MARIPOSA COUNTY RESOLUTION 78-3

A RESOLUTION PROTESTING FEDERAL INHOLDING ACQUISITIONS IN THE WAWONA AREA OF MARIPOSA COUNTY AND IN SUPPORT OF THE GOALS AND AIMS OF THE PLAINIFPS IN THAT PARTICULAR LAWSUIT ENTITLED DR. LES ARNETT & CITIZENS TO SAVE WAWONA, A CALIFORNIA NON-PROFIT CORPORATION, VS. THE UNITED STATES, ET AL., ACTION NO. F-77-66CIV, U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

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

WHEREAS, this Board has for many years protested actions of the National Park Service seeking to acquire private property inholdings within Section 35, Wawona area, of Mariposa County;

WHEREAS, small business enterprises are the subject of elimination in the Wawona area as a result of the unnecessary and unauthorized purchase of private property by the National Park Service;

WHEREAS, private property owners in the Wawona area have been denied the right of due protection of the laws and protection of the basic constitutional rights in the enjoyment and use of their private properties;

WHEREAS, the County of Mariposa has incurred overall tax losses for private properties acquired by the federal government in the Wawona area for the years 1970 to 1977 in the amount of Two Hundred Seventeen Thousand Two Hundred Ninety-eight Dollars ($217,298.00); said tax loss is based on government purchase prices trended with State Board of Equalization figures;

WHEREAS, the County of Mariposa cannot sustain additional tax losses by further acquisitions of the National Park -1-
Service in the Wawona area;

WHEREAS, the National Park Service has wasted public funds in the purchase of 10.63 acres with improvements in the Wawona area during the Fiscal Year 1976 at a public expenditure of One Million One Hundred Seventy-three Thousand Three Hundred Seventy-one Dollars ($1,173,371.00) and the purchase of 12.74 acres in the Wawona area in unimproved status at a total taxpayer cost of Two Hundred Ninety-one Thousand Five Hundred Dollars ($291,500.00) during the same period;

WHEREAS, it is the intent of the National Park Service, under the Revised Land Acquisition Policy issued in September 1977, to accelerate the purchase of private properties within the Wawona area;

WHEREAS, the enforcement of the 1977 Revised Land Acquisition Policy by the National Park Service has resulted in harrassment and intimidation of private property owners in the Wawona area;

WHEREAS, the avowed policy of the National Park Service under the Revised Land Acquisition Policy to preclude further development within the authorized boundaries constitutes inverse condemnation without benefit to the property owner and the denial in taking of private property rights without compensation;

WHEREAS, Supervisor and Chairman of the Board Carroll N. Clark of the Mariposa County Board of Supervisors has heretofore rendered his sworn affidavit on the events and circumstances of the taking of private properties in the El Portal area of Mariposa County by the National Park Service, and this Board of Supervisors hereby endorses and approves the said affidavit of Supervisor
Carroll N. Clark and incorporates said affidavit in this resolution as Exhibit "A" as though set out in full;

WHEREAS, the citizens of Wawona have filed legal proceedings against the National Park Service in that particular lawsuit entitled Dr. Les Arnett & Citizens To Save Wawona, A California Non-profit Corporation, vs. The United States, et al., Action No. F-77-66-CIV, filed in the U.S. District Court, Eastern District of California;

WHEREAS, said federal lawsuit seeks to protect the rights of the individual property owners in the Wawona area from the devastating effects of the existing and ongoing acquisition and condemnation procedures of the National Park Service;

WHEREAS, the Board of Supervisors of the County of Mariposa support the goals and aims of said legal action filed by said citizens of Wawona;

NOW, THEREFORE, THIS BOARD HEREBY DETERMINES AND ORDERS as follows:

1. The Board of Supervisors of the County of Mariposa hereby publicly denounce the policies and procedures of the National Park Service in respect to the National Park Service inholding acquisition program relating to the purchase of private properties in the Wawona area of Mariposa County.

2. The Board of Supervisors of the County of Mariposa hereby publicly announce its support of the goals and the aims of the plaintiffs in that particular federal lawsuit referred to as Dr. Les Arnett & Citizens To Save Wawona, A California Non-profit Corporation vs. The United States, et al., hereinabove referred to.

3. The Board of Supervisors of the County of Mariposa
instructs the Clerk of the Board to forward certified copies of this resolution to the U.S. Department of the Interior, the National Park Service, elected Congressional representatives, members of the House Government Operations Sub-committee, members of the Congressional Appropriations Committee, members of the House Small Business Sub-committee, and members of the House Appropriations Committee.

PASSED AND ADOPTED by the Board of Supervisors, County of Mariposa, this 10th day of January, 1978, by the following vote:

AYES: Long, Weber, Dalton, Clark, Owings

NOES: None

NOT VOTING: None

ABSENT: None

[Signature]
CARROLL N. CLARK, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

[Signature]
ELLEN BRONSON, COUNTY CLERK & EX OFFICIO CLERK OF THE BOARD
AFFIDAVIT OF CARROLL N. CLARK

I, the undersigned, Carroll N. Clark, being first duly sworn, hereby depose and say:

1. I am Chairman of the Board of Supervisors of the County of Mariposa, State of California. I am the father of five children, all of whom were born in Yosemite National Park; my oldest child was born in Yosemite Valley in January 1950. I was stationed at the Ahwahnee Hotel in Yosemite National Park when the Ahwahnee Hotel was a naval hospital in the years 1944 and 1945. I was discharged from the naval hospital in Yosemite in July 1945. After my discharge I worked in the Glacier Point Hotel and the Ahwahnee Hotel for over 12 years; subsequently, I became Postmaster in El Portal on May 16, 1958. I continue to hold the position as Postmaster in El Portal as well as my position of elected Supervisor of the County of Mariposa and Chairman of the Board of Supervisors of the County of Mariposa. During my many years in the El Portal area, I have been known as the unofficial "mayor" of El Portal. I was the fire chief for 18 years and chairman of the El Portal community building for 20 years. I have worked on behalf of the El Portal area for many, many years, and have been eminently involved in continuing disputes with the National Park Service in respect to unfulfilled representations and promises made to the people of the El Portal area.
2. I am familiar with actions of the National Park Service in respect to acquisition of private properties in the Foresta area, the El Portal area, and the Wawona area in the County of Mariposa.

3. The National Park Service under Public Law 85-922, which was approved September 2, 1958, was authorized to acquire approximately 1,200 acres located in the El Portal area adjacent to Yosemite National Park for use as an operating base and administrative site. The initial passage of this legislation was supported by the County of Mariposa by and through the Mariposa County Board of Supervisors in reliance on representation from the National Park Service that the Park Service would provide facilities and services needed for proper community living in the El Portal area and that the property acquired would be used as an operating base and an administrative site for the National Park Service in respect to the administration of Yosemite National Park. The National Park Service under its Mission 66 Program represented that the facilities, activities, and personnel then located in Yosemite Valley serving the Park as a whole would be relocated to the new operating base and administrative site in the El Portal area. The National Park Service further represented that fire protection would be provided to the El Portal area, that a new pressure water system would be placed in operation, and that service would be provided without charge to the residential property owners in the El Portal area. The Park Service further represented that improvements, extensions, and additions on private properties then in existence in the El Portal area would be permitted under National Park Service ownership. The National Park Service did in fact conduct meetings in the El Portal area seeking local support for the passage of Public Law 85-922 and represented at these public meetings that the National
Park Service would provide services covering fire protection, water, sewage, road improvements, street lighting, and other necessary improvements which would contribute to community living in the El Portal area.

4. In reliance upon the representations hereinabove referred to, the citizens and private property owners of El Portal and the County of Mariposa abandoned then existing plans to acquire from the El Portal Mining Company the land subsequently acquired by the National Park Service. Originally the land held by the El Portal Mining Company was to be sold to the lease holders who were leasing said land from the El Portal Mining Company.

5. Representations were made to the El Portal residents and property owners that the acquisition legislation, HR 85-922, would not be passed out of Congressional committee with the approval of the local citizens and the Mariposa County Board of Supervisors. In reliance upon the representations of the National Park Service, I personally, as a leader in the El Portal community, urged the Board of Supervisors of the County of Mariposa to support HR 85-922. I would not have supported HR 85-922 had I known at that time that the National Park Service would not develop the El Portal area into an administrative site for Yosemite National Park and would not provide the community services and utilities as represented by representatives of the National Park Service who were seeking support of HR 85-922.

6. After the passage of HR 85-922 and the final acquisition of the El Portal land by the National Park Service, no efforts were made by the National Park Service to improve the facilities and services for community living as previously represented. The National Park Service reversed their decision to move the administrative offices and shops
from the Yosemite National Park Valley floor to the El Portal area and then entered upon a program to close down existing commercial operations in the El Portal area including the hotel, the motel, the El Portal Inn, and the restaurant. Efforts were made by the National Park Service to move the El Portal Service Station and the El Portal community building, notwithstanding representations that the National Park Service would not remove the existing community building which had been constructed by local citizens until the National Park Service had constructed a new community building for the local citizens. The local El Portal citizens were able to negotiate the retention for public use of the restaurant and the bar which was the only public restaurant/bar facility in the River canyon area and the gas station, which is one of two gas stations in the River canyon area. The National Park Service removed the motel and hotel from public use.

7. In 1964 the National Park Service arbitrarily closed the road between El Portal and the Valley floor. In my capacity as fire chief and civil defense director for the El Portal area, I recognized and understood the problems created which affected the safety and welfare of the people of El Portal by the arbitrary closure of this road. We were able to affect the reopening of the road after a two-week closure period with the assistance of then U.S. Congressman Biz Johnson. My activities on behalf of the citizens of El Portal in respect to the reopening of the road resulted in an official complaint by the National Park Service to the U.S. Postmaster's office and a subsequent inquiry related to allegations that I, as U.S. Postmaster in El Portal, did not have the right to criticize another government agency.
8. A careful review of HR 85-922 indicates that the National Park Service would provide services, including fire protection services as needed and adequate for the fire protection needs of the El Portal area. The National Park Service within the last 12 months has indicated they have no obligation to provide any fire protection for the El Portal area. The citizens of the El Portal area are now providing fire services for this area through a volunteer fire department and Mariposa County and one outdated National Park Service fire truck. Representations were made by the National Park Service in respect to the improvement of roads in the El Portal area. The roads have not been improved by the National Park Service for a number of years after the acquisition of the El Portal area property. The National Park Service now refuses to spend money on the maintenance of the El Portal area roads, which are in desperate need of maintenance, unless the County of Mariposa conveys ownership of said roads to the National Park Service. The National Park Service refuses to enter into a contract with the County of Mariposa for the repair and maintenance of said roads.

9. The County of Mariposa refuses to abandon the existing roads remaining in the ownership of the County due to the failure of the National Park Service to live up to previous representations and promises. The National Park Service at one time attempted to close Road 121C, known as Crane Creek Road, which extended for a distance of approximately one-tenth of a mile from the housing area in El Portal community which consisted of about 80 houses. The closure of this section of the road would have denied access to the state highway traversing the El Portal area and would have limited access to said 80 homeowners to one ingress and egress road. The closure of this road would have created a health and safety problem in the event of flood, natural disaster, or fire.
which would require the rapid removal of the residents from the housing area. With state and Congressional help and after months of difficult negotiation and letter-writing, the National Park Service finally conceded and reversed their decision to close Road 121C.

10. El Portal property owners, prior to the acquisition, were advised they would be allowed special use permit to retain their occupancy of their residential properties. Subsequent to the acquisition, the National Park Service in an arbitrary manner removed residential uses and business uses. The owner of the El Portal Garage, after a great deal of harassment by the National Park Service, was forced to give up his business in the El Portal area and move to another location. The El Portal Garage is now empty and closed, notwithstanding efforts by the National Park Service to find a concessionaire to operate said business. The National Park Service refuses to negotiate with the El Portal community for the utilization of this building for a much needed fire department facility to house existing fire trucks operated by the volunteer fire department of the El Portal community.

11. The County of Mariposa has incurred grievous loss in terms of real property taxes and revenue and bed taxes normally available to the County of Mariposa as a result of policy and procedures under which the National Park Service has operated subsequent to the acquisition of properties in the El Portal area. Such actions are contrary and inimical to the expressed representations of the National Park Service to move the National Park Service administrative site to El Portal and to provide additional services and facilities to the community of El Portal. Contrary to said representations, the National Park Service has in fact eliminated the El Portal Hotel, the El Portal Motor Inn, and for all intents and purposes, the El Portal Garage.
12. The same tactics of harassment and threat have been used by the National Park Service in respect to the area of Mariposa County referred to as the Wawona area (Section 35). This area previously consisted of some 640 acres in private ownership surrounded by the Yosemite National Park. The inholding acquisition program of the National Park Service has reduced the area of Wawona to approximately 205 acres presently maintained in private ownership. The National Park Service has threatened condemnation in terms of changes of any use of existing commercial and/or residential properties in the Wawona area and has refused to cooperate with the County of Mariposa in the development of water and sewer needs through federal grants and programs to service the private property owners and the National Park Service in the Wawona area. The National Park Service has attempted to close off the Chowchilla Mountain Road entrance to the Wawona area whereby citizens of Mariposa County would be forced to drive many miles out of their way to reach the Wawona area. Determined efforts of the County of Mariposa, with the assistance of state and Congressional representatives, have maintained the open usage of the Chowchilla Mountain Road as it traverses through Mariposa County into the Wawona area through the National Park Service lands. The County of Mariposa is determined to retain private ownerships in the Wawona area which would provide both residential and commercial services to the traveling public visiting the Yosemite National Park. The Wawona area is a natural staging area for visits through the south gate to Yosemite National Park and should be maintained in its present and existing status without threat or intimidation and condemnation.

13. The National Park Service has in the past contributed to the pollution of the Merced River by dumping raw sewage directly into the
Merced River and at the present time continues to pollute water sources in the Wawona area by continued uses of properties acquired by the National Park Service while at the same time refusing to cooperate with the County of Mariposa in the development of adequate water and sewage facilities for the Wawona area.

DATED: January 5, 1978

[Signature]

CARROLL N. CLARK