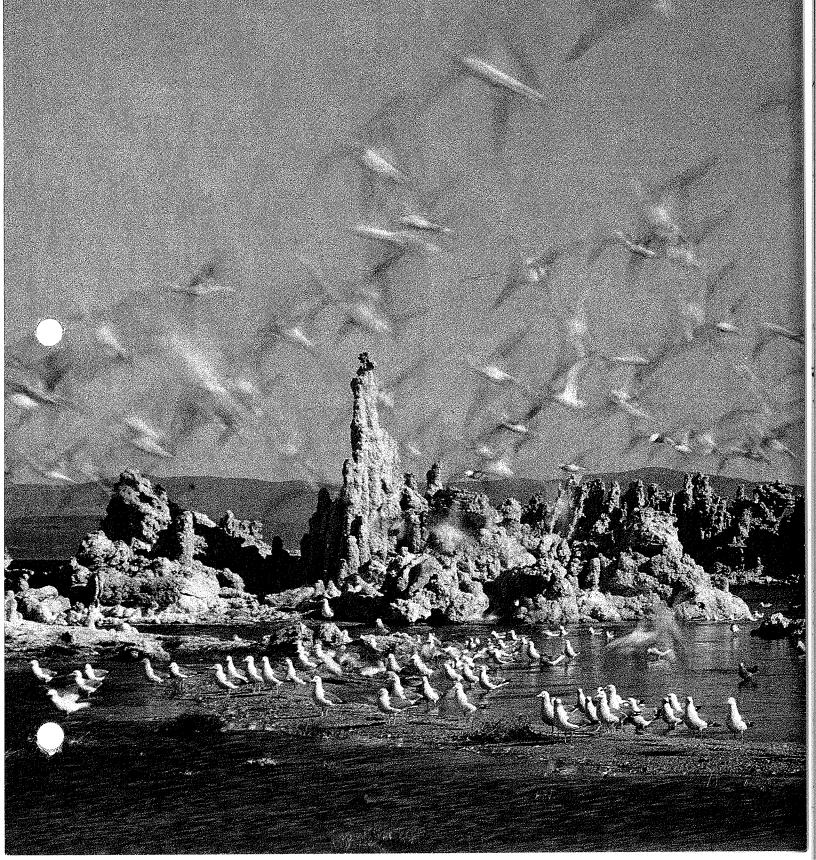
Summer 1991

Vol. 14, No. 1

MONOSETTI

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This Issue's Cover:

Summer has arrived at Mono Lake! As wildflowers burst into bloom, birds whirl around the towering tufa, feeding on dense plumes of brine shrimp in Mono's warming waters.

John D. Mercer, of Sonoma, CA, furnished the photograph on this issue's cover. It beautifully illustrates the excitement that summer brings to the Eastern Sierra.

Our newsletter needs pictures — color and especially black and white — that show the beauty of Mono. If you have slides or prints you'd like to donate, please contact Bob Schlichting in the Burbank office, (818) 972-2025.

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

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This newsletter is partially funded by a grant from the Mono Lake Foundation, a non-profit, tax-exempt organization dedicated to studying and protecting the Mono Lake watershed. The Mono Lake Committee is a lobbying organization and greatly needs your direct contribution. However, if you wish to make a tax deductible contribution to the effort to save Molake, please write your check to the "Mono Lake Foundation."

SUMMER AT MONO LAKE!



slide show and interpretive displays that explain Mono Lake. We also have a great selection of books. gifts and water conservation supplies.



Summer has arrived! The Mono Lake Committee Visitor Center in Lee Vining has begun its summer season with extended hours and tours of the lake. We are open 9:00 AM to 9:00 PM daily. Come see our free



Learn about Mono Lake first-hand with a sunset tour. The Mono Lake Committee offers free guided walking tours at the lake every evening at 6:00 PM. This one-anda-half hour, one mile walk will introduce you to the unique features of the Mono Basin. It offers great opportunities for

photographers. Meet your guide at the South Tufa parking lot.

Rangers from the Tufa State Reserve and US Forest Service also lead nature

walks mornings and afternoons. Meet at 10:00 AM or 1:00 PM at South Tufa.



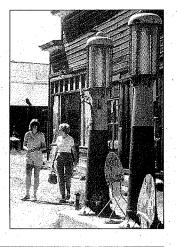
Nearby Mono Lake, where the Great Basin meets the Sierra Nevada, there are many diverse landscapes to explore. The scenic June Lake Loop is southwest of Mono Lake and takes you through a spectacular Sierran canyon. For fishing folks, there are plenty of lakes and streams. Tioga Pass is open again to Yosemite National Park, just to the west. Historic Bridgeport and the ghost town of Bodie are to the north. South are the stunning White Mountains and the Mammoth Lakes basin.

We'd be happy to fill you in on more details. Call or stop by the Mono Lake Visitor Center!



Mono Lake Canoe Tours. A wonderful way to experience Mono Lake is from the water itself. Naturalist guides explain this lifeproductive lake as you canoe through tufa spires along South Tufa's shores. An experience not to be missed!

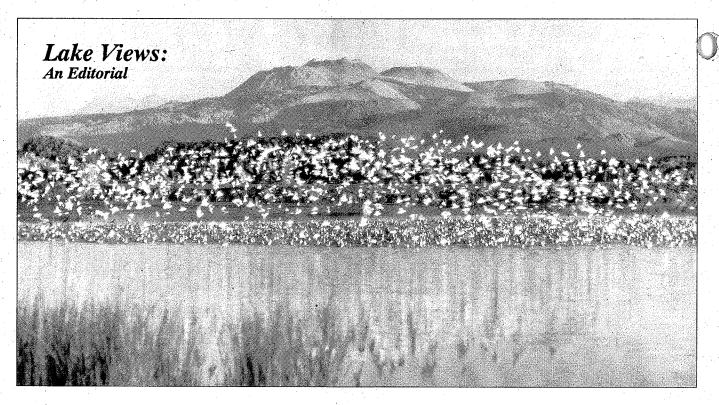
Every Saturday and Sunday, 8:00 AM, 9:30 AM, 11:00 AM, from June 15 - September 29. Adults \$10, Kids \$5. Sorry, no kids under 4 years old. Reservations are suggested. Contact the Committee's Visitor Center in Lee Vining.





The Mono Basin Historical Society Museum is open Friday, Saturday and Sunday afternoons from 1:00 to 7:00 PM until Labor Day. The Museum, housed in a restored 1922 school building next to Lee Vining's park, features exhibits of Native American and pioneer history. It boasts a large collection of early photographs and Western artifacts. Admission is \$1. Tax-deductible memberships are \$5, and include a quarterly journal on Mono Basin history. The volunteer organization receives no government funding; its budget is derived entirely from donations and membership contributions.

For more information about the museum, contact the Historical Society, P.O. Box 31, Lee Vining, CA 93541.



Is the Mono Lake Committee being too reasonable?

For the political games DWP is playing, the Mono Lake Committee is at a disadvantage. We're too reasonable.

Since our founding in 1978, the Committee has always sought reasonable goals for the protection of Mono Lake, goals based on hard scientific information, not emotion. Of course, we could have stubbornly fought to return to the original lake level before diversions began — 6417 feet. That would have offered the threatened ecosystem the best protection. Instead we chose to be more realistic. Our goal is listed on our newsletter's masthead: we "seek a compromise that will meet the real water needs of Los Angeles and leave our children a living, healthy and beautiful lake."

Biologists, not politicians, began the campaign to save Mono Lake. Scientific evidence at the time indicated that a management lake level of 6388 would best protect the ecosystem while still allowing Los Angeles to divert water. This proved to be amazingly accurate. Drawing upon a decade of independent scientific investigation, the US Forest Service in 1989 called for a range of lake levels between 6377 and 6390. Based again on ever-increasing information, California's courts also supported 6377 as the absolute minimum below which Mono Lake should never fall.

As new information became available, the Committee modified its position. When court-ordered stream flows offered a dependable, year-around water supply to the lake for the first time in 40 years, we revised downward estimates of the buffer needed to protect Mono. We adopted a 6386 management level, within the Forest Service recommendations.

We modified our position in light of new information what about DWP? In the lengthy court case recently concluded, DWP lead attorney Aldolf Moskovitz called the environmental warnings of the Committee, the federal government and the state of California "emotional and sometimes hysterical". He insisted "there would be no adverse effects" if diversions continued and the lake was allowed to drop.

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Superior Court Judge Terrence Finney disagreed with DWP. After listening to months of scientific evidence, he decreed Mono Lake should not be allowed to fall below 6377.

And what was DWP's reasoned response? They immediately filed a motion asking the judge to rehear the case for a fourth time. Then DWP Commission President Mike Gage announced to the press that we were the stumbling block to a solution; a May 8 Los Angeles Times article noted that "an angry Gage insisted that the city has been willing to negotiate all along, but environmentalists have refused to consider a compromise."

What would he have us compromise? The scientific data agreed upon by most everyone but the DWP? We are not arguing from inflated figures; for us, the bottom line has always been the health of Mono Lake.

It's a little like applying for a job and telling your employer you require just enough salary to buy food for your kids. If you had requested three times that amount and settled for twice what you expected, great, you've compromised. However, if you ask for the bottom line and refuse to come down, you refusing to compromise. Never mind that your prospective employer is getting a better deal than he expected — you

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haven't compromised. You haven't played the game.

Despite DWP's accusations, the Mono Lake Committee worked mightily to reach a solution. When DWP claimed couldn't afford to find replacement water, we encouraged the state legislature to create a \$60 million fund to finance alternative water sources. The legislature did so, with the proviso that DWP and the MLC jointly apply for the money. We located and encouraged projects that will produce much more than the 70,000 acre feet needed to insure a healthy Mono Lake. Yet DWP stubbornly refuses to join us in applying for the \$60 million.

"The primary obstacle to having an agreement toward a funding application has been the Mono Lake Committee's insistence in identifying a permanently protected lake level." That's how, in a recent letter, DWP recently explained their refusal to join us in applying for the \$60 million. The letter added, "We, on the other hand, have proposed submitting an application on an incremental approach in which funding assistance would be sought for specific replacement projects which, individually, may not provide a permanent solution but would contribute toward a permanent protection to the Mono Lake ecosystem."

That's the compromise DWP is offering. Translated into non-bureaucratic terms, it means "give us the money, give us the water; we won't promise to save Mono Lake, but trust us."

DWP is doing little to encourage such trust. In that same

May 8, LA Times article, MLC executive director Martha Davis points out she's getting "mixed signals" from "negotiators" who were once again in court seeking permission to divert water. Times writer Virginia Ellis says this:

"Gage said the decision to seek reconsideration of the judge's ruling was nothing more than a 'little legal ploy' to preserve the city's right to appeal the issue at a later date if necessary.

Given the judge's repeated rulings against the city, Gage said, 'Nobody suspected for a second that our filing the [request] with the judge would succeed."

So DWP resorts to admittedly futile "legal ploys", while labelling environmentalists as unreasonable for insisting upon a permanently protected lake level.

The Committee and the National Audubon Society have put forth a "Six-Point Plan" to solve the crisis. It is summarized on page 8. Judge for yourself if our solution is reasonable or not.

Judge Finney's recent decision is reported on page 6. Decide for yourself if our position is reasonable in light of the evidence he heard over six long months.

From the beginning, we've asked for what Mono Lake *needs* to protect it. That's a reasonable position — apparently too reasonable, for the games DWP is playing.

Written by Bob Schlichting

Pro bono legal fees and Mono Lake

"Pro bono -- Designating the taking of a case by an attorney without a fee. Pro bono cases are often defended on behalf of groups backing important causes." -- The New York Public Library Desk Reference, page 364.

The exact term is pro bono publico -- "for the good of the public." It was on those terms -- no fee -- that the law firm of Morrison and Foerster first took up the cause of Mono Lake, donating \$250,000 of free legal time.

The case proved to be a complicated and lengthy one, however. The present Morrison and Foerster legal team — Bruce Dodge, Patrick Flinn and Bryan Wilson — estimate that the first quarter of a million dollars in donated time was used up by 1980.

To enable the firm to stay in the case until the end, a reduced fee -- 50 percent of regular rates -- was decided upon for its clients, the Mono Lake Committee and National Audubon Society.

Morrison and Foerster have been fighting this battle for almost 12 years. During that time, according to the journal California Law Business, "it is estimated that the LADWP has spent \$7 million — at least — on multiple lawyers, insultants and other experts who have unceasingly pursued its case."

Our attorneys, on the other hand, have fought on with grassroot support. Comparing our "shallow resources" to DWP's unending financial reserves, *California Law Business* explained how, for expertise in the latest court battle, "Morrison called upon scientists who had studied various elements of the lake for their own interest. The scientists testified for free to publicly defend their scientific findings."

Yes, DWP has outspent the Mono Lake Committee more than five to one on attorney's fees alone — yet we keep winning. Our victory is a tribute to our legal counsel; our self-less experts who donate their time in support of what they believe; and our generous membership, whose contributions enable us to keep on fighting.

Our deep appreciation goes to everyone who responded to our fall emergency legal appeal. You helped make our latest legal victory — described on the next page — a reality.

Thank you.

After Committee's most protracted court case:

MONO LAKE WINS ON EVERY POINT!



An informal Judge Finney, on tour of the Mono Basin last June as part of the court case. Photo by Ilene Mandelbaum

For the third time in three years, a California judge has stopped attempts by Los Angeles to divert water from the endangered Mono Basin.

In a strongly-worded decision issued April 17. 1991, Superior Court Judge Terrence M. Finney established 6377 feet above sea level as the elevation below which Mono Lake must not be allowed to fall. The ruling prevents LA's Department of Water and Power from taking water

from streams feeding Mono Lake until the lake's level rises at least two feet.

The judgment concludes a lengthy hearing that began on June 21, 1990, and was heard in South Lake Tahoe's El Dorado County.

Pitted against attorneys for Los Angeles and DWP were representatives of the Mono Lake Committee and the National Audubon Society, as well as Deputy Attorneys General arguing for the California State Lands Commission.

Also supporting the Committee's position and supplying written comment as Amicus Curiae ("friend of the court") were representatives of the US Forest Service, the Sierra

Club Legal Defense Fund, and the Great Basin Unified Air Pollution Control District.

ISSUES OF THE DECISION: "IRREPARABLE HARM"

In his fifteen-page written decision, Judge Finney characterized and then dismissed DWP's argument that "experimenting with the ecology and environment of the Mono Basin does not cause irreparable harm because it can always be repaired."

"No authority for such a position is cited and the court doubts any can be found," he wrote.

Citing the long time dewatering of Lee Vining, Parker, Walker and Rush Creeks which caused the destruction of the fisheries and the streams, he declared, "The loss for years of those excellent trout streams denied the citizens ... the right that the public trust was intended to protect. The loss of that recreational experience to thousands of citizens over a substantial number of years is irreparable and even though

the streams are in the process of being restored, those lost recreational opportunities are permanent."

THE STATUS QUO

Noting that one of the reasons for issuing a preliminary injunction is to "preserve the status quo", Judge Finney asked both sides to describe the term.

Counsel for DWP defined the status quo as the continued diversion of water as it had done since 1941. If normal diversions were restored, they argued, the lowest that Mono Lake could be expected to drop by the end of 1993 would be 6373.5 feet. This would produce "no material adverse effects" on the lake, the birds, or the quality of the air in the basin.

Judge Finney instead chose the position offered by Deputy Attorney General Jan Stevens. Speaking for the State Lands Commission, Stevens said, "The status quo, we believe, is to attempt to preserve the status of the lake in its present condition or better. And to attempt to preserve the Public Trust values that exist in the lake."

WILDLIFE HABITAT

A main argument in the case was the threat to nesting birds. "It seemed logical to the court," said Judge Finney, "that if 50% to 70% of the California gulls at Mono Lake

nested on those four islets and they would become landbridged because

of a drop in lake level, that would have an adverse impact on their nesting grounds."

"... a national environmental, ecological and scenic treasure

should not be experimented with even for a few brief years."

-- Judge Finney, ruling in favor of Mono Lake, April, 1991.

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Many experts testified about the health of the gull colony. "The court does not want to seem flip in its comments," noted the Judge, "but after hearing all the experts' testimony concerning the California gulls at Mono Lake, the court was as much impressed with what they did not know or could not explain as with what they did know."

"There is simply too much we don't understand about the California Gull and its nesting habits to allow us to roll the dice by landbridging the islets and hoping for the best," he added.

AIR QUALITY

"It is beyond dispute that air quality standards have on occasion been violated in the Mono Basin," proclaimed Finney. He agreed with the Committee's position that, "because of the gentle slope of the lake bed ... as the lake drops, if the injunction is not granted, a large increase in

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"6377 feet is simply a minimum level necessary to protect the resources at Mono Lake." — Judge Finney, April, 1991.

exposed playa will result." This action "will guarantee increased violation of the air quality standards in the Mono Basin."

"There is little doubt that if [DWP] were applying for a new permit and license to divert water or to build a facility that would cause the air quality standards to be exceeded, those permits would not be forthcoming ..." concluded the Judge.

"Aside from the cancer risk created by the airborne dust particles containing arsenic, there is also the aesthetic consideration," argued Finney. "To the tourist hoping to visit an area of great scenic beauty, it may constitute a real inconvenience." He then commented that, if the lake were allowed to recede further, "large bog-like areas will result ... making it difficult for many visitors to access much of the lake."

STATE VS. FEDERAL PROTECTION

The state of California has control over the area of the lake covered by water, while the shoreline comes under federal jurisdiction as a National Forest Scenic Area. Finney noted that, with the decline of the water level since diversions began in 1941, "the state has lost to date about 500 acres of land." Now, because of the gentle slope of the lake bottom, any further drop in level will result in "another several thousand acres" to pass into federal ownership.

While under state ownership, the lake is protected by the public trust doctrine; that is not the case under federal control. "It is not beyond possibility that the federal government would do something along the shoreline of the lake that would be contrary to public trust values," Judge Finney said. As an example, he cited the abandoned concrete abutments which still exist along Navy Beach, where tests with explosives were performed after World War II. "The remains of that facility ... do not enhance nor are they compatible with the scenic values the public trust would seek to preserve."

COST

DWP had claimed in court that restoring Mono Lake to the required level would lose Los Angeles 96,500 acre feet of water and incur an undue cost of 34 million dollars. Judge Finney disagreed, saying "to restore the lake to 6377 feet, the level ordered by the court in 1989, will require approximately 63,000 acre feet of water." The interim stream flows already required furnish approximately 60,000 acre feet; thus "if the court's 1989 order had been met ... the ater necessary to maintain it ... would be less than [DWP] west to the operation of Cain Ranch [in the Mono Basin] for the raising of sheep." Contesting DWP's projected

financial losses, the judge added "one could argue that the cost should be measured by the \$30,000 per year [DWP] receives for rent on Cain Ranch."

CONCLUSION

Judge Finney summed up his decision by saying, "It is feasible to minimize the harm to the Mono Basin environment. Ecological values can be protected. Irreparable harm can be avoided. The cost to [DWP] is nominal when one considers what is at stake. Other water is available to [DWP] even during these drought conditions. The status quo as set forth must be preserved..."

Finney's decision is now in effect and will remain so until the State Water Resources Board completes its public trust hearings in 1993. Taking note of those proceedings, Finney reiterated that "6377 is simply a minimum level necessary to protect the resources at Mono Lake." In a warning to DWP, he noted that the Water Board "may conclude that 6377 feet is not adequate to protect those values." He opined there was "an excellent chance" that a level of 6377 or higher will be required by the board, and stated his view that, if the level was challenged again in court, the plaintiffs have "an excellent chance of prevailing...."

REACTION: DWP CONTESTS DECISION

Legal maneuvering continued as DWP lawyers filed a motion for reconsideration of the decision, contending that the ruling "is supported by neither the evidence nor the law."

Shortly thereafter, in a Los Angeles Times article on May 8, DWP Board President Mike Gage stated that the motion was merely "a little legal ploy", adding "nobody suspected for a second that our filing the [request] with the judge would succeed."

Gage's comment and the fact that no new evidence was presented to warrant DWP's motion for reconsideration led an outside attorney, Barrett McInerney, representing Mammoth Flyrodders and California Trout, to file a motion for contempt.

"While forcing nonprofit environmental organizations to pay the fees and costs to send their attorneys scurrying hundreds of miles to South Lake Tahoe may be 'a little legal ploy' to the City of Los Angeles, it is an action which classically defines a frivolous motion," McInerney wrote to the court. After noting that LA "and its attorneys are well aware that their resources dwarf those of their opponents ... and that a prolonged war of attrition may be their only hope of victory," he characterized DWP's motion as "grossly disrespectful to this Court and simply another instance of unabated arrogance"

As of press time, Judge Finney has not issued a ruling on the motions for either reconsideration or contempt.

Meantime, DWP has indicated it will not further appeal his upcoming decision.

Written by Bob Schlichting

Six-Point Plan Protects Both LA and Mono Lake

A comprehensive six-point plan to solve the 50-year-long Mono Lake dispute is being widely circulated by the Mono Lake Committee and the National Audubon Society. The plan, which has gone to water agencies, political leaders and media outlets around the state, addresses the needs of both Los Angeles and Mono Lake. It allows for both water diversions and lake protection. Most of the restrictions being requested for Mono Lake's protection have already been required by California courts.

Here is a summation of the points -- three addressing Mono Lake's needs and three addressing Los Angeles' needs:

Mono Lake's Needs

1. Management Lake Level, 6386 feet.

This level protects most of Mono Lake's ecological resources and wildlife populations, restores substantially its scenic grandeur and greatly reduces the health risk from hazardous alkali dust blowing off the lake's exposed shoreline. It is a full 30 feet below the lake's level before diversions began.

The 6386 lake elevation provides a prudent nine-foot buffer against dramatic declines in the water level resulting from droughts or the diversions still allowed to Los Angeles. As a management level, it would allow fluctuations between 6390 and 6377, the range recommended by both federal and state governments.

3. Minimum Stream Flows.

Courts have already ordered flows of approximately 60,000 acre feet to restore the basin's fisheries and streams to pre-diversion levels. DWP is in the process of rebuilding and restoring the destroyed streambeds and fish habitat. These court ordered flows constitute minimum water releases Los Angeles must make each year.

5. Minimum Lake Level, 6377 feet.

This level, upheld for the third time by the courts, is the elevation below which Mono Lake must never fall. Current levels are two feet below this minimum; LA cannot legally divert water unless the lake is above this point.

In addition to the courts, this position is consistent with the findings of the US Forest Service, the California State Lands Commission and the Great Basin Unified Air Pollution Control District.

Los Angeles' Needs

2. Replacement Water

To make up for supplies no longer coming from the Mono Basin, replacement water will be found. The \$60 million State Environmental Water Fund would be used to help the City finance wastewater recycling, water conservation and water marketing projects. Two proposed wastewater projects alone -- the East Valley and Los Angeles-West Basin Projects -- will generate 120,000 acre feet of new

water a year for LA.

4. Drought Year Protection

LA would still be able to divert water. especially in drought years. This provides protection not only for the City but fe eastern Sierra resources such as the Upper Owens River. As long as the lake stays above the 6377 level and minimum court-ordered stream flows continue, water can be diverted from the basin.

6. Diversions During Implementation.

Because it may take time to develop replacement water, LA would be able to divert 15,000 acre-feet water a year from the basin for the first five years, provided that the minimum stream flows and the lake level requirement ordered by the courts are met. This is a five-year concession that allows DWP to take basin water until its new proposed projed come on line, even though reaching Mono Lake's healthy

ASIX-POINT PLAN

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Angeles to divert a limited amount of water from the Mono?

The standard of the st mat replacement water projects are under Augeles with drought-year projection.

management level is delayed.

Mono Lake.

For young Elden Vestal, it was an ideal job — tramping along the nks of rushing streams, carefully king notes on fish populations and the lush green vegetation filling the creek bottomlands. As a fisheries biologist for what was then called "the Division of Fish and Game," he was assigned to the Eastern Sierra in 1938 — before DWP's water diversions would destroy the Mono Basin streams he loved.

Everything changed one day in March, 1941 when Elden realized that no water had been released from Grant Reservoir down Rush Creek since the previous October. Water from Walker and Parker Creeks, Rush's tributaries, and from springs that fed the creek had given the illusion downstream that flows from the dam still continued.

"I was deeply disturbed about the state of Rush Creek in the spring

of '41. I wrote a letter of protest to a DWP civil engineer, and received a curt reply. I then wrote the Chief of the Bureau of Fish Conservation. The reply was a thinly veiled warning to stop my investigations into what was apparently very sensitive political question," said Vestal.

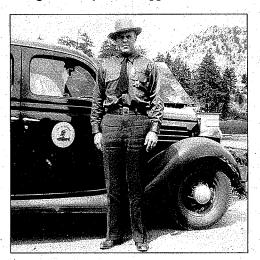
He continued to protest and document the damage being done to the environment he was hired to oversee, but Vestal was a lone voice speaking out from within a politically charged bureaucracy. He says he was reprimanded by his higher-ups for stepping "beyond his bailiwick." His warnings about the destruction of the creeks were ignored.

In 1950 he was moved to a position in Fresno, on the western side of the Sierra, far from the controversy of Mono Lake water diversions. It wasn't until 40 years later, in the midst of a crucial legal battle, that Elden Vestal's concerns were vindicated. His long-forgotten observations—recalled from a South Lake Tahoe witness stand—would serve as testimonial to the bounty of the ecosystems of Mono Lake's lost streams.

"Never in my wildest dreams did I think my work would be brought to value some 50 years hence, though early on I was distrustful of the Department of Water and Power," explained Vestal. "One reason I kept photos and materials was my apprehension of the DWP. They were a tremendous political power and challenging them seemed like grasping for a bite out of the moon."

When DWP lawyers argued in court that little hard scientific data existed describing conditions in the Mono Basin before diversions began, Vestal, now retired and ving in Napa, was able to produce a garage full of long-orgotten, detailed reports. His Mono Basin observations, both professional and personal, were key to the Mono Lake

Restoring Mono Lake's streams seemed like an impossible task. Then one man came forward. This is the story of a biologist's 50-year-struggle to be heard.



Elden Vestal

The Man Who Saved The Streams

Committee's victory in the fish flow hearings that mandated DWP to rewater streams that once sustained fisheries.

As the result of that victory, Walker and Parker Creeks underwent extensive restoration last year. This summer, the court-ordered reconstruction of Rush and Lee Vining Creeks will begin. Once again, researchers will turn to Elden Vestal and his mountain of detailed notes to help determine the nearly-forgotten potential of the decimated streams.

"We can't have Rush and Lee Vining Creeks back exactly the way they were," said Ilene Mandelbaum, MLC Associate Director, "but Elden is the key to what the court has mandated — restoration of the conditions which benefited the fisheries. We rely on his testimony to understand what was here — deep water for big fish, excellent spawning

gravel for trout, and abundant springs and seeps filled with beds of watercress. Holding the whole system together were lush riparian forests."

How does Vestal react to his role in the Mono Lake Committee's struggle against DWP? "It's nice to know you helped David take down Goliath," he said. "But now I wish I had taken better notes on the streams. They might have been

very helpful in the restoration project."

"Elden's too modest," countered Mandelbaum. "His description of prediversion stream habitat is scientifically merited and historically invaluable. But it is also inspirational. His testimony of what once existed is testimony to what could be again -lively ribbons of water meandering



Elden Vestal and his wife, Mary Ethel, 1991. "One reason I kept photos and materials was my apprehension of the DWP ... challenging them seemed like grasping for a bite out of the moon."

across the foot of the Eastern Sierra, nurturing dense forests of cottonwoods, willows, and Jeffrey Pine."

"It's all there in my notes," Vestal said. "Perhaps it will be like that again."

Written by Carolyn Callahan

State Offers Central Valley Water Transfer Plan

An unusual state proposal could help solve two of California's most pressing environmental problems: the preservation of Mono Lake and the reduction of selenium-contaminated land in the San Joaquin Valley.

The plan was put together by Charles Warren, Executive Officer of the State Lands Commission under Lieutenant Governor Leo McCarthy. It has been endorsed by both Mike Gage, DWP Commission President, and Martha Davis, MLC Executive Director. A state task force is being formed to explore the plan further.

"The proposal is intriguing because it solves several problems at once without endangering other ecosystems," said Davis. "The Committee has always been concerned that protecting Mono Lake doesn't provide DWP with an excuse to put another region of the state, such as the San Francisco Bay Delta, in jeopardy. DWP has argued in court that water from the Metropolitan Water District (MWD) is their only replacement for Mono Lake diversions. But using more MWD supplies puts more pressure on the Delta."

Under the proposal, a combination of state and other funds would be used to retire farmland in the San Joaquin Valley that has severe drainage and salt-contamination problems. When irrigated, naturally-occurring selenium, arsenic and boron leach from the soil, contaminating waterways and wildlife habitat. Already, areas like the Kesterson National Wildlife Refuge have been devastated by the toxic irrigation run-off.

Retiring the land would allow the water used for irrigation to be available for other uses. The plan identifies three: some water would remain in the valley, irrigating non-contaminated land; some would be used to enhance fish and wildlife habitat

in an area that has lost 95 per cent of its natural wetlands; and a portion would be redirected to Los Angeles as replacement for the diversions lost from the Mono Basin. In exchange, DWP would agree to the protected Mono Lake level.

A minimum of 75,000 acres on the west side of the valley suffer from a combination of shallow water tables and contamination by deadly salts; estimates of the total acreage affected run as high as 500,000 acres. A recent task force headed by the US Bureau of Reclamation recommended that at least 75,000 acres be retired to solve the problem. Such a move would free up more than 300,000 acre feet of water annually.

The \$60 million in state funds established by AB444 could be used as "seed money" for the project, providing DWP and MLC make a joint application for the money. But many facets of the proposal remain to be worked out. In addition, federal law would need to be changed. A bill sponsored by Senators William Bradley (D, NJ) and Alan Cranston (D, CA) would remove federally-imposed obstacles to the transfer of water outside the San Joaquin Valley. Area farmers must also agree to the proposal — something that has not yet occurred.

"We agree, in principle, with retiring some of these lands and moving the water to areas where it can be used more beneficially," said Rob Leake, Assistant Public Affairs spokesm for the Westlands Water District, site of most of the selenium—tainted lands. "But this is a lot closer to home than LA."

"This proposal can only work if everyone — farmers, the State, the Bureau of Reclamation, Los Angeles and the Mono Lake Committee — join together to bring about the water transfer," said Davis. Everyone must benefit, or the deal won't work."

Lake Level Watch: 6375 And Falling This Summer

Mono Lake currently stands at 6375 feet above sea level. The preliminary injunction recently upheld by the El Dorado Superior Court bars DWP from diverting Mono Basin water until the lake reaches 6377 feet; even at normal precipitation rates, it will take a several years for Mono to reach that level.

The basin's snow melt for 1991 is projected to be about 60 per cent of normal. As the below-average run-off peaks this summer, Mono Lake will begin to drop slowly, because of high summer evaporation rates. Once run-off tapers away in late summer and fall, the lake will recede more quickly. It should stand at approximately 6374 by the end of the calendar year.

Several serious problems have resulted from the lake's decreasing elevation. Currently, coyotes have easy access

across the exposed lake bottom to the gull nesting colonies on Negit Island. In addition, large expanses of uncovered alkali playa are now exposed to the wind, which caused several severe, unhealthy dust storms this spring. During May, particulate matter in the air exceeded federal air quality standards on two occasions.

If precipitation returns at least to normal next winter, Mono Lake could rise slowly to a 6375.2 elevation before the spring snow melt begins. Even then, Negit will still be land-bridged and playa will be exposed until late into next year's gull nesting season.

Written by John Cain

Wine Cellar Drawing A Success

For the first time in its six-year history, the Fine Wine ellar Drawing was a sell-out, with all 500 of its tickets

sold. Approximately 200 people attended the Mono Lake Committee reception held on May 10 at the St. Francis Yacht Club in San Francisco.

Lieutenant Governor Leo McCarthy, chairman of the State Lands Commission, addressed the early-evening crowd. Congratulating the

Committee on its recent court victory, McCarthy then announced the Lands Commission's proposal to resolve the Mono Lake case rough the transfer of water to cos Angeles from contaminated Central Valley farmland. The proposal has been endorsed by the MLC and DWP. The Lt. Governor spoke of his optimism in working out a solution with LA, citing the "good environmentalist credentials" of DWP's new Commission President, Mike Gage. [For more on this proposal, see page 10.]

The winners of the wine cellars were: Judge and Mrs.
Norman Reid, of Modesto;
Raymond Gada III, from Modesto;
Robert Cameron, of San Francisco; and Jack and Kay Cutter of Orinda.

Thanks go to Alfred Baxter,
Herbert Cerwin, and Herb
McGrew for donating three wine
cellars, and to Gerald Asher for
selecting the fourth. Guy Kay of
Beringer Winery donated the wine
for the reception. According to
evelopment Coordinator Liz
shman, the event grossed over
\$25,000 for the Committee.



Tom Soto, newest MLC Board of Directors member, talks with Lt. Governor Leo McCarthy at the Sixth Annual Fine Wine Cellar Drawing May 10. McCarthy, chairman of the State Lands Commission, addressed the group of 200 at the fund-raising event at the St. Francis Yacht Club in San Francisco.

Soto Named New Board Member

Tom Soto of Santa Monica became the newest member of the Mono Lake Committee Board of Directors at its

quarterly meeting May 4.

Soto, a seventh generation Southern Californian, owns PS Enterprises, an environmental consulting firm specializing in water, solid waste, and air quality problems. Tom is a longtime activist, involved with the Mexican American Political Association, LA League of Conservation Voters, and the Coalition for Clean Air. He coordinated Tom Bradley's International Mayor's Conference on Global Warming and was the director of Earth Day in Los Angeles in 1990.

NEW ZEALAND TRIP TO BENEFIT MONO LAKE

The eighth in the series of Mono Lake Adventure Tours will offer an intensive three-week study of the natural and cultural history of picturesque New Zealand. The cost of the trip includes a tax-deductible donation to the Mono Lake Committee.

Taking place February 7 – 28, 1992, the customized itinerary includes travel by plane, train, bus, boat, and foot. Travelers will visit the cities of Auckland, Christchurch, Dunedin and Queenstown, exploring the cultural history of the small country as well as experiencing present-day life.

"We have lined up expert guides along the way," said Mildred Bennett, Travel Coordinator. "This is more than a touch-base kind of trip."

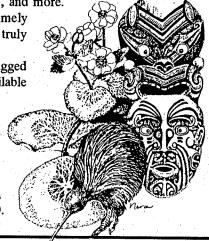
Outdoor experiences will include a farm stay and trips to the Rotorua geothermal area; Muriwai Beach; Tongariro, Paparoa, and Westland National Parks; Okarito Lagoon; Milford and Doubtful Sounds, and more.

"The plant and animal life in New Zealand is extremely diverse," she added. "The land and seascapes are truly spectacular."

Also scheduled is a three-day hike on the rugged Routeburn Track, although alternate plans are available for those who choose not to trek.

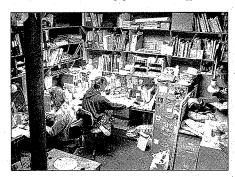
The custom tour, arranged by Betchart Expeditions, costs \$3590, including the donation to Mono Lake. Airfare between the US and New Zealand is additional.

For a brochure with complete details, call or write Mildred Bennett, 2719 Marin Avenue, Berkeley, CA 94708; telephone (415) 526-1260.



Visitor Center Remodel:

Mini-Project Creates Much Needed Office Space



Crowded office conditions in the Committee's Lee Vining Visitor Center, (as shown in the photo at left), prompted a mini-remodel project that converted a storage area into much-needed of-

fice space. The three-person policy staff, crucial to our legal and legislative efforts, shared a small, cramped space before moving into the 11' x 17' work area.

This emergency remodel is part of the Committee's ongoing efforts to refurbish the Visitor Center. Constructed in 1934, the over-crowded facility is in desperate need of repair.

Thanks to your generosity, more than \$2,000 was contributed to help finance the rebuilding project's next phase. Michael Olexo, of Olexo Architecture and Landscape in San Francisco, is preparing detailed schematic drawings of the proposed design. In the process, Olexo is assembling a list of the building materials needed to reconstruct the Center — important information needed to determine in–kind donations.

An essential part of our grassroots approach to upgrading the Visitor Center is the role that our membership takes. We appreciate your response to previous articles and will keep you updated as the project progresses. Your pledges to donate building materials, to lend a hand once construction begins, or to provide your expertise will help shape this important project and will significantly cut our costs.

A Visitor Center Advisory Committee consisting of Olexo, advertising executive Sam Pond and general contractor Jim Perry has been assembled. We are seeking the advice of a mechanical engineer or contractor specializing in energy efficiency as well as the assistance of a lighting engineer. If you have experience with capital campaign fundraising and would like to help we'd love your input.

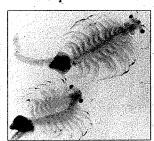
Our thanks to those of you who made the emergency remodel possible: Ed Escoto and the crew of Escoto Construction for transforming a funky storage room into our new office; Frank Stewart and Joe Suppa for assisting with the office design; Jim and Jo Ann Perry for providing guidance and advice from concept to finish; Otis and Lynn Hess of Sierra Floor Covering in Mammoth for generously donating carpet and pad; Dana of Mammoth Lakes Building Materials for precutting lumber for desks; Kim Ogburn of Ogburn Construction in San Diego for using vacation time to build storage shelves; and Gary Nelson for building shelves for the new office.

For more information on the Visitor Center Renovation call Shelly Backlar at (818) 972-2025.

Shrimp To Be An Official "Threatened Species"?

Although they still number in the trillions, scientists fear for the continued existence of the Mono Lake Brine Shrimp. That's why the tiny shrimp — Artemia monica — is being considered by the U.S. Fish and Wildlife Service as a candidate for the agency's list of threatened species.

The species is found nowhere in the world but Mono Lake,



Mono Lake Brine Shrimp

where it is the foundation of the incredibly productive ecosystem. But fifty years of water diversions by DWP have decreased the lake's volume by half. Salinity levels have increased steadily, seriously threatening the brine shrimp.

One of the five criteria used by the Fish and Wildlife Service for selecting a "threatened"

species is "the present or threatened destruction, modification, or curtailment of its habitat or range."

Less restrictive than the more serious "endangered" category, the "threatened" designation is a warning that a species may become endangered if current trends continue unchecked.

The formal proposal to list the Mono Lake's brine shrimp should be published in the Federal Register within the next several months. Public comment period begins from that day and is extendable. If a public hearing is requested, it will likely be held either in Mono or Los Angeles Counties; the Service has one year from the publication date in which to issue a "final rule." If the shrimp is listed, a recovery plan will be drafted, a process that can take several additional years.

Currently, Jungle Labs harvests Mono Lake brine shrimp as food for tropical fish. But, according to FWS spokesman Steve Chambers, the inclusion of the shrimp on the federal "threatened" list should not affect this business, for it is the increasing salinity of the lake, and not the harvesting of the shrimp, that is endangering the species.

Accolades

Our anonymous donor strikes again! For the second summer in a row, the unknown but generous gentlemen spent several minutes in our visitor center and then left a large donation of cash! Thanks to the mystery man for giving us \$5,000!

Thanks also to our longtime generous supporters, Wilderness Press in Berkeley. Each year they contribute the profits they've made from sales to our Lee Vining visitor center.

The Fresno Audubon Society held an auction this Spring and contributed the much-appreciated proceeds to help preserve Mono Lake. Nancy McCoy and the Solano Group of the Sierra Club in Southern California also made a welcondonation.



Obituary:

Paul Kohlberg, Noted Photographer

Paul Kohlberg, environmental photographer, former Mono Lake Committee staffer and good friend, died May 10 in Reno, Nevada. He was 39.

Paul was born in Ohio, but lived for many years in Pittsburgh, Pennsylvania, and Reno,

Nevada. He considered the Eastern Sierra his home, however, and spent many of his happiest days here.

A self-taught photographer, Paul's photos graced many Mono Lake publications. He documented judicial visits to the lake and its tributary streams, and he created striking courtroom exhibits. His work has become part of the permanent public record of Mono Lake's on-going legal battles.

Paul was creative and resourceful; he seemed to be able to build anything. In Lee Vining, he could be counted on to build shelves for the Committee office, displays for the store, or a canoe trailer for the tours. His playfulness and wacky sense of humor will also be greatly missed.

Saying farewell to a friend is never easy. It's comforting to think that his spirit still lingers near the lake and the mountains that he loved so well.

Written by Peggy Nicholson

Obituary:

Enid A. Larson, Environmental Activist

Enid Larson, 85, known internationally as "The Chipmunk Lady", died April 6 in her Big Pine home.

She was born near Bishop in 1905 of an Eastern Sierra pioneering family. Her family was forced to sell their land and move from the Owens Valley in 1923.

She graduated from U.C. Berkeley with a degree in olology and taught for years in Oroville, Carmel and Walnut Creek high schools. Her teaching won national recognition in a 1957 Reader's Digest article, "The Teacher Who Won't Answer Questions." So inspiring was her teaching that 25 per cent of her biology students reportedly went on to major in science.

Her life-long study of Merriam's chipmunk gave her her nickname and resulted in the publication of the classic work on rodent behavior: "Merriam's Chipmunk on Palo Escrito in the Santa Lucia Mountains of California."

Retiring from teaching, Enid returned to the Owens

Valley in 1970, where she continued to work for the preservation of local ecosystems. She called the Owens Valley "an unknown region ... the most unique in North America." She published Skyscapes, a popular book of cloud photographs; in her later years she published the environmental bulletin Waucoba News. She was active in local politics, the Sierra



Club, Wilderness Society, Friends of the Earth, the Pantheist Society, and many enterprises advocating world peace. She was honored by a visit from a delegation of Soviet scientists in her home in 1988.

"Enid Larson spoke with the authority of facts, the wisdom of age, and the eloquence and passion of one who knows and loves the land." — David Gaines in an interview with the celebrated naturalist in the Winter 1987 Mono Lake Newsletter.

In Memory

Dorothy Nyswander made a donation in memory of her daughter Marie Nyswander, a long-time Mono Lake supporter.

Kimberly Caraker sent a contribution in memory of Michael J. Williams.

Annie Nilsson made a donation in remembrance of her husband Einor Nilsson.

Janet H. Evans, 71, died in Carson City Nevada in March. The following people sent memorial donations in the honor: Mary Louise Howes, Mona Nix, Dempster and Jivia Drowley, Mrs. Arthur L. Sultan, Carl and Juanita Poppe, Donald and Wilma West, Tom and Jo Anne

Kershner, James and Dorothy Atcheson, Mr. and Mrs. James D. Moore, Otto and Theresa Steinbenner, Dr. and Mrs. F. Gregory Betts, Bill and Lorraine Alberigi, Lillian Casler, Carrol and Opal Brissenden, W.B. Scarborough, Sedgwick Mead, Clifford and Lorraine Jue, Mr. and Mrs. Leonard Weeks, Pat Willins, Gail and Anthony Cole, the Coderre family, Larry and Kay Marks, Gene and Wanda Weihs, Carl and Catherine Pharis, Ed and Lois Hood.

In Celebration

Amy Jones made a contribution in honor of Len Wolff's birthday.

MONO TO BECOME INTERNATIONAL RESERVE AUGUST 10

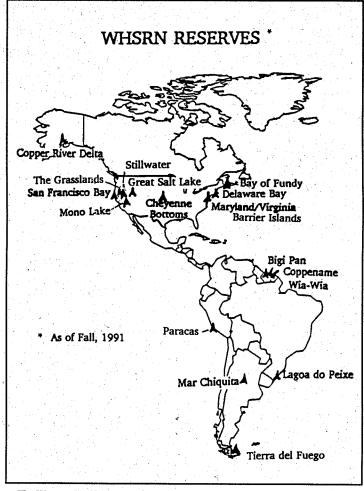
A day-long celebration is planned for Saturday, August 10 when Mono Lake officially becomes a member of the Western Hemisphere Shorebird Reserve Network (WHSRN).

Dedication ceremonies will begin at 10:00 AM in Mono Lake County Park. A picnic lunch with musical entertainment is also being planned, along with birding walks and tours from 8:00 AM to sunset. A special slide show is scheduled for the evening.

Mono Lake becomes one of 17 WHSRN reserves located worldwide. Together the sites form a chain from critical breeding grounds in the Arctic to wintering spots near the tip of South America.

Mono Lake is a "sister" reserve to Laguna Mar Chiquita in north-central Argentina; both locations are deemed critical to the survival of Wilson's Phalaropes. The slide show planned for the evening of the dedication will feature the birds of both the Mono Lake and Argentine reserves.

"Mono Lake is visited by



The Western Hemisphere Shorebird Reserve Network was created in 1986, in response to alarming drops in shorebird populations. Some species have declined by as much as 60 to 80 percent. Map Furnished by WHSRN

over 93,000 Phalaropes in a typical year," explained Sally Miller, MLC's Eastern Sierra Representative. "That represents almost 14 per cent of the world's population of the species."

Another 32 of the world's 80 species of migrating shorebirds use Mono Lake as an important stopover. Eleven per cent of California's Snowy Plovers breed at the lake, along with thousands of American Avocets.

The WHSRN is a voluntary collaboration of government and private organizations committed to shorebird conservation and the protection of valuable wetlands. The dedication ceremony is sponsored by the US Forest Service, the Mono Lake Tufa State Reserve, the Mono Lake Committee and the Eastern Sierra Audub Society.

For more information or to make reservations for lunch. call Sally Miller at the Committee (619) 647-6595 or Deanna Dulen at the US Forest Service (619) 647-6525.

This Summer's Mono Lake Foundation Workshops: Classes Still Available

Dave Shuford's "Fall Bird Migration of the Eastern Sierra" Workshop has been moved forward to the weekend of August 17-18. In addition, there are still openings in several other classes. The series of workshops is sponsored each year by the Mono Lake Foundation and Mono Lake Committee.

Most of the two-day field seminars cost \$75 per person, or \$60 for MLC members. All classes are limited to 15 people. To register or for more information, contact Sally Gaines, Mono Lake Workshops, P.O. Box 153, Lee Vining, CA or call (619) 647-6496.

Classes Still Available:

Mammals of the Mono Basin and Tioga Pass July 13-14 John Harris, instructor.

Native American Survival Skills for Kids July 13-14 Leslie Dawson, instructor. Special price: \$40, \$35 if parents are MLC members.

High Country Wildflowers

Dave DeSante, instructor. (2 spaces remaining)

High Country Birds Dave DeSante, instructor. (2 spaces remaining) July 20-21

July 27-28

Fall Bird Migration of the Eastern Sierra Dave Shuford, instructor.

August 17-18

Mono-Bodie Historical Tour Arlene Reveal, instructor.

August 24-25

Mono Basin Fall Photography Jim Stimson, instructor

October 12-13

SIERRA SUMMER FESTIVAL 1991

14th Concert Season Program Schedule

PLACE TIME

7:30

MHS



DATE

25-27

EVENT

July 19-21 "DAMN YANKEES"

High Sierra Musical Theatre's

Broadway Musical Production

Pat Paulson



B.J. Thomas



Queen Ida

Aug. 22 Aug. 23

Aug. 24

Sha Na Na

Aug. 2	Opening Night Bar-B-Que	PAC	5:00
	and Country Music by "The Rattlers"		
Aug. 2	COUNTRY BLUEGRASS CONCERT	PAC	7:30
and the same	with JOHN MCEUEN of Nitty Gritty Dirt Band		1 1,7 7
	and FOXFIRE		
Aug. 3	"Pops" Night with the	PAC	7:30
	Eastern Sierra Symphony		
	Bogidar Avramov, Conductor;		
	Jennifer Sayre, Harpist;		100
	Jane Wolf, Soprano	3.0	
Aug. 4	DANZA FLORICANTO	PAC	7:30
	Spanish guitar music and dance		
	sponsored by Mono County Arts Council		
Aug. 5	HARP RECITAL	LC	8:00
	by Jennifer Sayre		
Aug. 6	GENISIS TRIO	LC	8:00
	featuring 2 guitars and Harp		
Aug. 7	KRAUS/MAYER	LC	8:00
	Duo classical guitars		
Aug. 8	15th AIR FORCE BAND	PAC	6:00
	OF THE GOLDEN WEST		
	FREE "POPS" CONCERT		
Aug. 8	CHAMBER ENSEMBLES of	SJCC	8:30
	the Symphony		
Aug. 9	LIMELITERS folk trio	PAC	7:30
Aug. 10	CLASSICAL CONCERT by	PAC	7:30
	the Eastern Sierra Symphony		
· · · · .	Bogidar Avramov, Conductor		15015
	Violin Virtuoso Mischa Lefkowitz		
Aug. 11	TURTLE ISLAND STRING QUARTET	PAC	7:30
	The Mono Lake Committee BENEFIT		
Aug. 16	QUEEN IDA	PAC	7.20
	Cajun Queen, Zydeco Music	IAC	7:30
Aug. 17	B.J. THOMAS in Concert	PAC	7.20
-	Winner of 5 Grammy Awards	IAC	7:30
Aug. 18	FAMILY EVENING: CHILDREN'S THEATRE	DAC	7:00
J	Mammoth Lakes Department of Parks and Recreation	r AC	7:00
	present "PIONEER DAYS" "OKLAHOMA!"	•	

TURTLE ISLAND STRING QUARTET



Bluegrass. Texas fiddle. Rock and roll. New Age. Eastern music and African rhythms. Jazz standards from such giants as Coltrane and Dizzy Gillespie, all performed on two violins, a viola and a cello. That's the repertoire of the Turtle Island String Quartet, an eclectic musical group that almost defies description.

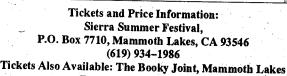
Using classical instruments usually associated with chamber music, the Grammy-nominated group has produced four wellreceived albums on the Windham Hill Jazz label. Jazz critic Leonard Feather called them, "by any standard, the most intriguing new group of the year ..."

TISQ performs Sunday. August 11 in a benefit concert for Mono Lake.

Location Codes:

PAC -- Performing Arts Center MHS -- Mammoth High School SJCC -- St. Joseph's Catholic Church

LC-- Lutheran Church



COMEDY NIGHT! featuring

BLAST FROM THE PAST

JOE SAMPLE and FRIENDS

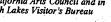
with SHA NA NA

Keyboard Jazz

PAT PAULSON, DICK HARDWICK and

the return of ROGER PELTZ of Roger & Roger

Recordtown USA, Bishop Festival funded in part by the California Arts Council and in cooperation with the Mammoth Lakes Visitor's Bureau



PAC

PAC

PAC

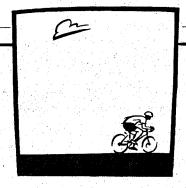
7:00

7:30













Take part in an incredible adventure! Pedal your way from Los Angeles across the Mojave Desert, past Mount Whitney and through some of California's most spectacular scenery to Mono Lake. The six-day, 350-mile bicycle ride concludes with the yearly celebration, Rehydration

Ceremony and Fish Walk in Lee Vining.

Only 100 riders can take part in the event from August 26 - 31. The deadline to sign up for the 12th Annual Bike-A-Thon is August 9. To participate, each cyclist must raise and turn in a minimum of \$250 in advance. Volunteers are also

needed to staff rest stops, so join us by driving a support vehicle. If you want to ride but can't take the week off, call for information on the new Day Ride Option.

Help save Mono Lake by becoming a part of this exciting adventure. Call Shelly at (818) 972-2025 for more information!

1991 L.A. TO MONO LAKE BIKE-A-THON

TURTLE ISLAND STRING QUARTET IN CONCERT FOR MONO LAKE!

The celebrated Windham Hill Jazz Recording Artists perform Sunday, August 11 to Benefit Mono Lake.

Tickets: \$10 General Admission (Hillside Seating)

\$13 Reserved Seating
\$15 Day of the show (General and Reserved)

Concert to be held at Performing Arts Center at Mammoth's Warming Hut II. Gates open at 6:00 PM; Performance begins at 7:30 PM.

Tickets available at: Recordtown USA, Bishop The Booky Joint, Mammoth Lakes, or the Sierra Summer Festival, PO Box 7710, Mammoth Lakes, CA 93546 (619) 934-1986.





THE MONO LAKE COMMITTEE

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