

COASTAL CONSERVANCY

Staff Recommendation
April 1, 2010

FRANKLIN CANYON ACQUISITION

File No. 09-005-01
Project Manager: Lisa Ames

RECOMMENDED ACTION: Authorization to disburse up to \$1,000,000 to the Muir Heritage Land Trust for: 1) the acquisition of the 483-acre Franklin Canyon property for open space, public access, watershed protection, wildlife and habitat protection, and limited agricultural use; and 2) planning and resource assessment activities necessary to protect the property.

LOCATION: East of Coronado Street at Refugio Valley Road in the City of Hercules, Contra Costa County (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location](#)
 - Exhibit 2: [Regional Map of Muir Heritage Land Trust and Surrounding Lands](#)
 - Exhibit 3: [Site Plan](#)
 - Exhibit 4: [Photographs](#)
 - Exhibit 5: [Project Letters](#)
 - Exhibit 6: [Exemption Letter from Department of Finance](#)
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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 dollars (\$1,000,000) to the Muir Heritage Land Trust (“MHLT”) to acquire the approximately 483-acre Franklin Canyon property Assessor’s Parcel Numbers 362-020-017, 362-020-019, and 362-020-022 (the “property”) for open space, wildlife and habitat preservation, watershed protection, public access, and limited agricultural uses and to conduct planning for stewardship and management and a resource assessment of the property. This authorization is

subject to the following conditions:

1. Award of the grant funds is conditioned upon the availability of bond funds sufficient to disburse the funds to the grantee.
2. Prior to disbursement of any Conservancy funds for the acquisition, MHLT 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, environmental assessments, escrow instructions, title reports and documents of title necessary to the purchase of the property.
 - b. Evidence that sufficient funds other than the Conservancy funds are available to complete the acquisition.
3. MHLT shall pay no more than fair market value for the property acquired, as established in an appraisal approved by the Executive Officer.
4. MHLT shall permanently dedicate the property for open space, wildlife, habitat preservation, watershed protection, public access and limited agricultural uses by recording an offer to dedicate (“OTD”) or other instrument acceptable to the Executive Officer.
5. MHLT shall develop a signage plan acknowledging Conservancy funding of the project, the design and placement of which is approved by the Executive Officer.
6. MHLT shall develop a resource assessment and property management plan within five years of acquiring the property. Prior to the disbursement of funds to the MHLT for planning and resource assessment, the Executive Officer shall approve in writing a work plan, including budget and schedule, and any contractors proposed to be used.
7. Upon request of the Executive Officer, the grantee and its successors-in-interest shall permit alignment and development of a segment of the Bay Area Ridge Trail (“Ridge Trail”) through this property, should such a segment be determined feasible and compatible with the other acquisition purposes. The grantee shall also provide, install and maintain, or permit the placement of, signs identifying the property as a segment of the Ridge Trail, if it is developed on the property. The design, number, and placement of the signs shall be 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 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, regarding the San Francisco Bay Area Conservancy Program.
3. The project is a high priority in that it offers significant public benefits and provides an opportunity for significant third-party matching funds that might otherwise be lost without project approval.

4. The Muir Heritage Land Trust is a nonprofit organization existing under the provisions of section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”
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PROJECT SUMMARY:

Staff seeks authorization to disburse up to \$1,000,000 to the Muir Heritage Land Trust (“MHLT”) for the acquisition of approximately 483 acres of land in the City of Hercules, known as Franklin Canyon, and to conduct planning for stewardship and management and a resource assessment for the property in order to adequately implement the purposes of the acquisition. This purchase will protect a fragile ecosystem, significant watershed lands, and important habitat for numerous special status species and provide public access via key trail alignments, including a potential segment of the Bay Area Ridge Trail (“Ridge Trail”). This project enjoys significant community support and allows for the land, once slated for large-scale development projects, to be permanently protected as open space.

The Franklin Canyon property is within the limits of the City of Hercules and is bordered on two sides by undeveloped lands (See Exhibit 2). The south and east sides of the property abut lands that are part of the Briones Hills Agricultural Preservation Area, including Fernandez Ranch open space lands owned by the MHLT. The entire Franklin Canyon property consists of approximately 483 acres.

Community involvement and support for preservation of the property has been very significant. For twenty years, in response to persistent development pressures, citizens organized and advocated for the preservation of this site. One development proposal included 500 houses, a hotel and retail strip-mall that would have resulted in the loss of more than 3,000 oak trees and the destruction of 273 acres of habitat. In response to that proposal, residents of Hercules authored Measure M, a ballot initiative designed to protect Franklin Canyon and nearby open space lands from harmful and unnecessary development. The measure passed in 2004 with 63% voter approval. Measure M defines and limits the permissible land uses within the Franklin Canyon area and restricts development on wetland and riparian corridors, critical wildlife habitat, steep slopes, ridgelines and hilltops. In addition, MHLT recently participated in the Contra Costa Resource Conservation District’s Rodeo Watershed Vision Plan process with local citizens and community groups to help address issues of public recreation, flood management, creek bank stability, fish and wildlife habitat and other needs. The plan was finalized in November 2008, and the community has shown great support for more open space and public access in their watershed. The purchase of Franklin Canyon by MHLT ensures that this land will remain as open space in perpetuity and is aligned with that community vision.

Although the need for significant restoration work is not anticipated for this property, this authorization would also provide funding to support planning for and stewardship of the Franklin Canyon property. Staff anticipates that up to \$50,000 of the authorization could be spent on resource assessments and planning work related to future management of the property. More specifically, this work would include mapping and photo-documentation of the site; conducting a professional resource inventory; developing a property management plan (including range

management); installing property signage; and fencing, and developing a trails and public access plan.

The property is zoned agricultural in the Contra Costa County General Plan and has historically been used as rangeland for cattle, although the property has not been grazed for approximately 12 years. MHLT plans to address range management in the property management plan to determine the best way to manage the property's natural resources. Managed cattle grazing may resume on site if it is beneficial to the protection of natural resources and stewardship of the property.

With respect to public access, the property contains numerous fire roads that can be used as trails. A site plan showing existing fire roads and a proposed trail alignment is included here in Exhibit 3. The "Proposed Trail" on the Site Plan would connect the existing network of fire roads on Franklin Canyon to trails planned for the adjacent Fernandez Ranch and eventually link up with proposed sections of the 550-mile Bay Area Ridge Trail ("Ridge Trail"). Acquisition of Franklin Canyon could also help to establish a Ridge Trail connection between Fernandez Ranch and East Bay Regional Park District's 1,939-acre Crockett Hills Regional Park to the north of Franklin Canyon and across Highway 4. MHLT staff consulted with the Bay Area Ridge Trail Council (BARTC) to determine the most appropriate alignment for the Proposed Trail and is also working with BARTC to assess the feasibility of the possible Ridge Trail segment. All trails on the property will be sited and designed to avoid impacts to environmentally sensitive areas or any agricultural activities on the property.

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. MHLT has the experience and capacity to acquire these new lands and provide for the successful stewardship to meet the acquisition purposes.

Site Description:

As shown on Exhibits 2 and 3, Franklin Canyon is surrounded on two sides by existing protected lands designated as open space or agricultural preserve, and the third side is bounded by a private golf course. The protection of Franklin Canyon will extend the existing wildlife corridor, increase the amount of permanent natural creek channels, and benefit the entire watershed. The property contains a segment of Rodeo Creek, two tributaries to Rodeo Creek and one tributary to Refugio Creek and supports diverse oak-bay woodland, riparian, coastal scrub, freshwater marsh/seep and annual grassland habitats, as well as many special-status plant and animal species. The property also provides a key link within a critical wildlife corridor extending from the Upper San Leandro Watershed to the Carquinez Strait. Franklin Canyon offers rolling hills, deep canyons, and spectacular panoramic views in every direction (see Photographs, Exhibit 4).

The wildlife habitat on the site is in very good condition and MHLT does not anticipate the need for major restoration on the property. The current Rodeo Creek Restoration Project on MHLT's adjacent Fernandez Ranch is expected to further improve the riparian habitat on Franklin Canyon. The project on Fernandez Ranch will reduce the amount of sediment entering the

system and increase the quality of riparian habitat through extensive planting and cattle exclusion fencing from Rodeo Creek. With the addition of these 483 acres to the 702-acre Fernandez Ranch, MHLT will own nearly one-fifth of the Rodeo Watershed, ensuring permanent protection of the land and significant benefits to the hydrology of the entire watershed.

Franklin Canyon is in the upper reaches of both the Rodeo Watershed and the Refugio Watershed. Hydrology on the site is in good condition and overall habitat quality is very good, though some rural development and culvert installation has occurred up- and downstream of the property. Vegetation on the property is significantly over-grown due to a lack of grazing or other management techniques and will require some thinning to reduce fuel loads and enhance native plant diversity.

Special status species known to occur on-site include the Diablo helianthella (*Helianthella castanea*), California red-legged frog (*Rana aurora draytonii*), Alameda whipsnake (*Masticophis lateralis euryxanthus*) and Cooper's hawk (*Accipiter cooperii*). Other special status species likely to occur on-site include Bridge's Coast Shoulder-band snail (*Helminthoglypta nickliniana bridgesii*), Western pond turtle (*Clemmys marmorata*), white-tailed kite (*Elanus leucurus*) and northern harrier (*Circus cyaneus*). Numerous sightings of the California red-legged frog and Western pond turtle have been reported in Rodeo Creek on the adjacent golf course property and the Fernandez Ranch property. Within the property, 156 acres of the site are designated as red-legged frog habitat. Several active raptor nests were observed in woodland trees during recent surveys of the site, including two red-tailed hawk nests and a Cooper's hawk nest.

Riparian scrub occurs along the Rodeo Creek corridor adjacent to oak-bay woodlands on the lower slopes of the site. The riparian scrub provides important habitat for fish and wildlife, and creeks are well known for their importance as movement corridors. The perennial flows in Rodeo Creek provide aquatic habitat for fish and amphibians, and drinking water and protective cover for terrestrial species. The dense vegetation and incised channel serves as a movement corridor for both aquatic and terrestrial species, providing relatively secure cover along its length.

Scattered patches of freshwater marsh and seeps occur throughout the property along drainages and along Rodeo Creek. The largest of these seeps occurs in the drainage in the southeastern corner of the site, where surface water supports freshwater marsh and riparian scrub. The freshwater seeps provide an important source of surface water for aquatic and terrestrial species. Garter snake, tree frog, western toad, and other species generally associated with emergent wetland habitat may utilize seeps with available surface water. The spring in the southeastern portion of the site most likely serves as an important source of surface water for numerous birds and mammals during the dry summer.

Project History:

Acquisition of this property would help implement long-standing community efforts to preserve this and surrounding properties. The Conservancy has funded other acquisitions by MHLT along the Franklin Ridge, including the 702-acre Fernandez Ranch (March 2005), the 158-acre Dutra Ranch (October 2003), and the 80-acre Gustin Ranch (January 2000). In addition, the

Conservancy anticipated and entered into negotiations with MHLT during negation of the purchase and prior to the bond freeze implemented through Finance Letter 08-33 and 09-15.

The approximately 483-acre biologically-rich property is directly contiguous to the MHLT's 702-acre Fernandez Ranch, acquired in 2005 with funding from the Conservancy and others. 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. In the same authorization, the Conservancy funded \$58,000 to the BARTC for Ridge Trail planning on the property. In June 2008, the Conservancy provided an additional \$515,000 to implement stream restoration work along Rodeo Creek and construct a staging area and 1.4 miles of Ridge Trail. Preservation of Franklin Canyon effectively expands Fernandez Ranch to create a 1,185-acre park for conservation and public access.

This acquisition could also advance completion of a critical link in the Ridge Trail, another project towards which the Conservancy has made significant investment. The Conservancy is a major partner helping to complete the Ridge Trail, which is one of the goals identified in the enabling legislation for the San Francisco Bay Area Conservancy Program. BARTC has been working with MHLT and the Conservancy to support the acquisition and planning for construction of the Ridge Trail at the various properties along Franklin Ridge. This project will advance the Conservancy's goal of completing the Ridge Trail and provide additional open space and public access opportunities to the surrounding communities.

PROJECT FINANCING

MHLT anticipates purchasing the 483-acre Franklin Canyon property for the currently appraised value of \$2,610,000. MHLT estimates the total project cost to be \$3,323,100 to cover acquisition and closing costs, resource inventories, and planning and development of a stewardship and management plan for the property. The Conservancy authorization of \$1,000,000 would primarily fund acquisition costs, with up to \$50,000 to conduct planning work and resource assessments of the property. The existing available funds, including the Conservancy's potential \$1 million contribution, would allow the acquisition to proceed at this time before the purchase agreement for the property expires and matching funds are lost. Additional pending sources of funding, which include mitigation and settlement funds derived from the Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and California Department of Fish and Game, would bring the total available funding closer to the \$3,323,100 needed to complete the project.

Additional funds would be necessary to develop plans for and construct the potential Ridge Trail segment discussed above. Funds for this work are not being requested at this time. The project will consist of a variety of public and private support:

Committed Funding Sources

Coastal Conservancy	\$1,000,000
CA Resources Agency Environmental Enhancement and	

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Mitigation Program	\$ 600,000
Regional Water Quality Control Board Supplemental Environmental Project Mitigation Funds (SEP)	\$ 225,600
East Bay Regional Park District	\$ 500,000
CA Dept. of Fish and Game Mitigation Funds (City of Lafayette, PG&E)	\$ 54,418
J.M Long Foundation	\$ 20,000
Strong Foundation	\$ 5,000
San Francisco Foundation	\$ 100,000
MHLT Private Donations	<u>\$ 105,000</u>
TOTAL	\$2,610,018

The \$1.6 million of committed matching funds comprises the following sources: MHLT is expecting to receive funds from the Environmental Enhancement and Mitigation Program (EEMP). Established by the California Legislature in 1989, the EEMP offers a total of \$10 million each year for grants to local, state, and federal governmental agencies and to nonprofit organizations for projects to mitigate the environmental impacts caused by new or modified public transportation facilities. The funds from the EEMP are administered by the Resources Agency and are made available to resource enhancement projects that provide environmental benefits above and beyond what is required as direct mitigation for any specific project (i.e. modification of or construction of new transportation infrastructure or facilities). MHLT has received a commitment totaling \$600,000 from the program to contribute to this project. MHLT has also received a commitment from the East Bay Regional Park District for \$500,000, a commitment of \$225,600 of mitigation funds from the Supplemental Environmental Project administered by the Regional Water Quality Board, and a commitment of \$54,418 of mitigation funds administered by the CA Department of Fish and Game.

Staff anticipates using the fiscal year 08/09 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). Some of these funds are appropriated to the Conservancy 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 Franklin Canyon property will protect natural habitat values within San Francisco Bay Area watersheds of Refugio and Rodeo Creek. In addition, 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 of the Public Resources Code. 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 Refugio and Rodeo watersheds.
- 3) The property supports relatively large areas of riparian scrub and fresh water marsh which can be considered “under-protected” major habitat types because of their rare occurrence and vulnerability to threats from development.
- 4) There are significant non-state funds expected to contribute toward the acquisition and stewardship of this property.

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

In August 2009, the Conservancy requested an exemption from the Department of Finance from the restriction on authorization of new bond-funded projects (Budget Letters 08-33 and 09-15) to allow the Conservancy to review and approve projects meeting certain criteria. The Department of Finance granted the exemption for high priority future projects that offer significant public benefits and provide an opportunity for third-party matching funds (Exhibit 6). This project has more than \$1.6 million in committed matching funds and an additional \$1.13 million in potential funds that could be leveraged by Conservancy funding. The project’s benefits to coastal resources, wildlife corridors, special-status plant and animal species, and environmentally sensitive public access as described in the project summary are significant. If the acquisition does not occur by June 27, 2010, the purchase agreement for this property will expire and \$600,000 of committed funds to this project will be lost. Accordingly, this is a high priority project that qualifies for the exemption from the restriction on authorization of new bond-funded projects.

Due to the current bond freeze, the Conservancy cannot guarantee when the Proposition 84 funds will be available and therefore, disbursement of Conservancy funds is conditioned upon bond funds becoming available. While it is unlikely that state bond funds will be available by June 27, 2010, the Conservancy’s conditional approval of the project before that date will enable MHLT to secure funding from private organizations and complete the transaction prior to the expiration of the purchase agreement. The Conservancy funds will repay those organizations without interest accruing if and when currently appropriated funds are made available.

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.

Section 31162(a) authorizes the Conservancy to “improve public access to and around the bay, coast, ridgetops, and urban open spaces...through completion and operation of regional bay, coast, and ridge trail systems, and local trails connecting to population centers...” The proposed project will acquire real property to preserve a trail corridor for the Ridge Trail, connecting the property to other regional trail systems and urban areas, including residential areas of Hercules that abut the property.

The project is also consistent with the components of Section 31162(a) that requires that public access projects of the Conservancy are consistent with the rights of private property owners and will not have a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. The proposed acquisition has a willing seller and the proposed trails will be sited and designed so as not to adversely impact agricultural operations, environmentally sensitive areas and wildlife (see “Project Description” section for additional information).

Under Section 31162(b), the Conservancy is authorized to protect and enhance natural habitats and connecting corridors, scenic areas, watersheds, and other open space resources of regional importance. This acquisition will result in the protection of the natural habitats, watersheds of Rodeo and Refugio Creeks, scenic areas, and significant recreational trail connection opportunities located in the Franklin Canyon. The acquisition will protect wildlife habitat that supports numerous special status species, including riparian and canyon areas that provide vital habitat as refugia for many of the special status species.

The project will also help implement the City of Hercules' plans and local land use regulations established by Measure M (2004) and the recently completed community-driven Rodeo Watershed Vision Plan, finalized in November 2008, consistent with Section 31162(c).

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 Contra Costa County and throughout the San Francisco Bay area from a network of nearby state highways, regional trails and via public transportation.

The Franklin Canyon project satisfies all of the criteria for determining project priority under 31163(d), since the project: 1) is supported by the City of Hercules land use goals and restrictions; 2) serves a regional constituency in that the project will help preserve habitat of threatened species, protect watershed lands that provide drinking water to numerous communities and provide opportunities for public access including a possible connection to the Ridge Trail on the property; 3) can be implemented in a timely way in that acquisition is estimated to close by June 27, 2010; 4) provides benefits that would be lost if the project is not quickly implemented; and 5) will include significant matching funds.

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 approximately 483 acres of uplands wildlife habitat, connecting corridors,

scenic areas, and other open-space resources of regional significance throughout 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 land accessible to the public and provide corridors for trails.

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:** This project is supported by Congressman George Miller, Congresswoman Ellen Tauscher, State Senator Mark DeSaulnier, Contra Costa Supervisor Gayle Uilkema, Contra Costa Supervisor John Gioia, County Superintendent of Schools, Dr. Joseph A. Ovick, Mayor Joanne Ward, City of Hercules, East Bay Regional Park District, Contra Costa County Flood Control District, Contra Costa Resource Conservation District, Friends of Rodeo Creek, Friends of Hercules, and the Bay Area Ridge Trail Council (See Letters of Support, Exhibit 5).
4. **Location:** The project is located in Contra Costa County, one of the nine Bay Area counties.
5. **Need:** Conservancy funding is needed to leverage additional funding from private foundations and other state sources for the purchase and stewardship of the property. Without Conservancy funding there are insufficient funds to complete the project. Authorization of a grant at this time will allow the grantee to obtain substitute funding to complete the project before expiration of matching funds and the purchase agreement.
6. **Greater-than-local interest:** The 483-acre Franklin Canyon property is adjacent to the 702-acre Fernandez Ranch, purchased by the Muir Heritage Land Trust in 2005 and its purchase effectively creates a 1,185-acre preserve of permanently protected open space for public use and enjoyment. This property is of regional significance for the public access opportunities it affords as well as the high quality habitat it provides for several threatened and endangered species. The property also supports several habitat types and plant communities that are considered sensitive natural community types by the California Department of Fish and Game (CDFG) and California Native Plant Society (CNPS).
7. **Sea level rise vulnerability;** The project is located in an area that is not vulnerable to impacts due to anticipated rise in sea levels attributable to global climate change.

Additional Criteria

8. **Urgency:** As previously discussed, the Franklin Canyon property has faced numerous threats of large scale development projects until the recent passage of Measure M in 2004. While Measure M limits the development potential, the property still faces threats from development that could degrade critical natural resources and watershed lands. Acquisition by MHLT is important for preserving the land and preventing fragmentation of contiguous protected lands for wildlife, natural resources, open space, and recreational purposes.
9. **Resolution of more than one issue:** The project will protect watershed lands, preserve and enhance natural habitats for threatened and endangered species, provide opportunities for public access and recreation, including completing a critical gap in the Ridge Trail and provide trail connections between population centers and public facilities.
10. **Leverage:** See the “Project Financing” section above.
11. **Conflict resolution:** For twenty years, in response to persistent development pressures, there has been conflict within the community about the best use of this land. Citizens organized and advocated for the preservation of this site, including placing a ballot measure (Measure M) to protect Franklin Canyon and nearby open space that received 63% approval in 2004. Purchase of Franklin Canyon by MHLT ensures that this land will remain as open space in perpetuity and aligned with the community vision.
12. **Readiness:** MHLT has an aggressive public outreach and fundraising campaign to obtain the funds necessary to purchase the property Franklin Canyon by June 30, 2010 and provide for its management and stewardship for years to come.
13. **Realization of prior Conservancy goals:** “See “Project History” above.”
14. **Return to Conservancy:** See the “Project Financing” section above.
15. **Cooperation:** As stated above, this acquisition supports a community vision, established through Measure M and the recently completed Rodeo Watershed Community Vision, a plan developed with participation by local citizens, MHLT and community groups to address public recreation, flood management, creek health and stability and fish and wildlife habitat
16. **Vulnerability from climate change impacts other than sea level rise.** The project will assist in creating 483 acres of open space area. The protection of the woodland and grassland may offer a benefit for the stabilization of the atmosphere, as compared with residential development. The size and diversity of elevations of the property offer connectivity for movement and adaptation of wildlife and, over time, plant species. The vegetation management and habitat restoration objectives of the anticipated resources assessment plan will include activities to reduce risk of fire, spread of invasive species, run-off or sedimentation into riparian areas and other potential impacts that may occur as a result of greater storm activity or other climatic changes.

COMPLIANCE WITH CEQA:

The acquisition of Franklin Canyon 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.

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Code of Regulations Section 15325). The planning and resource assessment studies are also categorically exempt under Section 15306, which exempts basic data collection and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Staff will file a Notice of Exemption following Conservancy authorization.