



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

In Reply Refer
To:kdm:8042, 8043

November 1, 2010

Mark Drew, PhD
California Trout
870 Market Street #528
San Francisco, CA 94102

Thomas M. Erb
Director of Water Resources
Los Angeles Dept. of Water & Power
111 North Hope Street, Room 1468
Los Angeles, CA 90012-2607

Dear Sirs:

REQUEST TO ENTER INTO FACILITATED PROCESS TO RESOLVE DIFFERENCES AMONG MONO LAKE STAKEHOLDERS, DECISION 1631

In Decision 1631, the State Water Resources Control Board (State Water Board) modified Licenses 10191 and 10192 (Applications 8042 and 8043) of Los Angeles Department of Water and Power (LADWP) for the purpose of establishing instream flow requirements below Los Angeles' points of diversion on the four affected streams, which are tributaries of Mono Lake. The decision also established conditions to protect public trust resources at Mono Lake. State Water Board Order WR 98-05 subsequently amended Decision 1631. Pursuant to the State Water Board determinations, LADWP has been conducting fisheries studies and stream monitoring for the past 12 years. State Water Board-approved Stream Scientists perform these tasks. In the Synthesis Report, the Stream Scientists developed recommended modifications in the flow regime. LADWP issued a Feasibility Letter on July 28, 2010, indicating that some of the proposals are not feasible to implement.

In an October 6, 2010 letter, LADWP advised the State Water Board that there was consensus among the Mono Lake Committee, Department of Fish and Game, LADWP and California Trout (CalTrout) that the best opportunity to move forward on resolving differences of opinion regarding the feasibility of measures recommended by the Stream Scientists is through a facilitator-led process. The process is estimated to take 12 months, beginning in early 2011.

In an October 8, 2010 letter, Cal Trout requested the approval of the State Water Board to move forward in addressing concerns relating to the Mono Basin via a facilitated process. Moreover, CalTrout expressed its support of LADWP's leadership toward establishing a process in which relevant stakeholders and the Stream Scientists can more functionally and productively resolve issues relevant to the recommendations within the Synthesis Report, the ensuing response on the part of the LADWP's Feasibility Letter as well as other outstanding issues of concern. Cal Trout also formally requested that State Water Board staff play an active role in assuring an agreed upon process is adhered to. During the October 12, 2010 Mono Lake Workshop, all parties expressed their support for the facilitated process.

The State Water Board encourages the parties to resolve the outstanding issues through facilitation. Unless we are advised to the contrary, we will expect the facilitation process to end no later than June 1, 2012. We ask that LADWP provide six-month progress reports listing: the

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dates of meetings; topics of discussion; any conclusions reached; and resulting action items, including responsible party and schedule for completion. It appears that the facilitation process supercedes the need for the semi-annual Mono Lake meetings, because the parties will already be meeting to discuss unresolved issues. Consequently, the State Water Board does not intend to convene the Mono Lake meetings while the facilitation process is ongoing.

LADWP's July 28, 2010 Feasibility Letter was submitted in accordance with Order 98-05, section 1.b. (2)(a) and (b) and the Division of Water Right's letter of February 26, 2010. Per Order 98-05, if any party disagrees with LADWP's determination regarding implementation of the Stream Scientists recommendations, the party may request review by the Deputy Director for Water Rights, who shall then decide the matter.

In order to support the facilitated process, we will not consider the July 28 submittal to be final, but will instead extend the time for LADWP to comment on the feasibility of measures in the Synthesis Report to August 1, 2012. At that time, LADWP should provide a revised Feasibility Letter that incorporates any agreements reached with the parties. Copies of any relevant agreements should accompany the submittal. The time for parties to notify the Division of any disagreements with the Feasibility Letter is extended to October 1, 2012.

If you have any questions regarding this matter, please contact Katherine Mrowka at (916) 341-5363 or Greg Brown at (916) 323-1847.

Sincerely,

Original Signed by:

Barbara Evoy
Deputy Director for Water Rights

cc: see next page

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Thomas M. Erb

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