

51. ACQUISITION OF VACANT FEDERAL LANDS THROUGH EXCHANGE PROCEDURE, EXCHANGE NO. 68 - S.W.O.s 6177, 6184, 6230 AND 6232.

After consideration of Calendar Item 21 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ITS JUDGMENT, IT IS TO THE ADVANTAGE OF THE STATE TO EXCHANGE WITH THE UNITED STATES THE STATE LANDS HEREINAFTER DESCRIBED;
2. AUTHORIZES EXECUTION, ON BEHALF OF THE STATE LANDS COMMISSION, OF THE CERTIFICATE PROVIDED FOR UNDER SECTION 6444 OF THE PUBLIC RESOURCES CODE, CERTIFYING TO THE GOVERNOR THAT IT IS TO THE ADVANTAGE OF THE STATE TO EXCHANGE WITH THE UNITED STATES THOSE LANDS OF APPROXIMATELY EQUAL VALUE IN SAN BERNARDINO COUNTY DESCRIBED AS FOLLOWS:

OFFERED STATE LANDS (SEE EXHIBIT "A")

<u>Subdivision</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Mer.</u>	<u>Acres</u>
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	16	1 S	7 E	S.B.	40.
E $\frac{1}{2}$ of SE $\frac{1}{4}$	16	1 S	7 E	S.B.	80.
				Total	120.

FOR SELECTED FEDERAL LANDS DESCRIBED AS (SEE EXHIBITS "B-1" & "B-2"):

<u>County - California</u>	<u>Subdivision</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Mer.</u>	<u>Acres</u>
Humboldt	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of SW $\frac{1}{4}$	14	5 S	5 E	Hum.	80.
Humboldt	NW $\frac{1}{4}$	23	5 S	5 E	Hum.	160.
Lake	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	10	12 N	8 W	M.D.	40.
San Luis Obispo	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$	32	29 S	14 E	M.D.	80.
				Total		360.

3. UPON ACQUISITION FROM THE FEDERAL GOVERNMENT OF THE SELECTED LANDS, PROCEED WITH SALE OF SAID LANDS, PURSUANT TO COMPETITIVE BIDDING IN ACCORDANCE WITH REGULATIONS OF THE COMMISSION GOVERNING THE SALE OF STATE SCHOOL LANDS IN EFFECT AS OF 1955, PROVIDED THE APPLICATIONS OF THE PRIVATE INDIVIDUALS ARE MAINTAINED IN GOOD STANDING; OTHERWISE THE SAID LANDS ARE TO BE SOLD UNDER REGULATIONS CURRENTLY IN EFFECT. ANY BIDS ARE TO BE REFERRED TO THE COMMISSION FOR FINAL CONSIDERATION AND ACTION.

Attachment
Calendar Item 21 (3 pages)

21.

PROPOSED ACQUISITION OF VACANT FEDERAL LANDS THROUGH EXCHANGE PROCEDURE,
EXCHANGE NO. 68 - S.W.O.s 6177, 6184, 6230 AND 6232.

During 1955, pursuant to established regulatory procedure whereunder 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 from numerous individuals. Upon receipt of such applications, the State, in August 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 an 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 private applications. The selected Federal lands are situated in Humboldt, Lake and San Luis Obispo counties, and the State school lands offered in exchange therefor are situated within the Joshua Tree National Monument, San Bernardino County. By various amendments during the pendency of the exchange application, the State is now selecting 360 acres of Federal land in the three counties above mentioned, and is offering in exchange therefor, on an approximately equal-value basis, 120 acres in the Joshua Tree National Monument, which is under the jurisdiction of the National Park Service of the Department of the Interior.

The applicant for the 240 acres in Humboldt County has recently withdrawn his application. The application has been cancelled officially, and all deposits have been refunded. However, the State should proceed with acquisition of this 240 acres under the exchange. Each of the remaining two applicants have submitted a minimum deposit of \$5 per acre pending appraisal at a future date, together with the required \$100 expense deposit and \$5 filing fee.

For the purpose of negotiating an equal-value exchange, the United States Bureau of Land Management has indicated that the values of both the offered and selected lands are approximately equal. Similarly, the staff finds the valuations acceptable based upon detailed appraisals completed during the pendency of the transaction.

By Decision dated January 17, 1968, the Bureau of Land Management advised that the selected lands are available for exchange and that the values of the selected and offered lands are approximately equal for the purpose of exchange; that there are no outstanding contests or protests of record; that the requirements pertaining to the application have been met; and that publication of the exchange is authorized.

In accordance with instructions from the Bureau, notice of the exchange application, describing both the Federal and State lands, was published as required by regulations of the Department of the Interior.

It is now necessary for the State to relinquish to the United States by an appropriate instrument of conveyance, duly executed by the Governor, all right, title and interest of the State in and to the 120 acres of State land offered

CALENDAR ITEM 21. (CONTD.)

in exchange, and to authorize execution of a certificate indicating to the Governor that the exchange, in the judgment of the Commission, is to the advantage of the State, as provided by Section 6444 of the Public Resources Code.

The exchange of the subject land is considered to be to the advantage of the State since the 120 acres of State school land are embraced within the exterior boundaries of an officially established national monument, namely, Joshua Tree National Monument, which precludes the administration of such lands for the purpose for which they were originally conveyed under the School Land Grant (Act of Congress approved March 3, 1853, 10 Stat. 244). During the past several years, representatives of the National Park Service have expressed the desire to consummate an exchange transaction that would place the State-owned land under Federal jurisdiction since the parcel is critical to the park administration, particularly because of its strategic location which lends it most suitable for development of an appropriate park entrance-way. Through such an exchange, the State is benefiting by acquiring lands that are either more salable or more susceptible of administration in keeping with the intent and purpose of the original grant of school lands. As evidence of this, private purchase applications are currently on file for two of the three parcels embraced in the exchange transaction. Additionally, the United States is benefiting by placing under its ownership and management a parcel of State school land vital to the administration of Joshua Tree National Monument.

IT IS RECOMMENDED THE COMMISSION:

1. FIND THAT, IN ITS JUDGMENT, IT IS TO THE ADVANTAGE OF THE STATE TO EXCHANGE WITH THE UNITED STATES THE STATE LANDS HEREINAFTER DESCRIBED;
2. AUTHORIZE EXECUTION, ON BEHALF OF THE STATE LANDS COMMISSION, OF THE CERTIFICATE PROVIDED FOR UNDER SECTION 6444 OF THE PUBLIC RESOURCES CODE, CERTIFYING TO THE GOVERNOR THAT IT IS TO THE ADVANTAGE OF THE STATE TO EXCHANGE WITH THE UNITED STATES THOSE LANDS OF APPROXIMATELY EQUAL VALUE IN SAN BERNARDINO COUNTY DESCRIBED AS FOLLOWS:

OFFERED STATE LANDS (SEE EXHIBIT "A")

<u>Subdivision</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Mer.</u>	<u>Acres</u>
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	16	1 S	7 E	S.B.	40.
E $\frac{1}{2}$ of SE $\frac{1}{4}$	16	1 S	7 E	S.B.	80.
				Total	120.

FOR SELECTED FEDERAL LANDS DESCRIBED AS (SEE EXHIBITS "B-1" & "B-2"):

<u>County - California</u>	<u>Subdivision</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Mer.</u>	<u>Acres</u>
Humboldt	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ & SE $\frac{1}{4}$ of SW $\frac{1}{4}$	14	5 S	5 E	Hum.	80.
Humboldt	NW $\frac{1}{4}$	23	5 S	5 E	Hum.	160.
Lake	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	10	12 N	8 W	M.D.	40.
San Luis Obispo	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$	32	29 S	14 E	M.D.	80.
					Total	360.

CALENDAR ITEM 21. (CONTD.)

3. UPON ACQUISITION FROM THE FEDERAL GOVERNMENT OF THE SELECTED LANDS, PROCEED WITH SALE OF SAID LANDS, PURSUANT TO COMPETITIVE BIDDING IN ACCORDANCE WITH REGULATIONS OF THE COMMISSION GOVERNING THE SALE OF STATE SCHOOL LANDS IN EFFECT AS OF 1955, PROVIDED THE APPLICATIONS OF THE PRIVATE INDIVIDUALS ARE MAINTAINED IN GOOD STANDING; OTHERWISE THE SAID LANDS ARE TO BE SOLD UNDER REGULATIONS CURRENTLY IN EFFECT. ANY BIDS ARE TO BE REFERRED TO THE COMMISSION FOR FINAL CONSIDERATION AND ACTION.