



# Fact Sheet

## **Mono Lake: background, Decision 1631, current conditions, ongoing developments**

### **Overview**

Mono Lake is an ancient saline waterbody at the eastern edge of the Sierra Nevada with a surface area of 70 square miles. It hosts a unique ecosystem that provides critical habitat for millions of migratory birds. Approximately 80 percent of our state's California Gull population - or roughly 25 percent of the world's population - nest in this area.

When the lake level falls to 6,375 feet above sea level, a land bridge is exposed that links the mainland to Negit Island, where most of the gulls nest, allowing coyotes and other predators to access the island and prey on the gulls.

As of December 2022, the lake level is at risk of falling below 6,377 feet due to severe drought and ongoing diversions. If dry conditions persist, the bridge is expected to emerge soon and create a serious threat to the gull population.

In addition to the wildlife impacts associated with the bridge, the declining lake level exposes dried lakebed that increases dust in the Mono Basin, causing some of the worst air quality in the nation. Degraded lake conditions also impact the Kootzaduka'a Tribe, who historically regard the lake as their physical, cultural and spiritual center.

### **LADWP diversions and legal, regulatory actions**

In the early 1940s, the Los Angeles Department of Water and Power (LADWP) began diverting and transporting water from Mono Lake tributaries for use in the Los Angeles area under water right licenses issued by the State Water Resources Control Board.

These diversions caused the lake to decline by 45 feet between 1941 and 1982, reducing the lake's surface area by 30 percent, exposing the lakebed, doubling lake salinity, and causing substantial damage to the environment, public trust resources and air quality. In 1979, the National Audubon Society and the Mono Lake Committee (MLC) filed a [lawsuit](#) to protect the Mono Lake Basin — specifically to protect gull nests from predator access at low lake levels.

In 1983, the California Supreme Court [ruled](#) that the public trust doctrine applied to LADWP's rights to divert water from the basin and that Mono Lake's "public trust values" must be considered in all decisions regarding the use of water flowing into the lake. The public trust doctrine is a legal principle that recognizes the public right to certain natural resources (including navigable waterways) and requires the state to hold those resources in trust for the benefit of the people.

The California Supreme Court's ruling established the connection between the [public trust doctrine](#) and appropriative water rights, finding they are part of an integrated



system of water law and that both must be considered when determining the proper use of water. This led the State Water Board to reconsider LADWP's water rights in light of their impacts on the lake's wildlife habitat.

In 1994, the board adopted [Water Right Decision 1631](#) (D-1631), which limited the amount of water LADWP could draw from the Mono Basin by establishing conditions to protect the environment in and around the lake.

### **Water Right Decision 1631 (D-1631)**

Among other things, D-1631 set a long-term goal to protect Mono Lake and its wildlife as a public trust resource. D-1631 defined this goal through a target lake level and timeline.

- **Target lake level:** The board established a target lake level of 6,392 feet above sea level after examining a wide range of testimony and scientific studies throughout 43 days of hearings. During these hearings, the board considered the impacts of this lake level (and associated changes in the lake's salinity) on wildlife, aquatic species, air quality, recreation and municipal and power needs. Ultimately, the board concluded that a lake level of 6,392 feet appropriately balanced protection of public trust resources and diversions by LADWP.
- **Timeline:** The board determined that the lake should reach the target lake level within 20 years. This was based on models that estimated how long it could reasonably take for the lake to recover to 6,392 feet. D-1631 recognized that the models had limitations, especially given the uncertainty of future hydrology, and included a provision requiring the board to hold a hearing to determine if further revisions to LADWP's water rights licenses were necessary if the lake level target was not achieved within 20 years. This 20-year period, which was extended by six years, has passed. As of December 2022, Mono Lake is far below the target lake level and board staff is considering when to hold a hearing to review LADWP's water rights licenses as directed by D-1631.

### **D-1631 limitations on LADWP diversions**

D-1631 established two sets of "triggers," that limit LADWP diversions from Mono Lake based on lake level: interim triggers until the lake reaches 6,391 feet and long-term triggers after the lake reaches 6,391 feet. As of December 2022, interim triggers apply because the lake has not yet reached 6,391 feet.

- **Interim triggers:** The interim triggers allow LADWP to divert up to 16,000 acre-feet per year when the lake is between 6,380 and 6,391 feet. That amount drops to 4,500 acre-feet when the lake is between 6,377 and 6,380 feet. No diversions are permitted when the lake is below 6,377 feet or is projected to fall below 6,377 at any time from April 1 to March 31.
- **Long-term triggers:** The long-term triggers allow LADWP to divert all available flows in excess of amounts needed for fishery protection flows, up to 167,800

acre-feet per year. That amount drops to 10,000 acre-feet per year when the lake is between 6,388 and 6,391 feet. No diversions are allowed if the lake is below 6,388 feet.

## Ongoing developments

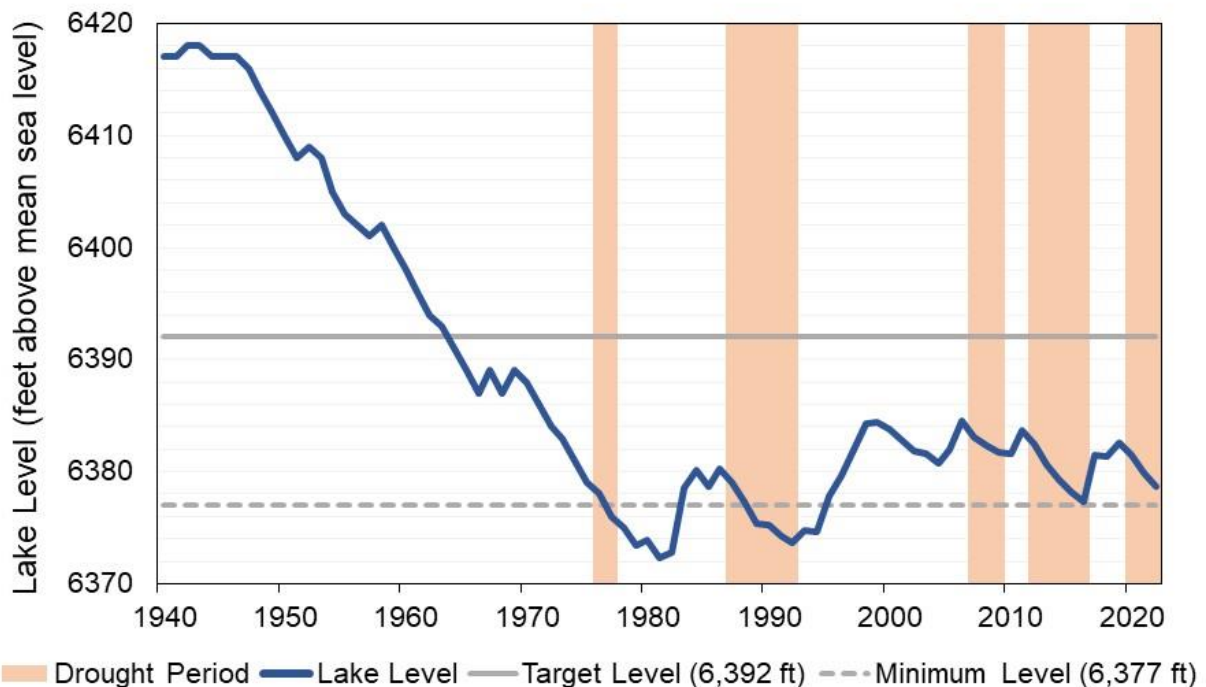
Mono Lake has not exceeded 6,384 feet since D-1931 was adopted in 1994. Instead, the lake has trended downward since 2006. As of December 2022, the lake was at approximately 6,378 feet, which is four feet lower than at the beginning of the latest dry period (2020). Consistent with D-1631 and LADWP’s amended water rights licenses, the board anticipates holding a future hearing on the lake level that will require substantial time (up to several years) to complete.

In December 2022, the Mono Lake Committee asked the board to take immediate action to prevent further declines in the lake as it prepares for and conducts the larger hearing on LADWP’s water rights licenses. The board is currently evaluating the committee’s request and staff expect to hold a workshop in February 2023 to discuss the impacts of water diversions and drought on Mono Lake.

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Email questions to: [MonoLake@waterboards.ca.gov](mailto:MonoLake@waterboards.ca.gov)

## Mono Lake Level 1940 to 2022



*(This fact sheet was last updated Jan. 5, 2023).*