

June 27, 2014
Special Meeting

Item #1a

Conway Ranch
Conservation
Easement

ADDITIONAL
LETTER/COMMENTS FROM
BARTSHE MILLER

May 23, 2014

Supervisor Tim Alpers
Supervisor Tim Fesco
Supervisor Byng Hunt
Supervisor Larry Johnston
Supervisor Fred Stump
C/O Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Dear Honorable Supervisors,

The purpose of this letter is to comment on the Conway Ranch conservation easement draft language that was distributed on April 29, 2014. As Chairman of the Mono Basin Regional Planning and Advisory Committee (RPAC) and the Conway Ranch Subcommittee on the RPAC, I'm compelled to add some comments before the process moves further and the opportunity to provide input is lost. On May 21, the Conway Ranch Subcommittee met with a number of community members from the Mono Basin, and I am writing on their behalf.

The process to develop the language for the Conway Ranch conservation easement has become, in essence, a new visioning process for the Conway Ranch property. Unfortunately public involvement has been very limited and the process has positioned very specific county economic interests against the concerns of the Mono Basin community. The county has always been collaborative and proactive when it comes to Mono Basin visioning opportunities and projects, but in this particular case it has placed the RPAC in a reactive, back-seat role in terms of trying to rapidly respond and analyze the recently incorporated "Tony Vaught vision" for fish-rearing on Conway Ranch. This vision is a significant departure for the past level of fish rearing on the property and it represents a much larger infrastructure, groundwater pumping, and hatchery operation than was historically discussed with the Mono Basin community or RPAC. The allowable operation scope outlined in the draft conservation language is substantially greater than the "barn and egg-taking concept" that the Mono Basin community and RPAC agreed informally to support over a year ago when the County and CALTRANS came before the Mono Basin RPAC on April 10, 2013.

Additionally, Mono County has silently and suddenly insisted that the Conway Ranch Mattly parcel also be open to fish-rearing development. This "last-minute" addition to the easement was added after the RPAC subcommittee began working on existing draft language provided by the Eastern Sierra Land Trust (ESLT). The subcommittee and the RPAC expressed clear and unanimous opposition to the inclusion of this language at the April 9, and the April 25 special meeting, and most recently at the May 14 RPAC meeting. The RPAC assumed that no further clarification was needed in a recommendation since the discussions were attended by county staff and Karen Ferrell-Ingram from the ESLT. Furthermore, the Mattly language removes restrictions that were previously in place on land granted to Mono County with the understanding that those restrictions would be honored. The Mattly parcel has nothing to do with the 75-acre parcel that is currently under CALTRANS restrictions, and it is not a historic location for fish-rearing. Finally, during a joint presentation by Marshall Rudolph, Supervisor Tim Alpers, ESLT Executive Director Karen Ferrell-Ingram, and Tom Hallenbeck of CALTRANS, the approved Mono Basin RPAC minutes from April 10, 2013 state the following regarding this presentation: "If the County and CALTRANS can come to agreement on the Memorandum of Understanding (MOU) components then the easement with ESLT can move forward on the CALTRANS parcel. The other grants

and associated oversight would remain for the other parcels on the Conway Ranch and the Mattly section.” The message the RPAC heard in April 2013 was that Mattly was out of the picture.

The new and expanded level of groundwater pumping that accompanies the “Tony Vaught vision” has also been difficult for the community to digest and comment on given that the scope of groundwater pumping exceeds that which is required for egg-taking. The fact that additional water will be used for raceways to further the scope of fish production is an entirely new concept that is being introduced to the community. At first the community was completely opposed to groundwater pumping, but the RPAC understood that it was important to the egg-taking production. We agreed that with the inclusion of conservation strategies and specific safeguards to protect neighboring wells that provide water for Mono City and for Conway Ranch homes, limited groundwater pumping could work. This idea was consistent with the “barn and egg-taking concept” informally discussed by the county at past RPACs. Unfortunately a significant gap remains between the county’s language and the community’s recommendation.

We appreciate that the conservation easement language is not an actual development project, and that time is limited. However, it does create the possibility of future development projects that are not possible under the current land use restrictions. For the local community, there was never sufficient time to fully grasp, analyze, and comment on this new, larger vision. Instead we were limited to make recommendations based on specific language crafted to accommodate the “Tony Vaught vision” without the ability to discuss, debate, or comment on the possibility of a significant, and un-historic level of fish rearing on public land. The current conservation easement language represents a new development concept for Conway Ranch, removes existing restrictions on surrounding protected land, and does not have the support of the local community.

Despite unanimous community opposition to the current draft language, the community does in fact want to see a conservation easement succeed. The community has supported fish rearing on Conway Ranch and has also been supportive of a modest expansion of the existing operation. In this spirit, we are hopeful that a reasonable compromise in the draft conservation easement language can still be accomplished, but it will take more time.

We urge Mono County to negotiate a further deadline extension from CALTRANS to allow sufficient public involvement, and to craft a conservation easement that represents both the interest of the Mono Basin Community as well as the specific economic interests of Mono County. The future of fish rearing on Conway Ranch, and the integrity of any future projects will depend on collaborative support, and we are optimistic we can achieve this.

Sincerely,



Bartshé Miller

Chairman, Mono Basin RPAC and Conway Ranch RPAC subcommittee

cc: Ms. Cristelle Taillon
Ms. Claire Thorpe
Mr. Ray Zhang
Mr. Malcolm Dougherty
Mr. Ryan Dermody

Mr. Scott Burns
Mr. Tony Dublino
Mr. Marshall Rudolph
Ms. Karen Ferrell-Ingram
Mr. Tim Hansen
Ms. Nancy Lyttle
Ms. Lauren Porter
Mr. Rick Noles
Ms. Bonnie Noles
Mr. Duncan King
Ms. Katie Bellomo
Ms. Lisa Cutting
Mono Basin RPAC

Comments at Friday, June 27, 2014

Mono County Board of Supervisors Special Meeting in Lee Vining

5:30pm-7:30on

Bartshe Miller, MB RPAC CHAIR

1. First, I want to thank the Board for a number of things:
 - a. Thanks for making the time and investing the effort to have a special Board Meeting here in Lee Vining and the Mono Basin.
 - b. Thanks for asking for an extension from CALTRANS so we could have this meeting, and more time to find some common ground in a future draft of the conservation easement.
 - c. Thank you for putting this guy-- (Tony Dublino) in charge of this project—we think he's a fantastic relief pitcher, and we look forward to seeing him in the regular lineup. He's doing a great job.
2. Process
 - a. The RPAC recommendation from April 28 and Marshall Rudolph's Memo to the RPAC from April 29, 2014, as well as my letter the Mono County Board of Supervisors dated—May 23, 2014—these are not in your packet from what I observed. Also, a number of letters written by local community members and RPAC members are also absent. Except for Marshal Rudolph's memo, none of this correspondence, and most importantly the RPAC recommendations, have not been made available to the public as far as I can see.
 - b. The public Process has neither been thorough, nor organized. The fact that RPAC correspondence is missing is just one small example. The fact that the Board has received letters and petitions in support of a fish hatchery indicates that the County has not engaged its constituents on a broad scale to educate them on the specific issues. This issue is not about whether or not to support a fish hatchery. The entire Mono Basin community has been in support of a fish hatchery since day one, and that has not changed. The issue is regarding the details of the conservation easement, and the significant new vision that is now being outlined for Conway Ranch through this document. In the 14 years that the County has held this property planning and visioning have not occurred. Only a handful of Mono County staff and the local Mono Basin RPAC have had the opportunity to fully discuss, digest, and comment. It's not about whether or not we support fish rearing. We want it to happen, but the "how" is the issue.
 - c. On April 10, 2013 County Staff, the Eastern Sierra Land Trust, and CALTRANS came to the Mono Basin RPAC regarding Conway Ranch and introduced the idea that the County was considering purchasing the CALTRANS restrictions so they could build a barn and develop on-site egg-taking for the Conway site. The RPAC was in support of this, and we informally gave our thumbs up. What we have today is vastly different, and not until March 28, 2014 did we have draft conservation easement language (passed on by the Land Trust, not Mono County) outlining what was essentially, in our view, the Tony Vaught fish-rearing plan and vision for Conway Ranch. Unfortunately, we are past the point of proactive, collaborative visioning and planning process. We can only react. There has been no community, or county-wide, formal public engagement to chart the future at Conway Ranch. This is frustrating, regrettable because the lack of public process has led to missteps, miscommunication and public confusion out at

Conway Ranch. In my view that has caused problems for the last 14 years.

3. Draft Conservation Easement Issues

- a. Mattley. It was the collective memory of the RPAC and notes of April 10, 2013 support this, that the Mattley Ranch was off the table. We who were at the meeting remember Tom Hallenbeck insisting that Mattley had nothing to do with any of the discussions. Today, it remains a possibility with the conservation easement language. The issue is an irritant and obstacle with the local community. Mattley has nothing to do with the fish-rearing facility on Conway, and it was never discussed in any way until it was quietly inserted at the last minute, after the RPAC had already received a draft of the conservation easement language. This is not what a public process is all about.

Conway fish rearing stands on its own. Mattley fish rearing brings additional infrastructure outside the 75 acre Conway-Caltrans parcel and it removes restrictions on existing public land. The community never supported it, doesn't now, and there has been no public discussion of the concept. We ask that any and all mention of future fish-rearing on Mattley be removed from the conservation easement language entirely.

- b. Groundwater: After so many RPAC and RPAC subcommittee meetings, the groundwater issue is simple. CEQA and groundwater studies will ensue, if the studies prove the water is there, monitoring will occur and Land Trust will make determinations on pumping annually. We all know the County has no intention of undermining the groundwater supply of local residents. However, if the County is confident that one groundwater study and future monitoring will never impact the groundwater of Conway Ranch homes and the groundwater supply of Mono City as the years go by, then provide a bond, guarantee, or offer some real security to that effect. This will pay off beyond compare as the project unfolds through time. You will gain the majority and ongoing support of the local Mono Basin community in project planning and development, and you will have established local ownership and buy-in that will ultimately smooth over any bumps that could crop up as the future of Conway evolves. Given the past 14 years at Conway Ranch, this sure sounds like a cheap insurance policy to me.
- c. In closing, it's not often the community is in agreement about anything in the Mono Basin. There have only been three instances that I can remember, in my 20 years living here, where the community has come to a happy consensus—Once in 2012 with the Mono County sponsored, proactive community planning process, once in 2000 with the establishment of Conway Ranch as a public property through grants, and now today with draft conservation easement language. We can achieve great things when we are working proactively. Reactive planning divides us.

We all support fish rearing on Conway. The "how" is the issue, and any community in Mono County would be asking the same questions this community is if it was *their* groundwater that was on the line.