

Relicted lands resolution being reworked

by Geoffrey McQuilkin

After a contentious year of existence, Mono County's controversial Resolution 00-12 regarding exposed lakebed, historic uses, and the Mono Lake Tufa State Reserve remains on the books. But that's not to say a lot of debate, discussion, and proposals haven't happened in the meantime.

At year-end, an ad-hoc citizen committee had been formed, at the request of the Board of the Supervisors, to shape a new resolution that met the concerns of all involved regarding use of relicted lands. As this newsletter goes to press, discussion is still underway on the language of a proposed replacement resolution.

One directive from the Supervisors was clear: focus the resolution on the land use issue and set the ownership issue aside. The Committee has reviewed extensively the question of who owns the relicted lands and concluded that—barring a successful challenge in the courts—the state is the owner of the exposed lakebed. The relevant law has existed throughout the last century and governs important precedents of public land ownership throughout the state, including public beaches, shifting riverbeds, and other lakebeds such as at Owens Lake. The real concerns at hand, though, lie not in the ownership debate but in the question of historic uses of relicted land.

Many folks have focused on the "historic use" clause of the legislation creating the Reserve, which states "no provisions of this [Act] shall be construed to interfere with any reasonable use of land or other activity existing or occurring on or before January 1, 1981, within the boundary of the reserve that does not conflict with the purposes for which the reserve is established."

The State Reserve, of course, was established to protect Mono's unique tufa towers and to provide overall protection for the environment near the



Relicted lands consist of the lakebed exposed due to water diversions to Los Angeles and exist between the lake and the prediversion lake level of 6417 feet.

lake. The pertinent law regarding reserves reads: "The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity."

There are two reasons landowners are concerned about use on relicted lands. In some cases, property boundaries have been hard to determine on the ground and septic tanks, satellite dishes, and other items have ended up on state land. A recently completed agreement between the state and one landowner for exactly this sort of use shows that these issues can be resolved satisfactorily.

In other cases, historic use of exposed lakebed for picnics, lake access, and even a dance pavilion are at issue, particularly where landowners adjacent to relicted lands wish to reinvigorate these activities. The Committee generally agrees that historic uses—at historic levels—are

allowed, assuming they are compatible with the Reserve, and encourages agreements between landowners and the state that spell out such arrangements. Where new expanded uses are proposed, careful review will be required.

For the public at large, the "historic use" clause is important because it is designed to allow the continuation of long standing local activities like kutsavi (alkali fly pupae) gathering and use of a small skeet shooting area.

The Committee is currently working with landowners on language for a new resolution. While the land ownership issue may require an agreement to simply disagree, Mono County's focus on addressing the issue of land use offers hope that everyone involved can reach an agreement that is both fair and respectful of the unique natural values protected by the State Reserve. 🐾