



**RESOLUTION R24-071**

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
ADOPTING GENERAL PLAN AMENDMENT (GPA) 24-03 – NORTH COUNTY WATER  
TRANSACTION CRITERIA AND APPENDIX: WALKER BASIN WATER TRANSACTIONS, IN  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, Walker Lake is an environmentally degraded terminal lake in Nevada at the end of the Walker River which begins in the Sierra Nevada Mountains and runs through Antelope Valley and Bridgeport Valley; and

**WHEREAS**, because of declining water levels, the salinity of Walker Lake has increased dramatically to the point that the general health of the ecosystem is at risk and the lake can no longer support its native fish and wildlife populations; and

**WHEREAS**, in 2012, the National Fish and Wildlife Foundation (NFWF), who administers the Walker Basin Restoration Program funded by Congressional appropriations to the Desert Terminal Lakes Fund and Mono County entered into a Memorandum of Understanding (MOU) that established that the Mono County Board of Supervisors will review, comment upon, and consider approving a water transfer program prior to appropriation of any funds by NFWF for the lease or purchase of land, water appurtenant to the land, or related interests for Walker Lake restoration ; and

**WHEREAS**, in 2015, NFWF provided a grant award to Mono County to develop a water lease or transfer program proposal and conduct environmental review under CEQA, which was significantly completed but the funding was not available to finalize the CEQA analysis and program; and

**WHEREAS**, concurrently in 2015, the Walker Basin Conservancy (WBC) was established to lead the effort to restore Walker Lake and has since successfully completed water transfer or transaction projects while providing conservation and stewardship of the landscape; and

**WHEREAS**, Mono County recognizes it does not have authority over water transfers, which are the exclusive authority of the State Water Resources Control Board; however, the Mono County's General Plan policies and environmental analysis provides a framework and analysis with which water transfer projects may adhere in order to mitigate impacts and largely address environmental concerns; and

**WHEREAS**, if an individual project that is not exempt from CEQA is inconsistent with this framework, Mono County make take the position that additional environmental analysis may be necessary to ensure potentially significant impacts are mitigated prior to SWRCB approval of a water transaction; and

**WHEREAS**, the objectives of the Mono County Water Transaction Criteria are as follows:

1. To inform the State Water Resources Control Board’s (SWRCB’s) consideration of environmental impacts under the California Environmental Quality Act (CEQA) that may result from water transactions in Mono County<sup>1</sup> and prevent any such impacts.
2. To support the voluntary participation of Mono County private property owners and water rights holders in a water transaction program consistent with the purposes and objectives of the WBRP.
3. To ensure water transactions under WBRP in Mono County are consistent with Mono County General Plan Conservation and Open Space Element Objectives.
4. To satisfy the requirement of the 2012 MOU between NFWF and Mono County that Mono County provide input into and concur with the scope and nature of water transactions in California, including CEQA compliance.
5. To recognize the potential benefits of water transfers to restore Walker Lake, such as protecting the lake environment, preserving a historical way of life and traditional fisheries, supporting tribes and preserving tribal cultural resources, providing enhanced recreation opportunities, and supporting continued agricultural operations and/or open space.

**WHEREAS**, on June 20, 2024, the Planning Commission, by a vote of three in favor, one opposed, and one absent, held a duly noticed public hearing and recommended that the Board of Supervisors find the project exempt from CEQA and adopt GPA 24-02; and

**WHEREAS**, having reviewed and considered all the information and evidence presented to it, including public testimony, written comments, staff reports and presentations, the Board of Supervisors hereby makes the required findings and adopts GPA 24-02 amending text in the General Plan Conservation/Open Space Element and adding General Plan Appendix – Walker Basin Water Transactions.

**NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS HEREBY FINDS, RESOLVES, AND RECOMMENDS AS FOLLOWS:**

**SECTION ONE:** Having reviewed and considered all the information and evidence presented to it, including public testimony, written comments, staff reports and presentations, the Board of Supervisors finds that on the basis of the whole record, the project is exempt from the California Environmental Quality Act (CEQA) under §15307 – Actions by regulatory agencies for protection of natural resources and §15308 – Actions by regulatory agencies for protection of the environment because these General Plan policies assure the maintenance and protection of natural resources that

<sup>1</sup> CEQA Guidelines provide that a lead agency conducting environmental review of a project must consider whether the project would “conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over a project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.” California Code of Regulation, Title 14, Chapter 3, Appendix G, §X, Land Use and Planning. See <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/appendix-g>.

may be impacted by water transfers that redirect water from existing uses on the landscape to in-stream flow for the purpose of raising the level of Walker Lake.

**SECTION TWO:** The Board of Supervisors further finds that the General Plan Amendment, including all text changes to the Conservation/Open Space Element of the Mono County General Plan, which is attached hereto as Exhibit A and incorporated herein by reference, is consistent with the countywide General Plan as well as all applicable area plans.

**SECTION THREE:** The Board of Supervisors further finds that the General Plan Appendix – Walker Basin Water Transactions, which contains 1) A background overview and summary, 2) the 2012 MOU between Mono County and NFWF, 3) the WBC’s Guiding Principles for Transactions, 4) the Administrative Draft Environmental Impact Report for General Plan Policies and Amendments for a Water Transaction Program in the Mono County Portion of the Walker River Basin, and 5) the CEQA Initial Study Checklist for General Plan Policies and Conceptual Water Transaction Program in the Mono County Portion of the Walker River Basin, which is attached hereto as Exhibit B and incorporated herein by reference, is consistent with the countywide General Plan as well as all applicable area plans.

**SECTION FOUR:** The Board of Supervisors makes the findings listed above and adopts GPA 24-02.

**PASSED AND ADOPTED** this 9th day of July 2024, by the following vote:

AYES: Supervisors Duggan, Gardner, Kreitz, Peters, and Salcido.

NOES: None.

ABSENT: None.

ABSTAIN: None.

  
John Peters (Jul 30, 2024 14:03 PDT)

John Peters, Chair

Attest:



\_\_\_\_\_  
Clerk of the Board

Approved as to form:



\_\_\_\_\_  
County Counsel

# Exhibit A: General Plan Amendment 24-02

## Walker Basin Water Transfer Criteria

### 1. Delete the following language from the Conservation/Open Space Element:

~~Policy 3.E.4. Evaluate participation in the Walker Basin Restoration Program (WBRP).~~

~~Action 3.E.4.a. Pursue funding with the National Fish and Wildlife Foundation (NFWF) to collect and analyze all the information necessary for the County to determine if and how participation in the WBRP may be possible, including full CEQA review to assess the potential effects on various resources, a potential pilot water transaction program, and any necessary General Plan policy updates.~~

~~Action 3.E.4.b. Ensure any participation in the WBRP is consistent with General Plan policies, particularly the area plan policies for the Antelope and Bridgeport Valleys, and policies to protect agricultural uses and natural resources.~~

### 2. Add the following language to the Conservation/Open Space Element:

Objective 3.H.

The following water transaction criteria applies in the Walker Basin watershed (Antelope Valley & Bridgeport) and assumes the water right holder is willingly and voluntarily entering a water transaction. If any situation occurs where this is not the case, CEQA continues to apply but a separate evaluation framework should be considered as the criteria herein may not be appropriate and/or applicable. Background information and environmental analyses are incorporated by reference into these policies and contained in General Plan Appendix: Walker Basin Water Transactions.

Policy 3.H.1. The purpose of the Mono County Water Transaction Criteria are as follows:

- a. To inform the State Water Resources Control Board's (SWRCB's) consideration of environmental impacts under the California Environmental Quality Act (CEQA) that may result from water transactions in Mono County<sup>1</sup> and prevent any such impacts.
- b. To support the voluntary participation of Mono County private property owners and water rights holders in a water transaction program consistent with the purposes and objectives of the Walker Basin Restoration Program (WBRP).
- c. To ensure water transactions under WBRP in Mono County are consistent with Mono County General Plan Conservation and Open Space Element Objectives.

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<sup>1</sup> CEQA Guidelines provide that a lead agency conducting environmental review of a project must consider whether the project would "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over a project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." California Code of Regulation, Title 14, Chapter 3, Appendix G, §X, Land Use and Planning. See <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/appendix-g>.

- d. To satisfy the requirement of the 2012 MOU between NFWF and Mono County that Mono County provide input into and concur with the scope and nature of water transactions in California, including CEQA compliance.
- e. To recognize the potential benefits of water transfers to restore Walker Lake, such as protecting the lake environment, preserving a historical way of life and traditional fisheries, supporting tribes and preserving tribal cultural resources, providing enhanced recreation opportunities, and supporting continued agricultural operations and/or open space.

Policy 3.H.2. Develop long-term land use plans: For each water transfer funded by the Desert Terminal Lakes Fund, or similar/equivalent funding, for the restoration of Walker Lake, the proponent(s) shall develop an adaptive management plan that sets forth conservation criteria and mitigation measures to reduce impacts, which run with the land and will be in force and effect as long as the transfer exists. Where land is not part of the transaction, the property owner of the land, or another party with applicable authority, is responsible for an adaptive management plan covering the applicable policies.

Action 3.H.2.a. The plan shall be consistent with General Plan goals and objectives, and shall include the following:

- i. Baseline assessment of resources;
- ii. Review of consistency with project assumptions in the Mono County environmental analysis documents; any inconsistencies may need to be further evaluated;
- iii. Measures to avoid or mitigate significant environmental or economic impacts, if applicable,
- iv. Monitoring criteria; and
- v. Adaptive management measures to address negative impacts and ensure compliance with the listed policies and the Mono County General Plan.
- vi. Where the land is not part of the transaction and the property owner or a third party is responsible for compliance with the applicable General Plan policies, the Walker Basin Conservancy (or entity receiving the water transfer) is responsible for monitoring implementation and reporting conditions on an annual basis to the Mono County Community Development Department. Monitoring may be completed by a qualified third party or contractor.

Action 3.H.2.b. Protect water resources and mitigate impacts to a less than significant level by ensuring that:

- i. No water transfer project, as approved, will authorize increased groundwater extraction to replace transferred surface water uses, including for the maintenance of baseline conditions, unless a study or analysis is conducted to determine if the increased extraction will individually or cumulatively substantially decrease groundwater supplies or impede sustainable groundwater management of the basin.
- ii. Prevent harm to and conflict between other surface water users.
- iii. Transfers are limited to consumptive use only.
- iv. The water transfer project will prevent water quality impacts such as siltation and erosion on properties acquired through the program by managing vegetation cover and other sources of non-point source pollution. In cases where an agricultural crop is removed, measures such as wattles, settling ponds, etc., to prevent siltation and erosion into waterways shall be implemented until the vegetation cover is restored.

Action 3.H.2.c. Protect biological resources and mitigate impacts to a less than significant level by incorporating the following into any water transfer project:

- i. Does not permit a net loss of wetlands.
- ii. Does not permit significant loss of habitat for sensitive species.
- iii. Does not permit the loss of more than 20% of existing native vegetation cover.
- iv. Long-term management/removal of invasive weeds to prevent exceedance of baseline.
- v. Conduct comprehensive floristic surveys for special-status and sensitive plants and sensitive vegetation communities within the subject land.
  - o A monitoring and management plan would be implemented and CDFW would be consulted for any special-status plant species or sensitive communities that may be adversely impacted by the proposed project with a minimum 1:1 mitigation ratio for plant species. The plan would minimize the loss of species/communities and, where necessary, restore or replace species/communities with a site of equivalent value. The Plan would include maps; a schedule and protocols for monitoring the special-status plant species/sensitive community; and mitigation options including but not limited to, restoration of adjacent areas where the species/community is present and/or establishment of the species/community in a new area, retaining irrigation to the sensitive communities, weed abatement, paying the cost for acquisition and long-term management and protection through a conservation easement, or other means as appropriate
- vi. During the mountain whitefish breeding season, releases of water from controlled reservoirs under the Walker Basin Water Transaction Program, including release of storage rights from Topaz Reservoir, Twin Lakes, and/or Bridgeport Reservoir, should be gradually ramped up to a level where the West and/or East forks of the Walker River experience increased flow levels for at least two weeks to prevent impacts to mountain whitefish.
- vii. Storage release flows in the West and East forks of the Walker River should not increase above the mean monthly flow for wet years during the mountain whitefish breeding season to avoid significant impacts.

Action 3.H.2.d. Protect recreation resources and mitigate impacts to a less than significant level by incorporating the following into any applicable water transfer project:

- i. Develop baseline data on river and reservoir water level below which 1) recreation facilities such as a boat launch were not available, and 2) fish health and survival were affected due to impacts to water temperature and dissolved oxygen levels. Incorporate monitoring protocols to ensure the sale of storage water rights maintains water levels above these thresholds.

Action 3.H.2.e. Protect agricultural resources and mitigate impacts to a less than significant level by incorporating the following into any water transfer project:

- i. No transfer of water from lands bound by a Williamson Act contract if the transfer would result in a material breach of the contract, unless the contract is cancelled by the Mono County Board of Supervisors, which is subject to state law (Government Code Section 51282).
- ii. Where land is part of the transaction, an agricultural or open space conservation easement or similar deed restrictions over properties subject to water transfer should be recorded. In the absence of a recorded easement or where land is not part of the transaction, the project must comply with Action 3.H.2.a. to sustain, or at a minimum not be detrimental to, the local agricultural character of the region, which must be evaluated prior to the acquisition.

Action 3.H.2.f. Protect tribal cultural resources and mitigate impacts to a less than significant level by incorporating the following into any water transfer project:

- i. The project supports, or at least is not detrimental to, applicable Tribal priorities.

- ii. In addition to following State law requirements for tribal consultation, invite tribes to participate in meaningful discussions and work to resolve issues and honor tribal requests in good faith.

Action 3.H.2.g. Prevent cumulative impacts and impacts to multiple resources by addressing the risk of subdivision through the recording of deed restrictions preventing subdivision and/or requiring long-term maintenance of the real estate for the purposes of the program (agriculture, environmental conservation, recreation) through Action 3.H.2.a.

- i. Residential subdivision may be appropriate if the parcel meets the following criteria consistent with the Mono County General Plan Land Use Element (see Objective 1.A. policies 1.A.1 and 1.A.2.):
  - Encourage infill development in existing communities and subdivisions. New residential subdivision should occur within or immediately adjacent to existing community areas. The policies regarding new residential development outside existing community areas do not apply to water transfer situations.
  - New residential development for permanent year-round residents should be concentrated in existing community areas.
  - Require that necessary services and facilities, including utility lines, are available or will be provided as a condition of approval for proposed projects.
  - Require that new development projects adjacent to existing communities be annexed into existing service districts, where feasible.
- ii. CEQA analysis for subdivisions resulting from water transfers has not been evaluated by the County and would be subject to additional CEQA review.

Action 3.H.2.h. Adhere, at a minimum, to the “Walker Basin Conservancy Guiding Principles for Transactions,” dated August 22, 2023 (see the General Plan Appendix: Walker Basin Water Transactions, which is herein incorporated by reference), as may be updated from time to time.

Policy 3.H.3. Collaborate with the Walker Basin Conservancy, or equivalent organization receiving water rights to restore Walker Lake, on the WBRP and management of water transfer impacts in Mono County.

Action 3.H.3.a. The Walker Basin Conservancy (or equivalent) should take into consideration local input, concerns, conflict, controversy, support, and other relevant matters when developing, pursuing, and implementing water transaction projects.

Action 3.H.3.b. The WBC (or equivalent) should annually report to the Mono County Board of Supervisors, Antelope Valley Regional Planning Advisory Committee (RPAC), and Bridgeport Valley RPAC on water transactions including, but not limited to, the following:

- The amount and type of water transactions, management of the agricultural and environmental resources associated with water transactions, the status of Walker Lake, and other relevant information.
- Receive input, concerns, and issues from local communities and the Board, and commit to steps to addressing valid information raised.

Action 3.H.3.c. The WBC (or equivalent) will provide to the Mono County Community Development Department an annual monitoring report on implementation of adaptive management plans where the land was not transferred with the water as required by Action 3.H.2.a.iv.

# **General Plan Appendix: Walker Basin Water Transactions**

## **Contents**

This appendix contains the following sections:

- 1) A background overview and summary,
- 2) The 2012 MOU between Mono County and NFWF,
- 3) The WBC's Guiding Principles for Transactions,
- 4) The Administrative Draft Environmental Impact Report for General Plan Policies and Amendments for a Water Transaction Program in the Mono County Portion of the Walker River Basin, and
- 5) The CEQA Initial Study Checklist for General Plan Policies and Conceptual Water Transaction Program in the Mono County Portion of the Walker River Basin.

# General Plan Appendix: Walker Basin Water Transactions

## Overview and Summary

### Background

Walker Lake is an environmentally degraded terminal lake in Mineral County, Nevada, spanning 50 square miles at the terminus of the Walker River which begins in the Sierra Nevada Mountains and runs through Antelope Valley and Bridgeport Valley (for a map, see <https://webapps.usgs.gov/walkerbasinhydromapper/#home>). During the last half of the 19th century, farmers and ranchers established communities in the Walker Basin and natural flows from the Walker River were diverted to support hay, pasture and other irrigated crops. In addition, the river and lake are sacred to the Walker River Paiute Tribe, and the Tribe has used river water for agriculture and other purposes. As a result of declining water levels, the salinity of Walker Lake increased dramatically to the point that the general health of the ecosystem is at risk and the lake can no longer support native fish and wildlife populations.

In 2009, the Walker Basin Restoration Program (WBRP) was established by Public Law 111-85 for the primary purpose of restoring and maintaining Walker Lake. The program is funded by the Desert Terminal Lakes (DTL) Fund which Congress established for the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources. The program authorizes the purchase of water rights to maintain in-stream flows that would increase water levels in Walker Lake.

In 2012, the National Fish and Wildlife Foundation (NFWF), which was initially charged with managing the program and DTL Fund, and Mono County entered a Memorandum of Understanding (MOU) in response to concerns about the impacts in Mono County of potential water lease or sale programs dedicated to raising the level of Walker Lake (see Appendix 1). The MOU established that the Mono County Board of Supervisors would review, comment upon, and consider approving a proposal for water transactions prior to NFWF's appropriation of any funds for the lease or purchase of land, water appurtenant to the land, or related interests for Walker Lake restoration.

In 2014, a feasibility study was conducted by the Resource Conservation District of Mono County (RCD) that sought to assess the impacts of potential water transactions under the WBRP and to answer a series of hydrologic, ecologic, and economic questions that would provide a framework for future County water transfer policies and inform more detailed study.

In 2015, NFWF awarded a grant to Mono County to develop a water lease or transfer program proposal and conduct environmental review under CEQA. The project had various starts and stops related to grant scope changes, staffing challenges, and interruption by COVID, but ultimately an administrative draft of the program and Environmental Impact Report (EIR) was available with contract staff secured to complete the project. Unfortunately, the funding was no longer available through NFWF and therefore that version of the project was not completed. However, the MOU provisions remain in place.

Concurrently in 2014/2015, the Walker Basin Conservancy (WBC; <https://www.walkerbasin.org/>) was established to lead the effort to restore Walker Lake. The WBC works to restore and maintain Walker Lake while protecting agricultural, environmental, and recreational interests throughout the Walker Basin, and has entered into water transfer agreements involving water rights outside of Mono County that include management of the associated resources and economic impacts. Since assuming full responsibility for implementing the WBRP, WBC has worked with more than 155 ranchers and farmers in Nevada to increase

streamflow in the Walker River while protecting agriculture, opened more than 29 miles of the Walker River to public access, and acquired more than 26,000 acre-feet of water for environmental benefit.

Over the past decade, the Conservancy has developed guiding principles for long-term water transfers, including:

- a. Develop long-term land use plans.
- b. Sustain the local agricultural economy.
- c. Protect groundwater by i) reducing groundwater withdrawals when possible, and ii) protecting groundwater recharge.
- d. Prioritize acquiring land with significant conservation value.
- e. Prioritize acquiring land with recreation opportunities.
- f. Work with willing sellers at market value.
- g. Prevent potential conflicts with other surface water users.
- h. Support tribal priorities.
- i. Support local objectives with land acquisition.
- j. Protect wildlife and plants.
- k. Address risk of subdivision.
- l. Continue to pay water assessments and fees in perpetuity.

The WBC now wishes to engage in the same or similar types of water transactions within Mono County.

### **Antelope Valley**

Antelope Valley encompasses 31,925 acres at the northern end of the County and includes the communities of Walker, Coleville, and Topaz, the Marine housing complex at Coleville, and Camp Antelope at Walker (see Figure 1). The West Walker River flows through Antelope Valley to Topaz Lake Reservoir, a manmade reservoir straddling the California–Nevada state line. The river is diverted for irrigation of agricultural land throughout the valley. Grazing is the primary agricultural use in the valley followed by alfalfa production.

The topography of Antelope Valley is characterized by the relatively flat valley floor, gently sloping alluvial fans along the valley margin, and steep slopes above the alluvial fans. The elevation of Antelope Valley ranges from approximately 5,400 feet above mean sea level (amsl) in the Town of Walker to 5,000 feet amsl at Topaz Lake. Vegetation in the area is primarily irrigated agricultural land on the valley floor, riparian scrub along the West Walker River, and sagebrush scrub in unirrigated areas and on the slopes surrounding the valley floor. Waterbodies in the project area include Topaz Lake Reservoir, West Walker River, Nevada Creek, California Creek, Slinkard Creek, and Mill Creek (Mono County, 2008).

The Antelope Valley is located within the West Walker River watershed. The West Walker River and its main tributaries (Little West Walker, West Fork, West Walker River, and Leavitt Creek) flow freely from the crest of the Sierra Nevada Mountains to the town of Walker, at the northeastern head of Antelope Valley. Near the town of Walker, much of the Walker River is diverted into ditches to provide irrigation water for pastureland and alfalfa production in Antelope Valley. Eleven miles of the West Walker River are affected by these diversions, which greatly slows the flow of the river during irrigation season. The West Walker River provides more than 60 percent of the available water in the entire Walker River system.

### **Bridgeport Valley**

Bridgeport Valley is located at the eastern base of the Sierra Nevada Mountains south of the California–Nevada state line and north of Mono Lake in northern Mono County (see Figure 1). Elevations within Bridgeport Valley range from approximately 7,100 feet amsl at the southern edge of the valley to 6,460 feet amsl at Bridgeport Reservoir. Water drains in a northerly direction through the valley toward Bridgeport

Reservoir. The East Walker River flows along the western side of Bridgeport Valley and is the confluence of many streams draining the eastern slopes of the Sierra Nevada Mountains. The East Walker River is the only stream exiting the valley and eventually joins the West Walker River near the town of Yerington, Nevada before draining into Walker Lake (SWRCB, 2004). Bridgeport Valley and surrounding meadows are exclusively used as grazing pasture. Anecdotal reports indicate a high percentage of the Valley is under conservation easements, which may prevent water transfers, and the consumptive water use is relatively low.

# Project Area

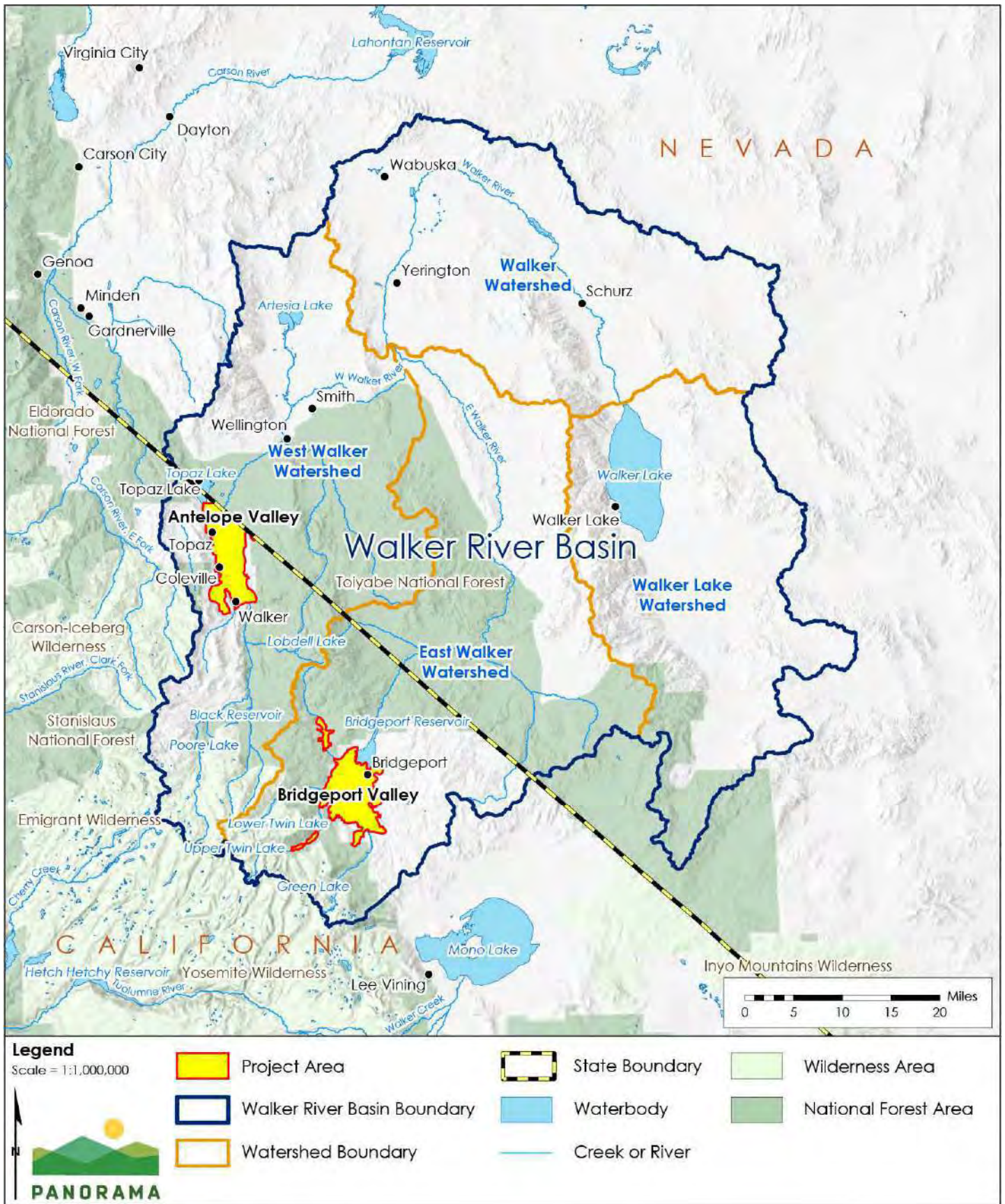


Figure 1. Project Area.

## **Mono County Authority**

The State Water Resources Control Board (SWRCB) has exclusive authority to issue and administer water right permits and licenses for surface water appropriations. The guidelines and any analysis set forth herein are provided for informational purposes only and intended for consideration by the SWRCB when conducting environmental review on any subsequent WBRP water transfers in the County. The proposed guidelines would neither permit nor prohibit any future water right transaction and do not conflict with SWRCB's authority. Rather, the guidelines have been designed to avoid or mitigate potentially significant impacts of subsequent WBRP water transactions in the County as described in environmental analyses (see appendices) based on existing data.

The County intends to adopt the Guidelines into the Mono County General Plan. Prior to approving or denying any permit for water rights under the WBRP within the County, the SWRCB would need to analyze the environmental effects of each water transfer in compliance with CEQA and evaluate potential conflicts with the County's General Plan policies, which are intended to mitigate environmental effects, unless the project were exempt from CEQA (including a water transfer of 1 year or less). Once the proposed policies are adopted by the County, for projects that are not exempt from CEQA, the SWRCB would need to consider whether a proposed project is consistent with the policies.

## **California Environmental Quality Act (CEQA) Compliance**

As lead agency, the SWRCB will have responsibility for compliance with CEQA for any water transfer project. Mono County and concerned citizens will review, comment on, and potentially protest or take other action with respect to water transactions proposed for approval by the SWRCB to ensure potential negative environmental impacts have been addressed. The intent of Mono County's proposed General Plan policies and environmental analysis (Appendix 2 and 3) is to provide a framework and analysis with which water transfer projects may adhere in order to largely address environmental concerns. In other words, compliance with the proposed General Plan policies would be expected to avoid or mitigate environmental effects of a water transaction program in Mono County and may avoid the need for further environmental review under CEQA. If an individual project that is not exempt from CEQA is inconsistent with this framework, additional environmental analysis may be necessary to ensure potentially significant impacts are mitigated prior to SWRCB approval.

## **Types of Water Transfers & Impacts of Concern**

The County recognizes a variety of water transfer transactions by WBC as part of the WBRP are possible, including the following:

- Long-term leasing (two or more years) and/or permanent transfer or in-stream dedication of decreed or storage rights,
- Temporary lease of decreed flow rights and storage rights (less than two years at a time),
- Land may or may not be transferred with the water transfer scenario.

The County's criteria does not define or limit the types of permissible water transactions. However, if the project is not consistent with County criteria, potentially significant and unavoidable environmental impacts may occur and the County may therefore oppose or challenge the proposed water transfer within the limits of its authority.

Based on the review of baseline information, agency and community outreach, and additional research and analysis, the following listed resources and topics are not likely to be impacted or will have a less than significant impact based on assumed project parameters. See Appendix 2 for a discussion of the outreach and the following environmental topics:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Forestry Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Although less than significant impacts were ultimately identified for the above topics, the initial study (Appendix 4) did indicate the potential for significant impacts in the following areas, but ultimately found them to be less than significant based on the following assumptions:

- **Aesthetics:** The determination is based on the assumption that the water transfer would not include new structures or features being introduced, and fallowed agricultural lands transitioning to drier vegetation types but not being denuded. The drier vegetation types are assumed not to exceed 3,290 acres (8%) of current agricultural lands.
- **Air Quality:** The determination is based on the assumption that the water transfer would not use of equipment that would generate air emissions, and that the project includes native revegetation with active restoration for a period of at least two years, which would retain vegetation cover and prevent potential fugitive dust.
- **Land Use and Planning:** Consistency with the County’s General Plan policies and the associated environmental analysis, including any proposed project policies and amendments adopted by the County, avoids conflicts with the County land use plan and results in a less than significant impact.
- **Public Services:** Further analysis indicated impacts would be less than significant as no new services would be required, and no need to relocate or construct any facilities.
- **Tribal Cultural Resources:** Invitations for tribal consultation were sent pursuant to AB 52, and the Washoe Tribe of Nevada and California, and the Mono Lake Kutzadika Tribe requested consultation. No potential impacts to tribal cultural resources were discovered through the AB 52 consultation process.
- **Mandatory Findings of Significance:** Impacts to plant and animal populations are evaluated under Biological Resources. The cumulative impacts analysis will depend upon reasonably foreseeable projects at the time a water transfer is proposed. No substantial adverse affects on human beings were identified.

In addition, the following information should be noted:

- **Greenhouse Gas Emissions:** The analysis assumes an initial, one-time loss of sequestered carbon due to the drying of irrigation-induced and/or natural wetlands, but finds the impact to be less than significant because the site would then continue to maintain vegetation and not release further greenhouse gas emissions.
- **Wildfire:** The determination is based on the assumption that the transition to drier vegetation types would be limited to 3,290 acres (8%) of scattered agricultural lands, which is a marginal increase and not expected to increase the number and severity of wildland fires.

The topics that ultimately warranted a complete environmental analysis due to the potential for significant impacts include water resources, biological resources, agriculture, and recreation. Appendix 3 contains the County's analysis of these topics, originally conducted as an environmental analysis under CEQA, which resulted in the criteria below. Therefore, compliance with the criteria below substantially addresses the environmental concerns identified in this analysis.

**BOARD OF SUPERVISORS  
COUNTY OF MONO  
P.O. BOX 715, BRIDGEPORT, CA 93517  
(760) 932-5534/5538 Fax (760) 932-5531**

*Lynda Roberts  
Clerk of the Board*

**MEETING of  
MARCH 13, 2012**

*Linda Romero  
Assistant Clerk of the Board*

**MINUTE ORDER  
M12-59  
Agenda Item: 12a**

**TO: County Counsel**

**SUBJECT: Memorandum of Understanding with National Fish and Wildlife  
Foundation**

Approve County entry into proposed Memorandum of Understanding (MOU) and  
authorize Chair to execute said MOU on behalf of the County.

**Hansen moved; Hunt seconded**

**Vote: 5 yes; 0 no**

Copies sent to:  
CAO  
County Counsel  
Other:

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE NATIONAL FISH AND WILDLIFE FOUNDATION  
AND THE COUNTY OF MONO  
REGARDING THE IMPLEMENTATION OF A WATER LEASING PROGRAM AND/OR WATER PURCHASE  
PROGRAM WITHIN THE CALIFORNIA PORTIONS OF THE WALKER RIVER BASIN  
INCLUDING CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

**WHEREAS**, Section 2507 of the Farm Security and Rural Investment Act of 2002 (P.L. 107-171) appropriated \$200 million to the U.S. Bureau of Reclamation for the purpose of providing water to at-risk natural desert terminal lakes, including Walker Lake in Nevada, and Section 2807 of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246) appropriated an additional \$175 million for that same purpose (the "Desert Terminal Lakes Fund" or "DTL Fund"); and

**WHEREAS**, Congress allocated \$70 million of the Desert Terminal Lakes Fund to the University of Nevada to (among other things) acquire, from willing sellers, land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada (the "Water Acquisition Program")(P.L. 109-103); and

**WHEREAS**, in 2009, Congress substituted the National Fish and Wildlife Foundation (NFWF) for the University of Nevada as the entity authorized to carry out the Water Acquisition Program and, separately, established the Walker Basin Restoration Program (P.L. 111-85) for the primary purpose of restoring and maintaining Walker Lake, and together with the U.S. Bureau of Reclamation has allocated additional funds from the Desert Terminal Lakes Fund for that purpose; and

**WHEREAS**, as part of the Walker Basin Restoration Program, Congress allocated \$25 million from the DTL Fund to the Walker River Irrigation District (District), to administer and manage a 3-year water leasing demonstration program in the Walker River Basin, to be carried out by the District in accordance with an agreement between it and NFWF (the "Water Leasing Demonstration Program"), which may include the participation of willing lessors in Mono County, whose lands lie outside the jurisdiction of the District; and

**WHEREAS**, the Consolidated Appropriations Act for 2012 (P.L. 112-74, Division B, Section 208) amended prior DTL authorities to make clear that funds derived from the Desert Terminal Lakes Fund may be used to lease or purchase water from willing sellers "for the benefit at-risk natural desert terminal lakes and associated riparian and watershed resources" throughout the affected geography, and thus potentially allows NFWF to use Water Acquisition Program funds to purchase and/or lease water from willing sellers in the California portions of the Walker River Basin. (The Water Leasing Demonstration Program and the Water Acquisition Program, as applicable to the lease or purchase of land, water appurtenant to the land, or related interests within the California portions of the Walker River Basin, are collectively referred to in this agreement as the "California Programs."); and

**WHEREAS**, the Mono County Resource Conservation District (RCD) is interested in facilitating the development of environmental and/or other information related to the California Programs for the purposes of aiding in their design and implementation, contributing to informed decision making, and furthering compliance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, NFWF believes that local input into the development of the California Programs and, ultimately, review and approval of those Programs by a locally-elected decision making body such as the Mono County Board of Supervisors prior to their implementation will increase the likelihood that the California Programs are appropriately and beneficially carried out and, as a result, ultimately successful in achieving the goals of the Water Leasing Demonstration Program and/or the Water Acquisition Program. Accordingly, NFWF desires to provide for such input and approval in accordance with the terms and conditions set forth in this MOU; and

**WHEREAS**, the Mono County Board of Supervisors desires and is willing to review (including environmental review as required by the California Environmental Quality Act), comment upon, and consider for approval proposal(s) for implementation of a short-term water leasing demonstration program, or such other proposals for implementation of the California Programs as may be presented to it by the District, the RCD or other parties working in conjunction with the District and/or NFWF in order to fulfill the purposes and objectives of the Walker Basin Restoration Program as they may pertain to willing participants in California, in accordance with the terms and conditions set forth in this MOU;

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, NFWF AND THE COUNTY OF MONO DO HEREBY AGREE AS FOLLOWS:**

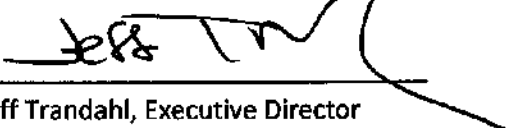
1. NFWF will work with the RCD or other parties to develop one or more grant agreements to support development of the California Programs and will not expend, nor authorize the expenditure of, funds appropriated to the Desert Terminal Lakes Fund for the lease or purchase of land, water appurtenant to the land, or related interests within Mono County unless and until the Mono County Board of Supervisors has reviewed, commented upon, and concurred with the scope and nature of the California Programs and complied with its obligations under CEQA.
2. The Mono County Board of Supervisors will review, comment upon, and consider approving a proposal presented to it by the RCD (or other parties working in conjunction with NFWF) for implementation of a short-term Water Leasing Demonstration Program within Mono County, as well as such other proposal(s) for implementation of the California Programs which may be presented to it, subject to the conditions stated in paragraphs 3 and 4 below, and will work in good faith to support their timely consideration. The Board's approval shall not be unreasonably withheld.
3. The costs of processing, environmental review, and related expenses associated with consideration of the proposal(s) by the Board of Supervisors shall be paid by the

applicant/proponent in accordance with the County's standard environmental processing procedures, unless otherwise agreed to in writing by the County.

4. As required by CEQA, the Board of Supervisors shall retain discretion to conditionally approve, approve, disapprove, or modify any proposal presented to it pursuant to this agreement for implementation of the California Programs.
  
5. This MOU shall remain in effect for the duration of NFWF's Program grant agreement with the Bureau of Reclamation, including any renewal thereof or subsequent grant agreement involving substantially the same programs or activities, unless it is terminated sooner by the mutual written consent of the parties; may be amended from time to time by the mutual written consent of the parties; and shall be enforced only by action seeking specific performance and/or injunctive relief.

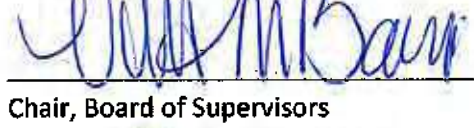
IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS 13th DAY OF March, 2012.

NATIONAL FISH AND WILDLIFE FOUNDATION

  
\_\_\_\_\_  
Jeff Trandahl, Executive Director

2/28/2012  
\_\_\_\_\_  
Date

COUNTY OF MONO

  
\_\_\_\_\_  
Chair, Board of Supervisors

3-13-12  
\_\_\_\_\_  
Date

## **Walker Basin Conservancy Guiding Principles for Transactions**

**August 22, 2023**

Since 2014, The Walker Basin Conservancy (the Conservancy) has been involved in implementing the federally-chartered Walker Basin Restoration Program, assuming full responsibility for those efforts in 2017. Throughout the program, we have worked with more than 155 ranchers and farmers to increase streamflow in the Walker River while protecting agriculture. We have opened more than 29 miles of the Walker River to public access and acquired more than 26,000 acre-feet of water for environmental benefit.

This document serves to summarize the Conservancy's approach to water rights acquisition and protection, as it pertains to impact on the land to which the acquired water rights were appurtenant.

The Conservancy considers the following guiding principles in developing and implementing environmental water transactions:

### **1. Develop long-term land use plans**

Prior to completing each water transaction, the Conservancy works with landowners to develop a long-term land use plan that meets the needs of the local community. This includes any activities to ensure land is not left "high and dry" by mitigating any potential weed or dust issues. Options may include restoration to drought-resistant native desert scrub plant communities, keeping land in agricultural production with other water resources, conversion to less water intensive crops (i.e., alfalfa to grazing), or other ways to keep land in agricultural production coupled with a demonstrable conservation benefit for Walker River and Walker Lake.

### **2. Sustain the local agricultural economy**

We prioritize keeping prime agricultural land in agricultural production. When the opportunities to purchase prime agricultural land have arisen, we have worked with other producers to keep the land in the same or a higher-value crop using alternate water resources. We view this process as connecting water with the most productive land and creating a market to allow for water to be found its highest and best use.

### **3. Protect groundwater**

The Conservancy actively works with sellers of surface water rights to ensure that any transfer will not result in increased groundwater pumping. Quite simply, we are not trying to off-set surface water use through increased groundwater use.

#### **a. Reduce groundwater withdrawals when possible**

In Nevada, the Conservancy has acquired more than 11,000 acre-feet of supplemental groundwater rights with water portfolios purchased for in-stream flows. The Conservancy has retired this water – preventing it from being pumped and directly contributing to solving groundwater table drawdowns in Mason and Smith Valleys.

## **b. Protect groundwater recharge**

In all in-stream dedications, the Conservancy has protected the consumptive use portion of surface water rights acquired through the program. This reflects *only* the quantity of water historically respired by crops and does *not* include water lost to evaporation or groundwater recharge during conveyance.

### **4. Prioritize acquiring land with significant conservation value**

Lands along river corridors, adjacent to public land, or with significant wildlife habitat are better candidates for native habitat re-establishment than land surrounded by other agricultural fields. The Conservancy has prioritized keeping agricultural lands in production and acquiring/restoring acreage in areas that support wildlife habitat connectivity, reduce fragmentation, and promote ecological resilience.

### **5. Prioritize acquiring land with recreation opportunities**

In addition to prioritizing land with conservation value, we also strive to work in places that will increase recreational opportunities. We have donated over 14,000 acres of land to the State of Nevada that are now part of the Walker River State Recreation Area and the Mason Valley Wildlife Management Area. Increasing public access and supporting wildlife habitat to increase recreational use drives regional economic development and sustainability.

### **6. Work with willing sellers at market value**

We reference federal standards for all purchase valuations and conduct regular program appraisals to ensure we are offering prices on par with those established by the local market. This facilitates a market that allows for competition, prevents speculation, supports the agricultural community, and promotes the highest and best use of resources.

### **7. Prevent potential conflicts with other surface water users**

We conduct detailed analyses to ensure water movement or transfer from the appurtenant land results in no injury to other water users in the system. While this is an area subject to regulation of the State of California rather than the County, it is important to note that the Conservancy has a decade of experience complying with federal and state regulations to avoid injury to other users.

### **8. Support Tribal priorities**

The Conservancy collaborates with the Walker River Paiute Tribe to administer flows through the Walker River Reservation and through to Walker Lake. Communication with the Tribe takes place on a daily basis with larger meetings occurring to review the previous irrigation season, plan for the next irrigation season, and continually refine joint tools and agreements.

### **9. Support local objectives with land acquisition**

We work closely with local communities to identify how we can help meet their goals and objectives. We understand how important it is to include all stakeholders in the work we do so

devote considerable time and energy to communicating with people in the community. We undertake all activities in the spirit of collaboration and good faith.

**10. Protect wildlife and plants**

Changes in irrigation affect plants and wildlife. Before acquiring a property, the Conservancy works with landowners to develop a long-term plan that accounts for and enhances the current habitat benefits of irrigation. In our revegetation projects, we aim to include plant species that support rare and threatened species.

**11. Address risk of subdivision**

Land acquired by the Conservancy through NFWF funding has borne significant deed restrictions preventing subdivision and requiring long-term maintenance of the real estate for the purposes of the program: agriculture, environmental conservation, and recreation. In water-only transactions, the Conservancy actively works with landowners to ensure that long-term plans do not include or support subdivision.

**12. Continue to pay water assessments and fees**

We make the long-term commitment to pay water assessments and ditch fees on all NFWF-funded acquisitions even if all our water assets have been protected instream and we don't rely on the ditch infrastructure. We do not want to put undue financial burden on the U.S. Board of Water Commissioners, the Walker River Irrigation District, or individual ditches. We therefore agree to pay all assessments and fees associated with the water rights in perpetuity.

Attachment 5 -- The CEQA Initial Study is available here:  
<https://www.monocounty.ca.gov/planning/page/walker-basin-water-transfer-program>