MINUTE ITEM
This Calendar Item No. C49
was approved as Minute Item
No. 49 by the State Lands
Commission by a vote of 3
to Ø at its 10/28/96
meeting.

CALENDAR ITEM
**C49**

A 34

S 17

10/28/96
W 24480
AD 281
S. Sekelsky
Pelkofer
Reese

**CONSIDER THE TRANSFER OF OWNERSHIP OF STATE SCHOOL LAND TO THE UNITED STATES OF AMERICA PURSUANT TO THE PROVISIONS OF SECTION 707 OF THE CALIFORNIA DESERT PROTECTION ACT (PL103-433)**

**APPLICANTS:**

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825

Mr. David McIlnay
U.S. Department of Interior
Bureau of Land Management
2135 Butano Drive
Sacramento, California 95825-0451

Mr. Clark Van Epps
U.S. Department of General Services Administration
525 Market Street
San Francisco, California 94105-2799

**LOCATION:**

San Bernardino County - 800 acres of State school land.

**LAND USE:**

State lands to be transferred are within the list prepared by the Bureau of Land Management (BLM) and designated as wilderness areas or National Park System Units pursuant to the California Desert Protection Act (CDPA) of 1994.

**BACKGROUND:**

On October 31, 1994, the California Desert Protection Act of 1994 (CDPA) was signed into law by the President (Public Law 103-433). The CDPA designates 3.6 million acres in Southern California as wilderness to be administered primarily by the Bureau of Land Management (BLM), and 4 million acres as additions to the National Park Service (NPS) system.

The purpose of the CDPA is to set aside areas in the California Desert to protect the desert's natural, cultural, scenic, and historical values and to provide for public enjoyment. Of the 3.6 million acres, 266,000 acres (462 parcels), are State school land parcels owned in fee and an additional 65,000 acres (168 parcels) are encumbered by the State's reserved mineral interests. The fee and mineral school land interests are both administered by the California State Lands Commission (SLC) for the benefit of the State Teachers' Retirement System (STRS).

At its November 15, 1994, meeting, the SLC approved Calendar Item No. C114, authorizing staff to enter into an agreement with the U.S. Department of Interior (DOI) and to take all other actions necessary to expeditiously implement the provisions of the CDPA.

At its October 17, 1995, meeting, the SLC approved Calendar Item No. C97, authorizing the Executive Officer or his designee, to enter into and execute the Memoranda of Agreement (MOA) between the SLC, DOI, BLM and the U.S. General Services Administration (GSA) to facilitate the exchange of lands or interests therein pursuant to the provisions of Section 707 of the CDPA.

At its February 27, 1996, meeting, the SLC approved the transfer of nine parcels of State school land with an appraised value of $992,686 to the BLM. This transaction has been completed and the $992,686 has been deposited into the School Land Bank Fund.

**CURRENT SITUATION:**

Ownership of two State school land parcels totaling 800 acres with an appraised value of $144,000 are being proposed for transfer to the BLM, in consideration for monies generated from the sale of surplus properties by GSA which will be used to compensate the SLC for said lands as provided for in the CDPA and

approved agreements between the BLM, the SLC and the GSA.

**STATUTORY AND OTHER REFERENCES:**

A. Public Resources Code Section: Div. 6, Part 1 and 2; Div. 7.7; Div. 13

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6

**AB 884:**

N/A

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves an action taken pursuant to the School Land Bank Act, Public Resources Code Section 8700, et seq.

   Authority: Public Resources Code Section 8710.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

3. Pursuant to Federal regulations, public notice of this proposed action has been published and circulated by the BLM.

4. The appraisal process was conducted in conformance with the Uniform Standards of Professional Appraisal Practice and with the Code of Federal Regulations (CFR) 43, parts 2200 and 2201, by a Member, Appraisal Institute (MAI) designated appraiser, certified and located in California. The BLM Staff and SLC staff have reviewed and approved the appraisal.

5. The SLC's Mineral Resource Management staff and the BLM's mineral

staff have evaluated the State parcels to be exchanged and the parcels have been assessed as having "low mineral potential". Therefore, this exchange complies with the provisions set forth in the BLM/SLC MOU for "Treatment of Mineral Potential in Land Exchanges", and will be made pursuant to Public Resources Code Section 6402.

**EXHIBIT:**

A. Land Description

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8710, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS 8700, ET SEQ.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

3. AUTHORIZE ISSUANCE OF A PATENT UPON RECEIPT OF $144,000 AND SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, FOR THE LANDS DESCRIBED IN EXHIBIT "A", TO THE UNITED STATES OF AMERICA.

4. AUTHORIZE THE DEPOSIT OF $144,000 INTO THE SCHOOL LAND BANK FUND.

EXHIBIT "A"

Two parcels of State School Lands, located in San Bernardino County, State of California, and more particularly described as follows:

1. All of Section 36, T. 8 N., R. 18 E., SBB&M

2. NW 1/4 of Section 16, T. 7 N., R. 16 E., SBB&M

END OF DESCRIPTION