

MINUTE ITEM

This Calendar Item No. 36
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 2
0 at its 8-26-80
meeting.

CALENDAR ITEM

36.

8/80
W 20999
Shimer

LAND EXCHANGE AGREEMENT

This is a proposal to exchange State-owned lands that lie within Chocolate Mountains Aerial Gunnery Range and the Mojave "B" Ranges operated by the United States Navy in Imperial and San Bernardino Counties for excess Navy land of equal value in Norco, Riverside County. Existing land uses will not change as a result of this proposal.

The proposal is to exchange 14,915.4 acres of State school land with a 100% mineral reservation in the State, together with a 1/16 mineral interest in an additional 1,120 acres for fee interest in 65.5 acres of Navy land with easements for access. Staff review of independent appraisals indicates the properties being exchanged are of equal value.

Both the Chocolate Mountains and Mojave "B" Ranges have been operated by the United States Navy for weapons development and training purposes since 1943. Most of the land within the Ranges is withdrawn Federal public domain; however, there are over 115,000 acres of non-Federal property. This has required the Navy to negotiate, condemn, and periodically renew leases on over 4,000 parcels of these non-Federal lands. Public Law 94-431 authorized the Navy to acquire the non-Federal property in order to alleviate the problems associated with leasing. Twenty-six parcels, totaling 14,915.4 acres, and a 1/16 mineral interest in an additional 1,120 acres of the non-Federal land are State-owned.

Because of the remote, rugged, and desolate nature of the land within the Ranges, rental obtained by the State from the Navy has been very low. Current rental is \$14,090, or just under \$1.00 per acre per year. The State for many years attempted to obtain a higher rental. However, in a 1976 Decision (subsequently affirmed on appeal) in a leasehold condemnation action brought against non-Federal land within Chocolate Mountains, the Navy's valuation was upheld (USA v. 117,763 acres of land in Imperial County Civ. No. 70-200-S, and USA v. Shewfelt Investment Company No. 76-3130).

A 34, 68, 75

S 16, 34, 38

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CALENDAR ITEM NO. 36. (CONTD)

It appears to be to the advantage of both the State and the Navy to exchange lands so that the Gunnery Ranges can be consolidated in Federal ownership, and the State can acquire land of equal value that is accessible, has utility, and has potential to appreciate in order to enhance the school land asset.

The Environmental Setting

The Chocolate Mountains Aerial Gunnery Range includes an area approximately 50 miles long and 15 miles wide, totaling over 400,000 acres in Imperial County. It lies between the Salton Sea on the west and the Colorado River on the east. The main topographic features are the barren, rugged Chocolate Mountains and the associated alluvial slopes to the east and west.

The Mojave "B" Ranges are associated with the Randsburg Wash Test Facility and total approximately 315,000 acres in northwestern San Bernardino County, 25 miles east of Ridgecrest and 30 miles north of Barstow. The setting is typical high desert mountains and dry alluvial valleys.

Both the Chocolate Mountains and Mojave "B" Ranges have been used for weapons testing and military training purposes for over 37 years. There are no plans to terminate these uses in the foreseeable future. Environmental Assessments for continued weapons testing and training have been prepared and submitted to the United States Bureau of Land Management as required by Public Law 94-579 (Federal Land Policy and Management Act of 1976 -- BLM No. CA 978). A finding of no significant impact for continued use at the Mojave "B" Ranges was published in the Federal Register on October 29, 1979. Studies to supplement the Environmental Assessment for Chocolate Mountains are currently under way; however, it is not anticipated that there will be any curtailment of the Navy's exclusive use of the area.

The State school lands scattered within the ranges are predominantly full 640-acre sections. There was no known use or occupancy of any of the State lands prior to military and naval occupancy beginning in World War II. There are no known springs or water holes on any of these parcels, and although mineral and cultural resources are believed to exist in the general area, no specific values have been identified as occurring on the State-owned tracts. National security and safety precautions have prevented detailed on-the-ground examination of the State lands.

CALENDAR ITEM NO. 36. (CONTD)

An Initial Study was circulated, but no adverse comments were received concerning the proposed land exchange. The circulation of the Initial Study was also intended to satisfy the requirements of PRC 6373 as to a General Plan of use prior to disposition of lands. None of the State lands to be conveyed have been nominated as possessing significant environmental values as provided for in P.R.C. Section 6370. A Negative Declaration (SCH Number 80080612) was circulated and no adverse comments were received.

The Navy land that the State would acquire in exchange is a portion of a 645-acre tract that houses the Corona Laboratories of the Naval Weapons Center. The Navy has offered a 65.5-acre unimproved portion of the tract which is located at Norco, Riverside County, about 45 miles east of Los Angeles, just north of Corona.

The exchange parcel is in the west-central area of the City of Norco. This is a fairly new City, having been incorporated in 1964. The area within the City had been substantially developed as a suburban community composed of small acreage ranchettes. Since incorporation, several subdivisions, typically comprising 20,000-square-foot lots, have been developed to the south and west of the exchange parcel. Highest and best use for appraisal purposes is considered to be an extension of similar single-family development into the exchange parcel. The parcel is level to gently sloping, and future access could be developed via an extension of Western Avenue and a lateral connection to Mountain Avenue.

Four Federal condemnation actions have been filed which include 1,120 acres of lands in which the State has retained a 1/16 mineral interest in the Chocolate Mountains (US v. 13,812.13 acres, Civil No. 79-0245-N-MF-026; US v. 8,476.60 acres, Civil No. 79-0924-N-MF-027; US v. 13,874.92 acres, Civil No. 79-0952-N-MF-028 and US v. 15,457.91 acres, Civil No. 80-0885-N-MF-029). An additional condemnation action is expected to be filed prior to September 30, 1980, covering the State's 14,915.4 acres of fee owned lands if the proposed Exchange Agreement is not consummated.

CALENDAR ITEM NO. 36. (CONTD)

The proposed agreement substantially in the form on file in the Commission's offices, would provide that:

1. The Navy will convey all its right, title and interest (including mineral rights) in 65.5 acres of land at Norco.
2. The State will patent to the Navy its right, title and interest in 14,915.4 acres of fee-owned lands, reserving 100% minerals to the State with right of surface entry at such time as the lands are no longer needed for national defense purposes.
3. The State will patent to the Navy its 1/16 mineral interest in 1,120 acres.
4. The State and the Navy will enter into stipulations to settle the four condemnation actions that cover the 1,120 acres of 1/16 mineral interest.

EXHIBITS

- A. Description of fee-owned school lands to be conveyed.
- B. Description of lands in which the State has retained a 1/16 mineral interest to be conveyed.
- C. Description of Navy land to be conveyed to the State.
- D-1, D-2, D-3. Site maps of State lands to be conveyed.
- E. Site map of Navy land to be conveyed to the State.
- F. General Plan of use for lands in Imperial and San Bernardino Counties.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY, BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COMMISSION'S STAFF.

2. CERTIFY THAT THE NEGATIVE DECLARATION NO. 274 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE EIR GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. APPROVE THE EXCHANGE AGREEMENT ON SUBSTANTIALLY THE FORM ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION PROVIDING FOR THE EXCHANGE OF 14,915.4 ACRES OF STATE SCHOOL LAND WITH A 100% STATE MINERAL RESERVATION TOGETHER WITH THE 1/16 MINERAL INTEREST IN AN ADDITIONAL 1,120 ACRES IN IMPERIAL AND SAN BERNARDINO COUNTIES FOR 65.5 ACRES OF EXCESS NAVY LAND AT NORCO, RIVERSIDE COUNTY. THE LANDS AND INTERESTS TO BE CONVEYED ARE DESCRIBED IN EXHIBITS "A", "B", AND "C" ATTACHED HERETO AND MADE A PART HEREOF; AND ALSO PROVIDING FOR STIPULATIONS FOR SETTLEMENT OF FOUR CONDEMNATION ACTIONS THAT INCLUDE LANDS DESCRIBED IN EXHIBIT "B" IN WHICH THE STATE HAS RETAINED A 1/16 MINERAL INTEREST.
5. FIND THAT AN EXCHANGE OF THE LANDS DESCRIBED IN EXHIBITS "A", "B", AND "C" IS IN THE BEST INTEREST OF THE STATE IN THAT THE LANDS TO BE ACQUIRED ARE OF EQUAL VALUE TO THE LANDS TO BE CONVEYED AND THAT IT WILL SECURE STATE OWNERSHIP IN LANDS OUTSIDE THE BOUNDARIES OF CHOCOLATE MOUNTAINS AND MOJAVE "B" GUNNERY RANGES THEREBY PROVIDING THE STATE WITH ACCESS TO AND CONTROL OVER THE USE OR DISPOSITION OF ITS LAND.
6. AUTHORIZE TRANSMITTAL OF THE ABOVE-FINDING TO THE GOVERNOR'S OFFICE WITH A REQUEST FOR EXECUTION OF PATENTS TO THE LANDS DESCRIBED IN EXHIBIT "A" AND "B".
7. APPROVE THE GENERAL PLAN REQUIRED UNDER SECTION 6373 PRC AND AUTHORIZE ITS TRANSMITTAL TO THE LEGISLATURE.
8. AUTHORIZE ISSUANCE OF A PATENT TO THE LANDS DESCRIBED IN EXHIBIT "A" AND "B" TO THE UNITED STATES OF AMERICA, SUBJECT TO A RESERVATION OF 100% OF THE MINERALS IN THE LANDS DESCRIBED IN EXHIBIT "A" AND ACCEPTANCE OF A CONVEYANCE FROM THE UNITED STATES OF AMERICA FOR THE LANDS DESCRIBED IN EXHIBIT "C" TO THE STATE OF CALIFORNIA.
9. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO CONSUMATE THE EXCHANGE.

EXHIBIT "A"

LAND DESCRIPTION

W 20999

All of Section 16, T9S, R16E, SBM, except that portion as described in the Declaration of Taking by the United States of America dated February 12, 1942, in the District Court of the United States, Southern District of California, Central Division, Case No. 2054-Y Civil, a certified copy of said Declaration was recorded February 18, 1942 as Document No. 43 in Book 583, Page 412 of Official Records, Imperial County Records, containing 380.00 acres, more or less.

All of Section 36, T9S, R16E, SBM, containing 640.00 acres, more or less.

All of Section 36, T9S, R17E, SBM, containing 640.00 acres, more or less.

All of Section 16, T10S, R16E, SBM, containing 640.00 acres, more or less.

All of Section 16, T10S, R17E, SBM, containing 640.00 acres, more or less.

NW-1/4 of NW-1/4, Section 36, T10S, R15E, SBM, containing 40.00 acres, more or less.

W-1/2 of SW-1/4; SE-1/4 of SW-1/4, Section 36, T10S, R15E, SBM, containing 120.00 acres, more or less.

All of Section 36, T10S, R16E, SBM, containing 640.00 acres, more or less.

All of Section 36, T10S, R17E, SBM, containing 640.00 acres, more or less.

All of Section 16, T10S, R18E, SBM, containing 640.00 acres, more or less.

All of Section 36, T10S, R18E, SBM, containing 640.00 acres, more or less.

All of Section 16, T11S, R17E, SBM, containing 640.00 acres, more or less.

All of Section 16, T11S, R18E, SBM, containing 640.00 acres, more or less.

All of Section 16, T11S, R19E, SBM, containing 640.00 acres, more or less.

All of Section 36, T11S, R16E, SBM, containing 640.00 acres, more or less.

All of Section 36, T11S, R17E, SBM, containing 640.00 acres, more or less.

All of Section 36, T11S, R18E, SBM, containing 640.00 acres, more or less.

N-1/2; SE-1/4; N-1/2 of SW-1/4, Section 16, T12S, R18E, SBM, containing 560.00 acres, more or less.

All of Section 16, T12S, R19E, SBM, containing 640.00 acres, more or less.

All of Section 16, T25S, R44E, MDM, containing 640.00 acres, more or less.

All of Section 16, T26S, R44E, MDM, containing 640.00 acres, more or less.

All of Section 16, T29S, R45E, MDM, containing 640.00 acres, more or less.

All of Section 36, T29S, R45E, MDM, containing 640.00 acres, more or less.

All of Section 16, T30S, R45E, MDM, containing 640.00 acres, more or less.

All of Section 36, T30S, R45E, MDM, containing 640.00 acres, more or less.

All of Section 16, T26S, R47E, MDM, containing 375.40 acres, more or less.

END OF DESCRIPTION

THIS DESCRIPTION PREPARED BY OTHERS AND REVIEWED BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "B"

LAND DESCRIPTION

W 20999

Mineral reservation parcels in which the State has a 1/16 mineral interest.

All of Section 16, T11S, R16E, SBM, containing 640 acres, more or less.

The E-1/2, E-1/2 NW-1/4, SW-1/4 NW-1/4, NE-1/4 SW-1/4 of Section 36, T10S, R15E, SBM, containing 480 acres, more or less.

END OF DESCRIPTION

THIS DESCRIPTION PREPARED BY OTHERS AND REVIEWED BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "C"

LAND DESCRIPTION

W 20999

Certain parcels of land lying in the City of Norco, County of Riverside, State of California, being a portion of Naval Weapons Center, China Lake, Corona Annex, as described in Civil Actions 2316-W, 2416-W, and 2716-W consolidated and filed August 16, 1946, in the United States District Court for the Southern District of California, more particularly described as follows:

PARCEL 1

COMMENCING at the southwesterly corner of said Naval Weapons Center, said corner being on the boundary line between Rancho La Sierra Yorba and Rancho La Sierra Sepulveda and shown on the Department of the Navy WEST DIV DWG NO. C-102345 at the western terminus of the course labeled N 89° 58' 12" W 2293.49 feet, thence along the southerly boundary of said Naval Weapons Center S 89° 58' 12" E 2293.49 feet; thence N 0° 00' 16" E 659.79 feet to the TRUE POINT OF BEGINNING; thence the following seven courses and distances;

1. S 0° 00' 16" W 659.79 feet;
2. N 89° 58' 12" W 1010.00 feet;
3. N 0° 00' 16" E 1974.79 feet to the southerly edge of Third Street;
4. S 89° 59' 40" E 154.61 feet;
5. N 0° 00' 35" E 835.32 feet;
6. S 89° 59' 52" E 855.31 feet;
7. S 0° 00' 16" W 2150.80 feet to the true point of beginning.

Parcel 1 containing 62.2 acres, more or less.

PARCEL 2

COMMENCING at the southwest corner of said Naval Weapons Center, said corner being on the boundary line between Rancho La Sierra Yorba and Rancho La Sierra Sepulveda and shown on the Department of the Navy WEST DIV DWG NO. C-102345 at the western terminus of the course labeled N 89° 58' 12" W 2293.49 feet, thence along the southerly boundary of said Naval Weapons Center S 89° 58' 12" E 2293.49 feet; thence N 0° 00' 16" E 719.79 feet to the TRUE POINT OF BEGINNING; thence S 89° 58' 20" E 2400.00 feet, more or less, to the westerly edge of Mountain Avenue extended northerly; thence

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South 60.00 feet along said westerly edge of Mountain Avenue extended northerly to the southerly boundary of said Naval Weapons Center; thence N 89° 58' 20" W 2400.00 feet, more or less, along said southerly boundary to a point that bears S 0° 00' 16" W 60.00 feet from the true point of beginning; thence N 0° 00' 16" E 60.00 feet to the true point of beginning. Parcel 2 containing 3.31 acres, more or less.

PARCEL 1E

A non-exclusive easement for ingress and egress, street and public utility purposes over a strip of land described as follows:

COMMENCING at the southwest corner of said Naval Weapons Center, said corner being on the boundary line between Rancho La Sierra Yorba and Rancho La Sierra Sepulveda and shown on the Department of the Navy WEST DIV DWG NO. C-102345 at the western terminus of the course labeled N 89° 58' 12" W 2293.49 feet, thence along the southerly boundary of said Naval Weapons Center S 89° 58' 12" E 1283.49 feet; thence N 0° 00' 16" E 1974.79 feet to the southerly edge of Third Street; thence S 89° 59' 40" E 154.61 feet to the TRUE POINT OF BEGINNING; thence from said true point of beginning the following four courses and distances:

1. N 0° 00' 35" E 2898.64 feet;
2. West 30.00 feet;
3. S 0° 00' 35" W 2898.64 feet;
4. S 89° 59' 40" E 30.00 feet to the true point of beginning.

Parcel 1E containing 2.00 acres, more or less.

PARCEL 2E

A non-exclusive easement for ingress and egress, street and public utility purposes over a strip of land described as follows:

COMMENCING at the southwest corner of said Naval Weapons Center, said corner being on the boundary line between Rancho La Sierra Yorba and Rancho La Sierra Sepulveda and shown on the Department of the Navy WEST DIV DWG NO. C-102345 at the western terminus of the course labeled N 89° 58' 12" W 2293.42 feet, thence along the southerly boundary of said Naval Weapons Center S 89° 58' 12" E 1283.49 feet; thence N 0° 00' 16" E 1974.79 feet to the southerly edge of Third Street and the TRUE POINT OF BEGINNING; thence the following four courses and distances:

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1. S 89° 59' 40" E 124.61 feet;
2. N 0° 00' 35" E 60.00 feet;
3. N 89° 59' 40" W 124.61 feet;
4. S 0° 00' 16" W 60.00 feet to the true point of beginning.

Parcel 2E containing 0.17 acres, more or less.

All as shown on the Department of the Navy WEST DIV DWG NO. C-102345 labeled Exhibit "F" attached hereto and made a part hereof.

END OF DESCRIPTION

THIS DESCRIPTION PREPARED BY OTHERS AND REVIEWED BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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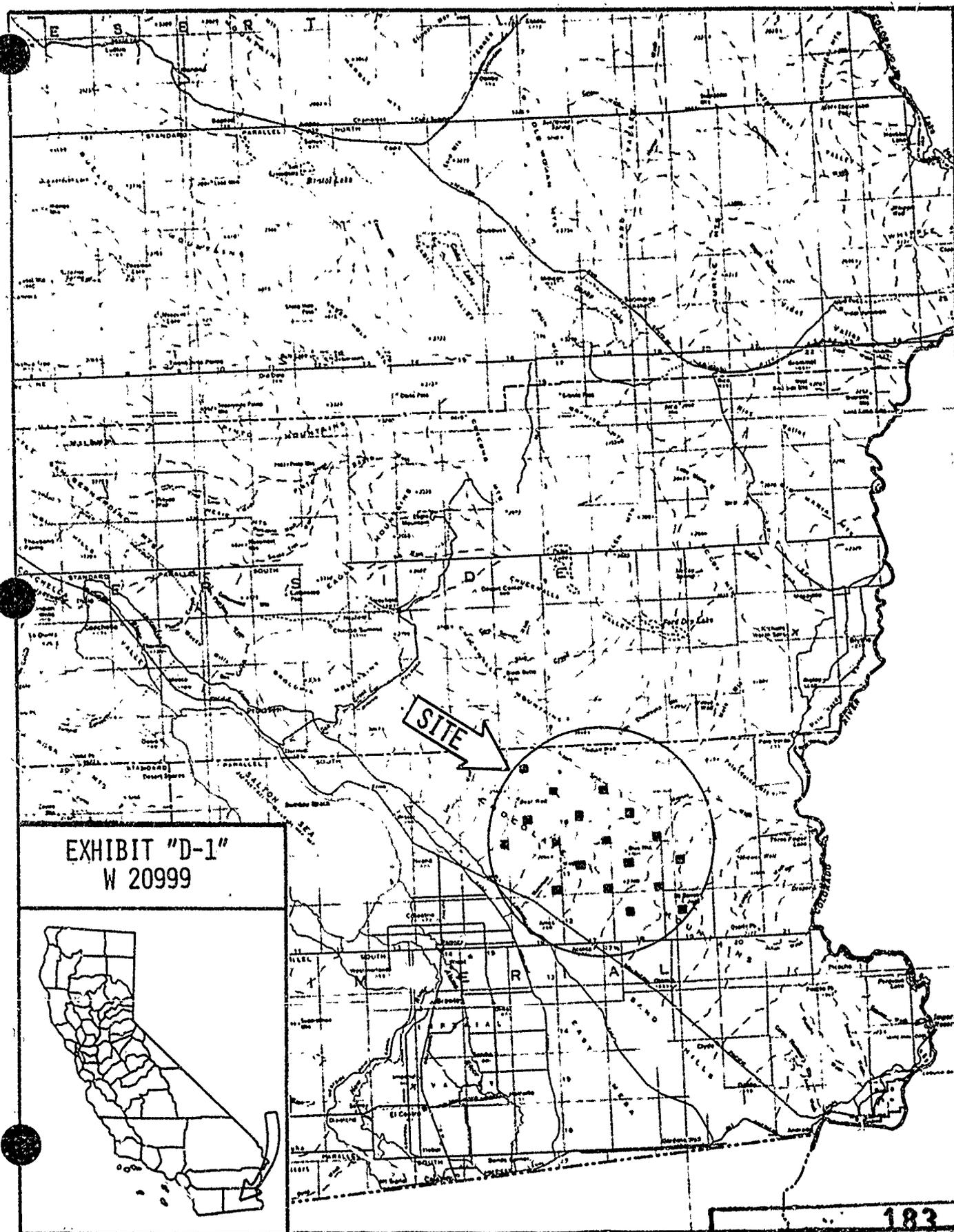


EXHIBIT "D-1"
W 20999



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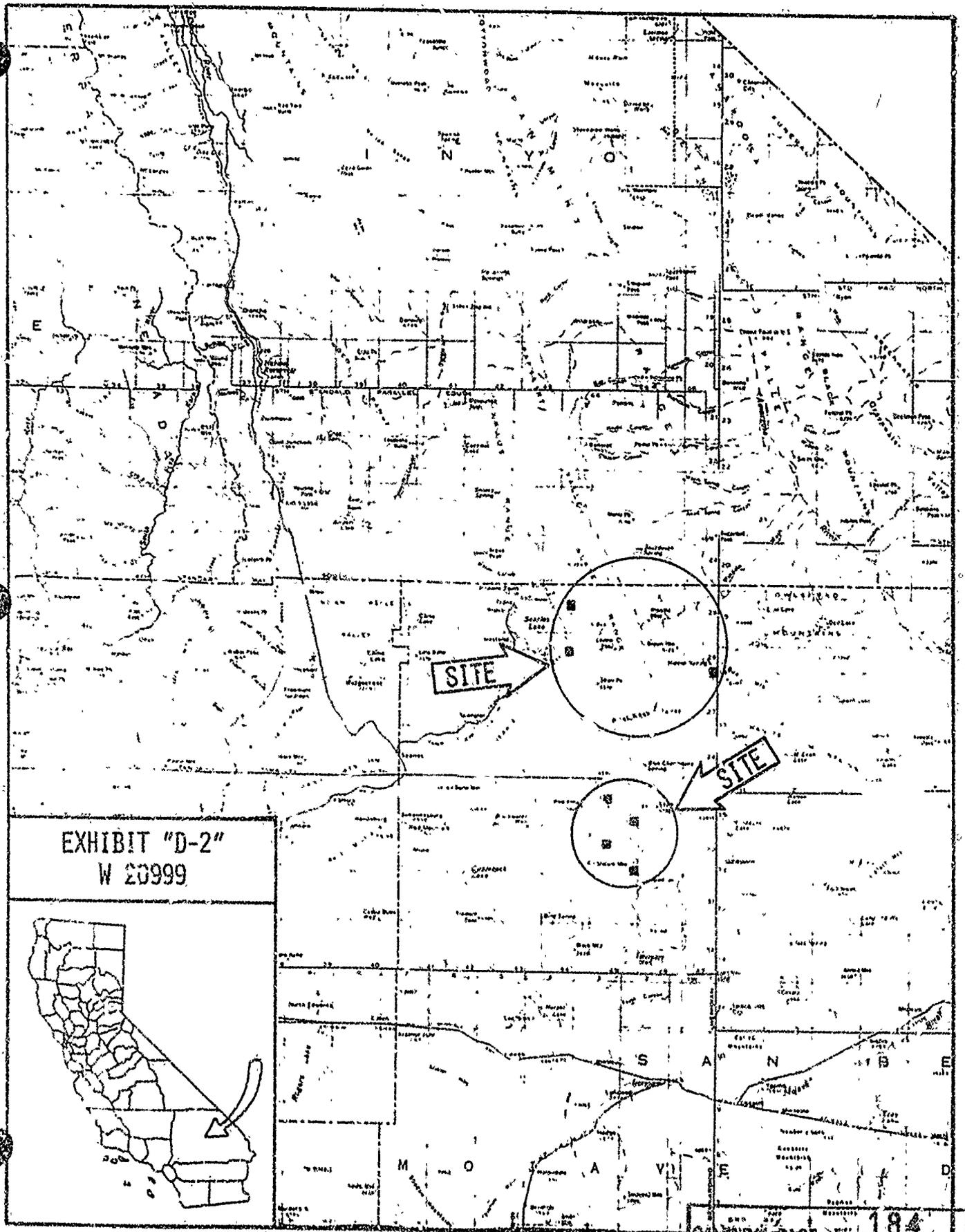


EXHIBIT "D-2"
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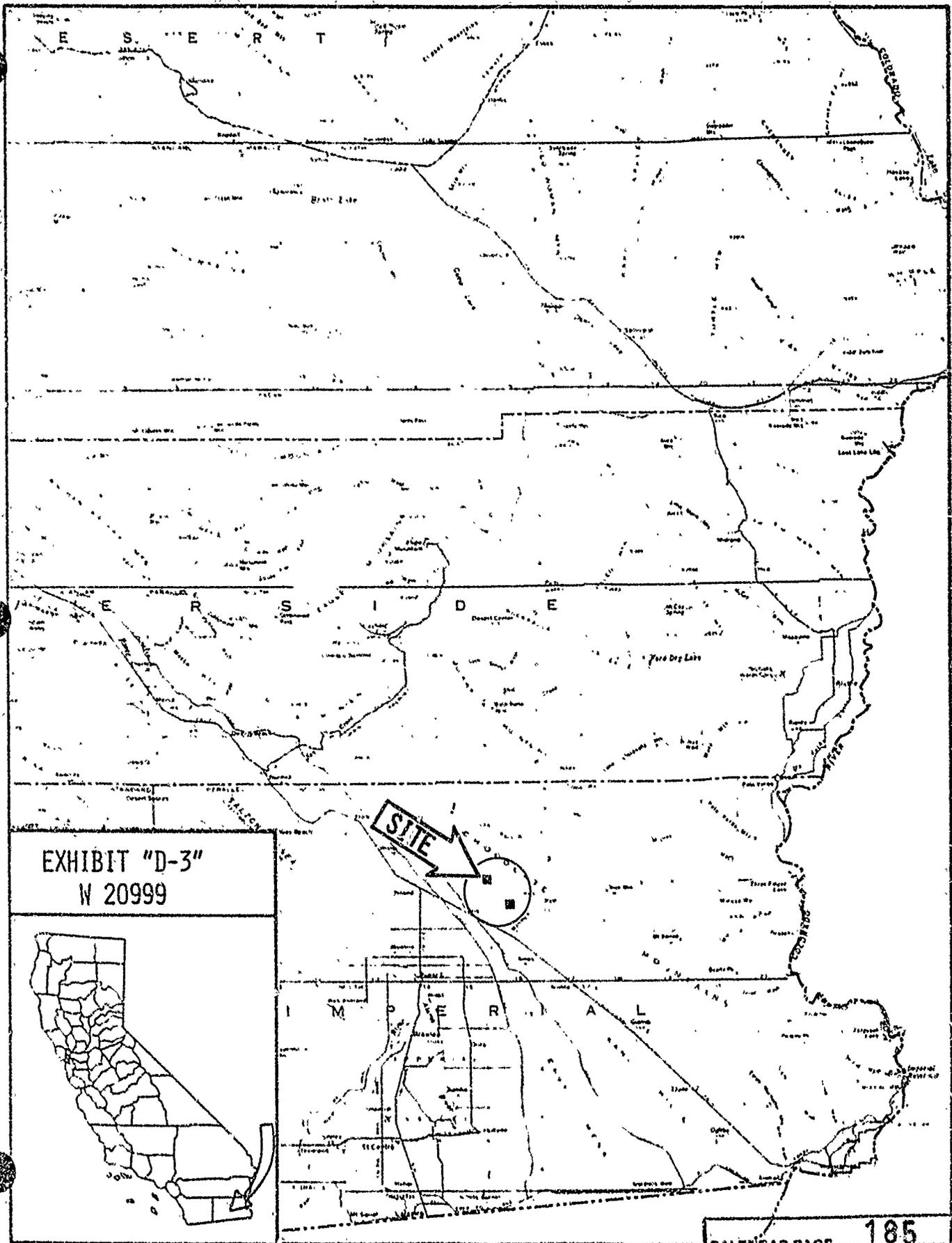


EXHIBIT "D-3"
N 20999



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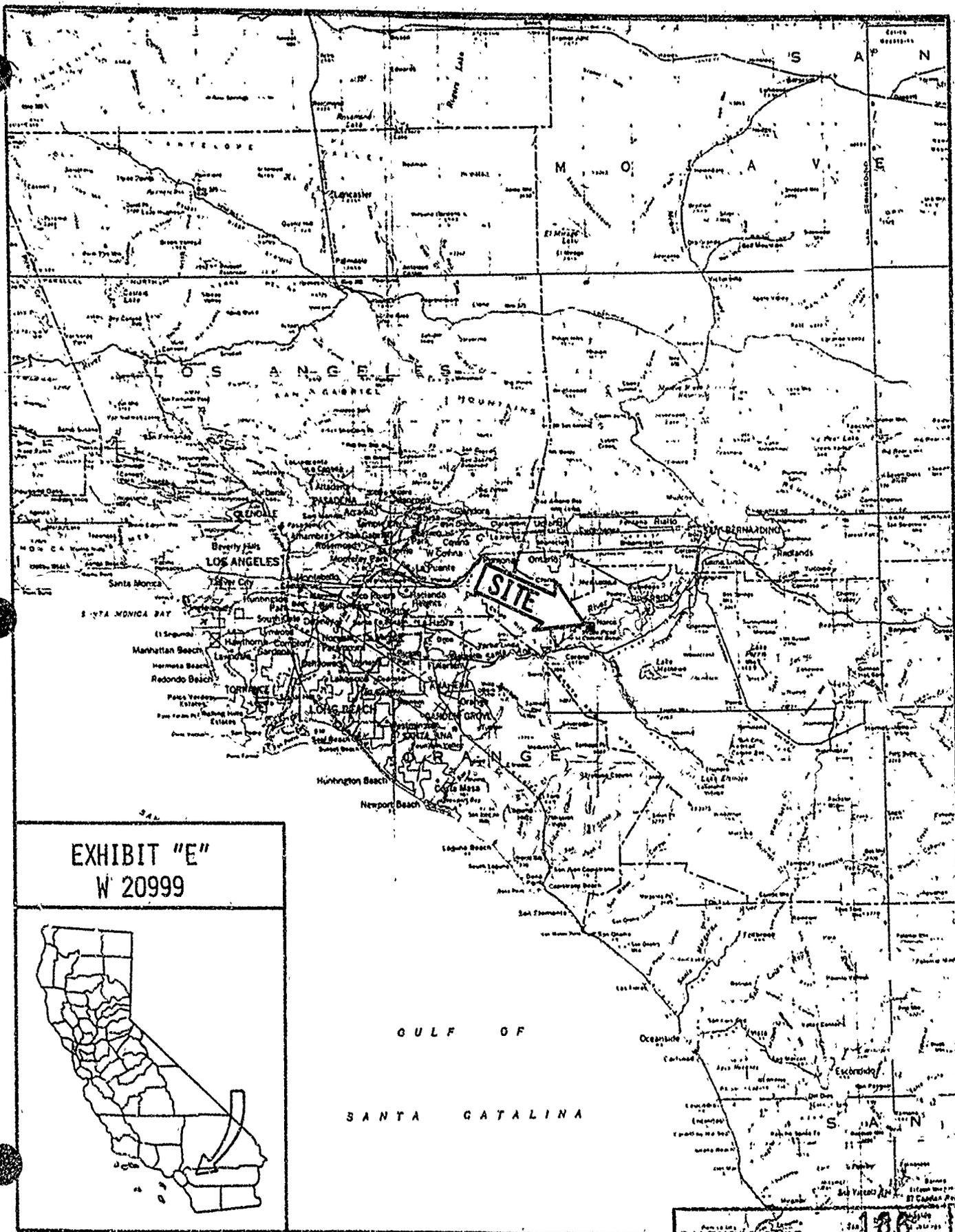


EXHIBIT "E"
W 20999



GULF OF

SANTA CATALINA

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GENERAL PLAN FOR USE OF LAND AND
INITIAL STUDY

EXHIBIT "F"

LAND EXCHANGE: U.S. NAVY/STATE LANDS COMMISSION

Description of Project

This is a proposal to exchange State-owned lands that lie within Chocolate Mountains Aerial Gunnery Range and the Mojave "B" Ranges operated by the U.S. Navy in Imperial and San Bernardino Counties for excess Navy land of equal value in Norco, Riverside County. Existing land uses will not change as a result of this proposal.

The proposal is to exchange 14,915.4 acres of State school land with a 100% mineral reservation in the State, together with a 1/16 mineral interest in an additional 1,120 acres for fee interest in 65.5 acres of Navy land with easements for access. Review of independent appraisals indicates the properties being exchanged are of equal value.

Both the Chocolate Mountains and Mojave "B" Ranges have been operated by the U.S. Navy for weapons development and training purposes since 1943. Most of the land within the Ranges is withdrawn federal public domain; however, there are over 115,000 acres of non-Federal property. This has required the Navy to negotiate, condemn, and periodically renew leases on over 4,000 parcels of these non-Federal lands. Public Law 94-431 authorized the Navy to acquire the non-Federal property in order to alleviate the problems associated with leasing. Twenty-six parcels, totaling 14,915.4 acres, and a 1/16 mineral interest in an additional 1,120 acres of the non-Federal land are State-owned. The lands were acquired by the State as part of the 1853 Federal School Land Grant. Revenues from the sale or use of the lands are, according to the terms of the grant, to be used to support schools in California.

Because of the remote, rugged, and desolate nature of the land within the Ranges, rental obtained by the State from the Navy has been very low. Current rental is \$14,090, or just under \$1.00 per acre per year. The State for many years attempted to obtain a higher rental. However, in a 1976 Decision (subsequently affirmed on appeal) in a leasehold condemnation action brought against non-Federal land within Chocolate Mountains, the Navy's valuation was upheld (USA vs 117,763 acres of Land in Imperial County Civ. No. 70-200-S and USA vs Shewfelt Investment Company No. 76-3130).

It appears to be to the advantage of both the State and the Navy to exchange lands so that the Gunnery Ranges can be consolidated in Federal ownership, and the State can acquire land of equal value that is accessible, has utility, and has potential to appreciate in order to enhance the school land asset.

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The Environmental Setting

The Chocolate Mountains Aerial Gunnery Range includes an area approximately 30 miles long and 15 miles wide, totaling over 400,000 acres in Imperial County. It lies between the Salton Sea on the west and the Colorado River on the east. The main topographic features are the barren, rugged Chocolate Mountains and the associated alluvial slopes to the east and west.

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The State school lands scattered within the ranges are predominantly full 640-acre sections. There was no known use or occupancy of any of the State lands prior to military and naval occupancy beginning in World War II. There are no known springs or water holes on any of these parcels, and although mineral and cultural resources are believed to exist in the general area, no specific values have been identified as occurring on the State-owned tracts. National security and safety precautions have prevented detailed on-the-ground examination of the State lands. A cursory surface examination was allowed of the parcels within Mojave "B" during a 2-day period in June 1979. During this examination, it appeared that the State lands are in buffer areas and virtually undisturbed, except for widely scattered small particles of munitions and carrier debris, some of which was probably explosive. No aerial or surface examination was permitted of the State lands in Chocolate Mountains, and it is presumed the area is heavily contaminated with unexploded ordinance.

The Navy land that the State would acquire in exchange is a portion of a 645-acre tract that houses the Corona Laboratories of the Naval Weapons Center. The Navy has offered a 65.5-acre unimproved portion of the tract which is located at Norco, Riverside County, about 45 miles east of Los Angeles, just north of Corona.

The exchange parcel is in the west-central area of the City of Norco. This is a fairly new city, having been incorporated in 1964. The area within the city had been substantially developed as a suburban community composed of small acreage ranchettes. Since incorporation, several subdivisions, typically comprising 20,000-square-foot lots, have been developed to the south and west of the exchange parcel. Highest and best use for appraisal purposes is considered to be an extension of similar single-family development into the exchange parcel. The parcel is level to gently sloping, and future access could be developed via an extension of Western Avenue and Third Street and a lateral connection to Mountain Avenue.

Identification of Environmental Effects

The existing land use within Chocolate Mountains and Mojave "B" Ranges will not change as a result of this transaction, but will continue as they have since 1943. The land use of the parcel to be acquired by the State at Norco will not change as a result of this transaction, but will continue to be undeveloped open space. At such time in the future that a change of use is proposed, the proposal will be submitted for review in accordance with the requirements of CEQA.

Mitigation

The proposed transaction will have no effect on the environment, therefore, no mitigation is indicated. If land titles are not exchanged, the Navy will condemn the State property and continue the present use anyway.

Compatibility with Existing Zoning and Plans

The present uses will continue.

This Initial Study was prepared by Robert Shimer, State Lands Commission, 1807 13th Street, Sacramento, California 95814