

**CALENDAR ITEM
C40**

A 34
S 18

06/24/08
SA 5765
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 NATURE CONSERVANCY**

APPLICANT:

The Nature Conservancy
201 Mission Street
San Francisco, CA 94105

AREA, LAND TYPE, AND LOCATION:

640 acres, more or less, of State school lands located south of Tecopa, identified as Section 16, Township 20 North, Range 7 East, SBM, Inyo 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 Nature Conservancy has submitted an application to purchase the subject property with the intention of donating the property to the Bureau of Land Management (BLM), subject to a donation agreement that will insure the environmental protection of the property in perpetuity. The BLM intends to incorporate the property into the existing Amargosa Canyon Natural Area and Area of Critical Environmental Concern (ACEC). The BLM considers the property to be a crucial piece of the ACEC due to its natural springs, its scenic values, and its critical habitat for endangered species, such as the Amargosa vole, the Amargosa pupfish, the southwest willow flycatcher, and the Least Bell's vireo.
2. The purchase price of \$640,000 is within the range of fair market value for the subject property, supported by an independent appraisal of the property. In addition to the \$640,000 purchase price, the Applicant also will pay a patent fee and other costs associated with the purchase.
3. The consideration of \$640,000 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

CALENDAR ITEM NO. C40 (CONT'D)

Land Bank, pursuant to Division 7.7 of the Public Resources Code for this transaction.

4. The proposed sale to The Nature Conservancy is an all cash transaction at a price of \$640,000.
5. Staff has filed a general plan for this activity with the Legislature pursuant to the Public Resources Code section 6373.
6. 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.

7. 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

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 PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. **C40** (CONT'D)

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 INYO 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 NATURE CONSERVANCY, 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 \$640,000 INTO THE SCHOOL LAND BANK FUND.