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4 **RESOLUTION NO. R00-12**
5 **BOARD OF SUPERVISORS, COUNTY OF MONO**

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7 **A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS**
8 **REGARDING MONO LAKE PROPERTY RIGHTS**
9 **AND RELICTED LANDS**

10 **WHEREAS**, on July 7, 1998, this Board adopted Resolution No. 98-47 regarding Mono
11 Lake relicted lands, a copy of which is attached hereto and incorporated herein; and,

12 **WHEREAS**, despite efforts of private landowners and Mono County citizens to resolve the
13 relicted lands conflicts addressed in Resolution 98-47, those conflicts have yet to be resolved; and,

14 **WHEREAS**, Public Resources Code Sections 5045, et. seq., contain the Mono Lake Tufa
15 State Reserve Act, section 5047(a) of which states in pertinent part: "No provisions of this [Act]
16 shall be construed to interfere with any reasonable use of land or other activity existing or occurring
17 on or before January 1, 1981, within the boundary of the reserve that does not conflict with the
18 purposes for which the reserve is established"; and,

19 **WHEREAS**, testimony shows that residents of this county were told by legislative personnel
20 at the time the Act was under consideration that the foregoing "historic uses" clause would "take
21 care" of any problems private property owners adjacent to the lake might have in making reasonable
22 use of the land claimed by the state below the elevation of 6417 feet; and,

23 **WHEREAS**, instead of facilitating the implementation of the historic uses clause, the State
24 Lands Commission has taken a position which *negates* that clause by, among other things, stating
25 that no historic use on alleged state lands can be established unless there was a permit for those uses,
26 when in fact there has never been a state-required permit requirement for use on the lands in
27 question, nor for any related use, and therefore no property owner contiguous to the lake can
28 establish a historic use even though the Act clearly provides that right to the property owners; and,

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1 WHEREAS, even though there was never a permit requirement, the Commission further
2 takes the position that any prior use of the lands which was not permitted was an *illegal* use which
3 cannot qualify as a historic use, thereby effectively charging that each property owner adjacent to
4 Mono Lake relict lands was engaged in illegal acts; and,

5 WHEREAS, the Commission has concluded that none of the uses proposed by the Tioga
6 Lodge, even though those proposed uses are based on actual photographs dating well before 1981,
7 can qualify as an historic use because the Lodge did not have a permit and because those uses were
8 "abandoned" or "discontinued" (neither such word appearing in the Act); and,

9 WHEREAS, in spite of the historic uses clause, the Commission now claims total discretion
10 to determine whether any uses can be made of relict lands by the property owners, requiring a fee
11 of \$1000 for each property owner just to make application for a "lease" of the land, with no
12 guarantees that any use can be made, historical or not; and,

13 WHEREAS, despite seeking a resolution of this controversy since at least 1992, the property
14 owners were not made aware of the Commission's position until a letter of December 23, 1999,
15 written to the attorney for the Tioga Lodge.

16 **NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

17 1. In the opinion of this Board, the Act means what it says- that property owners adjacent to
18 lands have the right to implement historic uses without undue bureaucratic interference.

19 2. The Commission's position negates the historic uses clause.

20 3. Private land owners in the Mono Basin have shown an historical appreciation for the
21 natural environment, and the implementation of historic uses on relict lands will have little, if any,
22 effect on the environment.

23 4. The reconstruction of the Tioga Lodge is a perfect example of an historic use which
24 functions in an aesthetically pleasing and commercially feasible manner, to the benefit of the
25 citizenry and the traveling public.

26 5. Since this controversy involves a prior legislative act, provisions of which are ignored by
27 state agencies, this matter should be further considered by the Legislature. Therefore this Board
28 requests of local legislative representatives that they introduce legislation to amend the Tufa State

1 Reserve Act to clarify the historic uses section and to move the boundary of the relicted lands from
2 6417 feet to 6392 feet, which is the management level of Mono Lake implemented by the State
3 Water Resources Control Board, and that they take any other action they may deem fair and
4 necessary to end this controversy.

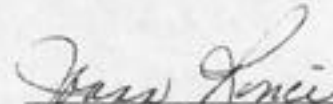
5 **APPROVED AND ADOPTED** this 15th day of February, 2000, by the following vote of the
6 Board of Supervisors, County of Mono:

7 **AYES** : Supervisors Hunt, Inwood, Ronci and Rowan.

8 **NOES** : None.

9 **ABSENT** : Supervisor Farnetti.

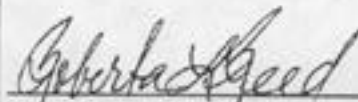
10 **ABSTAIN** : None.

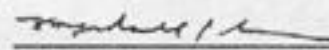
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13 **JOANN RONCI, CHAIRMAN**
14 **BOARD OF SUPERVISORS**
15 **COUNTY OF MONO**

16 **ATTEST:**

APPROVED AS TO FORM

17 **RENN NOLAN**
18 **CLERK OF THE BOARD**

19 
20 **ROBERTA REED**
21 **DEPUTY CLERK OF THE BOARD**

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23 **MARSHALL RUDOLPH**
24 **COUNTY COUNSEL**

25 The foregoing instrument is a full, true and correct copy of
26 this original on file in this office.

27 **Attest:** March 9, 2000
28 **RENN NOLAN**, Clerk of the Board of Supervisors
in and for the County of Mono, State of California

Signature