

COASTAL CONSERVANCY

Staff Recommendation
November 8, 2007

ROCHE RANCH ACQUISITION

File No.07-080
Project Manager: Maxene Spellman

RECOMMENDED ACTION: Authorization to disburse up to \$3,000,000 to the Sonoma Land Trust for the acquisition of the 1,657-acre Roche Ranch in southern Sonoma County for the protection and restoration of natural resources and to provide public access.

LOCATION: In southern Sonoma County near the west side of Highway 121, North of Highway 37. (Exhibit 1: Project Location and Site Maps).

PROGRAM CATEGORY: San Francisco Bay Area

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Map of Connection to Protected Sonoma Baylands](#)
 - Exhibit 3: [Transaction Map with Easements](#)
 - Exhibit 4: [Pictures of Roche Ranch](#)
 - Exhibit 5: [Letters of Support](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three million dollars (\$3,000,000) to the Sonoma Land Trust (“Land Trust”) for the purpose of acquiring Sonoma County Assessor Parcel Nos. 068-080-002; 068-080-003; 068-090-001; 068-090-022; and 068-090-023, known as the Roche Ranch, consisting of approximately 1,657 acres, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the Land Trust shall submit for the review and approval of the Executive Officer of the Conservancy:

- (a) All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
 - (b) Evidence that sufficient funds are available to complete the acquisition.
2. The Land Trust shall pay no more than fair market value for the property, as approved by the Department of General Services, based on an appraisal of the property.
 3. The Land Trust shall permanently dedicate the property for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer.
 4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

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 purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. The Sonoma Land Trust is a non-profit organization existing under 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Conservancy staff recommends authorization of a grant of \$3,000,000 to the Sonoma Land Trust (“the Land Trust”) for the acquisition of the 1,657-acre Roche Ranch to protect and restore existing natural resources and provide public access. Acquisition of Roche Ranch in southern Sonoma County will allow for the preservation and restoration of the entire main stem of the Tolay Creek watershed. The property links Tolay Lake Regional Park, adjacent and upland from the property, to approximately 40,000 acres of protected lands to the south along the Sonoma, Napa and Marin baylands. Moreover, it will result in the only protected land in the North Bay where a riparian corridor connects tidal lowlands of San Francisco Bay with upland seasonal and freshwater wetlands. As such this acquisition is a unique and unprecedented opportunity to contribute to the integrity of key watershed habitats associated with both the San Francisco Bay and the headwaters of Tolay Creek (See Exhibit 2, Site Map of Roche Ranch and Connection to Protected Sonoma Baylands).

Acquisition of Roche Ranch will also result in nearly doubling the size of the Tolay Lake

Regional Park - including an expansion of trails, other passive recreational opportunities, and panoramic views of San Francisco Bay and the surrounding landscape - from its current 1,737 acres to 3,394 acres. The connections provided north and south of Roche Ranch would also allow for a 7-mile trail corridor from the Tolay Lake Regional Park south through the Roche Ranch property, ending with linkages to the San Francisco Bay Trail at the Conservancy supported Sears Point Restoration Project on San Pablo Bay.

Without this acquisition and protection, the Property could be readily subdivided into 14 home sites. The sellers are actively marketing the property, but would prefer to sell the property for conservation. They are offering substantial incentives, including donations of an access and riparian easement and a discounted sale price. The Land Trust has negotiated a transaction that includes: 1) purchase of fee interest over 1,657 acres; 2) donation of a riparian easement of approximately 32 acres over the portion of Tolay Creek that is not included in the fee acquisition (allowed uses within the easement include cattle exclusionary fencing, riparian restoration [planting, bank stabilization], and public access trails); 3) donation of an access easement over an existing ranch road through parcels owned by the seller that will provide public access to the property and to a seasonal Tolay Creek crossing; and 4) donation of a separate easement over an existing ranch road for purposes of operation, maintenance and emergency access (See Exhibit 3, Transaction Map with easements).

The Land Trust is developing cooperative agreements to maximize resource benefits. Following close of escrow at the end of 2007, the Sonoma County Agricultural Preservation and Open Space District (“the District”) will record a conservation easement over the entire acreage purchased in fee. Contributors to this \$13,000,000 acquisition of Roche Ranch are the Gordon and Betty Moore Foundation, the District, and the Wildlife Conservation Board. In 2008 the Land Trust will provide initial stewardship planning and implementation, working closely with Sonoma County Regional Parks (Regional Parks). A \$250,000 grant from the Gordon and Betty Moore Foundation, which is in addition to its \$4,750,000 grant to the Land Trust for the property acquisition, will be used for a baseline study, cattle exclusion fencing, riparian plantings, and an interim grazing management plan. The Roche Ranch will be transferred to Regional Parks and incorporated into the adjacent Tolay Lake Regional Park in two to five years following the completion of these plans and restoration work. In the interim while the Land Trust holds the property for initial stewardship, cattle grazing to control invasive plants will continue, and Regional Parks will conduct guided hikes from Tolay Regional Park onto the Roche Property.

With its extensive experience and strong leadership in this region, and its long-standing relationship with the Conservancy, the Land Trust is well suited to carry out this project. The Conservancy and Land Trust have collaborated on many important acquisition and restoration projects in Sonoma County, only a portion of which are described in the **“Project History”** section. The Land Trust is a 501(c)(3) non-profit organization to assist in the acquisition of lands for open space, environmental and recreational purposes.

Site Description: An outstanding feature of this property is its proximity to other conservation properties making this acquisition the highest priority in the region for natural resource protection and recreational opportunities. (See Exhibit 2, Site Map and Connection to Sonoma Baylands.) The property’s northern boundary is contiguous with the 1,737-acre Tolay Lake

Regional Park. Tolay Creek flows from the regional park, through the Roche property, into the approximately 200-acre unit of California Department of Fish and Game's (CDFG) Napa-Sonoma Marsh complex, and then south into San Pablo Bay National Wildlife Refuge. Also immediately to the south of the Roche property is the Sonoma County Agricultural Preservation and Open Space District's (the District) Cougar Mountain Open Space Easement. This in turn is contiguous with the Land Trust's 2,327-acre Sears Point Restoration Project and the broader mosaic of Sonoma Baylands and Petaluma Marsh parcels owned and/or protected by the Coastal Conservancy, CDFG, the Land Trust, the District, U.S. Fish and Wildlife Service, and other agencies. Acquisition will contribute to the viability and enhancement of the variety of wildlife habitats of these protected properties, all located between the Roche Ranch property and the estuary. The proximity of Roche Ranch to the San Pablo Bay National Wildlife Refuge, for example, benefits many species of birdlife, especially during winter storms when this property serves as refugia.

The property itself contains significant natural resources. Tolay Creek and the riparian corridor associated with it, run from northwest to southeast across the irregularly-shaped property. Oak woodlands are concentrated in the sloped ravines and along Tolay Creek. Moist grasslands and open meadows are located throughout the property's rolling hills where elevations range from 15 to 500 feet. The property supports several state and federally listed species including burrowing owl, northwestern pond turtle, golden eagle, white tailed kite, California horned lark, and northern harrier. Finally, the property is habitat for a variety of other special status species including Callippe's silverspot butterfly, Myrtle's silverspot butterfly, California red-legged frog, and Opler's longhorn.

Project History: Since 2003, staff of various federal, state and regional organizations, including the Coastal Conservancy, have been aware of the importance of the acquisition of Roche Ranch for natural resource protection and public access opportunities for the region. In addition to the benefit to protected properties in proximity to the Roche Ranch property mentioned in the "**Site Description**", its acquisition expands upon the conservation of at least five adjacent protected properties in the Sonoma Baylands, the acquisition of which were supported by the Coastal Conservancy. These are depicted on Exhibit 2, Site Map of the Connection to the Sonoma Baylands. In chronological order they are as follows:

Sonoma Baylands: In 1989, the Land Trust received a grant from the Conservancy to purchase an 830-acre parcel for marsh restoration. Subsequently the Land Trust retained 500 acres and conveyed 330 acres to the Conservancy. In 1995 the U.S. Army Corps of Engineers (Corps) filled these 330 acres with dredge material and breached a levee to create a marsh, which over time has progressed from a muted tidal mudflat toward a fully tidal marsh as intended. In 2004 the Land Trust received a Conservancy grant to construct a 1.5 mile segment of the San Francisco Bay Trail at the site. The trail was opened summer of 2007. The Corps continues to monitor the restoration work while the Land Trust monitors the public access.

Lower Ranch: This was part of a 1987 program initiated by the Conservancy to promote both wetlands restoration and agriculture. A portion of the Lower Ranch adjacent to the Petaluma River colloquially known as Carl's Marsh (after Carl Wilcox of CDFG) is owned by the State of California and was restored as tidal wetlands by the CDFG and the Land Trust. The remainder of Lower Ranch was then sold subject to an agricultural conservation easement.

Leonard Ranch and North Parcel: In 1989, the Land Trust bought this property as part of the Sonoma Baylands mentioned above. While the 330-acre Sonoma Baylands was conveyed to the Conservancy, Leonard Ranch (200 acres) and North Parcel (300 acres) were retained by the Land Trust. North Parcel, at the northwest corner of Highway 37 and Lakeville Highway, is leased to Marin Sun Farms and was recently enhanced to function as seasonal wetlands; the remaining Leonard Ranch is farmed for oat hay.

Sears Point (aka former North Point Joint Venture and former Dickson Property): Land conservation in the Sonoma Baylands received an enormous boost in 2003 when a casino was proposed on the 1,679-acre North Point Joint Venture property around the intersection of Lakeville Highway and Highway 37. The Land Trust spearheaded a coalition of local and environmental organizations and raised \$20 million to permanently protect the Sonoma Baylands landscape. Within one year of the casino being proposed SLT raised the funds needed to permanently protect the largest remaining private Baylands parcels. This was accomplished with the help of over six hundred local donors, the Sonoma County Agricultural Preservation and Open Space District, the Wildlife Conservation Board, the Gordon and Betty Moore Foundation, and the Coastal Conservancy. Since the acquisition of the Sears Point properties, the Land Trust completed a 3-year restoration planning process for the Sears Point area; the Sears Point Wetlands and Watershed Restoration Project's Final Preliminary Plan was completed in February 2007. The Plan calls for wetlands restoration and enhancement on almost 1,300 acres of diked Baylands and habitat management on over 1,000 acres of upland watershed.

Tolay Lake Regional Park: Sonoma County Regional Parks acquired the 1,737-acre Tolay Lake Ranch in 2005 with generous support from the Coastal Conservancy. Regional Parks is presently planning for its operation as Tolay Lake Regional Park, which will include the restoration of a 268-acre lakebed that is the headwaters to Tolay Creek. Tolay Lake is the only freshwater lake within the San Pablo Bay watershed. The Park will include wetlands and upland restoration, public access, and environmental education. Regional Parks is developing a Master Plan process and restoration designs for the new Tolay Lake Regional Park. Initial restoration activities are slated to begin in 2009.

The Roche Ranch is set strategically in the watershed amid all of these protected lands. Its conservation will dramatically enhance the open space, ecological and natural resource values of, and recreational opportunities in, the entire region and serve to help connect Tolay Lake Regional Park to San Pablo Bay.

PROJECT FINANCING:

Coastal Conservancy	\$3,000,000
Wildlife Conservation Board	3,000,000
Gordon and Betty Moore Foundation	4,750,000
Sonoma Co Ag Preservation and Open Space District	2,000,000
Sonoma Land Trust	<u>250,000</u>
Total Project Cost	\$13,000,000

Conservancy funds for this project are expected to derive from the San Francisco Bay Conservancy Program FY 05/06 appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000 (Prop. 12), and from the San Francisco Bay Conservancy Program FY's 02/03 and 03/04 appropriations from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Prop. 40), both of which can be used for coastal watershed protection, including the acquisition and protection of land and water resources consistent with Chapter 4.5 of Division 21 of the Public Resources Code. Pursuant to Section 31162(b) of Chapter 4.5 of Division 21, this project furthers the San Francisco Bay Area Conservancy Program's goal to protect, restore, and enhance natural habitats, as discussed below.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

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

The Roche Ranch is located in Sonoma County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31161 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project, together with the implementation of the terms of the Purchase Agreement with the landowner, will protect 1,689 acres of riparian, woodland, and grassland habitat, as well as a highly scenic open space resource.

Consistent with Section 31162(d), the project will provide open space and a natural area that is accessible to the urban population of the San Francisco Bay Area for recreational purposes.

Finally, the Roche Ranch acquisition satisfies all of the criteria for determining project priority

under 31163, as follows: (1) it is supported by adopted regional plans. (Specifically, this acquisition would meet the goals and objectives of the Open Space Element of the Sonoma County General Plan under its scenic, biotic, and outdoor recreational resources classifications, and the goals and objectives of the Sonoma County Agricultural Preservation and Open Space District's Acquisition Plan 2000 under its greenbelt, natural resources, and recreation acquisition categories.) This acquisition would implement the 1999 *Baylands Ecosystem Habitat Goals Report*, which recommends the protection and restoration of Tolay Creek, which runs through the property, including the enhancement of marsh/upland transitions and the provision of buffers. The project is also supported by: the Bay Area Regional Open Space Vision (2002), which identifies the Roche Ranch as a "Regional Area of Interest"; CDFG's Amphibian and Reptile Species of Special Concern in California Report (1994) and Bird Species of Special Concern in California (1978), which identify the Roche Ranch's potential to support a variety of amphibian, reptile and bird species; the California Department of Parks and Recreation Natural Resource Acquisition Program, which prioritizes projects such as this that create landscape-scale habitat linkages and protect "significant" watersheds; the California Department of Parks and Recreation California Outdoor Recreation Plan 2002, which supports projects that provide public access connections, protection of natural resource values, and protect and preserve culturally significant sites; and the Implementation Strategy of the San Francisco Bay Joint Venture Acquisition Goals, which prioritize acquisition of wetland, grassland, lake and stream habitats.). (2) The project serves a regional constituency, in that the project will help preserve habitat and provide public access for the benefit of the population for the San Francisco Bay Area. (3) The project can be implemented immediately. (4) The project provides benefits that would be lost if the project is not quickly implemented. (5) The Conservancy's funds are matched by over 4:1.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S) (as Adopted September 20, 2007):

The proposed project is consistent with **Goal 10, Objective D** of the Conservancy's Strategic Plan, because it will result in the acquisition of 1,657 acres of upland wildlife habitat and other significant open space in the Bay Area.

Consistent with **Goal 10, Objective H** the proposed project will result in the permanent protection and ultimate restoration of 2.5 miles of the Tolay Creek riparian corridor, connecting Tolay Lake to San Francisco Bay, using matching funds and project partners.

Consistent with **Goal 11, Objective C** the proposed project will result in the acquisition of land that will provide a 7 mile trail corridor connecting Tolay Lake Regional Park upland to linkages to the San Francisco Bay Trail.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

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

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the

“Consistency with Conservancy’s Enabling Legislation” section above.

2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** A multitude of partners support this project including the San Francisco Bay Joint Venture which places the acquisition of Roche Ranch as its top priority project. The project is also supported by Senator Carole Migden, Assemblyman Jared Huffman, Congresswoman Lynn Woolsey, Fish and Wildlife Service, Geological Survey, California Department of Fish and Game, Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks Department, The Bay Institute, and the Sonoma Ecology Center. Letters of Support are attached as Exhibit 5.
4. **Location:** The Roche Ranch is located in southern Sonoma County, and within the jurisdiction of the San Francisco Bay Area Conservancy, and would provide connectivity between upland fresh water wetlands and tidal wetlands of San Francisco Bay.
5. **Need:** The opportunity to secure the Roche Ranch could be lost without Conservancy support. The Land Trust has expended great effort in locating multiple additional funding sources, including the Gordon and Betty Moore Foundation, the Wildlife Conservation Board, and the Sonoma County Agricultural Preservation and Open Space District all of which are contributing to the extent they can.
6. **Greater-than-local interest:** Acquisition of Roche Ranch provides the only available way to connect the publicly owned upland property that contains the headwaters of the Tolay Creek watershed (1,737-acre Tolay Lake Ranch) with approximately 40,000 acres of protected land along the San Pablo Bay. Additionally, Tolay Creek runs through Roche Ranch where a continuous riparian corridor is home to state and federally listed bird species. Finally, once acquired and open to the public, the Property will provide outstanding opportunities for a scenic 7-mile hiking trail between the Bay Trail and upland trails to residents of and visitors to, the entire Bay Area region.

Additional Criteria

7. **Urgency:** There is an urgent need to acquire this Property in the very near future. Zoning allows fourteen residential lots. Locally, more pressure is coming to bear on properties north of Highway 37. With easy road access to major highways and the Bay Area, this pressure will likely continue to increase. If not sold in its entirety for conservation purposes now, the owners will likely begin to sell the individual parcels. This would deny the opportunity to a) protect the upland and riparian habitat and future public use of the land on this Property, and b) connect upland freshwater wetlands with the habitats associated with the tidal wetlands of north San Francisco Bay, both of which are represented in the adjacent and contiguous protected properties to its north and south.
8. **Resolution of more than one issue:** The project will offer opportunities to protect and restore riparian corridor, oak woodlands and grasslands located at Roche Ranch. Additionally, acquisition of the Property will tie the upland 1,737-acre Tolay Lake Ranch to the baylands. Finally, acquisition of the Property will eliminate threats of development, and will allow for public access.
9. **Leverage:** See the “Project Financing” section above.

10. **Conflict resolution:** Acquisition of the ranch for conservation purposes will resolve any potential future conflict over development of the Property.
11. **Readiness:** An appraisal of the Property has been approved by the Department of General Services, and the Land Trust has negotiated a transaction that is acceptable to the landowners. The Land Trust is confident that all funds will be in hand shortly and is ready to proceed with the acquisition.
12. **Realization of prior Conservancy Goals:** See the “Project History” section above.
13. **Cooperation:** The Land Trust has led the effort to acquire the Property, and has enlisted the cooperation of state and regional resource agencies, a private foundation, and citizen groups. Lower Tolay Creek has been the site of extensive restoration efforts by a collaboration of public agencies and private organizations in the past. They will continue to work with all public and private entities to ensure that the restoration of the Tolay Creek and its environs is accomplished using the best available science and expertise. The recreational component of the project will be developed jointly by the Land Trust and Sonoma County Regional Parks Department with the understanding that all natural resources will be sufficiently protected.

COMPLIANCE WITH CEQA:

Acquisition of the Roche Ranch is categorically exempt from the California Environmental Quality Act (CEQA) in that it involves the acquisition of land for open space and wildlife habitat purposes, to preserve existing natural conditions and allows some continued agricultural use (14 Cal. Code of Regulations Section 15325). Staff will file a CEQA Notice of Exemption upon Conservancy approval of the project.