PUBLIC HEARING
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATE OF CALIFORNIA

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SUBJECT: AMENDMENT OF CITY OF LOS ANGELES' WATER RIGHT LICENSES FOR DIVERSION OF WATER FROM STREAMS THAT ARE TRIBUTARY TO MONO LAKE

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Held in Resources Building Sacamento, California Friday, October 22, 1993

VOLUME V
Policy Statements

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Reported by: Kelsey Davenport Anglin, RPR, CM, CSR No. 8553

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SACRAMENTO, CALIFORNIA
FRIDAY, OCTOBER 22, 1993, 2:00 P.M.

HEARING OFFICER del PIERO: Ladies and Gentlemen,
this hearing will come to order.

Good afternoon, this is the last of three sessions
scheduled by the State Water Resources Control Board
for receiving policy statements from individuals and
organizations interested in the issues related to water
diversions in the Mono Lake Basin.

My name is Marc del Piero. I'm the vice-chair of
the State Water Resources Control Board, and I'll be
acting in the capacity as Hearing Officer for this as
well as the next 16 or so days of evidentiary hearings
that will be continued next week.

Sitting with me to my immediate left today is my
old and dear friend and colleague Mr. John Brown, who's
also a member of the State Board and who will be
participating with me today in this policy hearing.
Additionally with me today are three extremely
qualified individuals from the State Water Resources
Control Board Staff who have been assisting me and the
other Board members throughout this process and will
continue until this hearing is concluded.
To my immediate left -- pardon me, my immediate
right is Mr. Dan Frink who's acting as the Staff
counsel for this matter. Additionally, Mr. Steve
Herrera, Mr. Herrera, and Mr. Jim Canaday, Mr. Canaday,
who are our Staff environmental specialists that have
been working on the Mono Lake issue for many years are
also assisting the Board.
The State Water Resources Control Board has been
charged with the task of amending the City of Los
Angeles' water rights in the Mono Basin to include
terms and conditions necessary to protect fishery
resources in affected streams. The State Water Board
has also been charged with the task of considering the
effects of water diversions on public trust resources
in the Mono Basin and protecting those public trust
resources where feasible. This second task involves
the difficult job of balancing the public interests
served by the City of Los Angeles' water diversions
against the effects which those diversions have on
public trust resources.
Considerable information regarding the background
to this proceeding, the issues to be considered by the
State Board, and the Board's hearing procedures was
provided in the June 30th, 1993, Hearing Notice and
also the supplement to that Notice dated September 2nd,
1993. As explained in those Notices, the normal
evidentiary hearings that began on October 20th will
continue on here in Sacramento, and they are ongoing
now. They began on Wednesday and will begin again next
Wednesday. The testimony and the evidentiary
submissions for that evidentiary hearing were required
to be submitted prior to September 22nd of 1993.
By contrast, Ladies and Gentlemen, the hearing
that is taking place today and this evening in this
room is to provide an opportunity for the presentation
of non-evidentiary policy statements by the general
public and by organizations interested in Mono Lake.
The presentation of policy statements are subject
to the following conditions. One, policy statements
will not be presented under oath. Two, persons making
policy statements are not subject to cross-examination,
although I may allow, in my discretion as Hearing
Office, questions of the speakers for the purposes of
clarifying their positions. Three, policy statements
may be used to present the views and the position of
the speaker but may not be considered as factual
evidence before the Board. And four, any applause that
takes place in this room during the course of the
afternoon has to be reserved for the Hearing Officer.
(Laughter.)
HEARING OFFICER del PIERO: The Board is scheduled
to receive policy statements today between two and five
this afternoon. We will break for dinner, and we will
return again at seven o'clock in the evening and go
until I have exhausted all of you.

Today's session and the other policy statements
that were conducted have been provided obviously as an
opportunity for the general public to participate in
this. Let me emphasize again, however, that this
session is not for the presentation of technical
statements.

In order to allow as many people the opportunity
to speak as possible, I've asked the parties to limit
their comments today to five minutes per person or per
organization if there's a group. If you wish to speak
and you have not done so already, please fill out one
of these blue cards that you will find in the tables at
the back of the room. And when you fill those out,
either Mr. Herrera or Mr. Canaday will arrange to have
them brought up here during the course of the
afternoon, so when I call your name, if you'd be kind
enough to present yourself here to the podium, the
microphone is on.

I forgot to point out a very important bit of
information and introduce someone who's very important.

As I pointed out to all the attorneys who were
presenting evidence here, the additional Staff person
who is helping us out on this hearing throughout its
entirety is Mrs. Kelsey Anglin. She's our Court
Reporter, and as I pointed out to the attorneys during
the evidentiary hearing, if you don't speak clearly and
she doesn't get it on the record, you didn't say it.
So when you come up and present your testimony, if
you'd be kind enough to identify yourself on the record
and spell your name slowly so that she can make sure
that's properly recorded in the record, we will have a
complete and adequate reflection of your thoughts and
observations during this hearing.

A transcript of this proceeding is being prepared
for the Board's review. Anyone who wishes a copy of
the transcript from this session or any of the other
sessions that are being conducted by this Board can
make arrangements with Mrs. Anglin after the hearing
today to purchase a copy of the transcript.

Mr. Frink, do we have any Staff comments today?

MR. FRINK: I don't believe so.

HEARING OFFICER del PIERO: Mr. Canaday?

MR. CANADAY: No.

HEARING OFFICER del PIERO: Okay. Thank you very
much.

Ladies and Gentlemen, as I indicated, when I call
your name, if you'd be kind enough to present yourself
at the podium, and we will begin this process. First
person I'd like to call is Mr. Ross Sargent, my good
friend and chief of staff for Senator Pat Johnston.

Good afternoon, Sir.
MR. SARGENT: Good afternoon, Mr. del Piero, my name is Ross Sargent, R-O-S-S, S-A-R-G-E-N-T.

Senator Johnston had intended to be personally present today to deliver these remarks but, unfortunately, he had to be elsewhere this afternoon. So on his behalf, I would like to read his remarks into the record. Jeffrey Parker, who you will hear from in just a little while, a sixth grader, asked me why the big guys get to go first, and rather than say protocol, I wanted to really tell him that I would rather go before him than after him because I'm sure that his remarks will be more telling. And, quite frankly, it's really wonderful to see Jeffrey's generation, who are what this is really all about, making such remarks.

These are Senator Johnson's comments.

Mr. Chairman and Members, two years ago, I had the privilege of representing Mono County. Today, I no longer represent that area. Political boundaries change, sometimes abruptly without logic or reason, but as Mary Austin reminds us in her book "The Land Of Little Rain," in the arid west, the land sets the boundaries, not the law.

This is a lesson we have not learned well. So we now search to establish boundaries and limits in law that complement nature's scheme. The elevation of Mono Lake should be such a model. The level set by law or regulation should mirror what nature tells us is wise and proper. In short, our public policy should match, not contradict, nature's laws.

Mono Lake's water was diverted by the Department of Water and Power. The diversion was legal. It was stolen fair and square, but it was not wise.

You now have the unique and historic opportunity to correct this mistake for the future health of the lake, the future health of the air in the Owens Valley, the future health of the fish and wildlife in the Mono Basin, and the future enjoyment of this irreplaceable national resource for our children and grandchildren.

When one stands and looks at Mono Lake, one is in awe, but we have not been humbled by it. Instead, history reflects that we have been determined to have it both ways. We have tried to divert Mono Lake's life source, while at the same time trying to keep its environs protected, but we can't have it both ways. We never could. We never will.

There are times in the shaping of public policy when compromise is not the order of the day, when one must simply choose one side or the other, when one must decide what is the right thing to do.

I would urge you to do what our Indian brothers would tell us to do. Give the lake back its water.

The Indians, the Shoshones and the Paiutes, referred to water as Pah. So we see such names as Paiutes,
Tonopah, Pahrump. Mono Lake should have its Pah restored for all time. Set the elevation of Mono Lake at 6390.

Thank you very much.

HEARING OFFICER del PIERO: Thank you very much, Sir.

The next speaker will be Michael Kenny, general counsel, California Air Resources Board. Welcome, Mr. Kenny.

MR. KENNY: Good afternoon. Thank you, Mr. del Piero, Mr. Brown, members of the Staff.

For the record, my name is Michael Kenny, K-E-N-N-Y, and I am the chief counsel for the California Air Resources Board. I appreciate the opportunity to testify here today on the importance of your action holds for the air quality in the Mono air basin.

As I’m sure you know, Mono Basin was recently cited by the federal government for violating the National Ambient Air Quality Standard for particulate matter also known as PM-10. As a result, a state implementation plan must be prepared to demonstrate attainment within the Basin by the earliest practicable date. Studies indicate that exceedences of the federal standard in the Mono Lake area are due to fugitive dust emissions. The emissions are primarily from the shores of Mono Lake which have been exposed to the air by diversions of the water from the lake’s tributaries.

What you ultimately decide to do about the level of Mono Lake will have a critical impact on Mono Basin’s PM-10 problem. We understand that a host of environmental concerns must be accommodated in your decision; air and water quality, fish flows, endangered species, and scenic values among them. And I commend your Staff for their efforts in addressing this very complex set of issues.

The ARB’s position is driven, as it must be, by air quality concerns. However, we believe that our position is compatible with many of the other environmental issues you must address. We support maintaining the level of Mono Lake at 6390 feet or higher. This level will enable Mono Basin to attain the federal ambient air quality standard for PM-10. Additionally, this level is consistent with the revised U.S. Forest Service lake level requirements and is very close to the level which would result from adopting the Department of Fish and Game’s recommendations regarding stream flows.

We agree with the Great Basin Unified Air Pollution Control District that there is no other effective method for controlling PM-10 that simultaneously complies with the U.S. Forest Service’s plan to protect the scenic values.
Also, the environmental impact report confirms that air quality impacts below the 6390 foot alternative cannot be readily mitigated and may, in fact, be unmitigatable.

Let me emphasize that our recommendation on the appropriate lake level is modest. We do not know whether 6390 feet will be sufficient to meet California's own more protected PM-10 standards. However, given the many concerns that you and your Staff have to balance, we believe that level is a reasonable compromise. We can support 6390 feet, and we will evaluate our progress toward the state standard once it has been established.

That concludes my testimony this afternoon.

Mr. Andrew Ranazziery from our technical staff will actually present testimony at later point when evidentiary information is accepted by this Board, and he will provide the modeling analysis that will justify the 6390 foot elevation.

Thank you for your attention and for the opportunity to express the position of the Air Resources Board, the staff, and the chairwoman.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

James Wickser.

HEARING OFFICER del PIERO: Good afternoon, Sir.

MR. WICKSER: Good afternoon. Thank you, Vice-Chair del Piero, members of the Board. For the record, my name is James F. Wickser, that's W-I-C-K-S-E-R. I'm the assistant general manager of water for the Los Angeles Department of Water and Power. I'm appearing on behalf of the Department of Water and Power of the City of Los Angeles.

The Department of Water and Power appreciates the opportunity to appear before this Board, to make its policy statement in connection with its critical water rights issue. Like all parties appearing in this proceeding, L.A. DWP is committed to maintaining Mono Lake as a healthy and productive ecosystem. However, water diversions by L.A. DWP from the Mono Basin are an important source of high-quality water for the people of Los Angeles.

Additionally, along its route to Los Angeles, water from the Mono Basin provides important beneficial uses including recreational opportunities in rivers and lakes and production of clean hydroelectric energy. Therefore, L.A. DWP advocates management of the Mono Lake in a manner that will preserve the health and productivity of the lake while permitting the maximum beneficial use of diverted water. Any other decision would diminish the most reasonable and beneficial uses of Mono Basin water.

The L.A. DWP should not be criticized for proposing to manage Mono Lake in a manner which
optimizes water resources from this area. I and the
L.A. DWP must hold to our obligations to provide for
the water needs of the residents of Los Angeles, a high
priority.

Further, I do not believe anyone in this
proceeding wants to return Mono Basin to its natural
condition or even its 1941 condition. Instead, each
party proposes to manage the lake or some aspect of the
stream flows to maximize that environmental use of the
streams or lake which they deem to be most important.
However, none of the parties in this proceeding will be
impacted by the increased monetary costs or diminished
supply reliability associated with the Water Board's
decision. Only L.A. DWP and the rate payers of Los
Angeles will directly bear the financial consequence of
any reductions in Mono Basin exports.

Notwithstanding the efforts underway by MWD of
Southern California and others for water policy reform
to create more flexible water management systems, it is
my belief that the interim five- to ten-year period
following any reduction in Mono Basin exports of those
supplies will have to be replaced with increased
pumping from the delta. Therefore, L.A. can only
support those operational criteria which result in
preservation, not optimization, of environmental uses
of the lake and its tributaries.

Over the last 14 years, research at Mono Lake has
resulted in substantial data on the relationship
between lake level and the healthy ecosystem. Those
data established that at lake levels above the historic
low of 6372 feet above sea level, the lake is healthy
and productive. Based on these data, L.A. DWP has
developed a management plan which would, except in very
infrequent dry and wet periods, maintain Mono Lake at
lake elevations between 6375 and 6379 feet above sea
level. Management of Mono Lake at these levels will
preserve all environmental uses of the lake without
needless reduction of L.A. diversion from the Basin.

L.A.'s management plan would also establish
minimum flows and tributary streams to reestablish and
maintain in good conditions the pre-diversion fishery.
In Rush Creek, flows would average between 32 and 106
cubic feet per second and in Levining Creek would
average 16 to 75 cubic feet per second. There would be
no diversions from Walker or Parker Creek, thus
allowing those two creeks to openly return to their
pre-diversion condition.

I have copies in the back of the room of the
department's proposed management plan for anyone
interested in having a copy. I ask that this be
received as part of my policy statement. I will bring
those forward at the end of my statement, if I may.

As you know, all use of the water in California
including public trust uses are subject to Article 10,
Section 2 of the California Constitution which provides the general welfare requires that the water resources of the state to be put to beneficial use to the fullest extent to which they are capable. L.A. DWP is opposed to the establishment of a target lake level higher than that required to maintain a healthy lake ecosystem because establishment of a higher lake level would be contrary to this fundamental principle of California law and the Court's order to balance the Mono Basin and the needs of the City of Los Angeles.

In closing, let me reflect on the history of this controversy. Just as the changes in the societal values have forced changes to the law and regulations of the state which ultimately brought about these proceedings, L.A. DWP's philosophy regarding its place in the societal system has also changed. It is this change of philosophy which resulted in our board taking on a policy statement regarding the unique nature of the Mono Lake and accepting our responsibility to preserve it. We have spent nearly $10 million to study over the last 14 years to develop the information necessary to make an informed decision, realizing that we will ultimately come before an adjudicatory or Board for final resolution in this controversy.

All we ask of this Board is that the due consideration be given to the scientific information gathered over the last 14 years. The Water Board's consideration of these remarks is appreciated. Thank you very much for the opportunity to appear.

HEARING OFFICER del PIERO: Thank you very much.

Thank you, sir.

Jerry Merrill? Good afternoon.

MR. MERRILL: Mr. del Piero, members of Board. I appreciate your giving me the opportunity to testify today. This is an issue with which I and my organization have had a long history. I'm Jerry Merrill. I'm the executive director of the Planning and Conservation League, a coalition group of 150 different conservation groups from around the state many of whom have a strong interest in the Mono Lake problem.

By way of history, when I was deputy director of the California Department of Water Resources, I supervised the work done under the resources agency on producing the so-called governor's task force report in 1979. It was our Department of Water Resources planning staff that provided a great deal of background information that made that report quite successful.

This issue has obviously since then gone on a long time. That was 13, 14 years ago. It's almost hard to imagine, and now the Board has produced a truly epic work, the EIR on the Mono Lake Basin which I think personally, having reviewed a great many Water Board
documents over the years, is one of the best jobs your
Staff has ever done and one of the most comprehensive
compilations of material you could ask for. Obviously,
you're going to have a set of administrative hearings,
and you will listen carefully to the public. But we
would urge you to act quickly once you have had those
hearing and made your decision based on the evidence
and, of course, on the work your Staff has done.
We regret that our support for the funding that
would have, we thought, provided through the
legislature an alternative source of water to the
Department of Water and Power has not yet been used.
The Isenberg bill for which we presented Mr. Isenberg
our legislator of the year award a few years ago really
has not been successful because DWP has not availed
itself the money even though progressive districts in
the south coast areas such as West Basin and other
districts have gone ahead with very substantial waste
water reclamation and water conservation programs.
I think you should take into account in your
decision the availability of funding from that source
and other sources that is available to DWP to mitigate
any effects your decision may have. Certainly, we are
very pleased with the Governor's statement that he
supports, through Secretary Strock, a level of 6390 at
the lake. This is definitely one of the Governor's
best achievements in the water area during his term,
and we congratulate him on it.
Just in closing -- and we certainly support a
level at least that high or higher.
Just in closing, we have been actively involved in
this issue for a long time through the legislature and
the administrative process, and we recognize the
historic significance of the problem. And, in fact,
our organization has chosen to make an annual award to
a conservation group around the state with sustained
credibility in performance. We call that award the
David Gaines award in memory of the founder of the Mono
Lake Committee.
You're faced with an incredibly important
decision, one in which I think the credibility of the
Board, the Board's process and really the state's water
rights and water quality processes are at stake. The
stakes are very high, and I have confidence that the
Board will perform outstandingly and you will find a
way through the documents you have produced to save
Mono Lake. Thank you.

HEARING OFFICER del PIERO: Thank you very much.
Cynthia Praul? I hope that's correct.
Cynthia Praul? Good afternoon.

MS. PRAUL: Good afternoon. Thank you. I only
want to say to all of you sitting here that your
patience is very much appreciated.
I am appearing here on my own behalf although I am
the assistant director of the California Energy
Commission, and my work has been in air quality and
energy. I've been staff to that agency for 20 years.

MEMBER OF THE AUDIENCE: Talk louder.

MS. PRAUL: I understand that it's a tremendous
difficult situation before you. I'm going to stick to
five minutes if I can.

Again, I want to say that I'm here as a citizen of
the State of California and a member of the world
community that's intrigued by Mono Lake. Indeed, it's
a strange and magical place. I put that in the context
of being a staff person to a regulatory agency for many
years, and I recognize how hard your Staff has worked
and how difficult the problems before you are.

I want to first say that there's been tremendous
progress, and we appreciate what has been done by the
courts, by the legislature, and by the administration,
particularly Strock, Cal EPA. We support, I support
personally a 6380 level of the lake. You have clear
guidance, but you need the foresight to carry through
appropriately. It's difficult because there will be
many interests which will fight in your forum, and as
regulators you must decide.

I'd like to leave you with the message as a human
being of not only a person who loves the Mono Basin,
but one who has property there. I have a seasonal
creek. It's not subject to regulation, and it's not
subject to diversion. But this year for the first time
ever I heard it rushing through my property, and that
meant a lot to me. And it went right to the lake, and
there are other creeks that we need to insure continue
to go in that direction: Parker, Walker, Rush, and
Levining.

You as people have to understand how important
this resource is to us as people who live there and as
to the culture and the community of the state and the
country. With this, I ask you to provide a buffer
beyond 6380 because only Mother Nature gives us the
flood years, and she also brings us the drought years.
We need to have as much as we can in terms of the water
flowing to the lake. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Mr. Jeffrey Parker? Mr. Herrera, can you assist

Mr. Parker here?

MR. HERRERA: Certainly.

HEARING OFFICER del PIERO: Good afternoon,
HEARING OFFICER del PIERO: Several times.
MR. PARKER: Well, when L.A. takes it, they're
taking the beauty away from it, only it's not -- they
can't see it.
Mono Lake needs the fresh water. There's only one
other place like it in the world, and if you destroy
this, well, that's only going to leave one place left
in the world. And that's in Africa. L.A., go get your
own water. I mean, who'd ever think of living in a
desert? Why should we give them the water from one of
the rarest places in the world? It's -- it's one of
the -- I've been to lots of lakes, but I've never been
to one like this.

When I was seven, I picked up a rock that should
have weighed 20 pounds but only weighed five pounds.
That was tufa. It's made out of pure salt water and
minerals. Yeah. There's different types of tufa, and
there's lava rock which floats as well. But tufa --
this is a picture of tufa. Yeah, it may look like
ordinary rock. Here. You can see at this time, too.
MR. HERRERA: He doesn't need my help.
HEARING OFFICER del PIERO: You're right, Steve,
sit down.
MR. PARKER: I mean, just going there is a really
special place to me, and there's birds who depend on it
because that's where they lay their eggs. That's where
they go south for winter, but when the water's getting
taken away, when the -- and the eggs hatch, coyotes
just walk right over and eat the little birds. Now,
imagine if you were one of those little birds, and you
saw this big old coyote coming at you. What this water
used to do was protect them. They could feel safe
there. Now L.A.'s taking the water. The birds aren't
safe anymore.
Brine shrimp, they're dying because they're taking
the water away. I mean, sure, people in L.A. may just
think, "Oh, gee, it's a stupid lake. There's more
lakes in the world." Well, maybe, but there's none
like this. Mark Twain wrote a book about it because he
thought it was so beautiful. Now, this is a really
famous person. It's not some person out of the blue.
Yeah, sure, maybe I'm just a kid, but I do have my
say in this. That's all.

(Appause.)
HEARING OFFICER del PIERO: Thank you very much,
Mr. Parker.
Mr. Parker, now you know why Mr. Sargant wanted to
go first.
Richard Atwater. Good afternoon, Sir.
MR. ATWATER: Thank you. Good afternoon. My name
is Richard Atwater. I'm the general manager of the
West Basin Municipal Water District and Central Basin
Municipal Water District located in Los Angeles County,
and we're two member agencies of the Metropolitan Water
Back in October of 1990, I was with, at that time, Senator Pete Wilson at the Los Angeles plant talking about water reclamation in Southern California. We talked about when I was at the Department of Interior in the Reagan administration, he was a Senator in Washington, and we worked together in the initial legislation related to Mono Lake and also the issues related to the resources management in California. And at that time, I commented to him, I had just left the Metropolitan Water District and that our two districts would do everything we could to go forward and develop new reliable water supplies in Southern California.

Over the last three years, we worked very closely with the City of Los Angeles, and we have under construction the largest water recycling project in California. And frankly, it's the largest one in the United States when ultimately completed at the turn of the century. We -- and yesterday we had a press conference with the Department of the Interior Commissioner, Bureau of Reclamation, Dan Beard, when they made a down payment of $5 million for our commitment under the legislation last year, HR 429, for $50 million. And I'll leave the press packet for the Board members to take a look at.

But we are committed to making sure that in Southern California we do have reliable economical water for industry and provide jobs for those people in our service area. And we clearly want to work closely with the City of Los Angeles because we all are very interconnected, and we work together. We do have a contract with the City of Los Angeles to sell them 25,000 acre-feet, and we have a reciprocal arrangement where they will provide us the water from the high premium plant to reduce waste water discharges to Santa Monica Bay by 25 percent.

And I think over the next five years we can achieve that if we do all work together, and my commitment to you is, and I state this emphatically with the statement of Secretary Strock and the Governor, I'm extremely pleased to say that the state is going forward with its commitments related to the legislation in 1989, AB 444. I think it's important that both the state and the federal government work together on these types of water solutions, and my perspective at our two districts, we are committed at the local level to paying our fair share and to work together to solve these types of problems. Thank you.

Steven Evans?

MR. EVANS: Good afternoon. My name is Steven Evans. I'm conservation director of Friends of the River, and it's a shame we're indoors on this fine fall
Friends of the River is the largest river conservation organization in the west with more than 10,000 members dedicated to the preservation, protection, and restoration of free-flowing rivers, streams, and watersheds. In pursuit of these goals, we have been an active participant in Water Board proceedings in the past and currently as well.

Our interest in Mono Lake is associated with its tributary streams. Prior to the massive diversion of water from these streams by the L.A. Department of Water and Power, the streams feeding into Mono Lake provided the lake's life blood, abundant fresh water which maintained its level and ecological integrity. L.A. DWP's diversions largely dewatered the lake's feeder streams in violation of state law and has brought ecologic havoc on the lake and its natural balance.

Fortunately, the diversions have been reduced by court order, and the Mono watershed now has an opportunity to recover its once former glory as one of North America's premier wild areas. Confirmation of the unique nature of Mono Lake's tributary streams can be found in the U.S. Forest Service's national wild and scenic river assessment study. A wild and scenic assessment conducted by the Inyo National Forest has determined that portions of Levining creek, Mill Creek, Walker Creek, and Parker Creek possess outstandingly remarkable scenic, recreation, historic, cultural, geologic, and ecologic values in a regional or national context. Therefore, these streams are eligible for national wild and scenic river status, our nation's highest recognition of outstanding rivers.

Not surprisingly the Forest Service studies did not find the lower segments of these creeks downstream of the L.A. DWP diversions to be eligible due to a lack of outstanding values associated with the long-term dewatering of the streams. The Forest Service study did acknowledge that the court ordered rewatering of the streams represented a unique opportunity to witness their rebirth and recovery of their former outstanding values.

It's clear to everyone except, perhaps, L.A. DWP that these now freely-flowing creeks are essential to maintain an internationally recognized ecological resource, that is Mono Lake.

Friends of the River strongly urge the Board to adopt a lake level of 6,390 feet or more to permanently protect and help restore Mono Lake's public trust resources, as well as the public trust values of the feeder streams. In addition, we urged the Board to designate Mono Lake and its tributaries as an outstanding national resource water and to set maximum...
salinity standards to protect the lake ecosystem. These important measures will not only protect the public trust values inherent in Mono Lake and its tributary streams, they will also protect regional water quality and enhance local tourism and the economy. It's important to note that L.A. DWP has alternatives to Mono Basins diversions including water reclamation and conservation. There is currently as much as $100 million in state and federal funds available to develop these alternatives, are resources yet untapped by L.A. DWP. It's safe to say that the eyes of California are on you today as you consider this important action. The future of one of the most unique wild areas in the world rests in your capable hands. Thank you.

HEARING OFFICER del PIERO: Thank you very much, Sir.

Deborah Elliott? Good afternoon.

MS. ELLIOTT-FISK: Thank you. My name is Deborah Elliott-Fisk, E-L-L-I-O-T-T, hyphen, F-I-S-K.

HEARING OFFICER del PIERO: Forgive me.

MS. ELLIOTT-FISK: That's fine. I am a professor of geography at University California Davis and also director of the university wide natural reserve system.

We have two important ecological reserves very close to Mono Lake. I have worked in the region for 12 years on the theme of environmental change through time, and I strongly believe that Mono Lake should today be at a higher level than it currently is.

I support the 6390 foot level or above based on our research, both on aquatic ecosystems and terrestrial upland ecosystems along the lake shore. I am also the science team leader of a new $7 million Forest Service funded project on the Sierra Nevada ecosystem where we will be looking at the entire mountain range including Mono Basin and the Owens Valley and trying to come up with some ways to manage these ecosystems and maintain their health through time. Mono Lake will be a focus of part of our team's effort.

I ask you to please bring the lake to a higher level and, again, our research supports 6390 or above.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Next will be Dan Evans, and then following Mr. Evans, Bern, I believe it's Kreissman. I hope that's right. Kreissman or Kreissman.

Welcome, Mr. Evans.

MR. EVANS: Good afternoon. My name is Dan Evans, E-V-A-N-S. I'm the director of the Point Reyes Bird Observatory, and I'd like to bring to the Board a broader perspective of this issue.

Point Reyes Bird Observatory has been studying
birds throughout the western region for over 25 years
now, specifically in the Mono Lake Basin, we have been studying birds for 15 years, including the threatened snowy plover, California gull, and many species of shore birds.
Mono Lake specifically represents a very specific and unique resource here in California. It's the largest lake within the State of California. It's one of the most productive lakes anywhere in the world, and it supports an incredible diversity of wildlife. One of the largest -- one of the larger issues that we were facing in the entire U.S., if not in the world, is the depletion of wetland resources. We have seen throughout the west major declines in all of our wetland resources. California specifically has lost 90 to 95 percent of all of its wetlands. Associated with this decline of wetland resources, many species of wildlife have suffered. The huge loss of water fowl and shore birds that once passed over this great state have diminished greatly.
We can see in California this fate in what is now a dry alkali salt flat associated with what was once Owens Lake. Another tragic example is Tulare Lake, one of the largest wetland areas west of the Mississippi which supported millions of birds of a wide variety of species. There today we find a few small pools of contaminated water in what was once a great natural resource.
I ask the Board to consider the broader public trust of the wetlands resources across the nation when a decision is made regarding the Mono Lake water levels. This is a much broader issue beyond the shores merely of Mono Lake, and we must look at the broader trends of what has transpired in California with the greater loss of all our wetlands. Mono Lake is a unique jewel. It is a unique refuge, and vital resource to many species of wildlife, and I hope this will be considered in the decision by the State Water Board. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much. Bern -- I believe it's Kreissman, Kreissman, and then Mr. Timothy, I believe it's Duane after that.
Good afternoon.
MR. KREISSMAN: Good afternoon. My name is Bern Kreissman, B-E-R-N, K-R-E-I-S-S-M-A-N. I'm chair of the Motherlode Chapter of the Sierra Club, and I speak not only for the 20,000 members of the Motherlode Chapter, but also for the 200,000 or so California members of the club.
But since Mono Lake has become a symbol of the national issue and, therefore, I am taking the liberty, as I know I might, to speak for all of the half million
members of the club. I know you're going to hear from
the club directly, nationally, so this is just a brief
statement.
It is brief because Steve Evans has robbed me of
most of the details of my speech, so I shall eliminate
four minutes and give you one minute in return.
We ask that the minimum lake level be maintained
above the 6390 feet. We know that with conservation
and water reclamation, Los Angeles can manage and will
not suffer as a result of such a decision.
We ask secondly that the Board urge that Mono Lake
be designated as an outstanding natural resource of
water. I know that thousands of the visitors must
share my personal sense of spiritual awe and wonder
when I visit the lake, and I realize as they do, too,
as they need your support since such wonders -- such
wonderful areas of the world must receive that kind of
attention and that kind of protection.
Thank you very much.

MR. DUANE: Good afternoon. My name is Tim Duane,
D-U-A-N-E. I'm assistant professor of the University
of California at Berkeley where I teach graduate
courses in water and power systems planning and
environmental policy. I'm here speaking as an
individual, however.
I'd like to just make a few comments about the
public trust idea and some of the phrases we have heard
so far today and try to set this decision, this very
specific decision in context.
First, this idea of the public trust as originated
in 1983 I think is incorrect. It's an ancient doctrine
that has been re-established in California law since
1983 in this case, but really it is reflecting a broad
shift in societal values over time that have redefined
what is both reasonable and beneficial about the use of
water.
And the terms used by the representative of Los
Angeles here today were that reasonable and beneficial
uses effectively reflected those ideas that were
established under 19th century law rather than 20th
century values, and I think that what we're seeing here
is that this 19th century set of institutions is now
having to try to grapple with late 20th century
values. And you have an opportunity to define how that
extracting commodities and shipping them to marketplaces where they have value, to an emerging one where resources have value in place. People are moving to the Sierra. The economy is increasing dependent upon recreation and tourism and the reliance upon resources in place for their amenity values.

I'm jointly appointed at the White Mountain Research Station in Bishop, California, where I'm researching this issue in the eastern Sierra in greater detail as part of a project that Debbie Elliott-Fisk referred to earlier. The details of that may come out later in evidentiary hearings, but the principle is strong, that economic dependence is tied to maintaining the value of the lake and its resources.

Finally, I would suggest that the shift in society reflects not just a change in economic value but a recognition that much broader values are important in making public policy decisions, and this came forward for me best in the title of an article published in the early 1970s called And How Much For Your Grandmother, which asked the question of whether or not people would be forced to move from their British homes that they had inherited from four or five hundred years of inhabitation in exchange for the market value that road engineers had placed on those homes in order to put a new motorway through. And they would knock on the doors, and they would come to the people and say, "Your home is now going to be taken over by eminent domain, and we've decided it's worth 100 pounds." They resisted that idea because there were other values that were non-economic that were fundamentally important to them.

I think you're facing that kind of choice in thinking about the public trust in Mono Lake, that there are certain things that we're not willing to give up at any price and there are feasible economic alternatives to Los Angeles given the various institutions that the state and federal government have implemented over the last two years.

So I urge you to follow the model that really has occurred in the case of energy and power systems where substitution of improved efficiency and reduced demand can make it economically feasible to reduce the need to extract resources and to meet the broader set of values that we as a society have decided are important.

Thank you.
Based on my experience in the Basin, I'd like to recommend a minimum lake level of at least 6390, and I would also like to recommend the possibility to the Board of a management lake level of 6400 feet to allow for drought sequences such as have occurred very recently, for example between 1987 and 1992. And I'll be submitting more detailed written testimony on some of our evidence for that.

Just to highlight the evidence that I'm basing my recommendation on to the Board. I'm convinced by the work of other scientists as well as our own work that 6390 feet minimum elevation in the lake is necessary to maintain the lake's productivity, not only to support its unique aquatic ecosystem, but as you've already just heard, to support Mono Lake's value as a migration staging area along the specific flyway, and I won't repeat any of the remarks on that.

Our research has also confirmed the recommendation of the Great Basin Unified Air Pollution or Control District and the State Air Quality Board that mitigation of PM-10 would occur at minimum lake level of 6390. Our research also has shown that there are adverse effects on upland vegetation above 6410 feet which was more or less the limit of the EIR analysis. Our studies have shown adverse effects on terrestrial vegetation as high as 6430, and within the Mono Basin scenic area of the Forest Service, when the lake drops below elevation of 6381 feet.

Finally, I'll end on a philosophical statement as an ecologist. I'd like to urge more emphasis on water reclamation and conservation under, for example, AB 444 before more water is diverted from the Mono Basin. I'd urge the Board to try, and I'm sure you are doing this, to find a sustainable way to use our very valuable resources in the state including water, of course, while maintaining the integrity of the state's ecosystems because the state -- the health of the state's population and our economy depends on a healthy state of the ecological environment and the ecosystems in the state.

So that's all I have for the Board today. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

MR. WIMPSHEIMER: Thank you. My name is David
Wimpsheimer, that's W-I-M-P-S-H-E-I-M-E-R. I'm a biologist and naturalist. I've studied birds in a variety of environments and places around the world and have helped thousands of people discover and appreciate the natural world. My work and interests have taken me to many parts of California, other states, and other countries. From this perspective, I can compare Mono Lake to other areas. There are other inland seas that harbor endemic species found nowhere else in the world, and there are other wetlands that form vital staging grounds for thousands, even millions, of birds, but few of these places lie in such a dramatic basin as Mono, lying at the edge of one of the world's greatest mountain ranges. Mono Lake is unique, and it's one of the most exceptional places I've ever seen. Not being a native Californian, I may have more of a curiosity about the state's natural areas than those who grew up here. I didn't grow up in a land of superlatives. I'll always remember the first time I saw Mono Lake over a dozen years ago. Under a full moon, I crossed over Sonora Pass and Conway Summit. I paused at the edge of the Basin marveling at the glowing lake below. The glowing forest awakened me the next morning, and I spent the rest of the day exploring the Basin. I had never seen some birds especially in such a magnificent setting. I've been coming back to Mono Lake every year since, feeling the rhythms and patterns of nature. There is no other place that makes me feel more alive. If the City of Los Angeles truly needed the water flowing into Mono Lake, some sacrifices might be warranted. However, it is clear that there is enough water for both people in Los Angeles and places like Mono Lake. The people of the state have spoken through their legislators and funds have been approved for alternative water sources. In California, we don't need to grow such labor-intensive crops as cotton, rice, and alfalfa whose production only profits a few. We need creative solutions to meet our water needs and, more than ever, we need to help the ecosystems in places like Mono Lake. I urge you to choose a lake level of at least 6390 feet above sea level. Thank you.
MR. BOCCHI: Thank you. My name is Angelo Bocchi, B-O-C-C-H-I. I have come here as a layman, not an expert.

And I'm from Lodi, and when a fellow from Los Angeles mentioned the delta as an alternative to Mono Lake water, I shuddered. But that's going to be another hearing and more testimony.

I have a simple statement. I believe the time has long since passed that Los Angeles should depend on Owens Valley and Mono Basin water for survival. The party's over. The valley has been so dry and Los Angeles must look elsewhere for any additional water. The time has come to begin a process of restoring the eastern Sierra to what it was 50 years ago. The best start for that process would be not to allow Mono Lake's level to fall below the often-used figure 6,390 feet.

My wife and I are frequent visitors to the eastern Sierra, and on each visit we visualize what the area must have looked like 50 years ago and then we feel very sad. It's not too late, but your agency must take action now to reverse the process. Please, save Mono Lake. Thank you.

HEARING OFFICER del PIERO: Thank you, Sir. The next speaker will be Mr. Norman Eade.

Let me just point out for the record. There are five members of the State Water Resources Control Board. The Board was created as a result of the statute passed in the late 1960s called the Porter-Calone Act. Of the five members, the five members are appointed by the governor, they are categoric. One is a registered civil engineer. One is another engineer. One is a water quality specialist. One is a public member, and one is an attorney.

Our current chairman is a gentleman named John Caffrey, who unfortunately was not able to be here today. Mr. Caffrey holds the water quality specialist position on the State Board. He was formerly deputy director of the Department of Water Resources.

The public member is a good friend of ours named Mary Jane Forster. Ms. Forster has been an employee of public water agencies in Southern California for an extended period of time and also served on the San Diego Regional Water Quality Control Board.

Additionally, one of the two engineers on the board is Mr. James Stubchaer. Mr. Stubchaer served for 30 years in the capacity of general manager of the Santa Barbara County Flood Control and Water Conservation District. He served on the California Water Commission. He's also served on the California State Water Contractors Board of Directors, and he has particular expertise in computers and groundwater modeling.

Sitting to my immediate left is my old friend John
Brown. Mr. Brown is a registered civil engineer in the State of California. He is also a registered agricultural engineer. Mr. Brown was chief engineer for the Irvine Company for 15 years. He has extensive experience in agricultural irrigation systems and groundwater hydrology. He's a graduate of California Agricultural leadership program.

And then there's me. I'm the -- I serve in the capacity as the attorney member of the Board. Prior to being appointed to this Board in January of 1992 by the Governor, I served for 11 years on the Monterey County Board of Supervisors. I also served for 11 years on the Monterey County Flood Control and Water Conservation District Board of Directors. I served on the committee by appointment of Leon Panetta that drafted up the operational guidelines for a marine sanctuary known as Monterey Bay Marine Sanctuary. I served on the committee to establish the Elkhorn Slough National Estuary Sanctuary. I wrote most of the local coastal plans for Central California. That's enough about all of us.

The next person would be Norman Eade. Mr. Eade?

Please come forward. Good afternoon, Sir.

MR. EADE: Good afternoon. Thank you very much.

My name is Norman Eade, E-A-D-E.

Gentlemen, I am in favor of a healthy Mono Lake. I happen to be a physician. If I had a patient in the condition of Mono Lake, my diagnosis would be severe chronic dehydration. I would endeavor to rehydrate my patient as soon as possible. From a medical standpoint, rehydration means restoring water to normal levels.

A physician must also ascertain the cause of the severe dehydration. In this case, our patient, Mono Lake, the cause is obvious. A physician must also make certain that this does not happen again to his patient or to anyone else. In California, physicians are required to notify authorities of deliberate abuse. In this case, it appears to me the abuse has been not only deliberate, it has been repeated, and the offenders show absolutely no remorse.

I obviously favor a Mono Lake level of more than 6,390 feet. The lake should be returned to its former glorious good health. That's all that a physician can do. Furthermore, the abusers should be appropriately punished.

I want to thank the Board for having this hearing and to thank all the people and the Governor who support a healthy Mono Lake. Thank you very much.
HEARING OFFICER del PIERO: Eade is a very old and very honorable name down in southern Monterey County.
MR. EADE: Thank you. I'm not related to them.
HEARING OFFICER del PIERO: Milton Ritchie and, following Mr. Ritchie, Mark Palmer.
MR. RITCHIE: Thank you, Gentlemen. My name is Milton Ritchie, and I'm a guy who was born and grew up here in California. And my first trip to Mono Lake was sometime in 1945, and I remember it as a breathtaking view. And I have also lived in Southern California desert for 20 years and have then learned to know the situation in the eastern Sierra. I've seen the devastation that has occurred in the eastern Sierra. I have been subjected to many, many salt, dust storms coming out of Owens Lake.
I would request that you consider maintaining the level of Owens Lake at 6,390 feet or above. Also, flying -- during a drought year in the mid-sixties flying over California from the Bay Area looking at reservoirs in Northern California and then seeing reservoirs full in Southern California while they're empty in Northern California, there's got to be something wrong. Over the years, I've seen water use in -- in Los Angeles. I'd call it profligate use of water there.

MR. PALMER: Thank you, Mr. Chairman, members of the Board. I do have a written statement that I can supply for the record to members of the Board.

HEARING OFFICER del PIERO: That's fine, Mr. Palmer. When you're done with your presentation here, will you be good enough to give it to Mr. Herrera?

MR. PALMER: Thank you very much. My name is Mark Palmer, P-A-L-M-E-R. I'm the executive director of the Mountain Lion Foundation here in Sacramento, California. We work to preserve mountain lions, other wildlife, and their habitat throughout California and, no, there aren't any mountain lions at Mono Lake. That's not why I'm testifying here today. We're testifying here for the wildlife at Mono Basin, and there's probably a few cats that will be benefitted if we have fresh water there. But really we're talking about the whole ecosystem, and I wanted to stress that throughout my discussion.

Certainly, we strongly endorse the level of 6390 feet or higher for Mono Lake level. We need a buffer in there in order to protect the wildlife. As you know, there are a number of adverse impacts from the
dewatering of the Mono Basin that have occurred on the
wildlife there, and I don't need to go into those. You
have experts who are talking about those different
sorts of impacts, and I sort of list them in summary
form in my written testimony.

One of the things I really wanted to touch on,
Gentlemen, is that often before you, you have these
very difficult decisions to make about balancing the
environment against the economy or against jobs and
things of that sort. In reality, I think this is one
those rare situations where, by protecting Mono Lake,
you are, in fact, benefitting the economy. The economy
both of the Mono County area, which is a rural county.
It's got very serious economic problems as do most of
the rural counties in California.

And you're also, I think, in reality going to
benefit the economy of the City of Los Angeles because,
indeed, some of the solutions to protecting Mono Lake
include such things as energy conservation and water
conservation which, in themselves, generate jobs, real
jobs.

In my home in Davis, I have a little showerhead
that I screw in that helps me to cut down the amount of
water that I use when I take a shower, and I'm no more
smelly or nasty than anyone else after I take those
showers. That waterhead was built by somebody.
Somebody put that together and put it on the market for
me to buy so that I could think about what I was doing
when I used water and I could think about how to
preserve things. And of course by preserving -- by
limiting my water use, I'm also limiting my energy use
because that hot water does come out of there. I'm not
one of those cold shower types of people.

There's a number of simple solutions, I think. In
many ways, from an engineering standpoint, they're
almost stupidly simple. There's going to be a great
public education program that's needed for the City of
Los Angeles. Certainly, that's going to be a difficult
part of this, but we've seen from the drought and the
situation we've had here and through the work of the
State Water Resources Control Board as well as the
Department of Water Resources and others, we have been
able to educate the public to conserve water and to
protect our resources during very, very difficult
times. And we're hopeful that the same sorts of
things -- am I off mike now? Testing -- that the same
sorts of things can be done for the purposes of
protecting Mono Lake.

So again, you're protecting the environment -- one
example is fisheries, fisheries in the Mono Basin.
Another example is duck hunting, duck hunting in the
Mono Basin. There is no duck hunting that goes on now,
but there was. Back in the 1920s, the 1930s, before
the water diversions that occurred in the Mono Basin,
there was an active industry of shooting ducks within
the Mono Basin and, of course, you have bird watching
and other sorts of things. By enhancing Mono Lake, I
think you can enhance the economy there locally
substantially and at the same time protect our wildlife
resources. So you can have a win-win situation under
these circumstances.

Thanks very much for your time. I appreciate the
effort you’ve gone to to hold these hearings, and I
look forward to being a part of the efforts to preserve
Mono Lake. Be bold. Be brave. We’ve got a wonderful
place out there. I’ve spent many years going to Mono
Lake and enjoying it immensely, and you’ve got a
tremendous job and responsibility. But I think it
could be a job and responsibility that will be very
effective and something that will live in your hearts
as Mono Lake lives in our hearts.

Thank you very much.

HEARING OFFICER del PIERO: Thank you very much.

Kathryn Hannay? I’ve looked through the cards.

You came the longest distance. The only person who
drove as far as you was me.


Thanks to the vision and the commitment of the
late David Gaines and the Mono Lake Committee, we are
all well aware of the special qualities that Mono Lake
offers our state. The healthy ecosystem of the Mono
Lake Basin is important to the watershed in the eastern
Sierra. It has been determined that that lake level of
6390 feet or higher is necessary to permanently protect
and restore Mono Lake's public trust resources. We ask
that you support that level.

It is apparent that to permanently protect Mono
Lake, state and federal funds totaling 50 to $100
million available to the Los Angeles Department of
Water and Power to replace Mono Basin water with
environmentally sound alternatives should be used
immediately.

Mono Lake should be designated an outstanding
national resources water. This designation will set
maximum salinity standards to help protect the lake
ecosystem. Many wild areas in California have been
lost forever to development and habitat destructions.

We have a special opportunity to rebuild the Mono Lake
Basin ecosystem and to protect the abundance of
wildlife that call the Basin home. Protecting the lake
and the Basin is an investment in this state's future
for a healthier ecosystem and an increasingly
environmentally sensitive economy.

Thank you for your time and your consideration of
this important issue.

HEARING OFFICER del PIERO: Thanks.

Winchell Hayward, and following Winchell Hayward
is Kirsty Croll.
Mr. Hayward?

MR. HAYWARD: My name is Winchell Hayward, and I'm representing the Federation of Western Outdoor Clubs which is an organization, an umbrella group of about 40 outdoor clubs in the west coast. We have had 60 conventions. We established in 1932, and after our last convention we passed a resolution on this situation about Mono Lake.

The Federation endorses the lake level of 6,390 feet and, of course, we'd like to see it higher if possible. But we have five objectives that we feel that this lake level, if it's achieved, would accomplish.

Number One, it would restore stream side wetlands and the lake itself and the habitat for water fowl populations. It would increase the productivity of the brine shrimp and the alkali fly populations which are primary sources for nesting and migratory bird populations. It will restore the integrity of Meggitt Island and the nearby small islands as a nesting sanctuary for most of California's gull population. It will result in optimum flows for Mono Lake's tributary streams, thus maintaining fish populations. It will minimize lung-damaging dust storms and provide better recreational opportunities. And we feel that it's important to address this issue which has been with us for many years before the lake gets to a situation where it's irretrievable.

We also recommend that the lake, Mono Lake, be designated as an outstanding national resource of water to insure its protection in the future.

Now, in my own comments, I would like to add that I don't see why Mono Lake should be sacrificed for the profligate spending of water by the Southern California area. Anybody who's flown over the Los Angeles area will see hundreds of swimming pools in back yards large and small, and I don't like to think that Mono Lake is being sacrificed to keep those pools full.

And I realize that you Gentlemen don't have any direct control over water rates in Southern California, but it's pretty obvious that water rates will be a very effective means of conservation if they're implemented.

I would simply suggest that in order to raise the lake level up to where it's -- we would like to see it at 6390, if you cut off or reduce, hopefully cut off this water -- this small supply of water to the L.A. area, you'll reduce the supply by whatever proportion, and the L.A. people, I guess Department of Water and Power, can, I'm sure, figure out that they can effect conservations to make up for the loss of that water by simply raising their water rates. So I would simply ask that you simply cut off this small amount of water, small in comparison with the total amount of water that
Los Angeles uses, cut off this small amount and let them achieve -- make it up by conservation measures which they can readily do by raising their water rates to their customers in the L.A. area. And that's the extent of my comments. I really hope you'll consider it because it's so important for the protection of this wonderful resource, and I wish now to pass out copies of this resolution to the Board and trust I'm within in my five minutes.

HEARING OFFICER del PIERO: You're within your five minutes. Thank you very much, Sir.

Ladies and Gentlemen, I don't know about you, but the background noise is driving my crazy. We're going to take a five-minute break and, hopefully, we'll get this thing fixed.

(Whereupon a recess was taken.)

HEARING OFFICER del PIERO: Ladies and Gentlemen, if you'll be kind enough to take your seats, we'll begin again.

Kirsty Croll? And following Ms. Croll, John Crossman.

Good afternoon.

MS. CROLL: Hi. My name's Kirsty Croll, spelled K-I-R-S-T-Y, Croll, C-R-O-L-L, and as you can guess I'm a British citizen.

HEARING OFFICER del PIERO: I would never have guessed that.

(Laughter.)

MS. CROLL: Today some people think I'm Australian and Dutch, and -- I'm here obviously as a tourist and a temporary resident of your country. I'm a student here at Sac State, and as a student wishing to study here and visit again, I'd like you to please keep Mono at the 6390 level and higher possibly. I'd like to see its beauty and uniqueness not coming from California or America and see its value as an ecosystem and, of course, recreation and the main one, of course, for future generations, for the whole world to see. It's such a unique place.

Thanks for your time, and I hope you choose the right decisions.

HEARING OFFICER del PIERO: Thank you very much.

Mr. Crossman? John Crossman? Mr. Crossman is not here. We'll ask for him later.

Tom -- I believe is it Minge? M-I-N-G, I can't make out the letter, E, it looks like. I'm suffering from ill pronunciation, I'm sure.

A.B. McNabney, and following Mr. McNabney, Bruce Howard. And you thought you were going to be a long time getting here.

MR. McNABNEY: Good afternoon, Mr. del Piero and members of the Board. My name is A.B. McNabney, M-C-N-A-B-N-E-Y. I'm the vice-president of conservation for the Mt. Diablo Audubon Society, and
don't get carried away by the term "vice-president"
because I'm just an ordinary guy.
I've been fussing around with water for a while.
I know Barry Nelson in Save The Bay and I know Sunny McPeak in the Committee For Water Policy Consensus.

I've been involved in both of those, so I know about that much about water.
I've been involved in the Mono Lake controversy ever since it started, so I know a little bit about that, too. And I probably want to talk a little bit about the wider range of the problem that will be right before you because I think it might have some importance to you.
First of all, anybody that knows anything about environmental issues knows that our world is in some degree of trouble. There's a dispute as to how great a degree of trouble it's in. Some people say it's very serious. Others say it's not so serious. I'm inclined to think it's fairly serious.
And I have a little story that I tell people once in a while to try and illustrate where we are. When I was a kid, my mom used to bake a cake, and she'd take a whole bunch of ingredients, sugar, flour, lard, all that stuff, mix it all up, put it in a pan, put it in the oven and bake it. And we'd have a cake. What we're doing to the world when mom gets ready to bake a cake, somebody comes along and they take a little piece of that ingredient out. That's why the environmental things, and they keep taking also pieces here and there. So when mom gets the cake all mixed up and puts it in the oven, she has something coming out that's not a cake. That's what we're doing to our world.
Mono Lake is a very significant element in our environmental arrangement for the whole west. It's been severely damaged. I don't care what anybody says you can adjust it and all that kind of thing, you can bring it back, and I hope we can. I think we will. But it's see essential that it be brought back. If we don't bring it back, if we let it go on the way it's been, there's going to be serious impacts on all sorts of environmental issues over the years.
A very noted gentleman from Stanford, whose name you probably all will remember if I can think of it, likens what we're doing to the world and to our situation to putting people out on the branch of a tree, and as we take little humps of the environment out and put them up on this branch, sooner or later the branch is going to break. Nobody knows when. Failure to save Mono Lake may be one of the little things that goes out on that branch and causes it to break.
I've watched the work of this Board for a long time, and I have to tell you that ordinarily I don't envy your work one bit because it's a tough job and you get lots of criticism and some is entitled and some
I envy you, because I think you have an opportunity to make a statement that we're no longer going to sit by and let our environmental issues go down the drain just because somebody wants to make a buck someplace. I'm not against people making money. That's part of our -- a great part of our system. But somehow or other, we have to start paying attention to our environmental issues. You have the responsibility to do it today. Don't fudge it.

And thank you for listening to me. I appreciate being here. Thank you.

Bruce Howard? Following him, Mimi Burton.

Thank you very much for this opportunity. My name is Bruce Howard, H-O-W-A-R-D. The very first time I saw Mono Lake was 67 years ago. And even at that age of six years old, the beauty of this unique body of water was forever etched in my memory. And I can remember walking across the street from the Tioga Inn, across what is now known as 395. It was just a road in those days, but it's at the same level and standing on the edge of the road and throwing rocks in the lake. Now you'd have to have a cannon. So lasting was this impression, with the exception of four years spent in the military service during World War II, I have visited this Mono Lake Basin numerous times each year. Being avid bird watchers for the past 30 years, my wife and I have visited Mono Lake to observe the many migrating species that use this body of water, not only for the migrating birds that use the lake for resting and feeding, but for birds that use the lake for nesting and breeding.

It is absolutely imperative for lake level to be 6390 feet, 6,390 feet or higher. This barely -- this level barely protects the food source available for those birds. This critical balance could be further assured by designating Mono Lake as an outstanding national resource water, thus setting maximum salinity standards to protect the lake's ecosystem.

At the time when the National Audubon Society adopted the policy to assist in the action to protect Mono Lake, I was the vice-chairman of the Board of Directors of the National Audubon and supported this action enthusiastically. It was feasible to permanently protect Mono Lake at that time just as it is today. There are funds amounting to 50 to $100 million of state and federal money available to the Los Angeles Department of Water and Power to assist them in replacing the water from the Mono Basin.

Two, there are sound alternatives such as water
reclamation and conservation to further assist them.
The salient issue at stake is that this national
treasure, this uniquely beautiful body of water which
is so vital to millions of birds and at the same time
so important as a tourist attraction for the economic
health of the eastern Sierra region must be protected.
It must not be permitted to become an alkali desert
such as those areas south of Mono Lake in order to
fulfill the needs of an area which could be adequately
accommodated through alternative sources.
I thank you very much.

HEARING OFFICER del PIERO: Thank you, Sir.
Mimi Burton? And then Neil Burton. Gee, I wonder
if they're related.

(Laughter.)

MS. BURTON: Good afternoon.

HEARING OFFICER del PIERO: Good afternoon.

MS. BURTON: My name is Mimi Burton. I am here as
a member of the Board of Directors of the Marin County
Audubon Society, and I do have a letter to read to you
from the chairman of the conservation committee of the
Marin Audubon Society, and her name is Barbara Salzman,

"To the Chairman and members of the Staff. Dear
Members, the Marin Audubon Society has been concerned
for many years about the protection of Mono Lake.
Representing over 3,000 members, we urge the Board to
insure a water and salinity level sufficient to insure
the survival of the lake's incredible aquatic resources
and bird populations.
"Mono Lake is a public trust resource of national
and international significance. The lake is a resource
of tremendous scientific value and unique beauty. Mono
Lake's habitat is essential to the survival of millions
of birds of the Pacific flyway. It is fitting that
efforts to protect the spectacular resource led to the
legal definition of the public trust as covering the
wildlife habitat and natural resources.
"There are few places on earth where birds gather
in such abundance. The briny waters of Mono Lake are a
vital migratory refueling stop for Pacific flyway eared
grebes, Wilson fallero, and the northern fallero.
Estimates of eared grebes alone have ranged to one
million in some years. Its islands provide nest sites
for thousands of California gulls producing 30 to
40,000 young annually unless the lake waters are so low
that predators can reach the nest.
"The fate of Mono Lake's bird populations depends
on that of the brine shrimp and the brine flies upon
which they feed. Without sufficient water to sustain
these vital resources, the entire ecosystem will
crash. The Pacific flyway population of eared greeb
and fallero populations could not survive. There is
simply no other habitat to support these species along
the migratory roof.

Mono Lake is also a valuable economic resource for local residents and for the state. In spite of its distance from Marin County, our organization has conducted field trips to Mono Lake for at least 15 years. We undoubtedly are one of many groups and individuals who visit the area to enjoy its awesome landscape, its wildlife, and natural history. Mono Lake's resources must be protected for future generations.

We urge that you establish the water level of 6,390 feet or higher and to set salinity standards that are adequate to insure the survival of Mono Lake's alien and aquatic resources. The City of Los Angeles has other means to meet its water's needs such as conservation and reclamation. Mono Lake has no other options.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Neil Burton? And then following Mr. Burton, Clair Isaacs -- I believe it's Wahrhaftig?

MR. BURTON: Thank you very much. My name is Neil Burton. Yes, we are related.

HEARING OFFICER del PIERO: I'm a real perceptive guy.

MR. BURTON: I can tell. N-E-I-L B-U-R-T-O-N.

Driving south over Conway Summit or east over Tioga Pass, one is struck by the awesome beauty of Mono Lake lying in the Mono Basin below. I'm sure the hundreds of thousands of migrating birds that stop there to feed and rest and the thousands of gulls who nest and have their young there feel the same way about the beauty of the place. It's a place that if lost could never be replaced, and I think that's something we really have to think about. We can't -- it's a place we can't let go.

To keep it a healthy viable ecosystem, the water level has to be at 6390 or preferably higher. The air quality in the Basin because of the dust storms will occur if the water level is allowed to go below this figure, and we can't trade off the urbanization of -- and the industrial society for this natural gem that we have. We have to save it.

And I urge you all to do everything in your power to do this. Thank you.

HEARING OFFICER del PIERO: Thank you, Sir.

Clair Isaacs - Wahrhaftig? Is that correct?

MS. ISAACS-WAHRHAFTIG: That's right. Thank you.

HEARING OFFICER del PIERO: See, if you've got a last name like del Piero, after awhile you get very good.


Honored Board members, my name is Clair Isaacs-Wahrhaftig, and I'm proud to be a fourth
generation Californian born and raised in San Francisco, privileged to work in Berkeley, Los Angeles, and the inland empire during my career as an arts educator and administrator.

I retired three ago from my position as director of San Francisco's Arts Commission. And lest you think this is totally irrelevant to the matter of water, let me remind you that under Percent For Art, it was our responsibility to review design of buildings and art projects for all the public utilities including the water department of San Francisco.

More relevant today is the fact that from 1966 to '69, earlier in my career, I was happily employed under one of Lyndon Baines Johnson's wonderful great society programs to drive an art mobile up Highway 395 from our headquarters in San Bernardino as far as Bridgeport. I traveled through the Owens Valley. Sometimes our big beautifully-equipped blue art bus which would go all the way to the White Mountains, Bishop, Lone Pine, and so forth, would break down, and it was a long wait. I got to know the people there very well, their passionate feelings about the loss of their water taken some many years further ago by the L.A. Water Department.

I got to know very well how they felt and saw the hypocrisy in L.A. having a museum of science and industry which proposed that water was this great thing with no acknowledgement of the pain and suffering and even death that occurred in the early century's water fights.

Now, I also found that during those days I was parking my art mobile by Leving High School where I lectured to the children about art, and we brought visiting artists, people like Robert Wood, the famous watercolorist, Millard Sheets, whose murals you've seen on hundreds of Home Savings and Loans, came up there and worked with the children to understand the beauty of this lake. Many of those young people are grown up now, and they were inspired by those visits. And they were inspired by their natural surroundings.

In those days, I didn't know very much about the ecology and all of the things that the good scientists tell you about, the destruction of gull eggs and the possibility of life-threatening arsenic salts blowing in the wind, but I do know one thing, that when I went up there in 1966, I drove along Highway 395. And I saw the water lapping at the edge practically. I couldn't throw a rock right down there or spit into it, but I could certainly see the water. Now it looks like it's a half a mile away.

In fact, I hadn't visited Mono Lake for many years, but in my official capacity, I was treated to a visit to Hetch-Hetchi Dam, an entirely different story, as a city official. And I came over the Tioga Pass to
see what had happened to Mono Lake. And what a shock
it was to see how that beautiful lake had shrunk.
Indeed, I found that the tufa, which I hardly had seen
in the sixties, had suddenly emerged. Now it's very
photogenic. It makes great calendars. So do coral
reefs, but they belong under water. Algae is
beautiful. A lot of parasites are beautiful like
Spanish moths. I'm not a scientist. I bow to people
here in the auditorium, but those things are all right
in due course. But after a certain point, to reach the
point of being no return, of being inappropriate, of
being a sign of sickness.
I believe that Los Angeles has that great deal to
account for, and in my career, I also ran a children's
art center for the City of L.A. I paid my water bills
down there. I saw firsthand the huge waste, the
intolerance of any kind of self-control in the use of
water. I'd come up to San Francisco, and people would
accuse me of taking their water. I, a fourth
generation San Franciscan, a word I coined called
hydrologophobia, known as Bay Area running off at the
mouth, foaming at the mouth at the sound of the word
"water." But L.A. Basin residents suffer from
hydromesmerization, standing in the sunshine they gaze
not in fascination as rainbows form, droplets of water
spraying bountifully from their hoses, washing down
streets and gutters, water from beautiful, priceless,
irreplaceable Mono Lake. This is a special source of
inspiration to us all.
I'd like to just close before saying please keep
it as 6390 or 6400 but never below 6390. Here are some
thoughts I had the last time I visited Mono Lake.
Sitting on the edge of silver, one watches lavender
slip over golden crags. Gulls stop in their soaring.
They eye us from above as we slip into reverie, images
of olden times, ancient days, the memory of millennia,
and from then ago, they whispered serenity, silence,
and from then on into time far ahead, what shall they
say of us?
My friends, don't let this lake disappear from the
earth. Preserve it. Cherish it. Be a good
Californian to all of us. Thank you.
HEARING OFFICER del PIERO: Thank you. Can I ask
you a question? I really wish the guy with the camera
hadn't left.
MS. ISAACS-WAHRHAFTIG: We arts people are a
different breed, I know.
HEARING OFFICER del PIERO: I just -- you'll
forgive me, but I want to get something straight.
Lyndon Johnson figured he'd improve the landscape in
Mono Lake by sending a blue bus up there?
MS. ISAACS-WAHRHAFTIG: Lyndon Johnson was giving
federal aid to education. Remember his great society
programs? And he wanted to see the kids get art, and
there wasn't much of an art program. And we had a
three-year project at San Bernardino, Inyo, and Mono
Counties, and we went up and down that highway with my
dog, you know, and stopped in all these towns, opened
up the bus, talked about art, showed them original art,
did art projects. And the environment became very much
a part of it and very much a part of me, too, at that
time.

HEARING OFFICER del PIERO: Thank you.
Carol Roberts? And following her, Jacquelyn
Volin.
MS. ROBERT: My name is Carol Roberts, C-A-R-O-L
R-O-B-E-R-T S. I have a degree in civil engineering,
and I'm halfway towards my registration as an
engineer. I work as a waste management engineer;
however, I'm speaking as a private citizen.
I'm concerned about the degradation of our natural
resources. We must give up the notion that we can live
anywhere and have anything. Los Angeles is a desert.
I would like to know how many golf courses are kept
green and swimming pools kept full? How many lawns are
kept looking like English gardens? What percentage of
homes have native drought resistant gardens? What
percentage have low-flow shower heads? How many new
homes are having lines installed for gray water
irrigation? Composting toilets? And the list goes
on.
Much of the technology is ready and waiting.
According to data in the Draft Environmental Impact
Report, the minimum elevation to protect Mono Lake is
6,390 feet. I encourage you to maintain that level.
If we use the conservation technology we have, I
believe we can maintain that elevation and supply Los
Angeles. In this important decade, we find ourselves
at the crossroads. We can continue business as usual,
or we can start making lifestyle changes that will take
us into the long-term future.
A Japanese businessman once criticized Americans
saying that we can't plan beyond next week. We can
continue to think only of next week, or we can begin to
make the policy changes that will preserve our
resources for our children and their children. Water
conservation and reclamation is the way of the future.
Please, let Mono Lake live.
HEARING OFFICER del PIERO: Thank you very much,
Ms. Roberts.
I want to ask, John Crossman? Mr. Crossman here?
From Eastern Municipal Water District? And then Tom --
I think it's Minge? I'll set those aside. I don't
know if they're going to come back or not.
Jacquelyn Volin? And then after Ms. Volin,
Beverley Allan?
Good afternoon.
MS. VOLIN: My name's Jacquelyn Volin. That's V,
like Victor, O-L-I-N, and I'm speaking here for Sierra Club Legal Defense Funds on behalf of the Sierra Club. And I guess you could say I'm adding my comments to Mr. Kreissman's. The Sierra Club has had a longstanding interest in the preservation of Mono Lake and supports the efforts of the Audubon Society and the Mono Lake Committee to preserve the public trust values of the lake by curtailing the City of Los Angeles' exports. The club supports a lake elevation of 6390 or higher. Over the years, the Sierra Club has supported legislation designed to protect Mono Lake. The club actively supported the scenic area legislation passed by Congress, although it believed that the legislation should have been more specific with respect to water rights held by the United States in Mono basin. During the years, many thousands of Sierra Club members have used the land surrounding the lake and the lake itself for a variety of education and scientific purposes. Club members have viewed the lake from the back country of Yosemite from which the lake is, in some places, visible and have long regarded the view of the lake as an integral and inspiring feature of the high Sierra environment. To release water that would raise the lake to 6390 or higher would significantly enhance those views. Chapters of the Sierra Club taken many outings that involve Mono Lake in some ways; natural history explorations of the Basin, hikes, and camping outings, to name a few. Club members have participated in the many excursions to the lake sponsored by the Mono Lake Committee and have enjoyed nature walks led by state park rangers at the tufa preserve. Members of the Sierra Club feel quite strongly about the lake and regard it as a critical and integral feature of the eastern Sierra. In fact, for many club members, Mono Lake preservation has long been linked with the preservation of the ecosystem of Yosemite National Park and the wilderness area adjacent to the park. That is why some 18 years ago, club members authorized the Sierra Club Legal Defense Fund to engage in legal battles to save the lake. And this is exactly what the Legal Defense Fund proceeded to do, engaging in years of lengthy and costly litigation intended to further the preservation of Mono Lake. The Sierra Club urges restoration of the lake through increased flows. The club desires that the lake be restored to a level that will permit resumption of some of the historic recreational uses of the lake. In the view of club members, it would be particularly valuable to raise the elevation of the lake so that the wetlands that once were associated with the lake and that water fowl once used in abundance reappear.
And I'd just like to say that on behalf of Sierra Legal and Sierra Club and myself, we all appreciate this opportunity to let all of us come out here and testify and the time that you all are taking and the attention that you're paying. And we would just like to urge the Board to act in accordance with the public trust by ordering the release of water to the lake that would permit resumption of traditional recreational uses of Mono Lake and that would cause migratory ducks and geese to once again use the lake.

At 6390 or higher, these historic public trust uses of the lake would begin to occur again. Thanks.

HEARING OFFICER del PIERO: Thank you very much.

Beverley Allan? And then following Ms. Allan, Patricia Malberg.

MS. ALLAN: Good afternoon. My name is Beverley Allan, that's B - E - V - E - R - L - E - Y A - L - L - A - N. I've been a resident of California now for over 20 years. As you can probably tell, I'm from Australia, and I'm well acquainted with dry country. I visit Mono Lake fairly frequently. I'm an amateur naturalist and I'm a retired physician.

HEARING OFFICER del PIERO: I thought you had a Berkeley accent.

(Laughter.)

MS. ALLAN: That's correct. I've acquired a Berkeley accent since I've been here. I happen to be on my way back from a visit to the eastern Sierra at the moment. I was bird watching yesterday in the eastern Sierra, and I'm on my way back to Berkeley now.

I came here as a private person to ask you to give a lot of consideration to the fact that there are a lot of people like me who are merely private citizens but who have a great deal of regard for the beauties of nature and the beauties of organized nature, that there is a pleasure and a value to people like me and many of my friends just in knowing that these incredible ecosystems, these beautiful geological features, et cetera, as well as having beauty from the eye of the artist, also have a beauty just in that they're there. And I would ask you, you know, take that into account as well as what use places like Mono Lake may be to us humans. This was about all I was going to say, but earlier in this presentation, I was struck by a remark by the representative from the Los Angeles Water and Power District in which he, in what I thought was somewhat cavalier fashion, said of course nobody's even arguing about having the lake back to its pre-diversion levels. I think I heard him correctly when I say that. I don't know where he gets that idea from. I feel that he certainly hasn't spoken to a representative cross-section of California residents. I wasn't
planning to make an analogy as a physician and compare Mono Lake with a patient, but I was very attracted by the analogy brought up by a previous speaker, a physician whom I had not previously met. Like him, I would say that the correct treatment is complete rehydration. And so I am asking for not just the 90 feet level, 6,390 feet level, but something more approaching a realistic approximation of an average of pre-diversion levels. Thanks very much for allowing me to speak.

HEARING OFFICER del PIERO: Thanks very much.

MS. MALBERG: Good afternoon. My name is Patricia Malberg, that's M-A-L-B-E-R-G. I live in Lincoln. Thank you for this opportunity to appear before you to testify on behalf of the Sierra Nevada Alliance. As an aside, this is a newly formed coalition of grass roots Sierra based mostly environmental groups, and our chair, by the way, is Andrea Lawrence, who is a supervisor in Mono County. And our executive director is Laurie Ames, who is just recently was the executive director of the league --

HEARING OFFICER del PIERO: Save The Lake.

MS. MALBERG: The league to Save Lake Tahoe, so you can place who we are and who our directors are. We want to add our voices to the many who have already asked you to designate Mono Lake an outstanding national resource water and to maintain a minimum lake level at 6390 or higher, minimum meaning at least that.

The Sierra Nevada Alliance has a strong commitment to sustainable economic development in rural areas. Mono Lake, as a major tourist attraction is an important contributor to the economic base of Mono County and the eastern Sierra. The degradation of the area is due to low lake levels over time would not only negatively affect the beauty of the lake as a tourist attraction and thus the area's economy, but would obviously devastate the wildlife, the air quality, and the entire ecology. The target level of 6,390 feet or higher will prevent these disasters. We are also concerned about the consequences to urban water users of maintaining this target level. In the past, the cooperation between the Los Angeles Department of Power and Water to the Mono Lake Committee set a new model for working out creative and mutually beneficial solutions to environmental and other problems. With the state and federal funds available to secure alternative water supply sources, with the new technologies for water reclamation and conservation, a continued commitment to working cooperatively on future challenges, will demonstrate
once again the viability of this approach.  
A personal note.  As a young person in the 1950s and early sixties, I was a competitive skier and made the trek to Mammoth Mountain for races a couple of times each winter over the endless passes between Francisco and the ski area.  Of course, the view of Mono Lake was always breathtaking and awe inspiring, indelibly etched in my memory.  Many years passed before I had the opportunity to visit the area again. Early in 1992 as a congressional candidate, Mono County is part of the district I was hoping to represent.  The difference in lake level from what I had remembered was shocking.  I had seen pictures but could not really grasp the magnitude of the drawdown and the wrenching visual impact until I saw it. Later in May of 1992, at the dedication of the Forest Service visitor's center overlooking the lake, I was moved by the celebration of the lake's history and natural wonders.  More impressive, however, was the coming together of so many people with very divergent viewpoints and interests united in their broad-based support for the preservation of the lake's beauty and ecology.  
Not far away to the south of what was once Owens Lake is a constant reminder of a tragic loss, economic, environmental, and esthetic.  From all three standpoints, a healthy Mono Lake is vital to California, to us now, and to future generations.  It's one of the crown jewels of the Sierra Nevada.  
The mission of the Sierra Nevada Alliance is to develop and implement strategies to protect the Sierra Nevada's fragile natural resources while promoting sustainable ecology, economy, and community values.  In light of that mission, we urge your protection of this important ecosystem with a minimum lake level of 6390 feet and a designation of Mono Lake as an outstanding national resource water. Thank you.
In addition, the lake should be designated an outstanding natural resource water in order to protect its degree of salinity. Control of the percentage of salinity is vital in order that the current highly nutritious food supply in the lake shall continue to survive.

Protection of Mono Lake is both feasible and practical from an economic standpoint as well as the scientific and esthetic standpoints.

Tourism is an ever-increasing source of income statewide. Within the Mono area itself, it is probably the primary economy. Throughout the state, in fact, throughout the west, the birds which utilize Mono Lake for part of their life cycle are a major attraction to thousands of bird watcher tourists who spend millions of dollars in our restaurants, motels, and sporting goods stores.

Even for Los Angeles Department of Water and Power, a move to protect Mono Lake is economically feasible for there are some 50 to $100 million available in state and federal funds to assist it in progressing to a more environmentally sound way of doing business. The loss of Mono Lake would be an irretrievable loss from our natural heritage. I urge you to do your utmost to protect it. Thank you.

HEARING OFFICER del PIERO: Thank you very much. Ladies and Gentlemen, I just got a message. It's four -- 4:20 right now. We are scheduled to break at five o'clock. At least a couple of folks have indicated they cannot stay beyond five o'clock. I see the hands. If those of you -- well, can I see a showing of hands of those folks that cannot stay beyond five o'clock? Okay.

Look, do me this favor because we're going to try and accommodate everybody. Those of you that cannot stay beyond five o'clock, if you all would be kind enough to try to come up here to the first two rows. And the rest of you, if you'll forgive me, I appreciate showing of hands of those folks that cannot stay beyond five o'clock? Okay.

It very much, but I'm going to try to do the best I can to give everybody the opportunity to get on the record. I know a lot of you made the effort to get down here. We're going to try to move this along as quickly as we can before we break.

Ladies and Gentlemen, I'm sorry, this is sort of irregular, but I'm doing this in order to try and make sure that we get all of you that took the time to come here, give you all the opportunity to get on the record.

What we're going to do, starting with you, Ma'am, what we're going to do is we're going to start on your left, my right, and we're going to work that way across the first two rows. If you'd be kind enough to walk up, when you come up, if you'd introduce yourself, Mr. Brown and I can find -- so we keep some degree of
order up here, we can find your blue card, and we'll keep track of who we've got left in order to speak. For the rest of you, I really appreciate very much your indulgence in all this so we can try and get everybody on the record before we're done this evening.

You're on.

MS. BRINK: Thank you. My name is Nancy Brink. I am a documentary film maker, and I first met Mono Lake through my work. I had been convinced that I should document the Mono Lake bike-a-thon. I spent a week traveling up the eastern Sierra videotaping the bike-a-thon. It was my first time on the eastern Sierra, and it was a landscape that I hardly knew even existed. And since then, arriving at Mono Lake was really one of the most incredible experiences I've had.

And I have, since that first visit, taken Thoreau's advice to travel a good deal in one place and gone back to Mono Lake many times both for working on the videotape, we spent a great deal of time exploring the Jeffrey pine forests, the lake shore, the tufa growths, the canyon, spending nights out on black light so that we could be there for sunrises, even taking my parents out at sunrises so that I could do some shooting and having them sit out at South Tufa at five in the morning.

HEARING OFFICER del PIERO: I hope they appreciate what a good daughter you are.

MR. BRINK: I kind of appreciate what good parents they are, too.

Mono Lake has been for me personally a teacher as well as a place to go and relax and enjoy and do my work. It has taught me a lot about sitting quietly to observe the things that we often miss when we're very busy in our daily urban hectic lives. It's also taught me a great deal about needing to look at the way I use resources in my own life.

It's very easy as someone from Northern California to condemn Los Angeles and its history of -- its water history. I think we all need to look at our own histories and learn from Mono Lake. I would like to see us learn also from Mono Lake how to balance the needs of our urban areas as well as the needs of the wild places and preserve Mono Lake.

A strange thing happened in this last week. I told many people including my parents and my brother, who I took to Mono Lake this past October, and many other people that have gone with me to Mono Lake in the last couple of years, I started getting calls from the local coffee shops saying, "You've got another fax here." And I had a little pile of faxes with notes saying, "Please take this with you to the Water Board hearings. My trip to Mono Lake with you has stayed
with me. I remember the eared grebes, sunrise over the
tufa, watching the sunset from up in the Jeffrey pine
forest."
My co-producer on the film, The Water Cycle, which
I'd also like to put into the public record, I'll give
you copies, also faxed me this morning. He's home with
his two twins. He said, "I want those twins to be able
to see that lake and would you please just read a
little bit of my statement," and I'd like to close with
that.
"During the course of videotaping the 1990
bikes-a-thon and during subsequent trips to the Mono
Basin to record scenic views of the area, I have come
to care deeply about Mono Lake. From the changing
light the plays across the water to the vast web of
life supported by the Basin's ecosystem, Mono Lake is
an extraordinary place, a national treasury that needs
our protection. This Board should secure the precepts
of environmental protection and the policy of the state
so that Mono Lake may survive. Please protect Mono
Lake now."
And I'd also like to ask that at least 6390 be the
recognized level for Mono Lake, and thank you very
much.
HEARING OFFICER del PIERO: Thank you very much.
Excuse me for just one moment.
Mr. Shapra. Thank you, Mr. Shapra.
Pardon me, but -- for just a moment. I'd like the
record to reflect that Mr. Shapra, William Shapra, the
assistant secretary of the Resources Agency just handed
me a policy statement on behalf of Secretary of the
Resources Agency Douglas Wheeler to be entered into
this record. If you'll indulge me for a moment, I'd
like to read it into the record.
"Thank you for the opportunity to present this
statement on the Resources Agency's position -- "
The Resources Agency are the folks who own this
building.
"-- the Resources Agency's position on the Mono
Lake water rights decision before the Board. The
Resources Agency recognizes the significance and the
need to conserve the natural resources, habitats, and
esthetic values of Mono Lake, its tributary systems,
and the Owens River system.
"First, I'd like to commend the State Water
Resources Control Board for producing an excellent
comprehensive review of the issues related to water
rights in the Mono Basin. The diverse set of issues
that affect the Mono Basin make your decision a
difficult one.
"Second, I would like to echo the call that
Secretary of the Environmental Protection Agency, James
Strock, made at your October 4th, 1993, hearing in Los
Angeles that the multitude of environmental concerns
affecting Mono Lake could and should be addressed through a comprehensive approach. And while Cal EPA's primary concern relates to air quality, I am happy to say that the same lake level, approximately 6390 to effectively address the PM-10 issue, would also lead to the restoration and recovery of the fish, wildlife, and waterfowl resources in the lake and associated streams.

"The Department of Fish and Game has already provided me with substantial evidence to support this lake level. The restoration of the water flows into Mono Lake will impact the water supply of the City of Los Angeles, and while a mitigation fund was established to address the impact, the availability of this money is no longer certain as much of it has been committed to other purposes. Therefore, the Wilson administration and the legislature will work together to insure that funds are made available to lessen the impact on the citizens of Los Angeles.

"In closing, I'd urge the Board to make a decision that sets in motion the long-term recovery of Mono Lake. The lake and its ecosystem have suffered long enough and our grandchildren will thank you for taking such a bold step."

Signed Douglas Wheeler, Secretary for the Resources Agency for the State of California.

(Appause.)

HEARING OFFICER del PIERO: I'm going to ask your indulgence, Ma'am, one more time. Karen Hegtvedt? Is that --

MS. HEGTVEDT: Yes.

HEARING OFFICER del PIERO: I understand the person who couldn't file the blue card in the back of the room is getting a little fussy; is that true?

MS. HEGTVEDT: Yes.

HEARING OFFICER del PIERO: Why don't you come on up?


And as some of you know, I am not an unbiased testifier today. I've had a connection with the Mono Lake Committee for some time now and, saying that, let me also tell you that I'm a sociologist at Emory University and currently a visiting scholar at Stanford University. It's in that capacity that I come here today.

My research in sociology, Folks, is primarily on perceptions of justice, and I've written a paper conceptualizing the Mono Lake case and its historical framework as a generation of intergenerational justice.

What I want to say is a few words today about the correspondence between some sociological research on
03 justice per se and also on how that attitudes toward
04 the environment.
05 If we look at the study of fairness and the
distribution of resources, often what we find is the
distributions are those which serve in the interests of
the powerful, and once a distribution is established,
those who don't have power come to see that
distribution as just. But I think that really
recognizes more of a conception of justice then simply
justified self-interest, and indeed if you look at the
philosophical work on justice, what you see is a more
encompassing notion of justice, and that is one that
serves in collective interests.

And currently, I would argue that collective
interests are not being served in the way that the
water is being distributed from the Mono Basin. I'd
also like to suggest that what the Board has before it
right now is a very important decision that will affect
not only the distribution of water today but also the
distribution of water for future generations. While
the notion of intergenerational justice is one that is
hotly debated by philosophers, it seems to be one that
is appropriate here insofar as in order to guarantee or
to provide the possibility of justice for future
generations, it's up to institutions, just institutions
like the Water Board, to make a decision that will
insure distribution that will benefit justice for
future generations.

What should that distribution be? Well, if we're
going to enhance collective welfare, perhaps we could
look at what people think now as their world view. It
used to be that people took a technological world
view. That is, technology will save us. But there's
been a dramatic shift, as documented by environmental
sociologists, that suggests that what people are really
looking at now is some sort of harmony between human
societies and ecological systems.

And it seems to me the Mono Lake case is one in
which we can strike a balance perhaps by establishing
the lake level at 6390 or above in order that people of
L.A. have water but also that the ecosystem surrounding
Mono Lake is saved. Thank you.

HEARING OFFICER del PIERO: Thank you.
Ma'am, no more interruptions.
MS. WINEMAN: That's okay. Hi. My name is Shelly
Wineman, spelled W-I-N-E-M-A-N. I'll read my
statement.

Caring passionately about something that's
intricately woven through a person's self-esteem and
purpose, and I know this is true in my life as I think
about Mono Lake with its own autonomous beauty as well
as its power, influence, and integral connection with
all the surrounding ecosystems that make up the vast
Sierra Nevada landscape. I believe that we're all here
because we care, each and every one of us does, even those with divergent opinions from ours and my own. Because of this, there's a lot of energy around the issues surrounding Mono Lake. This energy can continue as it has for some time now to be chaotic and unfortunately wasted in this place. I'm happy to say that that's changing. Let's continue on this road of change and not waste anymore vital time with the feelings of animosity that have brewed for so long with regard to Mono Lake's existence. This just continues breeding the narrow, rigid, and resistant thinking that has plagued this issue for far too long. This simply blocks the fresh perspective on things, and it's this kind of fresh thinking that's led to the many options that are available to the Los Angeles Department of Water and Power and the citizens of L.A., to have their water needs met while restoring and thus maintaining Mono Lake's integrity.

It's more than feasible to protect Mono Lake at the necessary lake level of 6,390 feet or more that has been established by the recently released environmental impact report. We're also well aware that there's ample funds available to the Department of Water and Power to explore these options such as water reclamation and conservation. Please ask the DWP to look at these fresh perspectives. They'll feel more energized, too, at new plans and options, not just the drudgery of the status quo. Mono Lake being in a natural and healthy state is important to an equally healthy eastern Sierra Nevada and California economy. The alkali dust storms that kick up on windy days in the Owens Valley and Mono Basin with their highly toxic levels of the contaminants that hurl into the air is just one major reason to protect this area with its viable tourist economy, and equally important is the same viability of the many plants, animals, and birds that make the Mono Basin a permanent or necessary seasonal home.

I first learned about Mono Lake and its plight when I was living in Southern California and read about the Mono Lake Committee's bike-a-thon and its annual pilgrimage from L.A. to the lake, an emotional and symbolic ride to raise necessary funds and public awareness about Mono Lake's fragile condition. At first, the ride represented a more personal motivation just in completing the 360-mile ride. That position quickly evolved even before my first visit to the lake in 1990 when I made my first bike-a-thon experience. When I arrived and experienced Mono Lake's splendor firsthand, words quickly became inadequate. In fact, quiet solitude allowed me to share in the joy and wonder of Mono Lake's natural symphony of bird songs, whirling winds, and Mono's salty water lapping upon its
shores.
Please designate Mono Lake as an outstanding
natural resource water which will set maximum salinity
level standards and protect the lake's ecosystem for
future generations of people and wildlife. Thank you.

HEARING OFFICER del PIERO: Thank you very much,
Ms. Wineman?

MS. WINEMAN: Yes.

HEARING OFFICER del PIERO: Do you go to Santa
Clara?

MS. WINEMAN: Yes, I do.

HEARING OFFICER del PIERO: Now?

MS. WINEMAN: Yes.

HEARING OFFICER del PIERO: So did I.

MS. WINEMAN: All right.

MS. LEE: Hi. My name is Margie Lee, L double E.
I'm speaking for myself, my nieces, and my nephews,
their children, and their children's children.
I'm here to voice my support of Mono Lake and the
Mono Lake basin ecosystem. Mono Lake is one of the
oldest continuously existing lakes in North America.
It is a treasure which the earth has supported for
750,000 years. We, as humans, in less than 30 years
have almost devastated beyond reclamation this
environment.
Twenty years ago a movement came into strength and
purpose, save Mono Lake. Over these years, great
progress has been made in the direction of restoring
Mono Lake and the Basin. We have the opportunity now
to complete this project. We can restore the lake to a
minimum 6390 level. We can designate Mono Lake as an
outstanding national water resource, protecting the
environment for the birds and the wildlife. A full
Mono Lake can also return to Levining and the eastern
Sierra a vital and viable resource to their economy.
For the past four years, Los Angeles Department of
Water and Power has done without the water of Mono
Lake. The people of Los Angeles, despite a severe
drought, have been able to conserve water and managed
to live, thrive, and survive without the Mono Basin
water. It is feasible to continue this course and with
the funds, 50 to $100 million, available to Los Angeles
Department of Water and Power, to replace the Mono
Basin water through improved conservation and
alternative water sources such as reclamation.
I encourage -- which you guys have nothing to do
with this, but I encourage Los Angeles Water and Power
to charge their customers for the water that they use,
treat our water with the reverence it deserves. Don't
subsidize a resource which is limited and fragile. Let
us all work for the future, not just for present. We
have the resources, financial, physical, and spiritual,
to choose a new direction. We have the vision to see
that we must plan for the future, protect our
environment and its resource, and create alternative resources to provide for our children's future. Let us take one small step for mankind and protect the Mono Lake Basin, focus on alternative water resources for Los Angeles and all of California. All of our water depends on us to change -- to make changes for the future.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

MS. SMITH: My name is Ernestine Smith. What did I do?

HEARING OFFICER del PIERO: Well, Mr. Herrera’s got to get up and earn his living here.

MS. SMITH: E-R-N-E-S-T-I-N-E, Smith, S-M-I-T-H. I'm a second generation native Californian and have seen this state decline in its environmental resources for more than 70 years -- 75, even more than 75, as a four-year-old, when I lived in San Luis Obispo County. In fact, I grew up on a ranch down there I can remember going to Pismo Beach with my family in the spring wagon, and I wanted to dig in the sand. There were too damn many clams. I couldn't get into the sand. It's not that way now. And that's the way a lot of our resources have gone by the way, and I've seen it happen.

Now, you folks have a chance to make history. You can save Mono Lake by making a proper decision, and it's imperative that this unique body of water be protected in the strongest possible way. It's very important to protect this fragile ecosystem upon which countless species of wildlife depend. I remember it from the early fifties when the water was higher and wildlife was thriving.

The lake level must be at least 6,390 feet, or even higher, and as I look at that third panel where it shows that level and the black line around there, it looks to me like Negged Island is not being protected enough to stop any kind of a land bridge. I'd like to see it as high as the whole blue part, and I would ask that you consider that, please.

Mono Lake is an incredible national resource water and should be designated as such. Mono Lake is an important tourist attraction which helps the economy of the eastern Sierra. Therefore, the lake must be given sufficient water to remain healthy. Dust storms from a low lake level would wipe out tourism and jeopardize the health of both the economy and the residents and all who breathe the toxic dust. There are sound alternatives as well as 50 to $100 million available to Los Angeles Department of Water and Power to replace Mono Lake -- Mono Basin water. To me, Mono Lake is a special place of beauty and inspiration. It is one of earth's greatest wild places and must be protected.

Thank you very much for this opportunity, and I
have three more things from friends to present.

HEARING OFFICER del PIERO: Great. If you'll give
them to Steven over there, he'll make sure that they
get into the record. Thank you so much.

MS. SMITH: Thank you very much.

HEARING OFFICER del PIERO: Good afternoon.

MS. RIVENES: Good afternoon and thank you for
taking us early, those of us who have to leave. My
name is Barbara Rivenes, R-I-V-E-N-E-S, and though I
live in Kensington in the Bay Area, some distance away,
and though Mono Lake is several hundred miles away in
the eastern Sierra, I had to be here today to let you
know how important I feel Mono Lake is to me, to my
family, and to hundreds of thousands of others who will
visit and benefit from its unique qualities.

My husband and children and I are transplanted
midwesterners coming here to start a business in 1967.
After 25 years in California and even from Day One, I
can't imagine living anywhere else. We have taken full
advantage of California's outstanding out of doors, and
we're voracious in learning about our diverse
biological environments leading to our involvement with
Mono Lake and the eastern Sierra.

California's topography, climate, and geographical
location on the edge of a continent conspire to make it
one of the most desirable landscapes in the world for
human habitation. Is there any wonder that there is
such competition for resources in our glorious state?

I was training to become a docent in natural
sciences at the Oakland Museum and was part of a field
trip to Mono Lake. This was before any public visitor
facilities had been created, and we were able to just
wander down to the tufa formation, losing shoes in the
ooze, and admire them at will, observing the black
flies and the brine shrimp. My son will never forget
it.

HEARING OFFICER del PIERO: Those were your shoes,
huh?

MS. RIVENES: Yes, that's right. It was a magical
place 20 years ago and it still is today. We have been
frequent visitors to the lake over the years and
watched the area and the town of Levining grow from a
sleepy little bulge in the road to a bustling summer
destination resort with foreign tourists making it part
of their California experience and have similarly
introduced friends and family to the early morning
sunrises at South Tufa, observing the incredible array
of bird life, and the muted gray-green foliage of the
plants as we walk to the shore. Again, very magical.

Since 1986, my husband and I have ridden our
bicycles from Los Angeles to Mono Lake in the annual
ride to symbolize the returning of water from L.A. DWP
to Mono Lake and to raise money for the education of
the public on its plight. When we began these rides,
we were much younger people, and we have taken a few years off for good behavior, but we hope to do it again next year as part of the victory ride celebrating the fact that Mono Lake has been permanently protected at levels of 6390 or above. I have learned much more since my first encounter with Mono Lake about endangered species, endangered habitats, and preservation of natural wonders. Mono Lake is a natural wonder, a truly unique ecosystem and it must be preserved without further losses to engineered water transfers. There are technologies and dollars available to meet the water needs of the Los Angeles area, and there is an awareness in that population of Mono Lake's needs. I believe the political and educational work has begun to prepare L.A. citizens for a public trust decision in favor of Mono Lake, and I urge you to seize the opportunity and to make the decision to permanently protect and save Mono Lake now.

Thank you for the opportunity to give you my comments.

HEARING OFFICER del PIERO: Thank you very much.
Good afternoon.

MS. SEEAR: Good afternoon. Thank you very much for taking us and thank you very much for the speaking and saying it much, much better. I've been very inspired by listening.

I'm Joan Seear, S-E-E-A-R. I've been a teacher in New York, Vermont, Maine, Seattle, Colorado, and now in Berkeley. I came across the country through Virginia City, Bodene, Mono Lake, and over Tioga Road in 1957 settling in the Bay Area and because of the impact that it had on me, kept returning every year and at all seasons to the eastern Sierra and Mono basin. Through these years, I've been saddened by many of the changes, less stream flow, less wildlife, lower lake and so a bathtub ring of salt and dust, the islands no longer islands and few nesting sites and fewer birds.

But I have also been very much heartened by the growing public awareness going into the 21st century of the need to reevaluate our demands and so the use of our environment. Why are we still haggling about the necessity to set a minimum lake level of at least 63--6,390 or preferably 6,410, which is a median line across the historical level?

In 1959, '60, and '61, I helped David Mason do his Ph.D. thesis on the Mono Lake ecosystem. For last 30 years, we have studied it. We know what needs to be done. All California taxpayers, not just L.A. ratepayers, are paying for Water Board meetings and hearings and EIRs, and your comprehensive EIR report was a very fine statement. Let's -- let's do it, and let's set the lake level standard now. Thank you very much.
HEARING OFFICER del PIERO: Thank you very much.

MR. HOLLAND: Hello. My name is Preston Holland, P-R-E-S-T-O-N H-O-L-L-A-N-D. I grew up in Los Angeles and one of my family's favorite journeys was the trip up to Mammoth Lakes. I spent many hours glued to the automobile window looking at the scenery as it passed by. I was always very impressed by the wide expanse of the Owens dry lake and the semi-arid country of Owens Valley. It never occurred to me at the time that it had not always been -- did not always appear in such a manner.

It wasn't until I got to college that I started to learn that the water from the Owens Valley had been moved as an effect of the construction of the L.A. aqueduct system. I had always known that the system was in place, but in my young mind, I never put the two facts together. The L.A. aqueduct was built in a very different time. Values have changed a lot over the last few decades. Most of us are aware today of the needs to include the requirements of a functioning ecosystem into the development of a sustainable economy.

The elected officials of both this country and the state have shown their desire to include a healthy Mono Lake in a part of the future of the landscape of the west. They have made millions of dollars available to the Department of Water and Power towards this end to replace the water that would be lost to L.A. to help restore Mono Lake. I'm very angry that the Department of Water and Power has not applied to the full extent for this money to develop reclamation projects and other environmentally sound means to replace this water.

I ask you to force the DWP to recognize the environmental philosophy of this day and set the lake level as high as possible, at least 6,390 feet. I thank Governor Wilson for his support of the lake level of 6,390 feet or higher. I've read much about the DWP and certainly from many biased sources. I don't think until today had I seen those sources confirmed by what their spokesman said here. I was appalled that he brought in extraction of water from the delta and tied it into this process. I think that's unconscionable, and I think it shows exactly what type of organization we're dealing with. And I urge you not to listen to whatever their needs are because clearly, their ethos is lost. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much. Ladies and Gentlemen, while the next speaker's coming up, I'm in receipt of correspondence from Senator Mike Thompson, the chairman of the Senate Committee on National Resources and Wildlife. Senator Thompson goes on for several paragraphs. This is
addressed to Mr. John Caffrey, Chairman of the State Water Resources Control Board.

"Dear Mr. Caffrey, I'd like to express my strong support for the long-term protection of Mono Lake. Specifically, the biological evidence strongly suggests the need for a lake level of 6,390 feet or higher to protect and restore Mono Lake's public trust resources such as wildlife fisheries, wetlands, and recreation. In addition, this lake level would enable the Mono Basin to attain federal air quality standards for particulate matter, and the U.S. Environmental Protection Agency recently cited the Mono Basin for violation of this standard. Moving to address this problem will avoid conflict with the federal government.

"Given this broad level of environmental benefit associated with an adequate water supply, I urge you to insure that we preserve appropriate water levels for Mono Lake."

And that's signed by Mr. -- Senator Thompson
Chairman of the Senate Committee on Natural Resources. So we'll put that in the record.

(Applause.)

HEARING OFFICER del PIERO: We're getting all kinds of letters.

MS. BROWN: My name is Alice Brown, B-R-O-W-N. Gentlemen, Mono Lake is a national treasure and therefore needs protection. I've been going to Mono Lake for over 20 years. I'm haunted by its beauty. I'm enthralled by the simplicity and richness of its unique ecosystem.

Over the years, I have watched the bathtub ring of shore widen and the border of brine flies shrink. I am worried about its survival.

Let me tell you a bit about what I love about the Mono Basin by way of urging you to consider the magnificence of the place.

Looking across the lake toward Mono craters, the breathtaking escarpment of the Sierra and the White Mountains fill my soul with wonder at the beauty of it all. There is the most remarkable array of geologic processes evidenced, tracks of glaciation, volcanism, uplifts, young mountains, old mountains, stream cutting. One would have to have a mind of stone not to be moved by such wonders.

I can show my young daughter moraines that were nosed along by ice-age glaciers and with her, I can explore fissures in a volcano that erupted below the waters of an ice-age glacier. Each summer as I approach Mono Lake, I anxiously check that the land bridge to Negged is still exposed providing coyotes easy access to the island's California gull chicks. I thrill to see the thalarops circling in the water, stirring up brine shrimp. The pretty thalarops
journeyed from the Arctic tundra and after tanking up at Mono Lake, will complete their migration to Argentina. It's the rich invertebrates brew of these waters that fuel such a remarkable flight. Such food is not available elsewhere. The basin counts 294 visiting species of birds, and it is critical to the life cycle of at least five of these species, one of which is on the blue list. The Mono Basin is a wild place. It is a place to contemplate, discover, and take joy in the grandeur of nature and of man's proper place in it. It is well to be reminded of the enormity of geologic time as one is pressured by the demands of current time.

There is abundant evidence that Mono Lake needs specific protection. A lake level of at least 6390 is necessary to protect the lake and it's fragile ecosystem and, by the way, when I first went to the lake, the lake was about halfway again higher than it is now, and as you walk down the boardwalk at the county park and see the designations of what feet level mean where the shore actually was, it is a sad, moving experience. I think 6390 is bare minimum.

It's essential to have the lake level protected so that its ecosystem can withstand the unpredictable rigors such as long droughts. Mono Lake should be designated an outstanding national resource water which would set maximum salinity standards. Controlling salinity is an essential protection. Inadequate protection means that the desiccation of Mono Lake will continue, bringing a collapsing ecosystem. A wider bathtub ring of shoreline means more and more noxious air pollution of the spectacular eastern Sierra. Local economies will dry up as well. We have the egregious example of Owens Lake. A healthy Mono Basin will contribute to a healthy eastern Sierra economy, with it the tour buses that are now a frequent sight on Levering.

It is well-known that L.A. DWP has environmentally sound alternatives to reliance on Mono Basin water. In California, we're uniquely privileged to have such glories of nature as Yosemite, the redwoods, and sequoias, the Sierra Nevada, the Mojave Desert, and Mono Basin. These places and the animals and plants that have adapted to their rigors are treasures of our country and of the earth. Those who have the power to save such a natural wonder, this public trust, will be remembered as leaders of vision and protectors of quality of life in California in the tradition of John Muir. Those who had the power and did none will be remembered as despoilers of the magnificent places on earth. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much. Good afternoon, Sir.
MR. SCHMIDT: Greetings. I'd like to thank you and everybody else in the room for being here and speaking and listening to the people that have something to say. It's going to be hard for me to break any new ground here.

I first saw Mono Lake in 1964 --

HEARING OFFICER del PIERO: Sir, I need your name, please.

MR. SCHMIDT: I'm Steve Schmidt from Menlo Park, California.

I first saw the lake in 1964 when, coincidentally, it was around 6390 in elevation. I think that's a great place to start the restoration of the Mono Basin. I strongly advocate you setting that as the minimum lake level, and I also believe that given the performance of the citizens of Los Angeles during the last drought, they've done without Mono Basin water for four years, over four years, a lack of water is not among their major problems.

I think in the long-term, the lake should be allowed to rise to its natural level. I think DWP actually said something to that effect, letting nature take its course in relation to the stream flows. And I think in order to insure that happening, a policy should be adopted for the staged removal of all the DWP plumbing in the Mono Basin to make sure that this sort of damage can never occur again.

Thank you very much.

HEARING OFFICER del PIERO: Thank you very much.

Folks, it's five o'clock. I'm going to keep going until we can get everybody who needs to get out of here done, so for those of you that can come back at seven, I'd appreciate that. For those of you that are going to have difficulty and -- I'll stay here as long as you do. Okay? Please.

MS. McARRON: We're pleased that you're staying here. My name is Marla McArron, M-A-R-L-A M-C-A-R-R-O-N. I'm a teacher at Valley Oaks School of fifth and sixth graders. I brought one of my students with me today. She'll do most of the speaking. I just have a few things to say first.

I've been going to Mono Lake since 1979 when I had the privilege of taking a class from the late David Gaines. I was very moved by that experience and since that time, I've taken numerous elementary classes and their parents to Mono Lake. We've done an intensive study. We've written an original play and put it on for our student body with David Gaines starring in the play. He was very humble when we put on the play. We've done it more than once at Mono Lake committee. One time we actually stopped traffic up 395 as the children were acting out the parts, and that was a special time.

In 1979, I believe it was '79 or right around that
time, I actually brought another student with me --
she's now grown and an activist -- to testify before, I
believe, the same Board. It was in Palo Alto, and we
got up and spoke. And I have encouraged my students
since that time to be responsible citizens.
This year was no exception. We've enjoyed
studying about the lake. We had our camping trip there
last -- last September, and the children were thrilled
when they came over Conway Summit and saw all of the
sights that they had studied. Just last week I took
them to the city -- we live in Davis across the
causeway -- to see an art exhibit at Crocker Art
Gallery, and the late Mr. Ovata had done water colors
and wood block prints of not only Yosemite, but also
Mono Lake, some of his most beautiful pictures. And
again, my students were thrilled and they looked at his
sketches and saw the lake that 1927 was much, much
larger than it is now, and they could see the
difference quite clearly.

So without further ado, I'd like to introduce
Aura Weinbaum, her name is spells A-U-R-A
W-E-I-N-B-A-U-M. She has few words for you.

MS. WEINBAUM: Members of the Board. I'm a sixth
grade student at Valley Oaks School and have been
studying about Mono Lake in class. Last month our
class spent a weekend there and after studying and
actually going to the lake, I've learned to love and
care for everything there.

Some of the things I enjoyed seeing at Mono Lake
California gulls, the eared grebes, and the falleros.
I also liked seeing the brine shrimp and brine flies.
Some of my classmates and I were brave enough to eat
the brine fly pupa.

HEARING OFFICER del PIERO: What did you think it
tasted like?

MS. WEINBAUM: My teacher thinks it tastes like
Fritos.

HEARING OFFICER del PIERO: You know, I thought it
tasted like Fritos, too.

MS. WEINBAUM: One of the strangest things I saw
were the tufa towers. But besides its beauty, Mono
Lake is an important nesting area for California gulls
and a critical stop for eared grebes and fallero on
their way to South America. Also, the brine shrimp in
Mono Lake exist no place else on earth.

Because of this, it is of great concern to me and
my classmates that Mono Lake be preserved. I really
want my kids and their kids, and so on, to be able to
see Mono Lake just as I have. To save Mono Lake, I
feel it is important to allow the water level to rise
15 feet higher than it is now which would put it up to
6,390 feet.

I also think Mono Lake should be named a natural
resource water and become a protected area. If
everyone in California conserves water, Los Angeles would have enough water without jeopardizing Mono Lake. Please consider the request of my classmates and I. I know together we can make a difference. Here's some letters from my class and thank you for your time.

HEARING OFFICER del PIERO: Ms. Weinbaum, I've got a question for you. Ms. Weinbaum, if Mono Lake's allowed to rise to a level of 6390, that's going to cause the tufa to be inundated a little more. Do you have any opinions about that? Would you mind not being able to see as much as tufa if the water level was allowed to rise?

MS. WEINBAUM: No. I think it's more important for the ecosystem and everything. If the tufa have to be covered in order for the brine shrimp and everything that lives there to live, I think that's -- that's okay.

HEARING OFFICER del PIERO: Thank you very much. (Applause.)

MR. VOJKUFKA: I want to thank you, the Board, for being up here and for having me here. My name is Joseph Vojkufka, V, like victory, O-J-K-U-F-K-A. I'm currently president of American River Conservation Club, and a student and a citizen of California. Mono Lake is irreplaceable. I've been to Mono Lake and the surrounding area. I know that a healthy Mono Lake is important to a healthy eastern Sierra and California economy. The lake level of 6390 or higher is necessary to permanently protect Mono Lake. I feel that Mono Lake is a breathtaking experience with the tufa towers and the unique diversity of wildlife as it is an inland sea, and that Mono Lake should be designated as an outstanding national resource water. It is feasible to protect Mono Lake. State and federal funds totalling 50 to 100 million are available to the Los Angeles Department of Water and Power to replace Mono Basin water with environmentally sound alternatives such as water reclamation and conservation.

Mono Lake is personally important to me for recreation and education and conservation of wildlife habitat. I have petitions from 85 students that care about Mono Lake and its protection, and I'll give this to the Board. And I just want to thank you guys and I'm in support of Pete Wilson for being up here. And I know that will you make the right decision.

HEARING OFFICER del PIERO: Thank you very much, Sir.

MR. GILLIAM: Thank you, Sir. My name is Harold Gilliam, G-I-L-L-I-A-M.
I'm an environmental writer. I've done a dozen or so books on Northern California subjects. I'm a former assistant to the Secretary of the Interior, former environmental consultant to the White House and the Army Corps of Engineers, and I think this background gives me some qualifications to make some judgments about what scenic values are.

HEARING OFFICER del PIERO: The Hearing Officer is also familiar with your career, Sir.

MR. GILLIAM: Well, thank you. In that case, I might as well sit down. I will in just a second.

I think that I've been tremendously encouraged by what I've heard here today particularly from the school children, at least a couple of them have testified here. It's their generation that is most significant here. Their children and their grandchildren have as much right as we do to enjoy the full health and glory of Mono Lake.

I've stood there many times and looked up from the lake to the great wall of the Sierra, and I've had almost the feeling I could feel the great tectonic forces of the earth that thrust that Sierra wall up several thousand feet above Mono Lake and pounded the waters of the lake. We have a relic here of a previous age. It's almost as if we had a living dinosaur here, and we want to preserve it.

Mono Lake is a symbol not only of the past but of the future because in order to preserve it, we're going to have to do a great deal more water recycling and water conservation and water reclamation than we're doing now. When I was born in 1918, there were less than three million people in California. As you know, there are now ten times that many. I don't know whether the population is going to be multiplied by ten times again, but there are going to be a great many more people. And where are they going to get the water? Only through reclamation, conservation, and measures far beyond anything we can see now.

So why not start now while we still have Mono Lake and Lake Tahoe and other lakes that might be drained if we insist on draining our lakes for water? Why not start now on that path that we're going to have to follow eventually if many more people are going to live in California.

I'll close by reminding you that although Mono is an Indian word, it also means one in English and Latin and Greek. There's just one Mono Lake, and when anything gets down to one, such as this desert lake, there are many desert lakes, but most of them are dry, none which are in a position against a great uplift of the Sierra as Mono Lake is. When things get down to one, they become invaluable. I think Mono Lake is invaluable. I've heard this figure 6390 so often this
afternoon, I'm reminded of 54-40 or fight, and I think maybe our slogan should be 6390 or more, preferably more. (Applause.)

HEARING OFFICER del PIERO: Thank you, Sir. While the next speaker's coming up I'm -- I am in receipt of another letter. I'm feeling like Jerry Louis at a telethon. This is addressed to our Chairman John Caffrey, subject Mono Lake.

"Dear John, I understand that you are accepting public testimony today regarding the alternate impacts and mitigation measures in the Environmental Impact Report on the Mono Basin and that will you soon be considering the modification of the water rights of the City of Los Angeles.

I urge you to adopt the 6,390 foot minimum lake level alternative discussed in the Draft Environmental Impact Report. Mono Lake must be protected and restored to ecological balance. This natural resource and its related wetlands and riparian habitat is critical to California wildlife.

I believe it will be possible to meet the water needs of Los Angeles through conservation, water reclamation, and other sources and simultaneously protect Mono Lake. As you know, I have a longstanding interest in this issue.

Thank you for the opportunity to comment on this issue. Please contact me if I can be of any assistance. Sincerely, Senator Frank Hill of the California State Senate representing the community of Whittier, California."

Good afternoon, Sir.

MR. ALEXANDER: Good afternoon. My name is Ken Alexander. It's spelled the way it sounds.

I am a former newspaper man. I spent 18, 22 years as editorial cartoonist for the San Francisco Examiner, Cotley News Service. I've done many cartoons on the side of Mono Lake.

First, I was enlisted by Grace Delot, and then I just got carried away with it myself because it's so absolutely necessary. I don't need to stand here and talk about the 6390 and the beauties of Mono Lake. We all know that.

I wanted to speak a bit about why this whole thing has come up. What it boils down to is Southern California is a desert. Except for a very narrow strip along the coast, it is basically that desert. It's got lots and lots of people and a finite and variable source amount of water. There are over 100 golf courses in the Palm Springs area. A great portion of Southern California is given over by -- or held by folks like Kern County Lands of the Pacific, DiGiorgio, to growing thousands of acres of cotton, feed corn, alfalfa, water-intensive crops, if you will. And
there is no excuse for that. There are places in this
country that can raise crops like that. Alabama,
Mississippi, down in the south where it rains quite
regularly, that's fine. But an area which is
artificially maintained to support a profit for large
people -- or outfits at the expense of the people, the
situation cannot be allowed to exist.

I know -- we're in for a major change in our
country. All around we're talking about health care,
and NAFTA, and all the various large changes we're
facing, and we're going to have to face large changes
in things that have been accepted up until now such as
the power of agri-business to take what it wants.

There's only so much water. Los Angeles gets most of
its water from varying sources including the Colorado
River. They would like to have more from the Colorado
River but they can't because that has to go to
agriculture. Well, 85 percent of the water goes to
agriculture anyhow. The agriculture just has to be
adjusted. That is the biggest drain on the water
supply there, and that has got to be changed in some
way. Somebody's toes are going to get stepped on, but
it shouldn't been the toes of the people who are going
to enjoy Mono Lake, we hope. Thank you.

HEARING OFFICER del PIERO: Thank you very much.
How many more folks need to leave before six?
Okay. We'll take those of you, and then we'll break.
Excuse me, before we begin. Kelsey, are you okay
with paper?

THE REPORTER: Yes. I'll let you know.

HEARING OFFICER del PIERO: Okay. Thank you.
MS. DELOT: First of all, I want to thank the
Resources Board for listening to all of us today and
yet again this evening. I think you are a very
stalwart, very stalwart group.

My name is Grace Delot, and I have been a board
member of the Mono Lake Committee since 1978, 15 years
ago. I first visited Mono Lake in 1961 after moving to
Los Angeles from Detroit, Michigan. And after hiking
around the lake, camping in the Mono Basin, and fishing
in the streams, I truly believed I had been transported
in paradise, especially from Detroit. Never had I ever
seen a more beautiful place with the mountains, the
valleys, contrasted by sky images mirrored in the vast
ejewel of Mono Lake. Never have I seen a place where
one could walk almost across the entire lake on the
backs of birds. In this huge body of water that was
teeming with populations of brine shrimp and brine
flies, California was sure certainly some fantastic
place to be and move to.

Something very ugly happened in 1978. I began to
read a great deal about what was happening to Mono
Lake. Water diversions were shrinking the lake. It
was Los Angeles, it seemed, diverting four of the five
major freshwater streams that fed into Mono Lake, the Salmon Lake.

In September -- this is a vignette, different from what you've heard of two people. In September of 1978, my husband and I visited Mono Lake and took a field trip with a young man by the name David Gaines. When I first saw the lake, I did not think that I was in the same place I had been in 1961. The water level was so much lower and a wide white alkali ring surrounded the lake where water had been siphoned away. How on earth could this be happening to such a magnificent ecosystem and place on earth?

David Gaines asked me to become a board member of the newly-forming Mono Lake Committee. Today, I am hopeful that with all of the hard work that has been done and all of the history written that Mono Lake will be restored again to the lake levels that I remembered in 1961 and further back than that, the pictures that I had seen taken before the 1940 diversions.

As the Resources Control Board and governing body of the decision of future peoples, Mono Lake must be returned to as it was created before mankind's diversions and technology, and I sincerely hope that it is higher than 6390 feet. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much.

Next? We'll make sure those letters get into the record.

Good afternoon.

MS. ELOESSER: Good afternoon. My name is Nina Helen Eloesser. To spell the last name for you, E-L-O-E-S-S-E-R.

Someone said it this afternoon that Mono Lake is a significant resource, one of the most significant, absolutely unique, mankind cannot get along without it. To summarize, why do we keep Mono Lake or why should we keep it? For survival, that's why. Its destruction will create a tremendous impact. It is a tremendous ecological resource. It should be reserved.

It needs to have an altitude level of 6,390 feet or preferably more. I remember it from being a very young child, probably in the 1940s. It was much more full then. It did not have this dreadful alkali ring all around its edge. This alkali ring which creates dust storms, which, as I understand it, has arsenic, very toxic in this dust, which worsens air pollution.

Mono Lake must be preserved at a high level. Why? For survival. Survival of the wildlife which also affects us. The wildlife, the birds, their eggs. They nest. They feed. They get sustenance from migration. They feed on the brine shrimp. There's other wildlife right there at the lake. It needs to have real islands with water surrounding these islands so that the coyotes don't destroy a lot of the bird
life.
The high water level will help standardize salinity. That, in part supports the wildlife, particularly the brine shrimp and the flies. The wildlife and the lake, itself, and smaller tufa towers, will attract tourism, will support the economy of that local area, the Mono Basin, Owens Valley.
What about Los Angeles? There's a tremendous number of people down there. Los Angeles would do very well and has done well, apparently, for four years without Mono Lake water. Los Angeles apparently can get enough water from other places. It certainly can conserve more. The tremendous number of swimming pools, golf courses, and so forth can be kept on less water than apparently is being done. Reclamation of water will help. There is funding now for Los Angeles to get water from other places.
In closing, I would like very much to say that I appreciate the Board sitting and listening to repetitive talks. I want to thank those people whom I shoved in front of in order not to have my ride leave before I did. And thank all, but most of all save Mono Lake at a high water level. Thank you.
HEARING OFFICER del PIERO: Thank you. Thank you very much.
Sir?
MR. BELLAND: My name is George Belland, and I live at 110 Lakeview Drive in Auburn, California. Sorry to get here so late and keep you so late.
HEARING OFFICER del PIERO: Oh, I'm going to be here --
MR. BELLAND: I know, but you have to eat.
HEARING OFFICER del PIERO: Actually, that's not true. I don't have to eat.
(Laughter.)
MR. BELLAND: Well, as a --
HEARING OFFICER del PIERO: Some other people need to.
MR. BELLAND: As a former county supervisor, I know what you're going through because I've been involved in long hearings, too.
And as a former county supervisor --
HEARING OFFICER del PIERO: Were you a county supervisor from Placer County?
MR. BELLAND: Yes.
HEARING OFFICER del PIERO: In the mid to early eighties?
But anyway, you know, I can sympathize with the people of Mono County because our county has suffered the ravages of the water wasters, too, and it has affected our rivers severely. While I've lived there, I've lived there since 1955, there have been two dams
under construction that have burst and in the process, they scour out the rivers and the river banks and -- maybe 30 to 100 feet up, they may never be the same again.

I should say also that in addition to being sympathetic to the people of Mono County, I sympathize with the people of the State of California and the citizens of the United States and anybody from all over the world who has been fortunate enough to see Mono Lake, that I think if this lake continues to degrade, that it will be a loss to the whole world.

As you know, there are quite a few lakes on the eastern -- not quite a few, but there are some significant lakes on the eastern side of the Sierra. I visited Pyramid Lake, and that has been degraded greatly by really, I think, an absurd water project that was the first of its kind in the area so maybe you can excuse them in those days because they wanted to make the desert bloom. But as you go south, there's Lake Tahoe which is dying a very slow death, I would say, because of over exploitation, and then here we are at Mono Lake.

I've had the great pleasure of canoeing on Mono Lake, and it's an experience that I'll never forget. It's -- the water's clarity and smoothness is so great that you have the feeling or the -- you get the sensation that the canoes are suspended in mid air. And I thought I was being very unique in sampling the brine shrimp. That wasn't such a great deed. But I did try the brine fly pupa, and I see that I guess that's not a unique --

HEARING OFFICER del PIERO: There are several of us who are really sick.

MR. BELLAND: Maybe we ought to get T-shirts. But anyway, I preferred the shrimp because the brine fly pupa take on a lot of sand.

MR. BELLAND: I think it's appropriate at this time, in closing, it usually is in an environmental issue, to say that we must save this place for future generations, and I'm ready to close, but I think we must go a step further than that and restore this lake for future generations. It's not every natural resource that once it's been despoiled can be brought back, but this lake mainly needs water. I think this lake, the restoration of this lake gives our society on opportunity to show that we are a civilized society, and I hope that you all will help us bring that -- that possibility to fruition.

Thank you once again for staying so late.

HEARING OFFICER del PIERO: Thank you sir.

Who else?

MR. SAYER: Thanks. You have a terrific
demeanor. I’ve been to a lot of hearings, and I really appreciate your patience and the fact that you haven’t cracked a yawn yet. I haven’t seen one.

HEARING OFFICER del PIERO: We'll they have all been interesting up until you --

MR. SAYER: I was also going to say that the Fox Network has an opening for a talk show host. I have --

HEARING OFFICER del PIERO: Chevy's as good in person as he was on that show.

(Laughter.)

MR. SAYER: One’s from Brian Bester, who’s a concerned citizen of California. Another is from Senator Milton Marks who advocates a 6390 level or higher, and another one is from Congressman Norman Menatta, the Chair of the House Public Works and Transportation Committee who also advocates a 6390 foot level or hire.

HEARING OFFICER del PIERO: If you’d be kind enough to give those to Mr. Herrera, we’ll make sure they’re incorporated in the record. Thank you for bringing them in.

MR. SAYER: I'm happy to. And also I'm a representative of Anna Eshew of San Mateo County who wanted send to a letter today, but was not quite able to.

HEARING OFFICER del PIERO: You tell Anna that Marc del Piero said that when she gets her letter in, I'm willing to accept it into the record. Anna and I sat on a committee, the central coast regional studies program that developed all the studies to stop offshore oil drilling off the coast of San Mateo and Santa Cruz Counties for about six years. So we're old friends.

MR. SAYER: Okay. Terrific. Thank you.

My name is Jim Sayer, and I'm from San Francisco. And I'm real pleased to be here. Like some others, I've traveled a long personal journey to get to Mono Lake and to enjoy and feel Mono Lake. It all started at an overnight sleep at South Tufa when you could sleep right among the tufa, and I think given the increasing popularity of Mono Lake, it's probably a good thing that you can't have hordes of people sleeping amongst them. But I was lucky enough to be able to do that in 1979.

Since then, I've been deeply involved with the Mono Lake effort. I've tabled at college campuses, I've given presentations to gem clubs, to senior clubs, to school classes, to conservation groups. I've been a part of this Mono Lake bike-a-thon. I encourage all of you to try and take a crack at it. It's 370 miles, and you can have the pleasure of having your heels bitten off in Inyo Current or -- hey, it's better than you
think. You can eat roadside steaks in Long Pine, and
you can endure 105 degree heat in the Mojave Desert,
and you can climb the Sherwin Grade, do about 3 or
4,000 feet in a single seven or eight miles. So, many
of the people here today have enjoyed that great --

HEARING OFFICER del PIERO: Doesn't that sound
exciting?

MR. SAYER: Wait 'til you meet CalTrans and avoid
their oil slicks on 395. There's the other thing you
can do.

I've attended hearings, written letters, and all
this stuff to raise money for Mono Lake. That's why
I'm really pleased that it's come to this point after
15 years of working with the Mono Lake Committee, that
we finally have an opportunity to deal with the Water
Board and to try and resolve this issue. I think it
would be great if we could finally bring California's
water policy back into sync with nature and the
environment. And I think you have a chance to make a
watershed decision, and I mean that in more ways than
one.

It's striking because I thought about a similar
debate I read about in Sierra Magazine about the
proposed dams on the Colorado River, which is a far
piece from here. But in that case, the proposal was
resource based. It was to flood part of the Grand
Canyon, the lower part, and it was almost the reverse
image of what's happening with Mono Lake. Some of the
proponents of the dams said that by raising the level
of the Colorado River, you could see the walls of the
Grand Canyon better. It's true.

And I've heard in the past people say to me,
"Well, if we drain down Mono Lake more, can't we see
the tufa towers better?" So it's almost the exact
reverse. And in the end, the Colorado dams were
defeated, and I think that high profile debate gave
people 30 years ago the sense that maybe we don't need
to dam all our rivers to enjoy a healthy and prosperous
future, that maybe the bottom line is that we don't
have to mess with the water line.

I think that's the same lesson emerging here
today, 30 years later. There's no reason that Mono
Lake's level has to be anywhere but 6410 feet above sea
level or perhaps higher, its natural mean level. The
evidence is overwhelming that Los Angeles can survive
without a single drop of Mono Basin water. The city
has the money and technology to meet its real water
needs without harming an ecosystem 350 miles away.

Los Angeles residents and residents all around
California as well as the farmers who use 85 percent of
the state's water have the capacity to use much less
water than we are now consuming. So you and your Board
colleagues find yourselves in the rare and wonderful
position of being able to choose from the Draft EIR
menu, a win-win-win situation, a lake level of 6390 feet or higher, preferably 6410 feet. It's a win for the Mono Basin watershed. It's a win for Los Angeles ratepayers who will get a more stable, environmentally sound source of water, and it's a win and a watershed decision for water policy in California and the west. Just like the Colorado River debate 30 years ago with hint of the demise of wasteful big dams, your decision for 6390 or more will signal that it's time for all of us to begin living within our own watersheds, to kick the habit of robbing one ecosystem to support an artificial one many miles away. I say this as somebody who was born in San Francisco and repents daily and knows full well that we are doing the exact same thing in San Francisco that Los Angeles is doing with Mono Lake, that we have despoiled a beautiful Sierran landscape so that we can have fresh pure water. I know that the lessons apply to me and my neighbors throughout most of California. And that's why it's so important for you to send the right signal and choose 6390 or a higher level so that we can start restoring not only Mono Lake, but all the damaged watersheds throughout this incredible state. So I urge you to act as quickly as you can to make that decision. We need your leadership so urgently, and I'm really pleased that you did this hearing and, again, thanks for your good humor and patience.

HEARING OFFICER del PIERO: Thank you very much.

MS. OWEN: My name is Holly Owen, and I'm the director of information systems for an alternative energy company, but I'm here representing Tom's Tag Team. And I think you've heard a lot of technical testimony today, and I think the more personal stories you hear, the better a perspective you'll have on how the public feels about Mono Lake. I should probably explain what Tom's Tag Team is. As you already know, you've heard from a number of people who talked about the bike-a-thon, and annually the Mono Lake Committee organizes the bike ride from Los Angeles to Mono Lake. And in 1989 Tom Lyons raised $2,000 to support the lake and due to health reasons, he was unable to complete the bike-a-thon. At that point, his friends organized Tom's Tag Team so that his sponsors would still be able to donate their money and Tom would be able to keep his commitment to his 41 sponsors for that year.

I'd like read a little bit of a letter from him that he wrote at the conclusion of the 1989 bike-a-thon. "To all the people who sponsored my effort," effort in quotes since it wasn't really his, it was his tag team's, "in the Mono Lake bike-a-thon this year, I want to say thank you very much on behalf of the lake itself. Work to save Mono Lake continues to be very
positive and generate results that we're all very, very
pleased about. We hope some day that we can do the
victory ride for Mono Lake.
"It sometimes amazes me that a local boy from a
green, wet place like a Hawaii can be so drawn to the
stark, dry, and some people say desolate place like
Mono Lake, but you need to experience the area to know
it's beauty and mysteries.
"This year I had 41 sponsors who contributed over
$2,000. I'd like to take this opportunity to thank
them. From the smallest to the largest gifts, they're
vitaly important. The worst part of not being able to
do the ride this year -- oh, I didn't miss the hills
much -- was not being a full part of the community of
people who made this year's thon and not being able to
see the lake, itself.
"All in all, I missed the spiritual element that
comes from being part of a mission where people
dedicate their time and energy to saving nature. And
this spirituality is very renewing to me." And I think
the Board after all the testimony from everyone today
has got to be feeling that spirituality.
This year, at the conclusion of the 1993
bike-a-thon, we put a bench in place. We worked with
the Tufa State Reserve to dedicate a bench that we
built in our basement to Tom. And it was placed at the
old marina near Mono Lake. It's about a thousand feet
from the lake level right now. The old marina used to
be the boating dock. It's a beautiful spot, but
there's nothing that all of Tom's Tag Team would like
better than to be able to sit on that bench and see the
6390 level 15 feet from that bench. It would be
absolutely wonderful, and I think for generations to
come it would really be nice to have to scuba dive to
see the bench.
So on behalf of Tom's Tag Team from 1993, we'd
like to say that the lake level needs to be raised, and
I'd like to read the names of Tom's Tag Team since I'm
the only one who could be here today. Susan Lyons from
Kauai, Hawaii, Sherry Lyons from Kilauea, Hawaii, Brent
Owen from San Francisco, Lorraine Jarvis and Nancy
Dobbs from San Francisco, Brian Pens from Kensington,
California, Mike Lyons from Maui, and Ann Springer from
Downers Grove, Illinois. Thank you very much.
I used to know everybody that had the bumper sticker on their car. And it is very heart-warming for me to see people I don't know at all who have Mono Lake in their hearts as it is in mine.

I moved here in 1966 from the midwest and since that time have made a yearly pilgrimage to Mono Lake. On my first visit to Mono, I was touched. As a bird watcher, the number of birds were amazing to me. As a person who appreciates beautiful places, Mono Lake inspired me as one of the most uniquely beautiful places in the world. As an educator, I have taken several hundred people to the shores of Mono Lake to learn about its wildlife and ecology. Every year my family has visited Mono Lake, at least once a year.

With 26 years of memories of visiting Mono Lake, there are many outstanding memories, but my favorite is last year, when my 19-year-old son and I returned from the Grand Canyon stopping at Mono Lake for our yearly visit, and as we walked the shores bird watching and talking about life, it's a great place to put one's life in perspective, he said, "You know, mom, the Grand Canyon is beautiful, but Mono Lake is more beautiful."

And it came home to me the heritage that we have here in this state that we must preserve.

I urge the Water Board to keep the water level at 6390 or higher. From the testimonies today, you can see this is -- this is not merely a lake, it is a place that touches one's heart. And I urge you to permanently protect it as an outstanding national resource. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

MS. GRUENEICH: Thank you. My name is Diane Grueneich, that's G-R-U-E-N-E-I-C-H, and I am on the current Board of Directors for the Mono Lake Committee and thank you for the opportunity to speak. And I feel like I am continuing the tradition of the people involved with the Mono Lake Committee.

I am an environmental lawyer, and I've been practicing for about 17 years. And I've been involved in many of the major fights over resources here in this state, and what really impresses me about the decision that you're facing is that it is precisely so rare these days when there is actually a consensus and a bi-partisan consensus to really save and preserve and to enhance a natural resource. And to me, as I spent about the last hour in the audience sitting listening to people, what I came across, because I tend to be, as a lawyer and after all these years, somewhat of a cynic about our institutions, is that we can really look at this process and say there actually is a place when people are so cynical about our institutions that they really are working, that we have this process that has people coming to you who have really lived and committed their lives to protecting Mono Lake for
decades and decades, who have the ability to tell you, as members of the public, just what it means to them to be able to be preserved. We also have as a component of our institutions the scientists that can also present the information to you, and that they've done in the Environmental Impact Report where, again, you have the scientific information drawing you to the conclusion that a greater level of protection for the lake is really required.

Then again, we have our leadership in this state. Again, we see it bi-partisan, Governor Wilson, we heard today from Secretary Wheeler. I've been very excited to hear the various letters that have been coming in this afternoon, and it really is the leadership coming forward as well in this state to say, "Let's get together and let's protect this." And to me, what I take from that is that again, in this time of great cynicism, our institutions are able to work and are able to function.

And so I'd just like to close by saying on behalf of the Mono Lake Committee, that you have a real opportunity before you, and I hope you'll take advantage of it. Thank you.

HEARING OFFICER del PIERO: Thank you very much. Unless there's someone else, folks, we're going to break. We'll be back at seven, and we will continue then. Thank you.

(Dinner recess taken)

HEARING OFFICER del PIERO: Ladies and Gentlemen, this hearing will again come to order. If you all would be so kind -- how many of you were not present this afternoon? That's what I thought. Okay. For those of you that were here this afternoon, forgive me, but I'm going to go through very quickly introductions and outline what's taking place and how it's going to be conducted.

First of all, Ladies and Gentlemen, my name's Marc del Piero. I'm the Vice-Chairman of the State Water Resources Control Board, and this is the time and place for policy presentations on issues related to water diversions from the Mono Lake Basin by the City of Los Angeles.

With me this evening, although he is not here right now, he's going to be joining me very quickly, is Mr. John Brown. He is also a member of the State Water Resources Control Board. The two of us have been conducting this hearing today, although yesterday and the day before, the full Board was present.

Let me begin by saying the State Water Resources Control Board is a five-member Board that has water rights authority within the state of California. The five members of the Board are appointed by the Governor. The positions are categoric. Mr. Brown, who
will be joining us very quickly, is the civil engineer on the Board. He has -- he's licensed both as a civil engineer as well as an agricultural engineer in the State of California. He worked for 15 years as chief engineer for the Irvine Ranch Company. He has extensive experience in groundwater hydrology, groundwater modeling, and has a tremendous amount of experience in terms of agricultural irrigation systems. The Chairman of the Board, who's not here, is John Caffrey. He serves in the position of the water quality specialist on the Board. Unfortunately, he had to be in the Bay Area today and was unable to join us, although he will be joining us next Wednesday when the evidentiary portion of this hearing begins again.

Additionally, the public member of the Board is my good friend Mary Jane Forster. She is in San Diego as we speak having a meeting with the San Diego Regional Water Quality Control Board, as is the other engineer on the Board. His name is Mr. James Stubchaer. He served for 30 years as the chief engineer and general manager of the Santa Barbara Flood Control Water Conservation District and has significant and extensive expertise in computer modeling and groundwater hydrology.

And then lastly, there's me. I serve in the capacity of the attorney. One of the five members of the Board is required to be an attorney. Prior to serving on the Board since January of '92 when the Governor appointed me, I served for 11 years on the Monterey County Board of Supervisors. I also served on the Monterey County Flood Control Water Conservation District for 11 years. I was chairman of the Monterey County -- pardon me. Monterey Bay Unified Air Pollution Control District and served on the committee that established the Monterey Bay Marine Sanctuary and the Elkhorn Slough National Estuarine Sanctuary along with a number of local coastal plans. So much for the introduction.

With us this evening are three of the Staff people from the State Water Resources Control Board; Mr. Steven Herrera and Mr. Jim Canaday, our two Staff environmental specialists, the two gentlemen on my extreme right. And then to my immediate right is my good friend Dan Frink. He's the Staff attorney on this matter.

I'm going to read a quick paragraph into the record so those of you that weren't here earlier today can enjoy the benefit of that information, and then we'll get on with the business at hand.

The State Water Resources Control Board has been charged with the task of amending the City of Los Angeles' water rights in the Mono Basin to include terms and conditions necessary to protect fishery resources in the effected streams of the Mono Basin.
The State Water Board has also been charged with the task of considering the effects of water diversions on public trust resources in the Mono Basin and protecting those public trust resources where feasible.

The second task involves the difficult job of balancing the public interests served by the City of Los Angeles water diversions against the effects of those diversions on public trust resources.

Now, tonight is not a portion of the evidentiary hearing. Tonight is the opportunity for individuals wishing to present policy statements to present them to the Board and to have them incorporated into the record.

I forgot, and I don't do this intentionally, an additional member of the Staff who nothing runs without, Mrs. Kelsey Anglin is our Court Reporter.

When you approach the podium to begin your statement, it's necessary -- no, it is mandatory for you to state your name and then spell it because if your name is not in the record, you didn't say it. Okay?

There are four conditions -- actually three conditions, with regards to the presentation of policy statements. First of all, these policy statements are not required to be presented under oath. Secondly, they are not going to be used as evidence in the hearing within the legal context of evidence. Thirdly, they are not -- the presenters of policy statements, whether they be individuals or representatives of organizations, are not required to be cross-examined. However, I'm allowed, in my capacity as Hearing Officer, and Mr. Brown, in his capacity as a Board member, are allowed to ask questions of presenters in order to clarify their respective positions after they've made their presentation.

It's just a little bit after seven o'clock. Each presenter this evening is afforded five minutes to make their presentation. We will be here until we are done, or until you all get tired and go home.

With that, if you have not filled out a blue card and you wish to make a presentation this evening, please get a blue card from one of the individuals in the back of the room, and they will be happy to make sure that you get on the schedule.

When last we left this episode, we had just concluded those individuals who had to leave by five o'clock, and so we have a whole new list of cards -- let me just ask, just for record, and then I can put these two away, is John Crossman from Eastern Municipal Water District here? He is not. How about Tom Minge? Okay. Good.

We're going to begin. Lee Mitchell? Is Lee Mitchell present? Following Mr. Mitchell will be Sara Potter? Is Sara Potter present still? Good. Thank
MR. MITCHELL: My name is Lee Mitchell, M-I-T-C-H-E-L-L. First of all, I'd like to thank you gentlemen for your endurance. I was here this afternoon at two also and had to go and decided I had to come back.

HEARING OFFICER del PIERO: We appreciate you coming back, Sir.

MR. MITCHELL: I'm paid to teach geology and geography and anthropology and marine science and ecology, of course, at Yuba College in Woodland, but I'm here to represent Cassie, and Laura, and Danny, and Tyler, and myself. Four names you haven't heard tonight.

I'd like to speak to the Board members present and the Board member who is not present. I know they're busy. And I don't have much to say, and I have another word to add that hasn't -- that I did not hear today. Many of us that are in here have been to Mono Lake and the area, and I think we'd like our grandchildren to go there, too. Those are the four names I mentioned, and they have been there. I hate to think that the only way they were going to learn about Mono Lake was in the pages of some biology book, some ecology book, or maybe some history book. That's a heck of a way to learn about a place like that.

You have an opportunity and an obligation to make some choices in the near future, and I think -- and I have some stuff, and I saw a lot of it this afternoon and you probably will get some more, you've got this many piles of --

HEARING OFFICER del PIERO: I need to point something out for the record. Just in case -- this document is in the back of the room. And forgive me for interrupting your presentation, Sir. This is not a document of the State Water Resources Control Board. Just in case anybody harbored any question in their mind. This is produced by the Los Angeles Department of Water and Power. Okay? It is not a publication by the State Water Resources Control Board. So pardon me for interrupting. I just wanted to make sure that was clear just in case somebody picked that up and figured that was the doctrine according to the Board.

MR. MITCHELL: I even picked one up. I have a good use for it. I'm sure that both from your -- that your technical Staff and the lawyer end of it as well as the water end of it as well as all the L.A. agencies and all the ecological groups have given you mountains and mountains of all the statistical scientific data and opinion, legal opinion, that you need to know to make a decision. But I think in the long run, and this is the fifth new word that I'm going to give you that I didn't hear this afternoon, as a matter of fact, you're not going to be making a scientific or legal decision,
HEARING OFFICER del PIERO: Thank you, Sir.

HEARING OFFICER del PIERO: Ladies and Gentlemen,

I did need -- I didn't tell you the fourth rule. Some of you who were here earlier know what the fourth rule is. The fourth rules is if you clap, it can only be for me and that way my ego is satisfied, and we move the hearing along very quickly. Oh, you can clap for Brown, too. I keep forgetting that.

Sara Potter, and then following Ms. Potter, Joan Humphrey.

Good evening.

MS. POTTER: Good evening. My name is Sara Potter, S-A-R-A P-O-T-T-E-R. And I come as a private citizen and also, I would like to take the liberty to unofficially speak on behalf of visitors to Mono Lake around the country and around the world who could not be here this evening.

What I would ask in my presentation tonight is to remind the Water Board of the extent of the people that are impacted by Mono Lake, not only in the state but around the country and around the world, and to challenge you and call you to the task that you have in terms of the opportunity that exists and what can be done with public trust in terms of including values that have historically not been considered in our allocation of natural resources.

I grew up on the western side of the Sierras in Sonora and visited Mono Lake frequently as a child. That began my relationship with this place. I have fond, fond memories of exploring the black point fissures, of walking amongst the tufa on the south shore, and camping at Sage Hen Meadow. I did some early, early environmental work in my junior high days on the tufa towers in Mono Lake as part of my science fair project in seventh grade. And that has been a piece in my love affair with this place.

And the past two summers I have worked for the state and federal conservation agencies in the Mono Basin, and the summer of 1992, I worked for the Mono Lake Tufa State Reserve, and this past summer I worked for the Mono Lake Ranger District of Inyo National Forest. And I've worked in the fields of public interpretation and information. So I've been answering questions from --

HEARING OFFICER del PIERO: Were you on the field trip?

MS. POTTER: I don't think so.

HEARING OFFICER del PIERO: Last summer?

MS. POTTER: No.

So it is within my purview in this field to do everything from answering questions of how far is it to
Yosemite, to how do you get to the fissures, to are the shrimp that are in natural forest visitor center that are the models reassuring children that no, they're really not that big. So a broad range of questions -- and I've had the pleasure of introducing hundreds of people from all over the world and all over the country to the natural history, the political controversy, and the questions of Mono Lake's future. And it has occurred to me that the experience that people have there is a value, and it's not tangible. And it makes it that much more difficult to fit it into the process of public trust. Historically, we as Americans have not taken long-term environmental consequences into account when allocating our natural resources and consequently, a lot of our environmental policy seems to be retroactive where we have to go about cleaning up our messes, rather than trying to prevent them in the first place. And now we have an opportunity to do that and to include a lot of the factors that were overlooked when the permits and the licenses were initially issued to Los Angeles. We can look at the economic health of the eastern Sierra. We can look at the needs for a healthy ecosystem. We can look at the needs of the City of Los Angeles. We can take into account what solutions realistically exist, and we can take into account the intangible factors or the experiences of people from all over the world in the state and the country. And I simply ask that you would take advantage of the opportunity that you have before you to do what we have historically not done and to take those things into consideration and assert public policy that would maintain a healthy Mono Lake not below a level of 6,390 feet in elevation. Thank you.

HEARING OFFICER del PIERO: Thank you very much. Joan Humphrey, and following Joan Humphrey is Loren Hov. I believe that's right. Hov or Hov.

Good evening.

MS. HUMPHREY: Good evening, Ladies and Gentlemen. My name is Joan Humphrey.

Just over 20 years ago before any concern over Mono Lake came to the public attention, I was a young biology student at UC Davis given a gift that has come to affect my viewpoint on a daily basis. The gift was an introduction to a facet of nature study called bird watching by a man names David Gaines. It was a number of years later before I first visited the Mono Basin area. Descending through contrast from Yosemite to Leavining Canyon to Mono Lake produced a love-at-first-sight sensation. Mono Lake became a favorite area of mine to bird watch and to learn more about all aspects of natural history. I felt overwhelmed seeing Mono Lake in its role as an
animal refueling station, but any bird watching fever I have is transcended when I realize the essential, personal role of the lake area in its refueling of my own senses.

I am always inspired by the beauty of Mono Lake and have noticed others being delighted and inspired also as I've led them on bird watching and nature trips in the area. For an area to have such incredible ability to inspire is rare beyond price. I want that inspiration to be available for generations to come. I wonder if stressed out humans don't need water in the lake for mind renewing just as much as the animals do to have a home to live in. Since most animals' needs for water are well covered in the Draft EIR, my biggest concerns about the lake today revolve around dust and ducks.

The alkali dust issue still worries me. Air is so basic and we are fouling the air as well as the water. I've been caught out in the dust storms. I know young children growing up next to the lake. The dust makes me angry. That's not the way to treat people. 6390 might take care of most of the critters, but I understand it doesn't really take care of the dust or the ducks. The Draft EIR and others mention the ducks like the grebes and falleros once existed in tremendous numbers around Mono Lake. These numbers have been gone since the 1950s water levels. It seems they require more fresh water than the other species.

I feel like I've missed something here. I would really like to have seen and continue to see up to a million water fowl circling in the clouds around Mono Lake. It saddens me to realize that even with total water flow restored, the return of ducks in those kind of numbers would take longer than my lifetime. I still want to see this coming for future generations of ducks and future generations of humans.

With today's available technology and funding for water reclamation, I deeply believe Los Angeles no longer truly is in need of this water. Through this process is an opportunity to resolve and restore. Because of the dust for the people and for the ducks, I ask you to decide from a lake level alternative of 6410 feet or higher.

Thank you all for your attention to my words today and for your efforts on behalf of Mono Lake.

HEARING OFFICER del PIERO: Thank you very much. You may be interested to know -- you made some comments in regards to 6390 addressing the issue of the PM-10 problem. 6390 is what the Great Basin Air Pollution Control District has recommended. At that level it takes -- it does not take care of all of the PM-10 problem, but it takes care of well in excess of 90 percent of it.

MS. HUMPHREY: I realize it takes care of a lot of
HEARING OFFICER del PIERO: That's fine.

MR. HOV: Hov.

HEARING OFFICER del PIERO: And following Mr. Hov, John Crawford? Is Mr. Crawford still here?

MR. HOV: I am Loren J. Hov, L-O-R-E-N, last name H-O-V, as in Victor, and I reside in Sacramento.

And Lee and Miss Potter have stolen a lot of my thunder, but we'll go ahead anyway.

I'm a native Sacramentan, as is my wife, and we grew up here. We spent over three decades in the east with my job and happily call California home again. I hold several degrees from Berkeley, am a licensed professional engineer in California, run my own small consulting business, and am an expert in many disciplines including being an expert witness testifying as a chemical engineer and as an organic chemical manufacturer.

I'm testifying here not as an expert, but as a concerned Californian and a grandparent. I have copies of my four-page written testimony for your use so will not take time to recite here all the outdoor things I have done in the U.S. and particularly in California.

My wife and I enjoy all areas of the state and have visited and revisited many since our return and have been overjoyed to show our grandchildren imported every summer from the east many of its wonders. They have been awed by Muir Woods in late afternoon sunlight, fascinated by Monterey's aquarium, proud to ride horses in the Sierras, and ice skate at Squaw Valley. They have slogged in prior years mud flats at Lake Tahoe, and rejoiced to swim in the nearly normal level lake this summer. Incidentally, one grandchild is a sixth generation native Californian, but on my wife's side.

We'd like to show them Mono Lake next summer and tell them by the time they are young adults, we can show them not desolation, but a beautiful lake and basin that comes close to its natural pre-diversion level. We would like to show them hundreds of thousands of ducks and geese resting and feeding there as well as a natural ecosystem.

This Board could make that happen. One, set a reasonable level of Mono Lake that will return it, at least in part, to its natural, original level if this level is economically feasible. I'm no expert here. This level must be found by this Board and should be done for our foreseeable time for all Californians.

Pre-diversion level I understand was about 6417 feet above sea level. After our wet winter, this level was up to about 6375 feet. The current DEIR concludes, I believe, 6383.5 feet is a, quote, environmentally superior level, unquote. Superior to what? Yes,
certainly to current levels, which only continue the
almost barren desolation of the lake and Basin.
Many have proposed 6390 feet as the solution, but
this is still about 27 feet below pre-diversion and the
DEIR version differs by about 33 feet. I ask what
would the people of the state react to if Lake Tahoe
were to drop another 27 or 33 feet and, by a Board
action, stay there.
I was thinking on the ride back here this evening,
try to divert some water from Lake Tahoe, there would
quickly be an election and the rest of the state would
vote two Californians, one being Los Angeles. I hope
this Board is extremely perspicacious.
Two, assist pursuing viable alternatives with the
L.A. DWP.
Three, consider designating Mono Lake as an
outstanding natural resource water.
Four, strongly consider fish and wildlife
ramifications.
I wish you wise decision making. You're in the
public's eye and, I hope, its heart. Thank you.
HEARING OFFICER del PIERO: Thank you very much.
Mr. Crawford, and then following Mr. Crawford,
Brent, I believe it's Koer-Barron?
Good evening, Sir.
MR. CRAWFORD: Good evening. My name is John
Crawford, that's J-O-H-N C-R-A-W-F-O-R-D. I come as a
private citizen, a new California resident and, in
keeping with some of my previous speakers, as an
uncle. I'm a law student at Davis.
Thanks to the Board for all your patience, good
faith in adhering to this process. I've heard two and
a half hours of the statements myself, and I'm sure
that I'll be more than a little repetitious of those,
but a lot of witnesses with similar statements are an
indicator that there may be some truth in all of this.
At the bottom line, I'm here to support a bottom
line of 6,390 feet elevation for Mono Lake. A lot of
us think that's the best way to follow the guidance of
the California Trout II decision, a superbly researched
and reasoned decision and it's longer than any of the
speeches including mine. The 6390-foot-or-greater
alternative is feasible for all the parties and it
seems reasonable to protect the California public
trust.
HEARING OFFICER del PIERO: Have you had Hap
Dunning's class?
MR. CRAWFORD: Exactly. I hope you don't ask me
the same kinds of questions that he asks me.
HEARING OFFICER del PIERO: I'll ask you the same
kind of questions that I asked him. He was in Mammoth
Lakes two weeks ago when I held a comparable hearing to
0162
MR. CRAWFORD: That level we believe ought to
protect the gulls, other birds that ought to be there,
brine shrimp, the brine or alkali flies, the fish and
the tributary creeks and Mono Lake tourism. I, too, am
a native of a tourist state, Nevada, and I'm a native
of the desert east of the Sierra in the general
neighborhood of Walker Lake. In our area we tend to
worship places like Walker and Pyramid Lake and Lake
Tahoe. Every one of them for us is somehow a special
place because we have so little water and, of course,
everyone knows that they're also an object of
litigation and legislation and negotiation. Every one
of them is a sacred place perhaps in the sense of
language you heard earlier; native American religions
and native American economies have depended on these
water bodies and they centered on these water bodies.
I think I can understand why.
Like so many of these witnesses, I remember my
first trip to Mono Lake. It was in 1961. I was nine,
my brother was five. My parents wanted to make sure we
saw Yosemite. But we drove down 395 and ended up
camping that night south of Mono Lake, and the next day
we saw Yosemite Falls and we saw Half Dome and all
that. But what do you think I remember the most?
Those brine flies or alkali flies, whatever you call
them. We didn't eat them. My parents --
HEARING OFFICER del PIERO: They do taste like
Doritos, you know.
MR. CRAWFORD: That's one thing I learned from the
hearings this afternoon.
But long live those flies, also. I remember Mono
Lake. I remember all that water. I remember all that
shoreline, and I remember that extra sky that you see
above these large lake basins. Last June I went back
to the lake, and I still see the sky. I don't see as
much water. I don't see as much shoreline. I live in
Davis now where we're asked to drink groundwater that
doesn't taste as good as Hetch-Hetchi water, and I have
learned that California water law and its history is
very complex. My brother and his wife and their two
kids live in the L.A. metropolitan region and their
water source is the L.A. aqueduct. I have no children
myself, but I want to ask the Board to help see that my
niece and my nephew will be able to see a Mono Lake
something like what my parents made sure that we saw 30
years ago. I want my brother's kids to see and
understand. I want my brother and I to be able to see
and remember.
I hope that the Board doesn't get too sidetracked
with the DWP language about the Upper Owens Valley and
the fishery releases for that area. I -- as near as I
can tell, Mono Lake owes nothing to that claim.
In reality you've been told that the alternatives
are feasible. There's been a lot of sentiment and even
sentimentality here today. I'm afraid I'm no
exception, but in the spirit of all those cyclists from
L.A. and whoever had to clerk for Judge Blease in
writing that Cal Trout opinion, and my family
personally, I respectfully request that the Board do
right by the fish and do right by the public trust in
Mono Lake and set the level at 6390 feet or greater.
Thank you for listening.

HEARING OFFICER del PIERO: Thank you very much.
Let me extend an invitation to you. The evidentiary
hearing begins again on Wednesday. If you have the
opportunity, it's taking place in this room again,
Mr. Canaday?
MR. CANADAY: Yes.
HEARING OFFICER del PIERO: It takes place again
beginning next Wednesday, Thursday, and Friday in this
room. If you're at all interested in coming, you're
more than welcome.
MR. CRAWFORD: What would be the hours for that?
HEARING OFFICER del PIERO: We'll begin at nine in
the morning, and we normally will run until five, 5:30,
in that neighborhood. If you read Cal Trout II and the
63 -- 50 -- what's the Fish and Game Code? 5937.
Those issues came up yesterday, and if you want to get
together afterwards, I'll tell you how I ruled on
them.
MR. CRAWFORD: Oh, thank you.
HEARING OFFICER del PIERO: Certainly.
Mr. Koeur-Barron?
MR. KOEUR-BARRON: Yes.
HEARING OFFICER del PIERO: And following
Mr. Koeur-Barron, Robert Schneider. Mr. Schneider
still here? Mr. Schneider, are you still here? Pardon
me, Sir.
MR. KOEUR-BARRON: Good evening, Gentlemen. My
name is Brent, B-R-E-N-T. Last name is spelled
HEARING OFFICER del PIERO: You flew here from
L.A.?
MR. KOEUR-BARRON: Yes, I did. I had to miss the
October 4th hearing.
I sat here for two and a half hours this
afternoon, I was here a little bit late, and I was
reminded at dinner of advice given to me as a young
lawyer that it's important not to sell the same car
twice, so I would like to avoid going over some of the
same ground. And I was thinking about what Mono Lake
means to me.
My primary involvement has been as a member of the
bike-a-thon since 1987. Every year Shelly Wineman, who
tested earlier, from Santa Clara University and I
got together and ride the last part of the ride from
Mammoth Lake down to Levining and into the lake. And
the best of the ride for me, and I think for Shelly, as
well, is that last part of June Lake loop as you watch
the lake unfold. And I was thinking tonight that I'm a
selfish man, and I'd like do that every year, and do it
sometime with my nieces and nephews.
I was also reminded of the story, and I'll do this
in closing, of the young lawyer who asked the senior
partner what to do in an administrative hearing, and he
was told, "Son, if the facts are on your side, hammer
on the facts. And if the law is on your side, hammer
on the law." And he looked at the senior partner and
said, "Unfortunately, we have neither." And the senior
partner smiled and said, "Son, hammer on the table."
I have a sneaking suspicion that that lawyer was
representing the DWP.
HEARING OFFICER del PIERO: I saw the punch line
coming.
MR. CRAWFORD: And thank you for not beating me to
it.
But I'm here to ask you today on behalf of myself,
and my friend Shelly, and my other friends on the
bike-a-thon, and my nieces and nephews to take away the
table and establish a level above 6400 feet and
designate Mono Lake as resource water. Thank you very
much.
HEARING OFFICER del PIERO: Thank you very much.
Mr. Schneider, are you here, Sir? No. Okay.
Tom Infusino? Mr. Infusino? And then following
Mr. Infusino, Bob, I believe it's Raab or Raab.
MR. RAAB: Raab.
HEARING OFFICER del PIERO: Okay. Good evening.
MR. INFUSINO: Thank you, Gentlemen. My name is
Tom Infusino. T-O-M I-N-F, as in Frank, U-S, as in
Sam, I-N-O. I am the general counsel for Friends Aware
of Wildlife Needs, also known as FAWN.
FAWN is a 400-member organization based in El
Dorado County, California. FAWN exists to promote
public understanding and participation in land
management decisions. FAWN seeks the protection of
biodiversity and the conservation plans, water and
wildlife resources on public and private lands.
On behalf of FAWN, I respectfully request that the
Board adopt the 6390 foot alternative. At this point,
you may be wondering why a group based hundreds of
miles from Mono Lake is bothering to testify on its
behalf tonight. First, Mono Lake is a unique national
treasure. The health of Mono Lake and of its ecosystem
which enriches the value of that treasure also enriches
every American who takes pride in the natural bounty
of our country.
Second, the Mono Basin is a source of fascinating
scientific research that both peaks and satisfies the
curiosity of people across the globe.
Third, the landscape of Mono Lake has inspired
artwork that, in turn, inspires admiration for the beauty of the lake even in places as far away as El Dorado County.

Fourth, Mono Lake is a key link in a flyway that supports migratory bird populations that grace locales incredible distances from the lake itself.

Finally, as residents of the Sierra, members of FAWN can relate to the struggle of a local community to balance the benefits of resource extraction and ecosystem health. We at FAWN have seen firsthand the devastation wrought by mismanagement of watersheds in our own back yard where the El Dorado National Forest continues to clear-cut timber in watersheds that are over the threshold of concern and displaying cumulative watershed effects causing the siltation of our streams and the destruction of our local fisheries. So we at FAWN can relate to the efforts of groups like the Mono Lake Committee whose staff is trying to restore the balance between resource extraction and ecosystem health in their own community.

Gentlemen, as members of the Board, you have a historic opportunity. You have the opportunity to move toward closure a longstanding environmental controversy. To give you some perspective of how long this controversy has raged, I would like to point out that when I first began wearing this Mono-Lake-it’s-worth-saving-hat, it kept my bangs from falling in my eyes when I hiked.

HEARING OFFICER del PIERO: I’ve got a hat like that, Sir.

MR. KOEUR-BARRON: As you can clearly see, regretfully the hat no longer serves its function.

In conclusion, I would like to state that last spring as I walked through Yosemite Valley, I thanked God that generations ago people had the foresight to protect that national treasure. There is no doubt in my mind that generations from now people will view the breathtaking vistas of Mono Lake and thank God for the day that you decided to protect that lake. Thank you.

HEARING OFFICER del PIERO: Thank you very much, Sir.

Mr. Raab? And then Thomas Tilley? Is Mr. Tilley still here?

I figured out that microphone works as long as you don’t talk into it.

(Laughter.)

HEARING OFFICER del PIERO: These are the nineties. We have to learn the deal with less.

MR. RAAB: My name is Bob Raab, R-A-A-B. I am speaking for Save San Francisco Bay Association which has 18,000 members in the Bay Area and the region. And also for Share the Water, which is a coalition that was instrumental in the passage of the Central Valley Project Improvement Act. And also I have a son-in-law
in school at Santa Clara. Does that get me any
credits?

HEARING OFFICER del PIERO: Yeah, it does. You scored big points just then, you really did.

MR. RAAB: My brief message is that raising Mono Lake to 6390 or even to 6410 does not deprive Los Angeles of a significant amount of water. And what loss there is can easily be made up by conservation or reclamation, conjunctive use and transfers. And competition with the delta does not exist. For one reason, the delta is being pumped to capacity. In fact, it's being overpumped. There's something like 270 examples of overpumping in the last several years that were decided it was nothing significant.

HEARING OFFICER del PIERO: Your opinion is shared by Mr. Brown.

MR. RAAB: Thank you, Sir.

I was somewhat flung asunder by the assertion of a gentleman from the DWP today who said that there is competition, and I was struck particularly because I've also participated for the past several years in the three-way talks. And I found representatives from the Metropolitan Water District and San Diego to be enlightened representatives of urban water districts. But that certainly was not the case with DWP.

Title 34 of the CVPIA is -- did I say something wrong here? Because --

MR. CANADAY: Tap the microphone. There you go.

HEARING OFFICER del PIERO: Remember those points you gained?

MR. RAAB: It's like a tennis match. You make a few points, and you lose a few.

I'd also note that Metropolitan Water District, the way I hear them, seemingly has no problem with raising Mono Lake's level. It doesn't appear to affect the ability of DWP to function to have the level raised because they have -- in addition to the points I've already mentioned, it seems to me that in dry and critical years, they have legal rights to in-basin pumping from some of the groundwater aquifers. Is that a fair statement? And there are other things that they are doing themselves that indicate that they, DWP --

HEARING OFFICER del PIERO: It's okay. It's been going on all day long.

MR. RAAB: -- DWP is doing things, itself to -- with low-flush toilets and new pricing structure and by their owns estimates, they're going to achieve more in the way of water savings than they're going to lose from the 20 or -- up to 40,000 acre-feet of water that they might use from Mono Lake. In addition to -- there's an opportunity for water from Title 34 and if the Cortese bill is passed, that's AB 97, then State Water Project water will be available. But, in fact, it's -- it's really not that
necessary to mention it because MWD indicates that they
don't seem to have any problem making up the shortfall
that will result from the raising of Mono Lake. So it
all adds up to a rather insignificant water loss
problem for Los Angeles.

And in closing, there's a tremendous amount of
support in the San Francisco Bay Area for Mono Lake,
and for protection of it and the restoration. And
we'll be watching the decision of this Board very
closely, and it will have a great impact in our area
whichever way it's decided. Thank you.

HEARING OFFICER del PIERO: Thank you very much,
Sir.

Mr. Tilley? And then following Mr. Tilley is
Dr. Ted Hyatt? Is Dr. Hyatt still here? Dr. Hyatt?
And then Paul Green? Is Mr. Green still here? Good.
Good evening.

MR. TILLEY: Good evening. My name is Tom Tilley,
T-I-L-L-E-Y. And I wish to thank the Water Resources
Control Board for the opportunity to talk about Mono
Lake as it means -- and what it means to me as a
Californian.

My first sight of Mono Lake was in 1988, one year
after I moved to the San Francisco Bay Area. I
traveled to Mono Lake as many people do. I had heard
of it and while visiting the Tuolumne Meadows area, I
drove over Tioga Pass to see the lake. The visual
setting is very dramatic. As Highway 120 makes a last
curve in the bottom of Levining Canyon before reaching
395, a large lake surrounded by high desert mountains
and volcanic cones suddenly comes into view. Since
that first acquaintance, many backpacking trips to the
eastern Sierra have given me more opportunities to see
the lake.
The most impressive view I've gained of Mono Lake
is from the other summit of Parker Peak with an
astounding view of more than 6,000 feet down to the
lake. The beauty of the lake and its setting is one of
the public trust values that I believe should be
considered. These views, though, also show a lake that
is in trouble. The white alkali lake bed is plainly
visible as a large expanse. Negged Island, a major
nesting site for the California gulls, is clearly seen
from almost any vantage point as a peninsula.
The Mono Lake ecosystem is another public trust
value which I believe deserves protection. This unique
system has value both for the sake of the life it
supports and for the pleasure that life gives to many
people. The birds which rely upon the flies, shrimp,
and in the case of the gulls, nesting habitat of Mono
Lake, are of great number.

Having visited the shore with its brine flies,
seen the birds out on the lake, and swam among the
shrimp and algae, I've encountered a great deal of
life. The gulls have also visited me as I backpack in the nearby mountains of the Sierra Nevada. Our coast is visited by the gulls which nest at Mono, yet this life has been harmed by what has happened to Mono Lake. Gull nesting, habitat, and flies, shrimp and algae productivity have declined. The sight of large numbers of ducks along Mono Lake, a spectacle described by early visitors to the Basin and talked about by other speakers, today is completely unknown to me.

There are many other special moments I've enjoyed at Mono Lake. The sight of the lake as a glassy smooth sheet on a calm summer morning. The violent wave-tossed mood of a stormy afternoon, and the slow eastward movement of the jagged Sierra in shadow at sunset. All of this I've enjoyed. All of this I've taken my mother to see as she's come out to visit me from Michigan and many visitors from all over the world have seen this.

In reading the summary of the Mono Basin Environmental Impact Report and in reflecting upon my own experiences in the Mono Basin, I've come to you to ask you to select as a minimum a lake level of 6390. This is the lowest water level that is expected to meet Federal Clean Air Act standards. This level will protect gull habitat and food chain productivity. And though it increases duck habitat, the Draft EIR does suggest that even at that level, the cumulative impact on the duck habitat is significant, even at 6390.

I also ask that Mono Lake be given the protection that an outstanding national resource water designation will provide. There are feasible alternatives to the continued decay of this basin. State and federal leaders have worked to provide money for alternative supplies for Los Angeles. In addition, water conservation, a worthwhile goal for all Californians, can protect Mono Lake.

In reflecting upon my view regarding the Mono Basin and its wildlife, I am drawn to some words written by Mark Carbordean in his epilogue to the book "Last Chance to See," which is primarily written by Douglas Adams. He gives as his final reason for working to save wildlife species, "It is simply this. The world would be a poorer, darker, lonelier place without them." I believe that a higher lake level would make Mono Lake a richer and brighter place.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Dr. Hyatt, are you here? I guess we lost the doctor. Paul Green? And following Mr. Green, Craig Hansen? Is Mr. Hansen still here? Good.
and a member of the bike-a-thon team for the last
everal years that annually rides from Los Angeles to
Mono Lake. I'm here tonight as a representative,
however, of the Golden Gate Chapter of the National
Audubon Society. And on behalf of the chapter, I
strongly urge a minimum lake level of 6390 or more.
A letter from our chapter president, Steve
Margolin, expresses two concerns which I'll only
summarize. First is the protection and preservation
and restoration of habitat for wildlife dependent upon
Mono Lake. California gulls, their use of the lake and
their dependence on increased lake level has been very
well documented. It's a major nesting area as you know
for that entire species.

The safety security of the nesting area from
predation is a major and has been a major issue. The
preservation of food supply for that species is another
significant and major issue. The effect of the
increased salinity level of the lake and its effect
upon the production of food available to the nesting
California gulls has been of tremendous concern, could
only be rectified by a higher lake level.

Eared grebes and other bird species use Mono Lake
as an annual stopover in their migration flight. Over
a million have been sighted at any -- in some years.
Food supply, while they stop over and rest, moult, and
restore their energy reserves is essential to that
species. Ducks and geese, there used to be plentiful
on the lake by the thousands. Their food supply
primarily was the adjacent freshwater marsh areas when
they were adjacent to the Mono Lake waters. They are
no longer adjacent or no longer ducks and geese as they
were. The salinity balance in the lake depends upon
incoming fresh water and the food supply dependent upon
that.

6390 elevation would restore 50 percent of the
presently lost riparian habitat. Two species of
falleros, 25 species of shore birds are endangered,
would benefit from the higher level and the concomitant
greater food supply production. Mono Lake's been
recognized internationally as part of the western
hemispheric shoreline preserve network.
The brine flies, a vital food source for those
species, and the lake level indirectly relates to the
availability of this food source.
The second concern in our letter is that of air
quality. Those who have been there during the dust
storm, the alkali dust clouds, well know the danger
provided to wildlife and plants and people.
The simplest and easiest solution to this problem
is a rewatering of the Mono Lake to at least 6390, if
not higher. We're one of the largest Audubon chapters
in America and on behalf of our 6,000 members in the
Bay Area, the Golden Gate Gate Audubon Society, we recommend
and urge two things; One, the minimum lake level of 6390 or more. Second, the lake be recommended as an outstanding national resource water so that once the higher level or adequate level is achieved, the salinity level will not rise again and threaten wildlife. Thank you.

HEARING OFFICER del PIERO: Thank you very much. Mr. Hansen? And then following Mr. Hansen, Linda Emerson? Is Ms. Emerson still here? Good.

MR. HANSEN: My name is Craig Hansen, C-R-A-I-G H-A-N-S-E-N. I'd like to thank you for your attention and the chance the speak here. I'm an eight-year veteran of the Mono Lake bike-a-thon, a 360-mile bicycle ride from the Los Angeles Department of Water and Power building through the Mojave Desert, past the wasted dry Owens Lake bed, and up the Owens Valley to Mono Lake. Each year, I and my fellow cyclists strap to our bikes small vials of water which we scoop from the L.A. DWP reflecting pond to empty back into Mono Lake. Each year we've had to walk over a longer stretch of exposed alkali to get to the lakes edge. Surely the emptying of a vial of water isn't enough to change the fate of the lake, but it is an eloquent way to symbolize our personal devotion to the life of this place. I was not able to do the ride this year, but I still wanted to be able to symbolic add my small vial of water to the cause of Mono Lake even if only in the form of a few words here.

I wish to make heard my support for the establishment of a minimum lake level at Mono Lake of 6390 feet and I urge you the recommend Mono Lake as an outstanding national resource water to protect the lake from further manipulation. I believe that the co-existence of a permanently protected Mono Lake and a sufficiently satiated Los Angeles is possible considering the funding still available to help Los Angeles replace the water needed for protecting Mono Lake. For a metropolis and a semi-desert, the practice of large-scale conservation and reclamation is an act of plain responsibility and the people of Los Angeles are capable of that act. Since my first bike-a-thon, I've pedaled my aging 12-speed almost 3,000 miles for the life Mono Lake. I've had the great fortune to cycle alongside hundreds of some of the finest people I will ever know. We have gathered each year from Eureka and Santa Barbara and Bishop, from Fresno and San Jose and Reseda, from Alaska and New York and Georgia, even from England and Germany and as far away as Iran to ride together to
this quiet high Sierran lake, and through our long
commitment and our struggle against the delays of the
DWP and against the wind uphill at day's long end, we
have formed a community resolved to help one another
resolve to defend the life of this almost
million-year-old lake and resolve to see its permanent
protection and security.
If the arguments pro and con and the acre-feet
numbers and salinity percentages are blurring into a
haze, let me give one more concrete reason to protect
Mono Lake. Do it because it would make me deeply
happy. Do it because it would rejuvinate my spirit to
watch Mono Lake come back. Do it because I want to
see the lake rise. I want to see the water fowl in
abundance. I want to see the dry rim covered in deep
blue water. I want that shimmering vital lake to be
what our generation leaves behind as mark of our having
been here.
In this time of depressing stories of loss and
destruction, we have just now the chance to create
something fine, to let the delicate thing come back to
life. I want to see Mono Lake last forever, and I urge
you to help make that happen on your watch.
Thank you very much for your time and dedication.
Mr. Hansen.
Linda Emerson, and then following Ms. Emerson
Helen Green? Is Ms. Green still here?
Good evening.
MS. EMERSON: Good evening, Staff and members of
Board. My name is Linda Emerson, L-I-N-D-A
E-M-E-R-S-O-N. I would also like to thank you for
providing this opportunity for me to express my support
for permanent protection for Mono Lake.
Long-term protection for the lake is important for
several reasons. First, it's personally important to
me as a California citizen who enjoys visiting this
unique environmental resource. Since my first trip in
1976, I've returned to the lake repeatedly with my
family and friends see Mono Lake's birds and its
magnificent scenery, to hike, camp, take photographs,
and watch sunrises and sunsets, and to climb the
surrounding peaks from which the views of Mono Lake are
particularly spectacular.
But a healthy Mono Lake is also important for
economic reasons. Located at the eastern entrance to
Yosemite National Park, the lake is visited by
thousands of people every year from all over the world
who contribute greatly to the eastern Sierra and
California economies. As a former resident of an
eastern Sierra community, I know firsthand how
essential tourism is to the preservation of jobs in
this region.
Finally, Mono Lake must be protected because a
National Audubon decision compels protection of public trust values where feasible. Here state and federal funds are available to the Los Angeles Department of Water and Power to replace Mono Basin water with environmentally sound alternatives like water reclamation and conservation. It is therefore feasible to protect Mono Lake and under National Audubon, this Board has a duty to do so. As one of the America's oldest and most beautiful lakes, Mono Lake deserves permanent protection.

I therefore urge the Board to set Mono Lake's level at least 6,390 feet, a level that will both provide permanent protection for Mono Lake's fragile ecosystem, and help restore its public trust values.

Thank you very much.

Hearing Officer del PIERO: Thank you very much.

Helen Green? Following Ms. Green, Jeremy Mills?


MS. GREEN: Hi. My name is Helen Green, G-R-E-E-N. I'm from Berkeley, California.

I grew up on the east side of the Sierra in Reno, Big Pine, and Bishop in the late 1930s and 1940s. My father was with the Forest Service, and our family spent a lot of time in the mountains and driving by Mono Lake and over Tioga Pass to the Bay Area. I took for granted there would be this big beautiful lake when I came down from Conway Summit or dropped down from Tioga Pass. Even as a fairly non-observant and self-centered teenager, I was moved by the beauty of Mono Lake and its mysterious ability to change colors becoming something different at each passing.

Then I moved away for many years. When I began returning to the east side of the Sierra to backpack in the 1970s, I was appalled by what I saw. The lake was shrinking. I had remembered the lake being much closer to the highway. I had never tried spitting or throwing stones in it, but it was close. Vast areas of shoreline were exposed. Dust could be seen rising from across the lake to the east. I knew why it was looking poorly. I had grown up in Owens Valley and had heard plenty about destructive water policies.

It was a happy day in my life when I heard about the Mono Lake Committee. I joined it in 1979. For 15 years they have worked resolutely towards solution to the water problems, both in the Mono Basin and in the Los Angeles Basin. Now, it's your turn. This is your chance to save Mono Lake once and for all by selecting an alternative which requires raising the lake to at least 6390 or higher. It will solve a lot of problems. Thank you.

Hearing Officer del PIERO: Thank you very much.

MR. MITCHELL: I already spoke.


MR. LAKE: Good evening. Thank you for this opportunity. I was also able to attend the Mammoth Lakes hearings, and I've heard a lot of passionate and articulate presentations and I'm afraid I don't want to cover too much ground that's already been plowed, but I did want to take the opportunity to have my say. I'm here as a private citizen and a lifelong resident of Inyo and Mono Counties. I spent the last three years in the Mono Basin and during the summer months, I've guided hundreds, if not thousands, of people on walking and canoe tours on and around Mono Lake. For many visitors, it is their first time to this unique national treasure and no matter how many times I've given tours, I am reintroduced and reinvigorated each time myself as I hitchhike on the wonderment of each first-time visitor.

I hope your eminent decision in this issue will allow generations of Mono Lake visitors yet born to one day herald your actions as farsighted and in the spirit of the public trust. Mono Lake is an outstanding national water resource, please let's recognize it as such officially. I recommend a lake level of 6410 feet for Mono Lake. I feel this would be the most appropriate for the healthy biotic system of Mono Lake as well as completely eliminate the human health air quality problems with the PM-10.

I'd just like to add before I finish a little personal anecdote. My great great grandfather, his name was Julius Keeler, and he ran a steamship on the Owens Lake back when the silver mines ran at Cartega, or actually Seragoda, and they had to ship it out the Cartega, and the little miserable town of Keeler is named after him. I don't know if you've ever been there, but it's probably one of the most toxic places you can live on a planet now.

HEARING OFFICER del PIERO: I've not been there, but I've seen it on a map.

MR. LAKE: And I just hope that the legacy that was left from those generations -- and I feel hopeful that the Water Board will not allow the legacy for future generations to be as it was. And anyway, thank you --

HEARING OFFICER del PIERO: Forgive me, Mr. Lake, do you have a question, Mr. Brown?

MR. BROWN: Did you travel over here from Bishop?

MR. LAKE: Well, from Levining.
MR. BROWN: Thank you very much.

HEARING OFFICER del PIERO: Mr. Lake, you didn't speak at Mammoth, did you?

MR. LAKE: No. We kind of had confusion with the cards. I wanted to speak in the second part, but we didn't really get around to that.

HEARING OFFICER del PIERO: I'm glad you came.

MR. LAKE: I am, too. Thank you for opportunity.

HEARING OFFICER del PIERO: Thank you.

Sharon, is it Caballo?

MS. CABALLO: Yes.

HEARING OFFICER del PIERO: And after Ms. Caballo, Lane --

MS. TRABUKAS: Trabukas. But I'm not speaking.

HEARING OFFICER del PIERO: Oh, okay. Pardon me.

You filed a card but -- okay. Great.

MS. CABALLO: Members of the Board, my name is Sharon Caballo, spelled S-H-A-R-O-N-C-A-B-A-L-L-O. I'm a resident of Auburn currently. I'm a native Californian. I was born in Southern California and Mono Lake is a very special place to me because while I was growing up, every year my family would drive from Pasadena to Lake Tahoe for our summer vacation, and we always traveled 395 and stopped at Mono Lake. It was a mysterious and magical place for the children with its tufa towers and white-washed treeless shoreline. And since moving to Northern California and having my own family, we've continued to enjoy visits to the Mono Lake Basin. The Mono Lake landscape is truly unique and deserving of preservation and restoration. Mono Lake must be assured a lake level of 6390 feet or higher to protect the fish and wildlife habitats as well as the aesthetic and recreational values. This lake level is also necessary to comply with the Clean Air Act since particulate matter blown off the exposed lake bottom creates lung damaging dust clouds during wind storms. Mono Lake should be designated an outstanding national resource water. This designation is needed to protect Mono Lake ecosystem from harm in the future by requiring the DPW to maintain appropriate salinity levels. It is feasible to protect Mono Lake. Millions of dollars in state and federal funding is available to help Los Angeles replace the Mono Basin water with environmentally sound alternatives. The California legislature established a $60 million environmental water fund to help DWP develop replacement water supplies, and the U.S. Congress passed HR 429 that authorizes funding to develop 120,000 acre-feet of reclaimed water for Southern California to help protect Mono Lake. By using this funding Los Angeles can develop more water than it stands to lose from the Mono Basin without taking water from the other threatened...
resources such as the San Francisco Bay Delta. This money could be used to fund water conversation programs and construct water reclamation projects. These programs and projects would help create jobs in Los Angeles, while allowing water resources to be used more efficiently. The preservation of Mono Lake and the Mono Basin is vital to the economic health of the area and to the entire state. Mono Lake is a tourist attraction for nature lovers, photographers, bird watchers, hikers, naturalists, and others.

Outdoor photography is my hobby, and I receive lots of information about photography workshops and seminars in the mail. Almost every brochure and catalog I receive includes at least one workshop in the Mono Basin. Preserving and restoring the Mono Lake ecosystem makes economic sense as well as scientific, aesthetic, and ecological sense. I join thousands of other California citizens in urging you to help save Mono Lake.

Thank you for the opportunity to comment. I do have copies of my --

HEARING OFFICER del PIERO: If you'd be good enough to give them to Mr. Herrera. Thank you very much.

Steve Holland? And following Mr. Holland is Karen Heltric? Is Ms. Heltric still here?

Good evening, Mr. Holland?

MR. HOLLAND: Hi.

HEARING OFFICER del PIERO: You're on, and if it turns off, you're still on.

MR. HOLLAND: Okay. My name is Steve Holland, S-T-E-V-E H-O-L-L-A-N-D. Good evening. My name is Steve Holland, and I am a sixth grade teacher in Napa. My family owns a cabin in June Lake close to Mono Lake and has visited and traveled through the region since the late forties.

When I was six or seven, my father drove us past Mono Lake enroute to a hunting trip at Topaz Lake. He told us that Mono Lake was a dying lake and had ten years to live. Wondering why such a beautiful lake had to die, my brothers, sisters, and I counted each summer the years Mono Lake had left to live. Twenty years later, I now hope to count the years until Mono Lake reaches at least 6390 above sea level.

As you know, the public trust values of Mono Lake are amazing. For the past three years, I have taught children about its simple yet productive ecosystem and the important issues surrounding it. Mono Lake is no longer known as a dying lake, but rather as one of the most life-productive lakes in North America.

In my district's newly adopted science program, there is a brine shrimp hatching experiment aimed at having students prove to a hypothetical doctor, Salina
Brian, that salinity affects the hatching of brine shrimp at Mono Lake. From elementary students to the limnologists, Mono Lake has proven to be a place of great scientific value. Unfortunately, the lake level is precariously low. Its great 40-foot buffer is gone, and it is particularly vulnerable should the drought reoccur. I ask you to restore the lake to a much higher level so it can withstand an extended drought and can return to a much healthier state. Instead of a land bridge, the gulls need Negged Island. Instead of stressful hyper-alkaline conditions, shrimp and the alkali fly should face normal conditions. Keep water flowing down tributary streams so that Mono's dust storms will fade and its wetlands of old will return. The flows will and have brought new life to the streams. Thriving willows, feisty trout, and lurking great blue heron. Concerning replacement water for the City of L.A., I know that my family and other folks in Los Angeles conserved at least 20 percent of their water a couple of years ago. With great water reclamation, Los Angeles can make up the water it loses by restoring Mono Lake to a minimum lake level of 6390 feet. For 22 years I have explored the Mono Basin looking at the tufa, bird watching along its shores, swimming in its briny waters, and hiking amongst the sand dunes, volcanos, and alkali flats. I even got married there this summer. In fact I have almost done everything except fish in it. I've seen double rainbows, lightening storms, and flights of falleros above and about it. The lake is old. Very old. For centuries, life has sought its waters. We're among the latest creatures to have discovered it. By providing a healthy lake level, let us insure that we're not the last. Thank you.

HEARING OFFICER del PIERO: Thank you very much. Karen Heltric? Did you get married at Mono Lake, too? MS. HELTRIC: Yes, I'm with him. HEARING OFFICER del PIERO: Good evening. MS. HELTRIC: Good evening. As a resident of California and a true believer that the management of Mono Lake must reflect the needs and desires of the public, I thank you, Vice-Chairman and Mr. Brown, for allowing me to speak tonight. I'm here to urge you to do what is best for the ecosystem of Mono Lake in order to do what is best for the public. I'm a frequent visitor of Mono Lake and, in fact, that's where my husband and I met and that's where we were married this summer. HEARING OFFICER del PIERO: You caught more than fish. MS. HELTRIC: So did he.
I've swam in its waters and canoed around its tufa. I've explored the tributaries and hiked up the Mono craters, the hills behind Levining, Mt. Dana, and Black Point in order to get a better view of the lake. You would be correct to assume that I'm here tonight to advocate for its protection and the protection of its streams. The Draft EIR noted that the fascinating complex of tufa formations has been increasingly exposed for the enjoyment of the curious explorer. I believe that the 6390 foot alternative would still allow for the State Tufa Reserve to continue its important role of public education while also allowing the lake and its tributaries to thrive. The 6390-foot alternative is recognized in the Draft EIR as the environmentally superior alternative relative to pre-diversion conditions. This alternative is consistent with the Mono Basin National Scenic Area Management Plan and would also result in optimum stream flows for fisheries as recommended by the Department of Fish and Game.

In summary, I also urge you to recommend Mono Lake to be designated as an outstanding natural resource water as defined by the Clean Water Act. Mono Lake possesses outstanding ecological values as well as exceptional recreational values. I think it would be an understatement to say that Mono Lake stands unique in its beauty. Mono Lake in all its wildness means more than just another tourist spot for me and many others around the world, and it definitely means more than just another water source for L.A. Mono Lake represents unrivaled ecological, scenic, wildlife, and recreational opportunities and uses. Mono Lake deserves to be brought up to a safe and healthy level of at least 6390 feet. Thank you.


MR. BLACKBURN: John Blackburn, B-L-A-C-K-B-U-R-N. I'm a little nervous, so please forgive me.

HEARING OFFICER del PIERO: So am I. Take your time.

MR. BLACKBURN: First of all, niceties out of way. Thank you very much for the opportunity to come and speak with you tonight and thank you for the air of this hearing. I think it's real nice to come before a government entity and have the kind of feeling that we have here. I really appreciate that. Having been before other government bodies and feeling the air, it's nice to come in here and know that we're being heard. And I appreciate that. Why are we all here tonight? We're here to save
Mono Lake, and we're here to ask you to do three things. I'm here to ask you to do three things for myself and for my friends at PUCHS, P-U-C-H-S, that's the Paths Untrod Camping and Hiking Society. Every year, we make a pilgrimage to Mono Lake. I remember the first time I went to Mono Lake. I remember coming over from Yosemite and seeing this body of water before me and the awe that I was struck with. I remember the camping trip we spent -- the night we spent at June Lake, getting up at three o'clock in the morning, taking our thermos of coffee and going to the shores of Mono Lake and watching the sunrise. I get chills up my spine thinking about the feeling that I had watching that and reflecting on that today because it's a threat and we all know it is. I would like to see future generations be able to enjoy the same things we all have enjoyed at Mono Lake.

The three things I would like to ask for is the lake elevation that everyone has mentioned, the national designation, and to protect the public trust. But there's another thing, too, and I think what I would like you to do also show that we can still trust the government to take care of our resources. It's very important with all that's been going on that somebody take a stand, and I'm here to ask you to do that.

You have before you probably one of the most difficult decisions to make of any government body in the state. The issue, that's capital letters, T-H-E, in California is water. It is not agriculture. It is not business. It is not the economy. It is not immigration. It is water. All these other issues come in and flow on water, pardon the expression. Water is the most important issue. You have the most difficult and ominous task to balance the needs of nature versus the human need. North versus the south. I don't envy you for the position you're in, but I pray you'll make the right decision and save Mono Lake.

I think that as we move ahead in these troubled times we can look at something that we can preserve for future generations that will mean something for all of us in the long run. The public trust issue is something that is very, very important to a lot of people, not only those that are here today with us, but people that are out there that can't be here to speak. Mono Lake is very, very important. It's very symbolic of what has gone wrong in California, and that is water. And that's not your fault, it's a result of other forces that you have little control over. And what I want to get to is the issue of water use. And I'll tie this up nicely for you. I'm working on it.

HEARING OFFICER del PIERO: You're doing real good for a nervous guy.

MR. BLACKBURN: Thank you. I'm nervous.
The Arizona aqueduct has come into play and is going to cut water availability in Southern California. We all know that's happened, and it's going to put a severe strain on the amount of water that Southern California will be able to access. For years we in Northern California have conserved water. I, to this day, still have a bucket in my shower that I use to flush my toilet. I lived for five years in Southern California while I worked there, watched water waste like we have never seen up here, and it's true. And I can cite many, many examples of washing building and sidewalks, but I think one of the most poignant for me was taking a walk one morning and seeing a neighbor out watering a weed in a crack in the sidewalk. I mean -- yes. That's grossly exaggerating the point, but the point is I think that the decision you make here can become a cornerstone for a policy of water conservation throughout the State of California. And I made mention of that in the letter that I sent to you prior to coming to testify here today.

And that cornerstone is that we in California have lived a life of excess for too long. With changing climatic patterns, we do not know how much rainfall we're going to get. With water diversions now to Arizona and possibly other diversions in the future, we don't know what sources will be available. With groundwater depletions, the Kesterson Reservoir situation, and on and on, we've got some real serious problems. I think this Board can take Mono Lake, preserve it as we're all asking you to do, but use that as a cornerstone, if you will, to start a mandatory statewide water conservation program especially in Southern California. I can look at the glossy brochure which we've all gotten from Los Angeles Water and Power. I've been there. I personally know what's going on down there. They are not committed to conservation. We need to be committed statewide to conservation because only through conservation, are we going to be able to adequately allocate water to both the human, and animal, and other resource needs here in this state.

As I said, just to sum up again, this is an opportunity for you to give the state leadership and guidance in instigating a program that we all know has been long overdue and must be not forced on people, people must be educated to understand that water conservation may be the only way to allow our state to grow, prosper, and develop economically with the limited water resources we have. The years of excess are over, folks, and we all know that. We're seeing that now with the budget. We're seeing it with the pollution. Water is the next issue, and I think we all understand that. So I'm
asking you to really, really take a long, hard look in your soul -- and I think he made a very good point, the man about the moral decision because we're not here about statistics and numbers and things. We're here about, like I am, I think, speaking from my heart because it's a place of beauty. It's a special thing that we need to preserve for everybody. And by taking a stand and doing something about it and using that as a tool to provide guidance to people throughout the state, I think we can preserve Mono Lake. We can keep the fishery supply. We can protect the wildlife. We can allow Los Angeles to continue to grow. We can also protect, I think, a resource that if we lose it, we'll never get it back.

I'm part Indian. I'm a triple scorpio. I am spiritually in touch with water, very much so, which is why I'm here speaking from the heart. I don't have a prepared speech because I feel very strongly about this. I pray that will you make the right decision and protect Mono Lake for us all and for the future generations of California. Thank you.

(Applause.)

HEARING OFFICER del PIERO: Thank you very much. Ronald Stork, and after Mr. Stork Charles -- I believe it's Bucaria?

Good evening.

MR. STORK: Good evening. My name is Ronald Stork. I'm an associate conservation director of Friends of the River. I'm also a member of the Mono Lake Committee, and I have been for many years. Stork, S-T-O-R-K. Sorry. Ron like a former president.

You guys have been through quite a lot. You've had a chance to hear many people. I think it's pretty important. Part of your job and part of my job is to deal with public policy and engineering kinds of issues and biological kinds of issues and so we talk in cubic-feet per second and acre-feet per year and kilowatt hours of electricity and megawatts of capacity and those kinds of -- those kinds of issues. And they're important. They're important to the public policy discussion that you and the state have to engage in. And we've seen many of those kinds of issue areas explored fairly thoroughly in the Environmental Impact Report that you have before you.

But I think you also get a sense that there is something else that's part of your decision-making process, and it reminds me a little bit of the story that I was always very touched by when I saw David Gaines come over and speak to you to the Merced group of the Sierra Club. I was a member of that body back in the 1970s, and one of the founders of the club, of the local group at the club, a wonderful elderly gentleman by the name of Aaron Passevoy. After getting this presentation from David Gaines, a very passionate
presentation about there is a problem at Mono Lake, I
was taken aside by this elderly gentleman and said,
"You're wasting your time. There is no way that you're
going to be able to save that lake as long as the Los
Angeles Department of Water and Power wants it -- or
wants the water."
Aaron was wrong. And Aaron was wrong because he
forgot something that I think that you've experienced
today and over the last month at these public hearings,
and that is people really matter. And people, as you
can tell today, really care about Mono Lake. I
certainly do. I've made a pilgrimage to that wonderful
place at least once a year for the last 15 years, and
when you hear that, that word "pilgrimage," what does
that mean? We're talking almost about a spiritual
place, a place that people care about very deeply.
And lots of people care about it very deeply. You
know, you've been to the lake. You've seen the
tourists come by and go on the Mono Lake walks, and
people -- people see this area all the time and many of
us fall in love with it. We're talking about people
not just from California, but from all over the country
and all over the world.
So your decision is very important. I hope that
you're going to make the right one, and the right one
really means that you've got to leave us with a legacy
of the lake whose productivity, speaking as a
biologist, which at heart I am, whose algal
productivity is good, which is rich in brine flies and
brine shrimp, those wonderful little organisms that
mean so much, not just to the birds at Mono Lake, but
to those of us who walk its shores and visit its
waters.
So I wish you luck on your journey. We're all
watching, and do right by Mono Lake. Thank you.

MR. BUCARIA: My last name is spelled
B-U-C-A-R-I-A. Mr. Chairman and Member Brown, I'm
president of a 200-member local fly fishing
organization, California Fly Fishers Unlimited. Our
interest would appear to be a narrow one in the sense
that we're very pleased that there is water and there
are trout in Rush Creek now, excuse me, and we'd like
to see them continue to be there. And certainly we're
interested in the ecological considerations that relate
to Mono Lake.

My personal experience included a substantial
period of time working for the State Department of Water Resources. I no longer am involved in state government, but at the time that the State Water Project was put together, I think many of us had much of the same feeling that those that develop the Hetch-Hetchi project and those projects that provided water to Southern California via the aqueduct felt, and that was that we need this water. We want to see this area grow. People need water, and there's an almost endless supply available. We realize now the mistakes that were made. We know better.

This is an opportunity, it seems to me, not merely to take a step because that step's been taken by the courts. This would ratify that step, and I certainly would concur in the comments made by an earlier speaker that at this point in time, we've got a lot of alternatives from water reuse in the L.A. Basin to projects for water conservation throughout our great Sacramento-San Joaquin Valley. Those projects need to happen, and we need an environment that encourages it happening.

L.A. Department of Water and Power would never allow themselves to give away anything unless they were forced, and neither would any other governmental body. So, to me, the answer is take this logical step and require the Mono Lake elevations be maintained at a higher level and move on from there to the other conservation measures that are necessary. Thank you for your help.

HEARING OFFICER del PIERO: Thank you very much, Sir.

David Ford and following Mr. Ford, I believe it's Joseph Bania?

MR. BANIA: That's correct.

MR. FORD: Dave Ford, F-O-R-D, like the car, truck, or president. Good evening. I am president of the Northern California Council of the Federation of Fly Fishers. The council is an organization of 26 member clubs and nearly a thousand individual members for a total membership approaching 4,000. It is a policy of the council to promote conservation, restoration, and preservation of the fisheries throughout California.

I would first like commend the Staff of the State Water Resources Control Board for recognizing that the water diversions by the Los Angeles Department of Water and Power since 1941 have resulted in a significant cumulative negative impact on the fish populations and habitat of Rush, Levining, Parker and Walker Creeks.

Secondly, the Staff has established that the California courts require the Water Resources Control Board to amend the Department of Water and Power's diversion license to release sufficient water to facilitate reestablishment of this historical fishery.
We applaud the Staff for recognizing that the restoration will be successful only if an aggressive habitat restoration program is undertaken in conjunction with sufficient stream flow releases. It is important to note that my organization's members fish the streams and creeks of the eastern Sierra. They are aware of the continuing loss of habitat there and throughout California. Opportunities like this to reverse declines and restore quality fishing are indeed rare. Accordingly, the NCCFFF strongly supports the conservation, preservation, and restoration of these critical resources.

The council makes the following three recommendations. One, the State Water Resources Control Board should recognize the expertise of the Department of Fish and Game in determining the needed flows and condition the Los Angeles Department of Water and Power's diversion permit to require at a minimum, the DFG recommended flows.

Two, the State Water Resources Control Board should officially recognize a minimum Mono Lake elevation of 6390 feet or higher is needed to provide the minimum flows in the four streams that are necessary to restore fishery.

Three, the State Water Resources Control Board should further condition the water diversion permit to require the implementation of stream restoration measures and the establishment of a timetable to guarantee that these measures are steadfastly pursued.

Thank you very much.

Mr. Bania?

Mr. Ford, before you leave, we're probably going to take a break here in about ten minutes or so.

Mr. Brown would like to get a chance to talk to you afterwards. Thank you very much.

Following Mr. Bania, Robert Schulze, and then after Mr. Schulze, we're going take a break for about ten minutes.

MR. BANIA: Good. I just got in under the wire. I'm Joe B, as in boy, A-N-I-A. This evening I'm not representing the utility I work for; however, I do represent Granite Bay Flycasters and as a member of Trout Unlimited.

I'm very much concerned about the area and -- under this guidance that we've had. I started working at China Lake back in the sixties as a physicist and visited this area quite extensively. I've also fly fished for the past 30 years, which is kind of a primary thing for me because I can go to pristine areas and be able to fish in an area that's kind of interesting because not only do you have the beauty of this lake, but you have an area that's kind of not
picked over like a lot of areas are today.

You individuals have a right and a thing that's very important to us as far as being a judgmental Board, and what you have to realize is that back in 1941, the utilities had an obligation to the individuals that worked there that supply water -- that supply power to this big state. We know for a fact today that over 50 percent of the water transported throughout the State of California is transported from north, to south, to a variety of other areas, and we're talking about power, Gentlemen. We're talking about a lot of power being consumed in the state. That's really what we have some concerns about. Not only the power, but also the water that exists there.

We know also for a fact from several other people that various water resources are being taken and not really allocated correctly. We also know for a fact, and this is one thing that really saddened me over the last several years with the drought, that much of the groundwater in that Basin and the Basin below that, has drained, has been taken out, the water levels have been subjected to levels that have never been reached before.

What we need to do is we need to kind of take a look back and start sitting down and realizing that water is a key for the state. It's more important than gold, probably, and we're going to have a problem in the future because that really is going to be the controlling factor for the state.

Mono Lake, itself, has an important aspect to everybody and everybody in here today. It's sort of like the beginning, if we can take a look at it, to be able to make something right that was wrong some years ago. L.A. DWP is a publicly-owned utility, and it has an obligation to not only the people, but to the areas it takes water from to be able to sit down and say, "As a utility, I have a right and an obligation to supply water to my public but also have the opportunity to correct something that was wrong."

So what I'm asking is that in the future you, as individuals, make the right decision. 6340, 6350, 6390, whatever the level is, you have to make that decision, and I mean it, right now. I am proposing 6400 feet minimum and possibly more. Also to designate as a national resource for water in the Mono Lake area.

We also know that state and federal funds have been allocated, but as L.A. DWP has done in the past, it says, "No. This is the only way we can get what we want is not use those resources that are available to us." Conservation, and I work in that department by the way, energy conservation has become of prime importance to me because we, as a utility and as an individual working for a utility, have certain
responsibilities to our people here not only to
conserve water, but to use our electricity more wisely
and more efficiently in the areas that we produce it
in.
So we're looking for the future, and it is coming
from my heart. After 30 years of working in the Mono
Lake Basin and looking at things that are available to
us, I want a healthy Mono Lake. I don't want to see a
puddle out there. And for the past three decades,
keeping the air clean and keeping the environment clean
and restoring the rest -- as far as the riparian areas
and the restoration for fisheries, becomes a very
important and vital issue. With that, I pray that you
make the right decisions. Thank you.

HEARING OFFICER del PIERO: Thank you very much.
Mr. Schulze? Good evening.
MR. SCHULZE: Good evening. S-C-H-U-L-Z-E. Boy,
some of these speeches are hard to follow. Thanks for
taking the time to hear me. I'm Robert Schulze and I
work for Pacific Gas and Electric. I live in Davis,
California. Our family has visited Mono Lake several
times over the past 15 years, and we find it a very
special place.
We just -- our family wanted to encourage the
Water Resources Board to support a lake level of 6390
or higher, to support a healthy environment, and to
help restore the natural beauty of the lake. I'm not
here on behalf of PG&E, but I've worked for PG&E
for 24 years, much of it in the hydro country, and I'm
extremely proud that PG&E does not have an
environmental record like the Los Angeles Department of
Water and Power.

HEARING OFFICER del PIERO: Thank you,
Mr. Schulze.
Ladies and Gentlemen, we're going to take a
five-minute break, and we're going to come back.
(Whereupon a recess was taken.)

HEARING OFFICER del PIERO: Ladies and Gentlemen,
this hearing will again come to order. We have this
many cards left. I think somewhere between 15 and 20,
so we'll try and move along as best we can.
Karen Phillips? There she is. Following Karen
Phillips, Robin Leong.
Good evening.
MS. PHILLIPS: Hi, there. I want to thank you for
letting me speak. I have to go to work later. But my
name is Karen Phillips, and I'm a student at UC Davis.
And I spent the summer in Levining showing the lake,
Mono Lake, to hundreds of people all over the world and
hopefully, enriching their experience.
Before the summer, the only knowledge that I had of
Mono Lake was through the bumper stickers, but I had no
idea why Mono Lake need to be saved. But once I got
there, I felt as if I had found a treasure. I found a
treasure in the lake itself, but this unique body of
water also brought out a treasure from within, which I
feel is beneficial for everybody.

As a citizen of California, I'm here to support a
lake level of 6390 feet or higher, to permanently
protect Mono Lake for its public trust resources. I
would like to see a restoration of a healthy,
life-supporting Mono Lake for not only the shrimp,
birds, and the flies, but also for the necessity to
preserve an ancient ecosystem, an ecosystem
representative of the larger one we as humans are all a
part of.

Mono Lake is one of the last places we can get
close to and feel the mystery of our inner
connectedness. If we continue to destroy such places,
I cannot imagine what life will be like. A protected
Mono Lake is more than just a precedent for wise
western water usage. It is a monument to the human
spirit. It is a symbol of the strength and wisdom we
hold collectively. A wisdom to understand and
appreciate life for what it is really worth. Thank
you.

Robin Leong, and following Mr. Leong, Michael
Seamen?

Good evening.

MR. LEONG: Good evening, State Water Resources
Control Board. My name is Robin Leong, L-E-O-N-G, and
I'd like -- also like to thank the Resources Control
Board for letting us have convenient hours to express
our concerns for this lake. This process is why I
thank my ancestors for making the great effort to come
over from the Pacific shores over to California and
Hawaii. When I went back to China, I say, "Boy, you
know? We have this chance of talking before a big
board like this and making our voices heard, I hope."
And so I'm really thankful of that process.

But unlike others that have long histories of
seeing the Mono Lake Basin, I just saw the Basin about
25 years ago when I first came over from Hawaii, and I
was -- I remember visiting it and the shoreline, of
course, being much closer to Highway 395. It's a
favorite highway of mine in California. Since then I
took up mountain climbing and ski touring, and I
visited the area a lot.

But it was really when I started bird watching
because I wanted to teach my daughter all the names of
the birds that I began to know how important Mono Lake
was. I have led many bird trips in the area because
Mono Lake has some special birds that you can't get
anywhere else or they're easier to see, put it that
way, as the field trip chairman and later as the past
president of Napa-Solano Audubon.

I'd like to recommend the Water Board select the
6,390 foot level or higher. This level will minimize the harm to Mono Lake public trust resources. However, as stated in the Draft EIR, the higher lake level may be needed to restore the public trust resources lost as a result of the water diversions by the Department of Water and Power, L.A. I ask you to recommend Mono Lake be an outstanding national resource water and hope our words will be heard. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much.

Michael Seaman, and following Mr. Seaman, Dan Rich?

Good evening, Sir.

MR. SEAMAN: My name is Michael Seaman, like the Navy, S-E-A-M-A-N.

I'm concerned about the future of Mono Lake. For too many years the State of California has more or less enabled the Los Angeles Department of Water and Power to set the agenda for Mono Lake. In recent years, the Mono Lake Committee has brought this issue into full public view. As a result, it's become clear that the public interest has not been well served by DWP's approach.

I won't recite the history of events or the chain of judicial instructions that DWP has consistently rejected. I presume you know those very well. Instead, I'd like to add my voice to the chorus of those of us who would like you to step up to the plate and protect Mono Lake. My position mirrors that of others you've already heard from, specifically, please set the lake level at elevation 6390 or higher. The designation as a national resource water will result in needed maximum salinity standards.

Permanent protection of Mono Lake is feasible, particularly if DWP implements alternative supplies, and a healthy Mono Lake is important to the local economy and the tourism in the state.

Mono Lake is important to me personally. Since I first visited it in 1982, it's remained etched in my memory as a place of special beauty and interesting complexity. Beyond its inherent beauty and educational value, I care about its role as habitat for important wildlife, and when I think of our coastline, for example, I think of seagulls, and they need Mono Lake for breeding. Many other species are dependent upon Mono Lake as well.

I've been harkened in recent years with the progress made in restoring feeder streams to their former riparian glory and in the efforts made to interpret the area for visitors including the South Tufa Recreation Area and the new visitor center that overlook looks the lake.

I'm a former resident of Southern California, and I've also traveled extensively in Southern California.
in the last two years where I've observed first-hand
the obvious waste of water which could so easily be
corrected through water reclamation and conservation.
I feel so strongly about the importance of Mono Lake's
protection, that I chose to contribute to the Mono Lake
Foundation in memory of my dearest departed friend, my
dog, Niconi.
I'd like you to protect Mono Lake. It's valued by
many people, and it's a memorial to my best friend.
Thank you very much for your attention to my statement
and for your patience tonight.

HEARING OFFICER del PIERO: Thank you very much,
Sir.
Dan Rich? And following Mr. Rich, Sarah Taylor.
Good evening, Sir.
MR. RICH: Good evening. My name is Dan Rich. I
visited Mono Lake for the first time last week. I just
wanted to say that I was blown away by its beauty and
I'd like to have it remain that way and hopefully your
decision will bear directly on that. And I hope you
use extreme caution in your decision. Thanks.

HEARING OFFICER del PIERO: Thank you very much.
Ms. Taylor, and then following Ms. Taylor, Gerald
Karr.
MS. TAYLOR: Hi. My name's Sarah Taylor,
I support many of the points that others have made
this evening. Instead of repeating them, I'll share a
more personal reason to choose the highest level
possible for Mono Lake. I grew up in Los Angeles and
used water from Mono Lake for a significant part of my
life. I visited Mono Lake for the first time during
the summer of 1988. My family spent a day at Mono Lake
on their way back from Tuolumne Meadows. My parents
thought it might be interesting to see where our water
came from. Everyone in my family was struck by the
stark beauty of the lake. My brother was so curious
that he decided to go for a swim even though he knew he
would have to suffer through a six-hour car ride back
to L.A. covered with Mono Lake salts.
My parents' reaction was a little more pragmatic.
They decided to buy flow restrictors for our house and
cacti for our garden. This first experience to the
lake also affected me. I've returned to Mono Lake
every summer since that first visit. Like Sara Potter,
one of the first speakers today, I spent my first
summer, the summer of 1990, at Mono Lake working for
the Tufa State Reserve, and every summer after that
time working for the Mono Basin National Forest Scenic
Area as a naturalist. This presentation, however, has
nothing do with my previous employment.
I've had many experiences at Mono Lake ranging
from birding at Simon Springs, kayaking around South
Tufa, snorkling at Levining Tufa, spending nights on
Krakatoa, to very different experiences, witnessing intense dust storms blow up to the doors at the scenic area visitors center. Because of these experiences, I've gained a great respect for Mono Lake. I've learned that Mono Lake is more than a place of strange waters, tufa towers, birds, and brine shrimp. It has a power that can't be quite put into words. It forces people to think and make decisions.

My first three years at Mono Lake I watched the islands at South Tufa become peninsulas. Last winter, however, I had the opportunity to see one of them become an island again. Experiencing last winter from Levining caused me to realize that I may be able to see Mono Lake at a much higher lake level than the present level. I hope one day I can explore the entire South Tufa Grove from a canoe or perhaps with a scuba tank. I also hope that others will have the opportunity to visit Mono Lake and discover some of its secrets.

Please choose a lake level of 6410 feet above sea level or higher. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

You were on the field trip this past summer, weren't you?

MS. TAYLOR: Yes, I was the one.

HEARING OFFICER del PIERO: Gerald Karr? And then following Mr. Karr, James Nevecki?

Good evening, Sir.

MR. KARR: Good evening. My name's Gerald Karr, K-A-R-R. I'm a life-long resident of Vallejo, and I'm currently president of Napa-Solano Audubon Society. We have approximately a thousand members, and I speak for them tonight as well.

I encourage you to vote to preserve Mono Lake and to raise the level. The uniqueness of Mono Lake makes it imperative that the lake level be maintained at a minimum of 6390 feet. I speak as a birder with a strong awareness of the needs of both resident and migrating birds in the Mono Lake area. However, as more and more people become aware of the beauty of the eastern Sierra, we must maintain the level of the lake for aesthetic reasons as well.

We encourage the designation of Mono Lake as a national resource water. The water quality controls that would accompany this designation will do a great deal to insure the controlled protection of the lake's ecosystem. We support programs to assist the Los Angeles Department of Water and Power with measures to replace Mono Basin water with environmentally sound alternatives like reclamation and conservation.

Mono Lake is a very special place and our children and our children's children deserve to experience its unique presence. You may love Mono Lake, you may not, but you'll never forget it. Thank you.

HEARING OFFICER del PIERO: Thank you very much.
James Nevecki? And after Mr. Nevecki, Philip Goidon?

MR. GORDON: Gordon.

HEARING OFFICER del PIERO: Gordon.

MR. NEVECKI: Hello. Thank you hearing me tonight. I don't have anything prepared, so bear with me. I'll just speak off the top of my head.

First of all, I have not had the opportunity to visit Mono Lake. I have not had to visit the lake to understand its importance. I -- I'm not sure -- bear with me here for a second.

I'm not sure what laws Los Angeles has or what right Los Angeles has to destroy the ecosystem. However, I know that they don't have any moral -- I know that they're breaking moral laws in destroying the ecosystem. The 17 percent of water that Los Angeles receives from the lake pales in comparison to the percentage of birds and things that use the lake.

I don't have any alternatives of where Los Angeles could receive its water from; however, simple things like reclaiming the waste water to water golf courses and greenways and parkways would be a good solution.

Also, I think it's time to look to the future as far as desalinization plants. Sure, it's expensive now, but in 150 years to 200 years from now, where do we get the water from then? It's not as simple as today. Let's look to the future. Thank you.


Good evening.

MR. GORDON: Good evening. I'm Philip Gordon, G-O-R-D-O-N, and one L in Philip. I fight that all the time.

I was born in San Jose, California. I'm now a classroom teacher in Hayward. And I'm always looking these days for values to embellish attitudes towards learning for my students in the years in California, keeping my eyes open to the outdoors, traveling with my father digging fossils or fly fishing in Trinity County. I guess we all have suffered many significant superimposed alterations on the status of California.

California to me by various co-incidences primordial, in fact, has come to be a garden of habitats I see that are mostly under the husbandry hand of municipalities and agencies. As a student of diversity of life, I'm sure I'm not alone in labeling California rich in this remarkable attribute.

One of these, of course, is Mono Lake to me. And it was most remarkable for me to climb Mt. Dana in Yosemite and get up to about the 12,000-foot level and have two elderly ladies want to know how they're going make it. And I'd already decided I wasn't going to, and I was looking down at the Dana Glacier and into the
pool of water that had a nice iceberg in it. And I
said, flippantly, "Oh, you just take one step at a
time." And they did that. And as they went on up, I
thought, "Well, gosh, I guess I'd better go myself."
The reward, of course, was of the 27 lakes that we
could count from the top of Mr. Dana, the most
significant one and the most memorable one was Mono
Lake.
I later learned that the predicament tonight would
have been quite different if John Muir had had his way
and been -- included Mono Lake in Yosemite National
Park. I know now the irreplaceable virtues of Mono
Lake, that it represents an ecosystem of at least a
million years. I recall how sad it was that our
pleistocene lake could not be recreated when the
California Department of Highways bulldozed out that
little long-toed salamander lake in Santa Cruz County
by a mistake and a misunderstanding and a cross mixup
that never would have happened if communication had
been clear and everyone had understood, that accident
might not have happened.
Mono Lake brings a special value to all of us and
to me, and the historic character of Mono Lake, both
through literature and through time, adds a tremendous
amount to the aesthetics that we enjoy today and day by
day and every visit. It is a biological entity, and I
do trust the facts that we've heard that the 6390 or
higher lake level is probably a true one, and the
higher the better, and that the water should be held at
that level. I believe the impact should be kept to a
minimum. I've seen the dust clouds around Mono Lake.
I've also driven through the areas south and seen dust
bowls elsewhere. I don't think it's going to die the
way the Great Salt Lake and the salt and sea apparently
is. I don't believe Mono Lake is a commodity.
I'm in support of a preservation of Mono Lake with
whatever organizational means we can, and you're at the
head of it, and that we must stand against any such
superimposed alterations that might alter the status of
this national treasury. You know, it was Aldo Leopold
who said that the highest level of recreation is the
husbandry of land and wildlife. So here we are at the
highest level. Thank you very much.
HEARING OFFICER del PIERO: Thank you very much.
Ray Cole? And then following Mr. Cole, Martin
Brady.
Good evening.
MR. COLE: Mr. Vice-Chairman, my name is Ray Cole,
R-A-Y C-O-L-E. I am a member of the Federation of Fly
Fishers, the California Sport Fishing Protection
Alliance, and am here tonight officially representing
the position of the Delta Fly Fishers, a Stockton-Lodi
based fly fishing organization.
Our board has officially gone on record as
supporting the restoration of Mono Lake levels to the
minimum of 6390 feet and the restoration of the lake's
tributaries based on the professional recommendations
of the California Department of Fish and Game. We wish
to add our voice to those urging this Board exercise
its responsibilities to protect these resources.
Our organization is made up of men and women who
happen to enjoy fly fishing. We are not considered to
be a traditional conservation or environmentalist
group, but in this case, as is the case of many others,
our concerns do parallel theirs and really go far
beyond any potential fishing that we may some day
enjoy. As fly fishermen, we are probably more acutely
aware of the complexities of aquatic and riparian
environments and ecosystems, and it is that awareness
that extends our interest to the issues that is now
before this Board.
And though we do not fish in it, we are concerned
with Mono Lake. We are concerned with its tributaries
and the issues that have taken place and have been
discussed for last ten years. You would probably be
very surprised to learn that a great many fly fishermen
are very conversant with things like the public trust
doctrine and 5937.
Mono Lake and its tributaries are those public
trust assets. This Board now has the opportunity and
obligation to protect. The work this Board does is
noticed far beyond the groups that are now appearing
before you, and we simply urge you to accept your
trustee obligations and take the necessary steps,
however difficult, to restore and protect Mono Lake and
its tributaries. Thank you.

HEARING OFFICER del PIERO: Thank you very much.
I would point out, Mr. Cole, that we all know Mike
Jackson and Bob Biocci, so we know exactly what Cal SPA
knows about the public trust doctrine, I can assure
you.
Martin Brady, and following Mr. Brady, Dorothy
Martinez.
Good evening.
MR. BRADY: Good evening. My name is Martin
Brady, B-R-A-D-Y. I'd like to thank you for your
energy and your time and also your endurance for being
here and throughout the day listening to those of us
who wish to speak.
Currently, I'm a loss control risk manager for the
school districts in Sacramento and El Dorado County
and -- but here tonight I am representing myself and my
family. I have also wished to express a concern to you
about the lake level and wish for the lake level to be
able to rise to 6390 as a minimum. I also would like
to encourage you to consider the lake for the --
obviously, the outstanding national resource
consideration as well.
I have visited the lake with my family for over eight years. I've had its mud ooze between my toes, and I've walked its shores and obviously, as has been spoken throughout the night very eloquently, enjoyed its uniqueness, its beauty. Indeed, it's a treasure to our state. I obviously am here to go beyond sound bites and glossy brochures to say that -- to paraphrase Senator Mark Hatfield, that today we need to stand for more than just the next election but for the next generation.

Two weeks ago, my ten-month old son learned to crawl. I will some day hope to teach him how to paddle on Mono Lake. At that time, I would also like to tell him about the courage that it took on your behalf and our behalf collectively as a partnership to preserve this lake for future generations. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Dorothy Martinez, and following Ms. Martinez, David Takemoto-Weerts.

Good evening.

MS. MARTINEZ: Good evening. Dorothy Martinez, D-O-R-T-H-Y M-A-R-T-I-N-E-Z. Good evening and thank you for allowing me this opportunity to speak before you.

I'm here to support the 6,390 foot level for Mono Lake and to encourage its being named as an outstanding national resource water. I really want to also express my appreciation for Governor Wilson's support of this hearing and for your attentiveness to listen to all of us in expressing our concerns on this issue.

So I want to tell you that I'm here personally to represent myself, one, and my daughter, one more, and to tell you that my first encounter with Mono Lake was in 1971 when I was a student at Santa Barbara City College. And I went there on a field trip in my geology class, my physical geology class, and I was told that the lake was dying and that it was only through the efforts of people who really appreciated that scenery and that phenomenon that it would remain alive. And so it has struggled for 22 years from the time I first encountered it, and I think with our resources that we have here tonight and your support, that we will have a lake that is a thriving and living lake for my children and for all our children. I've had now the privilege of going there for more than 20 years. It's an annual pilgrimage that my daughter, who is now 21, has accompanied me on.

And I came to say that I also express -- want to express to you an extreme empathy for the Shoshone-Paiute people who lived on those shores and who inhabited that Basin, and for the appreciation that I have as they saw the lake. And I recognize that lake as attempt to their own cultural heritage.

We have heard talks about the ducks and brine
shrimp and those wonderful friendly flies, and all of
that contributes to that area being a special jewel of
biologic and cultural and geologic heritage that I
think more and more Californians and more and more
people who visit California have come to revere. It's
a place that has spoken to me in my heart, and so I've
come to give back to that lake what the lake has given
me and that is a new heart in the way that I look at
nature and the way that I'm stimulated to look at the
interrelationship of things that I perceive along the
banks of that lake.

I want it to be a place that will open the hearts
of future generations as well, so I'm here to ask you
to join me in opening your hearts and to restore the
natural balance and the harmony of that area by
assuring the health and the beauty of the lake and all
the living things that draw upon it for their
sustenance. Thank you.

HEARING OFFICER del PIERO: Thank you very much.

David Takemoto-Weerts, and following him, Lynn
Zender?

Good evening.

MR. TAKEMOTO-WERTS: Thank you. My name's David
Takemoto-Weerts, that's T-A-K-E-M-O-T-O, hyphen,
W-E-E-R-T-S. Thank you for this opportunity to be here
tonight.

Like some others here tonight, I first came to
Mono Lake when I was a child. My family came to the
lake or by the lake when we were vacationing in the
eastern Sierra. I must admit while I thought the lake
was really neat back then, I was really impressed by
the Mono craters, those volcanos really got to me when
I was 12 or 13. I returned, though, to the lake in
1980 as an intern with the Mono Lake Committee, and I
spent the entire summer there doing all manner of
things for the lake. And I had the good fortune to be
invited back as a staff member of the Mono Lake
Committee the following year, and I've worked, my wife
and I both worked for the Committee for a couple of
years in Leving and Los Angeles and ultimately here
in Sacramento where I was the lobbyist for the group.

And one thing that struck me tonight in listening
to the other testimony and hearing 6390 over and over
again, I recall that I think it was on the first -- the
cover of the first issue of the Mono Lake newsletter,
the committee newsletter, there was a cartoon drawing
of a seagull, a California gull, holding a sign that
said, "6388 or fight," and I remember that was sort of
a rallying cry 15 years ago, 6388 was what we thought
would be the minimal lake level and that hasn't changed
much. We're at 6390 now, and I can't help but think
that the issues we're talking about tonight haven't
changed much either.
The facts that have been brought out, the threats of the continued diversions, not much has changed in that time. And as a taxpayer or at least at a person who's concerned with the conservation of all kinds of resources not just natural but financial as well, seems like a lot of money has been spent over the last 15 or more years arguing this issue. Lots of money towards the rate payers in L.A., environmental group dues payers like myself. We've all spent a lot of money on this issue, and I think it's time now to resolve it and start spending our money on technological and policy type measures that are going to be needed to make this thing work.

The other thing, I was at the lake in late August for about a week, my family and I were camping in the eastern Sierra, and one thing that struck me one day while driving up and down 395, Highway 395, was that I didn't see those DWP cars and trucks anywhere and when I worked there in the past, sometimes I had the feeling that I was kind of living in sort of -- in a very small sense like living in an occupied country or something because there were a lot of these guys from L.A. DWP driving around their little tan trucks. And suddenly I noticed that nowhere did I see one of these trucks for several days that I was in the area. And it wasn't 'til I got back home that I learned that there was a strike going on and that the workers weren't working. But for those few brief days, I kind of had this fantasy that I was at Mono Lake a few years in the future. And while walking along the banks of Rush Creek and water flowing in from all the runoff from last year's abundant rainfall and snowfall, it was great. It was a little fantasy of my own, but a little taste of what it might be like in the future.

So I'd just like to add my support to those who are recommending a 6390 minimal level for the lake level, and I also encourage the designation of the lake as the outstanding national resource water. And for my fellow bike-a-thoners here today, I think we all share a special bond. I was fortunate enough to be on the first and third bike-a-thon and for those of us who have done that ride, it's always a little bit like that long struggle uphill over six days. It's kind of analogous of this long struggle we've been involved with to save the lake. And again, I just want to recommend to the Board that they do make the right decision on this one. Thank you very much.

HEARING OFFICER del PIERO: Thank you very much.

14 million. 14 million.

MR. TAKEMOTO-WEERTS: Is how much has been spent?

HEARING OFFICER del PIERO: Is how much L.A. Water and Power has spent. It came out during the course of the policy statements in Los Angeles. Assemblyman Richard Katz. Actually, it was 12 million specifically
as of 24 months ago, and they estimate another two million in the last 24 months. So the number's $14 million.

Good evening.

MS. ZENDER: Good evening. My name's Lynn Zender, and I'm a native Californian. I've been living in Northern California for over 30 years. I have a masters degree in water resources engineering. I'm currently a doctoral candidate in engineering with a water quality emphasis.

I'm here to inform you that while I'm not an expert on Mono Lake, I do have a reasonable understanding of the complex water supply and environmental issues involved. Tonight I want to say that you don't need a degree to realize the right way to go on this issue. Alternatives to this water including conservation and reallocation do exist. It is that simple. As many of the speakers have said, I'd like to paraphrase, if not now, when.

I visited Mono Lake a few days ago in the early morning surrounded by mountains with the first season's snowfall and the joy it gave me was immeasurable. There is no way to replace this great gift that we Californians have been lucky enough to have in our back yard, and the diversity of the people in this room, I feel, is a testimony to how much Mono Lake means to us all. We owe it to ourselves, our neighbors, our children, and this planet to protect and restore Mono Lake to at least a level of 6390 feet and designate it as an outstanding national resource water. I believe it's the height of audacity to consider anything less.

Thank you.

HEARING OFFICER del PIERO: Thank you very much. Jackie Stroud? And following Jackie Stoud, C.W. Waklee?

Good evening.

MS. STROUD: Good evening, Mr. Vice-Chairman and members of the Board. I also appreciate being able to be here after hours, so to speak. My name is Jackie Stroud, that's J-A-C-K-I-E S-T-R-O-U-D, and I am a resident of Sacramento.

I've had many experiences associated with Mono Lake and its healthy existence has become very important to me. In the early 1950s, my family lived in Independence, Lone Pine, and even Manzinar while my father surveyed the area for U.S. Geological Survey.

Although only in the second grade then, which, by the way, is about the age of Jeffrey Parker who spoke the afternoon, I remember three things about that immediate area of Lone Pine, Independence; the incredible setting of the 10,000 vertical feet Sierra escarpment virtually outside our back door, the local fish hatchery which supplied lakes and streams, and the horrible dust storms blowing off Owens Lake. Very memorable in my
mind. And today considering retirement, possibly on
the east side, I certainly would not want to live in an
area frequented by dust storms.
On periodic trips back to Sacramento, we visited
Mono Lake when I was in the second grade. I remembered
being in wonder of its large size and its dramatic
setting beneath the mountains. At that time, already
after ten years of diversions, the lake level was
approximately 6,405 feet. Later as a teenager and
adult, I have frequented the eastern Sierra and Great
Basin areas, primarily as a recreationalist and as one
who values unique ecosystems. I have observed the
various bird populations at Mono Lake with the change
in seasons knowing that many of these birds depend on
this stopover in their long migratory flights. I have
paddled at sunset observing tufa formations beneath the
surface, wild rainbows danced across the Basin skies,
and have floated in the very salty water among the
brine shrimp, knowing that the whole ecosystem can be
affected if the water becomes too salty for brine
shrimp.
I have participated in very enjoyable photography
seminars provided by residents of Leving, and while
the tufa towers can make interesting subjects, I know
that their natural place is below the surface of the
water. I have skied above Conway Summit near
Mt. Donderberg and particularly recall how that trip
was enhanced by the incredible views of this
pre-historic lake in the Basin in which it lies. High
in the mountains while hiking, I have seen in
wonderment the California seagulls flying and knowing
that these gulls have their primary nesting sites on
islands in Mono Lake or on what have been islands.
I have brought friends and relatives with me on
trips to share in the experience in Mono Lake, thereby
contributing to the local economy. I have met a number
of tourists from other countries who have stopped and
spent time at Mono Lake and are also extremely
impressed by its uniqueness.
Over these years, the lake level has dropped
dramatically. It is very painful and depressing to me
to see this happen, like seeing an old friend die. The
people of California need to be responsible in regards
to the consequences of their actions involving water
use. I believe the Water Board should play a role in
this educational challenge by making the right policy
decisions. We should not be willing to lose an ancient
and unique ecological, geological, historical,
cultural, and scenic resource so that more toilets can
be flushed, more lawns can be watered, more cars can be
washed, more sidewalks can be hosed down, more copious
showers can be taken, and more swimming pools can be
filled and refilled.
It is feasible to permanently protect Mono Lake.
Just imagine the consequences of 50 percent or even 25 percent of the water thirsty lawns in Los Angeles and environs were replaced by attractive drought-tolerant landscapes of ground covers perennials, and shrubs. Thousands of gallons of water per lawn would be saved. The nursery business would be stimulated. The manufacturers of drip irrigation systems would receive many additional orders and less chemical fertilizers and herbicides and pesticides would enter the groundwater or run off. Environmentally sound alternatives such as water reclamation, conservation need to be used by DWP and throughout California. As can be seen by my example of lawn replacement, these alternatives can also have economic and additional environmental benefits. Furthermore, as a staff person at the California Energy Commission, I am aware that water use equates to energy use as water is pumped from one place to another or from the groundwater or heated for our use.
The level of 6390 feet for Mono Lake must be a minimum level even in periods of drought which can be lengthy. 6,390 feet is a full 25 vertical feet below the level when diversion began. It is my belief that to restore this dying friend of mine and its natural -- to its natural ecosystem, the level of the lake would need to be 6,410 feet. I urge the Board to designate Mono Lake as an outstanding natural resource water. This designation will set maximum salinity standards to help protect the lake ecosystem. Although, I have no children or grandchildren, I firmly believe that Mono Lake is an international, national, and state jewel which must be preserved for future generations of people as well as for wildlife which depend upon it. It is truly a unique public trust resource that I'm asking you to restore and preserve.
Thank you.

HEARING OFFICER del PIERO: Thank you very much. C.W. Waklee, and then June Persson?

MR. WAKLEE: Thank you, Gentlemen. My name is C.W. Waklee, W-A-K-L-E-E, and I have some pictures here if you might look at them while I'm talking to you?

HEARING OFFICER del PIERO: Certainly. If you'd be good enough to give them to Mr. Herrera? I assume they're of Mono Lake?

MR. WAKLEE: Now, they go back to when I was a child. I went to Mono Lake when I was about four years old, 1928, and I lived there until 1940, and at that time, I saw quite a change in Mono Lake and afterwards I saw a bigger change. And I talked to you folks over in Mammoth, and I didn't have this material with me. But on the top picture you're seeing in there is of me playing in Rush Creek when Rush Creek was a creek and the level of it was right up to the ground level.

Now --
HEARING OFFICER del PIERO: Excuse me for interrupting, Sir. But after you're done making your presentation, I'd appreciate it very much if it might be possible for us to make duplicates particularly -- do you know the years these were taken?

MR. WAKLEE: No. I don't know the exact years.

HEARING OFFICER del PIERO: Do you have a guess?

MR. WAKLEE: Yeah. I can give you a pretty close guess.

HEARING OFFICER del PIERO: You've not seen these, Gentlemen.

MR. CANADAY: I have.

HEARING OFFICER del PIERO: Then you know why I'm interested in the significant riparian habitat along Rush Creek that's becoming a subject of a significant amount of discussion during the evidentiary hearing. Pardon me for interrupting.

MR. WAKLEE: That's all right. Because that's why I want you to be interested in it.

(Laughter.)

HEARING OFFICER del PIERO: Well, I recognize stuff once in a while.

(Laughter.)

MR. WAKLEE: As you see, I was about eight years old when those pictures were taken of Rush Creek and the water was maybe two feet down below the level. And I looked at it here just last month, and it's a good 20 to 30 feet down below the surface level.

HEARING OFFICER del PIERO: It may be appropriate for us to get an affidavit from you. Afterwards, talk to Mr. Canaday.

MR. WAKLEE: Anything I can do to help Mono Lake come up, I'm all for it.

That's the pictures of me swimming in Rush Creek and, like I say, as it is today that's about 20 feet down below where it should be because when Los Angeles County shut the water off, and then -- for some unknown reason, I understand they turned it back on, and it washed out. All the brush had died along the side and made a big wash. So it's -- the picture was taken at the old Dumbrowski Ranch on the edges of Mono Lake. It used to be a hunting preserve and fishing preserve.

Now, on Page Two, these fish were caught in Rush Creek and Levining Creek, and they are pictures that I had when I was, what would you say, eight years old in that picture?

HEARING OFFICER del PIERO: What year would that have been?

MR. WAKLEE: That would have been about 1934.

HEARING OFFICER del PIERO: Oh, really?

MR. WAKLEE: In that area. The limit of fish at that time was 25 fish. So you can see we caught quite a few fish out of Rush Creek and Levining Creek and everything like that.
Now, one of the other pictures --

HEARING OFFICER del PIERO: You caught these?

MR. WAKLEE: My father and I and my mother. We would go fishing, and that's what you could catch.

HEARING OFFICER del PIERO: Okay.

MR. WAKLEE: The pan-sized trout, you know, that's the way they were.

Now, on the other picture in there you'll see me standing with a shotgun, it's a .22 rifle and a bunch of ducks along a line. I was only a boy at the time and a shotgun was too big, but I could shoot across and kill ducks in Mono Lake. It was that close to the house. It was just across Highway 395. I supplied a lot of meat in ducks and geese. So that's why -- we lived that way quite often.

And on the next page, where my father and I are on horses, it was -- Mono Lake then was approximately 100 to 150 feet from the fence line down to the lake shore.

HEARING OFFICER del PIERO: This is an island?

MR. WAKLEE: Yes. As you see there was an island there and a big bay. That bay we called it Avalon Bay, really, because it looked so much like Avalon, and I worked on a boat that there's a picture in there of, we hauled passengers out to the islands, showed them the hot springs, walked them around, and where we tied up the boat to get them back on was clear back in there at the shore. I looked at it the other day and that looks to be about a quarter to a half a mile from the water now. So it's quite a change.

My dad and I and the horses just off 395 and the view from the lake from the Villa House which is between Mono Inn and Tioga Lodge, it's the place back in there. They don't call it the Villa House now, they call it the Pressini? Peniette. Peniette House.

And with these pictures, I would just like to get them into certification if I could, let them know what Mono Lake used to look like. I'll be more than glad to go along with copies of them if we can try save this great place. It's a historical place I remembered as your main picture here in the middle and the islands were islands and the water was right up to Highway 395 along the west side. It was a beautiful, beautiful place. No dust, but lots of storms.

So I want to thank you, Gentlemen, for allowing me to present this and anything I can do to help you I will. Thank you.

HEARING OFFICER del PIERO: Thank you very much, Sir. We appreciate it very much.

(Applause.)

HEARING OFFICER del PIERO: June Persson? And following Ms. Persson, Barbara Mohr. I hope that's right.

Good evening.
MS. PERSSON: Good evening, Gentlemen. I'm June Persson, P-E-R-S-S-O-N. I'm president of the Sacramento Chapter of the National Audubon Society with approximately 3,000 members. Thank you very much for this evening session, as so many of us who work do not get much of an opportunity to take part in such sessions. I'm an RN operating room nurse and one doesn't just take off from such a position in the middle of the day.

Mono Lake is very important to all Audubon members near Sacramento and others in Northern California and Nevada and, indeed, across the nation. Many of us visit the area yearly, if not more frequently. It is a very special area to all of us. I remember driving 395 in 1962 and have pictures of the lake at that time and wow, what a difference.

My first birding experience at Mono Lake was 12 years ago on a Yosemite National Park natural history tour led by the late David Gaines of the Mono Lake Committee. I, too, remember the drive down Tioga Pass with that great view of the lake and exploring the lake and its shore line. I was so impressed with the birds at that time that I became hooked on birding.

I recall last year's trip. We canoed on the lake surrounded by the tufas and floating up to the California gulls and eared grebes. Later, we hiked along the shoreline and found a female weasel in one of the tufas busily moving her family. A very special time.

We in Audubon would like to know that such experiences will be available for future generations. But I also remember the alkaline dust swirls and the alkaline flats surrounding the lake. That picture that I took in '62 certainly didn't show very much of the alkaline flat area.

A lake level of at least 6390 feet, higher would certainly be better for the permanent protection to restore Mono Lake and control the alkaline dust. That alkaline dust is certainly not healthy to anyone, avian, mammal, or human.

Mono Lake should be designated an outstanding natural resources water. It is a place where birds into the millions feed abundantly during their breeding and migratory seasons, and a place where people experience the awe of wilderness. I've heard the awe from so many people tonight and I can't help but think of David Gaines and the awe that he had for the lake and the Basin.

It has a great power of natural forces that have shaped this unique landscape. Let us never forget that Mono Lake is a national resource. Let us now officially designate it as such. Thank you for this opportunity to speak with you this evening.

HEARING OFFICER del PIERO: Thank you very much.
Barbara Mohr? And then Brian Hildon.

MS. MOHR: Members of the Board, thank you for your patience and your endurance. My name is Barbara Mohr, M-O-H-R.

Mono Lake is a very special place to me. One of my very favorite places in California. It gives welcome relief from the noise and congestion that I have to live with every day. The spectacularly beautiful area like no other area I've seen.

The Mono Basin must be restored. I would like to see the lake level return to it's pre-diversion level so that the streams that feed the lake will again be filled with life and the lake will continue to support the hundreds of thousands of birds that depend on the lake for their refueling stop during their long migration. Do not protect the lake and allow this area to die, this unique beautiful area, to borrow a phrase from Carl Sagan, to allow this area to die would be a crime against creation. Please let Mono Lake live.

Thank you.

HEARING OFFICER del PIERO: Thank you very much.

Brian Hildon?

Good evening, Sir.

MR. HILDON: Good evening. And thank you once again for the opportunity to make myself heard in the waning hours of your third hearing. I certainly appreciate it.

My first experience at Mono Lake was in the early 1970s, like many people here tonight, family vacation. I considered myself very involved since then. And when -- again, I'm very thankful to express these thoughts tonight.

Specifically the 6390 level. I, of course, would like you to consider that a minimum. If I had my way, we would curtail all diversions for at least the same period of time they were allowed to go on. I think that would be an interesting way to study the effects of restoration.

I grew up in L.A. and Orange Counties. Excuse me. I removed myself from L.A. forever upon moving to Davis for a few years of study, graduated from UC Davis on a fine Sunday morning. The following day, Monday, began a short career as a fisheries biologist for a firm in the Bay Area. On that day we began micro-habitat study of the brown trout populations in Rush Creek.

I'd also like to thank DWP for a couple of fine years of getting to play around near Mono Lake and also, of course, worked very hard.

HEARING OFFICER del PIERO: They paid the contract?

MR. HILDON: Oh, yes.

I had a lot of firsthand experience with the fisheries in Leavine and Rush Creeks. I'm here...
tonight to say that numbers and data are much different than the data love affairs, memories, and important thoughts that people are here to share tonight. I was involved with studies where after studying micro-habitats of trout populations and other watersheds, reports were drawn up to say after all the data was manipulated, as data tends to be in the long run, I actually saw reports that said that the trout in a particular stream preferred zero velocity, perhaps suggesting that a dam on this particular river might improve the fishery. The fish don't like the flow. It didn't go as far as saying, "Let's take all the water away or have the water flow uphill," but certain things less believable have been written. I'm here to say that all scientific data is not necessarily unbiased. It can be manipulated in any way, and I think it is very important, perhaps more important in some cases when you consider the public trust, to ask the public for their own data and their own personal memories.

I also think that in the case of the Mono Lake neo-catastrophe, we have an opportunity to reverse one of man's wrongdoings. It's not going to be easy to remove Shunessey Dam or install screens on Columbia River dams and improve what we've done. I consider the Mono Lake controversy a very unique opportunity to reverse what we've done relatively simply. I think if you just let the water flow and you invite the volunteers out to reseed the stream banks, you can reverse what we've done. I think it's very easily done here, and I hope you may have make the right decision. I think it's a unique opportunity, that we would all cherish Mono Lake at 6390 or above and, in closing, I would like to also say that the national outstanding resource designation is a must. I think the economic values of the region are always high priority. I also think that L.A. could spend a fraction of those millions on glitzy campaigns towards conservation and put itself at the forefront as far as the media is concerned of water conservation efforts in the western united states. I'm sure the residents of L.A. have expressed their willingness to go along. I think it's up to L.A. to put that forward, and I certainly appreciate your help in convincing them of that.

Thanks again for the opportunity, and I'm very interested in looking at those photos.

HEARING OFFICER del PIERO: Don't go away. I've got a question for you. How much work did you do on Rush Creek?

MR. HILDON: I spent hundreds of hours.

HEARING OFFICER del PIERO: Do you have a personal recommendation as to an average flow for restoration of the riparian corridor and also restoration of the downstream -- the multiple channels that historically
13 existed?
14 MR. HILTON: That's part of the reason I would
15 like to see those photos. I've never seen photos dating
16 back so far. I believe once restoration is complete,
17 once you have instream habitat --
18 HEARING OFFICER del PIERO: Do me a favor.
19 Mr. Brown would like to know what your professional
20 qualifications are.
21 MR. HILTON: I was a fisheries biologist just for
22 the consulting firm hired by DWP.
23 HEARING OFFICER del PIERO: Do you have a
24 bachelor's degree?
25 MR. HILTON: I have a bachelor's degree from

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01 University of California Davis.
02 MR. BROWN: And you have 100 plus hours experience
03 on that creek?
04 MR. HILTON: Well over 200 hours on Rush Creek.
05 HEARING OFFICER del PIERO: Tell me -- go ahead
06 and finish your thought. Tell me what you think.
07 MR. HILTON: My thought is once you have instream
08 habitat restored adequately -- this is the basic
09 problem on Rush Creek, there is no habitat. We've come
10 a long way in two years with some of the consultants'
11 work. Once the habitat has been restored adequately,
12 all the flow you can give the creeks will be
13 necessary. I don't think -- I think at once the
14 corridors are restored to near historical
15 proportions --
16 HEARING OFFICER del PIERO: You recommend natural
17 restoration or planting to restore the riparian
18 corridor?
19 MR. HILTON: I think the riparian corridors needs
20 a lot more than natural restoration.
21 HEARING OFFICER del PIERO: You recommend at least
22 some modicum of artificial enhancement?
23 MR. HILTON: Oh, yes. I think bulldozing and
24 creation of pools, placing of large structures like
25 logs is paramount in restoration.

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01 HEARING OFFICER del PIERO: Who are you working
02 for now?
03 MR. HILTON: I no longer am working in a career in
04 biology. I work in San Francisco for a small --
05 HEARING OFFICER del PIERO: Did you work for Jones
06 and Stokes or who did you work for?
07 MR. HILTON: No. I worked for EA.
08 HEARING OFFICER del PIERO: Okay. Have you got a
09 card?
10 MR. HILTON: I'm not sure I do.
11 HEARING OFFICER del PIERO: Maybe you can give us
12 an address and a phone number afterwards.
13 MR. HILTON: Sure. And I would love to see those
14 photos. Thank you again.
15 HEARING OFFICER del PIERO: Appreciate it.
16 Ladies and Gentlemen, I'm out of blue cards.
(Applause.)

HEARING OFFICER del PIERO: Does anyone wish to make any further comment that has not filed a card with us? Good --

MS. WAKLEE: Could I make one? So many people have sat here over and over and said how awe struck and how much thought it gave them watching the lake, and I'd just like to make one quote from Proverbs. It says, "You see me in nature. If you say I don't exist you're a liar." That's why it's so awe inspiring.

HEARING OFFICER del PIERO: We need your name for the record.

MS. WAKLEE: Marlene Waklee, the wife of the husband that has the pictures.

HEARING OFFICER del PIERO: We know who the author of Proverbs was.

MS. WAKLEE: I thought you would.

HEARING OFFICER del PIERO: Ladies and Gentlemen, Mr. Brown and I deeply appreciate your kindness and consideration both today as well as this evening as part of this hearing. We -- this process is not over. The evidentiary phase of this hearing will begin again next Wednesday. We have another 15 days scheduled for -- at this point -- do you have new comments John?

MR. BROWN: Just to thank Staff and particularly, to thank Ed.

HEARING OFFICER del PIERO: Mr. Ed Anton who's Chief of the Division of Water Rights for the State Water Resources Control Board has been -- Mr. Anton, would you raise your hand so people know who you are? See, this is the gentleman whose division is in charge -- he's right here, Ladies and Gentlemen. He's sitting down near the -- right there. He's not made much of his presence here today, but he's been here all day long.

Mr. Anton is Chief of the Division of Water Rights for the State Board, and what that means is all the water rights in the State of California and all the Staff that deal with water rights in the State of California are supervised by Mr. Anton. This issue has been a very significant and important issue. Important enough for him to spend almost the entirety of the day with us today and quite a bit of the evidentiary hearing time, too. So we appreciate his presence and thank you, Mr. Brown, for making me point that out because it's -- we appreciate him being here.

Again, thank you very much Ladies and Gentlemen. The Board intends to render a decision on this matter in a somewhat shortened time frame. What that means is it's probably going to be the -- near the end of spring of next year which, if you know how long it takes for us to get water rights decisions of this magnitude out, is really a shortened time frame.
The evidentiary portion of this hearing is probably going to end sometime around the first or second week in December if everything goes well. I intend it to go well, so I get to control a little bit of that. In any event for those of you that are at all interested, we would encourage your continuing monitoring of the program and, again, on behalf of the State Water Resources Control Board, all five members, my deepest appreciation for your participation here this evening. Thank you.

This meeting's adjourned.

(Applause.)

(Whereupon the proceedings were adjourned at 10:04 p.m.)

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REPORTER'S CERTIFICATE

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STATE OF CALIFORNIA )

) ss.

COUNTY OF SACRAMENTO )

I, KELSEY DAVENPORT ANGLIN, certify that I was the official court reporter for the proceedings named herein; and that as such reporter, I reported, in verbatim shorthand writing, those proceedings, that I thereafter caused my shorthand writing to be reduced to typewriting, and the pages numbered 1 through 257 herein constitute a complete, true and correct record of the proceedings:

PRESIDING OFFICER: Marc del Piero

JURISDICTION: State Water Resources Control Board

CAUSE: Mono Lake Diversions

DATE OF PROCEEDINGS: October 22, 1993

IN WITNESS WHEREOF, I have subscribed this certificate at Sacramento, California, on this 10th day
of November 1993.

Kelsey Davenport Anglin, RPR
CSR No. 8553