

State of California
The Resources Agency

Department of Fish and Game
WILDLIFE CONSERVATION BOARD

Minutes, Meeting of June 22, 1978

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WILDLIFE CONSERVATION BOARD

Minutes, Meeting of June 22, 1978

Pursuant to the call of the Chairman, the Wildlife Conservation Board met in Room 6031 of the State Capitol, Sacramento, California, on June 22, 1978. The meeting was called to order by Chairman Berger Benson at 1:05 p.m.

1. Roll Call

<u>PRESENT:</u>	Berger Benson	Chairman
	E. C. Fullerton	Member
	Sid McCausland	Member

Senator John F. Dunlap	Joint Interim Committee
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<u>ABSENT:</u>	Senator Dennis E. Carpenter	Joint Interim Committee
	Senator John A. Nejedly	" " "
	Assemblyman Dan Boatwright	" " "
	Assemblyman Barry Keene	" " "
	Assemblyman Tom Suitt	" " "

STAFF PRESENT:

Chester M. Hart	Executive Officer
Alvin G. Rutsch	Assistant Executive Officer
John Wentzel	Field Agent
W. John Schmidt	Land Agent
Jim Sarro	Land Agent
Alma Koyasako	Secretary
Bella Applebaum	Accountant

OTHERS PRESENT:

David B. Walls	Petaluma, property owner
John Adams	Auburn
Roy F. Heywood	Petaluma
Dan Graeber	Riverside County Parks
Oliver Kullberg	Petaluma
Margaret Kullberg	Petaluma
Robert Weaver	Albany
Jim Groverman	Petaluma
Frederick A. Groverman, DVM	Petaluma
Joseph A. Forest	Sonoma
Martha C. Bentley	Madrone Audubon Society, S. Rosa
Robert Schulenberg	Dept. of Fish & Game
Dan Chapin	Suisun Resource Conserv. Dist.
Greg deGiere	Office of Assemblyman Keene

2. Approval of Minutes

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MR. MC CAUSLAND, THAT THE MINUTES OF THE MEETINGS OF MARCH 6, 1978, AND APRIL 24, 1978, BE APPROVED AS PUBLISHED AND CIRCULATED.

PASSED UNANIMOUSLY.

1974 BOND ACT PROJECTS

3. Coastal Wetlands Acquisition Project \$900,000.00
Petaluma Marsh, Sonoma County

Mr. Chester Hart, the Executive Officer, reported that this proposal is for the acquisition of approximately 1,844 acres of property in the Petaluma Marsh area as recommended by the Department of Fish and Game. The marsh is about four miles south of Petaluma and lies between U.S. Highway 101 on the west and Lakeville Highway on the east. The subject property comprises about two-thirds of the privately-owned area of this marsh, with about 4 miles frontage on the Petaluma River and 3 miles of frontage on San Antonio Creek.

Coastal marshes are among the most productive of all ecosystems. The Petaluma Marsh is the second largest block of contiguous marsh in the San Francisco Bay area. It supports a large number of resident and migratory species.

In recent years peak duck populations have approached 5,000. Pintail, shovelers and gadwall are the most abundant species. The marsh potholes and open water areas are used by limited numbers of canvasback wintering area in north San Pablo Bay. The area normally supports a limited number of coots and occasional use by snow and Canada geese.

The marsh provides habitat for a variety of shorebirds, wading birds, raptors and song birds. Avocets and black-necked stilts are permanent residents. Other shorebirds such as least and western sandpipers, willets, marbled godwits, dunlins, long-billed curlews, black-bellied plovers, yellowlegs and dowitchers use the mud flats and potholes during migration and as over-wintering habitat. Wading birds, primarily snowy egret, great blue herons, black-crowned night herons and great egrets are observed in limited numbers throughout the year.

Raptors use the area extensively. Kestrels, red-tailed hawks, marsh hawks, rough-legged hawks and white-tailed kites are common visitors. Peregrine and prairie falcons occasionally use the marsh.

Two endangered species, the California clapper rail and the salt marsh harvest mouse, are year-round inhabitants of the natural marshes. Available data indicate that populations of both species are present at low-

medium density levels. Black rails, also threatened, are probably present; however, no census data are available for this species. Samuel's song sparrow, which is now under consideration for designation as a threatened or endangered species, is relatively abundant and well-dispersed over the area proposed for acquisition.

The number of mammalian species is limited. Marsh inhabitants include raccoons, muskrats, skunks, shrews, and the endangered salt marsh harvest mouse.

A complete list of all fish for the rivers and sloughs is not available; however, Department biologists report that the following species are present in the Petaluma River and marsh channels: striped bass, steelhead (small run), green sturgeon, split-tail, shiner perch, smelt, threadfin shad and herring. The marsh undoubtedly serves as a nursery ground for grass shrimp and several species of fish.

The proposed acquisition has considerable potential for providing high quality wildlife-oriented recreational activities. Currently public use of the Petaluma Marsh area is relatively light. Fishing, pleasure boating, water skiing and waterfowl hunting are the primary activities. It is estimated that 100 or more boats may use the river and tributaries on peak weekend days during the summer months.

Fishing interest centers on the striped bass, but top smelt, jack smelt and starry flounders are also harvested. It has been estimated by the Department that 60,000 angler days per year are devoted to striper fishing on the Petaluma River and that improved water quality in the Petaluma would result in increased populations of sport fish and an attendant increase in fishing activity. Improved access to the river and marsh would undoubtedly result in a substantial increase in such wildlife-oriented recreational activities as hunting, fishing, wildlife interpretation, environmental education, bird watching, and wildlife photography.

The present access to the subject property by land is through a private ownership on the west pursuant to an informal rental agreement between the owners. Staff is currently negotiating with various landowners in the marsh for a permanent form of access, as well as for the acquisition of additional marshlands for future consideration by the Board.

The property is readily accessible by boat from the Petaluma River, with launching available at the WCB project at the Petaluma River bridge, about four miles downstream.

The present acquisition would be in fee simple at the appraised, fair-market value of \$885,000.00. Costs of appraisal, escrow and related costs are estimated to be about \$15,000.00. Funds for the purchase are available from the 1974 Bond Fund.

The acquisition falls within Class 13 of Categorical Exemptions from CEQA requirements. The Department plans to manage the area as wetlands essentially in its existing state.

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Mr. Hart recommended that the Board approve the project as proposed, allocate \$900,000.00 from available 1974 Bond Act funds for the purchase and related acquisition costs, and authorize staff and the Department to proceed substantially as planned. Mr. Hart pointed out that the present owners and their representative, Mr. Joe Forest, were present if the Board desired to call upon them.

Senator Dunlap commented that he was very familiar with the area and recommended this acquisition, not only for preservation in itself, but for its potential for public use in the future. He noted that it is located in an area known as one of the most rapidly developing areas in Northern California and the state.

Mr. Fullerton expressed the desire to leave the door open for securing matching federal Land and Water Conservation Funds in view of the fact that the WCB may be eligible for a larger share because of the inability of cities and counties to match these monies due to Proposition 13. Mr. Hart responded that because of the access problem this acquisition may not be eligible for these funds. He also mentioned that presently all available federal funds allocated to the WCB have been exhausted, and it would not be possible to secure such additional funding until November or December. Also, the present owners have agreed to this sale on the basis that the WCB would proceed expeditiously with the purchase.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MR. MC CAUSLAND, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE PETALUMA MARSH ACQUISITION PROJECT, SONOMA COUNTY; ALLOCATE \$900,000 FOR ACQUISITION AND RELATED COSTS FROM THE 1974 STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT FUNDS BUDGETED IN THE 1975/76 FISCAL YEAR FOR COASTAL WETLANDS ACQUISITION PROJECTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED WITH THE PROJECT SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

Mr. Joe Forest, attorney, on behalf of the owners, thanked the Board for the action taken, and commended staff, particularly Mr. Jim Sarro, for the good working relationship and services rendered.

A representative of the Madrone Audubon Society thanked the Board for the action taken also, and Mr. Greg deGierre, who represented Assemblyman Keene relative to this proposal, also expressed his appreciation to the Board.

4. Interior Wetlands and Riparian Habitat Acquisition Project \$90,000.00
Putah Creek - Cold Canyon, Solano County

Mr. Hart presented this proposal to acquire approximately 181 acres fronting on Putah Creek, Solano County, for protection of riparian habitat values and for public access purposes.

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This property is located on Highway 128, about 10 miles westerly of Winters and about 800 feet downstream from the Monticello Dam, which impounds the waters of Lake Berryessa. The dam is the approximate focal point of the boundaries of three counties -- Yolo, Solano, and Napa.

In addition to providing local residents with a very popular recreational opportunity, the Lake Berryessa - Putah Creek area is widely used by many Californians for fishing, boating, hunting, camping, hiking and swimming. The Wildlife Conservation Board has previously acquired about $2\frac{1}{2}$ miles of frontage on the northerly side of Putah Creek (Yolo County) about one mile downstream from this proposal. This property, which is developed with public access facilities, including parking and restrooms, is very heavily used.

The land proposed for purchase is located on the southerly side of Putah Creek and is actually made up of two parcels separated by State Highway 128. Together they will give the public an additional one-half mile of public access to the creek.

Acquisition of the property by WCB will provide several public benefits. Perhaps highest is the preservation of riparian habitat values, which would be threatened by possible residential or commercial development. The up-land areas of the property also provide significant habitat for a number of wildlife species.

Public access values of the property also are high. In addition to access to the creek, the parcel connects with 2,525± acres of BLM land, thereby providing public access to this large block of land for deer and other hunting, and other recreational use.

No development of this parcel is presently planned. However, part of the property would lend itself to possible future development as a cooperative public access project with local government or other agencies.

The proposed acquisition falls within Class 13 of Categorical Exemptions from CEQA requirements. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

The owners have agreed to sell this property to the State for its approved appraised value of \$84,500.00. Funds for the purchase are available from 1974 Bond Act funds.

Mr. Fullerton commented that this area of Putah Creek is very popular and is becoming almost overcrowded. Anything we can do to preserve it for public recreational use would be imperative.

Senator Dunlap recommended approval of this acquisition.

IT WAS MOVED BY MR. MC CAUSLAND, SECONDED BY MR. FULLERTON, THAT THE WILDLIFE CONSERVATION BOARD APPROVE ACQUISITION OF PROPERTY AT PUTAH CREEK - COLD CANYON, SOLANO COUNTY; ALLOCATE \$90,000 FOR ACQUISITION AND RELATED COSTS FROM THE 1974 STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT FUNDS BUDGETED IN THE 1975/76 FISCAL YEAR FOR INTERIOR WETLANDS AND RIPARIAN HABITAT ACQUISITION PROJECTS; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED WITH THE PROJECT SUBSTANTIALLY AS PLANNED.

PASSED UNANIMOUSLY.

1974 and 1976 BOND ACT PROJECTS

5. Bighorn Sheep Range Land Acquisition \$121,900.00
Deep Canyon to Martinez Canyon, Riverside County

At the April 24, 1978, meeting of the Board, Mr. Hart reported, staff presented a proposal to acquire additional bighorn sheep habitat in the Santa Rosa Mountain area. This was a revised proposal from that contained in the published agenda, due to a last minute change in terms for sale by the landowners.

The Board did not approve the project, requesting staff to further evaluate and negotiate, and bring back for future consideration.

Renegotiations have been completed, with the landowners agreeing to sell as described below, along with background information.

The proposal is to acquire approximately 7,675 acres[±] (12 sections) in the Santa Rosa Mountains, southeasterly of Palm Springs, in Riverside County. This acquisition would be the fifth in a series of acquisitions in this area which will aid in protecting the largest herd of rare peninsular bighorn sheep remaining in California. However, their habitat and continued well being are threatened by encroaching residential and other development. In addition, these properties will provide habitat for numerous other species of birds and mammals, as well as outdoor recreational opportunities.

The twelve sections are located in a checkerboard pattern extending east from Deep Canyon and then south to the Martinez Canyon area. This would provide a connecting link with four previous WCB acquisitions.

These sections when combined with adjoining BLM land will give a contiguous block of public owned land (with nominal inholdings) totalling approximately 80,000 acres and will allow continued and undisturbed access between the Deep Canyon area and the Martinez Canyon for wildlife and for the public seeking this area for its recreational opportunities. In addition, there are adjoining public lands in the San Bernardino National Forest.

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The Department of Fish and Game will assume management responsibility for this property in the same manner as with other Santa Rosa Mountain acquisitions, with cooperative agreements between the Department and BLM anticipated due in part to the intermingled land ownership pattern. Preliminary plans are that public uses compatible with the continued well-being of the bighorn sheep will be permitted. Such potential uses may include nature observation, hiking, hunting, horseback riding, and primitive camping.

The appraised fair market value of the property was \$75 per acre and the owners have agreed to sell for \$50 per acre.

Through The Nature Conservancy, the owners of the property will sell this land for \$388,000 which is two-thirds of the appraised fair market value. It is planned that the 33 1/3% donation be used as the major part of the State's share of the acquisition costs in applying for matching Land and Water Conservation funds. To carry out this acquisition, an advance of federal funds will be required, which is possible under federal procedures.

The funding proposed would require an advance of \$288,000 from the Land and Water Conservation Funds and approximately \$121,900 from the WCB to make up the 2/3 fair market value plus acquisition costs, with a donation of approximately \$187,623 from the owners.

An allocation of WCB funds available from the 1974 and 1976 Bond Acts will be needed for one-third of the land costs, for appraisal and title insurance costs related to the acquisition, for processing the documents through the Department of General Services, and for The Nature Conservancy costs.

The proposed acquisition falls within Class 13 of Categorical Exemptions from CEQA requirements.

Mr. Hart recommended the Board approve the acquisition as proposed, allocate \$121,900 from the 1974 and 1976 Bond Act funds available for such purposes for acquisition and related costs, and authorize staff and the Department to proceed substantially as planned, on the basis that the project qualifies for LWCF funding, that an advance of such federal funds required for purchase will be obtained, and that 1976 Bond Act funds are approved in the 1978-79 WCB budget.

Mr. Benson commented that he had just returned from an inspection in that area and saw first-hand the need, which he considered vital, for this type of acquisition. Encroachment from housing development finds bighorn sheep actually ramming plate glass windows of homes and drinking water from swimming pools. This had actually happened a week ago.

IT WAS MOVED BY MR. MC CAUSLAND, SECONDED BY MR. FULLERTON,
THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE DEEP CANYON
TO MARTINEZ CANYON ACQUISITION PROJECT, RIVERSIDE COUNTY;

ALLOCATE \$121,900 FROM THE 1974 BOND ACT FUNDS BUDGETED FOR BIG-HORN SHEEP RANGE LAND ACQUISITION PROJECTS AND 1976 BOND ACT FUNDS, SUBJECT TO SUCH FUNDS BEING MADE AVAILABLE IN THE 1978/79 BUDGET FOR BIG GAME HABITAT ACQUISITION PROJECTS AND TO APPROVAL AS A FEDERAL LAND AND WATER CONSERVATION FUND PROJECT; AND AUTHORIZE STAFF AND THE DEPARTMENT OF FISH AND GAME TO PROCEED WITH THE PROJECT SUBSTANTIALLY AS PLANNED, INCLUDING OBTAINING AN ADVANCE OF FEDERAL LAND AND WATER CONSERVATION FUNDS AS NECESSARY FOR PURCHASE.

PASSED UNANIMOUSLY.

On behalf of Riverside County, Mr. Dan Graeber of the Riverside County Parks staff, thanked both the WCB and The Nature Conservancy for their work on behalf of this acquisition.

WILDLIFE RESTORATION FUND PROJECT

6. Grizzly Island Wildlife Area Development, Solano County \$91,200.00

Chairman Benson requested the records to show that due to a possible conflict of interest, he will not be voting on this item.

This is a project for marsh restoration on Grizzly Island that has been proposed by the Department of Fish and Game, the California Waterfowl Association, and the Suisun Resource Conservation District.

The 8,600 acre Grizzly Island Wildlife Area was acquired by the WCB in 1950, and has been operated by the Department for wildlife purposes since that time. The area acquired was reclaimed marsh land that had been managed for agricultural purposes, primarily growing barley, before the WCB purchase.

Much of the wildlife area has been redeveloped into managed marsh primarily for wintering habitat for waterfowl. Shorebirds and a wide variety of other wildlife also utilize the area. A small herd of tule elk was recently transplanted there and is thriving.

Public recreational uses of the area include waterfowl, pheasant and rabbit hunting; fishing; dog field trials; and nature observation.

The main center strip of the wildlife area has not been redeveloped into marsh, but instead has been used primarily for growing cereal crops for waterfowl food. Recently such farming efforts have been improved and intensified so that a similar amount of grain food now is produced in a smaller area. This has freed about 300 acres for restoration to marsh.

The proposed project is to develop approximately 300 acres of managed marsh through construction of low levees and development of appropriate water supply and control facilities.

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The proposal is in accordance with the Suisun Marsh Preservation plan, including criteria specified in Section 29009, Public Resources Code, for restoration of managed-wetlands conditions, and for providing additional wildlife habitat necessary to effective wildlife management and improved public hunting opportunities.

In addition to the wildlife habitat benefits that will be provided, the proposal will provide approximately 2,000 man days of additional public hunting opportunity on the wildlife area each year.

Estimated costs are as follows:

Temporary labor-equipment operators	\$18,600
Equipment operating costs	18,000
Contractual costs	2,400
Low lift pump	12,000
Materials - water control structures	28,300
	<u>Subtotal \$79,300</u>
Contingencies (15%)	<u>11,900</u>
	TOTAL \$91,200

The proposal qualifies for a categorical exemption from CEQA under Class 4(d), as habitat improvement on an officially designated wildlife management area, and the Department has filed a notice of exemption.

Mr. Hart believed it necessary to point out that the estimate was based on employment of temporary equipment operators, and it has not been determined what effect the freeze on new or unfilled state positions may have on this proposal. The Department has, over the years, typically done this kind of work with its own forces which saves considerable money and actually produces a better job. He further commented that in reviewing the provisions of AB 1717, the staff concluded that the Suisun Marsh Preservation Act funds as authorized by the legislature, when liberally construed, could possibly be used for this development. However, it could be questioned that these monies were intended to be used only for development of new lands acquired under the authorization and not for existing lands. Therefore, he stated, the Board, in order to avoid any question of this nature being raised, may want to fund this development work using Wildlife Restoration Funds.

Mr. Hart recommended the Board approve the project as proposed, allocate \$91,200 from funds appropriated to WCB for Suisun Marsh acquisition and development or from the Wildlife Restoration Funds, and authorize staff and the Department to proceed substantially as planned.

Mr. Fullerton recommended use of Wildlife Restoration Funds instead of the Suisun Marsh Preservation Act funds in order to avoid raising doubts as to the liberal interpretation of that Act. The Department wishes to use the funds for the purpose for which it was intended, which is to take care of acquisition of new lands in Suisun Marsh and for development thereof. Mr. Hart assured the Board there was adequate balance in the Wildlife Restoration Fund to take care of this development.

Both Senator Dunlap and Mr. McCausland concurred in Mr. Fullerton's recommendation.

IT WAS MOVED BY MR. FULLERTON, SECONDED BY MR. MC CAUSLAND, THAT THE WILDLIFE CONSERVATION BOARD APPROVE THE GRIZZLY ISLAND WILDLIFE AREA DEVELOPMENT, SOLANO COUNTY; ALLOCATE \$91,200 THEREFOR FROM THE WILDLIFE RESTORATION FUND; AND AUTHORIZE STAFF AND THE DEPARTMENT TO PROCEED SUBSTANTIALLY AS PLANNED.

AYES: MR. FULLERTON, MR. MC CAUSLAND, SENATOR DUNLAP
ABSTAIN: MR. BENSON.

7. Navarro River Beach Access Road Development, Mendocino Co. - Status Report

In response to Mr. McCausland's request for a status report on this project, Mr. Hart gave a brief summary as follows:

After the April 24 WCB meeting, the staff proceeded rapidly to do the emergency repair work on the beach road as authorized. Equipment from Caltrans and the Department of Fish and Game was lined up to do the work. The Mendocino County Counsel ruled that the County could not legally do the work by force account and would have to go to bid and contract for which there was insufficient time for completion before Memorial Day. One of the landowners who had agreed to the proposal turned out to have an ex-wife as a partner (not previously of record) in the property ownership, who placed additional demands on the project. It was a requirement to solve a drainage problem which reportedly had resulted from state highway and county road construction on the bluff above their property. The staff and the Attorney General did not consider it a proper responsibility of the WCB, and, in addition, there was not sufficient funding in the project to take care of this drainage problem.

The document prepared by the Attorney General for signature by the landowners included a provision that the State had a permanent easement through their property. The landowners were unwilling to sign this, although the courts had already declared this to exist on one portion of one property owner. One of the landowners, Mr. Beacon then did some work to drain some of the flooded area and additional temporary repair on the road himself. Staff is now in a position of not having done any temporary improvement work but will be trying to negotiate a permanent solution to the access and public use problem.

In response to Mr. McCausland's question as to whether the Board should rescind the previous action and allocation, Mr. Hart stated it would be desirable to leave the authorization and funding standing to take care of any additional or recurring problems of this nature that might develop. However, it would be staff's hope that a more permanent solution to the access problem could be recommended and acted upon at a future date.

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Mr. Dan Chapin of the Suisun Resource Conservation District and California Waterfowl Association was recognized and was advised of the favorable action taken with regard to the Grizzly Island Wildlife Area Development proposal.

There being no further items for discussion, the meeting was adjourned by Chairman Benson at 1:35 p.m.

Respectfully submitted,

Chester M. Hart

Chester M. Hart
Executive Officer

PROGRAM STATEMENT

At the close of the meeting on June 22, 1978, the amount allocated to projects since the Wildlife Conservation Board's inception in 1947, totaled \$39,893,485.30. This total includes \$5,710,257.08 reimbursed by the Federal government under the Accelerated Public Works Program completed in 1966, the Land and Water Conservation Fund Program, the Anadromous Fish Act Program, and the Pittman-Robertson Program.

The statement includes projects completed under the 1964 State Beach, Park, Recreational and Historical Facilities Bond Act. Projects funded under the 1970 Recreation and Fish and Wildlife Enhancement Bond Fund, the Bagley Conservation Fund, and the 1974 and 1976 Bond Acts will be included in this statement after completion of these programs.

a. Fish Hatchery and Stocking Projects	\$10,286,304.24
b. Fish Habitat Development and Improvement Projects	4,104,596.79
1. Reservoir Construction or Improvement	\$2,225,619.19
2. Stream Clearance and Improvement	243,013.03
3. Stream Flow Maintenance Dams	439,503.32
4. Marine Habitat	358,779.36
5. Fish Screens, Ladders and Weir Projects	837,681.89
c. Fishing Access Projects	12,906,576.19
1. Coastal and Bay Access	1,244,008.39
2. River and Aqueduct Access	3,564,476.81
3. Lake and Reservoir Access	3,216,196.30
4. Piers	4,881,894.69
d. Game Farm Projects	146,894.49
e. Wildlife Habitat Development & Improvement Projects	11,516,754.47
1. Wildlife Areas	10,870,105.35
2. Miscellaneous Wildlife Habitat Development	646,649.12
f. Hunting Access	472,436.81
g. Miscellaneous Projects	401,422.31
s. Special Project Allocations	58,500.00
Total Allocated to Projects	\$39,893,485.30

STATUS OF FUNDS Wildlife Restoration Fund

Unallocated balance at beginning of June 22, 1978 meeting . . .	\$363,668.71
Less allocations	91,200.00
Unallocated balance after June 22, 1978 meeting	\$272,468.71