

MINUTE ITEM
This Calendar Item No. 57
was approved as Minute Item
No. 57 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

MINUTE ITEM

57

A 33
S 14

7/19/93
M. Howe
W23174

SMALL WINDERSNESS AREA PRESERVATION (APPLICANT)

Calendar Item 57 was moved from Regular Calendar to
Consent Callendar.

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CALENDAR ITEM

57

A 33

07/19/93

S 14

W 23174 AD196

Howe

W 25048 PRC 8045

AUTHORIZE THE PURCHASE, WITH KAPILOFF LAND BANK TRUST FUNDS,
OF A PARCEL OF LAND WITHIN THE ELFIN FOREST
TOWN OF LOS OSOS, SAN LUIS OBISPO COUNTY

APPLICANT:

State Lands Commission, as trustee
of the Kapiloff Land Bank Fund

The Small Wilderness Area Preservation Group (Los Osos/Morro Bay Chapter) and the Coastal Conservancy approached staff of the State Lands Commission (SLC) to study the possibility of the joint purchase, including Kapiloff Land Bank Fund monies, of an area of land known as the Elfin Forest or Otto Property located adjacent to Morro Bay, in the Town of Los Osos, San Luis Obispo County. Other monies include a grant from Cal Trans and private monies. Requests are in for grant monies from the Migratory Bird Commission and the Regional Council of Governments. It is proposed that the Commission contribute \$100,000 toward the purchase price of \$1,600,000.

The subject property is approximately 38.69 acres in size and is a vegetationally diverse parcel. The vegetation includes the unusual multi-trunked pygmy oak, found in the oak woodlands on the eastern and southern slopes of the property and chaparral which is heavily populated with the rare Morro manzanita. *Sulcaria isidiifer*, the only lichen on the Federal endangered species list, and several species of lichens endemic to the Southern California coast are found on the property. Coastal Dune Scrub, grassland, Willow Riparian and coastal marsh can also be found on the property.

At least 23 species of mammals, over 110 species of birds, and 11 species of reptiles and amphibians have been observed within the Elfin Forest. The riparian fringe provides habitat for the California Black Rail.

The subject property is a valuable buffer between Morro Bay, Morro Bay State Park and residential development. The bay is an important stop-over for migratory birds and home to thousands of

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year-round residents. It is a nursery ground for many species as well as home to sea otters and harbor seals. At its March 1976 meeting, the SLC exercised the public trust over a portion of the tidelands located within Morro Bay for the purpose of preservation of said parcels in their natural state so that they would serve as ecological units for scientific study, open space, and as environments which provide food and habitat for birds and marine life, and favorably affect the scenery and climate of the area. This purchase would be a logical extension of past Commission action.

There is tremendous environmental and local support for this project. Staff has received letters of support from Assemblywoman Andrea Seastrand, the City of Morro Bay, County of San Luis Obispo, Department of Parks and Recreation, California Native Plant Society, Friends of the Estuary at Morro Bay, and numerous private citizens.

In return for the contribution of Kapiloff Land Bank of \$100,000, the State Lands Commission, as trustee, will take title to that portion of the subject parcel lying adjacent to the tide and submerged lands the value which will be equivalent to or greater than the contribution. Title to the remainder of the subject property may be vested in the County of San Luis Obispo. The parcel vested in the State will be held by the State as land of the legal character of tide and submerged lands subject to the public trust under the jurisdiction of the State Lands Commission, pursuant to the provisions of Division 6 (commencing with Section 6001).

As part of the county natural area plan the State parcel will be leased to the County. A management plan will be prepared by the County, subject to approval by Commission staff.

Staff has concluded that the subject property is useful for the public trust purposes of open space and wildlife habitat. Since the State parcel will be leased to the County for management, the Lessee will assume all liability for the property.

Staff therefore recommends that the Commission authorize the expenditure of \$100,000 as set forth herein, subject to termination of such authority without further Commission action, if commitments for the total purchase price are not made in writing by August 1, 1994.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because it involves an action taken pursuant to the Kapiloff Land Bank Act, P.R.C. 8600, et seq.

Authority: P.R.C. 8631.

EXHIBIT:

- A. Land Bank Acquisition Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. FIND THAT THE VALUE OF THE INTEREST TO BE ACQUIRED BY THE STATE IN LANDS DEPICTED IN EXHIBIT "A" IS GREATER THAN \$100,000.
3. AUTHORIZE THE EXPENDITURE OF \$100,000 FROM THE KAPILOFF LAND BANK FUND TOWARD THE PURCHASE OF THE SUBJECT PARCEL WITH KAPILOFF LAND BANK TRUST FUNDS A PORTION OF THE PARCEL OF LAND KNOWN OF ELFIN FOREST, AS DEPICTED ON THE PLAT ATTACHED HERETO AS EXHIBIT "A", AND ACCEPTANCE OF TITLE TO THAT PORTION OF THE PARCEL ADJACENT TO EXISTING SOVEREIGN LANDS; PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON AUGUST 1, 1994, WITHOUT FURTHER COMMISSION ACTION, IF WRITTEN COMMITMENTS FOR THE TOTAL PURCHASE PRICE HAVE NOT BEEN MADE BY THAT DATE.

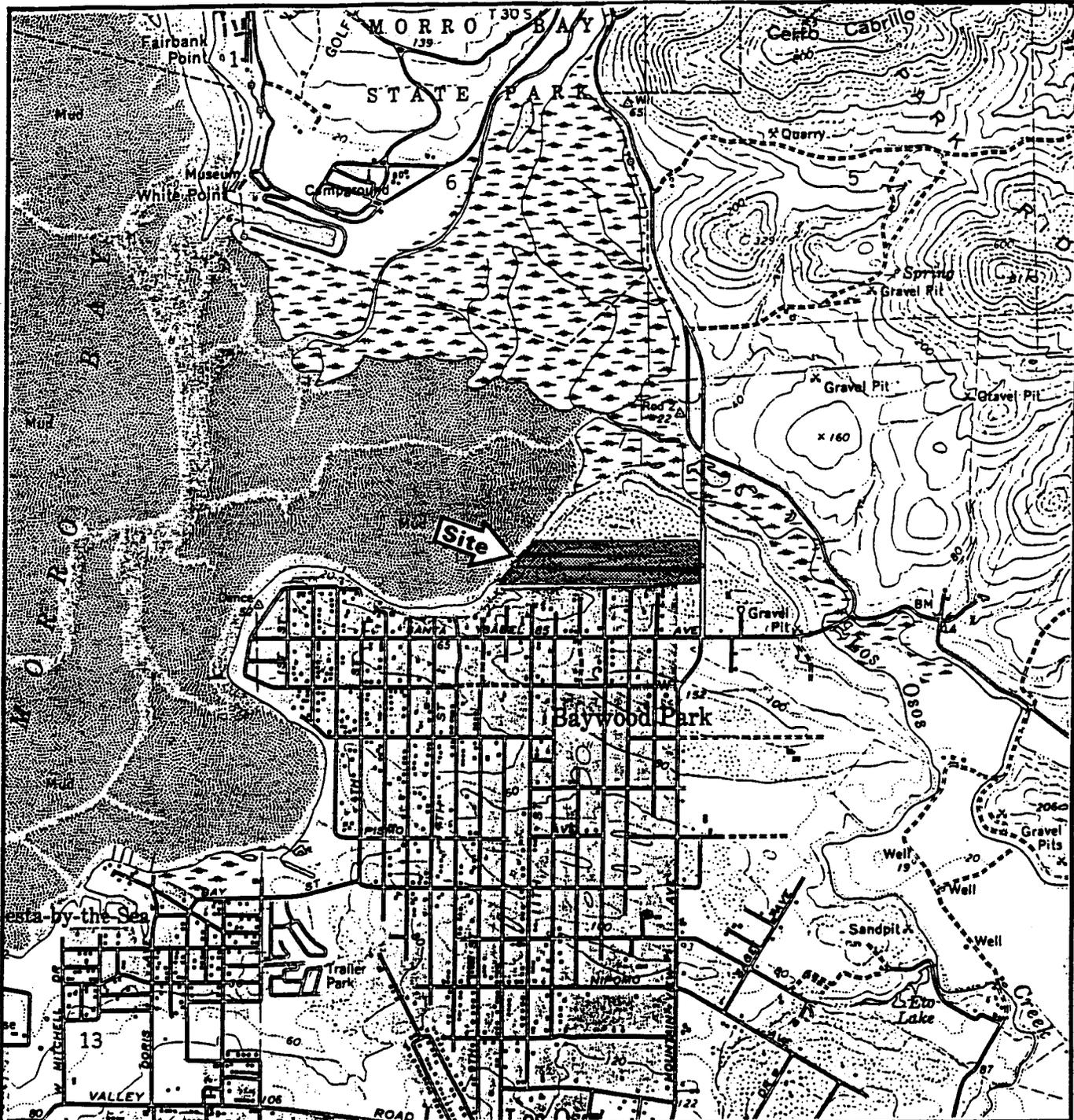
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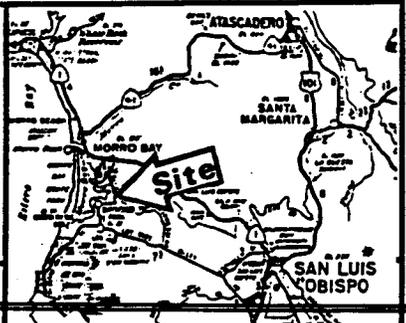
4. AUTHORIZE STAFF OF THE STATE LANDS COMMISSION TO ISSUE A LEASE FOR THE TERM OF 49 YEARS TO THE COUNTY OF SAN LUIS OBISPO TO MANAGE THE PROPERTY ACQUIRED BY THE COMMISSION WITHIN THE PROPERTY DEPICTED IN EXHIBIT "A" FOR THE PURPOSE OF OPEN SPACE, AND WILDLIFE HABITAT, SHOULD SAID LANDS BE ACQUIRED AS SET FORTH ABOVE, SUBJECT TO PRIOR APPROVAL BY COMMISSION STAFF OF A MANAGEMENT PLAN.

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EXHIBIT A



STATE LANDS COMMISSION
POTENTIAL
LAND BANK PARCEL



Prepared by: R. La Force Date: 6-4-93 A: 33 S: 14

Title Study: MORO BAY, SAN LUIS OBISPO COUNTY W 23174

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