



BOARD OF SUPERVISORS COUNTY OF MONO

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Clerk of the Board
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MEMORANDUM

TO: Interested Parties

FROM: Mono County Board of Supervisors

DATE: March 21, 2000

SUBJECT: Board Resolution No. R00-12, regarding Mono Lake property rights and relicted lands; status and clarification of Board intent

On February 15, 2000, the Mono County Board of Supervisors adopted a resolution proposed by certain Mono Basin property owners regarding "Mono Lake property rights and relicted lands" (Resolution No. R00-12). The property owners in question have been dealing with the State Lands Commission for years (decades by some estimates) regarding their perceived rights to use certain "relicted lands" contiguous to their properties (lands exposed when the level of Mono Lake dropped due to diversions by the Los Angeles Department of Water and Power).

The Board of Supervisors has consistently supported and encouraged efforts by the property owners to amicably resolve their issues with the State, most recently in 1998 through the adoption of Board Resolution 98-47. Yet those efforts have resulted in no apparent progress, in part because of certain fundamental legal disagreements between the parties regarding who owns the relicted lands and what rights the property owners have to use those lands under a "historic uses" clause in the Mono Lake Tufa State Reserve Act (California Public Resources Code § 5045 et seq.) Thus, the property owners proposed a resolution that, among other things, supports amendments to the Act in order to clarify its "historic uses" clause and to move the boundary of the relicted lands from 6417 to 6392, which is the average level to which Mono Lake will ultimately return under a decision by the State Water Resources Control Board.

Some interested parties and community groups subsequently expressed concern to the Board that the latter proposed amendment (moving the boundary of relicted lands) would, in effect, deprive the Tufa State Reserve of its current land base. Some have expressed concern over *any* proposed amendments to the Act, believing instead that renewed efforts should be made to resolve the situation through the "administrative process" that has thus far been pursued without measurable success. And at least one community group has recommended the complete

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abolition of the Tufa State Reserve Act. We have been advised that during this same period of time, perhaps as a result of the Board's resolution, new and encouraging discussions have occurred between the State and the property owners that may very shortly resolve their concerns without the need for amendments to the Act.

For all the foregoing reasons, the Board has decided to revisit this entire matter at its May 2nd meeting (originally scheduled for April 18th but then rescheduled so that all supervisors may be present) in order to hear additional public testimony, to review the status of ongoing settlement discussions between the State and the property owners and, if necessary, to take such further Board action as the Board may deem appropriate at that time. The Board would certainly be supportive of any amicable settlement between the State and the affected property owners that would render unnecessary the proposed amendments to the Tufa State Reserve Act.

In the meantime, however, the Board wishes to state for the record that its intention in adopting the aforementioned resolution was *not* to undermine the land base of the Tufa State Reserve, nor to adversely affect the Reserve in any fashion. The Board of Supervisors has historically supported the existence of the Tufa State Reserve, most recently by Board Resolution 92-11, and still supports it today. The amendments suggested by the Board's February 15th resolution were intended solely to clarify the Act in a manner that would satisfactorily address the need of the handful of affected property owners to use relicted lands contiguous to their property. The Board intended no consequences to any other relicted lands within the boundaries of the Reserve, nor to the Reserve itself.

All interested parties are welcome and encouraged to attend the Board's May 2nd meeting, at which the foregoing issues will be discussed.