MONO LAKE
COMMITTEE



Mono Lake on the 30th Anniversary of the California State Water Board's Historic Order

"Today we saved Mono Lake." That's what State Water Resources Control Board chairman Marc Del Pierro said on September 28, 1994, when the State Board unanimously adopted Decision 1631 (D1631). That decision, adopted after years of study and 43 days of evidentiary hearings, was hailed as one of the most important victories in the long struggle over water in the American West. On the 30th anniversary of this historic decision, it is time to assess progress in saving Mono Lake, acknowledge where progress has fallen short, and commit to an improved path forward. In the next few months, the Board is expected to move forward with a hearing to evaluate progress in implementing D1631 and to consider steps necessary to ensure implementation of their healthy lake level requirement.

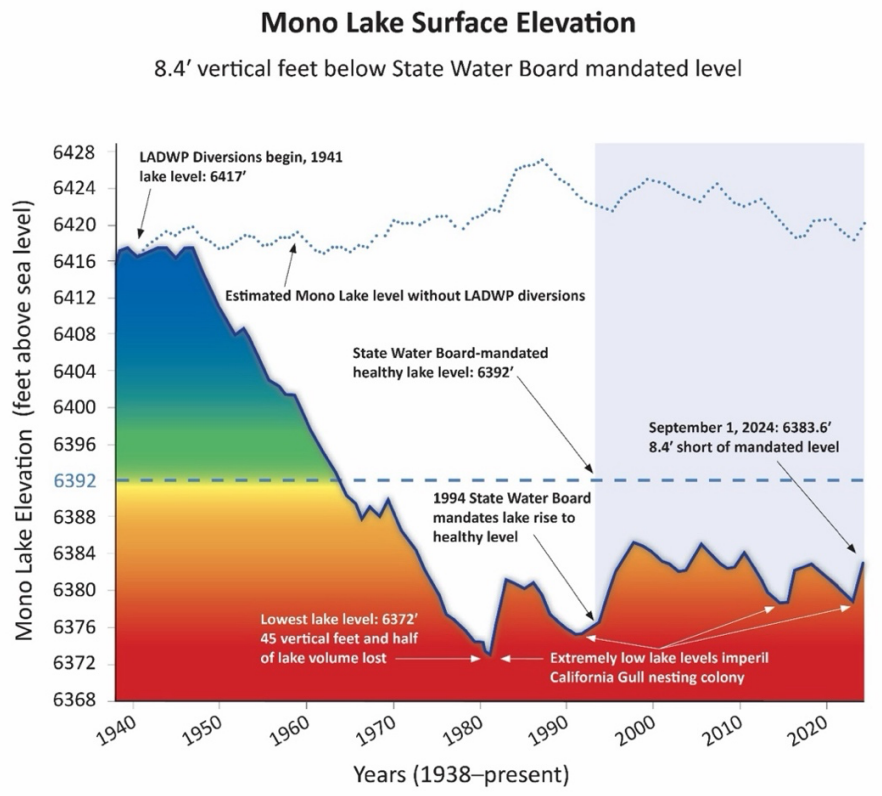
D1631 was the Board's response to a crashing lake level, caused by unsustainable diversion of Mono Lake tributaries by the Los Angeles Department of Water and Power (LADWP), starting in 1941. Prior to 1994, the lake was plummeting due to the loss of inflow, causing natural salinity to increase, heading toward a concentration beyond the tolerance of brine shrimp and alkali flies. Those animals serve as the foundation of a rich Mono Lake ecosystem, which is essential for millions of migratory grebes, phalaropes and nesting gulls. The lake's tributary creeks, also hit by high diversions, were also suffering dramatic impacts. Before the Board's decision, Mono Lake's health and its future as a key link the in hemisphere's migratory flyways were under dire threat.

What D1631 Requires

The State Board's D1631 decision included several key requirements to restore the health of the Mono Lake ecosystem:

- The Board ordered the restoration of Mono Lake to an elevation of 6,392 feet above sea level within 20 years. With this anniversary, the lake is only 50% of the way to this healthy level - 10 years past the target date.
- The Board adopted a system of maximum stream diversion limits to ensure adequate flow into Mono Lake. Those diversion levels were set – based on the understanding in 1994 – to retore Mono Lake to a healthy level by 2014.
- Additional requirements directed LADWP to restore the health of the lake's tributary streams and their fisheries and riparian forests, including Rush, Lee Vining, Parker and Walker creeks. These famous trout creeks were literally dry because of upstream LADWP diversions.

What made D1631 even more historic was the fact that the City of Los Angeles, the Mono Lake Committee and other parties all supported the order as the resolution of the highly litigated controversy over Mono Lake, including the mandate to restore the lake level to an elevation of 6,392 feet and the diversion limits.



Assessing Progress Since 1994

As the preceding graphic shows, the State Board's decision in 1994 stopped the rapid decline of Mono Lake. However, over the past 25 years, lake levels have fluctuated, and not recovered to the mandated 6,392 elevation. In the Fall of 2024, following one wet winter and another average one, Mono Lake's elevation stood more than eight feet below the Board's ordered level. To date, D1631 has taken Mono Lake halfway to a healthy lake level. Without a new approach, the past quarter century suggests that the lake could linger below the mandated lake level, continuing to harm its natural and tribal resources.

Geoff McQuilkin, Executive Director of the Mono Lake Committee - "D1631 was a landmark ruling that established the blueprint for protecting this precious ecosystem. But we have more work to do. We look forward to working with Los Angeles and the State Water Board to reach the goal of a truly healthy Mono Lake.

What are the Impacts of the Failure to Restore Mono Lake?

A low Mono Lake level leads to a wide range of impacts:

- The foundation of the **lake's ecosystem**, brine shrimp and alkali flies, depends on adequate lake salinities. A low lake level causes high salinity levels and impairs the reproduction, body size, and overall productivity of brine shrimp and flies.
- **Wilson's Phalaropes** depend on healthy saline lakes – and their abundant brine shrimp and flies - for their survival. Unfortunately, this beautiful tiny bird faces major threats at both ends of one of the longest bird migrations in the world. In North America, phalarope strongholds include Mono Lake, the Great Salt Lake and Lake Albert. To the south, Argentina's Mar Chiquita is the key for phalaropes. All of these lakes are threatened by excessive water diversions, leading a coalition of groups, including the Mono Lake Committee. to file a petition to list the Wilson's phalarope under the Endangered Species Act.
- Over a million **Eared Grebes visit** Mono Lake, which also depend on saline lakes for their survival.
- Before the State Board's D1631 order, water diversions caused a land bridge to Negit Island to be exposed, threatening the survival of 40,000 nesting **California Gulls**, one of the largest colonies in the world. The land bridge allowed coyotes and other predators easy access to gull chicks. Even today, nesting gulls are confined to small islets in the lake.
- Tribal people have long depended on Mono Lake and its tributaries for food and traditional cultural practices. In fact, alkali fly larvae were an important food source for the Mono Lake Kutzadika'a Tribe. They are still collected today. The Kutzadika'a Tribe has long supported restoring Mono Lake to protect many traditional **Tribal Beneficial Uses** (TBUs). The Lahontan Regional Water Quality Control Board is

preparing to adopt TBU designations for Mono Lake and its tributary streams, the first such adoption anywhere in California.

- Significant progress has been made in restoring flows and habitat on Mono Lake's tributary streams. However, LADWP has not yet complied with State Board requirement to construct a reservoir outlet capable of releasing required springtime **high water flows down Rush Creek**. High flows are needed to maintain a healthy creek. To allow these higher flows, LADWP must build a new outlet in Grant Dam. Progress on this project is a high priority.
- As diversions lowered the elevation of Mono Lake, more and more dry lake bed was exposed to the region's seasonally high winds. Fine particles, called PM-10, are carried through the air and lodge in the lungs of people exposed to high concentrations – a serious threat to people with heart and lung diseases such as asthma. Today, a low Mono Lake level causes **the worst particulate air pollution in the nation**. According to the Great Basin Unified Air Pollution Control District, "the magnitude of the PM-10 concentrations at Mono Lake are the highest in the nation and the frequency of the violations of the National Ambient Air Quality Standard is unsurpassed." (A similar problem was previously caused by excessive water diversions from Owens Lake.) The State Water Board has stated that "The only feasible method of reducing the PM-10 emissions sufficiently to come into compliance with the National Ambient Air Quality Standard is to increase the elevation of Mono Lake."

Restoring Mono Lake's elevation to 6,392 is the only way to address all of these impacts.

Why Hasn't D1631's Lake Level Been Achieved?

The core problem is simple. The current diversion limits under D1631 were based on scientific understanding in 1994. Today, it is clear that those original static diversion limits are not adequate to achieve a healthy lake elevation. Under those limits, LADWP has been allowed to maximize water diversions every year, even as lake restoration stalled. D1641, however, called for diversion levels to be examined and, as necessary, adjusted over time. (See the discussion below regarding the Mono Lake Committee's proposed solution.)

Local Los Angeles Water Supply Investments Since 1994

Over the past 30 years, LADWP has made major investments in alternative local water supplies including water conservation, stormwater capture and water recycling. These investments were made possible in part by over $100 million in state and federal funds, raised with the strong support of the Mono Lake Committee.

Over these decades, LADWP has replaced more than 1 million toilets with low-flush models. LA's ambitious conservation program was developed from the ground up through

partnerships with inner city leadership and community groups – and with the Mono Lake Committee.

LADWP is also investing in stormwater capture and water recycling. Between October 1, 2022 and April 4, 2023, LADWP captured an impressive 108,570 acre-feet of stormwater. That's 20 percent of Los Angeles' annual water use – and 20 times LADWP's diversions from the Mono Basin this year.

These investments have made LA's water supply far more reliable than it was in 1994. Los Angeles uses significantly less water today that it used in 1994 – despite the addition of 400,000 city residents. And Los Angeles is planning to do more.

LADWP is planning to expand local water supplies from 10% of current supply to 70% by 2030. LADWP has a goal of capturing 150,000 acre-feet of stormwater by 2035. Today, it is clear that Los Angeles has the capacity to meet the water needs of residents and provide the water necessary to restore Mono Lake.

Mayor Bass' 2024 Decision – An Important Step in the Right Direction

In May of this year, in response to a strong outpouring of community support, LA Mayor Karen Bass decided to voluntarily limit LADWP's diversions from the Mono Basin in 2024. Mayor Bass decided to continue 2024 diversions at 4.500 acre feet, the same level as in 2023, rather than increase them almost fourfold. The State Board's D1631 would have allowed LADWP to divert as much as 16,000 acre-feet. Mayor Bass's decision shows the mayor's "commitment to a sustainable relationship" between the city and Mono Lake, and a renewed commitment to achieve the lake level mandated by the State Water Board.

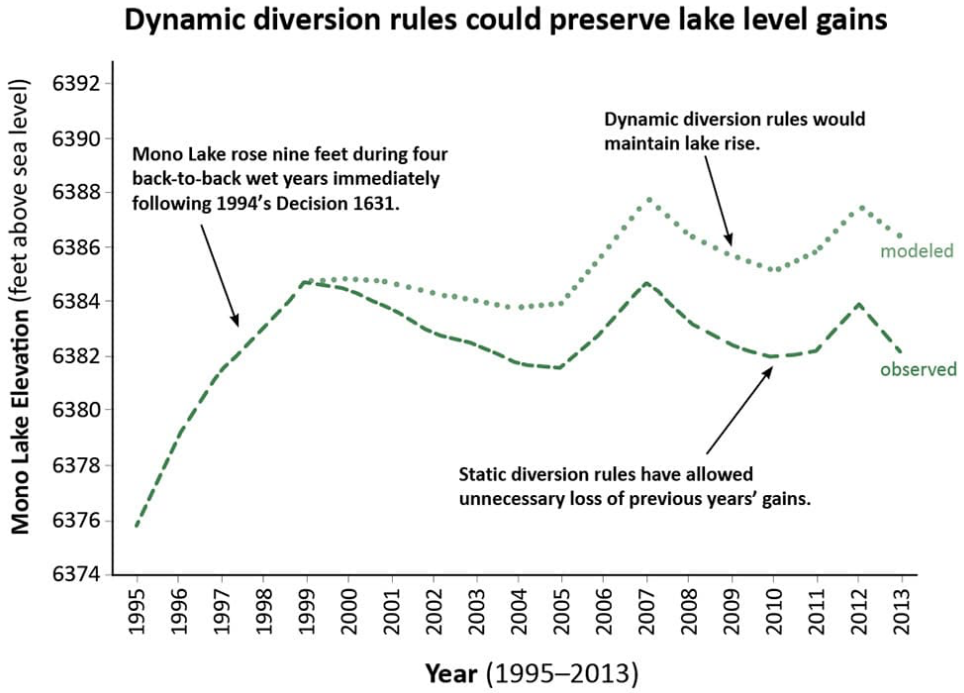
The Path Forward – State Board Action

The Board plans to hold a hearing in 2025 to evaluate progress in implementing D1631, although a date has not yet been set. The focus of the hearing is getting the lake on track to reach the mandated 6,392 elevation by adjusting the current diversion rules.

The Mono Lake Committee has recommendations about how best to do this, including establishing dynamic diversion rules, as shown in the following graphic. These dynamic rules would automatically adjust as the lake approaches a healthy lake level. This approach responds to a changing climate and changing hydrology. Most importantly, this idea would help preserve lake elevation gains in wet years and ensure steady progress toward a lake elevation of 6,392.

The Mono Lake Committee welcomes a productive discussion with Los Angeles about the path forward. Already we have jointly modelled this approach to show how it could work.

The Board is also completing a new hydrological model that could serve as a solid technical foundation for establishing dynamic diversion limits.



Geoff McQuilkin, Executive Director, Mono Lake Committee - "The effort to restore Mono Lake has been a journey. That journey is not yet complete. In 1994, Los Angeles and the Mono Lake Committee both supported the Board's adoption of D1631. Today, collaboration can blaze a new path in a successful effort to save a hemispherically important ecosystem.

