

04/16/2013

Regular Meeting

Public Comment

Leigh Gaasch

Guide Dog News packet

of information

available for review in

clerk's office

04/16/2013

Regular Meeting

Item # 14b

County Counsel

Walker River Irrigation

District Storage Water

Leasing Program –

Change Petition



Larry Johnston ~ District One Fred Stump ~ District Two Tim Alpers ~ District Three
Tim Fesko ~ District Four Byng Hunt ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5538 • FAX (760) 932-5531
Lynda Roberts, Clerk of the Board

April 16, 2013

State Water Resources Control Board
Division of Water Rights
Attn: Kate Gaffney
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Petitions for Temporary Transfer and Change; Water Rights Licenses 6000 and 9407

Dear Ms. Gaffney:

Thank you for providing Mono County with an opportunity to comment on the Petitions for Temporary Transfer and Change filed on behalf of the Walker River Irrigation District with respect to water rights licenses 6000 (Topaz Reservoir) and 9407 (Bridgeport Reservoir) (collectively the "Change Petitions").

Mono County is generally supportive of proposals to lease water within the Walker River Basin for the purpose of providing additional inflow to Walker Lake. ~~The County provided that appropriate protections are in place.~~ Specifically, the County recognizes that the voluntary lease of water within the Walker Basin may provide at least a partial solution to longstanding issues at Walker Lake, which are currently the subject of litigation in the Federal District Court, ~~and that water leasing can provide benefits to the source community not available when water rights are simply purchased.~~

~~Consistent with the above, views such leases as a favorable alternative to the outright purchase of water or water rights, which can lead to long-term economic, environmental, and community impacts upstream — including within Mono County. Mono County entered into a Memorandum of Understanding with the National Fish and Wildlife Foundation (NFWF) last year to facilitate environmental review of any future transfer to Walker Lake involving water used for irrigation purposes within Mono County. And the Mono County Resources Conservation District¹ has secured funding to commission a comprehensive review and analysis of water transfers from California to Walker Lake, in order assist future decision makers in understanding the potential impacts.²~~

~~However, any~~ Similarly, any proposal to change the use of stored water in Bridgeport Reservoir or Topaz Lake must be carefully reviewed and considered – given the significant fishery, wildlife, aesthetic, and other public values afforded by these resources. Such values could be severely and irreversibly impacted if the State Water Board were to approve even a temporary change to Water Rights Licenses 6000 and 9407 without understanding the impacts caused by such a change. To approve a change petition for the purpose of benefitting Walker Lake in Nevada, while causing harm to California's

¹ ~~The Resources Conservation District is a special district and is not a part of Mono County.~~

² ~~This analysis will not include impacts associated with the transfer of stored water (such as proposed in the Change Petitions) and is limited to the impacts of transferring water used for irrigation in Mono County.~~



Larry Johnston - District One Fred Stump - District Two Tim Alpers - District Three
Tim Fesko - District Four Byng Hunt - District Five

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Dear Ms. Gaffney:

Thank you for providing Mono County with an opportunity to comment on the Petitions for Temporary Transfer and Change filed on behalf of the Walker River Irrigation District with respect to water rights licenses 6000 (Topaz Reservoir) and 9407 (Bridgeport Reservoir) (collectively the "Change Petitions").

Mono County is generally supportive of proposals to lease water within the Walker River Basin for the purpose of providing additional inflow to Walker Lake. The County views such leases as a favorable alternative to the outright purchase of water or water rights, which can lead to long-term economic, environmental, and community impacts upstream – including within Mono County. Additionally, the County recognizes that the voluntary lease of water by water rights holders within the Walker Basin may provide at least a partial solution to longstanding issues at Walker Lake which are currently the subject of litigation in the Federal District Court in Nevada.

However, any proposal to change the use of stored water in Bridgeport Reservoir or Topaz Lake must be carefully reviewed and considered – given the significant fishery, wildlife, aesthetic, and other public values afforded by these resources. Such values could be severely and irreversibly impacted if the State Water Board were to approve even a temporary change to the District's Licenses without understanding the impacts caused by such a change. To approve a change petition for the purpose of benefitting Walker Lake in Nevada, while causing harm to California's resources within the Walker River Basin, will only undermine efforts to protect Walker Lake, making them synonymous with environmental degradation elsewhere.

With the foregoing in mind, the following are Mono County's specific comments on the Change Petitions filed on behalf of the Walker River Irrigation District for its Stored Water Program.

1. Releases of stored water must be timed so as to avoid negative impacts to water levels, habitat, and recreational values at Topaz Lake and Bridgeport Reservoir.

The Change Petitions do not describe how the timing of releases would be modified pursuant to the leasing program, but do state that changes to the timing of releases "could reduce the quantity of water held in storage." (Petition for Temporary Transfer and Instream Flow Dedication License 9407 (Application 1389), Attachment No. 1, at p. 4.) This statement causes great concern to Mono County.

Both Bridgeport Reservoir and Topaz Lake provide important fish and wildlife habitat and are central to the economic survival of northern Mono County.¹ As previously recognized by the State Water Board, "The East Walker River currently supports two very productive fisheries, one in the Bridgeport Reservoir itself and the other in the East Walker River downstream of the Bridgeport Dam." (*In the Matter of the Complaint by California Trout, Inc. against the Walker River Irrigation District* WR 90-18, at p. 19.)

At least nine different species of fish have been identified within Bridgeport Reservoir and the East Walker: mountain whitefish (*Prosopium williamsoni*), Tahoe sucker (*Catostomus tahoensis*), mountain sucker (*Catostomus platyrhynchus*), Lahontan redbreast (*Richardsonius egregius*), and tui chub (Gila bicolor subspecies), brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), Sacramento perch (*Archoplites interruptus*), and carp (*Cyprinus carpio*). (See WR 90-18 at p. 20.)

Topaz Lake supports healthy fisheries of both rainbow and brown trout (*Oncorhynchus mykiss* and *Salmo trutta*, respectively).

Of utmost importance to Mono County, and the thousands of visitors who come here to fish and enjoy the natural environment each year, is the maintenance (and, where possible, enhancement) of water levels, habitat, and recreational values at Bridgeport Reservoir and Topaz Lake – as well as downstream in the East Walker River, as discussed below. Accordingly, Mono County respectfully requests that any modification to the District's Licenses for the purpose of carrying out the Stored Water Program be structured to avoid adverse impacts to reservoir elevations and to associated habitat, fishery, and recreational values.

2. It is not clear from the Change Petitions how stream habitat and fisheries downstream from Bridgeport Reservoir and Topaz Lake will be affected. The State Board should require additional information from the District regarding these impacts so that it may ensure that the proposed temporary changes do not adversely affect fish, wildlife, or other instream beneficial uses.

Water Code section 1726 requires a Petitioner seeking a temporary water right change to describe the changes in water storage and timing that are likely to occur as a result. The information provided must be of sufficient depth and detail to enable the Board to determine whether the proposed temporary change would "unreasonably affect fish, wildlife, or other instream beneficial uses." (Water Code § 1727.) Governing regulations provide further detail on these requirements, specifying that the petition must include, among other things: "the existing and the proposed diversion, release and return flow schedules if stored water is involved or if the streamflow regime will be changed" and "[i]nformation identifying any effects of the proposed change(s) on fish, wildlife, and other instream beneficial uses." (23 CCR § 794(a).)

The Change Petitions do not provide this information.² General statements such as "the instream flows provided by the District *could* reduce the quantity of water held in storage;" "these releases *would increase flows* downstream to Walker Lake during the transfer period;" and "the flow in the East Walker River . . . will increase by *up to 25,000 AF* during the period of the transfer over what would have occurred absent the proposed transfer," (Attachment No. 1 to Change Petition at pp. 3-4, emphasis added) simply do not contain the data needed by the State Board, or interested parties, to

¹ See web page printouts provided with this letter which highlight fishing opportunities at Topaz Lake, Bridgeport Reservoir and in the East Walker River, as merely two examples of the importance of these resources to Mono County.

² Indeed, lacking this required information, it is somewhat surprising to Mono County that the Board has accepted the Change Petitions for filing. (See 23 CCR §794 (d): "The petitions for change(s) will not be accepted for filing unless it contains all of the information required by subdivision (a) . . .".)

understand the possible impacts of the proposed changes, much less ensure that they do not unreasonably affect fish, wildlife, or other instream beneficial uses.³

Finally, while the District indicates that, for Bridgeport, it will follow the approved Operations Manual,⁴ and “develop and operate a schedule of releases . . . that will be coordinated with the Chief Deputy Water Commissioner under the Walker River Decree and other entities, including NFWF,” it is unclear how such coordination will ensure protection of California’s valuable natural resources. Moreover, to Mono County’s knowledge, there is no operations manual for Topaz Lake and, accordingly, even less is known of the realm of possible variations to flow regimes and lake levels at Topaz.

Clearly additional information is needed from Petitioner before the Board may undertake informed consideration and review of the Change Petitions. And any schedule of releases should be developed in coordination with the California Department of Fish and Wildlife,⁵ Mono County, and other interested parties in California.

3. Additional time required by the State Water Board to obtain needed information will not result in undue delay in implementation of the Stored Water Program.

In addition to approval from your Board, the District must obtain approval from the Nevada State Engineer and the United States District Court for the Northern District of Nevada prior to implementing the Stored Water Program. (See United States Board of Water Commissioners Administrative Rules, as Amended June 3, 1996, the “Administrative Rules,” Articles V-VII.) The processes before each agency (and the court) allow for protest, hearing, and appeal. (See *id.*) And, in addition to administrative and court approvals, the District and National Fish and Wildlife Foundation (NFWF) must still agree to a price to be paid for leased water (a discussion which has been ongoing for more than a year), solicit stored-water rights holders interested in participating in the program, and negotiate and execute individual leases with those persons. Accordingly, it is highly unlikely (if not impossible) that the Program will be capable of implementation during the 2013 irrigation season (which is already underway), regardless of any time it may take your Board to obtain the information and specificity it needs to ensure that California’s resources are not unreasonably impacted.

Further, the District itself has spent more than four years developing the proposal it now asks the State Board to approve in an expedited manner. Congress established the Walker Basin Restoration Program and allocated twenty five million dollars (\$25,000,000) to the District to administer and manage the leasing program in 2009. (See P.L. 111-85.) It has taken since 2009 for the District’s membership and governing board to agree on the specifics of the leasing program, enter into a grant agreement with NFWF governing the program’s terms and, ultimately, to put forward the Change Petitions it now seeks to have your Board approve.

Given the significant involvement of California’s natural resources in the Stored Water Program (the District specifically limited the Program to California-stored water, based in part on its own members’ concerns regarding potential impacts associated with the leasing of “decree” or “direct flow” rights within Nevada) it behooves the State of California (including the Water Board, Regional Board, and California Fish and Wildlife, among others) to require adequate data from the District to support informed decision making in considering the applications. As previously stated, approving a change petition for the purpose of benefitting Walker Lake, while causing harm to California’s resources within the Walker River Basin, would only undermine efforts to protect Walker Lake, making them synonymous with environmental degradation elsewhere.

³ Note that the District informs the State Water Board that it will “not transfer water such that it would adversely impact the District’s growers.” (Attachment to Change Petition No. 1, at p.4.) There is no similar assurance with respect to fish, wildlife, habitat or other instream beneficial uses in California.

⁴ Compliance with the Bridgeport Reservoir Operations Manual is not optional in any event. See State Water Resources Control Board’s Order WR 90-18 and California Regional Water Quality Control Board’s Clean-up and Abatement Order 6-89-154.

⁵ Petitioners are required to request consultation with the Department of Fish and Game (now Fish and Wildlife) and the Lahontan Regional Water Quality Control Board and to provide their comments to your Board. (See 23 CCR §794(b) and (c).)

Mono County supports the lease of water in the Walker River Basin for the purpose of benefitting Walker Lake, but does not support a program to do so that results in environmental or economic harm within California and Mono County.

4. The Stored Water Program is in reality a three-year pilot water leasing program established by federal law and administered by the District. To treat it as a one-year temporary change for the purpose of avoiding environmental review under the California Environmental Quality Act (CEQA) is improper piecemealing which violates the spirit and letter of CEQA.

Notwithstanding its application for a temporary change of one year or less, the District's Stored Water Program is in reality a three-year water leasing program. In 2009, Congress allocated \$66,200,000 for the Walker River Restoration Program, of which \$25,000,000 is provided to the "Walker River Irrigation District . . . to administer and manage **a 3-year water leasing demonstration program** in the Walker River Basin to increase Walker Lake inflows." (P.L. 111-85, October 28, 2009, Section 208(b)(1)(B)(i)(I), emphasis added.) The District acknowledges that its Change Petitions relate to transfers pursuant to that program.

While Water Code section 1729 exempts temporary changes of one year or less from the application of CEQA, CEQA itself requires public agencies to consider the "whole of an action" when considering a project, and forbids a public agency (including any agency carrying out or approving the project) from dividing what is in reality a larger undertaking into several smaller projects for the purpose of evading environmental review. "The requirements of CEQA 'cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.'" (*Topanga Beach Renters Assoc. v. Dept. of General Services* (1976) 58 Cal.App.3d 188, 195-96, citing *Plan for Arcadia, Inc. v. City Council of Arcadia* (1974) 42 Cal.App.3d 712, 726 and see 14 CCR § 15378.) Nor may the agency engage in piecemealing in order to avail itself of an exemption applicable to only a portion of the project.

What the Board has before it is an application for temporary change for the first year of a three-year water leasing program.⁶ The Board should not be complicit in such piecemealing.

In conclusion, Mono County's primary comment related to the Change Petitions is to urge the State Board to be vigilant in protecting California's fragile natural resources, its recreational assets, and economic backbone by undertaking a thorough environmental review that includes analysis of actual impacts which may occur as a result of the proposed changes.

The Mono County Board of Supervisors appreciates the opportunity to review and comment on the Change Petitions. If your Board, or staff, should have any questions regarding this letter or the County's comments generally, please contact Assistant County Counsel Stacey Simon at ssimon@mono.ca.gov or 760-924-1704. Thank you again for your consideration of these significant issues.

Sincerely yours,
MONO COUNTY BOARD OF SUPERVISORS

By: Byng Hunt, Chair

⁶ It would appear to be an issue of first impression in California whether an entity, such as the District, meeting CEQA's definition of "public agency" but organized pursuant to the laws of another state is, itself, subject to CEQA when it carries out a project within the State of California. (See Cal. Pub. Res. Code § 21063 which defines public agency as "any state agency, board or commission, any county, city and county, city, regional agency, **public district**, redevelopment agency or other political subdivision" without specifying that such entities be "of the State of California.") Further, Public Resources Code § 21001.1 expresses the state's policy "that projects **to be carried out by public agencies** be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies." (Emphases added.)

Encl.

Cc: State Water Resources Control Board:
Felicia Marcus, Chair
Frances Spivy-Weber, Vice Chair
Thomas Howard, Executive Director
Tam M. Doduc, Member
Steven Moore, Member
Dorene D'Adamo, Member
California State Senator Tom Berryhill
California Assemblyman Frank Bigelow
California Senator Ted Gaines



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INTERACTIVE MAPS

A listing of the major fishing areas from north to south in Mono County and what you can expect to catch!

PLUS, check out the new [Eastern Sierra Back Country Fishing Guide](#) from our friends at California Department of Fish & Game!

BODY OF WATER	LOCATION	WHAT YOU'LL CATCH
Topaz Lake	U.S. 395, north of Topaz/Coleville	Either a CA or NV fishing license works here. Catch rainbows and browns from Jan. 1 to Sept. 30.
West Walker River	U.S. 395, South of Walker / Coleville	Designated a "wild and Scenic River," the West Walker River has a reputation for its trophy-sized trout-rainbow, and brown. It's also a favorite river to kayak especially through its winding bends and rocky troughs.
Little Walker River		Little Walker River runs from Little Walker Campground to the opening of the West Walker River and adds a more challenging day of fishing for fly fishing anglers. Rainbows and Browns are stocked and come up stream from the larger West Walker River.
Bridgeport Reservoir	Hwy 182, North of Bridgeport	A thriving population of German browns, rainbows, cutthroat and Sacramento Perch.
East Walker River		Anglers come from all over the country each year to try their luck against the wily Browns and Rainbos at this year round fishing destination. The East Walker has special regulations, artificial flies or lures only with barbless hooks. From November 16th to the last Saturday in April the limit is zero, the rest of the year the limit is one fish over 18".
Twin Lakes	Hwy 420, 14 Miles outside of Bridgeport on Twin Lakes Road	A family vacation favorite with campsites, cabins and lots of fish on two lakes
Virginia Lakes	South of Bridgeport, west of Hwy 395 at the top of Conway Summit	Stocked weekly with rainbows, plus browns and brookies on three picture-perfect alpine lakes.
Lundy Lake	South of Bridgeport, west of U.S. 395 at the base of Conway Summit	Five miles from US 395 up a canyon on a paved road, you'll find a big lake and lots of rainbow, brown and brook trout.
Conway Ranch	Between Lee Vining and Bridgeport, 35 miles north of Mammoth Lakes at U.S. 395 & Hwy 167	The famous Alpers Trout and Lahontan cutthroat trout are raised here and several ponds and streams are open to the public for fishing. Advance reservations are required - (760) 709-6446.
June Lake Loop	A loop from from U.S. 395 at the town of June Lake, north toward Lee Vining	Four lakes: June, Gull, Silver, and Grant are easily reached from the June Lake Loop. The fishing's so good here, the lakes are used to test synthetic baits. Loaded with Alpers, rainbow, brown and brook trout.
	June Lake Loop	

Lower Rush Creek		Not for the beginning fly fisherman, it flows from Grant Lake (June Lake Loop) and has cautious, but big brown trout.
Mammoth Lakes Basin	Mammoth Lakes	In the town of Mammoth Lakes are several great lakes for float, boat and shore fishing. Rainbows, Browns and Brookies.
Hot Creek	East of Mammoth Lakes near airport	Some 5,000 to 7,000 rainbow and brown trout per mile live in this popular stream. Ideal for beginning fly fishing, though sure to please anyone.
San Joaquin River	High Sierra, west of Mammoth Lakes	A beautiful area in the backcountry where you can catch rainbows, browns, brooks and golden trout.
Convict Lake	South of Mammoth Lakes off U.S. 395	3 to 7 pounders are pretty common on this big lake. Up to 1000 lbs of trout are stocked each week.
Upper Owens River	East of U.S. 395 between June Lakes and Bishop	Go for big rainbows in spring and browns in fall.
Lower McGee Creek	Near Crowley Lake, off U.S. 395	A gentle, meandering stream near and flowing into Crowley Lake. Lots of oxbows, ideal fly fishing stream.
Crowley Lake	East of U.S. 395, north of Tom's Place	Home of the big rainbow which grow big off Sacramento perch fry and lots of nutrients from streams feeding the lake.
Lower Owens River	In neighboring Inyo County, south of Bishop	Year-round fishing on this designated Brown Trout water, best February to April.



<< Back to Fishing

2013 FISHING EVENTS

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REQUEST A GUIDE



We have several guides to help plan your trip to Mono County and the Eastern Sierra.

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INTERACTIVE MAPS

Something fishy is going on almost everywhere in the Eastern Sierra! Plan your trip to your favorite Mono County fishing spot around this year's derbies, events and festivals.

2013 FISHING EVENTS

Jan. 1 - April 14 - Topaz Lake Fishing Derby - Topaz Lake. The fishing season at Topaz Lake (California-Nevada border) goes from Jan. 1 - Sept. 30, 2011! Topaz Lodge hosts their annual fishing derby from Jan. 1 until April 15 -- catch tagged fish for cash and prizes. No entry fee! Contact 800-962-0732 / <http://www.topazlodge.com/portfolios/2013-topaz-lodge-fishing-derby/>

April 27 - Fishmas Day Celebration at Tom's Place - Tom's Place. A fun-filled fishing derby with cash prizes, 50/50 raffle for cash, and lots of contest categories. Advance registration required. Contact (760) 935-4239 / www.TomsPlaceResort.com

April 27 - Crowley Lake Resort "Big Fish" Contest - Crowley Lake. No entry fee -- just bring your opening day catch to Crowley Lake Fish Camp Tackle shop for prizes and fame. Contact 760-935-4301 / <http://www.crowleylakefishcamp.com/>

April 27 - Monster Fish Contest - June Lake Loop - Prizes will be awarded for biggest trout caught by a local resident, biggest trout caught by a chile, biggest trout caught by a woman, and the ugliest trout entered. Contact www.junelakeloop.com

April 27 - 28 - Mono Village Fishing Opener Derby - Upper Twin Lakes, Bridgeport. Cash and merchandise prizes given in several categories. Registration fee required. Contact (760) 932-7071 www.MonoVillage.com

April 27 through November 16 - Gull Lake Marina "Fish of the Month Club" Derby - June Lake Loop. Cash prizes are awarded for the biggest catch from Gull Lake every month of fishing season! Entry fee is just \$5. Plus, rent a boat from the marina and catch a fish over 3lbs., and you get to spin the Wheel of Prizes! For information call Gull Lake Marina at (760) 648-7539 or www.gulllakemarina.com

April 28- June 13- "Round-up at the Lake" Spring Fishing Derby - Convict Lake. Cash prizes up for grabs; advance registration required. Contact (800) 992-2260 or www.ConvictLakeResort.com

June 7-9 - "Hangman's Bonus Derby" Convict Lake - Convict Lake. Cash prizes up for grabs; advance registration required. Contact (800) 992-2260 or www.convictlakeresort.com

June 22 - Bridgeport Trout Tournament. An open derby with several categories, funds generated from this event help provide more trout for Bridgeport Reservoir and the East Walker River. Contact (760) 932-7525 / www.BridgeportFishEnhancement.com; or Bridgeport Chamber of Commerce at (760) 932-7500 / www.BridgeportCalifornia.com.

June 29- Trout Fest- Hot Creek Halchery, Mammoth Lakes 10am-2 pm Bring your family to Trout Fest for free, fun filled day of fishing activities and fascinating facts about California native trout. Contact (559) 765-4824

June 29 - July 7 - Mono Village 4th of July Fishing Derby - Upper Twin Lakes, Bridgeport. Cash and merchandise prizes given in several categories. Registration fee required. Contact (760) 932-7071 www.MonoVillage.com

July 1-31 - How Big is Big Fishing Derby - West Walker River. Sponsored by the communities of Walker, Coleville and Topaz, and the Northern Mono Chamber of Commerce, the 9th Annual How Big is Big Fishing Derby runs for the entire month of July. No entry fee -- just bring your fish in to the Walker General Store, and your catch will be weighed and recorded. Lots of prizes. Contact (530) 208-6078 / www.NorthernMonoChamber.com

July 6 - Free Fishing Day. Come and fish for FREE in Mono County! All regulations still apply and Report Cards are required -- but Fishing Licences are waived on this day (and again on September 6, 2010). For more information on Mono County fishing regulations, contact the California Department of Fish & Game at (760) 934-2664 or <http://www.dfg.ca.gov/>.

July 27 Children's Fishing Festival- Snowcreek Resort Mammoth Lakes - Kids under 12 can catch an Alpers trout at snowcreek ponds. Event T-shirts, prizes. Contact (760) 937-2942 or www.kidsfishfest.com

August 3-11 - Mono Village Summer Fishing Derby - Upper Twin Lakes, Bridgeport. Cash and merchandise prizes given in several categories. Registration fee required. Contact (760) 932-7071 /www.MonoVillage.com

August 31- September 8 - Mono Village Labor Day Fishing Derby - Upper Twin Lakes, Bridgeport. Cash and merchandise prizes given in several categories. Registration fee required. Contact (760) 932-7071 /www.MonoVillage.com

September 1-3 Morrison's Bonus Derby Weekend - Convict Lake. Cash prizes! contact (800) 922-2260 or www.convictlakeresort.com

September 7 - Free Fishing Day. Come and fish for FREE in Mono County! All regulations still apply and Report Cards are required -- but Fishing Licences are waived on this day. For more information on Mono County fishing regulations, contact the California Department of Fish & Game at 760-934-2664 or <http://www.dfg.ca.gov/>.

September 2-November 15 - "Ambush at the Lake" Fall Fishing Derby - Convict Lake. Catch a tagged fish at the Convict Lake Fall Fishing Derby Series and win thousands of dollars in cash and prizes! Contact (800) 992-2260 / www.ConvictLakeResort.com

September 20-22 -The Fly Fishing Faire - Four fun filled days of fly casting, fly tying, and lessons for the family. Beginners to advance with great prizes. Contact 951-415-9920 / www.southwestcounciliff.org

For more information about these fishing events, other sports events, music festivals, and food, beer & wine celebrations, check out our full [Calendar of Events](#).

04/16/2013

Regular Meeting

Item # 17a

Board of Supervisors

June Mountain

Ski Area

Lynda Roberts

From: Tim Alpers [timalpers1@gmail.com]
Sent: Monday, April 15, 2013 11:55 AM
To: Byng Hunt; Tim Fesko; Larry Johnston; Fred Stump; Lynda Roberts
Subject: Fwd: HR1241

Begin forwarded message:

From: "Chris Smith" <Chris@jmastersconst.com>
Date: April 15, 2013, 11:26:06 AM PDT
To: <timalpers@schat.net>
Subject: HR1241

Dear Mr. Alpers,

I believe the Mono County Board of Supervisors should support HR 1241. Rusty has stated he would operate and make improvements to June Mountain beginning with the 2013 – 2014 season.

Sincerely,
Christine Tobin-Smith

Lynda Roberts

To: Tim Alpers
Subject: RE: Main Lodge land exchange HR1241

From: Tim Alpers [mailto:timalpers1@gmail.com]
Sent: Monday, April 15, 2013 11:56 AM
To: Lynda Roberts
Subject: Fwd: Main Lodge land exchange HR1241

Lynda - The other Board Members have this message. Tim A

Begin forwarded message:

From: "Doug Smith" <Doug.Smith@rossignol.com>
Date: April 15, 2013, 8:05:00 AM PDT
To: <timalpers@schat.net>
Subject: Main Lodge land exchange HR1241

Tim

I would like to ask the board to move forward and endorse bill HR1241. I think that Mammoth has made it clear they will open and operate June for the 13-14 winter.

That being said, we have asked and they have come back with answers. The land exchange will have a positive affect on both the county and the town of Mammoth.

With June open and MMSA starting to put a long term plan for the future, we also need to move forward with MMSA.

Thanks Doug Smith

*Doug Smith
Rossignol
Montana N.A.
doug.smith@rossignol.com
P.O. Box 21
June Lake, CA 93529
530-945-1872 cell
760-648-7512 office*

Lynda Roberts

From: WILLIAM MILLER [oldgreen58@hotmail.com]
Sent: Saturday, April 13, 2013 6:44 PM
To: Lynda Roberts
Subject: FW: WE OPPOSE HR 1241

Date: Sat 13 Apr 2013 14:16:01 -0700
Subject: WE OPPOSE HR 1241
From: dmillerhb@gmail.com

William Miller
Post Office Box 131
June Lake, Ca., 93529
April 13, 2013

Mono County Supervisors
MMSA requesting support of HR 1241

Dear Supervisors,

I am a homeowner in the community of June Lake, California, I still oppose bill, HR 1241. I understand that this bill is meant to facilitate the Mammoth Base Land Exchange. I have attended meeting concerning this issues and I do not trust MMSA due to prior actions. Please do not support the MMSA request for Mono County Supervisors to support the land trade.

My community has been affected in a devastating way by the business practices of Mammoth Mountain Ski Area, the entity this bill is intended to benefit. Rusty Gregory's decision to close June Mountain is destroying the towns' economy. Mammoth Mountain's CEO, Rusty Gregory, is also the owner of June Mountain Ski Resort and reports annual losses between \$1 and \$2 million. Rusty states, "June has operated at an annual deficit each year since its purchase in 1986". With that statement why would such a business man purchase a business knowing it had been in the red for nearly 20 years without having a clear business plan for the future to generate revenue? After 8 years of ownership Mr. Gregory has elected to shut down operations, stating the town is at fault and requiring an addition of 1000 beds to the June Lake bed base in order to consider reopening; however not once in the last 8 years has June Lake been without vacancy.

I still believe that Mammoth Mountain's Rusty Gregory CEO and his big money investors are holding this small community of June Lake hostage. Rusty Gregory closed June Mountain ski area this winter because as he stated lack of profit, and he doesn't "have any capital to throw at June Mountain"; but a buyer "Mountain Riders" made him a fair offer to purchase the June Mountain ski area. He would not sell, because I believe that he and his investors have a clear vision for the future that does not include the input from the community of June Lake. This bully wants to control the lodging and our small community first. The community of June Lake needs a fair partner, not the Rusty Gregory methods and demands that put the town of Mammoth Lakes into litigation over the airport improvements.

This is where we need your help. MMSA has shown that they are a poor steward of public lands by there prior actions and unwillingness to promote or improve June Mountain. In addition, these public land swaps are not a good deal for the citizens, because companies like MMSA and their big money investors prey on the US Forest Service for huge profits on these public land swaps. We need to preserve and protect our public lands. Believe me it is not just pure luck that big money investors purchase land that the forest service wants.

I am a retired Los Angeles County Fire Fighter that has been Skiing June Mountain for over 40 years and fulfilled my dream of building a vacation home in June Lake (away from the commercialization) when I started my own family. By closing June Mountain ski resort this year, Rusty Gregory CEO of Mammoth Mountain ski resort is ruining the small business owners, a community of willing workers, and the many family skiers who routinely visit this resort.

Please help in saving our community.
Respectfully,
William Miller & Denise Miller

Dorothy Burdette

With the past abrupt closure of June Mtn. there have been economic consequences; loss of jobs/ relocation to seek jobs/ school age families seek reliable jobs elsewhere/ closure of businesses due to decreased tourist volume/ lost revenue/ loss of TOT to the county (\$200,000-250,000?)/ increased unemployment and under-employment.

Starwood Capital and their CEO, who has visited June Lake before, is an important player here given their responsibility over MMSA operations and finance and their very public statements of community stewardship. The way this action of closure was approached contradicts their public statements on corporate intent and mission and undermines trust in the long term. I did not hear a genuine or direct apology from Mr. Gregory; only that if our community had not worked so hard to keep afloat he would not be opening June Mountain as if we were being tested and now we passed the test.

He did not thank the Board of Supervisors for stepping up to allocate funds to help our community with OUR OWN tax dollars.

We have witnessed this song and dance before. Carl Williams presented a June Mtn 2012 Draft Master Plan back in 2006 at the June Lake Coalition and then again presented to the June Lake CAC in Oct. 2007. That plan had more Phase I improvement items than what Mr. Gregory promised us *at the last board meeting: Chair 1 and 2 replacement/ chalet addition & renovation/ wastewater improvements/ snowmaking with infrastructure and chair #7 coverage.

And then....????? It's as if it was never drafted. We heard nothing more of it.

How will the current promises of a new chair and snowmaking be funded? And what about the increase in SAOT (skiers at one time) with a faster chair in place? With the increase of skiers and snowboarders won't there be a need for renovations and improvements to facilities as well? Restrooms/wastewater, additions/renovations to chalet, etc???

At last week's Board of Supervisors meeting Mr. Gregory did not bring anything in writing to the board to show his intent or business, marketing, funding, or implementation plan. He brought only a vinyl banner promoting the MVP Pass.

We need guarantees in writing with the funding in place. To help ensure this, and completion of the MMSA commitments, a letter of non-support for the MMSA Land Exchange by the Board of Supervisors to Congressman Cook, until such time the necessary upgrades and improvements have been completed, would go a long way to help in obtaining these assurances.

Mr. Gregory was quoted in the Mammoth Times as saying at the April 9th Board meeting, "Nothing is real until we do it." "Trust will come from our actions."
He needs to be held to those statements.

Do Not Support HR1241 without the Promised June Mountain Improvements in Place

The community of June Lake needs the promised improvements for June Mountain sooner than MMSA needs the land exchange. June Mountain has been in disrepair for over a decade. Where as Mammoth Mountain has had significant improvements during the same decade.

Do not feel relieved yet, the things needed for June Mountain have only been promised. Before last weeks commitment to provide snow making and a new lift up the face by the 2015/2016 season by Rusty Gregory there was a strong case that MMSA is a poor steward of public lands. Being a poor steward of public lands does not allow an entity to perform land exchanges with public lands. The promises made by Rusty Gregory were encouraging, but until proven by reality, MMSA is still a poor steward of public lands.

MMSA operates two permitted ski areas on public lands. Mammoth Mountain has been receiving significant capitol improvements while June Mountain has only been maintained enough to operate. Last season, they did not even do that. Even after last weeks promises, nothing has changed on June Mountain. Just drive by the base of June Mountain right now, nothing looks, or is different. Even if they open in December 2013, good stewardship will not be proven. They have a lot of work to do on June Mountain to catch up to their investments made at Mammoth Mountain. Until they do, their requests for more help from the public should not be entertained.

Last week we received optimistic words from Rusty Gregory, and those promises were conditional. A letter of support for the land exchange should be conditional as well. You should only consider providing a letter of support for the land exchange on the condition that the promised improvements for June Mountain are in operation.

Last Summer I was in Bridgeport along with many others when the previous Board of Supervisors was contemplating along with citizens on what could be done to save June Mountain. Legal council investigated and stated that there really was no action that could be taken legally by the County. That may have been the case at that time. But now you CAN do something. You should not support the land exchange until the changes promised by MMSA are IN PLACE at June Mountain.

Kirk Maes
Resident, June Lake
April 16, 2013

Supervisors,

Thank you again for your continued attention to June Mountain and June Lake. After requesting the promises of April 9th in writing and signed by Mr. Gregory, and having that request denied, I am now looking forward to resting my opposition to the land exchange once the improvements promised by Mr. Gregory are actually in place. I urge you to do the same.

Respectful Regards, Michael Bogash

April 16, 2013

You requested new information and facts and I am going to present facts to you which will show that no less than on 5 prior occasions, over a 9 years period, that promises almost identical to what was made last week by MMSA have been made and not accomplished:

1. 2005 – 2006, JM Operating Plan “Site Development Schedule, JMSA indicated snowmaking Master Plan incorporated into 5-year development schedule”.
2. Summer 2007 – JM Future Planning meeting by Carl Williams, Participants were: Carl Williams JM, Mark Clausen MMSA, Jack Copeland MMSA, Rusty Gregory MMSA, Joe Walsh IntraWest, Chris Piper IntraWest, Paul McCahon Double Eagle Resort, Sally Miller Wilderness Society, Andrea Mead Lawrence, ALIMAR, Mike Sprague JM, Carl Underkoffler JM, Vikki Bauer Supervisor, Randy Howatt Management Tools, AL Heirrich JLA.

Mission:

June is the Base Camp that will organize and deliver mountain adventures, especially for kids; Family oriented lodging and dining at a fair price; and opportunities for learning in the tradition of high Sierra Camps.

Vision:

June will be THE choice of families seeking a deeper connection with each other in a Spectacular mountain environment that is safe and comfortable, set in a small town community that is environmentally and economically sustainable.

This vision was to be completed by 2012.

3. October 2007 - Carl Williams presented JM Future Vision to the CAC with promises of snowmaking, chair 1 replacement and renovation.
4. 2008 - June Mountain Master Plan – Chair 1: \$8 million, Snowmaking: \$2 million, Chair 2: \$4 million, Renovation Chalet: \$4.5 million, etc. totaling \$18.9 million.
5. April 2013 - Williams Presented the Peer Tour review. MMSA stated that no improvements will be made to JM.
6. 2013 BOS meeting – Isn't it interesting to note that 7 days later, MMSA promised similar capital improvements. Why did commitments change?

Those are the facts; they clearly indicate that last weeks promises are similar to what has been said before to our community. Based on repeated empty promises, which are not an indicator of good stewardship, I am requesting that the BOS write a letter of non-endorsement of HR1241.

Patti Heinrich

To: Mono County Board of Supervisors

April 16, 2013

Subject: Comments on Stewardship of June Mountain Ski Area

Following are organizations that do not support HR 1241 because of stewardship concerns:

1. According to past BOS member Tim Hansen, the Inyo Board of Supervisors did not support HR 1241.
2. The Friends of Inyo withdrew support for HR1241 due to unclear benefits.

Additionally, the following organizations do not support HR1241:

3. June Lake Advocates
4. June Lake Revitalization Committee
5. Advocates for Carlsbad

According to the President of the Mono Lake Committee, they only support turning the 112 acre parcel, West of Mono Lake, into National Forest responsibility. They are neutral on the balance of the Bill.

The Sierra Club, Range of Light states that "A commitment by MMSA as regards to the June Mountain Ski Area should involve substantially more than a vaguely expressed oral or written statement of desires..."

Satisfactory stewardship must include promised capital renovation, full time ski area operations and fulfilling long time promises.

It boils down to one word: stewardship. MMSA is either a good steward or is not a good steward. If by not investing capital and continuously making hollow promises for over 8 years is not a good steward, then your decision is clear.

Finally, but most importantly, we are optimistic that the Mono County Board of Supervisors, due to stewardship concerns, will issue a letter not supporting HR 1241 at this time.

Al Heinrich, President
June Lake Advocates
P. O. Box 610
June Lake, CA 93529
661-400-0922

Alice Suszynski

Here we are again. You all may be thinking that you have seen way too much of our group lately but in truth we have only commented at two sessions. I thought you might be a little interested in our committee so I have prepared a short history of the group, Committee for a Viable June Mountain, so you know where we've been and where we are going. The last two times I've spoken I've been aware of the three minute rule so it's nice to have a little more time but I promise to be concise.

First, I looked at our packet, submitted for the April 2 meeting and I want you to be aware that there are many more letters in support of what we are doing in the March 5 packet. Also, I want to give you a letter from the Sierra Club which I didn't see in the packet and also please note that the Friends of Inyo have withdrawn their support for the land exchange.

At the July, 2012 CAC meeting Chris Edwards stood up and suggested that a committee be formed to find a buyer for June Mountain. This was based on numerous comments made by Mr. Gregory that he'd take a nickle for it. I raised my hand and our committee was formed. At the time it was called the Committee to Find a Buyer. It was under the umbrella of the June Lake Revitalization Committee. ~~We have at least seven active members and~~ we reach out to all of the people who have expressed an interest in our issue. We have initiated four letter writing campaigns.

We met for three days with an entity called The Mountain Riders Alliance. That effort ended when MMSA stated the price for June Mountain was 14 million dollars.

We decided for the time being to rename our committee, the Committee for a Viable June Mountain.

We then turned our attention to the Forest Service. We met twice with both Jon Regglebrugge and Ed Armenta, asking all pertinent questions surrounding the permit and looking for ways we could influence what is happening in that arena.

At the beginning of all of this one of our members identified a very interesting tactic of tying the land exchange to the situation at June Mountain. We received word from Dianne Feinstein that she would not support the bill until the situation at June Mountain was addressed.

As you know the bill died in the 112th congress and so we began to plan for future strategies. We contacted our new Congressman Paul Cook with little success. We identified the Forest Service NEPA process as a way we could get people to write in

opposing the bill. We were about to implement that strategy when we heard that Rusty Gregory was going to appear before the Board, asking for support of the bill which had yet to be introduced. It was short notice but we wanted to be heard so we mobilized again with flyers urging people to attend the meeting. Rusty Gregory canceled but we were able to comment.

At that point we asked to be put on the Board agenda for April 2.

Then we heard that the bill HR 1241 had been introduced by Congressman Cook...the same bill Buck McKeon introduced last year. We were pretty upset because Cook had never answered our inquiries so we stepped up the effort to contact him. We finally were able to speak to his legislative director, Justin Landon. We had five members on the conference call as well as Tim Alpers. Justin said the Congressman didn't know about any significant opposition to the bill and indicated that this is a serious matter and that the congressman will be looking into it.

We also initiated a letter writing campaign for people to write to the Committee on Natural Resources which is where the bill was introduced.

Last week we commented after Mr. Gregory spoke and others will be laying out why even in view of his promises our concerns should not be put aside.

Many people wonder why the land exchange has anything to do with June Mountain. If you aren't intimately involved in this, it's understandable so I'd like to lay out our rationale.

In our committee we use the term ...^{P.L.S.}"good steward of public lands" and I think everyone has a rough idea of what it means. ^{ADD THAT IN THE CASE OF MESA JUNE ISNT} It means taking care of the land, not abusing it, taking care of wildlife and being careful of the activities which occur on these lands. It's funny, but it is actually difficult to find a rock solid definition for the term. I began to do some research and I found the minutes of a hearing of the Senate Subcommittee on Public Lands and Forests, October 29, 2009. I have included a link to the entire document in our packet. It's really is very interesting. The subcommittee was considering several bills but what caught my eye was S. 607, the Ski Area Recreational Opportunity Enhancement Act. There was an apparent problem with the ambiguity and unequal enforcement of the activities which were allowed in ski areas operating on Forest Service property throughout the US and this bill was meant to remedy the situation. I mentioned this last week.

The hearing was convened to expand the activities which should be allowed on permitted ski areas and over and over, the people who testified mentioned how good it is for rural communities where ski areas exist to gain benefit from having public lands in or near their towns.

For instance, Senator John Ensign said, *“Increasing the amount and availability of year-round activities at ski resorts will help attract more visitors to the resort communities. By allowing these year-round activities, families will have a greater variety of activities to choose from. Attracting guests with new experiences and activities will also help local communities by stimulating the economy. Many of these communities have the capability to accommodate visitors all four seasons but lack the tourism needed to capitalize on their current infrastructure. This leaves many businesses behind and stagnant in the off months as their potential is being greatly underutilized.”*

So this shows pretty clearly that the Senator thinks it is in the public interest and therefore a mandate of being a good steward of public lands that the business of being a ski area should include benefiting the businesses and communities which are in the area where the ski area exists.

~~Senator Udall, speaking of the current economic downturn said, “Skiers are very important to mountain economies in general. In a time of tough economic prospects we’ve seen pretty strong numbers relative to the general economy. . People are staying a little closer to home, taking advantage of vacation opportunities in our parks on our public lands. What do you think the economic benefits of this bill would be if and when we move the bill through the Congress into the desk?”~~

One of the speakers at the hearing spoke about the plight of these communities and urged that more summer activities at ski areas be allowed so that these communities could survive what are always difficult circumstances.

“So these fragile communities are always fragile. During economic times like this they’re even more so with unemployment ranging often close to 20 and above 20 percent. So opportunities to work on the same resource in the summertime and the winter time, to be able to be employed on a year round basis, you know, makes a huge difference to these rural economies. Makes them, you know, a little less fragile than they already are.”

The person quoted here is Mr Gregory.

I hope you can agree with me that at least the people who testified at this hearing see that stewardship of public lands includes benefiting the people who actually live in the places where these ski areas are located. For the past many years June Mountain has been neglected in favor of Mammoth Mountain. For years the people in June Lake have been promised a change and a new vision but nothing has happened to make that vision real and last year Mr Gregory announced that June Mountain would be closed indefinitely. It was only after intervention by the Forest Service that that statement was withdrawn.

This cycle of promise and disappointment needs to stop now.

Thank you.



*Range of Light Group
Toiyabe Chapter, Sierra Club
Counties of Inyo and Mono, California
P.O. Box 1973, Mammoth Lakes, CA, 93546
Rangeoflight.sc@gmail.com*



February 27, 2013

Board of Supervisors
Mono County, California

Re: Mammoth Mountain Land Exchange

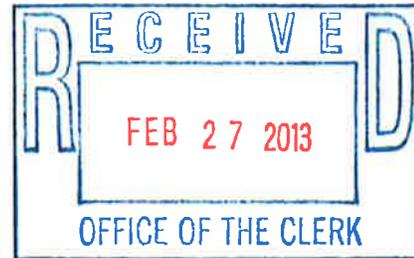
Dear Board of Supervisors,

We understand that at your March 5 board meeting you may be hearing a presentation urging the Board endorse the land exchange between Mammoth Mountain Ski Area (MMSA) and the Forest Service.

Our Range of Light Group (Toiyabe Chapter, Sierra Club) is on record (scoping comment letter of November, 2011) in favor of the land exchange provided that the Forest Service receives land or compensation of equivalent value. We also favor that most if not all lands acquired by the Forest Service be located in the Eastern Sierra (Mono and Inyo Counties) or if compensatory funds are involved that these be dedicated to the (often underfunded) activities of the Inyo National Forest. Especially, the "Cunningham" parcel is an important gain for public lands that will help protect Mono Lake. We are not certain what other lands may presently be targeted for Forest Service acquisition at present but know that various parcels have been mentioned earlier that would provide a significant benefit to public land holdings in the Eastern Sierra.

Nevertheless, we are concerned about the actions of Mammoth Mountain Ski Area as regards the June Lake ski area of which it is the permittee. Obviously, we could not foresee the closing of the June Lake ski area for the 2012-2013 winter season when we submitted our original comments. We realize that the BOS has been intimately involved in trying to mitigate the negative consequences of this action upon the June Lake community (including financial support) and commend the BOS for this action.

With the two ski areas so close together, the BOS should not consider the land exchange and the operation of the June Lake ski area as two unrelated issues. Mammoth Mountain is asking for an action which offers it substantial benefits as regards its operations at the mountain. But MMSA has failed to adequately maintain and upgrade its operation at June Lake. MMSA has not yet filed an operating plan for the 2013-2014 winter season and although it is within the deadline still, time is running short if the June Mountain ski area is to be functional for next season after being closed for this season.



We urge that the BOS condition its approval of the land exchange upon adequate and immediate action by MMSA as regards June Mountain ski area. This should include either substantial improvements, or sale of its permittee operating rights and existing infrastructure and equipment at a reasonable market price to an entity willing to invest the time, energy, and money necessary to make a success of the June Mountain ski area.

In summary, we remain strongly supportive of a proper land exchange, but feel at the same time MMSA should additional proactive steps to resolve the situation at June Mountain ski area either by a commitment to undertake essential upgrades (including the antiquated chair lift) or by facilitating a sale to another entity interested and able to properly operate the June Mountain ski area. A commitment by MMSA as regards the June Mountain ski area should involve substantially more than a vaguely expressed oral or written statement of desire or intent by MMSA to do something.

Thank you for your consideration,

A handwritten signature in black ink that reads "Malcolm Clark". The signature is written in a cursive, slightly slanted style.

Malcolm Clark, chair
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