

Staff Report

for the Regular Meeting of the Board of Directors of February 10, 2016

TO: Board of Directors

FROM: Remleh Scherzinger MBA, P.E., General Manager

DATE: February 1, 2016

SUBJECT: Bureau of Land Management (BLM) Land Acquisition

MANAGEMENT

RECOMMENDATION:

Develop guidance for staff regarding the acquisition of BLM lands.

BACKGROUND:

There are currently a number of parcels owned by the United States Government that are within close proximity or within project boundaries of current work efforts of the district.

The three projects are the Deer Creek Powerhouse acquisition, Centennial Reservoir proposal, and the Chicago Park Powerhouse development. All three of these projects have lands within or adjacent to them that staff believes would be better suited in the Districts care.

Recently the Board directed staff to reach out to BLM and request a letter regarding the transfer and its possibility. That was completed and BLM has provided a written response to the request for the transfer of the Centennial parcels. As part of that process staff has identified other parcels which could benefit from a more local perspective.

Given the letter from BLM it seems clear that the legislative option would be the most prudent starting point, but that would only advance the process by one step as indicated in their letter. This will clearly be a long process and so beginning now would be the most prudent given all of the associated timelines. Staff has also spoken with FERC staff and they are confident that they would not impede this process and have been supportive on other such transfers.

BUDGETARY IMPACT:

No budgetary impact.

Attachment: BLM Letter
Maps of BLM parcels



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Central California District Office
2800 Cottage Way
Sacramento, Ca 95825
www.blm.gov/ca



Doug Roderick
Senior Engineer
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945

2711
CA018.14

Dear Mr. Roderick:

This letter is in response to your e-mail dated October 16, 2015, requesting to know the process that would be followed for the sale of public lands within the Bureau of Land Management (BLM) Mother Lode Field Office. A description of that process follows.

The sale/disposal of lands administered by the BLM Mother Lode Field Office must be consistent with the land use plan approved in 2008, the Sierra Resource Management Plan (RMP). BLM would need to confirm that the lands being considered for sale have been identified as potentially suitable for disposal by the Sierra RMP. If the lands have not been identified for potential disposal, the BLM would need to complete a plan amendment to assess and determine if disposal of the land would be in the public interest.

The Sierra RMP at Section 2.17.1 specifically addresses the disposal of public land. It states:

BLM lands not identified for retention will be available for disposal on a case-by-case basis when they are determined to meet the disposal criteria identified in the Federal Land Policy Management Act (Section 203). ... Prior to disposal, a site specific analysis must determine that disposal will serve the public interest and the lands:

- Contain no significant recreation, biological, cultural, or other values the loss of which could not be mitigated
- Have no overriding public values
- Are typically not within or adjacent to a special designation area
- Represent no substantial public investments (including part of a water or power development)

Section 2.17.1 also requires that “areas with critical watershed values” and “areas withdrawn for water projects” must be retained by BLM and cannot be disposed. Such lands would include properties on which the Federal Energy Regulatory Commission (FERC) has placed power withdrawals.

Additionally, where BLM has filed Final Protection, Mitigation, and Enhancement Measures for any FERC project, affected lands would also be unavailable for disposal as the filing of such conditions represents a substantial public investment. Disposal of these properties would render BLM conditions to a license null and void should any related parcels leave the BLM’s management.

If disposal conforms to the requirements described above, the following procedural steps would apply:

Property Inventories:

The BLM must conduct inventories of the property to determine if any significant resources are present, including but not limited to cultural resources, federally listed or sensitive plant and animal

species and/or critical habitat and riparian areas. Inventories must also be completed to assess outstanding third party rights and to confirm that there are no hazardous materials or other liabilities on or associated with the property. Additionally, there may be need for a land survey for the purposes of legally describing the lands to be conveyed.

Mineral Assessment:

The BLM must assess the mineral values associated with the lands to be conveyed through a mineral potential report. If there are no known mineral values in the land, the mineral estate will be conveyed concurrently with the surface estate. If any mineral values are found to exist, those mineral interests will be reserved to the United States when the property is disposed.

Coordination:

The BLM must coordinate disposal actions with the appropriate state and local governmental entities, authorized users, adjoining landowners, and other parties that have expressed an interest. In most cases, this coordination occurs at the beginning stages of a proposed land disposal action, and again at the conclusion when the Notice of Realty Action (see below) is published.

Environmental Analysis:

Using the information obtained through inventory of the property and through coordination with local governments, authorized users, adjoining landowners, and interested parties, the BLM will complete an analysis to assess the potential impacts of the proposed disposal action. If the analysis concludes that disposal of the land would result in impacts to resources and/or existing uses that cannot be properly mitigated, the lands would likely be made unavailable for sale.

Appraisal of Property:

The BLM must have the property appraised by a qualified appraiser to determine the current market value of the property. The appraisal must then be reviewed and approved by the Department of Interior's Office of Valuation Services. The minimum acceptable amount paid for a parcel of land will be established by the Federal appraisal.

Notice of Realty Action:

BLM must provide notice of the proposed sale action to the U.S. Senate and members of the House of Representatives, the Governor, the State Lands Commission, the County Board of Supervisors, adjoining land owners, authorized users, and to other known interested parties. Notice of the proposed sale will be published in the Federal Register and in a newspaper in general circulation in the area where the lands are located.

Land sales typically require three to five years to process, subject to workload and other priorities.

Thank you for your inquiry about public lands within the BLM Mother Lode Field Office. If you have any further questions, please contact William Haigh, Mother Lode Field Manager at 916 -941-3102.

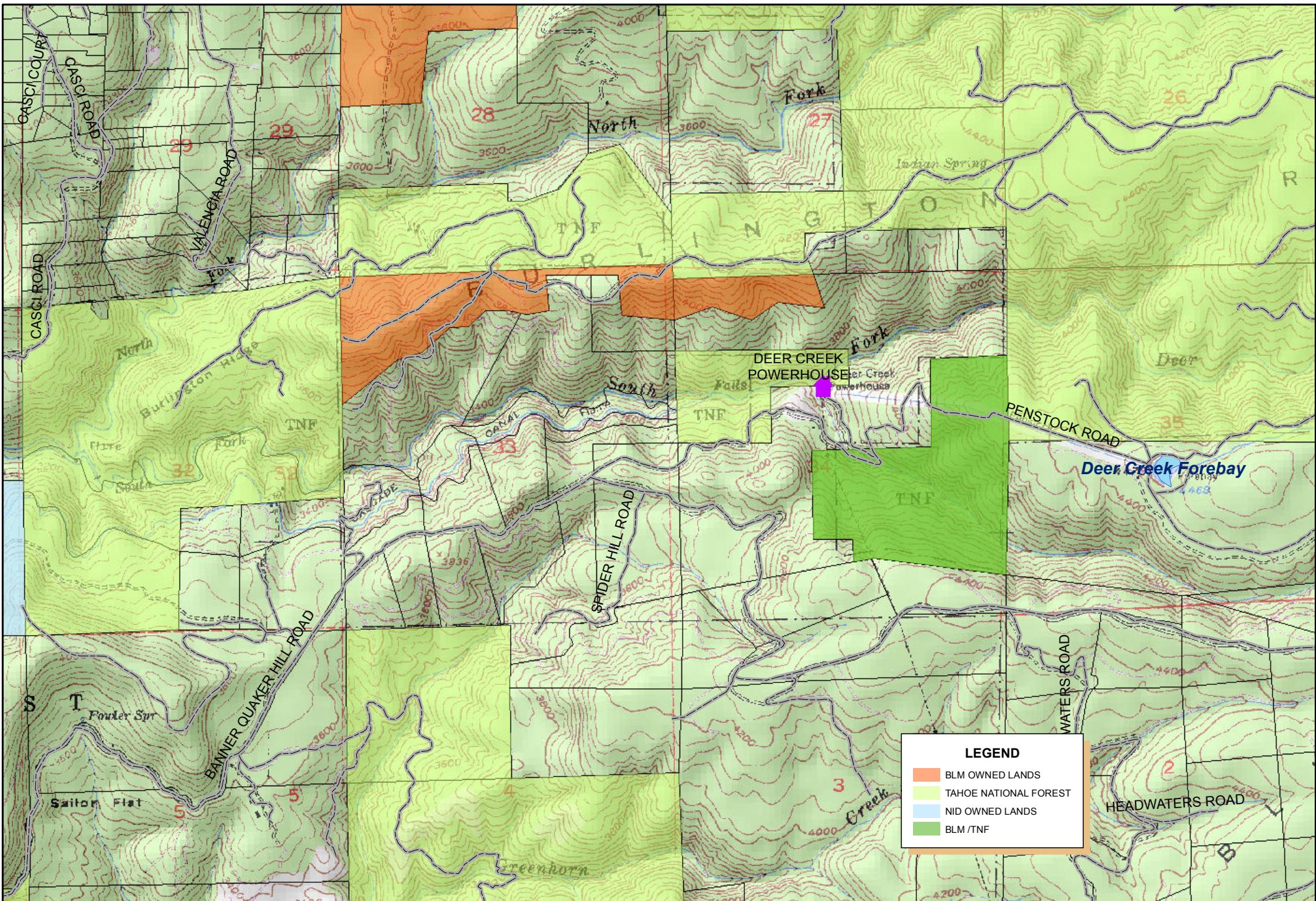
Sincerely,



Este Stifel

Central California District Manager

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LEGEND

- BLM OWNED LANDS
- TAHOE NATIONAL FOREST
- NID OWNED LANDS
- BLM /TNF

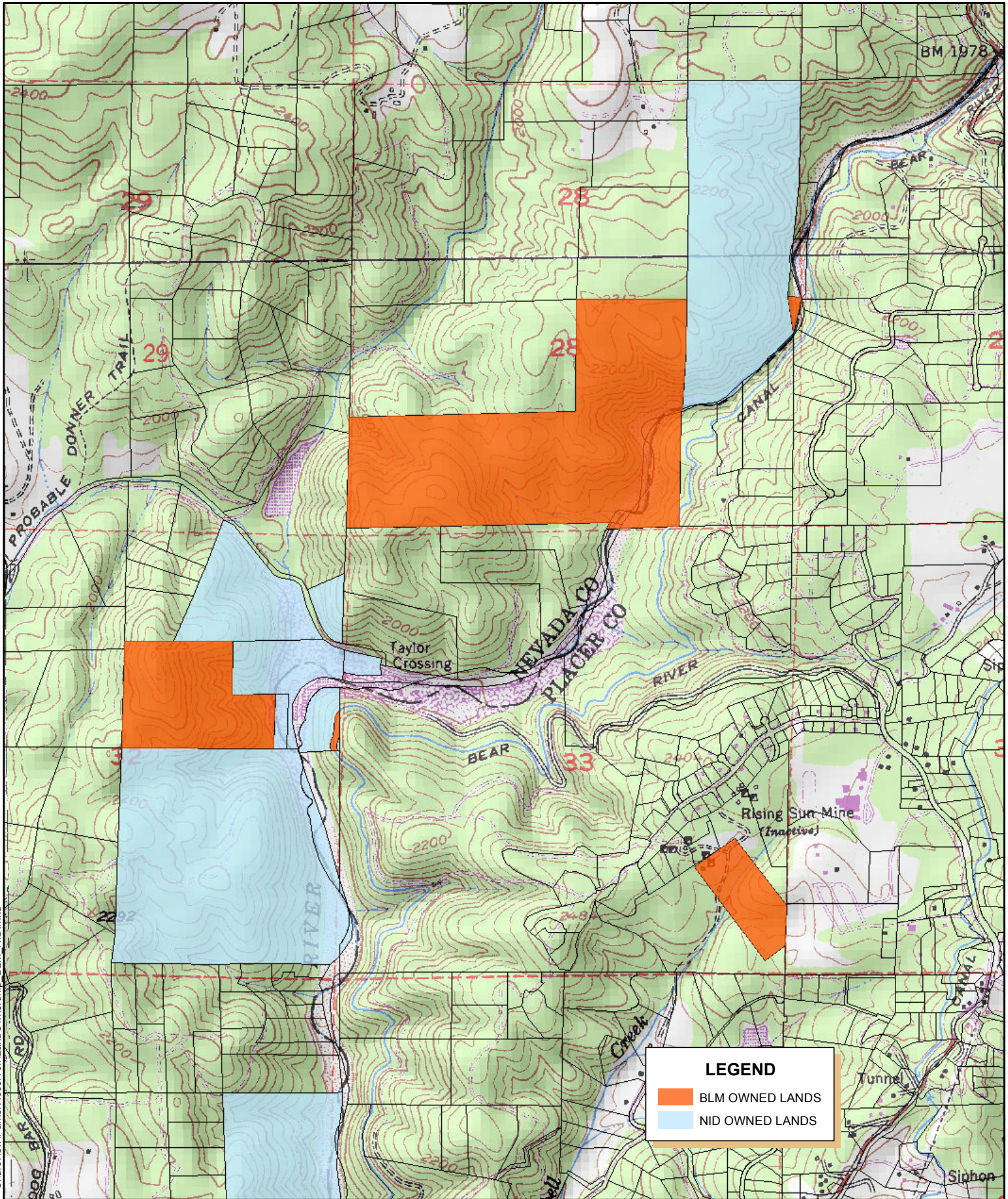


NEVADA IRRIGATION DISTRICT

NEVADA COUNTY -- PLACER COUNTY
GRASS VALLEY, CALIFORNIA

DEER CREEK POWERHOUSE PROJECT AREA - BLM OWNED LANDS

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LEGEND

- BLM OWNED LANDS
- NID OWNED LANDS



NEVADA IRRIGATION DISTRICT
NEVADA COUNTY -- PLACER COUNTY
GRASS VALLEY, CALIFORNIA

CENTENNIAL RESERVOIR PROJECT AREA - BLM OWNED LANDS

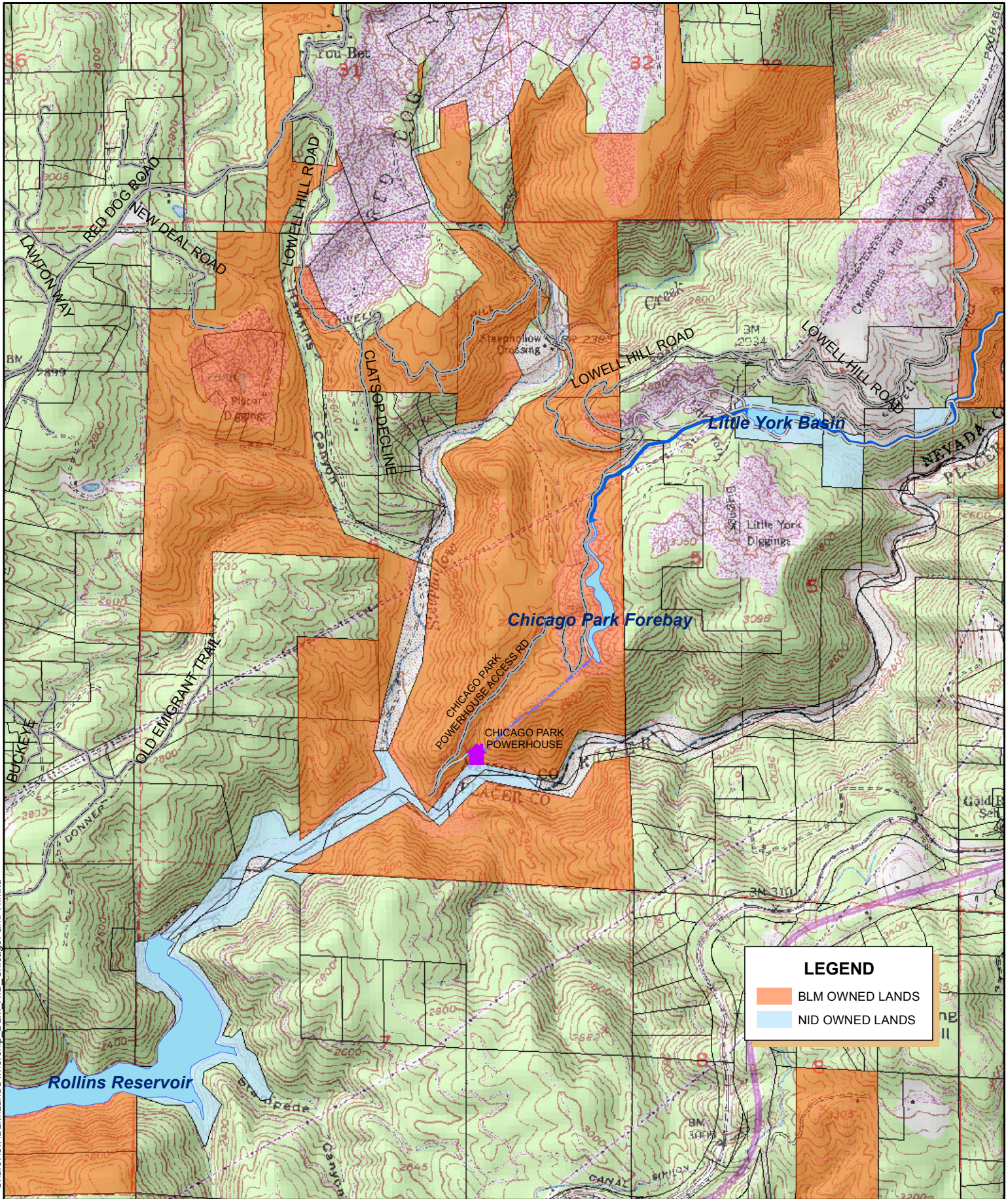
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Drawn By: D. HUNT

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Sheet: 1 of 1

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CHICAGO PARK POWERHOUSE PROJECT AREA - BLM OWNED LANDS



Date: 2/3/2016

NEVADA IRRIGATION DISTRICT

Scale: 1" = 2000' @ 8-1/2x11

Drawn By: D. HUNT

NEVADA COUNTY -- PLACER COUNTY
GRASS VALLEY, CALIFORNIA

Sheet: 1 of 1