

Mono Lake Committee Policy Statement

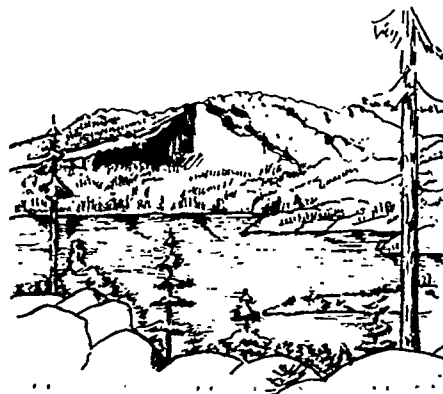
by Martha Davis, Chair

EDITOR'S NOTE: Martha Davis is the Chairperson of the Mono Lake Committee. She gladly submitted this statement to ENVIRONS upon Kathy Smith's request. She hopes the Mono Lake Symposium will help to increase public awareness regarding the environmental issues surrounding Mono Basin water diversions. Her statement has been reprinted here as it was received, without alterations or corrections.

Mono Lake remains one of the most egregious examples of how past water allocation decisions have failed to preserve the state's significant natural resources. In 1940, the State Water Resources Control Board (Board) granted Mono Basin water diversion permits to the Los Angeles Department of Water and Power (DWP) over local citizens' pleas and protests. The Board, declaring that the diversions would "unfortunately" harm Mono Lake, stated that "there is apparently nothing that this office can do to prevent it." State Water Resources Control Board, Press Release (1940). When final diversion licenses were issued to DWP thirty three years later in 1974, the Board simply ignored state laws which would have required DWP to substantially reduce its diversions in order to protect the wild trout fisheries in Mono Lake's tributary streams.

DWP's excessive diversions have created severe environmental consequences for Mono Lake. In forty seven years, Mono Lake's level dropped over forty vertical feet. This drop in water level cut the lake's volume in half, doubled its salinity, and exposed over 15,000 acres of lakebed to the wind, causing dust storms which violate both state and federal emergency air quality standards. Thriving trout streams have become dry washes, and critical habitat for Mono Lake's gull colony was disrupted in the early 1980s when the lake's receding waters connected nesting islands to the shore. A 1988 scientific study conducted for the California Legislature concludes that continued diversions will cause "serious consequences" for Mono Lake as early as 1989 as well as the ecosystem's demise within twenty years. Botkin, et. al., C.O.R.I. Report (1988).

California's failure to consider Mono Lake's need for water was one of the major issues identified by the California Supreme Court in its 1983 landmark public trust decision. *National Audubon Society v. Superior Court*, 33 Cal.3d 419, 189 Cal. Rptr. 346, 658 P.2d 709, cert. denied, 464 U.S. 977 (1983). The court stated, "[t]his is not a case in which the



Legislature, the Water Board, or any judicial body has determined that the needs of Los Angeles outweigh the needs of the Mono Basin, that the benefit gained is worth the price.... It is clear that some responsible body ought to reconsider the allocation of the waters in the Mono Basin." *Audubon*, 33 Cal.3d at 447. In mandating this reconsideration, the California Supreme Court unanimously ruled that the public trust doctrine obligates the state to protect places like Mono Lake "as far as feasible." The court, however, also affirmed the state's right to allocate water in ways that "unavoidably harm" public trust values if no reasonable alternatives exist.

For Mono Lake, the harm caused by continued diversions can be avoided if DWP only takes water which is truly surplus to Mono Lake's needs. To achieve a compromise level which will protect a living and scenic Mono Lake -- the Mono Lake Committee's goal -- the city of Los Angeles would need to cut its diversions by 70,000 acre-feet annually, approximately ten percent of Los Angeles's water consumption. This approach would neither end water diversions nor restore Mono Lake to prediversion conditions. The lake would be maintained in the range of 6,377 to 6390 feet, as recently recommended by the United States Forest Service. This level is high enough to safeguard the lake's ecosystem and gull rookeries and to reduce, although not eliminate, dust pollution.

Reasonable alternatives exist for replacing Mono Basin water. The most cost-effective water source is conservation. The city of Los Angeles recently adopted a conservation ordinance which is expected to permanently reduce water usage by the exact amount needed to protect Mono Lake -- 70,000

acre-feet annually. The Mono Lake Committee has also proposed a "wet year/dry year" plan that would permit Los Angeles in dry years to divert almost all Mono Lake's water, leaving minor flows to protect Mono Basin fisheries. In wet years, when Los Angeles could readily obtain replacement water supplies, diversions would cease and the lake would be allowed to rise. Innovative solutions, such as obtaining replacement supplies through water marketing, are now being jointly explored by DWP and the Mono Lake Committee. DWP could also exercise its right to purchase over 400,000 acre-feet of water from the Metropolitan Water District, the city's ample, but most expensive, water source. Even this approach to saving Mono Lake would only cost the average Los Angeles household about 74 cents per month.

There may be situations where California faces a difficult choice in balancing the public's interest in natural resource preservation with economic development, but Mono Lake is not one of them. In the ten years since the Mono Lake Committee first organized, public awareness and support for the lake's protection have grown dramatically. Even the city of Los Angeles now acknowledges that Mono Lake is a scenic and ecological treasure of national significance and that water diversions must be reduced to maintain Mono Lake in a healthy condition. Court decisions, including the recent revocation of DWP's licenses, have cleared the way to restoring urgently needed water flows in Mono Lake's tributary streams. The only question remaining is whether Mono Lake will be stabilized at a life-sustaining level before the extraordinary ecosystem is irreparably damaged.

