

MINUTE ITEM

11/19/70
LHG

23. WITHDRAWAL OF APPLICATION BY THE STATE OF CALIFORNIA TO ACQUIRE FEDERAL LAND THROUGH STATE INDEMNITY SELECTION, APPLICATION NO. 10762, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY - S 5958.

After consideration of Calendar Item 17 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES WITHDRAWAL OF STATE INDEMNITY SELECTION APPLICATION NO. 10762, LOS ANGELES LAND DISTRICT, EMBRACING THE SELECTION OF THE $N\frac{1}{2}$ OF $NW\frac{1}{4}$ OF SECTION 29, T. 4 N., R. 2 E., S.B.M., CONTAINING 80 ACRES MORE OR LESS IN SAN BERNARDINO COUNTY.

Attachment:

Calendar Item 17 (2 pages)

CALENDAR ITEM

11/70

App. 10762, L. A.
S 5958
LHG

17.

WITHDRAWAL OF APPLICATION BY THE STATE OF CALIFORNIA
TO ACQUIRE FEDERAL LAND THROUGH STATE INDEMNITY SELECTION

On December 15, 1954, Mr. Joseph R. Scalzo filed an application to purchase lieu land under provisions of Division 6 of the Public Resources Code, covering the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 29, T. 4 N., R. 2 E., S.B.M., containing 80 acres more or less. The Division of State Lands transmitted Indemnity Selection List No. 10762, Los Angeles Land District, for the subject 80 acres to the Bureau of Land Management on January 12, 1955.

Upon receipt of a written request from the applicant, dated November 14, 1957, the application to acquire the public land embraced therein was cancelled as to the applicant, but not as to the State.

A Bureau of Land Management decision, dated March 22, 1960, rejected the subject indemnity selection application on the basis that the lands therein had been classified as mineral in character and contained valuable deposits of limestone, subject to the right of appeal in accordance with the federal regulation applicable thereto. Five other indemnity selection applications of the State for Federal land situated in the surrounding area were likewise rejected by Bureau decision. The State of California proceeded with its right to appeal to the Director of the Bureau of Land Management, Los Angeles office of the Bureau, on April 20, 1960, as to all six of the applications.

Following a prolonged appeal procedure for remedies of mineral conflicts, the Riverside District and Land office of the Bureau issued a decision on July 25, 1969, allowing the subject indemnity selection application, and authorized publication of the application. Publication was ordered in the designated paper, and it appeared in the editions specified.

In compliance with Title VI of the Civil Rights Act of 1964, a civil rights assurance form, for which execution was requested, accompanied the aforementioned application allowance decision. Since certain aspects of the civil rights covenant were unacceptable to the State, clarification and/or revision was required before execution of the assurance form could be authorized by the State Lands Commission.

Pending resolution of the civil rights matter, the Land Transactions Unit Staff of the Division undertook a physical inspection and extensive review of the land embraced in the subject indemnity selection application. It was concluded that acquisition of the subject 80 acres would not be to the State's advantage, and withdrawal of the indemnity selection application was recommended, the following reasons being the basis for said recommendation:

1. The parcel is almost entirely within a desert wash, nearly impossible to traverse or negotiate (even with a 4-wheel drive vehicle), and of very low value, quality, and utility.

CALENDAR ITEM 17. (CONTD.)

2. The established determination by the Bureau of Land Management and the State that the land has no mineral potential.
3. The combination of the characteristics of 1 and 2 preceding that the 80-acre parcel offers no potential or advantage whatever to the State at this point in time or in the foreseeable future.
4. The indemnity base involved should be used to greater State advantage through selecting Federal land of higher value and quality.

EXHIBIT: A. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE WITHDRAWAL OF STATE INDEMNITY SELECTION APPLICATION NO. 10762, LOS ANGELES LAND DISTRICT, EMBRACING THE SELECTION OF THE N $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF SECTION 29, T. 4 N., R. 2 E., S.B.M., CONTAINING 80 ACRES MORE OR LESS IN SAN BERNARDINO COUNTY.