

Summer 1986

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MONO the LAKE

N E W S L E T T E R



Negit Gulls Increase Six-fold

Lawsuit Updates . . . And a Look Back

Scenic Area: Strong Feeling Against Development

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ON THE COVER. The gull colony on Negit Island, photographed by Burton Frasher ca. 1930. Judging from copious snow in the mountains, this photograph was taken in April or May before the chicks had hatched. The photograph is inscribed, "with compliments of the Frashers to Venita and Wallis McPherson." During the '20s, '30s and '40s, the McPhersons made the Mono Inn a lively, lakeside resort, and ran excursion boats to the islands. Sightseers visited Negit's gull rookery and swam in the thermally heated water off Paoha Island's hot springs cove. This year, Negit's gulls, driven from the island by predators in 1979, staged a dramatic comeback (p. 4). *Photograph courtesy of Wallis McPherson Jr.*

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1355 Westwood Blvd., Suite 6, Los Angeles, CA 90024
(213) 477-8229

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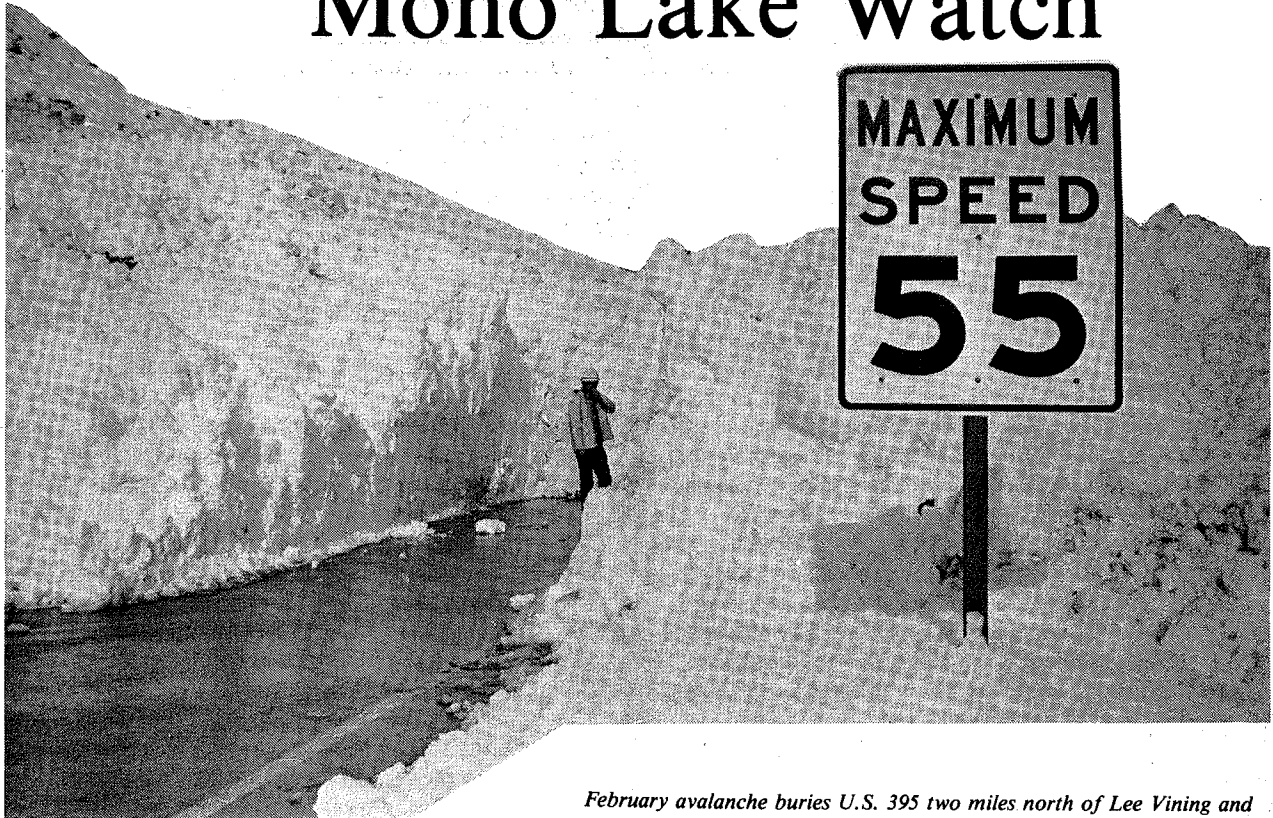
CORPORATE COUNSEL

John Paul Hollinrake, Attorney-at-Law
145 South Washington St., Suite F
P.O. Box 743, Sonoma, CA 95370; (209) 533-2356

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Mono Lake Watch



Martin Sireneck

February avalanche buries U.S. 395 two miles north of Lee Vining and just west of Mono Lake.

Nature has granted Mono Lake another reprieve. In February, torrential storms forced the Los Angeles Department of Water and Power to stop diverting water from the lake's tributary streams. As a result, Mono's level is up two vertical feet, and rising. By midsummer it may peak at 6,382 feet, its highest since 1974!

The winter turned from dry to wet almost overnight. During February and March, moist Hawaiian storms (the "pineapple express") raised the water content in the snowpack from 82 percent to approximately 165 percent of average. Days of rain (in February!) deluged Mono's shores while heavy, wet snow smothered the mountains. Avalanches buried U.S. 395 and nearly reached the lake. President Reagan declared the county a disaster area.

For Negit Island's gulls, however, it was a miracle. The rising lake will assure enough water to deter predators from crossing to the island and preying on eggs and chicks.

Yet while torrents of water roared down Rush Creek, DWP kept Mono's other diverted tributaries dry as long as it could. Runoff finally breached the Lee Vining diversion dam during a late May heat wave. DWP does not want thriving trout in Lee Vining, Walker or Parker creeks.

While we rejoice in Mono's rise, let us not forget that DWP continues to divert every drop it can. As DWP attorney Kenneth Downey recently told the press, "We have no intention of releasing water if we can avoid it."

Moreover, DWP continues to deny much less take responsibility for the impact of diversions. In April, DWP

engineer LeVal Lund told the California Water Commission that "there is no degradation of the environment in the Mono Lake area."

What about 15,000 acres of exposed, alkali-encrusted lake bottom? What about dust storms that generate the highest 24-hour particulate levels ever recorded in California, and exceed federal emergency standards on 5 percent of all days? What about increasing salinity, land-bridged islands and embattled gull rookeries? What about the future?

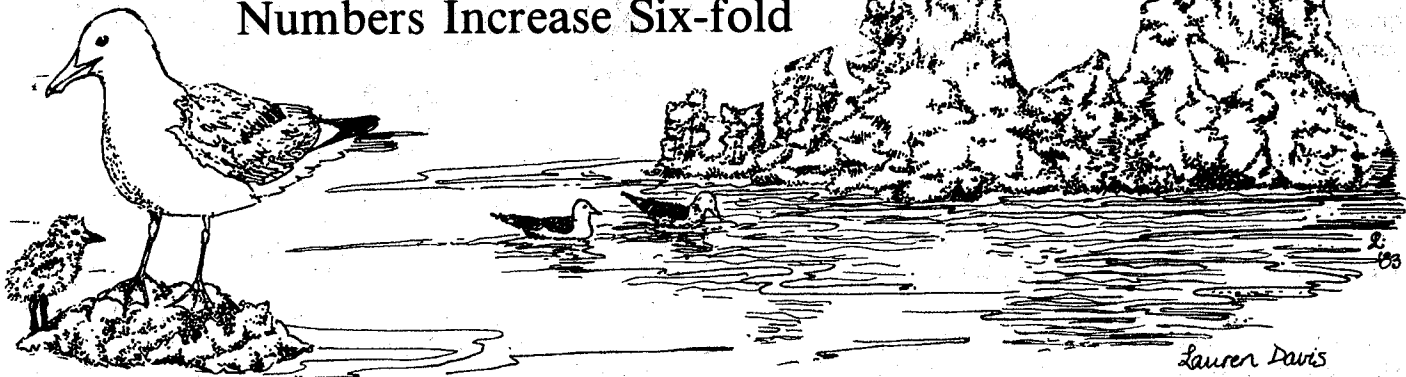
Unless diversions are curtailed, Mono Lake will become an ecological disaster area. It's time DWP stopped evading the issue. It is certainly aware, having helped finance the research, that extinction of the brine shrimp "is highly probable above 133 g/l, well below the salinities projected for Mono Lake when it reaches equilibrium" (see p. 4). DWP must realize, though it won't say publicly, that it is turning a beautiful, unique, life-productive lake into a near-sterile, chemical sump.

Faced with DWP's intransigence, we have no choice but to defend Mono Lake through the courts, the Legislature and public censure. Thanks to you, our members, we are effective on all fronts. We recently heard, for example, that Gov. Deukmejian is deluged with letters to save the lake, and has had to hire full-time staff just to answer them all!

Let's take heart from our success, and renew our energy and resolve. Though the long fight ahead may condemn us to desks and courtrooms, let's not forget to listen to the birds and brine shrimp, tufa and volcanoes, water and wind. Mono will fill our souls with peace and hope, strength and understanding. That is, after all, why it's worth saving.

Negit Gull Population Explodes

Numbers Increase Six-fold



Over 1,200 California gulls have recolonized ancestral nesting haunts on Mono Lake's Negit Island. In late May, Point Reyes Bird Observatory biologist David Shuford tallied 636 nests with eggs, over six times last year's total.

In 1985, gulls nested on Negit Island for the first time in six years. As recently as 1978, this rugged volcanic island supported approximately 33,000, the largest colony in California. In 1979, however, the lowering lake level exposed a land bridge between Negit and the mainland. Coyotes crossed the land bridge, routing nesting gulls and preying on their eggs and chicks.

Since 1979, most of Mono Lake's 45,000 gulls have crowded onto small islets, where their reproductive success appears to have suffered. In 1976, with 65 percent nesting on Negit, the gulls fledged approximately 26,800 chicks. Since 1979, they have fledged an average of 13,750 per year. Some biologists have attributed this decline directly to the loss of Negit's nesting habitat.

Since 1982, the lake has risen nine feet and restored Negit to island status. Until last year, however, the continued presence of coyotes prevented the return of nesting gulls.

"I'm encouraged by their rapid increase," comments Shuford. "The habitat is unlimited; Mono's entire population could fit on that island. Hopefully the lake will be kept high, and we will have the next few years to compare reproductive success with that on the islets."

Small numbers of gulls are also nesting on Paoha Island for the first time since the 1920s. Most of Mono's 45,000 adults, however, remain crowded on the small islets northeast of Negit and to a lesser extent, west of Paoha.

Brine Shrimp Face Extinction

Considering their astronomical abundance, it is almost inconceivable the Mono Lake brine shrimp faces extinction. Yet at present diversion rates, researchers now believe increasing salinity could doom the shrimp within 15 to 25 years.

In a recently published paper, biologists Gayle Dana and Petra Lenz discuss long-term studies on the impacts of increasing salinity on all stages of the brine shrimp life cycle.* They have found that the overwintering, egg-like cysts are particularly sensitive: "elevated salinities . . . inevitably cause a

decrease and eventually a total loss of viability." "Extinction," they conclude, "is highly probable above 133 g/l, well below the salinities projected for Mono Lake when it reaches equilibrium."

At present diversion rates, Mono Lake is expected to reach a peak salinity of 248 g/l. It could reach 133 g/l soon after the turn of the century.

The collapse or extinction of Mono Lake's brine shrimp would have a devastating effect on the vast flocks of birds that depend on them for food.

Once gone, they would likely be gone forever. The Mono Lake brine shrimp is an endemic species, *Artemia monica*, attuned to the lake's unusual chemistry. It cannot survive in most other brine shrimp habitats, and, conversely, shrimp from Great Salt Lake, San Francisco Bay and other localities perish in Mono's alkaline water. Unlike other brine shrimp, *Artemia monica* produce eggs that sink to the bottom and hatch in cold water; other species produce floating eggs that hatch at warmer temperatures. If this unique animal becomes extinct, Mono's waters will never again dance with shrimp, or the flocks of birds that feed on them.

*Dana, Gayle L. and Petra H. Lenz. 1986. Effects of increasing salinity on an *Artemia* population from Mono Lake, California. *Oecologia* 68:428-436.

NAT'L ACADEMY, STATE STUDIES: An Update

The National Academy of Studies Mono Basin Ecosystem Study Committee, which Congress charged with assessing the effects of changing lake levels, has released an interim report. The 13-page document surveys the data base and charts areas for study, but defers analysis, discussion and conclusions to later. The committee, which consists of 11 eminent scientists from across the country, will complete a final report by September 1987.

Meanwhile the state of California has forged ahead with a similar study administered by UC Santa Barbara's Community and Organization Research Institute. CORI has assembled its own five-member panel of scientific experts. This year it has awarded \$150,000 for air quality, hydrology, aquatic ecology and ornithology research. In November, the panel will discuss this and other research; it plans to complete a final report by the end of 1987.

The similar thrust of the National Academy and state studies have prompted the Mono Lake Committee and others to urge close cooperation and coordination. The studies can serve, to quote Congressman Richard Lehman, as "an unbiased yardstick" to assist decision makers in resolving the Mono Lake controversy.

Bradley, Deukmejian Still Uncommitted

While water is a hot issue in the gubernatorial race, neither Gov. George Deukmejian nor challenger Tom Bradley has committed himself on Mono Lake.

Both candidates claim to be "studying" the issue. Deukmejian planned to visit Mono Lake this spring, but had to cancel at the last minute; he had asked both the Los Angeles Department of Water and Power and the Mono Lake Committee to brief him. Los Angeles Mayor Bradley sent aides to the lake in March; chaperoned by DWP, they met briefly with MLC Executive Director Martha Davis and Chairman David Gaines, but offered no solutions.

Bradley, who is actively courting environmentalists, has found the issue difficult to skirt. At the March 15 statewide meeting of the Sierra Club, for instance, Bradley was confronted with scores of members clad in Save Mono Lake shirts. Bradley's response, which received prominent coverage in the Los Angeles Times, was noncommittal: "I think we have slowly but surely moved in the direction of providing the kind of protection I think is necessary in Mono Lake and other areas from which a great deal of our water supply comes."

Bradley's plan to end the state's simmering north-south water wars has received a mixed reception from environmentalists. While strong on water conservation and Delta protection, the mayor ignores Mono Lake. "By and large it's a very positive approach," comments Planning and Conservation League Director Gerald Meral, "but we're still waiting to see what he's going to do about Mono Lake." Thomas Graff, counsel for the Environmental Defense Fund, praises "the idea that you maximize the amount of water development that you can get by conservation and storage south of the Delta," but is "critical of two flaws . . . lack of commitment to protection of Mono Lake, [and] the apparent embrace of pumping plants and widening channels in the Delta . . . without commitments on mitigation measures."

WHAT YOU CAN DO: With your help, we can make Mono Lake an issue neither candidate can ignore. Please take a moment to write both Gov. George Deukmejian (State Capitol, Sacramento, CA 95814) and Mayor Tom Bradley (City Hall, Los Angeles, CA 90012). Urge their commitment to saving Mono Lake.

*Join us at Mono Lake on Sat.,
Aug. 30, for our Bucket Walk,
Picnic and Meeting*

DWP Denies Dam-Raising Means More Diversions

On May 20, Los Angeles Department of Water and Power officials told the Mono County Board of Supervisors that raising Long Valley Dam will have "no impact on the quantity of water imported from the Mono Basin."

DWP is studying the feasibility of raising the dam 10 or 20 feet and increasing storage capacity in Crowley Lake reservoir by 60,000 to 130,000 acre-feet of water. In wet years, such as this one, it is only the present lack of storage that forces DWP to release water into Mono Lake. With a larger reservoir to fill, DWP could physically divert more water from Mono's tributary streams—and increase hydroelectric generation as well.

Once the feasibility study is completed later this year, DWP will decide whether to proceed with a full Environmental Impact Report in accordance with the California Environmental Quality Act. At the May 20 supervisors' meeting, Mono County Counsel Jim Reed contended that an EIR must address the entire aqueduct system, including Mono Lake and Owens Valley. This irritated Water and Power Commissioner Jack Leeny, who said, "We don't want to do an EIR on the entire system . . . [if forced to] we will back away . . . it will end tomorrow." DWP Aqueduct Chief Duane Georgeson responded, "We hope to separate Mono from CEQA by the commitment we would not increase diversions from Mono Basin to fill this project."

Additional storage, suggested Mono Supervisor Glenn Thompson, could enable DWP to share more water with Mono Lake. Georgeson squelched this quickly, saying the project would have "no impact plus or minus in terms of Mono Basin."

Enlarging Crowley Lake could aggravate Mono's plight, or it could be part of a solution. It is imperative that DWP assess the impacts on Mono Lake, Owens Valley and the entire aqueduct system in a detailed, thorough and honest EIR.

MLC Supports L.A. Water Cleanup

The Mono Lake Committee has joined other citizen groups in demanding the cleanup of Los Angeles' contaminated San Fernando Valley ground-water basin.

Many Los Angeles residents are alarmed by the increasing quantities of cancer-causing chemicals in the valley's wells. Most serious are trichloroethylene and perchloroethylene, solvents used heavily in the aircraft industry and paint-stripping operations.

To reduce contamination in water reaching consumers, the Los Angeles Department of Water and Power has been blending valley well water with that coming down the aqueduct from Mono Basin and Owens Valley. Nonetheless, TCE levels have sometimes exceeded the state's recommended limit.

The San Fernando Valley ground-water basin is an important part of Los Angeles' water supply system. It provides the city with approximately 15 percent of its water in average years, and up to 30 percent during droughts. In wet years it serves as an underground reservoir for storing surplus supplies.

The Environmental Protection Agency has designated the San Fernando Basin a superfund cleanup site with DWP as lead agency. Yet DWP has denied the health hazard, charging reporters with "destroying the public's confidence in their drinking water," and lobbying in Washington, D.C., to relax toxic standards. Moreover, public health activists have been critical of DWP's proposed use of air-stripping towers to remove contaminants. In an L.A. Times editorial, for example, environmental journalist Michael Balter called DWP's plans "shortsighted and wrongheaded," and said "they will do little to protect public health."

While downplaying the hazard publicly, DWP has exploited the problem in the Mono Lake litigation. Last winter it told the court that TCE contamination is "persistent and increasing," and that reducing Mono Basin diversions might lead to "TCE concentrations above state guidelines in the blend delivered to consumers."

The Mono Lake Committee maintains the contamination must be cleaned up at its source; blending is not a solution. This spring MLC Associate Director Nini Redway helped bring Los Angeles activists together to develop a coordinated strategy on restoring water quality. We have endorsed the local group, Citizens for Safe Drinking Water.

WATER, WATER, WATER: A Mono Lake Musical!

The fourth- to sixth-graders from Mariposa School journeyed from Ukiah to present their original musical, *Water, Water, Water*, to delighted crowds in Lee Vining and Bodie over Memorial Day weekend. It was funny, sad and clever, and presented with real enthusiasm—in sum, the best Mono Lake playlet we've seen. Orchids to Emiliano Aragon, Teah Cerri, Ben Jimenez-Seldin, Josh Judd, Willow Larsen, Mira Meek-Stransky, Pesh Mike, Juanita Plaza, Darian Tucker, Sarah Walsh, teachers and parents! The Mariposa School is a collective, private rural elementary school (P.O. Box 387, Ukiah, CA 95482).

Photography Workshops

There is still space in the photography workshops at Bodie (July 17-18, Sept. 18-19) and Mono Lake (June 27-29, Oct. 3-5 and Jan. 23-25, 1987) being sponsored by the Mono Lake Tufa State Reserve and Bodie State Historical Park. The Bodie workshops cost \$60, the Mono Lake workshops \$50. To enroll or for more information, contact the Mono Lake Tufa State Reserve, P.O. Box 99, Lee Vining, CA 93541. Please make checks payable to: TAHOE SIERRA STATE PARKS ASSOCIATION.

WET-DRY YEAR COMPROMISE: A Closer Look

The Mono Lake Committee has long advocated a "wet year-dry year" compromise that permits Los Angeles to tap Mono's streams when water is really needed. In average or wet years with available alternative supplies, the Department of Water and Power would divert little or no water, and the lake would rise. Then, during droughts, DWP could increase diversions and draw down the lake without endangering its ecosystem.

This year a grant from Hewlett Foundation administered by the UCLA public policy program enabled hydrologist Peter Vorster to take a closer look at this approach. DWP and the Mono Lake Committee jointly requested the project. Over the past five years, Vorster has developed a sophisticated, computerized water balance model that projects the probable future size of Mono Lake under different diversion scenarios.

Vorster formulated the wet year-dry year compromise in terms of the annual changes in lake level that would be permitted. This depends on four interacting factors:

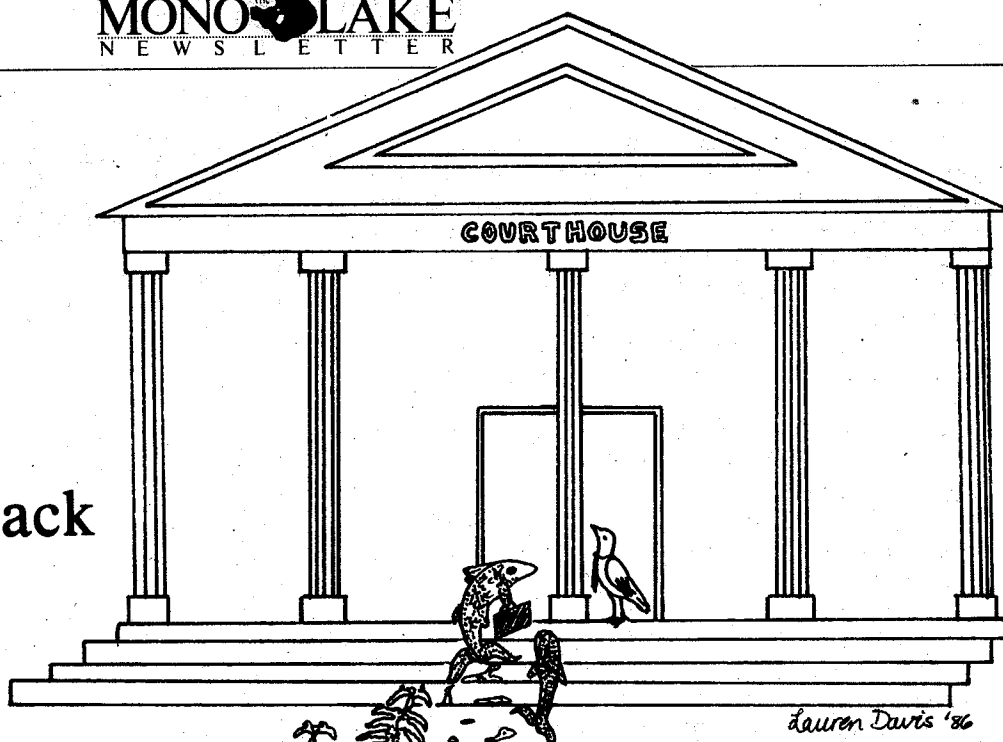
- 1) The minimum level below which the lake would never be permitted to fall.
- 2) The height of the lake above this minimum level. The higher the lake, the more it could be allowed to drop, hence the more DWP could divert.
- 3) The availability of alternative water supplies. The more water DWP could obtain from sources like the State Water Project and the Colorado River, the less it would divert from Mono Basin. In general, alternative supplies are plentiful in wet years, scarce or nonexistent during droughts.
- 4) Mono Basin runoff, i.e., the amount of water available to divert to Los Angeles or to allow to flow into Mono Lake.

Vorster would permit full diversions in "critically dry" years when precipitation is less than 60 percent of average. He would ban diversions in "extremely wet" years of over 150 percent of average. Inbetween diversions would depend on the height of the lake and the availability of alternative supplies.

To translate into acre-feet, Vorster employed his water balance model. He assumed a starting elevation of 6,388 feet, a minimum lake elevation of 6,378 feet and a continuation of the climatic fluctuations of the past 50 years; 6,378 feet is the minimum needed to protect Negit Island's gulls. Under these conditions, DWP's diversions would average 33,866 acre-feet per year, and range from 0 in wet years with abundant alternative supplies to 77,776 acre-feet in dry years with scarce alternative supplies. For comparison, diversions since 1970 have actually averaged about 90,000 acre-feet per water year (October-September), and have ranged from 0 in 1983 to 140,756 acre-feet in the wet year of 1979.

While Vorster's study demonstrates how a wet year-dry year compromise can meet the needs of the lake and Los Angeles, ignores Mono's tributary streams. Even during droughts, Rush, Lee Vining, Walker and Parker creeks require minimum flows for fish, vegetation and wildlife. This would reduce, by some amount, DWP's diversions during "extremely dry" years.

MONO LAKE LAWSUITS: Updates, And A Look Back



PUBLIC TRUST SUIT: Still in Limbo

In 1979, after pleading and persuasion failed to halt the destruction of Mono Lake, the Mono Lake Committee joined the National Audubon Society and others in filing suit against the Los Angeles Department of Water and Power for violating the "public trust."

Seven years later, we are still battling in the courts. While the public trust case hangs in jurisdictional limbo, we have embarked on two new suits challenging the legality of DWP's right to dry up Mono Lake's tributary streams.

With three complex lawsuits shuttling through state and federal courts, even ardent monophiles have become confused. In this article we briefly review the public trust, Rush Creek and water license suits, and bring you up to date on the latest developments.

Before we embark, let's sketch the state and federal court systems. Both are three-tiered: a lower trial court, an intermediate court of appeals or appellate court and a supreme court. In the state the trial court is called a *superior* court, in the federal system a *district* court. This lower court hears a case initially, considers the evidence and hands down a ruling. Either party may appeal to the appellate court and, in turn, to the supreme court. These higher courts decide whether to review a lower court's decision, and may overturn it or let it stand. They do not consider evidence, but rule on matters of law.

The public trust suit, filed by the Mono Lake Committee, National Audubon Society, Friends of the Earth and three Mono Basin landowners on May 12, 1979, is the cornerstone of our legal efforts. Unlike our other suits, which focus on tributary streams, it would protect the lake itself.

We allege that DWP's diversions violate the state's "public trust" to protect navigable bodies of water, such as Mono Lake, for the use and benefit of all the people. The California judiciary, from its earliest days, recognized and invoked the public trust to protect commerce and fishing. In 1979, the State Supreme Court, in extending the trust to the preservation of tidelands, included ecological, environmental and aesthetic values. But the Mono Lake case was the first time the trust was invoked to limit a state-licensed water right.

Historically the state has not considered environmental values when granting permits or licenses. These permits and licenses are granted by the State Water Resources Control Board, a five-member regulatory agency appointed by the governor. In 1940, when granting diversion permits to DWP, the water board explained that "it is indeed unfortunate the city's proposed development will result in decreasing the aesthetic advantages of Mono Basin, but there is apparently nothing that this office can do to prevent it."

In 1983, however, the California Supreme Court disagreed. In a precedent-setting decision, it ruled that the public trust obligates the state "to protect the people's common heritage of streams, lakes, marshlands and tidelands." The past decisions of the water board were derelict, and Mono Lake must be protected "as far as feasible," even if this means reconsidering licensed water allocations.

The Supreme Court, however, also affirmed the state's right to allocate water in ways that "unavoidably harm" public trust values if no "reasonable" alternatives exist. That left it to a lower court, through an evidentiary trial, to craft a "better balance" between DWP's diversions and preserving Mono Lake. It also gave the lower court the option of referring all or part of the case to the water board for an "initial determination."

How the public trust case reached the Supreme Court and where it's gone since is a long, involved tale of countersuits, amended complaints and jurisdictional disputes. DWP has contrived to delay, complicate and increase the expense of the litigation. Moreover, the case has been caught in a jurisdictional tug-of-war between the state courts, federal courts and the water board. This complex history is briefly summarized in the adjoining box.

For the past year, the case has been bottlenecked in the federal 9th Circuit Court of Appeals, which is reviewing a decision made by Federal District Court Judge Lawrence Karlton in November 1984. That decision sent the public trust heart of the suit to the California Superior Court in Alpine County, but retained the federal common law nuisance claims (interstate alkali dust air pollution) in federal court. Nearly everyone appealed. At an April 18 hearing, we argued that the entire case belonged in federal court; the state of California, U.S. Attorney General's office and DWP contended the opposite.

The public trust suit can be compared to a glacier: slow but powerful. After seven years there is still no trial date in sight. It may be the end of the year, or longer, before the 9th Circuit Court of Appeals decides where to send it next. Yet it remains Mono Lake's most potent defense.

RUSH CREEK SUIT: Studies Defer Trial 2-3 Years

While the public trust case languished in a jurisdictional maze, new hope appeared from an unlikely direction. The wet winters of 1982-83 forced DWP to release water into lower Rush Creek, Mono Lake's largest tributary stream. Brown and rainbow trout thrived and reproduced in the food-rich water. In 1984, when DWP threatened to dry up the creek and kill the fish, a scrappy local fisherman convinced California Trout to bring suit.

Dick Dahlgren and the fish won the first round. Mono County Superior Court Judge David Otis granted a preliminary injunction forcing DWP to let at least 19 cubic feet per second flow down Rush Creek into Mono Lake. This was the first time DWP had been forced to release water it intended to divert into the aqueduct.

The Mono Lake Committee and National Audubon Society quickly joined Cal Trout as plaintiffs in the suit; which is based on three principal causes of action: (1) fish and game codes, (2) the California Environmental Quality Act, and (3) the public trust doctrine. The fish and game codes require dam owners, especially in Mono and Inyo counties, to keep "in good condition" downstream fisheries. CEQA requires Environmental Impact Reports for projects initiated after 1970 (DWP has never prepared an EIR on any of its Mono diversions). The public trust requires protection of the Rush Creek environment "as far as feasible."

PUBLIC TRUST: A Brief Case History

1979: Case filed May 12. DWP moves to transfer case out of Mono County Superior Court, then unsuccessfully challenges new venue in Alpine County.

1980: DWP files cross-complaints against 117 other water rights claimants in Mono Basin, including United States. U.S. has case transferred to U.S. District Court in Sacramento. DWP moves to return case to state, but is denied. DWP drops cause of action against U.S., and again moves to return case to state. Further delays.

1981: U.S. District Court Judge Lawrence Karlton refers two questions of law to state courts: (1) can public trust limit state-licensed water right, and (2) must Mono's defenders appeal to the water board before going to court? Alpine County Superior Court Judge Hillary Cook rules against us, and we appeal.

1982: California Supreme Court agrees to hear case, bypassing court of appeals.

1983: Supreme Court reverses lower court ruling (see article). Back in U.S. District Court, DWP and state of California move to return case to state jurisdiction, delaying trial once again. We add federal nuisance claim to our complaint (based largely on interstate air pollution), and contend the case should stay in federal court.

1984: U.S. District Court Judge Karlton returns the public trust heart of the case to Alpine County Superior Court, but retains federal nuisance claim.

1985: Everyone appeals Karlton's ruling. State asks Alpine County court to refer virtually entire case to water board.

In August 1985, Judge Otis endorsed the public trust argument, sidestepped the fish and game codes and rejected CEQA. He scheduled an Aug. 4, 1986, trial "to balance the public trust values in lower Rush Creek vs. the needs of the people of the city of Los Angeles." Only if this failed to resolve the issue would he consider application of fish and game codes. CEQA did not apply because the project was completed prior to 1970; DWP need not prepare an EIR.

We appealed the CEQA ruling to the 3rd District Appellate Court and the California Supreme Court, but to no avail.

Now it appears the trial will be deferred for another two to three years while California Fish and Game studies the stream and determines the flows needed to sustain a healthy fishery. These studies will probably begin this summer.

This delay does have a silver lining: until the case goes to trial, water will continue to flow down Rush Creek to Mono Lake instead of down the aqueduct to Los Angeles.

WATER LICENSE SUIT: Moving Toward Trial

Frustrated by Judge Otis' reluctance to consider fish and game code violations in the Rush Creek case, we joined Cal Trout in another legal salvo. In October 1985, we asked the California 3rd Appellate Court to "void" DWP's state-granted licenses to divert water, not only from Rush Creek, but from

Lee Vining, Walker and Parker creeks as well.

The appeals court declined to speed up the legal process, ruling that the case must be filed first in Superior Court. In May, Sacramento Superior Court Judge Lloyd A. Phillips Jr. rejected the state's argument that the issue should be brought before the water board; he set the next hearing for July 1.

DWP claims that a 1940 agreement with Fish and Game exempts it from compliance with the codes. This agreement gave Fish and Game \$25,000 and land for its Hot Creek Fish Hatchery.

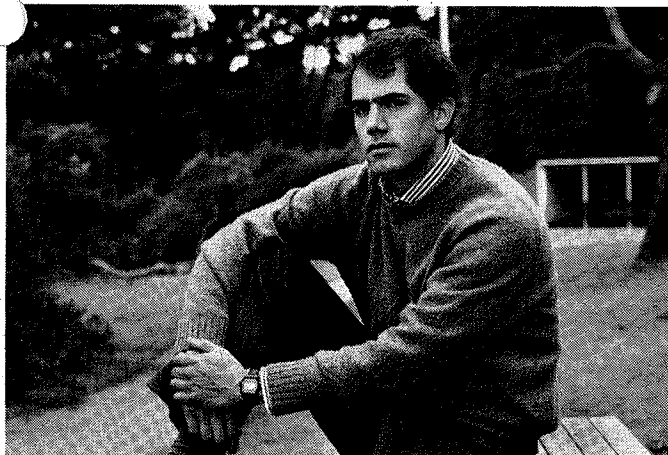
Overall we are optimistic. A victory would mean water, not only for fish, but for Mono Lake as well. The amount could be half of that needed to stabilize the lake near its present level.

A Matter of Trust

How a lanky scholar brought an arcane legal concept into the battle to save Mono Lake

by Gray Brechin

(reprinted by permission from the September 1985 KQED San Francisco Focus)



Tim Such: "Pursuing an ancient legal concept that, he felt, might save the lake."

Follow the aqueduct out of Los Angeles, and you will come to dust. Caustic dust that rises from the dry bed of Owens Lake and falls on the distant lawns and palms of Los Angeles, blistering the paint on automobiles. Dust that whips off the floor of Owens Valley where the dying sagebrush and cottonwoods can no longer hold it as the water table drops to supply Los Angeles. Dust that billows like volcanic eruptions over the collapsing ecosystem of Mono Lake, 350 miles away at the end of the aqueduct line.

As the promos say, the desert has been made to bloom with imported water in California. What they neglected to add is that for every place that lives, another must die somewhere else—a desert lake, a glacial canyon, an Indian reservation, a marsh with its wealth of waterfowl. As in modern warfare, the

destruction is accomplished by remote control, and we are seldom aware of the dessication spreading out from our cities.

But all that may have begun to change on Feb. 17, 1983, when the California Supreme Court delivered a startling decision that upset western water law and may have far-reaching consequences for development throughout the nation. It asserted that the common interest in certain resources may take precedence over long-established private use. In doing so, it confirmed the crazy notion of a young and unknown legal scholar, Tim Such.

Tim is the sort of fellow who shows up at your campfire with a good bottle of Cabernet and even better conversation, drawn from a storehouse of omnivorous reading, then disappears into the night. That's how I met him in 1978 at Mono Lake, where he was an oddball among the bearded biologists studying kangaroo rats and gulls. The camp at Mono resembled a banditti hideout, whereas Tim's lanky, clean-cut good looks and elusiveness could have made him a spaghetti-western hero if it weren't for his keen mind and fascination with legal arcana.

That was a time when anyone who loved Mono Lake was immediately drawn into a cabal sworn to save it. I had been making yearly pilgrimages there since discovering its solitary beaches and light-filled presence in 1964. As certain places do, it had become an old friend, and its quiet murder by the distant Los Angeles Department of Water and Power grieved me. Great clouds of birds no longer rose from the delta of Rush Creek, as they no longer rise from the deltas of the Colorado, Nile or countless other streams diverted to distant cities and the farms that supply them. It was hard to watch this spectacle come to dust, and it started me writing.

Tim was working that summer at the small lakefront factory that collects and dries brine shrimp for aquarium food. It was the sort of odd job that enabled him to subsist while he pored through the law libraries at Berkeley and Stanford, pursuing an ancient legal concept that, he felt, might save the lake. So time-consuming did the chase and the need to support it become, that he dropped out of Berkeley's College of Natural Resources just short of a bachelor's degree and took to sleeping on friends' floors.

I find legal rhetoric about as interesting and attractive as atonal music; my mind goes into emergency shutdown as soon as the citations begin. It's too bad, because Tim's idea was at once elegant in its simplicity, hoary in its conservatism and revolutionary in its implications.

"As far back as the Babylonian Code of Hammurabi, one finds the concept of resources held in public trust for the use of all. The Code of Justinian elaborates the idea in the term *usufruct*, which grants an individual the use of the fruit of a tree but not the tree itself. In other words, a sovereign has the duty to protect some resources for common long-term productivity rather than for short-term, private gain. The "public trust" is nearly synonymous with the concept of the English commons.

In the United States, the public trust has usually been invoked to protect navigable waterways. Mono Lake, though shrinking fast, is still one of the largest lakes in California and was once plied by stern wheelers carrying lumber to the mines of Bodie. More recently, it has been used for recreational boating. It is, Tim maintained, a commons, and the state should not permit a public utility to destroy the lake by sapping the streams that flow into it.

It was an odd idea, and the major environmental groups that he approached expressed little interest in it. Only when he threatened to deep-six his files in frustration did Friends of the Earth agree to back the case. A meeting was arranged with the San Francisco law firm of Morrison and Foerster in the spring of 1979.

That meeting was like the Children's Crusade at the court of some Eastern potentate. Trail mix and backwoods idealism confronted pinstripes across a corporate table 40 floors up. Polished brass, patent leather and clockwork secretaries bespoke the sort of concentrated power that the lake needed, and the attorneys present admitted that they found the concept of public trust intriguing and chancy. In the end, the firm took on the case *pro bono publico*, the Audubon Society moved in as lead plaintiff for the case and Tim Such became a paralegal staffer.

The case of *National Audubon v. Department of Water and Power*, which sought to limit diversions from Mono Lake to preserve it as a public trust resource, began a circuitous course that eventually wound up in the state Supreme Court for clarification of the relationship between public trust doctrine and the California water rights system. The court unanimously ruled that public trust must be considered in water allocations.

The LADWP is no mean adversary; it is the largest municipal utility in the country. Facing Los Angeles City Hall, LADWP headquarters is at a higher elevation, suggesting a more than symbolic relationship. Critics call it the Los Angeles Kremlin, and the movie "Chinatown" depicts a history and operating procedure not altogether fictional. In view of such power, the case is far from over. All agree, however, that the unanimous Supreme Court decision in 1983 was epochal, nudging western water law into the 20th century.

The court's decision does not mean that Mono Lake is saved yet, but it does have implications that affect us all. It says that long-held water rights may be re-examined in light of contemporary values and information. This is of critical importance as we reach the limits of what California's water supply can do. We may already have exceeded those limits by turning San Francisco Bay into the state's cesspool. The court wrote that its decision puts the extractive water rights system on a "collision course" with the public trust doctrine, but more importantly, it puts the actual carrying capacity (the maximum population size an environment can support without deterioration) of our land on a collision course with an infinitely expanding economy. Visionary schemes to import water for further development from the Columbia River and even the Yukon must now be considered in light of the damage they would wreak at the source.

LADWP was quick to characterize the case as one of "birds versus people." In fact, people cannot exist long without birds and the systems that support them. But just as important is the question of qualitative values; what would life be worth without birds? Watching the Pacific Flyway crash because of habitat destruction, Sacramento wildlife biologist Felix Smith has long maintained that the public trust applies to waterfowl and fish as well as navigable waterways, and others are now questioning whether it might also be applicable to sunlight, safe air, topsoil and drinking water.

All these are questions that Tim Such raised rhetorically at a campfire in 1978. In our headlong rush toward universal degradation, the public trust is a brake, a legal mechanism for pausing to examine what we are doing and weighing the

consequences against values that are other than monetary yet involve survival itself. The choices that it may compel us to make are by no means simple, but they are essential if we are to leave our children a fruitful land rather than dust.

Goldman Fund Supports Litigation

We are deeply grateful to the Richard and Rhoda Goldman Fund of San Francisco for a generous \$15,000 grant in support of our Mono Lake litigation.

RUSH CREEK INFORMATION NEEDED

Have you or anyone you know been fishing, hiking, hunting, camping, boating, birdwatching, picture-taking or enjoying other recreational activities along lower Rush Creek? Along lower Lee Vining, Walker or Parker creeks? Whether recently or 40 years ago, we'd like to hear from you. This information will help our attorneys document the values of these streams. Please contact Ilene Mandelbaum at: Mono Lake Committee, P.O. Box 29, Lee Vining, CA 93541; (619) 647-6386.

SIERRA CLUB, NRDC: Forest Service Must Address Lake Levels

The Sierra Club Legal Defense Fund and the Natural Resources Defense Council have told the Forest Service that it "should consider a range of possible lake elevations, and must deem itself, for planning purposes, to have the authority and power to compel a lake elevation higher than would otherwise occur if the diversions of the city of Los Angeles were continued unabated."

Since 1979 the Sierra Club and NRDC have been urging the federal government to enforce federal water rights to protect Mono Lake. These "littoral" rights derive from federal ownership of lake-shore land.

According to Sierra Club attorney Laurens Silver and NRDC attorney Johanna Wald, federal water rights "do not arise by virtue of the . . . Scenic Area legislation, and therefore may properly be considered in management planning for the Scenic Area." They contend that the National Environmental Protection Act compels the Forest Service to examine enforcement of these rights as a management option.

SCENIC AREA: Strong Feeling Against Development

Most of the 140 people attending workshops in Lee Vining, Sacramento, Oakland and Glendora told the Forest Service to keep the Mono Basin National Forest Scenic Area in its current, undeveloped state. Written comments echoed this sentiment.

Almost everyone also urged the Forest Service to consider the impact of declining lake levels in its management plan, and to play a facilitative role in resolving the Mono Lake controversy.

Utilizing this input, the Forest Service will prepare a draft management plan by the end of the year. The plan will address grazing, mining, roads, parking areas, campgrounds, trails, interpretive activities, ORV use, hunting, boating and many other issues that will influence the sort of area our children will inherit. But will it address the shrinking lake and its toll on Mono's beauty and wildlife?

The Forest Service has yet to decide. While the Scenic Area legislation mandates "protection of . . . water rights," it does not preclude the Forest Service from encouraging *voluntary* solutions or from acknowledging that a minimum lake elevation is the only means of protecting ecological and aesthetic values.

The Mono Lake Committee's positions on Scenic Area management, presented in our last newsletter, received favorable feedback. Our readers unanimously supported our positions on lake levels, phasing out grazing, restricting ORVs to existing roads, and managing for native plants and wildlife. They disagreed on hunting, mining and recreational development. Some would tolerate hunting, for instance, while others would not want "shots close by."

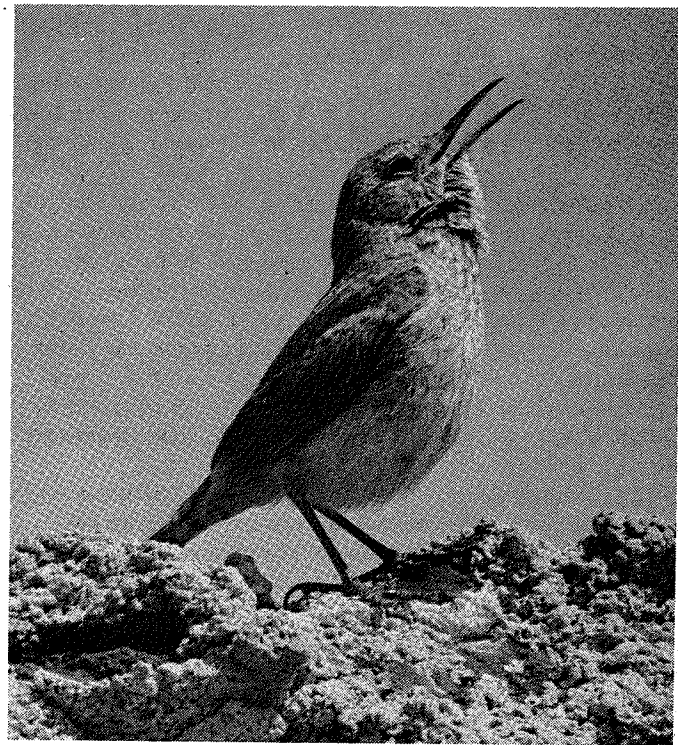
Toward the end of the year, the Forest Service will invite public input on the draft management plan. This plan will present management options, and discuss a recommended alternative. If you are not already on the mailing list, and would like to receive a summary, please write: MBNFA, P.O. Box 10, Lee Vining, CA 93541.

ORVs Damage Tufa

Three-wheeled off-road vehicles were driven through one of Mono Lake's sand tufa groves this spring, damaging fragile formations.

The illegal use of ORVs in the Mono Lake area is increasing, and has Forest Service and State Reserve officials concerned. In addition to the sand tufa, ORVs have recently been driven along the lake shore and on Black Point. Mono Basin National Forest Scenic Area Manager Nancy Upham comments, "Incidents such as these off-roading violations make us take a closer look at what restrictions might be necessary to protect Mono Lake's natural resources."

State and federal laws prohibit off-roading in the Scenic Area and Mono Lake Tufa State Reserve. The areas are well posted, but the state and Forest Service currently lack the resources to constantly watch for infractions. The agencies are



A rock (tufa) wren bids welcome to spring. These sprightly birds, which nest in crevices in tufa, cliffs and rocks, return to Mono's shores in early April.

erecting barriers along the east end of the Navy Beach road, but these will not deter determined violators. MLCers visiting the lake should watch for ORVs, record license plate numbers and contact Forest Service or State Reserve rangers immediately.

TPL Secures Option on Simon's Spring Property

The non-profit Trust for Public Land has secured an option to purchase the Mendiburu property bordering Simon's Spring on Mono Lake's southeastern shore.

Mendiburu's sheep have been damaging Simon's Spring tufa formations as well as its extensive marsh and meadow habitats. This remote, dramatic area is especially critical to nesting and migratory birds.

Recognizing its importance, TPL purchased a one-year option. Congressman Richard Lehman is seeking a Congressional appropriation to buy this and other key properties within the Mono Basin National Forest Scenic Area.

"This is critical lake shore property," comments TPL's Alan Frost. "Grazing is not compatible with its ecological needs. By helping place it into public hands, the property and surrounding lands will all benefit."

TPL is a national, non-profit conservation group dedicated to the preservation of open space for wildlife, recreational, scenic and human uses. It has protected over 300,000 acres in 35 states, and saved federal, state and local governments millions of dollars in land acquisition costs. For further information, contact TPL at: 82 Second St., San Francisco, CA 94105.

SPIRITUAL RECREATION

Comments Submitted by David Gaines on Scenic Area Management

At the public workshop, we generally viewed visitors as a problem: how can we accommodate tourist hordes without degrading the Scenic Area's pristine qualities? This is a vital concern, and I don't mean to slight it. But a positive view of the visitor is also essential. We need to envision the experience we would like the visitor to have, and facilitate that experience through appropriate design and management.

Gray Brechin writes, "Mono endows its friends with awareness, for we have all had to learn from it. Mono has taught us to see the world anew, to accept and perceive beauties we had been unaware of, and to ask questions whose answers may be far from simple or comfortable. On the solitude of its beaches, we have learned to listen and to watch and to live quietly with ourselves."

We cannot force visitors to get out of their cars and have the sort of experience Gray describes. But we can encourage it, and afford the opportunity even at the visitor center site.

I call this experience, for lack of anything better, spiritual recreation. It's what John Muir had in mind when he said, "Climb the mountains and get their good tidings . . . cares will drop off like autumn leaves."

That's what Mono can teach us: to listen, to watch, to live quietly, to see the world anew "while cares drop off like autumn leaves."

How can we encourage spiritual recreation?

We can start at the visitor center, for there the majority of visitors will begin their explorations. The center itself could be a portal leading from the sterile, asphalt environment of the parking lot to the living, dynamic environment of Mono Basin. It could be an invitation to learn and discover.

Here are more thoughts on facilitating spiritual recreation:

- 1) The visitor center, interpretive displays and naturalist walks should stress, not *what* to see, but *how* to see.
- 2) Visitors should be lured away from their cars.
- 3) The pristine, natural qualities of the Scenic Area must be preserved and enhanced.
- 4) Man-made noise, buildings, power lines, fences, signs, livestock, etc. must be eliminated, minimized or rendered inobtrusive.

In contrast with spiritual recreation is what I call "industrial recreation": ORVs, snowmobiling, boating, hunting and other activities that require hardware. I don't wish to demean these activities, for they have their place and give people pleasure. But the emphasis in a "scenic" area should be on spiritual recreation rather than on activities that can be pursued in other, less unique settings.

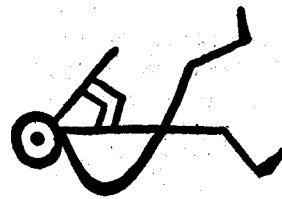
The Scenic Area should also avoid the kind of "industrial tourism" that colors the visitor's experience in places like Yosemite. I'm thinking of commercial businesses, restaurants, sightseeing buses and their ilk. I'm thinking of paved roads and parking lots to "main attractions." I'm thinking of paved trails lined with metal signs, like the path to Vernal Falls.

We should challenge the visitor, at least a little, and not

render everything too easy and comfortable. We don't need to pave a road because someone complains about the dust.

I don't mean to sound elitist. We should encourage people to come here, but not to race around to "see the sights," or to test their ORVs, or even hunt or fish.

Rather we should encourage an attitude of reverence for what, after all is one of America's grandest natural treasures.



ACCOLADES

We are deeply grateful to the many monophiles who volunteer to help us save the lake. To all of you, especially those we forget to mention by name, we'd like to express our thanks. You're making the difference!

Betsy Reifsnider and Joy Oakes of the Sierra Club helped us raise the Mono Lake issue at its statewide meeting, and participated in the Scenic Area workshops.

For the second newsletter in a row, we acknowledge the work of Jean Dale and the Ventura chapter of the Mono Lake Committee, this time for organizing a gathering of Ventura-area environmental groups to consider the future of Mono Lake.

The Oasis Garden Club of Indian Wells Valley brought a motion before the California Garden Clubs in support of saving Mono Lake. Many thanks to Merrilee Ray of Inyokern for her inspiration and hard work.

Many people donated their time to help educate the Southern California public about Mono Lake this spring, including Dorothy Beller, Doug Burrows, Brian Corbett, Jack Farmer, Daemon Filson, Carolyn Greene, Eli Harris, Kenton Horner, Karen James, Anne Kelly, Michael and Nancy Longacre and Nell Patterson.

Volunteers were also plentiful at our Lee Vining office. Thanks to Bob and Jason Hughes and to Doug and Robin for lending a hand on our remodeling job. Thanks, too, to Al Reynolds and to super-volunteer Susan Meiners for all of their work.

Donations of used books and magazines help our Mono Lake Visitor Center raise funds. Special thanks to Ann and Riles Gilkey, Pat Kelly and John Lewis for helping stock our used book nook. We are also grateful for the donation of a beautifully matted and framed photograph of Mono Lake by Chuck Cadman of Santa Rosa.

Finally, we thank Ansel Adams Gallery in Yosemite for collecting donations; Ian Tait for donation of wildlife photos for use in our slide programs; and the following groups for raising funds and keeping Mono Lake on people's minds around the state: Menlo-Atherton H. School, the Women's Fellowship of the Congregational Church of San Mateo, American River College, The Desert Peaks Section of the Los Angeles chapter of the Sierra Club, the California Alpine Club, the Lake Almanor Audubon Society and the San Fernando Valley Audubon Society.

Yosemite Association, Yosemite Park and Curry Support Interpretive Programs

We are deeply grateful to the Yosemite Association and the Yosemite Park and Curry Co. for supporting our interpretive programs with a generous \$10,000 grant.

While the Yosemite Association bestowed the grant, it would never have happened without the backing of Yosemite Park and Curry Co. President Edward C. Hardy. YPC, which operates the Ahwahnee Hotel, Yosemite Lodge and other park concessions, has supported the Mono Lake cause since the beginning. The grant will enable us to expand and improve our naturalist walks and slide programs, and convince more visitors that the lake is worth saving.

To learn more about the Yosemite Association, we interviewed Executive Director Steven Medley.

MLC: What is the Yosemite Association and what does it do?

MEDLEY: We're a non-profit, membership organization that has been supporting the park since the 1920s. We publish and sell books and maps, sponsor field seminars, manage the Art Activity Center and Ostrander Ski Hut, run the Yosemite Theater and fund-raise. Last year we donated about \$145,000 from sales and seminars to the park service for such projects as the Peregrine Falcon and Great Gray Owl studies. We have also raised over \$1.6 million from foundations, corporations and individuals through our Yosemite Fund campaign.

MLC: And you publish a superb quarterly newsletter that no Yosemitephile should be without. The last issue featured an article on the reintroduction of bighorn sheep in our backyard, Lee Vining Canyon. What was Yosemite Association's role?

MEDLEY: The bighorn reintroduction had been stymied by the presence of domestic sheep in Lee Vining Canyon. Domestic sheep carry disease that can be fatal to bighorn. We were able to buy out the sheep allotment using funds from the Richard and Rhoda Goldman Fund and the Sacramento Safari Club.

MLC: So the Mono Lake grant is not the first time the Yosemite Association has funded projects outside the park.

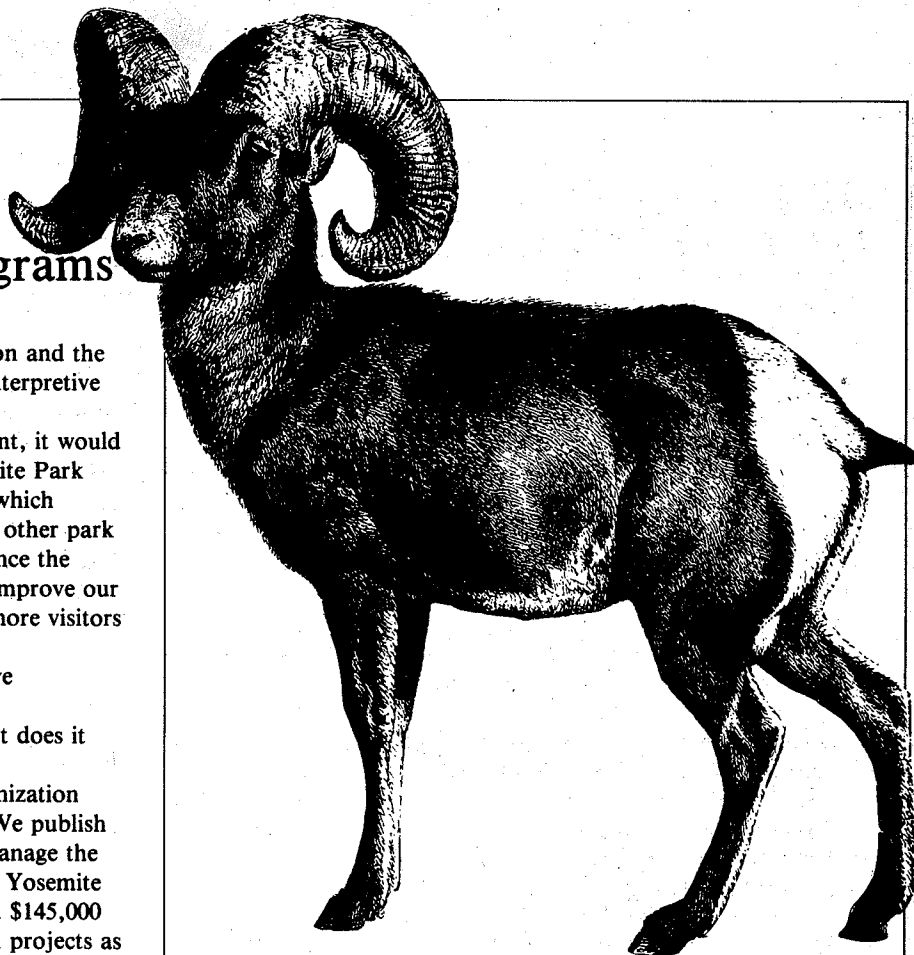
MEDLEY: We realize the Yosemite region extends far beyond the park's artificial boundaries to include neighboring areas like Mono Lake and the lower Merced River Canyon. We are deeply committed to protecting these places.

MLC: What are some of the benefits of becoming a Yosemite Association member?

MEDLEY: Besides the newsletter, members are entitled to a 15-percent discount on all books, maps, posters, calendars and publications stocked for sale by the association, a 10-percent discount on most of our field seminars, the opportunity to participate in the annual members' meeting held at Tuolumne Meadows each fall, and a nifty decal!

MLC: How does one join?

MEDLEY: Annual membership dues are \$20 regular, \$35 supporting, \$50 contributing, \$100 sustaining, \$500 life and \$1,000 participating life. You can send us a check, or charge it to MasterCard or VISA. Write or call us for more information: Yosemite Association, P.O. Box 230, El Portal, CA 95318; (209) 379-2646.



MONO LAKE WORKSHOPS

It's not too late to enroll in one of the Mono Lake Foundation's superb workshops. Taught by knowledgeable, enthusiastic instructors, each workshop offers a memorable, exciting learning experience.

Openings are still available in the ACROSS-THE-CREST BACKPACK (June 28-29), PAIUTE BASKETRY (July 26-27), GEOLOGY OF THE MONO BASIN (July 19-20), JULY WATERCOLOR WORKSHOP (July 19-20) and AUGUST WATERCOLOR WORKSHOP (Aug. 23-24).

To enroll, please contact the MONO LAKE FOUNDATION, P.O. Box 153, Lee Vining, CA 93541, or call the Mono Lake Committee at (619) 647-6386. Proceeds further the Mono Lake Foundation's educational and research programs.

INTERPRETIVE ACTIVITIES

For the ninth summer, the Mono Lake Committee is conducting free naturalist walks at Mono Lake as well as slide programs at our Visitor Center and nearby campgrounds. The Mono Lake Tufa State Reserve and Mono Basin National Forest Scenic Area are joining us in offering visitors an exciting range of interpretive activities. The following tentative schedule runs through the Labor Day weekend (MLC = Mono Lake Committee; SR = State Reserve; FS = Forest Service); call to confirm:

SOUTH TUFA NATURALIST WALKS: Daily at 11 a.m. (MLC), 10 a.m. and 1 p.m. (SR, FS)
SOUTH TUFA STAR WALKS: Saturdays at 8 p.m. (SR)
PANUM CRATER HIKES: Saturdays at 10 a.m. (FS)
BLACK POINT HIKES: Fridays at 9 a.m. (FS)
MONO LAKE PARK SUNSET WALKS: Thursdays at 8 p.m. (SR)

MLC News and Activities

BUCKET WALK MEETING, PICNIC

At the Lake, Sat., Aug. 30

Join fellow monophiles Saturday, Aug. 30, for our eighth bucket walk, meeting and picnic. We will each fill a container of water above the Lee Vining Creek diversion dam, and tote the water to Mono Lake.

On the same day the L.A.-to-Mono Lake bike-a-thoners will arrive with water from downtown Los Angeles. Let's welcome them with hundreds of people!

After watering the lake, we will gather at the Mono Lake County Park on the northwest shore for a picnic and the Mono Lake Committee's annual meeting. This is your opportunity to meet us and to discuss our strategy and progress.

Meet at 9:30 a.m. at the Old Marina (parking area just east of U.S. 395 one mile north of Lee Vining). We will provide shuttles to the beginning of the walk. Bring snacks, signs and a small container for carrying water.

The picnic begins at the Mono Lake County Park around 1 p.m., followed by our annual meeting around 2:30. There'll be reports on our legal, legislative, educational and grassroots activities. Afterward there will be live music and country dancing (all dances taught). Bring your own food and libations. See you there!

More Chances to Win!

1986 Save Mono Lake Drawing

The tickets enclosed with this newsletter give you 10 more chances to be among the lucky winners. We would appreciate a donation of \$2 per ticket, \$20 for a book of 10. The drawing will be held at our annual meeting on Labor Day weekend.

The response to the drawing has been overwhelming. Thanks to everyone for helping us net over \$30,000 for Mono Lake already!

VISITOR CENTER: Design Help Needed

Our budget remodel of the Mono Lake Visitor Center and Lee Vining office ran afoul of the Mono County Building Department this spring. Not only was our work for naught, but the part of the building used for our research library, merchandise storage and bathroom was declared unsafe. By October we must file plans, obtain a building permit and, at minimum, move the bathroom and seal off part of the building.

We need help designing affordable plans that will pass muster. If anyone knows a licensed building contractor or architect willing to donate time and expertise, please contact: Jim Parker, Mono Lake Committee, P.O. Box 29, Lee Vining, CA 93541; (619) 647-6386.

MLC JOB OPPORTUNITY

The Mono Lake Committee is seeking a newsletter editor: someone who can distill complex information into pithy, readable, juicy articles; who has a nose for news and an eye for graphics and layout; who is knowledgeable about Mono Lake, ecology and the environment; who can synergize with other staff. While the editorship is a half-time job, we may be able to offer a full-time position with other responsibilities. The editor works in our Lee Vining office. Salary is relatively meager, but negotiable based on experience.

Interested? Send resume, references and examples of your writing to: David Gaines, Mono Lake Committee, P.O. Box 29, Lee Vining, CA 93541.

Staff News

Helping us staff the center, lead tours, present talks and keep up on office work this summer is a fine flock of hardworking, dedicated interns: Colin Dillingham, Kevin Hepburn, Donald Oberline, Donna Raupp and David Tyler. Veteran monophile Emilie Strauss has joined our crew as intern coordinator, while former staffer Steve Catton has returned to run the mail desk. Alert readers of our masthead will notice that Debbie Jewett is now Debbie Parker; she and Jim were married this spring.

Recycle for Mono Lake

We can use your extra bags, plastic or paper, in our Lee Vining Visitor Center. Help save money and resources by dropping off a few spare bags when you visit the lake this summer. Thanks.

The Mono Lake Committee's Visitor Center in downtown Lee Vining will be open from 9 a.m. to 9 p.m. through Labor Day weekend. Stop by and say hello when you are at the lake!

MONO LAKE AND YOSEMITE BUS TRIPS

Come see the spectacular fall colors at Mono Lake, Yosemite and Lake Tahoe—and leave the driving to someone else! Join a three-day trip that includes transportation, lodging at the Lake View Best Western Motel in Lee Vining and at the Yosemite Lodge, and a special tour and catered lunch at Mono Lake. Trip participants will have lots of free time for hiking, birding, relaxing and enjoying the scenery.

Dates of trips leaving from San Francisco are: Sept. 5-7, Sept. 19-21 and Oct. 3-5. Trip fee is \$190 per person for a double room and \$250 per person for a single room. All proceeds will benefit Mono Lake.

For additional information and reservations, call or write: Jim Parker, Mono Lake Committee, P.O. Box 29, Lee Vining, CA 93541; (619) 647-6386.

Grand Wine Drawing Nets \$14,600



Mr. Herbert Cerwin and Grace de Laet at the Grand Wine Drawing.

Our indefatigable board member Grace de Laet has done it again. Over the years Grace has donated time and energy to organize an Angel Island gourmet picnic, a grand auction, a luxury bus tour and many other fund-raising events that have, in sum, generated over \$100,000. This year her "Grand Wine Drawing" netted another \$14,600 for saving Mono Lake.

On March 21, Mrs. Lorraine Mitchell, a longtime supporter of Mono Lake, drew the winning tickets from an authentic old ticket hopper borrowed from the Oakland Museum. Mrs. Harriet W. Henderson of Hillsborough and Mrs. Sharon Erler of Daly City became the lucky winners of \$1,000 wine cellars containing superb collections of French and California wines. Both are deeply committed to saving Mono Lake.

Mr. Herbert Cerwin of Cerwin and Peck Consultants, San Francisco, generously donated the rare California wines from his private collection. Mr. Gerald Asher, wine editor of Gourmet magazine, personally selected the French vintages.

By popular demand the Mono Lake Committee has decided to make the Grand Wine Drawing an annual event. To those who didn't win, our gratitude for your support. There will be another chance to try your luck next year!

THANK YOUS

Special thanks from Grace de Laet and the Mono Lake Committee to the following volunteers for helping make the Grand Wine Drawing a success: Christine Anderson, Helen Barrington, Susan Beck, Dawn Bernhardt, Brian Boas, John and Nancy Burgos, Bill Churchill, Charlotte Cooper, Allison Davis, Steve de Laet, Claudia Fenwick, Ann Hardeman, David Heller, Patty Mayall, Ed McDermott, Sally Miller, Virginia Moore, Martin O'Malley, Tim Such, David Wimpfheimer, Louise Wright, Bill Yarborough, Delphine Zeuli and Schlomit Zion.

An additional well-deserved thank you to Mark Ross and co-conspirator Afton Badger for affordable printing.

Finally, the biggest "THANK YOU" ever from Grace de Laet to her husband, Rick, who lived through another fund-raising event, never losing his patience and helping out whenever needed.

MLC FUND-RAISING EXCURSIONS: Where To Next?

Our excursions to Glacier Bay, Alaska, in 1985, and to the Galapagos Islands and Peru this year have been most rewarding. Participants have enjoyed a comfortable, nature-oriented adventure while raising over \$20,000 toward saving Mono Lake.

For the future we are considering another Alaskan cruise, a Kenya safari, a visit to Costa Rica's national parks and a trip to New Zealand, Australia and Fiji. Each would be accompanied by an expert naturalist.

Before investing years in planning these trips, we need to know where *you* want to go. Please indicate on the form below which trips you would consider joining, and any other "dream vacations" we might consider.

I would consider joining the following, MLC-sponsored excursions in order of preference:

- | | |
|--|---|
| <input type="checkbox"/> Glacier Bay, Alaska | <input type="checkbox"/> National Parks of Costa Rica |
| <input type="checkbox"/> Safari in Kenya | <input type="checkbox"/> New Zealand, Australia, Fiji |
| <input type="checkbox"/> Please keep me posted | |

NAME _____

ADDRESS _____

Please send to: Mildred Bennett, 2719 Marin Ave., Berkeley, CA 94708, or any MLC office.



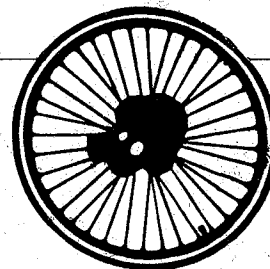
BIKEATHON PLEDGE FORM

I pledge _____ cents/mile to help save Mono Lake for every mile bicycled by Steve Osgood or proxy on the 1986 L.A.-Mono Lake Bikeathon.

name _____

address _____

city _____ state _____ zip _____



Join the 1986 BIKE-A-THON!

In late August, a band of intrepid bicyclists will embark from Los Angeles on a 350-mile journey to return water to its rightful destination—Mono Lake. You are invited to join the seventh annual Los Angeles-to-Mono Lake Bike-a-thon by cycling along, or in spirit by pledging support.

On Aug. 25, the dedicated cyclists will fill vials with water from the reflecting pool at the Los Angeles Department of Water and Power's downtown skyscraper. Strapping the vials to their bike frames, the volunteer bike-a-thoners will begin a six-day journey in August heat across deserts and mountains. The ride is a dramatic reflection of the long, uphill fight to bring water to Mono Lake. The return of that water Aug. 30 is a healing ritual and celebration of our kinship with the earth.

Besides calling attention to Mono's plight, the bike-a-thon raises funds to save it. The rider who raises the most will receive a KHS Montana Sport all-terrain bicycle, and other surpassing fund-raising goals will receive Kangaroo Bags' Cervesa II touring bags or Plumline Gore-Tex touring jackets. Last year, 64 cyclists raised \$25,000; this year's goal is \$30,000.

Whether old or young, expert or novice, you can share the sense of vitality and accomplishment this ride engenders. Although challenging, the ride allows each person to cycle at his own pace. The average day's distance is 65 miles. Support vehicles carry gear and provide refreshment. Places to camp are provided. Our coordinator, Stephen Osgood, cycles with the troupe.

If you cannot cycle along, you can participate in other ways. Sponsor a cyclist by completing the pledge form and returning it to our Lee Vining office. Join as a support vehicle driver. Or volunteer to help organize this event. For more information, please send a self-addressed, stamped, legal-size envelope to: Mono Lake Bike-a-thon, 1355 Westwood Blvd. #6, Los Angeles, CA 90024. Or call Stephen Osgood at (213) 477-8229.

The Fourth Annual **LONG LIVE MONO LAKE BENEFIT RUN**

Join us Sunday, Aug. 17, for a scenic, enjoyable 10K benefit run on Mono Lake's spectacular north shore. The run will begin at the Mono Lake County Park five miles north of Lee Vining at 9 a.m. sharp. We'll have awards for the top three runners in each division, random door prizes, and T-shirts and bumper stickers for everyone. Refreshments will include beer, soft drinks, fruit and more!

To enter, please send \$8 (\$10 after Aug. 10) to the Mono Lake Committee, P.O. Box 29, Lee Vining, CA 93541. For more information, contact Race Coordinator Dennis Yamnitsky at P.O. Box 699, Yosemite, CA 95389, (209) 372-4538, or the Mono Lake Committee.

This year we are encouraging runners to collect pledges of money to save Mono Lake for each kilometer run in the race. The top fund-raiser will win dinner for two at the Ahwahnee Hotel as well as lodging in Yosemite Valley, courtesy of the Yosemite Park and Curry Co. For details contact the Mono Lake Committee in Lee Vining.

August is a perfect time to visit Mono Lake. Its warm waters dance with brine shrimp and birds, and conditions should be clear and lovely for running. After the run, enjoy a refreshing dip among the tufa. Bring family and friends, and help us raise funds for saving our lake!

JOIN US!

Still not a Mono Lake Committee member? Join us, and increase our strength and effectiveness. We will keep you informed, through our quarterly newsletter and action alerts, of what's happening and how you can help. Regular membership is \$20/year (\$30 Sponsor, \$50 Supporting Member, \$100 Monophile, \$500 Monomaniac, \$8 "I Can't Afford More"). Checks should be payable to the Mono Lake Committee, and are not tax deductible.



**The
Mono Lake
Committee**

Post Office Box 29
Lee Vining, California 93541

Non-Profit
Organization

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