

MINUTE ITEM

31. PROPOSAL AND RECOMMENDATION FOR A LAND MANAGEMENT AND SALES PROGRAM FOR ALL PUBLIC LANDS OTHER THAN SOVEREIGN - W.O. 3590.

In presenting Calendar Item 29 attached, the Executive Officer stated that the proposed program, if adopted, would result in the first establishment of a directed managerial program for State lands, other than tide and submerged lands, under the control and direction of the State Lands Commission. Following a brief discussion, the Commissioners decided that due to the complexity of the report and the policy considerations contained therein, additional time was needed to study the recommendations made, and that before proceeding an open workshop discussion with the public and the staff should be arranged to give the Commission a full review of the proposed program.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED,

A RESOLUTION WAS ADOPTED TO TAKE UNDER CONSIDERATION THE PROPOSAL AND RECOMMENDATION FOR A LAND MANAGEMENT AND SALES PROGRAM FOR ALL PUBLIC LANDS OTHER THAN SOVEREIGN, AND TO CONDUCT A PUBLIC WORKSHOP DISCUSSION ON JUNE 27, 1962, AT 2:00 P.M., IN SACRAMENTO.

The staff was directed to notify all known interested groups and individuals, in advance, of the proposed public workshop, with copies of the mailing lists and of the material sent to be furnished to each of the Commissioners.

Attachment
Calendar Item 29 (3 pages)

CALENDAR ITEM

29.

PROPOSAL AND RECOMMENDATION FOR A LAND MANAGEMENT AND SALES PROGRAM FOR ALL PUBLIC LANDS OTHER THAN SOVEREIGN - W.O. 3590.

The Commission, at its meeting of May 24, 1960 (Minute Item 22, Page 5995), directed the staff to undertake a study for the purpose of inventorying and classifying the unscld public lands granted to the State by Congress.

There has been delivered to the Commission a "Report to State Lands Commission including Inventory and Classification of State Public Lands under its jurisdiction", including a comprehensive "Statistical Report". Briefly, the report and recommendations provide for the establishment of a land management and sales program. Under the recommended program, all lands are proposed to be classified as to their highest and best potential use, whereupon those lands suitable for retention under Commission jurisdiction would be set up under a "lease list", and the remainder would be placed upon a "sales list". These lists, through staff classification, will determine those lands subject to Commission retention and those which will be available for sale as demand exists. The report contains recommendations for suggested changes to existing statutes and to the Commission's rules for the purpose of simplifying the Commission's administration of these lands. Also included are suggestions for administrative solution of the problems posed by conflicts of interest between private applicants and public agencies.

IT IS RECOMMENDED THAT THE COMMISSION ESTABLISH A LAND MANAGEMENT AND SALES PROGRAM FOR ALL LANDS UNDER THE COMMISSION'S JURISDICTION (EXCEPT THOSE HELD IN A SOVEREIGN CAPACITY) TO BE ADMINISTERED UNDER THE FOLLOWING GENERAL PRINCIPLES AND PROCEDURES:

1. CLASSIFICATION OF ALL LANDS FOR POTENTIAL USES AND SEGREGATION OF SUCH SUCH LANDS INTO:
 - A. A "LEASE LIST", CONSISTING OF THOSE LANDS TO BE RESERVED FROM SALE AND RETAINED UNDER COMMISSION ADMINISTRATION FOR MANAGEMENT UNDER LEASES FOR VARIOUS USES SUCH AS GRAZING, AGRICULTURE, RECREATION, CABIN SITES, MINERAL EXTRACTION, TIMBER PRODUCTION, ETC.
 - B. A "SALES LIST", CONSISTING OF THOSE LANDS NOT CONSIDERED POTENTIALLY REVENUE-PRODUCING UNDER A LEASE MANAGEMENT PROGRAM, BUT WHICH WOULD BE MORE BENEFICIALLY PLACED ON THE OPEN MARKET FOR SALE AS DEMAND MAY EXIST.
2. THE "SALES LIST" UNDER 1B ABOVE IS TO BE PREPARED PURSUANT TO STAFF CLASSIFICATION, AND SHALL, BY THE SEPARATE ENUMERATION OF THE SMALLEST LEGAL SUBDIVISION OR COMBINATION OF SMALLEST LEGAL SUBDIVISIONS WITHIN EACH SECTION, ESTABLISH THE OFFERING OF EACH LISTED PARCEL FOR SEPARATE SALE.
3. UPON RECEIPT OF ANY APPLICATION FOR PURCHASE OF LANDS ON THE AFOREMENTIONED "SALES LIST", ALL STATE AGENCIES HAVING A POSSIBLE LAND-ACQUISITION PROGRAM SHALL BE CIRCULARIZED, REQUIRING RESPONSE WITHIN

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30 DAYS AS TO WHETHER SUCH AGENCIES WISH TO USE OR TO ACQUIRE SUCH LAND.

4. SIMPLIFICATION OF PRIOR SALES PROCEDURES BY:
 - A. ELIMINATION OF THE PREFERENTIAL PURCHASE RIGHT NOW EXTENDED TO FIRST APPLICANTS AND PROVISION FOR AWARD TO THE HIGHEST QUALIFIED BIDDER.
 - B. REQUIRING THE DEPOSIT OF AN INITIAL MINIMUM EXPENSE DEPOSIT OF \$350 WITH ALL PURCHASE APPLICATIONS SUBMITTED PRIOR TO ADVERTISED CALL FOR BIDS.
 - C. ELIMINATION OF THE PRESENT REQUIREMENT THAT THE FULL AMOUNT OF THE OFFER IN CASH MUST ACCOMPANY AN INITIAL APPLICATION SUBMITTED PRIOR TO ADVERTISED CALL FOR SEALED BIDS. IN THE CASE OF SEALED BIDS SUBMITTED PURSUANT TO ADVERTISING, CONTINUATION OF THE POLICY OF REQUIRING THE FULL CASH AMOUNT OF THE BID TO ACCOMPANY THE BID FORM.
 - D. REQUIRING FORFEITURE OF THE ENTIRE EXPENSE DEPOSIT OF THE HIGHEST QUALIFIED BIDDER IF WITHDRAWAL OF SUCH HIGH BID OCCURS BETWEEN THE TIME OF OPENING OF ALL BIDS AND FORMAL BID ACCEPTANCE BY THE COMMISSION.
 - E. REVISION OF THE PRESENT SECTION 2301 OF THE RULES AND REGULATIONS RELATING TO MINIMUM ACCEPTABLE OFFERS SO THAT THE AMOUNT OF SUCH OFFERS IS NOT STATED IN THE RULES BUT MAY BE ESTABLISHED BY COMMISSION RESOLUTION.
 - F. INCORPORATION INTO THE COMMISSION'S RULES AND REGULATIONS A PROVISION TO PERMIT SALES TO FEDERAL, STATE, COUNTY, AND CITY GOVERNMENTS AND TO SCHOOL DISTRICTS AT THE APPRAISED VALUE WITHOUT COMPETITIVE BIDDING.
5. ADOPTION OF A POLICY WITH RESPECT TO THE LEASING OF LANDS INCLUDED IN THE "LEASE LIST" UNDER 1A ABOVE COMPATIBLE WITH THE PRESENT POLICY GOVERNING COMMERCIAL AND RECREATIONAL LEASING OF SOVEREIGN LANDS.
6. AUTHORIZATION OF INTRODUCTION OF LEGISLATION AMENDING SECTION 7361 OF THE PUBLIC RESOURCES CODE, AND ANY OTHER PERTINENT SECTIONS, TO ALLOW THE COMMISSION EITHER TO SELL TIMBER AND LAND TOGETHER OR TO SELL THE TIMBER IN TOTO OR BY SELECTIVE CUTTING, INDEPENDENT OF THE LAND.
7. IN THOSE INSTANCES WHERE A PUBLIC AGENCY IS DESIROUS OF HAVING LAND HELD FOR POSSIBLE FUTURE USE, ESTABLISH A FIRM POLICY ALLOWING WITHDRAWAL OF SUCH LAND FROM SALE FOR A REASONABLE PERIOD (NOT TO EXCEED 2 YEARS) TO ALLOW SUFFICIENT TIME FOR DETERMINING WHETHER THE LAND WILL BE NEEDED FOR THE AGENCY'S PROGRAM, AND REQUIRE THAT ON OR BEFORE EXPIRATION OF THE WITHDRAWAL PERIOD, SUCH AGENCY MUST EITHER PURCHASE OR LEASE THE LANDS, FAILING WHICH THE LAND WILL BE RETURNED TO THE APPROPRIATE LIST.

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8. REVOCATION OF THE WITHDRAWAL ORDER OF MAY 24, 1960, PLACED ON THE SALE OF VACANT SCHOOL LANDS, CONCURRENT WITH THE EFFECTIVE DATE OF THE REQUIRED REVISED RULES AND REGULATIONS.
9. DIRECTION TO THE STAFF TO IMPLEMENT, AND PLACE IN EFFECT, THE PROGRAM OUTLINED IN ITEMS 1 THROUGH 8 OF THIS RECOMMENDATION, INCLUSIVE OF THE AMENDING OF RULES AND REGULATIONS AND THE INTRODUCTION OF NECESSARY AMENDATORY LEGISLATION, AS RAPIDLY AS FEASIBLE.

THE FOLLOWING RECOMMENDATIONS ARE MADE IN ORDER TO RESOLVE IMMEDIATELY CURRENTLY PENDING CONFLICTS WHEREIN PRIVATE APPLICATIONS ARE ON FILE AND PUBLIC AGENCIES HAVE INDICATED AN INTEREST IN THE SAME LANDS:

10. REJECTION OF ANY APPLICATIONS BY PRIVATE PARTIES TO PURCHASE STATE LANDS PRESENTLY AUTHORIZED TO BE SOLD PURSUANT TO SECTIONS 2300 TO 2302, INCLUSIVE, OF THE CALIFORNIA ADMINISTRATIVE CODE IN INSTANCES WHERE ANY PUBLIC AGENCY HAS OBJECTED TO SUCH SALE INTO PRIVATE OWNERSHIP AND OFFERED TO PURCHASE OR LEASE THE LAND IMMEDIATELY.
11. WITH RESPECT TO LANDS UNDER PENDING STATE INDEMNITY SELECTIONS, EXCEPT THOSE INVOLVING SURRENDERED CERTIFICATES OF INDEMNITY (I.E., SCRIP) UNDER WHICH A CONTRACT HAS BEEN CREATED, AND EXCHANGES FOR WHICH PRIVATE APPLICATIONS ARE IN GOOD STANDING, PROCEED AS FOLLOWS:
 - A. LEASE, OR SELL WHEN IN THE BEST INTERESTS OF THE STATE, TO PUBLIC AGENCIES WHEN SUCH AGENCY APPLICATIONS ARE SUBMITTED, THEREBY ENTITLING THE PUBLIC-AGENCY APPLICANT TO PREFERENCE RIGHT ACCORDED UNDER THE PROVISIONS OF SECTION 6223 OF THE PUBLIC RESOURCES CODE.
 - B. SELL TO PRIVATE APPLICANTS IN INSTANCES WHERE, AT THE TIME THE MATTER OF SALE IS CONSIDERED BY THE COMMISSION, NO CONFLICTING APPLICATION OF A PUBLIC AGENCY HAS BEEN SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 6223 OF THE PUBLIC RESOURCES CODE.