

**STAFF REPORT
C89**

A	1, 2, 7, 23, 35, 40, 41, 43, 46, 50, 52, 53, 55, 56, 57, 60, 74, 75	06/21/18 SB50-18-013
S	1, 2, 6, 8, 17, 18, 20, 22, 23, 25, 26, 29, 30, 31, 32, 37, 38, 40	P. Huber E. Kennedy

**EXERCISE RIGHT OF FIRST REFUSAL TO CONSIDER ACQUISITION OF
FEDERAL PUBLIC LANDS, OR RIGHT TO ARRANGE FOR THEIR
TRANSFER TO ANOTHER ENTITY, IN VARIOUS COUNTIES**

APPLICANT:

Parties interested in sales of properties forfeited to the United States under federal civil and criminal laws.

AREA, LAND TYPE, AND LOCATION:

Numerous properties, forfeited to the United States under federal civil and criminal laws, in various counties, including Los Angeles, Orange, San Bernardino, Imperial, Riverside, Shasta, Fresno, Sacramento, Trinity, San Luis Obispo, and San Diego.

INTRODUCTION TO SB 50:

In October 2017, the Governor of California signed SB 50 (Allen, Chapter 535, Statutes of 2017) into law, which added sections 6223 and 27338 to the Government Code and section 8560 to the Public Resources Code. Section 8560 makes certain federal land conveyances void unless the Commission is provided with a right of first refusal or the right to arrange for the transfer of the land to another entity. The Commission must exercise its right of first refusal at a public meeting. If the Commission was provided with its right of first refusal and right to transfer to another entity but elects not to purchase or arrange for transfer, it must issue a certificate affirming compliance with the law. Section 6223 prohibits the recordation of a conveyance of federal public lands unless it is accompanied by a certificate of compliance. The right of first refusal does not apply to certain conveyances, including but not limited to, those associated with a habitat conservation plan, lands conveyed into or out of trust for a federally recognized Native American tribe, and certain land exchanges.

BACKGROUND:

The Commission has been asked to consider its rights under SB 50 for various properties forfeited to the United States under federal civil and criminal laws. Due to the high number of these types of conveyances and the similarity of the properties, staff presents all these federal public lands for the Commission to

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consider in one staff report. These properties, listed by address in Exhibit A, are mostly residential houses in urban or suburban communities. Staff has been informed that it is common practice for the United States to convey forfeited properties soon after they are forfeited, and that these specific properties are scheduled to be conveyed as soon as possible.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005 and 8560 and Government Code section 6223.

State's Best Interests Analysis:

Section 8560 defines "federal public land" broadly as "any land owned by the United States, including the surface estate, the subsurface estate, or any improvements on those estates. While the statute mandates that the Commission consider its right of first refusal for conveyances of federal public lands within the state of California, it does not provide guidance as to when the Commission should decide to acquire the subject federal public lands or to arrange for their transfer to another entity. However, the legislative history suggests that the Legislature intended for SB 50 to address conveyances of federal public lands with high value for environmental conservation or preservation, tourism, scientific study, or recreation. (See Assem. Com. on Natural Resources, report on SB 50 (2017-2018 Reg. Sess.), as amended May 26, 2017, pp. 3-4.; Sen. Com. on Natural Resources and Water, report on SB 50 (2017-2018 Reg. Sess.), Feb. 22, 2017 version, pp. 1-2.; Sen. Jud. Comm., report on SB 50 (2017-2018 Reg. Sess.), as amended March 20, 2017, pp. 3-4.)

Staff has reviewed the forfeiture properties listed in Exhibit A. Because of their residential uses and urban or suburban locations, none of these properties possesses value for environmental conservation or preservation, tourism, scientific study, or recreation. Foregoing acquisition of these properties and the right to arrange for their transfer to another entity would provide greater benefits than acquiring them or arranging for their transfer because they are properties best used for residential or other urban purposes.

For these reasons, staff recommends that the Commission find it is not in the State's best interests to acquire the properties listed in Exhibit A or to arrange for their transfer to another entity.

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OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. The Commission's finding that it is not in the State's best interests to acquire any of the properties listed in Exhibit A, or to arrange for their transfer; and authorization to issue a certificate of compliance are not projects as defined by CEQA because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. **Finding that the acquisition or transfer to another entity is not in the State's best interests:** Staff recommends that the Commission also find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The activity is exempt because CEQA does not apply to projects that a public agency rejects or disapproves.

Authority: Public Resources Code section 21080, subdivision (b)(5) and California Code of Regulations, title 14, section 15270, subdivision (a).

4. **Issuance of a certificate of compliance:** Staff recommends that the Commission also find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The activity is exempt because CEQA does not apply to ministerial projects. After being provided with the right of first refusal and the right to transfer to another entity, the Commission has no discretion whether to issue the certificate of compliance—it "shall issue a certificate of compliance."

Authority: Public Resources Code sections 21080, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a).

EXHIBIT:

- A. List of Addresses of Forfeited Properties to be Conveyed

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

1. **Finding that the acquisition or transfer to another entity is not in the State's best interests:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(5) and California Code of Regulations, title 14, section 15270, subdivision (a), projects that a public agency rejects or disapproves.

2. **Issuance of a certificate of compliance:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a), ministerial projects.

STATE'S BEST INTEREST FINDING:

Find that it is not in the best interests of the State for the Commission to acquire any of the properties listed in Exhibit A or to arrange for their transfer to another entity.

AUTHORIZATION:

Authorize the Executive Officer, or her designee, to issue a certificate of compliance with Public Resources Code section 8560 for the conveyances of the properties listed in Exhibit A to the United States or any parties acquiring these properties.

EXHIBIT A

8911 Highway 49, Mokelumne Hill
3788 Dunn Road, Valley Springs
3650 Delin Way, Valley Springs
11635 Milton Road, Valley Springs
6365 Hironymous Way, Valley Springs
8914 Greer Way, Valley Springs
8786 Greer Way, Valley Springs
8456 Baldwin Street, Valley Springs
6199 Highway 26, Valley Springs
6048 Amos Lane, Valley Springs
2852 Hoffman Drive, Valley Springs
2838 Hoffman Drive, Valley Springs
9789 Fall Valley Way, Sacramento
4705 67th Street, Sacramento
5211 Esmeralda Street, Sacramento
1932 Naomi Way, Sacramento
2117 South Ave, Sacramento
8804 Sailfish Bay, Sacramento
9085 Cobble Field, Sacramento
3361-3363 Western Ave., Sacramento
13390 Ivie Road, Galt
1950 Esterel Way, Sacramento
21 Jeanross Court, Sacramento
5935 64th Street, Sacramento
6010 Power Inn Road, Sacramento
12497 Clay Station Road, Herald
1 Thistle Court, Sacramento
1240 E Street, Rio Linda
1933 Leford Way, Sacramento
410 Lampasas Avenue, Sacramento
3945 Shining Star Drive, Sacramento
4343 North Forty, Lincoln
1 Rancho Torre Court, Sacramento
13373 Bennett Road, Herald
211 Hebron Circle, Sacramento
4909 Winamac Drive, Sacramento
5371 Ontario Street, Sacramento

7471 53rd Avenue, Sacramento
9217 Silverdale Court, Sacramento
2205 Meadowview Road, Sacramento
1701 Neihart Avenue, Sacramento
4036 Sea Forest Way, Sacramento
4400 Blackford Way, Sacramento
4525 Cedarwood Way, Sacramento
5755 Twisting Trails Road, Placerville
6501 14th Street, Rio Linda
2429 Yreka Avenue, Sacramento
10497 Alta Mesa Road, Wilton
13701 Indio Drive, Sloughhouse
11709 Colony Road, Galt
7204 Alpine Frost Drive, Sacramento
7241 Vanita Way, Sacramento
7260 Vanita Way, Sacramento
7791 Othel Way, Sacramento
7795 Othel Way, Sacramento
7320 Del Coronado Way, Sacramento
7701 Manet Parkway, Sacramento
7701 Vallecitos Way, Sacramento
7109 18th Street, Rio Linda
8333 Kamelia Court, Elk Grove
2033 Bastona Drive, Elk Grove
5313 Kungsting Way, Elk Grove
5759 Muskingham Way, Sacramento
8061 Maybelline Way, Sacramento
9043 Pembridge Drive, Elk Grove
9445 Medstead Way, Elk Grove
653 Main Avenue, Sacramento
8656 Daimler Way, Sacramento
12660 Sharon Bee Lane, Herald
22698 N. Sowles Road, Acampo
23900 N. Bryant Road, Acampo
4700 Blossom Ranch Drive, Elk Grove
7211 Ovar Court, Elk Grove
7661 Fey Way, Elk Grove
9268 Trout Way, Elk Grove
9185 Grant Line Road, Elk Grove
6920 Kilconnell Drive, Elk Grove
9297 Fife Ranch Way, Elk Grove

9717 Sutton Pointe Court, Elk Grove
9913 Jasper Court, Elk Grove
4305 San Marino Court, Elk Grove
8771 Dillard Road, Wilton
4871 Watseka Way, Sacramento
6480 Marysville Road, Browns Valley
10357 Beckley Way, Elk Grove
474 Laurellen Road, Marysville
9959 Pianella Way, Elk Grove
9526 Surritt Way, Elk Grove
10170 Patti Way, Elk Grove
4960 Francesca Street, Elk Grove
19460 Fiddletown Road, Fiddletown
9009 Fernway Court, Elk Grove
8885 Monterey Oaks Drive, Elk Grove
16481 Fiddletown Road, Fiddletown
25 Donson Court, Elk Grove
7627 Masters Street, Elk Grove
8620 Port Haywood Way, Sacramento
8744 Vytina Drive, Elk Grove
6439 Valley Hi Drive, Sacramento
8613 Orison Court, Elk Grove
4630 Country Scene Way, Sacramento
8139 Valley Green Drive, Sacramento
3975 Deer Cross Way, Sacramento
4713 Laguna West Way, Elk Grove
5420 Acme Avenue, Sacramento
6426 Fuego Way, Elk Grove
7625 Meadowstone Drive, Sacramento
9543 Tarbert Drive, Elk Grove
1165 Quail Oaks Road, Valley Springs
7960 Tierra Glen Way, Sacramento
2040 Solano Way, Oakland
925 East 11th Street, Oakland
832-836 7th Avenue, Oakland
92-94 S Vinedo Ave, Pasadena
2218 Mission Ave, San Diego
3713 45th Ave, Sacramento

3 Properties on or Near 7320 Lennox Avenue, Van Nuys

47555 Jefferson St, Indio

2 Parcels on Ontario Mills Parkway, Ontario (Apts 0238-041-2 And

0238-041-28)

2 Parcels on Haven Ave, Rancho Cucamonga (Aps 0208-331-40 And 0208-331-47)

21849 Tenderfoot Way, Diamond Bar

728 Carriage House Dr, Arcadia

188 Oak Knoll, Bradbury

976 Larrabee St #129 W, Hollywood

1081 Westridge Rd, Hayfork

60771 Indian Paintbrush Rd, Anza

8270 Cliffcrest Dr, Sacramento

51023 Rosemary Lane, Squaw Valley

1597 Skyline Drive, Laguna Beach

18668 Nottingham Lane, Rowland Heights

8866 Faye Lane, Redding

6878 Tourmaline Drive, Eastvale

89.38 Acres on Santa Rosa Creek Rd, Templeton

15409 Halcourt Ave, Norwalk

2805 Main Street, Riverside

Burial Plots in Forest Lawn Cemetary, Glendale

108 W Second St #1014, Los Angeles

902 E Third St, Calexico