

MINUTE ITEM

This Calendar Item No. C20
was approved as Minute Item
No. 60 by the State Lands
Commission by a vote of 2
to 0 at its 4/2/91
meeting.

CALENDAR ITEM

C 2 0

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EXTEND AUTHORIZATION TO PURCHASE, WITH
KAPILOFF LAND BANK TRUST FUNDS,
A PARCEL OF LAND KNOWN AS THE MARIN ISLANDS
IN SAN RAFAEL BAY, CITY OF SAN RAFAEL, MARIN COUNTY

PARTY:

State Lands Commission
1807 - 13th Street
Sacramento, California 95814

At its meeting of March 27, 1990, the State Lands Commission, as trustee of the Kapiloff Land Bank Fund, approved the expenditure of \$500,000 toward the purchase of tidelands and two islands known as Marin Islands located in San Rafael Bay, City of San Rafael, Marin County. Authorization for the expenditure expires on April 1, 1991.

The Trust for Public Land (TPL) has taken over as lead for the fundraising effort and has requested an extension of one year for the commitment of money. TPL has negotiated a new purchase agreement with the owner, with a \$400,000 deduction in price. The new purchase price is \$3,000,000. TPL is also in the process of requesting \$1,500,000 from Congress. This, along with the prior commitment from the Marin County Open Space District of \$600,000, brings the total public commitments to \$2,600,000. The balance will be private monies.

The subject parcel is approximately 339 acres: 326 acres are tideland lots located in the bed of San Rafael Bay. The tideland portion of the subject property is presently unfilled and in a natural condition and, as such, remains an integral part of the overall San Francisco Bay estuarine ecosystem. The West Marin Island is 2.80 acres of open space used primarily for nesting

CALENDAR ITEM NO. C 2 0 (CONT'D)

purposes by a variety of waterfowl. This island is vegetated with native grasses and small trees. Due to its isolated location and terrain, the island is a productive rookery for a variety of water fowl visiting the Bay area. The island has been identified by the United States Fish and Wildlife Service as having the largest heron rookery in San Francisco Bay. Both herons and egrets nesting in this rookery feed in the tidal wetlands fringing the islands. The East Marin Island consists of approximately ten (10) acres and is presently improved with three structures; a main house, guest house, and caretaker house.

There is tremendous environmental and local support for this project. Staff has received letters of support from the Marin Audubon Society, Lindsay Museum, Point Reyes Bird Observatory, California Academy of Sciences, North Bay Wetlands Coalition, The Environmental Forum of Marin, Sierra Club, Marin Conservation Group, Gardeners' Guild, and numerous private citizens.

The Crowley Maritime Corporation, owner of the subject property, has accepted the State's appraisal of the property. In return for the contribution of Kapiloff Land Bank of \$500,000, the State Lands Commission, as trustee, will take title to a portion of or entire East Marin Island. Title to the remainder of the subject property may be vested in one or more of the other acquiring agencies. The fair market value of East Marin Island exceeds \$500,000. The parcel vested in the State 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 8301).

The parcel will be leased to the United States Fish and Wildlife Service for management and inclusion into the San Pablo Bay Wildlife Refuge. The Service is currently working on a management plan that will be subject to approval by Commission staff. Due to the sensitive nature of the wildlife values on the West Marin Islands, public access will be limited to managed and controlled tours by the Service. Long-term management should ensure maximum protection for the nesting colony on West Marin Island and decrease human use on East Marin Island to encourage expansion of its existing colony.

Staff has concluded that the Marin Islands and the surrounding tidelands are useful for the public trust purposes of open space and wildlife habitat. Since the subject property will be leased to the United States Fish and Wildlife Service for management, the Service will assume all liability for the property.

Staff therefore recommends that the Commission authorize an extension for the expenditure of \$500,000, as set forth herein, subject to termination of such authority without further Commission action, if commitments for the total purchase price are not made in writing by April 1, 1992.

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 acquisition under the Kapiloff Land Bank Act, pursuant to P.R.C. 8600, et seq.

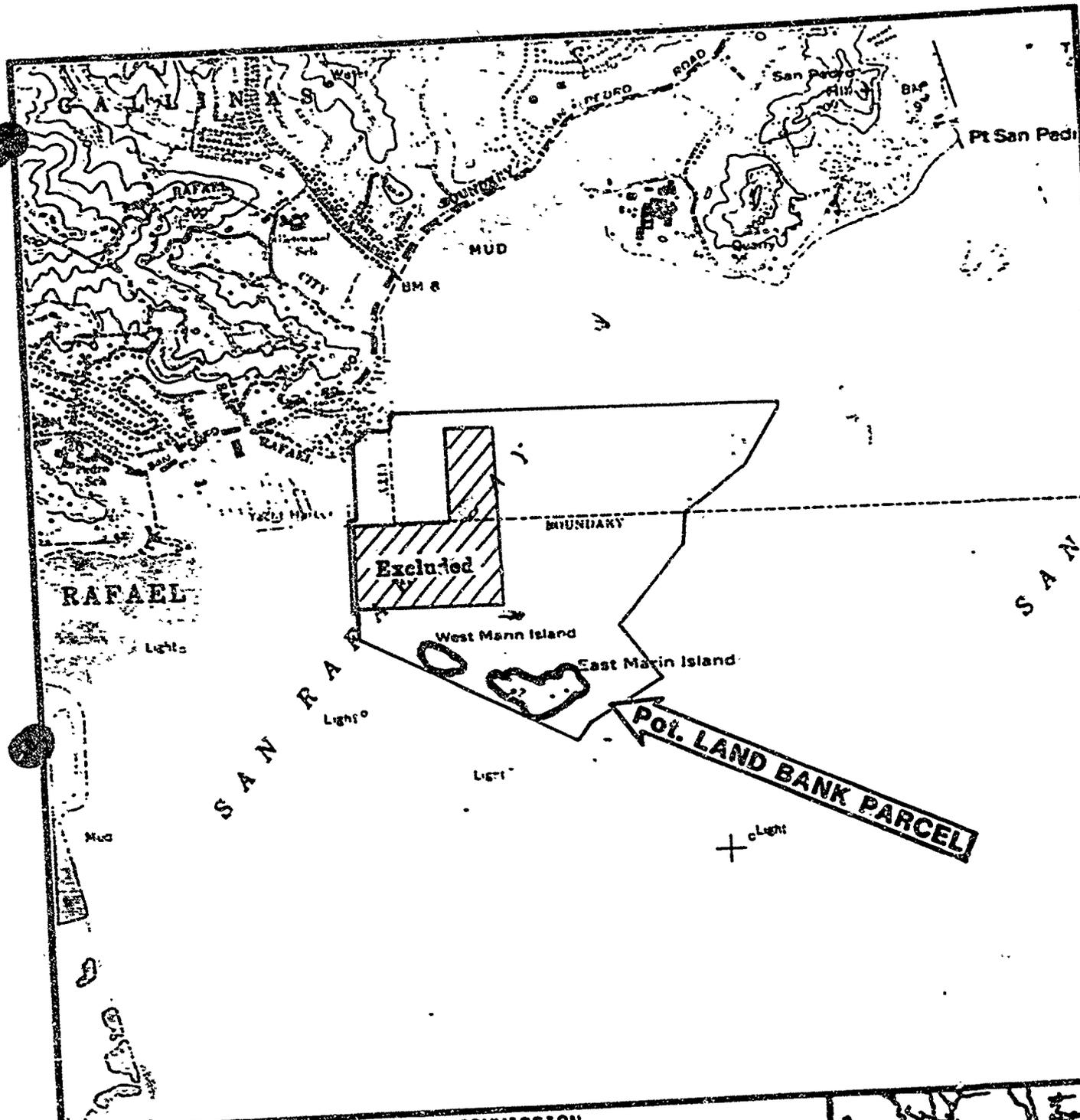
Authority: P.R.C. 8631.

EXHIBITS:

- A. Location Map
- B. Plat of Land Bank Acquisition Parcel

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, P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. FIND THAT THE VALUE OF THE INTEREST TO BE ACQUIRED BY THE STATE IN LANDS DEPICTED IN EXHIBIT "B" IS GREATER THAN \$500,000.
3. AUTHORIZE THE EXPENDITURE OF \$500,000 FROM THE KAPILOFF LAND BANK FUND TOWARD THE PURCHASE OF EAST AND WEST MARIN ISLANDS, AS DEPICTED ON THE PLAT ATTACHED HERETO AS EXHIBIT "B", AND ACCEPTANCE OF TITLE TO EAST MARIN ISLAND AND ANY PORTION OF THE SUBJECT PROPERTY, PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON APRIL 1, 1992 WITHOUT FURTHER COMMISSION ACTION, IF WRITTEN COMMITMENTS FOR THE TOTAL PURCHASE PRICE HAVE NOT BEEN MADE BY THAT DATE.



STATE LANDS COMMISSION
**POTENTIAL
 LAND BANK PARCEL**



Prepared by: B. Lee Date: 1-19-90 A: 9 S: 3
 Title Study: MARIN ISLANDS W 24425

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