MARIPOSA COUNTY RESOLUTION 79- 32

A RESOLUTION CALLING FOR THE CONGRESS OF THE UNITED STATES
TO TAKE APPROPRIATE ACTION
TO REQUIRE THE NATIONAL PARK SERVICE TO ADHERE
TO THE INTENT OF PUBLIC LAW 95-42 REGARDING LAND ACQUISITIONS;
TO REQUIRE THE NATIONAL PARK SERVICE TO RESCIND
UNWANTED PARTS OF ITS LAND ACQUISITION DIRECTIVES;
TO STAY CONDEMNATION PROCEEDINGS COMMENCED UNDER THESE DIRECTIVES;
TO MAKE RESTITUTION TO LAND OWNERS
WHO HAVE LOST NORMAL RIGHTS OF PROPERTY OWNERSHIP;
AND TO REQUIRE THE NATIONAL PARK SERVICE TO SIT DOWN
WITH REPRESENTATIVES OF LOCAL GOVERNMENT FOR THE PURPOSE OF
DEVELOPING COMPATIBLE JOINT LAND USE REGULATIONS
FOR THE INHOLDING AREA OF WAWONA, COUNTY OF MARIPOSA,
CALIFORNIA

RESOLVED by the Board of Supervisors of the County of
Mariposa, State of California, that:

WHEREAS, Yosemite National Park embraces more than a
third of the land area of the County of Mariposa; and

WHEREAS, there exists within Yosemite National Park a
private inholding area historically referred to as "Wawona"; and

WHEREAS, Wawona, as a privately owned enclave in the
County of Mariposa surrounded by Yosemite National Park because
of its location, type of development, and services provided to
those using Yosemite National Park, represents an unusual and
unique inholding area which should remain in private ownership;
and

WHEREAS, the National Park Service has arbitrarily
taken the position that all private land inholdings within the
exterior of national park boundaries should be publicly owned
without consideration of the history, location, type of develop-
ment, and/or individual rights of private ownership properties
within the exterior boundaries of the national park; and

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WHEREAS, the National Park Service refused and failed to take into consideration the rights of those persons who are so vitally affected by the National Park Service policies; and

WHEREAS, Wawona and its environs is an historic village and development dating back to a time before the turn of the century, and some of the people presently residing on the inholdings described as Wawona are third and fourth generation owners and residents; and

WHEREAS, the historic Wawona Hotel is widely recognized as a tremendous attraction as witnessed by its continued operation; and

WHEREAS, additional facilities at Wawona under private development are strictly directed and controlled by the County in consultation with the Park Service, and do and would continue to serve as a staging area affording accommodations to park visitors unavailable at other locations in the park; and

WHEREAS, said private accommodations relieve pressure on the park valley itself; and

WHEREAS, the private dwellings, camps, and other developments hidden away up the river in no way detract from the attractiveness of the area; and

WHEREAS, the National Park Service has ignored restrictions within Public Law 95-42 in an over-zealous attempt to acquire private lands without the consent of the land owners; and

WHEREAS, the guidelines for implementing this land acquisition program are directives from the Director of the National Park Service, which directives are extreme in their arbitrary and capricious nature, are contrary to traditional
patterns and business relations between private citizens and
governmental agencies, and set dangerous precedents which could
be used broadly by other governmental agencies; and

WHEREAS, the National Park Service has harshly exer-
cised its right to eminent domain to acquire private property
within the exterior boundaries of Yosemite National Park, includ-
ing a large portion of the area known as Wawona, County of
Mariposa, California; and

WHEREAS, the application of these guidelines by the
National Park Service is creating undue hardship and embarrass-
ment to Mariposa County citizens and property owners in a manner
not proper nor easily protected except through the courts, which
remedy involves high costs, thereby prohibiting this use to most
common land owners; and

WHEREAS, the monies presently budgeted for property
acquisition in the Wawona area by condemnation and property
acquisition in other national inholdings throughout the United
States could be better utilized by the National Park Service for
developing existing public lands within the National Park Service
jurisdiction; and

WHEREAS, the National Park Service, notwithstanding
public statements to the contrary, continues its long-term course
of harassment against owners of inholdings in the County of
Mariposa, wherein said owners who have held title to their pro-
property for many years cannot develop, improve, or plan the future
use of their property; and

WHEREAS, the acquisition policies of the National Park
Service affect properties valued in excess of ten million dollars
on the Mariposa County tax rolls, and said ten million dollars valuation represents approximately five percent of the total assessed value of the taxable property in Mariposa County; and

WHEREAS, as the National Park Service pressures people to sell to it or continues its condemnation acquisition policies, said Park Service whittles away at the tax base of the County of Mariposa and requires more and more subsidization of the residents in the Wawona area by other County taxpayers; and

NOW, THEREFORE, this Board hereby determines and orders that the Congress of the United States is requested to take appropriate action to require governmental agencies to adhere to the intent of the law specifically, and to the Constitution of the United States generally, and that said requirement of governmental agencies be specifically brought to the attention of the National Park Service;

AND FURTHER, that Congress is requested by the Mariposa County Board of Supervisors to order the Director of the National Park Service to rescind unwanted parts of the land acquisition directives and to advise all interested parties of the willingness to buy land and of the willingness to negotiate on the basis of values established by a free and unlimited market place;

AND FURTHER, that Congress is requested by the Mariposa County Board of Supervisors to stay pending condemnation proceedings commenced under the directives of the Director of the National Park Service and to make full restitution to those land owners who have lost normal rights of property ownership;

AND FURTHER, that Congress is requested to mandate the National Park Service forthwith cease pressuring land owners in
the Wawona area to sell to it or to face condemnation of their property;

AND FURTHER, that Congress is requested to mandate the National Park Service to enter into meaningful negotiations with the County of Mariposa for a new phase of cooperation to assure, by the County's use of general planning, zoning, and other tools available to it, the preservation and enhancement of the Wawona area so that in no true sense can it ever be said that the inholdings are incompatible with the park and yet in spirit as well as letter recognize the historic property rights of the property owners and the economy and tax base of the County of Mariposa;

AND FURTHER, that Congress is requested to acknowledge and accept that the effect of the present National Park Service inholding policy on all affected counties is detrimental as hereinafter summarized:

1. Land purchases by the federal government reduces valuation of counties.

2. Land purchases by the federal government often eliminates tourist-related private enterprise, which damages the counties' economies.

3. Involuntary land purchases by the federal government denies property owners reasonable development of their property.

4. In many instances the Park Service does not have the legal authority to make purchases creating the problem for counties regarding the protection of their citizenry.

5. Many times the Park Service land acquisition policy inhibits or blocks private access to county administrative areas.

6. Many times the Park Service, under the guise of federal jurisdiction, discourages or actually frustrates the providing of necessary local services to residents by counties.
7. Adopted national land acquisition policies in their ultimate administrative application by the National Park Service are often misinterpreted and unfairly applied against the property owner who has little recourse in the battle against the bureaucracy of the federal government.

8. Present inholding acquisition policies and procedures, and those as proposed, actually take the rights of inholders to develop their property under state law and county ordinances without due process.

9. Notwithstanding the language of the acquisition act which states that property will be purchased in order to return it to its natural state, said directive is not being followed by the National Park Service. The improved properties being acquired in Wawona at the present time under the threat of condemnation by the National Park Service are being used by the National Park Service for employees houses and are being used by the main concessionaire as rental units.

10. The National Park Service cannot now, within its present properties within public ownership, maintain said properties, nor does it now have the budget or the ability to maintain said existing publicly owned properties, let alone properties to be acquired under present acquisition policies.

11. Congress should recognize and understand that the National Park Service policies seek control of lands with an inherent active practice to lock up said lands for only a very few, i.e., backpackers and the very healthy, thus eliminating the very young and the very old as well as those who are handicapped from sharing in the public lands.

AND FURTHER, that copies of this Resolution be transmitted by the Clerk of the Board to the President of the United States, to the presiding officer of each house of Congress of the United States, to the Secretary of the Interior, to each Senator and Representative from the State of California in Congress of the United States, and to each state legislature of the several western states who have similar inholding problems.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 27th day of
February, 1979, by the following vote:

AYES: Dalton, Clark, Owings, Weber, Erickson

NOES: None

NOT VOTING: None

ABSENT: None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:

NEIL B. VAN WINKLE
County Counsel/Administrative Assistant to the Board

DATE: February 27, 1979

ATTEST:

JOAN J. LYNK
Clérk of the Board