

COASTAL CONSERVANCY

Staff Recommendation
February 2, 2023

Finley Road Ranch Acquisition

Project No. 22-073-01
Project Manager: Marilyn Latta

RECOMMENDED ACTION: Authorization to disburse up to \$7,000,000 to East Bay Regional Park District to acquire the 768-acre Finley Road Ranch Property in Contra Costa County for purposes of protecting, restoring, and enhancing natural and scenic resources, including wildlife corridors and habitat; improving landscape resilience related to climate change; preserving open space; providing public access and recreational use compatible with the protection, restoration, and enhancement of natural and scenic resources; and providing a public entry staging area for parks on the southern side of Mount Diablo.

LOCATION: Off Finley Road, near the City of San Ramon in unincorporated Contra Costa County

EXHIBITS

- Exhibit 1: [Project Location and Site Maps](#)
 - Exhibit 2: [Photos](#)
 - Exhibit 3: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed seven million dollars (\$7,000,000) to East Bay Regional Park District to acquire the 768-acre Finley Road Ranch Property ("Property") in Contra Costa County (Contra Costa County's Assessor's Parcel Nos. 220-040-002-2, 220-100-002-9, 204-030-003-6 (portion), 204-050-002-3 (portion)) depicted in Exhibit 1 to the accompanying staff recommendation for purposes of protecting, restoring, and enhancing natural and scenic resources, including wildlife corridors and habitat; improving landscape resilience related to climate change; preserving open space; providing public access and recreational use compatible with the protection, restoration, and enhancement of natural and scenic resources; and providing a public entry staging area for

parks on the southern side of Mount Diablo. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental and hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.
3. The Property shall be managed, operated, and used for the protection, restoration, and enhancement of natural and scenic resources, including wildlife corridors and habitat; landscape resilience related to climate change; open space; and public access and recreational use compatible with the protection, restoration, and enhancement of natural and scenic resources. The Property shall be permanently dedicated to those purposes through an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property or in a nearby publicly viewable area, the design and location of which are to be approved by the Executive Officer.

Findings:

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

1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code, regarding addressing the impacts and potential impacts of climate change on resources within the Conservancy’s jurisdiction.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy disburse up to \$7,000,000 to the East Bay Regional Park District (Park District) to acquire the 768-acre Finley Road Ranch Property (the Property) in the southeast Mount Diablo region (see Exhibit 1, Figure 1) for purposes of protecting, restoring, and enhancing natural and scenic resources, including wildlife corridors and habitat; improving landscape resilience related to climate change; preserving open space; providing public access and recreational use compatible with the protection, restoration, and enhancement of natural and scenic resources; and providing a public entry staging area for parks on the southern side of Mount Diablo. Finley Road Ranch is the largest remaining undeveloped landscape on the

southern side of Mount Diablo State Park (Mt Diablo SP) leading into the Riggs Canyon area of the park. Riggs Canyon represents a relatively unknown and underutilized access point into Mt Diablo SP, Morgan Territory Regional Preserve (Morgan Territory), and adjacent regional parklands. Mt Diablo SP includes approximately 20,000 acres and Morgan Territory includes 5,321 acres, and both provide a substantial network of protected lands in this area. In September 2021, the landowners approached the Park District about a potential purchase, as acquisition of the 768-acre Finley Road Ranch Property (the “project”) will preclude potential development of a subdivision and residential homes and add to this protected open space landscape, providing a buffer against any future urban development to the south. It will also provide an ideal site for a future staging area and create a regional trail link, greatly increasing much-needed access from the southern side of Mt Diablo SP and Morgan Territory and achieving a decades-long goal of improving public recreational access into this area (See Exhibit 1, Figure 2). This acquisition will protect the natural resources and wildlife corridors on the Property, including a range of habitats such as a riparian corridor and pond habitat, grasslands, chaparral, and oak woodlands. The acquisition of this open space will buffer the network of protected lands to the north along with the Park District’s Round Valley Regional Preserve and Contra Costa Water District’s Los Vaqueros watershed further north and east; and protect the Tassajara Creek wildlife corridor by preventing development and fragmentation within this corridor.

The Park District first identified the need for a staging area in this area in the 1990s when it acquired the nearby Mariani property that was subsequently transferred to State Parks as a 560-acre addition to Mt Diablo SP. Currently, the closest access into Riggs Canyon is via a walk-in trailhead entrance with no parking at the northern end of Finley Road. Limited informal parking can be found along the shoulder of Finley Road a half-mile or further from the trailhead entrance. This limits access to those able to navigate a long walk or ride on the road before reaching the trailhead. Consequently, the trailhead generally serves only nearby communities in the vicinity of Tassajara Valley. The Finley Road Ranch Property has a broad plain adjacent to Finley Road which can be developed into a staging area with ample parking for vehicles, bicycles, and horse trailers. A staging area at this location will greatly improve recreational access into the southern reaches of the state and regional parkland complex for a broader group of users, benefiting the entire region including the communities of Dublin, Livermore, San Ramon, and the entire East Bay. The Property will provide an important link in the Park District’s Tassajara Creek Regional Trail, which once fully developed will connect the Dublin-Pleasanton Bay Area Regional Transit station to Mt Diablo SP.

The Property’s existing network of ranch roads can be converted into trails with minimal impact to existing resources, and the flat area identified for a future staging area is located away from any riparian corridor. This Property itself has never before been open to the public and can be developed to offer short loop trails as well as regional trail connections into adjacent state and regional parklands. This will provide a range of recreational trail opportunities and furthering the Park District’s role as the largest regional park district in the nation and a national leader in the worldwide “Healthy Parks Healthy People” initiative that encourages healthy active fun in the outdoors while appreciating and taking care of parks and open space areas.

In addition to the public recreational access opportunities afforded by this project, the Property is also potential habitat for at least seven threatened and endangered species. The Property contains the headwaters of tributaries to Tassajara Creek, as well as a length of the creek itself. The undisturbed upper reaches of Alamo Creek also flow through the Property. Multiple seasonal ponds on the Property provide additional valuable wetland and riparian habitat. Elevations on the Property range from about 730 feet above mean sea level along Finley Road, rising to 1,425 feet at its highest elevations at the upper reaches of the Black Hills flanking Mount Diablo. Protected corridors of elevation gradients are important as species adapt to climate change and adjust their ranges.

Once acquired, the Property will be placed into “Land Bank” status until a public access plan can be developed and the site can be made safe and suitable for opening to the public. The Park District employs a conservation management approach to grassland habitats and uses carefully implemented grazing plans to manage for invasive species, promote diverse grassland habitat, and reduce fire risk, and will apply this management approach to the Property. Once the Property is acquired, an initial assessment will identify any immediate or near-term measures needed for safety and to secure the site, such as any additional fencing or gates. Park District vegetation management staff will assess the Property to create a grazing plan in line with Park District policies and stewardship objectives. Stewardship staff will assess habitat health to determine resource management needs. Community outreach, including engagement with Tribes, will take place during the planning process in advance of opening the Property to public access and use. The Park District’s Cultural Resources Coordinator will lead discussions with local Tribes at that stage.

In addition to applying natural resource best management practices, Park District staff will initiate the planning process post-acquisition to develop a staging area and trail network for the Property, utilizing existing ranch roads where possible to minimize impact to natural resources. Alternate or additional trail routes will be considered and evaluated if needed to reduce erosion or otherwise improve trail placement and design.

Site Description: The 768-acre Finley Road Ranch Property is located west of Finley Road, just south of Mt Diablo SP. It is north of the community of Tassajara and immediately east of the community of Blackhawk, and a short drive from other nearby communities including San Ramon, Danville, Dublin, Pleasanton, and Livermore.

EBRPD, California State Parks and the non-profit organization Save Mount Diablo have partnered over the years to protect over 3,300 acres in the vicinity of Riggs Canyon through seven different land acquisitions but have not yet acquired a suitable site for constructing a staging area to improve access into the area.

The Property contains stunning landscapes that include a broad valley amphitheater with gently rolling topography in the center of the property, rising steeply into the Black Hills which form the southern flank of the state park and are characterized by wind caves and very high biodiversity. The Property offers rolling grassland hills in the lower elevations, steeply sloping hillsides blanketed by chaparral in the upper elevations, numerous seasonal ponds, riparian

corridors, and other habitats benefiting seven rare and endangered species. Together with Mt Diablo SP, this Property protects the headwaters and tributaries of Tassajara Creek and encompasses all of the undisturbed upper reaches of Alamo Creek. Located along the west side of Finley Road before its terminus at the Old Finley Road Trailhead, the Property is one of the largest remaining intact open space landscapes adjacent to the Mt Diablo SP. Protecting this Property as open space will serve to strengthen connectivity along the important Diablo Range wildlife corridor.

The Property has been operated as a private ranch since the area was first homesteaded in the 1800's. The entirety of the Property is an undeveloped open space landscape with only minimal infrastructure related to its use for cattle ranching, including cattle watering infrastructure, a corral, and fencing. The current owners of the Finley Road Ranch Property have owned and operated it as a family ranch since the early 1900s and the Property is currently lightly grazed.

Grant Applicant Qualifications: The Park District owns and manages over 125,000 acres of land and this Property is planned to be folded into the operations and management regime of the Park District's nearby Morgan Territory Regional Preserve. The Park District has an outstanding performance history in executing hundreds of grant-funded projects with the State Coastal Conservancy and other state agencies over the past 30+ years. The Park District's grants department focuses on meeting all post award requirements including timely submission of project status reports and payment requests. The Park District also has a dedicated land acquisition team, with decades of experience in negotiating and closing land acquisition projects. Following the acquisition of the Property, Park District staff involved in park planning, trails development, park infrastructure design and construction, natural resource management, and park operations will be involved in incorporating the Property into the larger park system and creating a work plan for the development of a staging area and trail network. Additionally, the Park District has a Trail Users Working Group made up of staff and members of the public that provides feedback on trail planning and design to balance accessibility and the needs of different user groups with natural resource conservation and other considerations.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed project to acquire the 768-acre Finley Road Ranch Property is a good investment of state resources because it will contribute to meeting the state's biodiversity and equitable

outdoor access goals as outlined in the Strategic Land Acquisition section of the Governor’s 30 x 30 Executive Order. It will also result in access to a site that has been an important priority for EBRPD and local partners for more than 25 years.

3. Project benefits will be sustainable or resilient over the project lifespan.

The proposed project will permanently protect the Property from development, protecting the wildlife corridor connecting the Mt Diablo SP and Morgan Territory open space areas and habitats for threatened and sensitive species, and preventing greenhouse gas emissions. The project will deliver long-term benefits, including carbon sequestration by preserving oak woodlands and improved public access for the Bay Area region.

4. Project delivers multiple benefits and significant positive impact.

The proposed project will deliver multiple benefits including: 1) permanently protecting the Property from development, thereby protecting the wildlife corridor connecting the Mt Diablo SP and Morgan Territory open space areas and habitats for threatened and sensitive species; 2) improving climate resilience because of the accessible microhabitats created by landscape permeability and diverse topography; 3) and providing public access to a highly scenic, open-space resource of regional importance in the Bay Area.

5. Project planned with meaningful community engagement and broad community support.

EBRPD’s plans for a staging area to provide better access into the Riggs Canyon area of Mt Diablo SP and Morgan Territory date back to the 1980s. The 1989 General Plan for Mt Diablo SP references the need for a staging area in the vicinity of Finley Road and identifies the need for additional land acquisition to accomplish this goal. The Park District and State Parks partnered on the acquisition of the 560-acre Mariani property to the north of Finley Road Ranch. One of the stated goals of that acquisition was the development of a staging area on site to provide convenient public recreational access into the park. The property was acquired by the Park District and transferred to State Parks in 1993, but site constraints on the property led to a determination that developing this access would have too great of an impact on Tassajara Creek. Public outreach was conducted as part of the acquisition process at that time, and as part of the Park District Interim Land Use Plan for Morgan Territory Regional Preserve in 1992.

Save Mount Diablo, a nationally accredited land trust and conservation organization established in 1971 with a mission to preserve the remaining natural lands on and around Mount Diablo, has expressed its enthusiastic support of the proposed acquisition for its habitat and recreational value. Save Mount Diablo has emphasized the historic context of the proposed acquisition in relation to seven prior conservation acquisitions in Riggs Canyon over the past decades and has echoed the need for a staging area and trail connection serving the southeast side of Mt Diablo SP. Due to the sensitive nature of real estate negotiations, broader public outreach regarding trail design and other access considerations will not commence until after the Property is acquired.

PROJECT FINANCING

Coastal Conservancy

\$7,000,000

Other non-state funds	\$4,300,000
Project Total	\$11,300,000

Conservancy funds are anticipated to come from two sources. The first is from FY 21/22 and 22/23 appropriations to the Conservancy from the “California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018” (Prop 68, Public Resources Code Division 46, Chapters 1-13, Sections 80000- 80173). In particular, Chapter 10 of Prop 68 allocates funds to the San Francisco Bay Area Conservancy Program for projects to improve a community’s ability to adapt to the unavoidable impacts of climate change; improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat; develop future recreational opportunities; or enhance drought tolerance, landscape resilience, and water retention. (Pub. Res. Code sections 80130 and 80133(b)).

The recommended project is within the San Francisco Bay Area Conservancy Program. The project purpose is, among other things, to protect wildlife corridors and habitat; develop future recreational opportunities; and enhance landscape resilience. The recommended project is therefore consistent with the intended funding source.

The proposed project was selected through a competitive grant process under the Conservancy’s “Proposition 68 Guidelines San Francisco Bay Area Conservancy Program - Climate Adaptation Funds” adopted August 22, 2019. The proposed project meets the evaluation criteria in the Proposition 68 Guidelines as described in detail in this section, the “Project Summary” section above, and in the “Consistency with Conservancy’s Project Selection Criteria” section above.

The second source is the FY 2022/23 appropriation from the General Fund to the Conservancy for the purpose of climate resilience (The Budget Act of 2022, SB 154). These funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the climate resilience funds. The proposed project is consistent with this funding source because it is within the San Francisco Bay Area Conservancy Program.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is being undertaken pursuant to Chapters 3 (regarding the Climate Ready Program) and 4.5 (regarding the San Francisco Bay Area Conservancy) of Division 21 of the Public Resources Code.

Chapter 4.5 authorizes the Conservancy to undertake projects in the nine-county San Francisco Bay Area to help achieve regional public access and resource protection goals. Consistent with Section 31162(a), the proposed project will improve public access to Mt Diablo SP and Morgan Territory, including by providing a possible future site for a park staging area. Consistent with Section 31162(b), the project will protect natural habitat, wildlife corridors, and open-space resources of regional importance by preventing residential development on a large tract adjacent to existing parklands.

The proposed project satisfies the priority criteria listed in Section 31163(c). It will serve a regional constituency by improving public access to Mt Diablo SP and Morgan Territory for people throughout the East Bay. Acquisition will occur shortly after Conservancy authorization, and the Park District will begin the planning process for future public access and trail development soon. If the acquisition does not occur, the opportunity to preserve the property as open space and develop a new staging area will likely be lost. Finally, the Park District will provide additional funding for the acquisition from its own funds and from a California State Parks grant.

Chapter 3 authorizes the Conservancy to address the impacts and potential impacts of climate change on resources within the Conservancy's jurisdiction (Section 31113(a)). The recommended project will address resources within the Conservancy's jurisdiction because it will be undertaken within Contra Costa County, one of the nine counties of the San Francisco Bay Area (Chapter 4.5 of Division 21 of the Public Resources Code).

Section 31113(b) authorizes the Conservancy to award grants to nonprofit organizations and public agencies to undertake projects that include reducing greenhouse gas emissions and addressing extreme weather events, sea level rise, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources. Consistent with this section, the recommended project will reduce greenhouse gas emissions by preventing development on the property and protecting the Property's natural resources.

Section 31113(c) states that the Conservancy must prioritize grants for projects that maximize public benefits and have one of several purposes, including reducing emissions of greenhouse gases, preserving and enhancing natural lands, conserving biodiversity, and providing recreational opportunities. Consistent with this section, the recommended project maximizes public benefits (see the "Consistency with Conservancy's Project Selection Criteria" section above) and reduces greenhouse gas emissions associated with development, preserves the Property's rich ecological resources including prime oak woodland, grassland, and riparian habitats, conserves biodiversity, and provides recreational opportunities by improving connectivity to protected lands.

Section 31113(d) states that the Conservancy shall prioritize projects that use natural infrastructure and provide multiple public benefits. Consistent with this section, the recommended project will provide multiple benefits as described in the Project Selection Criteria section above.

CONSISTENCY WITH CONSERVANCY'S 2023-27 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with Goal 2 Enjoy the Coast, Objective 2.4 Build Trails, the proposed project will complete an acquisition that will increase the amount of land accessible to the public, provide additional trails and viewpoints, and increase access to Mt Diablo SP and Morgan Territory. Consistent with Objective 2.5 Enhance Recreational Amenities, the proposed project will include parking and staging areas.

Consistent with Goal 3 Protect and Restore the Coast, Objective 3.1 Conserve Lands, the proposed project will protect resource lands and increase habitat connectivity of natural habitats including a riparian corridor and pond habitat, grasslands, chaparral, and oak woodlands. Consistent with Objective 3.2 Restore and Enhance Habitats, the proposed project will support wildlife corridors.

Consistent with Goal 4 Climate Ready, Objective 4.3 Multi-benefit Nature-based Climate Adaptation, the proposed project will protect wildlife corridors important to climate change resilience, sequester carbon, and promote biodiversity. The project will also provide a buffer against additional development and prevent increased greenhouse gas emissions.

CEQA COMPLIANCE:

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code of Reg. Section 15313, which exempts acquisitions of property for purposes of preserving fish and wildlife habitat; Section 15316, which exempts acquisitions for purposes of establishing a park where no management plan has been prepared yet; and Section 15325, which exempts acquisitions for purposes of preserving open space and the existing natural conditions of the property, including plant and animal habitats. The proposed project will preserve the existing natural conditions and habitats of the Property, and a management plan for the Property has not yet been prepared.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.