

COASTAL CONSERVANCY

Staff Recommendation
September 25, 2008

CHAPARRAL SPRING ACQUISITION

File No. 08-073-01
Project Manager: Michelle Jespersen

RECOMMENDED ACTION: Authorization to disburse up to \$1,400,000 to the East Bay Regional Park District for the acquisition of the approximately 333-acre Chaparral Spring property for open space, wildlife and habitat preservation, public access, and limited agricultural uses.

LOCATION: Near Marsh Creek Road and Morgan Territory Road, City of Clayton, Contra Costa County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

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

Exhibit 2: [Map of Conservation Easement Area and Trails](#)

Exhibit 3: [Photographs](#)

Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS:

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

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million four hundred thousand dollars (\$1,400,000) to the East Bay Regional Park District (“EBRPD”) to acquire the approximately 333-acre Chaparral Spring property (the “property”, Assessor’s Parcel numbers 078-040-009, 078-040-011, 078-070-026, and 078-280-002) for open space, wildlife, and habitat preservation, public access, and limited agricultural uses. This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds for the acquisition, EBRPD shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. All relevant acquisition documents, including but not limited to the appraisal, escrow instructions, title reports and documents of title necessary to the purchase of the property.

- b. A signing plan acknowledging Conservancy funding, the design and placement of which is approved by the Executive Officer.
2. EBRPD shall pay no more than fair market value for the property acquired, as established in an appraisal approved by the Executive Officer.
3. EBRPD shall permanently dedicate the property to for open space, wildlife, habitat preservation, public access and limited agricultural uses by recording an offer to dedicate (“OTD”) or other instrument acceptable to 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 current Project Selection Criteria and Guidelines.
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 Program.”

PROJECT SUMMARY:

Staff requests authorization to disburse up to \$1,400,000 to the EBRPD for the acquisition of the 333-acre Chaparral Spring property located in the City of Clayton in Contra Costa County. Chaparral Spring contains environmentally sensitive habitats for several special status species. It also has significant recreational opportunities, protects agricultural and provides other public benefits. The property is located in between EBRPD’s 1,030-acre Clayton Ranch to the east and Mount Diablo State Park to the south and is the single most important parcel in a strategic wildlife, open space and recreational corridor between Mount Diablo State Park and EBRPD-owned Black Diamond Mines Regional Preserve, located to the northeast of Clayton Ranch, because it is the only undeveloped parcel in the area with physical and topographical connections across Marsh Creek Road to Mt. Diablo State Park. In addition to this, there is a cattle tunnel connection across the road that can provide for future public access between Chaparral Springs and other protected lands across Marsh Creek Road. As a result, the property provides many new opportunities for public access including extending existing trails like the 30-mile Diablo Trail from Mount Diablo State Park through Chaparral Spring and Clayton Ranch to create a new 60-mile Diablo Grand Loop Trail.

Situated adjacent to the northeastern boundary of Mount Diablo State Park, Chaparral Spring is a strategic part of a landscape-level effort to protect Mount Diablo. The property is a critical piece to completing over 140 square miles of protected open space lands between around Mount Diablo, Black Diamond Mines Regional Preserve and Marsh Creek-Morgan Territory that would ensure complete protection of wildlife habitat corridors. The property also includes the headwaters of Mount Diablo Creek, most of which is protected in public ownership and spans the watershed boundaries of the Mount Diablo Creek and Marsh Creek Watersheds. Under EBRPD ownership, Chaparral Spring will be combined with Clayton Ranch to create a new 1,363-acre regional preserve that is separate and distinct from Black Diamond Mines Regional Preserve, with a focus on wildlife corridors and regional trail connectivity. This new preserve

would serve multiple cities including Clayton and Concord, as well as the entire East Bay.

Conservancy funds for Chaparral Spring would be used to transfer the property from Save Mount Diablo (SMD), a locally based non-profit land conservation organization, to EBRPD. SMD originally acquired the Chaparral Spring property in 1994 entirely with private funding, in order to secure the strategically important property that faced development pressure at the time. From the time of purchase, SMD intended to transfer the property to the appropriate land management entity as the SMD does not have the mission, capacity or financial resources to manage the property for the long-term nor to provide access for the public. After years of stewardship, SMD is ready to transfer Chaparral Spring to the EBRPD, who is now willing to assume responsibility for its management and public access. Under EBRPD ownership, Chaparral Spring will be permanently protected, properly managed and stewarded, and made available for public use. SMD is currently working to protect other lands in the area of Mount Diablo, Black Diamond Mines Regional Preserve and the Morgan Territory and will be able to use the funds from this purchase to preserve additional lands in the area.

The property is currently grazed, and helps to support the ranching economy of the area. Ranching exists on other nearby private lands in the corridor. SMD was able to take advantage of Williamson Act Exchange funds several years ago by placing an agricultural conservation easement supporting grazing on 150 acres of the property. Consistent with the terms of the easement, SMD currently maintains a lease agreement with a local rancher for cattle grazing within the easement area. To protect habitat quality and sensitive resources, the number of cows allowed to graze on the property is currently limited to approximately 26. EBRPD plans to continue the lease with the local rancher with the goal of balancing agricultural use with the protection of environmentally sensitive habitat areas and wildlife. The agricultural easement requires that no new trails or roads be built in the easement area; existing roads and trails in the easement area as depicted in Exhibit 2 will be maintained for public use.

SMD currently conducts a heritage tree and grove adoption program on the property to support the operational expenses of Save Mt. Diablo's Land Program, which includes occasional access to the property for program participants. SMD will continue to conduct property tours until the property is opened to the public under EBRPD management; however the Heritage Tree Program will not continue on this property after transfer of ownership. EBRPD will open the property to the public once the Master Plan is complete for a new park unit that would combine the Clayton Ranch and Chaparral Spring properties.

The EBRPD, established in 1934, is a diverse land and water management agency comprising nearly 100,000 acres containing 65 regional parks, recreational areas, wildernesses, shorelines, ecological preserves, and land bank areas, as well as more than 1,000 miles of trails. EBRPD's area of jurisdiction covers 1,745 square miles in Alameda and Contra Costa counties. Most of the District's nearly 100,000 acres of parklands are wildlands—natural areas which provide watershed, open space, and habitat for plants and animals as well as opportunities for outdoor recreation. EBRPD is responsible for protecting all wildlife in the parks, managing non-native and feral animals, and cooperating with other land managers to address wildlife management issues on a regional scale. As such, EBRPD is a qualified and an appropriate agency to assume ownership and management of the Chaparral Spring property.

Site Description: Chaparral Spring is a visually spectacular 333-acre property located north of Marsh Creek Road and adjacent to Mount Diablo State Park (see photos in Exhibit 3). It is adjacent to EBRPD's 1,030 acre Clayton Ranch, and together these properties cross Keller Ridge into upper Irish Canyon, a property recently protected by SMD and EBRPD efforts. Chaparral Spring is the saddle between Mount Diablo and Black Diamond Mines Regional Preserve, historically known as "the Divide" between the Marsh Creek and Mount Diablo Creek Watersheds, and has canyons draining in every direction. Chaparral Spring offers expansive vistas as the land rises from 1000 to 1600 feet in elevation.

Habitats at Chaparral Spring include annual grassland, oak savannah, blue oak woodland, chaparral, broadleaf evergreen forest, deciduous forest, ponds and riparian corridors. The property is dominated by grassland, blue oak woodland and a chaparral filled canyon; of these habitat types, blue oak woodland is a major habitat that is under-protected. Seventeen significant special status species inhabit the property: the threatened California tiger salamander and Alameda whipsnake; Cooper's hawk, sharp-shinned hawk, golden eagle (special status); and 12 rare plant species including two endemic to the Mt. Diablo region (Mt. Diablo sunflower and Mt. Diablo globe lily). The property expands the benefits of preserving the neighboring 1,030 acres at Clayton Ranch, which includes several more special status species such as the California red-legged frog. SMD drained a stock pond on the property to remove exotic fish and enhance native amphibian habitat. The property's myriad of canyons serve as critical wildlife corridors linking the entire Mount Diablo and Marsh Creek-Morgan Territory area to Black Diamond Mines Regional Preserve. Many species reach their northern limit at Mt. Diablo and at Black Diamond Mines; protecting this property will help keep those two habitat areas intact.

Project History: The transfer of the Chaparral Spring property to EBRPD is part of an on-going effort between EBRPD, SMD, and the California Department of Parks and Recreation (DPR) to expand this significant wildlife area and recreation corridor between Mt Diablo State Park and the Black Diamond Mines Regional Preserve. The Conservancy, in cooperation with community members and the area's legislative representatives, has supported this effort.

For example, in 1997, the EBRPD negotiated three acquisition options with the Clayton Ranch property owners, covering the entire 1,031-acre ranch. Key to securing these options and acquisition price was the agreement to honor a phased acquisition schedule. In 2000, the Conservancy provided final funding to the EBRPD for the third and final options for acquisition of the last 331 acres of the property. Chaparral Spring adjoins the Clayton Ranch property and together, these properties offer the one of best opportunities for the creation of a continuous wildlife habitat and recreation corridor between Mt. Diablo State Park and the Black Diamond Mines Regional Preserve.

PROJECT FINANCING:

The appraised fair market value of the Chaparral Springs property is \$1,634,000. SMD is selling the property as a bargain sale to EBRPD for \$1,400,000 and making up the difference through its own fundraising. SMD raised \$134,000 in private funds from the J.M. Long Foundation (\$50,000), Cowell Foundation (\$50,000), Weeden Foundation (\$20,000), B.T. Rocca Foundation (\$11,650), and California Native Plant Society (\$2,000), and contributed over \$100,000 of their own funds to cover the difference between the fair market value and the sale price.

Coastal Conservancy	<u>\$1,400,000</u>
Total Project Cost	\$1,400,000

EBRPD will contribute in-kind services to this project by assuming responsibility for the planning, stewardship, and management of Chaparral Spring property. EBRPD estimates that the initial planning and CEQA analysis for the property will cost approximately \$200,000, plus approximately \$100,000 for infrastructure development (i.e. staging area, trail improvements) that may be necessary to open the area to the public. The estimated cost to maintain a recreation area of this sort will be \$25,000 - \$50,000 per year. These costs can be considered a non-state “in-kind” matching contribution from EBRPD for this project.

Staff anticipates using the fiscal year 07/08 appropriation to the Conservancy from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84) (Public Resources Code Sections 75001 *et seq.*) to fund this acquisition. This funding source may be used for the protection of bays, coastal waters and lands, pursuant to the Conservancy’s enabling legislation, Chapter 4.5 of Division 21 of the Public Resources Code. The acquisition of the Chaparral Spring property by EBRPD will protect natural habitat values within San Francisco Bay Area watersheds of Mount Diablo Creek and Marsh Creek. In addition, as discussed below, the project is consistent with Chapter 4.5 of Division 21.

Proposition 84 also requires that, for acquisition projects that protect natural resources, the Conservancy assess whether the project meets at least one of the criteria specified in Section 75071. The proposed acquisition satisfies four of the five specified criteria:

- 1) The property links to existing protected areas with other large blocks of protected habitat. The linkage serves to connect existing protected areas, facilitate wildlife movement and botanical transfer, and results in sustainable combined acreage.
- 2) The project will contribute to the long-term protection of and improvement to the water and biological quality of the streams, aquifers and terrestrial resources within Mount Diablo Creek and Marsh Creek watersheds.
- 3) The Chaparral Spring property supports relatively large areas of blue oak woodland, an “under-protected” major habitat type.
- 4) Non-state funds are contributing toward the acquisition of this property such that SMD is able to sell the property for less than the fair market value.

Finally, as required by Section 75701, Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy’s website an explanation as to how the proposed acquisition meets the criteria of that section.

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 and Section 31163 described in more detail below.

Consistent with Section 31162(a), the project will improve public access around the bay including ridgetops and open spaces, as part of a regional trail system consistent with locally and regionally adopted master plans and consistent with the rights of property owners. The proposed transfer of the Chaparral Spring property to the EBRPD will provide new open space that will eventually link and extend a regional system of trails from Mount Diablo State Park to Black Diamond Regional Preserve.

Under Section 31162(b), the Conservancy is mandated to protect and enhance natural habitats and connecting corridors, scenic areas, watersheds, and other open space resources of regional importance. The Chaparral Spring acquisition will permanently protect exceptional scenic viewsheds and portions of the Mount Diablo Creek and Marsh Creek watersheds. The acquisition will protect wildlife habitat that supports numerous special status species, including vital corridor habitat.

Consistent with Section 31162(c), the project will assist in implementation of the EBRPD's Master Plan for Black Diamond Regional Preserve, the Contra Costa County General Plan and the City of Clayton's Marsh Creek Specific Plan.

The project is consistent with Section 31162(d) in that it will provide open space and natural areas that are accessible to urban populations in eastern Contra Costa County and throughout the San Francisco Bay area from a network of nearby state highways, including Interstate 680 and the Highway 4.

This project was evaluated in a manner consistent with the intent and criteria specified in Section 31163(c) in that: (1) the acquisition is included in the EBRPD's Master Plan and is consistent with the Contra Costa County General Plan and City of Clayton Mash Creek Specific Plan; (2) it will serve a regional constituency as an important part of scenic open space for the East Bay region and is easily accessible to recreational visitors from the Bay area; (3) it can be implemented in a timely way in that acquisition is estimated to close by the end of the 2008 calendar year; and (4) it provides an opportunity to provide public access that could be lost if the property is not transferred to EBRPD.

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

Consistent with **Goal 10, Objective D** of the Conservancy's 2007 Strategic Plan, the proposed project will protect 333 acres of uplands, wildlife habitat, connecting corridors, scenic areas, and other open-space resources of regional significance through the nine Bay Area counties.

Consistent with **Goal 11, Objective C** of the Conservancy's 2007 Strategic Plan, the proposed project will increase the amount of lands accessible to the public or provide corridors for trails.

Consistent with **Goal 12, Objective B** of the Conservancy's 2007 Strategic Plan, the proposed project will protect approximately 150 acres of rangeland in the nine Bay Area counties.

**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 Congresswoman Ellen Tauscher, Senator Tom Torlakson, Assemblyman Mark DeSaulnier, Contra Costa Supervisor Federal Glover, City of Clayton Mayor Gregory Manning, Save Mt Diablo, the California Native Plant Society and many community and local residents of Contra Costa County (see Exhibit 4).
4. **Location:** This project is located in the City of Clayton in Contra Costa County, one of the nine Bay Area Counties.
5. **Need:** Without Conservancy funding, EBRPD will not be able to purchase the property which will allow the public to have access to the property and ensure the long-term stewardship and management of the property for wildlife habitat, open space and agriculture.
6. **Greater-than-local interest:** Chaparral Spring is a strategic addition to the network of lands already owned by the EBRPD in the area because of its location adjacent to Mt. Diablo State Park. This property provides a crucial wildlife corridor between Mount Diablo State Park and Black Diamond Mines Regional Preserve, as well as key trail connections in current and proposed regional trails. The property also includes the headwaters of Mount Diablo Creek; therefore, it is important for watershed protection of the central Contra Costa region.

Additional Criteria

7. **Urgency:** SMD has owned and managed the property for almost 15 years; however, SMD does not have the capacity for long-term management of the property nor managing public access. The sooner that EBRPD can take over operations and maintenance of the property, the sooner the land will be open to the public to enjoy.
8. **Resolution of more than one issue:** The acquisition of the Chaparral Spring property by EBRPD will: make this land available for recreation and education, habitat protection and restoration; protect agricultural land and the watershed; and provide trail connections between population centers and public facilities.
9. **Leverage:** See the "Project Financing" section above.

10. **Readiness:** EBRPD is poised and ready to purchase the property. EBRPD recently acquired the neighboring Clayton Ranch property and together, EBRPD will be able to provide extensive public access and recreation opportunities between these two properties.
11. **Realization of prior Conservancy goals:** See “Project History” above.
12. **Return to Conservancy:** See the “Project Financing” section above.
13. **Cooperation:** This project represents a collaborative effort between EBRPD, SMD and other organizations to preserve and conserve a vital property in the region. SMD initially acquired the Chaparral Spring property in the early 1990’s to protect it from the threat of suburban residential growth and infrastructure projects to the east of Mount. Diablo. SMD is seeking to transfer the property to EBRPD so that the property can be made available for public access and EBRPD can provide long term management of the land.

COMPLIANCE WITH CEQA:

The acquisition of Chaparral Spring is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it consists of the acquisition of interest in land to preserve existing natural conditions and to allow some continued agricultural use (14 Cal. Code of Regulations Section 15325). Staff will file a Notice of Exemption following Conservancy authorization.