

10/27/66

41. REJECTION OF APPLICATION OF KEITH W. AND ROGER L. ALDERMAN TO ACQUIRE 75.73 ACRES OF FEDERAL LAND IN TUOLUMNE COUNTY THROUGH EXCHANGE PROCEDURE, AND WITHDRAWAL OF SUCH LANDS FROM STATE EXCHANGE APPLICATION FILED WITH UNITED STATES BUREAU OF LAND MANAGEMENT (STATE EXCHANGE APPLICATION NO. 68) - S.W.O. 6232.

After consideration of Calendar Item 30 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. REJECTS THE APPLICATION OF KEITH W. AND ROGER L. ALDERMAN, RECEIVED AND FILED ON MARCH 31, 1955, TO SELECT, UNDER THE STATE EXCHANGE PROCEDURE, VACANT FEDERAL LAND IN TUOLUMNE COUNTY DESCRIBED AS LOTS 10, 11, 20 AND 22 OF SECTION 6, T. 1 N., R. 14 E., AND LOTS 21 AND 25 OF SECTION 31, T. 2 N., R. 14 E., M.D.M., AND DIRECTS RETURN OF THE DEPOSITS CURRENTLY HELD UNDER THE APPLICATION EXCEPT FOR APPLICABLE FILING FEES; AND
2. DIRECTS WITHDRAWAL OF THE ABOVE-DESCRIBED LAND FROM STATE EXCHANGE APPLICATION NO. 68 (SERIAL NO. 051074, SACRAMENTO LAND DISTRICT) CURRENTLY PENDING WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT.

Attachment

Calendar Item 30 (2 pages)

30.

REJECTION OF APPLICATION OF KEITH W. AND ROGER L. ALDERMAN TO ACQUIRE 75.73 ACRES OF FEDERAL LAND IN TUOLUMNE COUNTY THROUGH EXCHANGE PROCEDURE, AND WITHDRAWAL OF SUCH LANDS FROM STATE EXCHANGE APPLICATION FILED WITH UNITED STATES BUREAU OF LAND MANAGEMENT (STATE EXCHANGE APPLICATION NO. 68) - S.W.O. 6232.

On March 31, 1955, an application was received from Keith W. and Roger L. Alderman of Sonora, California, to acquire vacant Federal land in Tuolumne County described as lots 10, 11, 20 and 22 of Section 6 T. 1 N., R. 14 E., and Lots 21 and 25 of Section 31, T. 2 N., R. 14 E., M.D.M., containing 75.73 acres, through the medium of a State Exchange application. Pursuant to procedures then in effect, the State, on August 3, 1955, filed an exchange application with the Land Office, United States Bureau of Land Management, Sacramento, for the purpose of acquiring title to this and other lands on behalf of the various applicants involved, including Keith W. and Roger L. Alderman.

The application of the State has been pending with the Bureau of Land Management since that date (in excess of eleven years).

The Bureau recently indicated that it is now in a position to schedule the necessary field investigations and appraisals of the federally selected and State-offered land under the exchange application, and arrangements are being made for staff appraisers to perform the work jointly with Bureau personnel to permit negotiation of an equal-value exchange. This scheduling has brought to light the importance of the above 75.73 acres to a federally authorized program and the extent to which the program would be adversely affected if the State were to acquire the land under its exchange application and in turn pass title into private ownership under the pending application of the Aldermans. Accordingly, the Bureau submitted a letter under date of September 28, 1966, outlining the project of the United States Corps of Engineers for development and construction of the New Melones Dam on the Stanislaus River, and requesting the State to withdraw said land from its exchange application. Authorizations for construction and development are contained in Public Law 534, 78th Congress, 2nd Session, and Public Law 874, 87th Congress. A copy of said letter is attached hereto as Exhibit "A". (A copy of map showing a portion of the project and the location of the 75.73 acres in relation thereto is attached as exhibit "B".) The official views of the State, favorably recommending the project, are expressed in letter dated April 20, 1962, from William E. Warne, Director of the Department of Water Resources, to Lieutenant General Walter K. Wilson, Jr., Chief of the U.S. Army Corps of Engineers, a copy of which is attached as Exhibit "C". It is therefore felt by those concerned that the public interest will be best served by retention of the land in federal ownership.

The office of the Attorney General has advised, under circumstances similar to those involved here, that the Commission is not legally bound to consummate an exchange application filed with the United States Bureau of Land Management on behalf of an applicant at the point of processing which has been reached for the application under discussion. Advice has been that until acceptance of an offer by the Commission, which, pursuant to regulatory requirements and procedures, occurs as one of the last acts under a sale transaction, the

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Commission may reject the application of an individual and withdraw the lands designated for selection from its exchange application filed with the United States. The applicants, the United States Corps of Engineers, and the United States Bureau of Land Management were furnished advance copies of this calendar item.

IT IS RECOMMENDED THAT THE COMMISSION:

1. REJECT THE APPLICATION OF KEITH W. AND ROGER L. ALDERMAN, RECEIVED AND FILED ON MARCH 31, 1955, TO SELECT, UNDER THE STATE EXCHANGE PROCEDURE, VACANT FEDERAL LAND IN TUOLUMNE COUNTY DESCRIBED AS LOTS 10, 11, 20 AND 22 OF SECTION 6, T. 1 N. R. 14 E., AND LOTS 21 AND 25 OF SECTION 31, T. 2 N., R. 14 E., M.D.M., AND DIRECT RETURN OF THE DEPOSITS CURRENTLY HELD UNDER THE APPLICATION EXCEPT FOR APPLICABLE FILING FEES; AND
2. DIRECT WITHDRAWAL OF THE ABOVE-DESCRIBED LAND FROM STATE EXCHANGE APPLICATION NO. 68 (SERIAL NO. 051074, SACRAMENTO LAND DISTRICT) CURRENTLY PENDING WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT.

Attachments:

Exhibit "A"

Exhibit "C"