

MINUTE ITEM

This Calendar Item No. C52 was approved as
Minute Item No. 52 by the California State Lands
Commission by a vote of 3 to 0 at its
07-13-07 meeting.

CALENDAR ITEM

C52

A 2

09/13/07

S 1

SA 5762

J. Porter

J. Frey

**CONSIDER AUTHORIZATION, AS SCHOOL LANDS TRUSTEE, OF THE SALE
AND SUBSEQUENT ISSUANCE OF A PATENT OF STATE SCHOOL LANDS
TO THE PIT RIVER TRIBE**

APPLICANT:

Pit River Tribe
37118 Main Street
Burney, CA 96013

AREA, LAND TYPE, AND LOCATION:

27.156 acres, more or less, of State school lands located on the south side of the Lauer Dam Reservoir, identified as a portion of Section 16, Township 44 North, Range 13 East, MDBM, Modoc County.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Division 6, Parts 1 and 2; Division 7.7; Division 13.
- B. California Code of Regulations Title 3, Division 3; Title 14, Division 6.

OTHER PERTINENT INFORMATION:

1. The Secretary of the Department of the Interior (Department) and the Bureau of Indian Affairs (BIA) have the responsibility to ensure that all dam structures on or serving Indian property do not create unacceptable risks to public safety, property, the environment, and cultural resources. The BIA holds Lauer Dam (Dam) and Lauer Reservoir (Reservoir) in trust for the Pit River Tribe (Tribe). The BIA, in consultation with the Bureau of Reclamation, has determined that the Dam, which was constructed in 1895, is in poor condition and is a "high risk" for possible failure. Therefore, to fulfill its trust responsibility and to protect the Tribe and the public, the BIA has designated the dam for a reconstruction project. In addition, the road accessing Lauer Dam is in poor condition and must be re-constructed to provide reliable and permanent access for long-term dam operation and maintenance. The access road to the Dam passes through a school lands parcel located on the south side of the Reservoir.
2. The BIA, through its Irrigation and Safety of Dams Program, has submitted an application to purchase the road and a small piece of adjoining land that will be used as a construction staging area and for long-term dam maintenance. Although the BIA is trustee for the Dam and Reservoir, the

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Irrigation and Safety of Dams Program does not have the legal authority to acquire real estate. Therefore, the BIA is funding the purchase application, but has requested that the property be deeded directly to the Tribe, which will be responsible for long-term operation and maintenance of the Dam.

3. The purchase price of \$8,150 is within the range of fair market value for the subject property, supported by a staff appraisal of the property. In addition to the \$8,150 purchase price, the Applicant also will pay a patent fee and other costs associated with the purchase.
4. The consideration of \$8,150 will be deposited into the School Land Bank to: 1) facilitate the management of school lands; 2) generate revenue, and 3) carry out the goals of the School Land Bank Act. The California State Lands Commission will be acting as trustee for the School Land Bank, pursuant to Division 7.7 of the Public Resources Code for this transaction.
5. The proposed sale to the Pit River Tribe is an all cash transaction at a price of \$8,150.
6. Staff has filed a general plan for this activity with the Legislature pursuant to the Public Resources Code section 6373.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15061(b)(1) and 15282), the staff has determined that this activity is statutorily exempt from the requirements of the CEQA because it involves an action taken pursuant to the School Land Bank Act, Public Resources Code, section 8710.

Authority: Public Resources Code section 8710.2.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site Map
- B. Land Description
- C. General Plan

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8710, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, PUBLIC RESOURCES CODE SECTION 8710.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURUSANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
3. FIND THAT A GENERAL PLAN FOR THIS ACTIVITY WAS FILED WITH THE LEGISLATURE PURSUANT TO PUBLIC RESOURCES CODE SECTION 6373 AND THAT THE USE OF THE LAND SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B WILL BE CONSISTENT WITH SUCH PLAN.
4. FIND THAT THE SALE IS IN THE BEST INTEREST OF THE STATE OF CALIFORNIA.
5. AUTHORIZE THE EXECUTIVE OFFICER, OR HIS DESIGNEE, TO EXECUTE, CONSISTENT WITH THE GENERAL PLAN, THAT CERTAIN DOCUMENT ENTITLED "OFFER TO PURCHASE REAL ESTATE IN THE COUNTY OF MODOC AND ACCEPTANCE OF OFFER TO PURCHASE", IN SUBSTANTIALLY THE SAME FORM AS ON FILE WITH THE COMMISSION, AND ANY OTHER DOCUMENT NECESSARY TO COMPLETE THIS TRANSACTION.
6. AUTHORIZE ISSUANCE OF A PATENT TO THE PIT RIVER TRIBE, SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, FOR THE LAND SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
7. AUTHORIZE THE DEPOSIT OF \$8,150 INTO THE SCHOOL LAND BANK FUND.

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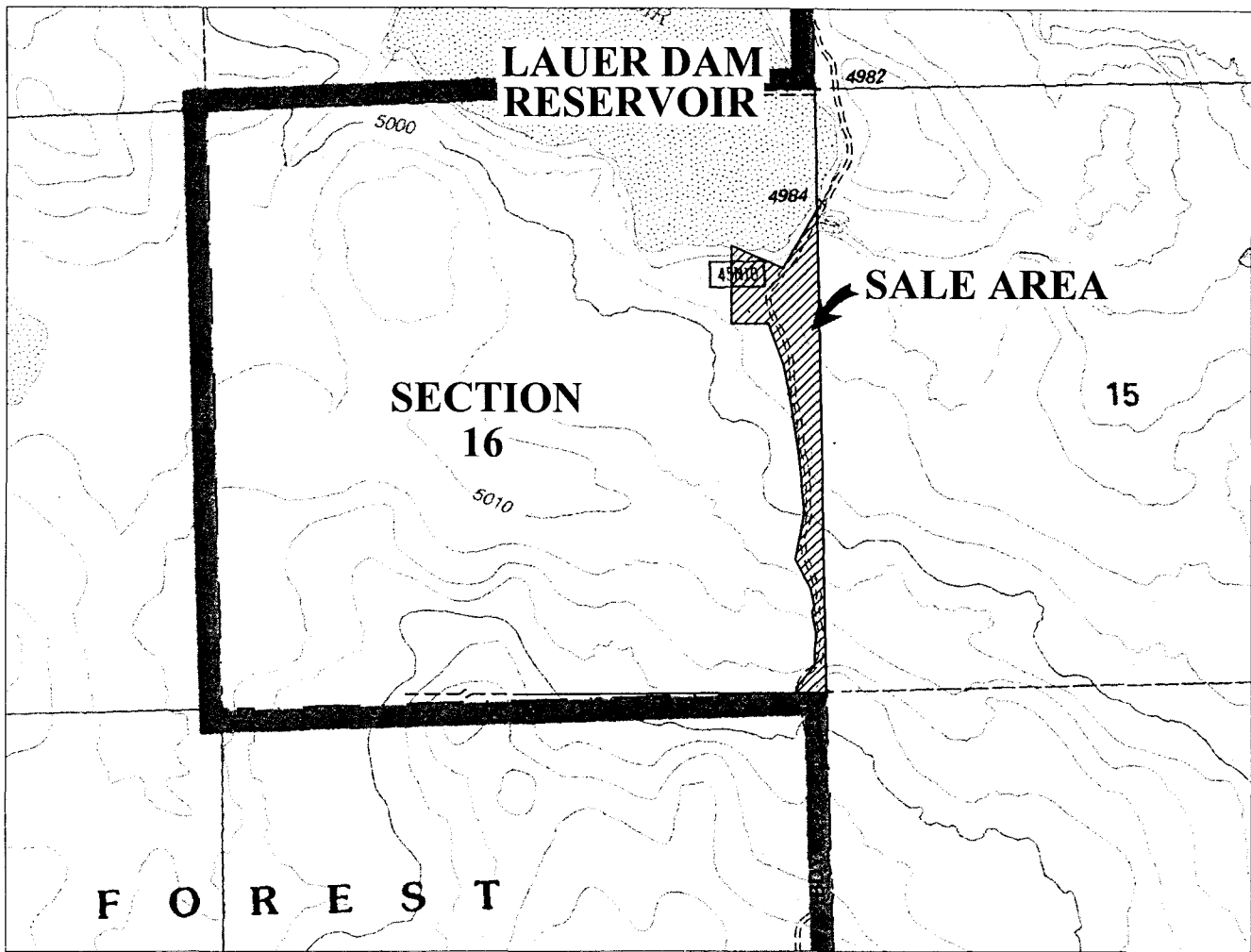
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NO SCALE

SITE

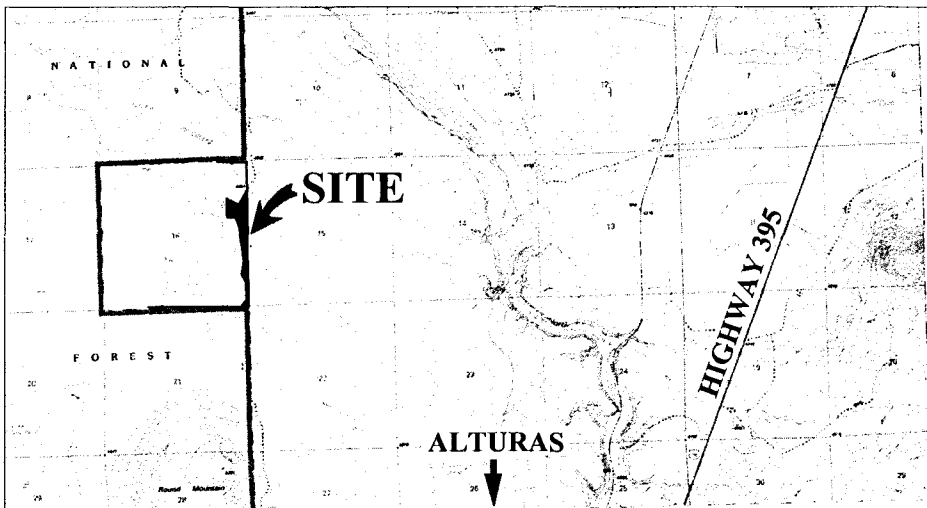


LAUER DAM, SECTION 16 T44N R13E MDM
SCHOOL LAND, MODOC COUNTY

MAP SOURCE: USGS QUAD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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Exhibit A

SA 5762
PIT RIVER TRIBE
SCHOOL LAND SALE
LAUER DAM
MODOC COUNTY



HUSTEAD 6/29/2007

EXHIBIT B

SA 5762

LAND DESCRIPTION

A parcel of land situated in Section 16, T44N, R13E, MDM, County of Modoc, State of California according to the U.S. General Land Office survey approved February 5, 1872 more particularly described as follows:

BEGINNING at a stone mound marking the southeast corner of said Section 16 as described in the official plat notes of Township 44 North, Range 13 East, MDM and having CCS83 Zone 1 coordinates of N=2485800.58, E=7010023.98; thence along the South line of said Section 16 S 89°39'03" W, 270.36 feet; thence leaving said Section line the following seventeen (17) courses.

1. N 13°45'39" E, 50.94 feet to a T-bar and tag stamped California State Lands Commission;
2. N 39°01'35" E, 249.37 feet;
3. N 00°03'26" E, 144.39 feet;
4. N 06°19'39" E, 123.43 feet to a T-bar and tag stamped California State Lands Commission;
5. N 10°24'37" W, 206.90 feet;
6. N 16°44'15" E, 63.26 feet;
7. N 12°10'31" W, 150.71 feet;
8. N 27°18'48" W, 292.70 feet;
9. N 10°46'05" E, 422.34 feet to a T-bar and tag stamped California State Lands Commission;
10. N 05°56'44" W, 535.58 feet;
11. N 09°00'54" W, 506.62 feet to a T-bar and tag stamped California State Lands Commission;
12. N 11°01'21" W, 263.70 feet;
13. N 20°07'38" W, 383.33 feet to a T-bar and tag stamped California State Lands Commission;
14. N 90°00'00" W, 322.56 feet;
15. N 00°00'00" E, 692.32 feet;
16. S 66°19'54" E, 495.35 feet to a T-bar and tag stamped California State Lands Commission;
17. N 29°27'10" E, 597.97 feet to the East line of said Section;

thence southerly along said East line S 01°12'11" E, 1632.95 feet to a stone mound marking the East quarter corner of said Section 16 per said township plat notes; thence along said East line S 01°07'27" E, 2628.87 feet to the point of beginning.

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Containing 27.156 acres more or less.

The basis of bearings of this description is California Coordinate System 83, Zone 1 NAD83 (CORS96, EPOCH 2002.0) as determined locally by a line beginning at Continuous Operating Reference Stations (CORS) Medicine Mountain CORS ARP (PID – DH3761) and bears S 68°19'48" W to Klamath Falls 1 CORS ARP (PID – DH7225) as derived from geodetic values published by the California National Geodetic Survey (NGS). All distances and areas are grid. To convert to ground measurements multiply grid distances by the combined scale factor 1.00000332901 and grid areas by 1.00000665803.

END OF DESCRIPTION

Prepared 6/29/2007 by California State Lands Commission boundary unit.



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EXHIBIT C

SA 5762

GENERAL PLAN

PROPOSED TRANSACTION

The Pit River Tribe, a federally recognized Tribe, proposes to purchase 27.156 acres, more or less, of State school lands in Modoc County. Although the Pit River Tribe will be acquiring the land, the purchase is being coordinated and funded by the U.S. Department of the Interior, Bureau of Indian Affairs (BIA).

PROPERTY LOCATION/INFORMATION

The property proposed for acquisition (Subject Property) is a portion of a State school lands parcel identified as Section 16, Township 44 North, Range 13 East, MDBM, Modoc County. The Subject Property includes Lauer Dam Road, a rugged dirt road that traverses in a north/south direction across the eastern portion of Section 16 and provides access to Lauer Dam and Lauer Reservoir. The northern end of the Subject Property abuts the south side of Lauer Reservoir and includes a portion of the existing earthen dam. Generally described, the subject property consists of all that portion of Section 16 lying east of the western boundary of Lauer Dam Road to the eastern section line of Section 16.

LAND USE

The subject property is vacant, unincorporated land that is not designated within a specific zone by Modoc County. The topography is rolling to rugged and the soil is extremely rocky due to ancient volcanic lava flows in the region. Surrounding lands are owned by the U.S. Forest Service and the Bureau of Land Management. The highest and best use of the property is estimated to be for livestock grazing, but historically the property has not been used for grazing or any other commercial purpose due to lack of legal and physical access.

PROPOSED USE

The BIA holds Lauer Dam and Lauer Reservoir in trust for the Tribe. The BIA proposes to use the subject lands to improve the existing dirt road to provide reliable and permanent access to Lauer Dam. Lauer Dam is an earthen structure that was constructed in 1895. It is in poor condition, and has been classified as a "High Hazard" dam. That is, it is considered as a "high risk" facility for possible failure. If the dam were to fail, lives and properties downstream of the facility would be endangered. Therefore, to fulfill its trust responsibility and to protect the Tribe and the public, the BIA has designated the dam for a reconstruction project. In addition to providing reliable and permanent access for long-term dam operation and maintenance, portions of the subject land will be used as a staging area, and possibly as part of the new embankment during the reconstruction project. When completed, the Pit River Tribe will operate and maintain the facility.

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