

NEWSLETTER

california state park rangers association

Volume VI Number 21

September 1990

Mono Law

by Ranger David Carle

They let me answer the questions about who I was, where I worked, my duties and educational background, but the objection came when I began to explain how we keep track of visitor numbers at the Mono Lake Tufa State Reserve.

We were in the El Dorado County Superior Court, before Judge Terrance Finney on July 10, 1990. The proceedings began June 18 and are expected to be completed in September. Judge Finney has to decide whether a preliminary injunction, which halted all diversions of streams tributary to Mono Lake, will be extended until 1992.

At the end of last summer the judge granted an injunction which stopped water diversions by the Los Angeles Department of Water & Power (DWP) until Mono Lake was raised to the 6,377 feet elevation. But last winter produced so meager a snowpack that there was not enough water to bring the lake up that high. Judges may order, but droughts will do their own thing.

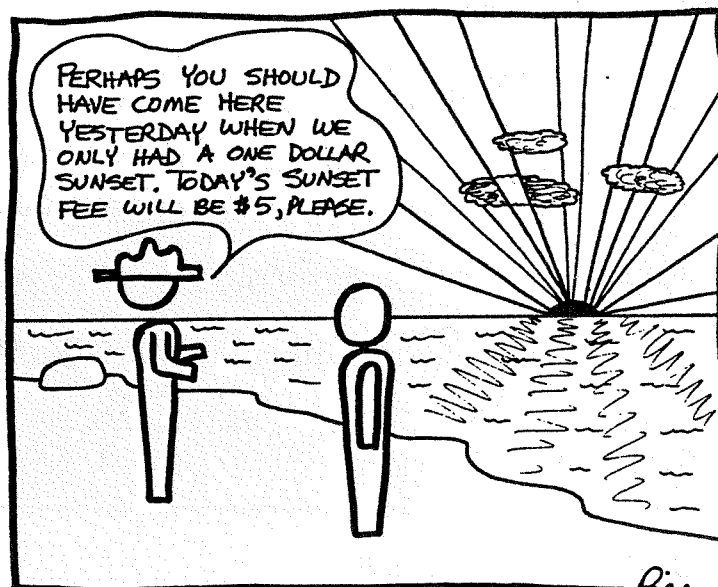
So this summer, arguments are being heard to decide whether to extend the injunction or let Los Angeles resume diversions. DWP requested hearings, hoping to convince the judge that his original reasons for granting the injunction were no longer valid. Part of the issue relates to an on-going process being carried out by the State Water Resources Control Board. Water Resources has previously been ordered by the courts to prepare a plan by 1992 that would balance the public trust values of Mono Lake with (Continued on page 4)

SAVE BODIE! Update SJR 60 Passes!

There's been so much going on in our SAVE BODIE! campaign that we missed last month's newsletter! Our biggest accomplishment was the passage of SJR 60. It cleared the State Assembly 64 - 9 on August 21. The next night it went back to the Senate floor for concurrence and passed 36 - 0. (You'll recall that it was passed out of the Senate last April but had to be voted on again due to amendments.) Now we need to focus on using the resolution to gain support in Congress.

We were also successful in our efforts to convince Mono County not to issue a permit to Galactic for additional exploratory work on private land adjacent to Bodie. The reason the application was denied was (Continued on page 3)

RANGER LOGO



**THE CALIFORNIA
STATE PARK RANGERS
ASSOCIATION**

A professional association.

Executive Manager

Doug Bryce

P. O. Box 28366
Sacramento, CA 95828
(916) 383-2530

PRESIDENT

Bud Getty

**Santa Cruz Mtns
Superintendent**
(408) 335-9145

VICE PRESIDENT

Rick LeFlore

Delta District Ranger II
(916) 777-7705

TREASURER

Kevin Joe

Mendocino District Ranger I
(707) 877-3592

DIRECTORS

Donna Pozzi

Supervisor of Interp. Programs
(916) 322-8545

Jeff Price

Channel Coast Dist Chief Rngr
(805) 654-4615

Ron Schafer

Orange Coast Dist Chief Rngr
(714) 848-1566

NEWSLETTER

Doug Bryce, Editor

CAL RANGER

David Brooks & Doug Bryce

SAVE BODIE! and all other commit-
tees use CSPRA address.

PRESIDENT'S MESSAGE

Big Green Stump Forever Have you sorted out the "environmental" initiatives that will be on the November ballot? The CSPRA Board of Directors has, or at least, has attempted to.

The major criterion we've been using is whether or not there will be a direct impact on the State Park System. That doesn't mean we're not concerned about global warming, the ozone layer, tropical rainforests, or acid rain — it's just that we have more than our hands full **just** protecting the integrity of the parks, beaches, historic units, and recreation areas entrusted to our care. Especially these days when we seem to have to do it all alone, without much help from the Department.

But back to the initiatives. The CSPRA Board did not take a stand on "The Big Green." It's an all-inclusive initiative that deals with issues such as toxic wastes and pesticides, and while it may help solve some important environmental concerns, it seemed to be beyond CSPRA's scope of action this time.

"Forests Forever" is aimed at saving the remaining remnants of ancient forest in California. It has important implications for forestry practices, including the banning of clear cutting on most forested lands in the state. While this bill does provide funding for purchase of ancient forest, it isn't clear that any of these lands will come under DPR management. So for now, we have chosen to remain neutral on this proposition, but we're being lobbied to change our position. We'll be reconsidering our neutral stand on Forests Forever before you read this column.

"Big Stump" is the ballot proposition authored and promoted by the timber industry. It does not save any ancient forest and does not provide any funding, although it does mention additions to several state parks.

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President's Message

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We felt that this was so misleading that we could not sit idly by and not make a statement. Listing cut-over lands that might be added to parks without a funding source doesn't solve any problems; we've got lots of wish lists already. So we are jumping into the fray on this one. We have authorized CSPRA to sign the ballot argument against Big Stump and will probably do some television spots along with the National Audubon Society to publicize our stand.

Although the Board has already taken a stand on these issues, I'd like to hear what you think about our position. Are we making the right decisions? Should we be taking a stand at all? Because these are controversial steps, new to our organization, I want to know how you feel about it.

It appears that there will be a 1990 park bond act on your ballot also. There have been intense meetings in the legislature to reach a compromise bond bill that the administration would support. A lot of the original funding that would have gone to the State Park System has been compromised out or reduced rather drastically. But still it does provide for a little over \$100 million for our programs — \$25 million for acquisition, most of rest for development, with only small amounts for trails, volunteer programs, and stewardship.

A lot of other agencies have been a part of "park" bonds in the past, but now the Department of Forestry and Fire Suppression has jumped on the bandwagon. There's a big hunk of money for the building of fire stations and for demonstration forests that are late add-ons to the bill. My only fear is that the public will think the bond act includes too many different concepts — the only bond act we have lost was one that was loaded with so many different special funds that the voters rejected it at the ballot box.

So anyway the "park" bond act is still basi-

cally good — we need it, or a lot of important programs will die. CSPRA will be mentioned in the text of the argument for the act as an organization that is in support. And we may be asked to sign the argument in favor of the proposition.

SAVE BODIE!

(Continued from page 1)

because our letters and the publicity we generated proved that the proposed activity was controversial and was not, therefore, exempt from CEQA. Previous exploration activity was allowed under a Planning Director's Review which proved to be a very superficial way to monitor Galactic's actions. Now the mining company will have to be granted a use permit, a process which requires a public hearing. Meanwhile, drilling continues on the BLM lands. . .

Your CSPRA Board, SAVE BODIE! Committee representatives, and lawyers from our pro bono law firm Morrison & Foerster will be touring the Galactic project in early September. This is something we've wanted to do for some time, in response to an invitation from the project manager. We'll also be having another meeting with SAVE BODIE! supporters from the local area. It promises to be a very interesting and productive trip.

The other major effort which we just completed was the publication of a 10-page newsletter, *SAVE BODIE! News*. More than 2,200 have been mailed out. If you've corresponded or contributed, you should have received a copy. They were also sent to all DPR Districts and Regions. Since CSPRA members get a monthly update in the organization's newsletter, we decided not to mail to all members. They'll be sent to anyone who requests one.

If you have questions about the details behind this brief update, or if you want to get involved, or if you would like a copy of the *SAVE BODIE! News*, write to Donna Pozzi at the CSPRA address. Thank you to all who helped make these successes possible.

Mono Law

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the rights of the City of Los Angeles, and to assess the broad implications for water management statewide. So this preliminary injunction, if extended, would only be in effect until the Water Resources plan is implemented — producing we hope, a permanent solution for Mono Lake.

Recreational use of the area is one of the public trust values being considered. That is why I was sitting on the witness stand that morning.

The attorneys argued back and forth for an hour before the judge decided to let me speak. DWP lawyers felt that since the legislation which created the Mono Lake Tufa State Reserve had language saying that the Reserve would not affect L. A.'s water rights, that meant no state park ranger should be allowed to speak on subjects which might ultimately effect the judge's decision. Jan Stevens, from the State Attorney General's office (representing the State Lands Commission) argued that I was an expert source of information about visitor numbers and activities at the lake. Information about those uses was required for the judge to make his decision. I was someone who could help by providing data and observations.

Eventually, the judge decided that we could proceed. However, he told DWP attorneys that they could file a brief and he would consider whether to later expunge my testimony from the record.

On that basis, I explained about the 192,000 visitors last year and presented the estimates for visitation since 1983 (the first full year of data for the Reserve). I described the types of activities visitors engage in: hiking, photography, birdwatching, swimming, picnicking, kayaking, etc.

The next objection did not come until Jan Stevens asked me about my knowledge of historic uses. This time the back and forth between the attorneys was brief. DWP was soon convinced that existing court decisions did allow me to present information which I had gathered from local sources during the course of my job. So we spent another hour introducing historic photos showing boating and waterskiing, excursion-boat tours, and annual events at Mono Lake, going back to the 1930s.

In all, I was on the stand for three and one-half hours, with two breaks. However, the recreational use testimony is considered a minor aspect of the case. As the DWP attorneys carefully pointed out, between now and 1992 the lake elevation could only decline three or four feet. The same activities going on today would generally be possible when the lake is a few feet lower. The experience anywhere along the shore would be slightly different, due to the "bathtub ring" effect. The greatest effect on visitors would be from seeing Negit Island reconnected to the north shore by a land bridge.

Much more important is the testimony concerning the colony of nesting California gulls, which depends on the islands for safety. The salinity levels that are reached when the lake falls below 6,377 feet (it is now at 6,375.5) are another major concern. Research has shown that brine shrimp cysts begin to hatch less successfully in those salinity levels. Alkali flies are also being adversely effected. The other big issue is air quality. Every foot drop in lake level exposes many acres of land. Wind picks up the exposed salts, creating unhealthy conditions which violate air quality standards.

Still, I was happy to do my part — and lucky to be allowed to speak, apparently. The Forest Service staff from the Mono Basin National Forest Scenic Area were never allowed to testify that day. That agency has taken a stand in their Scenic Area general plan, which directly addresses problems
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Mono Law

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arising as the lake falls and recommends an optimum lake level range. The judge wanted a chance to study the objections raised by DWP; Congress did include language to protect DWP's water rights when the Scenic Area was created. DWP objects to the ways that the Forest Service has tried to satisfy both requirements — protecting the area's scenic values while complying with the water rights wording in the law.

Some of the information the Forest Service expected to provide was very similar to mine: visitor numbers and activities. Perhaps they will get to return on another day, after the judge considers arguments from the attorneys on this confusing issue.

The various Mono Lake court battles in the past years can get confusing for everyone — especially for people who just hear about things through occasional news stories. We talk to a lot of Reserve visitors, these days, who are under the impression that the battle is over and Mono Lake is saved.

Not yet. It does appear that momentum favors a decision which will stabilize the lake. But until Water Resources shows us their plan, we will not know for sure that it is all over. Remember, the courts ordered a balancing of the public trust values with the rights and needs of Los Angeles. That may mean that the lake will be stabilized above the 6,377 feet elevation. If that happens, Los Angeles could lose 75% of the stream-water that they had been diverting since 1941 — about 75,000 acre-feet/year would return to the four streams and flow back into the lake.

Meanwhile, the Mono Lake Tufa State Reserve staff will continue to explain the issues to our visitors, help them see for themselves how special this place is, and rely on their judgment, once given the facts, to make their own decisions about these is-

sues. That is how we can walk the fine line between the legislative mandate of neutrality on the water issues while satisfying our visitors' legitimate needs to know what's at stake.

I wonder what it feels like to have three and one-half hours of testimony "expunged." Sounds painful.

Commission Presentation

8/20/90

by Joe Engbeck

The California State Park Rangers Association is concerned with the recent budget which mandates increased visitor fees designed to provide \$10.7 million in new revenue for Fiscal 1990-1991. The budget also mandates a reduction of \$3.5 million for the Department of Parks and Recreation.

Fees have been increased in the past several years to a point that will significantly impact public use. The currently proposed fee increase will probably result in reduced attendance and use of the State Park System. Those who will probably stop using state parks are the very people who most need the recreational opportunities they will now be denied.

The Legislature, in its wisdom, has seen the merit of reduced fee access programs for the aged, disabled, and severely needy. The new fee schedule will preclude use by persons who are neither affluent nor eligible for reduced fee programs. There may be merit in the "user pay" approach to fees, but when fees eliminate large blocks of public users, something is wrong.

It seems strange to us that the Department of Parks and Recreation and the Legislature are now proposing (AB 3727) to use the Off-Highway Vehicle Fund, which is administered by the Department of Parks and Recreation, to bail out the Department of Fish and Game with a loan of \$3 million. We recognize that the OHV fund is a special purpose fund, and that it can be loaned for

Reader's Comments

Editor - CSPRA Newsletter:

Thanks for Tom Taylor's rhetorical question "Is the Planting of Fish Compatible with State Parks?" in the July 1990 issue. But that question begs at least two others, equally fundamental and equally glossed over. Although we are legally charged to value and protect what's left of California's natural scene, we now cater to a variety of resource-damaging recreational and commercial activities. And I suspect that we have to do this because someone from Finance tells us we need the money. I think we ultimately have to ask ourselves: 1) What recreational activities are compatible with State Parks? and 2) What commercial ventures are compatible with State Parks?

What a schizophrenic situation...our little Department has the responsibility for protecting some of the very resources we then offer up for general exploitation. (And then we happily fork the money into the General Fund!) At least the Feds put National Parks under "Interior" and National Forests under "Agriculture"; they acknowledge the different mission (their own current budget woes notwithstanding.) For DPR, I think that Taylor is right when he says, in effect, there's a fine line between "Parks" and "Recreation," and we're erasing it, to the detriment of the resource. Maybe it's time we, all of us, acknowledged that fact, and looked at our DPR priorities from a longer-term perspective? The issue of fish planting in DPR units is actually part of a much broader philosophical and moral quandary for us. Are bureaucrats with backbones on the endangered list yet? Not quite. Thanks, Tom!

Carl Burger

Noted California Quilt Maker to Participate in 125th Anniversary Commemorative Quilt

[Letter to Susan Ross]

It was nice to talk to you via phone. I'll try to give you a little information about myself.

I was born in Ohio and graduated from Ohio State University. I married a great guy and we had three sons and a daughter. They were so much fun that we adopted a fourth son. Now they are all grown up.

I took a few art courses in college and I had a good background in sewing (thanks to a great high school) so it was natural for me to combine the two. I consider myself mainly self-taught.

I find fabric art very exciting. There are so many ways to go and the possibilities never end. I make both small and large wall hangings. My *Animals of Yosemite* is the largest wall quilt I have made (6 by 9 feet) and is my favorite thus far as it is a subject I love. I love the park itself, nature and all the animals.

I am happy to be making a square for your quilt as I always thought that Rangers are neat people. They take care of the things that are important on this earth — they care for and respect Mother Nature. It is neat that this quilt will hang at Big Basin State Park.

I hope you will have a good response for this project.

Sincerely,

Liz Piatt

P. S. Guess I forgot to mention that I have won some awards. My *Animals of Yosemite* took 2nd place at the California State Fair.

Humor In Unicorn

by Jeff Price

Trepidations, here is the seventh installment of Mixed Metaphors and Malaprops.

Near impossible and grody to the max, too: "If the men that wrote the constitution were alive today, they'd be turning over in their graves."

It could happen: "After I quit smoking, I walked the walls at work."

That's what she thinks: "Football has too much unnecessary roughage."

Another suspicious look: "Yes, that's the good news, but now here is the trick with the hole in it." (I can't explain 'em, I just record 'em!) Well, he did get the job: "He was carried in on the shirt tail effect."

Interpreter extraordinaire: "...and as the earth rotates on its axle" She was misquoted: "The newspaper took me out of contact."

Frustrated and angry: "That really fries me up the wall." Poor worker: "That man was useless around here; he never did a stick of work." Very unclear and disturbing stuff: "This is really going to muddle the water." The last straw: "I'm not laying down, playing dead, and then rolling over for anybody, anymore."

Bad portrait: "I think this could paint you into the worst possible picture."

Hook, line, and sinker: "The gangs are terrible on the pier. I used to fish there at night until I was aroused two times."

Hello?: "I'm pleased to meet your acquaintance." Plan ahead: "We really need a better floormat for these meetings." Double malaprop: "Putting it blankly...he's going belly-under."

Listen up: "I've never heard you be so quiet." Big picture: "...and those are the parts of the piece of this puzzle." Lasting quality: "This decision could be a landmine case." Inertia: "Let's keep the ball rolling while the iron is hot."

Contortion: "You can't keep your ear to the ground while you're straddling the fence."

Silencio, por favor: "That issue is now mute."

Busy, busy, busy: "They have me jumping over hoops every day." Unsure and understated: "There is still a gray area in my mind on this matter."

The search for management excellence: "I wanted a wonder pill to put in my tool box and take home with me."

Until next time, let me leave you with this gritty observation on one of our well-heeled visitors: "Hewasarealpreppie...goldrodexandeverything."

Commission Presentation

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special needs. And we do not oppose funding for the Department of Fish and Game. But we believe the Department of Parks and Recreation and the Legislature should consider the OHV fund as a source of funding for Parks prior to allowing the money to be loaned to another Department.

Similarly, we note AB 4247 (Wyman) which would appropriate \$8.768 million to lease 1,200 acres in San Diego County for twenty years. Based on the best available visitation projections, this would amount to a subsidy of \$9 per visitor per day of use at this OHV site throughout its twenty year life. We think there is something wrong with our priorities for funding and fees.

Facts and Figures from Harper's Index

Number of trees George Bush has pledged to plant in the United States in the next five years: 5,000,000,000.

Amount he has proposed to cut from existing Forest Service tree-planting programs next year: \$32,000,000.

Amount of trash left in New York City's Central Park by people attending Earth Day festivities, in tons: 100.

Amount of trash retrieved from Mount Everest since April, in tons: 2.

Acres of solar panels it would take to fulfill all human energy needs: 83,000,000.

Percentage of earth's landmass this represents: 0.2.

Chances that a piece of solar-energy equip-

ment manufactured in the United States last year was exported: 1 in 2.

Number of animal species into which a human gene has been introduced: 16

Crash! 729 Missing

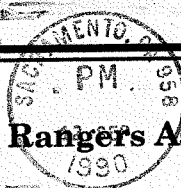
July 10, 1990 Sacramento — 729 CSPRA members and friends are missing after a crash of a hard disk today. Your executive manager was preparing labels for the newsletter when he found that the CSPRA roster had crashed destroying all evidence. Even the black boxes (three back-ups were missing).

Fortunately a list had been printed on June 24. A new computer file was readily (three days) created. But address changes received between 6/24/90 and 7/10/90 were lost so if you sent one in during this period please check your address label. If I missed your change of address or made a mistake in retyping please let me know.

September



California State Park Rangers Association
P. O. Box 28366
Sacramento, CA 95828-0366



Mail to: