, I appreciate the work the Water Board

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1 has done and the work that you will be doing before you
2 reach your decision on this issue.

3 As the Secretary said, there is a bipartisan
4 consensus in Sacramento willing to work with this Board and
5 with DWP, or in spite of DWP, to resolve this issue.

6 I look forward to working with you on a solution that
7 is not only good for ratepayers, but good for the ecosystem
8 and for once and all put what has, frankly, been a sorry
9 chapter in L. A. history behind us.

10 I appreciate your being here today and taking the
11 testimony.

12 MR. DEL PIERO: Thank you very much.

13 Let me just extend my appreciation to both you and
14 Secretary Strock for taking time out of what I know to be a
15 very busy schedule to be here today, both of you. Clearly,
16 you are hard-working representatives of voters and citizens
17 in the State of California. Both of you are to be commended
18 for taking time out to be here on special significant
19 issues.

20 All the Board, five of us, appreciate your
21 participation. Oftentimes we hold public hearings and
22 representations as important as yours are not present and
23 we appreciate both you and Secretary Strock being here today
24 very much.

25 ASSEMBLYMAN KATZ: Mr. Chairman, I appreciate that,

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1 and also, we do understand the work the Board is doing, and
2 whether it is Big Bear or Mono Lake, you and the Board and
3 the staff are traveling up and down the state trying to
4 resolve issues that if they were easy would have been
5 resolved a long time ago, so I appreciate your effort.

6 MR. DEL PIERO: The next speaker is a representative
7 of the Los Angeles City Council, Zev Yaroslavsky.

8 Good afternoon, sir.

9 MR. YAROSLAVSKY: Good afternoon. Thank you, Mr.
10 Chairman. Had I known you had a hearing tomorrow in Mammoth
11 Lakes, I'm always looking for excuses to go to Mammoth
12 Lakes.

13 MR. DEL PIERO: Do you want to come with us?

14 MR. YAROSLAVSKY: I will see what the latest bill
15 is and I may follow you very quickly.

16 I address you today as a member of the Los Angeles
17 City Council, and as a man of love. I am in love with the
18 Eastern Sierra, Mono Lake and the entire Mono Basin. I
19 believe that this area of our state is one of the most
20 beautiful and precious spots not only in the country, but in
21 the entire world.

22 The decision facing all of us is nothing less than
23 whether to save one of our planet's most unique
24 environmental resources or not.

25 Today I am representing myself as a public official

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1 and life-long resident of California. I am not here to

2 officially represent the City of Los Angeles. However, I
 3 have no doubt that the majority of the residents in my city
 4 would support the saving and preservation of Mono Lake.
 5 I come here today as well to advocate the
 implementation of the alternative contained in your Draft
 EIR which would permanently protect Mono Lake, the 6390-foot
 8 water level. I am saddened, not surprised, that the City's
 9 own Department of Water and Power is not in agreement with
 10 this position.
 11 I want to assure you most Los Angeles residents have
 12 long abandoned the philosophy of getting water at any
 13 environmental price in favor of a rational and balanced
 14 approach which both serve our City's water needs and without
 15 destroying precious natural resources.
 16 I reviewed the Draft EIR on Mono Basin and have
 17 studied the various alternatives contained in it. I urge
 18 the adoption of the 6390-foot water level because it is
 19 necessary in order to protect Mono Lake and the tributary
 20 streams for future generations.
 21 This water level would increase the productivity of
 22 the brine shrimp and alkali flies and restore the habitat
 23 for millions of migratory birds. Above all, it will reverse
 24 for all time Los Angeles's Department of Water and Power's
 25 dangerous and reckless policies which have jeopardized the

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1 scenic beauty, the animal life and the air quality of Mono
 2 Basin.

3 It is in the public's interest that we resolve this
 4 controversy as soon as possible. We have collectively
 5 spent, as you have heard, millions of dollars in legal and
 6 technical fees on this dispute, funds that would have been
 7 better used to identify other sources of water, or God
 8 forbid, lower water rates.

9 We now have an opportunity to develop alternative to
 10 Mono Lake diversions through conservation and reclamation
 11 projects, funding for which may be available through the
 12 Federal and State governments.

13 HR 429 and AB 444, which helped fund such efforts not
 14 only can help insure the City's water, but create much
 15 needed jobs in our recession.

16 Should the Board approve a lake level of 6390 feet,
 17 the City would be induced to take a more aggressive role in
 18 developing these alternatives.

19 I must be honest with this Board, unless the City's
 20 Department of Water and Power is forced to reduce Mono Lake
 21 diversions and develop alternative water resources, it will
 22 not do so.

23 To paraphrase William Mulholland, if you don't force
 24 them, they won't do it.

25 The adoption of the 6390-foot lake level need not be

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1 detrimental to the City of Los Angeles. On the contrary,
 2 our citizens have demonstrated their willingness and ability
 3 to massively conserve water when called upon to do so.

4 Los Angeles Department of Water and Power customers
 5 not only maintained a water conservation rate often in
 6 excess of 30 percent in the recent drought, but have
 7 maintained the incredible conservation rate in excess of 20
 8 percent since the drought ended, and I need not tell you
 9 that conservation effort represents far more water than
 10 would be required to restore Mono Lake to the desired 6390
 11 feet.

12 In addition, the City's Department of Water and Power
 13 has recently developed a new water rate structure which
 14 encourages conservation. We have gone to a pricing system
 15 where the more you use, the more you pay. The new rate
 16 structure appears to have caused a reduction in water use on
 17 a city-wide basis.

18 Although the rates have only been in place for a few
 19 months, it is estimated that we are, indeed, using far less
 20 water than before.

21 In conclusion, I would like to urge the Board to
 22 adopt the 6390-foot lake level alternative. Few of us are
 23 given the opportunity to make decisions in any area of
 24 endeavor which so fundamentally impact not only our

25 generation but future ones as well. This is one such case.

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1 We can mire ourselves in the costly legal squabbles and
 2 inertia for another decade as the Mono Basin ecosystem is
 3 further damaged or destroyed, or we can look out into the
 4 future and see a full Mono Lake, a Mono Basin without the
 5 debilitating dust storms and air pollution, a habitat full
 6 of life, and above all, our grandchildren and great
 7 grandchildren enjoying this precious resource as we have
 8 been privileged to do.

9 I thank you for giving me the opportunity to be heard
 10 this afternoon.

11 MR. DEL PIERO: Thank you very much, Mr. Councilman.
 12 My staff and I appreciate very much the opportunity
 13 to hold this hearing in Los Angeles, not only because you
 14 have a wonderful city, but we want to assure that all
 15 constituents of Los Angeles City Council are afforded the
 16 opportunity to come and present policy statements.

17 Our Board has historically held most hearings like
 18 this in Sacramento and we are making a concerted effort, as
 19 we did last week when I was up in Big Bear, to insure that
 20 all your constituents are afforded the opportunity to
 21 participate in State government.

22 And again, I want to express our appreciation to you
 23 for taking time out of your busy schedule to talk about such
 24 an important issue.

25 MR. YAROSLAVSKY: I appreciate it and I appreciate

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1 your being in my district, my alma mater. You hit the
 2 jackpot.

3 MR. DEL PIERO: We do appreciate it.
 4 Goldie Otters representing the League of Women Voters
 5 of Southern California.

6 MS. OTTERS: I live in San Pedro. I am on the Board
 7 of ENACT. The Environmental Action Committee for the League
 8 of Woman Voters in the Southern California area supports
 9 water resources management that conserves resources and is
 10 beneficial to the environment.

11 In considering the Draft EIR to amend the Department
 12 of Water and Power water diversion licenses from the Mono
 13 Basin, we urge you to select the minimum lake elevation of
 14 6390 feet. The minimum elevation for Mono Lake is needed to
 15 help restore the native habitat associated with the lake and
 16 its tributary streams, and increase productivity of the
 17 brine shrimp and the alkali fly.

18 In addition to the minimum lake level of 6390, the
 19 board recommends that Mono Lake be designated as an
 20 outstanding national water resource which will insure that
 21 this unusual and outstanding resource will be preserved at
 22 the natural salinity levels that make it so distinctive.

23 The loss of access to this water resource that will
 24 result in the minimal lake level of 6390 and designation as
 25 an outstanding national water resource will not have an

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1 adverse impact on water management in the Southern
 2 California area.

3 In addition, effectively implementing significant
 4 conservation efforts over the last few years, we have access
 5 to State and federal moneys to provide for greater local
 6 water self-sufficiency through conservation and reclamation
 7 projects.

8 Thank you for consideration of these comments.

9 MR. DEL PIERO: Thank you very much.

10 The next speaker is Martha Davis on behalf of the
 11 Mono Lake Committee. Welcome.

12 MS. DAVIS: Thank you very much.

13 My name is Martha Davis. For the past decade I have
 14 served as the Executive Director of the Mono Lake Committee.
 15 We appreciate your traveling so far to the south land today
 16 and giving all Los Angeles community an opportunity to speak
 17 to you about the future of Mono Lake.

18 As you know, the Mono Lake Committee is a party in
 19 the State Water Board's Mono Lake proceedings and will
 20 present formal testimony later this month.

21 My purpose in speaking today is to explain the

22 principles which have guided the Committee's efforts to
23 protect Mono Lake and why we believe a comprehensive and
24 lasting solution to this controversy will benefit both Mono
25 Lake and the City of Los Angeles.

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1 It has been 15 years since the Mono Lake Committee
2 was organized. Our goals from the very beginning were
3 twofold; first, to prevent destruction of Mono Lake by the
4 Los Angeles Department of Water and Power; second, to seek a
5 comprehensive solution that meets the real needs of Mono
6 Lake and the people of Los Angeles.

7 The Mono Lake Committee has been both persistent and
8 consistent in pursuing these goals. But faced with the
9 equally steadfast refusal of the L. A. Department of Water
10 and Power to consider cooperative solutions to the problem,
11 the Committee, joined by the National Audubon Society, the
12 many national, regional and local organizations, as well as
13 individual citizens, had no choice but to challenge DWP's
14 legal hold over Mono's water.

15 Despite the overwhelming inequity in resources, Mono
16 Lake Committee has prevailed over the DWP in the courtroom.
17 These decisions range from the 1983 unanimous Superior Court
18 decision ruling in favor of Mono Lake's protection by
19 providing the basis for these proceedings to the 1989
20 California Appellate decision which held that DWP's water
21 diversion licenses were illegal and ordered the restoration
22 of the streams and fisheries to the 1990 California Superior
23 Court injunction setting a minimum protective level for Mono
24 Lake and forcing Los Angeles to halt all water diversions
25 from Mono Basin.

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1 If the Committee's objective had been limited to
2 establishing the legal precedent for the protection of Mono
3 Lake, then we would have accomplished that many years ago.
4 But we define our goals more broadly and we believe more
5 responsively.

6 The Mono Lake Committee is part of the Los Angeles
7 and Southern California community. Long ago we recognized
8 that an environmentally responsible solution to this
9 controversy requires more than a permanent protection plan
10 for Mono Lake. It is essential that Los Angeles' real
11 water needs be met. And it is vital that Los Angeles'
12 problem not be transferred to another region of the state.

13 For these reasons, the Committee accepted the
14 traditional responsibility of seeking new sources of water
15 replacing L. A.'s diversion so as not to create
16 environmental problems in the San Francisco Delta or
17 elsewhere.

18 In pursuing these new supplies, we have also tried to
19 identify these resources that would provide additional
20 benefits to the Los Angeles community, benefits that are
21 economic as well as environmental.

22 Consistent with these principles, the Committee
23 turned to the California Legislature and Congress to secure
24 millions of dollars in funds to invest in development of new
25 locally controlled water supplies, such as water

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1 conservation and wastewater reclamation.

2 Our efforts have been supported and praised by a
3 broad array of California political leaders, from Governor
4 Pete Wilson to Congressman George Miller, and we have been
5 successful.

6 There is today at least 50 million dollars and as
7 much as 100 million dollars in State and Federal funds on
8 the table before the City of Los Angeles. These moneys are
9 dedicated to the development of more than 120 acre-feet
10 annually of new water supplies for Los Angeles, specifically
11 to replace the historic Mono Lake diversions and to
12 permanently protect Mono Lake.

13 As recognized in the Water Board's Draft EIR, by
14 using these funds, Los Angeles can replace many times over
15 the amount of water needed to protect Mono Lake even if all
16 diversions were halted from Mono Lake Basin.

17 There are, as well, considerable benefits to our Los
18 Angeles community of using these funds to resolve the Mono

19 Lake controversy. DWP can invest the million of dollars
20 available in developing urgently needed jobs for the Los
21 Angeles community. DWP can invest millions of dollars
22 available to Los Angeles in the development of a more than
23 reliable and drought proof water supply for our business
24 communities. In fact, by using the million of dollars
25 available to Los Angeles, DWP can help protect other

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1 important ecosystems here in Los Angeles such as the Santa
2 Monica Bay and at the same time insure that Los Angeles'
3 real water needs are met.

4 The controversy over Mono Lake has proven to be a
5 wrong and needlessly expensive process in terms of time,
6 energy and Los Angeles ratepayer dollars. It is time to
7 bring the Mono Lake issue to a responsible and long-overdue
8 close.

9 In a 1986 editorial the Los Angeles Times stated:
10 Mono Lake is a unique natural asset that must be protected.
11 Los Angeles must have an adequate water supply. Both can be
12 achieved. You have before you the opportunity, the means,
13 and the resources to achieve the resolution called for by
14 the Los Angeles Times.

15 We urge you, on behalf of the 18,000 members of the
16 Mono Lake Committee, and all the Los Angeles community, to
17 act in comprehensively addressing all the issues of Mono
18 Lake and bringing about a permanent resolution to this
19 controversy.

20 We appreciate your work and the work of your staff on
21 this issue, and we deeply appreciate the opportunity to
22 present our views today here in Los Angeles.

23 Thank you very much.

24 MR. DEL PIERO: Thank you very much.

25 The next speaker is Mr. Tom Soto on behalf of the

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1 Coalition for Clean Air.

2 MR. SOTO: Thank you for this opportunity to present
3 my testimony here this afternoon.

4 My name is Tom Soto. I am President of the Coalition
5 for Clean Air and Board Secretary of the Mono Lake
6 Committee.

7 I am also a former environmental adviser to former
8 Mayor Tom Bradley, so I am pretty familiar with this issue
9 from the City's point of view.

10 I would like to take time to recognize the testimony
11 of Secretary Strock representing Governor Pete Wilson. Let
12 me state that Governor Wilson has a long and active history
13 of support of the Mono Lake Committee. In fact, as Senator,
14 Pete Wilson co-authored legislation establishing Mono Basin
15 as a national forest scenic area. And this legislation is
16 one of the most pivotal events in Mono Lake history since it
17 affirmed a national and international interest in Mono
18 Lake's public trust resources.

19 And as Governor Wilson has been a staunch supporter
20 of the State and Federal legislation that made up the 60
21 million dollars available to the City of Los Angeles to
22 develop replacement water supplies for the protection of
23 Mono Lake, some 20 to 40 million of which is still
24 available, yet the Department of Water and Power refuses to
25 use it because in order to receive these funds, DWP would

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1 have to commit to a lake level that the Mono Lake Committee
2 agrees to.

3 The Coalition for Clean Air is the only state-wide
4 environmental organization whose sole agenda is to make
5 California's air more breathable. The Coalition has a long
6 history of taking policy and legal stands to improve air
7 quality in California.

8 As President of the Coalition for Clean Air, let me
9 say that my organization is greatly concerned with the
10 recent designation of Mono Basin as a non-attainment area
11 because of PM-10 violations. As you know, PM-10 is a
12 serious airborne pollutant. That includes lung irritants
13 such as dust, smoke, ash and condensing vapors. When
14 inhaled these microscopic particles lodge in the lungs and
15 affect respiratory function. Health effects from PM-10

16 exposure may vary from nasal irritation to emphysema and
 17 bronchitis.
 18 Recently the federal EPA found that particulate
 19 pollution may contribute to as many as 6,000 premature
 20 deaths in the United States each year. Children, the
 1 elderly and people with heart and lung disease are
 22 especially susceptible.
 23 Although PM-10 violation might be seen strictly as a
 24 health issue, by allowing these exceedences to continue, the
 25 State of California is in a vulnerable legal position which

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1 may put other future interests at risk, interests that may
 2 be related, for example, to federal transportation dollars.
 3 They may believe that by increasing the level to
 4 6390 it risks serious economic impacts. However, the City
 5 of Los Angeles will not be held solely responsible for the
 6 continued exceedences that will occur as a result of the low
 7 lake level. Please keep in mind that although the City of
 8 Los Angeles may have limited rights to the water feeding
 9 Mono Lake, the actual lakebed is owned by the State of
 10 California and is administered through the State Lands
 11 Commission.

12 For too long the City's Department of Water and Power
 13 has expended public resources in endless last-ditch efforts
 14 to continue to divert streams that feed Mono Lake, and each
 15 time they have lost in court. They have attempted to create
 16 hysteria by claiming that the City of Los Angeles economy
 17 will collapse as the result of these decisions.

18 Since the final court day in the Third Circuit, the
 19 City of Los Angeles has maintained a water conservation rate
 20 of at least 15 percent. At its peak the people of the City
 21 achieved a 30 percent reduction of water use, thus
 22 eliminating the need for Mono Lake water overall.

23 In addition, through Federal and State legislation,
 24 with the help of Governor Wilson, Congressman Miller,
 25 Assemblyman Katz and others, million of dollars have been

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1 set aside to purchase replacement water.
 2 Unfortunately, the City of Los Angeles continues to
 3 ignore these alternatives while playing Russian roulette
 4 with the health of the people in the Mono airshed.

5 We are no longer just talking about whether or not
 6 Mono Lake will live or die, but whether people will live or
 7 die. There is no question particulates are a definite cause
 8 of premature deaths and serious health complications. This
 9 is not a spotted owls issue. This is a spotted lungs issue.

10 The Coalition for Clean Air and the 2,000 members
 11 around the State call on this Board to support the staff's
 12 recommended lake level of 6390. This action may be taken in
 13 order to prevent the continuation of dangerous levels of
 14 particulate matter in the Mono Basin and premature deaths
 15 which result from this air pollution.

16 Thank you for your time and your consideration.

17 MR. DEL PIERO: Thank you very much.

18 I'm reminded that I am supposed to do something else
 19 that came up here in the course of the Big Bear hearings
 20 that I am obliged to do.

21 A number of people have asked what my background is,
 22 so I will just take 30 seconds and tell everyone that. I
 23 have been on the Board for two years. Currently I am Vice
 24 Chair of the Board.

25 I spent 11 years on the Monterey County Board of

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1 Supervisors and I have served on the committee that
 2 established the Monterey Bay sanctuary and I served for 11
 3 years on the Monterey County Water Resource Agency that is
 4 completely independent of all State and Federal water
 5 projects.

6 So, from that standpoint, we neither import nor
 7 export water under the jurisdiction I served on for over a
 8 decade. That is a question that rarely comes up during the
 9 course of the process.

10 Now that I have addressed it, we won't have to talk
 11 about it.

12 Catherine Hanson. Good afternoon.

13 MS. HANSON: Good afternoon. I am a native-born
 14 Californian, and the daughter of an avid lover of nature. I
 15 was privileged from an early age to know this state as a
 16 land of wonder and beauty.

17 I feel I must try, to preserve as much as is left for
 18 my grandchildren or for their children to come.

19 I have always, on my many many visits to Mono Lake,
 20 felt it a fascinating and scenic place and certainly one to
 21 be left in place for the generations of the future.

22 Mono Lake is a place filled with interesting fauna.
 23 I have a special interest in birds who travel so many miles
 24 to nest on its islands. I most sincerely request that their
 25 habitat be preserved. Please save Mono Lake, one of

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1 California's truly unique and wonderful natural areas.

2 Thank you.

3 MR. DEL PIERO: Thank you very much.

4 The next speaker is Mary Markus. Good afternoon.

5 MS. MARKUS: Good afternoon. Thank you for being
 6 here and letting us participate in this momentous decision.

7 I am here to tell you what I want you to do about
 8 Mono Lake. I want you to set the standard for the diversion
 9 of the lake's waters so that it will gradually be restored
 10 to its former condition as a precious jewel of the Sierra.

11 I remember going by Mono Lake as a child and being
 12 told that it was like the Dead Sea, salty, and by
 13 implication worthless.

14 We have learned so much about water in the last 50
 15 years. It is now feasible to permanently protect Mono Lake
 16 and consequently save the whole ecosystem of the Eastern
 17 Sierra. We don't need another Owens Valley disaster.

18 The birds, fish and animals that depend on this lake
 19 and its tributaries for survival need your support if they
 20 are to stay viable. As beautiful as the tufas are, they
 21 belong under water where they were formed.

22 Mono Lake is one of our outstanding wetlands which
 23 can be restored relatively easily, and without displacing
 24 people. We are not in the midwest.

25 In fact, it is already a great resource at the

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1 eastern entrance to Yosemite with many possibilities for
 2 recreational activities for asphalt-bound city dwellers.

3 It has such a mysterious and inspiring effect on
 4 people who visit it. It is like being in another world when
 5 you are walking around the lake or kayaking on it with the
 6 majestic mountains surrounding it.

7 When the birds are migrating in the spring and fall
 8 it provides them sustenance for their long trips north and
 9 south. The sea gulls who inhabit our coast depend on the
 10 islands of Mono Lake to rear their chicks.

11 Let us restore this treasure for the benefit of
 12 animals, birds and even the brine shrimp who depend on it,
 13 but especially for ourselves and our great grandchildren.

14 Thank you.

15 MR. DEL PIERO: Thank you very much, Ms. Markus.

16 John Mower, M-o-w-e-r. Perhaps he will be back
 17 later.

18 Larry Bacharach from the Los Angeles Area Chamber of
 19 Commerce. Good afternoon, sir.

20 MR. BACHARACH: Good afternoon. Thank you for coming
 21 down to Los Angeles. We certainly appreciate that.

22 My name is Larry Bacharach and I work for the Los
 23 Angeles Area Chamber of Commerce which represents the
 24 business communities for the Counties of Los Angeles,
 25 Orange, Riverside, San Bernardino and Ventura.

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1 The Chamber comes today with a concern about water
 2 reliability. As you are well aware, a reliable supply of
 3 water is vital to our economy. The economic impact of any
 4 water shortage is a prime consideration for companies when
 5 deciding whether or not to locate in Southern California.

6 Our Chamber spent the last three years carefully
 7 examining the water situation in California. After
 8 receiving comments from a broad spectrum of our members, we
 9 developed a water policy statement that stresses the need

10 for reliability in our water supplies.

11 To achieve that goal, the Chamber looks towards water
12 transfers, improved facilities, proper pricing strategies,
13 as well as conservation and improvements in water recycling.

14 The Chamber urges this Board to consider that water
15 diverted from Mono Basin for urban use carries a high value.
16 This water directly contributes to the area's water
17 reliability and economic viability. The Chamber is pleased
18 to expect that the Board will certainly consider all
19 scientific data available in rendering their decision.

20 And finally, the Los Angeles Chamber of Commerce
21 suggests that diversions from Mono Basin only be restricted
22 as replacement water becomes available through water
23 transfers, water recycling and any other innovative
24 programs. Such a phasing in of these reductions in
25 diversion will maintain water reliability and stimulate

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1 production of new sources of water.

2 So, if I might briefly summarize, while recognizing
3 environmental needs, consider that water to be used for
4 urban purposes carries a high value. Carefully analyze
5 scientific data when rendering your decision and phase in
6 reductions in supply as other sources of water become
7 available through wastewater reclamation, water transfers
8 and other innovative programs.

9 Again, we appreciate the opportunity to testify today
10 and your coming down to Los Angeles.

11 Thank you very much.

12 MR. DEL PIERO: Thank you very much.

13 Jan Chattin Brown.

14 MS. BROWN: Thank you. Good afternoon.

15 My name is Jan Chattin Brown. I am an attorney and
16 practice exclusively in environmental and natural resources,
17 but I am not here on behalf of a client, but rather, my
18 family.

19 We, like many others here, have a great appreciation
20 for this treasure that we have in the Eastern Sierras, and
21 others have and certainly will address why this is so
22 significant, but I want to address specifically why I
23 believe that it is in the best interests of the residents of
24 Los Angeles not only to protect this treasure, but also, to
25 provide an additional incentive for a more secure and less

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1 polluting water source.

2 First of all, of course, and that probably confuses
3 you when I say less polluting, there is no water that Los
4 Angeles enjoys generally more pure than the waters from the
5 Eastern Sierras, but what I am referencing is the fact that
6 there has been a great deal of discussion of water
7 reclamation and conservation and I am urging you to consider
8 a third option which is providing an incentive for the DWP
9 and other agencies to place a greater emphasis on stormwater
10 retention.

11 I have recently represented a group called Friend of the
12 Los Angeles River in opposing a proposed 200 million dollars
13 project by the Army Corps of Engineers and the County of Los
14 Angeles to build very large parapet walls along the Los
15 Angeles River to protect the adjacent communities in terms
16 of stormwater damage.

17 What we have urged is that instead a comprehensive
18 watershed management plan be adopted, and the adoption of
19 such a plan could be secure and reliable source of water
20 that would be replacement water for Mono Lake and I think
21 from your standpoint with water quality also under your
22 jurisdiction, a very important step in reducing discharges
23 both into Santa Monica Bay and into the Long Beach Los
24 Angeles Harbor area.

25 Since you have jurisdiction over the Regional Water

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1 Quality Control Board, of course, you are very conversant
2 with the fact that all jurisdictions now are in the process
3 of adopting and implementing regulations pursuant to the
4 Federal Clean Water Act to reduce damage from stormwater
5 discharges. If detention basins which have already been
6 identified, potential detention basins were constructed, it

7 would provide multiple benefits to residents of Los Angeles
8 and provide replacement water for Mono Basin.

9 The benefit would include, first, a more reliable and
10 secure source by recharging the groundwater basin. It would
11 reduce the cost of the stormwater requirements if we can
12 reduce discharge into the receiving waters.

13 And as has been referenced before, it would create
14 new jobs in the Los Angeles area with the construction of
15 these facilities.

16 These are not speculative. There have been many
17 potential facilities already identified and I think that an
18 additional incentive to DWP to work with other agencies such
19 as the West Basin Water Agency to seriously commit resources
20 necessary and potentially use AB 444 and HR 429 funds would
21 truly meet the multiple needs of the residents of Los
22 Angeles, and I urge you to consider that.

23 One comment with regard to the statement from the
24 representative of the Los Angeles Chamber of Commerce:
25 Certainly a reliable source of water is very important, but

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1 based upon the long history, and I was for many years with
2 the Los Angeles City Attorney's office and followed the
3 controversy about Mono Basin very closely, the reality is
4 that the Department of Water and Power needs to know that
5 they are going to have to find the replacement, and until you
6 act and set an adequate level, that we will continue to be
7 embroiled in litigation rather than creative problem
8 solving, so I, along with the many others here today, would
9 like to urge you to set a minimum lake level of 6390 feet.

10 Thank you very much.

11 MR. DEL PIERO: Thank you very much.

12 Ed Manning. Good afternoon, sir.

13 MR. MANNING: Good afternoon.

14 Mr. Chairman and members of the Board and staff,

15 thank you for coming down to Los Angeles today to give us
16 the opportunity to speak to you and give testimony.

17 As a resident of the City of Los Angeles and a member
18 of the Board of Directors of the Mono Lake Committee, I feel
19 it is especially important for people in Los Angeles to have
20 an opportunity to tell you their thoughts, and so, the only
21 impression you get about the feelings of people of Los
22 Angeles towards Mono Lake does not come from the Department
23 of Water and Power.

24 I have gotten involved with the Mono Lake issue for
25 several years after being general counsel to Lieutenant

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1 Governor McCarthy and spearheading his effort as Chairman of
2 the State Lands Commission to obtain injunctive relief to
3 maintain the lake level at 6377, which was a successful
4 effort.

5 After that, I went to private practice and have been
6 actively involved with the Mono Lake Committee.

7 For many of those of us who came to California from
8 other places in this country, myself coming from New Jersey,
9 it was an unbelievable experience for the first time to see
10 Mono Lake and to see the Eastern Sierras. The notion that
11 such a resource existed was quite a revelation and I have
12 been back many many times with my wife, and I hope that Mono
13 Lake will be there as a resource in the Eastern Sierras for
14 myself and for generations to come, as I am sure all of us
15 do.

16 I am here to support 6390 as a lake level for many
17 reasons. First, the harmful dust storms which were talked
18 about earlier by Tom Soto of the Coalition for Clean Air,
19 are a real problem, and for anyone who has been there during
20 those dust storms, they know the health effects are serious.

21 Second, the ability to restore and protect fisheries
22 and the tributaries of Mono Lake will be forever protected
23 if we adopt the 6390 lake level.

24 Third, the protection of the ecosystem as a whole
25 will be achieved through this 6390, including the increase

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1 in the productivity of brine shrimp and alkali flies and
2 restoration of habitat for migratory birds.

3 Lastly, it is incredibly important to protect the

4 nesting areas on Negit Island so that we will have a healthy
5 gull population.

6 I would like to speak to one issue. This issue of
7 the protection has been historically caste in false
8 choices. It has been presented to everyone as either you
9 protect Mono Lake, and if you do so, you will be taking
10 critical water away from the City of Los Angeles and
11 endangering the Delta. This is a false choice. It presents
12 an old way of thinking and an old solution to problems.

13 I would ask the Board reject that way of thinking.
14 I know as a member of the Mono Lake Committee and a
15 member of the Board, we stand ready to help the City of Los
16 Angeles obtain funding through the AB 444 process and
17 through federal funding to find replacement water.
18 Replacement water exists. It is available through water
19 reclamation and through water conservation, so I strongly
20 support 6390 and ask the Board to adopt 6390.

21 Thank you.
22 MR. DEL PIERO: Thank you very much.
23 Anita Carswell.
24 MS. CARSWELL: I don't really have very much of a
25 prepared statement. I just wanted to come up and make some

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1 comments just being an average citizen of California.

2 I have never been to Mono Lake. I have only seen
3 pictures and I think the lake is beautiful. I cannot wait
4 to be able to go there and I hope by the time I eventually
5 do manage to traipse over there, there is still something
6 left of it.

7 I think the lake is important and is beautiful from
8 what I have seen. I would like to know I can go and that
9 there will still be tufas that are submerged partially that
10 have been walked all over because there has been no wet
11 lakebed left.

12 I think the lake level should remain at 6390 because
13 I think it will prevent salinity that is excessive right now
14 and is destroying the health of birds and reducing the
15 productivity of the brine shrimp.

16 I would like to go to see the birds and see it as it
17 was at one point. I know the lake right now is severely
18 degraded and nowhere near as beautiful as it was because the
19 wetlands have dried up around the lake.

20 And I would like to go when it has been restored to
21 what it was before the Department of Water and Power started
22 draining the lake.

23 The 6390 lake level will keep the salinity at a
24 manageable level without getting out of hand. It will
25 reduce the dust storms that are right now threatening a lot

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1 of human health and probably animal health, although I doubt
2 that has been really studied. It will protect the natural
3 beauty of the lake.

4 And the only other thing I have to say is that not
5 much thought has been put into all the migratory birds and
6 the fact that when they leave, it would be nice if when they
7 come back they have a place to land and raise their babies
8 without realizing that all the water that surrounds their
9 usually isolated sanctuary have dried up and that foxes are
10 now eating their eggs.

11 All the gulls and migratory birds of California
12 should know when they return to their home it will still be
13 there. It would be like coming home and finding your house
14 burned down and there is nothing you can do about it. The
15 birds should always have the option of coming home and
16 finding a place there for them.

17 While some of the other areas of natural habitat have
18 been destroyed, it would be nice to know Mono Lake will
19 always be there for them and they can land and have a place
20 to be, and that is pretty much all I have to say and thank
21 you very much.

22 MR. DEL PIERO: Thank you very much.
23 When you get a chance, go regardless of what your
24 position is.
25 Ted Dougherty, Welcome, sir.

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1 MR. DOUGHERTY: Thank you, Mr. Chairman.
2 The first thing I want to say is ditto to what
3 everybody else has said except one speaker who is the Los
4 Angeles Chamber of Commerce, and they can fire him.
5 I was born and raised in the City and in 1947 my
6 future wife worked out of Big Pine and that's when we were
7 educated by the locals of what Los Angeles City did to that
8 valley. Now, I know they wanted 6,900 feet but I would like
9 to see it go up to 7500 feet, just so it doesn't wipe out
10 395.

11 But that valley was a paradise. In 1857, it was
12 farms. A good example of the crop is when the Japanese were
13 sent up there. They fed that valley with the most marvelous
14 vegetables this country has ever seen, and that valley is
15 rich because of all the minerals coming down from the
16 mountains. And one of these days, because they had that
17 earthquake in 1857, this next earthquake is going to wreck
18 that whole aqueduct system. Then the Department of Water
19 and Power is going to have to find new resources.

20 Now, I would like to make a suggestion. We have San
21 Onofre down there and up the creek from San Onofre is a big
22 valley. They can put a huge dam in and you can do
23 desalination. We can go to the moon, we can go beyond. In
24 Texas we've got that super collider that we need like a hole
25 in the head. If we took the money, you can desalinate. God

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1 can desalinate, and we are an extension of God, and by God,
2 we ought to be able to figure out how to desalinate and do
3 it economically.

4 We've got all the water in the world out there. And
5 that's something we can do.

6 Thank you very much for the opportunity.
7 MR. DEL PIERO: Thank you very much, sir.
8 Lee Ezzes. Welcome, sir.

9 MR. EZZES: Good afternoon, everyone.
10 My name is Lee Ezzes and I am a native-born Los
11 Angelino and a life-long resident of the State of
12 California.

13 I wasn't really sure what I was going to say when I
14 came in today. As I was giving it some thought, one bit of
15 my own history came to mind as it directly relates to water
16 usage in the State of California.

17 In 1975 and 1977, I attended college in Santa Cruz.
18 For those of you who were around here back 'then, we knew
19 there was a water shortage at the time and there was a
20 drought. People were being asked to conserve. That was 17
21 years ago.

22 Lately we have been asked to conserve again. It
23 seems that every time we run out of a little water, we are
24 being asked to conserve, yet permanent reliable
25 transferrable solutions as the Chamber of Commerce fellow

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1 talked about, never seemed to materialize even though we
2 know and believe that the State pretty much has a water
3 problem.

4 The Mono Lake Committee has asked that we recommend
5 to this Board a lake level of 6390 feet, and to adopt that
6 alternative. I have read it and it seems like a good idea,
7 but I have a better idea.

8 The Board, senior management and engineers of the
9 Department of Water and Power are some of the highest paid
10 officials in the City of Los Angeles. Their training, their
11 knowledge and their experience is with water, how to
12 conserve it, how to move it around and make the best use of
13 it.

14 So, rather than a group of people, the Lake Committee,
15 other interested parties, Assemblyman Katz or Zev
16 Yaroslavsky having to tell them what to do, let's make it
17 easy. Let's tell them they can't have any water at all and
18 they have to go figure it out on their own. They are fully
19 capable individuals. They can come up with innovations.

20 Most of the solutions that are discussed today or we
21 read in various magazines or are discussed in the Los
22 Angeles Times, are well known. Conservation is nothing new.
23 If they need to take a little water, then certainly

24 this alternative will permit them to do so, but the beet
25 encouragement for innovation is telling them they have to or

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1 they don't have any more.

2 Thank you.

3 MR. DEL PIERO: Thank you.

4 Oh, I went to Watsonville High School. That doesn't
5 mean anything to anybody who didn't go to U. C. Santa Cruz.

6 Sue Embry. Good afternoon.

7 MS. EMBRY: Good afternoon.

8 Mr. Chairman and members of the Board, I do not have
9 a public statement, but I want to resubmit the letter which
10 I wrote to you in August.

11 My personal interest is I am a long-time resident of
12 the City of Los Angeles and the Chairperson of a non-profit
13 organization called The Manzanar Committee. Manzanar lies
14 200 miles north of Los Angeles off Highway 395 and is owned
15 by the City of Los Angeles Department of Water and Power.

16 Last year Congress passed a law making Manzanar a
17 national historic site to preserve the cultural and human
18 history of that one-mile-square area on which persons of
19 Japanese ancestry were interned during World War II. But it
20 is also a site where the Piute and Shoshone Indians lived
21 many years before, and also, the site where pioneers,
22 farmers grew apples and pears which are no longer on the
23 market. Water and Power bought the land in order to bring
24 water to Los Angeles and at the present time they are
25 negotiating with the National Park Service in terms of

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1 transferring the land to the Federal Government, and also,
2 to decide how many acre-feet of water the National Park
3 Service can use, and at the present time there is no water
4 on the site.

5 There is danger of fire and vandalism.

6 We would like to see the Department of Water and
7 Power settle this issue of Mono Lake so that they can go on
8 to other things like Manzanar and other issues that are so
9 important in Owens Valley.

10 Thank you very much.

11 MR. DEL PIERO: Thank you very much.

12 Some good friends of mine worked very hard in getting
13 that designation for Manzanar.

14 Virgil Hanson, Dr. Virgil Hanson. Welcome.

15 DR. HANSON: Thank you. I appreciate the opportunity
16 to speak. I have visited Mono Lake many times, toured its
17 perimeter and hiked along its shores, and pulled my feet up
18 out of the goeey mud at times. Also, I know Owens Valley
19 intimately and the high Sierras from Sonora Pass to the
20 south end below Lake Isabella.

21 I am, therefore, profoundly concerned about the
22 decisions to be made about Mono Lake at these hearings and
23 would like to say what my concerns are.

24 First, natural streamflow into Mono Lake, I think,
25 should be restored by more than 50 percent. How much more,

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1 I don't know.

2 Fisheries which have been lost in that area,
3 likewise, should be re-established.

4 Secondly, the minimum lake level of 6390 feet is too
5 low actually, but should be maintained as an absolute
6 minimum in times of extreme drought.

7 Third, the numbers of migrating birds have been
8 decreasing steadily annually in recent years. Now, there
9 are reasons for that decrease that are not entirely known
10 but nevertheless, they give us serious thought. Mono Lake
11 is a vital link in their flyway and the lake must be kept at
12 a level sufficient to maintain this vital resource, that is
13 above 6390 feet.

14 I have read, and as far as I know, and other speakers
15 have mentioned it, resources are available to sustain the
16 Los Angeles water supply without the destruction of Mono
17 Lake.

18 And last, the entire Owens Valley has been
19 progressively desiccated by diversion to Los Angeles and
20 restoration of water flows to the valley should really be

21 begun again.

22 An added comment stems out of our return from the
23 Owens Valley area three or four years ago in the midst of a
24 vast and enormous dust storm whirling about from Valencia up
25 to practically Independence. If you think about that, we

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1 could wind up if we let Mono Lake go with whirling endless
2 dust storms in the north and whirling endless smog in our
3 city below.

4 I think taking care of Mono Lake in the best possible
5 fashion is our best move for the future.

6 Thank you.

7 MR. DEL PIERO: Thank you very much, sir.

8 Jean Dillingham.

9 MS. DILLINGHAM: Good afternoon and thank you, Mr.
10 Chairman and members of the Board.

11 I am in love with Mono Lake. I have at least my
12 husband's permission to have a love affair with it, and it
13 is based on the fact that I have been a camp host in Mono
14 Lake Basin and I have been a volunteer with the Mono Lake
15 Committee, both leading canoe tours on the lake and in
16 banding the California gulls there.

17 My son was an intern with the Mono Lake Committee
18 many years ago and was involved in gathering data on the
19 fisheries in Lee Vining Creek.

20 So, I feel I do know this area fairly well, and as a
21 biologist in Los Angeles and an environmental educator, my
22 basic concerns have to do with the biology of the lake.
23 This is an extremely fragile ecosystem with low species
24 diversity and anything that affects one member of that
25 ecosystem is going to cause its collapse. Therefore, I

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1 strongly recommend a minimum lake level of 6390 feet and
2 better yet, 6420.

3 The results that I have seen by even being on the
4 lake is salinity levels are too high. You go near the
5 freshwater streams and the concentration of brine shrimp are
6 there. Much higher salinity levels are going to result in
7 extremely decreased productivity of the shrimp and the
8 alkali flies are slightly less affected but are still
9 affected. So, if we lose those food resources, we are going
10 to lose the birds that visit and breed at the lake.

11 Another major concern is the water that is coming
12 into the lake via the streams. The freshwater runoff is
13 needed when that water is cold so that the water coming into
14 the lake will result in the freshwater mixing with the salt
15 water. Without that happening, the nutrients that are on
16 the bottom that result in an increased productivity of the
17 algae upon which the brine shrimp and flies depend will not
18 occur.

19 I am also concerned about the reduced level of the
20 lake and that we find the shoreline is full of alkali dust.
21 I have been there during the dust storms and I end up
22 choking.

23 I have friends who live at the edge of the lake who
24 have to leave during those dust storms. This is, indeed, a
25 health hazard.

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1 I do feel that the Los Angeles Department of Water
2 and Power has the ability to go ahead and do something
3 positive here. As a resident of Los Angeles, I, for one, am
4 willing to conserve more water even at the expense of having
5 to purchase more expensive water that would have to be
6 brought to Los Angeles.

7 I also see the ability of us to reclaim water. The
8 Tillman in San Fernando Valley is one example of something
9 that is happening now. There is water available to wildlife
10 in this region.

11 We can also use reclaimed water: an artificial
12 wetlands throughout the basin where these wetlands once
13 existed, clean it up and reuse it, and recharge our
14 groundwater.

15 I feel it is time to quit the litigation and to get
16 down to brass tacks and solve the problem.

17 AB 444 has given Los Angeles Department of Water and

18 Power the financial resources to start solving the problem
19 and to work with the Mono Lake Committee in solving the
20 problem that will end up in the protection of this most
21 beautiful resource.

22 Thank you.
23 MR. DEL PIERO: Thank you very much.
24 We have a question.

25 MR. SMITH: Hugh Smith, staff of the State Water
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1 Board. You said 6420?
2 MS. DILLINGHAM: That's right.
3 MR. SMITH: Are you aware that would basically drown
4 out all of the tufa?

5 MS. DILLINGHAM: Yes, I am.
6 MR. SMITH: And you are willing to make that trade-
7 off?

8 MS. DILLINGHAM: I am willing to make the trade-off
9 in burying the tufa for the improved ecological habitat and
10 I, also like many people here, go to see the tufa towers.
11 They are incredible.

12 I also recognize that one species would suffer as the
13 result and that is the osprey that is resting out on the
14 lake right now. So, it is a trade-off.

15 MR. SMITH: Thank you.
16 MR. DEL PIERO: Thank you.
17 David Allgood.

18 Mr. Allgood. Ben Zuckerman. Good afternoon, sir.
19 MR. ZUCKERMAN: Good afternoon, members of the Board,
20 and I come to speak to you as a resident of Los Angeles, and
21 as such, I would like to request that you not permit the
22 City of Los Angeles Department of Mater and Power to divert
23 water from the streams that feed Mono Lake such that such
24 diversions would cause the lake level to fall below 6390
25 feet above sea level.

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1 There are various reasons why I believe that the lake
2 should be protected against excessive diversions to supply
3 Los Angeles and I would like to describe two of these
4 reasons.

5 I live near UCLA and I often walk and run along the
6 various residential streets around here. Many times I have
7 seen gardeners using powerful hoses to push around a few
8 leaves. The common technique is for the gardener to squat
9 down and direct the hose so that the water pushes a few
10 leaves off the lawn or a sidewalk or a driveway out into the
11 street in front of the house that employs the gardener.
12 Then, a huge amount of additional water is wasted to push
13 the leaves down the street so they end up in front of
14 someone else's house.

15 A different type of water wastage occurs after rain
16 falls. As you know, during the past two winters Los Angeles
17 has been deluged by some mighty rainstorms. Oftentimes I am
18 on the streets only a few hours after the storm. I find
19 this to be an especially refreshing time to run. With
20 amazement I see various houses already just a few hours
21 after the rain with automatic sprinkler systems watering
22 their lawns so incredibly soon after these storms, some of
23 which, if you are not a Los Angeles resident, have dumped
24 enough water to wash away the entire hillsides out there.

25 Given such flagrant water wastage, and there
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1 certainly must be many many other examples, it would be
2 obscene if Los Angeles were permitted to further destroy the
3 Mono Lake ecosystem.

4 Indeed, if we lived in a rational society, most of
5 the water-guzzling yards that most of my neighbors have
6 would be outlawed and we would all be required to plant
7 drought-resistant plants such as the City of Tucson,
8 Arizona. We live in a desert environment here.

9 The second reason why I believe that water diversion
10 from Mono Lake should be strictly limited is a more general
1 one. As human populations grow there is a tendency to
2 supply our land, power and water needs in the easiest ways.
3 These easy solutions often involve destruction of our unique
4 natural heritage.

15 Not many years ago, for example, very short-sighted
16 interests would have put dams inside of Grand Canyon in
17 Arizona for the purpose of power production. Fortunately,
18 this did not happen, although many other remarkable places
19 have been destroyed.

20 Please do not let this happen to Mono Lake. The
21 human population of California has been and is continuing to
22 explode relentlessly. There comes a point when everyone
23 will have passed the point of sustainability. The land can
24 no longer support the people who live here.
25 In my opinion, if it is necessary to destroy Mono

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1 Lake in order to supply the water needs of Los Angeles, then
2 Southern California has passed the point of sustainability.

3 We must address the question of too many people and
4 not take the simple and temporary way out which is to
5 destroy natural splendor that has brought so many of us
6 here.

7 In summary, please make Los Angeles stop its wasteful
8 ways, make us better use and conserve our water, keep the
9 Mono Lake ecosystem alive. Keep the water level at 6390
10 feet or higher.

11 Thank you very much.
12 MR. DEL PIERO: Thank you very much.
13 Mr. David Czamanske. Good afternoon.

14 MR. CZAMANSKE: I am David Czamanske. I am Chair of
15 the Water Committee of the Angeles Chapter of the Sierra
16 Club and have been in that capacity the last four or five
17 years.

18 I have followed the Mono Lake issue throughout the
19 last decade and have visited the site personally.

20 The Sierra Club is in support of a minimum lake level
21 of 6390 feet as the absolute minimum necessary to protect
22 the fragile ecology of the Mono Lake area on a permanent
23 basis, the ecology not only of the wetland habitat, but the
24 brine shrimp, the flies and so on that provide the food for
25 the birds, as well as water that is necessary to flow in

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1 the streams that enter the lake.

2 I would also like to support designation of the area
3 as an outstanding national water resource since it meets the
4 criteria for such designation.

5 As many of our previous speakers have indicated,
6 replacement water is available to the Los Angeles Department
7 of Water and Power from other sources, namely, water
8 conservation and water reclamation, and such things as water
9 marketing in addition.

10 One gentleman mentioned desalination. That is, of
11 course, technologically possible. It is very expensive, but
12 one should remember that in the State of California 80
13 percent of the water is used by agriculture. If additional
14 water conservation were implemented by the agricultural
15 sector, sufficient quantities of water would be available to
16 easily make up that small amount of water that would be lost
17 to the City from Mono Lake.

18 Metropolitan Water District was formed in 1928 to get
19 additional water for Southern California. The City of Los
20 Angeles was a charter member, active in organizing that
21 District. Its citizens have paid literally millions upon
22 millions of property taxes to Metropolitan Water District
23 since it was formed and in the vast percentage of years the
24 City of Los Angeles did not utilize its share of water from
25 the Metropolitan Water District for the simple reason that

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1 it wanted its own water supply, which is like a double
2 insurance policy, and it put these pipelines up to Owens
3 Valley and Mono Lake because that water from their point of
4 view was less expensive.

5 The MWD has analyzed the proposal that is before you
6 today and has concluded that replacement water would easily
7 be available from other sources without damaging the
8 environment in other parts of the state.

9 Some claims have been made that additional water
10 might have to be taken from the Sacramento River Delta and
11 that would be adverse to the river Delta. In fact,

12 replacement sources, as indicated, from conservation,
 13 reclamation, water marketing, are easily available without
 14 damaging other areas in an environmentally adverse manner.
 15 Your Board is in a situation to correct a water
 16 allocation that was improperly made some decades ago by your
 17 predecessor. So, it is not really a matter of taking water
 18 from the Los Angeles Department of Water and Power, it is a
 19 matter of restoring water to the environment where it
 20 naturally belongs and should not have been taken in the
 21 first place.
 22 I would strongly urge the Department of Water and
 23 Power and their attorneys to cease the rear-guard action
 24 that they have engaged in for the last decade or so. They
 25 will not be successful. Public opinion is not there. Legal

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 1 arguments are not there.

2 I urge them to abandon that rear-guard action and
 3 move forward in a cooperative manner to resolve this problem
 4 in a manner which is sensitive to the environment.

5 Thank you.

6 MR. DEL PIERO: Thank you very much.

7 Arthur Rich. Good afternoon, sir.

8 MR. RICH: Good afternoon.

9 I am here just to bring another voice to the
 10 preservation of Mono Lake. All things that are pertinent, I
 11 feel, have been said, but I will just add a very short
 12 prepared statement.

13 My first view of Mono Lake was in 1948 as I drove by
 14 on Highway 395. The shore was right near the highway and it
 15 was a natural vast sea of water in an otherwise arid
 16 landscape. What a view!

17 I have passed the lake many times since and was sad
 18 to see that each time it was smaller. To me it is essential
 19 to preserve Mono Lake not only for its scenic value, but to
 20 preserve the wildlife that is dependent on it such as the
 21 gulls and the brine shrimp, as well as the tourist economy
 22 that this region of the state depends on.

23 Certainly it is feasible to protect this lake as
 24 alternative sources of water are available. This may be
 25 more costly, but a small increase in water rates to pay for

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 1 this may not be all bad as it could help promote water
 2 conservation.

3 Also, Federal and State funds are available to
 4 promote water reclamation and conservation.

5 Please do what is necessary to insure that the level
 6 of Mono Lake is at least at the 6390-foot level, preferably
 7 higher.

8 Thank you.

9 MR. DEL PIERO: Thank you very much, sir.

10 Elaine Stansfield. Good afternoon.

11 MS. STANSFIELD: I was just busy writing out my
 12 statement because I didn't think you would call on me this
 13 soon.

14 Thank you very much.

15 I represent both Californians for Population
 16 Stabilization and Save our Earth, and we have established in
 17 our literature the important interconnection between
 18 population, resources, environment, and immigration
 19 problems. As a consequence, our feeling is that the
 20 destruction of Mono Lake, which is the most beautiful lake
 21 in California and a place that is worthy of saving --

22 MR. DEL PIERO: I heard that last week about Big
 23 Bear. Two hundred fifty people couldn't all have been
 24 wrong.

25 MS. STANSFIELD: There is just no escaping the inter-
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1 connection between those things that I have mentioned, and
 2 as a consequence, we believe that until the City fathers and
 3 the people who are running our water resources understand
 4 those interconnections, we are going to fail.

5 But in the meantime, I agree with almost everything
 6 everybody else has said, so I won't take up any more of your
 7 time.

8 Thank you very much.

9 MR. DEL PIERO: Thank you very much.

10 Daniel Kahane. Welcome.

11 MR. KAHANE: My name is Daniel Kahane, and I am here
 12 representing the National Audubon Society, its Western
 13 Regional Office.

14 Mr. Chairman and members of the Board, thank you very
 15 much for giving me the opportunity to speak today.

16 We, at Audubon, believe strongly that a minimum lake
 17 level, an absolute minimum lake level of 6390 feet is
 18 necessary in order to permanently protect and help restore
 19 the Mono Lake ecosystem. It is a unique and precious part
 20 of our State's natural heritage and our nation.

21 In the context of the Pacific Flyway, the lake takes
 22 on international significance. We feel that Mono Lake
 23 should be designated an outstanding national resource water
 24 which would help to set maximum salinity standards in order
 25 to protect the fragile ecosystem.

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 1 It is feasible to permanently protect Mono Lake and
 2 to replace Mono Basin water with environmentally sound
 3 alternatives such as water reclamation and conservation.

4 For the more than one million adults and youth
 5 members of Audubon, the awesome beauty of the area and the
 6 role of the lake in maintaining biodiversity, even though it
 7 is species poor, is argument enough for maintaining the
 8 6,390-foot level, but for those who require a dollars and
 9 cents rationale, a healthy Mono Lake is essential to a
 10 healthy Eastern Sierra, which in turn is very important for
 11 our tourist economy.

12 Our written statement will come out of the Sacramento
 13 office and I thank you all very much.

14 MR. DEL PIERO: Thank you very much. We appreciate
 15 it.

16 Sally Hackel. Welcome.

17 MS. HACKEL: Thank you very much for allowing us to
 18 make our statements today.

19 I am a native Californian who loves this state more
 20 than anything, except my husband.

21 I would just like to say that over the years with the
 22 more reading and awareness, I think as it becomes more
 23 popular to be aware of what we are doing to our environment
 24 as we make our decisions, I think we are learning a lot of
 25 lessons and I envy all of you that have the opportunity

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 1 today to make some decisions that can correct some decisions
 2 that were probably well meaning in many ways when they were
 3 made originally.

4 I think over the last hundred years particularly,
 5 many decisions have been made thinking that the ultimate end
 6 will serve mankind best and we found often that isn't the
 7 case, and certainly, it doesn't serve the world community
 8 when you include all of its creatures and its various
 9 substances as water and so forth.

10 So, I would ask you to take advantage of your great
 11 opportunity to recommend a 6390 minimum level for Mono Lake.

12 I would also encourage you to declare it a protected
 13 area permanently, and the other thing as a Department of
 14 Water and Power customer, and I don't speak for every
 15 Department of Water and Power customer, but I heard it here
 16 today and I will reiterate the same, we are all willing, I
 17 think the majority of us, are very willing to make greater
 18 sacrifices in the conservation area, and if there are rules
 19 to be made that make our life a little more less convenient
 20 than we have been used to, I don't think they will hear many
 21 complaints when they understand the total picture of what
 22 that little effort can mean.

23 We have proven ourselves in the past that we are
 24 willing to make changes in our ways and help out the
 25 situation.

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 1 So, I would just say that I envy you your
 2 opportunity. I really hope that someday we will all look
 3 back to this day and smile as we stand out over Mono Lake
 4 and say, this came very close to being something other than
 5 Mono Lake, and I thank you very much.

6 MR. DEL PIERO: Thank you very much.
 7 Stacy Simon. Good afternoon.
 8 MS. SIMON: Good afternoon. My name is Stacy Simon.
 9 I am a resident of Mono County and work for the Mono Lake
 0 Foundation in public education.

1 I have also been working as a medical aide at Lee
 12 Vining Elementary School on the shore of Mono Lake.

13 In 1983, the California Superior Court decided that
 14 Mono Lake held values which benefited the people of
 15 California as a whole and should, therefore, be protected
 16 for their use under the public trust doctrine.

17 In my work as an educator, both with school groups
 18 and with the public, I see firsthand the importance which
 19 Mono Lake has to the people who spend time there.

20 Besides being an excellent model for teaching about
 21 how an ecosystem functions from the food web to geology and
 22 water chemistry, it has become a model of what happens when
 23 nature is disturbed by human impact.

24 I have shown students how land bridges form
 25 connecting islands once safe from mainland predators to the

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1 shore. We discuss what it means for a species to become
 2 threatened or extinct, and what increasing salinity means
 3 for Mono's brine shrimp and alkali flies.

4 Many of the people I have worked with are from Los
 5 Angeles. They come to Mono Lake to relax and to enjoy its
 6 beauty. One of the most inspirational groups I have worked
 7 with is the Los Angeles Conservation Corps' Mountain
 8 Education Program as a part of a program called From the
 9 Source to the Sea.

10 It is made up almost entirely of inner-city youths,
 11 many of whom had never been outside the limits of Los
 12 Angeles before they visited Mono Lake. They worked on a
 13 stream restoration project in the basin.

14 When I met up with them they were already feeling
 15 proud of what they had put back into the environment. They
 16 had dug pools and laid logs for trout cover in the once-
 17 diverted Lee Vining Creek.

18 I took them canoeing and swimming in Mono Lake. We
 19 floated on our hacks in the slaty water, and even small kids
 20 who had never swum before learned to float. When everyone
 21 got out wet, salty and happy, I really knew why we must
 22 protect places like Mono Lake because they are important for
 23 the use and enjoyment of everyone in California.

24 I urge the State Water Board to consider the people
 25 of California as a whole and to select a management level of

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1 at least 6390 to protect the scenic, ecological, recreational
 2 and educational values of Mono Lake.

3 Thank you.

4 MR. DEL PIERO: Thank you very much.
 5 We have a question.

6 MR. CANADAY: I want to compliment you on your work.
 7 I received probably 40 letters from those young folks. You
 8 inspired them to write to the Board.

9 MS. SIMON: They made a very very strong impression
 10 on me. You are going to hear from one in a minute.

11 Thank you.

12 MR. DEL PIERO: Fernando Gomez. Good afternoon.

13 MR. GOMEZ: Good afternoon.

14 As Stacy Simon has said, my name is Fernando Gomez
 15 and I work for the Mountains Education Program and the Los
 16 Angeles Conservation Program.

17 What we have done, in 1992, we did a creek
 18 restoration on Rush Creek. We were digging pools for salmon
 19 to start laying their eggs. We also laid a little bit of
 20 brush of salt cedar and things like this that made a big
 21 impact on young people like us that live in L. A., born and
 22 raised, for us to have a chance to go out and really
 23 experience most of the natural environment. We don't
 24 practically never have the opportunity.

5 So, things like Mono Lake makes a big door for us

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1 when we get to see the lake, and we know it is going to hurt
 2 thousands of Los Angeles young people if they never get a

3 chance to go out and experience Mono Lake. It is really
 4 going to hurt them.

5 I have known a family that have never been out in the
 6 experience. I have talked to them and they have expressed,
 7 When is it our chance? You have had your chance, when is it
 8 our chance?

9 And it hurts sometimes to say, like it all just goes
 10 down and they never get to see it, then it's going to be
 11 like jealousy for them.

12 My mom, she is one of the first ones from the family
 13 that went just a month ago, and they came back and the
 14 experience they had for Mono Lake, it was incredible. They
 15 want to go back again and they can't wait for the time and
 16 the things for all this I am saying is from the young people
 17 that have told me something to say for them, and they really
 18 want the support and your help for Mono Lake to keep on
 19 living, and there is a lot of ecosystem that exists there
 20 and it is incredible and it is just something that we should
 21 preserve.

22 Thank you.

23 MR. DEL PIERO: Thank you for coming today, Mr.
 24 Gomez.

25 Richard Gaines. Good afternoon.

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1 MR. GAINES: Good afternoon and thank you, Mr.
 2 Chairman and members of the Water Quality Board.

3 I am a non-resident of this city now. I currently
 4 live in Winters in Northern California.

5 One of the things I want to point out is that for the
 6 past several years of the drought that we have all had
 7 throughout California, we were required in Santa Clara
 8 County to conserve a minimum of 25 percent. That was
 9 imposed by the San Jose Water Company from which we
 10 purchased our water where we lived, and that was not just a
 11 voluntary thing. This was a requirement. If you didn't
 12 meet that 25 percent minimum, there was a penalty for this.
 13 If you exceeded it, you were allowed to bank each 800 acre-
 14 foot that you saved.

15 During that six-year drought, my family saved an
 16 average of over 30 percent of the water. We more than met
 17 the 25 percent and we did it very very easily.

18 Not only that, we kept our front lawn quite green and
 19 it looked beautiful when the drought ended, so it is
 20 feasible to do this. The measures are very simple,
 21 everything from low-flow showerheads to just washing your
 22 dishes less frequently by putting them in the dishwasher and
 23 loading it up full, until it is really full enough to run
 24 it, instead of washing it every time you put one or two
 25 dishes in it.

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1 I would like to comment on the question of
 2 desalination. I had the privilege of spending a little over
 3 a week in the Canary Islands on a trip to Spain three years
 4 ago. This is an island that is entirely volcanic. It has
 5 no visible source of water of its own whatsoever. All of
 6 the water that serves all of the residents, including its
 7 agriculture is from desalination. And if it is feasible on
 8 an island such as this with minimal resources to desalinate
 9 water and make it economically feasible, I think it is very
 10 much so off the Pacific Ocean in the Los Angeles basin.

11 Finally, I had the privilege of seeing Mono Lake
 12 first in 1946 as a young student here at the university
 13 following my service in World War II. I went up there to
 14 ski on my old army skis and leather boots, skied McGee
 15 Mountain and Conway Summit, and frequently passed the Mono
 16 Basin during that time period, so I saw Mono Lake when it
 17 was still relatively high, the water level.

18 It's a shame what's happened to it. I hope that you
 19 will do the thing that you need to do now, set that minimum
 20 level of 6390 and perhaps even better 6420 that one of my
 21 predecessors spoke to

22 I, too, feel that the trade-off on the tufa towers
 23 being underwater is a trade-off well worth making at this
 24 point in time.

25 I think it is a very important thing that we need to

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1 do here, so I urge you -- I sent a letter back in August and
2 I know a number of my friends also were asked to do that and
3 probably did, to set that minimum level here today.

4 Thank you.

5 MR. DEL PIERO: Thank you very much, sir.
6 Bob Gotieb, Professor of Urban Planning. Not here.
7 David Campbell.

8 Gary Kiyon. Welcome.

9 MR. KIYAN: I must admit I am pretty nervous. I am
10 not comfortable speaking in public.

11 MR. DEL PIERO: Me, too, really.

12 MR. KIYAN: My name is Gary Kiyon. I am a student
13 here at UCLA.

14 MR. DEL PIERO: You take your time.

15 MR. KIYAN: I first visited Mono Lake about two years
16 ago and since then I have just been in awe of the natural
17 beauty of the area.

18 As I learned more about it, I realized how important
19 it is, not only for the aesthetic values, but also, for its
20 ecological importance.

21 Seeing the different migratory birds, the brine
22 shrimp and the alkali flies make one realize this lake is
23 located in the rain shadow of the Sierra Nevada and it is
24 important its abundant life is not dead. Thus, it is vital
25 that the lake level be kept at at least 6390 at a minimum in

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1 order to insure the protection and restoration of the Mono
2 Lake public trust resources.

3 Mono Lake should be designated as an outstanding
4 national resource water to further insure the protection of
5 the ecosystem.

6 With State and Federal funds available to the Los
7 Angeles Department of Water and Power, environmentally sound
8 alternatives such as water reclamation and conservation can
9 be implemented to allow permanent protection of Mono Lake.

10 I was at Mono Lake just last Tuesday and while I was
11 walking along its shores I just felt an inner exhilaration
12 just by being there, and I have been there several times,
13 and each time the feeling just gets stronger and stronger.

14 It is a very beautiful place, different from anything
15 else I have seen and unique in its beauty and vital to its
16 wildlife. A healthy Mono Lake is important ecologically and
17 aesthetically, and it is an area that needs to be preserved
18 so that others, both today and tomorrow, can enjoy its
19 wonders.

20 Mono Lake is a lake worth saving and it is a lake
21 that must be saved.

22 Thank you.

23 MR. DEL PIERO: Thank you very much.

24 Eric Stocker.

25 Conner Everts. Good afternoon, sir.

00072

1 MR. EVERTS: Good afternoon. My name is Conner
2 Everts.

3 I want to thank you for this opportunity. I am a
4 Director of the Casitas Municipal Water District in Western
5 Ventura County. I appreciate this opportunity to support a
6 lake level of at least 6390.

7 I am here today not to represent my Water District,
8 nor as a fisherman or lover of wildlife. I am here as
9 someone who has worked in the past 15 years in the field of
10 energy and water efficiency. I was Drought Coordinator for
11 the City of Pasadena Water and Power Department, and I have
12 worked with the water utilities throughout the state
13 providing positive solutions to water problems.

14 I have experienced the cycles of drought which can be
15 viewed as a window on our future and an opportunity to do
16 something about that future.

17 I have seen development of the technology and the
18 planning to maximize water resources, and I have seen the
19 positive public response that, frankly, overwhelms many
20 water agencies, including the Los Angeles Department of
21 Water and Power.

22 In response to energy shortages, the energy industry

23 developed demand-side programs that have been integrated in
24 long-term utility planning. Progressive water utilities
25 have made drought proofing a priority. Central and West

00073

1 Basin are excellent examples in Southern California. These
2 communities will be prepared for the inevitable next
3 drought.

4 But more importantly, they are providing the most
5 cost effective and environmentally beneficial solutions for
6 their citizens.

7 Many people have spoken out today requesting water
8 conservation by Los Angeles. I request that you, the Board,
9 make the decision that will require the Department of Water
10 and Power to continue the effort made by the citizens of the
11 City and the Department itself.

12 A long-range, comprehensive water management plan is
13 not inexpensive. It requires commitment and allocation of
14 resources.

15 The Metropolitan Water District has begun to
16 undertake a regional commercial and industrial program that
17 Los Angeles is part of. The impact of Los Angeles' water
18 use is felt by the whole state.

19 Our Water District does not directly get any water
20 through the system of the State water, nor through the
21 Colorado River. However, we have seen that by maintaining
22 local resources, we can continue to be independent.

23 The moneys that are available for Los Angeles will
24 deal with what is our greatest problem as a small utility
25 dealing with conservation, which is reduced revenues.

00074

1 MR. DEL PIERO: Are you a member of Met?

2 MR. EVERTS: No, we are outside the Met.

3 MR. DEL PIERO: Are you groundwater dependent?

4 MR. EVERTS: No, Lake Casitas itself, and we do have
5 a groundwater basin within Ojai, and we have a groundwater
6 management agency which I sit on also.

7 I feel that with the money that is available and a
8 long-term commitment that Los Angeles can be a model of a
9 positive water future rather than the past water wars we
10 have been involved in.

11 I hope you will make that decision.

12 There was something else beyond what I have written
13 that I would like to say. I have also been working with the
14 Los Angeles Probation Department group called Gangs for
15 Peace on the job training program. I think with this
16 program there is great potential to continue that. It is
17 through the Department of Water Resources and an inner-city
18 program as well using an abandoned training site that has
19 been retrofitted by Southern California Edison, and I see
20 great potential for jobs through conservation as well.

21 Thank you very much.

22 MR. DEL PIERO: Thank you very much for your time,
23 sir.

24 Ron Richards. Good afternoon.

25 MR. RICHARDS: Good afternoon. My name is Ron

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1 Richards.

2 I am sorry I didn't prepare a more eloquent speech.
3 I just wrote my speech two seconds ago because I wasn't
4 planning to speak at first, but I feel very strongly about
5 the lake, so I decided I would come up and say a few words.

6 I went to the lake the first time about three weeks
7 ago. I had never been there before and I vaguely recall
8 about a decade ago hearing all these things about saving
9 Mono Lake. I had no idea what Mono Lake was or where it was
10 exactly, and I went up there for a rehydration ceremony that
11 occurred there a few weeks ago, and I was very moved by
12 that.

13 The lake is an incredible natural resource.

14 When I got up there, one of the things that was most
15 moving is I got a chance to see a little boy being baptized
16 in Mono Lake at the rehydration ceremony, and tears came to
17 my eyes as his father poured some of the lake water on his
18 head and said that he hoped that some day he will be able to
19 baptize his children in the lake, but at a lake where the

20 lake is dry today because so much of it is dry where the
21 lake level has gone down.

22 But it was very moving for me and that made me come
23 today to speak to you, and I ask that you please restore
† Mono Lake to a minimum level of 6390.

5 I am a law student and this morning I pulled down
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1 some of the recent Mono Lake decisions and read through them
2 to get a little bit of background on the whole controversy.
3 I read through quite a few pages --

4 MR. DEL PIERO: Many people would say guys like you
5 and me are the problem.

6 MR. RICHARDS: Exactly. That's why I am here,
7 though, to make a difference the other way.

8 I am a JDMBA student here and CPA people would think
9 people like me just don't care about the lake, but it is just
10 not true and I want to speak out for people like me who are
11 very busy. I missed part of a business school class to come
12 down here and right now I am missing part of a law school
13 class, but that's how important this is to me.

14 I just think the lake is a precious resource and it
15 existed long before DWP came into existence, and I think it
16 should exist long after DWP is a memory many years from now
17 in the future when we don't have a DWP anymore, not that I
18 hope DWP is going to disappear, but I am trying to emphasize
19 this resource has been there for eons before now and I don't
20 think we have any right to destroy that resource.

21 Not only is the lake itself being destroyed, but from
22 what I read in these cases, the air quality is also being
23 polluted by particulate matter that enters the atmosphere
24 from the dry lakebed area. I think that needs to stop. I
25 think we have enough problems and this is something that we
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1 can stop.

2 State and Federal funds are available to protect the
3 lake and our air, and I plead with the Board to please take
4 advantage of those to protect the lake and our air because
5 we have no right to destroy this ecosystem.

6 And I ask you to please save the lake for all of our
7 children and their children and their children so we can all
8 go up like I did a few weeks ago and see how beautiful the
9 lake is and realize how big that lake is, and how precious
10 it really is.

11 And finally, I just ask if none of these arguments
12 convince you guys to raise the lake level to 6390, do it
13 just because it is the right thing to do.

14 Thank you very much.

15 MR. DEL PIERO: Get to class. Do you want a note?
16 Elden Hughes. Good afternoon.

17 MR. HUGHES: Good afternoon. Thank you for being
18 here.

19 I am Elden Hughes, chair of the Sierra Club's
20 California Desert Committee.

21 It is the established policy of the Sierra Club and
22 its one-half million members to protect Mono Lake.

23 I speak today as a Sierra Club outings leader who has
24 led many outings to Mono Lake, the land between the Sierra
25 Nevada and the California border. These outings include
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1 hikes to the rare sand tufas on the east shore, four-wheel
2 drive outings in the dunes on the northeast corner, canoe
3 outings among the tufa towers on the south shore, hikes to
4 the slot canyons and lava on the north shore, and outings
5 with inflatables to the Pooha Island in the middle of the
6 lake.

7 It is virtually impossible to fully describe the
8 variety of scenes in the Mono Basin. In my outings I have
9 stressed photography of this incredible resource. It is an
10 incredible resource and to kill it by overly diverting its
11 source water is a grave error.

12 The third largest river in California that reaches
13 the Pacific is the Hyperion outlet from the City of Los
14 Angeles.

15 Now, of course, the caveat in that is that reaches
16 the Pacific. But it does tell us there is opportunity for

17 conservation. There's ways to do things better and ample
18 room to do it to save a lake.

19 There are alternatives to the diversion of the
20 waters. There is no alternative to replacing the loss. We
21 need a lake level of 6390 to protect it. Allowing the lake
22 level to go below 6390 puts Mono Lake at risk. We should
23 not run risks with such a treasure.

24 This treasure is a national treasure and can well use
25 the designation of outstanding national resource water to
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1 aid in its protection.

2 I strongly encourage this Board to take every
3 possible action to protect Mono Lake.

4 Perhaps the most inane defense of water diversion
5 made by a DWP spokesman who said, and I was there, Mono Lake
6 is drying up naturally. Diverting the water is only
7 accelerating the natural processes. To this I replied, no
8 one knows the full natural processes of Mono Lake. But I am
9 absolutely certain that in the foreseeable future, you will
10 die. I trust that you would have no objection if I
11 accelerate the process and shoot you now.

12 Thank you.

13 MR. DEL PIERO: Thank you.

14 Jill Richards. Good afternoon.

15 MS. RICHARDS: Good afternoon. I am pleased that you
16 are holding this hearing which gives us opportunity to
17 express our support for a healthy Mono Lake.

18 I visited Mono Lake for the first time three weeks
19 ago with my husband when the annual bikeathon and
20 rehydration ceremonies were held, and I can't tell you how
21 inspired I was to commit time and energy to this cause as a
22 result of that trip.

23 Finally, understanding water issues as ecology in
24 action and of the impact a few good people can make on our
25 resource that benefits us all came together for me on a
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1 personal level.

2 I had never seen the lake. I knew people who had
3 been there who were interested in the lake itself, but I had
4 never seen it until I went up there and I could really see
5 the drastic changes that the drying up of the lake's water
6 could cause in the ecosystem.

7 I recognize that it's changed not only the local
8 ecosystem, but the distant ecosystem here in Los Angeles.
9 It's certainly a much greener place than it would be without
10 all of that water.

11 I think that you probably have all been to the lake
12 and all seen it, and I think you are seeing the impact that
13 that lake has had on all of us as you talk to all these
14 people and see all the support that the lake has.

15 Many of the people that you have heard from probably
16 already and will be hearing from will be asking you to do
17 the same thing. They are asking you consistently and I am
18 asking you to commit your influence to preserving this
19 natural resource.

20 Please mandate a lake level of 6390, designate Mono
21 Lake as the national resource water, setting a maximum
22 salinity standard that will protect the lake's ecosystem,
23 work with the Mono Lake Committee to develop water
24 conservation and reclamation programs paid for by State and
25 Federal funds which are available right now to Los Angeles
00081

1 Department of Water and Power, and please recognize the
2 importance of a healthy Mono Lake not only to the tourism in
3 the Eastern Sierras itself, but also, for all of those
4 Angelinos who like to get up and see the lake and see a
5 natural resource that we don't often get a chance to
6 appreciate.

7 Thank you for the opportunity to bring a little bit
8 of my feelings about the lake to your hearing, and I hope
9 you will do the right thing.

10 MR. DEL PIERO: Thank you.

11 Bob Gotieb? Good afternoon.

12 MR. GOTIEB: Thank you. My name is Robert Gotieb. I
13 am a Metropolitan Water District of Southern California

14 Director, having served on the Board for seven years.
 15 I have written extensively on water and resource
 16 issues including two recent books, Thirst for Growth, Mater
 17 Agencies as a Hidden Government of California. It was co-
 18 authored by a colleague of mine, Margaret Fitzsimmons. And,
 19 A Life of its Own, Policies and Power Over Water.
 20 MR. DEL PIERO: Excuse me, you are a friend of Bill
 21 Carl (phonetic), aren't you?
 22 MR. GOTIEB: Well, Bill Carl reviewed my book very
 23 nicely.
 24 I am also a member of the faculty of the Urban
 25 Planning Program here at UCLA where I have taught an

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1 advanced graduate seminar in water resources planning for
 2 more than ten years.
 3 I mention this background in the context of
 4 discussing with you today my perspective on the long-
 5 standing question of the Los Angeles Department of Water and
 6 Power to develop and expand a surplus water supply for its
 7 service area from its claims on Mono Lake water. I use the
 8 term surplus advisedly since it refers to a continuing water
 9 agency practice in this region, namely, to secure a surplus
 10 source of imported water to accommodate the potential for
 11 future growth, whether it is residential or commercial.

12 This approach, furthermore, has paid little heed to
 13 either the problem of where the water will come from to
 14 accomplish this objective and how the water will be used
 15 once it becomes available.

16 You have heard or will hear testimony on the first
 17 matter, namely, the value of and the public interest
 18 associated with preserving Mono Lake as a natural resource,
 19 which I fully support.

20 However, I would very briefly like to touch on the
 21 second matter, how water gets used in this region and how
 22 little attention has been paid to that issue in relation to
 23 what has been called a demand management approach, an
 24 approach today widely respected in the electrical utility
 25 business.

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1 Demand management does not simply mean using water more
 2 efficiently. It also raises issues of equity; that is, who
 3 pays and who benefits from imported surplus water, in what
 4 capacity the water gets used; that is, is it used as a
 5 potable water, is it used for irrigation and landscaping
 6 purposes, is it used for various indoor uses, et cetera, and
 7 whether and how the availability of water should be linked
 8 with future use.

9 In Los Angeles those matters have been mostly dealt
 10 with inadequately from a demand management prospective.

11 As I have outlined in some detail in some of the
 12 writings mentioned above, let me simply state for the record
 13 just a few of the policies that a more developed demand
 14 management approach might include.

- 15 1. A no-net water gate pricing policy for
- 16 all new development.
- 17 2. A significantly expanded policy for water
- 18 reclamation, including for on-site reuse.
- 19 3. A new landscaping ethic codified in the
- 20 building code and other policy instruments.
- 21 4. A more vigorous regional approach for the
- 22 Los Angeles Department of Water and Power in
- 23 promoting demand management principles within
- 24 the Metropolitan Water District and with other
- 25 regional water associations.

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1 Although these remarks are focused on the Los Angeles
 2 side of Mono Lake of the DWP equation, I want to assure you
 3 there are significant public policy reasons to protect Mono
 4 Lake that ultimately would benefit Los Angeles residents on
 5 the basis of restructuring the City's own approach towards
 6 managing its own water supply.

7 Thank you very much.

8 MR. DEL PIERO: Thank you.

9 Ladies and gentlemen, we are going to take about a
 10 ten-minute break now and then we will resume when we come

11 back.

12 (Recess)

13 MR. DEL PIERO: We are going to begin again. For
 14 those folks out of the room, we will be a little tolerant.
 15 If you are here, would you be kind enough to approach the
 16 podium and indicate your name. We would like to continue.
 17 Listed next is Elizabeth Glenn.

18 Eric Stocker.

19 David Campbell. Good afternoon.

20 MR. CAMPBELL: I wasn't going to speak today but I
 21 heard the Chamber of Commerce.

22 MR. DEL PIERO: And that stimulated you?

23 MR. CAMPBELL: I think he deserves a little rebuttal.
 24 I don't think I am an expert speaking on the value of Mono
 25 Lake. Others have done a better job of it, and I think the

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1 courts have spoken on it, too, and I might mention one
 2 observation I made many years ago when we traveled abroad
 3 and visited India and Spain, and found that most of what we
 4 saw are man-made and when Europeans come to America, they
 5 come to see our natural wonders, Grand Canyon, and the
 6 Everglades, the Canadian Rockies and other areas that may
 7 not be so well known, like Zion National Park and Mono Lake.

8 These are the wonders that they think we have managed
 9 to preserve and they take long trips to come and see, and
 10 sometimes they have seen what they have done wrong and I
 11 don't know that the Board is familiar with Aral Sea or Lake
 12 Aral. I heard a lecture and looked at slides of where they
 13 drained that lake and the rivers running into it and seeing
 14 ships marooned in sand 30 miles from what once used to be
 15 the fourth largest lake in the world, and it's a marvelous
 16 lesson of what can happen, or a sad lesson, I guess, of what
 17 can happen in 40 years of man's folly, and we are not quite
 18 to that in Mono Lake, but we are certainly heading that way
 19 with the summer dust storms.

20 We can also look at their folly of diverting water to
 21 grow subsidized cotton. And because all our water in the
 22 West is fairly well connected, we are probably doing the
 23 same to some extent in growing subsidized cotton, or
 24 watering our driveways or something that's a low value use
 25 of water, or using one-seventh of the State's water to grow

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1 alfalfa and some of the reasons we are heading in the same
 2 direction.

3 I don't think the amount of water at stake is that
 4 huge, especially when you are looking at the difference
 5 between whatever numbers you go up to, the 3683.5 to 3690 --
 6 it's sort of small when you look at the perspective of the
 7 Bureau of Reclamation which has over 6 million acre-feet a
 8 year, and we are looking at, at the most, 50,000 acre-feet
 9 of water out of Mono Lake when it is at low stage, or 2.5
 10 million acre-feet that MWD deals with, or even 150 thousand
 11 or more acre-feet that the citizens of Los Angeles that live
 12 here have managed to save or reduce use from through each of
 13 the last three years. So, that amount of water is
 14 available.

15 I guess the point of Mr. Bacharach's statement was
 16 based on their need of reliable water supply and that the
 17 health of business in Los Angeles has got a higher value
 18 than Mono Lake, and the good reliable supply of water is
 19 always an attraction for new business.

20 And the last statement, Rand McNally puts out a
 21 survey and others where business should locate. Look down
 22 the list of the criteria of whether it is good schools or
 23 good transportation or low wages or low taxes, whatever the
 24 20 or so criteria they use to rank the attractiveness of an
 25 area for business, you never see water supply down there.

00087

1 Interview business leaders and ask them, and I have looked
 2 at some instances recently of Hazelton, Pennsylvania and
 3 Casper, Wyoming, Fort Smith, Arkansas. When they delivered
 4 more water to Fort Smith to attract more business, the basic
 5 user of water left for Mexico.

6 It was never a reason on the list and they shouldn't
 7 come up here trying to tell you that it is.

8 In terms of value of the water for industry versus
9 Mono Lake, it is not even a question sometimes as to the
10 value of water for industry. The value of water from Mono
11 Lake is higher than many of the other frivolous uses to
12 which we put water, and it can be saved.

13 We have all saved water in this town. The Department
14 of Water and Power cut its water use by 80 percent. A lot
15 of water could be saved.

16 I guess the other point about the reliability is that
17 it is sort of a sad question to ask when we have come, many
18 of us, to live in the desert and ask for reliability of
19 water, and we live in a state that is faced with a lot of
20 random events, catastrophic events, I believe, as
21 statisticians call it in terms of water that we have to be
22 able to swing somewhat with that reliability and for the
23 lack of reliability.

24 And again, I believe the court has spoken that it
25 wants reliability for the Mono Lake ecosystem and not for

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1 all of our leaky faucets and with our hoses on our
2 driveways.

3 MR. DEL PIERO: Thank you very much.
4 John Mower.
5 David Allgood.
6 Steven Vogel. Good afternoon.

7 MR. VOGEL: Good afternoon. My name is Steve Vogel.
8 I am a biologist and I have lived in the City of Los Angeles
9 all my life. I am in the awkward position of working for
10 the City of Los Angeles.

11 I believe it is critical that Mono Lake be preserved
12 at the level requested, if not more, of 6390 feet. It is
13 hard to put a figure onto that, but to me it functions as a
14 critical wetland type of habitat. These habitats have been
15 severely degraded in the state. Their importance to
16 migratory birds is immense and since California, the last I
17 checked, pretty much topped the list in terms of wetland
18 degradation nationwide, I feel that we should consider
19 carefully any threats to any type of wetland habitat that
20 does remain.

21 The low diversity and incredible productivity of the
22 lake is impressive for me. It made an impression on a less
23 biological level as a kid in the Boy Scouts backpacking up
24 in the Sierras, and over the years finally getting used to
25 it and deciding I really enjoyed it and going back. I don't

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1 get up there as often as I used to.

2 I hope in terms of my lifetime, in terms of the life
3 of the lake, that when we do have a chance to get there it
4 would be in the condition that it probably should be as a
5 very thriving, rich productive resource of, I believe,
6 national importance.

7 To be working off the shore here in Southern
8 California and see the shorebirds, nearly every bird on our
9 shorebird list is dependent at some time on this lake, and I
10 believe it shows a very clear connection, and as a resident
11 of the City of Los Angeles it shows a very clear connection,
12 and as a resident of the City of Los Angeles and somebody
13 who brushes his teeth with some of the Mono Lake water, I
14 will continue to do so, and I thank you for your careful
15 consideration of the issue before you.

16 Thank you.

17 MR. DEL PIERO: Thank you very much.
18 David Gast. Good afternoon, Mr. Gast.
19 MR. GAST: Good afternoon.

20 I want to urge you to protect Mono Lake. I was
21 actually on a three-week vacation throughout the West, all
22 the way up into Canada, and Mono Lake was really one of the
23 highlights of the trip, particularly when we walked down to
24 the lake.

25 You don't really appreciate it when you drive down

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1 the highway. If you go down there, and I am sure you
2 probably all have, it is very spectacular to go down there,
3 and I don't know of any other place quite like it. It was
4 one of the highlights of the trip.

5 I want to address whether or not California needs
6 this water, and I don't really think that we do need the
7 water, and the reason is that most of the water in this
8 state goes for agriculture, and I understand the Bureau of
9 Reclamation should price water a little more reasonably. If
10 they would stop subsidizing water for agriculture, then
11 that's going to reduce the demand for water, and there's
12 going to be more water available for other uses.

13 And I find it very egregious that crops like cotton
14 and rice that should be grown in swamps are grown in the
15 desert with subsidized water. I just think that we
16 shouldn't be subsidizing those crops at all.

17 Mono Lake is much more important than rice or cotton.

18 Finally, further I want to say the City's water
19 conservation needs to be further implemented. In this very
20 building there used to be a three-to-four inch main that
21 went directly into the sewer, just pumping freshwater there,
22 and the reason was that the bureaucratic entities
23 involved couldn't get together and decide who is going to
24 actually put in the pipe or the valve, or whatever they
25 actually needed in order to solve this problem.

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1 That was just a huge waste of water and I never saw
2 so much water just pouring out of a pipe and going into the
3 sewer. It was egregious. I understand they did finally fix
4 that problem, however. But for years it went on.

5 And this is just the type of problem that exists and
6 the type of problem we need to reduce the demand for water.

7 Also, I think of the luxury use of water for swimming
8 pools and outdoor air conditioning. They have in places
9 like Palm Springs in the middle of the desert where they
10 just take cold water and blow it out into the air, and it
11 kind of evaporates and the evaporation cools people off.

12 I am not sure of the technical term. I call it an
13 outdoor air conditioner.

14 I think the price for water for those kinds of uses
15 needs to be increased to try to reduce the demand for this
16 kind of wasteful use.

17 Finally, I just want to address the water quality. I
18 understand there is some debate between the State Water
19 Board and the Department of Water and Power. Specifically,
20 it is my understanding that DWP has outdoor reservoirs.
21 After the water leaves the outdoor reservoirs where it gets
22 contaminated in the reservoirs where birds do what birds do
23 best while flying over and other animals get in there, this
24 water is not filtered or anything, and it is my
25 understanding there has been a long debate about this

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1 between the State and the City about what they should do. I
2 urge you to really force them to clean up their water and
3 make sure that the water that gets in our tap is safe to
4 drink, because I just find it egregious that we are being
5 asked to drink water that is not safe.

6 I think that would be one of the biggest priorities,
7 so thank you very much, and thank you for holding this
8 hearing.

9 MR. DEL PIERO: Thank you very much.
10 J. J. Lara.

11 MR. LARA: I was reading the newspaper, so I thought
12 I would come over here to help represent the school. I
13 don't like to speak, I like to debate defending the country
14 and speaking on issues that people do not speak on, and it
15 seems you have to emphasize certain decisions, which I am
16 here to do.

17 I am from Los Angeles and Dallas, and who I am is J.
18 F. Kennedy dropped a flag in Dallas and J. J. Lara picked it
19 up and that's who I am.

20 In the service I studied electronics and in school I
21 studied physics, and I am in physics and politics, you might
22 say.

23 So, I want to bring the common point of view, I am a
24 handyman is what I am. I understand a lot of the basics.

25 I live where we have a swimming pool. I am the one

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1 who maintains most of it, a lot of it anyway.

2 I was in Victorville during the second world war so
 3 that is why I am familiar with the desert. We used to
 4 travel to San Bernardino and swim in a one-foot pipe stream.
 5 The most important thing seems to be to worry more
 6 about informing the common man how to stay alive. I water
 7 the lawn and everything, and I know how little it takes.
 8 And I watch the water come down from the lawn from the rich
 9 homes and go into the drain. You should cut down on the
 10 time there. Being a gardener with this clay, if you don't
 11 break it up, I know how tough it is because I work very
 12 hard.
 13 So, like I say, I have influence because I know that
 14 people need the influence and that is what I try to do.
 15 MR. DEL PIERO: Thank you.
 16 David Campbell.
 17 Elizabeth Glenn. Good afternoon.
 18 MS. GLENN: Thank you, first of all, for coming down
 19 here to hold the hearing for people in this part of the
 20 City. I am a resident of Los Angeles, and not only have I
 21 grown up in Los Angeles, but I am a third-generation of my
 22 family --
 23 MR. DEL PIERO: There's only about three of you left.
 24 MS. GLENN: I think so.
 25 But I am speaking to you today because since I first

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1 visited Mono Lake at the age of 11 in 1978, I have been
 2 concerned about its welfare. As a matter of fact, that was
 3 really the first time I became aware of the preciousness of
 4 the resources in California, and I understand that the Mono
 5 Lake Committee is requesting that the Water Board select a
 6 minim lake level of 6390 for Mono Lake, and I further
 7 understand that the Draft EIR prepared under the direction
 8 of the California Environmental Quality Act indicated the
 9 higher lake level may be needed to restore public trust
 10 resources lost as a result of water diversion by the Los
 11 Angeles Department of Water and Power.
 12 So, I would like to urge you, the Water Board to
 13 select a lake level for Mono Lake that would restore
 14 extensive stream-side wetlands as well as Mono Lake itself
 15 as a habitat for the historical waterfowl population,
 16 increase significantly the productivity of the brine shrimp,
 17 a candidate for listing under the federal Endangered Species
 18 Act, increase the productivity of the alkali fly as a
 19 primary food source for nesting and migratory bird
 20 populations, minimizing the lung damage from dust storms
 21 that violate State and Federal air quality standards,
 22 resulting in optimum flows for Mono Lake's tributary
 23 streams, maintaining the fisheries as recommended by the
 24 California Department of Fish and Game.
 25 And especially, I enjoy trout fishing and I would

00095

1 like Rush Creek flowing again to be able to be fished again,
 2 which for all of my life I was not able to do.
 3 Restore a greater overall aesthetic experience at
 4 Mono Lake, covering the land bridge, putting more of the
 5 alkali coated lake bottom underwater, filling in bays and
 6 surrounding the tufa with water has increased the size of
 7 the lake. Restore the integrity of Negit Island as a
 8 nesting sanctuary for 85 per cent of the State's gull
 9 populations.
 10 In addition, I urge the Board to recommend Mono Lake
 11 as an outstanding national resource water. I understand
 12 this designation will protect Mono Lake by setting salinity
 13 levels which must be maintained by the Los Angeles
 14 Department of Water and Power.
 15 As a Los Angeles resident, I know beyond a shadow of
 16 a doubt that it is feasible to permanently protect Mono Lake
 17 and meet the water needs of Los Angeles. Los Angeles City
 18 residents have shown that it is possible to conserve water
 19 without stress during the recent drought. I believe we
 20 could conserve even more water on a regular basis.
 21 In addition, State and Federal funds are available to
 22 help DWP replace Mono Basin water with environmentally sound
 23 programs such as water reclamation and conservation.
 24 During the record rains of last winter water was

25 allowed to flow to the ocean rather than be reclaimed for
 00096
 1 urban use. I believe Los Angeles has been using my money to
 2 drag on these court battles and continue to destroy Mono
 3 Lake when it would be more cost efficient, environmentally
 4 sound and simply make more sense to replace Mono Basin water
 5 with other alternatives.
 6 Frankly, I have been embarrassed to be a Los Angeles
 7 resident for years when I view the waste of resources at the
 8 hands of DWP. I pay my DWP bills regularly and I am
 9 outraged that in this kind of budgetary constraint that the
 10 DWP maintains its status quo on the issue of the
 11 preservation of Mono Lake.
 12 Two weeks ago when I took my annual trip to the
 13 Eastern Sierra corridor, I was reminded fresh again how
 14 important it is to preserve Mono Lake. I drove past Owens
 15 Lake, which unfortunately, although my great grandparents
 16 who lived in Bishop were able to see it in their lifetime,
 17 in my lifetime I have never seen a lake there. I have only
 18 seen the dust basin that has been there as the result of the
 19 diversion of water by the Department of Water and Power.
 20 And so, for that reason and all the other reasons,
 21 which I stated, I urge the Water Board to do what the DWP
 22 has failed in its infinite wisdom to do, and that is to
 23 select the 6390-foot lake level at a minimum for Mono Lake.
 24 Thank you very much.
 25 MR. DEL PIERO: Thank you very much.

00097

1 Eric Stocker.
 2 Martin Schlageter. Good afternoon.
 3 MR. SCHLAGETER: Good afternoon. My name is Martin
 4 Schlageter. I am the Executive Director of Friends of the
 5 Los Angeles River.
 6 Friends of the Los Angeles River supports the maximum
 7 level of water nearing natural levels for Mono Lake, I
 8 believe that level being 6390 or higher, there being a
 9 number of reasons.
 10 Friends of the Los Angeles River believe that there
 11 are many opportunities in Los Angeles alone to conserve
 12 water, one being on the Los Angeles River. In the storms of
 13 this year a year's supply of water washed out to the ocean,
 14 and that was virtually untapped.
 15 In other systems such as the San Gabriel River, water
 16 conservation reaches, I think, 80 percent, whereas, on the
 17 Los Angeles River it is about 15 percent. The river is a
 18 source of usable water.
 19 Unfortunately, some of the authorities we have
 20 over the river right now such as the Army Corps of Engineers
 21 and the County Department of Public Works, they are looking
 22 to make the river even a more effective conduit of storm
 23 water, not to conserve that water, but to make it rush
 24 faster out to the ocean, just as polluted out to the ocean,
 25 and quickly, even more quickly out to the ocean.

00098

1 They are looking at spending 400 million dollars to
 2 do this and we believe this is a gross misuse of funds and
 3 this type of money that can be used to enhance water
 4 conservation efforts.
 5 Now, I believe agencies such as DWP and other water
 6 agencies should be working with ourselves, working with the
 7 County and the Corps to tap into this source of funds which
 8 is flood control funds, to be able to address more than just
 9 the flood control problem, but to address also the water
 10 conservation problem and water quality problem, et cetera.
 11 Friends of the Los Angeles River believe that there
 12 are other sources of water such as on the Los Angeles River,
 13 other sources of funds to increase water conservation such
 14 as flood control funds, and sources such as water
 15 conservation itself, which can meet the area's water needs.
 16 These are sources of water that do not negatively
 17 impact our natural resources and Friends of the Los Angeles
 18 River is open to working with any and everybody to identify
 19 these sources.
 20 The area's water needs, just in conclusion, include a
 21 need for a healthy environment, include the need for a

22 healthy Mono Lake, and therefore, we support and we urge
 23 your Board to select the maximum water levels at Mono Lake.
 24 Thanks for this opportunity to speak.
 25 MR. DEL PIERO: Thank you very much.

00099

1 Susan McCabe. Good afternoon.
 2 MS. McCABE: Good afternoon. My name is Susan McCabe
 3 and I am here today on behalf of the Santa Monica Bay
 4 Restoration Project.
 5 I just wanted to say a few words about your efforts
 6 in looking at the Mono Lake project.
 7 The Santa Monica Bay Restoration Project, chaired by
 8 the State Board Chairman, John Caffrey -- who sends his
 9 regards, although I understand he dropped off at least one
 10 of you at the airport this morning --
 11 MR. DEL FIERO: Me.
 12 MS. McCABE: -- is one of 21 national estuary
 13 programs around the country.
 14 Working with the management committee of diverse
 15 representation, we have elected officials, local, State and
 16 Federal agencies, environmentalists and industry; our major
 17 objective is to collaboratively develop a plan of action to
 18 clean up and restore the Santa Monica Bay.
 19 The plan is nearing completion and it will be out for
 20 public review in January.
 21 Like Santa Monica Bay, Mono Lake is one of
 22 California's important natural resources. We, like many
 23 speakers here today, also believe that it is feasible to
 24 protect Mono Lake and at the same time meet the water needs
 25 of the citizens of Los Angeles.

00100

1 One important mechanism for making this possible is
 2 to maximize the use of reclaimed water as called for in our
 3 Bay Restoration Plan.
 4 Today sewer treatment facilities in Santa Monica Bay
 5 discharge nearly 650 million gallons of treated wastewater
 6 in the Bay each day.
 7 While a portion of it is currently reclaimed for
 8 irrigation and other non-potable uses, expanding our
 9 capacity to further reclaim and deliver high quality treated
 10 wastewater can help solve the City's water problem, retain
 11 water in Mono Lake watershed, and at the same time reduce
 12 waste discharge to Santa Monica Bay.
 13 We, therefore, urge the State Water Board to
 14 emphasize and promote the development of replacement water
 15 such as water reclamation in your deliberations on the
 16 future of Mono Lake.
 17 Thank you.
 18 MR. DEL PIERO: Thank you.
 19 That is all I have got. Do you have any more?
 20 Ladies and gentlemen, we have exhausted our supply of
 21 blue cards. If anyone is interested in making a pre-
 22 sentation to the Board now before we adjourn until this
 23 evening -- we have one. If you are interested in making a
 24 presentation before I adjourn until seven o'clock this
 25 evening, please fill out a blue card.

00101

1 Joe Piechowski. Good afternoon.
 2 MR. PIECHOWSKI: Good afternoon. I have come here
 3 today not as a representative of any special interest. I
 4 come here representing the common citizen.
 5 The question posed before you is, will this body give
 6 in to the pressure from environmental special interests,
 7 will it make sensible and logical decisions for all
 8 Californians?
 9 I don't have all the fancy facts and figures that the
 10 Mono Lake Committee gathers. I'm just an average student
 11 who attends UCLA. I found out about this hearing walking
 12 across the campus this afternoon.
 13 Many before me sport blue ribbons to show they care
 14 about the lake. I guess that means they care more than I
 15 do, because I am not wearing a blue ribbon. Instead, I am
 16 sporting a dollar bill ribbon to show that I care more about
 17 the cost of raising the lake level to 6390.
 18 Despite last year's record rainfalls and snowfalls,

19 the lake level rose less than two feet. I urge you to
 20 strongly consider what it will cost to raise the level seven
 21 times last year's increase. Ask yourself how much it would
 22 cost the taxpayers not only in terms of taxes, but jobs and
 23 economic growth.
 24 In terms of taxes, I am sure all of you know our
 25 State is nearly bankrupt. Since I have been attending UCLA

00102

1 I have seen fees triple in cost.
 2 I would rather see Federal and State tax money go
 3 towards promoting economic growth and jobs instead of
 4 killing jobs and economic growth.
 5 Gentlemen, the choice is simple, shrimp or people,
 6 the environment or jobs and growth. By unnecessarily
 7 regulating the lake's level, you would be choosing shrimp
 8 over people and forcing more and more jobs to leave the
 9 state because businesses are going to be burdened with more
 10 and unnecessary costs.
 11 How long will the citizens of Los Angeles be forced
 12 to endure drought regulations because some environmentalists
 13 got their way? You will not see millions of people that
 14 live in the Los Angeles area coming to these hearings. They
 15 just don't have the time. You will see the environmental
 16 lobbyists testify hours upon hours because they want their
 17 way.
 18 I urge you to remember that there are millions of
 19 Californians who are struggling today to make a living.
 20 These are the people who will be affected the most by
 21 unnecessary government regulations.
 22 Today on TV we see the last remnants of the communist
 23 regime in Russia being brought to its knees. I urge you to
 24 avoid pushing California in the other direction. Don't
 25 punish California and Los Angeles by burdening us with more

00103

1 regulations.
 2 Thank you.
 3 MR. DEL PIERO: Thank you very much.
 4 John McGee. Good afternoon, Mr. McGee.
 5 MR. McGEE: How you guys doing? Unfortunately, I
 6 didn't come with a prepared statement, so I will have to
 7 wing it a little bit.
 8 MR. DEL PIERO: We don't dock anybody for that.
 9 MR. McGEE: I did some research on birds of Tioga
 10 Pass for a few summers, so I am familiar with the ecosystem
 11 of the Mono Basin and I feel very strongly that we need to
 12 support the ecosystem there, especially in light of what's
 13 happened with the rest of the Owens River Valley and Owens
 14 Lake bed, and all that.
 15 I guess the main problem, everyone sees the economic
 16 overtones and where we are going to get the water otherwise.
 17 I think that it is unfortunate that people in Los Angeles
 18 fail to conserve water as much as -- okay, check it out.
 19 In the San Francisco Bay Area, which is where I lived
 20 before I went to Los Angeles, they have had water
 21 conservation going for years and they get their water from
 22 Hetch-Hetchy, which, you know, is a totally different story,
 23 but for some reason they don't seem to have a big problem
 24 conserving water and at the same time Los Angeles, which is
 25 a desert, Angelinos can't conserve water for some reason.

00104

1 Whenever it is brought up, they say, well, I have to have a
 2 ten-minute shower.
 3 I am, basically, speaking in favor of the lake and I
 4 would like to have the lake level back up to normal, which
 5 is -- I don't know, the 1963 level or whatever, just so that
 6 we can get the ecosystem back in order.
 7 Thank you.
 8 MR. DEL PIERO: Thank you very much.
 9 Dinh Le. Good afternoon.
 10 MR. LE: Good afternoon. I am representing myself.
 11 Having had an opportunity to visit Mono Lake last
 12 summer, I would like to express my appreciation for its
 13 unique and exotic beauty in both landscape and wildlife.
 14 You can say it is love at first sight, but I am sure that
 15 love is going to last forever.

16 I hope that Mono Lake can be preserved for future
 17 generations to enjoy.
 18 I have looked at it like it is getting sick. Its
 19 main source of water has been taken away. Its residents are
 20 dying off and if not careful, will vanish into oblivion, and
 21 for what? To satisfy a small portion of our excessive needs
 22 and unwise usage and management of water.
 23 The price of losing Mono Lake is much much too high.
 24 We can do a better job of managing and conserving our water.
 25 Thanks.

00105

1 MR. DEL PIERO: Thank you very much.
 2 Ladies and gentlemen, this hearing will begin again
 3 at seven o'clock this evening.
 4 Thank you very much for your attendance.
 5 (Afternoon recess)

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00106

1 MONDAY, OCTOBER 4, 1993, 7:00 P.M.
 2 --oOo--
 3 MR. DEL PIERO: Ladies and gentlemen, this hearing of
 4 the State Water Resources Control Board will come to order.
 5 To those of you who are still filling out blue cards
 6 in the back of the room, when they are completed, if you
 7 would ask staff people who are back at the table to bring
 8 them up, we can move along as expeditiously as possible.
 9 For those of you that were not present this
 10 afternoon, I am Marc del Piero, Vice Chair of the State
 11 Water Resources Control Board, and I am acting as Hearing
 12 Officer in regard to the matter of Mono Lake that's been
 13 scheduled for policy presentations this evening.
 14 For those of you that were here this afternoon, I
 15 want you to please forgive me, but I am going to go through
 16 a brief summary of what I discussed earlier today for those
 17 individuals who are new here this evening and did not have
 18 the opportunity to hear the description of the procedures
 19 that we are going to follow.
 20 The matter before us today and this evening is one of
 21 three sessions that have been scheduled for hearing by the
 22 State Water Resources Control Board, policy statements from
 23 individuals and organizations interested in issues related
 24 to water diversions from the Mono Lake Basin.
 25 For those that may not be familiar with the State

00107

1 Water Resources Control Board, the State Water Resources
 2 Control Board is a five-member Board appointed by the
 3 Governor. The appointments are categoric. One is the
 4 current Chairman, John Caffrey, who, unfortunately, was not
 5 able to be with us this evening and extends his apologies.
 6 Mr. Caffrey currently occupies the water quality
 7 specialist position on the Board.
 8 Additionally, there are two engineers. One is
 9 required to be a civil engineer. The current occupant of
 10 that is John Brown. He happens to be a specialist in
 11 agricultural irrigation.
 12 Another engineer is James Stubchaer. Prior to

13 serving on the Water Resources Control Board, he spent 30
 14 years as the General Manager and Executive Director of both
 15 the Santa Barbara Flood Control and Water Conservation
 16 District, as well as the Santa Barbara County Water Agency.
 17 We have a public member, which is also a categoric
 18 position. Her name is Mary Jane Forster. She also,
 19 unfortunately, will not be with us this evening. She hoped
 20 to be with us and may join tomorrow at Mammoth Lakes.
 21 Lastly, I am Marc del Piero, Vice Chairman of the
 22 Board. I am an attorney and I fill the attorney position on
 23 the Board.

24 And, in order to answer some questions that
 25 invariably come up, I served for 11 years on the Monterey
 00108

1 County Board of Supervisors, and also, on the Monterey
 2 County Resources Agency Board of Directors for 11 years. I
 3 played an active role in the development and ultimate
 4 approval of the Monterey Bay Marine Sanctuary.

5 Also, Monterey County neither imports water from
 6 anyplace else, nor does it export water from anyplace. We
 7 have a pretty much closed system.

8 What we are going to be doing this evening is
 9 entertain comments from the general public in regard to
 10 issues of water diversions from Mono Lake Basin.

11 With me this evening are a number of staff, very
 12 excellent staff of the State Water Resources Control Board
 13 that have been assigned to assist me in the hearing process
 14 on this matter.

15 With me this evening are staff environmental
 16 specialists Jim Canaday and Steve Herrera. We also have
 17 staff engineers Richard Satkowski and Hugh Smith; and
 18 finally, to my immediate right is my good friend and chief
 19 counsel on this matter, Dan Frink.

20 I am going to read a portion of a paragraph from the
 21 prepared statement.

22 The State Water Board is charged with the task of
 23 amending the City of Los Angeles' water rights in the Mono
 24 Lake Basin to include terms and conditions necessary to
 25 protect fishery resources in the affected streams.

00109

1 The State Water Board has also been charged with the
 2 task of considering the effect of water diversions on the
 3 public trust resources of the Mono Basin, and also,
 4 protecting public trust resources where feasible.

5 This second task involves the difficult job of
 6 balancing the public interest served by the City of Los
 7 Angeles water diversions against the effects which those
 8 diversions have on public trust resources.

9 Tonight is the policy statement portion of this
 10 hearing. After this hearing this evening is concluded and
 11 after the hearing tomorrow in Mammoth Lakes is concluded, in
 12 about two weeks we will begin the evidentiary hearing
 13 portion of this process.

14 It is important for me to outline several things so
 15 everyone will understand what the ground rules are here this
 16 evening.

17 This hearing is to provide an opportunity for
 18 expression of non-evidentiary information. It is for the
 19 presentation of policy statements only. The presentation of
 20 policy statements are subject to four rules.

21 The first is policy statements don't have to be
 22 presented under oath.

23 Secondly, persons making policy statements are not
 24 subject to cross-examination, although with my discretion as
 25 Hearing officer, I can allow individuals to be asked

00110

1 questions and to respond in order to clarify their
 2 positions.

3 Thirdly, policy statements may be used to present the
 4 position of a speaker but are not going to be considered as
 5 factual evidence and part of the evidentiary record.

6 And finally, this is my rule: There'll be no applause
 7 except for me.

8 And, thank you.

9 Now that we have gotten that out of the way, it moves

10 the hearing along much more quickly and much more
11 expeditiously if things are done as structured as fast as
12 possible.

13 In order to allow as many people to speak as we can,
14 and also, in order for us to get out of here by nine o'clock
before the janitor closes the door on us, everyone who
wishes to make a presentation is afforded five minutes.

17 Additionally, if you cannot complete your comments
18 and presentation within five minutes, the Board will
19 continue to allow policy statements in written form to be
20 received into the record.

21 Are there any other comments you wish to make before
22 We begin?

23 Mr. Frink advises me that it is important for me to
24 point out in terms of policy statements, policy statements
25 will be received by the staff for not more than 15 days

00111

1 after the end of the evidentiary portion of this hearing.
2 So, there is a significant amount of time because the
3 evidentiary portion of this hearing probably won't end until
4 the end of November.

5 Given that, ladies and gentlemen, we are going to
6 begin. When I call your name, present yourself here at the
7 podium and state your name for the record.

8 I do need to point out that there is an additional
9 person here without whom this hearing doesn't go and without
10 whom nothing gets done. That's Ms. Alice Book. She is our
11 court reporter. When she tells me to stop, I stop, because
12 she's got to record everything that is said. If she
13 doesn't, then nothing gets done, so when you come up, if you
14 would be kind enough to speak as loudly and as clearly as
15 possible so she gets a good record of this proceeding, I
16 would appreciate it.

17 Those of you wishing copies of the record can get in
18 touch with her after the hearing is over and order a copy.

19 Now we are going to start. The first person that I
20 would like to come forward to make your presentation is
21 Judith Anderson. Good evening.

22 MS. ANDERSON: Hi. My name is Judith Anderson.
23 Mono Lake is a part of, as Hugh Hauser puts it,
24 California's gold. It is a precious resource important to a
25 healthy Eastern Sierra and the California economy,

00112

1 especially in terms of tourism.

2 In order to protect Mono Lake, a level of 6390 feet
3 or higher is necessary. This level will not only help to
4 save Mono Lake, it will reduce health impacts on the local
5 residents who may be affected by migrating PM-10 resulting
6 from dust storms and a low lake level.

7 Mono Lake should be designated an outstanding
8 national resource for water. A maximum salinity standard
9 needs to be set to help protect the lake ecosystem.

10 According to information obtained by the Mono Lake
11 Committee, it is feasible to permanently protect Mono Lake.

12 State and Federal funds totalling 50 to 100 million
13 dollars are available to the Los Angeles Department of Water
14 and Power to replace Mono Basin water with environmentally
15 sound alternatives such as water reclamation and
16 conservation.

17 Conservation of water will be rather simple to
18 achieve in light of the previous six-year drought measures
19 taken by the Los Angeles Department of Water and Power,
20 other water suppliers, the corporate world and the general
21 public.

22 Low-flow showerheads and low-capacity toilets are
23 still installed. People didn't remove them when the end of
24 the drought was announced.

25 Water saving measures can still be encouraged in

00113

1 order to save Mono Lake and other water resources. It isn't
2 difficult, and as we saw during the drought, people could
3 definitely live in their accustomed life style with a more
4 judicious use of water.

5 One note of objection to raising the level of Mono
6 Lake is the potential loss of tufas. This could be viewed

7 as a loss; however, my understanding of their existence is
8 due to the loss of water and increased salinity which is
9 very detrimental in the larger scope of the lake ecology.

10 Bemoaning the removal of tufas from view because they
11 Will still be there, only submerged, is like complaining
12 that if we eliminate air pollution, the sunsets won't be as
13 comfortable.

14 Thank you for the opportunity to speak.

15 MR. DEL PIERO: Thank you very much.

16 The next speaker I would call is Maxine Leichter.

17 MS. LEICHTER: My name is Maxine Leichter.

18 I am presenting this statement as the elected
19 representative of Division 2 of the Three Valleys Municipal
20 Water District district. Three Valleys is a Metropolitan
21 member agency located in the eastern portion of the San
22 Gabriel Valley.

23 I once had an opportunity to take a boat trip on Mono
24 Lake. The trip leader had made special arrangements for us
25 to camp out on an island in the lake. The trip was

00114

1 certainly the most unusual, beautiful and exciting camping
2 trip I have ever taken.

3 The warm water full of brine shrimp, the hot springs,
4 the bright sun and snow-capped Sierra all around has
5 combined to produce an incomparable experience.

6 Now the Board has the opportunity to protect this
7 endangered natural resource for the enjoyment of all
8 Californians.

9 I urge you to designate Mono Lake a national resource
10 water body and to protect the lake by guaranteeing a lake
11 level of at least 6390 feet. This will enhance the food
12 source for nesting birds, will protect Negit Island for
13 nesting, and will enhance the beauty and natural diversity
14 of the area around Mono Lake.

15 A healthy Mono Lake will also help assure a healthier
16 economy for the Eastern Sierra region and for all
17 California.

18 You will hear the cry of the Los Angeles Department
19 of Water and Power saying that they must have this water for
20 Los Angeles. This is not true.

21 The entire dispute is over 20,000 acre-feet of water
22 per year. DWP could provide this water to its citizens by
23 replacing part of the water uses with reclaimed water.

24 Fifty to 100 million dollars are available, but DWP
25 has refused to accept it for this purpose-

00115

1 DWP has the ability to solve this problem. Water
2 agencies in the San Gabriel Valley are cleaning up
3 groundwater and making maximum use of reclaimed water. DWP
4 needs to do the same in order to be less dependent on
5 imported water for Metropolitan as well as to save Mono
6 Lake.

7 For the sake of generations who will come after us, I
8 urge you to seize this opportunity. It is the last chance
9 we will have to save Mono Lake.

10 Thank you.

11 MR. DEL PIERO: Thank you very much.

12 Randal Orton. Good evening, sir.

13 MR. ORTON: My name is Randal Orton. I have a
14 Bachelor's Degree in Biology from this institution. I have
15 a Doctorate in Biology, also from this institution, and just
16 recently, as of a year ago, I finished a second Doctorate in
17 Environmental Science and Engineering, also at this
18 institution.

19 The subject of my dissertation was Mono Lake, Mono
20 Lake controversy and the public trust doctrine.

21 I am struck today by the fact, the obvious fact that
22 you have been witness to environmental advocacy.

23 I won't read you my whole dissertation.

24 MR. DEL PIERO: I need to point something tot to you.

25 The purpose of the hearing this evening is for policy

00116

1 statements. Representations out of a doctoral thesis -- I
2 want to make it real clear so you understand and acknowledge
3 that representations from the doctoral thesis, be that as it

4 may, are not going to be considered as evidence in the
5 course of this procedure and can only be considered as a
6 personal opinion and the fact that you got the doctorate
7 doesn't qualify you as an expert during a policy statement
8 process.

9 MR. ORTON: I am well aware of that and I appreciate
10 that.

11 MR. DEL PIERO: You acknowledge that here?

12 MR. ORTON: I do.

13 My purpose in mentioning the background, by the way,
14 is because I am a citizen of the City. I am a member of the
15 class of 1974, including environmental activism. I pursued
16 biology and then gave it up. I determined that a
17 second degree was necessary to get the appropriate depth in
18 the field.

19 My statements regarding policy are simple today. We
20 have a source of water available to you which is
21 inexpensive. It is arriving in the City of Los Angeles by
22 gravity. That is to say it takes no water to pump it. It
23 is the highest quality water, and I believe you can take
24 quite a bit of it without harming the environment of the
25 Mono Lake ecosystem.

00117

1 So, my first policy statement is that I encourage you
2 to look at the facts that will be presented to you tonight
3 and later on, and make your judgment from those facts,
4 taking into consideration the advocacy statements that are
5 being made today.

6 I appreciate the sentiments, but you will ultimately
7 make a decision on the facts.

8 I see environmentalism as three components. I see it
9 as a political endeavor which is a matter of advertising
10 one's assertions. There have been flowers posted around the
11 campus today to make sure that people arrive here, and that
12 is as it should be in a democracy, I guess.

13 Environmentalism has a legal endeavor and that is a
14 matter of insuring that one has the power to affect the
15 forms insofar as the rule of law prevails.

16 The Mono Lake controversy has arrived here going
17 through a legal arena, and that is also as it should be.

18 However, the third component of environmentalism is
19 its component as a scientific endeavor, and that is a matter
20 of insuring that one's assertions can withstand objective
21 scrutiny.

22 It is, I believe, in that last element that the
23 advocacy for Mono Lake falters.

24 I do not believe a lake level of 6390 is required to
25 protect the Mono Lake ecosystem. As a matter of policy, I

00118

1 believe we should look at that lake level and all lake
2 levels, and as a matter of policy base your decision on the
3 facts that are presented to you.

4 I thank you very much for the opportunity to talk
5 tonight. I spent many nights working over this and it is
6 very nice to have the opportunity to say so.

7 Thank you.

8 MR. DEL PIERO: Thank you very much.

9 John Mower.

10 David Allgood.

11 David Campbell.

12 These are the people that didn't get a chance to
13 speak this afternoon.

14 Eric Stocker.

15 Anita Carswell.

16 Al Sarro.

17 Robert Lamont.

18 Carole Hossan. Good evening.

19 MS. HOSSAN: My name is Carole Hossan. I am an
20 artist and I visited Mono Lake several times, and I must
21 admit from a distance I was a little disappointed, but then,
22 when I got close to it, the magic of it just overwhelmed me.
23 I mean, to me Mono Lake is special to our nation. It is
24 like the Grand Canyon, it's that unique.

25 I urge you to support a lake level of at least, I

00119

1 would like to see much more than that, but at least 6390
2 feet to support and sustain the indigenous unique life
3 forms.

4 As you know, California is in a troubled time now and
5 we really need to look at different resources to keep people
6 coming to our state, and it would be a travesty if we
7 destroyed one of the most unique resources that we have, so
8 I really urge you to do all you can to protect the lake and
9 to designate it a national water resource.

10 Thank you.

11 MR. DEL PIERO: Thank you very much.

12 Mr. Harry Rose. Good evening.

13 MR. ROSE: Good evening. My name is Harry Rose. I
14 am a resident of the City of Los Angeles and I am probably
15 one of the people that would see the effects of whatever you
16 guys decide on in my water bill.

17 Nevertheless, I have been to Mono Lake twice in my
18 life, and it is one of the prettiest places I have ever
19 seen.

20 I would urge the Board to support the level of at
21 least 6390 feet, possibly more. I am willing to pay the
22 extra money.

23 I live in a city that squanders water. In the past I
24 have lived in cities like Long Beach that recycle a lot of
25 wastewater. Los Angeles doesn't seem to do that and I think

00120

1 they need a little bit of a push from the Board.

2 I would also be willing to support a national water
3 resource designation for Mono Lake.

4 I think it is one of the prettiest places in the
5 State of California and I think it should be preserved.

6 Thank you.

7 MR. DEL PIERO: Just so you know, because of the
8 court order, the Los Angeles Department of Water and Power,
9 with the exception of a small amount of water for fisheries,
10 have not been taking any water from Mono Lake since 1989.

11 MR. ROSE: I understand that.

12 MR. DEL PIERO: If you were going to feel it on your
13 water bill, you would have felt it by now.

14 MR. ROSE: I understand they are not taking any at
15 the moment, but I know DWP and I think they are -- what can
16 I say, somewhat inept.

17 MR. DEL PIERO: I just wanted to make sure you
18 understood.

19 MR. ROSE: Yes, I understand.

20 MR. DEL PIERO: Dale Burger. Good evening, sir.

21 MR. BURGER: Good evening. I am Dale Burger and I
22 have been a resident of the Los Angeles area end of the Mono
23 Lake Basin for the last 50 years. During this period of
24 time, Los Angeles has undergone an enormous amount of
25 growth.

00121

1 Owens Lake has turned into a dust bowl.

2 These are things I have seen. And Mono Lake has been
3 seriously threatened.

4 I mention the above facts because they have at least
5 three areas of relationship. Los Angeles aqueduct connects
6 these three areas. Water policy during that 50 years, with
7 all due concern for the present membership, has been
8 primarily exploitive, and the need for us to live within our
9 environmental resources has only recently become apparent.

10 It is true that as long as Los Angeles is growing, it
11 will need more and more water. It is also true that the
12 majority of this water is dumped into the wastewater stream
13 which is subsequently dumped into the Pacific.

14 The Mono Lake water supply, when they are taking it,
15 is a small percentage of the water used in Los Angeles, and
16 I am talking here just DWP because there are other water
17 districts in the Los Angeles area which do not draw from
18 that source.

19 Even after Mono Lake might be turned into another
20 dust bowl, if LADWP has their way, they will be out looking
21 for more water. I mean, that's just what's going to happen.

22 So, maybe the time to stop it is now.

23 If nothing else, let us also look at the actual

24 environmental cost of the present policy.
25 Mono Lake, had things continued the way they were
00122

1 going, would be reduced in depth and, therefore, increased
2 in salinity.

3 There is already very good evidence that when the
4 salinity rises, the brine shrimp and alkali fly populations
5 drop markedly in some cases.

6 Now, I am not throwing myself into the whole issue of
7 trying to save little shrimp or little flies, the typical
8 environmentalist approach. Instead, let's look at a little
9 different issue.

10 How much is the Los Angeles Department of Water and
11 Power willing to pay every year to feed the birds that will
12 not have food if that lake dies? That's an annual cost.
13 Either that, or you just let the birds die and I don't think
14 that's been factored in too much.

15 Secondly, how much is Los Angeles Department of Water
16 and Power going to pay to cover the alkali dust flats they
17 have created? They haven't done anything in Owens Lake and
18 there's certainly a lot more flats exposed in Mono Lake.

19 I live there part of the year. It concerns me.
20 Fortunately, I live to the west of the lake and the wind
21 usually blows the other way. So, these are issues that have
22 to be addressed.

23 And finally, of course, if it gets bad enough, how
24 much will the Los Angeles Water Department pay to relocate
25 the hundreds of people in the Mono Lake Basin that will be
00123

1 adversely affected by the toxic dust storms. These are well
2 above the present EPA limits on toxic dust.

3 So, I believe that it is possible to wax poetic over
4 Mono Lake because, after all, I have been there for 50 years
5 and it is a lovely place. However, I also live in Los
6 Angeles and I do not appreciate the present policy of the
7 DWP because eventually it is going to reflect on my water
8 bill a lot more than it has, so I wish that we would look at
9 this policy and see if we can't get them to change their
0 ways.

11 I have it written. Is this admitted?

12 MR. DEL PIERO: I assume it is the comments you just
13 made?

14 MR. BURGER: Yes.

15 MR. DEL PIERO: You can give it to Mr. Canaday and it
16 will be incorporated into the record.

17 Thank you very much.

18 Warren Marr.

19 Robert Lage. Good evening.

20 MR. LAGE: Thank you, Mr. Chairman and members of the
21 staff.

22 We have already heard a great deal about the technical
23 substantiation for a lake level of 6390 feet above sea
24 level.

25 My own expertise and experience is not in the field
00124

1 of either botany or biology, but more related to
2 forecasting, budgeting and management in a major public
3 utility for over 40 years.

4 However, careful reading of the detail and data that
5 has been submitted, and it is well known to you certainly,
6 convinced me that this is a soundly established
7 determination. I hope the State Board will act upon that
8 judgment.

9 In your deliberations, however, I would like to ask
10 you to consider another larger dimension than the one that
11 pertains directly to Mono Lake. The dimension I am
12 referring to is that based on broad perceptions of reality
13 as compared to narrower self-interests that obviously have
14 been expressed in many ways by the activities within Los
15 Angeles.

16 bluntly speaking, an appalling number of our current
17 California population, both legal and illegal, could care
18 less about Mono Lake, the Sierras, the Colorado River, the
19 Grand Canyon, or any of the other wonders that are available
20 to us throughout the Western United States.

21 You have only to look at any of our large cities to
22 see that there is a significant lack of regard for anything
23 whether it is natural or man-made.
24 To some degree, I think we are all responsible and
25 guilty of this kind of narrowness. We see without really
00125

1 seeing.

2 If you don't believe this, just think about your last
3 trip home from the office. You probably didn't see a great
4 number of things because you were somewhat transfixed by a
5 number of things, traffic and getting home. And so it is
6 with Mono-Lake, many of us have seen it and we can perceive
7 its beauty because we have actually been there. I have been
8 there for many many dozens of years. Most, however, have
9 little concern for either Mono Lake or its importance to us
10 all, especially those of us in Southern California.

11 My own first view of Mono Lake was in the summer of
12 1931 when I was eight years old en route to Twenty-nine
13 Palms, California, from Walla Walla, Washington, both huge
14 cities.

15 I still remember the first view of that lake as we
16 came over the Sierras from Bridgeport. It was really a
17 sight that I had not imagined in my young life to that
18 point.

19 Over the years my family and I have visited June Lake
20 and the Mono Lake area many many times and we have watched
21 and felt helpless as we saw the Mono Lake itself shrink in
22 size from those earlier views I remembered.

23 So, it was with considerable hope I saw the
24 activities of the Mono Lake Committee, and more recently,
25 what you on the Water Board have done to at least consider
00126

1 the activities that will ultimately either lead to its
2 demise or to its long life.

3 Attached to the written testimony that I have
4 submitted to you is a picture of Mono Lake, which I would
5 like to direct your attention to. That picture was taken in
6 1968 on an early morning. As I recall, it was about seven
7 in the morning and there was a storm that had just passed
8 over the Sierras and over Mono Lake.

9 I am not much of an attendee at church, but I can
10 only say that views like that almost transcend any
11 experience that I have ever had in church. There is always
12 almost a mystical quality of sunlight filtered by the clouds
13 that gives rise to that unique natural quality of Mono Lake
14 and the Sierras.

15 I think it should convince all but the most stalwart
16 and selfish that this is truly a lake worth protecting
17 because once lost Mono Lake isn't going to be regained any more
18 than Lake Matthew was a thousand or more years ago.

19 As we consider Mono Lake, I think we should consider,
20 in my view at least, something merely beyond how to provide
21 400, 500, 600 gallons per day to each residence that can be
22 built by many contractors and developers here in the Los
23 Angeles megalopolis.

24 Truly, as dwellers of a desert, is really what we
25 inhabit here, we must not blindly consider the immediate
00127

1 pleasing views of unlimited residential lawns, trees and
2 shrubs, nor the convenience, if you will, of unlimited
3 shopping malls, golf courses, parks and pools. They are
4 nice, but can we really afford them?

5 We need to perceive the broader values of nature. I
6 suggest we have to consider those broader values of nature
7 unless we want to drop to the level of a Mexico City or a
8 Calcutta. I don't think I want to see that happen to what
9 we now have known as beautiful California.

10 Otherwise, we will enjoy neither our own inheritance
11 nor we will pass on to our children a worthwhile world.

12 Once we understand the portent, the urgency of what
13 we are about here and consider the broader concepts of Mono
14 Lake's condition, we can then really begin to solve it. It
15 will require a lot more, though, than the actions as I see
16 it of this Board. In honesty, it will require courage and
17 action of both our State, County and City, and federal

18 planning commissions, more courage than ever has been shown
19 to date.
20 It will require common sense and intellectual
21 honesty, particularly the latter, to first perceive the
22 brutal fact that all of you know, I'm quite sure, who are
23 better informed than I, that we do not have an unlimited
24 water resource in California nor in the entire Western
25 United States.

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1 This Board can show the kind of common sense and
2 farsightedness by clearly stating in your published
3 deliberations that Mono Lake is but a symbol of a problem of
4 imbalance between resources and population.

5 This Board, by such candor, in my view, can leverage
6 its powers far beyond to bring about the urgently needed
7 changes we need when we look at water. The essential
8 education and common sense in the conservation of water by
9 all users, residential, commercial, industrial and
10 agricultural must begin now. It can't be postponed.

11 Most certainly other changes will also be needed in
12 the way we look at the population growth in Southern
13 California.

14 Of special concern is the influx of both legal and
15 illegal immigration. It is to no one's ultimate benefit
16 when a husband or a wife and three or four children manage
17 to immigrate and are soon thereafter followed by brothers,
18 sisters and their families, and the parents.

19 Normal population growth is thus far exceeded and
20 available water resources cannot ever be expected to keep up
21 with this kind of growth beyond even the present decade
22 without considering the future century.

23 Mono Lake, like Los Angeles, and probably
24 civilization in general, is not going to exist much beyond
25 10,000 years from now if we continue as we are at the

00129

1 present time.

2 In the meanwhile, the State Water Resources Control
3 Board can use the figure of 6390 not only as an established
4 lake level, but I submit to you gentlemen, it can be used as
5 a measuring stick that measures the health of the water
6 supply of much, if not all, of Southern California.
7 Consider, please, the value of such a measuring stick when
8 we measure the success of conservation and control measures
9 that are really necessary down here in the southern part of
10 the state particularly.

11 If the pleas and howls and interests of others, and
12 the demand for water is that it ever be diverted from Mono
13 Lake beyond the level of 6390, it will be clear evidence
14 that the interests that we are calling upon have failed in
15 their responsibility to control water usage.

16 I suggest to you gentlemen that these deliberations
17 and the earlier court actions in the defense of Mono Lake
18 should be seen as a wake-up call, a positive wake-up call to
19 insure that neither nature's interests are ignored and that
20 man's needs are balanced to the water resources that are
21 available to us.

22 Through the many years of my discharge of
23 responsibilities for a major public utility for forecasts,
24 budgets and management in general, I have found the truth of
25 a single statement, nothing is improved or nothing is fixed

00130

1 without measuring it. Whether we consider safety or whether
2 we consider cost per hour or customer complaints, I have
3 never seen anything change unless we measure it.

4 Perhaps you have found the same thing in your
5 business activities.

6 We have such a chance now to effect and truly control
7 the conservation efforts that are needed if we are to
8 sustain Mono Lake's level at 6390. I urge and plead with
9 this Board to preserve Mono Lake and in the process to help
10 the elected officials of the Los Angeles Department of Water
11 and Power to get their heads out of the sand of the desert
12 that Southern California truly is. To do otherwise is
13 simply to rationalize and to fail to perceive the urgency of
14 the real underlying problems of uncontrolled, uncoordinated,

15 irresponsible population growth in Southern California.

16 I think you for the opportunity to present these
17 views.

18 MR. DEL PIERO: Thank you very much, sir.

19 Next is Mr. Bill Mendoza. Good evening, sir.

20 MR. MENDOZA: Good evening. My name is Bill Mendoza.

21 I'm a junior high school teacher in Chino, California.

22 I would, first, like to encourage you to adopt the

23 lake level of 6390 or higher as recommended by the
24 Environmental Impact Report so as to insure a healthy future
25 for the bacteria, alkali flies and brine shrimp, and the

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1 multitude of birds that make Mono Lake so important.

2 Also, the lake should be designated as an outstanding
3 national resource for water because it has already been
4 recognized as a world class natural environment by such
5 organizations as the National Geographic Society and has
6 been featured in countless other magazines, television
7 documentaries and films in this country and around the
8 World.

9 I have been involved in the effort to save Mono Lake
10 since the first time I saw it in the late 1970s.

11 I have ridden by bicycle on the last 13 Los Angeles
12 to Mono Lake bikeathons for a total of over 4,500 miles, and
13 with the help of family and friends, I have been able to
14 raise somewhere in the neighborhood of \$15,000 to help save
15 the lake.

16 During these years I have seen the lake level rise
17 and fall. I have seen Rush Creek bone dry. I have also
18 been emotionally overwhelmed to see it flowing again to this
19 natural destination.

20 I have seen Mono Lake at night under a full moon, and
21 also, on starry moonless nights. I have seen Mono Lake in
22 its winter glory. I have snorkeled among its submerged tufa
23 towers and have swum through clouds of sparkling brine
24 shrimp. I have listened to the gulls at sunrise on the
25 shore near Black Point and have watched the alkali flies

00132

1 stir as the sun begins to warm their tiny bodies.

2 Mono Lake has become a very special friend and part
3 of me, or maybe more appropriately, me a part of it.

4 Presently there are some springs that are flowing
5 from the tufa formations on Mono Lake's beautiful north
6 shore. These tufa formations should be growing, but the
7 natural creative art process has been halted because these
8 tufa formations and their springs are no longer submerged as
9 they once were.

10 For all of these reasons and countless unnamed
11 others, please make a final decision that will permanently
12 protect Mono Lake and truly uphold the public trust.

13 There are many places around the world that need
14 special protection. There are still some ancient forests
15 left and there are still some unpolluted wild rivers. There
16 are still pristine lakes and untouched deserts, but as far
17 as I know, there is only one Mono Lake. Mono Lake is
18 spectacularly unique.

19 If this ecosystem is destroyed, it will be gone
20 forever.

21 Last year, because of the diversions by the Los
22 Angeles Department of Water and Power, I was able to walk to
23 Negit Island. Please make the decision that will make that
24 experience an impossibility for all future time.

25 I implore you to permanently protect Mono Lake and

00133

1 not let humanity commit a tragic and irreversible crime
2 against ourselves.

3 I would like to conclude with this thought: If God
4 ever chooses to rest in beautiful and magical places, then
5 he has surely spent time at Mono Lake.

6 Thank you.

7 MR. DEL PIERO: Thank you very much.

8 Next is David Baxter. Good evening, sir.

9 MR. BAXTER: Good evening. Thank you for this
10 opportunity.

11 I speak as a private citizen 62 years old, born here

12 and I grew up here. And only when I grew up enough to see
13 what was going on around me was it obvious what our
14 municipally owned, so it is our Department of Water and
15 Power, has done to the Owens Valley, the Owens River, the
3 groundwater pumping from the Owens Valley. It's clear where
/ the priorities are.

18 It would be great if the Department of Water and
19 Power were the only problem. We certainly know the
20 Sacramento River Delta, the San Francisco Bay, all victims,
21 too, of what has been termed here primarily an exploitive
22 set of water policies.

23 The Department of Water and Power is unique, though,
24 because I think; one, they have been opposed over the last
25 couple of decades consistently in court and they have spent

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1 lots of public money defending their policies in the Lee
2 Vining-Mono Lake area, and they have turned down what
3 approaches 100 million dollars to get into water reclamation
4 and purification that would spare Mono Lake.

5 I can't add anything to the spiritual experience that
6 one feels there. My son and I, he is now well grown, camped
7 there over the last 20 to 25 years and have seen it in the
8 morning, at night, at sunset time, and we have seen the dust
9 clouds that have come when the lakebed has been exposed, and
10 I cannot urge you strongly enough to please do what you can
11 to preserve this, because unlike so many things like the
12 California wetlands, 95 percent gone, and so I don't know
13 how to get them back. This is one that isn't gone yet and
14 if action is taken now, it will keep it from ever being
15 gone.

16 Thank you.

17 MR. DEL PIERO: Thank you very much.

18 Dan Silver. Good evening, sir.

19 MR. SILVER: Dan Silver representing the Endangered
20 Habitats League and the Alliance of Southern California
21 Conservation Groups, and individuals dedicated to ecosystem
22 protection and land-use solutions, as well as support of the
23 preservation and restoration of Mono Lake as a public trust
4 responsibility.

25 I would like to reiterate briefly the three things

00135

1 mentioned: ecosystem protection depends on the 6390 lake level,
2 the outstanding national water resource designation, and the
3 very important fact that the means to feasibly replace DWP
4 diversions are available but have been ignored.

5 Los Angeles City has an excellent water reclamation
6 program which is extremely underutilized with million of
7 gallons really being wasted to the sea.

8 It has been very frustrating for me as a citizen of
9 Los Angeles to write letters to DWP and find them
10 unaccountable. They are unaccountable to the Mayor, they
11 are unaccountable to the City Council, they are
12 unaccountable to their Board of Directors. This is an
13 entrenched bureaucracy that must be held accountable.
14 Please so do.

15 Thank you.

16 MR. DEL PIERO: Thank you, Mr. Silver.

17 Charles Almdale. Good evening.

18 MR. ALMDALE: Good evening. My name is Charles
19 Almdale. I am a resident of Santa Monica and I am also a
20 member of the Santa Monica Bay Audubon Society, and I'm an
21 accountant by profession.

22 I brought a couple of statements which I thought I
23 might read -- well, I decided not to, but to talk about
24 something else instead.

25 MR. DEL PIERO: I hope they weren't somebody else's

00136

1 statements.

2 MR. ALMDALE: No.

3 One of the things I would like to talk about is the
4 role that DWP, Los Angeles, Southern California, can provide
5 by being a leader in terms of doing something for the
6 environment instead of simply taking something from it.

7 All over the United States, all over the world,
8 really, we have come to the point where we are no longer in

9 a frontier situation where we can pick up and move to
10 someplace else, utilize the resources to whatever extent we
11 want, and if we don't like it after a while, we can just
12 leave. We are not in that situation anymore.

13 We can no longer leave Southern California, or
14 California, or this planet. We have to learn how to live
15 With what we have got and to utilize it in the best way that
16 we possibly can.

17 Up until now we have been in the situation where it
18 seems like there is plenty of water and we can just throw it
19 into the ocean, which is largely what we are doing now. We
20 can use it for doing things like growing cotton in the
21 desert, which is kind of crazy.

22 So much of this nation looks to Los Angeles as a
23 leader. I have lived elsewhere in the country and whatever
24 happens here seems to happen everywhere else in about five
25 to ten years. We lead the country, and the United States

00137

1 leads the world in lots of way, and a lot of the world looks
2 up to us, and we let a lot of the world down by our actions
3 down in Rio last year. We didn't seem to be providing any
4 leadership and people were very disappointed.

5 I think this is an area where by being so much in the
6 public view and people all over the country and the world
7 have heard of the situation of Mono Lake and what Los
8 Angeles was doing with the water. I think we can
9 demonstrate some sort of leadership here and show the rest
10 of the world that we are able to do something, the richest
11 nation in the world, and one of the richest communities in
12 the nation is able to do something other than just simply
13 take from the environment, but to learn how to live with it
14 and to allow it to go along on its own and maintain its own
15 health.

16 On a slightly different matter, I said I was an
17 accountant, and one of the concepts in accounting that isn't
18 discussed very much is what is called social costs. Many
19 businesses and municipalities so far ignore social costs.
20 It is difficult to quantify so you can't put it on the
21 books. But such things like what are the social costs of,
22 let's say, the Hyperion plant having a breakdown because of
23 too much rain and they have a sewage outflow so the beaches
24 are all infected for a while with fecal matter. What are
25 the social costs of that?

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1 All over the United States people know of our beaches
2 in Santa Monica Bay and how beautiful it is, and we get
3 millions of tourists. But when we have outfalls and sewage
4 breaking out people don't want to come and swim in the
5 water.

6 What is the social cost of that to our economy?
7 People don't want to come anymore. What's the social cost
8 of the riots last year? How many people didn't come to L.
9 A.? How much money did we lose? So, there's social costs
10 to everything.

11 What is the social cost to Southern California and to
12 California in general of what we have been doing to Mono
13 Lake? It is difficult to quantify, but it something we are
14 going to have to start taking into account. We can no
15 longer ignore them and people in general are starting to
16 become more aware of these things like social costs.

17 What is the cost of what comes out of our smoke
18 stacks? How does it affect our health? How does that
19 affect the cost of medicine and health in this country? We
20 have to take these things into account and I think we can
21 start here by showing that we can be leaders instead of
22 dragging our feet and doing as little as possible, and
23 holding back the tide of the future.

24 And I think this is the tide of the future. We are
25 going forward and we can no longer continue on the path that

00139

1 we have been on.

2 Thank you.

3 MR. DEL PIERO: Thank you very much.

4 Maris Valilass. Good evening.

5 MR. VALILASS: My name is Maris Valilass. I am from

6 Redondo Beach. I am also a member of the Sierra Club and
7 the Sierra Club Desert Committee.

8 Mono Lake and the nearby area is one of the crown
9 jewels of California. In my opinion, it rivals the beauty
10 of Yosemite. This is a unique area where the Sierras meet
11 the high desert, combined with the spectacular lake and
12 beautiful landscape.

13 We must maintain the lake level at 6390 feet in order
14 to protect it. Mono Lake should be designated a national
15 resource water to set the maximum salinity standard in order
16 to protect the ecosystem. It is possible to protect the
17 lake because there are up to 100 million State and Federal
18 funds available to Los Angeles Department of Water and Power
19 to do so.

20 With tourism becoming a more and more economic
21 resource, it seems more important to protect this
22 spectacular area. Please do not allow this great national
23 beauty to be destroyed.

24 Thank you.

25 MR. DEL PIERO: Thank you very much.

00140

1 A number of people have come into the room since I
2 made my initial comments. Anyone wishing to make comments
3 on the record needs to fill out a blue card at the back of
4 the room.

5 The next individual, I believe, is Paul Levine. Good
6 evening.

7 MR. LEVINE: Good evening. My name is Paul Levine.
8 I am an 11th grader at the Hamilton High School Music
9 Academy in West Los Angeles.

10 My family, for as long as I can remember, has always
11 been very oriented towards conserving water, especially
12 saving Mono Lake.

13 I remember my first experience when I was about four
14 years old. We were at Mono Lake taking a walk around it,
15 and I picked up a piece of tufa that seemed to have fallen
16 off one of the tufa towers and put it in my pocket, and my
17 uncle looked at me and said: You are not allowed to take
18 the tufa tower. But I said: I am saving Mono Lake.

19 I do realize it is more complicated than putting tufa
20 rock in your pocket. My point is that saving the lake is
21 very important.

22 I have been there a number of times. I have seen not
23 that the water level has lowered, but I have seen less
24 vibrance in the lake. I have seen less water fall. I have
25 seen the land bridge that is across to Negit Island that the

00141

1 coyotes can now walk across and attack the nests of the
2 birds.

3 And I think that raising the water level to 6390 is a
4 step in the right direction, but it is still 20 feet lower
5 than it was in 1940, or whatever year it was that water
6 started being taken from Mono Lake for use in Los Angeles.

7 I also know that over the last five years Los Angeles
8 hasn't used any water from Mono Lake and not only that, but
9 it has experienced one of the worst droughts in quite a long
10 time, and I think now that the drought is over, it is not
11 the time to start taking water from Mono Lake. It is time
12 to start concentrating on raising the lake level and the
13 fact that I personally have seen the lake helps me to
14 understand that on the other end of the faucet is a
15 functioning ecosystem that needs to be preserved, and I
16 think that the people of Los Angeles have shown by beating
17 this drought that they can do a good job taking shorter
18 showers and conserving water, and I feel it is very
19 important that Mono Lake be conserved.

20 Thank you.

21 MR. DEL PIERO: Thank you very much.

22 When you graduate from high school, you ought to look
23 for a job as an advocate.

24 Alfred Sattler. Good evening, sir.

25 MR. SATTLER: Good evening to you all.

00142

1 Thank you for spending your time here taking comments
2 from the public. I think it is very important for you to be

3 taking a look into this and I appreciate your taking the
4 time to do so.

5 Most people involved in water resources issues seem
6 to be engineers and most engineers at heart are tinkers.

7 One of the very important principles of tinkering, of
8 course, is to not throw any of the pieces away. Of course,
9 if you put something back together and you have pieces left
10 over, you scratch your head and try to put it all back
11 together.

12 Similarly, in ecosystems, it is best not to try
13 throwing pieces away. It can be very short sighted to
14 participate in the extinction of species. My understanding
15 is that there is at least one animal species endemic to Mono
16 Lake that is found naturally nowhere else in the world, and
17 a significant portion of the population of several other
18 species.

19 These species rely on a lake volume sufficient to
20 dilute its dissolved solids and high enough to eliminate the
21 land bridge, of course, so that the birds can nest on the
22 islands. We have already reduced one lake to a dust bowl in
23 Owens Valley, Owens Lake, of course, and we really hope not
24 to do a second one.

25 A comment was made earlier about the dust problem in
00143

1 Owens Valley from the exposed lakebed. It probably would be
2 cheaper to keep the lake level sufficiently high to prevent
3 blowing dust rather than trying to engage in herculean
4 measures to control the dust and keep the air particulate
5 level to a health level.

6 A lake level of 6390 elevation would go a long way
7 towards protecting the biological resources of Mono Lake and
8 alleviate the dust problems as well.

9 If the Department of Water and Power were smart, it
10 would allow the lake level to go somewhat higher during wet
11 years and then divert water during dry years, kind of an
12 inverse reservoir.

13 I have visited Mono Lake and have thus contributed to
14 the tourist economy of the Owens Valley. It's important
15 that Mono Lake remain viable if the Owens Valley is to
16 continue to have a tourist economy since the DWP has removed
17 most of the means of income for the valley.

18 One of the things that you in the State Board could
19 emphasize to all Californians is the drought is not over and
20 will not be over again in California as long as our
21 population continues to increase. We must get the message
22 out that we either must stop the population explosion in
23 California or have much less water per capita and/or have a
24 greatly reduced quality of life. Or, of course, we could
25 spend enormous quantities of energy trying to use and reuse

00144

1 and reuse water through reclamation or otherwise. That
2 would be very energy intensive and, of course, energy costs
3 money and the residents of the City of Los Angeles would
4 have to be willing to pay for water bills if that is what it
5 comes to in order to help save Mono Lake.

6 Thank you very much.

7 MR. DEL PIERO: Thank you very much.

8 Alexis Williams. Good evening.

9 MS. WILLIAMS: Thank you. Good evening.

10 I spend a part of every year in the Sierras. To me
11 it seems like family. My grandfather was a Fish and Game
12 warden for the State of California in his younger days. He
13 spent some time patrolling Mono Basin.

14 My grandmother knew the Sierras like the back of her
15 hand from her girlhood in Ceres, California. My family has
16 loved and lived in this part of the world long before I was
17 born, so I am grateful for my connections to them as they
18 tell me to hike, camp, picnic and fish in this area of great
19 beauty.

20 I am sorry that slowly but surely to see the tufa as
21 being eroded by our ethical penchant to exploit it.

22 If we keep up this pace, it is most likely that the
23 children two generations from me will have less and less of
24 the wild growth to explore and consequently, appreciate it
25 less, setting a vicious life cycle of depredation.

00145

1 In my lifetime I have seen Mono Lake shrink due to
 2 bad ideas, bad thinking and bad planning.
 3 If we keep following Teddy Roosevelt's advice, the
 4 greatest good for the greatest number of people, Mono Lake
 5 is doomed. It will be sucked away by those who prefer to
 6 sit in air conditioned space with close access to a
 7 hamburger chain and a video store.
 8 The lake still has much to teach us. I'm not sure
 9 the consequences of its demise has been thought out.
 10 As a lifetime resident of Los Angeles, I can attest
 11 that this City knows nothing of planning its future and is
 12 blind to its impact on the environment. We just keep
 13 watering our favorite California lawns. It's time to start
 14 planning. I know we can make a difference and there are
 15 many options available to preserve Mono. They have been on
 16 the table.
 17 The lake needs a level of 6390 or higher and should
 18 be designated an outstanding national source of water.
 19 Let's use the available funds to replace the water
 20 with conscientious alternatives. Surely, with our
 21 collective intelligence we can make water conservation a
 22 part of our everyday lives.
 23 Owens Lake is gone forever. I remember my childhood
 24 awe when driving up 395 and seeing the big empty sprawl of
 25 alkali where a lake once stood. We drank the entire lake,

00146

1 we left not a speck of water.
 2 Today my awe is tinged with contempt when it seems
 3 about to happen a second time and sadness at the thought of
 4 losing such a friend. I am also tinged with anger when I
 5 think about the continuing urban sprawl in the outlying
 6 desert of Los Angeles County where developers have man-made
 7 lakes in the middle of subdivisions, just things to attract
 8 people.
 9 We cannot let our natural lakes die. If we do, we
 10 are headed into a grim future where human greed outweighs
 11 good sense.
 12 As for me, I hope to enjoy Mono and the Sierra. It
 13 reminds me of a lot of people I have loved deeply and a lot
 14 of good times that I have had.
 15 I can imagine a high and healthy Mono Lake.
 16 Therefore, I believe we can make it happen. I hope we can
 17 educate young people and older people, too, for that matter,
 18 to appreciate and conserve this area for future generations.
 19 The lake I would like to pass on includes how to live well
 20 and abundantly on this planet and with this planet, and
 21 cannot exclude the preservation of these places.
 22 Thank you.
 23 MR. DEL PIERO: Thank you very much.
 24 Rick Farber. Good evening, sir.
 25 MR. FARBER: Good evening.

00147

1 I think Mono Lake is one of the most unique areas
 2 that I have visited, a shining jewel against the Sierras.
 3 Let's not make the same mistake with Mono Lake as
 4 with Owens Lake. Mono Lake should be designated an
 5 outstanding national resource water. The designation will
 6 set the maximum salinity standard to help protect the
 7 ecosystem.
 8 A healthy Mono Lake is important to a healthy Eastern
 9 Sierra and California economy. This is especially true now
 10 as tourism becomes an increasingly important part of the
 11 State's economy.
 12 Thank you.
 13 MR. DEL PIERO: Thank you very much, sir.
 14 Michael Jimenez. Good evening, sir.
 15 MR. JIMENEZ: Mr. Chairman and members of the Board,
 16 and the public, my name is Michael Jimenez. I am a native
 17 of the Los Angeles areas. I am an employee with the City of
 18 Los Angeles, a former staff member to the Los Angeles City
 19 Council, and I have over 12 years of being an advocate for
 20 the resolution of the Mono Lake dispute.
 21 MR. DEL PIERO: Who did you work for?
 22 MR. JIMENEZ: I worked for City Councilman Zev

23 Yaroslavsky.
 24 I would like to thank the Board for your efforts to
 25 balance the licenses being held by the City of Los Angeles.

00148

1 And although it brings me great pleasure to provide you with
 2 my policy statement, I must tell you that I remain skeptical
 3 of the Department's willingness to comply with your
 4 decision. My experience has taught me that at every turn
 5 the Department of Water and Power has fought in earnest to
 6 resist change.
 7 While I acknowledge the enormous responsibility en-
 8 trusted to the Department when the City purchased the Los
 9 Angeles Water Company at the turn of the century and the
 10 mandate established by the City's Charter, I cannot
 11 understand their unwillingness to apply comprehensive water
 12 management and pricing that would aid in the resolution of
 13 the Mono Lake dispute.
 14 Nevertheless, I remain steadfast in my support for
 15 the re-establishment of the lake at 6390 feet as recommended
 16 in the EIR.
 17 For many years I have heard the Department say the
 18 Los Angeles ratepayers have entrusted them with providing
 19 Los Angeles with the most affordable and efficient water
 20 possible. To raise rates to pay for more expensive water to
 21 replace the Mono Basin supply, as would be required
 22 according to the Department, would violate this trust and
 23 the City Charter.
 24 The Department's resistance was recently dealt two
 25 very significant blows. First, the State Court determined

00149

1 that the City licenses granted in 1974 must be amended to
 2 balance the domestic water supply and the preservation of
 3 natural resources, the subject of tonight's hearing.
 4 Second, the six years of drought across California
 5 reduced the domestic water supply used in Los Angeles to
 6 such a significant level that the Department nearly went
 7 broke.
 8 I was there when the City Council voted in 1992 to
 9 require the nearly broke Department to overhaul their water
 10 rate structure. After years of water increases to maintain
 11 the system based on static water supply techniques, the
 12 Department was forced to create a structure which rewarded
 13 those Los Angeles residents who understood the concept of
 14 use more, pay more; all of this despite the fact that the
 15 Interagency Task Force on Mono Lake had recommended similar
 16 reforms in their report more than a decade ago in December
 17 of 1979.
 18 I am sure the Department and its attorneys have and
 19 will continue to provide that the provision of the domestic
 20 Water supply necessitates that the State only require the
 21 minimum flow possible to the lake irrespective of the
 22 documented impact on Mono's vast ecological resources. This
 23 declaration is made despite the fact that both the State and
 24 Federal governments have provided resources for Los Angeles
 25 to cultivate environmentally friendly water supply solutions

00150

1 such as water transfers, water reclamation and water
 2 conservation.
 3 They will also make this declaration, even though the
 4 former Mayor and the Los Angeles City Council had the
 5 courage to create an Office of Water Reclamation to
 6 facilitate these solutions, or that the West Basin Water
 7 District has attempted on numerous occasions to enter into
 8 an agreement with the Department to provide reclaimed water
 9 to the City of Los Angeles.
 10 I am here to state, though, that the time has come,
 11 the mechanisms are in place, the seed money is available,
 12 and the permanent pricing structure now exists to assure
 13 that a balancing of the licenses which provide Mono Lake
 14 with 70 to 80 thousand acre-feet per year over the period
 15 necessary to stabilize the lake at 6390 is the most sound
 16 water policy decision this Board can make.
 17 Sound water policy requires that the question be
 18 asked, what does it take to reach a lake level of 6390?
 19 Over the six years of drought citizens of Los Angeles

20 managed to conserve over 100,000 acre-feet of water, more
21 than enough to reverse the damage at Mono Lake. This
22 incredible conservation effort was believed to be an
23 impossible task.

24 What was even more unbelievable was the savings to
25 the taxpayers demonstrated in the loss of revenue for the
00151

1 Department of well over 50 million dollars.

2 Whether they admit it or not, this loss in revenue
3 forced the Department to get what I call water rate
4 religion. Under the new water rate structure approved by
5 the Council, if the customer conserves, their rate remains
6 low. If the Department stretches its supply by providing
7 reclaimed Water or paying for water conservation equipment
8 to agricultural water districts to facilitate the transfer of
9 water this new rate structure permits the modest rate charge
10 per unit of water sold to pay for those new systems.

11 Because the charge is spread across all units
12 purchased, its impact from one customer to another is only
13 differentiated by the amount of units consumed. The revenue
14 thus raised must be used, of course, for water reclamation or
15 conservation systems.

16 The day-to-day practice of water conservation has
17 achieved what the Department said couldn't be done.

18 What can be done to capture the resources that are
19 available from the State and Federal governments necessary
20 to implement this water policy? Simply put, breaking the
21 myth. The Department has created the myth that Los Angeles
22 residents could conserve this water and wouldn't be
23 willing to pay for it to save Mono Lake.

24 Yet, in the last ten years the Department charged
25 residents directly for MWD water despite the fact that it
00152

1 costs the residents more per unit of water.

2 Unfortunately, the Department's willingness to charge
3 residents for Metropolitan Water District water but not to
4 pay for environmentally friendly solutions, has made
5 residents of the rest of California and our leaders both in
6 Sacramento and Washington belittle the efforts of the City
7 residents to conserve.

8 During my years working for the City Council I talked
9 to hundreds of residents in the City of Los Angeles and an
10 overwhelming number of them were sensitive to the need to
11 conserve water to maintain our natural resources, including
12 Mono Lake, but who were fed up with what they call the
13 wasteful practices of the Department.

14 I can't count the number of people who said, why
15 should we conserve if the Department charges the same rates
16 or raises rates to make up for lost revenue? These
17 comments, in my view, are not those of the uninformed and
18 uncaring public, but rather that of taxpayers fed up with an
19 antiquated system of pricing to pay for water systems that
20 shuns creativity for a one-dimensional supply line.

21 In conclusion, you, as members of the State Board,
22 can give the City of Los Angeles and its ratepayers the
23 opportunity to demonstrate to the State and to the nation
24 and to the world that the preservation of the valuable
25 resources of Mono Lake can be achieved by diversifying its
00153

1 domestic water supply.

2 MR. DEL PIERO: Thank you.

3 I want to ask you a couple of questions. Your
4 presentation is about the fifth comment during the course of
5 the day that talks about the Department of Water and Power
6 and its relative relationship to the City Council. I was
7 County Supervisor for 11 years. I was also Chairman of
8 the Local Agency Formation Commission for the same amount of
9 time.

10 Explain to me the relationship between the City
11 Council, the Mayor, and there is a Board of Directors to the
12 Department of Water and Power? Are they appointees?

13 MR. JIMENEZ: Yes, they are appointees of the Mayor,
14 confirmed by the Council.

15 MR. DEL PIERO: How many are there?

16 MR. JIMENEZ: Five members.

17 MR. DEL PIERO: And do they have personnel authority?

18 MR. JIMENEZ: No, they do not. They are advisory.

19 MR. DEL PIERO: Who does?

20 MR. JIMENEZ: The General Manager of the Department.

21 MR. DEL PIERO: Who has personnel authority over the
22 General Manager?

23 MR. JIMENEZ: The Mayor, and the Council effectively.

24 MR. DEL PIERO: What's that mean? I don't understand
25 what the Council effectively means. Tell me what that
00154

1 means.

2 MR. JIMENEZ: It means if the Chair so chose to
3 remove the General Manager, the Council could agree to that.

4 MR. DEL PIERO: Are there periodic evaluations of the
5 directorate?

6 MR. JIMENEZ: Of the General Manager, yes, of all
7 General Managers of all departments.

8 MR. DEL PIERO: Who does that evaluation?

9 MR. JIMENEZ: That is done by the Council of Los
10 Angeles.

11 MR. DEL PIERO: IS the Mayor involved?

12 MR. JIMENEZ: I don't know if he is directly
13 involved.

14 MR. DEL PIERO: Can I ask you a question; if he is
15 the hiring and firing authority and the Council is not --

16 MR. JIMENEZ: Correct.

17 MR. DEL PIERO: And the Council is doing the
18 personnel evaluation, the Mayor is not, how is there an
19 interrelationship in terms of personnel management?

20 MR. JIMENEZ: There is in the sense if the Council
21 went to the Mayor and he said he wants this particular
22 change in personnel, and the Council was able to effectuate
23 that in terms of some sort of action with the majority of
24 the Council, that would then put the Mayor in a position to
25 decide whether he was going to respond to that or to say no,
00155

1 I am not going to do it.

2 MR. DEL PIERO: What is the function of the Board of
3 Directors?

4 MR. JIMENEZ: The Board of Water and Power directors?

5 MR. DEL PIERO: Yes.

6 MR. JIMENEZ: To set the rates and to approve the
7 Department's annual budget policies.

8 MR. DEL PIERO: Do those have to be approved by the
9 City Council?

10 MR. JIMENEZ: Not the budget, only the increase in
11 the Water rate structure or decrease, which hasn't happened
12 recently.

13 MR. DEL PIERO: But not the budget?

14 MR. JIMENEZ: But not the budget, that's correct.

15 Under the Charter the Board is responsible for the adoption
16 of the budget.

17 MR. DEL PIERO: Any modification to the system
18 necessitates an amendment of the Charter?

19 MR. JIMENEZ: Any modification to the water system,
20 yes -- oh, I'm sorry --

21 MR. DEL PIERO: The way that the system works, any
22 modification to the way the system works necessitates an
23 amendment to the Charter?

24 MR. JIMENEZ: No, it would necessitate an action by
25 the Board --
00156

1 MR. DEL PIERO: Action of which Board?

2 MR. JIMENEZ: The Board of Directors. Only in the
3 event that the attorneys were to determine that the action
4 was altering the Charter would it then have to be put to a
5 vote of the people, actually not the Council. The Council
6 would adopt the resolution and put it on the ballot.

7 MR. DEL PIERO: One last question. Other than the
8 General Manager, does the Mayor have personnel authority
9 over anybody else in the agency?

10 MR. JIMENEZ: Not to my knowledge.

11 MR. DEL PIERO: Does the Council have any personnel
12 authority over anybody else in the agency?

13 MR. JIMENEZ: Again, not to my knowledge.

14 MR. DEL PIERO: Thank you very much.
 15 MR. JIMENEZ: Okay, thanks.
 16 MR. DEL PIERO: Peter Bischoff. Good evening.
 17 MR. BISCHOFF: Good evening. My name is Peter
 18 Bischoff. I am a native of Los Angeles as well.
 9 I spent a good portion of my summer vacation on the
 20 Mono Lake bikeathon and it opened my eyes to a lot of
 21 things.
 22 I had always known about Mono Lake in the past, but
 23 this brought about more of an experience, more of a
 24 spiritual experience for me, but Mono Lake itself represents
 25 an important ecosystem in the Eastern Sierra.

00157

1 It is a stopping point for migratory birds,
 2 California gulls and the home of the only remaining
 3 California brine shrimp. It is a Very fragile ecosystem and
 4 it should be preserved for future generations as well as our
 5 own.
 6 For a city that imports the major portion of its
 7 Water, Los Angeles certainly seems to flounder quite a lot
 8 of it. We have seen that it has the ability to reclaim
 9 water. We have seen Balboa Lake in the San Fernando Valley.
 10 With 50 to 100 million dollars available to the Los
 11 Angeles Department of Water and Power for similar projects
 12 of reclamation and conservation, I wonder why it is not
 13 being used for that. Certainly, we can do a little better.
 14 Too many times I have been driving home from work on
 15 a day when it is pouring rain and I see the City facilities
 16 with the sprinklers running, or along the edges of the
 17 freeway. It is raining outside and they are watering the
 18 plants. It is not necessary. There is plenty of room for
 19 improvement.
 20 It only took 13 years for Owens Lake to dry up
 21 entirely after the inception of the Los Angeles aqueduct in
 22 1913.
 23 We can't allow this to happen to Mono Lake. A
 24 minimum lake water level of 6390 feet above seal level or
 25 higher is necessary to permanently protect and help restore

00158

1 Mono Lake's public trust resources and support its fragile
 2 ecology.
 3 A healthy Mono Lake is essential to a healthy Eastern
 4 Sierra and California economy. This is especially true now
 5 as more and more big business, aerospace, et cetera, moves
 6 out of the state and tourism is an increasingly important
 7 component of the State's economy, especially to Mono and
 8 Inyo County where tourism is basically everything.
 9 Mono Lake should be designated an outstanding
 10 national resource water. This designation will set maximum
 11 salinity standards to help protect the lake ecosystem.
 12 That's it. Thank you.
 13 MR. DEL PIERO: Thank you very much, sir.
 14 Sheila Grather.
 15 MS. GREYER: I am just going to talk about why I
 16 care about the lake because everybody else has spoken so
 17 eloquently about lake levels, and bird life, and plant life
 18 and animal life.
 19 We are from Switzerland originally and we have been
 20 traveling up to the high Sierras, and my grandfather and
 21 aunts and uncles, since the early part of the century, so we
 22 have visited Mono Lake for over 50 years, and we care about
 23 saving the lake at the level it is at now, and keeping it
 24 there because of the ecosystem, and the beauty and the
 25 majesty of the lake for tourists, visitors and residents of

00159

1 the state, so I strongly urge you to consider all of the
 2 information you have and to support it at its current level.
 3 Thank you.
 4 MR. DEL PIERO: Thank you very much.
 5 John Cain.
 6 MR. CAIN: Thank you for the opportunity to speak
 7 today. My name is John Cain and I am an employee of the
 8 Mono Lake Committee.
 9 I do not speak here on behalf of the Mono Lake
 10 Committee, but as a citizen of California who wishes to see

11 Mono Lake protected at a level of 6390 or higher.
 12 I was born and raised in Los Angeles. In fact, my
 13 family has lived in the City of Los Angeles and the County
 14 Los Angeles for five generations.
 15 I think sometime in the twenties, as soon as my
 16 grandfather was able to purchase a Model T, my grandfather
 17 and father visited the Eastern Sierra and on occasion Mono
 18 Lake.
 19 There is no doubt to me that Mono Lake is not simply
 20 important to migratory birds or the people of the Eastern
 21 Sierra but to the people of Los Angeles as well, who can
 22 leave the City and find some open space and some
 23 tranquility, something that's difficult to find in our world
 24 today.
 25 I first visited Mono Lake when I was 12 years old and

00160

1 my mother explained to me the streams flowing into the lake
 2 were being diverted and the lake would perhaps, she wasn't
 3 sure, but she thought the lake would decline altogether and
 4 not even exist. I know that is not a fact today.
 5 At the time, as a 12-year-old, I just couldn't
 6 believe that our society and our leaders would simply stand
 7 by and let something like this happen. It was completely
 8 contrary to my 12-year-old sense of justice.
 9 I had always been told we lived in a democratic
 10 society and I couldn't believe that something like this could
 11 happen.
 12 There is obviously enormous public support for the
 13 protection of Mono Lake as you have seen today from the
 14 people of Los Angeles, as well as the entire population of
 15 California, which as been demonstrated by the number of
 16 letters, I understand, the Water Board has received.
 17 There is also a solution to the Mono Lake problem
 18 that will secure the water supply future of Mono Lake.
 19 If our public officials are unable to act decisively
 20 to protect Mono Lake, I can't help but think is something
 21 as important as Mono Lake itself should suffer, I can't
 22 help but think that our collective belief in justice and in
 23 democracy will be jeopardized.
 24 With that said, I would like to offer some related
 25 comments regarding the manner in which the State Water Board

00161

1 staff has handled the Mono Lake issue over the last three
 2 years.
 3 As an appointee of the Mono Lake Committee, I have
 4 had an opportunity to work with many members of your staff.
 5 I haven't always agreed with them, tried to get them to
 6 agree with me futilely, but I have always been impressed by
 7 their commitment to gathering objectively the facts and also
 8 by their integrity.
 9 I hope this doesn't come off as some sort of official
 10 statement, but I sincerely would like to thank one member of
 11 your staff in particular, Mr. Canaday, who has displayed
 12 tremendous commitment to the public.
 13 MR. DEL PIERO: Don't do this. His head is big
 14 enough as it is.
 15 MR. CAIN: I followed Jim on a Monday morning. He
 16 tells me he read a thousand letters over the weekend.
 17 MR. DEL PIERO: And he is telling you the truth.
 18 MR. CAIN: I believe it.
 19 MR. DEL PIERO: Just so you know, he is recognized by
 20 my Board as one of the most prolific and dedicated employees
 21 that we have.
 22 MR. CAIN: He has also told me he is committed to
 23 reading every single letter that arrives on his desk.
 24 And going back to that time when I was a 12-year-old
 25 boy, I know that Jim is particularly fond of the letters he

00162

1 gets from people under the age of 18, and he has told me he
 2 plans to respond personally to every single member of the
 3 public under 18 who writes the Water Board, and I think that
 4 it is people like Mr. Canaday who can help to restore a
 5 sense of justice and democracy in our society, and to that
 6 end, I deeply appreciate it.
 7 Thank you.

8 MR. DEL PIERO: Thank you very much. We can't have
9 any more of that. Okay.

10 George McQuilkin. Good evening, sir.

11 MR. McQUILKIN: Good evening. My name is George
12 McQuilkin and I think you have my address up there.

13 As a long-time resident of Los Angeles, it could not
14 be clearer to me how much water we could save in this
15 community. I'm sure you heard that before during the recent
16 drought. I went to visit some friends recently and they
17 still take showers among buckets and use the water on plants
18 outside. We learned a lot in Los Angeles during that time.
19 We saved a lot of water without any effect upon the quality
20 of our life here.

21 Recently when I was visiting Mono Lake, I was struck
22 by the effect of the lowering of the lake over the years,
23 and I wondered again when we have so much technology of
24 finding other solutions, why must we drain this lake? Why
25 are there not good feasible alternatives? Why must every

_____ 00163
1 waste have precedence over clearly visible needs such as
2 Mono Lake?

3 So, I do urge you to select a water height again of
4 6390 feet.

5 It is very dramatic when you walk down and see those
6 marks where it used to be, where it could be, and where it
7 is now; that you designate Mono Lake as an outstanding
8 national resource water, and certainly, it seems to be
9 worthy of such designation, and that you recognize and we
10 recognize that Los Angeles water needs could be met by
11 conservation and by reclamation without the need to go
12 hundreds of miles away to take water from the feeder streams
13 to Mono Lake.

14 Thank you very much.

15 MR. DEL PIERO: Thank you very much, sir.

16 Stacy Brown. Good evening, Ms. Brown.

17 MS. BROWN: Good evening, commissioners. Thank you
18 for this opportunity to testify in support of Mono Lake.

19 Thank you also for the work that you and your staff have
20 done in preparation of the EIR and promoting this public
21 hearing.

22 The first time I saw Mono Lake I was amazed by its
23 beauty and its diversity. That was at least seven years
24 after I became a Mono Lake supporter.

25 As the years have passed, I have been saddened and
_____ 00164

1 angered by the continued reduction in size and the increase
2 in the lake's salinity.

3 Destruction of Mono Lake is not necessary.

4 Alternatives exist that can more than offset the amount of
5 water that would be needed to restore Mono Lake to a healthy
6 and sustainable state. Those alternatives are through water
7 reclamation and continued conservation, especially painless
8 institutionalized conservation such as low-flow fixtures and
9 low water demand landscapes.

10 Reclamation and conservation provide the added
11 benefits of lessening the pollution of Santa Monica Bay.

12 The State and Federal legislators have generously set
13 aside funds to help offset Los Angeles' cost of developing
14 alternative water supplies.

15 The only thing standing in the way of permanent
16 protection of Mono Lake is the simple decision to use those
17 funds.

18 I am a native of Los Angeles. I am angered by DWP's
19 lack of regard for the ecological needs of Mono Basin and
20 for the air quality problems that have been created as a
21 result of DWP's excessive water diversions. DWP should be a
22 leader in economically sound resource management. They are
23 not.

24 I encourage you to choose a lake level of 6390 feet
25 or higher. Please make your determination in a way that
_____ 00165

1 allows for a higher lake level if future evidence indicates
2 that it would be beneficial to Mono Lake. Please, also,
3 support the designation of Mono Lake as an outstanding
4 national resource water.

5 I also encourage each of you and everyone in this
6 room who has really not done so, to see Mono Lake close up.
7 If you can, experience Mono from a canoe. Then you will
8 understand Mono Lake's true value and will also know how
9 tragic it would be for Mono Lake to die.

10 Mono Lake is a very unique and very special natural
11 and national treasure. Its ecological importance is even
12 greater than its exceptional scenic and recreational value.
13 All will be enhanced at a lake level of 6390 feet.

14 Thank you for your consideration.

15 MR. DEL PIERO: Thank you very much.

16 Larry Lacombe, do you wish to make a presentation,
17 sir?

18 MR. LACOMBE: Yes, very brief.

19 MR. DEL PIERO: Please come forward.

20 Unless there are other cards that we receive in the
21 next couple of minutes, Mr. Lacombe is going to be the last
22 speaker.

23 So, anyone wishing to make comments before this
24 policy hearing is concluded needs to fill out a blue card.
25 Good evening, sir.
_____ 00166

1 MR. LACOMBE: I am going to speak on behalf of the
2 Sierra Club's National Water Resources Committee.

3 We, along with our concern with the major species,
4 wilderness parks and aquatic habitat, all of which have been
5 discussed tonight, are primarily concerned these days with
6 the allocation of water resources.

7 The trace of desert water 300 miles away and this
8 little vestige of ancient waters that filled the great basin
9 speaks well in the hearing tonight of the Board's interest
10 in the public trust that flows through our rivers and
11 streams in California.

12 The Sierra Club advocates a lake level of 6390 feet.
13 We advocate setting maximum salinity levels and I will refer
14 and allude to some environmentally sound alternatives that
15 the City is already contemplating; that is, alternatives to
16 further draining of the lake levels below that 6390 feet.

17 The City estimates that a human being in the city
18 requires 187 gallons a day to survive. I am sure that each
19 person requires much less.

20 Mr. Jimenez's remarks were very poignant regarding
21 the City's pricing policies and with regard to the City's
22 advocacy of future increasing supply and demand.

23 The City has actually undertaken, I counted by their
24 measure 13 projects which add up to a known yield of 250,000
25 acre-feet by the year 2010, and a lot of these projects are
_____ 00167

1 already in place. Who knows what we are going to find out
2 in the next 20 years that may increase that yield above
3 250,000 acre-feet a year.

4 We've really only just begun a new period after the
5 second round of drought. We learned plenty of lessons in
6 the first drought in 1976-77, but it took an additional blow
7 to the State's economy for people and the government staffs
8 at all levels working very hard to figure out solutions to
9 these problems.

10 We have begun on a national level most recently, last
11 year, in the passage of the Reclamation Reform Act
12 provisions of the Omnibus Bill which will make possible one
13 project which we have particular interest in, and that's the
14 San Gabriel Basin Demonstration Project. That is proposed
15 to make possible groundwater reuse of up to 100,000 acre-
16 feet a year with participation from Metropolitan Water
17 District.

18 As we speak, we have sent two individuals from the
19 San Gabriel Valley to Washington, D. C. They will be there
20 through this week, which is Clean Water Week.

21 And along with the Clean Water Act reauthorization
22 they are going to be advocating this San Gabriel
23 demonstration project, one of the many things throughout the
24 country which will make great strides toward water
25 conservation in the years to come.
_____ 00168

1 The U. S. Bureau of Reclamation Southern California

2 Comprehensive Water Reclamation Reuse Study was just kicked
3 off this year. It is a six-year, six million dollar project
4 undertaken by seven local agencies. That's something brand
5 new.

6 The soft path for energy was laid out in the 1970s,
and I think we are seeing it laid out for water in the
1990s, and we are looking forward to that.

9 In conclusion, I would like to mention that the Club
10 worked very well with your Regional Water Quality Control
11 Board as the Board worked toward enlightening the City, the
12 City Council members, all of whom were opposed to full
13 secondary treatment at the Hyperion treatment plant, of the
14 need for that full secondary measure of treatment there, and
15 by reason of that requirement, our full secondary treatment,
16 we are finding that a great deal of reclaimed water will be
17 available from the Hyperion treatment plant in El Segundo.

18 It's a pleasure to see you here. It's been a long
19 day. I also appreciate the privilege of being able to speak
20 to you in the evening rather than having to try to show up
21 during work hours. I know it has been a long day for you.
22 I think your appearance here and the testimony that is being
23 given is a very good opportunity for you and for us, and I
24 thank you for it.

25 MR. DEL PIERO: Thank you very much, sir.

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1 Anyone else wish to make a comment?

2 Yes.

3 MR. ORTON: I have some written comments for the
4 record.

5 MR. DEL PIERO: Fine. Does anyone else wish to
6 comment?

7 Ladies and gentlemen, that concludes this portion of
8 the hearing in which we have allowed policy statements to be
9 made.

10 Tomorrow the staff and I will be going to Mammoth
11 Lakes to hold a comparable policy hearing there beginning at
12 three in the afternoon, breaking at five, and commencing
13 again at seven o'clock.

14 On behalf of myself and the State Water Board, and on
15 behalf of Steve Herrera, Rick Satkowski, Dan Frink, Jim
16 Canaday, who I know is going to ask me for a raise, and Hugh
17 Smith, I would like to express our deepest appreciation for
18 your kindness and indulgence here this evening.

19 Thank you very much for your participation.
20 (The hearing was closed.)
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25