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6                   **RESOLUTION NO. 98-47**  
7                   **BOARD OF SUPERVISORS, COUNTY OF MONO**

8                   **A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS**  
9                   **REGARDING MONO LAKE RELICTED LANDS**

10           WHEREAS, beginning in 1941 the Department of Water and Power of the City of Los  
11 Angeles began diverting waters from the Mono Basin under permit authority of the State of  
12 California, and the diversions caused Mono Lake to shrink in area, thereby creating new, dry lands  
13 ("relicted lands") adjacent to private properties along the northwest portion of the lake, the deed to  
14 which show private ownership to the edge of the lake; and

15           WHEREAS, in reliance on the deed descriptions, the owners of the private lands have used  
16 the lands in manners at all times compatible with preservation of the lake and lakeshore areas; the  
17 uses include ranch and domestic residential activities, recreational activities, (including hiking,  
18 horseback-riding and walking), minor cattle grazing, and tourism facilities; and

19           WHEREAS, the owners of the private lands have paid property taxes in accordance with the  
20 deeded descriptions of the properties, or to the edge of the lake; and

21           WHEREAS, the State of California, acting by and through representatives of the State Lands  
22 Commission and Parks Department, is now insisting that the State owns the relicted lands; it is further  
23 insisting that historic structures be removed from those lands and that the owners of private properties  
24 adjacent to the lands cease using the relicted lands; and

25           WHEREAS, based on federal statutes, the courts have decreed in litigation between the State  
26 and the United States that relicted lands adjacent to federal lands on other areas of the lake are owned  
27 by the federal government and not the State of California, thereby creating a fundamental inequity

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1 between the rights of the government and the rights of private landowners, which, even if not found  
2 to be inequitable as a matter of law, creates an appearance of unfairness; and

3       **WHEREAS**, the State is not coming forward with clean hands in that it was the State,  
4 exercising its permit authority, which created the relicted lands controversy in the first place by  
5 allowing unnatural diversions of waters feeding the lake, thereby calling into question the applicability  
6 of state case law relative to reliction, which is based on *natural* ebb and flow conditions common to  
7 lakes and streams rather than unnatural conditions created by diversions; and

8       **WHEREAS**, the Mono Lake Property Owners Association, which is composed of and  
9 represents the owners of the private lands, seeks only to maintain *historic uses* of the various  
10 properties of its members to the lake's edge, consistent with applicable federal rules governing the  
11 Mono Basin Scenic Area; and

12       **WHEREAS**, history and a view today of the various private properties shows that private  
13 stewardship of the lands has preserved the ecological and scenic values of the lake and adjacent flora  
14 and fauna as well as the stewardship of government agencies at other areas of the lake, while  
15 providing taxes to the County and useful and economically productive activities in general; and

16       **WHEREAS**, in good faith effort to negotiate a compromise in this controversy acceptable to  
17 all parties, including the State, the private landowners have withheld engaging in the most of the  
18 historic activities associated with use of the lands adjacent to the lake and the private properties;  
19 efforts at reaching a compromise have gone on since the 1970's with the participation and at the  
20 request of Mono County officials; and

21       **WHEREAS**, the State's position is excessive and premature in light of the fact that the lake  
22 will return to near historic high water levels as a result of actions of the State Water Resources  
23 Control Board (Decision 1631) and the courts, thereby eliminating much of this supposed  
24 controversy.

25       **NOW THEREFORE BE IT RESOLVED,**

- 26 1) That the Mono County Board of Supervisors supports the efforts of the Mono Lake Property  
27 Owners Association in negotiations with the State to fashion a suitable solution to the relicted  
28 lands controversy, with the best solution simply being the recognition that the landowners hold  
title to the edge of the lake, recognizing that the relicted lands will shrink in size as the lake  
returns to stable levels, thereby rendering this controversy relatively moot, and recognizing

1 further that uses of the lands shall be consistent with historic uses and the Mono Basin Scenic  
2 Plan.

- 3 2) In the alternative, and with a pledge to solve the matter amicably and reasonably, that the parties  
4 should negotiate a solution as follows:
- 5 a) Title to the relisted lands is recognized as being in dispute;
  - 6 b) In spite of title demands, the adjacent owners will be able to use the relisted lands in a manner  
7 consistent with historic uses, including the use and maintenance of presently existing structures  
8 and utilities located and built in reliance on deeds.
  - 9 c) Pending a final settlement, the State should permit interim minor lot line adjustments which  
10 recognize structures and utilities in order to allow the landowners clear record title to the  
11 structures and utilities which serve their lands.
- 12 3) That a copy of this resolution shall be sent to the following persons: Governor, State Lands  
13 Commission (Director and Members) Forest Service, Tufts Reserve, State Parks, Los Angeles  
14 Department of Water and Power, CalTrans, Attorney General, Mono Lake Committee,  
15 Assemblyman Rico Oller, Congressman John Doolittle, State Senator Tim Leslie, Senator Barbara  
16 Boxer and Senator Diane Feinstein.

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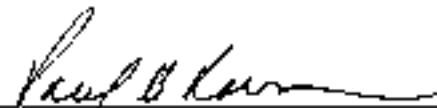
Approved and Adopted this 7th day of July, 1998, by the following vote of said board:

AYES: Supervisors Farnetti, Inwood, Lawrence, Ronci and Rowan.

NOES: None.

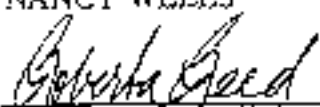
ABSENT: None.

ABSTAIN: None.

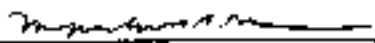
  
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PAUL B. ROWAN, CHAIRMAN  
BOARD OF SUPERVISORS  
COUNTY OF MONO

ATTEST:

NANCY WELLS

  
\_\_\_\_\_  
BY: ROBERTA REED, DEPUTY

APPROVED AS TO FORM

  
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MARSHALL S. RUDOLPH  
COUNTY COUNSEL