

MINUTE ITEM
This Calendar Item No. C17 was approved as
Minute Item No. 17 by the California State Lands
Commission by a vote of 3 to 0 at its
6-27-00 meeting.

**CALENDAR ITEM
C17**

A 6
S 3

06/27/00
PRC 8175 W 24253
M. Howe

**AUTHORIZE THE PURCHASE, WITH KAPILOFF LAND BANK
TRUST FUNDS, OF A 33-ACRE PARCEL LOCATED ADJACENT TO THE
SAN FRANCISCO BAY, TOWN OF CORTE MADERA, MARIN COUNTY**

APPLICANT:

California State Lands Commission,
as Trustee of the Kapiloff Land Bank Fund

The Marin Audubon Society has requested the California State Lands Commission (CSLC), as Trustee of the Kapiloff Land Bank Fund, contribute \$125,000 toward the purchase of a 33-acre parcel of land known as Triangle Marsh, located adjacent to the San Francisco Bay, in the town of Corte Madera, Marin County. Marin Audubon Society has raised \$224,000 and has received federal grant money in the amount of \$26,000. Also, the California Coastal Conservancy is contributing \$375,000 toward the purchase price of \$750,000.

The subject parcel contains approximately 27 acres of tidal marsh and 6 acres of historic marsh that has been filled. The site provides habitat for a wide variety of migratory shorebirds and waterfowl, including the endangered California Clapper Rail. Native fish also use the tidal marsh to feed and rest. In addition to its habitat values, protection of the site will provide for other public trust interests, including access and views to the Bay, plus scientific and educational opportunities. The subject parcel is in close proximity to the Corte Madera Ecological Reserve managed by the California Department of Fish and Game.

Support received for this acquisition include support letters from; John L. Burton, President pro Tempore, State Senate; Kerry Mazzone, Assemblymember, Sixth District; Steve Kinsey, President, Marin County Board of Supervisors; Marin Conservation League; Sierra Club; Marin Baylands Advocates; The Environmental Forum of Marin; Friends of Corte Madera Watershed, and numerous private citizens.

CALENDAR ITEM NO. C17 (CONT'D)

In return for the contribution of \$125,000, the CSLC, as Trustee, will take title to that portion of the subject property, the value of which is equal to or greater than the total Kapiloff Land Bank Funds contributed toward the acquisition. Title to the parcel will be vested in the State as land of the legal character of tide and submerged lands subject to the Public Trust under the jurisdiction of the California State Lands Commission, pursuant to the provisions of Division 6 of the Public Resources Code (commencing with section 6001).

The Marin Audubon Society has provided analytic data from field samples to staff. The samples were analyzed for hydrocarbons and "Title 22" metals. Staff does not believe that the data provided indicate any significant risk of harm from, or liability for, those constituents that were tested for.

Authorization to purchase the subject parcel is conditioned upon the completion of the parcel acceptability study that has been initiated.

Staff has concluded that the subject property is useful for the public trust purposes of open space and wildlife habitat. The subject property will be leased to the California Department of Fish and Game as part of the Corte Madera Ecological Reserve.

Staff, therefore, recommends that the Commission authorize the expenditure of up to \$125,000 as set forth above, subject to termination of such authority without further Commission action, if the acquisition has not taken place by June 30, 2001.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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, Public Resources Code sections 8600, et seq.

Authority: Public Resources Code section 8631.

EXHIBIT:

- A. Land Bank Acquisition Parcel.

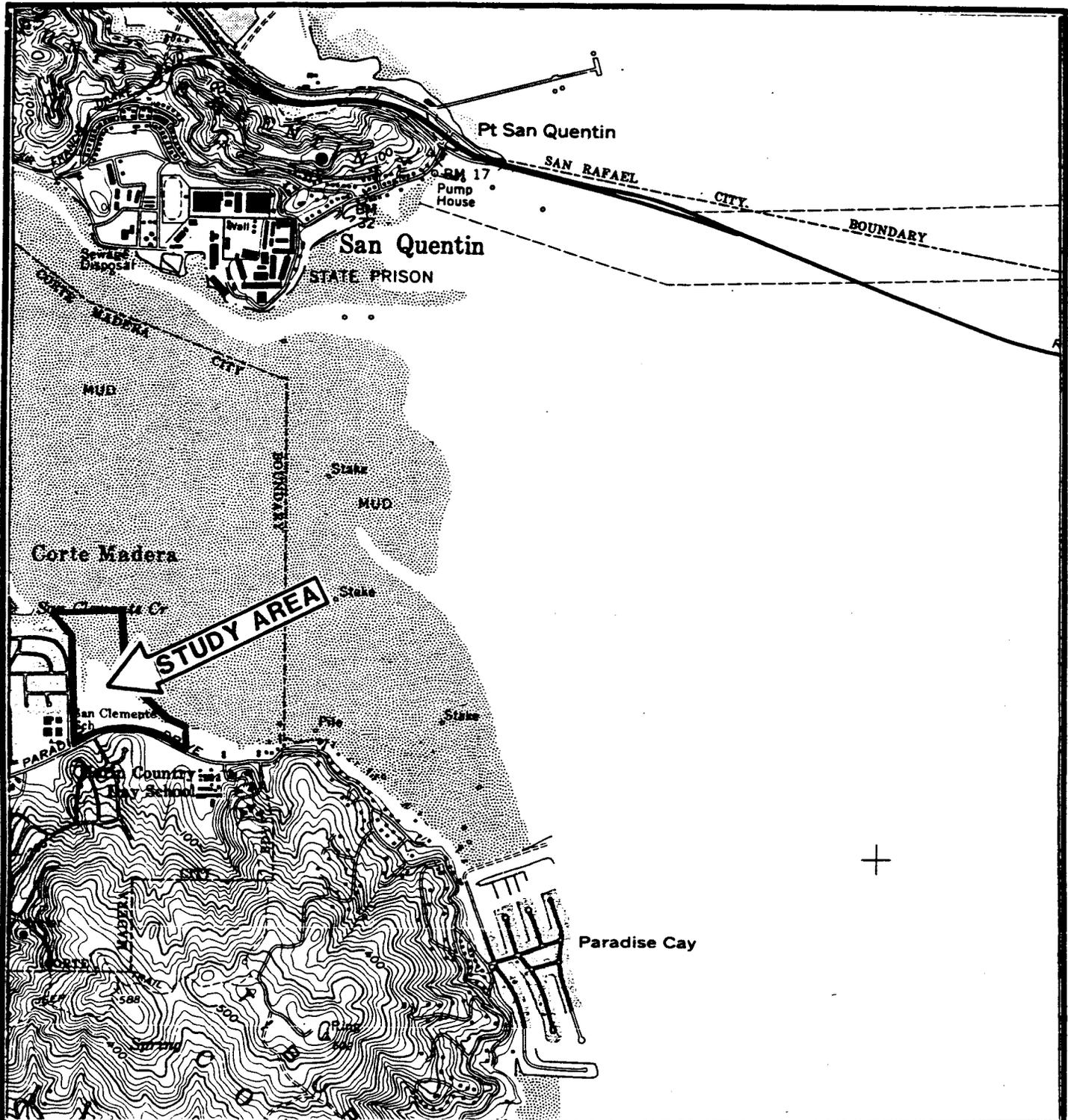
CALENDAR PAGE	0109
MINUTE PAGE	8481

CALENDAR ITEM NO. C17 (CONT'D)

RECOMMENDED ACTION:

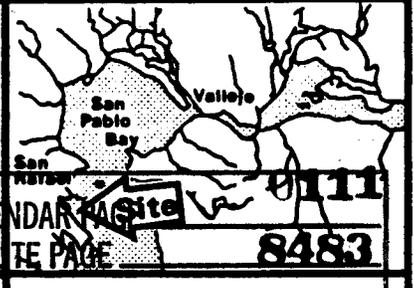
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS, 8600, ET SEQ.
2. FIND THAT THE VALUE OF THE LAND TO BE ACQUIRED BY THE CALIFORNIA STATE LANDS COMMISSION, DEPICTED IN EXHIBIT A IS GREATER THAN \$125,000.
3. AUTHORIZE THE EXPENDITURE OF UP TO \$125,000 FROM THE KAPILOFF LAND BANK FUND TOWARD THE PURCHASE WITH KAPILOFF LAND BANK TRUST FUNDS OF THAT PARCEL OF LAND DEPICTED ON EXHIBIT A ATTACHED HERETO, AND ACCEPTANCE OF TITLE TO THE PARCEL, PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON JUNE 30, 2001, WITHOUT FURTHER COMMISSION ACTION IF THE ACQUISITION HAS NOT TAKEN PLACE BY THAT DATE.
4. AUTHORIZE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION TO ENTER INTO A LEASE FOR THE TERM OF 49 YEARS TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR THE MANAGEMENT OF THE PROPERTY, SHOULD IT BE ACQUIRED, AS IT IS DEPICTED IN EXHIBIT A FOR THE PURPOSE OF OPEN SPACE AND WILDLIFE HABITAT AS PART OF THE CORTE MADERA ECOLOGICAL RESERVE.



STATE LANDS COMMISSION
 POSSIBLE LAND BANK ACQUISITION

A Portion of USGS Quadrangle SAN QUENTIN 1959;
 Photorevised 1980.



Prepared by: D. Crum

Date: 6/7/89 A: 9 S: 3

EXHIBIT

Title Study Marin Audubon Society/Triangle Marsh W24253

Z3-N52-E142