

COASTAL CONSERVANCY

Staff Recommendation
December 2, 2010

TOLAY LAKE MASTER PLAN

Project No.: 10-031-01
Project Manager: Deborah Hirst

RECOMMENDED ACTION: Authorization to disburse up to \$300,000 to Sonoma County Regional Parks to complete analysis, planning and final preparation for the Tolay Lake Regional Park Master Plan to improve resource management and public access in southwestern Sonoma County.

LOCATION: Southern foothills of the Sonoma Mountains, between the cities of Petaluma and Sonoma, north of Highway 37 in southern Sonoma County (see Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Tolay Lake Regional Park Photographs](#)
 - Exhibit 3: [Tolay Lake and Tolay Creek Maps](#)
 - Exhibit 4: [Project Letters](#)
-

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement to Sonoma County Regional Parks of an amount not to exceed three hundred thousand dollars (\$300,000) to complete analysis, planning and final preparation for the Tolay Lake Regional Park Master Plan to improve resource management and public access in southwestern Sonoma County. Prior to the disbursement of any Conservancy funds, the County shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names and qualifications of any subcontractors that it intends to employ for this planning work.”

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 proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on June 4, 2009.
 2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the protection of land and water resources and the recreational goals of the San Francisco Bay Area.”
-

PROJECT SUMMARY:

Staff recommends that the State Coastal Conservancy authorize disbursement of up to \$300,000 to Sonoma County Regional Parks (SCRCP) to complete analysis, planning and final preparation for the Tolay Lake Regional Park Master Plan to improve resource management and public access in southwestern Sonoma County.

The proposed project will enable SCRCP to complete a comprehensive Master Plan for both Sonoma County Regional Parks’ 1,737 acre Tolay Lake Regional Park and Sonoma Land Trust’s adjacent 1,665 acre Tolay Creek Ranch (see Exhibits 1 and 2). The Sonoma County Agricultural Preservation and Open Space District (SCAPOS) purchased Tolay Lake Ranch in 2005 for \$18 million with \$2 million in Conservancy support, and transferred the property to SCRCP for operation as a regional park. The Sonoma Land Trust (SLT) purchased the adjacent property (formerly Roche Ranch) in 2007 for \$13 million with \$3 million in support from the Conservancy, and anticipates transferring the property to SCRCP for long-term ownership and management as a part of Tolay Lake Regional Park. The transfer to SCRCP is expected to take place once the full Master Plan and targeted SLT restoration projects are completed.

The Master Plan for the combined property will provide recommendations for habitat restoration focusing on the restoration of a higher water level for Tolay Lake, closer to its historic lakebed level, and restoration of the four and a half miles of Tolay Creek on what will be a 3,402-acre regional park. The Master Plan will include recreational improvement recommendations for multi-use and hiking-only trails; a park center that may include an interpretive center and educational facilities; equestrian facilities; as well as improved restrooms and parking. The Plan will define the anticipated equestrian concession and provide resource management recommendations for continued use of cattle and improvements in fencing, boundaries and exclusion zones. In addition the Plan will provide recommendations for the protection and interpretation of the significant cultural and historical resources of the property. Current access to the park is restricted to a limited number of days per year and a permit program under the 2008 *Tolay Lake Regional Park Interim Access and Management Plan (Interim Plan)*. SCRCP’s highly popular youth education program can only be offered two days a week under the *Interim Plan* though the program calendar is immediately “sold out” each year due to high demand. SCRCP will be able to offer greater access to Tolay Lake Regional Park after the completion of the Master Plan.

Tolay Lake and Tolay Creek habitat types have been identified as significant for regional conservation in multiple plans over the past decades. The Sonoma County Agricultural Preservation and Open Space District’s *Connecting Communities and the Land* (2006) and *Acquisition Plan* (2000) provide goals for conservation, preservation of a greenbelt between and around urban areas for open space and agriculture, public access, and protection of natural resources of biological significance. Among the priority areas identified in the SCAPOS plans

are the Sonoma Baylands where the Tolay Lake Regional Park and Tolay Creek Ranch are located. San Francisco Bay Joint Venture's *Restoring the Estuary: An Implementation Strategy for the SFBJV* (2001) identifies goals for the restoration of specific habitat types including riparian areas and seasonal freshwater wetlands that are represented at Tolay Lake. Similarly, *The Baylands Ecosystem Habitat Goals Report* (1999) includes specific recommendations for the protection and restoration of Tolay Creek, the establishment of seasonal pond habitat and the enhancement of marsh/upland transition areas. The *1989 Sonoma County General Plan Open Space and Resource Conservation* elements include the protection of wildlife and biotic habitat and the creation of a county park system for outdoor recreation as priorities. Moreover, a General Plan Consistency Determination was issued for the acquisition of Tolay Lake in 2004 and funds to support the acquisition of Tolay Creek Ranch were approved by the Sonoma County Board of Supervisors in 2007. The vision for Tolay Lake Regional Park includes links from the Tolay Lake property to protected lands from the foot of Sonoma Mountain to San Pablo Bay.

SCRP has secured over \$1 million in local, state and private funds to carry out considerable planning work to produce the *Tolay Lake Regional Park Interim Access and Management Plan* (2008) and has completed nearly \$500,000 in interim public access improvements since the Tolay Lake Ranch acquisition in 2005. Studies have already begun that will contribute to the master planning process. These include habitat and bird surveys, rangeland assessments, cultural resource inventories, preliminary lakebed restoration alternative work and investigation of the water rights permitting process and related lakebed restoration issues. SLT has also begun priority restoration work identified in the *Tolay Creek Riparian Enhancement Plan* (2009), which they have completed since acquiring Tolay Creek Ranch in 2007 (See Exhibit 3).

The proposed project will combine existing data with specific information from the completion of a building reuse study, a septic system capacity evaluation, a traffic and road design study, additional cultural resource inventory work and further development of lakebed restoration alternatives. The proposed project will develop management recommendations and, through a public process, finalize five Master Plan components: 1) Habitat Restoration and Enhancement, 2) Cultural Resource Conservation, 3) Recreation, 4) Open Space Protection and 5) Environmental, Cultural, and Agricultural Study and Education. SCRP is prepared to complete the Master Plan by December 2012 for consideration by the County Board of Supervisors

To reach this goal, SCRP has identified \$166,500 in County Park Mitigation Funds for the project. Additionally, SCRP has received a commitment from the Sonoma County Parks Foundation for an additional \$43,000 for the development of the Master Plan. SCRP and Conservancy staff have been in communication with SCAPOSD to explore potential for planning support, at this time SCAPOSD is only in a position to discuss possible future planning funds for the Master Plan's environmental review or the perfection of the water right for Tolay Lake should sales tax revenues move back toward pre-recession levels or other allocations be reconsidered. Without the proposed support from the Conservancy, the scarcity of funding for planning purposes would delay the completion of the Master Plan and potentially jeopardize the senior position the County holds in the backlog of permit applications for water rights, a right which will be necessary to restore a more historic lakebed level for habitat purposes.

Site Description: The proposed project is located in southwestern Sonoma County roughly equidistant from the towns of Sonoma and Petaluma and within 15 miles of both Napa and Marin

counties. This rural area holds a highly appealing character with gently rolling hillsides dotted with family farms, vineyards, woodlands, small residential communities, and low-lying areas of wetland and San Pablo Bay shoreline. Travel through the area takes tourists and locals along narrow two-lane roads that meander through the countryside connecting small town historic districts and the area's network of protected open spaces.

The Tolay Lake Master Plan project area includes Sonoma County Regional Parks' 1,737-acre Tolay Lake Ranch and Sonoma Land Trust's 1,665-acre Tolay Creek Ranch property, both of which are outstanding examples of the upland habitat and riparian corridors characteristic of Bayside Sonoma County. Together the properties contain four and a half miles of Tolay Creek itself. Sweeping views from the highest points of the properties take in Mt. Tamalpais, Mt. Diablo, Mt. St. Helena, the Petaluma River basin, San Pablo and San Francisco bays, the Golden Gate and Bay bridges and the skylines of both Oakland and San Francisco.

The defining resource of the property, Tolay Lake is the single largest natural body of freshwater in the San Pablo Bay watershed. Today covering 200 acres, the ancient sedimentary lake extended over 300-400 acres in size before it was diked and drained for agricultural purposes in the late 1800's. The lake provides refuge for migratory waterfowl and planning to restore the lake's year-round water level is a key component of the proposed project. Feeding from Tolay Lake, two miles of Tolay Creek are contained on SCRCP's property and two and a half miles on SLT's property as the creek moves south toward San Pablo Bay. Despite historic impacts such as channel incision, bank erosion, loss of riparian vegetation and invasion of non-native plants, the properties' riparian areas, seasonal ponds, freshwater marshes, unique marsh grasslands, open meadow and oak woodlands still provide diverse habitat that support bird species such as egrets, raptors, rails and song birds. Special status species found on the property include White Tailed Kite, California Horned Lark, Golden Eagle, Northern Harrier, Burrowing Owl, Red-legged Frog, Western Pond Turtle, Callippe Silverspot Butterfly, Myrtle's Silverspot Butterfly and Opler's Longhorn. Sensitive plant species such as Lobb's Aquatic Buttercup, Marin Dwarf Flax and California Golden Violet also contribute to the biological diversity and value of the property.

Project History:

The Sonoma County Agricultural Preservation and Open Space District purchased the Tolay Lake property in 2005 with \$18 million in funding from multiple agencies, foundations and private donors. The Conservancy contributed \$2 million to the acquisition, which was completed to prevent development of 15 certificates of compliance and permanently protect the significant natural, cultural and open space values of the property. SCAPOSD transferred the property to SCRCP for long-term ownership and operation as a regional park.

Sonoma Land Trust acquired the Tolay Creek Ranch in 2007 with \$13 million in funding from multiple public and private sources, including \$3 million from the Conservancy. As described on the Sonoma Land Trust website, the acquisition of the 1,665-acre Tolay Creek Ranch completed the protection of a habitat corridor extending from the wetlands fringing San Pablo Bay to the foothills of Sonoma Mountain. The Tolay Creek Ranch was one of the last remaining opportunities in the Bay Area to protect a freshwater-to-salt-marsh ecosystem and includes two and a half miles of Tolay Creek, which flows into San Pablo Bay. This acquisition adds to SLT's extensive holdings in the Baylands region and brings the connected open space along San Pablo

Bay to more than 20,000 acres. SLT plans to transfer the Tolay Creek Ranch to SCRCP within the next three to five years and is working closely with SCRCP to coordinate the research and restoration recommendations that will be incorporated into the Tolay Lake Master Plan covering both properties.

Prior to European contact, the entire watershed and the marshlands on the northern edge of San Pablo Bay supported a population center for the Alaguali people, related to the Coast Miwok. Evaluation of thousands of charmstones found in the historic lakebed reveal their rock origins can be traced back to a wide range of California regions. Current historical interpretation and oral history suggest tribes traveled from great distances to gather at Tolay Lake and perform spiritual or medical rituals that involved throwing the rock charmstones they brought from their home areas into the water. Beginning in 1834, the entire area between the Petaluma River and Sonoma Creek from the Bay to approximately present day Glen Elen was given to General Vallejo through Mexican Land Grants. Vallejo subdivided the property into smaller ranch holdings as a result of political changes and the economic decline of the Rancho in the 1860s. By the late 1800s, Tolay Lake was drained to cultivate crops in its rich alluvial lakebed soils. Much of the area's history is preserved along with the historic Petaluma Adobe ranch house built by Vallejo that lies a few miles northwest of former village sites at Tolay Lake. As described in the 2005 staff recommendation for the acquisition, the Tolay Lake property was owned by a single ranching family from the 1940s through 2005, with a brief sale to and return from a failed development company in the 1960s.

Today, the level of public access allowable under the *Tolay Lake Regional Park Interim Access and Management Plan* has been reached and current educational programs for children two days a week are immediately "sold out" due to the high demand for access and limits on available space. Development of the Master Plan will enable greater access for cultural interpretation and education; fuller use of the recreational potential of Tolay Lake Regional Park, and more extensive restoration and enhancement of the property's diverse natural resources. Sonoma County Regional Parks is ready to complete the proposed project, should the funding be approved by the Conservancy.

PROJECT FINANCING

Coastal Conservancy	\$300,000
Sonoma County Regional Parks	\$166,500
Sonoma County Regional Parks Foundation	<u>\$ 43,500</u>
Total Project Cost	\$510,000

The anticipated source of Conservancy funds is the fiscal year 2009/10 appropriation to the Conservancy from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84). These funds are available for all the purposes of the San Francisco Bay Area Conservancy Program and are appropriate for use in support of the Tolay Lake Regional Park Master Plan for public access and habitat resource management. SCRCP anticipates matching Conservancy funds by 42% with Park Mitigation Fees and private donations.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, to address resource and recreational goals in the San Francisco Bay Area.

Pursuant to Section 31162(a) of the Public Resources Code, the Conservancy may award grants in the nine-county San Francisco Bay Area that will help to improve public access to, within, and around urban open spaces, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. Consistent with Section 31162(a), the proposed project will enable a local government to plan for improved public access for recreation. The proposed project, which involves study, analysis and planning activities only, will be designed to not have a significant impact on environmentally sensitive areas or wildlife.

Pursuant to Section 31162(b) of the Public Resources Code, the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project will provide recommendations and goals for the enhancement and restoration of four and a half miles of riparian corridor as well as the largest natural freshwater body in the San Pablo Bay watershed.

In addition, consistent with Section 31162(d) of the Public Resources Code, which authorizes projects that promote assist and enhance open space and natural areas that are accessible to urban populations for recreational and educational purposes, the project will provide plans to improve open space and a natural area that is accessible to the urban population of the San Francisco Bay Area for recreational and education purposes.

The proposed 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 plans including the Sonoma County Agricultural Preservation and Open Space District's *Connecting Communities and the Land* (2006), San Francisco Bay Joint Venture's *Restoring the Estuary: An Implementation Strategy for the SFBJV* (2001), *The Baylands Ecosystem Habitat Goals Report* (1999), and the *1989 Sonoma County General Plan*.
- (2) The project serves a regional constituency by contributing toward the completion of a regional trail system in the San Francisco Bay Area.
- (3) The project can be implemented in a timely manner, as the authorization supports a high priority project identified by SCRP.
- (4) The project provides benefits that could be lost if the project is not quickly implemented as the senior position held in the water right backlog is timely and limited public access on the property cannot be enhanced without completion of the proposed project.
- (5) The proposed project leverages matching funds from both Sonoma County Regional Parks and the Sonoma Parks Foundation.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 10, Objectives E and G** of the Conservancy's 2007 Strategic Plan, the proposed project will develop restoration plans for upland and riparian habitat.

Consistent with **Goal 11, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will enable the completion of a Master Plan that provides for recreational facilities.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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:** See the "Project Financing" section above.
3. **Support of the public:** The proposed project has strong support from elected officials including Congresswoman Woolsey, State Senator Wiggins, State Senator Leno and Assemblyman Huffman. See project letters in Exhibit 4.
4. **Location:** Tolay Lake Regional Park and Sonoma Land Trust's Tolay Creek Ranch are adjacent properties located in southwest Sonoma County between the towns of Petaluma and Sonoma, north of San Pablo Bay.
5. **Need:** Without Conservancy support for the proposed project, SCRCP will be unable to provide public access beyond the limited amount allowable under the *Tolay Lake Regional Park Interim Access and Management Plan* and will be unable to complete the Master Plan for the Tolay Lake and Tolay Creek properties.
6. **Greater-than-local interest:** Tolay Lake and Tolay Creek Ranch draw tourists and visitors from the Bay Area and beyond due, in part, to their proximity to populations in Napa, Sonoma and Marin counties and the greater Bay Area. The historic fall festival and pumpkin sale that continues on the former family ranch annually and the youth education program offered at the site also contribute to the attraction of the public for recreation and outdoor access at Tolay Lake. The San Francisco Bay Area Ridge Trail is a regional trail with potential connection to Tolay Lake.
7. **Sea level rise vulnerability:** Located up Tolay Creek from San Pablo Bay, the elevations of the property range from 100 feet to just under 800 feet. Future actions for improvements to the property that will be planned through the proposed project are unlikely to be vulnerable to projected sea level rise of 16 inches by year 2050 or 55 inches by year 2100.

Additional Criteria

8. **Urgency:** The proposed project will address the currently limited public access at Tolay Lake Regional Park and Tolay Creek Ranch. Without the proposed project, improvements for recreation, lake and habitat restoration and park management cannot be completed and the County may risk their senior position in the backlog for water right permit processing necessary for lakebed restoration.

9. **Leverage:** See the “Project Financing” section above.
10. **Readiness:** Sonoma County Regional Parks is ready to complete the proposed project, and has identified County and private funding to support completion of the project.
11. **Realization of prior Conservancy goals:** See “Project History” above.
12. **Cooperation:** Sonoma County Regional Parks and the Sonoma Land Trust are working cooperatively to develop knowledge and recommendations for the management of resources on their adjacent properties. The project also enjoys the support of public agencies involved with the original acquisitions of these significant regional properties.

COMPLIANCE WITH CEQA:

California Code of Regulations title 14, section 15262 states that a project involving only feasibility or planning studies for possible future actions that have not yet been approved does not require the preparation of an Environmental Impact Report (EIR) or negative declaration but does require the consideration of environmental factors. The proposed project consists of planning studies and analysis for the development of a park master plan with recommendations for possible future action that has not yet been funded by the Conservancy (or approved by any other public entity). Accordingly, the proposed project does not require preparation of an EIR or negative declaration. There are no actions associated with the proposed project that raise environmental considerations. Upon approval, staff will file a Notice of Exemption for the project.