

Cunningham buys back in

Property reverts back to developer in 11th hour

by Clare Cragan

The already lengthy story of the 112-acre property in the Mono Basin National Forest Scenic Area has just begun a new chapter: the Cunningham family owns the property once again after two years of Mammoth Mountain Ski Area (MMSA) ownership. A letter sent by their realtor confirms their intent to attempt to subdivide it for a resort home development. Not only is subdivision of the steep, scenic hillside a bad idea, but such an action would also be a direct violation of the federal law protecting Scenic Area lands surrounding Mono Lake.

The Forest Service has already denied the development proposal, but the Cunninghams and their realtor seem determined to gamble that they can ignore the ruling. A strong response from the Mono Lake Committee will be necessary to stop this poorly conceived proposal from permanently scarring Mono Lake.

Cunningham CliffsNotes

MMSA originally purchased the property from Bill and Robin Cunningham in March 2005 in preparation for an eventual land trade to the Forest Service. The sale agreement included an option for the Cunninghams to repurchase the property for the original selling price of \$3 million—a price tag well above the Forest Service appraisal. The repurchase option expired exactly two years from the date of sale, and the Cunninghams notified MMSA of their intention to repurchase the property just one day shy of the option's expiration.

Having already paid a premium for the property, MMSA

wasn't ready to pay an additional \$2.85 million for the land—an amount that, according to the contract, would have precluded the Cunninghams' buy back action. Attempts to negotiate a more modest supplemental payment, including proposals by MMSA just hours before the close of escrow, were rebuffed by the Cunninghams.

Rusty Gregory, CEO of Mammoth Mountain Ski Area, said the following: "MMSA is very disappointed that it couldn't come to an agreement with Mr. and Mrs. Cunningham on a price that would have made their repurchase of the 112 acres of land we bought from them two years ago unnecessary. We remain interested in acquiring the property for Forest Service trade purposes and continue to be committed to seeing that this and other land in the Mono Basin Scenic Area remains undeveloped."

Private property development within the Scenic Area is overseen by two concurrent regulatory bodies: Mono County and the Forest Service. For the past 20 years private property owners have brought their development plans to both agencies for approval. The Cunninghams are the first landowners planning to ignore the Forest Service in an attempt to move forward with an illegal development proposal.

The Mono Lake Committee supports the congressionally designated Scenic Area and the rules that were set in place to preserve it. Should the Cunninghams proceed with illegal development plans they will most certainly face litigation and strong public opposition. Stay tuned as the story unfolds. ❖

Governor appoints Fran Spivy-Weber to State Water Board

by Geoff McQuilkin

In a sign of California's commitment to progressive water policy, Governor Schwarzenegger appointed Frances Spivy-Weber to the State Water Resources Control Board (Water Board) in late February. Fran previously served as the Committee's Co-Executive Director from 1997 until last September.

We took a moment to catch up with Fran when we got the great news. "I am honored by this appointment to the Water Board," she said, "and I am looking forward to working on some of the most important issues facing California today."

Fran brings to the Water Board her experience in seeking out people with divergent views to protect California's environment and its citizens. She reflected that, "The Mono Lake Committee and Los Angeles did this by replacing water left for Mono Lake and its streams and wetlands with

conservation and water recycling in the city. Today Angelinos use no more water than they did 25 years ago and the Mono Basin environment is rebounding."

Fran recognizes the challenges facing the Water Board, including "increased urbanization which will affect water quality and wildlife habitats, and climate change which will affect how we manage water." However, she said, "I am optimistic about our being able to fashion workable approaches to these problems."

The Water Board consists of five appointed individuals who are responsible for overseeing all water rights within the state and for protecting water quality throughout California. We congratulate and look forward to her work with the Water Board.