

**MINUTE ITEM**  
This Calendar item No. 61  
was approved as Minute Item  
No. 61 by the State Lands  
Commission by a vote of 3  
to 0 at its 3/27/90  
meeting.

CALENDAR ITEM

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S 3

03/27/90  
W 24425 AD 117  
Howe

AUTHORIZE THE 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

APPLICANT: State Lands Commission as trustee  
of the Kapiloff Land Bank Fund

Staff of the California Coastal Conservancy, Marin Open Space District, Fish and Wildlife Service and the State Lands Commission have been considering the purchase of tidelands and two islands known as the Marin Islands, located in San Rafael Bay, City of San Rafael, Marin County. These agencies will contribute one-half of the purchase price. It is proposed that the Commission contribute \$500,000 toward this amount from the Kapiloff Land Bank Fund. Private funding will be raised to cover the remaining half of the purchase price.

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, remain 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 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 U. S. Fish and Wildlife Service as having the largest heron rookery in San Francisco Bay. Both herons and egrets nesting in this rookery feed in

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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 East Marin Island. Title to the remainder of the subject property may be vested in the State or 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 6001).

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 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, 1991.

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. Section 8631.

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 AS A STATUTORY EXEMPT PROJECT PURSUANT TO 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, 1990, WITHOUT FURTHER COMMISSION ACTION, IF WRITTEN COMMITMENTS FOR THE TOTAL PURCHASE PRICE HAVE NOT BEEN MADE BY THAT DATE.

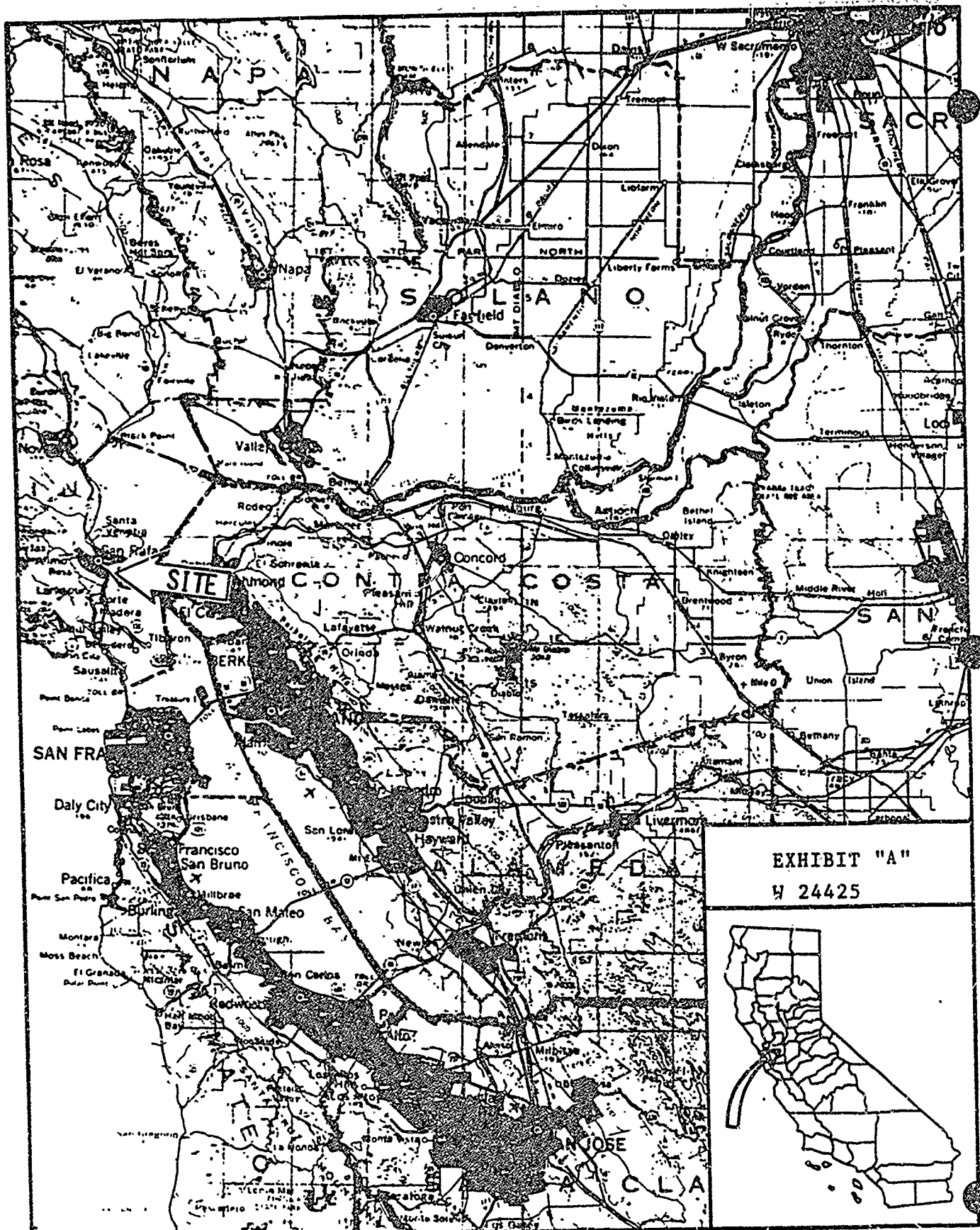
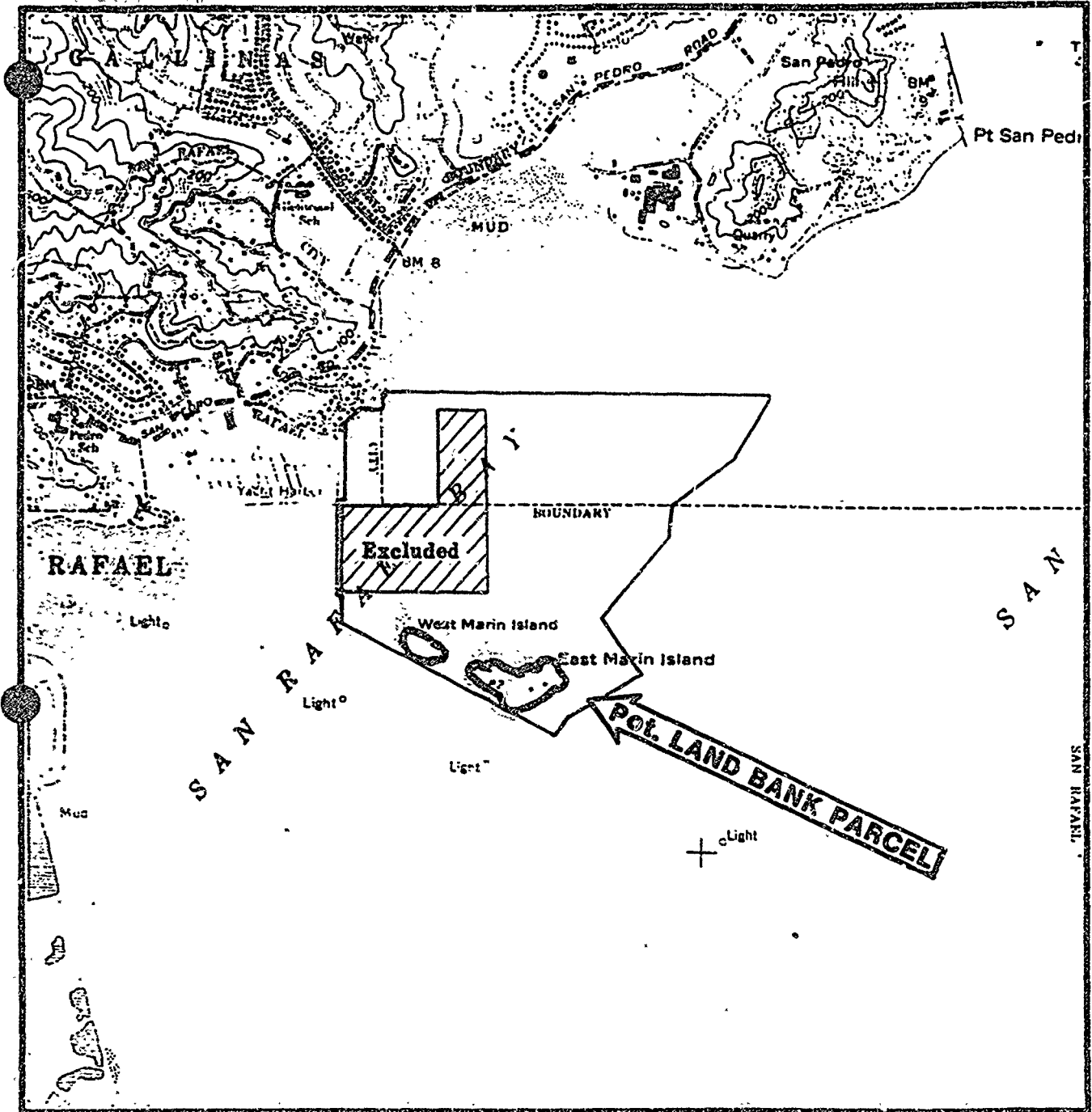


EXHIBIT "A"  
W 24425



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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

EXHIBIT B  
 Z 3 - N 53 - E 143

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