

COASTAL CONSERVANCY

Staff Recommendation
December 2, 2004

NAPA SOLANO RIDGE TRAIL CONSTRUCTION PROJECT

File No. 04-018

Project Manager: Abe Doherty

RECOMMENDED ACTION: Authorization to disburse up to \$100,000 to the Bay Area Ridge Trail Council for construction of approximately 1.6 miles of Ridge Trail in eastern Napa County.

LOCATION: Napa County Assessor's Parcel Numbers 045-370-001 and 045-360-001, Tuteur Ranch and the Skyline Wilderness Park, located in eastern Napa County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit 3: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-64 of the Public Resources Code:

“The State Coastal Conservancy hereby approves the Mitigated Negative Declaration for the Napa Solano Ridge Trail construction project, attached to the accompanying staff recommendation as Exhibit 2; approves the Mitigation Monitoring and Reporting Program for the project, attached to the accompanying staff recommendation as pp. 1-5 of Exhibit 2 ; and further authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Bay Area Ridge Trail Council (BARTC) for construction of the project, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the BARTC shall submit for review and approval of the Executive Officer of the Conservancy:
 - a) A work program, budget, and schedule;
 - b) The names and qualifications of any contractors or subcontractors that the BARTC intends to employ to implement the project;

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- c) Evidence that all necessary permits and approvals for the project have been obtained; and
 - d) A signing plan for the project.
2. The BARTC shall enter into an agreement with the Conservancy sufficient to protect the public interest in any improvement or development constructed as part of this proposed project in accordance with the requirements of Public Resources Code Section 31116(c) and to assure public access and to qualify the BARTC with limited tort immunity under California Government Code Sections 831.2, 831.4, 831.7, and 831.25.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

- 1. The project is consistent with Public Resources Code Sections 31160-31164 regarding the Conservancy’s mandate to address the recreational goals of the San Francisco Bay Area;
- 2. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 4, 2001.
- 3. The Bay Area Ridge Trail Council is a nonprofit organization existing under Section 501(c)3 of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.
- 4. The Mitigated Negative Declaration prepared for the project reflects the Conservancy’s independent judgment and analysis.
- 5. The project, as mitigated, avoids, reduces or mitigates the possible effects of the project to a level of insignificance and therefore there is no substantial evidence that the project, as revised, may have a significant effect on the environment.
- 6. On the basis of substantial evidence, the Conservancy has rebutted the presumption of adverse effect contained in California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
- 7. There is no substantial evidence before the Conservancy that the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Code of Regulations Section 753(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.”

PROJECT SUMMARY: Conservancy staff recommends that the Conservancy approve the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program and the disbursement of up to \$100,000 to the Bay Area Ridge Trail Council (BARTC) for the Napa Solano Ridge Trail project. BARTC will construct approximately 1.6 miles of the Napa Solano Ridge Trail, of which approximately 1.3 miles of trail will be constructed on land owned by the Tuteur Family Trust, which has dedicated to BARTC a perpetual trail easement and agreement for the purposes of constructing a segment of the Ridge Trail on their ranchlands. In the adjacent Sky-

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line Wilderness Park, a smaller trail segment, approximately 0.3 miles, will be constructed in order to link an existing Ridge Trail segment in the park to the new Ridge Trail loop to be constructed on the Tuteur property. The trail alignment is designed to allow for future expansion of the Ridge Trail and to minimize potential impacts to environmental and archeological resources.

The BARTC was founded for the purpose of creating a ridgeline trail throughout the nine San Francisco Bay Area counties, which provides for public access to the region's parks, agricultural lands, open space and cultural resources. Implementation of the Napa Solano Ridge Trail project supports the BARTC's mission by extending an existing trail in a public park onto adjacent ridge-top grazing lands, with the full support and enthusiastic cooperation of a private agricultural landowner (the Tuteur family). Development of similar relationships between private landowners and the BARTC will be crucial to the success of completing additional Ridge Trail segments, since the majority of the remaining proposed Ridge Trail alignment is located on private lands.

The project will likely include construction or installation of the following:

- Vegetation removal and grading for approximately 1.6 miles of 4-ft. wide unpaved trail;
- Pullouts where the line of sight is poor;
- Two freespan bridges over Marie Creek;
- Retaining walls, water dips and other measures to control erosion and stormwater runoff;
- Fences and gates, as necessary, based on agreements with the land owners and managers;
- Trail signs; and
- Restoration (through soil loosening to promote revegetation) of a small portion of the existing trail on Skyline Wilderness Park where it will be replaced with the new trail alignment to connect the trail to the Tuteur Ranch loop.

Site Description: The majority of the project will occur on the 106.75-acre Tuteur Ranch property, which is zoned for Agriculture and Watershed, used for cattle grazing and is subject to a conservation easement held by The Land Trust of Napa County. The project will also involve relocating an existing Ridge Trail on Skyline Wilderness Park to connect it with the new trail on the Tuteur Ranch and to improve the crossing over Marie Creek. Skyline Wilderness Park is an 880-acre public park leased to Napa County by the State of California and managed by a non-profit organization, the Skyline Park Wilderness Citizens Association. On the eastern side of the Tuteur Ranch property are 2,700 acres of protected watershed lands owned by the City of Vallejo (Refer to Exhibit 1).

Project History: The Bay Area Ridge Trail is a proposed 500-mile ridgeline trail intended for use by hikers, equestrians and mountain bicyclists. Since the inception of BARTC in 1987, 267 miles of the proposed route have been dedicated and open for use by the public. The Conservancy has provided the majority of the financial support for the planning efforts of BARTC staff to develop Ridge Trail projects since 2001 when it provided a grant through Proposition 12 funds.

In Napa County, the Ridge Trail route was identified by local volunteers and BARTC staff, with support from a resolution by the Napa County Board of Supervisors. This route connects 36 miles of trail throughout Napa County and provides regional trail connections to Sonoma and

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Solano Counties, as well as key links to Napa communities, parks and open spaces. The only existing segment of the Ridge Trail in Napa County is the 4.5 mile portion in the Skyline Wilderness Park, which was dedicated in 1989 and connects to the 3.5 mile River to Ridge Trail, a community connector trail to the Ridge Trail.

In order to expand the existing Ridge Trail from the Skyline Wilderness Park to the adjacent ranchland on the Tuteur property, BARTC staff, with the support of Conservancy staff, worked with many interested parties, including the Tuteur family, the Skyline Wilderness Park Citizen’s Association, Napa County and The Land Trust of Napa County (“The Land Trust”). On December 15, 2003, The Land Trust, which holds a conservation easement on the 106.75 acre Tuteur property, approved the application for the Napa Solano Ridge Trail project. In May 2004, the Tuteur family generously gifted a trail easement to BARTC for purposes of constructing a Ridge Trail on the property. BARTC staff worked with the Tuteur family to develop an Operation and Management Plan for the Napa Solano Ridge Trail project, which was finalized in May 2004.

BARTC staff and the Tuteur family have worked closely with the Natural Resources Conservation Service to incorporate cattle grazing management techniques into the design of the trail project. The Operation and Management Plan describes the actions to be taken to balance the co-existence of cattle grazing and public use of the trail across the Tuteur property.

BARTC is in discussions with Napa County and the Skyline Wilderness Park Association about transferring the trail easement to a local agency or non-profit organization soon after the completion of the trail construction. BARTC intends to pursue extension of the Ridge Trail towards Solano County.

PROJECT FINANCING:

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|---|----------------|
| Coastal Conservancy | \$100,000 |
| Napa County (Prop. 12 per capita funds)-secured | \$25,000 |
| Natural Resources Conservation Service-secured | \$4,140 |
| Bernard Osher Foundation-secured | \$10,000 |
| Pacific Gas & Electric-secured | \$2,500 |
| Bay Area Ridge Trail Private Fundraising | <u>\$4,360</u> |
| | |
| Total Project Cost | \$146,000 |

In addition to the funding sources listed above, the project is also supported by the donation of the trail easement by the Tuteur Family Trust and by volunteer labor (anticipated to be approximately 400 hours).

The Conservancy’s contribution to the proposed project is expected to come from Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. The Proposition 40 legislation (PRC Section 5096.650(b)(8)) allocated funds to the San Francisco Bay Area Conservancy Program for the acquisition and development of land, air, and water resources, in accordance with the particular provisions of the statute creating the San Francisco Bay Area Conservancy. This project is consistent with the Proposition 40 legislation since it helps implement one of the goals stated in the statute creating the San Francisco Bay Area

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Conservancy Program (PRC 31162), which is to improve public access to and around ridgetops, through completion of ridge trail systems.

In order to secure funds for a trail maintenance and management endowment for the new trail, BARTC has conducted extensive fundraising efforts and has successfully obtained funds from a broad range of sources. To date, the BARTC has secured approximately \$35,000 to support the maintenance and management of the trail and continues to pursue fund-raising to reach the goal of a \$50,000 endowment for maintenance and management. BARTC raised \$14,000 in small individual donations from an appeal to over 3,000 of their members. Through the establishment of a local advisory council comprised of business and community leaders, BARTC secured the support of the Stag's Leap Winery/Beringer Blass Company (\$3,000), the Joseph Phelps Winery (\$2,500), the Napa Valley Endurance (equestrian) ride (\$2,500), the Bay Area Barns and Trails Trust (\$2,500), an anonymous private family foundation in Napa Valley (\$2,500) and over a dozen additional individuals. The Bernard Osher Foundation has also provided a \$5,000 grant for maintenance of the trail. One other grant request, to the American Hiking Society's annual grant program, for maintenance of the trail is pending

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code (PRC) Sections 31160-31164, to address recreational goals of the San Francisco Bay Area Conservancy Program.

Section 31162 authorizes the Conservancy to undertake projects and award grants in the nine county San Francisco Bay Area in order to achieve specified goals. Awarding a grant to the BARTC for this project, which is located entirely within the designated nine county San Francisco Bay Area, is consistent with goal 31162(a), since it improves public access around the ridgetops, by contributing towards the completion of regional ridge trail systems. As required by 31162(a), the project is consistent with the rights of private property owners, since the property owner for privately-owned portion of the project, the Tuteur Family Trust, has donated a trail easement. The project will not have a significant impact on agricultural operations, since the Operating and Management Plan for this project anticipates that cattle will only be temporarily excluded from the trail corridor for approximately two years. The project is also consistent with 31162(a) since it will not have a significant adverse impact on environmentally sensitive areas and wildlife, as described in the section entitled "Consistency with CEQA", below. As described below in the "Consistency with Adopted Regional and Local Plans" section, the project meets the requirement of Section 31162(a) that it be consistent with locally and regionally adopted plans.

This project is appropriate for prioritization under the selection criteria set forth in Section 31163(c), for the following reasons:

- (1) The project is supported by adopted local and regional plans (see "Consistency with Local and Regional Plans" section).
- (2) The project is multi-jurisdictional and serves a regional constituency by contributing toward the completion of the Bay Area Ridge Trail system by extending an existing dedicated Ridge Trail from the Skyline Wilderness Park, toward the Solano county border.
- (3) The project can be implemented in a timely manner, since other funds have been secured, the public review period for the Mitigated Negative Declaration has ended, and the

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BARTC has been working with local staff to obtain the necessary permits and authorizations.

- (4) The project provides benefits that could be lost if the project is not quickly implemented, since there are time-limited matching funds and a need to keep up the momentum of this project generated by the donation of the trail easement by the Tuteur Family Trust.
- (5) This project is supported by matching funds from several sources, both public and private.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

The authorization to construct approximately 1.6 miles of Ridge Trail in Napa County is consistent with **Goal 11** of the Conservancy's Strategic Plan, which is to improve public access, recreation, and education facilities in and around the San Francisco Bay, coast, ridge tops, urban open spaces, and natural areas. By constructing a new public trail, including across land that previously was not available to the public, the project contributes towards successful implementation of **Objective A of Goal 11**, which is to implement approximately 20 projects that increase the amount of land that is accessible to the public, or provide recreational facilities such as trails.

Providing funding for this project also specifically assists the Conservancy in meeting **Objective B of Goal 11**, which is to complete approximately 60 miles of the Ridge Trail and 100 miles of regionally significant public access trails and corridors, linking the Bay, Ridge, and coastal trails to urban open spaces. The project meets this objective by constructing approximately 1.3 miles of new Ridge Trail and relocating approximately 0.3 mile of existing ridge trail to connect the existing Ridge Trail with the new Ridge Trail segment. The project expands the existing trail network, which includes a River-to-Ridge Trail that extends from the Napa River and the City of Napa to Skyline Wilderness Park.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** Conservancy funds are expected to be provided from an appropriation of the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) fund. Subsection 5096.650(b), established through this act, designated funds for "the conservancies in accordance with the particular provisions of the statute creating each conservancy". In other words, the funds appropriated to the San Francisco Bay Area Conservancy Program may be used in accordance with Chapter 4.5 of Division 21 of the Public Resources Code, which created the program. The project is consistent with the purposes of the San Francisco Bay Area Conser-

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vancy Program, as described in the Consistency with Conservancy's Enabling Legislation section, above.

3. **Support of the public:** Support letters have been provided by Senator Wesley Chesbro, Assemblymember Patricia Wiggins, the Napa County Board of Supervisors, the Skyline Park Citizen's Association, the Napa Solano Audubon Society, the Napa Chapter of the California Native Plant Society, community business and agricultural leaders, including from Schrammberg Vineyards, Frogs Leap, Napa Valley Gateway Business Park, Dyer Vineyards, and Joseph Phelps Winery (refer to Exhibit 4). The Land Trust of Napa County determined that the proposed project is consistent with its conservation easement over the Tuteur Family Trust property. All five municipalities of Napa County, Napa, Yountville, Calistoga, St. Helena and American Canyon endorse the general concept of establishing the Ridge Trail in the county. The project is also supported by the BARTC Napa County Committee, chaired by local residents Jennifer Chandler and Carol Kunze.
4. **Location:** The project is located in Napa County, entirely within the jurisdiction of the San Francisco Bay Program Conservancy.
5. **Need:** Slightly more than half of the proposed 500-mile Bay Area Ridge Trail has been constructed and dedicated to date. However, in Napa County, only 4.5 miles of the 36 mile planned Ridge Trail route, one-eighth of the total Napa County route, has been constructed and open to the public. Despite the successful fundraising efforts of the BARTC, without financial support from the Conservancy, there is not sufficient funding to support construction of the project.
6. **Greater-than-local interest:** In creating the San Francisco Bay Area Conservancy Program, the legislature identified San Francisco Bay as the central feature in an interconnected open-space system of watersheds, natural habitats, scenic areas, agricultural lands and regional trails of statewide importance. In PRC Section 31162(a), the legislature identified improving public access to ridgetops as one of the goals of the SF Bay Area Conservancy. The Napa Solano Ridge Trail project will contribute towards the completion of the Bay Area Ridge Trail, which creates regional connections between parklands, agricultural lands, open space and cultural resources. The project specifically supports construction of the Ridge Trail along the border between Napa and Solano Counties.

Additional Criteria

9. **Leverage:** See the "Project Financing" section above. The project also is supported by a matching contribution on behalf of the Tuteur Family Trust, who donated a Trail Easement and Agreement to the BARTC.
11. **Innovation:** This project is the first instance that a private agricultural landowner has donated a trail easement to allow construction and public use of a segment of the Bay Area Ridge Trail on their property. This project is also the first time that the BARTC has served as the grantee of a trail easement and has assumed operating and management responsibilities for a trail.
12. **Readiness:** It is anticipated that the trail construction will be performed in the spring and summer of 2005. The BARTC staff has been working with the regulatory agencies to be

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prepared to secure necessary permits soon after the Conservancy considers this project for approval.

13. **Realization of prior Conservancy goals:** See the “Project History”, “Consistency with Conservancy’s Enabling Legislature” and Consistency with Conservancy’s Strategic Plan Goals and Objectives” sections.
15. **Cooperation:** This project involves a high level of cooperation among a private agricultural landowner (Tuteur family), non-profit organizations (BARTC, Skyline Wilderness Park Citizen’s Association, The Land Trust of Napa County), local government (Napa County), state governmental agencies (SF Bay Conservancy, CA Department of Fish and Game) and the Napa County Natural Resources Conservation Service, a division of the U.S. Department of Agriculture.

CONSISTENCY WITH ADOPTED LOCAL AND REGIONAL PLANS

The Napa County General Plan seeks to “provide a full range of recreational areas and facilities for the residents of Napa County” and to “encourage preservation of and visual access to the natural beauty of the County”. The Napa Solano Ridge Trail project will support these goals of the General Plan by expanding a public recreational trail and by providing vistas of surrounding scenic areas.

The Napa Solano Ridge Trail Project is consistent with the General Development Plan approved by the Napa County Board of Supervisors for the Skyline Wilderness Park property. The current map for this plan shows the Bay Area Ridge Trail as extending from the western to the eastern boundaries of Skyline Wilderness Park.

The Napa Solano Ridge Trail Project is also consistent with the BARTC Gap Portfolio Plan, which was adopted by the BARTC Board of Directors in 1993 and updated in 1996 and show a trail connection from Skyline Wilderness Park to the City of Vallejo’s watershed lands, located to the east of the Tuteur property.

COMPLIANCE WITH CEQA:

As the lead agency under California Environmental Quality Act (CEQA), the Conservancy staff prepared a draft Mitigated Negative Declaration for the Napa Solano Ridge Trail Project (See Exhibit 2). The draft Initial Study and Mitigated Negative Declaration were noticed and circulated for public review on March 10, 2004. The 30-day comment period ended on April 12, 2004. No comments were received.

The Mitigated Negative Declaration identified possible significant effects of the project related to biological and archeological/historical resources. Proposed mitigation that will avoid, reduce or minimize the possible effect to a level of insignificance is described in detail in the Mitigation and Monitoring Program, pages 1-5 of Exhibit 3 and summarized below.

Biological Resources

The proposed project’s effect on special status plants is a potentially significant impact that is reduced to a less-than-significant level by implementation of the following mitigation measures:

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- A pre-construction survey will be conducted to identify the occurrence of special status plants within the trail corridor.
- If special status-species are found within the trail corridor, the trail shall be realigned to avoid impact to the plant population, if feasible.
- Where the loss of a population/stand of a special-status plant is unavoidable, a qualified botanist shall make a determination as to whether or not the proposed trail would jeopardize the plant's existence in the region.
- Compensatory mitigation will be implemented if it is determined that construction of the trail would jeopardize the plant's existence in the area.

The effect on nesting raptors is a potentially significant impact that is reduced to a less-than significant level by implementation of the following mitigation measures:

- A qualified biologist shall conduct a pre-construction raptor survey to determine if the potential raptor nest site located approximately 70 feet from the proposed trail alignment is occupied.
- If an active raptor nest is found, the proposed trail alignment will be changed to establish a buffer of at least 100 feet from the tree containing the nest.
- If it is not feasible to delay or modify construction activities around the tree, the CDFG shall be contacted to discuss alternative buffer options.

The effect of the fence along the northern portion of the Tutuer ranch property is a potentially significant impact to wildlife movement that is reduced to a less-than-significant level by implementation of the following mitigation measure:

- All property-line fencing shall be limited to barbed wire or other similar fencing that does not restrict the movement of terrestrial wildlife.

Although it is anticipated that approximately six small trees will need to be removed to construct the trail, unexpected obstacles may be encountered during trail construction that would require removal of a small number of larger trees. Tree removal is a potentially significant impact, which is reduced to a less than significant level by implementation of the following mitigation measures:

- No activities that might cause damage to the root systems by earth-moving equipment shall be allowed.
- Temporary flagging or staking shall be placed around those trees that are near the trail but not proposed for limb removal. No disturbance shall occur within the designated protective zone for the duration of the project.
- If any native oak or bay tree(s) larger than 6 inches in diameter at breast height are removed, compensatory tree replacement shall be provided and the planted trees shall be maintained and monitored for five years from the time of planting. Contingency measures shall be implemented, if necessary, to achieve the specified success for oak or bay reestablishment during a five-year monitoring period.

Archeological/Historical Resources

There is a high possibility that subsurface historic deposits may exist within the corridor, as archaeological sites may be buried with no surface manifestation. This would be a potentially sig-

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nificant impact, which is reduced to a less-than significant level with implementation of the following mitigation measures.

- If concentrations of prehistoric or other historic-period materials are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted until the services of a qualified archaeologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).
- Mitigation measures identified by an archeologist shall be implemented in accordance with Section 15064.5(c)(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.

Construction of the proposed trail would be a potentially significant impact to an archaeological resource pursuant to §15064.5, which is reduced to a less-than-significant level with implementation of the following mitigation measures.

- Further study shall be conducted to more accurately determine the boundaries and nature of cultural resources and to evaluate them in accordance with the criteria of the California Environmental Quality Act Guidelines and the California Register of Historical Resources.
- Use of the area near identified archeological resources shall be monitored by trail personnel to prevent disturbance of the site and to quickly identify disturbance and take immediate measures to protect the site should disturbance occur.

The evidence of historic and prehistoric activity at the project site indicates that human remains could be encountered during project construction. This is a potentially significant impact, which is reduced to a less-than significant level with implementation of the following mitigation measure.

- In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

Conservancy staff recommends that the Conservancy approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project. Staff also recommends that the Conservancy find that the project, as mitigated, avoids, reduces, or mitigates the possible effect to a level of insignificance; that there is no substantial evidence that the project, as revised, may have a significant effect on the environment; that the proposed Negative Declaration reflects the Conservancy's independent judgment and analysis; and that there is, on the basis of substantial evidence, no evidence before the Conservancy that the project will have a potential adverse effect on wildlife resources as defined under Cal. Fish and Game Code Section 711.2 and 14 Cal. Code of Regulations Section 753.5(d).

Upon approval, staff will file a Notice of Determination for the project.