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FOR IMMEDIATE RELEASE

Appellate Court Ruling Stops Long Valley Dewatering

Ruling Affirms Legal Principles Sought by

Mono County and Sierra Club in Protecting Long Valley and Little Round Valley

MONO COUNTY, Calif. (JULY 5, 2022) – Late last week, the First District Court of Appeal for the State of California reversed a March 2021 Alameda Superior Court ruling requiring the Los Angeles Department of Water and Power (LADWP) to continue to provide water for wildlife habitat and scenic, recreational and economic resources on approximately 6,100 acres of land in Mono County -- at least until such time as LADWP completes the required environmental review. While the appellate court ruling initially appeared to be a setback for Mono County and the Sierra Club, who filed the lawsuit under the California Environmental Quality Act (CEQA), the result is in fact an affirmation of the legal principles which the County and Sierra Club sought to enforce from the beginning – that LADWP cannot remove all water from the land under the guise of expired leases from 2010, without conducting any environmental review.

“During the course of the appeal, LADWP repeatedly represented to the court that it would not dry out lands in Long Valley and Little Round Valley without performing the required environmental review” said Stacey Simon, Mono County Counsel. “In other words, LADWP conceded that it must conduct environmental review prior to drying out these valleys.”

The appellate court memorialized LADWP’s concession in its ruling, thereby establishing a legal framework under which LADWP must conduct environmental review if it pursues its previously-announced plan to dewater Long Valley. “The court’s language is a vindication and endorsement of the principles which Mono County and Sierra Club sought to enforce in their initial complaint,” said Larry Silver, attorney for the Sierra Club.

The appellate court clearly took a different route than the trial court, holding LADWP to its own statements, rather than issuing a direct order to limit its future actions. However, under either

approach, LADWP cannot dry out Long Valley and Little Round Valley without first conducting environmental review as required by CEQA.

Consistent with the appellate court ruling, Mono County expects that LADWP will continue to provide water to its leased lands in the region, even while drought conditions and climate change continue to be factors in the amount provided, as in prior years. This outcome is in line with a solution which Mono County had suggested to LADWP leadership prior to initiating litigation.

From the beginning, Mono County has attempted to work with LAWDP to seek collaborative solutions and to steward the watershed that serves us all. "Litigation was a last resort to protect the land, water, and wildlife in Long Valley," explained Bob Gardner, Chair of the Mono County Board of Supervisors. "Mono County maintains its commitment to working with the City of Los Angeles and LADWP in a shared effort to make the most effective and efficient use of California's limited water resources in a manner that preserves environmental and economic values and serves the needs of all Californians. However, if further litigation becomes necessary due to LADWP's disregard for the appellate court's ruling and repudiation of its own statements to that court, then Mono County is prepared to take further legal action to protect its valuable natural and economic resources."

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