

32. DETERMINATION CONCERNING ACQUISITION OF CERTAIN LANDS UNDER PENDING EXCHANGE APPLICATION FILED WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT; SAN LUIS OBISPO COUNTY (EXCHANGE NO. 68, S.W.O. 6184).

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION DIRECTS THE EXECUTIVE OFFICER TO PROCEED WITH PROCESSING OF STATE EXCHANGE APPLICATION NO. 68 (S.W.O. 6184), SERIAL NO. 051074, SACRAMENTO LAND DISTRICT, TO PROVIDE FOR THE ACQUISITION OF THE SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 32, T. 29 S., R. 14 E., M.D.M., CONTAINING 80 ACRES IN SAN LUIS OBISPO COUNTY, AND OTHER LANDS EMBRACED IN SAID EXCHANGE, WITH THE DETERMINATION AS TO WHETHER THE 80-ACRE PARCEL IS TO BE OFFERED FOR SALE INTO PRIVATE OWNERSHIP OR WITHHELD FOR POSSIBLE PUBLIC USE, TO BE RESERVED UNTIL AFTER ACQUISITION OF TITLE FROM THE UNITED STATES IS COMPLETED.

Attachment

Calendar Item 16 (3 pages)

16.

DETERMINATION CONCERNING ACQUISITION OF CERTAIN LANDS UNDER PENDING EXCHANGE APPLICATION FILED WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT; SAN LUIS OBISPO COUNTY (EXCHANGE NO. 68, S.W.O. 6184)

Pursuant to regulatory procedures whereunder members of the public could apply to the State Lands Commission for the acquisition of vacant federal land through the medium of a State exchange with the United States, applications were received, during the early part of 1955, from numerous individuals. Upon receipt of such applications, the State, in December 1955, pursuant to the provisions of Sections 6443 and 8552 of the Public Resources Code and Section 8 of the Taylor Grazing Act (Act of Congress approved June 28, 1934, as amended), filed its exchange application with the United States Bureau of Land Management, on behalf of such applicants, in an attempt to acquire title to the federal lands designated in the respective applications. The selected federal lands are situated in Humboldt, Lake, and San Luis Obispo counties, and the State school land proposed for final offer in exchange therefor consists of a portion of a 360-acre parcel situated within the boundaries of Joshua Tree National Monument in the County of San Bernardino. With respect to the monument boundaries, the State land is situated at the west or Joshua Tree entrance thereof. During the past several years, representatives of the National Park Service have been hopeful that an exchange of this type could be consummated, since the State-owned parcel is critical to the Park administration, particularly because of its strategic location which lends it most suitable for entrance-way development purposes. By such an exchange, the State is benefiting by acquiring lands that either are more salable or are susceptible of administration in keeping with the intent and purpose of the original grant of school lands (Act of Congress approved March 3, 1853, as amended). Additionally, the United States is benefiting by placing under its ownership and management State school land vital to the administration of Joshua Tree National Monument.

In connection with this long-pending exchange transaction, the Board of Supervisors of San Luis Obispo County, on January 23, 1967, adopted a resolution requesting the State retain in public ownership the 80 acres of federal land selected under the exchange application and situated within said County, described as the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T. 29 S., R. 14 E., M.D.M. A copy of said resolution is attached hereto as Exhibit "A". Attached hereto as Exhibit "B" is a map on which the 80 acres in question have been depicted in relation to the block of approximately 1400 acres of public domain in the immediate area under the jurisdiction of the United States Bureau of Land Management.

The exchange transactions with the Bureau and the negotiations thereunder have proceeded to the point where appraised values have been established by both the State and the United States on all lands offered and selected under the application, including values on the subject 80 acres. Discussions looking toward a mutual agreement on values for the purpose of negotiating an equal-value exchange were about to commence when the resolution was received from the County. The United States Bureau of Land Management has indicated no objection to the disposal of the 80 acres during the 12-year pendency of the

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State's application. In fact, an indication of its nonobjection is evidenced by the most recent arrangement with staff personnel to discuss valuation looking toward finalization of the pending exchange application.

The view of the County is that the 80 acres should remain in public ownership "in order that the potential recreational value of this property may be fully utilized by the public." The County, therefore, has no preference as to whether title to the land is held by the United States or by the State. It is objecting to any future disposal thereof into private ownership. Such private sale was, of course, originally contemplated by the State at some future date, provided title was acquired from the United States, since the private application filed in 1955, and currently pending, was the basis for the State filing an exchange application for acquisition of the parcel in the first instance.

Exhibit "C" is a copy of a letter from the County Planning Department under date of November 30, 1966, inquiring as to the State's interest in the 80-acre parcel and indicating there are no plans either now or in the future for County acquisition. Verification has been obtained both from the United States Bureau of Land Management and the State Division of Beaches and Parks that no use of the land is contemplated in the foreseeable future for a riding and hiking trail system. Exhibit "D" is a copy of the response to the County's inquiry. Similarly, the Sierra Club (Los Padres Chapter), by letter of February 11, 1967 (Exhibit "E" attached), indicates its objection to the sale of the parcel into private ownership and asks that it be held by the State for eventual County purchase.

In view of the County's resolution and the Sierra Club letter of February 11, 1967, it is the opinion of the staff that a point in processing of the State's application has been reached where a determination by the Commission is desirable as to whether the pending exchange application should go forward for acquisition of the 80 acres in question or whether the parcel should be withdrawn therefrom, thereby allowing the land to remain in federal ownership. The office of the Attorney General, in similar circumstances where cancellation and withdrawal of lands from a State exchange application were being considered, has advised 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 that, pursuant to regulatory requirements and procedures, occurs as one of the last acts under a sale transaction, the Commission may reject the application of an individual and withdraw the lands designated by him for selection from its exchange application filed with the United States.

If title to the 80 acres involved is acquired from the United States under the pending exchange transaction, a determination by the Commission will be required at that point on whether a sale thereof is to proceed under the pending private purchase application or whether, in view of the expressions by the County and the Sierra Club, the parcel should be held for public use and disposition through purchase or lease. Such a determination would properly be within the purview of the Commission at that particular stage of the transaction.

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Under the provisions of Section 6223 of the Public Resources Code, the County will have the privilege of exercising its preferential purchase or lease right, which would have the effect of nullifying the private-purchase application.

IT IS RECOMMENDED THAT THE COMMISSION DIRECT THE EXECUTIVE OFFICER TO PROCEED WITH PROCESSING OF STATE EXCHANGE APPLICATION NO. 68 (S.W.O. 6184), SERIAL NO. 051074, SACRAMENTO LAND DISTRICT, TO PROVIDE FOR THE ACQUISITION OF THE SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 32, T. 29 S., R. 14 E., M.D.M., CONTAINING 80 ACRES IN SAN LUIS OBISPO COUNTY, AND OTHER LANDS EMBRACED IN SAID EXCHANGE, WITH THE DETERMINATION AS TO WHETHER THE 80-ACRE PARCEL IS TO BE OFFERED FOR SALE INTO PRIVATE OWNERSHIP OR WITHHELD FOR POSSIBLE PUBLIC USE, TO BE RESERVED UNTIL AFTER ACQUISITION OF TITLE FROM THE UNITED STATES IS COMPLETED.