



ACTION ALERT: Mill Creek needs water!

September 13, 2004

Dear Mono Lake Supporter,

We have an opportunity to protect Mill Creek, Mono Lake's third-largest and most imperiled tributary stream. And Mill Creek's future, of course, will affect the lake itself.

I'm asking you and all Mono Lake Committee members to:

Write a personal letter to the US Forest Service—or sign the attached comment letter if time is short.

Send a gift to support the Committee as our staff, hydrologists, and attorneys work tirelessly to bring new life to Mill Creek.

Let me explain the current status of this critical issue, and the narrow window of opportunity we have to affect change.

Mill Creek flows out of the Sierra Nevada, through Lundy Canyon, and enters Mono Lake at its northwest corner. You may well have driven by the creek on a backroad exploration of Mono Lake—and you may have seen a trickle of water in the creek, the dying trees, and wondered what was happening.

Quite simply, Mill Creek suffers every day from lack of water. On average, 70% of the creek's flow is locally diverted—a quantity similar to the diversions Los Angeles used to impose on Mono Lake's other tributaries. The impacts have been tremendous:

A devastated fishery, lost meadows, destruction of wooded wetland habitat, and a damaged delta are some of the symptoms. The complex of riparian forests, thickets, wet meadows, ponds, and sinuous channels that once characterized the creek are gone. Songbirds, fish, waterfowl, and other wildlife are stressed and unable to find good habitat.

Where does Mill Creek's water go? Some is diverted under long-standing water rights for local uses. But quite a lot of water leaves the creek by historical happenstance. There's no good reason for it—and there's not much of a legal explanation either.

That's where your comment letter is so important. The Forest Service needs to hear your support for bringing this situation back into balance.

You see, Mill Creek does not have its water diverted into the Los Angeles Aqueduct like Mono Lake's other tributaries. The situation is different than on Rush and Lee Vining creeks, but the damage caused by diversions is the same.

It doesn't have to be this way. Indeed, if we can't right this wrong at Mono Lake, then where can we? At Mono Lake we've already proven that Californians can do the right thing. We've shown that we can meet the real water needs of people *and* protect the wild places that make our state so great.

But Mill Creek has been left out of Mono Lake's success story.

The opportunity to improve the situation comes with the federal relicensing of the Mill Creek hydropower plant. For decades, the hydropower plant has lacked the ability to send more than a token amount of water back from the plant to Mill Creek. Why?

The "return ditch" that transports water from the hydropower plant to the creek is too small.

In fact, the current return ditch carries a fraction of the water that it should. Not to mention the fact that a significant amount of the water put into the unlined ditch seeps out and never reaches Mill Creek. In a nutshell, this is why Mill Creek's water hasn't flowed where water rights and state water law require it to be.

Now, the hydropower plant is obtaining a new federal license to operate. And the Committee and longtime ally CalTrout have worked hard through a years-long, multi-stakeholder process to be certain that the new license includes a return ditch that works year-round, is efficient, and can carry the right amount of water.

After much deliberation, a draft settlement on the hydropower license is open for comment. Your letter is critical—and time is short.

The license settlement includes provisions for improvement of the return ditch (or the Mill Creek Return Water Conveyance Facility, in technical terms), and that's a good thing. However, it also leaves key details about the return ditch unspecified, and that's where your voice comes in.

In your letter please emphasize the following:

The Mill Creek Return Water Conveyance Facility should be a pipeline, not an open ditch. A pipeline is extremely water efficient and is able to operate year round, maximizing benefits for Mill Creek. Plus, annual operation costs are much lower. A ditch will not operate year-round (due to ice buildup in the wintertime), perpetuating the infrastructure problem that causes so much trouble today.

Call on the Forest Service to be a leader for getting the pipeline option selected. Ask the Forest Service to advocate for the pipeline option. Also, ask them to actively pursue the supplemental funds that may be necessary to get the pipeline built.

Call on the Forest Service to support a pipeline of the right size. The settlement allows for a range of pipe sizes, and the lower end of the range is too small to satisfy water rights and water law all of the time. Call for a water capacity of greater than 40 cubic feet per second so that the pipe can always carry the water that water rights holders and California water law require.

Hydropower relicensing is, to say the least, a complicated endeavor. There isn't room in this letter to go into all the details of the settlement, but you can review the entire settlement document on our website at www.monolake.org/millcreek/. And, we welcome the chance to discuss it with you. Lisa Cutting, our lead policy staffer on this issue, and I are both available in Lee Vining at (760) 647-6595.

While the relicensing may be complicated, the solution for Mill Creek is not.

Here's how the system works. Mill Creek water starts high in the Sierra Nevada as winter snow. The snow melts, flows downstream, and is temporarily stored at Lundy Lake Reservoir. Water is then piped to the hydropower plant.

After flowing through the hydropower plant some of the water is used to fill the needs of water rights holders. Then the trouble begins. It's common sense (not to mention a legal requirement) that the rest of the water should return to the creek. But the lion's share does not. Instead, it is sent to water rights holders in excess of their rights and needs.

If Mill Creek diversions were adjusted to the current actual needs of water rights holders, the creek would lose just 23% of its water—not the 70% loss we actually see. Even if the active rights holders took every cubic foot of water to which they are entitled, diversions would only average 48% of Mill Creek's flow.

That means the solution to this problem is simple. If the return ditch is improved, then water rights holders can take what they are allowed to take, and the rest of the water can be returned to Mill Creek.

When the Committee took on the Los Angeles Department of Water and Power's damaging water diversions back in 1978 (an issue now resolved to the benefit of the lake and the diverted streams), we were the first to acknowledge that diverted water can do good things. Back then, we acknowledged the need of Los Angeles residents for drinking water—but we challenged DWP to use that water much more efficiently for the sake of Mono Lake. The same approach applies today.

The Committee recognizes that the water diverted from Mill Creek irrigates historic ranches, supports a fish rearing facility, and supports a year-round stream called Wilson Creek. But if water rights holders use their water efficiently and live within their water rights then Mill Creek can thrive, too. It's hardly a radical concept—these are the simple basics of water law built into the California Constitution.

Mill Creek has essentially gone dormant due to artificial drought. Daily excessive diversions of water have put the creek into a deep slumber, limiting its potential, denying

birds and wildlife the Mono Basin home they deserve. But the creek is poised to return to life, and water is the key ingredient.

Just look south for a comparison. Rush and Lee Vining creeks have taught us how fast and how substantially Mono's creeks come back if they just have water. Ten years after the Water Board order, for example, Rush Creek now is home to 6 pairs of endangered nesting Willow Flycatchers (absent for decades) and the densest documented population of Yellow Warblers in the entire state. Think of what will happen on Mill Creek!

As a Mono Lake Committee supporter, this opportunity means two things for you:

Mill Creek needs your letter of support—today! Personal letters are always most effective, so please write one if you can. But I know time can be tight, so I've also drafted and attached a letter that you can sign. In either case, please send your letter to us **by September 30**; we'll tally them and forward them to the Forest Service. The official deadline for public comment was Sept.10, which was announced on short notice. As I write you, the Forest Service has asked for an extension. It's important that the Forest Service hears from you, even if the deadline is not extended.

The Committee needs your support as well! Your past support has enabled the Committee to play a leadership role in pursuing water for Mill Creek. This year has already required more of us than expected, and our attorneys, hydrologists, and staff are just beginning to tackle the work ahead that will turn this settlement draft into real water on the ground.

The destruction of Mill Creek is an environmental problem with a clear solution. It's exciting to see the commitment of Committee members and the hard work of Committee staff moving that solution forward. By continuing to work together, we can accomplish the vision of a healthy Mono Lake fed by *healthy tributary streams*.

Please write a letter and send a gift today to refuel our efforts for Mill Creek and Mono Lake.

Sincerely,



Geoffrey McQuilkin
Co-Executive Director

P.S. Your support today will help heal the damage done to Mill Creek, and healthy tributary streams are imperative for Mono Lake's survival. Please write a comment letter to the Forest Service, or use the enclosed one, and send it to us as soon as possible. And please make a gift to the Committee today. Thank you.