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FOR IMMEDIATE RELEASE

Mono County Victorious in Litigation Protecting Local Habitat and Resources

*Ruling Preserves Flexibility in Amount of Water LADWP
Can Provide Each Year, While Prohibiting Significant Unanalyzed Changes*

MONO COUNTY, Calif. (MARCH 25, 2021) – On March 8, 2021, the Alameda Superior Court issued an Order requiring the Los Angeles Department of Water and Power (LADWP) to reverse its plan to eliminate water for wildlife habitat and scenic, recreational and economic resources on approximately 6,400 acres of land in Mono County -- at least until such time as LADWP completes the required environmental review. The decision came as a result of a petition filed by Mono County and the Sierra Club under the California Environmental Quality Act (CEQA). Specifically, Mono County and Sierra Club sought to prevent damage to these valuable environmental and recreational resources resulting from a sudden and unanalyzed change in historic water management practices.

“The decision gives reasonable discretion to LADWP to continue to vary the amount of water provided in any given year based on runoff and water availability in the Eastern Sierra, consistent with its historic practices, and taking into account a changing climate,” said Stacey Simon, Mono County Counsel. “However, what LADWP cannot do is radically change course by eliminating or severely reducing water delivery to the meadows, wetlands, and wildlife habitat it has historically irrigated, without first conducting an environmental review, and implementing feasible mitigation measures and alternatives.”

For at least the last 100 years, these lands have been irrigated by local family farmers whose labors resulted in the creation of habitat and the enhancement of scenic and recreational resources in southern Mono County. As recounted by James Wickser, Retired Assistant General Manager for Water at LADWP, in a 1998 interview, “One has to remember that many ranchers were leasing land from us [LADWP] that had been homesteaded by their Grandfathers. We had bought the property from them in the 'teens or '20's or '30's. Then we turned right around and leased it right back to them. You can't ask for a better lessee than someone who has that connection with the land.”

The leases between LADWP and local ranchers provided for the delivery of up to 5 acre-feet (AF) of water per year to approximately 6,400 acres of land in the Long Valley and Little Round Valley areas of Mono County. Due to annual fluctuations, water actually delivered averaged about 25,000 AF per year historically. Importantly, much of that water was never consumed in Mono County, but would simply return to the groundwater after being spread for irrigation, ultimately reaching Los Angeles through the LA Aqueduct.

Besides providing groundwater recharge benefitting Los Angeles, the pastures, wetlands, and meadows created by these family farmers replaced significant resources lost by LADWP's water exports from the region, providing critical refuge for wildlife, including the Bi-State Sage Grouse, which has been proposed for listing under the Endangered Species Act. As further recounted by Wickser in 1998, "in the '60's, we talked to our ranchers and told them that we were going to reduce the amount of acreage we irrigated, but that we would provide "firm" water, year in, year out, for the land we irrigated." Wickser went on to explain that "pasture lands are part of the environment and habitat, it's part of our responsibility."

However, in March 2018, LADWP provided Long Valley and Little Round Valley ranchers with new proposed leases containing no irrigation or stock water for the lands – and prohibiting irrigation through other means. Citing climate change as justification, LADWP's leases would have eliminated all irrigation beginning in the summer of 2018, drying up nearly 6,400 acres of prime agricultural lands, destroying wetlands and riparian areas, devastating important habitat, and reversing more than 100 years of water management policy and practice in the region.

A letter from the California Natural Resources Agency responding to LADWP's 2018 proposal, described the "potentially devastating impacts to the natural environment, habitat and wildlife if the LADWP pursues its proposal to upend 70 years of water management policy and practice by eliminating irrigation and stock water from its ranch leases." (May 17, 2018, Letter from Secretary of the Resources Agency to Mayor Eric Garcetti.)

In addition to the catastrophic environmental impacts associated with the proposed change in water management practices, local economies in both Mono and Inyo Counties would be impacted by LADWP's proposed changes. A study commissioned by the Inyo-Mono Agricultural Commissioner's Office estimates that agricultural activity in Southern Mono County, where Long Valley and Little Round Valley are located, contributes more than \$51 million to the local economy, including more than \$31 million in direct contributions, and supports nearly 250 jobs.

Ironically, the amount of water potentially to be gained by the City of Los Angeles as a result of removing historic irrigation in southern Mono County is but a tiny fraction of the City's annual water needs. This water could be easily replaced through environmentally sound management and water supply practices, such as those described in Mayor Eric Garcetti's *LA's Green New Deal Sustainability Plan 2019* (<https://plan.lamayor.org/>).

Ultimately, after attempts to negotiate relief were unsuccessful, Mono County and Sierra Club initiated litigation in August of 2018 to stop implementation of LADWP's proposal. The County and Sierra Club argued that environmental review must be conducted before LADWP makes a decision that would cause a physical change in the environment. In court filings in support of Mono County and the Sierra Club, the California Department of Fish and Wildlife agreed, explaining that LADWP made "a series of post-hoc rationalizations that were often inconsistent and hasty, ... in an attempt to justify their reduction of the water deliveries prior to conducting the environmental review required by CEQA."

Siding with the County and Sierra Club, the Court directed LADWP to continue to provide the water which it has historically delivered to ranchers in Long Valley and Little Round Valleys, including annual variations based on water availability, until such time as the agency completes the environmental review required by CEQA. As stated in Judge Evelio Grillo's ruling, "[t]o ensure that the status quo remains, the court ORDERS that until the LADWP completes its environmental review, the LADWP must continue providing water to the 6,400 acres consistent with annual fluctuations and availability of runoff around the 5-year historical baseline (2016-2021) of approximately 3.2 AF/Acre."

"Ultimately, Mono County and LADWP share the same concerns related to climate change and its impact upon our respective regions of the state," stated Jennifer Kreitz, Chair of the Mono County Board of Supervisors. "We recognize the inter-connectedness of our lands, and find ourselves in a unique position to identify a path forward that addresses future changes with good science, stewardship, and thoughtfulness for the people who rely on the Eastern Sierra's water on both ends of the aqueduct."

Said County Counsel Stacey Simon, "We are pleased with the Court's ruling and expect that the environmental review process will yield robust information, good ideas, and ultimately sound solutions, alternatives and mitigations, that will help both Los Angeles and Mono County move forward in addressing the new climate reality without undue harm to the valuable natural resources of our State."

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