

# Committee on Resources

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**Mr. Fred Gruner**

**House Resources Subcommittee on Parks and Public Lands**

**H.R. 3954, The Rancho El Cajon Boundary Reconciliation Act**

**June 15, 2004**

I would like to thank the Chairman and the Members of the Subcommittee for holding this hearing on HR 3954, the Rancho El Cajon Boundary Reconciliation Act. I would also like to thank Congressman Duncan Hunter for bringing this matter to your attention.

I come before this committee to give an idea of the problems my government has caused me, because of a mistake they made in 1881 when they completed an erroneous federal land survey of the region where I live. The federal government doesn't deny that a mistake was made, they are just trying to decide whether the victim or the perpetrator should stand the loss.

Just to let you know where I'm coming from, I served my country with the Army Air Corps during World War II. When I was discharged, I spent my savings on a piece of land in San Diego County and a 12x16 foot Navy surplus building to house my wife and kids while I built a home and drilled a well on my new property over the next several years. Following completion of our home, the State of California decided they needed my place for a freeway, and they forced me off my land.

Starting over again, I eventually found more land that I could afford that same year - 1962. At that time, I purchased three separate pieces so that later when I needed retirement money, I could sell part of it. There was nothing in the deeds showing any discrepancy or incumbencies. Many years later, around 1978, a possible overlap of the property began showing up and I started to investigate. Each year the overlap increased until the largest portion of my property, Lot 1 and 2, disappeared.

My search for records took me first to San Diego County, then to Jim Kenna, BLM Palm Springs Field Office Manager, then to Lance Bishop, BLM State of California Chief of Geographic Sciences in Sacramento. At the Sacramento BLM office, I got hold of Dave McInney who, rather than have me continue to pester him, assisted me in researching old records to solve my problem. I sought help from my elected representatives, and I even sent a letter to the Director of the BLM in Washington, DC. Eventually, Edward Patton, Jr. began a BLM resurvey of Township 15 South, Range 1 East, San Bernardino Meridian, California, on August 24, 1998. It was concluded on February 24, 2000.

The resurvey determined that Lots 1 and 2 of Section 9, which I had purchased nearly 40 years earlier, overlap into the Rancho El Cajon northern boundary. The discrepancy, I learned, was the result of an erroneous 1881 federal government survey. The recent resurvey determined that several lots, including lots 1 and 2 of Section 9 overlap about 1100 feet into the northern border of Rancho El Cajon. In 1945, California selected Lots 1 and 2 of Section 9 as its Indemnity School Land Selections, and later sold the property to private interests. I purchased the land in 1962. Since the 1881 survey is erroneous, the portions of my 1962 purchase that fall within the overlap do not belong to me, even though I purchased them and paid taxes on the land for four decades.

Following the survey, the County of San Diego removed Lots 1 & 2 from the tax rolls as never having existed. At that time, Mr. Patton, Mr. Kenna and several others from the BLM had a meeting at my home. They showed me a map of federal land available for sale or exchange, land without restrictions, and others with various restrictions. They told me about a 14 point exchange process. At that time, I agreed to a land exchange or payment for land of equal value at today's market value.

Following the meeting with Mr. Kenna and Mr. Patton, the proposal was never acted on by the BLM. I continued contacting my elected representatives, and thankfully, Congressman Duncan Hunter's office contacted me to assist me in bringing this problem to a conclusion. He had the attorneys for the Department of Interior assess my situation, and although they said the problem was their fault, they said they were not legally permitted to reimburse me for my losses. Mr. Hunter then contacted the House Resources

Committee, and in response, Chairman Pombo and Subcommittee Chairman Radanovich sent staff out to view my property and to listen to my predicament. For such responsiveness from my Representatives, I am grateful.

Mr. Chairman, I purchased property in good faith just as many of you have. Unfortunately, and through no fault of mine, an erroneous federal government land survey has caused me to lose much of my land that I thought I had owned for decades. The Interior Department recognizes their error, but they say that they do not have the authority to reimburse me for their error. I don't want to make a profit from the government. I just don't want to lose. Please help me, as well as others that find themselves in my situation, by passing H.R. 3954.

Again, thank you for holding this important hearing. I will be happy to answer any questions that you might have.