

Historical Perspectives: Santa Clara University Undergraduate Journal of History, Series II

Volume 12

Article 12

2007

How Davids Can Beat Goliaths: The Winning Strategy of the Mono Lake Committee in Historical Perspective

Jessica Simanton

Follow this and additional works at: <https://scholarcommons.scu.edu/historical-perspectives>



Part of the [History Commons](#)

Recommended Citation

Simanton, Jessica (2007) "How Davids Can Beat Goliaths: The Winning Strategy of the Mono Lake Committee in Historical Perspective," *Historical Perspectives: Santa Clara University Undergraduate Journal of History, Series II*: Vol. 12 , Article 12.

Available at: <https://scholarcommons.scu.edu/historical-perspectives/vol12/iss1/12>

This Article is brought to you for free and open access by the Journals at Scholar Commons. It has been accepted for inclusion in Historical Perspectives: Santa Clara University Undergraduate Journal of History, Series II by an authorized editor of Scholar Commons. For more information, please contact rscroggin@scu.edu.

How Davids Can Beat Goliaths: The Winning Strategy of the Mono Lake Committee in Historical Perspective

Jessica Simanton

"Rogue Valley Growers Butt Heads with Environmentalists in Klamath Water Dispute." This could be a headline for the battle currently fought by environmentalists focused on saving the wildlife, specifically the salmon, that depend on Oregon's Klamath River for survival. Klamath's water however, is also vital to the agricultural ventures of the Oregon community to its south.

In Southern California, as in Rogue Valley, water is precious. Much of the region is desert. Insufficient fresh water has been California's problem since the beginning of its modern history. The Los Angeles Department of Water and Power (LADWP) has taken the lead in acquiring this vital resource. At the heart of LADWP's 20th century water projects was its diversion of Mono Lake water, which began in the 1940s. At the height of the project in the 1970s, Los Angeles was getting 17 percent of its water from Mono Lake. While the lake's water kept Los Angeles booming, the lake itself, a once thriving ecosystem, was quickly diminishing. The destruction to the lake's environment caught the attention of environmentalists who, after a long battle, changed water rights and environmental fights forever, providing an important model for subsequent environmental activists.

The LADWP's original 1931 plan to divert water from Mono Lake failed to weigh the environmental effects the project might have on the area's ecosys-

tems. The subsequent destruction of Mono Lake was similar to the environmental outcome of many of the state's other water projects; however, the Mono Lake Committee's fight against the LADWP set an important precedent for future environmental battles against human sprawl and development. The two best works on the significance of the battle over Mono Lake are John Hart's *Storm Over Mono* (1985) which details every aspect of the water conflict; and Craig Arnold's *Working Out an Environmental Ethic: Lessons From Mono Lake* (2004) a lecture discussing the strategy of the Mono Lake Committee (MLC), and emphasizing that it did not simply rely on environmental law to win. This paper will expand on both Hart's and Arnold's emphases, and place the Mono Lake story and the MLC's success in historical perspective. It will discuss how the strategy used by environmentalists was different than that used in previous environmental battles and will reveal *why* the MLC's strategy was ultimately successful, and made a lasting mark in the history of environmental protection efforts.

There are countless examples of environmentalists failing to protect or save natural ecosystems from the forces of human development. Both Hetch Hetchy and Mono Lake are in the bounds of Yosemite National Park. Both are incredibly appealing aesthetically, and environmental groups seeking to protect them were forced to take on extremely powerful water development groups. Hetch Hetchy is representative of environmental battles before the Mono Lake conflict.

Drawing water from Mono Lake had been an option for LADWP's projects since the 1920s. At that time Los Angeles had been focusing most of its energy on the hugely successful diversion project in Owens Valley, a

community just south of Mono Lake.⁶⁴ Despite that venture's success, William Mullholland, Joseph B. Lippencott, and Fred Eaton, the big names of Los Angeles's water projects, knew that Owens could not provide enough water forever.⁶⁵ Mono Lake was a great candidate as a Los Angeles water source because of its size and feeder stream flow pattern. Additionally Mono Lake's water would be relatively cheap to transport to Los Angeles and would be profitable once it arrived.⁶⁶ Potential became reality in 1929 when the LADWP began acquiring right-of-way land (land immediately around or effected by the lake or its streams) and water rights in the greater Mono Lake area. In 1931 LADWP's thirty eight million dollar project was approved by the State Water Rights Board and State Water Resources Control Board. Los Angeles was granted a permit to divert almost the complete flow of the five streams that supply water into Mono Lake.⁶⁷ With the project established, and some minor disputes with Mono County landowners resolved, Los Angeles was ready to proceed. In 1941, with their diversion tunnel complete, water from Mono Lake began to flow to Los Angeles.

Nearly thirty years later, after Los Angeles had added a second diversion tunnel to the Mono Exten-

⁶⁴ Mono Lake Committee, *Mono Lake: Paradise in Peril*, (Oakland, Fall 1979), 12.

⁶⁵ John Hart, *Storm Over Mono* (Berkeley: University of California Press, 1996), 37.

⁶⁶ Ibid.

⁶⁷ Craig Arnold, "Working Out an Environmental Ethic: Anniversary Lessons From Mono Lake" (lecture given at University of Wyoming College of Law, Fall 2003), in *Wyoming Law Review* 4 (Winter 2004): 13.

sion, Mono Lake was experiencing a more rapid decline water level than ever.⁶⁸ At this point Mono Lake came to the attention of the two environmentalists who eventually put into motion the "Save Mono Lake" fight. UC Berkeley student Tim Such first became interested in Mono Lake when he was seeking a subject for a research project. While researching the lake, Such became engrossed in its demise. In late 1974 Such attempted to gain support of established environmental groups to halt the slow death of Mono Lake. He was turned down because "they thought the Mono issue was far too complex...[and that] you couldn't fight Los Angeles" without a good legal theory.⁶⁹ Such took their advice and began to focus his research on the legal arguments and precedents that might help save the lake. After much hard work Such temporarily called it quits on his Mono Lake campaign to focus on attaining his masters degree, but was later brought back into the campaign by David Gaines, a Stanford graduate, biologist, ornithologist, and ecologist, as well as a bird enthusiast, and professor at UC Davis.⁷⁰ Gaines, who had also researched the lake's demise, left his job to focus on Mono Lake. In 1976 he brought together a small group of environmentalists and students to do extensive research on the different ecosystems and wildlife that were being disrupted due to the diversion.

The MLC formed in 1978. David Gaines and wife Sally Judy, along with the small group of environmentalists set up headquarters in Lee Vining, a town near

⁶⁸ Mono Lake Committee (MLC), *Mono Lake: Endangered Oasis* (Berkeley, 1993), 30.

⁶⁹ Hart, *Storm Over Mono*, 63.

⁷⁰ Arnold, "Working Out an Environmental Ethic," 14.

the lake, and began their grassroots effort by selling t-shirts and distributing "Save Mono Lake" bumper stickers throughout California.⁷¹ Gaines began speaking to environmental groups. Gaines' captivating speeches brought Friends of the Earth to the cause. After great debate the influential law firm Morrison and Foerster took the case pro bono, persuaded by California Audubon Society's George Peyton, the bird-friendly National Audubon Society, and Such's legal research.⁷²

The MLC's mission: save Mono Lake. This mission was so simple and broad that it was supported by all the diverse individual members and groups that joined hands with the MLC. While there were many different goals involved in the Mono Lake campaign, all were united by the fact that for each individual goal to be realized, the lake needed to be healthy.⁷³ This uniting factor was key because it was able to bring together groups of environmentalists, who, under other circumstances, could have clashed on many different levels; however, because they all needed the lake, they focused their efforts on this common goal.

Environmentalists in the early 20th century fight to save Hetch-Hetchy also pulled together a group from environmental and other establishments to oppose a major city, in their case San Francisco. However, this group was not united like the MLC. The Sierra Club, which led the Hetch-Hetchy opposition, was headed by John Muir, a mulish environmentalist who often butted heads with his colleagues, causing rifts within

⁷¹ Ibid., 15.

⁷² Hart, *Storm Over Mono*, 81-83.

⁷³ Ibid., 114-116.

the group that needed to be united in order to have even the smallest chance of beating San Francisco.⁷⁴

Just after the MLC, Friends of the Earth, and the National Audubon Society sued the LADWP in 1978, a member of Governor Jerry Brown's administration, the conservationist Henry Johnson, called a summit to create an interagency taskforce. The taskforce was lead by the Water Resources Board, but included other government agencies: Fish and Game, The Forest Service, Bureau of Land Management, US Fish and Wildlife Service, County of Mono, the nonvoting Inyo County, and of course the LADWP. The taskforce's mission was "to develop and recommend a plan of action to preserve and protect the natural resources in Mono Basin, considering economic and social factors." First on the agenda was finding a replacement for Mono water.⁷⁵ By May 1979 the focus had shifted. The taskforce called, not for water replacement, but for Los Angeles to cut water diversion to 15,000 acre feet per year so Mono Lake could maintain a water elevation level of 6,388 feet (higher than that for which the MLC had originally asked). These cuts were to be made through conservation and waste water reclamation. Electric power production would be cut; however, the taskforce concluded that if hot water usage was limited, electric power drops would not have much of a lasting effect. The upshot for Los Angeles would be that two-thirds of the conservation project would be paid for by state and federal government, along with seven-eighths of the water reclamation costs, and Los

⁷⁴ Richard Righter, *The Battle Over Hetch Hetchy* (New York: Oxford University Press, 2005), 92-93.

⁷⁵ Hart, *Storm Over Mono*, 85.

Angeles would be able to divert additional water in a drought situation.⁷⁶

This recommendation provided a boost for the MLC because it showed that the government (at least a number of agencies within the government) backed the MLC's concerns about the resources associated with the lake. Even though the taskforce's recommendation did not have much of an effect until the end of the 1980s, this victory provided a psychological lift to the MLC.⁷⁷ This type of boost was one that the environmentalists of the Hetch Hetchy battle seldom experienced.

While the taskforce's recommendation certainly helped the MLC, it was not the make-or-break factor in MLC's fight. It was the strategy created by the MLC that gave it small victories like the taskforce recommendation. The MLC's strategy can be broken down into its four most important components. Each component, and more importantly the MLC's execution of each component, was key to the overall success of the group's original mission.

The first of these components: effectively bringing together and utilizing a large and diverse support system. The MLC started small, but soon its members numbered in the thousands. Additionally, groups like the National Audubon Society and Friends of the Earth, along with small specific interest groups like the California Trout and Mammoth Fly Rodders, and even larger public communities across California became vital additions to the MLC's base group. The MLC did not turn away support that came its way, and

⁷⁶ Ibid., 85, 88.

⁷⁷ Ibid.

even when things could have gotten potentially tense between groups with conflicting concerns, the MLC was able to deal with each in such a way that it united them instead of leaving them to focus solely on their own priorities.⁷⁸ Each of these groups was able to play a role that had a favorable impact on the Mono Lake fight.⁷⁹ This is key because it kept groups interested in, and often more focused on, the primary cause.

In the case of Hetch Hetchy, there was a generally large group of supporters; however, due to disparate goals, as the conflict grew more and more complicated, the opposition to San Francisco could not be mounted effectively. Arguments were often at cross purposes and chaotic. Environmentalists fighting other environmentalists caused their arguments to look a lot less impressive.

The second component of the MLC's winning strategy was extensive research. Before the MLC even formed there was an abundance of research about the effects of water diversion on various ecosystems within the Mono Basin, and as time went on that research doubled, then tripled. With so much reliable scientific information available on the effects of diversion on the lake and the lake's ecosystem it was impossible to claim there were no problems due to diversion. Even Los Angeles could not deny this.⁸⁰ People had access to the information, and it was used in courts, speeches to the public, presentations to politicians, and it filled the MLC's newsletters and reports. Knowledge is power,

⁷⁸ Ibid., 114-116.

⁷⁹ MLC, *Endangered Oasis*, 12.

⁸⁰ Hart, *Storm Over Mono*, 102-4.

and there was no denying the power of the information concerning Mono Lake.

Research in the Hetch Hetchy conflict was not as extensive. This may have been because those involved in both sides of the conflict knew that damming the valley was going to destroy its ecosystem, so publishing scientific research about the destruction was not likely to be influential.⁸¹ There was instead more of a focus on publishing emotional letters, essays, and poetry about the natural wonders and beauty of Hetch Hetchy than there was information that could be used as evidence in court. Because there was not research to support their every argument, the Hetch-Hetchy environmentalists had holes in their presentation. San Francisco had an easy time filling in those holes with their own information, and did so using information to bolster its case that Hetch Hetchy was vital to the city's future.⁸²

A third component of the strategy was public relations. The public trust doctrine which states that the public at large owns resources and scenic areas, was the focus of the MLC'S battle. David Gaines wanted to "make people throughout California realize what would be lost" in the event that the lake continued at its current rate of demise. He wanted them to understand what they were losing by getting cheap water to Los Angeles. If it was water they wanted, Gaines said he would accept their choice, "but it had to be a *knowing* choice."⁸³ Thus the MLC worked

⁸¹ Righter, *The Battle Over Hetch Hetchy*, 98.

⁸² Ibid., *passim*.

⁸³ Hart, *Storm Over Mono*, 184.

enthusiastically to bring Mono Lake into the lives of the public at large.

It seemed that the MLC did just about everything possible to bring the Mono Lake issue into public awareness. According to the *Los Angeles Times*, "they cajole magazines into running articles on the lake, lead tours and sell Mono Lake coffee mugs and T-shirts," but these things barely skim the surface of the MLC promotional activities.⁸⁴ Thanks to Mono Lake's scenic appeal, the MLC did not have to work to bring publicity (in the form of live news, journalism, and photography) to the lake. The MLC did, however, bring to Mono Basin low-income community members from the Los Angeles area, as well as members of organizations, and students from schools all over Southern California. Also, with an opponent like the flashy LADWP, the crisis was easily kept in the spotlight. Additionally, there was the *Mono Lake Newsletter*, a quarterly publication which took the extensive amounts of ongoing scientific research on the lake's ecosystems and made it public-friendly.⁸⁵ David Gaines traveled throughout California, and especially to Los Angeles, giving lectures on Mono Lake and its current crisis. There were birdathons hosted by the Audubon society, as well as bikeathons. These were forms of fundraising as well as opportunities to bring people and publicity to the lake. Other public outreach included state-wide fundraisers such as luxury bus tours of the Mono Basin, wine drawings, dinners at high-end restau-

⁸⁴ Kevin Roderick, "Selling a Lake" *Los Angeles Times*, 24 Sep. 1989: I3, microfilm edition.

⁸⁵ Hart, *Storm Over Mono*, 80.

rants, yacht rides, and much more.⁸⁶ The public was involved, and in ways that gave them personal attachment to the lake. People could make their own decisions about what they learned from participating in fun and creative activities, and reading the various user-friendly publications. In the end, the public gave a lot of backing to the public trust idea, and also to the idea that Mono Lake must be preserved. This helped to show the courts and politicians that the LADWP had in fact not followed public trust protocol when they enacted their Mono Extension project.

The fourth and final major component, and perhaps the component that really saved Mono Lake, was the philosophy of compromise. From the start the MLC asked for the minimum water elevation level to keep the lake's ecosystem thriving. They were never asking for a complete shutoff of Mono water to Los Angeles, and as time went on, and especially after Mary Davis took over leadership of the MLC, the notion of compromise became an even bigger component in the organization's success. Davis did not like the idea of any group involved in a conflict feeling like it had lost, and she sure the MLC was amenable to compromise. Without this willingness to negotiate, LADWP could have held off for a lot longer, and made the process a lot harder on the MLC and the lake itself.⁸⁷

Muir was not a Davis. He wanted one thing and there was no compromise. He had little appreciation for those who did not see the spiritual appeal of nature, and this made it very hard for him to work with those he opposed. Muir went to his deathbed

⁸⁶ Ibid., 89-90.

⁸⁷ Hart, *Storm Over Mono*, 176.

firmly opposed to the Hetch Hetchy project. Not being able to negotiate with the opposition put the environmentalists in a deadlock. Powerful institutions had the money to stall, and San Francisco most certainly held off and beat the environmentalists using this tactic.

Mono Lake, after much debate, was officially "saved" in the 1990s. Headed by Davis, the MLC and the LADWP worked out a plan that allowed Los Angeles to continue diversion, while maintaining a healthy flow for the lake's survival. The battle had been long, yet in 1994, it was safe to say it was well worth the extra time necessary to create such an unbeatable strategy.

The current struggle to keep Oregon's Klamath River suitable for the wildlife that depend on it is taking on a shape similar to the Mono Lake fight. First, there has been extensive research about the effects of water diversion on the salmon populations. Additionally, the environmentalists point out a regulation much like the public trust doctrine that the U.S. Bureau of Reclamation failed to follow when starting up their diversion project. In violation of the federal Endangered Species Act the bureau failed to consult with other federal agencies about the impact of water diversion on threatened fish species.⁸⁸ The endangered area is also receiving publicity thanks to President George W. Bush's efforts to assist the U.S. Bureau of Reclamation. Finally, environmentalists are not asking for a complete shutoff of water going to Rogue Valley, but instead, they are asking, as the MLC did, for a big

⁸⁸ Paul Fetting, "Suit Stalks Water Diversion" *Mail Tribune*, 31 Jan. 2003. <<http://www.mailtribune.com/archive/2003/0131/local/stories/02local.htm>> (22 Jan. 2006).

enough decrease in water diversions to keep the area suitable for local wildlife so everyone can use it, including, in this case, the fisheries that depend on the salmon for their economy.⁸⁹

The Klamath controversy has yet to be resolved, but the strategy its environmental group is using shows that while they have the ecosystem and salmon at heart, they have learned that such concerns are not necessarily effective weapons in the battle against the economic forces of a region. The environmentalists involved in the Mono Lake dispute put together an argument that spanned environmental and economic concerns. The groups left no stone unturned, drawing in people from all interest groups and walks of life, foraging a support system that, when push came to shove, the Los Angeles Department of Water could not beat. Long battles are tough: the environmentalists involved in the Mono Lake fight learned this, but such all-consuming battles are worth it when the victory is as important it was in Mono County.

⁸⁹ Cat Lazaroff, "Norton Denies Petition Challenging Klamath Water Diversions" *International Daily Newswire*, 16 Jul 2001, <<http://ens-newswire.com/ens/jul2001/2001-07-16-06.asp>> (4 Feb. 2006).