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Cc: Stacey Simon <ssimon@mono.ca.gov>; Jason Canger <jcanger@mono.ca.gov>; Shannon Kendall <skendall@mono.ca.gov>

Subject: Official Correspondence to the Mono County Board of Supervisors regarding Wilson Creek/Dechambeau Ponds and Ranch

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Dear Members of the Board of Supervisors,

I would like to respond to Jason Canger's draft letters to LADWP and the Settlement Parties written for agenda discussion during the 11/3/20 meeting. Though I support these letters being authored and sent, in their current form they are flawed in several ways that the Board should address before finalizing these drafts. I want to offer some historical corrections to Mr. Canger's description of the situation. My motivation is providing the truth in what has been an obvious attempt to obscure the facts on the ground. I am sure the Board will agree that it is of the utmost importance that these letters contain the most accurate and fact-based depiction of the situation possible.

It should be well-understood by now that the essence of this situation is that Wilson Creek and its associated habitat has existed for more than a century. The Lundy Powerhouse was built in 1911, and diversions into Wilson Creek began in the late 19th century. The fisheries and wildlife habitat on Wilson Creek were not recently created. This situation is the outcome of a previous era in Mono Basin history, in which the people moving the water had different priorities than exist today.

There is less habitat today in the Mono Basin than existed 150 years ago, which will always be the case. The situation cannot just simply be reversed to restore Mill Creek to its "natural" state at the expense of habitat that has been developed and established, not, as Mr. Canger seems to imply, in the last few decades, but for more than 100 years. If one actually conducts some real research or has a genuine interest in the facts regarding this situation, they will find that Wilson Creek existed in some form at least as early as the 1870s.

Attached is a map from the California Geological Survey from 1873 that shows what is clearly Wilson Creek already running through what is now the Conway Ranch, down to what is now the DeChambeau Ranch, and on to Mono Lake. Both Conway and DeChambeau Ranches were first homesteaded in the early 1870s, suggesting that water was already running through those areas before the powerhouse diversions. If this seems like too large a historical tangent, the Board will have to excuse my passionate interest in this history, of which my own family is directly involved.



The full map can be viewed at:

https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~243746~5513570:Composite--Topographical-Map-of-Cen?sort=pub_list_no_initialsort%2Cpub_date%2Cpub_list_no%2Cseries_no&qvq=q:1873%20cALIFORNIA;sort:pub_list_no_initialsort%2Cpub_date%2Cpub_list_no%2Cseries_no;lc:RUMSEY~8~1&mi=6&trs=240

Also not to be forgotten is that the water rights in question were all created for ranch irrigation. Until very recently, LADWP diverted its water out of Mill Creek to irrigate the Thompson Meadow. Is Mr. Canger aware of this, as so many of us who have lived here our whole lives are, and how does this equate with LADWP "leaving" its water in Wilson Creek?

The substance in these drafts shows that these parties are taking actions that are adversely impacting habitat resources, with no environmental review. I am in full agreement and support the Board holding these agencies accountable. I think the Board will agree that these revisionist narratives and mischaracterizations of the historical facts are not in the best interests of Mono County Board of Supervisors or the legacy the office wishes to leave.

The Board and all concerned parties need to address the devastation that happened this year on lower Wilson Creek and the DeChambeau Ponds. Mr. Canger's draft says, "some of the ponds dried out near the end of the summer". Has he already forgotten the controversy that began this past May, when I provided the Board with photographs of the dried-out ponds? The habitat destruction that took place this past May was likely some of the most devastating, considering it happened in the middle of the nesting season. Resource damage at the ponds began in some form starting in May and has continued throughout the entire summer. There is still gross mismanagement occurring at the present moment. The County Ponds,

which are part of the DeChambeau Ponds system, dried out in May, and the eastern-most pond has remained dry since that time and documented as still dry just a few days ago. I have photographs of a board that appears to have been put into place to keep that pond dry purposefully. The Forest Service and Mono Lake Committee might once again try to spin theories of "tampering" to explain this. Still, I have information that proves that this pond has been being kept dry with their full knowledge and appears to be another example of incompetence and negligence, leading to habitat destruction on the USFS's and MLC's part.

Why did the ponds dry out in May? You will notice there were no theories of "tampering" back then. It is a provable fact that the USFS and the MLC attempted to irrigate the DeChambeau Ranch when there was not enough water left in Wilson Creek to irrigate the ranch and maintain the ponds at the same time. The result was that they diverted all the water available to the DeChambeau Ranch, drying out lower Wilson Creek and the ponds, and not even managing to get water to the ranch at all. This result was a mistake due to a lack of experience as well as general incompetence. As Ranger Gordon Martin related in the 10/6/20 BOS meeting, he recently removed experienced staff who understood managing these resources and assigned this management to the inexperienced Thomas Torres. I believe that the previous USFS employees were removed from their positions after expressing concern over the new management directions and their effects on the resources.

The USFS and MLC "saved face" for a time in June when the peak flows temporarily allowed some water to return to the ponds, but they began to drop again in July as the creek flow receded. Then in August, in the hot late summer weather, Wilson Creek dropped lower than I have seen in my lifetime. I documented it running at a tiny trickle at the USFS diversion point at Cemetery Road during those weeks. Coinciding exactly with this was yet another dropping and drying out of the ponds. Towards the end of the month, the creek level began to rise again, and so did the ponds' levels. Suddenly, on 9/1/20, Mr. Torres "discovered an open valve" that conveniently explained all of the problems. How long this valve was "open" he could not be sure, but still, he was positive this was "tampering" and why the ponds dried out. It had nothing to do with the direct correlation of the pond levels and the creek levels.

After this, the USFS released its "findings" publicly and listed my name in a letter alongside a list of dubious claims of "illegal activity" in a shameless attempt at discrediting me. I am a local citizen who is more concerned about her home than the agencies tasked with maintaining it, not to mention the "environmental" group whose agenda is the reason behind this mismanagement.

In the Mono Lake Committee's recently released fall newsletter, there is a profoundly misleading article entitled "It takes a village to raise a pond", written by Robbie DiPaolo, an MLC employee actively involved in the mismanagement and habitat destruction this season. This article is a white washing of the ponds' entire history and the MLC's involvement, which conspicuously avoids mentioning the ponds' direct connection to the Mono Lake Water Board Decision 1631. The full article can be found at: <https://www.monolake.org/assets/uploads/2020/10/202002f.pdf>

The paragraph I want to highlight is the one headlined "A wrench in the plans" in which Mr. DiPaolo makes the same unsubstantiated claims as Mr. Torres that "tampering" dried out the ponds, which I believe are provably false. It makes sense that Mr. DiPaolo would be interested in propagating this theory since he and Mr. Torres are most directly responsible for the resource damage this season. Mr. DiPaolo's only mention of the earlier drying out of the ponds that occurred in May is to say that "low pond levels happened", quite the understatement to describe multiple ponds completely drying out during nesting season. He blames these "low levels" on "infrastructure issues", when in reality, as I explained, it was due to he and Mr. Torres's own incompetence: diverting too much water to the ranch and away from the ponds. The fact that the MLC and USFS are going public with such outrageous and unsubstantiated claims, rather than admit their mistakes, and acknowledge that Wilson Creek and the ponds require more water to maintain their levels, is incredibly alarming.

It is my understanding that the hot pipe repair at the ponds is underway. I fully support this repair as a necessary step in the right direction. I commend Paul McFarland and the DeChambeau Creek Foundation on making this happen, as I know this group is truly the only reason it is happening. The MLC and USFS ignored this issue for a full decade before being pressured to take any action. Before any funds are spent on this project by the DeChambeau Creek Foundation or local donors, the money allocated explicitly for this exact purpose, set aside by LADWP for "repairs and improvements" at the DeChambeau ponds by the State Water Board (up to \$250,000) should be used. I have proof that the MLC has attempted to take control of these funds in the past and re-direct them away from their purpose, which is waterfowl habitat maintenance at the ponds. I will be

watching closely to see how the MLC reacts to any attempts to use these funds and what excuses they will make not to use them.

The case is so much simpler than this group pursuing their radical agenda wants anyone to realize. They are clouding the issue with "water rights" and a bogus "settlement agreement" with no relevance anymore. FERC has long since issued the updated hydropower license at Lundy. The fact is that the North Mono Basin has various resources that provide critical habitat, all of which can be maintained relatively easily if the right management were in place. A certain amount needs to be given to Wilson Creek, so its resources are protected, and the Conway Ranch is maintained as well. If asking LADWP to "leave" some of their water in Wilson Creek for these reasons is one way this goal accomplished, I support the Board approaching LADWP with that request. An honest environmental assessment of the resources should finally force these parties to acknowledge that Wilson Creek supports critical habitat and is not merely a "ditch" or a "system."

It is time for these agencies and these groups to stop their real, actual tampering with our home, the Mono Basin. They refuse to listen to us, those of us who have lived here, who know, and honestly care. Instead, they name us in bogus "illegal activity" reports and make baseless accusations in their newsletter. If the facts are acknowledged, and these people are held accountable, a real solution is within reach.

Respectfully,
Hillary Hansen Jones