

JOB FINAL REPORT

State: California

Project Number: E-1-1 Project Title: Endangered Wildlife Program

Job Number: V-1.11 Job Title: Morro Bay Kangaroo Rat Land Acquisition

Period Covered: October 1, 1976-September 30, 1977 Job Type: Land Acquisition

SUMMARY:

Fifty acres of low-growing shrubs and open ground on sand dune substrate were acquired as essential habitat for the Morro Bay kangaroo rat (Dipodomys heermanni morroensis) in San Luis Obispo County south of Morro Bay. The parcel is bordered on the south and west sides by Montana de Oro State Park, and on the north and east sides by private lands. The purchase was completed on July 12, 1978, after several years of negotiations. The purchase price was \$250,000 and was provided by federal-state funds on a 2 to 1 basis.

BACKGROUND:

The Morro Bay kangaroo rat is listed as endangered by the California Fish and Game Commission and by the Secretary of the Interior. The subspecies occupies a series of discontinuous areas, which is characterized by low-growing shrubs and much open ground on sand dune substrate, on the south side of Morro Bay in San Luis Obispo County. Periodic inventories have indicated that kangaroo rat habitat and numbers continue to decline, due in large part to expansion of housing and industrial developments. The most recent study (Roest 1977) indicated that approximately 1,500 kangaroo rats inhabited a total area of about one half square mile, at a mean density of about five animals per acre.

On January 16, 1976, the Department petitioned the Director of the U. S. Fish and Wildlife Service to declare critical habitat for the Morro Bay kangaroo rat. The pertinent habitat was that land portion of T30S R10E (Mt. Diablo Base and Meridian) in the south half of Section 14 and in the portions of Sections 23 and 24 from Pecho Valley Road west to Estero Bay. The above area was proposed as critical habitat in the Federal Register of August 30, 1976 (Vol. 41, No. 169), and was adopted in the Federal Register of August 11, 1977 (Vol. 42, No. 155). The final rulemaking included all land, water, and airspace within the portions of Sections 14, 23, and 24 described above.

On the basis of a Department of Fish and Game study in 1973 to evaluate kangaroo rat habitat (Roest 1973), a proposal to acquire 50 acres for an ecological reserve was submitted to the state Wildlife Conservation Board. Funding through the Environmental Protection Program for the 1974-75 fiscal year was established at \$300,000, for the purpose of acquiring a Morro Bay Native Plant and Animal Ecological Reserve. The owners of the 50 acres were initially contacted on May 8, 1975, about their interest in selling the land. Action to purchase the land was delayed, pending the state's condemnation suit to acquire adjoining property for state park purposes. Montana de Oro State Park was ultimately expanded by 307 acres, which border the Department's 50 acres on the south and west sides. An appraisal on June 14, 1977, established a value of \$5,000 per acre for the 50 acres.

OBJECTIVE:

Acquire 50 acres of critical habitat as an ecological reserve site for the Morro Bay kangaroo rat.

PROCEDURES AND FINDINGS:

Acquisition procedures were carried out by the state Wildlife Conservation Board for the Department of Fish and Game. Final arrangements for purchase were completed on July 12, 1978, when escrow closed and the acquisition was recorded with San Luis Obispo County. The purchase price was \$250,000, which was funded on a 2 to 1 federal-state basis under the Endangered Species Act grant-in-aid program. A photocopy of the Policy of Title Insurance, which includes a legal description, is appended to this report.

ANALYSIS:

The Department's 50-acre acquisition is within the declared critical habitat of the Morro Bay kangaroo rat in Section 23 and is contiguous with Montana de Oro State Park on the south and west sides. The Department of Parks and Recreation is currently seeking to acquire approximately 140 acres in Sections 14 and 23 with 1976 park bond funds. This acreage is north of the 50 acres, between that site and Morro Bay. This 140-acre acquisition will place in state ownership all but a small portion of the declared critical habitat for the Morro Bay kangaroo rat. A management plan for the Department of Fish and Game's 50 acres will be developed and implemented, possibly in conjunction with a habitat manipulation scheme on adjacent state park land. Procedures to establish ecological reserve status for the 50 acres will be initiated through the California Fish and Game Commission.

RECOMMENDATIONS:

1. Develop and implement a plan for management of the 50-acre acquisition through habitat manipulation, to increase the carrying capacity of the site for kangaroo rats. Encourage the Department of Parks and Recreation to implement a similar plan for its adjacent lands.
2. Continue to assess Morro Bay kangaroo rat density and distribution on the 50 acres on an annual basis, to evaluate the results of habitat manipulation.

LITERATURE CITED:

- Roest, A. 1973. Morro Bay kangaroo rat habitat evaluation study. Calif. Dep. Fish and Game, Spec. Wildl. Invest. Prog. Rep., W-54-R. 25 pp.
- Roest, A. I. 1977. Distribution and population estimate of the Morro Bay kangaroo rat, 1977. Calif. Dep. Fish and Game, Nongame Wildl. Invest. Final Rep., Proj. E-1-1, Job V-1.12. 17 pp. + append.

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Date: August 28, 1978

117056-LEW-VH

Schedule A

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| No. 117056 | Date of Policy: JULY 12, 1978 AT 11:50 A.M. |
| Amount of Insurance: \$ 250,000.00 | Premium \$ 620.25 |

1. Name of Insured: **STATE OF CALIFORNIA**

2. The estate or interest referred to herein is at Date of Policy vested in:

STATE OF CALIFORNIA

3. The estate or interest in the land described in Schedule C and which is covered by this policy is a fee.

Schedule B

This policy does not insure against loss or damage, nor against costs, attorneys' fees or expenses, any or all of which arise by reason of the following:

Part I

All matters set forth in paragraphs numbered 1(one) to 11(eleven) inclusive on the inside cover sheet of this policy under the heading of Schedule B Part I.

Part II

1. FOR TAXES, BONDS AND ASSESSMENTS, CURRENT OR DELINQUENT, SEE EXHIBIT "1" ATTACHED.

2. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SOME PORTION OF SAID LAND IS TIDE OR SUBMERGED LANDS, OR HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED.

3. AN EASEMENT AFFECTING THE PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES,
 IN FAVOR OF : THE COUNTY OF SAN LUIS OBISPO
 FOR : A RIGHT OF WAY AND INCIDENTS THERETO FOR
 A PUBLIC HIGHWAY
 RECORDED : APRIL 23, 1948 IN BOOK 473, PAGE 226
 OF OFFICIAL RECORDS
 AFFECTS : THE NORTHERLY 50 FEET OF THE SOUTH HALF
 OF THE NORTHEAST QUARTER OF SECTION 23
 HEREIN DESCRIBED AND OTHER PROPERTY.

4. THE EFFECT OF AN AFFIDAVIT RECORDED DECEMBER 4, 1951 IN BOOK 637, PAGE 184 OF OFFICIAL RECORDS, AND AN AFFIDAVIT RECORDED OCTOBER 29, 1952 IN BOOK 682, PAGE 575 OF OFFICIAL RECORDS, BOTH EXECUTED BY W. R. SHULER, C.E. DISTRICT ENGINEER OF THE LOS ANGELES DISTRICT CORPS OF ENGINEERS, U.S., AND AN AFFIDAVIT RECORDED NOVEMBER 30, 1955 IN BOOK 827, PAGE 361 OF OFFICIAL RECORDS, EXECUTED BY ARTHUR H. FRYE, JR., COLONEL C.E. DISTRICT ENGINEER OF THE LOS ANGELES DISTRICT CORPS OF ENGINEERS, U.S. ARMY, AS FOLLOWS:

 "THAT SAID AREA OF LAND WAS USED BY THE DEPARTMENT OF THE ARMY AND AIR FORCE AS AN ARTILLERY RANGE AND BOMBING AREA DURING JULY, 1942 TO DECEMBER, 1946; THAT ALTHOUGH AN ATTEMPT HAS BEEN MADE TO DECONTAMINATE AND DEDUD SAID AREA, THERE MAY REMAIN UNEXPLODED MINES, BOMBS, SHELLS AND OTHER MISSILES WHICH MIGHT CONSTITUTE A HAZARD TO LIFE, LIMB AND PROPERTY, AND HENCE, SAID AREA IS CONSIDERED TO BE DANGEROUS FOR ANY PURPOSES INVOLVING THE USE OF SAID LAND BELOW THE SURFACE AREA."

Schedule C

The land referred to herein is described as follows:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM THE EAST 148.50 FEET OF SAID SOUTH HALF.

ALSO EXCEPT THEREFROM THE WEST HALF OF THE WEST HALF OF SAID SOUTH HALF.

ALSO EXCEPT ALL THAT PORTION OF SAID SOUTH HALF LYING SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF COUNTY ROAD NO. 123 AS SAID ROAD EXISTED ON DECEMBER 1, 1948.

ALSO EXCEPT THEREFROM AN UNDIVIDED FIFTY PERCENT INTEREST IN THE PROFITS RECEIVED FROM ANY AND ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, BUT EXCLUDING ANY RIGHT OF INGRESS OR EGRESS TO PROSPECT FOR SAME, TO DRILL FOR SAME, TO TAKE SAME OR FOR ANY OTHER REASON, AS RESERVED BY JOHN E. VERMAZEN AND ELIZABETH A. VERMAZEN, HUSBAND AND WIFE, IN DEED RECORDED JULY 10, 1958 IN BOOK 948, PAGE 109 OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THE NORTHERLY 128.19 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 23.

EXHIBIT "1"

A. GENERAL AND SPECIAL COUNTY TAXES
FOR THE FISCAL YEAR 1978-1979, A LIEN NOT YET PAYABLE.

T. 30, R. 10 E.
 SAN LUIS OBISPO COUNTY
 CALIFORNIA

(TI) This is not a survey of the land
 but is compiled for information only
 from data shown by official records.

