

The Mono Lake decision at 20

Permanent vigilance to protect and restore Mono Lake and streams

by Geoffrey McQuilkin

We are now officially 20 years—and a few weeks—out from the landmark California State Water Resources Control Board Decision 1631 to protect Mono Lake. The anniversary has been celebrated, behind-the-scenes tales have been told, and those of us lucky enough spend time at Mono Lake this season have given celebratory cheers to the brine shrimp and California Gulls.

While the three-year drought has dropped the lake level more than we'd like, overall the trend is toward a higher, ecologically sound Mono Lake, fed by healing tributary streams. Had the State Water Board not taken action—had the Mono Lake Committee never been formed—Mono Lake would currently be 20 feet lower, four times as salty as the ocean, and in the throes of ecological collapse (see Summer 2014 *Mono Lake Newsletter* for details). To have avoided that grim fate, alone, is worth celebrating!

Anniversaries are a time to celebrate the past and, necessarily, to look to what lies ahead. The State Water Board decision itself—the rules that condition the export of water to Los Angeles by requiring lake protection and stream restoration—has deservedly been the focus of this anniversary. And yet



ELIN LUNGS

The past 20 years show that working together, all of us who value Mono Lake and its streams and surrounding lands can change the world for the better, right here in the Mono Basin.

more than one momentous event took place in Sacramento on September 28, 1994; in fact, three landmarks were forged, and each provides perspective on the future of Mono Lake. First, of course, is the decision itself. Second is the fact that the parties agreed not to appeal the decision, and third is the way the decision was crafted to allow for ongoing future revision based on the best available science.

A water decision without an appeal

Back in 1994, just an hour or so before the State Water Board members voted on the Mono Lake decision, a press conference was held in the State Capitol. In attendance were all the

parties to the long-running Mono Lake hearings, litigation, and proceedings: the Mono Lake Committee, the Los Angeles Department of Water & Power (DWP), the California Department of Fish & Game, the National Audubon Society, California Trout, and more.

The message of the press conference was simple: having reviewed the advance draft of the decision, the parties had agreed they would accept and abide by the State Water Board's ruling. There would be no further litigation. No appeals. No administrative remedies. No new court dates.

Water battles, as a general rule, continue approximately forever in

Continued on page 4



The year before Decision 1631 was issued, in January 1993, Mono Lake stood at 6373.5 feet above sea level, just 1.5 feet above its lowest point.



PHOTOS COURTESY OF JAN B. MOORE

With protection from the State Water Board and a series of big winters, Mono Lake had risen nearly 11 feet to 6384.3' by January 1999.

ELIN LIJING



As set forth by the State Water Board, Mono Basin stream restoration is a combination of scientific monitoring, analysis of the data, and continuing adaptive management.

California. So to have the parties agree to end the fighting phase and move forward into implementation was a remarkable achievement.

It was the culmination of years of work in Los Angeles to craft water conservation solutions to offset the water needed for Mono Lake protection, to share real facts with city leaders, and to build community relationships with the real residents of Los Angeles who, it turned out, weren't fond of what was happening to Mono Lake either. This was the effort of many years and many actions, from outdoor education to securing state water recycling funding. The no-appeal agreement wasn't a sure thing until the last minute.

"I didn't know until the afternoon before the decision that we finally had a deal," remembers Martha

Davis, the Executive Director of the Committee at the time. "The head of the Water & Power Commission called me and said they had met and decided to put an end to the dispute, and that he and the General Manager and a City Councilmember would be on the plane to Sacramento the next morning. We hung up the phone, and I started reworking the entire press conference plan."

Twenty years out, that agreement still stands strong. Not because it was imposed on Los Angeles, but because it makes sense for Los Angeles—and because the Committee continues to stand strong for Mono Lake, for finding win-win solutions, and for forging connections between the lake and the residents of the city. Mono Lake and Los Angeles are forever connected by the aqueduct; looking to the future, it is

our job to renew and maintain these ties to make our successes lasting.

A water decision without every last detail

The State Water Board decision contains critical, specific protection terms; most importantly, a set of water export rules for DWP that are tied to the maintenance of a healthy level for Mono Lake.

A surprising amount of the decision, however, set a broad course for the future—without spelling out all the details. For example, restoration of Rush, Lee Vining, Walker, and Parker creek fisheries and forests is mandated as a matter of public policy, but the requirement was for the development of a restoration plan, which took another four years. Streamflow requirements were set, but the decision called for subsequent revision of those very details in light of improved scientific information about restoration. This approach produced rules that benefit the creeks built on the best knowledge available, but at the same time recognized that with new future knowledge, even better rules could be crafted.

In 1998 the State Water Board doubled down on this strategy in the restoration plan, setting restoration requirements, yet calling for their future revision after further real-world analysis by scientists. It even posed

Continued on page 11

PHOTOS COURTESY OF JAY B. MORE



A relatively small amount of water can make a huge difference to Mono Lake. In December 1997 it stood at 6381.9 feet above sea level....



....and in January 1999 at 6384.3', with just 2.4 more feet of water, it's a huge visible change.

questions that the scientists were charged with answering a decade hence, including evaluating the need for the Grant Lake Reservoir Outlet now slated for construction (see page 5).

In doing so, the State Water Board established a long-term commitment to involvement as a regulatory agency in Mono Lake protection and stream restoration—exactly as it should to protect the public trust on an ongoing basis—and it launched a science-based adaptive management process to implement that commitment.

In 1994 the State Water Board, it turns out, put into motion a multi-decade effort that is at the forefront of modern resource management strategy: set clear goals, implement solutions based on the best information available, use science to measure the results, and then synthesize the science and adapt the management strategies to better meet the goals.

The State Water Board strategy has worked with great success. Science has guided 25 years of restoration activity, and with the 2013 Mono Basin Stream Restoration Agreement we are now implementing critical science-based management changes to the stream program and launching into the third full cycle of adaptive management.

Looking to 2034

Twenty years from now, where will we be? I can forecast that the lake will

be higher, and that restoration will have progressed even further. And I can forecast that the Los Angeles Aqueduct will still be active.

This will be some of the most inspiring, challenging, and exciting work ever done at Mono Lake.

After that, there are many questions. How much higher? How much more restored? How will climate change factor? Will the Grant Lake Reservoir Outlet be working as planned? Will water recycling have reached its potential in Los Angeles? Will we still have an agreement with DWP to live by the terms of the State Water Board decision?

The future is full of unknowns, and so just as in years past we have to strategize our future actions based on what we value: the birds, wildlife, tufa, streams, fish, forests, scenic views, and inspiration of this remarkable place.

The State Water Board decision

was a piece of paper that made a promise to the people of California of a healthy Mono Lake and restored tributary streams. Collectively we have advanced that promise and brought parts of it to life.

But in many ways the outlook is similar to 20 years ago. There is much to be done, including a Grant Outlet to be built, and 12 feet of Mono Lake level rise to be achieved. It takes more than a piece of paper—it takes committed people, multiple strategies, and a large dose of vigilance. “The political, grassroots, and scientific strategies were equally important” as the legal strategies to the successes so far at Mono Lake, observes law professor Hap Dunning, this year’s Defender of the Trust Award recipient (see page 9).

This will be some of the most inspiring, challenging, and exciting work ever done at Mono Lake.

There’s one thing the past 20 years show for sure: working together, all of us who value Mono Lake and its streams and surrounding lands can change the world for the better, right here in the Mono Basin. Working together, we can keep saving Mono Lake, we can restore health to the lake and streams, and we can give future generations an inspiring example of doing the right thing, year after year, for a special place that is unique on this earth. ❖



SHADRA MILLER