

15. SALE OF VACANT STATE SCHOOL LAND, APPLICATION NUMBER 5610, SACRAMENTO LAND DISTRICT, TRINITY COUNTY; EUGENE J. JOERGENSON, M.D. - SA 5610.

During consideration of Calendar Item 13 attached, Mr. James F. Trout, Manager, Land Operations, explained the proposed sale to the Commission, including when it originated, location, type of land, and the requirements leading up to the sale. As a result of the environmental impact report prepared and circulated in connection therewith, the Department of Fish and Game voiced concern over the disposal of the State's interest in Indian Creek which crosses the subject property. Mr. Trout stated that the creek is critical to an existing steelhead and salmon hatchery which has been indicated as a significant environmental feature of this piece of property. Because of this concern, Fish and Game requested that the bed of this creek be reserved to the people, along with an access easement from the public road down to the creek. Mr. Trout reported that Dr. Joergenson had agreed to this reservation in the State. Fish and Game therefore withdrew its objection to the sale. Questions were posed by the Commissioners regarding the possibility that the Federal government might close access to the public and, should that public access be closed, how would Fish and Game and the public get to the property.

Dr. Theodore Olson, Dr. Joergenson's son-in-law, appeared in support of the item, and answered questions on behalf of Dr. Joergenson. However, in light of the questions which were raised, Chairman Cory recommended that the matter be deferred until the next meeting. In the interim, he requested the staff to contact Fish and Game and determine whether the public access should be expanded. The matter was therefore deferred until the next Commission meeting.

Attachment:

Calendar Item 13 (6 pages)

## CALENDAR ITEM

2/75  
AMB  
SA 5610

13.

SALE OF VACANT SCHOOL LAND,  
APPLICATION NUMBER 5610, SACRAMENTO LAND DISTRICT,  
TRINITY COUNTY

During 1956, pursuant to the then established procedure whereby the general public could apply to the State Lands Commission for the acquisition of Federal land through the medium of a State exchange with the United States, an application was filed by Eugene J. Joergenson, M.D., for Federal land described as Lot 13 of Section 30, T 32 N, R 8 W, MDM, containing 41.15 acres in Trinity County. The applicant submitted with his application an expense deposit of \$104.25 and the sum of \$205.75, representing an offer of \$5.00 per acre, pending appraisal.

Following receipt of said application, the State filed a State exchange application with the United States Bureau of Land Management in January 1957, designating the above-described Lot 13 as the selected land, pursuant to the provisions of Section 7303, Public Resources Code, and Section 8 of the Taylor Grazing Act (an Act of Congress approved June 28, 1934, as amended). The State offered in exchange certain school land situated within the Six Rivers National Forest, Trinity County.

Title to Lot 13 of Section 30, T 32 N, R 8 W, MDM, was conveyed to the State of California by a patent issued on July 22, 1970, at which time the acquired land became State school land under the jurisdiction of the State Lands Commission.

On August 19, 1971, Eugene J. Joergenson, M.D., filed an application to purchase State land under applicable rules and regulations of the Commission (Sections 2300-2302, Article 5, Division 3, Title 2 of the California Administrative Code). The applicant had maintained his original application in good standing since December 1956, which qualified him to proceed with the purchase of the subject Lot 13. However, such sale must conform with the rules and regulations now in effect.

Lot 13 of Section 30, T 32 N, R 8 W, MDM, has been included in the State Lands Division's study of environmentally significant lands within the State. This study, authorized by Chapter 1555, Statutes of 1970, as amended by Chapter 688, Statutes of 1973, authorizes the State Lands Commission to inventory and classify those lands under State Lands Commission jurisdiction which possess significant environmental values of Statewide interest. Pursuant to this statute, no sale can be approved by the State Lands Commission unless a finding had been made that such sale was necessary for the health, welfare, or safety of the people of the State or a finding that such would not meet the intent of environmentally significant lands.

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At the request of the California Department of Fish and Game, this parcel of land was initially classified as environmentally significant. This classification was made because Indian Creek, which crosses the property, is a prime habitat for steelhead in the Trinity River system. There has been a drastic decline in this species of fish in recent years. Pursuant to this request, the State Lands Division made provisions for reserving, from the transfer to Dr. Joergenson, easements for access to and along Indian Creek. These easements were reserved to protect the steelhead habitat and to promote, among other things, recreation and fishing for use by the general public. This reserving of the easements removed the objection of the Department of Fish and Game to the sale. The remainder of the parcel, without Indian Creek and its steelhead habitat, is not considered to possess any environmentally significant values of Statewide interest. Thus, it meets the exceptions set forth in Section 6371 of the Public Resources Code.

The land embraced in the purchase application was appraised at its fair market value. The applicant was subsequently notified with the demand that an additional deposit be made on account of purchase to cover the total appraised value. The applicant deposited the required amount, and the subject land was then advertised for competitive bids. At the specified date and time of bid opening, no other bids were received. The applicant was therefore established as the highest qualified bidder.

**THE PROPERTY:**

**Location:**

The subject land is situated eleven airline miles northeast of Weaverville, the County Seat, and approximately nine road miles south and east of Douglas City on State Highway Route 299.

**Appraisal Data:**

<u>Land Area</u>	<u>Value Per Acre</u>		<u>Total Value</u>
41.15 acres	\$210.00		\$8,641.50
<u>Timber</u>	<u>Volume</u>	<u>Value Per</u>	<u>Total</u>
	<u>M.B.F.</u>	<u>M.B.F.</u>	<u>Value</u>
Douglas Fir	100	\$40	\$4,000.00
Ponderosa Pine	30	\$35	\$1,050.00
<u>Total Value - 12-4-71</u>			
41.15 acres @ \$332.75 per acre: <u>\$13,692.66</u>			

**Bid Information:**

The subject land was advertised for competitive bid. No other bids were received pursuant to advertisement. The Division's appraised value was the minimum acceptable bid.

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DESCRIPTION:

Suitability for cultivation: Less than 50 percent of the land is suitable for cultivation without artificial irrigation. (See vegetative breakdown below.)

Access: Public access via logging road to and through the subject land. The road was constructed by the United States.

Water: Indian Creek, a year-around stream, crosses the parcel in an east-west direction, draining northwesterly into the Trinity River east of Douglas City.

Terrain: Moderate to steep with an elevation range between 2,500 feet and 3,000 feet. A meadow, approximately two acres in size, is situated between the road and Indian Creek.

Vegetation: Timber - Meadow - Brush.

	<u>Acres</u>	<u>Percent of Total Area</u>
Merchantable Timber	33	80
Nonmerchantable Timber	2	5
Meadow-grass	2	5
Brush species	4	10

Highest and best use: Summer homesite.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Part 3, Chapter 1, Section 7303.
- b. Administrative Code: Div. 3, Title 2, Article 5, Sections 2300-2302.

OTHER PERTINENT INFORMATION:

1. In accordance with the State Guidelines for Implementation of the California Environmental Quality Act of 1970, a negative declaration was prepared by the State Lands Division. The negative declaration described the proposed sale and made a finding that the transfer of the subject land, with easements reserved, would not have a significant effect on the environment. It was subsequently circulated by the State Clearinghouse. Comments received were incorporated in the negative declaration on file in the office of the State Lands Commission.

As a result of the Department of Fish and Game's objections to the negative declaration and the sale of the subject State school land, negotiations were conducted by Division representatives to resolve

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the problems relating to Indian Creek and access thereto. Agreement to proceed with the sale was reached between the respective agencies. However, the agreement was contingent on the reservation to the State of easements for a pedestrian access to and a fishing access along Indian Creek which crosses the subject lot, in addition to the provisions of Article I, Section 25 of the California State Constitution. The survey cost of locating the easements specified by the Department of Fish and Game was borne by the applicant.

2. In accordance with Section 6371 of the Public Resources Code, the State Lands Division finds, subject to approval of the State Lands Commission, that Lot 13, Section 30, T 32 N, R 8 W, MDM, with easements reserved, does not possess significant environmental values of Statewide interest. In addition, the Division finds that the subject property does not meet the intent of environmentally significant lands as described under Section 6370, Chapter 4.5, Part 1, Division 6 of the Public Resources Code.
3. In accordance with Section 6373 of the Public Resources Code, the applicant has submitted to the State Lands Commission a general plan of use of the subject land. The State Lands Division finds, subject to approval by the State Lands Commission, that the sale of Lot 13, Section 30, T 32 N, R 8 W, MDM, will not have a significant effect on the environment. The general plan of use of such land, as amended, prepared by the applicant is for the maintenance and enhancement of the natural resources, the environment, and the wilderness.

**EXHIBITS:**

- A. Reserved Access Easement Descriptions.
- B. Location Map.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE DIVISION.
2. CERTIFY THAT THE NEGATIVE DECLARATION, ND EIR #171, HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT LOT 13, SECTION 30, T 32 N, R 8 W, MDM, WITH EASEMENTS RESERVED, DOES NOT POSSESS SIGNIFICANT ENVIRONMENTAL VALUES OF STATEWIDE INTEREST AND DOES NOT MEET THE INTENT OF ENVIRONMENTALLY

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SIGNIFICANT LANDS AS INDICATED IN SECTION 6370, CHAPTER 4.5, PART 1, DIVISION 6 OF THE PUBLIC RESOURCES CODE.

5. FIND THAT THE LAND DESCRIBED HEREIN IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION BECAUSE ALL BUT FIVE PERCENT OF THE LAND IS TIMBER AND BRUSHLAND.
6. AUTHORIZE THE SALE TO EUGENE J. JOERGENSON, M.D., OF SCHOOL LAND DESCRIBED AS LOT 13, SECTION 30, T 32 N, R 8 W, MDM, CONTAINING 41.15 ACRES, MORE OR LESS, IN TRINITY COUNTY, AT THE CASH PRICE OF \$13,692.66, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS, INCLUDING MINERALS AND GEOTHERMAL RESOURCES AND RESERVING TO THE PEOPLE OF THE STATE OF CALIFORNIA THOSE CERTAIN ACCESS EASEMENTS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

SA 5610

RESERVED ACCESS EASEMENT DESCRIPTIONS

A TEN-FOOT EASEMENT FOR PEDESTRIAN ACCESS FOLLOWING AN ABANDONED LOGGING ROAD:

An easement reserved in the people of the State of California for general access including, but not limited to, recreational, hiking and fishing purposes through a portion of Lot 13 of Section 30, T 32 N, R 8 W, MDM, in accordance with United States Plat of Dependent Resurvey approved May 13, 1953, in Trinity County, California. A strip of land 10 feet wide, lying 5 feet each side of the following described centerline:

BEGINNING at a point on the east line of said Lot 13 being distant thereon S 5° 27' 24" E, 213.02 feet from the northeast corner of said Lot 13:

- thence S 68° 10' 18" W, 86.66 feet;
- thence S 48° 11' 48" W, 128.99 feet;
- thence S 81° 34' 18" W, 142.56 feet;
- thence S 42° 29' 38" W, 57.67 feet to the centerline of Indian Creek.

A FORTY-FOOT EASEMENT FOR ACCESS ALONG INDIAN CREEK:

An easement reserved in the people of the State of California for general access including, but not limited to, recreational, hiking and fishing purposes through a portion of Lot 13 of Section 30, T 32 N, R 8 W, MDM, in accordance with United States Plat of Dependent Resurvey approved May 13, 1953, in Trinity County, California. A strip of land 40 feet wide, lying 20 feet each side of the following described centerline:

BEGINNING at a point on the east line of said Lot 13 being distant thereon S 5° 27' 24" E, 441.45 feet from the northeast corner of said Lot 13, said point being the centerline of Indian Creek.

Thence downstream, along the centerline of said creek, the following courses:

1. S 84° 00' W, 58.20 feet;
2. N 84° 00' W, 124.00 feet;
3. S 87° 35' W, 117.00 feet;
4. N 59° 04' W, 244.00 feet;
5. S 50° 50' W, 100.00 feet;
6. S 15° 33' W, 81.00 feet;
7. S 56° 22' W, 302.00 feet;
8. N 60° 26' W, 112.00 feet;
9. West 58.00 feet;
10. S 61° 26' W, 148.00 feet;
11. S 44° 24' W, 100.00 feet;
12. N 81° 34' W, 18.75 feet to a point in the westerly line of afore-

said lot 13, said point bears S 7° 00' E, 623.83 feet from the west one-quarter corner of Section 30, T 32 N, R 8 W, MDM, and being the westerly terminus of the aforementioned easement.

END OF DESCRIPTION