

Those of you who have diligently read each issue of the Mono Lake Newsletter this year may start to notice that there is something of a pattern forming. It's the Mono Lake Committee's 25th Anniversary and we thought, "What better way to celebrate with all the members and friends than through the newsletter?"

The first issue highlighted the fact that while the Mono Lake story may appear to be a well-planned one, in 1979 no one ever would have guessed things would have turned out with a healthy lake in the end. Only with the amazing efforts of many people could this sometimes-calculated, sometimes-serendipitous story have turned out so well. The second issue focused on the Committee's long-standing connection with science, and how scientific findings motivated a small group of dedicated students who just couldn't watch Mono dry up. This, the third issue, focuses on the political history that took science-based knowledge to the public, to courtrooms, and to anyone who would listen, and turned it into the protection that the lake has today. The final issue for the year will focus on education, the third pillar of the Committee's three-word mantra: Protection, Restoration, Education. With these issues firmly under our belts we head off into the next 25 years.

The Committee staff has learned a lot in the process of pulling all of this information together in this way. It seems that every time we open *Storm Over Mono*, or reach back into the old publications and files we learn something new.

The number of people involved with the political part of the Mono Lake story is overwhelming, and the twists and turns that the story has taken over the years are fascinating and inspiring. So, without further ado, we present to you this Newsletter, and hope that you, too, find inspiration in the pages that follow.

—Arya Degenhardt, Communications Director

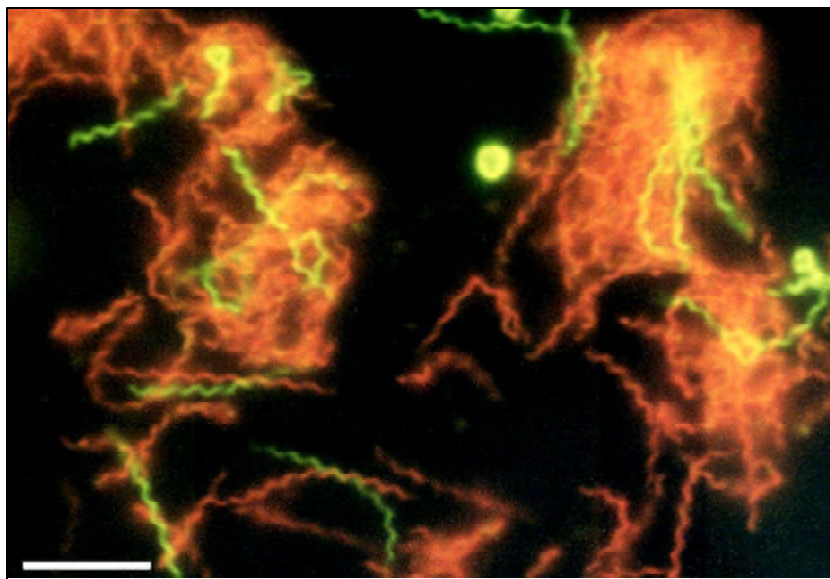


PHOTO COURTESY OF RICHARD B. HOOVER

NASA scientist Richard B. Hoover recently discovered a new microorganism found only in Mono and Owens Lakes. The new species of bacteria *Spirochaeta americana* can only live deep in salty, alkaline, anoxic mud. See www.monobasinresearch.org for more details.

Mono Lake Committee Mission

The Mono Lake Committee is a non-profit citizens' group dedicated to protecting and restoring the Mono Basin ecosystem, educating the public about Mono Lake and the impacts on the environment of excessive water use, and promoting cooperative solutions that protect Mono Lake and meet real water needs without transferring environmental problems to other areas.

COVER PHOTO BY MICHAEL R. DRESSLER



Mono Lake Office Information Center and Bookstore

Highway 395 at Third Street
Post Office Box 29
Lee Vining, California 93541
(760) 647-6595

info@monolake.org
www.monolake.org
www.monobasinresearch.org

Los Angeles Office

322 Culver Blvd.
Playa Del Rey, California 90293
Phone (310) 316-0041

Staff

Executive Director, Policy Frances Spivy-Weber
Executive Director, Operations Geoffrey McQuilkin
Eastern Sierra Policy Director Lisa Cutting
Eastern Sierra Policy Coordinator Craig Roecker
Education Director Bartshé Miller
Assistant Education Director Santiago Escruceria
Outdoor Experiences Coordinator Lori Bowermaster
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Founded by David Gaines in 1978

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Saving Mono Lake

Reflections on a People-powered, Legally Sharp, Precedent-setting, Solution-oriented Journey

This year marks the Mono Lake Committee's 25th Anniversary and the time to celebrate 25 years of Mono Lake advocacy.

Out of those years comes an undeniable truth: the Mono Lake campaign has energized and created strong, conscientious, science-based, cooperative solution-oriented public policy and law.

The following four essays are by dedicated policy champions of Mono Lake.

David and Sally Gaines were the spark that started the Mono Lake Committee and their commitment epitomizes the truly grassroots effort to save Mono Lake.

Bruce Dodge has been the Committee's attorney for 25 years, and he has represented the Committee in every court and hearing room to ever consider Mono Lake.

Harrison "Hap" Dunning is a law professor with an expertise on the Public Trust Doctrine; he writes on the broader significance of the Mono Lake public trust case.

And the fourth essay is by Martha Davis, who, as Executive Director of the Mono Lake Committee from 1984 to 1997, brought closure to the Mono Lake case through cooperative solutions so powerful and effective that they are used as models around the state, nation, and world today.

These authors' perspectives paint an inspiring and compelling picture that illustrates Mono Lake's policy legacy.

Year After Year At My Favorite Lake

by Sally Gaines

The year 2003 represents 25 years of fighting to save a lake. This essay distills two and a half decades of research, meeting, travels, phone calls, newsletters, slide shows, hearings, photographs, and testimony by many, many people on Mono's behalf. The lake has a big fan club with members all over the world.



A 1968 aerial of Mono Lake, the Sierra Nevada, and the western edge of the Great Basin, from the east.

There were researchers in the Mono Basin in the 1960s and local efforts at preservation prior to the Mono Lake Committee. A handful of bird watchers and sightseers knew the lake was declining quickly due to water diversions from tributaries and could imagine it looking like Owens Lake, which dried up by 1920 due to the same process. But the big impetus came in the summer of 1976 when a band of twelve undergraduate biologists, each specializing in a different subject, camped out and spent each day doing surveys. Most of the salient points we used to defend the lake came from this initial study.

What they found amazed them—a simple ecosystem, but a very productive one. Modeling ecosystems was the new fad and Mono looked like a good place to do it. The sun shining down powered the algae for the brine shrimp and alkali flies, which were eaten by many water birds. The black island was a safe nesting site for 50,000 California Gulls. Up to two million grebes and 100,000 phalaropes stopped over each fall to refuel on their migratory journeys to Central and South America.

Continued on page 4

1977

Mono Lake Ecological Study completed by UC Davis undergrads

1978

Mono Lake Committee established

CA National Guard blasts a moat in the Negit landbridge to save gulls from coyote predation

Morrison & Foerster law firm commits pro bono services to Mono Lake legal effort

1979

Public Trust Lawsuit: Mono Lake Committee and Audubon, backed by Morrison & Foerster, file the precedent setting public trust case Audubon v. Los Angeles

These young biologists were among the first to explore and inventory this ancient blue lake full of life set in the desert. There were the added attractions of tufa towers along the shore and in the water. Oh—and don't forget the two volcanic islands, a string of craters, and glaciated canyons nearby.

Now, this small group had acquired a big responsibility. How to protect all this life and beauty from permanent desiccation?

Well, gee, none of us really wanted to take on such an immense project. Take water away from the Department of Water and Power of Los Angeles? Bring up the subject during a drought year? At a time when ridicule of the snail darter was giving environmentalists a bad name? And the public didn't know about this part of California much less care about a salty dead sea with a few crummy sea gulls.

We knew nothing about starting and running a non-profit organization, but had to give it a try despite unfavorable odds. You have to imagine a bunch of scruffy biologists on the 40th floor of Morrison and Foerster law offices trying to appear alert and interested in the finer points of difference between non-profit status 501(c)(3) and 501(c)(4).

Our position was based on honesty (naiveté some would say). We asked for the bottom line rather than the typical strategy of asking for the sky in order to compromise downward. We figured the reasonable goal was a minimum level to preserve life in the lake, not refill it to 1940 pre-diversion levels. Some water for LA, some for the lake, enough to keep the island with a moat.

We had a better chance of gaining widespread support if we also proposed a solution. LA could make up this water by conservation and reclamation, not taking it from another area.

Another theme was not to castigate DWP or the water users. DWP was not the enemy, but who we had to work with. The ratepayers were innocent—they didn't know where their water came from and had conserved more water than northern

California during the 1977 drought.

To run a Save-Mono-Lake campaign we had to learn skills way beyond biology degrees.

For instance, working with the media came up right away. We needed to catch the public's eye on an immediate crisis. By 1977 low lake levels reduced Negit Island to a peninsula, or walkway for coyotes to feed on gull omelet island "all you can eat, 24 hours."



Mono Lake Committee out on the exposed landbridge with the National Guard during attempts to blast a moat between the mainland and Negit Island in 1978.

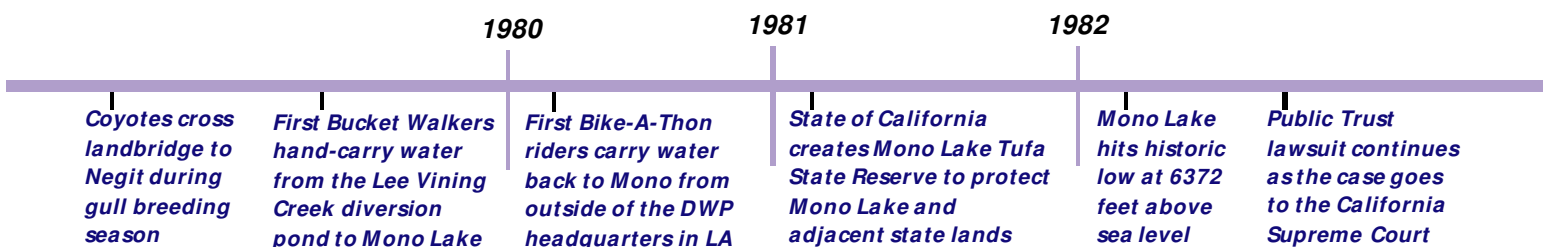
We persuaded Fish and Game to get the National Guard out to dynamite a channel through the landbridge. We did our first interviews on the alkali flats with big Huey helicopters in the background.

We set our sights on every major magazine and newspaper. One by one, the Mono Lake story appeared in them. We sent out press releases and

packets and showed hundreds of reporters and camera people around the lake. We encouraged all the coverage we could get.

Our strategy was a three-finned approach—legal, legislative, and educational. We were fortunate that among our friends there was a brilliant mind who convinced the lawyers that the Public Trust Doctrine could be the basis of an effective case. This important doctrine protects bodies of water within the state for the people of the state. The lawyers estimated it would take two to three years. What innocents we were. Fundraising and supplying evidence for legal briefs occupied staff with years of tedious work. I gave up understanding all the convolutions of the various mingled and remaindered cases and the piles of briefs and appeals.

We also had to brave the halls of Sacramento and Washington for legislative support. For the lake's sake, we bought new attire and learned a bit about lobbying. What we lacked in sophistication we made up in sincerity and knowledge about a special place. We had one person in Sacramento and several in LA rallying support for bills. Our successes came when the lake gained broader recognition and protection with the



Reflections on the Mono Basin Litigation

by Bruce Dodge

creation of the Tufa State Reserve and the National Forest Scenic Area.

Since politics and courtrooms were beyond my interest, I helped with grassroots education. I worked at the mail and membership desk for the first six years, led field trips, and gave slide shows.

We started a newsletter because a well informed membership was very important. This way fans could convince their neighbors, legislators, or co-workers that a special lake was in trouble and show them how little it would take to save it.

Why impose low flow on regular people to save one lake? Because so much of California's wetlands have already been destroyed. Why wait until they are all gone before thinking about conservation? Do it now and preserve some wild places as human refuges for solitude, blue sky, and water.

When we started, Mono Lake was unknown and unvisited. We had to create a following to speak out on its behalf. We gained new members on field trips, at Lion's Club luncheons, in high school biology classes, and at booths at fairs. At each of these events, one or more people agreed to tell a neighbor, write a letter, or come to a public hearing. People wearing T-shirts or sporting a bumper sticker on their car also helped raise awareness. Letters with stories of old vacations and photos flowed into the office, helping our historical knowledge.

We had a speaker's bureau and dozens of slide carousels circulating around the state. Teachers asked for and presented units on Mono Lake culminating in a multi-day field trip. Every bit helped and as momentum and victories grew; the word spread faster and wider. Volunteers too numerous to name accurately deserve much praise and pride in the saving of a lake we call Mono. A million thanks from a kabillion brine shrimp.

I was lucky to work within sight of the lake; it inspired me every day. In summer I would sneak down to take a short swim during lunchtime. After my family, Mono Lake has been the center of my universe for half my life. ❖

In 1978 I was peacefully practicing law at Morrison & Foerster in San Francisco when I was visited by buttoned-down representatives of the National Audubon Society—George Peyton and Dan Taylor—and a rag-tag group of activists loosely calling themselves the Mono Lake Committee.

They told a story of water diversions by Los Angeles gradually killing Mono Lake, a resource for migratory birds of world wide stature, and particularly of an imminent danger to the vast population of nesting California Gulls on Negit Island, soon to be landbridged to the mainland and thus subject to coyote predation. They were seeking counsel for a proposed lawsuit and had, they assured me, a war chest of almost \$200. They had in hand several legal theories that might be advanced to attack the diversions.



The start of the Los Angeles to Mono Lake Bike-A-Thon event where riders carried vials of water 350 miles back to Mono Lake.

My colleague Palmer Madden and I were intrigued. We sought permissions from my partners to take the representation, which was eventually granted. As part of that persuasive effort, predictions about total cost and duration—something about \$250,000 in lawyers' fees and one year, two tops—were allegedly made, but I deny any role in that to this day.

We proceeded to consider various legal theories, adding some to the list, deleting others, and most importantly fleshing out the public trust doctrine on which we ultimately prevailed in the California Supreme Court. In the spring of 1979, we prepared a draft complaint emphasizing the public trust theory and naming the respected Audubon Society as lead plaintiff rather than those who might be considered (unfairly, to be sure) more fringe elements.

When we announced ourselves ready to file, I received a unique request—indeed, demand: go to the Los Angeles Department of Water and Power (DWP) first and ask them to cut back diversions voluntarily. "Fools errand," I protested, but off we went. We met with senior executives of DWP in an office approximately the size of a basketball court. It was all very genteel—the coffee cups were china and had saucers.

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1983

Public Trust lawsuit ruling: court defines the state's duty to protect the public trust even at the cost of revising DWP's water licenses

1984

Congress creates Mono Basin National Forest Scenic Area

Dick Dahlen finds Brown trout on Rush Creek—Fish & Game code forbids dewatering below dams—Dahlen v. DWP lawsuit filed to maintain minimum flow on Rush

Subsequently, another Rush Creek lawsuit by Mammoth Flyrodders, the Committee, CalTrout and others charges that diversions violate the public trust doctrine, CA Fish & Game codes, and the CA Environmental Quality Act

After hearing us out, DWP politely refused to do anything. “We have no choice then but to sue you,” I said. DWP responded presciently, with words I remember vividly to this day: “The last one we had like this took 43 years.” We snapped back: “We’re both young.”

Thus began an almost 25 year odyssey, the scope of which can only be briefly summarized here. At various times we were in four different California Superior Courts, the California Court of Appeal in Sacramento, the California Supreme Court, federal district court in Sacramento, the Ninth Circuit Court of Appeals, the U.S. Supreme Court, and the California State Water Resources Control Board. Patrick Flinn very ably took Palmer’s spot as my right hand man roughly half way through this marathon.

Highlights include:

1. In 1983, a unanimous California Supreme Court ruling that, as a matter of law, the public trust doctrine protected Mono Lake.
2. In the late 1980s, two decisions from the Court of Appeal confirming DWP’s duty under the Fish and Game Code to release water from its dams on streams (largely dry since 1940) tributary to Mono Lake in sufficient quantities to keep trout in good condition and to restore stream conditions benefiting trout.
3. In 1989 and 1990, preliminary injunctions from Eldorado Superior Court (the Honorable Terrence Finney) establishing interim minimum levels for Mono Lake elevation and releases from DWP’s dams.
4. In 1994, the Water Board decision finalizing the same items covered by Judge Finney and setting a target lake level of 6391 feet, almost 20 feet higher than its lows in the 1980s and fifteen feet higher than in 1978.
5. In 1998, the Water Board order covering further restoration of Mono Lake and its tributary streams.

My most vivid memory of all this? The generosity with their time of first Judge Finney and then the Water Board and its staff, under the leadership of hearing officer Mark Del Piero, as they struggled through seemingly endless days of evidentiary hearings in an effort to reach a fair result. I will always be grateful.

Where Do We Stand Today?

After twenty-five years plus, my initial time estimate (this just in, I admit it for the first time) of one to two years was a little off, and DWP’s estimate of 43 appears closer to the mark. (Indeed, the struggle goes on even as I write this. The Mono Lake Committee is working to rewater Mill Creek, diverted by SCE for power for almost 100 years.) And, after millions in attorneys’ fees, I am certainly pleased that \$250,000 was an internal estimate rather than, say, a fixed fee. But so much more has been accomplished than was ever contemplated in 1978! The



The Water Board voting on Mono Lake's future in 1994.

gull habitat on Negit Island pales in comparison to the public trust resources protected at 6392 feet—waterfowl habitat, stream fisheries, air quality, scenic beauty. The list could go on and on. And in the process, the scruffy group that arrived at my office in 1978 has been transformed into a respected mainstream environmental organization; the Mono Lake Committee has come of age.

In closing, I would like to recognize a few people who were on this memorable ride for the duration. George Peyton and Dan Taylor of Audubon for their support and counsel, for the most part behind the scenes and thus out of the limelight. Key scientists who testified for us repeatedly over the years: hydrologist Peter Vorster (a long-haired activist in 1978, now an established professional), geomorphologist Scott Stine (fondly known as “Doctor Doctor”) and ornithologists David Winkler and David Shuford. ❖

1985

Court issues temporary restraining order on diversions to keep minimum flows in Rush Creek for fish

CalTrout I—Stream lawsuit filed by CalTrout, Mammoth Flyrodders, and the Committee against the Water Board argues that DWP’s state-granted water diversion licenses on all Mono Basin creeks violated Fish & Game codes in Third District Court of Appeals

1986

Lee Vining Creek lawsuit in Mono County Superior Court: the Committee charges DWP with violations of Fish & Game codes, bringing about temporary restraining order for minimum flow on Lee Vining Creek

**The Public Trust:
Mono Lake's Significance in California
by Harrison C. Dunning**

In the landmark 1983 Mono Lake case, the Supreme Court of California ruled that water rights are subject to limitations protecting the public trust in navigable waters. This is so, the court wrote, because the state as a sovereign entity has the authority and the duty “to protect the people’s common heritage of streams, lakes, marshlands and tidelands.”

Historically, the public trust doctrine has functioned to protect certain public values in navigable bodies of water—traditionally navigation, commerce, and fishing values; more recently, recreational and environmental values as well—against the unchecked exercise of ordinary property rights. In the Mono Lake case, the court defined a role for the public trust for the modern day.

In short, the court mandated protection for a lake by requiring an accommodation between the public trust doctrine and conventional principles of water law. The public trust values at stake were stated broadly. In the Mono Basin context, scenic views, air quality, and wildlife habitat were all mentioned as within the coverage of the public trust doctrine.

Two fundamental principles emerged: that public trust uses must conform to the constitutional reasonable beneficial use standard; and that, where necessary to avoid harm to public trust values, water diversions must be restricted where feasible. And the decision spoke not only of the *power* of the courts and agencies in exercising concurrent jurisdiction to provide doctrinal integration, but also of their *duty* to protect insofar as feasible, the common heritage resources of the people.

The Public Trust Doctrine

The roots of the public trust doctrine are found in Roman law concepts of common property—the *Audubon* opinion quotes the Institutes of Justinian for the proposition that by the law of nature, air, running water, the sea, and the shores by the sea “are common to mankind.” This is the “common heritage”



Mono's curious tufa towers, flocks of birds, and solitary expanses won advocates for its protection.

of which the California court speaks, and it is the “property of a special character” spoken of by the United States Supreme Court in the leading public trust case of *Illinois Central Railroad Co. v. Illinois*.

Conceptually, there has been some uncertainty as to the basis of the public trust doctrine. Is it a public property right perhaps but one subject to special rules constraining alienation? Is it a version of the police power, perhaps one owing its unique status to early development historically? Is it part of the common law, so that it is subject to modification or revocation by statutory or constitutional provisions?

None of the answers suggested by these questions quite fit what is articulated in the Mono Lake decision. Rather, the public trust doctrine appears to be an expression of the inherent prerogative of the sovereign state to restrict or reallocate property rights to protect the integrity of the “special” or

“common heritage” natural resources. Although occasionally treated semantically or procedurally as if it were a property right, the sovereign’s prerogative exists because of the common property nature of the resource—a nature that dictates the recognition of unusually limited conventional property rights. And although somewhat similar to the police power, which permits the sovereign to protect public health, safety, and welfare from harm stemming from the exercise of property rights in any natural resource, the sovereign’s public trust prerogative derives from the nature of the resource rather than from the need to protect public health, safety, and welfare.

The difference between the police power and the public trust is important, for an exercise of the police power that bears too heavily on the exercise of property rights can constitute a “taking” that requires the payment of just compensation. A proper assertion of the public trust, however, simply serves to define the boundaries of common property in the resource and thus is not vulnerable to characterization as a “taking” and the concomitant constitutional need to pay compensation. This

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1987

Lee Vining Creek lawsuit preliminary injunction requires minimum flows down creek to protect public trust resources

1988

Public Trust lawsuit moves to Eldorado County Superior Court

1989

CA Third District Court of Appeals rules that the Water Board must bring DWP's licences into compliance with Fish & Game codes

AB444 funds \$60 million for water conservation and reclamation to offset Mono Lake diversions

Preliminary injunction granted to halt diversions when lake below 6377'

result is a just one, for it simply expresses the fact that the legitimate expectations for protection of those with conventional property rights are less where the rights pertain to common heritage resources.

In fact, the analysis of the California Supreme Court in the Mono Lake case suggests that neither a statute nor a constitutional provision can authorize the granting of property rights “vested” so as to protect them from reexamination.

The Doctrine and California Water Law

California, like other western states, has a well-developed water rights law organized primarily in terms of appropriative water rights that permit the diversion of water for beneficial use.

In recent practice, denial of applications where unappropriated water is available has been very rare, and the role of the public trust doctrine in protecting navigable sources was never considered by the agency prior to the *Audubon* opinion. Provisions have required the balancing of instream and appropriative uses of California’s limited water resources, but none apply to the older water rights. The public trust doctrine is thus unique in its ability to provide strong source protection against damage from the exercise of water rights that were acquired long ago.

Decision 1631, the State Water Resources Control Board’s 1994 order regarding Mono Lake water rights, demonstrates the role the public trust now must play in water resource decisions. In a sense, the public trust is the driving force of Decision 1631. A lake level of 6,391 feet is projected to provide “appropriate” protection to the full range of public trust resources at the lake. It is, nonetheless, 26 feet below the pre-diversion lake level of 6,417 feet. Certainly, in an age when some environmental problems are tackled legally by Endangered Species Act brinkmanship, the public trust doctrine has demonstrated its merit as a tool for early intervention to maintain environmental viability.

When the *Audubon* case was decided twenty years ago,

there were cries of alarm from many water lawyers. To some, it seemed the very underpinnings of our property system in water had been attacked in some unprecedented fashion. Change, however, has come very slowly, as agencies and courts have absorbed the new learning and applied it in particular situations. Insofar as law is slowly changing to reflect new social values, nothing is new. The same thing happened at the behest of gold miners in the 1850s when

rules favoring landowners were supplemented by those protecting trespassers on federal land who captured water and put it to beneficial use. Insofar as law is beginning to recognize the need for ecosystem management and an ecosystem approach, we do have something new. It is, in fact, something needed, something promising, and something perhaps even the Los Angeles Department of

Water and Power has finally come to embrace. ❖



Water conservation in Los Angeles is essential to the protection of Mono Lake.

The Meanings of Mono
by Martha Davis

Mono Lake poses the resources dilemma facing our society in the starkest of terms. In effect, it says to us all: Choose. Decide. How will we allocate our water supplies? What will be the consequences of those decisions: for Mono Lake? For Los Angeles? For the Bay Delta? For California and the arid West?

This resources dilemma is often depicted as the politics of scarcity, and it’s clear that our society is now coming to grips with the realization that water is a scarce resource.

But the resources dilemma is held hostage by the politics of trade-off that dominate our society. In finding that water is scarce, the water policy rhetoric has been framed as “either-or questions.” Will we have water for urban uses or water for the environment? Is it water for agriculture or for urban users? Agriculture or the environment?

Beyond these simplistic arguments lies the physical reality of the dilemma. The last half of the 20th century was domi-

1990

1992

Public Trust suit, Caltrout I, and Lee Vining and Rush suits coordinated into one proceeding and moved to Eldorado County Superior Court with Judge Terrence Finney presiding

Water Board begins the Mono Basin Environmental Impact Report

Caltrout II lawsuit mandates minimum flows in all creeks

Court-ordered Restoration Technical Committee begins oversight of interim habitat restoration

Federal Bill 429 funds replacement water for Mono Lake

nated by rapid, resource-consuming growth. Water policy, in particular, was one-sided during this period: highest and best use favored urban and agricultural activities over the environment. We built dams and we diverted, and diverted, and diverted....

So now we are faced with real environmental and economic consequences of those diversions. They were essential to the creation of the economy and society we enjoy in California (and elsewhere); they also robbed California (and elsewhere) of the natural resources we thought we would always enjoy.

It is ironic that the political process frames the answer to this resource dilemma as one of trade-off. With few exceptions, the public will say that, of course, they want both a protected environment and the economic benefits of water diversions.

The operative question, then, is can we have both a protected environment and dedicated consumptive uses for the water. The answer is “well, maybe.” It depends on the terms.

If the Mono Lake story is a mirror in which we can see the full array of our resource dilemmas reflected, it is also a medium which delivers a clear, principled answer for how to resolve the dilemma: take responsibility for the broadest definition of the problem for society and develop real solutions. Reject the politics of trade-off. Work to find options that respond to the real needs of all the parties.

Some answers were painfully obvious to the Mono Lake Committee. Efficient use of water—whatever the sector—is a must. Waste cannot be tolerated, not when the price tag is the loss of an ecosystem like Mono Lake (and there’s a “Mono Lake” at the end of all our taps).

Some answers explored by the Committee led to interesting insights into the other problems facing our society. If wastewater recycling makes sense as an efficient way to use water and is a solution for Mono Lake, it also helps reduce pollution to our ocean, creates a drought-proof water supply for our businesses, and even generates jobs. The effect of one action (the construction of the recycling plant) ripples through our society

creating multiple consequences—in this case, beneficial ones.

Through the Mono Lake story we glimpse a new landscape in the California water picture. Nothing except tradition and short-sightedness forces us to think about solutions to California’s water problems in isolation from the rest of our policy dilemmas. The terrain of the future is comprised of the linkages between water and other issues and the implied opportunities for united problem solving.

It is also worth wondering: what was the magic that made Mono Lake so successful? This land captures people’s hearts and minds and the fight over Mono has been uniquely personal. Rarely does a place so thoroughly captivate. People were drawn to the struggle.

As usual, David Gaines said it best. In his final newsletter essay, Dave wrote that “dreams and visions are the counterpoint to laws and lawsuits. Without them, nothing will ever change.”

At Mono Lake we dreamed an impossible dream. And we made it come true.

Water has refilled the dry creek beds and life is returning to the streams. In the years to come, Mono Lake will rise to a higher, healthier water level and our children will witness the rebirth of



In 1990 Committee staff followed the first water released down Parker Creek after almost 50 years.

an entire ecosystem.

Equally important, Los Angeles, our state’s largest, most powerful city, has chosen at last to respect the beauty and ecological well-being of this distant watershed. The city will develop the water supplies it needs through conservation and water recycling. These water supply options will be a vital part of bringing other social and economic benefits to our Los Angeles community.

And for California, we averted the substitution of one form of environmental harm for another. No other region will be impacted by Mono Lake’s protection. Instead, we demonstrated a new way to address the State’s water problems.

In the end, the real meaning of Mono is hope. Hope that we can make the changes we need to secure the future we want. Hope that we can make those changes in time. ❖

1993

State Water Resources Control Board conducts 40+ days of evidentiary hearings on Mono Lake

1994

Water Board Decision 1631 mandates management lake level of 6392', sets stream flows, and orders restoration of stream and waterfowl habitat

1997

Water Board holds hearings on DWP's proposed restoration plans—hearings halted when a settlement agreement is presented

1998

Water Board decisions 98-05 and 98-07 establish detailed implementation plans for stream and waterfowl habitat restoration in the Mono Basin

Mono Lake Leaders

Four People and Many More Made it Happen

by Geoffrey McQuilkin

Think back to the 1970s. Mono Lake was little known, little visited, and imperiled by excessive water diversions to Los Angeles. Scientists were discovering the lake's vast ecological wealth but the hope for the lake's protection lay in launching a political and legal battle.

That battle would stretch from courtrooms across California to every classroom and lecture hall that saw the Mono Lake slideshow, from the old dance hall workspace of the Committee in Lee Vining to the high rise offices of DWP in Los Angeles, from the editorial pages to the halls of Congress.

How did it start, and how did it succeed? Through the efforts of thousands of individuals committed to achieving the long-shot proposition summarized in three words: Save Mono Lake!

As the Mono Lake Committee celebrates its 25th Anniversary, four leaders of the campaign deserve special recognition. Their work, their commitment to Mono Lake, and their ability to give Mono Lake a voice in the legal, political, and public worlds have forever altered the fate of the special place we call Mono Lake.

David Gaines



David Gaines with daughter Vireo on his back.

Meeting Mono: It would be dramatic if Mono Lake Committee founder

David Gaines had come upon Mono Lake one day and instantly launched a protection campaign. The real story, though, is from the real world: an understanding of Mono Lake gradual in developing, a concern built on a love of birds, wild places, and "Ma Nature," and a passion deep enough to change the course of his life.

Gaines visited the Eastern Sierra often as a kid, hiking and fishing in the summer and skiing at Mammoth in the winter; Mono Lake no doubt played some small role in those journeys. He grew up hearing the story of the water diversions in the Owens Valley and had seen dry and dusty Owens Lake. He was fanatical about birds. In 1972 he met future wife Sally Judy on a student birding trip he advertised under the banner "Bird Freaks Unite!" In the summer of 1974 they were in Mammoth with Gaines conducting a survey of Mono County for the Natural Areas Coordinating Council. That summer he realized that Mono Lake supported a wealth of birds and was fundamentally threatened by water diversions.

The work: Gaines spread the word of Mono Lake's plight among scientist friends, influencing the undergraduates who launched an ecological survey of the lake in 1976 (Gaines, a graduate student, was an unofficial participant). Through the study, Mono's value and Mono's imperiled future became all too clear. Gaines outlined the problems and held out hope of a solution in the introduction to the survey's final report ("Still the fate of Mono Lake is not finally determined ... the following studies give ample evidence of the richness and uniqueness of Mono Lake's ecosystem which, once lost, cannot be duplicated") but he and Sally Judy were off to live on a preserve on California's north coast shortly afterward. Mono Lake, though, remained uppermost in his

thoughts. A well-timed visit from David Winkler drew Gaines back in 1978, marking the start of the Mono Lake Committee. But 1979 marked David's full commitment: he and Sally Judy bought a fixer-upper house in Lee Vining and moved in, creating an office, a home, and an activist base of operations that would prove remarkably effective.

With unending dedication, David shared the philosophy, led the tours, wrote the articles, and presented the science that put Mono Lake on the map and in the minds of Californians. People hadn't heard of Mono Lake and its problems; Gaines traveled the presentation circuit, giving the Mono Lake slideshow to Audubon chapters, Rotary Clubs, schools, churches, and anyone who would listen. He took legislators out to see the lake by canoe, prodded scientists to dive into Mono's mysteries, and dragged every media person possible to the lakeshore. In the end, he fired a passion for Mono Lake among tens of thousands of Californians, creating the public groundswell that would demand the lake's protection.

David Gaines, writes John Hart in *Storm Over Mono*, "by all accounts had a gift of persuasion, a power to move audiences, that was almost unmatched. George Peyton of the Audubon Society recalls one pitch he gave: 'He started hesitantly, shyly. It was almost painful to listen to him in the early days. But after ten minutes you were sucked in. I've never been so touched and inspired in all my life.'"

25 years later: Tragically, David died in a winter car crash in 1988. Committee staffer Don Oberlin also perished; Sally Gaines and their children Vireo and Sage all survived (both children are now in college). David's memory continues to inspire hundreds who knew him; his steadfast

stand on Mono's protection in the face of supposedly unbeatable odds continues to inspire tens of thousands more.

From another perspective: David was known through his writing. At once poetic, detailed, evocative, and highly accurate scientifically, Gaines's writing offers perhaps the best perspective on how he himself saw the world. "One November day," he wrote, "I trod through foot-deep snow to the lake's south shore. Wisps of icy fog veiled the tufa towers. Out of the silence rose the voices of grebes, a quiet, lilting chorus that seemed to sparkle like crystals on a frozen lake." In 1987 in the Mono Lake Newsletter he brought the big picture together for us all: "The birds and animals, trees and grass, rocks, water and wind are our allies. They waken our senses, rouse our passions, renew our spirits and fill us with vision, courage, and joy.... We are Mono Lake."

Martha Davis



Martha Davis speaking to the press at the Water Board vote in 1994.

Meeting Mono: A native Californian, Martha Davis and her family spent many summers in the wilderness near Sonora Pass, frequently visiting Bridgeport but never driving farther south to the lake. So Davis's first encounter with Mono Lake was in 1983 when she came to Lee Vining to interview for the Committee's Sacramento lobbyist position and spent the afternoon hiking with David Gaines and debating the options for Mono Lake's future. But the story is not without serendipity. She graduated from Stanford in 1977, studied conflict resolution for her Masters at the Yale

School of Forestry and Environmental Studies, and went on to work for Greenpeace. The Greenpeace staff had heard something was wrong at Mono Lake and assigned Davis to find out more; she called Lee Vining and spoke to . . . Sally Gaines. Gaines still remembers the call and writing an enthusiastic note to Executive Director Ed Grosswiler afterward: "Martha was a sharp cookie and understood all the politics and was asking all kinds of questions about if the governor does this will the mayor do that." Grosswiler called Davis, listened to her explain how she really did believe that a Mono Lake settlement could be negotiated, and challenged her to get on board to help do it.

The work: Ed Grosswiler is often heard to say that hiring Martha Davis was the most important thing he ever did for Mono Lake. Indeed Davis constructed the political victory that united the legal, scientific, and grassroots power of the Mono Lake effort to build a lasting victory. Starting as Executive Director in 1984, Davis tirelessly and tenaciously sought to bring closure—not just victory—to the Mono issue. That meant reaching a solution that would be stable for the long term by protecting Mono Lake and meeting the real water needs of Los Angeles. With a near-bottomless personal commitment Davis developed conservation and water recycling solutions that more than offset the water needed for Mono Lake's protection. Then she worked with legislators to create millions of dollars in funding sources to put them in place. Through her strategy, the logic of protecting Mono Lake became simple common sense; the LA City Council, the mayor, and leaders throughout the state came to wonder loudly why DWP wasn't taking the offered money and replacement water. The Davis strategy laid the grounds for the State Water Board decision to fly politically, and it produced direct gains as well: in 1993 DWP took the money and returned claim on 41,000 acre-feet of Mono Lake water—40% of historic diversions.

25 years later: Davis is a member of the Board of Directors of the Mono Lake Committee and owns a home in Lee

Vining. She is an active advisor on Mono Lake public policy issues, Co-Chair of the CalFed Watershed Subcommittee, and serves on numerous non-profit boards. She has, however, a more than full time day job as well. After heading up a smart growth planning foundation, Davis decided to "affect change from within" and joined Rich Atwater, another water revolutionary, as Executive Manager for Policy Development at the Inland Empire Utilities Agency in Southern California. Groundwater storage, recycled water, and conservation programs now allow the district to operate without imported water for up to five years, providing drought protection. And innovative manure digesters are solving groundwater pollution problems from dairy farms and even generating electricity using the resulting methane gas.

From another perspective: Davis' political accomplishments are large but, rather unusually, her ego is not. This has led to a variety of interesting descriptions of her from fellow political leaders trying to capture her unassuming but tenacious nature. Most legendary comes from former Assemblyman Phil Isenberg, who told the LA Times "She's a baby-faced killer. She looks like an endearing and charming cocker spaniel but has the jaw strength of a pit bull." And that's just what the job took.

Bruce Dodge



Bruce Dodge relaxing at the Committee's Defender of the Trust award ceremony.

Meeting Mono: Aware of Mono Lake's existence due to its proximity to the Sierra Nevada mountains, Bruce

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Dodge came to know Mono Lake in detail as a young lawyer at Morrison & Foerster in San Francisco. Approached, as he writes on page 5, “by buttoned-down representatives of the National Audubon Society . . . and a rag-tag group of activists loosely calling themselves the Mono Lake Committee” to make a legal case for Mono Lake, Dodge has now spoken for Mono Lake in the courtroom for 25 years—more years, in fact, than he spent at Morrison & Foerster, the only firm he ever worked for. He has been through every shred of Mono Lake testimony in every courtroom in which it has ever appeared.

The work: The effort to protect Mono Lake has come from four quarters: grassroots activism, cooperative solutions, scientific inquiry, and legal victories. The legal victories are due to Dodge’s leadership. First came the Public Trust ruling in 1983, in which the California Supreme Court ruled that the destruction being caused at Mono Lake by water diversions violated the state’s duty to protect the Public Trust and that those water rights must be revised. Then came Fish and Game Code victories, clearly ruling that diversion dams could not be used to completely dry up the streams. Then came the court preliminary injunction, halting water diversions when the lake fell below 6,377 feet so that the lake would not be destroyed in the years it took the State Water Resources Control Board to review the water rights of Los Angeles. And then, finally, came the State Water Board hearings, over 40 days of testimony and cross examination, boxes of legal documents, and the ultimate decision establishing an ecologically sound management level for the lake.

25 years later: Despite having retired from Morrison & Foerster in 1994, Dodge continues to serve as the Committee’s lead attorney. He represents Mono Lake in the State Water Board’s continuing stream and waterfowl habitat restoration efforts, and the natural habitat interests of Mill Creek in continuing water allocation negotiations and before the Federal Energy Regulatory Commission. Most of his time is

spent with his family, the San Francisco Giants, and an exquisite collection of first edition Sierra Nevada books. His favorites? *A Journal of Ramblings* by Joseph LeConte, first edition (1875) and *Mountaineering in the Sierra Nevada*, by Clarence King, first edition (1872), signed by King himself. When asked why he remains committed to Mono Lake, Dodge replies with characteristic gruffness and humor: “I don’t like to leave a project unfinished and Mono Lake has taken longer than most.”

From another perspective: Known as something of a curmudgeon (“but it’s not personal, it’s directed at everyone,” notes colleague Patrick Flinn in *Storm over Mono*), Dodge has created a friendly competition over the years of travel on the Mono Lake cases. Cross a Sierra pass on your way to a hearing or mention a Sierra peak you recently climbed and Dodge will know its elevation—and challenge you to produce the right number. Dodge is now in his third decade of putting hydrologist Peter Vorster, known for his recall of voluminous details, to the elevation challenge and, one guesses, the competition is far from ending.

Sally Gaines



Sally Gaines riding in an early Bike-A-Thon.

Meeting Mono: 1974 was the first time Sally saw the lake; she reports her memory honestly in *Storm Over Mono*: “I didn’t see enough of the lake to be impressed.” But that didn’t last long. In 1976, she visited the ecological research team. She remembers “I got to really see the lake and all the birds and tufa and Great Basin landscape and it changed my life.” In 1978 she returned to Mono

with David Gaines, camping out all summer, then moving to the Mono Basin permanently in 1979.

The work: At the Committee’s founding she took on the role of Secretary/Treasurer, meaning she had her hands on the membership lists, education materials, and the few pennies the organization had. In those days, that meant tracking all the information by hand on IBM punchcards; “we’d take the file to the printer every time we mailed a newsletter, then bring it home again. No backups of course.”

Sally’s tidbits in the *Mono Lake Newsletter* are a reminder of what it took to create the effort to save Mono Lake. “Mail keeps increasing,” she wrote in 1980, “I now retrieve about 50 letters a day from the post office box. Anyone want to donate a wheelbarrow (and a sled for winter) to help me transport boxes of mail?”

Sally is often described as the Committee’s even keel, pragmatic thinker, and practical spirit. On the Board of Directors from the beginning to the current day, Sally keeps it simple; she’s well known to correctly analyze an hour of heady political logistics and strategy with a simple “well, I don’t see why that will actually work.” Her practicality complemented David’s idealism, building the foundation for the Committee to become an organization that envisions the big picture and takes care of the details all at once.

25 years later: Eminently practical, after living together for ten years Sally remembers that she and David got married after they decided it was time to start a family. Daughter Vireo is now a junior at UC Santa Cruz; son Sage is off to college in the fall at Cal State Humboldt. Sally, still living close to Mono Lake and happily remarried 5 years ago, is moving into a sustainably designed home and routinely whisks Committee interns out of training to swim in the lake.

From another perspective: Think of swimming in the lake and you have to think of Sally. Her point is simple: “you don’t really know Mono Lake until you’ve been swimming in it.” Known for heading to the lakeshore every other day, Sally remembers introducing river

activist Mark DuBois to Mono Lake one day via swimming: "He was a freshwater boy, and we got to the lake and he just ran off the dock and dived in before we could tell him about the water. He came out sputtering and trying to rub the salt out of his eyes. We were used to being so cautious and inching in. But in the end everyone loved floating and looking at brine shrimp."

Many Others

Many, many people have been part of the litigation, the legislation, and the grassroots effort on Mono's behalf (scientists were profiled separately in the Spring 2003 *Newsletter*). All have been critical to the Mono Lake success. Now, at the certain risk of missing important individuals and accomplishments in the world of Mono Lake policy (apologies in advance!), the following people stand out.

For twenty five years—and still going—the Committee's policy staff have consistently fought hard for Mono Lake, pouring energy, time and personal conviction into the lake's protection. Longtime Associate Director and creek advocate Ilene Mandelbaum is now leading a nutrition education and garden program for the Lee Vining schools, creating a sustainable local food source for school lunch program. Mail desk pro turned Eastern Sierra Representative Sally Miller is still an energetic activist and now a Mono County Planning Commissioner and regional conservation representative for the Wilderness Society. Associate Director Betsy Reifsnider is now demonstrating her political jujitsu as Executive Director of Friends of the River. Ever-questioning Science Associate John Cain is now a Restoration Ecologist and California restoration and water wonk at the Natural Heritage Institute. Early 1980s Legislative Director Tom Cassidy is now a Senior Policy Advisor for the Nature Conservancy in Washington DC. Eastern Sierra Policy Director Heidi Hopkins tackled the multifaceted post-Water Board policy landscape and is now retired, hiking and enjoying the many places she has worked to protect.

The Committee's Board of Directors over the years has held many committed individuals of diverse skills and influence. Grace DeLaet is legendary for her commitment and fundraising prowess. Author

and local resident Genny Smith provided philosophical guidance and kept the momentum going. Former AP reporter Ed Grosswiler took the Committee to next level as a functioning organization; now he is political consultant in Oregon. Barbara Blake moved Scenic Area legislation forward and is now a partner in a relocation firm in Los Angeles. Early Board member Dave Phillips slogged through hours of talks with DWP and promoted science; he is now Executive Director of Earth Island Institute. Tom Soto, the political consultant who knows everyone, has been and remains Mono's stalwart advocate in the political and power circles of Los Angeles. Olympic medalist and former Mono County supervisor Andrea Lawrence welcomed the Committee when it first arrived in Mono County and is part of the lake's protection network today. Los Angeles lawyer turned Sacramento lobbyist Ed Manning has guided the Committee skillfully through city and state politics. Rich Atwater was a key player in securing federal Title 16 funds and the first LA-area water leader to endorse Mono Lake protection; he now is general manager of Inland Empire Utilities Agency.

The strength of David and Sally Gaines as leaders of the Committee comes in part from family. Parents Mort and Edith Gaines, Vern and Mary Lou Judy, and children Vireo and Sage have all invested their lives in the Mono Lake cause.

Several folks fall into a category of their own. David Gaines' childhood friend Mark Ross printed newsletters for free on his days off and served as the Committee's mail depot; he is now a realtor. Tim Such researched the Public Trust lawsuit concept and pitched it successfully to Morrison & Foerster; these days he is quite difficult to locate. Bay Area representative and house poet Gray Brechin wrote "Elegy for a Dying Lake" among other prose that captured the significance of Mono Lake; he is an author of California history and landscape. Dave Weiman, political consultant and federal lobbyist then and now, played a key behind-the-scenes role.

The legal team from Morrison & Foerster included Palmer Madden, early advocate of the firm taking the Mono Lake case; Bryan Wilson, tireless junior

attorney, now partner, specializing in environmental and intellectual property issues; and Patrick Flinn, indefatigable co-counsel for the Water Board hearings and more, now a partner at Alston & Bird in Atlanta specializing in Internet and technology-based cases.

Plenty of other attorneys played important litigation roles. Antonio Rossmann filed an early but unsuccessful attempt to require an EIR for water diversions; a land use and natural resources law expert, he now, among many things, advises the Committee on Caltrans matters. Jan Stevens, of the California Attorney General's office and an expert on the Public Trust Doctrine, convinced the State Lands Commission and the Department of Parks and Recreation to become a party to Mono Lake litigation and the State Water Board hearings; he is now retired. Richard Roos-Collins of the Natural Heritage Institute, long time attorney representing California Trout, has been deeply involved with each of Mono's tributary streams, including the present day FERC relicensing on Mill Creek. Deputy Attorney General Mary Scoonover spent ten years representing the State Department of Parks and Recreation and State Lands Commission in court and at the Water Board; she's now with the Resources Law Group in Sacramento. Attorney Larry Silver from the Sierra Club Legal Defense Fund worked on relicited lands and other use issues near the lake; he is now in private practice. Mike Valentine represented the State Lands Commission before the Water Board; he is now General Counsel for the Department of Fish and Game. Attorney Virginia Cahill represented the Department of Fish and Game at the Water Board hearings, as did attorney Hal Thomas.

At the Inyo National Forest, Forest Supervisor Dennis Martin made space for the nation's first Scenic Area. Scenic Area Manager Nancy Upham, now Public Affairs Officer, and District Ranger Bill Bramlette, now Deputy Forest Supervisor, played a crucial role in development of a management plan that recognized the importance of protecting the lake and what that meant in terms of compliance with state and

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federal laws.

Partner organizations, particularly the Audubon Society, were instrumental throughout the Mono Lake battle. Audubon chapters throughout the state have been some of the most loyal lake supporters, organizing raffles, fundraisers, and birding trips. National Audubon Board member George Peyton, now practicing law and his passion for winemaking, and Audubon California Executive Director Dan Taylor, now Regional Vice President for National Audubon, invested Audubon in Mono Lake and maintained support as years of fight stretched to decades. CalTrout also joined the fight with a focus on the streams; Conservation Director Jim Edmondson lead their policy efforts and remains the Mono Lake lead after all these years. Point Reyes Bird Observatory has long been involved; many affiliated scientists were profiled in the Spring 2003 *Newsletter*.

Not to be missed is the drama of wet years that put water and fish into Rush Creek, laying grounds for minimum flow orders. Dick Dahlgren of Mammoth Flyrodders had the (at the time) odd idea of fishing Rush Creek in 1984 and found the trout that launched the streamflow lawsuits. Attorney Barrett McNerney fought the case for CalTrout. Stan Eller, Assistant District Attorney (and now a Superior Court Judge) stopped DWP from shutting the creek down. Attorney Edward Forstenzer (and now also a Superior Court Judge) filed the first case demanding water remain in the stream for the sake of the fish. Also in the Eastern Sierra, Mono County Supervisor Glenn Thompson, now deceased, was willing to take on DWP when it was manipulating Grant Lake reservoir. Many long-time local residents relayed Mono Lake history and observations; Don Banta, unofficial mayor of Lee Vining, shared a love of birds with David Gaines and his wealth of on-the-ground history with researchers, historians, and visitors alike.

Elected officials helped create the framework within which Mono could be protected. State Senator John Garamendi carried legislation creating the Mono

Lake Tufa State Reserve in 1981; he is now California Insurance Commissioner. Garamendi staffer and draftsman Michael Magliari showed the Committee how to work with the legislative process; he is now Associate Professor of History at Cal State Chico. In 1984 Congressman Richard Lehman carried legislation creating the Mono Basin National Forest Scenic Area, protecting a wide swath of land around the lake; he is now a lobbyist in Sacramento. California Assemblyman Phil Isenberg crafted AB444 in 1989, providing the leverage of dollars for the lake's protection; he is now a lobbyist in Sacramento. Isenberg staffer Rick Battson helped to guide the Committee through legislative rocky shoals; he currently chief of staff to State Senator Joseph Dunn. Richard Katz, now a Water Board member, and State Senator Tim Leslie, now an Assemblyman, kept the funding alive. Key Katz staffer Kathy Van Ostin pushed DWP to use the money for LA water conservation and recycling; she is now a lobbyist in Sacramento. In Washington, Congressman George Miller and Senator Bill Bradley carried HR 429 in 1992, providing funding for water reclamation tied to Mono's protection; today Miller represents Contra Costa and Solano counties, Bradley is now in the private sector. Dan Beard, Commissioner of the Bureau of Reclamation, ensured that Title 16 funds were available to DWP for the settlement in the 1990s. Governor Pete Wilson supported AB444 and threw the state's support behind Mono's protection; Cal-EPA Secretary James Strock, now principal of James Strock and Co., called for protection at the 6,390-foot level.

In Los Angeles, City Councilwoman Ruth Galanter advocated the Mono cause, developed the water conserving toilet retrofit program, and brokered a deal on the AB444 funds; term limits put her into the private sector this past June. Los Angeles City Councilman Zev Yaroslavsky, now County Supervisor, was one of the first leaders within the City of Los Angeles to advocate Mono Lake's preservation. LeRoy Graymer, director of the Public Policy Program at UCLA, facilitated discussion between the courtroom opponents, laying the

groundwork for negotiating a settlement. Mike Gage, now with The Trust For Public Land, activist Dorothy Green, now President Emeritus of the Los Angeles and San Gabriel Rivers Watershed Council, and attorney Mary Nichols, now California Resources Secretary, were voices in the wilderness, of sorts, as members of the Department of Water and Power Commission, attempting to steer DWP toward a Mono Lake solution. DWP General Manager William McCarley was the persuasive voice within DWP calling for settlement; he is now a semi-retired utility consultant. Los Angeles Mayor Richard Riordan confirmed the City's desire of a Mono Lake solution and signed off on use of AB444 funds; he is now an oft-discussed gubernatorial candidate. Dennis Tito, a prominent Los Angeles investment company CEO, signed DWP's assent to the Water Board decision as president of the Board of Water and Power Commissioners. And Los Angeles inner city community groups, most prominently led by Elsa Lopez, now Director of the Audubon Center in Los Angeles, her mother Juana Gutierrez, and the Mothers of East Los Angeles demonstrated a commitment to Mono Lake and urban water conservation programs. Their passion for the lake turned the corner in LA politics and made people realize that, although the lake was 350 miles away, it was part of Los Angeles's watershed and a place to be valued and protected.

Far more individuals than can possibly be listed here have furthered the protection of Mono Lake. One example: the hundreds of cyclists rode the LA to Mono Lake Bike-A-Thon raising funds and publicity for the lake's protection. How does one thank the thousands upon thousands of people who supported—and continue to support—Mono Lake's preservation? Mono Lake slideshows have been given, information booths staffed, bicycles ridden, bake sales held, articles written, phone calls made, and important votes cast. Each has made a difference; truly, Mono's protection is a vast group effort. But it is fair to say that were it not for these dedicated individuals mentioned here, we might have nothing left to protect at all. ❖



Mono Lake Policy Today

Solving Problems From the Shoreline to Sacramento

By Frances Spivy-Weber, Geoffrey McQuilkin, and Lisa Cutting

With all the successes of the Committee's 25-year history, what remains to be done? Quite a lot, it turns out.

To the casual observer, the Water Board order might seem to have marked the completion of the Committee's mission. Yet Committee members and Mono Lake enthusiasts know three truths: Protection requires ongoing vigilance. Winning a decision on paper is one thing; seeing changes on the ground is another. And new challenges are always at the doorstep.

Today the Mono Lake Committee is as committed as ever to pursuing its mission on Mono Lake's behalf. Goals, have, of course, changed as a result of the

landmark 1994 Water Board order, but Committee staff and members are clear on one thing: permanent protection of Mono Lake requires a permanent guardian in the form of the Mono Lake Committee.

The Committee works daily to solve a wide range of policy challenges to achieve that protection. From protecting Mono Lake's shores from encroaching highway projects to maintaining adequate year round flows in Mill Creek, the issues and opportunities ahead are often different than those faced by David Gaines and the Committee's past leaders, but the passion for the lake, its streams, and its remarkable place in the Sierra remains the same and calls us to action.

Committee staff
and members are clear on
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Mono Lake requires
a permanent guardian
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Mono Lake Committee.

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Protecting the Saved Lake

The Committee is constantly attuned to the possibility of a challenge being raised to the Water Board order. Mono’s protection is commonly assumed to have the force of a court ruling, but in fact the order is an administrative decision subject to future revision. Should such a proposal be made, the Committee must be there to marshal the facts and advocate on Mono’s behalf.

For example, just this spring there was public criticism of the Water Board decision and the suggestion was made that its terms might need to be revisited. The suggestion, which surfaced in association with the low springtime level of Grant Lake Reservoir, is without merit and is now going nowhere—but why so? Because the Committee was already tackling the issue proactively. The Committee worked with the owner of the Grant Lake Marina (who is supportive of the Water Board decision) and the Los Angeles Department of Water and Power (DWP) on the problem, providing technical analysis and explanation of the real on-the-ground facts of the situation. By being on the job, the Committee clearly demonstrated that aqueduct management decisions were the source of the problem and that the Water Board order is comprehensive and successful.

Shaping California Water Policy

At the same time, the Committee is maintaining its leadership role in state water issues. The policy goal is twofold: first, share the Mono Lake success story as a model for water solutions needed elsewhere and second, make sure that the Mono Basin is not tapped to meet new and changing water demands placed on the state’s interconnected water supply system—such as the recent cutback in Colorado River water allocated to the state.

Statewide, the Committee promotes efficient use of water so that as future demands for water grow, there will always be enough water for people, the economy, and the environment. Building on the success of the low-flow toilet program in Los Angeles, the Committee works to promote community-based organizations as first choice implementers of water-savings programs. The Committee’s focus on water conservation gives it a strong voice in the world of water policy, far beyond that of many other, much larger organizations.

Water Conservation in 2003

In the early 1990s the Committee imagined Los Angeles could save 8,000 acre feet of water through conservation

measures and 100,000 acre feet with water recycling. In 2003, the numbers are almost reversed. Los Angeles has saved over 100,000 acre feet of water largely by installing water-conserving devices (toilets, showerheads, washing machines) in homes. Because of political problems, recycling is still a long way from reaching its potential.

Looking to the future, Los Angeles and the Southern California region expect to save 1.1 million acre feet or more by 2025. This goal will be accomplished by reducing the amount of water needed for landscapes at homes and businesses through wiser landscaping (less grass, more drought tolerant plants, smart watering systems that know not to water when it rains) and installing devices that drastically reduce the amount of water needed, for example, to cool buildings, process x-rays, rinse dirty plates in restaurants, and clean large concrete floors like those found in fire halls. Happily, the list of ways to save water without giving up health, safety, comfort, or beauty gets longer every day.

Water Use Efficiency for the Future

The Mono Lake Committee promotes policies that support investigation and use, where appropriate, of a broad range of tools to meet the water needs of California’s people and its environment. These tools include watershed planning; improvements in groundwater storage and conjunctive use; recycled water; water quality treatment and source protection; desalination of brackish water and ocean water; and the capture and reuse of stormwater. While there are overlaps in the estimates of water savings from action in each of these areas, conservative estimates show that, with conservation, between 2 and 3 million acre feet of additional water could be available in Southern California alone.

Making it happen

As in early days, the Committee helps raise state and federal funds for smart water policies through support of state bond measures, such as Propositions 13 and 50, and Bureau of Reclamation appropriations. Mono Lake Committee staff and Board members serve on many state and federal government advisory committees, including the State Water Plan and the CalFed Bay-Delta Program. In 2003, Committee staff chair the boards of the California Urban Water Conservation Council, which establishes and monitors best management practices for water conservation, and the Southern California Water Dialogue, a group of environmental and civic organizations and water agencies that work together to promote measures to meet water needs in the region.

1 Mono Lake enthusiasts know these three truths:

Protection requires ongoing vigilance.

2 Winning a decision on paper is one thing; seeing changes on the ground is another.

3 And new challenges are always at the doorstep.

On the Ground at Mono Lake

In the Mono Basin, a host of new policy issues require the Committee's attention and leadership. Here are the top ones on the list.

Caltrans' Mono Lake Widening Project

Caltrans is developing a plan to widen 2.9 miles of Highway 395 along Mono's west shore, and Committee staff and members have demanded that Mono Lake receive special consideration in the design and implementation of the project. The Committee has been working with Caltrans and other agencies to create a balanced project that makes safety improvements while protecting the unique wetland habitat and scenic nature of the Mono Lake shoreline. (The final outcome, of course, remains to be seen; see article on page 18).



Hwy 395 along Mono Lake in Caltrans' Mono Lake Widening Project area.

For over two years now, the Committee has been working to shape the range of project alternatives to include options which minimize or eliminate design features such as fill slopes, retaining walls, and general ground disturbance, especially in wetland areas. This work has included direct discussion with Caltrans at project meetings, identification of model projects elsewhere in the state, bringing in experts, and creating lake-oriented performance goals.

The draft EIR will be released later this summer and member action will be essential.

Recreation Impacts

Another relatively new issue is that of boating at Mono Lake. California State Parks has recently been evaluating a proposal made by a local operator to conduct a motorized commercial boat tour on Mono Lake. The Committee believes that with proper planning and permitting to minimize ecological impacts and protect the scenic and solitude experiences at the lake, such a tour is workable.

As with most policy issues, the Committee has developed a set of principles to guide us through the complexities (see Spring 2003 *Newsletter*). Central to these principles is protec-

tion of the lake and wildlife, specifically the birds. The Committee is also concerned with the possibility of adverse cumulative impacts. Specifically, the increasing popularity of Mono Lake is raising the prospect of recreationists "loving the lake to death" if proper planning is not pursued and executed. So while the initial policy issue is focused on appropriate permit language and monitoring in order to safeguard the resource, the long-term issue is rapidly becoming that of sustainable recreation and asking the question—how much is too much?

Mill Creek Protection

There are also ongoing issues that the Committee has been working on for quite a while. One of those is the situation at Mill Creek, Mono Lake's third largest tributary stream, which suffers from the diversion of most of its water. The opportunity to restore Mill Creek, which is not tapped by the Los Angeles Aqueduct, surfaced over two decades ago with the Federal Energy Regulatory Commission's requisite 50-year review of Southern California Edison's Lundy power plant license (see Spring 2003 *Newsletter*). Since then, Committee staff—including scientists and legal counsel—have been actively engaged with water rights holders in trying to determine the best way to bring back a healthy and functioning natural system while respecting water rights.

The settlement parties are almost three years into the most recent negotiation process which includes close to a dozen different parties. Returning water to Mill Creek will begin to restore the degraded cottonwood-willow riparian habitat, specifically the wooded wetland and delta areas near Mono Lake that are so important for waterfowl.

Land Development

Development pressures are growing on private lands in the Mono Basin as nearby Mammoth Lakes real estate values shoot skyward. Property subdivision, conversion of grazing land to housing,



Mill Creek delta on the north shore of Mono Lake.

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Vegetation is returning along once-dry sections of Lee Vining Creek.

and high prices all pose challenges.

One most recent example is a 120-acre parcel here in the basin that the owner has offered to sell to the U.S. Forest Service as part of a land trade. The property is particularly important due to its highly visible location along Hwy 395 in the Congressionally designated Scenic Area. The Committee has been working very closely with the American Land Conservancy and the Eastern Sierra Land Trust to assist the landowner and USFS toward completion of the trade. However, without an acceptable deal on the table for all parties to sign, the integrity of the Mono Basin Scenic Area is at risk especially if threatened subdivision options are pursued. This type of issue has long-lasting, precedent-setting implications and is one that we take very seriously. (See page 18 for more.)

Lake and Stream Restoration

The 1994 Water Board order includes substantial, long-term requirements for restoration of Mono Lake's damaged tributary streams and waterfowl habitat. Committee policy staff are involved in all the details of the program in order to work with—and watch over—DWP and its efforts to implement the Water Board order. Today environmental restoration at Mono Lake, with its goal of bringing back natural conditions by restoring natural processes, is on the cutting edge of this new science.

Currently, the Committee is paying attention to a diverse list of restoration activities: upgrading DWP facilities to convey restoration flows to Rush Creek, reopening channels on Rush Creek, managing the Grant Reservoir level, construction plans for improving the Lee Vining Creek diversion dam for sediment bypass and better flow control, the protocol for monitoring waterfowl populations, and the prescribed burn program.

In the role of “watchdog” the Committee focuses on the restoration requirements and stream flows mandated by the State Water Board. Cooperative work is essential but the Committee stands ready to take DWP to task when needed. This year, for example, we've disagreed on components of the waterfowl restoration program, taken those issues to the Water Board, and been supported. And at the same time daily work with DWP staff in the spring to identify peak flows (trickier than it seems!) helped manage Lee Vining Creek diversions to allow the peak to pass downstream.

Mono Basin Bird Chautauqua

While we have many concerns for Mono Lake's future, let's not forget that the lake is on the mend. The Mono Basin is a spectacular place to enjoy nature and the Mono Basin Bird Chautauqua, now an annual event, does it in top form with birding, lectures, guest ornithologists, music, art, and a whole lot of fun. The Chautauqua is also an important real-world demonstration of sustainable tourism: it's an event that focuses on the natural world, creates economic benefit for Lee Vining, and enriches participants' knowledge and appreciation of the lake. (See page 20 for more.)

Ongoing Vigilance

Mono Lake drew defenders 25 years ago and inspires new advocates every day. And beyond its beauty, birds, and ecological significance, Mono Lake has become a symbol of hope, real-world proof that people can live in balance with nature. The motivation to protect this special place is as strong today as 25 years ago. From guarding the Water Board order to facing new threats to bringing back lost resources, the Committee's public policy program today is diverse, active, and dedicated to the protecting Mono Lake. ❖



Scenic Area Land Exchange Faces Final Hurdle

Subdivision and Sprawl Are the Alternative

by Craig Roecker

Negotiations for an important land exchange of a significant west shore property at Mono Lake continue to stumble ahead. But in the past few weeks a great lurch forward has finally occurred. Now, with the progress that's been made, one final hurdle remains to protect this incredible property from development.

This project, three years in the making, has been stalled by disagreement between the owner and the US Forest Service (USFS) over fair market value for the land. The Cunningham family, long-time owners of the property, has felt that the land is worth more than was being allowed by USFS appraisal instructions because skyrocketing land prices in Mammoth have influenced values throughout Mono County.

The first appraisal did not take into account real development potential for the property nor a recent home sale in nearby Mono City. Because of limited real estate sales, the appraiser had a difficult time finding appropriate comparables in the Mono Basin. Now a new appraisal requested by the American Land Conservancy, who is helping to facilitate the

land exchange, has yielded a value that the Cunningham family feels is fair.

The last hurdle remaining is for the USFS to approve these new values so that the land exchange can be finalized.

The Unhappy Alternative

Without USFS approval, proposals to subdivide this spectacular 120 acre parcel will move forward, a step no one involved in the process wants to see. Subdivision conflicts with private property development guidelines for the Mono Basin National Forest Scenic Area and certainly would be an unfortunate way to celebrate the Scenic Area's 20th Anniversary in 2004.

The Mono Lake Committee supports efforts to exchange this important property. But the Committee cannot support a subdivision plan that will undermine the protection mandate established by the US Congress for the Scenic Area. And so the Committee will remain active in moving the land exchange forward—all the while hoping not to have to shift the focus to opposing this subdivision proposal. Stay tuned! ❖

Caltrans DEIR Nears Public Release & Your Input Will Be Critical!

Caltrans has completed a Draft Environmental Impact Report (DEIR) on the Mono Lake Widening Project and has submitted it to the Federal Highways Administration (FHWA) for review. FHWA will comment on the adequacy of the document and offer suggestions for improvement. Then the document will be released for public comment. Caltrans estimates that the DEIR will be released in September. Your comments on this important document will be needed when it is made available to the public!

The Mono Lake Widening Project is proposed for a 2.9 mile section along the west shore of Mono Lake. Thanks to public outcry last year, there are now two alternatives for the project detailed in the DEIR. While the specifics are still unknown, the major components of each alternative are clear. The first alternative describes the full extent of the project Caltrans has proposed. It includes a shift in road alignment to address rock fall issues and to increase the design speed of the highway, and also an alignment shift to increase the shoulder width to a uniform eight feet throughout the project area. This alternative also represents the greatest impact to the natural and scenic values in the area.

The second alternative tries to balance transportation goals while protecting the natural and scenic resources. At this time only a general outline of this alternative is known. It includes

alternative solutions to the rock fall problem. It avoids widening the roadway to eight foot shoulders in areas of critical environmental concern. However, it still increases the design speed of the highway, which requires fill slopes and retaining walls at the lake's edge.

Caltrans Denies Forest Service 4(f) Request

In August 2001 the US Forest Service requested that Caltrans apply federal 4(f) rules to this project, which would then require the highest levels of environmental sensitivity in planning and implementation. Caltrans, however, believes that this project will not impact the Scenic Area and, as such, does not qualify for special environmental review as required under 4(f) law. The Federal Highways Administration is still reviewing this decision and could overturn the 4(f) determination.

How You Can Help

Public comment on the DEIR will be critical in convincing Caltrans to choose the balanced alternative. Mono Lake Committee staff and experts will analyze the DEIR immediately upon its release and will make the analysis available to the public to help write the most effective letters. To be notified as soon as the DEIR is released please be sure we have your email address on file by emailing erika@monolake.org. Printed alerts will also be mailed.

Wrapping Up the 2nd Annual Mono Basin Bird Chautauqua

by Bartshé Miller

What is a chautauqua anyway? Take Mono Lake, add science, field trips, music, art, and a bird calling contest and you get the 2nd Annual Mono Basin Bird Chautauqua. Not exactly a bird festival, the Mono Basin Bird Chautauqua (MBBC) is an investigation and celebration of the interconnected roots of people, birds, and science. It's an opportunity to visit with friends, do some birding, and take in a little science and entertainment.

The chautauqua tradition originated in the 19th century in Chautauqua, New York with people coming together to study the latest science, literature, philosophy, music, and art in the spirit of self-improvement and higher learning. In many ways, the chautauqua was the early American cultural and educational network before the dawn of radio and television. The institutional movement spread all the way to Pacific Grove, California by 1879 and is now enjoying a revival of sorts here in Lee Vining.

For the 2nd Annual MBBC, leaders came from as far away as New York. Dr. David Winkler, professor of Ecology and Evolutionary Biology at Cornell University, and one of the pioneering researchers in the Mono Basin, delivered a keynote address during the Friday reception. Other chautauqua presenters included Ane Carla Rovetta, artist and storyteller; Dr. Margaret Rubega from the University of Connecticut whose doctorate work included a study of phalaropes at Mono Lake in the 1990s, and local resident Jon Dunn, Wings Leader, and chief consultant to all four editions of the *National Geographic Society's Field*



The Chautauqua from the top down. Birding with David Winkler. Margaret Rubega explaining phalaropes. Malcom Dalglish, Naomi Dalglish, and Moira Smiley performing. Ane Carla Rovetta with natural paints. Birding with Mike Prather.



Guide to the Birds of North America. Other presenters included Dr. Robert Jellison from the Sierra Nevada Aquatic Research Laboratory and Sacha Heath of PRBO Conservation Science. There was lots of variety: an entertaining look at the cohesive/adhesive feeding behavior of phalaropes, a perspective on the changing submarine chemical layers of Mono Lake, and a pack of responsive, howling coyotes that showed up when the owls didn't.

During one of the more eclectic programs of the MBBC, Dr. David Herbst and his research assistant Bruce Medhurst led the audience on a journey down a Mono Basin stream

**3rd Annual
Mono Basin Bird Chautauqua
June 18–20, 2004
www.birdchautauqua.org**

corridor via poetry, scenic photography, aquatic monsters, guitar, song, and didgeridoo.

On the Thursday before the Chautauqua a few early bird attendants were able to catch the Mono Basin Historical Society's all-day field trip in the north Mono Basin. Overall, the weekend's birding field trips were a hit, and participants sighted over 130 species of birds in wide variety of habitats.

A host of additional field trip leaders contributed to a great weekend of birding and natural history: Debbie House, Ann Howald, David Lukas, Jeff Maurer, Peter Metropulos, Kristie Nelson, Mike Prather, Erik Westerlund, Peter Wrege, and many others.

The Chautauqua was also the forum to introduce the Eastern Sierra Bird Trail Map, a two-year project that has produced the first comprehensive birding map of the region. (See below.)

In conjunction with the Chautauqua events this year Mono Lake Committee celebrated its 25th Anniversary with a reception, slideshow, rehydration ceremony, Mono Lake blessing, and a birthday cake!

One of the new highlights from the Chautauqua was an impromptu bird call contest during the Sunday picnic. Contestants called it out for prizes and prestige and the Mourning Dove flew away with first place. The conclusion of the Chautauqua was punctuated by a picnic and a concert performance by Malcolm Dalglish, Naomi Dalglish, and Moira Smiley. The sound of hammer dulcimer, beautiful vocals, and singing Yellow Warblers provided a graceful ending to the weekend.

The Mono Basin Bird Chautauqua is sponsored by California State Parks, Eastern Sierra Audubon, Mono Lake Commit-

tee, PRBO Conservation Science, and the US Forest Service. Over 200 people registered for the 2nd Annual Mono Basin Bird Chautauqua, and all proceeds from the event benefit bird research in the Mono Basin.

Mark your calendars for the 3rd Annual MBBC on June 18-20, 2004. Planning is underway for next year's event. Look for more of your favorite field trips and presenters along with some new ideas, leaders, and surprises for 2004. Also, start practicing those birdcalls!

For more information on next year's event and a wrap up of this past year's event check out www.birdchautauqua.org. You can also email us at birding@monolake.org. ❖

From Chautauqua Participants:

What was the best part of the Chautauqua?

I enjoyed everything! My husband and I have gone to many nature festivals, and yours was very well done. The staff seemed to be everywhere making sure things went smoothly.

It was all so much fun and a great learning experience. Ane Carla Rovetta's storytelling was very special. The picnic, music, bird song contest: a perfect ending to the event.

I was so impressed with the experts who led the fieldtrips and presented at the various programs. These people were enthusiastic, had up-to-the-minute experience and were just great!

Eastern Sierra Birding Trail Map Now Available!

By Mike Prather, Owens Valley Committee Outreach Coordinator

The Eastern Sierra of Inyo and Mono counties has now joined other important wildlife areas around the United States with the release of the new Eastern Sierra Birding Trail Map. This vehicle-based birding trail map was developed jointly by the Eastern Sierra Audubon Society, the Mono Lake Committee and the Owens Valley Committee and covers 200 miles on and off of the Highway 395 corridor from Owens Lake to Bridgeport.

Birders (formerly "bird watchers") using the map are guided to 38 different birding locations where hiking trails allow even further exploration. Visitor information, directions to the sites, seasons to visit, the types of habitats, and what species of birds might be seen are all provided. Varied habitats from high in the Sierra Nevada and White Mountains down to the valley floors are a rich sampler of the incredible natural diversity that exists in the Eastern Sierra. From bluebirds and blue grouse to wood ducks and warblers there are birds and other wildlife for everyone. This is in addition to the unparalleled scenic landscapes and natural quiet.

Among the fastest growing outdoor activities in America, birding is attracting visitors to rural areas and thereby supporting local economies, helping with wildlife conservation and providing low impact recreational use. Many birders plan entire vacations designed around the species of birds that they hope to see. The Eastern Sierra Birding Trail Map will attract everyone with an interest in birds and nature and will surely rank as one of the top birding trail maps in the nation.

For a free copy of the Eastern Sierra Birding Trail Map contact the Mono Lake Committee at (760) 647-6595 and don't miss the online version and resources available soon at www.easternsierrabirdingtrail.org.



Streamwatch

Now It's Rush Creek's Turn

Lee Vining Creek Experiences Full Diversions for the First Time Since D1631

by Greg Reis

This year is the first year that the full effect of the Water Board Decision is being felt by Lee Vining Creek. Nine years after Decision 1631, for the first time, the maximum amount of water permitted was diverted from Lee Vining Creek. 7,500 acre-feet (AF) was diverted, the most since 2001 when Los Angeles Department of Water and Power (DWP) diverted 1,500 AF (of an available 6,500 AF). The average annual flow of Lee Vining Creek is 48,500 AF.

DWP has foregone Lee Vining Creek water in the past for several reasons, but this year, Grant Lake Reservoir needed water for the marina to operate safely, and DWP, with Committee support, diverted the maximum amounts.

An upgrade of the diversion facility slated for this fall is expected to solve the problems DWP has had with keeping minimum flows in the creek. DWP is also required to allow Lee Vining Creek's late spring peak flow to pass downstream. It does not, however, have a model that is able to predict accurately when this peak will be. DWP's model relies on historical peak information, and this year, for example, was quite unusual—little run-off until late in the season and then very high flows. DWP restarted diversions after its predicted peak was reached, but the Committee convinced them to stop

diversions a few days later near the real peak and Lee Vining Creek got most of this important surge of water. The Committee has offered to work with DWP on a model that will use current, real time data to predict flows during the peak flow period. We are also urging them to allocate more staff time to collecting data and being able to act on it, particularly since Lee Vining diversions will increase in the years to come.

The good news is that lower Lee Vining Creek has received most of its natural flow during the last nine years. The recovery of the riparian forest appears to be going well. Cottonwood seedlings and saplings are everywhere in the Lee Vining Creek bottomlands compared to the Rush Creek bottomlands. High peak flows and high water tables are partially responsible.

Now it is Rush Creek's turn. The facilities are in place that will allow higher flows to be released from Grant Lake Reservoir. The greater diversions from Lee Vining Creek will mean Rush Creek won't bear the entire burden of water exports. Grant Lake Reservoir will be higher and there will be a greater chance of high flows going over the spillway more often. It is exciting to think of the recovery we are about to see on Rush Creek over the next few years. ❖

Lakewatch

2003 Runoff Higher Than Predicted

by Greg Reis

Spring runoff peaked sharply at the end of May, as unusually hot weather melted snow quickly, filling reservoirs and coursing down Mono Basin streams at magnitudes far exceeding those predicted. Mono Lake rose one-tenth of a foot in one week while high flows were entering the lake, and maintained the highstand for about two weeks. But the flows quickly receded and the hot weather ensured that evaporation would exceed inflow, causing the lake to lose that tenth of a foot by the end of June.

Thanks to the rapid runoff, on June 21st Grant Lake Reservoir reached a level that allowed the marina to operate safely—and continued filling with so much water, that if the reservoir had been maintained at a higher level during the last few years, it would have brought

it to within three feet of spilling (it is now 15 feet from spilling).

As mentioned in the Spring 2003 *Newsletter*, Mono Lake would be ¼ foot lower if Grant Lake had been managed higher since 2000. The runoff caught by Grant Lake Reservoir so far this year, if released, would add up to another ¼ foot rise in Mono Lake.

Based upon a runoff forecast of 74% of average this year, DWP predicts Mono Lake to drop ½ foot to 6382.0 feet by April 1, 2004. The Committee believes that forecast is low due to the extremely wet April and May. As of mid-August it looks like runoff will be close to 80% of average. This could mean Mono Lake ends up as much as a tenth of a foot higher than predicted by DWP (assuming average climate). ❖

Greg Reis is the Committee's Information Specialist. He climbed Boundary and Montgomery peaks this summer—Montgomery being 7th on his personal highest-peaks list!

6417'

Prediversion lake level, 1941

6392'

Future lake level (average)

6382'

Current lake level

6372'

Historic low, 1982

Mono Basin Journal

A Roundup of Quiet Happenings at Mono Lake

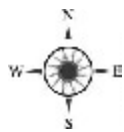
by Geoffrey McQuilkin



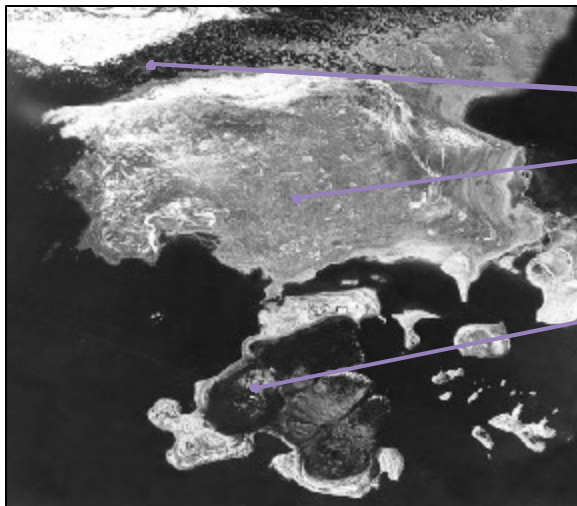
July proved to be a month of wildflowers and thunderstorms. Both were thick, impressive, and powerful. The flowers blanketed hillsides with yellow and purple; in one spot lupine grew so large and bloomed so lushly that my daughter Caelen began to disappear into a forest of purple and green. The thunderstorms neglected to get a permit for their traffic-disrupting activities, dashing travelers with heavy downpours, then suddenly parting to cast rays of setting sun through shimmering virga, then compelling drivers to park askew along roadsides as brilliant double rainbows stretch their colors from Black Point to South Tufa.

Many things happen in the Mono Basin with little human notice; most happen with none at all. Deer bed down for the night; grebes paddle the lake's briny waters; frost cleaves a

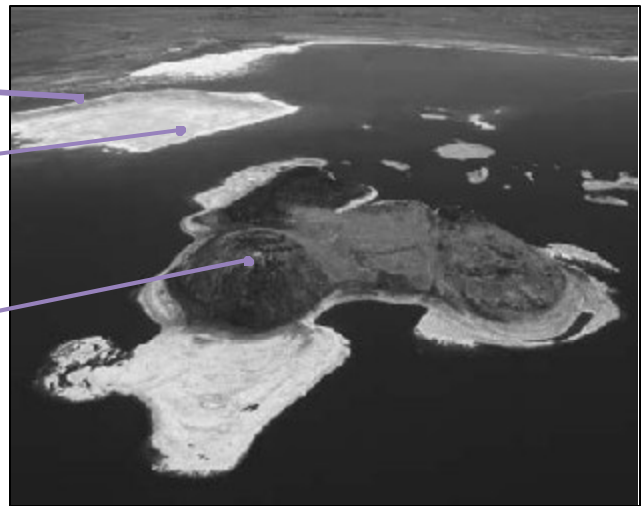
boulder in two; wind whistles through the pines; plants grow, bloom, die, and grow again. Amidst all that we do not see, do not hear, and do not know, though, are the attempts of scientists, naturalists, and avid observers to capture and understand just a few of these happenings. Here along Rush Creek, such efforts have turned up quite a surprise. Willow Flycatchers, which returned to Rush Creek to nest two years ago, are shunning plentiful willows in favor of nesting sites in wild rose, PRBO Conservation Science researchers have found. This is wildly unexpected behavior for the aptly named bird, which is a state endangered species, and shows that willows are not all the flycatcher needs to make a home. Such are the surprises to be found here at our favorite lake. ❖



B e n c h m a r k s



1981: Aerial view of Negit Island and the landbridge to the north shore. The purple lines mark the same spot on both photos. Lake level: 6374' above sea level.



2003: A slightly different aerial view of Negit as an island, the landbridge island between it and the shore, and the north shoreline above. Lake level: 6982' above sea level.

A Summer Selection

from the Mono Lake Committee Bookstore



WOMEN'S STRAP TANK TOPS

Our new tanks featuring embroidered designs of two beautiful local wildflowers have got veteran Committee T-shirt models Vireo and Anna in giggles. The charcoal grey tank features a crimson columbine. The light yellow tank features a purple broad leaf lupine. Note: grey tanks run narrower and longer than yellow tanks.

Grey/Columbine Tank, Women's Sizes Small (#4520), Medium (#4521), Large (#4522), X-Large (#4523): \$16.00 XX-Large (#4524), \$18.00 Yellow/Lupine Tank, Women's Sizes Small 4-6 (#4525), Medium 8-10 (#4526), Large 12-14 (#4527), X-large 16-18 (#4528): \$16.00

NEW EMBROIDERED MONO LAKE T-SHIRTS

Let 'em know where your heart is! This simple embroidered chest pocket design of tufa and a flying gull sits over your heart. Modeled here by Interns Reagan and Rose, the shirts come in dark blue and burnt orange, on organic cotton Patagonia Beneficial T's.

Dark Blue Embroidered Tee, Small (#4114), Medium (#4115), Large (#4116), X-Large (#4116), XX-Large (#4118): \$18.00

Burnt Orange Embroidered Tee, Small (#4110), Medium (#4111), Large (#4112), X-Large (#4113), Not available in XX-Large: \$18.00



BRINE SHRIMP T-SHIRT IN NEW COLORS!

This classic design has been around for over a decade and is still a favorite. Arya, Blake, Shannon, and Lisa had a blast modeling the updated version with its two-color design on two great new color T's. The new shirts feature tan brine shrimp surrounded by a navy box with text on either a leaf green or lake blue 100% pre-shrunk cotton shirt.

Brine Shrimp T-shirt Leaf Green, Small (#0046), Medium (#0047), Large (#0048), X-Large (#0038): \$15.00 XX-Large (#0022): \$17.00

Brine Shrimp T-shirt Lake Blue, Small (#0031), Medium (#0032), Large (#0033), X-Large (#0034): \$15.00 XX-Large (#0025): \$17.00



CAMP STYLE MUGS

These mugs have a speckled paint pattern reminiscent of the enamel covered metal camp mugs of old. However, these mugs are thick ceramic that will keep your coffee steaming down to the last sip. Available in cobalt blue and dark green they feature the Sierra skyline from Bloody Canyon north to Mt. Warren.

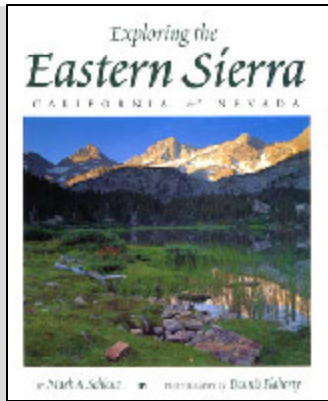
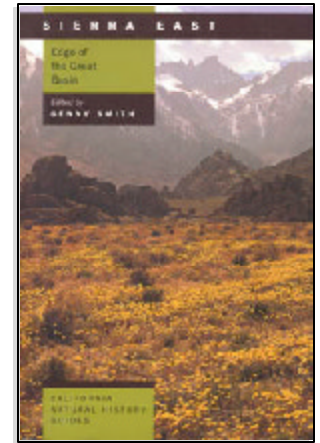
Cobalt Blue Camp Mug (#4451), Dark Green Camp Mug (#4452): \$8.50

SIERRA EAST: EDGE OF THE GREAT BASIN

EDITED BY GENNY SMITH

Now in paperback, this natural history guide has become a best seller for us and a favorite of visitors wanting a comprehensive guide to this extraordinary region. It contains a wealth of information on the plant and animal life as well as the geology, climate, and water issues of the region. Includes 16 pages of glossy color plates and black and white illustrations throughout.

Sierra East: Edge of the Great Basin, UC Press, soft cover, 488 pages, 6" x 9": \$29.95



**EXPLORING THE EASTERN SIERRA:
CALIFORNIA AND NEVADA**

By MARK A. SCHLENZ, PHOTOGRAPHY BY DENNIS FLAHERTY

This beautiful book explores the East Side of the Sierra from the Owens Valley north to Pyramid Lake. The informative text gives an overview of the historic and natural features of the Eastern Sierra and is accompanied by numerous color photos by local photographer Dennis Flaherty.

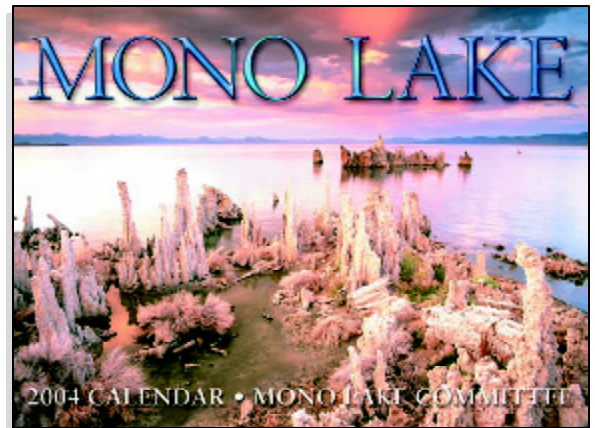
Exploring the Eastern Sierra: California and Nevada, Companion Press, soft cover, 80 pages, 8½" x 10½": \$19.95

2004 MONO LAKE CALENDAR

The 2004 Mono Lake Calendar is full of beautiful color images of Mono Lake and the Mono Basin. From tufa towers to birds and lightning strikes to rushing creeks, this 12-month calendar captures many unique views. The Mono Lake Calendar is a great way to bring the awe-inspiring beauty of the seasons at Mono Lake to your home or office all year long. Printed in the USA on recycled paper.

2004 Mono Lake Calendar, measures 13¼" x 9¼": \$10.95 (#4500)

2003 Mono Lake Calendar, discount price: 13" x 9": \$1.95 each (#3800)



Order by phone: (760) 647-6595, fax: (760) 647-6377, or email: bookstore@monolake.org

MONO LAKE COMMITTEE MAIL ORDER FORM

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Signature _____

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Up to \$25	\$5.00
\$26 - \$50	\$7.00
\$51 - \$150	\$9.00
Over \$150	Free!

California law requires us to charge sales tax on sales and shipping and handling for deliveries in California.

International Shipping Rates by weight.

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<i>Shipping & Handling: use rates at left</i>						
Subtotal						
<i>CA residents—add 7.25% sales tax to subtotal</i>						
Total						

Phone: (760) 647-6595

Fax: (760) 647-6377

Mono Lake Committee P.O. Box 29, Lee Vining, CA 93541

Special Half-Day Field Trip

with Sally Gaines



Let's get in the way-back machine and go back to the summer of 1978 when we first lead field trips at Mono Lake. This summer we will be reenacting the original half-day tour: starting at Mono Lake County Park at 8AM walking down the boardwalk to the shore, then caravanning to Panum Crater for a short hike to the rim, then motoring down to South Tufa area for a canoe paddle and a dip, finishing up by 1PM. And if you'd like to stick around, we'll head over to the Mono Cone for lunch.

Some things will be different from 25 years ago. Walking down to the muddy shore at the County Park we'll be on a wooden boardwalk and the tufa mountain we sat on to birdwatch is now an island. The highway passes over

formerly desiccated creeks that now sing with water and life. South Tufa has a parking lot, interpretive signs, pathways and a restroom.

In 1978 these free field trips were our way of introducing people to the lake. The area was little known in those days: no signs, no State Park, or Forest Service Visitor Center. We realized in order to save the lake, it needed a bigger and well-informed constituency, so we invited people to come learn first hand about geology, botany, and natural and unnatural history.

Back then we were camping, so you had to mail in your reservation. Nowadays, we have phones and email, so make reservations soon, as group size is limited. Wear walking shoes,

sun hat, bring a snack, water, and swim togs for a float in the brine. Contact Events Coordinator Shannon Nelson (shannon@monolake.org) at (760) 647-6114.

The last tour date is September 14. If you were on a tour in 1978, please join me again to share your reminiscences—and if you missed the tours back then, here's your chance to catch up! I look forward to seeing you. ❖

Catching A Moment

by Bartshé Miller

The most memorable phalarope sightings take place when you are not looking for them. Ideally during one of those mid-July evenings just before the sun drops behind the Sierra crest and the tattered, disorganized remnants of thunderstorms drift across the sky. An evening wind drives swells into the shoreline. Alkali flies swarm inland with the breeze, moving in great masses among the rabbitbrush, millions of wandering backlit specs.

We stroll towards Lee Vining Creek along the shoreline feeling the brittle crunch of salt grass underfoot. Velvet ants invite us close to the ground. The lake smells like it's been stewing in the sun all day. Paoha glows. We notice smaller flocks of 20 to 50 phalaropes arcing over the lake in an ellipse, flashing white, then dark, as they turned one direction and another. A treat to see these, we did not expect to see more.

Only because we looked up in the right direction, at the right time, did we see

something unusual. Far out over the lake, rising like an enormous white ribbon, the performance began. Thousands had already lifted off the water. They seemed to hesitate in the air, and then their mass expanded suddenly, convulsively, across the lake to the left. A tremendous serpentine organism heaved upward and spread like a breaking wave in front of Paoha Island. The flock was immense, barely able to cohere as a single being, the extent of it reaching a ½ mile in length. I wanted to estimate, but their movement and scale made the effort ridiculous. I've consistently underestimated large flocks of birds in the past (when presented with the opportunity to check the numbers). Twenty five thousand might be conservative. They climbed, organized, and appeared ready to depart in purposeful flight. Instead the flock began to collapse in slow motion. The downward momentum increased and then erupted sideways avalanching white, then black, birds recoiling with precision and force.

I watched with stupid delight, stirred by

that mysterious tug at the heart. Shane giggled. Kelly later said she felt like she was going fast in a car after it crests a hill. The organism paused, breathed, and fell back to the lake in a flagging, snapping motion, somehow failing to satisfy my vague desire to see the movement end in perfect grace. I thought of trying to move a heavy garden hose by snapping it violently across the ground, never exactly getting it to move where you want it to. Selfishly I wanted a better ending. Was this the wrong evening to depart, dress rehearsal for the real migration?

The ballet lasted perhaps 30 seconds. They vanished quickly over dark, choppy water.

The conclusion replays in memory: We keep watching hoping to see an encore. Another few dozen race by low over the water. The final wedge of sunlight rolls up in the east, and thunder spills down from the mountains ... slowly fade to black.



Only in Lee Vining

Where baseball, ice cream, and peanut butter are still an important part of life.

A Palate Pleasing Blast From The Past

In this ho hum age of constantly evolving technology, one is hard pressed to find an innovative idea that is truly unique, pleases the taste buds, and is romantically nostalgic to boot. Just such an enigma has turned up in Lee Vining. The whole town is literally and figuratively going nuts over the Mono Market’s installation of an old time peanut butter grinder. The first of its kind in Mono County, the Mono Market certainly has bragging rights. Locals Yvette and Paul can attest to the creamy texture and delicious taste of fresh ground peanut butter. Better yet, ask that crazy gull guy, Justin Hite—he highly recommends chocolate bars dipped in the freshly ground goobers. So the next time you’re in town, drop by the Mono Market and treat yourself to some old fashioned fresh ground peanut butter and experience for yourself why Lee Vining is such a great place to live!



Peanut butter lover Yvette Garcia and Mono Market owner Chris Lizza with the new old fashioned peanut grinder.



The Lee Vining New York Yankees.

New York Yankees Undeclared In Lee Vining

Yes, you read that right, a perfect 9–0 season, earned the Lee Vining New York Yankees Little League baseball team the title of Mono County Little League Minor Division Champs. The whole town of Lee Vining followed their season of success, and just about everyone turned out for the team’s victory parade through town. You could have knocked visitors over with a feather as they watched the vintage 1946 Lee Vining Volunteer Fire Department truck, siren blaring, escorting a huge Ford F-350 stretch limousine pickup truck loaded with team members boiling out of the windows, waving, and screaming. Proud parents and townspeople cheered them on as they made their way to the Lee Vining Community Center, where they were honored at a special awards ceremony. This kind of sporting success doesn’t happen every day in Lee Vining, and everyone at the Mono Lake Committee extends their congratulations and wishes them all the best next season!



It’s A Dog’s Life

Here in Lee Vining, dogs make up a substantial part of our community, and on any given day you can see them being paraded around town, some sporting stylish neckerchiefs, others holding a Frisbee in their mouth in the hopes of finding a willing player. Recently, a couple of lucky dogs were spotted not just once, but twice being treated to ice cream at Lee Vining’s own Mono Cone. These lucky dogs belong to Gwynn, the cook for the Lee Vining Elementary School. With the long, hot “dog days” of summer looming ahead of us, it’s nice to know that both man and beast can find refreshment near at hand, especially if one has a sweet tooth or fang!



Lucky dogs getting the local scoop as friend Veronica looks on.

Douglas Dunaway is author of this article and is an Intern with the Committee. He has lived in the Owens Valley for over 30 years and is now enjoying seeing first hand the fun and sometimes quirky ways of Lee Vining.



The Field Seminars listed here are the remaining courses for the 2003 season. Availability of classes may be limited. Call soon to reserve your spot! Advanced notice for Field Seminars is available for Mono Lake Committee members through the quarterly Newsletter. To register for a seminar or to join the Mono Lake Committee call (760) 647-6595.

Drawing Mono

September 13–14

Moira Donohoe

\$105 per person/ \$90 for members

If you enjoy drawing within a magnificent setting, then this seminar offers the opportunity to deepen and preserve your Mono Lake experience while expanding your artistic talent. During this two-day seminar the class will spend most of each day in the field drawing. Moira will cover basic drawing techniques while encouraging individual style. There be will be instructor demonstrations, material discussion, and non-threatening and constructive group/individual critiques. Using the simple materials of charcoal, ink, brush, pencil, and pastel on paper, record your impressions of strange and mysterious Mono. Moira is a professional artist, art instructor, and long-time resident-artist of the Yosemite area. She holds a degree in Fine Art from Northern Arizona University and a Masters Degree in Painting & Drawing from CSU Fresno. She has shown her work professionally since 1983. This seminar is appropriate for the beginner, intermediate, or advanced artists who want to further their skill with an experienced area artist.

The Story Behind the Land: Geology of the Mono Basin

September 27–28

Tim Tierney

\$95 per person/ \$80 for members

The Mono Basin is a geological showcase, featuring young volcanoes, glaciated landscapes, stark mountains, and weird mineral towers, all set about ancient and saline Mono Lake. Explore this land with geologist Tim Tierney (UC Santa Barbara instructor and author of the Committee's field guide *Geology of the Mono Basin*) and learn how to recognize the geology, know the reasons behind why things have happened, and what the future may hold. The first day of the seminar will be spent gaining an overview of the area via car and short walks. The second day will focus on thoroughly exploring a few select areas with extended hikes. Cool fall weather and brilliant colors will highlight the geologic wonders of this popular field seminar. Tim is an excellent teacher and interpreter of the "hard" languages, and has been a popular seminar leader among geology sleuths and laymen alike.

Call (760) 647-6595 to Register

Reading the Aspen Groves: Arborglyphs and Aspen Natural History

October 4–5

Richard Potashin

\$95 per person/ \$80 for members

Known for their breathtaking fall color displays and distinctive quaking, aspens border the high meadows of the Glass Mountains and the Mono Basin. A century of sheep grazing brought many Basque shepherders into these meadows. With their leisure time they left numerous carvings—or arborglyphs—on the aspens. Come along on an enchanting journey into the aspen groves to explore this historic, organic art form and the natural history of the trees themselves. The class will learn about the numerous wildlife, insects, and birds that are drawn to the groves. During leisurely walks the class will discuss the history of the sheep grazing in the Mono Basin, the Basque culture, the cultural significance of the carvings and efforts to document them. Richard Potashin, a.k.a. Alkali Aspenowza, is a long-time Eastern Sierra resident and past Mono Lake Committee intern and canoe guide who has been discovering and documenting aspen carvings for the past five years. He's involved with numerous interpretive activities throughout the Eastern Sierra.

Mono Basin Fall Photography

October 10–12

Richard Knepp

\$195 per person/ \$175 for members

Autumn in the Mono Basin is one of the greatest photographic experiences in the country. Spectacular foliage and skies combine with exceptional light, presenting ample subject matter for photographers in both color and black and white. Join accomplished photographer Richard Knepp to explore varied shoreline locations at sunrise and sunset, and fall color in nearby canyons. Beyond his photographic expertise, Rick is intimately familiar with the Eastern Sierra and Mono Lake locale. Subjects for discussion include composition, exposure techniques, filtration, basic theory of the Zone System, and developing a personal vision. Photographers of all levels are welcome; a fully adjustable camera of any size or format is suggested. This photographic seminar is offered for the 9th year in a row, and is highly rated by past participants.

Field Seminar Registration Information

• Registration •

Call the Mono Lake Committee at (760) 647-6595 and ask for the seminar desk to register. More extensive seminar descriptions are available upon request or online at www.monolake.org.

We accept VISA, MasterCard, and Discover or personal checks payable to the Mono Lake Committee.

Sorry, we cannot accept registration by mail or email.

Seminars are limited to fifteen people except where noted. If a seminar receives less than six participants, the seminar will be cancelled two weeks in advance, and full refunds will be given. If you cancel three weeks prior to the seminar start date, we will refund your payment (less a \$10 processing fee). No refunds after that date, but tuition can be applied to another class in 2003.

Participants must sign a liability release form. All seminars operate under permit from the Inyo National Forest.

The Committee works with instructors and field leaders that have received high ratings from past seminar participants. We emphasize a spirit of learning and camaraderie in magnificent outdoor setting for a reasonable cost.

The Mono Lake Committee Field Seminars benefit research and education in the Mono Basin.

• Discounts •

Mono Lake Committee Field Seminars are open to everyone, but Mono Lake Committee members get advance notice and class discounts. If you are not a current member of the Mono Lake Committee, you may receive the discount by joining when you register.

Call (760) 647-6595 to Register

Staff Migrations

by Geoffrey McQuilkin

When the birds start singing in the spring you know that wildflowers, swims in the lake, and the summer intern crew are next to arrive. We've been bursting at the seams here in the little office, and barely fit in the traditional staff photo spot on the front steps. But the excitement of summer more than makes up for the tight quarters, and we all have a great time.



2003 Staff photo from the top. Standing: Bartshé Miller, Douglas Dunaway, Reagan Heater, Patricia Holland, Santiago Escrueria, Vireo Gaines, Laura Walker, Brett Pyle, Caelen McQuilkin, Geoff McQuilkin. Top row sitting: Randy Arnold, Donnette Huselton, Greg Peis, Rose Wilson, Lisa Cutting, Blake Treadway. Middle row: Sabine Pyle, Shannon Nelson, Kristen Patterson, Maya Schwartz, Lori Bowermaster, Jessica Kirkpatrick. Bottom row: Arya Degenhardt, Erika Obedzinski, Jessica DeLong, Ariel Rowan. Too busy working: Frances Spivy-Weber, Craig Roecker, Anna Scofield.

We've got quite an impressive seasonal staff crew this year. Their enthusiasm is contagious, and their hard work is essential to the Mono Lake Committee's operations in the summer. This year we are proud to introduce six naturalist interns, one birding intern, a canoe coordinator, an Outdoor Experiences coordinator, and two store assistants—whew!

Intern Jessica DeLong comes to us from Slippery Rock University in Pennsylvania where she is a senior working on her Bachelor's Degree in Environmental Education. Winter Intern Douglas Dunaway is getting to experience the seasonal change of pace and his first Mono Basin summer. Local resident Reagan Heater started working with the Committee last spring in Lee Vining High School's work-study program and decided to stay on as an intern for the summer after graduating—congratulations Reagan! Jessica Kirkpatrick is one of the few interns who can say that she came from a town smaller than Lee Vining—originally from Mesa, Colorado, Jessica just graduated from University of Colorado at Boulder where she studied Environmental Studies. Maya Schwartz is our "Midwest intern"—she's currently attending the University of Wisconsin-Stevens Point majoring in Resource Management and Environmental Educa-

tion. Rose Wilson is our 3rd local intern this summer—originally from Bishop, Rose Wilson is currently attending Grinnell College in Iowa. Rose comes from a whole family of Mono Lake supporters, and we're lucky to have her here!

Birding Intern Randy Arnold is on loan to the Committee from the Barefoot Winery, where in his "real" life he lives in Oakland and travels nationwide for the winery. Randy brings lots of birding experience, enthusiasm for giving tours, a penchant for fundraising, and a sampling of wines with him!

If you're lucky enough to have the chance to go on a canoe tour this summer you'll meet Canoe Coordinator Ariel Rowan. Ariel is fresh out of UC Berkeley and is excited to learn about the plants of the Eastern Sierra.

We're not sure if we could make it through a summer without Lori Bowermaster. In summers past Lori has been an intern as well as a Canoe Coordinator, and this year returned as OE Coordinator!

Hailing from Crested Butte, or Pointed Laccolith to be more geologically correct, Blake Treadway is our resident climber as well as friendly face on the front counter.

If you've come into the store in the past five years you've probably talked to Store Assistant Anna Scofield. We're constantly saying "thank goodness for Anna," and you probably have too! Anna will be heading off to Cal Poly in San Luis Obispo for her freshman year in the fall. Congratulations Anna!

And congratulations to recently departed staffer Shelly Backlar as well as to the Friends of the Los Angeles River, who just hired her on as their Executive Director! The Los Angeles River couldn't be in better hands.

Super Volunteer and Computer Wiz Russell Bell has moved on to Missouri. We'll miss having him around the office but luckily for us he's fluent in Linux and is a virtual genius at remote computer-fix situations! ❖



Seasonal Staff top row from the left: Reagan Heater, Jessica DeLong, Blake Treadway, Jessica Kirkpatrick, Douglas Dunaway. Bottom row: Maya Schwartz, Ariel Rowan, Randy Arnold, Rose Wilson. Too busy working: Anna Scofield and Lori Bowermaster.



From the Mailbag

News from Members and Friends

by Erika Obedzinski

The busy summer season is in full swing in the Mono Basin, and the Committee's Membership Desk is no exception. We extend a special welcome and thank you to the many new members who have recently joined by mail or in person in Lee Vining. And to those of you who have given steadily over the years—we appreciate the stability of your continued support.

At times among the mail we receive notes from members letting us know that they wish a small donation could be more, or that they aren't able to give a monetary donation, but are glad to support the Mono Lake Committee in other ways, like writing letters when they are needed. Whether small or big, remember that as you send in your donation, conserve water in your home, or support the Committee's work in other ways, that you are in the good company of thousands of others who are also doing what they can.

These days at County Park, thousands of phalaropes can be seen flying above the water, moving and turning in unison. Watching these birds reminds me of how this kind of motion is also true of the Mono Lake Committee and its thousands of members. Our individual efforts come to shape something bigger than each of us on our own. We too can move ourselves in the same direction, one that helps us to protect, restore, and educate about Mono Lake, and all that it has to teach us. ❖

In Honor

Jeff & Christiana Darlington of Newcastle made a donation honoring the birth of their son **Connell John Darlington**, born May 5, 2003. **Anne Moser** of Menlo Park gave a gift in honor of **Jean Green's** 75th birthday, **Susan M. Smith** of San Francisco made a donation in honor of **Genny Smith** and the 2003 edition of Genny's book, *Mammoth Lakes Sierra*. **Jeanne Walter** of Bishop made a donation in honor of **Steve White's** 50th birthday, **Beverly & Jim Weager** gave a gift in honor of **Grace de Laet**, and **Victorine Wimpfheimer** of New York made a donation in honor of **David Wimpfheimer**.

In Memory

Molly, Stan, Joel, Stephanie, & Jennifer of Churchill Middle School made a contribution in memory of **Grant Bowker** of Placerville. **Deanna & Richard Salter** of Modesto also gave a gift in memory of **Grant Bowker**.

Martha McHenry of Riverside made a gift in memory of **Bill Wiley**.

Donations in memory of **Marilyn Shirley** were given by **Audrey Crabtree** of Alta Loma, **Robert, Ann, & Gary Miner** of Brea, **Margaret D. Shirley** of Hemet, **Lillian & Josef Siegl** of Claremont, and **Gemma & Larry Watson** of Riverside.



Special Thanks

From the original "Save Mono Lake" bumper sticker that helped raise awareness in the 80s to our most recent 25th Anniversary design, we extend our sincere thanks to **Stephanie & David Johnson of Clyde Engle Co.** This Oakland-based company has produced our bumper stickers for the last 25 years, helping us to spread the word about Mono Lake. Thank you!

Matching Gifts

Special thanks to all of our members who have participated in their employers' matching gifts program—we appreciate these additional donations! If you haven't already, ask your employer if they offer a matching gifts program that can help your donations to the Mono Lake Committee go even further. Here's one way matching gifts were put to work at the Committee this spring—we were able

to purchase two new flat screen monitors with credits earned from gifts of IBM employees that were matched by IBM. The monitors are in use in our Information Center where the public may access information about Mono Lake, as well as the internet. Thank you to IBM and all of the IBM employees who made this possible!

