

MINUTE ITEM

This Calendar Item No. 27
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 5-29-80
meeting.

MINUTE ITEM

5/29/80
S 8375
Shimer

29. AUTHORIZATION FOR EXECUTION OF MEMORANDUM OF UNDERSTANDING BETWEEN CALIFORNIA STATE LANDS COMMISSION AND BUREAU OF LAND MANAGEMENT.

During consideration of Calendar Item 29 attached, Mr. William F. Northrop, Executive Officer, read into the record a telegram from Mr. Philip A. Hennis, Town of Olancho, to the Commission.

Upon motion duly made and carried, the resolution as presented in Calendar Item 29 was approved by a vote of 3-0.

Attachement: Calendar Item 29

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CALENDAR ITEM

29.

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AUTHORIZATION FOR EXECUTION OF
MEMORANDUM OF UNDERSTANDING BETWEEN
CALIFORNIA STATE LANDS COMMISSION AND
BUREAU OF LAND MANAGEMENT, CALIFORNIA

In an endeavor to establish procedures for processing mutually beneficial exchanges of land, a Memorandum of Understanding between Western States Land Commissioners Association and Bureau of Land Management, Department of the Interior was entered into and executed on July 30, 1979. This document, signed by, President Leo Berry, Jr., WSLCA, and Director Frank Gregg, BLM, DI, is now referred to as the National level Memorandum of Understanding.

A State level Memorandum of Understanding (MOU) has been proposed to supplement the National level Memorandum of Understanding described above. It is the intent of this supplemental MOU to provide, further guidance and procedures for an expeditious and effective land exchange program that will be mutually advantageous to the State of California, State Lands Commission and to the Bureau of Land Management.

A Commission staff review of the supplemental State level MOU concludes that it will contribute to an effective land exchange program of mutual benefit to the State and to the Bureau of Land Management.

EXHIBIT: A. Memorandum of Understanding.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ENTER INTO AND EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN CALIFORNIA STATE LANDS COMMISSION AND BUREAU OF LAND MANAGEMENT, CALIFORNIA, IN SUBSTANTIALLY THE FORM ON FILE WITH THE OFFICE OF THE COMMISSION.

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(Rev. 5/27/80)

EXHIBIT "A"

Memorandum of Understanding
between
California State Lands Commission
and
Bureau of Land Management, California

I. PURPOSE: To supplement the National level Memorandum of Understanding between the Western States Land Commissioners Association and the Bureau of Land Management signed July 30, 1979. It is the intent of this supplemental MOU to provide guidance and procedures for an expeditious and effective land exchange program that will be mutually advantageous to the State and to the BLM long-range management of State and Federal public lands.

II. AUTHORITY: State Authority is contained in Public Resources Code, Division 6, Part 1, Chapter 6, Sections 6443 and 6443 and Part 4, Chapter 4, Article 2, Section 8551-8553.

BLM authority has been defined in the National level agreement.

III. CRITERIA: The ownership pattern of State and BLM land present opportunities for land exchanges which can mutually benefit both agencies. The State and BLM, California, agree to pursue a land exchange program guided by the following criteria:

A. Both parties are governed by their respective statutes, regulations, and policies including the July 30, 1979 National Level Memorandum of Understanding.

B. The program must be large enough in scale to achieve significant benefits, and its scope will encompass nearly all of California. However, it is recognized that to promote efficiency, individual exchanges should normally not be so large as to be unmanageable or visible from a socio-political aspect, realizing that local governments, other agencies of the State and Federal governments as well as various public interest groups of divergent views must be consulted and apprised of the program.

C. Whenever possible, exchanges will embrace the entire fee estate with a minimum of reservations. In those instances where it is necessary to reserve minerals, both parties agree to include a stipulation in future mineral leases issued on such exchanged lands to require the mineral lessee to contact the surface owner prior to commencing mineral activities which would result in surface disturbance. If respective laws, regulations, or policies prohibit such stipulations, the party managing the mineral estate will encourage the mineral lessee to contact the surface owner voluntarily.

D. Both agencies will make an effort to minimize any adverse impacts on those parties holding leases on the lands. Sec. 402(g) of FLPMA requires that except in cases of emergency, no grazing lease or permit will be cancelled without two years notice.

E. Resultant land patterns should simplify or otherwise benefit administration and management programs of both agencies and public interest benefits must be achieved. Specifically see Sec. 205(b) and 206(a) of FLPMA.

IV. RESPONSIBILITIES:

A. The STATE will act through its Executive Officer, State Lands Commission or his authorized delegate. The BLM will act through the State Director or his authorized delegate.

B. Either party may initiate informal exchange proposals. Prior to filing of formal actions, the STATE and BLM will informally communicate and negotiate on proposed exchanges to insure that the objectives of both agencies receive full consideration in every proposal.

C. In the exchange process, both agencies will consider the interests of local government, including local zoning and planning, and the local public. Public meetings and/or hearing will be conducted when circumstances warrant. See Sec. 210 of FLPMA.

D. Budgetary restraints will limit the funds and manpower available to both BLM and the STATE. Within these limitations, each agency will negotiate proposals and consummate exchanges on a scheduled basis. Agreed to proposals will be incorporated into the official work plan. The BLM will conduct all exchange activities in accordance with an approved Annual Work Plan (AWP). Nonprogrammed exchanges, determined to be critical, may be considered subject to AWP revision.

V. IMPLEMENTATION:

A. Meetings will be held as necessary, but at a minimum of once annually, to review problems and progress of the agreement, forecast future proposals, and discuss need for revision. Either party may initiate additional informal consultations as needed for implementing the agreement.

B. Either party may propose revisions at any time deemed necessary. The agreement may be amended by mutual written consent, and may be terminated by either party by sending a 30-day written notice of a desire to cancel.

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C. This memorandum of understanding is effective on the date of the last signature affixed below.

William Northrup
Executive Officer, State Lands
Commission
State of California

James B. Ruch
California State Director
Bureau of Land Management

Date

Date

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