

# Eastern Sierra

## Landownership Adjustment Project



January 23, 2012

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# Acknowledgements

## Project Sponsor

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## Advisory Committee

<b>Organization or Affiliation</b>	<b>Committee Member</b>
CAL-X	Arlene Grider Allan Pietrasanta Douglas Thompson
California Dept. of Fish and Game	Bruce Kinney Alisa Ellsworth
City of Bishop	Keith Caldwell David Grah
Humboldt-Toiyabe National Forest	Mike Crawley Naomi Johnson Lisa Subcasky
Inyo County	Susan Cash Tanda Gretz Josh Hart
Inyo National Forest	Ed Armenta Sheila Irons Jeff Marsolais Margaret Wood
Los Angeles DWP	Clarence Martin Don McGhie
Mono County	Scott Burns Tony Dublino Larry Johnston (now Board of Supervisors) Wendy Sugimura Bruce Woodworth (citizen)
Sierra Business Council	Steve Frisch Vickie Taton
Sierra Nevada Conservancy	Julie Bear
U.S. Bureau of Land Management	Bernadette Lovato Larry Primrosch

# Executive Summary

Surrounded by an array of public land holdings, the communities in the Eastern Sierra are uniquely protected from over development even as they are sometimes constrained from logical and sustainable growth. With almost 97% of Inyo County and 94% of Mono County owned by public agencies, the Eastern Sierra lacks private land within and adjacent to existing communities. Administering these vast acreages of public land is a task that is sometimes complicated by isolated private parcels. The goal of the Eastern Sierra Landownership Adjustment Project (LAP) is to examine landownership patterns and exchange opportunities to maximize local resource management efficiency, community planning and expansion potential.

## LAP Vision Statement

**Federal and state agencies, Inyo and Mono counties, local tribes, interested citizens, organizations, and private landowners will collaborate to explore and develop options to create a landownership pattern in the Eastern Sierra that better complements collaborative regional goals while preserving private property rights - focusing on opportunities to concentrate development around existing communities and infrastructure; provide workforce housing; maintain agricultural opportunities; protect water and other natural resources and open space; and consolidate agency lands.**

The Sierra Nevada Conservancy funded the LAP in 2008 and an Advisory Committee consisting of representatives from the BLM, USFS, Mono and Inyo Counties, individual citizens, and the Sierra Business Council worked collaboratively to guide the project to completion of its stated goals:

- Conduct an inventory of all potential agency lands available for disposal and identified for acquisition, and create a GIS database.
- Disseminate information pertaining to land disposal policies, constraints, and opportunities, and make the GIS land inventory accessible to the public.
- Conduct public workshops to identify community needs that could be addressed through the project, and identify potential landownership adjustments.
- Based on the land inventory and community input, work collaboratively to facilitate mutually beneficial landownership adjustments and institutionalize policies to guide future efforts.

Acknowledging that community education and input was vital to the success of the LAP, the first step of the project included establishing a baseline of public knowledge and opinion on landownership in the region by interviewing a diverse group of community members. Second, a policy paper on federal landownership adjustments was developed for community education, and a workshop was scheduled

to discuss community values, planning, and opportunities around landownership adjustments. As a follow-up to the workshop, community meetings were held throughout Inyo and Mono Counties with the goal of educating community members and soliciting input from the public. To enable public engagement in the LAP, the agencies worked together to create a LAP website, (<http://gis.mono.ca.gov/lap>). The website includes a link to an online Mono County GIS map (<http://gis.mono.ca.gov/lap/map>).

Concurrently, research was conducted on landownership adjustment policy, criteria and procedures for public agencies. Sierra Business Council and Mono County met numerous times with the Bureau of Land Management, Inyo National Forest, Humboldt-Toiyabe National Forest, California Department of Fish and Game, and Los Angeles Department of Water and Power to review, revise and refine the Agency Information Sheets created for the LAP.

Through the feedback received from the community meetings and agency meetings, recommendations were developed to improve the landownership adjustment process and increase the communication and collaboration between agencies, counties, and communities when landownership adjustment opportunities appear.

Potential pilot projects were examined and evaluated. The Adobe Ranch was determined to be a likely prospect for an exchange. It has all the right components for a successful landownership adjustment, including: willing private property owners; land that is identified as desirable for acquisition by a federal agency for its wildlife habitat potential; and potential exchange parcels near an existing community that may be more appropriate for development.

Looking beyond the scope of the LAP, participants have already suggested methods of keeping the collaboration going. The Collaborative Planning Team in Mono County appears a likely candidate for regular landownership adjustment discussions and updates through the formation of a Landownership Adjustment Subcommittee.

The LAP provides a complete and timely compilation of agency policy and procedures, a snapshot of community shared values and goals, an identified pilot project and an example of collaboration between county, public agency and community concerns. It is our hope that this document is a springboard for future landownership adjustment collaboration and planning.

Critical to the project success and to future landownership adjustment opportunities is the continued participation and collaboration of all the agencies involved in the Advisory Committee. This report identifies “Next Steps” in Chapter 6, and the Advisory Committee is actively working to identify the best methods for continuing the work accomplished over the past two years.

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
1.1	Project Description	1
1.1.1	Purpose	1
1.1.2	History	1
1.1.3	Project Description	3
1.2	Agency and Local Government Interest	4
1.2.1	U.S. Forest Service	4
1.2.2	Bureau of Land Management	5
1.2.3	State of California	5
1.2.4	Los Angeles Department of Water and Power	5
1.2.5	Mono County	6
1.2.6	Inyo County	6
1.3	Interested Parties	7
1.3.1	Citizen Advocates for Land Exchange (CAL-X)	7
1.3.2	Mono County Collaborative Planning Team	7
1.3.3	Other Entities	8
1.4	Public Outreach and Education	8
1.4.1	Stakeholder Interviews	8
1.4.2	Workshops	8
1.4.3	Community Meetings	10
1.4.4	Agency Interviews	10
<b>2</b>	<b>COMMUNITY AND PUBLIC INPUT</b>	<b>11</b>
2.1	Introduction	11
2.2	Stakeholder interviews	11
2.3	Public Workshop	11
2.3.1	Values	11
2.3.2	Concerns	12
2.3.3	The Ideal Land Exchange	13
2.4	Community Meetings	13
2.4.1	Mono County	13
2.4.2	Inyo County	34
<b>3</b>	<b>AGENCY POLICIES, PROCEDURES, AND TOOLS</b>	<b>37</b>
3.1	Introduction	37
3.2	Federal Agencies	37
3.2.1	U.S. Forest Service	37
3.2.2	Bureau of Land Management	46
3.3	California State Agencies	49
3.3.1	California Department of Fish and Game	49
3.3.2	State Lands Commission	51
3.4	Local Agencies	52

3.4.1 Los Angeles Department of Water and Power..... 52

3.4.2 Mono County ..... 52

3.4.3 Inyo County..... 66

**4 POLICY RECOMMENDATIONS ..... 68**

4.1 Introduction ..... 68

4.2 Inyo National Forest ..... 68

4.2.1 General LRMP Recommendations..... 68

4.2.2 Recommended Disposal and Acquisition List Updates..... 68

4.2.3 Recommended Landownership Adjustment Actions ..... 68

4.3 Bureau of Land Management..... 68

4.3.1 General RMP Recommendations ..... 68

4.3.2 Recommended Disposal and Acquisition List Updates..... 69

4.3.3 Recommended Landownership Adjustment Actions ..... 70

4.4 Los Angeles Department of Water and Power ..... 70

4.4.1 General Recommendations ..... 70

4.4.2 Recommended Landownership Adjustment Actions ..... 70

4.5 Mono County ..... 70

4.5.1 General Recommendations ..... 70

4.5.2 Recommended General Plan Policy Modifications ..... 71

4.6 Inyo County..... 75

4.6.1 General Recommendations ..... 75

4.7 Other Agencies ..... 75

4.7.1 Eastern Sierra Unified School District..... 75

4.7.2 California Department of Fish and Game..... 75

**5 PILOT PROJECT..... 76**

5.1 Adobe Ranch/Adobe Valley Description ..... 76

5.2 Analysis ..... 77

**6 NEXT STEPS ..... 78**

**APPENDICES**

Appendix A “Federal Land Exchanges: A Primer for Local Citizens and Planners” Center for Natural Resources & Environmental Policy, The University of Montana, July 28, 2010.

Appendix B Agency Information Sheets

Appendix C Agency Recommendations

Appendix D The USFS Land Exchange Handbook, (FSH 5409.13 Chapter 30, Section 39, Exhibit 02)

Appendix E Letter to Bruce Woodworth from Mono County Community Development Department, 4/20/11

Appendix F Links to Relevant Planning and Visioning Documents

# 1 Introduction

## 1.1 PROJECT DESCRIPTION

### 1.1.1 Purpose

The Eastern Sierra Landownership Adjustment Project (LAP) is a collaborative effort between federal, state, and local agencies to develop options for creating landownership patterns in the Eastern Sierra (Figure 1) that benefit both land management agencies and communities. Through community input and agency coordination, the project aims to identify an ownership and land use adjustment toolbox; a set of agreed upon criteria for ownership adjustments; and existing opportunities, pilot projects and implementation strategies.

### 1.1.2 History

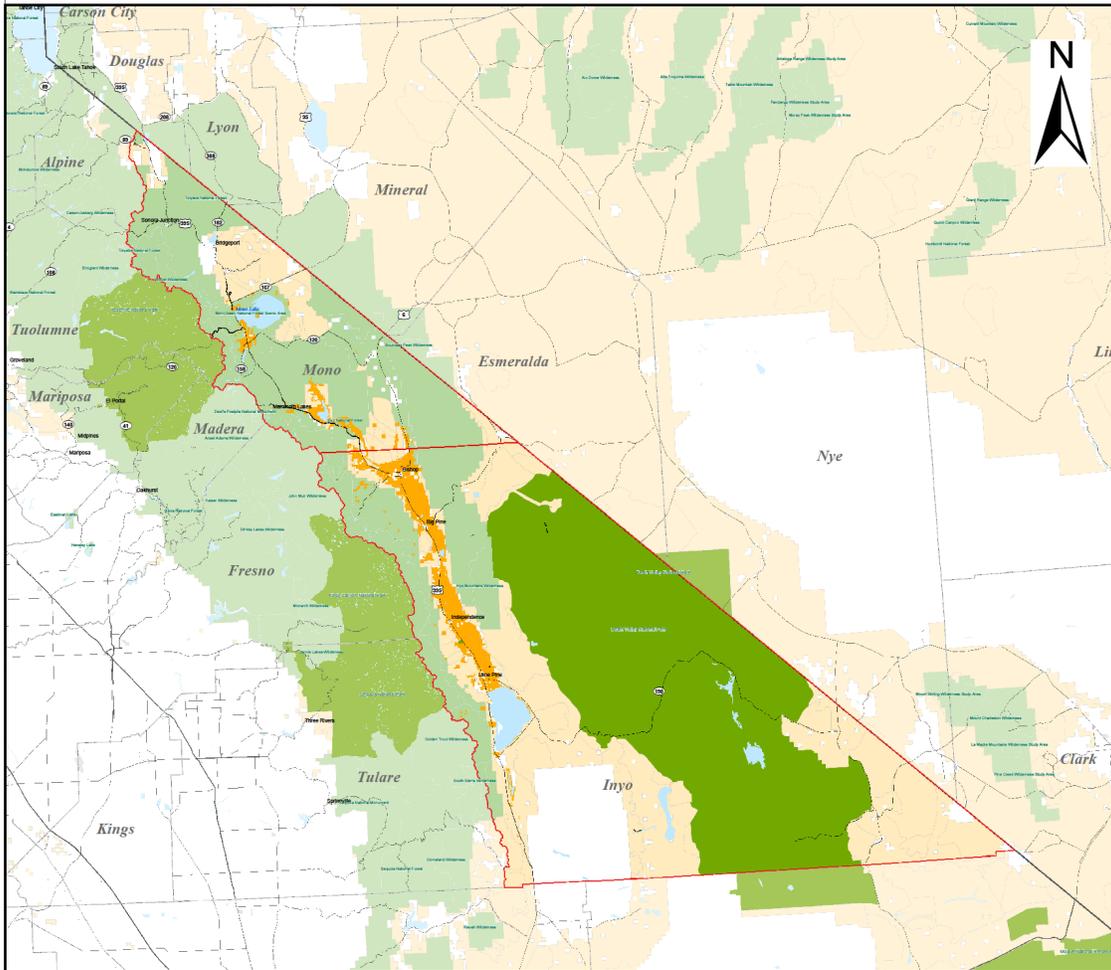
The LAP concept was initiated by the Mono County Collaborative Planning Team (Mono County CPT) and further developed by the Owens Valley Interagency Committee (OVIC) to explore options for a landownership pattern that locates private property within and adjacent to existing communities, protects agricultural and sensitive resource lands, and consolidates agency lands for more efficient management. With almost 97% of Inyo County and 94% of Mono County owned by public agencies including the federal government and the City of Los Angeles, the Eastern Sierra distinctly lacks private land within and adjacent to existing communities for expansion and sustainability. Much of the undeveloped private land is isolated, and usually surrounded by federal and/or Los Angeles Department of Water and Power (LADWP) lands. Development of these isolated parcels could negatively impact agricultural operations, wildlife habitat, and other natural resources, as well as fragment agency lands leading to more costly and difficult public land management.

In 2005, the OVIC chartered a subcommittee to explore coordinating landownership adjustment planning to achieve both land agency management and community goals. The subcommittee consisted of representatives from Inyo and Mono counties, California Department of Fish and Game (CDFG), LADWP, City of Bishop, Bishop Field Office of the Bureau of Land Management (BLM), and the Inyo and Humboldt-Toiyabe National Forests of the U.S. Forest Service (USFS). The subcommittee members inventoried their individual land and resource missions and objectives and agreed on this vision statement:

**Federal and state agencies, Inyo and Mono counties, local tribes, interested citizens, organizations, and private landowners will collaborate to explore and develop options to create a landownership pattern in the Eastern Sierra that better complements collaborative regional goals while preserving private property rights - focusing on opportunities to concentrate development around existing communities and infrastructure; provide workforce housing; maintain agricultural opportunities; protect water and other natural resources and open space; and consolidate agency lands.**

# Eastern Sierra Landownership Adjustment Project

## Region Map



### Legend

- County Boundary
- Cities

### Federal Lands

- U.S. Forest Service
- Bureau of Land Management
- National Park Service

### Other Lands

- Los Angeles Dept. of Water & Power
- Other Lands



0 10 20 40 60 Miles

Prepared by: Sierra Business Council, June 2010

FIGURE 1. LAP PROJECT AREA MAP

Today, an Advisory Committee consisting of the BLM, the Inyo National Forest (INF), the Humboldt Toiyabe National Forest (H-TNF), Mono and Inyo Counties, LADWP, the Sierra Business Council (SBC), and individual citizens, collaboratively stewards the LAP.

### 1.1.3 Project Description

The LAP has been developed based on the following principles, objectives, and steps:

#### Principles

- Full participation by the counties, citizens, tribes and all land administering agencies is critical;
- The process should honor both counties' desire to avoid any significant decrease in private property and tax base; and
- Private property will be acquired or exchanged through willing sellers only.

#### Objectives

- Conduct an inventory of all potential agency lands available for disposal and identified for acquisition, and create a GIS database;
- Disseminate information pertaining to land disposal policies, constraints, and opportunities, and make the GIS land inventory accessible to the public;
- Conduct public workshops to identify community needs that could be addressed through the project, and identify potential landownership adjustments; and
- Based on the land inventory and community input, work collaboratively to facilitate mutually beneficial landownership adjustments and institutionalize policies to guide future efforts.

#### Steps

1. Conduct initial stakeholder interviews to establish community knowledge baseline;
2. Conduct community outreach and education via a series of workshops;
3. Seek public input to define community criteria for landownership adjustments, and identification of potential projects via a series of workshops;
4. Identify and summarize agency policies, criteria and procedures pertaining to landownership adjustment;
5. Prepare a regional assessment with recommendations for each county and land agency to consider; and
6. Identify pilot land exchange(s).

To enable public engagement in the LAP, the agencies worked together to create a LAP website, (<http://gis.mono.ca.gov/lap>). Mono County has hosted the site since August 2006.

## 1.2 AGENCY AND LOCAL GOVERNMENT INTEREST

This section contains information that identifies each agency's interests in participating in the LAP.

### 1.2.1 U.S. Forest Service

As stated in Forest Service Manual (FSM) 5430.2, the objective of the USFS land exchange program is "to utilize land exchanges as a tool, in concert with the purchase program, to implement Forest land and resource management planning and direction; to optimize National Forest System landownership patterns; to further resource protection and use; and to meet the present and future needs of the American people".

According to FSM 5430.2, one objective of the Forest Service landownership adjustment program is to "achieve an optimum landownership pattern to provide for resource uses to meet the needs of the people now and into the future." Each Forest Supervisor is responsible for "preparing and maintaining plans to fulfill landownership adjustment responsibilities," including implementation of an effective landownership adjustment program.

Because National Forest System lands were "reserved" from the Public Domain for National Forest purposes, the USFS does not have general "sale" authority except in very limited and specific circumstances, such as selling lands for public school purposes. The Forest Service's main tool is land conveyance through exchange to achieve the optimum landownership pattern to provide for the protection and management of resource uses.

#### **Humboldt-Toiyabe National Forest**

The H-TNF is moving away from specific parcel identification for land that is desirable for acquisition or exchange and more towards resource and habitat criteria. The Landownership Adjustment Plan supplements the Toiyabe Forest Plan and Forest Service Manual and Handbook direction, and establishes broad priorities for landownership adjustment. The Bridgeport Ranger District manages H-TNF land in northern Mono County, which includes lands around the communities of Bridgeport, Coleville, Walker and Topaz.

#### **Inyo National Forest**

The INF Land and Resource Management Plan (LRMP) has a goal to achieve a land and resource management structure and program with compatible relationships between National Forest System lands and adjacent non-federal lands. Landownership adjustment is listed as a specific activity to accomplish this goal. The LRMP contains Forest-wide Standards and Guidelines that set the minimum resource conditions that will be maintained throughout the Forest and provides specific guidelines for the management of each resource to ensure its protection or enhancement. Like the H-TNF, the INF is moving away from inventories of specific parcels, and more towards resource and habitat criteria as identified in the LRMP.

The INF Landownership Adjustment Strategy (LAS) is presented as a "strategy," rather than a plan, to avoid incorrectly implying that the Inyo National Forest program has a high degree of planned

orderliness and predictability. The LAS is to be used as a management tool in making decisions concerning the identification, consideration, and when necessary, the prioritization of specific landownership adjustment proposals.

## 1.2.2 Bureau of Land Management

The BLM's mission is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations. The BLM executes land exchanges to acquire prime habitat; protect riparian, recreation, cultural and scenic values; and/or improve management of public lands and resources. The decision to emphasize land exchanges is intended to prevent a net loss to the tax base within the Resource Management Plan area. Public lands may be made available for disposal if they are difficult and uneconomic to manage, are not suitable for management by another federal department or agency, and would best serve the public interest in private ownership. Over 8,000 acres of Bureau land are identified for potential disposal, and over 18,000 acres of private land are identified as potential acquisitions in the Bishop Resource Management Plan (1993).

## 1.2.3 State of California

### California Department of Fish and Game

According to California Fish and Game Code §1301, "The preservation, protection and restoration of wildlife within the State is an inseparable part of providing adequate recreation for our people in the interest of public welfare; and it is the policy of the State to acquire and restore to the highest possible level, and maintain in a state of high productivity, those areas that can be most successfully used to sustain wildlife and which will provide adequate and suitable recreation. To carry out these purposes, a single and coordinated program for the acquisition of lands and facilities suitable for recreational purposes, and adaptable for conservation, propagation, and utilization of the fish and game resources of the State, is established."

### State Lands Commission

The State Lands Commission (SLC) manages and protects important natural and cultural resources on certain public lands within the state and the public's rights to access these lands. The SLC provides stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration.

"School lands" are the remnants of the nearly 5.5 million acres throughout the State originally granted to California by Congress in March of 1853 to benefit public education. The State retains surface and mineral ownership of approximately 469,000+/- acres of these "school lands" and retains only the mineral rights on an additional 790,000 acres. These lands are held in trust for the betterment of the common schools of the State and the revenue, by statute, supports the State Teachers' Retirement System.

## 1.2.4 Los Angeles Department of Water and Power

LADWP's land adjustment and management practices focus on protecting the City of Los Angeles water rights, water quality, watershed, and environmental resources. Its policies focus on balancing its

interests with community goals of improving public relationships and community projects that contribute to the betterment of the communities. The divestment of City properties is primarily limited to properties located in existing communities, which do not affect the overall goals and objectives of protecting LADWP's water resources.

### 1.2.5 Mono County

Mono County owns land in order to directly provide public services and/or enable the provision of services and uses as defined by the Public and Quasi-Public Facilities Land Use Designation in the General Plan. The County also supports and may encourage landownership adjustments consistent with the County's General Plan and Area Plans, and that further achieve community goals and objectives as defined in the Area Plans.

The Mono County General Plan contains goals, objectives, and policies informing the purpose and use of the LAP as a landownership adjustment tool in Mono County. The Mono County Regional Planning Advisory Committees (RPACs) were established to advise the Mono County Board of Supervisors, Planning Commission, and Planning Division on the development, review, implementation and update of the Mono County General Plan and associated Area/Community Plans. The basic principles embodied in the General Plan language include:

- Promote and concentrate development in and adjacent to existing communities;
- Limit development outside existing communities;
- Accommodate the expansion of communities;
- Protect or preserve open space, scenic resources, and sensitive wildlife habitat;
- Support the acquisition by federal or state agencies, or land conservation organizations, of areas with threatened or endangered species;
- Consider land trades and exchanges consistent with the General Plan; and
- Keep current on federal and state land acquisition and disposal plans.

Area Plans contain more specific policies relating to land exchanges, based on the needs and desires of individual communities. General Plan policies for Mono County are summarized in Section 3.4.2.

### 1.2.6 Inyo County

The Inyo County General Plan contains goals, policies, and implementation measures related to landownership adjustment and long-term land use and development. The General Plan guides community expansion to those areas that are within or contiguous to existing communities. However, less than two percent of the total land area of Inyo County is privately owned, and the County recognizes that implementation strategies and processes to facilitate land exchanges will need to be developed and coordinated with the federal land managers and LADWP. Constraints to land exchanges that the County identified include:

- No formal mechanism to coordinate land trades, including land trades involving more than two entities;
- Water agreements encumber a great deal of existing land;
- Detailed information regarding agency land is not readily available; and
- A lack of interest in land exchanges.

The Inyo County Board of Supervisors set the following goals for the LAP:

- Build an inventory of public properties eligible and appropriate for exchange;
- Identify feasible methods to be incorporated into County procedures to better facilitate property transfers;
- Educate local residents, decision makers, and other interested members of the public about landownership adjustment possibilities;
- Provide guidance on location and potential land uses for proposed or new land transfers;
- Coordinate information regarding landownership adjustment possibilities from other agencies;
- Develop better processes to coordinate and facilitate land exchanges; and
- Work towards no net loss of private acreage.

## 1.3 INTERESTED PARTIES

### 1.3.1 Citizen Advocates for Land Exchange (CAL-X)

Citizen Advocates for Land Exchange (CAL-X) was a grass-roots coalition of diverse persons of the Eastern Sierra who desired to see appropriate land use in the region – a balance of smart development and natural resource protection. Its stated mission was to “recognize the importance of land trades as an essential component of sensible and sustainable, quality development that safeguards the communities, environment, economy, and quality of life in the Eastern Sierra region.”

CAL-X was an advisory group committed to active participation. Its desire was to support agencies and elected and appointed leadership in Inyo County in implementing the planning and strategic visioning of recent years. The concept of land exchanges between agencies, counties, communities and private owners was CAL-X’s focus and the coalition was instrumental in the development of the LAP grant proposal. The coalition has since disbanded but individual members remain active in the LAP.

### 1.3.2 Mono County Collaborative Planning Team

The LAP concept was initiated by the Mono County CPT, which was also instrumental in the development of the LAP grant proposal along with CAL-X. In early 1999, the CPT commissioned a technical advisory committee to develop a strategy to address community and agency collaboration to develop and pursue a landownership adjustment plan, and identify desirable parcels for acquisition. Initial land exchange opportunities for select communities based on targeted community outreach in

Mono County were summarized in a report titled “*Community Issues, Final Report*” (Nelson\Nygaard Consulting Associates 2000). Today, the interagency CPT is the lead working group for Mono County and provides a cooperative forum for input.

### 1.3.3 Other Entities

Because of the inter-jurisdictional nature of the project, many other entities were peripherally involved, or are acknowledged as potentially impacting future landownership adjustment efforts. These entities include the following:

- Town of Mammoth Lakes;
- Walker River Irrigation District;
- Mammoth Mountain Ski Area;
- Land Conservation Groups;
  - Eastern Sierra Land Trust;
  - Trust for Public Lands;
- City of Bishop;
- Bishop Paiute Tribe;
- Caltrans; and
- Friends of Round Valley.

## 1.4 PUBLIC OUTREACH AND EDUCATION

### 1.4.1 Stakeholder Interviews

Parties identified as having an interest in the LAP were interviewed in January 2010. The goal was to interview a cross section of people throughout the communities of Inyo and Mono Counties representing diverse viewpoints on land exchanges to identify public interests, opportunities and concerns. The interviews were conducted by Coleen Shade of Design Workshop and Daisy Patterson of the Center for Natural Resources and Environmental Policy at the University of Montana.

### 1.4.2 Workshops

SBC, along with Inyo and Mono County staff, convened a public workshop titled ‘Land Tenure 101’ in Lee Vining on July 28, 2010. The workshop objectives were to: 1) develop a common understanding of landownership adjustments as a planning tool and its applications; 2) confirm community visions and goals; and 3) explore conceptual criteria applicable to landownership adjustments. After an overview of federal landownership adjustment practices, workshop participants divided into small groups and identified opportunities, constraints, and potential criteria to be considered when planning future land exchanges. Participants also identified concerns and fears, and conceptually described an ideal land

exchange. Section 2.3 contains a summary of the results of those discussions. A presentation was delivered during the workshop on the policy brief “Federal Land Exchanges: A Primer for Local Citizens and Planners” (Univ. of Montana, 2010). An excerpt from the report is presented below. The entire report is included in Appendix A.

**“Western communities increasingly find it beneficial to include federal public land exchanges in their growth management planning. Federal land exchanges range from simple trades to complex multi-party transactions. Thus, even those communities without immediately adjacent public lands may find themselves engaged in a federal land exchange, possibly involving lands located in a different county. The basic goal of all such exchanges is to consolidate landownership in a way that makes sense for all parties and serves broader public interests. These transactions may be pursued either by:**

- **Working directly with the federal land managers to negotiate an administrative exchange; or**
- **Working with a member of Congress to enact a statute authorizing or requiring an exchange or a combination of land sale and acquisition to achieve similar goals.**

**Local citizens and planners can use these processes to guide and accommodate growth by:**

- **Participating actively in federal resource planning processes before any land exchanges are contemplated to identify priority lands for exchange;**
- **Developing clear objectives and criteria to evaluate proposed exchanges;**
- **Considering alternatives to exchanges to achieve land use objectives;**
- **Understanding the time and resources necessary to complete an exchange;**
- **Investigating and addressing all potential objections and issues that may delay or prevent the exchange from proceeding;**
- **Building a constituency for the exchange early, and conducting an effective and transparent public participation process;**
- **Exercising caution when entering into multi-party transactions;**
- **Evaluating the benefits of administrative versus legislative exchanges; and**
- **Encouraging policy reforms to improve the federal land exchange process.**

**Examples drawn from several western communities illustrate ways in which local citizens and planners have engaged with federal resource managers to encourage more strategic use of federal land exchanges to support local growth management and land use planning. (Cont.)**

**These transactions are seldom without controversy, as each implicates strongly held values for public land and private property rights, but the best practices outlined in this policy brief aim at identifying and addressing concerns early in the process and working as collaboratively as possible with all affected parties. Additional resources at the end of the policy brief provide a starting point for more in-depth investigation of the options for integrating federal land exchanges with local growth management.”**

***Excerpt from “Federal Land Exchanges: A Primer for Local Citizens and Planners” (Univ. of Montana, 2010).***

### 1.4.3 Community Meetings

A series of community meetings followed the workshop in the fall of 2010. Outreach included a re-introduction of the LAP to the public, general education about the federal land exchange process, a review of County and community policies relating to landownership patterns, and a discussion about community opportunities, concerns, and potential criteria that should be applied to landownership adjustments. Twelve meetings in the following communities were conducted through the Regional Planning Advisory Committees (RPACs) in Mono County, and through chambers and civic and rotary clubs in Inyo County. The meeting locations are listed below:

- Mono County: Antelope Valley, Bridgeport, Mono Basin, June Lake, Long Valley, Benton/Hammil Valley, and Chalfant.
- Inyo County: Bishop/Laws/Wilkerson (2), Big Pine, Independence/Aberdeen, Lone Pine/Olancha/Cartago.

Six additional community meetings were conducted in Mono County by County staff in the summer of 2011 in Antelope Valley, Bridgeport, Mono Basin, June Lake, Long Valley, and Chalfant. Outreach included a review and confirmation of previous community input, specific discussion about potential opportunities, and community feedback on lands identified by the BLM for acquisition and disposal, as requested by the BLM.

### 1.4.4 Agency Interviews

Through a series of agency interviews, review of agency legislation and policy documents, and several meetings, agency Information Sheets were developed to summarize landownership adjustment policies and procedures (see Chapter 3 and Appendix B). The interviews and meetings took place over the summer and fall of 2011 with the following agencies:

- Bureau of Land Management;
- California Department of Fish and Game;
- California State Lands Commission;
- Humboldt-Toiyabe National Forest;
- Inyo County;
- Inyo National Forest;
- Los Angeles Dept. of Water and Power; and
- Mono County.

# 2 Community and Public Input

## 2.1 INTRODUCTION

Through the public workshop and local outreach meetings, Inyo and Mono counties, in collaboration with their communities, discussed criteria to inform future landownership adjustment efforts, community concerns about potential adjustments, and potential projects that could help meet community needs.

## 2.2 STAKEHOLDER INTERVIEWS

Design Workshop and the Center for Natural Resources and Environmental Policy conducted stakeholder interviews in January, 2010. The goal was to interview a cross section of people throughout the communities of Inyo and Mono Counties representing diverse viewpoints on land exchanges to identify public interests, opportunities and concerns. The interview questions are on file with the counties and SBC and can be provided upon request.

The shared values of the interviewees included an appreciation of open space and the natural environment, a rural community character as opposed to urban, and a sense of community. Two challenges to land use planning were identified – a resistance to change among residents, and the trend to expand outside of city boundaries rather than infill. A concern raised was the perception that the USFS is trying to get rid of landowners with private in-holdings. Another concern was the perception that private land is being created in Mono County by making more of Inyo County public which reduces the tax base and decreases private property available for development (two separate issues that both affect local economy).

## 2.3 PUBLIC WORKSHOP

This section summarizes public input from the July 28, 2010 workshop held in Lee Vining, Mono County, by listing the main points shared by the participants.

### 2.3.1 Values

- Rural character;
- Recreation opportunities and access;
- Protection and management of natural resources;
- Open space;
- Community appropriate growth and economic development;
- Housing that is affordable for all residents;
- Clustering communities;
- Maximize the availability of local goods and services;

- Community sustainability;
- Making decisions consistent with local land use planning;
- Maintain or improve social equity;
- Community empowerment;
- Enhance opportunities for economic diversification and stability; and
- Provide development opportunities to increase housing.

### 2.3.2 Concerns

#### Process concerns

- Secrecy or a lack of transparency;
- Long processes;
- Inadequate communication about underlying constraints;
- The legislative option for exchanges (the administrative option for exchanges was preferred); and
- Agency accountability.

#### Community impacts to avoid

- Disenfranchisement from a fear of change;
- Loss of heritage and tradition;
- Loss of revenue;
- Negative impacts to private property that abuts an exchange parcel and may not be compatible with post-exchange land use;
- Lack of community support or agreement;
- Land uses that would negatively affect character of community or open space/night sky;
- If possible, exchanges should avoid a net reduction in private land (either in acreage or in value or both);
- Degradation to wetlands and streams;
- Concern about the complexity of water issues. What gets transferred with the land? What doesn't? How will that affect future land use on exchanged land?

### 2.3.3 The Ideal Land Exchange

The community workshop held in July of 2010 in Lee Vining, Mono County, began with an overview of federal landownership adjustment policies, procedures and criteria. The workshop facilitators then divided the participants into smaller group and posed the question “What does an ideal land exchange for your community look like?” The locations in parentheses indicate where the person with the suggestion lived.

- Creates workforce housing (Lee Vining and others);
- Increases commercial and residential opportunities in general (Lee Vining);
- Maintains passive recreation buffering (Mono City);
- Maintains industrial uses (Lee Vining);
- Buffers inconsistent uses (Lee Vining);
- Reduces seasonality of job opportunities (Lee Vining);
- Balances housing mix (Mammoth);
- Economic diversification (Mammoth);
- Increases land base for renewable energy;
- Improves ownership for water management;
- Accommodates public health and safety improvements on sites that are currently constrained;
- Improves public facilities, trailheads, and off highway access;
- Preserves agricultural land;
- Preserves open space;
- Encourages focused recreation;
- Reduces (or where needed, eliminates) inholdings; and
- Utilizes the administrative exchange option (over the legislative option).

## 2.4 COMMUNITY MEETINGS

### 2.4.1 Mono County

Mono County staff, with assistance from SBC, conducted two rounds of community outreach to the Mono County Regional Planning Advisory Committees (RPACs) in the fall of 2010 (Round 1) and summer of 2011 (Round 2). Individual meeting notes and correspondence with the public is available at the Mono County Community Development Department office in Mammoth Lakes, California. Where applicable, numbered public input points are mapped in the accompanying figure(s).

## Antelope Valley RPAC

### CONSENSUS

1. Balance acquisitions with disposals: no net loss of private land in the Antelope Valley.
2. Remove from the BLM acquisition list the footprint of existing buildings (not necessarily the entire parcel). For example, the Department of Defense housing complex (Figure 2).
3. Dispose of the BLM-owned 54-foot strip of land to the west of Eastside Lane, from approximately Jocelyn Lane to Pearlman Place, to the individual adjacent private landowners (Figure 2).
4. Early engagement, education and input from the community are critical. Citizens are very concerned about being able to influence the process.

### GENERAL PUBLIC INPUT

5. BLM-owned parcel where the Toiyabe Indian Health Clinic is currently located (at Eastside Lane and Camp Antelope Road): part of the legislative land exchange with the lands for the Bridgeport Indian Colony, some are concerned this parcel may have wildlife value as deer pass through it, and others point out the parcel is surrounded by existing development, limiting its wildlife value (Figure 2).
6. Remove Tim Fesko's properties from the acquisition list. (Upon further review, Mr. Fesko's properties were determined not to be on the BLM acquisition list.)
7. The eastern lands along Eastside Lane: some claim opening these lands for development would relieve development pressure on the valley floor; others claim it may have wildlife value (deer) and would result in leapfrog development, which is not consistent with the General Plan. Private ownership of these lands, even though in the County's General Plan (Antelope Valley Planning Area, Policy 4, Action 4.2), is likely to be very controversial. Any effort in this direction would require significant public outreach effort (Figure 2).
8. Exchanges should not be detrimental to wildlife.
9. Lands should be appraised appropriately in an exchange, e.g. an agricultural use might be valued more/less than a residential use.

## Bridgeport RPAC

### GENERAL PUBLIC INPUT

1. Interest in private ownership of BLM lands designated for disposal north of the reservation on the east side of the reservoir (Figure 3).
  - Seems like this is where people would like to live, less impact to scenic values, less impact to wetlands.
  - Tribe has also expressed interest in acquisition.

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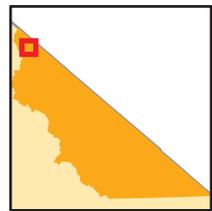
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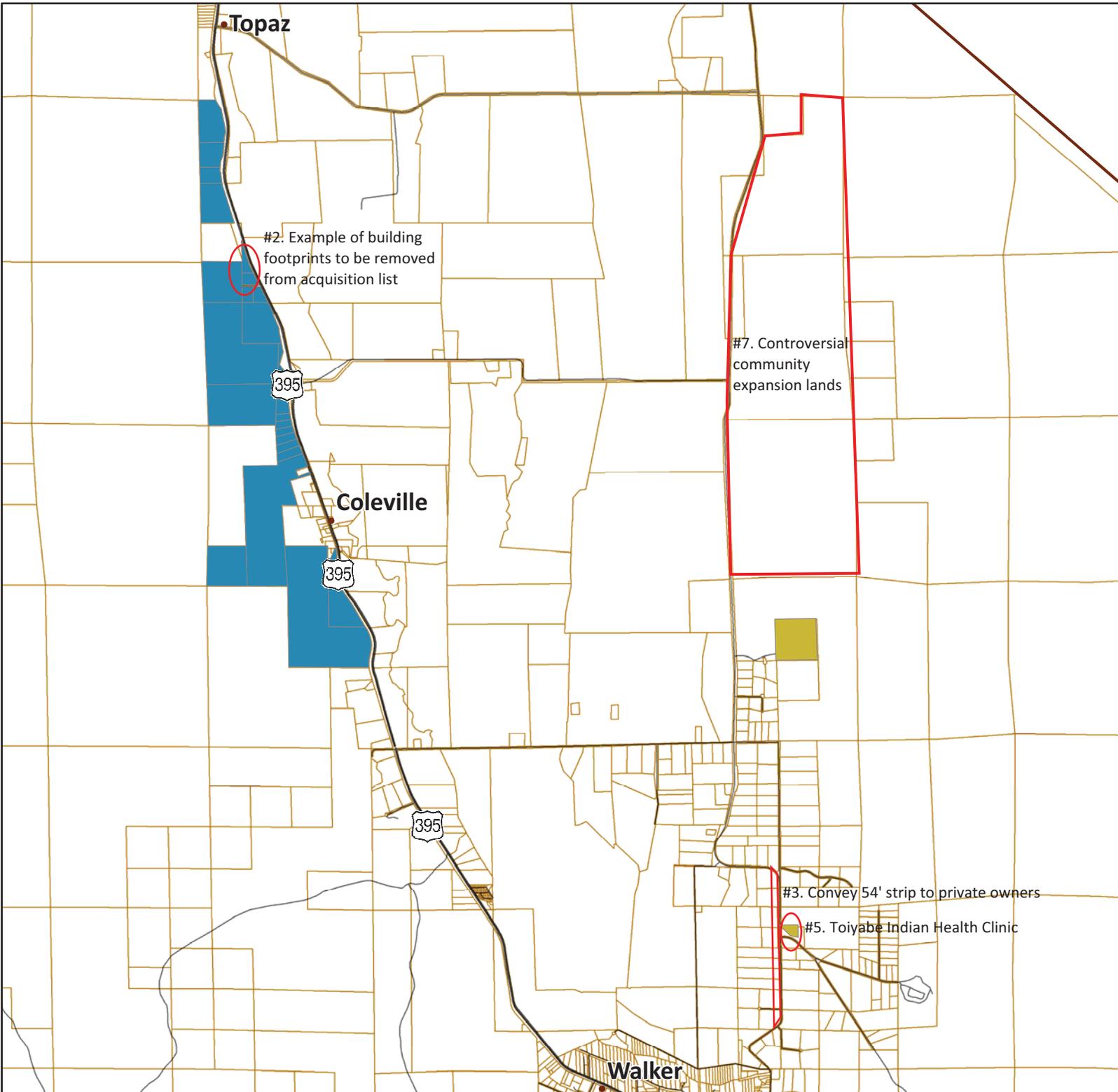


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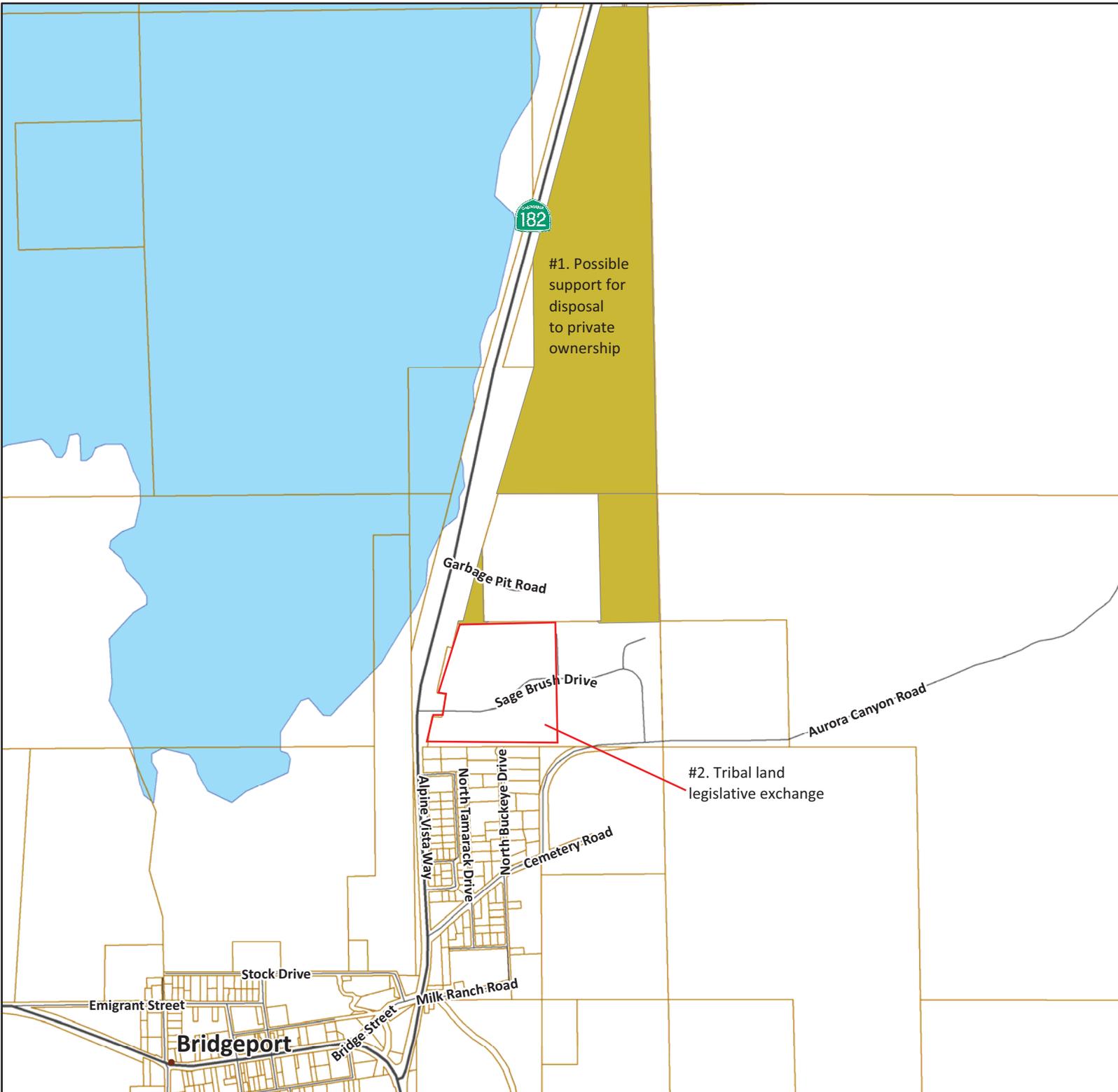
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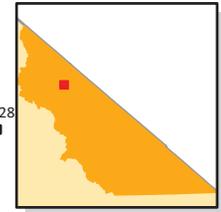
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- The County dump is located in this area and ownership has been transferred to the county.
  - The Marine Corps Mountain Warfare Training Center (MCMWTC) requested an awareness that this corridor is used for military transport.
  - Bike lanes are requested along Hwy 182.
2. Bridgeport Indian Colony tribal land exchange: appears to be generally supported by the community. The main concern seemed to be regarding existing easements, particularly easements for the Public Utilities District (PUD). The legislation has recently been revised with new language addressing easements (Figure 3).
  3. The PUD could be interested in seeing the dirt road behind the Evans Tract expanded to create a loop road for infrastructure access.
  4. Consider transferring private property from the Burcham Flat area closer to town to protect habitat.
  5. Interest in a Visitor Center (VC): Could be moved into town, or a VC in Bodie could be developed.
  6. Need to ensure early and extensive input by the community and specific stakeholders.
  7. An exchange should support or enable availability of services and infrastructure, protect the viewscape, mitigate loss of property tax revenues to the County, and ensure a correlation between the lands being exchanged and the community receiving the benefit.
  8. MCMWTC requested an awareness of military operations and the potential impacts to private property owners.

### **Mono Basin RPAC**

The Mono Basin Area Plan is in the process of a significant revision. Formal approval of the Area Plan is likely to occur after this project is concluded. Mono County staff should be contacted for any public input not included in this report.

### **COMMUNITY PLAN DISCUSSIONS**

1. BLM land identified for disposal adjacent to Mono City: through previous community discussions, an agreement not to dispose of this land was reached. The buildable area of Mono City should be limited to the existing subdivision footprint (Figure 4).
2. Potential locations for affordable housing: School district parcel and LADWP parcel north of community center (Figure 5).
3. Light/cottage industrial site: potential locations (on disturbed land only) include nearby the airport on LADWP land or adjacent to pumice plant on private land (Figure 6).

Figure 4: Mono Basin

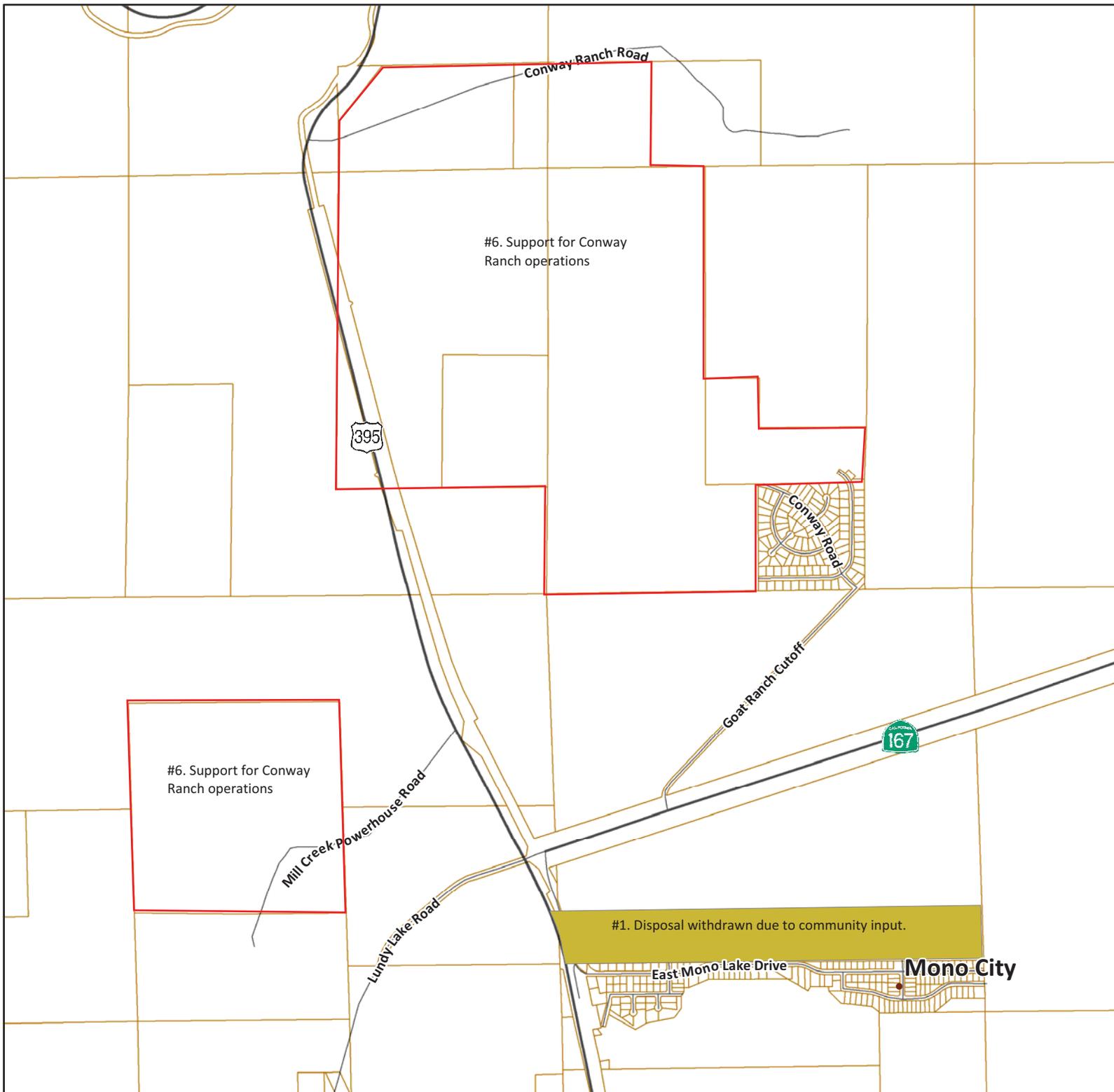
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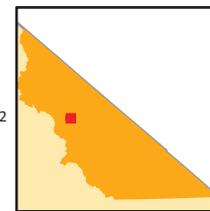
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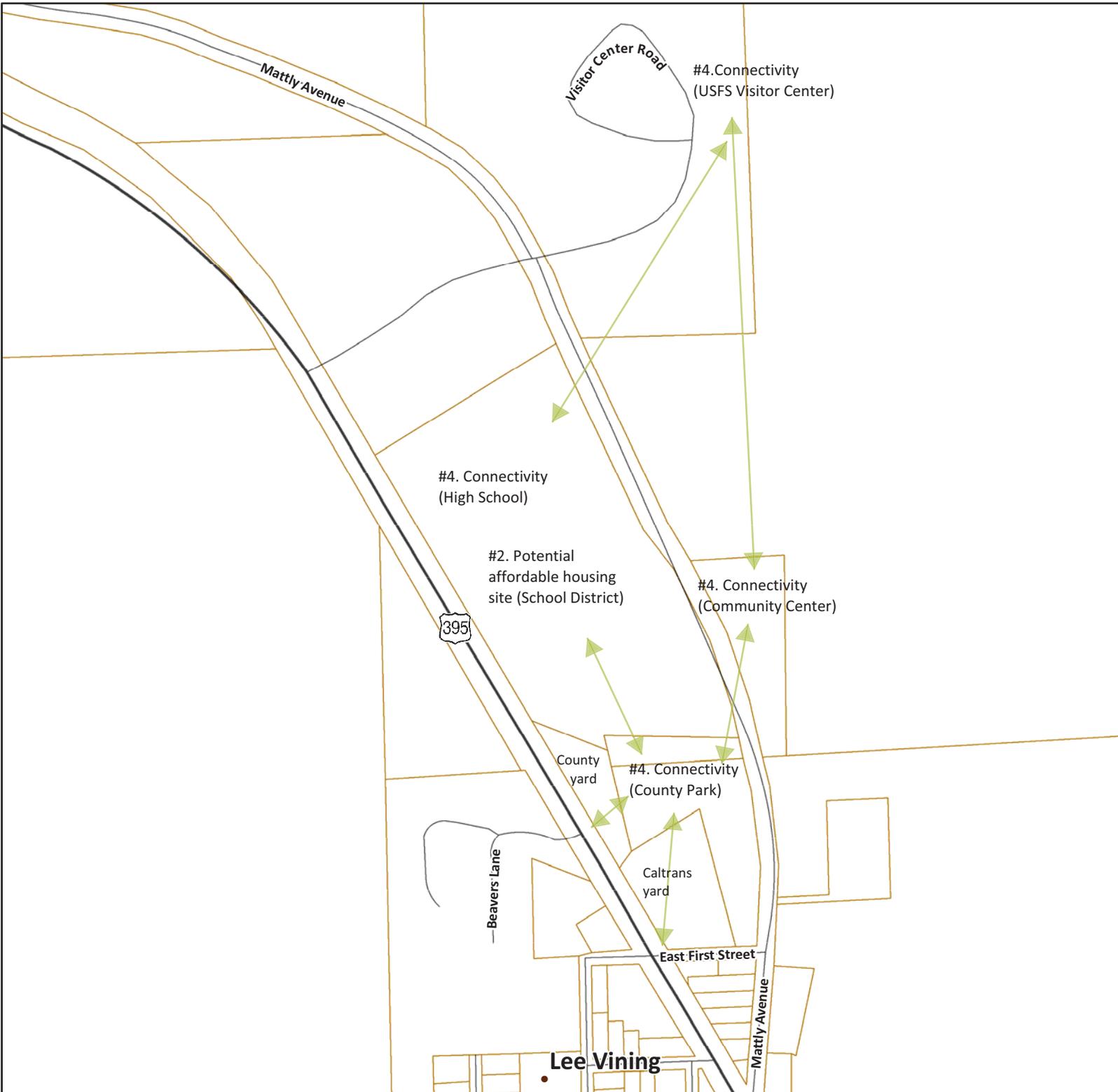
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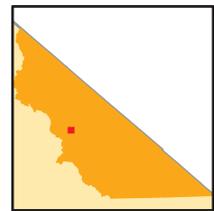
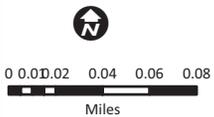
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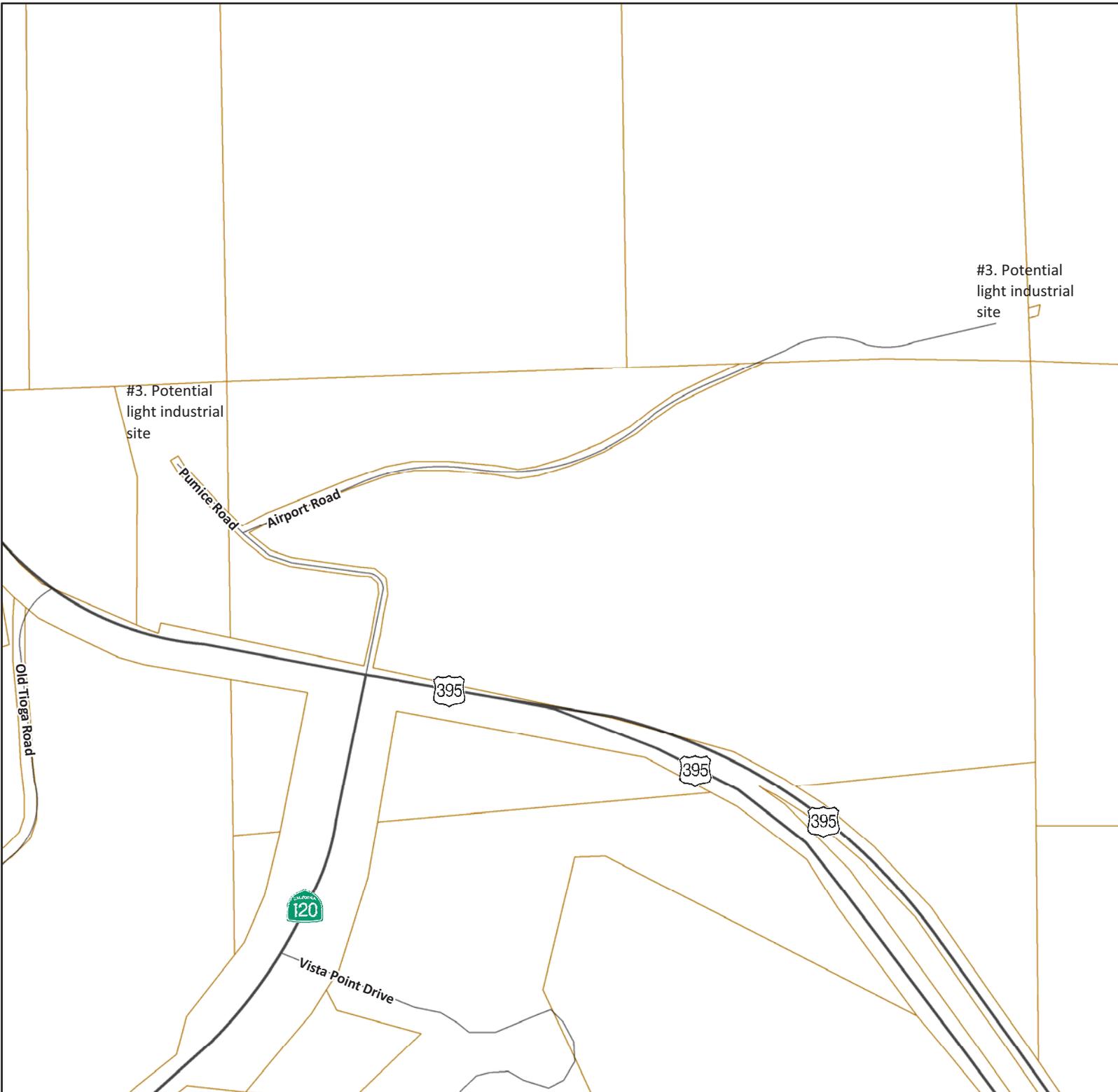
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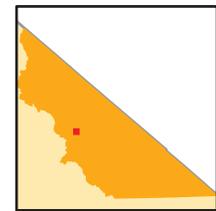
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4. Ongoing discussions about the location of the County/Caltrans yards, connectivity between Main Street and the community center/park/high school/Forest Service Visitor Center, affordable housing, and revitalization of Main Street: landownership adjustments could play a role depending on the preferred solution (Figure 5).
5. In Lee Vining, infill and rehabilitation of the existing built environment is prioritized over the addition of private property, and future growth is directed to occur adjacent to Lee Vining.
6. Support for maintaining or expanding current agricultural and historic uses on Conway Ranch (Figure 4).

#### PUBLIC INPUT

- Consider acquisition of a land base for the Mono Basin Kutzedika tribe.
- Consider protecting scenic values, and further preserving and protecting Scenic Area designation.
- Hazard areas can be converted to public ownership in exchange for developable private land.
- Primary focus of new development should be workforce housing and housing for local residents, not second homeowners.
- Make sure the involved landowners know the criteria that will be applied.

#### June Lake CAC

The June Lake Area Plan is in the process of being updated, and the Citizen's Advisory Committee (CAC) would like to reconsider landownership adjustment issues through the update. Mono County staff should be contacted for any public input not included in this report.

#### PUBLIC INPUT

- The resource impacts of development, including water supply and quality, sewage capacity, and air quality, should be considered in landownership adjustments, along with the build-out of June Mountain Ski Area, which could result in more snowmaking and an increased population base requiring more water.
- Historic Society/museum land: the Historic Society has funding, and the community center parcel owned by Mono County may be a potential location.
- Is there real interest by the USFS and BLM to participate in discussions with the community and make exchanges happen?
- Rodeo Grounds land exchange was very divisive for the community and should not be repeated.
- In these economic times, the community and services are shrinking. Projecting needs is difficult, and the drivers for facilities and an increased private property base have been reduced.

- An understanding of water supply and capacity on a comprehensive scale is needed to evaluate the impacts of a land exchange.

**LANDOWNERSHIP ADJUSTMENT OPPORTUNITIES IN AREA PLAN**

1. Acquire land in Pine Cliff area for mixed uses including affordable housing, light industrial uses, (could be via use permit if acceptable to USFS) and/or recreational opportunities.
2. Acquire land for parking facility construction in the Village area (Regional Transportation Plan [RTP]/Circulation Element, Objective J, Policy 3, Action 3.1) (Figure 7).
3. Private/County land needed for an equipment storage yard, neighborhood park, residential development, and affordable housing.
4. Environmentally sensitive hillslope lands overlooking June Lake Village recommended for exchange into agency ownership (Figure 7).

**LANDOWNERSHIP OPPORTUNITIES TO RE-EVALUATE**

5. Silver Lake Meadow (Figure 8): an environmentally sensitive parcel recommended for exchange into agency ownership, is it still of concern to the community?
6. Commercial District connector streets in the Village (RTP, Objective C, Policy 1, Action 1.1 and Fig. 8): Some of the connector streets have been completed, the rest require multiple willing sellers to acquire an entire right of way. The current Board of Supervisors is not interested in using eminent domain to acquire the land (Figure 7).

**COMPLETED LANDOWNERSHIP ADJUSTMENT OPPORTUNITIES**

7. Down Canyon: land for fire station acquired, and additional development at identified location is not supported due to nearby avalanche hazards (Figure 8).
8. The Community Center has been transferred from the Inyo National Forest (INF) to County (Figure 7).

**LANDOWNERSHIP ADJUSTMENT IDEAS WITHDRAWN**

9. Conveyance of park from the INF to County withdrawn due to the resource value of a lakeside property (Figure 7).
10. Health care facility: originally proposed for the old Sheriff's substation, a provider was never secured and this is no longer a priority in this time of community contraction.
11. Schools (elementary, high school, community college): not a priority in this time of community contraction.

**Long Valley RPAC**

**LANDOWNERSHIP ADJUSTMENT OPPORTUNITIES**

1. Pine Glade recreation residence tract and Tom's Place Resort: an ongoing discussion to convey lands from Inyo National Forest (INF) ownership to private ownership (Figure 11).

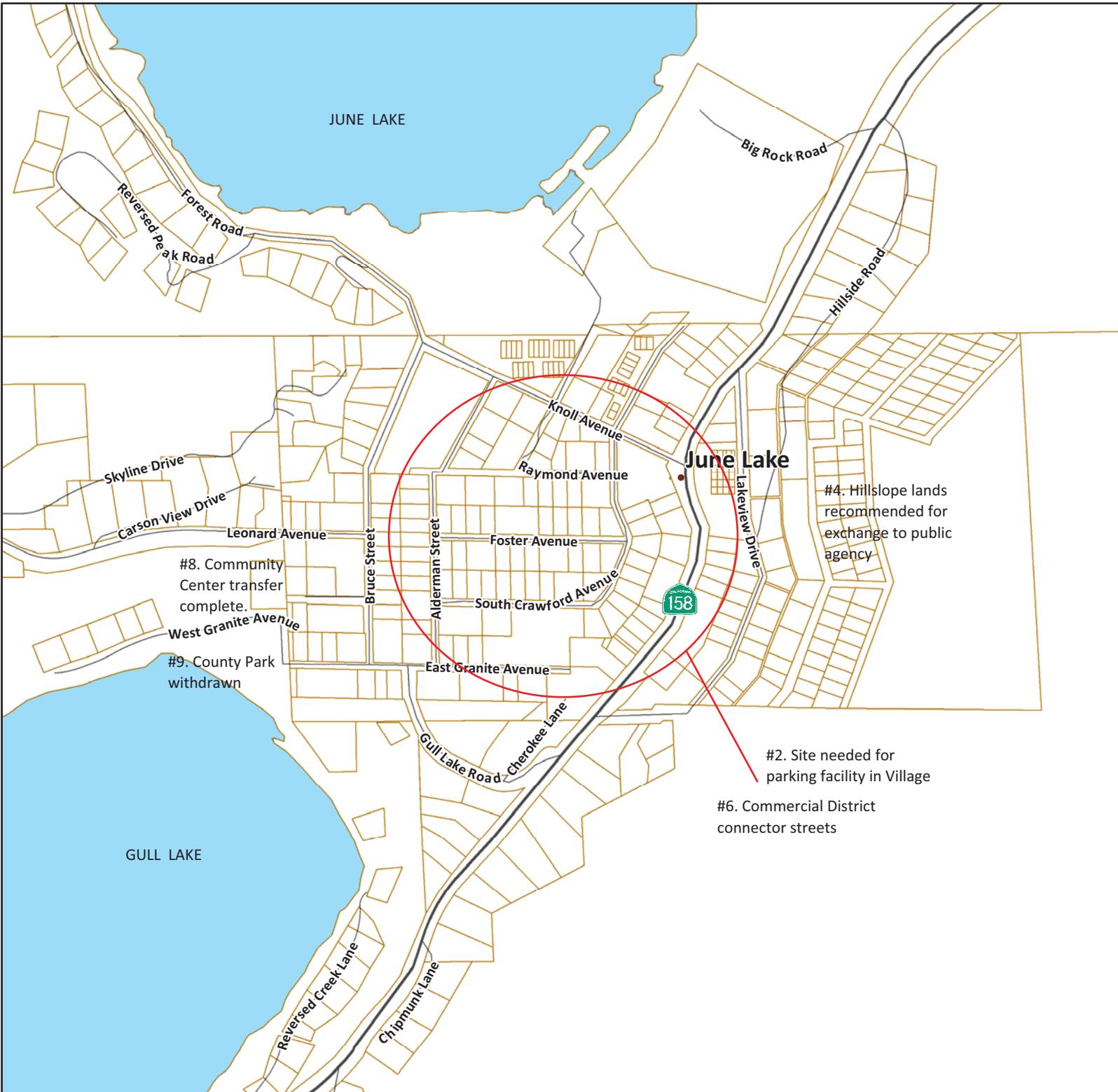
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#4. Hillslope lands recommended for exchange to public agency

#8. Community Center transfer complete.

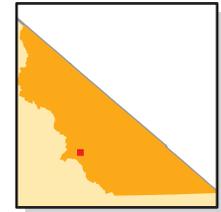
#9. County Park withdrawn

#2. Site needed for parking facility in Village

#6. Commercial District connector streets



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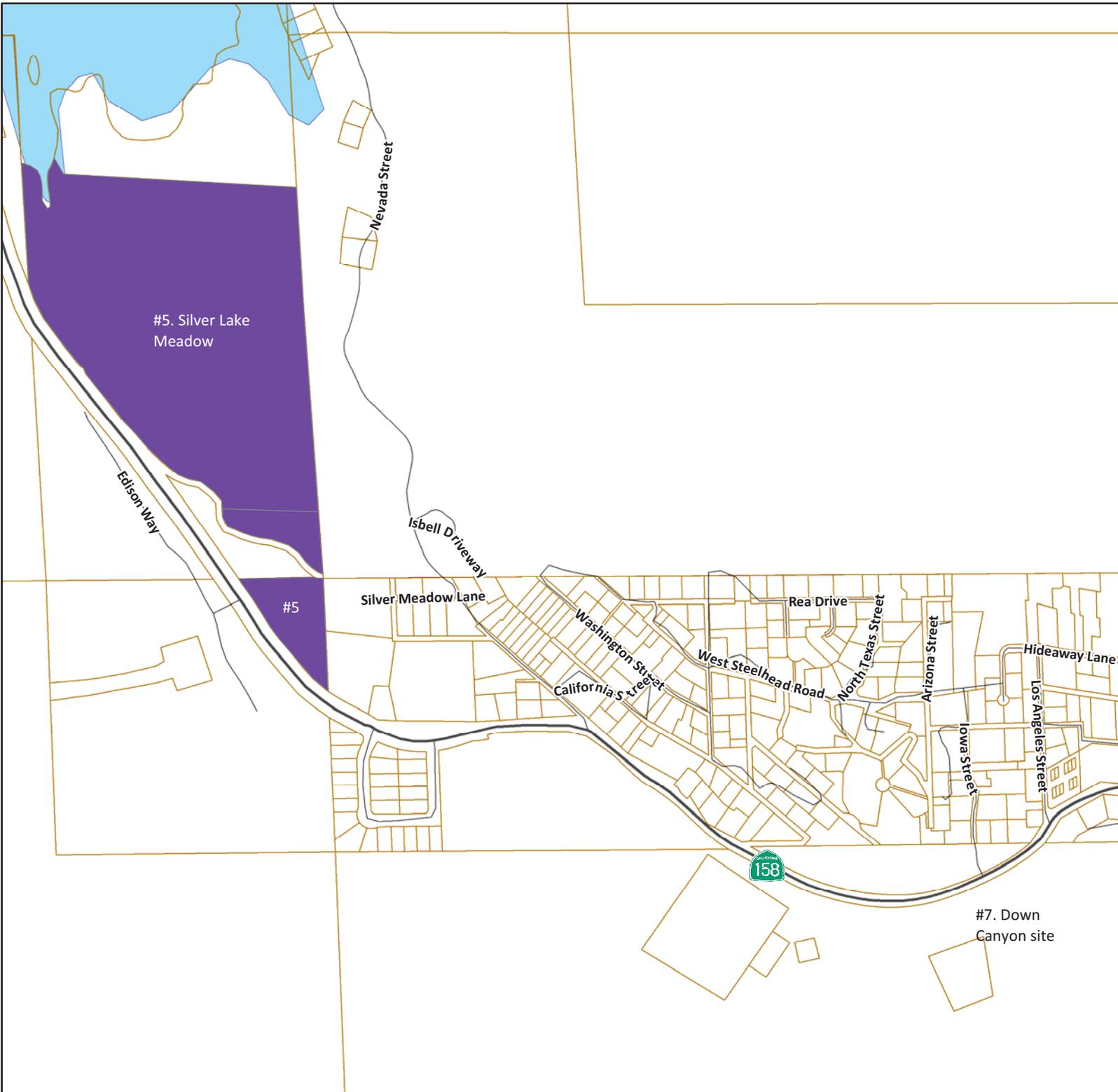
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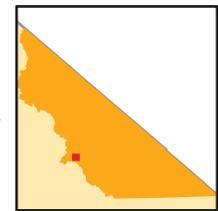
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- a. Consider separating Tom's Place from Pine Glade for exchange: Tom's Place is a disparate land use as a resort, more benefit to County due to property and sales tax.
2. Parcel prone to avalanche hazards (APN 060-020-017-000): convey to BLM ownership; it is identified in the BLM's acquisition list (Figure 9).
3. Isolated parcel on the east side of Crowley Lake: recommended for exchange to a public agency at one time, the parcel has since been subdivided into four smaller parcels and appears to be a low priority (Figure 9).
4. Expansion of County Park (on Eastern Sierra Unified School District lands) onto adjacent BLM land: community interest is growing in possible expanded public recreation uses such as a skateboard park, archery range, and dog park (Figure 10).

#### LANDOWNERSHIP ADJUSTMENTS WITHDRAWN

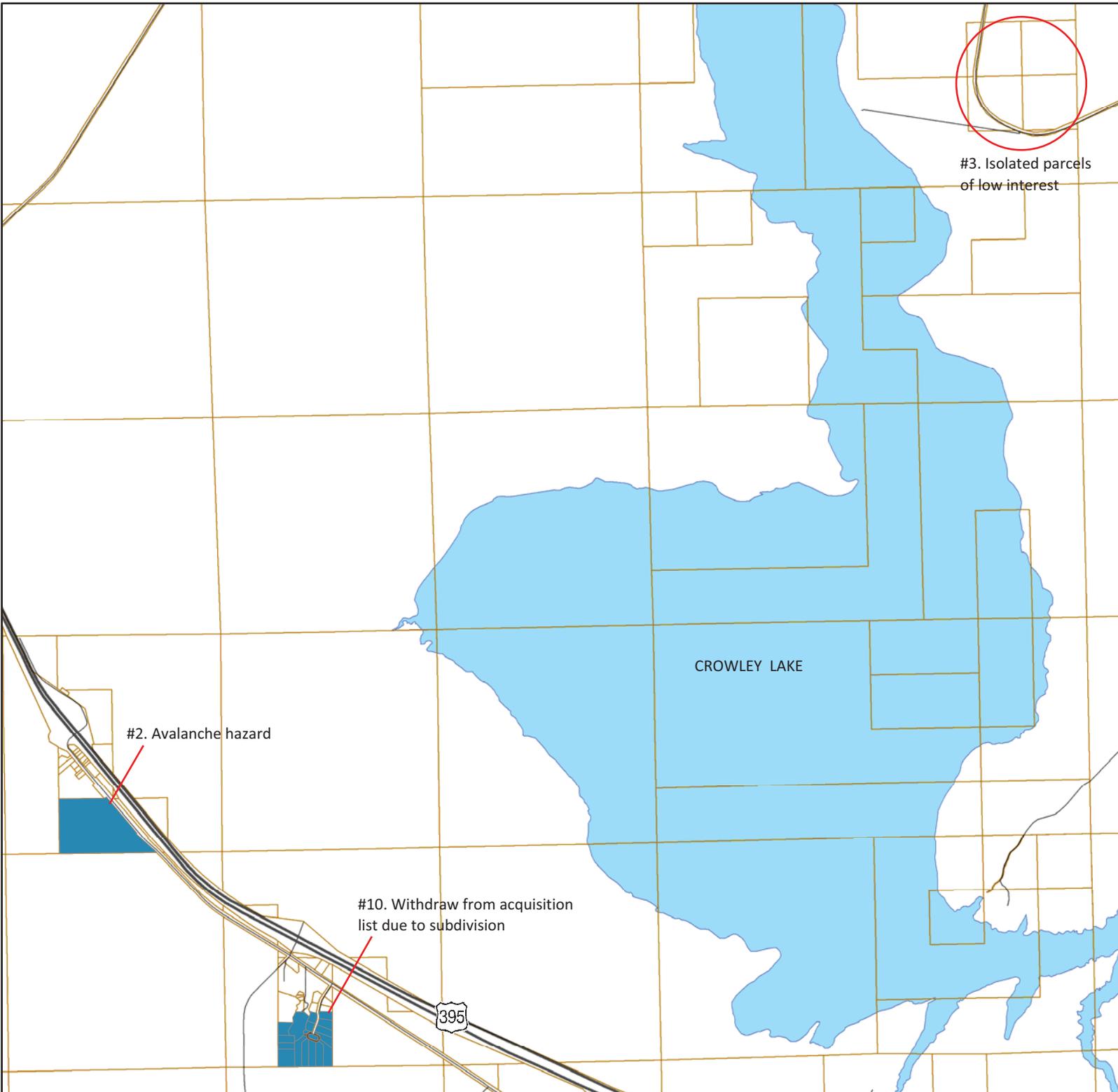
5. Lower Rock Creek recreation residence tract: conveyance from INF ownership to private ownership withdrawn due to the resource value of the riparian corridor (Figure 11).
6. Whiskey Creek recreation residence tract: conveyance from INF ownership to private ownership withdrawn by request of the permittees (Figure 10).
7. Light industrial expansion area: withdrawn due to the Sierra Business Park satisfying the need for light industrial lands.
8. County Road Shop relocation to area near Southern California Edison (SCE) substation (southeast of Tom's Place): withdrawn since the current road shop location was deemed more efficient for the provision of community services (Figure 11).
9. Southern California Edison (SCE) substation: withdrawn unless SCE wants to take action (Figure 11).
10. Subdivision east of McGee Creek Road identified for acquisition by the BLM: withdrawn as the BLM would not seek to acquire a subdivided parcel with development (Figure 9).

#### ADDITIONAL PUBLIC INPUT

11. "Historic remains" to the west of Tom's Place on LADWP land: some find the property unsightly and a nuisance, and would like it cleaned up; others don't want to see public funds expended on the clean up (Figure 11).
12. Interest in LADWP acquiring isolated parcel to the east of Pine Glade/Sunny Slopes (APN 062-100-007-000): Supervisor Hazard mentioned the property owner did not accept a prior offer (Figure 11).
13. Fire District site near the airport: The District has no funding to purchase property, and regulations limiting residential use in Sierra Business Park could be problematic.
14. Interest was expressed in encouraging and/or elevating the priority of cell towers for public safety reasons.

Figure 9: Long Valley

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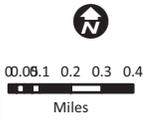
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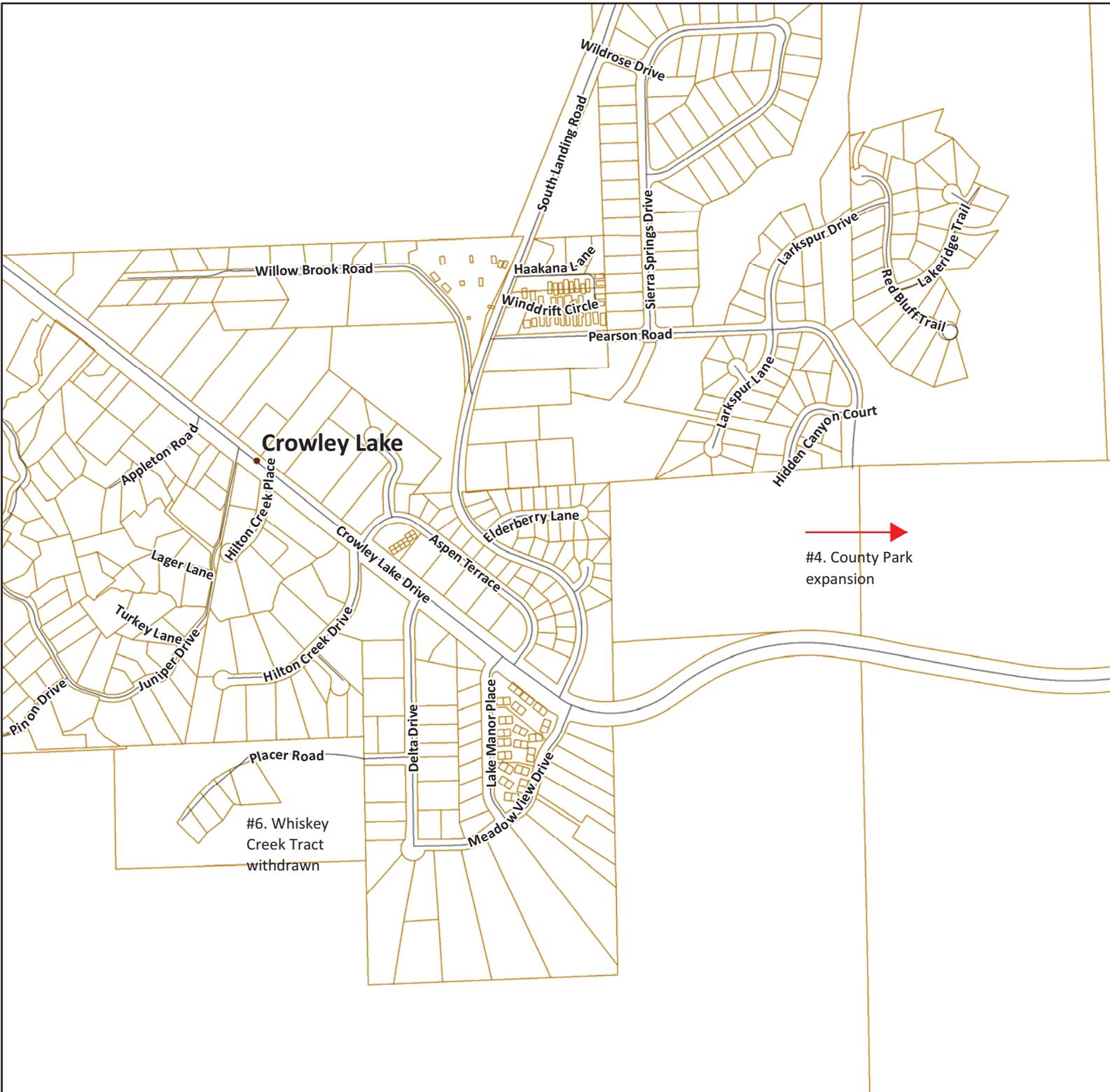
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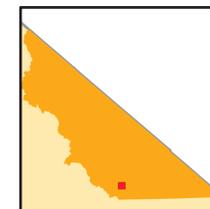
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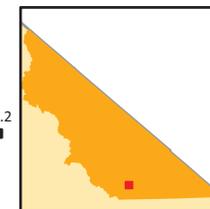
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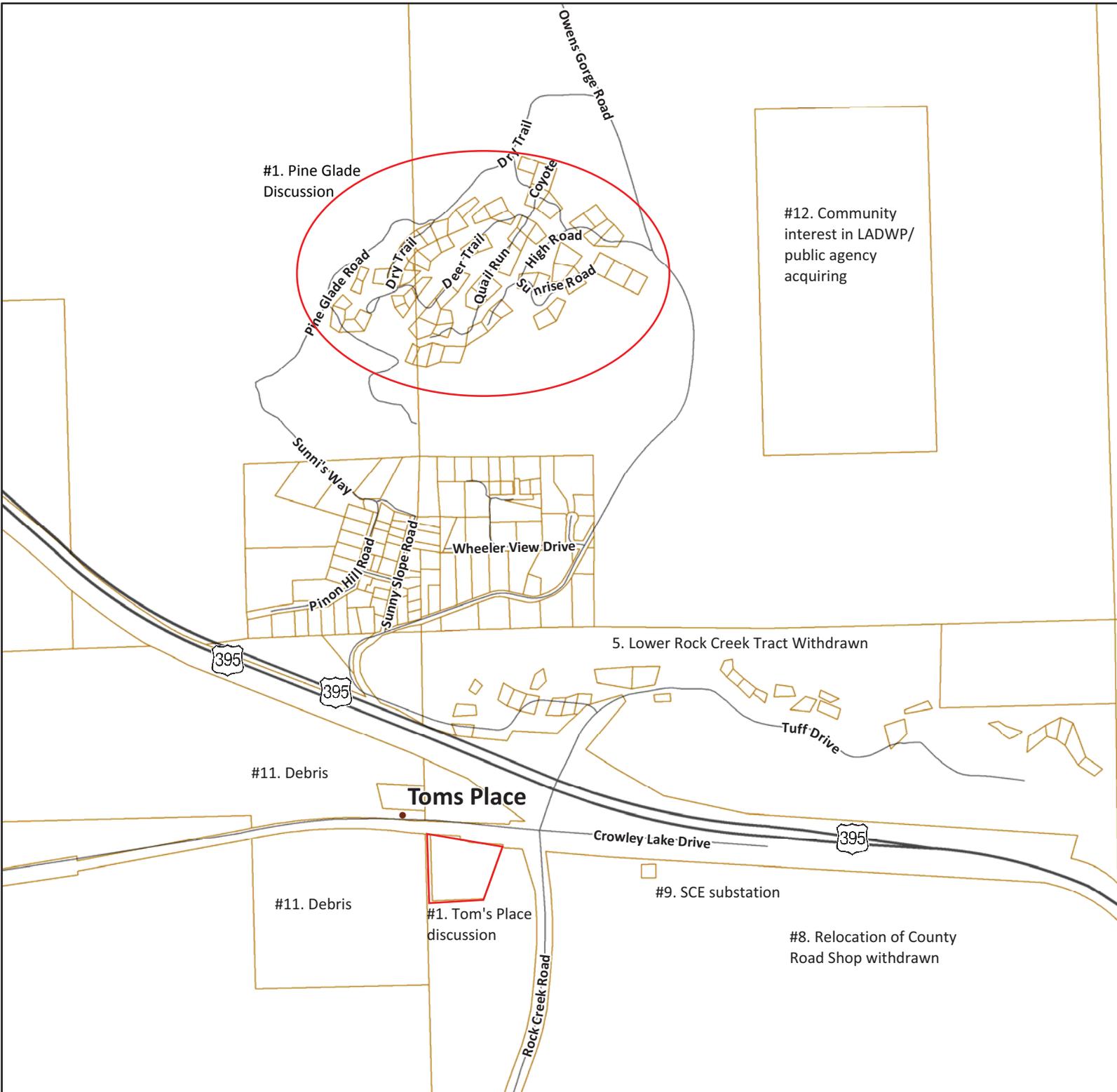
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15. The need for a new landfill was posed to the RPAC, but it did not seem to be of interest.

### **Chalfant RPAC**

#### **PUBLIC INPUT**

- No interest in acquiring land for community expansion at this time.
- Community requests consultation before any landownership adjustments by a public agency.
- Community requests consultation if public agencies designate any Tri-Valley lands for acquisition or disposal in the future.
- Adding land adjacent to the community could be detrimental, extending the edges instead of creating a compact community. However, other constraints, such as flood zones, may preclude some infill potential.
- According to District 2 Supervisor Hap Hazard, the community opposes the use of the term “encourage” in reference to infill. The community wishes to simply “allow” natural community growth.

### **Benton / Hammil**

#### **PUBLIC INPUT**

- Any exchanges should be consistent with the Benton Visioning document.
- Specific opportunities and community needs: land for a cemetery, transfer of isolated parcels along Benton Crossing Road closer to a community, and ATV and equestrian use/access at South Street and Gulch Road.

#### **CLARIFICATION FROM THE DISTRICT 2 SUPERVISOR**

A discussion with District 2 Supervisor Hap Hazard after the community meeting provided the following clarifications and additional information:

- The community requested the BLM remove APN 025-200-059-000 in Hammil from their disposal list (Figure 14).
- The County is interested in trading the portion of APN 025-200-031-000 to the east of Highway 6 to the BLM in return for a cemetery site in Benton or in the Tri-Valley, and a new landfill site. Potential locations for a cemetery should be identified through conversation with the community but might include Christie Lane to the east of the Benton community, and somewhere to the west of Highway 6 in Hammil (Figure 14).
- The community is considering a Main Street concept at the junction of Highway 6 and 120, which could include the following concepts:
  - On the County parcels (APNs 024-131-014-000 and 024-131-029-000), retain the affordable housing units, construct an aesthetically pleasing façade compatible with Main

Street uses facing Highway 6 with the road shop behind, and site a parking lot at the highway intersection to serve a potential cultural center and visitor center across the street.

- On APN 024-131-027-000, potentially locate a cultural center and/or visitor center, in partnership with the Benton Tribe (Figure 13). The private property owner of this parcel has not been contacted.
- The community would like to see soft-surface walking pathways formalized in the residential area to the southwest of Highway 6 and west along Highway 120 at the junction to enable a walkable community and safe routes to school (Figure 13).
- The community is interested in seeing the dirt road running south from Christie Lane and to the east of the highway junction formalized.
- The “Community-Identified Land Use Opportunities” Map, Figure 9 in the *Benton Community Visioning Final Project Report*, may not accurately reflect community discussions. In addition, the reference to an airport is not accurate. The community was requesting a helicopter landing pad to be used for agricultural and emergency services, which has since been provided at the Hammil property owned by the County.
- The General Plan contains a number of references to “clustering” development in low density areas with the intention of preserving visual quality, cultural resources, agricultural uses, etc. A density bonus for clustering is referenced in Objective C, Policy 1, Action 1.2 of the Countywide Land Use Policies. The Benton Community disagrees with the concept of clustering and associated density bonuses, and prefers buildings dispersed across the landscape with “open space” between the homes and structures, retaining the feel and visual impression of “Rural America.” When combined with the surrounding public (BLM) lands, vast amounts of open space will be preserved and the community will remain rural without the appearance of subdivisions or tract homes.

#### BLM Input

- Through past community discussions, the community has requested the following parcels be removed from the disposal list: APNs 024-090-019-000, 024-040-010-000, 024-080-006-000, 024-090-018-000, 024-100-023-000, 025-020-018-000, 025-020-015-000, and 025-020-016-000 (Figures 12, 13).
- The community has indicated the identified portions of the following parcels are acceptable for disposal: APNs 024-040-021-000, and 024-070-004-000 (Figure 12).
- The BLM’s land inventory will be modified to accurately represent the completed land disposal to the Benton Paiute Tribe (APN 024-240-009-000).

The BLM would like community feedback on the portions of the following parcels identified for disposal: APNs 024-090-015-000 and 024-100-019-000 (Figure 12).

## Landownership Adjustment Project

-  Mono County Boundary
-  Communities
- Inventory of Lands**
-  State school lands
-  Priority for public acquisition (NHP)
-  BLM: Proposed acquisitions
-  BLM: Proposed disposals
-  Roads
-  Highways
-  Parcels
-  Water Bodies

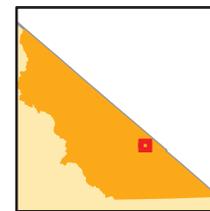
The U.S. Forest Service emphasizes resource and habitat value to evaluate exchange opportunities. Please contact the applicable local Forest Service office.

The Los Angeles Department of Water and Power evaluates proposals on a case-by-case basis. Please contact the Bishop office.

Interactive map available online at <http://gis.mono.ca.gov/lap/map>

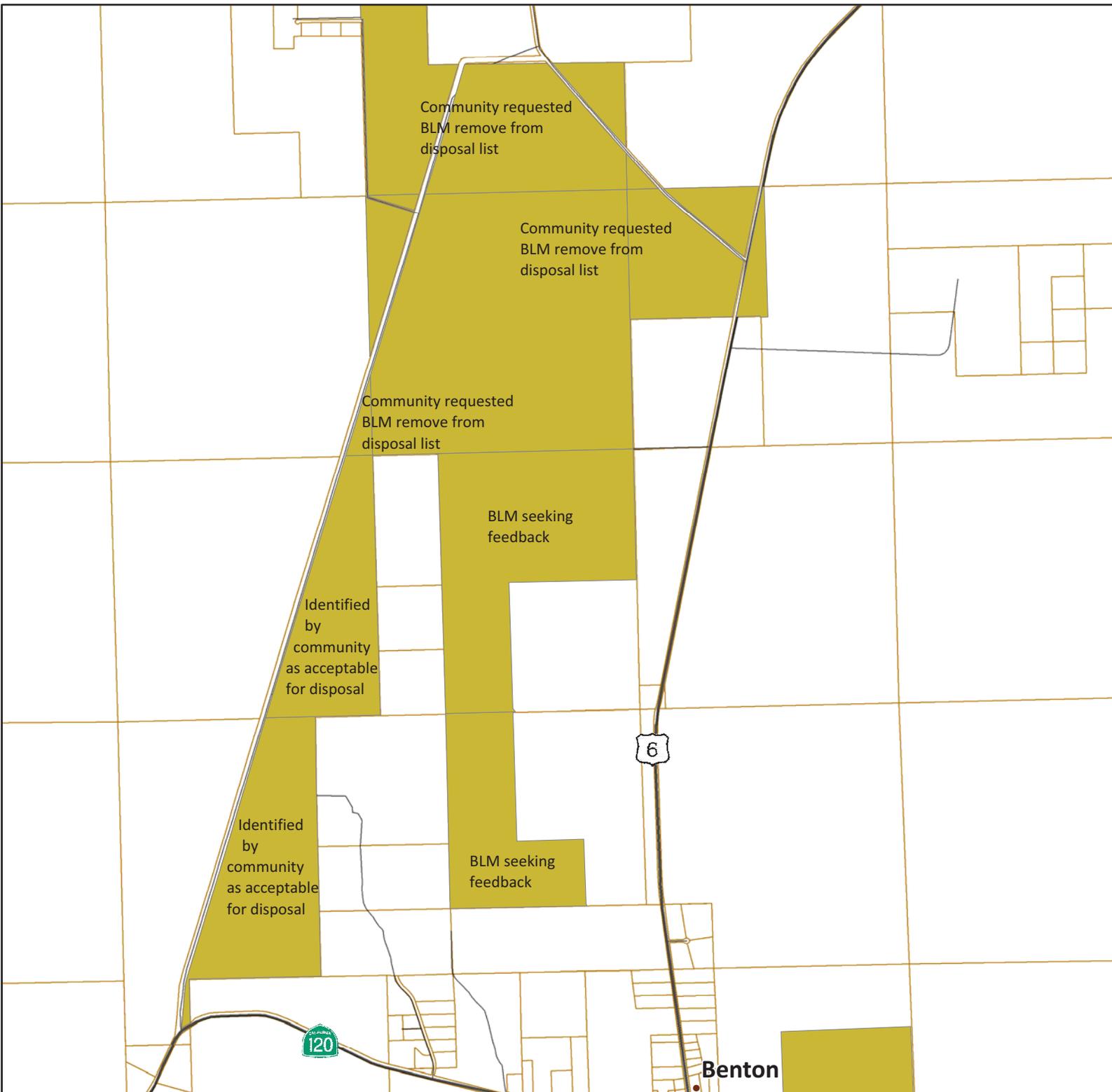


**Mono County GIS**  
 PO Box 7657  
 Mammoth Lakes, CA  
 93546  
 (760) 924-1819  
[gis.mono.ca.gov](http://gis.mono.ca.gov)



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Map created by: wsugimura on 1/12/2012  
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## Landownership Adjustment Project



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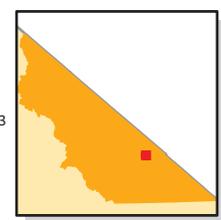
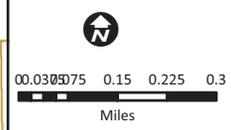
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## Landownership Adjustment Project

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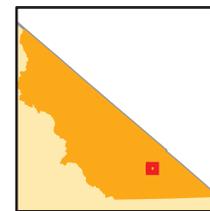
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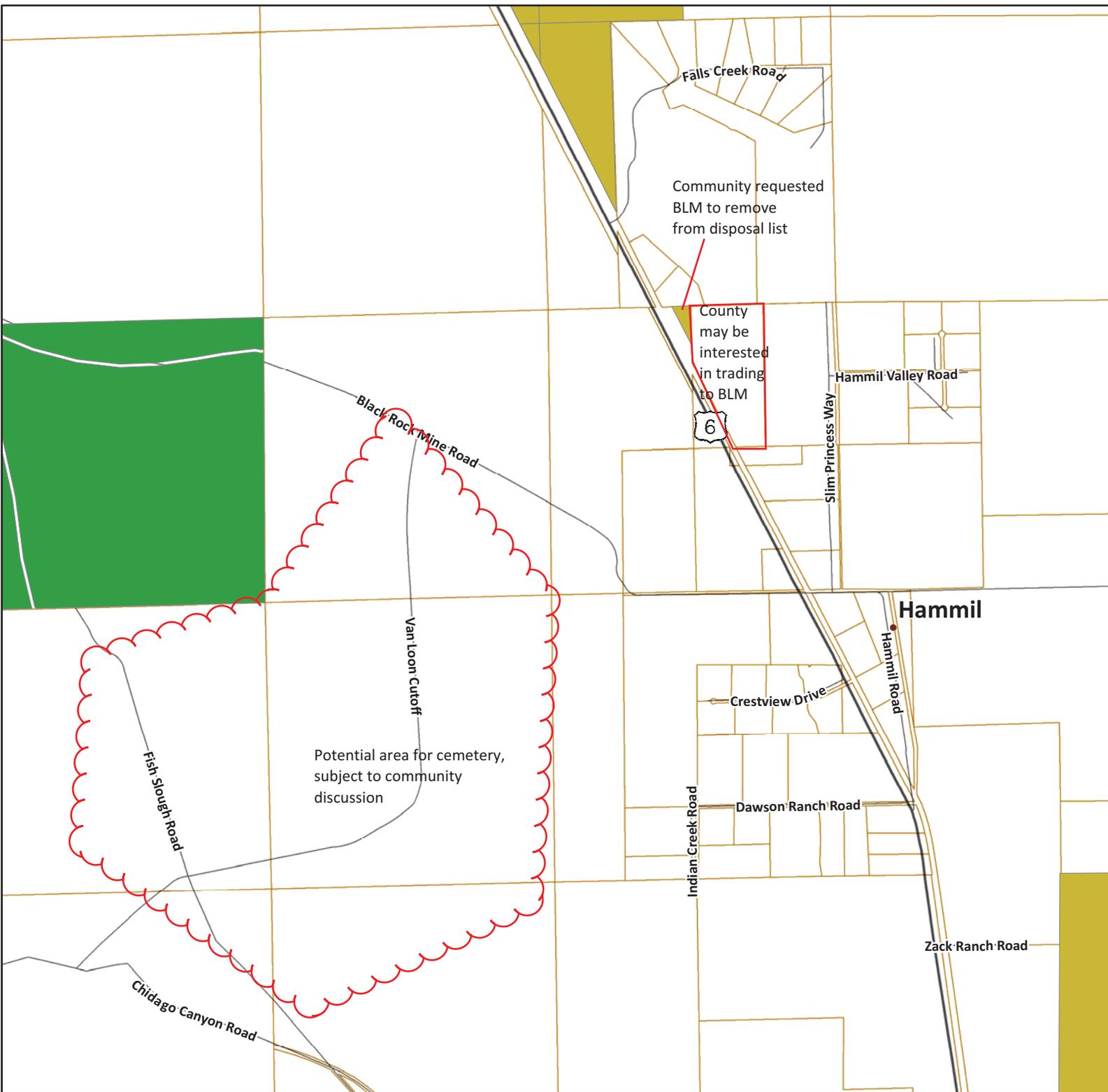
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## 2.4.2 Inyo County

Community meetings were conducted throughout Inyo County during the fall of 2010 with civic clubs, chambers, and the Planning Commission and the Natural Resources Advisory Committee. This section summarizes the public input received at the meetings.

### Big Pine

The Big Pine community meeting was held during the Civic Club's regular meeting. After a brief presentation by SBC, questions and comments were invited. General questions included questions about the definition of landownership adjustment, who was running and involved in the LAP, and general concern over potential loss of views and pasture if the current footprint of Big Pine were to expand. A question was asked about the details of the Mammoth Land Exchange, which at the time were not known, and several suggestions for potential exchanges were offered; including the Hinds parcel up Big Pine Canyon, and the Forest Service site.

### Bishop

The Bishop Chamber of Commerce hosted a community meeting on the LAP with Josh Hart giving an overview and entertaining questions and comments. Questions specific to the nuts and bolts of land exchanges were asked, including:

- Who typically initiates land exchanges?
- How do we decide about which parcels to consider for land exchange?
- Has the Board of Supervisors ever opposed a land exchange?
- Do mineral rights transfer with land exchange?
- Concern over special interests in Congress re: influencing land management, land exchanges.

Questions specific to local concerns included:

- What has been the landownership adjustment history in Inyo County (e.g. CAL-X)?
- How can the communities use land exchange as a tool?
- Where do we go from here? How does this report become useful in terms of community planning?
- Will the landownership adjustment project input be incorporated into the General Plan and management plan updates?
- Land exchange can be good (when it compliments communities) or bad (when it affects outlying areas).
- Land exchanges have the potential for both good and bad policy. Programs that pressure land owners to sell are inappropriate.

- Need to recognize and maintain the rural lifestyle.
- What is LADWP's involvement in the LAP?
- Concern over forcing land exchanges on distressed landowners.
- What is going on with the Bell property?
- Are land exchange programs components of sustainable development?
- Community visioning is an important component of land exchanges.
- Land exchanges involving federal agencies is cumbersome.

### **Lone Pine**

Lone Pine Chamber of Commerce hosted a presentation and Q&A on the land exchange project. Vickie Taton and Tanda Gretz presented a project overview. Questions were specific to the community involvement and the recognition that the main player around Inyo County communities is LADWP.

- What is the role of the community in potential land exchanges?
- What does this mean when LADWP holds title to most of the lands around the towns?
- What are LADWP's criteria for land exchange or sale?

### **Independence**

The Independence Chamber of Commerce and Civic Clubs hosted a presentation on the LAP along with a question and comment period. Vickie Taton, Josh Hart, and Tanda Gretz were present to answer questions.

Questions and comments regarding the land exchange process included:

- How do LADWP land trades work?
- Public involvement should start sooner.
- Federal agencies need to provide notices locally.
- Can private property owners request land exchanges?
- It is inappropriate for public agencies to impede access to inholdings to force exchange.
- How were the recent Death Valley/State exchanges processed?
- Where do we find more information?

Questions and comments specific to the community included:

- Concern that LADWP is still acquiring land.
- LAWDP must have criteria.

- Nancy Masters has files from Land and Water Committee on parcels identified for potential disposal/acquisition.
- Eastern Sierra Land Trust should be involved but their resources are limited.
- Example of Kemp ranch and non-fiduciary benefits.
- We feel out of control.
- Community needs to have control – needs to have continuing vision.
- Has visioning occurred? Civic Club did USFS-funded visioning in 1990's, where is report?
- Need to identify areas for growth in General Plan.
- People live here because there is no growth.
- Lot sizes in Independence aren't large enough for animals.
- Wait for development proposal and negotiate with developer.
- CEQA applicability.
- BLM lands west of Independence identified for community expansion that were instead utilized in Manzanor Land Exchange – agreement to provide additional lands to compensate.
- McNaughton exchange should be used as an example.
- Brokers can be involved.
- Housing at power plants would be great to make available for private ownership (e.g. Plant 5).

# 3 Agency Policies, Procedures, and Tools

## 3.1 INTRODUCTION

Landownership adjustment policy, criteria and tools vary widely between different agencies. The US Forest Service (USFS) has a completely different mission than the Bureau of Land Management (BLM) and operates under a separate branch of the federal government. The California Department of Fish and Game (CDFG) and the State Lands Commission (SLC) are regulated by California state government and have their own missions and goals, as well as methods of evaluating potential landownership adjustments. The Los Angeles Department of Water and Power (LADWP) has yet another mission and set of criteria and procedures and is accountable to the City of Los Angeles. The policies, procedures and tools of these agencies have been compiled in this section in order to provide critical information for those interested in working with these agencies on adjustment efforts.

A “pull-out” Information Sheet for each agency is available in Appendix B to provide a user-friendly guide to each agency’s mission/interests, procedures, criteria and requirements, and other relevant landownership adjustment information.

## 3.2 FEDERAL AGENCIES

### 3.2.1 U.S. Forest Service

#### **Standards and Guidelines**

These Federal-level policies and standards govern all National Forests. For Forest-level policies and standards that provide more specific guidance, see the individual sections for the Humboldt-Toiyabe and Inyo National Forests.

- Land exchanges are a discretionary and voluntary transaction between the Federal government and a non-Federal party (36 CFR §254.3.a).
- A determination must be made that the public interest will be well served (36 CFR §254.3.b), which may include:
  - The opportunity to achieve better management of Federal lands and resources;
  - To meet the needs of State and local residents and their economies; and
  - To secure important objectives, including but not limited to: protection of fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral and timber interests, for more local and efficient management and development; consolidation of split estates; expansion of communities; accommodation of

existing or planned land use authorizations; promotion of multiple-use values; implementation of applicable Forest Land and Resource Management Plans; and fulfillment of public needs.

The authorized officer must also find that (36 CFR §254.3.b.2.):

- The resource values and the public objectives served by the non-Federal lands or interests to be acquired must equal or exceed the resource values and the public objectives served by the Federal lands to be conveyed, and
- The intended use of the conveyed Federal land will not substantially conflict with established management objectives on adjacent Federal lands, including Indian Trust lands.
  - Exchanges must be consistent with Forest land and resource management plans (36 CFR §254.3.f, the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - The non-Federal party must be the owner of the non-Federal land to be exchanged, or be in a position to acquire and convey it prior to initiating the land exchange process (the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - Properties must be equal in value, or either party may make them equal by cash payment not to exceed 25% of the Federal value. Payment may be waived to the non-Federal party up to 3% or \$15,000, whichever is less. (36 CFR §254.12)
  - Unless otherwise provided by statute, the Federal and non-Federal lands involved in an exchange must be located within the same state (36 CFR §254.3.d, Federal Land Policy and Management Act of 1976 [FLPMA]).
  - Exchanges must be conducted with United States citizens (FLPMA).
  - Marketing considerations: The authorized officer has the responsibility to design land exchange transactions that consider the best marketing configuration. See the Land Exchange Handbook (FSH 5409.13 Chapter 30), for examples.
  - Reservations or restrictions on the Federal lands shall be required only when needed to protect the public interest or to satisfy a requirement of law, such as those concerning wetlands, floodplains, heritage sites, and so forth (36 CFR §254.3.h., the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies (36 CFR 254.3.h.).
  - Lands must be properly described on the basis of a standard survey or as allowable by law (36 CFR 254.3.j.).
  - See 36 CFR §254.3.i for hazard substance issues.

- Federal regulations and policy provides for cost sharing and the assumption of costs, and allows for individual Forests to determine the assignment of costs and responsibilities (36 CFR §254.7, the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
- The authorized officer shall undertake an environmental analysis (36 CFR §254.3.g). See the Land Exchange Handbook (FSH 5409.13 Chapter 30) for a listing of environmental analysis and protection authorities.
- Various exchange configurations can be considered (the Land Exchange Handbook [FSH 5409.13 Chapter 30]) including assembled land exchanges, phased closing, multiple transactions, multiple conveyances (direct deeding), and dual authority exchange.
- Appraisal requirements are set forth in 36 CFR §254.9. An appraisal is based on fair market value of the highest and best use of the land as set forth in 36 CFR §254.9(b).

#### *General Exchange Act*

- The non-Federal land must be valuable chiefly for National Forest purposes.
- The National Forest land must be non-mineral in character, or the minerals must be reserved and their value considered in the exchange (with BLM approval).
- Requires that lands acquired be within proclaimed National Forest Service boundaries.

#### *Federal Land Policy and Management Act (FLPMA)*

- Authorizes acquisition of land for access across non-Federal lands to units of the National Forest System.
- Requires the Secretary of Agriculture to give full consideration to State and local needs as well as Federal needs.
- Requires lands exchanged to be of equal value, within 25%.

#### *Exchange for Schools Act (Sisk Act)*

- Allows for the exchange of not more than 80 acres of National Forest System land to a State, county, municipal government, or public school authority without limitation to the amount of cash equalization payment made by the non-Federal party.
- Lands may be conveyed to a State, county or municipal government only if the entity was using the land on January 12, 1983, and for the same use only.

#### **Tools**

- Exchanges (the Land Exchange Handbook [FSH 5409.13 Chapter 30]):
  - Land-for-Land, including partial interests such as severed mineral estates, rights-of-way easements, leasehold interests, and long-term or perpetual easements.
  - Legislated Exchanges: Passed by an Act of Congress, and may override the requirements of USFS regulation and policy.

- Land-for-Timber: acquisition of non-Federal land, or interest in land, in exchange for National Forest timber or the value generated from the timber harvested in accordance with a National Forest timber sale.
  - Competitive Land Exchange: when the Federal land is unique and similar private party transactions are limited or non-existent or there is a known competitive interest in the Federal land.
  - Exchange with States and Federally Recognized Tribes.
  - Exchange through the Bureau of Land Management.
  - Administrative Site Exchange: may facilitate acquisition of new administrative sites, conveyance of sites that are no longer needed to accomplish the Forest Service mission, or both. Resource lands may not be conveyed for a new administrative site.
- Limited sale ability to schools via the Sisk Act.
  - National Forest Townsites: up to 640 acres of National Forest System lands adjacent to or contiguous to an established community in California may be sold for fair market value if those lands would serve indigenous community objectives that outweigh the public objectives and values of retaining the lands in Federal ownership. See 36 CFR Section 254, Subpart B.
  - Small Tracts Act: provides for the resolution of land disputes and management problems by conveying through sale, exchange, or interchange three categories of land: parcels encroached on, road rights-of-way, and mineral survey fractions. See 36 CFR Section 254, Subpart C.

## Procedures

The Land Exchange Handbook, FSH 5409.13 Chapter 30, Section 39, Exhibit 02 provides a complete list of steps for a land-for-land exchange, and the text describes the steps. Exhibit 02 is included in Appendix D for reference. The description below focuses on the initial acceptance of a proposal and the initiation of the exchange. Where specific procedures for the Inyo or Humboldt-Toiyabe National Forests are referenced, please see the Procedures for these Forests.

1. An exchange proposal is submitted to the USFS (or made by the USFS) defining the properties. Exchanges may be proposed by the Forest Service or by any person, State, or local government (36 CFR 254.4(a)).
  - a. In the H-TNF, the proposal should be submitted to the appropriate District Ranger.
  - b. In the INF, the proposal should be submitted jointly to the appropriate District Ranger and Forest Supervisor.
2. The local USFS office reviews the proposal for compliance with the Forest Management Plan and public benefits, and develops a preliminary feasibility analysis.
  - a. In the H-TNF, the District Ranger conducts the initial evaluation, and forwards to the Forest Supervisor if the proposal has merit.

3. The local USFS office submits the proposal and preliminary feasibility analysis to the Regional Land Adjustment Team, who evaluates the proposal and analysis and recommends if the project is a high enough priority to be included in the regional program of work. The Regional Director of Lands determines if the project is accepted into the program of work.
  - a. The Regional Land Adjustment Team covering the H-TNF prioritizes proposals from six national forests to develop the program of work. The recommended program of work is presented to the Forest Supervisors and Regional Director of Lands who reviews and approves.
4. If included in the regional program of work, a full feasibility analysis is developed for the following purposes:
  - a. Ensure compliance with the applicable forest land and resource management plan.
  - b. Identify public benefits.
  - c. Ensure the availability of resources to complete the proposed exchange.
  - d. Identify title and property description problems.
  - e. Identify potential support and opposition.
5. The following legal issues are reviewed: obtain title insurance commitment on non-federal lands, boundary management review, federal land status report, water rights analysis, and valuation consultation.
6. The party(ies) responsible for costs are identified.
  - a. For the H-TNF, the proponent covers all out-of-pocket expenses associated with processing the exchange, including but not limited to NEPA, survey, appraisal, title policy, publication of legal notices, etc., as well as various studies, consultant/contractor work, and information to the agencies or third party facilitator. The H-TNF provides technical expertise and staff time.
  - b. For the INF, the proponent covers all costs listed for the H-TNF as well as INF staff costs.
7. When a feasibility analysis is completed and the determination is made to continue with the exchange, all prospective parties shall sign a nonbinding Agreement to Initiate (ATI), defined by CFR §254.4(c). The ATI is the formal initiation of the land exchange process.
8. See the Land Exchange Handbook (FSH 5409.13 Chapter 30) for a list of steps after the ATI (in Exhibit 02, Appendix D). Descriptions of the steps are contained in the text. Subsequent steps include, in part, public noticing, public scoping, land surveys, appraisals (defined by 36 CFR §254.9), environmental analysis, resource studies, deed verification and transfer, etc.
9. Issues pertaining to Recreation Residence Special Use Permit are addressed in the Land Exchange Handbook, (FSH 5409.13 Chapter 30, Section 33.71).

10. The exchange process is not binding until step #46 of 64. Up to that point, either party may back out of the exchange.

## **Humboldt-Toiyabe National Forest**

### STANDARDS AND GUIDELINES

#### **Sources**

Toiyabe Forest Plan 1986

Landownership Adjustments Plan 1998

#### **Policies and Criteria**

1. Identify specific landownership adjustment needs and priorities; and when possible, within local jurisdictions, meet their land management objectives such as ownership patterns, tax base, public ownership of hazard areas, etc. All lands are in one of the following groups:
  - a. Group I- These are lands Congress has directly or indirectly instructed the Forest Service to retain ownership of or acquire through acquisition of non-federal lands for a designated purpose. Creation of a wilderness is an example of the indirect approach. In most cases, the objective is to retain existing ownership and acquire remaining lands. Private lands within existing and proposed wildernesses should be acquired through land exchange, or purchase if land exchange negotiations cannot be consummated.
  - b. Group II – These are lands needed for a special type of management and which have been allocated for that purpose. Examples of this are: key wildlife habitats, recreation lands, and special interest areas.
  - c. Group III – The remaining land are further divided into two subgroups.
    - i. Consolidated National Forest Lands – These are generally solid blocks of National Forest System lands. These “blocks” will not normally be available for adjustments.
    - ii. Areas of mixed private and federal ownership. The objective is to rearrange ownership patterns to benefit both public and private interests and to acquire high priority lands for National Forest use.
2. Evaluate each land adjustment proposal using the following criteria to determine suitability and/or priority for adjustment:
  - a. Meets habitat needs for wildlife species with emphasis on deer winter range.
  - b. Meets the needs for developed recreation.
  - c. Meets the needs for dispersed recreation.
  - d. Protects or enhances wilderness values.
  - e. Protects or enhances visual quality objectives.

- f. Improves management efficiency and administration by reducing common property boundaries and rights-of-way.
  - g. Facilitates planning objectives of other federal, state or local agencies and Indian tribes.
  - h. Meets the needs for providing quality water.
3. County planning agencies will have an opportunity to review those National Forest System lands that are identified for exchange.

## Procedures

See the USFS Federal-level procedures, and reference the Land Exchange Handbook (FSH 5409.13 Chapter 30). As of the writing of this report, proponents should expect to pay most costs of the land transfer process.

## Inyo National Forest

### STANDARDS AND GUIDELINES

#### Sources

1988 Inyo National Forest Land and Resource Management Plan (LRMP)  
1995 Inyo National Forest Landownership Adjustment Strategy (LAS)  
1988 Mono Basin National Forest Scenic Area Comprehensive Management Plan (CMP - MBNFSA)  
1988 Coordinated Resource Plan for the Montgomery Pass Wild Horse Territory (CRP- MPWHT)

## Policies and Criteria

Land exchanges have been and will continue to be the most common means by which landownership adjustments occur within the INF. It is expected that most of the future exchanges will occur as historically the pattern; with a proposal made to the Forest Service by a non-Federal proponent interested in acquiring title to a certain parcel. The Forest will initiate only a few exchange cases in order to meet the public's need for specific parcels of non-Federal land for resource protection, land management, or administrative purposes.

### LRMP Forest-wide Standards and Guidelines

Acquire lands by exchange, purchase, or donation in the following priority:

1. Highest Priority
  - a. Lands with water frontage such as lakes, streams, floodplains, wetlands, and riparian zones;
  - b. Key game management areas and lands having endangered or threatened fish, wildlife, or plant habitat;
  - c. Lands needed to reduce fire risks;
  - d. Lands needed to prevent soil erosion;
  - e. Lands and easements that ensure access to public lands and resources;

- f. Lands having unique historical or cultural resources;
  - g. Wilderness in-holdings.
2. Moderate Priority
    - a. Lands primarily of value for outdoor recreation purposes and lands needed for aesthetic purposes;
    - b. Lands needed for administrative purposes.
  3. Lowest priority
    - a. Lands needed to consolidate existing blocks of National Forest lands to improve administration of the area.

Dispose of lands by exchange in the following priority:

1. Tracts inside or adjacent to communities when such tracts would enhance community development and reduce use conflicts, provided that suitable private land is not available. Coordinate National Forest System plans for land adjustments with the Bureau of Land Management, county and community general plans.
2. Lands under special use permit within or adjacent to communities that would be better suited for private ownership.
3. Small federal parcels that are intermingled with other non-federal parcels.

#### LRMP Management Area Direction

The LRMP also contains Management Area Direction which provides general direction for management of an area whose boundaries are defined by its unique characteristics. Three Management Areas contain specific direction to land adjustments:

#### *June Lake Loop*

Exchange National Forest System lands into the private sector for community expansion when:

- The most appropriate use of the National Forest System lands over the long term is in the private sector;
- Federal, state, county, local and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and
- The use intended for the federal land being exchanged meets the intent of the current approved Community General Plan.

### *Mammoth Escarpment*

Consider no land exchanges involving Sherwin Meadow until final decisions are made on the ski area proposed for Sherwin Bowl. (Note: the ski area proposed for the Sherwin Bowl was formally withdrawn by the Snowcreek VIII Master Plan, 2010.)

### *Mammoth*

- Allow no federal land exchanges north of State Route 203 with the Mammoth Lakes community during this planning period.
- Exchange National Forest System lands into the private sector for community expansion when:
  - The most appropriate use of the National Forest System lands over the long term is in the private sector;
  - Federal, state, county, local and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and
  - The use intended for the federal land being exchanged meets the intent of the current approved Community General Plan.

### LRMP Management Prescriptions

The LRMP also contains Management Prescriptions that specify how all the Forest resources will be managed for a specific resource. Each prescription has a different resource emphasis and several prescriptions may be implemented within one management area, depending on the resource and use of the area. Four Management Prescriptions contain direction on landownership adjustments:

- Designated Wilderness: attempt to acquire all private land inholdings.
- Proposed Wilderness: consider the acquisition of private lands inside the proposed wilderness boundary on a Forest-wide priority basis.
- Ancient Bristlecone Forest: acquire all non-federal lands.
- Wild and Scenic Rivers: acquire non-federal land and easements to implement the Wild and Scenic Rivers Act and to facilitate management of other resources.

In addition, Landownership Adjustment Strategy (LAS) tiers from the LRMP as a management tool to provide additional guidance concerning the identification, consideration, and when necessary, the prioritization of specific landownership adjustment proposals. The LAS provides the following guidance:

- Landownership adjustments occur on a willing seller/willing buyer basis only.
- Reasonable efforts will be made to exchange parcels of Federal and non-Federal land that are located within the same County.

- When two or more land exchanges are being proposed or considered, and all cannot be simultaneously processed due to limited funding and/or staffing, the Forest will evaluate the benefits of each exchange.
- Landownership adjustment proposals shall be prioritized and scheduled in sequence based on benefit.

The greatest value of the LAS will be realized when used as a tool as listed below:

1. Landownership adjustment proposals shall be prioritized and scheduled in sequence based on benefit.
2. The LAS and accompanying land parcel inventory with prioritized listing of non-Federal parcels the Forest is interested in acquiring may be used in facilitating land exchanges when a proponent does not have land to exchange (or has inadequate land for a value to value exchange).
3. Parties interested in land exchanges with the NFS will have access to an inventory of NFS land that is included in the land exchange base.
4. New lands officers and managers familiarize themselves with the landownership adjustment program and the particular parcels of land included in the inventory.
5. Interested internal and external customers request information on the landownership adjustment program.

Two other plans also provide direction on landownership adjustments:

1. Mono Basin National Forest Scenic Area Comprehensive Management Plan (CMP - MBNFSA):
  - a. Standards and Guidelines are contained in the Private Land section: seek consolidation of lands within the Scenic Area as opportunities arise.
  - b. Appendix D, Land Adjustment Plan.
2. The Coordinated Resource Plan for the Montgomery Pass Wild Horse Territory, Action Plan: enter into negotiations for land acquisitions, by agreement, purchase, or exchange, with private land owners to secure water for wild horses and wildlife use.

### **Procedures**

See the USFS Federal-level procedures, and reference the Land Exchange Handbook (FSH 5409.13 Chapter 30). As of the writing of this report, proponents should expect to pay all costs of the land transfer process.

### **3.2.2 Bureau of Land Management**

#### **Sources**

1993 Bishop Resource Management Plan (RMP); FLPMA

## Policies and Criteria

### GENERAL POLICIES

- Public lands are to be retained in federal ownership unless disposal serves the national interest (FLPMA [Section 102(a)(1)]), (RMP [No. 2, Page 8]).
- Public lands may be made available for disposal if they are difficult and uneconomic to manage and are not suitable for management by another federal department or agency (FLPMA [Section 203(a)(1)]), (RMP [No. 3, Page 8]).
- The BLM will not dispose of Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs) or other resources of high national interest to non-federal agencies. Disposal of the habitat of endangered, threatened or sensitive species to non-federal agencies or nonprofit organizations may be considered only if the protection and conservation that would be afforded the habitat following transfer of title equals or exceeds the level afforded by federal ownership. ... Disposal of the habitat of officially listed endangered or threatened species would occur only after consultation with the USFWS pursuant to Section 7 of the Endangered Species Act of 1973, as Amended (RMP [No. 9, Page 8]).
- Site-specific inventories and analyses for endangered and threatened species, historic and prehistoric cultural properties, and mineral values are required prior to disposal of public lands and interests (RMP [No. 11, Page 8]).
- Transfers of Bureau land to other agencies will be limited to small and isolated parcels (RMP [No. 3, Page 9]).

### AREA MANAGER'S GUIDELINES

- The preferred method of landownership adjustment (both acquisition and disposal) is exchange. Where land exchange is impractical, lands identified for disposal may be sold under authority of the FLPMA. The Bureau intends to acquire lands from willing sellers.
- Acquisitions and disposals identified in the RMP provide a list of parcels available for transfer. The Bureau intends to balance acquisitions and disposals such that no net decrease in private land occurs during the life of the plan (RMP [No. 1, Page 9]).

### STANDARD OPERATING PROCEDURES: REALTY

- A site-specific environmental assessment will be required before any disposal of BLM land. Only parcels identified in the RMP will be available for disposal. All other BLM lands will be retained in public ownership (RMP [No. 1, Page 14]).

## Procedures

See BLM H-2200-1 Land Exchange Handbook (2005).

*(Note: Length of time for steps is only an estimate.)*

Step 1: Develop Exchange Proposal (90 days)

Informal discussions before submitting a formal proposal: potential non-federal exchange parties should meet with the BLM Field Manager. Preliminary screening of potential exchange opportunities may include broad scale consideration of land use plans, natural resources, land status, land values, funding capabilities, and manageability of non-federal lands. These pre-proposal discussions should result in exchange proposals that are more complete. The BLM and non-federal exchange parties then develop a formal proposal.

Step 2: Evaluate Feasibility of Exchange Proposal (160 days)

1. The BLM Field Manager:
  - a. Prepares a Feasibility Report which, among other issues, will consider political viability and the balance between tax base loss and the cost to provide services if the land was developed.
  - b. Determines the Land Exchange Processing Cost: the BLM and non-federal exchange parties must complete an accurate projection of funding and staffing commitments before beginning work on an exchange.
2. The State Director:
  - a. Reviews all feasibility packages and requests Department of Interior concurrence and approval to proceed,
3. Washington Office:
  - a. Reviews all land exchange feasibility packages.

Step 3: Exchange Processing and Documentation (130 days)

1. The BLM Field Manager:
  - a. Executes an Agreement to Initiate (ATI) an exchange.
  - b. Publishes and mails out the notice of exchange proposal (NOEP), describing the proposal and providing for public comment.
  - c. Requests land exchange related appraisal services
  - d. Conducts detailed resource analysis and environmental documentation, including: minerals, cultural, historical, wildlife, botanical, contaminants inventory, environmental site assessment, Certification of Inspection and Possession, and NEPA documentation.
2. The Department of the Interior:
  - a. Reviews and approves appraisals for land exchange transactions before proceeding.
3. The Field Manager and State Director:
  - a. Accept DOI approved appraisal.

- b. Reach agreement on the relative values of the Federal and non-federal lands and equalizing values.
- c. Use arbitration, bargaining or other methods to resolve disputes over value.

Step 4: Decision Analysis and Approval (130 days)

- 1. The State Office:
  - a. Reviews decision package and requests requests Dept. of Interior concurrence and approval to proceed,
- 2. Washington Office:
  - a. Reviews and approves all land exchange decision packages before proceeding.
- 3. Field Manager:
  - a. Publishes and mails Notice of Decision (NOD) on the exchange.

Step 5: Title Transfer (30 days)

- 1. Field Manager:
  - a. Executes a Binding Exchange Agreement.
  - b. Sends case files to State Office and requests conveyance documents.
  - c. With State Director equalizes land exchange values.
- 2. State Office/Regional Solicitor:
  - a. Secures Solicitor approval of:
    - i. Title evidence,
    - ii. Conveyance documents,
    - iii. Escrow and closing instructions,
    - iv. Binding exchange agreements, and
    - v. Other closing documents.
  - b. Processes the close of the land exchange transaction.
  - c. With the Field Office, completes post-conveyance actions and land status updates.

### 3.3 CALIFORNIA STATE AGENCIES

#### 3.3.1 California Department of Fish and Game

##### Policies and Criteria

- Lands must be essential and suitable for wildlife production and preservation, and provide suitable recreation (Fish and Game Code §1345(a)).
- Acquisition of lands effectuates a coordinated and balanced program resulting in the maximum restoration of wildlife in the state and in the maximum recreational advantages to the people of the state (Fish and Game Code §1347).
- Real property or rights in real property (e.g. conservation easement) must be acquired.
- All acquisitions are made on a “willing” seller basis.
- Purchase price shall not exceed the fair market value of the property, based on an appraisal approved by the Department of General Services (DGS).
- No farm lands may be acquired (Fish and Game Code §1349). To clarify, however, farm and agricultural techniques may be used for beneficial wildlife management purposes.
- The potential of the acquisition to beneficially reduce or sequester greenhouse gas emissions may be considered (Fish and Game Code §1356).

### **Tools**

- Purchase.
- Acceptance of gifts or donations.
- Acquisition or restoration via lease.
- Transfer or exchange of property for other property of like value.
- Transfers or purchase of development rights or credits.
- Conservation easements.
- Sale (Fish and Game Code §1348(c)(2)) and sale with condition of maintaining restored property as wildlife habitat in perpetuity (Fish and Game Code §1348(c)(4)).
- Grant funds to other governmental entities or nonprofit organizations to acquire real property or rights in real property.

### **Other information**

See “The Wildlife Conservation Law of 1947,” Fish and Game Code §1300-1356.

### **Procedures**

1. Public, private and non-profit entities present opportunities to the Regional Fish and Game office.
2. The Lands Program conducts policy and consistency review, including an evaluation of the biological values of the property through a Land Acquisition Evaluation (LAE; used for a single property) or Conceptual Area Protection Plan (CAPP; used for multiple properties).

3. The Department of Fish and Game (DFG) Regional Managers meet regularly to prioritize potential land acquisitions.
4. The LAE or CAPP is submitted to DFG's Regional Operations Committee (ROC) for review and approval.
5. The ROC sends to the Wildlife Conservation Board (WCB) with a recommendation to fund, and the WCB consults with the DFG Regional Managers on priorities.
6. For acquisitions within an approved LAE or CAPP, Section 6 acquisitions (for federally listed species), and acquisitions within a Natural Communities Conservation Plan, the Regional Office makes a direct recommendation to the WCB.

### 3.3.2 State Lands Commission

#### Policies and Criteria

See Public Resources Code (PRC), Division 6.

- Lands within National Forest deemed more valuable for timber than any other purpose may be exchanged for timber lands of the US of equal value within the State (PRC §6441).
- Lands within National Park deemed more valuable for timber or recreation than any other purpose may be exchanged for timber or other public lands of the US of equal value within the State (PRC §6442).
- May exchange State lands for US lands to prevent overgrazing and soil deterioration; provide for the orderly use, improvement and development of public grazing lands; and stabilize the livestock industry dependent upon the public range; and other purposes (PRC §6443).
- The commission may, in the best interest of the state, exchange any public lands for lands of the United States of equal area or equal value (PRC §7303).
- For the acquisition of open space or to consolidate, assemble, or manage parcels of land, school lands may be exchanged for lands of equal or greater value with the same administration, control and disposition. Mineral rights may be released if mineral rights are received in the acquired lands. (PRC §7303.5)
- School lands may be sold by the commission under rules and regulations prescribed, and at a price fixed, by the commission (PRC §7301).
- Lands acquired by exchange in the best interests of the state may then be sold in the manner and for cash as provided by Article 1, sale of school lands.

#### Procedures

1. Commission certifies to the Governor that it is to the advantage of the State to exchange its public lands.
2. Governor executes, on behalf of the State, any instruments necessary to effect the exchange.

## **Tools**

- Land exchange
- Leases and permits
- Sale

## **3.4 LOCAL AGENCIES**

### **3.4.1 Los Angeles Department of Water and Power**

#### **Policies and Criteria**

- Currently confirming a past policy that in-town properties not used for operations should be disposed of to private landowners. LADWP at one time owned up to approximately 80% of properties in Inyo County communities.
- Divesting of land outside communities is not necessarily in LADWP's interests.
- Any divested property would need access to a public water source via a special district such as a Public Utilities District (PUD) or Community Services District (CSD). LADWP will retain water rights.
- The property, upon evaluation, needs to be classified as surplus.
- The end use should be for a public need, such as community services or recreation uses (e.g. Crowley Lake marina).
- End-uses that may impact watershed health are viewed unfavorably.

#### **Procedures**

1. Individuals and agencies that believe they have lands for sale or exchange which contribute to LADWP's goals should contact LADWP's Bishop office located at 300 Mandich Street, Bishop, California, attention Real Estate, for consideration.
2. Local staff evaluates proposal. Those proposals determined to be of mutual interest will be negotiated and acted upon.
3. If lands can be classified as "surplus," meaning they are no longer needed for operations, staff will make a recommendation to the Board of Commissioners to divest of the land.
4. If supported by the Board, the Board makes a recommendation to the Los Angeles City Council.

### **3.4.2 Mono County**

#### **Policies and Criteria**

1. Consistency with the County's General and Area Plans, Visioning Studies, and other policies (see below).

2. Community support and/or approval by the Board of Supervisors.

The policies below were extracted from the following documents:

- Mono County General Plan (including Area Plans), a formally adopted regulatory document;
- The Mono County Collaborative Planning Team Guiding Principles, a document formally adopted by the CPT;
- The Mono County Collaborative Planning Team Community Issues Final Report (2000), a study reviewed by the CPT;
- Benton Community Visioning (2008), a study reviewed by the Benton community; and
- Chalfant Community Visioning (2007), a study reviewed by the Chalfant community.

## COUNTY-WIDE POLICIES

### **General Plan Land Use Element**

**Objective A:** Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

POLICY 1: Contain growth in and adjacent to existing community areas.

**Action 1.1:** Encourage infill development in existing communities and subdivisions. New residential subdivisions should occur within or immediately adjacent to existing community areas. New residential development outside existing community areas and subdivisions should be limited to an overall density of one unit per 40 acres, plus a secondary unit.

**Action 1.2:** New residential development for permanent year-round residents should be concentrated in existing community areas.

**Action 1.3:** Provide sufficient land to accommodate the expansion of community areas, including sites for affordable housing.

**Action 1.4:** Support the exchange of public lands into private ownership for community expansion purposes if consistent with General Plan Policies.

**Objective H:** Maintain and enhance the local economy.

**Action 5.4:** Concentrate development in existing communities in order to facilitate community economic growth.

### **General Plan Conservation/Open Space Element**

**Objective A:** Preserve existing open space.

POLICY 1: Concentrate development in existing communities in order to preserve large expanses of open space.

**Action 1.1:** Implement policies in the Land Use Element that promote development in existing communities.

**Action 2.1:** Implement policies in the Land Use Element that limit development outside of existing communities.

**Objective B:** *Investigate methods of preserving additional open space.*

**Action 1.1:** Keep current on land acquisition and disposal plans and activities of federal and state land management agencies and the DWP in order to achieve a coordinated effort to preserve and maintain open space.

**Action 1.11:** Outside of community areas, consider land trades involving private lands in Mono County and federal lands elsewhere.

### **General Plan Biological Resources Element**

**Objective A:** *Maintain and restore botanical, aquatic and wildlife habitats in Mono County.*

**Action 1.2:** Examples of potential appropriate mitigation measures ... [for projects] identified ... as having significant impacts to animal and plant habitats include encouraging future development to locate in less sensitive areas or on sites adjacent to previously developed areas.

**Action 2.2:** Support the acquisition of areas with threatened or endangered species by federal or state land management agencies or land conservation organizations.

POLICY 6: Support the acquisition of valuable wildlife habitat by federal or state land management agencies or land conservation organizations.

**Action 6.1:** Support acquisition of important wildlife areas through outright purchase, land donations, trades, purchase of easements and related options.

### **General Plan Visual Resources Element**

**Objective A:** *Maintain and enhance visual resources in the County.*

**Action 3.1:** Concentrate future development in or adjacent to existing communities

**Action 4.2:** Encourage the transfer of ownership of visually significant private land to public land management agencies or land conservation organizations for the purpose of preserving scenic resources.

**Action 4.3:** Encourage private landowners with visually significant property to grant or sell a conservation easement to a land conservation organization to protect the land as open space.

## **General Plan Housing Element**

### *Provision of Adequate Sites*

POLICY 3: Identify potential housing sites, including seasonal housing units on public lands, agency employee housing (USFS, BLM, Caltrans, LADWP and Mono County) and under-utilized sites.

POLICY 4: Seek adequate sites for housing in Mono County and the Eastern Sierra through coordination with other public agencies (i.e., Town of Mammoth Lakes, Inyo County, USFS, BLM, Caltrans, LADWP, DFG, State Parks and Marine Corps), private concerns, nonprofit entities and tribal governments.

Program 1: Pursue land exchanges of existing seasonal housing units on public lands into private ownership so those units may become available for local year-round housing. Following completion of the landownership adjustment planning process, identify and prioritize possible land exchanges in areas with existing seasonal housing.

Program 2: Inventory existing and/or potential agency housing areas (Mono County, Town of Mammoth Lakes, Southern Mono Hospital District, Mammoth Unified School District, USFS, BLM, Caltrans, LADWP, etc.) and work with agencies to assess where additional housing might be made available. (Intended to be completed as part of the landownership adjustment planning process.)

Program 3: Work with public agencies (USFS, BLM, Caltrans, LADWP, etc.) to consolidate services and land uses (e.g. road shops) in order to free up land for housing, particularly affordable housing. Consistent with land use policies, encourage agencies to locate their housing within or adjacent to existing communities to facilitate sustainable community growth.

Program 5: Study the possibility of acquiring/exchanging public lands surrounding existing community areas for community expansion purposes and/or related infrastructure development, particularly in those areas designated in the Land Use Element for community expansion. Based on the results of these studies, take necessary actions to promote the exchange of lands and encourage the development of a variety of housing types, including multifamily for lower-income households in the acquisition/exchange of public lands.

### *Housing for Low and Moderate Incomes*

POLICY 3: Increase the housing stock to provide for affordable/employee housing units by promoting the use of existing recreational second-home units for permanent residents.

### **Collaborative Planning Team Guiding Principles**

- Public lands adjacent to community areas should be made available for private growth and development using a variety of approaches, including right of way, land exchanges, permits, and land values. (p. 2, #7)

- Identify public and private lands in Mono County that may have land use conflicts and lands that may be available to meet community needs, emphasizing areas within the community interface. (p. 3)
- Expedite the land-exchange process through implementation of a Master Land Adjustment Plan. The MCCPT should play a role in facilitating changes in the land exchange process. The Master Land Adjustment Plan should include a standard set of criteria for determining appropriate and priority land adjustments. (p. 3)

#### AREA-SPECIFIC POLICIES

##### **Antelope Valley**

###### *Antelope Valley Planning Area*

GOAL: Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural and natural resources.

**Objective A:** *Guide future development to occur in and adjacent to Walker, Coleville and Topaz.*

**Action 1.1:** Designate land outside of community areas and the U.S. 395 corridor for Agriculture or Resource Management.

POLICY 4: Retain the existing privately owned land base in the Antelope Valley.

**Action 4.1:** Support a policy of no net loss of private land in the Antelope Valley.

**Action 4.2:** Oppose private land acquisitions by federal agencies within the Antelope Valley unless comparable land in the region is made available for disposal to private ownership. Exceptions to this policy may be considered if the land acquisitions are consistent with the overall goal for the Antelope Valley.

**Action 3.2:** Facilitate acquisition of BLM administered public lands south of the county landfill, east of Eastside Lane, and north of Walker, for community expansion, in a manner consistent with the overall goal for the Antelope Valley.

**Objective B:** *Maintain the scenic, agricultural, and natural resource values in the Valley.*

POLICY 1: Maintain and enhance scenic resources in the Antelope Valley.

**Action 1.2:** Encourage private landowners with visually significant property to grant or sell a conservation easement to a land conservation organization to protect the land as open space.

POLICY 2: Preserve the agricultural lands and natural resource lands in the Antelope Valley.

**Action 2.4:** Inform owners of critical wildlife habitat areas of the potential for open space easements to protect such areas and of the potential for property tax adjustments.

Collaborative Planning Team Community Issues Final Report

Goal 1, Objective 3, Policy 2: Cluster development in existing communities to preserve expanses of open space.

**Bridgeport Valley**

*Bridgeport Valley Planning Area*

GOAL: Provide for orderly growth in the Bridgeport Valley in a manner that retains the small town character, and protects the area's scenic, recreational, agricultural, and natural resources.

**Objective A:** *Guide future development to occur on existing private lands in Bridgeport Townsite, east of Bridgeport Reservoir, in the Evans Tract, and at Twin Lakes.*

POLICY 4: Carefully evaluate the exchange of federal lands for community expansion in order to ensure consistency with the Bridgeport Valley land use goals.

*Bridgeport Area Wetlands Policies*

GOAL: Preserve and enhance wetland functions and values, including wildlife and plant habitat, beneficial livestock forage value, water quality benefits, and aesthetic and recreational values, while providing for orderly growth and an efficient, coordinated permitting process.

**Objective A:** *Guide development in the Bridgeport Valley so that no net loss of wetlands functions and values or acreage results from development activities.*

POLICY 2: Work with willing landowners, agencies and applicants to establish a Bridgeport land bank to be used as mitigation for those areas where on-site mitigation is not feasible.

**Action 2.1:** Investigate potential sites for mitigation bank enhancement including: a) East Walker River and floodplain, b) Robinson Creek outwash plain, c) Aurora Canyon, and d) pond area at the intersection of U.S. 395 and S.R. 182.

**Action 2.2:** Investigate potential sites for a mitigation bank for the creation of wetlands, including: a) irrigation induced wetlands, and b) upland areas that could be converted.

**Action 2.3:** Contact public and private landowners in the Valley, including the Walker River Irrigation District (WRID), for potential sites and interest in participating in a mitigation bank.

Policy 3 and subsequent actions define how the Land Bank shall be established and operated, and funding sources.

*Swauger Creek Planning Area*

GOAL: Distribute and regulate residential land uses in a manner that minimizes impacts to natural resources, supports low impact recreational uses on wildlands, and preserves and enhances agricultural resources and wildland recreational and research values in areas adjacent to rural residential areas.

**Objective A:** *Provide for a sensitive pattern of future land development.*

POLICY 1: Future subdivisions in the planning area should recognize the inherent limitation of the land and the environment when determining appropriate parcel size and uses.

**Action 1.5:** Encourage consolidation of undersized parcels and/or land trades of same with public and private agencies interested in preservation of habitat (i.e., Nature Conservancy).

**Action 1.6:** Maintain liaison with USFS with regard to land trades that may affect planning.

## **Mono Basin**

### *Mono Basin Planning Area*

GOAL: Provide for the orderly growth of Mono Basin communities in a manner that retains the small town character, coincides with infrastructure expansion, facilitates economic and community development, and protects the area's scenic, recreational, and natural resources.

**Objective A:** *Direct future development to occur in and adjacent to Lee Vining.*

POLICY 1: Obtain lands necessary for the orderly expansion of Lee Vining.

**Action 1.1:** Work with appropriate agencies to provide for developable lands adjacent to Lee Vining.

**Action 1.2:** Designate lands adjacent to Lee Vining for community expansion in the Land Use Element.

**Objective B:** *Encourage infill development of Mono City prior to considering development on adjacent lands.*

POLICY 2: If necessary, obtain lands for the orderly expansion of Mono City.

**Action 2.1:** Request the BLM to designate lands adjacent to Mono City for potential future land disposal, when and if demand for additional development warrants such disposal.

**Objective C, Policy 1, Action 1.3:** *Require preparation of a Specific Plan or PUD for development projects proposed on federal exchange lands (parcel maps are exempt from this requirement).*

## **June Lake**

### *June Lake Area Plan*

### **Community Development**

**Objective A:** *Promote the expansion of the June Lake Loop's privately owned land base to accommodate planned community growth.*

POLICY 1: Promote, where reasonable and feasible, the use of USFS land exchanges to enlarge the privately owned land base to meet community needs.

**Action 1.1:** Work with the Forest Service in identifying suitable lands for exchange or purchase. Lands in the West Village/Rodeo Grounds, Down Canyon and Pine Cliff areas should

receive priority consideration. This program should respond to the changing needs and desires of the June Lake Community.

**Action 1.2:** Designate potential land exchange areas on the Land Use Maps and require Specific Plans prior to developing these areas.

POLICY 2: Promote land trades that transfer developable, non-sensitive lands into private ownership, and that exclude hazardous and environmentally sensitive lands from such transfers. Where feasible, the land exchange process should involve lands in the June Lake Planning Area. Reverse land exchanges that transfer hazardous or environmentally sensitive lands in private ownership to public ownership should also be encouraged.

**Action 2.1:** Work with and support the USFS in the delineation of land exchange boundaries that retain sensitive areas in public ownership and transfer private lands in sensitive areas to public ownership.

**Objective C, Policy 2, Action 2.1:** Identify and prioritize sensitive private lands acceptable for exchange or purchase. Designate these lands on the Plan's Land Use maps.

**Objective D, Policy 2, Action 2.2:** Work with the Forest Service to prioritize potential land exchange areas to reflect changing community needs.

**Objective G, Policy 1, Action 1.3:** ...If the studies indicate that an industrial complex would be incompatible and inconsistent with surrounding land uses, or would have significant environmental impacts, pursue a special use permit or land trade with the Forest Service to enable locating an industrial area in the Pine Cliff Specific Plan Area.

**Objective K, Policy 1, Action 1.1:** Work with the USFS to obtain lands, through the special permit or land trade processes, to construct a Down Canyon fire station, an equipment storage yard, a neighborhood park and additional residential development.

### Housing

**Objective B, Policy 8, Action 8.1:** Work with the USFS to identify and then lease lands for the provision of affordable and employee housing.

### Community Facilities

**Objective A, Policy 1:** Facilities requiring large land areas, such as school sites, shall be located in designated Specific Plan areas or on potential National Forest exchange lands.

**Action 1.1:** The County shall initiate discussions with the USFS regarding future community facility needs and begin identifying suitable lands. Community facilities include school, health care and fire station sites, among others.

POLICY 2, ACTION 2.1: Work with the USFS to reserve and/or obtain lands for elementary, high school and community college sites.

Open Space/Conservation

**Objective A, Policy 2:** Promote National Forest land exchanges and/or purchases by land conservation groups of sensitive areas.

**Action 2.1:** Use National Forest land exchanges and controls on development to protect environmentally sensitive private lands. Two areas, the Silver Lake Meadow and the hillslope lands overlooking the June Lake Village, are recommended for land exchange (See Figure 3). If trades are not possible...

**Action 2.2:** Where feasible, work with land conservation groups that specialize in purchasing environmentally sensitive private lands and holding them as natural preserves or eventually turning them over into public ownership.

**Action 2.3:** Work with the USFS to facilitate land exchanges within the June Lake Loop involving federal lands not possessing high habitat or visual resource values. Federal lands traded into private ownership should be located near established, developing or Area Plan designated community areas. Reverse land exchanges, or trading highly sensitive private lands for less sensitive National Forest lands, should also receive priority consideration. Due to the limited private land available within the Loop, lands exchanged into federal ownership should be traded for developable lands in the June Lake Loop, if feasible.

Natural Habitat Protection District

POLICY 1: Preserve natural habitat areas by limiting development and curtailing harmful uses. Assign top priority to these lands for land exchanges.

Circulation

**Objective C, Policy 1, Action 1.1:** Acquire land for constructing a connector street through the Village that would connect or provide access to public parking areas.

**Objective J, Policy 3, Action 3.1:** Acquire land for parking facility construction, linked by the connector street in the Village.

Safety

**Objective A, Policy 7:** Promote USFS land exchanges in cases where the development potential of private lands is severely restricted by natural hazards.

**Action 7.1:** The County shall work with the USFS on reverse land exchanges that transfer developable lands in the June Lake Loop into private ownership and lands severely influenced by natural hazards into public ownership.

**Objective B, Policy 1, Action 1.1:** Use code enforcement, USFS reverse land exchanges, redevelopment, and relocation programs to minimize the risk to uses subject to natural hazards.

**Objective I, Policy 1:** Promote the exchange of private undeveloped parcels in historic avalanche hazard areas to the USFS (e.g. the three tiers of parcels above Lakeview Drive in the Village).

**Action 1.1:** The County and the USFS should organize and maintain an active exchange review program that targets strategic lands for exchange and reviews other privately generated exchanges.

**Objective J, Policy 2, Action 2.2:** *Work with the USFS to obtain public lands for the construction of a Down Canyon fire station.*

### Collaborative Planning Team Community Issues Final Report

The community supports transferring the land underlying the Community Center and Park from the Forest Service to the County. This could create opportunities by removing Forest Service restrictions that currently affect the use of these community assets. For example, it has been mentioned that the community could not have a day-care center at the community center that might compete with the day-care concessionaire at June Mountain. (p. 1-39)

### Long Valley

#### *Upper Owens River Planning Area*

**Objective A** limits development through land use designations. Policy 3, Action 3.4 states “Leapfrog development shall be discouraged.”

**Objective B, Policy 2, Action 2.1:** Work with local landowners to develop coordinated strategies for preserving the integrity of the Upper Owens River corridor, including the riparian corridor, downstream to Crowley Lake. Stream preservation options and techniques – such as conservation easements, transfer of development rights, fencing, enhancement of water quality and the sale of sensitive land to conservation organizations – should be considered.

#### *Mammoth Vicinity Planning Area*

GOAL: Maintain and enhance the scenic, recreational, and environmental integrity of the Mammoth vicinity.

**Objective B:** *Provide for the land use needs of both the incorporated and unincorporated areas.*

**Action 1.2:** Support exchange of federal lands in to the private sector for community expansion only if it can be demonstrated that there is a need for such expansion, that the community infrastructure can support the expansion, and that potential significant environmental effects can be avoided or mitigated.

#### *Long Valley Planning Area*

**Objective F:** *Promote complementary and compatible uses of adjoining BLM, USFS, and LADWP lands.*

POLICY 1: Encourage a systematic prioritized land exchange policy to discourage development of isolated and remote private parcels; to discourage development of private parcels subject to public safety hazards; to discourage development of private parcels indispensable to sound natural resource management; to minimize long-term county and special district service costs; and to encourage acquisition of public lands for public facility and private uses.

**Action 1.1:** Identify those private parcels which by reason of their remote, isolated or hazard prone location could be considered for trade to public agencies.

**Action 1.2:** Identify those public parcels which by reason of their location could house otherwise incompatible public facilities or private uses (e.g., light industrial) and which should be considered for acquisition.

**Action 1.3:** Request the BLM to designate lands adjacent to community areas for potential future land disposal.

#### Collaborative Planning Team Community Issues Final Report

**Objective B, Action 4.4:** County Planning should work with the BLM and the LADWP to develop a pedestrian connection along South Landing Drive to Crowley Lake.

**Objective D, Action 1.3:** The RPAC should complete and implement its alternative site analysis for the County Road Shop...

**Objective D, Action 1.4:** A site analysis should be completed for a potential solid waste transfer station in the Crowley Lake area.

**Objective F, Action 1.4:** Where existing commercial facilities are on public land, including Tom's Place and the Southern California Edison substation, every effort should be made to encourage the owners of the facilities to acquire the land underneath them.

**Objective F, Action 1.5:** Where existing clusters of residential buildings are on public lands, every effort should be made to encourage the owners of the buildings to acquire the land, where doing so would be consistent with US Forest Service and BLM policies. Care should be taken to ensure that private parcels are contiguous to one another and do not create isolated enclaves of either public or private land. High priority areas for land acquisition by owners of structure (permitees) include Lower Rock Creek Tract, Pine Glad Tract and Whiskey Creek Tract.

**Objective G, Action 1.2:** Aggressively pursue public agency acquisition of undeveloped private in-holdings surrounded by public land on a willing seller basis. Specific parcels to be explored include the 55-acre parcel north of McGee Creek (in avalanche zone) and isolated parcels on the east side of Crowley Lake.

Land Tenure Adjustments (p. 1-30): The USFS and BLM have already taken the first steps in identifying potential parcels in the local community for acquisition and disposal. The community strongly supported these efforts and urged the relevant agencies to continue working toward land exchanges. Specific parcels with strong community support include:

Public lands for conveyance into private ownership:\*

- Tom's Place Resort
- Lower Rock Creek recreation residence tract
- Pine Glade recreation residence tract

- Whiskey Creek recreation residence tract
- Southern California Edison substation

Private lands for conveyance into public agency ownership:\*

- 55-acre parcel north of McGee Creek
- Isolated parcels on the east side of Crowley Lake

\* See the Long Valley RPAC input notes for the current status on these potential exchanges.

Land swaps with public agencies that can help achieve community goals (p. 1-36):

- End of Crowley Lake Road past Tom's Place is good site for a new County road shop
- Include 55-acre parcel north of McGee Creek for acquisition
- Need for additional parkland
- Tom's Place Resort should stay same, but could be on private land
- Create Specific Plan overlay for village center area

### **Tri-Valley Area**

#### *Tri-Valley Planning Area*

**Objective A, Policy 2, Action 2.4:** Encourage private landowners with visual, environmental and agriculturally significant property to grant or sell a conservation easement to a land conservation organization to protect the land as open space and/or agricultural use. (Also listed as Objective B, Policy 3, Action 3.3.)

POLICY 3: Encourage residential development in areas that will minimize the impact on the environment.

**Action 3.2:** Encourage the exchange of environmentally sensitive private lands for public lands. (Also listed as Objective C, Policy 2, Action 2.2)

POLICY 4: Encourage the timing of growth to allow for efficient use of existing public facilities and services and for adequate planning for additional public facilities and services.

**Action 4.2:** To permit the efficient delivery of public services, encourage residential development in Benton to take place on parcels contiguous to existing development.

**Objective C, Policy 3, Action 3.1:** Encourage residential development in Chalfant to take place on parcels contiguous to existing development.

**Objective D, Policy 8, Action 8.1:** Encourage the BLM to provide property for school district use.

#### *Benton Hot Springs Valley Planning Area*

POLICY 2, ACTION 2.2: Support conservation practices and activities to enhance and maintain wildlife, livestock, visual and recreation benefits. If so desired by the landowner, support conservation and visual easements and tax-reduction incentives as affordable means for open-space protection.

*Chalfant Community Visioning (2007)*

The BLM could potentially release more than 1,000 acres to the immediate north and south of Chalfant.

LADWP may be able to release smaller parcels that might be used for community facilities such as schools if a suitable water supply could be identified, since LADWP retains the water rights to any property it sells or trades.

***Guiding Principle Community Character 2 (CC2):*** *Develop within the existing community and adjacent lands where possible.*

- Not willing to develop outside the existing community footprint.

***Guiding Principle Physical Development and Infrastructure 5 (PD5):*** Consider and evaluate proposals for land transfers, exchanges and sales of property from the City of Los Angeles and BLM.

- The community desires a seat at the table and will consider exchanges on a project-by-project basis. No specific projects were identified to consider.

*Benton Community Visioning (2008)*

The BLM could potentially release more than 1,000 acres to the immediate north and south of Benton if there was interest in these lands. Figure 5 shows BLM parcels identified for disposal.

- The two parcels east of Hwy 6 (one bisected by Christie Ln., the other to the south of this parcel) should be retained by the BLM for recreational access and use, e.g. they should be removed from the disposal list. Figure 7 identifies recreation access points within these parcels.

Suggested future amenities include:

- Potential cemetery site on Christie Lane parcel; and
- Potential campground/RV park on Christie Lane parcel.

Principle – Promote coordinated development practices:

Maintain direct and ongoing communication between public and private landowners to ensure the success of desirable future development in Benton.

- D1. Work to ensure that surplus federal lands adjacent to Benton are prioritized for development or conservation in a manner consistent with community goals.
- D2. Ensure that local agencies coordinate development with property owners.

- D3. Maintain productive and ongoing communication with the Benton Paiute Tribe regarding potential development on both reservation and private properties.
- D4. Draw on the RPAC, local fire district and local groundwater management districts to encourage ongoing coordination and communication with local residents.
- D5. Encourage citizen leadership and participation in local planning efforts to help guide agencies and decision makers.

### **Other Planning Areas without established RPACs**

#### *Wheeler Crest Planning Area*

**Objective A, Policy 1:** The timing and location of new residential developments shall be directed to areas with existing services or adjacent to areas with existing services (i.e., fire protection, water supply, sewage and utilities).

POLICY 5: Encourage the transfer of privately owned, environmentally sensitive or isolated land within the Wheeler Crest planning area.

**Action 5.1:** Identify parcels incompatible for private use by virtue of location and/or environmental sensitivity (i.e., avalanche area, deer migration route, etc.).

**Action 5.2:** Coordinate with the USFS or BLM to exchange public land that is more suitable for private ownership.

**Objective B, Policy 5:** That existing National Forest and BLM lands surrounding the community be retained in public ownership or be utilized for community purposes.

POLICY 6: That isolated public lands within the study area be exchanged for private lands better suited for watershed protection and other public purposes.

**Action 6.1:** Identify and designate those lands which, by reason of their remote, isolated, or hazardous location, should be exchanged.

**Objective E, Policy 2:** Improve the supply of buildable land by encouraging land exchanges of undevelopable parcels in wet meadow and avalanche-prone areas for more suitable areas.

#### *Oasis Planning Area*

**Objective A, Policy 1, Action 1.3:** Inform owners of critical wildlife habitat areas of the potential for open-space easements to protect such areas and of the potential for property-tax adjustments.

### **Procedures**

1. Proponent should inquire with the Community Development Department if related to community planning issues, or the County Administrative Office if related to County-owned facilities or properties. Depending on the nature of the proposal, other departments may be involved or take the lead.

2. The process will vary depending on the transaction, but approval by the Board of Supervisors is the final step.

### 3.4.3 Inyo County

#### Policies and Criteria

The Inyo County General Plan includes a variety of goals, policies, and implementation measures related to landownership adjustment. Inyo County has added an optional Government element to their General Plan to address critical issues such as the need to coordinate with Federal Land Managers in the preparation of plans for the lands they manage that may impact Inyo County and to improve overall communication and coordination between the County and federal, state, local agencies and Native American Tribes.

The following General Plan goals are relevant:

- Government Element Goal (GOV-2): The County will ensure that planning decisions are done in a collaborative environment and to provide opportunities of early and consistent input by the county and its citizens into the planning process of other agencies, districts and utilities.
- Government Element Goal (GOV-3): To provide opportunities for the private ownership of land by maintaining and expanding, when possible, the amount of privately owned land available in the County.
- Land Use Element Goal LU-1: Create opportunities for the reasonable expansion of communities in a logical and contiguous manner that minimizes environmental impacts, minimizes public infrastructure and service costs, and furthers the countywide economic development goals. Guide high-density population growth to those areas where services (community water and sewer systems, schools, commercial centers, etc.) are available or can be created through new land development, while providing and protecting open space areas.
  - Policy 10 encourages LADWP to inventory its land holdings within or adjacent to communities for the purpose of determining land sales to the general public and encourage them to continue their on-going land sales.
  - Policy 11 directs the County to designate land uses for proposed land releases by LADWP.
  - Policy 12 encourages other public entities to inventory their land holdings suitable for commercial, industrial and residential uses for future land sales to the general public and encourage them to conduct land sales or exchanges to support such private development.
  - Policy 14 provides a directive to the County to recommend land use designations, or provide guidelines for determining designations for future land releases.
  - Implementation Measure 3.0 and 4.0 directs the County to continue its dialogue with land holding agencies to coordinate the effort to plan community expansion efforts in a logical and orderly manner.
- Housing Element Goal 2.0: To provide adequate sites for residential development.

- Housing Element Goal 3.0: Encourage the adequate provision of housing by location, type of unit, and price to meet the existing and future needs of Inyo County residents.

**Procedures**

1. Agencies considering a land exchange should coordinate with the Planning Department, County Administrator, and Board of Supervisors prior to scoping.
2. Agencies and proponents of landownership adjustments should work to obtain County input throughout the process.
3. Agencies and proponents of the landownership adjustments should work with the County to comply with General Plan policies regarding land exchanges prior to any approval.

# 4 Policy Recommendations

## 4.1 INTRODUCTION

Recommendations for the counties and agencies were compiled from input from the July 2010 workshop and community meetings held in Inyo and Mono counties through 2011. These recommendations have not been approved by the various agencies but have been included in this report for consideration when updating policy and planning documents.

## 4.2 INYO NATIONAL FOREST

### 4.2.1 General LRMP Recommendations

- Add a policy to the Land and Resource Management Plan (LRMP) committing to early engagement of the communities in landownership adjustment efforts. The communities are very concerned about being informed and able to provide input to influence the process.

### 4.2.2 Recommended Disposal and Acquisition List Updates

- Mono County requests identified natural hazard lands adjacent to Inyo National Forest lands be added to the acquisition list.

### 4.2.3 Recommended Landownership Adjustment Actions

- Consider an exchange of Tom's Place Resort separately from Pine Glade recreation residence tract.
- Discuss exchange procedures and requirements with the Tom's Place and Pine Glade proponents.
- Pursue acquisition of the Silver Lake Meadow (APN 015-101-006-000) in the June Lake area on a willing seller basis.
- Pursue acquisition of the hillslope lands overlooking the June Lake Village on a willing seller basis.
- Continue to discuss with the June Lake community the potential for light industrial uses and/or affordable housing, mixed uses, and recreation in the Pine Cliff area.

## 4.3 BUREAU OF LAND MANAGEMENT

### 4.3.1 General RMP Recommendations

- Add a policy to the Resource Management Plan (RMP) committing to early engagement of the communities in landownership adjustment efforts. The communities are very concerned about being informed and able to provide input to influence the process.

- Mitigation measures and alternatives should be considered to address reductions in privately-owned land in Inyo County.
- The Chalfant community requests consultation if any lands are designated for acquisition or disposal, or if any landownership adjustment efforts are considered.
- Add electronic or web page notice of potential landownership adjustments to current method of listing in the Federal Registry and notification via local newspapers.

### 4.3.2 Recommended Disposal and Acquisition List Updates

- Mono County requests identified natural hazard lands adjacent to BLM lands be added to the acquisition list.
- Remove footprints of existing buildings from the acquisition list.
- Antelope Valley: Add to the disposal list the BLM-owned 54-foot strip of land to the west of Eastside Lane, from approximately Jocelyn Lane to Pearlman Place.
- Long Valley:
  - Remove from the acquisition list the subdivision east of McGee Creek Road as it is already subdivided and developed.
  - Add land adjacent to the community park in Crowley Lake, located on School District land, to the disposal list in order to accommodate a potential expansion of the park for public recreation purposes.
- Benton:
  - Remove the parcel to the west of the Benton Paiute Tribe Reservation from the disposal list.
  - Remove from the disposal list the identified portions of the following parcels:
    - 024-040-010-000;
    - 024-080-006-000;
    - 024-090-018-000;
    - 024-090-019-000;
    - 024-100-023-000;
    - 025-010-015-000;
    - 025-020-016-000; and
    - 025-020-018-000.
- Mono Basin:

- Remove the parcel adjacent to the Mono City subdivision (APN 019-110-010-000) from the disposal list.

### 4.3.3 Recommended Landownership Adjustment Actions

- Antelope Valley: Dispose of the 54-foot strip of BLM-owned land to the west of Eastside Lane, from approximately Jocelyn Lane to Pearlman Place, to the individual adjacent private landowners.
- Bridgeport Valley: Initiate community conversations to consider disposal of the land north of the Bridgeport Tribe Indian Reservation on the east side of the reservoir.
- Long Valley: Acquire the identified portion (or all of) APN 060-020-017-000.
- Long Valley: Discuss the expansion of the County park onto BLM land for public recreation purposes.

## 4.4 LOS ANGELES DEPARTMENT OF WATER AND POWER

### 4.4.1 General Recommendations

- Consider removal of concrete and other debris at the site to the west of Tom's Place. Some residents find it unsightly and would like it cleaned up, while others do not want to see public funds expended on the clean up.

### 4.4.2 Recommended Landownership Adjustment Actions

- Consider acquiring the isolated parcel to the east of Pine Glade/Sunny Slopes (APN 062-100-007-000), which appears to be supported by the RPAC.
- Consider divesting of a portion of land adjacent to the Lee Vining Community Center for the purposes of affordable housing, should the community submit a proposal.
- Consider a light/cottage industrial site near the Lee Vining Airport, should the community submit a proposal.

## 4.5 MONO COUNTY

Recommended changes to existing policies are shown below in legislative format.

### 4.5.1 General Recommendations

- Support and uphold General Plan policies, including the recommended modifications, updates and clarifications below. Notes of explanation for existing policies are contained in italics and do not constitute modifications to General Plan language.
- Incorporate confirmed principles and policies set forth by the Collaborative Planning Team (CPT) in the Guiding Principles or the 2000 Community Issues Final Report into the General Plan as set forth below.

- Inventory the private lands subject to major geologic and avalanche hazards, as set forth in Safety Element policies, and work with the USFS and BLM to incorporate the inventory into their land adjustment planning documents.
- Recognize and seek to balance competing concerns, such as the concern about the loss of tax base due to reduced private lands compared to the high cost to service isolated private parcels. Opinions and needs may vary widely throughout the county, with some more interested in the tax base issue and others more interested in the merits of a landownership adjustment.
- Continue utilizing the RPACs at regular intervals to provide a forum for agency partners to solicit public feedback and get a sense of the community pulse, and to support communication between the public, the County and agency partners.
- Continue supporting efforts of the Collaborative Planning Team to coordinate landownership adjustments among agencies and the public, including possibly hosting a standing interagency sub-committee.

## 4.5.2 Recommended General Plan Policy Modifications

### Housing Element

PROGRAM 1: Pursue land exchanges of existing seasonal housing units on public lands into private ownership so those units may become available for local year-round housing. ~~Following completion of the land tenure planning process, identify and prioritize possible land exchanges in areas with existing seasonal housing.~~

PROGRAM 2: Inventory existing and/or potential agency housing areas (Mono County, Town of Mammoth Lakes, Southern Mono Hospital District, Mammoth Unified School District, USFS, BLM, Caltrans, LADWP, etc.) and work with agencies to assess where additional housing might be made available. ~~(Intended to be completed as part of the land tenure planning process.)~~

### Planning Areas

#### ANTELOPE VALLEY

POLICY 4, ACTION 4.2: Facilitate acquisition of BLM administered public lands south of the county landfill, east of Eastside Lane, and north of Walker, for community expansion, in a manner consistent with the overall goal for the Antelope Valley. *(Clarification: The lands referenced are not currently identified in the BLM Resource Management Plan for disposal. Public input revealed controversy over this action: some claim opening these lands would relieve development pressure on the valley floor; others claim it may have wildlife value (deer) and would result in leapfrog development, which is not consistent with other General Plan policies. Therefore, any effort based on this action would require a significant public outreach effort.)*

#### BRIDGEPORT VALLEY

POLICY 4: Carefully evaluate the exchange of federal lands for community expansion in order to ensure consistency with the Bridgeport Valley land use goals.

**Action 4.1:** Land exchanges should support or enable one or more of the following purposes: availability of services and infrastructure, not be detrimental to the viewscape, mitigate the loss of property tax revenues to the County, and/or be directly related to the community receiving the benefit.

MONO BASIN <sup>1</sup>

**GOAL 1:** Maintain the spectacular natural values of the Mono Basin and rural, Provide for the orderly growth of Mono Basin communities in a manner that retains the small town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development needs to enhance the quality of life for residents., ~~coincides with infrastructure expansion, facilitates economic and community development, and protects the area's scenic, recreational, and natural resources.~~

**Objective A:** Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.

POLICY 1: Prioritize infill and rehabilitation of the existing built environment over the addition of private property. ~~Obtain lands necessary for the orderly expansion of Lee Vining.~~

POLICY 2: Where infill or rehabilitation is not viable, obtain lands adjacent to the existing community for the orderly expansion of Lee Vining.

**Action 1.1:** Work with appropriate agencies to provide for developable lands adjacent to Lee Vining through programs like the Landownership Adjustment Project.

**Action 1.2:** Designate lands adjacent to Lee Vining for community expansion in the Land Use Element.

POLICY 3: Support the acquisition of a land base for the Kutzedika Mono Lake Indian Community, consistent with Goal 3, Objective A, Policy 4, Action 4.1.

**Objective B:** Manage build-out of the Mono City subdivision to retain its rural character. ~~Encourage infill development of Mono City prior to considering development on adjacent lands.~~

POLICY ~~1~~2: ~~If necessary, obtain lands for the orderly expansion of Mono City.~~ Limit the buildable area of Mono City to the existing subdivision footprint.

**Action ~~2~~1.1:** ~~Request the BLM to designate lands adjacent to Mono City for potential future land disposal, when and if demand for additional development warrants such disposal.~~ Coordinate with the BLM to ensure the next update of the Bishop Resource Management Plan reflects the agreement to remove APN 019-110-010-000 from the BLM disposal list.

**Objective C, Policy 1, Action 1.4**~~3:~~ Require preparation of a Specific Plan for development projects proposed on federal exchange lands (parcel maps are exempt from this requirement).

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<sup>1</sup> The Mono Basin Area Plan is concurrently undergoing a complete revision. The suggested modifications shall be vetted through the development of the Mono Basin Community Plan.

**Objective E, Policy 1, Action 1.2:** Explore siting affordable housing next to the Community Center (LADWP land), on the Lee Vining High School parcel, and/or at the County and/or Caltrans yards, including an evaluation of the suitability of each site and other potential opportunities.

**Objective E, Policy 2:** If the need is identified, provide a site for limited and/or cottage industrial uses, including road yards, heavy equipment storage, auto repair, and similar uses, proximate to Lee Vining.

**Action 2.1:** If the need exists, identify a new location for limited/cottage industrial uses at the airport/pumice plant area or other appropriate location(s).

JUNE LAKE<sup>2</sup>

## Community Development

POLICY 1: Promote, where reasonable and feasible, the use of USFS land exchanges to enlarge the privately owned land base to meet community needs.

**Action 1.1:** Work with the Forest Service in identifying suitable lands for exchange or purchase. Lands in the ~~West Village/Rodeo Grounds, Down Canyon and Pine Cliff~~ areas should receive priority consideration. This program should respond to the changing needs and desires of the June Lake Community.

**Objective K, Policy 1, Action 1.1:** Work with the USFS to obtain lands, through the special permit or land trade processes, to construct a ~~Down Canyon fire station~~ an equipment storage yard a ~~neighborhood park~~ and additional residential development.

## Community Facilities

**Objective A, Policy 1:** Facilities requiring large land areas, such as school sites, shall be located in designated Specific Plan areas or on potential National Forest exchange lands.

**Action 1.1:** ~~The County shall initiate d~~Discussions with the USFS regarding future community facility needs and the identification of ~~begin identifying~~ suitable lands is a low priority. Community facilities include school, and equipment storage sites, ~~sites health care and fire station sites,~~ among others.

POLICY 2, ACTION 2.1: ~~Work with the USFS to r~~Reserving and/or obtaining USFS lands for elementary, high school and community college sites is a low priority.

## Safety

**Objective B, Policy 1, Action 1.1:** Use code compliance<sup>3</sup>~~enforcement~~, USFS reverse land exchanges, redevelopment, and relocation programs to minimize the risk to uses subject to natural hazards.

~~Objective J, Policy 2, Action 2.2: Work with the USFS to obtain public lands for the construction of a Down Canyon fire station.~~

<sup>2</sup> The June Lake Area Plan is being concurrently updated. The suggested language changes shall be vetted through the Area Plan update process.

<sup>3</sup> As modified during the ongoing update of the June Lake Area Plan, which is not yet adopted.

LONG VALLEY

POLICY 1: ~~This Encourage~~ a systematic, prioritized land ~~ownership exchange~~ adjustment policy to discourage ~~the~~ development of isolated and remote private parcels; ~~to discourage development of~~ private parcels subject to public safety hazards, ~~and; to discourage development of~~ private parcels indispensable to sound natural resource management; ~~to minimize~~ long-term county and special district service costs; provides for the enhancement of public safety; and ~~to encourage~~ acquisition of public lands for public facility and private uses.

~~Action 1.1: Identify those private parcels which by reason~~ Private parcels identified for acquisition by public agencies because of their remote, isolated or hazard prone locations ~~could be considered for trade to public agencies.~~ include the 55-acre avalanche prone parcel north of McGee Creek (high priority), and the isolated parcels on the east side of Crowley Lake (low priority).

~~Action 1.2: Identify those public parcels which by reason of their location could house otherwise incompatible public facilities or private uses (e.g., light industrial) and which should be considered for acquisition.~~

~~Action 1.2.3: Request the BLM to designate lands adjacent to community areas for potential future land disposal.~~ Support the expansion of the County park, currently located on Mammoth Unified School District land, onto adjacent BLM land for expanded community activities and recreation.

Action 1.3: Unless new information becomes available or circumstances change, the following landownership adjustments have been discussed and withdrawn from consideration and action: transfer of Lower Rock Creek Tract and Whiskey Creek Tract into private ownership, relocation of the County Road Shop to the Tom's Place area, and expansion of a light industrial area. Consideration of the privatization of the Southern California Edison (SCE) substation near Tom's Place is dependent upon action by SCE.

Action 1.4: The acquisition of existing commercial facilities on public land, such as Tom's Place Resort, by the private owners should be supported.

Action 1.5: The acquisition of existing clusters of residential buildings on public lands, such as Pine Glade Tract, by the private owners should be supported where doing so would be consistent with US Forest Service and BLM policies. Care should be taken to ensure that private parcels are contiguous to one another and do not create isolated enclaves of either public or private land.

Action 1.6: For resource management purposes, consider supporting the acquisition of the isolated parcel to the east of Pine Glade/Sunny Slopes by the US Forest Service or Los Angeles Department of Water and Power on a willing seller basis.

Action 1.7: Support opportunities to enhance services for public safety, including cell tower location(s) in the Long Valley area and a site for fire services near the Mammoth-Yosemite Airport.

## 4.6 INYO COUNTY

### 4.6.1 General Recommendations

- Consider the Natural Resources Advisory Committee or a subcommittee of Planning Commission or some combination of the two as a method of regularly communicating and collaborating on landownership adjustment opportunities.

## 4.7 OTHER AGENCIES

### 4.7.1 Eastern Sierra Unified School District

- Consider affordable housing uses on the high school parcel in Lee Vining, should the community submit a proposal.

### 4.7.2 California Department of Fish and Game

- Consider mechanisms to share acquisition/protection interests with other agencies in an effort to identify mutually beneficial landownership pattern adjustments and prevent development conflicts.

# 5 Pilot Project

## 5.1 ADOBE RANCH/ADOBE VALLEY DESCRIPTION

Adobe Ranch consists of 2,800 acres located southeast of Mono Lake and approximately 50 miles from Mammoth Lakes. The land has been a working cattle ranch for the past 150 years and encompasses aspen groves, Bishop tuff cliffs, a riparian corridor and meadows along with vast acres of sagebrush. Spring-fed, ephemeral lakes and ponds are rimmed by moist alkali meadows with open juniper woodland on the surrounding hills.



Photo Credit: Adobe Ranch, LLC

Adobe Ranch is divided by Highway 120 into Lower Adobe, consisting of 1,760 acres north of the road, and Indian Meadows, consisting of 728 acres south of the highway. A large portion of the property (1,138 acres of Lower Adobe and 278 acres in Indian Meadows) is in a Wetlands Reserve Program (WRP) held through the USDA Natural Resources Conservation Service (NRCS), leaving 622 acres in Lower Adobe and 450 acres in Indian Meadows of developable acreage.

Adobe Lake is home to breeding Snowy Plover, and Black Lake hosts Willet and Wilsons Phalarope along with other shorebirds, and all of the lakes in the isolated valley are believed to be important stopovers for migrant waterbirds. Additionally, a distinct, isolated sub-population of Greater Sage Grouse occurs in Adobe Valley, with its only strutting ground on private property.



Photo Credit: Adobe Ranch, LLC

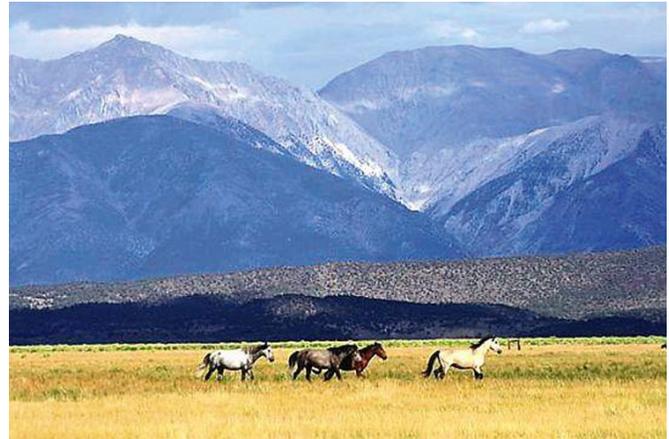


Photo Credit: Adobe Ranch, LLC

The Wetlands Reserve Program (WRP) through the Natural Resources Conservation Service (NRCS) includes the goals of restoring irrigated meadows and grazing lands to native wetland, riparian and upland habitats for migrant and resident birds, including waterfowl, shorebirds, and songbirds.

## 5.2 ANALYSIS

The approximate 1600 acres of private land under the easement is protected from development while providing financial incentives to the owners; however, the private owners have indicated an interest in pursuing a land exchange for property better suited for development for the remaining developable acreage.

The BLM has identified the Adobe Ranch parcels as desirable for acquisition for consolidation purposes and for habitat/species management and protection.

The LAP has identified the Adobe Ranch properties as a potential pilot project. The BLM and Adobe Ranch LLC should begin a dialogue regarding a potential exchange and incorporate identified community development needs and desires into identification of potential parcels for trade. Mono County should be consulted to ensure consistency with public input and community planning requirements, and/or facilitate discussions, if needed.



Photo Credit: Adobe Ranch, LLC

# 6 Next Steps

The following recommended steps guide future landownership adjustment efforts:

1. Use report recommendations to inform agency planning documents during future updates, including the BLM's Resource Management Plan, the INF and HTNF Land and Forest Management Plans and Landownership Adjustment Plan/Strategy, and Mono County's General Plan.
2. Continue exploring landownership adjustment and land use opportunities and priorities through community-based discussions, visioning, and planning.
3. Develop a formal method for regular discussion and collaboration between agencies and County planning departments regarding managing landownership patterns in the Eastern Sierra.
4. Continue exploring landownership adjustment and land use opportunities for the provision of public services and facilities, such as County facilities or services on public land.
5. Continue work on the Adobe Land Exchange Pilot Project.
6. Continue efforts on community priorities and other projects, such as the discussions to convey Tom's Place Resort and Pine Glade Tract into private ownership, and the expansion of the County Park in Crowley Lake onto BLM.
7. Continue to develop the online Mono County GIS map (<http://gis.mono.ca.gov/lap/map>), accessible to the public and agencies, as a useful tool for sharing information about landownership adjustment opportunities. Future information could include completed land ownership adjustments, agency land inventory updates or changes, and Inyo County information.

# Appendix A

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**“Federal Land Exchanges: A Primer for Local Citizens and Planners”**

**Center for Natural Resources & Environmental Policy, The University of Montana,  
July 28, 2010.**

# **Federal Land Exchanges: A Primer for Local Citizens and Planners**

Policy Brief

Center for Natural Resources & Environmental Policy  
The University of Montana

July 28, 2010

## **PREFACE**

The Center for Natural Resources and Environmental Policy is an applied research and education center based at The University of Montana. Its mission is to foster sustainable communities and landscapes through collaboration and conflict resolution. To help achieve this mission, the Center conducts action-oriented research and produces policy reports to inform and invigorate public policy and to examine current issues in the use of collaborative methods to prevent and resolve public disputes.

This policy brief was prepared in cooperation with the Sierra Business Council and participants in the Eastern Sierra Land Tenure Project. It is explicitly not intended as a legal analysis of the particular land ownership patterns or exchange opportunities available in a particular location, but instead provides an overview of the laws and regulations that will affect any effort to incorporate federal land exchanges into a local growth strategy, along with observations of the lessons and experiences of those who have pursued this strategy in various locations throughout the West.

The references listed at the end of this policy brief provide more detail on the laws and policies related to federal land exchanges. In addition, local citizens and planners wishing to explore the options available in their specific location should consult legal and land exchange professionals familiar with applicable state and local laws.

This policy brief and a variety of other publications related to natural resources policy and governance are available on the Center's website: <http://cnrep.org>.

## Table of Contents

<b>Brief Summary .....</b>	<b>4</b>
<b>Introduction .....</b>	<b>5</b>
<b>What is a Federal Land Exchange? .....</b>	<b>6</b>
<b>Administrative Land Exchanges.....</b>	<b>7</b>
<b>Legislated Land Disposal and Acquisition.....</b>	<b>9</b>
<b>What are the Benefits of Federal Land Exchanges? .....</b>	<b>11</b>
<b>What Can Go Wrong? .....</b>	<b>12</b>
<b>Examples of Land Exchanges Linked to Community Growth Plans.....</b>	<b>14</b>
<b>Mono County, California: Mammoth Community Facilities Exchange .....</b>	<b>14</b>
<b>Washoe County, Nevada: Exchanges Integrated with Regional Open Space/Growth     Planning .....</b>	<b>15</b>
<b>Washington County, Utah: Collaborative Process Improves and Builds Support for     Land Exchange Bill.....</b>	<b>15</b>
<b>Sources for Further Information.....</b>	<b>21</b>

## Brief Summary

Western communities increasingly find it beneficial to include federal public land exchanges in their growth management planning. Federal land exchanges range from simple trades to complex multi-party transactions. Thus, even those communities without immediately adjacent public lands may find themselves engaged in a federal land exchange, possibly involving lands located in a different county. The basic goal of all such exchanges is to consolidate land ownership in a way that makes sense for all parties and serves broader public interests.

These transactions may be pursued either by:

- Working directly with the federal land managers to negotiate an **administrative** exchange; or
- Working with a member of Congress to enact a **statute** authorizing or requiring an exchange or a combination of land sale and acquisition to achieve similar goals.

Local citizens and planners can use these processes to guide and accommodate growth by:

- Participating actively in federal resource planning processes before any land exchanges are contemplated to identify priority lands for exchange;
- Developing clear objectives and criteria to evaluate proposed exchanges;
- Considering alternatives to exchanges to achieve land use objectives;
- Understanding the time and resources necessary to complete an exchange;
- Investigating and addressing all potential objections and issues that may delay or prevent the exchange from proceeding;
- Building a constituency for the exchange early, and conducting an effective and transparent public participation process;
- Exercising caution when entering into multi-party transactions;
- Evaluating the benefits of administrative versus legislative exchanges; and
- Encouraging policy reforms to improve the federal land exchange process.

Examples drawn from several western communities illustrate ways in which local citizens and planners have engaged with federal resource managers to encourage more strategic use of federal land exchanges to support local growth management and land use planning.

These transactions are seldom without controversy, as each implicates strongly held values for public land and private property rights, but the best practices outlined in this policy brief aim at identifying and addressing concerns early in the process and working as collaboratively as possible with all affected parties. Additional resources at the end of the policy brief provide a starting point for more in-depth investigation of the options for integrating federal land exchanges with local growth management.

## Introduction

Public lands managed by the U.S. Bureau of Land Management and the Forest Service surround many rural communities in the western United States, providing many benefits to residents who enjoy recreational access and open landscapes. In some cases, communities seek opportunities to accommodate growth by expanding into adjacent public lands.

For their part, public land managers face management challenges from the historical legacy of western land disposal practices, which resulted in numerous parcels of privately held lands scattered throughout the public land estate. Several laws authorize the agencies to negotiate transactions in which private lands are exchanged for public land parcels, typically those adjacent to communities or otherwise attractive for development.

More recently, Congress has authorized or directed through legislation specific exchanges and other land transactions (including sales through public auction). Such bills may contain a wide variety of special conditions adapted to the specific place and conditions.

Sometimes these transactions involve multiple parties and a series of exchanges involving parcels in different counties. In all cases, the goal is to consolidate land ownership in a way that makes better sense for all parties—and, when public lands are part of the deal, the overriding policy consideration is that the exchange be consistent with the broad public values that guide public land management agencies.

Typically, individuals seeking development opportunities have taken the initiative in pursuing such exchanges, often in cooperation with independent land exchange facilitators. Increasingly, communities are considering potential land exchanges and similar transactions in their planning processes, seeking to take a more proactive role in shaping future ownership adjustments to better match existing infrastructure and desired growth patterns.

This policy brief provides an overview of the land exchange process, including a summary of the various means to adjust land ownership, potential benefits of doing so, and concerns about this practice. Several examples highlight the ways in which communities can integrate land exchanges into their planning processes, leading to suggested lessons learned and best practices.

The sources at the end of this paper provide additional details on the legal authorities for exchanges and the practical considerations that arise in a variety of transactions involving federal public land.

## What is a Federal Land Exchange?

Public lands envelop many communities in the American West, a legacy of the nation's historical expansion and settlement policies. These lands, managed for the most part by the U.S. Bureau of Land Management and the U.S. Forest Service, comprise approximately half the acreage in the West, and as high as 80 percent in Nevada.

Public lands and the resources they support provide valuable recreation access, scenic vistas, and many other community benefits that draw residents and economic growth to this region. Yet many western communities are essentially landlocked, unable to expand their footprint to accommodate growth without changes in land ownership. Increasingly, such ownership changes are taking place through processes referred to as land exchanges or land tenure adjustment.

The United States' 19<sup>th</sup> Century land disposal policies produced fragmented land ownership patterns, leading to the "checkerboard" ownership that creates colorful political maps and resource management headaches.<sup>1</sup> In some cases, the federal government purchases private inholdings, but funds for such purchases are limited. Land exchanges and other land tenure adjustments provide an opportunity to convert this checkerboard pattern to a more logical blend of land ownership, consolidating federal lands for landscape-scale management and focusing new private development on lands adjacent to established services in existing communities.

In some cases, the transactions involve multiple parties and properties, involving federal lands and some combination of lands owned by private parties and others (state lands, public water district lands, etc.). Western state land managers have enough experience with these transactions to have developed sophisticated criteria for evaluating proposed trades. Other parties, such as municipal water districts or corporate landowners, do not necessarily have established procedures for participating in federal exchanges, but generally deal with them as they would other real estate transactions.

In every case, the goal is to more logically align land ownership with public and private interests and priorities. Increasingly, local citizens and planners are seeking to use such transactions to achieve growth management goals. Whether the lands adjacent to a growing community are owned by the federal government or by another party that may be interested in exchanging some of its land for federal lands

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<sup>1</sup> For a concise history of the policies and practices that resulted in this ownership pattern, see Paul 2006, at 108-13. This and all references mentioned in the text are listed in the "Sources" section at the end of this report.

elsewhere, it is important for all involved to understand the federal legal and regulatory framework that will set the stage for the process.

This section describes three types of land ownership changes: administrative land exchanges, legislated land exchanges, and legislated land disposal and acquisition.

### Administrative Land Exchanges

Federal law defines exchanges as “voluntary real estate transactions between federal and non-federal parties” (43 C.F.R. Sec. 2200.0-6(a)). They range from straightforward acre-for-acre exchanges to complex, multi-party (sometimes multi-phase) transactions including transfers of resource development rights or other valuable commodities in addition to acreage or cash equalization payments. Sometimes the federal government ends up with a net gain in acreage, since the lands it gives up close to existing communities are valued highly for development potential. In all cases, the federal agencies must determine that the exchange will serve the public interest and be consistent with overall resource management objectives.

Congress authorized land exchanges involving the Forest Service as early as 1911 (and the predecessor of the BLM in 1934), but the practice accelerated in recent decades. Between 1989 and 1999, the Forest Service conducted over 1,200 land exchanges with a total value of over \$1 billion, and acquired a net total of around 600,000 acres. In the same decade, the BLM completed nearly 1,300 exchanges and acquired a net total of around 350,000 acres (Vaskov at 81). Between 2004-08, the two agencies together processed 250 land exchanges involving over 600,000 acres (GAO 2009 at 9, 19).

Historically, most exchanges involved relatively small parcels and occurred through discretionary administrative acts, conducted by Forest Service or BLM managers in compliance with governing laws and regulations. Under the Federal Land Policy & Management Act (FLPMA),<sup>2</sup> the following criteria guide land disposal decisions:

- The federal parcel proposed for exchange or sale is difficult and uneconomic to manage because of its location or other factors and is not suitable for management by another federal department or agency;
- The purpose for which land was acquired has been met and the land is no longer required for any federal purpose; or
- The ownership transfer will serve important public policy goals, such as expansion of communities and economic development, which cannot be achieved on land other than public land, and outweigh other public

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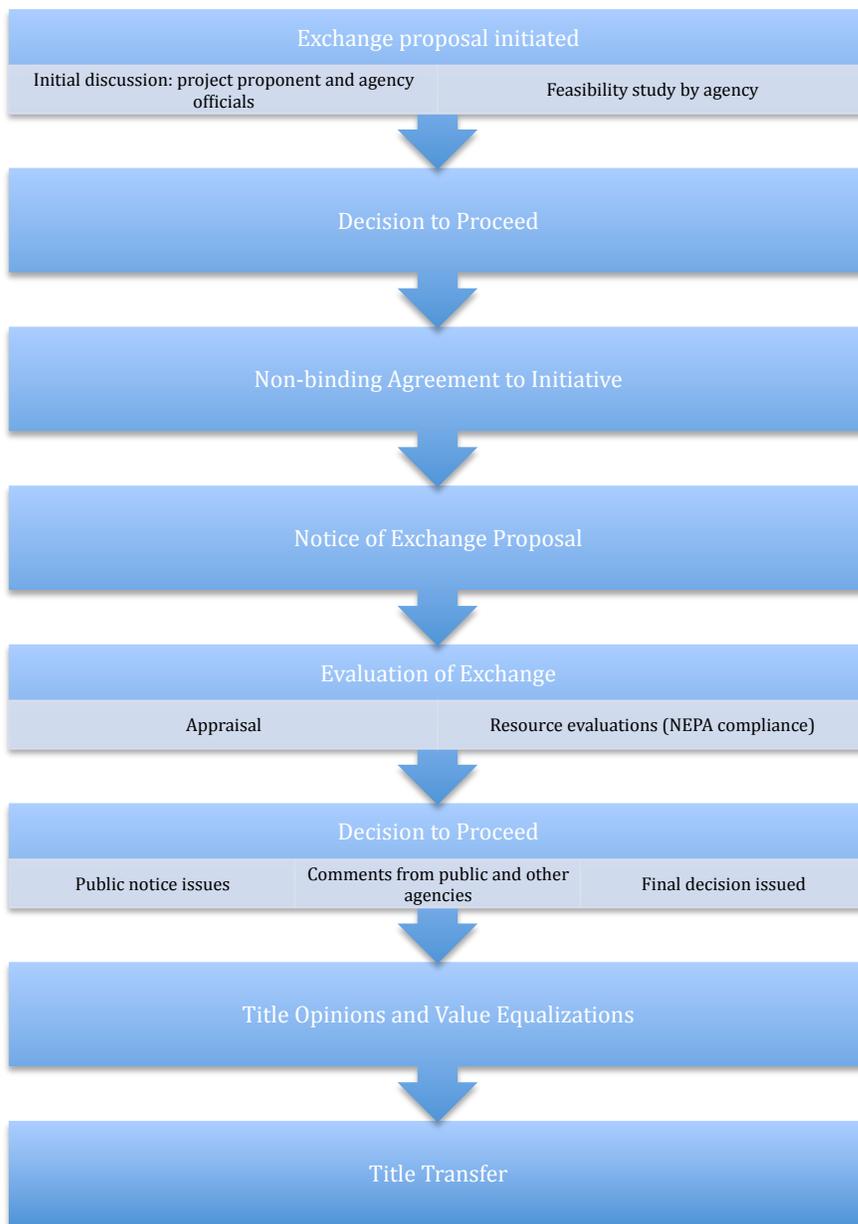
<sup>2</sup> Land exchanges are subject to a number of federal laws, including FLPMA, the Federal Land Transaction Facilitation Act of 2000, and the National Environmental Policy Act (NEPA). Several of the reports listed in the “Sources” section include detailed citations and discussions of the applicable laws. See Sonoran Institute (2009), Blaeloch (2009), and GAO (2009).

objectives and values, including specifically recreation and scenic values, which would be served by keeping the land in federal ownership.

Exchanges may be for full fee simple title or for partial interests such as conservation easements. The agency reviewing the exchange must determine that the “intended use of the conveyed Federal land will not substantially conflict with established management objectives on adjacent Federal lands.”

Although the procedures differ somewhat between agencies, the basic steps of an administrative land exchange are the same. See Figure 1 for the general framework.

**Fig. 1 Administrative Land Exchange Process: Major Steps in Agency Consideration**



## Legislated Land Exchanges

In a significant change in recent years, land exchanges and other ownership adjustments involving public lands have followed congressional legislation instead of this administrative procedure. Between October 1, 2004, and June 30, 2008, BLM and the Forest Service reported processing 20 land exchanges that were specifically legislated by Congress, resulting in a net gain of approximately 200,000 acres of federal land (GAO 2009 at 22).

Legislative exchanges can proceed very differently from their administrative counterparts, as Congress can make any number of changes to the normal requirements. For example, recent legislative exchanges have: (1) identified specific lands to be exchanged; (2) required the agencies to conduct exchanges if requested by the nonfederal party; and (3) established time frames for the completion of the exchanges (GAO 2009 at 23). Since Congress has broad constitutional power to regulate activities on public lands, it can exempt these legislative exchanges from environmental review or resource planning mandates, set the appraisal guidelines, and establish advisory groups to help select exchange lands. Thus, it is impossible to diagram a “typical” legislated land exchange process.

This ability to customize the exchange process for particular situations has proven attractive, and has given rise to some creative land conveyance programs. But critics protest that legislative transfers of federal ownership tend to favor special interests, avoid the public scrutiny that is afforded by agency planning processes, and often bypass important statutory requirements aimed at protecting environmental and other public interests.

## Legislated Land Disposal and Acquisition

The most recent trend in federal land tenure adjustment is congressional legislation that authorizes the federal agencies to sell parcels of federal land at public auction or in modified competitive sales, and then deposit the proceeds into a special account for priority land acquisition. Examples include the Southern Nevada Public Land Management Act of 1998 (P.L. 105-263) and the more broadly applicable Federal Land Transfer Facilitation Act of 2000 (P.L. 106-248, codified at 43 U.S.C. Sec. 2301 et seq.).<sup>3</sup> Nearly all these sales have occurred in Nevada, involving lands managed by the BLM (GAO 2008 at 5).

Often, these “omnibus” bills include wilderness and other protective land designations, resulting from negotiations among diverse stakeholders. Critics call these “quid pro quo” wilderness bills; supporters see them as “win-win” solutions.

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<sup>3</sup> See Appendix E to the Sonoran Institute’s *A Citizen’s Guidebook to Federal Land Disposal* for summaries of these and other land disposal statutes.

Using public auctions to dispose of surplus lands offers a better chance of obtaining fair market value that includes development potential than through the traditional appraisal process. Moreover, public involvement is encouraged by these statutes' mandatory collaborative planning processes to identify lands to be auctioned off and lands to be acquired.

Legislative disposal bills raise a number of objections from people concerned that statutory mandates may be inconsistent with existing land and resource plans and may seek to avoid environmental and other legal requirements. Conversely, a congressional bill may impose a wide variety of conditions to ensure that the public interest is served. These could include, for example:

- Mandatory completion of environmental analyses prior to completion of transaction;
- Restrictive covenants on the lands to be transferred out of federal ownership, ensuring that future uses are consistent with community or other identified goals;
- Reversionary clause requiring that the land revert to federal ownership if not used for the stated purpose (more common where the federal parcel is dedicated to a conservation or recreation purpose); and
- Oversight by a designated advisory committee.

In other words, the broad discretion of Congress to govern activities on public lands may either be used to bypass or enhance important administrative safeguards.

## What are the Benefits of Federal Land Exchanges?

For federal resource managers, land exchanges offer opportunities to acquire high-priority lands and divest themselves of lands whose development potential exceeds their conservation value.

Federal land exchanges have facilitated wilderness protection, historical resource protection, and enhanced recreation opportunities. Sometimes federal agencies have pursued exchanges to resolve longstanding disputes over rights-of-way or land uses impacting sensitive areas.

In its public interest review, the federal agency considering an administrative land exchange must assess the potential for “better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife” (42 U.S.C. Sec. 1716(a)).

This and other statutory mandates direct federal agency officials to engage in meaningful consultation with local officials to determine whether the lands proposed for transfer to nonfederal ownership will lead to development that is consistent with local land use priorities. When done well, this consultation allows a community bordering public land to maintain control over the path of development along its urban fringe, encouraging growth that matches local priorities and available services.

Such consultation does not always occur, leading to surprise and protest by those who suddenly discover that neighboring public lands are slated for exchange and thus will be open for development. The following section describes some of the problems that can arise in an exchange process.

## What Can Go Wrong?

Although the logic of federal land exchanges is solid, and the potential for mutually beneficial outcomes is great, the reality has been far more mixed. An unfortunate legacy of poorly conceived or executed exchanges convinces many that such transactions are a bad deal for the federal government—wasting public money and resources and failing to account for fiscal and environmental consequences (Chamberlain at 251-252). “The exchange process,” concluded the Public Lands Foundation in 2001, “gives the land exchange proponent an avenue to acquire blocks of developable lands in prime locations from the federal government, and without competition,” resulting in a financial windfall for the private party who quickly develops or resells the former federal lands.

The many objections raised to land exchange practices include:

- Land exchanges are completed without meaningful public scrutiny and input;
- Agency procedures to evaluate environmental impacts were not adequate<sup>4</sup>;
- Third-party facilitators did not disclose relationships with landowners;
- Appraisals often overvalue private land while undervaluing federal land;
- Federal agencies deal improperly with corporations with which they have close ties;
- When exchanges involve lands in different counties, the county in which a private land parcel becomes public land will lose property tax revenues, which likely will not be fully compensated by federal programs such as Payments in Lieu of Taxes;
- Lands transferred into federal ownership are often logged, degraded, or of otherwise of low quality, while the lands conveyed into non-federal ownership are often prime or high-quality forest lands; and
- The process affords the agencies too much discretion and not enough accountability to the public.

The Government Accountability Office (GAO) has completed numerous reviews of land exchange practices, concluding most recently that the Forest Service and BLM have made progress in improving oversight of the exchange process, but that there is still room for improvement. Specifically, the GAO remarked on the agencies’ failure to develop national strategies to guide land transactions and to account for all costs incurred in their implementation.

In short, pursuing a federal land exchange can be time-consuming and contentious. The discussion below of “Lessons Learned” suggests some strategies to address

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<sup>4</sup> See, e.g., *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800 (9th Cir. 1999), which held that the Forest Service did not consider the cumulative impacts of the exchange, in conjunction with past or reasonably likely future land transactions, and did not consider an adequate range of alternatives to the exchange, such as buying the nonfederal land.

these concerns at the outset of an exchange process. Perhaps the key lesson for local planners considering strategic participation in the federal land exchange process is that such transactions may raise objections from those who object to them on principle, and that there may be many reasons that a contemplated exchange is not completed.

## Examples of Land Exchanges Linked to Community Growth Plans

### Mono County, California: Mammoth Community Facilities Exchange

In 2007, after three years of negotiation among federal, state, and local public agencies, the Mammoth Community Facilities Land Exchange (“McFlex”) provided 12.5 acres of land for expanded public facilities for the Mammoth Lakes Fire Protection District, the Town of Mammoth Lakes, the County of Mono, the State Administrative Office of the Courts, and Mammoth Hospital. The Southern Mono Healthcare District initiated this administrative exchange, part of a planned hospital expansion, but the negotiations involved many parties and the active assistance of a third-party facilitator, Western Land Group. The municipality and county stepped in at various points to provide support, but were not main players in the exchange.

In turn, the Forest Service obtained 3,061 acres of privately held, environmentally sensitive land in Mono, Inyo, Eldorado, and Placer counties. The acquired land include ten acres in the Ancient Bristlecone Pine Forest, a parcel in the Mono Basin National Forest Scenic Area, some acreage on the backside of the Glass Mountains, and the Tub Springs parcel located at the base of Kearsarge Peak.

In evaluating the public benefits of the transaction, the Forest Supervisor noted that the management priorities for the Mammoth Management Area of the Inyo National Forest Land and Resource Management Plan (LRMP) call for exchanging Forest Service lands into the private sector for community expansion when:

- The most appropriate use of the National Forest lands over the long term is in the private sector;
- State, county, local, and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and
- The use intended for the federal land being exchanged meets the intent of the current approved County General Plan.

Those who submitted comments supporting the exchange included the Mother Lode Chapter of the Sierra Club and the Friends of the Inyo. The transaction raised concerns in Inyo County, which has a policy of “no net loss” of private lands. Nonetheless, an appeal of the exchange on this principle was unsuccessful and Inyo County ended up with a reduction of private property taxes as a result of the transaction. The final decision document notes that the objection did not come from Inyo County officials, and evaluates the actual impact on tax revenues as minimal since, “[t]he parcels located within Inyo County (Bristlecone Pine and the Tub Springs parcels) are undeveloped and provide very little tax base to Inyo County.

Furthermore, these parcels because of lack of access, and infrastructure have a very low potential for development.”<sup>5</sup>

For more information:

<http://www.mammothtimes.com//content/view/52852/>

### **Washoe County, Nevada: Exchanges Integrated with Regional Open Space/Growth Planning**

Federally managed public lands comprise much of southern Washoe County, home to the metropolitan areas anchored by Reno and Sparks, Nevada. In its first regional open space plan, adopted in 1994, the county began a process of identifying lands appropriate for protection. This planning process is notable for the extent to which local planners integrated their efforts with federal land managers, especially with regard to land exchange and other land tenure adjustments.

A cooperative BLM-county planning process completed in 2000 evaluated lands appropriate for community expansion, and identified 2,140 acres of BLM land for potential transfer to private ownership. The plan states that the preferred means for disposing of these federal lands would be through exchange for private lands designated as desired open space in the Washoe County Regional Open Space Plan.

County and state bonds financed more than 60 parks and trails, and preserved nearly 10,000 acres of open space in Washoe County. Additionally, the sale of public land parcels in southern Nevada through the Southern Nevada Public Lands Management Act provided another \$183 million to help consolidate a patchwork of federally owned land, preserving an additional 40,000 acres of open space in Washoe County.

For more information:

[http://www.washoecounty.us/comdev\\_files/os/os\\_plan\\_081908.pdf](http://www.washoecounty.us/comdev_files/os/os_plan_081908.pdf)

### **Washington County, Utah: Collaborative Process Improves and Builds Support for Land Exchange Bill**

The Washington County Growth and Conservation Act (included in the Omnibus Public Land Management Act of 2009) grew from a series of legislative proposals that evolved over the past decade. In an earlier version proposed in 2006, the bill would have mandated disposal by sale or exchange of 17,000 acres of BLM land in

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<sup>5</sup> USDA Forest Service, Pacific Southwest Region, Decision Notice, Finding of No Significant Impact, and Project Specific Non-Significant Forest Plan Amendment, Mammoth Community Facilities Land Exchange, Appendix A (2007).

Washington County, well in excess of the acreage BLM had identified as appropriate for disposal in its Resource Management Plan.

In an effort to resolve these conflicts, a public-private partnership led by a neutral facilitator convened to develop a consensus-based plan for the region's future growth. "Vision Dixie," published in 2007, examined alternative growth scenarios and established "Quality Growth Principles" to guide development in the region. This document directly impacted revisions to the bill and supported its passage in 2009.

The 2009 legislation authorizes the BLM to dispose of 5,000 acres of land for urban growth, and requires consultation with the county in evaluating proposed transactions. All sales are subject to environmental review and public input. Five percent of the proceeds will go to the State School Trust Fund, and the rest of the proceeds will be used to acquire high-priority, biologically significant lands within designated wilderness and national conservation areas. (The bill also includes significant new designations of wilderness, NCA, and Wild & Scenic River acreage.) The legislation conveys 353 acres to Washington County and local municipalities for public purposes such as schools, correctional facilities, and sports parks.

For more information: <http://wilderness.org/files/Omnibus-Key-Provisions.pdf>

## Lessons Learned and Best Practices

The examples summarized here illustrate the diversity of approaches available to local governments wishing to participate in federal land exchanges to direct growth in desirable ways. Land use planners and others wishing to explore this topic in more detail should look to the experience of western states that have developed detailed criteria for participating in exchanges and other land tenure adjustments with the federal government.<sup>6</sup> Early and consistent participation in federal resource planning processes will facilitate good communications and better outcomes when exchanges and other property transactions are contemplated.

Perhaps the most important overarching principle to keep in mind is that federal land exchanges are judged first by whether they are beneficial to the public interest. The opportunity to exchange or otherwise engage in a transaction that changes the ownership of a federal land parcel is not intended primarily for private financial gain or local economic development. All exchanges must make sense in the larger context of the nation's public land system and the laws and policies that guide its management.

Based on the experience of communities that have completed land exchanges with federal and state agencies, the following “best practices”<sup>7</sup> provide a useful framework for approaching this process in conjunction with local growth planning:

### **1. Participate in agency planning processes before any land exchanges are contemplated.**

Both the BLM and the Forest Service must coordinate their planning efforts with other agencies and governments. This coordination may be informal or may be formalized in a memorandum of understanding (MOU) or similar agreement. Early and consistent communications can help ensure that local concerns and priorities are considered in the federal land and resource planning processes that will guide any future land exchanges. Washoe County (Nevada), for example, formed a Checkerboard Lands Committee to facilitate participation in planning and exchange activity on BLM lands. The Sonoran Institute's *Citizen's Guidebook* provides detailed guidance on ways to bring local land use priorities to the attention of agency planners.

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<sup>6</sup> See, for example, Montana's guidelines for state land exchanges: [dnrc.mt.gov/trust/REMB/landexchange.pdf](http://dnrc.mt.gov/trust/REMB/landexchange.pdf)

<sup>7</sup> Adapted from the Sonoran Institute's “rules of thumb” to guide exchanges, developed for the *Citizen's Guidebook to Federal Land Disposal* (2009).

## **2. Develop clear objectives and criteria to evaluate proposed exchanges.**

Typically, local governments learn of exchanges proposed by others and scramble to respond with concerns about their impacts on local services and adjacent property owners. The alternative is to look ahead at development and conservation needs and develop priorities and principles for evaluating projected exchanges, including pursuing beneficial exchanges in partnership with others. Such criteria should encompass impacts on area growth patterns and community character, infrastructure and related fiscal impacts of projected development, consistency with adjacent land uses, and relationship to open space protection and other conservation objectives.

## **3. Explore alternatives to direct land exchange transactions to achieve objectives.**

Consider whether changes in land ownership are necessary to achieve land-use objectives. For example, tools such as zoning, open space bond purchases, conservation easements, or transfers of development rights might channel development into desirable areas while protecting valued landscapes.

## **4. Ensure at the outset that participating entities have the commitment of resources and time necessary to complete the transaction.**

Whether pursued through administrative or legislative channels, federal land exchanges are time-consuming—typically taking at least five to seven years to complete. The GAO found that federal agencies consistently underestimate the amount of time it will take to complete a transaction. Legislated exchanges may mandate a deadline by which a transaction must occur, but should be designed carefully to allow full consideration of all affected interests.

## **5. Avoid surprises by completing due diligence on the lands involved in the transactions early in the process.**

In this case, due diligence includes the usual property inspection (abandoned mines, hazardous waste, and other liabilities) as well as a thorough survey of the potential opposition to the transaction, including neighbors of the federal parcels subject to exchange and stakeholder groups concerned about impacts on public resources.

**6. Build a constituency for the exchange early, and short-circuit controversy by conducting an effective and transparent public participation process.**

Much of the criticism of federal land exchanges focuses on the closed nature of the transaction, with public input occurring only after the essential elements have been agreed upon. Establishing clear criteria and priorities before contemplating any particular exchanges will help local officials understand the likely interests to be affected and, ideally, involve those interests as participants in an improved process rather than opponents of a “done deal.”

**7. Enter into three-way land exchanges with full information and caution.**

“Three way” refers to the involvement of an additional nonfederal entity, such as the state land board, a public utility such as a water district, or a land exchange broker who consolidates parcels into larger units for exchange. Each additional party will bring its own concerns, constituents, and constraints to the table, and thus may complicate the transaction, but the additional time and work may pay off in a mutually beneficial outcome. This is especially attractive in communities surrounded by non-federal lands owned by entities that may wish to exchange their holdings for federal land parcels elsewhere, such as a water district seeking to consolidate its land holdings in a critical watershed or obtain essential tracts to complete a right-of-way for future infrastructure needs.

**8. Evaluate alternative approaches for completing the transaction.**

The Sonoran Institute advises that administrative land exchanges work best for small amounts of similarly situated and valued land, while legislated exchanges may be more effective for large-scale transactions where non-monetary values can and should be considered. Other observers reach different conclusions; the Public Lands Foundation, for example, favors the exclusive use of agency-run public auctions to generate funds for purchasing high-value conservation lands identified in the FLMPA planning process. The point is, there is no one recipe for a successful change in land ownership. The examples highlighted here and the sources for more information offer parallels that might suggest the best approach in a particular situation.

**9. Encourage policy reforms to improve the federal exchange process.**

Land exchanges implicate many public values and thus should be conducted in a public process, not a “closed deal” between the agency and a private party. Cooperative planning with local officials to prioritize areas for ownership changes is

an important first step toward making this process more transparent and accessible to the public at large.

## Sources for Further Information

Blaeloch, Janine, *Carving Up the Commons: Congress and Our Public Lands* (Western Lands Project, 2009).

Chamberlain, Holly, "A Plan of Action: A New Alternative to School Trust Land Exchanges in the West?" 23 *Journal of Land Resources & Evt'l Law* 241 (2003).

Dansie, Daniel, "The Washington County Growth and Conservation Act of 2006: Evaluating a New Paradigm in Legislated Land Exchanges," 28 *Journal of Land Resources & Evt'l Law* 185 (2008).

Paul, Bill, "Statutory Land Exchanges that Reflect 'Appropriate' Value and 'Well Serve' the Public Interest," 27 *Public Land & Resources Law Review* 107 (2006).

Public Lands Foundation, *Land Exchanges of Public Lands Administered by the Bureau of Land Management* (Position Statement 18-01).

Public Lands Foundation, *Public Land Disposal through Legislation* (Position Statement 33-08).

Sonoran Institute, *A Citizen's Guidebook to Federal Land Disposal* (Dec. 2009).

Tang, Melani, "SNPLMA, FLTFA, and the Future of Public Land Exchanges," 9 *Hastings West-Northwest Journal of Evt'l Law & Policy* 55 (Fall 2002).

U.S. Government Accountability Office (GAO), *BLM and the Forest Service Have Improved Oversight of the Land Exchange Process, but Additional Actions Are Needed* (GAO-09-611, June, 2009).

U.S. GAO, *Interior's Land Appraisal Services: Actions Needed to Improve Compliance with Appraisal Standards, Increase Efficiency, and Broaden Oversight* (GAO-06-1050, Sep. 28, 2006).

U.S. GAO, *BLM and the Forest Service: Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest* (GAO/RCED-00-73, June 22, 2000).

U.S. GAO, *Federal Land Acquisition: Land Exchange Process Working But Can Be Improved* (GAO/RCED-87-9, Feb. 5, 1987).

Vaskov, Nicholas G., "Continued Cartographic Chaos or a New Paradigm in Public Land Reconfiguration? The Effect of New Laws Authorizing Limited Sales of Public Lands," 20 *UCLA Journal of Evt'l Law & Policy* 79 (2001/02).

# Appendix B

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## Agency Information Sheets

1. BLM
2. U.S. Forest Service
3. Humboldt-Toiyabe National Forest
4. Inyo National Forest
5. California Dept. of Fish and Game
6. State Lands Commission
7. Los Angeles Dept. of Water and Power
8. Inyo County
9. Mono County

## Landownership Adjustment Project

### BLM Information Sheet

#### Interest:

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

*“Over 8,000 acres of Bureau land are identified for potential disposal, and over 18,000 acres of private land are identified as potential acquisitions. The large amounts of land in each category are intended to provide flexibility for land exchanges. If an opportunity arises for a land exchange which would allow us to acquire prime habitat or improve management of public lands and resources, the exchange could occur. The local area decision to emphasize land exchanges is intended to prevent a net loss to the local tax base. (Note: 2600 acres have been disposed of since implementation).”*

#### Procedure for sale or exchange of land:

Steps pulled from BLM H-2200-1 Land Exchange Handbook (2005)

(Note: Length of time for steps is only an estimate)

##### Step 1: Develop Exchange Proposal (90 days)

1. Informal Discussions Before submitting a formal proposal, potential nonfederal exchange parties should meet with BLM. Field Manager Preliminary screening of potential exchange opportunities may include broad scale consideration of land use plans, natural resources, land status, land values, funding capabilities, and manageability of nonfederal lands. These pre-proposal discussions should result in exchange proposals that are more complete. The BLM and nonfederal exchange parties then develop a formal proposal.

##### Step 2: Evaluate Feasibility of Exchange Proposal (160 days)

1. The BLM Field Manager:
  - a. Prepares a Feasibility Report.
  - b. Determines the Land Exchange Processing Cost. The BLM and nonfederal exchange parties must complete an accurate projection of funding and staffing commitments before beginning work on an exchange.
  - c. Develops the Agreement to Initiate Exchange and serialized case file for proposed land exchange.
2. The State Director:
  - a. Reviews all feasibility packages and requests Field/Regional solicitor concurrence, Washington Office concurrence and Deputy Director approval to proceed.
3. Washington Office:

- a. Reviews all land exchange feasibility packages

### Step 3: Exchange Processing and Documentation (130 days)

1. The BLM Field Manager:
  - a. Executes an Agreement to Initiate (ATI) an exchange.
  - b. Publishes and mails out the notice of exchange proposal (NOEP), describing the proposal and providing for public comment
  - c. Requests land exchange related appraisal services
  - d. Conducts detailed resource analysis and environmental documentation, including: minerals, cultural, historical, wildlife, botanical, contaminants inventory, environmental site assessment, Certification of Inspection and Possession, NEPA documentation
2. The Department of the Interior:
  - a. Reviews and approves appraisals for land exchange transactions before proceeding.
3. The Field Manager and State Director:
  - a. Accept DOI approved appraisal
  - b. Reach agreement on the relative values of the Federal and nonfederal lands and equalizing values.
  - c. Use arbitration, bargaining or other methods to resolve disputes over value

### Step 4: Decision Analysis and Approval (130 days)

1. The State Office:
  - a. Reviews decision package and requests Field/Regional Solicitor concurrence, Washington Office concurrence and Deputy Director approval to proceed.
2. Washington Office:
  - a. Reviews and approves all land exchange decision packages before proceeding.
3. Field Manager:
  - a. Publishes and mails Notice of Decision (NOD) on the exchange.

### Step 5: Title Transfer (30 days)

1. Field Manager:
  - a. Executes a Binding Exchange Agreement
  - b. Sends case files to State Office and requests conveyance documents
  - c. With State Director equalizes land exchange values.

2. State Office/Regional Solicitor:
  - a. Secures Solicitor approval of:
    - i. Title evidence,
    - ii. Conveyance documents,
    - iii. Escrow and closing instructions,
    - iv. Binding exchange agreements,
    - v. Other closing documents.
  - b. Processes the close of the land exchange transaction
  - c. With Field Office completes post-conveyance actions and land status updates.

**Criteria:**

- Public lands are to be retained in federal ownership unless disposal serves the national interest (FLPMA [Section 102(a)(1)]), (RMP [No. 2, Page 8]) .
- Public lands may be made available for disposal if they are difficult and uneconomic to manage and are not suitable for management by another federal department or agency (FLPMA [Section 203(a)(1)]), (RMP [ No. 3, Page 8]).
- The BLM will not dispose of Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs) or other resources of high national interest to non-federal agencies. Disposal of the habitat of endangered, threatened or sensitive species to non-federal agencies or nonprofit organizations may be considered only if the protection and conservation that would be afforded the habitat following transfer of title equals or exceeds the level afforded by federal ownership. ... Disposal of the habitat of officially listed endangered or threatened species would occur only after consultation with the USFWS pursuant to Section 7 of the Endangered Species Act of 1973, as Amended (RMP [No. 9, Page 8]).
- Site-specific inventories and analyses for endangered and threatened species, historic and prehistoric cultural properties, and mineral values are required prior to disposal of public lands and interests (RMP [No. 11, Page 8]).
- Transfers of Bureau land to other agencies will be limited to small and isolated parcels (RMP [No. 3, Page 9]).

**Tools:**

- The preferred method of landownership adjustment (both acquisition and disposal) is exchange. Where land exchange is impractical, lands identified for disposal may be sold under authority of the FLPMA. The Bureau intends to acquire lands from willing sellers.
- Acquisitions and disposals identified in the RMP provide a list of parcels available for transfer. The Bureau intends to balance acquisitions and disposals such that no net decrease in private land occurs during the life of the plan (RMP [No. 1, Page 9]).

- A site-specific environmental assessment will be required before any disposal of BLM land. Only parcels identified in the RMP will be available for disposal. All other BLM lands will be retained in public ownership (RMP [No. 1, Page 14]).

## **Landownership Adjustment Project**

### **US Forest Service Information Sheet**

This document focuses on basic US Forest Service land exchange procedures, standards and guidelines at the federal level, with an emphasis on the initial evaluation and initiation of an exchange. Procedures, standards and guidelines at the Forest level are contained in separate Information Sheets for the Inyo National Forest and Humboldt-Toiyabe National Forest, and are cross-referenced when the information overlaps.

For steps and details after the initiation of the land exchange, see Forest Service Manual 5430 – Landownership; the Land Exchange Handbook (FSH 5409.13 Chapter 30); and the 36 Code of Federal Regulations, Section 254, Subpart A. Other applicable authorities that may be useful are listed at the end of this document.

#### **Interest:**

Because National Forest System lands were "reserved" from the Public Domain for National Forest purposes, the United States Forest Service does not have a general "sale" authority except in very limited specific circumstances such as selling lands for public school purposes. The Forest Service can convey land through exchange to achieve the optimum landownership pattern to provide for the protection and management of resource uses.

The objective of the land exchange program is to utilize land exchanges as a tool, in concert with the purchase program, to implement Forest land and resource management planning and direction; to optimize National Forest System landownership patterns; to further resource protection and use; and to meet the present and future needs of the American people. (FSM 5430.2)

#### **Acronyms:**

- FSM: Forest Service Manual, referencing a policy in Manual 5430 – Landownership.
- CFR: Code of Federal Regulations.
- FLPMA: Federal Land Policy and Management Act.

#### **Procedure:**

*The Land Exchange Handbook, FSH 5409.13 Chapter 30, Section 39, Exhibit 02 provides a complete list of steps for a land-for-land exchange, and the text describes the steps. The description below focuses on the initial acceptance of a proposal and the initiation of the exchange. Where specific procedures for the Inyo or Humboldt-Toiyabe National Forests are referenced, please see the Information Sheets for these Forests.*

1. An exchange proposal is submitted to the USFS (or made by the USFS) defining the properties. Exchanges may be proposed by the Forest Service or by any person, State, or local government (36 CFR 254.4(a)).
2. The local USFS office reviews the proposal for compliance with the Forest Management Plan and public benefits. Section 32.4 of the Land Exchange Handbook (FSH 5409.13

Chapter 30) also requires a feasibility analysis of the proposed exchange as a first level screen to:

- a. Ensure compliance with the applicable forest land and resource management plan.
  - b. Identify public benefits.
  - c. Ensure the availability of resources to complete the proposed exchange.
  - d. Identify title and property description problems.
  - e. Identify potential support and opposition.
3. Review of legal issues: obtain title insurance commitment on non-federal lands, boundary management review, federal land status report, water rights analysis, and valuation consultation.
  4. Identify party(ies) responsible for costs.
  5. When a feasibility analysis is completed and the determination is made to continue with the exchange, all prospective parties shall sign a nonbinding Agreement to Initiate (ATI), defined by 36 CFR §254.4(c). The ATI is the formal initiation of the land exchange process.
  6. See the Land Exchange Handbook (FSH 5409.13 Chapter 30) for a list of steps after the ATI (in Exhibit 02). Descriptions of the steps are contained in the text. Subsequent steps include, in part, public noticing, public scoping, land surveys, appraisals (defined by 36 CFR §254.9), environmental analysis, resource studies, deed verification and transfer, etc.
  7. Issues pertaining to Recreation Residence Special Use Permit are addressed in the Land Exchange Handbook, Section 33.71.
  8. The exchange process is not binding until step #46 of 64. Up to that point, either party may back out of the exchange.

**Requirements & Criteria:**

- Land exchanges are a discretionary and voluntary transaction between the Federal government and a non-federal party (36 CFR §254.3.a).
- A determination must be made that the public interest will be well served (36 CFR §254.3.b), which may include:
  - The opportunity to achieve better management of Federal lands and resources,
  - To meet the needs of State and local residents and their economies, and
  - To secure important objectives, including but not limited to: protection of fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral and timber interests, for more local and

efficient management and development; consolidation of split estates; expansion of communities; accommodation of existing or planned land use authorizations; promotion of multiple-use values; implementation of applicable Forest Land and Resource Management Plans; and fulfillment of public needs.

The authorized officer must also find that (36 CFR §254.3.b.2.):

- The resource values and the public objectives served by the non-Federal lands or interests to be acquired must equal or exceed the resource values and the public objectives served by the Federal lands to be conveyed, and
- The intended use of the conveyed Federal land will not substantially conflict with established management objectives on adjacent Federal lands, including Indian Trust lands.
  - Exchanges must be consistent with Forest land and resource management plans (36 CFR §254.3.f, the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - The non-Federal party must be the owner of the non-Federal land to be exchanged, or be in a position to acquire and convey it prior to initiating the land exchange process (the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - Properties must be equal in value, or either party may make them equal by cash payment not to exceed 25% of the Federal value. Payment may be waived to the non-Federal party up to 3% or \$15,000, whichever is less. (36 CFR §254.12)
  - Unless otherwise provided by statute, the Federal and non-Federal lands involved in an exchange must be located within the same state (36 CFR §254.3.d, FLPMA).
  - Exchanges must be conducted with United States citizens (General Exchange Act).
  - Marketing considerations: The authorized officer has the responsibility to design land exchange transactions that consider the best marketing configuration. See the Land Exchange Handbook (FSH 5409.13 Chapter 30) for examples.
  - Reservations or restrictions on the Federal lands shall be required only when needed to protect the public interest or to satisfy a requirement of law, such as those concerning wetlands, floodplains, heritage sites, and so forth (36 CFR §254.3.h., the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
  - The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies (36 CFR 254.3.h.).
  - Lands must be properly described on the basis of a standard survey or as allowable by law (36 CFR 254.3.j.).
  - See 36 CFR §254.3.i for hazard substance issues.

- Federal regulations and policy provides for cost sharing and the assumption of costs, and allows for individual Forests to determine the assignment of costs and responsibilities (36 CFR §254.7, the Land Exchange Handbook [FSH 5409.13 Chapter 30]).
- The authorized officer shall undertake an environmental analysis (36 CFR §254.3.g). See the Land Exchange Handbook (FSH 5409.13 Chapter 30) for a listing of environmental analysis and protection authorities.
- Various exchange configurations can be considered (the Land Exchange Handbook [FSH 5409.13 Chapter 30]) including assembled land exchanges, phased closing, multiple transactions, multiple conveyances (direct deeding), and dual authority exchange.
- Appraisal requirements are set forth in 36 CFR §254.9. An appraisal is based on fair market value of the highest and best use of the land as set forth in 36 CFR §254.9(b).

#### General Exchange Act

- The non-Federal land must be valuable chiefly for National Forest purposes.
- The National Forest land must be non-mineral in character, or the minerals must be reserved and their value considered in the exchange (with BLM approval).
- Requires that lands acquired be within proclaimed National Forest Service boundaries.

#### Federal Land Policy and Management Act (FLPMA)

- Authorizes acquisition of land for access across non-Federal lands to units of the National Forest System.
- Requires the Secretary of Agriculture to give full consideration to State and local needs as well as Federal needs.
- Requires lands exchanged to be of equal value, within 25%.

#### Exchange for Schools Act (Sisk Act)

- Allows for the exchange of not more than 80 acres of National Forest System land to a State, county, municipal government, or public school authority without limitation to the amount of cash equalization payment made by the non-Federal party.
- Lands may be conveyed to a State, county or municipal government only if the entity was using the land on January 12, 1983, and for the same use only.

#### **Tools:**

- Exchanges (the Land Exchange Handbook [FSH 5409.13 Chapter 30]):
  - Land-for-Land, including partial interests such as severed mineral estates, rights-of-way easements, leasehold interests, and long-term or perpetual easements.
  - Legislated Exchanges: Passed by an Act of Congress, and overrides the requirements of USFS regulation and policy.

- Land-for-Timber: acquisition of non-Federal land, or interest in land, in exchange for National Forest timber or the value generated from the timber harvested in accordance with a National Forest timber sale.
  - Competitive Land Exchange: when the Federal land is unique and similar private party transactions are limited or non-existent or there is a known competitive interest in the Federal land.
  - Exchange with States and Federally Recognized Tribes.
  - Exchange through the Bureau of Land Management.
  - Administrative Site Exchange: may facilitate acquisition of new administrative sites, conveyance of sites that are no longer needed to accomplish the Forest Service mission, or both. Resource lands may not be conveyed for a new administrative site.
- Limited sale ability to schools via the Sisk Act
  - National Forest Townsites: up to 640 acres of National Forest System lands adjacent to or contiguous to an established community in California may be sold for fair market value if those lands would serve indigenous community objectives that outweigh the public objectives and values of retaining the lands in Federal ownership. See 36 CFR Section 254, Subpart B.
  - Small Tracts Act: provides for the resolution of land disputes and management problems by conveying, through sale, exchange, or interchange, three categories of tracts of land: parcels encroached on, road rights-of-way, and mineral survey fractions. See 36 CFR Section 254, Subpart C.

### **Exchange Authorities**

1. General Exchange Act (1922): authorizes the exchange of land or timber that was reserved from the public domain for National Forest System purposes.
2. Weeks Act (1911): authorizes the exchange of national Forest System land or timber that has Weeks Law (acquired land) status.
3. Title III, Bankhead-Jones Farm Tenant Act (1937): authorizes the exchange of National Forest System lands that have Bankhead-Jones title III status and all Federal lands in National Grasslands.
4. Forest Service Omnibus Act (1962): authorizes the exchange of National Forest System lands having acquired status when no other exchange authority applies to the disposal of those specific lands.
5. Wild and Scenic Rivers Act (1968): authorizes the acquisition of property within the National Wild and Scenic Rivers System.
6. Forest and Rangeland Renewable Resources Act (1978): authorizes acquisition for experiment stations, research laboratories, experimental areas, and other forest and rangeland research facilities.

7. Federal Land Policy and Management Act (1976): supplements all exchange authorities prior to 1976 except the Sisk Act.
8. Department of Agriculture Organic Act (1956): requires authorization language in the annual Appropriation Act for Interior and Related Agencies, for use when there is no authority for exchange in other laws (e.g. administrative sites outside National Forest boundaries).
9. Wilderness Act (1964): authorizes acquisition of non-Federal land and interests in wilderness areas in exchange for Federal land in the same State.
10. Sisk Act (Exchange for Schools Act)(1967): authorizes the exchange of not more than 80 acres of National Forest System land with a public school authority or with a State, county, or municipal government.
11. National Trails System Act (1968): authorizes the acquisition of non-Federal land or interests within the National Trail System in exchange for National Forest System land in the same State.

## Landownership Adjustment Project

### Humboldt-Toiyabe National Forest Information Sheet

#### Interest:

FSM 5430.2 – Objective

The objective of the land exchange program is to utilize land exchanges as a tool, in concert with the purchase program, to implement Forest land and resource management planning and direction; to optimize National Forest System landownership patterns; to further resource protection and use; and to meet the present and future needs of the American people.

The Landownership Adjustment Plan supplements the Toiyabe Forest Plan, Manual and Handbook direction and establishes broad priorities for landownership adjustment.

#### Procedure for Landownership Adjustment:

After informal discussion with, and agreement by, the District Ranger that a proposed exchange may be of interest, the Proponent submits a letter to the appropriate District Ranger to initiate the formal exchange process.

The proposed exchange then enters the Federal process for conducting a landownership adjustment outlined in the USFS Information Sheet.

#### Criteria:

##### Forest-wide Standards and Guidelines

Toiyabe Forest Plan 1986

Landownership Adjustments Plan 1998

##### *Landownership Adjustments*

1. Acquire lands by exchange, purchase, or donation in the following priority:

Identify specific landownership adjustment needs and priorities; and when possible, within local jurisdictions, meet their land management objectives such as ownership patterns, tax base, public ownership of hazard areas, etc. All lands are in one of the following groups:

- A. Group I- These are lands Congress has directly or indirectly instructed the Forest Service to retain ownership of or acquire through acquisition of nonfederal lands for a designated purpose. Creation of a wilderness is an example of the indirect approach. In most cases, the objective is to retain existing ownership and acquire remaining lands. Private lands within existing and proposed wildernesses should be acquired through land exchange, or purchase if land exchange negotiations cannot be consummated.
- B. Group II – These are lands needed for a special type of management and which have been allocated for that purpose. Examples of this are: key wildlife habitats, recreation lands, and special interest areas.

- C. Group III – The remaining land are further divided into two subgroups.
  - a. Consolidated National Forest Lands – These are generally solid blocks of National Forest System lands. These “blocks” will not normally be available for adjustments.
  - b. Areas of mixed private and federal ownership. The objective is to rearrange ownership patterns to benefit both public and private interests and to acquire high priority lands for National Forest use.
- 2. Evaluate each land adjustment proposal using the following criteria to determine suitability and/or priority for adjustment.
  - A. Meets habitat needs for wildlife species with emphasis on deer winter range.
  - B. Meets the needs for developed recreation.
  - C. Meets the needs for dispersed recreation.
  - D. Protects or enhances wilderness values.
  - E. Protects or enhances visual quality objectives.
  - F. Improves management efficiency and administration by reducing common property boundaries and rights-of-way.
  - G. Facilitates planning objectives of other federal, state or local agencies and Indian tribes.
  - H. Meets the needs for providing quality water.
- 3. County planning agencies will have an opportunity to review those National Forest System lands that are identified for exchange.

**Other information:**

The current philosophy is to move away from specific parcel identification for land that is desirable for acquisition and more towards resource and/or habitat identification.

## **Landownership Adjustment Project**

### **Inyo National Forest Information Sheet**

This document focuses on Forest-level procedures, standards and guidelines for the Inyo National Forest. Federal-level procedures, standards and guidelines are summarized in the US Forest Service Information Sheet.

#### **Information sources:**

- 1988 Inyo National Forest Land and Resource Management Plan (LRMP)
- 1995 Inyo National Forest Landownership Adjustment Strategy (LAS)
- 1988 Mono Basin National Forest Scenic Area Comprehensive Management Plan (CMP - MBNFSA)
- 1988 Coordinated Resource Plan for the Montgomery Pass Wild Horse Territory (CRP-MPWHT)

#### **Interest:**

The Inyo National Forest LRMP has a goal to achieve *a land and resource management structure and program with compatible relationships between National Forest System lands and adjacent non-federal lands*. Landownership adjustment is listed as a specific activity to accomplish this goal. The LRMP contains Forest-wide Standards and Guidelines that set the minimum resource conditions that will be maintained throughout the Forest and provides specific guidelines for the management of each resource to ensure its protection or enhancement.

The Landownership Adjustment Strategy (LAS) is presented as a “strategy,” rather than a plan, to avoid incorrectly implying that the Inyo National Forest program has a high degree of planned orderliness and predictability. The LAS is to be used as a management tool in making decisions concerning the identification, consideration, and when necessary, the prioritization of specific landownership adjustment proposals.

#### **Standards and Guidelines**

##### Land and Resource Management Plan (LRMP) Forest-wide Standards and Guidelines

Acquire land by exchange, purchase, or donation in the following priority:

1. Highest priority:
  - a. Lands with water frontage such as lakes, streams, floodplains, wetlands, and riparian zone;
  - b. Key game management areas and lands having endangered or threatened fish, wildlife, or plant habitat;
  - c. Lands needed to reduce fire risks;
  - d. Lands needed to prevent soil erosion;

- e. Land and easements that ensure access to public lands and resources;
  - f. Lands having unique historical or cultural resources;
  - g. Wilderness inholdings.
2. Moderate Priority:
- a. Lands primarily of value for outdoor recreation purposes and land need for aesthetic purposes;
  - b. Lands needed for administrative purposes.
3. Lowest Priority:
- a. Lands needed to consolidate existing blocks of National Forest lands to improve administration of the area

Dispose of lands by exchange in the following priority:

1. Tracts inside or adjacent to communities when such tracts would enhance community development and reduce use conflicts, provided that suitable private land is not available. Coordinate National Forest System plans for land adjustments with the Bureau of Land Management, county, and community general plans.
2. Lands under special use permit within or adjacent to communities that would be better suited for private ownership.
3. Small federal parcels that are intermingled with other non-federal parcels

#### LRMP Management Area Direction

The LRMP also contains Management Area Direction which provides general direction for management of an area whose boundaries are defined with reference to its unique characteristics. Three Management Areas contain specific direction to land adjustments:

- June Lake Loop  
Exchange National Forest System lands into the private sector for community expansion when:
  1. The most appropriate use of the National Forest System lands over the long term is in the private sector;
  2. Federal, state, county, local and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and
  3. The use intended for the federal land being exchanged meets the intent of the current approved Community General Plan.
- Mammoth Escarpment: Consider no land exchanges involving Sherwin Meadow until final decisions are made on the ski area proposed for Sherwin Bowl.

- Mammoth
  - Allow no federal land exchanges north of State Route 203 with the Mammoth Lakes community during this planning period.
  - Exchange National Forest System lands into the private sector for community expansion when:
    1. The most appropriate use of the National Forest System lands over the long term is in the private sector;
    2. Federal, state, county, local and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and
    3. The use intended for the federal land being exchanged meets the intent of the current approved Community General Plan.

### LRMP Management Prescriptions

The LRMP also contains Management Prescriptions which specify how all the Forest resources will be managed for a specific resource. Each prescription has a different resource emphasis and several prescriptions may be implemented within one management area, depending on the resource and use of the area. Four Management Prescriptions contain direction on landownership adjustments:

- Designated Wilderness: attempt to acquire all private land inholdings.
- Proposed Wilderness: consider the acquisition of private lands inside the proposed wilderness boundary on a Forest-wide priority basis.
- Ancient Bristlecone Forest: acquire all non-federal lands.
- Wild and Scenic Rivers: acquire non-federal land and easements to implement the Wild and Scenic Rivers Act and to facilitate management of other resources.

Two other plans provide direction on landownership adjustments:

1. Mono Basin National Forest Scenic Area Comprehensive Management Plan ( CMP - MBNFSA):
  - a) Standard and Guidelines contained in Private Land section: seek consolidation of lands within the Scenic Area as opportunities arise.
  - b) Appendix D, Land Adjustment Plan.
2. The Coordinated Resource Plan for the Montgomery Pass Wild Horse Territory, Action Plan: enter into negotiations for land acquisitions, by agreement, purchase, or exchange, with private land owners to secure water for wild horses and wildlife use.

### Landownership Adjustment Strategy

In addition, the Landownership Adjustment Strategy (LAS) tiers from the LRMP as a management tool to provide additional guidance concerning the identification, consideration, and when necessary, the

prioritization of specific landownership adjustment proposals. The LAS provides the following guidance:

- Landownership adjustments occur on a willing seller/willing buyer basis only.
- Reasonable efforts will be made to exchange parcels of Federal and non-Federal land that are located within the same County.
- When two or more land exchanges are being proposed or considered, and all cannot be simultaneously processed due to limited funding and/or staffing, the Forest will evaluate the benefits of each exchange.
- Landownership adjustment proposals shall be prioritized and scheduled in sequence based on benefit.

### **Tools**

Because National Forest System lands were "reserved" from the Public Domain for National Forest purposes, the United States Forest Service does not have a general "sale" authority except in very limited specific circumstances such as selling lands for public school purposes. The Forest Service can convey land through exchange to achieve the optimum landownership pattern to provide for the protection and management of resources. For a description of the Federally-defined tools, including exchanges, sales to schools, National Forest Townsites, and Small Tracts Act, see the US Forest Service Information Sheet.

The greatest value of the LAS will be realized when used as a tool as listed below:

- The LAS and accompanying land parcel inventory with prioritized listing of non-Federal parcels the Forest is interested in acquiring may be used in facilitating land exchanges when a proponent does not have land to exchange (or has inadequate land for a value to value exchange).
- Parties interested in land exchanges with the NFS will have access to an inventory of NFS land that is included in the land exchange base.
- New lands officers and managers familiarize themselves with the landownership adjustment program and the particular parcels of land included in the inventory.
- Interested internal and external customers request information on the landownership adjustment program.

## **Landownership Adjustment Project**

### **California Department of Fish & Game Information Sheet**

#### **Interest:**

The preservation, protection and restoration of wildlife within the State is an inseparable part of providing adequate recreation for our people in the interest of public welfare; and it is the policy of the State to acquire and restore to the highest possible level, and maintain in a state of high productivity, those areas that can be most successfully used to sustain wildlife and which will provide adequate and suitable recreation. To carry out these purposes, a single and coordinated program for the acquisition of lands and facilities suitable for recreational purposes, and adaptable for conservation, propagation, and utilization of the fish and game resources of the State, is established. (California Fish and Game Code §1301)

#### **Procedure for acquisition of land:**

1. Public, private and non-profit entities present opportunities to the Regional Fish and Game office.
2. The Lands Program conducts policy and consistency review, including an evaluation of the biological values of the property through a Land Acquisition Evaluation (LAE; used for a single property) or Conceptual Area Protection Plan (CAPP; used for multiple properties).
3. The Department of Fish and Game (DFG) Regional Managers meet regularly to prioritize potential land acquisitions.
4. The LAE or CAPP is submitted to DFG's Regional Operations Committee (ROC) for review and approval.
5. The ROC sends to the Wildlife Conservation Board (WCB) with a recommendation to fund, and the WCB consults with the DFG Regional Managers on priorities.
6. For acquisitions within an approved LAE or CAPP, Section 6 acquisitions (for federally listed species), and acquisitions within a Natural Communities Conservation Plan, the Regional Office makes a direct recommendation to the WCB.

#### **Criteria:**

- Lands must be essential and suitable for wildlife production and preservation, and will provide suitable recreation (Fish and Game Code §1345(a)).
- Acquisition of lands effectuates a coordinated and balanced program resulting in the maximum restoration of wildlife in the state and in the maximum recreational advantages to the people of the state (Fish and Game Code §1347).
- Real property or rights in real property (e.g. conservation easement) must be acquired.
- All acquisitions are made on a "willing" seller basis.

- Purchase price shall not exceed the fair market value of the property, based on an appraisal approved by the Department of General Services (DGS).
- No farm lands may be acquired (Fish and Game Code §1349). Farm and agricultural techniques may be used for beneficial wildlife management purposes, however.
- The potential of the acquisition to beneficially reduce or sequester greenhouse gas emissions may be considered (Fish and Game Code §1356).

**Tools:**

- Purchase.
- Acceptance of gifts or donations.
- Acquisition or restoration via lease.
- Transfer or exchange of property for other property of like value.
- Transfers or purchase of development rights or credits.
- Conservation easements.
- Sale (Fish and Game Code §1348(c)(2)) and sale with condition of maintaining restored property as wildlife habitat in perpetuity (Fish and Game Code §1348(c)(4)).
- Grant funds to other governmental entities or nonprofit organizations to acquire real property or rights in real property.

**Other information:**

- See “The Wildlife Conservation Law of 1947,” Fish and Game Code §1300-1356.

## **Landownership Adjustment Project**

### **State Lands Commission Information Sheet**

#### **Interest:**

The State Lands Commission (SLC) manages and protects important natural and cultural resources on certain public lands within the state and the public's rights to access these lands. The SLC provides stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration.

"School lands" are the remnants of the nearly 5.5 million acres throughout the State originally granted to California by the Congress in March of 1853 to benefit public education. The State retains surface and mineral ownership of approximately 469,000+/- acres of these "school lands" and retains only the mineral rights on an additional 790,000 acres. These lands are held in trust for the betterment of the common schools of the State and the revenue, by statute, supports the State Teachers' Retirement System.

#### **Procedure for exchange of land:**

- Commission certifies to the Governor that it is to the advantage of the State to exchange its public lands.
- Governor executes, on behalf of the State, any instruments necessary to effect the exchange.

#### **Criteria for Exchange:**

- Lands within National Forest deemed more valuable for timber than any other purpose may be exchanged for timber lands of the US of equal value within the State (PRC §6441).
- Lands within National Park deemed more valuable for timber or recreation than any other purpose may be exchanged for timber or other public lands of the US of equal value within the State (PRC §6442).
- May exchange State lands for US lands to prevent overgrazing and soil deterioration; provide for the orderly use, improvement and development of public grazing lands; and stabilize the livestock industry dependent upon the public range; and other purposes (PRC §6443).
- The commission may, in the best interest of the state, exchange any public lands for lands of the United States of equal area or equal value (PRC §7303).
- For the acquisition of open space or to consolidate, assemble, or manage parcels of land, school lands may be exchanged for lands of equal or greater value with the same administration, control and disposition. Mineral rights may be released if mineral rights are received in the acquired lands. (PRC §7303.5)

#### **Sale of Lands:**

- School lands may be sold by the commission under rules and regulations prescribed, and at a price fixed, by the commission (PRC §7301).
- Lands acquired by exchange in the best interests of the state may then be sold in the manner and for cash as provided by Article 1, sale of school lands.

**Tools:**

- Exchange.
- Sale of school lands only.
- Leases and permits.

**Other information:**

- See Division 6 of the Public Resources Code.

## **Landownership Adjustment Project**

### **LADWP Information Sheet**

#### **Interest:**

LADWP owns lands for protection of the watershed, and is not generally in the business of divesting of land.

#### **Procedure for sale of land:**

1. Proponent makes a proposal to the local LADWP office.
2. Local staff evaluates proposal.
3. If lands can be classified as “surplus,” meaning they are no longer needed for operations, staff will make a recommendation to the Board of Commissioners to divest of the land.
4. If supported by the Board, the Board makes a recommendation to the Los Angeles City Council.

#### **Criteria:**

- In the process of confirming past policy to dispose of in-town properties not used for operations. DWP used to own 80% of properties in communities in Inyo County. Not necessarily in DWP’s interest to divest of land outside communities.
- Any divested property would need to have access to a community water provider, such as a PUD or CSD. LADWP retains water rights.
- Property, upon evaluation, needs to be classified as surplus.
- End use should be for a public need, such as community services or recreation uses (e.g. Crowley Lake marina).
- End uses that may impact watershed health are viewed unfavorably.

#### **Tools:**

- Sale.
- Leases are common.
- Would review and consider proposals including three-way trades.

#### **Other information:**

- The lands recently offered for sale were to comply with the Long Term Water Agreement with Inyo County. The purpose of the lands was for community expansion, and Inyo County chose the lands.
- Are there any examples of land releases on Mono County? Perhaps in Lee Vining?

## **Landownership Adjustment Project**

### **Inyo County Information Sheet**

#### **Interest:**

Inyo County's Landownership Adjustment Goals include:

1. Build an inventory of public properties eligible and appropriate for exchange.
2. Identify feasible methods to be incorporated into County procedures to better facilitate property transfers.
3. Educate local residents, decision makers and other interested members of the public about landownership adjustment possibilities.
4. Coordinating information regarding landownership adjustment possibilities from other agencies.
5. Developing better processes to coordinate and facilitate land exchanges.
6. Work towards no net loss of private acreage.

#### **Procedures:**

1. Agencies considering a land exchange should coordinate with the Planning Department, County Administrator, and Board of Supervisors prior to scoping.
2. Agencies and proponents of landownership adjustments should work to obtain County input throughout the process.
3. Agencies and proponents of the landownership adjustments should work with the County to comply with General Plan policies regarding land exchanges prior to any approval.

#### **Criteria:**

The Inyo County General Plan includes a variety of goals, policies, and implementation measures related to landownership adjustment. The following General Plan goals are relevant:

- Government Element Goal (GOV-2): The County will ensure that planning decisions are done in a collaborative environment and to provide opportunities of early and consistent input by the county and its citizens into the planning process of other agencies, districts and utilities.
- Government Element Goal (GOV-3): To provide opportunities for the private ownership of land by maintaining and expanding, when possible, the amount of privately owned land available in the County.
- Land Use Element Goal LU-1: Create opportunities for the reasonable expansion of communities in a logical and contiguous manner that minimizes environmental impacts, minimizes public infrastructure and service costs, and furthers the countywide economic development goals. Guide high-density population growth to those areas where services

(community water and sewer systems, schools, commercial centers, etc.) are available or can be created through new land development, while providing and protecting open space areas.

- Policy 10 encourages LADWP to inventory its land holdings within or adjacent to communities for the purpose of determining land sales to the general public and encourage them to continue their on-going land sales.
  - Policy 11 directs the County to designate land uses for propose land releases by LADWP.
  - Policy 12 encourages other public entities to inventory their land holdings suitable for commercial, industrial and residential uses for future land sales to the general public and encourage them to conduct land sales or exchanges to support such private development.
  - Policy 14 provides a directive to the County to recommend land use designations, or provide guidelines for determining designations for future land releases.
  - Implementation Measure 3.0 and 4.0 directs the County to continue its dialogue with land holding agencies to coordinate the effort to plan community expansion efforts in a logical and orderly manner.
- Housing Element Goal 2.0: To provide adequate sites for residential development.
  - Housing Element Goal 3.0: Encourage the adequate provision of housing by location, type of unit, and price to meet the existing and future needs of Inyo County residents.

**Tools:**

- Sale/purchase.
- Exchange.
- Lease.
- Jurisdictional support in cases where the County is not directly involved.

**Other information:**

- See the Inyo County General Plan.
- Agencies shall coordinate with the County early and often during a proposed land exchange.

## **Landownership Adjustment Project**

### **Mono County Information Sheet**

#### **Interest:**

Mono County owns land in order to directly provide public services and/or enable the provision of services and uses as defined by the Public and Quasi-Public Facilities (PF) Land Use Designation in the General Plan.

The County also supports and may encourage landownership adjustments consistent with the County's General Plan and Area Plans, and further achieves community goals and objectives as defined in the Area Plans.

#### **Procedures:**

1. Proponent should inquire with the Community Development Department if related to community planning issues, or the County Administrative Office if related to County-owned facilities or properties. Depending on the nature of the proposal, other departments may be involved or take the lead.
2. The process will vary depending on the transaction, but approval by the Board of Supervisors is the final step.

#### **Criteria:**

- Consistency with the County's General and Area Plans, Visioning Studies, and other policies (see Mono County Policy Summary).
- Community support and/or approval by the Board of Supervisors.

#### **Tools:**

- Sale/purchase.
- Exchange.
- Lease.
- Jurisdictional support in cases where the County is not a directly involved landowner.

#### **Other information:**

- See the Mono County General Plan.

# Appendix C

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## Agency Recommendations

1. BLM
2. Inyo National Forest
3. Los Angeles Dept. of Water and Power
4. California Dept. of Fish and Game
5. Eastern Sierra Unified School District
6. Mono County

**Landownership Adjustment Project**  
**Bureau of Land Management Recommendations**

General RMP Recommendations:

- Add a policy to the Resource Management Plan committing to early engagement of the communities in landownership adjustment efforts. The communities are very concerned about being informed and able to provide input to influence the process.
- To diminish loss of property taxes to the County, Mono County requests a policy preferring the acquisition of resource lands by a land trust rather than a public agency.
- Mitigation measures and alternatives should be considered to address reductions in privately owned land in Inyo County.
- The Chalfant community requests consultation if any lands are designated for acquisition or disposal.
- Add electronic or web page notice of potential landownership adjustments to current method of listing in the Federal Registry and notification via local newspapers.

Recommended disposal and acquisition list updates:

- Mono County requests any identified hazard lands adjacent to BLM lands be added to the acquisition list.
- Remove footprints of existing buildings from the acquisition list.
- Antelope Valley: Add to the disposal list the BLM-owned 54-foot strip of land to the west of Eastside Lane, from approximately Jocelyn Lane to Pearlman Place.
- Long Valley:
  - Remove from the acquisition list the subdivision east of McGee Creek Road as it is already subdivided and developed.
  - Add land adjacent to the community park in Crowley Lake, located on School District land, to the disposal list in order to accommodate a potential expansion of the park for public recreation purposes.
- Benton:
  - Remove the parcel to the west of the Benton Paiute Tribe Reservation from the disposal list.
  - Remove from the disposal list the identified portions of the following parcels: 024-100-023-000, 025-010-015-000, 025-020-018-000
- Mono Basin: Remove the parcel adjacent to the Mono City subdivision (APN 019-110-010-000) from the disposal list.

Recommended Landownership Adjustment Actions:

- Antelope Valley: Dispose of the 54-foot strip of BLM-owned land to the west of Eastside Lane, from approximately Jocelyn Lane to Pearlman Place, to the individual adjacent private landowners.
- Bridgeport Valley: Dispose of the land north of the Bridgeport Tribe Indian Reservation on the east side of the reservoir.
- Long Valley: Acquire the identified portion (or all of) APN 060-020-017-000.
- Long Valley: Discuss the expansion of the County park onto BLM land for public recreation purposes.

**Landownership Adjustment Project**  
**Inyo National Forest Recommendations**

General LRMP Recommendations:

- Add a policy to the Land and Resource Management Plan (LRMP) committing to early engagement of the communities in landownership adjustment efforts. The communities are very concerned about being informed and able to provide input to influence the process.

Recommended disposal and acquisition list updates:

- Mono County requests any identified hazard lands adjacent to Inyo National Forest lands be added to the acquisition list.

Recommended Landownership Adjustment Actions:

- Consider an exchange of Tom's Place Resort separately from Pine Glade.
- Discuss exchange procedures and requirements with the Pine Glade proponents.
- Pursue acquisition of the Silver Lake Meadow (APN 015-101-006-000) in the June Lake area.
- Pursue acquisition of the hillslope lands overlooking the June Lake Village (APN 015-093-001-000).
- Discuss with the June Lake community the potential for light industrial uses and/or affordable housing and mixed uses in the Pine Cliff area.

## **Landownership Adjustment Project**

### **Los Angeles Department of Water and Power Recommendations**

#### General Recommendations:

- Consider removal of concrete and other debris at the site to the west of Tom's Place. Some residents find it unsightly and would like it cleaned up, while others do not want to see public funds expended on the clean up.

#### Recommended Landownership Adjustment Actions:

- Consider acquiring the isolated parcel to the east of Pine Glade/Sunny Slopes (APN 062-100-007-000), which appears to be supported by the RPAC.
- Consider divesting of a portion of land adjacent to the Lee Vining Community Center for the purposes of affordable housing, should the community submit a proposal.
- Consider a light/cottage industrial site near the Lee Vining Airport, should the community submit a proposal.

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## **Landownership Adjustment Project**

### **California Dept. of Fish and Game Recommendation**

Consider mechanisms to share acquisition/protection interests with other agencies in an effort to identify mutually beneficial landownership pattern adjustments and prevent development conflicts.

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## **Landownership Adjustment Project**

### **Eastern Sierra Unified School District Recommendation**

Consider affordable housing uses on the high school parcel in Lee Vining, should the community submit a proposal.

**Landownership Adjustment Project**  
**Mono County Policy Recommendations**

General Recommendations

- Support and uphold General Plan policies, including the recommended modifications, updates and clarifications below. Notes of explanation for existing policies are contained in italics and do not constitute modifications to General Plan language.
- Incorporate confirmed principles and policies set forth by the Collaborative Planning Team (CPT) in the Guiding Principles or the 2000 Community Issues Final Report into the General Plan as set forth below.
- Inventory the private lands subject to major geologic and avalanche hazards, as set forth in Safety Element policies, and work with the USFS and BLM to incorporate the inventory into their land adjustment planning documents.
- Recognize and seek to balance competing concerns, such as the concern about the loss of tax base due to reduced private lands compared to the high cost to service isolated private parcels. Opinions and needs may vary widely throughout the county, with some more interested in the tax base issue and others more interested in the merits of the landownership adjustment.
- Continue utilizing the RPACs at regular intervals to provide a forum for agency partners to solicit public feedback and get a sense of the community pulse, and to support communication between the public, the County and agency partners.
- Continue supporting efforts of the Collaborative Planning Team to coordinate landownership adjustments among agencies and the public, including possibly hosting a standing interagency sub-committee.

Recommended General Plan Policy Modifications

**Housing Element**

PROGRAM 1: Pursue land exchanges of existing seasonal housing units on public lands into private ownership so those units may become available for local year-round housing ~~Following completion of the land tenure planning process, identify and prioritize possible land exchanges in areas with existing seasonal housing.~~

PROGRAM 2: Inventory existing and/or potential agency housing areas (Mono County, Town of Mammoth Lakes, Southern Mono Hospital District, Mammoth Unified School District, USFS, BLM, Caltrans, LADWP, etc.) and work with agencies to assess where additional housing might be made available. ~~(Intended to be completed as part of the land tenure planning process.)~~

**Planning Areas**

ANTELOPE VALLEY

POLICY 4, ACTION 4.2: Facilitate acquisition of BLM administered public lands south of the county landfill, east of Eastside Lane, and north of Walker, for community expansion, in a manner consistent with the overall goal for the Antelope Valley. (Clarification: The lands referenced are not currently identified in the BLM Resource Management Plan for disposal. Public input revealed controversy over this action: some claim opening these lands would relieve development pressure on the valley floor; others claim it may have wildlife value (deer) and would result in leapfrog development, which is not consistent with other General Plan policies. Therefore, any effort based on this action would require a significant public outreach effort.)

## BRIDGEPORT VALLEY

POLICY 4: Carefully evaluate the exchange of federal lands for community expansion in order to ensure consistency with the Bridgeport Valley land use goals.

**Action 4.1:** Land exchanges should support or enable one or more of the following purposes: availability of services and infrastructure, not be detrimental to the viewscape, mitigate the loss of property tax revenues to the County, and/or be directly related to the community receiving the benefit.

## MONO BASIN <sup>4</sup>

~~GOAL 1: Maintain the spectacular natural values of the Mono Basin and rural, Provide for the orderly growth of Mono Basin communities in a manner that retains the small town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development needs to enhance the quality of life for residents. , coincides with infrastructure expansion, facilitates economic and community development, and protects the area's scenic, recreational, and natural resources.~~

**Objective A:** Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.

POLICY 1: Prioritize infill and rehabilitation of the existing built environment over the addition of private property. ~~Obtain lands necessary for the orderly expansion of Lee Vining.~~

POLICY 2: Where infill or rehabilitation is not viable, obtain lands adjacent to the existing community for the orderly expansion of Lee Vining.

**Action 1.1:** Work with appropriate agencies to provide for developable lands adjacent to Lee Vining through programs like the Landownership Adjustment Project.

**Action 1.2:** Designate lands adjacent to Lee Vining for community expansion in the Land Use Element.

POLICY 3: Support the acquisition of a land base for the Kutzedika Mono Lake Indian Community, consistent with Goal 3, Objective A, Policy 4, Action 4.1.

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<sup>4</sup> The Mono Basin Area Plan is concurrently undergoing a complete revision. The suggested modifications shall be vetted through the development of the Mono Basin Community Plan.

**Objective B:** Manage build-out of the Mono City subdivision to retain its rural character. Encourage infill development of Mono City prior to considering development on adjacent lands.

POLICY ~~12~~: ~~If necessary, obtain lands for the orderly expansion of Mono City.~~ Limit the buildable area of Mono City to the existing subdivision footprint.

**Action 21.1:** ~~Request the BLM to designate lands adjacent to Mono City for potential future land disposal, when and if demand for additional development warrants such disposal. Coordinate with the BLM to ensure the next update of the Bishop Resource Management Plan reflects the agreement to remove APN 019-110-010-000 from the BLM disposal list.~~

**Objective C, Policy 1, Action 1.43:** Require preparation of a Specific Plan for development projects proposed on federal exchange lands (parcel maps are exempt from this requirement).

**Objective E, Policy 1, Action 1.2:** Explore siting affordable housing next to the Community Center (LADWP land), on the Lee Vining High School parcel, and/or at the County and/or Caltrans yards, including an evaluation of the suitability of each site and other potential opportunities.

**Objective E, Policy 2:** If the need is identified, provide a site for limited and/or cottage industrial uses, including road yards, heavy equipment storage, auto repair, and similar uses, proximate to Lee Vining.

**Action 2.1:** If the need exists, identify a new location for limited/cottage industrial uses at the airport/pumice plant area or other appropriate location(s).

JUNE LAKE<sup>5</sup>

## Community Development

POLICY 1: Promote, where reasonable and feasible, the use of USFS land exchanges to enlarge the privately owned land base to meet community needs.

**Action 1.1:** Work with the Forest Service in identifying suitable lands for exchange or purchase. Lands in the ~~West Village/Rodeo Grounds, Down Canyon~~ and Pine Cliff areas should receive priority consideration. This program should respond to the changing needs and desires of the June Lake Community.

**Objective K, Policy 1, Action 1.1:** Work with the USFS to obtain lands, through the special permit or land trade processes, to construct a ~~Down Canyon fire station~~ an equipment storage yard a neighborhood park and additional residential development.

## Community Facilities

**Objective A, Policy 1:** Facilities requiring large land areas, such as school sites, shall be located in designated Specific Plan areas or on potential National Forest exchange lands.

**Action 1.1:** ~~The County shall initiate d~~Discussions with the USFS regarding future community facility needs and the identification of ~~begin identifying~~ suitable lands is a low priority.

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<sup>5</sup> The June Lake Area Plan is being concurrently updated. The suggested language changes shall be vetted through the Area Plan update process.

Community facilities include school, and equipment storage sites, ~~sites health care and fire station sites~~, among others.

POLICY 2, ACTION 2.1: ~~Work with the USFS to r~~Reserv~~ing~~ and/or obtaining USFS lands for elementary, high school and community college sites is a low priority.

## Safety

***Objective B, Policy 1, Action 1.1:*** Use code compliance<sup>6</sup>~~enforcement~~, USFS reverse land exchanges, redevelopment, and relocation programs to minimize the risk to uses subject to natural hazards.

~~*Objective J, Policy 2, Action 2.2:* Work with the USFS to obtain public lands for the construction of a Down Canyon fire station.~~

## LONG VALLEY

POLICY 1: ~~This~~ Encourage a systematic, prioritized landownership exchangeadjustment policy to discourages the development of isolated and remote private parcels,~~;~~ to discourage development of private parcels subject to public safety hazards, and; ~~to discourage development of~~ private parcels indispensable to sound natural resource management; ~~to minimize~~ long-term county and special district service costs; provides for the enhancement of public safety; and ~~to encourage~~ acquisition of public lands for public facility and private uses.

***Action 1.1:*** ~~Identify those private parcels which by reason~~ Private parcels identified for acquisition by public agencies because of their remote, isolated or hazard prone locations ~~could be considered for trade to public agencies.~~ include the 55-acre avalanche prone parcel north of McGee Creek (high priority), and the isolated parcels on the east side of Crowley Lake (low priority).

~~***Action 1.2:*** Identify those public parcels which by reason of their location could house otherwise incompatible public facilities or private uses (e.g., light industrial) and which should be considered for acquisition.~~

~~***Action 1.2.3:*** Request the BLM to designate lands adjacent to community areas for potential future land disposal.~~ Support the expansion of the County park, currently located on Mammoth Unified School District land, onto adjacent BLM land for expanded community activities and recreation.

***Action 1.3:*** Unless new information becomes available or circumstances change, the following landownership adjustments have been discussed and withdrawn from consideration and action: transfer of Lower Rock Creek Tract and Whiskey Creek Tract into private ownership, relocation of the County Road Shop to the Tom's Place area, and expansion of a light industrial area. Consideration of the privatization of the Southern California Edison (SCE) substation near Tom's Place is dependent upon action by SCE.

***Action 1.4:*** The acquisition of existing commercial facilities on public land, such as Tom's Place Resort, by the private owners should be supported.

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<sup>6</sup> As modified during the ongoing update of the June Lake Area Plan, which is not yet adopted.

**Action 1.5:** The acquisition of existing clusters of residential buildings on public lands, such as Pine Glade Tract, by the private owners should be supported where doing so would be consistent with US Forest Service and BLM policies. Care should be taken to ensure that private parcels are contiguous to one another and do not create isolated enclaves of either public or private land.

**Action 1.6:** For resource management purposes, consider supporting the acquisition of the isolated parcel to the east of Pine Glade/Sunny Slopes by the US Forest Service or Los Angeles Department of Water and Power on a willing seller basis.

**Action 1.7:** Support opportunities to enhance services for public safety, including cell tower location(s) in the Long Valley area and a site for fire services near the Mammoth-Yosemite Airport.

# Appendix D

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**The U.S. Forest Service Land Exchange Handbook, FSH 5409.13 Chapter 30, Section 39, Exhibit 2**

**39 - Exhibit 02**

**IMPLEMENTATION SCHEDULE**

**Land-for-Land Exchange**

Case Name:  Action Item  Feasibility Analysis (Items 1-8)	Responsible  for  Preparation	Responsible for  Costs	Target  Date
1. Exchange Proposal - Define the Estates	Non-Fed/FS		
2. Forest Plan Compliance Review/Public Benefits Summary	FS		
3. Obtain Title Insurance Commitment	Non-Fed/FS	Non-Fed Party	
4. Boundary Management Review	Forest Surveyor		
5. Federal Land Status Report	FS		
6. *Water Rights Analysis	Hydro/Appraiser		
7. Valuation Consultation	Appraiser		
8. Identify Party Responsible for Costs	Non-Fed/FS		
9. Draft ATI & Exhibits	FS		
10.**Oversight (FA and Draft ATI)	RO/WO		
11. Execute Agreement To Initiate (ATI)	Non-Fed/SO/RO		
12. *Request BLM Serialization/ Segregation	FS		
13. Prepare Notice of Publication/Posting	FS		
14. Notify County Commissioners, State Clearinghouse, Congressional Delegations, Tribal Governments, and other Agencies	FS		
15.**Submit Notice of Publication for 30-day Appropriation Committee Review	FS		

16. *Notify Permittees	FS		
17. 4-Week Publication Period, Including Wetlands and Floodplains Information	FS		
18. Initiate Public Scoping	FS		
19. *Request Land Survey (BLM/Forest Service)	FS		
20. *Request Withdrawal Revocation(s)	FS		
21. *Prepare Mineral Potential Report			
22. Complete Certificate of Possession	FS		
23. Obtain SHPO Concurrence	FS		
24. Prepare TES Report/Consultation			
25. Prepare Wetlands/Floodplains Report			
26. Prepare Hazardous Substances Evaluation	Non-Fed/FS		
27. Analyze Effects on Cost Share Agreements	FS		
28. Request Appraisals	FS		
29. Finalize Appraisals	Appraiser		
30. Prepare Appropriate NEPA Documentation	FS		
31.*Request BLM Concurrence on Minerals	FS		
32. *NEPA Comment Period	FS		
33. Appraisal Reviews and Approvals	Appraiser		
34. Certificate of Use and Consent	FS		
35. Agreement on Values	Non-Fed/FS		
36. Finalize NEPA Document	FS		
37. Draft Decision Document	FS		
38. Draft Exchange Agreement (optional)	FS		

39.**Oversight (NEPA document and supporting documents, draft decision, appraisals and reviews, draft exchange agreement, and initial file material)	RO/WO		
40. Issue Decision	FS		
41. Publish Decision	FS		
42. Appeal Period	FS		
43.*** Certify Estate Consistency	FS		
44. Request Preliminary Title Opinion	FS		
45. Provide Preliminary Title Opinion	OGC		
46. Execute Exchange Agreement (optional)	Non-Fed/FS		
47. Prepare Form FS-5400-10 (Digest)	FS		
48. *Submit to WO for Congressional Oversight	FS		
49. Record Exchange Agreement and Update Title Commitments (optional)	Non-Fed/FS		
50. *Prepare/Obtain Easements, Relinquishments for Special Use Permits	Non-Fed/FS		
51. Prepare Deed to Non-Federal Land; Patent Request/Exchange Deed to Federal Land	Non-Fed/FS		
52. Supplemental Certificate of Possession	FS		
53. *Execute Easements/Relinquishment	Non-Fed/FS		
54. Execute Deeds to Non-Federal Land	Non-Fed		
55. Deliver Deeds and/or Patent	FS		
56. Record Patent and All Deeds and/or Patent	NoN-Fed/FS		
57. File Water Rights Transfer/Use	Non-Fed/FS		

Documents			
58. Return Deeds to Non-Federal Land with Title Insurance Policy	Non-Fed Party		
59. Final Certificate of Use and Consent	FS		
60. Return Copies of Recorded Patent or Deeds to RO	FS		
61. Submit Final Form FS-5400-10 (Digest) to WO	FS		
62. Request Final Title Opinion	FS		
63. Provide Final Title Opinion	OGC		
64. Post Status and Close Case	FS		

\* If applicable/if needed.

\*\* Regional oversight applies to ALL cases. WO review required commensurate with WO designated value threshold.

\*\*\* Certify that the estate appraised is identical to the physical estate; estate noted in Decision Document, Exchange Agreement, and Deeds.

# Appendix E

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**Letter to Bruce Woodworth from Mono County Community  
Development Department, 4/20/11**

# Mono County Community Development Department

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PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

To: Bruce Woodworth

From: Wendy Sugimura

Date: April 20, 2011

**RE: Amending the General Plan to require voter approval of any change in land use designation on lands exchanged into private ownership by the federal government**

## **Situation**

Land is exchanged from federal (public) ownership into private ownership, and the private party requests a change in the land use designation to accommodate a proposed project on the site. The assumption is that the proposed project is a higher intensity use than allowed by the existing land use designation.

## **Existing Approval Procedures**

In all cases, a change in land use designation requires a General Plan Amendment (GPA). In addition, the preparation of a Specific Plan (SP) is required by General Plan policies in the following cases:

- If a higher intensity use is proposed outside of existing community areas, and
- All proposed developments on federal exchange parcels in the Mono Basin and June Lake Planning Areas.

The California Environmental Quality Act (CEQA) applies to both a GPA and SP, usually resulting in the preparation of an Environmental Impact Report (EIR).

County General Plan policies and State Law require noticed public hearings before the Planning Commission and Board of Supervisors for both a GPA and SP, with the Board of Supervisors being the final approval authority. A GPA includes additional steps, which are set forth in Chapter 48 of the General Plan Land Use Element. The procedures can be quite involved and expensive for an applicant, and approval is not guaranteed.

## **Voter Approval Proposal**

A citizen proposal has been made to amend the General Plan to require voter approval of any change in land use designation when federal (public) lands are exchanged into private ownership. The issues initiating this proposal include the following:

- The local government and citizenry have no direct ability or power to alter a federal land exchange action. The federal government is only required to consult in good faith with the local government and communities; it does not need to act in accordance with local sentiment. The local people need more power to approve/disapprove a federal action.

- The existing GPA and SP procedures do not adequately represent the public's interests for controlling and approving a future project on an exchange parcel. Approval power needs to be directly in the hands of the voters.
- The private owner should know prior to the completion of the exchange that permitted uses and other development standards on the property will be subject to a vote of the local people.

The General Plan can be amended by Resolution by a majority vote of the Board of Supervisors to require the proposed voter approval, provided the following conditions are met:

- The ballot issue cannot be arbitrary and capricious, meaning it must relate to a legitimate government interest;
- The ballot issue cannot conflict with the General Plan; and
- If the ballot issue deprived the property owner of economically viable use of land (a complicated factual balancing performed on a case-by-case basis by the courts) it would constitute a taking of private property, for which just compensation would have to be paid.

### **Staff Analysis**

Any General Plan requirement for a public vote can be undone by a future board following the existing GPA procedure. Thus, a General Plan requirement for a vote does not provide any additional decision-making rigor beyond the already existing GPA procedure, and does not address the issue of the GPA procedure inadequately providing for the public interest. In addition, the political environment leads staff to believe the Board would be unwilling to adopt a General Plan requirement for a vote.

Other options exist to protect the public's interests if an unpopular decision (such as a general plan amendment) is approved by a governing body, including:

*Referendum:* After a legislative decision is approved, such as a General Plan amendment or Specific Plan adoption, voters may prevent the decision from taking effect through a referendum. A referendum includes an initial petition to place the decision on a ballot, and if the decision is overturned by the voters then the decision is not enacted. This right exists in the California Constitution and is not subject to repeal by the County.

*Initiative:* Through a petition, the public can initiate a ballot measure to require voter approval of changes in land use designation applicable to lands transferred from public to private ownership. A voter-approved initiative is not subject to repeal by the County.

Outside of regulatory or legislative requirements, the Land Tenure Project focuses on interagency cooperation. The goal is to identify the interests and needs of local, state and federal agencies, land managers, and local communities to serve as criteria for evaluating the value of a potential land ownership adjustment.

Staff's position is to pursue interagency cooperation efforts to avoid land exchanges that are detrimental to local communities, utilize the GPA and SP procedures to align future developments with community interests, and for the public to exercise their referendum right if they are opposed to a decision by the Board of Supervisors.

# Appendix F

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**Links to Relevant Planning Documents**

### **BLM Bishop Field Office Land Exchanges Manual**

[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_manual.Par.49600.File.dat/2200.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.49600.File.dat/2200.pdf)

### **Humboldt-Toiyabe National Forest Management Plan 1986**

[http://www.fs.usda.gov/detail/htnf/landmanagement/planning/?cid=fsm9\\_026859](http://www.fs.usda.gov/detail/htnf/landmanagement/planning/?cid=fsm9_026859)

### **Inyo County General Plan**

[http://www.inyoplanning.org/general\\_plan/index.htm](http://www.inyoplanning.org/general_plan/index.htm)

### **Inyo National Forest Management Plan 1988**

[http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c4/04\\_SB8K8xLLM9MSSzPy8xBz9CP0os3gDfxMDT8MwRydLA1cj72DTUE8TAWjQL8h2VAQAMtzFUw!!/?ss=110504&navtype=BROWSEBYSUBJECT&cid=FSBDEV3\\_003845&navid=1301000000000000&pnavid=1300000000000000&position=Feature\\*&ttype=](http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gDfxMDT8MwRydLA1cj72DTUE8TAWjQL8h2VAQAMtzFUw!!/?ss=110504&navtype=BROWSEBYSUBJECT&cid=FSBDEV3_003845&navid=1301000000000000&pnavid=1300000000000000&position=Feature*&ttype=)

### **LAP Website**

<http://gis.mono.ca.gov/lap>  
<http://gis.mono.ca.gov/lap/map>

### **Mono County General Plan**

[http://www.monocounty.ca.gov/online\\_services/documents.htm](http://www.monocounty.ca.gov/online_services/documents.htm)