

Mono Lake Leaders

Four People and Many More Made it Happen

by Geoffrey McQuilkin

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

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

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

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

David Gaines



David Gaines with daughter Vireo on his back.

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

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

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

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

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

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

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

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

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

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

Martha Davis



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

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

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

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

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

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

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

Bruce Dodge



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

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

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

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

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

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

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

Sally Gaines



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

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

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

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

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

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

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

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

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

Many Others

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

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

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

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

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

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

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

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

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

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

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federal laws.

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

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

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

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

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

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

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