

COASTAL CONSERVANCY

Staff Recommendation
June 5, 2008

**FERNANDEZ RANCH CREEK RESTORATION AND BAY AREA RIDGE TRAIL
CONSTRUCTION**

File No. 05-004-02
Project Manager: Michelle Jespersen

RECOMMENDED ACTION: Authorization to disburse up to \$515,000 to the Muir Heritage Land Trust to: (1) conduct site preparation, grading, and riparian re-vegetation aspects of stream restoration along portions of Rodeo Creek, Fern Creek and Slot Creek on the Fernandez Ranch, and (2) construct 1.4 miles of the Bay Area Ridge Trail and an associated staging area on the Fernandez Ranch, Contra Costa County.

LOCATION: Fernandez Ranch, on Franklin Ridge and along Rodeo Creek near the City of Hercules, south of Highway 4 and west of Christi Road in unincorporated Contra Costa County.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Site Plan for Stream Restoration](#)
 - Exhibit 3: [Site Plan for Trail Alignment](#)
 - Exhibit 4: [March 2005 Conservancy authorization and staff recommendation for the *Fernandez Ranch Acquisition and Trail and Stream Restoration Planning*](#)
 - Exhibit 5: [Photographs](#)
 - Exhibit 6: [Letters of Support](#)
 - Exhibit 7: [Fernandez Ranch Public Access and Creek Restoration Project, Mitigated Negative Declaration, approved June 2, 2008](#)
-

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 the disbursement of an amount not to exceed five hundred fifteen thousand dollars (\$515,000) to the Muir Heritage Land Trust (“MHLT”) for

site preparation, grading, and riparian re-vegetation along Rodeo, Fern and Slot Creeks on the Fernandez Ranch and construction of 1.4 miles of Bay Area Ridge Trail and the associated staging area on the Fernandez Ranch, Contra Costa County. This authorization is subject to the condition that no Conservancy funds shall be disbursed to MHLT until the Executive Officer of the Conservancy has approved in writing a work plan, including budget and schedule, a sign plan, and the names and qualifications of any contractors proposed to be used to carry out the project.”

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 project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165 regarding the San Francisco Bay Area Conservancy.
3. The MHLT is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration approved by the County of Contra Costa on June 2, 2008, attached to the accompanying staff recommendation as Exhibit 7, and finds that the project, as mitigated, avoids, reduces or mitigates any potential significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.”

PROJECT SUMMARY

Staff requests authorization to disburse up to \$515,000 to the MHLT to: (1) conduct site preparation, grading, and riparian re-vegetation aspects of stream restoration along portions of Rodeo Creek, Fern Creek and Slot Creek on the Fernandez Ranch, and (2) construct 1.4 miles of the Bay Area Ridge Trail (Ridge Trail) and an associated staging area on the Fernandez Ranch in Contra Costa County (Exhibit 1). Conservancy funding would support the overall Creek Restoration and Public Access project underway by MHLT that when complete, will result in approximately 2,800 linear feet of stream restoration along portions of Rodeo, Fern, and Slot Creeks, 3.5 miles of new multi-use trail, and a public access staging area. Previously authorized Conservancy funds supported the planning of the stream restoration and trail construction and the environmental analysis for the project (see Project History section). This \$515,000 grant to MHLT would allow the Conservancy to realize prior goals by facilitating completion of the entire project. The discussion below describes the proposed Conservancy-funded project elements.

Stream Restoration Elements

Stream restoration efforts at Fernandez Ranch will include work on Rodeo Creek and the tributaries of Fern Creek and Slot Creek. Channel conditions in Rodeo Creek were substantially altered by construction of a railroad and Christie Road beginning prior to 1900. Creek crossings and roadside bank failures have occurred periodically. Streamside landslides have also occurred due to heavy rainfall. The proposed stream restoration will reduce channel incision, stabilize failing creek banks, and generally improve the quality and diversity of the native riparian corridor. In addition, channel stabilization will reduce sediment supply to the downstream reaches and as result, improve the habitat and water quality of the creeks.

Staff requests authorization to disburse up to \$365,000 to MHLT for stream restoration work on the Fernandez Ranch. These funds would be specifically used for site preparation along portions of Rodeo, Fern and Slot Creeks, grading, and riparian re-vegetation.

Site Preparation: Site preparation involves various tasks to prepare the area for implementation of the stream bank stabilization measures such as creating a construction staging and access area, completing reporting requirements, and moving equipment on site. More specifically, this work will consist of: (1) mobilization, demobilization and bonding by the contractor, (2) pre-construction reports (traffic, soils, etc.), (3) construction and removal of construction access, and the installation and removal of dewatering equipment where necessary.

Grading: Stream bank grading is proposed to occur along Rodeo Creek (see Exhibit 2, Site Plan for Stream Restoration). Bank grading will be conducted to provide for sufficient floodplain width where feasible to prevent further channel incision and provide for stable banks at approximately 2:1 slope. Approximately 36,000 cubic yards of soils will be excavated from Rodeo Creek. Excavated soils will be temporarily stockpiled on-site at excavation locations before being off-hauled for disposal. Soils will be disposed of on-site if accessible, non-wetland or sensitive habitat locations can be identified. If no appropriate on-site locations can be identified, all excavated soils will be disposed of off-site.

Grading will be conducted to mimic the natural bank contours found along stable reaches of the creek. If grading below the ordinary high water mark is required to achieve the necessary flood-prone width, the channel will be dewatered. Grading in these areas will require the removal of some vegetation including coast live oak trees, willows, and California buckeye trees. Grading work will also include the removal of five 72-inch diameter reinforced concrete culvert segments that were washed out many years ago and are currently embedded in the channel.

Grading work in the upper reach of the creek will prepare the site for the proposed clear span bridge over Rodeo Creek discussed further in the trail construction section below. This is an area along the creek where channel adjustments continue to be influenced by conditions on upstream properties. The channel will be dewatered at any location where work will occur within the channel bed to allow for temporary access by construction equipment.

Re-vegetation: The re-vegetation of Rodeo Creek and its tributaries on Fernandez Ranch will be conducted in three ways: soil bioengineering, seeding, and container planting. Eight hundred linear feet of Rodeo Creek not receiving bank stabilization treatments will receive combinations of these re-vegetation treatments along the toe of creek bank. Soil bioengineering methods use natural materials to perform soil and stream stabilization tasks, where more traditional rock and riprap techniques were used in the past. Soil bioengineering relies on live vegetation to bind the soil with roots and to increase the boundary layer between moving water and channel banks with above ground vegetation. The fast growing nature of willow, coupled with the plants' extensive

fine grained root system make it an ideal plant for soil bioengineering. For this project, soil bioengineering treatments will include the use of live willow cuttings in high sunlight conditions and live dogwood cuttings for shade conditions.

All areas affected by bank grading will be re-vegetated with native plant species using soil bioengineering, seeding, and deep root container methods. Seeds from local native riparian species will be collected and raked into the soils prior to the placement of the erosion control fabrics. Hydro-seeding may also be used to disburse native seeds. Planting will be conducted with minimal soils disturbance. In addition, access during construction and planting will be limited to the areas of disturbed and bare soil areas only. Where appropriate and where access is feasible, supplemental watering may be conducted from water trucks during the first two summers following the re-vegetation installation.

Trail Construction

Public access developments will include construction of a staging area and 3.45 miles of new multi-use trails that will accommodate equestrians, mountain bikers, and hikers, of which 1.4 miles will contribute to the Ridge Trail. The new trails will connect with fire roads on adjacent lands owned by the East Bay Municipal Utility District (EBMUD). Trail construction will also include a new Rodeo Creek bridge – an engineered steel, free spanning bridge, approximately 180 feet in length and 12 foot feet in width with no supporting structures built in the streambed. The bridge will support emergency and maintenance vehicles up to 60,000 lbs. and link the staging area to the south meadow across Rodeo Creek to facilitate public access and the proposed trail alignment.

The site's multi-use trails are designed, and will be built and managed, to both reduce potential conflicts between user groups and between users and sensitive resources. The trails will clear sight distances, passing areas, and appropriate slopes to enhance multi-use trail use. Equestrian, bicycle, and walking trail users will be informed by signage, posted speed limits, and warnings for potential conflict areas.

To preserve and protect sensitive resources and reduce off-trail use, the trails have been routed to the site's most dramatic and desired locations, features, and views, while avoiding sensitive resources such as riparian areas, scrub-shrub habitat, erodible slopes, wetlands, and rare plant habitat. Where trails cross riparian areas or wetland areas, footbridges and/or boardwalks will be installed to avoid impact to sensitive areas. The trails system is also designed to minimize long-term impact on wetlands.

For the trail construction portion of the project, staff requests authorization to disburse up to \$150,000 to MHLT for construction of the staging area and 1.4 miles of a new Bay Area Ridge Trail alignment on Fernandez Ranch.

Staging Area: The staging area will provide parking for eleven (11) cars/trucks and two (2) equestrian trailers. Two of the 11 car parking spaces are dedicated for handicap accessible (ADA) parking. An unimproved overflow parking area located north of the staging area within an open field will also be designated for use during the dry season only. This staging area location was selected because it is close to Christie Road (primary access via Highway 4), minimizes the potential footprint of the staging area, and efficiently connects to the proposed Rodeo Creek Bridge while minimizing impacts to existing wetlands.

The proposed staging area is designed as integral to the site's character, habitat areas, viewsheds,

and tree canopy. The surfacing of the roadways and parking areas will be gravel except for the concrete pavement required for the ADA parking and ADA route of travel to the Rodeo Creek clear span bridge and ADA accessible trails. Runoff from the staging area will be sheet drained to grassy swales rather than through culverts and pipes to maintain the existing site hydrology and feed adjacent wetland areas. Construction of the staging area will also include removal of a road berm that created an artificial hydrological barrier between two wetland areas; its removal will increase the overall wetland area and potentially enhance seasonal wetland hydrology. Finally, some fencing will be installed around the staging area.

Ridge Trail alignment: The new trail system includes seven titled trail segments, Trails A – G (see Exhibit 3, Site Plan for Trail Alignment). The Ridge Trail alignment has been approved by the Bay Area Ridge Trail Council (BARTC) and consists of a 0.62 mile segment of Trail A, of which 0.02 miles will be ADA compliant, and a 0.64 mile segment of Trail D for a total of 1.4 miles of trail.

Construction of these trail segments will involve site preparation and grading along a portion of an existing former ranch and fire road, trail brushing, and culvert clean outs. It will also include installation of approximately twenty (20) drainage swales, three (3) multi-direction signs, a switch back, a log barrier, and two multi-use bridges, including bridge footings and bridge abutments.

Trail A (old abandoned fire road) will rise directly to the EBMUD ridge road from the staging area, which will also provide emergency access. Access to this road will not be restricted but it will not be encouraged. Instead visitors will be directed onto the trails that lead to the upper areas of the property. Trail D will ascend to the EBMUD property line on the western ridge and afford open views of the Refugio Creek watershed and the northern Bay Area.

Muir Heritage Land Trust

The MHLT is a nonprofit 501(c)(3) organization that has been working to preserve undeveloped lands within the Franklin Ridge Wildlife and Trail Corridor since 1988. MHLT's current land holdings include the 702-acre Fernandez Ranch property, the 80-acre Gustin Ranch, 242-acre Sky Ranch, 158-acre Dutra Ranch and the 122-acre Pacheco Marsh, with conservation easements on 180 acres within the Stonehurst subdivision and the 7-acre Bodfish Preserve in Orinda.

Site Description:

Fernandez Ranch is rural property of approximately 702 acres in unincorporated Contra Costa County, between Refugio Valley Rd and Christie Road, both of which provide access to the property. The area consists of predominantly undeveloped hills, ranging in elevation from approximately 200 to 1000 feet above mean sea level, with remnants of a former homestead and dairy barn from the middle of the last century and a windmill/water well on the site. Photographs of the ranch can be found in Exhibit 5.

The property is located within, and is adjacent to the northern boundary of the 60,000-acre Briones Hills Agricultural Preserve (Preserve). The Preserve is a greenway surrounded by 14 municipalities and was established in 1987 to protect wildlife habitat, recreational trail corridors, and agriculture within the rapidly urbanizing central Contra Costa County. In addition, a 2,000-acre area now owned by the EBMUD is located directly to the south of the Fernandez Ranch property.

Habitats on the ranch include oak woodland, riparian, grassland, limited scrub/shrub, and freshwater wetlands. Rodeo Creek, Refugio Creek and the larger unnamed tributaries support corridors of mixed riparian habitat, primarily riparian forest and woodland dominated by coast live oak and California bay but also including pockets of willow and mixed riparian scrub. Smaller creeks and ephemeral drainages support little or no riparian habitat but do support herbaceous seasonal wetlands. Both the creek channels and associated riparian habitats are considered sensitive habitats. All of the oak woodlands on the site are afforded protection under provisions of the recently enacted State Woodlands Preservation Act.

The ranch also provides habitat for two species listed under both State and Federal Endangered Species Acts and a California Species of Special Concern: California red-legged frogs, (*Rana aurora draytonii*), the Alameda whipsnake (*Masticophis lateralis euryxanthus*), and the Western pond turtle (*Clemmys marmorata*). Adult California red-legged frogs were observed in a man-made stock pond situated adjacent to the largest tributary of Rodeo Creek and it is likely the frogs use the creeks on the site for foraging, sheltering and as movement corridors. Habitat for the Alameda whipsnake (*Masticophis lateralis euryxanthus*) has been documented on adjacent properties, and two individuals were trapped on the adjacent property to the north. Suitable habitat for the whipsnake occurs in discrete locations on the ridgeline of the Fernandez property while habitat for the Western pond turtle exists along the riparian corridors.

Two special-status plant species were identified within the hill slopes including the Diablo helianthella and robust monardella. Both are listed by the California Native Plant Society (CNPS) as CNPS List 1B species (considered rare or endangered through their ranges) but have no federal or state status.

Project History:

In 2002, the San Francisco Bay Area Conservancy Program worked with partner organizations to identify regional priorities for land conservation around the Bay Area. The Franklin Ridge, where the Fernandez Ranch is located, was identified as an important area for conservation of agricultural land, scenic view shed protection, and upland habitat values, and was included in the Conservancy's 2003 Strategic Plan as a priority upland project area. The Conservancy has funded acquisitions by MHLT in the Franklin Ridge, including the 702-acre Fernandez Ranch, the 80-acre Gustin Ranch, the 242-acre Sky Ranch and the 158-acre Dutra Ranch. With respect to the Fernandez Ranch, the Conservancy provided \$1,125,000 to MHLT in March 2005 for the acquisition of Fernandez Ranch and for planning stream restoration on the property (See Exhibit 4). In the same authorization, the Conservancy funded \$58,000 to the BARTC for trail planning on the property. One of the primary management goals for the original acquisition of the property was to develop and maintain public access on trails across the property, including development of the Ridge Trail. This project is the direct result of the planning efforts that the Conservancy previously funded.

BARTC has been working with MHLT and the Conservancy to support the planning for construction of the Ridge Trail, the vision for which is a 500-mile, multi-use, continuous trail that rings San Francisco Bay high on the ridge line. Under the leadership of the Conservancy and the BARTC, and supported by a diverse group of project partners, the Ridge Trail creates an interconnected system of open space and trails that provides recreational opportunities and scenic views to the public. Begun almost 20 years ago, over 300 miles of trail are now dedicated and/or open to the public in all nine Bay Area counties. This authorization will further the

Conservancy's statutory and strategic goal of improving access around San Francisco Bay and is consistent with previous Conservancy authorizations to negotiate and acquire trail easements, prepare trail construction plans and designs, and construct and open trail segments to the public.

In 2010, MHLT intends to transfer partial ownership of approximately 568 acres of the 702-acre property, to the East Bay Regional Park District (EBRPD), who will own this portion for the long-term. This transfer of ownership to EBRPD to be held in public ownership is necessary to satisfy the requirements of the grant funds used by MHLT to acquire the land.

PROJECT FINANCING:

Rivers and Parkways – Resource Agency	\$1,920,408
Coastal Conservancy	\$515,000
Oakmead Foundation	\$100,000
Bella Vista Foundation	\$25,000
US Fish & Wildlife Service	\$15,000
Contra Costa County – Fish & Wildlife Committee	\$10,000
C&H Sugar (mitigation funds)	\$22,500
Muir Heritage Land Trust	\$396,808
In-kind landowner donation	<u>\$40,000</u>
Total Project Cost	\$3,044,716

Conservancy funding is expected to come from appropriations to the Conservancy in fiscal years 2005/06 from the “California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002” (Proposition 40) for the San Francisco Bay Area Conservancy Program. Proposition 40 funds may be used for the deployment, protection, and development of land resources in accordance with the provisions of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code. As discussed below, the project is consistent with Chapter 4.5 of Division 21. Of the \$515,000 of Conservancy, up to \$365,000 will go towards the stream restoration components of the project and up to \$150,000 will support construction of a portion of the Ridge Trail and a staging area. Proposition 40 also requires the Conservancy to give priority to projects with matching funds; MHLT will contribute almost \$400,000 to the proposed project in addition to funds provided by the Resource Agency, US Fish & Wildlife Service, private foundations, and Contra Costa County.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with the provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, which authorizes the Conservancy to award grants in the nine-county San Francisco Bay Area to help achieve stated goals. Specifically, the proposed project, located entirely within the San Francisco Bay Area, supports the achievement of the goals as stated in Section 31162(a) and (b) as described in more detail below.

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 the ridgetops, 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 construct a portion of the Ridge Trail and a staging area, connecting the Fernandez Ranch property to other regional trail systems and urban areas and providing amenities to support public access in this area.

Construction of the trail and staging area will be conducted to minimize and avoid adverse impacts to environmental sensitive habitats or agricultural operations.

Section 31162 (b) authorizes the Conservancy 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 restore portions of Rodeo Creek, Fern Creek and Slot Creek within the Rodeo Creek watershed and more generally enhance the natural habitats, connecting corridors and other open space resources of this area that are of regional significance. The California red-legged frog, Alameda whipsnake, and Western pond turtle will benefit from habitat improvements and stream restorations. Trail construction will provide for improved viewing of scenic areas and increased public access.

The Fernandez Ranch Trail Construction and Creek Restoration project also satisfies all of the criteria for determining project priority under 31163(c), since the project: (1) is supported by adopted regional plans including the Contra Costa County General Plan, the Briones Hills Agricultural Preserve compact and the EBRPD Master Plan; (2) includes multi-jurisdictional participation from state and county agencies, local conservation organizations, and special districts and serves a regional constituency that will enjoy public access through use of the Ridge Trail; (3) will be implemented immediately; (4) provides benefits that would be lost if the project is not quickly implemented; and (5) includes significant matching funds.

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

Consistent with **Goal 10, Objective H** of the Conservancy’s 2007 Strategic Plan, the proposed project will restore or enhance approximately 0.5 linear miles of riparian or riverine habitat along portions of Rodeo, Fern, and Slot Creeks.

Consistent with **Goal 11, Objective G** of the Conservancy’s 2007 Strategic Plan, the proposed project will construct approximately 1.4 miles of the Bay Area Ridge Trail.

Consistent with **Goal 11, Objective L** of the Conservancy’s 2007 Strategic Plan, the proposed project will include wheelchair accessible or other ADA-compliant elements.

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 September 20, 2007, 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 project is supported by Assemblyman Mark DeSaulnier, Senator Tom Torlakson, Contra Costa County, Supervisor Gayle Uilkema, East Bay Regional Park District, Bay Area Ridge Trail Council, Contra Costa County Resource Conservation District, Contra Costa County Flood Control District, and Contra Costa County Office of Education (see Exhibit 6).
4. **Location:** This project is located in an unincorporated section of Contra Costa County, one of the nine Bay Area counties.
5. **Need:** Conservancy funding will support key pieces of trail construction of the Ridge Trail, of which only slightly more than half of the proposed 500-mile Ridge Trail has been constructed and dedicated to date. Conservancy funding will also support key elements of stream restoration work. Without this funding, MHLT will not be able to leverage the matching-funds already committed to this project to complete the stream restoration and trail construction.
6. **Greater-than-local interest:** This project will contribute towards the completion of the Ridge Trail, which creates regional connections between parklands, agricultural lands, natural areas and cultural resources. The stream restoration work will enhance the habitat for protected sensitive species, including the Alameda whipsnake, California red-legged frog and the Western pond turtle which demonstrates a greater-than-local interest.

Additional Criteria

7. **Resolution of more than one issue:** This project will allow for stream restoration and riparian habitat enhancement along a degraded stream corridor that provides habitat for special status species. In addition, funds will allow for the construction of public access improvements including a staging area and Bay Area Ridge Trail alignment.
8. **Leverage:** See the “Project Financing” section above.
9. **Innovation:** The stream restoration work will employ various bioengineering techniques such as hydro-seeding and planting of willow-based structures to stabilize creek banks and improve riparian habitat, utilizing natural materials where more traditional rock and riprap techniques have typically been used in the past. In addition, the staging area will incorporate elements of low impact design such as directing the run-off to grassy swales rather than through culverts and pipes to maintain the existing site hydrology and feed adjacent wetland areas.
10. **Readiness:** CEQA certification was completed by Contra Costa County in early May 2008. The project will also require permits from US Army Corps of Engineers (Corps), US Fish and Wildlife Service (USFWS), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) which are estimated to be completed by late summer or early fall 2008. Once the permits are received, the grantee will be ready to begin construction in early 2009, at a time consistent with permitting requirements, to maximize the window of time during the dry months to complete creek restoration and construction of the trail, staging area, and the clear span bridge.
11. **Realization of prior Conservancy goals:** “See “Project History” above.”
12. **Return to Conservancy:** See the “Project Financing” section above.

13. **Cooperation:** MHLT has received financial support for this project from federal, state and local government agencies and from private donations to the land trust. Contra Costa County is the lead agency for CEQA on the project. In addition, the BARTC has worked closely with MHLT to plan and facilitate implementation of the Ridge Trail alignment and staging area portions of the project. Completion of the Ridge Trail is consistent with: (1) The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (Bay Area Ridge Trail Council, July 1999) and (2) 400 Miles and Beyond: A Strategic Plan for Completing the Bay Area Ridge Trail (BARTC, Draft 2006). Finally, EBRPD, a future co-owner of the property, assisted with plans for management and maintenance of the public access facilities.

COMPLIANCE WITH CEQA:

Contra Costa County as the lead agency for CEQA prepared the Fernandez Ranch Public Access and Creek Restoration Initial Study (IS) and Mitigated Negative Declaration (MND) and circulated the IS/MND for public comment and review from March 4 through April 14, 2008. Six comment letters were received and addressed by the County in the final MND. Contra Costa County approved the project and adopted the MND on June 2, 2008 (see Exhibit 7).

The Fernandez Ranch Public Access and Creek Restoration MND addresses the potential impacts of proposed project elements for the creek restoration activities and construction of trails and a staging area. With respect to the work that the Conservancy would fund, the site preparation, grading, riparian re-vegetation, and construction of the staging area and portions of Trails A and D, the MND identifies potential impacts in the areas of air quality, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, geology/soils, land use/planning, recreation, and transportation/traffic. Mitigation measures were adopted to assure that these potential impacts are avoided or reduced to *less-than-significant levels*, as summarized below:

Air quality: There would be a minor temporary increase in emissions during construction activity at the site that would have the potential for short-term adverse effects to air quality. Fugitive dust during construction and emission from construction related vehicles would occur over a three month period. Approximately 10 vehicle trips per weekday, and 25 vehicle trips per weekend day would occur to and from the site for recreational and operational purposes (e.g. policing the site, maintenance of recreational facilities, recreational visitors, livestock maintenance) when construction is completed. The trip generation of the proposed project would be well below the 2,000 trips per day threshold established by the Bay Area Air Quality Management district (BAAQMD) for potentially significant emissions of ROG, NO_x, or PM₁₀, and the project would not exceed any of the thresholds for carbon monoxide. Therefore, the proposed project would not exceed the BAAQMD standards, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. However, the work will be performed in the dry season when dust may be a concern. Best management practices (BMPs) for dust control shall be implemented for any work involving the disturbance of soil and placement of soil and/or rock that will occur during trail construction and stream bank stabilization to reduce potential impacts to a less-than-significant level.

Agricultural Resources: The site is zoned for agricultural use and will be used for grazing purposes, open space, and public access. The zoning regulation for the area does not specifically refer to trails and related public use among the permitted uses or conditionally permitted uses in

this district, although the General Plan allows for land to be used for Open Space and/or Recreational uses. As such, the project is compatible with the land use designation. The site is subject to a Williamson Act contract and will maintain the agricultural usage in compliance with the Act. The Williamson Act provides that recreational and open space uses are compatible uses. However, if there any potential conflicts between the public access proposed as part of the project and the Williamson Act contract covering the property, an amendment to the Williamson Act contract must be obtained to allow public access and recreational use. Therefore, to mitigate any potential impacts to agricultural resources to a less-than-significant level, MHLT shall obtain a land use permit to conform to the County Zoning Ordinance and an amendment to the Williamson Act contract from Contra Costa County, in consultation with the State Department of Conservation to allow public access, if required to maintain consistency with County policy and procedures and State law.

Biological Resources: The proposed Conservancy-funded activities (site preparation, grading, re-vegetation and construction of trails and a staging area) have the potential to have substantial adverse effects, either directly or through habitat modifications, on the California red-legged frog (CRLF), the Alameda whipsnake, Western pond turtle, riparian habitat, seasonal and protected wetlands, and could conflict with Contra Costa County's local tree ordinance requirements. Construction within the creeks and the adjacent upland habitat will result in temporary impacts to suitable habitat for the CRLF, Alameda whipsnake, and Western pond turtle; however, the overall project will yield long term benefits to the species. The proposed project may disturb as much as 0.35 acres of low quality wetlands mostly during construction of the staging area. Approximately 0.85 acres of new, high quality wetlands will be created on site to offset impacts to wetlands associated with construction of the proposed project. The project will also entail temporary loss of riparian and seasonal wetland habitat during the construction of the stream stabilization improvements, staging area, and trails. All mitigations shall be implemented in consultation with the state and federal resources agencies. After construction is complete, the wetland areas shall be replanted to restore the wetland habitat. The trails are designed to minimize any hydrologic impediments and impacts sensitive habitats. Stream stabilization will improve the riparian habitat by providing stable banks that will allow for the growth of native plant species and reduce erosion. Contra Costa County's tree ordinance requires the surveying and location of trees within 50-feet of a trail. This project could potentially remove up to four oak trees between 6 and 24 inches in size. To mitigate this impact, twenty-two native trees and over a hundred native shrubs shall be planted at the staging area to provide shade and habitat and native trees and shrubs shall be planted as part of the creek restoration project on Rodeo Creek. Cut and graded areas along trails shall be reseeded as soon as possible after construction is complete.

The following mitigations measures shall be incorporated during construction and operation of the project to reduce adverse impacts to biological resources, including special status species, wetlands, and sensitive habitats to less than significant levels:

- 1) Trails shall be located away from candidate, sensitive and special status species habitat where feasible. Specifically, habitat for the Alameda whipsnake and California red-legged frog shall be avoided.
- 2) Sensitive plant and wildlife habitat shall be identified and fenced to avoid encroachment during construction. Pre-construction surveys shall be conducted by a qualified biologist prior to identify sensitive habitats. Sensitive areas shall be identified as Environmentally

Sensitive Areas (ESA's) and all construction activities shall be prohibited in the ESA. Contractor training shall be implemented such that all construction personnel working in the vicinity of the restoration area shall be informed the sensitive habitat locations and avoidance and minimization measures.

- 3) Within, or adjacent to, sensitive habitats, construction shall occur between July 15 and October 15 to avoid erosion and saturated soils, potential high water flow events, and special species nesting and habitat. Only re-vegetation work shall be conducted after October 15 to utilize fall rains to increase plant survival. This re-vegetation shall all be done by hand and shall not compromise the erosion control strategies implemented prior to October 15th and shall not involve site grading.
- 4) Trails at wetlands shall be raised by installing drainage lenses or boardwalks to allow water to flow to the seasonal wetlands. The design of these trail sections shall allow continued water flow past trails without requiring ongoing maintenance. Construction of trails shall occur during the dry season.
- 5) Section 404 of the Clean Water Act (CWA) requires that projects avoid or minimize adverse effects on jurisdictional waters to the extent practicable. To the extent feasible, the final project design shall minimize effects on wetlands and other waters in accordance with Section 404. Areas that are avoided shall be subject to Best Management Practices (BMPs). Such measures shall include installation of silt fencing, straw wattles or other appropriate erosion and sediment control methods or devices during construction.
- 6) The project shall avoid any staging of construction-related materials in delineated wetland areas or other sensitive habitat.
- 7) MHLT shall provide compensatory mitigation for temporary impacts to, and permanent loss of, waters of the U.S., including wetlands, as required by the regulatory agencies. Measures shall include on-site mitigation through wetland creation or enhancement. Restoration of seasonal wetlands disturbed by trail construction and/or staging area (0.092 acres) shall occur as soon as feasible after construction.
- 8) MHLT shall create at a minimum of 2:1 restoration of seasonal wetland habitat to mitigate for the loss of the seasonal wetland due to the staging area improvements.
- 9) The project shall enhance and /or restore at least 2:1 acres of riparian habitat to mitigate for the loss of the 0.35 acres of riparian habitat due to the grading and bank stabilization along Rodeo Creek, Slot Creek, and the stock pond on the Fern Creek Tributary. Based on the current wetland delineation, this mitigation as proposed would restore 0.85 acres of riparian habitat.
- 10) While grading, dewatering in Creek Restoration Areas C and D, and stabilization work occurs along the banks of the creeks, noiseattenuated pumps, bypass piping of sufficient size to pass a minor storm event, and post-construction BMPs shall be in place.
- 11) Monitoring and an adaptive management monitoring program shall be in place for a period consistent with the permits (e.g., a minimum of five years for the monitoring and ten years for adaptive management).
- 12) MHLT shall obtain regulatory permits and other government agency approvals prior to the start of construction activities for the project. The project applicant shall obtain all

required permit approvals from the Corps, the RWQCB, and all agencies with permitting responsibilities for construction activities within jurisdictional waters of other jurisdiction areas. Permit approvals and certifications shall include, but not be limited to Section 1600 Stream Alteration Agreements from the CDFG, Section 404/Section 10 permits from the Corps and Section 401 Water Quality Certification from the RWQCB. The project shall comply with all provisions included in the permits.

- 13) MHLT shall implement standard BMPs to maintain water quality and control erosion and sedimentation during construction, as required by compliance with the General National Pollution Discharge Elimination System (NPDES) Permit for Construction Activities to address impacts on water quality. Mitigation measures shall include, but would not be limited to, installing silt fencing along the edges of the construction sites to protect wetland and isolating construction work areas from the jurisdictional wetlands.
- 14) Replanting of native trees and vegetation shall occur as soon as possible after construction is complete.
- 15) An appropriate grazing management plan shall be prepared which will include grazing practices designed to maintain or improve wetland vegetation, riparian vegetation, and habitat for sensitive species on the site.

Cultural Resources: A Phase I Cultural Resources Assessment prepared for the site identifies and inventories cultural resources within the project area and provides a preliminary assessment of the each cultural feature's historical significance. The Phase I Assessment concluded that the cultural resources recorded during the survey of the Fernandez Ranch Project are not eligible for listing on the California Register of Historical Places. According to CEQA Guidelines §15064.5, a resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (CRHR). While the assessment found no prehistoric or historic period cultural resources that meet the criteria of eligibility for the CRHR, the findings may be the result of the poor survey conditions. In addition, no unique paleontological resources or geologic features were located at the site. If paleontological resources were discovered during construction, disturbance of the resources would be a significant impact. Due to the poor survey conditions and that the project boundaries are in a zone of moderate to high potential for prehistoric and paleontological resources, mitigation measures have been incorporated into the project. First, pursuant to CEQA guidelines, all earthmoving activity within 50 feet of the area of impact shall cease until the project sponsor retains the services of a qualified archaeological consultant. The qualified archeological consultant shall examine the findings, assess their significance, and offer proposals for any procedures deemed appropriate to avoid and/or mitigate adverse impacts to those cultural resources, which have been encountered. If any significant cultural resource materials are recovered they shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. Second, prior to the start of work, site supervisors and construction workers shall receive a focused training at the job site to assist them in identifying archeological resource if encountered. This awareness training shall be performed by a qualified archeological consultant. Third, if previously unknown human remains are encountered during construction, a Native American Tribal representative and the County Coroner shall be informed and consulted as required by State law. With the inclusion of these mitigation measures as part of the project, the potential for a significant impact from the project would be reduced to less than significant.

Geology and Soils: The proposed project is located on soils that are not subject to significant lateral spreading, subsidence, liquefaction or collapse. The project would not result in off-site landslides. On site landslides could occur if grading and other construction activities occur without the proper precautions. The proposed project includes measures to minimize soil erosion. The project will have temporary impacts due to grading that could result in erosion of hill side and stream bank slopes. Construction on these slopes shall be during the dry season (between July and October 15). Erosion control plans shall be included in the Stormwater Pollution Prevention Plan (SWPPP) required for any grading permit or activity that may take place at the site. Some re-vegetation work will extend into the late fall beyond October 15th to take advantage of the rainy season to establish plantings without irrigation. The project will have an overall benefit in reducing erosion at the site whereas leaving the site in its current condition (no project) will have a substantial negative effect on erosion in Rodeo Creek and its tributaries due to continuing bank failure. The project will significantly reduce the soil loss to the creek and tributaries and stabilize the creek's banks. Overall the project will be a benefit by controlling soil erosion and reducing soil loss. With the inclusion of the following mitigation measures as part of the project the impact would be less than significant: (1) construction shall occur during the dry season; (2) placement of erosion control fabric and replanting shall occur immediately after construction to minimize erosion; (3) seeding shall be placed under the erosion control fabric and re-vegetation planting work shall occur after the fabric is in place (live cuttings are installed through the fabric and container stock is planted by first cutting the fabric and then folding it back and pinning it in place); (4) Grading or other work in the creek channel shall occur between July 15th and October 15th; (5) re-vegetation outside of the channel may occur beyond the October 15th deadline and re-vegetation of exposed soils due to trail construction shall occur as soon as feasible after construction is complete.

Hazards and Hazardous Materials: The proposed project would not include operations that could result in the release of hazardous materials to the environment and therefore no impact would occur. However, during construction there would be heavy equipment and supplies on the site that could result in a release of hazardous materials such as fuel and lubricants. The project is also crossed by an underground high pressure gas line that passes under Rodeo Creek and through the meadows and hillsides. It is marked with signs, but has historically been subject to risk due to the creek bank erosion and undercutting. The project will stabilize the creek and therefore provide additional protection to the pipeline. However, accidental damage to the line could result during construction if the location and depth are not properly identified and the pipeline protected. To reduce the potential adverse impacts of hazards and hazardous materials to a less-than-significant level, MHLT shall implement a SWPPP, including management and protective measures, as well as emergency response measures as necessary, conducting maintenance of heavy construction vehicles off-site, providing blankets and enclosures to capture fuel spills, and providing a parking area for heavy construction vehicles that is protected from leaks into the soil or water. MHLT shall also verify, on plans and in the field, the precise location of the high pressure gas line in areas that could be affected by construction activity including staging, transportation, grading and planting, and provide this information to all parties involved via plans and field markings. All work within 100 feet of the pipeline shall be closely supervised to ensure complete protection of the line at all times. MHLT shall coordinate on-going monitoring with the pipeline owner/operator throughout the life of the project.

Hydrology and Water Quality: The proposed project will be subject to review and approval by the RWQCB and the Corps as part of the grading permit, which will involve work within the

creeks and wetlands on the site. Following construction, public access is not expected to have any water quality impacts. To reduce any adverse impacts of the grading and creek stabilization work to a less than significant level, MHLT shall obtain all necessary reviews and approvals from regulatory agencies prior to initiating work that could affect waters of the State or of the United States, pursuant to applicable laws, regulations and orders. As part of the creek restoration, it will be necessary to alter the course of the stream; however this alteration will reduce the substantial erosion and bank failure that currently occurs onsite. Stream restoration will benefit Rodeo Creek by creating a more stable creek thus reducing erosion. It will have no impact to offsite locations. Restoration of Rodeo Creek will stabilize steep, eroding creek banks, and improve water quality and riparian habitat. Without intervention, Rodeo Creek will continue to transport large amounts of sediment downstream as approximately 2,250 linear feet of near vertical, degraded creek banks continue to erode. Slot Creek and Fern Creek will also receive minor stabilization work at culverts and stock ponds to improve flows and reduce siltation. Construction-related activities include the temporary dewatering of some portions of Rodeo Creek during construction to minimize siltation into the creek from construction activity. This activity shall only occur from July 15 to October 15 to avoid high water levels and minimize impact on sensitive species. All areas affected by the bank stabilization measures shall be re-vegetated with native plant species using both soil-bioengineering and deep root container methods. Soil bioengineering treatments shall include the use of live willow and dogwood cuttings. Native species that cannot be propagated shall be planted using deep-root stock or non-irrigated techniques. These measures will further reduce impacts to less than significant levels.

Land Use and Planning: The site will be maintained primarily for agricultural use (continuation of grazing) in compliance with the requirements of the Williamson Act. The Williamson Act provides that “recreational use is the use of the land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation” (Section 51201(n) of the Government Code); and the Act provides that “open space use is the use or maintenance of land in a manner that preserves its natural characteristics, beauty, and openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife,...”(Section 51201(o) of the Government Code). Based on the foregoing, the trail and public access proposed as part of the project would not be in conflict with the zoning or the County’s Williamson Act Program. However, to remove any potential conflict between the trail and public access and the County’s Williamson Act Program, MHLT shall be responsible for obtaining a land use permit in conjunction with an amendment to the Williamson Act contract (AP#4-69) to establish the trail and public access as a permitted use on the property. Implementation of the mitigation measures proposed for Agricultural Resources will reduce the potential conflicts with zoning and the Williamson Act contract to a less-than-significant level.

Recreation: The proposed project will increase the available recreational/open space areas and provide pedestrian trails, including ADA-compliant accessible trails, and horseback riding trails allowing increased access to the open space. The overall project would have a positive effect on the environment by protecting and improving habitat; however, trail construction and use could have a potential adverse impact on biological and geological resources. The mitigation measures required for biological resources and geological resources described above will reduce any adverse impacts of recreation during construction to a less than significant level.

Transportation/Traffic: The project would result in a minor increase in traffic along access roads to get the site for recreational purposes. Visitors to the site would travel there intermittently throughout the day; vehicle trips along Christie Road will vary during the week day and weekend. There are expected to be on average 10 vehicle trips per weekday and up to 25 vehicle trips per weekend day. Trips will be infrequent and would not be sufficient to change the current level of service. A minor temporary increase in truck traffic will occur during construction. The increased activity level at the site would be limited to construction-period truck and employee activity. Longer-term traffic would be limited to users of the facility and maintenance/operations personnel. The existing intersection of Christie Road and Highway 4 is unimproved, with a sharp angle of approach and limited deceleration / merge areas particularly due to the adjacent railroad abutment. This configuration could result in temporary hazards due to large, slow-moving trucks and longer-term hazards due to unfamiliar motorists accessing the site. As a result, MHLT shall consult with the County Public Works Department and Caltrans to prepare and implement a construction-period and operational-period traffic control plan that would address any necessary advance warning signage, directional signs, flag person controls, lane closures, hours of operation, pamphlets, websites, and similar outlets to inform visitors of the route of access to the site and necessary safety precautions, and other similar measures to ensure safety of motorists near the Highway 4 / Christie Road.

With respect to parking, construction-period parking will be provided within the meadow area and in localized staging areas within the site. The proposed project also would increase the long-term vehicle use at the site for public parking as part of the park visitor accommodations. Eleven new parking spaces are proposed for the site; this number of parking spaces is based on the anticipated level of usage. An unimproved overflow parking area to be located north of the staging area within an open field on the site is designated for use during the dry season only. Parking on the public street is hazardous due to the narrow width and limited site distance available. Actual use of the site may result in a demand for increased parking, which could result in overflow parking onto the street. Visitors may also choose to park along the street rather than in the staging area for purposes of accessing the site at unauthorized locations. MHLT shall ensure that construction period parking is limited to on-site areas and shall inform visitors through signage, pamphlets, and similar outlets that parking is limited to the on-site staging area. In addition, MHLT shall coordinate with the Public Works Department to install “No Parking” signs along Christie Road, as determined to be necessary by the County based on actual use of the facility, to discourage use of the public roadway for visitor parking. MHLT shall also prepare and implement an overflow plan on the site as necessary to address actual parking demand. These mitigation measures would reduce the potential impact to a less-than significant level.

Conservancy staff has reviewed the County’s MND and recommends that the Conservancy, as a responsible agency under CEQA for this project, find that the project, as mitigated, will not have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382. Upon approval, staff will file a Notice of Determination for this project.