

MINUTE ITEM

This Calendar Item No. 89  
was approved as Minute Item  
No. 89 by the State Lands  
Commission by a vote of 3  
to 0 of its 3/8/94  
meeting.

CALENDAR ITEM

89

AD 212

03/08/94

W 25105

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**AUTHORIZE THE PURCHASE, WITH KAPILOFF LAND BANK TRUST FUNDS,  
OF A 10,000± ACRE PARCEL OF LAND LOCATED ON THE NAPA RIVER,  
NAPA AND SOLANO COUNTIES**

**APPLICANT:**

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

The Shell Oil Spill Litigation Settlement Trustee Committee (Trustee Committee) has requested that the State Lands Commission, as Trustee of the Kapiloff Land Bank Fund, contribute toward the purchase of 10,000± acres of land located on the Napa River, Napa and Solano counties. The Trustee Committee will be contributing \$6.5 million toward the purchase price. Other committed monies include funds from the Wildlife Conservation Board (approximately \$1.5 million) and the California Coastal Conservancy (\$1 million). The total purchase price is \$10,000,000.

The subject property is approximately 10,000 acres of salt ponds, mudflats, and tidal wetlands north and south of State Highway 37 between Sonoma Creek and the Napa River, at the north end of San Pablo Bay.

The subject property is home 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.

Among the species of plants that flourish on the property are the Mason's Lilaepsis, Delta Tule Pea, Soft Birds's Beak and Suisun Marsh Aster. The marshes support 25 species of fishes, including the declining winter run of Chinook Salmon, Delta Smelt and Sacramento Split Tail.

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In return for the contribution of up to \$1,000,000, the State Lands Commission, as trustee, will take title to a portion of the subject property, the value of which is equal or greater than the total Kapiloff Land Bank funds contributed toward the acquisition, the area of which relative to the total property is the same or greater proportion as the portion of Kapiloff Land Bank Funds contributed to the total purchase price. Title to the remainder of the subject property will be vested in the State of California, as proprietary lands under the jurisdiction of the Department of Fish and Game, subject to existing State's sovereign interest. That portion of the parcel held by the State Lands Commission (SLC Parcel) 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).

Staff has concluded that the subject property is useful for the public trust purposes of open space and wildlife habitat.

Staff therefore recommends that the Commission authorize the expenditure of up to \$1,000,000. as set forth herein, subject to the termination of such authority without further Commission action, if commitments for the total purchase price are not made in writing by March 8, 1995.

**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.

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**IT IS RECOMMENDED THAT THE COMMISSION:**

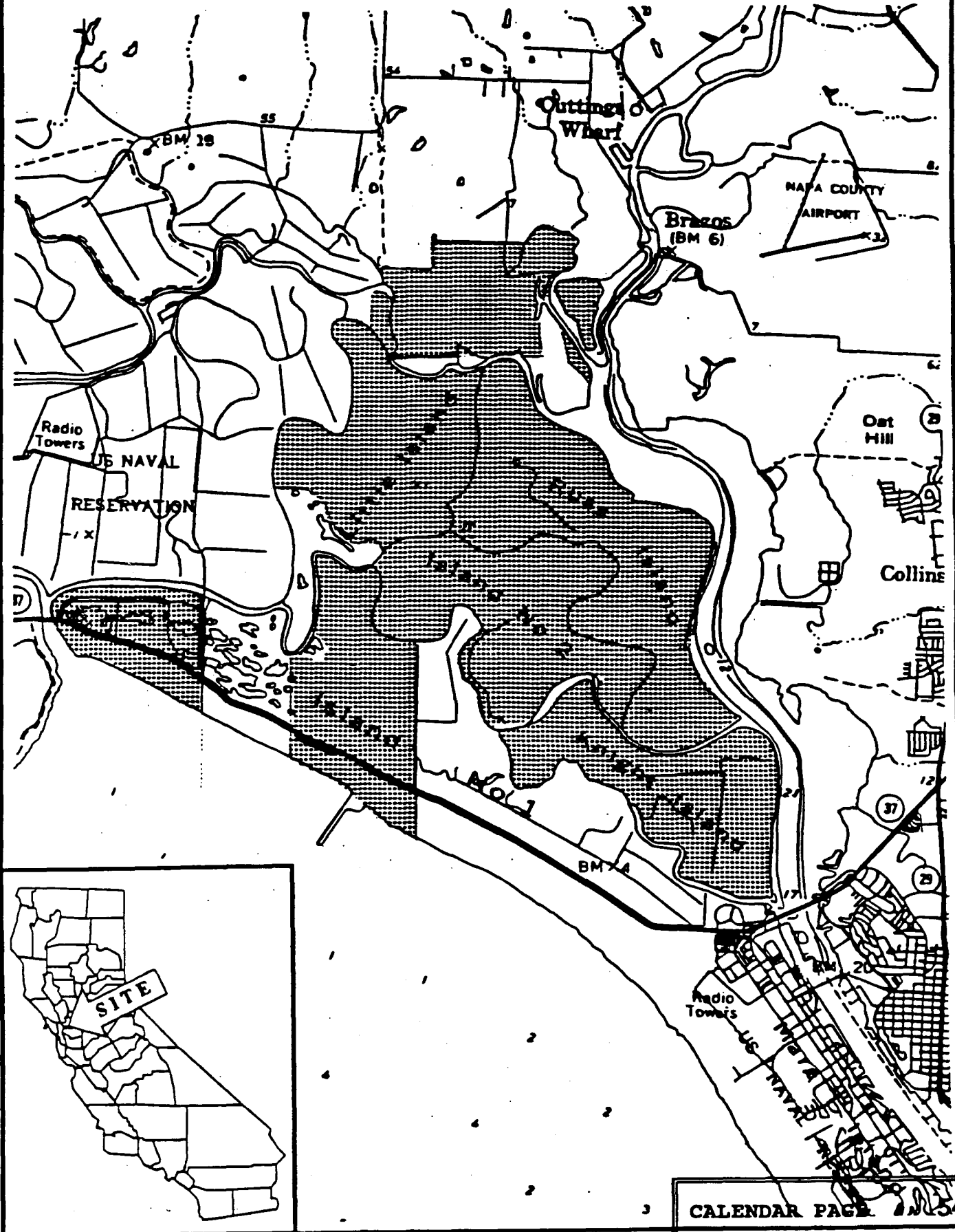
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. AUTHORIZE THE EXPENDITURE OF UP TO \$1,000,000 FROM THE KAPILOFF LAND BANK FUND TOWARD THE PURCHASE WITH KAPILOFF LAND BANK TRUST FUNDS OF A PORTION OF THAT PARCEL OF LAND DEPICTED ON EXHIBIT "A" ATTACHED HERETO, THE VALUE OF WHICH IS EQUAL TO OR GREATER THAN \$1,000,000 AND ACCEPTANCE OF TITLE TO THAT PORTION OF THE PARCEL; PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON MARCH 8, 1995, WITHOUT FURTHER COMMISSION ACTION, IF WRITTEN COMMITMENTS FOR THE TOTAL PURCHASE PRICE HAVE NOT BEEN MADE BY THAT DATE.
3. AUTHORIZE STAFF OF THE STATE LANDS COMMISSION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, SUBSTANTIALLY IN THE FORM OF THE MEMORANDUM OF UNDERSTANDING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

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# POTENTIAL LAND BANK PARCEL



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