

# Policy Updates

*Keeping Track of Policy Issues in the Mono Basin*

by Lisa Cutting

## **Commercial Motor Boat Tours**

The Committee's last motor boat tour update (see Fall 2003 *Newsletter*) reported that Tom Crowe, owner of Mono Lake Charters, had been cited in August for running a commercial boat tour operation without a permit and that the arraignment was pending. Since that time, there have been several actions in the Mono County courts. In the first, Crowe's attorney filed a demurrer, arguing that California State Parks has no authority to issue such a citation in the State Reserve. The demurrer was denied. The current action before the courts is now a Motion to Dismiss—essentially advancing an argument that the State does not have permitting authority at Mono Lake. The court will be rendering a decision in late January.

## **The Cunningham Property Subdivision**

The proposal to develop 24 units on the 120-acre west shore Cunningham parcel, in violation of Scenic Area development guidelines, is still on the table despite numerous efforts to finalize a land trade that would protect this Mono Basin Scenic Area parcel and provide land for the Mammoth Hospital expansion (see Fall 2003 *Newsletter*). A Specific Plan application has been filed

with Mono County which normally starts the environmental review process—specifically public scoping. But the owner has requested that the County “hold off” from processing the application for the time being, raising hopes that a land trade solution is still achievable.

## **North Mono Basin**

Negotiations continue with interested parties committed to resolving an almost 20 year-old Federal Energy Regulatory Commission relicensing procedure and the development of a comprehensive water management plan for the north part of the Mono Basin (see Spring 2003 *Newsletter*). Specific proposals have been generated by four of the involved parties, resulting in some stimulating discussion and progress. Although the process has been moving slowly, all parties are still at the table and looking for the common ground that will serve as a foundation for settlement resolution.

For the Committee, central to a negotiated settlement is Mill Creek—the third largest tributary stream to Mono Lake. Mill Creek water has been diverted for over 100 years and the cottonwood-willow forest and bottomlands habitat continues to suffer from a shortage of water. The primary challenge remains: how to most effectively balance water between competing uses and distribute that water to serve both the existing natural systems and the goals of water rights holders. ❖

*Lisa Cutting is the Committee's Eastern Sierra Policy Director. Her two main goals this winter are more time at the fly tying vise and some (notable) improvements with skiing.*

## Development in the Mono Basin: The Cedar Hill Subdivision

Land and development pressures continue to occur in the Mono Basin. The latest site in question is located in the remote northeast corner of the Mono Basin off Highway 167, three miles west of the Nevada state line. The applicant has applied to develop a 583 acre parcel into fourteen 40-acre lots.

While the parcel is outside the Mono Basin Scenic Area boundary, environmental issues still exist. The area is quite visible from points around Mono Lake and is adjacent to Trench Canyon which leads to Larkin Lake—an ephemeral lake playa that serves as a freshwater source for a variety of birds, animals, and unique plant life. Wildlife use the area as a migratory corridor and certain species could be negatively impacted.

The Bureau of Land Management (BLM) is involved in the process as BLM public lands border the proposed development site.

As this *Newsletter* goes to press, the Mono County Planning Division is beginning the environmental scoping process for this project. Scoping is the process that helps determine what environmental studies need to be done and what level of environmental review is appropriate. For more information contact Lisa Cutting ([lisa@monolake.org](mailto:lisa@monolake.org)) at (760) 647-6595.



A view toward the Cunningham property from Cemetery Road.

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