

CALENDAR ITEM
C28

MINUTE ITEM
This Calendar Item No. C28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 02/12/97
meeting.

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02/12/97
PRC7931 W 22765
AD 299 M. Howe

**AUTHORIZE THE PURCHASE, WITH KAPILOFF LAND BANK TRUST FUNDS,
OF A 109-ACRE ISLAND LOCATED IN THE
NAPA RIVER, NAPA COUNTY**

APPLICANT:

California State Lands Commission, as Trustee
of the Kapiloff Lands Bank Fund

The Napa Land Trust has requested that the California State Lands Commission (CSLC), as Trustee of the Kapiloff Land Bank Fund, contribute \$108,000 toward the purchase of a 109-acre island located in the Napa River, Napa County. A grant in the amount of \$12,000 has been granted by the Napa County Wildlife Commission toward the total purchase price of \$120,000.

The subject property is situated between Fagan Slough Ecological Reserve and the 10,000 acre Napa-Sonoma Marshes Wildlife Area, which are managed by the California Department of Fish and Game. The Napa-Sonoma Marshes Wildlife Area was a joint purchase by the CSLC, the Shell Oil Spill Litigation Settlement Trustee Committee and California Wildlife Conservation Board. Acquisition of this property is critical to the preservation of the surrounding marshes which are home to up to 128 species, including the imperiled California Clapper Rail, California Black Rail, Salt Marsh Harvest Mouse, Burrowing Owl and American Peregrine Falcon. It is the largest wintering ground on the Pacific Coast for Canvasback duck and supports 25 species of waterfowl including Pintail, Scoter, Blue Wing Teal, Cinnamon Teal, Mallard and Widgeon. This project has the support of the San Francisco Bay Joint Venture, California Coastal Conservancy, Save San Pablo Baylands and private citizens.

In return for the contribution of \$108,000, the CSLC, as Trustee, will take title to Bull Island, the value of which is equal to or greater than the total Kapiloff Land Bank funds contributed toward the acquisition. Title to the subject property will be vested in the State as land of the legal character of tide and submerged lands subject to the Public Trust under the jurisdiction of the California State Lands Commission, pursuant to the provisions of Division 6 of the Public Resources Code (commencing with section 6001).

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Authorization to purchase the subject parcel is conditioned upon the completion of the parcel acceptability study that has been initiated.

Staff has concluded that the subject property is useful for the Public Trust purposes of recreation, open space and wildlife habitat. The subject property will be leased to the California Department of Fish and Game for inclusion in the Fagan Slough Ecological Reserve.

Staff therefore recommends that the Commission authorize the expenditure of \$108,000 as set forth above, subject to termination of such authority without further Commission action, if the acquisition has not taken place by December 31, 1997.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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, Public Resources Code sections 8600, et seq.
Authority: Public Resources Code section 8631.

EXHIBIT:

- A. Land Bank Acquisition Parcel.

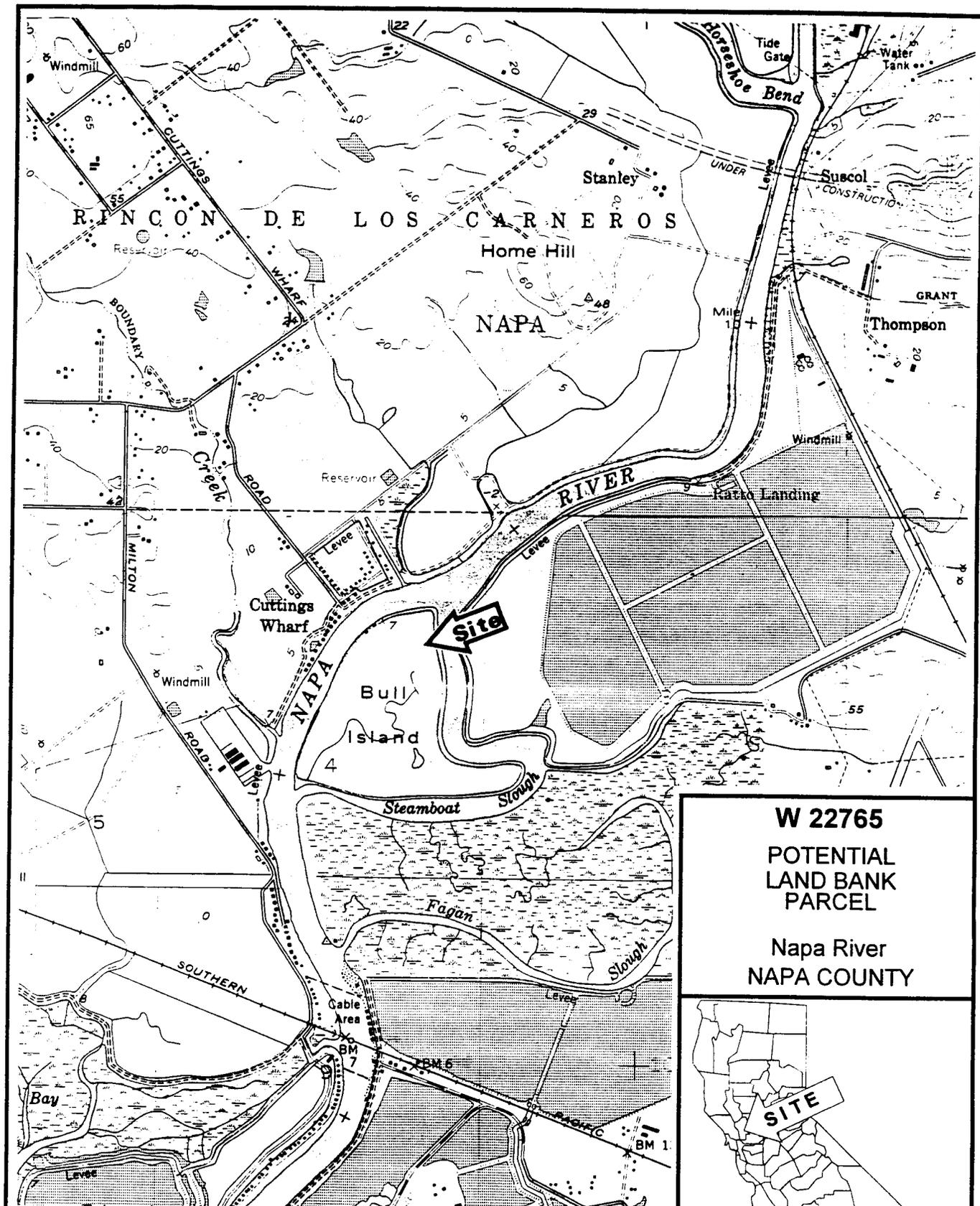
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS, 8600, ET SEQ.
2. FIND THAT THE VALUE OF THE LAND TO BE ACQUIRED BY THE CALIFORNIA STATE LANDS COMMISSION IN LANDS DEPICTED IN EXHIBIT "A" IS GREATER THAN \$108,000.
3. AUTHORIZE THE EXPENDITURE OF \$108,000 FROM THE KAPILOFF LAND BANK FUND TOWARD THE PURCHASE WITH KAPILOFF LAND BANK TRUST FUNDS OF THAT PARCEL OF LAND DEPICTED ON

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EXHIBIT "A" ATTACHED HERETO, AND ACCEPTANCE OF TITLE TO THE PARCEL; PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON DECEMBER 31, 1997, WITHOUT FURTHER COMMISSION ACTION, IF THE ACQUISITION HAS NOT TAKEN PLACE BY THAT DATE.

4. AUTHORIZE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION TO ENTER INTO A LEASE FOR THE TERM OF 49 YEARS TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR THE MANAGEMENT OF THE ACQUIRED PROPERTY DEPICTED IN EXHIBIT "A" FOR THE PURPOSE OF OPEN SPACE AND WILDLIFE HABITAT.



W 22765
POTENTIAL
LAND BANK
PARCEL

Napa River
 NAPA COUNTY

