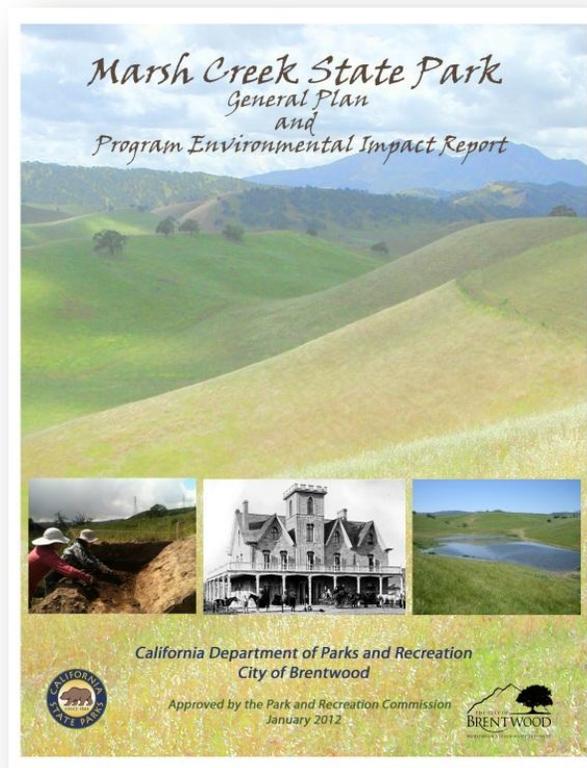


MARSH CREEK STATE PARK

General Plan/Program EIR

Final Environmental Impact Report Response to Comments



Approved by the State Park and Recreation Commission

January 2012



MARSH CREEK STATE PARK

General Plan/Program EIR

Final Environmental Impact Report Response to Comments

This document represents the Final Environmental Impact Report Response to Comments on the Marsh Creek State Park Preliminary General Plan (formerly known as Cowell Ranch/John Marsh State Historic Park), approved by the State Park and Recreation Commission on January 27, 2012.

The final General Plan and Program Environmental Impact Report is published as a separate document that includes the text and map revisions noted herein.

MARSH CREEK STATE PARK

Final Environmental Impact Report Response to Comments

State Clearinghouse #2010102035

Edmund G. Brown, Jr.

Governor

John Laird

Secretary for Natural Resources

Ruth Coleman

Director of California Department of Parks and Recreation



California Department of Parks and Recreation

P.O. Box 942896

Sacramento, CA 94296-0001



City of Brentwood

Approved by the State Park and Recreation Commission

January 27, 2012

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1 Introduction

On October 25, 2010, California State Parks released to the general public and public agencies the Preliminary General Plan (GP) and Draft Program Environmental Impact Report (EIR) for Marsh Creek State Park, formerly known as Cowell Ranch / John Marsh State Historic Park (Park). The GP provides a long term vision and opportunities for recreation and long-term resource management for the Park. It contains a comprehensive and integrated set of goals and guidelines for the development and long-term management that focuses on visitor use and facilities, natural and cultural resource management, operations and maintenance, and collaboration with resource and open space agencies and organizations to ensure integration of the Park with the surrounding parks and trail systems in the region.

The EIR included in the GP contains the environmental analysis of potentially significant effects resulting from implementation of the proposed GP. Together, the EIR and this Response to Comments document constitute the Final EIR for the Marsh Creek State Park GP.

In accordance with Public Resources Code Section 21091 and California Environmental Quality Act (CEQA) Guidelines Section 15087, a 45-day public review period for the GP and EIR was provided. The public was advised of the availability of the GP and EIR through legal notices placed in local newspapers, email, direct mailing, and notification on the State Parks planning web site. Copies of the GP and EIR were posted on the State Parks planning web site and were also made available for review at the following locations:

- California State Parks, Diablo Vista District Office, 845 Casa Grande Road, Petaluma, CA 94954; and
- Brentwood Public Library, 104 Oak Street, Brentwood, CA 94513

The public review period for the GP and EIR ended on December 9, 2010. A public meeting to present the proposed project's preferred alternative and environmental analysis was held on Thursday, November 4, 2010, from 5:30 PM to 7:30 PM at the City of Brentwood Senior Activity Center, 193 Griffith Lane, Brentwood, CA 94513. During the public review period, comments were received from agencies, organizations and individuals. This document provides responses to the written comments received during the public review period. The focus of the response to comments is on the disposition of environmental issues that have been raised in the comments, as specified by CEQA Guidelines Section 15088(b). The Response to Comments also addresses significant issues related to planning considerations of the GP.

This document is organized as follows:

- **Chapter 1: Introduction** provides a brief overview of the public review process of the GP and EIR, and describes the organization of the Final EIR.
- **Chapter 2: List of Commenters** provides a list, in table format, of all written comments received on the GP and EIR during the public review period.

- **Chapter 3: Comments and Responses** provides a complete copy of, and responses to, written comments on the GP and EIR received during the public review period.
- **Chapter 4: Recommended Changes to the Preliminary General Plan and Draft Program EIR** provides a reproduction of portions of the GP and EIR with proposed revisions to text and maps made in response to comments and staff-directed changes. These changes are incorporated by reference in the GP and EIR and were submitted to the State Park and Recreation Commission for approval on January 27, 2012.

2 List of Commenters

This chapter provides a list of all public comments received on the GP and EIR during the public review period. Tables 1 and 2 indicate the agencies and organizations, respectively, that submitted written comments and the date each comment was received. Table 3 presents a list of individuals who submitted written comments and the date each comment was received.

Table 1: List of Written Comments Received from Agencies

LETTER #	AGENCY/ORGANIZATION REPRESENTED	COMMENTER NAME	DATE RECEIVED
1	California Department of Fish and Game	Scott Wilson, Acting Regional Manager, Bay Delta Region	December 2, 2010
2	State Clearinghouse	Scott Morgan, Director	December 7, 2010
3	Native American Heritage Commission	Larry Myers, Office Manager	December 7, 2010
4	Contra Costa County Flood Control and Water Conservation District	Mario Consolacion, Engineering Technician	December 8, 2010
5	Contra Costa County Flood Control and Water Conservation District	Mario Consolacion, Engineering Technician	December 9, 2010
6	East Bay Regional Park District	Chris Barton, Senior Planner	December 9, 2010
7	U.S. Department of the Interior, Bureau of Reclamation, Central Valley Project Conservation Program	Daniel Strait, Manager	December 9, 2010

Table 2: List of Written Comments Received from Organizations

LETTER #	AGENCY/ORGANIZATION REPRESENTED	COMMENTER NAME	DATE RECEIVED
8	John Marsh Historic Trust	Board Members: Eugene Metz, President; Kathy Leighton, Vice President; Carol Jensen, Treasurer; Don Stirling, Secretary; Rebecca Bloomfield, Patricia Bristow, Fred Ehler, Ted Alesna, Dewey DeMartini, Alexandra Ghiozzi	December 7, 2010
9	John Marsh Historic Trust	Gene Metz, President	December 8, 2010
10	John Marsh Historic Trust	Gene Metz, President	No date
11	East Bay Chapter, California Native Plant Society	Janet Gawthrop, Corresponding Secretary Lech Naumovich, Conservation Analyst	December 9, 2010
12	East Bay Chapter, California Native Plant Society	Laura Baker, Conservation Committee Chair	December 10, 2010
13	Save Mount Diablo	Seth Adams, Director of Land Programs	December 14, 2010

Table 3: List of Written Comments Received from Individuals

LETTER #	COMMENTS NAME	DATE RECEIVED
14	Robert and Lorna Bonham	November 1, 2010
15	Henry R. Martinez	November 2, 2010
16	Ken Klos	November 19, 2010
17	Alice and Martin Bauman	November 20, 2010
18	Alice Bauman	November 20, 2010
19	Martin Bauman, M.D.	November 20, 2010
20	David Block	November 20, 2010
21	Lloyd and Jane Samford	November 20, 2010
22	Dale Pelletier	November 20, 2010
23	Vaughn Hysinger	November 21, 2010
24	Don Blubaugh and Betty Blubaugh	November 21, 2010
25	Mr. and Mrs. Robert Wallace	November 22, 2010
26	Richard Fox	November 22, 2010
27	Doris Moser	November 22, 2010
28	Laurel Dove	November 22, 2010
29	Philip and Aleksandra Roebuck	November 23, 2010
30	Dean and Carolyn Honsberger	November 23, 2010
31	Chuck and Roberta Farrow	November 23, 2010
32	Mrs. Mary K. Fox	November 25, 2010
33	Anita L. Humphrey	November 26, 2010
34	Daniel O'Brien	November 28, 2010
35	Kathy O'Brien	November 28, 2010
36	John and Bonnie Ortzow	November 30, 2010
37	Catherine Erny	December 2, 2010
38	Bob and Bobbie Woodland	December 2, 2010
39	Gordon and Claudia Carville	December 3, 2010
40	Muriel Magras	December 3, 2010
41	Bill Pakulski	December 4, 2010
42	Murray Hawkins	December 5, 2010

LETTER #	COMMENTS NAME	DATE RECEIVED
43	Norman and Julie Escover	December 7, 2010
44	Anita and Tom Humphrey	December 8, 2010
45	Linda Lingenfelter	December 8, 2010
46	Alan Montgomery	December 8, 2010
47	Nancy Jameson	December 9, 2010
48	Christopher Marsh Roholt	December 8, 2010
49	Karen Roholt	December 8, 2010
50	James M. Hopper	December 8, 2010
51	Sarah Roholt	December 8, 2010
52	George and Gail Lukowicz	December 9, 2010
53	William R. Costa, Jr.	No date
54	Patricia Ann and William R. Richardson	November 27, 2010
55	Liz Clough	No date
56	Tom Humphrey	No date
57	Barbara Fee	No date
58	Sharon Marsh	No date
59	Mark R. White	No date
60	Kelly Klute	No date
61	Barry Margesson	No date
62	Susanna Thompson	No date

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3 Comments and Responses

This chapter provides a complete copy of the written comments received on the GP and EIR, and presents responses to significant environmental issues raised in the comments, as required by CEQA Guidelines Section 15132. Significant comments pertaining to the GP and those that add clarification or corrections are also addressed.

Each letter received is reproduced in its entirety. The responses to comments directly follow each letter.

3.1 MASTER RESPONSES

Three master responses have been prepared to allow for a more detailed response to issues of particular concern to the public. The first master response explains the program-level analysis and scope of this GP and EIR. The second master response pertains to naming the Park and explains the State Parks naming process. The third master response explains State Parks' current policies regarding grazing and discusses grazing at the Park as a vegetation management technique and as an interpretive activity.

Master Response 1: Program-level Analysis and Facility Siting

This master response addresses the issues several commenters raised concerning the level of detail presented in the GP and EIR. Many commenters felt that the EIR should present more detailed analysis of the environmental impacts associated with the GP. In addition, many commenters incorrectly assumed that the conceptual alternative maps, including the preferred alternative, (Maps 12 through 17) of the GP and EIR indicate the precise locations of proposed visitor and operations facilities and trail alignments. Both issues are addressed in detail below.

Program-level Environmental Impact Analysis

The GP is a long-range plan; it focuses on providing guidance for the long-term management and operation of the Park. It also includes goals and guidelines for future planning efforts. As stated on page 4-1 of the GP and EIR, a Program EIR is not intended to contain detailed, project-specific analysis of projects that may be implemented at some time in the future after State Park and Recreation Commission approval of the GP. Additional management planning, design documentation, schematic design, and construction documentation would be completed as necessary before Park improvements are made. Siting of facilities will occur during project-level planning, once funding is obtained for specific projects to be implemented under the approved GP. Similarly, biological and cultural resources surveys and other environmental investigations will be conducted during project-level planning. Future projects will also be subject to subsequent CEQA review, as required. Project-specific environmental compliance documents will be consistent with the approved GP and EIR.

The GP and EIR constitute the first tier of environmental review. "Tiering" in an EIR prepared as part of a GP allows agencies to address broad environmental issues at the general planning stage, followed by more detailed examination of actual development projects (that are consistent with the plan) in

subsequent EIRs or negative declarations. Later EIRs may incorporate by reference the general discussion from the broader EIR, in this case the EIR for the GP, and concentrate solely on the issues specific to the later projects (PRC §21093, State CEQA Guidelines §15152).

Proposed Park improvements will be planned and implemented based on available staffing and funding. Consequently, detailed biological and cultural resources surveys and other environmental investigations were not conducted in support of this program-level analysis, since they would potentially be outdated before specific projects are identified for project-level planning. It is anticipated that in-depth analysis will be conducted in support of project-specific CEQA documentation at the time particular projects are planned.

As stated on page 4-3 of the GP and EIR, when the Cowell Ranch / John Marsh State Historic Park GP has been approved by the State Park and Recreation Commission and the EIR has been certified, subsequent environmental review will be limited to the requirements outlined in the adopted mitigation measures for the project or focused on new projects that could proceed under the GP. If State Parks finds, pursuant to §15162 of the State CEQA Guidelines, that no new impacts would occur as a result of a proposed project that is consistent with the GP, or no new mitigation measures would be required, State Parks can approve the activity as being within the scope of the project covered by this EIR. In this case, no additional environmental documentation would be required. However, if a proposed phase or element of the future project would have effects that were not examined in this EIR, preparation of an additional environmental document would be required (State CEQA Guidelines §15168(c)(1)).

Siting of Proposed Facilities

Commenters expressed concern related to specific visitor facilities and facility locations, in particular the proposed Dry Creek and Briones Valley visitor facilities. Some commenters incorrectly thought that a visitor center was proposed in the Dry Creek Visitor Facility Zone and Briones Valley Visitor Facility Zone.

Map 14 (page 3-21) and Map 15 (page 3-23) in the GP and EIR indicate the specific visitor facilities that are proposed in each of the Visitor Facility Zones in the Park. The proposed visitor facilities in the Dry Creek Visitor Facility Zone are limited to vault toilets and a parking/staging area accommodating 5-8 vehicles. A visitor center is not proposed for this area. The Briones Valley Visitor Facility Zone proposal would include parking/staging for 8-10 vehicles, vault toilets, an interpretive station (such as outdoor information panels), and a day use picnic area with 3-5 picnic sites. A visitor center is not proposed for this area. The Eastern Visitor Facility Zone and the Primary Historic Zone are the only areas of the Park where a visitor center is proposed.

Many commenters incorrectly assumed that Maps 12 through 17 of the GP and EIR illustrated the precise locations of proposed facilities. The exact location of the proposed Dry Creek and Briones Valley visitor facilities have not yet been identified. Maps 12 and 14, presented on pages 3-7 and 3-21 of the GP and EIR, are intended to show that proposed visitor facilities would be located only within the designated Visitor Facility Zone of Dry Creek and Briones Valley; the exact locations have not been determined. Siting of the proposed visitor facilities would occur during project-level planning and will

be subject to further environmental review under CEQA, including the appropriate site-specific environmental review. If site specific studies reveal the presence of sensitive resources within the proposed footprints of proposed facilities, State Parks would move the proposed location of these facilities, redesign them to avoid or minimize impacts to sensitive resources, or choose a new location.

Master Response 2: Decision Process for Naming the Park

The classification and naming of a unit of the California State Park System is among the authorities and responsibilities of the State Park and Recreation Commission in accordance with the State Park and Recreation Commission Statements of Policy, Policy II.2 – Classification and Naming Units, Features, Groves, and Trails of the State Park System.¹

The park unit was classified a State Historic Park by the State Park and Recreation Commission in 2007. However, the Commission did not name the Park. While names were suggested during the public involvement process, the Park’s naming is not a component of the GP.

The process for the unit’s naming requires the State Parks Director to select and recommend the preferred name based on staff recommendations. State Parks staff will present the naming proposal at a scheduled public hearing of the State Park and Recreation Commission allowing the public an opportunity to provide testimony on the recommended park name.

Both the naming of the park unit and approval of the GP and EIR will likely occur at the same State Park and Recreation Commission public hearing.

Master Response 3: Grazing as a Vegetation Management Technique and as an Interpretive Activity

A number of comments were received regarding cattle grazing in the Park. Some comments expressed support for the continued practice as an interpretive element or vegetation management tool, while others suggested that grazing is detrimental to natural resources in the Park.

As described in the GP, grazing has occurred for approximately 170 years on the property currently known as Cowell Ranch / John Marsh State Historic Park. Grazing activities can have both adverse and beneficial effects on vegetation communities, special-status plants, and wildlife habitat, as noted on page 2-52 of the GP and EIR. The State Park and Recreation Commission has determined that livestock grazing is generally incompatible with park purposes. However, there are occasions when livestock grazing may be appropriate. The current State Parks policy states that livestock grazing is an inappropriate use of parkland resources except under certain circumstances where a core park purpose is served (Department Operations Manual, Chapter 0300, Section 0317.2.4.1). As noted on page 2-52 of the GP and EIR, livestock grazing may be permitted under the following circumstances: a) when directly contributing to historic interpretation approved in a unit’s GP; b) when necessary for a specific natural resource restoration purpose, which normally does not include fuels reduction or an

¹ State Park and Recreation Commission. 2005 (April) amended. Statements of Policy. Sacramento, California. Pages 22-23. Available at <http://www.parks.ca.gov/pages/843/files/CommissionPolicies9-23-05.pdf>.

alternative to extirpated ungulate grazing; or c) when it is a necessary component to an acquisition agreement, including scaled-down grazing to improve natural resources.

In the Primary Historic Zone in Cowell Ranch / John Marsh State Historic Park, proposed agricultural uses could feature livestock breeds appropriate to the site's history that would assist in interpreting ranching and farming that occurred on the site. However, as a resource management tool, grazing will be evaluated as part of a variety of tools and actions that could be used to establish effective and appropriate methods for Park vegetation/ecosystem management (see Goal AGREE 1 and associated guidelines on page 3-47 of the GP and EIR). As stated on page 3-47, grazing would generally be permitted to continue until a vegetation management plan is developed. A guideline has also been added to Goal VEG 4 on page 3-36 of the GP and EIR with regard to grazing as a vegetation management tool. Please refer to Chapter 4 of this document for the revised text. Monitoring conducted in the park will help to evaluate the effectiveness of vegetation management tools over time. Adaptive management is a strategy that will also be applied by park managers. As discussed on page 3-55 of the GP and EIR, adaptive management is a process of determining desired conditions, selecting and monitoring indicators and standards that reflect the desired conditions, and taking appropriate management action when the desired conditions are not being realized. As with all management strategies, these tools would be applied to grazing at Cowell Ranch / John Marsh State Historic Park.

3.2 COMMENTS FROM AGENCIES AND RESPONSES (COMMENT LETTERS 1-7)

Written comments on the Cowell Ranch / John Marsh State Historic Park GP and EIR received from agencies are presented on the following pages. Each comment letter is followed by the responses to that letter.

From: Debbie Hultman [mailto:DHULTMAN@dfg.ca.gov]
Sent: Thursday, December 02, 2010 10:51 AM
To: Bachman, Stephen
Cc: Liam Davis; Randi Adair
Subject: Cowell Ranch-John Marsh State Historic Park Preliminary General Plan

Mr. Bachman,

Please see the attached memorandum. Original to follow.

Thank you,

Debbie Hultman
Department of Fish & Game
Bay Delta Region
Habitat Conservation Unit
(707) 944-5548 phone



Memorandum

Date: December 1, 2010

To: Mr. Steve Bachman
California State Parks
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

From: 
Scott Wilson, Acting Regional Manager
Department of Fish and Game – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Cowell Ranch/John Marsh State Historic Park Preliminary General Plan, Draft
Environmental Impact Report, SCH #2010102035, City of Brentwood, Contra Costa County

Thank you for providing the Department of Fish and Game (DFG) with the opportunity to comment on the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan (General Plan) and the associated draft Environmental Impact Report (EIR). The General Plan was prepared through collaboration between the Department of Parks and Recreation (State Parks) and the City of Brentwood and is intended to guide future land use activities at Cowell Ranch/John Marsh State Historic Park.

DFG supports State Parks' efforts to incorporate natural resources management activities into the General Plan, preserving habitat for species such as the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), vernal pool fairy shrimp (*branchinecta lynchi*), and a number of rare plant species. DFG has reviewed the draft EIR and the General Plan and offers the following comments.

California tiger salamander should be added to the list of Grassland Associated Wildlife on page 2-34. While breeding ponds are an essential habitat feature for this species, the California tiger salamander spends up to 90 percent of its life in underground burrows excavated by the California ground squirrel. It should also be noted that information pertaining to the state listing status of this species on p. 2-47 of the draft EIR is out of date. The Fish and Game Commission determined that the California tiger salamander should be listed as "threatened" on May 20, 2010.

The draft EIR states that "[t]he Park is...part of the historical range for the San Joaquin kit fox, although recent sightings are not documented." San Joaquin kit fox (*Vulpes macrotis mutica*) is a secretive species and is difficult to detect without long-term surveys, which have not been performed in the project vicinity for decades. However, kit fox is believed to be active in the project area. A solitary kit fox was observed near the Los Vaqueros Watershed Office, immediately south of the project site approximately three years ago

1-1

1-2

1-3

(personal communication, Contra Costa Water District). Kit fox presence should be assumed at the project site, and management strategies should incorporate avoidance and minimization measures for this species. DFG recommends that kit fox be added to the list of Grassland Associated Wildlife on page 2-34, and that Table 6, page 2-46, be modified to indicate that kit fox is likely to occur in the project area.

1-3

Although the General Plan was designed to avoid impacts to on-site biological resources, the land use plan proposed under Alternative C may result in obstruction of a regional kit fox movement corridor. Briones Valley is one of several parallel “finger” valleys that extend from southeastern Contra Costa County towards the former Concord Naval Weapons Station. Kit foxes historically utilized these valleys to access the northwestern portion of their range; however, increasing development along the valley floor threatens to cut off access to the species’ northern habitat. Kit foxes rely on flat, open grasslands as dispersal habitat and do not often utilize lands with slopes exceeding 15 to 20 percent. Cowell Ranch/John Marsh State Historic Park is located at the mouth of Briones Valley, the least obstructed of the finger valleys and a key movement corridor. Because kit fox is highly sensitive to human disturbances, development of the Briones Valley Visitor Center, as proposed under Alternative C, could impede the species’ ability to enter the valley and access the northern portion of its range.

1-4

Implementation of Alternative C could also conflict with the goals and strategies of the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (ECCC HCP/NCCP). The ECCC HCP/NCCP was adopted in 2007 by Contra Costa County, the cities of Brentwood, Oakley, Pittsburg and Clayton, DFG, and the U.S. Fish and Wildlife Service to mitigate the impacts of planned development in eastern Contra Costa County. A number of participating special entities, such as transportation agencies and utility providers also receive coverage under this plan. Since the ECCC HCP/NCCP’s adoption, the ECCC HCP/NCCP Habitat Conservancy (Conservancy) has been actively acquiring lands for a regional wildlife corridor extending from preserved lands around the Byron Airport to the former Concord Naval Weapons Station. Briones Valley, the site of the proposed Cowell Ranch/John Marsh State Historic Park, provides prime valley habitat and is an essential link in this planned corridor. Although future coordination with the Conservancy would help to minimize impacts to this corridor, the land use strategy currently proposed under Alternative C could result in a significant obstruction and conflict with ECCC HCP/NCCP implementation.

1-5

To avoid impacts associated with potential obstruction of a wildlife movement corridor and a conflict with an adopted HCP/NCCP [both considered significant impacts under the California Environmental Quality Act (CEQA)], DFG recommends relocation of the proposed Briones Valley Visitor Center. As proposed in the draft EIR, State Parks should also work closely with the Conservancy to ensure that implementation of the General Plan is consistent with regional conservation planning efforts.

Any development around Marsh Creek should be set back an appropriate distance from the riparian corridor to minimize impacts to riparian habitat and vegetation and to avoid barriers to dispersal. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (including associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement

1-6

(LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. Any project-level CEQA document pertaining to development near Marsh Creek should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

Thank you for the opportunity to provide comments on the General Plan and draft EIR. DFG is very interested in partnering with State Parks on future planning activities at Cowell Ranch/John Marsh State Historic Park and at other parks in the vicinity. If you have any questions about the comments in this memorandum, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

cc: State Clearinghouse

↑
1-6

Letter 1 Response – California Department of Fish and Game

- 1-1:** State Parks acknowledges the Department of Fish and Game’s support for State Parks’ efforts to incorporate natural resources management activities into the GP and preserve special-status species.
- 1-2:** The text on page 2-34 of the GP and EIR has been revised to include the California tiger salamander in the discussion of grassland associated wildlife. The text on page 2-47 of the GP and EIR has been revised to include the correct state designation for the California tiger salamander. Please refer to Chapter 4 of this document to see the specific changes that have been incorporated into the revised text.
- 1-3:** The text on page 2-37 of the GP and EIR has been revised to include the San Joaquin kit fox in the discussion of grassland associated wildlife.

The potential for occurrence of San Joaquin kit fox in Table 6, Cowell Ranch / John Marsh State Historic Park Special-status Wildlife Species, presented on page 2-46 of the GP and EIR, has been revised to reflect the information provided. The discussion of San Joaquin kit fox sightings presented on pages 2-50 to 2-51 of the GP and EIR has been revised to reflect this current information.

Please refer to Chapter 4 of this document to see the specific changes that have been incorporated into the revised text.

- 1-4:** State Parks notes the Department of Fish and Game’s concern that proposed facilities in the Briones Valley could impede the movement of San Joaquin kit fox. The commenter is not correct that a Briones Valley Visitor Center is proposed. The Briones Valley area would contain few developed facilities, limited to a parking/staging area (8-10 vehicle maximum), restroom, and picnic sites (3-5 maximum), as noted on page 3-12, Visitor Facility Zone, Land Use, and page 3-21, Map 14, Alternative C (Preferred Alternative). Please refer to Master Response 1, Program-level Analysis and Facility Siting. As noted in the master response, the exact location of the proposed facilities in the Briones Valley Visitor Facility Zone have not yet been identified. Map 14 is intended to show that proposed visitor facilities would be located somewhere within the area of Briones Valley within the Visitor Facility Zone; the actual location has not been determined. Siting of the proposed facilities will occur during project-level planning and will be subject to further environmental review under CEQA. All guidelines in the GP will be applied during future planning, thus strategies for avoidance and minimization of potential impacts to San Joaquin kit fox would be applied during facility siting. The visitor facilities would be clustered and sited to minimize resource impacts, using a small area of the Visitor Facility Zone as noted on Map 14. The San Joaquin kit fox is primarily active at night (i.e. nocturnal) and the proposed visitor facilities would only be used during the day and would not be occupied during potential San Joaquin kit fox use of the wildlife corridor. The development of minimal day use visitor facilities at this location would not impede the species’ ability to enter the valley and access the northern portion of its range.

- 1-5:** The Department of Fish and Game expressed concern that the GP proposals could conflict with the goals and strategies of the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (ECCCHCP/NCCP) and could potentially obstruct a wildlife movement corridor. A Visitor Center is not proposed for this area, as stated by the commenter. Please refer to the response to Comment 1-4. Natural Resource Management Goal WLIFE 4 on page 3-38 of the GP and EIR emphasizes State Parks' intent to cooperate with regional conservation plans and policies, including the ECCCHCP/NCCP, and to ensure that new facilities avoid habitat fragmentation. Siting of proposed facilities will occur during project-level planning and will be subject to further environmental review under CEQA. Presence of sensitive resources, including special-status species, will be given careful consideration during project siting and design of all visitor facilities.

The GP includes goals to protect, conserve, and enhance existing native wildlife populations and their habitats; protect, conserve, and enhance ecosystems that provide important wildlife habitat values; manage the Park's wildlife habitats for the protection and perpetuation of special-status wildlife species; and preserve the biodiversity and genetic integrity of local wildlife populations, where possible (Goals WLIFE 1 through WLIFE 4 on pages 3-36 to 3-38 of the GP and EIR). Each of these goals has an associated set of detailed guidelines that will be implemented for Park management and operation. As noted by the commenter and stated on pages 3-34 and 3-38 of the GP and EIR, State Parks will cooperate with regional conservation plans and policies, including the ECCCHCP/NCCP so long as such programs are consistent with the Park's natural resources goals. Implementation of these goals and guidelines and close coordination with the ECCCHCP/NCCP Habitat Conservancy as the implementing entity of the ECCCHCP/NCCP will ensure that long term goals of State Parks and the Conservancy will be met.

- 1-6:** State Parks concurs that a Lake or Streambed Alteration Agreement would be required for future projects implemented under the GP, should these projects affect the bed and bank of Marsh Creek or other features subject to Department of Fish and Game jurisdiction. As stated on page 3-51 of the GP and EIR, State Parks will identify regulatory requirements and permits needed for Park actions and communicate early with the associated agency to prevent review delays. State Parks will coordinate with the Department of Fish and Game early in the planning process for site-specific projects, as needed.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

2

December 7, 2010

Steve Bachman
California Department of Parks and Recreation
Diablo Vista District, 845 Casa Grande
Petaluma, CA 94954

Subject: Cowell Ranch/John Marsh State Historic Park General Plan and EIR
SCH#: 2010102035

Dear Steve Bachman:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 6, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

2-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010102035
Project Title Cowell Ranch/John Marsh State Historic Park General Plan and EIR
Lead Agency Parks and Recreation, Department of

Type EIR Draft EIR
Description The project is the General Plan for Cowell Ranch/John Marsh State Historic Park that provides long-term guidelines for future proposed facilities, land use, resource management, operation, interpretation and concession operations at the park. The General Plan and Draft Program Environmental Impact Report is the first tier of environmental analysis. Future implementation of the General Plan proposals may occur in phases as funding becomes available, and these proposals will be subject to additional project-specific environmental review.

Lead Agency Contact

Name Steve Bachman
Agency California Department of Parks and Recreation
Phone 707-769-5652 **Fax**
email
Address Diablo Vista District, 845 Casa Grande
City Petaluma **State** CA **Zip** 94954

Project Location

County Contra Costa
City
Region
Lat / Long 37° 53' 31" N / 121° 43' 24" W
Cross Streets Marsh Creek Road and State Route 4 Bypass
Parcel No. numerous
Township **Range** **Section** **Base**

Proximity to:

Highways SR 4 Bypass
Airports
Railways
Waterways Marsh Creek
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

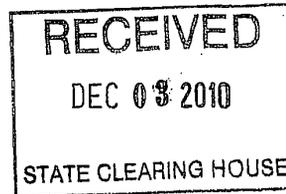
State of California
Department of Fish and Game



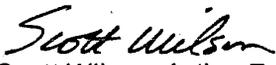
Memorandum

Date: December 1, 2010

To: Mr. Steve Bachman
California State Parks
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov



Clear
12/01/10
e.

From: 
Scott Wilson, Acting Regional Manager
Department of Fish and Game – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Cowell Ranch/John Marsh State Historic Park Preliminary General Plan, Draft
Environmental Impact Report, SCH #2010102035, City of Brentwood, Contra Costa County

Thank you for providing the Department of Fish and Game (DFG) with the opportunity to comment on the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan (General Plan) and the associated draft Environmental Impact Report (EIR). The General Plan was prepared through collaboration between the Department of Parks and Recreation (State Parks) and the City of Brentwood and is intended to guide future land use activities at Cowell Ranch/John Marsh State Historic Park.

DFG supports State Parks' efforts to incorporate natural resources management activities into the General Plan, preserving habitat for species such as the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), vernal pool fairy shrimp (*branchinecta lynchi*), and a number of rare plant species. DFG has reviewed the draft EIR and the General Plan and offers the following comments.

California tiger salamander should be added to the list of Grassland Associated Wildlife on page 2-34. While breeding ponds are an essential habitat feature for this species, the California tiger salamander spends up to 90 percent of its life in underground burrows excavated by the California ground squirrel. It should also be noted that information pertaining to the state listing status of this species on p. 2-47 of the draft EIR is out of date. The Fish and Game Commission determined that the California tiger salamander should be listed as "threatened" on May 20, 2010.

The draft EIR states that "[t]he Park is...part of the historical range for the San Joaquin kit fox, although recent sightings are not documented." San Joaquin kit fox (*Vulpes macrotis mutica*) is a secretive species and is difficult to detect without long-term surveys, which have not been performed in the project vicinity for decades. However, kit fox is believed to be active in the project area. A solitary kit fox was observed near the Los Vaqueros Watershed Office, immediately south of the project site approximately three years ago

(personal communication, Contra Costa Water District). Kit fox presence should be assumed at the project site, and management strategies should incorporate avoidance and minimization measures for this species. DFG recommends that kit fox be added to the list of Grassland Associated Wildlife on page 2-34, and that Table 6, page 2-46, be modified to indicate that kit fox is likely to occur in the project area.

Although the General Plan was designed to avoid impacts to on-site biological resources, the land use plan proposed under Alternative C may result in obstruction of a regional kit fox movement corridor. Briones Valley is one of several parallel "finger" valleys that extend from southeastern Contra Costa County towards the former Concord Naval Weapons Station. Kit foxes historically utilized these valleys to access the northwestern portion of their range; however, increasing development along the valley floor threatens to cut off access to the species' northern habitat. Kit foxes rely on flat, open grasslands as dispersal habitat and do not often utilize lands with slopes exceeding 15 to 20 percent. Cowell Ranch/John Marsh State Historic Park is located at the mouth of Briones Valley, the least obstructed of the finger valleys and a key movement corridor. Because kit fox is highly sensitive to human disturbances, development of the Briones Valley Visitor Center, as proposed under Alternative C, could impede the species' ability to enter the valley and access the northern portion of its range.

Implementation of Alternative C could also conflict with the goals and strategies of the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (ECCC HCP/NCCP). The ECCC HCP/NCCP was adopted in 2007 by Contra Costa County, the cities of Brentwood, Oakley, Pittsburg and Clayton, DFG, and the U.S. Fish and Wildlife Service to mitigate the impacts of planned development in eastern Contra Costa County. A number of participating special entities, such as transportation agencies and utility providers also receive coverage under this plan. Since the ECCC HCP/NCCP's adoption, the ECCC HCP/NCCP Habitat Conservancy (Conservancy) has been actively acquiring lands for a regional wildlife corridor extending from preserved lands around the Byron Airport to the former Concord Naval Weapons Station. Briones Valley, the site of the proposed Cowell Ranch/John Marsh State Historic Park, provides prime valley habitat and is an essential link in this planned corridor. Although future coordination with the Conservancy would help to minimize impacts to this corridor, the land use strategy currently proposed under Alternative C could result in a significant obstruction and conflict with ECCC HCP/NCCP implementation.

To avoid impacts associated with potential obstruction of a wildlife movement corridor and a conflict with an adopted HCP/NCCP [both considered significant impacts under the California Environmental Quality Act (CEQA)], DFG recommends relocation of the proposed Briones Valley Visitor Center. As proposed in the draft EIR, State Parks should also work closely with the Conservancy to ensure that implementation of the General Plan is consistent with regional conservation planning efforts.

Any development around Marsh Creek should be set back an appropriate distance from the riparian corridor to minimize impacts to riparian habitat and vegetation and to avoid barriers to dispersal. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (including associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement

(LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. Any project-level CEQA document pertaining to development near Marsh Creek should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

Thank you for the opportunity to provide comments on the General Plan and draft EIR. DFG is very interested in partnering with State Parks on future planning activities at Cowell Ranch/John Marsh State Historic Park and at other parks in the vicinity. If you have any questions about the comments in this memorandum, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

cc: State Clearinghouse

Letter 2 Response – State Clearinghouse

- 2-1:** The comment is noted. The State Clearinghouse comment letter includes an attachment with a copy of the Department of Fish and Game letter dated December 1, 2010. Please refer to the responses to Comment Letter 1 above.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



December 7, 2010

Steve Bachman
Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

RE: Comments Cowell Ranch/John Marsh SHP Preliminary General Plan and Draft Program EIR

Dear Acting Superintendent Bachman:

The Native American Heritage Commission (NAHC) is the only state agency dealing with the protection of Native American traditional cultural places and is considered a *Trustee Agency* in state government for that purpose. As such, under Public Resources Code (PRC) it is delegated certain *Powers and Duties*, including making *recommendations to the Director of Parks and Recreation and the California Arts Council relative to the California State Indian Museum and other Indian matters touched upon by department programs* (PRC §5097,94(f)). Those *Powers and Duties* extend to the protecting Native American traditional cultural places on public property. PRC §5097,9 establishes that:

public agencies, or private entities using, occupying or operating on public property under public permit, shall not interfere with free expression or exercise of Native American religion and shall not cause severe or irreparable damage to Native American sacred sites, except under special determined circumstances of public interest and necessity.

§5097.97 authorizes the NAHC:

In the event that any Native American organization, tribe, group, or individual advises the commission that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access thereto by Native Americans, the commission shall conduct an investigation as to the effect of the proposed action. Where the commission finds, after a public hearing, that the proposed action would result in such damage or interference, the commission may recommend mitigation measures for consideration by the public agency proposing to take such action. If the public agency fails to accept the mitigation measures, and if the commission finds that the proposed action would do severe and irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, the commission may assist the Attorney General to take appropriate legal action pursuant to subdivision (g) of Section 5097.94.

PRC §5097,94(g) authorizes the NAHC bring legal action to:

prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a

Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds, on clear and convincing evidence, that the public interest and necessity require otherwise. The Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General has determined to represent the agency against whom the commission's action is directed, in which case the commission shall be authorized to employ other counsel. In any action to enforce the provisions of this subdivision the commission shall introduce evidence showing that such cemetery, place, site, or shrine has been historically regarded as a sacred or sanctified place by Native American people and represents a place of unique historical and cultural significance to an Indian tribe or community.

3-1

PRC §5097,94(i) authorizes the NAHC to:

To assist Native Americans in obtaining appropriate access to sacred places that are located on public lands for ceremonial or spiritual activities.

The Cowell Ranch/John Marsh SHP Preliminary General Plan and Draft Program EIR acknowledges that there is an extensive Native American burial ground or burial grounds in the Park and documents numerous discoveries of Native American human remains in the Park, and adjacent property, dating back to the 1940s and as recent as this year . The Cowell Ranch/John Marsh SHP Preliminary General Plan and Draft Program EIR (GP/EIR) states that there are 26 known historic and pre-historic sites within the Park boundaries and another 17 sites within one mile of the Park and numerous known village sites. The Marsh House itself is built on recorded archaeological site CCO-18/584, the precise boundaries of which have not been identified, a pre-historic mound village site, which contains a Native American burial ground or burial grounds (pp. 2-62 – 2-64). The Park, therefore, is a place containing a *sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine*, subject to the protections afforded it under the provisions of PRC §§5097,9, 5097.97, 5097.94(g), and 5097.94(i).

3-2

While the Department of Parks and Recreation (DPR) is in compliance with Health and Safety Code and Public Resources Code Sections relating to the discovery of Native American burials and associated grave goods, the Commission is troubled by any ongoing discovery, disturbance, or destruction of Native American burials and other Native American cultural resources in the Park. With this in mind, and pursuant to state laws described above, the NAHC makes the following comments on the GP/EIR.

Subsequent Planning Actions / Public Involvement Program

This section generally discusses the preparation of additional management plans and development projects that the GP/EIR will enable. The NAHC endorses the preparation of additional management plans to protect Native American cultural resources and provide access to the park *for ceremonial or spiritual activities* as stated in PRC 5097.94(i). This section also generally discusses a *public involvement program* (p. 1-7). Nowhere is there mention of an outreach effort for culturally affiliated Native Americans. While DPR did complete basic consultation, which included obtaining a list of Native American Contacts and a Sacred Lands File search from the NAHC with minimal response from their efforts, because of the sensitive nature of this area there should be a plan in place for an ongoing outreach to Native Americans, including forming an Native American advisory group. The NAHC would gladly

3-3

help in this effort. The General Plan/EIR for the new California Indian Heritage Center has such a group, as well as a Foundation comprised of interested Native Americans and other individuals from the local community. DPR should exercise some consistency in how it operates parks that have the potential to impact Native American cultural resources as sensitive as those at the John Marsh / Cowell Ranch park.

3-3

Cultural Resources Management

The GP/EIR states that the protection and restoration of natural and cultural resources are key components of the General Plan and that cultural resources are identified as an area of *significant environmental effects* (p. ES-4). While the GP/EIR is programmatic in nature and projects enabled by the Plan adoption will *undergo additional project level environmental analysis* (p. ES-4), the Park is composed of over 3,600 acres and GP/EIR Preferred Alternative C contemplates numerous ground-disturbing projects such as the Marsh House Rehabilitation and re-use (foundation work has already resulted in the discovery of Native American burials), trails, parking areas, restrooms, campsites, a visitor center, picnicking facilities, a cultural resource field station, a ranger station, and staff housing (p. ES-8). Before any ground-disturbing work in areas of identified Native American cultural resources sensitivity both a Native American archaeological monitor and a qualified archaeologist should be present.

3-4

Interpretation and Education

This section suggests the creation of a Parkwide Interpretive Management Plan (p. 2-69). The NAHC endorses this concept. The plan should also place the Park in cultural context. For example, Mt. Diablo is considered a sacred place by regional Native Americans, Mt. Diablo is, of course also a State Park. In the *Interpretation and Education Opportunities* section it describes the *Presentation of pre-historic Native American themes*. Themes should place the pre-history of the area in context. There are still existing, evolving Native American cultures in the region. A Parkwide Interpretive Management Plan would address this issue and should be created in partnership with Native Americans.

3-5

Cultural Resources Management Goals and Guidelines

In the *Opportunities* section it states that a comprehensive inventory of the pre-historic and historic resources in the Park should be undertaken (p. 2-95). A cultural resources inventory of the park is essential. Without this baseline information, it is difficult to understand how DPR can effectively manage Park Operations. This work should have been done prior to the selection of the preferred alternative. Also mentioned here is the opportunity to *consult with local Native American representatives with regard to the archaeological exploration of pre-historic sites*. (p. 2-95). This should be a requirement and not merely stated as an *Opportunity*. The *Cultural Resource Protection* section refers to *developing management strategies for protecting cultural resources in the Park and to provide for the storage and display of recovered artifacts* (p. 2-96). Along with a cultural resources inventory, a *Cultural Resources Treatment Plan* must be developed for the Park. Such a plan would deal with specific procedures for the discovery of Native American human remains, including the dignified disposition remains and associated funerary objects, and the disposition of any non-burial related artifacts. It could also include a pre-burial plan, described in PRC 5097.94(k), which would involve the appropriate Native American groups identified by the NAHC. A *cultural resources monitoring program*, referred to on p 2-96, would also be included in the *Cultural Resources Treatment Plan*. The plan would also include provision for Native American Archaeological monitoring in areas of known Native American cultural sensitivity. Any storage or display of non-burial related recovered artifacts should be done in a culturally sensitive manner in

3-6

consultation with culturally affiliated Native Americans. These issues should also be addressed the *Scope of Collections Statement*, which is also essential for Park operations.
Park Plan

↑
3-6

The *Purpose and Vision* states that the Park will seek to further document the Native American use and extent of pre-historic habitation and landscape features... (p. 3-2). However, this statement freezes the Native interpretation in the past. There is no indication here that the interpretation of the surviving contemporary cultures will be incorporated.

3-7

Resource Goals (p. 3-16)

Here it states *Park management will develop treatment measures to protect known cultural sites and those found in the future. Treatment measures, based on existing California State Parks policies, could include avoidance, specific protective measures (e.g. fencing), site monitoring, and methods to preserve, restore or enhance cultural resource values.* These concepts could be incorporated into the *Cultural Resources Treatment Plan* suggested above. Language regarding *avoidance* should be stronger. It should be compatible with CEQA Guidelines 15126.4(b)(A), which states *Preservation in place is the preferred manner of mitigating impacts to archaeological sites.... Planning construction to avoid archaeological sites* is the first preservation method listed.

3-8

On page 3-17, activities in the *Primary Historic Zone (PHZ)* are described. It states *Research associated with archaeological remains including excavations need to investigate the presence or extent of sub-surface resources permitted in this zone....* This is another indication of the importance of completing a comprehensive resources inventory for the Park, which is a necessary first step to creating a *Cultural Treatment Plan* for the Park.

Parkwide Goals and Guidelines, Interpretive Periods

The Plan designates a primary *interpretive period* and *Primary Theme I*. These are is described centering on the pre-historic pre-Windmiller and Windmiller people (p. 3-29). *Primary Theme 1: Rare Pre-historic Resources* states *Pre-historic remains and burials along Marsh Creek provide a rare glimpse of the Windmiller period, dating back 5,000 years ago...(p. 3-29).* Once again contemporary cultures are ignored. Calling special attention to burials objectifies them, treating them as specimens instead of the final resting place of human beings.

3-9

Interpretive Goal 3 (Interp 3): states *interpreting sub-surface cultural resources in consultation with Native American and archaeological organizations* should be considered. Interpreting sub-surface cultural resources in consultation with Native American organizations should be more than a consideration.

3-10

Natural Resources Management (P. 3-34)

There is no mention in the Goals or Guidelines of the possibility of Native American gathering of plant materials for cultural purposes. DPR maintains a gathering policy for Native Americans.

3-11

Cultural Resource Management Goals and Guidelines Goal (CUL 1) (p. 3-42)

These guidelines describe avoiding *facility development that disturbs the archaeological deposits*, avoiding *ground-disturbing activities within the PHZ to the extent possible*, minimizing *ground disturbing activities* and reducing the need to excavate below grade within areas containing *pre-historic resources*, and monitoring all ground-disturbing activities within 1000 feet of a known cultural resource within the Park. This language needs to be stronger and be in line with CEQA Guidelines concerning site preservation as noted above. Monitoring ground-disturbing activity should include Native American archaeological monitors. None of these guidelines are meaningful unless there is a comprehensive Cultural Resources Inventory to indicate what needs to be avoided. All of these issues should be dealt with in the *Cultural Resources Treatment Plan*.

3-12

The preparation of eligibility forms to nominate CCO-18/548 to the National Register of Historic Places is stated as a guideline. This should be in conjunction with a Cultural Resources Inventory and the nomination should be for a *Traditional Cultural Property*, which should also include sites adjacent to the Park on private property.

3-13

Goal (CULT 2) describes increasing *visitors' understanding of the archaeological resources* and conducting *additional prehistoric landscape survey and evaluation* and *preparing a cultural landscape management plan* (p. 3-43). There is no mention of Native American involvement in these goals. A Cultural Landscape Plan should also include reference to the DPR Native American gathering policy.

3-14

Operations and Maintenance Goals and Guidelines (P. 3-45)

The goals and guidelines for *Operations and Maintenance* do not include provisions for Native American access for *ceremonial or spiritual activities*, and Native American gathering. There is no guideline addressing archaeological and Native American monitoring in preparation for maintenance projects, such as utility trenching, waterlines, water treatment facilities, the construction of structures, etc. There are no guidelines for avoiding sensitive archaeological resources in reference to grazing leases or the possibility of instituting historic farming activities.

3-15

Table 18 on P. 3-57, under *Cultural Resource Management*, refers *Management Actions* that would include the incorporation of *data recovery efforts or cover the resources to protect them*. Data recovery destroys sites. CEQA Guidelines makes it clear that 15126.4(b)(A) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites and that data recovery should be used as a last resort. The *Cultural Resources Treatment Plan* would provide specific measures for site preservation.

3-16

Environmental Analysis

The GP/EIR summarizes the alternatives considered by the Plan (P. 4-4). The NAH favors Alternative A, the No Action alternative, due to the sensitive nature of the Native American cultural resources within the Park. The NAHC believes that the protection of the Native American cultural sites in the Park, dating back thousands of years that include extensive Native American burial places, is a higher priority than creating a recreational opportunity for tourists, campers, and equestrians.

3-17

Summary of Impacts and Mitigation

The GP/EIR states: *Significant environmental impacts may be associated with visitor use, maintenance, facility construction or rehabilitation, or development projects. Adverse impacts can range from negative*

3-18

visual impacts to degradation of water quality to the disturbance or loss of cultural and natural resources (P. 4-11). The cumulative and continuing effects on the Native American cultural resources in the Park, including Native American burials, which could result from the development projects and Park operations following from the GP/EIR.

3-18

Agricultural Resources (P 4-12)

The plan anticipates the possibility of an agricultural lease, within the former orchard site in the eastern portion of the Park. If this occurs, the area must be surveyed for archaeological resources. Since agricultural activity is exempt from CEQA, it is important to have specific mitigation measures in place to avoid and respond to any inadvertent impacts to cultural resources for this activity.

3-19

Cultural Resources

Pp. 4-26 – 4-27 discusses cultural resource mitigations, stating cultural resources investigations will be conducted for any site-specific project involving ground-disturbing activity. It states that qualified archaeologists will identify and record pre-historic or historic archaeological sites, features, or objects that might be impacted by these projects. It states that archaeologists will monitor these activities and will document any previously unknown features encountered and evaluate their significance and develop treatment options in consultation with Park managers. There is no reference to the involvement of culturally affiliated Native Americans in the evaluation of these resources or the development of treatment options. The *Cultural Resources Treatment Plan* would anticipate these events and its creation and implementation would include culturally affiliated Native Americans.

3-20

In conclusion, as stated above, NAHC recommends Alternative A, the No Action alternative. It is felt that this GP/EIR essentially disregards the significance of Native American cultural resources in favor of interpreting the short-lived occupation of John Marsh over the occupation of Native Americans spanning thousands of years. Specifically, the GP/EIR:

1. Lacks definitive language that would lead to the completion of a cultural resources inventory to provide the basis for the protection of Native American cultural resources in the Park.
2. Lacks language specifically addressing the potential impacts of the cumulative effects on Native American burials, associated grave goods, and non-burial related artifacts in the Park due to Park developments and operations.
3. Lacks specific goals and guidelines for the care of non-burial related artifacts in consultation with culturally affiliated Native Americans.
4. Lacks goals and guidelines specifically identifying Native American involvement in the protection of Native American cultural resources in the Park.
5. Lack of goals or guidelines for Native American access to the Park for spiritual, ceremonial activities, and gathering activities.
6. Lacks interpretive goals and guidelines that incorporate the history and ongoing evolution of contemporary Native American cultures, focusing the Park's Native American interpretation on pre-history.
7. Lacks goals and guidelines addressing Native American access to the Park for spiritual, ceremonial, gathering activities.

3-21

These shortcomings could lead to the direct involvement of the NAHC in creating specific mitigation measures, pursuant to PRC §§5097.97, 5097.94(g), and 5097.94(i), to address the protection of Native American cultural resources in the Park and to provide for Native American access to the Park.

↑
3-21

The goal of completing a definitive cultural resources inventory and a *Cultural Resources Plan Treatment Plan* must be unequivocally specified in the GP/EIR. The NAHC believes that the completion of these management plans, in consultation with the culturally affiliated Native Americans and the NAHC, is critical element if the Park's ongoing operation, regardless of which alternative is ultimately chosen by DPR.

3-22

Thank you for the opportunity to comment on the Cowell Ranch/John Marsh SHP Preliminary General Plan and Draft Program EIR, if you have any questions, please contact Rob Wood of my staff at (916) 651-1490 or rw_nahc@pacbell.net.

Sincerely,



Larry Myers
Office Manager
Native American Heritage Commission

Letter 3 Response – Native American Heritage Commission (NAHC)

- 3-1:** The Native American Heritage Commission’s (NAHC) role as a trustee agency and its powers, authorities and duties as specified in Public Resources Code §§5097.9, 5097.94(f), 5097.94(g), 5097.94(i), and 5097.97 is noted. This comment does not require an additional response related to the GP and EIR.
- 3-2:** The Native American Heritage Commission’s concern regarding potential ongoing and future discovery, disturbance or destruction of Native American resources within the Park is noted. The Cultural Resources Inventory and Protection goals and guidelines presented on pages 3-42 to 3-44 of the GP and EIR are intended to document, protect, preserve and, where appropriate, restore cultural resources. As stated on pages 4-25 to 4-27 of the GP and EIR, State Parks has determined that impacts on cultural resources would be less than significant with implementation of the Cultural Resources Inventory and Protection goals and guidelines.
- 3-3:** State Parks acknowledges NAHC’s support for preparation of additional management plans to protect Native American cultural resources and provide access to the Park for ceremonial or spiritual activities. This comment does not require an additional response related to the GP and EIR.

As stated on page 3-16 of the GP and EIR, Park management will follow departmental manuals to consult with Native Americans regarding any cultural resources found in the future and potential future ethnographic use of the site.

- 3-4:** As stated in the State Parks Department Operations Manual Chapter 0400 Cultural Resources (December 2010 Draft), Section 0404.2.4, the department has acknowledged that when there is ground disturbing work in areas recognized as sensitive for Native California Indian historical resources, that California Indian monitors should be present during all work that could affect such resources. Qualified archaeologists will also be present during any ground disturbing work in areas recognized as sensitive for Native California Indian historical resources. Page 3-16 of the GP and EIR states that future development and restoration will carefully maintain the integrity of the cultural resources present.
- 3-5:** This comment endorsing the future preparation of a Parkwide Interpretive Management Plan is noted. The interpretive themes described on page 3-29 of the GP and EIR include a park unifying theme and primary themes which will place the pre-history of the area in context. Goal INTERP 3 on page 3-31 of the GP and EIR emphasizes the Park’s commitment to working with interested parties and establishing partnerships to “provide diverse, accurate and innovative interpretive and educational programs at the Park that are accessible to one or many visitors.” In addition, the second guideline under Goal INTERP 3 on page 3-31 of the GP and EIR has been revised to clarify the Department’s commitment to working with the Native American community. Please refer to Chapter 4 of this document for the revised text.
- 3-6:** As stated on page 2-61 of the GP and EIR, a cultural resources record search was conducted by the Northwest Information Center in May 2006 to identify previously recorded cultural

resources within the Park. A records search is typically conducted for program-level EIRs that are prepared for GPs. Further cultural resource investigations have been conducted, as noted in Table 7 on page 2-56, the discussion of additional archaeological testing on page 2-62 through 2-64, and in Appendix D, Additional Cultural Resources Information. As stated on page 4-26, a cultural resources investigation will be conducted for any site-specific project undertaken within the Park during approved GP implementation that would involve ground-disturbing activities. As part of the CEQA review for these future projects, qualified archaeologists will identify and record pre-historic or historic archaeological sites, features, and artifacts that could be adversely affected by implementation of individual projects.

As stated on page 3-16 of the GP and EIR, Park management will develop treatment measures, based on existing State Parks policies, to protect known cultural sites and those found in the future. In addition, Park management will follow departmental manuals to consult with Native Americans regarding any cultural resources found in the future and potential future ethnographic use of the site.

In accordance with departmental policy, State Parks will prepare a Scope of Collections Statement that addresses the storage and display of non-burial-related recovered artifacts and ensures that it is done in a culturally sensitive manner in consultation with culturally affiliated Native Americans.

- 3-7:** This comment regarding the Park purpose and interpretation is noted. As discussed on page 3-4 of the GP and EIR, the State Park and Recreation Commission classified the Park as a State Historic Park to recognize the significant Native American archaeological site, the John Marsh House, and the associated cultural landscape. Public Resources Code Section 5019.59 defines State Historic Parks as “nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events.” As stated on page 3-28 of the GP and EIR, “the interpretive mission of Cowell Ranch / John Marsh State Historic Park is to provide interpretive and educational programs, facilities and media to communicate the significance of its multi-layered pre-historic and historic cultural resources, as well as the Park’s diverse natural resources.”

Although the Park’s focus is on the pre-historic and historic cultural resources, interpretation of contemporary cultures is possible. The Park Unifying Theme (page 3-29 of the GP and EIR) emphasizes that this park “holds the key to unlocking stories about the people attracted to this land over thousands of years and their interactions with the land, people, plants and animals.” Goal INTERP 3 on page 3-31 further aims to establish collaborative relationships with interested parties to provide diverse, accurate and innovative interpretive and educational programs at the Park. Development of interpretive program content is part of the activities that would be undertaken as the Park is planned and facilities are constructed.

- 3-8:** Avoidance of cultural resources is emphasized in the Cultural Resource Inventory and Protection Goal CUL 1 and guidelines, stating that “within the Primary Historic Zone, avoid facility development that disturbs the archaeological deposits or impairs the historic setting.”

Please refer to the response to Comment 3-6 regarding a comprehensive cultural resources inventory of the Park.

- 3-9:** This comment regarding the interpretive periods and themes has been noted. Please refer to response to Comment 3-7 regarding interpretation of contemporary Native American cultures.
- 3-10:** As stated on page 3-16 of the GP and EIR, Park management will follow departmental manuals and guidance to consult with Native Americans regarding any cultural resources found in the future and potential future ethnographic use of the site. The second guideline under Goal INTERP 3 on page 3-31 of the GP and EIR has been revised to clarify the Department's commitment to working with the Native American community. Please refer to Chapter 4 of this document for the revised text.
- 3-11:** The commenter is correct that State Parks is guided by a gathering policy for Native Americans, as noted in the Department Operations Manual Chapter 0300 Natural Resources, Section 0317.1.3.7, Materials Gathered by California Native Americans. This policy states that "the Department provides controlled access to California Indians within the State Park System for gathering of these resources for traditional cultural purposes (PRC Sec. 5020.1(g)). Authorization for such gathering activities may be obtained from the District Superintendent of the specific unit of the State Park System where the gathering is to occur...".
- 3-12:** Please refer to the response to Comment 3-6 regarding a comprehensive cultural resources inventory of the Park and treatment measures that will be considered.

Please refer to the response to Comment 3-8 regarding avoidance of cultural resources.

- 3-13:** The preparation of eligibility forms to nominate CCO-18/548 to the National Register of Historic Places is a plan guideline and is also an action that is in progress. The nomination of CCO-18-548 to the National Register of Historic Places is currently waiting for final approval from the State Office of Historic Preservation.

Please refer to the response to Comment 3-6 regarding a comprehensive cultural resources inventory of the Park.

- 3-14:** Please refer to the response to Comment 3-10 with regard to Native American consultation and the response to Comment 3-11 regarding the department's Native American gathering policy.
- 3-15:** Provisions for Native American access for ceremonial or spiritual activities is considered a primary area where consultation is appropriate. Please refer to the response to Comment 3-10 with regard to Native American consultation.

The GP provides goals and guidelines that ensure protection of sensitive cultural resources. Guidelines associated with Goal CUL 1 ("Protect, restore and further document the extent of pre-historic resources within the Park") direct Park management to minimize ground

disturbance activities within areas containing pre-historic resources and to monitor all ground-disturbing activities within 1000 feet of a known cultural resource.

Please refer to the response to Comment 3-4 regarding monitoring of ground-disturbing activities. Ground-disturbing activities within the Park may also include maintenance projects.

Regarding historic farming activities, please refer to Goal CUL 3 and related guidelines on page 3-43 of the GP and EIR. Goal CUL 3 seeks to restore or rehabilitate historic resources and landscapes where appropriate. The first guideline under Goal CUL 3 states “retain a ranch-like character in the Primary Historic Zone as part of the historic cultural landscape.” The second guideline under Goal AGREE 1 on page 3-47 of the GP and EIR states that Park management will evaluate the use of grazing as a grassland management tool as part of an overall Park vegetation/ecosystem management plan, consistent with State Parks policies on livestock grazing.” As stated on page 3-15, grazing is permitted to continue until a vegetation management plan and related cultural goals are established.

- 3-16:** The goals and guidelines in the GP and EIR emphasize resource protection, as noted on Table 18. In addition, preservation in place is considered a management option should resource damage occur from public use, by limiting visitor use in sensitive areas and/or covering the resources, as noted in the first and third bullets on Table 18.
- 3-17:** State Parks notes that NAHC prefers Alternative A, the No Action Alternative. As stated in the response to Comment 3-2, the Cultural Resources goals and guidelines in the Preferred Alternative (Alternative C) presented on pages 3-42 to 3-44 of the GP and EIR are intended to document, protect, preserve and, where appropriate, restore cultural resources. The No Action Alternative would not provide the necessary actions to adequately protect and preserve the significant cultural resources. In addition, as stated on page 4-6 of the GP and EIR, with the No Project Alternative “environmental enhancements and restoration programs that may require additional funding sources may not be implemented.” Funding may be very limited for cultural resource protection under the No Project Alternative. State Parks has determined that impacts to cultural resources would be less than significant with implementation of the Cultural Resources Inventory and Protection goals and guidelines (pages 4-25 to 4-27 of the GP and EIR).

As stated in the Park’s Declaration of Purpose presented on page 3-2 of the Preliminary General Plan and Draft Program EIR, “The purpose of Cowell Ranch / John Marsh State Historic Park (SHP) is to celebrate a rich pre-historic and historic presence and contribute to the existing regional open space network of East Contra Costa County. This Park will seek to further document the Native American use and extent of pre-historic habitation and landscape features and to retain and preserve important aspects of the historic ranch complex and its associated landscape features. Management of the Park will be focused on balancing cultural and natural resources as well as public access and recreation in cooperation with the City of Brentwood and other public entities.”

Implementation of the GP and associated management of Park resources and visitor use are expected to provide benefits to resource protection and visitor use, reflecting the dual mandate in the mission of California State Parks to “preserve the State’s extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.”

- 3-18:** State Parks notes NAHC’s concern regarding cumulative impacts on Native American cultural resources. Projects implemented under the approved GP could contribute to cumulative impacts on Native American cultural resources, as stated on page 4-33 of the GP and EIR. Potential impacts to cultural resources resulting from implementation of the GP are presented on pages 4-25 to 4-27 of the GP and EIR. The analysis concludes that with implementation of the goals and guidelines in the GP, impacts to cultural resources resulting from implementation of the GP would be less-than-significant.
- 3-19:** Goals CUL 1 and CUL 3 and associated guidelines, presented on pages 3-42 and 3-43 of the GP and EIR, seek to protect archaeological and historic resources in the Park. As stated on page 4-26 of the GP and EIR, a cultural resources investigation will be conducted for any site-specific project undertaken within the Park during GP implementation that would involve ground-disturbing activities. As part of the CEQA review for these future projects, qualified archaeologists will identify and record pre-historic or historic archaeological sites, features, and artifacts that could be adversely affected by implementation of individual projects.
- 3-20:** As stated on page 3-16 of the GP and EIR, Park management will follow departmental manuals to consult with Native Americans regarding any cultural resources found in the future and potential future ethnographic use of the site.
- 3-21:** Please refer to the response to Comment 3-6 regarding a comprehensive cultural resources inventory for the Park.

Please refer to the response to Comment 3-18 regarding cumulative impacts on cultural resources.

As stated on page 3-17 of the GP and EIR, Park management will develop treatment measures to protect known cultural sites and those found in the future. Treatment measures, based on existing State Parks policies, could include avoidance, specific protective measures (e.g., fencing), site monitoring, and methods to preserve, restore, or enhance cultural resource values. Park management will also follow departmental manuals to consult with Native Americans regarding any cultural resources found in the future and potential future ethnographic use of the site.

Please refer to the response to Comment 3-7 regarding interpretation and response to Comment 3-11 regarding use of the Park by contemporary Native American cultures.

As stated in the response to Comment 3-1, State Parks recognizes NAHC's role as a trustee agency and its powers, authorities and duties as specified in Public Resources Code §§5097.9, 5097.94(f), 5097.94(g), 5097.94(i), and 5097.97.

- 3-22:** Please refer to the response to Comment 3-6 regarding a comprehensive cultural resources inventory and a cultural resources treatment plan for the Park.

From: Mario Consolacion <mcons@pw.cccounty.us>
To: Bachman, Stephen
Cc: Teri Rie <trie@pw.cccounty.us>; Tim Jensen <tjens@pw.cccounty.us>
Sent: Wed Dec 08 16:05:41 2010
Subject: Draft EIR for the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan

Mr. Bachman,

The attached letter contains our comments on the Draft EIR of the Cowell Ranch/John Marsh State Historic Park.

The original letter will be mailed to you.

Thank you

Mario A. Consolacion
Contra Costa County Flood Control and Water Conservation District
Contra Costa County Public Works Department
(925) 313-2283



December 8, 2010

Steve Bachman
Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

RE: Cowell Ranch/John Marsh State Historic Park Draft EIR
Files: 97-108 & 97-106

Dear Mr. Bachman:

We have reviewed the Draft Environmental Impact Report (Draft EIR) for the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan. We received the Notice of Availability on October 25, 2010, and offer the following comments:

1. The project sponsor will need to acquire land rights (easement or license agreement) and obtain a flood control permit from Contra Costa County Flood Control and Water Conservation District (FC District) for the proposed construction of the park improvements in the FC District's properties.

4-1

We request that the above requirements of the FC District be mentioned in this environmental document.

2. Any improvements proposed within the FC District's properties should be supported by a perpetual fund source for maintenance of the improvements, safety monitoring, and trash collection management.

4-2

3. Any proposed improvements on the dam of the Marsh Creek Reservoir will require approval from the State of California's Division of Safety of Dams.

4-3

4. The presence of mercury at the Marsh Creek Reservoir and the reach of Marsh Creek within the FC District's properties were identified in the Draft EIR.

We request that this environmental document and the subsequent project-level CEQA documents address the adverse impacts and recommended mitigation measures for allowing public access to those areas within the FC District's properties where exposure to an elevated level of mercury may be possible.

4-4

5. Public access to Marsh Creek Reservoir and the upstream reach of the creek inside the FC District's properties may expose the public to airborne spores that cause valley fever and to other organisms that could cause sickness. This is a potential liability for the FC District, and we request that the environmental document address this issue and offer mitigation measures. 4-5
6. Maps 3, 14, and 15 show that the FC District has easement rights for the two large parcels south of the Marsh Creek Reservoir and north of Camino Diablo Road. The FC District purchased these properties in 2002. Please change the designation in Maps 3, 14, and 15 for these lands from "Flood Control Easement" to "Contra Costa County Flood Control and Water Conservation District properties." 4-6
7. Biological Resources, page 4-22: There is evidence of burrowing owls around the dam of the Marsh Creek Reservoir, which is not noted in Map 10 (the Biological Resources Map). 4-7
8. The FC District's property for Marsh Creek Reservoir has a grazing lease agreement. The future Cowell Ranch/John Marsh State Historic Park (Park) operations may be in conflict with the terms of this lease agreement. This conflict needs to be resolved before an agreement for the park improvements in the FC District's properties is completed. 4-8
9. The levee of the Marsh Creek Reservoir (Reservoir) parallel to Marsh Creek Road is no longer certified by FEMA and may or may not be included in the FC District's future long-term restoration plans for the dam area and upstream creek. Under the Preferred Alternative C, a trail is being proposed on top of the levee. 4-9
10. For the preferred Alternative C, the proposed trail segment on the east side of the emergency spillway and any trail bridge crossing downstream of the spillways will need special considerations as there are risks involved due to exposure to the volume of flows and emergency releases from the spillways. 4-10
11. Would the Park allow dogs in the proposed trail inside the FC District's properties? This could be in conflict with the FC District's restoration goals for its properties and should be discussed with the FC District. 4-11
12. To minimize confusion, we recommend the use of a uniform acronym for Contra Costa County Flood Control and Water Conservation District in this environmental document. 4-12

Steve Bachman
December 8, 2010
Page 3 of 3

As an example, on page 2-1, the acronym "CCCFCWD" was used; on page 2-2, "CCFCWCD"; and on page 2-88, "CCCFCFCD."

We recommend using the acronym "CCCFCWCD."

Thank you for giving us the opportunity to provide comments. Please contact me via e-mail at mcons@pw.cccounty.us or by phone at (925) 313-2283 if you have questions. Alternately, you may contact my manager, Teri Rie, at trie@pw.cccounty.us or by phone at (925) 313-2363.

Sincerely,



Mario Consolacion
Engineering Technician
Contra Costa County Flood Control
& Water Conservation District

MC:cw

G:\fldctl\CurDev\CITIES\Brentwood\Cowell Ranch & John Marsh State Historic Park\DEIR\tr.docx

c: P. Detjens, Flood Control
T. Jensen, Flood Control
T. Rie, Flood Control
K. Schuh-Garibay

↑
4-12

Letter 4 Response – Contra Costa County Flood Control and Water Conservation District (CCCFCWCD)

4-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. Maps 12 through 17 of the GP EIR are intended to show the general locations of proposed facilities; they do not illustrate the exact locations of proposed facilities. Siting of the proposed facilities, including trail alignments, will occur during project-level planning and will be subject to further environmental review under CEQA, including the appropriate site-specific environmental studies. Map 14 on page 3-21 of the GP and EIR, indicates a conceptual trail alignment across Marsh Creek Reservoir Dam and along public road rights-of-way that extend through the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD) property. This conceptual trail alignment is meant to indicate trail connections through the park. Actual trail alignments will be determined through development of a future Roads and Trails Management Plan that will occur subsequent to GP approval. No other facilities or improvements are proposed within the property owned by the CCCFCWCD.

As stated on page 3-51 of the GP and EIR, State Parks will identify regulatory requirements and permits needed for future Park actions and will communicate with the associated agency to prevent review delays. State Parks will coordinate with CCCFCWCD early in the planning process for site-specific projects, as needed.

As stated on page 2-98 of the GP and EIR, lands owned by CCCFCWCD will require close coordination. Page 3-51 of the GP and EIR, notes that State Parks will consult with the CCCFCWCD on any of their future proposals for reservoir expansion, dam upgrades, recreational use of the reservoir, and reservoir crossings to ensure compatibility with Park access and resource protection goals. The need for any specific land rights or permits will be determined during these consultations, and any necessary permits or easements will be obtained prior to implementation of specific projects, as necessary.

4-2: Please refer to the response to Comment 4-1. State Parks will coordinate with CCCFCWCD early in the planning process for site-specific projects, as needed. If any state park facilities would be constructed within the District's properties, they would be subject to the same operations, maintenance, and safety requirements as all other state park facilities, unless specifically determined otherwise as part of any agreements with CCCFCWCD.

4-3: Please refer to the response to Comment 4-1 and Master Response 1, Program-level Analysis and Facility Siting. As stated on page 3-51 of the GP and EIR, State Parks will identify regulatory requirements and permits needed for Park actions and communicate early with the associated agency to prevent review delays. State Parks will coordinate with CCCFCWCD and the State of California Department of Water Resources Division of Safety of Dams early in the planning process for any proposed trail alignment crossing Marsh Creek Reservoir Dam as needed.

4-4: The GP does not propose any Park improvements or facilities that would provide public access to Marsh Creek Reservoir or the reach of Marsh Creek that extends through CCCFCWCD

property. Therefore, implementation of the GP would not provide public access to areas within CCCFCWCD property where exposure to elevated levels of mercury may be possible.

- 4-5:** As stated in the response to Comment 4-4, the GP does not propose any Park improvements or facilities that would provide public access to Marsh Creek Reservoir or the upstream reach of Marsh Creek that extends through CCCFCWCD property. Therefore, implementation of the GP would not provide public access to areas within the CCCFCWCD's property where exposure to airborne spores that cause valley fever or other organisms that could cause sickness may cause a potential liability to CCCFCWCD.
- 4-6:** The appropriate maps in the GP and EIR have been revised to correctly identify the two parcels south of the Marsh Creek Reservoir and north of Camino Diablo Road as CCCFCWCD properties.
- 4-7:** Map 10, Biological Resources, presented on page 2-35 of the GP and EIR, presents the biological data for the Park that was available and obtained by AECOM biologists during preparation of the GP and EIR. The EIR provides documentation of the presence of burrowing owls on the site in Table 6 and in the text on page 2-49. Implementation of guidelines under Goal WLIFE 1, "Protect, conserve, and enhance existing native wildlife populations and their habitats", would lead to on-going natural resource surveys and mapping to document the location of populations and habitat.

The text on page 2-49 of the GP and EIR has been revised to note that evidence of burrowing owls has been observed around Marsh Creek Reservoir. Please refer to Chapter 4 of this document for the revised text.

- 4-8:** Please refer to the response to Comment 4-1 and Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity. The GP does not propose any facilities or activities that would interfere with CCCFCWCD's grazing lease agreement on CCCFCWCD property. Under the GP, grazing would be permitted to continue within the Park, consistent with State Parks policies on grazing, until a vegetation management plan and related cultural goals are established (see Goal VEG 4 and Goal AGREE 1). As stated on page 2-98 of the GP and EIR, lands owned by CCCFCWCD will require close coordination. State Parks will coordinate with CCCFCWCD early in the planning process for site-specific projects, as needed, and will ensure that proposed projects do not cause conflicts with existing leases CCCFCWCD has in place.
- 4-9:** As shown on Map 14, presented on page 3-21 of the GP and EIR, Preferred Alternative C proposes a conceptual trail alignment that would extend across the existing Marsh Creek Reservoir Dam and would follow the alignment of Marsh Creek Road south. As noted in response to Comment 4-1, this conceptual trail alignment is meant to indicate trail connections through the Park. Actual trail alignments will be determined through development of a future Roads and Trails Management Plan that will occur subsequent to general plan approval. If the levee is removed in the future, other trail alignments and trail connections would be considered. Please refer to the response to Comment 4-1 and Master

Response 1, Program-level Analysis and Facility Siting. Maps 12 through 17 of the GP and EIR are intended to show the general locations of proposed facilities only; they do not illustrate the exact locations of proposed facilities. Siting of the proposed facilities, including trail alignments, will occur during project-level planning and will be subject to further environmental review under CEQA, including the appropriate site-specific environmental studies. State Parks will coordinate closely with CCCFCWCD during future Park planning efforts to ensure that any proposed projects or facilities will not adversely affect CCCFCWCD's plans for management and operations of its facilities.

- 4-10:** Please refer to the response to Comment 4-1. State Parks will coordinate closely with CCCFCWCD during future Park planning efforts, including the location of trail alignments that extend through and near CCCFCWCD property. Safety considerations near the emergency spillway will be considered during project-level planning and environmental review, as needed.
- 4-11:** State Parks will coordinate closely with CCCFCWCD during future Park planning efforts to ensure that Park management actions (including dog management) will not be in conflict with CCCFCWCD's restoration goals for its properties.
- 4-12:** The Final GP/EIR will use the acronym CCCFCWCD when referring to the Contra Costa County Flood Control and Water Conservation District.

From: Mario Consolacion [mailto:mcons@pw.cccounty.us]
Sent: Thursday, December 09, 2010 4:33 PM
To: Bachman, Stephen
Cc: Teri Rie; Tim Jensen
Subject: Draft EIR for the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan

Mr. Bachman,

We would like add the following comment on the Draft EIR:

In areas of the State Park where Contra Costa County Flood Control and Water Conservation District (District) has flowage easement or other types of easement, an encroachment permit from the District is needed for the construction of the park improvements within those easement areas.

5-1

Thank you

Mario A. Consolacion
Contra Costa County Flood Control and Water Conservation District
Contra Costa County Public Works Department
(925) 313-2283

Letter 5 Response – Contra Costa County Flood Control and Water Conservation District (CCCFCWCD)

5-1: State Parks acknowledges the presence of a flowage easement, as noted on Map 3, Existing Land Use, on page 2-3 of the GP and EIR. As stated on page 3-51 of the GP and EIR, State Parks will identify regulatory requirements and permits needed for Park actions and will communicate early with the associated agency to prevent review delays. State Parks will coordinate with CCCFCWCD early in the planning process for site-specific projects, as needed. Please also refer to the response to Comment 4-1.

As stated on page 2-98 of the GP and EIR, lands owned by CCCFCWCD will require close coordination. As stated in the fifth guideline for Goal COOP 1 on page 3-51 of the GP and EIR, State Parks will consult with CCCFCWCD on proposals for reservoir expansion, dam upgrades, recreational use of the reservoir, and reservoir crossings to ensure compatibility with Park access and resource protection goals. If the need for any specific permits is identified during early coordination with CCCFCWCD, these permits will be obtained prior to project implementation.



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East Bay
Regional Park District

December 9, 2010

Mr. Steve Bachman
Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Sent via e-mail to
sbachman@parks.ca.gov
on December 9, 2010

RE: Cowell Ranch/John Marsh State Historic Park General Plan DEIR – East Bay Regional Park District Comments (Round Valley Regional Preserve)

Dear Mr. Bachman:

Thank you for providing East Bay Regional Park District ("District") with a copy of the DEIR for the Cowell Ranch/John Marsh State Historic Park ("Cowell Ranch") General Plan. The District has a long term commitment to protecting and maintaining open space in the area and providing public access and recreation opportunities. We operate parks that surround Cowell Ranch, including Round Valley, Morgan Territory, Black Diamond Mines and Vasco Caves Regional Preserves. We also operate Regional Trails in the area and are a partner of the East Contra Costa County Habitat Conservation Plan (HCP/NCCP) and share the Plan's vision to protect special status species.

Our primary interests are with the General Plan's policies regarding Regional Trails, grazing, and regional habitat conservation. We have the following comments for consideration under the California Environmental Quality Act for the project:

Regional Trail Connections - The DEIR project description and General Plan should place a high priority and include additional project detail for establishing the Round Valley to Black Diamond Mines and Round Valley to Marsh Creek Regional Trail connections. The General Plan should recognize that the recreational value of integrating Cowell Ranch into the Regional Trail network could provide immediate recreational value to the public versus more intensive facilities and programs identified in the plan. General Plan policies and DEIR analysis should be developed to facilitate completion of the Regional Trail connections at Cowell Ranch. We have the following comments as they relate to trails:

6-1

- 1. The DEIR should analyze impacts of Regional Trail connections through Cowell Ranch. The programmatic nature of the DEIR should cover this level of detail given the certainty of the connection points needed to complete the trail through Cowell Ranch,

6-2

Board of Directors

Doug Siden President Ward 4	Beverly Lane Vice-President Ward 6	Carol Severin Treasurer Ward 3	John Sutter Secretary Ward 2	Whitney Dotson Ward 1	Ted Radke Ward 7	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
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relatively uniform land cover and foreseeable impacts associated with multi-use trails. These connections are also schematically shown and supported in our 2007 Master Plan update.

6-2

The District has an interest in timely completion of Regional Trails through Cowell Ranch and may be interested in assisting State Parks in the completion of these connections. To help facilitate this process, the General Plan should allow for interim use of the park for Regional Trail connections.

2. The Natural Resources Management goal to avoid trail crossings over springs and riparian corridors (DEIR p. 3-39) and identification of bridges as the only way for making these crossings may be cost prohibitive. Without meaningful justification for a bridge, this policy could unnecessarily constrain the construction of critical trail connections. There are numerous examples of trails in the area that use at-grade riparian corridor crossings that do not adversely impact water quality and biological resources. Such examples can be found at Round Valley Regional Preserve and Black Diamond Mines Regional Preserve.

6-3

Given the perennial nature and sensitive habitat associated with Marsh Creek, it is foreseeable that at least one bridge crossing may be needed to complete the Round Valley to Marsh Creek trail. The DEIR suggests two trail crossings over Marsh Creek where bridges may be appropriate. These essential park improvements should be included in the DEIR project description along with appropriate impact analysis based on the preferred alternative schematic trail alignments and other pertinent data available from impact analysis categories of the DEIR.

3. Regional Trail connections and public access to and from Cowell Ranch will need safe road crossings. It is appropriate that multi-use trail user safety at these crossings be analyzed at the program EIR level given the availability of schematic alignments of road crossings at Deer Valley Road for the East Bay Regional Park District Round Valley to Black Diamond Mines trail; and Marsh Creek Road for connecting Cowell Ranch to Round Valley staging area and the proposed State Parks "Round Valley Operations" facilities included in the preferred alternative on the south side of Marsh Creek Road. These crossings should be described in the project description and included in the impact analysis section of the DEIR.

6-4

Field observations of Marsh Creek Road at Round Valley suggest that site distance, vehicle speed and traffic volume should be carefully examined at this location given the proposed inter-related park programs on both sides of the Road. The ranger station and maintenance yard proposed at the Round Valley Operations Zone (South side, EBRPD side of Marsh Creek Road) could foreseeably cause an increase in park users and park workers crossing Marsh Creek Road from the Visitor Facility to the north. Should analysis of safe north-south crossing of Marsh Creek Road indicate a bridge over-crossing is needed for safety, the DEIR should analyze the environmental impacts of constructing a bridge at this location.

6-5

Grazing - The General Plan and DEIR indicate that grazing will be a permitted land use on an interim basis until a vegetation management plan is established. Given that Cowell Ranch supports numerous plant and animal species that are dependent upon well managed grasslands and that grazing is the primary tool for maintaining grassland habitats, we recommend that grazing be elevated from "interim" to "permanent" status in the General Plan. The General Plan and DEIR does not provide sufficient rationale or analysis to warrant allowing prohibition of grazing in the future. Attached Exhibit I, incorporated and referenced herein, prepared by Doug Bell, Ph.D., the District's Wildlife Program Manager, explains how such a significant change in vegetation management practice presents a potentially significant impact on special status species and cumulatively significant impacts on regional biological diversity.

6-6

East Contra Costa County HCP (HCP/NCCP) - Compatibility of park improvements and park uses with the HCP/NCCP will help ensure regional species conservation is not adversely impacted. The DEIR analysis should elaborate on how the project may be consistent with the HCP/NCCP conservation strategy and conditions on covered activities. Wildlife corridor information referred to in Natural Resources Goal WLIFE 4 (DEIR, p. 3-38) is available in the HCP/NCCP and should be included in this analysis. Potential regional species conservation impacts should be analyzed for the proposed Visitor Facility Zone at Briones Valley – a key wildlife corridor identified in the HCP/NCCP. Including this analysis may help expedite permitting should State Parks qualify for permit coverage under the HCP/NCCP as a "Participating Special Entity" (HCP/NCCP, p. 8-16).

6-7

Other- An existing group camp and picnic areas should be added to the description of Round Valley Regional Preserve (DEIR page 2-73).

6-8

The dry, hot climate associated with summer season in East Contra Costa County make water development an important amenity for park visitors. We recommend availability of potable water be added to DEIR Table 17 (Facility Site Selection Criteria), especially for trail heads, where possible.

As always, the District values the opportunity to work with State Parks on coordinating the management of public open space and development of parks, trails and recreation facilities. Thank you for the opportunity to comment on the DEIR and for State Park's consideration of our comments. We request a copy of any future CEQA notices and related documents as they become available. If you have any questions or comments, please contact me at (510) 544-2627.

Sincerely,



Chris Barton
Senior Planner

Attachment: Exhibit I - Justification For Permanent Grazing at Cowell Ranch, Doug Bell, Ph.D., November 30, 2010

November 30, 2010

Exhibit I

Justification for Permanent Grazing at Cowell Ranch

Doug Bell, Ph.D.
Wildlife Program Manager
EBRPD

Several lines of evidence from work carried out on EBRPD lands suggest that grazing can be used to enhance and maintain native vegetation and wildlife habitat.

The EBRPD has been funding an independent grassland monitoring project led by Professors James W. Bartolome and Reginald H. Barrett of U.C. Berkeley. Findings outlined in reports of the Grassland Monitoring Project (Bartolome and Barrett 2008) have shown that although weather and soil characteristics drive variation in native cover and plant species richness, cattle grazed plots in several parks had significantly greater native annual forb species richness and native cover than ungrazed plots. Thus, grazing can be an important tool for maintaining some aspects of the native vegetation. In addition, it appears to be necessary for maintaining the avian grassland guild. Four grassland guild bird species were monitored in conjunction with the U.C. Grassland Monitoring Project: grasshopper sparrow, savannah sparrow, horned lark and Western meadowlark. For 2004-2007, all four grassland species were primarily detected on livestock grazed plots and grasshopper sparrows showed a preference for livestock grazed areas versus ungrazed areas.

6-6a

Livestock grazing has been shown to be an integral component of a vegetation management program designed to control invasive plant species (EBRPD unpublished data; Davison et al. EB-0605).

In an extensive report on amphibian herpetofauna of the EBRPD (Bobzien and DiDonato 2007), livestock grazing was shown to contribute to maintaining open water pond habitat which is beneficial to both California red-legged frog and California tiger salamander. Livestock grazing is also important for maintaining ground squirrel burrows that both California red-legged frog and California tiger salamander rely upon, particularly in the latter species. In general grazing was shown to have either neutral or beneficial effects on the latter two species.

6-6b

The Beechy ground squirrel is a keystone species for grasslands and grazing contributes to the maintenance of ground squirrel colonies. At Vasco Caves, a large study plot that was taken out of grazing for more than five years has shown collapse of ground squirrel burrow complexes and desertion of the area (EBRPD Unpublished data). Ground squirrels supply food for a host of predators from rattlesnakes to raptors, and their

6-6c

burrows are inhabited by Burrowing owls, California red-legged frog and California tiger salamander. The presence of ground squirrels may be a necessary component for the San Joaquin kit fox in its Northern range in that the squirrel burrows supply denning sites, including escape dens, in the hard-packed clay soils (Orloff et al. 1986). Thus, maintaining ground squirrels in Briones Valley/Cowell Ranch through grazing management will assist in maintaining vital San Joaquin kit fox corridor habitat.

6-6c

Map 10- Biological Resources of the DEIR shows extensive distribution of California red-legged frog and California tiger salamander and Burrowing owls throughout Cowell Ranch. Map-10 indicates the presence of vernal pool fairy shrimp and California linderiella in various vernal pool complexes throughout the property. Note that grazing has been shown to increase inundation time for vernal pools and thus may be beneficial to supporting vernal pool fauna including species of fairy shrimp (Marty 2005). The DEIR lists vernal pool management as a wildlife (WLIFE) opportunity. Grazing should be an integral component of this management plan.

6-6d

The DEIR cites the potential to enhance raptor habitat and increase local populations as a WILFE opportunity. Grazing is integral to this goal. Results from a multiyear radiotelemetry study of the prairie falcon (see attached map EBRPD 2006-2008) show that this species will use grazed grasslands over ungrazed grasslands, that is, grasslands that support its primary prey species of ground squirrels and grassland birds. For example, the map shows that even though falcons may nest on Mt. Diablo State Park (ungrazed), they will forage on surrounding and distant grazed properties, both public and private. Three prairie falcons used the grassland habitats of Cowell Ranch from 2006-2008, with one falcon regularly flying over eight air miles from its nest on Mt. Diablo State Park to foraging grounds at Cowell Ranch. Given that the prairie falcon has declined in the SF Bay Area and that the wind turbines of the Altamont Pass Wind Resource Area (APWRA) represent an additional mortality factor for this species, proper grazing management of Cowell Ranch can provide significant habitat for the long term persistence of this species in the region. Similarly, Cowell Ranch provides habitat of both local and regional significance for the golden eagle. Three to four golden eagle territories include portions of Cowell Ranch (EBRPD unpublished data and Shea 2008) and the property may also serve as a sort of staging area for dispersing juveniles that take advantage of the ground squirrel prey base. The expansion of nearby Los Vaqueros Reservoir will impact several of these territories directly. By maintaining and possibly even expanding small mammal populations at Cowell Ranch through judicious grazing management, the effects of golden eagle territory loss on neighboring Los Vaqueros Reservoir may be partially offset. The region's golden eagle population faces a significant threat from the Altamont Pass Wind Resource Area: the fatality rate for golden eagles remains high enough to conclude that the existing conditions of the APWRA represent a population sink for the local breeding population of golden eagles (Hunt 2002, Hunt and Hunt 2006). Cowell Ranch, through prudent grazing management, can continue to offer foraging opportunities for golden eagles in a wind turbine free environment. The burrowing owl has been declining in the SF Bay Area at a rate of about 6% per year over the 1980s to early 1990s (DeSante et al. 2007), and the APWRA also represents a likely population sink for the burrowing owl (Smallwood et al.

6-6e

2007, 2009a,b). Thus, Cowell Ranch has the opportunity to continue to offer wind-turbine free foraging and nesting habitat for the burrowing owl if vegetation is maintained through grazing management.

6-6e

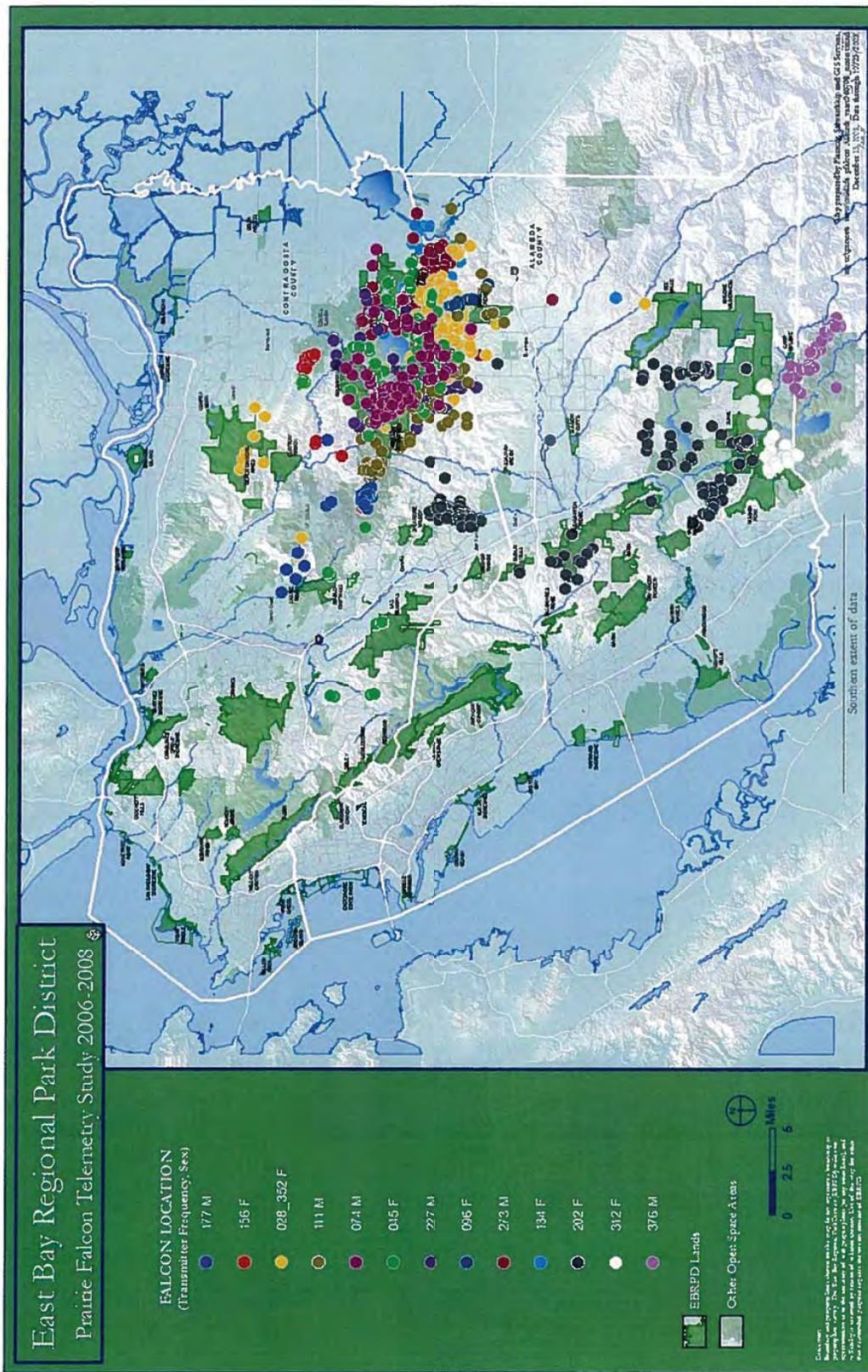
The EBRPD views ground squirrels as a healthy and necessary component of well managed grasslands and grazing of the grasslands at the scale of Cowell Ranch is the only practical way to maintain vegetation.

6-6f

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<http://www.energy.ca.gov/2008publications/CEC-500-2008-080/CEC-500-2008-080.PDF>



Letter 6 Response – East Bay Regional Park District (EBRPD)

- 6-1:** The GP and EIR recognize the importance of integrating the Park into the regional trail network, and the importance of strategic partnerships with key agencies such as East Bay Regional Park District (EBRPD). There are possibilities to have interim use for regional trail connections. As stated on page 3-3 of the GP and EIR, the Park will be integral in the regional open space network connecting the City of Brentwood with surrounding parklands. Visitors of all abilities will also have access to other areas of the Park via staging areas that will connect key regional trail corridors with remote areas of the Park.

As stated in the guidelines under Goal TRAIL 2 on page 3-27 of the GP and EIR, Park management will explore the best locations for linking to adjacent lands such as the Round Valley Regional Preserve, Los Vaqueros Watershed, and existing and proposed regional trails, such as the Marsh Creek Trail and Diablo Trail. As stated on page 2-101 of the GP and EIR, Park management will partner with EBRPD and the City of Brentwood to develop regional trail connections. Future management and operations of the Park and successful Park programming will require strategic partnerships with key agencies that have a stake in Park planning and implementation.

As stated on page 3-46 of the GP and EIR, Park management will develop a comprehensive transportation improvement plan as part of the Park's Roads and Trails Management Plan to explore the optimum safety and design solutions that will provide access throughout the Park while minimizing impacts to natural and cultural resources and the visual character of the Park. State Parks will work closely with EBRPD and other agencies and organizations during development of this management plan and future planning to ensure that regional goals for access and trail connections are incorporated.

- 6-2:** State Parks appreciates EBRPD's interest in assisting in the development of regional trail connections within the Park. State Parks will work closely with EBRPD and other agencies and organizations to explore the best locations for linking to adjacent lands such as the Round Valley Regional Preserve, Los Vaqueros Watershed, and existing and proposed regional trails, such as the Marsh Creek Trail and Diablo Trail. Interim use of the Park for regional trail connections may be possible. Please also refer to the response to Comment 6-1.

As stated on page 3-46 of the GP and EIR, Park management will develop a future Park's Roads and Trails Management Plan to explore the optimum safety and design solutions that will provide access throughout the Park while minimizing impacts to natural and cultural resources and the visual character of the Park. Goals TRAIL 1 through TRAIL 3 on page 3-27 of the GP and EIR provide guidance on trail connections, design, potential locations and management. State Parks will work closely with EBRPD and other agencies and organizations during development of this plan.

Please also refer to Master Response 1, Program-level Analysis and Facility Siting. Detailed planning of trail alignments and related facilities will be conducted as specific projects are identified and moved forward for project-level planning. Projects implemented under the GP

will be subject to further CEQA review. Interim use of the Park for regional trail connections would require site specific planning to ensure the use would be allowable under the GP and would be consistent with resource management goals.

6-3: The guideline under Goal WATER 1 to avoid trail crossings over springs or riparian corridors and to limit bridge construction only where essential and practicable is intended to prevent degradation of the Park's wetlands and other watercourses. At-grade riparian corridor crossings similar to those at Round Valley Regional Preserve and Black Diamond Mines Regional Preserve that do not involve bridge construction could be evaluated for use in the Park. Please refer to the response to Comment 6-2. State Parks will work closely with key agencies such as EBRPD to complete regional trail connections within the Park during development of the Park's Roads and Trails Management Plan. The identification of specific bridge locations and associated impact analysis are beyond the scope of the GP and would be addressed in the Roads and Trails Management Plan or as part of a project specific planning effort following adoption of the GP.

6-4: As stated on page 3-46 of the GP and EIR, Goal ACCESS 4 is to provide well-defined visitor access and use areas with clear signage. A comprehensive transportation improvement plan, a component of the Park's Roads and Trails Management Plan, will explore the optimum safety and design solutions that will provide access throughout the Park while minimizing impacts to natural and cultural resources and the visual character of the Park. As stated on page 2-98 of the GP and EIR, the existing lease that EBRPD holds for the Round Valley staging area requires coordination for future management of this area and opportunities for expanded visitor use. The identification of specific road crossings and other features and associated impact analysis are beyond the scope of the GP and EIR.

6-5: Please refer to the response to Comment 6-4.

Please refer to Master Response 1, Program-level Analysis and Facility Siting. Detailed evaluation and planning of trail alignments, safe road crossings (including bridges) and related facilities and associated impact analysis will be conducted as part of a road and trail management plan and as specific projects are identified for project-level planning and environmental review. Detailed analysis is beyond the scope of this GP and EIR.

6-6: Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.

6-7: Please refer to Master Response 1, Program-level Analysis and Facility Siting. A detailed analysis is not appropriate for a Program EIR. It is anticipated that in-depth analysis will be conducted in later project-specific CEQA documentation at the time that particular projects are planned. As noted by the commenter and as stated on pages 3-34 and 3-38 of the GP and EIR, State Parks will cooperate with regional conservation plans and policies, including the ECCCHCP/NCCP so long as such programs are consistent with the Park's natural resources goals.

The GP includes goals to protect, conserve, and enhance existing native wildlife populations and their habitats; protect, conserve, and enhance ecosystems that provide important wildlife habitat values; manage the Park's wildlife habitats for the protection and perpetuation of special-status wildlife species; and preserve the biodiversity and genetic integrity of local wildlife populations, where possible (Goals WLIFE 1 through WLIFE 4 on pages 3-36 to 3-38 of the GP and EIR). Goal WLIFE 4, in particular, aims to preserve the biodiversity and genetic integrity of local wildlife populations, and the associated guidelines emphasize cooperation and use of the ECCCHCP/NCCP specifically for preservation and/or enhancement of existing wildlife corridors, as noted:

- Utilize the East Contra Costa County HCP/NCCP to assist in identification and mapping of existing wildlife corridors and explore opportunities to enhance wildlife corridors.
- Ensure that new facilities, land uses, and management activities avoid habitat fragmentation and comply with local, State, and federal regulations when applicable.
- Cooperate with regional conservation plans and policies, including the East Contra Costa County HCP/NCCP when such programs are consistent with [the] Park's resources goals.

6-8: The text on page 2-73 of the GP and EIR has been revised to indicate that an existing group camp and picnic areas are located within the Round Valley Regional Preserve.

Table 17, Facility Site Selection Criteria, presented on page 3-33 of the GP and EIR, has been revised to include availability of potable water as a site selection criterion.

Please refer to Chapter 4 of this document to see the specific text revisions.

Attachment to Comment Letter 6

The following responses relate to Exhibit 1 of the comment letter provided by EBRPD in support of Comment 6-6. They were provided by Doug Bell, Ph.D., Wildlife Program Manager, EBRPD.

6-6a: Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity. As a resource management tool, grazing would be evaluated as part of a variety of tools and actions that could be used to establish effective and appropriate methods for Park vegetation management. According to the GP and EIR, grazing would be permitted to continue until a vegetation management plan is developed (see Goal AGREE 1). The vegetation management plan will consider recent research on grazing as a vegetation management tool, including the study cited by the commenter.

6-6b: This comment regarding the beneficial effects of grazing is noted. Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity and the response to Comment 6-6a.

6-6c: Please refer to the response to Comment 6-6a. The GP and EIR recognizes the importance of ground squirrels. As stated on page 3-37 of the GP and EIR, in the guidelines for Goal WLIFE 2, the GP will promote ground squirrel populations to support predator populations and other burrow-associated wildlife species, where compatible with other management goals.

As stated on page 4-24 of the GP and EIR, disturbance or declines in ground squirrels, which provide prey for a host of special-status bird species including burrowing owl, Swainson's hawk and northern harrier, or their burrows, which are used for aestivation habitat for California tiger salamanders and California red-legged frog, as well as nesting and sheltering habitat for burrowing owls, could adversely affect local populations. Kit fox denning sites have been added as an additional benefit of healthy ground squirrel populations. Please refer to Chapter 4 of this document for the specific text revisions.

6-6d: Management of vernal pools, and supporting fauna, is an important consideration, as noted in the second guideline under Goal VEG 1 on page 3-34 of the GP and EIR: "Identify tools and techniques, ...to manage unique communities, including vernal pools, alkali sink scrub, and native grasslands." Please refer to the response to Comment 6-9.

6-6e: Please refer to the response to Comment 6-6a.

6-6f: Please refer to the response to Comment 6-6c regarding ground squirrels and Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.



United States Department of the Interior

BUREAU OF RECLAMATION
 Mid-Pacific Regional Office
 2800 Cottage Way
 Sacramento, California 95825-1898

IN REPLY
 REFER TO:
 MP-152
 ENV-7.00

DEC 09 2010

Mr. Steve Bachman
 Acting District Superintendent
 Diablo Vista District
 California Department of Parks and Recreation
 845 Casa Grande Road
 Petaluma, CA 94954

Subject: Cowell Ranch/John Marsh State Historic Park Preliminary General Plan and Draft Environmental Impact Report and Cowell Ranch Grant Agreement, 02FG200136

Dear Mr. Bachman:

Included below are comments from the U.S. Department of the Interior, Bureau of Reclamation's Central Valley Project Conservation Program (CVPCP) regarding the Cowell Ranch/John Marsh State Historic Park (the Park) Preliminary General Plan and Draft Environmental Impact Report (Plan). The CVPCP maintains an ongoing interest in the management and conservation of the natural resources at the Park, particularly federally listed species and habitats which have been or continue to be impacted by the Central Valley Project (CVP).

The CVPCP provided \$495,000 to the Trust for Public Land (TPL) in 2002 to help acquire Cowell Ranch for California State Parks. Under the provisions of Reclamation's financial assistance agreement 02FG200136, the stated purpose of the acquisition was for the conservation and protection of the biological resources on the property including vernal pools and other habitat types. TPL acquired the balance of the approximately \$13 million purchase price of Cowell Ranch from other agencies and private sources, and ultimately conveyed title of the ranch to State Parks.

The proposed actions in the Plan have bearing on the subject grant issued by Reclamation. Pursuant to the objectives of Reclamation's CVPCP, funds were directed to purchase Cowell Ranch in order to protect habitats and species impacted by the CVP. These include riparian, vernal pools, oak woodlands, valley sink/alkali scrub, and grasslands supporting listed species such as the California tiger salamander, and others. Accordingly, any actions on the acquired property that might compromise protection of these habitats would be considered in conflict with the grant's original intent.

Additionally, under specific provisions of the subject grant, an ongoing responsibility of Reclamation's CVPCP is to ensure that the property is being effectively managed to benefit its natural resources and contribute to the recovery of CVP-impacted species and habitats on the subject property. Although the subject grant agreement was for the purchase of the approximately

7-1

3,650-acre ranch, the CVPCP’s primary interests are in the 2,204 acres identified as the Natural Resource Management Zone (NRMZ) on page 3-6 of the Plan. Per page 3-14, the purpose of the NRMZ is to protect and enhance sensitive natural resources of the Park, including Briones Valley and the Eastern Hills. These two areas have the highest concentration of CVP-impacted species in the Park and are of greatest interest and concern to the CVPCP.

7-1

There are key issues of concern to the CVPCP in the Plan. They include the preferred alternative, grazing and grazing infrastructure, and the acknowledgment and protection of valley sink scrub as an important habitat. Other points of emphasis follow these.

Preferred Alternative

The CVPCP recommends against adoption of the Preferred Alternative (C), and in favor of Alternative B, especially regarding the number and location of new visitors’ facilities. Alternative B calls for the construction of two new visitors’ facilities, compared to the construction of four new facilities under Alternative C. The two facilities included in Alternative C of greatest concern to the CVPCP, the Briones Valley and Dry Creek facilities, are those nearest the sensitive species habitats that constitute the CVPCP’s primary purpose for funding the Cowell Ranch acquisition. Constructing the two additional visitors’ facilities under Alternative C will promote extensive public use of Briones Valley with associated direct, indirect, and cumulative impacts to sensitive species, including federally listed species that the CVPCP primarily intended to protect with its acquisition funding.

7-2

The intent of Alternative C is to promote greater public use of the NRMZ than would Alternative B. The purpose of the CVPCP grant for the acquisition of the ranch was to protect CVP-impacted species, not to promote public use. As such, we expect the management and protection of sensitive habitats and species in the NRMZ to take precedence over other uses, including public recreation. In terms of sensitive species habitats and the increased public use that adoption of Alternative C would induce, the CVPCP contends that Alternative C is more likely to cause negative environmental effects to special-status species and their habitats than would Alternative B. The discussion concerning natural resource management at the top of page 4-11 confirms our contention that Alternative B would be more compatible with sensitive species protection and management by its acknowledgement that “only hiking would be allowed in the Briones Valley area under Alternative B, as compared to Alternative C where multiple uses would be allowed on trails through the Valley.”

Grazing

The Plan’s approach to grazing as presented on page 2-52 is incomplete regarding information on the extent of grazing and the approach for maximizing the benefits of grazing in the Park. The Plan states that the Park will be grazed, but makes no reference as to how and to what extent. The use of properly managed grazing as a vegetation management tool is critical to the health of the vernal pools. More grazing infrastructure is needed in the Park, including additional fencing and off-site water, to properly manage native and sensitive species in the vernal pools. However, there is no acknowledgment of that need in the Plan. It states that grazing benefits vernal pools, yet per stated Park policy, grazing is appropriate only as necessary for a specific natural resource restoration purpose, or when it is a necessary component to an acquisition agreement. Both of those stipulations are applicable to the intent of the CVPCP agreement. Furthermore, invasive species management is imperative to maintaining special-status species habitats at the Park, and grazing is the most practical

7-3

tool to accomplish that as well. In addition to managed grazing, the CVPCP also recommends installation of improved grazing infrastructure to allow for better management and control of grazing for vegetation management.

↑ 7-3

The Plan states that there are legal agreements with entities which may limit where new uses or facilities can take place, and may require future staff coordination to maintain the agreements. The agreement through which Reclamation provided funds that led to the purchase of the ranch for State Parks is such an agreement. Appendix B of the Plan summarizes the constraints that exist through the CVPCP agreement including: (1) contribute to the maintenance and recovery of wetland-grassland-vernal pool and riparian systems and associated native species; (2) appropriate measures to avoid and minimize conflicts with listed species; and (3) allowance for control of nonnative species that may have a detrimental impact on management of native species. To accommodate these constraints and the stated purpose of Reclamation’s CVPCP grant, the use of grazing and additional infrastructure for vegetation management at Cowell Ranch and the limitation of public use in areas of sensitive habitats and species is necessary and appropriate management.

7-4

Grazing is a critical component to maintaining the productivity of the vernal pools, ponds, and other habitats and vegetative communities in the Park. However, grazing programs in public use areas inevitably result in human-cattle conflicts. Construction of the Briones Valley Visitor’s Center in particular would be problematic in this regard, and is further justification for not promoting public use within the NRMZ.

7-5

Valley Sink Scrub Habitat

The CVPCP has established alkali sink and sink scrub habitats as high to very high program priorities due to the extent of loss and degradation of those habitats in the Central Valley. The presence of valley sink scrub in the Park is acknowledged in the Plan, but mostly as a component of alkali grassland and it is not identified as a sensitive habitat (Page 2-51). The Plan documents the presence of three alkali scrub sensitive species in the Park, however it does not establish the importance or uniqueness of sink habitats nor does it provide for the protection or enhancement of those vegetation communities in the Park. Alternative C’s proposed Briones Valley and Dry Creek Visitors’ Centers in particular are of concern due to potential conflicts between public use and the protection of sensitive plant species associated with sink habitats. It is important that the selected Plan alternative considers the protection and management of alkali sink areas due to their rarity within, and in the vicinity of, the Park.

7-6

Other points in the Plan that we wish to emphasize include:

Trails

Page 2-87 of the Plan describes an opportunity for the John Marsh House to be a focal area for public use at the Park. The CVPCP recommends this as it would foster the protection and management of sensitive habitats and species by limiting public use in those areas. Per the constraint listed on that page, “Facility planning should take into consideration the need to balance visitor needs with resource protection and minimize impacts to natural and cultural resources within the Park.” One realization of that would be (per Map 14) to not include the portion of the proposed trail that would extend to and from the area of the proposed Briones Valley Visitor’s Center. That trail would traverse through the area of greatest concentrations of sensitive species habitats in the Park and

7-7 ↓

would induce impacts to those habitats and species. No access to that section of the proposed trail should be provided either to or from Deer Valley Road, and existing unimproved trails in the area should not be improved to promote public use. Preferably, any semblance of trail through western Briones Valley would be decommissioned so as not to entice the public to use the area. One of the constraints described on page 2-90 is that “sensitive biological communities may limit areas that can be made accessible.”

7-7

Public Education and Outreach

Under Resource Goals for the NRMZ on page 3-14, the Plan describes how development in the NRMZ will be managed to avoid visitor overuse and to protect wildlife. These statements run counter to the goal of promoting public access to the NRMZ from the Briones Valley and Dry Creek Visitors’ facilities, and provide justification for limiting public access to the area. The CVPCP supports the Park’s desire to “connect visitors with the reason that certain areas are special” (page 3-3), but such education can be accomplished in the area of the John Marsh House and other high use areas without attracting the public to the detriment of those sensitive areas. Encouraging bicyclists and equestrians to explore Briones Valley (page 3-4) is particularly disconcerting and runs counter to the protection and management of sensitive habitats. The CVPCP recognizes the value of educating the public about federally listed and other special-status species and their habitats and supports the intent of the Plan to educate the public about those special places. It is not our intent that the Park completely exclude the public from those areas. As at other sensitive vernal pool properties, we recommend the use of limited public field days, docent led tours, and other programs to provide an opportunity for the public to experience the unique and sensitive habitats and vegetation communities in the Park, but in a properly controlled setting to avoid adverse impacts.

7-8

The CVPCP concurs with the following statements from the Plan and recommends their adoption, along with some additional suggestions:

7-9

- Wildlife corridors be mapped to minimize or avoid developing trails that bisect these corridors or fragment habitats (page 3-27).
- Information on listed species in the Park needs updating and confirmation (page 2-91). The CVPCP recommends wildlife surveys for San Joaquin kit fox, and listed species in the valley sink scrub habitat.
- Before the construction of facilities and trails, survey site-specific areas for the presence of special-status species to avoid and minimize adverse impacts to wildlife and habitat (page 3-38).
- There are opportunities in the Park to rehabilitate and restore unique vegetation communities and plant species. A vernal pool management plan is needed to guide the maintenance of sensitive species, hydrology, and vegetative diversity (Page 2-92). A vernal pool management plan should also include grazing guidelines and infrastructure recommendations.
- The CVPCP supports the guidelines under Goal (VEG 2) on page 3-35. We recommend the inclusion of an additional guideline that would read: Avoid or reduce conflicts between special-status species, their management, and public use.

7-10

7-11

7-12

- On page 2-99 the Plan identifies a potential constraint that the flowage easement adjacent to Marsh Creek Reservoir may limit use of the area and should be considered in future Plan implementation. The area of the flowage easement contains vernal pools, California tiger salamanders, and alkali scrub habitat. The presence of these sensitive habitats and species provides additional justification for limiting public use of the flowage easement area. 7-13
- The CVPCP supports the Plan's call for efforts to control exotic animal populations (e.g., bullfrogs) in areas where they threaten native populations. We recommend that such efforts be expanded to include invasive plant species that threaten native plant communities and special-status species. Of particular concern to the CVPCP are annual grasses affecting vernal pools and nonnative plants that may be impacting rare alkali scrub. The CVPCP further requests careful evaluation of potential impacts on native amphibians before removing existing stock ponds. 7-14
- Per Table 18 on page 3-57 of the Draft EIR, the proposed management approach to addressing carrying capacity is to close areas during sensitive wildlife breeding/nesting seasons. For special-status species in the Briones Valley, that would be in spring. It will be extremely difficult to achieve that management goal if trails are established in areas supporting special-status species habitats, providing further justification for limiting public use of those areas. 7-15

The CVPCP appreciates the opportunity to review these documents and looks forward to your responses to these comments. The CVPCP wishes to continue to be afforded the opportunity to review and comment on related Park document(s) and proposed mitigation measures while in draft form. Please send these document(s) to me at the above address. If you have any questions, please contact me at 916- 978-5052.

Sincerely,



Daniel Strait
Manager, CVPCP

Letter 7 Response – U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Regional Office, Central Valley Project Conservation Program (CVPCP)

- 7-1:** State Parks recognizes and appreciates the U.S. Department of the Interior, Bureau of Reclamation’s Central Valley Project Conservation Program’s (CVPCP) role in assisting the Trust for Public Land, and ultimately State Parks, acquire Cowell Ranch. This comment does not require an additional response related to the GP and EIR.

The GP includes goals to protect, conserve, and enhance existing native wildlife populations and their habitats; protect, conserve, and enhance ecosystems that provide important wildlife habitat values; manage the Park’s wildlife habitats for the protection and perpetuation of special-status wildlife species; and preserve the biodiversity and genetic integrity of local wildlife populations, where possible (Goals WLIFE 1 through WLIFE 4 on pages 3-36 to 3-38 of the GP and EIR). Goals VEG 1 and VEG 2 on pages 3-34 and 3-35 of the GP and EIR emphasize that the Park will protect, maintain, and where appropriate, restore locally and regionally important native plant communities and will manage special-status plants and sensitive plant communities for habitat enhancement and protection of special-status species. As stated on pages 3-34 and 3-38 of the GP and EIR, State Parks will cooperate with regional conservation plans and policies, including the ECCCHCP/NCCP so long as such programs are consistent with the Park’s natural resources goals.

As stated on page 3-14 of the GP and EIR and as noted by the commenter, the purpose of the Natural Resource Zone is to protect and enhance the sensitive natural resources of the Park, including the riparian corridor along Marsh Creek, Briones Valley and associated habitats, and the hills to the east. Page 3-14 also states that land management activities should reduce invasive species, protect and restore native vegetation, protect wildlife, and help communicate to Park visitors the importance and value of the natural resources contained within this zone.

- 7-2:** State Parks notes CVPCP’s interest and concern in the Briones Valley, which contains sensitive natural resources. Please refer to Master Response 1, Program-level Analysis and Facility Siting. As indicated on Map 14, page 3-21 of the GP and EIR, the proposed visitor facilities in the Briones Valley Visitor Facility Zone are limited to a small parking and staging area, day use, vault toilets and an interpretive station. The location of these proposed visitor facilities has not been identified. Siting of proposed trails and other visitor facilities will occur during project-level planning and will be subject to further environmental review under CEQA.

As noted in the response to Comment 7-1, the GP and EIR contains numerous goals and guidelines that will provide for the protection of sensitive species and habitats. Implementation of the GP and associated management of Park resources and visitor use are expected to provide benefits to resource protection and visitor use, reflecting the dual mandate in the mission of California State Parks to “preserve the State’s extraordinary

biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.”

- 7-3:** As noted on page 2-52 of the GP and EIR, grazing has occurred on the property for many years and the effects of grazing on vegetation communities and wildlife habitat, including vernal pools, is recognized. A guideline associated with Goal VEG 1 on page 3-34 of the GP and EIR directs the Park to “identify tools and techniques... to manage unique communities, including vernal pools, alkali sink scrub, and native grasslands.” Goal VEG 4 and associated guidelines on page 3-36 of the GP and EIR emphasize the need to evaluate the use of native grassland management tools, including grazing, and their beneficial or detrimental effects to native species and wetland resources (including vernal pools) as part of an overall Park vegetation management plan. This comprehensive vegetation management plan would be prepared subsequent to general plan approval.

A guideline has been added to Goal VEG 4 on page 3-36 of the GP and EIR with regard to grazing as a vegetation management tool. Please refer to Chapter 4 of this document for the revised text.

Goal VEG 3 and associated guidelines presented on page 3-35 of the GP and EIR address invasive species management. The second guideline under Goal VEG 3 calls for preparation of a management plan to manage and remove invasive species from the Park. As stated in the second guideline under Goal AGREE 1 on page 3-47, Park management will evaluate the use of grazing as a grassland management tool as part of an overall Park vegetation/ecosystem management plan, consistent with State Parks policies on livestock grazing.

- 7-4:** State Parks acknowledges the constraints outlined in the CVPCP agreement, which is presented in Appendix B to the GP and EIR. The Preferred Alternative (Alternative C) presented in the GP is consistent with this agreement.

As stated in the response to Comment 7-3, the second guideline under Goal AGREE 1 on page 3-47 of the GP and EIR states that the use of grazing as a grassland management tool as part of an overall Park vegetation/ecosystem management plan will be evaluated, consistent with State Parks policies on livestock grazing. As stated on page 3-15, grazing is permitted to continue until a vegetation management plan and related cultural goals are established.

As stated on page 3-14 of the GP and EIR, “the purpose of the NR [Natural Resource] Zone is to protect and enhance the sensitive natural resources of the Park, including the riparian corridor along Marsh Creek, Briones Valley and associated habitats, and the hills to the east. The intent of the zone is to protect and manage natural resources to, where feasible, restore a landscape that is largely similar to what existed when Native California Indians lived here, while also allowing visitors to access and enjoy these resources. Therefore, extensive developed facilities are not appropriate in this zone, but rather low-impact facilities that provide for visitor enjoyment with minimal disruption to the natural environment.”

Page 3-14 also states that “future development within the NR Zone will be carefully sited to avoid disturbance to sensitive habitats and species and minimize alterations to the surrounding natural environment and ecosystem functioning. Placement and size of visitor uses, primarily trails and interpretive information, will be planned to minimize encroachment of the regional wildlife corridor.”

In summary, grazing will continue within the Park until a vegetation management plan is prepared for the Park and may continue after that as a recommended vegetation management tool. Public uses within the Natural Resource Management Zone will be restricted to protect sensitive habitats and species.

- 7-5:** Please refer to Master Response 1, Program-level Analysis and Facility Siting and Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity. The GP does not propose a Briones Valley Visitor Center. Map 14, presented on page 3-21 of the GP and EIR, indicates that there are minimal visitor facilities proposed for this area.

As a resource management tool, grazing would be evaluated as part of a variety of tools and actions that could be used to establish effective and appropriate methods for Park vegetation management in the Natural Resource Zone. Grazing would be permitted to continue, consistent with State Parks policies on grazing, until a vegetation management plan is developed (see Goal AGREE 1). If grazing were to become a permanent management tool in the Park in areas used by the public, Park management would develop management techniques to avoid human-cattle conflicts.

- 7-6:** While valley sink scrub habitat is not identified as a sensitive habitat on page 2-51 of the GP and EIR, it is identified as one of several habitat types that provide for a variety of wildlife and plant species, including special-status species (page 3-14). Valley sink scrub habitat is identified as a sensitive biological resource on page 2-35, Map 10, Biological Resources of the GP and EIR. In addition, the second guideline under Goal VEG 1 on page 3-34 identifies alkali scrub habitat as a unique vegetation community. The Natural Resource Management Goals (VEG 1 through VEG 4) state that the Park will protect, maintain, manage, and where appropriate, restore, locally and regionally important and sensitive native plant communities, which includes this habitat.

- 7-7:** The commenter is correct that sensitive biological resources are located within the Briones Valley, and this has been recognized in the GP and EIR. As noted by the commenter, page 2-87 of the GP and EIR states that facility planning should take into consideration the need to balance visitor needs with resource protection and minimize impacts to natural and cultural resources within the Park. As stated on page 3-14 of the GP and EIR, future development within the Natural Resource (NR) Zone, which includes the Briones Valley, will be carefully sited to avoid disturbance to sensitive habitats and species and minimize alterations to the surrounding natural environment and ecosystem functioning. It should be noted that State Parks has a dual mission of resource protection and providing access for recreation. Careful siting and management of facilities can accommodate both actions.

Please refer to Master Response 1, Program-level Analysis and Facility Siting. Maps 12 through 17 of the GP and EIR are intended to show that the proposed facilities would be located somewhere within these management zones; they do not illustrate the exact locations of proposed facilities. Siting of proposed facilities, including trail alignments, will occur during project-level planning and will be subject to further environmental review under CEQA, including the appropriate site-specific environmental studies.

- 7-8:** Please refer to the response to Comment 7-7. As the commenter notes, page 3-14 of the GP and EIR states that future development within the Natural Resource (NR) Zone, which includes the Briones Valley, will be carefully sited to avoid disturbance to sensitive habitats and species and minimize alterations to the surrounding natural environment and ecosystem functioning.
- 7-9:** State Parks acknowledges CVPCP's support for the guideline under Goal TRAIL 1 on page 3-27 of the GP and EIR, which directs Park management to map wildlife corridors to minimize or avoid developing trails that bisect these corridors or fragment habitats. This comment does not require an additional response related to the EIR.
- 7-10:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. Biological surveys and other environmental investigations will be conducted during project-level planning. Future projects will undergo subsequent CEQA review as appropriate, including focused surveys for listed species, as necessary.
- 7-11:** As stated by the commenter, State Parks identified an opportunity to prepare a vernal pool management plan on page 2-92 of the GP and EIR. As stated on page 3-36 of the GP and EIR, Goal VEG 4, which seeks to preserve the diversity of the Park's native grasslands, includes the following guideline:
- Evaluate the use of native grassland management tools and their beneficial or detrimental effects to native species and wetland resources as part of an overall Park vegetation management plan. Potential grassland management tools could include, but are not limited to, the use of prescribed burning, grazing, mowing, and herbicides.
- 7-12:** The text on page 3-35 of the GP and EIR has been revised to include an additional guideline regarding special-status species and public use conflicts. Please refer to Chapter 4 of this document to see the specific text revisions.
- 7-13:** State Parks notes CVPCP's comment that public use of the flood easement adjacent to Marsh Creek Reservoir should be limited. The GP does not propose any uses or facilities within the flood control easement area directly west of Marsh Creek Reservoir. Please refer to the responses to Comment 4-1 and 4-6 for discussion of the CCCFCWCD property directly south of Marsh Creek Reservoir.
- 7-14:** As stated on page 3-15 of the GP and EIR, a variety of tools will be used to control and/or eliminate invasive species and protect and enhance native vegetation within the Natural

Resource Zone. Goal VEG 3 on page 3-35 of the GP and EIR, which seeks to protect native plant communities and effectively manage invasive and non-native species, includes the following guidelines:

- When implementing habitat restoration projects and landscaping around facilities outside the Primary Historic Zone, use native species that are appropriate to the site and that are obtained from native plant species within Park boundaries or closely surrounding areas. This includes transplanted cuttings and rootstocks or seedlings and saplings grown from collected seed that are genetically compatible. Ensure that all mulches are free of foreign seed.
- Identify invasive and non-native species at the Park and prepare a management plan to manage and remove these species over time. Priority for control efforts should be given to those species that are most invasive, ecologically detrimental, and/or conspicuous at the Park.
- Maintain a database on distribution and abundance of target populations. State Parks Weed Information Mapping System (WIMS) is an appropriate protocol to use for weed mapping.
- Avoid fragmentation of large intact habitat areas when constructing new facilities and siting trails.
- Provide visitors with information about invasive species damage to native communities and control efforts.

State Parks will analyze the potential impacts on native amphibians before considering whether to maintain or remove existing stock ponds. Please refer to Master Response 1, Program-level Analysis and Facility Siting. Biological surveys and other environmental investigations will be conducted during project-level planning and future projects will undergo subsequent CEQA review as appropriate. Goal WLIFE 2 on page 3-37 of the GP and EIR, which seeks to protect, conserve, and enhance ecosystems that provide important wildlife habitat values, includes the following guideline:

- Assess stock ponds and other artificial aquatic habitats in the Park to determine their importance to native species. Develop a pond maintenance/removal plan that balances the preservation of special-status wildlife populations in ponds with the prevention of downstream erosion.

7-15: Please refer to the response to Comment 7-1 regarding the protection and management of special-status species in the Natural Resource Zone. Monitoring of the Park's sensitive resources over time will provide insights into trends in local populations and potential effects of visitor use. If warranted, visitor use will be restricted or managed to protect resources that could be experiencing detrimental impacts.

3.3 COMMENTS FROM ORGANIZATIONS AND RESPONSES (COMMENT LETTERS 8–13)

Written comments on the Cowell Ranch / John Marsh State Historic Park GP and EIR received from organizations are presented on the following pages. Each comment letter is followed by the responses to that letter.

From: Alexandra Ghiozzi [mailto:alex@impressionsadv.net]

Sent: Tuesday, December 07, 2010 8:31 AM

To: Bachman, Stephen

Cc: mngmetz@pacbell.net; Kathy Leighton; Don Stirling; Ted Alesna; Becky Bloomfield; Patty Bristow; Fred Ehler; Nancy Jameson; Dewey DeMartini; historian@byronhotsprings.com

Subject: Comments to the General Plan

Hi Steve,

Please find attached our comments to the General Plan for the Cowell Ranch/John Marsh State Historic Park. Thank you in advance for your attention.

Kind Regards,

Alexandra Ghiozzi
Board Member
John Marsh Historic Trust

John Marsh Historic Trust

P.O. Box 272
Concord, CA 94522

Mr. Steve Bachman
California State Parks
Acting District Superintendent

Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

The John Marsh Historic Trust (JMHT) would like to express our profound enthusiasm and support for the overall scope of the Preliminary General Plan and Draft Program EIR for the Cowell Ranch/John Marsh State Historic Park. In partnership with State Parks, the Trust has recently made great strides in stabilizing and rehabilitating the John Marsh Stone House and would like to acknowledge the importance of our partnership going forward as the Park is planned and opened for all Californians to enjoy.

The major goal and intention of the JMHT is to restore the House to its former glory and use the property as an educational center commemorating both the native cultures dating back 7,000 years and encompassing the important role that Dr. John Marsh played from the 1830s to his death in 1856 as a California pioneer and champion of statehood. Our vision of the house is that it will be reconstructed as closely as possible to reflect that dynamic 30-year period of history and serve as an educational and recreational environment for Californians of all ages.

With that goal in mind, we have the following comments to the Preliminary General Plan. We have broken them down into these categories:

- Naming the Park
- History of the Adobe
- Bidwell-Bartelson Party and Marsh's significance
- House usage
- Highlighting the historic agricultural and ranching uses of the property
- Partnership with East Bay Regional Park District and City of Brentwood
- Promoting the educational history of healthcare and classifying Marsh as a practicing doctor
- Including to the State Route 4 bypass in the plan, the naming of "John Marsh Heritage Highway"
- Strengthen the dual focus of history of Native Americans and John Marsh.

Naming the Park

Section 1-1 of the General Plan indicates that the Park has not been formally named as yet. We submit that the name of the Park must include John Marsh as to indicate his important role in the most dynamic period of history, the 1830s to 1850 when Dr. Marsh played a significant role in encouraging westward migration for permanent settlement and was influential in California's admission to the Union. We respectfully submit as evidence his letters to Senator Cass forwarded to President Polk extolling the virtues of this agriculturally diverse and beautiful area. As a director of the John Marsh Historic Trust, Ted Alesna, who is a Miwok descendant, supports the naming to include John Marsh for the reasons stated.

8-2

By including John Marsh in the Park name, we also envision an educational and hands on area highlighting the importance of both the native peoples who lived on the site millennia before Dr. Marsh and the period of Spanish history and Mexican governance that was so vital in eventual statehood. We see the park as a three dimensional prism through which all of these periods in history intersect and Dr. Marsh was the focal point and common link.

Marsh Adobe

Section 2-54 briefly mentions that Dr. Marsh first built an adobe and lived near an existing native village. We respectfully submit that the adobe location should be identified and eventually rebuilt as an important educational piece of the history of California. Dr. Marsh lived in the adobe, used it to provide medical treatment, and as a fortress to fight off squatters and livestock thieves for approximately 20 years before building and living a few short months in the stone house on the property. It was the adobe that members of the Bidwell-Bartelson Party looked for as a marker that they had reached their goal. In seven distinct pieces of literature ranging from legal documents to sketches and letters, the adobe is located and referenced as an important part of history. Rebuilding the adobe will help visitors envision lifestyles of that period just how tough life was for Marsh and early settlers.

8-3

Bidwell-Bartelson Party and Marsh's significance

Section 2-54 indicates that Marsh sent letters and newspaper articles east to attract settlers, in fact, the first planned overland immigration to California, the Bidwell-Bartelson Party, came as a direct result of Dr. Marsh's letters. Dr. Marsh's adobe was the terminus of their 1841 journey from Westport, Missouri. Thus, a wave of immigration rarely seen in human history was underway and Marsh was crucial in its inception. We ask that future versions of the Plan include reference to this significant contribution to history and provide for programmed depiction of it.

8-4

House Usage

Section 2-87 lists potential uses for the John Marsh Stone House once it has been restored and is safe to occupy. The Trust would like to promote the house primarily for educational, cultural and community use. Overnight accommodation, research, group meeting and office space can be considered only if they do not impede on the educational use as the primary focus of the house.

8-5

Highlighting the Historic Agricultural and Ranching Uses of the Property

Outlined in Section 2-89 there is an opportunity to utilize existing farming and ranching facilities for visitor facility use such as demonstrations and interpretation of historic agricultural and ranching activities. We feel that this can be a significant contribution to hands on learning of life in California in the mid-1800s. The current trend towards sustainable and organic farming is a natural fit and link to the historic past. The first thing Dr. Marsh planted on his Rancho was a vineyard, with help from the natives returning from Mission San Jose. Marsh later became one of the largest cattle ranchers in California. Leasing Park land for the planting of historic vineyards and crops could potentially be a source of revenue for the Park, as well as a living history lesson. Similarly, leasing land to cattle ranchers may help to ease the burden of maintaining the entire 3600 acres.

8-6

Partnership with East Bay Regional Parks and Brentwood Park and Recreation

Section 2-88 discusses linking the new Park with both the existing trail system at Round Valley, Marsh Creek Trail and Mt. Diablo Trail, as well as the Los Vaqueros watershed. We strongly agree and encourage as much integration as possible to give visitors to the House a fulfilling recreational experience and give those interested in primarily out door activities the chance to stop in to the House and learn an important piece of California history. Interpretive signage at the site and along the trails could be an efficient means of achieving this. Linking the park with the planned amphitheater and other proposed leisure activities will give visitors a reason to stay after a day of hiking and enjoy a concert or event. Similarly, attracting locals from Brentwood and giving visitors from other areas a chance to explore our historic downtown in conjunction with their park visit will create a more well-rounded experience and help to stimulate the local economy.

8-7

Promoting the educational history of healthcare and classifying Marsh as a practicing doctor

Section 2-54 states that John Marsh studied Anatomy, worked with a local physician, and practiced as the first Anglo doctor in California, treating native Americans, pioneers and Mexican officials. In fact, he earned the money to purchase Rancho Los Meganos by treating patients in Los Angeles before coming

8-8

north. The Trust feels that it is important to note Marsh's medical career and use it as a lesson in what frontier medicine really entailed. Marsh cared for many of the native people on the Rancho and won their respect and trust in doing so. This is an important part of the link between the Anglo and natives sharing the space at that time.

8-8

Referring to the State Route 4 bypass in the plan as the "John Marsh Heritage Highway"

We respectfully submit that all mentions of the State Route 4 bypass between Marsh Creek Road in Brentwood and Hillcrest Avenue in Antioch, include the reference as the "John Marsh Heritage Highway". Signage was installed in 2008 so indicating to motorists.

8-9

Strengthen the dual focus of history of Native Americans and John Marsh

Section 2-64 states that the archeological resources at Cowell Ranch/John Marsh SHP are some of the most unique and important within the California State Park System. Section 4-25 states that the continuity of Windmiller type artifacts and burials...is a powerful argument for defining CCO-18/548 as a significant pre-historic occupation area that would be eligible for listing on the CRHR or NRHP.

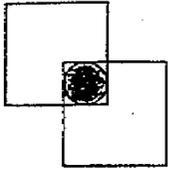
We strongly support recognition of the present day Native Americans and their accomplishments, as well as previous individuals and cultures of this site. Advanced communications techniques inside and around the House site, as well as artifacts should be used to research, educate and tell the stories of the various historic cultures represented by this Park. Placing them in context to each other is the best way to educate ourselves and teach our emerging generations. Students of the adjacent Los Medanos College can be expected to play a major roll in this effort.

8-10

Respectfully submitted by the Board Members of the John Marsh Historic Trust

Eugene Metz, President
Kathy Leighton, Vice President
Carol Jensen, Treasurer
Don Stirling, Secretary
Rebecca Bloomfield
Patricia Bristow
Fred Ehler
Ted Alesna
Dewey DeMartini
Alexandra Ghiozzi

Attachment to Comment Letter 8



F. Eugene Metz
A.L.A.
Architect

DATE: 11/30

FAX FROM GENE METZ

PLEASE DELIVER TO:

NAME: Gene
COMPANY: _____
FAX NUMBER: 510-522-1437
CONFIRMATION NUMBER: _____

SENDER:
NAME: GENE METZ
COMPANY: _____
FAX NUMBER: 510-522-1437
CONFIRMATION NUMBER: 510-522-1437

NUMBER OF PAGES INCLUDING COVER SHEET: 2

COMMENTS

*At request of Mary Metz, please
attach these 3 sheets to one
envelope.
Thanks for it, you and yours.*



take actual possession of California, emulating their compatriots who had recently freed Texas from Mexican rule.⁷⁴

As a direct result of Marsh's letters, the Western Emigration Society was formed in western Missouri in 1841 with an explicit purpose of recruiting immigrants for settlement in California. Although the recruitment drive was strongly opposed by frontier businessmen, the greatest discouragement came from Thomas J. Farnham. As recalled by John Bidwell, one of the first to join the Western Emigrant Society: "Just at this time [1841], and it overthrew our project completely—was published the letters of Farnham in the New York papers and republished in all the papers on the frontier at the instigation of the Weston [Missouri] merchants and others." In his volume, Farnham made no bones about his disdain for California and its Mexican rulers.⁷⁵

But Bidwell was undeterred. He was the first to reach Sapling Grove, the rendezvous site, on May 9. Finally, by May 18, those who had determined to immigrate formally organized the party. This was the first planned overland immigration to California, a portent of what was to come. After adopting rules of conduct on the trail, the assembly elected John Bartleson as captain. Subsequently, the party was restyled the Bidwell-Bartleson party because Bidwell wrote the first published account of the company's overland trip. Fortunately for the greenhorns, the party attached itself to a Jesuit missionary band bound for the Northwest, guided by the experienced mountain man, Thomas Fitzpatrick, "Old Broken Hand."

The saga of the Bidwell-Bartleson party's westward trek need not be recounted, other than to note that at Soda Springs in present-day Idaho, the immigrants split into two groups: one bound for Oregon, the other California. The Bidwell-Bartleson party was forced to abandon their wagon and perilously made their way through the Sierra on foot. Fortune smiled, though; the party of thirty-two men and a

ALTA CALIFORNIA'S TROJAN HORSE

315



Called the "Prince of California Pioneers" by his biographer, John Bidwell crossed the Sierra Nevada and entered the broad expanse of the San Joaquin Valley in the autumn of 1841, one of the leaders of the first organized party of overland immigrants from the "States." In the vanguard of an ever-growing number of restless *norteamericanos* who would overrun the Mexican province, Bidwell subsequently acquired a vast rancho in northern California, mined for gold on the Feather River, and served as a United States Congressman. *Courtesy California State Library.*

woman with a baby daughter, reached Marsh's rancho in the shadow of Mt. Diablo on November 4, 1841.⁷⁶ One of the ironies of history was that this band of American immigrants was made welcome by Commandant General Mariano Guadalupe Vallejo. Although they lacked proper passports, he waived that formality. Subsequently, Vallejo and his brother Salvador became ardent enthusiasts for American immigration, since both were staunch admirers of democracy, typified, in their view, by the United States. They both later espoused the cause of an American takeover of California.⁷⁷

Parallel with the Bidwell-Bartleson party was a like effort organized in Santa Fe. Two long-time American residents, John Rowland and William Workman, recruited a similar emigrant party. It may well be that Rowland had previously visited southern California several times, traveling with the annual trade caravan. To ensure their safety, the Workman-Rowland party traveled in tandem with the traders, the caravan totaling 134. The Workman-Rowland party—twenty-six men, four families, and servants (number unknown)—reached Tiburcio Tapia's Rancho Cucamonga in November, the exact date remains in dispute.⁷⁸ A message was dispatched to Los Angeles officials. Esteban Vigil, captain of the annual trade caravan, wrote, "I give you notice that a party of American merchants are coming, and with them are others who have the intention of residing in this country."⁷⁹ Rowland later reinforced this by stating that "The men with families come with the intention of establishing

Contested Eden

CALIFORNIA BEFORE
THE GOLD RUSH

Editors

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PUBLISHED FOR THE *California Historical Society*
BY THE UNIVERSITY OF CALIFORNIA PRESS

Letter 8 Response – John Marsh Historic Trust

- 8-1:** State Parks acknowledges and appreciates the John Marsh Historic Trust’s support for the GP and EIR, as well as its efforts to rehabilitate the John Marsh House in partnership with State Parks. However, this comment does not require an additional response related to the GP and EIR.
- 8-2:** Please refer to Master Response 2, Decision Process for Naming of the Park.
- 8-3:** The original adobe site remains unidentified to date (see page 2-64 in the GP and EIR). A comprehensive historic resources inventory and evaluation for the ranch complex within the historical context of the early 20th century and a cultural landscape inventory for the Park have not yet been undertaken. This information is important for planning for future uses and activities in the Primary Historic Zone, and for determining best management strategies for resource protection. Goal CUL 3, presented on page 3-43 of the GP and EIR, seeks to document, protect, preserve and where appropriate restore or rehabilitate historic resources and landscapes within the Park. Resource goals applicable to the Primary Historic Zone encourage further cultural resource research, especially research involving a comprehensive inventory of pre-historic and historic resources, a cultural landscape inventory for the ranch site, and developing a strategy to understand and illuminate the overall evolution of human settlement patterns in the Park (see page 3-16 of the GP and EIR). Reconstruction and/or interpretation of the Marsh adobe may be a consideration in planning for future facilities and interpretive programs based on results of cultural resource investigations on the site.
- 8-4:** The text on page 2-54 of the GP and EIR has been revised to include information regarding the Bidwell-Bartelson Party. Please refer to Chapter 4 of this document to see the specific text revision.

Primary Theme 2 on page 3-29 focuses on John Marsh and the post-native settlement history, which would include the westward migration period.

- 8-5:** As stated on page 2-87 of the GP and EIR opportunities for visitor facilities in relation to the John Marsh House include a visitor center, an interpretive facility, overnight accommodations, an academic research station, a day use area and a group meeting place. The Preferred Alternative described in the GP and EIR focuses on rehabilitating the John Marsh House and using the area for visitor facilities and staff offices, including education and interpretation purposes. Specific uses of the John Marsh House will be determined during future project-level planning, including the development of interpretive and education programs.
- 8-6:** The interpretive mission of the Park is to provide interpretive and education programs, facilities and media to communicate the significance of pre-historic and historic cultural resources, as well as the Park’s natural resources. As described in the Visitor Use and Facilities goals and guidelines presented on page 3-29 of the GP and EIR, one of the primary interpretive themes would focus on the agriculture and ranching that occurred on the site and

in the region in the late 19th and early 20th centuries. Any use of the site must be consistent with allowable uses in State Parks, as outlined in the Public Resources Code.

- 8-7:** State Parks acknowledges the support that the John Marsh Historic Trust has expressed regarding trail connections and suggestions for linking with nearby recreational areas. Goal INTERP 3, presented on page 3-31 of the GP and EIR, supports partnering relationships with the City of Brentwood and other organizations to promote access, education and connectivity with adjacent land uses that may add to the visitors' experiences.
- 8-8:** This comment regarding John Marsh's medical career is noted. Development of interpretive program content is part of the activities that would be undertaken as the Park is planned and facilities are constructed.
- 8-9:** The text on page 2-2 of the GP and EIR has been revised to reflect that the Highway 4 Bypass has been designated the John Marsh Heritage Highway. Please refer to Chapter 4 of this document to see the specific text revision.
- 8-10:** This comment regarding interpretation of the Native American and pre-historic cultural history of the site is noted. Parkwide goals and guidelines presented in the GP and EIR include Interpretation and Education goals and guidelines that describe the primary interpretive periods of the Park. As described on page 3-29 of the GP and EIR, there will be two primary areas of focus for the interpretive programs: 1) pre-historic culture of pre-Windmill and Windmill people, and 2) the historic period including 19th century native peoples, Mexican California, John Marsh, the American emigration, and the Gold Rush period up to present day open space and recreation uses.

----- Original Message -----

From: Gene Metz <mngmetz@pacbell.net>
To: sbacchman@parks.ca.gov <sbacchman@parks.ca.gov>; Bachman, Stephen
Cc: Hurley, Marianne; Alexandra Ghiozzi <alex@impressionsadv.net>
Sent: Wed Dec 08 00:16:02 2010
Subject: Comments, General Plan for Cowell Ranch / John Marsh State Historic Park

Dear Steve,

Please accept this e-mail as my comments on the General Plan for the Cowell Ranch / John Marsh State Historic Park. An eye injury has delayed and complicated my comments to you.

Thank you for all your help.

Best Regards,

Gene

Mr. Steve Bachman
California State Parks
Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Thank you for this opportunity to comment on the proposed General Plan for the Cowell Ranch/John Marsh State Historic Park.

The following are my personal comments and they reflect very closely the official commentary from the board of the John Marsh Historic Trust

The major goal and intention of the JMHTrust is to restore the House to its former glory and use the property as an educational center commemorating both the native cultures dating back 7,000 years and encompassing the important role that Dr. John Marsh played from the 1830s to his death in 1856 as a California pioneer and champion of statehood. Our vision of the house is that it will be reconstructed as closely as possible to reflect that dynamic 30-year period of history and serve as an educational and recreational environment for Californians of all ages.

9-1

NAME THE PARK, THE JOHN MARSH STATE HISTORIC PARK

The name of the Park must be The John Marsh State Historic Park for the following reasons. (1) There is not another Park or historic individual in California that better represents the most dynamic period of Ca.history, the 1830s, 40s and 50s. (2) Marsh was proactive in working with the Bay Miwok returning from the Missions. (3) Dr. Marsh's medical treatment was effective with fellow pioneers, Mexican officials as well as with the natives at a time when foreign diseases killed a huge percentage of their population. (4) The success of his cattle ranching and agricultural products started a trend in the upper Central Valley, encouraged prominent officials interest in the west, and provided an income for him to build a magnificent stone house. (5) Marsh's

9-2

letters and news articles played a significant role in encouraging westward migration for permanent settlement. The General Plan's weakness in this regard erroneously states that the first migration group "passes through this site" with their destination of Mt. Diablo. Prominent Ca. history writings make it clear that Marsh's rancho was the planned terminus of this first migration group.

A site archeologist stated that the Marsh House has become a "marker" for the presence of the prehistoric "Windmiller Peoples" because it is the prominent structure on this site where they are now discovered. Marsh's role as teacher, doctor, Indian agent in the Midwest and the successful promoter of settlement in the west causes his name for the Park to be best for representing these dynamic threads of history. Educators in E. Contra Costa including curriculum director, Mary Black, agree with this position as does Ted Alesna, a bay Miwok native serving on the board of the JMHTrust. My conversation with the Ohlone elder present at the final Gnl. Plan meeting reveals her agreement for the Marsh name for the Park but with the stipulation for programs and recognition for the indigenous peoples. It is also important that the culture and life experience of current Native Americans be strongly represented in the Park plan.

By using John Marsh in the Park name, the JMHTrust envisions an educational and hands on area highlighting the importance of both the native peoples who lived on the site millennia before Dr. Marsh and the period of Spanish history and Mexican governance that was so vital in eventual statehood. We see the park as a three dimensional prism through which all of these periods in history intersect and Dr. Marsh was the focal point and common link.

Many petitions supporting the naming of the Park as the John Marsh State Historic Park are in the mail to the District office

IDENTIFY THE LOCATION OF THE MARSH ADOBE

The adobe location should be identified and eventually rebuilt as an important educational piece of the history of California. Dr. Marsh lived in the adobe for twenty years of this dynamic period of California history in which he was a prominent player. In seven distinct pieces of literature ranging from legal documents to sketches and letters, the adobe is located and referenced as an important part of history. Rebuilding the adobe will help visitors envision and learn of that period of history.

PROMOTE THE SAGA OF WESTWARD MIGRATION

The first planned overland immigration to California, the Bidwell-Bartelson Party, came as a direct result of Dr. Marsh's letters. Dr. Marsh's adobe was the terminus of their 1841 journey from Westport, Missouri. A wave of immigration rarely seen in human history was underway and Marsh was crucial in its inception. The Park plan must include reference to this significant contribution to history and provide for programmed depiction of it.

USE OF THE STONE HOUSE

Renewed urgency for the for the completion of the rehabilitation of the Marsh House is essential. The House should be proactively used primarily for educational, cultural and community use. Advanced technology for unobtrusive presentation of information and educational materials should be explored.



9-2

9-3

9-4

9-5

HISTORIC AGRICULTURAL AND RANCHING USES OF THE PARK

Demonstrations and interpretation of historic agricultural and ranching activities can be a significant contribution to hands on learning of life in California in the mid-1800s. The current trend towards sustainable and organic farming is a natural fit and link to the historic past. Leasing Park land for the planting of historic vineyards and crops could potentially be a source of revenue for the Park, as well as a living history lesson. Similarly, leasing land to cattle ranchers may help to ease the burden of maintaining the entire 3600 acres. The East Bay Regional Park at Ardenwood may be considered as an example to follow.

9-6

RECREATION AND INTERPRETIVE TRAILS

Linking the new Park with both the existing trail system at Round Valley, Morgan Territory and Mt. Diablo Trail, as well as the Los Vaqueros watershed should be developed. Interpretive signage at the site and along the trails could be an efficient means of integrating recreational experience with opportunity to learn and appreciate the history of the site. Linking the park with the planned amphitheater and other proposed leisure activities will give visitors a reason to stay after a day of hiking and enjoy a concert or event.

9-7

HISTORICAL MEDICAL PRACTICE

It is important to acknowledge Marsh's medical career and use it as a lesson in early medical treatment and instruments used . Marsh cared for many of the native people on the Rancho and won their respect and trust in doing so. This is an important part of the link between the Anglo and natives sharing the space at that time.

9-8

STATE ROUTE 4 BYPASS NAME

For directions and identification purposes all mentions of the State Route 4 bypass between Marsh Creek Road in Brentwood and Hillcrest Avenue in Antioch, should include the reference as the "John Marsh Heritage Highway". Signage was installed in 2008 so indicating to motorists.

9-9

STRENGTHEN THE DUAL FOCUS OF HISTORY OF NATIVE AMERICANS AND JOHN MARSH

Section 2-64 states that the archeological resources at Cowell Ranch/John Marsh SHP are some of the most unique and important within the California State Park System. The JMHTrust and I strongly support recognition of the present day Native Americans and their accomplishments, as well as previous indigenous cultures of this site. Advanced communications techniques inside and around the House site, as well as artifacts should be used to research, educate and tell the stories of the various historic cultures represented by this Park. Placing them in context to each other is the best way to educate ourselves and teach our emerging generations. Students of the adjacent Los Medanos College can be expected to play a major roll in this effort.

9-10

Respectfully submitted by Gene Metz, President, John Marsh Historic Trust

Letter 9 Response - John Marsh Historic Trust

- 9-1:** Please refer to response to Comment 8-1.
- 9-2:** Please refer to Master Response 2, Decision Process for Naming of the Park.
- 9-3:** Please refer to the response to Comment 8-3.
- 9-4:** Please refer to the response to Comment 8-4.
- 9-5:** Please refer to the response to Comment 8-5.
- 9-6:** Please refer to the response to Comment 8-6.
- 9-7:** Please refer to the response to Comment 8-7.
- 9-8:** Please refer to the response to Comment 8-8.
- 9-9:** Please refer to the response to Comment 8-9.
- 9-10:** Please refer to the response to Comment 8-10.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: GEHE METZ
Address: 9 REGULUS CT.
ALAMEDA, CA 94501
Phone: 510-522-1437
E-mail: mgmetz@pacbell.net

Comments:

Attached are the same comments e-mailed
to you December 7, 2010 to be sure they
were received on time.
I now attach this hard copy to be sure
of this official format
I am also attaching numerous Resolutions
requesting that this new State Historic Park
be named "The John Marsh State Historic Park"
These Resolutions are from many individuals
as well as numerous Historical groups
Please consider these in the final naming of the Park

10-1

Mr. Steve Bachman
California State Parks
Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Thank you for this opportunity to comment on the proposed General Plan for the Cowell Ranch/John Marsh State Historic Park. The following are my personal comments and they reflect very closely the official commentary from the board of the John Marsh Historic Trust

The major goal and intention of the JMHTrust is to restore the House to its former glory and use the property as an educational center commemorating both the native cultures dating back 7,000 years and encompassing the important role that Dr. John Marsh played from the 1830s to his death in 1856 as a California pioneer and champion of statehood. Our vision of the house is that it will be reconstructed as closely as possible to reflect that dynamic 30-year period of history and serve as an educational and recreational environment for Californians of all ages.

Name the Park, The John Marsh State Historic Park

The name of the Park must be The John Marsh State Historic Park for the following reasons. (1) There is not another Park or historic individual in California that better represents the most dynamic period of Ca.history, the 1830s, 40s and 50s. (2) Marsh was proactive in working with the Bay Miwok returning from the Missions. (3) Dr. Marsh's medical treatment was effective with fellow pioneers, Mexican officials as well as with the natives at a time when foreign diseases killed a huge percentage of their population. (4) The success of his cattle ranching and agricultural products started a trend in the upper Central Valley, encouraged prominent officials interest in the west, and provided an income for him to build a magnificent stone house. (5) Marsh's letters and news articles played a significant role in encouraging westward migration for permanent settlement. The General Plan's weakness in this regard erroneously states that the first migration group "passes through this site" with their destination of Mt. Diablo. Prominent Ca. history writings make it clear that Marsh's rancho was the planned terminus of this first migration group.

A site archeologist stated that the Marsh House has become a "marker" for the presence of the prehistoric "Windmiller Peoples" because it is the prominent structure on this site where they are now discovered. Marsh's role as teacher, doctor, Indian agent in the Midwest and the successful promoter of settlement in the west causes his name for the Park to be best for representing these dynamic threads of history. Educators in E. Contra Costa including curriculum director,

Mary Black, agree with this position as does Ted Alesna, a bay Miwok native serving on the board of the JMHTrust. My conversation with the Ohlone elder present at the final Gnl. Plan meeting reveals her agreement for the Marsh name for the Park but with the stipulation for programs and recognition for the indigenous peoples. It is also important that the culture and life experience of current Native Americans be strongly represented in the Park plan.

By using John Marsh in the Park name, the JMHTrust envisions an educational and hands on area highlighting the importance of both the native peoples who lived on the site millennia before Dr. Marsh and the period of Spanish history and Mexican governance that was so vital in eventual statehood. We see the park as a three dimensional prism through which all of these periods in history intersect and Dr. Marsh was the focal point and common link.

Many petitions supporting the naming of the Park as the John Marsh State Historic Park are in the mail to the District office

Identify the location of the Marsh Adobe

The adobe location should be identified and eventually rebuilt as an important educational piece of the history of California. Dr. Marsh lived in the adobe for twenty years of this dynamic period of California history in which he was a prominent player. In seven distinct pieces of literature ranging from legal documents to sketches and letters, the adobe is located and referenced as an important part of history. Rebuilding the adobe will help visitors envision and learn of that period of history.

The saga of westward migration must be promoted

The first planned overland immigration to California, the Bidwell-Bartelson Party, came as a direct result of Dr. Marsh's letters. Dr. Marsh's adobe was the terminus of their 1841 journey from Westport, Missouri. Thus, a wave of immigration rarely seen in human history was underway and Marsh was crucial in its inception. The Park plan must include reference to this significant contribution to history and provide for programmed depiction of it.

Use of the Stone House

Renewed urgency for the for the completion of the rehabilitation of the Marsh House is essential. The House should be proactively used primarily for educational, cultural and community use. Advanced technology for unobtrusive presentation of information and educational materials should be explored.

Historic Agricultural and Ranching Uses of the Property

Demonstrations and interpretation of historic agricultural and ranching activities can be a significant contribution to hands on learning of life in California in the mid-1800s. The current trend towards sustainable and organic farming is a natural fit and link to the historic past. Leasing Park land for the planting of historic vineyards and crops could potentially be a source of revenue for the Park, as well as a living history lesson. Similarly, leasing land to cattle ranchers may help to ease the burden of maintaining the entire 3600 acres. The East Bay Regional Park at Ardenwood may be considered as an example to follow.

Recreation and Interpretive Trails

Linking the new Park with both the existing trail system at Round Valley, Morgan Territory and Mt. Diablo Trail, as well as the Los Vaqueros watershed should be developed. Interpretive signage at the site and along the trails could be an efficient means of integrating recreational experience with opportunity to learn and appreciate the history of the site. Linking the park with the planned amphitheater and other proposed leisure activities will give visitors a reason to stay after a day of hiking and enjoy a concert or event.

Historical medical practice

It is important to acknowledge Marsh's medical career and use it as a lesson in early medical treatment and instruments used . Marsh cared for many of the native people on the Rancho and won their respect and trust in doing so. This is an important part of the link between the Anglo and natives sharing the space at that time.

State Route 4 bypass also named as "John Marsh Heritage Highway"

For directions and identification purposes all mentions of the State Route 4 bypass between Marsh Creek Road in Brentwood and Hillcrest Avenue in Antioch, should include the reference as the "John Marsh Heritage Highway". Signage was installed in 2008 so indicating to motorists.

Strengthen the dual focus of history of Native Americans and John Marsh

Section 2-64 states that the archeological resources at Cowell Ranch/John Marsh SHP are some of the most unique and important within the California State Park System. The JMHTrust and I strongly support recognition of the present day Native Americans and their accomplishments, as well as previous indigenous cultures of this site. Advanced communications techniques inside and around the House site, as well as artifacts should be used to research, educate and tell the stories of the various historic cultures represented by this Park. Placing them in context to each other is the best way to educate ourselves and teach our emerging generations. Students of the adjacent Los Medanos College can be expected to play a major roll in this effort.

Respectfully submitted by Gene Metz, President, John Marsh Historic Trust



ORGANIZED 1850

The SOCIETY of CALIFORNIA PIONEERS

300 FOURTH STREET, SAN FRANCISCO, CA 94107-1272

TEL 415-957-1849 FAX 415-957-9858

EMAIL: info@californiapioneers.org

Resolution of the John Marsh Historic Trust, Inc.

Regarding the naming of the New State Historic Park

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TREASURER
Thomas O. McLaughlin

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Stephen A. Zellerbach

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that The Society of California Pioneers urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted September 29, 2010

San Francisco, CA

President

Secretary

Our mailing address: The Society of California Pioneers
300 Fourth Street
San Francisco, CA 94107

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that the Contra Costa Winegrowers Assn. urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 7/21/10 Brentwood
Date City

Alb Sheng David Kavanette
President/Chair Secretary

John V. [Signature] Robert [Signature]
California Constituent California Constituent

Our mailing address: P.O. Box 1672
Brentwood, CA 94513
925-209-3360

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

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AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that Jan Berckefeldt urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 6/25/10 Lafayette, CA 94549
Date City

President/Chair

Secretary

Jan Berckefeldt
California Constituent

President, California Historical Society
California Constituent

home
Our mailing address:

1070 Martino Road
Lafayette, CA 94549

CHAPTER 1004

SAM BRANNAN

Lover and
Protector of
Lola Montez



P.O. Box 457
Napa, CA
94559

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that SAM BRANNAN ECV CHAPTER 1004 urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted JULY 22, 2010 _____
Date City

[Signature]
President/Chair

[Signature]
Secretary

[Signature]
California Constituent

[Signature]
California Constituent

Our mailing address: P.O. Box 457
NAPA CA 94559

Mr. & Mrs. Conrad Dieihelm
116 Pleasant Place
Antioch, CA 94509

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that Conrad & Phuley Dieihelm urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted _____
Date City

President/Chair Secretary

California Constituent California Constituent

Our mailing address: 116 Pleasant Place
Antioch, Ca 94509

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that KERMIT SVEEN HANNA SVEEN urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 6-6-10 BRENTWOOD, CA
Date City

President/Chair Secretary
K Sween Hanna Sween
California Constituent California Constituent

Our mailing address: 476 DESERT GOLD TERR
BRENTWOOD CA 94513



Mr. Lawrence Rosa
PO Box 215
Byron CA 94514

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that Larry Rosa urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted _____
Date City

President/Chair

Secretary

California Constituent

California Constituent

Our mailing address: _____

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that JOHN TULLIS urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 6-6-10 ANTIOCH, CALIFORNIA
Date City

President/Chair

Secretary

California Constituent

California Constituent

Our mailing address: _____

RESOLUTION
of the
Board of Trustees of the
San Joaquin County Historical Society

Supporting the Naming of John Marsh Historic Park

WHEREAS, the California Department of Parks and Recreation has designated more than 3,500 acres under its protection as a new State park in the vicinity of Brentwood, Contra Costa County, California; and

WHEREAS, nearly all this land comprised part of *Rancho Los Meganos*, originally owned and developed by pioneer Dr. John Marsh, including the Stone House near Brentwood, the magnificent home built by Dr. Marsh in the 1850s; and

WHEREAS, Dr. John Marsh came to California in 1836, settled permanently on the *Rancho* as the first American settler in the Great Valley, urged Americans to settle in California, and was an energetic force to bring California into the United States of America; and

WHEREAS, in response to the encouragement of Dr. Marsh, in 1841 the first immigrant wagon train to California—the Bartleson-Bidwell party which included individuals important in California history such as John Bidwell, founder of Chico, and Charles Weber, founder of Stockton—completed its historic journey at Dr. Marsh's Stone House; and

WHEREAS, the new California state park has yet to be officially named;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the San Joaquin County Historical Society hereby **encourages the California Department of Parks and Recreation and the California State Parks and Recreation Commission to designate the new California state park "John Marsh Historic State Park."**

Approved and adopted the 28 day of July, 2010.

* * *

I, the undersigned, hereby certify that the foregoing resolution was duly adopted by the Board of Trustees of the San Joaquin County Historical Society.



open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that PATRICIA A. GRIDLEY urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 6-18-2010 BRENTWOOD
Date City

President/Chair

Secretary

California Constituent

California Constituent

~~BY~~ mailing address:

20 BRIARWOOD Ct
BRENTWOOD, CALIF. 94513
Patricia A. Gridley

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that A.F. Bray Family urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted June 30, 2010 Martinez, CA
Date City

President/Chair

Secretary

California Constituent

California Constituent

Our mailing address: 600 Plaza St.
Martinez, CA 94553

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that Rockwell N. Greene family urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted _____
Date City

President/Chair

Secretary

Rockwell N. Greene
California Constituent

California Constituent

Our mailing address: _____



Rockwell N Greene
PO Box 643
San Ramon CA 94583

Resolution of the John Marsh Historic Trust, Inc.

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AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that William E. Wasson urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 7/4/2010 BRENTWOOD, CA
Date City

President/Chair Secretary

California Constituent California Constituent

Our mailing address: 523 QUINDLE WAY
BRENTWOOD, CA 94573

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that AUGUST G. MANZA urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted JULY 10, 2010 BERKELEY, CA
Date City

_____ President/Chair <u>August G. Manza</u> <u>AUGUST G. MANZA</u>	_____ Secretary _____ California Constituent
_____ California Constituent	_____ California Constituent

Our mailing address: 899 GRIZZLY PEAK BLVD.
BERKELEY, CA 94708-1313

\$100 DONATION

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

THEREFORE BE IT RESOLVED that Gilbert Somerhalder urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted July 14, 2010 PO Box 222 Knightsen Ca 94548
Date City

President/Chair

Secretary

California Constituent

California Constituent

Our mailing address: Gilbert Somerhalder
PO Box 222
Knightsen Ca 94548

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

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THEREFORE BE IT RESOLVED that _____ urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted _____
Date City

President/Chair

Secretary

Ronald Trautman

California Constituent

Korew Trautman

California Constituent

Our mailing address: 155 Marina Blvd
San Francisco, CA
94123

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

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THEREFORE BE IT RESOLVED that Leonard + Gladice Celoni urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted 7-15-2010 Brentwood
Date City

President/Chair Secretary

California Constituent California Constituent

Our mailing address: 908 SUNTAN LANE
BRENTWOOD, CA 94513

Resolution of the John Marsh Historic Trust, Inc.

WHEREAS the California Department of Parks and Recreation has designated over 3500 acres of open space under their protection as a new State Historic Park in Brentwood, California,

AND WHEREAS that new State park has yet to be officially named, The John Marsh Historic Trust proposes the name selected should honor the American history connected with the property known in the past as Rancho Los Meganos.

AND FURTHER, that such history was deeply involved with the pioneer American John Marsh, who came to California in 1836 and settled permanently on the property known as Rancho Los Meganos, and that John Marsh became an energetic force for the effort to bring California into the United States of America.

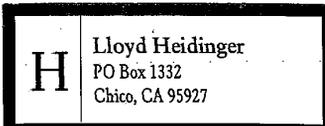
THEREFORE BE IT RESOLVED that LLOYD HEIDINGER urges the California Department of Parks and Recreation and the State Park Commissioners, designate the new State Historic Park name to be "The John Marsh State Historic Park".

Adopted July 27, 2010 Chico, California
Date City

Lloyd Heindinger
President/Chair Secretary

California Constituent California Constituent

My mailing address: LLOYD HEIDINGER



P.O. Box 1332
CHICO, CALIF. 95927

Letter 10 Response - John Marsh Historic Trust

10-1: This is a duplicate of Comment Letter 9. The responses to comments contained in this letter are presented in the responses to Comment Letters 8 and 9. The resolutions addressing the naming of the Park have been noted. Please refer to Master Response 2, Decision Process for Naming of the Park.



California Native Plant Society

East Bay Chapter
Conservation Committee

11

December 9, 2010

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

RE: Cowell Ranch/John Marsh State Park General Plan and EIR

Dear Mr. Bachman,

The East Bay Chapter of the California Native Plant Society (EBCNPS) appreciates the opportunity to comment on the General Plan and EIR for the Cowell Ranch. The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons, professional and academic botanists organized into 33 chapters throughout California. The mission of the CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

We are pleased to hear that the opening of Cowell Ranch is moving closer. We support the opening of this state park as a needed addition to the preservation of open, relatively undisturbed public space in northern California. However, we do wish to address several more specific proposals in the plan concerning camping and physical facilities.

General Comments

State parks is planning to build and develop two overnight camping areas. Instead, we suggest that the state park build only one overnight camping facility, at the location shown as nearest to Brentwood. We suggest that state parks simply not develop the second camping area, and leave that land as undeveloped open space or with only day use or limited staging area parking and facilities. The information publicly available shows that the second campsite lies too close to several areas of rare plant populations to avoid an adverse impact to the plants. In particular, the iodine bush scrub (*Allenrolfea occidentalis*) vegetation and big tarplant (*Blepharizonia plumosa* ssp. *plumosa*) have few, if any, populations outside of some public land in the East Bay. Preserving rare plants and unusual vegetation is part of the park's mission stated in the General Plan, both as a core goal of environmental protection and as preservation of the historic geography known to the Native Californian populations that used the area.

In addition, limiting development of overnight camping to the site nearest the urban area will help meet several other goals stated in the General Plan. Limiting the "carbon footprint" (see the General Plans remarks concerning AB 32) of vehicle traffic in and around the park can be more

11-1

easily met by limiting overnight camping to one location. The on-line maps of the park location and existing land use (Maps 2 and 3 on-line) show that the land around the reservoir nearly divides Cowell Ranch in two. The private "Vineyards" development north of the reservoir further divides the park into two halves. Environmental goals in the General Plan should be met by clustering the state park's campground and building facilities in the area nearest the city of Brentwood. Public day use can provide access to the uncultivated land and flora in the other half of the park, and campers who wish to visit the undeveloped half of the park could do so by staging areas off of either Briones Valley Road or Marsh Creek Road/Camino Diablo.



11-1

Specific Comments

Validity of Plant Surveys

EBCNPS is concerned that State Parks is failing to capitalize on an important opportunity to help preserve native California flora and maintain the mission of the State Parks. Without adequate, timely surveys, impacts from the construction of hardscape¹ in Facility Zones cannot be adequately assessed in this document. We are sure that everyone involved in this process would be disappointed if a facility was placed on top of rare California resources because adequate surveys were not completed.

The most recent surveys that took place within the entire park boundaries were in 1993/1994 (listed in Appendix C). The plant surveys for the Vineyards at Marsh Creek are not relevant here because this part of the ranch was removed from what the state bought to build single family residences. Therefore, the only documented protocol-level surveys that are presented in this document are some 15 to 16 years old. Although the document references other plant surveys and vegetation classification activities, EBCNPS believes that these surveys are not comprehensive nor do they meet regulatory guidelines. These surveys presented for rare plants do not following the USFWS, CDFG, and CNPS survey guidelines.

11-2

Please read that USFWS plant survey guidelines (1996) stipulate:

*“Project sites with **inventories older than 3 years** from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.”*

Based on an assessment of the rare plants known from Cowell Ranch, all the rare plants are annuals (Pers. Com., Heath Bartosh, EBCNPS Rare Plant Botanist). Because of this the distribution of these populations may be quite different than what is mapped in the plan (which I believe is pulled from the 1993/1994 LSA report). For that reason they entire ranch should be resurveyed.

¹ Hardscape includes the development and construction of areas that area not suitable habitat for native plant growth. Examples of hardscape are gravel roads, trails, campsite tent pads, mulched areas, etc.

Cowell Ranch and the Eastern Contra Costa Habitat Conservation Plan

Additionally, the reporting of these additional surveys (whenever they take place) should include a brief discussion that the rare plants on Cowell are covered species in the Eastern Contra Costa Habitat Conservation Plan (ECCHCP). Although, to my knowledge, State Parks will not be trying to permit this plan through the ECCHCP, the rare plants within the park have conservation goals associated with them as address in the ECCHCP. For these reasons some discussion of their listing status as “Covered” species in the HCP should be included. This is especially important for *Navarretia nigelliformis* subsp. *nigelliformis*, also a Covered species in the HCP. Although this taxon isn’t known from within Cowell Ranch it was one of the species found on the Vineyards at Marsh Creek site and could be found on the larger Cowell Ranch site (Pers. Com., Heath Bartosh). Currently, this is only a List 4.2 species and wouldn’t be addressed in a typical CEQA review but because it is a covered species in the ECCHCP it should be included in the analysis.

11-3

Vegetation Mapping

The above comment relating to rare taxa is also valid for uncommon vegetation types included in the ECCHCP: purple needlegrass grassland, wildrye grassland, wildflower fields, one-sided bluegrass grassland, saltgrass grassland (= alkali grassland), and alkali sacaton bunchgrass grassland. Investigating publically available 2009 NAIP aerial photos, it seems possible that the extent of saltgrass grassland associated with the valley sink scrub (Map 10) should be enlarged. Mapping this vegetation type should be a target for the project specific EIR and therefore addressed/stated in this programmatic EIR. We believe that this comment is also valid for purple needlegrass grassland, wildflower fields, and one-sided bluegrass grassland. EBCNPS believes that there are map-able stands of this rare vegetation on-site (Pers. Com., Heath Bartosh).

11-4

Honoring the Contract with the State Coastal Conservancy

An agreement between the State Coastal Conservancy and the CA Department of Parks and Recreation was signed on October 15, 2002. This agreement involved the acquisition of the Cowell Property for the purpose of **habitat and open space protection, public access, and recreation**. It seems that existing habitat will be impacted and/or developed in order to construct some of the recommended general plan facilities. We at EBCNPS would consider impact to a rare vegetation type of rare plant as an impact that would not meet the guidelines of the Oct 15, 2002 agreement, especially considering that alternative areas for “facility zones” exist. Does State Parks staff believe that developing facilities on top of rare resources areas meets the agreement purpose of “habitat protection”? We would ask that reasonable and conservative avoidance measures be used around sensitive areas, including buffering “occupied habitat” by some acceptable distance away from hardscape.

11-5

Development of Extensive Campgrounds and Facilities

EBCNPS is concerned with the large percentage of the park that is designated as “Facility Zones”. We estimate that some 33% of the park will be designated as such. This includes the buildout of large campgrounds which frankly seem excessive for this area. We would like to understand what “occupancy rates”/visitation rates State Parks expects at this site. We hope that these numbers will be compared to similar parks such as Olompali State Historic Park, or others. The following specific impacts concern EBCNPS:

11-6

1) The alkali sink vegetation found near the southwest portion of the site seems to have been subsumed into the Round Valley Visitor Facility Zone. This Facility Zone looks to develop 43 - 75 campsites (Map 10) as well as a large parking lot. It is evident that this area will be impacted by high amounts of proposed visitation. We would ask that the footprint of this development stay outside of the alkali habitat and allow a 100 ft buffer so this rare East Bay resource isn't impacted.

11-7

2) Two of the three extant populations of big tarplant are located in or directly adjacent to Facility Zones (Eastern Visitor and Dry Creek Visitor). Only one population found in the Briones Valley seems free from potential development activities. Since this is a CNPS 1B plant species, whose type specimen was collected not far from this Park, we ask that the Facility Zones do not impact occupied habitat for this rare plant. We also ask that a buffer be allotted around occupied habitat so that the population can flourish without immediate hardscaping concerns.

11-8

Trails

Trails should avoid bisecting or impacting sensitive areas. Off-trail hiking can impact sensitive vegetation. Trails also tend to serve as a vector for weed dispersal. Specifically, we believe these impacts could be significant in Briones Valley where multiple stands of rare vegetation thrive.

11-9

Thank you for your consideration of the above comments. We look forward to working with State Parks on a General Plan that will treasure the rare plant resources of this site as well as the rich history of John Marsh. Please do not hesitate to contact us with questions at (510) 734 0335.

Sincerely,

Janet Gawthrop
Corresponding Secretary

Lech Naumovich
Conservation Analyst

California Native Plant Society
East Bay Chapter
conservation@ebcnps.org

Letter 11 Response – East Bay Chapter of the California Native Plant Society (CNPS)

11-1: This comment regarding camping facilities is noted. Please refer to Master Response 1, Program-level Analysis and Facility Siting. The precise campground and campsite locations have not been determined, however the largest concentration of camping and visitor use facilities are located in the Eastern Visitor Facility Zone, located at the eastern edge of the park, near the city of Brentwood. The Briones Valley Visitor Facility Zone and Dry Creek Visitor Facility Zone are proposed for day use only. Visitor Facilities Goal (FAC 1) on page 3-26 of the GP and EIR emphasizes the department's commitment to cluster development to reduce disturbance and any adverse impacts by including the following guidelines:

- Integrate visitor facilities with other day use and trail development, concentrating these developments to minimize impacts on the resources and to reduce energy consumption.
- Develop site designs for new facilities that cluster development in prescribed visitor use zones, reducing ground disturbance and possible impacts to biological and cultural resources.

Specific site selection for camping areas is subject to future project-level review, including the appropriate site-specific environmental studies.

11-2: Protocol-level surveys for sensitive biological resources would be conducted in support of site specific planning efforts. Vegetation inventories will be updated and vegetation mapping will record the locations of special-status plant species and their habitats. Park visitor facilities will be sited in the future using information gathered by resource inventories. State Parks will make every effort to preserve and protect important resources while providing recreational activities and visitor use facilities, consistent with the Department's mission. Table 12, Plan Management Zones, on page 3-6 of the GP and EIR indicates the size (in acres) of all proposed management zones, including the Visitor Facility Zones. As indicated in this table and on Map 12, Management Zones, on page 3-7 of the GP and EIR, the Visitor Facility Zones are less than 25% of the total park. As noted in the response to Comment 11-1, visitor facilities will be concentrated and clustered within the Visitor Facility Zones which will minimize hardscape, disturbance and impacts. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.

11-3: As discussed on page 2-32 of the GP and EIR, the significant biological resources at the Park were determined through a review of existing documentation, consultation with knowledgeable biologists familiar with the local biological resources, and data collected during reconnaissance-level surveys. A resource is deemed significant if it is: (1) important to the essential character of the Park and contributes, in part, to its statewide significance, or (2) is regionally significant, is an important component of a systemwide plan, or contributes to the preservation of regional or statewide biodiversity, or (3) is documented as significant on recognized preservation or protection lists or otherwise designated with special-status by a

recognized authority. As noted by the commenter, the adobe navarretia (*Navarretia nigelliformis* ssp. *nigelliformis*) is a List 4.2 species, defined as a plant of limited distribution “and their vulnerability or susceptibility to threat appears low at this time.” (California Department of Fish and Game, Natural Diversity Database, Special Vascular Plants, Bryophytes, and Lichens List, July 2011). Guidelines under Goal VEG 1 and Goal WLIFE 4 provide for cooperation with regional conservation plans and polices including the ECCCHCP/NCCP.

- 11-4:** Goal VEG 2, presented on page 3-35 of the GP and EIR, requires an update of existing inventories in order to document and map locations of special-status species and their habitats. In addition, Goal VEG 4 and associated guidelines emphasize the Park’s intent to preserve and/or restore native grasslands. Sensitive natural communities, such as the ones mentioned by the commenter and included in the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (ECCCHCP/NCCP), would be identified during project specific vegetation mapping, and potential impacts to these communities would be analyzed during project specific CEQA review.
- 11-5:** The GP contains Natural Resource Management goals and guidelines that require the protection, maintenance, and restoration of local and regionally important native plant communities, including preparation of a vegetation management plan, management of special-status plants and sensitive plant communities for habitat enhancement, and management of unique communities such as vernal pools, alkali sink scrub, and native grasslands (see pages 3-34 to 3-36 of the GP and EIR). Vegetation inventories will be updated and vegetation mapping will record the locations of special-status plant species and their habitats. Park visitor facilities will be sited in the future using information gathered by resource inventories. State Parks will make every effort to preserve and protect important resources while providing recreational activities and visitor use facilities, consistent with the Department’s mission and the agreement between the State Coastal Conservancy and California State Parks. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 11-6:** As described on page 3-5 of the GP and EIR, each management zone has unique characteristics and existing features that are intended to be considered and incorporated into future plan implementation. Management zones provide the basis for the direction of the type and intensity of development and use within each area of the Park. However, within each zone, existing natural and cultural resources will be protected and managed as part of the development plan for that zone, consistent with all Parkwide and zone-specific guidelines for resources contained in the GP. The Visitor Facility Zones indicate areas where specific facilities and management would occur. The delineated zones do not imply that the entire area of that zone will be developed. Please also refer to the response to Comment 11-2.

Recreation carrying capacity is discussed beginning on page 3-54 of the GP and EIR. As noted on page 3-54, State Parks is required to assess carrying capacity for proposed park lands in accordance with Public Resources Code Section 5019.5. The GP is a first step in the long-term

planning and development process at the Park, and certain data related to the anticipated number of visitors and the intensity of use is not available at this time. As new information is obtained, a series of environmental quality indicators will be used to implement adaptive management methods in order to preserve the Park's natural and cultural resources.

The key components of the GP will provide the groundwork for establishing the carrying capacity for the Park. The GP contains the results of the initial data collection in Chapter 2, which is a summary of all known data available when the GP was prepared. The Park's purpose and vision are presented on pages 3-1 to 3-3. Desired future conditions and quality indicators are presented in Section 3.5, Parkwide Goals and Guidelines, and subsequent planning actions required for implementation of the GP and EIR are described in Chapters 1 and 4 as they are related to CEQA compliance.

- 11-7:** As noted in the responses to Comments 11-5 and 11-6, Natural Resource Management goals and guidelines require the protection, maintenance, and restoration of local and regionally important native plant communities (Goal VEG 1), and natural and cultural resources will be protected and managed in each zone as part of the development plan for that zone. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 11-8:** As described in the response to Comment 11-7, Natural Resource Management goals and guidelines require the protection, maintenance, and restoration of local and regionally important native plant communities. Special-status plant species and sensitive plant communities will be managed for habitat enhancement and protection (Goal VEG 2). Therefore, planning for specific developed uses in the management zones will take into consideration protection of natural and cultural resources present in the zones. Proposed facilities will be located to avoid sensitive resources wherever possible. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 11-9:** Please refer to the responses to Comments 11-5, 11-7, and 11-8, and Master Response 1, Program-level Analysis and Facility Siting.

December 10, 2010

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

RE: Cowell Ranch/John Marsh State Park General Plan and EIR

The East Bay Chapter of the California Native Plant Society respectfully requests that this letter be included as an addendum to our comment letter submitted yesterday, December 9, 2010 and that it become part of the public record.

Under Specific Comments, we include the four following subsections:

Locally Rare Plants

EBCNPS requests language modifying Goal 2 in Chapter 3 of the General Plan to address the need to protect locally rare native plant species. Thus, Goal 2 would read *protection of special-status species including those considered locally rare*. We would also like to request that the GP include in Appendix C a definition of locally rare species that defines what special-status species are.

12-1

Here is some language adapted from Lake 2010 that we suggest:

*As consistent with CEQA’s Article 9 and Guidelines 15125(a) and 15380 which state that “special emphasis should be placed on environmental resources that are rare or unique to that region” and with CNPS’s goal of preserving plant biodiversity on a regional and local scale, Lake has assessed the occurrence of locally significant plant species. Locally significant plant species, also known as “peripheral populations,” are those considered to be at the outer limits of their known distribution, a range extension, a rediscovery, or rare or uncommon in a local context (CNPS 2001, CDFG 2009, Lake 2010). These species are not regarded as special-status species by the USFWS or CDFG. However, the East Bay Chapter of CNPS has a program, started in 1991, that tracks rare, unusual, and significant plants that occur within Contra Costa and Alameda counties. East Bay CNPS has three ranked designations for these species: A (which includes *A 1, A 1, *A 1x, *A 2, and A 2); B; and C. The asterisk indicates that the plant species is also listed statewide as rare. The criteria of each ranking are presented below. This determination is partially based on the number of botanical regions in which the subject taxon occurs. For the purposes of this General Plan/EIR, locally rare plant species with an “A” designation should also be considered as having special-status.*

12-2



*A This category includes *A, *A1x, and *A2. The asterisk indicates that these species in Alameda and Contra Costa counties are listed as rare, threatened, or endangered by federal or state agencies are by the state level of CNPS.

A1 This category includes species from 2 or fewer botanical regions in the two counties, either currently or historically.

A1x This category includes species previously known from the two counties, but now believed to have been extirpated and no longer occurring here.

A2 This category includes species currently known from 3 to 5 regions in the two counties, or if more, meeting other important criteria such as small populations, stressed or declining populations, small geographic range, limited or threatened habitat, etc.

B This category is a high-priority watch list: species currently known from 6 to 9 regions in the two counties, or if more, meeting other important criteria as described for A2.

C This category includes a second-priority watch list: species currently known from 10 or more regions in the two counties, but potentially threatened if certain conditions persist such as over-development, water diversions, excessive grazing, weed or insect invasions, etc.

References:

California Department of Fish and Game (CDFG). 2009. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Wildlife and Habitat Data Analysis Branch.

California Native Plant Society (CNPS). 2001. *CNPS Botanical Survey Guidelines, CNPS Inventory*, 6th edition. Revised June 2.

Lake, D. 2010. *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties*. 8th Edition. California Native Plant Society, East Bay Chapter.

12-2

Goal 4 states *Protect native plant communities and effectively manage invasive and non-native species*. The guidelines associated with this goal should include a reference to BAEDN (Bay Area Early Detection Network), an organization that has established protocols for rapid response to weed invasions in their early phases. We suggest that state parks review BAEDN's new target weed list so that it can coordinate efforts to keep weed populations from becoming established and spreading throughout the park.

This goal should specifically reference the protection of rare plants as well. Even if the project level EIR calls for avoidance of rare plant populations, the close proximity of toilets, parking/staging areas, day use sites, campsites, trails, etc. brings weed infestations to the site and would create indirect impacts. CEQA defines an indirect impact in its guidelines as *"Impacts (or secondary effects) which are caused by the Project and are later in time or farther removed in distance, but are still reasonably foreseeable. These may include growth-inducing effects and other effects related to induced changes in the pattern of land use. [CEQA Guidelines, Title 14, CCR, Section 15358 (a)(2)]."*

12-3

Grazing Management

It is incumbent that state parks continue the practice of grazing as a management tool within the park. Grazing Management Plans should be periodically reviewed as part of an adaptive management program to ensure that timing and intensity are appropriate, especially in drought years when normal grazing regimens may result in over-grazing.

12-4

Miscellaneous Comments

Section 2-33: Biological Resources—Introduction

This section refers to utilization of the CNPS 2006 Inventory. There is a more current version of the inventory which should be used. In a similar manner, the document references Sawyer and Keeler-Wolf 1995. The document should update the reference to Sawyer et al. 2009 and should reflect new information from this reference such as changing series to the appropriate alliances.

12-5

Section 2-38: Wetlands

On page 4-22 sensitive habitats are defined as *Impacts on sensitive habitats (including wetland and riparian habitats subject to the regulatory authority of USACE, under section 404 of the Clean Water Act, and DFG, under section 1600 of the California Fish and Game Code) would also be considered potentially significant; however, significant impacts to sensitive habitats are not anticipated with the Plan goals and guidelines in place*. On page 2-38 none of the wetlands are expressly described as sensitive, and they should be.

12-6

We thank state parks for this opportunity to include our further comments. We look forward to working together to ensure that the Cowell Ranch/ John Marsh State Park become a park known to the public for the protection of its rich native plant flora.

Sincerely,

Laura Baker
Conservation Committee Chair
East Bay Chapter of the California Native Plant Society

Letter 12 Response – East Bay Chapter of the California Native Plant Society (CNPS)

- 12-1:** Goal VEG 2, presented on page 3-35 of the GP and EIR, currently applies to locally rare native plant species. As defined on page 2-32, Biological Resources, Introduction, “a resource is deemed significant if it ...(2) is regionally significant, is an important component of a systemwide plan, or contributes to the preservation of regional or statewide biodiversity, or (3) is documented as significant on recognized preservation or protection lists or otherwise designated with special-status by a recognized authority.” A recognized locally rare native plant species is considered special-status in this GP and EIR.
- 12-2:** Please see response to Comment 12-1 regarding locally rare plant species.
- 12-3:** A reference to Bay Area Early Detection Network protocols and target weed list has been added to the guidelines under Goal VEG 3 on page 3-35 of the GP and EIR. Please refer to Chapter 4 of this document to see the specific text revisions. The protection of special-status plants is addressed in Goal VEG 2.
- 12-4:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity. As a resource management tool, grazing would be evaluated as part of a variety of tools and actions that could be used to establish effective and appropriate methods for Park vegetation management. Grazing would be permitted to continue, consistent with State Parks policies on grazing, until a vegetation management plan is developed (see Goal VEG 4 and Goal AGREE 1).
- 12-5:** State Parks acknowledges that many of the references use for this GP and EIR were current at the time that the Notice of Preparation (NOP) for the GP and EIR was filed (April 2006), when preparation of the EIR began. According to Section 15125(a) of the State CEQA Guidelines, existing conditions described in the EIR are those conditions existing at the time the NOP is published. Additional focused biological surveys were completed in 2007, 2008 and 2010 and sections of the GP and EIR were subsequently updated with this current information. There have also been unforeseen circumstances that have delayed the completion of the GP and EIR, including legal issues with an adjacent property owner, the discovery of significant cultural resources, and project funding. As specific projects are planned within the Park, and project-specific CEQA compliance documents are prepared, the resource inventories and surveys will be updated using the most current version of the CNPS inventory, databases, and other references. Please refer to Master Response 1, Program-level Analysis and Facility Siting.
- 12-6:** The text on page 2-38 of the GP and EIR has been revised to indicate that wetlands are sensitive habitats. Please refer to Chapter 4 of this document to see the specific text revisions.

From: Seth Adams <sadams@savemountdiablo.org>
To: Bachman, Stephen
Cc: Shafer, Cyndy; hbartosh@nomadecology.com <hbartosh@nomadecology.com>;
 conservation@ebcnps.org <conservation@ebcnps.org>; radair@dfg.ca.gov
 <radair@dfg.ca.gov>; nwenninger@ebparks.org <nwenninger@ebparks.org>;
 Sheila_Larsen@fws.gov <Sheila_Larsen@fws.gov>
Sent: Tue Dec 14 22:17:21 2010
Subject: SMD comments - GP-dEIR Cowell Ranch State Park 12-8-2010

Steve,

Attached are Save Mount Diablo's comments on the GP-dEIR Cowell Ranch State Park. Sorry they're a few days late. I included both a pdf and a digital version in which I stripped out the map to decrease file size, in case whoever is doing the responses wants to excerpt text from our comments.

Following this e-mail is a high res version of the Cowell part of our regional recreation map - it shows more of the fire roads in the Park than the report's graphics, almost all of it GPS'd, etc.

I hope they're helpful.

Seth Adams

*Seth Adams, Director of Land Programs, Save Mount Diablo
 1901 Olympic Blvd., Suite 220, Walnut Creek, CA 94596
 w 925 947-3535, Fax 925 947-0642
 E-mail: sadams@savemountdiablo.org www.savemountdiablo.org*

Save Mount Diablo's Mission is to preserve Mt. Diablo's peaks, surrounding foothills, and watersheds through land acquisition and preservation strategies designed to protect the mountain's natural beauty, biological diversity, and historic and agricultural heritage; enhance our area's quality of life; and provide recreational opportunities consistent with the protection of natural resources.

What We Do

Preserve natural lands through acquisition & cooperative efforts.

Defend Mt. Diablo and its foothills from development threats through land use planning & public education.

Restore habitat, wildlife and creeks & build trails prior to transfer to public agencies for permanent preservation & public use.

Enjoy Diablo's parks through events & recreational opportunities.



save MOUNT DIABLO

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Arthur Bonwell
Mary L. Bowerman

Proud member of



December 9, 2010

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

re: Save Mount Diablo comments, 12-9-2010 - Draft EIR for Cowell Ranch/John Marsh State Historic Park Preliminary General Plan, October 2010

Dear Acting District Superintendent Bachman,

Thank you for the opportunity to present information in order to help develop a positive and effective General Plan for a new State Park. It's a very exciting time and we look forward to the Park opening to the public.

The Preliminary General Plan and Draft Program EIR are also interesting and useful documents, however their organization is somewhat redundant and confusing, and the environmental analysis is bare bones. General Plan policies should be more clearly indicated, and mitigations should be collected into a more readable Mitigation Monitoring Program.

Save Mount Diablo has previously provided both verbal testimony, and written comment letters dated May 17, 2006 and June 16, 2006 about the proposed Cowell Ranch/John Marsh State Historic Park General Plan. We herein incorporate those comments by reference.

Save Mount Diablo has worked with the Department of Parks and Recreation since our founding in 1971 to dramatically expand Mt. Diablo State Park as well as with other agencies on other nearby parks and preserves created since then. In 1971 there was one park at Mt. Diablo, the 6,788 acre Mt. Diablo State Park. Today there are more than 100,000 acres preserved in a largely contiguous set of over 40 parks and preserves on and around Mt. Diablo. Save Mount Diablo includes more than 7,000 donors and supporters.

We "pre-acquire" land directly for later transfer to park agencies for long term management. We defend parks from nearby land use development threats. We restore habitat, reintroduce rare species and build recreational trails and other facilities. We support a variety of funding measures and lobby for additional funds to benefit state parks.

Malcolm Sproul, SMD's President, is a principal at LSA Associates and for years documented Cowell Ranch's resources for the Cowell Foundation. Other SMD Board members and staff have also spent years in assessing the Ranch, including myself, Board member and photographer Scott Hein, etc. Board member and botanist Heath Bartosh provided some comments; some of these will track with comments by the California Native

Save Mount Diablo comments, 12-9-2010 - Draft EIR for Cowell Ranch/John Marsh State Historic Park Preliminary General Plan, October 2010

13-1

13-2

Plant Society, many of which Save Mount Diablo agrees, because Bartosh also provided guidance for CNPS comments.

Our organization has been deeply involved with the preservation of Cowell Ranch for over twenty years:

- by defending the Ranch from a variety of development threats;
- with the 1990 creation of county, and subsequent city, urban limit lines which decreased these development threats;
- in convincing the Cowell Foundation to lease land for a staging area to East Bay Regional Park District so that the District could open Round Valley Regional Preserve;
- in the year 2000 compromise on tightening the county urban limit line, which placed almost all of Cowell Ranch outside of the County urban limit line, and included agreement by the Cowell Foundation to sell most of the ranch for public use; and
- in aiding the Trust for Public Land in developing funding to buy most of the ranch.
- We have been involved in the General Plan process for the new State Park since it began in 2006;
- we have led many guided public hikes on the State Park to familiarize the public with the new State Park and its resources, and organized a number of tours of the John Marsh House;
- we have mapped trail routes onsite, including for a segment of the proposed 60-mile Diablo Grand Loop Trail (and extension of the 30-mile Diablo Trail), and included the new State Park in our comprehensive regional recreation map;
- we are already defending the State Park from land use development applications proposed nearby;
- we work collaboratively with East Bay Regional Park District and the East Contra Costa County Habitat Conservancy on nearby acquisitions, have been working with the Contra Costa Water District on nearby appropriate land acquisition mitigation for its Los Vaqueros expansion project, and have a long history working with the CCC Flood Control District, with Contra Costa County and with the city of Brentwood.
- We helped lead the effort to defeat Brentwood's Measure F in June, which would have expanded the city's urban limit line near the park;
- in August we acquired our neighboring 5-acre "Dry Creek" property on Briones Valley Road, the first we hope of many appropriate additions to the new State Park.

13-2

To reiterate from our May 17, 2006 comment letter:

1. In general, Save Mount Diablo believes extensive reconnaissance should be pursued to locate and preserve rare species and habitats. | 13-3
2. 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. | 13-4
3. We are supportive of the reintroduction of tule elk, pronghorn and the Mt. Diablo buckwheat, which was first discovered on John Marsh's Rancho in 1862, and of riparian and oak restoration. | 13-5
4. We believe that grazing can be both an important management tool for the preservation of rare species, and also a theme relative to historic interpretation. | 13-6
5. Road projects and their mitigation offer a mechanism to enhance wildlife movement. | 13-7
6. We believe multi-use passive recreation should be supported, primarily 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. | 13-8
7. Recreation should be coordinated with other nearby agencies and joint use should be sought from the Flood Control District to make Marsh Creek reservoir available to the public rather than a barrier between sections of the state park. | 13-9
8. Where more intensive facilities are proposed, including camping, sensitive resources should be avoided, and visitor use should be concentrated around the John Marsh House, the Apple Orchard and south of Marsh Creek Road. | 13-10
9. We are supportive of the restoration of the John Marsh House. | 13-11
10. We are equally supportive of robust interpretation of the Indians of Rancho Los Meganos and Canada de Los Poblanos, especially the most recent Volvon about which there has been very little interpretation. | 13-12

* * * * *

And from our June 16, 2006 comment letter:

We attached three useful reports, conducted by LSA Associates, Inc. when the property was proposed for development and requested that these documents and our comment letters be part of the administrative record for the General Plan dEIR.

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- Biological Resources, Cowell Ranch, Contra Costa County, November 1, 1993, LSA Associates, Inc.
- Supplemental Rare Plant Survey, Cowell Ranch, Contra Costa County, July 12 1994, LSA Associates, Inc.
- Supplemental Rare Plant Survey, No. 2, Cowell Ranch, Contra Costa County, October 10, 1994, LSA Associates, Inc.

- a. 234 plant species were observed within the historic boundaries of Cowell Ranch (prior to the development of the Vineyards at Marsh Creek). Four special status plant communities are present. Four special status plant species are found onsite, crownscale, San Joaquin spearscale, Heartscale, and big tarplant.
- b. Fifty-four wildlife species were observed, twelve of them special status: California linderiella, vernal pool fairy shrimp, curve-footed hygrotes diving beetle, California tiger salamander, California red-legged frog, western pond turtle, northern harrier, prairie falcon, burrowing owl, loggerhead shrike, California horned lark, and San Joaquin pocket mouse. Suitable habitat exists for San Joaquin kit fox, which are confirmed in the grassland corridor both northeast and south of the State Park.
- c. In addition, although Mt. Diablo buckwheat was presumed to be absent because of lack of suitable habitat, Eriogonum truncatum was first typed on Marsh's Ranch, was historically found south of Antioch and along Marsh Creek, and the rediscovery of the plant last May 2005 has led to a reexamination of suitable habitat. The plant may find refuge in the vicinity of chaparral, but it was also found historically in grassland. At the least the State Park may represent a potential reintroduction site.
- d. Thirty-eight man made stockponds and 58 seasonal pools were located within the old boundaries. Among the conclusions that can be reached from the information provided are that the ponds and water bodies on the State park are of extreme importance, and all of them should be maintained.
- e. In addition to the special status plant communities, the Briones Valley, Marsh Creek riparian forest, and sand quarry areas are of special importance; the last for kit fox denning and potentially for silvery legless lizard (personal communication, Malcolm Sproul, LSA Associates).

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More specifically, we commented on the various elements of the proposed General Plan; we have included these comments below, but added additional comments relative to the October 2010 Preliminary General Plan and Draft Program EIR.

Thank you for your consideration of our comments.

Sincerely,



Seth Adams
Director of Land Programs

Specific Comments: Draft EIR for Cowell Ranch/John Marsh State Historic Park Preliminary General Plan, October 2010

Save Mount Diablo supports the naming of the new park as “Los Meganos¹ State Park” or “Rancho Los Meganos State Park.” - At the December 8, 2010 Meeting of Save Mount Diablo’s Board of Directors, the Board voted to support the naming of the new state park with a split designation including the overall park as “Los Meganos” or “Rancho Los Meganos” and including a separately named John Marsh Historic Site. While appreciating the important role of John Marsh in the history of the area, “Los Meganos” captures more of the park’s history.

13-18

1. Introduction

1. **Map 2** – fails to include East Bay Regional Park District’s 221-acre Fox Ridge Manor property (APN # 007020013), adjacent to the new park’s western most, northern corner, which was acquired Dec. 2009. The trail map on the final page of this document shows part of the parcel; a previous subdivision agreement would have protected the 211 acres shown but was not completed. Subsequently the Park District acquired the entire 221-acre parcel.
2. **Map 2** – Save Mount Diablo also recently acquired a nearly adjacent 5.18 acre parcel on Briones Valley Road, known as “Dry Creek” (APN # 007090034) in August 2010.

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2. Existing Conditions

3. **P. 2-1 - Park wide Land Uses** –should correct a mistake; “Portions of the property lie within the Los Vaqueros watershed to the south of Camino Diablo Road.” In fact, the reference should be “Kellogg Creek watershed” however most of the park lies within the Marsh Creek watershed.
4. **P. 2-1 – Surrounding Land Uses** –in fact recently the Contra Costa Community College District has contracted with Blackhawk-Nunn to move their college site to the commercial area of the Vineyards at Marsh Creek, closer to the John Marsh House.
 - a. This offers better opportunities for joint community college-state park uses.
 - b. However, this also presents potentially incompatible uses for the previous college site east of Marsh Creek Road and adjacent to the Park boundary. The resolution of what will become of the previous college site should be investigated.
5. **P. 2-23 – Significant Resource Values** – The California Interagency Watershed Map, if in fact it refers to Sycamore Creek as a watershed included within the state park, should probably be superseded by the designations of the Contra Costa County Watershed Atlas, 2003.
6. **P. 2-23 – Marsh Creek** – Marsh Creek is the second longest and least developed creek corridor in Contra Costa County; it’s main channel measures 34.57 miles. SMD and a variety of agencies have protected about 9.5 miles of the main channel in a variety of parks. Marsh Creek reservoir is located on an inholding within the Park. Preservation and enhancement of Marsh Creek and Marsh Creek reservoir should be a major goal of the General Plan, including remediation of toxics, removal of barriers to fish and other wildlife movement, enhancement and restoration of riparian habitat, and provision for recreational access.
7. **P. 2-31 – Significant Resource Values – Existing Noise Environment** - Topography protects some areas of the park from noise although the John Marsh House will be affected by traffic and

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¹ Los Meganos (Gudde-Bright) Oct. 13, 1835 - The Mexican Land grant situated in what is now the Brentwood area. Means “sand dunes” “A paraje que llaman los Méganos ‘place called the sand dunes’ (with a variant spelling) is mentioned in Durán’s diary on May 24, 1817. Two Los Medanos Ranchos were granted, later differentiated as Los Meganos (1835, three leagues or at least 13, 285 acres, to Jose Noriega then acquired by Dr. John Marsh, Antioch-Brentwood area) and Los Medanos (to Jose Antonio Mesa and Jose Miguel Garcia, Pittsburg area) (Kyle, Pettitt). The name Meganos {now Brentwood} was used for a land grant, dated Oct. 13, 1835, which was finally patented to John Marsh’s daughter. Another land grant in the district, with the spelling “Los Medanos” {now Pittsburg}, was dated Nov. 26, 1839.”

nearby residential and commercial noise sources. One significant opportunity for decreasing noise impacts on resources and on park visitors is Marsh Creek Road itself. Traffic calming devices such as speed humps can be used to decrease speeds and associated noise, increasing safety for wildlife and visitors crossing Marsh Creek Road, Camino Diablo and Walnut Boulevard in these locations:

- a. Marsh Creek Road from Deer Valley Road past the John Marsh House to the entrance to the commercial area of the Vineyards at Marsh Creek, and
- b. along Camino Diablo to Walnut Boulevard, and
- c. on Walnut Boulevard;
- d. Briones Valley Road (east of Deer Valley) should remain closed to vehicular traffic but segments considered for recreational use.

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8. **P 2-32 – Biological Resources – Introduction – Plant surveys** - Additional biological surveys should be conducted. Reporting of these additional surveys (at whatever CEQA level) should include a brief discussion that the rare plants on Cowell are covered species in the East Contra Costa County HCP/NCCP.

- a. Although State Parks may not seek to permit this plan through the ECCCHCP/NCCP the rare plants within the park have conservation goals associated with them as addressed in the ECCHCP/NCCP.
- b. For these reasons some discussion of their listing status as “Covered” species in the HCP/NCCP should be included.
- c. This is especially important for *Navarretia nigelliformis* subsp. *nigelliformis*, also a Covered species in the HCP. Although this taxon isn’t known from within Cowell Ranch it was one of the species found on the Vineyards at Marsh Creek site and could easily be found on the larger Cowell Ranch site. Currently, this is only a List 4.2 species and wouldn’t be addressed in a typical CEQA review but because it is a covered species in the ECCHCP/NCCP, it should be included in the analysis.
- d. The same is true for uncommon vegetation types included in the HCP/NCCP i.e. Purple needlegrass grassland, Wildrye grassland, Wildflower fields, One-sided bluegrass grassland, Saltgrass grassland (= alkali grassland), and Alkali sacaton bunchgrass grassland. There is certainly more Saltgrass grassland at Cowell Ranch than is associated with the Valley Sink Scrub locations on Map 10. Mapping these vegetation types should be a target for the project level analysis and therefore addressed/stated in the programmatic EIR. The same goes for purple needlegrass grassland, wildflower fields, and one-sided bluegrass grassland. No doubt there are stands of these types at the State Park which can be mapped.

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9. **P. 2-33 - Biological Resources – Introduction –** If this document is using the CNPS 2006 Inventory as stated they aren’t using the most up to date version of the inventory. There is a more recent version (Lake, D. 2010. *Unusual and Significant Plants of Alameda and Contra Costa Counties*. Eighth Edition. California Native Plant Society, East Bay Chapter). The document also references Sawyer and Keeler-Wolf 1995; the reference should be updated to Sawyer et al 2009 and have the document reflect new information from this reference such as changing series to the appropriate alliances, at a minimum.

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10. **P. 2-34 - Significant Resource Values – Biological Resources - Plant Communities and Wildlife Habitats** - Native perennial grasslands and alkali grasslands are included as occurring in the park but are not mapped. Native perennial grasslands are identified as purple needlegrass grassland which is a sensitive natural community considered as high priority by CDFG. The report references DFG 2003 as the document to address sensitive natural communities. These areas need to be mapped in order to address impacts. CDFG has updated its list of sensitive natural communities as of 2010. This reference should be evaluated for new sensitive communities that may be within the park since 2003.

13-29

Alkali grasslands, specifically saltgrass grassland is an uncommon vegetation type per the ECCHCP. Valley Sink Scrub is also included in this vegetation type. Alkali grasslands, not considered valley sink scrub, dominated by *Distichlis spicata* should be mapped in order to address impacts. Areas of alkali scalds not dominated by *Allenrolfea occidentalis* and *Distichlis spicata* should be mapped and considered sensitive as well.

13-29

11. **P. 2-34 and -35 – Significant Resource Values – Biological Resources - Grassland Species -** California tiger salamander, foraging prairie falcons, golden eagles, American badger and San Joaquin kit fox are also associated with grassland habitats. For example, aerial telemetry studies of prairie falcons by Doug Bell, EBRPD, found that falcons nesting at Mt. Diablo State Park travel to Cowell Ranch to forage. Kit Fox have been confirmed at Black Diamond Mines Regional Preserve to the northwest, and at Los Vaqueros and Brushy Peak to the south. Most of the State Park is suitable habitat for kit fox.

13-30

12. **P. 2-38 – Significant Resource Values – Biological Resources - Wetlands -** On page 4-22 sensitive habitats are defined as *Impacts on sensitive habitats (including wetland and riparian habitats subject to the regulatory authority of USACE, under §404 of the Clean Water Act, and DFG, under §1600 of the California Fish and Game Code) would also be considered potentially significant; however significant impacts to sensitive habitats are not anticipated with the Plan goals and guidelines in place.* On page 2-38 none of the wetlands are stated as considered sensitive. They should be.

13-31

13. **P. 2-40 – Significant Resource Values – Biological Resources - Special-status Plant Species -** The nomenclature of San Joaquin spearscale and big tarplant needs to be updated. Currently the proper nomenclature for these species is *Atriplex joaquiniana* (not *A. joaquiniana*) and *Blepharizonia plumosa* (not *B. p. subsp. plumosa*).

13-32

14. **Table 5, P. 2-42 - Significant Resource Values – Biological Resources –** Adobe navarretia *Navarretia nigelliformis* subsp *nigelliformis* needs to be added for the reasons stated above.

13-33

15. **Table 5, P. 2-42 - Significant Resource Values – Biological Resources – Mt. Diablo buckwheat** *Eriogonum truncatum* is judged “unlikely to occur.” In fact, *Eriogonum truncatum* was first typed on Marsh’s Ranch (which overlapped the location of Cowell Ranch and extended north and east), was historically found south of Antioch and along Marsh Creek. The rediscovery of the plant in May 2005 has led to a reexamination of suitable habitat. The plant may find refuge in the vicinity of chaparral, but it was also found historically in grassland. At the least the State Park may represent a potential reintroduction site.

13-34

16. **Table 6 - P. 2-46 and 2-50, -51 – Significant Resource Values – Biological Resources – San Joaquin kit fox** are also a special status species which must be considered—we firmly disagree with the conclusion that they are “unlikely to occur.”

Most of the State Park is suitable habitat for kit fox. The document discusses that kit fox have been previously confirmed adjacent to the park on both the east and west, and more recently confirmed at Black Diamond Mines Regional Preserve to the northwest and at Los Vaqueros and Brushy Peak to the south—but then fails to make the obvious conclusion: given kit fox habits, topography and vegetation patterns, San Joaquin kit fox, though undoubtedly in low population densities, are moving across the State Park.

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In addition, when wildlife surveys were undertaken in the past, there were very few ground squirrel populations at Cowell Ranch—probably because they were being shot, trapped and poisoned. In the years since then, ground squirrels have dramatically increased in number², also increasing the likelihood of kit fox, as well as other special status species such as burrowing owl,

² Malcolm Sproul, LSA Associates, Personal communication 12-10-2010

California tiger salamander, etc. Whether SJ kit fox are resident is unknown, but with changing management patterns in the Park and other nearby parks in recent years, their chances of survival have likely increased.

Kit Fox surveys on the State Park are 16 years old (the 2003 Sycamore survey on the Vineyards property is not within the state Park). The document is incorrect in stating “No indication of kit fox is currently present within the Park.” The statement is immediately disproved by the next sentence. “The Park has not been surveyed specifically for kit foxes or suitable habitat.” With San Joaquin kit fox, without recent extensive protocol level surveys, absence of evidence does not constitute proof of absence.

13-35

17. **P. 2-49 –Significant Resource Values – Biological Resources – Burrowing Owls - Save Mount Diablo** staff have conducted a number of hikes in the Briones Valley part of Cowell Ranch and have observed burrowing owls in at least three locations visible from Park fire roads.

13-36

18. **P. 2-52 –Significant Resource Values – Biological Resources – Invasive Species – The Park** supports a number of invasive species, including yellow star thistle and bullfrog in Marsh Creek reservoir.

- a. Given its size the Park is appropriate for controlled burning in grassland areas to discourage non-native species such as yellow star thistle. EBRPD has had success in limiting yst and other invasive species by multiple years of controlled burning at Round Valley Regional Preserve.
- b. The park should contract with the Flood Control District for resource management of Marsh Creek reservoir, particularly for removal of bullfrog.

13-37

19. **Wildlife corridors** – Cowell Ranch is part of a complex of parks and preserved lands, and is contiguous with the 18,385 acre Los Vaqueros watershed, 2,070 acre Round Valley Regional Preserve, and the 221 acre Fox Ridge Manor open space which is owned East Bay Regional Park District. One or two additional acquisitions will allow for connection of this open space corridor northwest to Black Diamond Mines Regional Preserve. A connection already exists to the south to open space stretching to both Livermore and Walnut Creek.

In addition, Contra Costa County, area cities including Brentwood, and regulatory agencies are engaged in an East Contra Costa County Habitat Conservation Plan/NCCP (ECCC HCP/NCCP) which will guide preservation in the area surrounding Cowell. Key corridors identified in the plan include the San Joaquin kit fox corridors in the parallel grassland valleys stretching east from Black Diamond Mines – Horse Valley, Deer Valley, Briones Valley, and Canada de los Poblanos along Marsh Creek, and the connections to the grasslands east and west of Los Vaqueros and in the area to the east of the watershed. The HCP/NCCP is a potential source of acquisition and management funding.

13-38

The plan should give a great deal of attention to avoiding impacts on these corridors and to resolving existing conflicts, including restoration and enhancement, and additional land acquisition.

It should seek to maintain corridors between the eastern third and the western two-thirds of the park, currently separated by the lands of the Contra Costa County Flood Control and Water Conservation District and its Marsh Creek reservoir. The State Park should pursue a joint operating agreement with the Flood Control District to provide for coordinated resource management and for recreational facilities.

Road construction and maintenance projects are both an opportunity and a threat to these corridors. During such projects, attention should be paid to minimizing impacts on these corridors and mitigation used to create additional opportunities for wildlife movement.

13-39

20. Briones Valley is a dominant landscape feature of the Park and a significant wildlife corridor, including habitat for a variety of listed species. It should be protected and facilities limited to trails and staging areas.	13-40
21. “ Old Sand Quarry Area ” Sandpit areas east of Marsh Creek Road and west of the apple orchard are another significant feature of the park which should be preserved, and which tie in with the area’s historic name, Rancho Los Meganos. They are prime habitat for the San Joaquin kit fox and characteristic of the fox’s best habitat at the south end of the San Joaquin Valley. They include very different plant species and are likely habitat for legless lizards (<i>Anniella pulchra pulchra</i>).	13-41
If quarrying is done within the State Park to repair the John Marsh House, mitigation for these species will be necessary.	
22. Vernal pools – The Park includes a number of vernal pools which have been otherwise largely eliminated in Contra Costa County. They should be protected and managed appropriately. Other areas nearby with vernal pools include appropriate additions to the Park.	13-42
23. Tree regeneration – Other than along riparian corridors most of the remaining trees within the Park are scattered large oaks, with very few young trees. Localized regeneration should be undertaken near these large specimen trees.	13-43
24. Apple Orchard – Whatever decisions are made about the future of the Apple orchard, buffering of sensitive resources including Kellogg Creek should be pursued.	13-44
<i>Existing Facilities and Services</i>	
1. P 2-66 – Park Access and Circulation – Are there plans to construct a new bridge over Marsh Creek? If not, how will cross-creek access be provided?	13-45
2. P. 2-66 –Fire roads/Trail System – The document indicates that no road/trail inventory has been completed. While not complete, Save Mount Diablo’s regional trail map (attached) includes a more complete set of existing fire roads in the park than the document does.	13-46
<i>Interpretation and Education</i>	
1. P. 2-69 - Existing Interpretation – as stated above, Save Mount Diablo has also conducted guided tours in the Park, focusing on resources.	13-47
2. P. 2-69 – Interpretive Themes – While themes associated with John Marsh and the John Marsh House are certainly important and appropriate for the park, there are other significant themes which should be investigated. These could include <ul style="list-style-type: none"> <li data-bbox="375 1377 1024 1409">a. The Mt. Diablo-Delta region as an ecological cross roads. <li data-bbox="375 1409 1328 1465">b. The San Joaquin Valley as the California ‘Serengeti’, home to huge concentrations of wildlife. <li data-bbox="375 1465 1369 1646">c. Wildlife corridors and rare species, especially grassland and riparian corridors such as the four valleys – Horse, Deer, and Briones Valleys and Canada de los Poblanos, and Marsh Briones, Kellogg and Dry Creeks. The Marsh Creek watershed is especially interesting given its length and quality, and that its headwaters are protected at Mt. Diablo State Park and Morgan Territory while its mouth is protected at Big Break Regional Shoreline and the location of the Delta Science Center. <li data-bbox="375 1646 574 1677">d. Indian culture. <li data-bbox="375 1677 1214 1709">e. Spanish-Mexican culture, including the Rancho system and cattle ranching. <li data-bbox="375 1709 1052 1740">f. the John Marsh House and settlement before the Gold Rush. <li data-bbox="375 1740 737 1772">g. Agriculture and Sand Mining. 	13-48

- 3. **Map 11 – Regional Open Space and Trails** – should also include EBRPD’s 221-acre Fox Ridge Manor property (APN # 007020013), adjacent to the new park’s western most, northern corner, which was acquired Dec. 2009. 13-49

Planning Influences

- 1. **P. 2-70, 71 - Regional Recreation Resources** – as stated above, Marsh Creek is also associated with Big Break Regional Shoreline and the location of the Delta Science Center. 13-50
- 2. **P. 2-73 – Round Valley Regional Preserve** – in fact Round Valley includes a 25-person group campsite. 13-51
- 3. **P. 2-75 - Regional Trails – Diablo Trail** - The 30-mile multi-use Diablo Trail crosses six parks—Shell Ridge Open Space, Diablo Foothills Regional Park, Mt. Diablo State Park, Morgan Territory Regional Preserve, the Los Vaqueros Watershed, and Round Valley Regional Preserve—from Walnut Creek to Brentwood. The trail currently ends at the Round Valley staging area on Marsh Creek Road, within the new State Park. The trail is an overlay largely on existing trails within the parks it crosses and is complete, however not all segments have been indicated on trail signs. In 2007 Save Mount Diablo published a regional recreational map including the complete route of the Diablo Trail. 13-52
- 4. **P. 2-75 - Regional Trails –Diablo Grand Loop Trail** – Save Mount Diablo has also proposed that the Diablo Trail will continue south through Altamont Pass and into the Diablo Range, and that at its northern limit at Cowell Ranch, an extension will be create the 60-70 mile Diablo Grand Loop Trail circling north through Roddy Ranch Open Space, Black Diamond Mines Regional Preserve and back to Mt. Diablo State Park. Most of this trail loop has already been mapped and is shown on SMD’s Regional Recreation Map, but the trail corridor is not yet complete. 13-53
- 5. **P. 2-83 – Regional Planning Influences- East Bay Regional Park District Master Plan** – the document should include greater reference to EBRPD’s Master Plan because the District is protecting additional lands on all sides of the new State Park, including the adjacent Fox Ridge Manor property and Master Plan proposals for expansions of existing parks, and new regional parks 1) in the vicinity of Deer Valley, 2) in the Byron wetlands area, and 3) at Bethany reservoir. 13-54
- 6. **P. 2-83 – Regional Planning Influences- East Contra Costa Habitat Conservation Plan and Natural Community Conservation Plan** – the document should also have discussed further the HCP/NCCP both for its CEQA and resource analysis implications and because it is funding a dramatic increase in public lands in the vicinity of the Park. Its high priority acquisitions map is instructive. 13-55
- 7. **P. 2-84 –Regional Planning Influences- Los Vaqueros Reservoir Expansion Project** – states “although not within the same watershed as the Park” – in fact the eastern fifth of the Park is in the same Kellogg Creek watershed as Los Vaqueros. In addition, mitigations for CCWD’s Los Vaqueros Reservoir expansion project have the potential to enlarge the park, or protect adjacent lands. 13-56

Issues & Analysis

Visitor Use and Facilities

- 1. **P. 2-87 - Camping** – Save Mount Diablo is supportive of camping at the park, in the Eastern/orchard area. However, we would oppose such facilities in the sand quarry, sand deposits area and in Briones Valley given sensitive resources. Camping in the orchard area could be enhanced with traffic calming methods. 13-57
- 2. **P. 2-87 - John Marsh House/Historic Area** – We support use of the historic area as the primary visitor contact area. 13-58

3. **P. 2-87 – Water wells should be limited** – Well development should be limited outside of the Historic and Eastern areas in order to avoid depleting groundwater resources now utilized by wildlife. 13-59
4. **P. 2-88 – Natural and Cultural Resources inventories** – We are supportive of additional resource inventories, however trails could be provided in the western half of the park early on to provide some public use, utilizing the existing Round Valley Staging Area and the Deer Valley Road/Briones Valley Road parking area. 13-60
5. **Marsh Creek Reservoir** - The Park should work with Contra Costa County Flood Control and Water Conservation District, at its Marsh Creek reservoir, to provide for coordinated resource management and for recreational facilities. The Flood Control District has some interest in enlarging the reservoir; if such a project is undertaken it should be considered carefully since it could flood parts of the State Park, affect the ground water table and the downstream John Marsh House, or benefit exotic species. 13-61
6. **Trails & Access**
- a. **Staging Areas and parking** – Appropriate staging areas to serve Cowell Ranch, which should avoid sensitive resources, might include locations at:
- i. The John Marsh House or the Vineyards at Marsh Creek village center
 - ii. Joint use of the EBRPD Round Valley Regional Preserve Staging Area
 - iii. Marsh Creek Road at Camino Diablo
 - iv. The Apple Orchard/Eastern Area
 - v. Briones Valley Road at the Vineyards
 - vi. Deer Valley Road at Briones Valley Road
- b. **Park Trails** – Save Mount Diablo supports the creation of a robust multi-use trail system at Cowell Ranch for non-motorized recreation. However, trails should be sensitively sited to avoid rare habitats and listed species. Where necessary, existing fire roads should be re-routed to avoid these resources. The State Park should pursue a joint operating agreement with the Contra Costa County Flood Control and Water Conservation District, at its Marsh Creek reservoir, to provide for trails between the eastern third and the western two thirds of the park. Trails should be coordinated with those of EBRPD, the City of Brentwood, and CCWD. 13-62
- c. **Possible Trails** could include:
- i. Briones Valley loop trail, with connections to the John Marsh House
 - ii. Loop Trail through the oak savannah overlooking Briones Valley Road
 - iii. Marsh Creek trail
 - iv. Extension of the Walnut Trail from Los Vaqueros to Brentwood.
 - v. Trail from the Round Valley Regional Preserve Staging Area to Deer Valley Road
 - vi. From the Round Valley Regional Preserve Staging Area to the Apple Orchard
- d. **Multi-Use Regional Trails** could include:
- i. Diablo Trail – Save Mount Diablo has helped to create a 30-mile Diablo Trail from Walnut Creek to the Round Valley Regional Preserve Staging Area. We support the ongoing use of that trail as well as a tie-in to a:
 - ii. Diablo Grand Loop Trail – which would extend from the Round Valley Regional Preserve Staging Area through Briones Valley to the Fox Ridge Manor open space, and eventually to Black Diamond Mines Regional Preserve and back to Mt. Diablo State Park, another 30 miles.
 - iii. EBRPD’s Morgan Territory to Big Break Regional Trail
- 13-63

- e. **P. 2-88 – Mapped Trails** – As previously stated the document indicates that no road/trail inventory has been completed. While not complete, Save Mount Diablo’s regional trail map (attached) includes a more complete set of existing fire roads in the park than the document does. While some trails or fire roads might be eliminated, ultimately use of existing fire roads is probably less intrusive than grading of new ones.

13-64

Interpretation and Education

1. **P. 2-89 - John Marsh House** – Save Mount Diablo is supportive of the restoration of the John Marsh House. The site’s Indian cultural history should be paid great attention as well.
2. **P. 2-89 – Natural Resource Interpretation** – should be the predominant interpretive theme.

13-65

13-66

Natural Resource Management

1. **P. 2-91 - Save Mount Diablo supports Grazing at the Park** – This is not a knee jerk position but one based on science and resource evaluation – by contrast Save Mount Diablo helped lead the fight to limit grazing at Mt. Diablo State Park. While Mt. Diablo is very different given geology and steep topography, resource investigations since the Mt. Diablo General Plan was approved suggest that complete removal of grazing at Mt. Diablo may have gone too far.

13-67

By contrast, the Park is almost completely a grassland ecology. Historically it was habitat for tule elk, deer and pronghorn. Restoration of elk and pronghorn to Cowell Ranch should be a goal however such restoration is likely to be a long term goal given still evolving park boundaries, the need for fencing, etc.

13-68

Cattle grazing is a historic use and an interpretive theme. It is also one of the most cost effective resource tools available to the park for the enhancement of native wildlife and can have significant benefits for grassland species, especially listed ones such as burrowing owl, tiger salamander, etc. and on the control of invasive species. The Plan should consider whether grazing regimes other than year round would benefit species more. For example, Round Valley Regional Preserve, which is habitat for many of the same species found at Cowell, is grazed intensely seasonally, then cattle are removed for the rest of the year. Controlled burns are used as a complement to control invasive species.

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2. **P. 2-92 - SMD supports broad scale ecological restoration and ongoing resource inventories.**
3. **P. 2-92 - SMD supports reintroduction of species** that historically occurred at the Park including the Mt. Diablo buckwheat.
4. **P. 2-93 - SMD supports programs to control invasive species**, including bullfrogs.
5. **P. 2-93 - SMD supports restoration of native anadromous fish** and removal of barriers to their movement, as well as an enhanced fish ladder at Marsh Creek reservoir.
6. **P. 2-94 - SMD is not opposed to some agricultural concessions within the recently farmed parts of the Eastern Area of the Park**, however these concessions
- a. should be organic, and
 - b. they should be second priority to additional restoration, especially along riparian corridors (such as the northernmost tributary to Kellogg Creek), and
 - c. second priority to operations, recreation and facilities needs.
7. **P. 2-94 – Scenic - SMD supports preservation of the park’s predominantly open and undeveloped aesthetic character** – In addition to Mt. Diablo, Marsh Creek reservoir and John Marsh House related views, where the Hwy 4 Bypass crosses the Park, aesthetic “gateway” enhancements should be considered, since this corridor is where the largest number of people will be introduced to the Park.

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Operations and Maintenance

1. **P. 2-98 - Pipelines, power lines & other easements** – should be investigated and where possible, removed. New easements should be minimized. Where easements are necessary, ground disturbance should be minimized, re-seeding after disturbance should be prohibited, and opportunities for co-location of trail or other recreational corridors considered. 13-73
2. **P. 2-99 – SMD supports expansion of the Round Valley Staging Area**, in collaboration with EBRPD, as well as a suitable wildlife and recreational undercrossing. 13-74
3. **Maintenance Facilities** – If possible, maintenance and other supporting facilities should be located outside of the Park boundaries. If they must be located within the park, they should be located out of site and should avoid sensitive habitat or the interruption of wildlife corridors. Opportunities to share facilities with East Bay Regional Park District, Contra Costa Water District, the Contra Costa County Flood Control and Water Conservation District or the City of Brentwood should be considered. 13-75
4. **Telecommunication Facilities** – should be limited to avoid disturbing the visual resources of the park. 13-76
5. **Roads** – should be managed to decrease impacts on sensitive species. Where road projects take place, mitigations should focus on funneling wildlife away from roads, and increased opportunities for wildlife movement should be created, such as under crossings and culverts. Traffic calming mechanisms should be considered for Marsh Creek Road and Camino Diablo. 13-77
 - a. Briones Valley Road
 - b. Deer Valley Road
 - c. Marsh Creek Road
 - d. Camino Diablo Road
 - e. Walnut Boulevard

3. Park Plan

We understand that this is a programmatic EIR and that part of the reason for larger management zones is to provide flexibility in facilities siting after additional investigation. However, several of these areas are so important to resources that we believe these zones should be dramatically decreased in size and more specifically located at the Program level. 13-78

1. **Management Zones – Map 12 – Historic Area** – The Historic Area should be the predominant location of visitor facilities. A bridge or other connection across Marsh Creek should be constructed, to allow for trail connections from the west to the east parts of the Park. 13-79
2. **Management Zones – Map 12 – Eastern Visitor Facility and Operations Zone** – This zone is appropriate for many uses, however the visitor facility area in the sand hills above should be removed except for trail use, given sensitive species and resources. In addition Kellogg Creek includes a tributary bordering the park at the north, and its main branch across Walnut Boulevard. While an appropriate location for operations elements, camping, and even farming concessions, equally important should be creek restoration and buffering, and grassland or oak savannah restoration which would allow for wildlife movement across the zone and avoid the creation of a major wildlife barrier. This restoration should be coordinated with wildlife corridor connections associated with Vasco Road and the Hwy 4 Bypass. 13-80
 - a. **P. 3-11 – Existing Features – 2nd paragraph** – It is not accessed from “Los Vaqueros Road,” but from “Walnut Boulevard.” 13-81
3. **Management Zones – Map 12 – Round Valley Facility Zone** – After the Historic and Eastern Areas, we believe this zone should be the only other location with any intensity of facilities, preferably south of Marsh Creek Road. Except for a possible trail culvert/undercrossing and a 13-82

trail connection, SMD believes that the Facilities Zone north of Marsh Creek Road should be removed. Given sensitive resources north of the road, we would prefer that camping be located south of the road and/or decreased in size—appropriate to walk-in backpacking sites—or transferred to the Eastern Area. This zone is an important grassland wildlife corridor between the Park and Los Vaqueros to the southeast. Too many facilities will decrease that value.

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4. **Management Zones – Map 12 – Briones Valley Visitor Facility Zone** – The predominant character of this zone is as a wildlife corridor and natural resource area. Despite its gentle topography it is an extremely important location for a broad array of special status species, and an important trail connection—facilities should be limited in order to preserve the wildlife corridor. This zone should be dramatically decreased in size, centered on the intersection of Deer Valley and Briones Valley Roads, and the remaining acreage to the south added to the Natural Resource Zone. The only facilities that should be provided are a small staging area, interpretive elements, and dry bathrooms. Water wells should not be developed.

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5. **Management Zones – Map 12 – Dry Creek Visitor Facility Zone** – The topography of this zone along Briones Valley Road is dominated by rolling hills, oak savannah, and flat areas with seasonal wetlands. While we support a small staging area at both the western and eastern ends of Briones Valley Road, this facilities zone should be decreased to a strip no more than several hundred feet wide along Briones Valley Road, and should avoid grading of the hills or impacts on the seasonal wetlands. The oak savannah above should be excluded from the zone, and added to the Natural Resource Zone.

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6. **P. 3-34 Natural Resource Management – Vegetation** - There should be goals and guidelines in the General Plan portion addressing locally rare plants. The Plan states:

Goal 1: Protect, maintain, and where appropriate, restore locally and regionally important native plant communities and Goal 2: Manage special-status plants and sensitive plant communities for habitat enhancement and protection of special-status species.

The Plan includes language addressing locally and regionally significant native plant communities and special status species. However, it needs to bridge the gap to address locally rare *plant* species as well. To accomplish this the Plan should:

1. Modify Goal 2 to read *protection of special-status species including those considered locally rare*
2. Include a definition of locally rare species in Appendix C that defines what special-status species are.

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Here is some language adapted from Lake 2010 that could be used:

As consistent with CEQA’s Article 9 and Guidelines §15125(a) and §15380 which state that “special emphasis should be placed on environmental resources that are rare or unique to that region” and CNPS’s goal of preserving plant biodiversity on a regional and local scale, this study also assessed the occurrence of locally significant plant species. Locally significant plant species, also known as “peripheral populations” are those considered to be at the outer limits of their known distribution, a range extension, a rediscovery, or rare or uncommon in a local context (CNPS 2001, CDFG 2009, Lake 2010). These species are not regarded as special-status species by the USFWS or CDFG. However, the East Bay Chapter of CNPS has a program, started in 1991, that tracks rare, unusual, and significant plants that occur within Contra Costa and Alameda counties. East Bay CNPS has three ranked designations for these species: A (which includes *A1, A1, *A1x, A1x, *A2, and A2); B; and C. The criteria of each ranking are presented in the Table below. This determination is partially based on the number of botanical regions the subject taxon

* An asterisk indicates that the plant species is also listed statewide as rare.

occurs in. For the purposes of this General Plan/EIR locally rare plant species with and an "A" designation should also be considered as having special-status.

California Department of Fish and Game (CDFG). 2009. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural communities*. Wildlife and Habitat Data Analysis Branch

California Native Plant Society (CNPS). 2001. *CNPS Botanical Survey Guidelines*, CNPS Inventory, 6th Ed. Revised June 2.

Lake, D. 2010. *Unusual and Significant Plants of Alameda and Contra Costa Counties*. Eighth Edition. California Native Plant Society, East Bay Chapter.

Table. Ranking Criteria for Rare, Unusual, and Significant Plants of the East Bay

RANKING	DEFINITIONS
*A	This category includes *A1, *A1x, and *A2. The asterisk indicates that these species in Alameda and Contra Costa counties are listed as rare, threatened, or endangered by federal or state agencies or by the state level of CNPS.
A1	Species from 2 or less botanical regions in Alameda and Contra Costa counties, either currently or historically.
A1x	Species is previously known from Alameda or Contra Costa counties, but now believed to have been extirpated and no longer occurring here.
A2	Species is currently known from 3 to 5 regions in the two counties, or if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.
B	A high-priority watch list: Species currently known from 6 to 9 regions in the two counties, or if more, meeting other important criteria as described for A2.
C	A second-priority watch list: Species is currently known from 10 or more regions in the two counties, but potentially threatened if certain conditions persist such as over-development, water diversions, excessive grazing, weed or insect invasions, etc.

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7. **P 3-35 Natural Resources – Vegetation Goal 4** states *Protect native plant communities and effectively manage invasive and non-native species*. Two points in relation to this:
 - a. The guidelines associated with this goal should include a reference to Bay Area Early Detection Network < <http://www.baedn.org> >. Their new target weed list should be added to the document.
 - b. This goal should also state the protection of *rare plants* as well. And even if facilities are sited in a way to avoid rare plant populations in the project level EIR the close proximity of toilets, parking/staging areas, day use sites, campsites, trails, etc, is ground zero for new weed infestations. It would definitely be an indirect impact. CEQA defines an indirect impact in its guidelines as *"Impacts (or secondary effects) which are caused by the Project and are later in time or farther removed in distance, but are still reasonably foreseeable. These may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems [CEQA Guidelines, Title 14 CCR, Section 15358(a)(2)]."*

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8. **P 3-37 Natural Resources – Wildlife Goal 2 –**
 - a. **Ground Squirrel poisoning** – Ground squirrels, and their burrows, are the underpinning of many of the species found at Cowell, especially in summer when the burrows are

13-87

- utilized by many species for estivation. Poisoning of and shooting squirrels should be prohibited.
- b. **SMD opposes removal of any of the ponds in the park and supports their ongoing maintenance.** These ponds are extremely important to rare species, which may utilize different ponds in different years, and the Park serves as an ecological bridge between neighboring watersheds.
9. **P 3-39 Natural Resources – Water Goal 1 – Evaluate ponds** - we reiterate SMD opposes removal of any of the ponds in the park and supports their ongoing maintenance.
10. **P 3-47 Operations and Maintenance – Leases and Special Agreements** - grazing should be a constant management tool within the Park and grazing leases should be maintained in perpetuity.
- a. **Goal – Agrcc 1** – “Ensure cattle are not causing environmental degradation particularly at ponds and springs” – in fact ponds that are muddy as a result of cattle seem to provide more suitable habitat for some species such as California tiger salamander.
11. **P 3-47 Operations and Maintenance – Leases and Special Agreements – Goal (Agree 2) – easements or parcel additions from willing sellers** – why willing sellers? The State has the power of condemnation, even if used sparingly. Why should DPR refuse judicious use of condemnation?
- Save Mount Diablo supports significant expansion of the State Park to protect park resources and enhance recreational and wildlife corridors.
- b. Marsh Creek – lands southwest of the park along Marsh Creek and Deer Valley Roads, to consolidate public lands with Round Valley, and preserve a longer stretch of Marsh creek, including:
- c. Inholdings between Cowell, Round Valley and Los Vaqueros
- d. Briones Valley – the headwaters of Briones Valley creek are located on EBRPD holdings at Black Diamond Mines Regional Preserve, then flow down Briones Valley to the Fox Ridge Manor open space and into Cowell Ranch to the Marsh Creek reservoir. Protection of areas within Briones Valley could protect the creek, its watershed and water quality upstream of Cowell.
- e. Roman Catholic Property (Dry Creek) – should be considered as an appropriate addition to the park.
- f. Deer Valley is the other most important wildlife corridor in the area, in addition to Briones Valley. The Roddy Ranch golf course included preservation of much of the ridge between Briones and Deer Valleys. The proposed Roddy Ranch development in Horse Valley will require extensive mitigation. The valley floor of Deer Valley, both east and west of Deer Valley Road, is an appropriate addition to Cowell.
- g. Kellogg Creek corridor and the area stretching east across Vasco Road to agricultural lands – could further buffer the park and help to ensure that Cowell’s grassland wildlife corridors aren’t cut off from the grasslands stretching south to Byron.
12. **P 3-47 Operations and Maintenance – Leases and Special Agreements – Goal (Agree 2) – easements or parcel additions from willing sellers** – A Goal bullet should be added: “Work with Save Mount Diablo, the East Contra Costa County Habitat Conservancy, Contra Costa Water District, East Bay Regional Park District, the Coastal Conservancy-SF Bay Program, and other entities to protect additional parcels to expand the Park.
13. **P 3-51 Local and Regional Planning – Regional Plans – Goal (REG 1) – surrounding development** – A Goal bullet should be added: “Work with Save Mount Diablo, which already reviews land use applications in Contra Costa County, Brentwood, Antioch, and other jurisdictions to coordinate review and comments about projects which could impact or benefit the Park, including through dedication of additional open space parcels.

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14. **P. 3-57 - Table 18 Recreation Carrying Capacity – Park Access and Circulation – Management Actions** – in fact roads surrounding the Park are managed by Contra Costa County, the Contra Costa Transportation Authority and the City of Brentwood.

13-94

4. Environmental Analysis

1. **P. 4-14 Hydrology and Water Quality** – The dEIR states that “*development of a potable water supply for visitor use has the potential to rely on groundwater supplies in the area. Reliance on groundwater supplies has the potential to result in groundwater depletion; however, this would not be substantial, and the amount of undeveloped land in the Park would be available to help replenish local groundwater supplies.*” There is no evidence to support these statements. In fact much of the surrounding area is water short, and use of groundwater has the potential to reduce water supplies currently used by wildlife. Use of groundwater would have potentially significant impacts on hydrology and on biological resources.

13-95

a. Mitigations:

- i. Rely on water connections with the Vineyards at Marsh Creek for potable water supplies at the John Marsh House and in the Eastern Facilities Zone.
- ii. Limit water development in the remainder of the park.
- iii. As additional parcels are added to the park, some of them with developed wells, contemplate abandoning these wells to decrease groundwater use and impacts on hydrology.

2. **P. 4-15 Air Quality** – The dEIR predicts increased air quality impacts from visitation.

- a. By working with local transportation agencies including Contra Costa County, and by utilizing traffic calming techniques to slow traffic on roads accessing the Park, road use could be decreased for commuters utilizing these roads, diverting them to more efficient transportation routes, BART, E-BART, etc., and potentially off-setting increased impacts of visitation. In addition, less traffic could help decrease impacts on wildlife (road kill), decrease safety impacts on recreational users at road crossings, and decrease noise impacts.

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3. **P 4-22: Vegetation – Impacts** - The dEIR states that impacts on vegetation would be avoided through sensitive design and siting of facilities and other land uses in non-sensitive areas. This statement is just not true; impacts might be decreased or mitigated but they cannot be entirely avoided, especially as new facilities are constructed and visitors are allowed access. More importantly, where is the evaluation of impacts to special-status plants? This impact can not yet be quantified, not its significance determined. Additional investigation is needed.

13-97

4. **P 4-24: Wildlife – Impacts** - The dEIR states “Cattle using the ponds could also substantially degrade habitat for red-legged frog and tiger salamander.” Or they could substantially improve such habitat. Research is limited as to whether increased turbidity and vegetation in ponds help or hurt CTS and CRLF populations. Results are much better known as to the negative impacts of fish in such ponds, bullfrogs, etc. and positive associations with rodent burrows and populations. Anecdotally, Save Mount Diablo has preserved many properties with ponds, many of them supporting CRLF, some of them supporting CTS; our experience has been that muddy ponds, generally with little or no vegetation include the largest populations of the two species. CRLF are also often found in association with floating water vegetation.

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Appendices

1. Appendix C: Additional Biological Resources Information: Plant surveys for this project are inadequate, based on the dates that they were conducted. The last surveys that took place within the entire park boundaries were in 1993/1994 (listed in Appendix C). The plant surveys for the Vineyards at Marsh Creek are less relevant because this part of the ranch is not within park boundaries. So we are looking at surveys 15-16 years old; the document references other plant surveys and vegetation classification activities but these are not comprehensive focused rare plant surveys following the USFWS, CDFG, and CNPS survey guidelines and therefore their value is instructive but limited. Additional surveys should be

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conducted; USFWS plant survey guidelines (1996) stipulate: "*Project sites with inventories older than 3 years from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.*"

Based on our botanist's assessment, all of the rare plants known from Cowell Ranch are annuals. Because of this the distribution of these populations may be quite different than what is mapped in the plan (which is apparently derived from the 1993/1994 LSA report). For that reason the entire ranch should be resurveyed.

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13-99

May 17, 2006

California Dept. of Parks and Recreation
Diablo Vista District – Bay Sector
96 Mitchell Canyon Road
Clayton, CA 94517

Re: John Marsh/Cowell Ranch State Park General Plan

To whom it may concern:

Save Mount Diablo (SMD) is a 7000 member non-profit conservation organization which acquires land, for addition to parks on and around Mt. Diablo, and monitors land use planning which might affect those parks. When we were formed in 1971 there was one park on Mt. Diablo including 6,788 acres. Today there are twenty-nine parks and preserves including almost 90,000 acres. Cowell Ranch is one of these parks.

Save Mount Diablo has been involved with Cowell Ranch for almost twenty years as development applications were submitted. We were part of the Contra Costa County land use process which tightened the County's urban limit line (ULL) at Cowell Ranch and allowed for the addition of 3,746 acres to the 14 acres of the John Marsh house site.

Our comments are preliminary in nature, as an aid to the information gathering which has begun in order to frame a General Plan. We're extremely excited by the opportunity to create a new State Park and its facilities from the ground up.

In general, Save Mount Diablo believes extensive reconnaissance should be pursued to locate and preserve rare species and habitats. 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.

We are supportive of the reintroduction of tule elk, pronghorn and the Mt. Diablo buckwheat, which was first discovered on John Marsh's Rancho in 1862, and of riparian and oak restoration. We defer to scientists but believe that grazing can be both an important management tool for the preservation of rare species, and also a theme relative to historic interpretation. Road projects and their mitigation offer a mechanism to enhance wildlife movement.

We believe multi-use passive recreation should be supported, primarily 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. Recreation should be coordinated with other nearby agencies and joint use should be sought from the Flood Control District to make Marsh Creek reservoir available to the public rather than a barrier between sections of the state park.

Where more intensive facilities are proposed, including camping, sensitive resources should be avoided, and visitor use should be concentrated around the John Marsh Home, the Apple Orchard and south of Marsh Creek Road. We are supportive of the restoration of the John Marsh Home. We are equally supportive of robust interpretation of the Indians of Rancho Los Meganos and Canada de Los Poblanos, especially the most recent Volvon about which there has been very little interpretation.

Save Mount Diablo has not taken a position on the park's name. There are enough Cowell-named parks around Northern California already and use of that name would probably be confusing. We are, however, intrigued by the historic name of Rancho Los Meganos, and the potential to name the park and a cultural unit including the John Marsh home independently.

We would be interested in tours to get a deeper understanding of all of the areas within the State Park, especially the area east of Marsh Creek Road. Please keep us informed of upcoming planning steps and place us on the mailing list for this process.

Detailed comments are below. Thank you for your consideration of our comments.

Sincerely,

Seth Adams
Director of Land Programs

Resource Element

1. **Information** - LSA Associates, Inc. in Point Richmond was involved in significant resource inventories when development was proposed at Cowell Ranch. These documents contracted by the Cowell Foundation should be reviewed, including: *Biological Resource – Cowell Ranch, Contra Costa County, November 1, 1993*; *Supplemental Rare Plant Survey, Cowell Ranch, Contra Costa Count, July 12, 1994*; and *Supplemental Rare Plant Survey #2, Oct. 10, 1994*
2. **Wildlife corridors** – Cowell Ranch is part of a complex of parks and preserved lands, and is contiguous with the 18,385 acre Los Vaqueros watershed, 2,070 acre Round Valley Regional Preserve, and the 211 acre Fox Ridge Manor open space which will be dedicated to East Bay Regional Park District. One or two additional acquisitions will allow for connection of this open space corridor northwest to Black Diamond Mines Regional Preserve. A connection already exists to the south to open space stretching to both Livermore and Walnut Creek.

In addition, Contra Costa County, area cities including Brentwood, and regulatory agencies are engaged in an East Contra Costa County Habitat Conservation Plan/NCCP (ECCC HCP/NCCP) which will guide preservation in the area surrounding Cowell. Key corridors identified in the plan include the San Joaquin kit fox corridors in the parallel grassland valleys stretching east from Black Diamond Mines – Horse Valley, Deer Valley, Briones Valley, and Canada de los Poblanos along Marsh Creek, and the connections to the grasslands east and west of Los Vaqueros and in the area to the east of the watershed. The HCP/NCCP is a potential source of acquisition and management funding.

The plan should give a great deal of attention to avoiding impacts on these corridors and to resolving existing conflicts, including restoration and enhancement, and additional land acquisition.

It should seek to maintain corridors between the eastern third and the western two-thirds of the park, currently separated by the lands of the Contra Costa County Flood Control and Water Conservation District and its Marsh Creek reservoir. The State Park should pursue a joint

operating agreement with the Flood Control District to provide for coordinated resource management and for recreational facilities.

Road construction and maintenance projects are both an opportunity and a threat to these corridors. During such projects, attention should be paid to minimizing impacts on these corridors and mitigation used to create additional opportunities for wildlife movement.

3. **Endangered Species**– Cowell Ranch includes habitat for many listed species, which should largely be avoided. Attached is Table 1 from the ECCC HCP/NCCP, including the 26 species covered by the Plan. Many of these species are found at Cowell. Habitat enhancement for these species should be undertaken. For example, Marsh Creek reservoir is a likely site for non-native bullfrogs, which displace and prey on native amphibians.
4. **Mt. Diablo buckwheat** (*Eriogonum truncatum*) should be added to the list of significant species. John Marsh's Rancho Los Meganos was the site of the first, type record for the species, collected by William Brewer of the California Geological Survey on May 29, 1862 at Marsh's Rancho. Although it's not clear whether the plant was found within the borders of the current state park, several records are from nearby.ⁱ

The plant, which had been thought extinct, was rediscovered on May 10, 2005 on Mt. Diablo. The State Park is a potential reintroduction site for the plant.

5. **Burrowing owls & raptors** – Cowell Ranch has one of the largest concentrations of raptors and owls, especially burrowing owls, in the East Bay. Burrows and nest sites should be mapped and facilities sited to avoid impacting them. Swainson's hawk nests at the Marsh Creek reservoir.
6. **Briones Valley** is a dominant landscape feature of the Park and a significant wildlife corridor, including habitat for a variety of listed species. It should be protected and facilities limited to trails and staging areas.
7. **Marsh Creek** is another dominant feature of the park. It should be protected and enhanced, and riparian vegetation expanded and restored. However, the creek is also a good location for a regional trail connecting Los Vaqueros, and Round Valley with Brentwood.
8. **“Old Sand Quarry Area”** Sandpit areas east of Marsh Creek Road and west of the apple orchard are another significant feature of the park which should be preserved, and which tie in with the area's historic name, Rancho Los Meganos. They are prime habitat for the San Joaquin kit fox and characteristic of the fox's best habitat at the south end of the San Joaquin Valley. They include very different plant species and are likely habitat for legless lizards (*Anniella pulchra pulchra*).

If quarrying is done within the State Park to repair the John Marsh Home, mitigation for these species will be necessary.

9. **Vernal pools** – The Park includes a number of vernal pools which have been otherwise largely lost in Contra Costa County. They should be protected and managed appropriately. Other areas nearby with vernal pools include appropriate additions to the Park.
10. **Tree regeneration** – Other than along riparian corridors most of the remaining trees within the Park are scattered large oaks, with very few young trees. Localized regeneration should be undertaken near these large specimen trees, but with great care since additional tree cover would benefit predators of the San Joaquin kit fox and other listed species.
11. **Apple Orchard** – Whatever decisions are made about the future of the Apple orchard, buffering of sensitive resources including Kellogg Creek should be pursued.

Interpretive Element

1. **Interpretive Themes** - could include
 - a. Mt. Diablo as an ecological cross roads
 - b. The San Joaquin Valley as the California ‘Serengeti’, home to huge concentrations of wildlife
 - c. Wildlife corridors and rare species, especially grassland and riparian corridors
 - d. Indian culture
 - e. Spanish-Mexican culture, including the Rancho system and cattle ranching
 - f. the John Marsh Home and settlement before the Gold Rush
 - g. Agriculture

Operations Element

1. **Marsh Creek Reservoir** - The State Park should pursue a joint operating agreement with the Contra Costa County Flood Control and Water Conservation District, at its Marsh Creek reservoir, to provide for coordinated resource management and for recreational facilities. The Flood Control District has some interest in enlarging the reservoir; if such a project is undertaken it should be considered carefully since it could flood parts of the State Park, affect the ground water table and the downstream John Marsh House, or benefit exotic species.

2. **Grazing** – Historically Rancho Los Meganos was habitat for tule elk, deer and pronghorn.ⁱⁱ Restoration of elk and pronghorn to Cowell Ranch should be a goal.

We understand that cattle grazing is a cost effective fire management tool which can also have significant benefits for grassland species, especially listed ones such as burrowing owl. Whether grazing continues at Cowell Ranch should be driven by science. The Plan should consider whether grazing regimes other than year round would benefit species more. For example, Round Valley Regional Preserve, which is habitat for many of the same species found at Cowell, is grazed intensely seasonally, then cattle are removed for the rest of the year.

Grazing is also a historic activity at Rancho Los Meganos/Cowell. If grazing is continued as an element of interpretation, the plan should consider whether to utilize historic cattle and/or horse breeds, especially in the vicinity of the Marsh House.

3. **Ground Squirrel poisoning** – Ground squirrels, and their burrows, are the underpinning of many of the species found at Cowell, especially in summer when the burrows are utilized by many species for estivation. Poisoning of and shooting squirrels should be prohibited.
4. **Pipelines, power lines & other easements** – should be investigated and where possible, removed. New easements should be minimized. Where easements are necessary, ground disturbance should be minimized, re-seeding after disturbance should be prohibited, and opportunities for co-location of trail or other recreational corridors considered.
5. **Maintenance Facilities** – If possible, maintenance and other supporting facilities should be located outside of the Park boundaries. If they must be located within the park, they should be located out of site and should avoid sensitive habitat or the interruption of wildlife corridors. Opportunities to share facilities with East Bay Regional Park District, Contra Costa Water District, the Contra Costa County Flood Control and Water Conservation District or the City of Brentwood should be considered.

Land Use Element

1. **Trails & Access**
 - a. **Staging Areas and parking** – Appropriate staging areas to serve Cowell Ranch, which should avoid sensitive resources, might include locations at:
 - i. The John Marsh Home or the Vineyards at Marsh Creek village center

- ii. Joint use of the EBRPD Round Valley Regional Preserve Staging Area
 - iii. Marsh Creek Road at Camino Diablo
 - iv. The Apple Orchard
 - v. Concord Avenue
 - vi. Deer Valley Road at Briones Valley Road
- b. **Park Trails** – Save Mount Diablo supports the creation of a robust multi-use trail system at Cowell Ranch for non-motorized recreation. However, trails should be sensitively sited to avoid rare habitats and listed species. Where necessary, existing fire roads should be re-routed to avoid these resources. The State Park should pursue a joint operating agreement with the Contra Costa County Flood Control and Water Conservation District, at its Marsh Creek reservoir, to provide for trails between the eastern third and the western two thirds of the park. Trails should be coordinated with those of EBRPD, the City of Brentwood, and CCWD.
- c. **Possible Trails** could include:
- i. Briones Valley loop trail, with connections to the John Marsh Home
 - ii. Marsh Creek trail
 - iii. Extension of the Walnut Trail from Los Vaqueros to Brentwood.
 - iv. Trail from the Round Valley Regional Preserve Staging Area to Deer Valley Road
 - v. From the Round Valley Regional Preserve Staging Area to the Apple Orchard
- d. **Multi-Use Regional Trails** could include:
- i. Diablo Trail – Save Mount Diablo has helped to create a 30-mile Diablo Trail from Walnut Creek to the Round Valley Regional Preserve Staging Area. We support the ongoing use of that trail as well as a tie-in to a:
 - ii. Diablo Grand Loop Trail – which would extend from the Round Valley Regional Preserve Staging Area through Briones Valley to the Fox Ridge Manor open space, and eventually to Black Diamond Mines Regional Preserve and back to Mt. Diablo State Park, another 30 miles.
 - iii. EBRPD’s Morgan Territory to Big Break Regional Trail
2. **Day Use Facilities** – We believe day use facilities should be concentrated in the vicinity of the John Marsh Home, south of Marsh Creek Road, or in the vicinity of the Apple Orchard.
3. **Camping Facilities** – should avoid sensitive habitat or that of rare species.
4. **Telecommunication Facilities** – should be limited to avoid disturbing the visual resources of the park.
5. **Special Interest Activities** – could include passive recreation such as hiking, cycling and equestrian activities, or organized trail events. Given sensitive species and raptors, noisy activities and motorized vehicles should be avoided.
6. **Roads** – should be managed to decrease impacts on sensitive species. Where road projects take place, mitigations should focus on funneling wildlife away from roads, and increased opportunities for wildlife movement should be created, such as under crossings and culverts. Traffic calming mechanisms should be considered for Marsh Creek Road and Camino Diablo.
- a. Briones Valley Road
 - b. Deer Valley Road
 - c. Marsh Creek Road
 - d. Camino Diablo Road
 - e. Walnut Boulevard

7. **Appropriate Future Additions** – Save Mount Diablo supports significant expansion of the State Park to protect park resources and enhance recreational and wildlife corridors.
 - a. Marsh Creek – lands southwest of the park along Marsh Creek and Deer Valley Roads, to consolidate public lands with Round Valley, and preserve a longer stretch of Marsh creek, including:
 - b. Inholdings between Cowell, Round Valley and Los Vaqueros
 - c. Briones Valley – the headwaters of Briones Valley creek are located on EBRPD holdings at Black Diamond Mines Regional Preserve, then flow down Briones Valley to the Fox Ridge Manor open space and into Cowell Ranch to the Marsh Creek reservoir. Protection of areas within Briones Valley could protect the creek, its watershed and water quality upstream of Cowell.
 - d. Roman Catholic Property (Dry Creek) – should be considered as an appropriate addition to the park.
 - e. Deer Valley is the other most important wildlife corridor in the area, in addition to Briones Valley. The Roddy Ranch golf course included preservation of much of the ridge between Briones and Deer Valleys. The proposed Roddy Ranch development in Horse Valley will require extensive mitigation. The valley floor of Deer Valley, both east and west of Deer Valley Road, is an appropriate addition to Cowell.
 - f. Kellogg Creek corridor and the area stretching east across Vasco Road to agricultural lands – could further buffer the park and help to ensure that Cowell’s grassland wildlife corridors aren’t cut off from the grasslands stretching south to Byron.

Facilities Element

1. **Park Name** – Save Mount Diablo has not taken a position on the park’s name. We are, however, intrigued by the historic name of Rancho Los Meganos, and the potential to name the park and a unit including the John Marsh home independently.
2. **John Marsh House** – Save Mount Diablo is supportive of the restoration of the John Marsh Home. The site’s Indian cultural history should be paid great attention as well.
3. **Visitor Facilities** – We believe most visitor facilities, other than trails and staging areas, should be located in the vicinity of the John Marsh Home or the Apple Orchard.
4. **Camping** – we are potentially supportive of the creation of camping facilities, depending on location, although sensitive resources should be avoided.
5. **Community College** – the Cowell Ranch deal relative to the creation of the park, and the development of the Vineyards at Marsh Creek included provision of a community college site. The Park should pursue joint uses with the community college district.

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ⁱ According to writer David Rains Wallace, the upcoming July Bay Nature magazine: *Brewer didn't mention it in his writing, except to describe the area near where he found it, east of the peak, as "a flat of perhaps two or three hundred acres surrounded by low rolling hills and covered with oaks here and there, like a park. And such oaks! ... one was seven feet in diameter with a head a hundred and thirty feet across." The little wildflower, with spindly stems from four inches to two feet tall, must have seemed unremarkable in comparison to the massive oak. It was a kind of Eriogonum (Latin for "wooly knees," referring to the cottony stems), a buckwheat family genus of which there are over a hundred species in the West.*

Brewer's dried specimens were sent east to Harvard, where Asa Gray and Sereno Watson, two of America's premier botanists, decided the little wildflower was a new species, which they named Eriogonum truncatum in 1871. This probably didn't surprise Brewer either; he'd found many new species in California, then largely unexplored botanically. But as the state became better known, nobody found

Eriogonum truncatum anywhere except near Mount Diablo, and that might well have surprised Brewer. The species, which came to be called Mount Diablo buckwheat, apparently was endemic to the area, implying, for one thing, that it might have come into existence here fairly recently...

Eriogonum truncatum is unusual even for a local endemic, however, because it has been Mount Diablo's rarest and most elusive one. A botanist named Mary Katherine Curran found it near Antioch in 1886, and in 1903 another named C.F. Baker found it "locally common along rocky banks" on Marsh Creek Road east of the peak, near where Brewer had collected it. Then nobody seems to have seen it again until the 1930s, when a young botany graduate student at U.C. Berkeley found some specimens on the slopes of Mount Diablo.

ⁱⁱ Bryant, Edwin, *What I Saw in California*, New York, 1848, reprinted, Lincoln and London, University of Nebraska Press, 1985

Sept. 15, 1846 • **Bryant 1846, Passing the Cosumnes and Mokelumne on the way from Sutter's Fort to Marsh's Ranch, crossing the San Joaquin: "September 15.**—Our horses were frightened last night by bears, and this morning, with the exception of those which were picketed, had strayed so far that we did not recover them until ten o'clock. Our route has continued over a flat plain, generally covered with luxuriant grass, wild oats, and a variety of sparkling flowers. The soil is composed of a rich argillaceous loam. Large tracts of the land are evidently subject to annual inundations. About noon we reached a small lake surrounded by *tule*. There being no trail for our guidance, we experienced some difficulty in shaping our course so as to strike the San Joaquin River at the usual fording place. Our man Jack, by some neglect or mistake of his own, lost sight of us, and we were compelled to proceed without him. This afternoon we saw several large droves of antelope and deer. Game of all kinds appears to be very abundant in this rich valley. Passing through large tracts of *tule*, we reached the San Joaquin River at dark, and encamped on the eastern bank. Here we immediately made large fires, and discharged pistols as signals to our man Jack, but he did not come into camp. Distance 35 miles."ⁱⁱ

Sept. 16, 1846 • **Bryant 1846, from the San Joaquin to Marsh's Place: "September 16.**—Jack came into camp while we were breakfasting, leading his tired horse. He had bivouacked on the plain, and, fearful that his horse would break loose if he tied him, he held the animal by the bridle all night."

"The ford of the San Joaquin is about forty or fifty miles from its mouth. At this season the water is at its lowest stage. The stream at the ford is probably one hundred yards in breadth, and our animals crossed it without much difficulty, the water reaching about midway of their bodies. Oak and small willows are the principal growth of wood skirting the river. Soon after we crossed the San Joaquin this morning we met two men, couriers, bearing despatches from Commodore Stockton, the governor and commander-in-chief in California, to Sutter's Fort. Entering upon the broad plain, we passed, in about three miles, a small lake, the water of which was so much impregnated with alkali as to be undrinkable. The grass is brown and crisp, but the seed upon it is evidence that it had fully matured before the drought affected it. The plain is furrowed with numerous deep trails, made by the droves of wild horses, elk, deer, and antelope, which roam over and graze upon it. The hunting sportsman can here enjoy his favourite pleasure to its fullest extent."

"Having determined to deviate from our direct course, in order to visit the rancho of Dr. Marsh, we parted from Messrs. McKee and Pickett about noon. We passed during the afternoon several *tule* marshes, with which the plain of the San Joaquin is dotted. At a distance, the *tule* of these marshes presents the appearance of immense fields of ripened corn. The marshes are now nearly dry, and to shorten our journey we crossed several of them without difficulty. A month earlier, this would not have been practicable. I have but little doubt that these marshes would make fine rice plantations, and perhaps, if properly drained, they might produce the sugar-cane."

"While pursuing our journey we frequently saw large droves of wild horses and elk grazing quietly upon the plain. No spectacle of moving life can present a more animated and beautiful appearance than a herd of wild horses. They were divided into droves of some one or two hundred. When they noticed us,

attracted by curiosity to discover what we were, they would start and run almost with the fleetness of the wind in the direction towards us. But, arriving within a distance of two hundred yards, they would suddenly halt, and after bowing their necks into graceful curves, and looking steadily at us a few moments, with loud snortings they would wheel about and bound away with the same lightning speed. These evolutions they would repeat several times, until, having satisfied their curiosity, they would bid us a final adieu, and disappear behind the undulations of the plain.”

“The herds of elk were much more numerous. Some of them numbered at least two thousand, and with their immense antlers presented, when running, a very singular and picturesque appearance. We approached some of these herds within fifty yards before they took the alarm. Beef in California is so abundant, and of so fine a quality, that game is but little hunted, and not much prized, hence the elk, deer, and even antelope are comparatively very tame, and rarely run from the traveller, unless he rides very near them. Some of these elk are as large as a medium-sized Mexican mule.”

“We arrived at the rancho of Dr. Marsh about 5 o'clock P.M., greatly fatigued with the day's ride. The residence of Dr. M. is romantically situated, near the foot of one of the most elevated mountains in the range separating the valley of the San Joaquin from the plain surrounding the Bay of San Francisco. It is called "Mount Diablo," and may be seen in clear weather a great distance. The dwelling of Dr. M. is a small one-story house, rudely constructed of adobes, and divided into two or three apartments. The flooring is of earth, like the walls. A table or two, and some benches and a bed, are all the furniture it contains. Such are the privations to which those who settle in new countries must submit. Dr. M. is a native of New England, a graduate of Harvard University, and a gentleman of fine natural abilities and extensive scientific and literary acquirements. He emigrated to California some seven or eight years since, after having travelled through most of the Mexican States. He speaks the Spanish language fluently and correctly, and his accurate knowledge of Mexican institutions, laws, and customs was fully displayed in his conversation in regard to them. He obtained the grant of land upon which he now resides, some ten or twelve miles square, four or five years ago; and although he has been constantly harassed by the wild Indians, who have several times stolen all his horses, and sometimes numbers of his cattle, he has succeeded in permanently establishing himself. The present number of cattle on his rancho is about two thousand, and the increase of the present year he estimates at five hundred.”

“I noticed near the house a vegetable garden, with the usual variety of vegetables. In another inclosure was the commencement of an extensive vineyard, the fruit of which (now ripe) exceeds in delicacy of flavour any grapes which I have ever tasted. This grape is not indigenous, but was introduced by *the padres*, when they first established themselves in the country. The soil and climate of California have probably improved it. Many of the clusters are eight and ten inches in length, and weigh several pounds. The fruit is of medium size, and in colour a dark purple. The rind is very thin, and when broken the pulp dissolves in the mouth immediately. Although Dr. M. has just commenced his vineyard, he has made several casks of wine this year, which is now in a state of fermentation. I tasted here, for the first time, *aguardiente*, or brandy distilled from the Californian grape. Its flavour is not unpleasant, and age, I do not doubt, would render it equal to the brandies of France. Large quantities of wine and *aguardiente* are made from the extensive vineyards farther south. Dr. M. informed me that his lands had produced a hundredfold of wheat without irrigation. This yield seems almost incredible; but, if we can believe the statements of men of unimpeached veracity, there have been numerous instances of reproduction of wheat in California equalling and even exceeding this.”

“Some time in July, a vessel arrived at San Francisco from New York, which had been chartered and freighted principally by a party of Mormon emigrants, numbering between two and three hundred, women and children included. These Mormons are about making a settlement for agricultural purposes on the San Joaquin River, above the rancho of Dr. Marsh. Two of the women and one of the men are now here, waiting for the return of the main party, which has gone up the river to explore and select a suitable site for the settlement. The women are young, neatly dressed, and one of them may be called good-looking. Captain Gant, formerly of the U.S. Army, in very bad health, is also residing here. He has crossed the

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Rocky Mountains eight times, and, in various trapping excursions, has explored nearly every river between the settlements of the United States and the Pacific Ocean.”

“The house of Dr. Marsh being fully occupied, we made our beds in a shed, a short distance from it. Suspended from one of the poles forming the frame of this shed was a portion of the carcass of a recently slaughtered beef. The meat was very fat, the muscular portions of it presenting that marbled appearance, produced by a mixture of the fat and lean, so agreeable to the sight and palate of the epicure. The horned cattle of California, which I have thus far seen, are the largest and the handsomest in shape which I ever saw. There is certainly no breed in the United States equalling them in size. They, as well as the horses, subsist entirely on the indigenous grasses, at all seasons of the year; and such are the nutritious qualities of the herbage, that the former are always in condition for slaughtering, and the latter have as much flesh upon them as is desirable, unless (which is often the case) they are kept up at hard work and denied the privilege of eating, or are broken down by hard riding. The varieties of grass are very numerous, and nearly all of them are heavily seeded when ripe, and are equal, if not superior, as food for animals, to corn and oats. The horses are not as large as the breeds of the United States, but in point of symmetrical proportions and in capacity for endurance they are fully equal to our best breeds. The distance we have travelled to-day I estimate at thirty-five miles.”ⁱⁱ

Sept. 17, 1846 • **Bryant 1846, from Marsh’s Place to Livermore’s:** “*September 17.*—The temperature of the mornings is most agreeable, and every other phenomenon accompanying it is correspondingly delightful to the senses. Our breakfast consisted of warm bread, made of unbolted flour, stewed beef, seasoned with *chile colorado*, a species of red pepper, and *frijoles*, a dark-coloured bean, with coffee. After breakfast I walked with Dr. Marsh to the summit of a conical hill, about a mile distant from his house, from which the view of the plain on the north, south, and east, and the more broken and mountainous country on the west, is very extensive and picturesque. The hills and the plain are ornamented with the evergreen oak, sometimes in clumps or groves, at others standing solitary. On the summits, and in the gorges of the mountains, the cedar, pine, and fir display their tall symmetrical shapes; and the San Joaquin, at a distance of about ten miles, is belted by a dense forest of oak, sycamore, and smaller timber and shrubbery. The herds of cattle are scattered over the plain,—some of them grazing upon the brown but nutritious grass; others sheltering themselves from the sun under the wide-spreading branches of the oaks. The *tout ensemble* of the landscape is charming.”

June 16, 2006

Donna J. Plunkett,
EDAW, Inc
150 Chestnut Street
San Francisco, CA 94111

Re: John Marsh/Cowell Ranch State Park General Plan

Dear Donna:

I thought you would find the attached three studies useful. They were conducted by LSA Associates, Inc. when the property was proposed for development. Please make these documents and this letter part of the administrative record for the General Plan dEIR.

- 1) Biological Resources, Cowell Ranch, Contra Costa County, November 1, 1993, LSA Associates, Inc.
- 2) Supplemental Rare Plant Survey, Cowell Ranch, Contra Costa County, July 12 1994, LSA Associates, Inc.
- 3) Supplemental Rare Plant Survey, No. 2, Cowell Ranch, Contra Costa County, October 10, 1994, LSA Associates, Inc.

234 plant species were observed within the historic boundaries of Cowell Ranch (prior to the development of the Vineyards at Marsh Creek). Four special status plant communities are present. Four special status plant species are found onsite, crownscale, San Joaquin spearscale, Heartscale, and big tarplant.

Fifty-four wildlife species were observed, twelve of them special status: California linderiella, vernal pool fairy shrimp, curve-footed hygrotus diving beetle, California tiger salamander, California red-legged frog, western pond turtle, northern harrier, prairie falcon, burrowing owl, loggerhead shrike, California horned lark, and San Joaquin pocket mouse. Suitable habitat exists for San Joaquin kit fox, which are confirmed in the grassland corridor both northeast and south of the State Park.

In addition, although Mt. Diablo buckwheat was presumed to be absent because of lack of suitable habitat, *Eriogonum truncatum* was first typed on Marsh's Ranch, was historically found south of Antioch and along Marsh Creek, and the rediscovery of the plant last May 2005 has led to a reexamination of suitable habitat. The plant may find refuge in the vicinity of chaparral, but it was also found historically in grassland. At the least the State Park may represent a potential reintroduction site.

Thirty-eight man made stockponds and 58 seasonal pools were located within the old boundaries.

Among the conclusions that can be reached from the information provided are that the ponds and water bodies on the State park are of extreme importance, and should be maintained.

In addition to the special status plant communities, the Briones Valley, Marsh Creek riparian forest, and sand quarry areas are of special importance; the last for kit fox denning and potentially for silvery legless lizard (personal communication, Malcolm Sproul, LSA Associates).

I hope this information is useful.

Sincerely,

Seth Adams
Director of Land Programs

CC:

Craig Mattson,, California Dept. of Parks and Recreation, Diablo Vista District – Bay Sector, 96 Mitchell Canyon Road, Clayton, CA 94517

Cyndy Shafer, Environmental Scientist, California State Parks - Diablo Vista District, 845 Casa Grande Road, Petaluma, CA. 94954

Sheila Larsen, USFWS, 2800 Cottage Way, W-2605 Sacramento, CA 95825

Kim Squires, USFWS, 2800 Cottage Way, W-2605 Sacramento, CA 95825

Janice Gan-California Deptr. Of Fish & Game, P.O. Box 850, Tracy, CA 95378

Brad Olson, East Bay Regional Park District, 2950 Peralta Oaks Court, P.O. Box 5381, Oakland, CA 94605-0381

Lech Naumovich, Conservation Analyst, East Bay Chapter, California Native Plant Society

Letter 13 Response – Save Mount Diablo

- 13-1:** As stated on page 4-1 of the GP and EIR, the GP and EIR are combined as one document that addresses all of the points required by the State CEQA Guidelines. This is a Program EIR for the GP and does not contain project-specific analysis of projects recommended in the GP. Because the GP is a long-range plan, additional management planning, design documentation, schematic design, and construction documentation would be completed as necessary before Park improvements are made. Future projects will undergo subsequent CEQA review as appropriate.
- 13-2:** State Parks acknowledges and appreciates the many contributions that Save Mount Diablo has made to the Cowell Ranch / John Marsh State Historic Park. State Parks acknowledges receipt of the letters that Save Mount Diablo sent to State Parks in 2006. This comment does not otherwise address the content of the Cowell Ranch / John Marsh State Historic Park GP and EIR.
- 13-3:** Please refer to the response to Comment 11-5 and Master Response 1, Program-level Analysis and Facility Siting regarding extensive surveys and inventories.
- 13-4:** This comment regarding the support of future land acquisition to protect sensitive species and wildlife corridors is noted. This comment does not address the content or the evaluation of potential environmental impacts in the Cowell Ranch / John Marsh State Historic Park GP and EIR.
- 13-5:** This comment supporting species reintroduction and restoration is noted. This comment does not require an additional response related to the GP and EIR.
- 13-6:** This comment regarding grazing is noted. Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.
- 13-7:** The Natural Resource Management goals and guidelines for wildlife (Goals WLIFE 1-4 presented on pages 3-36 to 3-38 of the GP and EIR) require that existing native wildlife populations and their habitats be preserved, conserved and enhanced, and that habitats of special-status wildlife species be protected and enhanced.

Please refer to Master Response 1, Program-level Analysis and Facility Siting. Detailed planning of trail alignments, roads and related facilities will be conducted as specific projects are identified. Projects implemented under the GP will be subject to further CEQA review.

- 13-8:** This comment supporting multi-use passive recreation is noted. The GP identifies staging areas to support passive recreation, including trails, and has provided a guideline under Goal TRAIL 2 to “explore the best locations for linking to adjacent lands such as the Round Valley Regional Preserve, Los Vaqueros Watershed, and existing and proposed regional trails, such as the Marsh Creek Trail and Diablo Trail.” Please refer to the responses to Comments 6-1 and 6-2 regarding integration of the Park into the regional trail network.

- 13-9:** This comment regarding coordination with other agencies is noted. Interagency Cooperation Goal COOP 1 aims to coordinate with all adjacent landowners, Park lessees, concessionaires, easement holders, and local and State agencies to share resources, when possible, and ensure coordinated implementation of Park management actions. Marsh Creek Reservoir is managed and operated by the CCCFCWCD. The GP does not propose any improvements on land owned by CCCFCWCD. Please refer to the response to Comment 4-1 regarding State Parks coordination with CCCFCWCD.
- 13-10:** As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 and Map 15, Primary Historic Zone, Alternative C on page 3-23 of the GP and EIR, the visitor facility zones with the most intense visitor use are concentrated in the Eastern Visitor Facility Zone, Round Valley Visitor Facility Zone (south of Marsh Creek Road), and around the John Marsh House. Please refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-11:** Save Mount Diablo's support of restoration of the John Marsh House is noted.
- 13-12:** Save Mount Diablo's support of a strong interpretive program related to the Indians that occupied the area is noted. This comment does not address the content or the evaluation of potential environmental impacts in the Cowell Ranch / John Marsh State Historic Park GP and EIR.
- 13-13:** The reports identified by the commenter are referenced on pages 2-33, 2-34, and 2-40 in the Biological Resources Existing Conditions section of the GP and EIR.
- 13-14:** Special-status plant species are listed in Table 5 starting on page 2-42 of the GP and EIR, and special-status wildlife species are listed in Table 6 starting on page 2-44 of the GP and EIR.
- 13-15:** Mount Diablo buckwheat is listed in Table 5 on page 2-42 of the GP and EIR, where it is noted that the plant was rediscovered in Mount Diablo State Park.
- 13-16:** As noted on pages 2-47 and 2-48 of the GP and EIR, stock ponds are recognized as habitat for various special-status amphibians and will be evaluated during future planning and site specific studies. Please refer to the response to Comment 7-14.
- 13-17:** The San Joaquin kit fox and silvery legless lizard are recognized as special-status species potentially occurring on the site (see Table 6 on page 2-44 of the GP and EIR).
- 13-18:** Please refer to Master Response 2, Decision Process for Naming of the Park. This comment does not address the content or the evaluation of potential environmental impacts in the Cowell Ranch / John Marsh State Historic Park GP and EIR.
- 13-19:** Map 2 has been revised to show the East Bay Regional Park District property named Fox Ridge Manor.

13-20: This comment regarding the recent land acquisition (referred to as “Dry Creek”) by Save Mount Diablo has been noted. It is located near the Park and is a valuable addition to the regional open space.

13-21: The text on page 2-1 has been revised to indicate Kellogg Creek watershed. Please refer to Chapter 4 of this document to see the specific text revisions.

13-22: The discussion of surrounding land uses on page 2-1 of the GP and EIR has been updated to indicate the Contra Costa Community College District site is located west of the intersection of the State Route 4 Bypass and Marsh Creek Road. The site is within the Vineyards at Marsh Creek project area. Please refer to Chapter 4 of this document to see the specific text revisions.

The former Contra Costa Community College District site is located outside of the Park boundaries and is outside the scope of this project. The property does not belong to the State and State Parks does not have control over private uses.

13-23: The text on page 2-23 of the GP and EIR provides an adequate program-level description of the watersheds within the Park. The California Interagency Watershed Map is the current official watershed map for use by State and Federal agencies in California. Therefore, a revision is not necessary. Future project specific documentation will use the current information available at the time these documents are prepared. Please refer to Master Response 1, Program-level Analysis and Facility Siting.

13-24: Restoration of Marsh Creek is included under Goal VEG 1 on page 3-34 of the GP and EIR. Coordination with the CCCFCWCD is identified as a Park management action in Goal COOP 1 on page 3-51 of the GP and EIR. As described on page 2-82 of the GP and EIR, the CCCFCWCD is planning to expand the reservoir. As part of this work, habitat restoration is planned and the CCCFCWCD is seeking funding to refine and implement the plans.

13-25: The programmatic EIR evaluated potential noise impacts resulting from implementation of the GP and found that noise related to facility development, visitor use and park operations would not result in significant impacts (see page 4-21 of the GP and EIR). Noise generated from adjacent property, such as the highway, roads, and private development, may affect park visitors. The design of noise reduction measures is dependent on the location of sensitive receptors and the surrounding topography. Such measures could be proposed during project level planning for specific projects proposed under the GP. Please refer to Master Response 1, Program-level Analysis and Facility Siting.

13-26: The GP contains Natural Resource Management goals and guidelines that require the protection, maintenance, and restoration of local and regionally important native plant communities, including preparation of a vegetation management plan, management of special-status plants and sensitive plant communities for habitat enhancement, and management of unique communities such as vernal pools, alkali sink scrub, and native grasslands (see pages 3-34 to 3-36 of the GP and EIR). Vegetation inventories will be updated

and vegetation mapping will record the locations of special-status plant species and their habitats. Guidelines under Goal VEG 1 and Goal WLIFE 4 provide for cooperation with regional conservation plans and polices including the ECCCHCP/NCCP. Tables 5 and 6 on pages 2-41 to 2-46 of the GP and EIR list special-status species, their likelihood of occurring on the Park site, and indicate those species that are not included in the ECCCHCP/NCCP.

Please refer to the response to Comment 6-7 regarding consistency with the ECCCHCP/NCCP, and see the response to Comment 11-3 regarding *Navarretia nigelliformis* ssp. *nigelliformis*.

- 13-27:** The EIR notes that goals and guidelines in the GP focus on the inventory and management of sensitive resources, restoration, prevention and control of invasive weeds, and the use of monitors and state of the art vegetation management techniques. With implementation of the goals and guidelines contained in the GP, proposed facilities would be sited and constructed in a way that would not result in substantial impacts on existing vegetation. Implementation of the goals and guidelines would result in updated vegetation inventories and vegetation mapping that would record the locations of special-status plant species and their habitats during project-level planning for specific projects proposed under the General Plan. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-28:** Please refer to the response to Comment 12-5 regarding updated references for CNPS and Sawyer and Keeler-Wolf. The most current documentation on special-status species for the Park will be consulted for future vegetation surveys and inventories.
- 13-29:** Please refer to the responses to Comments 13-27 and 13-28.
- 13-30:** The text presented under the heading “Grassland Associated Wildlife” on pages 2-34 and 2-37 of the GP and EIR has been revised to recognize the importance of native grassland habitats to California tiger salamander, prairie falcon, golden eagle, American badger, and San Joaquin kit fox. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-31:** Please refer to the response to Comment 12-6.
- 13-32:** The text on page 2-40 of the GP and EIR has been revised to update the nomenclature for big tarplant. The nomenclature for San Joaquin sparscale is listed in the Department of Fish and Game’s Special Vascular Plants, Bryophytes, and Lichens List (July 2011) and CNDDDB Rarefind 4 (accessed 7/14/11) as *Atriplex joaquiniana*, consistent with the GP and EIR. Please refer to Chapter 4 of this document to see the specific text revision.
- 13-33:** Please refer to the response to Comment 11-3 regarding *Navarretia nigelliformis* ssp. *nigelliformis*.
- 13-34:** Mount Diablo buckwheat is currently listed in Table 5 on page 2-42 of the GP and EIR, where it is noted that the plant was rediscovered in Mount Diablo State Park. The GP contains Natural Resource Management goals and guidelines that require the protection, maintenance, and

restoration of local and regionally important native plant communities and special status plants.

13-35: Table 6, Cowell Ranch / John Marsh State Historic Park Special-status Wildlife Species, presented on page 2-46 of the GP and EIR, and the related text on pages 2-50 and 2-51 of the GP and EIR have been corrected to indicate changed conditions on the site that increase the likelihood that the Park would provide habitat for San Joaquin kit fox and other species using similar habitat. Please refer to Chapter 4 of this document to see the specific text revisions.

13-36: The presence of burrowing owls on the Park property is noted on page 2-35 on Map 10, Biological Resources, on page 2-45 in Table 6, and in the related text on page 2-49 of the GP and EIR. In addition, the text on page 2-49 of the GP and EIR has been revised in response to Comment 4-7 to note that evidence of burrowing owls has been observed around Marsh Creek Reservoir. Please refer to Chapter 4 of this document to see the specific text revisions. Implementation of guidelines under Goal WLIFE 1, which seeks to protect, conserve, and enhance existing native wildlife populations and their habitats (see pages 3-36 to 3-37 of the GP and EIR), would lead to on-going natural resource surveys and mapping to document the location of populations and habitat.

13-37: Implementation of the guidelines under Goal VEG 3, which seeks to protect native plant communities and effectively manage invasive and non-native species, would involve preparation of a management plan to manage and remove invasive species over time (see page 3-35 of the GP and EIR). Tools and techniques, such as prescribed fire, would be identified in the plan and used to control invasive species. Coordination with adjacent land management agencies, such as EBRPD and CCCFCWCD, would facilitate implementation of GP guidelines that seek to control invasive plant and animal populations, including yellow star thistle and bullfrogs, as referenced in Interagency Cooperation Goal COOP 1 on page 3-50 of the GP and EIR.

To further clarify this intent, a new guideline has been added under Goal VEG 3 that directs Park management to coordinate with adjacent park and open space management agencies to facilitate management of invasive species. Please refer to Chapter 4 of this document to see the specific language changes.

13-38: Implementation of the guidelines under Goal WLIFE 2, presented on page 3-37 of the GP and EIR, would require State Parks to coordinate with stakeholders in the vicinity of the Park to restore habitat and preserve habitat linkages. The guidelines under Goal WLIFE 4, presented on page 3-38 of the GP and EIR, require cooperation with regional conservation plans and policies, including the ECCCHCP/NCCP when such programs are consistent with the Park's natural resources goals. The fifth guideline under Goal COOP 1 on page 3-51 of the GP and EIR ensures consultation with the CCCFCWCD on reservoir expansion, dam upgrades, recreational use of the reservoir, and reservoir crossings to ensure compatibility with Park access and resource protection goals.

- 13-39:** Please refer to the response to Comment 13-7 with regard to road alignments and potential impacts to wildlife.
- 13-40:** Please refer to the response to Comment 7-7 and Master Response 1, Program-level Analysis and Facility Siting with regard to facilities in the Briones Valley.
- 13-41:** As stated on pages 3-14 to 3-15 of the GP and EIR, the abandoned sand mine will be managed to ensure public safety and the potential for guided tours in the future (if the site can be made safe for the public), or restoration of the area will be explored. The sand mine will be further evaluated for its resource values when specific project proposals are considered.
- 13-42:** The GP includes goals and guidelines to maintain and protect vernal pools within the Park. As stated on page 3-34 of the GP and EIR, Goal VEG 1 seeks to protect, maintain, and where appropriate, restore locally and regionally important native plant communities. Vernal pools are described as a unique plant community on page 3-24 and as an important wildlife habitat on page 3-37 of the GP and EIR. In addition, vernal pools are identified in Table 14, Natural Resource Zone Land Use, as an important natural resource feature to be preserved in the Park.

Goal WATER 1, presented on page 3-38 of the GP and EIR, seeks to prevent degradation of the Park's wetlands, vernal pools, ponds, Marsh Creek and other watercourses related to trampling, surface runoff, and sedimentation. The following guidelines under this goal seek to protect vernal pools:

- Avoid access to Park wetlands, vernal pools, ponds, Marsh Creek, and other watercourses that may cause negative impacts. Provide key, well-marked visitor access points to wetlands and vernal pools and provide interpretive signage to educate visitors about habitat sensitivity.
- Establish minimum buffers and site-specific guidelines for siting future facilities as well as campsites and associated facilities away from wetlands, vernal pools, ponds, and watercourses.

A guideline under Goal TRAIL 1, presented on page 3-27 of the GP and EIR, directs Park management to locate trails where they will not damage cultural resources or wetlands, vernal pools, or other environmentally sensitive habitats and resources.

- 13-43:** Goal VEG 1, presented on page 3-34 of the GP and EIR, seeks to protect, maintain, and where appropriate, restore locally and regionally important native plant communities. A guideline under this goal directs Park management to restore native plant communities, including oak woodland/savannah, native grasslands, and riparian forest along Marsh Creek and other drainages (see page 3-34 of the GP and EIR).
- 13-44:** Implementation of guidelines under Goal WATER 1 would control access to Park wetlands, including creeks, and would establish minimum buffers and site-specific guidelines for locating

future facilities away from wetlands, vernal pools, ponds, and watercourses to protect these sensitive resources.

- 13-45:** The GP does not propose a new bridge within the Park; however, the GP would assess and address pedestrian safety and limitations on crossing Marsh Creek Reservoir and Marsh Creek Road (see Goal TRAIL 3 and associated guidelines on page 3-28 of the GP and EIR).
- 13-46:** The commenter has submitted a map showing a network of former ranch roads and fire roads in the Park. These features are mentioned in the GP and EIR and will be evaluated, as noted in a guideline associated with Goal TRAIL 3, stating: “Use old ranch roads as trails as an alternative to building new trails and/or reducing the amount of new trails required, if these can be designed sustainable and according to California State Parks trail requirements.” The Save Mount Diablo trail map will be a valuable tool in developing the inventory of roads and trails. Please refer to the response to Comment 6-7 and Master Response 1, Program-level Analysis and Facility Siting.
- 13-47:** This comment regarding guided tours is noted; however, this comment does not require an additional response related to the GP and EIR.
- 13-48:** This comment regarding interpretive themes is noted. Please refer to the Interpretation and Education Goals and Guidelines, presented on pages 3-28 to 3-31 of the GP and EIR, which address the primary interpretive themes.
- 13-49:** Map 11 has been revised to show EBRPD’s Fox Ridge Manor property.
- 13-50:** This comment regarding planning influences is noted; however this comment does not require an additional response related to the EIR.
- 13-51:** The text on page 2-73 of the GP and EIR has been revised to indicate that EBRPD’s Round Valley Preserve contains a 25-person group campsite. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-52:** The text on page 2-75 of the GP and EIR has been revised to include a description of the Diablo Trail. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-53:** The text on page 2-75 of the Preliminary General Plan and Draft Program EIR has been revised to include the description of the Diablo Grand Loop Trail. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-54:** The text on page 2-83 of the GP and EIR has been revised to include additional descriptions of parks managed by EBRPD that are in proximity to Cowell Ranch / John Marsh State Historic Park. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-55:** The GP includes goals to protect, conserve, and enhance existing native wildlife populations and their habitats; protect, conserve, and enhance ecosystems that provide important wildlife habitat values; manage the Park’s wildlife habitats for the protection and perpetuation of

special-status wildlife species; and preserve the biodiversity and genetic integrity of local wildlife populations, where possible (see Goals WLIFE 1 through WLIFE 4 on pages 3-36 to 3-38 of the GP and EIR). As stated in these goals and related guidelines, State Parks will cooperate with regional conservation plans and policies, including the ECCCHCP/NCCP so long as such programs are consistent with the Park's natural resources and recreational goals.

- 13-56:** The text on page 2-84 of the GP and EIR has been corrected to indicate that portions of the Park are within the same watershed (Kellogg Creek) as Los Vaqueros Reservoir, and that the reservoir's location makes related studies and planning activities relevant to the Park's development and natural resource management plans. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-57:** As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 of the GP and EIR campgrounds are proposed in the Eastern Visitor Facility Zone. Campgrounds are not proposed in the sand quarry or Briones Valley areas. Exact campground locations have not yet been determined and site selection for camping areas is subject to future project-level review, including the appropriate site-specific environmental studies. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-58:** This comment supporting the historic area as the primary visitor contact area is noted; however, it does not require an additional response related to the GP and EIR.
- 13-59:** Development of visitor facilities, including development of water supply, is subject to project-level review, including the appropriate site-specific environmental studies. The GP proposes the majority of visitor facilities in the Eastern Visitor Facility Zone, the Visitor Facility Zone near the John Marsh House, and in the Round Valley Visitor Facility Zone. There are minimal visitor facilities proposed in other areas of the Park. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-60:** This comment supporting additional inventory and early development of trails is noted; however, it does not require an additional response related to the GP and EIR.
- 13-61:** Implementation of the GP's local and regional planning guidelines require State Parks to consult with the CCCFCWCD on reservoir expansion, dam upgrades, recreational use of the reservoir, and reservoir crossings to ensure compatibility with Park access and resource protection goals (see Goal COOP 1 on page 3-50 of the GP and EIR). Please also refer to the response to Comment 4-1.
- 13-62:** This comment suggesting specific staging areas is noted. Proposed staging areas are referenced on Map 14 and Map 15 in the GP and EIR.
- 13-63:** Goal TRAIL 2, presented on page 3-27 of the GP and EIR, includes guidelines that encourage trail linkages to surrounding open space lands. Please also refer to the responses to Comments 6-1 and 6-2 regarding trail connections and trail alignments.

- 13-64:** A parkwide inventory of existing trails will evaluate the condition and suitability of existing trails. Save Mount Diablo's trail map will be a valuable tool in preparing the inventory. Please refer to the response to Comment 13-46, response to Comment 6-2 and Master Response 1, Program-level Analysis and Facility Siting. Goal TRAIL 1, presented on page 3-27 of the GP and EIR, includes guidelines that direct Park management to locate trails where they will not damage cultural resources or sensitive biological habitats and resources.
- 13-65:** Save Mount Diablo's support for the restoration of the John Marsh house and for interpretive programs that recognize California Indian cultural history is noted. Please refer to the Interpretation and Education Goals and Guidelines, presented on pages 3-28 to 3-31 of the GP and EIR, which address the primary interpretive themes.
- 13-66:** This comment regarding interpretive themes is noted. Please refer to the Interpretation and Education Goals and Guidelines, presented on pages 3-28 to 3-31 of the GP and EIR, which address the primary interpretive themes.
- 13-67:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.
- 13-68:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.
- 13-69:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.
- 13-70:** The GP contains Natural Resource Management vegetation and wildlife goals and guidelines that require the protection, maintenance, and restoration of local and regionally important native plant communities, and important wildlife habitat. Natural Resource Management Vegetation goals and guidelines require the protection, maintenance, and restoration of local and regionally important native plant communities, including unique communities such as vernal pools, alkali sink scrub, and native grasslands (see Natural Resource Management Vegetation Goals presented on pages 3-34 to 3-36 of the GP and EIR). Goal VEG 3, which seeks to protect native plant communities and effectively manage invasive and non-native species, would involve preparation of a management plan to manage and remove invasive species over time. Tools and techniques, such as prescribed fire, would be identified in the management plan and used to control invasive species. Coordination with agencies managing adjacent public lands and open space, such as EBRPD and CCCFCWCD, would facilitate implementation of GP guidelines that seek to control invasive plant and animal populations, including yellow star thistle and bullfrogs (Goals VEG 3 and WLIFE 1), and to coordinate efforts to restore habitats and preserve habitat linkages (Goal WLIFE 2).

Save Mount Diablo's support for restoration of native anadromous fish and removal of barriers to their movement, as well as an enhanced fish ladder at Marsh Creek Reservoir, is noted. The importance of riparian and aquatic habitat is noted on page 2-39 of the GP and

EIR. Page 2-93 identifies an opportunity to explore potential to restore native fisheries in Marsh Creek within the Park and work with local groups and agencies leading these efforts.

- 13-71:** Goal AGREE 3, presented on page 3-48 of the GP and EIR, aims to ensure that all leases, easements, access agreements, or other legal arrangements are in the best interests of the Park's purpose and vision. Guidelines under this goal direct Park management to review all legal agreements regularly and check operating language to ensure compatibility with the Park's mission, visitor experience, and operations, and monitor any physical effects over time.
- 13-72:** Goal SCENIC 1 and associated guidelines, presented on page 3-40 of the GP and EIR, address protection and enhancement of scenic vistas and expansive open space areas. The State Route 4 Bypass corridor, also known as the John Marsh Heritage Highway, is identified as a key vista point.
- 13-73:** The Park has a variety of legal agreements that include easements with different entities, and compliance with existing legal agreements is required. Future legal agreements for easements and leases would comply with Park goals and guidelines. Please also refer to the response to Comment 13-71.
- 13-74:** This comment supporting the Round Valley staging area is noted; however, it does not require an additional response related to the GP and EIR.
- 13-75:** As stated on page 3-48 of the GP and EIR, the proposed GP would place Operations and Maintenance facilities in locations that would result in the least impact on resources. Identifying long term needs and plans for staff operations would prevent piecemeal development. State Parks will consider opportunities to share operations and maintenance facilities with EBRPD, CCCFCWCD, and the City of Brentwood.
- 13-76:** Goal UTIL 1 and associated guidelines, presented on pages 3-49 to 3-50 of the GP and EIR, would determine the extent of utility needs for the Park and develop a long-term utilities plan that is consistent with other Park goals and guidelines.
- 13-77:** Please refer to the response to Comment 6-2. As stated on page 3-46 of the GP and EIR, Park management will develop a comprehensive transportation improvement plan as part of the Park's Roads and Trails Management Plan to explore the optimum safety and design solutions that will provide access throughout the Park while minimizing impacts to natural and cultural resources and the visual character of the Park. State Parks will work closely with agencies and organizations during development of this plan.
- 13-78:** Please refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-79:** As stated on page 3-46 of the GP and EIR under Goal ACCESS 4, Park management will develop a comprehensive transportation improvement plan as part of the Park's Roads and Trails Management Plan to explore the optimum safety and design solutions that will provide access throughout the Park while minimizing impacts to natural and cultural resources and

the visual character of the Park. A guideline under Goal TRAIL 3 on page 3-28 of the GP and EIR emphasizes the intent to “explore the best locations for north to south and east to west trails that connect the different Visitor Facility Zone areas throughout the Park.” Detailed planning of trail connections, trail alignments and related facilities will be conducted as specific projects are identified and moved forward for project-level planning. Projects implemented under the GP will be subject to further CEQA review. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.

13-80: Please refer to Master Response 1, Program-level Analysis and Facility Siting. As stated on page 3-11 of the GP and EIR, the intent of the Visitor Facility Zone is to provide recreational facilities and services to Park visitors. The recreational facilities within the Park are to be situated outside of, although in proximity to, the Park’s sensitive natural areas to ensure protection of these resources while also allowing visitors access to the Park’s natural areas. The precise locations for visitor facilities and operations and maintenance facilities have not yet been determined. Site selection for these facilities is subject to future project-level review, including the appropriate site-specific environmental studies.

13-81: The text on page 3-11 of the GP and EIR has been revised in response to this comment to include a reference to the Bay Area Early Detection Network. Please refer to Chapter 4 of this document to see the specific text revision.

13-82: Please refer to Master Response 1, Program-level Analysis and Facility Siting. As stated on page 3-11 of the GP and EIR, the intent of the Visitor Facility Zone is to provide recreational facilities and services to Park visitors. The recreational facilities within the Park are to be situated outside of, although in proximity to, the Park’s sensitive natural areas to ensure protection of these resources while also allowing visitors access to the Park’s natural areas. The precise locations for visitor facilities and operations and maintenance facilities have not yet been determined. Site selection for these facilities is subject to future project-level review, including the appropriate site-specific environmental studies.

13-83: Please refer to Master Response 1, Program-level Analysis and Facility Siting. As stated on page 3-11 of the GP and EIR, the intent of the Visitor Facility Zone is to provide recreational facilities and services to Park visitors. The recreational facilities within the Park would be situated outside of, although in proximity to, the Park’s sensitive natural areas to ensure protection of these resources while also allowing visitors access to the Park’s natural areas. As noted on Map 14 on page 3-21 of the GP and EIR, the Round Valley Visitor Facility Zone will have a variety of visitor facilities available. Any camping or other visitor facilities in the Round Valley Visitor Facility Zone north of Marsh Creek Road would be sited to avoid sensitive resources. The precise locations for visitor facilities and operations and maintenance facilities have not yet been determined. Site selection for these facilities is subject to future project-level review, including the appropriate site-specific environmental studies.

13-84: Please refer to Master Response 1, Program-level Analysis and Facility Siting. As stated on page 3-11 of the GP and EIR, the intent of the Visitor Facility Zone is to provide recreational facilities and services to Park visitors. The recreational facilities within the Park are to be

situated outside of, although in proximity to, the Park's sensitive natural areas to ensure protection of these resources while also allowing visitors access to the Park's natural areas. The precise locations for visitor facilities and operations and maintenance facilities have not yet been determined. Site selection for these facilities is subject to future project-level review, including the appropriate site-specific environmental studies.

- 13-85:** Goal VEG 2, presented on page 3-35 of the GP and EIR, currently applies to locally rare native plant species. As defined on page 2-32, Biological Resources, Introduction, "a resource is deemed significant if it... (2) is regionally significant, is an important component of a systemwide plan, or contributes to the preservation of regional or statewide biodiversity, or (3) is documented as significant on recognized preservation or protection lists or otherwise designated with special-status by a recognized authority." A recognized locally rare native plant species is considered special-status in this GP and EIR.
- 13-86:** Goal VEG 3 addresses management of invasive and non-native species, not Goal VEG 4 as stated in the comment. Goal VEG 3 and a guideline under this goal, presented on page 3-35 of the GP and EIR, have been revised in response to this comment. Please refer to Chapter 4 of this document to see the specific text revisions.
- 13-87:** Goal WLIFE 2, presented on page 3-37 of the GP and EIR, emphasizes the intent to protect, conserve, and enhance ecosystems that provide important wildlife habitat values. A guideline under Goal WLIFE 2 further states that the Park will "promote ground squirrel populations in order to support predator populations and other burrow-associated wildlife species, where compatible with other management goals."
- 13-88:** As stated on page 4-24 of the GP and EIR, special- status species could be adversely affected by removal and maintenance of stock ponds and adjacent earthen dams. If maintenance and restoration of the ponds is deemed appropriate, it could have long-term benefits for these species; however, many of the Park stock ponds are man-made and have altered natural drainage patterns resulting in downstream erosion in some areas. Therefore State Parks proposes to evaluate the ponds for their resource values and determine the appropriate treatment for each pond as described in the following GP guidelines.

Goal WATER 1 on page 3-38 of the GP and EIR, which seeks to prevent degradation of the Park's wetlands, vernal pools, ponds, Marsh Creek and other watercourses related to trampling, surface runoff, and sedimentation, includes the following guideline:

- Inventory, map, and evaluate stock ponds and adjacent earthen dams for removal, maintenance, or restoration. Consider a range of options, including removal of stock ponds that are documented as not supporting special-status species, to restore the natural landscape, reestablish natural watercourses and drainages, and reduce erosion and the potential for dam failure. Consider the cultural landscape as well as potential effects on special-status plant and wildlife species, and evaluate the best solution in coordination with DFG and cultural landscape specialists.

Goal WLIFE 2 on page 3-37 of the GP and EIR, which seeks to protect, conserve, and enhance ecosystems that provide important wildlife habitat values, includes the following guideline:

- Assess stock ponds and other artificial aquatic habitats in the Park to determine their importance to native species. Develop a pond maintenance/removal plan that balances the preservation of special-status wildlife populations in ponds with the prevention of downstream erosion.

Please also refer to Master Response 1, Program-level Analysis and Facility Siting. Biological surveys and other environmental investigations will be conducted during project-level planning. Future projects will undergo subsequent CEQA review as appropriate.

13-89: Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.

13-90: State Parks does not condemn land for acquisition purposes. Property acquisition is achieved through negotiations with willing sellers.

13-91: This comment supporting expansion of the State Park is noted; however, it does not require an additional response related to the GP and EIR.

13-92: An additional guideline has been added to Goal AGREE 2 on page 3-47 of the GP and EIR to direct Park management to work with other agencies and organizations to protect additional parcels to expand the Park. Future expansion of the Park would be subject to separate environmental review under CEQA. Please refer to Chapter 4 of this document to see the specific text revision.

13-93: An additional guideline has been added to Goal REG 1 on page 3-51 of the GP and EIR to direct Park management to coordinate with regional open space advocates and open space management agencies. Please refer to Chapter 4 of this document to see the specific text revisions.

13-94: The text related to Park Access and Circulation in Table 18, presented on page 3-57 of the GP and EIR, has been revised in response to this comment. Please refer to Chapter 4 of this document to see the specific text revisions.

13-95: Water demand for the Park would be limited mainly to visitor facility restrooms, drinking fountains, and campgrounds. Landscaping would not be extensive and would primarily consist of native plants that would generally not require supplemental irrigation once established. Goal UTIL 2, "Use water effectively to reduce water demand," and the associated guidelines would require that water use would be limited.

13-96: As noted on pages 4-17 and 4-18 of the GP and EIR, the net increase in visitor vehicle emissions would be considered minor given the limited parking of 443 vehicles at full build-out and peak use as well as limited driving within the Park. Parking will be provided at the perimeter of the Park immediately adjacent to existing roads avoiding extensive vehicular use

and idling to access the Parks' facilities. Therefore, impacts related to air quality are considered less than significant. As suggested by the commenter, improvements to the local area road network, using techniques to divert commute traffic to other transportation modes (i.e. public transportation) would decrease vehicle miles being driven for commute purposes, and would reduce congestion on roads serving the Park.

- 13-97:** As noted on page 4-22 of the GP and EIR, proposed actions with the potential for direct impacts on vegetation include the development of trails and campgrounds, realignment of the entrance road, and construction of new structures and facilities for visitor or staff use. However, these actions would be designed and constructed pursuant to specific design criteria and goals and guidelines that would avoid significant impacts to vegetation, including sensitive habitats and special-status species. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.
- 13-98:** The text on page 4-24 of the GP and EIR has been revised in response to this comment. Please refer to Chapter 4 of this document to see the specific language changes.
- 13-99:** The GP and EIR notes that many of the special-status species surveys are not current, and that the current distribution and abundance of some of these special-status species are not fully understood. However, ongoing field reconnaissance at the proper time for field identification will occur at the Park to further document locations of special-status plants. Prior to any development, surveys would be conducted to ensure minimal disturbance to special-status plants and associated soils. Implementation of the guidelines under Goal VEG 2 would result in updated vegetation inventories and vegetation mapping that would record the locations of special-status plant species and their habitats. Please also refer to Master Response 1, Program-level Analysis and Facility Siting.

3.4 COMMENTS FROM INDIVIDUALS AND RESPONSES (COMMENT LETTERS 14–62)

Written comments on the Cowell Ranch / John Marsh State Historic Park GP and EIR received from individuals are presented on the following pages. Each comment letter is followed by the responses to that letter.

-----Original Message-----

From: Lorna bonham [mailto:bonhamlorna@att.net]

Sent: Monday, November 01, 2010 10:12 AM

To: Bachman, Stephen

Subject: John Marsh State Historic Park

We, Robert & Lorna Bonham support the the resolution to keep the John Marsh name.

14-1

Bonham's

Letter 14 Response – Robert and Lorna Bonham

14-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

From: Henry Martinez [mailto:martinezhj@msn.com]
Sent: Tuesday, November 02, 2010 10:27 AM
To: Bachman, Stephen
Cc: Rosemary Borunda; Paul Ramirez
Subject: John Marsh Park Project

What a farce that you ignore the truth about the history events surrounding John Marsh in Brentwood.

Maybe you should read the truth and reality described in the book "[General Vallejo and the Advent of the Americans](#) by [Alan Rosenus](#)".

John Marsh "worked" for Mariano Vallejo granting five year planned land grants for those "immigrants" who came from the East coast. It was a five year plan because General Vallejo wanted the people to live off the land and give back to the community. If not, the land was taken back.

Unfortunately, John Marsh as did John Sutter lied and deceived General Vallejo by granting the land to the lazy Americans reporting back that the area was prospering.

Preservation of the lands is the only good thing that will come out of this. But glorifying John Marsh? John Marsh was killed by the Miwok Indians because of his brutality and prejudice toward them.

As a human being first and an American with Indigenous Purepecha blood running through my veins I can tell you that these lies and glorifications can no longer be tolerated.

Honor our Ancestors by telling the truth and stop the glorification of the Europeans that began and caused so much havoc.

That is why this country is in so much turmoil today. The land has been raped and mistreated. You would call it mismanagement.

Being "American" to a native is about telling and passing on the truth as our Ancestors have passed onto us. They were the wise ones.

Learn to be at peace with yourself and Mother Earth. The "truth" will set you free!

Sincerely,

Henry R. Martinez

15-1

Letter 15 Response – Henry R. Martinez

15-1: This comment is noted; however, it does not require an additional response related to the GP and EIR.

From: Ken Klos <kennethklos@comcast.net>
To: Bachman, Stephen
Sent: Fri Nov 19 20:26:03 2010
Subject: State Parks General Plan for John Marsh State Historic Park

This message is sent to you regarding the State Parks General Plan for the John Marsh State Historic Park. The Plan is very exciting in many respects; however I do have some concerns regarding the Plan. I would prefer that you not allow any structures within 500' to 1,000' feet of the Trilogy property line and trails should be no closer than 100 feet of the Trilogy property line. No toilets should be in view of Trilogy At The Vinyards.

16-1

Letter 16 Response – Ken Klos

- 16-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities, including trails, has not yet been identified. Siting of facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Alice Bauman <alicebauman@verizon.net>
To: Bachman, Stephen
Cc: martin.bauman@verizon.net <martin.bauman@verizon.net>; dan.obrien@sheahomes.com <dan.obrien@sheahomes.com>
Sent: Sat Nov 20 09:10:52 2010
Subject: Concerns re: Trilogy and John Marsh State Historic Park

Dear Steve Bachman,

My husband and I live at Trilogy at the Vineyards and we purchased a home that borders on the proposed John Marsh State Historic Park. We are the second house down from Briones Road. Our attached photos will show you our proximity to that road, the vineyard, and the proposed park visitor facilities per map 14 at this link---http://www.parks.ca.gov/?page_id=24322

Our homes and backyards will be especially vulnerable if the remote Briones Road is used for public access to the park. We are seniors living within a beautiful, high-end planned senior community, the kind of community that will be especially vulnerable to trespassing and break-ins when public access is increased.

As it is, younger folks who already know about Briones Road, drive up here and sit at night in their trucks, drinking and whatever. We fear that this kind of behavior will only increase and possibly pose a threat to our safety and security. Not only does "preferred Map 14" bode badly for excess noise and objectionable views for us, we are really concerned about our and our neighbors' safety and possible intrusion into our home-sites.

What is astonishing to us is that with so much park land available to the state, why would these public facilities and parking spaces need to abut our private homes?

We believe that state officials should not allow any structures within 500' to 1,000' feet of the property line and trails no closer than 100 feet of the property line.

Please consider our views and take this opportunity to refine the plans and increase the harmony of public and private concerns.

Best regards,

*Alice Bauman
Martin Bauman, MD*

home address:
1712 Latour Avenue
Brentwood, CA 94513

home phone/fax:
925-418-4468

17-1

Letter 17 Response – Alice Bauman, Martin Bauman, MD

17-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities, including trails, has not yet been identified. Siting of facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate. As stated on page 4-29 of the GP and EIR, while the proposed GP has the potential to increase demand for law enforcement and fire and emergency services within the Park, new facilities and services would not be planned without the appropriate staff to manage such resources.

From: Alice Bauman <alicebauman@verizon.net>
To: Bachman, Stephen
Cc: martin.bauman@verizon.net <martin.bauman@verizon.net>; dan.obrien@sheahomes.com <dan.obrien@sheahomes.com>
Sent: Sat Nov 20 11:57:09 2010
Subject: amendment to my original comments--RE: Concerns re: Trilogy and John Marsh State Historic Park

Dear Stephen Bachman,

I really think, on second thought, that the Dry Creek Visitor's Center is not at all necessary to ensure access to the park. Let the trails that come out this way be the most remote, for the very reason that they border on our backyards. Let only the most determined hikers and horseback riders come out this far.

There are so many other entrances and facilities planned, and on larger more public roads.

I think the park will be greatly enhanced for its beauty and environmental impact by having this one less facility, altogether.

Thanks again.

Alice Bauman

home address:

1712 Latour Avenue
Brentwood, CA 94513

home phone/fax:

925-418-4468

cell:

909-215-9281

Letter 18 Response – Alice Bauman

18-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The commenter is not correct that a Dry Creek Visitor Center is proposed. As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 of the GP and EIR, the Dry Creek Visitor Facility Zone would contain minimal visitor facilities, limited to a vault toilet and small parking area (5-8 vehicles). The specific location of any proposed visitor facilities has not been identified at this time. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Martin Bauman <martin.bauman@verizon.net>
To: Bachman, Stephen
Sent: Sat Nov 20 11:10:14 2010
Subject: Alternative C John Marsh State Historic Park

Dear Sir:

I am writing in response to the public review for this project.

In general, I think this is a wonderful project and I endorse it but there is one aspect of this project that is problematic. This includes the placement of the Dry Creek Visitors Facility, which encompasses a visitors center, parking and toilets. I live in Trilogy (Vineyards at Marsh Creek) which is a retirement senior community.

19-1

We purchased here for the advantages a community such as this could provide. This includes a serene, scenic, quiet environment with minimal traffic. The placement of the Dry Creek Facility would significantly detract from these advantages as well as be a safety hazard since Briones road is not suitable for increased traffic.

Other security problems for the residents, due to the proximity of this area to our homes, could also become a real problem.

19-2

Prior to the issuing of this plan, a general meeting including the stakeholders from this community, providing their views and possible alternatives would have greatly helped.

19-3

If the Dry Creek Facility and its components could be moved further down Briones Valley Road, toward Deer Valley Road (away from Trilogy) and have the traffic pattern entering the park be from Deer Valley Road, could very well solve this problem. This would serve to reduce the traffic around Trilogy, remove the sight lines of this facility from Trilogy and greatly reduce the security aspects. I would sincerely hope the State could employ these suggestions so the final plan would be one of harmony.

19-4

Thank you,

Martin Bauman, MD

Letter 19 Response – Martin Bauman

19-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The commenter is not correct that a visitor center is proposed. As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 of the GP and EIR, the Dry Creek Visitor Facility Zone would contain minimal visitor facilities, limited to a vault toilet and small parking area (5-8 vehicles). The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

19-2: Please refer to Master Response 1, Program-level Analysis and Facility Siting. As stated on page 4-29 of the GP and EIR, while the proposed GP has the potential to increase demand for law enforcement and fire and emergency services within the Park, new facilities and services would not be planned without the appropriate staff to manage such resources.

California State Parks regards adjacent private property as an important consideration when planning for specific State Park facilities and activities for the public. State Parks will work in cooperation with adjacent property owners to minimize any trespass situations. Examples of actions may include posting signs at property boundaries and providing visitor information at the Park entrance and at major trailheads. This information would contain Park maps with the Park roads, trail, and property boundaries clearly delineated and with a reminder to visitors to respect neighboring property and to avoid trespassing on private property. A guideline has been added to Goal ACCESS 4 on page 3-46 of the GP and EIR to emphasize State Parks' commitment to take appropriate actions to ensure the public knows where State Park property boundaries are located, and that the boundaries are properly signed, where appropriate. Priority for sign placement will be in areas of visitor use that are located adjacent to private property, such as along roads and trails. Please refer to Chapter 4 of this document to see the specific text revisions.

19-3: As stated on page 1-7 of the GP and EIR, public outreach is an important component of the general planning process. Public ideas and opinions are sought at the outset and throughout the planning process to build public support for the GP to ensure that future goals and management of the Park are appropriate and will be supported by the general public. As a first step in building public support for the planning process, a mailing list was compiled in coordination with interested community members, local political officials from the City of Brentwood, and members of the John Marsh Historic Trust. The mailing list database, currently with 500 entries, has been maintained throughout the planning process and updated continually upon receipt of new information requests.

As shown in Table 1, presented on page 1-8 of the GP and EIR, three public workshops were held during the general planning process, on May 17, 2006, March 20, 2007, and November 4, 2010. Notices for the public meetings were sent to all persons and agencies on the mailing list as well as to the local newspaper. The public involvement program included a variety of methods to provide information to stakeholders, including surveys and newsletters, in addition to the public meetings.

- 19-4:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: David Block <hockeydad@comcast.net>
To: Bachman, Stephen
Sent: Sat Nov 20 19:58:00 2010
Subject: Cowell Ranch/John Marsh Project

Dear Mr. Bachman,

I have had a chance to review the state plans for development of the Cowell Ranch/John Marsh areas. While I support the project, I am very concerned about the location for the parking, staging and toilet area.

You see, my wife and I purchased our retirement home at Trilogy at the Vineyards of Marsh Creek. Obviously, Trilogy is one of primary stakeholders in this project. We searched high and low for location and specifically chose our site because of the views of the vineyards and the beautiful greenbelt area adjacent to them. We were led to believe that those hills would never be developed or built upon. As a matter of fact, we paid a considerable premium for the views that are visible from our home.

You can imagine our shock when we saw the new plan. The thought of anyone at Trilogy, a community that takes pride its design and landscaping, having to relinquish its views to gaze upon a parking lot, staging area, and toilets is quite distressing.

I am requesting that further consideration be given to the location of facilities areas out of site of the current and future homeowners of Trilogy, preferably toward the area where Briones Valley Road terminates. This seems a more logical location.

Respectfully,

David Block
1841 Barolo Ct
Brentwood, CA 94513

20-1

Letter 20 Response – David Block

20-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Jane Samford <forjane@sbcglobal.net>
To: Bachman, Stephen; Lloyd Samford <lsamford@sbcglobal.net>
Sent: Sat Nov 20 22:14:32 2010

Dear Mr. Bauchman,

My husband and I wish to express our enthusiasm for the proposed John Marsh State Park which is adjacent to our community, Trilogy at the Vineyards. Our community is gently tucked into the soft, rolling hills, a privilege we all take seriously here. As a community we unite in our appreciation of the pristine, natural beauty that surrounds us. We welcome the new state park and the opportunity to deepen our relationship with our environment.

21-1

We only hope that the present proposal will be thoughtfully reviewed to provide a more sensitive approach to the area for parking and restroom facilities. We understand that if the structures in this section of the park can be moved as much as 500' to 1,000' from the property line, they will be secluded from our line of sight. If the trails can be kept at least 100' from the property line, they, too, will escape our visibility. We implore you to protect our pristine views.

21-2

If the state park planners have not yet had time to explore this area of the park, we invite them to come see for themselves. At Trilogy at the Vineyards, we all hope the new park will enhance our community as, we think, our tasteful community will enhance the state park.

Thank you for your consideration,
Lloyd and Jane Samford
1805 Sauternes Ct

Letter 21 Response – Lloyd and Jane Samford

- 21-1:** State Parks acknowledges the commenter’s support for the Cowell Ranch / John Marsh State Historic Park; however, this comment does not require an additional response related to the GP and EIR.
- 21-2:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Dale Pelletier <dalealanpelletier@comcast.net>
To: Bachman, Stephen; Reger, Joel <joel.reger@sheahomes.com>
Sent: Sat Nov 20 10:28:58 2010
Subject: John Marsh State Park Dry Creek entrance

Steve,

I am a homeowner of Trilogy and have reviewed all of the plans for the new John Marsh State Park.

I am excited about all aspects of the park as it will be a wonderful contribution to the region. I would like to recommend an exception for the location of the Dry Creek Visitors Facilities (Map 14). It appears to close to the Trilogy property and even though it is slated to be a small area, growth could appear in the coming years and create an unsightly situation. In addition, wouldn't it appear more natural if the facilities were out of site from the highway 4 bypass and the future expanded freeway system? Lower noise and a more tranquil environment for a state park facility.

22-1

In summary, It would be better for all if the plans move the Dry Creek Visitors Facilities further back into the park.

Sincerely,

Dale

Dale Pelletier
*1840 Barolo Court in Trilogy
Brentwood, Ca 94513
Home phone: 9 25-513-0162
Cell phone: 408-393-4303
email: dalealanpelletier@comcast.net*

Letter 22 Response – Dale Pelletier

22-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Vaughn <vaughn@hysinger.com>
To: Bachman, Stephen
Sent: Sun Nov 21 14:41:00 2010
Subject: John Marsh SHP

Dear Mr. Bachman:

I am under contract for a soon-to-be-built home in Trilogy at the Vineyards. The address is 1151 Saint Julien Street.

The purpose of this email is to voice my complete opposition to the location of your " Dry Creek Visitor Facility" based on your Map 14 - Alt. C (Preferred Alternative) plan. Your locating toilets and parking so close to a residential community should not be allowed. With 4,000 acres I would think 'common sense' would prevail and would dictate a more amicable and mutually agreeable position within the enormous acreage you have available.

Remember in these tough economic times the residents of Trilogy do pay taxes. Why do you want to make us mad?

I am moving from Los Altos where I was under Prop 13 since its inception. I'm now giving that up and will be paying over \$10,000 in taxes. I didn't take this move just to have public toilets and a parking lot in my backyard!

Would you please treat this email as input to your finalization of the General Plan. If the process goes ahead with your "Preferred Alternative" I suspect there will be a lot of unhappy and vocal residents at Trilogy on your doorstep.

Sincerely,

Vaughn G. Hysinger
vaughn@hysinger.com

23-1

Letter 23 Response – Vaughn G. Hysinger

23-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Don Blubaugh <blubaugh@usa.net>
To: Bachman, Stephen
Cc: Joel Reger <joel.reger@sheahomes.com>
Sent: Sun Nov 21 05:09:32 2010
Subject: Comment on State Plan for John Marsh Park Plan

First, we are pleased with the overall concept that is being considered here. We are proud to live near and be part of the heritage of the indigenous Indians who lived here and the work of John and Abigail Marsh.

24-1

We are concerned with the interface between components of the Plan and our well planned and thought out community of Trilogy. We are concerned with proposed vehicle parking and public toilets facilities being visible to our project on Briones Road. It would be better for these facilities to be out of sight of our property boundary. There is certainly enough room to do that given land resources available.

24-2

Don Blubaugh
Betty Blubaugh
1715 Chardonnay Lane
Brentwood, CA 94513
925-392-8887

Letter 24 Response – Don Blubaugh and Betty Blubaugh

- 24-1:** State Parks acknowledges the commenter’s support for the overall concept of the Cowell Ranch / John Marsh State Historic Park; however, this comment does not require an additional response related to the GP and EIR.
- 24-2:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed Dry Creek visitor facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Bob & Jane Wallace <wall1720@comcast.net>
To: Bachman, Stephen
Sent: Mon Nov 22 16:25:20 2010
Subject: Plan for John Marsh State Park

Dear Mr. Bachman:

As residents of Trilogy and owners of property directly adjoining the proposed John Marsh State Historic Park, we have taken an active interest in the proposed plans for the park. We thoroughly support the development of the park but take exception to the placement of the facilities for the Dry Creek Visitor Facility. The land designated for these facilities appears to be at the top of a ridge directly west of our home. Because there is a severe change in elevation from the park land to the lower level of our homesite, any developed visitor facilities near the property lines will directly impact the privacy of our home. As you can see from the attached photo, the park land at the top of the Trilogy vineyards behind our home is high enough to afford a complete view of not only our home and backyard but the homes and yards of all the residents below. Even if our CC&Rs permitted a change in fencing (which they do not), no fence could be built high enough to give the homeowners privacy.

Additionally, I cannot imagine that homeowners anywhere would enjoy viewing rest room facilities from their living room windows. Trilogy homes were built with large window areas in the rear of the homes and we currently enjoy watching wildlife by day as well as the setting sun every evening from both our living room and dining room windows. To include portable rest rooms and the intrusive gaze of park users in this view was not in the plans when we chose this as our retirement home. Also, although the proposed parking area will hold only a few cars, there is no way to prevent disruptive noise from park users as well which we hope you will also take into consideration.

We urge you to consider revising the placement of the Dry Creek facilities to a location somewhat farther from the Trilogy/park dividing line.

Sincerely,

Mr. and Mrs. Robert Wallace
1720 Latour Ave.
Brentwood

25-1



Letter 25 Response – Mr. and Mrs. Robert Wallace

25-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: richard fox <foxywineo@gmail.com>
To: Bachman, Stephen
Sent: Mon Nov 22 11:11:55 2010
Subject: John Marsh State Park

Dear Mr. Bachman,

I am a proud home owner in the Trilogy development near the John Marsh Park. I have just heard about the purposed improvements to the park, however as a home owner here at Trilogy I enjoy looking at the golden hills an natural setting around us. That is why I bought here.

I would not like to see that view runied by adding a restroom and parking lot where it could be seen from our land. I would suggest it be moved to a location at least 500 feet from the Trilogy property, to an out-of-the way area, not seen by the home owners.

Please do what you can to save our views

Thank you
Richard Fox

26-1

Letter 26 Response – Richard Fox

26-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

----- Original Message -----

From: Moser, Doris E <Doris.E.Moser@boeing.com>

To: Bachman, Stephen

Sent: Mon Nov 22 09:15:09 2010

Subject: Development of John Marsh area

I and my sister own property in Trilogy at the Vineyards. Our clubhouse is built on top of a hill and has a view below, the area you folks are developing.

Dear Sir,

I am alarmed that parking, camping and trails will be virtually on our doorstep. As a community we have all invested large amounts of money to get away from the noise and annoyances of the suburbs and cities. We want the peace and quiet that nature provides. One of the reasons we bought property at Trilogy and that our clubhouse was built on the hill was for the fine view toward John Marsh's old property.

27-1

I am not against developing the area for the public but I am not in favor of ruining our experience in the process. Remember that a person on top of a hill or canyon wall can hear two people talking down in the canyon better than they can hear a person 10 feet away. I definitely don't want to view toilets, hear the radios and shouts of picnickers & camper's and parents yelling at kids, look at parking lots & hear maintenance equipment.

Please reconsider how close that visitor center, camping & trail complex will be to Trilogy. Can't everything be moved farther from our property line & , of course, hidden from our view with trees, etc?

Thank you,
Doris Moser
206-260-9346

Letter 27 Response – Doris Moser

27-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: ldove5@aol.com <ldove5@aol.com>
To: Bachman, Stephen
Sent: Mon Nov 22 09:05:30 2010
Subject: Cowell Ranch/John Marsh

Dear Mr. Bachman,

I've just become aware of the "preferred" plan for development of the Cowell Ranch/John Marsh State Historic Park. While I find the overall concept exciting and beneficial for Californians, I feel grave concern regarding the Dry Creek Visitor Facility. As of course you're aware, the area directly abuts properties in Trilog at the Vineyards and affects many homesites in a way that was previously unknown to residents.

As I study the entire map, the only logic for this particular facility that I can imagine is ease of access to the Park for Brentwood residents. However, I think the remaining visitor's areas are easily reached, so I can't find a good argument for maintaining Dry Creek. If it were the only option, then I suppose we could all swallow hard and accept it in the interest of the common good, but that certainly does not appear to be the case. I implore you to reconsider Alternative C.

Most sincerely,

Laurel Dove
1144 Saint Julien St
Brentwood, Ca 94513

28-1

Letter 28 Response – Laurel Dove

28-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

Philip & Aleksandra Roebuck
1607 Gamay Lane
Brentwood, CA 94513

November 23, 2010

Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Subject: Comment on the Cowell Ranch/John Marsh State Historic Park Preliminary General Plan and Draft Program EIR

Dear Mr. Bachman,

Our home is at 1607 Gamay Lane. Our backyard backs to Briones Valley Road and we are 200 feet from the entrance to the Park where the Dry Creek Facility is planned. We are excited about the overall Park plan, particularly the hiking and biking trails.

29-1

We do have a couple issues with the Park plan:

1. Although it is not very clear, Map 14 apparently locates the Dry Creek Facility with its parking lot and toilets on top of a hill just inside the east Briones Valley entrance. The apparent location on top of a hill would provide grand sweeping views. But just as the hilltop location provides grand sweeping views, the Facility parking lot and toilets, profiled against the sky, would be a clearly visible eyesore for a long distance.

29-2

A better plan would locate the parking lot and toilets at a lower elevation and provide a short path to an overlook and birdwatching area on top of the hill (or on one of the adjacent hills). Attached is part of Map 4 marked up to show the apparent proposed location for the Dry Creek Facility and its parking lot and toilets, and also show suggested alternate locations for the parking lot and toilets that would be off the hilltops and less conspicuous but still convenient to potential hilltop overlooks.

2. To prevent vandalism and rowdy behavior in the Dry Creek Facility area, the east Briones Valley entrance should be locked from sunset to sunrise.

29-3

3. We are opposed to livestock grazing in the Park. Livestock grazing prevents the growth of natural flora, such as wildflowers and oaks. The draft EIR acknowledges that grazing will “disrupt ecosystem function, and alter ecosystem structure. Specifically, grazing may reduce or eliminate oak or other woodland species recruitment.” Furthermore the draft EIR states that according to “policy in the California State Parks Operations Manual, livestock grazing is an

29-4



inappropriate use of parkland resources except under certain circumstances where a core park purpose is served." (Underline added for comment emphasis.)

The purpose statement of the Cowell Ranch / John Marsh State Historic Park includes:

- celebration of a rich pre-historic and historic presence and contribute to the existing regional open space network of East Contra Costa County,
- seek to further document the Native American use and extent of pre-historic habitation and landscape features,
- manage the diverse natural resources that define the property including open foraging land for raptors, vernal pools, grassland habitat and oak woodland/savannah.

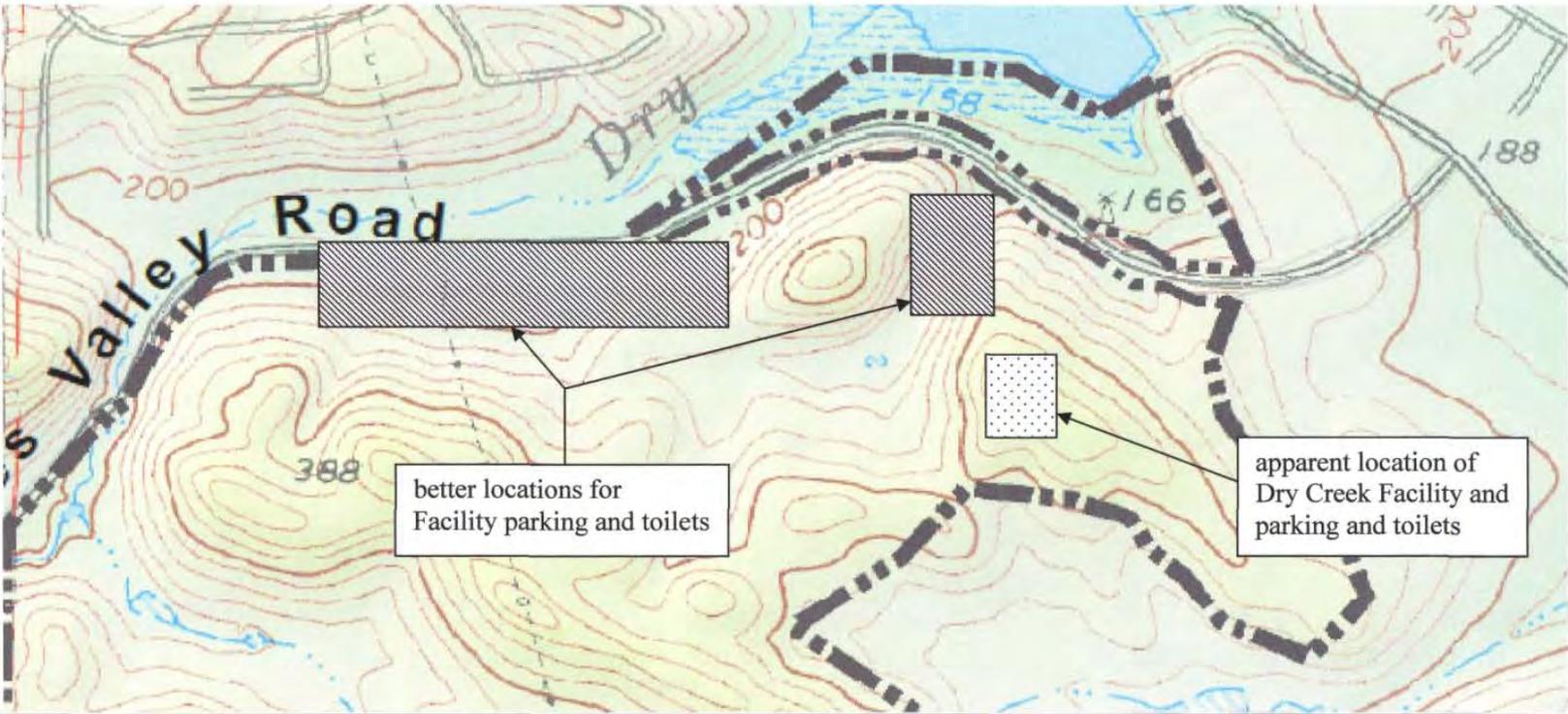
But the purpose statement of the Cowell Ranch / John Marsh State Historic Park does not include livestock grazing. Indeed, livestock grazing and consequent destruction of natural flora and habitat would hinder the core Park purposes.

Sincerely,



Philip and Aleksandra Roebuck

↑
29-4



Letter 29 Response – Phillip and Aleksandra Roebuck

- 29-1:** State Parks acknowledges the commenter’s support for the overall plan for the Cowell Ranch / John Marsh State Historic Park; however, this comment does not require an additional response related to the GP and EIR.
- 29-2:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The specific location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.
- 29-3:** Goal STAFF 5, presented on page 3-49 of the GP and EIR, seeks to provide adequate staffing of the Park to meet GP goals, and a guideline under this goal directs Park management to determine the minimum and maximum staff resources required to operate the Park. As stated on page 4-29 of the GP and EIR, while the proposed GP has the potential to increase demand for law enforcement and fire and emergency services within the Park, new facilities and services would not be planned without the appropriate staff to manage such resources. Typically, State Parks staff patrol park properties during hours of operation.
- 29-4:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity. As stated in State Parks Department Operations Manual, Chapter 0300 Natural Resources, Section 0317.2.4.1, livestock grazing is an inappropriate use of parkland resources except under certain circumstances where a core park purpose is served. According to this policy, livestock grazing may be permitted under the following circumstances:
- When directly contributing to historic interpretation approved in a unit’s GP;
 - When necessary for a specific natural resource restoration purpose, which normally does not include fuels reduction or an alternative to extirpated ungulate grazing; or
 - When it is a necessary component to an acquisition agreement, including scaled-down grazing to improve natural resources.

From: Carolyn Honsberger <carolyn.honsberger@sbcglobal.net>
To: Bachman, Stephen
Sent: Tue Nov 23 11:26:29 2010
Subject: Trilogy at The Vineyards

Steve,

As 3-year Trilogy members, we have some concerns regarding the plans presently being considered for the John Marsh State Historic Park particularly as it relates to the Dry Creek Visitor Facility.

I know you are aware that Trilogy has created numerous jobs in our area, consider the tax base, and we would like to continue the momentum as our economy begins to recover.

We ask that our view of our vineyards remain unobstructed. We would ask that you disallow any structures within 700 feet of the property line and trails located no closer than 100 feet of the property line.

Thank you for your consideration of this request.

Happy Thanksgiving.

Dean and Carolyn Honsberger
1787 Latour Avenue
Brentwood 94513
(925) 513-7374

Letter 30 Response – Dean and Carolyn Honsberger

30-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: chuck and roberta <ff_1469@yahoo.com>
To: Bachman, Stephen
Sent: Tue Nov 23 07:19:18 2010
Subject: Trilogy and Park

Mr. Bachman,

Firstly I commend you for your dedicated service to our parks, working within the confines of regulation is always challenging.

My hope is that my voice be heard concerning the facilities at Marsh Creek - to keep them out of veiw from the community would be greatly appreciated.

31-1

Thanks again for all you do, Chuck & Roberta Farrow

Letter 31 Response – Chuck and Roberta Farrow

31-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Mary Fox <foxymary@att.net>
To: Bachman, Stephen
Sent: Thu Nov 25 10:53:29 2010
Subject: John Marsh State Park

Mr. Bachman,

I am writing regarding the John Marsh Park and its location near the Trilogy development. I live in Trilogy at the Vineyard and enjoy the serene surroundings and natural setting including spectacular views of Mt. Diablo. I understand that in the process of developing the park that there is to be a restroom and parking lot which will be visible from the development in which I live; that is not okay with me. I would like to see the plans change to include relocating the restroom facility to an "out of our view" area. I understand that would be about 500' which I am confident could be accomplished. I worked in construction, facilities and planning for many years and know first hand that these things can happen. Won't you please have the committee entertain the proposal to relocate so the residents of this beautiful community do not have them within our properties' views?

32-1

Thank you so much.

Mrs. Mary K. Fox

Letter 32 Response – Mrs. Mary K. Fox

- 32-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Anita <anita-humphrey@pacbell.net>
To: Bachman, Stephen
Sent: Fri Nov 26 11:29:38 2010
Subject: Dry Creek Visitor Facility - John Marsh State Historic Park

Mr. Bachman,

I am an original homeowner and one of the first to move into the Vineyards At Marsh Creek in Brentwood. This community was chosen for the privacy and the beautiful scenery that I enjoy every day. In looking at the proposed area for Dry Creek Visitor Facility, I find that it takes away the privacy of our community by having a parking lot and public restrooms so close. I also am concerned about the noise level, loitering, littering and possible air pollution. I believe that it must take into consideration our concerns before any final decision is made.

33-1

My recommendation is to place the parking/public restrooms in an area away from residential homes and that this area not intrude upon the many private homes. There are many other areas in the park that would facilitate such development removed from residential areas.

Thank you for letting me express my feelings and concerns.

Sincerely,

Anita L. Humphrey
1649 Gamay Lane
Brentwood, CA 94513
(925) 634-6678
cwanita@pacbell.net

Letter 33 Response – Anita L. Humphrey

33-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Dan O'Brien <dan.obrien@sheahomes.com>
To: Bachman, Stephen; Dan O'Brien <dan.obrien@sheahomes.com>
Sent: Sun Nov 28 14:44:32 2010
Subject: RE: John Marsh SHP
Dear Steve,

Trilogy believes that activating the Cowell Ranch is essential to keeping the John Marsh Legacy alive. We support the active use of all State Park facilities. The success of such a plan will depend upon the effective integration of park facilities with existing and planned adjacent uses. Specifically, Vineyards at Marsh Creek is a Master Planned Community planned for 1100 active adult homes, 128 executive homes, retail, college, and other diverse uses. We are very concerned that any and all treatments or facilities along the boarder with Vineyards at Marsh Creek (VAMC) respect the improvements planned within VAMC. Accordingly, no improvements within the Park north of the planned amphitheater should be visible to homes that will boarder the State Park. Total avoidance is very practical as the terrain lends itself to be accomplished very easily.

34-1

Further, the parking lot planned for the Dry Creek Visitor Facility will need to be gated and closed after dark to discourage teens from using it for parties near our community. They have a propensity to seek out these kinds of locations as we now spend a good deal of time keeping them off of our property.

34-2

Please keep us informed of the progress of the General Plan

Daniel O'Brien
Area President, Trilogy Northern California

Letter 34 Response – Daniel O’Brien

- 34-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.
- 34-2:** Please refer to the response to Comment 29-3.

----- Original Message -----

From: Kathy OBrien <danorkathy@mac.com>

To: Bachman, Stephen

Sent: Sun Nov 28 14:11:47 2010

Subject: John Marsh General Plan

Dear Mr. Bachman,

I am very anxious to see the general plan come to fruition. I do however object to any plan that involves placing parking lots or toilets in our backyard. Our home is located on Latour and backs up to the State Park property. The Dry Creek Visitor Facility is planned to be located in the vicinity of our backyard. Please make sure the plan is adjusted to specifically avoid any trails, picnic, parking, or restroom facilities within view of all the homes in Trilogy. This should not be very hard as the land forms clearly fall behind ridges along the Vineyards that boarder Trilogy.

Please keep us informed of the progress of this plan.

Sincerely,

Kathy O'Brien

35-1

Letter 35 Response – Kathy O'Brien

35-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Jortzow <jortzow@aol.com>
To: Bachman, Stephen
Sent: Tue Nov 30 07:35:38 2010
Subject: John Marsh State Historic Park

The senior citizens of Trilogy left their homes of thirty years to live in a beautiful vineyard in Brentwood. The John Marsh State Historic Park development has 3,600 acres to work with. None of the development should be in view from the Trilogy homes. With 3,600 acres there should not be a problem?

36-1

John and Bonnie Ortzow

Letter 36 Response – John and Bonnie Ortzow

36-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Catherine Erny <caerny@sbcglobal.net>
To: Bachman, Stephen
Sent: Thu Dec 02 19:01:11 2010
Subject: John Marsh State Historic Park

The plan for the John Marsh State Historic Park is very exciting to those of us who live in Trilogy at the Vineyard. However, I am concerned about how close the Dry Creek Visitor Facility with parking and toilet areas abutting our community. It is my belief that any such facility should be out of site of our development. The slopes in that area are not conducive to facilities of this nature. Any structure that is built in the park should be a minimum of 500 feet from our property line, and trail should not be closer than 100 feet. It is my hope that you will take the concerns of our community into consideration when the final plans for the park are drawn.

37-1

Catherine Erny
1642 Gamay Lane
Brentwood CA 94513

Letter 37 Response – Catherine Erny

37-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Bob Woodland [mailto:rnkldgs@att.net]
Sent: Thursday, December 02, 2010 6:34 AM
To: Bachman, Stephen
Subject: Cowell Ranch/John Marsh State Historic Park

December 2, 2010

Good Morning. We'd like to make a few comments about the environmental impact of the park as described in Alternative C. We live in Trilogy at the Vineyards in the section known as Bordeaux Village. We have been here three years and enjoy our quiet little corner of the world and our views of the open spaces around us on a daily basis. Every time we leave our home, we are greeted by views of the surrounding hills with the live oak trees situated at the top. It is beautiful.

38-1

Alternative C proposes that the Dry Creek Visitor Facility would be built in the area I describe. We are concerned that the views will be compromised and that noise from that area will be audible from our street. The sounds of people using the facility talking or listening to radios would drift our way. The view of live oak trees would be permanently altered if the proposed parking / toilets / hiking / and viewing area were built there.

We look forward to the development of the rest of the park, and have since we moved here. However, we prefer the earlier plan, Alternative B I believe it is, which had no development in the northern area of the park.

38-2

Please consider our request before making any final decisions on the direction the park development will go. Also, please let us know when any future meetings will take place. We attended the informational program at the event center in Trilogy several months ago. We also attended the meeting recently at the senior center in Brentwood. We are very interested and concerned, and want to be kept informed.

38-3

Thanks in advance for your assistance with this.

Sincerely,

Bob and Bobbie Woodland
1122 Medoc Ct.
Brentwood, CA 94513

RNKLDGS1@comcast.net

Letter 38 Response – Bob and Bobbie Woodland

- 38-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.
- 38-2:** The commenter’s preference for Alternative B has been noted; however, this comment does not require an additional response related to the GP and EIR.
- 38-3:** The commenter’s contact information will be added to the mailing list for the Cowell Ranch / John Marsh State Historic Park GP process, and State Parks will notify the commenter of any future meetings concerning the Park.

Public outreach and public input will continue to be important in the future development of the Park. If a proposed phase of the project would have effects that were not examined in this Program EIR, preparation of an additional environmental document would be required (State CEQA Guidelines §15168(c)(1)). Any site-specific project undertaken within the Park during GP implementation that would be subject to further CEQA review would include multiple opportunities for the public to provide input during the project planning process (public outreach/workshops, scoping, and comments on the CEQA documentation).

----- Original Message -----

From: gordon carville <onebelmont1@msn.com>

To: Bachman, Stephen

Sent: Fri Dec 03 10:00:53 2010

Subject: John Marsh State Historic Park

Dear Mr. Bachman,

As a resident of the Trilogy at the Vineyards community I am writing to express my concern over the future development of the park. Many of our members are looking forward to many of the parks plans including the hiking trails and the community college. One off the reasons many of us were willing to move here and pay the prices asked was the guarantee that the adjacent land was state parks land and would never be able to be developed, leaving a pure pastoral view. The construction of facilities to support hiking trails adjacent to our community can and should be built in such a way that they are not visible from our homes. I would be in total support of the hiking trail parking lot and restrooms if they were 500 to 1000 yards down the access road completely out of the view of the Trilogy community.

39-1

Sincerely,

Gordon and Claudia Carville

1621 Gamay Lane

Brentwood, 94513

Letter 39 Response – Gordon and Claudia Carville

39-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Muriel Magras <muriel_magras@yahoo.com>
To: Bachman, Stephen
Sent: Fri Dec 03 13:03:24 2010
Subject: John Marsh State Historical Park - alternative C Preferred Plan

Hello Steve,

I am a resident of Trilogy with my property facing the vineyards and the proposed state park property enhancements.

Based on the alternative C preferred plan, there is designated the "Dry Creek Visitor Facility" which indicates that State Parks could put parking and toilets within 30 feet of our vineyards in full view of the community; this would not be acceptable to me or my neighbors. The slopes in that area are 10% to 30% and not conducive to facilities of this nature.

40-1

Any kind of facilities would have to be **out of sight**. they shouldn't allow any structures within at least 500' feet and trails no closer than 100 feet of the Trilogy property line. If the parking is pushed back far enough, we won't know it is there and I can live with this proposal.

A secondary concern is with any parking in this area as this will encourage more traffic on Briones Road, this would potentially create more traffic on the private road between my property and the vineyards, infringing on my current privacy.

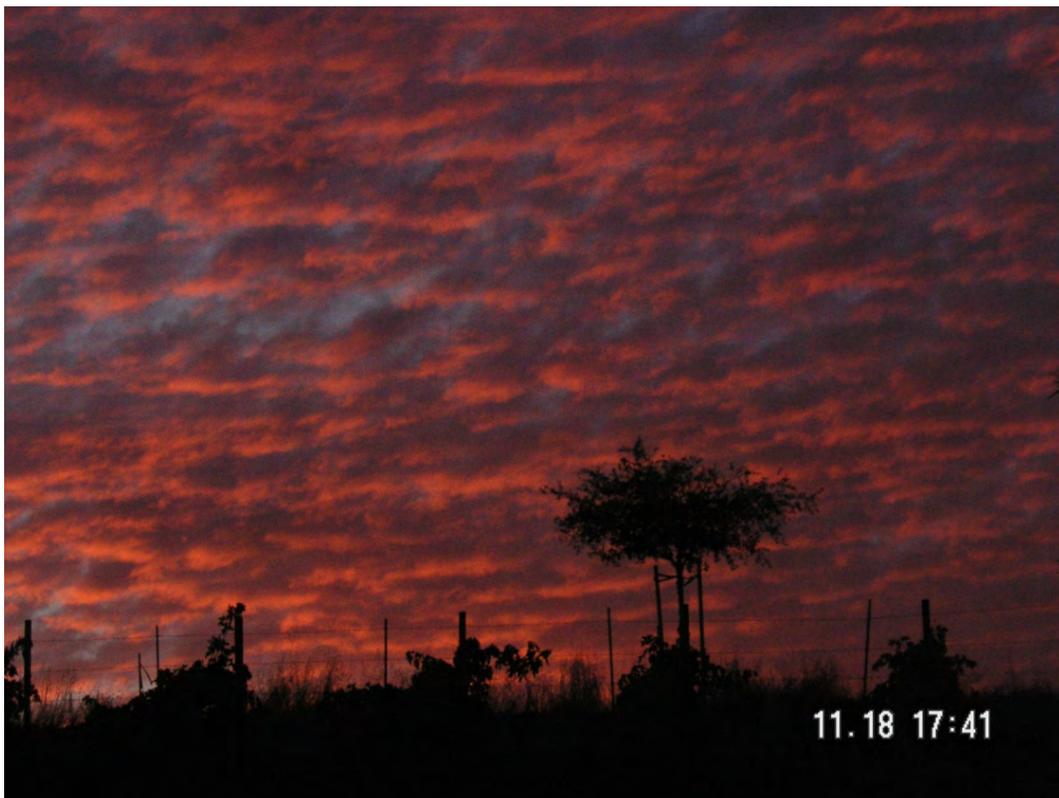
40-2

I've enclosed some pictures of the view I currently enjoy from my home, although I am a great supporter of parks and recreations, I would be very disappointed to have the serenity, privacy and views that I currently enjoy be disrupted by the presence of parking and toilets. I hope there will be some more thought given to this proposal that will take into consideration the impact of this proposal to us the residents of Trilogy.

40-3

Thank you for your attention to this matter.

Muriel Magras
1714 Latour Ave
Brentwood, Ca 94513





Letter 40 Response – Muriel Magras

40-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

40-2: As stated on page 4-27 of the GP and EIR, the Park would generate a minimum of 443 trips to and from the Park during peak use months. This could represent an increase in vehicle trips on Marsh Creek Road and other roads and intersections adjacent to the proposed access points. The Vineyards at Marsh Creek development EIR studied various intersections in and around the Park location and analyzed impacts associated with the new mixed use development being constructed adjacent to the Park. The EIR found that even with the proposed development including the Park, Level of Service (LOS) at key intersections including Marsh Creek Road and Sellers Avenue and Balfour Road and Deer Valley Road would not experience reduced LOS such that significant impacts would result. Due to the dispersed locations for the staging areas at the Park and their locations immediately adjacent to existing roadways as well as the minimal amount of new traffic generated at each predominantly during off-peak times, the actions proposed in this GP do not have the potential to lower the LOS on Marsh Creek Road, resulting in no significant impacts on circulation and traffic both within the Park and in its vicinity.

As stated on pages 4-27 to 4-28 of the GP and EIR, the GP contains a set of goals and guidelines aimed at managing access to and circulation in the Park. Goals ACCESS 1 through 5 call for safe and well-signed ingress and egress to the Park, emergency access, and visitor management. Although the GP would result in slight impacts on traffic and circulation, proposed improvements to Park roads and parking areas and the encouragement of improvements to area roads and highways, particularly Marsh Creek Road, would alleviate these impacts. Realignment and surface improvements of the Park entrance road would improve Park access and overall circulation to accommodate the anticipated increase in visitation, development, and associated traffic. Furthermore, although improving signage along Marsh Creek Road and at the Park entrance would attract additional visitors to the Park, it would also improve traffic flow by improving directions to the Park entrance. Efficient circulation and parking design would be incorporated into the design and operation of campgrounds, facilities, and other projects under this GP to minimize traffic and congestion within the Park. Implementation of these components of the GP would address and offset the anticipated circulation and traffic concerns, reducing potential impacts to less than significant.

40-3: Please refer to Master Response 1, Program-level Analysis and Facility Siting.

From: William Pakulski <bpakulski@att.net>
To: Bachman, Stephen
Cc: Joel Reger <joel.reger@trilogyresortliving.com>
Sent: Sat Dec 04 10:37:35 2010
Subject: John Marsh Historic Park

Mr. Bachman, my name is Bill Pakulski and I reside at 1728 Latour Ave. in Brentwood, Ca.

I am in the Trilogy community (55 and older) adjacent to the John Marsh Historic Park. First of all, I think the park will be an interesting property to develop and should bring a lot of visitors to the area. I have perused the general plan at the Brentwood Library and have a couple of concerns. Keep in mind, I am looking through the glasses of a retired person and an adjacent property owner to your project.

41-1

With more people visiting the area, the area of the Dry Creek Visitors Center is my major concern. It is very hard to ascertain where the center will be located. It would be beneficial to the community if the building and trail could be marked or staked out so everyone could see how it would actually sit on the property.

With more development comes safety and security concerns. Given the fact that Trilogy is a retirement community, there are a lot of folks concerned about more people wandering around our neighborhood or at least looking into our backyards from the top of the hill. Is there a plan to have someone police the area to try to mitigate these concerns or move the Visitors Center far enough to the rear of the park so as to limit the exposure?

41-2

Lastly, I think keeping the community informed and asking for some feedback from the homeowners would reach out and help limit the fears of development.

41-3

The homeowners of Trilogy at the Vineyards are a great bunch of folks and we look forward to working with you on this project.

My home phone is 925 634 9577.

Happy Holidays,

Bill Pakulski

Letter 41 Response – Bill Palkulski

- 41-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The commenter is not correct that a Dry Creek Visitor Center is proposed. As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 of the GP and EIR, the Dry Creek Visitor Facility Zone would contain minimal visitor facilities, limited to a vault toilet and small parking area (5-8 vehicles). The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.
- 41-2:** Please refer to the response to Comment 19-2 and Comment 29-3 with regard to trespass and security concerns.
- 41-3:** Please refer to the response to Comment 38-3 with regard to future public outreach.

From: Murray Hawkins <setu4@comcast.net>
To: Bachman, Stephen
Sent: Sun Dec 05 20:52:54 2010
Subject: neighbor-comment Cowell state Park proposal C

Steve,

I live at 1724 Latour in Brentwood and hope that proposed Dry Creek visitor-center/parking lot will not be easily visible. We already have illegal dirt-motorcycles riding loudly behind our house probably to the not-opened state park from Briones Valley Road.

Also to be frank: the idea of hikers peering into our rear yards is unsettling. And I image most hikers would prefer viewing nature rather than our housing development(Trilogy). I selfishly hope that your state park planning will give both sides sufficient buffer distance for privacy and being in nature.

regards,

Murray Hawkins
1724 Latour ave
Brentwood,Ca 94513

42-1

Letter 42 Response – Murray Hawkins

42-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The commenter is not correct that a Dry Creek Visitor Center is proposed. As noted on Map 14, Alternative C (Preferred Alternative) on page 3-21 of the GP and EIR, the Dry Creek Visitor Facility Zone would contain minimal visitor facilities, limited to a vault toilet and small parking area (5-8 vehicles). The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Julie Escover [mailto:jaescover@yahoo.com]
Sent: Tuesday, December 07, 2010 10:20 AM
To: Bachman, Stephen
Subject: John March State Historic Park

Dear Mr. Bachman,

It is with the greatest respect that we are sending you this e-mail regarding the proposed general plan as outlined on Map 14 (alternative C) for the John Marsh State Historic Park.. Although we are very excited about the prospect of seeing the park developed with hiking trails, picnic facilities, etc., we are extremely concerned about the close proximity of the parking lot(s) and toilets as shown on Map 14. We believe that any parking and toilet areas should be constructed well out of view of the Trilogy at the Vineyards homesites.

We purchased our beautiful home here at Trilogy with a view of the vineyards and with the park beyond with a scattering of old oaks and grazing livestock. It never occurred to us that one day the State of California Parks Planning Department would ever consider constructing a parking lot(s) or toilets within site of our community.

We respectfully request that you reconsider and move these facilities further away from the boundaries of our vineyards so that they will be fully out of sight from our development.

Sincerely,

Norman and Julie Escover

1721 Latour Avenue

Brentwood, CA 94513

(925) 684-4210

43-1

Letter 43 Response – Norman and Julie Escover

- 43-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Tom Humphrey <anitom@pacbell.net>
To: Bachman, Stephen
Cc: Dan O'Brien <dan.obrien@sheahomes.com>
Sent: Wed Dec 08 16:05:36 2010
Subject: Perspective on Cowell Ranch - Dry Creek Visitor Facility

Anita & Tom Humphrey

1649 Gamay Lane, Bordeaux Village, Trilogy at the Vineyards at
 Marsh Creek

Brentwood, CA 94513-4331

925 634-6678 Fax 925 679-7362 Cell 925 285-3006 Anita - 3008 Tom
anitom@pacbell.net

Wednesday, December 08, 2010

Dear Steve Bachman -

We are so fortunate to have moved from Clayton to Brentwood and the Trilogy at the Vineyards. Not only do we have the foothills and a view of the sun rising each morning over the Sierra Nevada mountain range, but we get to experience the development of the historic John Marsh public areas within the surrounding Cowell Ranch / John Marsh State Historic Park. This will be a wonderful addition to the State Park system and bring the history of John Marsh and the areas history to many visitors.

44-1

However there are some areas of the Proposed General Plan, Alternative C, that appear to be out of character for a public area. The Dry Creek Visitor Area is probably misplaced as it will exist at the end of a dead end road that splits the Trilogy neighborhood. Further, the proposed development of parking areas will cause increased traffic on this dead end road to an isolated part of the park. The peninsula of land that extends into the Trilogy housing development is about 600 feet wide and has a boundary of about 3,000 feet all of which overlooks into neighboring homes back yards from an elevated hill. There are over 200 home sites that will have the privacy of their yards directly affected by the developed area. Since some 1,500 feet of said boundary abut the Trilogy grape vineyards there may be temptations of park users to enter the vineyards causing harm to the grapes and the irrigation system.

44-2

With some six or seven other public road access points into the park it seems that this isolated and home site surrounded Dry Creek access area is ill placed. Moving this site to Deer Valley Road would encourage more visitors, provide easier access, and have a lot more room and space for visitors to roam, explore and play without adjacent private homes being affected.

We support development of the Cowell Ranch / John Marsh State Historic Park and are excited about its development. However, the needs of the park visitors and neighboring private homes can best be served by relocating the proposed Dry Creek Visitor Facility to an area more accessible, more spacious, and less intrusive on the private home sites.



44-2

Please continue, with our support, with the Park plans without the development of the Dry Creek Visitor Facility in the proposed location.

Thank you -

Tom and Anita Humphrey

Letter 44 Response – Anita and Tom Humphrey

- 44-1:** State Parks acknowledges the commenters' support for the Cowell Ranch / John Marsh State Historic Park; however, this comment does not require an additional response related to the GP and EIR.
- 44-2:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

Please refer to response to Comment 19-2 with regard to trespass concerns.

From: Linda Lingenfelter <lilingenfelter@comcast.net>
To: Bachman, Stephen
Sent: Wed Dec 08 14:06:16 2010
Subject: Cowell Ranch/John Marsh SHP

Dear Mr. Bachman:

I am a resident of Trilogy at the Vineyards in Brentwood and am writing to you to express my concerns regarding the John Marsh State Park General Plan, specifically Map 14, the preferred plan for the Dry Creek Visitor Facility. It is my understanding the toilets, parking and hiking would be a part of this site. As a three year resident of Trilogy I appreciate the solitude and lack of human presence that exists on the land abutting our Trilogy property. When we purchased our homesite, it was with the understanding that the land which includes the Mt. Diablo State Park would never be built on. I'm hoping that Map 14 which includes Alternative C (preferred alternative) will not become the reality. Map 16/Alternative B does not include the Dry Creek Facility and looks to me to be the better alternative. I'm hoping toilets and parking will not abut our property and bring hikers so close to our residential area. Please consider Map 16/Alternative B as the adopted Plan.

45-1

Respectfully,
Linda Lingenfelter

Letter 45 Response – Linda Lingenfelter

45-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

State Parks notes the commenter's preference for Alternative B.

From: ALAN MONTGOMERY <albecky2@sbcglobal.net>
To: Bachman, Stephen
Sent: Wed Dec 08 19:23:00 2010
Subject: Structures and trails at John Marsh State Park

Hello Steve,

I am a resident at The Vineyards and I'm concerned that the proposed plan for the development of Marsh Park has the parking lots, bathrooms and trails too close to The Vineyards development. currently some parking and toilets are planned for within 30 feet of us. I feel that any structures should be out of our site lines and placed at least 500 feet from our development, and trails should be no closer than 100 feet from our property line. I hope you will give this input strong consideration.

46-1

Thank you,

Alan Montgomery

Letter 46 Response – Alan Montgomery

- 46-1:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

From: Nancy Jay [mailto:first4word@yahoo.com]
Sent: Thursday, December 09, 2010 8:50 AM
To: Bachman, Stephen
Subject: John Marsh House & Park

Dear Steve Bachman,

Hello and it's nice to "meet" you. Thank you so much for your work to bring the proposed State Historic Park and California Educational History Complex into reality which many of us involved in the John Marsh Historic Trust have come to call the John Marsh State Historic Park.

I believe that since the Bidwell Mansion State Historic Park is known as such that there is an even stronger case to ask that this park be known as the John Marsh State Historic Park or a similar name which includes John Marsh in it.

Marsh's contributions appear to be minimized in some unspoken way. Marsh was important because he was able to bring 3 significant peoples together who occupied the same geographic area, namely Miwok Indians, Mexican/ Spanish Officials and Anglos immigrating from the East Coast of the United States. It's documented that Marsh acted as an intermediary and played a significant role to smooth frictions and negotiate between parties. Dr. John Marsh was a person who bridged gaps and served his neighbors.

It's odd to me that this pivotal figure in California and westward migration history continues to be relegated to lower historical significance than the people he influenced to come west -- including Bidwell & Sutter. He was a doctor who did have appropriate training of the day in his field and served people of California from the Los Angeles area to the San Francisco area. We don't hesitate to identify the architect, Thomas Boyd, who designed Marsh's Stone House as such, and yet his training of the day predates licensing standards. Both the Adobe House and the Stone House served as a landmark and waypoint for travelers coming west and moving north & south in California. But, once the Stone House was built in 1856, it was arguably the first significant structure outside of San Francisco proper along the well-traveled route.

47-1

Quoted from Wikipedia:

Bidwell Mansion State Historic Park

"Bidwell Mansion, located at 525 Esplanade in Chico, California, was the home of General John Bidwell and Annie Bidwell from the late 1868 until 1900, when Gen. Bidwell died. Annie continued to live there until her death in 1918. John Bidwell began construction of the mansion on his 26,000 acres (110 km²) Rancho del Arroyo Chico in 1865.... Now a museum and State Historic Park, it is California Historical Landmark #329 and is listed on the National Register of Historic Places. The mansion was a \$60,000 project, and was finished in May 1868."

If there is any way I can serve you please don't hesitate to ask.

Sincerely,

Nancy Jameson
John Marsh Historic Trust Member

Letter 47 Response – Nancy Jameson

47-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

12/8/2010

Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grand Road
Petaluma, CA 94954

via email: sbachman@parks.ca.gov

I support efforts to stabilize and restore the John Marsh House and manage the State Park for historic, educational, and environmental values. The historic values are significant. They not only encompass the contributions of John Marsh and his guests, but also the peoples that preceded him. I visited the site and was impressed with the quality and extent of the stabilization project, but much remains to be done. Perhaps as important the values are the past and anticipated accomplishments of the dynamic, competent, and motivated support groups.

48-1

I believe the planned management of the diversity of values and the support for the facility warrant continued support by the State and State Parks. I request that this comment be included in the record. I note that I am a distant relative of John Marsh, but I would hope that all would share my views on this remarkable property of the State of California.

Thanks again for the accomplishments of State Parks at this and other sites.

Christopher Marsh Roholt
835 Kentwood Dr
Riverside, CA, 92507
951 369 7180 ckroholt@earthlink.net

Letter 48 Response – Christopher Marsh Roholt

48-1: The commenter's support for stabilizing and restoring the John Marsh House and for managing the Park for historic, educational and environmental values is noted; however, this comment does not require an additional response related to the GP and EIR.

From: Karen Roholt [mailto:ckroholt@earthlink.net]
Sent: Wednesday, December 08, 2010 9:46 PM
To: Bachman, Stephen
Subject: coments regarding Cowell Ranch/John Marsh SHP

I commend California State Parks for continuing the progress into protecting this park that will hopefully be open to the public in the not too distant future. I recently visited the area and was encouraged by the work that has recently been done to stabilize the stone house. I hope that the new park name will be "John Marsh State Park" since he was the one who built the house that is the centerpiece of the park. Thank you.

Karen Roholt
835 Kentwood Dr.
Riverside, CA 92507
951-369-7180
ckroholt@earthlink.net

49-1

Letter 49 Response – Karen Roholt

49-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

From: Jim Hopper <jimhopper49@sbcglobal.net>
To: Bachman, Stephen
Sent: Wed Dec 08 17:37:30 2010
Subject: John Marsh State Historic Park Comment

Sir,

I would like to comment on the General Plan for the John Marsh State Historic Park. Specifically, I would like to address the name of the park.

The first wagon train to California in 1842 concluded its journey at the John Marsh Ranch. I had a relative on that wagon train (Charles Hopper). I therefore feel it is very important to keep John Marsh in the name of the park. The uniqueness of the area procured for the park is that it belonged to John Marsh who was instrumental in the early development of California.

Admittedly, there are Native American sites in the area, but Native American sites are also found in many other places in California. The geographic name of Los Meganos is likewise un-unique, as there are "sand hills" in many places in California. The uniqueness of this place is that it is the original home site of an important California pioneer, and it deserves to have his name.

I thank you for your consideration.

Regards,
James M. Hopper
5220 Kelsey Peak Way
Antioch, CA 95431
jimhopper49@sbcglobal.net

50-1

Letter 50 Response – James M. Hopper

50-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

----- Original Message -----

From: sroholt@nc.rr.com <sroholt@nc.rr.com>

To: Bachman, Stephen

Sent: Wed Dec 08 20:40:52 2010

Subject: comments on Cowell Ranch/John Marsh State Historic Park

Steve Backman -

I recently visited the Cowell Ranch/John Marsh State Historic Park. I was accompanied by several of my relatives who live in CA and my 96 year old mother. My family is distantly related to John Marsh and we were especially interested in seeing the progress made with the park and rebuilding of the John Marsh stone house.

Members of the board of the John Marsh Historic Trust and park staff made our visit to the park quite memorable. We think that California is forward thinking to have created this park and we hope that even in this time of a challenging economy, that funds will be made available to continue efforts with the park. Our comments on the plan are noted below.

1. Retain the name of John Marsh in the name of the park. If a longer name is possible, include reference to

the Native Americans from the area before and during the time of John Marsh.

2. Continue using a wide variety of collaborative relationships in the development of the park.

3. Make the stabilization and restoration of the John Marsh stone house a primary goal. Having the house as

a cornerstone of the park will be important for assuring educational, cultural, and community activities. It

could serve as a ongoing source of revenue once completed. California parks staff should continue to work in

collaboration with the John Marsh Historic Trust to complete and manage the house.

4. Include restoration of the (expanded) grounds of the stone house a primary goal. Restoring the grounds to

the days of John Marsh will further enhance the educational benefits of the park. Maintenance of the grounds,

including gardens and orchards, also offers multiple avenues for seeking and using volunteers of all ages.

5. Foster the development of recreational uses of the park-at-large with the exception of ATVs.

Thank you.

Sarah Roholt

1224 Mordecai Drive

Raleigh, NC 27604

phone: 919-833-3189

email: sroholt@nc.rr.com

51-1

51-2

51-3

51-4

51-5

51-6

Letter 51 Response – Sarah Roholt

51-1: The commenter’s support for the Cowell Ranch / John Marsh State Historic Park is noted; however, this comment does not require an additional response related to the GP and EIR.

51-2: Please refer to Master Response 2, Decision Process for Naming of the Park.

51-3: As stated in the Park Vision, presented on pages 3-2 to 3-3 of the GP and EIR, partnerships will be essential for long term implementation of the Park Vision. Partners for visitor services, cultural resource documentation, interpretation, as well as partners to continue the inventory of plants and wildlife that inhabit the Park will be integral in Park management.

51-4: Stabilization and rehabilitation of the John Marsh House is part of the stated purpose for the Park as described in the Park’s Declaration of Purpose, presented on page 3-2 of the GP and EIR. The Preferred Alternative includes rehabilitating the John Marsh House and using the area for a visitor center and staff offices, as well as for education and interpretation purposes.

State Parks will continue to work with the John Marsh Historic Trust during future planning efforts for the Park.

51-5: Cultural Resource Management Goal CUL 2, presented on page 3-43 of the GP and EIR, seeks to increase visitors’ understanding of the archaeological and historic-era buildings, structures and landscapes and how they fit into a larger regional context. The guidelines under this goal direct Park management to prepare a cultural landscape management plan. Where appropriate, landscapes would be restored or rehabilitated. The ranch-like character in the Primary Historic Zone would be retained. As stated in Goal INTERP 3 presented on page 3-31 of the GP and EIR, it is the intent of the GP to establish a collaborative and partner relationship with the City of Brentwood and other interested parties to provide diverse, accurate and innovative interpretive and educational programs at the Park.

51-6: This unit was classified by the State Park and Recreation Commission on May 4, 2007 as a State Historic Park. Pursuant to PRC Section 5019.59, State Historic Parks are defined as historical units, established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. Upon approval by the State Park and Recreation Commission, an area outside the Primary Historic Zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit.

Trail use by a variety of users will be the primary form of recreation at the Park. As stated on page 3-27 of the GP and EIR, a trail management plan would be developed to provide a variety and range of trail experiences. Use of all-terrain vehicles (ATVs) or off-highway vehicles (OHVs) would not be consistent with the park unit classification as a State Historic Park and Park Vision (see page 3-2 of the GP and EIR).

-----Original Message-----

From: glukowicz@att.net [mailto:glukowicz@att.net]

Sent: Thursday, December 09, 2010 9:15 AM

To: Bachman, Stephen

Subject: John Marsh State Historical Park

Dear Mr Bachman,

Recently it has come to our attention that the State is proposing a layout for the John Marsh State Historical Park. While we do not object to the park, it is very disturbing that it will abut the Trilogy property, along with visible toilets and parking. As we look at the map, it appears that the Dry Creek Visitors' Facility will be located directly behind the homes on Latour Ave. Presently, we enjoy incredible vineyard views from our back yard, as do our neighbors and the entire Trilogy development.

52-1

We feel this would be of great detriment not only to us, as private homeowners, but also for Trilogy and the entire Town of Brentwood. Trilogy is such a viable part of the Brentwood community, and to have these views destroyed by very visible toilets and parking would result in a very negative impact for all those concerned.

In addition, with the facility located at the proposed site, we believe it would also increase the traffic on Briones Rd. We now have a narrow maintenance path for the vineyards located between our back fence and the vineyard. This is only used for the occasional vineyard maintenance vehicle. With this parking and toilet facility located at the top of the slope, we feel would encourage hikers to walk along this private path, destroying our privacy.

52-2

We encourage you to re-examine this proposal and move the Dry Creek Visitors' Facility at least 500 - 1000 feet away from the Trilogy property and preserve its beauty.

Thank you for your consideration,

George and Gail Lukowicz, Homeowners at Trilogy
1716 Latour Ave
Brentwood, CA 94513

Tel: 925-516-9456
e-mail: Glukowicz@att.net

Letter 52 Response – George and Gail Lukowicz

52-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting.

52-2: Please refer to the response to Comment 40-2.

DEAR STEVE BACHMAN

YES, BRING IT HERE STEVE, A
3,600 ACRE PARK ! ? ! MY
JAW DROPPED ! WITH OPEN
OVERNIGHT CAMPSITES !!

HALLELUJAH !

OUR HOME AREA HAS
NOTHING LIKE IT !!

WILLIAM R COSTA JR.
239 BOULDER DR.
ANTIOCH, CA 94509

THANKS STEVE !

Letter 53 Response – William R. Costa, Jr.

53-1: The commenter's support for Cowell Ranch / John Marsh State Historic Park is noted; however, this comment does not require an additional response related to the GP and EIR.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

November 27, 2010

Name: Patricia Ann & William R. Richardson
Address: 1774 Seal Way
Discovery Bay, CA 94505
Phone: (925)516-9500
E-mail: wrrichardson@earthlink.net

Comments:

We recommend that the park be named the

JOHN MARSH STATE HISTORIC PARK

for the following reasons:

It is extremely important that a nation and its people record and remember its history. Dr. John Marsh is a significant part of the early settlement of Contra Costa County and his contribution should be memorialized permanently and prominently in the name of this park.

In addition, everyone including the youth in our County will be able to identify with a real person much more readily and with deeper feelings than for a name which represents an inanimate object.

Again, we recommend:

JOHN MARSH STATE HISTORIC PARK

Patricia Richardson *Richardson*

Patricia A. Richardson

William R. Richardson

54-1

Letter 54 Response – Patricia A. and William R. Richardson

54-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:

Steve Bachman, Acting District Superintendent

Diablo Vista District

845 Casa Grande Road

Petaluma, CA 94954

sbachman@parks.ca.gov

Name: LIZ CLOUGH
Address: PO BOX 294
BYRON, CA 94514
Phone: 209-815-8483
E-mail: LIZCLOUGH@COMCAST.NET

Comments:

I LIVE ABOUT 4 MILES FROM THE
TO-BE NEW STATE PARK. I AM
LOOKING FORWARD TO HAVING THIS
STATE PARK ACCESSED FOR
TRAIL RIDING. LOS VAQUEROS I
UNDERSTAND WILL ^{SOON} ~~STILL~~ BE CLOSED FOR
MANY YEARS. THIS PARK'S TRAILS
HOPEFULLY WILL OPEN IN THE NEXT FEW
YEARS, IT IS MY VOTE IT BE NAMED
JOHN MARSH STATE PARK AS WE'VE LIVED
FOR YEARS WITH THAT HISTORY INCORPORATED
IN OUR THOUGHTS. ANY OTHER NAME
FEELS DISCONNECTED.

55-1

55-2

Letter 55 Response – Liz Clough

55-1: The commenter's support for Cowell Ranch / John Marsh State Historic Park is noted; however, this comment does not require an additional response related to the GP and EIR.

55-2: Please refer to Master Response 2, Decision Process for Naming of the Park.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Tom Humphrey
Address: 1649 Gamay Ln.
Brentwood, CA 94513
Phone: 634-6678
E-mail: tomonly@pacbell.net

Comments:

I am opposed to both an access $\frac{1}{2}$ parking lot and developed picnic areas $\frac{1}{2}$ bathrooms on Map 14 off of the Brines Valley Rd. Development on a ridge overlooking private backyards over some 270° view is an intrusion of privacy. The park has more access points than Mt Diablo? Using a dead end private access at Brines Valley Road is not needed. It divides the Trilogy development. Day use development adjacent to grape vineyards encourages intrusion into the private vineyards - not good.

PLEASE delete the proposed access $\frac{1}{2}$ developed day use areas @ Brines valley Rd on the ridge. There are many better places within the park area for such use.

Thank You!
Tom

Letter 56 Response – Tom Humphrey

56-1: Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities in the Dry Creek Visitor Facility Zone has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.

Please refer to response to Comment 19-2 with regard to trespass concerns.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: BARBARA FEE
Address: 19 PARK LN.
ANTIOCH, CA 94509
Phone: (925) 286-2277
E-mail: barbarafee94513@yahoo.com

Comments:

I WOULD LIKE TO EXPRESS MY THOUGHTS AND
PREFERENCE FOR THE NAME OF THE JOHN MARSH
SITE/HOUSE, ETC.

FOR OVER 100 YEARS THIS HAS BEEN KNOWN AS THE
JOHN MARSH HOUSE, WHY CHANGE IT? IF NOT FOR HIM
THIS AREA WOULD NOT HAVE DEVELOPED. THERE ARE TOO MANY
PLACES IN THIS AREA WITH THE BEGINNING OF LOS OR LOS.
DON'T YOU THINK ANOTHER WOULD BE CONFUSING?

I WOULD LIKE TO PUT IN MY VOTE OF THE JOHN
MARSH HISTORICAL STATE PARK

THANK YOU

57-1

Letter 57 Response – Barbara Fee

57-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Sharon Marsh
Address: 2615 Taylor Ln,
Byron, CA 94514
Phone: 925-634-1769
E-mail:

Comments: John Marsh State Historic Park
is a better name for the confusing
one currently in favor.

58-1

Letter 58 Response – Sharon Marsh

58-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Mark R. White
Address: 616 2nd Street
Brentwood, CA 94513
Phone: (925) 759-0578 (cell only - no house phone)
E-mail: markonsecond@yahoo.com

Comments:

"John Marsh State Historical Park" should be the name
of the new state park planned for an area between
Brentwood & Clayton, CA in the Lower Marsh
Creek basin. The name of Los Maganos is
too closely related to Los Medanos which
is used in the Pittsburg, CA area and is
a different part of Contra Costa County

59-1

Letter 59 Response – Mark R. White

59-1: Please refer to Master Response 2, Decision Process for Naming of the Park.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
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COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Kelly Klute
Address: 5404 Rock Creek Ct.
Concord, CA 94521
Phone: (cell) 925-209-6660
E-mail: kdklute@sbcglobal.net
kelly_k@ssipm.com
kelly@thekoagroup.com

Comments:
- very informative; very well thought ^{out} general plan
- my firm provides program, project & construction
management services on significant ^{computer based} projects
throughout the area, including historical
preservation projects. Please don't hesitate
to contact me if you need any input or assistance
in the planning, pre-construction & construction
phases of this project. We would love to
contribute to its successful completion.

60-1

60-2

Letter 60 Response – Kelly Klute

- 60-1:** This comment regarding the general plan is noted; however, it does not require an additional response related to the GP and EIR.
- 60-2:** This comment regarding the commenter’s management services is noted; however, this comment does not require an additional response related to the GP and EIR.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Barry Margesson
Address: 2680 Virginia Dr.
Brentwood CA 94513
Phone: 925 634-4566
E-mail: driveapony@comcast.net

Comments:

- Is there provision for a creek water quality / aquatic benthic invertebrate monitoring field station? This could be shared space with proposed cultural research field station.
- Can cattle be run on selected portions of the property for short, intensive grazing periods?

61-1

61-2

Letter 61 Response – Barry Margesson

- 61-1:** The GP does not propose a water quality/aquatic benthic invertebrate monitoring field station; however, it is the intent of the GP to accommodate opportunities for researchers (see Goal STAFF 4 on page 3-49 of the GP and EIR).
- 61-2:** Please refer to Master Response 3, Grazing as a Vegetation Management Technique and as an Interpretive Activity.

COWELL RANCH/JOHN MARSH STATE HISTORIC PARK
PRELIMINARY GENERAL PLAN AND
PROGRAM ENVIRONMENTAL IMPACT REPORT

COMMENT CARD

Comments may be submitted today, or mailed to:
Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954
sbachman@parks.ca.gov

Name: Suzanna Thompson
Address: ^{mail} PO BOX 873 ^{physical} 19391 Marsh Creek Rd
Clayton Ct 94517 Brentwood Ct 94513
Phone: (925) 513-1510
E-mail: Quelak@aol.com

Comments:

- First I would like to state strong support for naming the park The John Marsh Historic State Park.
- Second, as a long time resident and neighbor of the land, I would like the plan of "dogs allowed in campgrounds" to be ammended to "no dogs". Dogs in campgrounds in an area like this doesn't work. The campground is not the end destination (such as parks like Yosemite can be), the land and the trails are. What this results in is dogs illegally being taken out in the park, creating a problem for wild life and livestock. Regarding loose dogs and livestock, this is the land of "shoot, shovel, and shut up."

62-1

62-2

Furthermore, if dogs are allowed in the campground but not the park, it can also result in dogs left behind and tied up, annoying for the dogs and the people, or worst of all, dogs left in cars. This area is simply too hot for most of the camping season for people to responsibly bring their dogs.

62-2

- It is difficult to comment on the proposed sites for campgrounds because the plan at this point is so vague. I would ask that campgrounds be located around the John Marsh house as much as possible. The infrastructure of water/sewer/fire/EMS is much closer there. I fail to see the wisdom of cutting into the virgin meadows on the south side of the park to put in campgrounds.

62-3

- I would also ask that NO fires be allowed in the park. If campfires are allowed at all, only in the area immediately adjacent to the house where there are some resources to control them. Until you've lived through a wildfire out here, you don't know how fast they spread, or how long it takes for the fire trucks to get here.

Place
Stamp
Here

62-4

Steve Bachman, Acting District Superintendent
Diablo Vista District
845 Casa Grande Road
Petaluma, CA 94954

Lastly I would ask that the park maintain a "dark skies" policy. No dusk to dawn lights, no light pollution.

62-5

Thank you for your time!

Letter 62 Response – Susanna Thompson

- 62-1:** Please refer to Master Response 2, Decision Process for Naming of the Park.
- 62-2:** The State Parks policy regarding dogs generally allows dogs in state parks as long as they are on a leash not exceeding six feet in length. Dogs are typically only allowed in day use areas (on leash) and on paved areas. Dogs are not allowed in buildings or on trails, unless designated. The State Parks District Superintendent has the discretion to restrict pets at other locations within the Park (e.g., campgrounds).
- 62-3:** Please refer to Master Response 1, Program-level Analysis and Facility Siting. The location of proposed facilities has not yet been identified. Siting of proposed facilities will occur during project-level planning for projects proposed under the GP. Future projects will undergo subsequent environmental review as appropriate.
- 62-4:** Goal ACCESS 6, presented on page 3-46 of the GP and EIR, addresses the threat of wildland fire and the associated danger to human life in the Park. Supporting guidelines include:
- Limit access points into the Park, monitor visitor use patterns, and provide clear information about fire danger.
 - Monitor regional fire weather information and other fire ecology data to understand onsite fire danger and relay this information to visitors.
 - Coordinate and collaborate with local jurisdictions, fire safe councils, neighborhood associations and Park neighbors in developing wildfire management plans and strategies.
 - Incorporate educational information regarding fire in the wildland-urban interface zone into the Park's signage and interpretive materials and programs.

Please refer to Master Response 1, Program-level Analysis and Facility Siting. Future projects would be subject to more detailed review, and provisions for fire safety would be addressed for each project. Wildland fire hazards would be included in the review of specific projects.

- 62-5:** The GP recognizes the dark nighttime sky as an important resource for celestial viewing and that it contributes to the remote and natural setting of the Park. The GP would develop educational and interpretive information about the value of the dark nighttime sky and the importance of its protection (see Goal INTERP 5 presented on page 3-31 of the GP and EIR). Goal SCENIC4, presented on page 3-41 of the GP and EIR, seeks to avoid light pollution, where possible, to protect the dark nighttime skies for celestial viewing. Guidelines supporting this goal include:
- Prevent aesthetic and environmental damage from duration and intensity of lighting and fixtures.

Response to Comments

- Ensure that light fixtures are designed and placed only as needed and are in keeping with site character. Minimize intensity by considering techniques such as low voltage fixtures and downlighting.
- Work with the County, local entities involved with development around the Park, and neighboring landowners to minimize adverse effects from light sources outside the boundaries of the Park.
- Use properly shielded light fixtures in park facilities and minimize the use of exterior lighting to preserve dark skies as a resource.
- Design lighting systems and facilities that minimize light pollution on site and to neighboring areas. Incorporate energy efficient light fixtures into new site designs and building restoration.

4 Recommended Changes to the Preliminary General Plan and Draft Program EIR

This chapter contains recommended revisions to the GP and EIR for the Cowell Ranch / John Marsh State Historic Park made subsequent to its public release and the public review process. Revisions are the result of responses to comments made by the public and/or reviewing agencies, detailed in Chapter 3 of this document, and staff-directed changes. Text revisions are organized by chapter and page numbers that appear in the GP and EIR. Revisions to text are shown with a strikethrough or underline. Text that has a ~~strikethrough~~ has been deleted from the GP and EIR. Text that has been added is presented as single underlined. None of the revisions constitute significant changes to the EIR, so the EIR does not need to be recirculated. The Final GP may include additional minor revisions to ensure accuracy of information presented in the plan.

4.1 CHAPTER 2 TEXT REVISIONS

The following revisions have been made in the first paragraph under the subheading Parkwide Land Uses on page 2-1 of the GP and EIR:

Parkwide Land Uses

The Park is principally divided by Marsh Creek Road and by the Marsh Creek Dam and Reservoir that is owned and managed by the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD). State Route (SR) 4 bisects the northeast corner of the Park near its intersection with Marsh Creek and further south, dividing the agricultural field into two parcels. Portions of the property lie within the ~~Los Vaqueros~~ Kellogg Creek watershed to the south of Camino Diablo Road. These lands form the northern boundary of the Los Vaqueros Reservoir and surrounding lands, managed by Contra Costa Water District (CCWD). Part of the Briones Valley lies between rolling hills that make up the largest contiguous acreage of the Park on the western side of Marsh Creek Road.

The following revisions have been made in the first paragraph under the subheading Surrounding Land Uses / Regional Context, Contra Costa Community College on page 2-1 of the GP and EIR:

Surrounding Land Uses / Regional Context

Contra Costa Community College

~~An approximate 30-acre future Contra Costa Community College site is located adjacent to the John Marsh House outside the Park boundary. The proposed college site is located outside of Contra Costa County's (County) Urban Limit Line (ULL), but is within the City of Brentwood's (City) Sphere of Influence. The Cowell Foundation donated the site to the Contra Costa Community College District (CCCCD) for the creation of a community college that would serve 5,000 students. CCCCD is in the middle of a two-year period to exercise the irrevocable option to build on the property. It would~~

~~take 10 years to construct a campus. In approving the option agreement, the CCCCD Board noted that the property “presents the most desirable and tangible site to further the future efforts of CCCCD to locate a permanent educational center in the Brentwood area” (CCCCD Governing Board Minutes, October 25, 2000).~~

The future Brentwood Center will be located on a 17-acre site in the City of Brentwood within the Vineyards at Marsh Creek, generally west of the intersection of the State Route 4 Bypass and Marsh Creek Road. The site is located near the Park boundary and the John Marsh House. The project consists of a new education center, a satellite site of Los Medanos College that would serve a maximum of 5,000 full- and part-time students. Two buildings would be located near the center of the site that would provide a total of approximately 88,000 square feet of classroom/office space. Each building would be two stories tall and approximately 35 feet in height. A total of 1,366 parking spaces would be provided in two surface lots (CCCD 2011)². The center would have a total of 80 full-time and 200 part-time employees, including faculty and staff. The education center would offer a general education curriculum, but would not function as a full-service community college campus. Consequently, it would be limited to classrooms, laboratories and administrative and faculty offices and would not have other uses typically associated with a community college campus, such as a library, gymnasium, athletic fields, auditorium/theatre, cafeteria, bookstore, student union or other student services.

The following new text has been added to the first paragraph under the subheading State Route 4 Bypass on page 2-2 of the GP and EIR:

State Route 4 Bypass

Segment 3 of the State Route 4 Bypass (“SR 4 Bypass”) is located north of the Park with an interchange at Marsh Creek Road, dividing the Park. The SR 4 Bypass project is an approved expressway (250-foot right of way) developed between SR 4 and a relocated Vasco Road. An upgrade to Marsh Creek Road provides a connector (with a 110-foot right of way) between the SR 4 Bypass and the existing SR 4. The SR 4 Bypass between Marsh Creek Road in Brentwood and Hillcrest Avenue in Antioch has been designated the “John Marsh Heritage Highway”.

The following revisions have been made to the first paragraph under the subheading Grassland Associated Wildlife on page 2-34 of the GP and EIR:

Grassland Associated Wildlife

Grassland habitats, both native and non-native, are used by reptiles and amphibians such as western toad (*Bufo boreas*), alligator lizard (*Gerrhonotus* spp.), western fence lizard (*Sceloporus occidentalis*), California tiger salamander (*Ambystoma californiense*), common garter snake (*Thamnophis sirtalis*), and western rattlesnake (*Crotalis viridis*). Birds commonly using grassland habitats include: burrowing owl (*Athene cunicularia*), horned lark (*Eremophila alpestris*), prairie

² Contra Costa Community College District. 2011 (February) Draft Supplemental Environmental Impact Report, New Brentwood Center. State Clearinghouse Number 2010112046. Martinez, California.

falcon (*Falco mexicanus*), golden eagle (*Aquila chrysaetos*), and western meadowlark (*Sturnella neglecta*). Annual grasslands also provide important foraging habitat for the turkey vulture (*Cathartes aura*), northern harrier (*Circus cyaneus*), American kestrel (*Falco sparverius*), white-tailed kite (*Elanus leucurus*), and red-tailed hawk (*Buteo jamaicensis*).

The following revisions have been made to the first paragraph on page 2-37 of the GP and EIR:

A large number of mammal species such as the California vole (*Microtus californicus*), deer mouse (*Peromyscus maniculatus*), Botta’s pocket gopher (*Thomomys bottae*), California ground squirrel (*Spermophilus beecheyi*), black-tailed jackrabbit (*Lepus californicus*), American badger (*Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and coyote (*Canis latrans*) use grassland habitats. Small rodents attract predators including raptors (i.e., birds of prey) such as owls, which hunt at night, as well as day-hunting raptors, such as red-tailed hawk and northern harrier, and mammalian predators such as San Joaquin kit fox, and coyote. Black-tailed deer (*Odocoileus hemionus*) also use grasslands.

The following new text has been added to the first paragraph under the subheading Wetlands on page 2-38 of the GP and EIR:

Wetlands

Wetlands are sensitive habitats dominated by herbaceous species that grow in perennially or seasonally flooded, ponded, or saturated soil conditions.

The following revisions have been made to the first full paragraph on page 2-40 of the GP and EIR:

Rare plant surveys conducted by LSA Associates, Inc. in 1993 and 1994 documented the following three special-status plant species on the Cowell Ranch property, including Park property: the San Joaquin sparscale (*Atriplex joaquiniana*); big tarplant (*Blepharizonia plumosa* ~~ssp. plumosa~~); and crownscale (*Atriplex coronata* ssp. *coronata*) listed in Table 5.

Table 5, Cowell Ranch / John Marsh State Historic Park Special-status Plant Species, presented on page 2-41 of the GP and EIR, is revised to update the nomenclature for *Blepharizonia plumosa*, as shown:

Table 5
Cowell Ranch / John Marsh State Historic Park Special-status Plant Species

Species	Associated Habitat	Potential for Occurrence	CNPS	DFG	USFWS
Plants					
<i>Blepharizonia plumosa</i> ssp. plumosa Big tarplant	Grasslands	Known to occur. Detected during botanical surveys (LSA 1993, 1994).	1B	–	–

The text on Table 6, Cowell Ranch / John Marsh State Historic Park Special-status Wildlife Species, presented on page 2-46 of the GP and EIR, has been revised as shown:

Table 6
Cowell Ranch / John Marsh State Historic Park Special-status Wildlife Species
(excerpt from page 2-46)

SPECIES	ASSOCIATED HABITAT	POTENTIAL FOR OCCURRENCE	DFG	USFWS
Vulpes macrotis mutica San Joaquin kit fox	Open grassland, shrub, woodland areas; friable soils; rodent food source	Unlikely. Site is part of historical range, and a solitary kit fox was observed immediately south of the site in 2008. Although detections are extremely rare in the northern part of their range.	CE	FE

The following revisions have been made to the first paragraph under the subheading California Tiger Salamander on page 2-47 of the GP and EIR:

California Tiger Salamander

The California tiger salamander is federally and state listed as threatened ~~and is a California Species of Special Concern~~. This large terrestrial salamander is generally restricted to grasslands below 2,000 feet. California tiger salamanders move from subterranean refuge sites (e.g., small mammal burrows) to breeding sites (e.g., vernal pools, seasonal ponds) following relatively warm winter and spring rains (October through May). Tiger salamanders can successfully breed in artificial impoundments (e.g., stock ponds) as long as they do not contain fish. Because tiger salamanders have been known to travel long distances to reach suitable breeding ponds, the DFG considers upland habitat within 2 kilometers (km) (1.24 mile) of potential breeding locations as potential habitat (USFWS and DFG 2003). A minimum of 10 weeks is required to complete development through metamorphosis (Jennings and Hayes 1994).

The following revisions have been made to the second paragraph under the subheading Burrowing Owl on page 2-49 of the GP and EIR:

Burrowing Owl

Suitable habitat for burrowing owls was identified throughout the Park. A single burrowing owl was observed on, or near, the community college site (LSA 1993). During 2003, both a habitat assessment and protocol-level (CDFG 1995, California Burrowing Owl Consortium 1997) winter and nesting season focused surveys were conducted. The surveys recorded a total of nine burrowing owls on the Cowell Ranch site which included land outside of the current Park boundary, now being developed as residential housing (Sycamore Associates LLC 2003). Ground squirrel burrow concentrations were mapped in thirteen areas on the site. Burrowing owl signs (i.e., pellets, feathers, and whitewash) were found in seven of thirteen survey areas during winter surveys. One breeding pair was observed during the nesting season surveys in the northeast area

of the Cowell Ranch property (Sycamore Associates, LLC 2003). Evidence of burrowing owls has also been observed around the dam of Marsh Creek Reservoir (Contra Costa County Flood Control and Water Conservation District, 2011).

The following revisions have been made to the seventh paragraph under the subheading San Joaquin Kit Fox on page 2-50 of the GP and EIR:

Documented historical sightings include numerous reports of the kit fox in adjacent and surrounding areas from 1972 – 2002. Early sightings noted in a report on the biological resources at Cowell Ranch by LSA, Inc. (1993) include Jensen (1972) documenting several kit fox sightings in the immediate area, Swick (1973) sighting two kit foxes on the east side of Walnut Boulevard adjacent to the Cowell Ranch, and Morell (1975) sighting a kit fox on or immediately adjacent to Cowell Ranch, at the intersection of Deer Valley and Briones Valley Roads. More recent occurrences include sightings to the south, in the vicinity of Byron and the Los Vaqueros Reservoir (1991, 1996, 1998, 2002, 2008), and several others to the northwest near the Black Diamond Mines and Antioch (1990 – 1992; 1995 - 1997) (CNDDDB 2006). Of these sightings, the closest (~2.6 miles) to the Park was located east of Walnut Boulevard and Old Vasco Road, from 1988 and 1989, and the most recent (2008) occurred near the Los Vaqueros Watershed Office immediately south of the project site ~~Vasco Caves at Bushy Peak and Bosley Ranch, between 7 and 10 miles south of the Park.~~ Sycamore Associates LLC report on the early evaluation for the San Joaquin kit fox (2003), provides a clear description of these occurrences.

The following revisions have been made to the first paragraph on page 2-54 of the GP and EIR:

The Park property was originally part of the 13,316-acre Los Meganos Mexican Land Grant given to Jose Noriega, and subsequently purchased by Dr. John Marsh in 1837 (Beck and Haase 1974, Hoover et al. 1990). A timeline of events related to occupation and land ownership of the Park can be found in Table 7. Marsh was a native of Massachusetts, who studied the classics intending to be a minister, but later studied anatomy, worked with a local physician, and graduated from Harvard University with a Bachelor of Arts degree (1823). Marsh traveled for a number of years, settling briefly in Wisconsin before traveling to California by way of Mexico. While in Wisconsin, he apparently was employed as sub-agent for Indian Affairs at Prairie du Chien (Farris et al. 1988), and studied Indian culture, eventually writing a Sioux dictionary and grammar book (1831). Marsh had a half-Sioux wife, son (Charles), and daughter while acting as an Agent. His wife and daughter died in Wisconsin; when Marsh decided to move west he left his son in the care of the James Pantier family in Illinois. Marsh made his way to Santa Fe, New Mexico and then from there to Los Angeles (1836) where he became California's first practicing doctor. Marsh sent word east to attract settlers, whom he received well but charged large sums for supplies and aid. The first planned overland immigration to California, the Bidwell-Bartleson Party, which arrived at Marsh's adobe in 1841, was a result of Marsh's letters that were sent to the east. Marsh converted to Catholicism and became a naturalized Mexican citizen.

The following revisions have been made to the paragraph under the subheading Round Valley Regional Preserve on page 2-73 of the GP and EIR:

Round Valley Regional Preserve

The Round Valley Regional Preserve is located in eastern Contra Costa County, just southwest of the Park, and is owned and operated by the East Bay Regional Park District. The Preserve contains 2,024 acres of grassland, oak woodland/savannah, shrubland and riparian woodland plant communities. This diversity of habitats supports a variety of wildlife, both common and special-status species. Round Valley Regional Preserve has vehicular access (via Marsh Creek Road) and parking at the northeastern corner of the park, just south of the Park site (EBPRD web access 2006). The EBRPD leases this land from California State Parks for the staging area. The Preserve offers unpaved trails for hiking, biking and equestrian use, and includes a 25-person group campsite. A field archery range is also available at the site. ~~There are no picnic sites, or camping available at this preserve.~~ Many of the Preserve's trails connect with adjacent open space preserves or parks, enabling non-vehicular access to hundreds of miles of trails, camping, and recreation (EBPRD web access 2006).

The following new text has been added following the subheading San Francisco Bay to San Joaquin River Trail on page 2-75 of the GP and EIR:

Diablo Trail

The Diablo Trail is an approximately 30-mile multi-use trail that extends through six different open spaces in the East Bay: Shell Ridge Open Space, Diablo Foothills Regional Park, Mount Diablo State Park, Morgan Territory Regional Preserve, the Los Vaqueros watershed and Round Valley Regional Preserve. The trail currently ends at the Round Valley staging area on Marsh Creek Road, within the State Historic Park. The trail route follows pre-existing trails, however signage is lacking in some areas. The non-profit group, Save Mount Diablo and others have proposed to eventually expand the Diablo Trail into a 60 to 70 mile loop, creating the Diablo Grand Loop Trail.

The following new text has been added after the first paragraph under the subheading East Bay Regional Park District Master Plan on page 2-83 of the GP and EIR:

East Bay Regional Park District Master Plan

East Bay Regional Park District is currently preparing an update of the District's Master Plan, a policy document that guides the District in future expansion of parks, trails, and services. The District provides and manages the regional parks for Alameda and Contra Costa counties, a 1,700 square mile area which is home to over 2.5 million people. The District manages 65 regional parks, over 108,000 acres of open space, and 1,200 miles of trails. The District's Master Plan update is scheduled to be completed in late 2011.

Accompanying the plan is the Master Plan Map, which was updated in 2007 and outlines several proposed new areas within the Park District's jurisdiction. The 2007 Master Plan Map focuses on creating new regional trails, expanding the District to include the Fox Ridge Manor property adjacent to the new Cowell Ranch / John Marsh State Historic Park, and expanding existing parks

as well as creating new regional parks in a number of areas including Deer Valley, the Byron wetlands area, and Bethany Reservoir.

The following revisions have been made to the paragraph under the subheading Los Vaqueros Reservoir Expansion Project on page 2-84 of the GP and EIR:

Los Vaqueros Reservoir Expansion Project

The Los Vaqueros Reservoir is located southeast of the Park. The ~~CCWD~~ CCCFCWCD manages the Reservoir, and together with the Bureau of Reclamation, prepared an EIR to assess the proposed effects of Reservoir expansion. In March of 2010, the District certified the Environmental Impact Report and approved a project to expand the reservoir to 160,000 acre-feet from the current 100,000 acre-feet to provide reliable water in drought periods and improve water quality. The objectives of this project are to develop alternative sources of water to support fisheries protection, to ensure a reliable water supply within portions of the San Francisco Bay Area, and to improve the quality of water deliveries to Bay Area municipal and industrial water customers. Construction is planned to begin in 2011. ~~Although not within the same watershed as the Park,~~ The reservoir is within the same watershed (Kellogg Creek) as the eastern edge of the Park, and the Reservoir's proximity to the Park establishes the relevance of this project and related studies to planning activities.

The following revisions have been made to the first paragraph under Visitor Use and Facilities, Visitor Facilities (FAC) on page 2-87 of the GP and EIR:

The Park has been open for limited public guided tours since its acquisition in 2002; however, there are currently no public facilities at the Park. There are select locations available for siting and building facilities, and an opportunity to make new facilities universally accessible. The John Marsh House and surrounding site can serve as a focal area of the Park to greet visitors and provide a central meeting place to launch other activities. There are also other locations within the Park that can act as staging areas to connect with other local and regional recreational facilities or for special events. There may be an opportunity to create a trail connecting the Park and the proposed amphitheater located in the Vineyards at Marsh Creek. Trails, day use, education, camping, ~~and~~ interpretation and special events are some of the activities that could have associated facilities to enhance visitor experience of the Park.

The following revision has been made to the first bullet under Opportunities on page 2-87 of the GP and EIR:

- Deer Valley Road and the Marsh Creek Road and Walnut Boulevard access points at the Eastern Hills area could be enhanced to provide Park facilities, such as restrooms, trailheads and visitor contact information.

The following revision has been made to the first paragraph under Concessions (CON) on page 2-90 of the GP and EIR:

There are opportunities to add concessions that complement the site's character and enhance overall park function and interpretive ability. Potential exists to re-use existing buildings for concessions depending on appropriateness of use and condition of the buildings. Ease of access to the Park and its close proximity to the City of Brentwood could encourage concessions for such activities as overnight accommodation, equestrians use, special events and other uses.

The following revision has been made to the first bullet under Constraints, Park Access and Circulation (ACCESS) on page 2-90 of the GP and EIR:

- Access from Marsh Creek Road and Walnut Blvd. is not designed for public use and needs evaluation for safety and engineering upgrades.

4.2 CHAPTER 3 TEXT REVISIONS

The following revisions have been made to the second paragraph under the subheading Existing Features on page 3-11 of the GP and EIR:

The Eastern Area is located along the eastern edge of the Park and encompasses a part of the Eastern Hills and the isolated portion of the Park north of the proposed Highway 4 Bypass. This site contains former farmland and consists primarily of open grasslands. It is accessed from ~~Los Vaqueros Road~~ Walnut Boulevard along the eastern boundary of the site. This sub-zone is defined by the Park's eastern boundary and the hills to the west. The Round Valley Area is located at the southwestern corner of the Park and contains the existing Round Valley Staging Area and Miwok Trailhead currently leased to East Bay Regional Park District. This sub-zone is defined by the southern Park boundary along the Round Valley Regional Preserve and is accessed by Marsh Creek Road.

The following revisions have been made to the first paragraph under the subheading Land Use on page 3-12 of the GP and EIR:

Activities in the VF Zone will include those activities associated with the Park's visitor facilities and services, such as trail use, picnicking, camping, ~~and~~ wildlife viewing and equestrian activities. Equestrian activities and facilities could include trail riding, equestrian campsites, staging areas, concessions for horse rental, stables or an arena. Facilities in the Historic Area will include picnic sites, a group gathering building, restrooms, and a parking/staging area. The Eastern Area, located along Walnut Boulevard, ~~will~~could include a public visitor center, developed campsites (RV and tent sites), group camps, hike-in sites, alternative campsites (tent cabin, yurt, cabin), restrooms, ~~as well as~~ picnic sites, equestrian use and sites for special events. The Round Valley Area will contain hike-in sites, equestrian, and tent campsites, picnic sites, restrooms, and a parking/staging area. The Dry Creek and Briones Valley areas will contain fewer developed facilities, limited to parking/staging areas, restrooms, and picnic sites at Briones Valley. All VF Zone areas will have

trails/trailheads and interpretive facilities, consisting of signage as well as interpretive stations at Briones Valley and Round Valley.

The following has been added to Table 13, Visitor Facility Zone Land Use, under Uses on page 3-13 of the GP and EIR:

Uses	Existing	Proposed
Hiking	-	X
Mountain biking	-	X
Horseback riding	-	X
Picnicking	-	X
Wildlife viewing	-	X
Environmental nature study & research	-	X
RV camping ⁶	-	X
Developed tent camping ⁷	-	X
Alternative camping (yurts, cabins) ⁸	-	X
Hike-in camping ⁹	-	X
Equestrian camping (single and group) ¹⁰	-	X
Group camping ¹¹	-	X
Interpretive programs	-	X
Guided walks	-	X
Special events	-	X

The following revisions have been made to the first paragraph under Primary Historic Zone, Land Use, on page 3-17 of the GP and EIR:

Land Use

Activities in the PHS Zone shall include research, interpretive programs, and cultural resource protection, preservation, appreciation, and education. Research associated with archeological remains including excavations needed to investigate the presence or extent of sub-surface resources is permitted in this zone. Additionally, trail, day use and lodging facilities in this zone will provide for uses such as hiking, mountain biking, horseback riding, guided walks, picnicking, ~~and overnight accommodations, and special events~~ where they are consistent with use zone designations and found to have no ~~can be accommodated without~~ significant resource impacts. Overnight accommodations would be limited to adapted reuse of structures ~~to provide temporary quarters for visiting researchers or participants in environmental learning programs.~~ A cultural resource field station is planned in this zone as either part of an existing rehabilitated structure or

a portion of a new building. This would be used by cultural resource specialists as part of research and or storage of materials needed for archeological or other cultural resource investigation or documentation. Grazing and other agricultural uses should feature livestock breeds and crop varieties appropriate to the site’s history and that assist in interpreting the ranching and farming that occurred there. Due to the presence of natural resources in the zone, in addition to cultural resources, the PHS Zone will also provide opportunities for environmental nature study and research. Table 15 provides a summary of features, facilities/infrastructure, and activities proposed for the PHS Zone.

The following revisions have been made to Table 15, Primary Historic Zone Land Use, on page 3-17 through 3-18 of the GP and EIR:

Table 15 Primary Historic Zone Land Use		
	EXISTING	PROPOSED
Features		
Historic resources	X	To remain
Pre-historic resources	X	To remain
Road access	X	X
Native vegetation & wildlife habitat	X	To remain
Moderate slopes	X	To remain
Corrals	X	To remain
Facilities/Infrastructure		
John Marsh House	X	To remain
Ranch complex	X	X
Cultural Research Field Station	-	X
Trails	-	X
Overnight accommodation ¹	-	Limited use X
Interpretive signage/station	-	X
Visitor center	-	X
Staff housing/offices	-	X
Day use facilities	-	X
Uses		
Locally important farmland/grazing land	X	To remain for Interpretive purposes
Cultural resource protection, preservation, appreciation, and education	-	X

Table 15 Primary Historic Zone Land Use		
	EXISTING	PROPOSED
Interpretive programs	-	X
Overnight accommodation ¹	-	X
Hiking	-	X
Mountain biking	-	X
Horseback riding	-	X
Picnicking	-	X
Cultural resource study & research	-	X
Environmental nature study & research	-	X
Guided walks	-	X

¹ Overnight accommodations ~~would be limited to temporary quarters for visiting researchers or participants in Environmental Learning Programs.~~ May include restroom and dining facilities through concession.

The following revision has been made to the second paragraph of section 3.4 Description of Preferred Alternative (Alternative C) on page 3-20 of the GP and EIR:

Visitor Use and Facilities: The Preferred Alternative proposes several visitor facilities at five areas around the Park. Proposed facilities for day use, overnight use and special events include picnic sites, parking areas, restrooms, a visitor center, and a group gathering area. Many camping facilities are also proposed, including RV, tent, equestrian, group, walk-in, and alternative campsites (tent cabin, cabin, yurt). Guided walks and interpretive programs, along with multi-use trails, wildlife viewing platforms, and an interpretive station are also proposed to provide facilities for visitor education.

The following revision has been made to the second guideline under Goal CON 1 on page 3-32 of the GP and EIR:

- With the help of recreation user groups and concessionaires, develop concession plans and special events that serve a viable population and will be successful.

The following guideline has been revised under Goal INTERP 3 on page 3-31 of the GP and EIR:

- ~~Consider~~ ~~interpreting~~ sub-surface cultural resources in consultation with Native American and archaeological organizations.

The following guideline has been added under Goal VEG 2 on page 3-35 of the GP and EIR:

- Minimize conflicts between special-status species management and public use.

The following revision has been made to Goal VEG 3 on page 3-35 of the GP and EIR:

Goal (VEG 3)

Protect native plant communities and special-status plants, and effectively manage invasive and non-native species.

The following revision has been made to the second guideline under Goal VEG 3 on page 3-35 of the GP and EIR:

- Identify invasive and non-native species at the Park and prepare a management plan to manage and remove these species over time. Priority for control efforts should be given to those species that are most invasive, ecologically detrimental, and/or conspicuous at the Park. Maintain a database on distribution and abundance of target populations. Coordinate with the Bay Area Early Detection Network (BAEDN) and use the BAEDN target weed list as a resource for regional invasive species information. State Parks Weed Information Mapping System (WIMS) is an appropriate protocol to use for weed mapping.

The following new guideline has been added under Goal VEG 3 on page 3-35 of the GP and EIR:

- Coordinate with adjacent park and open space management agencies to facilitate management of invasive species.

The following guideline has been added under Goal VEG 4 on page 3-36 of the GP and EIR:

- If the vegetation management plan identifies grazing as an appropriate grassland ecosystem management tool for the Park, develop a grazing management plan to ensure proper grazing management for the benefit of resources.

The following guideline has been added under Goal ACCESS 4 on page 3-46 of the GP and EIR:

- Provide signs clarifying public property boundaries where necessary and provide visitors with information regarding Park rules, wayfinding, and regulations to minimize public/private use conflicts and trespassing.

The following guideline has been added under Goal AGREE 2 on page 3-47 of the GP and EIR:

- Coordinate with regional open space management agencies, planning agencies, and non-profit organizations to identify acquisition and easement opportunities.

The following guideline has been added under Goal REG 1 on page 3-51 of the GP and EIR:

- Coordinate with regional open space advocates and open space management agencies to identify common planning concerns.

The following revision has been made to Table 18, Cowell Ranch / John Marsh State Historic Park Recreation Carrying Capacity, under Operations and Maintenance, presented on page 3-57 of the GP and EIR:

Table 18
Cowell Ranch / John Marsh State Historic Park Recreation Carrying Capacity
(excerpt from page 3-57)

PLANNING AREA		QUALITY INDICATORS	MANAGEMENT ACTIONS
Operations and Maintenance			
Park Access and Circulation		<ul style="list-style-type: none"> ▪ Accidents occur along Marsh Creek Road accessing the Park. 	<ul style="list-style-type: none"> ▪ Work more vigorously with <u>Caltrans</u> appropriate transportation agencies (Contra Costa County, Contra Costa County Transportation Authority, City of Brentwood, Caltrans) to get roadway improvements funded and implemented.

4.3 CHAPTER 4 TEXT REVISIONS

The following revision has been made to the third full paragraph on page 4-24 of the GP and EIR:

Stock ponds that provide habitat for the California red-legged frog and tiger salamander could be ~~adversely~~ affected by visitors, horses, and cattle. Several of the proposed trails could bring visitors in close proximity to ponds occupied by these species. Visitors on horses using the ponds to drink could degrade the shoreline environment and the water quality. The degree of impact would be generally proportional to the increase in visitors. Cattle using the ponds could also substantially ~~degrade~~ modify habitat for red-legged frog and tiger salamander.

The following revisions have been made to the fourth full paragraph on page 4-24 of the GP and EIR:

Implementation of the General Plan could result in potential impacts on other special-status wildlife species including the Longhorn fairy shrimp, vernal pool tadpole shrimp and vernal pool tadpole shrimp associated with vernal pool habitat. More surveys and mapping of known occurrences need to be conducted to confirm the presence of these species in the Park, as called for in guidelines under goal WLIFE 1. The Park is also part of the historical range for the San Joaquin kit fox, although recent sightings are not documented. The Park provides habitat for this species, and large areas of undisturbed wildlife corridors are designated in the General Plan; therefore, potential impacts to this species are considered less than significant. There are a host of special-status bird species including burrowing owl, Swainson’s hawk and Northern harrier that could also be impacted from additional visitor use, trail development and increased access.

Disturbance or declines in ground squirrels ~~or their burrows~~, which provide prey for these species, or their burrows, which are used for aestivation habitat for California tiger salamanders and California red-legged frog and provide denning sites for San Joaquin kit fox, as well as nesting and sheltering habitat for burrowing owls, could adversely affect local populations. Impacts to wildlife will be directly associated with the potential loss of habitat.

The following revisions have been made to the Environmental Evaluation subheading under Transportation and Traffic on page 4-27 of the GP and EIR:

Environmental Evaluation

Implementation of the General Plan has the potential to increase visitor use of and associated traffic at Cowell Ranch / John Marsh State Historic Park by providing for additional Park facilities, uses, and programs and by increasing signage along Marsh Creek Road and in other areas outside of the Park. In addition, Park visitation is expected to increase as a result of population growth in the region and the increasing popularity of outdoor recreation (DPR 1998, California Department of Finance 2001). Increased visitor use and accommodation of visitors within the Park would result in additional vehicle trips both to and within the Park. As a result, overall traffic levels and the existing congestion on Marsh Creek Road would increase. Most additional vehicle trips would occur during peak season weekends or during special events when visitor facilities would be most utilized. Proposed parking and staging areas currently do not exist so these facilities may experience shortages during special events or in the short term until all future parking is built out.

The preferred alternative to implement the General Plan calls for development of up to 158 parking spaces, as well as vehicle parking associated with up to 210 campsites and three group camps for up to 75 people for a total of 443 parking spaces not including staff and maintenance parking. Making the conservative assumption that each parking space is used by one vehicle during the course of the day, the Park would generate a minimum of 443 trips to and from the Park during peak use months. This could represent an increase in vehicle trips on Marsh Creek Road, Walnut Boulevard and other roads and intersections adjacent to the proposed access points. The Vineyards at Marsh Creek development EIR studied various intersections in and around the Park location and analyzed impacts associated with the new mixed use development being constructed adjacent to the Park. The EIR found that even with the proposed development including the Park, level of service (LOS) at key intersections including Marsh Creek Road and Sellers Avenue and Balfour Road and Deer Valley Road would not experience reduced LOS such that significant impacts would result. Due to the dispersed locations for the staging areas at the Park and their locations immediately adjacent to existing roadways as well as the minimal amount of new traffic generated at each predominantly during off-peak times, the actions proposed in this General Plan do not have the potential to substantially lower the LOS on Marsh Creek Road and surrounding roadways, resulting in no significant impacts on circulation and traffic both within the Park and in its vicinity.

The General Plan contains a set of goals and guidelines aimed at managing access to and circulation in the Park. Goals ACCESS 1 through 5 call for safe and well-signed ingress and egress to the Park, emergency access, and visitor management. Although the General Plan would result in slight impacts on traffic and circulation, proposed improvements to Park roads and parking areas and the encouragement of improvements to area roads and highways, particularly Marsh Creek Road, Walnut Boulevard and the Highway 4 Bypass, would ~~alleviate these~~ reduce traffic and congestion impacts. Realignment and surface improvements of the Park entrance road would improve Park access and overall circulation to accommodate the anticipated increase in visitation, development, and associated traffic. Furthermore, although improving signage along Marsh Creek Road, Walnut Boulevard and at the Park entrances would attract additional visitors to the Park, it would also improve traffic flow by improving directions to the Park entrances. Efficient circulation and parking design would be incorporated into the design and operation of campgrounds, facilities, special events and other projects under this General Plan to minimize traffic and congestion within the Park. Implementation of these components of the General Plan would address and offset the anticipated circulation and traffic concerns, reducing potential impacts to less than significant.

4.4 MAP REVISIONS

Maps 2, 11, and 12, presented on pages 1-5, 2-71, and 3-7 of the GP and EIR, respectively, have been revised to show the location of Fox Ridge Manor, a property owned by East Bay Regional Park District.

Map 3, presented on page 2-3 of the GP and EIR, has been revised to correctly identify the two parcels south of Marsh Creek Reservoir and north of Camino Diablo Road as Contra Costa County Flood Control and Water Conservation District properties.

Map 13, presented on page 3-9 of the GP and EIR, includes a revision regarding overnight accommodations.

Map 14, presented on page 3-21 of the GP and EIR, has been revised to add a bullet for special events and a bullet for equestrian facilities to the Eastern Visitor Facility Zone. In addition, the map has been revised to show the location of Fox Ridge Manor, a property owned by East Bay Regional Park District, and to clarify that day use indicates picnic areas.

Map 15, presented on page 3-23 of the GP and EIR, has been revised to add a bullet for special events to the Primary Historic Zone – Visitor Facility. In addition, the map has been revised to clarify that day use indicates picnic areas, and it also includes a revision regarding overnight accommodations.

Map 16, presented on page 4-7 of the GP and EIR, has been revised to show the location of Fox Ridge Manor, a property owned by East Bay Regional Park District, and to clarify that day use indicates picnic areas.

Map 17, presented on page 4-9 of the GP and EIR, has been revised to clarify that day use indicates picnic areas.

4.5 ADDENDUM TO CHAPTER 3 TEXT REVISIONS

The following text was submitted to the State Park and Recreation Commission on January 27, 2012 for consideration as text revisions to the Preliminary General Plan and Program EIR. Appropriate revisions have been made in the final General Plan document.

Staff recommended changes to the proposed Cowell Ranch/John Marsh State Historic Park General Plan. Brentwood, California

Cultural Resources Goals and Guidelines

January 25, 2012

This new language will replace the Goals and Guidelines in the section titled “Cultural Resource Management” found on pages 3-42, 3-43, and 3-44 of the Preliminary GP/DEIR.

Cultural Resource Inventory and Protection (CUL)

Management goals and guidelines set forth in this GP/DEIR are intended to guide future actions and decisions about cultural resource management within this State Historic Park. Primary goals are associated with long-term protection, preservation and stabilization of cultural resources. Recommendations for inventories, documentation, and additional management and treatment plans as well as the creation of a Memorandum of Understanding that will form a multi-representational advisory group to direct the future implementation of site specific projects are provided for in this section.

Goal (CUL 1): Protect, stabilize and when possible preserve all cultural resources located within the park in accordance with California Public Resource Code (PRC) 5019.59 pertaining to the classification of State Historic Parks, California Public Resources Code sections 5020 et seq., Executive Order W-26-92, and the Department’s own Cultural Resource Management Directives.

Guidelines:

- All projects or undertakings in the park will avoid or minimize impacts to all cultural resources.
- All projects or undertakings that involve ground breaking will involve a qualified archaeologist and a Native California Indian monitor.
- In the case prehistoric human remains are inadvertently encountered during a park project or undertaking, all work in the area will cease and the following procedures as identified in the DPR Cultural Resources Handbook will be followed: The archaeologist and monitor will contact the District Superintendent, secure the area of the find and contact the County Coroner. The County Coroner will determine if the remains are prehistoric or not and if they are the Coroner has 24 hours to notify the Native American Heritage Commission.

Goal (CUL 2): Complete an inventory to identify and document all cultural resources, as well as the precise boundaries of the archaeological resources within the Prime Historic Zone.



Staff recommended changes to the proposed Cowell Ranch/John Marsh State Historic Park General Plan. Brentwood, California

Cultural Resources Goals and Guidelines

January 25, 2012

Guidelines:

- Systematically survey and document (Archaeological Survey Report, DPR 523 records, etc.) all the parks cultural resources.
- GPS record and map all cultural resources in the park and create a GIS layer of the information.
- Identify potential properties to the National Register. For example, the potential John Marsh Historic District and any potential cultural landscapes, traditional cultural properties or sacred sites in addition to the already National Register listed John Marsh House, the National Register nominated archaeological site CA-CCO18/548H,
- Conduct a limited, subsurface testing program to determine the extent of CA-CCO-18/548H.

Goal (CUL 3): Prior to site specific project implementation prepare a park wide Cultural Resources Management Plan (CRMP), based on the findings of the inventory.

Guidelines:

- The CRMP will include procedures to minimize damage to all cultural resources, both prehistoric and historic, through a review process and the application of best management practices.
- The CRMP will address Native California Indian access to the park for ceremonial, spiritual, and gathering activities. Inform Native American groups that certain Native American practices such as the gathering of traditional materials require a permit when performed within CSP lands. Native American Gathering Permits allow for the managed gathering of materials, prevent inadvertent significant impacts to natural resources, and promote adherence to departmental mandates or policies regarding natural resources or other park procedures, facilities, or resources, while enabling CSP rangers and other staff to be aware of and supportive of such practices.



Staff recommended changes to the proposed Cowell Ranch/John Marsh State Historic Park General Plan. Brentwood, California

Cultural Resources Goals and Guidelines

January 25, 2012

- Provide interpretive language in the CRMP that addresses the history and ongoing evolution of contemporary Native California Indian people and cultures associated with the park.
- The CRMP will identify stakeholders and or park partners that may potentially join a park advisory group

Goal (CUL 4): Prior to site specific project implementation establish an advisory group of partners bound by a Memorandum of Understanding (MOU) between California State Parks, the Native American Heritage Commission (NAHC), the Native California Indians identified and maintained on the Most Likely Descendants (MLD) list, and possibly the Office of Historic Preservation (OHP) to work in conjunction with each other on site specific facility development plans within the Primary Historic Zone.

Guidelines:

- The District Superintendent and a Department Cultural Resource Specialist(s) will represent California State Parks.
- A designee will represent the NAHC.
- A designee will represent the Native California Indians identified on the MLD list.
- A designee may represent OHP
- Additional designees may be identified.

Goal (CUL 5). Prior to site specific project implementation prepare an Archaeological Resources Treatment Plan (ARTP), in accordance with the advisory group's MOU, which stipulates measures and specific procedures in the event of the discovery of significant cultural resources including artifacts, objects, features as well as Native American human remains, during any ground disturbing projects, facility development, or other unanticipated discoveries.

Guidelines:

- The ARTP will provide a framework for all future site specific development in the Primary Historic Zone.



Staff recommended changes to the proposed Cowell Ranch/John Marsh State Historic Park General Plan. Brentwood, California

Cultural Resources Goals and Guidelines

January 25, 2012

- Preservation in place and avoidance of significant archaeological resources will be the preferred manner of mitigating impacts in the ARTP.
- Project managers will develop project descriptions in consultation with the advisory group during the pre-planning phase of site specific projects in the Primary Historic Zone.
- Monitoring of all ground disturbances will be done by both an appropriate Native California Indian monitor and qualified archaeologist.
- Develop an archaeological monitoring program under the direction of the advisory group to monitor all facility development and ground disturbance activity in the primary historic zone.
- If unanticipated discoveries are made of significant cultural resources during the implementation of a site specific project the ARTP will provide guidance for the treatment of those discoveries.
- The ARTP will address the care of non-burial related artifacts in consultation with the advisory group.

Goal (CUL 6): Manage the use and maintenance of the National Register listed John Marsh House and the National Register nominated archaeological site CA-CCO-18/548H according to the United States Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.

Guidelines:

- Develop a plan for pursuing stabilization and possible rehabilitation of the John Marsh House as per the Secretary of the Interior Standards.
- Retain and protect existing design and historic fabric as much as possible.
- Explore the potential of a John Marsh Historic District to the National Register of Historic Places
- Maintain the historic viewshed.



Staff recommended changes to the proposed Cowell Ranch/John Marsh State Historic Park General Plan. Brentwood, California

Cultural Resources Goals and Guidelines

January 25, 2012

Goal (CUL 7): Expand the understanding of the context for the historic cultural landscape as it relates to the landholdings in the park beyond the John Marsh House area and era.

Guidelines:

- Retain a ranch like character in the Primary Historic Zone that does not have an adverse effect on either the National Register listed or eligible cultural resources located there.
- Develop a 20th century historic context within which to document and evaluate the ranching complex and related historical archaeological sites.
- Document and evaluate additional elements of the cultural landscape such as features associated with ranching and agriculture and other contributors to a historical rural landscape, using the National Register and California Register criteria.
- Consult cultural landscape specialists before implementation of projects that may affect or have negative impacts on cultural landscape contributing elements and features.

