

LONG VALLEY HYDROLOGIC ADVISORY COMMITTEE

(As of ~~December 2, 1993~~ **May 21, 2015**)

BYLAWS

1. BACKGROUND, CREATION, NAME

The need for systematic hydrologic monitoring ~~became apparent~~ was identified when geothermal development was proposed in the Long Valley Caldera. ~~Seeking to address the need,~~ the Director of Energy Management for Mono County ~~proposed the formation of~~ created the Long Valley Technical Advisory Committee. ~~The concept was formally recognized and established as a matter of county land use policy by the Mono County Board of Supervisors in its Resolution No. 86-110 adopted in December 1986.~~ The Mono County Board of Supervisors expressed support for the Long Valley Technical Advisory Committee in its Resolution 86-110, adopted in December 1986.

~~The resolution states that~~ As expressed in Resolution 86-110, it is desirable to implement a monitoring program within the Long Valley Caldera focusing upon early detection of changes in such features as Hot Creek Gorge, the Hot Creek Fish Hatchery springs, Mammoth Creek, Hot Creek, Mammoth Community Water District and other thermal and non-thermal springs which may potentially be impacted by development activities within the Long Valley Caldera. It would also be desirable to have a group of experts make non-binding suggestions for monitoring programs and project conditions meant to protect these resources.

The purposes are best achieved by representatives of affected county, state, and federal agencies, and developers, working cooperatively as an advisory committee. The committee's role ~~would be~~ is to provide permitting agencies and developers with the information and data necessary to monitor new or existing activities that might affect the hydrology (hydrogeology and thermal resources) of the Long Valley Caldera. The committee ~~would~~ reviews the acquired data for the affected agencies and developers.

An exploratory meeting of the county, state, and federal agencies and other interested parties was held in January 1987. The assembled group determined that an appropriately structured, informal and specialized subcommittee as needed, would provide useful information concerning hydrologic resources, and could suggest specific conditions and monitoring requirements meant to avoid or reduce to acceptable levels the environmental effects of geothermal development.

In July 1987, a second meeting of interested parties formed an operational subcommittee to establish the operating structure, organization, and bylaws of the advisory committee. In addition, by unanimous vote by the parties present, the committee's name was changed from the Long Valley Technical Advisory Committee to the Long Valley Hydrologic Advisory Committee ("LVHAC" or the "Committee").

2. OBJECT AND PURPOSE

A principle purpose of LVHAC is to develop and implement a comprehensive hydrologic monitoring program within the Long Valley Caldera. The monitoring program will be integrated with existing and past monitoring programs and will be designed to provide ongoing data on:

1. Baseline conditions in the hydrologic system(s);

2. Changes to the hydrologic system(s); and
3. Factors ~~which that~~ may affect the hydrologic system(s).

In addition, LVHAC may suggest that certain conditions be imposed on specific development projects, although it is understood that no such suggestion give rise to legal obligations of any kind or nature.

LVHAC will summarize the data for interested persons and agencies.

4. AREA INVOLVED

The Long Valley Caldera is located in the southwestern portion of Mono County. It is an elliptical depression about 10 miles from north to south and 19 miles from east to west, ~~as shown in Figure 1~~. In the central part of the Caldera, a resurgent dome was formed of post-caldera rhyolite flows ~~which that~~ have been uplifted and faulted. An annular moat is located between the caldera rim and the central resurgent dome. The LVHAC will review and monitor the hydrologic resources and activity within the Caldera.

4. NATURE OF COMMITTEE: POWERS

LVHAC is an informal and purely advisory committee established for the foregoing purposes. Its recommendations, if any, are not meant to and will not bind any person or entity in any manner whatsoever, including those represented by ~~C~~committee members.

The LVHAC will consolidate and discuss information obtained through the monitoring program and will be available to suggest project-specific preventive or remedial action. Summaries of the data collected by the LVHAC will be maintained by Mono County as public records.

Committee meetings shall be conducted in accordance with Robert's Rules of Order, ~~unless impracticable to do so. Failure to adhere to such Rules shall not invalidate any action of the Committee~~. Each official member of the Committee shall have one vote.

5. ORGANIZATION

A. OFFICE

The Mono County ~~Energy Management Community Development~~ Department (~~MGEMD MCCDD~~) shall act as office of the Committee.

Notifications and correspondence concerning the Committee shall be sent to:

Long Valley Hydrologic Advisory Committee
c/o Director of ~~Energy Management Community Development~~ Department
~~Energy Management Department of Mono County~~
~~HCR 79- Box 221 PO Box 347~~
Mammoth Lakes, CA 93546

The office for the Committee may be changed from time to time as authorized by the Committee or upon notice from the ~~MGEMD MCCDD~~.

6. MEMBERSHIP

Membership in the Committee is open to all governmental agencies ~~which that~~ have geothermal or hydrology-related permitting, regulatory, or operational activities within the Long Valley Caldera. Members representing governmental agencies shall serve at the will and pleasure of each such governmental agency.

Membership of non-governmental interests is limited to those persons or entities owning an equity interest in an enterprise that owns or controls hydrologic or geothermal resources (including owning land or holding leases). Any such persons or entities shall be admitted to membership without a vote of the members upon satisfactory proof of the required interest. Minor cold-water users that utilize less than 500 acre-feet of water per year are excluded from membership. Parties wishing to become members must be approved by a two-thirds vote of existing members.

Only one person or entity shall be eligible for membership by virtue of ownership or control of any particular hydrologic or geothermal resource. In the event of divided estates, the party owning or controlling the working interest shall qualify for membership.

Additional members may be admitted to the Committee from time to time. A member will cease to be a member upon written notification to the Committee given by such member or automatically upon cessation of activities within Long Valley Caldera.

Any party may withdraw from the Committee at any time. Any member who does not either attend or communicate with the Committee for a period of one year will be designated as an inactive member.

Upon demonstration of qualifications or membership as specified in these bylaws, a person or entity shall be admitted without a vote of the members.

When a person or entity loses qualification for membership, that person or entity shall be disqualified without a vote of the members.

7. VOTING RIGHTS: VOTE IN PERSON OR BY PROXY

LVHAC shall attempt to reach decisions by consensus. Every member, ~~except the U.S. Geological Survey~~, shall have one vote. ~~The U.S. Geological Survey shall be a non-voting member~~. At any meeting of the Committee, one member of each organization shall be authorized to vote on behalf of that organization. Members may vote in person, by mail, or by a person/member duly appointed as a proxy.

Voting by the members may occur from time to time, as required to determine any proposition or resolution presented at any meeting. Any change in these Bylaws shall be determined by a two-thirds vote of all members who have been notified of the proposition, resolution, or change in the Bylaws in writing prior to such vote. A member may vote by mailing in its vote prior to a scheduled meeting of the Committee, in person, or through a proxy as noted above. In the event that consensus is not reached, a minority opinion will be submitted to the permitting agency. The delegation of proxy votes shall be specific to agenda items.

An issue on which a vote is requested by a member shall be presented to the Chair in writing in the form of an appropriate motion along with supporting rationale. Prior to the vote on an agenda item, discussion and consideration of alternate motions shall be conducted.

Except as specified otherwise in Paragraph 13, copies of the written motion and supporting rationale shall be distributed to the membership by the Chair at least 30 days prior to the meeting at which the motion will be considered as an agenda item.

If the agenda item involves proprietary information, it will be referred to the **Technical Subcommittee** for recommendation.

8. MEETINGS, NOTIFICATIONS, RECORDS

Meetings of the LVHAC may be held at such times and places as may be decided by any two members provided that all membership is given two weeks written notice prior to any such meeting. There must be at least two meetings per year of the LVHAC or the Committee shall be considered inactive. Meetings of the general membership LVHAC shall be open to the public.

Special or emergency meetings of the Committee may be scheduled without written notification provided all members are informed 48 hours prior to any such meetings. A special emergency meeting shall be held only to address a specific subject, and general business shall not be conducted at such a meeting.

The Committee shall keep current books containing the name and address of each member of the Committee. A summary record shall be kept of all proceedings at all meetings by an appointed secretary. A tape recording may also be made of all meetings. All meeting records shall be kept at the Committee office. A copy of the minutes shall be sent to all members of the Committee. All nonproprietary documents produced by LVHAC shall be made available at cost to anyone requesting them. The minutes of the previous meeting shall be discussed at each regular meeting of the Committee. No Committee member shall incur any obligation, financial or otherwise, as a result of his or participation in the Committee.

9. QUORUM: MAJORITY VOTE

A quorum of the LVHAC shall require the presence of one-third of the active members.

All actions that require a vote shall be approved by a simple majority vote of active members, either in person or by written communication.

No item shall be considered for action unless the proposed action is on the agenda and circulated to the active members one month prior to the vote.

Voting on any changes in the Bylaws must be presented to the entire membership in writing and two-thirds vote of the active membership shall determine any proposition or resolution presented.

If a majority report is deemed by the Committee to be necessary, the Chair shall assign responsibility for compiling that report to a member of the Committee.

Any member wishing to express a minority opinion shall submit such opinion in writing to the Chair for distribution with the majority opinion.

10. DIRECTOR OF THE COMMITTEE, CONDUCT OF MEETING, AGENDA

Any meeting of the Committee shall be conducted by the Chair or in the absence of the

Chair by the Vice-Chair or in the absence of either of these, by a member designated by a majority of members present. Meetings shall be conducted in an open manner utilizing an agenda which shall be made available reasonably in advance of meetings.

11. SUBCOMMITTEES

There is a need from time to time for specialized subcommittees that shall be formed to address specific matters for the Committee. Such subcommittees shall present their recommendations, findings, and conclusions to the general membership at regular meetings of the Committee.

Subcommittees may be formed for any purpose at regular, special, or emergency meetings by majority vote of the membership.

Subcommittees may be formed and dissolved from time to time by a two-thirds vote of the members present and voting on the appropriate agenda item. Subcommittees shall be subject to the confidentiality requirements of these bylaws unless expressly provided otherwise as a part of the motion creating a subcommittee, provided also that the motion is recorded in the minutes of the meeting.

12. THERMAL HYDROLOGIC MONITORING SUBCOMMITTEE

In addition to any other subcommittees there shall be a permanent Thermal Hydrologic Monitoring Subcommittee comprised of the following members:

- Energy Community Development Department of Mono County
- U.S. Bureau of Land Management (BLM)
- California Division of Oil, Gas, and Geothermal Resources
- U.S. Geological Survey (USGS)

The primary purposes of the Subcommittee are to review technical issues requiring analyses of confidential data, report on a summary of the discussions, and make recommendations to the LVHAC. Members are not bound to decisions or opinions of the Subcommittee in the course of their everyday responsibilities.

The representative of the Energy Community Development Department of Mono County or his/her designee shall serve as the Chair at meetings of the Subcommittee.

A quorum of the Subcommittee shall require the presence of three permanent members. Other persons may attend a Subcommittee meeting if invited by three permanent members of the Subcommittee. LVHAC members who have control of confidential data being discussed shall be notified in advance of such invitations, and may exclude invitees from meetings where discussion of their confidential data occurs.

Topics for discussion may: 1) originate from within the Subcommittee and are restricted to discussion of issues requiring the review of confidential data; or 2) be referred to the Subcommittee by the LVHAC. Issues referred to the Subcommittee by the LVHAC may include discussions of confidential and/or non-confidential data.

The four permanent members may vote and report to the LVHAC on an issue according to the rules of voting and reporting described in Section 9. QUORUM: MAJORITY VOTE.

The Chair of a meeting or his/her designee shall present a summary of the meeting at the next LVHAC meeting. The reporter shall take care to safeguard confidential data.

Monitoring information provided to the subcommittee may be designated as either confidential or public information. If a LVHAC member who has control of confidential data provides such information on a confidential basis, it shall remain confidential until released by that LVHAC member, **unless otherwise required by law**. Any breach of confidentiality identified by the Subcommittee may be grounds for dismissal from the Subcommittee of those responsible for such breach. Nothing in these Bylaws shall be construed to limit or abridge legal or contractual obligations of any party to maintain the confidentiality of confidential data.

13. MONITORING PROGRAM, TERM, CHANGES IN MONITORING

LVHAC shall devise a suggested monitoring program for implementation by appropriate persons and entities. LVHAC shall modify the program from time to time as data, operational experience and other circumstances warrant.

Recommendations by members for changes in approved monitoring programs shall be presented to the Chair in writing at least 15 days prior to the meeting at which they will be considered. The recommendations shall include a written report supporting the suggested changes. The Chair shall distribute the recommendations and report to the members at least 10 days prior to the meeting, along with any written opposition or suggested changes from members that have been received by the Chair.

Provided that the recommendations are within the scope of matters set forth on the agenda for the meeting, the 30-day voting requirements of paragraph seven shall not apply.

EXHIBIT ~~N~~ A

The following are members of LVHAC:

- Bureau of Land Management (BLM)
- California Department of Fish and ~~Game~~ **Wildlife**
- California Division of Oil, Gas and Geothermal Resources
- California Energy Commission
- Lahontan Regional Water Quality Control Board
- Mammoth ~~County~~ **Community** Water District
- ~~Mammoth Pacific, L. P.~~
- Mammoth Lakes, Town of
- Mono County ~~Energy Management~~ **Community Development Department**
- ~~Magma Power Inc.~~ **Ormat Nevada Inc.**
- U.S. Forest Service (USFS)

A member of the Committee without voting rights is:

- U.S. Geological Survey (USGS)

Interested parties include:

- Great **Basin** Unified Air Pollution Control District (GBUAPCD)
- Hot Creek Ranch Inc.
- Los Angeles Department of Water and Power (LADWP)
- Sierra Club