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TUESDAY, OCTOBER 5, 1993, 3:00 P.M.

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MR. DEL PIERO: Ladies and gentlemen, if you would be kind enough to take your seats, we will begin.

Good afternoon. My name is Marc del Piero, and we are here today to convene a policy session on behalf of the State Water Resources Control Board to discuss the issue of water diversions from Mono Lake.

I am currently Vice-Chair of the State Water Resources Control Board and this matter is a matter that we held policy hearings on yesterday in the City of Los Angeles. We will be conducting those policy hearings today.

When I get done with that, those who wish to make policy statements, we would appreciate it very much if you would be kind enough to fill out a blue card outside. One of our staff people will make sure it is brought in and presented to us.

And with that, let me go into the opening statement, and then we will get to the gist of this as quickly as we can.

This is one of three sessions being held by the State Water Resources Control Board for receiving policy statements from individuals and organizations interested in issues related to water diversions in the Mono Lake Basin.

As I indicated, I am Marc del Piero, Vice-Chair of the State Water Board. I am here today on behalf of the full Board. Our Chairman, John Caffrey and other Board members

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wish to extend their appreciation to all of you for your attendance here today.

But before I continue on with the prepared statement, I need to do the same thing that I did yesterday in Los Angeles. Some individuals don't know what the State Water Resources Control Board is or how it is that the State Board ultimately becomes a responsible party in rendering a decision on water diversions in the Mono Lake Basin, so if you will indulge me for a moment, I will describe that, and we will get that out of the way so those questions aren't left in anybody's mind.

The State Water Resources Control Board is an organization that was created by statute in 1967. It was created by a statute called the Porter-Cologne Act and some ancillary laws passed along with it.

The Board is made up of five individuals appointed by the Governor. The five individuals are appointed to categorical positions. Each one of the individuals is required to have certain qualifications. The current Chairman of the Board, John Caffrey, fills his position of Water Quality Specialist. Prior to his service on the Board, he served as the Deputy Director of the California Department of Water Resources.

The public member is Mary Jane Forster. She previously served on the San Diego Regional Water Quality Control Board, and also was employed in Orange County Water District.

We have one civil engineer on the Board. His name is

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John Brown. Mr. Brown has been in the private sector for at least three decades, and is recognized statewide as an expert in agricultural irrigation systems. Additionally, we have another engineer -- we have one civil engineer and one other engineer. His name is James Stubbs. He served for years as the General Manager and Chief Executive Officer for both the Santa Barbara County Flood Control and Water Conservation District and the Santa Barbara County Water Resources Agency.

And then, there is me. I am the Vice-Chair of the Board, as I indicated before, and I serve in the capacity as the attorney on the Board.

My background is that I served for 11 years on the Monterey County Board of Supervisors. I served on the Committee that wrote the guidelines for the Monterey Bay Marine Sanctuary and I also served for 11 years on the Monterey County Water Resources Agency that operates two reservoirs and a very, very large water system. I also served for 11 years on the Monterey Bay Unified Air Pollution Control District. So, I have a certain degree of expertise in both water issues as well as Air Quality issues.

Now that that's out of the way, I will go on with this for the record. Today, I have a number of good friends with me that are employees of the State Board who are assisting us in the entirety of the process related to Mono Lake. I would like to take the opportunity to introduce them now.

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Sitting to my immediate left is Jim Canaday. He is one of the Staff Environmental Specialists. Steve Herrera, and Steve is in the back of the room right there, he is our other Staff Environmental Specialist assisting us on this matter.

We have two Staff Engineers, Mr. Richard Satkowski and Hugh Smith, who is the gentleman collecting the blue cards outside, and then my good friend, Chief Counsel for this hearing to my immediate right, Dan Frink.

The State Water Board is charged with the task of amending the City of Los Angeles' Water Rights in Mono Basin to include terms and conditions necessary to protect the fishery resources in the affected streams. The State Water Board has also been charged with the task of considering the effect of water diversions on public trust resources in the Mono Basin and protecting those public trust resources where feasible.

The second task involves the difficult job of balancing the public interest served by the City of Los Angeles' water diversions against the effect of those diversions on the public trust resources of the Mono Basin.

Considerable information regarding the background of this proceeding, the issues to be considered by the State Board and the Board's hearing procedure, is provided in the June 30, 1993, Hearing Notice and also in the Supplemental Notice that was published on September 2 of 1993.

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As explained in those notices, the formal evidentiary hearing will begin on October 20 in Sacramento. I will also be the hearing officer for the evidentiary portion of this process. The proposed testimony and exhibits for the evidentiary hearing were required to be submitted to the State Board by September 22 of this year.

In contrast to the evidentiary hearing, the hearing session today is to provide an opportunity for presentation of non-evidentiary policy statements. The presentation of policy statements will be subject to the following conditions.

Policy statements are not obliged to be presented under oath. Persons making policy statements are not subject to cross-examination. However, in my capacity as hearing officer, I am allowed to ask questions in order to clarify the position of the speaker if the speaker has not been clear, at least to me.

Third, policy statements may be used to present the views and positions of the speaker or the agency being represented, but they will not be considered as factual evidence as part of the evidentiary record.

Last, all cropping and other pleasantries are reserved only for the hearing officer. It makes the hearing go along much more quickly and much more expeditiously, so if you will be kind enough to honor that personal request of mine, I would appreciate it very much, and we will try to get as many people

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through this process as possible.

We have an afternoon session today. We will go until 5:00 o'clock. We will break, and then we will come back here at 7:00 o'clock and I promise you that I will be here as long as you and the owners of the building allow me, if there are still people willing to present policy statements and testimony.

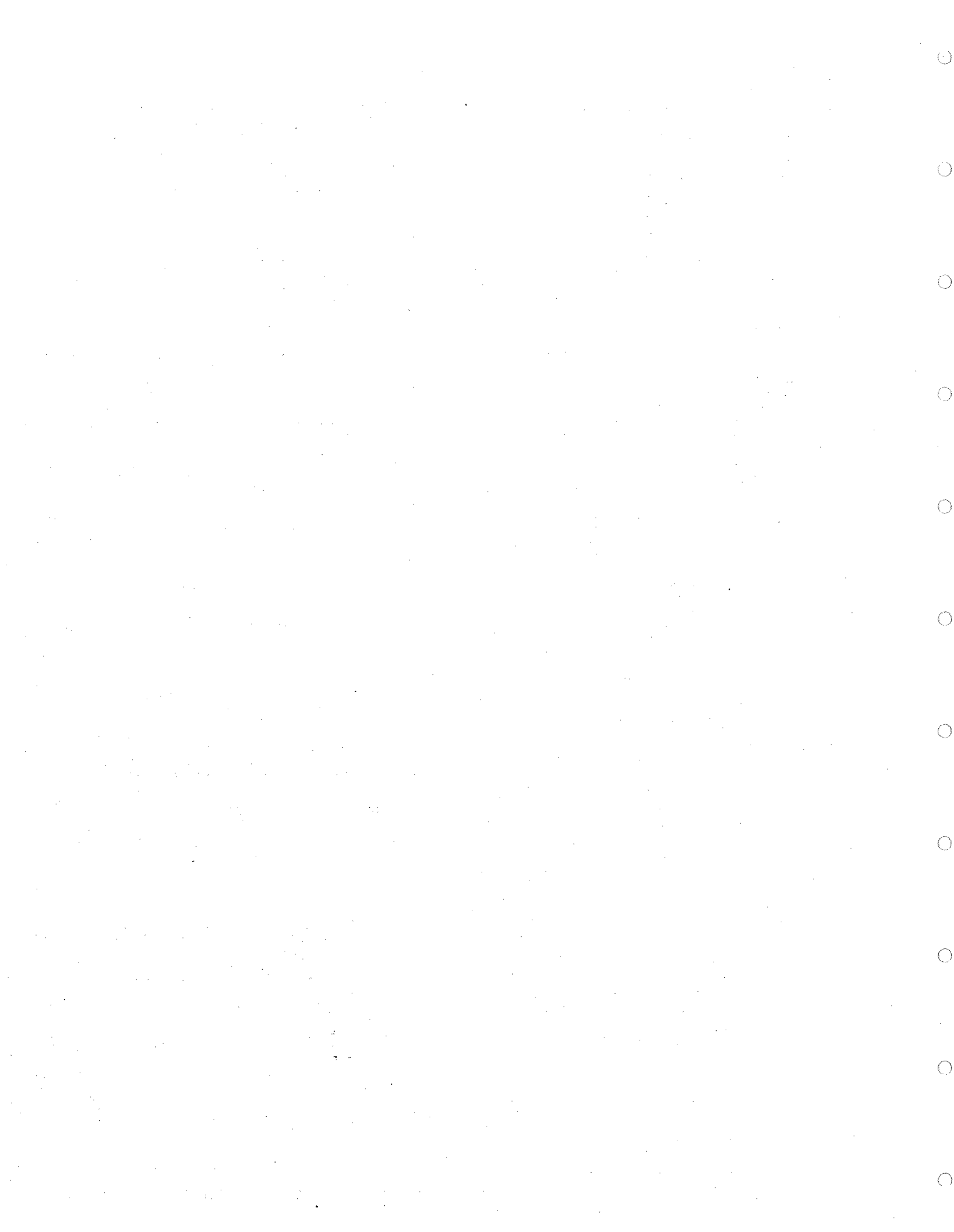
In order to allow as many people to talk today as possible, I have asked, and in the Notice we notified everyone that each speaker will be allotted not more than five minutes for their presentations.

If you wish to speak and you have not filled out a blue card, and I think most of you have, because we have a whole bunch of them here, and if you don't know about the blue cards, they are in the back of the room. If you would be kind enough to fill one out, we will be happy to call on you.

A transcript -- I forgot the most important one in the room. Ms. Alice Book, who is our court reporter. Pleased to be allowed for her. Nothing happens without Ms. Book's approval. She is our court reporter. She keeps a complete and comprehensible record of this proceeding.

If you wish a copy, a bound copy of the proceedings, please contact her after this, and she will make those available to you.

Do you have any comments, Mr. Canaday?



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1 MR. CANADY: No.
 2 MR. DEL PIERO: Ladies and gentlemen, we are going to
 3 begin. The first person I would like to call is Mr. Jarvis,
 4 representing the Great Basin Unified Air Pollution Control
 5 District. Good afternoon, sir.
 6 MR. JARVIS: Good afternoon to all of you. My name is
 7 Michael Jarvis, and I am the Mono County supervisor for the
 8 First District.
 9 Today, I am speaking to you on behalf of the Great Basin
 10 Unified Air Pollution Control District.
 11 This District was created by the State as the local Air
 12 Quality Regulatory Agency. The Great Basin Air Pollution
 13 Control District has a six-member board of directors made
 14 up of two County Supervisors from each of the three counties
 15 in the District. The three counties in the District are Inyo
 16 County to the south, Mono County where we are now, and Alpine
 17 County to the north.
 18 It is the strong recommendation of our District IV that
 19 you select the 6,390 foot alternative or higher for Mono Lake.
 20 Our decision was unanimously approved based upon the
 21 information that was provided in the Draft Environmental
 22 Impact Report on the Mono Basin.
 23 The decision of our Board was reached after examining
 24 issues connected directly with the Air Quality of the Mono
 25 Basin. The 6,390-foot alternative will substantially decrease

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1 the windblown dust from the shores of Mono Lake. The Federal
 2 government is currently in the process of designating the Mono
 3 Basin as a non-attainable area in violation of the National
 4 Ambient Air Quality Standards because of particulates.
 5 Now, these particulates are known in regulatory jargon as
 6 PM-10, which stands for particulate matter less than 10
 7 microns. These extremely small particles are less than 1/10th
 8 the diameter of a human hair. It can easily be inhaled into
 9 the deepest part of the human lung. High levels of these
 10 particulates pose a significant risk to the public health.
 11 Mono Basin violates the National standards of
 12 particulates and this contributes to the poor health of
 13 individuals who live in or visit the area.
 14 People who are particularly sensitive to PM-10 are
 15 children, the elderly, people who have heart disease, those
 16 with respiratory problems such as asthma and bronchitis, and
 17 people with influenza. Even healthy individuals can
 18 experience difficulty in breathing if they are exposed to the
 19 dust storms at Mono Lake.
 20 In a recent study of Lake PM-10 concentrations that are
 21 even lower than the Federal standards, they attribute to
 22 80,000 premature deaths in the United States alone. The
 23 6,390-foot alternative or higher would help improve the air
 24 quality and bring the area into compliance with the Federal
 25 Clean Air standards.

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1 Now, our District, the Great Basin Unified Air Pollution
 2 Control District, is currently conducting numerous studies on
 3 the Owens Dry Lake in Inyo County. The engineering solutions
 4 being tested at Owens Dry Lake are not an option at Mono Lake.
 5 It's in a national scenic area that is to be kept in its
 6 natural state. Raising the lake level is the only known
 7 solution to the air problems at Mono Lake. The Great Basin
 8 Unified Air Pollution Control District Board of directors
 9 strongly urge the State Water Resources Control Board to adopt
 10 a 6,390-foot alternative or higher to improve the health of
 11 the residents and visitors of Mono Lake and to help us reach
 12 the National Air Quality standards.
 13 I appreciate the opportunity to speak before your Board
 14 and would welcome any questions you might have regarding the
 15 air quality of this region. Thank you.
 16 MR. DEL PIERO: Thank you very much. I had the pleasure
 17 of meeting your Pollution Control District Officer on a field
 18 trip we took here about a month and a half ago, a very
 19 delightful person. She is also a friend of my former Air
 20 Pollution Control District Officer in Monterey. Thank you.
 21 MR. JARVIS: Thank you, and you've got to come back when
 22 you're not doing this stuff.
 23 MR. DEL PIERO: I appreciate the invitation. I am not
 24 only doing this stuff, I am the hearing officer for Big Bear
 25 in Southern California, starting as of next Monday, so it may

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1 be awhile before I get to come back.
 2 Tim Sanford. Good afternoon, sir.
 3 MR. SANFORD: Good afternoon. My name is Tim Sanford.
 4 I have lived in Mono County since 1977, and I have been a
 5 practicing attorney in Mono County since 1980.
 6 I would like to tell you a very brief story in which I
 7 will express my feelings on this issue. My parents arrived in
 8 town just the other day, and the very first thing I did was I
 9 took them out to dinner at Mono Inn. As we watched the sun
 10 set on Mono Lake, as we like to do, it was a beautiful sight,
 11 and we appreciate it, and it also reminded me of the many many
 12 hundreds of times that I have driven by Mono Lake on my way to
 13 the court house in Bridgeport over the years, and watched and
 14 been a part of the howling dust storms across the lake.
 15 It reminded me and my parents of the calamity that is
 16 about to befall the wildlife at Mono Lake, the brine shrimp
 17 and the gull population. It reminded us of the fact that it
 18 is a very beautiful area that should be living up to its
 19 designation as a National Scenic Area.
 20 I appreciate your presence today and urge you to join in
 21 the consensus that seems to be evolving, and I urge you to
 22 join in with the opinion expressed by the Wilson
 23 administration, by the Mono County Board of Supervisors, and
 24 by me, and approve the 6,390 level or above. Thank you.
 25 MR. DEL PIERO: Thank you very much, sir.

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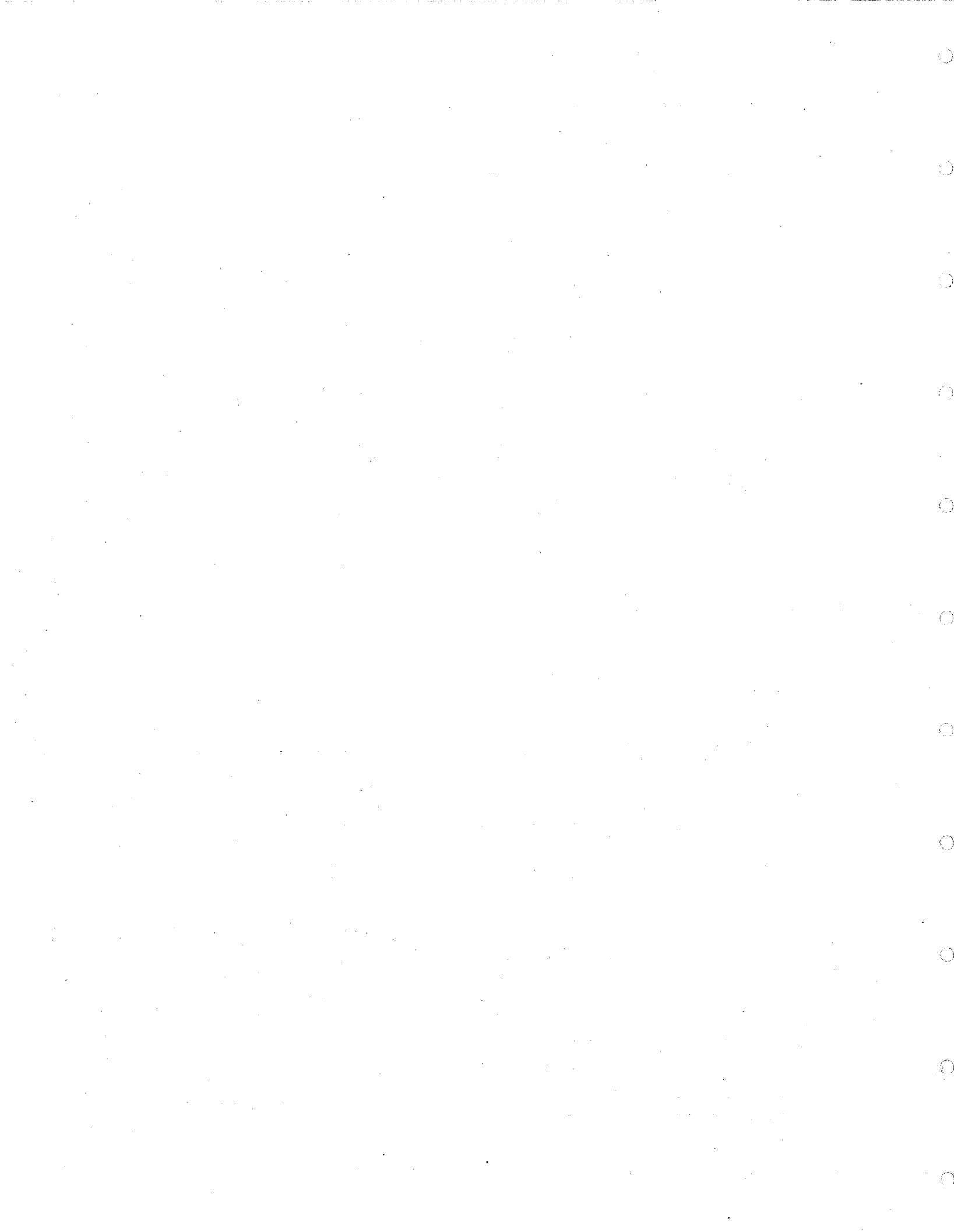
1 Ted Sanford. I understand you just arrived here.
 2 MR. SANFORD: Yes, sir, I happen to be related to Tim.
 3 MR. DEL PIERO: I sensed that.
 4 MR. SANFORD: Sir, when we first saw Mono Lake in 1959,
 5 it was on the occasion of the first visit we had ever made to
 6 California from the East Coast. We, my wife and I and family,
 7 have been coming to Mammoth, to this area since 1964 almost
 8 every year because we love it so much.
 9 We have come here from Texas, from Delaware, and now from
 10 Washington State, where I currently reside, because of the
 11 beauties of the area and all it has to offer.
 12 We have been contributing to the Mono Lake Committee
 13 since 1978 when the Committee was first formed. I would
 14 dearly like it if in the future our contributions to the
 15 Committee could be toward constructive things in the
 16 environment instead of endless litigation, trying to keep the
 17 lake level where it should be, which in my opinion, is the
 18 higher alternative being discussed.
 19 So, I plead with you all to go for the higher alternative
 20 so that we can continue to come down here from Washington
 21 State and enjoy the area as we always have. Thank you very
 22 much.
 23 MR. DEL PIERO: Thank you very much, sir.
 24 Jody Aas. Howard Areularius. Good afternoon, sir.
 25 MR. AREULARIUS: Good afternoon. My name is Howard

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1 Areularius. I am representing F. G. Areularius & Son.
 2 I want to thank you for the opportunity to give testimony
 3 on the very critical issue that is facing you concerning the
 4 future health of the Mono Basin and its water uses and
 5 management.
 6 I am the property owner of 560 acres of land which the
 7 Upper Owens River runs through. Specifically, it is the Upper
 8 Owens Reach above Crowley Lake bordered by the Inaja Company
 9 upstream and the Los Angeles Department of Water and Power
 10 downstream.
 11 My father and I have been operating this property under
 12 general partnership for the past 13 years. The property has
 13 been in my father's family since 1919 and he has spent his
 14 childhood learning to care for the land and river and spent
 15 his adulthood carrying on the traditions of careful land
 16 management that are inherent in the agricultural industry.
 17 This land and its river are part of my heritage and my
 18 concerns are deep rooted and my hope for the future of this
 19 beautiful area are sincere.
 20 The Upper Owens River is a unique natural resource. Just
 21 as there are specific concerns for the protection of Mono Lake
 22 in its EIR, there are also specific concerns for the
 23 protection of the Upper Owens River. The level of protection
 24 should be equal and the Upper Owens River should be protected
 25 and not be sacrificed in order to protect another area.

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1 Consequences and effects should always be considered



2 during any process of change.
 3 I would like to emphasize the need to balance management
 4 so as to protect already existing and ongoing fish habitat in
 5 the Upper Owens River, specifically, the flow of water that
 6 would be released via the tunnel to the Owens River must be
 7 kept at a consistent rate. Successful restoration of the
 8 upstream channels of both Mono Lake tributaries and the Upper
 9 Owens River should require control levels to manage high
 10 spring runoff water.

11 The Owens River cannot be used to put excess water from
 12 the Mono Basin in order to protect the Mono Lake tributaries
 13 from high runoff water.

14 A consistent flow is vital to mitigate the damage already
 15 done by the elimination of the tunnel water in 1989 and to
 16 provide the river with a full level that will enable the
 17 stream to begin to recover and establish an environment that
 18 will not fluctuate and experience drastic changes from season
 19 to season.

20 I support using the point of reference as of 1989, as
 21 that date is the most current and represents the area more
 22 realistically than that of the 1941 date.

23 I believe that any reference to livestock raising in the
 24 Environmental Impact Report should be made from the point of
 25 view of the impact of the Mono Basin Plan on livestock

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1 grazing. Livestock grazing is an historical use of this
 2 property, and if any references to management of this land use
 3 are to be made in the EIR, they should be specific and only
 4 identified after extensive and substantiated study.

5 I do not believe that these objectives have been met with
 6 respect to the reference to livestock in the DEIR.

7 The fencing of the property along the river has not been
 8 evaluated to the degree necessary in order to identify this as
 9 a viable mitigating measure. The last eight years of drought
 10 conditions combined with the drastic changes in the management
 11 of Owens River are variables that must be considered when
 12 making any conclusions concerning the environment of the
 13 property adjacent to the river.

14 Mitigation should only be necessary when a specific need
 15 is identified. I do not support the inclusion of livestock
 16 grazing as a part of the EIR until the concern can be studied
 17 objectively and extensively in order to draw factual
 18 conclusions.

19 I do believe that a common ground can be recommended for
 20 the protection of Mono Lake and also for protection of the
 21 Upper Owens River, but no protection measure should be
 22 undertaken when that measure is creating harmful and
 23 devastating effects on another natural resource.

24 This is contradictory to the definition of protection.
 25 The perpetuation of the Owens River as a unique superior

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1 fishing stream must be protected. I am only asking that the
 2 whole picture be considered in the very difficult task that
 3 you have before you.

4 At this time, I cannot support the designation of Mono
 5 Lake as an outstanding national resource water. There are too
 6 many unanswered questions, and this designation has a
 7 potential of further restricting protection of the Upper Owens
 8 River.

9 Thank you for the opportunity to express my concerns, and
 10 as you evaluate this vital interest, please remember that the
 11 protection of the Upper Owens River should not be traded and
 12 sacrificed in developing a policy to protect Mono Lake.

13 May I leave this letter?

14 MR. DEL PIERO: I have got a couple of questions, if you
 15 would be kind enough to answer them. First of all, I want you
 16 to be aware that in terms of flood flows and the impact in
 17 terms of flood flows and the impact on the Upper Owens River,
 18 I want you to understand there are a number of other people
 19 here. The Board is very much aware of the perception in some
 20 cases that the actual impact on the Upper Owens, particularly
 21 the nature of the Owens and its meandering course from
 22 significant flood flows and also significant releases to the
 23 tunnel - we are very much cognizant of that and your concerns
 24 about looking after the interests of the Mono Basin without
 25 necessarily concerning the impacts on the Upper Owens. I want

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1 you to understand the Board is looking at the entire picture,
 2 and although the Board will not be prepared to render any

3 decision at this point, and will not be prepared to do that
 4 until the evidentiary phase is over, you need to be aware that
 5 the Board is aware and very cognizant of the potential damage
 6 that, in some cases, may have happened and in some cases may
 7 happen in the future without a careful recognition of the
 8 releases into the Upper Owens. First of all, let me say
 9 that's on our mind.

10 Secondly, I have a question to ask you. In the event
 11 that the Board were to prepare a water rights order for the
 12 Mono Basin that addressed the issues in terms of the Upper
 13 Owens to your satisfaction, would you continue to oppose the
 14 designation of Mono Lake as an outstanding natural resource
 15 water?

16 MR. AREULARIUS: If we were -

17 MR. DEL PIERO: If you were satisfied.

18 MR. AREULARIUS: If I felt we were satisfied, probably a
 19 few years after the designation of water rights, yes, I
 20 probably would be when, you know, everybody understands. That
 21 is why I say that I think that we can reach common ground
 22 between Mono Lake and also the people of the Upper Owens.

23 MR. DEL PIERO: One other thing. We are aware of the
 24 issues you raised in regard to livestock, we are considering
 25 that very closely.

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1 MR. AREULARIUS: And I am fully aware - I just wanted to
 2 express my concerns about the flood water or the excess water.
 3 I just wanted to go on record as having that in the statement,
 4 so that's why I brought that up. Thank you.

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

6 The next individual is Don Banta, Chairman of the Lee
 7 Vining Public Utilities District. Mr. Banta.

8 MR. BANTA: My name is Don Banta. I am the Chairman of
 9 the Lee Vining Public Utility District and I am here
 10 representing that Board and the people that are water users in
 11 the community of Lee Vining, and I had a letter to you in
 12 regard to that.

13 Dear Sir: In regard to our application to the State
 14 Water Resources Control Board - this application was made
 15 sometime within the last two years - in regard to the
 16 application to the State Water Resources Control Board, the
 17 Lee Vining Public Utility District requests that a minimum of
 18 3 cubic feet per second of stream water be released as Lee
 19 Vining Creek underflow, groundwater, or any designation that
 20 might be determined.

21 At the present time, we are utilizing an excellent
 22 quality and quantity source that has recently been developed
 23 and restored. However, we do not want to overlook the
 24 possibility that our diversion may at some time in the future
 25 necessitate the use of wells, or diversion from the creek

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1 itself.

2 The Lee Vining Public Utility District, in accordance
 3 with the Mono County General Plan, feels that there is a
 4 definite potential for community expansion in Lee Vining. The
 5 Mono County General Plan objectives are - and this is found
 6 in Mono County General Plan - Policy 1, obtain lands
 7 necessary for the orderly expansion of Lee Vining.

8 In Action 1.1, work with the appropriate agencies to
 9 provide for developable lands adjacent to Lee Vining.

10 Action 1.2, designate lands adjacent to Lee Vining for
 11 community expansion and the land use element.

12 Policy 2. Future development to coincide with
 13 infrastructure and surface capability expansion.

14 Action 2.1. Support and assist Lee Vining Public Utility
 15 District in securing sufficient water for community growth.

16 Action 2.2. Require development projects to obtain will-
 17 serve letters from applicable service agencies.

18 And that's the end of the portion from the Mono County
 19 planning Department.

20 Back to the statement from the Lee Vining Public Utility
 21 District, and I will begin:

22 As to date, the Lee Vining Public Utility District meets
 23 the needs of the community of Lee Vining. The exception to
 24 this is during a few months during the peak water consumption
 25 period, at which time conservation is sometimes required.

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1 it's the District's feeling that additional water flows will
 2 be required to support additional growth.

3 It should be noted that the Lee Vining Public Utility

4 District does not wish to allow or provide for any of its
5 allotted water to be transported or used outside of the Mono
6 Basin.
7 It should also be noted that any unused portion of the
8 requested minimum 3 cubic feet per second shall be distributed
9 as determined by the State Water Resources Control Board.
10 This is from the Lee Vining Public Utility District over
11 my signature.
12 And may I simply say: without any regard to the Lee
13 Vining Public Utility District, but as a citizen of the
14 community of Lee Vining for over 60 years, I urge you to do
15 whatever you can to maintain the level of Mono Lake at 6390.
16 Thank you very much.
17 MR. DEL PIERO: Thank you very much. Just for your
18 information, you need to be aware that staff is currently
19 considering protection of water supplies for future in-basin
20 uses. So, if you had not been aware of that, that is one of
21 the things the Board is giving consideration to.
22 MR. BANTA: For the benefit of the people who are here,
23 we have had wonderful cooperation from the State Water
24 Resources Control Board, and we work very well with them, and
25 we are aware of that. Thank you.

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1 MR. DEL PIERO: Thank you very much.
2 Marjorie Sill. Good afternoon.
3 MS. SILL: Thank you, gentlemen. First of all, I would
4 like to say I am a resident of Reno, Nevada, and as a resident
5 of the driest state in the Union, I really appreciate the
6 State Water Resources Control Board, and I am going to take
7 the idea back to my own state. I think we need it.
8 I am the Federal Land Coordinator for the Toiyabe Chapter
9 of the Sierra Club. This covers all of Nevada and Eastern
10 California.
11 We have approximately 3800 members. We care a great deal
12 about Mono Lake. We have an historical interest in Mono Lake.
13 We have used it for recreation, we have used it for many of
14 our members who are artists and photographers, and Mono Lake
15 is a perfectly wonderful resource.
16 I, myself, drove down from Reno today, and I stopped at
17 Mono Lake, as I always do, and just looked at it and thought
18 about how great it was, and I stopped again to see Rush Creek
19 coming into Mono Lake. The water is coming down again, and I
20 was thrilled as I am every time I make that drive.
21 The Toiyabe Chapter recommends a level of 6390 or higher,
22 and we hope that this problem can be resolved in a timely
23 fashion.
24 I have here an article, rather a transcript of testimony
25 given by Huey Johnson in 1982 in May and before a

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1 Congressional Committee. That is 11 years ago, more than 11
2 years ago, and he entitled it "Mono Lake Doesn't Need to Die".
3 At that time he thought that unless something was done,
4 it would die. Fortunately, it has survived. But we can't
5 bank on its surviving forever without some intervention by
6 you.
7 And I would like to conclude by reading something from
8 Mr. Johnson's testimony: The loss of Mono Lake, an incredibly
9 rich and productive ecosystem, would be a tragedy of major
10 dimension. It was John Muir, an early Mono Lake enthusiast,
11 who pointed out that all things in nature are interconnected.
12 We should not casually contemplate the destruction of this
13 resource. We have a responsibility to save Mono Lake, a
14 responsibility to ourselves and our children and our
15 grandchildren and for the generations to come.
16 So, as soon as you have your hearing, where you have had
17 scientific evidence, I hope that some decision can be made
18 very soon. Thank you very much.
19 MR. DEL PIERO: Thank you very much. I do need to point
20 out in regard to your last question, the State Board has
21 already indicated to our Executive Director and to our staff
22 that this is a priority in terms of production of an order.
23 Once the evidentiary portion of the hearing is completed, and
24 once all of the written policy statements have been submitted,
25 it is our Board's intent to try to expedite preparation of the

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1 order, probably in the spring of next year.
2 MS. SILL: Thank you.
3 MR. DEL PIERO: Tim Alders. He is not here. Sally
4 Gaines.

5 MS. GAINES: I can say without exaggerating that the
6 existence of Mono Lake has changed my mind. I moved to Lee
7 Vining 15 years ago to help start the Mono Lake Committee.
8 Mono Lake pulled me here and keeps me here.
9 I am lucky enough to have daily contact with this unique
10 body of water and its tributary. I swim in it in the summer.
11 In the fall and winter I can walk the beaches to bird watch
12 along the creek. In winter I ski along the shores or upslope
13 along an ice-age terrace or volcanic crater.
14 People come from all over the USA and the globe to marvel
15 at the features of Mono Lake.
16 The Mono Lake Committee and the Mono Lake Foundation
17 offer educational classes all summer. Instruction is in
18 various fields. Subjects like flowers, birds, volcanoes and
19 glaciers.
20 The one-hour canoe tour is filled every weekend. So, a
21 lot of people besides myself make Mono Lake a focal point of
22 their lives, their vacations, or their vocations.
23 But the most important population to save Mono Lake for
24 is the animals and plants that live in the lake. They can
25 live nowhere else.

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1 You talk about the greatest good for the greatest number,
2 and water for the brine shrimp, for the jillions of brine
3 shrimp and flies wins easily.
4 This ecosystem needs the creeks flowing into it. The
5 creeks are flowing now and let's keep it that way.
6 The animals need Mono Lake, we need Mono Lake. Let's
7 save it for all of us. Thank you.
8 MR. DEL PIERO: Thank you very much. Is Bob Stephan
9 here? Jan Work? Gary Nelson? Jean Oakeshott? Mark Lake?
10 Gerald Purdy. Welcome.
11 MR. PURDY: I used to live over here for four or five
12 years. I am a professional engineer, and I used to work in
13 the environmental engineering field with the engineering
14 society over in Nevada. I was State President of it a number
15 of years ago, and I was on the Great Basin Unified Air
16 Pollution Control Hearing Board for about five years as Alpine
17 County's representative.
18 I have been on the Eastern Sierra about 20 years. I have
19 lived in Mammoth for over five, and eight years ago we made
20 the most far-reaching air pollution control decision in
21 California's history.
22 Los Angeles is responsible for causing the air pollution
23 problems down in Mono Lake and Owens Valley Dry lake.
24 And boy, we were almost ready under the law to go ahead
25 and require graveling mitigation measures that were permitted

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1 under the law at that time. Instead, the City went to
2 Sacramento and burned through Senate Bill 270 and got at the
3 Air Pollution Hearing Board and left us hanging, and it's been
4 eight years since then. And all we have now is more studies,
5 more talk, more PM-10.
6 The dust off Owens Lake is a national disaster. Mono
7 Lake isn't much better. I support everything the Mono Lake
8 Committee is trying to do in terms of elevation and getting
9 established to protect things.
10 There is a terrible health hazard from that dust. As it
11 goes down Owens Lake, it goes 30,000 feet in the air and goes
12 clear down as far as San Bernardino, and all we have is
13 studies. We have been involved in a lot of water battles now.
14 The groundwater pumping down there is something terrible. We
15 have overpumped and the water is coming back across the Valley
16 from the West Side. On the East Side and the West Side, the
17 wells are dropping down. We have had consultant reports going
18 back 20 years that say if we pull water down, the grass dies
19 at 3 and vegetation at 5, and everything goes at about 20
20 feet. And nobody is doing anything about it.
21 Where I am coming from with this is we really don't need
22 fairness and equality. What we need from you fellows is
23 protection.
24 The great crime of the Owens and up the Eastern Sierra
25 isn't what Los Angeles did to the people here, it is what the

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1 State of California let them do by failing to act and protect
2 the people.
3 The rural communities don't have the depth of people that
4 you typify. We don't have the dual professionals who are
5 professional engineers and also have degrees in water

6 engineering. The City has got a bunch of them down there.
 7 They don't need anybody to take care of their interests.
 8 They are pretty well protected politically, technically,
 9 and financially. I think their budget is what, about 3.4
 10 billion dollars a year. They are one of the largest utilities
 11 in the United States, plus they are one of the largest
 12 unregulated utilities in the United States.
 13 They can do anything to anybody anytime they want to, and
 14 where they want to, as long as they want to, for whatever
 15 reason they want to. They answer to nobody.
 16 You men, and the Fish and Game, the State Resources, the
 17 State Air Resources, failed to take the leadership in a
 18 decisive sort of way, and you ended up with the disgrace we
 19 have got in the Owens Valley. It is not just the Owens
 20 Valley. Salinas is a mess down there with a failure to deal
 21 with salt water intrusion coming in from Monterey. Nobody has
 22 made a decision on it yet. Twenty years they have been
 23 studying that.
 24 MR. DEL PIERO: Watch the newspapers.
 25 MR. PURDY: Yeah. That's been dragging on over the same

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1 length of time. Take care of the ecosystem over there. It's
 2 just about down to 5 or 10 percent.
 3 Pretty soon you end up with what's left to save and who
 4 is around to care.
 5 This thing, I don't think, is about water. I think it is
 6 a test of wills. They don't need the water now out of this
 7 area, they didn't need it then. They only used 5 or 10
 8 percent of their allocation on the Metropolitan Water District
 9 back in the 70s, and with the new legislation, water
 10 marketing, water management, and modern concepts that exist,
 11 there is no need to suck Mono Lake dry.
 12 But the only reason we took water out of this whole Owens
 13 Valley in the first place, it is gravity all the way to Los
 14 Angeles, and makes lots of money. They get 40, 60, 100
 15 dollars flowing out of the taps into the swimming pools down
 16 there. The only reason they didn't take it out of the Central
 17 Valley Project is you have to pump it at a couple of hundred
 18 feet over the Tehachapis into Los Angeles. It costs a few
 19 hundred dollars on the Central Valley. This side it is
 20 gravity.
 21 But the people over here don't share in this kind of
 22 money, and by law I think they are entitled to a percentage of
 23 the revenues that come out of the power.
 24 We don't have the sophisticated people who can represent
 25 our interests in that area, but it certainly is there, and

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1 what I hope you fellows would do is don't drag these people
 2 through another great long be-all, end-all study and leave
 3 them hanging. I urge you to be decisive.
 4 We urge you to be more protective. I think it is your
 5 duty and obligation to be protective of rural communities that
 6 don't have the technical expertise, the political and
 7 financial expertise to defend their own interests, and that
 8 hasn't been done.
 9 And the real tragedy is if you fellows don't, I speak of
 10 you as the State of California. Air Resources, your
 11 Department, Fish and Game, and everything, the Feds are going
 12 to do it for you like they did in the Miller-Bradley bill and
 13 that isn't necessarily going to benefit any of us.
 14 I don't mean to be rabble rousing. I am sincere in my
 15 comments.
 16 MR. DEL PIERO: You make a whole lot of sense to me.
 17 MR. PURDY: I'm a contractor. Just came over today to
 18 get in out of the wind.
 19 MR. DEL PIERO: Got you out of the wind. Thank you, sir.
 20 Jim Alpers. Good afternoon, Mr. Alpers.
 21 MR. ALPERS: Good afternoon. Marc, how are you today.
 22 Enjoying your visit to Mono County?
 23 MR. DEL PIERO: Always.
 24 MR. ALPERS: I'm here kind of pinch hitting for Leo
 25 Poppoff, who is Chairman of the Lahontan Regional

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1 Water Quality Control Board. Being Vice-Chairman and living
 2 here locally. Leo called and asked if I would pinch hit for
 3 him, so that's why I'm here today.
 4 My comments today are pretty much condensed down to four
 5 pages, and I was really impressed with our staff's being able
 6 to pull that document down in two sessions.

7 Our Regional Board discussed this in quite a bit of
 8 detail, and we had lengthy discussions at two of our August
 9 and September Board meetings, and we were able to condense
 10 this down to four pages and kind of cut through and hit the
 11 points that I think are the most pertinent.
 12 Before I begin, I would like to introduce one of our
 13 original Board staff members, Cindy Wise, somewhere back here,
 14 and Cindy was assigned the unenviable task of reviewing that
 15 document and going through it and providing staff perspective
 16 to put up in front of us Regional Board members so we could
 17 have some input. She did a terrific job in a short period of
 18 time, and she is going to be here to answer any technical
 19 questions when I get through with my presentation.
 20 I was asked to summarize our comments, and in going
 21 through our policy statement, we are condensed from a 12-inch
 22 thick document down to four pages. And as I went through this
 23 in the last day or so, every sentence has a meaning here that
 24 is important, so I decided to go through and read this.
 25 There's some excellent comments here. I know you all have a

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1 copy of it.
 2 MR. DEL PIERO: Go right ahead.
 3 MR. ALDERS: But I think because of Lahontan's high
 4 profile here in Inyo and Mono Counties, not only as a
 5 commenting agency, but as a regulatory agency, I think it is
 6 important for the public media to know what our position is on
 7 this.
 8 So, without any further ado, I would like to begin.
 9 The Lahontan Regional Water Quality Control Board
 10 appreciates this opportunity to present its comments regarding
 11 the Draft EIR for the review of Mono Basin water rights of the
 12 City of Los Angeles.
 13 Many of our comments were sent to the State Board staff
 14 by August 80, 1993. We do not intend to reiterate those
 15 details and comments as part of this policy statement.
 16 Instead, we want to use this opportunity to emphasize the
 17 essence of our earlier comments and provide necessary
 18 additional and revised comments.
 19 The Regional Board places great importance on the
 20 protection of the water quality and beneficial uses of the
 21 Mono Lake Basin. This concept was stressed to the State Board
 22 by Regional Board Resolution No. 6090-32 in April of 1990.
 23 The Regional Board also considers the Owens River a high
 24 resource value water. Thus, the Regional Board considers it
 25 essential that any agreement on the Mono Basin water rights of

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1 the City of Los Angeles provide for protection of water
 2 quality and beneficial use of water of both the Mono Lake
 3 Basin and the Owens River water.
 4 Unique and important resource values of Mono Lake
 5 certainly qualify as an outstanding national resource water.
 6 We support this designation for Mono Lake and will consider
 7 designating it as such in a future amendment to our Basin
 8 Plan.
 9 The many years of diversion of the main tributaries to
 10 Mono Lake have greatly impacted their beneficial uses.
 11 The return of water to the tributaries and ongoing as
 12 well as planned restoration work is encouraging, and we look
 13 forward to the reestablishment of the beneficial uses of the
 14 tributaries.
 15 In our earlier comments on the Draft EIR, we indicated
 16 that the Regional Board staff was currently reviewing the
 17 California Department of Fish and Game's report Number 93-1
 18 entitled "Upper Owens River Stream Evaluation Report," and may
 19 submit additional comments on the Upper Owens River.
 20 Regional Board staff has completed its review of Report
 21 Number 93-1 and particularly looked at potential impacts to
 22 the Upper Owens River from Alternative 6383.5 feet to 6380
 23 feet. This range was identified by the Regional Board as its
 24 preferred choice in the earlier EIR comments.
 25 Based upon this review by Regional Board staff, we have

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1 the following additional comments:
 2 Comment Number One: The Draft EIR, on pages 2 through 14
 3 states that peak flows exceeding 400 cubic feet per second in
 4 the Upper Owens River below East Portal can damage the
 5 channel, and uses a flow of 300 cubic feet per second in the
 6 Upper Owens River in the development of alternatives as both
 7 a target and a maximum stream flow.

8 Report 93-1 on page 214 states that flows of 250 cubic
9 feet per second would likely result in eroded stream banks,
10 cut-off meanders and the associated loss of trout habitat,
11 that flows greater than 130 cubic feet per second would cause
12 erosion along the Anvil Ranch reach of the river unless the
13 north and south diversion ditches operated as bypass channels
14 similar to the historic fashion.

15 Considering this information from Report 93-1, the
16 Regional Board requests that the State Board rerun its EIR
17 models using the lower target flow and reevaluate potential
18 impacts from the various alternatives, particularly potential
19 impacts to the Owens River.

20 Comment Number Two: Report Number 93-1 on pages 213 to
21 217 identifies "optimal" 200 cubic feet per second flow year
22 round, which will maintain total habitat area at 90 percent of
23 the maximum available for adult trout species, and a greater
24 than BC percent of maximum available for other trout life
25 stages, while not causing other detrimental impacts to the

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1 watershed.

2 However, water in the amount necessary to maintain the
3 optimal flow of 200 cubic feet per second is not available
4 under any lake level alternative.

5 Comment Number Three: Report Number 93-1 included a
6 detailed evaluation of two other flow conditions:

7 Number one, median baseline flow conditions of 70 cubic
8 feet per second, which equates to no Mono Basin augmentation
9 other than "tunnel make" from Mono Craters tunnel.

10 This corresponds to an approximate lake level of 6425 to
11 6430; and paragraph Number 2: An annual augmentation of 10,000
12 acre-feet or 14 cubic feet per second, which, when added to
13 the baseline flow results in a flow of 84 cubic feet per
14 second, which corresponds to approximately a lake level of
15 6410.

16 The evaluation showed that, first, baseline flow should
17 allow for self-perpetuating populations of trout in the Upper
18 Owens River. The baseline flow would maintain over 50 percent
19 of the total habitat available, provide optimal temperatures
20 nearly all summer, provide sufficient spawning gravel, not
21 create migration barriers, and still be sufficient for the
22 continued development of riparian vegetation.

23 However, potential arsenic concentration downstream of
24 the Hot Creek confluence would need further investigation.

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1 And second, augmentation of 10,000 acre-feet would
2 increase the adult trout habitat, total habitat area, by
3 approximately 10 percent over baseline flow conditions, as
4 well as increase area for other life stages, provide more
5 spawning habitat, and provide for a longer period of trout
6 growth.

7 The Regional Board staff asked the California Department
8 of Fish and Game for more specific information to quantify the
9 degree of enhancement in the Upper Owens River under the lake
10 level alternative of 6383.5 feet, 44,000 acre-feet of water
11 exported from the Mono Basin; and 6390, which is 30,000 to
12 37,000 acre-feet of water exported from the Mono Basin.

13 DFG staff required that, although the Report 93-1 did not
14 specifically evaluate the effect of these two lake level
15 alternatives, the effects under each alternative could be
16 estimated using Figures 42 and 43 on page 108 of the Report.

17 Comment Number Four: Regional Board staff used Figures
18 42 and 43 of the Report plus information in the Draft EIR to
19 estimate the following. We have a short chart here which
20 indicates different lake levels, the first lake level being
21 6425 to 6480, there would be no augmentation from the Mono
22 Basin. The Upper Owens River flow would be 70 cubic feet per
23 second, and the total habitat area, in other words, the
24 average percent increase over the baseline, there would be no
25 increase.

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1 Dropping down to 6410, the augmentation would be 10,000
2 acre-feet a year, which would increase the flow of the Upper
3 Owens to 84 cubic feet per second, would result in a 9 percent
4 increase over baseline in total habitat area.

5 When the lake level drops to 6390, the augmentation would
6 be 30,000 acre-feet a year, which would bump the flow up to
7 111 cubic feet per second, and the total habitat area would
8 increase over the baseline by 28 percent.

9 And finally, at 6383.5, the augmentation would be 44,000
10 acre-feet per year, would put the flow in the Upper Owens
11 River to 131 cubic feet per second, and the total habitat
12 area, the average percentage increase over baseline would be
13 37 percent.

14 Thus, at either lake level. Alternative 6390 or 6385.5,
15 the Upper Owens River ecosystem would be significantly
16 enhanced over baseline conditions provided that the exported
17 water is conveyed through the Upper Owens River channel in a
18 prudent fashion.

19 Report 93-1 on page 217 recommends that Upper Owens River
20 flows do not exceed a 200 cubic foot per second flow regime
21 which includes a constant rate of augmentation nearly year
22 round, restoration and flow controls for reaches of the river
23 such as operation of the bypass ditches.

24 The Report also includes an aquatic habitat development
25 and management plan on pages 218 through 238.

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1 In addition to suggesting that the recommendations in
2 Report 93-1 be carefully considered when developing the Grant
3 Lake/Mono Lake operation scheme. the Regional Board also
4 believes that the timing of flows should be aligned with the
5 natural flow pattern of the river on which several physical
6 and biological processes depend, the physical processes being
7 flushing flows to maintain spawning gravels, and the
8 biological processes being invertebrate life cycles.

9 Comment Number Five: The Regional Board recognizes that
10 flow evaluations in Report 93-1 are based upon the current
11 channel morphology of the Upper Owens River, which is wider,
12 is straighter, and shallower than the historic morphology
13 which was deeper and narrower with more meanders.

14 With lower and more controlled flows applied over time,
15 plus restoration in aquatic habitat management, Upper Owens
16 River should begin to resemble its historic morphology.

17 As the river morphology changes, the instream flow and
18 habitat restoration needs should be reevaluated.

19 Comment Number Six: With any amount of export of water
20 from the Mono Basin, the operation of Grant Lake and the Mono
21 Craters tunnel is a key element in determining impacts to the
22 Upper Owens River.

23 The Regional Board considers it essential that the
24 prudent operation and any necessary operational flexibility
25 are included as conditions of the amended water rights for the

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1 City of Los Angeles.

2 Our final comment, Number Seven: Report Number 93-1
3 states that grazing on the Upper Owens River has contributed
4 to channel erosion. The Regional Board continues to propose
5 grazing management controls for this area.

6 In earlier comments on the Draft EIR, the Regional Board
7 supported an alternative ranging from 6383.5 to 6390, and
8 stated that the Regional Board staff was further considering
9 potential impacts on the Upper Owens River under either
10 alternative.

11 As described earlier, potential adverse impacts to the
12 Upper Owens River would not be significant at either 6383.5 or
13 6390. Either alternative appears to provide adequate water
14 quality to support the river's beneficial uses.

15 However, the 6383.5 lake level would provide more water
16 to the Owens River and thereby increase the habitat of the
17 Owens River. Therefore, the 6383.5 foot level appears to be
18 the superior alternative as it relates to the beneficial uses
19 in the Owens River.

20 The Regional Board supports these potential opportunities
21 for enhancement only if they can be accomplished while also
22 maintaining the water quality and supporting the beneficial
23 uses of Mono Lake and its tributaries.

24 The Regional Board staff's evaluation of the Draft EIR
25 showed that the 6390 foot alternative results in fewer

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1 unmitigatable impacts to the Mono Basin ecosystem and fewer
2 unmitigatable punitive impacts overall.

3 However, rather than identify specific alternatives at
4 this time, as environmentally superior, the Regional Board
5 continues to support the range of lake level alternatives of
6 6383.5 to 6390 feet. This will allow the Regional Board to
7 consider additional information and data interpretations
8 during the water right review process.

9 In particular, the Regional Board would like to review

10 more information on the proposed operations of Grant Lake and
 11 Mono Craters Tunnel in other reservoirs.
 12 Based upon all additional information, the Regional Board
 13 may, if warranted, identify a different specific alternative.
 14 Once the final alternative is selected, and implemented,
 15 the Regional Board believes it is absolutely essential that
 16 monitoring is conducted to evaluate the impact of the selected
 17 alternative on water quality and beneficial uses of both the
 18 Mono Lake and Owens River watersheds, and that based upon the
 19 monitoring results that the water rights license be further
 20 amended if necessary.
 21 Thank you very much, and I will answer any of your
 22 questions and Ms. Wise will answer any technical questions
 23 that you may have.
 24 MR. DEL PIERO: I think just for the record, we need to
 25 point out that a number of the things you requested in your

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1 Report have, in fact, either been initiated, or have already
 2 been completed. I would like Jim Canady to respond at least
 3 to some of the general issues that have been raised.
 4 MR. CANADY: First of all, I would like to discuss with
 5 your staff how you got all that on four pages.
 6 MR. ALPERS: Good staff.
 7 MR. CANADY: You and I met last week and discussed the
 8 water needs and the concerns the Regional Board has. As you
 9 are aware, we are changing the model to increase the
 10 flexibility so that we can look at all the operations of Grant
 11 Lake, the tunnel, and the Upper Owens at different lake level
 12 scenarios, and different operational regimes, and we recognize
 13 as staff the importance of the Upper Owens existing brown
 14 trout fishery and we will be working closely with Cindy as we
 15 have in the past, and so most of the things you have talked
 16 about, we are two steps ahead of you and we are looking at
 17 them.
 18 MR. ALPERS: Thank you very much. I just might add as a
 19 Regional Board we took more of a regional approach to the
 20 issue. Because of the man-made connection, we realize there's
 21 beneficial uses on both sides, so that's the approach that the
 22 Regional Board took during our two hearings at our Board
 23 hearings.
 24 MR. DEL PIERO: We appreciate that very much, and I don't
 25 know if you were in the room when Mr. Aresularius made his

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1 presentation.
 2 MR. ALPERS: No. I have heard it many times along the
 3 river.
 4 MR. DEL PIERO: I don't doubt that, but I was referring
 5 to my comments after his.
 6 MR. ALPERS: I'm sure he articulated his points well.
 7 MR. DEL PIERO: He did. Thank you very much.
 8 Jan Work. Good afternoon.
 9 MS. WORK: Good afternoon. In contrast to what you just
 10 heard, my testimony is not very technical. However, it is a
 11 dimension I feel is worthy of consideration.
 12 For the past five years my views on important issues have
 13 been directly influenced by my role as a parent.
 14 Environmental questions, such as the one at hand,
 15 suddenly seem more crucial than ever before. The protection
 16 of Mono Lake is more than just an issue among many to me.
 17 Providing support today is a chance for me to help ensure that
 18 some of the natural world remains intact for my two daughters
 19 as they grow up.
 20 We live in Tom's Place, due south of Mono Lake. Already,
 21 on windy days with lake levels as they are, we can see a haze
 22 over the Glass Mountains, alkali dust drifting our way.
 23 I am not willing to compromise my children's future, not
 24 their health, not their chance to experience the strange
 25 beauty of Mono Lake.

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1 And as an educator, I feel it is essential to teach our
 2 children about the perils of gradually chipping away at our
 3 own habitat until it is ugly or dangerous. We must teach our
 4 children to understand that while human needs are met, we must
 5 choose constructive alternatives such as water reclamation and
 6 conservation instead of diverting enough water to potentially
 7 jeopardize a fragile ecosystem.
 8 I teach my children to appreciate and respect nature.
 9 They listen. They seem to innately feel these values and they
 10 are eager to stand up for what they believe. My four year old

11 and I have talked about overpopulation and how the spread of
 12 humanity has destroyed the natural habitat of several species
 13 which are now extinct. She was quick to admonish a friend of
 14 ours, who was pregnant with her fourth child, she scolded, the
 15 elephants will stink. But she really understood about
 16 extinction, and she felt morally responsible to protect our
 17 world. I am here speaking today following her example.
 18 I urge you to look at alternatives which will not
 19 compromise Mono Lake. My daughter is home today with a fever,
 20 but when she heard her father and I discussing this hearing to
 21 publicly state our views, she said if I would hold her she
 22 would like to come and talk into the microphone, and since she
 23 isn't here, I will tell you what she practiced and practiced
 24 to tell you: Please take good care of Mono Lake. The brine
 25 files are weird, the shrimp are cute. If I didn't have such

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1 a pretty lake to see, I think I would be very, very, very
 2 sorry. Thank you.
 3 MR. DEL PIERO: Thank you very much.
 4 Jody Aas. Good afternoon.
 5 MS. AAS: Hi. I am a sixth grade teacher at Lee Vining
 6 Elementary School and for me, Mono Lake is a living map. I
 7 feel totally fortunate for that. The students and I can walk
 8 there from my classroom. My students are from the communities
 9 of June Lake, Lee Vining, Mono City, and various locations in
 10 the Mono Basin. They have a good understanding of
 11 environmental and social impacts of the lake.
 12 I would like to share some messages they asked me to
 13 deliver to you on their behalf:
 14 Please keep Mono Lake at a level of at least 6390 feet.
 15 I would like to stress this because, first thing, I live
 16 right next to the lake, and I have lived there all my life,
 17 and I could never move. If the lake is lowered, the alkali
 18 dust will ruin my home, not to mention the sea gulls, brine
 19 shrimp, tiger lilies and brine flies' home also. So, please
 20 don't kill this beautiful lake. Hillary Hanson.
 21 Please keep Mono Lake at a level of 6390 feet - they are
 22 all along the same line, I think. If the lake level drops,
 23 alkali dust will spread and people will get poisoned, so think
 24 about people's lives, not just money. Los Angeles can get
 25 water from somewhere else that won't cause as much confusion

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1 and concern for safety. Sincerely, Eric Dorn.
 2 I would like to read just one more:
 3 Please keep Mono Lake at least 6,390 feet. If the lake
 4 level drops, the land bridge will be uncovered and coyotes
 5 will be able to get to the mounds and kill the gulls' eggs and
 6 the gulls. Also, my dad does a lot of stuff at the visitor's
 7 center, and if the lake dries up, no more people will come to
 8 the visitor's center, and he will lose his job.
 9 One other reason is that I live right by the lake and if
 10 the lake dries up, there will be serious dust levels. I do
 11 not like being poisoned. Please keep the lake level high.
 12 Thanks for letting me share these.
 13 MR. DEL PIERO: Thank you very much. If you would like
 14 to submit those, you can go back and tell your students they
 15 have been entered into the official record.
 16 Harry C. Dunning, Professor of Water Law at U.C. Davis.
 17 You are a long way from home.
 18 MR. DUNNING: It is certainly worth the trip. It's
 19 gorgeous every time I have the chance to come up.
 20 I want to make a few brief comments on the relationship
 21 between the Public Trust Doctrine which has driven a lot of
 22 the lake level litigation and water rights, is something I've
 23 been concerned about for a long time. I got started, I guess,
 24 in the late 1970s. The State Water Resources Control Board,
 25 actually at that time, was the chief sponsor for a Blue Ribbon

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1 Commission's major review of California water rights law. I
 2 had the privilege of serving as a staff director for that
 3 commission.
 4 We did quite a lot of study on California water law
 5 trying to see what was right and what was wrong. I think that
 6 was one of the earliest times that it was suggested that the
 7 Public Trust Doctrine would logically have some application to
 8 the exercise of water rights. That point had not been
 9 developed previously in the courts.
 10 That effort was followed by a big conference at Davis in
 11 1980. We had 650 people from all over the State that came and

12 explored many aspects of public trust, including its
13 application to water rights. We had a lot of papers done by
14 different scholars, and some of those papers in the end were
15 cited by the California Supreme Court in 1983 in the Audubon
16 Decision.

17 Of course, the Audubon Decision is what binds you and
18 must guide you in a lot of what you are doing in your process.

19 The point I want to make, and I really haven't been
20 through the EIR myself exhaustively, but I was kind of put on
21 alert, I guess, by some comments that were submitted to you by
22 the Sierra Club. The point I want to make is that Audubon
23 clearly imposes a two-fold obligation. First of all, Audubon
24 is clear with regard to procedure, that you have a duty to
25 take the public trust into account in making your water

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1 allocation decisions. It is very clear you are doing that,
2 and the EIR obviously is very detailed, and you have bent over
3 backwards, apparently, to look at different aspects of this,
4 and that is all to be commended, but there is a second part to
5 Audubon which makes it quite distinctive, quite different from
6 the California Environmental Quality Act.

7 There is a second duty which Justice Broussard referred to
8 and laid down for these water rights cases, and that is the
9 duty, in his words, to protect public trust uses whenever
10 feasible. That means this is more than process, more than
11 procedure, more than having to consider this, that, and the
12 other thing. This means that certain outcomes are not
13 permitted. You are not permitted to have an outcome of where
14 a feasible alternative is not imposed on the diverter. This
15 is a constraint. I think the Board since 1983 has shown
16 itself to be quite willing to accept the expanded powers which
17 are laid down by the Court in the Audubon decision. I hope
18 the Board is equally willing to accept the duty, the
19 obligation, the responsibility to make sure the public trust
20 uses are protected whenever feasible. What this means to me
21 is that only after the Los Angeles Department of Water and
22 Power has exhausted all feasible alternatives is it possible
23 to have a Lake level which is going to cause damage to the
24 resource at issue.

25 I would urge the Board to take that substantive

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1 obligation very seriously and not to require another trip to
2 the court. Since 1983, frankly, I have been discouraged by a
3 lot that has happened with regard to the Board. The record is
4 not good. The record the Board has in the courts is not good
5 at all.

6 The Board has taken it on the chin again and again and
7 again. As you know, in the 1986 famous Racine Decision,
8 with regard to the Delta, the Board was severely criticized
9 for what it had done in water quality work.

10 In the Lower American case, the Board came up with a
11 physical solution model, but that was very substantially
12 changed by the trial court judge, Judge Hodge, with regard to
13 the stream flows.

14 In the Basin right here, the Mono Basin stream flows, and
15 the litigation under the Fish and Game Code provisions,
16 the Third District of the Court of Appeal disagreed with what
17 the Board was doing and imposed further obligations, so these
18 have consequences that are detrimental.

19 I don't need to underscore the unfortunate thing that's
20 happening in the Delta with regard to State responsibility.

21 The State, not having performed its State responsibility
22 earlier and not having been able to produce Decision 1630, we
23 now have EPA and the Fish and Wildlife Service and the
24 National Marine Fisheries Service coming in and taking over
25 the Delta. I hope this won't happen in Mono Basin.

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1 I hope it can be handled at the State level. It seems to
2 me, frankly, this is a wonderful opportunity for you on the
3 Water Board to regain some leadership with regard to water
4 policy in California to pursue fully the mandate that was laid
5 down by Justice Broussard and the unanimous Supreme Court in
6 1983 and not have to be taken back to the Court and told one
7 more time as in the Cal-Trout case, this is what we mean, this
8 is what you really have to do. Thank you.

9 MR. DEL PIERO: Thank you very much. Nice to see you.
10 You make a lot of sense, too.

11 Jim Stroup. Good afternoon.

12 MR. STROUP: I'm Jim Stroup. I am a 15 year resident of

13 Mono County and a past resident of Lee Vining for six years.
14 I moved up here because I wanted to live at Mono Lake.
15 I am a homeowner and a business owner here in Mono County. I
16 have a photography and publishing business producing postcards
17 and other photo souvenirs of this area. Mono Basin accounts
18 for probably 25 percent of my business.

19 I have seen the lake level vary about 12 feet from a low
20 of about 6372 in 1981 to a high of 6384 in 1986.

21 Just last week, I completed a canoe trip around the shore
22 of Mono Lake so I could see firsthand what raising the lake
23 level would do.

24 So, as someone that relates to Mono Lake on a visual
25 level, I would like to come out in favor of raising Mono Lake

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1 to 6890 or higher.

2 As a former resident of Lee Vining, I would like to see
3 the alkali beds covered as much as possible to reduce or
4 eliminate the dust storms. I used to wear contact lenses and
5 basically quit wearing them because it really burns your eyes.

6 I was down at the tufa grove a couple of nights ago after
7 sunset to take pictures and I was really disappointed because
8 I couldn't find anything I wanted to take a picture of because
9 there's not that much water base or shore base tufa. On my
10 canoe trips that I did, there was a lot of -

11 MR. DEL PIERO: Now, you know what it is like.

12 MR. STROUP: There's a lot of tufa all the way around the
13 shore, actually on land. Well, a ways from the shore that I
14 made a mental note to myself that when the lake comes up, if
15 it does, that I am doing to have to come back here and take
16 pictures because I think it will be beautiful.

17 I think that Mono Lake should be named an outstanding
18 national resource, whatever those words are. I think it is
19 important to a lot of people.

20 I was in either Utah or Arizona three or four years ago,
21 and I was talking with a German tourist. He had been touring
22 around the United States about six months, New York, Florida,
23 and all across the west, and he didn't know I lived in Lee
24 Vining at the time, and I asked him, what was your favorite
25 place in America and he said, Mono Lake. And sort of a little

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1 pride came over me, and I told him I lived right by it.

2 Mono Lake is not just important to us here, but it is
3 important to people all over the world.

4 The lake does look better higher. Any mention of any
5 negative aspect of raising the lake, environmentally, I think,
6 is unfounded. I have seen the lake lower than 6390 and Mono
7 Lake does look better higher. I really can't wait for it to
8 come back up again. Thanks.

9 MR. DEL PIERO: Thank you very much.

10 Richard Knapp. Good afternoon.

11 MR. KNEPP: Good afternoon.

12 My first encounter with Mono Lake came actually in 1990.
13 I am a very recent resident. I got rained out on a camping
14 trip in Yosemite, and chased over the East Side, and coming
15 down Lee Vining Canyon and watching that incredible basin
16 unfold before me literally changed my priorities, changed my
17 kid's priority, changed my life style and really changed my
18 life when it comes right down to it.

19 I have been here on the Eastern Sierra now for about a
20 year and a half, and I have come to the point to where I
21 consider the health of the Mono Basin to be very much an
22 indicator of the health of our society, both on the local and
23 national and global levels, and on an environmental and
24 economic and spiritual level as well.

25 I would strongly urge you to adopt the level of at least

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1 6890 for the lake. I further urge acceptance of it as an
2 outstanding national resource water area. I can do this in
3 clear conscience because I know it is totally feasible that
4 the lake can continue to exist in a healthy state and that the
5 people of Los Angeles do not have to suffer. There's ample
6 fiscal support through AB 444 and HR 429. The people of Los
7 Angeles themselves contributed several times the amount of
8 water it would take to restore Mono Lake simply by their own
9 conservation efforts, and I really think we need to continue
10 along those lines.

11 I am also a photographer, so the lake's aesthetics are
12 very important to me as well. There is certainly no argument
13 that aesthetic considerations will be altered if the lake

14 level were to be increased, but certainly by no means
15 diminished. One only has to enjoy the photographs pre-
16 diversion by photographers to understand that.

17 The Los Angeles Department of Water and Power has at
18 times made statements that would lead us to believe they are,
19 in fact, responsible for the fact that Mono Lake is on the map
20 politically speaking. We are grateful for that.

21 However, without intervention by people like the Mono
22 Lake Committee, the Audubon Society, Cal-Trout, any number of
23 environmental organizations, the Sierra Club, who have been
24 active, it would have taken it right back off the map and at
25 a more primitive level.

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1 I hope we can work together to stop that from happening,
2 and I think that many strides have been taken in that regard.

3 One point that comes my mind and, I've heard balancing
4 the public trust water rights. All these phrases pertain to
5 legal and other rights to a lake that people have. I think
6 that we need to consider simply the earth's right for Mono
7 lake to exist in and of its own as a very important, perhaps
8 the fundamental right that there is. We managed to stop the
9 bleeding, and it is time now to restore the patient to full
10 health. Help save and restore Mono Lake. Thank you.

11 MR. DEL PIERO: Thank you very much. C. W. Waklee.

12 MR. WAKLEE: I am C. W. Waklee. I used to live in Mono
13 Lake and I moved there in 1928, and I lived there until 1940,
14 so that goes back quite a ways.

15 The lake was a lot different than it is now, and I would
16 like to see it get back.

17 We talked about having wildlife there. We have talked
18 about the hunting and fishing. You didn't fish in the lake
19 but you sure did a lot of hunting in there. It was a
20 beautiful place to duck hunt and goose hunt.

21 So, when we came in there and we saw the lake down, it
22 was sort of discouraging. If you would get back down to about
23 the 6940 level in through there, it would be great, get it up
24 alongside the road so you can drive in there and see the
25 beautiful lake as it was years ago.

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1 I am just asking Los Angeles to use what they have now,
2 use it wisely, but don't try to steal from everybody else like
3 they have done in the past. That's just about it. Thank you.

4 MR. DEL PIERO: Thank you very much. Mariene Waklee.

5 MRS. WAKLEE: Being that my husband's childhood was spent
6 initially in Lee Vining and Mono Lake from the late 1920s to
7 1940, we would really appreciate seeing the lake restored to
8 the 8390-foot level or higher so that our children and
9 grandchildren may relive some of the wonderful experiences
10 their grandfather had the privilege to enjoy, such as swimming
11 and fishing in Rush Creek, hunting plentiful ducks and geese,
12 exploring the land and having the mind-expanding experience of
13 hard-boiling eggs in a wire basket in the hot springs on the
14 island and learning about the volcano and earthquake
15 activities.

16 We were talking to my grandson before we came up here
17 about the earthquakes, about the volcanoes, and he actually
18 thinks that Papa lived during that time. He can't wait to
19 come down here.

20 And also, there are children that learn and appreciate
21 and protect and watch nature at its best.

22 I am thankful that we have grown past the attitude that
23 big cities' needs for growth should be the number one and only
24 priority to be considered and that the cities have no
25 responsibility to serve, but just to take and take to satisfy

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1 their wants.

2 I trust that your names will go down in history and be
3 taught to our children in schools as having the foresight,
4 like those of Muir and Roosevelt in establishing and
5 preserving our natural resources.

6 Please preserve Mono Lake and designate it as an
7 outstanding national resource water. Thank you.

8 MR. DEL PIERO: Thank you very much.

9 Luther Schwartzkopf. Good afternoon.

10 MR. SCHWARTZKOPF: My name is Luther Swartzkopf and I am
11 a retired Lutheran minister living in Bishop.

12 It was 51 years ago this past 4th of July that I first
13 saw Mono Lake. My seminary roommate and I were on a
14 hitchhiking program from Chicago out to see the wonders of the

15 West.

16 We had just come down from Gardnerville and were headed
17 for Tioga Pass. We came down the grade from Conway Summit
18 where we stopped to take in the breathtaking panorama, the
19 centerpiece of which was Mono Lake.

20 Well, I took a picture of the scene on a little tiny
21 camera that we had carried along, but it didn't really do
22 justice to the scene. I looked at the snapshot just a few
23 days ago. I took note of the fact that the rather blurred
24 picture had the title "some kind of a lake."

25 Well, this offhand designation of this beautiful body of

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1 water, I think, may have been a little bit prophetic because
2 it really is some kind of a lake for me and for a lot of other
3 people.

4 In the year of 1945, my first assignment was to come back
5 to serve in the Owens Valley, and that brought us back close
6 to this lake, and I found out that it did have a name, that it
7 was Mono Lake. And at that time, with a little better camera,
8 I did take some pictures of it and I think I sent a picture of
9 a snow scene to the Water Resources Control Board, and it was
10 a real gem and it showed some of the properties, some of the
11 houses of friends of mine right up there near the edge of the
12 water, within 200 feet of it. And now the same homes are
13 probably half a mile away from the water.

14 What a shock it was to me after we left Owens Valley and
15 we came back a decade or so later to see the lake, and I have
16 to recall that the feelings I had were not really unlike those
17 that I had experienced just a short while back now and that
18 was seeing my brother-in-law who had cancer ravaging his body
19 for about ten months. The last time I seen him, he was a
20 robust and healthy young man and then when we saw him there on
21 his hospital bed, he was just nothing but skin and bones. And
22 it was a grotesque scene for me to see a person in that state.

23 Well, thanks to people who have cared over the years, the
24 Mono Lake slide toward death has been slowed down to some
25 extent. And as I reflect upon this, there is this recurring

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1 thought, something like this very likely couldn't even happen
2 today. I don't believe that our environmental laws would
3 allow the rape of one area, no matter how important its
4 resources may have seemed to people miles away.

5 I know we can't go back and totally undo the damage that
6 has been done, not only to the lake but to the ecosystem and
7 to the total environment in the Mono Lake Basin. What's done
8 is done.

9 We can wring our hands and say if only there would have
10 been more sound environmental laws back then. I realize just
11 saying it won't make it true, but I don't think we should
12 dismiss this thought out of hand.

13 It seems that this very thought could serve us well today
14 as we deal with this problem.

15 If we conclude that our current laws would not have
16 allowed the rape of Mono Lake to take place, aren't we, in
17 effect, saying that what happened years ago was a terrible
18 mistake and if we think about that, doesn't this set a
19 standard for us by which we can evaluate the past and deal
20 with the present crisis.

21 If we agree that we wouldn't allow such a thing to take
22 place today, can't we come out and label as wrong what was
23 allowed to happen in the past, and if we do, that will change
24 our approach and our stance.

25 It will surely have to be that not only will we enforce

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1 current law, but make every effort to mitigate past
2 wrongdoing. I know very well that water rights laws are quite
3 sacred and pretty complicated, especially in this area.

4 I accept the premise that all attempts to right the
5 wrongs of the past have to be adjudicated in our judicial
6 system. But, nevertheless, it seems to me that as the Water
7 Resources Control Board deals with the nitty gritty of legal
8 and technical matters, somehow enlightened present-day
9 environmental protection laws should be there to shine like a
10 beacon to guide them in the right direction and encourage them
11 to be bold and aggressive in ways which favor an enhanced
12 return of vitality and health to Mono Lake which really still
13 is some kind of a lake. Thank you very much.

14 MR. DEL PIERO: Thank you very much.

15 Verne Hanson. Good afternoon.

16 MS. HANSON: Good afternoon to you, and I wish to thank
17 you most heartily for having come here this afternoon to
18 listen to all these wonderful people in various situations and
19 various areas here who love Mono Lake, that some kind of a
20 lake that Luther just got through talking about.
21 I will speak as a person who has been coming up here to
22 Mono Lake. I am Verna Miller Hanson, and we live on the north
23 shore of Mono Lake, so if anyone hasn't experienced what Mr.
24 Jarvis has talked about, we certainly have, and if anyone has
25 experienced the sunrises and the sunsets in Mono Lake and the

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1 moon rising and looked across and seen that marvelous row of
2 islands that is getting so sad and barren over there because
3 of the water, you will know what I am referring to.

4 We retired 15 years ago and we came up to Mono Lake to
5 live during the summer, the spring, and the fall. But where
6 we live now was all under water and you can't believe it.
7 Maybe Mr. Banta remembers and some of you here, but where our
8 son lives was just barely showing out of the water and where
9 we are, we would all be under the water, so we are not asking
10 you to make it come up the way it used to be.

11 We have these most marvelous tufa towers that have shown
12 their faces since the water went down, and when our boys were
13 small, they used to dive off those tufa towers and swim to
14 shore, and now they are so far away you can hardly see them.

15 I came up first with my twin sister. It was in 1936 when
16 we were juniors in high school from Orange, California, and
17 the next time I came up was in 1941 on my honeymoon with my
18 husband, and we have been coming up here since then, 52 years.
19 So, we have seen a lot of changes in Mono Lake. We really
20 have.

21 And like Luther Schwartzkopf says, it is an incredible
22 lake. It is some kind of a lake. It really is. There is
23 nothing like it.

24 Our Miller family are in the fourth generation of being
25 here at Mono Lake, coming up here, and our sons who live here

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1 at Mono Lake, in case you know. Jeff Hanson or Timothy Hanson,
2 and they wouldn't go south for any reason, but they might have
3 to one of these days if there is no more water.

4 We have seen changes, and I am one of the ones who Mr.
5 Jarvis referred to as those poor unfortunate people with upper
6 respiratory problems.

7 And I am affected by that dust and each summer my lungs
8 cry out, what are you coming back up here again for. How can
9 you do this to yourself, and I say, like I did this year,
10 please, Lord, just one more year that I can come up here.

11 A doctor has told me time and time again the pollution
12 here around Mono Lake and we live right close to the shore,
13 the pollution is worse than the smog in Los Angeles.

14 So, you say, why do I come up here each summer? Well, it
15 is just like I have heard each one of these marvelous,
16 wonderful people talk about, how Mono Lake has affected them,
17 how they love it, and that some kind of a lake is really
18 something that we think one more time, just one more time.

19 And they are pleading to this Water Resources Board, like
20 I am, to save this beautiful sanctuary, this god-given spot,
21 for the peace which we all seek, and now we are talking about
22 the birds and the flora and the fauna, all of the little
23 critters, animals, the snow geese. You can't believe what we
24 used to have on Mono Lake, migratory birds, shore birds, it
25 was just something unbelievable.

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1 I might not make it another year. I have a humidifier in
2 the room at night and a purifier belching out some pure air so
3 I can stay one more summer.

4 My children and grandchildren need to have the chance
5 that I have lost of pure and unpolluted air.

6 So, whatever it takes of your Board, you should remember
7 what these people have said, and I have just been amazed and
8 just so heartened by what each one has said. They have been
9 so sincere, and they have been looking at the facts. They
10 have told you the truth. They face the facts. We have seen
11 them, the things that have happened and are happening.

12 I can remember when we first retired 15 years ago, my
13 husband was one of the 12 who were on a committee, and I can't
14 remember all the other people, that were going to file a suit
15 against the DWP. Ha. Ha. Fifteen years ago. Except for the
16 Mono Lake Committee and all these marvelous people who have

17 come up here and they fought, been through the courts and so
18 forth, but pretty much, aren't we just like we were 15 years
19 ago, and I have heard others say that.

20 I, too, stand on the deck of the north shore of Mono Lake
21 and watch that white tornado, first on the Pooha Island, make
22 its way to our shore and coming up to our dwelling just like
23 it's saying, I've got ya, just like it does every time. And
24 I cough. It is just -- well, anyhow, help get these shores
25 under water with whatever number you want to use. I have

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1 heard 6390. Whatever will increase the lake to cover this
2 pollution, and remember to continue to pray to God to send the
3 rain and the snow because it is He who causes the increase of
4 water and that the Water Resources Board may be good stewards
5 of this trust and this gift from God, and I thank you again so
6 very much. And everyone else who came here. Thank you.

7 MR. DEL PIERO: Thank you very much.
8 Jean Oakeschott.

9 MS. OAKESCHOTT: I would like to start by thanking you
10 for giving me the opportunity to speak also. I am Jean
11 Oakeschott. I live here at Mammoth Lakes, and I teach at Lee
12 Vining Elementary School, fourth-grade teacher.

13 I would like to start with kind of an historical
14 perspective. I brought a text. This is a fourth-grade text,
15 1969. People in this room may have used this textbook. It
16 has history of the DWP in here. They have got some great
17 pictures. There is not a word about Mono Lake, 1969. There
18 was nobody knew about it then. I would just like to read a
19 couple sentences to kind of sum up what they were trying to
20 teach fourth graders back then: Why should water be taken
21 from Mammoth to be used by farmers somewhere else? The City
22 of Los Angeles must be prepared to let those people have it.
23 That was why the officials of Los Angeles were offering to pay
24 a good price for the land and water rights in Owens Valley.
25 The people of Owens Valley did not wish to sell. Fierce

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1 quarrels developed. Several people damaged the aqueducts.
2 Finally, the last statement is, the people of Owens Valley
3 lost the argument. Los Angeles bought the water and took it
4 away. That was 1969, ladies and gentlemen.

5 I have good news. Things have changed for the better.
6 This was adopted by the State of California in 1990. We got
7 it in 1991. Lots of color graphics here, pictures of the
8 aqueduct. Mono is in here and a picture of Mono Lake, also a
9 picture of things have changed. The dust storms on Owens
10 Lake, not just Mono. Did I say Mono Lake? A picture of Mono
11 Lake and a dust storm on Owens Lake. You need to know that
12 these textbooks were adopted by the State of California, so
13 this kind of gives a sense of what the State thinks is
14 important to teach, and it has changed.

15 Times have certainly changed here.

16 A quote from Mark Twain, and it is great. It talks
17 about, then, where will the City find more water. Will a new
18 water resources bring more damage to the environment? This
19 question will continue far into the future. In addition to
20 environmental issues, your generation, we're talking to kids,
21 will decide many other questions that will affect the people
22 of the future. California has a lot of problems.

23 The work is not easy, but it is very exciting. The chain
24 of dominoes continues as California makes new decisions that
25 will ripple through the future. More people have begun to

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1 think about conservation.

2 The last part about Mono Lake says, sometimes the meeting
3 of needs of people can cause damage to the soil, water,
4 animals, plants, and other parts of nature that make up the
5 environment. But in 1941, few people thought about what the
6 aqueduct would do to the environment of Mono Lake. That
7 question was left for the people of today.

8 I think that's what I am here for. I am teaching this to
9 my kids, and that book is not only being taught in Lee Vining
10 where Mono Lake is located, this is being taught in the entire
11 State of California, and these issues are being taught.

12 I do have pen pals in Santa Cruz and I sent them a tape
13 on Mono Lake, so everybody is talking about this, and students
14 now are wrestling with what were the decisions made in the
15 past, why were they made, what are the decisions that need to
16 be made today, what are the best choices to be made, and I am
17 here to speak in favor of the maximum lake levels that we can

18 to support this resource so that we can have a balance between
19 the needs of Los Angeles and also the needs of the community
20 in Mono Lake. It is no longer a one-sided issue. I don't
21 want to ignore Los Angeles' needs, but really feel, with the
22 funding to support alternative water sources for them, I think
23 that people are considering that their needs are important
24 also. We don't want to look at this one-sided need. We need
25 to take a full view, and I really encourage you to support a

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1 high level.

2 MR. DEL PIERO: Thank you very much.
3 Bob Stephan, Lee Vining Chamber of Commerce. Good
4 afternoon. We had an address from the Los Angeles Chamber of
5 Commerce yesterday.

6 MR. STEPHAN: We have to support the lake level being
7 raised to 6390, for I think one main reason. Ever since we
8 have achieved the scenic area status, our economy has become
9 more dependent than ever on tourism. The tourists come here
10 for only one reason and that is the environment. We all know
11 how fragile it is. The lake is very important if we are to
12 maintain the pristine atmosphere that the tourists come to
13 admire.

14 Most of you are probably aware tourism has become one of
15 the stronger industries in the State today. I would hope the
16 Board might consider the huge investment the State has in
17 maintaining their investment in this resource. Thank you.

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

19 Vera Miller.

20 MS. SITZE: The name is Vera Miller Sitze. I happen to
21 be Verna Hanson's twin.

22 MR. DEL PIERO: I am a twin, too, and they get messed up
23 frequently.

24 MS. SITZE: We are 75 years old.

25 MR. DEL PIERO: I keep telling people I am the better

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1 looking of the two.

2 MS. SITZE: I represent four generations of eras of Pop's
3 Place that is on the north shore of Mono Lake. I live there
4 with our family six months of the year. Our father was the
5 last operator of the salt works from 1927 to 1952.

6 Our family has been watching their 13 precious acres
7 slowly and sadly disappear with the lake. This summer has
8 been an unusual time for me, bordering on being sick. I have
9 even been apologizing to the future remaining critters that
10 walk on the crunchy dead grasses and look at the lake slowly
11 disappearing. I lovingly call Mono Lake a grande dame, but
12 this stately gracious lady is dying, and each time I drive
13 down Lee Vining grade north I see her heart outlined on the
14 salty shores. Have you seen it? It's there.

15 I firmly believe in God, the Almighty Creator of heaven
16 and earth, and Mono Lake for me and others who here today call
17 themselves Mono Lake lovers.

18 Our family continues to pray that as God has promised to
19 preserve his creation, we humans also have the chance to do
20 our part. Our personal feelings are positive, and we continue
21 to pray for wisdom and justice for each individual
22 responsibility. Thank you very kindly.

23 MR. DEL PIERO: Thank you very much. Ed Sitze.

24 MR. SITZE: Thank you very much. I am Ed Sitze. I did
25 come from a different perspective, however. I have been

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1 married to a family involved with Mono Lake since 1927. We
2 were married in 1940. I come from the perspective of a
3 private property owner. We are few in number. I doubt if
4 there are 12 of us that own private residences in Mono Lake
5 that live there all or part of the year. Four of those family
6 residences are right next to the County park.

7 My main concern and my urging to you folks is that
8 you consider those of us who have seen our property, our
9 shoreline go from about 200 down from our house down to almost
10 half a mile away. It is sorry to see what has happened, and
11 the dust that is forming on the western shore. It all comes
12 over from Tim Alper's house, I think on the western shore
13 there.

14 But my wife also has a respiratory problem.

15 MR. DEL PIERO: She is nodding her head in the back.

16 MR. SITZE: My wife also has respiratory problems. She
17 is under the care of a pulmonary specialist in Carson
18 City. We take all the cautions we can, but we come back year

19 after year after year because we love Mono Lake.

20 I strongly support the recommendations of the Mono Lake
21 Committee as far as elevation is concerned, 6390 or above. If
22 I had my druthers, I would like to see it as it was in 1941.
23 It was at 6417 feet, but that would probably be mitigating
24 against the compromise procedure that we use in a democracy.

25 I have quarrels with the City of Los Angeles. I worked

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1 in the City of Los Angeles for many, many years, but I do
2 think there is much room for improvement in conservation.

3 I was appalled at what I saw in my own town in Southern
4 California, Alhambra. When it came under rationing of water,
5 it was not uncommon to see water running down the gutter from
6 a sprinkler system and the like, people washing their cars,
7 disregarding the precious commodity of water.

8 So, we thank you fellows for being here, for hearing our
9 problem, and when you consider and make the final decision, I
10 sincerely hope you will bear in mind some of us who are most
11 affected. Private owners have more to lose than probably any
12 of you if Mono Lake continues to do down. Thank you very
13 much.

14 MR. DEL PIERO: Thank you very much. M. C. Smith.

15 MS. SMITH: I am going to speak briefly on my childhood
16 memories of Mono Lake. I spent my childhood on the back seat
17 of a '55 Chevy, and we endlessly drove north. Mono Lake on
18 395 had meadows from 395 to the lake shore, that would be the
19 western shore with cattle grazing. I remember Tioga Pass was
20 a graveled one and a half lane road.

21 I would like to see Mono Lake as high as could possibly
22 be maintained so that all of the birds that use Mono Lake can
23 be maintained.

24 My memories of the lake -- well, I see it all the time.

25 I make it a point to be there, but it would be nice if there

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1 were more German tourists who could see it as I remember it.

2 It would be nice if more migrating waterfowl and ocean
3 birds who come from the north there to nest could show it to
4 their children.

5 Keep it as God gave it.

6 MR. DEL PIERO: Thank you.

7 Melvin Shapiro. Welcome.

8 MR. SHAPIRO: We drove down from Gardnerville last
9 Sunday to take part in this. It is wonderful. It is not a
10 dog and pony show, as I've experienced in other hearings.

11 MR. DEL PIERO: I left the dogs at home.

12 MR. SHAPIRO: I am retired from the Los Angeles area. We
13 lived in Michigan a few years. We have had a place here in
14 Mammoth since 1975. Roughly, my access to the area has been
15 over a 20-year period, and I recall in the early 80s they used
16 to have little things they called Huck Finn Days the first
17 week in October. For part of that we had a motorcycle race
18 from a slope overlooking the lake. Actually, the track is
19 right down to the victor's center and you can see as you go
20 down 895 it looks like an A. In any case, I think I rode that
21 race two or three years.

22 Looking at the lake, and suddenly becoming aware, wait a
23 minute, something is definitely wrong here. It is bad. It is
24 real bad. Incidentally, 6390 or more has a nice ring to it.

25 Reiterating something Mr. Purdy said, Los Angeles DWP has

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1 had an allotment from MWD for a long time that they have never
2 used. There is other water available, so let's set that one
3 aside.

4 Also, at that time I think we built a house in Bishop in
5 '81, and I was kind of commuting more or less from Los Angeles
6 while still working. I retired in '89.

7 Somewhere in the early 80s, somebody from the Los Angeles
8 Department of Water and Power came up with what I thought was
9 a lunatic idea. They said let's let the lake keep dropping as
10 we keep diverting the water and let's see how bad it affects
11 the ecology. Their point of view being it wouldn't affect the
12 ecology.

13 I couldn't believe what I was hearing, and that thing was
14 kind of laid to rest and nothing happened.

15 Then Judge Finney over in El Dorado County came up with
16 a couple of rulings, and it seemed like DWP ignored them. I'm
17 not sure of the details of it. I am sure you gentlemen are.

18 Judge Finney said nothing happened. I kept wondering why
19 didn't Judge Finney throw somebody in the slammer for not

20 doing as he said. Anyway, that did not happen.
 21 Then, there was another issue came up recently, I think.
 22 I know, this issue of models and research and reports and
 23 investigations and committees over what may happen or might
 24 not happen if so and so happens, and interpreting the model --
 25 no, this is not accurate, I can't discuss technical issues

00068

1 because I am not qualified to do so. I set that aside.
 2 I will leave you with one thought as a simplistic idea.
 3 6390 plus - I think that the lake level today is something
 4 like 6375. That, ladies and gentlemen, is bad. Just plain
 5 old bad.
 6 A simplistic idea would be, because we can study the
 7 past, we are already in the future, what would happen in
 8 addition to the 6390 that for a ten-year period nobody diverts
 9 a gallon from what would normally flow into the lake, and ten
 10 years later we meet here - let's see, I will be 78 and I may
 11 not make it, but if we do, I will, then, at that ten-year
 12 period, what is the lake level then. What has happened in the
 13 last ten years, and then you could really evaluate and make a
 14 definitive study and decision over what has already occurred.
 15 We can't do anything about the sins of the past. What is
 16 done is done. We don't really know if under natural
 17 circumstances, not diverting any water, if we could even bring
 18 the lake up to 6390. I haven't heard that addressed at all.
 19 Is it possible, or is it not?
 20 Anyway, let's make a good stab at the 6390 or plus. I
 21 love it. Thank you very much.
 22 MR. DEL PIERO: Thank you very much.
 23 Warren Edwards. Good afternoon.
 24 MR. EDWARDS: Good afternoon. We can put a man on the
 25 moon but we can't get a public address system. I would like to

00069

1 yield my time. Everything I wanted to say has been covered
 2 much better than I could say it to you. Thank you for being
 3 here. Gentlemen, I am most encouraged.
 4 MR. DEL PIERO: Thank you very much.
 5 Millard Reed. Good afternoon.
 6 MR. REED: Good afternoon. I want to thank the gentleman
 7 for meeting with the Upper Owens River property owners several
 8 weeks ago. We enjoyed these visits, and I think we learned a
 9 lot and I hope he learned something from us as well.
 10 I have a short statement which is somewhat of an
 11 iteration from that meeting that we had and also a letter that
 12 was sent to Jim. I am here speaking as President of the
 13 United Land Company on the Upper Owens River on the Owens
 14 River Road.
 15 I am here to speak in support of the balancing of Mono
 16 Lake and the lowered water flows diverted through the Owens River
 17 system to Los Angeles.
 18 However, in so doing, a basic environmental question may
 19 arise.
 20 Should an existing and outstanding fishery resource such
 21 as the Upper Owens River be sacrificed for a separate fishery
 22 in another location that is only something that is in a
 23 calculated model form at this point. We don't have an answer
 24 to that as yet.
 25 Secondly, we are recommending an average minimum flow of

00070

1 130 second-feet and a maximum flow of 160 second-feet to be
 2 diverted to the river as to whatever alternative may be
 3 utilized.
 4 The flows are considerably below what was being delivered
 5 or diverted prior to 1989. Through these release flows from
 6 the East Portal, they must be ramped so that the sensitivity
 7 of the fishery along the Upper Owens River is recognized and
 8 is not damaged any further.
 9 I might add that Mr. Alpers' presentation on the EBASCO
 10 Report or 93-1 reference is a very valuable resource that
 11 needs to be included within the EIR process and I think he
 12 covered all the points very adequately and very nicely. There
 13 needs to be a communication link between the private property
 14 owners and the operating authorities to establish a day-to-day
 15 monitoring of the effects of increasing or decreasing flow
 16 through the East Portal. We strongly suggest that all
 17 references to speculative and alleged grazing impacts in terms
 18 of environmental impacts and mitigation measures be deleted
 19 from the EIR until a specific investigation of grazing
 20 activities as a part of a separate analysis.

21 We feel that the grazing issues are not really a part of
 22 the Mono Lake balance system. Also, we feel that the Mono
 23 County General Plan should be included in the EIR to make sure
 24 that each of the alternatives are discussed for consistency or
 25 inconsistency with Mono County's recently adopted General

00071

1 Plan.
 2 In closing, we stress that the mitigation measures
 3 include the creation of a communications link between the
 4 landowners, the City of Los Angeles, and the State Water
 5 Resources Control Board for the next critical steps in this
 6 process and for future monitoring efforts.
 7 The Upper Owens River is an existing vital resource that
 8 has been impacted and was impacted in 1940 after construction
 9 of the East Portal and diversions began, and again, in 1989
 10 when no water was allowed through the tunnel.
 11 Please do not lose sight or the understanding of the
 12 Upper Owens River. Thank you for this opportunity.
 13 MR. DEL PIERO: Thank you very much, sir. Carla
 14 Schedlinger.
 15 MS. SCHEDLINGER: I'm Carla Schedlinger, and I represent
 16 the California National Plant Society.
 17 The EIR under consideration today reviews the water
 18 rights of the City of Los Angeles in the Mono Basin. When
 19 these rights were confirmed in 1974, it was without regard to
 20 the impact of a utilization on the environment of the Mono
 21 Basin.
 22 Today, you are reevaluating these rights because of the
 23 fact that Mono Lake is a scenic and ecological treasure of
 24 national significance and its ecological integrity must be
 25 considered now as a matter of public trust. Public trust is

00072

1 an important issue here.
 2 Our nation works on the assumption that what is good for
 3 private enterprise is also good for America. This idea
 4 contributed early in this century to the concept that natural
 5 resources existed and should be used to provide the greatest
 6 good for the greatest number for the longer period of time.
 7 Since it is a mathematical impossibility to maximize for
 8 two variables at the same time, let alone three, this ideal
 9 has led to a set of problems that this Board right now is in
 10 a position to begin to correct.
 11 When Los Angeles acquired the water rights to this basin,
 12 it was assumed that the higher use of water was for the
 13 domestic use of Los Angeles citizens. There has been a
 14 sacrosanct attitude adopted by many people to this water
 15 gathering mission. Los Angeles was using its own privately
 16 held rights to provide for the needs of its many constituents.
 17 What we are coming to realize now is that what we think
 18 of as private property rights deals with the privateness of
 19 only one portion of any enterprise, namely, its profits. Los
 20 Angeles' operations in the Mono Basin certainly benefits their
 21 citizens, but the negative impacts or the costs of these
 22 operations are not borne similarly by them. Rather, they are
 23 shouldered by the environment of Mono Basin and by those
 24 members of the public who have an interest in its biological
 25 integrity.

00073

1 The private enterprise scenario, then, is one of
 2 privations benefits and commonized costs.
 3 What we are arguing for here is reduction of those costs
 4 to the public and to the environment that are associated with
 5 the benefits of cheap, high-quality water to the City of Los
 6 Angeles.
 7 The costs to the environment due to the exercising of the
 8 City's water rights in Mono Basin are numerous and they are
 9 discussed in detail in the EIR.
 10 We have two remaining concerns. First, as the stream
 11 flow into the lake increases, the quality and quantity of
 12 riparian vegetation would increase as well. Active
 13 restoration measures aimed at recovering riparian corridors
 14 are quite feasible, and they have been implemented elsewhere.
 15 Therefore, we feel that healthy riparian systems can and
 16 should be restored to the tributary streams of Mono Lake, and
 17 that increased flows should be mandated in an alternative that
 18 would raise the lake level to at least 6390 feet.
 19 Second is the issue of cattle on City lands in the Mono
 20 Basin. Grazing has identifiable impacts on certain rare plant
 21 populations and on watershed health in general.

22 Now, it may be that cattle are, in fact, compatible with
23 watershed stability in this region. However, specific goals
24 and objectives that address ecological as well as economic
25 values must be developed and implemented.

00074

1 A grazing management plan, then, is quite consistent with
2 the need to minimize the costs to the public associated with
3 the profits to private ranches that utilize City lands.

4 Finally, we note that by raising the lake level to 6390.
5 the PM-10 generated by the exposed alkali lake bed would be
6 substantially reduced. Raising it to 6392 would all but
7 eliminate the problem.

8 Since decreasing the export to LA in volumes sufficient
9 to effect such a rise in lake level would increase LA's share
10 of MWD water by only a fraction of 1 percent.

11 We see no compelling reason not to support this higher
12 level as a mandated goal. The EIR deals with scenic as well
13 as ecological values in the Mono Basin. Raising the lake level
14 would inundate some of the lake fringe wetlands. The loss of
15 these wetlands would probably be temporary because they can be
16 replaced or mitigated.

17 In the meantime, however, tourists might be disappointed
18 at now seeing the large number of waterfowl that frequent
19 these fresh water areas.

20 Also, a rising lake level could topple the tufa towers,
21 which may disappoint tourists who have come to associate Mono
22 Lake with the stark remnants of these standing aquatic
23 features.

24 We must remember here that the Mono Lake Basin does not
25 exist for the convenience and aesthetic sensibility of humans

00075

1 alone.

2 When the Yellowstone fires raged and eventually died out,
3 leaving the park partially blackened and apparently
4 devastated, criticism arose over management decisions that had
5 been based on criteria of ecosystem health rather than on the
6 prettiness of the park. Yellowstone is recovering well and
7 visitors to the area have a chance to see ecological processes
8 in action.

9 We must not allow ourselves to mourn the demise of scenic
10 features that exist because the integrity of an ecosystem was
11 compromised.

12 The many scenic and recreational opportunities that will
13 be afforded by a wetter Mono Basin will more than offset the
14 loss of tufa.

15 In conclusion, we support the adoption of a lake level of
16 6390 feet at the very minimum, based on the greater and more
17 long-term concern of the ecological integrity of the Mono
18 Basin as a whole.

19 Thank you for your consideration.

20 MR. DEL PIERO: Thank you very much.

21 Larry Blakely. Good afternoon, sir.

22 MR. BLAKELY: Good afternoon. I am Larry Blakely. I am
23 President of the Eastern Sierra Audubon Society and I have a
24 short statement to read on behalf of the Society.

25 The Eastern Sierra Audubon Society Chapter of the

00076

1 National Audubon Society with 250 local members strongly
2 endorses the EIR alternative of a lake level 6390 or higher.

3 As is well known, the National Audubon Society has been
4 intimately involved with the legal battle to save Mono Lake.
5 Our chapter has had a close relationship with the Mono Lake
6 Committee for ten years or more.

7 David Gaines was active during the early formation years
8 of our chapter.

9 We have contributed to the cause monetarily within our
10 modest means and in other ways such as building the boardwalk
11 at the west end of the lake.

12 In spite of the callouses acquired in hammering nails into
13 the redwood in that project, we would all be happy to see the
14 boardwalk inundated. We work for the conservation and natural
15 beauty of our area and for the preservation of animal habitat.
16 We have a special concern for the native fauna.

17 Mono Lake, one of the world's inspirational wonders of
18 mankind, is also indispensable for many wild bird populations.

19 With wetlands diminishing elsewhere, Mono Lake takes on
20 added importance for the breeding birds, for example,
21 California gulls and the migratory water fowl that rely on it.

22 Each year our group schedules two of the trips to Mono

23 Lake to observe the diverse and abundant bird life that
24 congregates there. With all deference to local citizens, not
25 Audubon members, you are invited on our trips. Mankind in the

00077

1 area itself is threatened by the lowering of the level of Mono
2 Lake. The alkali dust that blows on the exposed beds is a
3 health hazard to those who live or visit there.

4 Many tourists from near and far travel to Mono Lake to
5 experience its special wonders and while there, contribute to
6 the local and State economy.

7 Tourists as well as birds may shun the area if water
8 diversions continue and the lake becomes a sterile,
9 excessively saline body surrounded by a dust bowl. There is
10 no need for that dismal prospect to come about.

11 It is abundantly clear that Los Angeles can do without
12 water taken through diversion of the streams that flow into
13 Mono Lake. Thank you.

14 MR. DEL PIERO: Thank you.

15 Rolf Jacobs.

16 MR. JACOBS: I want you to excuse my appearance. I have
17 been out camping for a week.

18 MR. DEL PIERO: You are a long ways from home.

19 MR. JACOBS: We have to be realistic. The Los Angeles
20 region needs water and they are going to get it. It is the
21 economic instrument that drives California and without a
22 healthy Los Angeles economy, we don't have a healthy economy
23 in the State.

24 But, by the same token, we need a healthy Mono Basin
25 ecosystem to support a healthy economy out here, because this

00078

1 economy depends on tourism. We all know that. If it is not a
2 healthy ecosystem, tourists are not going to come and help the
3 economy.

4 I am from Silicon Valley. We have had to deal with tight
5 water supplies for a long, long time, much longer than LA.
6 Yet, our economy is thriving. How do we do it? We have
7 conservation. We have technology. We have recharged our
8 underground aquifer via percolation ponds and injection
9 wells.

10 We have a parallel plumbing system from the sewage
11 treatment plant that does landscape watering throughout much
12 of San Jose, and eventually it's going to extend to the whole
13 valley and beyond that. Eventually we are going to recharge
14 the water system with tertiary treatment sewage. It is
15 coming. We know it is going to happen.

16 My question to you is why in the world can't Los Angeles
17 do this. You have got engineers, half of them unemployed.

18 MR. DEL PIERO: You need to have it clear we aren't from
19 Los Angeles.

20 MR. JACOBS: I was speaking figuratively. I'm sorry.

21 MR. DEL PIERO: That's okay. I'm from Monterey.

22 MR. JACOBS: You have it tougher than we do.

23 My question for Los Angeles is why, with all the
24 technology we have down there, why can't they do this. Why
25 can't technology be available to reuse reclaimed water to

00079

1 conserve - my god, you could sell that to half the world that
2 has the same problem. You could assure yourself of a long-
3 term source of water. You could assure the future of Mono
4 Lake.

5 I'm just asking that you keep the lake level at 6390.

6 That's what everybody agrees to. Biologists say let's put it
7 there. Let LA take any water above and beyond that level as
8 long as they keep it there. Let's get on with it, solve the
9 problem once and for all. Thank you.

10 MR. DEL PIERO: Thank you.

11 Sylvia Colton. Good afternoon.

12 MS. COLTON: I live in Bishop.

13 Years ago the State permitted the loss of life of the
14 Owens Lake. We in the Owens Valley deal with this fact in
15 many ways, some of which include incredible dust pollution,
16 loss of wildlife and riparian habitat. We, the citizens, also
17 supply vast monies to study an attempt to mitigate this huge
18 historic mistake.

19 Mono Lake has been subject to an immense number and
20 variety of manipulations, most importantly, water diversions.
21 Fluctuations of the lake level have had drastic effects on the
22 lake shoreline, nesting success on once isolated islands.

23 The lake is an important stopover for birds migrating

24 from and to South America.

25 There is a unique human relationship with the lake. I

00080

1 have worked on three work parties which Larry mentioned.
2 There is also another boardwalk at the County Park and from
3 state lands, and we have made two extensions to it as the lake
4 has dropped, and our third one was at the Navy Beach site and
5 we would like to see them all under water.

6 I worked on these work parties that built the boardwalks
7 so that visitors could get close to the lake. They want to
8 feel the water, they want to see the flies, and they want to
9 see the kind of seeps that come up, the clear water seeps that
10 are so delightful.

11 Mono Lake is an astonishing, mystical, most unique place.
12 It deserves maximum permanent protection. I support no
13 diversions forever.

14 MR. DEL PIERO: Thank you very much.
15 Phyllis Benton.

16 Before we begin with the next speaker, let me ask - we
17 are approaching 5:30. We can go through, and I don't have any
18 reservations about going through the dinner hour, although
19 some of us might faint from abstemiousness. The one question
20 I do have, if we are going to take a break at all, some of you
21 may not be able to get on until 7:00 o'clock. Is there anyone
22 who absolutely can't stay until that time? Four.

23 Why don't you go ahead?

24 MS. BENTON: I would be glad to not make a statement and
25 just say I support everything everybody has said so

00081

1 eloquently.

2 I have had the opportunity to fly over the lake many
3 times and I look at the rings around the lake almost like the
4 rings on a tree trunk. And you can see the years and years of
5 lowering of the water.

6 I want to thank you for being here. I just finished John
7 McKee's book on the taming of nature, and I understand the
8 difficulty you must have with all the interests here. Thank
9 you very much.

10 MR. DEL PIERO: Thank you very much. There were four
11 individuals who raised their hands and said they were going to
12 have to leave. If you would be kind enough, we will do our
13 best to try to find your cards in here, the four of you.
14 Announce your name for the record.

15 MISS HANSON: My name is Mary Hanson. I am Treasurer of
16 the Mono Lake Foundation. That is an all voluntary board, and
17 we support the Mono Lake Committee through tax deductible
18 donations.

19 There has been mention of boardwalks. We have funded
20 boardwalks. The Audubon Society built them, and we paid for
21 the lumber. I am a 17-year resident of Mono, and I just very
22 much support the 6390 or higher for really three reasons.
23 It's written in your thing there. The health reasons,
24 everybody has been talking about that, and that is very
25 important to me.

00082

1 Very few people have mentioned the migratory birds. Mono
2 Lake has been designated as a western hemisphere shore bird
3 resource because of the migratory birds who come from South
4 America up to the Arctic to nest. They come down and regroup,
5 put on double their weight after they arrive at Mono Lake,
6 eating all those shrimp and flies, and this is an
7 international resource that needs to be looked at.

8 And that's all I have to say.

9 MR. DEL PIERO: Who is next?

10 MR. BENTON: This is my wife, Patricia, and I am Robert
11 Benton. We have a residence here in Mammoth as well as an
12 office in Los Angeles, and you gentlemen obviously have a very
13 complex task to address.

14 My business is primarily that associated with mobility
15 and I am sensitive to what's going on in the environment.
16 Mono Lake and Owens Valley are not mobile. Los Angeles is.

17 I think there is much to be said about controlling the
18 environment, that is, of Los Angeles, as well, and one means
19 by which that can happen is through the natural process of
20 mobility. People can leave if they can't satisfy their water
21 issues. I think it is very important for us to protect that
22 which we can and to recover what we can.

23 I think we can recover much of Mono Lake. We can also,
24 in the same time period, recover some of Los Angeles if people

25 will go elsewhere for their water.

00083

1 MS. BENTON: Just quickly, I would like to thank you for
2 listening to all of us today, and I hear DEIR is an extensive
3 and exhaustive document and extremely well done.
4 We really do appreciate that, and he mentioned, even
5 though we are property owners in Mammoth Lakes, we do most of
6 our time in Los Angeles, so we are some of the users.

7 I would like to say that there's a lot of people in
8 Mammoth Lakes that are second homeowners and they are from Los
9 Angeles. There's a lot of people from Los Angeles come up
10 and want to see something as unique and diverse as Mono Lake.

11 The very same people who are using that water I know would
12 support an effort today to save Mono Lake. Thank you. I get
13 excited over these things. Thank you, gentlemen.

14 MR. DEL PIERO: Thank you very much. Good afternoon.

15 MS. JAEGER: Good afternoon. My name is Lisa Jaeger. My
16 card is in there.

17 I'm a business owner here in Mammoth Lakes. I have lived
18 here for ten years.

19 As a CPA, I'm concerned about the economy of the Eastern
20 Sierra. I believe that Mono Lake's vitality is important to
21 our economy. Tourism is the core of our economy and Mono Lake
22 is one of the attractions. It could be a detraction as Owens
23 Lake is in the Owens Valley.

24 I consider Owens Lake an eyesore and health hazard. It
25 makes me depressed to drive past it and realize how selfish we

00084

1 are to destroy such an ecosystem.

2 We need to keep Mono Lake healthy. Our economy is in
3 poor shape at this time, and we need all of our tourist
4 attractions to keep going.

5 State and Federal funds are available to replace Mono
6 Basin water. So, there is no excuse to abuse this resource.

7 I would like to see Mono lake designated as an
8 outstanding national resource water in order to set maximum
9 salinity standards to protect the lake and ecosystem.

10 I believe man should use intelligence to protect natural
11 resources rather than abuse them. Thank you very much.

12 MR. DEL PIERO: Thank you very much. Is there anyone
13 else?

14 MR. STIMSON: My name is Jim Stimson. I admire your
15 infinite patience, and I don't envy your being here another
16 few hours tonight.

17 MR. DEL PIERO: You should envy me and the reason is a
18 number of people have said it. One of the best aspects of
19 serving on the State Water Resources Control Board that we
20 take advantage of is discovering exactly what the citizens of
21 California feel about their water resources. You should envy
22 me. I am the lucky one in this room.

23 MR. STIMSON: I am looking forward to a responsible
24 decision. My name is Jim Stimson. I come bearing gifts, and
25 tied this little ribbon myself. Don't open it.

00085

1 My name is Jim Stimson. I own a home on Crowley Lake and
2 have been a resident of Mono County for over 18 years. I am
3 a photographer by occupation and currently serve as Vice-
4 Chairman on the Mono County Planning Commission. The views I
5 am expressing are my own and those of my wife, Susan, and our
6 two children, Dan and Will. My wife is a school teacher at
7 Lee Vining Elementary School.

8 I would like to recommend that the Board set the minimum
9 lake level at 6390.

10 Mono Lake has been a source of inspiration and enjoyment
11 since I moved to the Eastern Sierra. I have walked its
12 perimeter and I have explored it from the air. I know the
13 area intimately and Mono Lake is like an old friend of mine.

14 You will probably be reading reams of documentation,
15 scientific data concerning the lake. I can't hope to add
16 anything to what has already been published, but I would like,
17 instead, to direct my comments to Mono Lake as a visual
18 resource and as a scenic attraction. Mono Lake is not only a
19 national treasure, but an international gem.

20 The parking lots along the lake and in Lee Vining are
21 filled with the influx of international travelers. They are
22 all here specifically to see Mono Lake.

23 I recently had the opportunity to pinpoint and
24 rephotograph historical pictures from the past. I was able to
25 stand in the very tripod holes of the old masters, and I stood

00086

1 where the lake used to be prior to the water diversions. What
2 struck me the most was how beautiful the lake must have been.
3 Imagine an immense ancient lake nestled in the middle of the
4 Great Basin desert.

5 With higher lake levels, there will be a vast improvement
6 in visual quality.

7 Some might argue that scenic beauty will be lost if any
8 of the tufa towers get submerged. I have seen old photographs
9 of the south tufa grove, and this is a fallacy. I think people
10 tend to forget about the thousands of tufa towers that you
11 pass in the rush to get to the water's edge.

12 If the lake is allowed to rise, the overlook towers will
13 be the ones to dot the new shoreline.

14 But this shouldn't be the issue. You have to look at the
15 big picture, the health of the lake and a healthy environment
16 for its inhabitants.

17 I would like to say just a couple more things before
18 closing. First off, thanks to the National Audubon Society,
19 Cal-Trout, California Department of Fish and Game, and
20 especially the Mono Lake Committee for their tireless and
21 endless effort to save the place so dear and close to all of
22 our hearts in Eastern Sierra.

23 To the Los Angeles Department of Water and Power, I hope
24 someday that they will feel some shame and remorse for
25 dragging this issue out so long. I have been appalled at the

00087

1 total disregard and lack of respect for the environment and
2 the good people who live here.

3 Finally, I would like to thank the Board for taking its
4 time to listen to all the public testimony, written and oral,
5 and hopefully, and over 15 years of legal gridlock.

6 If you haven't done so already, I would encourage you
7 to visit Mono Lake, spend some time on its shoreline, and you,
8 too, will become entrapped and hopefully take this memory home
9 with you.

10 When it comes time for the Board to make its final
11 decision, I ask that you thumbtack this poster I gave you in
12 a prominent place so that you can have a visual reminder of
13 what Mono Lake is all about. The folks who live here, the
14 struggling ecosystem and environment and scenic treasure and
15 an heirloom.

16 Mono Lake is something I want to pass down to my
17 children.

18 Thanks for your time.

19 MR. DEL PIERO: Thank you very much.

20 MR. POTASHIN: My name is Richard Potashin. I am a
21 resident of the Eastern Sierra for about the last five years,
22 and over that time have developed a strong personal
23 relationship with Mono Lake.

24 Inspired by David Gaines, I began Mono Lake canoe tours
25 and have watched from my stern seat in an 18 foot fiberglass

00088

1 canoe as the lake has grown in popularity and in salinity. No
2 longer does it dwell in the obscure shadow of Yosemite, but
3 now is an equally desirable landscape to visit.

4 I witnessed the power of this magical landscape to
5 transform tired, stressed-out souls, albeit for an hour.

6 The lake has been referred to as a gas station for birds,
7 but I believe it also is a gas station for the human psyche
8 where people from all over the world come to fill up on peace,
9 solitude, and the spiritual implications of wide-open space,
10 in short, to heal themselves.

11 Mono Lake has given us so much. It is time to
12 reciprocate and give back some of that healing energy by
13 raising the lake level to at least 6390 feet. Human needs
14 aside, we must protect the lake for the sake of itself and its
15 unique and weird creatures.

16 There has been some concern about the partial inundation
17 of the south Tufa grove by a higher lake level. The south
18 tufa grove is a steady attraction, especially when you are
19 driving by it in a canoe.

20 However, I am willing to trade off aesthetic tufa vistas
21 for less dust, flies and shrimp on a low-sodium diet, and the
22 opportunity for the gulls to take back what is rightfully
23 theirs, Negit Island.

24 The outpouring of letters you received in response to the
25 DEIR is an indication of how much people feel in their hearts

00089

1 about Mono Lake.

2 Along with the battery of facts, figures, and statistics,
3 I hope you will consider these feelings in formulating your
4 decision on the lake.

5 If you haven't already done so, I urge you to go catch a
6 sunrise from south tufa. Also, I look forward to canoeing
7 Mono Lake at the new 6390 level.

8 I have a poem for you that was written by a very close
9 friend of mine, called Alkali Flat.

10 Let the lake's healing waters surround you, touch your
11 body and mind and soul, heal you with joy of being, let this
12 lake live a million years more. Dance with the brine shrimp
13 as they celebrate life. Watch the gulls and grebes play upon
14 her waters, but let castles of tufa take you back in time as
15 the ancient desert waters flow within you.

16 Someday we will know the value of water, protect and
17 conserve every drop that we can; but until that day we are
18 going to fight some more so we can find peace on Mono Shore.

19 Mono Lake, what's at stake, the water, the water that
20 feeds the City's greed. Take it back, take it back, take back
21 the water. Let this lake live for a million years more.

22 Thank you very much.

23 MR. DEL PIERO: Thank you very much. Anyone else besides
24 the gentleman at the podium? If you have to leave, let's get
25 you on now, and we will break after you.

00090

1 MR. NAHM: My name is Larry Nahm. I am from Bishop. I
2 have been living in Owens Valley for more than a decade, and
3 as a native Californian. I witnessed a rather drastic decline
4 in numbers of waterfowl which visit or live in our State.

5 I have also, in conjunction with the other speakers,
6 worked on the boardwalk, both at the north shore of the lake
7 and the west shore and ardently hope for the day when the
8 level will be established at a level which would inundate that
9 boardwalk and would, therefore, urge the level of 6390 or more
10 for the lake. Thanks.

11 MR. DEL PIERO: Thank you very much.

12 MS. JOHNSON: My name is Emily Johnson.

13 I could talk a lot about my personal connection to the
14 lake, but I don't think I will talk about that. I have worked
15 for Mono Lake Committee and for Mono Lake Foundation. I have
16 conducted tours upon the lake on and off for about ten years,
17 so I have probably led over a hundred tours, and what I would
18 like to speak about is the educational and recreational values
19 of the lake. Leading tours at Mono Lake is a wonderful
20 experience.

21 People are always saying things like, this is like being
22 on the moon. This is like something I've never seen before,
23 and it's a very unique place, and I think the simplicity of
24 the ecosystem makes it a wonderful place to explain things
25 like water cycles and the food chain.

00091

1 So, I guess what I would like to say is there are a lot
2 of people who aren't here. I know you get statistics on the
3 number of visitors we have to the lake, but I would just like
4 to interject a little bit of their feeling when they are
5 there, the big smiles that they get. It is not like any other
6 place for visitors.

7 MR. DEL PIERO: Thank you.

8 One last person.

9 MS. SOTO: My name is Jean Soto. My family business is
10 construction and I just wanted to stress our support for the
11 negotiated lake level of 6390, and we have been residents of
12 Mono County since 1979, so we appreciate the retention and
13 preservation of Mono Lake.

14 MR. DEL PIERO: Thank you very much.

15 Ladies and gentlemen, we are going to break. It is about
16 twenty minutes to 6:00 and we will be back at 7:00 o'clock.
17 (Recess).

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00092

1 TUESDAY, OCTOBER 5, 1993, 7:00 P.M.

2 -oOo--
 3 MR. DEL PIERO: Ladies and gentlemen, we are going to
 4 begin, if you will be kind enough to take your seats.
 5 While the last participants this evening are filing
 6 in the door, if you all would be kind enough to raise your
 7 hands, how many of you were not here this afternoon?
 8 We are going to start over again.
 9 Those of you that were here this afternoon, forgive
 10 me, but it doesn't do anybody any good if they don't know
 11 what's going on.
 12 I will try and summarize the presentation, but at the
 13 same time, I am going to try to let everybody understand
 14 what the process is here.
 15 Ladies and gentlemen, those of you that were not here
 16 this afternoon, my name is Marc del Piero. I am Vice Chair
 17 of the California Water Resources Control Board.
 18 The matter that is being considered this evening is
 19 policy hearings in regard to freshwater diversions from the
 20 Mono Lake Basin.
 21 This matter is before the State Water Resources
 22 Control Board because the State Water Resources Control
 23 Board is the agency established by statute by the State
 24 Legislature to be responsible for water rights in the State
 25 of California.

00093

1 The State Water Resources Control Board is a five-
 2 member board made up of five individuals who are appointed
 3 to categoric positions.
 4 The Chair, John Caffrey is currently serving in the
 5 water quality position. He was formerly Deputy Director of
 6 the Department of Water Resources. We have one individual
 7 who is required to be a civil engineer. His name is John
 8 Brown. He worked in the private sector for over 30 years
 9 and he is acknowledged as an expert in agricultural
 10 irrigation.
 11 We have a general engineer whose name is James
 12 Stubchaer. Mr. Stubchaer spent 30 years as the Executive
 13 Director and General Manager of the Santa Barbara Flood
 14 Control and Water Conservation District, as well as the
 15 Santa Barbara County Water Agency.
 16 We have a public member. Her name is Mary Jane
 17 Forster. She served for an extended period of time on the
 18 San Diego Regional Water Quality Control Board, and also, is
 19 an employee of the Orange County Water District.
 20 And then, the fifth member of the Board is the
 21 Hearing Officer here tonight. The position that I fill is
 22 that of an attorney. My background is I spent 11 years on
 23 the Monterey County Board of Supervisors, 11 years on the
 24 Monterey County Water Resources Agency. I chaired both of
 25 those organizations a couple of times. I also served for 11

00084

1 years on the Monterey Unified Air Pollution Control District
 2 and served as chair three times of that agency.
 3 My expertise tends to be in the areas of water as
 4 well as air quality.
 5 That gives you a brief summary of what the State
 6 Water Resources Control Board is and who we are.
 7 I have been charged by the Board to serve as Hearing
 8 Officer tonight. I served as Hearing Office yesterday in
 9 Los Angeles when we conducted policy hearings for those
 10 individuals who chose to present themselves there to present
 11 policy statements to the Board, and I will also be the
 12 Hearing Officer on the evidentiary portion of this process
 13 that will begin in about two weeks.
 14 That evidentiary process will begin and be conducted
 15 in Sacramento at the State Water Resources Control Board
 16 headquarters building.
 17 The State Board has been charged with the task of
 18 amending the City of Los Angeles' water rights in the Mono
 19 Basin to include terms and conditions necessary to protect
 20 fishery resources in the affected streams.
 21 The State Board also has been charged with the task
 22 of considering the effects of water diversions on public
 23 trust resources in the Mono Basin and protecting those
 24 public trust resources where feasible.
 25 What is going on here tonight, ladies and gentlemen,

00095

1 is known as policy statements. In order to insure that all
 2 of the residents in the affected areas are afforded the

3 greatest opportunity to participate in our process, we
 4 have scheduled this policy hearing tonight in order that all
 5 of you could advise us of your beliefs and opinions in
 6 regard to what is appropriate for the Mono Lake Basin.
 7 There's three rules in terms of policy presentations.
 8 They don't have to be presented under oath, they can fairly
 9 represent the position of either the organization or the
 10 individual who is presenting them, but they will not be used
 11 as part of the evidentiary portion of this hearing.
 12 Additionally, I asked earlier and I will ask again,
 13 anyone having a great overwhelming desire to applaud, I
 14 would appreciate it if you didn't. If you have a really
 15 overwhelming desire to applaud - I left my dog and pony at
 16 home this morning, so there's not that much of a good show
 17 here this evening.
 18 We are going to try to go through all of the cards.
 19 We have a whole lot of them and we will go through them as
 20 expeditiously as possible.
 21 The hearing notice indicated those individuals making
 22 presentations would be afforded not more than five minutes
 23 in order to make their policy statement. I would appreciate
 24 it very much if you all kept to those time lines. I will
 25 try and move this along as quickly as possible so that

00096

1 everybody gets the opportunity to speak because I know all
 2 of you have taken the time out of your busy schedules to
 3 come out here tonight, and it is important to get the option
 4 to tell me and my staff exactly what you think about Mono
 5 Basin.
 6 I would like to introduce my staff so everyone knows
 7 who is sitting on my left and my right: First of all, I
 8 would like to introduce our court reporter, who is Alice
 9 Book. When she says stop, I stop. Everybody stops. Nobody
 10 talks because if she doesn't record it, it is not in the
 11 record. If it is not in the record, you didn't say it. So,
 12 she is the wonderful person who follows us around the state
 13 helping us out tremendously.
 14 Also with me tonight I have two staff environmental
 15 specialists, Jim Canaday on my left, and Steve Herrera, who
 16 is waving his hand back there. Also, we have two staff
 17 engineers, Richard Satkowski, who has his hand up in the air
 18 in the back of the room. I have Hugh Smith right here, and
 19 my good friend and chief counsel on the Mono Lake matter,
 20 Dan Frink, who is on my immediate right.
 21 We have a whole lot of cards to go through and we are
 22 going to begin now. When I call your names, if you would be
 23 kind enough to come forward to the podium, speak directly
 24 into the mike, state your name for the record so that Alice
 25 has it incorporated into the record.

00097

1 One last thing, if you wish to have a copy of the
 2 record of this hearing, please contact Alice afterwards and
 3 she will be happy to arrange to get a copy of the record for
 4 you.
 5 The first person I would like to call is Andrea
 6 Lawrence. Good evening.
 7 MS. LAWRENCE: Good evening and thank you very much,
 8 and welcome to Mono County.
 9 I want to tell you I was very warmed by your comments
 10 this afternoon in regard to public service.
 11 I am a County Supervisor and appreciate what you
 12 said. It's an honor to have you here. More than that, it
 13 is an honor to have an option to address an issue that's of
 14 enormous significance to all of us, I think, in Mono County,
 15 and not only that, but now statewide, nationwide, and
 16 globally.
 17 I am here as an individual member of the Board of
 18 Supervisors, but also, I have an enormous number of
 19 constituents, a number of whom you have already heard, and
 20 we are all strong supporters of Mono Lake.
 21 One of the things, and as a former supervisor you
 22 will understand, it is very important to us as a county in
 23 regard to Mono Lake itself; a healthy environment to us is a
 24 very healthy economy, and in Mono County, what the Mono Lake
 25 Committee has accomplished in bringing this to this point is

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1 a phenomenal success and has raised enormous important
 2 issues to all of us, not only for the statewide situation,
 3 but also, Mono County.

4 It is clearly one, if not the largest, tourist draw
 5 in Mono County. We have people from all over the world as
 6 you well know by now. The efforts of the Mono Lake
 7 Committee are well established locally, and on the 17th day
 8 of August, Mono County Board of Supervisors passed a well
 9 deserved resolution honoring the Mono Lake Committee. I
 10 will leave it with you because it is a very important
 11 statement about how we have absorbed the Mono Lake
 12 Committee. They are us, this is their home, and we all
 13 share this wonderful county of ours.

14 Whereas, given the interdependence of all
 15 ecosystems and, indeed, of all aspects of
 16 nature, the protection or particular ecosystems and
 17 natural resources is among the most laudable
 18 human endeavors; and

19 Whereas, with an economy which is based on tourism
 20 and recreation, the protection of Mono County's
 21 resources and natural beauty is in the best in-
 22 terests of our citizenry; and

23 Whereas, visitors to and citizens of Mono
 24 County are witnessing the resurrection and
 25 restoration of a unique and priceless ecosystem

00089

1 which has been significantly damaged by the
 2 acts of man in diverting its waters, and

3 Whereas, the rewatering of the streams
 4 tributary to Mono Lake and the restoration of
 5 the stream environment zones after decades of
 6 disuse and destruction has been largely
 7 accomplished; and

8 Whereas, the restoration of Mono Lake to a
 9 level which will assure its survival as a water
 10 system nourishing the flora and fauna dependent
 11 upon it, as well as mankind's aesthetic
 12 instincts, is becoming a long cherished reality;
 13 and

14 Whereas, the effort to save Mono Lake and its
 15 environs has become a matter of national
 16 significance, demonstrating that small groups of
 17 informed and determined people can protect
 18 environmental resources in the face of nearly
 19 overwhelming opposing economic interest; and

20 Whereas, the Mono Lake Committee and its staff as
 21 volunteers, whose efforts continue to bring the
 22 aspirations of David Gaines into reality, are
 23 the embodiment of that determination; and

24 Whereas, it is the Mono Lake Committee which
 25 is largely responsible for saving and

00100

1 revitalizing an ecosystem so important to our county.
 2 Now, therefore, be it resolved, by the Board of Super-
 3 visors of the County of Mono, State of California, as
 4 follows:

5 That this Board, on behalf of the citizens of Mono
 6 County, congratulates the Mono Lake Committee as it
 7 celebrates its first fifteen years of effort and the
 8 significant accomplishments noted in this resolution;
 9 That this Board recognizes the contribution of the Mono
 10 Lake Committee to the development of the public trust
 11 doctrine in California, an effort which will serve to
 12 protect the water resources in all parts of our state.
 13 That in adopting this resolution, this Board urges the
 14 Mono Lake Committee to continue its efforts to have
 15 Mono Lake established at a minimum level which best pro-
 16 tects the public interest, and more important, which
 17 best protects the lake itself;
 18 That this resolution is adopted in memory of David
 19 Gaines, who carried on in the spirit of Henry David
 20 Thoreau and Aldo Leopold in teaching us that our spir-
 21 itual and physical well-being depend on the natural en-
 22 vironment which has given us being.

23 I think you have heard adequate testimony today about
 24 the significance of the basin and its activities to us, both
 25 //

00101

1 economic and environmentally.

2 I would like to take a moment because I really don't
 3 want to go far beyond the five minutes, but I do respect the
 4 assignment you have before you, but I would like to make

5 just a couple of encapsulating comments, if I may.

6 I would also like to commend the State and Governor
 7 Wilson's position that he has taken and Mr. Strock's
 8 comments.

9 I would also like to mention I also remember the Air
 10 Pollution Control District, how very important it is to keep
 11 the lake, and our position has clearly been 6390 or higher.

12 That's the personal part of my discussion tonight as
 13 well. It is very important to do that.

14 There is no question the County does not need to have
 15 the legacy of Owens Lake, which is costing enormous amounts
 16 of money to even try to find a way of mitigating it, much less
 17 finding a way of mitigating it.

18 The other thing I would like to point out on behalf
 19 of the Mono Lake Committee, I think the other thing I
 20 personally find so remarkable and so wonderful is as County
 21 Supervisor and as a politician, to find a group of people
 22 who are willing to come into a community and work toward
 23 solutions, and that group has done that very admirably.

24 As you know, AB 444 is a pot of 50 million dollars
 25 and still has not been properly utilized to find replacement

00102

1 water. These are the efforts that this group has brought to
 2 the area.

3 The other thing I would like to do in my own
 4 absolutely non-legal way, but as a human being, is make some
 5 comments about the public trust because, as you know, Mr.
 6 del Piero, those of us who are in public policy positions,
 7 you don't ever quite get narrowed down to just the language
 8 of the regulation or the language of the intent. You
 9 invariably get caught up in some very human values.

10 And the public trust value, to me, is not limited to
 11 the tributaries of navigable bodies of water.

12 I want to read a couple of comments because it is
 13 very important to understand, for me as a County Supervisor
 14 in Mono County, the dimensions of the public trust concept,
 15 and I am reading these from Bessie Reitschneider, who read
 16 these at their annual meeting. I just love them. I have to
 17 share them with you for the record.

18 She wrote: Last year the Los Angeles Conservation
 19 Corps visited Mono Lake for a week and worked on stream
 20 restoration. One of the participants wrote this for the
 21 Mono Lake Committee newsletter: My name is Fernando Gomez,
 22 18, of Los Angeles, California. My experience in the Mono
 23 Lake field camp has been a very influential experience in my
 24 life. The excitement of sleeping in tents out in the open
 25 air, eating and working in the same environment made it more

00103

1 educational to me. It taught me the wonders of Mono Lake
 2 and its surrounding beauty. The issues that concern this
 3 lake should get people thinking about where water comes from
 4 and its effect in nature. People should stop to think what
 5 we are leaving future generations. That's the public trust.

6 MR. DEL PIERO: Pardon me, Mr. Gomez appeared at the
 7 hearing yesterday.

8 MS. LAWRENCE: He did. That is beautiful. That's
 9 the best yet.

10 Well, Mr. Gomez, I have to meet you one day. That is
 11 very good. I love it.

12 Mark Davis, Executive Director, successfully lobbied
 13 the State Legislature and Congress for funds to help pay for
 14 conservation and reclamation to enable Los Angeles to create
 15 local water supplies. This can protect the environment and
 16 help prevent L. A. ratepayers from footing the bill for
 17 DWP's mistakes. It is saving Mono Lake, but it is also
 18 creating locally based water supplies for people of Los
 19 Angeles. That's the public trust.

20 And finally, a few years ago I spoke to a group of
 21 five and six year olds in an inner city school. The school
 22 is located right under the Santa Monica freeway. There were
 23 no trees, no grass, just asphalt and concrete.

24 I spoke about Mono Lake and at one point used the
 25 word extinct. A teacher stopped me and asked the students,

00104

1 children, this is a new word. Does anyone know what the
 2 word extinct means? Some hands were raised and one little
 3 boy stood and said: Extinct is when an animal dies,
 4 something in us dies, too.

5 And I would like to say because those who know me

6 around here, the Mono Lake Committee, I have nothing but
7 enormous regard for what they have done. It goes so beyond
8 individual importance or self-interest. It goes out to a
9 very large world and they have made an enormous contribution
10 and one of the nicest things that I remember is in my
11 interpretation, the community of Lee Vining, they have
12 worked as a community to put a walkway, pathway, down along
13 the restored stream.

14 And without, I hope, being presumptuous on the people
15 and individuals who live in Lee Vining, there is enormous
16 pride. The coming together as a community to put this
17 facility in has restored a tremendous sense of community.
18 There is a pride in that, and when I went to the Visitor
19 Center I was caught and struck by the local people who were
20 standing out in that wonder Visitor Center and looking
21 around and said, God, I never really realized how beautiful
22 this place was.

23 So, we restored it by taking the public trust to its
24 fullest dimension to restore and enhance our sense of
25 community, and most important, our sense of place, because

00105

1 that's the real connection we need and where we live, and it
2 is also, I think, your largest assignment in making a
3 decision that clearly allows all these values to come into
4 thinking.

5 MR. DEL PIERO: Thank you very much.
6 David Watson. Good evening.

7 MR. WATSON: Thanks very much. I have had the
8 pleasure of addressing this group a few times in the past.
9 I welcome you to Mammoth and hope that you enjoy your stay
10 here.

11 The first thing I would like to do is read to you a
12 statement which represents the position of the town council.

13 After Andrea, everybody is somewhat prosaic, so I
14 will just go ahead and do this.

15 I certainly support everything she said and I am sure
16 our Council does, too.

17 I am here today representing the town of Mammoth
18 Lakes. Shortly after incorporation, the Town Council agreed
19 to support the Mono Lake Committee in its efforts to
20 preserve the unique ecosystem of Mono Lake. To that end, I
21 clearly endorse setting a minimum lake level of 6390 feet
22 above sea level or higher.

23 The current conditions in the Mono Basin are
24 unacceptable to our community. Declining lake levels and
25 decreasing air quality threaten the survival of the area's

00106

1 biological systems and the health of the basin's human
2 inhabitants.

3 Only by raising the lake level can these hazardous
4 conditions be permanently reversed.

5 In issuing licenses for diversions, the Board must
6 recognize its trustee relationship with the people of the
7 State of California. The long-term health of the State's
8 environment and residents must be the paramount conditions
9 in deciding the mitigation measures to be attached to the
10 licenses.

11 Setting a minimum lake level of 6390 is critical to
12 assure adequate mitigation of diversions.

13 This letter has been sent above my name to your
14 office in Sacramento as well.

15 I would like to also add briefly, though, this
16 evening some comments of my own which go a little bit
17 outside of our Council's specific resolution. And these
18 comments just have to do with the values of the people that
19 I represent, or feel I represent.

20 We are much an environmentally oriented community.
21 Our economy depends on recreation and tourism.

22 We are aware of our need to manage the threats in the
23 Eastern Sierra such as traffic, diminishing air quality, our
24 own water demands, our trash and, obviously, the impacts of
25 our shared numbers on the carrying capacity of the region.

00107

1 Our Town Council has addressed these issues and
2 continues to do so, both in our immediate area and
3 regionally, and we feel that strongly reflects the people we
4 represent.

5 A great part of our concern focuses on the future of
6 Mono Lake and the need to keep it at 6390 or raise it. We

7 fear degradation of Mono Lake. We support much broader
8 regional management of that kind of resource, a priceless
9 resource, and we support your role, obviously, in gathering
10 public testimony in support of your trustee role.

11 Thanks very much for coming.

12 MR. DEL PIERO: Thank you very much, Mayor.

13 Also, I am a supervisor, and please appreciate the
14 fact that I personally understand the relationship between
15 the environment and economy. Monterey County, and I know
16 both of you are very much aware, is as heavily dependent on
17 that formula for success as Mono County is.

18 MR. WATSON: I appreciate that.

19 MR. DEL PIERO: Thank you.

20 Gary Nelson. Good evening, sir.

21 MR. NELSON: Good evening. My name is Gary Nelson.

22 I am a resident of Mono City and during normal clear days I
23 can look out the window and see White Mountain peaks, which
24 is the highest mountain in the great basin area, and it's
25 about 60 miles away as the crow flies.

00108

1 During winter days I can see about two miles, and the
2 only thing I can see flying is toxic alkali dust from the
3 exposed lake bottom of Mono Lake.

4 I am the Chairman of the Environment, Public Works
5 and Recreation Committee of Mono County Grand Jury, and I am
6 also in charge of Mono Lake Foundation Canoe Tour Program.

7 During the past five years I have given thousands of
8 visitors a personal introduction to Mono Lake Canoe Tours at
9 Mono's south tufa area.

10 Something our tours offer that can't be easily
11 experienced on the walking tour is the chance to see tufa
12 towers underwater.

13 Our present-day view of these huge towers rising from
14 the darkness of the lake bottom must be very much the same
15 as earlier travelers' impression of the now exposed portion of
16 the south tufa grove. Beneath the lake tufa are as close as
17 rocks can get to being living organisms. The towers are
18 covered by a light green coating of algae speckled with dark
19 clumps of alkali fly pupae and are literally crawling with
20 adult flies encased in tiny bubbles of air with a plume of
21 brine shrimp hovering at the top of the towers is a tell-
22 tale of rising freshwater.

23 While these submerged towers don't leap out at you
24 with the startling clarity of their dry land brethren,
25 underwater tufa have a hidden uniqueness which comes from

00109

1 occupying their natural place in the ecosystem.

2 It is the difference between observing a living
3 animal in its native habitat and seeing the same animal
4 stuffed and mounted in a natural history museum.

5 Some people have expressed concern that access to
6 tufa by land will suffer as a result of rising lake levels.

7 I feel that tufa, especially the tufa above water are
8 but one small part of what makes Mono Lake special. Higher
9 lake levels and consistent streamflows necessary to achieve
10 them will make the entire Mono Basin ecosystem much
11 healthier. The greater percentage of freshwater will
12 decrease salinity levels in Mono Lake and make it possible
13 for brine shrimp and alkali flies to live once again instead
14 of just hanging on in a compromised ecosystem.

15 The increased flow of freshwater necessary to bring
16 up the lake level may well herald the return of millions of
17 ducks and other waterfowl that used to be found in Mono Lake
18 before diversions began.

19 Rewatered streams will once again become thriving
20 riparian ecosystems supporting viable fisheries.

21 You Board members have no doubt been inundated with
22 mountains of data explaining the various scientific aspects
23 of the Mono Lake question. I feel that the issues facing
24 you can be dealt with very effectively on moral grounds.

25 The Public Trust Doctrine originated from the idea

00110

1 that by the law of nature these things are common to
2 mankind, the air, running water, the sea, and consequently,
3 the shores of the sea.

4 The fact that this remarkable doctrine has survived
5 thousands of years to guide us today shows that it
6 recognizes the fundamental aspect of our presence on earth.

7 Humans, being the transitory creatures we are, can

8 never truly own the air or waters of our planet. We can
9 only borrow them.

10 In the letter I sent to you last month I stated that
11 Mono Lake should be returned to its prediversion level of
12 6417 feet. At the time I really wasn't completely aware of
13 my rationale for this opinion. Now, I realize why I feel
14 that way. My father always taught me when I borrowed
15 something to return it in the same condition I found it.

16 When I used to borrow the neighbor's lawnmower, I
17 made sure I returned it with a full tank of gas.

18 The City of Los Angeles has been borrowing water from
19 the Mono Basin for quite some time and neither the lake nor
20 the streams have been benefited from this. I think that Los
21 Angeles should return the Mono Basin to the people of this
22 planet in the same condition in which they found it before
23 they even think about borrowing water from here again.

24 I realize all of you have some real heavy decisions
25 to make and sometimes making decisions can turn on simple

00111

1 things.

2 If taking a canoe ride on Mono Lake will in any way
3 facilitate your decision making, get ahold of me and I will
4 be happy to take you out.

5 MR. DEL PIERO: Thank you.

6 Robert Harrison. Welcome.

7 MR. HARRISON: Thank you. Board members, ladies and
8 gentlemen, staff, good evening.

9 My name is Robert Harrison and I live north of San
10 Francisco in the Bay Area, and my wife and I drove here
11 through the rain and hail because we wanted to do the best
12 we could to come and support the issue of Mono Lake.

13 I would say that as a tourist visiting this country
14 for the first time 15 years ago, I was already aware of the
15 beauty of the Eastern Sierra and Mono Lake. I would say that
16 most travel agents in England and Europe probably are well
17 aware of that.

18 In the 14 years since I have been living here, I
19 would say that my most memorable holidays have been in this
20 region, and I come again and again as often as I can.

21 I want to give you a perspective of a European
22 visitor and now a resident of your country.

23 I would say that since the middle ages many European
24 countries, including my own, England, have been very very
25 heavily settled and the result has been that although some

00112

1 of the countryside is still very pretty, the ecosystems as
2 such are almost entirely destroyed. They are not what John
3 Muir would ever call wilderness.

4 This kind of thinking came from what we now call the
5 dark ages, and that certainly applies, not only to lack of
6 religious freedom, but equally much the term could be
7 applied retroactively to a total lack of environmental value
8 awareness.

9 At that time, people thought that all of the natural
10 resources of the world, the animals, the land, the water,
11 were presented to them for their use by the Creator, and
12 were limitless. I don't think anybody in this room is going
13 to suggest that the resources that we are talking about, the
14 water in the Eastern Sierra, is limitless.

15 There are times when I drive past and there is a lot
16 of snow in the hills and mountains, and other times there's
17 very little.

18 I want to say that the result of this kind of
19 thinking from the dark ages in Europe has given rise to such
20 circumstances as St. Francis of Assisi, who was supposed
21 to have communicated with the songbirds, to the present when
22 there aren't any songbirds because the local people have
23 them all and have eaten them.

24 My own country was covered with great forests in the
25 middle ages. Now only a remnant remains.

00113

1 You gentlemen are custodians of the water of Mono
2 Lake in a sense, which makes you guardians of that
3 ecosystem.

4 I am here to implore you not to let that system die.
5 I thoroughly support the last speaker's point of view. The
6 water should be returned to 6417 feet. I think in this day,
7 this age of enlightenment, while we are able to measure the
8 exact salinity level at which the brine shrimp die, and the

9 exact water level at which the predators can come in and
10 destroy the breeding population of the birds, I think we
11 need to look at the situation very carefully.

12 And I think we need to bring the thinking of the Los
13 Angeles Department of Water and Power that takes the water
14 from Mono Lake, we need to bring their thinking out of the
15 dark ages. They need to come up with water conservation and
16 reclamation programs and not keep making uncessing and
17 unreasonable demands upon Mono Lake.

18 I want to say that one of my very first visits to Los
19 Angeles gave me a very unusual experience. It was nothing
20 to do with freeway gridlock, or vast urban sprawl or yellow
21 smog. It had to do with humidity.

22 I said to myself, how can this place, which is
23 supposed to be desert, be humid? And all around me was the
24 evidence of humidity, more swimming pools than I had - than
25 the mind could possibly imagine, perfectly manicured emerald

00114

1 green lawns sprinkled consistently, tropical plants watered
2 to perfection.

3 In short, Los Angeles County uses water like there is
4 no tomorrow.

5 If you gentlemen don't do something for Mono Lake,
6 there may well be no tomorrow.

7 I am here to support the issue of saving the water of
8 Mono Lake.

9 Thank you very much.

10 MR. DEL PIERO: Thank you.

11 Ruth Ann Corwin. Good evening.

12 MS. CORWIN: Members of the staff, Board, ladies and
13 gentlemen, I am Dr. Ruth Ann Corwin. I hold a degree in
14 environmental planning.

15 My husband and I are Northern Californians who enjoy
16 visiting and appreciate Mono Lake as one of the natural
17 treasures of our state.

18 We support the designation of Mono Lake as an
19 outstanding natural resource water, so that the salinity
20 level will be protected by the Department of Water and Power
21 of Los Angeles.

22 We have come up here from Novato, a town north of San
23 Francisco, to testify before you. We could not attend the
24 closer hearing in Sacramento due to business.

25 But, the truth is when we saw the Mammoth location on
00115

1 the schedule, we wanted to come here to testify and take
2 this opportunity for a brief vacation.

3 MR. DEL PIERO: We figured there was some attraction.

4 MS. CORWIN: It wasn't the opportunity to testify,
5 you understand, it was the opportunity to come here again to
6 Mono Lake and its environment that affected us, and that is
7 precisely the point.

8 Mono Lake is a special place, one that people come
9 long distances to see. We take our friends there whenever
10 we can and we urge our visitors to California not to miss
11 it.

12 I have had the good fortune to travel to many
13 countries in the world and I can tell you there is little
14 with which to compare Mono Lake. Perhaps the closest is the
15 Dead Sea in the Mid East. It, too, is large, salty and
16 surrounded by heredity and human history.

17 It has no marvelous mineral sculptures to excite the
18 imagination, and it has no life, no brine shrimp, no nesting
19 birds to feed upon the brine shrimp, no millions of
20 migratory birds to add color and excitement to its bareness.
21 It is dead. It is an interesting place, but it is not Mono
22 Lake.

23 As an ecologist, I would like to remind you of two
24 very selfish, important and excellent reasons for government
25 boards such as yours to work towards preserving the

00116

1 diversity of healthy, natural ecosystems, especially unusual
2 ones to protect our future human existence.

3 One is the space ship earth metaphor. Perhaps you
4 have already heard of it in earlier testimony.

5 Every time a species or a natural ecosystem
6 disappears from our planet it is like another rivet giving
7 way in the space ship. We can lose one and another, and
8 still the space ship will travel, but at some point one last
9 rivet will go and the ship will come apart. We cannot

10 predict which one will be the fatal loss.

11 Perhaps you may think the planet can well lose Mono
12 Lake and nothing serious will happen, but that would be a
13 form of arrogance, for if there is one thing we do know in
14 the environment business, it is the intricate connections
15 that go to make the balance of life and the vast extent of
16 our ignorance.

17 There is a second excellent reason, protection of the
18 diverse gene pool for scientific, medical, the agricultural
19 industry, and other research needs.

20 You cannot know whether a Mono Lake species, for
21 example, may some day provide the clue to desalting the
22 poisoned agricultural land in the Central Valley in
23 California, for example. Or, perhaps it might provide a
24 clue for one of our grandchildren's medical needs.

25 It seems the better part of wisdom for us to retain

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1 as great a base of natural biological information for our
2 and our children's future.

3 Mono Lake provides a wonderful ecological lesson in
4 itself, so straightforward, so clear, the food chain, the
5 interdependence of species, the environmental requirements,
6 and the limiting factors. The species in Mono Lake don't
7 have the option to go elsewhere for their water. It is hard
8 to see the limiting factors in human ecosystems when a human
9 population can bring in resources from other bio-regions,
10 but ultimately, the plant is no different than the lake.

11 Freshwater is a limiting factor in many regions for
12 humans as well as other species. Los Angeles must face
13 those limits as the rest of California and the West will not
14 give up their needed water to allow unlimited growth in the
15 Los Angeles Basin, and that time is now. Let us make the
16 point by drawing a line at destroying a unique natural
17 resource in order to allow Los Angeles to go a little
18 further on a dead-end road.

19 I would like to close by requesting you consider
20 adopting a lake level higher than that represented by the
21 Mono Lake Committee, a level at the prediversion elevation
22 of 6,417 above sea level, or very close to that.

23 One reason is the damage already done to the Mono
24 Lake Basin and the need to restore the many resources which
25 it has. I gather you've heard about the wetlands, the

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1 productivity, fill the lakebed to protect the islands, and
2 so on.

3 A second reason is the ignorance to which I referred
4 earlier. We are only beginning to scratch the surface of
5 our understanding of natural ecosystems. One way to
6 acknowledge that is to establish large buffers which provide
7 some protection for the variability of systems, a reserve
8 which recognizes the plus or minus nature of our
9 conclusions.

10 I urge the State Water Resources Control Board to
11 recognize the outstanding values of Mono Lake, their nesting
12 and migratory bird sanctuary, a unique ecological system and
13 scenic wonder worth saving for all our citizens now and for
14 the future.

15 Thank you very much.

16 MR. DEL PIERO: Thank you very much.

17 Stuart Scofield. Good evening, sir.

18 MR. SCOFIELD: My name is Stuart Scofield and I am
19 speaking as a property owner and business owner in the
20 community of Lee Vining, and a recreational user of Mono
21 Lake.

22 A healthy Mono Lake and Mono Basin ecosystem is vital
23 to my own economy and the economies of Lee Vining and the
24 Eastern Sierra.

25 People would not come to Lee Vining to see tufa

00119

1 towers in an alkaline sump. More importantly, is the value
2 of the lake and the basin as a natural resource that
3 deserves to be protected and nurtured in and for itself
4 without any economic justification whatsoever.

5 The City of Los Angeles should not own the rights to
6 Mono Basin water. The fact that it may have a paper
7 document that says it does, is irrelevant. They are from a
8 different era and the politics of that time are greatly
9 misaligned with the politics of this time.

10 The experiment that is the government of this country

11 is crucially dependent on its ability to be flexible and to
12 change to respond to the needs and desires of its people. I
13 am quite sure that the collective conscience of this county,
14 this state and this country would agree with me that Los
15 Angeles has no right to own someone else's water.

16 We have corrected much more onerous mistakes than
17 this in our past. If we could free the slaves and give
18 women the right to vote, certainly we can return the waters
19 of the Mono Basin to their beautiful home.

20 I appreciate the Board's involvement and their
21 diligence in this process, and I urge them to recommend a
22 pre-diversion level of 6,417 feet as the maximum lake level.

23 Thank you.

24 MR. DEL PIERO: Thank you very much.

25 Richard Barrett.

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1 MR. BARRETT: I would like to thank you for this time.
2 My name is Richard Barrett.

3 Just as my wife and I carry the weight of our
4 children's future, this Committee carries the weight of the
5 future of the Mono Basin.

6 There is an old Norse credo that could be as old as
7 the lake, nothing in excess.

8 These resources should not be measured by what can be
9 extracted, but be weighed by what can and will be lost with
10 this ongoing depletion. Desolation of the Mono Basin is
11 assured. Nothing in excess.

12 Thank you.

13 MR. DEL PIERO: Thank you very much.

14 Harry Blacklovin. Good evening.

15 MR. BLACKLOVIN: Good evening. This issue may be a
16 subissue of what is going on tonight and I totally recognize
17 the Mono Lake Committee's drive to return the lake to its
18 former size, but on the other hand, I am a fly-fishing guide
19 and enthusiast in the area.

20 I have recognized the decline in a resource that is
21 very vital to this community, the Owens River, and I hope
22 that you can take into consideration that one side tends to
23 lose and another one gains. I know it doesn't seem that
24 way, but I hope that in the future both sides will win, that
25 the water is returned to Mono Lake, but on the other hand,

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1 there is an established fishery resource that was dependent
2 upon that water, and it has carved out a channel that is
3 unnatural to that streambed, and hopefully, it can be healed
4 also.

5 With cutting its source of water off, I have noticed
6 a decrease in that fishery, and I hope that you can take
7 into consideration that point of view.

8 Thank you.

9 MR. DEL PIERO: Mr. Blacklovin, just so you know, I
10 don't believe you were here earlier this afternoon, that
11 question arose earlier. Please understand that the State
12 Board is very much aware of the problem in the upper Owens.

13 We are also very much aware of some of the assertions
14 that have been made as to how flushing flows and flood flows
15 have channelized that river and caused impacts on its
16 previously meandering nature.

17 We are going to have that very much in our minds
18 during the course of our deliberations, so please be assured
19 of that.

20 MR. BLACKLOVIN: Thank you.

21 MR. DEL PIERO: Certainly.

22 Lauren Davis. Good evening.

23 MS. DAVIS: My name is Lauren Davis. I am a resident
24 and homeowner in Lee Vining.

25 I have appreciated all the comments everyone has made

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1 today regarding the biological and economic values of Mono
2 Lake.

3 One thing I thought I would like to bring up that is
4 important to me that maybe hasn't been talked about too much
5 is some of the cultural impacts that the declining lake
6 level has had on the community of Lee Vining and Mono Basin.

7 A fellow this afternoon mentioned Huck Finn says in
8 Lee Vining, and I laughed because he was close, but Huck
9 Finn never made it to Mono Lake, but Mark Twain did, so we
10 have Mark Twain days in Lee Vining, and we just had one on
11 Sunday, and as I watched all the kids playing, it was in the

12 town park, and as I watched all the children playing and
 13 climbing the greased poles and things like that, and people
 14 eating barbecue, I thought about the older Mark Twain days
 15 that I heard about that happened in the twenties and
 16 thirties when they first began.
 17 Back then they were held right down on the shore of
 18 Mono Lake and there's a lot of old pictures about those
 19 early times when the town would get together and celebrate.
 20 And one of the things I realized was there were a lot
 21 of activities that happened that we can't participate in
 22 anymore. One of them was a giant fish fry and there would
 23 be photographs of trout that were just unbelievable that had
 24 come out of Rush Creek and Lee Vining Creek. They were big
 25 fish.

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1 And another thing was they often had speedboat races
 2 on the lake, and nowadays the few times that I have gone out
 3 on a motorboat on Mono Lake we have had to spend hours and
 4 hours flushing the motor out because the water has become so
 5 salty and alkaline that it just eats up the machinery.

6 So, this sort of activity just isn't done anymore on
 7 Mono Lake.

8 Another thing, I remember an oldtimer said they had
 9 horse swimming races and I had to ask him how they did it.
 10 He said, well, the kids would just drive their horses down
 11 to the lake and see which one could swim the fastest. So,
 12 I'm sure the horses don't mind that that tradition fell by
 13 the wayside.

14 A lot of the other things I certainly miss and we
 15 have heard a lot of people talk this afternoon about
 16 building the boardwalks to the lake, and while I really
 17 enjoy the boardwalks, when I look at them I think about how
 18 they symbolize how the lake just keeps getting further and
 19 further away from us as a community, and we aren't really
 20 able to use it the way that we used to, and I remember as a
 21 kid back in the sixties how when we would go by the lake it
 22 just seemed to fill the whole basin. It came up very close
 23 to the highway.

24 And in afternoons in the summertime you would see the
 25 thunderheads just perfectly reflected in the lake, and it

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1 would seem like the horizon had melted. This whole basin
 2 was just filled with light and water. And that was the
 3 memory I always had back then, and it is something that I
 4 really miss now.

5 Every now and then I still get that feeling, but
 6 there's so much alkali around the lake that it just doesn't
 7 seem like itself anymore to me, and I really hope that in
 8 reconsidering how we felt about the water in the Mono Basin,
 9 that those kinds of values that are pretty ephemeral can
 10 maybe be taken into account again, and I would really love
 11 to see the lake up that high once more for a lot of reasons
 12 just beyond the aesthetics. I think those have been
 13 documented well, in other places, but I also hope that my
 14 kids will be able to see the lake in that situation.

15 I have one daughter eight years old and I realized
 16 this summer that the whole time she has been alive, except
 17 for last winter, there has been a drought. Her idea of Mono
 18 Lake is really different than how I think of it, and my idea
 19 must be quite different than how the oldtimers think of it,
 20 and so, I begin to understand a lot of the pain that's in the
 21 voices of some of the older people when they talk about how
 22 it used to be.

23 So, I hope that those sorts of issues can be
 24 considered by you, and I really thank you for coming to Mono
 25 County and listening to us on what we would like to say.

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1 MR. DEL PIERO: Thank you.
 2 Frank Stewart.

3 MR. STEWART: My name is Frank Stewart.
 4 I have just handed you some written comments that I
 5 would like to have submitted into the record as if read.

6 I am a general building contractor here in Mono
 7 County, and I am speaking to you tonight as a property owner
 8 and a businessman.

9 As you probably have been hearing, I hope I am not
 10 too repetitive, tourism is the life blood here in Mono
 11 County. The money that is generated by the tourist industry
 12 flows through and permeates our local economy. It is good

13 for all local businesses.

14 Over the years Mono Lake and the issues which
 15 surround the health of the ecosystem has ended up becoming
 16 one of our most consistent tourist draws, and I believe that
 17 a saved lake will continue in that vein.

18 This tourist draw is good for business here in Mono
 19 County, it is good for my business, and it is good for the
 20 employees and subcontractors who work when I get jobs.

21 But I have some broader concerns that I would like to
 22 share with you as well. The day that the first drop of
 23 freshwater was diverted from the Mono Basin was the day that
 24 public trust issues concerning the Mono Lake Basin natural
 25 resources were first violated. The lake level dropped over

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1 the years, resource degradation was compounded and today we
 2 are struggling to identify what is the proper base line from
 3 which to rebuild that ecosystem.

4 The proper baseline is the prediversion condition of
 5 the basin. Prediversion condition is really what the
 6 hearing, I believe, should be all about. Any lower lake
 7 level than that which the DWP first found when they began to
 8 impact the basin will be an environmental trade-off.

9 The protection of Mono Lake as an outstanding natural
 10 resource water is the goal that I urge you to attain.

11 It seems to me as though the DWP intends to sit idle
 12 as Federal and State funds evaporate like the waters of Mono
 13 Lake have evaporated. Send the DWP a clear message that
 14 they should get off their rear ends and get to work
 15 developing other identified water alternatives such as
 16 reclamation and conservation.

17 Were it not for the tireless effort of the Mono Lake
 18 Committee, it is certain the DWP would have continued to dry
 19 up Mono Lake and they would have left Mono County with the
 20 same legacy they have left Inyo County, perhaps this State's
 21 greatest tragedy.

22 I would suggest that DWP start looking for
 23 replacement water now so that they can be prepared for the
 24 inevitable day when they will be required to spread water on
 25 Owens dry lake for dust abatement.

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1 Distinguished members of the Board, you are playing
 2 out a crucial role in history. Your decision can be a key
 3 part in the process that is destined to be emulated by
 4 others in future battles yet to be fought. We are nearing
 5 the end of this century and this century has been a disaster
 6 for the environment.

7 Send the Los Angeles Department of Water and Power
 8 and its customers a message. Show others who will certainly
 9 follow you a blueprint for healing our planet. Long live
 10 Mono Lake.

11 Thank you.

12 MR. DEL PIERO: Thank you very much.

13 Phil Pister. Good evening.

14 MR. PISTER: My name is Phil Pister. I am a resident
 15 of Bishop, California.

16 I might add that the City of Los Angeles is catching
 17 it in the teeth here tonight.

18 One observation. If you live in Bishop, you are kind
 19 of grateful you don't have smog, freeway gridlock, gang wars
 20 and drive-by shootings, that's one of the trade-offs you're
 21 getting for some of the water.

22 I don't at all endorse what is happening to Mono
 23 Basin. That's why I am here.

24 I supervised the fishery management research for the
 25 Department of Fish and Game for the Eastern Sierras from

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1 1975 to 1990, when I retired from State service. Mono Lake
 2 as in my area of jurisdiction.

3 I first saw Mono Lake in 1932 at the age of three
 4 years. Mono Basin has always been a special place for me.

5 One of my first jobs in the Department of Fish and
 6 Game in 1953 was to operate a checking station at the mouth
 7 of Rush Creek as part of the trout research project.

8 But engaged in this work I often stayed at Rush Creek
 9 spawning cabin, a short distance above Grant Lake. This
 10 cabin was utilized mainly prior to World War II by Fish and
 11 Game hatchery crews who trapped cutthroat trout in the
 12 spring as they moved upstream from lower Rush Creek and
 13 Grant Lake to spawn. The fertilized eggs were then taken to

14 Fern Creek hatchery, since abandoned, a short distance away
15 in the June Lake loop where they would be hatched out and
16 reared to planting size. The angling they produced in the
17 streams in Mono Basin was excellent.

18 The tourist guide in my possession published in 1925
19 speaks glowingly of trout fishing throughout the Mono Basin.
20 in the history of fish management along the east
21 slope of the Sierras, I have original records dating back to
22 1921 that list millions of cutthroat trout eggs being taken
23 from Rush Creek stock and planted throughout the Eastern
24 Sierra. Cutthroat trout were known at that time as black
25 spotted. They were the first trout species introduced in

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1 the Southeastern Sierra and they were brought into Mono
2 Basin from the adjacent Walker River drainage where they are
3 native in the 1850s in water barrels carried on wagons.

4 Further on in my career I worked with Leon A. Talbot,
5 one of the hatchery men involved in the Rush Creek spawning
6 station, Fern Creek Hatchery. He often spoke of the
7 magnitude of the spawning grounds in Rush Creek and of the
8 excellent trout population in the Mono Basin during his
9 early employment from 1919 to World War II.

10 It was, therefore, very sad to me to see Rush Creek
11 dry between Grant Lake and U. S. 395, and to witness the
12 drying up of the section of Rush Creek between U. S. 395 and
13 Mono Lake following the activation of the second Los Angeles
14 aqueduct in the early 1970s.

15 I have in my possession a photo taken on May 2, 1948,
16 which shows 13 anglers fishing in the lower Rush Creek a
17 short distance above Mono Lake.

18 Knowing the potential of Rush Creek and other Mono
19 Basin streams to provide exceptionally good angling as they
20 did for more than a century before the change in the water
21 management dried up the best fishing areas in the lower
22 reaches,

23 it was a thrill for me to learn of the court mandate to
24 fulfill requirements of Fish and Game Code Sections 5937 and
25 5946 to maintain Mono Lake at a level that would assure the

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1 perpetuation of its biota.

2 It is my opinion that in order to accomplish this
3 directive, Mono Lake should be maintained at a level of no
4 less than 6390 feet above sea level and as high as 6406, or
5 even higher.

6 If the intent of the court is fully adhered to, then
7 all life forms, including wetlands around the shore areas,
8 are to be given adequate consideration and protection.

9 Ecosystems, like species, are unique and warrant
10 protection under the same principles that underlie both the
11 State and Federal Endangered Species Act.

12 I wish to emphasize that natural resources such as
13 the complex that comprises Mono Lake and Mono Basin are
14 never really owned by anyone. Even private ownership is a
15 very temporary thing, and human kind simply becomes a
16 steward of the bounty provided by nature.

17 This philosophy is particularly applicable to the
18 resources of the Mono Basin. Mono Lake and Mono Basin
19 belong to the world forever.

20 We now see the Eastern Sierra as one of the world's
21 greatest recreational resources, supporting more visitor use
22 than Yellowstone, Grand Canyon and Glacier National Parks
23 all put together with much of this use occurring within Mono
24 Basin.

25 Visitation is certain to escalate sharply as we enter

00131

1 the 21st century. There is great wisdom in the California
2 Supreme Court decision that causes us to meet here today,
3 and I quote from the concluding paragraph:

4 We hope by integrating these two doctrines of
5 appropriate water rights and public trust, to clear away
6 the legal barriers which have so far prevented either the
7 Water Board or the court from taking a new and objective
8 look at the water resources of the Mono Basin. The human
9 and environmental uses of Mono Lake, uses protected by the
10 Public Trust Doctrine, deserve to be taken into account.

11 Such usage should not be destroyed because the State
12 mistakenly thought itself powerless to protect them.

13 The courts have now clarified and strengthened this
14 power and water has been made available to Los Angeles from

15 other sources to replace that which has been diverted in
16 recent years.

17 Future generations of America will continue to be
18 inspired by the grandeur of Mono Lake and Mono Basin. The
19 degree of inspiration will be a direct reflection of the
20 competence and sensitivity of the State Water Resources
21 Control Board in allocating the basin surface water.

22 You should use great wisdom and insight as you decide
23 on how best to fulfill this public duty.

24 During my career I was guided by the thinking and
25 philosophy of Loyola Leopold, and it was my privilege to

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1 study under his son at Berkeley for seven years, spawning
2 the American conservation movement.

3 Let me offer for your consideration the derivative of
4 his famous land ethic, a most appropriate guide for resource
5 management decisions on Mono Basin. I quote:

6 Examine each question in terms of what is
7 ethically and aesthetically right, as well as
8 what is economically expedient. A thing is
9 right if it tends to preserve integrity,
10 stability and beauty of the biotic community.
11 It is wrong when it tends otherwise.

12 If you follow this concept, you cannot make a poor
13 decision.

14 Thank you for coming over.

15 MR. DEL PIERO: Thank you very much.

16 Jean Walter. Welcome.

17 MS. WALTER: Good evening. I thank you for the
18 opportunity to express my opinion.

19 I am a 17-year resident of the Eastern Sierra and a
20 homeowner in Squaw Meadow.

21 I respect the difficult role that you have and at the
22 same time the enormous opportunity to preserve an incredibly
23 unique ecosystem.

24 I urge you to make a proactive decision to sustain
25 Mono Lake at a minimum of 6390.

00133

1 Thank you.

2 MR. DEL PIERO: Thank you very much.

3 Emily Hart. Good evening.

4 MS. HART: Public speaking is not my forte, but on
5 this occasion I am going to stumble through it.

6 My name is Emily Hart. I am a resident of Mono
7 County and I want to thank you members of the Water
8 Resources Control Board for coming here today.

9 This is a privilege to be part of this process. I
10 was very pleased to see in this morning's paper support from
11 the Governor's office for 6390.

12 I have been around this issue for a long time and I
13 would like to comment a little bit on the history, and also,
14 what I hope we can accomplish here.

15 I got my degree at Davis in the seventies. David
16 Gaines taught a class that I took there called Natural
17 History of the Sacramento Valley Region. The project he
18 assigned me was to sit under a bush for two hours everyday
19 and write down everything I saw. That was my introduction
20 to the scientific method.

21 MR. DEL PIERO: It was the seventies, right.

22 MS. HART: In 1978, David and his friend, Mark Ross,
23 raised \$200 selling bumper stickers that said, Save Mono
24 Lake. That was the beginning.

25 In 1980, I came to Lee Vining to be the first clerk

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1 for the Mono Lake Committee. That summer I slept in the Lee
2 Vining County Park and I walked to work every morning past a
3 gas station with my sleeping bag under my arm.

4 I left that job after a year and a half. Those were
5 tough times, but I never left the Mono Basin. I still buy
6 gas at that station and I swim in the lake, and put my boat in
7 that lake, and other people's boats because this is the
8 place that sustains me.

9 Today we are 15 years down the road on this issue. A
10 great deal of work has been done. We are here to comment on
11 the document prepared by you.

12 The Board, or more properly, the members of the Board
13 have become the stewards of Mono Basin and I ask that the
14 basin ecosystem be protected under law.

15 About a month ago I walked the lake with a geologist,

16 a bird biologist, that worked in the basin for many years,
17 and people from Fish and Game, and the Mono Lake Committee
18 and the Forest Service and Ducks Unlimited, and we talked
19 about riparian habitat on the north side, and talked about
20 ducks and bird migration, and money and solar pumps in the
21 pothole prairies of Canada, and talked about lagoons and
22 making history with a shovel.

23 And finally, on that day I think I understood what is
24 possible for Mono Lake. Many times I have heard in the
25 stories of oldtimers what was and what would be. My

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1 neighbor used to tell me that when he came home from work he
2 went over the side of the creek canyon and down through the
3 bramble and he fished Lee Vining canyon right down to the
4 mouth where the water was alkali.

5 And I have heard stories of millions of ducks and
6 shorebirds on the water, but I have never seen it. I have
7 always known this place as an arid land because it has
8 suffered half a century of drought.

9 But this year we had snow and the creeks ran for
10 the first time in 50 years. They really ran and now I
11 understand what this place can be.

12 What I have learned about stewardship is that we
13 don't save wild places to make parks and we don't save them
14 because we can. We save them because we must. In nature
15 diversity equals stability. We are part of the diverse
16 community of living things and our survival depends on the
17 completeness of that community.

18 Thank you.

19 MR. DEL PIERO: Thank you.

20 Larry Nahm. He spoke earlier.

21 Shelle Wells. Good evening.

22 MS. WELLS: Good evening. I am a resident and
23 property owner in Mammoth Lakes. I feel we need to
24 recognize, develop and implement an environmental ethic, an
25 ethic where our concerns include a belief that the

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1 individual is responsible for the health of the land. We
2 look at the land more as a commodity and we need to regard
3 the land as a whole.

4 We need to be concerned about all the functions of
5 the environment, including support of wildlife, recreation,
6 watershed, wilderness areas and the economics.

7 A healthy Mono Lake is important to a healthy Eastern
8 Sierra and California economy. We all share that land, what
9 it gives us.

10 We need to look at the whole picture. We need to
11 assess our values and weigh the loss against the gain in a
12 realistic manner.

13 We have already permanently altered or destroyed so
14 much of what originally existed on our land. We need to
15 protect and defend what we have left.

16 Mono Lake can be permanently protected. There are
17 other environmentally sound alternatives to the continued
18 weakening and possibly the ultimate destruction of a
19 centuries-old ecosystem, one considered extremely valuable
20 by those who know it and once so important in the tapestry
21 of life in California.

22 Conservation awareness, education and practice is a
23 critical element in the management of our resources.
24 Exhausting a resource, destroying the ecosystem that created
25 it, and then moving on to the next is irresponsible and

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1 shortsighted.

2 We need to appreciate what we have, manage our
3 resources wisely, and look down the road 100 years at the
4 effect of our actions.

5 Thank you.

6 MR. DEL PIERO: Thank you very much.

7 Ann Hoffmann.

8 MS. HOFFMANN: My name is Ann Hoffmann, and I live at
9 Benton Station. I am here because my 12-year-old daughter
10 wanted to come and we decided to make a statement.

11 Mono Lake is personally important to me because I
12 feel it is a unique system harboring species. I believe in
13 habitat protection and, therefore, species protection.

14 I have camped on the shore of Mono Lake. I have
15 enjoyed its springs, wondering at the freshwater mingling
16 with the salt. I marvel at the thousands of nesting birds,

17 the flies swarming on the shore. Mono Lake is, indeed, a
18 treasure.

19 Thank you.

20 MR. DEL PIERO: Thank you. Is your daughter going to
21 make a presentation then?

22 MS. HOFFMANN: Yes.

23 MISS HOFFMAN: My name is Lindsey Hoffmann and I
24 live at Benton Station.

25 Mono Lake is a wonderful place. I feel the lake's

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1 ecosystem will be destroyed if the lake level at 6390 feet
2 or higher is not restored. Thousands of birds have nested
3 on this lake's islands for thousands of years. Men and women
4 do not have the right to destroy this system.

5 I have backpacked on Mono Lake. I have watched the
6 sun go down on Mono as the sky turned pink and wondered is
7 this all, would it someday disappear into a desolate dust
8 valley. I know it won't happen if we all work together to
9 save this wonderful place.

10 MR. DEL PIERO: Thank you very much, Lindsey.

11 Would you be good enough to give us a copy of your
12 statement so we can have it for the record?

13 Walter Hoffmann. Go ahead and beat the last speaker
14 now (laughter).

15 MR. HOFFMANN: I know by now you are probably
16 thinking that either this family got with it or Benton is
17 sort of an inbred community. It is choice A. It is a
18 little hard for us to be here in the inner city, but we
19 braved it.

20 MR. DEL PIERO: You're making sacrifices all the
21 time.

22 MR. HOFFMANN: Yes. I am here basically because I
23 owe a debt to Mono Lake and Mono Basin. We have been
24 residents of Mono County for over 20 years. Approximately
25 three years ago about this time I was ordered to active duty in the

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1 Persian Gulf. I served as a sergeant in a hard, noisy,
2 missile-punctuated environment with long hours and constant
3 noise, and the solitude was only in the mind.

4 I came home in the spring of '91, reunited with my
5 family, but there was just something a bit missing. I
6 needed some solitude. I needed some decompression from some
7 pretty hard times.

8 So I kissed my wife goodbye, not permanently, of
9 course, and headed on a five-day backpack for Mono Lake. It
10 would take me a couple of days to walk to Mono Lake from
11 Benton, and so, I did. On the second day of the journey I
12 hit a little freshwater spring on the northeast side way
13 above Mono Lake. I set up camp there under a bluff. It was
14 a beautiful camp. It was a starlit night. The fire was
15 like only sagebrush can give off embers, real hot and
16 compact, and the cigar tasted better than normal. The creme
17 sherry was way better.

18 MR. DEL PIERO: This wasn't wilderness experience.

19 MR. HOFFMANN: You are correct, counselor.

20 Most importantly, the lake itself glistened down
21 there under starlight. You could see the lights of Lee
22 Vining way to the left in the distance and I could feel the
23 decompression going on.

24 On the third day I walked to a place called Warm
25 Springs with a nasty, but still palatable, still drinkable

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1 water. I filled up there.

2 The snow by this time had started to fall a bit
3 because there was a bit of, well, aborted spring, you might
4 say, and hadn't quite got with it.

5 And I walked along this driftwood line for about five
6 miles. The walking was incredibly easy. It was small black
7 pebbles kind of imbedded in the sand. The driftwood line
8 looked like bleached whalebones. There was cottonwoods and
9 pine, even historic structures, a bit of a rafter here and
10 there, someplace where the lake level had been.

11 The lake itself was a mile, perhaps two miles
12 distant. As I walked along there I just felt again the
13 malice and the thoughts of war going away, I guess like a
14 duck perhaps molts feathers.

15 And I picked up along the way, saw it in the sand,
16 one of the most beautiful arrowheads I had ever seen. I
17 know those from the Eastern Sierras, we run across those

18 occasionally.
 19 I took my notebook out, traced it, put it back. It
 20 told me that somebody was here a long time ago.
 21 And on the fourth day I camped again and it snowed.
 22 I got up, fixed myself a cup of coffee, looked at the creme
 23 sherry and decided, well, maybe not this morning, but I did
 24 have a cigar and I wrote a bit, watched the birds getting
 25 incredibly close.

00141

1 Then, at the end of that day, I wandered on into the
 2 campground and was picked up, and my journey essentially was
 3 finished.

4 There was a phase of my life that was gone and Mono
 5 Lake had taken that scale off me from a nasty encounter and
 6 deposited it there in alkali, I guess.

7 The point is this, I kept thinking. I said, if my
 8 granddaughters and grandsons can come back and make that
 9 same trip a hundred years from now, they can see the same
 10 things I saw, smell and feel the same things I felt, and
 11 perhaps, just maybe perhaps, they could even see that water
 12 lapping along that drift-line shore where it was.

13 Then you have done your job. If they can't, then you
 14 probably haven't done your job.

15 Thank you.

16 MR. DEL PIERO: Thank you very much.

17 Next is Mr. Hank Simpson.

18 Mr. Simpson, you have been here since three o'clock
 19 and I want to apologize for taking so long to call your
 20 card. It was not intentional. I want to thank you very
 21 much for staying as long as you have. It's, frankly,
 22 indicative of the quality of the people appearing at these
 23 hearings.

24 MR. SIMPSON: I want to thank you for spending all
 25 this time listening to us. I know I would not like to be

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1 sitting up there as you are now for hours and hours and
 2 still appearing to be attentive, sitting in suits and ties
 3 for all this time.

4 If you ever come back this way, you are welcome to
 5 wear jeans and T-shirts. We will be perfectly comfortable
 6 with you.

7 MR. DEL PIERO: That's the attire for tomorrow.

8 MR. SIMPSON: My name is Hank Simpson. I am a
 9 business owner in Mammoth Lakes. I have lived here for 19
 10 years. For the past five years I have worked in the PR
 11 field helping market the Eastern Sierra to visitors. I
 12 have edited and written for Mammoth Magazine and Mammoth Sierra
 13 Magazine, I've researched and created Welcome to Eastern
 14 Sierra for Chaffant press which is a visitor's guide for
 15 the entire Eastern Sierra recreation corridor.

16 I am currently writing free lance for Hi Sierra, a
 17 new magazine in the area and a hit outside this immediate
 18 area but still in the recreational industry.

19 I have also edited the Guide to Lake Tahoe and Tahoe Maga-
 20 zine. When I first moved here in 1974 and heard about the
 21 Owens Valley water wars and things the City of L. A. had
 22 done to obtain the water rights up here, I was pretty angry.
 23 It seemed like a story of a big bully beating up little
 24 people to get its way, and I didn't like that.

25 But after a few years here I started to realize if L.

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1 A. had not taken most of the water, we would have something
 2 like Fresno, a vast agricultural and suburban community that
 3 would stretch from Independence to Bridgeport, and
 4 encroachment and exploitation from that community would have
 5 expanded westward into our wilderness starting many decades
 6 ago, and I am sure by now we would have several trans-
 7 Sierra highways, a dozen more ski areas, and literally
 8 millions of permanent residents and human developments just
 9 smashing flat every last vestige of wildness here.

10 Los Angeles took the water with its right hand and
 11 with its left hand it gave us kind of a grace period on
 12 development, and fortunately, left us a certain amount of
 13 wildlife and open spaces, and I don't think I would go so
 14 far as to send a thank you note to the Department of Water
 15 and Power.

16 But the interesting thing is we ended up with, in
 17 terms of recreation and scenic values, an extremely valuable
 18 commodity, one that is most used today by the very people

19 who benefited from the water extraction.

20 Any of you folks from out of our area who haven't
 21 skied, or hiked, or fished, or camped, or done any of the
 22 hundreds of things there are to do here, can't begin to
 23 understand how important this area is for the recreating
 24 public, and I am talking about the people of Los Angeles and
 25 Southern California, of course, but as several of our

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1 speakers have said, also people from plenty of other parts
 2 of this county and the world.

3 One area that has not benefited from the great water
 4 give away is Mono Lake. You will have other people today
 5 tell you how important it is to migratory fowl and to other
 6 wildlife, and I want to speak briefly on how vitally
 7 important it is to people who live here as an economic
 8 resource.

9 Mono Lake brings tourists to the Eastern Sierra. That
 10 means our local economy and families and towns benefit, and
 11 anything that benefits Mono Lake benefits all of us.

12 Mono Lake is not just a puddle of undrinkable, unfishable
 13 water. It is a natural wonder that's inspired passionate admiration
 14 and fierce protectiveness, not just in a few environmental wingnuts,
 15 but in a broad spectrum of people. Their numbers are in the
 16 millions

17 My analogy on our Eastern Sierra outdoors is that it
 18 is sort of a savings account. Our local tourist economy
 19 equates as the interest that account draws, and we live off
 20 that interest.

21 But so many people have been making withdrawals from
 22 that account for the past several decades, building roads
 23 across the deer migration corridors, building condos, golf
 24 courses in our beautiful meadows, cutting down trees and all
 25 of that stuff.

00145

1 The balancing in our savings account is steadily
 2 shrinking because nobody has thought enough about the long-
 3 term effects of steady withdrawals and I guess part of the
 4 reason for that is that the account came to us already full
 5 of funds and basically free of charge, so we have failed to
 6 recognize its value.

7 It doesn't matter how big a savings account you have,
 8 and it doesn't matter if you only take out a little at a
 9 time; if you don't make a deposit now and then, the balance
 10 will drop and the interest you receive will diminish.

11 Mono Lake is part of our Eastern Sierra savings
 12 account. The interest, the economic value of the tourism it
 13 supports is vitally important to us.

14 And let me ask you, if the recreating public from all
 15 over the world enjoys the benefits of a healthy Mono Lake,
 16 and if the local people enjoy the economic benefits of the
 17 recreating public, who really wants you to not raise the
 18 level of the lake?

19 Well, I don't think there's anybody in this room that
 20 wants that, and actually, you mentioned your hearing in Los
 21 Angeles yesterday, and I would be interested at the end of
 22 this to ask you what was the percentage there for and
 23 against raising the level of the lake.

24 MR. DEL PIERO: There weren't many people there
 25 against raising the level of the lake either.

00146

1 MR. SIMPSON: That's good to hear.

2 MR. DEL PIERO: There were actually two. There was a
 3 gentleman from the Los Angeles Chamber of Commerce who made
 4 a few comments, and there was a gentleman who had just
 5 prepared a thesis on the recommendations of the Los Angeles
 6 Department of Water and Power, that got up and made a
 7 presentation.

8 Beyond that, there was a student that became aware of
 9 the hearing that day and came to say that he thought it was
 10 more appropriate to generate jobs than it was to preserve
 11 the resources.

12 Beyond those three - and there were well over 40
 13 speakers yesterday, and then we have got - Mr. Canaday is
 14 the keeper of the 4,000 letters recommending the lake level
 15 be raised also.

16 MR. SIMPSON: Those three people were unfairly
 17 biased.

18 MR. DEL PIERO: They spoke after Secretary Strock
 19 speaking on behalf of the administration and Assemblyman

20 Richard Katz, and also, the Los Angeles City Councilman Zev
 21 Yaroslavsky, advocating raising the lake also.
 22 MR. SIMPSON: I've just got one more minute here.
 23 MR. DEL PIERO: Go ahead.
 24 MR. SIMPSON: A major part of the valley of Mono
 25 Lake is its rarity. Anyone who has ever flown over Los

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1 Angeles during the day has seen the sunlight reflected off
 2 thousands of back-yard swimming pools and Jacuzzis.
 3 Sometimes I wonder how many million of gallons of water it
 4 takes to keep those things full.
 5 If you compare the real value of this rarity, Mono
 6 Lake, with the non-rarity of all those swimming pools, the
 7 negative impacts of raising the lake level, the
 8 inconvenience of missing a few swimming pools or a couple of
 9 acres of lawns here and there, or a few less car washes in
 10 Southern California, that is really what we are talking
 11 about. Nobody is dying of thirst down there.
 12 Anyway, that negative impact is minor compared to the
 13 positive impact of raising the lake level and improving the
 14 recreational and scenic values of Mono Lake for the millions
 15 of tourists who come to see it.
 16 This savings account I talked about is not just in
 17 the name of the local recreational purveyors, it's not just
 18 our savings account. We might get benefits from it in a way
 19 that translates most directly into economic terms, but all
 20 the people who have ever come to see the Eastern Sierra and
 21 Mono Lake have taken away benefits in recreation, stress
 22 reduction and spiritual that can't be measured in monetary
 23 terms.
 24 That savings account is in the name of everybody who
 25 chooses to take advantage of it.

00148

1 Today you can afford to be conservative and set a
 2 higher, more beneficial level for Mono Lake. We are asking
 3 you to help us put something back into our savings account,
 4 and the interesting thing is you don't have to spend
 5 millions of dollars taken from some other worthwhile
 6 purpose, you don't have to steal funds from education or
 7 health care for the elderly. All you have to do is give the
 8 lake a chance to refill itself. Nobody will really be hurt.
 9 Everybody will benefit.
 10 Let's just do it. Thank you.
 11 MR. DEL PIERO: Thank you.
 12 Sidney Quinn.
 13 MS. QUINN: I will be as brief as possible.
 14 My name is Sidney Quinn. I am a resident of Mammoth,
 15 Mono County, Eastern Sierra, and I will try to stick to my
 16 neat and tidy statement, but bear with me.
 17 I have been doing a lot of reading about Mono Lake.
 18 I have been well aware for many years of all the political
 19 issues and problems, and it really does boil down to the
 20 fact that the State of California, and each and every one of
 21 us, you, as a member of the Water Resources Control Board,
 22 does have a duty in the planning and allocation of our
 23 water, be it tidelands, streams and lakes, and according to
 24 the philosophy of the public trust, the human and
 25 environmental uses of Mono Lake really deserve to be taken

00149

1 into account.
 2 And that decision to allow Los Angeles to divert
 3 water many years ago has really come to light as being
 4 perhaps a mistake by today's standards, and this is actually
 5 a question: Is it still an option that Los Angeles
 6 Department of Water and Power would like to see the lake
 7 stabilized at something like 6330 or 6335? I read that and
 8 I don't know if that is still an option.
 9 MR. DEL PIERO: No.
 10 MS. QUINN: I was just reading about their saying
 11 that they might just let it stabilize --
 12 MR. DEL PIERO: They may be coming in with some
 13 recommendations during the evidentiary portion of this
 14 hearing.
 15 MS. QUINN: So we don't know, that may be outdated.
 16 At any rate, that idea is fairly appalling to me, and
 17 the charts that I have seen show that Mono Lake would be 40
 18 percent smaller than it is today, and that would be totally
 19 unacceptable.
 20 I would like to see you set a standard of at least

21 6380 that everyone is recommending and a higher level of
 22 6400, to me, would be ideal because I, like other people
 23 here, really dream of seeing all the birds and waterfowl and
 24 the ecosystem as it once was. I mean, to me, that's a
 25 dream.

00150

1 One of the obvious solutions to the water problem is
 2 reclamation and conservation, and I believe that's something
 3 that we all face. I mean, we have been conserving water for
 4 many years off and on. It is really not so bad. I believe
 5 we all benefit from that effort, and the old philosophy of
 6 water is there to use, is really no longer acceptable.
 7 So, my concerns are for the preservation of the
 8 ecosystem that supports this vast food chain, and I dare to
 9 say, I have an idea where I am in the food chain, and I hope
 10 you all do, and none of us knows for sure sometimes. I
 11 think it is real important to consider.
 12 Also, the health and safety of residents and visitors
 13 to Mono County and Mono Lake -- I don't know if you have
 14 ever been up there on a windy day, but I am sure you have
 15 been hearing about the dust, and it really is a problem.
 16 I have been living here since 1970 and I remember the
 17 lake being very different then, and I have been trying to
 18 figure it out and it seems like it was about 6380 -- I mean,
 19 I have all these numbers, 6390 and 6380, and it takes a
 20 while to figure out what it means, but there were no land
 21 bridges, there seemed to be more birds and it was like a
 22 very different place.
 23 And now hiking along the shores with them receding,
 24 it really has changed the aesthetics of it as well as the
 25 health and safety, and also, like I said, the animals and

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1 plants and whatever else, the brine shrimp, and I also think
 2 the recreational values should be considered.
 3 I have met people from all over the world at Mono
 4 Lake and it is just amazing how inspired and how impressed
 5 people are by its rare beauty, and I also have traveled a
 6 lot of different places and I have to say as long as I have
 7 lived here, every time I come back and drive over Tioga Pass
 8 or up 395, I get tears in my eyes and it's like, you know, I
 9 consider the Eastern Sierra my home, and Mono Lake is really
 10 an important part of my sense of place and being here.
 11 So, I feel very protective of it, and I just wonder
 12 who values the water needs of Los Angeles more than this
 13 unique environment that we do have here? And in my opinion,
 14 no watershed should be sacrificed anywhere in the state;
 15 but, of course, more importantly right here, I believe that
 16 the Mono Basin should be protected, and I would like to
 17 really end with a quote from the Cathedral Forest Wilderness
 18 Declaration, and I do believe that all things are
 19 interconnected and that whatever we do to the earth we do to
 20 ourselves.
 21 If we destroy our remaining wild places, we will
 22 ultimately destroy our identity with the earth. Wilderness
 23 has values for human kind which no scientist can synthesize,
 24 no economist can price, no technological distraction can
 25 replace.

00152

1 We should protect these places not only for our own
 2 sake, but for the sake of the plants, the animals and for
 3 the good of sustaining the earth.
 4 The lakes and forests, like you, like me, are living
 5 things. Wilderness should exist intact solely for its own
 6 sake, wherein no human justification, rationale or excuse is
 7 needed.
 8 Thank you.
 9 MR. DEL PIERO: Thank you very much.
 10 Robert Parker.
 11 MR. PARKER: Good evening and thank you.
 12 My name is Robert Parker. I don't know that I've got
 13 a lot of additional to say from what other people have said
 14 already.
 15 I am originally from New Zealand and I have resided
 16 here for 15 years now, and I speak for myself, my wife, who
 17 has written a comprehensive visitor's guide to the area
 18 published in the last year or so, and hopefully, I will also
 19 speak for my daughter. She is only three.
 20 Mono Lake is a unique place. My job as a
 21 professional mountain guide has taken me throughout the

22 world from the tip of South America to Alaska, to Asia, and
 23 I found nowhere to equal Mono Lake. That is one of the
 24 reasons why I decided to settle here and live here, and I
 25 have lived here now for 15 years.

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1 As I said, I found nowhere else like it. It is a
 2 unique place and deserves protection as an outstanding
 3 master feature.

4 I sat for the earlier session and I, like a lot of
 5 people, still remember the first time I saw Mono Lake. I
 6 have spent a lot of time there walking on the island, hiking
 7 around the lake, swimming in it, which was interesting, if
 8 not a pleasant experience.

9 But with dismay, I have watched the land bridge going
 10 out and I know well the problems of a dry lakebed there from
 11 Owens Lake. I would hate to see that happen to Mono Lake.

12 Last year, my mother was visiting here from New
 13 Zealand. We took her around California from north to south,
 14 and at the end of her stay we asked her what she remembered
 15 most and her reply was Mono Lake.

16 Similar to Sidney here, every time I drive down 395 I
 17 stop and look at Mono Lake, and it really affects me. The
 18 view from Conway Summit is the most beautiful anywhere with
 19 Mono Lake down below.

20 It needs to be protected not only for me, not only
 21 for my daughter, not only for the residents of this area,
 22 nor of California, nor for the United States, but everybody.

23 Sixty-three ninety is a figure that everybody uses.
 24 I think it is a good point to aim for. I personally would
 25 like to see it higher, back to prediversion levels. Sixty-

00154

1 three ninety is a compromise. It is a compromise between
 2 the people of this area and Los Angeles.

3 Unfortunately, generally, the main sufferer of the
 4 compromise is the environment, and at 6390 the environment
 5 is still compromised, still not back to what it was.

6 The Board at the moment has the ability to implement
 7 change.

8 From my conversations this morning with the
 9 Department of Water Resources -- I don't know what their
 10 connection to you is -- they tell me that hopefully as of
 11 November 30 you will be recycling gray water in California,
 12 it will no longer be a legal crime.

13 MR. DEL PIERO: They don't have much relationship
 14 with us.

15 MR. PARKER: Unfortunately, to make people take a
 16 step to recycle water often takes a large lever. I feel the
 17 Board has the ability to provide part of that lever and
 18 force people into change.

19 Without being forced, Los Angeles will continue to
 20 take water without regard to the consequences.

21 If anything, having sat through the earlier hearing,
 22 I understand the effort it takes you folks to sit and listen
 23 to all of us give incoherent speeches. If there is anything
 24 I would like you to take away from this, it is not some of
 25 the quotes you've heard earlier from Section 8, paragraph 1,

00155

1 subsection 2, et cetera, it is more that the people who are
 2 speaking at the moment have a genuine love and appreciation
 3 for this area, and for most of us that love and appreciation
 4 is not dependent on any financial basis or profit we can
 5 make on it.

6 If you gentlemen haven't had a chance already, I
 7 suggest you go to Mono Lake early in the morning, get rid of
 8 the ties, tight shoes, walk around and watch the sunrise,
 9 listen to the birds. If you do that, you might even
 10 persuade Los Angeles or make Los Angeles start pumping water
 11 back up the aqueduct and get the lake filled even faster.

12 Thank you.

13 MR. DEL PIERO: Thank you very much.
 14 Gordon Alper.

15 MS. ALPER: I'm a substitute. I am Sharon Alper.
 16 Gordon had another commitment this evening and asked me to
 17 read some of his comments.

18 Gordon is a member of the Town Council of Mammoth
 19 Lakes.

20 The brutal contrast between the scenic glory of Mono
 21 Lake at twilight with its pastel blues and pinks, and the
 22 dusty choking air below the Owens dusty Lake, is what we

23 need you to understand today, the Los Angeles Department of
 24 Water and Power's callous despoiling of the environment.
 25 It has all but destroyed the value of the once rich

00156

1 Owens Valley, turning the Owens Lake into a swirling cloud
 2 of alkal dust.

3 We ask you today to put in place safeguards to insure
 4 a similar fate does not await Mono Lake.

5 Los Angeles wastes more water each day from leaking
 6 or unattended irrigation systems and unrestricted water uses
 7 than it draws from Mono Basin.

8 It is most prudent of the Board to demand that the
 9 City of Los Angeles put in place adequate measures to
 10 greatly reduce the water practices before considering an
 11 appeal for that agency for use of Mono Basin water.

12 We all know the difficulties your Department imposes
 13 on the insignificant water demands to meet our local needs.
 14 Surely, you can see the obvious damage that will be done us
 15 by not imposing restrictions on the removal of water from
 16 Mono Lake.

17 A lake level of 6390 feet is a fair compromise which
 18 will allow the lake to live and provide our state and our
 19 community with the continued benefits it provides.

20 Mono County and Mammoth Lakes does not need to suffer
 21 the consequences which would certainly stem from your
 22 allowing Mono Lake to follow the pattern established by the
 23 destruction of the Owens Lake. This is our opportunity to
 24 insist that Los Angeles reconsider the existing policy of
 25 cheap Mono Lake water at the expense of all surrounding

00157

1 communities, even though hundreds of miles away.

2 We have learned to accommodate our desires for water
 3 to the available supply. They can learn as well.

4 Thank you very much.

5 MR. DEL PIERO: Thank you very much.

6 Carolyn Tiernan. Good evening.

7 MS. TIERNAN: I appreciate your sitting there all
 8 this time with as much attention as you have given us.

9 My name is Carolyn Tiernan and I have a Bachelor's
 10 Degree in Ecosystem Analysis, and I am a physician in the
 11 Eastern Sierra and I am Chief of the Emergency Room in the
 12 hospital in Bishop. I work up and down the Sierra and I
 13 have lived here over ten years.

14 We, in this case you, have to make some tough choices
 15 in today's world. I would roughly like to paraphrase the
 16 words that Mr. Phil Pister spoke earlier today, the retired
 17 fishery biologist from a recent talk that he gave. He said
 18 that shortly before his talk he received two phone calls;
 19 one from a person who said it was unethical not to put
 20 people first when it comes to water decisions between Los
 21 Angeles and Mono Lake.

22 The second call was from a person who said it was
 23 unethical to destroy the unique environment of Mono Lake
 24 just to satisfy Los Angeles first.

25 Just what is ethical? My own feeling of this issue

00158

1 is that by setting a higher lake level, we will not cause
 2 the people of Los Angeles to die of thirst. They haven't
 3 even had to flush their toilet only under certain specific
 4 circumstances, or to stand among buckets in their showers
 5 such as my family and friends have had to do in the Bay
 6 Area.

7 L. A. will find their water. Just looking at the
 8 pictures on TV of all the floods in the past winters where
 9 they had way too much water, I think they can find a way to
 10 conserve some of that water, but they may have to pay more
 11 for it.

12 We, all of us, are custodians of the natural world,
 13 and we have been given the choice, but once we ruin
 14 something, we can't get it back. Of course, it is expensive
 15 to preserve the environment, but it also is costly not to.

16 If you look at the trade-offs, for example, in
 17 Eastern Europe and even Western Europe, such as Mr. Harrison
 18 talked about, I think it is very expensive not to preserve
 19 what we have.

20 I believe that Mono Lake is a unique natural treasure
 21 that must be preserved in the healthiest condition possible,
 22 including maintaining the islands where birds breed and are
 23 unreachable to predators, keeping dust to a minimum and

24 maintaining Owens River.
 25 I believe that 20 years from now each of you can
 00159
 1 either look at Mono Lake with pride in your own hearts
 2 knowing that you were responsible for its health and its
 3 beauty, or you can see Mono Lake with a feeling of pain in
 4 your heart and a feeling of regret knowing that perhaps it
 5 could have been different.
 6 I doubt that 20 years hence you could look at Los
 7 Angeles in the same sort of way because of the decision. In
 8 the long run, the decision won't matter nearly as much to
 9 Los Angeles as it will to Mono Lake.
 10 MR. DEL PIERO: Thank you.
 11 Greg Newbry.
 12 MR. NEWBRY: I have been a resident of Mono County
 13 for approximately 18 years.
 14 The Indians in the area a long time ago considered
 15 Mono Lake to be a magical healing lake. When they were
 16 sick, they jumped in the lake thinking it would make them
 17 well. It is really easy to understand how they would come
 18 to that conclusion after they let the lake caress their soul
 19 while visiting it.
 20 Of course, Mono Lake is a rare environment and jewel
 21 in the Eastern Sierra of California.
 22 I understand there are many impacts such as the Owens
 23 River, air quality, riparian quality, and in Southern
 24 California lawns and swimming pools to be considered in what
 25 alternative is to be adopted in managing the Mono Lake

00160
 1 Basin.
 2 Mono Lake is an extremely important stopover for
 3 migratory birds ranging from Argentina up to Alaska. Its
 4 importance goes beyond the scope of CEQA and the limited
 5 impact in determining the importance of this rare
 6 environmental jewel.
 7 How can we ask South America to preserve their rain
 8 forest if we are not willing to do all we can to preserve
 9 the environmental resources, particularly when such
 10 resources have multi-continental environmental importance?
 11 There could be no level of protection for Mono Lake
 12 that is too great. Mono Lake must be protected, not for
 13 future generations of humans, but for future generations of
 14 all earthly flora and fauna for as long as the natural
 15 environmental evolution will permit.
 16 To forsake such rare environmental jewels is to
 17 forsake our own existence.
 18 I would like to see Mono Lake at a level of 6390, but
 19 in my heart I know that the non-diversion level is really
 20 the level that it should be. Several speakers have
 21 recommended that you go to Mono Lake and experience it. I
 22 hope you have the opportunity to go early in the morning and
 23 late in the evening, and particularly you should take the
 24 time to take the tour around Negit Island, and you should
 25 take the time to sit and relax and to caress your soul. It

00161
 1 will really help your judgment.
 2 Thank you.
 3 MR. DEL PIERO: That issue came up and just so you
 4 all know, all of us have been to Mono Lake. Some of us have
 5 been there frequently over the course of the last several
 6 months in preparation for these hearings. We have been on
 7 the trail of Lee Vining but not been on the lake yet in a
 8 canoe.
 9 Bette Goodrich. Good evening.
 10 MS. GOODRICH: My name is Bette Goodrich and I live
 11 as a resident of Mono County at Crowley lake.
 12 I am speaking on behalf of the Range of Light Group
 13 of the Sierra Club. I serve as the conservation chair for
 14 this group of approximately 300 members living in Inyo and
 15 Mono Counties.
 16 We sincerely thank you for coming to the Eastern
 17 Sierra and hearing the voices of the people who live here.
 18 We appreciate and support the work on the Mono Lake
 19 Draft EIR. This document is very thorough and provides
 20 excellent baseline information.
 21 The EIR combined with other studies is certainly
 22 sufficient and calls for action by the Water Board without
 23 delay. This action should include protection of the Mono
 24 Lake ecosystem by setting the lake level at 6390 feet or

25 higher, and making permanent flow recommendations for the
 00162
 1 tributary streams of the Mono Basin.
 2 Mono Lake is one of the most important gull rookeries
 3 in North America and a key migration stop for thousands of
 4 birds who come to feed on the brine shrimp and alkali flies.
 5 It is a dramatically scenic area enchanting visitors
 6 as well as residents.
 7 A decision to protect Mono Lake's ecosystem is both
 8 ecologically correct and economically sound.
 9 Mono Lake's future is in your hands. Thank you.
 10 MR. DEL PIERO: Thank you.
 11 Wilma Wheeler. Good evening.
 12 MS. WHEELER: I want to thank you for having hearings
 13 here in Mammoth Lakes so we could attend. I have lived in
 14 Mammoth Lakes for about five years now, and living on the
 15 edge of the great basin, the land has very little rain and
 16 very little water, and we know we must save Mono Lake, which
 17 is a unique ecosystem.
 18 It seems to me it is folly to take water from Mono
 19 Basin and from Mono Lake, whose water level has been falling
 20 drastically during the last few years because of the drought
 21 and the diversions of water from the streams.
 22 And I urge you to support a lake level of 6390 or
 23 higher, preferably 6417, to help preserve and protect Mono
 24 Lake.
 25 And also, I hope you will declare Mono Lake an

00163
 1 outstanding natural resource water, and this would also help
 2 protect it.
 3 There's so many reasons to save Mono Lake, but just
 4 for a few, Mono Lake is about 700,000 years old at least, I
 5 understand. And since we have such a short life span, I do
 6 not think that we have the right to destroy this lake, so we
 7 have to do everything to protect it.
 8 Mono Lake is not only for people, it is for birds
 9 because it is invaluable as a nesting place and stopover
 10 sanctuary and feeding place for migratory birds. They are
 11 now at risk because some of the wetlands and refuges have
 12 disappeared due to development.
 13 And with the lake level as low as it is now, there is
 14 probably severe air pollution, and I know people have spoken
 15 to these reasons before, and I hope you will certainly
 16 consider them, and also, help the people of Los Angeles
 17 conserve water.
 18 It seems when they were asked to conserve ten percent
 19 of their water, they responded by conserving 20 percent, so
 20 they should certainly be encouraged to do this, and let's
 21 preserve Mono Lake, our large blue oasis in a dry land.
 22 Thank you very much.
 23 MR. DEL PIERO: Thank you very much.
 24 Susan Dee Baillets. She is not here.
 25 Phyllis Benhan.

00164
 1 Claudia Silverman.
 2 Hank Levine.
 3 MR. LEVINE: I am Hank Levine. I am a long-term
 4 resident of the Eastern Sierra here also.
 5 I want to thank you for coming out here today.
 6 I have spent many wonderful days in the Mono Basin.
 7 I have hiked many miles on the shoreline on many many
 8 occasions. I have walked to the volcanos there, I have
 9 followed the streams, I have canoed and kayaked on the
 10 lake's water, I have swum in the lake. And I have marveled
 11 at the wonders and beauty of the area.
 12 I have taught summer school classes at the lake. I
 13 have published, and I have photographed the landscape at
 14 sunrise, sunset and every time in between. I have visited
 15 the lake when ice lined the shores, seen rainbows in the
 16 summertime, and I have been there to see the spring
 17 happening on the lake. I have also seen the trees changing
 18 colors.
 19 Unfortunately, though, I have also been there to see
 20 the wind and great clouds of alkali dust. I have been in
 21 the basin to see lake levels drop over the years, and
 22 because of this, I am deeply concerned for the well-being
 23 and the level of life in the entire Mono Basin.
 24 I am concerned for my health and the health of my
 25 friends.

00165

1 I strongly urge you to set standards to keep the lake
 2 level at 6390 or higher at all times. It should never drop
 3 below that level. Anything lower would jeopardize the
 4 health of the ecosystem, and anything lower will jeopardize
 5 my health, and quite frankly, I am tired of my health being
 6 jeopardized.
 7 The health of Mono Lake is good for the community of
 8 the Eastern Sierra, but neither my job nor my wife's job is
 9 directly related to tourism. I know that tourism, at least
 10 indirectly affects all of us in the Eastern Sierra. Tourism
 11 is a clean resource that can support many many people.
 12 The Mono Basin ecosystem will begin to unravel if we
 13 keep diverting water and then tourism and the basic economy
 14 will unravel. That unraveling can be stopped if the lake
 15 level is maintained at a high level.
 16 Mono Lake should also be designated a national
 17 resource water. The richness of life at this lake should be
 18 protected.
 19 I have traveled all over this country and have never
 20 seen an area as rich in life. A Mono Lake national resource
 21 water designation could and should designate a maximum
 22 salinity level. We must do everything we can to protect his
 23 unique and biologically important area.
 24 Protection for Mono Lake is possible. State and
 25 Federal funds are available. There are alternatives to

00166

1 ruining the ecosystem. There are alternatives to air
 2 pollution caused by water diversions.
 3 Thanks again for the opportunity to speak here.
 4 Please make a wise and informed decision that is good for
 5 all life that exists in the waters of Mono Basin. Please
 6 make a wise and informed decision that is good for the
 7 economic and fiscal health for all people living in Eastern
 8 Sierra. Please make a wise and informed decision.
 9 MR. DEL PIERO: Thank you very much, Mr. Levine.
 10 Werner Marti.
 11 N. T. Rockel.
 12 John Saunders.
 13 Rick Jall.
 14 Dale Mollenhauer. Good evening, sir.
 15 MR. MOLLENHAUER: It is a pleasure to speak to such
 16 an important body. I hope your decision on this matter is
 17 wise.
 18 I remember a very cold morning with the wind blowing
 19 at gale force. I remember coming onto an accident, unable
 20 to see and all of us becoming a part of the carnage. There
 21 in arctic conditions a very noble individual died, but his
 22 ideas, hopes and dreams live on in the Mono Lake Committee.
 23 I hope your decision reflects the wishes of David
 24 Gaines. There are few people with such courage to take on a
 25 huge power as the Department of Water and Power. Dick

00167

1 Dorwin also comes to mind.
 2 The division authority over riparian rights is
 3 limited to questions of reasonableness and protection of the
 4 public trust.
 5 Article X, Section 2 of the State Constitution
 6 declares in part: The general welfare requires that the
 7 water resources of the state be put to beneficial use to the
 8 full extent to which they are capable, and that the waste or
 9 unreasonable use or unreasonable method of use of water be
 10 prevented.
 11 Those are your own words.
 12 These were sent to me on the complaint filed that
 13 took a year for you to respond. I hope you gentlemen ignore
 14 the State Constitution which those words were taken from and
 15 give all the water to Mono Lake forever in the name of the
 16 earth and future generations of humans to enjoy.
 17 The public trusts you to do that. I hope it is a
 18 well placed trust. I hope the decision made is definitive,
 19 unlike the one you gave me, not like the decision on Horse
 20 Creek in Lassen County.
 21 I would like to read the recommendations of staff.
 22 They were given to me. Both Mr. Crumb and Mr. Bolinski
 23 should be requested to file a statement of water diversion
 24 and use for the riparian diversion from Horse Creek. Mr.
 25 and Mrs. Bolinski should be advised to limit the extent of

00168

1 cattle access to the creek and quantities of irrigation
 2 return water that re-enters the creek.
 3 Number three, Mr. Mollenhauer should be advised to
 4 keep the beaver dams cleared from his roadway culvert.
 5 I don't know if you know anything about beavers. I live
 6 in Mammoth. This particular property is north of Susanville.
 7 It would be kind of hard for me to keep up with the beaver.
 8 In view of the State Water Board's limited
 9 jurisdiction over reasonable use of riparian water, no
 10 further action should be taken on this complaint.
 11 MR. DEL PIERO: I am not familiar with your
 12 application.
 13 MR. MOLLENHAUER: I understand. The reason I bring
 14 this up is that it is a decision made by the State Water
 15 Board, or a decision that was not made.
 16 MR. DEL PIERO: When was that?
 17 MR. MOLLENHAUER: April 2, 1992. The reason I bring
 18 this up - you say it has nothing to do with Mono Lake.
 19 Yes, it does. This is a non-decision of the State Water
 20 Resources Control Board that was not made. These are just
 21 recommendations by staff. This is April 2, 1992.
 22 I hope the decision you make on Mono Lake is
 23 definitive, and one that you have the legal authority to
 24 make.
 25 I have to read part of this, and the last one I will

00169

1 read reiterates, in view of the State Water Board's limited
 2 jurisdiction over reasonable use of riparian water, no
 3 further action should be taken on this complaint.
 4 I bring this up because as a single individual, we
 5 filed a complaint on a 100 percent diversion of a creek. It
 6 took me a year to get a response from your Department. It
 7 took a year to get a response from the Fish and Game. Fish
 8 and Game did apologize. You haven't - my point being if I
 9 may be so bold as to suggest, the single individual having a
 10 problem, be it the savings of Mono Lake or diversion of
 11 Horse Creek, has got to go to a government agency in this
 12 state and get a reasonable response and get reasonable and
 13 intelligent information as to where he should go if that is
 14 not the right department, and you have cross authorities.
 15 Fish and Game has authority maybe. The Water
 16 Resources Control Board has authority, maybe. They both sit
 17 there and bounce me back and forth, or whoever it is that is
 18 trying to make a complaint, until they either give up, which
 19 I won't do, or die.
 20 Thank you.
 21 I apologize for the emotional outburst. The reason I
 22 had to write the first part down is because it chokes me up.
 23 Thank you very much.
 24 MR. DEL PIERO: Thank you.
 25 Barbara Moore.

00170

1 MS. MOORE: My name is Barbara Moore. I live in the
 2 Bodie Hills overlooking Mono Lake, so everyday, all day
 3 long, I get to see that beautiful lake.
 4 I teach a history course in Mammoth, as I have for
 5 the last two years. It is called Settling the Eastern
 6 Sierra.
 7 There was a man in 1856, Alexde Von Smith, who came
 8 over to do the surveys on the Eastern Sierra. He came over
 9 Bodie Canyon and he saw Mono Lake and he said, and this is
 10 in his record, this was the most beautiful view I have ever
 11 seen in the world. That is how he felt about Mono Lake.
 12 But what I gave you are pictures that I took on April
 13 30 of 1993 of a dust storm, and I am going to read what I
 14 prepared in addition to those pictures.
 15 Shortly after I mailed my letter to the Water
 16 Resources Control Board concerning the future of Mono Lake,
 17 I took a roll of film in to be developed. I had forgotten
 18 that I had snapped pictures of a dust storm over the lake
 19 several months previously.
 20 It has been said a picture is worth a thousand words.
 21 In lieu of 3,000 words as my testimony on the level of Mono
 22 Lake, I hereby submit three photos, all taken from my home
 23 on April 30, 1993, the date documented by a daily journal
 24 entry.
 25 The three photos show massive dust clouds originating

00171

1 on the exposed shores of Pooha and Negit Islands.

2 What was unusual about this day was that most dust
 3 storms of this intensity totally obscure the lake because
 4 they start along the mainland shore instead of the islands.
 5 Shortly after I took these pictures, that was the
 6 case. I couldn't see the lake. Dust enveloped the home
 7 below me, and from the looks of the dust clouds, the dust
 8 probably went as far east as Hawthorne, Nevada.
 9 Since there are many minerals, including arsenic in
 10 the exposed alkali rim of Mono Lake, breathing this dust is
 11 unhealthy for man and animals alike.
 12 Raising the lake level to at least 6390 feet would
 13 not only solve this potential health problem, but would help
 14 solve the many other problems in the environmental imbalance
 15 that have occurred since diversions began.
 16 The lake has been studied enough. It is time Los
 17 Angeles Department of Water and Power used their resources
 18 to develop alternative sources of water instead of spending
 19 incredible amounts of time and money as they have in trying
 20 to justify their ruination of a large area of the Eastern
 21 Sierra.
 22 And I would like to thank you gentlemen for giving us
 23 all the opportunity to express our views on a very very
 24 special place.
 25 MR. DEL PIERO: Thank you very much.

00172

1 Dennis Schumacher. Good evening, sir.
 2 MR. SCHUMACHER: Good evening. My name is Dennis
 3 Schumacher. I am a resident of Mammoth Lakes.
 4 I would like to thank you members of the Water Board
 5 for coming here today.
 6 I am here today to ask the Water Board to vote for a
 7 water level at Mono Lake of 6417.
 8 In 1941, the California Water Board voted for
 9 unlimited withdrawal from four freshwater streams that fed
 10 Mono Lake saying that the short-term need of water by the
 11 City of Los Angeles measured in decades were more important
 12 than the long-term needs of the public trust measured in
 13 centuries.
 14 This short-sighted vote was a mistake of insight on
 15 the stake of environmental judgment and if not rectified by
 16 the present Water Board, an eventual mistake for Southern
 17 California.
 18 In the decades since that 1940 decision,
 19 environmental science has repeatedly shown that destruction
 20 of large habitat has a disastrous effect on all concerned,
 21 including the targeted and the benefactors.
 22 For example, wind-borne dust particles from Mono
 23 Lake, which have been proven a health hazard, are adding to
 24 the pollution of Southern California extensively.
 25 The present Water Board must be wiser, more

00173

1 politically courageous and more scientific than its
 2 predecessors.
 3 A water level of 6417 is the very minimum you should
 4 consider.
 5 Your wise decision will ultimately serve the citizens
 6 of Los Angeles because what ultimately serves mother nature,
 7 serves everyone.
 8 Thank you.
 9 MR. DEL PIERO: Thank you very much.
 10 Ilene Mandelbaum.
 11 MS. MANDELBAUM: My name is Ilene Mandelbaum. I am
 12 an Associate Director of the Mono Lake Committee.
 13 On behalf of the Mono Lake Committee, I
 14 enthusiastically thank the Board for traveling to Mono
 15 County to hear the views of the citizens of Eastern Sierra
 16 on the future of Mono Lake.
 17 We greatly appreciate the numerous opportunities you
 18 have provided to receive public comments on the water rights
 19 review process. Today you have heard many voices from
 20 Eastern Sierra asking you to permanently protect Mono Lake
 21 and provide for the wise stewardship of Mono County's finite
 22 water resources.
 23 I hope that as members of the Board you will give
 24 serious consideration to these views as you come to your
 25 decision.

00174

1 I would like to present to you a stack of letters
 2 that have accumulated during the last month in our Lee

3 Vining store. They are letters from citizens of Mono and
 4 Inyo Counties, and throughout California in support of the
 5 raising of Mono Lake's level to 6390 feet or higher.
 6 I respectfully ask that these letters be considered
 7 part of today's hearing record. I would also like to inform
 8 you that the Mono Lake Committee and the National Audubon
 9 Society have submitted for the evidentiary hearing testimony
 10 by several local historical witnesses who, because of their
 11 advanced years, would find it difficult, if not impossible
 12 to travel to Sacramento to testify.
 13 Therefore, we request and hope that you will agree to
 14 return to the Eastern Sierra to take a day to hear these
 15 long-time residents speak for the evidentiary hearing.
 16 MR. DEL PIERO: Excuse me. We need to be real
 17 careful here. You forwarded that request in writing
 18 already?
 19 MS. MANDELBAUM: That is correct.
 20 MR. DEL PIERO: We will work on the schedule.
 21 MS. MANDELBAUM: Finally, I would like to thank you
 22 and your staff for your diligent effort in developing the
 23 Mono Basin Environmental Impact Report. Of the many studies
 24 prepared over the years on the Mono Lake issue, this report
 25 is without question the most comprehensive and complete

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1 analysis to date.
 2 We commend your staff for their hard work and their
 3 significant contribution towards what we hope will be the
 4 final resolution of the Mono Lake issue after 15 long years
 5 of debate.
 6 Thank you very much.
 7 MR. DEL PIERO: Thank you very much.
 8 At 2200 pages, it also is the heaviest document.
 9 Mary Lou Birkhimer
 10 MS. BIRKHIMER: Good evening. My name is Mary
 11 Birkhimer.
 12 I will read excerpts from the writing of Aldo
 13 Leopold. These were first published more than 40 years ago.
 14 Many of us have read and heard these selections before,
 15 perhaps even dozens of times, but I believe they still have
 16 great merit and so, we shall hear them again.
 17 When godlike Odysseus returned from the wars in
 18 Troy, he hanged all on one rope a dozen slave girls of his
 19 household whom he suspected of misbehavior during his
 20 absence. This hanging involved no question of propriety.
 21 The girls were property. The disposal of property was then
 22 as now, a matter of expediency, not of right and wrong.
 23 Concepts of right and wrong were not lacking from
 24 Odysseus Greece: witness the fidelity of his wife.
 25 The ethical structure of that day covered wives, but

00176

1 had not yet been extended to human chattels.
 2 During the 3,000 years which have since elapsed,
 3 ethical criteria have been extended to many fields of
 4 conduct with corresponding shrinkages in those judged just
 5 by expediency only.
 6 All ethics so far involved rest upon a single
 7 premise, that the individual is a member of a community with
 8 interdependent parts. His instinct prompts him to compete
 9 for his place in the community. But his ethics prompt him
 10 also to cooperate, perhaps in order that there may be a
 11 place to compete for.
 12 The land ethic simply enlarges the boundaries of the
 13 community to include soils, water, plants and animals, or
 14 collectively, the land.
 15 In the last 40 years or so, we have made great
 16 progress in acknowledging that the land, the water, the air
 17 and all life forms have a right to exist and that they
 18 sometimes need critical protection from the human population
 19 that can destroy them.
 20 We have not come easily to this level of awareness.
 21 The legal protections have been gained through hard work and
 22 public involvement just as we are doing tonight. We are
 23 taking another step in the right direction.
 24 Many of the protections were not motivated by ethics,
 25 just pure economics. It is easier and cheaper to keep the

00177

1 earth healthy than to allow destruction now and try to
 2 rebuild things later.
 3 We have learned, I think, that some things cannot be

4 rebuilt. Some changes are not reversible. Extinction is
 5 forever.
 6 In the case of Mono Lake, I believe that the legal
 7 system has arrived in time to save it; save it in what
 8 condition is now the point under discussion.
 9 I have been told that the Mono Basin used to be
 10 green, growing the crops that fed the miners in Bodie.
 11 The Mono Basin was recently designated a scenic area.
 12 How much more scenic it would be to more people if it were
 13 green again.
 14 The Los Angeles Department of Water and Power will
 15 contend, of course, that it needs the Mono Basin water, but
 16 there are funds available to develop reclamation programs.
 17 Alternatives are available. This is not a matter of people
 18 versus sea gulls, or big city versus small town, or big
 19 political power versus restaurants.
 20 This is a matter of what is morally right.
 21 And so, I urge the State Water Resources Control
 22 Board to require that the streams of Mono Basin be allowed
 23 to flow freely until the Mono Basin is as green as the park
 24 lands of Los Angeles, and so the Mono Basin qualifies as a
 25 scenic area in the eyes of the beholder. If it takes four

00178

1 years, that is great. If it takes forty years, so be it.
 2 It's what the end point of these discussions should be.
 3 Although Leopold also quoted Edward Arlington
 4 Robinson in a poem titled Tristram: Whether you know it or
 5 nor, you are a king, Tristram, you are one of the time-
 6 tested view that leaves the world when they are gone nor the
 7 same place it was. Mark what you believe.
 8 MR. DEL PIERO: Thank you very much.
 9 Daniel Dawson. Good evening.
 10 MR. DAWSON: Good evening. My name is Daniel Dawson.
 11 I am in favor of the establishment of a very high
 12 level for Mono Lake, 8390 feet above sea level or higher.
 13 I arrived at that conclusion while doing some work
 14 out on the north shore of the lake with a survey party using
 15 some highly technical equipment. We were studying dune
 16 succession on that side of that lake, and ultimately coming
 17 to a point on the shore that we decided was about the 8400-
 18 foot elevation point, and frankly, it looked like the right
 19 place.
 20 So, as qualitative as that might be, that's how I
 21 arrived at that.
 22 MR. DEL PIERO: Sometimes that is how our Board does
 23 the job, too.
 24 MR. DAWSON: Well, having participated one time in
 25 grueling days in the evidentiary portion of the State Water

00178

1 Board hearings, I arrived at that same impression.
 2 I believe a lake level that high is necessary to
 3 permanently protect the ecosystem to provide an adequate
 4 buffer for the extreme fluctuations that we know we
 5 experience in the Eastern Sierra, to improve the visual
 6 resources in the Mono Basin and ultimately to reduce the
 7 dust storms.
 8 Mono Lake is very important to me personally. I have
 9 lived in the Eastern Sierra for a long time. I plan to live
 10 here a lot longer. I visit Mono Lake frequently and I enjoy
 11 the serenity and beauty. I like to introduce it to others.
 12 As a member of the Mono Basin National Forest Scenic
 13 Area Advisory Board since its inception, I have been
 14 actively involved in decisions regarding future management
 15 for the basin. I have seen visitation in the basin grow by
 16 orders of magnitude. Mono Lake is no longer a local
 17 resource. It's a national and international destination and
 18 resource, and as such, needs to be protected by the State of
 19 California.
 20 It is important that people of the State of
 21 California support this position.
 22 As indicated in the EIR people in California would be
 23 willing to tax themselves to protect this ecosystem.
 24 Furthermore, this whole prospect is feasible.
 25 Water conservation and reclamation projects could

00180

1 make up the lost Mono Basin water for the City of Los
 2 Angeles.
 3 In conclusion, let me remind you of the chance to
 4 close the book on years of struggle on this issue.

5 Mono Lake is held in trust by the State of California
 6 for the people of California. Please listen to the people
 7 and be an advocate for the people. Please require a lake
 8 level adequate to protect Mono Lake.
 9 Thank you.
 10 MR. DEL PIERO: Thank you.
 11 MR. SMITH: Hugh Smith, State staff of the Water
 12 Board.
 13 You said in your policy statement that the level of
 14 8400 would improve visual aspects. Are you aware that a
 15 lake level at that particular point would almost basically
 16 drown, inundate the south tufa?
 17 MR. DAWSON: I am not one of the people that
 18 necessarily believes that tufa high and dry are a primary
 19 scenic value in the basin. I, like the gentleman who spoke
 20 earlier, would like to see tufa restored to their natural
 21 place under the lake water.
 22 MR. SMITH: Thank you.
 23 MR. DEL PIERO: I don't know if you know, but it just
 24 seems appropriate to say now there's a number of people who
 25 have raised the issue. Since 1989, with the exception of

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1 some experiments, no water has gone to Los Angeles from the
 2 Mono Basin, so they have compensated at this point over the
 3 course of the last couple of years.
 4 MR. DAWSON: The point is that conservation and
 5 reclamation are well within their grasp to make up this.
 6 You are supporting my argument.
 7 MR. DEL PIERO: You are making a point. I am making
 8 an observation.
 9 MR. DAWSON: Thank you.
 10 MR. DEL PIERO: Michael Prather. Good evening.
 11 MR. PRATHER: Good evening. I am a long-time
 12 environmental activist and resident of the Eastern Sierra.
 13 I would, first, like to compliment the audience. I
 14 have been to many many hearings of all kinds, flame-throwing
 15 ones and comatose ones.
 16 MR. DEL PIERO: That should be my comment.
 17 MR. PRATHER: I think that the level of comments here
 18 are extraordinary, both on the level of intelligence and
 19 emotion. It's really been a pleasant experience for me to
 20 just be up here and listen, honestly.
 21 My name is Michael Prather and I live in Lone Pine,
 22 California. I have lived in the Eastern Sierra for many
 23 years. I have unending love for Mono Lake, whether it was
 24 boating the lake with my friend David Gaines, or swimming
 25 with my two daughters, the salty bond of this body of water

00182

1 has anchored the heart and soul of my life in the Eastern
 2 Sierra.
 3 Being from the Owens Valley on the edge of the now
 4 dry Owens Lake, even the severely compromised Mono Lake
 5 always has represented the historic past and some hope for
 6 the future.
 7 Now we need the decision that will safely guard the
 8 ecosystem at Mono Lake and guarantee that my little school
 9 science students will be able to visit a viable living
 10 system, not a chemical sump, like the Owens Lake south of
 11 Lone Pine.
 12 The future is truly here in this room tonight and
 13 those of us who live in the Eastern Sierra plead with all
 14 our hearts that the grievances of the past can finally be
 15 addressed and that the wondrous liquid lens of Mono can be
 16 guaranteed wholeness for all time.
 17 My oldest daughter Robin was born in 1977 when the
 18 battle for Mono Lake had been joined by David and his small
 19 army. My youngest daughter Phoebe was born in 1980, just
 20 preceding the shattering court decisions that have brought
 21 us to this hearing.
 22 Both my daughters have visited Mono Lake all the
 23 years of their young lives. They have bent nails building
 24 boardwalks. They have paddled silently across the lake's
 25 mirror surface. For them, it is difficult to understand how

00183

1 what appears to be such a simple problem cannot be solved in
 2 a speedy and just way, for young people often have the
 3 clearest vision, we must remember.
 4 They saw the emperor had no clothes. They sent me
 5 off to this meeting late on a work night with the firm

6 instruction to, Save it, Dad.
 7 Often when I am in the Mono Basin Working on a bird
 8 project or leading a trip for school kids, or conservation
 9 groups, I remember and I hate to repeat Aldo Leopold, but I
 10 am going to. It's a different one.
 11 I remember him saying that people like my daughters
 12 and I, all of us in this room, that we live in a world full
 13 of open wounds and without doubt, it is time to heal one of
 14 those wounds here tonight.
 15 Our children and their children deserve to be left
 16 more than just a scarred surface, and that they would have a
 17 vision of a hopeful future and not one of desperation and
 18 mere survival.
 19 In closing, I would like to quote Huey Johnson's
 20 testimony before the House of Representatives in 1982,
 21 regarding Mono Lake: A single decision, a single stroke of
 22 a pen by one political jurisdiction could reverse the lake's
 23 fate.
 24 I would ask the Water Resources Control Board to make
 25 that decision. Please support the people of the Eastern

00184

1 Sierra as we try to restore the keystone of our natural
 2 heritage, Mono Lake.
 3 Thank you very much.
 4 MR. DEL PIERO: Thank you very much.
 5 Don Douglas.
 6 MR. DOUGLAS: Thank you for this opportunity.
 7 My name is Don Douglas. My wife and I publish
 8 outdoor guide books and custom topographical maps here in
 9 the County where we have lived for 13 years.
 10 I would like to mention that I share the feelings of
 11 all of the speakers this afternoon. They have been
 12 excellent.
 13 I would like to come at this from a different
 14 viewpoint, the rewatering of Mono Lake. Urban dwellers are
 15 increasingly turning to the outdoors for recreation and
 16 education experiences that provide quality and satisfaction
 17 in their daily lives.
 18 One of the things that rural California has to offer
 19 is outdoor space where recreation and education can take
 20 place in wide open spaces, and Mono Lake Basin is one such
 21 place.
 22 In fact, Mono Basin, as you have heard tonight, is
 23 receiving national and international attention as a unique
 24 place to visit. This attention is not coming any too soon.
 25 With only three percent of Mono County in private

00185

1 land and on the tax rolls, the local economy has not kept
 2 pace with the general State's economic growth. At the same
 3 time, Mono County is required by the State government to
 4 provide increasingly sophisticated public services. The
 5 need to pay for these mandated services falls on a smaller
 6 and smaller tax base. Clearly, the local community needs a
 7 viable business strategy to survive these trends.
 8 Outdoor recreation and education is the key business
 9 survival strategy for small rural areas, a strategy that
 10 builds on key outdoor assets, a strategy that offers hope to
 11 the local population for keeping pace with increasing State
 12 demands and providing a decent standard of living.
 13 Opportunities for both public and private investment
 14 in specifically outdoor recreation and education are
 15 dependent on the stable outdoor environment. If outdoor
 16 recreation and education are going to provide Mono County
 17 with a hope for a better financial future, it is imperative
 18 that Mono Lake, one of our key recreational assets, be
 19 adequately cared for and appreciated.
 20 This means Mono Lake must remain an inspiring visual
 21 site, a viable ecological system, and an important
 22 educational center to encourage private and public
 23 investment. Public access and interpretive programs of all
 24 kinds must be maintained and expanded if the full
 25 recreational and educational value of Mono Lake is to be

00186

1 enjoyed by all visitors.
 2 Clearly, Mono Lake cannot fulfill such a mission if
 3 it is allowed to become an unsightly dust bowl.
 4 In the name of outdoor recreation and survival of our
 5 local economy, our little firm asks that Mono Lake be
 6 maintained at a level of 6390 or more to provide the stable

7 outdoor environment so that opportunities for public and
 8 private investment in outdoor recreation can be made.
 9 Thank you.
 10 MR. DEL PIERO: Thank you very much.
 11 James Wilson.
 12 MR. WILSON: Good evening, gentlemen. Thank you for
 13 this opportunity.
 14 My name is James Wilson. I am from Bishop,
 15 California.
 16 My wife and I own a sporting goods store. We have
 17 been selling sporting goods in Bishop for 14 years and we
 18 employ 10 people.
 19 Our customers not only include local people, and
 20 Californians and other Americans on vacation, but
 21 increasingly international travelers.
 22 Many tourists from abroad do a loop trip from Los
 23 Angeles through to San Francisco with stops in Yosemite, Las
 24 Vegas and Grand Canyon. They also stop for the night in
 25 Bishop and Mammoth Lakes on their tour. And some of them

00187

1 have Bodie, the ancient bristle cone pine forest and Mono
 2 Lake on their itinerary.
 3 For the future we depend heavily on this tourist
 4 economy. In the Eastern Sierra our capital base for this
 5 economy is the ecosystem. In this time of diminishing
 6 resources, hard choices must be made about the allocation of
 7 resources and amongst competing human needs.
 8 We have spent much of our capital base for water
 9 export and hydroelectric power. Let's keep what remains
 10 here to support our economy for ourselves, our children, and
 11 our customers.
 12 A healthy Mono Lake is important not only for the
 13 Eastern Sierra, but also, for California's growing tourism.
 14 The Eastern Sierra has given enough in resource extraction.
 15 What we need for the future is a viable diverse
 16 ecosystem including Mono Lake.
 17 I support, as I know many of my customers do, as high
 18 a level for the lake as possible, 6400 or higher.
 19 Thank you.
 20 MR. DEL PIERO: Thank you very much.
 21 David Oldenburg.
 22 MR. OLDENBURG: I am Dave Oldenburg from Bishop,
 23 California.
 24 I just have two points because I know that Los
 25 Angeles is able to conserve the amount of water that they

00188

1 would like to export from the Mono Basin. The reason I know
 2 this is because during the drought Los Angeles was imposing
 3 upon themselves a water rationing of, I believe, 20 percent
 4 reduction in water use. After the drought was over, they
 5 declared the water rationing to be over with.
 6 We asked why they stopped the water rationing,
 7 because saving water is a good thing. The newspaper pointed
 8 out that the Department of Water and Power's revenues were
 9 being reduced because they weren't selling enough water.
 10 The second point that I know that water can be
 11 conserved in the Los Angeles Basin to replace the water that
 12 they would like to export, is because once or twice a year
 13 my wife and I have the occasion to go to the Los Angeles
 14 area for either business or for a wedding, or for some
 15 reason or another, and we stay at a local motel or hotel,
 16 usually ones that are quite nice and fairly new. And none
 17 of them have water-saving fixtures. They have showerheads
 18 - they have the Water-Pik-type showerheads that waste
 19 water, and the bathroom fixtures are not the water
 20 conservation type.
 21 So, for those reasons, I think it is pretty obvious
 22 that the water can be conserved that would make up for any
 23 desire to export water from Mono Basin.
 24 Thank you.
 25 MR. DEL PIERO: Thank you very much.

00189

1 Dennis Domaille.
 2 MR. DOMAILLE: Good evening. My name is Dennis
 3 Domaille.
 4 I want to speak briefly about economics. Just this
 5 summer I got a 120-unit locale right at the intersection of
 6 Highway 120 and 395.
 7 MR. DEL PIERO: Congratulations!

8 MR. DOMAILLE: I was at a bank in San Francisco and
9 made it to the loan committee, and the question came up,
10 what are they going to do about the level of Mono Lake? And
11 I couldn't give them an answer because there is no answer
12 yet, which will be the second part of your hearing.

13 We talked about it and it became real clear to me that
14 they were real concerned about making a five-million-dollar
15 loan on a piece of property that could end up being in the
16 middle of a dust bowl.

17 MR. DEL PIERO: Have them give me a call.

18 MR. DOMAILLE: And with that in mind, I will close
19 with the only other thing I want to say, that I hope your
20 decision comes along quicker than the one I have seen from
21 the other evidentiary hearing last month.

22 MR. DEL PIERO: I indicated this afternoon and I will
23 indicate again, the evidentiary hearing starts in two weeks
24 because next Monday I am in Big Bear. I am a hearing
25 officer also for the Petition to Modify the Water Rights on

00190

1 the Big Bear Reservoir in Southern California, San
2 Bernardino.

3 I will be done with that next week, and then, we
4 begin the Mono Lake evidentiary hearing the week after.

5 I am going to be doing the evidentiary portion, so it
6 is going to be the first week in December or it is going to
7 be real miserable on a bunch of people. In fact, if we are
8 successful in meeting the time line that I've sort of laid
9 out, it is my distinct desire to try and have an order
10 prepared by the mid part of the spring, and just so everyone
11 knows, the Board has already given direction to our
12 Executive Director that once the evidentiary portion of the
13 hearing is concluded, the staff that you see assisting me
14 here this evening is going to be given as much free rein as
15 possible to move forward on the preparation of that order as
16 quickly as they can, recognizing the need for some
17 significant amount of certainty for this basin that has been
18 faced with uncertainty for a very long period of time.

19 Thank you.

20 MR. DOMAILLE: Thank you.

21 MR. DEL PIERO: Steve Barager. Good evening.

22 MR. BARAGER: I am Steve Barager. We are property
23 owners in the town of Lee Vining, and first of all, I would
24 like to invite you to come to Lee Vining to hear the points
25 of view of all of the different residents of our community

00191

1 that weren't able to come here.

2 Also, when I first moved to the area the streams in
3 the Mono Basin were completely dry, pretty much, and there
4 was nothing in Lee Vining Creek except for an occasional
5 pool of stagnant water, and since the court order that
6 restored the water into the streams, I have watched the
7 water come down into the streams and fill each pool and into
8 the next one, and I think that's a healing process, and I
9 would like to urge you to support the restoration of the
10 streams in the Mono Basin to a good condition, to restore the
11 fisheries and the wildlife and everything, and to bring the
12 lake up again to its natural stage, whatever that will be.

13 Thank you.

14 MR. DEL PIERO: Thank you very much.

15 David Marquart. Welcome.

16 MR. MARQUART: Good evening. My name is David
17 Marquart.

18 I want to thank you for the opportunity to speak her
19 tonight. And I am speaking here as President of the Mono
20 Lake Foundation. The Mono Lake Foundation is a non-profit
21 organization founded in 1985. Our purposes are to operate a
22 non-profit organization for the preservation of the
23 scientific, geological, ecological, historical, recreational
24 and aesthetic values of the Mono Basin area through
25 education and research.

00192

1 The Mono Lake Foundation has for the past several
2 years sponsored a summer workshop series as well as natural
3 history canoe tours of Mono Lake.

4 This past summer between one and two thousand people
5 participated in the canoe tour program. The canoe tour
6 provided an excellent educational tool for the public and
7 for the many groups which we have taken out.

8 In general, the demand for water-based recreation at

9 Mono Lake has been tremendous.

10 We urge the Water Board to amend DWP's license by
11 requiring DWP to maintain Mono Lake at the 6390-foot level.
12 This level will maintain the values of Mono Basin that our
13 organization has pledged to preserve. It will maintain the
14 flows in those four tributary streams that the Fish and Game
15 Code requires. It will restore the natural beauty of Mono
16 Lake by erasing the land bridge to Negit Island and by
17 erasing most of the white alkali ring around the lake. It
18 will restore many of the natural wetlands that formerly
19 harbored ducks and geese by the hundreds of thousands.

20 It will assure good nesting conditions on Negit
21 Island for California gulls. It will assure the health of
22 the alkali fly and the brine shrimp which are adversely
23 affected by too saline water, and will cause a significant
24 decrease in the amount of airborne particulates off the
25 currently exposed lakebed.

00193

1 Once again, we urge you to mandate a minimum lake
2 level of 6390 feet which would comply with the Fish and Game
3 Code, the Public Trust Doctrine and the Clean Air Act.

4 MR. DEL PIERO: Thank you very much.

5 Bradley Alan Taylor.

6 MS. TAYLOR: How are you doing?

7 MR. DEL PIERO: Good.

8 MS. TAYLOR: My name is Bradley Alan Taylor and I have
9 been a resident of Mono Basin since 1986.

10 That first summer I lived in a cabin about 115 feet
11 off Lee Vining Creek and every night when I went to bed I
12 could hear the creek as it rolled and tumbled on its way to
13 Mono Lake. Every morning when I woke up I could hear it,
14 and any time during the day when I was at work, I could stop
15 and listen to it.

16 And one night in August, actually one morning in
17 August, I woke up and I couldn't hear anything. And I went
18 down to the creek and it was dry.

19 And I mentioned it to my boss at work because I
20 didn't really understand what was going on. He said, well,
21 they shut it off, and it struck me at the time as almost
22 criminal.

23 I used to go down every night after work and watch
24 the birds flying up and down the corridor between the aspens
25 catching bugs.

00194

1 Without the water there weren't bugs and birds.

2 It bothered me in the weeks when people were finding
3 the trout and trying to save them, and the Mono Lake
4 Committee and the Department of Water and Power were
5 fighting back and forth in the paper about what was going
6 on. All they were doing and what their job was, was to
7 maintain the status quo and the status quo for 40 years has
8 been no water down Lee Vining Creek.

9 To me, it seemed a fairly arrogant statement because
10 for the last 700,000 years at least, the status quo has been
11 water or ice, or something made of water flowing down out of
12 the Sierras into Mono Lake.

13 Things have changed. We have the court injunctions
14 and we have got water back in the creeks, and I own a home
15 on the creek and it doesn't have a diversion dam that flows
16 towards Los Angeles, and I can still lie in my bed and hear
17 the water rolling and tumbling on its way to Mono Lake. I
18 can smell Mono Lake drifting in my window at night when I am
19 sleeping.

20 And I do not believe that a bunch of yahoos in Los
21 Angeles has the right to come up here and ruin a treasure
22 simply because they have a piece of paper that tells them
23 that they can.

24 I just returned last night from a fire down in Santa
25 Ynez Valley, and while I was there I met a man telling me

00195

1 about the Santa Ynez River and Cachuma Reservoir, which
2 since Santa Barbara has dammed it, has only overflowed
3 twice, and that's since 1954. And both times that it did
4 overflow it still had trout that ran up it.

5 They are willing to come back if you give them a
6 chance. It appears that this planet has an immense capacity
7 to rejuvenate itself. We have seen it in the Mono Basin, in
8 the streams, and you gentlemen are being given a chance to
9 allow that to continue to happen, and you are being given a

10 chance that most of us rarely get, which is a second chance,
11 a chance to right a wrong, and I would urge you to adopt a
12 lake level of 6417 to allow Mono Lake to return to its
13 former self, and from that point, we can talk about water
14 going south.

15 Thank you.

16 MR. DEL PIERO: Thank you very much.
17 Dan Beets.

18 Is Mark Davis here?

19 MR. DAVIS: I have seen Mono Lake from almost every
20 high point around the basin and I think that --

21 MR. DEL PIERO: I need your name in the record.

22 MR. DAVIS: My name is Mark Davis. I am an eight-
23 year resident of the Sierras. I spend a lot of time in Mono
24 Basin and in the Sierras, in the white mountains and in the
25 general area around here, and Mono Basin is a very beautiful

00196

1 site from up on high. I think this is a view somewhat like
2 maybe God looks at this.

3 And I would appreciate it if you could broaden your
4 perspective on it.

5 It is not merely a matter of water, it is a matter of
6 the whole area. It is a beautiful area, and this is a very
7 integral part of it, and I actually hadn't put down what I
8 wanted to say, but I am glad I got to speak.

9 I don't think that anybody who has ever seen the lake
10 from various perspectives and has spent a little time there
11 would not make a sacrifice to keep it alive.

12 Thank you very much.

13 MR. DEL PIERO: Thank you very much.

14 Gary Lake. Welcome, Mr. Lake.

15 MR. LAKE: My name is Gary Lake. I am a resident of
16 Inyo County. I came to this area in 1943. My parents
17 divorced and I was raised by my grandparents, and it was the
18 best of all possible worlds that they lived in Bishop in the
19 winter and Mammoth in the summer.

20 About 1951, I wandered off into the Navy and I did
21 college and marriage, and more college and kids and more
22 college. Most of this, by the way, was in Los Angeles Basin
23 where I had lived before I came to Bishop in '43.

24 In 1965, I moved back to the Owens Valley to get out
25 of Los Angeles and raise my family in beauty and clean air.

00197

1 It seems ironical that I moved 300 miles away and Los
2 Angeles is still here fouling my air.

3 I have a question for you: if it is true that the
4 pollution coming off Owens and Mono Lakes is worse than that
5 of the Los Angeles Basin, should I be thinking about moving
6 back to Los Angeles?

7 MR. DEL PIERO: I am from Monterey. You don't want
8 to ask me that question.

9 MR. LAKE: Anyway, it's all very depressing. It
10 seems pretty obvious to me that the more water in Mono Lake
11 the less air pollution locally, so I support the Mono Lake
12 Committee and their figure of 6390, and please give some
13 consideration to putting some water back in Owens Lake.

14 Thank you.

15 MR. DEL PIERO: Thank you.

16 Tim Hanson.

17 MR. HANSON: Good evening and thank you for coming.

18 My name is Tim Hanson. I live on the north shore of
19 Mono Lake and I wasn't going to come tonight, but I had some
20 things that I don't think have been brought out.

21 I think things have really changed in the last 20 or
22 30 years. I can remember going to hearings where people
23 thanked you very much and then you left, and now you are
24 coming to us and not putting much of a limit on the time or
25 anything. I really appreciate it, especially coming here

00198

1 tonight, so people who have to work during the day can come
2 to this. That means a lot to me.

3 One thing that struck me sitting here tonight
4 listening to all these people speak is how lucky I am since
5 I live right on the shore of the lake.

6 You probably got to hear some of my relatives. I
7 think they were here today.

8 My grandfather started pumping water out of the lake
9 in the twenties and we were lucky enough to live there year
10 round.

11 But what I would really like to talk about is I am in
12 the process of probably purchasing the shrimp operation that
13 is on the northwest side of the lake, and maybe there are
14 people that don't know this exists, but it is a small
15 industry.

16 MR. DEL PIERO: For fish food?

17 MR. HANSON: Yes. It's been going on since the early
18 sixties, and I hope I am not ruining anyone's evening
19 talking about an industry here.

20 But like the gentleman over there was saying, we have
21 got a pretty narrow economy here and if I owned a motel, I
22 wouldn't care, but there has to be other ways for people to
23 earn a living.

24 I am alarmed that the Fish and Wildlife people are
25 contemplating listing the brine shrimp as an endangered

00199

1 species. I would hate for that to happen. The shrimp plant
2 employs a small number of people for part of the year, but I
3 think it is a very clean industry. It is something besides
4 tourism that goes on without damaging Mono Lake.

5 Like I said, it went on for about 30 years.

6 And if the outstanding resource water thing would not
7 take away access and use of Mono Lake, I would be for that,
8 too, and I think like other people said, it's really time to
9 settle this once and for all and quit beating around the
10 bush and wasting taxpayers' money, and thank you again.

11 MR. DEL PIERO: Thank you.

12 Robert Jellison. Good evening.

13 MR. JELLISON: My name is Robert Jellison. I am a
14 resident of Bishop, California, and I have spent the last 12
15 years conducting research at Mono Lake.

16 I am going to make just one or two points with
17 respect to you guys. I am impressed by your endurance.

18 I was pleased and surprised, and pleased to see that
19 not only the people in this room but Californians in general
20 attach a high value to preservation of Mono Lake.

21 As documented in the EIR the average California
22 household is willing to pay about \$90 a year to keep the
23 level of the lake at 6390.

24 Well, my own personal willingness to pay would be
25 much higher than that. This amount greatly exceeds the

00200

1 economic benefits from water exports.

2 In fact, the net economic benefits of the export is
3 less than the time of day per household.

4 Even if the general public didn't currently place a
5 high value on the preservation of Mono Lake, there's a
6 number of other arguments in favor of higher lake levels
7 which could be put forward by informed persons.

8 However, these are unnecessary as it is clear that
9 the public is neither so ignorant nor impoverished that the
10 value of a small economic gain from water exports is more
11 than the Mono Basin ecosystem.

12 It would be unfortunate if our Water Board places
13 less value on the Mono Basin than the public at large.

14 I ask, like the courts, for an honest balancing
15 between economic and public trust values. I feel the 6390
16 alternative as put forth in the Mono Basin EIR achieves
17 that.

18 This alternative allows Los Angeles to continue to
19 export around 33,000 acre-feet per year while restoring many
20 of those recreational and ecological resources in the basin.

21 I urge you to adopt this alternative.

22 Thank you.

23 MR. DEL PIERO: Thank you very much.

24 Augie Hess.

25 MR. HESS: To the Water Resources Control Board,

00201

1 ladies and gentlemen, my name is Augie Hess of Lee Vining,
2 California.

3 I would like to voice a few words to acquaint you
4 with my personal feelings with regard to the outcome of
5 restoring our beautiful Mono Lake.

6 I am a life-long resident of Mono Basin. I was born
7 almost 79 years ago.

8 Having lived my childhood years on the shores of Mono
9 Lake and attended the first school on its shores, the only
10 time I have been away from it was when I had to go away to
11 school for a few years, and when I was in the service from

12 1941 to 1945.

13 The rest of my life has been in the town of Lee
14 Vining. I married and raised my family there, owned and
15 operated two service stations and a garage.

16 So, over the years I have had the opportunity to know
17 Mono Lake. I used to hunt on the shores at the various
18 springs that used to dot the shores. I swam in the lake,
19 had many a happy day boating its entire surface with no
20 thought of danger due to exposed tufa formations.

21 I recall when the water was up to the edge of the old
22 road, the old wagon road many many years ago. It was on the
23 west shore of the lake there.

24 I also remember when the surrounding area of the lake
25 was mostly beautiful green mountain meadows and ranches,

00202

1 which has already returned to sagebrush since the Los
2 Angeles DWP came and took out all the water by the viaduct
3 and sent it some 300 miles south to Los Angeles for their
4 use.

5 I recall standing on the bank above the lower Lee
6 Vining Creek in town and listening to the roar of the water
7 running down to the lake. What a beautiful sound that was.

8 In the last 40 years we have had to watch the lake
9 slowly recede to almost extinction leaving wide ugly banks
10 of white scale and eliminating all the previous points where
11 we could launch a boat, eliminating the numerous natural
12 springs down there and less growth of willows and grasses.

13 Fortunately, the lake area that remains is still
14 unique and beautiful. I know that some of this change was
15 due to some years of drought, a natural thing that no one
16 has control over, but we do have control over the issue of
17 how much water is allowed to be taken from the streams that
18 feed the lake, and how much water will be allowed to remain
19 here to help restore it to some similarity to what it once
20 was.

21 My wife, who has been a resident of Lee Vining for 48
22 years, joins me in all of my feelings on wanting the lake
23 restored as close to its original level as is feasible, and
24 hopefully, keep it at that level for all to admire and
25 enjoy.

00203

1 Thank you.

2 MR. DEL PIERO: Thank you, Mr. Hess.
3 Scott Hetzler.

4 MR. HETZLER: My name is Scott Hetzler. I live in
5 Bishop, California, and I am just here to say that I hope
6 that you raise the level of the lake back to prediversion
7 times. I think the lake would appreciate it.

8 Thank you.

9 MR. DEL PIERO: Thank you.

10 Jim Purnk.

11 MR. PURNK: My name is Jim Purnk.

12 I would like to start with a quote saying sensitivity
13 to life is the highest product of education.

14 I would like to see the lake levels rise back to at
15 least 6390, not because it might improve tourism dollars to
16 Lee Vining, and not because of any improved aesthetic value
17 of the lake, not only because it may reduce airborne
18 pollution, but I think we should do it because we have a
19 moral obligation and more sound reasons to do so. It is not
20 only what we do, but what we do not for which we are
21 accountable.

22 Thank you.

23 MR. DEL PIERO: Susan Mehrhof.

24 MS. MEHRHOF: Thank you. My name is Susan Mehrhof.
25 Tonight I am speaking for myself and my husband. We

00204

1 have lived in the Eastern Sierra for 18 years. We are
2 property owners and we have a small business that we have
3 operated for that 18 years.

4 In speaking about Mono Lake and just the Eastern
5 Sierra in general, its beauty and vast open spaces are, in
6 our opinion, without parallel in this country.

7 Mono Lake, totally unique in itself, makes up this
8 incredible beauty. The lake is not only beautiful to look
9 at from a distance, but it is very unusual in terms of its
10 ecosystem.

11 The experience of walking out on the boardwalk from
12 the park watching with fascination the flies and shrimp,

13 teaming with the gulls as well as the myriad of other birds
14 flying all around, cannot be defined by dollars and cents.

15 And I might add that I am a parent volunteer at the
16 school, and I go along on the field trips, go to Mono Lake,
17 and it's just incredible to watch the children look at those
18 flies that don't like human beings. It's something unusual
19 to them.

20 MR. DEL PIERO: Do they ever eat the people?

21 MS. MEHRHOF: They do that, too.

22 And I might add all of us, someone earlier mentioned
23 about scars. We have all had places, either hometown or
24 home place that we have grown up in, or vacation places that
25 we have spent wonderful times as a child, and we think now

00205

1 and know they are not there anymore.

2 A place for me that was like that was the Feather
3 River Canyon, now Lake Oroville. Much of that water, I
4 understand, goes to Los Angeles, and I just hope that Mono
5 Lake won't become the same bad story.

6 Anyway, I wanted to continue, and I would like to
7 ask you to maintain the levels of the lake that the Mono
8 Lake Committee has requested, the 6390 feet, and also, to
9 designate it as an outstanding national resource water.

10 I just want to say that we need Mono Lake. We don't
11 need more sprawling high-rise development. Los Angeles
12 exists on the desert. Every geographical area in this
13 country has its limits with respect to growth.

14 We can't make weather in New England warmer, we can't
15 keep the snow from falling in the Great Lakes. Southern
16 California cannot get bigger than the resources available to
17 sustain its population.

18 Southern California has attracted people from all
19 over the nation because of falsely created Utopia. The
20 weather is warm, the water is cheap, conservation has been
21 virtually non-existent. Build, build, build. We will worry
22 about where to get the water after we have created the
23 demand.

24 Unfortunately, that takes place in more than just Los
25 Angeles, but I am keeping it to Mono Lake.

00206

1 There has been a debt incurred and it is time to work
2 together so our state is not sacrificed. Southern
3 California must not become a cancer that destroys the rest
4 of the state.

5 Tourism is vital to our state and to the Eastern
6 Sierra. Mono Lake, as everyone has said here, is important
7 to the healthy Eastern Sierra and to a healthy California.

8 I can't imagine Mono Lake as a dead lake.

9 Every time my husband I go by Owens Lake we think, is
10 this what they really want for Mono Lake?

11 How can a city be so insensitive? Cities, now more
12 than ever, need the Mono Lake of our land. Please, let's
13 end this ongoing battle now and permanently preserve Mono
14 Lake.

15 Thank you.

16 MR. DEL PIERO: Thank you very much.

17 Jeff Cook.

18 MR. COOK: My name is Jeff Cook. I would just like
19 to say what Mono Lake means to me. I have lived in Bishop
20 on and off for about 12 years and I have had the privilege
21 of experiencing the lake up close many times.

22 I have walked the shore of the lake and paddled a
23 canoe in it, and swam in it, and anyone who has experienced
24 Mono Lake knows it is richer with life than any other
25 habitat one can think of.

00207

1 I recommend to anyone who hasn't yet, to actually get
2 into the lake bodily on a Sunday when the brine shrimp are
3 in full bloom. The fast red cloud of living animals that
4 surround you in the clear water make for an experience like
5 no other; and the shrimp and the algae they feed on and the
6 alkali fly and the osprey and the owls that I have seen
7 nesting in the offshore tufas and the many species of
8 waterfowl that return every year in unbelievable numbers all
9 depend on the lake being left at a high water level.

10 Of course, it's almost a cliché to say Mono Lake only
11 looks lifeless from a distance, but you have to get close to
12 appreciate its natural value.

13 I also want to say we need to keep a healthy lake at

14 its present size or larger because of the impressive
15 spectacle it presents at a distance. There aren't too many
16 sites as thrilling as a view of Mono Lake coming south over
17 Conway Summit, an experience felt by thousands of people
18 everyday.

19 Another experience I recommend very highly is viewing
20 Mono Lake from the top of Mount Bealy in Yosemite Park. It
21 is a very easy walk up from Tioga Pass. From that vantage
22 point, the lake is an incredible turquoise jewel, seemingly
23 a living presence in its rocky setting.

24 I believe this quality of grandeur would be
25 diminished if the lake was deprived of the streamflows that

00208

1 keep it impressively large.

2 I think everyone who has experienced Mono Lake deeply
3 should do what they can to keep it healthy, and I urge the
4 members of the Water Resources Control Board with all your
5 power and responsibility to actually spend time with the
6 lake to fully appreciate its unique worth, and I was glad to
7 see that several of you have spent time there, and I would
8 like to hear your personal impressions sometime.

9 Thank you.

10 MR. DEL PIERO: Thank you.

11 Richard Lovett. Good evening.

12 MR. LOVETT: My name is Richard Lovett. I have a BT
13 in Natural Resource Economics. I work with Joe Sachs, who
14 you probably know, but I am not here in that capacity.

15 I might not have read your 2200 pages, but actually
16 nowadays I am from Portland, Oregon, and I am just passing
17 through and discovering Mono Lake today for the first real
18 time. And I just wanted to come to you and express an out-
19 of-state tourist point of view.

20 I am also a travel writer and I came down here to do
21 an article on boating with Mono Lake as a side bar. Halfway
22 through today, I decided to do an article on Mono Lake with
23 boating as the side bar. And that's what brought me here.

24 Anyway, let's see, Mono Lake was the side bar. I'm
25 sorry, it promoted itself.

00209

1 What I was going to start to say, I am probably the
2 only one in the room who has been swimming it today, and it
3 is truly unique experience, and if anyone has any contact
4 with the Department of Parks and Recreation, a shower
5 somewhere in the vicinity would be really nice.

6 This area, as I was discovering today, is well known
7 to Europeans. It seems like every language I heard down
8 there was German, but the people were from Switzerland or
9 Austria, or whatever.

10 I don't think it is as well known in the United
11 States outside that. I know the first time I came through
12 here 15 years ago, I said, oh, wow, what's that, and I
13 headed for Yosemite. But I think it is becoming discovered.

14 And part of what's going to go with it is the thought
15 of what kind of an emotional impact goes with the story of
16 the place because it clearly has a story, the story of the
17 diminishing water level, and this is Californian's
18 opportunity to make a statement on that symbol that will be
19 seen by everybody who comes through here.

20 Mono Lake will be a symbol about how California
21 handles conflicts between water use and environmental and
22 aesthetics, and I just hope that you have wisdom in deciding
23 on that.

24 I have no idea what numbers. I have been hearing
25 6390, but I would have to be down to the lake and see where

00210

1 that is to have any kind of desaking impact on it. I
2 gather 6417 is the historic prediversion level, and I just
3 want to say that I think that it will be felt by everybody
4 who comes through here and how long they linger will depend
5 in part on whether it is a happy story or a sad one.

6 MR. DEL PIERO: Thank you.

7 Michael Dillon. Good evening.

8 MR. DILLON: Good evening. I also would like to
9 thank the Board for your perseverance and endurance in this
10 hearing.

11 My name is Michael Dillon and I am an emergency
12 physician in the Eastern Sierra, Vice President of the group
13 that staffs emergency rooms from Crescent City to Yreka to
14 Lone Pine to Mariposa and Sonoma.

15 And being in that administrative position, I have
16 driven up and down the Eastern Sierra many times. I do it
17 many times a year to teach classes and do administrative
18 work.

19 And I have become familiar with the Sierra.

20 Unfortunately, I don't get to go to Mono Lake as many people
21 here have spoken about, but whenever I get a chance to go
22 out there I really do appreciate the beauty and magnificence
23 that everybody here has attested to.

24 I want to make a couple of points that are outside
25 the letter that the Dillon family delivered to you. They

00211

1 come from my earlier experience. My father was born of
2 Irish immigrants in Antioch, British Columbia, which is
3 actually north on the coast of the most southerly portion of
4 Alaska, and in those days, Antioch was one of the largest
5 copper smelters, the largest in the British Empire. There
6 was a little fork up there where that smelter was, and in
7 the fork where that smelter was, there is still no life.

8 In the next fork over, called Alice Arm, it is one of
9 the greatest fishing places in the world.

10 My father was an outdoorsman. He actually supported
11 the family during the depression by products of hunting and
12 fishing, and as children we used to, myself and ten brothers
13 and sisters, go to Yellowstone and all of the parks in the
14 West in the United States, and fish were abundant.

15 And it is kind of hard coming from that background to
16 get into the feeling that there are limitations of resources
17 and you have to do less fishing and stop going hunting, and
18 start thinking about preserving water and resources, and I
19 think a lot of people in the United States share that
20 background.

21 It is difficult when the ocean used to be used as an
22 example of an infinite mass to realize that we can actually
23 count the whales that are left and that when we throw
24 garbage out on our shore it ends up in Japan, and vice
25 versa.

00212

1 And we are coming to that same kind of conflict here.
2 We are looking at the needs of Los Angeles versus the needs
3 of people who might come up here and enjoy this scenic area,
4 and it is difficult for many people to appreciate the fact
5 that they need to adjust their outlook on the world and
6 start reserving some of the beauty around them because
7 otherwise, there won't be any at all.

8 One of the things that has been bandied about in this
9 hearing and will continue to be bandied about until your
10 decision is made, is what is the price of preserving Mono
11 Lake?

12 The Department of Water and Power would have one
13 believe that it's up in the hundreds of millions of dollars
14 to preserve Mono Lake. But about 25 years ago I was at the
15 Bancroft Library in Berkeley and I found this old map of
16 California and noticed there was this old map with Tulare
17 lake. What is that? Where are those? How many lakes do we
18 have in California that we can drain dry, and what would be
19 the price to restore Tulare Lake or Owens Lake?

20 The current Owens Lake litigation projects clearly
21 rule out any possibility of restoring Owens Lake to what it
22 used to be and yet, if we had those resources, those two
23 lakes today, just imagine what kind of economic resource and
24 recreational resources they would offer California. The
25 value of the property lines, the value of the real estate

00213

1 around them, the value of recreation on it, resource for
2 fishing and everything else, that is the price of destroying
3 Mono Lake so that water can be supplied to Los Angeles for
4 short-term needs for a short amount of time, and that price
5 is priceless.

6 And I guess that's the major point I want to make.

7 MR. DEL PIERO: Thank you.

8 Mike Kaiserski. Good evening.

9 MR. KAISERSKI: Good evening. My name is Mike
10 Kaiserski. I live in Mono County and have for about 14
11 years, and I can't really add anything to what all these
12 brilliant peers of mine have said so far.

13 MR. DEL PIERO: Do you agree with them?

14 MR. KAISERSKI: Yes, and I hope I am preaching to the
15 choir now, too.

16 MR. DEL PIERO: I can't start singing until after the
 17 first week in December.
 18 MR. KAISERSKI: Whatever. I just wanted to say you
 19 guys have the opportunity to really, you know, educate the
 20 rest of the State and I just encourage you to really, you
 21 know, save the lake and accommodate us by raising the level
 22 and accommodate everybody in the state by putting the level
 23 as high as you possibly can.
 24 Thanks.
 25 MR. DEL PIERO: Thank you very much.

00214

1 Sharon Rose. Good evening.
 2 MS. ROSE: Thank you for being here.
 3 My name is Sharon Rose. I live in Bishop,
 4 California, and I sent you a letter asking that the lake
 5 level be raised to 6390.
 6 I wanted to talk about the extravagant life style in
 7 the United States. We are a fraction of the world
 8 population using most of its resources.
 9 You are charged with the public trust. You have an
 10 opportunity here, I think, to curb the greedy American
 11 appetite for natural resources, or you can allow the DWP to
 12 continue to take and take and take the water as they have in
 13 the past.
 14 But one of the points that I really want to stress is
 15 that the problem is global. We are living in a time when we
 16 face the greenhouse effect, ozone depletion.
 17 I live in the Owens Valley. I am a health educator
 18 and I am currently working on a cancer prevention project,
 19 lung cancer, and it concerns me greatly what has happened at
 20 Owens dry Lake and the high rate of respiratory disease that
 21 we see there.
 22 I really think that the answer to the global problem
 23 is not to divert more streams, not to find more resources,
 24 not to deplete more underground aquifers. The only real
 25 answer is to use less.

00215

1 Now, Southern California sits on an ocean and I think
 2 that the alternative of desalination must always be
 3 considered when we are talking about water for Southern
 4 California.
 5 DWP's pattern in the past in the Owens Valley where I
 6 live has been to dry up streams, dry up wetlands and dry up
 7 lakebeds.
 8 Now this has resulted in the destruction of the
 9 ecosystem habitat for rare plants, birds and animals and
 10 insects. And typically historically what's happened after
 11 DWP destroys the habitat, they throw water in a hole and
 12 call it mitigation.
 13 And for me, this mitigation idea has really -- it's
 14 resulted in coming around to a conclusion of thinking that
 15 this is a false promise. As someone else here stated and so
 16 many people have, that after the death of an ecosystem we
 17 can't always bring it back to life.
 18 I brought this water bottle. This is my picture of
 19 mitigation and this is how I think of it. We try to throw
 20 water in a hole where a thriving and alive ecosystem has
 21 been. It doesn't always work.
 22 I wanted to make the point that I don't think there
 23 can be a mitigation for the lung cancer that results in
 24 more alkalinity being released into our air from the
 25 alkaline shoreline, and I don't think there will be a

00216

1 mitigation for the death of birds, and brine shrimp won't
 2 live in a lake that's too salty from being deprived of its
 3 feeder streams, and they won't live in a water hole where
 4 DWP throws water in.
 5 I'm asking you to please preserve this unique natural
 6 resource and please use your leadership to lead us into the
 7 kind of future that you want your children to inherit.
 8 Thank you.
 9 MR. DEL PIERO: Thank you very much.
 10 Sir, please come up.
 11 MR. HA: My name is Stan Ha and I have lived in
 12 Southern Inyo County by Ellens Lake for about 25 years.
 13 I would like to thank you for your incredible
 14 patience and humor through a long session. If you could
 15 bottle that up and sell it, you could make a fortune.
 16 MR. DEL PIERO: Thank you.

17 MR. HA: The reason I am here, I was up in the
 18 Alabama Hills yesterday watching a big alkali dust storm
 19 build up on the Owens Lake. I have also been at Lone Pine
 20 and Independence when you were lucky to see a couple of
 21 blocks because of the dust in town.
 22 I have often wondered what the tourists think if they
 23 come from 3,000 miles away and drive up the Owens Valley and
 24 see that, and that's all they see.
 25 But anyway, that leads me to two observations.

00217

1 One is that just a second ago in geologic time there
 2 were steamboats crossing the Owens Lake and there were
 3 clouds of ducks blotting out the sun instead of clouds of
 4 dust blotting out the sun.
 5 And the other observation is that if there is any
 6 inclination at all on this Board not to raise the level of
 7 Mono Lake, I hope they have a meeting in Lone Pine during a
 8 dust storm and breathe some of that good PM-10.
 9 And also, just one other observation, I think it is
 10 safe to say there is not a lot of love lost in the Owens
 11 Valley for the Los Angeles Department of Water and Power,
 12 and I don't believe that it is necessary to compromise with
 13 a thief and a bully.
 14 I don't think 6390 is high enough. That lake should
 15 be raised up to 6417 where it was, and if there is any water
 16 left over, please send it south and put it in the Owens
 17 Lake. I don't know whether it could even ever be refilled,
 18 but we could at least give it a shot.
 19 Thank you.
 20 MR. DEL PIERO: Thank you very much.
 21 Ladies and gentlemen, unless I am really mistaken,
 22 this is the end of it. It has been a sincere pleasure on
 23 behalf of the staff and also myself to participate in the
 24 policy hearing phase with you today, both this afternoon and
 25 this evening.

00218

1 You know, local governmental officials have deep
 2 appreciation for the sense of community that manifests
 3 itself among the various cities and towns and villages
 4 around the State of California.
 5 The only thing that is perhaps more emotionally
 6 moving than the division of Mono Lake this side of the
 7 Sierra, I think, is the solidarity of this community in
 8 terms of its opinion about the necessity to preserve the
 9 resource.
 10 I appreciate very much your time and effort to come
 11 here this evening.
 12 Thank you. This hearing is closed.
 13 (The Policy Statement Hearing was closed.)
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00219

1 REPORTER'S CERTIFICATE
 2 --oOo--
 3 This is to certify that I, ALICE BOOK, a Certified
 4 Shorthand Reporter, was present during the Public Hearing of
 5 the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF
 6 WATER
 7 RIGHTS, STATE OF CALIFORNIA, held in Los Angeles,
 8 California, on October 4, 1993; Mammoth Lakes, California,
 9 on October 5, 1993; that as such I recorded in stenographic
 10 writing the proceedings held in the matter of Amendment of
 11 City of Los Angeles' Water Rights Licensee for
 12 Diversion of Water from Streams that are Tributary
 13 to Mono Lake; that I thereafter caused my said
 14 stenographic writing to be transcribed into longhand
 15 typewriting and that the preceding Volumes I and II,
 16 constitute said transcription; that the same are true and
 correct transcriptions of my said stenographic writing for

17 the dates and subject matter hereinabove described.
 18 Dated: October 17, 1993
 19
 20 ALICE BOOK
 21
 22
 23
 24
 25

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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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 6 --oOo--
 7
 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
 11
 12 --oOo--
 13
 14 Held in
 15 Visitors' Center Auditorium
 16 Mammoth Ranger District
 17 Mammoth Lakes, California
 18
 19 --oOo--
 20
 21 Tuesday, October 5, 1993
 22 3:00 p.m.
 23
 24 VOLUME II
 25

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1 APPEARANCES
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 4
 5 Board Member:
 6 MARC DEL PIERO
 7
 8
 9 Staff:
 10 DAN FRINK, Counsel
 11 JAMES CANADY, Environmental Specialist
 12 STEVE HERRERA, Environmental Specialist
 13 RICHARD SATKOWSKI, Engineer
 14 HUGH SMITH, Engineer
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