

COASTAL CONSERVANCY

Staff Recommendation
February 15, 2024

FRANKLIN CANYON KENNETH GERLACK PRESERVE

Project No. 23-069-01
Project Manager: Mark Kalnins

RECOMMENDED ACTION: Authorization to disburse up to \$1,230,000 to John Muir Land Trust to acquire the approximately 100-acre Kenneth Gerlack Preserve Property in Contra Costa County for the protection, restoration, and enhancement of natural and scenic resources and wildlife corridors; and, to the extent compatible with the aforementioned purposes: public access, including a segment of the Bay Area Ridge Trail, and California Native American tribal cultural uses.

LOCATION: 0 Dutra Road, Contra Costa County

EXHIBITS

Exhibit 1: [Project Location and Site Maps](#)

Exhibit 2: [Photos](#)

Exhibit 3: [Project Letters](#)

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 one million two hundred thirty thousand dollars (\$1,230,000) to John Muir Land Trust to acquire the approximately 100-acre Kenneth Gerlack Preserve Property (“Property”) in Contra Costa County (Contra Costa County’s Assessor’s Parcel No. 367-020-022), depicted in Exhibit 1 to the accompanying staff recommendation, for the protection, restoration, and enhancement of natural and scenic resources and wildlife corridors; and, to the extent compatible with the aforementioned purposes: public access, including a segment of the Bay Area Ridge Trail, and California Native American tribal cultural uses. 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 and wildlife corridors; and, to the extent compatible with the aforementioned purposes: public access, including a segment of the Bay Area Ridge Trail, and California Native American tribal cultural uses. The Property shall be permanently dedicated to those purposes through an appropriate instrument approved by the Executive Officer.
4. If requested by the Conservancy, the grantee shall permit designation of a segment of the Bay Area Ridge Trail on the Kenneth Gerlack Preserve Property.
5. 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.
3. The John Muir Land Trust is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy disburse up to \$1,230,000 to John Muir Land Trust (JMLT) to acquire the approximately 100-acre Kenneth Gerlack Preserve Property within the Franklin Ridge Wildlife and Trail Corridor, Contra Costa County, for the protection, restoration, and enhancement of natural and scenic resources and wildlife corridors; and, to the extent

compatible with the aforementioned purposes: public access, including a segment of the Bay Area Ridge Trail, and California Native American tribal cultural uses (see Exhibit 1, Maps 1-3).

The Kenneth Gerlack Preserve acquisition continues the Conservancy's support in implementing the long-term landscape-level goal of permanently protecting the entire 10,000-acre Franklin Ridge Wildlife and Trail Corridor in Contra Costa County, an open space area that would otherwise be scheduled for development. Previous Conservancy support helped protect the 80-acre Gustin Ranch, the 660-acre Dutra Ranch, the 700-acre Fernandez Ranch, the 483-acre Franklin Canyon, and the 45-acre West Hills Farm; the Kenneth Gerlack Preserve augments the open space provided by these and two other protected properties (see Exhibit 1, Map 4). Protecting continuous wildlife and habitat corridors is becoming an increasingly essential strategy to address climate change, and the subject property will contribute to California's 30x30 initiative to conserve 30% of California's lands and coastal waters by 2030 given it scores highly on several wildlife corridor indexes. For example, the California Department of Fish and Wildlife's Wildlife Movement Barriers Priorities map shows the Franklin Ridge, including Kenneth Gerlack Preserve, as a unique wildlife corridor connected to 18,000 acres of primarily open space.

Critical segments of the Bay Area Ridge Trail will also be sited on the Kenneth Gerlack Preserve, including a section which is also part of the 50-mile Carquinez Strait Scenic Loop Trail (see Exhibit 1, Map 5). This unique trail experience brings together five regionally significant trails including the Bay Area Ridge Trail, the San Francisco Bay Trail, the Great California Delta Trail, the San Francisco Bay Area Water Trail, and the Juan Bautista de Anza National Historic Trail.

Finally, the acquisition will create connectivity with and outstanding views of public lands in all directions (including the Carquinez Strait Regional Shoreline, Radke Martinez Regional Shoreline, and Briones Regional Park); afford outdoor enjoyment opportunities to the nearby communities of Martinez, Rodeo, Concord, and Pittsburg-Bay Point; and serve as an ecological buffer zone (through biodiversity, fire mitigation, air and water quality) that helps offset the environmental impact of heavy industrial presence in this area of Contra Costa County.

Following acquisition, JMLT will steward the property for the acquisition purposes.

Site Description: The Kenneth Gerlack Preserve is located in an unincorporated agricultural area southwest of Highway 4 and Franklin Canyon Road in northwest Contra Costa County. The Preserve is part of Contra Costa County's Alhambra watershed that drains into the Carquinez Strait, part of the west's largest intertidal estuary where the San Francisco Bay's salt water and fresh water from the Delta combine to support aquatic life. It connects 18,000 acres of open space and associated trail networks. Approximately 75% -80% of the land consists of moderate to steeply sloping terrain. Vegetation consists of grasslands in higher elevations, with oak woodland in steep canyons in the northern and eastern areas of the property. The Preserve is undeveloped and unimproved, consisting of open land for cattle grazing with dirt roads and pasture fencing. A small wooden shed is located near the eastern property line.

The Preserve comprises approximately 100 acres of the Franklin Ridge Wildlife and Trail Corridor, which is integral to the federally-threatened Alameda whipsnake federally-threatened California red-legged frog. Other special status species are: raptors including Cooper's hawk,

golden eagle, ferruginous hawk, and white-tailed kite; and the San Francisco dusky-footed woodrat. Additional special-status animals known to occur in the vicinity and likely on the Preserve based on suitable habitat: western burrowing owl, western bumble bee, pallid bat, Townsend's big-eared bat, hoary bat, big free-tailed bat, American badger, and western pond turtle. Species present that are important for maintaining healthy ecosystems include mountain lion, bobcat, and numerous birds of prey.

Grant Applicant Qualifications: For nearly 35 years, JMLT has acquired and now permanently protects, stewards, and ensures safe public access to more than 3,500 acres in Contra Costa County. JMLT has acquired seven properties on and adjacent to Franklin Ridge since its inception. Staff and volunteers steward all lands for public access and safety (trails, wayfinding, maps), fire resilience (rotating cattle with grazers and fence/gate installation maintenance), and biodiversity (with annual monitoring/reporting). JMLT's Franklin Ridge lands include Mount Wanda and West Hills Farm (conveyed to National Park Service), Stonehurst, Almond Ranch, Sky Ranch, Dutra Ranch, and Gustin Ranch – land totaling more than 1,700 acres. Stewardship of the Kenneth Gerlack Preserve will be consistent with other JMLT lands on Franklin Ridge to support biodiversity, fire resilience, and safe year-round public access.

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 approximately 100-acre Kenneth Gerlack Preserve 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 build on previous State investment, as described in the Project Summary above.

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

The proposed project will permanently protect the property from development and protect and improve critical wildlife and regional trail corridors. Long-term benefits include continued management for biodiversity, wildfire resilience, and safe year-round public access.

4. Project delivers multiple benefits and significant positive impact.

The proposed project will deliver multiple benefits including: 1) permanent protection from development of approximately 100 acres, thereby protecting critical wildlife corridors, open space, and scenic views; 2) management to support biodiversity and wildfire resilience; and 3) expansion of regional public access trails such as the Bay Area Ridge Trail and Carquinez Strait Scenic Loop Trail.

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

To ensure public access for all is shared widely, JMLT will maintain ongoing partnerships with organizations and agencies stewarding connected lands and trail networks as well as conduct digital outreach to share maps and other information with residents of nearby communities, including a specific campaign to reach approximately 30,000 residents of nearby systemically excluded communities. Campaign outreach began in Spring 2023 and included 50,000 current and prospective donors to learn about the Franklin Ridge Expansion (including the Kenneth Gerlack Preserve) and offer the opportunity to support successful acquisition and permanent stewardship.

PROJECT FINANCING

Coastal Conservancy	\$1,230,000
Project Total	\$1,230,000

Conservancy funds are anticipated to come from an FY 2022/23 appropriation from the General Fund to the Conservancy for the purpose of “urgent sea level rise adaptation and coastal resilience needs using nature-based solutions or other strategies” (The Budget Act of 2022, SB 154 as amended by Budget Act of 2023, SB 101). The coastal resilience 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 coastal resilience funds, including projects for the purpose of the San Francisco Bay Area Conservancy Program. The proposed project is consistent with this funding source because it is for climate resilience purposes pursuant to Section 31113 of the Public Resources Code (as discussed in the following section), and is within the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 of Division 21 of the Public Resources Code.

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 Conservancy Program) of Division 21 of the Public Resources Code.

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 oak woodland, grasslands, and wildlife habitat; conserves biodiversity and wildlife corridors; and provides recreational opportunities, including a segment of the Bay Area Ridge Trail.

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 conserve open space, which is one of the meanings of "natural infrastructure" as defined by Section 31113(d)(4), and provide multiple benefits as described in the Project Selection Criteria section above.

As for Chapter 4.5, Section 31162(a) states that the Conservancy may undertake projects and award grants in the nine-county San Francisco Bay Area that will improve access to, within, and around the bay, coast, ridgetops, and urban spaces, consistent with rights of private property owners through completion and operation of regional bay, coast, water, and ridge trail systems. Consistent with this section, the recommended project will improve access to and within regional bay and ridgetop trail systems, including the Bay Area Ridge Trail, Carquinez Strait Scenic Loop Trail, and Franklin Ridge Wildlife and Trail Corridor within Contra Costa County, a San Francisco Bay Area county.

Section 31162(b) states that the Conservancy may undertake projects and award grants that will protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance. Consistent with this section, the recommended project will protect and enhance grasslands and oak woodlands that provide critical linkages and corridors for protected wildlife; implement the long-term landscape-level goal of permanently protecting the entire 10,000-acre Franklin Ridge Wildlife and Trail Corridor in Contra Costa County; and create connectivity with and outstanding views of public lands in all directions (see the "Project Summary" section above).

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

Consistent with **Goal 3.1 Conserve Lands**, the proposed project will protect resource lands and increase habitat connectivity of natural habitats including oak woodlands.

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.