This Issue's Cover:

1991 LA to Mono Lake Bike–A–Thon!

When Sally Gaines organized the first Bike–A–thon 12 years ago, she was one of a dozen riders. Today nearly a hundred take part in one of the Mono Lake Committee's biggest fundraisers.

The Bike–A–Thon is a yearly consciousness-raiser, too; over a dozen radio, TV, and newspaper reporters covered this year’s event, giving valuable publicity to the plight of Mono Lake.

In this issue's cover photo by Bob Schlichting, Martha Davis, MLC Executive Director, welcomes cyclists, hikers, runners and spectators to the Annual Rehydration Ceremony, the end of the six–day event.

The Bike–A–Thon is covered in detail on page 6.

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The Mono Lake Committee is a non–profit citizens' group dedicated to saving Mono Lake from excessive diversion of water from its tributary streams. We seek a solution that will meet the real water needs of Los Angeles and leave our children a living, healthy and beautiful lake.

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Mono Lake Named International Shorebird Reserve

by Stacey Simon

More than 100 people gathered near Lee Vining August 10, to witness Mono Lake's dedication as an international shorebird reserve, vital to hundreds of thousands of migrating birds.

The celebration at the County Park marked Mono Lake's induction into the 17-site Western Hemisphere Shorebird Reserve Network (WHSRN). The network forms a chain of critical habitats used by shorebirds on their yearly migrations back and forth from Canada to Central and South America.

Members of the Mono Lake Committee, the California State Parks System, US Forest Service, and the local community joined with state dignitaries, biologists, and interested bird lovers from across the United States for the ceremony.

Curtis Freese, a member of WHSRN's founding council, explained the purpose of the network -- to determine and then protect critical shorebird habitats. This is accomplished, he explained, through public education, conservation, research, and policy development.

Dan Paranick, chairman of the Mono County Board of Supervisors, gave credit to the Mono Lake Committee for preserving the beauty of the lake. "I truly believe," he said, "that if it were not for the efforts of the Committee, Mono Lake would not be here today."

Dan Paranick, Mono County Supervisor, addresses a crowd of over 100 at WHSRN dedication ceremonies August 10. Other speakers include: (Back row, left to right:) Mono Lake District Ranger Bill Bramlette; Bob Nelson, Forest Service Wildlife and Fisheries Division; Dave Shuford of Point Reyes Bird Observatory; Emilie Strauss, former MLC biologist; National Audubon Society representative John Borneman. (Front row:) WHSRN co-founder Curtis Freese; State Department of Parks and Recreation Superintendent Robert Macomber; and Ross Sargent, aide to State Senator Pat Johnston.

The idea of joining the network began with the Mono Lake Committee, and was executed with the help of the Forest Service and the Mono Lake State Tufa Reserve. The cooperative effort brought together more than five independent groups, all working to attain the goal of protecting Mono Lake. As Ross Sargent, chief of staff to State Senator Patrick Johnson, eloquently put it, "birds remind us of the interdependence of the land and the interdependence of people."

Each speaker stressed the importance of Mono Lake to shorebirds such as Wilson's Phalaropes. All told, about 150,000 shorebirds stop at Mono Lake each year, according to MLC's Eastern Sierra Representative Sally Miller.

After the official speeches, Elihu Harris, the Mayor of Oakland, delivered a short tribute praising the recreational values of Mono Lake.

Mary Scoonover, Deputy Attorney General, read a letter from the State Lands Commission that met with widespread audience approval. Part of the letter, signed by Leo McCarthy and Gray Davis, is quoted below.

At the end of the ceremony, certificates of appreciation were presented to Dennis Martin, Forest Supervisor for the Inyo National Forest; Robert Macomber, from the State Department of Parks and Recreation; MLC's Martha Davis; and ornithologist Emilie Strauss.

Here is an excerpt from a letter from Lt. Governor Leo McCarthy and State Controller Gray Davis, members of the State Lands Commission. It was read by Deputy Attorney General Mary Scoonover, left.

"We are pleased that Mono Lake has received more of the international recognition which this national treasure so richly deserves ... the struggle to save Mono Lake continues. We look forward to the day when we can all assemble to celebrate the accomplishment of the goal which we share with so many of you, the preservation of this ancient lake and the protection of its public trust values. In the meantime, as members of the State Lands Commission, we pledge that we will continue to stand with you in this important effort and that saving Mono Lake will remain an important priority of the Commission."
What Happened To Last Year's 'New Beginning?'

"This ride marks a new beginning -- a time to cooperate, to solve the Mono Lake issue." -- Mono Lake Committee Associate Director Betsy Reifsnider, one year ago, in the Los Angeles speech beginning the 1990 Bike-A-Thon.

Last year's Bike-A-Thon was optimistically dubbed "a victory ride." Indeed, there was reason to believe a solution to the Mono Lake controversy might finally be at hand. After 50 years of diversions, water was flowing down all four Mono Basin creeks. With three new members on the DWP Commission, a new spirit of cooperation -- a new beginning -- seemed in the offing.

That was a year ago. Today we remain where we were -- tantalizingly close to a solution. Thanks to court decisions that require 60,000 acre feet of water a year for Mono's streams, only an additional 15,000 acre feet stands in the way of Mono Lake's protection. In the scheme of things, that's very little; it amounts to less than three per cent of DWP's yearly supply. In the past six months, water-conscious consumers in Los Angeles conserved 32 per cent!

Much has occurred since last year's Bike-A-Thon to strengthen the Mono Lake Committee's position. Over DWP's strenuous objections, the Forest Service's Scenic Plan has been upheld; it identifies a lake level needed to protect Mono Lake. (See page 9). Mono's Brine shrimp may be designated a threatened species, and air quality problems caused by toxic dust from the uncovered lakebed soon may be addressed by the federal government. -- two developments that bolster our case. Court-ordered restoration work on Mono's creeks is proceeding (see page 12), reviving ecosystems damaged by 50 years of DWP diversions. The lake has recently been recognized as a reserve of international importance for migrating shorebirds. All this fortifies our case.

Although reasons for DWP to reach a solution continue to mount, DWP remains firmly entrenched in its old bureaucratic ways. Its response to this year's court victories proves how the much anticipated "spirit of cooperation" has failed to materialize.

In 1990, after two unsuccessful challenges to the preliminary injunction that prevented them from diverting water, DWP asked for one, final, all-inclusive court trial -- extensive testimony from expert witnesses, depositions, exhibits -- a complete, lengthy hearing of the facts. The Committee tried to avoid such a costly trial; it proved to be the longest, most expensive litigation in our history. But when the judge finally ruled, he found for Mono Lake on every count.

DWP's response, like always, was to immediately file for reconsideration of the verdict, even though Commission President Mike Gage admitted the "little legal ploy" had no chance of success. He was correct. In July, DWP's arguments were dismissed for yet a fourth time. (Our most recent legal victory is reported on the next page.)

DWP's bureaucracy seems strangely unwilling to acknowledge these new developments. State government created a $60 million fund to finance new, environmentally safe supplies of water for Los Angeles -- water that can more than replace what is lost from the Mono Basin if an agreement is signed. The fund is the cornerstone of the Mono Lake Committee's "Six-Point Plan," presented months ago to DWP. So far, DWP has yet to even acknowledge, let alone respond, to our proposal. Even in the face of growing evidence and support for our position, DWP seems willing to turn its back on $60 million in state funds. At the same time, DWP is asking its Los Angeles rate...
payers for a hefty rate increase.

Unless a negotiated settlement can be agreed upon, a
civil Mono Lake solution is expected after public trust
hearings before the State Water Resources Control Board in
1993. Terrence Finney, the Superior Court judge who gave
the Board jurisdiction in the matter, recently described this
as "a process that conceivably, considering the parties' rights
to appeal, could take until the latter half of the 1990's."

The Water Board has been gathering evidence about
Mono Lake from all interested parties for well over a year.
Our Lee Vining staff has been continually reviewing work
plans, measuring stream flows, accumulating data and
negotiating the methodology used to report it. It is an
involved, time-consuming, expensive process for us.

Now word comes that the Water Board process may
well be delayed; according to written reports from Water
Board staff, work has fallen behind schedule in significant
areas. Meanwhile, rather than join together to find an
equitable solution to the Mono Lake problem now,
bureaucrats at DWP seem more than willing to wait out the
process.

It was 12 months ago that we predicted "a new
beginning", a time of cooperation with DWP. That time has
yet to come, although the Mono Lake Committee can look
with pride on its accomplishments in the past year. Despite a
financial recession in this country that has paralyzed some
non-profit groups, we -- with your help -- continue to
fight on. DWP, with its huge staff, with its almost unlimited
budget, has managed little more than a losing war of
attrition.

DWP Challenges Preliminary Injunction

Judge Rules For Mono, Awards Fees!

This spring, after a judge for the third time halted Los
Angeles' water exports from the Mono Basin, DWP sought
to overturn the ruling by filing a motion for reconsideration.
On July 31, that motion was denied.

El Dorado County Superior Court Judge Terrence
Finney ruled on April 17 that Mono Lake must not be
allowed to fall below the 6377 elevation, calling Mono "a
national environmental, ecological and scenic treasure [that]
should not be experimented with even for a few brief years."
DWP argued that his decision was "supported by neither the
evidence nor the law."

DWP sought permission to continue diverting water to
Los Angeles while the State Water Resources Board
conducts public trust hearings, a process expected to be
finished in 1993. The judge's preliminary injunction ruling
means that Mono's streams cannot be diverted until the lake
rises at least two and a half vertical feet.

The July 31st decision marks the fourth time Judge
Finney has rejected DWP's arguments. Well before the
decision was issued on July 31, DWP Board President Mike
Gage predicted the outcome in the press; in a Los Angeles
Times article he referred to the motion as "a little legal
ploy" that "nobody suspected for a second ... would
succeed."

It is not known if DWP will appeal this latest decision.

Attorney's Fees Awarded

The bulk of the 11-page decision deals with Judge
Finney's ruling that the Mono Lake Committee and National
Audubon Society are entitled to recover attorney's fees, to
be paid by DWP.

Audubon and the Committee requested legal costs,
questioning their efforts to protect Mono Lake have "enforced
an important right affecting a public interest which has

conferred a significant benefit on the general public."

DWP countered that it is too early in the legal process
to recover an attorney's fees, saying the April 17 ruling
merely upheld a "preliminary" ruling. DWP argued that any
legal fees should be paid only after a final determination
of Mono Lake's case; that decision is expected to be made by
the State Water Board in 1993, with appeals possibly
running into the latter half of the 1990's.

Rejecting their argument, Finney ordered DWP to pay
legal costs for the four rounds of decisions consistently
supporting the preliminary injunction over the past two
years.

Finney cited the precedent of legal fees awarded to the
Committee in other decisions, and then spelled out in length
the benefits to the public bestowed by our position.

"The modern human experience is such that recreational
opportunities are a precious commodity," wrote the judge.
"By convincing the Court that the level of Mono Lake
should be maintained," Audubon and the Committee have
"secured for the public at large recreational opportunities
otherwise unavailable."

Amount of the Award

The legal costs are now being summarized, although the
total is expected to be in the millions of dollars. The Mono
Lake Committee's share may be several hundred thousand
dollars. Martha Davis, Committee Executive Director, said
the money -- when it is finally received -- will be placed
in an endowment fund to help finance future litigation.

"This award could not come at a more urgent time," said
Davis. "Despite our best fundraising efforts, we are barely
able to keep pace with the bills for legal and State Water
Board work. We now expect that we are facing another five
years of intense fighting."
"There's nothing like the Bike-A-Thon to remind you from how far away your water comes."

The speaker leaned his bicycle against the rail of a bridge and looked down at the open channel of the LA aqueduct. Below him, dark water flowed slowly south. A loudly quacking mallard splashed out of the shadows and took to the air, puncturing the calm that settled over Highway 395 between the rumble of passing automobiles.

It was day four of the Los Angeles to Mono Lake Bike-A-Thon, and several cyclists had stopped at the aqueduct between Independence and Big Pine. This was an unusual part of the Owens Valley, for here the water table was still high; tall grass and distant trees hinted at what the valley must have looked like before Los Angeles' diversions began.

"When I travel '395' by car, I think in terms of time, not distance," explained the rider from Southern California. "Lone Pine -- it's a quick four hours from LA. It's different on a bicycle. Suddenly I'm aware of the miles. I feel every one of them -- all 240, to this spot. Somehow that awareness makes the water down there all the more precious." He pointed to the diverted Owens River, rippling under the bridge on its slow trip south.

The twelfth annual Mono Lake Bike-A-Thon began Monday, August 26 with the now-familiar ceremony in downtown Los Angeles. As camera crews from the major television stations looked on, the 87 cyclists taking part filled test tubes with water from the reflecting pools outside DWP headquarters. The bottles would be symbolically poured into Mono Lake at the conclusion of the ride, six days later.

LA City Councilman Zev Yaroslavsky joined Mono Lake Committee Executive Director Martha Davis at this year's send off. Noting that he first saw Mono Lake over 20 years ago, Yaroslavsky said, "I have watched with sadness as the lake's level has steadily declined." He pointed out that, in the past six months since regulations were passed, drought-conscious Angelinos already "have reduced water consumption by 32 percent -- about double the amount that represents the city's diversions from the Mono Basin."

For the first time in the Bike-A-Thon's history, the same Los Angeles official witnessed both the beginning and the end of the 380-mile ride; on Saturday morning, Yaroslavsky ran alongside the cyclists for the last seven miles into Lee Vining. He jogged with Tony Rossmann, an attorney who has run the concluding 100 miles of the Bike-A-Thon for the past six years, and Ben and Denise Jones, Lone Pine residents who, by running different stretches each year, hope to one day cover the entire Bike-A-Thon route on foot.

They were joined by over 50 marchers from the Annual Fish Walk. Celebrating the rebirth of fish populations in the once-again-flowing streams of the Mono Basin, the Fish Walkers, waving such signs as "Fish Power," "Mono Lake Forever," and "Stop the Waste of Water and Life," hiked down the Tioga Pass Road from the DWP diversion dam on Lee Vining Creek. Cyclists, hikers and runners all converged on the western shore of Mono Lake for the annual rehydration ceremony.

Calling the event "a spiritual experience," State Senator Patrick Johnson officiated as the cyclists poured water from Los Angeles back to Mono Lake.
Cyclist Flies From Saudi Arabia For Bike–A–Thon

Navy Commander Herb Wright won an award for having come the farthest to ride in the Bike–A–Thon; he is currently stationed in Saudi Arabia. This makes the sixth time he has cycled from LA to Mono Lake.

In a fund–raising letter he wrote to his supporters, he called Mono "a unique asset ... a spectacular nature area and resource."

"I have gotten to see both close up and to live under, what is probably the largest man–made ecological disaster, Kuwait," he explained. "There are also little [disasters], and the Mono Basin and the Eastern Sierra is a good example of what a group of dedicated people can do to reverse, or at least slow, mistakes already made."

CYCLISTS

SAG DRIVERS

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SPECIAL THANKS
Jim Gilbart & Maxine Keifert of Cabot Cosmos; William Delgado of Pace Sportswear; Brad Campbell of Global Sportswear; Mike Venema of the Venema Group; Sgt. Mike Brey of California Highway Patrol; Lew Bedolla, Terry Blank, & Stephen Pang of CATTrans; Susan Beck & Mary Pipersky of Anything Goes; Mark Coolidge of MVLS; Dennis Smith, Lloyd Brubaker, Mary Lou DeLashmut, Roger & Betty Meng, and all the wonderful HAM Radio Operators who assisted us along the way; Jim & Pat Flynn of the Swiss Chalet, Mammoth Lakes; Jim Hadian of the Kings Inn, Lee Vining; Father Phil Swickard, Jane Gillam and the rest of the crew at St. Timothy's Church in Bishop; Randy Ice of SKOR; Mario, Fiorella, & Gianni Romano of Tony's Deli; Barbara Wolleck of the Burbank Family YMCA; Craig Hansen, of OOH AH Pictures, for Bike–A–Thon artwork.

CABOT COSMOS CORPORATION SPONSORS BIKE–A–THON
For the first time in its 11–year history, the Mono Lake Bike–A–Thon received corporate underwriting. The Cabot Cosmos Corporation of Brea, California contributed almost $4000 to help produce this year’s t-shirts and jerseys.

The company manufactures Clean Earth, a biodegradable, non-toxic, non-caustic, odorless household cleaner that has been on the retail market for one year.

"It took seven years to develop this organic, 100% biodegradable cleaner," said Maxine Keifert, president of Cabot Cosmos. "Our goal was to create an environmentally-safe alternative to chemically-based household cleaners and industrial solvents. The result is Clean Earth."

"Cabot Cosmos is happy to support the Bike–A–Thoners in their goal of ensuring permanent protection for Mono Lake," Keifert concluded.

we are today. In just the past twelve months, Mono Lake has dropped a vertical foot. But now the court has reaffirmed that Mono must never again fall below 6377 feet. Storms willing, neither you, nor your children, nor your grandchildren will ever see Mono Lake this low again!"
DWP Stymies Manzanar Bill  
Proposes Amendments That Would Exempt DWP from Federal and State Laws  
by Betsy Reifsneider

At press time in mid-September, a landmark bill to establish the Manzanar National Historic Site was still in danger of being derailed by amendments proposed by the L.A. Department of Water and Power. LADWP hopes to add language to the bill to protect not only its water rights in the Eastern Sierra, but its "water gathering activities" as well. The Mono Lake Committee is currently trying to work with LADWP to find acceptable alternative language.

Earlier this year, Congressmen Mel Levine (Los Angeles) and Norman Mineta (San Jose) introduced a bill to establish Manzanar, just north of Lone Pine, as a National Historic Site. Like much of the Owens Valley, the Manzanar property is owned by the City of Los Angeles. During World War II, it became one of the first internment camps used by the federal government to imprison thousands of Japanese-Americans.

Because of LADWP's insistence that its water operations be protected, Congressman Levine amended his bill to ensure that Los Angeles' water rights on the Manzanar property would not be affected. In fact, Congressman Levine expressly stated, "It's always been my intent the city will retain its water rights." After the bill passed the House of Representatives, H.R. 543 made its way to the Senate for consideration.

On the Senate side, LADWP representatives tried to insert new language into the companion bill, S. 621, to prevent the federal government from "interfer[ing] in any way with the water rights or water gathering activities of the City of Los Angeles, including groundwater pumping." DWP's amendment also contained implicit Congressional authorization for the "physical conditions" caused by DWP's destruction of Eastern Sierra streams and lakes. These physical conditions include "fugitive dust" caused when DWP water gathering activities exposed hundreds of square miles of saline lakebed at both Owens Lake and Mono Lake. Such fugitive dust contains cancer-causing quantities of arsenic, selenium, and heavy metals.

Attorneys for the Mono Lake Committee quickly concluded that the new DWP amendments could be interpreted to prevent the U.S. Justice Department from representing federal agencies, like the U.S. Forest Service, in court proceedings if it would in any way interfere with L.A.'s water gathering activities.

Both Inyo County and the Mono Lake Committee registered their opposition to DWP's modifications. Greg James, director of the Inyo County Water Department, explained, "The proposed language is somewhat ambiguous and could be interpreted as a Congressional exemption of Los Angeles' Owens Valley water gathering operations from the Clean Air Act and/or other federal and state laws."

Inyo County and the Mono Lake Committee were not

Historic Photo from Manzanar Committee Collection

Japanese-Americans interned at Manzanar, during World War II.

the only ones concerned with the DWP amendments. The Japanese-American community, spearheaded by the Manzanar Committee, a citizens-based organization which sponsors annual pilgrimages to Manzanar, likewise objected. Manzanar Committee chair Sue Kunitomi Embrey expressed concern that DWP's amendments were too far-reaching and could ultimately derail the bill.

LETTERS ARE NEEDED: We urge you to write to Senators Alan Cranston and John Seymour, Hart Office Building, Washington, D.C., 20510, and express your support for H.R. 543 and S. 621, the Manzanar Historic Site Bills. Make it clear that you oppose any amendments to weaken federal jurisdiction and harm the Eastern Sierra environment.
At the suggestion from DWP that a city memorial could be created if clerical legislation collapses, Embrey brandedly responded, "...the alternative DWP 'memorial project'... is totally unacceptable... it raises questions about lack of integrity and credibility for unbiased negotiating of Senate Bill S. 621." She continued, "There is a definite negative perception out there that DWP claims to support the Manzanar Historic Site, yet is, nevertheless, working behind the scenes to undermine this National Historic Designation."

Embrey nevertheless hopes, "On the eve of the 50th anniversary of the signing of Executive Order 9066, which resulted in the forced removal and internment of over 120,000 persons of Japanese ancestry, the community holds high expectations to win this National Historic Site before the next annual pilgrimage [to Manzanar in April]. Anything short of sincere and forthright pursuit of this goal would be considered the second betrayal of the Japanese-American people."

The Mono Lake Committee Board of Directors formally went on record to support H.R. 543 and S. 621, designating Manzanar a National Historic Site. Board members felt strongly that language in the Levine bill (H.R. 543) which explicitly protects Los Angeles' water rights was sufficient. The Board of Directors voted to endorse the Manzanar Bill as currently drafted and to oppose language designed to weaken the federal government's enforcement powers in the Eastern Sierra.

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**DWP Loses Again**

**Forest Service Upholds Lake Level Recommendations**

Back in 1990, the US Forest Service issued a Comprehensive Management Plan for the Mono Basin National Forest Scenic Area. DWP strongly objected to one of the provisions of the plan — a specified range of lake levels needed to protect the wildlife, geologic and scenic resources of Mono Lake.

Although the Forest Service recommendations of a lake level range of 6377 to 6390 were just that — recommendations, with no force of law — DWP called them "illegal" and appealed the plan to the next administrative level of the Forest Service, the San Francisco Regional Office.

DWP argued that a lake level recommendation violated the intent of Congress when it created the Scenic Area, and was "inconsistent with the protection of the water rights of the City of Los Angeles." (This reasoning ignored the real language of the act, which protects the water rights of all entities in the Basin, not just LA.)

DWP also challenged the adequacy of the environmental impact statement accompanying the plan, claiming it failed to "consider any realistic alternatives."

In June, the Regional Office resoundingly rejected DWP's arguments. Stating that the plan's goal is to make a "sound decision" on the management of the Scenic Area, the Forest Service reiterated that only by identifying "the optimum range of lake levels" could "the significant ecological and historical values of Mono Lake" be protected.

The Office concluded that the discussion of various lake levels and the selection of a preferred alternative "does not interfere, in any way, with the rights held by the City of Los Angeles or any other individual, group or entity." They also declared that the environmental review provided a "thorough and complete analysis."

After the Regional Office's response, the Chief of the Forest Service in Washington was given the opportunity to review the decision. He refused to overturn it, making the judgment final.

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**Manzanar And The Scenic Area — A Connection?**

The Scenic Area appeal is not the first time that DWP has tried — and failed — to silence the Forest Service on the water needs of Mono Lake. In the preliminary injunction hearing last year, DWP attorneys argued that Forest Service testimony should be excluded because it would be "contrary to the will of Congress." After considering the evidence, Judge Finney overruled DWP and permitted the testimony.

DWP interpreted neutral water rights language in the Scenic Area Act to mean that Congress historically and implicitly sanctioned the environmental effects of its aqueduct. If such reasoning were true, current federal laws, such as the Clean Air and Clean Water Acts, may not apply to its operations in the Eastern Sierra.

Since the courts have rejected this argument, DWP's amendments to the Manzanar bill seem to be an attempt — under the guise of neutral language — to legitimize its position.
"There are signs an era symbolized by the demise of the [Upper Owens] river is ending," wrote Dennis Pfaff in the California Daily Journal. He was one of many journalists touting a new spirit of cooperation between DWP and Eastern Sierra activists: "That some change is in the wind is hardly in doubt.... The agreement to restore the Owens River was reached just two months after a suit was filed by Mono County, an extraordinarily quick resolution in the context of lengthy litigation over Eastern Sierra water. How quickly water begins flowing through the gorge and at what volumes remains to be decided, although participants say negotiations on those crucial details are going smoothly." -- The California Daily Journal, May 28, 1991.

What has happened in the past four months? Here's an update on...

Rewatering the Owens Gorge

Lengthy Talks About Flows Plod On

After press reports that negotiations had broken off in August, Mono County's District Attorney, DWP, and the Department of Fish and Game are back at the bargaining table this fall, trying to agree on stream flows in the lower Owens Gorge.

"DWP has their idea of how much water should be released. Fish and Game has their opinion," said Stan Eller, Mono County District Attorney. "The numbers are getting closer, though."

The lower Owens Gorge was once a world-famous trout stream until DWP diverted water from it in 1953. DWP released water back into it and began negotiations only after Eller filed suit in Superior Court against DWP and the State Water Resources Control Board, charging violations of nine separate California Fish and Game Codes.

The action came after a pressurized pipeline between two of DWP's electrical powerhouses ruptured on March 5. With a sudden loss of pressure, over 1200 feet of the heavy pipe collapsed. Water normally shuttled past the dried-up lower gorge -- 16 cubic feet per second (cfs) of seepage through the Long Valley Dam and runoff from streamside springs -- spilled into the dusty streambed.

The 10 miles of the Upper Gorge, above the powerhouse, is already a healthy fishery. If fish were found in the temporary flows below the powerhouse, DWP feared it would be forced to continue water releases permanently; Fish and Game code 5937 requires enough water to pass through a dam to support fisheries existing below it.

DWP broke numerous laws in trying to assure that a fish population never established itself in the temporary flows, according to Eller's suit, filed April 11.

In the out-of-court settlement, Mono County and DWP agreed to set permanent levels for the lower gorge within 90 days, with the Department of Fish and Game serving as an advisor. That time limit has been extended as the two sides continue to argue over how much water is needed. Ideally, the Department of Fish and Game and Mono County would like to return to the historic fishing conditions of 38 years ago.

Current Flows "Below Minimal"

In a publicity coup for LA's Department of Water and Power, over 100 dignitaries and media members assembled on June 21, 1991 to witness water spill from DWP's Upper Gorge Power Plant into a stretch of the Owens Gorge dried up since 1953.

At first, much was made of DWP's decision to "voluntarily" rewater the stream. Newspapers like the Inyo Register spoke hopefully of the "resurrection of a fishery once best in the country." Press releases explained how DWP had cleared debris, blasted remnants of abandoned power plants, and prepared the long-dry streambed to receive water.

But now, months later, no one is reporting the fact that water released with such ceremony in June has yet to reach the Pleasant Valley Reservoir, seven miles downstream. The Owens Gorge fishery is a long way from restoration.

"The amount of water being released by DWP -- 16 cfs -- is too meager a flow for a canyon the size of the Owens," said Al Pickard, Associate Fish Biologist for Department of Fish and Game in Bishop. "Despite all of DWP's publicity about the rewatering of the stream, we consider the amount released "below minimal."

"Instead of restoring the fishery," continued Pickard, "these low flows are simply disappearing into porous ground, recharging the aquifer system. A few streambanks are also getting watered, but this could be harmful in the long run. Riparian growth will begin around the low flows, and could clog the channel if greater releases are agreed upon. If continued for very long, it could result in a stream system much inferior to the historic conditions."

Pickard also takes exception with reports that the streambed was "carefully prepared" before water was sent down it. Instead, he calls DWP's work "coarse" and "crude," consisting mostly of the removal of several large structures.

"DWP's 'voluntary' water releases came only after the lawsuit," he pointed out. "So far, there is no real fish habitat. What's been done isn't the last in a chain of events. It's more like the first," said the Bishop biologist.
1992 Mono Lake Calendar. It’s one of the most important ways we fund the fight to Save Mono Lake! Enjoy a year’s worth of beautiful, full-color Mono Lake views, suitable for framing! Featuring California’s leading nature photographers, including Galen Rowell, Carr Clifton, Larry Ulrich and Jeff Gnass, with text highlighting Mono Lake’s precedent-setting public trust victory! The calendar is 14" x 10", opens to 20" x 14" Full Color $9.95.

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- Short-sleeved, 100% cotton in white, light blue, mint, peach and heather gray, sizes S, M, L, XL. $12.00
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Mono Lake Guidebook. The authoritative text on Mono Lake by David Gaines. This latest edition (1989) describes the natural history of Mono and the efforts to preserve it. Numerous photographs, drawings, figures and tables complement 104 pages of text. $8.95

Mono Lake Jewelry by Wild Bryde. Striking designs that capture the beauty of Mono Basin’s inhabitants. Each is silver or gold plated; silver earrings have sterling silver ear wires. When ordering, please indicate your choice of gold or silver. (All jewelry is larger than shown here.)

Wild Iris China T (New). Shannon Nelson, right, shows off a delicate wild iris design so beautiful we couldn’t resist including it in this year’s catalog! 100% cotton in white, sizes S, M, L, XL. $18.00

License Plate Holder. No matter where you live, spread the word about Mono Lake as you drive with this durable metal license plate frame. $4.95
Brine Shrimp $10.00
Dipper $17.00
Ram Petroglyph $13.00 (New)
Hummingbird $13.00
Coyote $13.00
Reflected Egret $21.00 (New)
Grebe and Tufa $17.00

Mono Lake Stationary and Rubber Stamp. Two beautiful pen and ink designs by Keith Hansen decorate this stationary, on recycled paper. Each pack contains fifty 5 1/2" x 8" sheets (25 of each design), 25 matching envelopes and a Mono Lake Rubber stamp. Specify ivory or gray stationary. $11.95

Mono Lake AutoShade (New). Now you can keep your car cool and proclaim your love of Mono Lake! We've even included a map of the Eastern Sierra on the back -- complete with all the information you need to make your visit to the area truly memorable! $7.50

Wildflower T-Shirt. Above, Betsy Reifsnider, displays the summer beauty of the High Sierra with this magnificently detailed shirt. California wildflowers in peak bloom! 100% cotton in white, sizes S, M, L, XL. $16.00

Trout T-Shirt (New). Bryan Flaig celebrates the rewatering of the creeks with our newest T-Shirt! Wear it proudly to proclaim "Long Live Mono Basin Streams!" 100% cotton, in white, in sizes S, M, L, XL. $16.00

Mono Lake Bike Bottles. These high-quality, specialized water bottles have brine shrimp dancing across the surface. Wonderfully useful for biking, hiking, and in cars for drinks without spills. Small (21 oz.) $3.95, Large (28 oz.) $4.95

Coyote T-Shirt. Martha Davis, below, sports the ever-popular southwest design that captures the desert feel of the Mono Basin! 100% cotton, white, in sizes S, M, L, XL. $12.00
1992 Mono Lake Committee Order Form

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For information, or to order by phone, call (619) 647-6595. When ordering by phone, please have your credit card ready and your order form filled out.

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MLC Donation  

TOTAL AMOUNT ENCLOSED

Why not take this opportunity to become a Mono Lake Committee member, or renew your current membership now? It will increase our strength and effectiveness, and we will keep you informed of what's happening through our quarterly newsletter and action alerts. Regular membership is $20 per year, or $30 Sponsor, $50 Supporting Member, $100 Monophile, $250 Defense Trust Member, $500 Monomaniac, $8 "I Can't Afford More." Check the appropriate Membership box above!
After two years of intense negotiation, representatives of both environmental organizations and California urban water agencies have put together a landmark agreement, the "Best Management Practices (BMPs)."

Under the agreement, urban water agencies signing the document commit themselves to developing comprehensive conservation programs. In addition, they agree to "consider water conservation on an equal basis with other water management options."

The Mono Lake Committee got involved in the negotiations early on as advocates for water conservation. A ten per cent saving in Los Angeles, if credited to Mono Lake, would more than replace lost diversions from the Mono Basin.

The possibilities for conservation are impressive. In Southern California alone, the BMPs are expected to save 700,000 acre-feet of water annually by the year 2000. Statewide, the savings are expected to be a million acre-feet a year.

Most of these savings come from an aggressive Ultra-Low Flush (ULF) toilet program, which requires old 5-to-7-gallon toilets to be replaced with 1.6 gallon models throughout California. This plan, while requiring both time and money, "offers the single greatest savings of any item on the [BMP] list," according to Dave Fullerton, chairman of the Sierra Club California’s Water Committee. He adds, "Without a commitment to ULF, this agreement would probably not be worth doing."

The initial range of practices agreed upon range from plumbing retrofits and home audits to landscaping regulations and financial incentives. In addition, a "Potential BMP" list has been compiled; a special council made up from those organizations signing the agreement will study new programs and technologies. If the innovations seem appropriate, they may be designated as future BMPs, to be required of member water agencies.

In practical terms, the BMP agreement accomplishes four long-sought goals of environmentalists. It establishes an industry-wide standard for water conservation programs, while also giving environmentalists a major say in the future of conservation research and implementation. It provides a carefully crafted process to raise required levels of conservation as evolving technology improves. Lastly, it puts the spotlight on statewide water management reform and on agriculture’s continuing refusal to conserve.

"These management practices are not actually the 'best', in the truest sense of the word," admitted Betsy Reifsnider, the Mono Lake Committee’s representative on the BMP’s negotiating team. 

"Instead, they are the minimum standards that water agencies throughout the state should follow. Nevertheless, this agreement means that, at long last, the water industry acknowledges that water conservation can be a reliable, stable source of water for California."

Among those organizations already signing the historic BMPs pact are the Mono Lake Committee, Planning and Conservation League, League of Women Voters, Los Angeles Department of Water and Power, Metropolitan Water District, Orange County Water Agency, and San Diego Water Authority.

<table>
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<th>Best Management Practices</th>
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<td>At A Glance, Here’s What Water Agencies Must Do:</td>
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<tr>
<th>Audits:</th>
<th>Conduct interior and exterior water audits; establish incentive programs for all urban water users.</th>
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<tr>
<td>Metering:</td>
<td>Require all new connections be billed for volume of water used; fit existing ones with meters when property is resold.</td>
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<td>Landscaping:</td>
<td>Require outside conservation for all urban water users. Exception: single-family homes, where it is encouraged, not required.</td>
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<tr>
<td>Public Information:</td>
<td>Continue to promote water conservation to public and in school programs.</td>
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<td>Commercial &amp; Industrial Users:</td>
<td>Develop conservation plans for largest water users; include water efficiency reviews before construction permits are issued.</td>
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<tr>
<td>Financial Incentives:</td>
<td>Create pricing to encourage conservation; offer incentives and rebates for ULF toilets.</td>
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<tr>
<td>Water Waste Prohibitions:</td>
<td>Require recycling on car washes, laundries and fountains.</td>
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Work Begins To Restore Rush, Lee Vining Creeks
by Bryan Flaig

"Wilderness may temporarily dwindle, but wildness will not go away." Gary Snyder, The Practice of the Wild

Once, before their waters were diverted by DWP, Lee Vining and Rush Creeks meandered through dense groves of cottonwoods, Jeffrey Pine and Quaking Aspen. Willows clung to the banks, forcing the creeks to carve deep channels and undercut their banks, providing ideal habitat for large trout. On lower Rush Creek, the narrow channel easily flooded in the spring, creating a wet meadow ecosystem unlike anything else in the Eastern Sierra.

Those conditions may exist again. As a result of last year's Superior Court order, the Mono Lake Committee is working with the Department of Water and Power, National Audubon Society, California Trout, and the Department of Fish and Game to restore newly-watered Rush and Lee Vining Creeks.

This project follows a year of restoration work on Walker and Parker Creeks, two tributaries of Rush Creek. Before these small creeks could carry water, their streambeds had to be located, and vegetation and debris clogging their channels had to be removed. This spring, court-ordered flushing flows removed additional silt and sediment that had built up over the years.

With the installation of electric fences to prevent grazing by sheep along their banks, Walker and Parker have showed marked recovery this summer. Native grasses have flourished in deep green meadows, and vegetation keeps the winding channels from eroding.

But returning Rush and Lee Vining to pre-diversion conditions is a more difficult task than restoring these two smaller creeks. Shutting off the water on the big creeks destroyed the broad riparian forests that held the stream banks in place. It was this vegetation that prevented erosion during the heavy spring runoff, capturing silt from the overflowing waters and renewing the soil of the flood plain.

Without the green vegetation to absorb occasional floods, high water breached the original stream channels. In places the stream beds were permanently abandoned, even obliterated. Because Mono Lake has dropped 40 feet since diversions began, Rush Creek dug a deep canyon on its way to the reduced lake. What had been productive creeks were transformed into desert washes.

"There's no doubt that, on Rush and Lee Vining Creeks, the situation is proving to be technically challenging," agreed Woody Trihey. His group of stream restoration specialists, Trihey and Associates, began preliminary work this summer. On the less-damaged upper sections of the waterways, gravel beds were constructed to enhance the destroyed spawning habitat. Logs were placed to create valuable cover for trout. Secondary channels were excavated to provide safe habitat for young fish during spring floods.

Next summer, the more complex problems along the lower stretches of Rush and Lee Vining Creeks will be tackled. After physical work is completed on the damaged stream beds, crews will work to restore vegetation, an essential component in returning the Creeks to their historical conditions.

With help, the creeks of the Mono Basin may recover. The order and harmony of wildness may return.

Lake Level Watch:
Natural Drought Continues

Although DWP is diverting no water and all the available stream flows are reaching Mono Lake, it only stands at 6374.5 feet above sea level. Since its peak of 6375.2 feet in mid-April, the lake's elevation has been dropping slowly, the result of the ongoing drought.

The Mono Basin is experiencing the driest five-year period in this century. Despite the surprise storms of the "March miracle" which brought drought—ridden California from the brink of disaster, runoff rates in the Mono Basin were less than 60 per cent of normal. Precipitation this summer has been below average as well.

Mono Lake may decline another six inches by late fall as evaporation rates continue to exceed the inflow of water. Last year at this time, the lake stood at 6375.5, one foot higher.

As of early September, the lake is still two and a half feet short of the 6377 level. That is the elevation below which Mono Lake should never fall, according to court decrees upheld for the third and fourth times this year.
Fish Philosophy From The Creeks Of Mono

by John Cain

One of the great pleasures of my job as science associate is documenting the changes in the Mono Basin creeks — observing water bring back life to channels long dry. Prowling around, turning over rocks, I've discovered the larvae of stone flies, may flies, caddis flies, and a host of other creatures so valuable as food for fish. All sorts of "critters" are making a comeback in Mono's creeks, thanks to a combination of court orders, stream restoration, and nature.

One warm June day, I walked the creeks with an old hand at it — Elden Vestal, the Fish and Game biologist who wandered these same banks in the thirties and forties, before DWP's diversions devastated the ecosystem. Elden was with me to witness the rebirth that the snow melt, running free after 50 years, had brought to the basin.

Elden is an inspiring source of knowledge about fish and their habitat. Like King Midas, Vestal, now in his 70's, passes on his riches to every Monophile he touches.

I told him about the restoration work planned for Rush and Lee Vining Creeks. We discussed the importance of heavy spring flushing flows needed to scour channels, deepen pools, and flush silt from beds of cobble and gravel. Clean gravels are essential to successful spawning, and beds of exposed cobbles provide ideal conditions for the development of aquatic insects upon which trout feed. Deep pools, like large aquariums, are necessary for the development of big trout.

Elden Vestal is a life-long fisherman. As we hiked under the heavy canopy of trees shading Lee Vining creek, he regaled me with fish stories, not the kind about the big one that got away. He talked of the life of fish, not their deaths.

Elden spoke of fish spawning, and the young fry hiding in the reeds and backwater from their carnivorous elders. He can tell you what, when, and where fish eat and where they hide.

He can tell you what might eat them. Elden once saw a large dragonfly larvae devour a small trout. More impressive than the story itself is the years of diligent observation that enabled him to witness such a phenomenon.

He also told of a small boy and his father who went out fishing. The boy, who didn't like to eat trout, quickly became enraptured by the thrill of catching them. He hoarded every fish he caught, disregarding the size or legal limit. The father, afraid of spoiling a good time, said nothing.

Elden is an advocate of catch and release fishing with barbless hooks. Almost anyone can reel in newly- planted hatchery fish of uniform size shortly after they have been dumped into a stream, he says, but some anglers only find illment in stalking native trout. There is no limit for catch and release fishing. The thrill is not simply the pursuit of fish, but the pursuit of knowledge — knowledge of what fish eat, where they hide, how they think. For some, like Elden, this knowledge evolves into wisdom as they begin to grasp the interconnectedness of all life.

Of course, wild trout fishing is only possible in wild trout streams. Where anglers take large numbers of trout home, the Department of Fish and Game often replenishes the fishery with hatchery trout only tenuously connected to the ecosystem.

As I think back to that summer's day with Elden on the stream, I ponder that young boy ignorantly hoarding and destroying fish. His actions remind me of DWP's 50-year-long diversion policy, hoarding water, taking all it could from the Mono Basin, with little concern for the ecosystem. And, likewise, I think of millions of consumers, myself included, who take more than we need, in ignorance of the impact our deeds have on our environment.

Perhaps if we can learn to take less and conserve more, we may become graced with an understanding of our relationship to the natural world.

Such realizations are there, observable in the natural rhythms being reborn along Mono's formerly arid streams.
Negotiation and Compromise Lead To Settlement Protecting Pyramid Lake

By Mark Lake

While Mono Lake's future remains to be determined, Pyramid Lake, Mono's sister to the north, has benefited from a remarkable negotiated settlement.

On November 16, 1990, President Bush signed into law the Truckee–Carson–Pyramid Lake Water Rights Settlement Act. This intricate piece of legislation, also known as the Negotiated Settlement Act, allocates water rights between California and Nevada, provides drought storage, and requires water conservation in the Reno and Sparks area. It also authorizes restoration of Pyramid's fisheries, long decimated by a lack of water.

HISTORY

Like Mono, Pyramid is a terminal Great Basin lake threatened by massive water diversions. Water from Lake Tahoe forms the Truckee River, Pyramid's only significant water source. After tumbling down granite Sierra canyons on its way to Reno, the Truckee assumes a more leisurely pace on its 40-mile meander into Pyramid Lake.

Pyramid itself is a hauntingly desolate body of water, currently 30 miles long and 10 miles wide. An unexpected oasis in an expansive desert, the lake and its surrounding wetlands provide nesting grounds for white pelicans, double crested cormorants, California gulls, great blue herons and Caspian terns. (Its Anahow Island has been designated a federal wildlife refuge since 1913.)

In addition to birds, Pyramid's slightly briny waters -- only 12 percent as salty as the sea -- once boasted healthy populations of fish. Lahontan cutthroat trout and cui-ui provided a primary food source for the indigenous Paiutes, a rare combination of desert-dwelling fishermen whose aboriginal name -- "cui-ui-tuccutt" -- means "eaters of cui-ui", the fish species unique to the lake. Though tolerant of Pyramid's slightly saline chemistry, both these fish require the fresh water and gravel beds of the Truckee to reproduce.

The briny waters made Pyramid Lake undesirable to the newly arriving Europeans; in 1874 the area was designated a reservation and given to the Paiutes. Sufficient water rights to maintain a viable fishery were not given to the tribe, however, and the Truckee River was soon to be dammed.

When Nevada Congressman Francis Newland secured legislation that established the Bureau of Reclamation in 1902, the first project to begin construction was Nevada's Newlands Project, featuring the Derby Dam.

Completed in 1906, Derby, 25 miles east of Reno, diverted fully half of the Truckee River. In an attempt to make the desert bloom with alfalfa and cottonwoods, Pyramid Lake would be sacrificed.

The reduced flow of the Truckee left a delta too shallow for fish to pass upstream to spawn. Gravel spawning beds were silted over by industrial abuse, and sewage from the Reno and Sparks area choked the river. By 1940, the Lahontan cutthroat had completely disappeared from the lake; by 1970, Pyramid Lake had dropped 70 vertical feet.

SAVING THE LAKE

With such excessive diversions, Pyramid seemed doomed; then, in 1973, the Paiute's declining lake finally got some protection. A federal district court ordered the US Department of Interior to manage the Newlands Project in such a way to maximize the flow to Pyramid. While the order fell short of specifying a water right for the lake, the decision succeeded in cutting Derby Dam diversions in half by the end of the 1980's.

1973 was also the year the Endangered Species Act became law. The Lahontan Cutthroat receiving threatened status and the cui-ui was listed as endangered. In an attempt to save the species, the Pyramid Lake Paiute Tribe, with help from the Nevada Department of Wildlife and federal funding, began raising the fish in tribal-operated hatcheries.

A final agreement on the lake began to look possible in 1987, when US Senator Harry Reid gathered together representatives from the Paiutes, the state of Nevada, the Sierra Pacific Water Company and the Truckee–Carson Irrigation District. Although the irrigation District withdrew from the negotiation process, the other parties forged an agreement by the spring of 1990. This was included in the recently-signed Negotiated Settlement Act.

The agreement on Pyramid Lake helps to restore damaged wetlands and fisheries. A new Truckee River
operating agreement will put emphasis on the fisheries, not the generation of hydroelectric power. The Secretary of the Interior is also ordered to purchase water rights to sufficiently guarantee approximately 25,000 acres of wetlands in the Lahontan Valley which will once again provide food for Pyramid’s countless birds. It calls for the Interior Department to "expeditiously revise, update and implement plans for the conservation and recovery of the cui-ui and Lahontan cutthroat trout."

Funds are also made available to the Paiutes to provide a steady source of income for their fish hatcheries, independent of annual congressional appropriations.

**THE FUTURE**

Pyramid Lake is not yet out of danger. The Negotiated Settlement Act does not specify an amount of water to which Pyramid Lake is entitled, although restoring the fisheries does require more water getting to the lake. Agreements between Nevada and the tribe over flood water use will need to be made before the new operating rules for the Truckee River can take effect. For years, the Paiutes have benefitted from the seasonal floodwaters which now rach the lake for lack of upstream storage. The possibility of assigning this water to others would have a negative effect on the lake. Water quality problems due to continued development in the Truckee Meadows area also influence the health of the lake.

Despite these remaining obstacles, the Negotiated Settlement remains a rare and encouraging example of compromise and negotiation. No party was unduly burdened as Pyramid Lake moved closer to protection. The Friends of Pyramid Lake, a citizen's group organized to protect the lake from destruction, considers the act a significant environmental victory. And Joe Ely, Paiute tribal chairman during the time of the negotiations, calls the settlement "a realistic compromise, where various parties are sharing the water resource as neighbors, to the benefit of all involved."

If as tangled a web as the Newlands Project–Pyramid Lake problem can be resolved, there should be hope for the Mono Basin.

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**In Celebration**

Several contributions were made in honor of the July 13 Mammoth Lakes wedding of Ann Howald and David Leland. Those giving to Mono Lake in their behalf were Genny Smith, Julie Horenstein, Mark Bagley, and Diana Hickson.

The marriage of Glenda Chui and Bill Parks of Hayward was celebrated with a contribution by Richard and Carole Tunley.

Georgia Stigall sent a donation as a birthday present for her friend, Mark Dickhans, in Santa Cruz.

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**In Memory**

In the last newsletter, we announced the death of Enid Larson. Her friends John and Dian Mawby of Fresno sent a memorial donation in her name, as did Jerry Stuefloten of Santa Clara.

We also mentioned former Committee staffer Paul Kohlberg's death. He was remembered with a contribution from Mr. and Mrs. James Goldworthy, of Reno, NV.

Laurie–Ann Barbour, from San Francisco, sent a gift in memory of Michael Joseph Williams, alias "The Wanderer".

---

Leslie E. Freeman, from Lancaster, made a memorial donation in the name of Les and Evelyn Vogensen. She also send a gift in honor of Fred Metzler, who died August 5.

Laurene Ragsdale, of San Bernardino, was remembered with a contribution from her husband John and the rest of the Ragsdale family.

Gordon and Eleanor Pearson, of La Crescenta, sent contributions in memory of Raymond A. Nelson and Jack Olson.

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**Accolades**

Francis Odell, of Newport Beach, sent kind words of appreciation and a donation to support the Mono Lake Newsletter.

The Napa Solano Audubon Society, in Vacaville, made a contribution for Mono Lake's legal fund.

Kenneth Lane, from Oakland, made a generous donation of his Compaq computer and printer to the Lee Vining office. Southern Californians Dan and Sally Gutiierrez worked wonders setting it up, and visited LA and Lee Vining to install printers, clean up our computers' hard discs, add menus and make life much easier for the computer literate and semi-literate in both offices.
ENTER THE 1991 SAVE MONO LAKE FREE DRAWING!

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"Winter Sunrise, Sierra Nevada from Lone Pine, California, 1944"

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Mono Lake Weekend
Middle Folk of the American River Rafting Trip
"Reach for the Sky" Wood Carving
Eddie Bauer's Precious Gift Globe
$100 Williams-Sonoma Gift Certificate
$100 Smith & Hawken Gift Certificate
The North Face Travel Bag

A detailed description of all prizes can be found on the enclosed tickets. The drawing will be held on October 31, 1991. To enter, send the completed ticket stubs, along with a suggested donation of $20, in the return envelope. Your continued support of the Mono Lake Committee's efforts helps to protect Mono Lake for us all!

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