

**CALENDAR ITEM
C41**

A	33	10/16/08 AD 236 JTO 22 PRC 8129
S	18	J. Rader K. Foster

CONSIDER A RECIPROCAL TRANSFER OF JURISDICTION BY THE STATE LANDS COMMISSION AND THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION OF SHARED UNDIVIDED INTERESTS IN 968± ACRES OF LAND NEAR THE CITY OF LOMPOC, SANTA BARBARA COUNTY, RESULTING IN A 68± ACRE PARCEL BEING TRANSFERRED TO THE STATE LANDS COMMISSION AND A 900± ACRE PARCEL BEING TRANSFERRED TO THE DEPARTMENT OF PARKS AND RECREATION; AND AMENDMENT TO LEASE NO. PRC 8129.9 TO THE DEPARTMENT OF FISH AND GAME TO INCLUDE THE 68± ACRE PARCEL IN THE BURTON MESA ECOLOGICAL RESERVE

PARTIES: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
1416 NINTH STREET
SACRAMENTO, CA 95814

CALIFORNIA DEPARTMENT OF FISH AND GAME
226 W. OJAI AVENUE, SUITE 101
PMB: 501
OJAI, CA 93023

CALIFORNIA STATE LANDS COMMISSION

BACKGROUND

In 1994 the State Lands Commission staff was contacted by the County of Santa Barbara and the California Department of Parks and Recreation (State Parks) regarding a proposed acquisition of 968± acres of land, commonly known as the Kavian parcel, located between State Park's approximately 1000± acre La Purisima Mission State Historical Park and the 5,125± acre Burton Mesa Ecological Reserve (Burton Mesa) currently owned by the Commission and leased to the Department of Fish and Game under Lease No. PRC 8129.9. The County and State Parks had put together \$3.35 million to acquire the Kavian parcel and needed an additional \$250,000 to settle pending litigation and close the transaction.

CALENDAR ITEM NO. **C41** (CONT'D)

By approving the expenditure of \$250,000 of Kapiloff Land Bank Trust funds in December 1995, the Commission agreed to accept title to a portion of the total acreage equal to or greater than the contribution. The conveyances and acceptances, recorded in April of 1996, resulted in Parks accepting an undivided 93% interest and the Commission an undivided 7% interest in the Kavian parcel. Prior to acceptance of the grant deed, the Commission staff and State Parks signed an agreement that allowed for partitioning of the parcel if language for a lease could not be agreed upon by October 1996. Although the lease was authorized by the Commission in 1995, it was never executed.

A primary impediment to the successful completion of a lease to State Parks stems from the manner in which title to the Kavian parcel was taken. Specifically, the parcel is jointly held by both parties with an undivided interest. However, the Commission's interest is subject to the public trust, which conflicts with some of State Parks' management needs. As such, staff has determined that removing the joint ownership of the parcel through a transfer of jurisdiction, as contemplated as a possible remedy in the 1995 Commission-Parks agreement, is necessary for both parties to effectively manage their interests in the parcel. The parcel will be divided so that the Commission takes 7% of the parcel adjacent to the Burton Mesa Ecological Reserve and State Parks will take the remaining 93% adjacent to the Mission property. The 7% equals approximately 68± acres, as shown on Exhibit A, and described in Exhibit B. Staff has reviewed the proposed deeds and determined that the Commission will be receiving equal value in the parcel being acquired when compared with the undivided interest it is releasing and that the transaction will be in the best interest of the State. Separate access to the parcel being acquired by the Commission not needed as the parcel is adjacent to the Commission's Burton Mesa property. Staff recommends that the Commission authorize the approval of the transfer of jurisdiction on the Commission's behalf.

As stated above, the Commission authorized issuance of a 49 year lease to State Parks for the Commission's interests acquired in the Kavian parcel, but the lease was never executed. However, Fish and Game is currently the Commission's lessee under Lease No. PRC 8129.9 to manage the Burton Mesa property, immediately adjacent to the 68± acre parcel. As such, staff recommends that the Commission authorize staff to amend Lease No. PRC 8129.9 to include the 68± acres within the Burton Mesa property.

LESSEE:

California Department Of Fish And Game
226 W. Ojai Avenue, Suite 101
PMB: 501
Ojai, Ca 93023

CALENDAR ITEM NO. **C41** (CONT'D)

AREA, LAND TYPE, AND LOCATION:

5,125± acres, more or less, of sovereign lands, commonly referred to as the "Burton Mesa property", near the town of Lompoc, Santa Barbara County.

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 on October 16, 2008 and for the remaining term of the lease, to include the 68± acre parcel, representing the Commission's undivided 7% interest in the Kavian parcel, in the Burton Mesa Ecological Reserve. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the property adjoining the lease premises.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 CCR 15061), the staff has determined that this activity is exempt from the requirements of the CEQA pursuant to 14 Cal. Code Regs. 15300 as a categorically exempt project pursuant to 14 Cal. Code Regs. 15313, acquisition of lands for wildlife conservation purposes, and under 14 Cal. Code Regs. 15325, transfers of ownership of interest in land to preserve existing natural conditions.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: 8600, et seq.
- B. Cal. Code of Regs.: Title 2, Div. 3; Title 14, Div. 6.
- C. Pursuant to Government Code section 66428 of the Subdivision Map Act a parcel map is not required where land is conveyed to or from a governmental agency.

PERMIT STREAMLINING ACT:

N/A

CALENDAR ITEM NO. **C41** (CONT'D)

EXHIBITS:

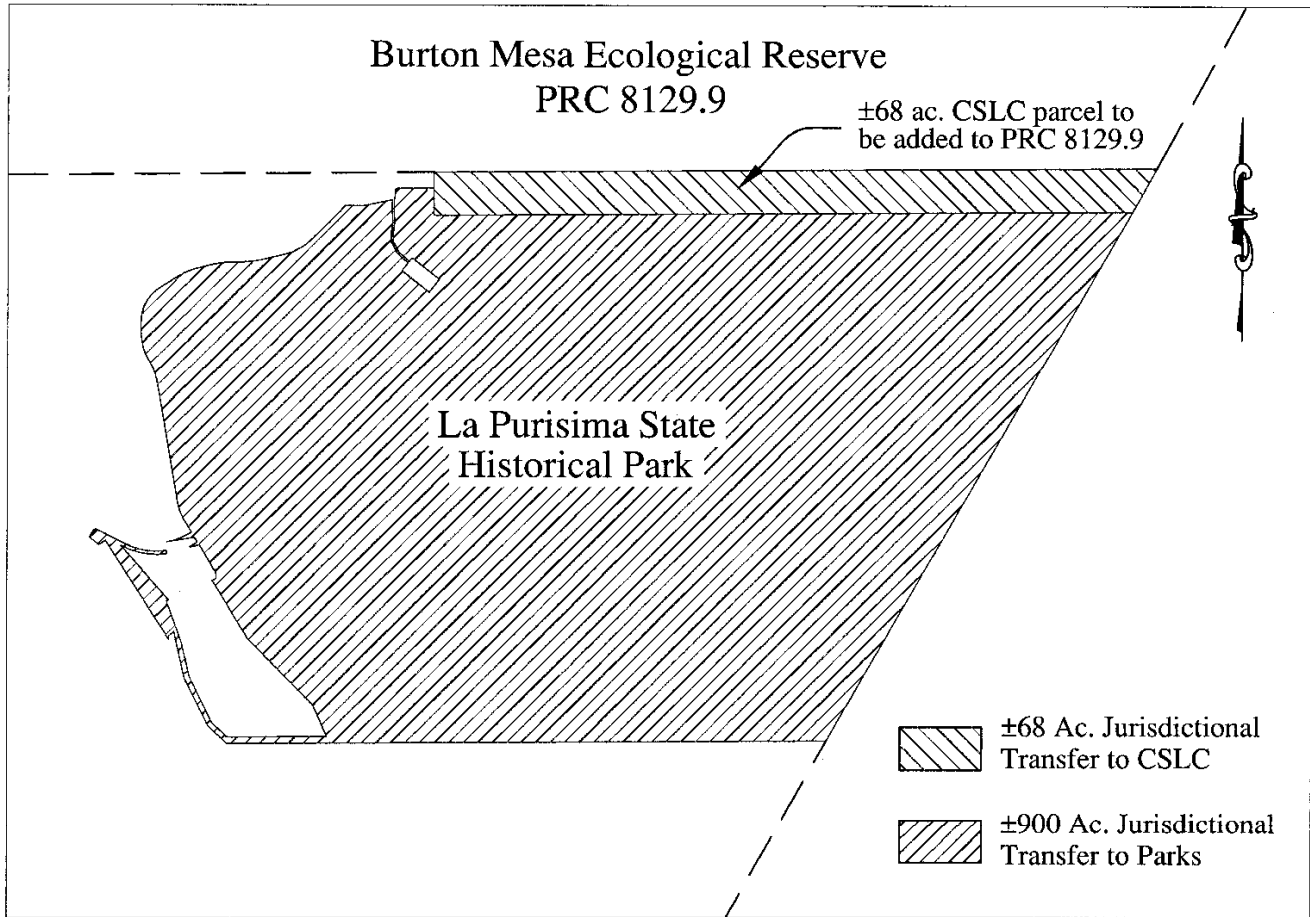
- A. Location and Site Map
- B. Land Description of Property to the State Lands Commission
- C. Land Description of Property to Department of Parks and Recreation

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 15300 AS A CATEGORICALLY EXEMPT PROJECT PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15313, ACQUISITION OF LANDS FOR WILDLIFE CONSERVATION PURPOSES, AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, 15325, TRANSFERS OF OWNERSHIP OF INTEREST IN LAND TO PRESERVE EXISTING NATURAL CONDITIONS.
2. AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE AND RECORDATION OF ALL DOCUMENTS NECESSARY TO TRANSFER JURISDICTION AND CONTROL TO THE COMMISSION OF A 68± ACRE PARCEL OF STATE PROPERTY AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, AND THE TRANSFER OF JURISDICTION AND CONTROL TO THE DEPARTMENT OF PARKS AND RECREATION OF A 900± ACRE PARCEL OF STATE PROPERTY AS SHOWN ON EXHIBIT A AND AS DESCRIBED IN EXHIBIT C ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
3. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8129.9, A GENERAL LEASE – PUBLIC AGENCY USE FOR MANAGEMENT AND INCLUSION IN THE BURTON MESA ECOLOGICAL RESERVE OF A 68± ACRE PARCEL AS SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE



Department of Parks and Recreation & State Lands Commission Reciprocal Transfer, and Amendment to Lease No. PRC 8129.9 to Department of Fish and Game

NO SCALE

LOCATION

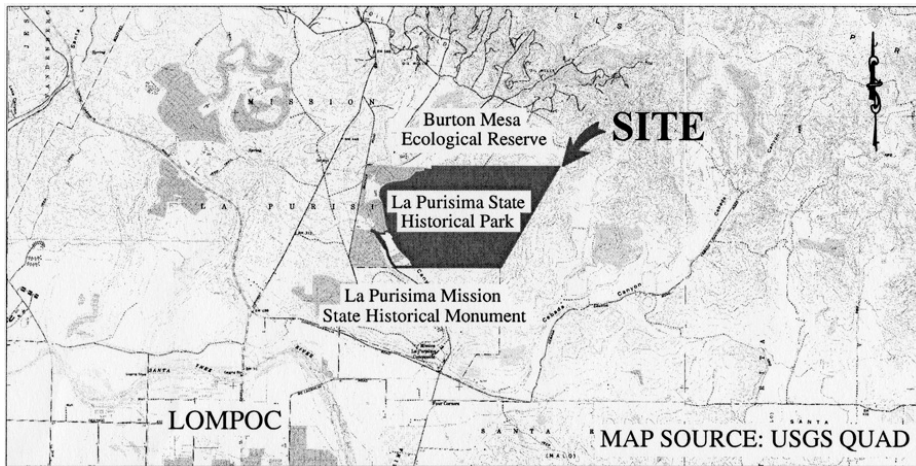


Exhibit A

W 26306
AD 236/JTO 22/PRC 8129.9
JURISDICTIONAL TRANSFER /
AMENDMENT TO GENERAL
LEASE
PUBLIC AGENCY USE
SANTA BARBARA CO.



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.