

Draft Staff Report

APPLICANT:

State of California, Department of Transportation (Caltrans)

PROPOSED ACTION:

Rescission of previous Authorization and Reauthorization for Sale and Issuance of a Patent of Indemnity School Lands

AREA, LAND TYPE, AND LOCATION:

6.99 acres, more or less, of indemnity school lands located along State Highway 247 in Sections 3, 4, and 10, Township 3 North, Range 4 East, SBM, east of the community of Lucerne Valley, San Bernardino County (as shown in Figure 1 and Figure 2).

Figure 1. Location

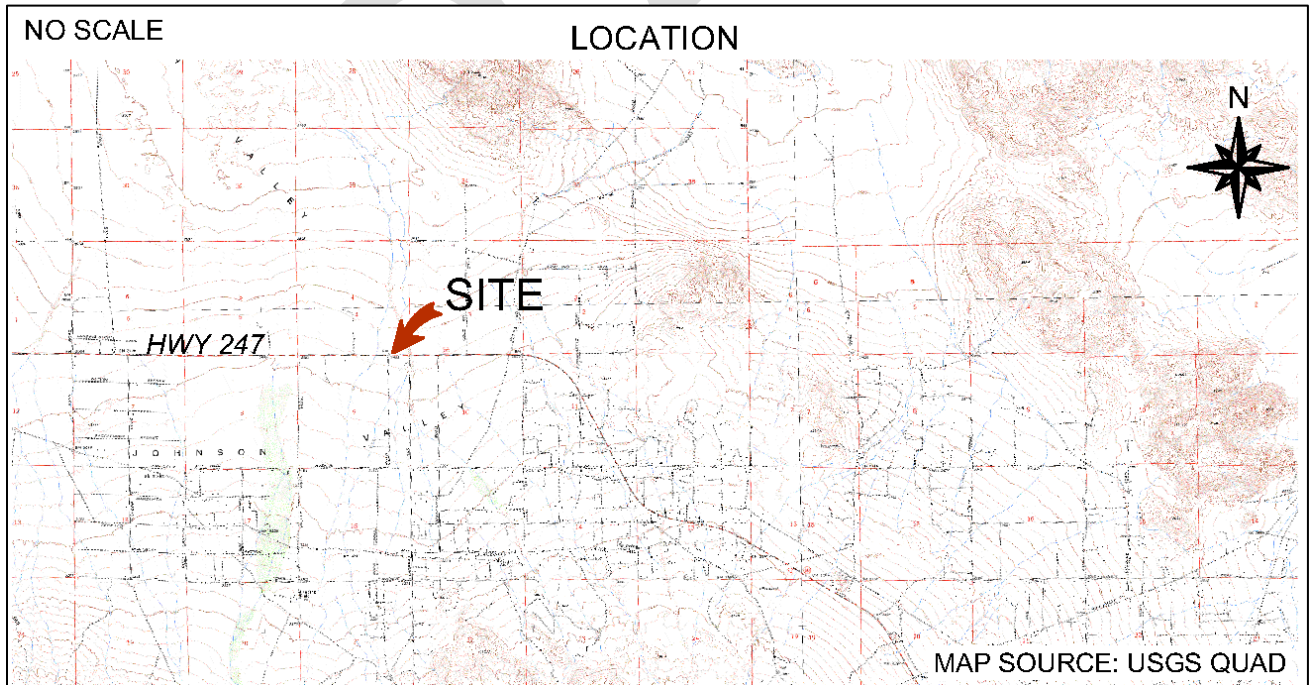
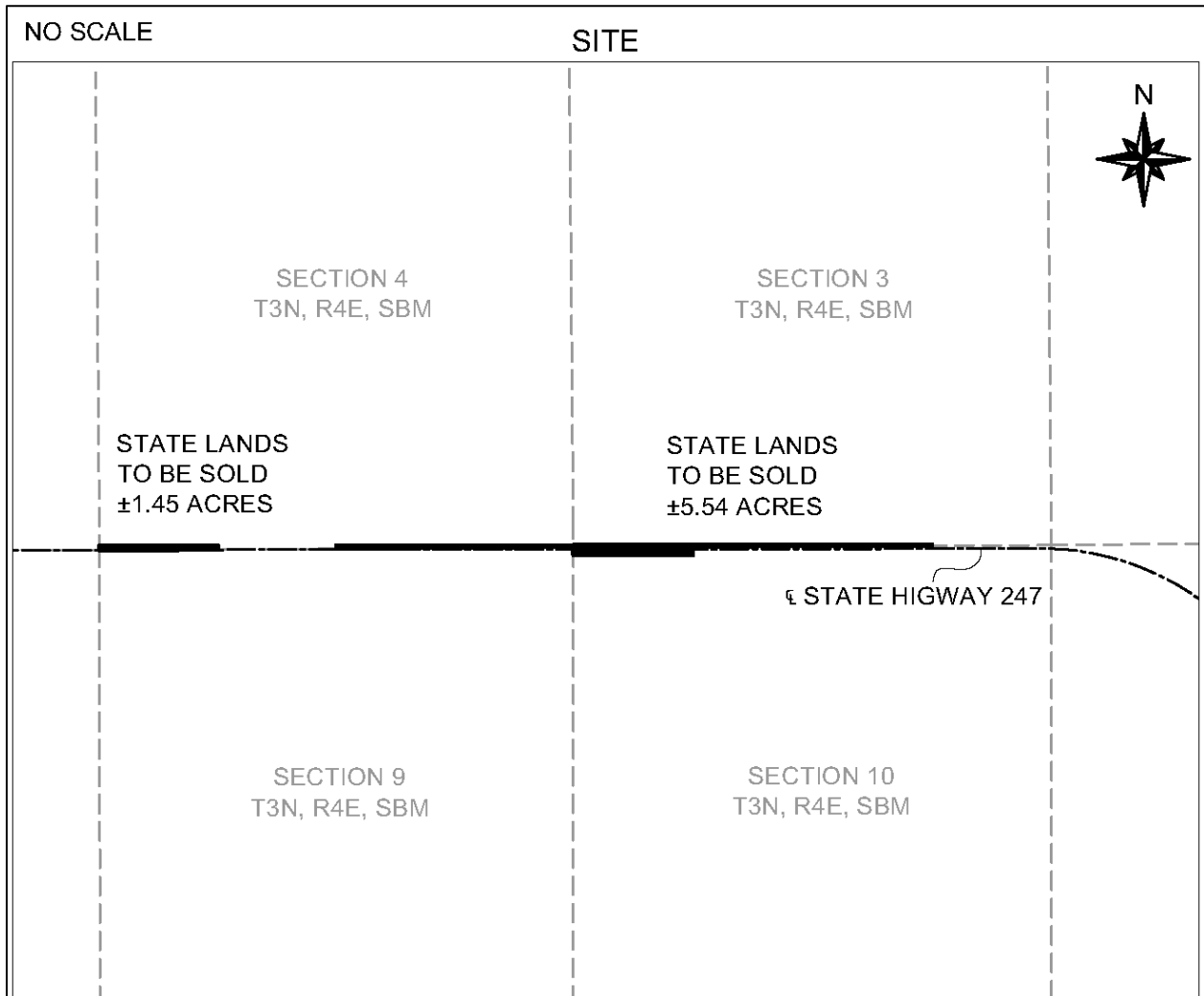


Figure 2. Site Map



NOTE: This depiction of the sale parcels is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

CONSIDERATION:

\$39,700

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244) and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in

character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6217.7, 6373, 7301, and 8705.

STATE'S BEST INTERESTS:

On June 5, 2023, the Commission authorized the sale and issuance of a patent of indemnity school lands to Caltrans ([Item 72, June 5, 2023](#)). Commission staff is now recommending the Commission rescind the June 5 authorization and reauthorize the sale for staff to comply with the noticing requirements of Public Resources Code Section 6373. Commission staff sent notification letters to the chair of the relevant policy committees of the Legislature and each Member of the Legislature in whose district the proposed sale is located and has posted notice of the proposed conveyance on the Commission's website.

The State of California Department of Transportation (Applicant or Caltrans) is proposing to extend the life of the existing pavement and improve ride quality along State Route 247 from State Route 62 to 0.4 miles north of Gin Road in San Bernardino County. The proposed project includes road shoulder widening to current Caltrans standards, culvert and drainage improvements, construction of rock slope protection, and installation of bicycle lane markings and signs. The proposed roadway improvements would improve safety for the traveling public, provide increased capacity, ease peak traffic congestion, and improve drainage. The proposed project has an estimated cost of \$12.5 million. Construction is proposed to begin in 2025 or 2026.

The Applicant has applied to purchase 6.99 acres of indemnity school lands needed for the State Route 247 Pavement Rehabilitation and Shoulder Widening Project. The 6.99 acres is split between two non-contiguous parcels of 5.54 acres and 1.45 acres. Based on staff's review of the appraisals provided by Caltrans, the purchase price of \$39,700 is within the range of fair market value. In addition to the purchase price, the Applicant is required to pay other costs associated with the purchase, consistent with Public Resources Code section 6214. Proceeds from the sale would be deposited into the State Treasury to the credit of the School Land Bank Fund pursuant to Public Resources Code section 6217.7. The consideration of

\$39,700 would be deposited into the School Land Bank Fund to: 1) facilitate the management of school lands, 2) generate revenue, and 3) carry out the goals of the School Land Bank Act. Additional properties may be acquired with monies from the School Land Bank Fund to be managed for revenue-generating purposes with revenues deposited in the State Treasury to the credit of the Teachers' Retirement Fund, consistent with the School Land Bank Act.

CLIMATE CHANGE:

As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The sale area is open lands with moderate to low vegetation fuels, and are vulnerable to the above events, including dust storms and flash flooding from thunderstorms, and to a lesser extent, wildland fires. The subject lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the sold lands for the Pavement Rehabilitation and Shoulder Widening Project.

TRIBAL CONSULTATION:

As Lead Agency under the California Environmental Quality Act (CEQA), Caltrans requested a Sacred Lands File (SLF) search from the Native America Heritage Commission (NAHC) of April 7, 2021. The NAHC responded on April 21, 2021, stating that the SLF was negative for any cultural resources. The NAHC also provided Caltrans a list of California Native American Tribes recommended for contact regarding the proposed project. On February 23, 2021, Caltrans sent letters to the Twenty-Nine Palms Band of Mission Indians and San Manuel Band of Mission Indians. No response was received from the Twenty-Nine Palms Band of Mission Indians; however, Caltrans forwarded a copy of the draft Archaeological Survey Report to the Tribe in November 2021 as part of their continued outreach. On March 22, 2021, the San Manuel Band of Mission Indians informed Caltrans that the Tribe wished to consult on the project and requested copies of draft reports for review. A draft copy of the Archaeological Survey Report was sent to the Tribe in November 2021 as requested. On December 2, 2021, the Tribe agreed with the findings of no cultural resources being impacted as part of the project. There has been no further correspondence from the Tribes to date.

CONCLUSION:

For the reasons stated above, staff believes that the sale and issuance of the patent is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the sale is a discretionary action by the Commission. Each time the Commission approves or rejects the sale 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 sale, the Applicant would have no right to the property.
2. This action is consistent with addressing the challenges and opportunities described in the Commission's [2021-25 Strategic Plan](#) to “embrace and safeguard multi-benefit School Lands and resource management stewardship that equitably balances responsible local and regional economic development, supports living wages, environmental protection, and revenue generation.”
3. Rescission of the previous authorization is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action 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).

4. A Mitigated Negative Declaration, State Clearinghouse No. 2022040204, and a Mitigation Monitoring Program (MMP) were prepared by Caltrans and adopted on June 16, 2022, for this project. Staff reviewed these documents.
5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

EXHIBITS:

- A. & A-1. Patent – Land Description
- B. Site and Location Map
- C. General Plan

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2022040204, and a Mitigation Monitoring Program were prepared by Caltrans and adopted on June 16, 2022, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the sale and issuance of a patent to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

STATE'S BEST INTERESTS:

Find that the proposed land sale and issuance of a patent is in the best interests of the State.

AUTHORIZATION:

1. Find that the Commission is acting as the School Land Bank Trustee.
2. Rescind the previous authorization, for the sale and issuance of a patent of indemnity school lands, approved as Item 72 at the Commission's public meeting on June 5, 2023, to the California Department of Transportation.
3. Find that staff notified, by letter, the chair of relevant policy committees of the Legislature and each Member of the Legislature in whose district any part of the state lands is located of the proposed conveyance and made information regarding the proposed conveyance publicly available on the Commission's website, at least 10 days before this meeting.
4. Authorize the Executive Officer or her designee to execute, consistent with the General Plan, the document entitled "Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase" in substantially the form as is on file with the Commission at its Sacramento office, and any other document(s) necessary to complete this transaction.

5. Authorize issuance of a patent to the State of California Department of Transportation for the land described in Exhibits A and A-1 and as shown on Exhibit B, subject to applicable statutory and constitutional reservations.
6. Authorize the deposit of \$39,700 into the State Treasury to the credit of the School Land Bank Fund.

DRAFT

Draft
EXHIBIT "A"

Those portions of the Southwest Quarter of the Southeast Quarter of Section 3; together with the Southwest Quarter of Section 3; together with the Southeast Quarter of Section 4; together with the Northwest Quarter of the Northwest Quarter of Section 10, all in Township 3 North, Range 4 East, San Bernardino Meridian, according to the Official Plat thereof, in the unincorporated area of the County of San Bernardino, State of California, included within a strip of land 106.00 feet wide, lying 53.00 feet on each side of the following described line:

PARCEL 25473-1

COMMENCING at the Northeast Corner of said Section 10, said corner being marked by a 3 inch brass cap stamped "T3N R4E S3/S2/S10/S11 1957 BLM" as shown on the County Surveyor's Field Book 4126, Page 132, Records of said county; thence westerly along the north line of said Section 10, South 89°47'38" West 1,325.76 feet to the Northeast Corner of the Northwest Quarter of the Northeast Quarter of said Section 10; thence southerly along the east line of said Northwest Quarter of the Northeast Quarter of Section 10, South 00°17'11" East 42.84 feet to the **POINT OF BEGINNING**; thence South 89°51'39" West 1,326.35 feet to a point on the west line of the Northeast Quarter of said Section 10, said point lying South 00°23'36" East 41.15 feet from the North Quarter Corner of said Section 10; thence South 89°56'58" West 2,652.14 feet to a point on the west line of said Section 10, said point lying South 00°35'07" East 34.09 feet from the Northwest Corner of said Section 10; thence South 89°56'01" West 2,628.11 feet to a point on the west line of the Northeast Quarter of Section 9 of said Township, said point lying South 00°29'14" East 15.70 feet from the North Quarter Corner of said Section 9, also being the **POINT OF TERMINATION** of this line.

The sidelines of said strip shall be prolonged or shortened so as to commence on the east lines of the Northwest Quarter of the Northeast Quarter of said Section 10 and the Southwest Quarter of the Southeast Quarter of said Section 3 and to terminate on the west lines of the Northwest Quarter of said Section 9 and the Southwest Quarter of said Section 4.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Zone 5 (Epoch 2007.00). Divide the distances used in the above description by 0.9998062729 to obtain ground level distances.

The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature 
Professional Land Surveyor

Date November 30, 2022



DRAFT

Draft
EXHIBIT "A-1"

That portion of the Southwest Quarter of the Southwest Quarter of Section 4, Township 3 North, Range 4 East, San Bernardino Meridian, according to the Official Plat thereof, in the unincorporated area of the County of San Bernardino, State of California, included within a strip of land 106.00 feet wide, lying 53.00 feet on each side of the following described line:

PARCEL 25491-1

COMMENCING at the North Quarter Corner of Section 9 of said Township, said corner being marked by a 3 inch Brass Cap stamped "T3N R4E ¼ S4/S9 1957 BLM" as shown on the County Surveyor's Field Book 4126, Page 134, Records of said county; thence southerly along the east line of the Northwest Quarter of said Section 9, South 00°29'14" East 15.70 feet to the **POINT OF BEGINNING**; thence South 89°52'14" West 2,627.64 feet to a point on the west line of said Section 9, said point lying South 00°22'31" East 1.29 feet from the Northwest Corner of said Section 9, also being the **POINT OF TERMINATION** of this line.

The sidelines of said strip shall be prolonged or shortened so as to commence on the east line of said Northwest Quarter of Section 9 and the east line of the Southwest Quarter of Section 4 and to terminate on the west lines of said Sections 4 and 9.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Zone 5 (Epoch 2007.00). Divide the above distances used in the above description by 0.9998062729 to obtain ground level distances.

*The attached real property description
has been prepared by me, or under my
direction, in conformance with the
Professional Land Surveyors' Act.*

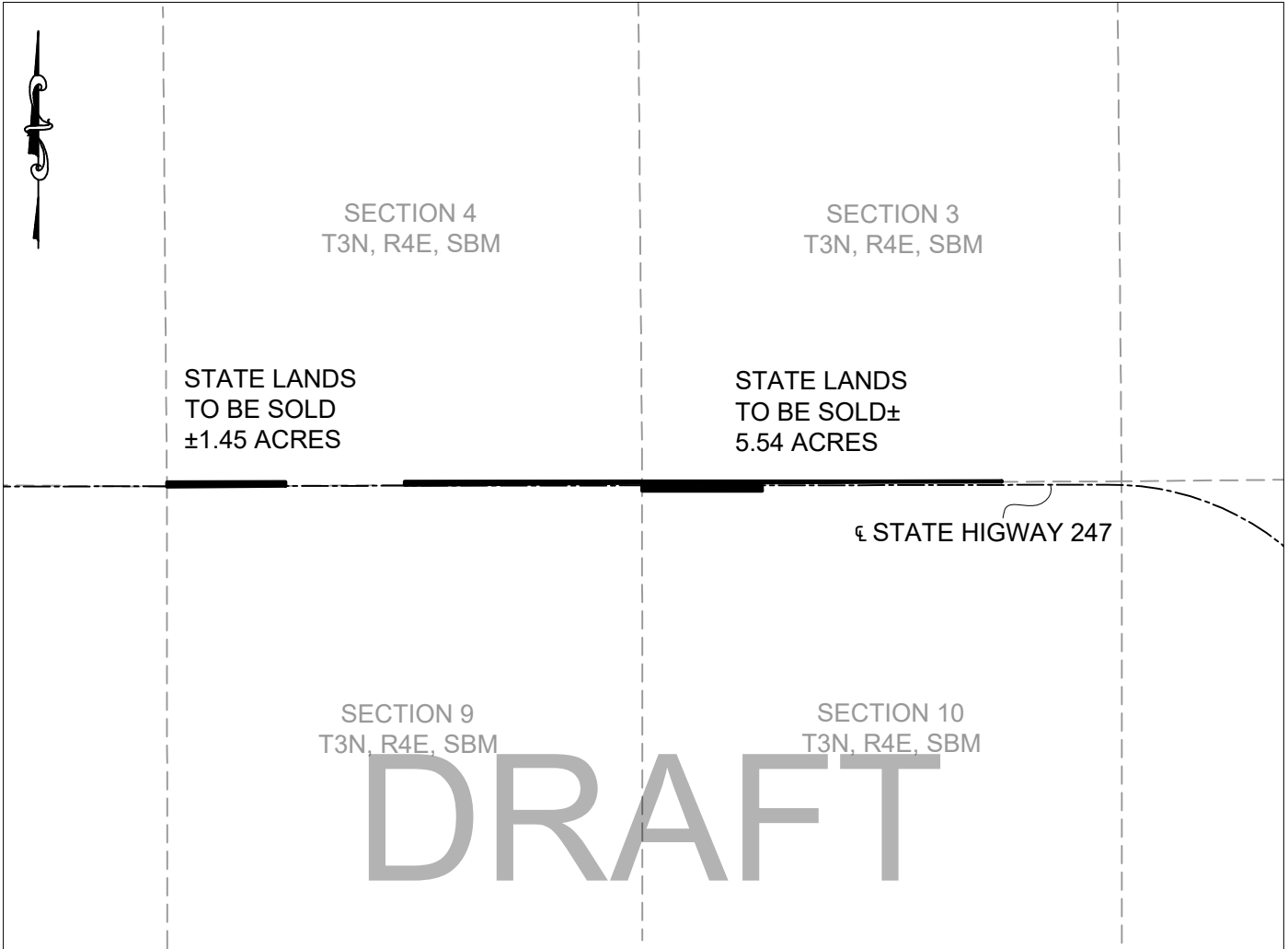
Signature 
Professional Land Surveyor

Date November 30, 2022



NO SCALE

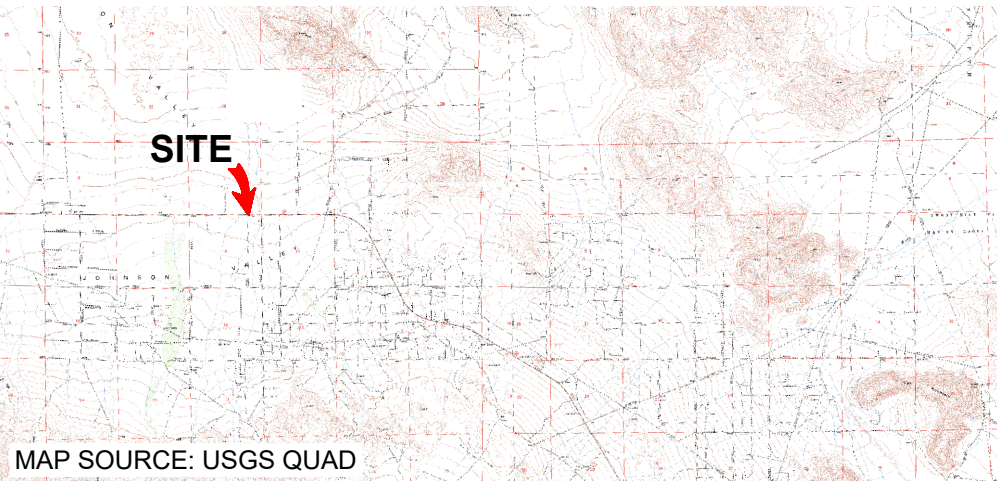
SITE



PORTIONS OF SECTIONS 3, 4 & 10, T3N, R4E, SBM - STATE HIGHWAY 247

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Draft Exhibit B

SA 5776
 CALIFORNIA DEPARTMENT
 OF TRANSPORTATION
 SCHOOL LANDS SALE
 SAN BERNARDINO COUNTY



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE SALE PROPERTY, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR 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.

TS 01/09/2023

EXHIBIT C

GENERAL PLAN

PROPOSED TRANSACTION

The Department of Transportation (Caltrans), proposes to purchase 6.99 acres, more or less, of State indemnity school lands in San Bernardino County.

PROPERTY LOCATION/INFORMATION

The property proposed for acquisition (Subject Property) is comprised of state indemnity school lands located in Sections 3, 4, and 10, Township 3 North, Range 4 Easy, SBM, east of the community of Lucerne Valley, San Bernardino County.

LAND USE

The Subject Property is vacant, unincorporated desert land adjacent to existing State Highway 247. The property to be acquired by Caltrans is two long strips of land abutting State Highway 247 on the north and south side and approximately 106 feet in width.

PROPOSED USE

Caltrans will be acquiring the land as part of a widening project for the State Highway 247 Pavement Rehabilitation and Shoulder Widening. Overall, the Caltrans project proposes to extend the life of the existing pavement and improve ride quality along State Route 247 from State Route 62 to 0.4 miles north of Gin Road in San Bernardino County. The scope of work consists of road shoulder widening, culvert and drainage improvements, construction of rock slope protection, and installation of bicycle lane markings and signs.