

**STAFF REPORT**

**64**

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06/23/20

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SA5773  
D. Simpkin

**ISSUANCE OF A PATENT**

**PATENTEE:**

Lone Pine Paiute-Shoshone Reservation

**PROPOSED CONVEYANCE:**

*AREA, LAND TYPE, AND LOCATION:*

38.75 gross acres, more or less, of State-owned school land located in Section 36, Township 18 South, Range 36 East, MDM, north of Cartago, Inyo County.

*CONSIDERATION:*

Deposit to the School Land Bank Fund in the amount of \$29,250 by the California Department of Transportation (Caltrans).

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 5097.5, 6005, 6106, 6214, 6216, 6217.7, 6373, 6401, 6501.1, 6503, 7301, 8701, 8705, 8711, and 8713; California Code of Regulations, title 2, sections 2030 and 2032.

**State's Best Interests Analysis:**

On December 6, 2019, the Commission authorized the sale and issuance of a patent, a General Lease – Public Agency Use, and an Archaeological Permit to the California Department of Transportation (Caltrans) for activities associated with upgrades to U.S. Highway 395 in Inyo County ([Item 54, December 6, 2019](#)). The primary purpose of the upgrade project is to improve safety for the traveling public by separating opposing traffic, reducing access points, and widening existing shoulders. The project will also provide increased capacity, ease peak traffic congestion, improve drainage, and provide facility continuity between existing sections of a four-lane divided expressway.

Caltrans applied to purchase 17.13 acres of school land needed for the project. Based on staff's review of an appraisal of the property, the purchase price was determined to be \$7,700.

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Consistent with the Commission's adopted [Tribal Consultation Policy](#), staff contacted the designated representative of the Lone Pine Paiute–Shoshone Reservation (LPPSR), whose ancestral territory includes the project area, regarding the project and received a request for Consultation in response.

As a result of this Consultation, and an independent analysis of the facts, Commission staff believed that the project would impact a site that is eligible to the National Register of Historic Places and, more importantly, has significant cultural value to the LPPSR. Currently, the LPPSR relies on this site, and many others in its ancestral territory, to remain connected to the Tribe's ancestral and cultural history. In addition to the LPPSR, four other federally recognized tribes—the Bishop Paiute Tribe, the Big Pine Paiute Tribe of the Owens Valley, the Fort Independence Community of Paiute, and the Timbisha Shoshone Tribe—are culturally affiliated with the area and are adversely affected by the project. The proposed project could not be designed to avoid causing irreparable harm to the site's cultural value, but staff believed that protecting the remainder of the site was necessary to avoid further impacts. Research into the cultural significance of the larger parcel of land (including the 17.13-acre sale parcel) provided ample evidence of the contiguous and integrated relationship between the parcels, which further highlighted the impacts the highway widening project will have on important cultural resources and the need for the preservation of related resources on adjacent school land.

Working with the LPPSR, staff identified an appropriate area adjacent to the construction area, consisting of 38.75 acres of undeveloped school land. This parcel abuts the Los Angeles Aqueduct. Transferring ownership of this land (the Cultural Preservation Parcel) to the LPPSR would preserve the Tribe's connection to the site. In its December 6, 2019 action, the Commission conditioned its authorization of a patent to Caltrans for the parcel needed for the U.S. Highway 395 project on Caltrans submitting the fair market value for the Cultural Preservation Parcel (in addition to the fair market value of the project parcel), and after receiving the payment, the Cultural Preservation Parcel would then be transferred to the LPPSR. On April 13, 2020, Caltrans submitted payment for the Cultural Preservation Parcel in the amount of \$29,250.

Accordingly, staff recommends that the Commission authorize the Cultural Preservation Parcel be conveyed to the LPPSR.

STAFF REPORT NO. 64 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Approval or denial of the authorization to issue a patent is a discretionary action by the Commission. Each time the Commission approves or rejects a sale or use of State-owned school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the authorization to issue a patent to the 38.75-acre parcel, the LPPSR would not take title to the Cultural Preservation Parcel.
2. This action is consistent with Strategy 3.2 of the Commission's Strategic Plan to commit to early and meaningful coordination and collaboration with local, state and federal agencies, California Native American Tribes, and local and regional communities and all individuals disproportionately impacted by environmental pollution.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutorily exempt project. The project is exempt because CEQA is not applicable to specified land transfers, including one for preservation of historical resources.

Authority: Public Resources Code section 21080.28, subdivision (a)(1)(E).

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

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 21080.28, subdivision (a)(1)(E); CEQA is not applicable to specified land transfers, including one for preservation of historical resources.

**STATE'S BEST INTERESTS:**

Find that the proposed issuance of a patent in the best interests of the State.

STAFF REPORT NO. 64 (CONT'D)

**AUTHORIZATION:**

1. Find that the Commission is acting as the School Land Bank Fund Trustee.
2. Authorize the deposit of \$29,250 into the State Treasury to the credit of the School Land Bank Fund.
3. Authorize issuance of a patent to the Lone Pine Paiute-Shoshone Reservation described in Exhibit A and as shown on Exhibit B, both attached and by this reference made a part hereof, subject to applicable statutory and constitutional reservations.
4. In the event the Lone Pine Paiute-Shoshone Reservation decides to create a separate legal entity to accept the patent, delegate authority to the Executive Officer, or her designee, to issue a patent, in coordination with the Lone Pine Paiute-Shoshone Reservation, to an entity qualified to hold the property for the conservation of the cultural resources on the land described in Exhibit A and as shown on Exhibit B, both attached and by this reference made a part hereof, subject to applicable statutory and constitutional reservations.
5. Authorize the Executive Officer or her designee to execute any document(s) necessary to complete this transaction.

## EXHIBIT A

SA 5773

### LAND DESCRIPTION (Cultural Preservation Parcel)

That portion of the north half of the northeast quarter of Section 36, Township 18 South, Range 36 East, M.D.B. & M. according to the Official Plat thereof, located in an unincorporated area of County of Inyo, State of California, more particularly described as follows:

COMMENCING at a 2 1/2 inch galvanized iron pipe with tag marked RCE 15557 set to mark the north quarter corner of said Section 36 per Record of Survey Map Book 11, pages 49 and 50 recorded July 2, 1985 in the Official Records of said Inyo County;

Thence along the north line of said Section 36, N 89°41'48" E, 381.61 feet to the northeast corner of the right of way claimed by the City of Los Angeles for the Los Angeles Aqueduct per said Record of Survey Map Book 11, Pages 49 and 50, said northeast corner being the POINT OF BEGINNING;

Thence continuing along the north line of said Section 36, N 89°41'48" E, 1219.22 feet to a point from which bears a 2 1/2 inch iron pipe with tag stamped "RCE 10467" set to mark the northeast corner of said Section 36 in lieu of a 1 1/4 inch iron pipe with tag stamped "RCE 10467" per Record of Survey Map Book 11, Page 95, recorded November 30, 1987 in said Inyo County Official Records, N 89°41'48" E, 1038.94 feet;

Thence leaving said north section line on a curve concave to the west with a radius of 3,872.00 feet a radial line bears N 75°32'06" W, said curve also being the west right of way of California State Highway 09-INY-395 as shown on State Highway Map Book 2, Page 6 as filed in said Inyo County Recorder's Office, January 16, 2019;

Thence southerly along said curve 411.73 feet through a central angle of 06°05'33";

Thence along said Highway right of way, S 20°33'27" W, 468.77 feet to a point on the west right of way of the Union Pacific Railroad as granted to the Nevada and California Railroad by act of Congress dated March 3, 1875;

Thence leaving said Highway right of way and along said Railroad right of way on a curve concave to the west with a radius of 4,336.73 feet from which a radial line bears N 63°01'51" W;

Thence southerly along said curve and Railroad right of way, 574.18 feet through a central angle of 7°35'10" to a point on the south line of said northwest quarter of the northeast quarter of Section 36;

Thence leaving said Railroad right of way and along the south line of said northwest quarter of the northeast quarter of Section 36, S 89°34'10" W, 1009.76 feet to the southwest corner of said northwest quarter of the northeast quarter of Section 36;

Thence north along the west line of said northwest quarter of the northeast quarter of Section 36, N 0°23'51" W, 867.90 feet to a point on the easterly right of way of the Los Angeles Aqueduct as claimed by the city of Los Angeles as shown on said Record of Survey Map Book 11, Pages 49 and 50;

Thence leaving said west line of said northwest quarter of the northeast quarter of Section 36 and along said easterly right of way of the Los Angeles Aqueduct N 49°26'52" E, 194.20 feet;

Thence along said easterly right of way, N 38°21'58" E, 162.61 feet;

Thence continuing along said easterly right of way, N 32°30'42" E, 241.80 feet to the POINT OF BEGINNING.

**END OF DESCRIPTION**

PREPARED BY:

*Raymond Warburton*  
RAYMOND WARBURTON, LS 8007

EXP 12/31/2020

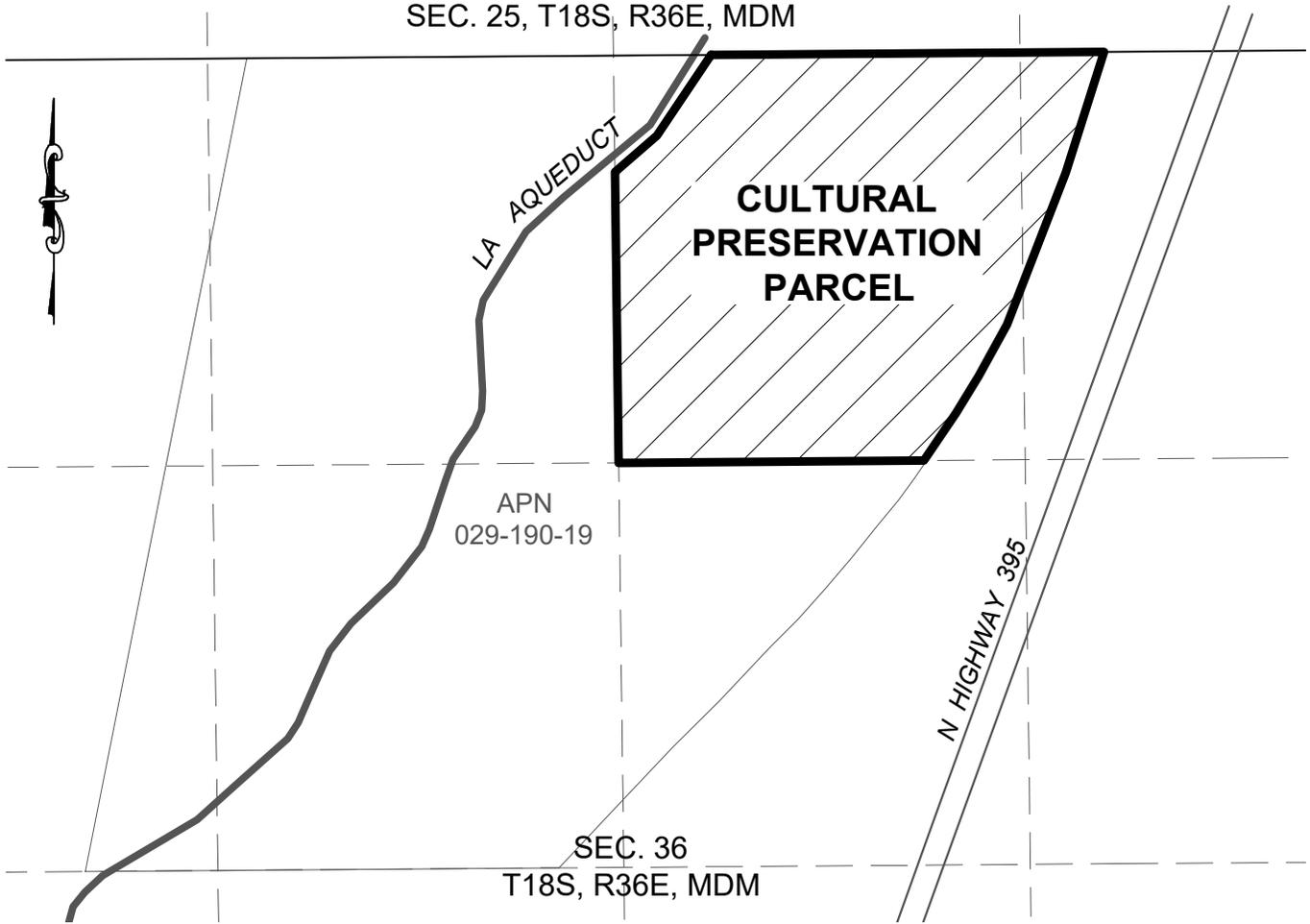
4/27/2020  
DATE



NO SCALE

### SITE

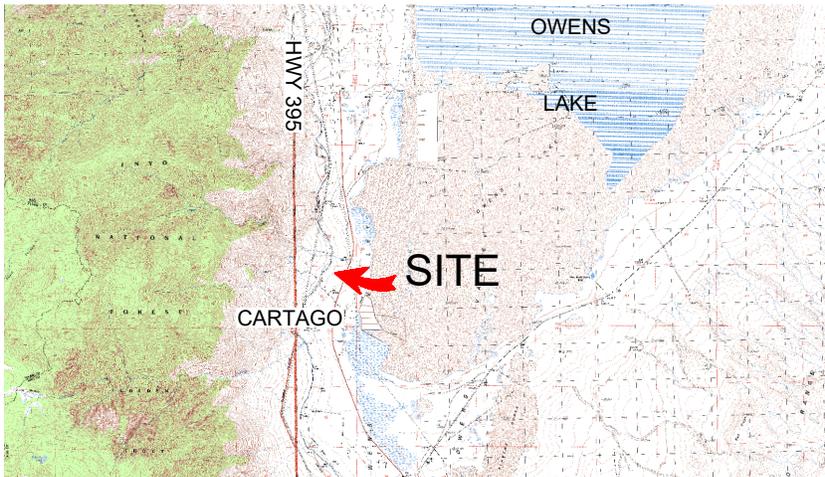
SEC. 25, T18S, R36E, MDM



PORTION OF SECTION 36, T.18S., R.36E., M.D.M.,  
NORTH OF THE TOWN OF CARTAGO

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the parcel location, is based on unverified information provided by other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

### **Exhibit B**

SA 5773  
LONE PINE  
PAIUTE-SHOShONE TRIBE  
APN 029-190-19 (PORTION)  
CULTURAL  
PRESERVATION PARCEL  
INYO COUNTY



TS 11/21/19

## EXHIBIT C

### GENERAL PLAN

#### PROPOSED TRANSACTION

The California State Lands Commission proposes to convey 38.75 acres, more or less, of State-owned school lands in Inyo County to the Lone Pine Paiute-Shoshone Reservation.

#### PROPERTY LOCATION/INFORMATION

The property proposed for conveyance (Subject Property) is a portion of Section 36, Township 18 South, Range 36 East, MDM. The land is located along U.S. Highway 395 north of the community of Cartago. The area is zoned by Inyo County as OS-40, which is defined as Open Space; a zone that is designed to protect and preserve land and environmental resources. Permitted uses include single-family dwellings, farms and ranches, orchards and vineyards, wildlife refuges, and wilderness areas.

#### LAND USE

The Subject Property is open space with no improvements and sparse desert vegetation.

#### PROPOSED USE

The Lone Pine Paiute-Shoshone Reservation (LPPSR) participated in tribal consultation with the State Lands Commission (Commission) regarding the California Department of Transportation (Caltrans) Olancha Cartago 4 Lane Project, which would widen part of Highway 395. The widening project would cause irreparable damage to tribal resources on school lands North of Cartago, Inyo County. The affected lands are part of a culturally significant site that is eligible to the National Register of Historic Places. The Commission issued to Caltrans an archeological permit, a lease, and a patent for the project, conditioned on Caltrans paying \$29,250 for the conveyance of adjacent school lands to the LPPSR. LPPSR intends to use the Subject Property to preserve the Tribe's connection to the site and allow the Tribe to protect it from potential future harm.

In the words of the LPPSR's Kathy Bancroft, [Tribal Historic Preservation Officer for the Lone Pine Paiute-Shoshone Reservation]:

As stewards of this land for millennia, the people of Payahuunadü will continue to maintain and protect all of our traditional homeland for future generations. Returning this parcel to the Tribe will acknowledge the role indigenous people played in shaping this valley and the history we all share. The transfer of title, enables the Lone Pine Paiute-Shoshone Reservation opportunities for more effective protection and education of tribal members and the general public on cultural significance of all of our lands and the perpetuation of our cultural heritage.