

MINUTE ITEM

14. CONSIDERATION OF APPEAL TO ADVERSE DECISION OF THE UNITED STATES BUREAU OF LAND MANAGEMENT AFFIRMING DECISION OF THE UNITED STATES LAND OFFICE REJECTING STATE EXCHANGE APPLICATION NO. 74, S.W.O. 6242, TRINITY COUNTY (SERIAL NO. 051653, SACRAMENTO).

After consideration of Calendar Item 11 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED WITH THE FILING OF AN APPEAL WITH THE SECRETARY OF INTERIOR TO THE DECISION OF THE OFFICE OF THE DIRECTOR OF THE UNITED STATES BUREAU OF LAND MANAGEMENT DATED MARCH 15, 1962, WHICH AFFIRMED THE DECISION OF THE MANAGER OF THE SACRAMENTO LAND OFFICE REJECTING STATE EXCHANGE APPLICATION NO. 74, TRINITY COUNTY, SERIAL NO. 051653, SACRAMENTO, AND THAT FOR THE PURPOSE OF THE RECORD THE COMMISSION REAFFIRM THE DETERMINATION SET FORTH UNDER ITEM 2 OF THE RESOLUTION ADOPTED OCTOBER 26, 1961.

Attachment

Calendar Item 11 (2 pages)

CALENDAR ITEM

11.

CONSIDERATION OF APPEAL TO ADVERSE DECISION OF THE UNITED STATES BUREAU OF LAND MANAGEMENT AFFIRMING DECISION OF THE UNITED STATES LAND OFFICE REJECTING STATE EXCHANGE APPLICATION NO. 74, S.W.O. 6242, TRINITY COUNTY (SERIAL NO. 051653, SACRAMENTO).

The Commission will recall that for the meetings of July 28 and September 14, 1961, there was calendared for consideration the matter of an appeal by the Commission to the Director of the United States Bureau of Land Management to a Decision rendered by the Manager of the Sacramento Land Office of the Bureau rejecting an exchange application filed by the Commission for the selection of 57.99 acres of vacant federal land on the Trinity River in Trinity County.

Following consideration of the matter, including review of written and verbal protests by various individuals and agencies, among which was the State Department of Fish and Game, the Commission, at its meeting of October 26, 1961 (Minute Item 35, pages 7373-79), upon motion duly made and unanimously carried, adopted the following resolution:

"THE COMMISSION:

- "1. AUTHORIZES THE EXECUTIVE OFFICER TO PROCEED WITH THE FILING OF AN APPEAL WITH THE DIRECTOR OF THE UNITED STATES BUREAU OF LAND MANAGEMENT ON THE REJECTION OF STATE EXCHANGE APPLICATION NO. 74, TRINITY COUNTY;
- "2. DIRECTS THE EXECUTIVE OFFICER TO INCLUDE IN THE MINUTE RECORD OF THE SUBJECT ACTION TAKEN THE CONCLUSION THAT BY AUTHORIZATION OF THE APPEAL (A) THE COMMISSION IS IN NO MANNER DETERMINING THE PUBLIC INTEREST IN HOLDING THE LAND FOR PUBLIC RECREATION PURPOSES, (B) ANY PUBLIC INTEREST IN HOLDING THE LAND FOR PUBLIC RECREATIONAL PURPOSES WILL BE EVALUATED BY THE COMMISSION IN THE LIGHT OF COMMISSION LAND-MANAGEMENT-AND-DISPOSITION POLICY AS AND WHEN THE SUBJECT LAND IS CONVEYED TO THE STATE BY THE UNITED STATES."

In accordance with the foregoing directive, the Executive Officer, in cooperation with the office of the Attorney General, filed an appeal on behalf of the Commission with the Director of the United States Bureau of Land Management, Washington, D.C. This appeal has resulted in a Decision under date of March 15, 1962, by the office of the Director, affirming the original rejection by the Bureau's Sacramento Land Office. A copy of said Decision is attached hereto.

Under the rules of practice of the Department of Interior, the State has the right of appeal to the adverse decision, to the Secretary of the Interior. A Notice of Appeal to the Secretary has been filed by the staff in order to provide additional time during which the Commission can consider whether or not a brief in support of the Notice of Appeal is to be undertaken.

While it is recognized that numerous individuals and public agencies protested the disposal of this land by the United States, it is felt that it would appear

CALENDAR ITEM 11. (CONTD.)

to be contrary to the best interests of the State, with respect to pending and future exchanges, to allow the present Decision of the Office of the Director to stand uncontested.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO PROCEED WITH THE FILING OF AN APPEAL WITH THE SECRETARY OF INTERIOR TO THE DECISION OF THE OFFICE OF THE DIRECTOR OF THE UNITED STATES BUREAU OF LAND MANAGEMENT DATED MARCH 15, 1962, WHICH AFFIRMED THE DECISION OF THE MANAGER OF THE SACRAMENTO LAND OFFICE REJECTING STATE EXCHANGE APPLICATION NO. 74, TRINITY COUNTY, SERIAL NO. 051653, SACRAMENTO, AND THAT FOR THE PURPOSE OF THE RECORD THE COMMISSION REAFFIRM THE DETERMINATION SET FORTH UNDER ITEM 2 OF THE RESOLUTION ADOPTED OCTOBER 26, 1961.