

FERC approves Mill Creek return pipeline

Southern California Edison to make Lundy hydropower plant water-rights-neutral

by Morgan Lindsay

Three decades after federal relicensing of the Lundy hydroelectric plant began, the Federal Energy Regulatory Commission (FERC) has granted the approval necessary to ensure Mill Creek's long-term health by respecting all existing water rights.

With headwaters in Lundy Canyon, Mill Creek is the third largest creek in the Mono Basin and once supported a rich trout fishery and miles of multistory riparian forest. Mill Creek's water was never diverted south to Los Angeles, but instead is withdrawn locally to serve hydropower, irrigation, and other local uses. Due to excessive diversions, Mill Creek has frequently run dry, killing fish and trees and severely degrading the creek's natural condition. Now Mill Creek and its damaged wetland forest are a critical opportunity for waterfowl, songbird, and mammal habitat restoration in the Mono Basin.

This past March, FERC issued an order approving Southern California Edison's (SCE) August 2010 application to amend its Lundy hydroelectric project operating license. Under state law, SCE must return all the water used for hydropower generation to Mill Creek unless otherwise called for by a downstream water rights holder. With the FERC order in hand, SCE now has permission to make its hydropower operation water-rights-neutral by upgrading the defunct Mill Creek return ditch with a water-efficient buried pipeline. When complete, net water diversions from

Mill Creek are expected to drop from their current excessive amounts to a more balanced level that is consistent with the established water rights.

Mill's missing water

Over the last 20 years Mill Creek has carried less than half the water it lawfully should have according to the established water rights. Mill Creek's water is diverted first from Lundy Lake Reservoir to the hydropower plant, and then a second time into the Wilson diversion system, a collection of tailrace channels, irrigation ditches, and enlarged washes developed by water diversion patterns over the past century.

Mill Creek's water has historically been prevented from returning to Mill Creek after generating hydropower due to chronic disrepair of the return ditch. Originally built in 1911, the return ditch last carried water from below the hydropower plant back to Mill Creek in 2005 and is now unusable. Even when still in use, the ditch had an insufficient capacity, lost half its flow to the ground, and was used only a few weeks out of every year. Without a feasible way to return the water, nearly all of Mill Creek's water has gone into the Wilson system by default—de-watering Mill Creek and at the same time burying the Black Point marsh under tons of eroded sediment washed down the Wilson system.

As a result, over the last two decades on average only 21 percent of the total Mill Creek flow above Lundy Lake Reservoir has remained in the stream; the rest—79 percent—has been doubly diverted. In contrast, the water rights allow for a diversion to the Wilson system of only 44 percent, meaning Mill Creek should have received 56 percent, more than double what it did receive (see Winter & Spring 2011 *Newsletter*). In recent years the disparity between water allocated to and water delivered to Mill Creek has become even more extreme.

Once SCE completes the return pipeline, Mill Creek is expected to retain its full legal water allotment. More than any other measure, increasing Mill Creek's flow will bring life back to a creek that has been hanging by a tenuous thread—receiving just enough water to prevent it from running dry before reaching Mono Lake.



The hundred-year-old Mill Creek return ditch—soon to be a buried pipeline.

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A long time coming

The restoration of a more natural flow pattern for Mill Creek has been a Mono Lake Committee project for many years. Mill Creek was identified as a critical waterfowl restoration opportunity in the 1994 State Water Board order, but because Mill was not diverted south to Los Angeles, its restoration was not specifically addressed in the same way as Rush and Lee Vining creeks.

The scheduled 30-year Lundy hydroelectric project relicensing began in 1981. However, the Committee did not formally enter the process until 1999 with a request for rehearing of the new FERC license. Among other things, the new license lacked provisions to enable the return of Mill Creek's missing water.

The Committee has worked diligently to find solutions with water rights holders, land owners, and management agencies and was successful in reaching a final settlement agreement in 2005. FERC then ruled in 2007 to allow SCE to amend the new license in order to fulfill its obligations to downstream water rights holders by improving the return ditch. With the final approval of SCE's application this spring, construction of the return pipeline can now proceed as planned (although one water rights holder, Mono County, is unfortunately seeking to halt the project and thus continue the excess Mill Creek diversions, which are delivered to its lands).

Water-rights-neutral

The Committee maintains that adjudicated water rights and water law—not antiquated ditches and pipes—determine how Mill Creek water is allocated.

In the order, FERC was careful to draw the distinction between the FERC-approved construction of the return pipeline to allow for existing water rights holders to receive their established water rights, and the water rights themselves, which are under the authority of the State of California and have, so far, remained uncontested since adjudication in 1914. As such, a water rights holder can only take water out of Mill Creek by formally calling for that right. In order to facilitate future cooperation among Mill Creek water rights holders, the settlement agreement includes a provision for water rights holders and settlement parties to create a water management plan to address seasonal water use requirements and other needs. Mono County, for example, is expected to call for its north Mono Basin water rights for continued fish-rearing use on the Conway Ranch



Mill Creek's water leaving the Lundy hydropower plant.

MORGAN LINDSAY

property, a use which the Committee supports.

Since the new license was issued, SCE has worked closely with the settlement partners to take the final major step in modernizing the Lundy hydroelectric plant. SCE sought to operate the Lundy hydropower facility as water-rights-neutral and the defunct condition of the return ditch was a barrier to that goal. Under SCE's non-consumptive rights, SCE must return all the water used for hydropower generation to the water body of origin (in this case, Mill Creek) unless otherwise called for by a downstream water rights holder. The installation of the return pipeline is a critical infrastructure investment that will upgrade the Lundy hydroelectric project to be an efficient water-rights-neutral facility. With this critical element in place, SCE will be able to reliably generate green power to help meet California's renewable energy goals.

The March FERC order authorizes implementation of SCE's proposal for engineering, permitting, construction, and operation of a modified powerhouse tailrace diversion structure and return water conveyance facility. SCE is expected to move quickly to begin construction of the return pipeline as well as erosion control and revegetation plans, with completion projected for 2013.

Keeping a close eye

One of the most important tasks ahead is monitoring Mill Creek to help document restoration in action. The Committee will continue to track flows in Mill Creek and the Wilson diversion system weekly throughout the summer, with hopes to expand monitoring to track groundwater levels, distribution of peak flows in side channels, and vegetation recruitment

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See *The Mono Lake Story* in high-definition

by Elin Ljung

When you visit Mono Lake this summer, don't miss the brand-new film, *The Mono Lake Story*, a stunning 25-minute high-definition film that has replaced the beloved, but aging, slide show.

Over a year ago, the Mono Lake Committee began working with Ryan Christensen and Jonah Matthewson of the local film company Bristlecone Media to bring the film to life. They have captured the Mono Basin in all seasons from all angles, and worked with the Committee to tell Mono Lake's history and future through the camera.

Cody Westheimer, a composer based in Los Angeles, scored the film with original music that enhances the dramatic and moving story. It seems fitting that we found our musical collaborator at the southern end of the aqueduct.

The new film features appearances by Mono Lake experts, including geomorphologist Scott Stine. California Trout's legal counselor Richard Roos-Collins makes the legal aspects of the story easy to understand. Many of the people featured have been involved since the Committee's beginning, like Board Chair Sally Gaines. The film also includes historical footage of co-founder David Gaines, whose passion for Mono Lake continues to inspire the Committee's work today.



The new Mono Lake Story film is now playing regularly in the Mono Lake Committee Information Center & Bookstore.

The Mono Lake Story DVD includes four special features—on education, restoration, the Public Trust Doctrine, and Mono Lake through the seasons—in addition to the full-length film.

Interested in a copy of the DVD? You get one for free when you join the Committee's monthly giving program, Guardians of the Lake. Contact Ellen King (ellen@monolake.org) at (760) 647-6595 to sign up.

If you are a teacher, instructor, or professor, or if you would like to show the film at your local Audubon chapter, Sierra Club, or community meeting, we have copies available for education and advocacy use. Just give Ellen a call.

We're excited to share Mono Lake's moving history with audiences in this state-of-the-art way. We have screened the film for visiting school groups and select audiences this spring—people laugh, cry, and leave the theater inspired to be a part of Mono Lake's future. We hope that you will too! ❖

Elin Ljung is the Committee's Communications Coordinator. Since her sister recently moved to Los Angeles, she is getting better acquainted with the southern end of the Mono Basin watershed.

Mill Creek from page 7

throughout the floodplain.

As Mill Creek awaits construction of the return pipeline, this year's heavy snowpack promises a much needed jump-start on restoration goals: recharging groundwater in the bottomland forest, dispersing new black cottonwood seeds, moving large woody debris, and improving trout habitat by scouring out deep pools. Lundy Lake

Reservoir is now filling rapidly and is forecasted to spill.

Thirty years after the Lundy hydroelectric project relicensing began, we will at last begin to see the benefit of over two decades of tireless efforts for Mill Creek to retain its streamflow in compliance with the adjudicated water rights. ❖

Morgan Lindsay is the Committee's Project Specialist. This summer she hopes to follow Mill Creek from where it enters Mono Lake up to the top of Lundy Canyon, and maybe spot a beaver or bighorn sheep along the way.