

## Minutes of the Palomar Mountain Planning Organization Meeting April 22, 2000

### **Board Members Present:**

Terri Bailey, Jim Billups (alternate), Thomas Burton, Debbie Bauer, Steve Clark, Donna Dose, Elizabeth Getzoff (alternate), Bruce Graves, Susan Humason, Jack Norvall, Michael Pique, Robert Sterner, John Tainer,

The PMPO Board meeting was convened 10:13 A.M. April 22, 2000, at the Palomar Mountain Volunteer Fire Department.

The minutes of the February 26, 2000, meeting were distributed and approved with the correction that Robert Carlyle was not present.

### **OLD BUSINESS:**

#### **Dual Government Survey Problem**

Bob Wallace, surveyor, spoke about his work on behalf of the PMPO. A chief task is to identify exactly which reference lines have been relied upon since the 1920's for the layout of Section 14 (Crestline vicinity), so he has been measuring existing survey monuments using precision GPS equipment. He has all the prior Section 14 Records of Survey (ROS) entered into his computer system so that discrepancies can be noted. The U.S. Bureau of Land Management (BLM) manual says that monuments that have been accepted for many years should be held. The Forest Service surveyor, Ken Whittaker, did his work "by the BLM bible" and it is not realistic to ask it be thrown out.

Bob Haase noted that the Garten case is not binding on other land owners and the issues can be relitigated. Our position is that the surveys on which Ken Whittaker relied were themselves in error because they mistakenly identified other stones and pipes as being original government monuments. The government's monuments carry great weight in litigation; if the corner established by the surveyor immediately preceding the first "patent" (transfer of parcel to private ownership) can be located, it prevails. Steep terrain and brush fires have obliterated many original monuments on Palomar Mountain, and surveys have often relied on dubiously-identified corners from earlier surveys. Although the result of a hundred years of such an accumulation of assumptions and mistakes is a shaky house of cards, dislodging it by identifying the specific errors is a heavy burden of proof. Nevertheless, Haase and helpers have indeed found some of these original stone monuments and a few more might be located still to bolster our case.

Tom Burton said that since it wasn't the PMPO's job to do expensive litigation, we should avoid the equity (legal) route in favor of obtaining an act of the U. S. Congress restoring the Section 14 boundary as we request. Bruce Graves said he received an answer from Congressman Packard, that he will ask the USFS to investigate. Bruce asked about this congressional approval procedure. Steve Clark said he has 2 or 3 "congressionals" in progress. Jack Norvall said a similar problem near Lake Elsinore was remedied by a bill. Tom Burton said that Packard is going to get the BLM's opinion only, that we need our own ROS pointing out discrepancies and conflicts, as basis for our political activity. But we're running into a time crunch before Packard leaves office. Jack Norvall talked to the BLM and they will have a decision soon but didn't sound optimistic. Jerry McLees wrote Supervisor Horn to prod Congressman Packard.

Mr. Wallace has discussed the survey issues with Jack Rabadew in Sacramento, the BLM's cadastral survey trouble-shooter. Haase said Rabadew sounds like an excellent resource and that we should ask San Diego County to pay for the new survey. Tom Burton said filing and recording GPS measurements as an ROS public document by a registered land surveyor is evidentiary. Wallace said he had it all in his computer but would need work to put it together and file as ROS, including performing the revisions always required by the county. Wallace wants to file the ROS with all the old maps and monuments tied to the new GPS measurements, then present the ROS to Rabadew. Tom Burton asked if discrepancies in the surveys can be brought to Rabadew's attention absent a formal ROS? Wallace said he asked the county and yes, if backed up with patents and original assessor's maps.

Tom Burton asked the cost of this, that is was not the PMPO's duty to assist specific private landowners, could the Section 14 affected owners pitch in for the expense? Terri Bailey said she was not convinced this was a PMPO issue, considering the PMPO is really information-gathering

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body for the community. Haase said the county will respect private-private lines of possession but the county cannot prevail against the federal government intrusion claims, which are the problem. Discussion concluded that the issue of large-scale changes in the boundaries between government and private property were of importance to the whole community.

Bob Wallace estimated \$10,000 to \$12,000 more to finish the fieldwork and to tie in old surveys and file ROS with county. He said so far he had spent "\$3600 of the \$2000". John Tainer asked when he could have a firm estimate, Wallace said it depended greatly on how many county reviews and revisions were needed.

John Tainer moved we publicize the problem in the newsletter and that the PMPO ask specifically for donations dedicated to finishing and recording the survey, with the goal of raising \$6000 in new donations for this specific purpose, to augment \$6000 to be allocated by the PMPO Motion was approved.

### **County of San Diego Year 2020 General Plan**

The county is working on its year 2020 general plan update. Tom Burton has talked with Brian Mooney about zoning and planning issues, especially relating to the Summit down-zoning. Jerry McLees notes we need to get our desires on the formal record.

### **Cedar Creek Yale Water Project**

Jerry McLees reported Mr. Yale has hired the "Stevens Planning Group" as environmental consultants. Mr. Yale in August made application for a Major Use Permit, and at some point the county will issue a "Notice of Preparation" (NOP) to Palomar Mountain property owners. The 30-day period for public response, which follows the Notice of Preparation, will be very important. The PMPO's response to the NOP will be an opportunity for the PMPO to reiterate issues, from the standpoint of a groundwater study not having been done, and importantly, to state how to make the proper study. The PMPO has to make a fair argument that there are potential environmental impacts that need to be addressed in an Environmental Impact Report (EIR). Jerry McLees expects the NOP to go out in one to six months; he will stay in touch with county planner Joe Ferace for follow-up.

### **Annual Meeting and Newsletter**

Susan Humason needs our articles right away; she has 9 out of the expected 18. Donna Dose is organizing the pancake breakfast at the Lodge, May 27, 2000, with annual meeting to follow at 11:00 A.M.

### **Next Meeting:**

The next scheduled board meeting is May 27, 2000, at the Lodge immediately after the Pancake Breakfast and annual meeting.

The meeting was adjourned at 12:24 P.M.

Michael E. Pique, Secretary.