

RESOLUTION NO. 95-4

**RESOLUTION TO PROTECT HOME RULE
AND ECONOMIC STABILITY OF THE
COUNTY OF INYO AND PRIVATE PROPERTY
RIGHTS OF ITS CITIZENS FROM ADVERSE
ACTIONS BY FEDERAL AND STATE AGENCIES**

WHEREAS, the Board of Supervisors and citizens of the County of Inyo are concerned in the extreme about the adverse impacts on the economy, private property rights, resources, and land use within the County arising from certain regulatory and administrative practices by federal and state agencies in recent years; and

WHEREAS, federal and state agencies have a legal and enforceable duty to observe the limitations placed on such agencies by the U.S. and California constitutions, including but not limited to, the taking of private property and private property interests for public use without just compensation in violation of the Fifth and Fourteenth Amendments of the U.S. Constitution, and the violation of the rights, privileges, and protections guaranteed to the citizens of Inyo County by the U.S. Constitution and the federal and state Civil Rights Acts; and

WHEREAS, federal and state agencies before taking certain governmental actions are required by law to comply fully with federal and state regulations that are promulgated to protect the due process rights, private property rights, economy, resources, and land use decisions of the County and its citizens; and

WHEREAS, in order to protect the due process rights, private property rights, economy, resources and economic stability of the County of Inyo and its citizens, it is critical that federal and state agencies recognize and address the effects of any actions proposed within the County or concerning the land, private or public, within the County; and

WHEREAS, under and by current law, such coordination and consideration of the County's interests and those of its citizens and property owners is required by the Federal Endangered Species Act of 1973, the National Environmental Protection Act, the National Forest Management Act, the Intergovernmental Cooperation Act, the Federal Land Policy and Management Act, the Federal Administrative Procedures Act, the California Endangered Species Act, State of California Public Resources Code, the California Environmental Quality Act, and numerous other federal and state statutes and administrative procedures; and

WHEREAS, there is serious concern among the citizens of the County that, in the past, the legally required process of notification, referral, and coordination of activities described above was not consistently followed by state and federal agencies, and that this disregard for due process and local citizen interests has resulted in federal agencies, and that this disregard for due process and local citizen interests has resulted in federal and state action within the County that has been detrimental to the economic stability, private property interests, business activity, resources, and environment of the County of Inyo and its citizens.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Inyo, State of California, as follows:

1. Federal and state agencies are herewith notified that the County of Inyo and its citizens expect and require that federal and state officers and employees observe the limitations of the U.S. and California constitutions on governmental actions and that federal and state officers and employees follow the laws and regulations governing their agencies that guarantee to the citizens and property owners of Inyo County due process, economic stability, public health, safety, local land use, and conservation of natural resources and the environment of the County of Inyo, including its agricultural industry, livestock grazing, water resources, mining of gold and other mineral resources, and outdoor recreation in scenic natural settings.

2. Federal and state agencies shall inform the County of Inyo, or its designee(s), of all pending, contemplated or proposed actions affecting local communities, citizens, or affecting County policy, and shall, if requested by the County, coordinate the planning and implementation of those actions with the County or its designee(s). Such notification shall include a detailed description of the proposed action, plan, procedure, rule, guideline, or amendment sufficient to fully inform lay persons of its intent and effects on the resources, environment, private property interests, and economic stability of the County of Inyo.

3. The Inyo County Board of Supervisors shall be consulted in accordance with the laws and regulations of the State of California and the United States regarding any pending, contemplated or proposed actions affecting local communities and citizens of the County.

4. All federal and state agencies shall, to the fullest extent permissible by law, comply with all applicable policies and procedures issued by the County of Inyo.

5. When required by law or when requested by the County of Inyo, all federal and state agencies proposing actions that may impact citizens of the County of Inyo shall prepare and submit in writing, and in a timely manner as soon as is reasonable,

reports(s) on the purposes, objectives and estimated impacts of such actions, including environmental, health, safety, private property, and economic impacts, to the County of Inyo and its citizens. Those reports shall be provided to the County of Inyo for review and coordination with sufficient lead time for the County to prepare a meaningful response for consideration by the federal or state agency.

6. Before federal and state agencies take or adversely affect private property interests or alter land use(s), environmental review of the proposed action shall be conducted by the lead agency, and mitigation measures adopted in accordance with policies, practices, and procedures applicable to the proposed action and in accordance with all applicable federal, state, and local laws. Impact studies shall, as needed, address the effects on community and economic resources, the environment, public health, safety and welfare, private property, grazing rights, mining rights, flood prone areas and access and any other relevant impacts.

7. For the purpose of this Resolution, each federal and state agency shall, unless specifically authorized otherwise, give the required notice(s) to the County of Inyo and the Board of Supervisors via certified mail as follows:

Clerk of the Inyo Board of Supervisors
P. O. Drawer N
Independence, California 93526

8. Not less than 5 (five) complete copies of the written documents supporting the proposed action shall be provided to the Clerk of the Board of Supervisors at the above-referenced address in order that members of the Board of Supervisors, County staff, and the public shall have an opportunity to review and consider the documents.

9. Notification of the availability of related documents shall be available for the minimum time set forth by the federal and state statute for such review or, if none is established by law, for a period of not less than 45 days prior to the proposed date of action, adoption or approval. This time is necessary to ensure adequate local opportunity for consideration and response.

10. Upon receipt of such notification and documents, the Clerk of the Board shall list the notification and related materials on the next Board of Supervisors public agenda correspondence list. This list shall be available at the Clerk of the Board's office, Administration Building, 224 N. Edwards Street, Independence, California 93526.

11. Any citizen or group claiming to be affected by any pending, contemplated, or proposed action of any federal or state agency where a decision or comment upon such action is within the subject matter jurisdiction of the Board of Supervisors is encouraged to present relevant information to the Board. The Board shall consider such information and, where appropriate, shall convey such information to the particular federal or state agency for consideration as an official statement(s) of the County of Inyo.

12. The Board of Supervisors may designate one or more members of its staff, and one or more citizens, to receive, review, and comment upon any pending, contemplated, or proposed action of any federal or state agency, or any related information and may request that such designee(s) report back to the Board.

13. If any part of this Resolution shall be held void by a court of competent jurisdiction, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Resolution.

14. The Clerk of this Board shall cause a copy of this Resolution to be forwarded to the following:

U.S. Dept. of Fish and Wildlife
U.S. Dept. of Agriculture, Forest Service
U.S. Dept. of Interior, Bureau of Land Management
California Dept. of Fish and Game
County Counsel
County Administrative Office
County Planning Department


BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Senator Don Rogers, Assemblyman Keith Olberg, Congressman Jerry Lewis, and all California Counties.

Passed and adopted this 7th day of February, 1995 by the following vote of the Inyo County Board of Supervisors:

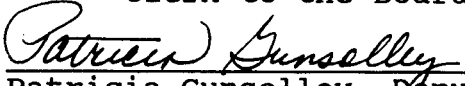
AYES: Supervisors Arcularius, Michener, Gracey and Payne

NOES: -0-

ABSENT: Supervisor Bear


LINDA ARCULARIUS, CHAIRPERSON
INYO COUNTY BOARD OF SUPERVISORS

ATTEST: C. Brent Wallace
Clerk to the Board

By 
Patricia Gunsolley, Deputy
PP:PRN:dx/RESPAYNE