CALENDAR ITEM

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GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

United States Department of the Interior
Fish and Wildlife Service
San Francisco Bay National Wildlife Refuge Complex
9500 Thornton Avenue
Newark, CA 94560

AREA, LAND TYPE, AND LOCATION:

2.9 acres, more or less, of sovereign lands within East Marin Island in San Rafael Bay, offshore of the city of San Rafael, Marin County.

AUTHORIZED USE:

Maintenance and management of a portion of East Marin Island as part of the Marin Islands National Wildlife Refuge, a component of the National Widlife Refuge System.

LEASE TERM:

49 years, beginning October 16, 2008.

CONSIDERATION:

$1 per year as agreed in the 1992 Memorandum of Understanding between the U.S. Fish and Wildlife Service, the California State Lands Commission, the California Department of Fish and Game, the Marin County Open Space District, and the Trust for Public Land. Annual rental to be prepaid in the amount of $49 for the entire term of the lease by October 15, 2009.

SPECIFIC LEASE PROVISIONS:

1. At the expiration of the lease, Lessee will have the right of first refusal in connection with the issuance of a new long-term lease.

2. Should Lessee earn income from the lease premises in excess of operation and maintenance costs, the Lessor reserves the right to establish an annual rent at a reasonable rate based on the amount of any

excess income; however, Lessor shall not consider such income to be excess if such income is deposited in a special fund for operation of those portions of the Refuge covered under the Lease.

3. This lease shall terminate by its own terms and be of no further force and effect if Lessee should use the area described herein for any purpose not directly related to the preservation, habitat restoration, or enhancement of the area for wildlife refuge purposes.

4. Lessee may implement the final Comprehensive Conservation Plan for the Marin Islands National Wildlife Refuge, including habitat restoration and enhancement, without further approval of the Lessor.

BACKGROUND:

In 1990, the Commission, along with the California Department of Fish and Game (DFG), the Marin County Open Space District (MCOSD), the Trust for Public Land and the United States Department of Interior, Fish and Wildlife Service (Service) entered into a Memorandum of Understanding (MOU) for the purchase of 339.29 acres of tidelands including East Marin Island and West Marin Island in San Rafael Bay.

On March 27, 1990, the Commission authorized the contribution of Kaplioff Land Bank Funds in the amount of $500,000 towards the purchase of the land, to establish the Marin Islands National Wildlife Refuge (Refuge). The land was subsequently acquired and in 1992 the Refuge was established as a joint National Wildlife Refuge and a State Ecological Reserve.

The day-to-day management of the Refuge is provided by the Service under the MOU. The Refuge was established to provide wintering habitat for migratory birds and nesting habitat for waterbirds. The entire Refuge encompasses 339.29 acres of submerged tidelands and the two islands. Approximately 326.21 acres of Refuge are tideland lots located in the bed of San Rafael Bay. The tideland portion of the property is unfilled and in a natural condition and, as such, remains an integral part of the overall San Francisco Bay estuarine ecosystem.

West Marin Island is 2.8 acres of open space used primarily for bird nesting purposes. Due to its isolated location, the island is a productive rookery for a variety of water fowl and has been identified by the Service as having the largest heron rookery in San Francisco Bay. Herons and egrets nesting in this rookery feed in the tidal wetlands fringing both islands. The Island provides a sanctuary for nesting waterbirds, free from human disturbance. DFG owns West Marin Island and the surrounding tidelands.

East Marin Island consists of approximately 10.28 acres. The Service took title to the eastern 5.8 acres of East Marin Island and approximately 80 acres of tidelands. The Commission took title to 2.9 acres of the western portion of East Marin Island. The remaining acreage is owned by DFG and the Trust for Public Land. The Service also took title to existing improvements on the Island, including rights-of-way for power and water lines and existing buildings. As part of the MOU, the Commission agreed to lease its 2.9 acres to the Service on a 49-year, renewable basis for the sum of $1.00 per year. In return, the Service would assume management responsibility for Marin Islands National Wildlife Refuge.

As a provision of the MOU, the Service, in cooperation with all parties to the agreement, was required to prepare a management plan for the Refuge. That document has now been prepared and the resulting Final Comprehensive Conservation Plan (Plan) and Environmental Assessment have been adopted by the Service.

The Service, as required under the terms of the MOU, is now applying for a 49-year General Lease – Public Agency Use for the maintenance and management of the 2.9 acres of State owned sovereign lands at East Marin Island. The Service proposes to undertake a vegetation mapping project to determine the location and extent of non-native and native plants on the East and West Islands. A coordinated plan will be developed to reduce non-native colonies and replace those with native plantings. The vegetation management plan will restore the natural landscape of the islands in support of the wildlife in the Refuge. Native vegetation is suited for nesting by the egret and heron colony. In addition, the Service will provide a limited number of guided tours (not more than six per year) to East Marin Island when requested by groups or a group of individuals. A walking trail and interpretive panels will be constructed to facilitate the tour. Under the proposed Conservation Plan, a cultural resources assessment will also be conducted. The assessment will produce an inventory of the important cultural elements on the Refuge as well as provide a cultural element to the guided tours. Fishing and wildlife viewing will continue to be allowed in the Refuge waters. However, to further protect the Refuge, boats will be prohibited from docking at the Islands. Fishing brochures and information will be created by the Service to communicate appropriate wildlife-dependent recreational opportunities at the Refuge.

Under the terms of the MOU, the Service will also enter into a long-term cooperative agreement with the DFG for management of West Marin Island by the Service as part of both the Marin National Wildlife Refuge and the Marin Islands State Ecological Reserve. The Service is currently working with the DFG in developing such an agreement.

OTHER PERTINENT INFORMATION:

1. East Marin Island of the Marin Islands National Wildlife Refuge would be managed as part of the National Wildlife Refuge System Administration Act of 1966, Refuge Recreation Act of 1962, the National Wildlife Refuge System Improvement Act of 1997, and other applicable laws.

2. The State Lands Commission proposes to use the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) prepared and adopted for this project by U.S. Fish and Wildlife Service and identified as State Clearinghouse No. 2006084001, in place of a Mitigated Negative Declaration. The document was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072 (a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Mitigated Negative Declaration.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

California Department of Fish and Game

EXHIBITS:

A. Location and Site Map
B. Land Description
C. Finding of No Significant Impact Report

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY U.S. FISH AND WILDLIFE SERVICE MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF

REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A MITIGATED NEGATIVE DECLARATION.

SIGNIFICANT LANDS INVENTORY FINDING:

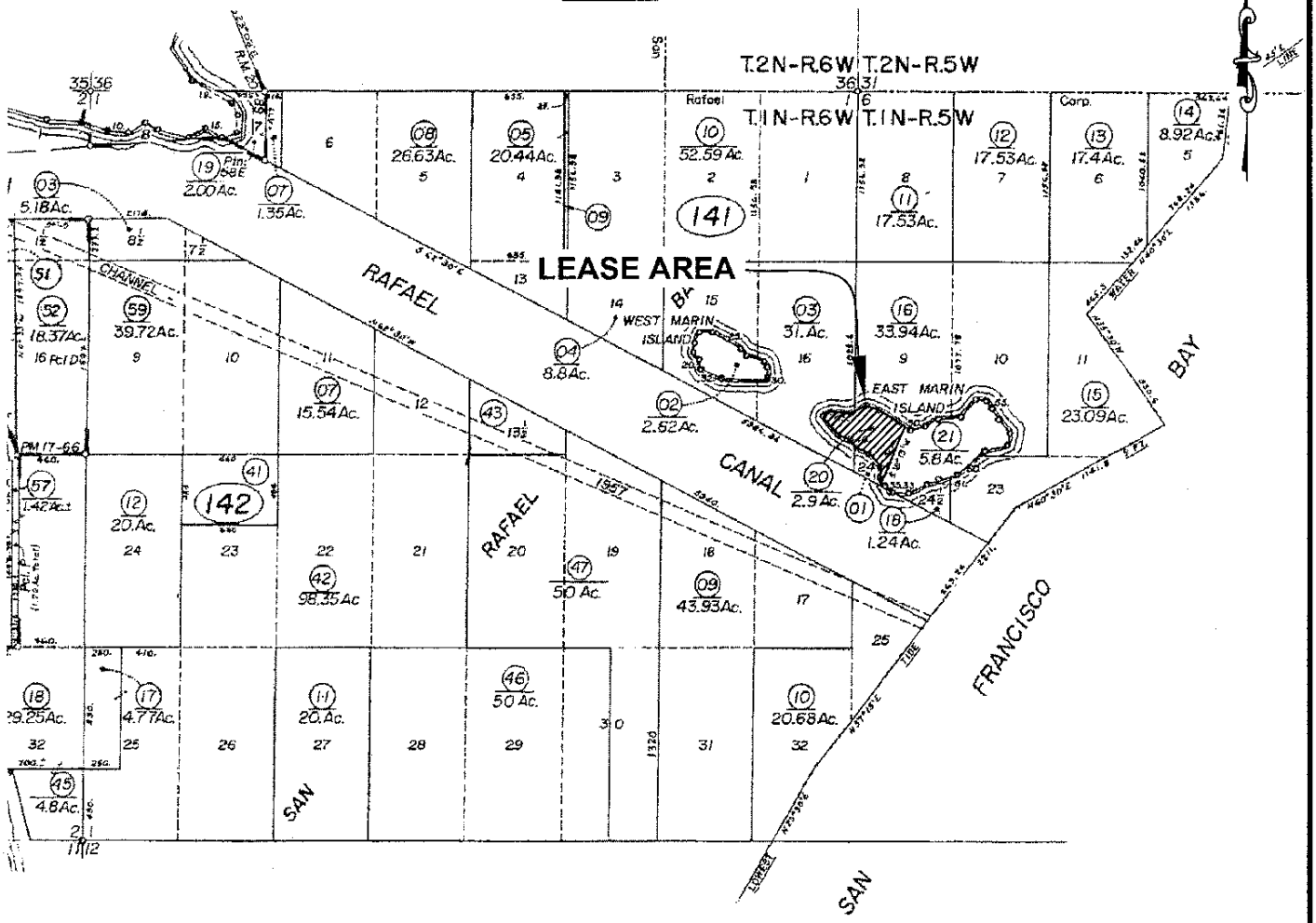
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, BEGINNING OCTOBER 16, 2008, FOR A TERM OF 49 YEARS, FOR MAINTENANCE AND MANAGEMENT OF A PORTION OF EAST MARIN ISLAND AS PART OF THE MARIN ISLANDS NATIONAL WILDLIFE REFUGE AS SHOWN ON EXHIBIT A ATTACHED (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $1 TO BE PREPAID FOR THE ENTIRE TERM BY OCTOBER 15, 2009.

NO SCALE

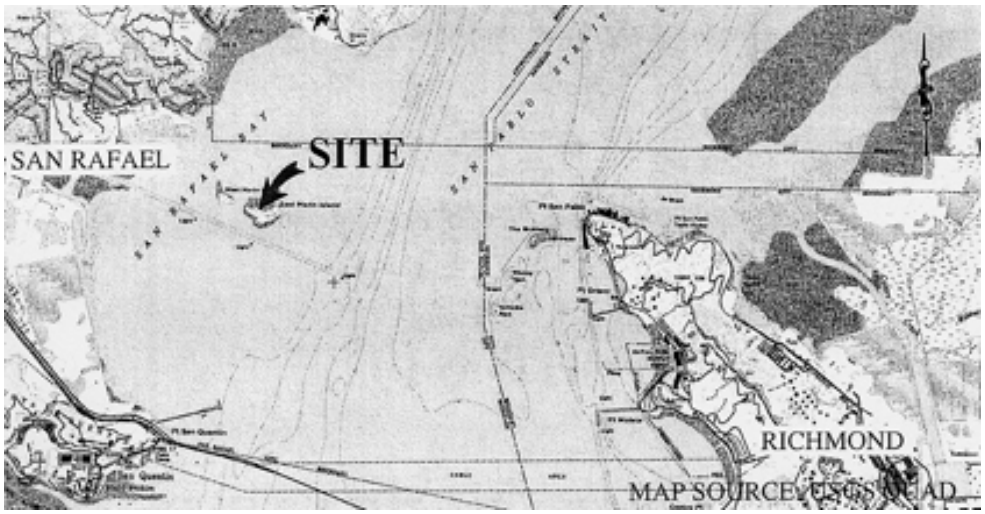
SITE



LEASE OF PART OF EAST MARIN ISLAND FOR NATIONAL WILDLIFE REFUGE.

NO SCALE

LOCATION



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.

Exhibit A

W26289
APN 009-141-20
MARIN ISLAND NWR
GENERAL LEASE
PUBLIC AGENCY USE
MARIN COUNTY

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Exhibit C

U.S. Department of the Interior
Fish and Wildlife Service
California/Nevada Refuge Planning Office

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment for Management of Marin Islands National Wildlife Refuge
Marin County, California

The U.S. Fish and Wildlife Service (Service) has completed the Comprehensive Conservation Plan (CCP) and the Environmental Assessment (EA) for the Marin Islands National Wildlife Refuge (Refuge). The CCP will guide Refuge management for the next 15 years. The CCP and EA (herein incorporated by reference) describe the Service's proposals for managing the Refuge and their associated effects on the human environment under three alternatives, including the no action alternative.

Decision

Following comprehensive review and analysis, the Service selected Alternative C for implementation because it is the alternative that best meets the following criteria:

- Achieves the mission of the National Wildlife Refuge System;
- Achieves the purposes of the Marin Islands National Wildlife Refuge;
- Achieves the Service's vision and goals for the Refuge;
- Maintains and restores the ecological integrity of the habitats and populations of the Refuge;
- Addresses important issues identified during the scoping process;
- Address the legal mandates of the Service and the Refuge;
- Consistent with scientific principles of sound fish and wildlife management; and
- Incorporates priority public uses which are compatible with the Refuge purposes and the Refuge System mission.

Alternatives Considered

The following is a brief description of the alternatives for managing Marin Islands Refuge, including the selected plan (Alternative C). For a complete description of each alternative, see the draft EA.

Alternative A

Under the No Action Alternative, the Service would continue current management activities on the Refuge. The Refuge currently has no comprehensive management plan. Current management activities include egret and heron colony surveys, limited non-native vegetation control, limited native plantings, and volunteer plant restoration opportunities. The Refuge would remain closed to visitors other than the limited supervised volunteer opportunities. This alternative was not selected because it lacks consideration for habitat restoration needs, management of the migratory birds that use the Refuge, and accommodation of local needs for wildlife-dependent recreation.

Alternative B
Under Alternative B, the Service would restore the Refuge to natural conditions to the extent possible. Prior to human occupation, the Refuge was primarily described as a coastal sage scrub, coastal sea-bluff scrub, coastal grassland, and oak-buckeye woodland habitat. The Refuge was exposed to various invasive and ornamental plants during private ownership that resulted in significant colonies of non-native vegetation. The Service would undertake a vegetation mapping project to determine the location and extent of non-native and native plants on the East and West Island. From this mapping, a coordinated plan would be developed to reduce non-native colonies and replace those areas with native plantings. The vegetation management objective is intended to restore the natural landscape of the islands in support of the wildlife on the Refuge. Native vegetation is used for nesting by the egret and heron colony. Building structures would also be removed to expand migratory bird habitat. This alternative was not selected because it does not include any wildlife-dependent opportunities for the public.

Alternative C (selected alternative)
Under Alternative C, the Service will implement habitat restoration activities as described under Alternative B. In addition, the Service will provide guided tours to East Marin Island at a frequency no greater than once per month. A walking trail and interpretive panels will be constructed to facilitate the tour. A cultural resources assessment will also be conducted under this alternative. The assessment will produce an inventory of the important cultural elements on the Refuge, as well as, provide a cultural element to the guided tours.

Effects of management of the Refuge on the human environment
As described in the EA, implementing the selected alternative will have no significant impacts on any of the environmental resources identified in the EA. A summary of the impacts analysis and conclusions follows:

Soils
Removal of structures on East Marin Island could result in large areas of bare soil that could be subject to erosion, especially in the marine environment. However, these removal activities will take place on flat terrain in the middle of the island where the soil would be protected from marine weather by vegetation that surrounds the island. Moreover, removal activities would take place during the dry season to further reduce erosion impacts. These bare areas will also be replaced by native vegetation which would offset erosion potential.

Water Quality
Under the selected plan, the Service'plans to remove non-native vegetation through manual and chemical means. Herbicides would be used on a limited basis and are not expected to negatively impact the water quality of San Pablo Bay. Soil that is disturbed from manual removal will be replanted with native vegetation to counteract any long-term impacts to the water quality of the Bay. Activities under the plan are not expected to result in significant impact to the water quality.

Air Quality
Management activities under the selected plan are expected to increase air particulates in the immediate area. However, these particulates should dissipate given the windy condition on the Bay. Vessel emissions from increased management activities, and possibly public visitation,

would result in a long-term minor increase in particulates, reactive organic gasses, and carbon monoxide in the area. Given the current air quality conditions of the San Francisco Bay area and the mitigation measures described in the EA, the minor emission increases are not considered significant.

Vegetation
Management under the selected plan will result in widespread removal of non-native vegetation on East Marin Island. This vegetation will be replaced by native vegetation which is beneficial to the heron and egret colony on the Refuge. Herbicides will be used to reduce non-native vegetation. Herbicides are not likely to impact non-target plants because spraying will be done by hand to individual plants. This restoration activity will support regional biodiversity goals by expanding native coast live oak and coastal scrub plant communities that have been lost to development in the surrounding San Francisco Bay area.

Wildlife
The selected plan will result in both beneficial and adverse impacts on wildlife. Increased public access to the Refuge may result in disturbance to the wildlife. Even with proper boating instruction and supervised tours as prescribed under the CCP, the public could still disturb wildlife. Guided tours will be limited to East Marin Island, where no heron and egret nesting occurs. Furthermore, these guided tours will not take place while breeding and nesting is occurring on West Marin Island. Should wildlife begin to nest on East Marin Island, tours will be further limited to non-sensitive periods. West Marin Island will continue to be closed to access to protect the heron and egret colony.

Removal of structures and restoration of vegetation on the Refuge could also result in temporary disturbance of wildlife. Activities will be limited to non-breeding season of the colony to reduce possible impacts to young. These management activities would have the long-term benefit of providing further habitat and native vegetation appropriate for the migratory birds on the Refuge.

Wildlife-dependent Recreation
Under the selected plan, wildlife-dependent recreation will be expanded to include guided tours on the Refuge. Interpretive panels, brochures and a designated walking trail will be created for public safety as well as to enhance the tours and prevent trampling of restored vegetation. Fishing and wildlife viewing will continue to be allowed in the Refuge waters, but boats will not be allowed to dock at the islands. Fishing brochures and information will be created to communicate appropriate wildlife-dependent recreational opportunities at the Refuge.

Public Review
The planning process incorporated public involvement in developing and reviewing the CCP. This included a public scoping meeting, four planning updates, and public review and comment on the planning documents. The details of the Service's public involvement process are described in the CCP and EA.

Conclusions
Based on review and evaluation of the information contained in the supporting references, I have determined that implementing Alternative C as the CCP for management of Marin Islands

National Wildlife Refuge is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. Accordingly, the Service is not required to prepare an environmental impact statement.

This Finding of No Significant Impact and supporting references are on file at the U.S. Fish and Wildlife Service, San Francisco Bay National Wildlife Refuge Complex, 1 Marshlands Road, Fremont, California, 94536 (telephone 510/ 792 0222) and the U.S. Fish and Wildlife Service, California/Nevada Refuge Planning Office, 2800 Cottage Way, Sacramento, California, 95825 (telephone 916/ 414 6500). These documents can also be found on the Internet at http://www.fws.gov/cno/refuges/planning.html. These documents are available for public inspection. Interested and affected parties are being notified of this decision.

Supporting References

U.S. Fish and Wildlife Service. 2006. Draft Comprehensive Conservation Plan Marin Islands National Wildlife Refuge.

U.S. Fish and Wildlife Service. 2006. Draft Marin Islands National Wildlife Refuge Environmental Assessment.

Manager, California/Nevada Operations
Sacramento, California

SEP 2 6 2006
Date