

Staff Report 57

APPLICANT:

State of California, Department of Transportation

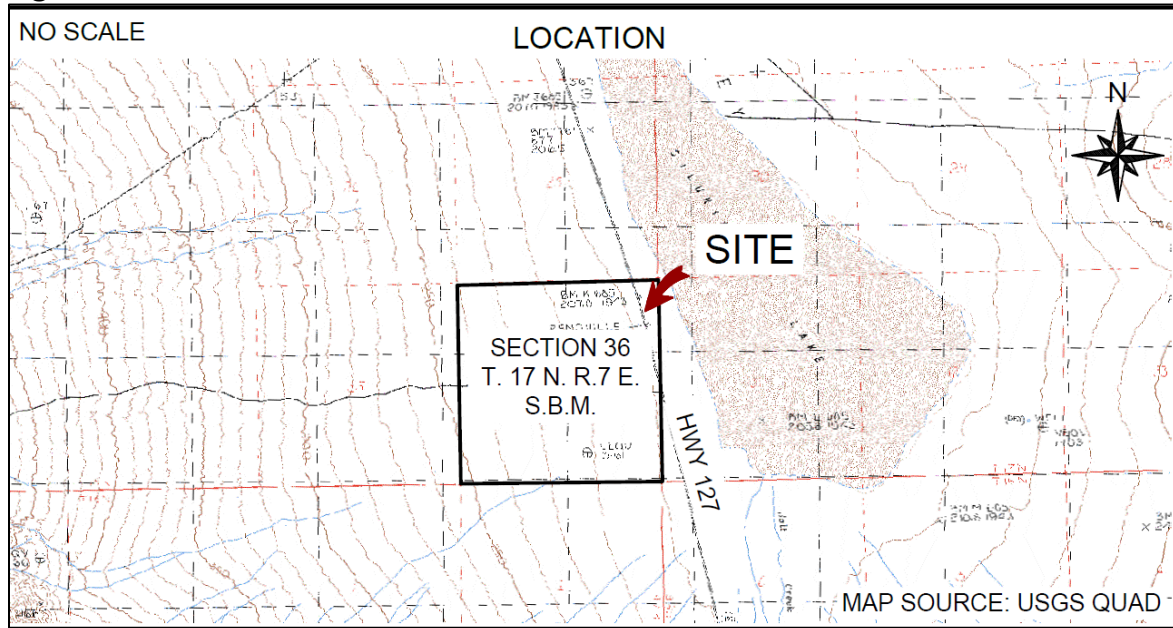
PROPOSED ACTION:

Issuance of a Temporary Public Agency, Right-of-Way Easement.

AREA, LAND TYPE, AND LOCATION:

6.57 acres of State-owned school land, Parcel Number 204-008, Assessor's Parcel Number 0545-231-18, located on Death Valley Road, near the City of Baker, in the East 1/2 of Section 36, Township 17 North, Range 7 East, San Bernardino Baseline & Meridian, San Bernardino County (as shown in Figure 1 and Figure 2).

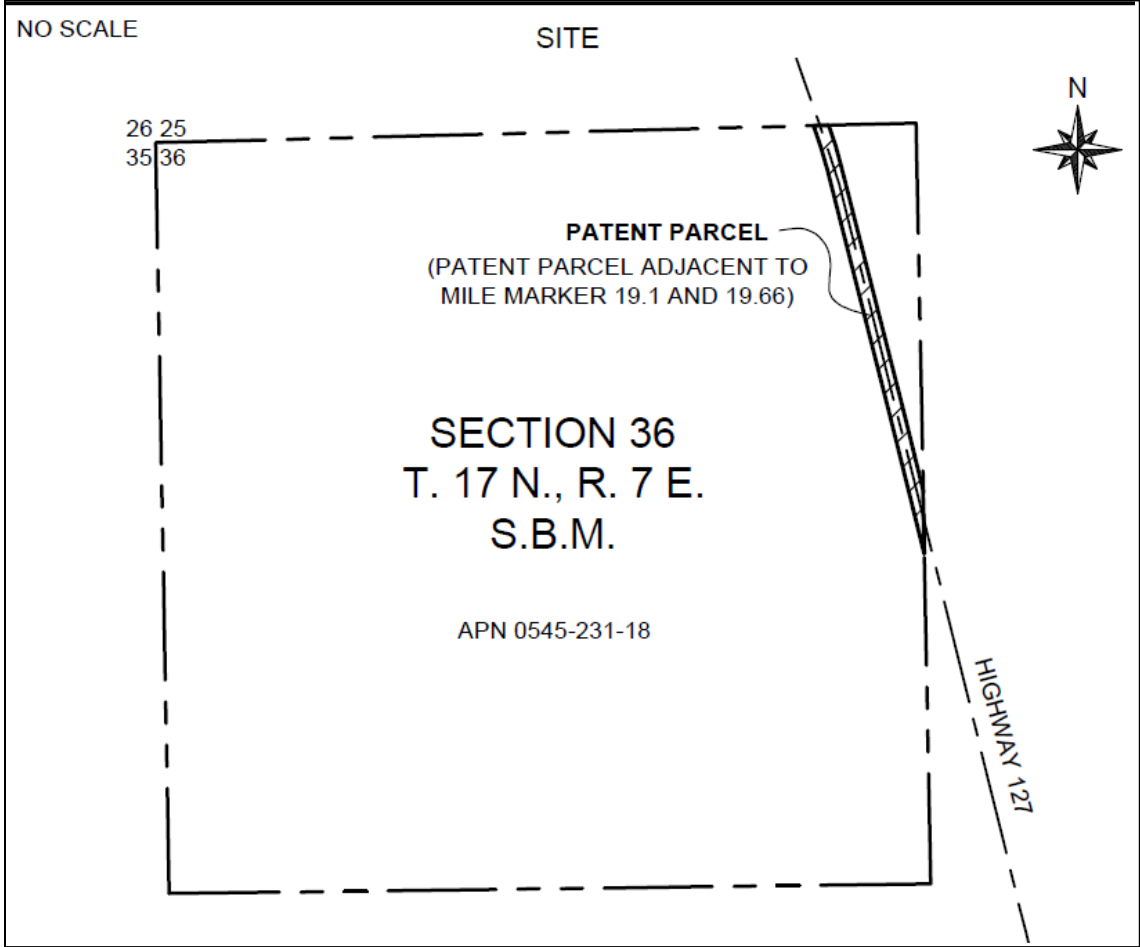
Figure 1. Location



AUTHORIZED USE:

Use and maintenance of a portion of the existing State Route 127 not previously authorized by the Commission (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the premises 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.

EASEMENT TERM:

5 years, beginning April 7, 2026.

CONSIDERATION:

\$167 annual rent per year.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6210.3, 6216, 6301, 6501.1, 6503, and 8701, California Code of Regulations, title 2, sections 2000 and 2003.

STATE'S BEST INTERESTS:

State Route 127 was built on State-owned school lands without the Commission's knowledge or authorization. On June 10, 2025, the Applicant offered to purchase 6.57 acres of State-owned school land for continued use and maintenance of the roadway. The relevant lands include the portion of State Route 127 between Post Miles 19.1-19.66. Staff continues to review the requested sale and will present it at a future meeting. However, the Applicant has indicated an immediate need to access the property for maintenance of State Route 127. To authorize immediate access while the requested sale is under review, the Commission could allow for a right-of-way easement to the Applicant and allow implementation of the larger [SBD 127 Near Baker Pavement Rehabilitation Project](#) (State Clearinghouse No. 2024100190). The improvements will support vital infrastructure that is necessary to facilitate the movement of goods, people, and services throughout that roadway.

The easement would facilitate the maintenance of State Road 127 by the Applicant. The roadway allows for convenient highway access between the City of Baker and Inyo County and to various tourist destinations, including Death Valley National Park. Without State Route 127, many travelers would have to take long, roundabout routes to traverse the Northern Mojave region.

Because of the importance of State Route 127, staff recommends issuing a temporary right-of-way easement until the Commission can consider selling the property at a subsequent Commission meeting. The easement does not alienate the State's fee interest, is temporary, and does not grant the Department of Transportation exclusive rights to the premises. The easement requires the Applicant to indemnify the State for any liability incurred as a result of the activities on the easement premises and maintain the improvements at its sole expense. The easement also requires the payment of annual rent, generating revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5. Consequently, staff believes that the issuance of the right of way easement is in the State's best interests.

CLIMATE CHANGE:

INTRODUCTION:

Climate change is significantly altering California’s deserts, the hottest and driest regions in the state. As the atmosphere warms, there are more extremely hot days and unpredictable rainfall. Longer droughts are expected, and precipitation patterns will change in timing and intensity, affecting plant growth and distribution. The desert is likely to see a corresponding increase in wildfires and flash flooding. These impacts may affect areas subject to the proposed Easement in San Bernardino County.

DATA & PROJECTIONS:

In the desert areas of California, daily average high temperatures are projected to increase significantly by the end of the century ([Inland Deserts Summary Report](#), California’s Fourth Climate Change Assessment, 2018). As the atmosphere heats, it can hold more water, and release it in sudden, intense events that may cause flash flooding during the winter months. In the summer months, the monsoon rain patterns that have historically contributed to 30 percent of the desert’s annual rainfall are expected to dry up and disappear from the region. Models project there will be more “dry years” (with less than average rainfall) than “wet years” (with more than average rainfall). Finally, many areas in the desert are prone to high wind speeds, and wind speed is projected to increase by 10 percent by 2100.

Table 1. Projected Temperature Increases (in degrees Fahrenheit) in CA Desert

Year	Lower GHG Emissions	Higher GHG Emissions
Present - 2039	+5	+6
2040 - 2069	+6	+10
2070 - 2100	+8	+14

Source: Table adapted from Figure 5, p. 14, Inland Desert Summary Report, California’s Fourth Climate Change Assessment.

Table 2. Extreme Heat and Rainfall Projections for CA Desert by 2100

Climate Event	Present Day	2100	Percent Change
Extreme Heat Days/year (>95 degrees Fahrenheit)	90 (Mojave)	141 (Mojave)	+57%
Extreme Heat Days/year (>95 degrees Fahrenheit)	130 (Palm Springs)	179 (Palm Springs)	+38%
Annual Rainfall Average	5 inches	2.5 inches (dry years)	-50%
Annual Rainfall Average	5 inches	7-8 inches (wet years)	+40-60%

Source: Table adapted from “21st Century Climate Projections” section, pp. 14-21, Inland Desert Summary Report, California’s Fourth Climate Change Assessment.

ANALYSIS:

More intense rainfall events, drier soils, and stressed and sparse vegetation in this arid region will increase the probability of flash foods near Owens Lake. Dry soils are poor absorbers of rainfall, resulting in high runoff rates. Infrastructure built in dry climates is generally not designed to handle the large flows of water that may be generated in a flash food event. Flash flooding can also leave behind large deposits of mud and debris which may damage roads and other infrastructure ([California OES, 2024](#)).

The subject premises and improvements will likely experience increased exposure to prolonged and extreme heat, unpredictable precipitation patterns, increased frequency of flash floods, and higher wind speeds beyond the duration of the Easement term. Wildfire risk is also likely to increase in the desert, in connection with the increase in extreme weather. Wildfire risk in the desert is tied to fuel (vegetation) availability, which will fluctuate in relationship to precipitation, and atmospheric conditions. High winds can damage power transmission infrastructure, providing an ignition source for fire, and can also propel fires over more terrain. These conditions may increase the risk of wildfire exposure and flooding to the highway which crosses the subject premises, possibly putting travelers at risk.

Pursuant to the proposed easement, the Applicant acknowledges that the State-owned school land is located in an area that may be subject to the effects of climate change.

TRIBAL CONSULTATION:

Commission staff reviewed the Applicant's tribal consultation efforts and found that only one tribe had been notified about the project, rather than all tribes listed on the contact list provided by the Native American Heritage Commission (NAHC). Staff contacted the Applicant and requested that they notify all tribes on the NAHC contact list. On December 16, 2025, the Applicant emailed project notices to all tribal representatives, followed by additional outreach on January 29, 2026. As a result of this outreach, one Tribe responded, indicating that it did not want to consult on the project. No other responses have been received as of the posting of this staff report.

CONCLUSION:

For the reasons stated above, staff believes that the issuance of the temporary right of way easement is in the best interests of the State and recommends approval.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the easement is a discretionary action by the Commission. Each time the Commission takes an action on State-owned school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law.
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. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

EXHIBIT:

A. Land Description

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 categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

STATE'S BEST INTERESTS:

Find that the issuance of a Temporary Public Agency Right-of-Way Easement is in the State's best interest.

AUTHORIZATION:

Authorize issuance of a Temporary Public Agency, Right-of-Way Easement to the Department of Transportation, beginning April 7, 2026, for the existing use and maintenance of a portion of State Route 127 not previously authorized by the Commission; and approve the annual rent \$167 effective April 7, 2026.

