

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BAKERSFIELD FIELD OFFICE  
DECISION RECORD**

**Tepusquet Hiatus Direct Sale: CACA 51350  
DOI-BLM-CA-C060-2010-0094-EA**

**Introduction**

The Bakersfield Field Office is proposing to conduct direct sales of BLM managed lands to seven adjacent landowners. All BLM parcels proposed for sale are located within the Tepusquet Hiatus, a long, narrow 379.19 acre sliver of steep, hilly federal lands located in Santa Barbara County, CA.

The hiatus originated with a faulty United States land survey in 1900, and subsequent homesteading up to an incorrect rancho boundary line. The original Government Land Office survey of the Tepusquet and Sisquoc Spanish land grant boundaries in 1860 were not adequately marked and field notes were lost. A re-survey in 1900 attempted to re-establish the former lines, but missed the mark, creating a "hiatus". Adjacent lands were homesteaded and patented into private ownership, but this sliver remained Federal land. Historically, the surrounding private ranches have believed they owned the federal lands and have treated the sliver as part of their ranches.

The hiatus was officially recognized by the federal government in a BLM dependent re-survey of the area in 1989, done at the request of Santa Barbara County to address other title problems known to occur in the township. The 1989 survey was protested, and the acceptance was suspended. The protest was resolved and the suspension lifted, paving the way for disposal of the hiatus area, which has no legal public access.

**Decision**

It is my decision to approve the proposed action as described in the Environmental Assessment (EA) Number DOI-BLM-CA-C060-2010-0094-EA. The sales will be completed under authority of Section 203 of the Federal Land Policy and Management Act of October 21, 1976, as amended (43 U.S.C. 1701, 1713). By this decision, 379.19 acres of public land (including mineral estate) will be patented to the following adjacent landowners:

<b>Buyer</b>	<b>Lot</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>	<b>Acres</b>
West Bay LLC	22	29	10	32	14.59
West Bay LLC	23	29	10	32	10.96
West Bay LLC	3	32	10	32	1.74
West Bay LLC	10	33	10	32	0.25
West Bay LLC	2	30	10	32	4.14
<b>Acres Subtotal</b>					<b>31.68</b>
Leo Moore Trust	20	29	10	32	1.13
Leo Moore Trust	21	29	10	32	3.46
<b>Acres Subtotal</b>					<b>4.59</b>

Buyer	Lot	Section	Township	Range	Acres
Acquistapace Ranches LLC	19	29	10	32	14.49
Acquistapace Ranches LLC	2	32	10	32	0.35
Acquistapace Ranches LLC	13	28	10	32	0.95
Acquistapace Ranches LLC	9	33	10	32	45.56
Acquistapace Ranches LLC	8	34	10	32	33.32
<b>Acres Subtotal</b>					<b>94.67</b>
Lone Pine LLC	1	3	9	32	4.34
<b>Acres Subtotal</b>					<b>4.34</b>
Tepusquet Ranch	11	33	10	32	18.05
<b>Acres Subtotal</b>					<b>18.05</b>
Lenore Penny Revocable Trust	12	33	10	32	9.57
Lenore Penny Revocable Trust	9	34	10	32	18.24
<b>Acres Subtotal</b>					<b>27.81</b>
Charles Minetti LLC	5	2	9	32	37.69
Charles Minetti LLC	6	2	9	32	35.84
Charles Minetti LLC	7	2	9	32	34.03
Charles Minetti LLC	8	2	9	32	24.40
Charles Minetti LLC	6	1	9	32	9.35
Charles Minetti LLC	7	1	9	32	17.93
Charles Minetti LLC	8	1	9	32	38.81
<b>Acres Subtotal</b>					<b>198.05</b>
<b>TOTAL ACRES</b>					<b>379.19</b>

Although the federal parcels are mapped as having high potential for oil and gas development, we find that oil and gas development in the immediate area is very speculative, therefore the full fee estate will be patented to the adjacent landowners. The interest appraised was the “full fee simple estate” (including mineral rights). The appraisal did not assign a contributory value to the oil and gas estate.

## Alternatives Considered but not Selected

### No Action Alternative

Under the No Action Alternative, the parcels would not be sold to the adjacent landowners. The public lands would remain as unmanaged parcels of federal land under BLM administration without legal administrative or public access. While no active BLM management is anticipated, some law enforcement and fuels management activities may be required by BLM as long as the parcels remain under Federal jurisdiction.

## **Disposal of Federal Parcel by Competitive Sale Method**

BLM considered selling the parcels through a competitive or modified competitive bid process. This alternative was dismissed from detailed consideration because the public lands are completely surrounded by private lands owned by seven different landowners who control access to the parcels. Due to the lack of legal access, limited utility due to steep topography, and configuration, it is unlikely the parcels would attract any other bidders if offered for sale through a competitive bid process. The additional time and expense of conducting a competitive bid sale would not be warranted.

## **Disposal of Federal Parcel by Exchange**

BLM also considered exchanging the federal parcels, but concluded a direct sale would be the most cost effective means of transferring the parcel into private ownership.

## **Decision Rationale**

The decision to implement direct sales of these federal lands to the adjacent landowners is the most cost effective and efficient method of accomplishing the purpose and need which is to (1) dispose of isolated federal lands which are difficult and uneconomic to manage, (2) to eliminate the narrow strip of public lands lying in between large acreages of private ranches, and (3) to generate funds for the land disposal account established pursuant to the Federal Land Transaction Facilitation Act (FLTFA). The no action alternative would not accomplish the purpose and need.

## **Consultation and Coordination**

No special status animal or plant species, or their habitat, were found on the public lands to be disposed. Any possible indirect effects of the sale on sensitive resources are considered unlikely; therefore, no additional consultation with U.S. Fish and Wildlife Service is necessary.

There will be no effect on historic properties; therefore, no additional consultation with the State Historic Preservation Officer is necessary.

## **Public Involvement**

Public involvement concerning the disposal of the public land began during the analysis of the 1993 Draft Caliente RMP. The public was well informed on the RMP's objective to reposition properties within the Coast Management Area that do not fit into an active Bureau or cooperator resource management program for lands in areas that do. No specific comments were received regarding the Tepusquet Hiatus parcel. Responses to comments on the Draft RMP were incorporated into the Caliente RMP approved in May 1997.

Public involvement was pursued by the BLM with the issuance of a Notice of Realty Action that was published in the Federal Register on November 2, 2010 and will be published once a week for three consecutive weeks in the local newspaper. Public review and comments concerning the sale were solicited for a 45 day period during November and December 2010.

## **Plan Consistency**

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the Caliente RMP (approved 1997).

## **Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor:

U.S. Department of the Interior  
Office of the Solicitor, Pacific Southwest Region  
2800 Cottage Way, Room E-2753  
Sacramento, CA 95825-1890

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website.

/s/ Tim Smith  
Timothy Z. Smith  
Field Manager, Bakersfield Field Office

November 9, 2010  
Date