

# Mono County Community Development Department

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January 15, 2020

## **VIA US MAIL AND EMAIL**

April Nordenstrom, Clerk of the Board  
Indian Wells Valley Groundwater Authority  
100 West California Avenue  
Ridgecrest, CA 93555  
[apriln@iwwvd.com](mailto:apriln@iwwvd.com)

RE: Comment Letter – Final Draft Groundwater Sustainability Plan for the Indian Wells Valley Groundwater Basin

Dear Ms. Nordenstrom,

The Mono County Community Development Department (Department) appreciates the opportunity to provide comments on the Indian Wells Valley Groundwater Authority's (Authority) adoption of the Final Draft Groundwater Sustainability Plan for the Indian Wells Valley Groundwater Basin (Final GSP). The Department applauds the Authority's work and effort to prepare the Final GSP in such a short amount of time since the enactment of SGMA, and its inclusion of several projects and management actions to achieve sustainability in the Basin. The Department hopes that the Final GSP's projects and management actions will result in the realization of new resources (i.e., recycled water) and increased conservation throughout the entire Indian Wells Valley Basin (Basin). However, the Department is concerned that *Project No. 1: Develop Imported Water Supply, Option 2: Groundwater Recharge Project with LADWP* in the Final GSP is highly infeasible because it will likely (1) require the Los Angeles Department of Water and Power (LADWP) to obtain new land use approvals and perform environmental review pursuant to the California Environmental Quality Act (CEQA) and (2) result in unacceptable significant impacts to Mono County's natural environment, communities, and economy. For these reasons, the Department urges the Authority to remove *Project No. 1: Develop Imported Water Supply, Option 2: Groundwater Recharge Project with LADWP* from the Final GSP.

### **1. The Development of Imported Water Supplies May Require LADWP to Obtain Land Use Approvals and Perform Environmental Review Pursuant to CEQA.**

Although LADWP's extraterritorial use and development of its property and resources may be exempt from local regulation, the use and development of the same property by a third party – even with LADWP permission and assistance – may not exempt LADWP from Mono County's authority to regulate land uses. The Mono County General Plan Conservation/Open Space Element includes several policies and objectives related to export of surface water and groundwater. For example, if LADWP were to increase groundwater production in Mono County in order to import water to the Basin, then the Department could require LADWP to obtain a groundwater transfer permit requiring it to, among other things, identify potential environmental impacts to

wildlife and riparian habitat, wetlands, in-stream habitat, other water users (such as agricultural operators), and indirect effects such as potential increased flood risk, increased fire hazard risk, increased sedimentation, and reduced groundwater recharge capacity. (See Mono County Code [MCC] §20.01.010 et seq.; General Plan Conservation/Open Space [GP C/OS] Actions 3.E.1.a. and 3.E.1.b.) Groundwater transfer permits are subject to approval by the Mono County Planning Commission, which must deny an application for any such permit if the transfer does not adequately protect the above resources. (GP C/OS Action 3.E.1.b. and 3.E.1.c.) Similarly, the Mono County General Plan requires water transfer projects to avoid – or at the very least mitigate – the potential significant impacts to surface water and groundwater resources. (GP C/OS Policy 3.B.6.) Mitigation measures and associated monitoring programs will be made a condition of any such project or permit approval. (GP C/OS Action 3.B.6.a.) In addition, transfers may not result in adverse water quality impacts. The Mono County General Plan tasks the Department to protect groundwater quality and water-dependent resources from unreasonable development and degradation to ensure county water resources are available and of a quality to meet future county needs. (GP C/OS Objective 4.A.)

The export of LADWP water from Mono County could result in negative impacts to the water resources, wildlife, agricultural operations and habitat of three watersheds: the Mono Basin, Long Valley Basin, and the northern section of the Owens Valley Basin (i.e., the Tri-Valley). Specifically, the Department is concerned that any agreement between LADWP and the Authority would increase the diversion of surface water from Mono Lake and the Owens River, prompt the drilling of new groundwater wells, or both. These actions may trigger the need for LADWP to obtain certain land use approvals from the Department as well as groundwater transfer permits, which will necessarily require Mono County to require environmental review be completed pursuant to CEQA. Taken together, it is unclear whether importing water to the Basin, by itself, will be a feasible project to achieve sustainable groundwater management in the Basin.

## **2. The Development of Imported Water Supplies May Result in Unacceptable Significant Environmental Impacts to Mono County’s Natural Resources, Communities, and Economy.**

As explained above, Mono County is actively involved in all projects, actions, and decisions with the potential to affect its natural environment, including its water resources and wildlife. In large part, this is because Mono County’s economy is based on tourism, agriculture, and recreation, which necessarily depend on water to protect the natural environment that support these interests. The Department is concerned that any additional export of surface water or groundwater from Mono County beyond amounts presently occurring would result in potentially significant environmental impacts requiring environmental review pursuant to CEQA.

In August 2018, Mono County brought a lawsuit against LADWP for its decision to remove irrigation water from certain Long Valley ranch leases without first completing environmental review pursuant to CEQA. Among other things, Mono County argued that LADWP’s decision to remove irrigation water had the potential to result in significant environmental impacts to the land and water resources of southern Mono County, and thus had the potential to adversely affect the Bi-State Distinct Population Segment (DPS) of Greater Sage Grouse and its habitat in the area; the agricultural economies of Long Valley and Little Round Valley; brown the landscape and allow the intrusion of invasive weeds and combustible fuels increasing aesthetic impacts and the threat of wildfire; and degrade the recreational opportunities and interests that attract visitors from all over the world. Although Mono County’s litigation has not been decided, LADWP may be ordered to prepare an environmental review pursuant to CEQA for any increased export from Mono County, which could include

mitigation measures that require certain amounts of water remain in Mono County to avoid significant environmental impacts. Even if LADWP was not ordered to prepare such an environmental review, any increase in the export of LADWP water beyond current amounts will likely be met with such strong opposition from stakeholders that the option should be considered infeasible.

In addition, the Bi-State DPS of Greater Sage Grouse is currently proposed to be listed as threatened under the Endangered Species Act by the U.S. Fish and Wildlife Service, and approximately 25% of the entire population is located in Long Valley. In the interest of protecting and preserving this species of concern and its habitat, Mono County participates in a collaborative, multi-agency coalition that includes the Bureau of Land Management, California Department of Fish and Wildlife, U.S. Fish and Wildlife, Inyo National Forest, Humboldt-Toiyabe National Forest, Nevada Department of Wildlife and others. This conservation coalition also fully engaged LADWP over its decision to remove water from certain Long Valley ranch leases due to the real and potential impacts to the Long Valley sage grouse population and habitat, and would likely be highly concerned about water exportation to the Basin as proposed. One result of that engagement is that LADWP is now an actively participating member of this conservation coalition and collaborating on sage grouse conservation actions in Long Valley.

The Department recognizes the hard work of the Authority to comply with the mandates of the Sustainable Groundwater Management Act (SGMA) and address the Basin's critical overdraft condition. However, for the reasons set forth above, the Authority has not adequately evaluated or considered the potential impacts to agricultural operators, recreation, groundwater dependent ecosystems, wildlife, and other natural resources in the basins from which water is proposed to be imported, including those in Mono County. Therefore, the Department strongly urges the Authority to eliminate *Project No. 1: Develop Imported Water Supply, Option 2: Groundwater Recharge Project with LADWP*. Such a project/management action is likely infeasible, will be met with strong opposition from local stakeholders, and arguably cannot be seen as anything other than creating a new problem in the hope it solves another. Instead, the Department recommends the Authority pursue other projects/management actions that favor water conservation and efficient use over water importing.

If you have any questions or would like to discuss the Department's comment letter, please feel free to contact me at (760) 924-1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov).

Sincerely,



Wendy Sugimura  
Community Development Director

*Cc (via email):*

Mono County Board of Supervisors  
U.S. Fish and Wildlife Service, Reno Office  
Inyo National Forest  
Nevada Department of Wildlife  
Inyo County (Board of Supervisors, Water Department, County Counsel)

Bi-State Sage Grouse Coordinator  
BLM, Bishop Field Office  
Humboldt-Toiyabe National Forest  
Los Angeles Department of Water and Power