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Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Jack & Jeanne Adams Lions & S.I.R.S., Brentwood	Survey	<ul style="list-style-type: none"> • Improve safety and develop area for school children to visit.
Seth Adams Save Mount Diablo Organization	Email / letter	<p>Resource Element</p> <ul style="list-style-type: none"> • Because important plant and wildlife species (including 4 special status plant communities and 12 special status wildlife species) as well as man-made stock ponds and seasonal ponds that have been observed within the historic boundaries of Cowell Ranch, it is concluded that the ponds and water bodies on the State park are of extreme importance and should be maintained. • We support extensive land additions to Cowell Ranch State Park to protect sensitive species and to further protect wildlife corridors stretching from Los Vaqueros to Black Diamond Mines. • Attention should be given to avoiding impacts on these corridors as well as to resolving existing conflicts, including restoration and enhancement, and additional land acquisition. • We support reintroduction of Tule elk, pronghorn and the Mt. Diablo buckwheat. • We believe multi-use passive recreation should be supported through the creation of trails and staging areas, including the extension of the 30-mile Diablo Trail to create the 60-mile Diablo Grand Loop. • Although we have no position on the renaming of Cowell Ranch, we are intrigued by the historic name of Rancho Los Meganos. • Habitat enhancement for endangered species should be undertaken. • The Park is a potential reintroduction site for the Mt. Diablo buckwheat which was thought to be extinct.

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
		<ul style="list-style-type: none"> Interpretive Element • Operations Element • Land-use Element •
Diane Alexander	Survey	<ul style="list-style-type: none"> • The house is in terrible condition; major restoration work is needed.
Barbara Anderson	Survey	<ul style="list-style-type: none"> • The house is in a sorry condition. It needs a visitors' center, trails and restoration of the house.
Anna Barnes	Survey	<ul style="list-style-type: none"> • Restore the house.
Richard H. Bartke Golden Gate National Parks & Point Reyes Seashore	Survey	<ul style="list-style-type: none"> • The original adobe was not identified as described. • The house and the yard should be restored to it 1850's condition (including the adobe as much as possible).
Mrs. Dolores N. Belew	Survey	<ul style="list-style-type: none"> • No comments.
Mary Black	Survey	<ul style="list-style-type: none"> • Restore the house. • Plant around the house to reflect its original state - vineyards, gardens, etc. • Develop "living history" programs centered at the park.
Lisa Borba	Survey	<ul style="list-style-type: none"> • Encourage public and private fundraising, and community support that would give a sense of "say" in the development of the site.
Deborah Burstyn	Email	<ul style="list-style-type: none"> • Please name the new park for John Marsh. It was his land. It is his house.
Wayne & Zileen Butler	Survey	<ul style="list-style-type: none"> • Restore the house and grounds. • Allow weddings and group meetings.

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Helen Kennedy Cahill	Survey	<ul style="list-style-type: none"> • Stabilize and preserve the house and the open space. • Furnish it in the period. • The ranch can be used for hiking, bicycling and riding. • Cowell Ranch can be a valuable educational tool for students of California history.
Karen K. Cleek, ECCHS John Marsh Trust SF Presidio - RAB	Survey	<ul style="list-style-type: none"> • Develop interpretive materials, trails, better amenities, separate but available decent parking. • Shore up and then revive the house at least for exterior viewing.
Douglas Crary Sierra Club, Audubon Society	Survey	<ul style="list-style-type: none"> • Reinforce and strengthen the house. • Install gardens around the house.
Alysonne Delaveaga	Survey	<ul style="list-style-type: none"> • No comments.
Tim Donahue Delta Group - Sierra Club	Survey	<ul style="list-style-type: none"> • Restore home, furnishings and grounds for docent led tours. • Include true and sad story of local Native Americans in area.
Joan Douglas	Survey	<ul style="list-style-type: none"> • The site is not open to the public. • Provide a questionnaire that is relevant to the experience at the site.
Jon Elam	Survey	<ul style="list-style-type: none"> • Improve the access road. • Restore the site with native plants.
Jess Erickson	Survey	<ul style="list-style-type: none"> • Restore the house and maintain the property. • The plan should be compatible with those of the City of Brentwood and the John Marsh Historical Society.
Damian L. Foley	Survey	<ul style="list-style-type: none"> • Restore the house.
Billie Fortner	Survey	<ul style="list-style-type: none"> • The house is in very poor condition. It must be stabilized

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
		<ul style="list-style-type: none"> and brought back to its original beauty. • Make the grounds a park for all to enjoy.
Joanne M. Frudden	Survey	<ul style="list-style-type: none"> • Restore the house and grounds to their original condition.
Richard & Anabelle Gaedtke	Survey	<ul style="list-style-type: none"> • Glad to see the restoration work is going forward.
Raymond Gillie	Survey	<ul style="list-style-type: none"> • No comments.
Tanja & Allen Griffin	Survey	<ul style="list-style-type: none"> • Secure the necessary funds to save the house.
Garry Grover John Marsh Historic Trust, Inc.	Survey	<ul style="list-style-type: none"> • Restore the house.
Paul Grunland Contra Costa County Historical Society	Survey	<ul style="list-style-type: none"> • Most important historical building in CCC, perhaps the entire East Bay.
Robert D. Haines, Jr. Argonaut Book Shop	Survey	<ul style="list-style-type: none"> • The house is really broken down. A complete restoration would be good.
Jacqueline M. Hanel, DrPH John Muir Health	Survey	<ul style="list-style-type: none"> • Improve access to the house.
Michael S. Helmantoler Concord, CA	Email	<ul style="list-style-type: none"> • As honor to the Volvon tribe of the Bay Miwok, the indigenous people of the East Bay land recently known as Cowell Ranch, I suggest the name Shadow Oak.
William J. & Mary Iracki	Survey	<ul style="list-style-type: none"> • No Comments.
Carol A. Jensen John Marsh Historic Trust, Inc.	Survey	<ul style="list-style-type: none"> • The house is in terrible disrepair. • Restore the stone house to its 1856 condition. • The State of California is derelict in its duty of caring for

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
		the house.
Robert Jernigan Concord, CA	Letter	<ul style="list-style-type: none"> • Build a transparent dome over the original John Marsh House allowing visitors to walk around the house and to view it from all angles but keep the house protected while it is being reconstructed.
Jeannine Kikkert	Survey	<ul style="list-style-type: none"> • No comments.
Wayne Korsinen John Marsh Historic Trust, Inc.	Survey	<ul style="list-style-type: none"> • As a member of the Trust I support the General Plan and its vision for restoration and maintenance of the house.
Paul L. Krey	Survey	<ul style="list-style-type: none"> • No comments.
John Krizek Oregon-California Trails Assoc	Survey	<ul style="list-style-type: none"> • Restore the land around the house to reflect its original setting.
Verna Cakebread Krusg Save Mt. Diablo	Survey	<ul style="list-style-type: none"> • Use the John Marsh/Cowell Ranch to educate children about the environment, nature and history. • The surrounding development spoils the historical setting. • Plant trees and shrubs to block shaver hills containing development. • The house is in dire straits.
Peggy Light	Survey	<ul style="list-style-type: none"> • Restore the house as it was which would provide a good lesson in history.
Mr. & Mrs. Duane Louis, Jr.	Survey	<ul style="list-style-type: none"> • No comments.
Barry Margesson	Comment Card	<ul style="list-style-type: none"> • Create research field stations on site for study of historical and natural resources (see Delta Science Center) • Leave room for interpretation

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
		<ul style="list-style-type: none"> • Restore creek for restoration of native salmon, steelhead, and beaver populations • Cultural events, sweat lodges, rode grounds, carriage house • Opportunity for Cowell Ranch to be one of major creek restoration sites. • Staging for larger groups off site to allow for historic re-enactment
Randi McCall	Email	<ul style="list-style-type: none"> • Why not name the park the Miwok-Marsh State Park or the Miwok-Marsh Pioneer State Park?
Dean L. McLeod First Villages Consulting	Survey	<ul style="list-style-type: none"> • The house is one of the most important un-restored houses in the states from the 1850's. • Restoration of the house is critical. • The site represents a valuable opportunity for interpretive education about the Native Americans residing there.
Joseph M. and Lauren McFarlan	Survey	<ul style="list-style-type: none"> • Maintain the house and the site. • Access from the highway should be provided for visitors. • Designate a walking path from the highway to the house so a key would not be needed to pass through locked gates and encounter livestock. • An informational sign at the highway could direct walkers to use the driveway that exists. • The house and grounds should have a dedicated water supply. • Implement a weed management plan to control the existing weed situation. • Restore native vegetation around the house. It could be prescriptively grazed to reduce fire hazard. • The house and immediate vicinity (a few acres around the house) should be removed from livestock use. • Place the fence around the house further back to enhance the aesthetic appeal of the grounds and the house.

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Gene Metz John Marsh Historic Trust, Inc.	Survey	<ul style="list-style-type: none"> • Complete restoration of the house to pre-1868 state. • Replicate the adobe. • Replant historic orchards, vineyards, and gardens. • Develop means to commemorate Native Americans. • Please use pre-1868 photos and images of the house in all mailings and publications. • Work with all to create an educational, enjoyable, fun experience for the site.
Gene Metz John Marsh Historic Trust, Inc.	Comment Card	<ul style="list-style-type: none"> • The trust recommends the name of The John Marsh Pioneer Historic State Park which best represents the most dynamic period of California History.
Susan Mills Brentwood, CA	Email	<ul style="list-style-type: none"> • I think the park should be named Marsh Pioneer State Park. It incorporates both Marsh and Pioneer which will help preserve the Marsh name and include any other early pioneers to the area.
James Ralph Moore	Survey	<ul style="list-style-type: none"> • If the cost of restoration of the house and grounds is too great, consider building a new structure to house a wide variety of community functions - e.g. social, musical, and dramatic, etc. • Use funds in the "Grand Piano Fund" for all kinds of music. • Put an upright on a flatbed and form a group to play and sing the masterpieces of Berlioz.
Sandra Myers, Chair City of Brentwood Parks Commission	Survey	<ul style="list-style-type: none"> • No comments.
Sandra Myers, Chair City of Brentwood Parks Commission	Comment Card	<ul style="list-style-type: none"> • Please pursue leasing some of the land to the East Bay Regional Parks east of the Round Valley Staging area.

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Shirley Nootbaar	Survey	<ul style="list-style-type: none"> • Keep any restoration simple and quiet. • Keep the park like a preserve with limited recreational facilities. • Carefully plan the trails.
Lech Naumovich	Comment Card	<ul style="list-style-type: none"> • Opportunities to preserve and conserve native flora; consider soils in planning; can provide input on floristic surveys and stewardship plan.
Douglas Plummer	Email	<ul style="list-style-type: none"> • Give the park a name that incorporates John Marsh's name in it.
Larry G. Preston	Survey	<ul style="list-style-type: none"> • Will existing agricultural uses be included in the Plan Work?
Robert Raburn East Bay Bicycle Coalition	Survey	<ul style="list-style-type: none"> • No comments.
Kathleen Rich	Email	<ul style="list-style-type: none"> • Name the Park John Marsh State Park.
Anna Rikkelman Kleinfelder	Survey	<ul style="list-style-type: none"> • Turn it into a "nice" State Park.
Nels Roselund The Roselund Engineering Company	Survey	<ul style="list-style-type: none"> • Continue structural stabilization to protect it against earthquake shaking.
Barbara Russell-Cainbro East County Historic Society	Survey	<ul style="list-style-type: none"> • The house is deteriorated. It needs money for restoration and needs to be protected from bad weather.
Beulah Schiller	Email / Letter	<ul style="list-style-type: none"> • Since the name "Pioneer" is recommended in naming a new state park in Brentwood, I want to remind you of a significant citizen who lived in Brentwood. His name was Major-General Robert Tryon Frederick

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Sheldon & Nancy Sicotte	Survey	<ul style="list-style-type: none"> • The house is deteriorated. • It should be restored and the yard landscaped. • The State should take quick action to preserve and restore the house.
Kermit Sveen	Survey	<ul style="list-style-type: none"> • Renovate the house; coordinate the effort with neighbors, summerset, Trilogy and LMC.
Jim Townsend East Bay Regional Park District	Survey	<ul style="list-style-type: none"> • No comments.
Jim Townsend East Bay Regional Park District	Letter	<ul style="list-style-type: none"> • Provide for the connection of the 30 mile park corridor from Brentwood to Walnut Creek. • Provide an alignment for the Black Diamond Mines to Round Valley Regional Trail (and on to Mt. Diablo State Park); loop trails within the 4,000 acre park. • Provide significant active public recreation, including camping and picnic areas, in a manner that is consistent and complimentary to resource protection. • Develop and implement a vegetation management strategy that protects existing grassland foraging habitat for rare, threatened, or endangered species.
Chris Valenta	Telephone Call	<ul style="list-style-type: none"> • Include RV camping with hook-ups, swimming area and shade. • Change the name of the state park.
Barbara & Bob Van Buren	Survey	<ul style="list-style-type: none"> • The house is in disrepair and should be restored. • Maintain the open space and surrounds.
Karen Wahl City of Brentwood	Survey	<ul style="list-style-type: none"> • No comments.
Richard Waldo	Survey	<ul style="list-style-type: none"> • The House has historical significance and should be kept up.

Stakeholder Issues Summary – Cowell Ranch / John Marsh General Plan

PERSON & AFFILIATION	COMMENT TYPE	COMMENTS, ISSUES, & SUGGESTIONS
Edgar Weber	Survey	<ul style="list-style-type: none"> • No comments.
Robert and Karen Wetherell	Survey	<ul style="list-style-type: none"> • No comments.
Marie Marsh Wilson	Survey	<ul style="list-style-type: none"> • Complete the restoration of the house. • Maintain the house. • Use it as a visitor center, history place, the core of the entire park. A place that can be used as a jumping off place to other areas.
William & Shirley Winthrop	Survey	<ul style="list-style-type: none"> • Spend appropriate amount of money to restore and maintain the house.

NOTE: Updated August 2007. Additional public comments are highlighted in meeting summaries.

CEQA NOTICE OF PREPARATION

To: Responsible and Trustee Agencies, and Office of Planning & Research.

Subject: Notice of Preparation of a programmatic Environmental Impact Report (EIR) for the John Marsh/Cowell Ranch General Plan.

Lead Agency: California Department of Parks and Recreation
Diablo Vista District – Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517
Contact: Craig Mattson, Sector Superintendent
Phone: (925) 673-2895 Fax: (925) 673-0160
Email: cmatt@parks.ca.gov

Consultant: EDAW, Inc.
150 Chestnut Street
San Francisco, CA 94111
Contact: Donna Plunkett
Phone: (415)433-1484 Fax: (415)788-4875
Email: plunkettd@edaw.com

The California Department of Parks and Recreation (California State Parks), as the Lead Agency is partnering with the City of Brentwood Parks and Recreation Department and will prepare a programmatic Environmental Impact Report for the project described below. We would like to know the views of interested persons, organizations, and agencies as to the scope and content of the information to be included and analyzed in the EIR. Agencies should comment on the elements of the environmental information that are relevant to their statutory responsibilities in connection with the proposed project.

*Appendix A
Notice of Preparation
April 11, 2006*

The project description, location, and potential environmental effects of the proposed project (to the extent known) are contained in this Notice of Preparation (NOP).

Due to the time limits mandated by State law, your response should be sent at the earliest possible date, but not later than June 17, 2006. Please send your written response or comments to Craig Mattson, CEQA Coordinator, California Department of Parks and Recreation, at the address shown above. Responses should include the name of a contact person at your agency.

Project Title: John Marsh/Cowell Ranch General Plan and EIR.

Project Location: Southwest of the City of Brentwood on the east and west side of Marsh Creek Road in eastern Contra Costa County. (See attached project location map)

Project/Site Description:

California State Parks' Diablo Vista District and the City of Brentwood Parks and Recreation Department, is in the process of developing a General Plan for John Marsh/Cowell Ranch in accordance with Public Resources Code §5002.2 referencing General Plan guidelines and §21000 et seq. concerning the California Environmental Quality Act (CEQA). The purpose of the General Plan is to guide future development activities and management objectives at the Park.

John Marsh/Cowell Ranch is a recent addition to the State Park system, and is currently not open to the public and has not had a General Plan prepared to date. John Marsh/Cowell Ranch encompasses nearly 4000 acres of natural habitat, wildlife, and unique cultural features, including the historic John Marsh Home. Through the efforts of concerned citizens as well as the Trust for Public Land and other public entities, John Marsh/Cowell Ranch is one of California's newest state parks. The Park provides an additional link in over 81,000 acres of contiguous open space within the region. Vital not only for the potential visitor recreation opportunities but for its open space values and ecological diversity including wildlife habitat, native plant communities and a rich array of pre-historic and landscape-based cultural resources as well as the history of John Marsh and his influence on the region. Completion of the General Plan will provide a long term vision for the

*Appendix A
Notice of Preparation
April 11, 2006*

Park as well as a strategy for the rehabilitation of the John Marsh Home and opportunities for recreation and long term resource management. Also as part of the General Plan, California State Parks and Recreation Commission will need to select a name for the park as well as classify it within the state park system.

Preparation of the General Plan is in its early stages, including a current evaluation of existing conditions as well as resource and management opportunities and constraints at the Park that will aid in the development of the General Plan. Known resources at the Park include:

- Historic architecture (John Marsh House)
- Potential habitat for state threatened and federally endangered species
- Ranch and agricultural historic landscape
- Native American resources
- Marsh Creek and riparian habitat
- Vernal pools
- Briones Valley

Issues that will be considered as part of the General Plan process include, but are not limited to, the following:

- Visitor use/recreation and facilities alternatives
- Comprehensive cultural resource management
- Long term natural resource protection
- Interpretative themes and educational opportunities
- Park operations and maintenance facilities
- Relationship to the adjacent Marsh Creek Reservoir
- State parks unit naming and classification

Potential Environmental Effects:

Although ultimate land use and resource management provisions of the General Plan have not yet been determined, generally expected types of environmental impacts that may occur as a result of the General Plan can be identified. Based on the resource characteristics of the Park and generally anticipated Park uses, potential environmental effects that will likely be addressed in the EIR, include:

- Evaluation of impacts to native plant communities and plant / wildlife habitats;
- Evaluation of impacts to wetlands and seasonal ponds;
- Traffic safety for ingress and egress at Marsh Creek Road;
- Effects on historic structures and Native American resources;
- Aesthetic and scenic effects related to local and regional development, including the adjacent Vineyards at Marsh Creek development and the Contra Costa County Community College.

While take of threatened and endangered species is not anticipated, the EIR will describe future State and Federal consultation and permit requirements that may be required for visitor use and facility development as necessary.

Intended Use of the EIR:

California State Parks, the City of Brentwood and the California State Parks and Recreation Commission will use the EIR component of the General Plan to consider the environmental effects, mitigation measures, and alternatives, when reviewing the proposed General Plan for approval. The EIR will serve as the State's CEQA compliance document for adoption of the General Plan. It will also serve as the programmatic environmental document that may be referenced in implementing future actions included in the General Plan. Responsible agencies may also use the EIR as needed for subsequent discretionary actions.

Scoping Meeting:

Wednesday, May 17, 2006

*Appendix A
Notice of Preparation
April 11, 2006*

6:00 PM to 9:00 PM
City of Brentwood Community Center
730 Third Street
Brentwood, CA, 94513

Attachments: Project Location Map

*Appendix A
Notice of Preparation
April 11, 2006*



**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT FOR
COWELL RANCH / JOHN MARSH STATE HISTORIC PARK PRELIMINARY
GENERAL PLAN**

Date: October 25, 2010

To: All Interested Agencies, Organizations and Persons

The California Department of Parks and Recreation (State Parks) has directed the preparation of and intends to adopt an Environmental Impact Report (EIR) for the proposed project, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. California State Parks is the lead agency for the proposed project under CEQA.

PROJECT LOCATION: Cowell Ranch / John Marsh State Historic Park (SHP), Contra Costa County, California.

DESCRIPTION OF THE PROPOSED PROJECT:

California State Parks' Diablo Vista District and the City of Brentwood Parks and Recreation Department have developed a Preliminary General Plan and Draft EIR for Cowell Ranch / John Marsh SHP (the Park) in accordance with Public Resources Code §5002.2 referencing General Plan guidelines and §21000 et seq. concerning CEQA. The purpose of the General Plan is to guide future development activities and management objectives at the Park.

Cowell Ranch / John Marsh SHP is currently not open to the public and has not had a General Plan prepared to date. The Park was classified as a State Historic Park by the California State Park and Recreation Commission in April 2007. The Park encompasses over 3,600 acres of natural habitat, wildlife, and important cultural features, including the historic John Marsh house. Through the efforts of concerned citizens as well as The Trust for Public Land and other public entities, Cowell Ranch / John Marsh SHP is one of California's newest state parks. The Park provides an additional link in over 81,000 acres of contiguous open space within the region. This park is important not only for the potential visitor recreation opportunities but for its open space values and ecological diversity including wildlife habitat, native plant communities and a rich array of pre-historic and landscape-based cultural resources as well as the history of John Marsh and his influence on the region. The General Plan provides a long term vision for the Park as well as a strategy for the rehabilitation of the John Marsh house and opportunities for recreation and long term resource management. As part of the General Plan approval process, the California State Park and Recreation Commission will also select a name for the Park.

The General Plan includes a current evaluation of existing conditions as well as resource and management opportunities and constraints, a plan for the Park's

resources and facilities in the form of goals and guidelines, designation and description of management zones and environmental analysis of the proposed preferred alternative.

PUBLIC REVIEW PERIOD: The Draft EIR is being circulated for public review and comment for a period of 45 days, beginning Monday, October 25, 2010 and ending Thursday, December 9, 2010.

Your views and comments on this project are welcomed. Written comments should be postmarked or submitted by email no later than Thursday, December 9, 2010 to the following address:

Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Copies of the Preliminary General Plan and Draft EIR may be reviewed online at <http://parks.ca.gov>. Click on General Plans under the Park Management tab and then go to "General Plans and Classification Actions in Progress." Hard copies of the document are also available at the following locations during normal business hours:

California State Parks
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Brentwood Public Library
104 Oak Street
Brentwood, CA 94513-1335

PUBLIC MEETING: A public meeting to present the proposed project's preferred alternative and environmental analysis has been scheduled for:

Thursday, November 4, 2010
5:30 PM to 7:30 PM
City of Brentwood
Senior Activity Center
193 Griffith Lane
Brentwood, CA 94513

Representatives of California State Parks and the City of Brentwood will be present at this meeting and will be available to discuss the project proposal, its potential environmental effects, and proposed mitigation.



NOTICE OF DETERMINATION

TO: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, California 95812-3044

FROM: Department of Parks and Recreation
1416 Ninth Street
P.O. Box 942896
Sacramento, California 94296-0001

SUBJECT: Filing of the Notice of Determination in compliance with Section 21108 of the Public Resources Code.

STATE CLEARINGHOUSE NUMBER: 2010~~2~~02035

PROJECT TITLE: Marsh Creek State Park General Plan and Environmental Impact Report (formerly known as Cowell Ranch/John Marsh State Historic Park)

CONTACT PERSON: Ellie Wagner
P.O. Box 942896
Sacramento, CA 94296-0001

PHONE NO.: (916) 651-1194

PROJECT LOCATION: Marsh Creek State Park, Contra Costa County

PROJECT DESCRIPTION: A State Park General Plan for the development, operation and management of Marsh Creek State Park, property formerly known as Cowell Ranch/John Marsh State Historic Park. The California Department of Parks and Recreation is the Lead Agency.

This is to advise that the California Department of Parks and Recreation has approved the above project on January 27, 2012 and has made the following determinations regarding the above described project:

- 1. The project will not have a significant effect on the environment.
 The project will have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project, pursuant to the provisions of CEQA.
- 3. Mitigation measures were were not made a condition of the approval of the project.
- 4. A Mitigation reporting or monitoring plan was was not adopted for this project.
- 5. A Statement of Overriding Considerations was was not adopted for this project.
- 6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at the California Department of Parks and Recreation, Planning Division, located at 1416 9th Street, Sacramento, California, 95814.

Steven Musillfami
Interim Chief, Planning Division

1-31-12

Date

RECEIVED
FEB 01 2012
STATE CLEARING HOUSE



California Department of Parks and Recreation
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517



John Marsh / Cowell Ranch GENERAL PLAN



NEWSLETTER #1



JOHN MARSH / COWELL RANCH

Calendar of Events

PLANNING PROCESS AT A GLANCE

WINTER/SPRING 2006	SPRING/SUMMER 2006	FALL 2006	WINTER 2007	SPRING 2007
Information Gathering Fieldwork PUBLIC PLANNING WORKSHOP #1	Summarize Existing Conditions Discuss Challenges and Opportunities Develop Plan Alternatives	PUBLIC PLANNING WORKSHOP #2 Refine Plan Alternatives Develop Draft General Plan	Finalize Draft Plan and Environmental Review PUBLIC PLANNING WORKSHOP #3 Prepare Final Environmental Review	Commission Hearing and Approval Distribute Final Plans and Environmental Review Agency Approvals

PARTICIPATION IS THE KEY TO A GREAT PLAN!

Contact Information

If you are not currently on our mailing list and would like to receive the planning update and notice about future workshops, or wish to send written comments, please contact us at:

California Department of Parks and Recreation
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517
925.673.2895
(for questions or comments about the General Plan Process)

Visit Our Website
www.parks.ca.gov
(General Plans in Progress)



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PARTNERS IN PARK PLANNING

In a collaborative partnership, California State Parks and the City of Brentwood Parks and Recreation Department are launching a joint planning process to plan for the future development of John Marsh / Cowell Ranch. Working together with the community, this planning process will create a vision for the future, provide recommendations for the future of the historic John Marsh House, public recreation access, and natural resource management as well as set guidelines for implementation of a long term vision for the Park so it can be enjoyed for years to come. We invite you to join us in envisioning the Park's future!

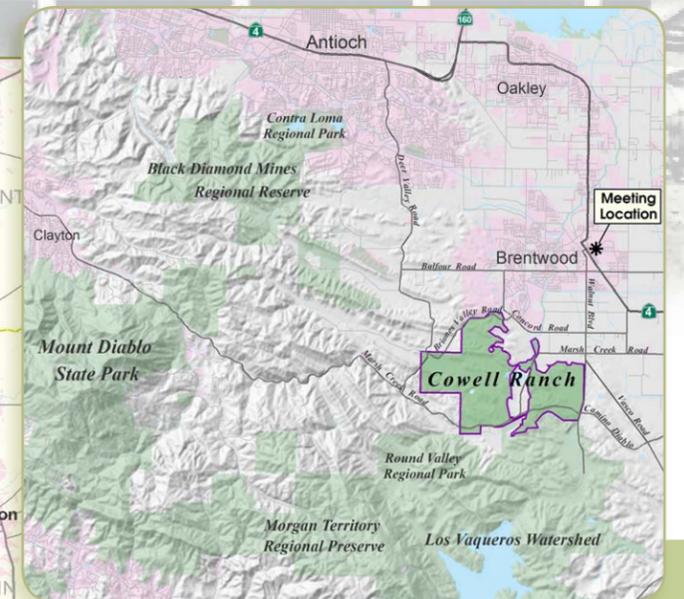
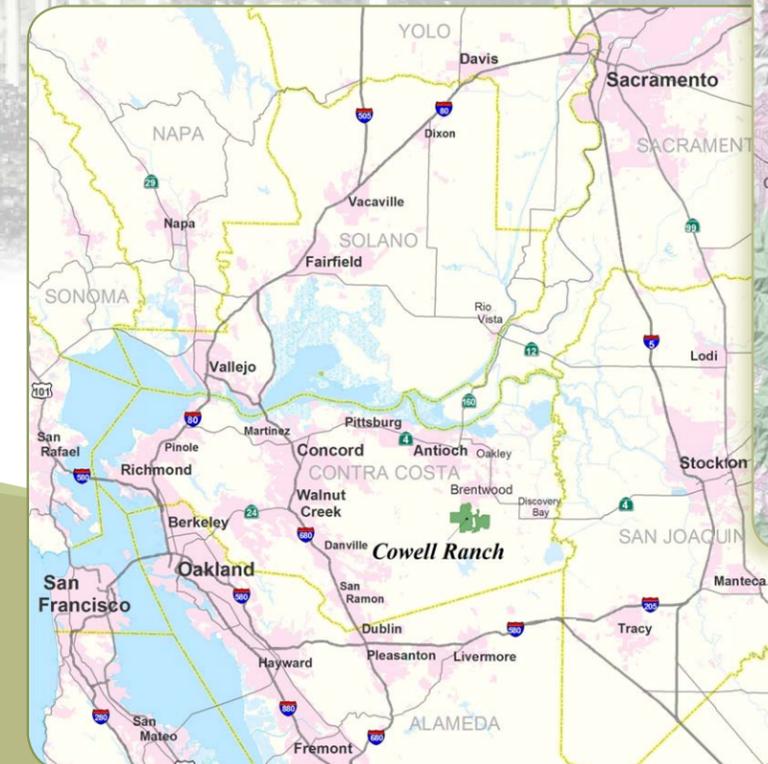
John Marsh / Cowell Ranch encompasses nearly 4000 acres of natural habitat, wildlife, and unique cultural features, including the John Marsh House, nestled within one of California's fastest growing regions. Through the efforts of concerned citizens as well as the Trust for Public Land and other public entities, John Marsh / Cowell Ranch is one of California's newest state parks. We welcome your ideas and suggestions for future public use and preservation of this valuable resource. You can start by filling out the enclosed questionnaire and attending the Public Planning Workshop on May 17. Early public input will provide us insights into your priorities, desires and concerns as we begin planning for the diverse resources at this new state park.

HOW CAN YOU CONTRIBUTE?

Stay Informed: This and future newsletters will keep you informed of the progress of the General Plan process. Over the next year and a half, we'll be working together to discuss and evaluate a variety of planning topics including recreation facilities, cultural and historic resources, habitat protection, and education and interpretive programs, to name just a few. This newsletter will track our progress and notify you of upcoming opportunities for public participation and input. Additionally, you can visit the California State Parks website noted on the back.

Fill Out the Questionnaire: The enclosed questionnaire will help us understand your key issues, ideas and concerns. Tell us how you think the Park could best serve the needs of its surrounding communities. What features would you like the Park to offer, and how you see the Park fitting in with the existing fabric of open space and recreation within the region.

Attend the Public Planning Workshops: We will host three public workshops for the John Marsh / Cowell Ranch General Plan. The first workshop will be held on May 17 at the City of Brentwood's Community Center. The workshop will provide a forum to share your knowledge and experiences about the history of the and adjacent land and to identify topics and issues to explore during the planning process. Please join us!



Public Planning Workshop
Wednesday, May 17, 2006
6:00 PM to 9:00 PM
City of Brentwood
Community Center
730 Third Street
Brentwood, CA 94513
925.516.5444

APRIL 2006

John Marsh / Cowell Ranch



The John Marsh / Cowell Ranch is located southwest of the City of Brentwood in eastern Contra Costa County. It lies within the rolling foothills of the Diablo Mountain Range. Mount Diablo's peak is 10.5 miles from the center of the site. The John Marsh House and 14 adjoining acres were acquired by California State Parks in 1978. In November of 2002, an additional 3,746 acres adjacent to the House were acquired from the Cowell Foundation through the efforts of the Trust for Public Lands and other public entities.

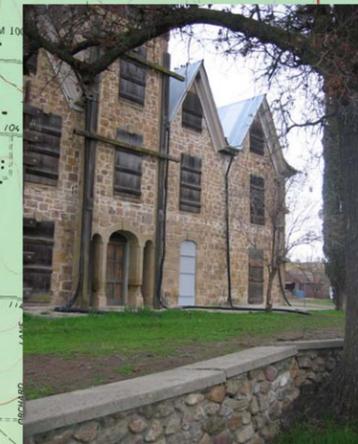
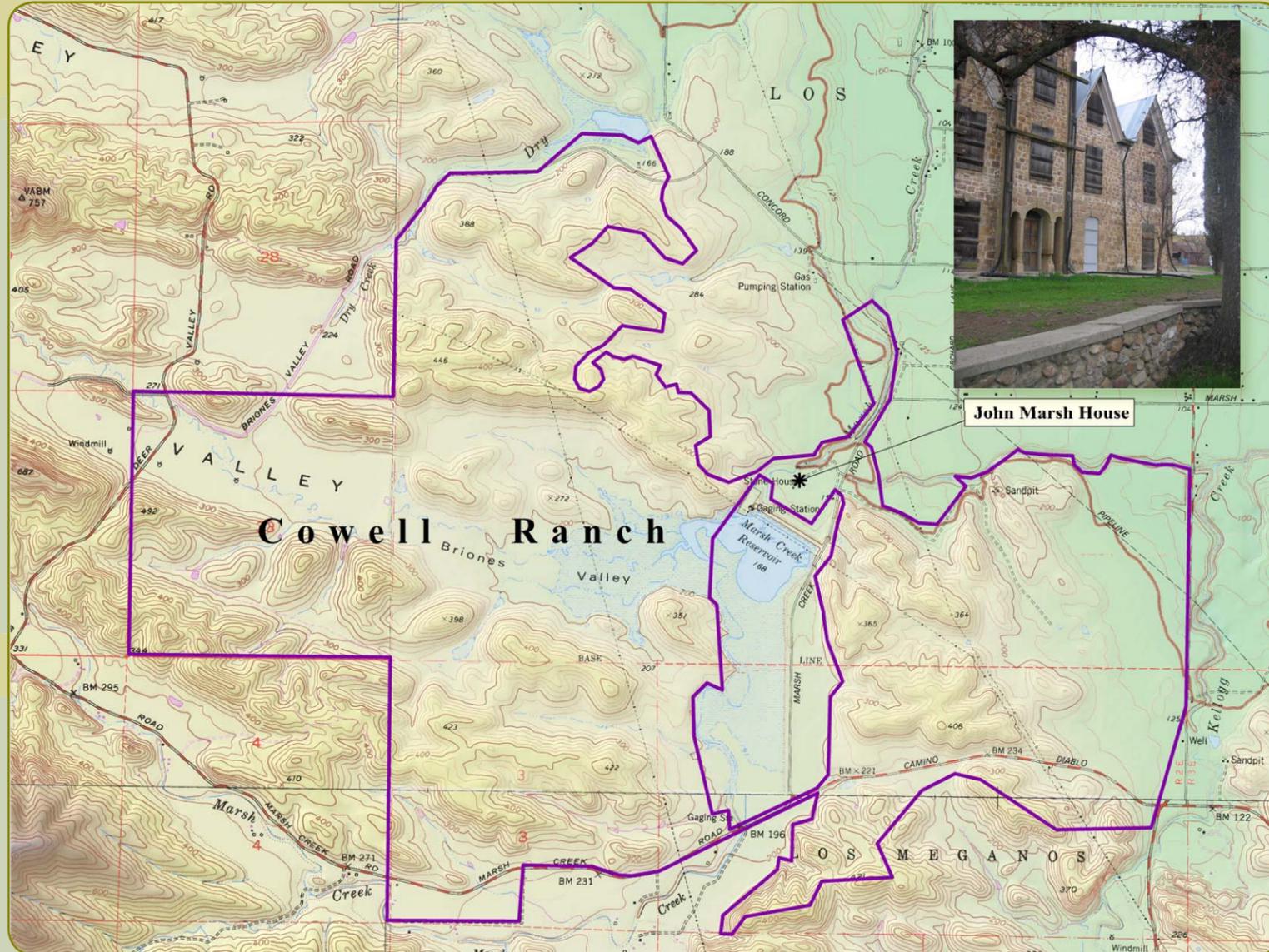
The Park provides an additional link in over 81,000 acres of contiguous public open space within the region. Vital not only for the potential visitor recreation opportunities but for its open space values and ecological diversity including wildlife habitat, native plant communities and a rich array of pre-historic and landscape-based cultural resources as well as the history of John Marsh and his influence on the region. Completion of the General Plan will provide a long term vision for the Park as well as a strategy for the rehabilitation of the John Marsh House and opportunities for recreation and long term resource management.

JOHN MARSH / COWELL RANCH RESOURCES

John Marsh / Cowell Ranch is part of a large, contiguous grassland, savanna, and oak woodland habitat that extends through Contra Costa and Alameda Counties, containing a portion of Briones Valley. Other important habitats found within the Park are vernal pools, wetlands and Marsh Creek. This region is the northernmost habitat for the state threatened/federally endangered San Joaquin Kit Fox, and Cowell Ranch is known to support populations of other threatened or endangered species, such as the burrowing owl, California tiger salamander and vernal pool fairy shrimp.

John Marsh / Cowell Ranch resources include:

- Historic architecture
- Ranch and agricultural historic landscape
- Native American resources
- Marsh Creek and riparian habitat
- Vernal pools
- Briones Valley



John Marsh House

PLANNING PARTNERSHIP

The John Marsh / Cowell Ranch is unique because California State Parks and the City of Brentwood have formed a special partnership to create a Plan for the Park. The two agencies will work closely together throughout the planning process and to craft a long term strategy that is responsive to the local and regional community. This partnership, along with consultation with other local and state entities will result in the potential for unique cooperative agreements for operation and management of facilities and resources, ensuring successful Plan implementation.

As part of the planning process the preparation of an Environmental Impact Report will be integrated with the development of the Plan to reduce potential harmful environmental effects to Park resources. Alternatives will be developed to provide a range of options for future use and management of the Park. Together the Plan and environmental review process will be designed to allow for full public participation and review. We encourage you to follow our timeline and stay involved!

GENERAL PLAN PUBLIC PROCESS

Information Gathering + Fieldwork

- Site Orientation
- Resource inventory and data collection
- Stakeholder interviews

Existing Conditions Summary

- Additional data collection, review and field reconnaissance
- Public knowledge exchange workshop
- Identify stakeholder issues

Challenges and Opportunities

- Analyze challenges and opportunities
- Develop plan alternatives
- Public workshop to discuss alternatives

Draft Plan Preparation

- Develop plan policies and guidelines
- Public open house
- Environmental impact analysis and mitigation
- Draft plan public workshop
- Final plan approval



Some topics that will be considered in the General Plan process include:

- Visitor use and facilities alternatives
- Comprehensive cultural resource management
- Interpretive themes and educational opportunities
- Park operations and maintenance facilities
- Relationship to the adjacent Marsh Creek Reservoir



John Marsh / Cowell Ranch GENERAL PLAN QUESTIONNAIRE



Your Name: _____
Organization (if any): _____
Address: _____
City, State, Zip: _____
Phone (optional): _____
E-mail (optional): _____

Would you like to remain on our mailing list to receive future Planning Updates?

Yes **No**

Have you ever visited John Marsh House? _____

What did you do on your visit? _____

How far did you travel to visit the House? (miles) _____

What time of the year did you visit the Park? (month/year) _____

What do you value most about John Marsh / Cowell Ranch? _____

What was your favorite feature or experience at the site? _____

What did you like least about the site? _____

What do you think can be done to enhance the House and surrounding property?

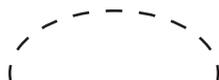
After you left the site, what did you remember? _____

Is there anything else you would like to share with us? _____

----- _please fold in thirds_ -----
tape it closed, affix a 39 cent stamp and mail by May 31, 2006 Thank you!

requires
39 cent
stamp

California State Parks
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517



California State Parks and City of Brentwood

ANNOUNCEMENT

JOHN MARSH / COWELL RANCH

General Plan

LAND TOURS

As part of the General Plan process and as per the request of stakeholders, a guided tour of Cowell Ranch will be made available to allow you the opportunity to see the landscape surrounding the John Marsh House and parts of the property not currently open to the public.

Please plan to join us on one of the three following dates:

Thursday, October 12, 2006

or

Saturday, October 14, 2006

or

Wednesday, October 25, 2006

TIME: 9 AM – 12 NOON

(Meet inside gate off Marsh Creek Road)

RSVP by October 6, 2006

Craig Mattson (925) 673-2895





California Department of Parks and Recreation
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517

JOHN MARSH / COWELL RANCH
General Plan



John Marsh / Cowell Ranch GENERAL PLAN



Winter 2007

Overview

California State Parks and the City of Brentwood Parks would like your feedback on the General Plan for the future development of John Marsh / Cowell Ranch. John Marsh / Cowell Ranch encompasses nearly 4000 acres of natural habitat, wildlife, and unique cultural features, including the John Marsh House, nestled within one of California's fastest growing regions. Through the efforts of concerned citizens as well as the Trust for Public Land and other public entities, John Marsh / Cowell Ranch is one of California's newest state parks.

Please Join Us

Tuesday, March 20, 2007, at 6:30 p.m.

At this workshop, the General Plan project team will present preliminary alternative concepts for public review and feedback (see some topics below). The input collected at this next workshop will be used to refine the alternatives and craft the Draft General Plan and Environmental Impact Report (EIR).

Contact Information

If you have any questions or comments, visit our project website: www.parks.ca.gov (General Plans in Progress) or contact us at:

Project Timeline

Winter/Spring 2006	Information Gathering Fieldwork PUBLIC PLANNING WORKSHOP #1
Fall 2006	Summarize Existing Conditions Discuss Challenges and Opportunities Develop Plan Alternatives
Winter 2007	PUBLIC PLANNING WORKSHOP #2 Refine Plan Alternatives Develop Draft General Plan
Summer 2007	Finalize Draft Plan and Environmental Review PUBLIC PLANNING WORKSHOP #3 Prepare Final Environmental Review
Fall/Winter 2007	Commission Hearing and Approval Distribute Final Plans and Environmental Review Agency Approvals

California Department of Parks and Recreation
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, California 94517

Sample General Plan Alternative Concepts

Local and Regional Trails

- Briones Valley
- Marsh Creek Trail
- Connect to Los Vaqueros
- Eastern Hills
- Vineyards at Marsh Creek

John Marsh House

- Stabilize structure for guided tours
- Full restoration and re-use:
 - Park offices
 - Special events
 - Visitor center

Staging Areas

- Round Valley
- Deer Valley Road
- John Marsh House
- Eastern Hills

Operation and Maintenance

- Re-use existing buildings
- Restoration storage
- Ranger station
- Camping check-in
- Cultural resources
- Research center

Public Use

- Multi-use trails
- Camping
- Interpretive programs
- John Marsh House tours
- Day use areas

Cultural and Natural Resource Protection and Management are Part of all Alternatives

Alternatives are Additive

Alternative 1 (No Action) – what would happen if there was no General Plan.

Alternative 2 – some visitor use and new facilities permitted.

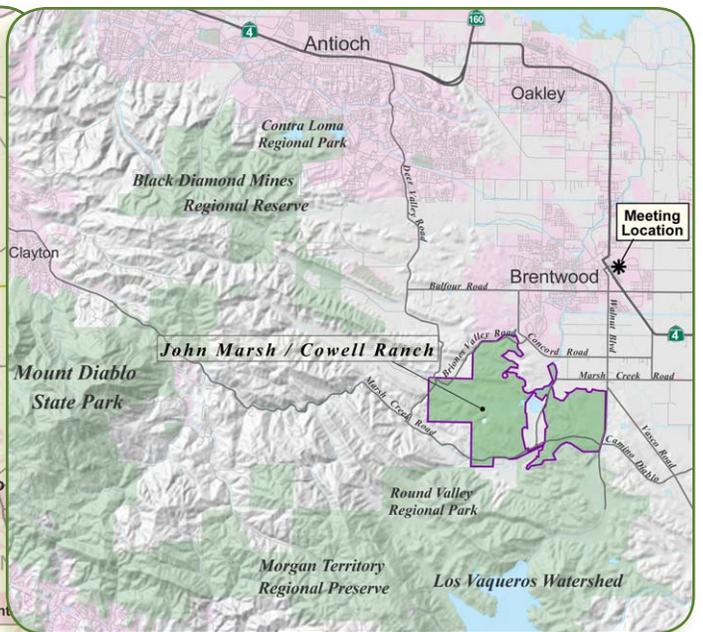
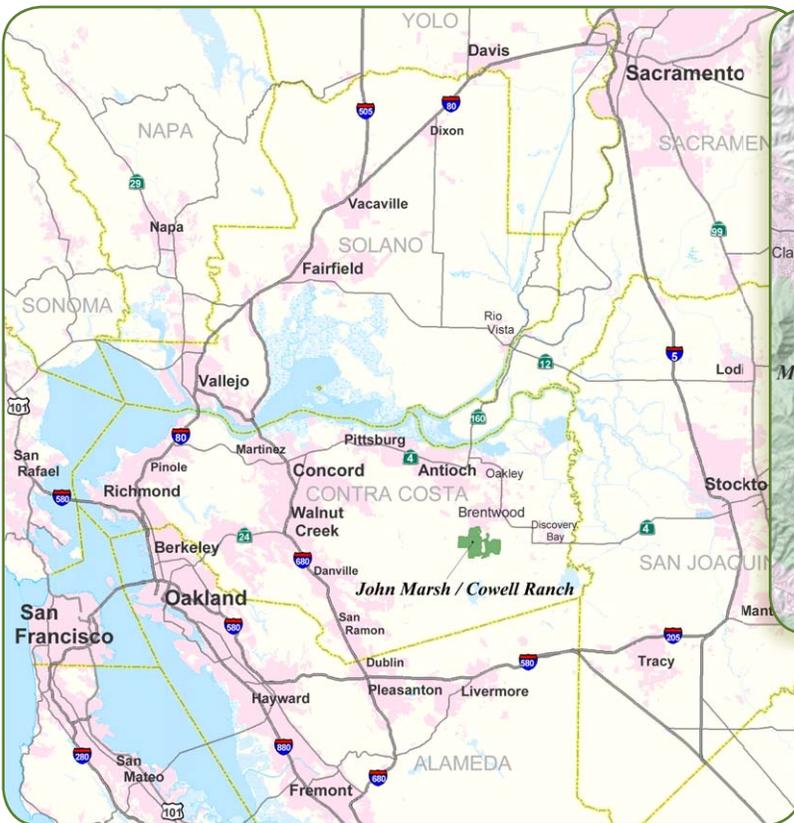
Alternative 3 – same as Alternative 2 with additional actions.

California Department of Parks and Recreation
Diablo Vista District - Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517



PUBLIC WORKSHOP

John Marsh / Cowell Ranch GENERAL PLAN



Please attend the upcoming workshop:

**Tuesday, March 20, 2007
6:30 PM to 9:30 PM**

**City of Brentwood Community Center
730 Third Street, Brentwood, CA 94513
925.516.5444**

APPENDIX B
LANDS AND REALTY

Summary of Easements and Rights of Way
Table of 2002 Acquisition Use Restrictions and Conditions
State Parks Recorded Survey for Park

Appendix B: Lands and Realty

Summary of Easements and Rights of Way

Rancho Los Meganos

January 9, 1912

Illegible

Valley Pipe Line Company

November 14, 1914

Agreement between Valley Pipe Line Company and State allowing Grantee to install, operate and repair pipe lines.

This Agreement between the Valley Pipe Line Company and the State provides right of way from time to time to lay, construct, reconstruct, replace, renew, maintain, repair, operate, change the size of and remove pipes and pipe lines for the transportation of oil, petroleum, gas, water and other substances, or any thereof and if the same shall be desired to erect, maintain, operate and remove, upon a single line of poles, telephone and telegraph lines, or either of them, over, through, under and across lands of the Grantor.

East Contra Costa Irrigation Company

September 24, 1917

Agreement between The Balfour-Guthrie Investment Company and East Contra Costa Irrigation Company granting the latter rights of way for construction and maintenance of canals and other water conduits.

This Agreement between The Balfour-Guthrie Investment Company and East Contra Costa Irrigation Company grants to the latter all rights of way which may be necessary or convenient over the land area described for the construction and maintenance of all canals and other water conduits across said lands for the purpose of supplying water for irrigation and all other beneficial uses.

Brentwood Irrigated Farms

September 4, 1917

Illegible

Pacific Gas & Electric Company

May 19, 1925

Agreement between Adam Gibson, Mary Gibson, Robert Gibson, Jane Gibson, and Pacific Gas & Electric Company, allowing grantee access to land for the purposes of providing electrical service.

The Agreement between Adam Gibson, Mary Gibson, Robert Gibson, Jane Gibson, and Pacific Gas & Electric Company allows the Grantee, its successors and assigns, the right to erect, construct, reconstruct, replace, repair, maintain and use, for the transmission and distribution of electricity, two lines of towers and suspended upon and supported by such towers, all wires which the Grantee may from time to time deem to be reasonably required for those purposes, and telephone and telegraph wires for the private use of the Grantee.

June 10, 1927

Agreement between Cowell Portland Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between Cowell Portland Cement Company and Pacific Gas & Electric Company allows the Grantee, its successors and assigns, the right to erect, construct, reconstruct, replace, repair, maintain and use, for the transmission and distribution of electricity, two lines of towers and suspended upon and supported by such towers, all wires which the Grantee may from time to time deem to be reasonably required for those purposes, and telephone and telegraph wires for the private use of the Grantee.

May 5, 1942

Agreement between Henry Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing gas service.

The Agreement between Henry Cowell Lime and Cement Company and Pacific Gas & Electric Company allowing Grantee right to excavate for, install, replace (of the initial or any other size), maintain and use for conveying gas such pipe line or lines as it shall from time to time select, with necessary valves and other appliances.

June 28, 1944

Agreement between Henry Cowell Lime Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing gas service.

This Agreement between Henry Cowell Lime Company and Pacific Gas & Electric Company provides right of way to excavate for, install, replace (of the initial or any other size), maintain and use for conveying gas a pipe line with necessary valves and other appliances.

September 26, 1944

Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company provides the Grantee the right and privilege of erecting, maintaining and using, for telephone and telegraph purposes, a single line of poles and such wires as Grantee shall from time to time suspend therefrom, and all necessary and proper guys, crossarms and braces and other fixtures for use in connection therewith, and also a right of way therefor, along each of the described routes.

April 1, 1947

Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing service.

This Agreement between the Cowell Lime and Cement Company and Pacific Gas & Electric Company allows Grantee right of way as may be reasonably necessary in connection with the installation and maintenance of pipe line or lines, the right of ingress to said pipe line or lines and egress therefrom across said premises by means of the existing roads and lanes thereon.

December 22, 1949

Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing service.

This Agreement between Henry Cowell Lime and Cement Company and Pacific Gas & Electric Company provides right of way to excavate for, install, replace (of the initial or any other size), maintain and use for conveying gas a pipe line with necessary valves and other appliances.

February 1, 1950

Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

This Agreement between Henry Cowell Lime and Cement Company and Pacific Gas & Electric Company provides right of way to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such wires and cables as Grantee shall from time to time suspend therefrom for the transmission and distribution of electric energy, and for communication purposes, and all necessary and proper crossarms, braces and other appliances and fixtures for use in connection with said towers, wires and cables.

December 16, 1954

Agreement between Cowell Lime and Cement Company and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

This Agreement between Henry Cowell Lime and Cement Company and Pacific Gas & Electric Company provides right of way to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such wires and cables as Grantee shall from time to time suspend therefrom for the transmission of electric energy, and for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, wires and cables.

May 6, 1959

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to erect, construct, reconstruct, replace, remove, maintain and use a line of poles with such wires as Grantee shall from time to time suspend therefrom for the transmission of electric energy, and for communications purposes, and all necessary and proper crossarms, guys, anchors and other appliances and fixtures for use on connection with said poles and wires.

May 28, 1962

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing gas service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to excavate for, install, replace (of the initial or any other size) maintain and use such pipe lines as Grantee shall from time to time elect for conveying gas, with

necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe lines, together with adequate protection therefor.

August 14, 1962

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing gas service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to excavate for, install, replace (of the initial or any other size) maintain and use such pipe lines as Grantee shall from time to time elect for conveying gas, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe lines, together with adequate protection therefor.

September 25, 1962

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to erect, maintain, replace, remove and use a line of poles with all necessary and proper crossarms, braces, anchors, guys and other appliances and other fixtures for use in connection therewith, and to suspend therefrom, maintain and use such wires as Grantee shall from time to time deem necessary for the transmission and distribution of electric energy.

September 28, 1966

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such wires and cables as Grantee shall from time to time suspend therefrom for the transmission of electric energy, and for communication purposes, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, wires and cables.

September 28, 1982

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of controlling rain water runoff.

The Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allows the Grantee access to land to excavate for, construct, install, maintain and use drainage facilities, consisting of a concrete lined drainage ditch, trenches, culverts, and appurtenants thereof, for the purpose of controlling rain water runoff.

April 29, 1986

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company, allowing Grantee access to land for the purposes of providing electrical service.

The Agreement between the S.H. Cowell Foundation c/o Wells Fargo Bank and Pacific Gas & Electric Company provides right of way to the Grantee, allowing it to erect, construct, reconstruct, replace, remove, maintain and use a line of poles with such wires as Grantee shall from time to time suspend therefrom for the transmission of electrical energy, and for communications purposes, and all necessary and proper crossarms, guys, anchors and other appliances and fixtures for use in connection with said poles and wires.

Pacific Gas & Electric Company and Pacific Bell

November 19, 1997

Agreement between S.H. Cowell Foundation, Pacific Gas & Electric Company and Pacific Bell, allowing Grantees access to land for the purposes of providing telecommunications service.

The Agreement between the S.H. Cowell Foundation, Pacific Gas & Electric Company and Pacific Bell allows the Grantees the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type specified together with a right of way within a strip or parcel of land. Allowable facilities shall consist of poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures and appurtenances, as Grantee deems necessary located along said route.

Federal Engineering Company

February 18, 1930

Agreement between Cowell Portland Cement Company and Federal Engineering Company allowing Grantee install, operate and repair pipe lines.

This Agreement between the Federal Engineering Company and the Cowell Portland Cement Company provides right of way to lay, construct, reconstruct, replace, renew, maintain, repair, operate, change the size of, increase the number of, and remove pipes and pipe lines, and the appurtenances thereof, for the transportation of oil, petroleum, gas, water and other liquid substances or any thereof, and to erect, maintain, operate, repair, renew, add to and remove telegraph or telephone lines and appurtenances thereof within the exterior boundaries of the land in question.

May 27, 1932

Deed and Bill of Sale of real property from Federal Engineering Company to Standard Oil Company of California.

Contra Costa County

May 3, 1960

Deed of Gift from S.H. Cowell Foundation c/o Wells Fargo Bank to Contra Costa County.

The Agreement between the S.H. Cowell Foundation and Contra Costa County conveys to the County real property consisting of portions of that Section of Rancho Los Meganos known as Section 35, Township 1 North, Range 2 East, Mount Diablo Base and Meridian.

December 26, 1979

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Public Works Department.

The agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County provides the Grantee a perpetual easement and right of way for the purpose of constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using as the Grantee may see fit, for roadway embankments and slopes and all necessary appliances for use in connection therewith or appurtenant thereto, and a perpetual easement and right of way for the purposes of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using, as the Grantee may see fit, for the transmission of drainage water, a pipe or pipe lines, culverts or ditches, and all necessary braces, connections,

fastenings and other appliances and fixtures for use in connection therewith or appurtenant thereto.

Contra Costa County Flood Control and Water Conservation District

June 30, 1960

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District for purposes of flood control.

The Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District provides the Grantee a political subdivision, a perpetual easement for flood control purposes.

September 10, 1963

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District for purposes of flood control.

The Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District establishes a perpetual easement for the temporary detention of waters, sediment or debris, that will be periodically impounded, stored or detained, and for the maintenance and inspection thereof.

September 10, 1963 (in addition to above easement)

Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District for purposes of flood control.

The Agreement between S.H. Cowell Foundation c/o Wells Fargo Bank and Contra Costa County Flood Control and Water Conservation District establishes a perpetual easement for the temporary detention of waters, sediment or debris, that will be periodically impounded, stored or detained, and for the maintenance and inspection thereof.

S.H. Cowell Foundation

June 13, 1988

On August 19, 1986, the Contra Costa County Board of Supervisors passed a Resolution of intention to vacate Briones Valley Road (a County street). The Board determined that the vacation area was not useful as a non-motorized transportation facility, and that the road was unnecessary for present or prospective public use. Street

vacation was followed by an easement on Briones Valley Road granted to the S.H. Cowell Foundation by Contra Costa County on June 13, 1988.

January 25, 1990 (Mining Interest)

The S.H. Cowell Foundation recorded a notice with Contra Costa County to preserve mineral rights from extinguishment as defined in the California Civil Code.

Contra Costa Water District

December 29, 1994

Agreement between S.H. Cowell and Contra Costa Water District.

The Agreement between the S.H. Cowell Foundation and Contra Costa Water District designates an 85 foot wide right of way and 40 foot wide temporary construction easement across lands of the S.H. Cowell Foundation, Rancho Los Meganos, Contra Costa County, California.

September 10, 1998 (Condemnation)

Condemnation of land to Contra Costa Water District

The Superior Court of California, County of Contra Costa, ordered, that an 85 foot wide right of way and 40 foot temporary construction easement across lands of the S.H. Cowell Foundation shall be condemned to the Contra Costa Water District.

The McCarty Company

May 14, 1998 (Financing Agreement)

This Agreement describes a financing agreement between S.H. Cowell Foundation c/o Wells Fargo Bank, and The McCarty Company, establishing the latter as a debtor to the former, related to control of 245 acres of land. The property is located 2.5 miles west of Byron in Contra Costa County, on Camino Diablo Road, bounded on the south by Camino Diablo Road and on the east by Walnut Boulevard.

The Trust for Public Land

September 8, 2000 (Option to Purchase Property)

Agreement between the S.H. Cowell Foundation and The Trust for Public Land related to option to purchase real property.

The Agreement between the S.H. Cowell Foundation and The Trust for Public Land grants the former an exclusive option to purchase 3,942 acres of real property.

August 22, 2001

Agreement between The Trust for Public Land and California Department of Transportation for the acquisition of real property.

California Department of Parks and Recreation

November 20, 2002

Grant Deed Agreement between the Trust for Public Land and the California Department of Parks and Recreation for 3,659.95 acres.

October 7, 2002

Agreement between the State Coastal Conservancy and California Department of Parks and Recreation (DPR), involving acquisition of real property by DPR for the purpose of habitat and open space protection, public access and recreation.

October 15, 2002

Agreement between the State Coastal Conservancy and California Department of Parks and Recreation (DPR), involving acquisition of real property by DPR for the purpose of habitat and open space protection, public access and recreation.

November 15, 2002

Agreement pertaining to assignment of a lease for 265 orchard acres. Original lease dated 3/14/2001, expiration date 11/30/05.

November 20, 2002

The Trust for Public Land remises, releases and forever quitclaims to DPR all interest (EEM Applicant-State Grant Agreement No. 04-11-01; Instrument No. 02-438114).

November 20, 2002

The Trust for Public Land remises, releases and forever quitclaims to DPR all interest (WCB Grant Agreement WC-1107DM; Instrument No. 02-438114).

State Coastal Conservancy

September 17, 2002

Real property acquired from The Trust for Public Land by the State Coastal Conservancy for the purposes of habitat and open space protection and public access and recreation.

Wildlife Conservation Board

April 20, 2002

Agreement between The Trust for Public Land and the Wildlife Conservation Board for the acquisition of real property for the purposes of wildlife habitat preservation, restoration and management, wildlife oriented education and research, and for compatible public uses.

State Route 4 Bypass Authority

November 15, 2002

Relinquishment of any and all abutter's rights of access, appurtenant to grantor's remaining property.

East Bay Regional Park District

September 29, 2000

Agreement between S. H. Cowell Foundation and East Bay Regional Park District, extending the term of a lease on real property for the period from October 1, 2000 to September 30, 2001.

**Cowell Ranch / John Marsh State Historic Park
Acquisition Use Restrictions and Conditions**

DOCUMENT/DATE	PARTIES	USE RESTRICTIONS/CONDITIONS
<p>Grant Deed 2002-438115 Rec'd 11/20/2002</p>	<p>Trust for Public Land to DPR - Fee Interest</p>	<p>No restrictions or conditions.</p>
<p>Grant Agreement 02-041</p> <p>Dated 09/17/2002</p>	<p>State Coastal Conservancy and TPL</p>	<p><u>Scope of Agreement:</u> The real property acquired for the purposes of habitat and open space protection and public access and recreation.</p> <p><u>Use, Management, Operation and Maintenance:</u></p> <ol style="list-style-type: none"> 1. Grantee . . . shall use, manage, operate and maintain the real property in a manner consistent with the purpose of the acquisition. 2. Grantee . . . assumes all management, operation and maintenance costs . . . 3. Grantee shall refrain from developing or otherwise using any other property it owns or control in the vicinity of the real property in such a way as to interfere with or inconvenience the use, management, operation or maintenance of the real property or to detract from the purpose of the acquisition. <p><u>Essential Provisions of Irrevocable Offer to Dedicate Title in Fee or Other Instrument:</u> Paragraph 3. The real property (including any portion of it or any interest in it) may not be transferred without the approval of the State of California, through the Executive Officer of the Conservancy, or its successor.</p>
<p>Applicant-State Agreement No. 04-11-01</p> <p>Environmental Enhancement and Mitigation (EEM) Program</p> <p>Dated 08/22/2001</p>	<p>TPL and Caltrans</p>	<p><u>Purpose:</u> Preserve critical habitat and open space; preserve and protect the historic John Marsh House (listed on the National Register of Historic Places); and provide additional mitigation for the adverse impacts of State Route 4 Bypass alignment. Additionally, local groups are advocating the renovation of the house and the creation of a pioneer park to interpret the early history of the region.</p> <p><u>Article. VI - Mgmt. and Maint. of Property.</u> Paragraph 2 - All real property or rights</p>

**Cowell Ranch / John Marsh State Historic Park
Acquisition Use Restrictions and Conditions**

DOCUMENT/DATE	PARTIES	USE RESTRICTIONS/CONDITIONS
		<p>thereto, acquired with these funds shall be subject to an appropriate form of restrictive title, or rights, covenants approved by STATE. If the Project real property, or rights thereto, is sold, traded, <i>condemned</i>, or otherwise put to any use other than that use as approved in the Allocation for STATE funds, the State Highway Account, at the discretion of STATE and within 45 days notice to APPLICANT by STATE, shall be reimbursed an amount at least equal to the amount of the STATE's funding participation in PROJECT or the pro rata fair market value of the real property, or rights thereto, including improvements, at the time of sale, whichever is higher. The pro rata fair market value shall be based on the proportions of the fund transfer amount applied toward the purchase of the property, or rights thereto, and the design and construction of improvements in proportion to the total purchase price of the real property, or rights thereto, and the cost of all improvements made prior to the time of sale.</p> <p><u>Agreement Declaring Restrictive Covenants (Rec'd 11/20/2002):</u> Agreement is solely for recording purposes and shall not be construed to alter, modify, amend or supplement the EEM Program Applicant-State Agreement No. 04-11-01, or the application for funds as prepared. Operation, Management and Maintenance of Property - The property will be managed as a wildlife preserve, scenic viewshed and for public recreation use.</p>
<p>WCB Grant Agreement No. WC-1107DM</p> <p>Dated 4/20/2002</p>	<p>TPL and WCB</p>	<p><u>Purpose of Grant (Article 1):</u> Acquisition will be for the purposes of <i>wildlife habitat preservation, restoration and management, wildlife-oriented education and research, and for compatible public uses, all as may be consistent with wildlife habitat preservation.</i></p> <p><u>Conditions of Grant (Article 2):</u> ➤ Paragraph 2.2(i): Grantee agrees that it will use, operate, maintain and manage the property consistent with the "PURPOSE OF THE GRANT" as stated in Article 1.</p>

**Cowell Ranch / John Marsh State Historic Park
Acquisition Use Restrictions and Conditions**

DOCUMENT/DATE	PARTIES	USE RESTRICTIONS/CONDITIONS
		<ul style="list-style-type: none"> ➤ Paragraph 2.2 (iii) <i>that the Property (including any portion of it or any interest in it) may not be sold or exchanged without the written approval of the State of California, through the Executive Director of the Wildlife Conservation Board, or its successor, ...</i> ➤ (v) Grantee shall record, Memo of Unrecorded Grant Agreement ...
<p>Assistance Agreement No. <u>PL-132-515</u> aka: 02FG200136</p>	<p>U.S. Dept. of the Interior, Bureau of Reclamation and TPL</p>	<p><u>Purpose (A.2):</u> The purpose of this grant is to acquire fee title for the conservation and protection of the biological resources of the property, particularly the vernal pool and riparian habitats.</p> <p><u>Responsibilities of the Parties (A.5):</u> California State Parks Commission shall assure that management of the property shall include the following:</p> <ul style="list-style-type: none"> ➤ Provisions that contribute to the maintenance and recovery of the wetland-grassland-vernal pool and riparian systems and associated native species. ➤ Appropriate measure to avoid and minimize conflict with listed species. ➤ Allowance for control of non-native species which may have a detrimental impact on management of native species.
<p>Interagency Agreement</p> <p>Dated 10/7/2002 -----</p>	<p>SCC and DPR</p>	<p><u>Use of the Real Property:</u> The real property was acquired by Parks pursuant, in part, to the Grant from the Conservancy, that was conditioned on the use of the Real Property for the purpose of habitat and open space protection and public access and recreation. No use of the real property inconsistent with that purpose is permitted. (Paragraph 2)</p> <p><u>Transfer of Real Property.</u> Subsequent transfer of the Real Property (including any portion of it or any interest in it) is subject to the prior written approval of the Exc. Off. of the Conservancy. Such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. The transferee shall be subject to all provisions of this agreement, including, without limitation, the use restrictions, provided, however,</p>

**Cowell Ranch / John Marsh State Historic Park
Acquisition Use Restrictions and Conditions**

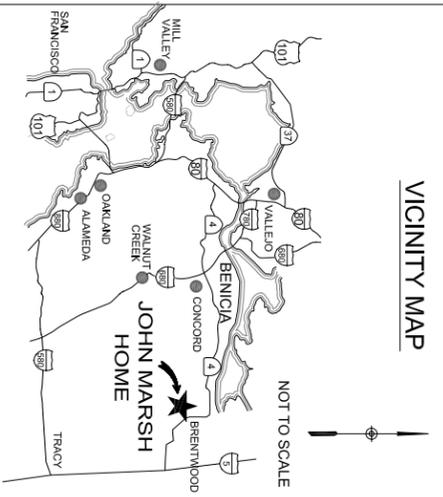
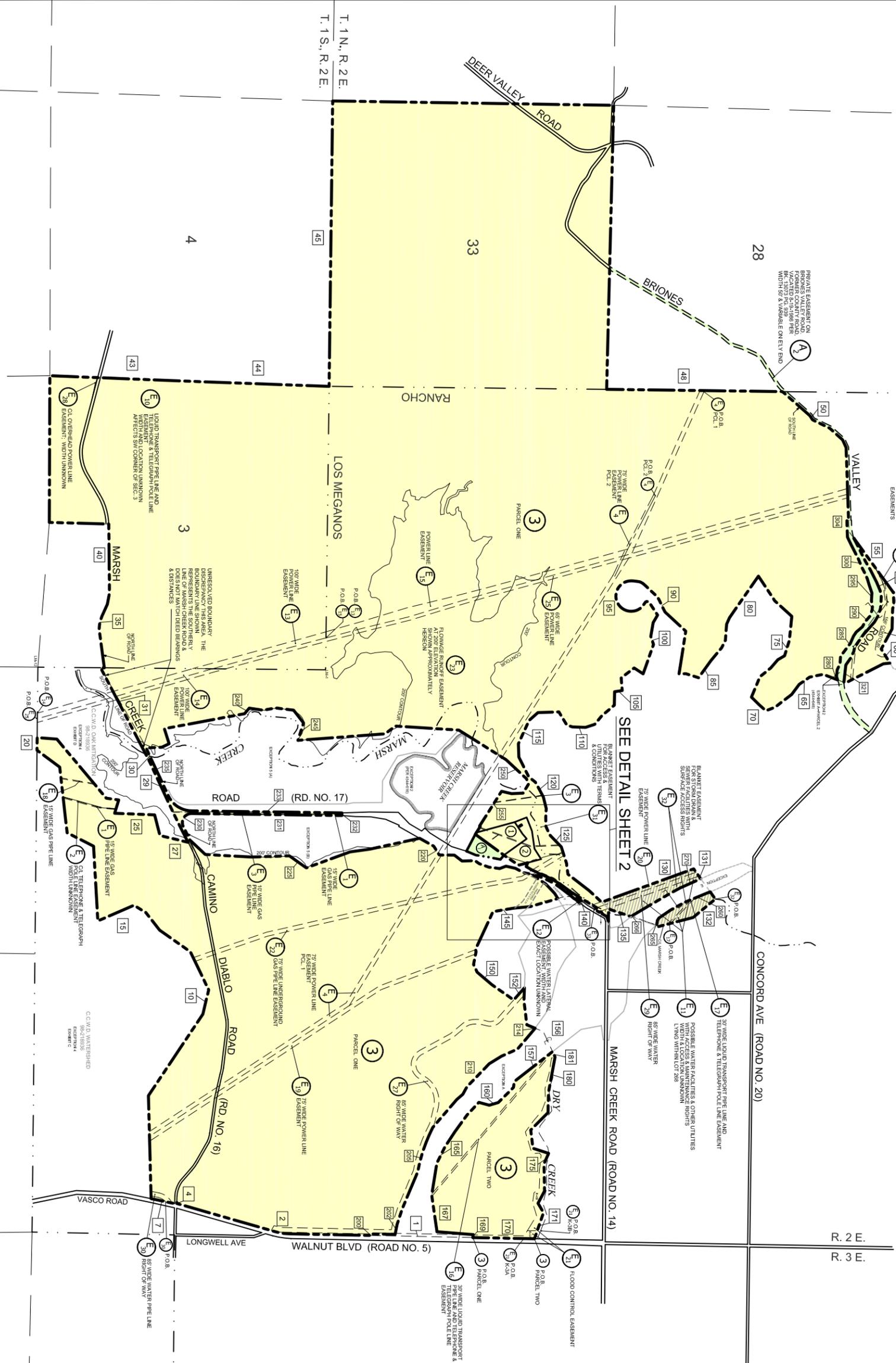
DOCUMENT/DATE	PARTIES	USE RESTRICTIONS/CONDITIONS
		that if the Conservancy deems necessary or appropriate, prior to the Conservancy's approval of any transfer of the real property, the transferee and the Conservancy shall enter into a new agreement, superceding this agreement, sufficient to protect the interest of the people of California. (Paragraph 4)
<p>Memorandum of Unrecorded Interagency Agreement</p> <p>Dated 10/15/2002</p>	SCC and DPR	<p><u>Notice:</u></p> <ul style="list-style-type: none"> ➤ Real Property (including any portion of it or interest in it) may not be sold or exchanged without the written approval of the State of California, acting through the Executive Director of the Conservancy, or its successor, provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. (D1) ➤ The Real Property (including any portion of it or interest in it) was acquired by TPL and subsequently conveyed to Parks for the purposes of habitat and open space protection and public access and recreation and no use of the Real Property inconsistent with said purposes is permitted without the specific written permission of the Executive Director of the Conservancy or its successor. (D3)
<p>Assignment & Assumption Agreement</p> <p>2002-0428118</p> <p>Rec'd 11/20/2002</p>	TPL and Caltrans and DPR	References Agreement Declaring Restrictive Covenants dated September 10, 2002, which provides that any owner of the property will covenant and agree to operate and maintain the Property pursuant to the conditions and obligations described therein and as set forth in the Application and EEM Agreement.
<p>Grant Deed</p> <p>2002-429755</p> <p>Rec'd 11/15/2002</p>	S. H. Cowell Foundation to SR4 Bypass Authority - fee interest	<p>(Parcel 1 - See Exh. A-1) Including relinquishment of any and all abutter's rights of access, appurtenant to grantor's remaining property.</p> <p>(Parcel 2 & 3 - See Exh.A-2) No restrictions.</p> <p>(Parcel 4 - See Exh. A-2) - Same as Parcel 1. (Parcel 5 - See Exh. A-3) - Same as Parcel 1.</p> <p>(Parcel 6 - See Exh. A-4) - Same as Parcel 1.</p>

**Cowell Ranch / John Marsh State Historic Park
Acquisition Use Restrictions and Conditions**

DOCUMENT/DATE	PARTIES	USE RESTRICTIONS/CONDITIONS
		(Parcel 7 - See Exh. A-5) - No restrictions. (Parcel 8 - See Exh. A-5) - Same as Parcel 1.
Assignment of Lease Executed 11/15/2002	TPL to DPR - 265 acres of Orchard; Original lease dated 3/14/2001; Expiration Date 11/30/2005 with month/month holdover	Need to review language.
Quit Claim 2002-438117 Rec'd 11/20/2002	TPL remises, releases and forever quitclaims to DPR all interest.	EEM Applicant-State Grant Agreement No. 04-11-01; Instrument no. 02-438113.
Quit Claim 2002-438116 Rec'd 11/20/2002	TPL remises, releases and forever quitclaims to DPR all interest.	WCB Grant Agreement WC-1107DM; Instrument no. 02-438114

SECTION 33, T. 1 N., R. 2 E. & PORTIONS OF SECTION 3, T. 1 S., 2 E., M.D.M. AND RANCHO LOS MEGANOS, CONTRA COSTA COUNTY

NOTE:
THE EASEMENT LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY DUE TO REFERENCES TO CORNERS THAT ARE PLOTTED HEREON FROM OLD MAPS.
NOT RECENT FIELD SURVEYS.
SEE SHEET 3 FOR TABULATIONS

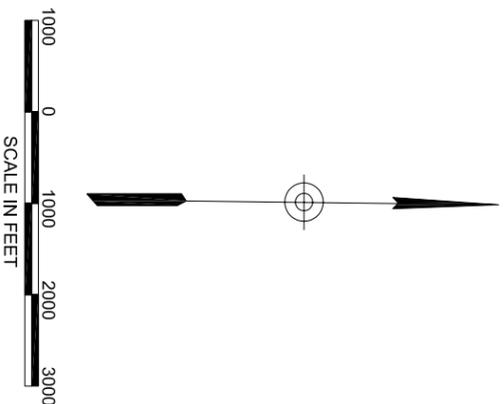


LEGEND

- STATE PARK BOUNDARY
- APPURTENANCE BOUNDARY
- ACQUISITION PARCEL NUMBER
- ENCUMBRANCE NUMBER
- APPURTENANCE NUMBER
- POINT OF BEGINNING OF PARCEL DESCRIPTION
- SURVEY MONUMENT OF RECORD FOUND OR SET BY DEPARTMENT SURVEYS. CURRENT CONDITION NOT VERIFIED.
- EASEMENT CENTERLINE
- EASEMENT
- APPURTENANT EASEMENT
- PARCEL LINE
- TABULATION INDEX NUMBER
- RANCHO BOUNDARY LINE
- ENCUMBRANCE E31 BOUNDARY (Sheet 2)
- ENCUMBRANCE E32 BOUNDARY

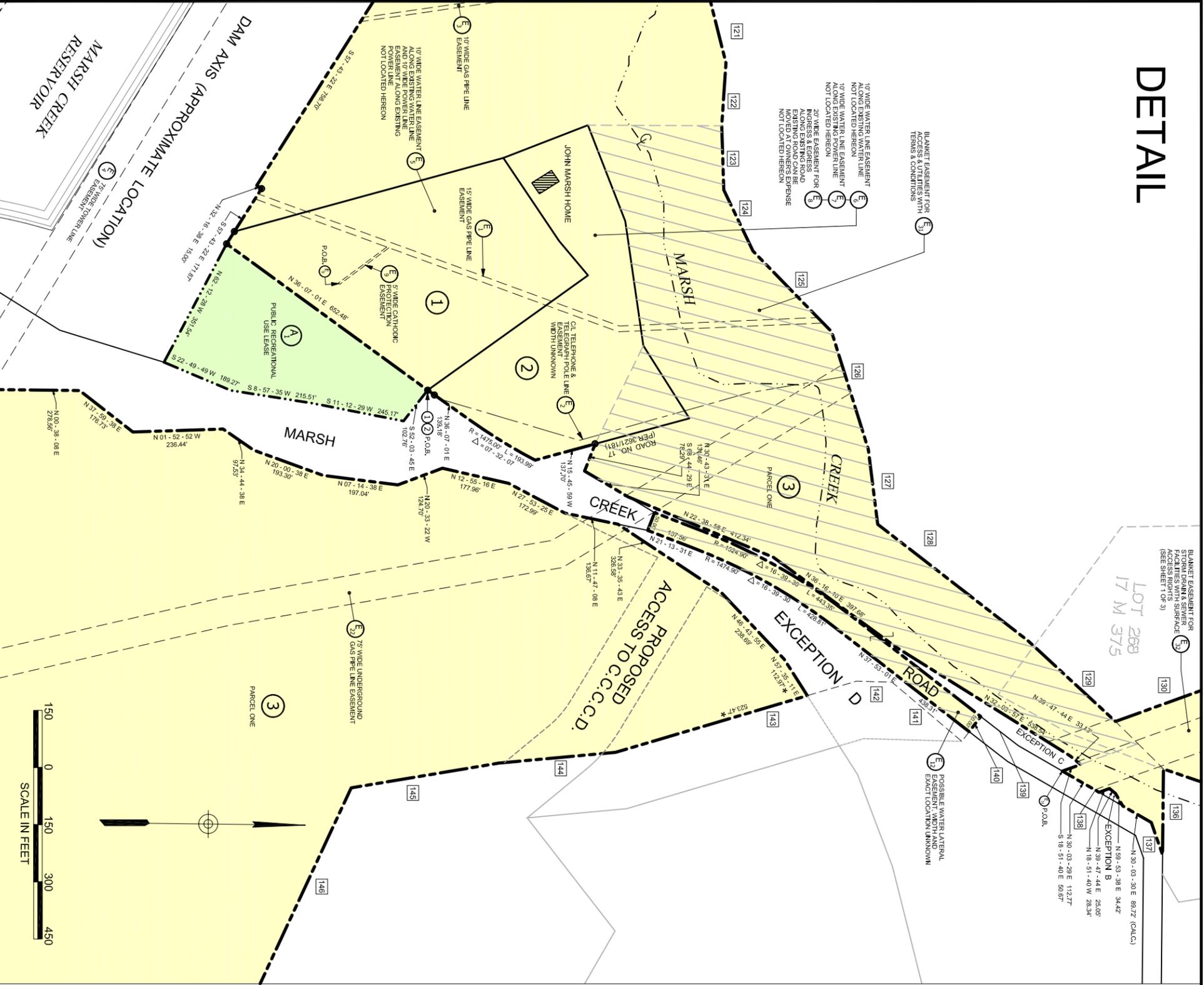
MAP REFERENCES

BOOK 60 LSM PAGE 13
BOOK 9 MAPS PAGE 202
BOOK 16 MAPS PAGE 331
BOOK 17 MAPS PAGE 375
DPR SURVEY UNIT DWG. NO. PA 1003



NOTE:
A PORTION OF THE SOURCE OF THIS DRAWING WAS PREPARED IN 1983 AS DRAWING NO. 19051.
PARCELS WERE POSITIONED USING ELECTRONIC DATA FILES PROVIDED BY THE ENGINEERING - SURVEYING FIRM OF CARLSON, BARBEE & GIBSON, INC.
BEARINGS AND DISTANCES ARE PER DEED DESCRIPTIONS.

DETAIL



5/4/3/2/1/
7/6/5/
11/10/

SCHEDULE OF ACQUISITION							
PARCEL NO.	GRANTOR	TYPE OF DOCUMENT	DOCUMENT DATE	RECORDING DATE	BOOK & PAGE	PARCEL ACREAGE	TOTAL ACREAGE
1	MAX THELEN JR. ET AL	CC & GIFT	7-9-1980	2-26-1981	10216-41	7.00	
2	CONTRA COSTA COUNTY	CC DEED	5-28-1979	2-26-1981	10216-37	5.95	
3	THE TRUST FOR PUBLIC LAND	CORP GID	8-28-2002	11-20-2002	2002-0438115-00	3647	3659.95

SCHEDULE OF APPURTENANCES							
APPURT. NO.	GRANTOR	TYPE OF DOCUMENT	EXPIRATION DATE	DOCUMENT DATE	RECORDING DATE	BOOK & PAGE	PARCEL ACREAGE
A1	CONTRA COSTA CO. FLOOD CONTROL	AGREEMENT	8-18-2031	8-18-1981	SEE FILE	419-4-254	3.5
A2	MAX THELEN JR. (S.H. COWELL FDN.)	EASEMENT	PERPETUAL	6-13-1988	7-12-1988	1446-571	

SCHEDULE OF ENCUMBRANCES						
ENCUMBR. NO.	GRANTEE	TYPE OF DOCUMENT	EXPIRATION DATE	DOCUMENT DATE	RECORDING DATE	BOOK & PAGE
E1	PACIFIC GAS & ELECTRIC	EASEMENT	PERPETUAL	5-25-1942	6-4-1942	620-130
E2	PACIFIC GAS & ELECTRIC	EASEMENT	PERPETUAL	9-26-1944	10-25-1944	792-101
E3	PACIFIC GAS & ELECTRIC	EASEMENT	PERPETUAL	4-1-1947	4-30-1947	1106-443
E4	PACIFIC GAS & ELECTRIC	EASEMENT	PERPETUAL	3-31-1953	7-23-1953	2165-58
E5	MAX THELEN JR. ET AL	EASEMENT	PERPETUAL	7-9-1980	2-26-1981	10216-41
E6 - E8	MAX THELEN JR. ET AL	EASEMENT	PERPETUAL	9-16-1980	10-02-1980	10032-11
E9	PACIFIC GAS & ELECTRIC	EASEMENT	PERPETUAL	3-16-1984	SEE FILE	429-6-254
E10	VALEY PIPE LINE COMPANY	R/W	PERPETUAL	11-14-1914	5-20-1915	241-356
E11	EAST CONTRA COSTA IRRIGATION CO.	AGREEMENT	PERPETUAL	9-24-1917	9-25-1917	297-257
E12	EAST CONTRA COSTA IRRIGATION DIST.	MAP	PERPETUAL	8-6-1917	9-11-1917	16 MAPS 331
E13	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	5-19-1925	5-26-1925	495-122
E14 - E15	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	6-3-1927	6-10-1927	84-278
E16 - E17	FEDERAL ENGINEERING CO.	EASEMENT	PERPETUAL	2-18-1930	2-28-1930	329-1
	STANDARD OIL CO.	DEED	PERPETUAL	5-27-1932	6-2-1932	880-244
	STANDARD OIL CO.	R/W	PERPETUAL	11-19-1945	12-17-1945	827-186
E18	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	6-8-1944	6-28-1948	790-285
E19 - E20	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	2-1-1950	3-1-1950	1514-124
E21	CC CO. FLOOD CONTROL & WATER DIST.	EASEMENT	PERPETUAL	6-28-1960	6-30-1960	3651-363
E22	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	5-28-1962	7-3-1962	4152-317
E23	CC CO. FLD. CNTRL. & WATER CONS. DIST.	EASEMENT	PERPETUAL	9-24-1963	1-31-1964	4544-616
E24	CC CO. FLD. CNTRL. & WATER CONS. DIST.	EASEMENT	PERPETUAL	9-24-1963	1-31-1964	4544-648
E25	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	9-28-1966	2-23-1967	5311-269
E26	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	4-29-1986	7-8-1986	12984-860
E27	CONTRA COSTA WATER DISTRICT	GRANT DEED	PERPETUAL	12-29-1994	5-26-1995	95-083-320
E28	PACIFIC GAS & ELECTRIC CO.	R/W	PERPETUAL	11-19-1997	12-4-1997	97-0226836
E29 - E30	CONTRA COSTA WATER DISTRICT	FOC	PERPETUAL	9-10-1998	9-10-1998	98-0218936
E31	S.H. COWELL FOUNDATION	EASEMENT	PERPETUAL	11-6-2002	11-15-2002	2002-0429754
E32	S.H. COWELL FOUNDATION	EASEMENT	PERPETUAL	11-6-2002	11-15-2002	2002-0429753

- 1/ OIL, GAS AND MINERALS, RESERVED WITHOUT SURFACE RIGHTS
 - 2/ CONTAINS RESTRICTIONS AS TO USE
 - 3/ RIGHT TO RELOCATE EASEMENTS AT OWNERS EXPENSE
 - 4/ RESERVATION OF WATER RIGHTS. OWNER RETAINS RIGHT TO DEVELOP WELLS
 - 5/ SUBJECT TO CONDITION TO BE USED AS A HISTORICAL MONUMENT (WITH REVERSIONARY CLAUSE)
 - 6/ RIGHT OF THE PUBLIC TO TRAVEL ON ANY PORTION LYING WITHIN A COUNTY ROAD
 - 7/ MINERAL RIGHTS RESERVED
 - 8/ ALL RIGHTS OF FEDERAL ENGINEERING CO. WERE GRANTED TO STANDARD OIL PER DOC. 328-1
 - 9/ QUITCLAIM FOR UNUSED PORTION TO BE ISSUED WHEN R/W IS FINALIZED
 - 10/ EEM PROGRAM AGREEMENT: PROPERTY TO BE MANAGED AS A WILDLIFE PRESERVE. SCENIC VIEWSHED & PUBLIC RECREATION USE PER DOC. 2002-0438113. REC. 11-20-2002 AND DOC. 2002-0438118. REC. 11-20-2002
 - 11/ ANY TYPE OF CHANGE IN USE OR OWNERSHIP INTEREST REQUIRES APPROVAL SUBJECT TO TERMS, CONDITIONS & COVENANTS PER THE FOLLOWING GRANTS: WILDLIFE CONSERVATION BOARD GRANT NO. WC-1107DM, APRIL 2002; PER DOC. 2002-0438114. REC. 11-20-2002; STATE COASTAL CONSERVANCY GRANT AGREEMENT NO. 02-041, DATED 9-17-2002; INTERAGENCY AGREEMENT BETWEEN THE STATE COASTAL CONSERVANCY AND PARKS DATED 10-15-2002; AND BUREAU OF RECLAMATION GRANT 02F600136
- * DISTANCE SCALED FROM DRAWING FILE

PARCEL 3 COURSES PER DEED

1	S 01 - 09 - 47 W 3386.29'
2	R=60.00' L=248.88' Δ= 14 - 51 - 10
3	S 16 - 00 - 57 W 1875.18'
4	R=25.00' L=32.65' Δ= 74 - 50 - 08
5	S 89 - 14 - 08 E 34.68'
6	S 16 - 00 - 57 W 80.44'
7	S 11 - 40 - 32 W 405.59'
8	S 88 - 30 - 21 W 1902.62'
9	N 56 - 19 - 17 W 1808.54'
10	N 75 - 36 - 14 W 480.98'
11	S 64 - 18 - 08 W 782.62'
12	S 35 - 06 - 37 W 689.52'
13	S 51 - 56 - 53 W 413.86'
14	S 31 - 26 - 47 W 255.54'
15	S 23 - 34 - 36 E 724.98'
16	S 86 - 43 - 21 W 1383.62'
17	S 26 - 57 - 46 W 545.62'
18	S 83 - 34 - 03 W 1219.89'
19	S 36 - 37 - 16 W 520.73'
20	N 89 - 24 - 43 W 234.45'
21	N 04 - 35 - 41 E 364.50'
22	N 50 - 09 - 23 E 1418.19'
23	N 08 - 17 - 55 E 231.95'
24	S 73 - 03 - 33 E 256.53'
25	N 02 - 21 - 09 E 737.47'
26	N 75 - 33 - 53 E 393.33'
27	N 13 - 34 - 28 E 531.52'
28	S 63 - 27 - 32 W 615.25'
29	S 65 - 12 - 02 W 1050.73'
30	S 88 - 56 - 02 W 161.27' (DEED DISCREPANCY)
31	S 60 - 11 - 18 W 1794.09' (DEED DISCREPANCY)
32	N 00 - 35 - 02 E 70.09'
33	S 82 - 16 - 45 W 719.04'
34	N 85 - 04 - 15 W 86.73'
35	N 75 - 59 - 15 W 84.11'
36	N 72 - 03 - 15 W 68.09'
37	N 65 - 44 - 15 W 246.30'
38	N 79 - 03 - 15 W 196.83'
39	N 89 - 13 - 45 W 171.64'
40	S 89 - 21 - 15 W 1117.79'
41	S 01 - 33 - 43 W 1094.94'
42	N 02 - 16 - 00 E 2614.44'
43	N 89 - 47 - 26 W 2707.56'
44	N 02 - 06 - 06 E 2531.71'
45	N 89 - 17 - 03 W 5289.25'
46	N 00 - 53 - 42 E 5175.12'
47	S 88 - 34 - 20 E 5244.63'
48	N 00 - 43 - 45 E 3237.66'
49	N 41 - 19 - 03 E 672.35'
50	N 57 - 29 - 03 E 91.95'
51	N 26 - 04 - 03 E 350.79'
52	N 42 - 04 - 03 E 320.11'
53	N 65 - 24 - 03 E 158.18'
54	N 88 - 04 - 03 E 1550.19'
55	N 53 - 59 - 03 E 1393.71'
56	N 88 - 04 - 33 E 227.85'
57	S 71 - 13 - 08 E 69.06'
58	S 88 - 13 - 18 E 379.00'
59	S 61 - 43 - 08 E 420.00'
60	N 58 - 11 - 37 E 306.55'
61	S 06 - 07 - 42 E 123.70'
62	S 28 - 52 - 24 E 778.78'
63	S 21 - 04 - 10 W 442.97'
64	S 11 - 55 - 47 E 254.84'
65	S 34 - 59 - 17 E 232.42'
66	S 53 - 07 - 36 E 231.78'
67	S 37 - 36 - 27 E 389.38'
68	S 21 - 01 - 42 E 179.66'
69	S 41 - 48 - 13 W 162.16'
70	S 45 - 02 - 36 W 203.43'
71	N 67 - 36 - 41 W 408.79'
72	N 38 - 44 - 45 W 252.04'
73	N 49 - 32 - 05 W 205.37'
74	N 29 - 58 - 36 W 142.80'
75	N 72 - 44 - 50 W 289.82'
76	N 83 - 38 - 28 W 211.37'
77	N 84 - 16 - 15 W 241.72'
78	S 42 - 21 - 34 W 426.00'
79	S 56 - 38 - 01 W 545.40'
80	S 55 - 10 - 18 E 935.91'

81	S 86 - 35 - 33 E 128.56'
82	S 95 - 28 - 51 E 301.25'
83	S 63 - 25 - 42 E 153.41'
84	S 50 - 03 - 46 E 311.09'
85	S 54 - 27 - 33 E 385.60'
86	S 17 - 49 - 09 W 247.42'
87	S 01 - 49 - 35 E 124.85'
88	N 81 - 06 - 46 W 798.25'
89	S 42 - 46 - 42 W 520.51'
90	S 64 - 04 - 39 W 258.73'
91	R=250.00' L=91.23' Δ= 20 - 54 - 29
92	S 43 - 10 - 10 W 299.79'
93	R=200.00' L=128.56' Δ= 36 - 49 - 51
94	S 06 - 20 - 19 W 80.31'
95	R=281.48' L=1236.71' Δ= 251 - 44 - 06
96	R=50.00' L=104.78' Δ= 120 - 04 - 24
97	N 57 - 01 - 27 E 272.61'
98	S 59 - 31 - 45 E 161.27'
99	S 80 - 20 - 47 E 256.61'
100	S 70 - 33 - 00 E 573.50'
101	N 71 - 36 - 02 E 159.31'
102	S 33 - 03 - 53 W 197.96'
103	S 37 - 41 - 40 E 301.62'
104	S 65 - 20 - 05 E 232.52'
105	S 09 - 02 - 27 E 141.65'
106	S 88 - 49 - 28 E 248.78'
107	S 40 - 18 - 14 E 301.90'
108	S 50 - 18 - 18 E 207.23'
109	S 18 - 10 - 28 E 175.77'
110	S 01 - 54 - 27 W 240.86'
111	S 18 - 13 - 26 W 110.22'
112	S 59 - 01 - 12 W 284.11'
113	S 01 - 57 - 58 E 384.93'
114	S 41 - 33 - 28 E 220.60'
115	S 65 - 34 - 54 E 470.64'
116	S 88 - 08 - 03 E 264.16'
117	N 63 - 30 - 57 E 170.17'
118	N 63 - 25 - 24 E 241.94'
119	N 38 - 18 - 04 E 153.55'
120	N 61 - 38 - 10 E 305.60'
121	N 75 - 54 - 33 E 224.04'
122	S 86 - 11 - 57 E 165.27'
123	S 88 - 14 - 30 E 168.10'
124	N 64 - 29 - 14 E 177.97'
125	N 45 - 49 - 59 E 295.25'
126	N 72 - 41 - 52 E 322.34'
127	N 82 - 49 - 38 E 198.85'
128	N 37 - 50 - 56 E 498.72'
129	N 42 - 46 - 30 E 308.22'
130	N 19 - 46 - 35 W 1803.85'
131	N 54 - 18 - 12 E 681.97'
132	S 39 - 44 - 30 E 533.85'
133	S 14 - 42 - 00 E 662.40'
134	S 20 - 23 - 00 W 460.60'
135	S 18 - 52 - 00 W 512.30'
136	S 89 - 27 - 00 E 226.76'
137	S 70 - 50 - 30 W 92.13'
138	S 30 - 03 - 30 W 400.88'
139	S 37 - 53 - 00 W 125.10'
140	S 52 - 50 - 00 E 81.90'
141	S 40 - 22 - 58 W 238.56'
142	S 01 - 37 - 00 W 93.83'
143	S 16 - 30 - 00 E 657.11'
144	S 05 - 18 - 00 E 306.98'
145	S 09 - 32 - 52 E 391.62'
146	S 65 - 08 - 08 E 761.23'
147	N 81 - 36 - 56 E 53.95'
148	S 78 - 53 - 48 E 236.10'
149	N 65 - 00 - 53 E 155.50'
150	N 40 - 42 - 59 E 352.09'
151	N 34 - 56 - 34 E 495.55'
152	N 48 - 32 - 15 W 298.72'
153	S 87 - 38 - 00 E 233.15'
154	N 83 - 12 - 00 E 452.50'
155	N 22 - 22 - 00 E 326.90'
156	N 65 - 12 - 00 E 409.17'
157	S 38 - 02 - 55 E 899.68'
158	S 84 - 25 - 33 E 105.85'
159	S 44 - 59 - 24 E 395.99'
160	S 16 - 34 - 07 E 174.07'

PARK BOUNDARY ADJACENT TO EXCEPTION PARCELS

161	S 15 - 42 - 46 W 198.95'
162	S 47 - 15 - 39 E 330.04'
163	S 54 - 03 - 38 E 378.24'
164	S 56 - 56 - 38 E 328.31'
165	S 63 - 25 - 33 E 330.83'
166	S 80 - 48 - 40 E 598.47'
167	N 81 - 46 - 52 E 686.30'
168	N 04 - 34 - 11 E 665.12'
169	N 01 - 09 - 47 E 54.01'
170	N 01 - 09 - 47 E 1133.47'
171	N 71 - 08 - 00 W 510.22'
172	S 59 - 52 - 00 W 200.00'
173	N 62 - 08 - 00 W 255.90'
174	S 88 - 02 - 00 W 503.00'
175	N 66 - 08 - 00 W 210.80'
176	S 17 - 51 - 57 W 302.50'
177	S 83 - 02 - 00 W 338.90'
178	N 45 - 18 - 00 W 453.00'
179	N 88 - 38 - 00 W 375.40'
180	N 79 - 28 - 00 W 661.10'
181	S 65 - 12 - 00 W 110.33'
200	N 88 - 50 - 13 W 29.30'
201	N 01 - 09 - 47 E 461.68'
202	N 78 - 30 - 36 W 187.76'
203	N 72 - 05 - 44 W 297.75'
204	N 67 - 17 - 49 W 749.47'
205	R=2904.15' L=825.06' Δ= 16 - 16 - 39
206	N 63 - 31 - 37 W 41.73'
207	N 49 - 24 - 24 W 206.07'
208	N 41 - 09 - 02 W 147.38'
209	N 61 - 03 - 15 W 157.87'
210	N 46 - 03 - 08 W 569.15'
211	N 31 - 47 - 55 W 271.29'
212	N 23 - 54 - 39 W 317.39'
213	N 49 - 39 - 25 W 491.80'
214	N 54 - 48 - 06 W 14.15'
220	S 57 - 54 - 08 W 190.60'
221	S 29 - 24 - 08 W 299.34'
222	S 12 - 22 - 12 E 932.79'
223	S 07 - 59 - 18 E 374.13'
224	S 20 - 10 - 25 E 857.27'
225	S 35 - 36 - 06 W 382.46'
226	S 01 - 47 - 48 E 695.43'
227	S 03 - 07 - 07 W 855.11'
228	S 43 - 17 - 07 W 385.72'
229	S 63 - 26 - 01 W 280.88'
230	R=186.20' L=340.35' Δ= 117 - 20 - 00
231	N 00 - 46 - 01 E 2770.14'
232	N 89 - 15 - 22 W 50.00'
233	S 00 - 46 - 01 W 3084.20'
234	R=475' L=532.79' Δ= 64 - 16 - 00
235	S 65 - 02 - 01 W 978.40'
236	N 02 - 34 - 24 W 290.30'
237	N 25 - 32 - 59 W 150.35'
238	S 72 - 17 - 30 W 290.84'
239	N 10 - 36 - 17 W 1502.01'
240	N 49 - 45 - 45 W 134.85'
241	N 08 - 38 - 05 E 258.41'
242	N 10 - 36 - 18 W 231.49'
243	N 06 - 54 - 50 E 336.01'
244	N 52 - 09 - 14 E 289.40'
245	S 72 - 05 - 25 E 338.23'
246	N 04 - 16 - 18 W 1609.03'
247	N 36 - 57 - 13 W 238.88'
248	N 03 - 38 - 47 E 1189.30'
249	N 32 - 05 - 40 E 1028.58'
250	N 43 - 03 - 57 E 512.38'
251	N 68 - 03 - 28 E 105.96'
252	S 59 - 02 - 37 E 195.29'
253	S 02 - 42 - 12 E 211.92'
254	S 13 - 12 - 43 W 189.92'
255	S 57 - 43 - 22 E 758.70'

260	S 22 - 24 - 53 E 514.49+ *
261	S 29 - 00 - 00 E 290.52'
262	S 34 - 26 - 41 E 262.36'
263	S 57 - 52 - 24 E 48.98'
264	S 79 - 49 - 16 E 77.77'
265	S 44 - 41 - 56 E 25.35'
266	N 38 - 21 - 28 W 152.62'
267	N 30 - 37 - 04 W 505.69'
268	N 41 - 09 W 90.00'
269	N 62 - 55 W 116.00'
270	N 28 - 42 - 38 W 152.62'
271	N 24 - 01 - 18 W 406.08'
272	N 23 - 59 - 13 W 8.80+ *
280	S 70 - 24 W 63.71+ *
281	N 85 - 52 W 122.50'
282	N 65 - 16 W 126.00'
283	N 87 - 06 W 140.00'
284	N 53 - 43 W 289.00'
285	N 53 - 07 - 41 W 32.87'
286	N 66 - 50 W 152.00'
287	N 57 - 11 W 90.00'
288	N 41 - 09 W 149.50'
289	N 62 - 55 W 116.00'
290	N 48 - 50 W 72.00'
291	N 48 - 38 - 31 W 452.81'
292	N 70 - 01 W 122.50'
293	N 84 - 32 W 91.45'
294	S 75 - 31 W 91.00'
295	N 87 - 26 W 143.00'
296	S 72 - 09 W 122.00'
297	S 66 - 44 W 100.00'
298	S 61 - 36 W 149.50'
299	S 67 - 13 - 12 W 151.04'
300	S 62 - 29 - 25 W 310.71'
301	S 63 - 19 - 22 W 148.70'
302	S 62 - 29 - 25 W 310.71'
303	S 86 - 10 W 162.00'
304	S 87 - 59 - 25 W 150.00'
305	N 02 - 00 - 35 W 31.34+ *
306	R=610.00' L=84.02+ *
307	N 62 - 29 - 25 E 410.00'
308	N 58 - 37 E 150.00'
309	N 62 - 18 - 26 E 271.05'
310	N 66 - 24 E 175.00'
311	N 79 E 110.00'
312	S 87 - 19 - 10 E 207.22'
313	S 74 - 14 E 141.50'
314	S 60 - 21 E 145.00'
315	S 49 - 40 - 05 E 306.02'
316	S 55 - 07 E 168.00'
317	S 59 - 51 E 131.00'
318	S 79 - 24 E 70.00'
319	S 64 - 29 E 138.00'
320	S 55 - 31 E 146.00'
321	S 84 - 41 E 322.35+ *

* DISTANCE SCALED FROM DRAWING FILE

APPENDIX C

**ADDITIONAL BIOLOGICAL RESOURCES
INFORMATION**

**Biological Resources Regulatory Setting
DPR Summary of 2007 Cowell Ranch Amphibian Surveys
Additional Species Reports and Surveys**

Appendix C: Additional Biological Information

Biological Regulatory Setting

Many biological resources in California are protected and impacts to these resources are regulated by a variety of laws and policies. Prior to implementation, proposed projects need to demonstrate compliance with these regulations. Key regulatory issues that apply to the General Plan are discussed below.

The primary laws and regulations that protect biological resources and are applicable to implementation of the General Plan are listed and described below.

- Federal Endangered Species Act (ESA)
- Clean Water Act (CWA)
- California Endangered Species Act (CESA)
- California Fish and Game Code

Federal Regulations

Federal Endangered Species Act. Pursuant to the federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS) has regulatory authority over projects that may affect the continued existence of a federally listed threatened or endangered species.

Section 9 of the ESA prohibits the “take” of a federally listed species, where “take” is defined, in part, as killing, harming, or harassment of such species. Under federal regulations, take is further defined to include habitat modification or degradation where it actually results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Section 7 of the ESA outlines procedures for federal interagency cooperation and participation in the conservation and recovery of federally listed species and designated critical habitat. Section 7(a)(2) requires federal agencies to consult with other federal agencies with regulatory authority to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or to destroy or adversely modify designated critical habitat. Critical habitat is any specific area that has the physical and biological features essential to the conservation of a listed species, and that may require special management considerations or protection.

For projects where a federal nexus is not involved and take of a listed species may occur, the project proponent may seek to obtain an incidental take permit under Section 10(a) of ESA. Section 10(a) of the ESA allows the USFWS to permit the incidental take of a listed species if such take is accompanied by a Habitat Conservation Plan (HCP) that includes components to minimize and mitigate impacts associated with the take.

Clean Water Act. The U.S. Army Corps of Engineers (USACE) regulates the placement of fill into waters of the United States under Section 404 of the Clean Water Act (CWA). Waters of the United States include lakes, rivers, streams, and their tributaries and wetlands. Wetlands are defined under Section 404 as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Activities that require a permit under Section 404 include, but are not limited to, placing fill or riprap, grading, mechanized land clearing, and dredging. Any activity that results in the deposit of dredged or fill material within the "ordinary high-water mark" of waters of the United States usually requires a permit from USACE, even if the area is dry at the time the activity takes place. A variety of processes are available for obtaining Section 404 authorization from USACE, ranging from the Nationwide Permit process to the Individual Permit process. Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the state Water Resources Control Board (SWRCB) to the nine regional boards.

State Regulations

California Endangered Species Act. Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Game Code, a permit from the DFG is required for projects that could result in the take of a state listed threatened or endangered species. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include "harm" or "harass," as the federal act does. As a result, the threshold for take under CESA is higher than that under ESA.

Section 1602 of the California Fish and Game Code. All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports

wildlife resources is subject to regulation by DFG, pursuant to Section 1602 of the California Fish and Game Code. Section 1602 states that it is unlawful for any person, governmental agency (state or local), or any public utility to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, without first notifying the DFG of such activity. The regulatory definition of a stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. The DFG's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A DFG Streambed Alteration Agreement must be obtained for any project that would result in an impact on a river, lake, or stream.

Section 3503.5 of the California Fish and Game Code. Section 3503.5 of the California Fish and Game Code states that it is "unlawful to take, possess, or destroy any birds-of-prey in the orders Falconiformes or Strigiformes." These orders include hawks, owls, eagles, and falcons. The loss of an active nest is considered by the DFG as a violation of this code. This statute does not provide for the issuance of any type of incidental take permit.

Fully Protected Species under the Fish and Game Code. Protection of fully protected species is described in four sections of the Fish and Game Code that list 37 fully protected species (Fish and Game Code Sections 3511, 4700, 5050, and 5515). These statutes prohibit take or possession at any time of fully protected species. The DFG is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species. The DFG has informed non-federal agencies and private parties that they must avoid take of any fully protected species when carrying out projects.

Sensitive Biological Resources

Sensitive biological resources include plants and animals that have been afforded special recognition by federal, state, or local resource agencies and organizations. Also included are habitats that are of relatively limited distribution or are of particular value to wildlife.

Special-status species are defined as plants and animals in the following categories:

- Species listed or proposed for listing as threatened or endangered under the ESA or CESA;
- Species considered as candidates for listing as threatened or endangered under the ESA or CESA;
- Wildlife species identified by the DFG as Species of Special Concern (an administrative designation used to try to prevent these animals from becoming threatened or endangered by addressing issues of concern early enough to secure long-term viability of the species);
- Animals fully protected under the California Fish and Game Code; and
- Plants on CNPS List 1B (plants classified as rare, threatened, or endangered in California and elsewhere) or List 2 (plants classified as rare, threatened, or endangered in California, but are more common elsewhere).

Sensitive natural communities are defined as those with particularly high ecological values or functions, limited distribution, or are of concern otherwise to local, state, and/or federal resource agencies. Sensitive habitats include those that are of special concern to the DFG (e.g., those identified as having high priority for inventory by the CNDDB), or that are afforded specific consideration through the CEQA, Section 1602 of the California Fish and Game Code, and/or Section 404 of the CWA.

Summary of 2007 Cowell Ranch Amphibian Surveys

June, 2007 (DRAFT)

Introduction

Surveys for pond-breeding amphibians within the Cowell Ranch/John Marsh property were conducted in order to obtain current information on the status of these habitat types in the park and sensitive species present. Surveys in 1993, conducted by LSA Associates, documented the presence of a number of rare species in the vernal pools and stock ponds of Cowell Ranch in a report titled "Biological Resources, Cowell Ranch, Contra Costa County." In the 13 years since those surveys were conducted, a portion of the former Cowell Ranch has been developed, and a much larger portion has been turned into the state park, currently called the Cowell Ranch/John Marsh property.

Methods

Surveys for pond-breeding amphibians were conducted on May 3-4, 2007. Survey sites included ponds, pools, and other aquatic habitat identified in Figure 4 of the 1993 LSA report. USGS quadrangle maps were also used for reference. Surveys consisted of first slowly walking the shoreline visually searching for animals. Then dipnets were used to sample standing water areas. We recorded all species observed and their life stages. Cumulative visual and dipnet sampling time for all surveyors was recorded. Surveys were conducted by David Cook, Cyndy Shafer, Jeff Alvarez, and Christina Freeman, and complied with U. S. Fish and Wildlife Service and California Department of Fish and Game permits. We recorded habitat features and dam conditions at each site. Water depths during our field visit were measured with a measuring stick, maximum depth to spillway was visually estimated, and other dimensions were measured from walking pace estimates. We recorded the dominant and subdominant vegetative cover of the pond surface and banks. Photographs were taken to document pond habitat and conditions, as well as species observed.

Results

Pond Habitats and Dam Conditions

16 vernal pools were visited but already dry. 21 stock ponds were visited, of which 11 were dry, and 10 still had water. Additionally, pools along Marsh Creek in the vicinity of the John Marsh home, and pools along the creek running through Briones Valley, were surveyed. In total, about 80% of the water bodies present in the park were visited during this survey effort. A small number of sites were not visited due to time limitations.

Habitats at the various pools and ponds ranged from semi-permanent waters with dense cattails (see Figure 1) to ponds with no wetland vegetation that were dry during our visit. All of the stock ponds surveyed were created by the construction of an earthen dam along an intermittent creek, or large swale.



Figure 1. Stock pond 38, where red-legged frog tadpoles were captured.

Species Diversity/Rare Species

Cowell Ranch supports at least two federally threatened amphibian species. Despite the fact that 2007 was a poor year for amphibian breeding, likely due to sparse rainfall patterns early in the year and relatively dry conditions, we still documented breeding for both California red-legged frog (*Rana aurora draytonii*) and California tiger salamander (*Ambystoma californiense*). Red-legged frog tadpoles were captured in one pond (stock pond 38 in LSA report), and tiger salamander larvae were captured in two ponds (stock ponds 6 and 15 in LSA report - see Figure 2). All three of these ponds are in the southern portion of the park. Pacific tree frog (*Hyla regilla*), and western toad (*Bufo boreas*) larvae were found at a number of sites.

A large number of bullfrog tadpoles and one juvenile bullfrog were captured in pools along Marsh Creek. Bullfrogs were not found in any of the other sites surveyed.

Discussion

2007 was a bad year for amphibian breeding throughout the Bay Area. It's likely that in a year with normal rainfall, red-legged frogs (CRLF) and tiger salamanders (CTS) would be breeding at a number of additional sites in the park, consistent with what LSA documented in 1993. 2007 was a dry year, and amphibian breeding was likely affected by long dry periods early in the rainy season. Surveys

conducted at Mt. Diablo State Park in 2006 documented CTS and CRLF breeding at sites that were dry during 2007 surveys. Following this pattern of poor amphibian breeding in 2007, CTS surveys on the Santa Rosa Plain in Sonoma County documented the lowest breeding in eight years of surveys, and surveys at Ledson Marsh in Annadel State Park in Sonoma County documented the lowest CRLF breeding in 13 years (Dave Cook, pers. com.). Therefore, the LSA 1993 data is probably more representative of the distribution of breeding for these species at Cowell Ranch than these 2007 surveys showed. The LSA surveys documented CTS larvae in 25 separate waterbodies in what is now the state park. Cowell Ranch has a high number of sites that provide suitable breeding habitat for both CTS and CRLF.



Figure 2. California tiger salamander larvae captured in stock pond 15.

Additional Species Reports and Surveys

Existing documentation from previous biological surveys on or adjacent to the property were reviewed and cited in this report by EDAW biologists and are summarized below:

- Survey for *Hygrotus curvipes* (Leech) at Cowell Ranch (Mead 1993)
- Biological Resources, Cowell Ranch, Contra Costa County (LSA Associates, Inc. 1993)
- Supplemental Rare Plant Survey, Cowell Ranch (LSA Associates, Inc. 1994)
- Status of Rare, Threatened and Endangered Vascular Plants in Alameda and Contra Costa Counties (Olson 1994)
- Draft Habitat Management Plan, Cowell Ranch (LSA Associates, Inc. 1996)
- Distribution of the San Joaquin Kit Fox in the North Part of its Range (H.T. Harvey and Associates 1997)
- Vernal Pool Crustaceans (Cowell Ranch) (Entomological Consulting Services, Ltd. 1998)
- Biological Assessment for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- Botanical Assessment for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- Burrowing Owl Habitat Assessment and Winter Focused Survey for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- Burrowing Owl Nesting Season Focused Survey for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- California Tiger Salamander Focused Survey for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- Site Assessment for the California Red-Legged Frog, the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- California Red-Legged Frog Focused Survey for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)
- Early Evaluation for the San Joaquin Kit Fox for the Vineyards at Marsh Creek Project (Sycamore Associates LLC 2003)

Survey for Hygrotus curvipes (Leech) at Cowell Ranch

LSA Associates, Inc. conducted an aquatic invertebrate survey within stock ponds and intermittent drainages on the Cowell Ranch property in July 1993. This included lands outside of the current Park boundary. The study focused on identification of two types of beetles, *Hygrotus curvipes* and *H. pedalis*. Survey results indicate that the majority of the *Hygrotus* beetles present at the site were *H. curvipes*, which were found most abundantly along an intermittent stream that runs along Briones Valley and drains southeast into Marsh Creek Reservoir. The study also found that both species of beetle breed in the area.

Biological Resources, Cowell Ranch

LSA Associates, Inc. also conducted a biological survey of the Cowell Ranch property in 1993 to determine if any sensitive plant or animal species were present. The survey indicates that 12 special-status wildlife species were observed in the study area. Four of these species (California linderiella, vernal pool fairy shrimp, curve-footed hygrotus diving beetle, and California tiger salamander) are dependent on seasonally ponded water. Two species were found in permanent or intermittent water bodies. California red-legged frogs were found in a spring-fed stockpond and western pond turtle were found in Marsh Creek. The remaining six species are grassland-associated species and include: northern harrier, prairie falcon, burrowing owl, loggerhead shrike, California horned lark, and San Joaquin pocket mouse. California tiger salamanders also use the grassland for upland retreat sites. Suitable habitat for San Joaquin kit fox occurs throughout the grassland and oak savannah portions of the Park.

Supplemental Rare Plant Survey

The Botanical Research Group and LSA Associates, Inc. conducted supplemental rare plant surveys on the Cowell Ranch property in the fall of 1993 and 1994. The surveys focused on four species of *Atriplex* (crownscale [*A. coronata*], San Joaquin spearscale [*A. joaquiniana*], heartscale [*A. cordulata*] and brittlescale [*A. depressa*]) and big tarplant [*Blepharizonia plumose*]). All but heartscale and brittlescale were observed during the survey; it was noted that in previous surveys, a small population of crownscale was misidentified as heartscale. The locations of these special-status plant species were mapped by LSA Associates, Inc.

Status of Rare, Threatened and Endangered Vascular Plants in Alameda and Contra Costa Counties

The *Status of Rare, Threatened and Endangered Vascular Plants in Alameda and Contra Costa Counties* (Olson 1994) summarizes current information on the status of 105 rare plant species that occur (or have occurred) in the East Bay. The report identifies the names of the plant, their status (most of the plants are considered rare plants by CNPS), habitat codes (community/communities in which the species are known to occur), geographic locations of known occurrences, and the types of occurrences.

Distribution of the San Joaquin Kit Fox in the North Part of its Range

The *Distribution of the San Joaquin Kit Fox in the North Part of its Range* (H.T. Harvey and Associates 1997) summarizes the records of occurrence of kit fox and the results of kit fox surveys in Alameda, Contra Costa and San Joaquin Counties. This information is compiled on maps that identify the extent of its occurrence to determine changes in the kit fox's geographic range over time. Based on the assessment, analysis of confirmed sightings fails to detect any significant shifts in the kit fox's range over time. The current geographic range of the kit fox extends north to Marsh Creek Reservoir and as far west as Round Valley in Contra Costa County and Vasco Road in Alameda County. The assessment recommends that management decisions regarding locations to conduct surveys and to mitigate impacts on the San Joaquin kit fox should be based, in part, on maps that are consistent with historical data, recent reliable occurrence data and biologically supportable assumptions. In addition, the assessment indicates that programs based solely on protecting large expanses of grasslands (particularly grasslands outside the historic range) will do little to aid the recovery of the kit fox in this region.

Vernal Pool Crustaceans

Entomological Consulting Services, Ltd. conducted a second wet-season survey of special-status, vernal pool-inhabiting crustaceans on the Cowell Ranch property in the winter and spring of 1997-1998 wherever standing water was observed. No life stages of the longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp, or conservancy fairy shrimp were observed during the survey. Juvenile and adult life stages of the vernal pool fairy shrimp (*Branchinecta lynchi*) were observed in several seasonally-ponded wetlands; California linderiella (*Linderiella occidentalis*, a fairy shrimp species) was also found in a few wetlands.

Biological Assessment for The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted a reconnaissance-level biological assessment at the Vineyards project site in 2002, which is located northeast of the Park property. The surveys were intended as an initial evaluation of on-site habitat types and an assessment of the potential for occurrence of special-status plant and wildlife species. Suitable or marginally suitable habitat is present on site for 32 special-status plant species, which have a low to moderate potential to occur within the project area. Based on the findings of the assessment, several special-status wildlife species have been detected and have the potential to occur. Additional surveys and/or habitat evaluations are recommended or are in progress.

Botanical Assessment for The Vineyards at Marsh Creek Project

Sycamore Associates LLC also conducted a botanical assessment of the Vineyards in 2003. The assessment included a review of special-status plants in Contra Costa County and focused rare plant surveys. The report concludes that of the 47 special-status plant species that had the potential to occur within the region, no federally or state listed endangered or threatened plant species were detected within the project area. However, four CNPS listed special-status plant species were detected, including the San Joaquin spearscale (*Atriplex joaquiniana*), crownscale (*Atriplex cornata*), hog-wallow starfish (*Hesperervax caulescens*), and stinkbells (*Fritillaria agrestis*). Seventeen additional plant taxa representing regionally uncommon botanical resources were detected on site. The study area also supports four sensitive vegetation communities, including alkali meadow, freshwater marsh, seasonal wetlands, and Great Valley riparian forest.

Site Assessment for the California Red-Legged Frog, The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted a site assessment of the Vineyards in 2002 for red-legged frogs. The report concludes that potential California red-legged frog breeding habitat is present on the site within some of the stock ponds and that the remainder of the site provides potential dispersal and refugia habitat for the California red-legged frog. Suitable breeding, dispersal, and refugia habitats also surround much of the project site. Due to the moderate potential for California red-legged frog to occur on site, protocol-level, surveys were recommended.

Burrowing Owl Habitat Assessment and Winter Focused Survey for The Vineyards at Marsh Creek Project

Sycamore Associates LLC also conducted a habitat assessment as well as winter surveys for burrowing owl at the Vineyards project site in 2002 and 2003. Burrowing owl signs were detected at 22 burrows within the project area and 9 burrowing owls were observed during the surveys. Because occupied habitat was detected, measures to avoid, minimize or mitigate impacts to this species were provided.

Burrowing Owl Nesting Season Focused Survey for The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted a focused nesting season survey for burrowing owl at the Vineyards project site in 2003 as a follow up to previous studies and surveys. Five burrowing owls were observed during the nesting season surveys. Because occupied habitat was detected, measures to avoid, minimize or mitigate impacts to this species were provided.

California Tiger Salamander Focused Survey for The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted protocol-level nocturnal and aquatic surveys for the California tiger salamander (*Ambystoma californiense*) at the Vineyards project site in 2002. Survey results indicate that six California tiger salamander adults were present and three California tiger salamander larvae were sighted in the project site. Due to the presence of larvae, the site is used by the California tiger salamander for breeding.

California Red-Legged Frog Focused Survey for The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted protocol-level focused surveys for the California red-legged frog (*Rana aurora draytonii*) at the Vineyards project site in 2002 based on the recommendations of an earlier Site Assessment. No California red-legged frog were observed during focused surveys on site or within off-site areas. However, preconstruction surveys for California red-legged frog were recommended.

Early Evaluation for the San Joaquin Kit Fox for The Vineyards at Marsh Creek Project

Sycamore Associates LLC conducted a formal early evaluation for the San Joaquin kit fox at the Vineyards project site in 2002 and 2003. This evaluation assesses the suitability of habitat and the likelihood for kit fox to occur in the area based on the vegetative communities present and distribution of nearby occurrence records, and is not based on focused surveys. The report discusses habitat quality for the kit fox, the potential for its occurrence at and around the project area, and the potential for significant impacts

from implementation of the Vineyards project. The report concludes that land uses within the study area support suitable foraging habitat, and some denning and potential movement opportunities. However, no kit fox sign or kit fox were detected within the study area and as such, kit fox is considered unlikely to be residing in the area.

APPENDIX D

ADDITIONAL CULTURAL RESOURCES INFORMATION

Cultural Resources Regulatory Setting

Pre-historic Natural Setting

Regional Archaeological Background

Ethnographic Setting

Archaeological Sites

Historic Period Properties Survey and Evaluation Report

John Marsh House Historic Structures Report (Photos)

John Marsh House Site Plan

Appendix D: Additional Cultural Resources Information

Cultural Resources Regulatory Setting

Both PRC 5024, 5024.5 and CEQA offer guidelines regarding impacts on cultural resources. Whether of historic or pre-historic age, cultural resources are referred to as historical resources. "Historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California," (PRC Section 5020.1(j)).

Sections 5024 and 5024.5 of the PRC state that: "each state agency shall formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction listed in or potentially eligible for inclusion in the National Register of Historic Places or registered or eligible for registration as a state historical landmark pursuant to Section 5021." It requires state agencies to formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under their jurisdiction that are listed or potentially eligible for inclusion in the National Register of Historic Places (NRHP). The criteria for inclusion are essentially equivalent to those for the California Register of Historical Resources (CRHR). Agencies may not undertake projects that adversely affect such resources without prior consultation with the State Historic Preservation Officer (SHPO). DPR policies for insuring compliance with these requirements are included in a Memorandum of Understanding with the SHPO and are incorporated in a Department Notice (DN 2004-02 and amendments).

CEQA states that if implementation of a project would result in significant impacts on important historic resources, then alternative plans or mitigation measures must be considered. However, only significant historic resources need to be addressed. CEQA Guidelines define a significant historical resource as a resource listed or eligible for listing on the CRHR. According to PRC 5024.1, a historical resource is eligible for inclusion on the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, CEQA Guidelines require consideration of unique archaeological sites. If an archaeological site does not meet the criteria for inclusion on the CRHR, but does meet the definition of a unique archaeological resource as outlined in CEQA (PRC Section 21083.2), it may be treated as a significant historical resource.

The preferred treatment option for both eligible and unique archaeological resources under CEQA (PRC Section 21083.2) is preserving such resources in place in an undisturbed state. Other acceptable methods of mitigation include excavation and curation or study in place without excavation.

The State Health and Safety Code (Section 7050.5) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC shall immediately notify those persons it believes are most likely descended from the deceased Native American, and direct the lead agency to consult with the appropriate Native Americans to develop an agreement for the treatment and disposition of the remains (PRC Section 5097.98).

For historic buildings, structures, and landscape features, public agencies follow the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) to avoid adverse impacts on historic resources.

An additional type of historical resource relevant to Cowell Ranch is a cultural landscape. Cultural landscapes can be found eligible for the National or California Register as a historic landscape district. Information and guidance on the protection of cultural landscapes is available through the Historic Landscape Initiative of the National Park Service. In *Protecting Cultural Landscapes, Planning, Treatment and Management of Historic Landscapes* (Birnbaum 1994), a cultural landscape is defined as a:

“geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity or person or exhibiting other cultural or aesthetic values.”

DPR’s Archeology, History, and Museums Division recognizes the importance of cultural landscapes and defines them as follows:

“Cultural landscapes portray how humans have used and adapted natural resources over time, whether through agriculture, mining, ranching and settlement activities, or traditional Native American cultural practices” (DPR 2003).

Pre-historic Natural Setting

During the Pleistocene (circa two million years ago), climate fluctuations alternately triggered depositional and erosional episodes in the region. Soils in the project area generally consist of the Mesozoic-era Moreno Formation (Marine shale) in the Briones Valley, bordered by Meganos Formation sandstone and mudstone to the north, Panoche Formation marine sandstone and shale to the south and older alluvium and alluvial fan deposits to the east (Wagner et al. 1991). The deposits immediately surrounding the John Marsh House were mapped as younger alluvium (Rosenthal et al. 2006).

The northern portion of the Valley is drained by the Sacramento River and the southern portion is drained by the San Joaquin River. The two rivers merge north of the project area, forming a wide-spread system of channels and marshes comprising the Delta. The Delta then flows into Suisun Bay. The Park itself consists of low rolling hills bisected by the Briones Valley, a large, flat river valley broken up by Briones Valley Creek. Marsh Creek, a perennial stream, flows northward through the project area.

The Cowell Ranch / John Marsh State Historic Park General Plan project area is situated in the transition from the Lower Sonoran Grassland Zone to the Upper Sonoran Woodland-Grass Zone (Moratto 1984). The climatic pattern is characterized as Mediterranean, with cool, wet winters and hot, dry summers. Soil studies suggest that the general climate may have been wetter in the past (Tanksley 2003); however, periods of persistent drought in California occurred between A.D. 912-1112 and A.D. 1210-1350. Shorter drought periods have also been documented over the last 2,000 years using dendrochronology, soil core borings, and other methods.

The dominant natural vegetative communities in this area are prairie grasslands and tule marshes, with some areas of riparian

woodland (Kuchler 1977), particularly along the edges of Marsh Creek. Valley oak (*Quercus lobata*), cottonwood (*Populus fremontii*), sycamore (*Platanus racemosa*), and willows (*Salix* spp.) once grew on the verge of streams and rivers. Tule marshes are represented by stands of tules, cattails, sedges, rushes, and clumps of willows. Vegetation tended to be sparse in the prairie grasslands, limited to grasses and flowering herbs. However, a single valley oak could produce 300-500 pounds of acorns each year (Baumhoff 1963) and tule roots could be ground into meal to supplement the abundant faunal resources (Wallace 1978). Native Americans burned off the grasslands annually to increase the following year's seed crop (Cook 1960). In addition, tule supplied reeds for housing, clothing, rafts and baskets.

Faunal species that frequented the pre-historic prairie grasslands and tule marshes included mule deer (*Odocoileus hemionus*), tule elk (*Cervus elaphus*), pronghorn antelope (*Antilocapra americana*), weasel (*Mustela frenata*), river otter (*Lutra canadensis*), raccoon (*Procyon lotor*), and beaver (*Castor canadensis*). Migratory waterfowl such as Canada geese (*Branta canadensis*) and swans (*Olor* sp.) passed through during the winter, joining great blue and black-crowned herons (*Ardea herodias*, *Nycticorax nycticorax*), ibis (*Plegadis guarauna*), cranes (*Grus canadensis*), cormorants (*Phalacrocorax* sp.), and bald eagles (*Haliaeetus leucocephalus*). Badgers (*Taxidea taxus*), coyotes (*Canis latrans*), skunks (*Mephitis mephitis*), jackrabbits (*Lepus californicus*), and cottontail rabbits (*Sylvilagus audubonii*) inhabited higher ground. In the waterways, Chinook salmon (*Oncorhynchus tshawytscha*), steelhead trout (*Salmo gairdneri*), Pacific lamprey (*Lampetra tridentate*), and white sturgeon (*Acipenser transmontanus*) seasonally joined other fish species indigenous to the area. Predators such as mountain lions (*Felis concolor*), grizzly bears (*Ursus arctos*), wolves (*Canis lupus*), kit fox (*Vulpes macrotis*), and bobcats (*Lynx rufus*) also roamed the area (Moratto 1984).

Regional Archaeological Background

The Central California Taxonomic System (CCTS) was developed as a framework for comparing different archaeological sites in central California (Lillard et al. 1939; Heizer 1949). The earliest versions of the CCTS concentrated on the concept of cultural Horizons. However, the Horizon concept was considered too broad and later was broken down into cultural Patterns (Bennyhoff 1968) and further subdivided later yet into Phases or Aspects. A number of refinements added more subdivisions (Willy and Phillips 1958), and broke the system up by geographical as well as temporal differences (Bennyhoff 1977).

In the early 1970s, Fredrickson (1973, 1974) proposed a sequence of cultural manifestations or Patterns for the central districts of the North Coast Ranges, placing them in a framework of cultural periods he believed were applicable to California as a whole. The idea of cultural patterns was distinct from the concepts of previous researchers (Beardsley 1954; Meighan 1955) who tended to emphasize assemblages of material goods as the basis for their classifications. Fredrickson took a much broader view of archaeological material culture and defined the term pattern as "...an adaptive mode shared in general outline by a number of analytically separable cultures over an appreciable period of time within an appreciable geographic space" (Fredrickson 1973). These different cultural modes could be characterized by:

- Similar technological skills and devices (specific cultural items);
- Similar economic modes (production, distribution, consumption), including especially participation in trade networks and practices surrounding wealth (often inferential); and
- Similar mortuary and ceremonial practices (Fredrickson 1973).

Fredrickson also recognized that the economic/cultural component of each pattern could be manifested in neighboring geographic regions according to the presence of stylistically different artifact assemblages. He introduced the term aspect as a cultural subset of the pattern, defining it as a set of historically related technological and stylistic cultural assemblages. Fredrickson argued that these temporal periods should be kept separate from the dating and definition of particular patterns given the coexistence of more than one cultural pattern operating at any given point in time in California prehistory (Fredrickson 1974). This integrative framework provides the means for discussing temporally equivalent cultural patterns across a broad geographic space.

The earliest well-documented entry and spread of humans into California occurred at the beginning of the **Paleo-Indian Period (10,000-6000 B.C.)**. Social units are thought to have been small and highly mobile. Known sites have been identified in the contexts of ancient pluvial lake shores and coast lines evidenced by such characteristic hunting implements as fluted projectile points and chipped stone crescent forms. Pre-historic adaptations over the ensuing centuries have been identified in the archaeological record by numerous researchers working in the area since the early 1900s, as summarized by Fredrickson (1974) and Moratto (1984).

Few archaeological sites have been found in the Valley that date to the Paleo-Indian or the **Lower Archaic (6000-3000 B.C.)** time periods, however archaeologists have recovered a great deal of data from sites occupied by the Middle Archaic period. The lack of sites from earlier periods may be because of high sedimentation rates, leaving the earliest sites deeply buried and inaccessible. During the **Middle Archaic Period (3000-500 B.C.)**, the broad regional patterns of foraging subsistence strategies gave way to more intensive procurement practices. Subsistence economies were more diversified, possibly including the introduction of acorn processing technology. Populations were growing and occupying more diverse settings. Permanent villages that were occupied throughout the year were established, primarily along major waterways. The onset of status distinctions and other indicators of growing sociopolitical complexity mark the **Upper Archaic Period (500 B.C.-A.D. 700)**. Exchange systems become more complex and formalized and evidence of regular, sustained trade between groups was seen for the first time.

Several technological and social changes characterized the **Emergent Period (A.D. 700-1800)**. The bow and arrow were introduced, ultimately replacing the dart and atlatl. Territorial boundaries between groups became well established. It became increasingly common that distinctions in an individual's social status could be linked to acquired wealth. Exchange of goods between groups became more regularized with more goods, including raw materials, entering into the exchange networks. In the latter portion of this period (A.D.1500-1800), exchange relations became highly regularized and sophisticated. The clamshell disk bead became a monetary unit for exchange, and increasing quantities of goods moved greater distances. Specialists arose to govern various aspects of production and exchange.

Fredrickson's Middle and Upper Archaic and Emergent Periods are further broken down under the CCTS. These three time periods are well represented in archaeological assemblages in the general vicinity of the project area. The assemblages are discussed in detail in Bennyhoff and Fredrickson (1969) and Moratto (1984) and summarized here.

The **Windmiller Pattern (3000-500 B.C.)** of archaeological assemblages included an increased emphasis on acorn use as well as a continuation of hunting and fishing activities. Ground and polished charmstones, twined basketry, baked-clay artifacts and worked shell and bone were hallmarks of Windmiller culture. Widely ranging trade patterns brought goods in from the Coast Ranges and trans-Sierran sources as well as closer trading partners. Distinctive burial practices (ventrally extended, oriented

westward) identified with the Windmill Pattern also appeared in the Sierra foothills, indicating possible seasonal migration into the Sierra. Perforated charmstones were associated with some burials. Mano and metate and small mortars were used, but rare.

The **Berkeley Pattern (Ragir's [1972] Cosumnes Culture [200 B.C.-A.D. 700])** represented a greater reliance on acorns as a food source than was seen previously. Distinctive stone and shell artifacts distinguished it from earlier or later cultural expressions. Burials were predominantly placed in a tightly flexed position, and frequently included red ochre. Minimally shaped mortar and pestle technology was much more prevalent than mano/metate. Non-stemmed projectile points become more common. Dating of the Berkeley Pattern varies across central California; in the Stockton region, the Windmill Pattern continued longer than in other areas, gradually giving way to the changes that marked the Berkeley Pattern and which might represent the emergence of the Northern Valley Yokuts in this area. The Meganos Aspect of the Berkeley Pattern represented a localized intrusion of Windmill people into the Stockton District (Bennyhoff 1982). These people combined Windmill and Berkeley pattern traits, as seen in mortuary practices and the stone tool industry. A particular aspect of Meganos culture was a tendency for burials to be placed in non-midden cemeteries in the tops of sand mounds near the mouths of the Sacramento and San Joaquin Rivers (Bennyhoff 1968).

The **Augustine Pattern (A.D. 700-1800)** was marked by increasing populations resulting from more intensive food procurement strategies, as well as a marked change in burial practices and increased trade activities. Intensive fishing, hunting and gathering, complex exchange systems and a wider variety in mortuary patterns were all hallmarks of this period. Mortars and pestles were more carefully shaped; bow and arrow technology was present. Fishing implements became more common, trade increased and cremation was used for some higher status individuals.

Ethnographic Setting

The Yokuts historically included 40-50 distinct tribes (Kroeber 1925), occupying the entire San Joaquin Valley as well as adjacent Sierra foothills below the Fresno River. Tribal divisions were based partially on dialects; all derived from the Penutian family, which radiated from the San Francisco Bay Area in all directions. The Yokuts dialects generally fell into two categories, valley and foothill. Each of these then split into differing dialects for the different tribes; many were mutually intelligible however distinct enough to define the individual groups. Because of the presence of streams draining the Sierra into the eastern edge of the Valley, and the lack of water coming from the Coast Ranges to the west, the

bulk of Yokuts settlement was in the eastern portions of the Valley, although Olsen and Payen (1969) suggest that a considerable acorn gathering and hunting economy existed along the western edge of the Valley. Northern Valley Yokuts neighbors included the Costanoans and Salinans to the west, Southern Valley Yokuts to the south, Miwoks to the north and east, and Foothill Yokuts to the southeast (Heizer 1978).

Linguistic and archaeological data seem to suggest that Plains Miwok bands held the northern Valley area until some time during the Late Horizon (Wallace 1978). Migration of the Monache caused tribes on the upper portions of the San Joaquin River to spread northwards along the valley floor, resulting in Yokuts displacement of the Plains Miwok and/or Costanoans who previously held the territory (Kroeber 1925, 1959).

Ethnographically, the Northern Valley Yokuts occupied the land on either side of the San Joaquin River from the delta to south of Mendota. The Diablo range probably marked the Yokuts' western boundary (Wallace 1978); the eastern edge would have lain along the Sierra Nevada foothills. The late pre-historic Yokuts may have been the largest ethnic group in pre-contact California.

The tribelet, populated by a few hundred to a few thousand occupants, served as the basic political unit (Moratto 1984). Structures ranged from single-family dwellings to multi-family communal structures, and included sweat houses made of tule, bark or poles used in combination; some rites, such as the mourning ceremony, took place in roofless brush enclosures (Kroeber 1925).

Northern Valley Yokuts material culture included a wide range of implements. Acorn mortars were pecked into bedrock outcrops or could be made from oak to be more portable; pestles were frequently irregular or somewhat crude and were often left in place at bedrock outcrops (Kroeber 1925). Smaller mortars may have been used for tobacco or medicine. Snares, bows and spears were used in hunting, sometimes as part of organized animal drives or after being lured in with decoys. Fish were speared, netted or poisoned then gathered. Tule boats were used on rivers and lakes. Basketry took a wide variety of forms, as did cradle types. Clay cooking balls were used to replace scarce stone in the upper Valley.

Euro American contact with the Northern Valley Yokuts began with infrequent excursions by Spanish explorers traveling through the Sacramento-San Joaquin Valleys in the late 1700s to early 1800s. Cook (1955) attempted to identify San Joaquin Valley village and tribal groups based on early accounts from Spanish explorers, Mission records and work synthesized by Schenk (1926). Many Yokuts

were lured or captured by missionaries and taken to Mission San Jose or Santa Clara. Many escaped and returned to the Valley. Attacks by raiding parties on the Spanish (and later Mexican) herds became prevalent, leading to retaliatory action by the settlers. The malaria epidemic of 1833 decimated the indigenous population, killing thousands of the tribesmen. The influx of Europeans during the gold rush era further reduced the population because of disease and violent relations with the miners. Though there was no gold in the Yokuts territory, miners passing through on their way to the diggings caused a certain amount of upheaval. Former miners, who had seen the richness of the San Joaquin Valley on their way east later returned to settle and farm the area (Wallace 1978).

Plains Miwok subsistence can be assumed to strongly resemble Northern Valley Yokuts, as the same geographic region would have provided the same resources for both groups. Fishermen used hooks and harpoons in addition to spears, nets and weirs. Above-ground acorn granaries allowed winter storage of the crop. Large, semi-subterranean earth lodges and smaller assembly houses were roofed with brush or pine needles (Wallace 1978).

The Costanoans were peoples who spoke one of eight related languages and represent a relatively late incursion into the San Francisco Bay region, around A.D. 500 (Levy 1978). Costanoan territory ranged from Carquinez Strait in the north to Monterey Bay in the south, and inland to the Pleasanton/Livermore area. Spanish expeditions in the early 17th century encountered Costanoan tribes all along the coastline. The missionization of Coastanoans was disastrous; by 1832, the population had been reduced by approximately 80 percent due to changes in lifestyle and diseases resulting from contact with Europeans.

Pre-historically, the Costanoans were organized by tribelet, each consisting of one or more villages and several camps, a fairly universal pattern in California (Levy 1978). Kinship and social organization within the tribelets strongly resembled Native groups to the south. Households were large and frequently polygamous. Costanoans traded marine products, such as shells, salt, and fish to inland groups such as the Miwok and Yokuts. As the Costanoan territory spanned both coastal and inland areas, this gave them access to a wide range of subsistence resources, including marine species; however they also managed the landscape, burning grassland to promote the growth of seed-bearing annual plants, as well as harvesting acorns, buckeye, and other plant foods, and hunting or trapping game. When John Marsh settled on his new rancho property in 1838, he found several Indians there whom he called "Pulpunes." These apparently were members of the Julpun tribe from the Old River area to Mission San Jose or Mission San Francisco in 1806-

1827. Milliken (1995) presumes that these people returned to the area after the secularization of Mission San Jose in 1836.

Archaeological Sites

Table D-1 provides of list of cultural resources located within the Park and these are described below. Tables D-2 provides of list of cultural resources located within one mile of the Park. Tables D-3 and D-4 provide a summary of studies that have been conducted within the Park and within one mile of the Park boundary.

CA-CCO-7

This site was recorded in 1953 as a series of carbonized soil patches, possibly the remains of hearths. It was found during a roadway construction project which may have either destroyed or obscured this resource. No evidence of the site was visible during a site visit in 1990.

CA-CCO-18/548

This site was given two numbers, one for the area south of Marsh Creek (CCO-18) and one for the area north of the creek (CCO-548). It has since been recognized that the two numbers represent part of a much larger multi-component site that likely includes site P-07-2670, a midden and burial deposit area identified west of the John Marsh house. The site also extends northwards beyond the Park boundary and onto private property, where almost 500 Windmill Period burials have recently been excavated by Holman & Associates (Vineyards at Marsh Creek Development, Wiberg and Clark 2005), and where at least one house pit has been identified. The John Marsh house sits near the southern edge of CCO-18/548 (known from the trench cut to the south of the house in 1986), but the other boundaries of the site have never been defined.

Marsh Creek (directly north of the stone house) is very deeply incised in this area, cutting through all of the site strata and down through deposits that pre-date human occupation of the region. The check-dam built across the creek at this location has partially collapsed, resulting in water flows around the northern side of the dam. These flows are eroding the creek banks (especially on the north side), striking the archaeological site deposits in the stream bank and causing bank collapses and erosion on a seasonal basis (Rosenthal et al. 2006). Each time this occurs, more of the archaeological site is lost.

Archeological testing of CCO18/548 began in the 1940s (see summary above), and has continued on and off to the present day. Prior to the commencement of the Vineyards project, Holman & Associates (2005) prepared an Archaeological Properties Treatment Plan that

briefly outlined the proposed project, described CCO-548, and outlined the effects of the proposed project as well as describing the results of an archaeological testing program and making an assessment of the eligibility of CCO-548 for listing on the NRHP. Their document also identified a site designated as Fairview East (subsequently assigned state identification number P-07-002670) where an access road, Fairview Avenue, crosses the creek to connect to Marsh Creek Road. This site is now considered to be a locus of CCO-548.

Holman & Associates archaeologists excavated a series of backhoe trenches and shovel tests to ascertain the depth and extent of pre-historic midden deposits at CCO-548 and P-07-002670. Artifacts, faunal bone and portions of several human skeletons were recovered in the process. The midden deposits were seen to vary from 121-220 centimeters (1.2-2.2 meters) deep at P-07-002670, and extended to 3 meters deep across the central portions of CCO-548. The archaeologists collected samples from various strata for radiocarbon dating and found that the earliest occupation layer they discovered dated to approximately 5100 B.C. (7,050 years before present [BP]). They believed that the most intensive occupation, at least of the area they tested, occurred between 4350 to 550 B.C., confirming use of the site during the Windmiller period. The Holman & Associates archaeologists determined that CCO-548 and P-07-002670 are eligible for listing to the NRHP because "sufficiently intact data are present to date, analyze, and link the site to others in the region. Human remains are present (probably widespread) and the finding that CCO-548 is an early site on the surface of an alluvial plain is rare in the regional archaeological record." They concluded that the sites were eligible for inclusion under Criterion D.

Most recently (2005 and 2006), a team from the DPR has been involved in test excavations and the salvage of human burials from the north bank face where it is being impacted by water flows. Their work has included geotechnical analysis of the soils, osteological analysis of recovered burial remains, faunal and lithic analysis of recovered material, and Carbon-14 dating of various occupation levels visible in the creek bank. The Carbon-14 dates point to very early use of CCO-18/548, beginning in the early Middle Archaic Period (Windmiller) and perhaps earlier, as well as a more recent (early) Late Holocene occupation. Obsidian recovered in 2005 has been identified as coming from sources as far-flung as Bodie Hills east of the Sierra Nevada mountains, Annadel obsidian from near Santa Rosa, and Napa Valley obsidian from near St. Helena.

Reconnaissance of both creek banks during the 2005 effort led to the identification of nine separate human burials (mostly incomplete) in both banks and two occupation features, one hearth feature in each bank. The hearth in the southern bank was found at 260 centimeters (2.6 meters) below surface and included a distinct lens of burned soil with charcoal and burned bone, acorn nutshells, wild cucumber, small seeds, small fish bones and other faunal remains. Archaeologists obtained a carbon date of 5405 BP for that hearth. The second hearth, seen in the north bank at about 235-250 centimeters (2.3-2.5 meters) below surface, included fire-affected rock, burned bone and charcoal, as well as flora and faunal remains similar to the southern hearth. This feature was also carbon-dated and was found to be older, dating from 5950 BP. The oldest cultural date at CCO-18/548 is 7060 BP and was derived from marine shellfish.

Additional salvage archaeology took place on the northern bank of Marsh Creek on May 8-9 and October 11, 2006, led by archaeologist Rick Fitzgerald of DPR. Artifacts, faunal remains, and human remains were recovered.

Due to the proximity of known pre-historic sites, an archaeological testing program was planned for June 8, 2006 on a parcel immediately across Marsh Creek Road from Fairview Avenue. This is the parcel that the state was considering exchanging with the CCCD so that they can construct an access road to a new community college campus. Archaeologists from DPR dug one backhoe trench and encountered a pre-historic burial at about 140 centimeters below surface (about the same depth as the Vineyards project north of the Park [Wiberg and Clark 2005]). This burial included at least one charmstone of a similar type recovered by Holman & Associates at the Vineyards, indicating that it also came from the Windmill Period (Parkman 2006). The test trench was located about 33 meters east of the road and about 300 meters east of the nearest known burial already being worked on by Holman & Associates. Due to the Native American resources found at this site, the state is no longer considering a land exchange with the CCCD.

Archaeological evidence has demonstrated that CCO-18 and CCO-548 are the same site merely bisected by Marsh Creek. The site continues approximately 80 feet south of the John Marsh house (as seen in the 1986 utility trench), but limits have not been clearly defined to the east or west. To the north, the site runs well beyond the limit of the Park boundary; to the east, a site designated as P-07-002670 has been found to contain human remains and is now considered to be a continuation of CCO-18/548. It is also possible (though untested), that the site continues to the east at least to the point where a burial was recovered during DPR

trenching in June 2006. The continuity of Windmiller-type artifacts and burials at a similar depth below current ground surface at each of these locations is a powerful argument for defining CCO-18/548 as a massive, extremely significant pre-historic occupation area.

CA-CCO-27

This site consists of a single bedrock mortar (BRM) cup in a sandstone boulder that was destroyed by the construction of the Marsh Creek Dam.

CA-CCO-438

This site was recorded in 1981 as a pre-historic occupation locus with house pits visible on the ground surface, as well as lithic debitage and faunal fragments. An archaeological team visiting the location in 1993 observed extensive disturbance of the site. The 1993 team conducted an intensive survey of the vicinity, as well as excavating four shovel tests and two auger holes; none resulted in the identification of any pre-historic artifacts. They suggest that CCO-438 may merely have been an outlying deposit from CCO-18/548.

CA-CCO-657

This site consists of a BRM outcrop.

CA-CCO-658

This site is also a BRM outcrop.

CA-CCO-659

This site is also a BRM outcrop.

CA-CCO-660

This site consists of a series of house pits near the crest of a low hill. No artifacts associated with the pits could be found.

CA-CCO-661

This is a possible house pit site. No associated artifacts were identified at the site.

CA-CCO-662

This is a possible house pit site. No associated artifacts were identified at the site.

CA-CCO-663H

This is a historic site that includes a wood and metal structure, a group of exotic plants suggestive of a historic residence, and a

cattle loading ramp. The site is located in the floodplain adjacent to Marsh Creek Reservoir. Flood deposited sediments may have covered evidence of a house associated with the plantings.

CA-CCO-664H

This is a historic site with a windmill and associated water troughs and a storage tank.

CA-CCO-665H

This site consists of scattered lumber including several large beams held together by large iron spikes.

CA-CCO-666H

This is a former windmill site with scattered associated structures. The structural remains include a stone foundation, a post line, a cattle water trough with "MT DIABLO CEMENT" pressed into it, remnants of a wooden structure, and a concrete block. Metal pipe was found scattered across the area.

CA-CCO-667H

This site is a historic windmill and brick-lined well that are depicted on a 1914 map. There are also two cattle tanks, a concrete "E" shaped base support, two small concrete platforms and two eight-foot diameter metal silos that have been moved from their original locations.

CA-CCO-668H

Historic debris scatter including pottery, bone, metal and glass, as well as asphalt shingle, freshwater shell, cloth, and a metal bucket.

CA-CCO-669H

This site consisted of scattered possibly historic debris including large pieces of corroded metal machinery parts, metal buckets and heavy crockery.

CA-CCO-671H

This site is a large barbed wire fenced-in cattle corral and chute in the center. The fenced-in area is broken up into three separate pens. There is also a broken-down holding pen area adjacent to a ramp.

CA-CCO-672H

This historic site consists of a lock for an irrigation system.

CA-CCO-673H

This is the site of a historic sand pit and later cattle station. There are a series of very large mines dug into the hillside, as well as smaller pits and a road. The cattle station includes the bed of a truck or railroad car that may have been converted into a feeding station and two cattle troughs. There is also a pump house. The pump is still there and is marked "Pacific Pump. San Francisco, CA". The patent date reads May 1915.

CA-CCO-674H

This is the check-dam built across Marsh Creek, below the reservoir and adjacent to the John Marsh house. The dam is approximately 195 feet long and was originally topped with wooden planks. The northern abutment failed at some point. Many of the associated structures and mechanisms are still in place and intact.

CA-CCO-675H

This site is a cement irrigation ditch dating to 1913 or 1914. It is 12.5 feet wide and 2.6 feet deep. A series of locks line the ditch.

CA-CCO-676H

This is a large rock pile, approximately 8 by 5 meters and one meter high, located on the top of a ridge. No associated artifacts could be found.

CA-CCO-677H

This is a historic homestead, including a standing barn, several concrete and stone foundations, a collapsed house, an open-air fruit stand sited on Marsh Creek Road, a historic dump, farm equipment, and a road.

P-07-002670

This is a pre-historic site with subsurface components. Lithic debitage, fire-cracked rocks, fauna and a clamshell disk bead were found. Test trenches and excavated units indicate some depth to the deposit; a stone feature was identified at 60 centimeters below surface. Given the proximity to CCO-18/548 to the west, this may be an outlying portion of that larger site. The area has been disturbed by a dirt farm road and construction of a cattle loading ramp.

**Table D-I
Cultural Resources Located Within the Cowell Ranch / John Marsh State Historic Park**

SITE #	ASSOCIATION	SITE TYPE	TESTED	LOCATION				DATE RECORDED
				USGS QUAD	T.	R.	SEC.	
CA-CCO-7	pre-historic	unknown		Brentwood	1N	3E	31	1955,1993
CA-CCO-18/548	pre-historic/historic	village, mound, burials, John Marsh house	tested	Brentwood	1N	2E	35	1988,1993,2006
CA-CCO-438	pre-historic	unknown	tested	Brentwood	1N	2E	35	1993
CA-CCO-657	pre-historic	bedrock mortars	tested	Antioch South	1N	2E	33	1993
CA-CCO-658	pre-historic	bedrock mortars	tested	Antioch South	1N	2E	33	1993
CA-CCO-659	pre-historic	bedrock mortars	tested	Antioch South	1N	2E	33	1993
CA-CCO-660	pre-historic	village site	tested	Byron Hot Springs	1S	2E	3	1993
CA-CCO-662	pre-historic	possible house pit	tested	Brentwood	1N	2E	36	1993
CA-CCO-663H	historic	ranch structures	tested	Brentwood	1N	2E	35	1993
CA-CCO-664H	historic	ranch structures	tested	Antioch South	1N	2E	33	1993
CA-CCO-665H	historic	wood debris	tested	Antioch South	1N	2E	33	1993
CA-CCO-666H	historic	structure remains	tested	Antioch South	1N	2E	33	1993
CA-CCO-667H	historic	ranch structures	tested	Brentwood	1N	2E	27	1993

**Table D-I
Cultural Resources Located Within the Cowell Ranch / John Marsh State Historic Park**

SITE #	ASSOCIATION	SITE TYPE	TESTED	LOCATION				DATE RECORDED
				USGS QUAD	T.	R.	SEC.	
CA-CCO-668H	historic	historic debris	tested	Antioch South	1N	2E	33	1993
CA-CCO-669H	historic	historic debris	tested	Brentwood	1N	2E	35	1993
CA-CCO-673H	historic	sand mine/ranch		Brentwood	1N	2E	36	1993
CA-CCO-674H	historic	bridge and dam		Brentwood	1N	2E	35	1993
CA-CCO-675H	historic	irrigation ditch		Brentwood	1N	2E	36	1993
CA-CCO-676/H	unknown	rock piles	tested	Brentwood	1N	2E	27	1993
CA-CCO-677H	historic	farmstead	tested	Byron Hot Springs	1S	2E	3	1993
P-07-2670	pre-historic	midden site	tested	Brentwood	n/a	n/a	n/a	2004
C-1075	historic	ranch complex		Brentwood	1N	2E	35	1991
JMH-06-01	pre-historic	burial		Brentwood	1N	2E	35	2006
JMH-06-02	historic	historic debris		Brentwood	1	2E	35	2006
Isolate 27	historic	farm equipment		Brentwood	1N	2E	16	1993
Isolate 28	historic	shell casing		Brentwood	1N	2E	34	1993
Isolate 29	pre-historic	biface fragment		Brentwood	1S	2E	3	1993
Isolate 30	historic	glass insulator		Byron Hot Springs	1S	2E	3	1993

Source: Northwest Information Center

**Table D-2
Cultural Resources Located Within One Mile of the Cowell Ranch / John Marsh State Historic Park**

SITE #	ASSOCIATION	SITE TYPE	TESTED / EXCAVATED	LOCATION				DATE RECORDED
				USGS QUAD	T.	R.	SEC.	
CA-CCO-3	pre-historic	bedrock mortar		Antioch South	1S	2E	5	1952
CA-CCO-27	pre-historic	bedrock mortar		Brentwood	1N	2E	34	1959
CA-CCO-480H	historic	structure remains		Brentwood	1N	2E	n/a	1984, 1990
CA-CCO-533H	historic	ranch complex		Byron Hot Springs	1S	2E	12	1986
CA-CCO-534H	historic	farm complex		Byron Hot Springs	1S	2E	12	1986, 1999
CA-CCO-595	pre-historic	possible village site	tested	Brentwood	1N	2E	26	1986;, 1993
CA-CCO-598	pre-historic	house pit		Byron Hot Springs	1S	2E	n/a	1986
CA-CCO-611H	historic	ranch complex		Brentwood	1N	2E	22	1990
CA-CCO-615H	historic	mine adit		Brentwood	1N	2E	n/a	1990
CA-CCO-622H	historic	refuse deposit		Brentwood	1N	3E	n/a	1990
CA-CCO-661	pre-historic	possible village site	tested	Brentwood	1S	2E	2	1993
CA-CCO-670H	historic	refuse scatter		Antioch South	1S	2E	4	1989
CA-CCO-671H	historic	ranch structures	tested	Byron Hot Springs	1S	2E	2	1993

**Table D-2
Cultural Resources Located Within One Mile of the Cowell Ranch / John Marsh State Historic Park**

SITE #	ASSOCIATION	SITE TYPE	TESTED / EXCAVATED	LOCATION				DATE RECORDED
				USGS QUAD	T.	R.	SEC.	
CA-CCO-672H	historic	irrigation feature	tested	Brentwood	1N	2E	35	1993
CA-CCO-699H	historic	farm complex		Byron Hot Springs	1S	2E	10	1995
P-07-758	historic	ranch complex		Byron Hot Springs	1S	2E	2	1997
P-07-759	historic	irrigation structure		Byron Hot Springs	1S	2E	2	1997
P-07-2640	pre-historic	pestle		Byron Hot Springs	1S	2E	12	2003
P-478 (Isolate)	pre-historic	Obsidian fragment		Byron Hot Springs	1S	2E	10	1995
Isolate 25	pre-historic	scraper		Byron Hot Springs	1S	2E	2	1993
Isolate 26	pre-historic	grooved rock		Brentwood	1N	2E	16	1993

Source: Northwest Information Center

**Table D-3
Cultural Resources Studies Conducted Within the Cowell Ranch / John Marsh State Historic Park**

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-8733	1986	Allan Bramlette	An Archaeological Reconnaissance for the Marsh-Kellogg Creek watershed Improvement Project near Brentwood, Contra Costa County, California.
S-10040	1988	Allan Bramlette; Mary Praetzellis; Adrian Praetzellis; David Fredrickson	Archaeological and Historical Resources within the Los Vaqueros/Kellogg Study Area, Contra Costa and Alameda Counties, California.
S-10509	1986	Jensen & Associates	Class III Intensive Archaeological Field Reconnaissance of the Kellogg Reformulation Unit, Highline Canal Alternative, Contra Cost and Alameda Counties, California.
S-12300	1990	Michael Moratto; Thomas Jackson; Richard Pettigrew; Randall Schalk; David Chavez; Eric Gibson; Claudia Hemphill; Christian Miss; Barry Price; Melinda Romano; Kristina Roper; Brian Wickstrom; Michael Burney; Clayton Lebow	Final Cultural Resources Assessment Report, PGT-PG&E Pipeline Expansion Project, Idaho, Washington, Oregon, and California, Phase I: Survey, Inventory, and Preliminary Evaluation of Cultural Resources.
S-12800	1990	Allan Bramlette; Mary Praetzellis; Adrian Praetzellis; Margaret Purser; David Fredrickson	Archaeological and Historical Resources Inventory for the Vasco Road and Utility Relocation Project, Contra Costa and Alameda Counties, California.
S-13256	1991	Allan Bramlette; Mary Praetzellis; Adrian Praetzellis; Katherine Dowdall; Patrick Brunmeier; David Fredrickson	Archaeological Resources Inventory for Los Vaqueros Water Conveyance Alignments, Contra Costa County, California.
S-13257	1991	Allan Bramlette; Mary Praetzellis; Adrian Praetzellis; David Fredrickson	A Summary Inventory of Archaeological Resources within the Los Vaqueros Project Area, Alameda and Contra Costa Counties, California.

**Table D-3
Cultural Resources Studies Conducted Within the Cowell Ranch / John Marsh State Historic Park**

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-16454	1994	Lori Harrington; William Self; James Allan	Archaeological Site Testing and Burial Recovery at Site CA-CCO-548, Cowell Ranch, Contra Costa County, California.
S-16501	1993	Ann Samuelson; William Self; Greg Mattson; James Allan	Archaeological Survey and Testing Report, Cowell Ranch Project, Contra Costa County, California.
S-17282	1995	Suzanne Baker	Archaeological Reconnaissance of the Purviance Property (APN 007-060-011/012), Contra Costa County, California.
S-18187	1996	Jack Meyer; David Fredrickson	Results of a Subsurface Archeological Survey of the Proposed Los Vaqueros and Transfer Pipeline Routes, Los Vaqueros Project, Contra Costa County, California.
S-18250	1992	Sonoma State University Anthropological Studies Center	Evaluation, Request for Determination of Eligibility and Effect for the Los Vaqueros Project, Alameda and Contra Costa Counties, California.
S-18558	1996	Brady and Associates, Inc. and Sonoma State University Anthropological Studies Center	Cultural Resources Technical Report, Contra Costa Water District, Los Vaqueros Resource Management Plan.
S-18641	1996	Jack Meyer	Geoarchaeological Implications of Holocene Landscape Evolution in the Los Vaqueros Area of Eastern Contra Costa County, California.
S-20221	1998	Larry Bourdeau	Results of Archaeological Monitoring with Recommendations for Cultural Resource Management, Site CA-CCO-677H, East Bay Regional Park District, Round Valley Park Project, Marsh Creek Road, Vicinity of Brentwood, Contra Costa County, California.

Table D-3
Cultural Resources Studies Conducted Within the Cowell Ranch / John Marsh State Historic Park

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-22957	2000	Miley Holman	Archaeological Field Inspection of the Coelho Property (SF33XC730A), Byron, Contra Costa County, California.
S-23010	1988	Glenn Farris; Kathleen Davis; John McAleer; Phillip Hines; Kenneth Gobalet; Dwight Simons	The John Marsh Stone House Archaeological Project (draft report).
S-23674	1995	Michael Moratto; Richard Pettigrew; Barry Price; Lester Ross; Randall Schalk; Judith Willig; Christian Miss; Clayton Lebow; Ricky Atwell; Gary Bowyer; Lou Ann Speulda; Lynda Sekora; Robert Bryson; Craig Skinner; William Hildebrandt; Patricia Mikkelsen	Archaeological Investigations, PGT-PG&E Pipeline Expansion Project. Idaho, Washington, Oregon, and California (Volumes I, II, III, IV, V).

**Table D-4
Cultural Resources Studies Conducted Within One Mile of the Cowell Ranch / John Marsh State Historic Park**

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-1538	1979	Randy Milliken	A Cultural Resource Reconnaissance of the Deer Valley Road Bridge Reconstruction, Contra Costa County, California.
S-2463	1981	Karen Davis	An Archaeological Investigation of the Planned Minor Subdivision in Briones Valley, Contra Costa County, California.
S-2731	1981	Christian Gerike	Archaeological Study of Parcels 010-030-007 and 010-030-008 near Brentwood, Contra Costa County, California.
S-6576	1984	Suzanne Baker	Archaeological Reconnaissance of the Natalie J. Dutra Property, Contra Costa County, California.
S-7987	1986	Robert Orlins	A Cultural Resource Investigation for the Camino Diablo Bridge Replacement Project, near Byron, Contra Costa County, California.
S-8108	1986	Janet Eidsness	Archaeological Survey of the Kellogg Reservoir, Contra Costa County, California.
S-9385	1987	Allan Bramlette; Albert Villemaire	Archaeological Monitoring of Woodward-Clyde Consultants Geotechnical Excavations within the Los Vaqueros Project Area.
S-10788	1989	Suzanne Baker	Archaeological Reconnaissance of Silver Hills Subdivision 7129, Contra Costa County, California.
S-11593	1990	L. Kyle Napton	Cultural Resource Investigations of the Proposed Brentwood Country Club EIR, 630 Acres in Contra Costa County, California.

**Table D-4
Cultural Resources Studies Conducted Within One Mile of the Cowell Ranch / John Marsh State Historic Park**

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-11841	1990	Suzanne Baker; Laurence Shoop	Archaeological Reconnaissance of the Brentwood Country Club Project, near Brentwood, Contra Costa County, California.
S-19175	1997	William Self	Brentwood Special Planning Areas G & H.
S-19318	1997	Mary Praetzellis; Suzanne Stewart; Grace Ziesing; Bright Eastman; Karana Hattersley-Drayton; Elaine Maryse-Solari; Dell Upton	The Lost Vaqueros watershed: A Working History.
S-20397	1998	Jack Meyer; Bright Eastman	Cultural Resources Study of the Cowell Property for Proposed Oak Mitigation, Los Vaqueros Project, Contra Costa County, California.
S-20635	1998	William Self Associates	Cultural Resources Assessment Report, Horse Valley and Adjoining Lands, Contra Costa County, California.
S-20688	1998	Miley Holman	Archaeological Literature Review and Field Inspection of the Nunn Parcel, Brentwood, Contra Costa County, California.
S-21113	1998	Michael Meyer; Suzanne Stewart	Data Recovery Investigations of the McKenzie Barns at CA-CCO-535H (The Easton/Morchio/Grueninger Farmstead) Los Vaqueros Project, Contra Costa County, California.
S-22598	2000	Grace Ziesing; Adrian Praetzellis; Mary Praetzellis	Archaeological Survey Report of 760 Acres and Portions of Fenceline, Los Vaqueros Project, Contra Costa County, California.
S-23208	2000	Michael Meyer; Jack Meyer	Site Recording at CA-CCO-453H and CA-CCO-534H, Phase I Recreation Program, Los Vaqueros Project, Alameda and Contra Costa Counties, California.

Table D-4
Cultural Resources Studies Conducted Within One Mile of the Cowell Ranch / John Marsh State Historic Park

NWIC #	YEAR	AUTHORS	REPORT TITLE
S-23629	1973	Eric Ritter	Archaeological Survey of the Proposed Brentwood-McDonald Island Gas Line in Central California.
S-25005	2001	Colin Busby	Cultural Resources Literature Search and Review, ARCO Products Company Property Balfour and Future John Muir Parkway, City of Brentwood, Contra Costa County.
S-25961	2001	Benjamin Ananian	221.6-Acre Parcel in Section 29, Antioch South Quad, CC Co.:1 Historic Site.
S-27898	2004	Chris Jensen	Request for SHPO Review of FCC Undertaking, Byron SW/CA-2644A.

Source: Northwest Information Center

Historic Period Properties Survey and Evaluation Report John Marsh Historic District

(Excerpted from Bradley, D. and Hill, W. 2007)

This report was completed to comply with the Memorandum of Agreement (MOA) that was signed by the U. S. Army of Corps of Engineers (USACOE) and the California State Historic Preservation Officer (SHPO) on 25 February 2005 regarding the issuance of a permit under Section 404 of the Clean Water Act for the Vineyards at Marsh Creek Project, Contra Costa, California. The MOA outlined the necessity of further work relative to federal requirements under 36 CFR Section 800, as it pertains to the John Marsh House historic property. Consequently, the applicant for the Vineyards at Marsh Creek Project retained consultants, Ward Hill and Denise Bradley, to provide additional information to supplement an earlier compliance report prepared by Holman & Associates dated May 2004 and revised September 2004 (Holman & Associates et al. 2004).

The John Marsh House historic property consists of the John Marsh House (individually listed on the National Register of Historic Places), the ranch complex, and the cultural landscape features surrounding these buildings.

CULTURAL LANDSCAPES

Cultural landscapes are geographic areas that have been shaped by human activity. They can result from a conscious design or plan. Or they can evolve as a byproduct or result of people's activities. Since the late 1980s, cultural landscapes have been accepted as cultural resources - along with buildings, structures, and archaeological resources.

National Register Bulletin 30: How to Evaluate and Document Rural Historic Landscapes (NPS 1989) provides the guidance for evaluating cultural landscapes within the National Register of Historic Places criteria, and the terminology described in this bulletin is generally used to document, describe, and analyze cultural landscapes. As described in this bulletin, the following are critical to an understanding of a cultural landscape:

- The processes that helped to form it (land uses and activities, patterns of spatial organization, responses to the natural environment, and cultural traditions) and
- Its components (groupings of features [referred to as "clusters" in Bulletin 301, circulation-related features, the various types of boundary demarcations, vegetation, buildings/structures/objects, archaeological resources, and small-scale elements) (NPS 1989: 3-6).

The arrangement and relationship of these features as they existed at the John Marsh Historic District during the life of John Marsh and the reasons how and why these features evolved during and after Marsh's life provide the basis for the analysis of the report.

Statement of Significance for the John Marsh Historic District

The John Marsh Historic District, comprised of the house and its surrounding cultural landscape, appears to be eligible for the NRHP at the local level under NRHP Criterion B for its association with John Marsh and the Marsh family.

John Marsh was an important pre-statehood pioneer in Contra Costa County. Marsh, the first non-Hispanic settler to live in Contra Costa County, purchased the vast Los Meganos rancho in 1838. Although not formally educated as a physician, Marsh had apprenticed to a doctor when he lived in Minnesota and after his move to California became one of the first Anglo doctors to practice in California. A firm believer in "Manifest Destiny", Marsh was an enthusiastic promoter of Anglo-American immigration to California and was influential in encouraging others to settle in northern California. His letters about California to St. Louis newspapers during 1840-41 provided the impetus for the first overland party to enter California from the United States. During the Gold Rush, Marsh amassed a fortune trading with gold miners. As a result of his ranch operations, trading, and medical practice, Marsh became one of the richest men in California. After his marriage in 1851 to Abigail "Abby" Smith Tuck, Marsh began construction on the impressive three-story stone house that became a landmark in an undeveloped region where even the most modest of structures were often miles apart. Marsh and his wife developed orchards, vineyards, and gardens that were equally notable, and his home was a stopping point for most people traveling through the area. Both died with a few years after the start of the construction of the stone house (Abby Marsh from tuberculosis in 1855 and Marsh was murdered in 1856). The Marsh house and its surrounding cultural landscape features are one of the few physical evidences that remain of John Marsh and his influence on the development of Contra Costa County in the critical years preceding and following statehood.

The period of significance begins in 1838, when John Marsh purchased the rancho and moved to the property, and ends in 1871, when Charles Marsh and Alice Marsh Cameron, John Marsh's children, sold the property to James Sanford. The John Marsh Historic District derives its significance as a cultural landscape from to its association with a prominent person (John Marsh) and retains

the level of integrity that is necessary to convey this association.

Period of Significance

The period of significance begins in 1838, when John Marsh purchased the rancho and moved to the property, and ends in 1871, when Charles Marsh and Alice Marsh Cameron, John Marsh's children, sold the property to James Sanford. The John Marsh Historic District derives its significance as a cultural landscape from to its association with a prominent person (John Marsh) and retains the level of integrity that is necessary to convey this association.

Integrity

Although there have been changes to the property since the end of the period of significance, the John Marsh Historic District retains sufficient integrity to maintain its significance under Criterion B for its association with John Marsh and the Marsh family for the years 1838-71. A discussion of each of the seven aspects of integrity is provided below.

Location

Location is the place where the historic property was constructed or the place where the historic event occurred. The Marsh house and its surround cultural landscape features are still located in the same place that they were during the period of significance, and the John Marsh Historic District retains its integrity of location.

Design

For a property like the John Marsh Historic District, design is the composition of natural and cultural elements that comprise the form, plan, and spatial organization of the property. Design on this type of property is the result of conscious and unconscious decisions made during the period of significance. Two key characteristics of the design of the John Marsh Historic District are its response to natural features and its spatial organization.

The Marsh house was located in response to existing natural features. The house is located in a flat, plain that is protected by hills on the east and west sides. The flatness of the land around the house was suitable for building, planting an orchard and vineyard, and pastures. Marsh Creek provided a source of fresh water. These key natural features still exist today.

The key components of the spatial organization remain consistent with what was there during the period of significance. The two-

story Marsh house is the most prominent built feature on the property. The location of the house, on a slight rise and surrounded by open fields (on the south and east sides), contribute to its visibility. The location of the house and its orientation also set up the spatial organization within the site. The front of the house faces northeast, and this is considered the front of property. Work buildings are located behind (south) of the house.

The following features, present during the period of significance, are no longer extant:

- Adobe;
- Other work buildings;
- Vineyard with as many as six varieties of grapes;
- Orchard with almonds, apples, apricots, cherries, fig, nectarines, pears, peaches, quince, plums;
- Gardens with food plants and flowers;
- Wood-stake and board fences; and
- John and Abby Marsh's graves.

This loss means that the John Marsh Historic District is a less rich and vibrant ranch environment than was the case during the period of significance. However, the limits to the scale and to the types of new features that have been added to the site have helped to lessen the impact on the design.

New features that have been added since the end of the period of significance include:

- The cluster of wood-frame buildings south of the John Marsh house;
- The definition of the pastures with metal and barb-wire fencing;
- The new entry road from Marsh Creek Road;
- New kinds of trees;
- Ornamental plants around the Marsh house;
- The stone wall in front of the Marsh house;
- The remains of concrete bridge/dam across Marsh Creek; and
- The Marsh Creek Dam and outfall.

Most of these new features do not detract from the remaining historic design elements (i.e. new buildings are located in the general area where utilitarian and ranch-related buildings would have been located during the period of significance so their presence is a continuation of the historic spatial organization;

new fencing is not a dominant visual presence). The addition of the new entry road altered the way visitors approach the core of the historic district, and the older connection to Marsh Creek Road (that goes through the Walnut orchard) was no longer maintained. The alignment of this unpaved section through the orchard is now barely visible; however, because of the lack of documentation, it is not clear that this section of the entry drive was a part of the property during the period of significance. The construction of the Marsh Creek Dam, in 1962, has had the greatest impact on the historic design of the John Marsh Historic District. The dam altered topography and views and altered the flow of the creek, and as a result the type of vegetation that grows along the creek bank.

In summary, while there have been changes to the design within the John Marsh Historic District, it retains its integrity of design.

Setting

Setting is the physical environment of the historic property. It includes both the setting within the John Marsh Historic District and that of the surrounding area (the area that is outside of but physically and visually adjacent to the John Marsh Historic District). During the period of significance, the John Marsh Historic District was part of the much larger *Rancho de Los Meganos*. In 1871, at the end of the period of significance, the lands of John Marsh's ranch (*Rancho de Los Meganos*) were still a large, most uninhabited place owned by one entity. The developed areas of the ranch (the Marsh house area and Marsh's Landing) were separated by expansive spaces, and the land was mostly unfenced range or planted in wheat. There were few roads or buildings. While areas of grazing land still exist in the area immediately surrounding the John Marsh Historic District, the setting of former ranch lands has changed during the 135 years since the end of the period of significance. Today, this area includes the communities of Oakley, Antioch, Brentwood, Discovery Bay, and Byron. The former John Marsh ranch lands (*Rancho de Los Meganos*) have been subdivided and now have a wide variety of built features related to modern-day commercial, residential, industrial, and agricultural uses.

This loss of integrity of setting of the total ranch area contrasts to the integrity of setting within the John Marsh Historic District and the area within its view shed to the north. Today, as during the period of significance, the setting is characterized by: its rural character; views of the surrounding undeveloped hillsides, with non-irrigated grasses and scattered stands of oaks; and open pastures with trees scattered along the edges. Within this setting, there are few buildings (the Marsh house is the most prominent building within the setting) and limited roads. Marsh Creek Road, a

two-lane paved road, is located along the eastern edge of the John Marsh Historic District. Because of the topography of the area (it is located on a slight rise above the property), this road is not a prominent visual feature from the site. The addition of the Marsh Creek dam, in 1962, has altered the views to the south; the view is now one of a large, hill where none existed during the period of significance.

Materials and Workmanship

Materials are the physical elements of the site, and workmanship is the evidence of the craft or skill of those that constructed features at the site. The range of materials used and the amounts these materials present are two key factors of the integrity of materials. Some of the key features that were present during the period of significance (adobe, other work buildings, vineyard, orchard, gardens, wood-stake and board fences, John and Abby Marsh's graves) are no longer present, and so the John Marsh Historic District has lost the integrity of materials and workmanship related to these.

There have been a limited number and type of new features added to the site (such as the contemporary building materials in the wood-frame buildings; metal and barb-wire fencing; section of asphalt road; gravel of unpaved roads; new kinds of trees; ornamental plants around the house; stone wall in front of the house; concrete watering troughs and the remains of concrete bridge/dam across Marsh Creek; assorted contemporary ranch machinery), and these have added some materials that were not present during the period of significance. However, the materials and workmanship of the Marsh house and pastures (two key features that account for the largest area within the district) are still present. Overall, the John Marsh Historic District retains its integrity of materials and workmanship.

Feeling

Feeling is the property's ability to express the historic sense of the period of significance. For the John Marsh Historic District this is the feeling of a rural, California ranch surrounded by undeveloped hills. This feeling has been a consistent characteristic of the site over its period of significance, and the John Marsh Historic District maintains that same integrity of feeling today. Due to its setting within a small valley surrounded by low hills, the site evokes a feeling of being separated from the development, sounds, and sights of modern, 21st century life.

Association

A property retains its integrity of association if it is sufficiently intact to convey the relationship between the significant person and the property. As discussed under the other aspects of integrity, the John Marsh Historic District retains the key features that were associated with John Marsh's ownership and development of the property. The house and its surrounding landscape features retain their integrity of association with John Marsh. Although, the house and property had other owners and tenants after the Marsh family, none of these left a major imprint on the property. If John Marsh were to visit the site today, he would still be able to recognize it.

Boundaries

The John Marsh Historic District is located within a triangular-shaped area that is bounded by: the east side of Marsh Creek Road; the bottom of the slope for the Marsh Creek Dam (the property line for the California State Park property); and the California State Park property boundary on the west side of Marsh Creek (Figures 3 and 4). The land within this boundary is owned by the California State Parks system except for the 3.5 acre parcel of land in the southeast corner of the district (along Marsh Creek Road); this parcel is controlled by California State Parks through a public recreational use lease granted by the Contra Costa County Flood Control District.

The visual boundaries of the district are defined by the natural topography of the ridgelines of the hills to the east and west/northwest sides and the top (ridgeline) of the manmade, earthen Marsh Creek Dam to the south. These views extend beyond the legal boundaries of the John Marsh Historic District. The view to the north is constricted by the natural topography and the stand of walnut trees to the north.

Contributing Features

Natural Features

- The topography (flat, open plain that surrounds the house and surrounding hills to the east and west of the house) and Marsh Creek are contributing natural features to the John Marsh Historic District. The Marsh Creek Dam, built in 1962 to control the flow of Marsh Creek, is a non-contributing feature.

Land Uses and Activities

- The grazing and ranching operations are a continuation of land uses and activities that existed during the period of significance of the property and are a contributing land use and activity to the John Marsh Historic District.
- The presence of housing (both the John Marsh house and worker housing [today represented by the 1952 ranch house]) is a contributing land use and activity to the John Marsh Historic District.
- The house and the surrounding land are part of the California State Park system. However, the property is currently not open to the public. The use of the property as a park is a non-contributing land use and activity for the John Marsh Historic District.

Spatial Organization

The following patterns of spatial organization have remained continuing characteristics of the property and are contributing features to the John Marsh Historic District:

- Location of the Marsh house - surrounded by open fields (on the south and east sides) with its front facing northeast;
- Marsh house as the most prominent feature on the property;
- Work buildings located in a cluster behind (south) of the Marsh house;
- Entry drive to the house aligned with the front door; and
- Presence of views that provide a sense of spatial orientation within the site (views to the east and west of the undeveloped hillsides and views of Marsh Creek) and within the larger regional landscape (presence of distant views to Mount Diablo and Sierra Mountains).

Buildings and Structures

- The John Marsh house is a contributing building to the John Marsh Historic District.
- Historically, there were work-related buildings in the same general area as the ranch complex buildings; many of these were wood-frame structures.
- All of the existing buildings in the ranch complex were constructed after the end of the period of significance and are non-contributing buildings to the John Marsh Historic District.

- The presence of this cluster of buildings, all related to ranching operations, is a continuation of the historic pattern of spatial organization at the John Marsh Historic District.
- The concrete bridge/dam (CA-CCO-674) that spans Marsh Creek was built after the end of the period of significance and is a non-contributing structure to the John Marsh Historic District.

Circulation Features

- The section of the drive that is aligned with the Marsh house has been located in this general alignment since at least the 1870s and this alignment is a contributing circulation feature to the John Marsh Historic District.
- All of the other circulation features (roads, sidewalk around the house, or culvert connection under Marsh Creek Road) were added to the property after the end of the period of significance in 1872 (after the end of the property's association with John Marsh) and as such all are non-contributing circulation features to the John Marsh Historic District.

Boundary Demarcations

- The geographic and visual boundaries of the cultural landscape that surrounds the Marsh house and that is identified as the home of John Marsh (John Marsh Historic District) are contributing characteristics. These include the natural topography of the ridgelines of the hills to the east and west/northwest.
- The geographic and visual boundary of the top (ridgeline) of the earthen dam to the south is a non-contributing characteristic to the John Marsh Historic District.
- None of the locations of the fences within the property date from the period of significance, and while all (but the metal chain-link fence around the house) are compatible with a rural ranching property they are non-contributing features to the John Marsh Historic District. The low, stone, retaining wall across the north side of the front yard of the Marsh house is a distinctive feature of the property, but it was added after the period of significance and is a non-contributing feature of the John Marsh Historic District.

Vegetation

- The pastures and the oaks on edges of pasture and on hillsides are contributing vegetation features to the John Marsh Historic District.
- There is a possibility that the pepper tree and the *Casuarina* trees, located behind (south) of the chicken coop and sheds, may have been planted before the end of the period of significance (1871); this possibility is based on the large size and species of the trees (pepper trees and various types of *Casuarina* were both planted in California during the mid- 19th century).
- There was riparian vegetation along the banks of Marsh Creek during the period of significance. However, given the lack of information about the types of species of plants that was there in the past and the nature of the vegetation that exists today (a mix of plants that have just grown up there), this current vegetation along the creek should be considered a non-contributing feature to the John Marsh Historic District.
- Other vegetation features were planted after the end of the period of significance and are non-contributing features to the John Marsh Historic District.
- Finally, although having an orchard on the property is consistent with the way plants were used during the period of significance, the existing walnut orchard is a non-contributing feature to the John Marsh Historic District.

Small-Scale Features

- None of the small-scale features identified in this Historic Period Properties Survey and Evaluation Report are contributing features to the John Marsh Historic District.

Archaeological Resources

- To date, no archaeological sites from the period of significance (1838-71) have been recorded. Any that may be identified in the future would be contributing features to the John Marsh Historic District.

Individual Significance of Concrete Bridge/Dam (CA-CCO-674) Over Marsh Creek

The concrete bridge/dam (CA-CCO-674) over Marsh Creek built during the Cowell period (1924-60) does not appear to be significant under Criterion C as an individual property:

- A concrete bridge/dam was built across Marsh Creek around 1924 (this year is stamped in concrete on the structure). The bridge/dam is located just north of the Marsh house and provided access from the house and work-building complex to the opposite side of the creek (and possibly to the barn that was shown on the 1914 U.S.G.S. map). An unpaved approach road was built at the same time, to connect the bridge/dam to the drive that lead to the house.
- The remains of the bridge/dam still span Marsh Creek. However, the bridge/dam is no longer functional. Although, the metal bolts set in the concrete that connected the deck to the piers are still extant projecting up from the bridge/dam's concrete piers, both the original wood deck and rail of the bridge/dam are no longer extant. The bridge/dam is primarily constructed of five poured-in-place concrete piers set perpendicular to a concrete wall on the south. Round steel gates (for regulating water flow on the Marsh Creek) cover openings in the concrete wall. The concrete bridge/dam approach on the east side appears to be more recent construction. Two sets of concrete posts joined by cross bracing support the bridge/dam approach substructure.

The bridge/dam does not appear to be eligible for the National Register because it does not appear to be significant under Criteria A, B and C. The bridge/dam was constructed after the period of significance for the John Marsh Historic District. Under Criterion A, the ranching activities of the Cowell Company related to the bridge/dam do not appear to be historically significant. The bridge/dam is not associated with historically significant persons thus it does not appear to be significant under Criterion B. The bridge/dam is also a typical example of concrete bridge/dam construction of its period (1920s) thus it does not appear to be significant under Criterion C. Concrete was a common material for small structures - like this bridge/dam - in the 1920s. The historic integrity of the bridge/dam has also been compromised since the original superstructure was removed; only the concrete substructure survives today.

The historic integrity of the bridge/dam has also been compromised since the original superstructure was removed; only the concrete substructure survives today.

Clark (2004) indicates the base of the bridge/dam may be a remnant of an early 1870s dam referenced by Lord (1881).

The bridge/dam has been recorded as archaeological site CA-CCO-674. This section of the bridge/dam may be significant as a historical archaeological site, but this type of evaluation (for the bridge/dam) is beyond of the scope of this Historic Period Properties Survey and Evaluation Report.

John Marsh House Historic Structures Report (Photos)

(Excerpted from Architectural Resources Group November 2002)

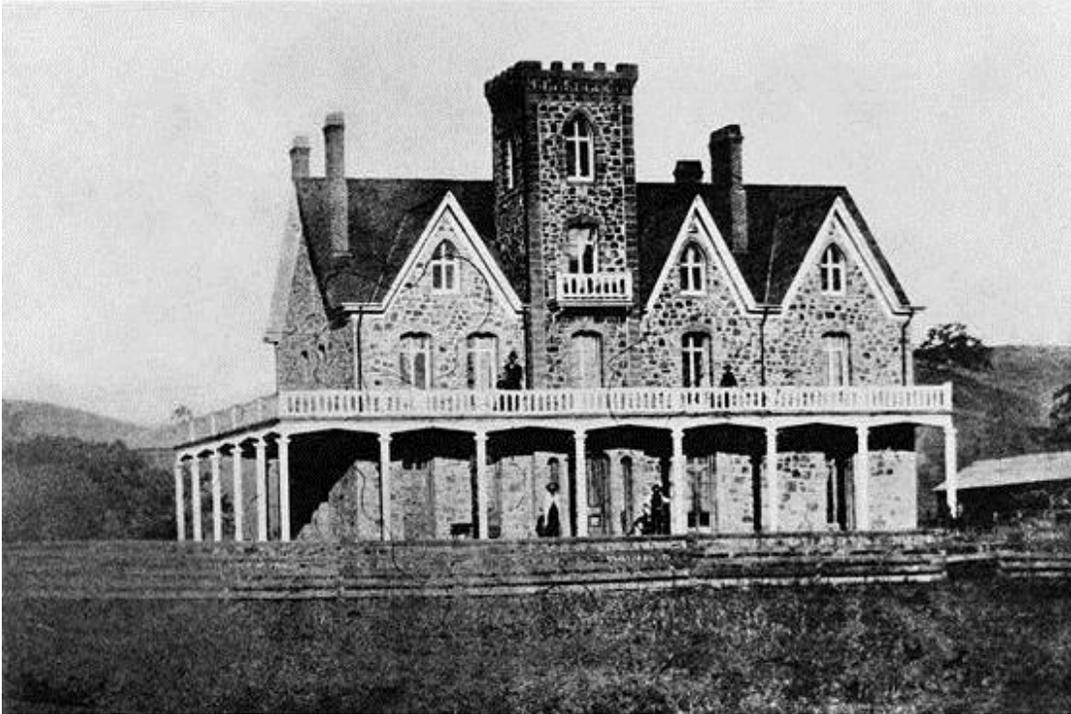


Figure 1: View of the primary or east wall of the house, c. 1856-1868. This image shows the original piazza, brick chimneys, stone tower and balcony at the first level of the tower (Source: Historic American Buildings Survey, National Park Service)



Figure 2: View of the east (right) and south (left) walls of the house, c. 1925. This photograph illustrates the shortened chimneys and the last of three tower and piazza designs. (Source: Historic American Buildings Survey, National Park Service)

APPENDIX E

**CITY OF BRENTWOOD GENERAL PLAN
GOALS AND POLICIES**

Appendix E: City of Brentwood General Plan Goals and Policies

The following goals and policies were taken from the City of Brentwood General Plan and address Brentwood's plans for Conservation and Open Space in its Planning Area. Although the Park is not in the Planning Area, these are included as a guide for future Plan implementation.

- Goal 1:** Preserve productive agricultural lands in Brentwood's Planning Area.
- Goal 2:** Preserve and enhance prehistoric, historic and cultural resources in and around the Brentwood community.
- Goal 3:** Maintain the quality of Brentwood's ground and surface water.
- Goal 4:** Ensure that water resources are used efficiently.
- Goal 5:** Create an environment in Brentwood wherein energy resources are efficiently utilized.
- Goal 6:** Utilize Brentwood's mineral resources while preserving development and conservation options for the future.
- Goal 7:** Protect the Brentwood Planning Area's natural resources.
- Goal 8:** Preserve and enhance natural open space in and around the Brentwood Planning Area.
- Goal 9:** Create an urban form that is based on open space throughout and around the community.

GOAL 1 – CONSERVATION

Preserve productive agriculture lands in Brentwood's Planning Area.

POLICY 1.1 - Agricultural Preservation: Support preservation of productive agricultural lands and provide appropriate programs.

1.1.1 - Consistency with County: Work with the County of Contra Costa to establish consistent policies for agricultural lands in Brentwood's Planning Area.

1.1.4 - Secure Agricultural Lands: Establish a program which secures permanent agriculture on lands designated for agriculture in the City and/or County General Plan. The program should include joint use concepts (e.g. wastewater irrigation), land dedication (e.g. secured through development agreements) and a transfer of development/in-lieu fee ordinance. The program should also create incentives for continuing agriculture (e.g. long-term irrigation water contracts) and assurances that potential ag-urban conflicts will be mitigated.

1.1.5 - Maintain Prime Agricultural Land: Maintain prime agricultural lands south of East Contra Costa Irrigation District main channel and east of Sellers Avenue and direct urban growth to the west and the north.

POLICY 1.2 - Minimize Conflicts: Minimize conflicts between agricultural and urban land uses.

1.2.1 - Landscape Buffers/Greenbelts: Require the use of landscape buffers in developments and trails abutting agricultural lands.

1.2.2 - Structural Setbacks: Require new development to have structural setbacks that respect agricultural operations.

1.2.3 - Compatible Uses: Limit incompatible uses (including schools, hospitals, and high density residential) near agriculture.

1.2.4 - Developer Responsibility: Developers shall be responsible for mitigating impacts upon nearby agriculture. Setbacks and buffers shall be provided by the developer and not encroach upon productive agricultural areas. Liability insurance and bonds shall be provided which indemnify farmers and ranchers from losses due to urban uses, theft, or crop damage caused by proximity to urban population.

POLICY 1.3 - Development Impacts: Minimize impacts of development on agricultural uses.

1.3.2 - Right-to-Farm: Adopt a "Right to Farm" ordinance protecting farming uses from encroaching urban uses.

POLICY 1.4 - Landowner Programs: Assist agricultural landowners with a variety of programs.

1.4.2 - Land Purchase: Provide for fee purchase of agricultural lands.

1.4.3 - Williamson Act: Provide incentives to property owners to participate in Williamson Act contracts.

GOAL 2 - CULTURAL RESOURCES

Preserve and enhance prehistoric, historic and cultural resources in and around the Brentwood Community.

POLICY 2.1 - Historic Structures: Retain and maintain historic structures.

2.1.1 - History Programs: Work with community organizations, including the historical society, to provide programs oriented to the preservation of Brentwood's history.

2.1.2 - Restoration Funds: Use Redevelopment funds and other mechanisms to promote historic restoration.

POLICY 2.2 - Archaeological Preservation: Preserve archeological resources that are known to the community.

GOAL 3 - WATER QUALITY

Maintain the quality of Brentwood's ground and surface water.

3.2.2 - Development Impacts: Consider development's effect on ground and surface water quality, and consider controlling pesticides and fertilizers.

GOAL 4 - CONSERVE WATER

Ensure that water resources are used efficiently.

POLICY 4.1 - Water Conservation: Promote the conservation of water.

4.1.1 - New Development: Require new development to incorporate water efficient fixtures into design and construction.

4.1.2 - Decrease Use: Provide incentives for water users to decrease consumption.

4.1.3 - Landscape Ordinance: Implement a water conserving landscape and irrigation ordinance.

4.1.4 - Public Education: Educate the public regarding ways to reduce water consumption and advantages of water-conserving landscape.

POLICY 4.2 - Reclaimed Water: Promote the use of reclaimed water and other non-potable water sources.

4.2.1 - Dual Water Systems: Encourage large-scale developments and golf course developments to incorporate dual water systems.

GOAL 5 - ENERGY RESOURCES

Create an environment in Brentwood wherein energy resources are efficiently utilized.

POLICY 5.1 - Bicycle Use: Promote the use of bicycles as an alternative transportation mode.

5.1.1 - Bikeways: Adopt specifications for Brentwood's bikeways. I1

5.1.2 - Community Information: Establish information program throughout the community regarding bicycle use and routes.

5.1.3 - Route Maps: Design bicycle route maps and distribute throughout the community.

5.1.4 - Pedestrian Connections: Encourage developments to incorporate pedestrian and bicycle connections between adjacent land uses.

POLICY 5.2 - Efficient Development: Encourage the design and construction of energy efficient development.

5.2.1 - Passive Solar: Encourage new construction to incorporate passive solar features.

5.2.2 - Building Codes: Enforce building codes (e.g. Title XII) through development planning, including convenient, balanced neighborhoods.

GOAL 6 – MINERAL RESOURCES

Utilize Brentwood’s mineral resources while preserving development and conservation options for the future.

POLICY 6.1 - Mine Reuse: Ensure that areas of mineral resources can be mined while productive, and are ultimately reused for urbanization or open space.'

6.1.2 - Reclamation Plans: Work with property owners to develop reclamation plans for areas with mineral resources.

GOAL 7 - NATURAL RESOURCES

Protect the Brentwood Planning Area's natural resources.

POLICY 7.1 - Reduce Solid Waste: Minimize the disposal of solid waste into landfills.

7.1.1 - Recycling: Provide incentives including differential solid waste rate structures, to encourage recycling (to help implement the Source Reduction and Recycling Element).

7.1.2 - County Cooperation: Cooperate with the County to decrease solid waste generation.

POLICY 7.2 - Preserve Vegetation: Preserve vegetation and associated wildlife habitat in the Brentwood Planning Area.

7.2.1 - New Development: Encourage new development to consider effects on the ecosystem in their plans and propose mitigation to potential effects on the biological environment.

7.2.2 - Habitat Preservation: Utilize Specific Plans and Natural Preserve areas to preserve wildlife habitat.

7.2.3 - Landscape Buffers: Incorporate natural landscape buffers into project design at the urban/rural interface.

7.2.4 - Setbacks: Require special setbacks for structures on the edges of biological habitats.

7.2.5 - Restoration: Restore riparian habitat values.

POLICY 7.3 - Waterways: Maintain and improve wildlife and plant values along waterways and within flood control facilities.

7.3.1 - Channel Restoration: Restore creek channels to their natural condition.

7.3.2 - Bank Stabilization: Use natural techniques, including restoration of riparian vegetation to stabilize banks.

7.3.3 - Ordinance: Prepare and adopt a stream modification ordinance.

7.3.4 - Master Plan: Implement the Brentwood Creek Trails and Revegetation Master Plan.

GOAL 8 - OPEN SPACE

Preserve and enhance natural open space in and around the Brentwood Planning Area

POLICY 8.1 - Open Space Planning: Promote the preservation of open space and natural features through land use planning and development proposals.

8.1.3 - Minimize Conflicts: Utilize open space areas to minimize conflicts between adjacent land uses.

POLICY 8.2 - Tree Protection: Protect mature trees and areas of natural vegetation.

8.2.1 - Tree Ordinance: Prepare and adopt a tree preservation ordinance that establishes guidelines for the planting, care and removal of trees.

8.2.2 - Education: Prepare educational materials regarding the significance of trees to a community, including open space and aesthetic values and shade.

POLICY 8.3 - Hillsides: Preserve steep hillsides from development and mass grading.

8.3.1 - Grading Ordinance: Prepare and adopt a hillside grading ordinance.

8.3.2 - Hillside Preservation Plan: Prepare a hillside preservation plan that addresses methods of preserving hillsides, while accommodating limited growth.

8.3.3 - Hillside Development Policies and Standards: Prepare and adopt hillside development policies and standards that provide guidance to future hillside development.

POLICY 8.4 - Drainage Facilities: Provide for the multiple use of drainage facilities, including retention and detention basins.

8.4.1 - Basin Landscaping: Promote landscaping of basins, and incorporate park facilities, to the extent possible.

GOAL 9 - URBAN OPEN SPACE

Create an urban form that is based on open space throughout and around the community.

POLICY 9.1 - Parkway Corridors: Provide for the multiple use of transportation and utility corridors with parkways.

9.1.1 - Master Plan: Implement the Trails Master Plan

9.1.2 - Open Space for Drainage: Incorporate open space use into the design and construction of drainage corridors.

9.1.3 - Corridor Design: Establish a mechanism that ensures open spaces are included in the design and construction of transportation corridors.