

## Minutes of the Special Palomar Mountain Planning Organization Meeting September 6, 1997

### Board Members Present:

Terri Bailey, Thomas Burton, Debbie Bauer, Karl Bauer (alternate), Robert Carlyle, Russ Day, Bruce Graves, Jack Norvall, Michael Pique, Robert Thicksten. Joseph Weeks.

The Special PMPO meeting was convened at 10:00 A.M. September 6, 1997. Review of the minutes of the April 19, May 24, and July 26 1997 meetings was postponed.

### OLD BUSINESS:

#### Dual Government Survey Problem

Jack Norvall met with the County surveyor and learned what survey field notes and patents (original land grants) would be helpful in resolving the Section 14 boundary problem. The surveys include the 1857 Washburn and 1885 Menlo surveys. The disputed monument was set by William Thorn sometime during the period 1911-1929. The section was resurveyed in 1974 and 1982, and it is these *dependent resurveys* that are at issue.

David James, Chair of the Forest Preservation Society of Southern California, explained the purpose of his Freedom-of-information act meeting (accompanied by Bruce Graves and Jack Norvall) with the Forest Service. They wanted to find out why the section was resurveyed and whether the resurvey was under the authority of the Bureau of Land Management (BLM) or only of the Forest Service, since only the BLM has statutory authority to realign boundaries.

They have set a second meeting to look at correspondence to see if the Forest Service knew that the resurvey would affect many landowners but they only gave notice to Mr. Garton. In particular they are interested in whether Kent Whittaker, the surveyor, served reasonable notice or whether there is evidence that the Service lulled landowners into security by taking no visible action until the expiration of the 'Quiet Title' statute of limitations. The Service says lack of funds preventing marking and posting the claimed new boundary for twelve years; until the tax assessor contacted owners as to their new reduced acreage there was no real notice.

Mr. James thinks an administrative appeal for a corrective survey might achieve 30-40% of our goal without going to court. He suggest two actions:

1. with the BLM, request a corrective survey on grounds the BLM failed to protect the rights of entrymen (owners)
2. with the Forest Service, request an adjustment under the Small Tracts act.

Mr. James recommends hiring attorney Gregory Reden to supervise filing of these administrative complaints. The PFSSC has standing because all the landowners are members of PMPO and the PMPO is a member of the FPSSC.

The PMPO will donate \$2500 to the FPSSC to research the problem and explore our options for administrative remedy and potential future legal remedy to preserve interests of the Palomar Mountain community in the dependent resurvey of Section 14.

Bob Thicksten suggested sending a letter to all owners on the mountain to outline the tax assessor's letter and explain how such a boundary change affects everyone. Jack Norvall will help draft the letter with Bob.

**Next Meetings:** Next scheduled regular meeting November 8, 1997.

The meeting was adjourned at 12:05 P.M.

Michael E. Pique, Secretary.

Minutes approved by PMPO Board November 8, 1997.