CALENDAR ITEM

C77

A 35 04/26/13

PRC 8129.9

S 19 R. Collins

AMENDMENT OF GENERAL LEASE – PUBLIC AGENCY USE

LESSEE:

California Department of Fish and Wildlife
2390 C Las Posas Road, #402
Camarillo, CA 93012

AREA, LAND TYPE, AND LOCATION:

5,193 acres, more or less, of sovereign land near the City of Lompoc, Santa Barbara County commonly referred to as the Burton Mesa Ecological Reserve.

AUTHORIZED USE:

Management, operation, and maintenance of sovereign lands.

LEASE TERM:

49 years, beginning December 4, 1999.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend Lease No. PRC 8129.9, beginning April 26, 2013 and for the remaining term of the lease, to add to the lease premises two adjacent parcels measuring 60± acres and 47± acres. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. In settlement of anti-trust litigation, the State, acting through the California State Lands Commission (CSLC), received a 5,125± acre parcel of land (Parcel One as shown in Exhibits A and B) from Union Oil Company of California (UNOCAL) in 1991 (AD 161) in the first of a two-part transaction. The second part of the transaction occurred in 1995 when UNOCAL transferred a 60± acre parcel (Parcel Three as shown in Exhibits

A and B) to the CSLC. Because of the high value of the property's environmentally sensitive resources, on December 3, 1999, the CSLC authorized Lease No. PRC 8129.9 for a 49-year term to the California Department of Fish and Wildlife (formerly California Department of Fish and Game, hereafter referred to as DFW) for management, operation, and maintenance of the Burton Mesa Ecological Reserve. However only the 5,125± acre parcel from the first transaction was included in the lease. It is unclear why the 60± acre parcel from the second transaction was not included in the lease. The 60± acre parcel is one of the two parcels CSLC staff is proposing be included in Lease No. PRC 8129.9.

2. In 1998, Santa Barbara County transferred a 47± acre parcel (Parcel Two as shown on Exhibits A and B) to CSLC (AD 370). This parcel is contiguous to both the 5,125± acre and the 60± acre parcels obtained from UNOCAL, but was not added to Lease No. PRC 8129.9.

3. In December 1995, CSLC, Santa Barbara County, and the California Department of Parks and Recreation (Parks) purchased 968± acres of land, commonly known as the Kavian parcel, located adjacent to the Burton Mesa Ecological Reserve and Parks' 1,000± acre La Purisima Mission State Historical Park. At this time CSLC authorized the expenditure of $250,000 of Kapiloff Land Bank Trust funds and agreed to accept title to a percentage of the total acreage equal to or greater than its $250,000 contribution. The conveyances and acceptances recorded in April 1996 (AD 236), with Parks accepting an undivided 93% interest (900± acres) and CSLC accepting an undivided 7% interest (68± acres) in the Kavian parcel. Prior to acceptance of the grant deed, CSLC and Parks signed an agreement allowing for the partitioning of the parcel if a lease between the two parties could not be agreed upon by October 1996. Although a lease was authorized by the Commission to Parks in 1995, a lease was never executed primarily because CSLC's property interest is subject to the public trust, which conflicted with Parks management needs.

   Consequently, on October 16, 2008, CSLC authorized a Reciprocal Transfer of Jurisdiction (JTO 22) resulting in the 68± acre portion being transferred to CSLC and the remaining 900± acres being transferred to Parks. The CSLC also authorized the 68± acre parcel (Parcel Four as shown on Exhibits A and B) be added to the Burton Mesa Ecological Reserve lease to DFW (PRC 8129.9). However, the lease amendment for this authorization was never executed. Accordingly, this parcel will be included in the proposed Lease Amendment, but it is not included in this calendar item's recommended authorization since the Commission has already authorized this action.

4. In 1998, Santa Barbara County transferred a 47± acre parcel (Parcel Two as shown on Exhibits A and B) to CSLC (AD 370). This parcel is contiguous to both the 5,125± acre and the 60± acre parcels obtained from UNOCAL, but was not added to Lease No. PRC 8129.9.

5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 7, Actions by Regulatory Agencies for the Protection of Natural Resources; California Code of Regulations, Title 2, section 2905, subdivision (f)(1).

   Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq.; use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

A. Land Description
B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 7, Actions by Regulatory Agencies for the Protection of Natural Resources; California Code of Regulations, Title 2, section 2905, subdivision (f)(1).

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8129.9, a General Lease – Public Agency Use, for management, operations, and maintenance at the Burton Mesa Ecological Reserve, to add two parcels, a 60± acre parcel (Parcel Three as shown in Exhibits A and B) and a 47± acre parcel (Parcel Two as shown on Exhibits A and B) to the Lease for a total of 5,300± acres, effective April 26, 2013, as described in Exhibit A and shown on Exhibit B (for reference purposes only); attached and by this reference made a part hereof, all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 8129.9

LAND DESCRIPTION

PARCEL ONE

All that real property having the character of tide and submerged lands, situate in the County of Santa Barbara, State of California, being that land conveyed by that certain Corporation Grant Deed from Union Oil Company of California to the State of California, acting by and through the State Lands Commission, recorded June 20, 1991 as Instrument No. 91-038941, Official Records of said County.

TOGETHER WITH the right of ingress and egress as described in said Instrument No. 91-038941 and in Instrument No. 91-038942, Official Records of said County.

PARCEL TWO

All that real property having the character of tide and submerged lands, situate in the County of Santa Barbara, State of California, being that land conveyed by that certain Gift by Quitclaim Deed from Union Oil Company of California to the State of California, acting by and through the State Lands Commission, recorded August 23, 1995 as Instrument No. 95-047208, Official Records of said County.

PARCEL THREE

All that real property having the character of tide and submerged lands, situate in the County of Santa Barbara, State of California, being that land conveyed by that certain Grant Deed from the County of Santa Barbara to the State of California, acting by and through the State Lands Commission, recorded September 3, 1998 as Instrument No. 98-068117, Official Records of said County.

PARCEL FOUR

All that real property having the character of tide and submerged lands, situate in the County of Santa Barbara, State of California, being that land transferred by that certain Jurisdictional Transfer from the California Department of Parks and Recreation to the California State Lands Commission, recorded February 24, 2009 as Document No. 2009-0009592, Official Records of said County.

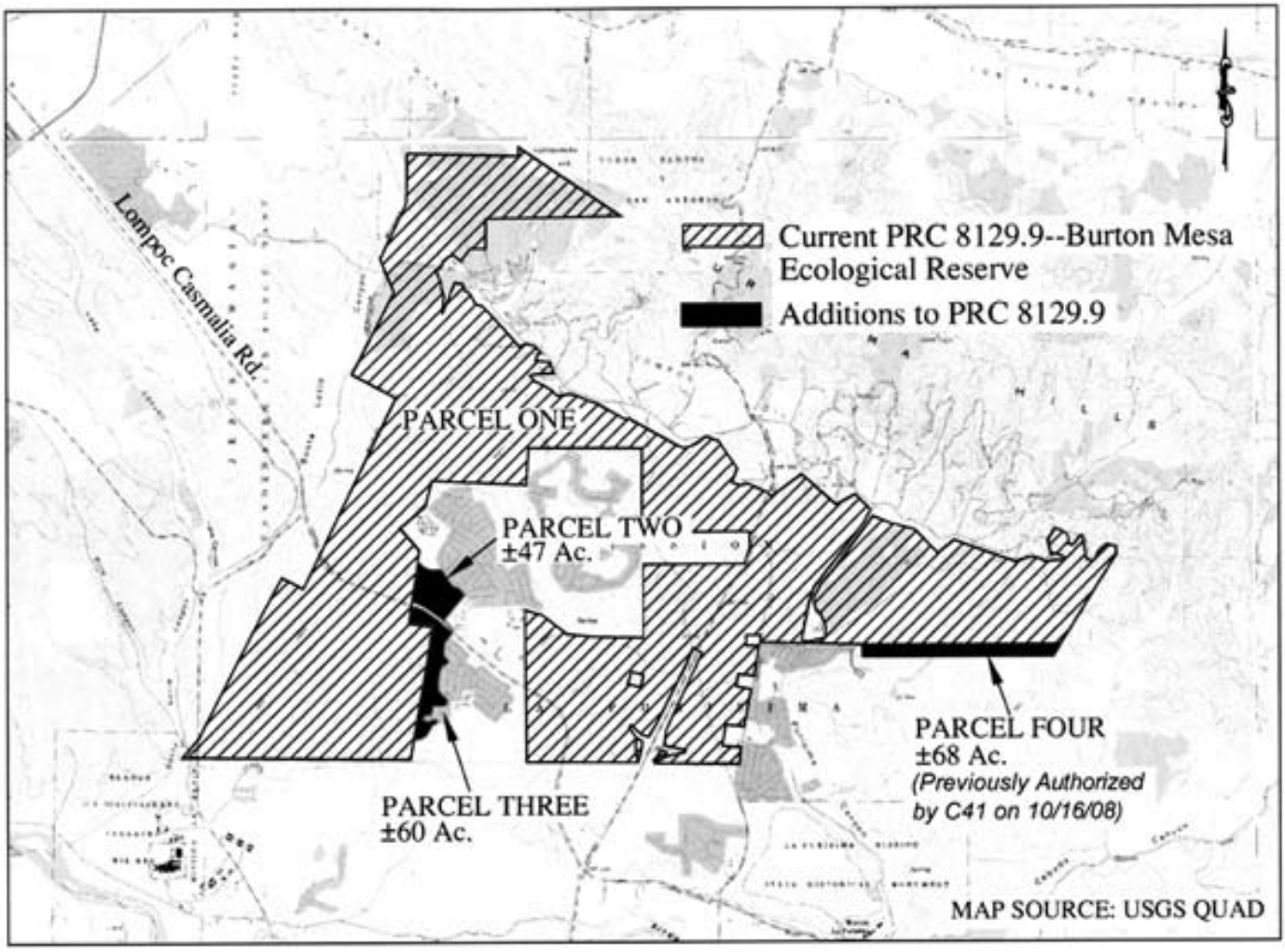
END OF DESCRIPTION

Prepared 10/26/2012 by the California State Lands Commission Boundary Unit

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/13
No. 7377
STATE OF CALIFORNIA

NO SCALE

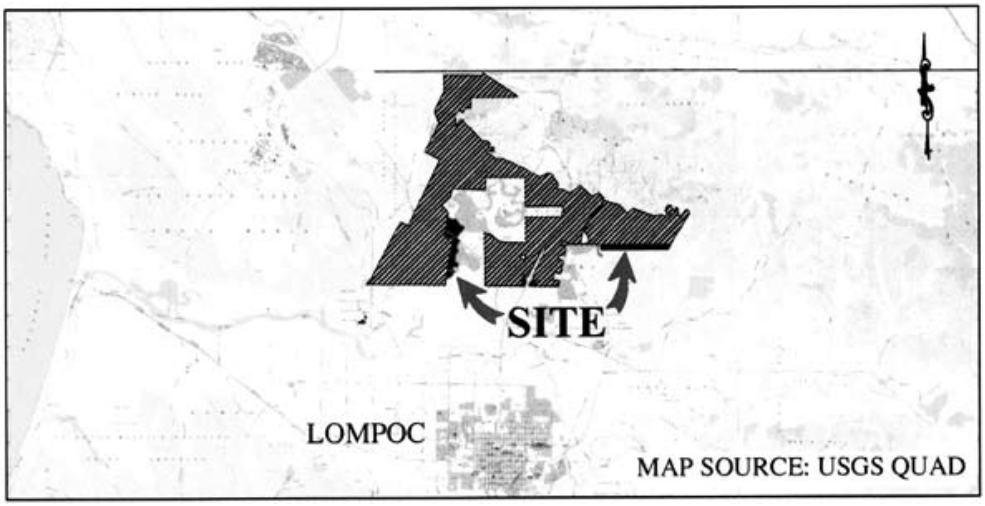
SITE



Amendment to Lease No. PRC 8129.9 to Department of Fish and Wildlife

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 8129.9

DEPARTMENT OF FISH AND WILDLIFE GENERAL LEASE - PUBLIC AGENCY USE SANTA BARBARA COUNTY

TS 10/26/12