

March 29, 2010

Mr. Paul Thayer  
Executive Officer  
California State Lands Commission  
100 Howe Avenue, Suite #100 South  
Sacramento, CA 95825-8202

Re: Item #43, April 6 Commission Agenda: Gallinas Creek and San Rafael Airport

Marin Conservation League hereby submits this request to the State Lands Commission (SLC) to continue Agenda Item #43, currently scheduled for April 6. We make this request to allow sufficient time to obtain necessary background information, in that "current . . . exhibits are unavailable," and any decision by the SLC concerning this agenda item will have permanent consequences for the tidal wetlands of Gallinas Creek (Marin County) and the surrounding lands. (Attached is MCL's letter of August 28, 2008 to State Lands Commission concerning these matters.)

Marin Conservation League, founded in 1934, is one of the State's oldest conservation organizations. MCL has been following proposed uses and need for protection of the Gallinas Creek area – its tidal and seasonal wetlands, and adjacent filled and partially filled land – for many years. The remaining marshlands and wildlife refugial areas of Gallinas Creek are the remains of a once extensive piece of the San Pablo Bay intertidal ecosystem. The San Rafael Airport occupies a piece of land at the confluence of the North and South Forks of Gallinas Creeks –a critical juncture for the support of species that are currently protected under the public trust.

The California clapper rail, a federally endangered species, is known to inhabit areas of the proposed compromise agreement. Numerous studies have confirmed their presence, including a recent draft environmental impact report for a large industrial-scale indoor sports complex proposed by the San Rafael Airport in the immediate vicinity. A lease of public lands to the San Rafael Airport would not be consistent with SLC's obligations under the public trust, in that it could lead to the expansion of other uses on the airport land and likely extension of the runway to accommodate six-seater jets. This would compromise the welfare of species protected by the Endangered Species Act. It is likewise not in the interests of thousands of residents whose homes are adjacent to the San Rafael Airport. Rather, the lease would serve primarily the interests of one landowner – certainly not the City of San Rafael or any other public entity.

It is our understanding that the SLC has thus far provided the public no substantive public information pertaining to this agenda item, although it was first discussed in closed session as much as one year ago.

In regard to item #43, the April 6 agenda provides no supporting information; it provides only the following: "The proposed Compromise Title Settlement Agreement would include a termination of the State's public trust interest in certain lands..."

A public records request has revealed that the San Rafael Airport LLC, with the aid of the County of Marin's Director of Public Works, Farhad Mansourian, (who lobbied on behalf of the San Rafael Airport), attempted to secure a long term lease of the state lands at the San Rafael Airport. This occurred in 2004, or so. *Does Agenda Item #43 concern the same issue?*

Any action by the SLC that impacts the development status of the San Rafael Airport is of deep concern to the residents of San Rafael, as well as local and national environmental organizations. Therefore, there must be complete transparency and a full public hearing before the Commission. In the absence of essential information at this time, Marin Conservation League is requesting that the SLC pull this item from the April 6 agenda and reschedule for a later date. In the meantime, please provide the details of the intent of the proposed settlement.

Sincerely,

Nona Dennis  
President

Attachment: MCL letter dated August 28, 2008

Cc: North San Rafael Coalition of Residents  
Santa Venetia Neighborhood Association  
Gallinas Creek Watershed Council  
Marin Audubon Society  
Supervisor Susan Adams

