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01 PUBLIC HEARING
02 STATE WATER RESOURCES CONTROL BOARD
03 DIVISION OF WATER RIGHTS
04 STATE OF CALIFORNIA

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08 SUBJECT: AMENDMENT OF CITY OF LOS ANGELES' WATER RIGHT
09 LICENSES FOR DIVERSION OF WATER FROM STREAMS THAT ARE
10 TRIBUTARY TO MONO LAKE

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14 Held in
15 Resources Building
16 Sacramento, California
17 Friday, October 22, 1993

18

19 VOLUME V
20 Policy Statements

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22 ---o0o---

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24 Reported by: Kelsey Davenport Anglin, RPR,
24 CM, CSR No. 8553

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01 SACRAMENTO, CALIFORNIA
02 FRIDAY, OCTOBER 22, 1993, 2:00 P.M.

03 ---o0o---

04 HEARING OFFICER del PIERO: Ladies and Gentlemen,
05 this hearing will come to order.

06 Good afternoon, this is the last of three sessions
07 scheduled by the State Water Resources Control Board
08 for receiving policy statements from individuals and
09 organizations interested in the issues related to water
10 diversions in the Mono Lake Basin.

11 My name is Marc del Piero. I'm the vice-chair of
12 the State Water Resources Control Board, and I'll be
13 acting in the capacity as Hearing Officer for this as
14 well as the next 16 or so days of evidentiary hearings
15 that will be continued next week.

16 Sitting with me to my immediate left today is my
17 old and dear friend and colleague Mr. John Brown, who's
18 also a member of the State Board and who will be
19 participating with me today in this policy hearing.
20 Additionally with me today are three extremely
21 qualified individuals from the State Water Resources
22 Control Board Staff who have been assisting me and the
23 other Board members throughout this process and will
24 continue until this hearing is concluded.

25 To my immediate left -- pardon me, my immediate
0007

01 right is Mr. Dan Frink who's acting as the Staff
02 counsel for this matter. Additionally, Mr. Steve
03 Herrera, Mr. Herrera, and Mr. Jim Canaday, Mr. Canaday,
04 who are our Staff environmental specialists that have
05 been working on the Mono Lake issue for many years are
06 also assisting the Board.

07 The State Water Resources Control Board has been
08 charged with the task of amending the City of Los
09 Angeles' water rights in the Mono Basin to include
10 terms and conditions necessary to protect fishery
11 resources in affected streams. The State Water Board
12 has also been charged with the task of considering the
13 effects of water diversions on public trust resources
14 in the Mono Basin and protecting those public trust
15 resources where feasible. This second task involves
16 the difficult job of balancing the public interests
17 served by the City of Los Angeles' water diversions
18 against the effects which those diversions have on
19 public trust resources.

20 Considerable information regarding the background
21 to this proceeding, the issues to be considered by the
22 State Board, and the Board's hearing procedures was
23 provided in the June 30th, 1993, Hearing Notice and
24 also the supplement to that Notice dated September 2nd,
25 1993. As explained in those Notices, the normal
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01 evidentiary hearings that began on October 20th will
02 continue on here in Sacramento, and they are ongoing
03 now. They began on Wednesday and will begin again next
04 Wednesday. The testimony and the evidentiary
05 submissions for that evidentiary hearing were required
06 to be submitted prior to September 22nd of 1993.

07 By contrast, Ladies and Gentlemen, the hearing
08 that is taking place today and this evening in this
09 room is to provide an opportunity for the presentation
10 of non-evidentiary policy statements by the general
11 public and by organizations interested in Mono Lake.

12 The presentation of policy statements are subject
13 to the following conditions. One, policy statements
14 will not be presented under oath. Two, persons making
15 policy statements are not subject to cross-examination,
16 although I may allow, in my discretion as Hearing
17 Officer, questions of the speakers for the purposes of
18 clarifying their positions. Three, policy statements
19 may be used to present the views and the position of
20 the speaker but may not be considered as factual
21 evidence before the Board. And four, any applause that
22 takes place in this room during the course of the
23 afternoon has to be reserved for the Hearing Officer.

24 (Laughter.)

25 HEARING OFFICER del PIERO: The Board is scheduled
0009

01 to receive policy statements today between two and five
02 this afternoon. We will break for dinner, and we will

03 return again at seven o'clock in the evening and go
04 until I have exhausted all of you.
05 Today's session and the other policy statements
06 that were conducted have been provided obviously as an
07 opportunity for the general public to participate in
08 this. Let me emphasize again, however, that this
09 session is not for the presentation of technical
10 evidence but simply for the presentation of policy
11 statements.

12 In order to allow as many people the opportunity
13 to speak as possible, I've asked the parties to limit
14 their comments today to five minutes per person or per
15 organization if there's a group. If you wish to speak
16 and you have not done so already, please fill out one
17 of these blue cards that you will find in the tables at
18 the back of the room. And when you fill those out,
19 either Mr. Herrera or Mr. Canaday will arrange to have
20 them brought up here during the course of the
21 afternoon, so when I call your name, if you'd be kind
22 enough to present yourself here to the podium, the
23 microphone is on.

24 I forgot to point out a very important bit of
25 information and introduce someone who's very important.
0010

01 As I pointed out to all the attorneys who were
02 presenting evidence here, the additional Staff person
03 who is helping us out on this hearing throughout its
04 entirety is Mrs. Kelsey Anglin. She's our Court
05 Reporter, and as I pointed out to the attorneys during
06 the evidentiary hearing, if you don't speak clearly and
07 she doesn't get it on the record, you didn't say it.
08 So when you come up and present your testimony, if
09 you'd be kind enough to identify yourself on the record
10 and spell your name slowly so that she can make sure
11 that's properly recorded in the record, we will have a
12 complete and adequate reflection of your thoughts and
13 observations during this hearing.

14 A transcript of this proceeding is being prepared
15 for the Board's review. Anyone who wishes a copy of
16 the transcript from this session or any of the other
17 sessions that are being conducted by this Board can
18 make arrangements with Mrs. Anglin after the hearing
19 today to purchase a copy of the transcript.

20 Mr. Frink, do we have any Staff comments today?

21 MR. FRINK: I don't believe so.

22 HEARING OFFICER del PIERO: Mr. Canaday?

23 MR. CANADAY: No.

24 HEARING OFFICER del PIERO: Okay. Thank you very
25 much.

0011

01 Ladies and Gentlemen, as I indicated, when I call
02 your name, if you'd be kind enough to present yourself
03 at the podium, and we will begin this process. First
04 person I'd like to call is Mr. Ross Sargent, my good
05 friend and chief of staff for Senator Pat Johnston.

06 Good afternoon, Sir.

07 MR. SARGENT: Good afternoon, Mr. del Piero, my
08 name is Ross Sargent, R-O-S-S, S-A-R-G-E-N-T.

09 Senator Johnston had intended to be personally
10 present today to deliver these remarks but,
11 unfortunately, he had to be elsewhere this afternoon.
12 So on his behalf, I would like to read his remarks into
13 the record. Jeffrey Parker, who you will hear from in
14 just a little while, a sixth grader, asked me why the
15 big guys get to go first, and rather than say protocol,
16 I wanted to really tell him that I would rather go
17 before him than after him because I'm sure that his
18 remarks will be more telling. And, quite frankly, it's
19 really wonderful to see Jeffrey's generation, who are
20 what this is really all about, making such remarks.

21 These are Senator Johnson's comments.

22 Mr. Chairman and Members, two years ago, I had the
23 privilege of representing Mono County. Today, I no
24 longer represent that area. Political boundaries
25 change, sometimes abruptly without logic or reason,
0012

01 but as Mary Austin reminds us in her book "The Land Of
02 Little Rain," in the arid west, the land sets the
03 boundaries, not the law.

04 This is a lesson we have not learned well. So we
05 now search to establish boundaries and limits in law
06 that complement nature's scheme.

07 The elevation of Mono Lake should be such a
08 model. The level set by law or regulation should
09 mirror what nature tells us is wise and proper. In
10 short, our public policy should match, not contradict,
11 nature's laws.

12 Mono Lake's water was diverted by the Department
13 of Water and Power. The diversion was legal. It was
14 stolen fair and square, but it was not wise.

15 You now have the unique and historic opportunity
16 to correct this mistake for the future health of the
17 lake, the future health of the air in the Owens Valley,
18 the future health of the fish and wildlife in the Mono
19 Basin, and the future enjoyment of this irreplaceable
20 national resource for our children and grandchildren.

21 When one stands and looks at Mono Lake, one is in
22 awe, but we have not been humbled by it. Instead,
23 history reflects that we have been determined to have
24 it both ways. We have tried to divert Mono Lake's life
25 source, while at the same time trying to keep its
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01 environs protected, but we can't have it both ways. We
02 never could. We never will.

03 There are times in the shaping of public policy
04 when compromise is not the order of the day, when one
05 must simply choose one side or the other, when one must
06 decide what is the right thing to do.

07 I would urge you to do what our Indian brothers
08 would tell us to do. Give the lake back its water.
09 The Indians, the Shoshones and the Paiutes, referred to
10 water as Pah. So we see such names as Paiutes,

11 Tonopah, Pahrump. Mono Lake should have its Pah
12 restored for all time. Set the elevation of Mono Lake
13 at 6390.

14 Thank you very much.

15 HEARING OFFICER del PIERO: Thank you very much,
16 Sir.

17 The next speaker will be Michael Kenny, general
18 counsel, California Air Resources Board. Welcome,
19 Mr. Kenny.

20 MR. KENNY: Good afternoon. Thank you,
21 Mr. del Piero, Mr. Brown, members of the Staff.

22 For the record, my name is Michael Kenny,
23 K-E-N-N-Y, and I am the chief counsel for the
24 California Air Resources Board. I appreciate the
25 opportunity to testify here today on the importance
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01 your action holds for the air quality in the Mono air
02 basin.

03 As I'm sure you know, Mono Basin was recently
04 cited by the federal government for violating the
05 National Ambient Air Quality Standard for particulate
06 matter also known as PM-10. As a result, a state
07 implementation plan must be prepared to demonstrate
08 attainment within the Basin by the earliest practicable
09 date. Studies indicate that exceedences of the federal
10 standard in the Mono Lake area are due to fugitive dust
11 emissions. The emissions are primarily from the shores
12 of Mono Lake which have been exposed to the air by
13 diversions of the water from the lake's tributaries.

14 What you ultimately decide to do about the level
15 of Mono Lake will have a critical impact on Mono
16 Basin's PM-10 problem. We understand that a host of
17 environmental concerns must be accommodated in your
18 decision; air and water quality, fish flows, endangered
19 species, and scenic values among them. And I commend
20 your Staff for their efforts in addressing this very
21 complex set of issues.

22 The ARB's position is driven, as it must be, by
23 air quality concerns. However, we believe that our
24 position is compatible with many of the other
25 environmental issues you must address. We support
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01 maintaining the level of Mono Lake at 6390 feet or
02 higher. This level will enable Mono Basin to attain
03 the federal ambient air quality standard for PM-10.
04 Additionally, this level is consistent with the revised
05 U.S. Forest Service lake level requirements and is very
06 close to the level which would result from adopting the
07 Department of Fish and Game's recommendations regarding
08 stream flows.

09 We agree with the Great Basin United -- we agree
10 with the Great Basin Unified Air Pollution Control
11 District that there is no other effective method for
12 controlling PM-10 that simultaneously complies with the
13 U.S. Forest Service's plan to protect the scenic
14 values.

15 Also, the environmental impact report confirms
16 that air quality impacts below the 6390 foot
17 alternative cannot be readily mitigated and may, in
18 fact, be unmitigatable.

19 Let me emphasize that our recommendation on the
20 appropriate lake level is modest. We do not know
21 whether 6390 feet will be sufficient to meet
22 California's own more protected PM-10 standards.
23 However, given the many concerns that you and your
24 Staff have to balance, we believe that level is a
25 reasonable compromise. We can support 6390 feet, and
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01 we will evaluate our progress toward the state standard
02 once it has been established.

03 That concludes my testimony this afternoon.
04 Mr. Andrew Ranzziery from our technical staff will
05 actually present testimony at later point when
06 evidentiary information is accepted by this Board, and
07 he will provide the modeling analysis that will justify
08 the 6390 foot elevation.

09 Thank you for your attention and for the
10 opportunity to express the position of the Air
11 Resources Board, the staff, and the chairwoman.

12 Thank you.

13 HEARING OFFICER del PIERO: Thank you very much.
14 James Wickser.

15 HEARING OFFICER del PIERO: Good afternoon, Sir.

16 MR. WICKSER: Good afternoon. Thank you,
17 Vice-Chair del Piero, members of the Board. For the
18 record, my name is James F. Wickser, that's
19 W-I-C-K-S-E-R. I'm the assistant general manager of
20 water for the Los Angeles Department of Water and
21 Power. I'm appearing on behalf of the Department of
22 Water and Power of the City of Los Angeles.

23 The Department of Water and Power appreciates the
24 opportunity to appear before this Board, to make its
25 policy statement in connection with its critical water
0017

01 rights issue. Like all parties appearing in this
02 proceeding, L.A. DWP is committed to maintaining Mono
03 Lake as a healthy and productive ecosystem. However,
04 water diversions by L.A. DWP from the Mono Basin are an
05 important source of high-quality water for the people
06 of Los Angeles.

07 Additionally, along its route to Los Angeles,
08 water from the Mono Basin provides important beneficial
09 uses including recreational opportunities in rivers and
10 lakes and production of clean hydroelectric energy.
11 Therefore, L.A. DWP advocates management of the Mono
12 Lake in a manner that will preserve the health and
13 productivity of the lake while permitting the maximum
14 beneficial use of diverted water. Any other decision
15 would diminish the most reasonable and beneficial uses
16 of Mono Basin water.

17 The L.A. DWP should not be criticized for
18 proposing to manage Mono Lake in a manner which

19 optimizes water resources from this area. I and the
20 L.A. DWP must hold to our obligations to provide for
21 the water needs of the residents of Los Angeles, a high
22 priority.

23 Further, I do not believe anyone in this
24 proceeding wants to return Mono Basin to its natural
25 condition or even its 1941 condition. Instead, each
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01 party proposes to manage the lake or some aspect of the
02 stream flows to maximize that environmental use of the
03 streams or lake which they deem to be most important.
04 However, none of the parties in this proceeding will be
05 impacted by the increased monetary costs or diminished
06 supply reliability associated with the Water Board's
07 decision. Only L.A. DWP and the rate payers of Los
08 Angeles will directly bear the financial consequence of
09 any reductions in Mono Basin exports.

10 Notwithstanding the efforts underway by MWD of
11 Southern California and others for water policy reform
12 to create more flexible water management systems, it is
13 my belief that the interim five- to ten-year period
14 following any reduction in Mono Basin exports of those
15 supplies will have to be replaced with increased
16 pumping from the delta. Therefore, L.A. can only
17 support those operational criteria which result in
18 preservation, not optimization, of environmental uses
19 of the lake and its tributaries.

20 Over the last 14 years, research at Mono Lake has
21 resulted in substantial data on the relationship
22 between lake level and the healthy ecosystem. Those
23 data established that at lake levels above the historic
24 low of 6372 feet above sea level, the lake is healthy
25 and productive. Based on these data, L.A. DWP has
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01 developed a management plan which would, except in very
02 infrequent dry and wet periods, maintain Mono Lake at
03 lake elevations between 6375 and 6379 feet above sea
04 level. Management of Mono Lake at these levels will
05 preserve all environmental uses of the lake without
06 needless reduction of L.A. diversion from the Basin.

07 L.A.'s management plan would also establish
08 minimum flows and tributary streams to reestablish and
09 maintain in good conditions the pre-diversion fishery.
10 In Rush Creek, flows would average between 32 and 106
11 cubic feet per second and in Levining Creek would
12 average 16 to 75 cubic feet per second. There would be
13 no diversions from Walker or Parker Creek, thus
14 allowing those two creeks to openly return to their
15 pre-diversion condition.

16 I have copies in the back of the room of the
17 department's proposed management plan for anyone
18 interested in having a copy. I ask that this be
19 received as part of my policy statement. I will bring
20 those forward at the end of my statement, if I may.

21 As you know, all use of the water in California
22 including public trust uses are subject to Article 10,

23 Section 2 of the California Constitution which provides
24 the general welfare requires that the water resources
25 of the state to be put to beneficial use to the fullest
0020

01 extent to which they are capable. L.A. DWP is opposed
02 to the establishment of a target lake level higher than
03 that required to maintain a healthy lake ecosystem
04 because establishment of a higher lake level would be
05 contrary to this fundamental principle of California
06 law and the Court's order to balance the Mono Basin and
07 the needs of the City of Los Angeles.

08 In closing, let me reflect on the history of this
09 controversy. Just as the changes in the societal
10 values have forced changes to the law and regulations
11 of the state which ultimately brought about these
12 proceedings, L.A. DWP's philosophy regarding its place
13 in the societal system has also changed. It is this
14 change of philosophy which resulted in our board taking
15 on a policy statement regarding the unique nature of
16 the Mono Lake and accepting our responsibility to
17 preserve it. We have spent nearly \$10 million to study
18 over the last 14 years to develop the information
19 necessary to make an informed decision, realizing that
20 we will ultimately come before an adjudicatory or Board
21 for final resolution in this controversy.

22 All we ask of this Board is that the due
23 consideration be given to the scientific information
24 gathered over the last 14 years. The Water Board's
25 consideration of these remarks is appreciated. Thank
0021

01 you very much for the opportunity to appear.

02 HEARING OFFICER del PIERO: Thank you very much.
03 Thank you, sir.

04 Jerry Merrill? Good afternoon.

05 MR. MERRILL: Mr. del Piero, members of Board. I
06 appreciate your giving me the opportunity to testify
07 today. This is an issue with which I and my
08 organization have had a long history. I'm Jerry
09 Merrill. I'm the executive director of the Planning
10 and Conservation League, a coalition group of 150
11 different conservation groups from around the state
12 many of whom have a strong interest in the Mono Lake
13 problem.

14 By way of history, when I was deputy director of
15 the California Department of Water Resources, I
16 supervised the work done under the resources agency on
17 producing the so-called governor's task force report in
18 1979. It was our Department of Water Resources
19 planning staff that provided a great deal of background
20 information that made that report quite successful.

21 This issue has obviously since then gone on a long
22 time. That was 13, 14 years ago. It's almost hard to
23 imagine, and now the Board has produced a truly epic
24 work, the EIR on the Mono Lake Basin which I think
25 personally, having reviewed a great many Water Board
0022

01 documents over the years, is one of the best jobs your
02 Staff has ever done and one of the most comprehensive
03 compilations of material you could ask for. Obviously,
04 you're going to have a set of administrative hearings,
05 and you will listen carefully to the public. But we
06 would urge you to act quickly once you have had those
07 hearing and made your decision based on the evidence
08 and, of course, on the work your Staff has done.

09 We regret that our support for the funding that
10 would have, we thought, provided through the
11 legislature an alternative source of water to the
12 Department of Water and Power has not yet been used.
13 The Isenberg bill for which we presented Mr. Isenberg
14 our legislator of the year award a few years ago really
15 has not been successful because DWP has not availed
16 itself the money even though progressive districts in
17 the south coast areas such as West Basin and other
18 districts have gone ahead with very substantial waste
19 water reclamation and water conservation programs.

20 I think you should take into account in your
21 decision the availability of funding from that source
22 and other sources that is available to DWP to mitigate
23 any effects your decision may have. Certainly, we are
24 very pleased with the Governor's statement that he
25 supports, through Secretary Strock, a level of 6390 at
0023

01 the lake. This is definitely one of the Governor's
02 best achievements in the water area during his term,
03 and we congratulate him on it.

04 Just in closing -- and we certainly support a
05 level at least that high or higher.

06 Just in closing, we have been actively involved in
07 this issue for a long time through the legislature and
08 the administrative process, and we recognize the
09 historic significance of the problem. And, in fact,
10 our organization has chosen to make an annual award to
11 a conservation group around the state with sustained
12 credibility in performance. We call that award the
13 David Gaines award in memory of the founder of the Mono
14 Lake Committee.

15 You're faced with an incredibly important
16 decision, one in which I think the credibility of the
17 Board, the Board's process and really the state's water
18 rights and water quality processes are at stake. The
19 stakes are very high, and I have confidence that the
20 Board will perform outstandingly and you will find a
21 way through the documents you have produced to save
22 Mono Lake. Thank you.

23 HEARING OFFICER del PIERO: Thank you very much.

24 Cynthia Praul? I hope that's correct.

25 Cynthia Praul? Good afternoon.

0024

01 MS. PRAUL: Good afternoon. Thank you. I only
02 want to say to all of you sitting here that your
03 patience is very much appreciated.

04 I am appearing here on my own behalf although I am

05 the assistant director of the California Energy
06 Commission, and my work has been in air quality and
07 energy. I've been staff to that agency for 20 years.

08 MEMBER OF THE AUDIENCE: Talk louder.

09 MS. PRAUL: I understand that it's a tremendous
10 difficult situation before you. I'm going to stick to
11 five minutes if I can.

12 Again, I want to say that I'm here as a citizen of
13 the State of California and a member of the world
14 community that's intrigued by Mono Lake. Indeed, it's
15 a strange and magical place. I put that in the context
16 of being a staff person to a regulatory agency for many
17 years, and I recognize how hard your Staff has worked
18 and how difficult the problems before you are.

19 I want to first say that there's been tremendous
20 progress, and we appreciate what has been done by the
21 courts, by the legislature, and by the administration,
22 particularly Strock, Cal EPA. We support, I support
23 personally a 6380 level of the lake. You have clear
24 guidance, but you need the foresight to carry through
25 appropriately. It's difficult because there will be
0025

01 many interests which will fight in your forum, and as
02 regulators you must decide.

03 I'd like to leave you with the message as a human
04 being of not only a person who loves the Mono Basin,
05 but one who has property there. I have a seasonal
06 creek. It's not subject to regulation, and it's not
07 subject to diversion. But this year for the first time
08 ever I heard it rushing through my property, and that
09 meant a lot to me. And it went right to the lake, and
10 there are other creeks that we need to insure continue
11 to go in that direction: Parker, Walker, Rush, and
12 Levining.

13 You as people have to understand how important
14 this resource is to us as people who live there and as
15 to the culture and the community of the state and the
16 country. With this, I ask you to provide a buffer
17 beyond 6380 because only Mother Nature gives us the
18 flood years, and she also brings us the drought years.
19 We need to have as much as we can in terms of the water
20 flowing to the lake. Thank you.

21 HEARING OFFICER del PIERO: Thank you very much.

22 Mr. Jeffrey Parker? Mr. Herrera, can you assist
23 Mr. Parker here?

24 MR. HERRERA: Certainly.

25 HEARING OFFICER del PIERO: Good afternoon,
0026

01 Mr. Parker.

02 MR. PARKER: Afternoon. My name is spelled
03 J-E-F-F-R-E-Y. My last name Parker is spelled
04 P-A-R-K-E-R.

05 Marc, have you ever been to Mono Lake?

06 HEARING OFFICER del PIERO: I've been to Mono Lake
07 a couple of times, Jeff.

08 MR. PARKER: Have you noticed its beauty?

09 HEARING OFFICER del PIERO: Several times.
10 MR. PARKER: Well, when L.A. takes it, they're
11 taking the beauty away from it, only it's not -- they
12 can't see it.
13 Mono Lake needs the fresh water. There's only one
14 other place like it in the world, and if you destroy
15 this, well, that's only going to leave one place left
16 in the world. And that's in Africa. L.A., go get your
17 own water. I mean, who'd ever think of living in a
18 desert? Why should we give them the water from one of
19 the rarest places in the world? It's -- it's one of
20 the -- I've been to lots of lakes, but I've never been
21 to one like this.
22 When I was seven, I picked up a rock that should
23 have weighed 20 pounds but only weighed five pounds.
24 That was tufa. It's made out of pure salt water and
25 minerals. Yeah. There's different types of tufa, and
0027
01 there's lava rock which floats as well. But tufa --
02 this is a picture of tufa. Yeah, it may look like
03 ordinary rock. Here. You can see at this time, too.
04 MR. HERRERA: He doesn't need my help.
05 HEARING OFFICER del PIERO: You're right, Steve,
06 sit down.
07 MR. PARKER: I mean, just going there is a really
08 special place to me, and there's birds who depend on it
09 because that's where they lay their eggs. That's where
10 they go south for winter, but when the water's getting
11 taken away, when the -- and the eggs hatch, coyotes
12 just walk right over and eat the little birds. Now,
13 imagine if you were one of those little birds, and you
14 saw this big old coyote coming at you. What this water
15 used to do was protect them. They could feel safe
16 there. Now L.A.'s taking the water. The birds aren't
17 safe anymore.
18 Brine shrimp, they're dying because they're taking
19 the water away. I mean, sure, people in L.A. may just
20 think, "Oh, gee, it's a stupid lake. There's more
21 lakes in the world." Well, maybe, but there's none
22 like this. Mark Twain wrote a book about it because he
23 thought it was so beautiful. Now, this is a really
24 famous person. It's not some person out of the blue.
25 Yeah, sure, maybe I'm just a kid, but I do have my
0028
01 say in this. That's all.
02 (Applause.)
03 HEARING OFFICER del PIERO: Thank you very much,
04 Mr. Parker.
05 Mr. Parker, now you know why Mr. Sargant wanted to
06 go first.
07 Richard Atwater. Good afternoon, Sir.
08 MR. ATWATER: Thank you. Good afternoon. My name
09 is Richard Atwater. I'm the general manager of the
10 West Basin Municipal Water District and Central Basin
11 Municipal Water District located in Los Angeles County,
12 and we're two member agencies of the Metropolitan Water

13 District.

14 Back in October of 1990, I was with, at that time,
15 Senator Pete Wilson at the Los Angeles plant talking
16 about water reclamation in Southern California. We
17 talked about when I was at the Department of Interior
18 in the Reagan administration, he was a Senator in
19 Washington, and we worked together in the initial
20 legislation related to Mono Lake and also the issues
21 related to the resources management in California. And
22 at that time, I commented to him, I had just left the
23 Metropolitan Water District and that our two districts
24 would do everything we could to go forward and develop
25 new reliable water supplies in Southern California.

0029

01 Over the last three years, we worked very closely
02 with the City of Los Angeles, and we have under
03 construction the largest water recycling project in
04 California. And frankly, it's the largest one in the
05 United States when ultimately completed at the turn of
06 the century. We -- and yesterday we had a press
07 conference with the Department of the Interior
08 Commissioner, Bureau of Reclamation, Dan Beard, when
09 they made a down payment of \$5 million for our
10 commitment under the legislation last year, HR 429, for
11 \$50 million. And I'll leave the press packet for the
12 Board members to take a look at.

13 But we are committed to making sure that in
14 Southern California we do have reliable economical
15 water for industry and provide jobs for those people in
16 our service area. And we clearly want to work closely
17 with the City of Los Angeles because we all are very
18 interconnected, and we work together. We do have a
19 contract with the City of Los Angeles to sell them
20 25,000 acre-feet, and we have a reciprocal arrangement
21 where they will provide us the water from the high
22 premium plant to reduce waste water discharges to Santa
23 Monica Bay by 25 percent.

24 And I think over the next five years we can
25 achieve that if we do all work together, and my

0030

01 commitment to you is, and I state this emphatically
02 with the statement of Secretary Strock and the
03 Governor, I'm extremely pleased to say that the state
04 is going forward with its commitments related to the
05 legislation in 1989, AB 444. I think it's important
06 that both the state and the federal government work
07 together on these types of water solutions, and my
08 perspective at our two districts, we are committed at
09 the local level to paying our fair share and to work
10 together to solve these types of problems. Thank you.

11 HEARING OFFICER del PIERO: Thank you very much,
12 Sir.

13 Steven Evans?

14 MR. EVANS: Good afternoon. My name is Steven
15 Evans. I'm conservation director of Friends of the
16 River, and it's a shame we're indoors on this fine fall

17 afternoon. But I appreciate the opportunity to make a
18 policy statement today.

19 Friends of the River is the largest river
20 conservation organization in the west with more than
21 10,000 members dedicated to the preservation,
22 protection, and restoration of free-flowing rivers,
23 streams, and watersheds. In pursuit of these goals, we
24 have been an active participant in Water Board
25 proceedings in the past and currently as well.

0031

01 Our interest in Mono Lake is associated with its
02 tributary streams. Prior to the massive diversion of
03 water from these streams by the L.A. Department of
04 Water and Power, the streams feeding into Mono Lake
05 provided the lake's life blood, abundant fresh water
06 which maintained its level and ecological integrity.
07 L.A. DWP's diversions largely dewatered the lake's
08 feeder streams in violation of state law and has
09 brought ecologic havoc on the lake and its natural
10 balance.

11 Fortunately, the diversions have been reduced by
12 court order, and the Mono watershed now has an
13 opportunity to recover its once former glory as one of
14 North America's premier wild areas. Confirmation of
15 the unique nature of Mono Lake's tributary streams can
16 be found in the U.S. Forest Service's national wild and
17 scenic river assessment study. A wild and scenic
18 assessment conducted by the Inyo National Forest has
19 determined that portions of Levining creek, Mill Creek,
20 Walker Creek, and Parker Creek possess outstandingly
21 remarkable scenic, recreation, historic, cultural,
22 geologic, and ecologic values in a regional or national
23 context. Therefore, these streams are eligible for
24 national wild and scenic river status, our nation's
25 highest recognition of outstanding rivers.

0032

01 Not surprisingly the Forest Service studies did
02 not find the lower segments of these creeks downstream
03 of the L.A. DWP diversions to be eligible due to a lack
04 of outstanding values associated with the long-term
05 dewatering of the streams. The Forest Service study
06 did acknowledge that the court ordered rewatering of
07 the streams represented a unique opportunity to witness
08 their rebirth and recovery of their former outstanding
09 values.

10 It's clear to everyone except, perhaps, L.A. DWP
11 that these now freely-flowing creeks are essential to
12 maintain an internationally recognized ecological
13 resource, that is Mono Lake.

14 Friends of the River strongly urge the Board to
15 adopt a lake level of 6,390 feet or more to permanently
16 protect and help restore Mono Lake's public trust
17 resources, as well as the public trust values of the
18 feeder streams. In addition, we urged the Board to
19 designate Mono Lake and its tributaries as an
20 outstanding national resource water and to set maximum

21 salinity standards to protect the lake ecosystem.
22 These important measures will not only protect the
23 public trust values inherent in Mono Lake and its
24 tributary streams, they will also protect regional
25 water quality and enhance local tourism and the

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01 economy. It's important to note that L.A. DWP has
02 alternatives to Mono Basins diversions including water
03 reclamation and conservation. There is currently as
04 much as \$100 million in state and federal funds
05 available to develop these alternatives, are resources
06 yet untapped by L.A. DWP.

07 It's safe to say that the eyes of California are
08 on you today as you consider this important action.
09 The future of one of the most unique wild areas in the
10 world rests in your capable hands. Thank you.

11 HEARING OFFICER del PIERO: Thank you very much,
12 Sir.

13 Deborah Elliott? Good afternoon.

14 MS. ELLIOTT-FISK: Thank you. My name is Deborah
15 Elliott-Fisk, E-L-L-I-O-T-T, hyphen, F-I-S-K.

16 HEARING OFFICER del PIERO: Forgive me.

17 MS. ELLIOTT-FISK: That's fine. I am a professor
18 of geography at University California Davis and also
19 director of the university wide natural reserve
20 system.

21 We have two important ecological reserves very
22 close to Mono Lake. I have worked in the region for 12
23 years on the theme of environmental change through
24 time, and I strongly believe that Mono Lake should
25 today be at a higher level than it currently is.

0034

01 I support the 6390 foot level or above based on
02 our research, both on aquatic ecosystems and
03 terrestrial upland ecosystems along the lake shore. I
04 am also the science team leader of a new \$7 million
05 Forest Service funded project on the Sierra Nevada
06 ecosystem where we will be looking at the entire
07 mountain range including Mono Basin and the Owens
08 Valley and trying to come up with some ways to manage
09 these ecosystems and maintain their health through
10 time. Mono Lake will be a focus of part of our team's
11 effort.

12 I ask you to please bring the lake to a higher
13 level and, again, our research supports 6390 or above.
14 Thank you.

15 HEARING OFFICER del PIERO: Thank you very much.

16 Next will be Dan Evans, and then following
17 Mr. Evans, Bern, I believe it's Kreissman. I hope
18 that's right. Kreissman or Kreissman.

19 Welcome, Mr. Evans.

20 MR. EVANS: Good afternoon. My name is Dan Evans,
21 E-V-A-N-S. I'm the director of the Point Reyes Bird
22 Observatory, and I'd like to bring to the Board a
23 broader perspective of this issue.

24 Point Reyes Bird Observatory has been studying

25 birds throughout the western region for over 25 years
0035

01 now, specifically in the Mono Lake Basin, we have been
02 studying birds for 15 years, including the threatened
03 snowy plover, California gull, and many species of
04 shore birds.

05 Mono Lake specifically represents a very specific
06 and unique resource here in California. It's the
07 largest lake within the State of California. It's one
08 of the most productive lakes anywhere in the world, and
09 it supports an incredible diversity of wildlife. One
10 of the largest -- one of the larger issues that we were
11 facing in the entire U.S., if not in the world, is the
12 depletion of wetland resources. We have seen
13 throughout the west major declines in all of our
14 wetland resources. California specifically has lost 90
15 to 95 percent of all of its wetlands. Associated with
16 this decline of wetland resources, many species of
17 wildlife have suffered. The huge loss of water fowl
18 and shore birds that once passed over this great state
19 have diminished greatly.

20 We can see in California this fate in what is now
21 a dry alkali salt flat associated with what was once
22 Owens Lake. Another tragic example is Tulare Lake, one
23 of the largest wetland areas west of the Mississippi
24 which supported millions of birds of a wide variety of
25 species. There today we find a few small pools of
0036

01 contaminated water in what was once a great natural
02 resource.

03 I ask the Board to consider the broader public
04 trust of the wetlands resources across the nation when
05 a decision is made regarding the Mono Lake water
06 levels. This is a much broader issue beyond the shores
07 merely of Mono Lake, and we must look at the broader
08 trends of what has transpired in California with the
09 greater loss of all our wetlands. Mono Lake is a
10 unique jewel. It is a unique refuge, and vital
11 resource to many species of wildlife, and I hope this
12 will be considered in the decision by the State Water
13 Board. Thank you very much.

14 HEARING OFFICER del PIERO: Thank you very much.

15 Bern -- I believe it's Kreissman, Kreissman, and
16 then Mr. Timothy, I believe it's Duane after that.

17 Good afternoon.

18 MR. KREISSMAN: Good afternoon. My name is Bern
19 Kreissman, B-E-R-N, K-R-E-I-S-S-M-A-N. I'm chair of
20 the Motherlode Chapter of the Sierra Club, and I speak
21 not only for the 20,000 members of the Motherlode
22 Chapter, but also for the 200,000 or so California
23 members of the club.

24 But since Mono Lake has become a symbol of the
25 public trust doctrine in California, it has become a
0037

01 national issue and, therefore, I am taking the liberty,
02 as I know I might, to speak for all of the half million

03 members of the club. I know you're going to hear from
04 the club directly, nationally, so this is just a brief
05 statement.

06 It is brief because Steve Evans has robbed me of
07 most of the details of my speech, so I shall eliminate
08 four minutes and give you one minute in return.

09 We ask that the minimum lake level be maintained
10 above the 6390 feet. We know that with conservation
11 and water reclamation, Los Angeles can manage and will
12 not suffer as a result of such a decision.

13 We ask secondly that the Board urge that Mono Lake
14 be designated as an outstanding natural resource of
15 water. I know that thousands of the visitors must
16 share my personal sense of spiritual awe and wonder
17 when I visit the lake, and I realize as they do, too,
18 as they need your support since such wonders -- such
19 wonderful areas of the world must receive that kind of
20 attention and that kind of protection.

21 Thank you very much.

22 HEARING OFFICER del PIERO: Thank you, Sir.

23 Timothy Duane? And then following Mr. Duane,
24 Catherine Toft, I believe.

25 Good afternoon, Sir.

0038

01 MR. DUANE: Good afternoon. My name is Tim Duane,
02 D-U-A-N-E. I'm assistant professor of the University
03 of California at Berkeley where I teach graduate
04 courses in water and power systems planning and
05 environmental policy. I'm here speaking as an
06 individual, however.

07 I'd like to just make a few comments about the
08 public trust idea and some of the phrases we have heard
09 so far today and try to set this decision, this very
10 specific decision in context.

11 First, this idea of the public trust as originated
12 in 1983 I think is incorrect. It's an ancient doctrine
13 that has been re-established in California law since
14 1983 in this case, but really it is reflecting a broad
15 shift in societal values over time that have redefined
16 what is both reasonable and beneficial about the use of
17 water.

18 And the terms used by the representative of Los
19 Angeles here today were that reasonable and beneficial
20 uses effectively reflected those ideas that were
21 established under 19th century law rather than 20th
22 century values, and I think that what we're seeing here
23 is that this 19th century set of institutions is now
24 having to try to grapple with late 20th century
25 values. And you have an opportunity to define how that

0039

01 institutional framework can either adapt or fail that
02 20th century society and move us into the 21st century.
03 And I speak about that as a researcher who has spent a
04 great deal of time looking at the eastern Sierra as
05 well as the entire Sierra Nevada and a shift that has
06 occurred, from an historic reliance economically upon

07 extracting commodities and shipping them to
08 marketplaces where they have value, to an emerging one
09 where resources have value in place. People are moving
10 to the Sierra. The economy is increasing dependent
11 upon recreation and tourism and the reliance upon
12 resources in place for their amenity values.

13 I'm jointly appointed at the White Mountain
14 Research Station in Bishop, California, where I'm
15 researching this issue in the eastern Sierra in greater
16 detail as part of a project that Debbie Elliott-Fisk
17 referred to earlier. The details of that may come out
18 later in evidentiary hearings, but the principle is
19 strong, that economic dependence is tied to maintaining
20 the value of the lake and its resources.

21 Finally, I would suggest that the shift in society
22 reflects not just a change in economic value but a
23 recognition that much broader values are important in
24 making public policy decisions, and this came forward
25 for me best in the title of an article published in the
0040

01 early 1970s called And How Much For Your Grandmother,
02 which asked the question of whether or not people would
03 be forced to move from their British homes that they
04 had inherited from four or five hundred years of
05 inhabitation in exchange for the market value that road
06 engineers had placed on those homes in order to put a
07 new motorway through. And they would knock on the
08 doors, and they would come to the people and say, "Your
09 home is now going to be taken over by eminent domain,
10 and we've decided it's worth 100 pounds." They
11 resisted that idea because there were other values that
12 were non-economic that were fundamentally important to
13 them.

14 I think you're facing that kind of choice in
15 thinking about the public trust in Mono Lake, that
16 there are certain things that we're not willing to give
17 up at any price and there are feasible economic
18 alternatives to Los Angeles given the various
19 institutions that the state and federal government have
20 implemented over the last two years.

21 So I urge you to follow the model that really has
22 occurred in the case of energy and power systems where
23 substitution of improved efficiency and reduced demand
24 can make it economically feasible to reduce the need to
25 extract resources and to meet the broader set of values
0041

01 that we as a society have decided are important.

02 Thank you.

03 HEARING OFFICER del PIERO: Thank you very much.

04 Catherine Toft, and then following Ms. Toft,

05 David, I believe it's Wimpsheimer.

06 Good afternoon.

07 MS. TOFT: I thank the Board for the opportunity
08 to appear. My name is Catherine Toft, T-O-F-T. I'm a
09 professor of ecology at the University of California
10 Davis, and I've been working and doing research in the

11 Mono Basin since 1979 on the north shore sampling
12 ecosystems there.

13 Based on my experience in the Basin, I'd like to
14 recommend a minimum lake level of at least 6390, and I
15 would also like to recommend the possibility to the
16 Board of a management lake level of 6400 feet to allow
17 for drought sequences such as have occurred very
18 recently, for example between 1987 and 1992. And I'll
19 be submitting more detailed written testimony on some
20 of our evidence for that.

21 Just to highlight the evidence that I'm basing my
22 recommendation on to the Board. I'm convinced by the
23 work of other scientists as well as our own work that
24 6390 feet minimum elevation in the lake is necessary to
25 maintain the lake's productivity, not only to support
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01 its unique aquatic ecosystem, but as you've already
02 just heard, to support Mono Lake's value as a migration
03 staging area along the specific flyway, and I won't
04 repeat any of the remarks on that.

05 Our research has also confirmed the recommendation
06 of the Great Basin Unified Air Pollution or Control
07 District and the State Air Quality Board that
08 mitigation of PM-10 would occur at minimum lake level
09 of 6390. Our research also has shown that there are
10 adverse effects on upland vegetation above 6410 feet
11 which was more or less the limit of the EIR analysis.
12 Our studies have shown adverse effects on terrestrial
13 vegetation as high as 6430, and within the Mono Basin
14 scenic area of the Forest Service, when the lake drops
15 below elevation of 6381 feet.

16 Finally, I'll end on a philosophical statement as
17 an ecologist. I'd like to urge more emphasis on water
18 reclamation and conservation under, for example, AB 444
19 before more water is diverted from the Mono Basin.
20 I'd urge the Board to try, and I'm sure you are doing
21 this, to find a sustainable way to use our very
22 valuable resources in the state including water, of
23 course, while maintaining the integrity of the state's
24 ecosystems because the state -- the health of the
25 state's population and our economy depends on a healthy
0043

01 state of the ecological environment and the ecosystems
02 in the state.

03 So that's all I have for the Board today. Thank
04 you.

05 HEARING OFFICER del PIERO: Thank you very much.

06 Mr. Windhimer, and then while he's approaching the
07 podium, I'm in receipt of two pieces of correspondence,
08 one from Chris Harget in Berkeley, California, and one
09 from Christopher Adams from Berkeley, California. Two
10 pieces of correspondence. They were unable to be here
11 today, and I'll ask that they be incorporated into the
12 record.

13 Good afternoon.

14 MR. WIMPSHEIMER: Thank you. My name is David

15 Wimpsheimer, that's W-I-M-P-S-H-E-I-M-E-R. I'm a
16 biologist and naturalist. I've studied birds in a
17 variety of environments and places around the world and
18 have helped thousands of people discover and appreciate
19 the natural world.

20 My work and interests have taken me to many parts
21 of California, other states, and other countries. From
22 this perspective, I can compare Mono Lake to other
23 areas. There are other inland seas that harbor endemic
24 species found nowhere else in the world, and there are
25 other wetlands that form vital staging grounds for

0044

01 thousands, even millions, of birds, but few of these
02 places lie in such a dramatic basin as Mono, lying at
03 the edge of one of the world's greatest mountain
04 ranges. Mono Lake is unique, and it's one of the most
05 exceptional places I've ever seen.

06 Not being a native Californian, I may have more of
07 a curiosity about the state's natural areas than those
08 who grew up here. I didn't grow up in a land of
09 superlatives. I'll always remember the first time I
10 saw Mono Lake over a dozen years ago. Under a full
11 moon, I crossed over Sonora Pass and Conway Summit. I
12 paused at the edge of the Basin marveling at the
13 glowing lake below. The glowing forest awakened me the
14 next morning, and I spent the rest of the day exploring
15 the Basin. I had never seen some birds especially in
16 such a magnificent setting. I've been coming back to
17 Mono Lake every year since, feeling the rhythms and
18 patterns of nature. There is no other place that makes
19 me feel more alive.

20 If the City of Los Angeles truly needed the water
21 flowing into Mono Lake, some sacrifices might be
22 warranted. However, it is clear that there is enough
23 water for both people in Los Angeles and places like
24 Mono Lake. The people of the state have spoken through
25 their legislators and funds have been approved for

0045

01 alternative water sources. In California, we don't
02 need to grow such labor-intensive crops as cotton,
03 rice, and alfalfa whose production only profits a few.
04 We need creative solutions to meet our water needs and,
05 more than ever, we need to help the ecosystems in
06 places like Mono Lake.

07 I urge you to choose a lake level of at least 6390
08 feet above sea level. Thank you.

09 HEARING OFFICER del PIERO: Thank you very much.

10 Mr. Angelo Bocchi? While Mr. Bocchi is coming up,
11 I hope that pronunciation is correct, I got a note
12 asking if I would indicate the respective backgrounds
13 of both Mr. Brown and I so that everyone knows, and I
14 ask the indulgence of the audience. After Mr. Bocchi's
15 presentation, I'll go over a little bit about how the
16 State Water Resources Board is organized so everyone
17 understands.

18 Good afternoon, Sir.

19 MR. BOCCHI: Thank you. My name is Angelo Bocchi,
20 B-O-C-C-H-I. I have come here as a layman, not an
21 expert.

22 And I'm from Lodi, and when a fellow from Los
23 Angeles mentioned the delta as an alternative to Mono
24 Lake water, I shuddered. But that's going to be
25 another hearing and more testimony.

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01 I have a simple statement. I believe the time has
02 long since passed that Los Angeles should depend on
03 Owens Valley and Mono Basin water for survival. The
04 party's over. The valley has been so dry and Los
05 Angeles must look elsewhere for any additional water.
06 The time has come to begin a process of restoring the
07 eastern Sierra to what it was 50 years ago. The best
08 start for that process would be not to allow Mono
09 Lake's level to fall below the often-used figure 6,390
10 feet.

11 My wife and I are frequent visitors to the eastern
12 Sierra, and on each visit we visualize what the area
13 must have looked like 50 years ago and then we feel
14 very sad. It's not too late, but your agency must take
15 action now to reverse the process. Please, save Mono
16 Lake. Thank you.

17 HEARING OFFICER del PIERO: Thank you, Sir.

18 The next speaker will be Mr. Norman Eade.

19 Let me just point out for the record. There are
20 five members of the State Water Resources Control
21 Board. The Board was created as a result of the
22 statute passed in the late 1960s called the
23 Porter-Calone Act. Of the five members, the five
24 members are appointed by the governor, they are
25 categorical. One is a registered civil engineer. One is

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01 another engineer. One is a water quality specialist.
02 One is a public member, and one is an attorney.

03 Our current chairman is a gentleman named John
04 Caffrey, who unfortunately was not able to be here
05 today. Mr. Caffrey holds the water quality specialist
06 position on the State Board. He was formerly deputy
07 director of the Department of Water Resources.

08 The public member is a good friend of ours named
09 Mary Jane Forster. Ms. Forster has been an employee of
10 public water agencies in Southern California for an
11 extended period of time and also served on the San
12 Diego Regional Water Quality Control Board.

13 Additionally, one of the two engineers on the
14 board is Mr. James Stubchaer. Mr. Stubchaer served for
15 30 years in the capacity of general manager of the
16 Santa Barbara County Flood Control and Water
17 Conservation District. He served on the California
18 Water Commission. He's also served on the California
19 State Water Contractors Board of Directors, and he has
20 particular expertise in computers and groundwater
21 modeling.

22 Sitting to my immediate left is my old friend John

23 Brown. Mr. Brown is a registered civil engineer in the
24 State of California. He is also a registered
25 agricultural engineer. Mr. Brown was chief engineer
0048

01 for the Irvine Company for 15 years. He has extensive
02 experience in agricultural irrigation systems and
03 groundwater hydrology. He's a graduate of California
04 Agricultural leadership program.

05 And then there's me. I'm the -- I serve in the
06 capacity as the attorney member of the Board. Prior to
07 being appointed to this Board in January of 1992 by the
08 Governor, I served for 11 years on the Monterey County
09 Board of Supervisors. I also served for 11 years on
10 the Monterey County Flood Control and Water
11 Conservation District Board of Directors. I served on
12 the committee by appointment of Leon Panetta that
13 drafted up the operational guidelines for a marine
14 sanctuary known as Monterey Bay Marine Sanctuary. I
15 served on the committee to establish the Elkhorn Slough
16 National Estuary Sanctuary. I wrote most of the local
17 coastal plans for Central California. That's enough
18 about all of us.

19 The next person would be Norman Eade. Mr. Eade?
20 Please come forward. Good afternoon, Sir.

21 MR. EADE: Good afternoon. Thank you very much.
22 My name is Norman Eade, E-A-D-E.

23 Gentlemen, I am in favor of a healthy Mono Lake.
24 I happen to be a physician. If I had a patient in the
25 condition of Mono Lake, my diagnosis would be severe
0049

01 chronic dehydration. I would endeavor to rehydrate my
02 patient as soon as possible. From a medical
03 standpoint, rehydration means restoring water to normal
04 levels.

05 A physician must also ascertain the cause of the
06 severe dehydration. In this case, our patient, Mono
07 Lake, the cause is obvious. A physician must also make
08 certain that this does not happen again to his patient
09 or to anyone else. In California, physicians are
10 required to notify authorities of deliberate abuse. In
11 this case, it appears to me the abuse has been not only
12 deliberate, it has been repeated, and the offenders
13 show absolutely no remorse.

14 I obviously favor a Mono Lake level of more than
15 6,390 feet. The lake should be returned to its former
16 glorious good health. That's all that a physician can
17 do. Furthermore, the abusers should be appropriately
18 punished.

19 I want to thank the Board for having this hearing
20 and to thank all the people and the Governor who
21 support a healthy Mono Lake. Thank you very much.

22 HEARING OFFICER del PIERO: Thank you very much.
23 Doctor, can I ask you a question? Do you have any
24 relatives in Monterey County?

25 MR. EADE: No, I do not.
0050

01 HEARING OFFICER del PIERO: Eade is a very old and
02 very honorable name down in southern Monterey County.

03 MR. EADE: Thank you. I'm not related to them.

04 HEARING OFFICER del PIERO: Milton Ritchie and,
05 following Mr. Ritchie, Mark Palmer.

06 MR. RITCHIE: Thank you, Gentlemen. My name is
07 Milton Ritchie, and I'm a guy who was born and grew up
08 here in California. And my first trip to Mono Lake was
09 sometime in 1945, and I remember it as a breathtaking
10 view. And I have also lived in Southern California
11 desert for 20 years and have then learned to know the
12 situation in the eastern Sierra.

13 I've seen the devastation that has occurred in the
14 eastern Sierra. I have been subjected to many, many
15 salt, dust storms coming out of Owens Lake.

16 I would request that you consider maintaining the
17 level of Owens Lake at 6,390 feet or above.

18 Also, flying -- during a drought year in the mid
19 sixties flying over California from the Bay Area
20 looking at reservoirs in Northern California and then
21 seeing reservoirs full in Southern California while
22 they're empty in Northern California, there's got to be
23 something wrong.

24 Over the years, I've seen water use in -- in Los
25 Angeles. I'd call it profligate use of water there.

0051

01 No sense of conservation at all. So I would certainly
02 recommend that you advocate more conservation in Los
03 Angeles to replace the diversions that they've run at
04 the Mono Lake all these years. Thank you very much.

05 HEARING OFFICER del PIERO: Thank you, Sir.
06 Mark Palmer?

07 MR. PALMER: Thank you, Mr. Chairman, members of
08 the Board. I do have a written statement that I can
09 supply for the record to members of the Board.

10 HEARING OFFICER del PIERO: That's fine,
11 Mr. Palmer. When you're done with your presentation
12 here, will you be good enough to give it to
13 Mr. Herrera?

14 MR. PALMER: Thank you very much. My name is Mark
15 Palmer, P-A-L-M-E-R. I'm the executive director of the
16 Mountain Lion Foundation here in California, in
17 Sacramento, California. We work to preserve mountain
18 lions, other wildlife, and their habitat throughout
19 California and, no, there aren't any mountain lions at
20 Mono Lake. That's not why I'm testifying here today.

21 We're testifying here for the wildlife at Mono
22 Basin, and there's probably a few cats that will be
23 benefitted if we have fresh water there. But really
24 we're talking about the whole ecosystem, and I wanted
25 to stress that throughout my discussion.

0052

01 Certainly, we strongly endorse the level of 6390
02 feet or higher for Mono Lake level. We need a buffer
03 in there in order to protect the wildlife. As you
04 know, there are a number of adverse impacts from the

05 dewatering of the Mono Basin that have occurred on the
06 wildlife there, and I don't need to go into those. You
07 have experts who are talking about those different
08 sorts of impacts, and I sort of list them in summary
09 form in my written testimony.

10 One of the things I really wanted to touch on,
11 Gentlemen, is that often before you, you have these
12 very difficult decisions to make about balancing the
13 environment against the economy or against jobs and
14 things of that sort. In reality, I think this is one
15 those rare situations where, by protecting Mono Lake,
16 you are, in fact, benefitting the economy. The economy
17 both of the Mono County area, which is a rural county.
18 It's got very serious economic problems as do most of
19 the rural counties in California.

20 And you're also, I think, in reality going to
21 benefit the economy of the City of Los Angeles because,
22 indeed, some of the solutions to protecting Mono Lake
23 include such things as energy conservation and water
24 conservation which, in themselves, generate jobs, real
25 jobs.

0053

01 In my home in Davis, I have a little showerhead
02 that I screw in that helps me to cut down the amount of
03 water that I use when I take a shower, and I'm no more
04 smelly or nasty than anyone else after I take those
05 showers. That waterhead was built by somebody.
06 Somebody put that together and put it on the market for
07 me to buy so that I could think about what I was doing
08 when I used water and I could think about how to
09 preserve things. And of course by preserving -- by
10 limiting my water use, I'm also limiting my energy use
11 because that hot water does come out of there. I'm not
12 one of those cold shower types of people.

13 There's a number of simple solutions, I think. In
14 many ways, from an engineering standpoint, they're
15 almost stupidly simple. There's going to be a great
16 public education program that's needed for the City of
17 Los Angeles. Certainly, that's going to be a difficult
18 part of this, but we've seen from the drought and the
19 situation we've had here and through the work of the
20 State Water Resources Control Board as well as the
21 Department of Water Resources and others, we have been
22 able to educate the public to conserve water and to
23 protect our resources during very, very difficult
24 times. And we're hopeful that the same sorts of
25 things -- am I off mike now? Testing -- that the same

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01 sorts of things can be done for the purposes of
02 protecting Mono Lake.

03 So again, you're protecting the environment -- one
04 example is fisheries, fisheries in the Mono Basin.
05 Another example is duck hunting, duck hunting in the
06 Mono Basin. There is no duck hunting that goes on now,
07 but there was. Back in the 1920s, the 1930s, before
08 the water diversions that occurred in the Mono Basin,

09 there was an active industry of shooting ducks within
10 the Mono Basin and, of course, you have bird watching
11 and other sorts of things. By enhancing Mono Lake, I
12 think you can enhance the economy there locally
13 substantially and at the same time protect our wildlife
14 resources. So you can have a win-win situation under
15 these circumstances.

16 Thanks very much for your time. I appreciate the
17 effort you've gone to to hold these hearings, and I
18 look forward to being a part of the efforts to preserve
19 Mono Lake. Be bold. Be brave. We've got a wonderful
20 place out there. I've spent many years going to Mono
21 Lake and enjoying it immensely, and you've got a
22 tremendous job and responsibility. But I think it
23 could be a job and responsibility that will be very
24 effective and something that will live in your hearts
25 as Mono Lake lives in our hearts.

0055

01 Thank you very much.

02 HEARING OFFICER del PIERO: Thank you very much.

03 Kathryn Hannay? I've looked through the cards.

04 You came the longest distance. The only person who
05 drove as far as you was me.

06 MS. HANNAY: K-A-T-H-R-Y-N H-A-N-N-A-Y.

07 Thanks to the vision and the commitment of the
08 late David Gaines and the Mono Lake Committee, we are
09 all well aware of the special qualities that Mono Lake
10 offers our state. The healthy ecosystem of the Mono
11 Lake Basin is important to the watershed in the eastern
12 Sierra. It has been determined that that lake level of
13 6390 feet or higher is necessary to permanently protect
14 and restore Mono Lake's public trust resources. We ask
15 that you support that level.

16 It is apparent that to permanently protect Mono
17 Lake, state and federal funds totaling 50 to \$100
18 million available to the Los Angeles Department of
19 Water and Power to replace Mono Basin water with
20 environmentally sound alternatives should be used
21 immediately.

22 Mono Lake should be designated an outstanding
23 national resources water. This designation will set
24 maximum salinity standards to help protect the lake
25 ecosystem. Many wild areas in California have been

0056

01 lost forever to development and habitat destructions.

02 We have a special opportunity to rebuild the Mono Lake
03 Basin ecosystem and to protect the abundance of
04 wildlife that call the Basin home. Protecting the lake
05 and the Basin is an investment in this state's future
06 for a healthier ecosystem and an increasingly
07 environmentally sensitive economy.

08 Thank you for your time and your consideration of
09 this important issue.

10 HEARING OFFICER del PIERO: Thanks.

11 Winchell Hayward, and following Winchell Hayward
12 is Kirsty Croll.

13 Mr. Hayward?

14 MR. HAYWARD: My name is Winchell Hayward, and I'm
15 representing the Federation of Western Outdoor Clubs
16 which is an organization, an umbrella group of about 40
17 outdoor clubs in the west coast. We have had 60
18 conventions. We established in 1932, and after our
19 last convention we passed a resolution on this
20 situation about Mono Lake.

21 The Federation endorses the lake level of 6,390
22 feet and, of course, we'd like to see it higher if
23 possible. But we have five objectives that we feel
24 that this lake level, if it's achieved, would
25 accomplish.

0057

01 Number One, it would restore stream side wetlands
02 and the lake itself and the habitat for water fowl
03 populations. It would increase the productivity of the
04 brine shrimp and the alkali fly populations which are
05 primary sources for nesting and migratory bird
06 populations. It will restore the integrity of Meggitt
07 Island and the nearby small islands as a nesting
08 sanctuary for most of California's gull population. It
09 will result in optimum flows for Mono Lake's tributary
10 streams, thus maintaining fish populations. It will
11 minimize lung-damaging dust storms and provide better
12 recreational opportunities. And we feel that it's
13 important to address this issue which has been with us
14 for many years before the lake gets to a situation
15 where it's irretrievable.

16 We also recommend that the lake, Mono Lake, be
17 designated as an outstanding national resource of water
18 to insure its -- insure its protection in the future.

19 Now, in my own comments, I would like to add that
20 I don't see why Mono Lake should be sacrificed for the
21 profligate spending of water by the Southern California
22 area. Anybody who's flown over the Los Angeles area
23 will see hundreds of swimming pools in back yards large
24 and small, and I don't like to think that Mono Lake is
25 being sacrificed to keep those pools full.

0058

01 And I realize that you Gentlemen don't have any
02 direct control over water rates in Southern California,
03 but it's pretty obvious that water rates will be a very
04 effective means of conservation if they're
05 implemented.

06 I would simply suggest that in order to raise the
07 lake level up to where it's -- we would like to see it
08 at 6390, if you cut off or reduce, hopefully cut off
09 this water -- this small supply of water to the L.A.
10 area, you'll reduce the supply by whatever proportion,
11 and the L.A. people, I guess Department of Water and
12 Power, can, I'm sure, figure out that they can effect
13 conservations to make up for the loss of that water by
14 simply raising their water rates. So I would simply
15 ask that you simply cut off this small amount of water,
16 small in comparison with the total amount of water that

17 Los Angeles uses, cut off this small amount and let
18 them achieve -- make it up by conservation measures
19 which they can readily do by raising their water rates
20 to their customers in the L.A. area.

21 And that's the extent of my comments. I really
22 hope you'll consider it because it's so important for
23 the protection of this wonderful resource, and I wish
24 now to pass out copies of this resolution to the Board
25 and trust I'm within in my five minutes.

0059

01 HEARING OFFICER del PIERO: You're within your
02 five minutes. Thank you very much, Sir.

03 Ladies and Gentlemen, I don't know about you, but
04 the background noise is driving my crazy. We're going
05 to take a five-minute break and, hopefully, we'll get
06 this thing fixed.

07 (Whereupon a recess was taken.)

08 HEARING OFFICER del PIERO: Ladies and Gentlemen,
09 if you'll be kind enough to take your seats, we'll
10 begin again.

11 Kirsty Croll? And following Ms. Croll, John
12 Crossman.

13 Good afternoon.

14 MS. CROLL: Hi. My name's Kirsty Croll, spelled
15 K-I-R-S-T-Y, Croll, C-R-O-L-L, and as can you guess I'm
16 a British citizen.

17 HEARING OFFICER del PIERO: I would never have
18 guessed that.

19 (Laughter.)

20 MS. CROLL: Today some people think I'm Australian
21 and Dutch, and -- I'm here obviously as a tourist and a
22 temporary resident of your country. I'm a student here
23 at Sac State, and as a student wishing to study here
24 and visit again, I'd like you to please keep Mono at
25 the 6390 level and higher possibly. I'd like to see

0060

01 its beauty and uniqueness not coming from California or
02 America and see its value as an ecosystem and, of
03 course, recreation and the main one, of course, for
04 future generations, for the whole world to see. It's
05 such a unique place.

06 Thanks for your time, and I hope you choose the
07 right decisions.

08 HEARING OFFICER del PIERO: Thank you very much.

09 Mr. Crossman? John Crossman? Mr. Crossman is not
10 here. We'll ask for him later.

11 Tom -- I believe is it Minge? M-I-N-G, I can't
12 make out the letter, E, it looks like. I'm suffering
13 from ill pronunciation, I'm sure.

14 A.B. McNabney, and following Mr. McNabney, Bruce
15 Howard. And you thought you were going to be a long
16 time getting here.

17 MR. McNABNEY: Good afternoon, Mr. del Piero and
18 members of the Board. My name is A.B. McNabney,
19 M-C-N-A-B-N-E-Y. I'm the vice-president of
20 conservation for the Mt. Diablo Audubon Society, and

21 don't get carried away by the term "vice-president"
22 because I'm just an ordinary guy.
23 I've been fussing around with water for a while.
24 I know Barry Nelson in Save The Bay and I know Sunny
25 McPeak in the Committee For Water Policy Consensus.

0061

01 I've been involved in both of those, so I know about
02 that much about water.

03 I've been involved in the Mono Lake controversy
04 ever since it started, so I know a little bit about
05 that, too. And I probably want to talk a little bit
06 about the wider range of the problem that will be right
07 before you because I think it might have some
08 importance to you.

09 First of all, anybody that knows anything about
10 environmental issues knows that our world is in some
11 degree of trouble. There's a dispute as to how great a
12 degree of trouble it's in. Some people say it's very
13 serious. Others say it's not so serious. I'm inclined
14 to think it's fairly serious.

15 And I have a little story that I tell people once
16 in a while to try and illustrate where we are. When I
17 was a kid, my mom used to bake a cake, and she'd take a
18 whole bunch of ingredients, sugar, flour, lard, all
19 that stuff, mix it all up, put it in a pan, put it in
20 the oven and bake it. And we'd have a cake. What
21 we're doing to the world when mom gets ready to bake a
22 cake, somebody comes along and they take a little piece
23 of that ingredient out. That's why the environmental
24 things, and they keep taking also pieces here and
25 there. So when mom gets the cake all mixed up and puts

0062

01 it in the oven, she has something coming out that's not
02 a cake. That's what we're doing to our world.

03 Mono Lake is a very significant element in our
04 environmental arrangement for the whole west. It's
05 been severely damaged. I don't care what anybody says
06 you can adjust it and all that kind of thing, you can
07 bring it back, and I hope we can. I think we will.
08 But it's see essential that it be brought back. If we
09 don't bring it back, if we let it go on the way it's
10 been, there's going to be serious impacts on all sorts
11 of environmental issues over the years.

12 A very noted gentleman from Stanford, whose name
13 you probably all will remember if I can think of it,
14 likens what we're doing to the world and to our
15 situation to putting people out on the branch of a
16 tree, and as we take little humps of the environment
17 out and put them up on this branch, sooner or later the
18 branch is going to break. Nobody knows when. Failure
19 to save Mono Lake may be one of the little things that
20 goes out on that branch and causes it to break.

21 I've watched the work of this Board for a long
22 time, and I have to tell you that ordinarily I don't
23 envy your work one bit because it's a tough job and you
24 get lots of criticism and some is entitled and some

25 isn't. However, today, I'm almost in a situation where
0063

01 I envy you, because I think you have an opportunity to
02 make a statement that we're no longer going to sit by
03 and let our environmental issues go down the drain just
04 because somebody wants to make a buck someplace. I'm
05 not against people making money. That's part of our --
06 a great part of our system. But somehow or other, we
07 have to start paying attention to our environmental
08 issues. You have the responsibility to do it today.
09 Don't fudge it.

10 And thank you for listening to me. I appreciate
11 being here. Thank you.

12 HEARING OFFICER del PIERO: Thank you, Sir, very
13 much.

14 Bruce Howard? Following him, Mimi Burton.

15 MR. HOWARD: Thank you very much for this
16 opportunity. My name is Bruce Howard, H-O-W-A-R-D.

17 The very first time I saw Mono Lake was 67 years
18 ago. And even at that age of six years old, the beauty
19 of this unique body of water was forever etched in my
20 memory. And I can remember walking across the street
21 from the Tioga Inn, across what is now known as 395.
22 It was just a road in those days, but it's at the same
23 level and standing on the edge of the road and throwing
24 rocks in the lake. Now you'd have to have a cannon.

25 So lasting was this impression, with the exception
0064

01 of four years spent in the military service during
02 World War II, I have visited this Mono Lake Basin
03 numerous times each year. Being avid bird watchers for
04 the past 30 years, my wife and I have visited Mono Lake
05 to observe the many migrating species that use this
06 body of water, not only for the migrating birds that
07 use the lake for resting and feeding, but for birds
08 that use the lake for nesting and breeding.

09 It is absolutely imperative for lake level to be
10 6390 feet, 6,390 feet or higher. This barely -- this
11 level barely protects the food source available for
12 those birds.

13 This critical balance could be further assured by
14 designating Mono Lake as an outstanding national
15 resource water, thus setting maximum salinity standards
16 to protect the lake's ecosystem.

17 At the time when the National Audubon Society
18 adopted the policy to assist in the action to protect
19 the Mono Lake, I was the vice-chairman of the Board of
20 Directors of the National Audubon and supported this
21 action enthusiastically. It was feasible to
22 permanently protect Mono Lake at that time just as it
23 is today. There are funds amounting to 50 to \$100
24 million of state and federal money available to the Los
25 Angeles Department of Water and Power to assist them in
0065

01 replacing the water from the Mono Basin.

02 Two, there are sound alternatives such as water

03 reclamation and conservation to further assist them.
04 The salient issue at stake is that this national
05 treasure, this uniquely beautiful body of water which
06 is so vital to millions of birds and at the same time
07 so important as a tourist attraction for the economic
08 health of the eastern Sierra region must be protected.
09 It must not be permitted to become an alkali desert
10 such as those areas south of Mono Lake in order to
11 fulfill the needs of an area which could be adequately
12 accommodated through alternative sources.

13 I thank you very much.

14 HEARING OFFICER del PIERO: Thank you, Sir.

15 Mimi Burton? And then Neil Burton. Gee, I wonder
16 if they're related.

17 (Laughter.)

18 MS. BURTON: Good afternoon.

19 HEARING OFFICER del PIERO: Good afternoon.

20 MS. BURTON: My name is Mimi Burton. I am here as
21 a member of the Board of Directors of the Marin County
22 Audubon Society, and I do have a letter to read to you
23 from the chairman of the conservation committee of the
24 Marin Audubon Society, and her name is Barbara Salzman,
25 S-A-L-Z-M-A-N.

0066

01 "To the Chairman and members of the Staff. Dear
02 Members, the Marin Audubon Society has been concerned
03 for many years about the protection of Mono Lake.
04 Representing over 3,000 members, we urge the Board to
05 insure a water and salinity level sufficient to insure
06 the survival of the lake's incredible aquatic resources
07 and bird populations.

08 "Mono Lake is a public trust resource of national
09 and international significance. The lake is a resource
10 of tremendous scientific value and unique beauty. Mono
11 Lake's habitat is essential to the survival of millions
12 of birds of the Pacific flyway. It is fitting that
13 efforts to protect the spectacular resource led to the
14 legal definition of the public trust as covering the
15 wildlife habitat and natural resources.

16 "There are few places on earth where birds gather
17 in such abundance. The briny waters of Mono Lake are a
18 vital migratory refueling stop for Pacific flyway eared
19 grebes, Wilson fallero, and the northern fallero.
20 Estimates of eared grebes alone have ranged to one
21 million in some years. Its islands provide nest sites
22 for thousands of California gulls producing 30 to
23 40,000 young annually unless the lake waters are so low
24 that predators can reach the nest.

25 "The fate of Mono Lake's bird populations depends

0067

01 on that of the brine shrimp and the brine flies upon
02 which they feed. Without sufficient water to sustain
03 these vital resources, the entire ecosystem will
04 crash. The Pacific flyway population of eared grebe
05 and fallero populations could not survive. There is
06 simply no other habitat to support these species along

07 the migratory roof.
08 Mono Lake is also a valuable economic resource for
09 local residents and for the state. In spite of its
10 distance from Marin County, our organization has
11 conducted field trips to Mono Lake for at least 15
12 years. We undoubtedly are one of many groups and
13 individuals who visit the area to enjoy its awesome
14 landscape, its wildlife, and natural history. Mono
15 Lake's resources must be protected for future
16 generations.

17 We urge that you establish the water level of
18 6,390 feet or higher and to set salinity standards that
19 are adequate to insure the survival of Mono Lake's
20 alien and aquatic resources. The City of Los Angeles
21 has other means to meet its water's needs such as
22 conservation and reclamation. Mono Lake has no other
23 options."

24 Thank you.

25 HEARING OFFICER del PIERO: Thank you very much.
0068

01 Neil Burton? And then following Mr. Burton, Clair
02 Isaacs -- I believe it's Wahrhaftig?

03 MR. BURTON: Thank you very much. My name is Neil
04 Burton. Yes, we are related.

05 HEARING OFFICER del PIERO: I'm a real perceptive
06 guy.

07 MR. BURTON: I can tell. N-E-I-L B-U-R-T-O-N.

08 Driving south over Conway Summit or east over
09 Tioga Pass, one is struck by the awesome beauty of Mono
10 Lake lying in the Mono Basin below. I'm sure the
11 hundreds of thousands of migrating birds that stop
12 there to feed and rest and the thousands of gulls who
13 nest and have their young there feel the same way about
14 the beauty of the place. It's a place that if lost
15 could never be replaced, and I think that's something
16 we really have to think about. We can't -- it's a
17 place we can't let go.

18 To keep it a healthy viable ecosystem, the water
19 level has to be at 6390 or preferably higher. The air
20 quality in the Basin because of the dust storms will
21 occur if the water level is allowed to go below this
22 figure, and we can't trade off the urbanization of --
23 and the industrial society for this natural gem that we
24 have. We have to save it.

25 And I urge you all to do everything in your power
0069

01 to do this. Thank you.

02 HEARING OFFICER del PIERO: Thank you, Sir.

03 Clair Isaacs-Wahrhaftig? Is that correct?

04 MS. ISAACS-WAHRHAFTIG: That's right. Thank you.

05 HEARING OFFICER del PIERO: See, if you've got a
06 last name like del Piero, after awhile you get very
07 good.

08 MS. ISAACS-WAHRHAFTIG: It's W-A-H-R-H-A-F-T-I-G.

09 Honored Board members, my name is Clair
10 Isaacs-Wahrhaftig, and I'm proud to be a fourth

11 generation Californian born and raised in San
12 Francisco, privileged to work in Berkeley, Los Angeles,
13 and the inland empire during my career as an arts
14 educator and administrator.

15 I retired three ago from my position as director
16 of San Francisco's Arts Commission. And lest you think
17 this is totally irrelevant to the matter of water, let
18 me remind you that under Percent For Art, it was our
19 responsibility to review design of buildings and art
20 projects for all the public utilities including the
21 water department of San Francisco.

22 More relevant today is the fact that from 1966 to
23 '69, earlier in my career, I was happily employed under
24 one of Lyndon Baines Johnson's wonderful great society
25 programs to drive an art mobile up Highway 395 from our
0070

01 headquarters in San Bernardino as far as Bridgeport. I
02 traveled through the Owens Valley. Sometimes our big
03 beautifully-equipped blue art bus which would go all
04 the way to the White Mountains, Bishop, Lone Pine, and
05 so forth, would break down, and it was a long wait. I
06 got to know the people there very well, their
07 passionate feelings about the loss of their water taken
08 some many years further ago by the L.A. Water
09 Department.

10 I got to know very well how they felt and saw the
11 hypocrisy in L.A. having a museum of science and
12 industry which proposed that water was this great thing
13 with no acknowledgement of the pain and suffering and
14 even death that occurred in the early century's water
15 fights.

16 Now, I also found that during those days I was
17 parking my art mobile by Levining High School where I
18 lectured to the children about art, and we brought
19 visiting artists, people like Robert Wood, the famous
20 watercolorist, Millard Sheets, whose murals you've seen
21 on hundreds of Home Savings and Loans, came up there
22 and worked with the children to understand the beauty
23 of this lake. Many of those young people are grown up
24 now, and they were inspired by those visits. And they
25 were inspired by their natural surroundings.

0071

01 In those days, I didn't know very much about the
02 ecology and all of the things that the good scientists
03 tell you about, the destruction of gull eggs and the
04 possibility of life-threatening arsenic salts blowing
05 in the wind, but I do know one thing, that when I went
06 up there in 1966, I drove along Highway 395. And I saw
07 the water lapping at the edge practically. I couldn't
08 throw a rock right down there or spit into it, but I
09 could certainly see the water. Now it looks like it's
10 a half a mile away.

11 In fact, I hadn't visited Mono Lake for many
12 years, but in my official capacity, I was treated to a
13 visit to Hetch-Hetchi Dam, an entirely different story,
14 as a city official. And I came over the Tioga Pass to

15 see what had happened to Mono Lake. And what a shock
16 it was to see how that beautiful lake had shrunk.
17 Indeed, I found that the tufa, which I hardly had seen
18 in the sixties, had suddenly emerged. Now it's very
19 photogenic. It makes great calendars. So do coral
20 reefs, but they belong under water. Algae is
21 beautiful. A lot of parasites are beautiful like
22 Spanish moths. I'm not a scientist. I bow to people
23 here in the auditorium, but those things are all right
24 in due course. But after a certain point, to reach the
25 point of being no return, of being inappropriate, of
0072

01 being a sign of sickness.
02 I believe that Los Angeles has that great deal to
03 account for, and in my career, I also ran a children's
04 art center for the City of L.A. I paid my water bills
05 down there. I saw firsthand the huge waste, the
06 intolerance of any kind of self-control in the use of
07 water. I'd come up to San Francisco, and people would
08 accuse me of taking their water. I, a fourth
09 generation San Franciscan, a word I coined called
10 hydrologophobia, known as Bay Area running off at the
11 mouth, foaming at the mouth at the sound of the word
12 "water." But L.A. Basin residents suffer from
13 hydromesmerization, standing in the sunshine they gaze
14 not in fascination as rainbows form, droplets of water
15 spraying bountifully from their hoses, washing down
16 streets and gutters, water from beautiful, priceless,
17 irreplaceable Mono Lake. This is a special source of
18 inspiration to us all.

19 I'd like to just close before saying please keep
20 it as 6390 or 6400 but never below 6390. Here are some
21 thoughts I had the last time I visited Mono Lake.
22 Sitting on the edge of silver, one watches lavender
23 slip over golden crags. Gulls stop in their soaring.
24 They eye us from above as we slip into reverie, images
25 of olden times, ancient days, the memory of millennia,
0073

01 and from then ago, they whispered serenity, silence,
02 and from then on into time far ahead, what shall they
03 say of us?

04 My friends, don't let this lake disappear from the
05 earth. Preserve it. Cherish it. Be a good
06 Californian to all of us. Thank you.

07 HEARING OFFICER del PIERO: Thank you. Can I ask
08 you a question? I really wish the guy with the camera
09 hadn't left.

10 MS. ISAACS-WAHRHAFTIG: We arts people are a
11 different breed, I know.

12 HEARING OFFICER del PIERO: I just -- you'll
13 forgive me, but I want to get something straight.
14 Lyndon Johnson figured he'd improve the landscape in
15 Mono Lake by sending a blue bus up there?

16 MS. ISAACS-WAHRHAFTIG: Lyndon Johnson was giving
17 federal aid to education. Remember his great society
18 programs? And he wanted to see the kids get art, and

19 there wasn't much of an art program. And we had a
20 three-year project at San Bernardino, Inyo, and Mono
21 Counties, and we went up and down that highway with my
22 dog, you know, and stopped in all these towns, opened
23 up the bus, talked about art, showed them original art,
24 did art projects. And the environment became very much
25 a part of it and very much a part of me, too, at that
0074

01 time.

02 HEARING OFFICER del PIERO: Thank you.

03 Carol Roberts? And following her, Jacquelyn
04 Volin.

05 MS. ROBERT: My name is Carol Roberts, C-A-R-O-L
06 R-O-B-E-R-T S. I have a degree in civil engineering,
07 and I'm halfway towards my registration as an
08 engineer. I work as a waste management engineer;
09 however, I'm speaking as a private citizen.

10 I'm concerned about the degradation of our natural
11 resources. We must give up the notion that we can live
12 anywhere and have anything. Los Angeles is a desert.
13 I would like to know how many golf courses are kept
14 green and swimming pools kept full? How many lawns are
15 kept looking like English gardens? What percentage of
16 homes have native drought resistant gardens? What
17 percentage have low-flow shower heads? How many new
18 homes are having lines installed for gray water
19 irrigation? Composting toilets? And the list goes
20 on.

21 Much of the technology is ready and waiting.
22 According to data in the Draft Environmental Impact
23 Report, the minimum elevation to protect Mono Lake is
24 6,390 feet. I encourage you to maintain that level.
25 If we use the conservation technology we have, I

0075

01 believe we can maintain that elevation and supply Los
02 Angeles. In this important decade, we find ourselves
03 at the crossroads. We can continue business as usual,
04 or we can start making lifestyle changes that will take
05 us into the long-term future.

06 A Japanese businessman once criticized Americans
07 saying that we can't plan beyond next week. We can
08 continue to think only of next week, or we can begin to
09 make the policy changes that will preserve our
10 resources for our children and their children. Water
11 conservation and reclamation is the way of the future.
12 Please, let Mono Lake live.

13 HEARING OFFICER del PIERO: Thank you very much,
14 Ms. Roberts.

15 I want to ask, John Crossman? Mr. Crossman here?
16 From Eastern Municipal Water District? And then Tom --
17 I think it's Minge? I'll set those aside. I don't
18 know if they're going to come back or not.

19 Jacquelyn Volin? And then after Ms. Volin,
20 Beverley Allan?

21 Good afternoon.

22 MS. VOLIN: My name's Jacquelyn Volin. That's V,

23 like Victor, O-L-I-N, and I'm speaking here for Sierra
24 Club Legal Defense Funds on behalf of the Sierra Club.
25 And I guess you could say I'm adding my comments to
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01 Mr. Kreissman's.

02 The Sierra club has had a longstanding interest in
03 the preservation of Mono Lake and supports the efforts
04 of the Audubon Society and the Mono Lake Committee to
05 preserve the public trust values of the lake by
06 curtailing the City of Los Angeles' exports. The club
07 supports a lake elevation of 6390 or higher.

08 Over the years, the Sierra Club has supported
09 legislation designed to protect Mono Lake. The club
10 actively supported the scenic area legislation passed
11 by Congress, although it believed that the legislation
12 should have been more specific with respect to water
13 rights held by the United States in Mono basin.

14 During the years, many thousands of Sierra Club
15 members have used the land surrounding the lake and the
16 lake itself for a variety of education and scientific
17 purposes. Club members have viewed the lake from the
18 back country of Yosemite from which the lake is, in
19 some places, visible and have long regarded the view of
20 the lake as an integral and inspiring feature of the
21 high Sierra environment. To release water that would
22 raise the lake to 6390 or higher would significantly
23 enhance those views.

24 Chapters of the Sierra Club taken many outings
25 that involve Mono Lake in some ways; natural history
0077

01 explorations of the Basin, hikes, and camping outings,
02 to name a few. Club members have participated in the
03 many excursions to the lake sponsored by the Mono Lake
04 Committee and have enjoyed nature walks led by state
05 park rangers at the tufa preserve. Members of the
06 Sierra Club feel quite strongly about the lake and
07 regard it as a critical and integral feature of the
08 eastern Sierra. In fact, for many club members, Mono
09 Lake preservation has long been linked with the
10 preservation of the ecosystem of Yosemite National Park
11 and the wilderness area adjacent to the park. That is
12 why some 18 years ago, club members authorized the
13 Sierra Club Legal Defense Fund to engage in legal
14 battles to save the lake. And this is exactly what the
15 Legal Defense Fund proceeded to do, engaging in years
16 of lengthy and costly litigation intended to further
17 the preservation of Mono Lake.

18 The Sierra Club urges restoration of the lake
19 through increased flows. The club desires that the
20 lake be restored to a level that will permit resumption
21 of some of the historic recreational uses of the lake.
22 In the view of clubs members, it would be particularly
23 valuable to raise the elevation of the lake so that the
24 wetlands that once were associated with the lake and
25 that water fowl once used in abundance reappear.

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01 And I'd just like to say that on behalf of Sierra
02 Legal and Sierra Club and myself, we all appreciate
03 this opportunity to let all of us come out here and
04 testify and the time that you all are taking and the
05 attention that you're paying. And we would just like
06 to urge the Board to act in accordance with the public
07 trust by ordering the release of water to the lake that
08 would permit resumption of traditional recreational
09 uses of Mono Lake and that would cause migratory ducks
10 and geese to once again use the lake.

11 At 6390 or higher, these historic public trust
12 uses of the lake would begin to occur again. Thanks.

13 HEARING OFFICER del PIERO: Thank you very much.

14 Beverley Allan? And then following Ms. Allan,
15 Patricia Malberg.

16 MS. ALLAN: Good afternoon. My name is Beverley
17 Allan, that's B-E-V-E-R-L-E-Y A-L-L-A-N. I've been a
18 resident of California now for over 20 years.

19 As you can probably tell, I'm from Australia, and
20 I'm well acquainted with dry country. I visit Mono
21 Lake fairly frequently. I'm an amateur naturalist and
22 I'm a retired physician.

23 HEARING OFFICER del PIERO: I thought you had a
24 Berkeley accent.

25 (Laughter.)

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01 MS. ALLAN: That's correct. I've acquired a
02 Berkeley accent since I've been here.

03 I happen to be on my way back from a visit to the
04 eastern Sierra at the moment. I was bird watching
05 yesterday in the eastern Sierra, and I'm on my way back
06 to Berkeley now.

07 I came here as a private person to ask you to give
08 a lot of consideration to the fact that there are a lot
09 of people like me who are merely private citizens but
10 who have a great deal of regard for the beauties of
11 nature and the beauties of organized nature, that there
12 is a pleasure and a value to people like me and many
13 of my friends just in knowing that these incredible
14 ecosystems, these beautiful geological features, et
15 cetera, as well as having beauty from the eye of the
16 artist, also have a beauty just in that they're there.

17 And I would ask you, you know, take that into
18 account as well as what use places like Mono Lake may
19 be to us humans. This was about all I was going to
20 say, but earlier in this presentation, I was struck by
21 a remark by the representative from the Los Angeles
22 Water and Power District in which he, in what I thought
23 was somewhat cavalier fashion, said of course nobody's
24 even arguing about having the lake back to its
25 pre-diversion levels. I think I heard him correctly

0080

01 when I say that.

02 I don't know where he gets that idea from. I feel
03 that he certainly hasn't spoken to a representative
04 cross-section of California residents. I wasn't

05 planning to make an analogy as a physician and compare
06 Mono Lake with a patient, but I was very attracted by
07 the analogy brought up by a previous speaker, a
08 physician whom I had not previously met. Like him, I
09 would say that the correct treatment is complete
10 rehydration.

11 And so I am asking for not just the 90 feet level,
12 6,390 feet level, but something more approaching a
13 realistic approximation of an average of pre-diversion
14 levels. Thanks very much for allowing me to speak.

15 HEARING OFFICER del PIERO: Thanks very much.
16 We'll let Dr. Eade know that you confirmed his
17 diagnosis.

18 MS. MALBERG: Good afternoon. My name is Patricia
19 Malberg, that's M-A-L-B-E-R-G. I live in Lincoln.
20 Thank you for this opportunity to appear before you to
21 testify on behalf of the Sierra Nevada Alliance. As an
22 aside, this is a newly formed coalition of grass roots
23 Sierra based mostly environmental groups, and our
24 chair, by the way, is Andrea Lawrence, who is a
25 supervisor in Mono County. And our executive director
0081

01 is Laurie Ames, who is just recently was the executive
02 director of the league --

03 HEARING OFFICER del PIERO: Save The Lake.

04 MS. MALBERG: The league to Save Lake Tahoe, so
05 you can place who we are and who our directors are.

06 We want to add our voices to the many who have
07 already asked you to designate Mono Lake an outstanding
08 national resource water and to maintain a minimum lake
09 level at 6390 or higher, minimum meaning at least
10 that.

11 The Sierra Nevada Alliance has a strong commitment
12 to sustainable economic development in rural areas.
13 Mono Lake, as a major tourist attraction is an
14 important contributor to the economic base of Mono
15 County and the eastern Sierra.

16 The degradation of the area is due to low lake
17 levels over time would not only negatively affect the
18 beauty of the lake as a tourist attraction and thus the
19 area's economy, but would obviously devastate the
20 wildlife, the air quality, and the entire ecology. The
21 target level of 6,390 feet or higher will prevent these
22 disasters.

23 We are also concerned about the consequences to
24 urban water users of maintaining this target level. In
25 the past, the cooperation between the Los Angeles
0082

01 Department of Power and Water to the Mono Lake
02 Committee set a new model for working out creative and
03 mutually beneficial solutions to environmental and
04 other problems. With the state and federal funds
05 available to secure alternative water supply sources,
06 with the new technologies for water reclamation and
07 conservation, a continued commitment to working
08 cooperatively on future challenges, will demonstrate

09 once again the viability of this approach.
10 A personal note. As a young person in the 1950s
11 and early sixties, I was a competitive skier and made
12 the trek to Mammoth Mountain for races a couple of
13 times each winter over the endless passes between
14 Francisco and the ski area. Of course, the view of
15 Mono Lake was always breathtaking and awe inspiring,
16 indelibly etched in my memory. Many years passed
17 before I had the opportunity to visit the area again.
18 Early in 1992 as a congressional candidate, Mono County
19 is part of the district I was hoping to represent. The
20 difference in lake level from what I had remembered was
21 shocking. I had seen pictures but could not really
22 grasp the magnitude of the drawdown and the wrenching
23 visual impact until I saw it.

24 Later in May of 1992, at the dedication of the
25 Forest Service visitor's center overlooking the lake, I
0083

01 was moved by the celebration of the lake's history and
02 natural wonders. More impressive, however, was the
03 coming together of so many people with very divergent
04 viewpoints and interests united in their broad-based
05 support for the preservation of the lake's beauty and
06 ecology.

07 Not far away to the south of what was once Owens
08 Lake is a constant reminder of a tragic loss, economic,
09 environmental, and esthetic. From all three
10 standpoints, a healthy Mono Lake is vital to
11 California, to us now, and to future generations. It's
12 one of the crown jewels of the Sierra Nevada.

13 The mission of the Sierra Nevada Alliance is to
14 develop and implement strategies to protect the Sierra
15 Nevada's fragile natural resources while promoting
16 sustainable ecology, economy, and community values.

17 In light of that mission, we urge your protection
18 of this important ecosystem with a minimum lake level
19 of 6390 feet and a designation of Mono Lake as an
20 outstanding national resource water. Thank you.

21 HEARING OFFICER del PIERO: Thank you very much.
22 Martha Bentley? And following Martha Bentley,
23 Jeanette Cosby.

24 MS. BENTLEY: I am Martha Bentley, B-E-N-T-L-E-Y.
25 I am representing the Madrone Audubon Society, an
0084

01 organization of approximately 1800 conservationists in
02 Sonoma County.

03 Mono Lake is one of California's, in fact, of the
04 nation's unique natural treasures. As such, as a
05 government body, you have a legal obligation under the
06 doctrine of public trust to protect this great
07 resource. To do this, the lake must be maintained at a
08 minimum level of at least 6390 feet. Only this minimum
09 will enable the tons -- let's start over, shall we?
10 Only this minimum will enable the tens of thousands of
11 birds which breed there and the millions which feed
12 there during migration to continue to survive.

13 In addition, the lake should be designated an
14 outstanding natural resource water in order to protect
15 its degree of salinity. Control of the percentage of
16 salinity is vital in order that the current highly
17 nutritious food supply in the lake shall continue to
18 survive.

19 Protection of Mono Lake is both feasible and
20 practical from an economic standpoint as well as the
21 scientific and esthetic standpoints.

22 Tourism is an ever-increasing source of income
23 statewide. Within the Mono area itself, it is probably
24 the primary economy. Throughout the state, in fact,
25 throughout the west, the birds which utilize Mono Lake
0085

01 for part of their life cycle are a major attraction to
02 thousands of bird watcher tourists who spend millions
03 of dollars in our restaurants, motels, and sporting
04 goods stores.

05 Even for Los Angeles Department of Water and
06 Power, a move to protect Mono Lake is economically
07 feasible for there are some 50 to \$100 million
08 available in state and federal funds to assist it in
09 progressing to a more environmentally sound way of
10 doing business. The loss of Mono Lake would be an
11 irretrievable loss from our natural heritage. I urge
12 you to do your utmost to protect it. Thank you.

13 HEARING OFFICER del PIERO: Thank you very much.

14 Ladies and Gentlemen, I just got a message. It's
15 four -- about 4:20 right now. We are scheduled to
16 break at five o'clock. At least a couple of folks have
17 indicated they cannot stay beyond five o'clock. I see
18 the hands. If those of you -- well, can I see a
19 showing of hands of those folks that cannot stay beyond
20 five o'clock? Okay.

21 Look, do me this favor because we're going to try
22 and accommodate everybody. Those of you that cannot
23 stay beyond five o'clock, if you all would be kind
24 enough to try to come up here to the first two rows.
25 And the rest of you, if you'll forgive me, I appreciate
0086

01 it very much, but I'm going to try to do the best I can
02 to give everybody the opportunity to get on the
03 record. I know a lot of you made the effort to get
04 down here. We're going to try to move this along as
05 quickly as we can before we break.

06 Ladies and Gentlemen, I'm sorry, this is sort of
07 irregular, but I'm doing this in order to try and make
08 sure that we get all of you that took the time to come
09 here, give you all the opportunity to get on the
10 record.

11 What we're going to do, starting with you, Ma'am,
12 what we're going to do is we're going to start on your
13 left, my right, and we're going to work that way across
14 the first two rows. If you'd be kind enough to walk
15 up, when you come up, if you'd introduce yourself,
16 Mr. Brown and I can find -- so we keep some degree of

17 order up here, we can find your blue card, and we'll
18 keep track of who we've got left in order to speak.
19 For the rest of you, I really appreciate very much
20 your indulgence in all this so we can try and get
21 everybody on the record before we're done this
22 evening.

23 You're on.

24 MS. BRINK: Thank you. My name is Nancy Brink. I
25 am a documentary film maker, and I first met Mono Lake
0087

01 through my work. I had been convinced that I should
02 document the Mono Lake bike-a-thon. I spent a week
03 traveling up the eastern Sierra videotaping the
04 bike-a-thon. It was my first time on the eastern
05 Sierra, and it was a landscape that I hardly knew even
06 existed. And since then, arriving at Mono Lake was
07 really one of the most incredible experiences I've
08 had.

09 And I have, since that first visit, taken
10 Thoreau's advice to travel a good deal in one place and
11 gone back to Mono Lake many times both for working on
12 the videotape, we spent a great deal of time exploring
13 the Jeffrey pine forests, the lake shore, the tufa
14 growths, the canyon, spending nights out on black light
15 so that we could be there for sunrises, even taking my
16 parents out at sunrises so that I could do some
17 shooting and having them sit out at South Tufa at five
18 in the morning.

19 HEARING OFFICER del PIERO: I hope they appreciate
20 what a good daughter you are.

21 MR. BRINK: I kind of appreciate what good parents
22 they are, too.

23 Mono Lake has been for me personally a teacher as
24 well as a place to go and relax and enjoy and do my
25 work. It has taught me a lot about sitting quietly to
0088

01 observe the things that we often miss when we're very
02 busy in our daily urban hectic lives. It's also taught
03 me a great deal about needing to look at the way I use
04 resources in my own life.

05 It's very easy as someone from Northern California
06 to condemn Los Angeles and its history of -- its water
07 history. I think we all need to look at our own
08 histories and learn from Mono Lake. I would like to
09 see us learn also from Mono Lake how to balance the
10 needs of our urban areas as well as the needs of the
11 wild places and preserve Mono Lake.

12 A strange thing happened in this last week. I
13 told many people including my parents and my brother,
14 who I took to Mono Lake this past October, and many
15 other people that have gone with me to Mono Lake in the
16 last couple of years, I started getting calls from the
17 local coffee shops saying, "You've got another fax
18 here." And I had a little pile of faxes with notes
19 saying, "Please take this with you to the Water Board
20 hearings. My trip to Mono Lake with you has stayed

21 with me. I remember the eared grebes, sunrise over the
22 tufa, watching the sunset from up in the Jeffrey pine
23 forest."

24 My co-producer on the film, The Water Cycle, which
25 I'd also like to put into the public record, I'll give
0089

01 you copies, also faxed me this morning. He's home with
02 his two twins. He said, "I want those twins to be able
03 to see that lake and would you please just read a
04 little bit of my statement," and I'd like to close with
05 that.

06 "During the course of videotaping the 1990
07 bike-a-thon and during subsequent trips to the Mono
08 Basin to record scenic views of the area, I have come
09 to care deeply about Mono Lake. From the changing
10 light the plays across the water to the vast web of
11 life supported by the Basin's ecosystem, Mono Lake is
12 an extraordinary place, a national treasury that needs
13 our protection. This Board should secure the precepts
14 of environmental protection and the policy of the state
15 so that Mono Lake may survive. Please protect Mono
16 Lake now."

17 And I'd also like to ask that at least 6390 be the
18 recognized level for Mono Lake, and thank you very
19 much.

20 HEARING OFFICER del PIERO: Thank you very much.

21 Excuse me for just one moment.

22 Mr. Shapra. Thank you, Mr. Shapra.

23 Pardon me, but -- for just a moment. I'd like the
24 record to reflect that Mr. Shapra, William Shapra, the
25 assistant secretary of the Resources Agency just handed
0090

01 me a policy statement on behalf of Secretary of the
02 Resources Agency Douglas Wheeler to be entered into
03 this record. If you'll indulge me for a moment, I'd
04 like to read it into the record.

05 "Thank you for the opportunity to present this
06 statement on the Resources Agency's position -- "

07 The Resources Agency are the folks who own this
08 building.

09 " -- the Resources Agency's position on the Mono
10 Lake water rights decision before the Board. The
11 Resources Agency recognizes the significance and the
12 need to conserve the natural resources, habitats, and
13 esthetic values of Mono Lake, its tributary systems,
14 and the Owens River system.

15 "First, I'd like to commend the State Water
16 Resources Control Board for producing an excellent
17 comprehensive review of the issues related to water
18 rights in the Mono Basin. The diverse set of issues
19 that affect the Mono Basin make your decision a
20 difficult one.

21 "Second, I would like to echo the call that
22 Secretary of the Environmental Protection Agency, James
23 Strock, made at your October 4th, 1993, hearing in Los
24 Angeles that the multitude of environmental concerns

25 affecting Mono Lake could and should be addressed
0091

01 through a comprehensive approach. And while Cal EPA's
02 primary concern relates to air quality, I am happy to
03 say that the same lake level, approximately 6390 to
04 effectively address the PM-10 issue, would also lead to
05 the restoration and recovery of the fish, wildlife, and
06 water fowl resources in the lake and associated
07 streams.

08 "The Department of Fish and Game has already
09 provided me with substantial evidence to support this
10 lake level. The restoration of the water flows into
11 Mono Lake will impact the water supply of the City of
12 Los Angeles, and while a mitigation fund was
13 established to address the impact, the availability of
14 this money is no longer certain as much of it has been
15 committed to other purposes. Therefore, the Wilson
16 administration and the legislature will work together
17 to insure that funds are made available to lessen the
18 impact on the citizens of Los Angeles.

19 "In closing, I'd urge the Board to make a decision
20 that sets in motion the long-term recovery of Mono
21 Lake. The lake and its ecosystem have suffered long
22 enough and our grandchildren will thank you for taking
23 such a bold step."

24 Signed Douglas Wheeler, Secretary for the
25 Resources Agency for the State of California.

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01 (Applause.)

02 HEARING OFFICER del PIERO: I'm going to ask your
03 indulgence, Ma'am, one more time. Karen Hegtvedt? Is
04 that --

05 MS. HEGTVEDT: Yes.

06 HEARING OFFICER del PIERO: I understand the
07 person who couldn't file the blue card in the back of
08 the room is getting a little fussy; is that true?

09 MS. HEGTVEDT: Yes.

10 HEARING OFFICER del PIERO: Why don't you come on
11 up?

12 MS. HEGTVEDT: Thank you. My name is Karen
13 Kegtvedt, H-E-G-T-V, as in Victor, E-D-T. I do that a
14 lot.

15 And as some of you know, I am not an unbiased
16 testifier today. I've had a connection with the Mono
17 Lake Committee for some time now and, saying that, let
18 me also tell you that I'm a sociologist at Emory
19 University and currently a visiting scholar at Stanford
20 University. It's in that capacity that I come here
21 today.

22 My research in sociology, Folks, is primarily on
23 perceptions of justice, and I've written a paper
24 conceptualizing the Mono Lake case and its historical
25 framework as a generation of intergenerational justice.

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01 What I want to say is a few words today about the
02 correspondence between some sociological research on

03 justice per se and also on how that attitudes toward
04 the environment.

05 If we look at the study of fairness and the
06 distribution of resources, often what we find is the
07 distributions are those which serve in the interests of
08 the powerful, and once a distribution is established,
09 those who don't have power come to see that
10 distribution as just. But I think that really
11 recognizes more of a conception of justice than simply
12 justified self-interest, and indeed if you look at the
13 philosophical work on justice, what you see is a more
14 encompassing notion of justice, and that is one that
15 serves in collective interests.

16 And currently, I would argue that collective
17 interests are not being served in the way that the
18 water is being distributed from the Mono Basin. I'd
19 also like to suggest that what the Board has before it
20 right now is a very important decision that will affect
21 not only the distribution of water today but also the
22 distribution of water for future generations. While
23 the notion of intergenerational justice is one that is
24 hotly debated by philosophers, it seems to be one that
25 is appropriate here insofar as in order to guarantee or
0094

01 to provide the possibility of justice for future
02 generations, it's up to institutions, just institutions
03 like the Water Board, to make a decision that will
04 insure distribution that will benefit justice for
05 future generations.

06 What should that distribution be? Well, if we're
07 going to enhance collective welfare, perhaps we could
08 look at what people think now as their world view. It
09 used to be that people took a technological world
10 view. That is, technology will save us. But there's
11 been a dramatic shift, as documented by environmental
12 sociologists, that suggests that what people are really
13 looking at now is some sort of harmony between human
14 societies and ecological systems.

15 And it seems to me the Mono Lake case is one in
16 which we can strike a balance perhaps by establishing
17 the lake level at 6390 or above in order that people of
18 L.A. have water but also that the ecosystem surrounding
19 Mono Lake is saved. Thank you.

20 HEARING OFFICER del PIERO: Thank you.

21 Ma'am, no more interruptions.

22 MS. WINEMAN: That's okay. Hi. My name is Shelly
23 Wineman, spelled W-I-N-E-M-A-N. I'll read my
24 statement.

25 Caring passionately about something that's
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01 intricately woven through a person's self-esteem and
02 purpose, and I know this is true in my life as I think
03 about Mono Lake with its own autonomous beauty as well
04 as its power, influence, and integral connection with
05 all the surrounding ecosystems that make up the vast
06 Sierra Nevada landscape. I believe that we're all here

07 because we care, each and every one of us does, even
08 those with divergent opinions from ours and my own.
09 Because of this, there's a lot of energy around the
10 issues surrounding Mono Lake. This energy can continue
11 as it has for some time now to be chaotic and
12 unfortunately wasted in this place.
13 I'm happy to say that that's changing. Let's
14 continue on this road of change and not waste anymore
15 vital time with the feelings of animosity that have
16 brewed for so long with regard to Mono Lake's
17 existence. This just continues breeding the narrow,
18 rigid, and resistant thinking that has plagued this
19 issue for far too long. This simply blocks the fresh
20 perspective on things, and it's this kind of fresh
21 thinking that's led to the many options that are
22 available to the Los Angeles Department of Water and
23 Power and the citizens of L.A., to have their water
24 needs met while restoring and thus maintaining Mono
25 Lake's integrity.

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01 It's more than feasible to protect Mono Lake at
02 the necessary lake level of 6,390 feet or more that has
03 been established by the recently released environmental
04 impact report. We're also well aware that
05 there's ample funds available to the Department of
06 Water and Power to explore these options such as water
07 reclamation and conservation. Please ask the DWP to
08 look at these fresh perspectives. They'll feel more
09 energized, too, at new plans and options, not just the
10 drudgery of the status quo.

11 Mono Lake being in a natural and healthy state is
12 important to an equally healthy eastern Sierra Nevada
13 and California economy. The alkali dust storms that
14 kick up on windy days in the Owens Valley and Mono
15 Basin with their highly toxic levels of the
16 contaminants that hurl into the air is just one major
17 reason to protect this area with its viable tourist
18 economy, and equally important is the same viability of
19 the many plants, animals, and birds that make the Mono
20 Basin a permanent or necessary seasonal home.

21 I first learned about Mono Lake and its plight
22 when I was living in Southern California and read about
23 the Mono Lake Committee's bike-a-thon and its annual
24 pilgrimage from L.A. to the lake, an emotional and
25 symbolic ride to raise necessary funds and public

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01 awareness about Mono Lake's fragile condition. At
02 first, the ride represented a more personal motivation
03 just in completing the 360-mile ride. That position
04 quickly evolved even before my first visit to the lake
05 in 1990 when I made my first bike-a-thon experience.

06 When I arrived and experienced Mono Lake's splendor
07 firsthand, words quickly became inadequate. In fact,
08 quiet solitude allowed me to share in the joy and
09 wonder of Mono Lake's natural symphony of bird songs,
10 whirling winds, and Mono's salty water lapping upon its

11 shores.
12 Please designate Mono Lake as an outstanding
13 natural resource water which will set maximum salinity
14 level standards and protect the lake's ecosystem for
15 future generations of people and wildlife. Thank you.
16 HEARING OFFICER del PIERO: Thank you very much,
17 Ms. Wineman?
18 MS. WINEMAN: Yes.
19 HEARING OFFICER del PIERO: Do you go to Santa
20 Clara?
21 MS. WINEMAN: Yes, I do.
22 HEARING OFFICER del PIERO: Now?
23 MS. WINEMAN: Yes.
24 HEARING OFFICER del PIERO: So did I.
25 MS. WINEMAN: All right.

0098

01 MS. LEE: Hi. My name is Margie Lee, L double E.
02 I'm speaking for myself, my nieces, and my nephews,
03 their children, and their children's children.
04 I'm here to voice my support of Mono Lake and the
05 Mono Lake basin ecosystem. Mono Lake is one of the
06 oldest continuously existing lakes in North America.
07 It is a treasure which the earth has supported for
08 750,000 years. We, as humans, in less than 30 years
09 have almost devastated beyond reclamation this
10 environment.
11 Twenty years ago a movement came into strength and
12 purpose, save Mono Lake. Over these years, great
13 progress has been made in the direction of restoring
14 Mono Lake and the Basin. We have the opportunity now
15 to complete this project. We can restore the lake to a
16 minimum 6390 level. We can designate Mono Lake as an
17 outstanding national water resource, protecting the
18 environment for the birds and the wildlife. A full
19 Mono Lake can also return to Levining and the eastern
20 Sierra a vital and viable resource to their economy.
21 For the past four years, Los Angeles Department of
22 Water and Power has done without the water of Mono
23 Lake. The people of Los Angeles, despite a severe
24 drought, have been able to conserve water and managed
25 to live, thrive, and survive without the Mono Basin

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01 water. It is feasible to continue this course and with
02 the funds, 50 to \$100 million, available to Los Angeles
03 Department of Water and Power, to replace the Mono
04 Basin water through improved conservation and
05 alternative water sources such as reclamation.
06 I encourage -- which you guys have nothing to do
07 with this, but I encourage Los Angeles Water and Power
08 to charge their customers for the water that they use,
09 treat our water with the reverence it deserves. Don't
10 subsidize a resource which is limited and fragile. Let
11 us all work for the future, not just for present. We
12 have the resources, financial, physical, and spiritual,
13 to choose a new direction. We have the vision to see
14 that we must plan for the future, protect our

15 environment and its resource, and create alternative
16 resources to provide for our children's future. Let us
17 take one small step for mankind and protect the Mono
18 Lake Basin, focus on alternative water resources for
19 Los Angeles and all of California. All of our water
20 depends on us to change -- to make changes for the
21 future.

22 Thank you.

23 HEARING OFFICER del PIERO: Thank you very much.

24 MS. SMITH: My name is Ernestine Smith. What did
25 I do?

0100

01 HEARING OFFICER del PIERO: Well, Mr. Herrera's
02 got to get up and earn his living here.

03 MS. SMITH: E-R-N-E-S-T-I-N-E, Smith, S-M-I-T-H.

04 I'm a second generation native Californian and have
05 seen this state decline in its environmental resources
06 for more than 70 years -- 75, even more than 75, as a
07 four-year-old, when I lived in San Luis Obispo County.
08 In fact, I grew up on a ranch down there I can remember
09 going to Pismo Beach with my family in the spring
10 wagon, and I wanted to dig in the sand. There were too
11 damn many clams. I couldn't get into the sand.
12 It's not that way now. And that's the way a lot of our
13 resources have gone by the way, and I've seen it
14 happen.

15 Now, you folks have a chance to make history. You
16 can save Mono Lake by making a proper decision, and
17 it's imperative that this unique body of water be
18 protected in the strongest possible way. It's very
19 important to protect this fragile ecosystem upon which
20 countless species of wildlife depend. I remember it
21 from the early fifties when the water was higher and
22 wildlife was thriving.

23 The lake level must be at least 6,390 feet, or
24 even higher, and as I look at that third panel where it
25 shows that level and the black line around there, it

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01 looks to me like Negged Island is not being protected
02 enough to stop any kind of a land bridge. I'd like to
03 see it as high as the whole blue part, and I would ask
04 that you consider that, please.

05 Mono Lake is an incredible national resource water
06 and should be designated as such. Mono Lake is an
07 important tourist attraction which helps the economy of
08 the eastern Sierra. Therefore, the lake must be given
09 sufficient water to remain healthy. Dust storms from a
10 low lake level would wipe out tourism and jeopardize
11 the health of both the economy and the residents and
12 all who breathe the toxic dust. There are sound
13 alternatives as well as 50 to \$100 million available to
14 Los Angeles Department of Water and Power to replace
15 Mono Lake -- Mono Basin water. To me, Mono Lake is a
16 special place of beauty and inspiration. It is one of
17 earth's greatest wild places and must be protected.

18 Thank you very much for this opportunity, and I

19 have three more things from friends to present.
20 HEARING OFFICER del PIERO: Great. If you'll give
21 them to Steven over there, he'll make sure that they
22 get into the record. Thank you so much.

23 MS. SMITH: Thank you very much.

24 HEARING OFFICER del PIERO: Good afternoon.

25 MS. RIVENES: Good afternoon and thank you for
0102

01 taking us early, those of us who have to leave. My
02 name is Barbara Rivenes, R-I-V-E-N-E-S, and though I
03 live in Kensington in the Bay Area, some distance away,
04 and though Mono Lake is several hundred miles away in
05 the eastern Sierra, I had to be here today to let you
06 know how important I feel Mono Lake is to me, to my
07 family, and to hundreds of thousands of others who will
08 visit and benefit from its unique qualities.

09 My husband and children and I are transplanted
10 midwesterners coming here to start a business in 1967.
11 After 25 years in California and even from Day One, I
12 can't imagine living anywhere else. We have taken full
13 advantage of California's outstanding out of doors, and
14 we're voracious in learning about our diverse
15 biological environments leading to our involvement with
16 Mono Lake and the eastern Sierra.

17 California's topography, climate, and geographical
18 location on the edge of a continent conspire to make it
19 one of the most desirable landscapes in the world for
20 human habitation. Is there any wonder that there is
21 such competition for resources in our glorious state?

22 I was training to become a docent in natural
23 sciences at the Oakland Museum and was part of a field
24 trip to Mono Lake. This was before any public visitor
25 facilities had been created, and we were able to just
0103

01 wander down to the tufa formation, losing shoes in the
02 ooze, and admire them at will, observing the black
03 flies and the brine shrimp. My son will never forget
04 it.

05 HEARING OFFICER del PIERO: Those were your shoes,
06 huh?

07 MS. RIVENES: Yes, that's right. It was a magical
08 place 20 years ago and it still is today. We have been
09 frequent visitors to the lake over the years and
10 watched the area and the town of Levining grow from a
11 sleepy little bulge in the road to a bustling summer
12 destination resort with foreign tourists making it part
13 of their California experience and have similarly
14 introduced friends and family to the early morning
15 sunrises at South Tufa, observing the incredible array
16 of bird life, and the muted gray-green foliage of the
17 plants as we walk to the shore. Again, very magical.

18 Since 1986, my husband and I have ridden our
19 bicycles from Los Angeles to Mono Lake in the annual
20 ride to symbolize the returning of water from L.A. DWP
21 to Mono Lake and to raise money for the education of
22 the public on its plight. When we began these rides,

23 we were much younger people, and we have taken a few
24 years off for good behavior, but we hope to do it again
25 next year as part of the victory ride celebrating the
0104

01 fact that Mono Lake has been permanently protected at
02 levels of 6390 or above.

03 I have learned much more since my first encounter
04 with Mono Lake about endangered species, endangered
05 habitats, and preservation of natural wonders. Mono
06 Lake is a natural wonder, a truly unique ecosystem and
07 it must be preserved without further losses to
08 engineered water transfers. There are technologies and
09 dollars available to meet the water needs of the Los
10 Angeles area, and there is an awareness in that
11 population of Mono Lake's needs. I believe the
12 political and educational work has begun to prepare
13 L.A. citizens for a public trust decision in favor of
14 Mono Lake, and I urge you to seize the opportunity and
15 to make the decision to permanently protect and save
16 Mono Lake now.

17 Thank you for the opportunity to give you my
18 comments.

19 HEARING OFFICER del PIERO: Thank you very much.

20 Good afternoon.

21 MS. SEEAR: Good afternoon. Thank you very much
22 for taking us and thank you very much for the speaking
23 and saying it much, much better. I've been very
24 inspired by listening.

25 I'm Joan Seear, S-E-E-A-R. I've been a teacher in
0105

01 New York, Vermont, Maine, Seattle, Colorado, and now in
02 Berkeley. I came across the country through Virginia
03 City, Bodene, Mono Lake, and over Tioga Road in 1957
04 settling in the Bay Area and because of the impact that
05 it had on me, kept returning every year and at all
06 seasons to the eastern Sierra and Mono basin. Through
07 these years, I've been saddened by many of the changes,
08 less stream flow, less wildlife, lower lake and so a
09 bathtub ring of salt and dust, the islands no longer
10 islands and few nesting sites and fewer birds.

11 But I have also been very much heartened by the
12 growing public awareness going into the 21st century of
13 the need to reevaluate our demands and so the use of
14 our environment. Why are we still haggling about the
15 necessity to set a minimum lake level of at least 63 --
16 6,390 or preferably 6,410, which is a median line
17 across the historical level?

18 In 1959, '60, and '61, I helped David Mason do his
19 Ph.D. thesis on the Mono Lake ecosystem. For last 30
20 years, we have studied it. We know what needs to be
21 done. All California taxpayers, not just L.A.
22 ratepayers, are paying for Water Board meetings and
23 hearings and EIRs, and your comprehensive EIR report
24 was a very fine statement. Let's -- let's do it, and
25 let's set the lake level standard now. Thank you very

0106

01 much.

02 HEARING OFFICER del PIERO: Thank you very much.

03 MR. HOLLAND: Hello. My name is Preston Holland,
04 P-R-E-S-T-O-N H-O-L-L-A-N-D. I grew up in Los Angeles
05 and one of my family's favorite journeys was the trip
06 up to Mammoth Lakes. I spent many hours glued to the
07 automobile window looking at the scenery as it passed
08 by. I was always very impressed by the wide expanse of
09 the Owens dry lake and the semi-arid country of Owens
10 Valley. It never occurred to me at the time that it
11 had not always been -- did not always appear in such a
12 manner.

13 It wasn't until I got to college that I started to
14 learn that the water from the Owens Valley had been
15 moved as an effect of the construction of the L.A.
16 aqueduct system. I had always known that the system
17 was in place, but in my young mind, I never put the two
18 facts together. The L.A. aqueduct was built in a very
19 different time. Values have changed a lot over the
20 last few decades. Most of us are aware today of the
21 needs to include the requirements of a functioning
22 ecosystem into the development of a sustainable
23 economy.

24 The elected officials of both this country and the
25 state have shown their desire to include a healthy Mono
0107

01 Lake in a part of the future of the landscape of the
02 west. They have made millions of dollars available to
03 the Department of Water and Power towards this end to
04 replace the water that would be lost to L.A. to help
05 restore Mono Lake. I'm very angry that the Department
06 of Water and Power has not applied to the full extent
07 for this money to develop reclamation projects and
08 other environmentally sound means to replace this
09 water.

10 I ask you to force the DWP to recognize the
11 environmental philosophy of this day and set the lake
12 level as high as possible, at least 6,390 feet. I
13 thank Governor Wilson for his support of the lake level
14 of 6,390 feet or higher. I've read much about the DWP
15 and certainly from many biased sources. I don't think
16 until today had I seen those sources confirmed by what
17 their spokesman said here. I was appalled that he
18 brought in extraction of water from the delta and tied
19 it into this process. I think that's unconscionable,
20 and I think it shows exactly what type of organization
21 we're dealing with. And I urge you not to listen to
22 whatever their needs are because clearly, their ethos
23 is lost. Thank you very much.

24 HEARING OFFICER del PIERO: Thank you very much.

25 Ladies and Gentlemen, while the next speaker's
0108

01 coming up, I'm in receipt of correspondence from
02 Senator Mike Thompson, the chairman of the Senate
03 Committee on National Resources and Wildlife. Senator
04 Thompson goes on for several paragraphs. This is

05 addressed to Mr. John Caffrey, Chairman of the State
06 Water Resources Control Board.

07 "Dear Mr. Caffrey, I'd like to express my strong
08 support for the long-term protection of Mono Lake.
09 Specifically, the biological evidence strongly suggests
10 the need for a lake level of 6,390 feet or higher to
11 protect and restore Mono Lake's public trust resources
12 such as wildlife fisheries, wetlands, and recreation.
13 In addition, this lake level would enable the Mono
14 Basin to attain federal air quality standards for
15 particulate matter, and the U.S. Environmental
16 Protection Agency recently cited the Mono Basin for
17 violation of this standard. Moving to address this
18 problem will avoid conflict with the federal
19 government.

20 "Given this broad level of environmental benefit
21 associated with an adequate water supply, I urge you to
22 insure that we preserve appropriate water levels for
23 Mono Lake."

24 And that's signed by Mr. -- Senator Thompson
25 Chairman of the Senate Committee on Natural
0109

01 Resources. So we'll put that in the record.

02 (Applause.)

03 HEARING OFFICER del PIERO: We're getting all
04 kinds of letters.

05 MS. BROWN: My name is Alice Brown, B-R-O-W-N.

06 Gentlemen, Mono Lake is a national treasure and
07 therefore needs protection. I've been going to Mono
08 Lake for over 20 years. I'm haunted by its beauty.
09 I'm enthralled by the simplicity and richness of its
10 unique ecosystem.

11 Over the years, I have watched the bathtub ring of
12 shore widen and the border of brine flies shrink. I am
13 worried about its survival.

14 Let me tell you a bit about what I love about the
15 Mono Basin by way of urging you to consider the
16 magnificence of the place.

17 Looking across the lake toward Mono craters, the
18 breathtaking escarpment of the Sierra and the White
19 Mountains fill my soul with wonder at the beauty of it
20 all. There is the most remarkable array of geologic
21 processes evidenced, tracks of glaciation, volcanism,
22 uplifts, young mountains, old mountains, stream
23 cutting. One would have to have a mind of stone not to
24 be moved by such wonders.

25 I can show my young daughter moraines that were
0110

01 nosed along by ice-age glaciers and with her, I can
02 explore fissures in a volcano that erupted below the
03 waters of an ice-age glacier. Each summer as I
04 approach Mono Lake, I anxiously check that the land
05 bridge to Negged is still exposed providing coyotes
06 easy access to the island's California gull chicks. I
07 thrill to see the thalarops circling in the water,
08 stirring up brine shrimp. The pretty thalarops

09 journeyed from the Arctic tundra and after tanking up
10 at Mono Lake, will complete their migration to
11 Argentina. It's the rich invertebrates brew of these
12 waters that fuel such a remarkable flight. Such food
13 is not available elsewhere.

14 The basin counts 294 visiting species of birds,
15 and it is critical to the life cycle of at least five
16 of these species, one of which is on the blue list.
17 The Mono Basin is a wild place. It is a place to
18 contemplate, discover, and take joy in the grandeur of
19 nature and of man's proper place in it. It is well to
20 be reminded of the enormity of geologic time as one is
21 pressured by the demands of current time.

22 There is abundant evidence that Mono Lake needs
23 specific protection. A lake level of at least 6390 is
24 necessary to protect the lake and it's fragile
25 ecosystem and, by the way, when I first went to the
0111

01 lake, the lake was about halfway again higher than it
02 is now, and as you walk down the boardwalk at the
03 county park and see the designations of what feet level
04 mean where the shore actually was, it is a sad, moving
05 experience. I think 6390 is bare minimum.

06 It's essential to have the lake level protected so
07 that its ecosystem can withstand the unpredictable
08 rigors such as long droughts. Mono Lake should be
09 designated an outstanding national resource water which
10 would set maximum salinity standards. Controlling
11 salinity is an essential protection. Inadequate
12 protection means that the desiccation of Mono Lake will
13 continue, bringing a collapsing ecosystem. A wider
14 bathtub ring of shoreline means more and more noxious
15 air pollution of the spectacular eastern Sierra. Local
16 economies will dry up as well.

17 We have the egregious example of Owens Lake. A
18 healthy Mono Basin will contribute to a healthy eastern
19 Sierra economy, with it the tour buses that are now a
20 frequent sight on Levising.

21 It is well-known that L.A. DWP has environmentally
22 sound alternatives to reliance on Mono Basin water. In
23 California, we're uniquely privileged to have such
24 glories of nature as Yosemite, the redwoods, and
25 sequoias, the Sierra Nevada, the Mojave Desert, and
0112

01 Mono Basin. These places and the animals and plants
02 that have adapted to their rigors are treasures of our
03 country and of the earth. Those who have the power to
04 save such a natural wonder, this public trust, will be
05 remembered as leaders of vision and protectors of
06 quality of life in California in the tradition of John
07 Muir.

08 Those who had the power and did none will be
09 remembered as despoilers of the magnificent places on
10 earth. Thank you very much.

11 HEARING OFFICER del PIERO: Thank you very much.

12 Good afternoon, Sir.

13 MR. SCHMIDT: Greetings. I'd like to thank you
14 and everybody else in the room for being here and
15 speaking and listening to the people that have
16 something to say. It's going to be hard for me to
17 break any new ground here.

18 I first saw Mono Lake in 1964 --

19 HEARING OFFICER del PIERO: Sir, I need your name,
20 please.

21 MR. SCHMIDT: I'm Steve Schmidt from Menlo Park,
22 California.

23 I first saw the lake in 1964 when, coincidentally,
24 it was around 6390 in elevation. I think that's a
25 great place to start the restoration of the Mono

0113

01 Basin. I strongly advocate you setting that as the
02 minimum lake level, and I also believe that given the
03 performance of the citizens of Los Angeles during the
04 last drought, they've done without Mono Basin water for
05 four years, over four years, a lack of water is not
06 among their major problems.

07 I think in the long-term, the lake should be
08 allowed to rise to its natural level. I think DWP
09 actually said something to that effect, letting nature
10 take its course in relation to the stream flows. And I
11 think in order to insure that happening, a policy
12 should be adopted for the staged removal of all the DWP
13 plumbing in the Mono Basin to make sure that this sort
14 of damage can never occur again.

15 Thank you very much.

16 HEARING OFFICER del PIERO: Thank you very much.

17 Folks, it's five o'clock. I'm going to keep going
18 until we can get everybody who needs to get out of here
19 done, so for those of you that can come back at seven,
20 I'd appreciate that. For those of you that are going
21 to have difficulty and -- I'll stay here as long as you
22 do. Okay? Please.

23 MS. McARRON: We're pleased that you're staying
24 here. My name is Marla McArron, M-A-R-L-A
25 M-C-A-R-R-O-N. I'm a teacher at Valley Oaks School of
0114

01 fifth and sixth graders. I brought one of my students
02 with me today. She'll do most of the speaking. I just
03 have a few things to say first.

04 I've been going to Mono Lake since 1979 when I had
05 the privilege of taking a class from the late David
06 Gaines. I was very moved by that experience and since
07 that time, I've taken numerous elementary classes and
08 their parents to Mono Lake. We've done an intensive
09 study. We've written an original play and put it on
10 for our student body with David Gaines starring in the
11 play. He was very humble when we put on the play.
12 We've done it more than once at Mono Lake committee.
13 One time we actually stopped traffic up 395 as the
14 children were acting out the parts, and that was a
15 special time.

16 In 1979, I believe it was '79 or right around that

17 time, I actually brought another student with me --
18 she's now grown and an activist -- to testify before, I
19 believe, the same Board. It was in Palo Alto, and we
20 got up and spoke. And I have encouraged my students
21 since that time to be responsible citizens.

22 This year was no exception. We've enjoyed
23 studying about the lake. We had our camping trip there
24 last -- last September, and the children were thrilled
25 when they came over Conway Summit and saw all of the
0115

01 sights that they had studied. Just last week I took
02 them to the city -- we live in Davis across the
03 causeway -- to see an art exhibit at Crocker Art
04 Gallery, and the late Mr. Ovata had done water colors
05 and wood block prints of not only Yosemite, but also
06 Mono Lake, some of his most beautiful pictures. And
07 again, my students were thrilled and they looked at his
08 sketches and saw the lake that 1927 was much, much
09 larger than it is now, and they could see the
10 difference quite clearly.

11 So without further adeu, I'd like to introduce
12 Aura Weinbaum, her name is spelled A-U-R-A
13 W-E-I-N-B-A-U-M. She has few words for you.

14 MS. WEINBAUM: Members of the Board. I'm a sixth
15 grade student at Valley Oaks School and have been
16 studying about Mono Lake in class. Last month our
17 class spent a weekend there and after studying and
18 actually going to the lake, I've learned to love and
19 care for everything there.

20 Some of the things I enjoyed seeing at Mono Lake
21 California gulls, the eared grebes, and the falleros.
22 I also liked seeing the brine shrimp and brine flies.
23 Some of my classmates and I were brave enough to eat
24 the brine fly pupa.

25 HEARING OFFICER del PIERO: What did you think it
0116

01 tasted like?

02 MS. WEINBAUM: My teacher thinks it tastes like
03 Fritos.

04 HEARING OFFICER del PIERO: You know, I thought it
05 tasted like Fritos, too.

06 MS. WEINBAUM: One of the strangest things I saw
07 were the tufa towers. But besides its beauty, Mono
08 Lake is an important nesting area for California gulls
09 and a critical stop for eared grebes and fallero on
10 their way to South America. Also, the brine shrimp in
11 Mono Lake exist no place else on earth.

12 Because of this, it is of great concern to me and
13 my classmates that Mono Lake be preserved. I really
14 want my kids and their kids, and so on, to be able to
15 see Mono Lake just as I have. To save Mono Lake, I
16 feel it is important to allow the water level to rise
17 15 feet higher than it is now which would put it up to
18 6,390 feet.

19 I also think Mono Lake should be named a natural
20 resource water and become a protected area. If

21 everyone in California conserves water, Los Angeles
22 would have enough water without jeopardizing Mono
23 Lake.

24 Please consider the request of my classmates and
25 I. I know together we can make a difference. Here's
0117

01 some letters from my class and thank you for your time.
02 HEARING OFFICER del PIERO: Ms. Weinbaum, I've got
03 a question for you. Ms. Weinbaum, if Mono Lake's
04 allowed to rise to a level of 6390, that's going to
05 cause the tufa to be inundated a little more. Do you
06 have any opinions about that? Would you mind not being
07 able to see as much as tufa if the water level was
08 allowed to rise?

09 MS. WEINBAUM: No. I think it's more important
10 for the ecosystem and everything. If the tufa have to
11 be covered in order for the brine shrimp and everything
12 that lives there to live, I think that's -- that's
13 okay.

14 HEARING OFFICER del PIERO: Thank you very much.
15 (Applause.)

16 HEARING OFFICER del PIERO: Good afternoon, Sir.

17 MR. VOJKUFKA: I want to thank you, the Board, for
18 being up here and for having me here. My name is
19 Joseph Vojkufka, V, like victory, O-J-K-U-F-K-A. I'm
20 currently president of a American River Conservation
21 Club, and a student and a citizen of California.

22 Mono Lake is irreplaceable. I've been to Mono
23 Lake and the surrounding area. I know that a healthy
24 Mono Lake is important to a healthy eastern Sierra and
25 California economy. The lake level of 6390 or higher
0118

01 is necessary to permanently protect Mono Lake. I feel
02 that Mono Lake is a breathtaking experience with the
03 tufa towers and the unique diversity of wildlife as it
04 is an inland sea, and that Mono Lake should be
05 designated as an outstanding national resource water.

06 It is feasible to protect Mono Lake. State and
07 federal funds totalling 50 to 100 million are available
08 to the Los Angeles Department of Water and Power to
09 replace Mono Basin water with environmentally sound
10 alternatives such as water reclamation and
11 conservation.

12 Mono Lake is personally important to me for
13 recreation and education and conservation of wildlife
14 habitat. I have petitions from 85 students that care
15 about Mono Lake and its protection, and I'll give this
16 to the Board. And I just want to thank you guys and
17 I'm in support of Pete Wilson for being up here. And I
18 know that will you make the right decision.

19 HEARING OFFICER del PIERO: Thank you very much,
20 Sir.

21 UNIDENTIFIED SPEAKER: I want to turn my place
22 over the Mr. Gilliam.

23 MR. GILLIAM: Thank you, Sir. My name is Harold
24 Gilliam, G-I-L-L-I-A-M.

25 I'm an environmental writer. I've done a dozen or
0119
01 so books on Northern California subjects. I'm a former
02 assistant to the Secretary of the Interior, former
03 environmental consultant to the White House and the
04 Army Corps of Engineers, and I think this background
05 gives me some qualifications to make some judgments
06 about what scenic values are.

07 HEARING OFFICER del PIERO: The Hearing Officer is
08 also familiar with your career, Sir.

09 MR. GILLIAM: Well, thank you. In that case, I
10 might as well sit down. I will in just a second.

11 I think that I've been tremendously encouraged by
12 what I've heard here today particularly from the school
13 children, at least a couple of them have testified
14 here. It's their generation that is most significant
15 here. Their children and their grandchildren have as
16 much right as we do to enjoy the full health and glory
17 of Mono Lake.

18 I've stood there many times and looked up from the
19 lake to the great wall of the Sierra, and I've had
20 almost the feeling I could feel the great tectonic
21 forces of the earth that thrust that Sierra wall up
22 several thousand feet above Mono Lake and pounded the
23 waters of the lake. We have a relic here of a previous
24 age. It's almost as if we had a living dinosaur here,
25 and we want to preserve it.

0120
01 Mono Lake is a symbol not only of the past but of
02 the future because in order to preserve it, we're going
03 to have to do a great deal more water recycling and
04 water conservation and water reclamation than we're
05 doing now. When I was born in 1918, there were less
06 than three million people in California. As you know,
07 there are now ten times that many. I don't know
08 whether the population is going to be multiplied by ten
09 times again, but there are going to be a great many
10 more people. And where are they going to get the
11 water? Only through reclamation, conservation, and
12 measures far beyond anything we can see now.

13 So why not start now while we still have Mono Lake
14 and Lake Tahoe and other lakes that might be drained if
15 we insist on draining our lakes for water? Why not
16 start now on that path that we're going to have to
17 follow eventually if many more people are going to live
18 in California.

19 I'll close by reminding you that although Mono is
20 an Indian word, it also means one in English and Latin
21 and Greek. There's just one Mono Lake, and when
22 anything gets down to one, such as this desert lake,
23 there are many desert lakes, but most of them are dry,
24 none which are in a position against a great uplift of
25 the Sierra as Mono Lake is. When things get down to
0121

01 one, they become invaluable. I think Mono Lake is
02 invaluable. I've heard this figure 6390 so often this

03 afternoon, I'm reminded of 54-40 or fight, and I think
04 maybe our slogan should be 6390 or more, preferably
05 more.

06 (Applause.)

07 HEARING OFFICER del PIERO: Thank you, Sir.
08 While the next speaker's coming up I'm -- I am in
09 receipt of another letter. I'm feeling like Jerry
10 Louis at a telethon. This is addressed to our Chairman
11 John Caffrey, subject Mono Lake.

12 "Dear John, I understand that you are accepting
13 public testimony today regarding the alternate impacts
14 and mitigation measures in the Environmental Impact
15 Report on the Mono Basin and that will you soon be
16 considering the modification of the water rights of the
17 City of Los Angeles.

18 I urge you to adopt the 6,390 foot minimum lake
19 level alternative discussed in the Draft Environmental
20 Impact Report. Mono Lake must be protected and
21 restored to ecological balance. This natural resource
22 and its related wetlands and riparian habitat is
23 critical to California wildlife.

24 I believe it will be possible to meet the water
25 needs of Los Angeles through conservation, water
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01 reclamation, and other sources and simultaneously
02 protect Mono Lake. As you know, I have a longstanding
03 interest in this issue.

04 Thank you for the opportunity to comment on this
05 issue. Please contact me if I can be of any
06 assistance. Sincerely, Senator Frank Hill of the
07 California State Senate representing the community of
08 of Whittier, California."

09 Good afternoon, Sir.

10 MR. ALEXANDER: Good afternoon. My name is Ken
11 Alexander. It's spelled the way it sounds.

12 I am a former newspaper man. I spent 18, 22 years
13 as editorial cartoonist for the San Francisco Examiner,
14 Cotley News Service. I've done many cartoons on the
15 side of Mono Lake.

16 First, I was enlisted by Grace Delot, and then I
17 just got carried away with it myself because it's so
18 absolutely necessary. I don't need to stand here and
19 talk about the 6390 and the beauties of Mono Lake. We
20 all know that.

21 I wanted to speak a bit about why this whole thing
22 has come up. What it boils down to is Southern
23 California is a desert. Except for a very narrow strip
24 along the coast, it is basically that desert. It's got
25 lots and lots of people and a finite and variable
0123

01 source amount of water. There are over 100 golf
02 courses in the Palm Springs area. A great portion of
03 Southern California is given over by -- or held by
04 folks like Kern County Lands of the Pacific, DiGiorgio,
05 to growing thousands of acres of cotton, feed corn,
06 alfalfa, water-intensive crops, if you will. And

07 there is no excuse for that. There are places in this
08 country that can raise crops like that. Alabama,
09 Mississippi, down in the south where it rains quite
10 regularly, that's fine. But an area which is
11 artificially maintained to support a profit for large
12 people -- or outfits at the expense of the people, the
13 situation cannot be allowed to exist.

14 I know -- we're in for a major change in our
15 country. All around we're talking about health care,
16 and NAFTA, and all the various large changes we're
17 facing, and we're going to have to face large changes
18 in things that have been accepted up until now such as
19 the power of agri-business to take what it wants.
20 There's only so much water. Los Angeles gets most of
21 its water from varying sources including the Colorado
22 River. They would like to have more from the Colorado
23 River but they can't because that has to go to
24 agriculture. Well, 85 percent of the water goes to
25 agriculture anyhow. The agriculture just has to be
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01 adjusted. That is the biggest drain on the water
02 supply there, and that has got to be changed in some
03 way. Somebody's toes are going to get stepped on, but
04 it shouldn't been the toes of the people who are going
05 to enjoy Mono Lake, we hope. Thank you.

06 HEARING OFFICER del PIERO: Thank you very much.

07 How many more folks need to leave before six?

08 Okay. We'll take those of you, and then we'll break.

09 Excuse me, before we begin. Kelsey, are you okay
10 with paper?

11 THE REPORTER: Yes. I'll let you know.

12 HEARING OFFICER del PIERO: Okay. Thank you.

13 MS. DELOT: First of all, I want to thank the
14 Resources Board for listening to all of us today and
15 yet again this evening. I think you are a very
16 stalwart, very stalwart group.

17 My name is Grace Delot, and I have been a board
18 member of the Mono Lake Committee since 1978, 15 years
19 ago. I first visited Mono Lake in 1961 after moving to
20 Los Angeles from Detroit, Michigan. And after hiking
21 around the lake, camping in the Mono Basin, and fishing
22 in the streams, I truly believed I had been transported
23 in paradise, especially from Detroit. Never had I ever
24 seen a more beautiful place with the mountains, the
25 valleys, contrasted by sky images mirrored in the vast
0125

01 jewel of Mono Lake. Never have I seen a place where
02 one could walk almost across the entire lake on the
03 backs of birds. In this huge body of water that was
04 teeming with populations of brine shrimp and brine
05 flies, California was sure certainly some fantastic
06 place to be and move to.

07 Something very ugly happened in 1978. I began to
08 read a great deal about what was happening to Mono
09 Lake. Water diversions were shrinking the lake. It
10 was Los Angeles, it seemed, diverting four of the five

11 major freshwater streams that fed into Mono Lake, the
12 Salmon Lake.

13 In September -- this is a vignette, different from
14 what you've heard of two people. In September of 1978,
15 my husband and I visited Mono Lake and took a field
16 trip with a young man by the name David Gaines. When I
17 first saw the lake, I did not think that I was in the
18 same place I had been in 1961. The water level was so
19 much lower and a wide white alkali ring surrounded the
20 lake where water had been siphoned away. How on earth
21 could this be happening to such a magnificent ecosystem
22 and place on earth?

23 David Gaines asked me to become a board member of
24 the newly-forming Mono Lake Committee. Today, I am
25 hopeful that with all of the hard work that has been
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01 done and all of the history written that Mono Lake will
02 be restored again to the lake levels that I remembered
03 in 1961 and further back than that, the pictures that I
04 had seen taken before the 1940 diversions.

05 As the Resources Control Board and governing body
06 of the decision of future peoples, Mono Lake must be
07 returned to as it was created before mankind's
08 diversions and technology, and I sincerely hope that it
09 is higher than 6390 feet. Thank you very much.

10 HEARING OFFICER del PIERO: Thank you very much.

11 Next? We'll make sure those letters get into the
12 record.

13 Good afternoon.

14 MS. ELOESSER: Good afternoon. My name is Nina
15 Helen Eloesser. To spell the last name for you,
16 E-L-O-E-S-S-E-R.

17 Someone said it this afternoon that Mono Lake is a
18 significant resource, one of the most significant,
19 absolutely unique, mankind cannot get along without
20 it. To summarize, why do we keep Mono Lake or why
21 should we keep it? For survival, that's why. Its
22 destruction will create a tremendous impact. It is a
23 tremendous ecological resource. It should be
24 reserved.

25 It needs to have an altitude level of 6,390 feet
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01 or preferably more. I remember it from being a very
02 young child, probably in the 1940s. It was much more
03 full then. It did not have this dreadful alkali ring
04 all around its edge. This alkali ring which creates
05 dust storms, which, as I understand it, has arsenic,
06 very toxic in this dust, which worsens air pollution.

07 Mono Lake must be preserved at a high level.
08 Why? For survival. Survival of the wildlife which
09 also affects us. The wildlife, the birds, their eggs.
10 They nest. They feed. They get sustenance from
11 migration. They feed on the brine shrimp. There's
12 other wildlife right there at the lake. It needs to
13 have real islands with water surrounding these islands
14 so that the coyotes don't destroy a lot of the bird

15 life.

16 The high water level will help standardize
17 salinity. That, in part supports the wildlife,
18 particularly the brine shrimp and the flies. The
19 wildlife and the lake, itself, and smaller tufa towers,
20 will attract tourism, will support the economy of that
21 local area, the Mono Basin, Owens Valley.

22 What about Los Angeles? There's a tremendous
23 number of people down there. Los Angeles would do very
24 well and has done well, apparently, for four years
25 without Mono Lake water. Los Angeles apparently can
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01 get enough water from other places. It certainly can
02 conserve more. The tremendous number of swimming
03 pools, golf courses, and so forth can be kept on less
04 water than apparently is being done. Reclamation of
05 water will help. There is funding now for Los Angeles
06 to get water from other places.

07 In closing, I would like very much to say that I
08 appreciate the Board sitting and listening to
09 repetitive talks. I want to thank those people whom I
10 shoved in front of in order not to have my ride leave
11 before I did. And thank all, but most of all save Mono
12 Lake at a high water level. Thank you.

13 HEARING OFFICER del PIERO: Thank you. Thank you
14 very much.

15 Sir?

16 MR. BELLAND: My name is George Belland, and I
17 live at 110 Lakeview Drive in Auburn, California.
18 Sorry to get here so late and keep you so late.

19 HEARING OFFICER del PIERO: Oh, I'm going to be
20 here --

21 MR. BELLAND: I know, but you have to eat.

22 HEARING OFFICER del PIERO: Actually, that's not
23 true. I don't have to eat.

24 (Laughter.)

25 MR. BELLAND: Well, as a --

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01 HEARING OFFICER del PIERO: Some other people need
02 to.

03 MR. BELLAND: As a former county supervisor, I
04 know what you're going through because I've been
05 involved in long hearings, too.

06 And as a former county supervisor --

07 HEARING OFFICER del PIERO: Were you a county
08 supervisor from Placer County?

09 MR. BELLAND: Yes.

10 HEARING OFFICER del PIERO: In the mid to early
11 eighties?

12 MR. BELLAND: Late eighties. I just finished in
13 1992.

14 But anyway, you know, I can sympathize with the
15 people of Mono County because our county has suffered
16 the ravages of the water wasters, too, and it has
17 affected our rivers severely. While I've lived there,
18 I've lived there since 1955, there have been two dams

19 under construction that have burst and in the process,
20 they scour out the rivers and the river banks and --
21 maybe 30 to 100 feet up, they may never be the same
22 again.

23 I should say also that in addition to being
24 sympathetic to the people of Mono County, I sympathize
25 with the people of the State of California and the
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01 citizens of the United States and anybody from all over
02 the world who has been fortunate enough to see Mono
03 Lake, that I think if this lake continues to degrade,
04 that it will be a loss to the whole world.

05 As you know, there are quite a few lakes on the
06 eastern -- not quite a few, but there are some
07 significant lakes on the eastern side of the Sierra. I
08 visited Pyramid Lake, and that has been degraded
09 greatly by really, I think, an absurd water project
10 that was the first of its kind in the area so maybe you
11 can excuse them in those days because they wanted to
12 make the desert bloom. But as you go south, there's
13 Lake Tahoe which is dying a very slow death, I would
14 say, because of over exploitation, and then here we are
15 at Mono Lake.

16 I've had the great pleasure of canoeing on Mono
17 Lake, and it's an experience that I'll never forget.
18 It's -- the water's clarity and smoothness is so great
19 that you have the feeling or the -- you get the
20 sensation that the canoes are suspended in mid air.
21 And I thought I was being very unique in sampling the
22 brine shrimp. That wasn't such a great deed. But I
23 did try the brine fly pupa, and I see that I guess
24 that's not a unique --

25 HEARING OFFICER del PIERO: There are several of
0131

01 us who are really sick.

02 MR. BELLAND: Maybe we ought to get T-shirts.

03 But anyway, I preferred the shrimp because the
04 brine fly pupa take on a lot of sand.

05 HEARING OFFICER del PIERO: It's more socially
06 acceptable to say you eat the shrimp.

07 MR. BELLAND: I think it's appropriate at this
08 time, in closing, it usually is in an environmental
09 issue, to say that we must save this place for future
10 generations, and I'm ready to close, but I think we
11 must go a step further than that and restore this lake
12 for future generations. It's not every natural
13 resource that once it's been despoiled can be brought
14 back, but this lake mainly needs water. I think this
15 lake, the restoration of this lake gives our society on
16 opportunity to show that we are a civilized society,
17 and I hope that you all will help us bring that -- that
18 possibility to fruition.

19 Thank you once again for staying so late.

20 HEARING OFFICER del PIERO: Thank you sir.

21 Who else?

22 MR. SAYER: Thanks. You have a terrific

23 demeanor. I've been to a lot of hearings, and I really
24 appreciate your patience and the fact that you haven't
25 cracked a yawn yet. I haven't seen one.

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01 HEARING OFFICER del PIERO: We'll they have all
02 been interesting up until you --

03 MR. SAYER: I was also going to say that the Fox
04 Network has an opening for a talk show host. I have --

05 HEARING OFFICER del PIERO: Chevy's as good in
06 person as he was on that show.

07 (Laughter.)

08 MR. SAYER: One's from Brian Bester, who's a
09 concerned citizen of California. Another is from
10 Senator Milton Marks who advocates a 6390 level or
11 higher, and another one is from Congressman Norman
12 Menatta, the Chair of the House Public Works and
13 Transportation Committee who also advocates a 6390 foot
14 level or hire.

15 HEARING OFFICER del PIERO: If you'd be kind
16 enough to give those to Mr. Herrera, we'll make sure
17 they're incorporated in the record. Thank you for
18 bringing them in.

19 MR. SAYER: I'm happy to. And also I'm a
20 representative of Anna Eshew of San Mateo County who
21 wanted send a letter today, but was not quite able
22 to.

23 HEARING OFFICER del PIERO: You tell Anna that
24 Marc del Piero said that when she gets her letter in,
25 I'm willing to accept it into the record. Anna and I

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01 sat on a committee, the central coast regional studies
02 program that developed all the studies to stop offshore
03 oil drilling off the coast of San Mateo and Santa Cruz
04 Counties for about six years. So we're old friends.
05 So you tell her when she wants to get her letter in,
06 I'll make sure it goes into the record.

07 MR. SAYER: Okay. Terrific. Thank you.

08 My name is Jim Sayer, and I'm from San Francisco.
09 And I'm real pleased to be here. Like some others,
10 I've traveled a long personal journey to get to Mono
11 Lake and to enjoy and feel Mono Lake. It all started
12 at an overnight sleep at South Tufa when you could
13 sleep right among the tufa, and I think given the
14 increasing popularity of Mono Lake, it's probably a
15 good thing that you can't have hordes of people
16 sleeping amongst them. But I was lucky enough to be
17 able to do that in 1979.

18 Since then, I've been deeply involved with the
19 Mono Lake effort. I've tabled at college campuses.
20 I've given presentations to gem clubs, to senior clubs,
21 to school classes, to conservation groups. I've been a
22 part of this Mono Lake bike-a-thon. I encourage all of
23 you to try and take a crack at it. It's 370 miles, and
24 you can have the pleasure of having your heels bitten
25 off in Inyo Current or -- hey, it's better than you

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01 think. You can eat roadside steaks in Long Pine, and
02 you can endure 105 degree heat in the Mojave Desert,
03 and you can climb the Sherwin Grade, do about 3 or
04 4,000 feet in a single seven or eight miles. So, many
05 of the people here today have enjoyed that great --

06 HEARING OFFICER del PIERO: Doesn't that sound
07 exciting?

08 MR. SAYER: Wait 'til you meet CalTrans and avoid
09 their oil slicks on 395. There's the other thing you
10 can do.

11 I've attended hearings, written letters, and all
12 this stuff to raise money for Mono Lake. That's why
13 I'm really pleased that it's come to this point after
14 15 years of working with the Mono Lake Committee, that
15 we finally have an opportunity to deal with the Water
16 Board and to try and resolve this issue. I think it
17 would be great if we could finally bring California's
18 water policy back into sync with nature and the
19 environment. And I think you have a chance to make a
20 watershed decision, and I mean that in more ways than
21 one.

22 It's striking because I thought about a similar
23 debate I read about in Sierra Magazine about the
24 proposed dams on the Colorado River, which is a far
25 piece from here. But in that case, the proposal was
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01 resource based. It was to flood part of the Grand
02 Canyon, the lower part, and it was almost the reverse
03 image of what's happening with Mono Lake. Some of the
04 proponents of the dams said that by raising the level
05 of the Colorado River, you could see the walls of the
06 Grand Canyon better. It's true.

07 And I've heard in the past people say to me,
08 "Well, if we drain down Mono Lake more, can't we see
09 the tufa towers better?" So it's almost the exact
10 reverse. And in the end, the Colorado dams were
11 defeated, and I think that high profile debate gave
12 people 30 years ago the sense that maybe we don't need
13 to dam all our rivers to enjoy a healthy and prosperous
14 future, that maybe the bottom line is that we don't
15 have to mess with the water line.

16 I think that's the same lesson emerging here
17 today, 30 years later. There's no reason that Mono
18 Lake's level has to be anywhere but 6410 feet above sea
19 level or perhaps higher, its natural mean level. The
20 evidence is overwhelming that Los Angeles can survive
21 without a single drop of Mono Basin water. The city
22 has the money and technology to meet its real water
23 needs without harming an ecosystem 350 miles away.

24 Los Angeles residents and residents all around
25 California as well as the farmers who use 85 percent of
0136

01 the state's water have the capacity to use much less
02 water than we are now consuming. So you and your Board
03 colleagues find yourselves in the rare and wonderful
04 position of being able to choose from the Draft EIR

05 menu, a win-win-win situation, a lake level of 6390
06 feet or higher, preferably 6410 feet.
07 It's a win for the Mono Basin watershed. It's a
08 win for Los Angeles ratepayers who will get a more
09 stable, environmentally sound source of water, and it's
10 a win and a watershed decision for water policy in
11 California and the west. Just like the Colorado River
12 debate 30 years ago with hint of the demise of wasteful
13 big dams, your decision for 6390 or more will signal
14 that it's time for all of us to begin living within our
15 own watersheds, to kick the habit of robbing one
16 ecosystem to support an artificial one many miles away.

17 I say this as somebody who was born in San
18 Francisco and repents daily and knows full well that we
19 are doing the exact same thing in San Francisco that
20 Los Angeles is doing with Mono Lake, that we have
21 despoiled a beautiful Sierran landscape so that we can
22 have fresh pure water. I know that the lessons apply
23 to me and my neighbors throughout most of California.
24 And that's why it's so important for you to send the
25 right signal and choose 6390 or a higher level so that
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01 we can start restoring not only Mono Lake, but all the
02 damaged watersheds throughout this incredible state.

03 So I urge you to act as quickly as you can to make
04 that decision. We need your leadership so urgently,
05 and I'm really pleased that you did this hearing and,
06 again, thanks for your good humor and patience.

07 HEARING OFFICER del PIERO: Thank you very much.

08 MS. OWEN: My name is Holly Owen, and I'm the
09 director of information systems for an alternative
10 energy company, but I'm here representing Tom's Tag
11 Team.

12 And I think you've heard a lot of technical
13 testimony today, and I think the more personal stories
14 you hear, the better a perspective you'll have on how
15 the public feels about Mono Lake. I should probably
16 explain what Tom's Tag Team is. As you already know,
17 you've heard from a number of people who talked about
18 the bike-a-thon, and annually the Mono Lake Committee
19 organizes the bike ride from Los Angeles to Mono Lake.
20 And in 1989 Tom Lyons raised \$2,000 to support the lake
21 and due to health reasons, he was unable to complete
22 the bike-a-thon. At that point, his friends organized
23 Tom's Tag Team so that his sponsors would still be able
24 to donate their money and Tom would be able to keep his
25 commitment to his 41 sponsors for that year.

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01 I'd like read a little bit of a letter from him
02 that he wrote at the conclusion of the 1989
03 bike-a-thon.

04 "To all the people who sponsored my effort,"
05 effort in quotes since it wasn't really his, it was his
06 tag team's, "in the Mono Lake bike-a-thon this year, I
07 want to say thank you very much on behalf of the lake
08 itself. Work to save Mono Lake continues to be very

09 positive and generate results that we're all very, very
10 pleased about. We hope some day that we can do the
11 victory ride for Mono Lake.

12 "It sometimes amazes me that a local boy from a
13 green, wet place like a Hawaii can be so drawn to the
14 stark, dry, and some people say desolate place like
15 Mono Lake, but you need to experience the area to know
16 it's beauty and mysteries.

17 "This year I had 41 sponsors who contributed over
18 \$2,000. I'd like to take this opportunity to thank
19 them. From the smallest to the largest gifts, they're
20 vitally important. The worst part of not being able to
21 do the ride this year -- oh, I didn't miss the hills
22 much -- was not being a full part of the community of
23 people who made this year's thon and not being able to
24 see the lake, itself.

25 "All in all, I missed the spiritual element that
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01 comes from being part of a mission where people
02 dedicate their time and energy to saving nature. And
03 this spirituality is very renewing to me." And I think
04 the Board after all the testimony from everyone today
05 has got to be feeling that spirituality.

06 This year, at the conclusion of the 1993
07 bike-a-thon, we put a bench in place. We worked with
08 the Tufa State Reserve to dedicate a bench that we
09 built in our basement to Tom. And it was placed at the
10 old marina near Mono Lake. It's about a thousand feet
11 from the lake level right now. The old marina used to
12 be the boating dock. It's a beautiful spot, but
13 there's nothing that all of Tom's Tag Team would like
14 better than to be able to sit on that bench and see the
15 6390 level 15 feet from that bench. It would be
16 absolutely wonderful, and I think for generations to
17 come it would really be nice to have to scuba dive to
18 see the bench.

19 So on behalf of Tom's Tag Team from 1993, we'd
20 like to say that the lake level needs to be raised, and
21 I'd like to read the names of Tom's Tag Team since I'm
22 the only one who could be here today. Susan Lyons from
23 Kauai, Hawaii, Sherry Lyons from Kilauea, Hawaii, Brent
24 Owen from San Francisco, Lorraine Jarvis and Nancy
25 Dobbs from San Francisco, Brian Pens from Kensington,
0140

01 California, Mike Lyons from Maui, and Ann Springer from
02 Downers Grove, Illinois. Thank you very much.

03 HEARING OFFICER del PIERO: Thank you very much.

04 Anyone else? I think, Ma'am, you're the last one,
05 right? One more? And then we'll start again right
06 around seven o'clock.

07 MS. METHVIN: My name is Susan Methvin, M-E-T-H-V,
08 as in Victor, I-N. I'm a resident of Moraga.

09 I was the first Northern California director for
10 the Mono Lake Committee back in the late seventies.
11 Stomped the streets of Berkeley and Palo Alto selling
12 bumper stickers, T-shirts, and other paraphernalia, and

13 I used to know everybody that had the bumper sticker on
14 their car. And it is very heart-warming for me to see
15 people I don't know at all who have Mono Lake in their
16 hearts as it is in mine.

17 I moved here in 1966 from the midwest and since
18 that time have made a yearly pilgrimage to Mono Lake.
19 On my first visit to Mono, I was touched. As a bird
20 watcher, the number of birds were amazing to me. As a
21 person who appreciates beautiful places, Mono Lake
22 inspired me as one of the most uniquely beautiful
23 places in the world. As an educator, I have taken
24 several hundred people to the shores of Mono Lake to
25 learn about its wildlife and ecology. Every year my

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01 family has visited Mono Lake, at least once a year.

02 With 26 years of memories of visiting Mono Lake,
03 there are many outstanding memories, but my favorite is
04 last year, when my 19-year-old son and I returned from
05 the Grand Canyon stopping at Mono Lake for our yearly
06 visit, and as we walked the shores bird watching and
07 talking about life, it's a great place to put one's
08 life in perspective, he said, "You know, mom, the Grand
09 Canyon is beautiful, but Mono Lake is more beautiful."
10 And it came home to me the heritage that we have here
11 in this state that we must preserve.

12 I urge the Water Board to keep the water level at
13 6390 or higher. From the testimonies today, you can
14 see this is -- this is not merely a lake, it is a place
15 that touches one's heart. And I urge you to
16 permanently protect it as an outstanding national
17 resource. Thank you.

18 HEARING OFFICER del PIERO: Thank you very much.

19 MS. GRUENEICH: Thank you. My name is Diane
20 Grueneich, that's G-R-U-E-N-E-I-C-H, and I am on the
21 current Board of Directors for the Mono Lake Committee
22 and thank you for the opportunity to speak. And I feel
23 like I am continuing the tradition of the people
24 involved with the Mono Lake Committee.

25 I am an environmental lawyer, and I've been
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01 practicing for about 17 years. And I've been involved
02 in many of the major fights over resources here in this
03 state, and what really impresses me about the decision
04 that you're facing is that it is precisely so rare
05 these days when there is actually a consensus and a
06 bi-partisan consensus to really save and preserve and
07 to enhance a natural resource. And to me, as I spent
08 about the last hour in the audience sitting listening
09 to people, what I came across, because I tend to be, as
10 a lawyer and after all these years, somewhat of a cynic
11 about our institutions, is that we can really look at
12 this process and say there actually is a place when
13 people are so cynical about our institutions that they
14 really are working, that we have this process that has
15 people coming to you who have really lived and
16 committed their lives to protecting Mono Lake for

17 decades and decades, who have the ability to tell you,
18 as members of the public, just what it means to them to
19 be able to be preserved.

20 We also have as a component of our institutions
21 the scientists that can also present the information to
22 you, and that they've done in the Environmental Impact
23 Report where, again, you have the scientific
24 information drawing you to the conclusion that a
25 greater level of protection for the lake is really

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01 required.

02 Then again, we have our leadership in this state.
03 Again, we see it bi-partisan, Governor Wilson, we heard
04 today from Secretary Wheeler. I've been very excited
05 to hear the various letters that have been coming in
06 this afternoon, and it really is the leadership coming
07 forward as well in this state to say, "Let's get
08 together and let's protect this." And to me, what I
09 take from that is that again, in this time of great
10 cynicism, our institutions are able to work and are
11 able to function.

12 And so I'd just like to close by saying on behalf
13 of the Mono Lake Committee, that you have a real
14 opportunity before you, and I hope you'll take
15 advantage of it. Thank you.

16 HEARING OFFICER del PIERO: Thank you very much.

17 Unless there's someone else, folks, we're going to
18 break. We'll be back at seven, and we will continue
19 then. Thank you.

20 (Dinner recess taken)

21 HEARING OFFICER del PIERO: Ladies and Gentlemen,
22 this hearing will again come to order. If you all
23 would be so kind -- how many of you were not present
24 this afternoon? That's what I thought. Okay. For
25 those of you that were here this afternoon, forgive me,

0144

01 but I'm going to go through very quickly introductions
02 and outline what's taking place and how it's going to
03 be conducted.

04 First of all, Ladies and Gentlemen, my name's Marc
05 del Piero. I'm the Vice-Chairman of the State Water
06 Resources Control Board, and this is the time and place
07 for policy presentations on issues related to water
08 diversions from the Mono Lake Basin by the City of Los
09 Angeles.

10 With me this evening, although he is not here
11 right now, he's going to be joining me very quickly, is
12 Mr. John Brown. He is also a member of the State Water
13 Resources Control Board. The two of us have been
14 conducting this hearing today, although yesterday and
15 the day before, the full Board was present.

16 Let me begin by saying the State Water Resources
17 Control Board is a five-member Board that has water
18 rights authority within the state of California. The
19 five members of the Board are appointed by the
20 Governor. The positions are categoric. Mr. Brown, who

21 will be joining us very quickly, is the civil engineer
22 on the Board. He has -- he's licensed both as a civil
23 engineer as well as an agricultural engineer in the
24 State of California. He worked for 15 years as chief
25 engineer for the Irvine Ranch Company. He has
0145

01 extensive experience in groundwater hydrology,
02 groundwater modeling, and has a tremendous amount of
03 experience in terms of agricultural irrigation systems.

04 The Chairman of the Board, who's not here, is John
05 Caffrey. He serves in the position of the water
06 quality specialist on the Board. Unfortunately, he had
07 to be in the Bay Area today and was unable to join us,
08 although he will be joining us next Wednesday when the
09 evidentiary portion of this hearing begins again.

10 Additionally, the public member of the Board is my
11 good friend Mary Jane Forster. She is in San Diego as
12 we speak having a meeting with the San Diego Regional
13 Water Quality Control Board, as is the other engineer
14 on the Board. His name is Mr. James Stubchaer. He
15 served for 30 years as the chief engineer and general
16 manager of the Santa Barbara Flood Control Water
17 Conservation District and has significant and extensive
18 expertise in computer modeling and groundwater
19 hydrology.

20 And then lastly, there's me. I serve in the
21 capacity of the attorney. One of the five members of
22 the Board is required to be an attorney. Prior to
23 serving on the Board since January of '92 when the
24 Governor appointed me, I served for 11 years on the
25 Monterey County Board of Supervisors. I also served on
0146

01 the Monterey County Flood Control Water Conservation
02 District for 11 years. I was chairman of the Monterey
03 County -- pardon me. Monterey Bay Unified Air
04 Pollution Control District and served on the committee
05 that established the Monterey Bay Marine Sanctuary and
06 the Elkhorn Slough National Estuan Sanctuary along with
07 a number of local coastal plans. So much for the
08 introduction.

09 With us this evening are three of the Staff people
10 from the State Water Resources Control Board;
11 Mr. Steven Herrera and Mr. Jim Canaday, our two Staff
12 environmental specialists, the two gentlemen on my
13 extreme right. And then to my immediate right is my
14 good friend Dan Frink. He's the Staff attorney on this
15 matter.

16 I'm going to read a quick paragraph into the
17 record so those of you that weren't here earlier today
18 can enjoy the benefit of that information, and then
19 we'll get on with the business at hand.

20 The State Water Resources Control Board has been
21 charged with the task of amending the City of Los
22 Angeles' water rights in the Mono Basin to include
23 terms and conditions necessary to protect fishery
24 resources in the effected streams of the Mono Basin.

25 The State Water Board has also been charged with the
0147

01 task of considering the effects of water diversions on
02 public trust resources in the Mono Basin and protecting
03 those public trust resources where feasible.

04 The second task involves the difficult job of
05 balancing the public interests served by the City of
06 Los Angeles water diversions against the effects of
07 those diversions on public trust resources.

08 Now, tonight is not a portion of the evidentiary
09 hearing. Tonight is the opportunity for individuals
10 wishing to present policy statements to present them to
11 the Board and to have them incorporated into the
12 record.

13 I forgot, and I don't do this intentionally, an
14 additional member of the Staff who nothing runs
15 without, Mrs. Kelsey Anglin is our Court Reporter.
16 When you approach the podium to begin your statement,
17 it's necessary -- no, it is mandatory for you to state
18 your name and then spell it because if your name is not
19 in the record, you didn't say it. Okay?

20 There are four conditions -- actually three
21 conditions, with regards to the presentation of policy
22 statements. First of all, these policy statements are
23 not required to be presented under oath. Secondly,
24 they are not going to be used as evidence in the
25 hearing within the legal context of evidence. Thirdly,
0148

01 they are not -- the presenters of policy statements,
02 whether they be individuals or representatives of
03 organizations, are not required to be cross-examined.
04 However, I'm allowed, in my capacity as Hearing
05 Officer, and Mr. Brown, in his capacity as a Board
06 member, are allowed to ask questions of presenters in
07 order to clarify their respective positions after
08 they've made their presentation.

09 It's just a little bit after seven o'clock. Each
10 presenter this evening is afforded five minutes to make
11 their presentation. We will be here until we are done,
12 or until you all get tired and go home.

13 With that, if you have not filled out a blue card
14 and you wish to make a presentation this evening,
15 please get a blue card from one of the individuals in
16 the back of the room, and they will be happy to make
17 sure that you get on the schedule.

18 When last we left this episode, we had just
19 concluded those individuals who had to leave by five
20 o'clock, and so we have a whole new list of cards --
21 let me just ask, just for record, and then I can put
22 these two away, is John Crossman from Eastern Municipal
23 Water District here? He is not. How about Tom Minge?
24 Okay. Good.

25 We're going to begin. Lee Mitchell? Is Lee
0149

01 Mitchell present? Following Mr. Mitchell will be Sara
02 Potter? Is Sara Potter present still? Good. Thank

03 you.

04 MR. MITCHELL: My name is Lee Mitchell,
05 M-I-T-C-H-E-L-L. First of all, I'd like to thank you
06 gentlemen for your endurance. I was here this
07 afternoon at two also and had to go and decided I had
08 to come back.

09 HEARING OFFICER del PIERO: We appreciate you
10 coming back, Sir.

11 MR. MITCHELL: I'm paid to teach geology and
12 geography and anthropology and marine science and
13 ecology, of course, at Yuba College in Woodland, but
14 I'm here to represent Cassie, and Laura, and Danny, and
15 Tyler, and myself. Four names you haven't heard
16 tonight.

17 I'd like to speak to the Board members present and
18 the Board member who is not present. I know they're
19 busy. And I don't have much to say, and I have another
20 word to add that hasn't -- that I did not hear today.
21 Many of us that are in here have been to Mono Lake and
22 the area, and I think we'd like our grandchildren to go
23 there, too. Those are the four names I mentioned, and
24 they have been there. I hate to think that the only
25 way they were going to learn about Mono Lake was in the
0150

01 pages of some biology book, some ecology book, or maybe
02 some history book. That's a heck of a way to learn
03 about a place like that.

04 You have an opportunity and an obligation to make
05 some choices in the near future, and I think -- and I
06 have some stuff, and I saw a lot of it this afternoon
07 and you probably will get some more, you've got this
08 many piles of --

09 HEARING OFFICER del PIERO: I need to point
10 something out for the record. Just in case -- this
11 document is in the back of the room. And forgive me
12 for interrupting your presentation, Sir. This is not a
13 document of the State Water Resources Control Board.
14 Just in case anybody harbored any question in their
15 mind. This is produced by the Los Angeles Department
16 of Water and Power. Okay? It is not a publication by
17 the State Water Resources Control Board. So pardon me
18 for interrupting. I just wanted to make sure that was
19 clear just in case somebody picked that up and figured
20 that was the doctrine according to the Board.

21 MR. MITCHELL: I even picked one up. I have a
22 good use for it. I'm sure that both from your -- that
23 your technical Staff and the lawyer end of it as well
24 as the water end of it as well as all the L.A. agencies
25 and all the ecological groups have given you mountains
0151

01 and mountains of all the statistical scientific data
02 and opinion, legal opinion, that you need to know to
03 make a decision. But I think in the long run, and this
04 is the fifth new word that I'm going to give you that I
05 didn't hear this afternoon, as a matter of fact, you're
06 not going to be making a scientific or legal decision,

07 you're going to be making a moral decision. Make a
08 good one.

09 HEARING OFFICER del PIERO: Thank you, Sir.
10 (Applause.)

11 HEARING OFFICER del PIERO: Ladies and Gentlemen,
12 I did need -- I didn't tell you the fourth rule. Some
13 of you who were here earlier know what the fourth rule
14 is. The fourth rule is if you clap, it can only be
15 for me and that way my ego is satisfied, and we move
16 the hearing along very quickly. Oh, you can clap for
17 Brown, too. I keep forgetting that.

18 Sara Potter, and then following Ms. Potter, Joan
19 Humphrey.
20 Good evening.

21 MS. POTTER: Good evening. My name is Sara
22 Potter, S-A-R-A P-O-T-T-E-R. And I come as a private
23 citizen and also, I would like to take the liberty to
24 unofficially speak on behalf of visitors to Mono Lake
25 around the country and around the world who could not
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01 be here this evening.

02 What I would ask in my presentation tonight is to
03 remind the Water Board of the extent of the people that
04 are impacted by Mono Lake, not only in the state but
05 around the country and around the world, and to
06 challenge you and call you to the task that you have in
07 terms of the opportunity that exists and what can be
08 done with public trust in terms of including values
09 that have historically not been considered in our
10 allocation of natural resources.

11 I grew up on the western side of the Sierras in
12 Sonora and visited Mono Lake frequently as a child.
13 That began my relationship with this place. I have
14 fond, fond memories of exploring the black point
15 fissures, of walking amongst the tufa on the south
16 shore, and camping at Sage Hen Meadow. I did some
17 early, early environmental work in my junior high days
18 on the tufa towers in Mono Lake as part of my science
19 fair project in seventh grade. And that has been a
20 piece in my love affair with this place.

21 And the past two summers I have worked for the
22 state and federal conservation agencies in the Mono
23 Basin, and the summer of 1992, I worked for the Mono
24 Lake Tufa State Reserve, and this past summer I worked
25 for the Mono Lake Ranger District of Inyo National
0153

01 Forest. And I've worked in the fields of public
02 interpretation and information. So I've been answering
03 questions from --

04 HEARING OFFICER del PIERO: Were you on the field
05 trip?

06 MS. POTTER: I don't think so.

07 HEARING OFFICER del PIERO: Last summer?

08 MS. POTTER: No.

09 So it is within my purview in this field to do
10 everything from answering questions of how far is it to

11 Yosemite, to how do you get to the fissures, to are the
12 shrimp that are in natural forest visitor center that
13 are the models reassuring children that no, they're
14 really not that big. So a broad range of questions --
15 and I've had the pleasure of introducing hundreds of
16 people from all over the world and all over the country
17 to the natural history, the political controversy, and
18 the questions of Mono Lake's future.

19 And it has occurred to me that the experience that
20 people have there is a value, and it's not tangible.
21 And it makes it that much more difficult to fit it into
22 the process of public trust. Historically, we as
23 Americans have not taken long-term environmental
24 consequences into account when allocating our natural
25 resources and consequently, a lot of our environmental
0154

01 policy seems to be retroactive where we have to go
02 about cleaning up our messes, rather than trying to
03 prevent them in the first place.

04 And now we have an opportunity to do that and to
05 include a lot of the factors that were overlooked when
06 the permits and the licenses were initially issued to
07 Los Angeles. We can look at the economic health of the
08 eastern Sierra. We can look at the needs for a healthy
09 ecosystem. We can look at the needs of the City of Los
10 Angeles. We can take into account what solutions
11 realistically exist, and we can take into account the
12 intangible factors or the experiences of people from
13 all over the world in the state and the country. And I
14 simply ask that you would take advantage of the
15 opportunity that you have before you to do what we have
16 historically not done and to take those things into
17 consideration and assert public policy that would
18 maintain a healthy Mono Lake not below a level of 6,390
19 feet in elevation. Thank you.

20 HEARING OFFICER del PIERO: Thank you very much.

21 Joan Humphrey, and following Joan Humphrey is
22 Loren Hov. I believe that's right. Hov or Hov.

23 Good evening.

24 MS. HUMPHREY: Good evening, Ladies and
25 Gentlemen. My name is Joan Humphrey,

0155

01 H-U-M-P-H-R-R-E-Y. I'm a resident of Davis.

02 Just over 20 years ago before any concern over
03 Mono Lake came to the public attention, I was a young
04 biology student at UC Davis given a gift that has come
05 to affect my viewpoint on a daily basis. The gift was
06 an introduction to a facet of nature study called bird
07 watching by a man names David Gaines.

08 It was a number of years later before I first
09 visited the Mono Basin area. Descending through
10 contrast from Yosemite to Leving Canyon to Mono Lake
11 produced a love-at-first-sight sensation. Mono Lake
12 became a favorite area of mine to bird watch and to
13 learn more about all aspects of natural history. I
14 felt overwhelmed seeing Mono Lake in its role as an

15 animal refueling station, but any bird watching fever I
16 have is transcended when I realize the essential,
17 personal role of the lake area in its refueling of my
18 own senses.

19 I am always inspired by the beauty of Mono Lake
20 and have noticed others being delighted and inspired
21 also as I've led them on bird watching and nature trips
22 in the area. For an area to have such incredible
23 ability to inspire is rare beyond price. I want that
24 inspiration to be available for generations to come. I
25 wonder if stressed out humans don't need water in the
0156

01 lake for mind renewing just as much as the animals do
02 to have a home to live in. Since most animals' needs
03 for water are well covered in the Draft EIR, my biggest
04 concerns about the lake today revolve around dust and
05 ducks.

06 The alkali dust issue still worries me. Air is so
07 basic and we are fouling the air as well as the water.
08 I've been caught out in the dust storms. I know young
09 children growing up next to the lake. The dust makes
10 me angry. That's not the way to treat people. 6390
11 might take care of most of the critters, but I
12 understand it doesn't really take care of the dust or
13 the ducks. The Draft EIR and others mention the ducks
14 like the grebes and falleros once existed in tremendous
15 numbers around Mono Lake. These numbers have been gone
16 since the 1950s water levels. It seems they require
17 more fresh water than the other species.

18 I feel like I've missed something here. I would
19 really like to have seen and continue to see up to a
20 million water fowl circling in the clouds around Mono
21 Lake. It saddens me to realize that even with total
22 water flow restored, the return of ducks in those kind
23 of numbers would take longer than my lifetime. I still
24 want to see this coming for future generations of ducks
25 and future generations of humans.

0157

01 With today's available technology and funding for
02 water reclamation, I deeply believe Los Angeles no
03 longer truly is in need of this water. Through this
04 process is an opportunity to resolve and restore.
05 Because of the dust for the people and for the ducks, I
06 ask you to decide from a lake level alternative of 6410
07 feet or higher.

08 Thank you all for your attention to my words today
09 and for your efforts on behalf of Mono Lake.

10 HEARING OFFICER del PIERO: Thank you very much.
11 You may be interested to know -- you made some comments
12 in regards to 6390 addressing the issue of the PM-10
13 problem. 6390 is what the Great Basin Air Pollution
14 Control District has recommended. At that level it
15 takes -- it does not take care of all of the PM-10
16 problem, but it takes care of well in excess of 90
17 percent of it.

18 MS. HUMPHREY: I realize it takes care of a lot of

19 it. I want to see it take care of all of it.
20 HEARING OFFICER del PIERO: That's fine.
21 Hov? Is it Hov or Hov?
22 MR. HOV: Hov.
23 HEARING OFFICER del PIERO: And following Mr. Hov,
24 John Crawford? Is Mr. Crawford still here?
25 MR. HOV: I am Loren J. Hov, L-O-R-E-N, last name

0158

01 H-O-V, as in Victor, and I reside in Sacramento.
02 And Lee and Miss Potter have stolen a lot of my
03 thunder, but we'll go ahead anyway.
04 I'm a native Sacramenton, as is my wife, and we
05 grew up here. We spent over three decades in the east
06 with my job and happily call California home again. I
07 hold several degrees from Berkeley, am a licensed
08 professional engineer in California, run my own small
09 consulting business, and am an expert in many
10 disciplines including being an expert witness
11 testifying as a chemical engineer and as an organic
12 chemical manufacturer.

13 I'm testifying here not as an expert, but as a
14 concerned Californian and a grandparent. I have copies
15 of my four-page written testimony for your use so will
16 not take time to recite here all the outdoor things I
17 have done in the U.S. and particularly in California.

18 My wife and I enjoy all areas of the state and
19 have visited and revisited many since our return and
20 have been overjoyed to show our grandchildren imported
21 every summer from the east many of its wonders. They
22 have been awed by Muir Woods in late afternoon
23 sunlight, fascinated by Monterey's aquarium, proud to
24 ride horses in the Sierras, and ice skate at Squaw
25 Valley. They have slogged in prior years mud flats at

0159

01 Lake Tahoe, and rejoiced to swim in the nearly normal
02 level lake this summer. Incidentally, one grandchild
03 is a sixth generation native Californian, but on my
04 wife's side.

05 We'd like to show them Mono Lake next summer and
06 tell them by the time they are young adults, we can
07 show them not desolation, but a beautiful lake and
08 basin that comes close to its natural pre-diversion
09 level. We would like to show them hundreds of
10 thousands of ducks and geese resting and feeding there
11 as well as a natural ecosystem.

12 This Board could make that happen. One, set a
13 reasonable level of Mono Lake that will return it, at
14 least in part, to its natural, original level if this
15 is economically feasible. I'm no expert here. This
16 level must be found by this Board and should be done
17 for our foreseeable time for all Californians.
18 Pre-diversion level I understand was about 6417 feet
19 above sea level. After our wet winter, this level was
20 up to about 6375 feet. The current DEIR concludes, I
21 believe, 6383.5 feet is a, quote, environmentally
22 superior level, unquote. Superior to what? Yes,

23 certainly to current levels, which only continue the
24 almost barren desolation of the lake and Basin.
25 Many have proposed 6390 feet as the solution, but
0160

01 this is still about 27 feet below pre-diversion and the
02 DEIR version differs by about 33 feet. I ask what
03 would the people of the state react to if Lake Tahoe
04 were to drop another 27 or 33 feet and, by a Board
05 action, stay there.

06 I was thinking on the ride back here this evening,
07 I was here all afternoon, too, if Los Angeles were to
08 try to divert some water from Lake Tahoe, there would
09 quickly be an election and the rest of the state would
10 vote two Californians, one being Los Angeles. I hope
11 this Board is extremely perspicacious.

12 Two, assist pursuing viable alternates with the
13 L.A. DWP.

14 Three, consider designating Mono Lake as an
15 outstanding natural resource water.

16 Four, strongly consider fish and wildlife
17 ramifications.

18 I wish you wise decision making. You're in the
19 public's eye and, I hope, its heart. Thank you.

20 HEARING OFFICER del PIERO: Thank you very much.

21 Mr. Crawford, and then following Mr. Crawford,
22 Brent, I believe it's Koeur-Barron?

23 Good evening, Sir.

24 MR. CRAWFORD: Good evening. My name is John
25 Crawford, that's J-O-H-N C-R-A-W-F-O-R-D. I come as a
0161

01 private citizen, a new California resident and, in
02 keeping with some of my previous speakers, as an
03 uncle. I'm a law student at Davis.

04 Thanks to the Board for all your patience, good
05 faith in adhering to this process. I've heard two and
06 a half hours of the statements myself, and I'm sure
07 that I'll be more than a little repetitious of those,
08 but a lot of witnesses with similar statements are an
09 indicator that there may be some truth in all of this.

10 At the bottom line, I'm here to support a bottom
11 line of 6,390 feet elevation for Mono Lake. A lot of
12 us think that's the best way to follow the guidance of
13 the California Trout II decision, a superbly researched
14 and reasoned decision and it's longer than any of the
15 speeches including mine. The 6390-foot-or-greater
16 alternative is feasible for all the parties and it
17 seems reasonable to protect the California public
18 trust.

19 HEARING OFFICER del PIERO: Have you had Hap
20 Dunning's class?

21 MR. CRAWFORD: Exactly. I hope you don't ask me
22 the same kinds of questions that he asks me.

23 HEARING OFFICER del PIERO: I'll ask you the same
24 kind of questions that I asked him. He was in Mammoth
25 Lakes two weeks ago when I held a comparable hearing to
0162

01 this there.

02 MR. CRAWFORD: That level we believe ought to
03 protect the gulls, other birds that ought to be there,
04 brine shrimp, the brine or alkali flies, the fish and
05 the tributary creeks and Mono Lake tourism. I, too, am
06 a native of a tourist state, Nevada, and I'm a native
07 of the desert east of the Sierra in the general
08 neighborhood of Walker Lake. In our area we tend to
09 worship places like Walker and Pyramid Lake and Lake
10 Tahoe. Every one of them for us is somehow a special
11 place because we have so little water and, of course,
12 everyone knows that they're also an object of
13 litigation and legislation and negotiation. Every one
14 of them is a sacred place perhaps in the sense of
15 language you heard earlier; native American religions
16 and native American economies have depended on these
17 water bodies and they centered on these water bodies.
18 I think I can understand why.

19 Like so many of these witnesses, I remember my
20 first trip to Mono Lake. It was in 1961. I was nine,
21 my brother was five. My parents wanted to make sure we
22 saw Yosemite. But we drove down 395 and ended up
23 camping that night south of Mono Lake, and the next day
24 we saw Yosemite Falls and we saw Half Dome and all
25 that. But what do you think I remember the most?

0163

01 Those brine flies or alkali flies, whatever you call
02 them. We didn't eat them. My parents --

03 HEARING OFFICER del PIERO: They do taste like
04 Doritos, you know.

05 MR. CRAWFORD: That's one thing I learned from the
06 hearings this afternoon.

07 But long live those flies, also. I remember Mono
08 Lake. I remember all that water. I remember all that
09 shoreline, and I remember that extra sky that you see
10 above these large lake basins. Last June I went back
11 to the lake, and I still see the sky. I don't see as
12 much water. I don't see as much shoreline. I live in
13 Davis now where we're asked to drink groundwater that
14 doesn't taste as good as Hetch-Hetchi water, and I have
15 learned that California water law and its history is
16 very complex. My brother and his wife and their two
17 kids live in the L.A. metropolitan region and their
18 water source is the L.A. aqueduct. I have no children
19 myself, but I want to ask the Board to help see that my
20 niece and my nephew will be able to see a Mono Lake
21 something like what my parents made sure that we saw 30
22 years ago. I want my brother's kids to see and
23 understand. I want my brother and I to be able to see
24 and remember.

25 I hope that the Board doesn't get too sidetracked

0164

01 with the DWP language about the Upper Owens Valley and
02 the fishery releases for that area. I -- as near as I
03 can tell, Mono Lake owes nothing to that claim.

04 In reality you've been told that the alternatives

05 are feasible. There's been a lot of sentiment and even
06 sentimentality here today. I'm afraid I'm no
07 exception, but in the spirit of all those cyclists from
08 L.A. and whoever had to clerk for Judge Blease in
09 writing that Cal Trout opinion, and my family
10 personally, I respectfully request that the Board do
11 right by the fish and do right by the public trust in
12 Mono Lake and set the level at 6390 feet or greater.

13 Thank you for listening.

14 HEARING OFFICER del PIERO: Thank you very much.
15 Let me extend an invitation to you. The evidentiary
16 hearing begins again on Wednesday. If you have the
17 opportunity, it's taking place in this room again,
18 Mr. Canaday?

19 MR. CANADAY: Yes.

20 HEARING OFFICER del PIERO: It takes place again
21 beginning next Wednesday, Thursday, and Friday in this
22 room. If you're at all interested in coming, you're
23 more than welcome.

24 MR. CRAWFORD: What would be the hours for that?

25 HEARING OFFICER del PIERO: We'll begin at nine in
0165

01 the morning, and we normally will run until five, 5:30,
02 in that neighborhood. If you read Cal Trout II and the
03 63 -- 50 -- what's the Fish and Game Code? 5937.
04 Those issues came up yesterday, and if you want to get
05 together afterwards, I'll tell you how I ruled on
06 them.

07 MR. CRAWFORD: Oh, thank you.

08 HEARING OFFICER del PIERO: Certainly.

09 Mr. Koeur-Barron?

10 MR. KOEUR-BARRON: Yes.

11 HEARING OFFICER del PIERO: And following
12 Mr. Koeur-Barron, Robert Schneider. Mr. Schneider
13 still here? Mr. Schneider, are you still here? Pardon
14 me, Sir.

15 MR. KOEUR-BARRON: Good evening, Gentlemen. My
16 name is Brent, B-R-E-N-T. Last name is spelled
17 K-O-E-U-R, hyphen, capital B-A-R-R-O-N.

18 HEARING OFFICER del PIERO: You flew here from
19 L.A.?

20 MR. KOEUR-BARRON: Yes, I did. I had to miss the
21 October 4th hearing.

22 I sat here for two and a half hours this
23 afternoon, I was here a little bit late, and I was
24 reminded at dinner of advice given to me as a young
25 lawyer that it's important not to sell the same car

0166

01 twice, so I would like to avoid going over some of the
02 same ground. And I was thinking about what Mono Lake
03 means to me.

04 My primary involvement has been as a member of the
05 bike-a-thon since 1987. Every year Shelly Wineman, who
06 testified earlier, from Santa Clara University and I
07 get together and ride the last part of the ride from
08 Mammoth Lake down to Levining and into the lake. And

09 the best of the ride for me, and I think for Shelly, as
10 well, is that last part of June Lake loop as you watch
11 the lake unfold. And I was thinking tonight that I'm a
12 selfish man, and I'd like do that every year, and do it
13 sometime with my nieces and nephews.

14 I was also reminded of the story, and I'll do this
15 in closing, of the young lawyer who asked the senior
16 partner what to do in an administrative hearing, and he
17 was told, "Son, if the facts are on your side, hammer
18 on the facts. And if the law is on your side, hammer
19 on the law." And he looked at the senior partner and
20 said, "Unfortunately, we have neither." And the senior
21 partner smiled and said, "Son, hammer on the table."

22 I have a sneaking suspicion that that lawyer was
23 representing the DWP.

24 HEARING OFFICER del PIERO: I saw the punch line
25 coming.

0167

01 MR. CRAWFORD: And thank you for not beating me to
02 it.

03 But I'm here to ask you today on behalf of myself,
04 and my friend Shelly, and my other friends on the
05 bike-a-thon, and my nieces and nephews to take away the
06 table and establish a level above 6400 feet and
07 designate Mono Lake as resource water. Thank you very
08 much.

09 HEARING OFFICER del PIERO: Thank you very much.

10 Mr. Schneider, are you here, Sir? No. Okay.

11 Tom Infusino? Mr. Infusino? And then following
12 Mr. Infusino, Bob, I believe it's Raab or Raab.

13 MR. RAAB: Raab.

14 HEARING OFFICER del PIERO: Okay. Good evening.

15 MR. INFUSINO: Thank you, Gentlemen. My name is
16 Tom Infusino. T-O-M I-N-F, as in Frank, U-S, as in
17 Sam, I-N-O. I am the general counsel for Friends Aware
18 of Wildlife Needs, also known as FAWN.

19 FAWN is a 400-member organization based in El
20 Dorado County, California. FAWN exists to promote
21 public understanding and participation in land
22 management decisions. FAWN seeks the protection of
23 biodiversity and the conservation plans, water and
24 wildlife resources on public and private lands.

25 On behalf of FAWN, I respectfully request that the

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01 Board adopt the 6390 foot alternative. At this point,
02 you may be wondering why a group based hundreds of
03 miles from Mono Lake is bothering to testify on its
04 behalf tonight. First, Mono Lake is a unique national
05 treasure. The health of Mono Lake and of its ecosystem
06 which enriches the value of that treasure also enriches
07 every American who takes pride in the natural bounty
08 of our country.

09 Second, the Mono Basin is a source of fascinating
10 scientific research that both peeks and satisfies the
11 curiosity of people across the globe.

12 Third, the landscape of Mono Lake has inspired

13 artwork that, in turn, inspires admiration for the
14 beauty of the lake even in places as far away as El
15 Dorado County.

16 Fourth, Mono Lake is a key link in a flyway that
17 supports migratory bird populations that grace locales
18 incredible distances from the lake itself.

19 Finally, as residents of the Sierra, members of
20 FAWN can relate to the struggle of a local community to
21 balance the benefits of resource extraction and
22 ecosystem health. We at FAWN have seen firsthand the
23 devastation wrought by mismanagement of watersheds in
24 our own back yard where the El Dorado National Forest
25 continues to clear-cut timber in watersheds that are
0169

01 over the threshold of concern and displaying cumulative
02 watershed effects causing the siltation of our streams
03 and the destruction of our local fisheries. So we at
04 FAWN can relate to the efforts of groups like the Mono
05 Lake Committee whose staff is trying to restore the
06 balance between resource extraction and ecosystem
07 health in their own community.

08 Gentlemen, as members of the Board, you have a
09 historic opportunity. You have the opportunity to move
10 toward closure a longstanding environmental
11 controversy. To give you some perspective of how long
12 this controversy has raged, I would like to point out
13 that when I first began wearing this
14 Mono-Lake-it's-worth-saving-hat, it kept my bangs from
15 falling in my eyes when I hiked.

16 HEARING OFFICER del PIERO: I've got a hat like
17 that, Sir.

18 MR. KOEUR-BARRON: As you can clearly see,
19 regrettably the hat no longer serves its function.

20 In conclusion, I would like to state that last
21 spring as I walked through Yosemite Valley, I thanked
22 God that generations ago people had the foresight to
23 protect that national treasure. There is no doubt in
24 my mind that generations from now people will view the
25 breathtaking vistas of Mono Lake and thank God for the
0170

01 day that you decided to protect that lake. Thank you.

02 HEARING OFFICER del PIERO: Thank you very much,
03 Sir.

04 Mr. Raab? And then Thomas Tilley? Is Mr. Tilley
05 still here?

06 I figured out that microphone works as long as you
07 don't talk into it.

08 (Laughter.)

09 HEARING OFFICER del PIERO: These are the
10 nineties. We have to learn the deal with less.

11 MR. RAAB: My name is Bob Raab, R-A-A-B. I am
12 speaking for Save San Francisco Bay Association which
13 has 18,000 members in the Bay Area and the region. And
14 also for Share the Water, which is a coalition that was
15 instrumental in the passage of the Central Valley
16 Project Improvement Act. And also I have a son-in-law

17 in school at Santa Clara. Does that get me any
18 credits?

19 HEARING OFFICER del PIERO: Yeah, it does. You
20 scored big points just then, you really did.

21 MR. RAAB: My brief message is that raising Mono
22 Lake to 6390 or even to 6410 does not deprive Los
23 Angeles of a significant amount of water. And what
24 loss there is can easily be made up by conservation or
25 reclamation, conjunctive use and transfers. And

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01 competition with the delta does not exist. For one
02 reason, the delta is being pumped to capacity. In
03 fact, it's being overpumped. There's something like
04 270 examples of overpumping in the last several years
05 that were decided it was nothing significant.

06 HEARING OFFICER del PIERO: Your opinion is shared
07 by Mr. Brown.

08 MR. RAAB: Thank you, Sir.

09 I was somewhat flung asunder by the assertion of
10 gentleman from the DWP today who said that there is
11 competition, and I was struck particularly because I've
12 also participated for the past several years in the
13 three-way talks. And I found representatives from the
14 Metropolitan Water District and San Diego to be
15 enlightened representatives of urban water districts.
16 But that certainly was not the case with DWP.

17 Title 34 of the CVPIA is -- did I say something
18 wrong here? Because --

19 MR. CANADAY: Tap the microphone. There you go.

20 HEARING OFFICER del PIERO: Remember those points
21 you gained?

22 MR. RAAB: It's like a tennis match. You make a
23 few points, and you lose a few.

24 I'd also note that Metropolitan Water District,
25 the way I hear them, seemingly has no problem with

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01 raising Mono Lake's level. It doesn't appear to affect
02 the ability of DWP to function to have the level raised
03 because they have -- in addition to the points I've
04 already mentioned, it seems to me that in dry and
05 critical years, they have legal rights to in-basin
06 pumping from some of the groundwater aquifers. Is that
07 a fair statement? And there are other things that they
08 are doing themselves that indicate that they, DWP --

09 HEARING OFFICER del PIERO: It's okay. It's been
10 going on all day long.

11 MR. RAAB: -- DWP is doing things, itself to --
12 with low-flush toilets and new pricing structure and by
13 their own estimates, they're going to achieve more in
14 the way of water savings than they're going to lose
15 from the 20 or -- up to 40,000 acre-feet of water that
16 they might use from Mono Lake.

17 In addition to -- there's an opportunity for water
18 from Title 34 and if the Cortese bill is passed, that's
19 AB 97, then State Water Project water will be
20 available. But, in fact, it's -- it's really not that

21 necessary to mention it because MWD indicates that they
22 don't seem to have any problem making up the shortfall
23 that will result from the raising of Mono Lake. So it
24 all adds up to a rather insignificant water loss
25 problem for Los Angeles.

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01 And in closing, there's a tremendous amount of
02 support in the San Francisco Bay Area for Mono Lake,
03 and for protection of it and the restoration. And
04 we'll be watching the decision of this Board very
05 closely, and it will have a great impact in our area
06 whichever way it's decided. Thank you.
07 HEARING OFFICER del PIERO: Thank you very much,
08 Sir.

09 Mr. Tilley? And then following Mr. Tilley is
10 Dr. Ted Hyatt? Is Dr. Hyatt still here? Dr. Hyatt?
11 And then Paul Green? Is Mr. Green still here? Good.

12 Good evening.

13 MR. TILLEY: Good evening. My name is Tom Tilley,
14 T-I-L-L-E-Y. And I wish to thank the Water Resources
15 Control Board for the opportunity to talk about Mono
16 Lake as it means -- and what it means to me as a
17 Californian.

18 My first sight of Mono Lake was in 1988, one year
19 after I moved to the San Francisco Bay Area. I
20 traveled to Mono Lake as many people do. I had heard
21 of it and while visiting the Tuolumne Meadows area, I
22 drove over Tioga Pass to see the lake. The visual
23 setting is very dramatic. As Highway 120 makes a last
24 curve in the bottom of Levining Canyon before reaching
25 395, a large lake surrounded by high desert mountains

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01 and volcanic cones suddenly comes into view. Since
02 that first acquaintance, many backpacking trips to the
03 eastern Sierra have given me more opportunities to see
04 the lake.

05 The most impressive view I've gained of Mono Lake
06 is from the other summit of Parker Peak with an
07 astounding view of more than 6,000 feet down to the
08 lake. The beauty of the lake and its setting is one of
09 the public trust values that I believe should be
10 considered. These views, though, also show a lake that
11 is in trouble. The white alkali lake bed is plainly
12 visible as a large expanse. Negged Island, a major
13 nesting site for the California gulls, is clearly seen
14 from almost any vantage point as a peninsula.

15 The Mono Lake ecosystem is another public trust
16 value which I believe deserves protection. This unique
17 system has value both for the sake of the life it
18 supports and for the pleasure that life gives to many
19 people. The birds which rely upon the flies, shrimp,
20 and in the case of the gulls, nesting habitat of Mono
21 Lake, are of great number.

22 Having visited the shore with its brine flies,
23 seen the birds out on the lake, and swam among the
24 shrimp and algae, I've encountered a great deal of

25 life. The gulls have also visited me as I backpack in
0175
01 the nearby mountains of the Sierra Nevada. Our coast
02 is visited by the gulls which nest at Mono, yet this
03 life has been harmed by what has happened to Mono
04 Lake. Gull nesting, habitat, and flies, shrimp and
05 algae productivity have declined. The sight of large
06 numbers of ducks along Mono Lake, a spectacle
07 described by early visitors to the Basin and talked
08 about by other speakers, today is completely unknown to
09 me.

10 There are many other special moments I've enjoyed
11 at Mono Lake. The sight of the lake as a glassy
12 smooth sheet on a calm summer morning. The violent
13 wave-tossed mood of a stormy afternoon, and the slow
14 eastward movement of the jagged Sierra in shadow at
15 sunset. All of this I've enjoyed. All of this I've
16 taken my mother to see as she's come out to visit me
17 from Michigan and many visitors from all over the world
18 have seen this.

19 In reading the summary of the Mono Basin
20 Environmental Impact Report and in reflecting upon my
21 own experiences in the Mono Basin, I've come to you to
22 ask you to select as a minimum a lake level of 6390.
23 This is the lowest water level that is expected to meet
24 Federal Clean Air Act standards. This level will
25 protect gull habitat and food chain productivity. And
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01 though it increases duck habitat, the Draft EIR does
02 suggest that even at that level, the cumulative impact
03 on the duck habitat is significant, even at 6390.

04 I also ask that Mono Lake be given the protection
05 that an outstanding national resource water designation
06 will provide. There are feasible alternatives to the
07 continued decay of this basin. State and federal
08 leaders have worked to provide money for alternative
09 supplies for Los Angeles. In addition, water
10 conservation, a worthwhile goal for all Californians,
11 can protect Mono Lake.

12 In reflecting upon my view regarding the Mono
13 Basin and its wildlife, I am drawn to some words
14 written by Mark Carbordean in his epilogue to the book
15 "Last Chance to See," which is primarily written by
16 Douglas Adams. He gives as his final reason for
17 working to save wildlife species, "It is simply this.
18 The world would be a poorer, darker, lonelier place
19 without them." I believe that a higher lake level
20 would make Mono Lake a richer and brighter place.
21 Thank you.

22 HEARING OFFICER del PIERO: Thank you very much.

23 Dr. Hyatt, are you here? I guess we lost the
24 doctor. Paul Green? And following Mr. Green, Craig
25 Hansen? Is Mr. Hansen still here? Good.

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01 MR. GREEN: Good evening. I'm Paul Green,
02 G-R-E-E-N, long time member of Mono Lake Committee,

03 and a member of the bike-a-thon team for the last
04 several years that annually rides from Los Angeles to
05 Mono Lake. I'm here tonight as a representative,
06 however, of the Golden Gate Chapter of the National
07 Audubon Society. And on behalf of the chapter, I
08 strongly urge a minimum lake level of 6390 or more.

09 A letter from our chapter president, Steve
10 Margolin, expresses two concerns which I'll only
11 summarize. First is the protection and preservation
12 and restoration of habitat for wildlife dependent upon
13 Mono Lake. California gulls, their use of the lake and
14 their dependence on increased lake level has been very
15 well documented. It's a major nesting area as you know
16 for that entire species.

17 The safety security of the nesting area from
18 predation is a major and has been a major issue. The
19 preservation of food supply for that species is another
20 significant and major issue. The effect of the
21 increased salinity level of the lake and its effect
22 upon the production of food available to the nesting
23 California gulls has been of tremendous concern, could
24 only be rectified by a higher lake level.

25 Eared grebes and other bird species use Mono Lake
0178

01 as an annual stopover in their migration flight. Over
02 a million have been sighted at any -- in some years.
03 Food supply, while they stop over and rest, moult, and
04 restore their energy reserves is essential to that
05 species. Ducks and geese, there used to be plentiful
06 on the lake by the thousands. Their food supply
07 primarily was the adjacent freshwater marsh areas when
08 they were adjacent to the Mono Lake waters. They are
09 no longer adjacent or no longer ducks and geese as they
10 were. The salinity balance in the lake depends upon
11 incoming fresh water and the food supply dependent upon
12 that.

13 6390 elevation would restore 50 percent of the
14 presently lost riparian habitat. Two species of
15 falleros, 25 species of shore birds are endangered,
16 would benefit from the higher level and the concomitant
17 greater food supply production. Mono Lake's been
18 recognized internationally as part of the western
19 hemispheric shoreline preserve network.

20 The brine flies, a vital food source for those
21 species, and the lake level indirectly relates to the
22 availability of this food source.

23 The second concern in our letter is that of air
24 quality. Those who have been there during the dust
25 storm, the alkali dust clouds, well know the danger
0179

01 provided to wildlife and plants and people.

02 The simplest and easiest solution to this problem
03 is a rewatering of the Mono Lake to at least 6390, if
04 not higher. We're one of the largest Audubon chapters
05 in America and on behalf of our 6,000 members in the
06 Bay Area, the Golden Gate Audubon Society, we recommend

07 and urge two things; One, the minimum lake level of
08 6390 or more. Second, the lake be recommended as an
09 outstanding national resource water so that once the
10 higher level or adequate level is achieved, the
11 salinity level will not rise again and threaten
12 wildlife. Thank you.

13 HEARING OFFICER del PIERO: Thank you very much.

14 Mr. Hansen? And then following Mr. Hansen, Linda
15 Emerson? Is Ms. Emerson still here? Good.

16 MR. HANSEN: My name is Craig Hansen, C-R-A-I-G
17 H-A-N-S-E-N. I'd like to thank you for your attention
18 and the chance the speak here.

19 I'm an eight-year veteran of the Mono Lake
20 bike-a-thon, a 360-mile bicycle ride from the Los
21 Angeles Department of Water and Power building through
22 the Mojave Desert, past the wasted dry Owens Lake bed,
23 and up the Owens Valley to Mono Lake. Each year, I and
24 my fellow cyclists strap to our bikes small vials of
25 water which we scoop from the L.A. DWP reflecting pond
0180

01 to empty back into Mono Lake. Each year we've had to
02 walk over a longer stretch of exposed alkali to get to
03 the lakes edge.

04 HEARING OFFICER del PIERO: Don't tell them,
05 okay?

06 MR. HANSEN: They know about it.

07 Surely the emptying of a vial of water isn't
08 enough to change the fate of the lake, but it is an
09 eloquent way to symbolize our personal devotion to the
10 life of this place. I was not able to do the ride this
11 year, but I still wanted to be able to symbolic add my
12 small vial of water to the cause of Mono Lake even if
13 only in the form of a few words here.

14 I wish to make heard my support for the
15 establishment of a minimum lake level at Mono Lake of
16 6390 feet and I urge you the recommend Mono Lake as an
17 outstanding national resource water to protect the lake
18 from further -- the lake level from further
19 manipulation. I believe that the co-existence of a
20 permanently protected Mono Lake and a sufficiently
21 satiated Los Angeles is possible considering the
22 funding still available to help Los Angeles replace the
23 water needed for protecting Mono Lake.

24 For a metropolis and a semi-desert, the practice
25 of large-scale conservation and reclamation is an act
0181

01 of plain responsibility and the people of Los Angeles
02 are capable of that act.

03 Since my first bike-a-thon, I've pedaled my aging
04 12-speed almost 3,000 miles for the life Mono Lake.
05 I've had the great fortune to cycle alongside hundreds
06 of some of the finest people I will ever know. We have
07 gathered each year from Eureka and Santa Barbara and
08 Bishop, from Fresno and San Jose and Reseda, from
09 Alaska and New York and Georgia, even from England and
10 Germany and as far away as Iran to ride together to

11 this quiet high Sierran lake, and through our long
12 commitment and our struggle against the delays of the
13 DWP and against the wind uphill at day's long end, we
14 have formed a community resolved to help one another
15 resolve to defend the life of this almost
16 million-year-old lake and resolve to see its permanent
17 protection and security.

18 If the arguments pro and con and the acre-feet
19 numbers and salinity percentages are blurring into a
20 haze, let me give one more concrete reason to protect
21 Mono Lake. Do it because it would make me deeply
22 happy. Do it because it would rejuvenate my spirit to
23 watch Mono Lake come back. Do it because I want to
24 see the lake rise. I want to see the water fowl in
25 abundance. I want to see the dry rim covered in deep

0182

01 blue water. I want that shimmering vital lake to be
02 what our generation leaves behind as mark of our having
03 been here.

04 In this time of depressing stories of loss and
05 destruction, we have just now the chance to create
06 something fine, to let the delicate thing come back to
07 life. I want to see Mono Lake last forever, and I urge
08 you to help make that happen on your watch.

09 Thank you very much for your time and dedication.

10 HEARING OFFICER del PIERO: Thank you very much,
11 Mr. Hansen.

12 Linda Emerson, and then following Ms. Emerson
13 Helen Green? Is Ms. Green still here?

14 Good evening.

15 MS. EMERSON: Good evening, Staff and members of
16 Board. My name is Linda Emerson, L-I-N-D-A
17 E-M-E-R-S-O-N. I would also like to thank you for
18 providing this opportunity for me to express my support
19 for permanent protection for Mono Lake.

20 Long-term protection for the lake is important for
21 several reasons. First, it's personally important to
22 me as a California citizen who enjoys visiting this
23 unique environmental resource. Since my first trip in
24 1976, I've returned to the lake repeatedly with my
25 family and friends see Mono Lake's birds and its

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01 magnificent scenery, to hike, camp, take photographs,
02 and watch sunrises and sunsets, and to climb the
03 surrounding peaks from which the views of Mono Lake are
04 particularly spectacular.

05 But a healthy Mono Lake is also important for
06 economic reasons. Located at the eastern entrance to
07 Yosemite National Park, the lake is visited by
08 thousands of people every year from all over the world
09 who contribute greatly to the eastern Sierra and
10 California economies. As a former resident of an
11 eastern Sierra community, I know firsthand how
12 essential tourism is to the preservation of jobs in
13 this region.

14 Finally, Mono Lake must be protected because a

15 National Audubon decision compels protection of public
16 trust values where feasible. Here state and federal
17 funds are available to the Los Angeles Department of
18 Water and Power to replace Mono Basin water with
19 environmentally sound alternatives like water
20 reclamation and conservation. It is therefore feasible
21 to protect Mono Lake and under National Audubon, this
22 Board has a duty to do so. As one of the America's
23 oldest and most beautiful lakes, Mono Lake deserves
24 permanent protection.

25 I therefore urge the Board to set Mono Lake's
0184

01 level at least 6,390 feet, a level that will both
02 provide permanent protection for Mono Lake's fragile
03 ecosystem, and help restore its public trust values.
04 Thank you very much.

05 HEARING OFFICER del PIERO: Thank you very much.
06 Helen Green? Following Ms. Green, Jeremy Mills?
07 Is Mr. Mills still here? Mr. Mills? Then after
08 Mr. Mills, if he's still here, Jeanette Cosby? Is
09 Jeanette Cosby still here? Sounds like we're striking
10 out.

11 MS. GREEN: Hi. My name is Helen Green,
12 G-R-E-E-N. I'm from Berkeley, California.

13 I grew up on the east side of the Sierra in Reno,
14 Big Pine, and Bishop in the late 1930s and 1940s. My
15 father was with the Forest Service, and our family
16 spent a lot of time in the mountains and driving by
17 Mono Lake and over Tioga Pass to the Bay Area. I took
18 for granted there would be this big beautiful lake when
19 I came down from Conway Summit or dropped down from
20 Tioga Pass. Even as a fairly non-observant and
21 self-centered teenager, I was moved by the beauty of
22 Mono Lake and its mysterious ability to change colors
23 becoming something different at each passing.

24 Then I moved away for many years. When I began
25 returning to the east side of the Sierra to backpack in
0185

01 the 1970s, I was appalled by what I saw. The lake was
02 shrinking. I had remembered the lake being much closer
03 to the highway. I had never tried spitting or throwing
04 stones in it, but it was close. Vast areas of
05 shoreline were exposed. Dust could be seen rising from
06 across the lake to the east. I knew why it was looking
07 poorly. I had grown up in Owens Valley and had heard
08 plenty about destructive water policies.

09 It was a happy day in my life when I heard about
10 the Mono Lake Committee. I joined it in 1979. For 15
11 years they have worked resolutely towards solution to
12 the water problems, both in the Mono Basin and in the
13 Los Angeles Basin. Now, it's your turn. This is your
14 chance to save Mono Lake once and for all by selecting
15 an alternative which requires raising the lake to at
16 least 6390 or higher. It will solve a lot of
17 problems. Thank you.

18 HEARING OFFICER del PIERO: Thank you very much.

19 Mr. Mills, Jeremy Mills, are you here? Jeanette
20 Cosby? Coreen McLean? McLean? Good, she's not here.
21 She won't know I mispronounced her name. Okay. Lee
22 Mitchell.
23 MR. MITCHELL: I already spoke.
24 HEARING OFFICER del PIERO: Susan Methvin? Nope?
25 Okay. Robert Matthews? Mr. Matthews, are you still
0186
01 here? Okay. Mark Lake?
02 MR. LAKE: Good evening. Thank you for this
03 opportunity. I was also able to attend the Mammoth
04 Lakes hearings, and I've heard a lot of passionate and
05 articulate presentations and I'm afraid I don't want to
06 cover too much ground that's already been plowed, but I
07 did want to take the opportunity to have my say.
08 I'm here as a private citizen and a lifelong
09 resident of Inyo and Mono Counties. I spent the last
10 three years in the Mono Basin and during the summer
11 months, I've guided hundreds, if not thousands, of
12 people on walking and canoe tours on and around Mono
13 Lake. For many visitors, it is their first time to
14 this unique national treasure and no matter how many
15 times I've given tours, I am reintroduced and
16 reinvigorated each time myself as I hitchhike on the
17 wonderment of each first-time visitor.
18 I hope your eminent decision in this issue will
19 allow generations of Mono Lake visitors yet born to one
20 day herald your actions as farsighted and in the spirit
21 of the public trust. Mono Lake is an outstanding
22 national water resource, please let's recognize it as
23 such officially. I recommend a lake level of 6410
24 feet for Mono Lake. I feel this would be the most
25 appropriate for the healthy biotic system of Mono Lake
0187
01 as well as completely eliminate the human health air
02 quality problems with the PM-10.
03 I'd just like to add before I finish a little
04 personal anecdote. My great great grandfather, his
05 name was Julius Keeler, and he ran a steamship on the
06 Owens Lake back when the silver mines ran at Cartega,
07 or actually Seragoda, and they had to ship it out the
08 Cartega, and the little miserable town of Keeler is
09 named after him. I don't know if you've ever been
10 there, but it's probably one of the most toxic places
11 you can live on a planet now.
12 HEARING OFFICER del PIERO: I've not been there,
13 but I've seen it on a map.
14 MR. LAKE: And I just hope that the legacy that
15 was left from those generations -- and I feel hopeful
16 that the Water Board will not allow the legacy for
17 future generations to be as it was.
18 And anyway, thank you --
19 HEARING OFFICER del PIERO: Forgive me, Mr. Lake,
20 do you have a question, Mr. Brown?
21 MR. BROWN: Did you travel over here from Bishop?
22 MR. LAKE: Well, from Levining.

23 MR. BROWN: Thank you very much.
24 HEARING OFFICER del PIERO: Mr. Lake, you didn't
25 speak at Mammoth, did you?
0188
01 MR. LAKE: No. We kind of had confusion with the
02 cards. I wanted to speak in the second part, but we
03 didn't really get around to that.
04 HEARING OFFICER del PIERO: I'm glad you came.
05 MR. LAKE: I am, too. Thank you for opportunity.
06 HEARING OFFICER del PIERO: Thank you.
07 Sharon, is it Caballo?
08 MS. CABALLO: Yes.
09 HEARING OFFICER del PIERO: And after Ms. Caballo,
10 Lane --
11 MS. TRABUKAS: Trabukas. But I'm not speaking.
12 HEARING OFFICER del PIERO: Oh, okay. Pardon me.
13 You filed a card but -- okay. Great.
14 MS. CABALLO: Members of the Board, my name is
15 Sharon Caballo, spelled S-H-A-R-O-N C-A-B-A-L-L-O. I'm
16 a resident of Auburn currently. I'm a native
17 Californian. I was born in Southern California and
18 Mono Lake is a very special place to me because while I
19 was growing up, every year my family would drive from
20 Pasadena to Lake Tahoe for our summer vacation, and we
21 always traveled 395 and stopped at Mono Lake. It was a
22 mysterious and magical place for the children with its
23 tufa towers and white-washed treeless shoreline.
24 And since moving to Northern California and having
25 my own family, we've continued to enjoy visits to the
0189
01 Mono Lake Basin. The Mono Lake landscape is truly
02 unique and deserving of preservation and restoration.
03 Mono Lake must be assured a lake level of 6390 feet or
04 higher to protect the fish and wildlife habitats as
05 well as the aesthetic and recreational values.
06 This lake level is also necessary to comply with
07 the Clean Air Act since particulate matter blown off
08 the exposed lake bottom creates lung damaging dust
09 clouds during wind storms. Mono Lake should be
10 designated an outstanding national resource water.
11 This designation is needed to protect Mono Lake
12 ecosystem from harm in the future by requiring the DPW
13 to maintain appropriate salinity levels.
14 It is feasible to protect Mono Lake. Millions of
15 dollars in state and federal funding is available to
16 help Los Angeles replace the Mono Basin water with
17 environmentally sound alternatives. The California
18 legislature established a \$60 million environmental
19 water fund to help DWP develop replacement water
20 supplies, and the U.S. Congress passed HR 429 that
21 authorizes funding to develop 120,000 acre-feet of
22 reclaimed water for Southern California to help protect
23 Mono Lake. By using this funding Los Angeles can
24 develop more water than it stands to lose from the Mono
25 Basin without taking water from the other threatened
0190

01 resources such as the San Francisco Bay Delta.
02 This money could be used to fund water
03 conversation programs and construct water reclamation
04 projects. These programs and projects would help
05 create jobs in Los Angeles, while allowing water
06 resources to be used more efficiently. The
07 preservation of Mono Lake and the Mono Basin is vital
08 to the economic health of the area and to the entire
09 state. Mono Lake is a tourist attraction for nature
10 lovers, photographers, bird watchers, hikers,
11 naturalists, and others.

12 Outdoor photography is my hobby, and I receive
13 lots of information about photography workshops and
14 seminars in the mail. Almost every brochure and
15 catalog I receive includes at least one workshop in the
16 Mono Basin. Preserving and restoring the Mono Lake
17 ecosystem makes economic sense as well as scientific,
18 aesthetic, and ecological sense. I join thousands of
19 other California citizens in urging you to help save
20 Mono Lake.

21 Thank you for the opportunity to comment. I do
22 have copies of my --
23 HEARING OFFICER del PIERO: If you'd be good
24 enough to give them to Mr. Herrera. Thank you very
25 much.

0191

01 Steve Holland? And following Mr. Holland is Karen
02 Heltric? Is Ms. Heltric still here?

03 Good evening, Mr. Holland?

04 MR. HOLLAND: Hi.

05 HEARING OFFICER del PIERO: You're on, and if it
06 turns off, you're still on.

07 MR. HOLLAND: Okay. My name is Steve Holland,
08 S-T-E-V-E H-O-L-L-A-N-D. Good evening. My name is
09 Steve Holland, and I am a sixth grade teacher in Napa.
10 My family owns a cabin in June Lake close to Mono Lake
11 and has visited and traveled through the region since
12 the late forties.

13 When I was six or seven, my father drove us past
14 Mono Lake enroute to a hunting trip at Topaz Lake. He
15 told us that Mono Lake was a dying lake and had ten
16 years to live. Wondering why such a beautiful lake had
17 to die, my brothers, sisters, and I counted each summer
18 the years Mono Lake had left to live. Twenty years
19 later, I now hope to count the years until Mono Lake
20 reaches at least 6390 above sea level.

21 As you know, the public trust values of Mono Lake
22 are amazing. For the past three years, I have taught
23 children about its simple yet productive ecosystem and
24 the important issues surrounding it. Mono Lake is no
25 longer known as a dying lake, but rather as one of the
0192

01 most life-productive lakes in North America.

02 In my district's newly adopted science program,
03 there is a brine shrimp hatching experiment aimed at
04 having students prove to a hypothetical doctor, Salina

05 Brian, that salinity affects the hatching of brine
06 shrimp at Mono Lake. From elementary students to the
07 limnologists, Mono Lake has proven to be a place of
08 great scientific value.

09 Unfortunately, the lake level is precariously
10 low. Its great 40-foot buffer is gone, and it is
11 particularly vulnerable should the drought reoccur. I
12 ask you to restore the lake to a much higher level so
13 it can withstand an extended drought and can return to
14 a much healthier state. Instead of a land bridge, the
15 gulls need Negged Island. Instead of stressful
16 hyper-alkaline conditions, shrimp and the alkali fly
17 should face normal conditions.

18 Keep water flowing down tributary streams so that
19 Mono's dust storms will fade and its wetlands of old
20 will return. The flows will and have brought new life
21 to the streams. Thriving willows, feisty trout, and
22 lurking great blue heron.

23 Concerning replacement water for the City of L.A.,
24 I know that my family and other folks in Los Angeles
25 conserved at least 20 percent of their water a couple
0193

01 of years ago. With great water reclamation, Los
02 Angeles can make up the water it loses by restoring
03 Mono Lake to a minimum lake level of 6390 feet. For 22
04 years I have explored the Mono Basin looking at the
05 tufa, bird watching along its shores, swimming in its
06 briny waters, and hiking amongst the sand dunes,
07 volcanos, and alkali flats. I even got married there
08 this summer. In fact I have almost done everything
09 except fish in it. I've seen double rainbows,
10 lightening storms, and flights of falleros above and
11 about it. The lake is old. Very old. For centuries,
12 life has sought its waters. We're among the latest
13 creatures to have discovered it. By providing a
14 healthy lake level, let us insure that we're not the
15 last. Thank you.

16 HEARING OFFICER del PIERO: Thank you very much.

17 Karen Heltric? Did you get married at Mono Lake,
18 too?

19 MS. HELTRIC: Yes, I'm with him.

20 HEARING OFFICER del PIERO: Good evening.

21 MS. HELTRIC: Good evening. As a resident of
22 California and a true believer that the management of
23 Mono Lake must reflect the needs and desires of the
24 public, I thank you, Vice-Chairman and Mr. Brown, for
25 allowing me to speak tonight.

0194

01 I'm here to urge you to do what is best for the
02 ecosystem of Mono Lake in order to do what is best for
03 the public. I'm a frequent visitor of Mono Lake and,
04 in fact, that's where my husband and I met and that's
05 where we were married this summer.

06 HEARING OFFICER del PIERO: You caught more than
07 fish.

08 MS. HELTRIC: So did he.

09 I've swam in its waters and canoed around its
10 tufa. I've explored the tributaries and hiked up the
11 Mono craters, the hills behind Levining, Mt. Dana, and
12 Black Point in order to get a better view of the lake.

13 You would be correct to assume that I'm here
14 tonight to advocate for its protection and the
15 protection of its streams.

16 The Draft EIR noted that the fascinating complex
17 of tufa formations has been increasingly exposed for
18 the enjoyment of the curious explorer. I believe that
19 the 6390 foot alternative would still allow for the
20 State Tufa Reserve to continue its important role of
21 public education while also allowing the lake and its
22 tributaries to thrive.

23 The 6390-foot alternative is recognized in the
24 Draft EIR as the environmentally superior alternative
25 relative to pre-diversion conditions. This alternative
0195

01 is consistent with the Mono Basin National Scenic Area
02 Management Plan and would also result in optimum stream
03 flows for fisheries as recommended by the Department of
04 Fish and Game.

05 In summary, I also urge you to recommend Mono Lake
06 to be designated as an outstanding natural resource
07 water as defined by the Clean Water Act. Mono Lake
08 possesses outstanding ecological values as well as
09 exceptional recreational values. I think it would be
10 an understatement to say that Mono Lake stands unique
11 in its beauty. Mono Lake in all its wildness means
12 more than just another tourist spot for me and many
13 others around the world, and it definitely means more
14 than just another water source for L.A. Mono Lake
15 represents unrivaled ecological, scenic, wildlife, and
16 recreational opportunities and uses. Mono Lake
17 deserves to be brought up to a safe and healthy level
18 of at least 6390 feet. Thank you.

19 HEARING OFFICER del PIERO: Thank you very much.

20 John Blackburn? And following Mr. Blackburn,
21 Ronald Stork? Is Mr. Stork still here?

22 Good evening, Sir.

23 MR. BLACKBURN: John Blackburn,
24 B-L-A-C-K-B-U-R-N. I'm a little nervous, so please
25 forgive me.

0196

01 HEARING OFFICER del PIERO: So am I. Take your
02 time.

03 MR. BLACKBURN: First of all, niceties out of
04 way. Thank you very much for the opportunity to come
05 and speak with you tonight and thank you for the air of
06 this hearing. I think it's real nice to come before a
07 government entity and have the kind of feeling that we
08 have here. I really appreciate that. Having been
09 before other government bodies and feeling the air,
10 it's nice to come in here and know that we're being
11 heard. And I appreciate that.

12 Why are we all here tonight? We're here to save

13 Mono Lake, and we're here to ask you to do three
14 things. I'm here to ask you to do three things for
15 myself and for my friends at PUCHS, P-U-C-H-S, that's
16 the Paths Untrod Camping and Hiking Society. Every
17 year, we make a pilgrimage to Mono Lake. I remember
18 the first time I went to Mono Lake. I remember coming
19 over from Yosemite and seeing this body of water before
20 me and the awe that I was struck with. I remember the
21 camping trip we spent -- the night we spent at June
22 Lake, getting up at three o'clock in the morning,
23 taking our thermos of coffee and going to the shores of
24 Mono Lake and watching the sunrise. I get chills up my
25 spine thinking about the feeling that I had watching
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01 that and reflecting on that today because it's a threat
02 and we all know it is. I would like to see future
03 generations be able to enjoy the same things we all
04 have enjoyed at Mono Lake.

05 The three things I would like to ask for is the
06 lake elevation that everyone has mentioned, the
07 national designation, and to protect the public trust.
08 But there's another thing, too, and I think what I
09 would like you to do also show that we can still trust
10 the government to take care of our resources. It's
11 very important with all that's been going on that
12 somebody take a stand, and I'm here to ask you to do
13 that.

14 You have before you probably one of the most
15 difficult decisions to make of any government body in
16 the state. The issue, that's capital letters, T-H-E,
17 in California is water. It is not agriculture. It is
18 not business. It is not the economy. It is not
19 immigration. It is water. All these other issues come
20 in and flow on water, pardon the expression. Water is
21 the most important issue. You have the most difficult
22 and ominous task to balance the needs of nature versus
23 the human need. North versus the south. I don't envy
24 you for the position you're in, but I pray you'll make
25 the right decision and save Mono Lake.

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01 I think that as we move ahead in these troubled
02 times we can look at something that we can preserve for
03 future generations that will mean something for all of
04 us in the long run. The public trust issue is
05 something that is very, very important to a lot of
06 people, not only those that are here today with us, but
07 people that are out there that can't be here to speak.
08 Mono Lake is very, very important. It's very symbolic
09 of what has gone wrong in California, and that is
10 water. And that's not your fault, it's a result of
11 other forces that you have little control over. And
12 what I want to get to is the issue of water use. And
13 I'll tie this up nicely for you. I'm working on it.

14 HEARING OFFICER del PIERO: You're doing real good
15 for a nervous guy.

16 MR. BLACKBURN: Thank you. I'm nervous.

17 The Arizona aqueduct has come into play and is
18 going to cut water availability in Southern
19 California. We all know that's happened, and it's
20 going to put a severe strain on the amount of water
21 that Southern California will be able to access. For
22 years we in Northern California have conserved water.
23 I, to this day, still have a bucket in my shower that I
24 use to flush my toilet. I lived for five years in
25 Southern California while I worked there, watched water
0199

01 waste like we have never seen up here, and it's true.
02 And I can cite many, many examples of washing building
03 and sidewalks, but I think one of the most poignant for
04 me was taking a walk one morning and seeing a neighbor
05 out watering a weed in a crack in the sidewalk. I
06 mean -- yes. That's grossly exaggerating the point,
07 but the point is I think that the decision you make
08 here can become a cornerstone for a policy of water
09 conservation throughout the State of California. And I
10 made mention of that in the letter that I sent to you
11 prior to coming to testify here today.

12 And that cornerstone is that we in California have
13 lived a life of excess for too long. With changing
14 climatic patterns, we do not know how much rainfall
15 we're going to get. With water diversions now to
16 Arizona and possibly other diversions in the future, we
17 don't know what sources will be available. With
18 groundwater depletions, the Kesterson Reservoir
19 situation, and on and on, we've got some real serious
20 problems.

21 I think this Board can take Mono Lake, preserve it
22 as we're all asking you to do, but use that as a
23 cornerstone, if you will, to start a mandatory
24 statewide water conservation program especially in
25 Southern California. I can look at the glossy brochure
0200

01 which we've all gotten from Los Angeles Water and
02 Power. I've been there. I personally know what's
03 going on down there. They are not committed to
04 conservation. We need to be committed statewide to
05 conservation because only through conservation, are we
06 going to be able to adequately allocate water to both
07 the human, and animal, and other resource needs here in
08 this state.

09 As I said, just to sum up again, this is an
10 opportunity for you to give the state leadership and
11 guidance in instigating a program that we all know has
12 been long overdue and must be not forced on people,
13 people must be educated to understand that water
14 conservation may be the only way to allow our state to
15 grow, prosper, and develop economically with the
16 limited water resources we have.

17 The years of excess are over, folks, and we all
18 know that. We're seeing that now with the budget.
19 We're seeing it with the pollution. Water is the next
20 issue, and I think we all understand that. So I'm

21 asking you to really, really take a long, hard look in
22 your soul -- and I think he made a very good point, the
23 man about the moral decision because we're not here
24 about statistics and numbers and things. We're here
25 about, like I am, I think, speaking from my heart

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01 because it's a place of beauty. It's a special thing
02 that we need to preserve for everybody. And by taking
03 a stand and doing something about it and using that as
04 a tool to provide guidance to people throughout the
05 state, I think we can preserve Mono Lake. We can keep
06 the fishery supply. We can protect the wildlife. We
07 can allow Los Angeles to continue to grow. We can also
08 protect, I think, a resource that if we lose it, we'll
09 never get it back.

10 I'm part Indian. I'm a triple scorio. I am
11 spiritually in touch with water, very much so, which is
12 why I'm here speaking from the heart. I don't have a
13 prepared speech because I feel very strongly about
14 this. I pray that will you make the right decision
15 and protect Mono Lake for us all and for the future
16 generations of California. Thank you.

17 (Applause.)

18 HEARING OFFICER del PIERO: Thank you very much.

19 Ronald Stork, and after Mr. Stork Charles -- I
20 believe it's Bucaria?

21 Good evening.

22 MR. STORK: Good evening. My name is Ronald
23 Stork. I'm an associate conservation director of
24 Friends of the River. I'm also a member of the Mono
25 Lake Committee, and I have been for many years. Stork,

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01 S-T-O-R-K. Sorry. Ron like a former president.
02 You guys have been through quite a lot. You've
03 had a chance to hear many people. I think it's pretty
04 important. Part of your job and part of my job is to
05 deal with public policy and engineering kinds of issues
06 and biological kinds of issues and so we talk in
07 cubic-feet per second and acre-feet per year and
08 kilowatt hours of electricity and megawatts of capacity
09 and those kinds of -- those kinds of issues. And
10 they're important. They're important to the public
11 policy discussion that you and the state have to engage
12 in. And we've seen many of those kinds of issue
13 areas explored fairly thoroughly in the Environmental
14 Impact Report that you have before you.

15 But I think you also get a sense that there is
16 something else that's part of your decision-making
17 process, and it reminds me a little bit of the story
18 that I was always very touched by when I saw David
19 Gaines come over and speak to you to the Merced group
20 of the Sierra Club. I was a member of that body back
21 in the 1970s, and one of the founders of the club, of
22 the local group at the club, a wonderful elderly
23 gentleman by the name of Aaron Passevoy. After getting
24 this presentation from David Gaines, a very passionate

25 presentation about there is a problem at Mono Lake, I
0203

01 was taken aside by this elderly gentleman and said,
02 "You're wasting your time. There is no way that you're
03 going to be able to save that lake as long as the Los
04 Angeles Department of Water and Power wants it -- or
05 wants the water."

06 Aaron was wrong. And Aaron was wrong because he
07 forgot something that I think that you've experienced
08 today and over the last month at these public hearings,
09 and that is people really matter. And people, as you
10 can tell today, really care about Mono Lake. I
11 certainly do. I've made a pilgrimage to that wonderful
12 place at least once a year for the last 15 years, and
13 when you hear that, that word "pilgrimage," what does
14 that mean? We're talking almost about a spiritual
15 place, a place that people care about very deeply.
16 And lots of people care about it very deeply. You
17 know, you've been to the lake. You've seen the
18 tourists come by and go on the Mono Lake walks, and
19 people -- people see this area all the time and many of
20 us fall in love with it. We're talking about people
21 not just from California, but from all over the country
22 and all over the world.

23 So your decision is very important. I hope that
24 you're going to make the right one, and the right one
25 really means that you've got to leave us with a legacy
0204

01 of the lake whose productivity, speaking as a
02 biologist, which at heart I am, whose algal
03 productivity is good, which is rich in brine flies and
04 brine shrimp, those wonderful little organisms that
05 mean so much, not just to the birds at Mono Lake, but
06 to those of us who walk its shores and visit its
07 waters.

08 So I wish you luck on your journey. We're all
09 watching, and do right by Mono Lake. Thank you.

10 HEARING OFFICER del PIERO: Thank you very much.
11 Charles, I hope it's Bucaria?

12 MR. BUCARIA: You did you very well. It's
13 Bucaria.

14 HEARING OFFICER del PIERO: Bucaria, good. And
15 then following Mr. Bucaria, David Ford. Is Mr. Ford
16 still here?

17 MR. BUCARIA: My last name is spelled
18 B-U-C-A-R-I-A. Mr. Chairman and Member Brown, I'm
19 president of a 200-member local fly fishing
20 organization, California Fly Fishers Unlimited. Our
21 interest would appear to be a narrow one in the sense
22 that we're very pleased that there is water and there
23 are trout in Rush Creek now, excuse me, and we'd like
24 to see them continue to be there. And certainly we're
25 interested in the ecological considerations that relate
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01 to Mono Lake.

02 My personal experience included a substantial

03 period of time working for the State Department of
04 Water Resources. I no longer am involved in state
05 government, but at the time that the State Water
06 Project was put together, I think many of us had much
07 of the same feeling that those that develop the
08 Hetch-Hetchi project and those projects that provided
09 water to Southern California via the aqueduct felt, and
10 that was that we need this water. We want to see this
11 area grow. People need water, and there's an almost
12 endless supply available. We realize now the mistakes
13 that were made. We know better.

14 This is an opportunity, it seems to me, not merely
15 to take a step because that step's been taken by the
16 courts. This would ratify that step, and I certainly
17 would concur in the comments made by an earlier speaker
18 that at this point in time, we've got a lot of
19 alternatives from water reuse in the L.A. Basin to
20 projects for water conservation throughout our great
21 Sacramento-San Joaquin Valley. Those projects need to
22 happen, and we need an environment that encourages it
23 happening.

24 L.A. Department of Water and Power would never
25 allow themselves to give away anything unless they were
0206

01 forced, and neither would any other governmental body.
02 So, to me, the answer is take this logical step and
03 require the Mono Lake elevations be maintained at a
04 higher level and move on from there to the other
05 conservation measures that are necessary. Thank you
06 for your help.

07 HEARING OFFICER del PIERO: Thank you very much,
08 Sir.

09 David Ford and following Mr. Ford, I believe it's
10 Joseph Bania?

11 MR. BANIA: That's correct.

12 MR. FORD: Dave Ford, F-O-R-D, like the car,
13 truck, or president. Good evening. I am president of
14 the Northern California Council of the Federation of
15 Fly Fishers. The council is an organization of 26
16 member clubs and nearly a thousand individual members
17 for a total membership approaching 4,000. It is a
18 policy of the council to promote conservation,
19 restoration, and preservation of the fisheries
20 throughout California.

21 I would first like commend the Staff of the State
22 Water Resources Control Board for recognizing that the
23 water diversions by the Los Angeles Department of Water
24 and Power since 1941 have resulted in a significant
25 cumulative negative impact on the fish populations and
0207

01 habitat of Rush, Levining, Parker and Walker Creeks.

02 Secondly, the Staff has established that the
03 California courts require the Water Resources Control
04 Board to amend the Department of Water and Power's
05 diversion license to release sufficient water to
06 facilitate reestablishment of this historical fishery.

07 We applaud the Staff for recognizing that the
08 restoration will be successful only if an aggressive
09 habitat restoration program is undertaken in
10 conjunction with sufficient stream flow releases.
11 It is important to note that my organization's
12 members fish the streams and creeks of the eastern
13 Sierra. They are aware of the continuing loss of
14 habitat there and throughout California. Opportunities
15 like this to reverse declines and restore quality
16 fishing are indeed rare. Accordingly, the NCCFFF
17 strongly supports the conservation, preservation, and
18 restoration of these critical resources.

19 The council makes the following three
20 recommendations. One, the State Water Resources
21 Control Board should recognize the expertise of the
22 Department of Fish and Game in determining the needed
23 flows and condition the Los Angeles Department of Water
24 and Power's diversion permit to require at a minimum,
25 the DFG recommended flows.

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01 Two, the State Water Resources Control Board
02 should officially recognize a minimum Mono Lake
03 elevation of 6390 feet or higher is needed to provide
04 the minimum flows in the four streams that are
05 necessary to restore fishery.

06 Three, the State Water Resources Control Board
07 should further condition the water diversion permit to
08 require the implementation of stream restoration
09 measures and the establishment of a timetable to
10 guarantee that these measures are steadfastly pursued.

11 Thank you very much.

12 HEARING OFFICER del PIERO: Thank you very much,
13 Sir.

14 Mr. Bania?

15 Mr. Ford, before you leave, we're probably going
16 to take a break here in about ten minutes or so.
17 Mr. Brown would like to get a chance to talk to you
18 afterwards. Thank you very much.

19 Following Mr. Bania, Robert Schulze, and then
20 after Mr. Schulze, we're going take a break for about
21 ten minutes.

22 MR. BANIA: Good. I just got in under the wire.
23 I'm Joe B, as in boy, A-N-I-A. This evening I'm not
24 representing the utility I work for; however, I do
25 represent Granite Bay Flycasters and as a member of
0209

01 Trout Unlimited.

02 I'm very much concerned about the area and --
03 under this guidance that we've had. I started working
04 at China Lake back in the sixties as a physicist and
05 visited this area quite extensively. I've also fly
06 fished for the past 30 years, which is kind of a
07 primary thing for me because I can go to pristine
08 areas and be able to fish in an area that's kind of
09 interesting because not only do you have the beauty of
10 this lake, but you have an area that's kind of not

11 picked over like a lot of areas are today.
12 You individuals have a right and a thing that's
13 very important to us as far as being a judgmental
14 Board, and what you have to realize is that back in
15 1941, the utilities had an obligation to the
16 individuals that worked there that supply water -- that
17 supply power to this big state. We know for a fact
18 today that over 50 percent of the water transported
19 throughout the State of California is transported from
20 north, to south, to a variety of other areas, and we're
21 talking about power, Gentlemen. We're talking about a
22 lot of power being consumed in the state. That's
23 really what we have some concerns about. Not only the
24 power, but also the water that exists there.
25 We know also for a fact from several other people

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01 that various water resources are being taken and not
02 really allocated correctly. We also know for a fact,
03 and this is one thing that really saddened me over the
04 last several years with the drought, that much of the
05 groundwater in that Basin and the Basin below that, has
06 drained, has been taken out, the water levels have been
07 subjected to levels that have never been reached
08 before.

09 What we need to do is we need to kind of take a
10 look back and start sitting down and realizing that
11 water is a key for the state. It's more important than
12 gold, probably, and we're going to have a problem in
13 the future because that really is going to be the
14 controlling factor for the state.

15 Mono Lake, itself, has an important aspect to
16 everybody and everybody in here today. It's sort of
17 like the beginning, if we can take a look at it, to be
18 able to make something right that was wrong some years
19 ago. L.A. DWP is a publicly-owned utility, and it has
20 an obligation to not only the people, but to the areas
21 it takes water from to be able to sit down and say, "As
22 a utility, I have a right and an obligation to supply
23 water to my public but also have the opportunity to
24 correct something that was wrong."

25 So what I'm asking is that in the future you, as
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01 individuals, make the right decision. 6340, 6350,
02 6390, whatever the level is, you have to make that
03 decision, and I mean it, right now. I am proposing
04 6400 feet minimum and possibly more. Also to designate
05 as a national resource for water in the Mono Lake area.
06

07 We also know that state and federal funds have
08 been allocated, but as L.A. DWP has done in the past,
09 it says, "No. This is the only way we can get what we
10 want is not use these resources that are available to
11 us." Conservation, and I work in that department by
12 the way, energy conservation has become of prime
13 importance to me because we, as a utility and as an
14 individual working for a utility, have certain

15 responsibilities to our people here not only to
16 conserve water, but to use our electricity more wisely
17 and more efficiently in the areas that we produce it
18 in.

19 So we're looking for the future, and it is coming
20 from my heart. After 30 years of working in the Mono
21 Lake Basin and looking at things that are available to
22 us, I want a healthy Mono Lake. I don't want to see a
23 puddle out there. And for the past three decades,
24 keeping the air clean and keeping the environment clean
25 and restoring the rest -- as far as the riparian areas

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01 and the restoration for fisheries, becomes a very
02 important and vital issue. With that, I pray that you
03 make the right decisions. Thank you.

04 HEARING OFFICER del PIERO: Thank you very much.

05 Robert Schulze? Good evening.

06 MR. SCHULZE: Good evening. S-C-H-U-L-Z-E. Boy,
07 some of these speeches are hard to follow. Thanks for
08 taking the time to hear me. I'm Robert Schulze and I
09 work for Pacific Gas and Electric. I live in Davis,
10 California. Our family has visited Mono Lake several
11 times over the past 15 years, and we find it a very
12 special place.

13 We just -- our family wanted to encourage the
14 Water Resources Board to support a lake level of 6390
15 or higher, to support a healthy environment, and to
16 help restore the natural beauty of the lake. I'm not
17 here on behalf my -- of PG&E, but I've worked for PG&E
18 for 24 years, much of it in the hydro country, and I'm
19 extremely proud that PG&E does not have an
20 environmental record like the Los Angeles Department of
21 Water and Power.

22 HEARING OFFICER del PIERO: Thank you,
23 Mr. Schulze.

24 Ladies and Gentlemen, we're going to take a
25 five-minute break, and we're going to come back.

0213

01 (Whereupon a recess was taken.)

02 HEARING OFFICER del PIERO: Ladies and Gentlemen,
03 this hearing will again come to order. We have this
04 many cards left. I think somewhere between 15 and 20,
05 so we'll try and move along as best we can.

06 Karen Phillips? There she is. Following Karen
07 Phillips, Robin Leong.

08 Good evening.

09 MS. PHILLIPS: Hi, there. I want to thank you for
10 letting me speak. I have to go to work later. But my
11 name is Karen Phillips, and I'm a student at UC Davis.
12 And I spent the summer in Leving showing the lake,
13 Mono Lake, to hundreds of people all over the world and
14 hopefully, enriching their experience.
15 Before the summer, the only knowledge that I had of
16 Mono Lake was through the bumper stickers, but I had no
17 idea why Mono Lake need to be saved. But once I got
18 there, I felt as if I had found a treasure. I found a

19 treasure in the lake itself, but this unique body of
20 water also brought out a treasure from within, which I
21 feel is beneficial for everybody.

22 As a citizen of California, I'm here to support a
23 lake level of 6390 feet or higher, to permanently
24 protect Mono Lake for its public trust resources. I
25 would like to see a restoration of a healthy,

0214

01 life-supporting Mono Lake for not only the shrimp,
02 birds, and the flies, but also for the necessity to
03 preserve an ancient ecosystem, an ecosystem
04 representative of the larger one we as humans are all a
05 part of.

06 Mono Lake is one of the last places we can get
07 close to and feel the mystery of our inner
08 connectedness. If we continue to destroy such places,
09 I cannot imagine what life will be like. A protected
10 Mono Lake is more than just a precedent for wise
11 western water usage. It is a monument to the human
12 spirit. It is a symbol of the strength and wisdom we
13 hold collectively. A wisdom to understand and
14 appreciate life for what it is really worth. Thank
15 you.

16 HEARING OFFICER del PIERO: Thank you very much.

17 Robin Leong, and following Mr. Leong, Michael
18 Seamen?

19 Good evening.

20 MR. LEONG: Good evening, State Water Resources
21 Control Board. My name is Robin Leong, L-E-O-N-G, and
22 I'd like -- also like to thank the Resources Control
23 Board for letting us have convenient hours to express
24 our concerns for this lake. This process is why I
25 thank my ancestors for making the great effort to come

0215

01 over from the Pacific shores over to California and
02 Hawaii. When I went back to China, I say, "Boy, you
03 know? We have this chance of talking before a big
04 board like this and making our voices heard, I hope."
05 And so I'm really thankful of that process.

06 But unlike others that have long histories of
07 seeing the Mono Lake Basin, I just saw the Basin about
08 25 years ago when I first came over from Hawaii, and I
09 was -- I remember visiting it and the shoreline, of
10 course, being much closer to Highway 395. It's a
11 favorite highway of mine in California. Since then I
12 took up mountain climbing and ski touring, and I
13 visited the area a lot.

14 But it was really when I started bird watching
15 because I wanted to teach my daughter all the names of
16 the birds that I began to know how important Mono Lake
17 was. I have led many bird trips in the area because
18 Mono Lake has some special birds that you can't get
19 anywhere else or they're easier to see, put it that
20 way, as the field trip chairman and later as the past
21 president of Napa-Solano Audubon.

22 I'd like to recommend the Water Board select the

23 6,390 foot level or higher. This level will minimize
24 the harm to Mono Lake public trust resources. However,
25 as stated in the Draft EIR, the higher lake level may
0216

01 be needed to restore the public trust resources lost as
02 a result of the water diversions by the Department of
03 Water and Power, L.A. I ask you to recommend Mono Lake
04 be an outstanding national resource water and hope our
05 words will be heard. Thank you very much.

06 HEARING OFFICER del PIERO: Thank you very much.
07 Michael Seaman, and following Mr. Seaman, Dan
08 Rich?

09 Good evening, Sir.

10 MR. SEAMAN: My name is Michael Seaman, like the
11 Navy, S-E-A-M-A-N.

12 I'm concerned about the future of Mono Lake. For
13 too many years the State of California has more or less
14 enabled the Los Angeles Department of Water and Power
15 to set the agenda for Mono Lake. In recent years, the
16 Mono Lake Committee has brought this issue into full
17 public view. As a result, it's become clear that the
18 public interest has not been well served by DWP's
19 approach.

20 I won't recite the history of events or the chain
21 of judicial instructions that DWP has consistently
22 rejected. I presume you know those very well.
23 Instead, I'd like to add my voice to the chorus of
24 those of us who would like you to step up to the plate
25 and protect Mono Lake. My position mirrors that of
0217

01 others you've already heard from, specifically, please
02 set the lake level at elevation 6390 or higher. The
03 designation as a national resource water will result in
04 needed maximum salinity standards.

05 Permanent protection of Mono Lake is feasible,
06 particularly if DWP implements alternative supplies,
07 and a healthy Mono Lake is important to the local
08 economy and the tourism in the state.

09 Mono Lake is important to me personally. Since I
10 first visited it in 1982, it's remained etched in my
11 memory as a place of special beauty and interesting
12 complexity. Beyond its inherent beauty and educational
13 value, I care about its role as habitat for important
14 wildlife, and when I think of our coastline, for
15 example, I think of seagulls, and they need Mono Lake
16 for breeding. Many other species are dependent upon
17 Mono Lake as well.

18 I've been harkened in recent years with the
19 progress made in restoring feeder streams to their
20 former riparian glory and in the efforts made to
21 interpret the area for visitors including the South
22 Tufa Recreation Area and the new visitor center that
23 overlook looks the lake.

24 I'm a former resident of Southern California, and
25 I've also traveled extensively in Southern California
0218

01 in the last two years where I've observed first-hand
02 the obvious waste of water which could so easily be
03 corrected through water reclamation and conservation.
04 I feel so strongly about the importance of Mono Lake's
05 protection, that I chose to contribute to the Mono Lake
06 Foundation in memory of my dearest departed friend, my
07 dog, Niconi.

08 I'd like you to protect Mono Lake. It's valued by
09 many people, and it's a memorial to my best friend.
10 Thank you very much for your attention to my statement
11 and for your patience tonight.

12 HEARING OFFICER del PIERO: Thank you very much,
13 Sir.

14 Dan Rich? And following Mr. Rich, Sarah Taylor.
15 Good evening, Sir.

16 MR. RICH: Good evening. My name is Dan Rich. I
17 visited Mono Lake for the first time last week. I just
18 wanted to say that I was blown away by its beauty and
19 I'd like to have it remain that way and hopefully your
20 decision will bear directly on that. And I hope you
21 use extreme caution in your decision. Thanks.

22 HEARING OFFICER del PIERO: Thank you very much.
23 Ms. Taylor, and then following Ms. Taylor, Gerald
24 Karr.

25 MS. TAYLOR: Hi. My name's Sarah Taylor,
0219

01 S-A-R-A-H T-A-Y-L-O-R.

02 I support many of the points that others have made
03 this evening. Instead of repeating them, I'll share a
04 more personal reason to choose the highest level
05 possible for Mono Lake. I grew up in Los Angeles and
06 used water from Mono Lake for a significant part of my
07 life. I visited Mono Lake for the first time during
08 the summer of 1988. My family spent a day at Mono Lake
09 on their way back from Tuolumne Meadows. My parents
10 thought it might be interesting to see where our water
11 came from. Everyone in my family was struck by the
12 stark beauty of the lake. My brother was so curious
13 that he decided to go for a swim even though he knew he
14 would have to suffer through a six-hour car ride back
15 to L.A. covered with Mono Lake salts.

16 My parents' reaction was a little more pragmatic.
17 They decided to buy flow restrictors for our house and
18 cacti for our garden. This first experience to the
19 lake also affected me. I've returned to Mono Lake
20 every summer since that first visit. Like Sara Potter,
21 one of the first speakers today, I spent my first
22 summer, the summer of 1990, at Mono Lake working for
23 the Tufa State Reserve, and every summer after that
24 time working for the Mono Basin National Forest Scenic
25 Area as a naturalist. This presentation, however, has
0220

01 nothing do with my previous employment.

02 I've had many experiences at Mono Lake ranging
03 from birding at Simon Springs, kayaking around South
04 Tufa, snorkling at Levining Tufa, spending nights on

05 Krakatoa, to very different experiences, witnessing
06 intense dust storms blow up to the doors at the scenic
07 area visitors center. Because of these experiences,
08 I've gained a great respect for Mono Lake. I've
09 learned that Mono Lake is more than a place of strange
10 waters, tufa towers, birds, and brine shrimp. It has a
11 power that can't be quite put into words. It forces
12 people to think and make decisions.

13 My first three years at Mono Lake I watched the
14 islands at South Tufa become peninsulas. Last winter,
15 however, I had the opportunity to see one of them
16 become an island again. Experiencing last winter from
17 Levining caused me to realize that I may be able to see
18 Mono Lake at a much higher lake level than the present
19 level. I hope one day I can explore the entire South
20 Tufa Grove from a canoe or perhaps with a scuba tank.
21 I also hope that others will have the opportunity to
22 visit Mono Lake and discover some of its secrets.

23 Please choose a lake level of 6410 feet above sea
24 level or higher. Thank you.

25 HEARING OFFICER del PIERO: Thank you very much.
0221

01 You were on the field trip this past summer, weren't
02 you?

03 MS. TAYLOR: Yes, I was the one.

04 HEARING OFFICER del PIERO: Gerald Karr? And then
05 following Mr. Karr, James Nevecki?

06 Good evening, Sir.

07 MR. KARR: Good evening. My name's Gerald Karr,
08 K-A-R-R. I'm a life-long resident of Vallejo, and I'm
09 currently president of Napa-Solano Audubon Society. We
10 have approximately a thousand members, and I speak for
11 them tonight as well.

12 I encourage you to vote to preserve Mono Lake and
13 to raise the level. The uniqueness of Mono Lake makes
14 it imperative that the lake level be maintained at a
15 minimum of 6390 feet. I speak as a birder with a
16 strong awareness of the needs of both resident and
17 migrating birds in the Mono Lake area. However, as
18 more and more people become aware of the beauty of the
19 eastern Sierra, we must maintain the level of the lake
20 for aesthetic reasons as well.

21 We encourage the designation of Mono Lake as a
22 national resource water. The water quality controls
23 that would accompany this designation will do a great
24 deal to insure the controlled protection of the lake's
25 ecosystem. We support programs to assist the Los
0222

01 Angeles Department of Water and Power with measures to
02 replace Mono Basin water with environmentally sound
03 alternatives like reclamation and conservation.

04 Mono Lake is a very special place and our children
05 and our children's children deserve to experience its
06 unique presence. You may love Mono Lake, you may not,
07 but you'll never forget it. Thank you.

08 HEARING OFFICER del PIERO: Thank you very much.

09 James Nevecki? And after Mr. Nevecki, Philip
10 Goidon?

11 MR. GORDON: Gordon.

12 HEARING OFFICER del PIERO: Gordon.

13 MR. NEVECKI: Hello. Thank you hearing me
14 tonight. I don't have anything prepared, so bear with
15 me. I'll just speak off the top of my head.

16 First of all, I have not had the opportunity to
17 visit Mono Lake. I have not had to visit the lake to
18 understand its importance. I -- I'm not sure -- bear
19 with me here for a second.

20 I'm not sure what laws Los Angeles has or what
21 right Los Angeles has to destroy the ecosystem.
22 However, I know that they don't have any moral -- I
23 know that they're breaking moral laws in destroying the
24 ecosystem. The 17 percent of water that Los Angeles
25 receives from the lake pales in comparison to the

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01 percentage of birds and things that use the lake.

02 I don't have any alternatives of where Los Angeles
03 could receive its water from; however, simple things
04 like reclaiming the waste water to water golf courses
05 and greenways and parkways would be a good solution.
06 Also, I think it's time to look to the future as far as
07 desalinization plants. Sure, it's expensive now, but
08 in 150 years to 200 years from now, where do we get the
09 water from then? It's not as simple as today. Let's
10 look to the future. Thank you.

11 HEARING OFFICER del PIERO: Thank you very much.

12 Philip Gordon? Following Mr. Gordon, Ray Cole.

13 Good evening.

14 MR. GORDON: Good evening. I'm Philip Gordon,
15 G-O-R-D-O-N, and one L in Philip. I fight that all the
16 time.

17 I was born in San Jose, California. I'm now a
18 classroom teacher in Hayward. And I'm always looking
19 these days for values to embellish attitudes towards
20 learning for my students in the years in California,
21 keeping my eyes open to the out of doors, traveling
22 with my father digging fossils or fly fishing in
23 Trinity County. I guess we all have suffered many
24 significant superimposed alterations on the status of
25 California.

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01 California to me by various co-incidences
02 primordial, in fact, has come to be a garden of
03 habitats I see that are mostly under the husbandry
04 hand of municipalities and agencies. As a student of
05 diversity of life, I'm sure I'm not alone in labling
06 California rich in this remarkable attribute.

07 One of these, of course, is Mono Lake to me. And
08 it was most remarkable for me to climb Mt. Dana in
09 Yosemite and get up to about the 12,000-foot level and
10 have two elderly ladies want to know how they're going
11 make it. And I'd already decided I wasn't going to,
12 and I was looking down at the Dana Glacier and into the

13 pool of water that had a nice iceberg in it. And I
14 said, flippantly, "Oh, you just take one step at a
15 time." And they did that. And as they went on up, I
16 thought, "Well, gosh, I guess I'd better go myself."
17 The reward, of course, was of the 27 lakes that we
18 could count from the top of Mr. Dana, the most
19 significant one and the most memorable one was Mono
20 Lake.

21 I later learned that the predicament tonight would
22 have been quite different if John Muir had had his way
23 and been -- included Mono Lake in Yosemite National
24 Park. I know now the irreplaceable virtues of Mono
25 Lake, that it represents an ecosystem of at least a
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01 million years. I recall how sad it was that our
02 pleistocene lake could not be recreated when the
03 California Department of Highways bulldozed out that
04 little long-toed salamander lake in Santa Cruz County
05 by a mistake and a misunderstanding and a cross mixup
06 that never would have happened if communication had
07 been clear and everyone had understood, that accident
08 might not have happened.

09 Mono Lake brings a special value to all of us and
10 to me, and the historic character of Mono Lake, both
11 through literature and through time, adds a tremendous
12 amount to the aesthetics that we enjoy today and day by
13 day and every visit. It is a biological entity, and I
14 do trust the facts that we've heard that the 6390 or
15 higher lake level is probably a true one, and the
16 higher the better, and that the water should be held at
17 that level. I believe the impact should be kept to a
18 minimum. I've seen the dust clouds around Mono Lake.
19 I've also driven through the areas south and seen dust
20 bowls elsewhere. I don't think it's going to die the
21 way the Great Salt Lake and the salt and sea apparently
22 is. I don't believe Mono Lake is a commodity.

23 I'm in support of a preservation of Mono Lake with
24 whatever organizational means we can, and you're at the
25 head of it, and that we must stand against any such
0226

01 superimposed alterations that might alter the status of
02 this national treasury. You know, it was Aldo Leopold
03 who said that the highest level of recreation is the
04 husbandry of land and wildlife. So here we are at the
05 highest level. Thank you very much.

06 HEARING OFFICER del PIERO: Thank you very much.
07 Ray Cole? And then following Mr. Cole, Martin
08 Brady.

09 Good evening.

10 MR. COLE: Mr. Vice-Chairman, my name is Ray Cole,
11 R-A-Y C-O-L-E. I am a member of the Federation of Fly
12 Fishers, the California Sport Fishing Protection
13 Alliance, and am here tonight officially representing
14 the position of the Delta Fly Fishers, a Stockton-Lodi
15 based fly fishing organization.

16 Our board has officially gone on record as

17 supporting the restoration of Mono Lake levels to the
18 minimum of 6390 feet and the restoration of the lake's
19 tributaries based on the professional recommendations
20 of the California Department of Fish and Game. We wish
21 to add our voice to those urging this Board exercise
22 its responsibilities to protect these resources.

23 Our organization is made up of men and women who
24 happen to enjoy fly fishing. We are not considered to
25 be a traditional conservation or environmentalist

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01 group, but in this case, as is the case of many others,
02 our concerns do parallel theirs and really go far
03 beyond any potential fishing that we may some day
04 enjoy. As fly fishermen, we are probably more acutely
05 aware of the complexities of aquatic and riparian
06 environments and ecosystems, and it is that awareness
07 that extends our interest to the issues that is now
08 before this Board.

09 And though we do not fish in it, we are concerned
10 with Mono Lake. We are concerned with its tributaries
11 and the issues that have taken place and have been
12 discussed for last ten years. You would probably be
13 very surprised to learn that a great many fly fishermen
14 are very conversant with things like the public trust
15 doctrine and 5937.

16 Mono Lake and its tributaries are those public
17 trust assets. This Board now has the opportunity and
18 obligation to protect. The work this Board does is
19 noticed far beyond the groups that are now appearing
20 before you, and we simply urge you to accept your
21 trustee obligations and take the necessary steps,
22 however difficult, to restore and protect Mono Lake and
23 its tributaries. Thank you.

24 HEARING OFFICER del PIERO: Thank you very much.
25 I would point out, Mr. Cole, that we all know Mike

0228

01 Jackson and Bob Biocci, so we know exactly what Cal SPA
02 knows about the public trust doctrine, I can assure
03 you.

04 Martin Brady, and following Mr. Brady, Dorothy
05 Martinez.

06 Good evening.

07 MR. BRADY: Good evening. My name is Martin
08 Brady, B-R-A-D-Y. I'd like to thank you for your
09 energy and your time and also your endurance for being
10 here and throughout the day listening to those of us
11 who wish to speak.

12 Currently, I'm a loss control risk manager for the
13 school districts in Sacramento and El Dorado County
14 and -- but here tonight I am representing myself and my
15 family. I have also wished to express a concern to you
16 about the lake level and wish for the lake level to be
17 able to rise to 6390 as a minimum. I also would like
18 to encourage you to consider the lake for the --
19 obviously, the outstanding national resource
20 consideration as well.

21 I have visited the lake with my family for over
22 eight years. I've had its mud ooze between my toes,
23 and I've walked its shores and obviously, as has been
24 spoken throughout the night very eloquently, enjoyed
25 its uniqueness, its beauty. Indeed, it's a treasure to
0229

01 our state. I obviously am here to go beyond sound
02 bites and glossy brochures to say that -- to paraphrase
03 Senator Mark Hatfield, that today we need to stand for
04 more than just the next election but for the next
05 generation.

06 Two weeks ago, my ten-month old son learned to
07 crawl. I will some day hope to teach him how to paddle
08 on Mono Lake. At that time, I would also like to tell
09 him about the courage that it took on your behalf and
10 our behalf collectively as a partnership to preserve
11 this lake for future generations. Thank you.

12 HEARING OFFICER del PIERO: Thank you very much.

13 Dorothy Martinez, and following Ms. Martinez,
14 David Takemoto-Weerts.

15 Good evening.

16 MS. MARTINEZ: Good evening. Dorothy Martinez,
17 D-O-R-O-T-H-Y M-A-R-T-I-N-E-Z. Good evening and thank
18 you for allowing me this opportunity to speak before
19 you.

20 I'm here to support the 6,390 foot level for Mono
21 Lake and to encourage its being named as an outstanding
22 national resource water. I really want to also express
23 my appreciation for Governor Wilson's support of this
24 hearing and for your attentiveness to listen to all of
25 us in expressing our concerns on this issue.

0230

01 So I want to tell you that I'm here personally to
02 represent myself, one, and my daughter, one more, and
03 to tell you that my first encounter with Mono Lake was
04 in 1971 when I was a student at Santa Barbara City
05 College. And I went there on a field trip in my
06 geology class, my physical geology class, and I was
07 told that the lake was dying and that it was only
08 through the efforts of people who really appreciated
09 that scenery and that phenomenon that it would remain
10 alive. And so it has struggled for 22 years from the
11 time I first encountered it, and I think with our
12 resources that we have here tonight and your support,
13 that we will have a lake that is a thriving and living
14 lake for my children and for all our children.

15 I've had now the privilege of going there for more
16 than 20 years. It's an annual pilgrimage that my
17 daughter, who is now 21, has accompanied me on.

18 And I came to say that I also express -- want to
19 express to you an extreme empathy for the
20 Shoshone-Paiute people who lived on those shores and
21 who inhabited that Basin, and for the appreciation that
22 I have as they saw the lake. And I recognize that lake
23 as attempt to their own cultural heritage.

24 We have heard talks about the ducks and brine

25 shrimp and those wonderful friendly flies, and all of
0231

01 that contributes to that area being a special jewel of
02 biologic and cultural and geologic heritage that I
03 think more and more Californians and more and more
04 people who visit California have come to revere. It's
05 a place that has spoken to me in my heart, and so I've
06 come to give back to that lake what the lake has given
07 me and that is a new heart in the way that I look at
08 nature and the way that I'm stimulated to look at the
09 interrelationship of things that I perceive along the
10 banks of that lake.

11 I want it to be a place that will open the hearts
12 of future generations as well, so I'm here to ask you
13 to join me in opening your hearts and to restore the
14 natural balance and the harmony of that area by
15 assuring the health and the beauty of the lake and all
16 the living things that draw upon it for their
17 sustenance. Thank you.

18 HEARING OFFICER del PIERO: Thank you very much.

19 David Takemoto-Weerts, and following him, Lynn
20 Zender?

21 Good evening.

22 MR. TAKEMOTO-WEERTS: Thank you. My name's David
23 Takemoto-Weerts, that's T-A-K-E-M-O-T-O, hyphen,
24 W-E-E-R-T-S. Thank you for this opportunity to be here
25 tonight.

0232

01 Like some others here tonight, I first came to
02 Mono Lake when I was a child. My family came to the
03 lake or by the lake when we are vacationing in the
04 eastern Sierra. I must admit while I thought the lake
05 was really neat back then, I was really impressed by
06 the Mono craters, those volcanos really got to me when
07 I was 12 or 13. I returned, though, to the lake in
08 1980 as an intern with the Mono Lake Committee, and I
09 spent the entire summer there doing all manner of
10 things for the lake. And I had the good fortune to be
11 invited back as a staff member of the Mono Lake
12 Committee the following year, and I've worked, my wife
13 and I both worked for the Committee for a couple of
14 years in Levining and Los Angeles and ultimately here
15 in Sacramento where I was the lobbyist for the group.

16 And one thing that struck me tonight in listening
17 to the other testimony and hearing 6390 over and over
18 again, I recall that I think it was on the first -- the
19 cover of the first issue of the Mono Lake newsletter,
20 the committee newsletter, there was a cartoon drawing
21 of a seagull, a California gull, holding a sign that
22 said, "6388 or fight," and I remember that was sort of
23 a rallying cry 15 years ago, 6388 was what we thought
24 would be the minimal lake level and that hasn't changed
25 much. We're at 6390 now, and I can't help but think

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01 that the issues we're talking about tonight haven't
02 changed much either.

03 The facts that have been brought out, the threats
04 of the continued diversions, not much has changed in
05 that time. And as a taxpayer or at least at a person
06 who's concerned with the conservation of all kinds of
07 resources not just natural but financial as well, seems
08 like a lot of money has been spend over the last 15 or
09 more years arguing this issue. Lots of money towards
10 the rate payers in L.A., environmental group dues
11 payers like myself. We've all spent a lot of money on
12 this issue, and I think it's time now to resolve it and
13 start spending our money on technological and policy
14 type measures that are going to be needed to make this
15 thing work.

16 The other thing, I was at the lake in late August
17 for about a week, my family and I were camping in the
18 eastern Sierra, and one thing that struck me one day
19 while driving up and down 395, Highway 395, was that I
20 didn't see those DWP cars and trucks anywhere and when
21 I worked there in the past, sometimes I had the feeling
22 that I was kind of living in sort of -- in a very small
23 sense like living in an occupied country or something
24 because there were a lot of these guys from L.A. DWP
25 driving around their little tan trucks. And suddenly I
0234

01 noticed that nowhere did I see one of these trucks for
02 several days that I was in the area. And it wasn't
03 'til I got back home that I learned that there was a
04 strike going on and that the workers weren't working.
05 But for those few brief days, I kind of had this
06 fantasy that I was at Mono Lake a few years in the
07 future. And while walking along the banks of Rush
08 Creek and water flowing in from all the runoff from
09 last year's abundant rainfall and snowfall, it was
10 great. It was a little fantasy of my own, but a little
11 taste of what it might be like in the future.

12 So I'd just like to add my support to those who
13 are recommending a 6390 minimal level for the lake
14 level, and I also encourage the designation of the lake
15 as the outstanding national resource water. And for my
16 fellow bike-a-thoners here today, I think we all share
17 a special bond. I was fortunate enough to be on the
18 first and third bike-a-thon and for those of us who
19 have done that ride, it's always a little bit like that
20 long struggle uphill over six days. It's kind of
21 analogous of this long struggle we've been involved
22 with to save the lake. And again, I just want to
23 recommend to the Board that they do make the right
24 decision on this one. Thank you very much.

25 HEARING OFFICER del PIERO: Thank you very much.
0235

01 14 million. 14 million.

02 MR. TAKEMOTO-WEERTS: Is how much has been spent?

03 HEARING OFFICER del PIERO: Is how much L.A. Water
04 and Power has spent. It came out during the course of
05 the policy statements in Los Angeles. Assemblyman
06 Richard Katz. Actually, it was 12 million specifically

07 as of 24 months ago, and they estimate another two
08 million in the last 24 months. So the number's \$14
09 million.

10 Good evening.

11 MS. ZENDER: Good evening. My name's Lynn Zender,
12 and I'm a native Californian. I've been living in
13 Northern California for over 30 years. I have a
14 masters degree in water resources engineering. I'm
15 currently a doctoral candidate in engineering with a
16 water quality emphasis.

17 I'm here to inform you that while I'm not an
18 expert on Mono Lake, I do have a reasonable
19 understanding of the complex water supply and
20 environmental issues involved. Tonight I want to say
21 that you don't need a degree to realize the right way
22 to go on this issue. Alternatives to this water
23 including conservation and reallocation do exist. It
24 is that simple. As many of the speakers have said, I'd
25 like to paraphrase, if not now, when.

0236

01 I visited Mono Lake a few days ago in the early
02 morning surrounded by mountains with the first season's
03 snowfall and the joy it gave me was immeasurable.
04 There is no way to replace this great gift that we
05 Californians have been lucky enough to have in our back
06 yard, and the diversity of the people in this room, I
07 feel, is a testimony to how much Mono Lake means to us
08 all. We owe it to ourselves, our neighbors, our
09 children, and this planet to protect and restore Mono
10 Lake to at least a level of 6390 feet and designate it
11 as an outstanding national resource water. I believe
12 it's the height of audacity to consider anything less.
13 Thank you.

14 HEARING OFFICER del PIERO: Thank you very much.

15 Jackie Stroud? And following Jackie Stoud, C.W.
16 Waklee?

17 Good evening.

18 MS. STROUD: Good evening, Mr. Vice-Chairman and
19 members of the Board. I also appreciate being able to
20 be here after hours, so to speak. My name is Jackie
21 Stroud, that's J-A-C-K-I-E S-T-R-O-U-D, and I am a
22 resident of Sacramento.

23 I've had many experiences associated with Mono
24 Lake and its healthy existence has become very
25 important to me. In the early 1950s, my family lived

0237

01 in Independence, Lone Pine, and even Manzanar while my
02 father surveyed the area for U.S. Geological Survey.
03 Although only in the second grade then, which, by the
04 way, is about the age of Jeffrey Parker who spoke the
05 afternoon, I remember three things about that immediate
06 area of Lone Pine, Independence; the incredible setting
07 of the 10,000 vertical feet Sierra escarpment virtually
08 outside our back door, the local fish hatchery which
09 supplied lakes and streams, and the horrible dust
10 storms blowing off Owens Lake. Very memorable in my

11 mind. And today considering retirement, possibly on
12 the east side, I certainly would not want to live in an
13 area frequented by dust storms.

14 On periodic trips back to Sacramento, we visited
15 Mono Lake when I was in the second grade. I remembered
16 being in wonder of its large size and its dramatic
17 setting beneath the mountains. At that time, already
18 after ten years of diversions, the lake level was
19 approximately 6,405 feet. Later as a teenager and
20 adult, I have frequented the eastern Sierra and Great
21 Basin areas, primarily as a recreationalist and as one
22 who values unique ecosystems. I have observed the
23 various bird populations at Mono Lake with the change
24 in seasons knowing that many of these birds depend on
25 this stopover in their long migratory flights. I have
0238

01 paddled at sunset observing tufa formations beneath the
02 surface, wild rainbows danced across the Basin skies,
03 and have floated in the very salty water among the
04 brine shrimp, knowing that the whole ecosystem can be
05 affected if the water becomes too salty for brine
06 shrimp.

07 I have participated in very enjoyable photography
08 seminars provided by residents of Levining, and while
09 the tufa towers can make interesting subjects, I know
10 that their natural place is below the surface of the
11 water. I have skied above Conway Summit near
12 Mt. Donderberg and particularly recall how that trip
13 was enhanced by the incredible views of this
14 pre-historic lake in the Basin in which it lies. High
15 in the mountains while hiking, I have seen in
16 wonderment the California seagulls flying and knowing
17 that these gulls have their primary nesting sites on
18 islands in Mono Lake or on what have been islands.

19 I have brought friends and relatives with me on
20 trips to share in the experience in Mono Lake, thereby
21 contributing to the local economy. I have met a number
22 of tourists from other countries who have stopped and
23 spent time at Mono Lake and are also extremely
24 impressed by its uniqueness.

25 Over these years, the lake level has dropped
0239

01 dramatically. It is very painful and depressing to me
02 to see this happen, like seeing an old friend die. The
03 people of California need to be responsible in regards
04 to the consequences of their actions involving water
05 use. I believe the Water Board should play a role in
06 this educational challenge by making the right policy
07 decisions. We should not be willing to lose an ancient
08 and unique ecological, geological, historical,
09 cultural, and scenic resource so that more toilets can
10 be flushed, more lawns can be watered, more cars can be
11 washed, more sidewalks can be hosed down, more copious
12 showers can be taken, and more swimming pools can be
13 filled and refilled.

14 It is feasible to permanently protect Mono Lake.

15 Just imagine the consequences of 50 percent or even 25
16 percent of the water thirsty lawns in Los Angeles and
17 environs were replaced by attractive drought-tolerant
18 landscapes of ground covers perennials, and shrubs.
19 Thousands of gallons of water per lawn would be saved.
20 The nursery business would be stimulated. The
21 manufacturers of drip irrigation systems would receive
22 many additional orders and less chemical fertilizers
23 and herbicides and pesticides would enter the
24 groundwater or run off. Environmentally sound
25 alternatives such as water reclamation, conservation
0240

01 need to be used by DWP and throughout California.
02 As can be seen by my example of lawn replacement,
03 these alternatives can also have economic and
04 additional environmental benefits. Furthermore, as a
05 staff person at the California Energy Commission, I am
06 aware that water use equates to energy use as water is
07 pumped from one place to another or from the
08 groundwater or heated for our use.

09 The level of 6390 feet for Mono Lake must be a
10 minimum level even in periods of drought which can be
11 lengthy. 6,390 feet is a full 25 vertical feet below
12 the level when diversion began. It is my belief that
13 to restore this dying friend of mine and its natural --
14 to its natural ecosystem, the level of the lake would
15 need to be 6,410 feet. I urge the Board to designate
16 Mono Lake as an outstanding natural resource water.
17 This designation will set maximum salinity standards to
18 help protect the lake ecosystem. Although, I have no
19 children or grandchildren, I firmly believe that Mono
20 Lake is an international, national, and state jewel
21 which must be preserved for future generations of
22 people as well as for wildlife which depend upon it.
23 It is truly a unique public trust resource that I'm
24 asking you to restore and preserve.

25 Thank you.

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01 HEARING OFFICER del PIERO: Thank you very much.
02 C.W. Waklee, and then June Persson?

03 MR. WAKLEE: Thank you, Gentlemen. My name is
04 C.W. Waklee, W-A-K-L-E-E, and I have some pictures here
05 if you might look at them while I'm talking to you?

06 HEARING OFFICER del PIERO: Certainly. If you'd
07 be good enough to give them to Mr. Herrera? I assume
08 they're of Mono Lake?

09 MR. WAKLEE: Now, they go back to when I was a
10 child. I went to Mono Lake when I was about four years
11 old, 1928, and I lived there until 1940, and at that
12 time, I saw quite a change in Mono Lake and afterwards
13 I saw a bigger change. And I talked to you folks over
14 in Mammoth, and I didn't have this material with me.
15 But on the top picture you're seeing in there is of me
16 playing in Rush Creek when Rush Creek was a creek and
17 the level of it was right up to the ground level.

18 Now --

19 HEARING OFFICER del PIERO: Excuse me for
20 interrupting, Sir. But after you're done making your
21 presentation, I'd appreciate it very much if it might
22 be possible for us to make duplicates particularly --
23 do you know the years these were taken?

24 MR. WAKLEE: No. I don't know the exact years.

25 HEARING OFFICER del PIERO: Do you have a guess?
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01 MR. WAKLEE: Yeah. I can give you a pretty close
02 guess.

03 HEARING OFFICER del PIERO: You've not seen these,
04 Gentlemen.

05 MR. CANADAY: I have.

06 HEARING OFFICER del PIERO: Then you know why I'm
07 interested in the significant riparian habitat along
08 Rush Creek that's becoming a subject of a significant
09 amount of discussion during the evidentiary hearing.

10 Pardon me for interrupting.

11 MR. WAKLEE: That's all right. Because that's why
12 I want you to be interested in it.

13 (Laughter.)

14 HEARING OFFICER del PIERO: Well, I recognize
15 stuff once in a while.

16 (Laughter.)

17 MR. WAKLEE: As you see, I was about eight years
18 old when those pictures were taken of Rush Creek and
19 the water was maybe two feet down below the level. And
20 I looked at it here just last month, and it's a good 20
21 to 30 feet down below the surface level.

22 HEARING OFFICER del PIERO: It may be appropriate
23 for us to get an affidavit from you. Afterwards, talk
24 to Mr. Canaday.

25 MR. WAKLEE: Anything I can do to help Mono Lake
0243

01 come up, I'm all for it.

02 That's the pictures of me swimming in Rush Creek
03 and, like I say, as it is today that's about 20 feet
04 down below where it should be because when Los Angeles
05 County shut the water off, and then -- for some unknown
06 reason, I understand they turned it back on, and it
07 washed out. All the brush had died along the side and
08 made a big wash. So it's -- the picture was taken at
09 the old Dumbrowski Ranch on the edges of Mono Lake. It
10 used to be a hunting preserve and fishing preserve.

11 Now, on Page Two, these fish were caught in Rush
12 Creek and Levining Creek, and they are pictures that I
13 had when I was, what would you say, eight years old in
14 that picture?

15 HEARING OFFICER del PIERO: What year would that
16 have been?

17 MR. WAKLEE: That would have been about 1934.

18 HEARING OFFICER del PIERO: Oh, really?

19 MR. WAKLEE: In that area. The limit of fish at
20 that time was 25 fish. So you can see we caught quite
21 a few fish out of Rush Creek and Levining Creek and
22 everything like that.

23 Now, one of the other pictures --
24 HEARING OFFICER del PIERO: You caught these?
25 MR. WAKLEE: My father and I and my mother. We
0244

01 would go fishing, and that's what you could catch.
02 HEARING OFFICER del PIERO: Okay.
03 MR. WAKLEE: The pan-sized trout, you know, that's
04 the way they were.
05 Now, on the other picture in there you'll see me
06 standing with a shotgun, it's a .22 rifle and a bunch
07 of ducks along a line. I was only a boy at the time
08 and a shotgun was too big, but I could shoot across and
09 kill ducks in Mono Lake. It was that close to the
10 house. It was just across Highway 395. I supplied a
11 lot of meat in ducks and geese. So that's why -- we
12 lived that way quite often.

13 And on the next page, where my father and I are on
14 horses, it was -- Mono Lake then was approximately 100
15 to 150 feet from the fence line down to the lake shore.

16 HEARING OFFICER del PIERO: This is an island?
17 MR. WAKLEE: Yes. As you see there was an island
18 there and a big bay. That bay we called it Avalon Bay,
19 really, because it looked so much like Avalon, and I
20 worked on a boat that there's a picture in there of, we
21 hauled passengers out to the islands, showed them the
22 hot springs, walked them around, and where we tied up
23 the boat to get them back on was clear back in there at
24 the shore. I looked at it the other day and that looks
25 to be about a quarter to a half a mile from the water
0245

01 now. So it's quite a change.
02 My dad and I and the horses just off 395 and the
03 view from the lake from the Villa House which is
04 between Mono Inn and Tioga Lodge, it's the place back
05 in there. They don't call it the Villa House now, they
06 call it the Pressini? Peniette. Peniette House.
07 And with these pictures, I would just like to get
08 them into certification if I could, let them know what
09 Mono Lake used to look like. I'll be more than glad to
10 go along with copies of them if we can try save this
11 great place. It's a historical place I remembered as
12 your main picture here in the middle and the islands
13 were islands and the water was right up to Highway 395
14 along the west side. It was a beautiful, beautiful
15 place. No dust, but lots of storms.

16 So I want to thank you, Gentlemen, for allowing me
17 to present this and anything I can do to help you I
18 will. Thank you.

19 HEARING OFFICER del PIERO: Thank you very much,
20 Sir. We appreciate it very much.

21 (Applause.)

22 HEARING OFFICER del PIERO: June Persson? And
23 following Ms. Persson, Barbara Mohr. I hope that's
24 right.

25 Good evening.

0246

01 MS. PERSSON: Good evening, Gentlemen. I'm June
02 Persson, P-E-R-S-S-O-N. I'm president of the
03 Sacramento Chapter of the National Audubon Society with
04 approximately 3,000 members. Thank you very much for
05 this evening session, as so many of us who work do not
06 get much of an opportunity to take part in such
07 sessions. I'm an RN operating room nurse and one
08 doesn't just take off from such a position in the
09 middle of the day.

10 Mono Lake is very important to all Audubon members
11 near Sacramento and others in Northern California and
12 Nevada and, indeed, across the nation. Many of us
13 visit the area yearly, if not more frequently. It is a
14 very special area to all of us. I remember driving 395
15 in 1962 and have pictures of the lake at that time and
16 wow, what a difference.

17 My first birding experience at Mono Lake was 12
18 years ago on a Yosemite National Park natural history
19 tour led by the late David Gaines of the Mono Lake
20 Committee. I, too, remember the drive down Tioga Pass
21 with that great view of the lake and exploring the lake
22 and its shore line. I was so impressed with the birds
23 at that time that I became hooked on birding.

24 I recall last year's trip. We canoed on the lake
25 surrounded by the tufas and floating up to the
0247

01 California gulls and eared grebes. Later, we hiked
02 along the shoreline and found a female weasel in one of
03 the tufas busily moving her family. A very special
04 time.

05 We in Audubon would like to know that such
06 experiences will be available for future generations.
07 But I also remember the alkaline dust swirls and the
08 alkaline flats surrounding the lake. That picture that
09 I took in '62 certainly didn't show very much of the
10 alkaline flat area.

11 A lake level of at least 6390 feet, higher would
12 certainly be better for the permanent protection to
13 restore Mono Lake and control the alkaline dust. That
14 alkaline dust is certainly not healthy to anyone,
15 avian, mammal, or human.

16 Mono Lake should be designated an outstanding
17 natural resources water. It is a place where birds
18 into the millions feed abundantly during their breeding
19 and migratory seasons, and a place where people
20 experience the awe of wilderness. I've heard the awe
21 from so many people tonight and I can't help but think
22 of David Gaines and the awe that he had for the lake
23 and the Basin.

24 It has a great power of natural forces that have
25 shaped this unique landscape. Let us never forget that
0248

01 Mono Lake is a national resource. Let us now
02 officially designate it as such. Thank you for this
03 opportunity to speak with you this evening.

04 HEARING OFFICER del PIERO: Thank you very much.

05 Barbara Mohr? And then Brian Hildon.
06 MS. MOHR: Members of the Board, thank you for
07 your patience and your endurance. My name is Barbara
08 Mohr, M-O-H-R.

09 Mono Lake is a very special place to me. One of
10 my very favorite places in California. It gives
11 welcome relief from the noise and congestion that I
12 have to live with every day. The spectacularly
13 beautiful area like no other area I've seen.

14 The Mono Basin must be restored. I would like to
15 see the lake level return to its pre-diversion level
16 so that the streams that feed the lake will again be
17 filled with life and the lake will continue to support
18 the hundreds of thousands of birds that depend on the
19 lake for their refueling stop during their long
20 migration. Do not protect the lake and allow this area
21 to die, this unique beautiful area, to borrow a phrase
22 from Carl Sagan, to allow this area to die would be a
23 crime against creation. Please let Mono Lake live.

24 Thank you.

25 HEARING OFFICER del PIERO: Thank you very much.
0249

01 Brian Hildon?

02 Good evening, Sir.

03 MR. HILDON: Good evening. And thank you once
04 again for the opportunity to make myself heard in the
05 waning hours of your third hearing. I certainly
06 appreciate it.

07 My first experience at Mono Lake was in the early
08 1970s, like many people here tonight, family vacation.
09 I considered myself very involved since then. And
10 when -- again, I'm very thankful to express these
11 thoughts tonight.

12 Specifically the 6390 level. I, of course, would
13 like you to consider that a minimum. If I had my way,
14 we would curtail all diversions for at least the same
15 period of time they were allowed to go on. I think
16 that would be an interesting way to study the effects
17 of restoration.

18 I grew up in L.A. and Orange Counties. Excuse
19 me. I removed myself from L.A. forever upon moving to
20 Davis for a few years of study, graduated from UC Davis
21 on a fine Sunday morning. The following day, Monday,
22 began a short career as a fisheries biologist for a
23 firm in the Bay Area. On that day we began
24 micro-habitat study of the brown trout populations in
25 Rush Creek.

0250

01 I'd also like to thank DWP for a couple of fine
02 years of getting to play around near Mono Lake and
03 also, of course, worked very hard.

04 HEARING OFFICER del PIERO: They paid the
05 contract?

06 MR. HILDON: Oh, yes.

07 I had a lot of firsthand experience with the
08 fisheries in Levining and Rush Creeks. I'm here

09 tonight to say that numbers and data are much different
10 than the data love affairs, memories, and important
11 thoughts that people are here to share tonight. I was
12 involved with studies where after studying
13 micro-habitats of trout populations and other
14 watersheds, reports were drawn up to say after all the
15 data was manipulated, as data tends to be in the long
16 run, I actually saw reports that said that the trout in
17 a particular stream preferred zero velocity, perhaps
18 suggesting that a dam on this particular river might
19 improve the fishery. The fish don't like the flow. It
20 didn't go as far as saying, "Let's take all the water
21 away or have the water flow uphill," but certain things
22 less believable have been written.

23 I'm here to say that all scientific data is not
24 necessarily unbiased. It can be manipulated in any
25 way, and I think it is very important, perhaps more
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01 important in some cases when you consider the public
02 trust, to ask the public for their own data and their
03 own personal memories.

04 I also think that in the case of the Mono Lake
05 neo-catastrophe, we have an opportunity to reverse one
06 of man's wrongdoings. It's not going to be easy to
07 remove Shaunessey Dam or install screens on Columbia
08 River dams and improve what we've done. I consider the
09 Mono Lake controversy a very unique opportunity to
10 reverse what we've done relatively simply. I think if
11 you just let the water flow and you invite the
12 volunteers out to reseed the stream banks, you can
13 reverse what we've done. I think it's very easily done
14 here, and I hope you may have make the right decision.

15 I think it's a unique opportunity, that we would
16 all cherish Mono Lake at 6390 or above and, in closing,
17 I would like to also say that the national outstanding
18 resource designation is a must. I think the economic
19 values of the region are always high priority. I also
20 think that L.A. could spend a fraction of those
21 millions on glitzy campaigns towards conservation and
22 put itself at the forefront as far as the media is
23 concerned of water conservation efforts in the western
24 united states. I'm sure the residents of L.A. have
25 expressed their willingness to go along. I think it's
0252

01 up to L.A. to put that forward, and I certainly
02 appreciate your help in convincing them of that.

03 Thanks again for the opportunity, and I'm very
04 interested in looking at those photos.

05 HEARING OFFICER del PIERO: Don't go away. I've
06 got a question for you. How much work did you do on
07 Rush Creek?

08 MR. HILDON: I spent hundreds of hours.

09 HEARING OFFICER del PIERO: Do you have a personal
10 recommendation as to an average flow for restoration of
11 the riparian corridor and also restoration of the
12 downstream -- the multiple channels that historically

13 existed?

14 MR. HILTON: That's part of the reason I would
15 like to see those photos. I've never seen photos dating
16 back so far. I believe once restoration is complete,
17 once you have instream habitat --

18 HEARING OFFICER del PIERO: Do me a favor.
19 Mr. Brown would like to know what your professional
20 qualifications are.

21 MR. HILDON: I was a fisheries biologist just for
22 the consulting firm hired by DWP.

23 HEARING OFFICER del PIERO: Do you have a
24 bachelor's degree?

25 MR. HILDON: I have a bachelor's degree from
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01 University of California Davis.

02 MR. BROWN: And you have 100 plus hours experience
03 on that creek?

04 MR. HILDON: Well over 200 hours on Rush Creek.

05 HEARING OFFICER del PIERO: Tell me -- go ahead
06 and finish your thought. Tell me what you think.

07 MR. HILDON: My thought is once you have instream
08 habitat restored adequately -- this is the basic
09 problem on Rush Creek, there is no habitat. We've come
10 a long way in two years with some of the consultants'
11 work. Once the habitat has been restored adequately,
12 all the flow you can give the creeks will be
13 necessary. I don't think -- I think at once the

14 corridors are restored to near historical
15 proportions --

16 HEARING OFFICER del PIERO: You recommend natural
17 restoration or planting to restore the riparian
18 corridor?

19 MR. HILDON: I think the riparian corridors needs
20 a lot more than natural restoration.

21 HEARING OFFICER del PIERO: You recommend at least
22 some modicum of artificial enhancement?

23 MR. HILDON: Oh, yes. I think bulldozing and
24 creation of pools, placing of large structures like
25 logs is paramount in restoration.

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01 HEARING OFFICER del PIERO: Who are you working
02 for now?

03 MR. HILDON: I no longer am working in a career in
04 biology. I work in San Francisco for a small --

05 HEARING OFFICER del PIERO: Did you work for Jones
06 and Stokes or who did you work for?

07 MR. HILDON: No. I worked for EA.

08 HEARING OFFICER del PIERO: Okay. Have you got a
09 card?

10 MR. HILDON: I'm not sure I do.

11 HEARING OFFICER del PIERO: Maybe you can give us
12 an address and a phone number afterwards.

13 MR. HILDON: Sure. And I would love to see those
14 photos. Thank you again.

15 HEARING OFFICER del PIERO: Appreciate it.

16 Ladies and Gentlemen, I'm out of blue cards.

17 (Applause.)

18 HEARING OFFICER del PIERO: Does anyone wish to
19 make any further comment that has not filed a card with
20 us? Good --

21 MS. WAKLEE: Could I make one? So many people
22 have sat here over and over and over and said how awe
23 struck and how much thought it gave them watching the
24 lake, and I'd just like to make one quote from
25 Proverbs. It says, "You see me in nature. If you say
0255

01 I don't exist you're a liar." That's why it's so awe
02 inspiring.

03 HEARING OFFICER del PIERO: We need your name for
04 the record.

05 MS. WAKLEE: Marlene Waklee, the wife of the
06 husband that has the pictures.

07 HEARING OFFICER del PIERO: We know who the author
08 of Proverbs was.

09 MS. WAKLEE: I thought you would.

10 HEARING OFFICER del PIERO: Ladies and Gentlemen,
11 Mr. Brown and I deeply appreciate your kindness and
12 consideration both today as well as this evening as
13 part of this hearing. We -- this process is not over.

14 The evidentiary phase of this hearing will begin again
15 next Wednesday. We have another 15 days scheduled
16 for -- at this point -- do you have new comments John?

17 MR. BROWN: Just to thank Staff and particularly,
18 to thank Ed.

19 HEARING OFFICER del PIERO: Mr. Ed Anton who's
20 Chief of the Division of Water Rights for the State
21 Water Resources Control Board has been -- Mr. Anton,
22 would you raise your hand so people know who you are?
23 See, this is the gentleman whose division is in
24 charge -- he's right here, Ladies and Gentlemen. He's
25 sitting down near the -- right there. He's not made
0256

01 much of his presence here today, but he's been here all
02 day long.

03 Mr. Anton is Chief of the Division of Water Rights
04 for the State Board, and what that means is all the
05 water rights in the State of California and all the
06 Staff that deal with water rights in the State of
07 California are supervised by Mr. Anton. This issue has
08 been a very significant and important issue. Important
09 enough for him to spend almost the entirety of the day
10 with us today and quite a bit of the evidentiary
11 hearing time, too. So we appreciate his presence and
12 thank you, Mr. Brown, for making me point that out
13 because it's -- we appreciate him being here.

14 Again, thank you very much Ladies and Gentlemen.
15 The Board intends to render a decision on this matter
16 in a somewhat shortened time frame. What that means is
17 it's probably going to be the -- near the end of spring
18 of next year which, if you know how long it takes for
19 us to get water rights decisions of this magnitude out,
20 is really a shortened time frame.

21 The evidentiary portion of this hearing is
22 probably going to end sometime around the first or
23 second week in December if everything goes well. I
24 intend it to go well, so I get to control a little bit
25 of that. In any event for those of you that are at all
0257

01 interested, we would encourage your continuing
02 monitoring of the program and, again, on behalf of the
03 State Water Resources Control Board, all five members,
04 my deepest appreciation for your participation here
05 this evening. Thank you.

06 This meeting's adjourned.

07 (Applause.)

08 (Whereupon the proceedings were adjourned
09 at 10:04 p.m.)

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01 REPORTER'S CERTIFICATE

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02

03 STATE OF CALIFORNIA)

03) ss.

04 COUNTY OF SACRAMENTO)

04

05 I, KELSEY DAVENPORT ANGLIN, certify that I was the

06 official court reporter for the proceedings named

07 herein; and that as such reporter, I reported, in

08 verbatim shorthand writing, those proceedings, that I

09 thereafter caused my shorthand writing to be reduced to

10 typewriting, and the pages numbered 1 through 257

11 herein constitute a complete, true and correct record

12 of the proceedings:

13

14 PRESIDING OFFICER: Marc del Piero

15 JURISDICTION: State Water Resources Control Board

16 CAUSE: Mono Lake Diversions

17 DATE OF PROCEEDINGS: October 22, 1993

18

19 IN WITNESS WHEREOF, I have subscribed this

20 certificate at Sacramento, California, on this 10th day

21 of November 1993.

22

23

24

24

25

25

Kelsey Davenport Anglin, RPR
CSR No. 8553