MINUTE ITEM

This Calendar Item No. 20 was approved as Minute Item No. 20 by the State Lands Commission by a vote of 2 to 1 at its 8/20/81 meeting.

CALENDAR ITEM

20

8/20/81
W 22064
Bjornsen

LAND EXCHANGE AGREEMENT

Staff and the United States General Services Administration have developed a proposal to exchange State school lands in San Bernardino County situated within Fort Irwin, currently a National Training Center (Department of the Army), for excess lands of the United States of America of equal value located in the vicinity of Camarillo, Ventura County and Dixon, Solano County. Existing land uses will not change as a result of this proposal.

The proposal involves the exchange of 40 separate parcels of school lands totaling 21,120 acres with the State reserving all mineral deposits contained in the lands which rights would be exercisable when said lands are no longer required for military purposes. The precise language governing the exercise of reserved mineral rights is still being negotiated with the Department of the Army. The State would in return receive two separate parcels, totalling 362± acres of United States of America lands presently administered by the General Services Administration, with all of its interest in minerals reserved. A road easement for access to the 202± acre parcel near Camarillo is provided; an existing county road along the east boundary of the 160± acre parcel near Dixon affords it with road access. Commission staff appraisals and staff review of independent appraisals indicate the lands to be exchanged are of equal value. The interests involved in the proposed exchange are more particularly described in exhibits on file in the office of the Commission.

Fort Irwin, previously Camp Irwin established in 1940, has been utilized by the Army for various military training purposes since the early World War II period. This military installation presently consists of 621,459 acres of public domain lands and the 21,120 acres of State school land scattered throughout the installation. Until 1967, the school land was used by the Army under lease from the State Lands Commission. Since 1967, the school land has been used and occupied under leasehold interests acquired by the United States of America through a series of condemnation proceedings. The condemnation cases arose as the result of disagreements over the annual rental to be paid to the State. The current condemnation action is in force until March 31, 1982 with just compensation set at $21,120 per annum.

A 34, 36, 4

S 16, 18, 4

Throughout these many years, the Commission's staff has attempted to initiate several exchanges with the Bureau of Land Management in order to transfer the school lands within Fort Irwin to Federal ownership. However, in each case, the exchange proposals have been rejected for various and sundry reasons. In September, 1978, the Department of the Army made a request to the General Services Administration (GSA) to acquire for transfer to the Department fee title to 21,120 acres of land owned by the State of California at Fort Irwin, California in exchange for surplus real property under the jurisdiction of GSA. Since that time, joint effort on the part of GSA and staff of the Commission has brought about the land exchange agreement hereinabove described.

The Dixon parcel has been part of a buffer surrounding federal radio transmission towers which are one-half mile distant. Currently, and for the past several years, the parcel has been under grazing lease. Adjacent private lands of the same soil type are and have been devoted to row crops, typically corn.

The property to be acquired by the State is agricultural land with expected annual rental of approximately $75,000, or triple the rental now being paid by the United States of America for the Fort Irwin lands. An existing agricultural lease embracing 150± acres of the 202±acre parcel near Camarillo will be assigned to the State. The term of this lease commenced April 16, 1981 and ends on April 15, 1986. The rental rate is $300 per acre per year payable monthly in advance, subject to increase above the aforesaid rental rate (but not to decrease) for each 12-month period (or portion thereof) of the lease. Rental escalation is based on the proportionate increase in the United States Department of Labor, All Items, Consumer Price Index for the Los Angeles metropolitan area, published for the month preceding the commencement of any of said 12-month period over that published for the month prior to the commencement of the lease term. There are provisions for the lessee to indemnify and save harmless the State, not to assign the lease or sublet without the prior written consent of the State and use reasonable care in the operation of the property, ordinary wear and tear excepted. A right to terminate the lease upon 30 days written notice to the lessee is included. With additional work to develop irrigation water at Camarillo, the productivity and revenue should increase in future years.

All aspects considered, the Commission's staff believes that it is to the advantage of both the State and United States of America to exchange the respective lands embraced in the Exchange Agreement. Following acquisition of the school lands by GSA, the 21,120 acres will be transferred to the Department of the Army for continued military training purposes within Fort Irwin. The State's acquisition of the real property of equal value from GSA will provide lands with greater utility, potential for appreciation, and an opportunity for managing two properties with revenue based on fair market rentals.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA because it is within the purview of 2 Cal. Adm. Code 2907, Class 12, which exempts land exchanges with other public agencies, including, but not limited to, exchanges with the Federal Government.

2. This project is situated on State land identified as possessing significant environmental values pursuant to PRC 6370.1; two (2) of the 40 parcels are classified in a use category of Class A or B, which authorizes Restricted or Limited Use, respectively. The descriptions of these State lands by classified use categories follow:

   Class A: NW¼; S½, Section 16, T16N, R6E, SBM, 480 acres, more or less.

   Class B: All, Section 16, T14N, R2E, SBM, 640 acres, more or less.

   Staff of the Commission has coordinated this project with those agencies and organizations who nominated the sites as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS: C. State School Lands - Location Map.

D-I. United States of America Land, Ventura County Parcel - Location Map.

D-II. United States of America Land, Solano County Parcel - Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. APPROVE AND AUTHORIZE EXECUTION OF THE EXCHANGE AGREEMENT IN SUBSTANTIALLY THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION PROVIDING FOR THE EXCHANGE OF 21,120± ACRES OF STATE SCHOOL LAND IN SAN BERNARDINO COUNTY, RESERVING TO THE STATE ALL MINERAL RIGHTS TO SUCH LANDS, EXERCISEABLE WHEN SUCH LANDS ARE NO LONGER REQUIRED FOR MILITARY PURPOSES FOR TWO PARCELS OF SURPLUS REAL PROPERTY OF THE UNITED STATES OF AMERICA, CONTAINING A TOTAL OF 362± ACRES, RESERVING TO THE UNITED STATES INTERESTS IN AND TO MINERALS IN THE LANDS, LOCATED NEAR CAMARILLO, VENTURA COUNTY AND DIXON, SOLANO COUNTY, SUCH LANDS BEING MORE PARTICULARLY DESCRIBED BY EXHIBITS ON FILE IN THE OFFICES OF THE COMMISSION.

4. FIND THAT THE PROPOSED EXCHANGE OF THE LANDS IS ADVANTAGEOUS TO AND 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 THE STATE WILL ACQUIRE OWNERSHIP IN LANDS SITUATED OUTSIDE THE BOUNDARIES OF FORT IRWIN THEREBY PROVIDING THE STATE WITH ACCESS TO AND JURISDICTION OVER THE USE OR DISPOSITION OF THE LANDS ACQUIRED.

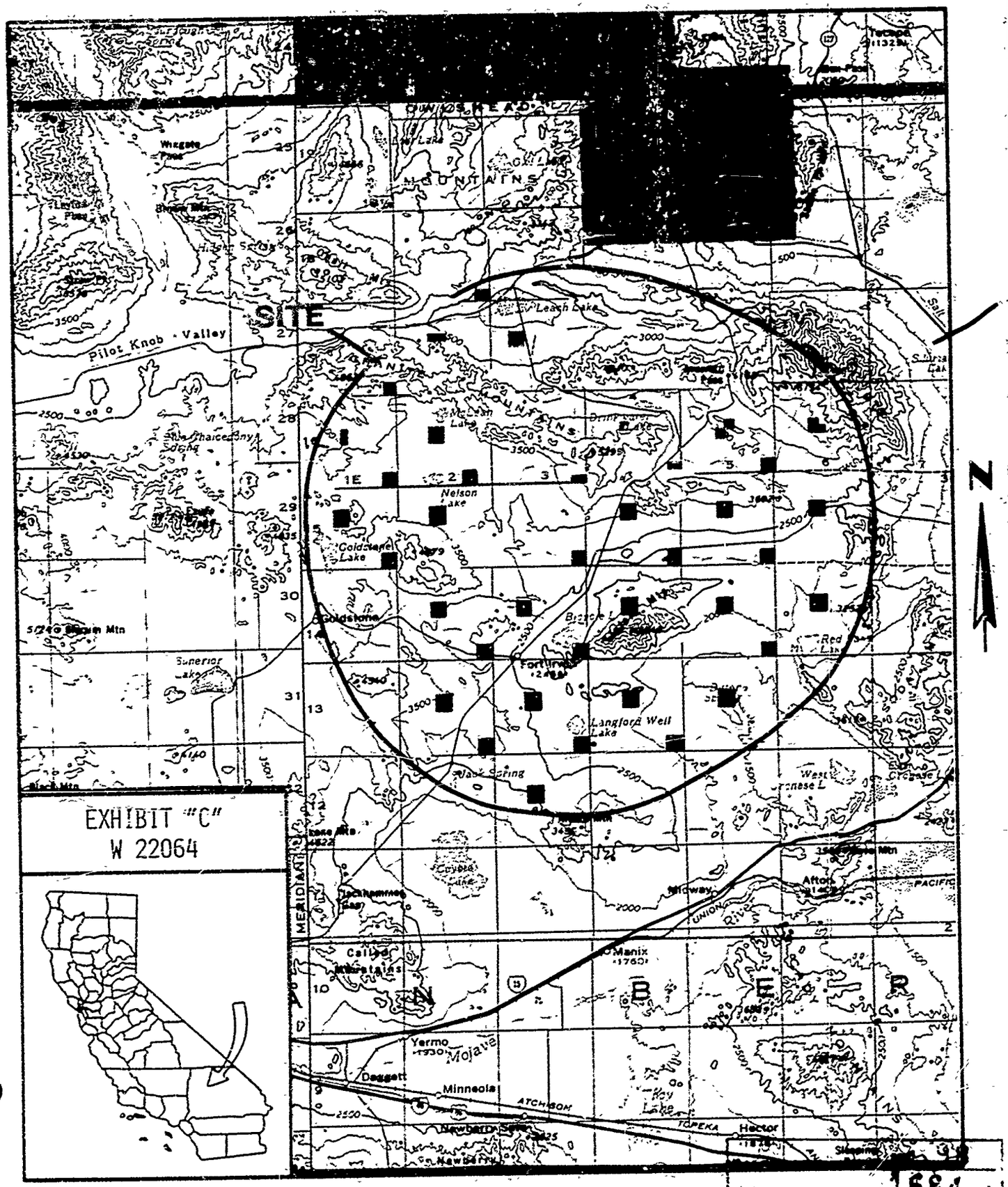
5. AUTHORIZE TRANSMITTAL OF THE ABOVE-FINDING TO THE GOVERNOR'S OFFICE WITH THE REQUEST FOR EXECUTION OF A PATENT TO THE LANDS TO BE CONVEYED BY THE STATE.

6. APPROVE THE GENERAL PLAN UNDER PRC SECTION 6373 AND AUTHORIZE ITS TRANSMITTAL TO THE LEGISLATURE.

7. AUTHORIZE ISSUANCE OF A PATENT FOR THE SCHOOL LANDS TO BE CONVEYED UNDER THE EXCHANGE AGREEMENT TO THE UNITED STATES OF AMERICA, SUBJECT TO A 100% MINERAL RESERVATION EXERCISEABLE WHEN SUCH LANDS ARE NO LONGER

NEEDED FOR MILITARY PURPOSES AND THE ACCEPTANCE OF A CONVEYANCE FROM THE UNITED STATES OF AMERICA FOR THE LANDS TO BE CONVEYED TO THE STATE OF CALIFORNIA PURSUANT TO SAID EXCHANGE AGREEMENT.

8. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO CONSUMMATE THE EXCHANGE.



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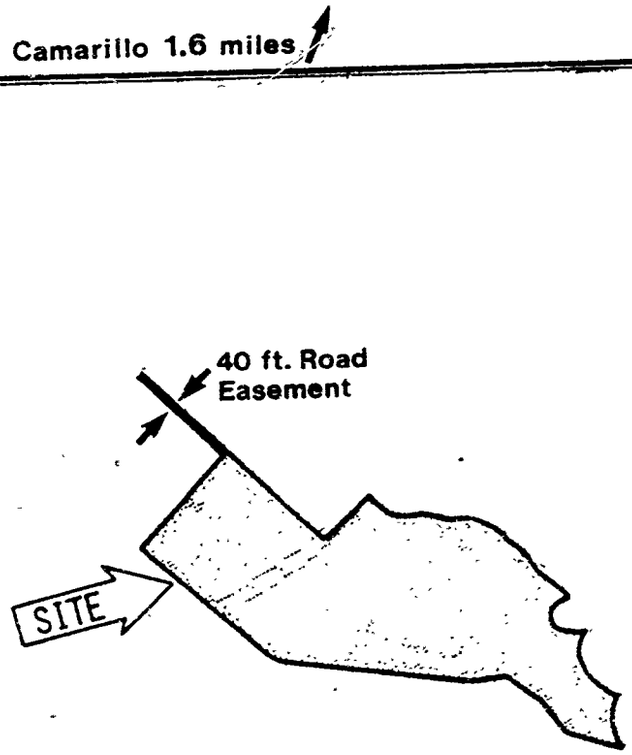

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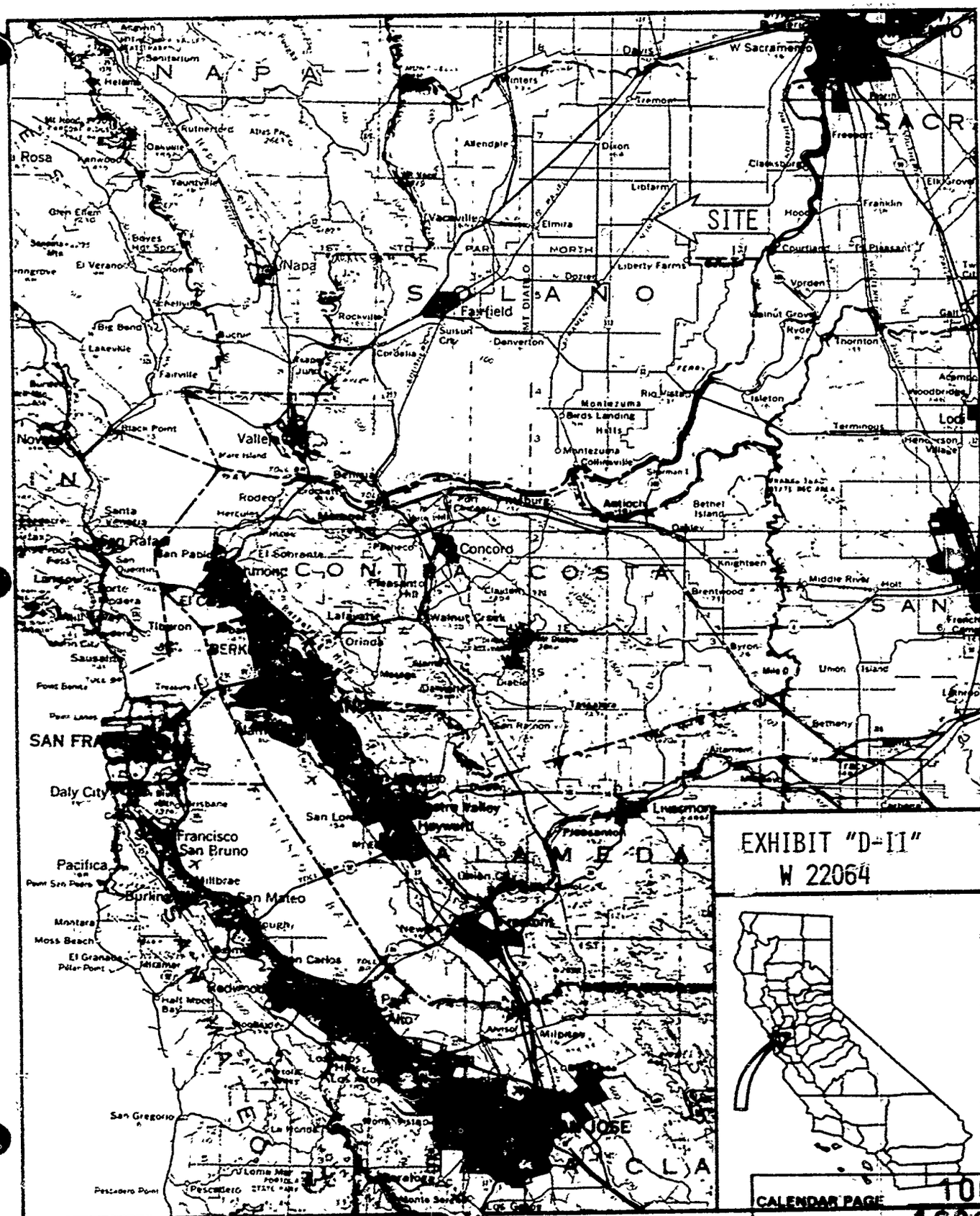

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