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*Comment Received From: Bartshe Miller*  
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**Mono Lake Committee comments regarding draft Land Use  
Screens Planning for Mono Basin, Mono County**

attached letter 10-31-22

*Additional submitted attachment is included below.*



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October 31, 2022

Docket: 22-IEPR-02

Dear Vice Chair Gunda, Commissioner Vaccaro, and CEC Staff:

The Mono Lake Committee (MLC) is an interested party in the Independent Energy Policy Report (IEPR) Commissioner Workshop on Land Use Screens and the Land Use Screens for Electric System Planning Draft Staff Report as they relate to resource planning and mapping in the Mono Basin in Mono County, California.

MLC is commenting on behalf of its 16,000 members. MLC is a non-profit citizens' group dedicated to protecting and restoring the Mono Basin ecosystem, educating the public about Mono Lake and the impacts on the environment of excessive water use, and promoting cooperative solutions that protect Mono Lake and meet real water needs without transferring environmental problems to other areas. MLC has worked to protect and restore Mono Lake and its tributary streams since 1978.

MLC supports broad-based net-zero energy infrastructure and supports the need to work cooperatively to identify appropriate sites in California and Mono County to achieve that goal. We have found that careful local collaboration can minimize impacts and produce positive results for energy generation. For example, Southern California Edison operates three small hydropower facilities in the Mono Basin that include a number of responsible operating parameters thanks to local stakeholder engagement. Simultaneously balancing proposed infrastructure with the social, environmental, and economic benefits and costs is essential to the future of Mono Lake, its Public Trust resources, and the residents of Mono County and California.

MLC urges that the CEC to include the following information and data in developing a final Land Use Screens Staff Report:

### **Mono Basin National Forest Scenic Area**

The Mono Basin National Forest Scenic Area (Scenic Area) was established by the United States Congress in 1984 "to protect the geologic, ecological, cultural, scenic, and other natural resources" within the 76,703 acres of designated Scenic Area. The Scenic Area encompasses 43,000 acres of Mono Lake and the established Mono Lake Tufa State Natural Reserve. The U.S. Forest Service, Inyo National Forest manages the Scenic Area, and the California Department of Parks and Recreation (DPR) manages the Mono Lake Tufa State Natural Reserve. Both federal and state agencies operate cooperatively under an MOU and jointly manage these resources for public benefit.

All lands and waters within the Scenic Area prohibit improvements that may impact the visual, recreation, wildlife, cultural, and geologic resources, and values. The Scenic Area Management Plan identifies four prescriptive zones: Developed Recreation Zone, General Use Zone, Limited Development Zone, and No Development Zone. Only the Developed Recreation Zone allows for activities and developments that specifically support visitor use needs. The Scenic Area Management Plan also includes restrictive development prescriptions for private land within the Scenic Area boundary. Future development opportunities must be compatible with the visual and recreation qualities and objectives for the Scenic Area.

The Scenic Area legislation formally withdraws, subject to valid, existing rights, federal lands within the Scenic Area boundary from new entry or appropriation under the mining laws, and mineral leasing laws of the United States, and from the operation of the Geothermal Stream Act of 1970. Geothermal speculation and development are not allowed within the Mono Basin National Forest Scenic Area.

The development of wind, solar, and geothermal are prohibited within the Scenic Area and are wholly inconsistent with the founding legislation and Scenic Area Management Plan. The Proposed Resource Potential Areas and Resource Potential Basemaps should reflect the Scenic Area designation. Further, the potential for solar, wind, and geothermal resource developments to project impacts into the Scenic Area boundary are significant and must be considered. The Mono Basin viewshed and watershed must be more thoroughly evaluated and considered before a final mapping product is released.

MLC appreciates the communication with CEC staff regarding the inclusion of the Scenic Area boundaries in a future Land Use Screens product. On October 26, 2022, MLC staff emailed digital files to CEC staff Erica Brand for the Scenic Area boundary as a shapefile in ArcMap and KMZ format.

Please note that the formal boundaries of the Scenic Area are important for mapping but are not a sharp dividing line; a project outside the boundary, depending on its size and nature, could easily cause impacts within the Scenic Area, resulting in an unallowed “constructive use” of the protected area.

### **Mono Lake Tufa State Natural Reserve**

This state park was established in 1981, and it includes the lake bottom, surface waters, and recessional lands exposed below upland state and private property since Mono Lake dropped below its 1941 pre-diversion level of 6,417 feet above sea level. “All of the lands within the bed of Mono Lake lying at or below the elevation of 6,417 feet above sea level are embraced by the Reserve.” Pub. Res. C. § 5045(b). “The Reserve is to be ... managed primarily for the purpose of protecting the tufa and associated sand structures and providing for their interpretation. The department shall designate public access ways to Mono Lake for recreational and other purposes that are not in conflict with the preservation of the tufa and associated sand structures.” Pub. Res. C. § 5046(a).

In addition to the U.S. Forest Service, the California Department of Parks & Recreation also evaluates proposed activities on and within the waters of Mono Lake, or along State recessional

lands based on whether the activity is consistent with both Reserve management guidelines and the Scenic Area Management Plan. The development of wind, solar, and geothermal are neither consistent with, nor appropriate for management priorities of the Mono Lake Tufa State Natural Reserve and the Proposed Resource Potential Areas and Basemaps should reflect that. The current ArcGis mapping resolution of 10km does not provide for detailed analysis of the Proposed Resource Potential Areas and Resource Potential Basemaps within the State Reserve Boundary.

***Mono Lake Basin, Audubon Important Bird Area California  
Mono Lake, Western Hemisphere Shorebird Reserve Network***

Mono Lake is designated site within the Western Hemisphere Shorebird Reserve Network, and the Mono Basin is designated as an Audubon Important Bird Area in California. Both designations highlight Mono Lake's and the region's international and regional importance for shorebirds as well as other migratory and nesting bird species. Some species of birds are significantly reliant on Mono Basin habitat to sustain their populations.

Throughout the Great Basin saline lake habitats are in decline due to decades of water diversions. These habitats are now facing further pressure due to climate change. The importance of Mono Lake as a refuge for migratory birds has increased as other saline lakes decline or dry up. Proportionally large populations of certain species of birds rely directly on Mono Lake including a large proportion of the state's population of California Gulls, as many as 80,000 Red-necked and Wilson's phalaropes, and upwards of two million Eared Grebes. Mono Lake is one of the primary fall staging sites for Eared Grebes in the world. Eared Grebes are poor flyers and rely on nocturnal migration in large numbers. While all migratory birds are vulnerable, Eared Grebes are particularly at risk to wind turbines and on approach to and departure from staging areas like Mono Lake. Grebes are only able to land and take off on water. In moonlight, photovoltaic arrays can mimic a water surface and have the potential to cause significant confusion for approaching Eared Grebes. For many migratory and nesting bird populations, significant impacts exist in relation to the siting of energy infrastructure development within the Mono Basin watershed.

For more information on the Audubon Important Bird Areas of California see:

<https://www.audubon.org/important-bird-areas/state/california>

For more information on the Western Hemisphere Shorebird Reserve Network see:

[https://whsrn.org/whsrn\\_sites/mono-lake/](https://whsrn.org/whsrn_sites/mono-lake/)

**Bi-State Sage Grouse Population Management Units**

The Bi-State Sage Grouse is a geographically isolated and a genetically distinct population segment of Greater Sage Grouse. Since 2002, state and federal agencies and a diverse group of regional stakeholders have joined to advance a collaborative conservation effort on behalf of the Bi-State Sage Grouse population. This collaborative effort (coalition) has advanced a Bi-State Action Plan (BSAP) that includes monitoring, conservation strategies, and actions to benefit the health and long-term viability of the Bi-State distinct population segment. The BSAP is focused on protecting unfragmented habitat, restoring historic habitat, and securing additional habitat conservation. The Bi-State population is currently listed as Proposed Threatened under the Endangered Species Act

and is awaiting a formal decision from the U.S. Fish and Wildlife Service.

The BSAP uses GIS mapping to track lek, nest, and brood locations and to identify specific population management units and regional threats. MLC recommends that these maps be used to exclude potential future siting of solar, wind, geothermal, and associated roads and transmission line infrastructure that would further fragment sensitive Bi-State distinct population segment habitat, increase collision potential with infrastructure (transmission lines and wind turbines), and create Sage Grouse predator roosts.

Maps and GIS resources are located at: <https://www.bistatesagegrouse.com/general/page/maps-gis>

### **State and County Designated Scenic Highway Corridors**

The main transportation corridor in Mono County, running north to south, Highway 395, is an Officially Designated State Scenic Highway except for short sections designated as Eligible. In the Mono Basin nearly all of Highway 395 is Officially Designated with Highway 158, the “June Lake Loop” designated as State Eligible. Highway 395, Highway 158, Highway 120 East, Highway 120 West, and Highway 167 in the Mono Basin are all County-designated Scenic Highways.

Scenic Highway Corridors are characterized by the visible area outside of the highway’s right of way and in the case of the Mono Basin, extends out across the topographical Mono Basin horizon. In the Mono Basin there are myriad pullouts and interpretive sites that explain the landscape and undeveloped scenic views to visitors. The economic, environmental, and social well-being of Mono County are linked to its scenic resources, which most visitors experience from its highways. Mono Lake is the most popular, year-round destination in Mono County, and the drive through the Mono Basin, where visitors can experience undeveloped and intact natural vistas is a recognized part of that attraction.

Officially Designated State Scenic Highways, like Highway 395 in the Mono Basin, have a Corridor Protection Program recognized by the State. The Mono County Regional Transportation Plan and Mono County General Plan identify these corridors and they correspond with established development restrictions.

For more information on the California State Scenic Highway System Map, see:

<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

For more information on designated Mono County Scenic Highway System, see:

<https://monocounty.ca.gov/lrc/page/regional-transportation-plan>  
<https://www.monocounty.ca.gov/generalplan/visual-resources-0>

MLC understands that integrated energy and land use planning can identify potential impacts early and lead to environmentally responsible renewable energy projects in the future. In the Mono Basin multiple layers of designations and protections are established to protect scenic, ecological, recreational, and cultural resources. Many of these designations were established before the widespread need and employment of solar and wind energy. The potential impacts of new transmission lines, solar arrays, and wind turbines and towers are severe in terms of

broadcasting visual impacts into the Scenic Area. Further, the potential for more than a million migratory birds to be disrupted, injured, or killed by energy infrastructure in proximity to Mono Lake is real.

Thank you for considering our comments on the Land Use Screens for Electric System Planning Draft Staff Report. We look forward to discussing these comments, modeling, and data at an upcoming call on November 10. If you have any questions, please contact me at [bartshe@monolake.org](mailto:bartshe@monolake.org).

Sincerely,



Bartshé Miller  
Eastern Sierra Policy Director