

MINUTE ITEM

This Calendar Item No. 16
was presented as a Minute Item
No. 16 of the State Lands
Commission by a vote of 9
to 0 at its 1/25/79
meeting.

CALENDAR ITEM

16.

1/79
W 21992
W 21993
Grimes

AUTHORIZATION TO FILE INDEMNITY SELECTIONS

Under the School Land Grant of 1853, the State was entitled to the 16th and 36th section of each township, providing those sections were not already encumbered at the time of the approval of the plat of survey for the township. If the sections were encumbered at the time of the approval of the plat of survey, the State was entitled to an equal area of land to be selected from unappropriated public domain in indemnification for the loss. The State is presently entitled to select 57,610.53 acres of non-mineral lands and 2,575.53 acres of mineral lands.

For the past 20 years, the State has been frustrated in its attempts to take indemnification for school land losses because the Bureau of Land Management, through regulations and policy has limited lands available to such an extent that the mere entitlement was of more value than lands which could be selected.

The State of Utah has brought suit against the Department of Interior, contending that the Bureau of Land Management has virtually no discretion in denying indemnity selections, and has gotten a favorable ruling from the court. Although the ruling was from the United States 10th Circuit Court, it appears that the Department of Interior will apply the decision in regard to all states having unsatisfied indemnity entitlement.

The staff feels the time is appropriate to file indemnity selections on behalf of the State and recommends the following:

Geysers Area - Lake County

This is a producing geothermal area, having demonstrated the most potential of any unappropriated public domain within the State. The State has active leases in the area and additional lands would complement the existing State ownership. The staff proposes to select up to 2,575.53 acres within the Geysers Geothermal Area.

A 1, 2, 8, 9

S 1, 2, 4

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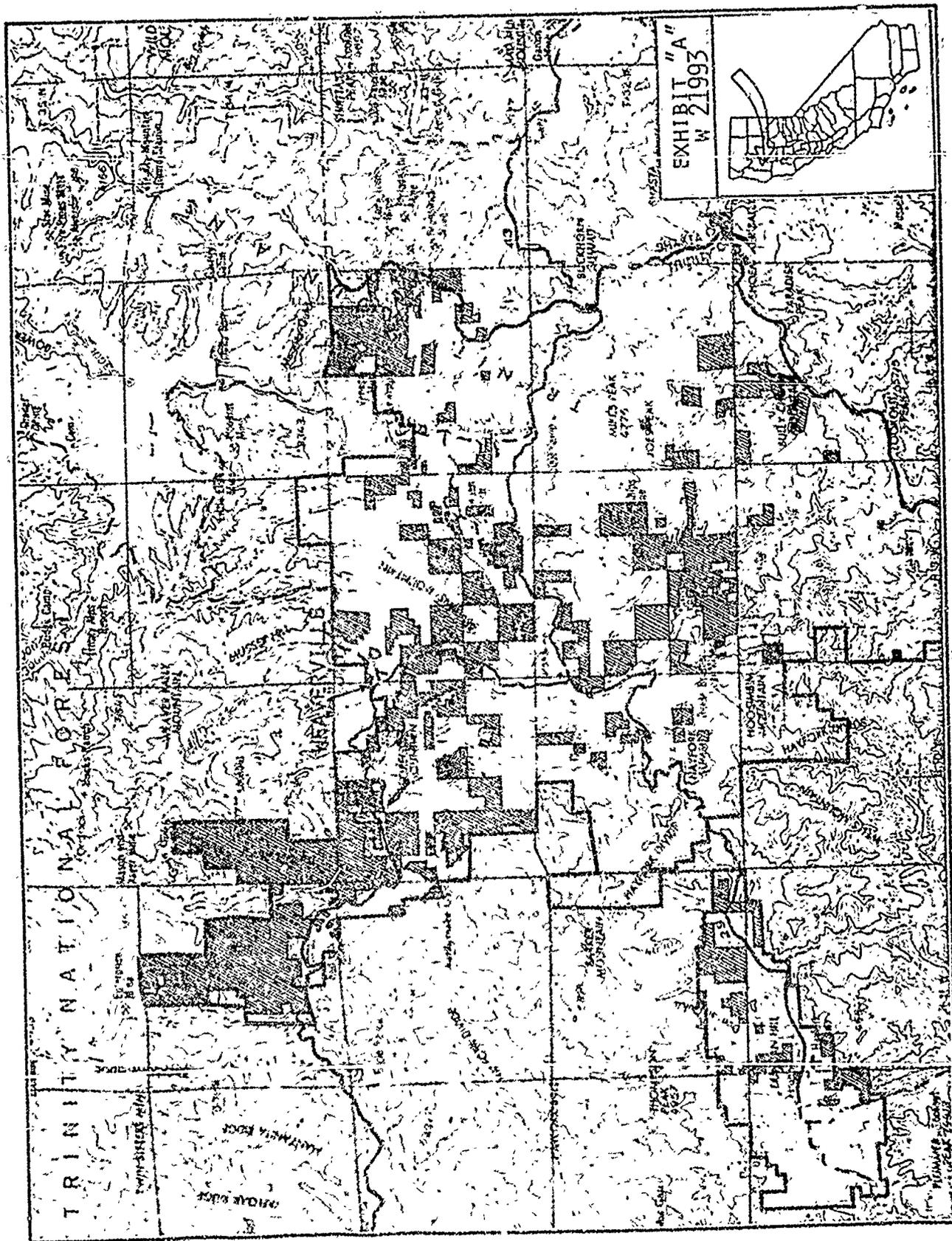
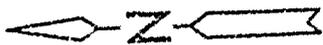
Trinity Planning Unit - Trinity County

This unit is heavy in merchantable timber, supporting an annual cut of 2 million board feet. It also has excellent recreational potential along the Trinity River, in close proximity to the Whiskey Town Reservoir and Shasta Lake. There are approximately 44,000 acres in the unit.

- EXHIBITS:
- A. Trinity Planning Unit Site Map.
 - B. Geysers Area Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE FILING OF AN INDEMNITY SELECTION ENCOMPASSING THE ENTIRE TRINITY PLANNING UNIT OF THE REDDING DISTRICT OF THE BUREAU OF LAND MANAGEMENT. THE LANDS ARE SHOWN SCHEMATICALLY ON EXHIBIT "A"
2. AUTHORIZE THE FILING OF AN INDEMNITY SELECTION OF UP TO 2,575.53 ACRES OF LAND FROM UNAPPROPRIATED PUBLIC DOMAIN WITHIN THE GEYSERS GEOTHERMAL AREA. THE AREA IS SHOWN ON EXHIBIT "B".

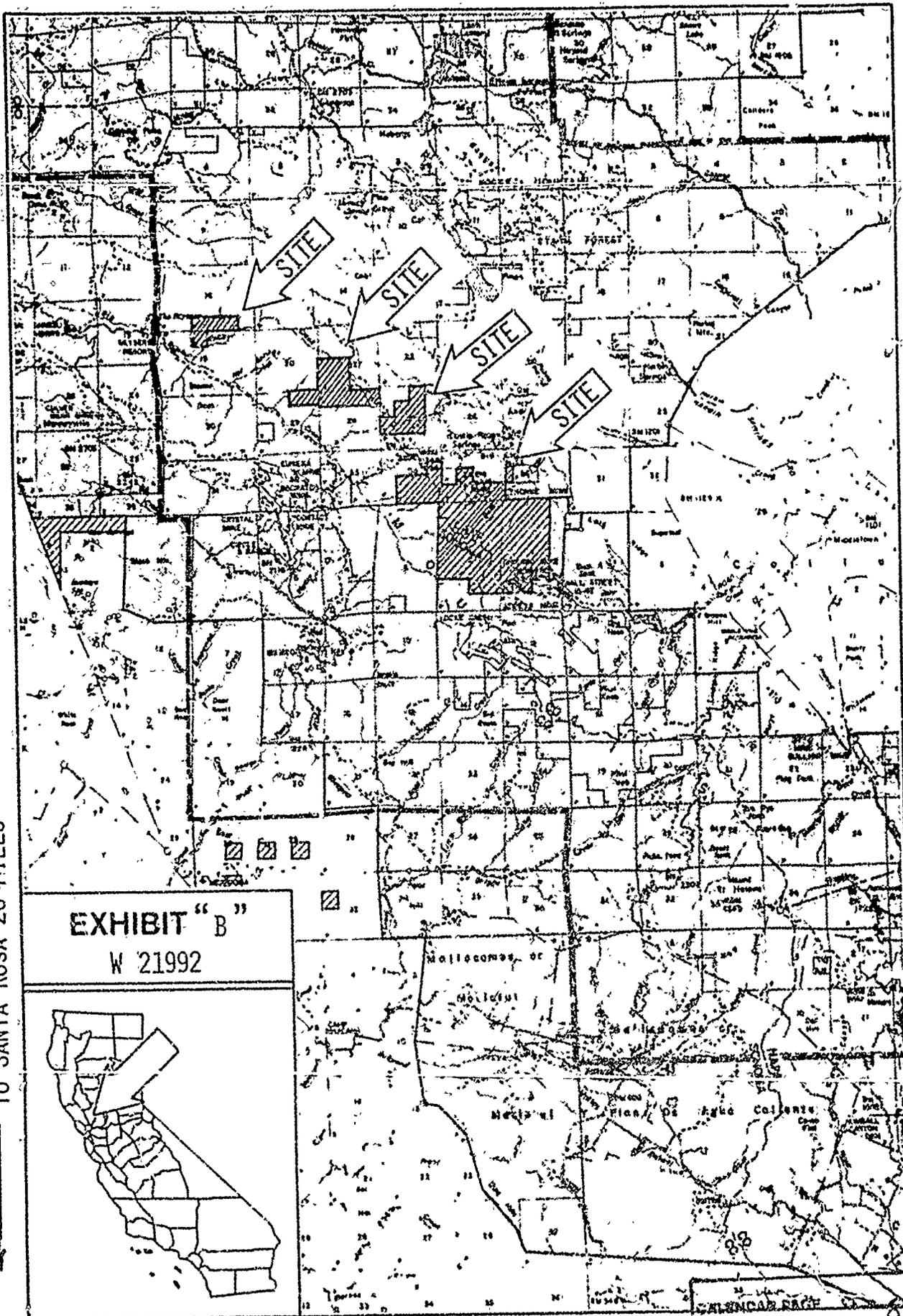


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TO SANTA ROSA 20 MILES

EXHIBIT "B"

W 21992



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