MINUTE ITEM

27. REQUEST OF STATE DEPARTMENT OF FISH AND GAME TO PURCHASE LAND IN SAN BERNARDINO COUNTY; REJECTION OF APPLICATION, GEORGE D. LA MOREE - S.W.O. 8018.

Mrs. La Moree appeared on behalf of the applicant, George D. La Moree, to protest the rejection of their application as recommended in the calendar item.

Since there was no representative of the Department of Fish and Game prepared to appear in this matter, the Chairman ordered that the item be put over to the next meeting of the Commission.

Attachment
Calendar Item 20 (3 pages)

CALENDAR ITEM

20.

REQUEST OF STATE DEPARTMENT OF FISH AND GAME TO PURCHASE LAND IN SAN BERNARDINO COUNTY; REJECTION OF APPLICATION, GEORGE D. LA MOREE - S.W.O. 8018.

On February 4, 1960, Mr. George D. La Moree filed an application to purchase State school land described as all of fractional Section 36, T. 7 N., R. 1 W., S.B.M., containing 618.52 acres in San Bernardino County. The applicant offered $20.05 per acre, for a total of $12,401.33, being the minimum offer required under the Commission's regulations as a result of a prior appraisal of the land.

A reappraisal of the land under date of October 3, 1961, set the value at $42.50 per acre, for a total of $26,287.10. On October 23, 1961, the applicant deposited the required amount to meet this value; the money has been on deposit with the Division since that date. Immediately thereafter, during November and December, publication of notice of intention to receive sealed bids occurred; no bids were received.

On February 27, 1962, the matter of sale of the land to George D. La Moree was referred to the State Lands Commission for consideration, and, at the same time, the Commission was informed of the request of the Department of Fish and Game, under date of February 1, 1962, that all of said Section 36 be retained in public ownership. This request was supported by a statement that the land is situated within a block of public domain lands in the Ord Mountains of San Bernardino County for which the Department anticipates processing a request to the United States Bureau of Land Management to establish a national cooperative land and wildlife management area. In view of this request from the Department of Fish and Game, the following resolution was adopted by the Commission:

UPON MOTION DULY MADE AND CARRIED UNANIMOUSLY, A RESOLUTION WAS ADOPTED DEFERRING ACTION ON APPLICATION NO. 11588 OF GEORGE D. La MOREE TO PURCHASE VACANT STATE SCHOOL LAND IN SAN BERNARDINO COUNTY (FRACTIONAL SECTION 36, T. 7 N., R. 1 W., S.B.M.), WITH FINAL DETERMINATION AS TO WHETHER THIS LAND SHOULD BE RETAINED IN PUBLIC OWNERSHIP, FOR THE BENEFIT OF THE DEPARTMENT OF FISH AND GAME, OR SOLD TO GEORGE D. La MOREE TO BE MADE IN CONSONANCE WITH THE LAND MANAGEMENT AND DISPOSITION POLICY TO BE ESTABLISHED BY THE COMMISSION, A REPORT ON WHICH IS TO BE GIVEN TO THE COMMISSION BY THE STAFF NOT LATER THAN THE APRIL 1962 MEETING. MR. La MOREE IS TO BE GIVEN THE OPTION EITHER OF CANCELLING HIS APPLICATION AND RECEIVING A REFUND OF THE MONEYS WHICH HE HAS ON DEPOSIT, OR OF LEAVING HIS MONEYS ON DEPOSIT SO THAT HIS APPLICATION WILL REMAIN IN FULL FORCE AND EFFECT IF IT SHOULD BE DETERMINED FINALLY THAT THE LANDS FOR WHICH HE HAS APPLIED SHOULD BE SOLD INTO PRIVATE OWNERSHIP.

The State Lands Commission at its meeting of September 16, 1963, adopted, after several public hearings and due consideration, policies relative to the future administration of lands under its jurisdiction, including the following-quoted policy relating to conflicts between pending private applications and public agency requests for use of the same lands:

A 72 & 73
S 36

DIRECTS THE REJECTION OF ANY APPLICATION BY PRIVATE PARTIES TO PURCHASE STATE LANDS PRESENTLY AUTHORIZED TO BE SOLD PURSUANT TO SECTIONS 2300 TO 2302, INCLUSIVE, OF TITLE 2, DIVISION 3, OF THE CALIFORNIA ADMINISTRATIVE CODE, IN INSTANCES WHERE ANY STATE OR LOCAL AGENCY HAS OBJECTED TO SUCH SALE INTO PRIVATE OWNERSHIP AND OFFERS TO PURCHASE OR LEASE THE LAND WITHIN TWO YEARS FROM THE DATE SUCH OBJECTION IS RECEIVED BY THE STATE LANDS COMMISSION.

In accordance with the foregoing and other adopted policies applicable to school lands under the Commission's jurisdiction, cities, counties, school districts, and State agencies were circularized with a listing of such lands, including the subject parcel. The agencies circularized were allowed 30 days from the dates of such notices within which to indicate those parcels that were desired for immediate lease or purchase, or that were to be held for the two-year period for further review as permitted by the Commission's policy. By letter dated December 26, 1963, the City Administrator of the City of Victorville requested that the subject parcel be held by the Commission for the two-year period. Even though the Department of Fish and Game objected to the sale by the Commission in February of 1962, the parcel was not noted in the Resources Agency listing submitted to the Division as a result of the above-mentioned public agency circularization. Both the City of Victorville and the State Department of Fish and Game were advised of the Commission's policy affecting lands embraced in pending private purchase applications that also were desired by public agencies. Thirty days were allowed each agency to indicate whether it objected to the sale and, if so, to submit a statement that it would purchase the land within two years. The City of Victorville waived through failure to respond within the 30-day period. A letter dated April 1, 1964, from the Director of the Department of Fish and Game is quoted in part as follows:

> "This parcel of land is within a 131,000 acre area proposed for wildlife management area and contains key wildlife and public access value. The Ord Mountain area is considered an exceptional wildlife and conservation site that should be preserved in public ownership.
>
> "We feel that the above values are more important than seasonal cabin sites. We feel that too many of the scenic and important desert lands in California have already been spoiled by this type of unplanned development.
>
> "This letter is to inform you of our objection to this sale and that the Department of Fish and Game intends to purchase or lease the subject land within two years from the date of this letter."

Notwithstanding the fact that the private applicant has had a valid application pending since February 4, 1960, to purchase, with all deposits made in the amount of $26,287.10, it is clear from advice of the Attorney General that the Commission may cancel an application of this type at any time prior to award to an applicant or bidder. In keeping with the aforementioned policy of the Commission adopted at its meeting of September 16, 1963, rejection of the private application and a refund of all deposits except for the $5 filing fee is in order.

CALENDAR ITEM 20. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION:

1. REJECT THE APPLICATION OF GEORGE D. La MOREE TO PURCHASE ALL OF FRACTIONAL SECTION 36, T. 7 N., R. 1 W., S.B.M., CONTAINING 618.52 ACRES IN SAN BERNARDINO COUNTY;

2. DIRECT THE RETURN OF ALL DEPOSITS TO THE APPLICANT EXCEPT FOR THE $5 FILING FEE; AND

3. HOLD SAID LAND FOR THE TWO-YEAR PERIOD FROM APRIL 3, 1964, FOR PURCHASE OR LEASE BY THE STATE DEPARTMENT OF FISH AND GAME.