



## NOTICE OF AVAILABILITY PUBLIC REVIEW OF AN INITIAL STUDY

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**September 11, 2006**

An Initial Study of environmental impact has been prepared by the Sonoma County Regional Parks Department and considered by the Sonoma County Environmental Review Committee for the following project:

### **TOLAY LAKE REGIONAL PARK PROJECT**

**PROJECT LOCATION:** The address listed for proposed Tolay Lake Regional Park project is 5869 Lakeville Road, Petaluma. The property is accessed from Cannon Lane via Lakeville Road.

**PROJECT DESCRIPTION:** Tolay Lake Regional Park will address a regional park deficit in the South County area. Development will generally include restoration of Tolay Lake and the smaller reservoirs on the property; multi-use and hiking-only trails; a park center that would include an interpretative center and educational facilities, trailhead, equestrian facilities, restroom, ranger residences, parking area(s), and appurtenances. Fencing and boundary markers will be included to manage cattle, define the equestrian concession, trails, and exclusion areas. The park will offer opportunities for birding, picnicking, and interpretation of natural, cultural, and agricultural resources in addition to providing outdoor recreation.

**PROJECT PURPOSE:** The purpose of the proposed project is to provide recreation opportunities that will be accessible and enjoyed by Sonoma County residents and visitors balanced with stewardship of existing natural and cultural resources.

**FINDING:** On the basis of the Initial Study, the Supervising Park Planner of the Sonoma County Regional Parks Department and the Sonoma County Environmental Review Committee have determined that that the proposed project may have a significant effect on the environment and an Environmental Impact Report is required.

The Regional Parks Department will have an Environmental Impact Report (EIR) prepared for this project. A Notice of Preparation will be issued when the EIR is initiated.

**COMMENT PERIOD:** Public comment on the Initial Study is requested to help the Regional Parks Department focus analysis in the EIR. The Initial Study is available for review and comment online at [www.sonoma-county.org/parks/park\\_planning.htm](http://www.sonoma-county.org/parks/park_planning.htm) and at the Sonoma County Regional Parks Department and the Sonoma County Regional Libraries located in Petaluma and Sonoma. The posting and review period for the Initial Study is:

**September 11 – October 13, 2006**

Written comments should be addressed to Michelle Julene, Sonoma County Regional Parks Environmental Specialist. The address and phone number are listed above, or e-mail at: [mjulene@sonoma-county.org](mailto:mjulene@sonoma-county.org).

**PUBLIC MEETING:** The Regional Parks Department will present the Initial Study to the Parks and Recreation Advisory Commission at their next regularly scheduled meeting. This meeting is open to the public and public comment regarding the project and the Initial Study is welcomed.

**Park and Recreation Advisory Commission**  
September 18, 2006, beginning at 5:00 pm  
Board Chambers, Sonoma County Administration Building  
575 Administration Drive, Santa Rosa

# TOLAY LAKE REGIONAL PARK

## INITIAL STUDY CONCEPTUAL MASTER PLAN & WATER-RIGHT APPLICATION

SEPTEMBER 05, 2006



### Report Prepared by

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**POSTING AND REVIEW PERIOD: September 11 – October 13, 2006**



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**APPENDICES** [Note: Not attached for Staff Review]

- Appendix A: Conservation Easement, Sonoma County Agricultural Preservation & Open Space District
- Appendix B: Conservation Easement, Wildlife Conservation Board

## LIST OF FIGURES

- Photo Sheets
- Figure 1 – Site Location Map
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# TOLAY LAKE REGIONAL PARK

## INITIAL STUDY CONCEPTUAL MASTER PLAN & WATER RIGHTS APPLICATION SONOMA COUNTY ENVIRONMENTAL REVIEW COMMITTEE EXECUTIVE SUMMARY

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This Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Sonoma County Code Chapter 23A – Environmental Quality Act of 1970 Implementation. Section 23A-12 requires that an Initial Study be prepared for public projects that are not exempt from CEQA and that the Initial Study is referred to the Environmental Review Committee (ERC). Section 23A-13 authorizes the ERC to, among other things, determine whether a Negative Declaration or an Environmental Impact Report (EIR) should be prepared for the project.

### **REQUESTS**

- ❖ Provide input regarding the scope of the EIR.
- ❖ Allow Regional Parks to conduct a public review period for the Initial Study. Comments received will be provided to the Consultant selected to prepare the EIR and used to help focus the EIR.

### **INTENTIONS**

- ❖ Provide copy to the State Water Resources Control Board to receive their informal comments specific to the project elements associated with the Water Rights Application in order to aid in preparation of the EIR.
- ❖ Attach to the Request for Proposals for Preparation of an Environmental Impact Report
- ❖ Public comment

### **RECOMMENDATION THAT AN ENVIRONMENTAL IMPACT REPORT (EIR) IS APPROPRIATE**

The Regional Parks Department staff recognized early on that the appropriate CEQA-compliance document would be an EIR for the following reasons:

1. The property contains unique and special biological, cultural, and historic resources. The evaluation of potential environmental impacts to these resources will require a greater degree of scrutiny than is generally provided by an Initial Study/Mitigated Negative Declaration.
2. The project includes a water rights component. The State Water Resources Control Board requires, amongst other things, a CEQA-compliance document that adequately addresses potential environmental impacts specific to the project outlined in the Water Rights Application.
3. The property has been in active agriculture for over 100 years and is surrounded by neighboring properties upon which active agriculture is still practiced. The evaluation of potential environmental impacts to the neighbors associated with the change in land use to public recreation will require a greater degree of scrutiny than is generally provided by an Initial Study/Mitigated Negative Declaration.

## **Project Information**

# **PROJECT INFORMATION**

## **INTRODUCTION**

Sonoma County is the California Environmental Quality Act (CEQA) lead agency for the proposed project. This document has been prepared by Sonoma County Regional Parks Department (Regional Parks) staff. The document is intended to provide a clear description of the proposed project and of the potential environmental impacts associated with the construction, operation, and maintenance of the proposed project for decision-makers, responsible and trustee agencies under CEQA, and the public.

This Initial Study has been prepared in compliance with CEQA, the State CEQA Guidelines, and Sonoma County Code Chapter 23A – Environmental Quality Act of 1970 Implementation. Section 23A-12 requires that an Initial Study be prepared for public projects that are not exempt from CEQA and that the Initial Study is referred to the Environmental Review Committee (ERC). Section 23A-13 authorizes the ERC to, among other things, determine whether a Negative Declaration or an Environmental Impact Report (EIR) should be prepared for the project. Regional Parks recommended that ERC determine that an EIR be prepared for the Tolay Lake Regional Park Project. The Initial Study, in this case, will be utilized to focus the EIR on the potential significant effects that could result from project implementation.

This Initial Study summarizes the information available to Regional Parks at the time of document preparation and provides a cursory analysis of potential environmental impacts based on the Conceptual Master Plan (Figure 5 – Concept Plan) and Petition to Amend Water-Right Application 30558. The impact analysis that will be conducted in the EIR may or may not deviate from this cursory analysis. The EIR impact analysis will be based on a fully developed Park Master Plan. The Master Plan will be based on the results of the studies currently underway and consultation with the project funding partners, the Native American Community, and the general public. The Initial Study includes standard, construction-related mitigation measures. These mitigation measures will be incorporated into the Mitigation Monitoring Plan that will be part of the EIR. Additional mitigation measures will be proposed through the studies currently underway and through preparation of the EIR itself.

## **PROJECT PURPOSE**

The purpose of the proposed project is to provide recreation opportunities that will be accessible and enjoyed by Sonoma County residents and visitors balanced with stewardship of existing natural and cultural resources.

## **PROJECT GOALS**

The following five goals have been identified associated with development and operation of Tolay Lake Regional Park:

1. Habitat Restoration and Enhancement
2. Cultural Resource Conservation
3. Recreation
4. Open Space Protection

## 5. Environmental, Cultural, and Agricultural Study and Education

### **PROJECT LOCATION & ACCESS**

The address listed for proposed Tolay Lake Regional Park project area is 5869 Lakeville Road.<sup>1</sup> Primary access is from Cannon Lane, a County-maintained road off Lakeville Road. Tolay Lake Regional Park is located approximately five miles southeast of the City of Petaluma, within 30 minutes of Santa Rosa and Sonoma Valley, and within 60 minutes of approximately 1.2 million residents in the adjacent counties of Marin, Napa, and Solano.

The project area is shown on the 1980 U.S.G.S. Petaluma River Quadrangle map within Township 4 North, Range 7 West, Mount Diablo Baseline and Meridian. The Quadrangle does not include Sections for this area. Please refer to Figure 1 - Project Location Map.

### **PROJECT BENEFITS**

The property is characterized by rolling hills, moist grasslands, wetlands, riparian and upland habitat, and remnant stands of oak trees. The property provides habitat for California red-legged frogs, western pond turtles, and other threatened species. The proximity of the property to San Pablo Bay also provides important foraging and nesting habitat for birds and migratory waterfowl along the Pacific Flyway.

By protecting over 1,700 acres in proximity to the cities of Petaluma and Sonoma, the County gains a regional park site to address a significant regional park deficit in the South County area. Five miles of ranch roads provide opportunities to establish multi-use trails for biking, hiking, and equestrian use. The site will also offer opportunities for birding, picnicking, and interpretation of natural and cultural resources. There are several high points on the property, which provide spectacular views of the Petaluma River basin, Mt. Tamalpais, San Francisco, Oakland, Mt. Diablo, Mt. St. Helena, and three of the San Francisco Bay area bridges, as well as other points in the adjacent six counties in the Bay Area. Eventually, restoration of historic Tolay Lake will occur in coordination with interested resource agencies and local partners.

### **PROJECT BACKGROUND**

**PROPERTY ACQUISITION:** The proposed Tolay Lake Regional Park consists of five parcels that total approximately 1,737 acres, which were purchased by the Sonoma County Agricultural Preservation and Open Space District (District) and its partners on September 27, 2005.<sup>2</sup> Please refer to Figure 2 – Parcel Map. The property includes five single-family residences and numerous barns, sheds, and shop buildings.

Acquisition of the Tolay Lake Regional Park properties followed an ambitious fundraising campaign effort spearheaded by the District and the Regional Parks Department. The property was purchased for a total of \$18 million. Its appraised value was \$21 million. State and federal agency contributions towards property acquisition totaled \$6.2 million and private donations totaled \$579,685. The funding partners

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<sup>1</sup> APNs: 068-060-57, 068-060-058, 068-070-004, 068-070-005, and 068-080-001

<sup>2</sup> Resolution No 05-0840a

and sources include:

- ❖ California Department of Fish & Game Mitigation Funds
- ❖ Wildlife Conservation Board<sup>3</sup>
- ❖ Land & Water Conservation Fund
- ❖ National Oceanic & Atmospheric Administration
- ❖ State Coastal Conservancy through its Bay Area Conservancy Program

Additional funding sources for the acquisition include:

- ❖ Park Land Acquisition Trust Fund
- ❖ Regional Parks Foundation
- ❖ State Parks Proposition 12 Per Capita Funds
- ❖ Business and Private Contributions

The following is a breakdown of the funding and associated requirements. The terms of the grant agreements required by the resource agencies were predicated on the conservation of the natural resources of the property will be compatible with public outdoor recreation.

**Sonoma County Agricultural Preservation and Open Space District ..... \$11.2 million**

At the close of escrow, the District transferred title to the County. A Matching Grant Agreement<sup>4</sup> between the District and the County outlines the roles and responsibilities of each agency. The District was authorized to retain a Conservation Easement<sup>5</sup> over the property that allows for habitat and natural resource protection and enhancement, cultural and historic preservation and interpretation, and low-intensity public outdoor recreational uses. This easement specifically prohibits certain types of camping, water-based recreation on lake and ponds, ball fields, and night lighting and recreational use outside the Park Complex/Visitor Center Area after sunset.

The terms of the Conservation Easement and Matching Grant Agreement between the District and the County have been accepted by both parties and are integral to the approvals these agencies have given to contribute funding for the project. The purposes of the Conservation Easement are

- a) To conserve and protect, in perpetuity, the Conservation Values of the property
- b) To enhance and restore the Conservation Values by specifically permitting the creation of an ecologically viable ecosystem capable of providing wetland habitat for endangered and threatened species, migratory shorebirds, and waterfowl; and

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<sup>3</sup> Acquisition entity for the California Department of Fish and Game.

<sup>4</sup> Resolution No. 05-0326. April 19, 2005.

<sup>5</sup> Resolution No. 05-0840a and 05-0840. September 27, 2005



- c) To prevent any uses of the property that would significantly impair or interfere with these Conservation Values. A copy of the Conservation Easement is included in Appendix A of this document.

The Conservation Easement includes, amongst other things, a list of prohibited or restricted uses. The District is to prepare a Baseline Report to monitor compliance with the Easement. The District has approval authority for the Park Master Plan and Resource Management Plan.

**State Coastal Conservancy (SCC)..... \$2 million**

The SCC grant was through their Bay Area Conservancy Program and required the execution of a grant agreement, which limits the use and management of the property to habitat preservation, open space protection, and public access and outdoor recreational use. Agricultural use is permitted if it does not interfere with habitat preservation. More specifically, offers to dedicate apply to the property over the Tolay Creek corridor, and trail corridors on the east and west ridges. The SCC will need to review the Master Plan.

**Wildlife Conservation Board (WCB)..... \$1 million**

The WCB granted their contribution from the 2002 Proposition 50 Bond fund. The WCB is the acquisition entity for the California Department of Fish and Game (CDFG). The purpose of the grant was for wildlife habitat preservation, restoration and management, wildlife-oriented education and research, and compatible public or private uses that are consistent with wildlife habitat preservation and protection of sensitive biological resources.

The WCB retains a Conservation Easement over portions of three of the parcels<sup>6</sup> that make up the Tolay Lakebed totaling approximately 190 acres, which is an approximate 50 – 60 percent portion of the historic lakebed. The purposes of the WCB Conservation Easement are to ensure the property will be retained forever in its natural condition and to prevent any use that will impair or interfere with the conservation values of the property. The WCB Conservation Easement requires that Regional Parks prepare a Tolay Lake Restoration and Management Plan for WCB approval. The WCB and CDFG require that the purpose of the Tolay Lake Restoration and Management Plan will be to restore Tolay Lake to a seasonal, shallow water lake whose function is primarily to benefit wildlife. Only wildlife-compatible recreational uses, approved by the CDFG, will be allowed within the area of the WCB Conservation Easement. Specific restrictions include agricultural activities, grazing, general public access, and certain recreational activities. A fence is required around the Lake Easement Area. Local CDFG biologists have approval authority over the Tolay Lake Restoration and Management Plan.

The Conservation Easement includes thirteen Prohibited Uses. A copy of the Conservation Easement is included in Appendix B of this document.

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<sup>6</sup> APNs 068-060-057, 068-070-004, and 068-070-005.

**California Department of Fish and Game (CDFG) Mitigation Funds..... \$2 million**

CDFG administers distribution of the mitigation fees they collect locally through the Regional office in Yountville. The CDFG contribution funds were raised through mitigation credits sold at the Wright Preservation Bank, which the District co-owns with the CDFG WCB.

**Land and Water Conservation Fund (LWCF) ..... \$202,980**

The LWCF is a federal program administered through the California State Parks. This requires the 317 acres (APN's 068-060-057 and 058) of property to remain in public outdoor recreation use. Contract further requires that prior to development, Regional Parks will comply with 36 Code of Federal Regulations 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966.

**Coastal and Estuarine Land Conservation Program..... \$488,246**

This was a Congressionally-Directed Award for Tolay Lake. The program is managed through National Oceanic and Atmospheric Administration (NOAA). Receipt of this funding required deed restriction to the same 317 acres as LWCF. Restriction Language includes, "...The property shall be managed for conservation purposes and consistent with the purposes for which it was entered into the Coastal and Estuarine Land Conservation Program. Sonoma County shall not dispose of, encumber its title or other interests in, or convert the use of this property without the approval of NOAA or its successor agencies."

**Sonoma County Per Capita Proposition 12 Funds..... \$477,078**

This grant was allocated by State Parks upon preferences recommended by the Sonoma County Board of Supervisors.

**Park Acquisition Trust Fund ..... \$75,993**

The Sonoma County Parkland Acquisition Trust Fund was established as matching funds for park acquisition for the eight cities in Sonoma County in 1970. On March 22, 2005 the Board of Supervisors, with the support of City of Petaluma, authorized Petaluma's share to be allocated as a challenge grant to stimulate private donations.

**Private Funding ..... \$579,685**

The capital campaign raised funds from private foundations, corporations, and individuals.

**CONSULTANT SERVICES:** Regional Parks has identified the need for several consultant studies, several of which are currently underway. These studies will be used to guide development of the Park Master Plan and will provide information to facilitate the analysis of potentially significant environmental impacts in the EIR. Consultants are currently under contract for the following services:

- ❖ Biological Resources Study
- ❖ Cultural Resources Study
- ❖ Rangeland Management Study
- ❖ Traffic Study
- ❖ Lake Restoration Design Alternatives

- ❖ Water Rights Engineer

Regional Parks will require consultant services to provide specific engineering information. Known engineering studies include:

- ❖ Civil Engineer (road design & potable water)
- ❖ Structural Engineer (building re-use)
- ❖ Septic Engineer

**CARDOZA OWNERSHIP:** The Cardoza family has owned and farmed the Tolay property since approximately 1943.<sup>7</sup> The Cardozas utilized the property for a variety of agricultural operations including cattle grazing, a 10-acre vineyard, crops, and agri-tourism during the fall. In October, the Cardoza Pumpkin Festival attracted an estimated 30,000 people to purchase pumpkins and enjoy the property. There also was a school field trip program during the month of October during which approximately 5,000 – 8,000 school children were able to take a hayride, play in a hay maze and playground, and have lunch on the property in addition to selecting a pumpkin. The Cardozas also opened their on-site cultural museum to the public during the October festival. Prior to property acquisition, the Cardozas negotiated a leaseback for a period not to exceed one year to provide time to conclude their agricultural operations. The lease expires on September 29, 2006.

### **PROJECTED PARK VISITORS**

The projected number of annual visitors to the proposed Tolay Lake Regional Park will be based on a variety of factors including:

- ❖ Analysis of comparable outdoor recreation facilities
- ❖ Size and type of the proposed park facilities
- ❖ Traffic conditions and necessary road improvements to support park visitors.

### **PROJECT DESCRIPTION**

The proposed park development may consist of several phases, which will be developed as funding becomes available. Park development will generally include restoration of Tolay Lake and the smaller reservoirs on the property; multi-use, and hiking-only trails, and new trails designed utilizing the standards developed under the Americans with Disabilities (ADA) Accessibility Guidelines; and a park center that will include an interpretative center and educational facilities, trailhead, equestrian facilities, restroom, garbage receptacles, ranger residences, and parking area. Fencing and boundary markers will be included to manage cattle, define the equestrian concession, define trails and exclusion areas.

For the purpose of this document the project site is split into four different areas: Park Access, Park Center, Tolay Lake, and the Remaining Ranch. Please refer to Figure 3, which delineates the areas. Items common throughout the park site are addressed under the All Areas section.

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<sup>7</sup> Cardoza, John S. Jr. Written Statement. November 6, 1999.

## **AREA 1: PARK ACCESS**

**AREA 1 DESCRIPTION:** The Park Access Area includes a portion of Lakeville Road and Cannon Lane from Lakeville Road to the parking areas in Area 2 - Park Center. The public will access the project area from Cannon Lane. Cannon Lane is a County-maintained public road from Lakeville Road to the cattleguard, approximately 534 feet west of the proposed park boundary. The portion of Cannon Lane between the cattleguard and the proposed park entrance is in private ownership, however the County, as the property owner of the Tolay Property, has easement rights over the private section of the road.

**AREA 1 CONCEPTUAL IMPROVEMENTS:** The Conceptual Improvements proposed for Area 1 – Park Access are described based on geographic categorizations. There are two zones within this area: the Lakeville Road & Cannon Lane Zone and the Park Entrance Zone.

**Lakeville Road & Cannon Lane Zone:** Improvements to Lakeville Road and Cannon Lane will include park identification signage and may also include safety improvements, if any are required by the Sonoma County Department of Transportation and Public Works. The Traffic Study, which is currently underway, will provide the information necessary to determine if safety improvements will be required.

Potential improvements to Lakeville Road may include extension of the vehicular capacity of the southbound left-turn lane. Potential improvements to Cannon Lane may include road widening, horizontal and vertical line of sight improvements, turnout pockets, and signage.

Park identification and directional signage will be placed in appropriate locations along Lakeville Road and Cannon Lane. Signage will also display park status (“Open/Closed”) to prevent unnecessary traffic near the Lakeville Road and Cannon Lane intersection when the park is closed.

**Park Entrance Zone:** The Park Entrance Zone begins at the end of Cannon Lane, where the public road ends, and extends to the edge of the parking areas. The Park Entrance will be designed to safely allow vehicular access and turnaround, allow the site to be secured when the park is closed, minimize trespassers onto the neighboring property, and protect the neighbors’ viewshed.

The proposed Park Driveway will reuse either the existing ranch driveway or the Hay Barn Access Road. Park Driveway improvements may consist of driveway realignment, re-surfacing, and widening. These improvements will enhance access to and from the park as well as improve drainage, grade, dust control, maintenance, emergency response, safety, resource protection, and visitor experience. The alignment of the Park Driveway will be considered when the location of the proposed park facilities (i.e. parking areas) and sensitive resources are better defined. A civil engineering feasibility study, soil testing or circulation analysis may be conducted to explore the Park Driveway alignment options. The Park Driveway may be fenced to control cattle and discourage potential trespassers onto adjacent private property. The fence would be a 5-wire, 4-foot high cattle fence or a white board fence, matching the existing fence along Cannon Lane. The fence will connect with the Park Entrance Gate, described below.

There may be an additional Park Driveway for horse trailers leading to a separate equestrian parking area. This feature may be located in Area 1 - Park Access or in Area 2 - Park Center. Either location may

warrant Park Driveway improvements to accommodate trailers.

The Park Entrance Gate will be a double gate, 24 to 28 foot wide total. Each gate would be 12 – 14 feet wide, each attached to its own post. The Park Entrance Gate may be manual or electric. If electric, the power may be solar or through a new connection to the most feasible power source. The adjacent property owner has requested that the park entrance gate not be visible from the driveway of their primary residence.

A vehicular-turnaround will be provided in front of the Park Entrance Gate. The vehicular turnaround will be paved and approximately 60-feet in diameter. The vehicular turnaround will be fenced to control cattle and dissuade potential trespass onto adjacent private property. The fence will be sufficient for cattle, but not block the passage of deer such as a standard 5-wire, 4-foot high cattle fence or a 4-foot high white board fence.

Park Entrance Signage will be sized and located near the park entrance in accordance with park user needs and all applicable agreements.

The Park Entrance may include an Entry Kiosk where visitors can pay entrance fees, receive a park brochure, and general park information. The location of the Entry Kiosk has not been determined, as it will depend on several factors such as the location of the Park Driveway, viewshed concerns, existing utility locations, and the results of the resource studies currently underway. If the Entry Kiosk cannot be located in Area 1 – Park Access, it will be located in Area 2 – Park Center.

Trees and shrubs may be planted along the Park Access Area to provide visual screening between the Park Driveway and the neighboring property. Species will be native and/or historically appropriate vegetation.

## **AREA 2: PARK CENTER**

**AREA 2 DESCRIPTION:** Park infrastructure will be clustered in the Park Center, which will include the parking areas, a new trailhead and restrooms, re-use of the majority of the existing buildings for operation and maintenance purposes, and visitor-services including equestrian facilities, park office, family and group picnic areas, enhancement to the spring-fed pond area, and development of at least one special events area. The Park Center will include an interpretive center for environmental and cultural interpretation, which may re-use existing structures or a new structure. Ranger residences will be located in the Park Center. The ranger residences will utilize existing structures and will include associated parking and infrastructure. The existing structures will be evaluated for reuse potential, historic preservation and other factors by qualified archeologists, structural engineers, and others as needed.

**AREA 2 CONCEPTUAL IMPROVEMENTS:** The Conceptual Improvements proposed for Area 2 – Park Center are described below.

**Parking Areas:** The exact number of parking spaces is not known at this time. This will be developed during the Master Plan preparation process, when the number of park visitors is estimated. It is anticipated that the parking facilities will include a primary vehicle parking area, an equestrian parking

area to accommodate trailers, an overflow parking area for seasonal use and/or special events, park operations and maintenance vehicle parking, and parking areas for the ranger residences. It is unknown what types of surfacing materials will be utilized. Pervious and impervious materials will be considered. Parking areas will include landscaping to provide shade and visual buffer.

**Trailhead:** The trailhead will be located at the primary vehicle parking area. The purpose of the trailhead is to provide visitor services and information. The trailhead will include the following elements:

Restroom: A new, permanent restroom that will accommodate disabled access and will include hand-washing facilities. Regional Parks will complete an engineering study to evaluate sewage disposal options and design permanent restrooms and associated appropriate septic systems. This septic and sewage disposal systems may include multiple units depending upon need and location. The exact number of restrooms will be determined during the Master Plan development process and depends on several factors, including the proposed location of various visitor-serving facilities and whether any of the existing septic systems can be reused. The source of the water, if needed, for the restrooms is unidentified and will be determined after the engineering study is complete.

Water Fountain: Potable water will be provided by a state-licensed water system. The source of water is not identified at this time and will be determined after the engineering study is complete.

Signage: Interpretive signage and display boards will acknowledge project partners, display park maps, rules and regulations, and educational information regarding the property.

Appurtenances: Appurtenances will include benches, trash cans, and fencing. A valve will be placed such that fire trucks will be able to tap into the spring-fed ponds if necessary for fire protection.

**Park Operations & Maintenance Area:** The Park Operations and Maintenance Area will re-use existing structures for an office, a maintenance shop, ranch operations, and storage. Improvements to the existing structures might be necessary. The Park Operations and Maintenance Area will also include a staff parking area.

**Park Residential Area:** There are five existing residential structures. At least two, and up to four, of the existing residential structures will be reused as park residences. The park residences are typically occupied by rangers who are trained in both law enforcement and emergency medical response for the park. The Park Residential Area will be delineated with fencing, vegetation, or other means in order to provide some level of privacy for the residents.



**Interpretive Center and Educational Facilities:** It is unknown at this time if an existing structure or multiple structures will be re-used for the interpretive center and educational facilities or if a new structure or structures will be built. The size and surface area needs of the buildings are unknown at this time and will depend on the program and on the expected visitor use of the park as a whole. The Interpretive Center may include public indoor space and areas for outdoor display and interpretive areas. The interpretive center & educational facilities building(s) may include public restrooms or might share restroom facilities with the Trailhead (described above). Additional educational facilities utilizing existing or new structures may be proposed. There is no estimated size for the additional educational center. Outdoor amenities will include a group picnic area and may include continued use of the farm animal display area.

**Equestrian Center:** Regional Parks intends to provide equestrian facilities at the park. The size and surface needs are not determined at this time and will depend, in part on the expected visitor use of the park as a whole. Conceptually, the Equestrian Center will include a concession from which park users can rent horses as well as facilities for park users who bring their own horses to ride in the park. Equestrian amenities such as an area to provide horses with drinking water, a washing/grooming area, feeding area, storage, tack room, and associated support features will be included. Existing horse barns and other ranch infrastructure in Area 2 - Park Center will be analyzed for use. If existing facilities are not adequate, new facilities may be proposed.

**Spring-Fed Ponds Area:** This Area includes two spring-fed ponds and is located immediately to the west and southwest of the structures in the ranch compound. The area includes a fenced meadow, an irrigated turf area approximately ¼ acre in size, swing sets, play equipment, and benches in addition to the spring fed ponds. The depth of the ponds is unknown. The Willow Pond is approximately 1/3 of a surface acre surrounded by willows whereas no trees border the Duck Pond that is slightly smaller than one surface acre. The area will include both existing group picnic areas and the existing lawn area. Improvements may include tree plantings, benches, earthen berms to create informal outdoor seating and gathering areas, and a campfire circle.

**Tolay Lake Vista Picnic Area:** This proposed developed picnic area would be located at the eastern side of the Park Center Area and afford a view of Tolay Lake without being located within the existing or proposed marsh habitat. The Tolay Lake Vista Picnic Area may include both Group Picnic Sites and Individual Picnic Sites.

**Quarry:** The existing Quarry is approximately two acres in size and is located on the northwest side of the Park Center Area. The previous property owners have used quarry rock for road surfacing and other construction purposes. The continued use of this aggregate resource will be examined as well as the long-term reclamation of the Quarry Area. Regional Parks would like to continue the ability to quarry in this area because the crushed rock is critical for park maintenance roads and trails, including erosion, runoff, and dust control. Regional Parks will prepare a reclamation plan, which will include both short-term and long-term plantings, erosion control and other features in areas no longer being quarried.

Reuse options will be explored once surrounding resource issues are better understood.

**Water System Notes:** The table below identifies the anticipated water uses and features. The unknown sources will be evaluated during the Master Plan development.

<b>TABLE 1: ANTICIPATED WATER USES &amp; FEATURES</b>			
<b>Type of Use</b>	<b>Current Source</b>	<b>Proposed Source</b>	<b>Facilities and Quantity</b>
Potable Water – Domestic	Spring fed	Spring fed or Wells with treatment	Unknown. Currently there are five residences.
Potable Water – Public Use	None.	Spring fed or Wells with treatment	Restrooms and water fountains
Non-potable Water – Equestrian Center	Spring fed and upland reservoirs.	Spring fed and upland reservoirs.	Unknown.
Landscaping – Non-potable	Spring fed and upland reservoirs.	Spring fed and upland reservoirs.	Unknown.
Fire Fighting	Spring fed and upland reservoirs.	Spring fed and upland reservoirs.	Unknown.
Recreational Spring-fed Ponds	Springs.	Springs.	Unknown.
Stock watering	Spring fed and upland reservoirs.	Spring fed and upland reservoirs.	Unknown.
Restoration	None.	Spring fed and upland reservoirs and Tolay Lake.	Unknown.

### **AREA 3: TOLAY LAKE**

**AREA 3 DESCRIPTION:** The most significant feature of the property is Tolay Lake. Historically, Tolay Lake was the largest natural freshwater lake in Sonoma County.<sup>8</sup> Tolay Lake evolved as an ancient sedimentary lake, and is currently the only large natural body of freshwater, and the largest lake with restoration potential in the San Pablo Bay watershed. Tolay Lake has a surface area of approximately 200 acres and is located in the valley bottom. It is a fairly shallow lake, averaging between 4 – 8 feet in depth, filling in the winter and draining in the spring. In the mid-to-late 1800's the natural dam that created the lake was removed to facilitate farming of the rich lakebed soils. The lake bottom has been drained and farmed annually ever since for the farming of various crops including pumpkins, squash corn, potatoes, and tomatoes. The practice recently ended with the acquisition of the property for park development. The property includes approximately 20 percent of the Tolay Creek watershed, including a two-mile stretch of Tolay Creek running in a north-south direction. Tolay Creek is an ephemeral creek that feeds into and drains away from Tolay Lake.

<sup>8</sup> San Francisco Estuary Institute and Sonoma Ecology Center. *Summary of Existing Information in the Watershed of Sonoma Valley in Relation to the Sonoma Creek Watershed Restoration Study and Recommendations on How to Proceed.* Version 2. December 2000.

Historical accounts regarding the surface area of the lake differ, but it is generally believed to have been between 300 – 450 acres in surface area when full in winter. As the water in Tolay Lake evaporates through the spring, it functions as a large vernal pool. In particularly wet years, Tolay Lake may have been a perennial lake. As such, the surface area of Tolay Lake varies throughout the year and with rainfall. In the winter, Tolay Lake provides an important refuge for migrating waterfowl and is within the Pacific Flyway. Evidence suggests that Tolay Lake was the site of both prehistoric and historic settlement and use. The cultural and historic resources have been determined to be of statewide and national importance. Numerous charmstones, carved rock objects used for both ritual and practical purposes, have been found in the lakebed and environs, some of which were sent to the Smithsonian Museum in the early 1900's. To date, over 1,000 charmstones have been found. The charmstones are of various types, and thought to be of various ages, dating back perhaps 4,000 years. It has been noted that the property contains at least 15 pre-historic sites (burials, midden mounds, petroglyphs, and lithic scatters). There also are a number of un-recorded sites within the project area.

**AREA 3 CONCEPTUAL IMPROVEMENTS:** The Conceptual Improvements proposed for Area 3 – Tolay Lake include restoration of Tolay Lake and providing public access and educational elements associated with Tolay Lake.

**Tolay Lake Restoration:** The goal of this element is to restore the configuration of Tolay Lake closer to its historic condition in order to increase wildlife habitat for diverse avian and amphibian species, enhance and protect Tolay Lake as a culturally significant feature, and to provide recreational opportunities when not in conflict with resource protection and enhancement goals. Tolay Lake restoration is subject to grant and easement restrictions that were referenced in the Project Background section of this document. Ducks Unlimited is currently under contract with Regional Parks to prepare lake restoration alternatives in concert with the Park Master Plan public process. Conceptually, the restoration will include a new downstream water control structure of an unknown type, such as an earthen berm, on Tolay Creek. In addition, a new upstream water control structure with an associated back-dam is proposed near the property boundary, along with the associated pumps, ditches, gates, and utilities. The results from the resource studies will play a major role in determining the extent of lake restoration improvements. Emergency and maintenance access with use of motorized craft will be allowed on the lake.

Agricultural use of the lake has stopped, and Tolay Lake restoration options are being analyzed by Ducks Unlimited, with possible recreational opportunities that include access trails with bird blinds, boardwalks, seasonal canoe and kayak access, and lakeside picnic areas. Some selected areas could be closed to protect natural and cultural resources, and the existing causeway across Tolay Lake may remain to serve as a park maintenance and operations access.

**Public Access & Education Elements:** To support the public education aspect of Tolay Lake, appropriate public access features will be created.

Boardwalks: Permanent and floating boardwalks will be evaluated for use over sensitive wetland and other areas of the lake restoration.

Viewing Platforms: Wildlife viewing platforms will be evaluated for select locations. These would be constructed on piers and may include a bench, table, viewing blinds, interpretive signage, and other features.

Causeway: The future of the existing causeway that crosses Tolay Lake will be evaluated during the Master Plan process. Cultural and biological resources, emergency response, public access and other factors will be considered. Potential outcomes include elevation, reinforcement, removal, and bridging.

Hiking Trails: Year-round and seasonal spur trails and connected trails will be evaluated for compatibility with cultural and biotic resource goals.

Vehicular Bridge: A vehicular bridge at the new proposed water control structure will be designed to be compatible with public trail access. This bridge will replace the existing Farm Bridge that is located just south of the existing Tolay Lake outlet on Tolay Creek. The location of the new bridge will be determined by the engineering dynamics of the lake restoration.

Water Craft: Public access to portions of Tolay Lake using paddle-craft (canoe, kayak) will be evaluated for compatibility with cultural and biological restoration goals.

#### **AREA 4: REMAINING RANCH**

**AREA 4 DESCRIPTION:** The Remaining Ranch Area includes the remainder of the property and is categorized by the following focus areas: Oak Grove & East Ridge, West Ridge, Tolay Creek, Upland Ponds, Vineyard, South Knoll & Hunting Shack, and areas in the valley bottom outside of Tolay Lake.

**East Ridge:** The East Ridge contains numerous cultural and biotic resources, including the only scenic oak grove on the property. Both historic and prehistoric structures and features are interspersed throughout the coast live oaks that are hundreds of years old on the northern part of the East Ridge. A pair of golden eagles have been frequently seen in the Oak Grove area. An existing ranch road goes through this area. This ranch road, now called East Ridge Road, is generally drivable throughout the year, although it becomes inaccessible near its southern terminus during winter. There are a number of active springs along the top of the East Ridge, some of which have been developed for livestock use.

**Easements:** The property includes three other easements, which potentially provide access to the property in addition to the Cannon Lane access. No improvements are proposed for these easements. The easements include:

**Cardoza Lane:** This route travels over rough, seasonal roads through numerous gated private properties to the west before reaching a public road (Lakeville Road).

**Mengel Ranch Road:** This route travels several miles over rough, seasonal roads on gated private property to the south before reaching a public road (State Route 121).

**Stage Gulch Road Easement:** This all-weather gravel road traverses three privately owned parcels to the northeast before reaching the park boundary. An electronic gate controls access at Stage Gulch Road. Manual gates also control access at approximately the Park boundary. Regular road maintenance may be conducted, but the location, road width and rock surface will not be changed.

**West Ridge:** The West Ridge Area includes the PG&E transmission line towers, existing ranch roads; springs developed for livestock, and fenced grazing areas. The West Ridge Area contains the only part of the property that drains to the Petaluma River. The west side of the West Ridge drains to the Petaluma River and the east side of the West Ridge drains to Tolay Creek via Eagle Creek and Cardoza Creek. There has been limited creek restoration by local school groups at two locations on the property. The Bay Institute's restoration program is described on page 1-26 of this document.

**South Knoll & Hunting Shack:** The South Knoll & Hunting shack is the knoll located southwest of the current Tolay Lake outlet. The Sears Point-Lakeville Historic Road borders this area on the west, a cattle fence defines the area to the south, and the Lake Area defines the area to the north and east. The hunting shack is a 2 or 3 bedroom structure located on top of the knoll. The structure is in degraded condition and all former utilities appear to be nonfunctional. The previous property owners rented out the structure to hunting clubs intermittently during their approximately 60-year ownership.

**Tolay Creek:** Tolay Creek flows through the property, feeding Tolay Lake from the northeast. The Tolay Creek headwaters are located off the Tolay Lake Regional Park property, north of Stage Gulch Road on to the southern flank of Sonoma Mountain proper. Historically, Tolay Creek drained directly to San Pablo Bay. During the past decade, Tolay Creek became blocked and it now drains to Sonoma Creek, which drains to San Pablo Bay. Tolay Creek is a seasonal creek and would therefore not be habitat for fish or California freshwater shrimp. Several tributaries feed into Tolay Creek. These are not officially named however; Regional Parks staff has named several of them for convenience in preparing the Conceptual Master Plan and Initial Study: North Creek, Eagle Creek, and Cardoza Creek.

Tolay Creek has been channelized throughout much of the valley, including the section within Tolay Lake and extending to the historic dam. This section is characterized by fresh emergent wetland vegetation and is crossed by the causeway within Tolay Lake and the Farm Bridge. The spoils from dredging associated with the channelization of Tolay Creek appear as berms of variable height and width on both sides of the creek between the existing Farm Bridge and the approximate location of the historic dam. The section of Tolay Creek between the approximate location of the historic dam and the property boundary most resembles natural characteristics and has a well-developed riparian woodland habitat. It is crossed by an existing steel pedestrian bridge.

**Upland Ponds:** There are two existing man-made ponds located along Cardoza Creek, a tributary to Tolay Creek and southwest of the East Ridge. These ponds were created in the 1950's with support from the United States Department of Agriculture (USDA) through a program to assist private landowners. Each pond is approximately 25 acre-feet, is between 12 – 20 feet deep. Upland Pond #1 is located further upstream of Upland Pond #2. Pond #2 is populated with bass and sunfish. The existing bass and

sunfish have been recreationally fished at this location for the past half century. The existing fish likely eat the invasive bullfrogs as well as other amphibians. The ponds are included in the existing water-right Application 30558 because these ponds divert and retain water from Cardoza Creek. In addition to the man-made ponds, there are numerous springs in the Upland Pond Area that contribute to the adjacent emergent marsh vegetation.

**Vineyard:** A 10-acre vineyard was planted to the northeast of Tolay Lake in the early 1990's. The vineyard is half Pinot Noir and half Chardonnay. Existing infrastructure includes a wind machine, irrigation/fertilizer system, drainage ditches, and a deer fence.

**AREA 4 CONCEPTUAL IMPROVEMENTS:** This section describes the activities and features that will be located throughout the Remaining Ranch Area.

**East Ridge Area:** Due to the sensitivity of known resources, public access must be carefully planned in this area. Recreational opportunities will include hiking trails, informal picnic areas, and possibly interpretive panels. Regional Parks anticipates oak grove restoration and enhancement opportunities will be recommended in the Biological Resource Study. Regional Parks also anticipates recommendations regarding cultural resources for this area. The East Ridge Road will be reviewed and considered for realignment, drainage and surface improvements. Factors to be considered for road alignment will include sedimentation concerns, cultural and biotic resource issues, including seasonal springs, soil conditions, potential trespassing concerns.

**West Ridge Area:** The conceptual improvements in the West Ridge Area may include trail development, ranch road improvements and/or realignment, interpretive panels, fencing, and restoration.

**South Knoll & Hunting Shack:** The hunting shack will be evaluated for conversion to a public facility, or it may be removed. The cultural resources recommendations will be a major factor for what improvements will be proposed in this area. An informal picnic area, an access trail, and interpretive area will be considered.

**Tolay Creek Area:** Recreational opportunities in the Tolay Creek Area will include multi-use trails, including at least one creek crossing, and informal picnic areas. An existing, narrow steel bridge (not to be confused with the vehicular bridge located closer to Tolay Lake) will be evaluated by a civil engineer during the Master Plan preparation process for use as a trail bridge. An informal picnic area towards the southern end of Tolay Creek may be constructed. Cattle fencing will be included in this area to control grazing patterns. Existing restoration, revegetation, and habitat activities will continue and may be enhanced.

**Upland Ponds Area:** Anticipated recreation opportunities in the Upland Ponds Area include fishing, hiking, and picnicking. Fishing may be provided at Upland Pond #2. A few small piers may be installed to facilitate this activity. A restroom or restrooms may be provided in the Upland Ponds Area. The restroom would be serviceable from one or more all-weather ranch roads. The type of restroom(s) will be described in the Park Master Plan and the associated environmental document. A wooden and or



vegetative screen would be installed to visually integrate the structure with the landscape. Both existing spillways of the Upland Ponds will be restored and stabilized. Currently, auto bodies, concrete, and other metallic items have been used to reduce the erosion at the pond spillways. Erosion is severe in both locations and the spillway and dam of the Upper of the two ponds appears to need significant maintenance to prevent a future failure. The spillway improvements will include debris removal, grading, armoring, and revegetation.

Upland Pond Freshwater Marsh Restoration: Appropriate grazing regime and fencing, revegetation, and other restoration and enhancement techniques will be used as recommended in the Biological Resource Study.

Irrigation: Approximately 25 acre-feet of water from each of the two upland ponds will be used each year to irrigate restoration projects, landscaping, the existing vineyard, other potential crops, and other uses to be determined in the Master Plan.

**Vineyard:** The existing 10-acre vineyard will be maintained for park revenue and agricultural education. Regional Parks is proposing to continue maintenance activities that may include replanting dead vines, operating the fertilizer and irrigation system, frost protection, and other necessary duties.

## **ALL AREAS**

### **ELEMENTS SUBJECT TO WATER-RIGHT APPLICATION**

In 1996, the Cardozas submitted an application to the State Water Resources Control Board (SWRCB) for a permit to appropriate 1,100 acre-feet per year of water. The application is pending at the SWRCB. The next steps necessary to secure the appropriative water-right permit for the Tolay Lake Regional Park project are:

- (a) Preparation of a Petition to Amend water-right Application 30558. The Petition will describe all of the intended diversions and uses of the water.
- (b) Preparation of a new Water Availability Analysis;
- (c) Coordination with SWRCB staff regarding public notice of the Petition;
- (d) Resolution of any protests; and
- (e) Analyzing the potentially significant environmental impacts associated with Application 30558 in an appropriate environmental document.

The water will be used in all areas of the proposed park. In summary,

Area 1: Park Access. This area could include landscaping and/or restoration plantings that will be irrigated with water subject to the pending water-right application.

Area 2: Park Center. This Area could include landscaping and/or restoration plantings that will be irrigated with water subject to the pending water-right application.

Area 3: Tolay Lake. Water subject to the pending water-right application may be stored in Tolay Lake. This area will also include restoration plantings that will be irrigated with water subject to the pending water-right application.

Area 4: Remaining Ranch. Water subject to the pending water-right application also may be stored in

the Upland Ponds. This area will also include landscaping and/or restoration plantings that will be irrigated with water subject to the pending water-right application. The grazing management program will be implemented in Area 4 and stock watering may be provided from water subject to the pending water-right application.

Water-Right Application 30558 was filed in 1996 for the right to collect 1,100 acre-feet of water in three proposed off-stream reservoirs and two existing on-stream reservoirs for irrigation and frost protection of 1,500 acres of vineyard, including the 10 acres of existing vineyard. The Petition to Amend Water-Right Application 30558 will include the following proposed uses for the water: recreation, lake restoration, fish and wildlife protection and enhancement, domestic use, stock watering, frost protection and irrigation of the existing 10-acre vineyard, restoration plantings, and landscaping. The Petition will also request changes in points of diversion and place of water use under Application 30558.

The amended water-right application will seek a permit to collect a total of 1,100 acre-feet of water in the two existing on-stream reservoirs (referred to as "Upland Ponds" in Area 4: Remaining Ranch in the Project Description) located on an unnamed tributary to Tolay Creek and Tolay Lake, for which restoration alternatives are being considered. The existing on-stream reservoirs (Upland Ponds) each have a capacity of 25 acre-feet, and the maximum active storage capacity of the restored Tolay Lake will be 1,050 acre-feet. There will remain an amount of dead storage capacity<sup>9</sup> in addition to the maximum storage capacity. Because dead storage will be in the remnant natural lake bed, no water-right permit is necessary for this storage. Water stored in existing Upland Ponds will be used for irrigation and frost protection of the 10 acres of existing vineyard, irrigation for landscaping and various restoration and demonstration projects associated with park development, stock watering, and recreation.

Permanent buried pipelines are already installed from Upland Pond #1 to landscape areas, crop areas and gardens, and temporary above-grade pipelines will be installed from Upland Ponds and Tolay Lake to restoration areas as needed. Upland Pond #1 and #2 are connected via pipeline. A diesel pump pumps water from Upland Pond #2 to Upland Pond #1.

The proposed Tolay Lake restoration element will include an earthen dam at the lake's inlet to retain lake water upstream of the dam and a backdam to prevent water from backing up from the upstream end of the lake. The proposed dam at the lake's outlet will include an automated gate to serve as a water control structure. The dam will be constructed at the approximate location of the historic, natural Tolay Lake dam. The spillway will be approximately 5.5 feet above the toe of the proposed dam. The proposed backdam will be constructed near the upstream limit of the property at the upstream end of Tolay Lake, upstream of where the water is intended to be stored. The backdam will include a concrete intake basin and will be armored earthen fill with a concrete weir spillway and a riprap apron. A water control structure, such as a flap gate, weir or other type of structure to control the flow of water, will be located near the flow line of Tolay Creek. A pump will be located in the basin to evacuate the water remaining upstream of the dam each the spring. Electrical service may be extended from an existing power source

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<sup>9</sup> The water that will remain present in the lakebed when all of the control gates at the lake outlet are opened.

to this backdam. A back-up power system, such as a diesel generator, will also be considered. Power options will be considered when pumping power demands have been calculated and resource issues are better understood.

Water collected and stored in Tolay Lake will be used to irrigate the lake margins as part of a lake restoration, for subsequent irrigation of restoration projects associated with park development, for lake restoration and fish and wildlife protection and enhancement, and for recreation. The place of use for irrigation from Tolay Lake under the amended application will be 150 acres within the 1,737-acre site. No more than 150 acres will be irrigated and/or frost protected during a given year, but the 150 acres may vary from year to year, as project and park management needs change.

Domestic water for the operations buildings, restrooms, etc. will be from existing on-site springs and wells or new wells not within the Division of Water Rights jurisdiction.

## **PROGRAMS**

**General Habitat Enhancement & Restoration.** Habitat enhancement and restoration will be incorporated into project elements as feasible. In addition, there will be dedicated habitat related projects.

**Resource Protection & Enhancement Measures:** The property includes a variety of biological and cultural resources and Regional Parks is dedicated to protecting these valuable resources. It is unknown exactly what measures will be required to successfully protect these resources. A Biological Resource Study and a Cultural Resource Study are currently being completed for the project. Both studies will make recommendations regarding the protection of resources. Regional Parks has also been consulting with the Federated Indians of Graton Rancheria regarding the cultural resources at the property. At a minimum, it appears that protective and enhancement measures might include fencing, signage, plantings, trail, and other infrastructure relocation.

**Invasive Plant Eradication.** There are several invasive species at the project site that the Baseline Report recommended for removal. Plants present in the grassland areas include medusahead (*Taeniatherum caput-medusae*), harding grass (*Phalaris aquatica*), mediterranean linseed (*Belladardia trixago*), yellow starthistle (*Centaurea solstitialis*), purple starthistle (*Centaurea calcitrapa*), bull thistle (*Cirsium vulgare*), artichoke thistle (*Cynara cardunculus*). In the Valley Foothill Riparian areas invasive species include himalayan blackberry (*Rubus discolor*), Fuller's teasel (*Dipsacus sativus*), and poison hemlock (*Conium maculatum*). In the Fresh Emergent Wetland area invasives found include pennyroyal (*Mentha pulgium*), Fuller's teasel (*Dipsacus sativus*), and swamp smartweed (*Polygonum amphibium var. emersum*). The Wet Meadow area contains spiny cocklebur (*Xanthium spinosum*), himalayan blackberry (*Rubus discolor*), Fuller's teasel (*Dipsacus sativus*), and pennyroyal (*Mentha pulgium*). The Tolay Creek riparian area located near the far south edge of the property has an infestation of himalayan blackberry (*Rubus discolor*), and a small area of Acacia (*Acacia spp.*). Between the Ranch buildings compound area and the western property boundary there is a large grove of eucalyptus trees (*Eucalyptus globulus*). Generally, eucalyptus trees are considered an invasive species but in the case of the Tolay Lake Regional Park property, the eucalyptus trees are considered a historic resource and are home to a pair of

red-tailed hawks (*Buteo jamaicensis*).

**Grazing Program:** The Rangeland Management Study currently underway will identify options to achieve the goals of ecological health, habitat enhancement, fuel management, fire reduction, public safety, and agricultural heritage through a grazing program. The preferred options will be included in the Park Master Plan. Elements of the grazing program will include: fencing location and type, exclusion areas, rotation, animal type, frequency and other patterns for grazing, and developed springs and watering holes, mineral/salt licks, corrals, and other grazing appurtenances. Regional Parks is prevented from tilling the soil within a portion of the historic lakebed, per the Conservation Easement held by the Wildlife Conservation Board therefore; hay cannot be grown within Tolay Lake. Some hay may be grown as part of a demonstration project associated with the property's historical ranch operation in areas outside of lakebed, which may be utilized for feed purposes; however, most of the hay needed for grazing animals will need to be imported during the winter months.

**Educational Facilities:** Additional educational facilities may be proposed throughout the entire site. These facilities may include outdoor classrooms, interpretive displays, and demonstrations, and/or special events. These educational facilities will be for ecological, historical and/or cultural education. Existing ranch structures may be utilized, particularly to illustrate the history of the project area as a working ranch, or new structures may be constructed. Additional structures could be either temporary or permanent. The Regional Parks Department is collaborating with the Federated Indians of Graton Rancheria during development of the Park Master Plan and hopes to develop a long-term working relationship with the tribe, particularly in developing educational components regarding the Native American association with the property.

**Cultural Resource Protection & Interpretation:** Depending upon the results of the Cultural Resource Study, tribal consultation, and park planning process, some cultural resource sites will need to be avoided while others may lend themselves to appropriate display for education and interpretive purposes. Conceptually, the cultural interpretive elements may include interpretive areas, a self-guided trail, outdoor displays with protective fencing or barriers, signage, access pathways, areas for tribal ceremony, and public education. The Regional Parks Department anticipates collaborating closely with the Federated Indians of Graton Rancheria regarding the proper context and interpretation of Native American cultural resources and design of proposed park improvements. The locations of proposed park improvements will be reviewed by a qualified archaeologist to avoid and/or minimize potential impacts to known cultural resources.

**Demonstration Projects:** Regional Parks is prevented from tilling the soil in a portion of the historic lakebed within the Conservation Easement held by the Wildlife Conservation Board, which includes a portion of the historic lakebed. Regional Parks may seek approval for one or more demonstration projects that could require soil tillage outside of the restricted area that would not conflict with resource protection. Demonstration projects would be relatively small in scale, approximately 5 – 10 acres in size. The purpose of demonstration projects would be educational. These are a few examples of potential

## Demonstration Projects:

- ❖ **Demonstration Hay Field.** This would incorporate elements of “Life on the Ranch” depicting the former ranching operation at the property and the current ranching operations within the project vicinity. Use of ranch equipment would also be demonstrated.
- ❖ **Demonstration Crops.** This demonstration project could include a small plot of any of the crops that have been grown on the property.
- ❖ **Demonstration Native American Garden &/or Plant Harvesting Areas.** This project would be developed in collaboration with the Federated Indians of Graton Rancheria. It could include row crops utilized as a food source and/or crops utilized for textiles, such as purple needlegrass for basket weaving and tules from the ponds. This project could incorporate elements of a Native American cultural education element in which the food sources grown in the Native American Demonstration Garden could be prepared and/or textiles harvested and utilized, for example, in a basket-weaving demonstration.

## VISITOR-SERVING FACILITIES

**Developed Picnic Areas:** Developed picnic areas may include improvements such as gravel pathways, barbeques, picnic tables, split rail fencing, trash receptacles, and potable water. The Park Center will contain two types of Developed Picnic Areas, group picnic areas and individual picnic areas. Group picnic areas are arranged differently and contain serving tables and larger barbeques. Adequate fire clearances will be provided, both vertical and horizontal, to minimize fire danger. Due to the seasonally high fire danger and the restricted fire services access, no open fires, barbeques or smoking will be allowed in the park, except in areas specifically identified in the Park Master Plan.

**Undeveloped Picnic Areas:** Undeveloped Picnic Areas consisting of 1 to 4 picnic tables may be located in various places in the park. In addition to the 6 to 8 foot long tables, improvements will consist of fine grading to level an area and to create 3 to 5 foot wide access paths from other trails and roads. The paths would utilize the same construction techniques as described in the Trails & Roads section below. Undeveloped Picnic Areas will not have barbeques, trash receptacles or other utilities.

**Camping Area:** Camping by special use permit will be explored during the Master Plan development. Factors such as conservation easements and other agreements, resource issues, utility availability, security, staffing, traffic and uses will be considered.

**Trails & Roads:** Roads for Park operations and maintenance and emergency vehicles will be identified in the Park Master Plan. The intent is to utilize existing ranch roads for these purposes. In some, if not all cases, these roads will also be used as trails. Existing ranch roads will be individually analyzed for use after the current Biological and Cultural Resource Studies are completed and in consideration of existing topography, proximity to property lines, and other factors. Some of the roads may be realigned. Existing historical significant roads will be evaluated for continued use.

**Disabled Access for Trails:** The trail system will be designed to address the proposed Americans with

Disabilities Act (ADA) Section 16 Accessibility Guidelines for Outdoor Developed Areas (ADA Guidelines) where feasible. The ADA Guidelines are intended to establish accessibility standards for developed areas, and include trail standards to provide the highest level of access to the natural environment to persons with disabilities, without causing damage to the natural and cultural resources of a site. The accessibility guidelines for developed areas will be incorporated into the staging area. At this time there are no formally adopted guidelines for public recreational trails in undeveloped areas. The draft Final Report of the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas has been incorporated into the proposed trail design where feasible.

Trail development includes the following three general categories of trails, Multi-Use Trails, Hiking Trails, and Interpretive Trails that are described below:

Multi-Use Trails. These trails will be 4 to 12 feet wide and constructed with native material using a full-bench cut technique to provide a firm and stable tread. In terms of the ADA Guidelines, the multi-use trails will have a maximum running slope of 5 percent with a maximum cross slope of 2 percent. Rest areas will be provided along the trail in relation to the running slope. Steeper running slopes will include more frequent rest intervals. These trails will be aligned to avoid unstable geologic conditions and wet areas. Rolling grade dips will be used to drain water from the steeper areas of the trails. Seasonal closures of the trails to minimize impacts and maintenance due to equestrian and bicycle use may be necessary due to the erosive nature of some of the soils however, year-round use of the trails to hikers would be provided.

Hiking Trails. Hiking trails will access more sensitive areas that would not be able to support equestrian or bicycle use for reasons such as erosion potential, the potential for concentrations of horse manure to collect in water features, or the potential for equestrian and/or bicycle use to impact cultural, historic, or biological resources. Hiking trails will be between 36-inches and 72-inches wide with a typical trail width of 48 inches. The running slopes will be between 2 and 14 percent with a maximum cross slope of 5 percent. Rest areas will be provided along hiking trails where it is feasible to do so. Steeper running slopes will include more frequent rest intervals. The hiking trails will be designed to follow the contours of the topography and to minimize impact on wet meadows and seep areas whenever possible. Rolling dips will be used to drain water from the trail where a cross-slope is inadequate. In areas of geologic stability, short sections of decommissioned logging and ranch roads will be renovated for trail use.

Interpretive Trails. Interpretive Trails are a type of hiking trail that will comply with trail width and grade guidelines. There may be smaller signs with numbers that correspond to interpretive information in a brochure or interpretive sign panel installations on



these trails.

Structural trail elements including a full-span bridge, puncheons, drainage lenses, and armored crossings will be used to traverse wet areas and natural drainage patterns within the site and to provide all-season access where feasible. Rolling grade dips will be used to drain water from the steeper areas of the trails.

Bridges. Bridges are classified into vehicular bridges and trail bridges. Vehicular bridges are designed to accommodate park management and emergency response vehicles in addition to pedestrians, bicyclists and equestrians. Trail bridges are used to accommodate pedestrians, bicyclists, and equestrians.

Puncheon. Puncheons are short bridges without handrails constructed over minor drainages. Puncheons are used where the vertical drop-off is less than 30 inches. They generally have a vertical curb as a safety device for visually or mobility impaired individuals. Puncheons are generally the same width as the trail they serve, but not less than 36 inches clear of the safety curbing along the outside edges. They are installed on large timber sill plates and anchored using steel pipe or large diameter rebar. Puncheons are useful in providing dry crossings of seasonal drainages during the rainy season and help minimize erosion and maintenance of the trail tread. Puncheons are generally constructed of dimensional redwood lumber. No pressure treated wood with chromated copper arsenate (CCA) preservative will be used. On steep hillside areas, rock slope protection may be used to minimize potential erosion. Puncheons will be installed throughout the proposed trail system where necessary.

Armored Crossings. Armored crossings are natural drainage features within a trail segment that are constructed using rock slope protection and possibly geotextile fabric to allow water to flow across the trail in its normal pattern. The gravel or slope protection minimizes the erosion of the trail surface and acts as an energy dissipater to slow the water velocity down. The higher the volume and velocity of the water flow, the larger the slope protection used. Armored crossings will allow park visitors to use the trails during the rainy season with minimal damage to the trail tread.

Drainage Lenses. Drainage lenses are trail structures, like puncheons, that are used for very minor drainage features that would not be evident on a large-scale map. Drainage lenses are constructed of large rocks installed point-to-point and stacked one to three layers high to allow water to flow between the gaps. The trail surface over the rocks usually consists of smaller rock or gravel placed into the upper gaps of the rocks to create a relatively level trail tread. Drainage lenses can either be excavated into the ground or can be placed on top of the ground level to avoid ground-disturbing impacts.

Rolling Dips. Rolling dips are slight constructed swales that run somewhat perpendicular to the

trail tread and are used to direct water off the trail. The spacing and angle of rolling dips is determined by the running slope of the trail. The steeper the slope, the more frequent the rolling dips and the more extreme the angle from perpendicular to the trail tread. Rolling dips are used in place of water bars, which are structures such as wood or rocks that extend above the trail surface and direct water off the trail. Water bars can be vertical obstructions to mobility-impaired individuals and tripping hazards to visually impaired persons. Water bars also require a substantial amount of maintenance to keep them functioning properly. Rolling Dips are part of the trail tread and the specific impacts regarding the work required to install them are included in the trail construction grading sections.

**Restrooms:** Restroom facilities may be located at various locations within the project area. These will be in addition to the permanent restroom(s) located in Area 2 – Park Center. It is unknown how many restrooms, if any, will be included or what type of treatment/disposal system will be utilized. A number of alternatives exist, including septic tank, septic tank combined with a leachfield, a mound system, or composting toilets.

**Appurtenances:** Appurtenances such as fencing, park boundary markers, and trail markers, operational, interpretive signs, and park facility and trail maps will be included where needed throughout the project area.

Fencing. The perimeter of the proposed park is fully fenced. Fence replacement and maintenance will be necessary to control cattle. Cattle fencing generally consists of 4 or 5 strand barbed-wire, possibly with sections of welded wire mesh.

Boundary Markers. Boundary markers consist of small signs that will be located on the perimeter fence facing into the park property. The spacing of the markers will be determined by the visibility, line of sight, and proximity to recreational features.

Trail Markers. Trail markers will be located at trail junctions to identify the name and approved uses of the trail. They also may provide additional information. Trail markers will be constructed of 8-inch square wood timbers and include 6-inch square signs and symbols. The trail markers will be installed with and without concrete depending upon soil type and potential for vandalism.

Access Signs Some areas may be closed because of cultural or environmental resources. “Area Closed” signs may be mounted on a fence or a wooden post to inform the visitors.

Operational Signs. Operational signs provide information regarding park rules and regulations and will be posted within the project area. These signs will designate the hours the park is open, prohibited activities such as fires or motorized vehicles, and

other regulatory and public safety information and warnings. Regional Parks has a sign program for the operations signs for all of its facilities. The signs are installed on 4-inch by 4-inch square wood posts and are located at the access points to the park, or where needed to regulate public use of the site.

Interpretive Displays. Interpretive displays provide more specific information on biotic, cultural, geologic, or other resources and features found within the park. These displays are generally 24-36 inches tall by 36-inch wide in size and are mounted either on a painted steel frame or wood posts. Depending upon site-specific soil conditions, the footings may or may not utilize concrete.

Information Kiosks. Information kiosks provide general information to the public on the Sonoma County Regional Parks system, regulatory guidelines that apply to a specific region or site, and warnings about ticks, mountain lions or other dangerous conditions. The locations for the information kiosks will be identified in the Park Master Plan.

Facility & Trail Maps. Large-scale maps are generally installed at the entrances to our parks. These maps provide an overall picture of the park, information on the facilities provided and their locations, trail information, as well as general information on significant features and resources found within the park and how to protect and preserve them. These displays are generally 24-36 inches tall by 36-inch wide in size and are mounted either on a painted steel frame or wood posts. Depending upon site-specific soil conditions, the footings may or may not utilize concrete. The locations for the facility and trail maps will be identified in the Park Master Plan.

Hitching Posts. Hitching posts will be located near areas where equestrians may want to stop, such as the picnic areas. The hitching posts will allow the horse to be secured away from sensitive resources, such as the pond shores or creeks. Hitching posts also will prevent the damage that occurs to tree root zones and tree trunks that can occur when horses are secured directly to trees. The locations of the hitching posts will be identified in the Park Master Plan.

Informal Picnic Areas. Informal picnic areas consist of a level area with one or several picnic tables. Picnic sites will be provided for eating, resting and enjoying views. Due to the seasonally high fire danger and associated management policies, barbecues will not be permitted outside of the Area 2 - Park Center. Picnickers will be required to pack out what they pack into the informal picnic areas outside of the Park Center Area.

Park Benches. The Regional Parks Foundation administers the Memorial Bench and Tree

Planting Program<sup>10</sup> that could provide the benches for installation in the proposed Tolay Lake Regional Park. These typically are on trails or require short access trails. The bench locations will be described in the Park Master Plan.

Water Troughs. A number of springs have been developed for stock watering. The springs and immediate surrounding area will be fenced with cattle fences to protect the biological resources. The water troughs, typically metal, concrete or wood, will be relocated outside of the fenced area. The water pipes, typically consisting of 1-3 inch metal or plastic, will be extended to connect the spring sources with the new water trough locations. The water troughs will be used for either or both grazing livestock and horses depending upon location.

### **OPERATIONS & MAINTENANCE ACTIVITIES**

In addition to general maintenance activities, a grazing program will be implemented for fire control and rangeland management, a lake management program will be implemented as part of the Tolay Lake restoration element, and an exotic plant removal will be implemented through the Regional Parks volunteer program. The results of several consultant studies, such as biological resources, cultural resources, lake restoration, and rangeland will be utilized to develop the Park Management Plan.

**Park Hours:** Generally limited from dawn to dusk except where other hours are approved by the Regional Parks Director. These exceptions could apply to camping and/or special events and will be supervised by Regional Parks staff or an authorized representative.

**Special Events:** Special events will be considered during the Park Master Plan development. Special events will be approved by the Regional Parks Director via Special Use Permit. Special events, such as a fall harvest festival, may be included in any of the four site areas.

**Operations and Maintenance Activities:** Operations and Maintenance activities will be identified as detailed park management goals are developed, Master Plan is developed, and the park uses and visitor use numbers are better defined. Tolay Lake Regional Park is within the Park Ranger's Central Area and the West County Maintenance Area.

The activities listed below are occurring now and will continue after the park is opened for general public use.

- ❖ Opening and closing the park
- ❖ Emptying garbage cans
- ❖ Monitoring for general compliance with park rules
- ❖ Mowing and tree trimming for landscape maintenance and for fire protection
- ❖ Conducting Guided Tours
- ❖ Emergency law enforcement and medical services

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<sup>10</sup> Sonoma County Regional Parks Foundation. [www.sonoma-county.org/parks/foundation](http://www.sonoma-county.org/parks/foundation)

- ❖ Maintenance of existing roads and trails
- ❖ Coordination with Facility Operations (part of Sonoma County's General Services Department) regarding building maintenance
- ❖ Coordination of continuing vineyard and ranch management, including grazing
- ❖ Stormwater management

Additional operation and maintenance activities will be required after the park is open for general public use, which may include but not be limited to:

- ❖ Fee collection and general visitor services
- ❖ Maintenance of new roads, trails, and other facilities
- ❖ Conducting cultural and environmental education programs

## **PUBLIC INVOLVEMENT**

### **OUTDOOR CLASSROOM / EDUCATIONAL PROGRAMS**

Educational programs may include environmental, agricultural, and cultural education. Programs that will be explored for compatibility during the Park Master Plan process include weekend family camp, summer camp, school field trip programs, workshops/seminars, interpretive hikes, and other educational programs. Potential indoor facilities to support the educational program may include reuse of an existing barn or a new structure, storage area, educational office, and interpretive facilities. The Park Master Plan will identify school bus routes, turnarounds and loading zones identified. Outdoor facilities may include agricultural displays, farm animals (such as goats, sheep, and chickens), outdoor gathering areas, and interpretive displays.

**BAY INSTITUTE RESTORATION PROJECT:** In 2004, the Bay Institute began sponsorship of an ongoing project to restore and enhance riparian vegetation and habitat. The project began while the property was owned by the Cardoza family and has been continued by the Regional Parks Department. The Bay Institute is a Novato-based non-profit organization. One restoration site is along Cardoza Creek, a tributary of Tolay Creek. A second restoration site is located on an ephemeral drainage to the Petaluma River, named South Creek by Regional Parks staff. Each restoration plot is approximately 35,000 sq feet, including 700 linear feet. In 2005, approximately 72 native shrubs and trees and 40 willow sprigs were planted at the South Creek restoration site, which will be monitored throughout the year. Volunteers that included the group STRAW (Students and Teachers Restoring A Watershed program), fourth and fifth grade school children, parents, and others participated in the effort.<sup>11</sup>

### **GUIDED TOURS**

The Regional Parks Department started guided tours of the property on November 26, 2005. Subsequent tours have been held at least twice monthly. Currently, two tour routes have been offered: a two-hour tour of the west ridge and a three-hour tour of the upland ponds. Special tours focusing on wildflowers

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<sup>11</sup> Tolay Lake Regional Park – Bay Institute Restoration Project, December 2005

and birding have also been offered. Currently, the guided tours are walking-hiking only. Equestrian and/or bicycle tours will be considered in the future.

## **NEIGHBOR MEETINGS**

The first Neighbor Meeting was held on January 03, 2006 at the Petaluma Veterans Memorial Building. This meeting was held for the neighbors immediately adjacent to the Tolay Lake Regional Park property. Supervisor Mike Kerns and Regional Parks Director Mary Burns made opening remarks, introduced the Regional Parks staff that participated in the presentation, and stated the purposes of the meeting. The purposes of the Neighbor Meeting were to:

1. Provide a Project Update
2. Describe the Planning Process
3. Outline opportunities for County and Neighbor Collaboration
4. Hear questions and comments from the Neighbors

Regional Parks made available the following informational handouts:

1. Water Rights Summary
2. Technical Advisory Committee Summary
3. Senate Bill 18 (Tribal Consultation) Summary
4. Press Conference Summary

Regional Parks hosted a second Neighbor Meeting on June 21, 2006 to focus on water-right application concerns. Regional Parks staff discussed the Petition to Amend its Water Right Application and provided updates about other activities, including the Guided Tours, the Technical Advisory Committee, and the upcoming Public Workshop #1 scheduled on July 24, 2006. Representatives from Ducks Unlimited and from Napa Valley Vineyard Engineering participated in the meeting to provide additional information about the design options for the Tolay Lake Restoration element and about the water-right application process. Most neighbors attended and participated in the meeting.

Regional Parks will host additional Neighbor Meetings throughout the development of the Tolay Lake Regional Park Master Plan.

## **PUBLIC WORKSHOPS**

Regional Parks has identified four Public Workshops scheduled to correspond with important milestones in the overall Master Plan/environmental document schedule. Additional Public Workshops will be scheduled during development of the Interim Public Access and Management Plan. Regional Parks is requesting that the Technical Advisory Committee (TAC – see description below) participate in these Public Workshops. The first Public Workshop was held on July 24, 2006 (see below). The dates for the additional Public Workshops are not known at this time, but will be noticed to the public. Descriptions of the Public Workshops are provided below:

**Workshop #1- July 24, 2006:** The purpose of this Workshop was for Regional Parks staff to introduce the project to the public and receive initial feedback in order to guide development of the Master Plan. Regional Parks staff presented the project background, including the opportunities, constraints, and

restrictions of the project site; information from existing studies; and the overall project implementation schedule.

42 people attended the Workshop according to the sign-in sheets. After staff presentations, Workshop attendees were invited to participate in three separate yet related activities to provide their input regarding what should be considered in the Park Master Plan. In the first activity participants suggested park activities and programs they would like incorporated into the Master Plan. In the second activity participants voted with colored tape dots to indicate ideas they support or have concern about. The results will be used to prioritize potential activities and to identify areas with disagreement. In the third activity participants were provided with a base map of the park site, a legend of common symbols, and marking pens. Participants then illustrated where they would like to see various park features. In general, participants indicated support for an inter-connected diverse trail system, habitat restoration, and interpretive elements to highlight the property's cultural, historical, and agricultural resources. Many other ideas were voiced by Workshop participants, including a shooting range, RV camping, and an off-leash dog park. A complete analysis of the results of Workshop #1 will be developed as the park master planning process proceeds.

**Workshop #2 – Fall 2006:** The purpose of this Workshop will be for Regional Parks staff to obtain feedback from the public regarding the Initial Study for the Conceptual Master Plan and Water-Right Application. All comments received during the public review period for the Initial Study will be provided to the consultant selected to prepare the Environmental Impact Report for the project.

**Workshop #3 - Winter 2006/2007:** This Workshop will be scheduled after Regional Parks staff has completed the preliminary Master Plan alternatives for the park design. The purpose of this Workshop will be to present the alternatives and any new information, such as from consultant studies, and any changes in the overall project implementation schedule. Regional Parks staff will be seeking feedback from the public and the TAC regarding the preliminary Master Plan alternatives.

**Workshop #4 - Spring 2007:** This Workshop will be scheduled after the preliminary Master Plan alternatives have been revised. The purpose of this Workshop will be to present the revised Master Plan alternatives and to solicit feedback from the public and the TAC regarding the revisions.

### **TECHNICAL ADVISORY COMMITTEE**

The Regional Parks Department desires input from project stakeholders and technical experts throughout preparation of the Master Plan and determined that a Technical Advisory Committee (TAC) would serve that purpose. The TAC will provide an advisory function to the Regional Parks Department during the preparation of the Tolay Lake Regional Park Master Plan. The purposes of the TAC are:

1. To have a public involvement process in addition to the required public meetings as part of the legal requirements associated with the California Environmental Quality Act (CEQA)
2. To aid in developing the Master Plan by providing technical assistance.

expected that the regular member would coordinate with his/her represented group throughout the process. Represented groups include:

- ❖ Audubon Society
- ❖ Bay Institute
- ❖ California Department of Fish and Game
- ❖ California Native Plant Society – Milo Baker Chapter
- ❖ Cardoza Family
- ❖ City of Petaluma
- ❖ Federated Indians of Graton Rancheria
- ❖ Friends of Tolay Lake
- ❖ Regional Parks Foundation Board
- ❖ United States Geologic Survey
- ❖ Disabilities community
- ❖ Sonoma County Agricultural Preservation & Open Space District
- ❖ Sonoma County Parks & Recreation Advisory Commission
- ❖ Sonoma County Permit & Resource Management Department
- ❖ Sonoma County Trails Council
- ❖ Sonoma County Administrators Office
- ❖ Sonoma County Supervisors
- ❖ Neighbors of the Park Site
- ❖ US Fish & Wildlife Service

The TAC will determine how often it will meet. The TAC is not subject to the Brown Act; however, TAC meetings will generally be open to the public and will include the opportunity for public comment. The Regional Parks Department will notify the public about the meetings on its webpage and by postcard to those on the Tolay Lake Regional Park mailing list.

The first TAC meeting was held on May 24, 2006. Regional Parks staff presented introductory project information and outlined the purposes of the TAC. The TAC elected a chairperson and a vice-chairperson, and scheduled its next meeting to be at the project site. This site visit was held on June 17, 2006 and served to further acquaint the TAC with the project in preparation of the upcoming Public Workshop.

### **SONOMA COUNTY PARK & RECREATION ADVISORY COMMISSION**

Regional Parks will provide regular updates to the Commission and has requested that the Commission host some of the public meetings as part of the CEQA process, including the Scoping Meeting. The Commission has provided a liaison and alternate to the Technical Advisory Committee.

### **NOTICE OF PREPARATION AND SCOPING MEETING**

The Regional Parks Department will publish a Notice of Preparation of an Environmental Impact Report (NOP) after its Consultant is selected. The NOP will be filed at the Sonoma County Clerks Office, mailed to the State of California Office of Planning and Research (State Clearinghouse), and to responsible and trustee agencies. The NOP will also be posted on the Regional Parks Department's web-site. The comment period associated with the NOP will be at least 30 days and a public Scoping Meeting will be held. Postcards announcing the availability of the NOP, including the County of Sonoma web-site, and announcing the public Scoping Meeting will be mailed to property owners within the vicinity of the



proposed Tolay Lake Regional Park project.

**PUBLIC PROCESS ASSOCIATED WITH THE WATER-RIGHT APPLICATION**

The Cardozas filed Water Right Application 30558 with the State Water Resources Control Board (SWRCB) in 1996. As the new property owner, the County is moving forward with the existing application. The County will file a petition to amend the existing application to add lake restoration to the proposed purpose of use. Ultimately, the County will need a Water Right Permit from the SWRCB to implement the lake restoration component of the project. Moving forward with the water-right application process requires expertise from two separate consultants:

- ❖ Ducks Unlimited (DU): Determine lake restoration alternatives and water volumes required for each alternative. This will include public and Agency feedback during the EIR process.
- ❖ Napa Valley Vineyard Engineering (NVEE): Assist Regional Parks in working with the SWRCB on the water-right application process.

The SWRCB has some specific requirements for the Environmental Impact Report (EIR).

The Application process will include a public process by the SWRCB separate from the required public process associated with CEQA and the expanded public process by the Regional Parks Department for development of the Park Master Plan. After the County files its Petition to Amend Water Right Application 30558, the SWRCB will issue a Public Notice, providing an opportunity of the public and agencies to comment on the petition. The scope of the additional public process by the SWRCB will depend on the scope of the comments received during the public notice period. The Regional Parks Department may host a public meeting during the public notice period.

**CONCERNS IDENTIFIED SO FAR**

Regional Parks staff is aware of various concerns that have been expressed up to this point in the process. The following table summarizes these concerns and the associated available information. All potential impacts will be analyzed in the Park Master Plan and associated environmental document.

Concern	Comment
Change in practice regarding the annual spring draining of Tolay Lake will cause lake water to change drainage and in the water table on adjacent property.	Regional Parks can continue the annual practice of draining Tolay Lake to maintain drainage patterns on adjacent properties with agreement from the Open Space District and the Wildlife Conservation Board. Per the Sonoma County Agricultural Preservation & Open Space District’s Conservation Easement, Tolay Lake cannot be drained for agricultural purposes. The effect of the lake restoration alternatives on adjacent properties will be analyzed in the Park Master Plan and associated environmental document.
If the requested allocation of water is permitted, there might not be sufficient water availability for others in the watershed with active water-right applications.	The Water Availability Analysis, associated with water-right Application 30558, is currently underway. The potential effects of water-right Application 30558 will be analyzed in the environmental document

Concern	Comment
	associated with the Park Master Plan.
The Tolay Lake Restoration Element will negatively impact the adjoining property owner, possibly by extending the wet-season or requiring physical improvements on the adjoining property.	Ducks Unlimited is currently studying Lake restoration alternatives. Feasible lake restoration alternatives will be examined in the Park Master Plan and the environmental effects of these alternatives will be analyzed in the associated environmental document.
Agricultural practices on adjacent properties will be impacted by dust from park users and by pesticide drift from park operation and maintenance activities.	<p>Pesticide use is regulated by county, state, and federal requirements. Pesticide licenses are required and must be renewed annually. License renewal requires continuing education that is based on the type of pest control. In addition to the license, applicators must adhere to strict pesticide use requirements including safe application procedures and suitable weather requirements to prevent pesticide drift onto adjacent properties. Applicable posting requirements must also be followed.</p> <p>The potential for dust from park users to drift onto adjacent properties will be associated with the location of trails and other park facilities, among other variables that are not known at this time.</p> <p>Both of these concerns will be analyzed in the environmental document associated with the Park Master Plan.</p>
Non-agricultural use of the Tolay property will result in conflicts with the existing agricultural practices on adjacent properties.	<p>Sonoma County Ordinance No. 4101, known as the "Right to Farm" Ordinance, has three primary goals: (1) limit the circumstances under which properly conducted agricultural operations on agricultural land can be considered a nuisance; (2) require notification to property owners, purchasers, residents, and other users of property adjacent to or near agricultural operations regarding the potential inconveniences or discomforts that could arise from properly conducted agricultural operations; and (3) advance the goals, objectives, policies, and implementation programs of the agricultural resources element of the Sonoma County General Plan.</p> <p>Ordinance No. 4101 describes the typical types of agricultural activities that could be considered a nuisance and provides language for the three different disclosures.</p> <p>Regional Parks will consider the application of Ordinance 4101 when developing the Park Master Plan.</p>
Now that the property is not an operating ranch, invasive species will not be kept in check and will spread onto adjacent properties.	Regional Parks intends to continue with a grazing program at the property in part to maintain this long-term land management practice. A Rangeland

Concern	Comment
	Management Study is currently underway. This Study will recommend a rangeland management program that will, amongst other things, manage fire potential and the spread of invasive species on and adjacent to the Tolay Lake Regional Park property. The rangeland management program will be described in the Park Master Plan and the associated concern regarding spread of invasive species will be analyzed in the associated environmental document.
Removal of agricultural activities will negatively affect the agricultural community as a whole.	The existing 10-acre vineyard will remain. The Regional Parks Department is interested in a variety of Demonstration Projects associated with the property's agricultural and cultural history, such as a hay field, various crops, Native American garden and harvesting area. These activities would be relatively small in scale, approximately 5 – 10 acres in size. Demonstration projects are will be described more fully in the Park Master Plan and analyzed in the associated environmental document.
The Park Master Plan should include an active vector control management plan to control the spread of West Nile virus and other vector carrying diseases.	Regional Parks staff is currently in contact with the Sonoma-Marin Vector Control District. Their recommendations will be incorporated into the Park Master Plan.
Park development will negatively affect views from adjacent properties.	<p>In general, proposed park development is not expected to substantially alter views from adjacent properties. The parking area, which will be located in Area 2 – Park Center, will be visible from surrounding properties but not expected to be visible from existing homes. The parking area design will include landscaping to provided shade and a visual buffer.</p> <p>Proposed trails will utilize existing ranch roads to the greatest extent possible. It is likely that park users will be visible from surrounding properties.</p> <p>The existing nighttime lights throughout Area 2 – Park Center, will remain and/or be replaced. As lighting is replaced, Dark Sky Association Best Management Practices will be followed.<sup>12, 13</sup></p>
Traffic will increase along Cannon Lane and Lakeville Road, which will result in nuisance to neighbors and safety hazards for vehicular and bicycle traffic.	<p>A Traffic Study is currently underway to address these concerns. In addition to determining anticipated park user numbers, the Traffic Study will recommend improvements to Cannon Lane and Lakeville Road.</p> <p>Tolay Lake Regional Park will be closed after sunset. If overnight uses are allowed, overnight visitors will be</p>

<sup>12</sup> The Institution of Lighting Engineers. *Guidance Notes for the Reduction of Obtrusive Light*. [www.ile.org.uk](http://www.ile.org.uk) Copyright 2005.

<sup>13</sup> New England Light Pollution Advisory Group and Sky Publishing Corporation. *Good Neighbor Outdoor Lighting*. [www.skypub.com](http://www.skypub.com)

Concern	Comment
	required to remain inside the park after sunset. No in and out privileges will be granted, except in emergency situations. This will minimize nighttime traffic on Cannon Lane associated with the park.
Specific recreational uses, such as unsupervised overnight camping and recreational vehicle (RV) camping should be will result in negative impacts to Cannon Lane and to neighbors.	Camping, in all the various forms, will be evaluated in the Park Master Plan and associated environmental document.
Vandalism, trespass, and other crimes might increase after the park is open. A buffer area between public access areas of Tolay Lake Regional Park and adjacent properties should be established.	<p>Public Resources Code Section 5075.5 protects property owners from actions resulting from or caused by trail users who trespass onto adjoining property and protects property owners from actions started on or taking place within the boundaries of the trail itself.</p> <p>Civil Code Section 846 protects private landowners from potential liability from those in recreational activities provided that the insured recreationist was not expressly invited onto the private property and that the private property owner did not willfully or maliciously intend to cause the injury.</p> <p>At least two Park Ranger residences will be located on the park property, utilizing existing structures. Regional Parks Rangers will patrol the property and regularly inspect park features to ensure public safety and park boundary integrity, as part of their regular duties. Volunteer trail monitors will supplement the ranger's ability to learn and respond.</p> <p>Sonoma County Ordinance No. 4101 requires an agricultural setback between certain agricultural land-use categories and non-agricultural land use, which is generally defined as a physical separation of 100-200 feet. Generally, the Sonoma County Agricultural Commission requires a 100-foot buffer between land extensive agricultural uses, such as pasture and grazing, and new building sites. A 200-foot buffer is generally required between land intensive agricultural uses, such as vineyards and orchards, and new building sites. The buffer may be modified based upon topographic features, a substantial tree stand, watercourse, or similar existing natural or man-made feature. Regional Parks will consider the application of Ordinance 4101 when developing the Park Master Plan. Please refer to the Agricultural Resources section of the Initial Study Checklist for additional explanation.</p>
Park users will increase emergency response requests including calls for fire or medical emergency.	The project area is not mapped as having wildland fire potential in the Sonoma County General Plan. There is a lot of grassland, which turns dry during the

Concern	Comment
	<p>summer months and becomes more susceptible to fire. Grazing will be continued at the property in part, to reduce potential fire hazard.</p> <p>Human activity within the park, such as smoking or use of fire, could result in wildland fire. Smoking, playing with fire, and campfires accounted for a relatively small percentage of all fires according to a study conducted regarding the causes of Sonoma County fires in 1996.</p> <p>The proposed project will include signs stating the park rules, including "No Smoking." The Regional Parks Director may close the facility when there are high fire danger periods or other situations that could pose a threat to health and safety.</p> <p>Regional Parks is working with the Lakeville Volunteer Fire Department to identify how emergencies can be prevented and responses can be coordinated. Regional Parks will be updating an analysis for fire and emergency response patterns within the Regional Parks facilities. This analysis will be included in the environmental document associated with the Park Master Plan.</p>
<p>Now that the property is in public ownership, less money will go toward the Lakeville Volunteer Fire Department through taxes and private donations.</p>	<p>Regional Parks staff is researching the potential impact of how the Tolay property purchase will impact tax-supported public services. This analysis will be included in the environmental document associated with the Park Master Plan.</p>
<p>Surrounding neighbors will be negatively impacted by increase noise from park users, dogs, vehicles, and amplified sound.</p>	<p>The majority of visitor-serving facilities, including the parking areas, will be located in Area 2 – Park Center. Parking and circulation of vehicles may increase ambient noise. The visitor center, interpretive and educational facilities, and special use areas will also be located in Area 2 – Park Center. It is expected that people will congregate in these areas and that voices may increase ambient noise.</p> <p>If any amplified sound were proposed as part of the park development plan, it would be located within Area 2 – Park Center. This potential new source of noise will be examined in the Master Plan and associated environmental document.</p> <p>Dogs are allowed in most Regional Park facilities and must be on leash.</p>

## **DEVELOPMENT SCHEDULE AND FUNDING**

The proposed park development will be implemented based on availability of funding and scheduling of development activities to appropriate seasons.

### **PHASE I DEVELOPMENT**

Facilities proposed for inclusion in the first phase of park development include:

- ◆ Cannon Lane Improvements
- ◆ Park Driveway
- ◆ Parking Area
- ◆ Multi-Use Trails
- ◆ Interpretive Trails
- ◆ Picnic Areas
- ◆ Restoration
- ◆ Restrooms
- ◆ Park Office

### **ADDITIONAL DEVELOPMENT PHASES**

Facilities such as lake restoration and interpretive center will likely not be in the first phase of construction.

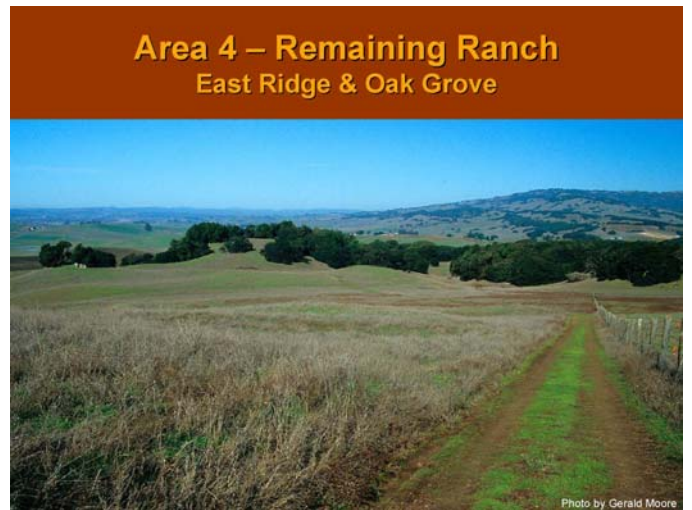
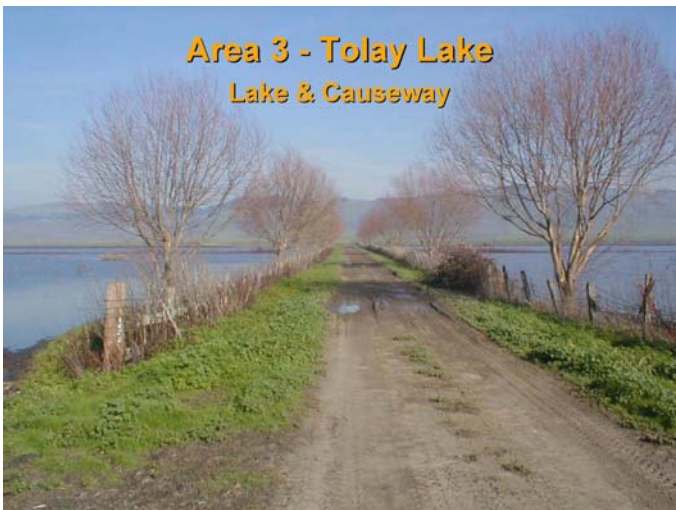
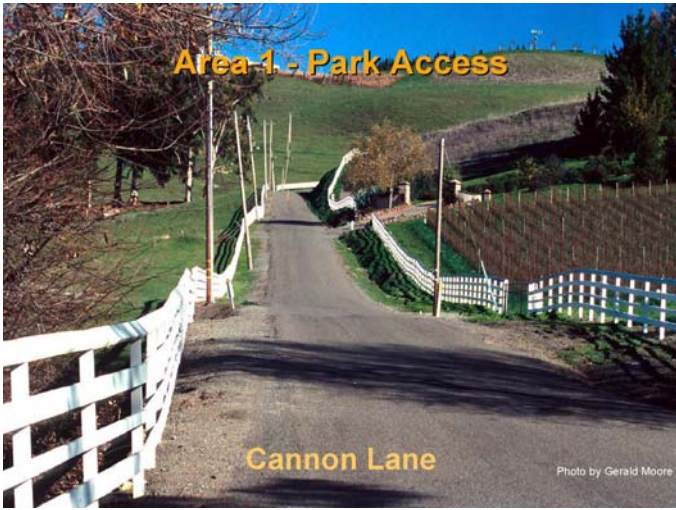
## **RELATED AND POSSIBLE FUTURE PROJECTS**

**INTERIM PUBLIC ACCESS & MANAGEMENT PLAN:** The Sonoma County Regional Parks Department is very excited about Tolay Lake Regional Park and is committed to providing increasing levels of public access during the planning process. Regional Parks will develop an Interim Public Access & Management Plan to provide access to the public beyond guided tours and appropriate management strategies. Several ideas currently under consideration range from providing focused enrichment opportunities on designated days to offering unsupervised public use of existing ranch roads. Themes for the focused enrichment opportunity days could include cultural and historic resources, biological resources, grasslands, watershed, and agriculture. Experts from these various fields, along with Regional Parks staff, could develop engaging and informative presentations. Consultants who will be preparing studies as part of the CEQA document process will provide information on how to accomplish an Interim Public Access & Management Plan without resulting in environmental impacts. A CEQA compliance document will be prepared for the Interim Public Access & Management Plan separate from CEQA-compliance documents associated with the Park Master Plan.

**POTENTIAL PROPERTY ACQUISITION:** Regional Parks has been in discussion with an adjacent property owner regarding access across approximately 4 acres located adjacent to the east ridge of the Tolay Lake Regional Park property. The 4-acre property is crossed by the East Ridge Road, an access road upon which the County has a prescriptive easement that provides access rights.

## Figures







**Area 4 – Remaining Ranch**  
Upland Ponds



**Area 4 – Remaining Ranch**  
Existing Vineyard



**Area 4 – Remaining Ranch**  
West Ridge: view to Petaluma River & Tolay Lake

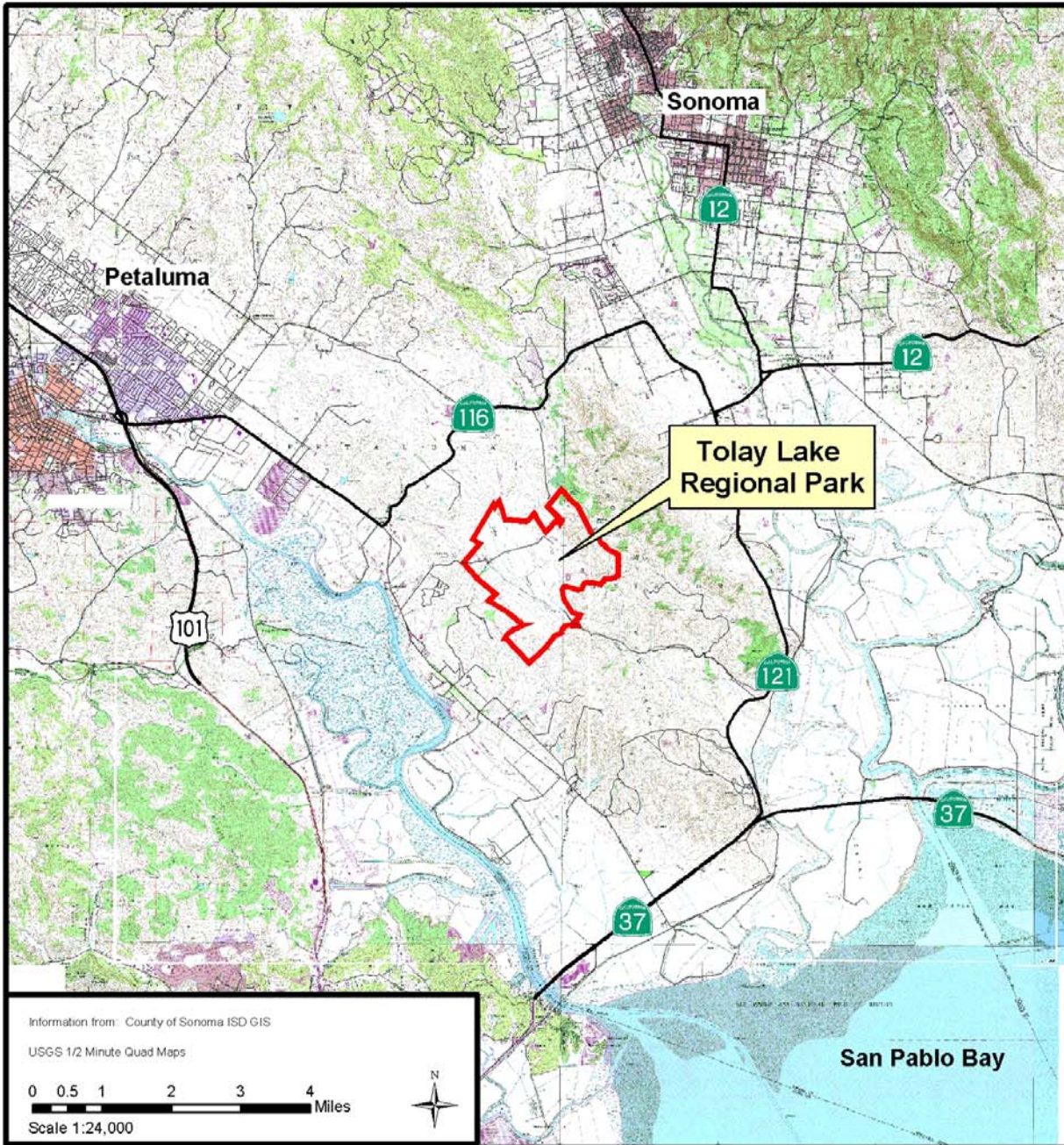


**Area 4 – Remaining Ranch**  
Rangeland





Figure 1



Information from County of Sonoma ISD GIS

USGS 1/2 Minute Quad Maps

0 0.5 1 2 3 4 Miles

Scale 1:24,000



TOLAY LAKE  
REGIONAL  
PARK



### Site Location Map

Sonoma  
Regional



County  
Parks

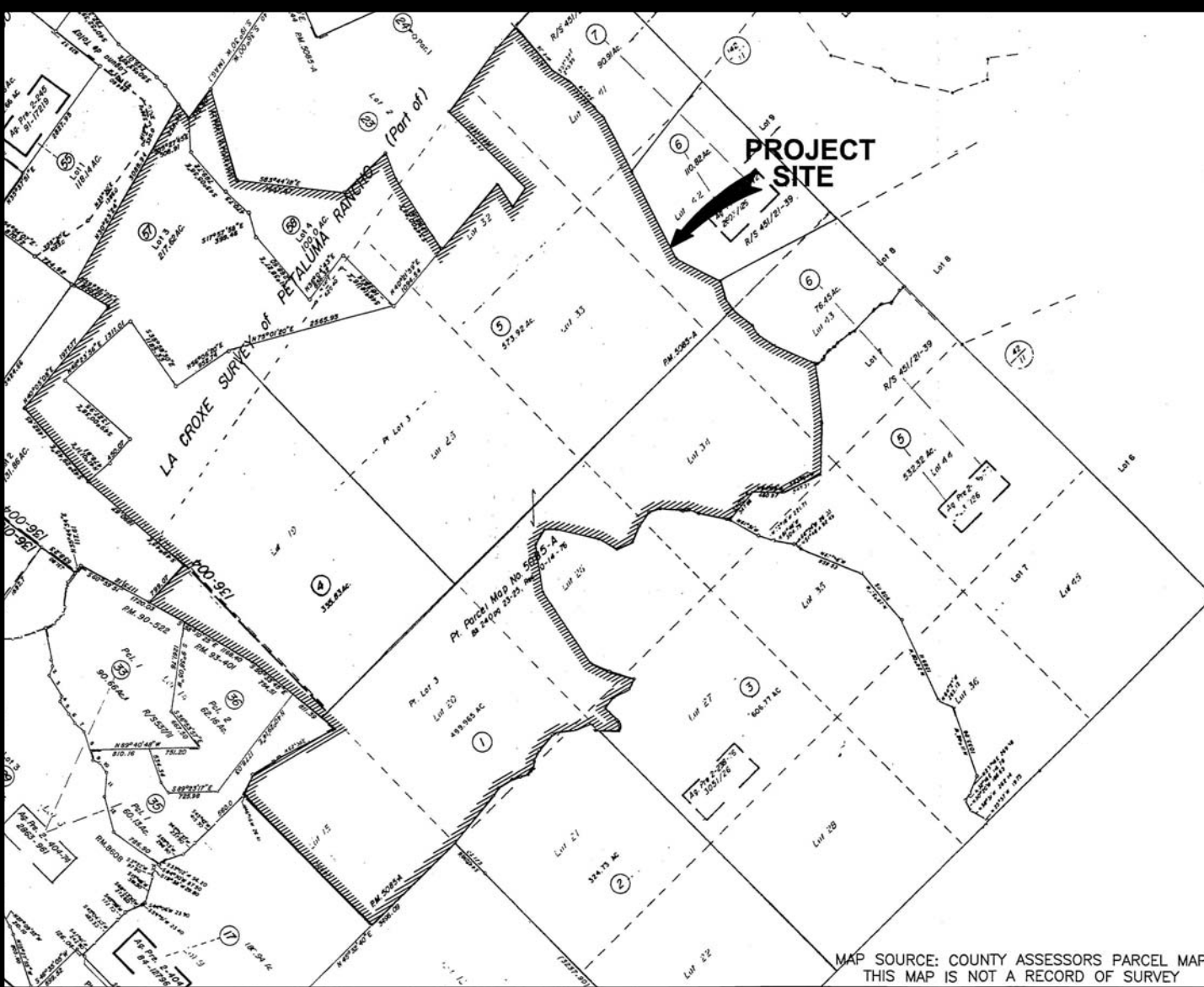
7/28/08



Sonoma County  
Location Map



Bay Area  
Location Map



MAP SOURCE: COUNTY ASSESSORS PARCEL MAP  
THIS MAP IS NOT A RECORD OF SURVEY

TOLAY LAKE  
REGIONAL  
PARK



## Assessor Parcel Map

### Tolay Lake Regional Park

Sonoma County



Regional Parks

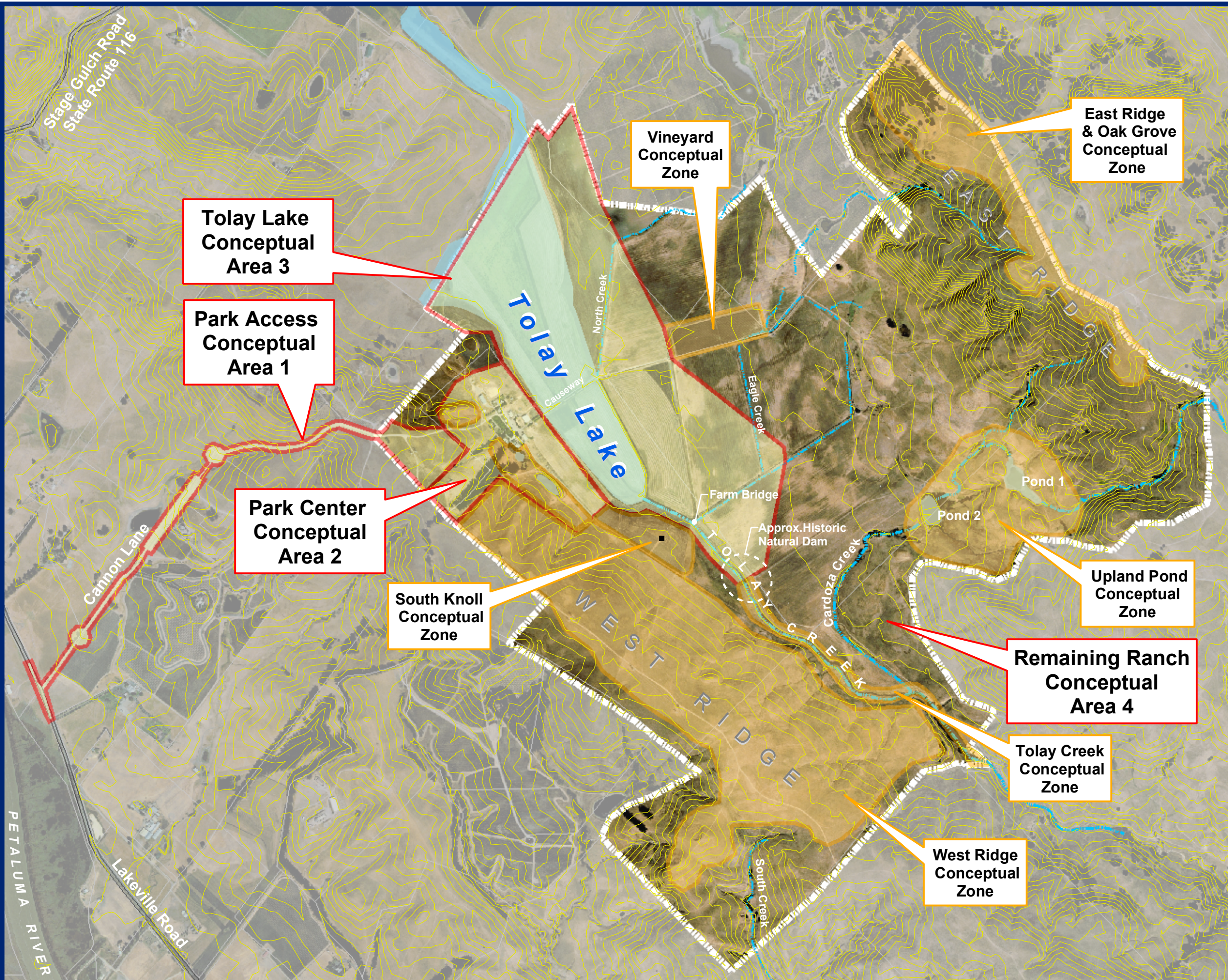


Scale: 1" = 2430'

Data Source:  
Sonoma County Assessors

Figure 2



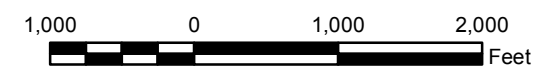
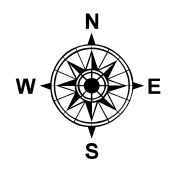


### Project Area Delineation



#### LEGEND

- Conceptual Area
- Conceptual Zone
- Lakes & Ponds
- Park Boundary (approx.)
- Creeks & Ditches
- 20 Foot Contours



Basemap: 2004 August Aerial Sonoma County  
 Topo: Sonoma County ISD-GIS  
 Other Data: Sonoma County Regional Parks  
 All features are approximate.







**Figure 3**

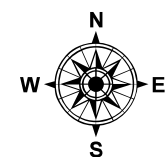


### Park Center Area Delineation



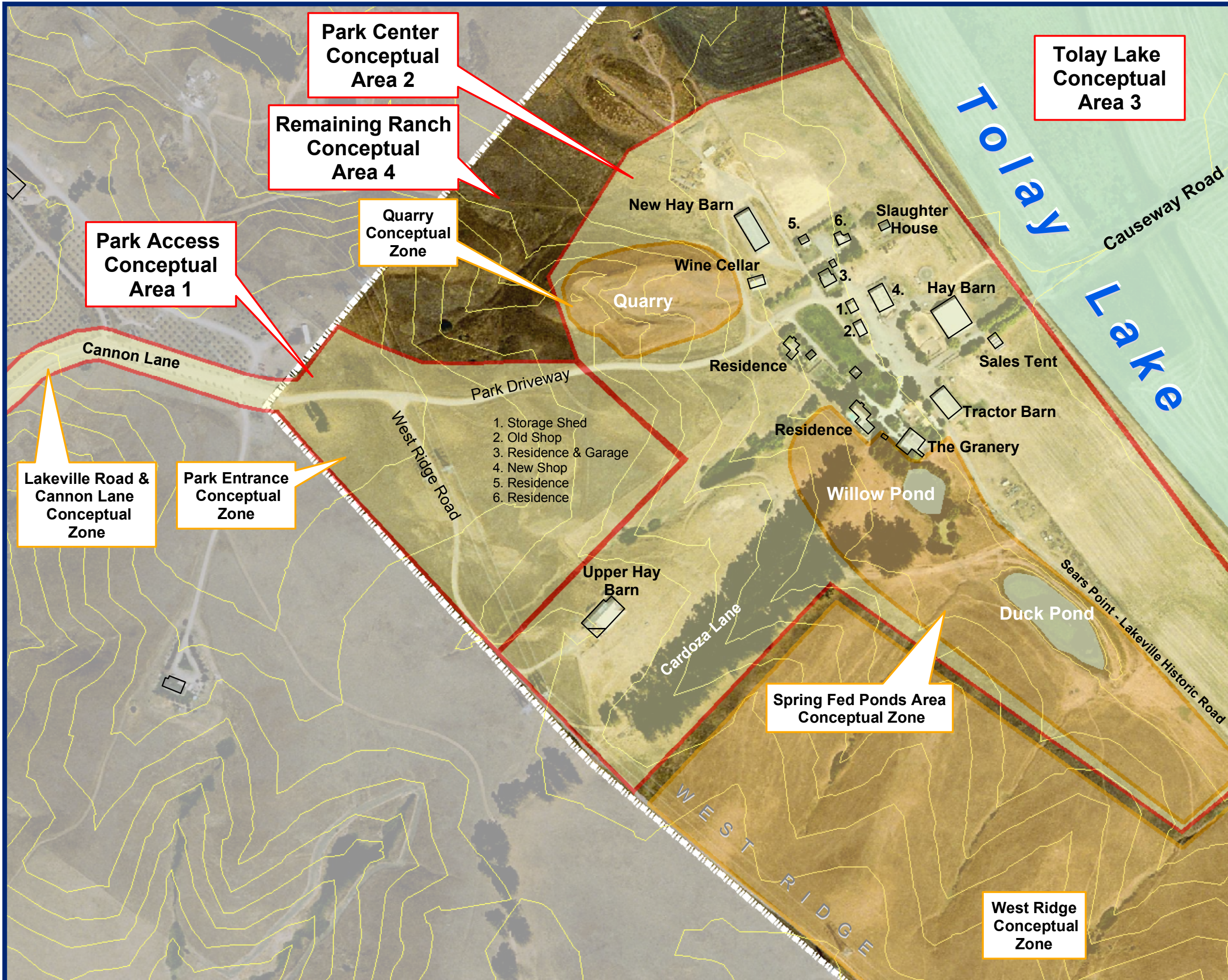
#### LEGEND

-  Conceptual Area
-  Conceptual Zone
-  Lakes & Ponds
-  Park Boundary (approx.)
-  Creeks & Ditches
-  20 Foot Contours



Basemap: 2004 August Aerial Sonoma County  
Topo & Building Outlines: Sonoma County ISD-GIS  
Other Data: Sonoma County Regional Parks  
All features are approximate.

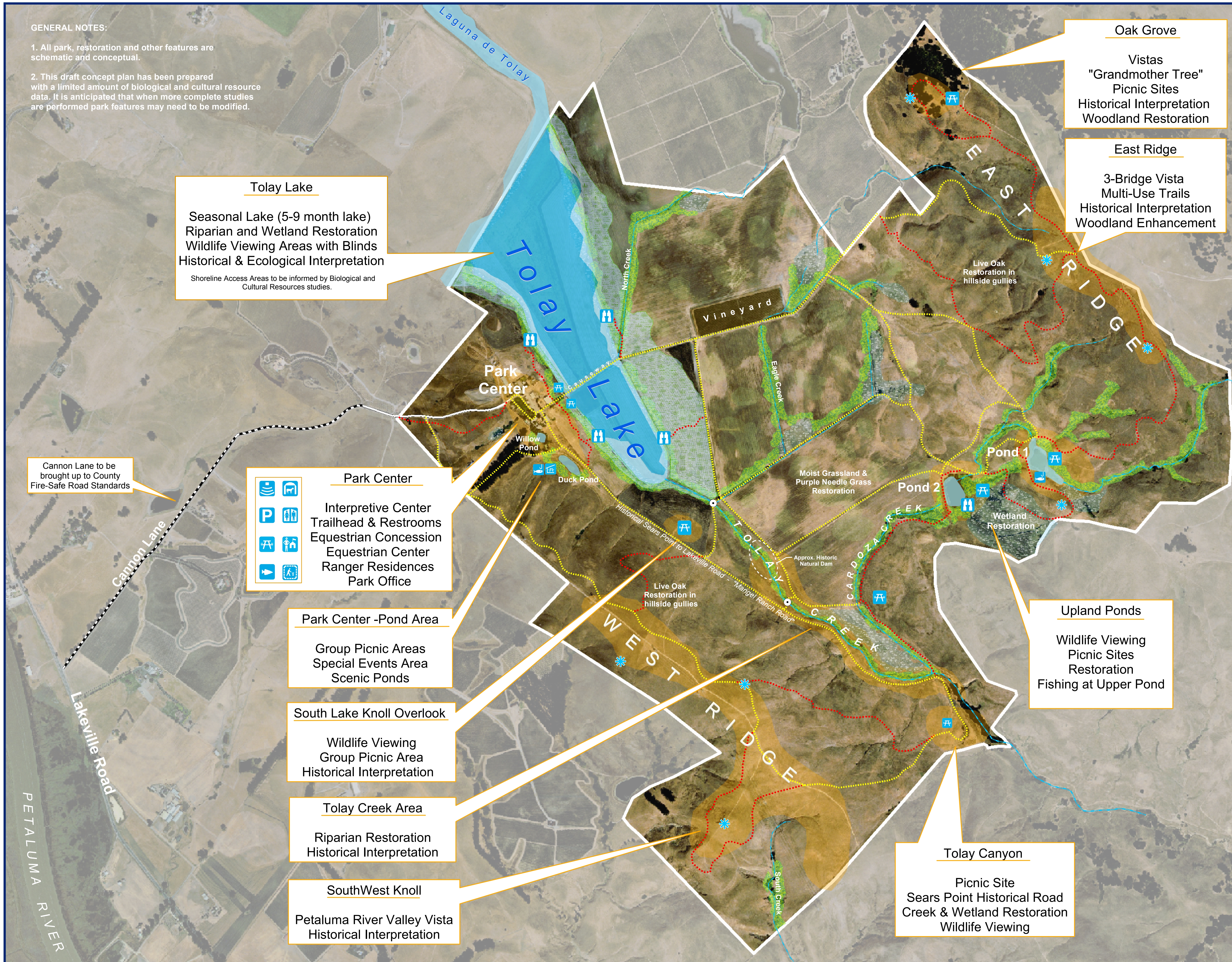
Figure 4





**GENERAL NOTES:**

1. All park, restoration and other features are schematic and conceptual.
2. This draft concept plan has been prepared with a limited amount of biological and cultural resource data. It is anticipated that when more complete studies are performed park features may need to be modified.



**Tolay Lake**  
 Seasonal Lake (5-9 month lake)  
 Riparian and Wetland Restoration  
 Wildlife Viewing Areas with Blinds  
 Historical & Ecological Interpretation  
 Shoreline Access Areas to be informed by Biological and Cultural Resources studies.

**Oak Grove**  
 Vistas  
 "Grandmother Tree"  
 Picnic Sites  
 Historical Interpretation  
 Woodland Restoration

**East Ridge**  
 3-Bridge Vista  
 Multi-Use Trails  
 Historical Interpretation  
 Woodland Enhancement

**Park Center**

- Interpretive Center
- Trailhead & Restrooms
- Equestrian Concession
- Equestrian Center
- Ranger Residences
- Park Office

**Park Center -Pond Area**  
 Group Picnic Areas  
 Special Events Area  
 Scenic Ponds

**South Lake Knoll Overlook**  
 Wildlife Viewing  
 Group Picnic Area  
 Historical Interpretation

**Tolay Creek Area**  
 Riparian Restoration  
 Historical Interpretation

**SouthWest Knoll**  
 Petaluma River Valley Vista  
 Historical Interpretation

**Upland Ponds**  
 Wildlife Viewing  
 Picnic Sites  
 Restoration  
 Fishing at Upper Pond

**Tolay Canyon**  
 Picnic Site  
 Sears Point Historical Road  
 Creek & Wetland Restoration  
 Wildlife Viewing

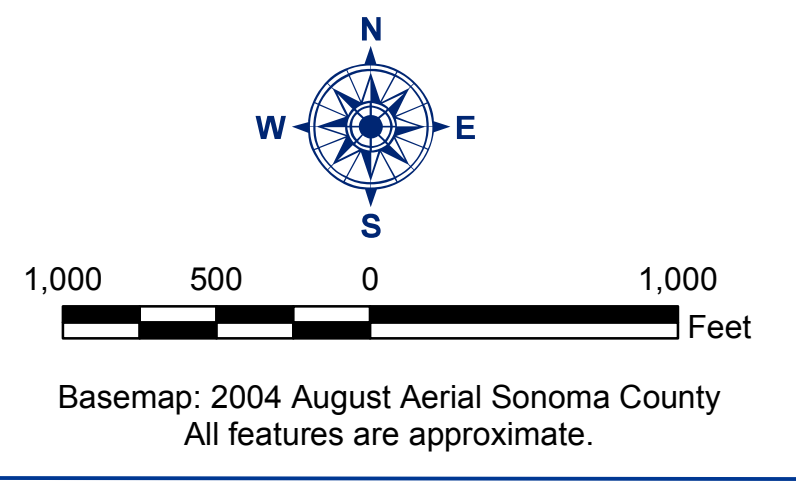
Cannon Lane to be brought up to County Fire-Safe Road Standards



# Concept Plan

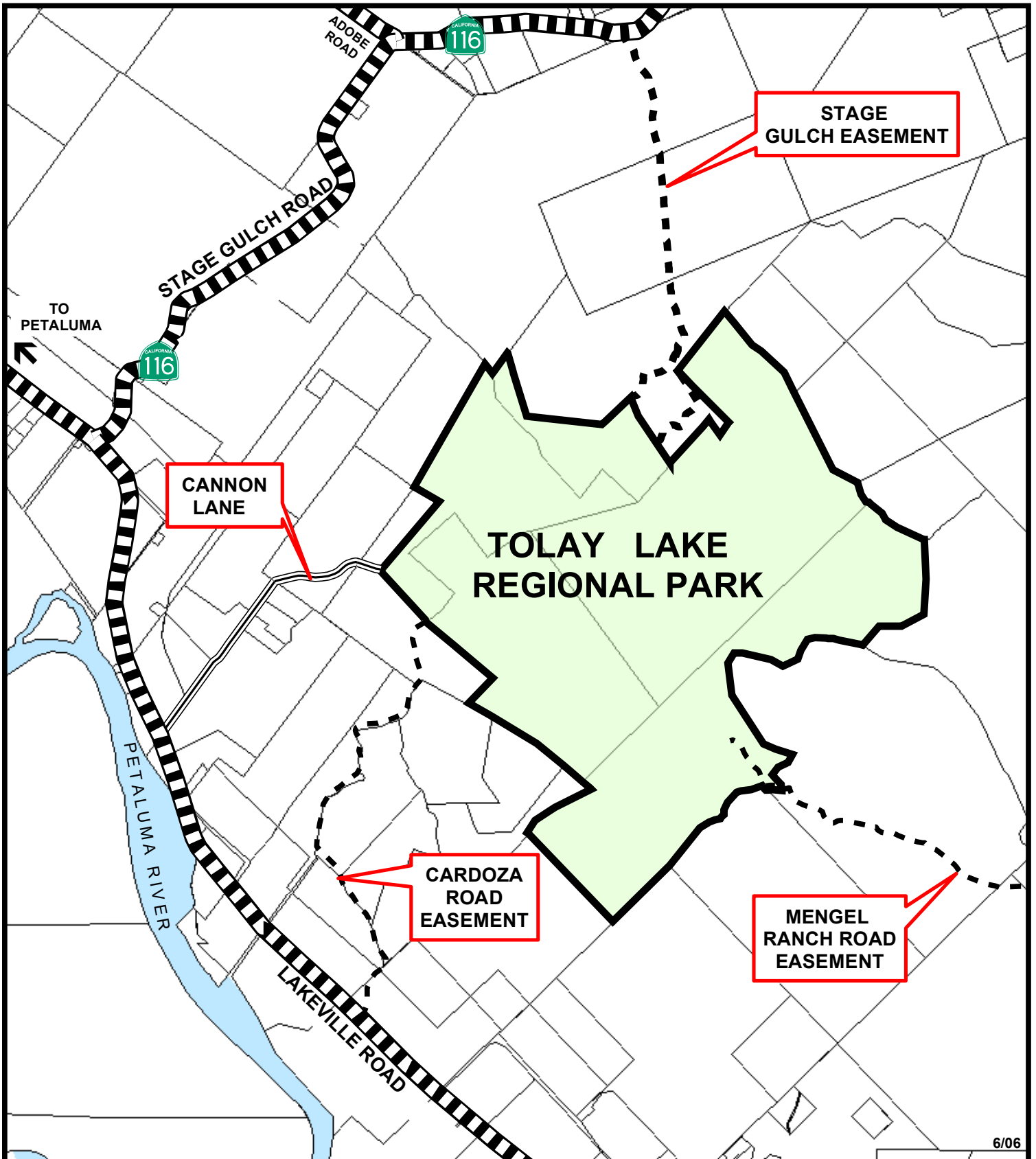


- Schematic Multi-Use Trail
- Schematic Hiking Trails
- General Use Areas
- Lakes & Ponds
- Wetland Restoration
- Riparian Restoration
- Other Restoration
- Vista
- Bridge
- Picnicking
- Group Picnic Area
- Wildlife Viewing Area
- Fishing
- Interpretive Center
- Equestrian Center
- Special Events Area
- Ranger Station
- Restrooms
- Parking



**Figure 5**





6/06



## Access Diagram

### Tolay Lake Regional Park

Sonoma County  Regional Parks



All features are approximate.  
Data Source: SC-GIS & Regional Parks

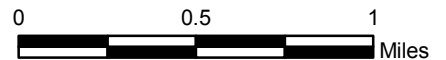


Figure 6

# TOLAY LAKE REGIONAL PARK



## Soils & Faults Map

Sonoma  County  
Regional Parks

7/1/08

### Legend



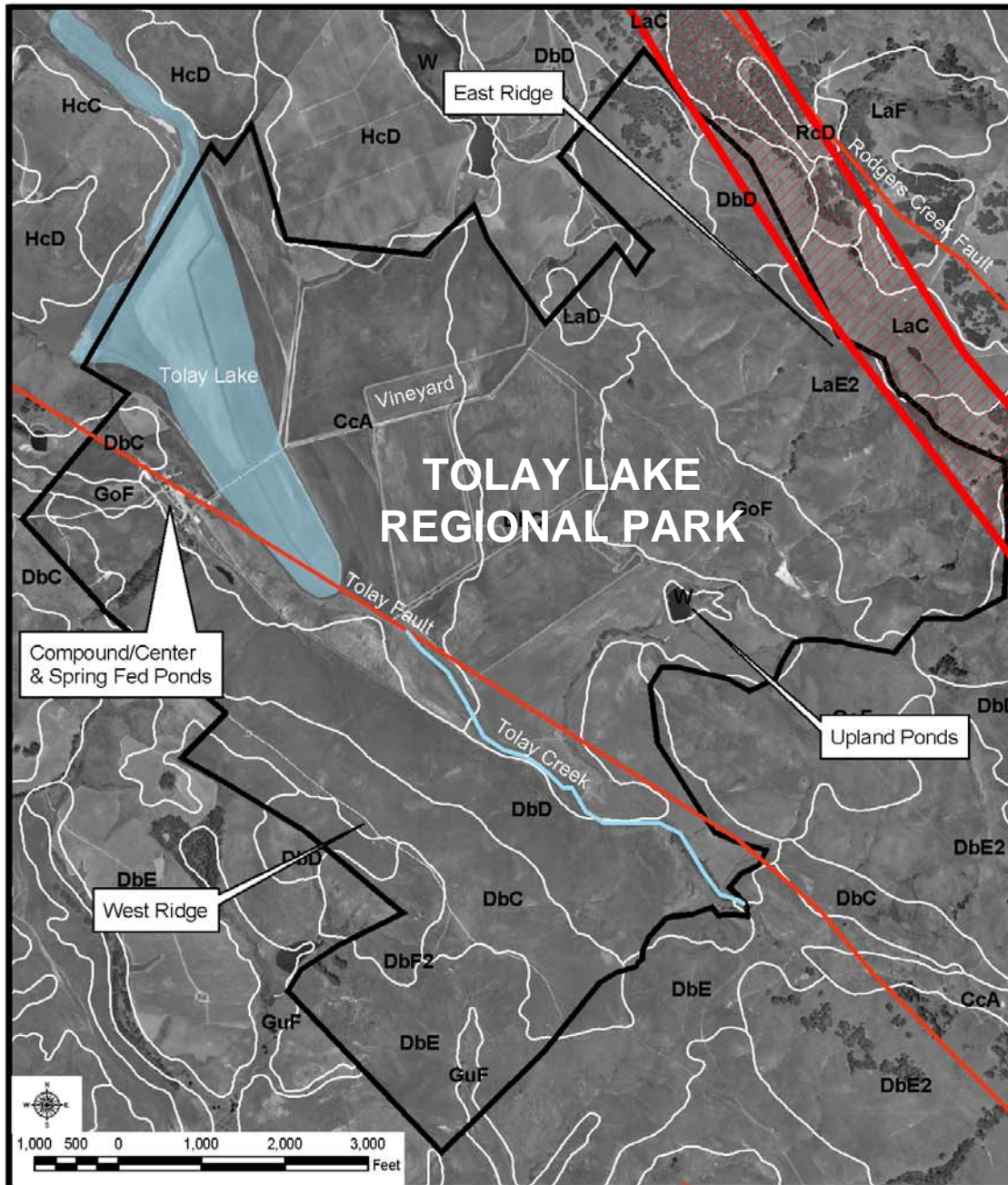
-  Alquist-Priolo Special Study Zone
-  Faults
- CcA - CLEAR LAKE CLAY LOAM, 0 TO 2 PERCENT SLOPES
- DbC - DIABLO CLAY, 15 TO 30 PERCENT SLOPES
- DbD - DIABLO CLAY, 15 TO 30 PERCENT SLOPES, ERODED
- DbE - DIABLO CLAY, 2 TO 9 PERCENT SLOPES
- DbE2 - DIABLO CLAY, 30 TO 50 PERCENT SLOPES
- DbF - DIABLO CLAY, 30 TO 50 PERCENT SLOPES, ERODED
- DbF2 - DIABLO CLAY, 9 TO 15 PERCENT SLOPES
- GgD - GOULDING CLAY LOAM, 30 TO 50 PERCENT SLOPES
- GgF - GOULDING CLAY LOAM, 5 TO 15 PERCENT SLOPES
- GID - GOULDING COBBLY CLAY LOAM, 15 TO 30 PERCENT SLOPES
- GIE - GOULDING COBBLY CLAY LOAM, 5 TO 15 PERCENT SLOPES
- GoF - GOULDING-TOOMES COMPLEX, 9 TO 50 PERCENT SLOPES
- GuF - GULLIED LAND
- HbC - HAIRE CLAY LOAM, 0 TO 9 PERCENT SLOPES
- HbE - HAIRE CLAY LOAM, 9 TO 15 PERCENT SLOPES
- HcC - AIRE GRAVELLY LOAM, 0 TO 9 PERCENT SLOPES
- HcD - HAIRE GRAVELLY LOAM, 15 TO 30 PERCENT SLOPES
- LaC - LANIGER LOAM, 15 TO 30 PERCENT SLOPES, ERODED
- LaD - LANIGER LOAM, 30 TO 50 PERCENT SLOPES
- LaE2 - LANIGER LOAM, 5 TO 9 PERCENT SLOPES
- LaF - LANIGER LOAM, 9 TO 15 PERCENT SLOPES
- RcD - RAYNOR CLAY, SEEPED, 2 TO 15 PERCENT SLOPES
- W - WATER

Figure 7





## **Initial Study Checklist**

# Initial Study Checklist

This checklist is taken from Appendix G of the State CEQA Guidelines<sup>1</sup>, updated October 26, 1998. For each item, one of four responses is given:

- No Impact: The proposed project will not have the impact described.
- Less Than Significant Impact: The proposed project may result in the impact described, but at a level that is less than significant. Mitigation is not required, however, mitigation measures may be included to further reduce the impact.
- Potentially Significant Unless Mitigated: The proposed project may result in the impact described at a level that is potentially significant. The incorporation of proposed mitigation measures would reduce the potentially significant impact to a less than significant level. For these responses, proposed mitigation measures are included after the discussion of the potential impact where a mitigation measure has been identified. Not every impact identified in this category includes an associated mitigation measure.
- Potentially Significant Impact: The proposed project may have the impact described at a level that is potentially significant. The potentially significant impact cannot be reduced to a less than significant level with the incorporation of proposed mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the proposed project as a whole, considering the potential impacts that may occur for any phase of the proposed project considering construction, operation, use, and maintenance of the proposed facility. The checklist includes a discussion of the impacts and mitigation measures that have been identified.

The Sonoma County Regional Parks Department has included its standard mitigation measures, which will be incorporated into the Mitigation Monitoring Plan associated with the Environmental Impact Report (EIR). Additional mitigation measures will be added during impact analysis associated with the EIR. Mitigation measures are proposed to avoid, minimize, rectify, reduce, or compensate potentially significant impacts.

Initial Study Checklist resource categories begin on the pages listed below:

Aesthetics.....	Page 2-2
Agricultural Resources .....	Page 2-6
Air Quality.....	Page 2-12
Biological Resources.....	Page 2-16
Cultural Resources.....	Page 2-27
Geology & Soils.....	Page 2-39
Hazards & Hazardous Materials .....	Page 2-46
Hydrology & Water Quality.....	Page 2-51
Land Use & Planning .....	Page 2-57
Mineral Resources .....	Page 2-59
Noise .....	Page 2-60
Population/Housing.....	Page 2-63
Public Services.....	Page 2-64
Recreation .....	Page 2-66
Transportation & Traffic.....	Page 2-67
Utilities & Service Systems .....	Page 2-69
Mandatory Findings of Significance .....	Page 2-71
Determination.....	Page 2-72

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<sup>1</sup> California Code of Regulations Title 14, Sections 15000, et sec.

# 1. AESTHETICS

**SETTING:** The Tolay Lake Regional Park property is located in a valley surrounded by stunning ridgelines and grassy hillsides. Elevation ranges from 100 feet to nearly 800 feet above sea level. Most of the property is situated on a north-west trending ridge that separates the Sonoma Creek Valley and the Petaluma River Valley. The East Ridge on the property is a high point that provides spectacular views of the Bay Area, landmarks of six adjacent counties including Mt. St. Helena, Mt. Tamalpais, Mt. Diablo, the Petaluma River basin, three San Francisco Bay area bridges and the cities of San Francisco, Oakland.

The most significant aesthetic feature of the property may be Tolay Lake itself. Located in the valley bottom, Tolay Lake is a shallow seasonal lake, has a depth averaging 4 to 8 feet and is approximately 200 acres in surface area. In addition to the ridgelines, hillsides, and Tolay Lake, the property is visually characterized by remnant stands of oak woodland, moist grasslands, meadows, wetlands, ephemeral Tolay Creek, hillside springs, and four ponds.

**Sonoma County General Plan:** A small portion of the Tolay Lake Regional Park property, the section of the western side of the West Ridge that drains to the Petaluma River, is within the South Sonoma Mountains Scenic Landscape Unit designated in the Sonoma County General Plan (General Plan).<sup>2</sup> This includes portions of Cannon Lane and Lakeville Road within the project area. The remainder of the property is not within a designated Scenic Landscape Unit.

**South Sonoma Mountains Scenic Landscape Unit.** *These hillsides are an important part of the South County landscape with a simple landform, minimal vegetation, and a clear widespread viewing area. Pasture and forage lands along the Highway 37 corridor are included to preserve views of the San Pablo Bay.*

The General Plan considers designated Scenic Landscape Units to be of “special importance to Sonoma County,” that “preservation of these scenic resources is important to the quality of life of Sonoma County residents, tourists, and the agricultural economy” and that “the openness of these areas provides important visual relief from urban densities.”<sup>3</sup> Within the property boundary, the Scenic Landscape Unit designation includes area from the Lakeville Road to approximately the West Ridge.

General Plan Goal OS-2, and several Objectives and Policies, addresses designated Scenic Landscape Units.

**Goal OS-2:** *Retain the largely open, scenic character of important scenic landscape units.*

Lakeville Road is designated as a scenic corridor and a scenic landscape unit in the General Plan.<sup>4</sup> The General Plan states that preserving designated Scenic Corridors “is important to the character of the County.” Scenic corridors have been designated to acknowledge the value of viewing the “variety and beauty of the County’s many landscapes from rural roadways.”

General Plan Goals, Objectives, and Policies pertaining to the Scenic Corridor designation apply only within the setback area, which is also defined in the General Plan. For Lakeville Road, the setback extends 200 feet from the centerline of the road and 30 percent of the depth of the lot that is adjacent to Lakeville Road.

General Plan Goal OS-3, and several supporting Objectives and Policies, address designated Scenic Corridors.

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<sup>2</sup> Sonoma County General Plan, Figure OS-2, 1989.

<sup>3</sup> Sonoma County General Plan, Page 175, 1989.

<sup>4</sup> Sonoma County General Plan, Figure OS-2. 1989.

**GOAL OS-3:** *Identify and preserve roadside landscapes, which have a high visual quality as they contribute to the living environment of local residents and to the County's tourism economy.*

The western side of the West Ridge that drains to the Petaluma River is subject to the County's Scenic Resources Combining District, the purpose of which is to preserve the visual character and scenic resources of lands in the county and to implement the provisions of the General Plan Open Space element. The Scenic Resources Combining District includes development criteria that primarily address structures.

**ANALYSIS:** Regional Parks will design park improvements to accentuate the aesthetic resources within the project area and minimize aesthetic impacts to the neighboring properties. During construction, there will be short-term aesthetic effects from construction activities. The surrounding neighbors could experience potential long-term effects, as their existing view of the project area will be different. Some neighbors have expressed concern about the views from their properties being affected. Evaluation of aesthetic impact is affected by several factors, including:<sup>5</sup>

- **Overall Visual Character:** Patterns of landform, vegetation, water, land use, and structures.
- **Scenic or Visual Quality:** The attractiveness or distinctiveness of the landscape, site, or existing structures.
- **Viewing Conditions:** The viewpoints from which the landscape, site, or project is seen. The distance and viewshed (visible area) over which it is seen, and typical lighting and visibility conditions.
- **Viewer Characteristics:** Number of viewers, frequency, and duration of viewing, and type of activity in which the viewer is taking part (for example, recreational activities versus driving to and from work).
- **Viewer Sensitivity:** The degree of concern that viewers have for existing visual qualities (for example, how much a person cares about a local mountain view or open space).
- **Visual Policies:** Regulations or guidelines affecting visual resources, enacted by government agencies with responsibilities for land management and planning, including scenic highway designations, wilderness area management policies, design review guidelines, and conservation area stipulations.

The factors of Overall Visual Character, Viewing Conditions, Viewer Characteristics, and Visual Policies can be objectively measured or determined. The factors of Scenic or Visual Quality and Viewer Sensitivity are subjective in nature and the responses will vary from person to person. In terms of methodology, potential environmental impacts to aesthetics will be determined by identifying whether project elements would result in the loss or degradation of a scenic attribute or in a demonstrable negative effect to overall visual quality.

**Area 1 – Park Access:** Lakeville Road may be improved with a turn lane. At this point in project development, no trees have been identified for removal associated with this element. This necessary public safety improvement has been designed in consideration of the goals, objectives, and policies of the General Plan, in particular:

**OS-3H:** *Design public works projects to minimize tree damage and removal along scenic corridors. Where trees must be removed, design replanting programs so as to accommodate ultimate planned highway improvements. Require revegetation following grading and road cuts.*

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<sup>5</sup> Sheppard, Stephen R.J.: *Aesthetic Issues in Planning and Engineering: Practical Solutions*. 1989.

Cannon Lane will likely be improved with road widening and re-grading in areas. Cannon Lane is not a designated Scenic Corridor but is within the Scenic Landscape Unit. Improvements may include road widening and/or turn-out pockets, which would alter the aesthetic of Cannon Lane and therefore potentially affect Tolay Lake Regional Park neighbors who also use Cannon Lane. Conceptual plans indicate that one or two trees might require removal for safety reasons near the Cannon Lane-Lakeville Road intersection. Additional trees along the section of Cannon Lane that is outside of the Scenic Landscape Unit may require removal for road widening and safety improvements.

The Park Entrance will be located over the hill to minimize visibility of the entry kiosk and vehicle queue.

**Area 2: Park Center:** Existing structures and features will be utilized to the greatest degree possible. New structures will be needed for a Park Interpretive Center and restrooms and will be fully evaluated in the Master Plan. The Park Center is generally not visible from neighboring parcels, but is visible from various parcels in South County. There is one residence (an agricultural trailer), located over one mile from the Park Center that has views towards the existing Park Center structures. New structures and renovation of existing structures and features are not expected to significantly alter the aesthetic quality of the Park Center Area. The Conceptual Master Plan includes tree planting in the Park Center, which will improve aesthetics within the property and views looking onto the property. The potential visual challenge in the Park Center Area may be the equestrian facility that will likely be located near the Old Hay Barn, between the West Ridge and the core of the Park Center Area. In general, proposed park development is not expected to substantially alter views from adjacent properties. The parking area, which will be located in Area 2 – Park Center, will be visible from surrounding properties but not expected to be visible from existing homes. The parking area design will include landscaping to provide shade and a visual buffer. The existing nighttime lights throughout Area 2 – Park Center, will remain and/or be replaced. As lighting is replaced, Dark Sky Association Best Management Practices will be followed.

**Area 3: Tolay Lake:** The Tolay Lake Restoration element will be fully evaluated in the Master Plan. After the District's acquisition and transfer of the property, draining of the lake for agricultural purposes ceased. The aesthetic effect is water remaining in the lake for a longer period of time. Ducks Unlimited is analyzing several restoration options. In concept, portions of Tolay Lake will be accessed by existing and new trails for recreational activities. There may be bird blinds for bird watching, boardwalks, seasonal canoe/kayak access, and lakeside picnic areas. Parts of Tolay Lake are visible from neighboring residences, the closest one being approximately 1½ mile away from the lake. The Tolay Lake restoration element is not expected to significantly alter the aesthetic quality of the Tolay Lake Area. Rather, it is expected to greatly enhance the aesthetic quality of the area, as there will be marsh and trees where there have been fields. The water control structures and infrastructure, the options for which are still being studied, will be integrated into the landscape.

**Area 4: Remaining Ranch:** The Remaining Ranch Area would include development of trails, picnic areas, vista areas, and possible fishing access at the two upland reservoirs. Proposed trails will utilize existing ranch roads to the greatest extent possible. It is likely that park users will be visible from surrounding properties. These recreation improvements are not expected to significantly alter the aesthetic quality of the Remaining Ranch Area. Existing ranch operations, such as grazing, restoration, and vineyard management would continue and therefore are not expected to alter the aesthetic quality of the Remaining Ranch Area.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

**Would the project:**

- a) **Have a substantial adverse effect on a scenic vista?**

*In general, the proposed project is not expected to have a substantial adverse effect on the portion of the property that is a designated Scenic Landscape Unit or on Lakeville Road, which is a designated Scenic Corridor.*

- b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

*Lakeville Road is not a designated state scenic highway. Please refer to item 1a for the discussion of potentially significant environmental effects associated with scenic vistas.*

*The proposed project would also include elements that will alter the aesthetic quality of the property. These changes are not expected to damage scenic resources. To the greatest extent possible, the project will not damage trees, rock outcroppings, or historic buildings. The idea is to accentuate scenic resources for their intrinsic value, but also for their value to park visitors.*

- c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

*Please refer to the discussion under Checklist Item 1(a) and 1(b) regarding potentially significant environmental effects associated with scenic resources and aesthetic quality of the site.*

- d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

*The parking area, which will be located in Area 2 – Park Center, will be visible from surrounding properties. Sun reflecting off parked vehicles could create a new source of glare that could affect daytime views from the parking area to surrounding properties. For this project, it is not expected that the parking area could be seen from existing homes. The parking area design will include landscaping to provide shade and a visual buffer.*

*Tolay Lake Regional Park will be open during the daytime and closed between sunset and sunrise, therefore, the proposed project would not be expected to create a new source of light or glare that would adversely affect nighttime views in the area. Camping will be explored during the development of the Park Master Plan. If camping will be allowed, overnight visitors would be required to remain inside the park after sunset and no in and out privileges will be granted, except in emergency situations. This will minimize the nighttime traffic on Cannon Lane.*

*The property has been a working ranch and there do exist nighttime lights throughout Area 2 – Park Center, by the existing structures. This lighting will remain and/or will be replaced. As lighting is replaced and new lighting is added, Dark Sky Association Best Management Practices (BMPs)<sup>67</sup> will be followed. Continued use of existing nighttime lighting is not expected to result in a significant change from the current condition, which is Cardoza’s ranching operation. The guidelines address upward light ratios, light trespass, source intensity, building luminance, and more. Actual BMPs will be determined during development of the Park Master Plan. The Sonoma County Agricultural and Preservation District’s Conservation Easement, Exhibit B, Section 3.4 includes the following prohibition:*

Night Lighting. *The development or installation of lighting to allow for public recreational uses outside of a Park Complex/Visitor Center Area past sunset is prohibited.*

<sup>6</sup> The Institution of Lighting Engineers. *Guidance Notes for the Reduction of Obtrusive Light.* [www.ile.org.uk](http://www.ile.org.uk) Copyright 2005.

<sup>7</sup> New England Light Pollution Advisory Group and Sky Publishing Corporation. *Good Neighbor Outdoor Lighting.* [www.skypub.com](http://www.skypub.com)

## 2. AGRICULTURE RESOURCES

**SETTING:** The Tolay Lake Regional Park property has been occupied and used for active agriculture since the early to mid-1800s. Agricultural practices by both Mexicans and Americans at Tolay Lake Ranch date back to the early 1800's, and the property has been used for active agriculture ever since. There is no evidence of agricultural activity prior to this time.

It is likely that the area was originally part of the Petaluma Rancho. At its largest size of 66,000 acres, the Petaluma Rancho stretched between Petaluma River and Sonoma Creek, and from the edge of San Pablo Bay northward close to where Glen Ellen today is located.<sup>8</sup> In the 1860's the Rancho was subdivided and the parcel that included the Tolay Lake Ranch property, known then as the Fair Ranch, was over 10,000 acres. Tolay Lake was drained for farming purposes in the mid-to-late 1800's, and during that time the property was sold twice and subdivided again.<sup>9</sup>

The Cardoza family purchased the current Tolay Lake Regional Park property in the 1940's and operated the property for agricultural purposes including cattle grazing and crop propagation. The property was utilized for agricultural purposes that included cattle grazing, agri-tourism, and a vineyard.<sup>10</sup> Row crops that included pumpkin, squash, corn, and tomato were cultivated in the drained lakebed and the family also operated a 10-acre vineyard in the northern portion of the property, east of the lakebed. The majority of the upland areas of the property were used for cattle grazing. Water was obtained from the numerous wells, seeps, springs, creeks, and two man-made ponds.<sup>11</sup>

The project area is within the Coastal Appellation vineyard region, which is distinctively different from the prestigious Sonoma Valley and Carneros Appellation due to different climate and soil.

Under the Farmland Mapping and Monitoring Program a portion of the property, in the area of Tolay Lake, is designated Prime Farmland, and other small areas may fall into the Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance categories. The majority of the remaining property is designated Grazing Land. The Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. The goal of FMMP is to provide consistent important data to decision makers to assist in assessing present status, trends, and planning the future of California's agricultural resources. Land must meet two criteria to be shown on FMMP's Important Farmland Maps as designated Prime Farmland and Farmland of Statewide Importance:

Land Use: Land has been used for irrigated agricultural production at some time during the four years prior to the Map date. Irrigated land use is determined by FMMP staff during examination of current aerial photos, letters, and field verification.

Soil: The soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance determined by the USDA Natural Resources Conservation Service (NRCS). Factors that qualify soil include:

- Water moisture regimes, available water capacity, and developed irrigation water supply.
- Soil temperature range

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<sup>8</sup> EBA Engineering. *Phase I Environmental Site Assessment. Tolay Lake Ranch.* February 2004.

<sup>9</sup> EBA Engineering. *Phase I Environmental Site Assessment. Tolay Lake Ranch.* February 2004.

<sup>10</sup> Sonoma County Regional Parks. *Request for Proposals – Tolay Lake Regional Park.* December 02, 2005.

<sup>11</sup> Sonoma County Regional Parks. *Request for Proposals – Tolay Lake Regional Park.* December 02, 2005.

- Acid-alkali balance
- Water table
- Soil sodium content
- Flooding (uncontrolled runoff from natural precipitation)
- Erodibility
- Permeability rate
- Rock fragment content
- Soil rooting depth

Important Farmland Map Categories include:<sup>12</sup>

Prime Farmland: Farmland with the best chemical and physical feature combination able to sustain long-term agricultural production. Contains soil quality, growing season, and moisture supply needed to produce sustained high yields, and has been used for irrigated agricultural production at some time during the four years prior to mapping date.

Farmland of Statewide Importance: Similar to Prime Farmland except it has greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to mapping date.

Unique Farmland: Lesser quality soil used to produce the state's leading agricultural crops. Usually irrigated, or may include non-irrigated orchards or vineyards as found in some climate zones in California. Must have been cropped at some time during the four years prior to mapping date.

Farmland of Local Importance: Land defined as important to the local economy, as defined by the county's local advisory committee and adopted by its Board of Supervisors. Land currently producing or has the capability of production, but does not meet criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Changes of category designation to that of Farmland of Local Importance rests with the Board of Supervisors in each county. Farmland of Local Importance in Sonoma County includes the hayland producing area of Petaluma Valley.

Grazing Land: Contains existing vegetation suitable to the grazing of livestock. The California Cattlemen's Association, University of California Cooperative Extension, and other groups with interest in grazing activities developed the category with a 40-acre minimum mapping unit.

Urban and Built-up Land: Land occupied by structures with minimum building density of 1 unit to 1.5 acres, or 6 structures to a ten-acre parcel. Land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Other Land: Not included in any other category. Examples include vacant and non-agricultural land surrounded on all sides by urban development larger than 40 acres and riparian areas not suitable for livestock grazing, confined livestock or poultry facilities, wetland, and water bodies smaller than 40 acres.

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<sup>12</sup> California Resources Agency. *Farmland Mapping and Monitoring Program*.



**Sonoma County General Plan:** The Land Use Element, Agricultural Resources Element, and Resources Conservation Element sections of the Sonoma County General Plan established policies with the purpose of insuring the stability and productivity of County Agricultural lands and industries.<sup>13</sup> The Petaluma and Environs Planning Area has historically been a production center for dairy and poultry products, though the poultry industry has declined over the years, with milk products continuing to be a leading County commodity. County agricultural issues include fluctuating livestock and dairy markets, and the growing subdivision of large agricultural land parcels for the purpose of residential development.

In the Land Use Element, the Agricultural Land Use Policy 2.7 states that the land use plan includes three agricultural use categories, each of which permits the full range of agricultural uses to occur on a designated property. The primary differences between each of the three categories are in the type of agricultural support services, visitor serving uses, and residential densities allowable.<sup>14</sup>

### **Land Use Element**

The Tolay Lake Regional Park property is currently designated as Land Intensive Agriculture, in the Tolay Lake and Tolay Creek areas.

**Policy LU 2.7.1 - Land Intensive Agriculture:** Enhance and protect lands capable and generally used for production of food, fiber and plant materials. The soil type and climate support relatively high production per acre of land. The objective in the land intensive agricultural areas is to establish densities and parcel sizes conducive to continued agricultural production.

The Tolay Lake Regional Park property is currently designated Land Extensive Agriculture covering the portions of the property not including Tolay Lake and Tolay Creek.

**Policy LU 2.7.2 - Land Extensive Agriculture:** Enhance and protect lands capable and generally used for production of food, fiber and plant materials. The soil type and climate support relatively low production per acre of land. The objective in the land extensive agricultural areas is to establish and maintain densities and parcel sizes conducive to continued agricultural production.

There are no designated diverse agriculture areas within the Tolay Lake Regional Park property.

### **Resource Conservation Element**

**Soil Resources:** Important farmland soils are located throughout the County but are concentrated primarily in the Sonoma Valley, west Sebastopol, west Santa Rosa, Alexander Valley, and Dry Creek Valley regions. Soil, climate, topography and water combine to make these lands highly productive agricultural areas. However, lands with good agricultural soils are often desirable for building sites as they are generally located in flat valleys with few physical constraints. Important timberland soils are located primarily in the northwest County and Russian River area.

Goal RC-1 Encourage the conservation of soil resources to protect their long-term productivity and economic value.

OBJ RC-1.1: Preserve lands containing prime agricultural and productive woodland soils and avoid their conversion to incompatible residential, commercial or industrial uses.

**Prevention of Soil Erosion:** Soil loss in the Petaluma Valley under adverse conditions has been severe. Hillside cultivation and overgrazing are a particular concern. Measures are needed to

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<sup>13</sup> Sonoma County General Plan. Agricultural Land Use Policy. 1989.

<sup>14</sup> Sonoma County General Plan. Agricultural Land Use Policy. 1989.

reduce erosion. However, protection measures may not always be cost effective for the landowner.

OBJ RC-2.1: Ensure that permitted uses are compatible with reducing potential damage due to soil erosion.

**Sonoma County Ordinance 4101:** Sonoma County Ordinance No. 4101, known as the “Right to Farm” Ordinance, has three primary goals: (1) limit the circumstances under which properly conducted agricultural operations on agricultural land can be considered a nuisance; (2) require notification to property owners, purchasers, residents, and other users of property adjacent to or near agricultural operations regarding the potential inconveniences or discomforts that could arise from properly conducted agricultural operations; and (3) advance the goals, objectives, policies, and implementation programs of the agricultural resources element of the Sonoma County General Plan. Ordinance No. 4101 describes the typical types of agricultural activities that could be considered a nuisance and provides language for the three different disclosures.

Ordinance No. 4101 requires an agricultural setback between certain agricultural land-use categories and non-agricultural land use, which is generally defined as a physical separation of 100-200 feet. Generally, the Sonoma County Agricultural Commission requires a 100-foot buffer between land extensive agricultural uses, such as pasture and grazing, and new building sites. A 200-foot buffer is generally required between land intensive agricultural uses, such as vineyards and orchards, and new building sites. The buffer may be modified based upon topographic features, a substantial tree stand, watercourse, or similar existing natural or man-made feature.

Regional Parks will consider the application of Ordinance 4101 when developing the Park Master Plan.

**ANALYSIS:** Potential impacts to land use, including agricultural resources, are identified by determining whether the project will alter existing land uses. The property will be rezoned from Land Intensive Agriculture and Land Extensive Agriculture to Public-Quasi Public.

For the Tolay Lake Regional Park project, potential impacts associated with removing the property from agricultural zoning will require additional analysis in the Park Master Plan and associated environmental document. Some of these potential impacts include:

- ❖ Conflict from the non-agricultural use of the Tolay property with the continuing agricultural practices on adjacent properties (ie: recreationists will complain about the use of pesticides and other agricultural practices on adjacent properties)
- ❖ Conflict from recreational use and the maintenance and operation practices at the Tolay property on the continuing agricultural practices on adjacent properties (ie: dust from recreational use, pesticide drift from park operation & maintenance activities)
- ❖ Affect to adjacent properties due to change in the property management regime, including the spread of invasive species and increased vectors such as mosquitoes
- ❖ Overall loss of a property managed for active agriculture

The Sonoma County General Plan defines the Public and Quasi Public Land Use 2.5 category as one that provides sites, which serve the community or public need, and are owned or operated by government agencies, non-profit entities, or public utilities. The policy for permitted uses include: schools, churches, libraries, governmental administration centers, fire stations, cemeteries, airports, hospitals, sewage treatment plants, waste disposal sites, etc. The land use map may show the specific type of public use. In these cases, other public uses are not allowed. Permitted development intensities and criteria include: Designation of public/quasi public sites on the Land Use Plan shall be confined to the actual area of public/quasi public use. Amendments to add this designation must meet all of the following:

1. Ownership or long-term lease by a government agency, other non-profit entity, or public utility.
2. Adequate road access.
3. Lands are not suitable for and will not adversely affect resource production activities.
4. Any applicable planning area policies.

**Area 1 – Park Access.** This area of the property is currently utilized for grazing purposes and this existing use is expected to continue as part of the proposed project. There is an existing agricultural use on the properties adjacent to Cannon Lane, which may be affected by widening of Cannon Lane.

**Area 2: Park Center.** This area of the property includes the majority of the ranch complex structures and was the base of operations for the agricultural and ranch operations. One or more of these buildings may be used as part of the park development, perhaps including a demonstration of historic ranch operations. Active agricultural practices have not occurred in this area. Farm animals, which have been relocated, were held in various holding pens. Regional Parks may utilize one or more of these areas for a petting zoo or other animal-oriented display as part of an educational element. Equestrian activities, which are considered to be an agricultural activity by horse industry groups, will continue on the property. The equestrian center will be located within the Park Center Area and horse riding will be located on trails throughout the property.

**Area 3: Tolay Lake.** Tolay Lake had been drained annually for crop production for decades. This activity ceased upon acquisition of the property for the purpose of park development. Tolay Lake will no longer be farmed. The proposed project includes the Tolay Lake Restoration element however; at this time it is unknown exactly how the lake will be restored. There may be a regional effect of removing historic agricultural activity from an area designated as Prime Farmland and designated as Land Intensive Agriculture (Sonoma County General Plan). This potential effect will require additional evaluation.

**Area 4: Remaining Ranch.** The 10-acre vineyard is located within this area. Regional Parks intends to continue to manage this vineyard, perhaps in cooperation with an agricultural educational program. Lower areas may have been dry-farmed for grain. The majority of this area consists of grassland that was utilized for grazing purposes. Regional Parks intends to continue some level of grazing on the property. This element is being evaluated through a Rangeland Management Study, currently underway.

Regional Parks staff is currently in contact with the Sonoma-Marin Vector Control District. Their recommendations will be incorporated into the Park Master Plan. Pesticide use is regulated by county, state, and federal requirements. Pesticide licenses are required and must be renewed annually. License renewal requires continuing education that is based on the type of pest control. In addition to the license, applicators must adhere to strict pesticide use requirements including safe application procedures and suitable weather requirements to prevent pesticide drift onto adjacent properties. Applicable posting requirements must also be followed.

Demonstration agricultural projects, if implemented, would be compatible with biological resources such as wetlands, with cultural resources, and with the Conservation Easements.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

*A portion of the property is designated Prime Farmland, and other portions are designated Grazing Land by the California Resources Agency, under the Farmland Mapping and Monitoring Program. Tolay Lake itself is designated Prime Farmland. Tolay Lake will be restored to a configuration closer to its pre-farming days. Since farming will no longer be occurring within the lakebed, it technically will be converted from Prime Farmland. Livestock grazing is expected to continue as part of a rangeland management program. The Rangeland Management Study is currently underway.*

- b) Conflict with existing zoning for agricultural use, or Williamson Act contract?

*The property is not in a Williamson Act Contract. The property will be rezoning from agricultural zoning to Public-Quazi Public zoning, removing the Tolay lakebed from Land Intensive Agriculture.*

- c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

*Tolay Lake had been drained and dry-farmed for decades. This activity ceased upon acquisition of the property for the purpose of Park development. The bed of Tolay Lake will no longer be used for agricultural activities; therefore, it has been converted from farmland to a non-agricultural use.*

*The existing 10-acre vineyard will remain. The Regional Parks Department is interested in a variety of Demonstration Projects associated with the property's agricultural and cultural history, such as a hay field, various crops, Native American garden and harvesting area. These activities would be relatively small in scale, approximately 5 – 10 acres in size. Demonstration projects are will be described more fully in the Park Master Plan and analyzed in the associated environmental document.*

*Regional Parks intends to continue with a grazing program at the property in part to maintain this long-term land management practice. A Rangeland Management Study is currently underway. This Study will recommend a rangeland management program that will, amongst other things, manage fire potential and the spread of invasive species on and adjacent to the Tolay Lake Regional Park property. The rangeland management program will be described in the Park Master Plan and the associated concern regarding spread of invasive species will be analyzed in the associated environmental document.*

### 3. AIR QUALITY

#### SETTING:

**CLIMATE:** The Sonoma County climate is Mediterranean, with dry summers and mild wet winters, and the San Pablo Bay climate to the south of the property is heavily influenced by the Pacific Ocean. This climate is characterized by mild seasonal temperatures, heavy fog, and prevailing west to northwest winds. The occasional southerly winds can develop in the area due to the heating differential between San Pablo Bay, the Petaluma River Valley, Tolay Lake, and Sonoma Creek Valley. Yearly precipitation in the area over the last century has ranged widely from a minimum of 9.7 inches to a maximum of 49.8 inches.<sup>15</sup> Temperatures and rainfall are influenced by the local topography and elevations. The long-term annual precipitation total for the project site is approximately 22.5 inches. This average total is based on precipitation data from 1914 through 1997 that was recorded at the Petaluma Fire Station rain gage. The San Francisco-San Pablo Bay area precipitation is seasonal, with more than 80 percent of rainfall occurring from November to March, and little to no precipitation from June through September.<sup>16</sup> Stationary and mobile sources are the primary sources of air pollution in Sonoma County. A stationary source of air pollution is immobile and permanently positioned, such as power plants. A mobile pollution source moves from one location to another, such as vehicles. Mobile transportation-related sources are greater contributors to air pollution than stationary sources and are responsible for most of the air pollution in Sonoma County.

**REGULATORY CONTEXT:** The project area is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Air quality standards are established at both the Federal and the State level for a variety of pollutants and are intended to provide greater protection of public health. State standards are more stringent than the Federal standards. The BAAQMD is in non-attainment of the Federal and State one-hour ozone standards, the State PM<sub>10</sub> Annual Arithmetic Mean and 24-hour standards, and the State PM-2.5 Annual Arithmetic Mean Standard.<sup>17</sup> The BAAQMD has two applicable Air Quality Management Plans, which, among other things, provide a strategy to achieve progress toward attaining Federal and State standards. The 2001 Ozone Attainment Plan is associated with the Federal ozone standard and the 2000 Clean Air Plan is associated with State standards.

Ground level ozone is commonly referred to as smog. Smog is formed in the atmosphere through chemical reactions between ozone precursors in the presence of sunlight. The principal sources of ozone precursors include combustion process, such as motor vehicle engines, and evaporation of solvents, paints, and fuels. Of these, motor vehicles are the single largest source of ozone precursor in the Bay Area. Exposure to ozone can result in physical symptoms such as eye irritation, respiratory diseases, and lung damage as well as environmental impacts such as impacts to vegetation and reduced visibility.<sup>18</sup>

Fine particulate matter is defined as particulate matter that is less than 10 microns in diameter, abbreviated as PM<sub>10</sub>. The sources of PM<sub>10</sub> are wide ranging, and include smoke, dust, aerosols, and metallic oxides from a variety of emissions, including wood-burning fireplaces, combustion, industrial processes, grading and construction, and motor vehicles. PM<sub>10</sub> can bypass the body's natural filtration system more easily than larger particles, lodge deep in lung tissue, and aggravate respiratory illnesses such as bronchitis and asthma. Some land uses are considered to be more sensitive to air pollution than others. Schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because the

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<sup>15</sup> Ducks Unlimited, Inc. *Feasibility Analysis for the Restoration of Tolay Lake*. March 2005

<sup>16</sup> Kamman Hydrology & Engineering, Inc. *Hydrologic Feasibility Analysis for the Tolay Lake Ranch Property, Sonoma County*. December 2003.

<sup>17</sup> Richardson, Aaron. Public Information Officer. Bay Area Air Quality Management District. February 13, 2004.

<sup>18</sup> Bay Area Air Quality Management District. April 1996.

young, the old, and the infirm are more susceptible to respiratory infections and other air quality related health problems than the general public. Residential areas are also considered sensitive to air pollution because residents tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present.

There are no air quality standards for odors. Offensive odors rarely impact public health; however, they can negatively impact quality of life. Factors such as the location of potential sources of odors and the location of potential receptors to the source of odor are considered to determine the potential effects of odors on sensitive receptors.

**ANALYSIS:** In terms of methodology, project elements are evaluated to determine if changes to existing air quality would result from construction, operation, use, and/or maintenance activities. The project is not expected to negatively affect air quality in a significant manner. Construction activities and some maintenance are expected to result in short-term impacts, but to a less-than-significant level, for all areas of the property. Standard mitigation measures are included to further reduce the significance of these short-term impacts. If the Regional Parks Department is able to utilize the existing on-site quarry for trail construction, potential air quality impacts associated with trucking the material into the site would be reduced.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

- a) Conflict with or obstruct implementation of the applicable air quality plan?**

*The proposed project would not conflict or obstruct implementation of an applicable air quality plan. The proposed project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD has to applicable Air Quality Management Plans, which, among other things, provide a strategy to achieve progress toward attain Federal and State standards. The proposed project would not conflict with or obstruct implementation of these air quality plans because the proposed park use would not emit significant quantities of criteria pollutants and would not result in significant new traffic that would emit criteria pollutants.*

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

*The proposed project is not expected to result in violations of air quality standards or contribute substantially to an existing or projected air quality violation. The proposed project does not include stationary sources that would require an air quality permit, such as diesel generators, boilers, or industrial processes. The proposed project would result in traffic as park users visit the site; however, this is not expected to increase violation of existing air quality standards.*

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

*The BAAQMD is in non-attainment for the state ozone and fine particulate matter (PM<sup>10</sup>) standards. Vehicle use within the project area from visitor use, operation and maintenance activities, and construction activity may increase fugitive dust and vehicle emissions within the project site, although a cumulatively considerable net increase of ozone precursors or fugitive dust are not expected to result.*

*Fugitive dust would result from land clearing, grading, trenching, and vehicle and equipment operation. Fugitive dust would vary from day to day, depending on the level of activity, the specific operations, the soil type and moisture content, and weather conditions.*

*Particulate emissions and fumes would result from motors, generators, heavy equipment, and other construction-related traffic and would temporarily contribute to an increase in local atmospheric particulate concentrations. The level of exhaust emissions is dependent on the size and types of equipment used.*

*The less than significant impacts associated with use, operation and maintenance, and construction activities could be further reduced with implementation of the following mitigation measures:*

**Mitigation Measures**

1. The contractor will be required to spray water or dust palliative on unpaved construction and staging areas during construction as directed by the County during construction of the proposed project. Sonoma County Regional Parks Department staff will be required to spray water or dust palliative on unpaved areas as needed during maintenance activities.
2. The contractor will be required to cover loads of soil, sand, and other loose materials over public roads, keep the loads at least two feet below the level of the sides of the hauling container, and wet the load sufficiently to prevent dust emissions during construction of the proposed project. Sonoma County Regional Parks Department staff will be required to cover loads of soil, sand, and other loose materials over public roads, keep the loads at least two feet below the level of the sides of the hauling container, and wet the load sufficiently to prevent dust emissions as needed during maintenance activities.
3. The contractor will be required to sweep paved roads as needed to remove soil that has been carried onto them from the project site during construction. Sonoma County Regional Parks Department staff will be required to sweep paved roads as needed to remove soil that has been carried onto them from the project site due to maintenance activities.
4. The contractor will be required to apply water or other dust palliative to stockpiles of soil as needed to control dust during construction. Sonoma County Regional Parks Department staff will be required to apply water or other dust palliative to stockpiles of soil as needed to control dust during maintenance activities.
5. The contractor will be required to operate all construction vehicles and equipment with emission levels that meet current air quality standards and to minimize idling time for all heavy equipment to reduce on-site emissions during construction. Sonoma County Regional Parks Department staff will be required to operate all construction vehicles and equipment with emission levels that meet current air quality standards and to minimize idling time for all heavy equipment to reduce on-site emissions during maintenance activities.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

*The proposed project is not expected to expose sensitive receptors to substantial long-term pollutant concentrations. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. Sensitive receptors are likely to visit the proposed project site and sensitive receptors exist, either by residence or business, within one-mile of the proposed project site. Vehicle use within the project area from visitor use, operation and maintenance activities, and construction activity may result in increased fugitive dust and vehicle emissions that could temporarily affect sensitive receptors, although substantial pollutant concentrations are not expected to result. The discontinuation of previous agricultural practices on-site will likely reduce effects to sensitive receptors by the elimination of pollutant emissions resulting from previous activities. The mitigation measures proposed under 3.c) would minimize the effect of this less than significant impact.*

Potentially Significant Impact      Potentially Significant Unless Mitigated      Less Than Significant Impact      No Impact

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e) **Create objectionable odors affecting a substantial number of people?**

*The proposed project is not expected to result in long-term objectionable odors. Construction equipment may generate odors during project construction. This short-term, construction-related impact would cease upon completion of construction activities.*



## 4. BIOLOGICAL RESOURCES

**SETTING:** The property includes a variety of habitat types, plant communities, wildlife, and plant species including several special status species. The many diverse habitat types represented within the property boundaries are likely to support populations of numerous plant and animal species, including several that are designated as special-status species. These are summarized below.

**Tolay Lake.** Tolay Lake today reaches maximum depth of 4 - 8 feet during the winter rainy season, with maximum lake level extending upstream into surrounding property. Some areas of the lake's substrate layer are permeable, creating conditions for the existence of the wells, springs and seeps found throughout the property.<sup>19</sup> The northern Tolay Lake boundary extends onto the property adjacent to Tolay Lake Regional Park.

It is believed that the surface area of Tolay Lake was between 300 and 450 acres before the natural dam that formed it was removed in the 1870's, and the lake was drained for farming purposes, by constructing drainage ditches. The lake had evolved as an ancient sedimentary lake, and is currently the largest remaining natural fresh water body in the San Pablo Bay watershed, providing an important refuge habitat for many species of birds migrating along the Pacific Flyway.<sup>20</sup> Mapping of Tolay Lake in 1860 described the area as a freshwater marsh about two miles long and a quarter mile wide. Other maps and renditions of the area indicate diverse configurations of the lake, which suggest that the actual size has varied at different times. It is likely that the lake once functioned as a large seasonal semi-permanent marsh, and permanent wetland during heavy rainfall years. That type of hydrologic regime would have supported vegetation such as cattails and bulrush, which declined when water depth reached 4 feet for any extended time period.<sup>21</sup>

In order to farm the lakebed, Tolay Lake was pumped dry in the spring,<sup>22</sup> turning the Tolay Lake into a cropland. Typical terrain for establishment of cropland is land having fertile soils located on flat or gently rolling topography. The extent of cropland within the property boundaries include approximately 150 acres of lakebed, where vegetables including pumpkin were cultivated, and nearly 500 acres of relatively flat land east of the lakebed where oats were grown. Following crop harvest, cattle were allowed access for grazing. Numerous agricultural weeds within the cropland area have established as a result of disturbance from regular agricultural activities. Swamp smartweed (*Polygonum amphibium* var. *emersum*) a plant species native throughout North America, is considered desirable in natural areas as food and cover for wildlife, but is a designated noxious weed by the California Department of Agriculture. Swamp smartweed occurs extensively in the lakebed.

**Tolay Creek.** Tolay Creek flows through the property, feeding Tolay Lake from the northeast. The Tolay Creek headwaters are located off the Tolay Lake Regional Park property, north of Stage Gulch Road on to the southern flank of Sonoma Mountain proper. Historically, Tolay Creek drained directly to San Pablo Bay. During the past decade, Tolay Creek became blocked and it now drains to Sonoma Creek, which drains to San Pablo Bay.

Tolay Creek has been channelized throughout much of the valley, including the section within Tolay Lake and extending to the historic dam. This section of Tolay Creek is within Area 3 – Tolay Lake, in the Conceptual Master Plan Project Description. It is characterized by fresh emergent wetland vegetation and is crossed by the causeway within Tolay Lake and the Farm Bridge. The spoils from dredging associated with the channelization of Tolay Creek appear as

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<sup>19</sup> Circuit Rider Productions, Inc. *Tolay Ranch Property Baseline Documentation*. December 2005.

<sup>20</sup> LSA Associates, Inc. *Proposal, Biological Resources Study, Tolay Lake Regional Park*. December 2005.

<sup>21</sup> Ducks Unlimited, Inc. *Feasibility Analysis for the Restoration of Tolay Lake*. March 2005.

<sup>22</sup> Circuit Rider Productions, Inc. *Tolay Ranch Property Baseline Documentation*. December 2005.

berms of variable height and width on both sides of the creek between the existing Farm Bridge and the approximate location of the historic dam.

The section of Tolay Creek between the approximate location of the historic dam and the property boundary most resembles natural characteristics and has a well-developed riparian woodland habitat. It is crossed by an existing steel pedestrian bridge. This section of Tolay Creek is within Area 4 – Remaining Ranch, in the Conceptual Master Plan Project Description.

Tolay Creek is a seasonal creek and would therefore not be habitat for fish or California freshwater shrimp. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) included the following in a letter to the Regional Parks Department dated June 13, 2005:

*Available information indicates that threatened Central California Coast steelhead (Oncorhynchus mykiss) may occur in the lower reaches of Tolay Creek. The project area, however, is in the upper-most portion of the watershed, and is above a barrier at Highway 37 that prevents anadromy. In addition, flows in the creek are ephemeral and thus it would not support summer rearing habitat for juvenile steelhead.*<sup>23</sup>

Several tributaries feed into Tolay Creek. These are not officially named however; Regional Parks staff has named several of them for convenience in preparing the Conceptual Master Plan and Initial Study. All of the tributaries described below are located in Area 4 – Remaining Ranch, in the Conceptual Master Plan Project Description.

- ❖ **North Creek.** North Creek flows from off the property east of Tolay Lake and drains into Tolay Lake near the causeway. North Creek consists of canals or ditches with levees and is characterized by fresh emergent wetland vegetation surrounded by hayfields, rangeland, and vineyards on the adjacent property.
- ❖ **Eagle Creek.** Eagle Creek flows from the East Ridge and drains into Tolay Creek near the existing Farm Bridge. Eagle Creek consists of canals or ditches with levees and is characterized by fresh emergent wetland vegetation surrounded by hayfields, rangeland, and vineyards on the adjacent property as well as the 10-acre vineyard located on the Tolay Lake Regional Park property.
- ❖ **Cardoza Creek.** Cardoza Creek flows from the East Ridge and drains into Tolay Creek toward the southern property boundary. Both Upland Ponds are located along Cardoza Creek. Cardoza Creek consists of canals or ditches with levees and is characterized by fresh emergent wetland and riparian vegetation surrounded by hayfields and rangeland. One of the two Bay Institute Restoration Project sites is located along Cardoza Creek.

**Lacustrine (lake-associated freshwater pond):** There are two existing man-made reservoirs located in the southeastern area of the property along Cardoza Creek, a tributary to Tolay Creek. These reservoirs are described as the Upland Ponds under Area 4 – Remaining Area, in the Conceptual Master Plan Project Description. These reservoirs were created in the 1950's with support from the United States Department of Agriculture (USDA) through a program to assist private landowners. Each reservoir is approximately 25 acre-feet and is between 12 – 20 feet deep. One of the reservoirs is populated with bass and sunfish (referred to as “Upland Pond #2” in the Project Description). The existing bass and sunfish have been recreationally fished at this location for the past half century. The existing fish likely eat bullfrogs as well as other amphibians. The reservoirs are included in the existing water-right Application 30558 because they divert and retain water from a creek. In addition to the man-made reservoirs, there are numerous springs in the Upland Pond Area that contribute to the adjacent emergent marsh vegetation. The far eastern pond is surrounded by an area that has been impacted by

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<sup>23</sup> Butler, Dick. Santa Rosa Area Office Supervisor, Protected Resources Division, NOAA NMFS. *Letter to Steve Ehret.* July 13, 2005.

cattle grazing, and is currently dominated by invasive exotic spiny clotbur (*Xanthium spinosum*). The neighboring pond to the west is surrounded by Fresh Emergent Wetland and Valley Foothill Riparian habitat types.<sup>24</sup>

Two smaller, man-made spring-fed ponds are located on the northwest area of the property in the vicinity of the ranch compound (described as Area 2 – Park Center in the Project Description). The surface of the pond located within the compound is covered with duckweed (*Lemna sp.*). The other pond located adjacent to the compound on the south, has much of the surface covered by water primrose (*Ludwigia hexapetala*).<sup>25</sup>

**Fresh Emergent Wetland:** This habitat is present in the lower elevation drainages of the property that were dredged for agricultural purposes. The occurrence of both “obligate wetland plants” (OBL) and “facultative wetland plants” (FACW) is indicative of a steady and continuous water source availability at this location that is present either above or below the ground surface year round. Species found in this habitat include cattail (*Typha latifolia*), rush (*Juncus ssp.*), common tule (*Scirpus acutus*), spikerush (*Elocharis macrostachya*), and sedge (*Carex ssp.*).<sup>26</sup>

**Wet Meadow:** The wet meadow habitat on the property is associated with the upland edges of the Fresh Emergent Wetland habitat, and with the upland springs and seeps where water occurs for most of the growing season at or near the surface. Wet meadow soils generally do not have standing water, but do have a slow rate of permeability. The Wet Meadow habitat that occurs on the property has been impacted by the on-going cattle-grazing practices, and plant species that occur there are a mixture of natives and invasive exotics that include rush, sedge, creeping wild rye (*Leymus triticoides*), spiny clotbur, Himalayan blackberry (*Rubus discolor*), pennyroyal (*Mentha pulegium*), and Fuller’s teasel (*Dipsacus fullonum*).<sup>27</sup>

**Freshwater Seeps:** Freshwater seeps occur in locations where the groundwater table is high or where there are underground springs. Seeps are found in many places within the property and either form temporary or permanently wet conditions. This seepage often results in the growth of hydrophytic vegetation. Many hydrophytic grasses, sedges and rushes grow in freshwater seep habitats. Species of plants likely to occur are spike-rush, toad rush (*Juncus bufonius* var. *bufonius*), water sedge (*Carex aquatilis* var. *dives*), and prickle-fruited buttercup (*Ranunculus muricatus*).<sup>28</sup>

**Vernal Marsh:** Vernal Marshes are similar to vernal pools but are larger and more permanent. These marshes have standing water following winter rains, but become greatly reduced or dry during the summer. They support mostly low growth, primarily annual herbs, that contrasts with the taller perennials of more permanent marshes. Vernal Marshes share many species with vernal pools, that often flower behind the retreating water’s edge as the marsh dries. The growing season varies with the water input, but is usually in the spring and early summer, which is later than for vernal pools, but earlier than for other marshes. They are also similar to Valley Alkali Marshes and Coastal and Valley Freshwater Marshes, but have a greater seasonal fluctuation. They often tend to be more alkaline late in the season. Their distribution is scattered in small areas throughout northwestern California along the coast in coastal valleys and at lower elevations in the mountains. Usually they are located near the mouths of rivers or around the margins of lakes and springs. Typical species found in this habitat include downingia (*Downingia ssp.*), sedges, button celery (*Eryngium aristulatum* var. *parishii*), , and navarretia (*Navarretia ssp.*).<sup>29</sup>

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<sup>24</sup> Sonoma County Regional Parks. *Request for Proposals*. December 02, 2005.

<sup>25</sup> Circuit Rider Productions, Inc., *Tolay Ranch Property - Baseline Documentation*. December 2005.

<sup>26</sup> Sonoma County Regional Parks. *Request for Proposals*. December 02, 2005.

<sup>27</sup> Sonoma County Regional Parks. *Request for Proposals*. December 02, 2005.

<sup>28</sup> City of Santa Rosa. *Subregional Long-Term Wastewater Project Environmental Impact Report*. July 1996.

<sup>29</sup> Holland, Robert F., Ph.D. CA Department of Fish & Game. *Preliminary Descriptions of Terrestrial Natural Communities of California*. October 1986.

**Drainages:** Drainages are intermittent watercourses with flowing water generally occurring for only some part of the year, and can be natural or man-made features. The flows in the drainages can cease anytime between late spring and early fall depending on the source of the water and the amount of rainfall during a particular season. Standing water can remain as pools within the otherwise dry or non-flowing drainage. The substrate of these intermittent waterways can be fine sediments, mud, or bedrock. When vegetation is present along the drainages, typical species include spike-rush, rush, and prickled-fruited buttercup. Special-status species that potentially occur in or beside intermittent drainages are Lobb's aquatic buttercup (*Ranunculus lobbii*) and streamside daisy (*Erigeron biolettii*). Excavated drainages have generally been channelized for agricultural and storm water conveyance purposes, and often have vegetation cleared from them to improve their capacity. The vegetation species associated with the excavated drainages are similar to those found in the natural drainages.

## **UPLAND VEGETATION HABITAT TYPES**

**Coastal Oak Woodland:** This habitat type occurs at the northern most extent of the property on the north-facing slope. The dominant tree species in this area is the coast live oak (*Quercus agrifolia*). Other associated species present include madrone (*Arbutus menziesii*), California bay laurel (*Umbellularia californica*), and California buckeye (*Aesculus californica*), with understory shrub species that include coastal wood fern (*Dryopteris arguta*), poison oak (*Toxicodendron diversilobum*), and snowberry (*Symphoricarpos albus*). On the south side of Tolay Creek, near the eastern property boundary there are several stands of California buckeye associated with rock outcrops.

**Valley Foothill Riparian:** Located along the lower reach of Tolay Creek, below the lakebed, and in several other drainages in the upper elevations of the property, there is Valley Foothill riparian habitat that supports willow as the dominant species. Species also present in this habitat include California bay laurel, California buckeye, coast live oak, poison oak, California wild rose (*Rosa californica*), coffeeberry (*Rhamnus californica*) and creeping wild rye.

**Annual Grassland:** The Annual Grassland plant community is the most widely represented within the project area, and includes forbs, perennial grasses, and in sparse numbers, trees and shrubs. Species present include wild oat (*Avena fatua*), plantain (*Plantago major*), tarweed (*Hemizonia congesta*), fiddle dock (*Rumex pulcher*), and Queen Anne's lace (*Daucus carota*). Within the project property, the annual grassland areas are dominated by invasive exotic species that include medusahead (*Taeniatherium caput-medusae*), harding grass (*Phalaris tuberosa*), Mediterranean linseed (*Bellardia trixago*), and varieties of starthistle (*Centaurea* ssp.).<sup>30</sup> Typically the density and proportion of native plant species that occur within an annual grasslands habitat is low.

**Vineyard:** Located east of the Tolay lakebed is a 10-acre vineyard supported by wood and wire trellises. Annual non-native plants dominate the understory of the vineyard habitat.

## **WILDLIFE AND WILDLIFE HABITAT**

Heavy winter precipitation resulting in high flows and frequent flooding of Tolay Lake provides important migratory habitat for shorebirds and waterfowl in this area. Upland Ponds #2 is recreationally fished for bass and sunfish. Some of the common reptiles and amphibians potentially present within the project area include pacific tree frog (*Hyla regilla*), western toad (*Bufo boreas*), gopher snake (*Pituophis melanoleucus*), western fence lizard (*Sceloporus occidentalis*), western rattlesnake (*Crotalus viridus*), western terrestrial garter snake (*Thamnophis elegans*), and western racer (*Coluber constrictor mormon*). Mammals that potentially occur within the project area include bat species, rodent species, black-tailed

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<sup>30</sup> Circuit Rider Productions, Inc., *Tolay Ranch Property - Baseline Documentation*. December 2005.

jackrabbit (*Lepus californicus*), and western grey squirrel (*Sciurus griseus*).<sup>31</sup> Black-tailed deer (*Odocoileus hemionus*) have been seen in the Upland Ponds area and coyote (*Canis latrans*) have been seen in the Upland Ponds area and near the park entrance.

### **SPECIAL-STATUS PLANT AND ANIMAL SPECIES**

Special-status species occur in the vicinity of the project area, and also have potential to be present on the project property. These species include oval-leaved viburnum (*Viburnum ellipticum*), Napa false indigo (*Amorpha californica* var. *napensis*), western leatherwood (*Dirca occidentalis*), and several species of manzanita (*Arctostaphylos* spp.).

Wet areas and ponds are often areas that are habitat to special-status plant species that include Sonoma alopecurus (*Alopecurus aequailis* var. *sonomensis*), north coast semaphore grass (*Pleuropogon hooverianus*), Contra Costa goldfields (*Lasthenia conjugens*), and Baker's navarretia (*Navarretia leucocephala* spp. *bakeri*). The moist grassland areas near the Tolay Lake may support round-leaved filaree (*Erodium macrophyllum*). The fragrant fritillary (*Fritillaria liliaceae*) and host plants for special-status insect species have been identified on the property. Cream cups (*Platystemon californicus*) are host plants for Opler's longhorn moth (*Adela oplerella*) and Johnny jump-up (*Viola pedunculata*) are host plants for a new and as yet undescribed subspecies of silverspot butterfly (*Speyeria zerene*).

Special-status animal species with potential habitat occurring within the project area include Opler's longhorn moth (*Adela oplerella*), a new and as yet undescribed subspecies of silverspot butterfly, and American badger (*Taxidea taxus*). Another key special-status species within the project area that occurs in the short-grass dominated grasslands is the western burrowing owl (*Athene cunicula*), that displays a particular preference for using burrows that have been excavated by California ground squirrels. Golden eagles (*Aquila chrysaetos*) are known to occur on the East Ridge of the property where there is potential for nesting habitat. The tri-colored blackbird (*Agelaius tricolor*) is known to occur in the vicinity of the project area and may utilize suitable habitat present within the project area. Numerous barns and other abandoned structures that provide suitable bat habitat occur within the developed areas of the property, with the potential to support populations of pallid bats (*Antrozous pallidus*) and Townsend's big-eared bats (*Corynorhinus townsendii*) that are known to be present in the immediate vicinity of the project area. Many of the taller tree species that exist on the project property provide potential raptor habitat.<sup>32</sup> Special-status species including Cooper's hawk (*Accipiter cooperi*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), and horned lark (*Eremophila alpestris actia*) have been observed on the property.<sup>33</sup>

Because the property was used as a working ranch, some areas are considered disturbed, such as the ranch house and other buildings and the farmed areas, and would not likely support rare plant species. Other water sources on the property, including Tolay Lake, the four smaller ponds, ephemeral creeks, and springs, potentially provide habitat to many aquatic animal species. Some of the special-status species that may, or are known to occur are the Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*), present on Sonoma Mountain to the north of the project area, the western pond turtle (*Clemmys marmorata*), present on-site and the California red-legged frog (*Rana aurora draytonii*) present onsite. Aspects of the biology of the red-legged frog are its ability to occur in ponds that dry out at the end of the wet season, and an ability to disperse over relatively long distances.<sup>34</sup>

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<sup>31</sup> Circuit Rider Productions, Inc., *Tolay Ranch Property - Baseline Documentation*. December 2005.

<sup>32</sup> Circuit Rider Productions, Inc., *Tolay Ranch Property - Baseline Documentation*. December 2005.

<sup>33</sup> City of Santa Rosa. *Subregional Long-Term Wastewater Project Environmental Impact Report*. July 1996.

<sup>34</sup> LSA Associates. *Proposal, Biological Resources Study, Tolay Regional Park*. December 2005.

## **ENVIRONMENTAL ENHANCEMENT AND RESTORATION**

In 2004, the Bay Institute began sponsorship of an ongoing project to restore and enhance riparian vegetation and habitat. The project began while the property was owned by the Cardoza family and has been continued by the Regional Parks Department. The Bay Institute is a Novato-based non-profit organization. One restoration site is along Cardoza Creek, a tributary of Tolay Creek. A second restoration site is located on an ephemeral drainage to the Petaluma River, named South Creek by Regional Parks staff. Each restoration plot is approximately 35,000 sq feet, including 700 linear feet. In 2005, approximately 72 native shrubs and trees and 40 willow sprigs were planted at the South Creek restoration site, which will be monitored throughout the year. Volunteers that included the group STRAW (Students and Teachers Restoring A Watershed program), fourth and fifth grade school children, parents, and others participated in the effort.<sup>35</sup>

**REGULATORY SETTING:** Several federal, state, and local agencies may have jurisdiction regarding the development of the proposed project. The Regional Parks Department would comply with all regulations applicable to the proposed project.

### **United States Army Corps Of Engineers**

The United States Army Corps of Engineers (Corps) regulates activities that have the potential to affect navigable waters under Section 10 of the Rivers and Harbors Act of 1899 (Section 10 permits) and waters of the United States under Section 404 of the Clean Water Act (Section 404 permit). Section 404 permits are required prior to discharging dredged or fill material into waters of the United States. Waters of the United States generally include surface waters such as navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. Wetlands generally include freshwater wetlands, saltwater wetlands, marshes, swamps, bogs, and other similar areas having hydrophytic soils and vegetation. Corps jurisdiction of tributary waters is limited to the ordinary high water (OHW) and below, which is typically indicated by physical characteristics such as a clear, natural line impressed on the opposing channel banks, deposition of leaf litter and other debris, and the lower limit of moss growth on channel banks. Construction activities within jurisdictional waters are regulated by the Corps and are subject to Corps permitting.

### **United States Environmental Protection Agency**

The United States Environmental Protection Agency (USEPA) oversees the analysis of the Corps regarding the issuance of permits for filling wetlands under Section 404 permits and issues permits for point source discharges to waterways.

### **United States Fish And Wildlife Service**

The United States Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act and the Marine Mammal Protection Act. The USFWS also advises the Corps on Section 7 and Section 404 permits for projects that could affect fish and wildlife. Generally, the USFWS is responsible for terrestrial and freshwater aquatic species.

### **National Oceanic And Atmospheric Administration Fisheries**

The National Oceanic and Atmospheric Administration Fisheries (formerly the National Marine Fisheries Service and now referred to as NOAA Fisheries) administers the Federal Endangered Species Act and Marine Mammal Protection Act as they pertain to marine species. They also advise the Corps on Section 7 and Section 404 permits for projects that could affect fish spawning and fish habitat. Generally, NOAA Fisheries is responsible for marine mammals, anadromous fish, and other marine species.

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<sup>35</sup> Sonoma County Regional Parks. *Tolay Lake Regional Park – Bay Institute Restoration Project Notice of Exemption*. December 05, 2005

**California Department Of Fish And Game**

The California Department of Fish and Game (CDFG) enters into an Agreement Regarding Proposed Stream or Lake Alteration (Streambed Alteration Agreements) pursuant to Section 1601 - 1603 of the California Fish and Game Code for projects that involve work within the bed and bank of streams, creeks, or rivers. The CDFG is also responsible for the protection of plant and wildlife populations and for overseeing the California Endangered Species Act.

**California Department Of Health Services**

The California Department of Health Services issues permits for development of potable water supply.

**Regional Water Quality Control Board**

The California Regional Water Quality Control Board (RWQCB) is responsible for protecting surface, ground, and coastal waters within its boundaries, pursuant to the Porter-Cologne Water Quality Control Act of the California Water Code. The RWQCB can issue a National Pollution Discharge Elimination System (NPDES) permit for applicable activities. The proposed project is within the boundaries of the North Coast RWQCB.

The RWQCB also has federal and state jurisdiction for activities that could result in a discharge of dredged or fill material to a water body, pursuant to Section 401 of the Clean Water Act. Federal authority under Section 401 of the Clean Water Act is exercised whenever a proposed project requires a Clean Water Act Section 404 permit from the United States Army Corps of Engineers. The RWQCB would then issue a Clean Water Act Section 401 Water Quality Certification. Whenever a proposed project is not subject to federal authority under Section 404 of the Clean Water Act, the RWQCB can exercise state authority. In these cases, the RWQCB would issue a Notice of Coverage, Waiver of Waste Discharge Requirements. The RWQCB jurisdiction extends below the top of bank.

A Notice of Intent must be filed with the State Water Resources Control Board for construction projects that could disturb one acre or more of land surface.

**Marin/Sonoma Vector Control District**

The Marin/Sonoma Vector Control District (MSVCD) is responsible for the prevention of vector growth associated with water bodies.

**GENERAL PLAN:** The Sonoma County General Plan has established policies in the Resource Conservation Element to protect the natural resources of Sonoma County. Resource Conservation Element 5.1, Conservation of Biotic Resources, states that Sonoma County has eight major plant and biotic communities including tidal areas, wetlands, riparian woodlands, coastal bluffs and dunes, grasslands, brushlands, coniferous forests and woodlands. Many of the communities include species that have limited populations and are confined to a few small areas. Some of the areas have undergone heavy disturbance from logging, conversion to agriculture and urbanization, changing the landscape and forcing wildlife onto marginal lands.

- GOAL RC-5: Promote and maintain the County's diverse plant and animal communities and protect biotic resources from development activities.
- OBJ RC-5.1: Identify and encourage protection of areas with important wildlife habitats and woodland resources.
- OBJ RC-5.3: Recognize and preserve the Laguna de Santa Rosa and the San Pablo Bay area as biotic resource areas and historic water retention basins of particular significance to Sonoma County's environment.

Resource Conservation Element 5.2, Protection of rare and endangered species, states that small populations of plants and animals which are in danger of extinction due to the loss or alteration of habitat are protected by state and federal law. Many species are highly sensitive

and become seriously impacted by changes in their habitat resulting from development. These species frequently provide essential links in the natural ecosystem.

GOAL RC-6: Identify and protect rare and endangered species and their environment.

OBJ RC-6.1: Identify the locations of rare and endangered plants and animals.

OBJ RC-6.2: Require that any development on lands containing rare and endangered species be done in a manner, which protects the resource or mitigates adverse impacts.

**ANALYSIS:** A Biological Resource Study is currently underway. It will address flora, fauna, and habitats included within the entire project area, including the portion of Lakeville Road that could be improved as part of the project. The Biological Resource Study will also outline the regulatory requirements and permits that would be required before certain activities, such as impacts to wetlands, could be authorized. A project would normally have a significant effect on the environment if it will:

- 1) Substantially affect an endangered, rare, or threatened species of animal or plant or the habitat of the species
- 2) Interfere substantially with the movement of any resident or migratory fish or wildlife species
- 3) Substantially diminish habitat for fish, wildlife, or plants
- 4) Create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to animal or plant populations in the area affected

**Area 1 – Park Access.** There may be wetlands along Lakeville Road that could be affected by park-related improvements. Improvements along Cannon Lane could affect roadside grasses, other vegetation, and associated wildlife.

**Area 2: Park Center.** This area is fairly developed already. Any additional improvements proposed as part of the project are not expected to result in significant biological impacts.

**Area 3: Tolay Lake.** It is unknown at this time exactly how Tolay Lake will be restored. Ducks Unlimited is currently examining alternatives. Implementation of the Tolay Lake Restoration element may initially result in potentially significant impacts to biological resources however; the intention of the restoration element is to improve biological resources in the long term. The Conservation Easement held by the Sonoma County Agricultural Preservation and Open Space District prohibits tilling the soil.

**Area 4: Remaining Ranch.** The remaining ranch area includes the most diversity of biological resources in the entire property. This area includes the oak grove on the East Ridge; reservoirs, springs, and other wetlands; Tolay Creek and other surface waterways; grasslands, and other features. The primary recreation improvements in this area may be trail development, picnic areas, interpretive facilities, and fishing access. Operational activities would include continued maintenance of the existing 10-acre vineyard and continuation of a grazing program. A Rangeland Management Study is currently being developed, which will include recommendations regarding a grazing program.



Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service?

*There are numerous special status species within the project area. A Biological Resource Study is currently underway, the results of which will assist Regional Parks in citing park improvements to minimize potential impacts to special status species, including the removal of invasive species. Regional Parks will avoid impacts to known stands of fragrant fritillary and to the food plants of special-status insects to the greatest extent possible. Regional Parks will manage the property to maintain and improve the existing biological resources, however, significant impacts to biological resources might still occur. This will be analyzed in greater detail in the Park Master Plan and associated Environmental Document.*

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

*There is limited riparian habitat within the project area. Other sensitive habitats exist within the project area. A Biological Resource Study is currently underway, the results of which will assist Regional Parks in citing park improvements to minimize potential impacts to sensitive habitats.*

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

*The project area includes wetlands and park improvements may result in impacts to wetlands. A Biological Resource Study is currently underway, the results of which will assist Regional Parks in citing park improvements to minimize potential impacts to wetlands. The following are Regional Parks' standard mitigation measures regarding construction near wetlands:*

**Mitigation Measures**

6. The contractor will be required to comply with regulations of the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the North Coast Regional Water Quality Control Board regarding construction activities that affect drainages.
7. The contractor will be required to dispose of surplus soils at an acceptable disposal site. If any areas outside the project site are used for disposal or stockpiling of soil or other materials, the contractor will be required to demonstrate that the site has all the required permits, including, if applicable, a grading permit through the County of Sonoma and regulatory permits through the United States Army Corps of Engineers, the California Department of Fish and Game, and the North Coast Regional Water Quality Control Board. The contractor will be required to provide evidence to the County that the site does not affect wetlands under the jurisdiction of the Army Corps of Engineers and the North Coast Regional Water Quality Control Board, or that the site has the appropriate permits from these agencies.
8. The contractor will be required to dispose of surplus concrete rubble or pavement at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

9. The contractor will be required to place temporary protective fencing at the outermost edge of the delineated seasonal wetland. Protective fencing will be placed prior to commencement of construction and will remain in place until all construction-related activities are complete. The contractor will be required to avoid disturbance within the protected area during construction of the proposed project. Construction-related activities including storing equipment, chemicals, spoil materials, trash, parking vehicles or equipment, may not take place within the protected area. Sonoma County Regional Parks Department staff will clearly identify the delineated wetland on the construction drawings.
10. The contractor will be required to prepare and implement a sediment control plan. The focus will be to prevent sediment from entering the wetlands, Tolay Lake, Tolay Creek, and any other surface drainage within the project area. The sediment control plan will include temporary, construction-related sediment control that may include but not be limited to silt fencing, sediment traps, fiber rolls, and/or barriers. The source of each specific sediment control measure proposed by the contractor must be documented in the sediment control plan.
11. The Regional Parks Department will mitigate impacts to wetlands by creating new wetlands at a 1:1 ratio, in consultation with all appropriate regulatory agencies.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

*National Oceanic and Atmospheric Administration Fisheries determined that the property does not provide suitable habitat for native resident or migratory fish. The property is included in the Pacific Flyway and numerous avian species visit or reside within the project area. Other wildlife, including several special status species, also visit or reside within the project area and it is very likely that the project area is utilized as a nursery site. A Biological Resource Study is currently underway, the results of which will assist Regional Parks in citing park improvements to minimize potential impacts to wildlife, including special status species and their habitats.*

**e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

*Sonoma County includes several ordinances associated with tree preservation. It is unknown at this time if any trees would be removed in order to implement proposed park improvements. If so, Regional Parks will fully comply with all applicable ordinances. The following are Regional Parks' standard mitigation measures regarding tree removal:*

**Mitigation Measures**

12. The Regional Parks Department will, to the greatest extent feasible, remove trees, shrubs and other vegetation between August 01 and March 15 to avoid bird-nesting season. General bird nesting season is between March 15 and July 31. If it is not feasible to avoid bird-nesting season, the Regional Parks Department will complete bird-nesting surveys between seven and 14 days prior to the removal of vegetation. The area to be surveyed will include all construction sites for which vegetation removal is required to a buffer of 200 to 300 feet outside the boundary of the area to be cleared. In the event that an active nest is discovered in the area to be cleared or within the buffer area, clearing and construction within the buffer area will be postponed. No activity will be allowed to occur within this area until it is determined that the young have fledged, the nest is vacated, and there is no evidence of second nesting attempts. Survey results will remain valid for a period of 21 days following the date of the survey.

13. The Regional Parks Department will require that all trees removed for implementation of the project be left onsite to provide wildlife habitat to the greatest degree practical. Trees that cannot be left onsite for wildlife habitat will either be used for firewood or disposed of off-site.
14. The Regional Parks Department will require that snags be retained to provide wildlife habitat with the exception of snags that present a safety hazard.
15. Sonoma County will implement a replanting plan to replace the vegetation removed as part of this project development. Trees removed that are subject to Sonoma County Ordinance No. 4014 will be replaced at ratios determined by the Ordinance and will be replanted on-site to the greatest degree possible. Plants will be monitored for a three-year period after installation and a survival rate of 75 percent of the total of the plants installed would be considered successful implementation of this mitigation measure. If a 75 percent survival rate is not achieved after the three-year monitoring period, additional tree and/or shrubs will be replanted.
16. Sonoma County staff will clearly identify trees that will require removal on the construction drawings. The contractor will be required to clearly mark in the field the trees that will be removed for trail development.
17. Sonoma County staff will clearly identify the protected perimeter of trees to be protected on the construction drawings. The protected perimeter is defined in Sonoma County Ordinance No. 4014 as the tree dripline.
18. The contractor will be required to place temporary protective fencing at the outermost edge of the protected perimeter of each tree or group of trees to be protected. Protective fencing will be placed prior to commencement of construction and will remain in place until all construction-related activities are complete. The contractor will be required to avoid disturbance within the protected perimeter during construction of the proposed project. Construction-related activities including storing equipment, chemicals, spoil materials, trash, parking vehicles or equipment, may not take place within the protective fencing.
19. The contractor will be required to perform all tree trimming and branch removal in accordance with the International Society of Arborists Tree Pruning Guidelines, adopted in 1995. These standards require that (a) branches are cut cleanly, utilizing pruning shears, loppers, or a fine tooth saw that cuts on the pull stroke; (b) branches are cut just outside the branch bark ridge or at the callus shoulder, and at a point of junction with another branch to avoid leaving a limb section without live leaf support; (c) climbing spurs cannot be worn when performing work on any tree, and (d) trees will not be "headed."
20. Sonoma County staff may require a certified arborist to be on-site to direct pruning cuts on large limbs and to ensure that necessary pruning cuts are made to balance the weight of the tree.
21. The contractor will be required to report any damage to protected trees that occurs during, or as a result of, project construction to Regional Parks staff. If a protected tree is damaged so that it cannot be preserved in a healthy state, the tree will be replaced in accordance with the Arboreal Value Chart included in Sonoma County Ordinance No. 4014.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?**

*There are no known Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state Habitat Conservation Plans that would pertain to the project area.*

## 5. CULTURAL RESOURCES

### SETTING:

The Tolay Lake basin has been used by humans for thousands of years beginning with the earliest inhabitants between 11-12,000 years ago. Evidence indicates that short and long-term human occupation of the area has occurred for at least several thousand years.

Throughout the centuries Tolay Lake has most likely diminished seasonally in size from north to south, resulting from the elevation decrease towards San Pablo Bay. Relying on freshwater, marshy, and a lake-centered environment, the prehistoric human inhabitants of the Tolay Valley concentrated their settlements where the lake level was more likely to be stable. This being at the southern end, it also afforded them direct access to the saltwater marsh resources of the northern San Pablo Bay. The settlement location in Tolay Valley would have also provided access to the surrounding upland area where hunting and gathering provided additional resources. This micro-environment ranked highly among potentially sustainable conditions, and was likely a location that was continually inhabited since the initial arrival of humans.<sup>36</sup>

There are several theories as to the origin of the word Tolay. One theory is that the lake was named for an Indian Chief who once lived in the vicinity. Another theory suggests that the word Tolay comes from the Miwok word *toleh* meaning “wildcat.” Another source states that the lake was called *Tolowa*, which is similar to the Bodega Miwok word *toloma*, that also means “wildcat”.<sup>37</sup>

The earliest historical accounts of the Tolay Lake area begin in 1823 with Father Altimira, who explored the site for the location of a new mission. The expedition lead by Altimira traveled along through hills near what is currently known as Stage Gulch Road, and stopped at Tolay Lake.

The Tolay Lake property has a well-documented cultural and historical value. Stewardship has preserved the unique and significant prehistory and history of the project area, including more than several thousand years of human settlement by Americans, early pioneers, immigrant settlers, and ranchers. Tolay Lake and the ranch in its entirety appear to contain a high degree of integrity as a rural historic landscape owing to the diversity of existing landscape elements within the property boundaries. The prehistoric and historical background of the project area is an ideal context for research and public educational activities related to Native American culture, history, and archaeology in California.

The ranch property’s history offers a unique glimpse into farm and ranch life of the past centuries. This history illustrates how the area became settled and populated by successive waves of Mexican, Portuguese, Italian, Chinese, and Irish immigrants, and highlights the contributions and key historic roles of these groups.<sup>38</sup> There are letters on file at the University of California in which General Vallejo described growing potatoes in the valley prior to 1846. Water would be dammed within the lake every other year, collecting silt in the lakebed, then drained to allow the water table to remain high enough to provide subterranean irrigation of the potatoes.<sup>39</sup> Prior to ownership by the Cardoza family, Tolay Lake was owned by William Bihler for most of the late nineteenth century. Mr. Bihler was responsible for the initial draining of Tolay Lake sometime in the 1870’s. Mr. Bihler owned a large amount of property in California and Mexico at the time of his death in 1896.<sup>40</sup> The Cardoza family has owned and farmed the

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<sup>36</sup> Unknown Author and Source. Article titled: *Charmstone Topolgy*.

<sup>37</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District*. September 2003.

<sup>38</sup> Sonoma County Regional Parks Website. Tolay Lake Regional Park.

<sup>39</sup> Cannard, Robert. Professor Emeritus, SRJD. *Statement regarding Irrigated Agriculture in the Tolay Valley*. November 10, 1999.

<sup>40</sup> Clark, Susan M. C.C.P.H. Registered Professional Historian, #560. *Letter to Ms. Rita Cardoza*. November 18, 1999.

Tolay Ranch property since approximately 1943<sup>41</sup> and has maintained an on-site cultural museum open to the public during their annual fall agri-tourism events.<sup>42</sup>

## **NATIVE AMERICAN HISTORY**

Native American people from hundreds of different tribes have made the lands of California their home for thousands of years. This settlement and use resulted in cultural sites located throughout the state. California, according to a Department of Finance estimate, has the largest number of Native American Tribes and the largest Native American population of any U.S. state. The 2004 Department of Finance record shows that California is home to 109 federally recognized tribes; several dozen non-federally recognized tribes, and a Native American population of 383,197.<sup>43</sup> Native American tribes in California have a variety of forms of government. These tribal governments control the tribes' assets, laws, membership, and land management decisions. In the past, the forced relocation of tribes by the Spanish, Mexican, and American governments have caused most of the tribes to lose political sovereignty, as well as the rights to ancestral lands, where many of their cultural places are located. As a result, California Native Americans are limited in their ability to access, protect, and maintain many of their cultural places.<sup>44</sup> Tolay Lake and the surrounding area has been identified by some as a historic spiritual center for Native Americans throughout California, being one of three areas in northern California where Indian doctors from different tribes convened for the purpose of sacred healing ceremonies and rituals, exchanging ritual objects and songs.<sup>45</sup>

Before 1800, tribal territoriality in the region is conjectural. Evidence does suggest that a "Bay Miwok" population had extended from the Sacramento-San Joaquin delta northwesternly to the northern San Pablo Bay area and formed a cultural bridge to the Coast Miwok population around Petaluma River. Inland from the river, the lower valleys that reach the marshes may have been Patwin territory. North and west in the uplands was the Wappo territory that may have been divided with the Patwin. Because of missionization, the less extensive Miwok territory around San Pablo Bay became increasingly vulnerable to occupation by neighboring native populations.<sup>46</sup> The closest known ethnographic village to the project property area was called "Petaluma," meaning "flat back." The village was located on a low hill northeast of the present town of Petaluma that sprang up near the Petaluma River. The name "Petaluma" was also used to refer to the hill that the village was located on, the people that came from the village, and as names for individuals.<sup>47</sup> The Coast Miwok and southern Pomo peoples are known locally as the Federated Indians of Graton Rancheria.

*Many members of the Federated Indians of Graton Rancheria tribe are the direct descendents of people having lived in one of the two aboriginal villages surrounding the lake (Tolay), or what was once the lake", and "Thanks in large part to mission records, each of the over 1,000 members in our tribe can trace his or her ancestry to a particular village from where the Franciscan padres took our people into the San Rafael mission."<sup>48</sup>*

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<sup>41</sup> Cardoza, John S. Jr. *Written Statement*. November 6, 1999.

<sup>42</sup> Sonoma County Regional Parks. *Request for Proposals*. December 02, 2005.

<sup>43</sup> California Governor's Office of Planning and Research. *Supplement to General Plan Guidelines, Tribal Consultation Guidelines*. March 2005.

<sup>44</sup> California Governor's Office of Planning and Research. *Supplement to General Plan Guidelines, Tribal Consultation Guidelines*. March 2005.

<sup>45</sup> Sarris, Greg. Tribal Chairman. Federated Indians of Graton Rancheria. *Quote from Sonoma County Regional Parks Website*.

<sup>46</sup> Phebus, George, Jr. *Archaeological Investigations in the San Pablo-Suisan Region of Central CA*. 1990.

<sup>47</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District*. September 2003.

<sup>48</sup> Sarris, Greg. Tribal Chairman, Federated Indians of Graton Rancheria.

**Coast Miwok:** During prehistoric times the Tolay Valley and the area north of San Pablo Bay were inhabited by peoples known as the Coast Miwok. Early historic and ethnographic accounts report that the Miwok people spoke a variety of dialects depending on the geographic area they occupied. The Coast Miwok population was estimated to be as high as 3,000 according to research of mission records. The Miwok social organization was probably based on a *moiety* system of affiliation with “Land” and “Water” the two moieties. The community organization was based on a non-egalitarian system with two individuals, one male (hoipu) and one female (maien), both maintaining a high status position. Research suggests that the matriarchal position was an inherited one. The two high status positions served to maintain the organization and integration of the various cultural activities of the Miwok tribe. Four major environmental areas were inhabited by the Coast Miwok, including the bayshore-fronting valley and the inland hills and valleys. The Coast Miwok people appeared to develop a settlement pattern that closely resembled the Pomo people’s “village community.” These peoples based their hunting and gathering economy on taking from the diversity of naturally occurring resources in their geographic environment that ranged from mollusks, fish, small game, deer and elk, birds, grasses, roots, bulbs, berries and acorns.<sup>49</sup>

The Coast Miwok were the Native inhabitants of the Tolay property area at the time when the Spanish arrived. They are speakers of the Penutian language, peoples that appear adapted to utilize wetland areas in particular. These groups of people likely utilized the increasingly dry wetland areas of eastern Oregon 7,000 to 8,000 years ago before they moved southward following the remaining marshes and wetlands. When the Penutian peoples discovered the Sacramento Valley, they quickly populated the area. The peoples that became the Coast Miwok locally, arrived in the region about 3,500 years ago, settling into the wetland areas bordering San Francisco Bay. The wetland resource-based economy appeared to be more efficient than the utilization of the upland resources and allowed the Coast Miwok community to grow faster than other groups, and allowed the boundary of their territory to be gradually pushed back into the area of the shrinking Wappo territory. It appears that the Coast Miwok may then have been pushed toward the west by the Patwin peoples who came from the east, expanding their territory westward.<sup>50</sup>

There is little ethnographic data written about the Coast Miwok people who populated the areas east of the Petaluma River compared with the large amount of documentation for the Marin and Sonoma Coast Miwok peoples. Implied uncertainty exists about whether the ethnographic record of the villages of Sonoma and south to San Pablo Bay were actually Coast Miwok populations, or if they may have been Patwin, because of the territory boundary confusion. It is likely that the Coast Miwok had already abandoned the area east of the Petaluma River by the 1820’s in compliance with the missionization policy. During the mission development period it seems the Coast Miwok lived west of the Petaluma River only, in a semi-traditional mode.<sup>51</sup> Prior to Spanish contact, it appears that Tolay Lake and watershed was a population center for the Alaguali tribe who also occupied the marshlands at the north end of San Pablo Bay. The Alaguali were a part of the Coast Miwok language system, and their word “tolay” means wildcat.<sup>52</sup> The Alaguali tribe is one of the main tribes within the Coast Miwok territory, which also included the Omiomi, Olompali, Petaluma, and Tamal tribes.<sup>53</sup>

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<sup>49</sup> Cultural Resources Evaluation of the Tolay Valley Proposed Wastewater Reservoir Area. October 1978.

<sup>50</sup> Evans, Sally. Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District. September 2003.

<sup>51</sup> Phebus, George, Jr. *Archaeological Investigations in the San Pablo-Suisan Region of Central CA*. 1990.

<sup>52</sup> Spellman, Maxine and Carol Arnold. State Coastal Conservancy. *Tolay Lake Ranch Acquisition Staff Recommendation*. March 10, 2005.

<sup>53</sup> Napa Valley Transportation Authority. *Napa County Sales Tax Ordinance and Transportation Improvement Expenditure Plan Draft Program EIR*. November 20, 2005.

**Pomo:** It is believed that the Pomo peoples expanded into the southern Sonoma County area from the north, possibly from the general vicinity of Clear Lake, where they are thought to have lived some 9,000 years ago.

**Wappo:** The Wappo have been in the Sonoma and Napa region longer than any other Native peoples currently residing in the area. The Wappo are believed to have been present in the region for at least 11,000 to 12,000 years, and their language, a Yukian derivative, is the oldest linguistic affiliation in California.<sup>54</sup> Wappo is a dialect of Yukian, and is also the name that the Spanish gave to the people who spoke it.<sup>55</sup> The Wappo had relatively easy access to the Pomo and Coast Miwok tribes to the west in the coastal areas, and to the delta tribes to the east, which gave the Wappo an advantageous position acting as middle-men for the coast-to-interior trade in obsidian, and in raw and manufactured sea shells. The evidence suggests that the Wappo produced shell beads in great quantity, which provided them with a surplus for trading purposes.<sup>56</sup> Most of the Wappo residing in all of their territories were brought to the Mission at Sonoma between 1823 and 1834, with many of the remaining individuals used for labor. In 1854, the Russian River Valley Wappo group, which included people from territories within Napa County, were moved to a reservation in Mendocino. Approximately 500 Wappo remained in the Napa Valley in 1855. By 1856, nearly half the population brought to Mendocino had died, and the reservation was closed in 1867.<sup>57</sup>

**Patwin (Southern Wintun):** A tribe that mainly inhabited the western Sacramento Valley, and was considered to occupy territory from the Napa City area southward. During the mission development period it seems the Coast Miwok lived west of the Petaluma River only, in a semi-traditional mode, while the area north of San Pablo Bay was taken over by the strongly-led Suisun Patwin peoples who had aligned with General Vallejo at Sonoma-Petaluma.<sup>58</sup> Within the large Patwin territory, these peoples were divided geographically into River, Hill, and Southern Patwin groups, and had a complex set of linguistic and cultural differences. The arrival of Euroamericans brought an end to the Patwin culture. When California was surveyed for ethnographic information between 1871 and 1872, the Patwin culture appeared virtually extinct.<sup>59</sup>

## CHARMSTONES

The drained Tolay lakebed has yielded numerous charmstones that are made from rock materials that are normally not found in the region, but that occur in northeastern California and Yosemite Valley. Because of the abundance of charmstones recovered from Tolay Lake, some dating back as far as 4,000 years it is referred to as "Charmstone Lake."<sup>60</sup> Primarily occurring around the Tolay Lake valley, a series of 20 pre-historic sites that include burials, midden mounds, petroglyphs, and lithic scatters have been identified. The prehistoric sites are relatively undisturbed and some contain human remains.

*"The place (Tolay Lake) provides scholars an opportunity as none other to study inter-tribal relationships among pre-contact California Indians. For Indian people, the land and collection of charmstones provides physical evidence of our rich and complex history. The place documents what was once, for lack of a more*

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<sup>54</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District*. September 2003.

<sup>55</sup> Napa Valley Transportation Authority. *Napa County Sales Tax Ordinance and Transportation Improvement Expenditure Plan Draft Program EIR*. November 20, 2005.

<sup>56</sup> Phebus, George, Jr. *Archaeological Investigations in the San Pablo – Suisan Region of Central California*. 1990.

<sup>57</sup> Phebus, George, Jr. *Archaeological Investigations in the San Pablo – Suisan Region of Central California*. 1990.

<sup>58</sup> Unknown author and source. Article titled: *Charmstone Topology*.

<sup>59</sup> Napa Valley Transportation Authority. *Napa County Sales Tax Ordinance and Transportation Improvement Expenditure Plan Draft Program EIR*. November 20, 2005.

<sup>60</sup> Sarris, Greg. Tribal Chairman. Federated Indians of Graton Rancheria. *Quote from Sonoma County Regional Parks Website*.

*appropriate term, a medical center where Indian doctors conferred, gathering and trading implements of their trade.*<sup>61</sup>

The Tolay Lake charmstone site was first reported as an archaeological site in 1900. It was described as being located seven miles from Petaluma in a depression in the hills that created a large lagoon from winter rains. The lagoon was known by the local Indians as Lagoon La Jara, and was covered with a large growth of tules. Ethnographic evidence suggests the charmstones were considered sacred and were employed for various ritual purposes by Indians in historic times, though they did not make the charmstones. The charmstones recovered from the lakebed vary greatly. Some show careful workmanship that suggests no utilitarian purpose, while others are battered and worn. It had been observed that charmstones generally were found in largest numbers in central California coastal locations around inland lakes, riverine environments, and marsh and beach areas. This is the most significant charmstone region in California, and likely in all of North America. This region had the largest occupancy of ethnographic Penutian-speaking peoples, the Coast Miwok, but also included ethnographic Yukin-speaking peoples. The Tolay Lake site had been known as a charmstone source for 100 years, but no archaeologists surveyed the area until the 1950's, and no excavations of any significance took place until 1965. Only two small test pits were excavated then, and no report was made until that of by Phebus (1990) twenty-five years later. The true central California charmstone tradition effectively began approximately 4,000 years ago with the movement into the region by the Penitian-speaking peoples.<sup>62</sup>

The most striking feature of the charmstone specimens found in the lakebed is their generally crude, manufactured appearance; their battered condition indicates they were used for a practical purpose. They were made from coarser stone material, including sandstone and actinolite than other charmstones found in different regions. Despite their abundant numbers, there is varying opinion on the purpose and use of the charmstones recovered from Tolay lakebed. Tolay Lake is too shallow and has too small a surface area for fishing activity to be responsible for the number and shape of most charmstones found there, and it is more likely that the lake would be attractive to migrating and resident birdlife. It has been suggested that these charmstones were used as "slingstones." Slingstones were swung around above the head by a string or cord and thrown at birds to cripple or kill them.<sup>63</sup>

### **FEDERATED INDIANS OF GRATON RANCHERIA**

The property is within the aboriginal territory of the Federated Indians of Graton Rancheria (FIGR). FIGR territorial lands included all of Marin County and southern Sonoma County. The Graton Rancheria community is known in the anthropological literature to be composed of Coast Miwok and Southern Pomo. Anthropologists and the Bureau of Indian Affairs recognize that even after detrimental historical circumstances, both groups have continued to live in their traditional homeland. Today, FIGR membership is over 1,000 individuals, including family members who are descendents from the original 14 tribal ancestors.<sup>64</sup> Title XIV of Public Law 106-568, the Omnibus Indian Advancement Act, restored Federal status to the Tribe. In 1992, the Tribe was established as the Federated Coast Miwok, and then renamed the Federated Indians of Graton Rancheria. FIGR is governed by a strong Tribal Council. Greg Sarris has served as the Tribal Chairperson since 1992. The Tribal Council has ten active committees, including the Sacred Sites Preservation/Protection Committee.

In 1920, the Bureau of Indian Affairs entrusted the tribe with a 15.45 tract of land in Graton, California. This land became known as the "village home" and provided a place for the landless Indians of the Marshall, Bodega, and Sebastopol area. This land was illegally removed from the

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<sup>61</sup> Sarris, Greg. Tribal Chairman. Federated Indians of Graton Rancheria.

<sup>62</sup> Elasser A.B. and Peter T. Rhode. *Further Notes on California Charmstones*. Date unknown.

<sup>63</sup> Phebus, George, Jr. *Archaeological Investigations in the San Pablo – Suisan Region of Central California*. 1990.

<sup>64</sup> [www.gratonrancheria.com](http://www.gratonrancheria.com)



tribal trust in 1958. The remaining one-acre parcel is now called the Graton Rancheria. At this time, one Coast Miwok tribal family resides at Graton Rancheria and holds it in private ownership.<sup>65</sup>

FIGR members have long been concerned about cultural history, and have demonstrated a strong commitment towards preservation of cultural knowledge. FIGR members have collaborated with parks and museums to create exhibits, demonstrations, and interpretive materials to tell their story. Projects include Kule Loklo, a Coast Miwok Cultural Exhibit at Point Reyes National Seashore, the Marin Museum of the American Indian in Novato, and the “*We Are Still Here*” Exhibit in the Bolinas Museum. Members of FIGR also served in active leadership in the establishment of the Sonoma County Indian Health Center, which provides quality health care for the local Indian community and also serves as an important location for community meetings and activities. There are a number of research scholars whose publications have enriched education regarding traditional practices and historical context.

The Regional Parks Department, along with other County representatives, began consulting with FIGR during the property acquisition stage. Regional Parks continued the consultation during the early planning stages.

Regional Parks is committed to on-going collaboration with FIGR throughout the life of Tolay Lake Regional Park in an effort to preserve the historic legacy of the area and ensure that future generations will be able to learn about the proud traditions of the people who once lived there. Some concepts that have been discussed include:

1. Interpretative signage along trails
2. Cultural and historical education center
3. Re-creation of a Miwok Indian Village
4. Purple needle grass gathering and basket making site
5. Native American Healing Center

## **EXISTING CULTURAL RESOURCES STUDIES**

An estimated 65 percent of the Tolay Lake property has been surveyed for cultural resources, and over 140 acres of prehistoric sites have been recorded. There are additional known unrecorded sites on the property. The most recent survey conducted in the mid 1990’s included only the property’s lower elevations.<sup>66</sup>

A minimum of two public records searches have been completed for the property through the Northwest Information Center (NWIC, Sonoma State University). Several prehistoric archaeological sites and two historic period cultural resources have been documented within the project area. The property has not been fully surveyed for historic properties.

**National Register of Historic Places:** The Office of Historic Preservation, Historic Properties Directory does not list any historic properties within the proposed project area. A cultural resources evaluation conducted in 1978 reported no record of the property being listed with either the National Register of Historic Places (NRHP) or the California Inventory of Historic Resources. Conclusions of the field survey conducted at that time found no evidence of structures or features of historic significance that were relevant to early Spanish or European settlement of the area, and that all such remnants of the early history of the property had been replaced by the more recent access roads, homes, and farm structures. The Study also concluded that the archaeological resources found in the Tolay Valley area must be regarded as potentially eligible for inclusion in the NRHP. The study’s analysis found evidence of Miwok

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<sup>65</sup> [www.gratonrancheria.com](http://www.gratonrancheria.com)

<sup>66</sup> Sonoma County Regional Parks. SB18 Presentation. February 2006.

cultural activities in southern Sonoma County during prehistoric times.<sup>67</sup> David Chavez concluded from his 1978 survey that:

*It is likely that the Tolay Valley midden sites, the charmstone site and the petroglyph site can be assessed as an archaeological complex or district and worthy of National Register inclusion.*

In addition to recording seven new archaeological sites from his survey, Chavez completed a NRHP Inventory Nomination Form in 1979 to record the entire lake bottom, up to the 280-foot elevation line, as the Tolay Valley Archaeological District. The nomination process was not completed though, based on the cultural resources within the project area, it would undoubtedly qualify for listing with the NRHP. Both Chavez and Gerike et al. (1996) have stated that:

*The prehistoric archaeological sites within the Tolay Valley would be most appropriately listed as a district ... the cultural resources within this watershed appear to represent a continuum from initial occupation of the North Bay to the historic period. This continuum and the watershed can serve as a unifying element to these sites.*

The Tolay Valley Archaeological District appears to be eligible under Criterion D, which states that a property has yielded, or may be likely to yield, information important in prehistory or history.<sup>68</sup>

Archaeological Resource Service (ARS) recommended that the Tolay Lake Ranch Property be listed as a National Register of Historic Places District, which is defined as possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.<sup>69</sup> ARS also recommended that all of the previously recorded archaeological sites should be revisited, properly inventoried, mapped, described, and examined for deterioration if nomination to the NRHP is not pursued before the lake is restored and/or the project area is opened as a park.

In addition to recorded cultural resources at Tolay Lake Ranch Property, there are unrecorded sites that include a collapsed barn structure that predates the Cardoza Family ownership, a bedrock mortar site within an oak grove, and several other prehistoric and historical archaeological sites identified through fieldwork completed thus far for the current study. According to the previous property owners, the rock wall that frames a ditch east of the collapsed barn on the East Ridge is believed to have been constructed by Chinese laborers. In another location there is a second rock wall and abutments for a short bridge that are part of an historic road, which is also thought to have been constructed by Chinese laborers.<sup>70</sup>

## **REGULATORY SETTING**

State and Federal laws provide for preservation of cultural resources, which provide Native American Tribes with an opportunity to participate in the protection and management of cultural resources.

**National Historic Preservation Act:** The National Historic Preservation Act (NHPA), signed into law in 1966, includes the Section 106 review process, a requirement for Federal agencies to take into account the effect of their actions on historic properties (i.e., cultural resources listed in or eligible for listing in the National Register). National Register guidelines state that the quality of significance in American history, architecture, archeology, engineering, and culture is

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<sup>67</sup> Cultural Resources Evaluation of the Tolay Valley Proposed Wastewater Reservoir Area. October 1978.

<sup>68</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District*. September 2003.

<sup>69</sup> Circuit Rider Productions. *Baseline Documentation*. December 2005.

<sup>70</sup> Ehret, Steve. Park Planner II. *Verbal Communication from Marvin Cardoza*. May 2006.

found in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That has yielded, or may be likely to yield, information important to history or prehistory.

Prior to commencement of any physical development activity, compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as codified in 36 CFR Part 800, must be completed, and all plans for development, as well as all actions taken for compliance with Section 106 must be submitted to the State Historic Preservation Officer (SHPO) at earliest opportunity for review and comment. Under certain circumstances, such as an archaeological or historical resources discovery, or a change in the project description the National Parks Service (NPS) may have additional future responsibilities for this undertaking under 36 CFR Part 800.<sup>71</sup> Regional Parks received funds towards acquisition of a portion of the property through the Land and Water Conservation Fund (LWCF), which is a federal program administered through the California State Parks. The LWCF contract further requires that prior to development, Regional Parks will comply with 36 Code of Federal Regulations 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966.

**Senate Bill 18:** California Senate Bill 18 (SB18) was signed into law in September 2004 to provide Native American Tribes an opportunity to participate in local land use decisions early on in the planning stage to allow for protection of cultural resources, and to mitigate impacts. SB18 requires local governments to involve both federally recognized and non-recognized Native American Tribes in the planning process on public and private lands. To define cultural places, SB18 refers to California Public Resources Code 5097.9, "Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine," and to California Public Resources Code 5097.993, "Native American historic, cultural, or historic site that is listed or may be eligible for listing in the California Register of Historic Resources, including historic or prehistoric ruins, burial grounds, and archaeological or historic site".<sup>72</sup>

The SB18 process follows steps that generally begin with the local government deciding to initiate a project that is subject to SB18, then the local government sends a referral to the Native American Heritage Commission (NAHC), which provides a list of tribes that the local government should invite to a consultation. The local government then makes the consultation invitation. The tribes have ninety days to respond to the invitation, but have no obligation to participate. Consultation should commence when the tribes accept the invitation to consult. Local governments are not obligated to protect cultural resources, and agreement between the tribes and local government is not a required outcome of the consultation process.

The SB18 process for the Tolay Lake Regional Park project was initiated in January 2006. Regional Parks Department sent a referral to NAHC, and a list was provided of the tribes to be invited to consult. Invitations to consult were sent out to the tribes provided by NAHC. The 90-

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<sup>71</sup> California Department of Parks and Recreations, Office of Historic Preservation, State Historic Preservation Officer. May 2006.

<sup>72</sup> California Governor's Office of Planning and Research. *Supplement to General Plan Guidelines, Tribal Consultation Guidelines*. March 2005.

day response period closed on April 17, 2006.<sup>73</sup> FIGR was the only tribe that requested consultation pursuant to SB18.

**California Environmental Quality Act.** California Environmental Quality Act guidelines stipulate that a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. A substantial adverse change in the significance of an historical resource is defined as any physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Material impairment includes demolishing or materially altering characteristics of an historical resource that convey its historical significance and justify its inclusion, or eligibility for inclusion in the California Register of Historical Resources.

CEQA requires that historical resources and unique archaeological resources be taken into consideration during the CEQA planning process.<sup>74</sup> If feasible, adverse effects to the significance of historical resources must be avoided, or the effects mitigated.<sup>75</sup> The significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for the California Register of Historical Resources. If there is a substantial adverse change in the significance of a historical resource, the preparation of an environmental impact report may be required.<sup>76</sup>

If the cultural resource in question is an archaeological site, CEQA<sup>77</sup> requires that the lead agency first determine if the site is a historic resource.<sup>78</sup> If the site qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource.<sup>79</sup> If the archaeological site does not qualify as a historical resource but does qualify as a unique archaeological site, then the archaeological site is treated in accordance with PRC §21083.2.<sup>80</sup> In practice, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.<sup>81</sup>

**Sonoma County General Plan:** The Sonoma County General Plan has established policies to preserve and maintain reminders of the County's heritage and development. Archaeological sites provide information about the history and culture of Sonoma County's earliest residents that can be disturbed by development activities. Heritage and Landmark Trees have historical significance and can enhance the quality of the environment. Policies established include:<sup>82</sup>

Goal 0S-9 Preserve significant archaeological and historical sites which represent the ethnic, cultural, and economic groups that have lived and worked in Sonoma County. Preserve unique or historically significant heritage or landmark trees.

Objective 0S-9.1: Encourage the preservation and conservation of historic structures by promoting their rehabilitation or adaptation to new uses.

Objective 0S-9.3: Encourage preservation of archaeological resources by reviewing all development projects in archaeologically sensitive areas.

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<sup>73</sup> Sonoma County Regional Parks. *SB18 Presentation*. February 2006.

<sup>74</sup> CCR Title 14(3) §15064.5; PRC §21083.2

<sup>75</sup> CCR Title 14(3) §15064.5(b)(4)

<sup>76</sup> CCR Title 14(3) §15065(a)

<sup>77</sup> CCR Title 14(3) §15064.5(c)(1)

<sup>78</sup> as defined in CCR Title 14(3) §15064.5(a)

<sup>79</sup> California Office of Historic Preservation. *California Environmental Quality Act (CEQA) and Historical Resources*. Technical Assistance Series 1. California Department of Parks and Recreation, Sacramento. 2001a:5.

<sup>80</sup> CCR Title 14(3) §15069.5(c)(3)

<sup>81</sup> Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan. *CEQA Deskbook: A Step-by-Step Guide on How to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California. 1999:105

<sup>82</sup> Sonoma County General Plan. 1989.

Objective 0S-9.4: Identify and preserve heritage and landmark trees.

Policy 0S-9e: Refer applications, which involve removal, destruction or alteration of a structure or cemetery identified in a historic building survey to the Landmarks Commission for mitigation. Measures may include reuse, relocation, or photo-documentation.

Policy 0S-9f: Refer applications for discretionary permits to the Northwest Information Center to determine if the project might contain archaeological or historical resources. If a site is likely to have these resources, require a field survey and include mitigation measures if needed. Discourage paving over resources.

Policy 0S-9g: Use the Heritage or Landmark Tree ordinance and the design review process to protect trees.

**ANALYSIS:** Cultural and historic resources are nonrenewable and easily damaged. Therefore, care will be taken to avoid impacts to these irreplaceable resources to the greatest extent possible. Potential impacts to cultural and historic resources will be determined by analyzing the potential effect of project elements (construction), maintenance activities, and public use of the property. Any ground disturbing activity, such as excavation, has the potential to impact cultural and historic resources, regardless of whether resources have been identified for the particular area. Therefore, mitigation measures have been provided within the Checklist to address the case in which buried resources are discovered.

As noted within the Setting section, many cultural resource studies have already been completed relative to the project area and the Regional Parks Department currently has a new study underway. It will address historic, pre-historic, and cultural resources within the project area based on archival research, field survey, and consultation with interested parties. In accordance with existing law and respect for the tribes whose artifacts remain on the property, the specific details of known cultural resource locations will not be disclosed.

The long-term practice on the property of casual artifact collection and removal has significantly reduced the number of artifacts that remain in the archaeological sites. Public ownership and site use restrictions provide an opportunity to protect and preserve remaining artifacts within the property. The establishment of an open space park offers the greatest potential to actively preserve the archaeological resources of the project area by creating policies avoid and/or minimize disturbance. Known resources will be protected from casual collection, through public education, signage, and enforcement.

The cultural resources study currently underway will evaluate cultural resources within the project area, with emphasis on those portions expected to undergo intensive public use. Some sites may be less suitable for public exhibit and should be protected from access. The study is also evaluating the historic structures and roads for historic significance, and is making recommendations regarding those that should be preserved for reuse as part of the park.

Regional Parks intends to develop an interpretive program that would explain the importance of the archaeological sites and historical resources within the park property, in collaboration with the Federated Indians of Graton Rancheria and other groups or individuals knowledgeable about historic resources in the project area.

**Area 1 – Park Access.** It is unknown whether cultural resources exist in this area. This area is currently being evaluated as part of the on-going Cultural Resources Study. Even if no resources are discovered during the study period, it is possible that they may be unearthed during construction activities.

**Area 2 – Park Center.** Park improvements and public access areas will be designed to avoid impacts to these resources to the greatest degree possible.

**Area 3 – Tolay Lake.** The restoration of Tolay Lake could prevent the further collection of artifacts and restore conditions that existed in that area when the archaeological sites were occupied. Cessation of farming activities, particularly cultivation, will minimize the on-going source of disturbance to archaeological sites.

Preserving the natural setting enhances the interpretive potential for both the natural and cultural aspects of the Tolay Lake property. The restoration of the lake would help protect the charmstone artifacts by halting surface collection and supporting the responsible management of the archaeological deposits.<sup>83</sup>

**Area 4 – Remaining Ranch.** If the vineyard is removed, the extraction of the vines’ root systems within archaeological sites could disturb underlying deposits. The long history of cattle grazing on the property has caused soil erosion and degradation of archaeological sites. A sustainable level of grazing would likely not be a significant impact to archaeological sites, as long as water, feed stations, and salt licks were kept away from deposits.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

*The results of the Cultural Resource Study, currently underway, will assist Regional Parks in citing park improvements to minimize potential impacts to historic resources. Historic resources could be uncovered during construction.*

**b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?**

*The results of the Cultural Resource Study, currently underway, will assist Regional Parks in citing park improvements to minimize potential impacts to archaeological resources. Following is Regional Parks’ standard mitigation measure for this type of impact:*

**Mitigation Measures**

21. If historical, archaeological, paleontological, or other types of cultural resources are discovered during project construction, construction will cease in the immediate vicinity of the find until a qualified archaeologist is consulted to determine the significance of the find and has recommended appropriate measures to protect the resource.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

*Paleontological resources and/or unique geologic features could be discovered during construction. Regional Parks’ standard mitigation measure regarding impacts to paleontological resources is included in checklist item 5a. Following is Regional Parks’ standard mitigation measure regarding impacts to unique geologic features:*

<sup>83</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District.* September 2003.

**Mitigation Measures**

22. If unique geologic features are discovered during project construction, construction will cease in the immediate vicinity of the find until a qualified geologist is consulted to determine the significance of the feature and has recommended appropriate measures to protect the resource.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

*The results of the Cultural Resource Study, currently underway, will assist Regional Parks in citing park improvements to minimize potential impacts to human remains. Human remains could be discovered during construction. Following is Regional Parks' standard mitigation measure regarding the discovery of human remains:*

**Mitigation Measures**

23. In the event that human remains are unearthed during construction, the County Coroner will be notified to investigate the nature and circumstances of the discovery as required by State law. Regional Parks will also contact the designated representative from the Federated Indians of Graton Rancheria (FIGR), per agreement. By law, a determination must be made if the remains are of Native American and prehistoric origin and if so, the Native American Heritage Commission is contacted to designate the "Most Likely Descendent."<sup>84</sup> At the time of discovery, work in the immediate vicinity would cease until the FIGR representative has evaluated the remains and the Coroner permits work to proceed.

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<sup>84</sup> Evans, Sally. *Cultural Resources Archival Study of the Tolay Lake Ranch and Roche Ranch Acquisition for the Sonoma County Agricultural Preservation and Open Space District*. September 2003.

## 6. GEOLOGY AND SOILS

**SETTING:** Tolay Lake Regional Park straddles the Petaluma River 7.5 minute Quadrangle map and the Sears Point 7.5 Quadrangle map. The property is located at approximately 38°11'30" North latitude and 122°31'00" longitude West, in Township 4N and Range 7W, Mt. Diablo Baseline and Meridian.

**TOPOGRAPHY:** The Tolay Lake Ranch property is located north of San Pablo Bay and east of the Petaluma River. The majority of the property is within the Tolay Lake basin that is situated on a northwest-trending ridge that separates the Petaluma River valley and the Sonoma Creek valley in southern Sonoma County. The southwestern portion of the property is located south of the ridgeline, and drains into the Petaluma River. The two prominent ridgelines within the property, form boundaries to the east, and to the west. The property elevations range from 160 feet on the valley floor, to 760 feet above sea level in the eastern ridgeline towards the north.

The interior of the property is dominated by the wide Tolay Valley that supports Tolay Lake, the last remaining natural freshwater lake in Sonoma County.<sup>85</sup> The seasonal lake was historically as large as 300-450 acres, but more recently is estimated to be 140-300 acres during the winter rains season.

Tolay Creek feeds the lake from the northeast, and continues along through the property to the southwest where it eventually empties into Sonoma Creek, which drains into San Pablo Bay.<sup>86</sup>

**GEOLOGY:** The Tolay Lake basin depression is located within the Tolay Creek syncline, or fold in the sub-surface rock layers. Tolay Lake basin is an elevated depression with a Sonoma Volcanics substrate. The lake basin is bordered on its east side by steep hills that are related to the Adobe Creek anticline, or an arch-shaped fold in the subsurface rock layers. To the west of the Tolay Lake basin is the Tolay fault, which is potentially active. Erosional processes over time have filled the basin with alluvial deposits. The substrate that underlies and bounds the lakebed consists of Pliocene volcanic flow, tuffs, ash beds, and debris referred to collectively as the Sonoma Volcanics. Underneath the Sonoma Volcanics Formation is the Petaluma Formation that consists of deposits predominantly of sandstone, shale, and clay. This formation and deposit materials create a potential for a significant water yield if wells are drilled deep enough.<sup>87</sup>

Geologic mapping of the property classifies approximately nine designated types for the area, which are listed below:

Tsu, Tps, Tsr, Kjfm (primarily in the western portion of the property)

Tsu: Undivided; K-Ar age 11.8 million years in Burdell Mountain area

Tps: Claystone, siltstone, mudstone, tuff, with sandstone and conglomerate crossbeds

Tsr: Rhyolite lava flows; locally contains intercalated tuff

Kjfm: Chiefly metagraywacke with slight to pronounced metamorphic fabric and minor metagreenstone and meta chert; contains bluechist minerals, including glaucophane, lawsonite, and jadeitic pyroene. Metagraywacke contains no detrital potassium feldspar

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<sup>85</sup> San Francisco Estuary Institute and Sonoma Ecology Center. *Summary of Existing Information in the Watershed of Sonoma Valley in Relation to the Sonoma Creek Watershed Study and Recommendations on How to Proceed.* Version 2. December 2000.

<sup>86</sup> Circuit Rider Productions, Inc. *Tolay Ranch Property, Baseline Documentation.* December 2005.

<sup>87</sup> U.S. Soil Conservation Service. *Soil Survey for Sonoma County, California.* Prepared in cooperation with the University of California Agricultural Experiment Station. Issued May 192. Reviewed and approved for reprinting August 1990.



Qal and Tsa (dominating the middle portion of the property)

Qal: Alluvium; sand, gravel, silt and clay

Tsa: Andesitic to basaltic lava flows

Tsa, Tsr, Tst, Tpc and Qr (occupying the eastern portion of the property)

Tst: Pumicitic ash-flow tuft, locally welded or partly welded with intercalated bedded agglomeritic tuff, andesitic or basaltic lava flows, tuff breccia, bedded tuff and pumicitic tuff

Tpc: Claystone

Qr: Deposits of unconsolidated tuff, volcanic gravel containing large angular blocks of rhyolite derived from units of Tsri; locally stratified.<sup>88</sup>

**SOILS:** The predominant soils of the Tolay Lake basin consist of clay and clay loam. The soils on the property were classified in 1972 on the Sonoma County Soil Survey by the USDA, Soil Conservation Service, and are composed of six soil types recognized by the United States Department of Agriculture. They include:

<u>Soil Type</u>	<u>Approximate Relative Percentage at Tolay</u>
Clear Lake Clay Loam (CcA) .....	25%
Diablo Series (DbC, DbD, DbE, and DbF2).....	49%
Goulding and Goulding-Toomes Complex (GID, GoF).....	8%
Haire Clay Loam (HcD).....	17%
Laniger Loam (LaC, LaD, LaE2) .....	<1%
Gullied Land (GuF) .....	<1%
Water.....	<1%

**Clear Lake Clay Loam:** This soil type is generally formed under conditions where poor draining is occurs in flat basin areas. This soil type has low permeability, a 3-5 foot depth to seasonal high water table, high run-off potential, and high shrink-swell potential. Clear Lake Clay Loam/0-2 percent is similar to Clear Lake Clay/0-2 percent, except for the 10 –15 inch thick clay loam surface layer, that is underlain by clay. This soil type roughly matches the historic Tolay Lake boundary.

**Diablo Series:** This soil type occurs in slopes of varying steepness, and has a high erosion potential that increases with the increase in slope steepness. Diablo Clay/9-15 percent is found on rolling hills, and in most places the slopes are smooth and long. A typical profile is in a grazed hayfield of good condition, with slightly concave slope. Diablo Clay/2-9 percent is similar to the Diablo Clay/9-15 percent slopes, except that lime is generally found closer to the surface than on the steeper slopes, and the surface layer is gray in color. Runoff is slow to medium, with a slight to moderate potential hazard for erosion. These soils have low permeability, and a high run-off and shrink-swell potential.

In the middle section of the property is Diablo Clay, 2-9 percent slopes. The far western area of the property that includes the lowest point at 160 feet elevation, is predominantly Diablo Clay, 15-30 percent slopes. In the upland area of Tolay property at the far eastern boundary, there is a small area of Diablo Clay, with 9-15 percent slopes.

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<sup>88</sup> California Resources Agency. *Geologic Map Exclusive of Landslides in Sonoma County*. 1980.

**Goulding Series:** This soil type consists of clay loam found on slopes that vary, and that have a moderate permeability and shrink-swell potential. These soils have a medium to high potential for run-off and erosion. Goulding-Toomes Complex/9-50 percent is a combination of Goulding and Toomes series soils. Both are well-drained loam soils. Goulding soils are underlain at a depth of 12-24 inches by metamorphosed basic igneous and weathered andesitic basalt of old volcanic formation. These soils are found on mountainous uplands, and mainly occur in the hilly eastern third of the County from Mark West Springs southward to the town of Sonoma. Toomes soils are underlain at a depth of 5-20 inches by shattered and weathered andesitic basalt and volcanic breccia. These soils are gently sloping to very steep on ridgetops and mountainous uplands. Goulding Cobbly Clay Loam/15-30 percent is shallower than the Goulding Clay Loam/5-15 percent, and contains more cobblestones. The surface layer has up to 25 percent cobblestones and stones ranging in depth from 16-20 inches, underlain by harder parent rock. Runoff is medium to rapid with a potential erosion hazard of moderate to high.

The majority of the area stretching from the far northeast property boundary to the far southeast boundary consists of Goulding Clay Loam, 5-15 percent slopes. This area includes the high point of the property at 760 feet elevation. Immediately west of the Goulding Clay Loam is an area of Goulding-Toomes Complex, 9-50 percent slopes stretching north to south. There is a small area in the mid-south end of the property that is Goulding Cobbly Clay Loam, 15-30 percent slopes. Goulding Clay Loam/5-15 percent is a moderately to strongly sloping soil on ridgetops and rolling hills.

**Haire Clay Loam:** This soil type occurs on slopes of varying steepness, and has a high potential for run-off. These soils have a moderate permeability and shrink-swell potential.<sup>89</sup> A small area of Haire Clay Loam, 0-9 percent, is located northeast of the low point on the far western area of the property.<sup>90</sup> Haire Clay Loam/0-9 percent is mostly found on smooth slopes of rolling terraces. Typical profile is in a pasture of slightly convex sloping. This soil type is located in the far southwest section of the property.

**VOLCANICS:** The nature of the Tolay Volcanics as described in 1935 by Morse and Bailey are petrographic consisting of basalts, andesites, dacites, breccias, tuffs and agglomerates, and reach a thickness of in some places greater than 0.75 miles. All of the volcanics in the region of the Tolay property were later mapped as Sonoma Volcanics by Weaver in 1949, and described the Tolay Volcanics as subsurface volcanics. The assigned age of the Tolay Volcanics varies somewhat, but is generally ascribed as being within the Pliocene Epoch (approximately 7 million – 1.8 million years ago). Radio carbon dating has clarified the actual age of the Tolay Volcanics as the middle Miocene period (approximately 11- 11.5 million years ago).

The volcanics west of the Rodgers Creek Fault were assigned to the Tolay Volcanics. Volcanics occurring between the Tolay and Rodgers Creek Faults are younger than the volcanics west of the Tolay Fault and are referred to as the Donnell Ranch Volcanics. The Donnell Ranch Volcanics are chemically distinct from the Sonoma Volcanics. The late-Miocene formations occurring in the Sonoma Volcanic fields include Donnell Ranch Volcanics, the sedimentary Petaluma Formation, and the Sonoma Volcanics. The Donnell Ranch Volcanics, located between Tolay Fault and the Rodgers Creek Fault range from 10.6 to 8.2 million years in age, and may be only 7 million years old.

Basalts and basaltic andesites are predominant in the Tolay property area, with large masses of rhyolitic flow material present on both sides of the Rodgers Creek Fault. The dominant structural feature of the studied area is the right-lateral strike-slip Rodgers Creek Fault. West of the Rodgers Creek Fault the Roche-Cardoza normal fault likely connects at its southern end with the Rodgers Creek Fault, and connects at the northern end with the Tolay Fault. The Roche-

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<sup>89</sup> Circuit Rider Productions, Inc. *Tolay Ranch Baseline Documentation*. December 2005.

<sup>90</sup> Sonoma County Regional Parks Department. *Tolay Soils Map*. June 2006.

Cardoza Fault also truncates the Wildcat Mountain thrust fault in several locations. Two other thrust-faults occur west of the Rodgers Creek Fault. Most of the thrust-faults in the region of the Tolay property are a result of compressional strike-slip along the right-lateral Rodgers Creek Fault, and further in-depth studies suggest that the rate of motion along the Hayward-Rodgers Fault system has been much greater than previously proposed.<sup>91</sup>

**POTENTIAL GEOLOGIC HAZARDS:** Tolay Fault passes through the Tolay Property from southeast to northwest, just west of the center of the property, through Tolay Lake and west of Tolay Creek.

Rodgers Creek Fault is mapped outside of the eastern Tolay Lake Regional Park property boundary, passing southeast to northwest, and another unnamed fault stretching from the southeast to northwest is recorded to the south of the property boundary.<sup>92</sup>

The eastern portion of the Tolay property, as delineated by the California Division of Mines, is within the Alquist-Priolo Special Studies Zone (Earthquake Fault Zones) for earthquake hazard, which is a regulatory zone that limits activities within areas where active faults exist that have the potential for surface fault rupture. The Alquist-Priolo Special Study Zone within the Tolay property is along the Rodgers Creek Fault line. Generally, earthquake fault zones are established at approximately 500 feet on each side of the surface trace of an active fault. Any development or construction work within the earthquake fault zone would require a professional Geologic Survey, and may require professional engineering analysis and recommendations, and building setbacks from fault traces.<sup>93</sup> The last major Sonoma County earthquake occurred in October 1969, was located approximately 2 miles north of Santa Rosa, and had a 5.7 magnitude. Analysis of seismic data indicates that 8.5 magnitude earthquakes for the San Andreas Fault, and 7.5 magnitude for the Healdsburg-Rodgers Creek Fault can be expected in the future. Groundshaking similar to that which took place as a result from the 1969 earthquake, can be expected somewhere in Sonoma County once every 20 to 30 years. Liquefaction caused by groundshaking during an earthquake can increase damage to property and structures.

Liquefaction changes water-saturated soils to a semi-liquid state, destabilizing structure foundations. The most hazardous areas are those within valleys and tidal marshes where the water table is high, and the soil make-up is predominantly sand. Clay-rich soils, which are found in valley areas, can swell and shrink with high and low water conditions, and can create significant structure weakening.<sup>94</sup> The majority of the Tolay property is classified within a semi-consolidated and consolidated rocks area:

*Shaking hazard to structures, and liquefaction potential are generally minimal. However, there may be local deposits of slopewash, colluvium, and alluvium which are subject to collapse during significant seismic shaking. Seismically induced landsliding may be a problem in an area where slopes are greater than 15 percent. Local site geologic studies are considered necessary.*

The middle portion of the property that underlies Tolay Lake and Tolay Creek is classified as Unconsolidated Alluvium and Terrace Deposits, definition:

*Shaking hazard to structures is related to thickness of alluvium. Liquefaction varies according to the distribution of clay-free granular materials and*

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<sup>91</sup> Youngman, M. *K-AR and 40 Ar/39 Ar Geochronology, Geochemistry, and Structural Re-interpretation of the Southern Sonoma Volcanic Field, Sonoma County, CA.* 1989.

<sup>92</sup> Areas Subject to Seismic Hazards Map.

<sup>93</sup> Circuit Rider Productions, Inc. *Tolay Ranch Property – Baseline Documentation.* December 2005.

<sup>94</sup> Sonoma County General Plan. Public Safety Element.

*groundwater shallower than 50 feet. Groundwater in this zone is generally shallower than 20 feet. Site Geologic studies are recommended.*<sup>95</sup>

Classifications for landslides and slope stability for the Tolay property include A, located in the Tolay Valley area, and C for the majority of the remaining property.

A is described as *Areas of greatest relative stability due to low slope inclination – dominantly less than 15 percent, and*

C is described as *Areas of relatively unstable rock and soil units, on slopes greater than 15 percent, containing abundant landslides.* Geologic conditions in areas labeled Bf, B, C, and landslides, mandate that engineering geological reports must be required prior to tentative tract approval for land use planning and land development within those areas.<sup>96</sup>

**SONOMA COUNTY GENERAL PLAN:** Some areas of the Property fall under designated classifications that include: Area of Other Fault Zones Considered Potentially Active, Areas With High Potential for Landslides, Areas with High or Moderate Potential for Liquefaction, and Marginal Groundwater Availability Area.

The Sonoma County General Plan, Public Safety Element has established policies to address geologic hazards that include:

Goal PS-1 Prevent unnecessary exposure of people and property to risks of damage or injury from earthquakes, landslides, and other geologic hazards.

OBJ PS-1.2 Regulate new development to reduce the risk of damage and injury from known geologic hazards to acceptable levels.

PS-1g: Prohibit structures intended for human occupancy (or defined as a project in the Alquist-Priolo Special Studies Zones Act and related Administrative Code provisions) within 50 feet of the surface trace of any fault.

PS-1k: Roads, public facilities and other County projects should incorporate measures to mitigate identified geologic hazards to acceptable levels.

**ANALYSIS:** A project would normally have a significant effect on the environment related to geology, seismicity, and soils if it would cause substantial flooding, erosion, siltation, or expose people to major geologic hazards. A potential impact could also be considered significant if it resulted in the permanent loss of natural geologic resources, created a substantial change in topography, or resulted in land subsidence. Potentially significant environmental impacts related to geology, seismicity, and soils are determined based on whether the project will affect erosion, sediment transport, subsidence, seismic activity, or change in topography.

None of the Tolay Regional Park project elements are expected to result in potentially significant environmental impacts to Geology or Soils. All existing structures will be evaluated by qualified structural engineers prior to re-use. Trails, particularly those in steeper topography, will be designed to minimize potential erosion.

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<sup>95</sup> California Resources Agency Map. *Relative Hazard from Tsunami and Seismic Shaking in Sonoma County.* 1980.

<sup>96</sup> California Resources Agency Map. *Relative Hazard from Tsunami and Seismic Shaking in Sonoma County.* 1980.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

*The project area is mapped as being prone to landslide and there are potentially active faults that transverse the project area. Existing and new structures proposed for human use as part of the proposed project will be evaluated by a structural engineer. The proposed project may include some new structures, such as restrooms and a Visitors Center. Park visitors may be exposed to potential adverse effects, including the risk of loss, injury, or death involving earthquake, strong seismic ground shaking, seismic-related ground failure such as liquefaction, or landslides. Proposed park improvements could be damaged in a seismic event, but this would not be expected to result in a substantial adverse effect to people.*

b) Result in substantial soil erosion or the loss of topsoil?

*Substantial soil erosion is not expected to result from development of the proposed park improvements. Following are Regional Parks' standard mitigation measures to minimize potential soil erosion.*

**Mitigation Measures**

24. Regional Parks will schedule construction activities to the dry season, April 30 – October 15, whenever feasible.
25. The Contractor will be required to prepare and implement an erosion control plan. The erosion control plan will include temporary, construction-related erosion control measures that may include, but not be limited to, staking a jute mesh mat over a straw layer over disturbed areas and placing straw bales at all drain inlets. The erosion control plan will include measures for construction during the wet season, October 15 – April 30 such as hydro-seed all disturbed areas, including stockpile areas, by October 15 with a seed mix specified by the County. The source of each specific erosion control measure proposed by the contractor must be documented in the erosion control plan.
26. Sonoma County Regional Parks Department staff will inspect the project site following the first heavy rain, during the middle of the rainy season and at the end of the rainy season following construction to monitor improvements. During each visit, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions taken.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*There might be some trail development on the slopes, but this is not expected to cause instability.*

- d) **Be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Clearlake clay loam series soils and Diablo series soils have a high shrink-swell potential and therefore are possibly expansive. The Goulding soils and the Haire clay loam series soils have a moderate shrink-swell potential and are less likely to be expansive.*

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*The project may include one or more portable restrooms. A septic engineer will study the locations of the permanent restrooms.*

## 7. HAZARDS AND HAZARDOUS MATERIALS

**SETTING:** Tolay Fault runs through the property.<sup>97</sup> Other potentially active faults include the Burdell Mountain Fault and the Rodgers Creek Fault Zone. A portion of the property is within an Alquist-Priolo Special Study Zone.

Portions of the property have a moderate to high potential for landslides.<sup>98</sup>

General Plan Goal PS-1, and several Objectives and Policies, addresses reduction of potential damage from Geologic Hazards.

Goal PS-1: Prevent unnecessary exposure of people and property to risks of damage or injury from earthquakes, landslides, and other geologic hazards.

The Rogers Creek fault Geologic Hazard Combining District is overlain upon approximately 3 percent of the east ridge of the property.

A Phase 1 Environmental Site Assessment (ESA) was conducted on the property in February 2004 and a site investigation was completed in September 2004.<sup>99</sup> The purpose of the ESA was to assess the possible contamination of the project site with hazardous or toxic substances or wastes. The study included a review of past and current land use for indications of the manufacture, generation, use, storage, and/or disposal of hazardous substances and an evaluation of potential for on-site soils and/or groundwater contamination resulting from past and present project site land use activities and, to the extent possible, adjacent off-site operations. The study provided findings and professional opinions regarding the potential for environmental contamination at the property and made recommendations regarding further investigations to evaluate whether contamination and/or environmental hazards exist at the identified locations.

The study rendered several findings and recommendations. The property was determined to be of an overall good environmental condition and was not identified in regulatory agency files as having environmental concerns. Several areas were noted as having localized impacts to the ground surface from leaks or spills of petroleum hydrocarbons and a site investigation was recommended.

For the site investigation, soil samples were collected from the agricultural areas of the property located within the Tolay Lake basin and selected drainage courses for chemical analysis for residual pesticides and herbicides; water samples were collected from the potable water system for analysis of microscopic contaminants and general water quality constituents; soil samples were collected for the analysis of lead from the area of the project area formerly used for hunting waterfowl, and a metal detection survey and soil samples were collected for chemical analysis in the area indicated as formerly having an underground fuel storage area. The site investigation concluded that only minimal environmental impacts exist at the property from previous and/or historic site uses. There was no indication of residual herbicides or pesticides, lead levels in the area of the former waterfowl hunting area were generally low in concentration and within the range of the background lead level collected from other areas of the property, and no petroleum hydrocarbons were present in the soil samples collected for analytical testing. Water samples collected from the potable water system indicated the presence of both total and fecal coliform bacteria. The site investigation opined that this contamination could have resulted from grazing cattle because the springs utilized for potable water are located within portions of the property utilized for grazing. The site investigation recommended further investigation of the potable water system, specifically the source of the bacteriological contamination, and proper

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<sup>97</sup> Sonoma County General Plan. *Figure PS-1h*. 1989.

<sup>98</sup> Sonoma County General Plan. *Figure PS-1h*. 1989.

<sup>99</sup> EBA Engineering *Phase I Environmental Site Assessment, Tolay Lake Ranch, Petaluma, CA*. February 2004 and *Report on Investigation, Tolay Lake Ranch, Petaluma, CA*. September 8, 2004.

treatment to ensure the suitability of the water for human consumption. The site investigation further recommended that the potable water system be tested periodically to ensure that it remains free of contaminants.

**ANALYSIS:** According to State CEQA Guidelines, a project would normally have a significant impact associated with hazards or hazardous materials if it would breach published national, state, or local standards relating to solid waste or litter control; substantially degrade water quality or contaminate a public water supply; create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people, animal, or plant populations in the area affected; or interfere with emergency response plans or emergency evacuation plans.

**Area 1 - Park Access:** This area of the project includes Lakeville Road and Cannon Lane, which are existing public roads. Conceptual improvements include road widening. No occupied structures are proposed in the Park Access Area.

**Area 2 - Park Center:** Tolay Lake Regional Park would re-use existing structures that were occupied by the previous landowner for Ranger residences and other un-occupied uses. A new structure to house the proposed Interpretive Center may be constructed. The Park Compound Area is located in the valley and would be unlikely to slide, although landslides from the hillsides that surround the valley could potentially impact the Park Compound Area.

**Area 3 - Tolay Lake:** The Tolay Lake Area is within the flat valley area. The primary improvement proposed is restoration of Tolay Lake, which may include a dam, a back dam, and other levees. The potential environmental impacts associated with dam failure will require additional analysis, as it would be based on the alternatives, which will be proposed in the Park Master Plan. Other improvements proposed in Sub-Area 3 include access trails to Tolay Lake.

**Area 4 - Remaining Ranch:** This Sub-Area includes hillsides that lead up to ridgelines, which offer spectacular views. Proposed recreational improvements include development of trails, picnic areas and possibly portable restrooms, which could be damaged by fault rupture and/or landslide but would not be the cause of geologic hazard.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*The proposed project is not expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Construction activities will require use of vehicles, construction equipment, and construction materials that use hazardous materials such as motor oil and gasoline, which have the potential for accidental release of hazardous materials into the environment. This potentially significant impact can be reduced to a less than significant level with implementation of the following mitigation measures:*



**Mitigation Measures**

- 27. The contractor will be required to prepare, submit, and implement a spill prevention plan for any construction of the proposed project. The contractor will be required to follow the provisions of Sections 5163 – 5167 of the General Industry Safety Orders (CCR Title 8) to protect the project site from being contaminated by the accidental release of any hazardous materials and/or waste. The contractor will be required to store all flammable liquids in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. If hazardous materials are encountered during construction, the contractor will immediately halt construction activities and will implement actions required by the current California regulatory requirements. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to stormwater drains or surface waters.
- 28. The contractor will be required to dispose of petroleum-based products in accordance with applicable laws and regulations. If a spill should occur, the contractor will be required to immediately call 9-1-1 and report the spill to the appropriate authority. The contractor will be prohibited from conducting vehicle and equipment repair and maintenance on-site.

*Maintenance of the proposed project may require the occasional use of vehicles and equipment that use hazardous materials such as motor oil and gasoline, which have the potential for accidental release of hazardous materials into the environment.*

**Mitigation Measure**

- 29. Sonoma County Regional Parks Department operations and maintenance crews will be required to dispose of petroleum-based products in accordance with applicable laws and regulations. If a spill should occur, Parks staff will immediately call 9-1-1 and report the spill to the appropriate authority. Parks staff will be prohibited from conducting vehicle and equipment repair and maintenance on-site.

*Maintenance of the portable restrooms, including associated septic tanks and/or leachfields or other treatment/disposal system, and the permanent restroom could result in a sewage spill. This potentially significant impact can be reduced to less than significant levels with implementation of the following mitigation measures:*

**Mitigation Measures**

- 30. The contractor will be required to conduct inspections and maintenance, according to current regulations, of portable toilet facilities used during construction. The contractor will be required to conduct routine waste removal to ensure that effluent spills are avoided or minimized.
- 31. Regional Parks staff will be required to conduct inspections and maintenance, according to current regulations, of portable toilet facilities used during project operation. Regional Parks staff will ensure that routine waste removal is conducted so that effluent spills are avoided or minimized.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

*There are no known schools within one-quarter mile of the project site. The nearest schools are over four miles from the project area.*

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

*The proposed project is not expected to create a significant hazard to the public or the environment. The project area is not located on a site that is included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.*

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

*The proposed project is not expected to result in a safety hazard for people residing or working in the project area. The project is not located within an airport land use plan or within two miles of a public airport. The Sonoma Valley Airport is the nearest airport, located just over two miles east of the project area. The Petaluma Municipal Airport is approximately 5.4 miles northwest of the project area.*

- f) **For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

*The proposed project is not expected to result in a safety hazard for people residing or working in the project area. There are no known private airstrips located within the vicinity of the project area.*

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

*The proposed project is not expected to impair implementation of or physically interfere with the County's adopted emergency response or evacuation plan. There are no known adopted emergency response or evacuation plans specific to the project area. The Sonoma County Department of Emergency Services is the lead agency under the State of California's Standardized Emergency Management System and is responsible for coordination of response and recovery activities following an emergency or disaster such as earthquakes, floods, landslides, and dam failures. The project area is within the Lakeville Fire Protection District. The Lakeville Volunteer Fire Department is the closest fire station to the property and would respond to emergency calls. The Lakeville Fire District is approximately 2.5 miles from the property. The conceptual park improvements have been designed to provide adequate emergency access throughout the public recreation areas. Regional Parks ranger staff will be on duty during regular park operating hours to provide response support. There will be at least one Ranger in residence at the property. Resident rangers also monitor conditions and serve as First Responders during emergencies. Cannon Lane will be improved to meet Sonoma County Fire Safe Road Standards. A valve will be installed so that fire trucks can tap into the spring-fed ponds located in Area 2 – Park Center.*

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

*The proposed project is not expected to increase the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires. The project area is not mapped as having wildland fire potential.<sup>100</sup> There is a lot of grassland, which turns dry during the summer months and becomes more susceptible to fire. Grazing will be continued at the property in part, to*

<sup>100</sup> Sonoma County General Plan. Figure PS-1h. 1989.

*reduce potential fire hazard. Human activity within the park, such as smoking or use of fire, could result in wildfire. Smoking, playing with fire, and campfires accounted for a relatively small percentage of all fires according to a study conducted regarding the causes of Sonoma County fires in 1996. The proposed project will include signs stating the park rules. The Lakeville Fire Protection District provides fire protection services, and the California Department of Forestry is responsible for fighting wildland fires. The following mitigation measure will be included in the Park*

**Mitigation Measures:**

32. The Sonoma County Regional Parks Department Director may close the facility when there are high fire danger periods or other situations that could pose a threat to the health and safety of those using the facility.

## 8. HYDROLOGY AND WATER QUALITY

**SETTING:** The project area is within the Tolay Creek watershed. Tolay Lake is an instream lake along Tolay Creek. Tolay Creek passes through the property. There are also several officially unnamed tributaries to Tolay Creek within the property. Regional Parks staff has assigned names to these tributaries for convenience.

**Tolay Lake:** The most significant hydrological feature of the property is Tolay Lake, which is located in Area 2 – Tolay Lake in the Project Description. Tolay Lake is an instream lake along Tolay Creek. Historically, Tolay Lake was once the largest natural freshwater lake in Sonoma County.<sup>101</sup> Tolay Lake evolved as an ancient sedimentary lake, and is currently the only large natural body of freshwater, and the largest lake with restoration potential in the San Pablo Bay watershed. Tolay Lake has a surface area of approximately 200 acres and is located in the valley bottom. It is a fairly shallow lake, averaging between 4 – 8 feet in depth, filling in the winter and draining in the spring. In the 1870's the natural dam that created the lake was removed to facilitate farming of the rich lakebed soils. The lake bottom has been drained and farmed annually ever since for various crops including pumpkins, squash corn, potatoes, and tomatoes. Farming the lakebed recently ended with the acquisition of the property for park development. Regional Parks can continue the annual practice of draining Tolay Lake to maintain drainage patterns on adjacent properties with agreement from the Open Space District and the Wildlife Conservation Board. Per the Sonoma County Agricultural Preservation & Open Space District's Conservation Easement, Tolay Lake cannot be drained for agricultural purposes. The effect of the lake restoration alternatives on adjacent properties will be analyzed in the Park Master Plan and associated environmental document.

Historical accounts regarding the size of the lake differ, but it is generally believed to have been between 300 – 450 acres. Other opinions suggest that the lake is actually a large vernal pool – with size variations throughout the year.

**Tolay Creek:** Tolay Creek flows through the property, feeding Tolay Lake from the northeast. The Tolay Creek headwaters are located off the Tolay Lake Regional Park property, north of Stage Gulch Road on to the southern flank of Sonoma Mountain proper. Historically, Tolay Creek drained directly to San Pablo Bay. During the past decade, Tolay Creek became blocked and it now drains to Sonoma Creek, which drains to San Pablo Bay. Tolay Creek is a seasonal creek. Several tributaries feed into Tolay Creek.

**Spring-Fed Ponds:** The Spring-Fed Ponds are located immediately to the west and southwest of the structures in Area 2 – Park Center of the Project Description. The depth of the ponds is unknown. The Willow Pond is approximately 1/3 of a surface acre surrounded by willows whereas no trees border the Duck Pond that is slightly smaller than one surface-acre.

**Upland Ponds:** The property includes two man-made upland ponds located along Cardoza Creek, a tributary to Tolay Creek, and southwest of the East Ridge, in Area 4 – Remaining Ranch, of the Project Description. These ponds were created in the 1950's with support from the United States Department of Agriculture (USDA) through a program to assist private landowners. Each pond is each approximately 25 acre-feet and is between 12 – 20 feet deep. The ponds are included in the existing Water-Right Application, Number 30558 because the ponds divert and retain water from a creek. In addition to the man-made pond, there are numerous springs in the Upland Pond Area that contributes to the adjacent emergent marsh vegetation.

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<sup>101</sup> San Francisco Estuary Institute and Sonoma Ecology Center. *Summary of Existing Information in the Watershed of Sonoma Valley in Relation to the Sonoma Creek Watershed Restoration Study and Recommendations on How to Proceed.* Version 2. December 2000.

## GROUNDWATER

A Hyrdologic Feasibility Analysis was completed for the property in December 2003 by Kamman Hydrology & Engineering, Inc. The study was completed to evaluate three potential Tolay Lake Restoration alternatives relative to the existing watershed land-use practices, existing and future water demands described in existing water-right applications at the State Water Resources Control Board, existing topography, and likely historic lake configurations. As part of the study, Kamman Hydrology & Engineering drilled borings and identified groundwater at 6.5 feet deep on the property and 8.5 feet deep in the lake area during October 20, 2003, which was considered to be a very dry time.<sup>102</sup>

Groundwater at the site comes from the Tolay creek watershed. The headwaters of Tolay Creek are located northwest of the park site, approximately ¼ mile north of Stage Gulch Road. The headwaters are on a ridge on the very southern portion of Sonoma Mountain that separates the Petaluma River and Sonoma Creek valleys. The total watershed area is approximately 6,500 acres.<sup>103</sup> The Kamman study states that 3,084 acres of the watershed drain to Tolay Lake.

## WATER QUALITY

Potable water at the property is provided from spring-fed wells. A Phase 1 Environmental Site Assessment (ESA) was conducted on the property in February 2004 and a site investigation was completed in September 2004.<sup>104</sup> For the site investigation, water samples were collected from the potable water system for analysis of microscopic contaminants and general water quality constituents, amongst other things. The water samples collected from the potable water system indicated the presence of both total and fecal coliform bacteria. The site investigation opined that this contamination could have resulted from grazing cattle because the springs utilized for potable water are located within portions of the property utilized for grazing. The site investigation recommended further investigation of the potable water system, specifically the source of the bacteriological contamination, and proper treatment to ensure the suitability of the water for human consumption. The site investigation further recommended that the potable water system be tested periodically to ensure that it remains free of contaminants.

## SONOMA COUNTY GENERAL PLAN

The project area is mapped within the Petaluma River and Sonoma Creek drainage basins.<sup>105</sup> According to the Sonoma County General Plan Public Safety Element, the project area is not subject to flooding by the 100-year storm.<sup>106</sup>

According to the Resource Conservation Element of the Sonoma County General Plan, the project area is within an area of marginal groundwater availability and is not within a groundwater recharge area.<sup>107</sup> Groundwater in the project area is generally shallower than 50 feet.<sup>108</sup> Recharge is the movement of water from land surfaces and streambeds into underground aquifers. Several factors contribute to groundwater recharge, including the slope of the land surface, sub-surface geology, soil type and permeability, storage space available in the aquifer, availability of surface water, and precipitation.

<sup>102</sup> Kamman Hydrology & Engineering, Inc. *Hydrologic Feasibility Analysis for The Tolay Lake Ranch Property*. December 2003.

<sup>103</sup> Harland Bartholomew and Associates. *City of Santa Rosa Subregional Long-Term Wastewater Project EIR*. July 15, 1996.

<sup>104</sup> EBA Engineering *Phase I Environmental Site Assessment, Tolay Lake Ranch, Petaluma, CA*. February 2004 and *Report on Investigation, Tolay Lake Ranch, Petaluma, CA*. September 8, 2004.

<sup>105</sup> Sonoma County General Plan. *Figure RC-1h*. 1989.

<sup>106</sup> Sonoma County General Plan. *Figure PS-1h*. 1989.

<sup>107</sup> Sonoma County General Plan. *Figure RC-2h and Figure RC-2i*. 1989.

<sup>108</sup> CA Division of Mines & Geology. *Special Report 120. Plate 1A*.

**REGULATORY SETTING:** Several federal, state, and local agencies may have jurisdiction regarding the development of the proposed project. The Regional Parks Department will comply with all regulations applicable to the proposed project.

### **California Department Of Health Services**

The California Department of Health Services issues permits for development of potable water supply.

### **State Water Resources Control Board**

A Notice of Intent must be filed with the State Water Resources Control Board for construction projects that could disturb one acre or more of land surface.

The State Water Resources Control Board issues appropriative water-right permits in the State of California. This is a lengthy process that includes a number of procedural steps. Water-Right Application 30558 was submitted by the Cardoza family and was assigned to Sonoma County after the property was acquired.

**ANALYSIS:** A project would normally have a significant impact to hydrology or water quality if it would substantially degrade water quality, contaminate a public water supply, substantially degrade or deplete groundwater resources, interfere substantially with groundwater recharge, encourage activities that result in the use of large amounts of water, use water in a wasteful manner, or cause substantial flooding. Some issues associated to hydrology will require additional analysis in the Park Master Plan and associated environmental document, such as:

- ❖ Changes on the adjacent property from the change in practice regarding the annual spring draining of Tolay Lake and the Tolay Lake restoration element
- ❖ Water availability within the watershed if the requested allocation from Water-Right Application no 30558 is permitted

**Area 1: Park Access.** Improvements along Lakeville Road may affect an adjacent wetland. This potential effect is being considered in the Biological Resources Study, currently underway. In general, drainage associated with the Park Entrance will be considered in the Park Master Plan and will be analyzed further in the associated environmental document.

**Area 2: Park Center.** This area will have the greatest amount of construction activity. Most visitor-serving facilities will be located in this area, including parking areas, the trailhead including at least one permanent restroom, the Interpretive Center and Educational Facilities, Equestrian Center, Ranger residences, and various picnic and special use areas. Drainage, which could affect water quality and erosion, may be the greatest consideration in this area. Another water quality concern could result from the waste associated with the restroom facility(ies) and the Equestrian Center, as well as water collected within the existing quarry. These potential impacts will be further analyzed in the environmental document associated with the Park Master Plan.

**Area 3: Tolay Lake.** It is unknown what type of hydrological and water quality impacts could result from restoration of Tolay Lake. Alternative restoration concepts are currently being analyzed. They will be presented in the Park Master Plan and its associated environmental document. Concepts to consider include the general change in hydrologic regime from the change in practice from the previous property owners. The Regional Parks Department will not drain the lake entirely, as previously was done for agricultural purposes. This could affect the overall water table, flow into Tolay Creek, the various springs located on the property, and possibly adjacent and downstream neighbors. Increased siltation could also result from the Tolay Lake restoration element.

**Area 4: Remaining Ranch.** Park improvements in this area will consist mostly of trail & picnic area development. To the greatest degree possible, existing ranch roads will be utilized for trail development. New trails will be designed utilizing Best Management Practices from a variety of resources to be most protective of hydrology and water quality.

Recreational improvements in the Upland Ponds Area may include a public fishing area, which would consist of trail access and a few small piers. A portable restroom may be provided in the general vicinity of the Upland Ponds Area. The primary focus in this area will be on restoration to improve existing erosion that has severely affected both ponds. The Upland Ponds are included in Water-Right Application 30558. Approximately 25-acre feet of water will be used from each pond for irrigation purposes.

**Would the project:**

- a) **Violate any water quality standards or waste discharge requirements?**

*The proposed project is not expected to violate any water quality standards or waste discharge requirements. Construction of the project would include activities that could result in temporary impacts to water quality or waste discharge requirements. The mitigation measures included under Checklist items 3c, 4a, 6b, and 7b address water quality.*

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

*The proposed project is not expected to deplete groundwater supplies or interfere with groundwater recharge. The project area is not mapped as located within a major groundwater recharge area.<sup>109</sup> The total impervious area that could result from implementation of all proposed park improvements is not expected to result in a substantial interference with groundwater recharge. In general, restoration of Tolay Lake, particularly cessation of the practice associated with its annual draining may increase groundwater recharge. The Water Availability Analysis, associated with water-right Application 30558, is currently underway. If the requested allocation of water is permitted, there might not be sufficient water availability for others in the watershed with active water-right applications. The potential effects of water-right Application 30558 will be analyzed and appropriate mitigation measures will be considered in the environmental document associated with the Park Master Plan.*

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?**

*Drainage within the project area will be altered as a result of the project. It is unknown at this point where new visitor-serving facilities will be located, which restoration alternative will be pursued for the Tolay Lake Restoration element, and exactly what effect the Tolay Lake Restoration would have, if any, on Tolay Creek and its tributaries. Nonetheless, the course of Tolay Creek and its tributaries would not be altered. In general, the restoration projects are expected to reduce erosion and siltation, both on and off-site, however siltation may increase as a result of the Tolay Lake restoration element.*

<sup>109</sup> Sonoma County General Plan. Figures RC-2h and RC-2i. 1989.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on-or off-site?**

*The Tolay Lake Restoration element will be the most significant alteration to hydrologic resources associated with the project. It is not expected to alter the course of Tolay Creek or its tributaries. It may increase flow into Tolay Creek and may increase the overall surface area of Tolay Lake. Technically, this could be considered on-site flooding to a certain degree and these effects will be evaluated in the Park Master Plan and associated environmental document.*

*The Tolay Lake Restoration Element could negatively impact the adjoining property owner, possibly by extending the wet-season or by identifying physical improvements on the adjoining property. The change in practice regarding the annual spring draining of Tolay Lake could result in altered drainage on the adjacent property and in the water table. The adjacent property owner has communicated to the Regional Parks Department that physical improvements on their property associated with Tolay Lake Regional Park are undesirable.*

*No habitable structures would be affected by the Tolay Lake Restoration element, nor are any off-site flooding issues expected. Ducks Unlimited is currently studying Lake restoration alternatives. Feasible lake restoration alternatives will be examined in the Park Master Plan and the environmental effects of these alternatives will be analyzed in the associated environmental document.*

- e) **Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

*The project area does not include a storm water drainage system.*

- f) **Otherwise substantially degrade water quality?**

*The proposed project will include a source for potable water supply for public use and for the ranger residence(s). The existing potable water source is from springs. It is unknown whether the source will be from springs or from wells. An engineer will study this during the Master Plan development.*

- g) **Place housing within a 100-year hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

*The project area is not mapped as being within a designated 100-year flood hazard area. It is mapped as being outside of the 500-year floodplain.<sup>110</sup>*

- h) **Place within a 100-year flood hazard area structures that would impede or redirect flood flows?**

*The project area is not mapped as being within a designated 100-year flood hazard area.*

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

*It is likely that the Tolay Lake restoration element will include any combination or all of the following: a dam, a backdam, and levees. These structures will be designed in coordination with engineers and in accordance with all existing codes, laws, and regulations however; it is still possible that one or more of these structures could fail at some point in time. If structural failure occurs, potential impacts would be to a seasonal road that fords the creek on the Roche property that would be impacted. This road is not a residential access and is not passable in the winter.*

<sup>110</sup> Federal Emergency Management Agency. *Flood Insurance Rate Maps – Sonoma County*. Panel 060375 0985B. April 1991.



Potentially Significant Impact      Potentially Significant Unless Mitigated      Less Than Significant Impact      No Impact

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*Caltrans doesn't have flood data for the new(ish) bridge that goes over Tolay Creek-State Highway 121. It is unlikely that any structures would be affected.*

**j) Inundation by seiche, tsunami, or mudflow?**                                                                                       

*The project area is not mapped as being within an area that could potentially be inundated by seiche, tsunami, or mudflow.*

## 9. LAND USE AND PLANNING

**SETTING:** The project property consists of approximately 1,737 acres that includes five single-family dwellings, numerous barns, sheds, shop buildings, a cultural resources museum, a garden, and picnic areas. The property was utilized for agricultural purposes that included cattle grazing, agri-tourism, and a vineyard.<sup>111</sup>

**SONOMA COUNTY GENERAL PLAN CONSISTENCY DETERMINATION:** Prior to acquisition of property by a local agency, a General Plan consistency determination is required pursuant to Government Code Section 65402. On April 19, 2005,<sup>112</sup> the Sonoma County Permit and Resource Management Department made a General Plan Consistency Determination for the County regarding acquisition of the property for a future park.

The District's Board of Directors is the planning commission for purposes of making General Plan consistency determinations for the District's acquisitions.<sup>113</sup> Following is a discussion of the proposed acquisition by the District as it relates to the 1989 Sonoma County General Plan.

### 1989 SONOMA COUNTY GENERAL PLAN DESIGNATIONS

Land Use      Land Extensive Agriculture, 60-acre density (majority)  
                    Land Intensive Agriculture, 60-acre density (approximately 300 acres)

GOAL LU-8: Protect lands currently in agricultural production and lands with soils and other characteristics which make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non-agricultural uses.

GOAL LU-9: The uses and intensities of any land development shall be consistent with preservation of important biotic resource areas and scenic features.

Current agricultural uses on the Tolay Lake Regional Park property include grazing, a 10-acre vineyard, and crop production. It is anticipated that limited agricultural uses could continue on the property without interfering with potential low-intensity public outdoor recreational uses. The Conservation Easement allows for such agricultural uses and ensures protection of the property's scenic, biotic, sensitive habitat and cultural resource values, including Tolay Lake.

Open Space    Scenic Landscape Unit (portion)  
                    Planned Future Park (South County)

GOAL OS-2: Retain the largely open, scenic character of important scenic landscape units.

The acquisition will limit development of the land to low-intensity public recreation, resource restoration and enhancement, and other uses consistent with preservation of the area's open and scenic character.

GOAL OS-7: Establish a countywide park and trail system which meets future recreational needs of the County's residents while protecting agricultural uses. The emphasis of the trail system should be near urban areas and on public lands.

The Open Space Element Map identifies "Planned Future Park" sites to indicate general areas where a need exists for parks. Proposed park sites for the south county are shown on the Open Space Element map for both the Petaluma and Sonoma Valley planning areas.

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<sup>111</sup> Sonoma County Regional Parks. *Request for Proposals*. December 02, 2005.

<sup>112</sup> Board of Supervisors Resolution No. 05-0328. April 19, 2005.

<sup>113</sup> Board of Supervisors Resolution No. 99-0959, July 20, 1999 and Ordinance No. 5180, August 03, 1999.

Acquisition of the Tolay Lake property for a regional park is consistent with the above-stated goals of the General Plan in that it will provide public recreation in an area of the County with a designated need and is considered a public benefit.

Resource Conservation

GOAL RC-6: Identify and protect rare and endangered species and their environment.

Acquisition of the property, including the Conservation Easement, will protect critical habitat for species including California red-legged frog and western pond turtle.

**ANALYSIS:** A project would normally have a significant land use impact if it would conflict with adopted environmental plans and goals of the community where it is located; disrupt or divide the physical arrangement of an established community; conflict with established recreational, educational, religious, or scientific uses of an area or established plans, policies or regulations; or conflict with any habitat conservation plans.

The proposed Tolay Lake Regional Park will definitely change the existing land use of the property from an owner-occupied operating ranch to a public recreation facility. The potential effects of removing active agriculture from the property have been explored in the Agricultural Resources section of this Initial Study Checklist. The primary effect to Land Use may be to the Tolay Lake Regional Park neighbors. These potential effects would come in the way of aesthetics, air quality, water resources, traffic, etc. and have been explored in the applicable section of this Initial Study Checklist.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

- a) **Physically divide an established community?**

*The proposed project will not physically divide an established community.*

- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

*The proposed project will not conflict with any known applicable land use plan, policy, or regulation. The property is not within the local coastal plan jurisdiction and there is no specific plan for this area. It is within the jurisdiction of the Sonoma County General Plan and Sonoma County zoning ordinance. The project was determined to be consistent with the Sonoma County General Plan. The property is currently zoned for agriculture. The zoning will be changed to Public/Quasi-Public and the project will conform to the applicable P/QP zoning regulations.*

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

*There are no known habitat conservation plans or natural community conservation plans that apply to the project area.*

## 10. MINERAL RESOURCES

**SETTING:** According to the Resource Conservation Element of the Sonoma County General Plan, the project site is not a mineral resource area.<sup>114</sup>

There is an existing quarry within Area 2 – Park Center. The material is aggregate base rock in the Goulding-Toomes Complex that has been used for ranch roads. The quarry is approximately two acres in surface area and is approximately 20 – 25 feet deep from the top of the scarp to the bottom where the road is located.

**ANALYSIS:** A project would normally have a significant effect on mineral resources if it would result in the loss of a known mineral or of a locally important mineral resource recovery site.

Regional Parks is proposing continued use of the quarry material located within the project area. The purpose would remain essentially the same – for roads and trails. It is unlikely that the quarry material would be depleted when used for these purposes. There are several other sources of the same type of quarry material harvested on site throughout Sonoma County.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) <b>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project area is not mapped as within a mineral resource area.</i>				
b) <b>Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The project area is not mapped as within a mineral resource recovery site.</i>				

<sup>114</sup> Sonoma County General Plan. *Figure RC-2h and RC-2i*. 1989.

## 11. NOISE

**SETTING:** Noise standards are established in the Sonoma County General Plan.<sup>115</sup> Noise, which can be defined as “objectionable sound,” is usually measured in A-scale decibels (dBA). Noise of cumulative duration cannot exceed 50 dBA and momentary noise of one minute or less cannot exceed 70 dBA during the daytime hours of 7:00 am – 10:00 pm. Between 10:00 pm and 7:00 am, the standards are 45 dBA for cumulative duration noise and 65 dBA for momentary noise. Noise of cumulative duration, in the context of the proposed project, could be defined as the on-going noise expected from use of the facility. Momentary noise of one minute or less, in the context of the proposed project, could be defined as the occasional noise from certain maintenance activities or construction activities. In general, noise levels decrease approximately 6 dBA with each doubling of distance from the source, due to the geometrical spreading of sound waves. For example, a noise that generates 70 dBA at 100 feet from the source of noise would be expected to produce 64 dBA at a 200-foot distance from the noise source, and 58 dBA at 400-foot distance from the noise source, and so on.

Momentary noise would be expected to result during the construction phase and occasionally for operation and maintenance activities. Construction-related, as well as occasional operation and maintenance noise would be short-term and temporary in duration.

The project area is generally within a valley surrounded by ridgelines. Many small hills shield residences on neighboring properties. Noise from Sears Point Raceway can be heard at the Tolay Lake Regional Park property.

**ANALYSIS:** A project would normally have a significant impact on the environment if it would substantially increase the ambient noise levels for adjoining areas or if it exceeded noise levels recommended in the Sonoma County General Plan. Noise impacts will be assessed by first determining which project components would generate noise and then comparing the expected noise level with noise levels from other sources in the project area and with past land use practices on the property.

Overall, the proposed project is not expected to increase noise levels substantially above those currently and historically experienced with operation of the ranch and with the annual pumpkin festival. The change in land use from a family-occupied ranch to a public recreation facility will change the source and type of noise at the property. This will be analyzed fully in the Environmental Impact Report. Following is a preliminary analysis of potential changes in noise.

**Area 1 – Park Access:** Average traffic on Cannon Lane is expected to increase, which could result in increased noise to neighbors on Cannon Lane. The noise increase from increased traffic is not expected to be in excess of established noise standards.

**Area 2: Park Center:** The majority of visitor-serving facilities will be located in Area 2, including the parking areas. Parking and circulation of vehicles may increase in ambient noise within the property, but it is unknown at this time whether this noise would affect surrounding properties. The visitor center, interpretive and educational facilities, and special use areas will be located in Area 2 and therefore it is expected that people will congregate in these areas. Voices may contribute to a negligible increase in ambient noise within the property. If any amplified sound were proposed to support visitor-serving facilities, it would be located within Area 2. This potential new source of noise will be examined in the Master Plan process and if included in the Master Plan, the associated potentially significant environmental effects will be analyzed in the associated environmental document.

**Area 3: Tolay Lake:** The Tolay Lake restoration element will include public access and educational opportunities. No motorized boats will be permitted except for emergency access by

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<sup>115</sup> Sonoma County General Plan. *Table N-2*. 1989.

authorized personnel. It has not yet been determined if the public will be permitted to access Tolay Lake via non-motorized boats. This will be examined in the Master Plan process and if included in the Master Plan, the associated potentially significant environmental effects will be analyzed in the Environmental Impact Report. The Tolay Lake restoration element will include a pump placed at the intake structure. The associated potentially significant environmental effects will be analyzed in the Environmental Impact Report.

**Area 4: Remaining Ranch:** This Area will include trails, some of which may be hiking only and may also include multi-purpose trails, meaning that bicycles and equestrian use would also be permitted. The associated potentially significant environmental effects will be analyzed in the Environmental Impact Report.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

*The proposed project is not expected to result in permanent, long-term exposure of people to noise levels in excess of established standards or of noise levels that resulted from operation of the ranch or the annual Pumpkin Festival. Average traffic on Cannon Lane is expected to increase, which could result in increased noise to neighbors on Cannon Lane. The noise increase from increased traffic is not expected to be in excess of established noise standards. Please refer to Checklist item 11d regarding construction-related noise.*

- b) **Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**

*The proposed project is not expected to result in a permanent, long-term exposure of people to excessive ground borne vibration or noise levels. Please refer to Checklist item 11d regarding construction-related noise.*

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

*The proposed project is not expected to result in a substantial permanent increase in ambient noise levels in the project vicinity above existing noise levels. Use of the proposed park facility may contribute a negligible increase in ambient noise due to the parking and circulation of vehicles and use of the facility by park visitors. Average traffic on Cannon Lane is expected to increase, which could result in increased noise to neighbors on Cannon Lane. The facility would be open only during the daytime hours. If camping were provided, there would be no "in-and-out" privileges after sunset except in the case of emergency. The existing topography is expected to provide a sufficient noise buffer to nearby residents. Nonetheless, it is not expected that noise from the proposed park facility would exceed existing noise associated with operation of the property as a ranch and during the annual Pumpkin Festival.*

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

*Construction of the proposed project is expected to result in a temporary increase in ambient noise levels associated with the operation of construction vehicles and equipment. This temporary increase in ambient noise would be short-term and would cease upon completion of construction.*

Periodic maintenance activities may result in an occasional temporary increase in ambient noise levels due to the operation of vehicles and equipment. These occurrences would be occasional and the temporary increase in ambient noise associated with maintenance activities would cease upon completion of the activity itself. These less than significant impacts would be further reduced with implementation of the following mitigation measures:

**Mitigation Measures**

- 32. The contractor will be required to operate all internal combustion engines with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code.
- 33. The contractor will be required to restrict construction activities to the hours of 7:00 am to 7:00 p.m. on weekdays, except for actions taken to prevent or resolve an emergency.

Sonoma County Regional Parks staff will be required to operate all internal combustion engines with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

*The Sonoma Valley Airport is the nearest airport, located just over two miles east of the project area. The Petaluma Municipal Airport is approximately 5.4 miles northwest of the project area. Biplanes from the Sonoma Valley Airport frequently fly low over the property and surrounding areas.*

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

*The Sonoma Valley Airport is the nearest airport, located just over two miles east of the project area. The Petaluma Municipal Airport is approximately 5.4 miles northwest of the project area.*

## 12. POPULATION AND HOUSING

**SETTING:** The Tolay Lake Regional Park property includes several residences, which were inhabited by various family members of the previous property owner. These were all located in Area 2 – Park Center. One or more of these residences may be utilized for Ranger housing. The surrounding area includes large landholdings that include private residences.

**ANALYSIS:** No additional new housing is proposed as part of the project. Some of the existing housing structures may be replaced. This will be explored in the Master Plan process.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

*The proposed project will not have a direct or indirect effect on population growth. The proposed project does not include new homes, businesses, road extensions, or other infrastructure that would induce population growth.*

- b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?

*The proposed project will not displace any existing housing or necessitate the construction of replacement housing elsewhere. One or two of the existing five residences on the property will be utilized as Park Ranger/staff housing. It is possible that some of the existing housing structures will be replaced.*

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

*The proposed project will not displace people or necessitate the construction of replacement housing elsewhere.*



### 13. PUBLIC SERVICES

**SETTING:**

**Fire Protection:** Provided by Lakeville Volunteer Fire Department. Project area is within the Lakeville Fire Protection District and the jurisdiction of the California Department of Forestry and Fire Protection.

**Police Protection:** Provided by the Sonoma County Sheriff. After the facility is open to the public, Regional Parks ranger staff will also patrol against crime and vandalism.

**Schools:** Casa Grande High School & Sonoma Mountain High School in Petaluma are approximately 4.6 miles northwest of property boundary. Adele Harrison High School in Sonoma is approximately 4.7 miles northeast of the property boundary. McDowell Elementary is approximately 5.5 miles northwest of the property boundary. Grant Elementary, McKinley Elementary, Valley Oaks Elementary, McNear Elementary, Petaluma High School and San Antonio High School are 6 - 6.5 miles northwest of the property boundary. Valley Vista Elementary, Petaluma Junior High School, and Carpe Diem High School are approximately 7 miles northwest of the property boundary. Kenilworth Junior High School and Mary Collins at Cherry Valley Charter School are approximately 8 miles northwest from the property boundary, and Penngrove Elementary is approximately 10 miles northwest of the property boundary.

**Parks:** Recreational boat launching on the Petaluma River is provided at Papa Tavernas just north of Cannon Lane; boating and trails at Port of Sonoma on State Highway 37. The California Department of Fish and Game has hunting areas on Tolay Creek just south of the project vicinity, and the City of Petaluma has/is working on trails near their limit towards Lakeville Road. The City of Petaluma also has numerous parks within city limits.

**ANALYSIS:** A project would normally have a significant effect on the environment if it would result in need for new or additional public services in order to maintain acceptable service ratios, including response times or other performance objectives.

Overall, the Tolay Lake Regional Park project is not expected to result in the need for new or additional public services. Public services will be analyzed fully in the Environmental Impact Report.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:**

- |                                    |                          |                          |                                     |                          |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i) <b>Fire protection?</b>         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) <b>Police protection?</b>      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) <b>Schools?</b>               | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) <b>Parks?</b>                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| v) <b>Other public facilities?</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Fire Protection:** *The potential for wildland fires associated with public use of Tolay Lake Regional Park is not expected to increase significantly. The grazing program will continue on site, which will minimize fire potential. Human activity within the park, such as smoking or use of fire, could result in wildland fire. Smoking, playing with fire, and campfires accounted for a relatively small percentage of all fires according to a study conducted regarding the causes of Sonoma County fires in 1996.*

*The proposed project will include signs stating the park rules, including “No Smoking.” The Regional Parks Director may close the facility when there are high fire danger periods or other situations that could pose a threat to health and safety.*

*Regional Parks is working with the Lakeville Volunteer Fire Department to identify how emergencies can be prevented and responses can be coordinated. Regional Parks is researching the potential effect of how the Tolay property purchase on tax-supported public services. Regional Parks is also updating an analysis for fire and emergency response patterns within the Regional Parks facilities. Both analyses will be included in the environmental document associated with the Park Master Plan.*

**Police Protection:** *The proposed project is not expected to result in significant impacts regarding police protection. Sonoma County Regional Park Rangers will patrol the facility and regularly inspect park features to ensure public safety and park boundary integrity, as part of their regular duties. Volunteer trail monitors will supplement the ranger’s ability to learn and respond. At least two full-time Ranger residences will be provided on site. Regional Park Rangers evaluate facilities for maintenance needs to protect public safety as well as patrolling to protect against crime and vandalism. The Sonoma County Sheriff’s Department provides assistance to park ranger staff when such assistance is requested.*

*Concern has been expressed regarding the potential increase of vandalism, trespass, and other crimes after the park is open. Public Resources Code Section 5075.5 protects property owners from actions resulting from or caused by trail users who trespass onto adjoining property and protects property owners from actions started on or taking place within the boundaries of the trail itself. Furthermore, Civil Code Section 846 protects private landowners from potential liability from those in recreational activities provided that the insured recreationist was not expressly invited onto the private property and that the private property owner did not willfully or maliciously intends to cause the injury.*

**Schools:** *The proposed project will not result in significant negative impacts to schools or other public facilities. The proposed project is more likely to have a beneficial effect on schools and other public education programs, as Tolay Lake Regional Park will be an exciting destination for fieldtrips and outdoor education.*

**Recreation:** *The proposed project will result in a positive effect to parks, as it is a new park facility.*

## 14. RECREATION

**SETTING:** In addition to being an active ranch, the Tolay property has hosted various recreational and educational programs. Most notable was the annual Cardoza Pumpkin Festival that took place during the month of October, attracting visitors from Sonoma and surrounding counties.

**ANALYSIS:** A project would normally have a significant impact to recreation if it would conflict with established recreational uses of the project area.

The Tolay Lake Regional Park project is a recreational facility and will not conflict with established recreational uses of the project area. The annual Cardoza Pumpkin Festival will cease to occur; however, Regional Parks will carry on with the tradition in it's own rendition of an annual Fall Festival. The property will still be offered as a fieldtrip location for school groups and other public education groups.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

*The proposed project is a recreational facility that is not expected to result in an increase of use that would result in substantial physical deterioration of those existing facilities or to accelerate physical deterioration of those existing facilities.*

- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

*The proposed project is a recreational facility and would address existing public parkland needs as identified in the 1989 General Plan. The proposed project is not expected to result in an adverse physical effect on the environment.*

## 15. TRANSPORTATION AND TRAFFIC

**SETTING:** Lakeville Road and Cannon Lane are both public roads within the project area. Public access to Tolay Lake Regional Park will be provided on these roads. Both are two-lane roads.

In the Sonoma County General Plan, Lakeville Road is a designated Primary Arterial, the function of which is to carry large volumes of traffic over long distances. Lakeville Road is shown as Improvement Category “C,” indicated as needing additional through travel lanes to expand capacity. The General Plan shows that Lakeville Road should be improved to 4 lanes.

There are no public transit systems on Lakeville Road or Cannon Lane. All internal roads within the Tolay Lake Regional Park property are ranch roads.

**ANALYSIS:** A project would normally result in a significant impact to transportation and traffic if it would conflict with the adopted environmental plans and goals of the community where it is located; interfere with emergency response plans or emergency evacuation plans; or cause an increase in traffic that is substantial in relationship to the existing traffic load and capacity of the street system.

Potential impacts to transportation and traffic will be evaluated by estimating the number of vehicle trips from the project is expected to generate and then determine where the traffic impacts would occur. The number of vehicle trips expected to result from park visitors will be estimated by the Traffic Study, currently underway. Operations and maintenance trips expected to result from the project will be based on operations and maintenance trips for similar Regional Parks facilities.

Regional Parks is anticipating increased traffic on Lakeville Road and Cannon Lane associated with visitors to Tolay Lake Regional Park. The estimated number of park visitors has not yet been estimated and therefore the estimated number of vehicle trips has not yet been estimated. This information is being developed in the Traffic Study, currently underway. Potentially significant impacts associated with transportation and traffic, particularly the potential impacts to the neighbors who share Cannon Lane, will be analyzed in the environmental document associated with the Park Master Plan. Proposed improvements to Lakeville Road and Cannon Lane will be intended to minimize potential traffic impacts on public roads.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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**Would the project:**

- a) **Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

*The proposed project is not expected to result in long-term, permanent substantial increased traffic or congestion on public roads. This issue is being considered in the Traffic Study, currently underway.*

*Tolay Lake Regional Park will be closed after sunset. If overnight uses are allowed, overnight visitors will be required to remain inside the park after sunset. No in and out privileges will be granted, except in emergency situations. This will minimize nighttime traffic on Cannon Lane associated with the park.*

*Short term, construction-related impacts on local traffic may occur, especially while the Lakeville Road improvements are in progress. This less-than-significant impact can be further reduced with implementation of the following mitigation measures:*



## 16. UTILITIES AND SERVICE SYSTEMS

**SETTING:** The following utilities and services are provided at the Tolay Lake Regional Park property: telephone service and electrical service. Potable water is provided via on-site spring-fed ponds and sanitary treatment and disposal is provided via on-site septic tanks and leachfields.

**ANALYSIS:** A project would normally have a significant effect on utilities and service systems if it would exceed or conflict with existing standards, service capacities, and/or entitlements. Impacts to utilities and service systems will be evaluated by determining new or altered services would be required as a result of the proposed project.

Overall, the Tolay Lake Regional Park project is not expected to result in the need for any new, expanded, or otherwise altered utilities or service systems.

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The proposed project is not expected to exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. The Tolay Lake Regional Park project is not within a Storm Water Management Plan jurisdictional area.*

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The proposed project will include the use of potable water for human consumption as well as water development for the lake restoration element, watering of landscaping and restoration projects, grazing animals and horses, and other uses associated with wildlife and/or ecological protection and restoration. Potable water supply will be in compliance with the requirements of the California Department of Health Services Drinking Water Program. These uses will not result in construction of new water treatment facilities or expansion of existing water treatment facilities.*

*The proposed project may include one or more portable restrooms in addition to a permanent restroom facility in Area 2: Park Center. These facilities would not require construction or expansion of wastewater treatment facilities.*

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*The proposed project would include minor storm water drainage improvements including structural drainage treatments such as bridges, puncheons, armored crossings, drainage lenses, and rolling dips to direct and control the flow of water across, under, through, and around the trails and internal roads. Improvements on Cannon Lane and on the internal park roads may require additional culverts to convey water to a singular roadside drainage ditch. Structural drainage treatments and culverts provide beneficial environmental effects to water quality by minimizing potential erosion of the trails.*

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Sonoma County has been assigned Water-Right Application 30558, which was submitted to the State Water Resources Control Board in 1996 by the Cardoza family. Regional Parks is currently working with its consultants to prepare a Petition to Amend Water-Right Application 30558 to describe the intended use of the water for the Tolay Lake Regional Park Project. The amount of appropriate water-right requested is 1,100 acre-feet per year, which was the amount of water originally requested in the Cardoza application.*

*There are other pending water-right applications in the Tolay Creek watershed but water-right Application 30558 is the senior application.*

*It is unknown at this time how much potable water will be needed to serve Tolay Lake Regional Park. This will be determined during the Master Plan process after the number of annual park visitors is estimated. Nonetheless, potable water will be supplied either from existing springs or new wells, neither of which are subject to the pending water-right application.*

*The issue of whether there are sufficient water supplies to serve the Tolay Lake Regional Park project will be analyzed in the Environmental Impact Report.*

- e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*The proposed project will be served by one or two permanent restrooms and an undetermined number of portable restrooms. The exact treatment and disposal methods have not yet been determined; however, none will be connected to a wastewater treatment provider.*

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Construction and maintenance of the proposed project is expected to generate solid waste. Users of the proposed project are expected to generate a minimal amount of solid waste in debris receptacles that would be located within the project area. The landfill has sufficient capacity to accommodate solid waste disposal needs resulting from construction, use, and maintenance of the proposed project.*

- g) Comply with federal, state, and local statutes and regulations related to solid waste?**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Construction, use, and maintenance of the proposed project is expected to comply with federal, state, and local regulations related to solid waste.*

## 17. MANDATORY FINDINGS OF SIGNIFICANCE

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

*This will be analyzed in the Environmental Impact Report. A Biological Resources Study, Rangeland Management Study, and Cultural Resources Study are all currently underway and will provide information, recommendations, and conclusions to aid in the analysis of these questions.*

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

*This will be analyzed in the Environmental Impact Report. In addition to the Biological Resources Study, Rangeland Management Study, and Cultural Resources Study that are currently underway, a Traffic Study is also currently being completed. Other studies will be completed by various engineers to assist in assessing the structural integrity of existing buildings for reuse and to determine the location of restrooms and their associated treatment and disposal systems. The information, recommendations, and conclusions provided in these studies will aid in the analysis of specific environmental impacts in the Environmental Impact Report and then the cumulative impacts analysis can be completed.*

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

*This will be analyzed in the Environmental Impact Report. The proposed project may result in negative impacts to neighbors, such as in the areas of traffic and noise.*

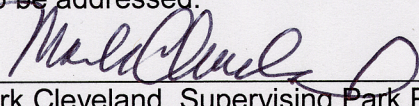


## DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
- I find that the proposed project may have a significant effect on the environment and an Environmental Impact Report is required.
- I find that the proposed project may have a potentially significant impact or potentially significant unless mitigated impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

Signature:

  
Mark Cleveland, Supervising Park Planner  
Sonoma County Regional Parks Department

Date:

9/05/06  
September 05, 2006



**Attachment 1**

**Sonoma County Agricultural Preservation & Open Space District  
Conservation Easement**

RECORDING REQUESTED BY AND  
RETURN TO:

Recorded: 9/29/05  
Doc # 2005-144645

Sonoma County Agricultural  
Preservation and Open Space District  
575 Administration Drive, Room 102A  
Santa Rosa, CA 95403

DEED AND AGREEMENT  
BY AND BETWEEN  
COUNTY OF SONOMA  
AND  
THE SONOMA COUNTY AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT

The County of Sonoma, a political subdivision of the State of California (hereinafter referred to as GRANTOR), and the Sonoma County Agricultural Preservation and Open Space, a public agency formed pursuant to the provisions of Public Resources Code sections 5500 et seq. (hereinafter DISTRICT), its successors and assigns, agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain real property (hereinafter "the Property") located in Sonoma County and more particularly described in Exhibit "A," attached hereto and made a part of hereof.

B. In 1990 the voters of Sonoma County approved the creation of DISTRICT and the imposition of a transactions and use tax by the Sonoma County Open Space Authority ("the Authority"). The purpose for the creation of DISTRICT and the imposition of the tax by the Authority was to preserve agriculture and open space by acquiring interests in appropriate properties from willing sellers in order to meet the mandatory requirements imposed on the County and each of its cities by Government Code sections 65560 et seq. and by the open space elements of their respective general plans. In order to accomplish that purpose, DISTRICT entered into a contract with the Authority whereby, in consideration of that entity financing DISTRICT's acquisitions, DISTRICT agreed to and

did adopt an acquisition program that was in conformance with the Authority's voter approved Expenditure Plan.

C. On April 19, 2005 DISTRICT's Board of Directors, in its Resolution No. 05-0328 determined, pursuant to Government Code section 65402 and Sonoma County Ordinance No. 5180, that the acquisition was consistent with the 1989 Sonoma County General Plan (specifically the Plan's Agricultural Resources and Open Space elements) because limited agricultural uses could continue on the property without interfering with potential low intensity outdoor recreation uses; the proposed conservation easement will allow for such agricultural uses, and ensure protection of the property's scenic, biotic, sensitive habitat and cultural resource values, including Tolay Lake; the acquisition will limit development of the land to low-intensity public outdoor recreation, resource restoration and enhancement, and other uses consistent with preservation of the area's open and scenic character; acquisition of the property, including the proposed conservation easement, will protect critical habitat for species including red-legged frog and western pond turtle. Further, the Open Space Element Map identifies "Planned Future Park" sites to indicate general areas where a need exists for parks. Proposed park sites for the south county are shown on the Open Space Element map for both the Petaluma and Sonoma Valley planning areas. Policy PF-2e, Public Facilities Element, states in part, "In the event that a proposed park or school site is designated on the land use or open space map, consider the designation as applying to a general area rather than a particular parcel." This general location provision of the General Plan has been routinely and uniformly followed by the Board for prior park acquisitions. Acquisition of the Tolay Lake property for a regional park is consistent with the General Plan in that it will provide public recreation in an area of the county with a designated need and is considered a public benefit. On April 19, 2005 the Authority determined, in its Resolution No. 2005-004 that the acquisition was consistent with its Expenditure Plan.

D. DISTRICT has the authority to acquire conservation easements by virtue of Public Resources Code section 5540 and possesses the ability and intent to enforce the terms of this Agreement.

E. As a condition of grant funds contributed to the acquisition of this Property, GRANTOR conveyed a conservation easement to the Department of Fish and Game that requires the creation of a Restoration and Management Plan for Tolay Lake.

NOW THEREFORE, in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions herein set forth and other valuable consideration receipt of which is hereby acknowledged, GRANTOR and DISTRICT agree as follows:

1. **Grant and Acceptance of Conservation Easement.** Pursuant to the common and statutory law of the State of California including the provisions of Civil Code sections 815 to 816, inclusive, GRANTOR hereby grants to DISTRICT and DISTRICT accepts a conservation easement (hereinafter "this Easement" or "the Easement") in the Property in perpetuity.

2. **Statement of Purpose.** The Property comprises 20% of the upper watershed of Tolay Creek, an important watershed that is part of the North San Pablo Bay and drains into the San Pablo Bay National Wildlife Refuge. It is hydrologically and ecologically connected to a large block of protected lands in the historic Sonoma Baylands wetlands stretching from the mouth of Tolay Creek to the Petaluma River. The Property provides important refuge habitat for several species, and particularly for a wide variety of raptors, ground nesters, passerine species, migratory shorebirds and waterfowl. As a key upland parcel in the Sonoma Baylands system, the Property, consisting of wetlands, riparian and upland habitat, open grasslands and a wide valley floor which is bisected by Tolay Creek, has significant restoration potential. In particular, restoration of natural hydrologic function to the ancient Tolay Lake will provide critical structural and functional habitat for numerous wildlife species and plant communities and will benefit species that travel the Pacific Flyway. The Property will also provide low-intensity public outdoor recreation that is compatible with the Conservation Values. The Property's features described above, comprise the natural resource, open space and scenic values of the Property and are generally referred to collectively herein as "the Conservation Values" of the Property. It is the purpose of this Easement to (a) conserve and protect, in perpetuity, the Conservation Values of the Property, (b) to enhance and restore the Conservation Values by specifically permitting the creation of an ecologically viable ecosystem capable of providing wetland habitat for endangered and threatened species, migratory shorebirds, and waterfowl, and (c) to prevent any uses of the Property that would significantly impair or interfere with these Conservation Values. This purpose, as further defined by the provisions of this Easement, is generally referred to collectively herein as "the Conservation Purpose of this Easement." (hereinafter "the Conservation Purpose of this Easement")

3. **Affirmative Rights Granted to the DISTRICT.** GRANTOR conveys the following rights to DISTRICT:

3.1 **Protecting Conservation Values.** DISTRICT shall have the right to identify, preserve and protect the Conservation Values of the Property; and

3.2 **Property Inspections.** DISTRICT shall have the right to enter upon the Property and to inspect, observe, and study the Property for the purposes of (i) identifying the current uses and practices thereon and the condition thereof, (ii) monitoring the uses and practices regarding the Property to determine whether they are consistent with this Easement, and (iii) enforcing the terms of this Easement pursuant to Section 13 below. Entry shall be permitted at least once a year at reasonable times, upon 24 hours' prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with GRANTOR's use and quiet enjoyment of the Property pursuant to the terms and conditions of this Easement. Each entry shall be for only so long a duration as is reasonably necessary to achieve the inspection, monitoring and subsequent enforcement, if applicable, but may not be limited to a single physical entry during a single twenty-four hour period.

3.3 **Approval of Certain Activities.** DISTRICT shall have the right to review and approve proposed uses and activities as more specifically set forth in Section 4 and Exhibit B herein, and in accordance with Section 7.

4. **Prohibited and Restricted Uses of the Property.** Any activity on the Property or use of the Property which is inconsistent with the Conservation Purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the activities and uses described in Exhibit B attached hereto are expressly prohibited or restricted.

5. **GRANTOR's Reserved Rights.** In addition to the express rights reserved in Exhibit B, GRANTOR reserves to Itself and to GRANTOR's personal representatives, heirs, successors and assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in all uses of the Property that are not expressly prohibited or restricted herein and are not inconsistent with the Conservation Purpose of this Easement. Without limiting the generality of the foregoing, and subject to the terms of Exhibit B, the following rights are expressly reserved:

5.1. **Recreational and Educational Use.** GRANTOR reserves the right to use the Property for low-intensity, recreational and/or educational purposes, so long as no significant surface alteration, significant impact to natural resources, or other development of the land occurs in connection with such use, and so long as such use is consistent with the terms, conditions and Conservation Purpose of this Easement, which rights include, but are not limited to, hiking, horseback riding, bike riding, and nature study. All recreational and educational activities shall be consistent with the Tolay Lake Park Management Plan and the Restoration and Management Plan for Tolay Lake.

5.2. **Habitat Enhancement:** GRANTOR reserves the right to conduct restoration activities in accordance with the Restoration and Management Plan for Tolay Lake which will be developed in partnership with the California Department of Fish and Game subject to the approval of the DISTRICT in accordance with the provisions of Paragraph 7 of this Easement. To undertake conservation and restoration activities including, but not limited to, bank and soil stabilization, practices to reduce erosion, enhancement of plant and wildlife habitat; and activities which promote biodiversity in accordance with sound, generally accepted practices and all applicable laws, ordinances and regulations. All restoration and enhancement activities shall be consistent with the Restoration and Management Plan for Tolay Lake and the Tolay Lake Park Management Plan.

5.3 **Fire Management.** To undertake fire management plans for the purpose of fire control and/or natural resource management. Such methods may include prescriptive burning, limited brush removal, and grazing of the Property consistent with a Rangeland Management Plan prepared by GRANTOR or a qualified professional. DISTRICT shall receive prior notification of such plans which shall be approved by the California Department of Forestry and Fire Protection and appropriate local fire protection and permitting agencies.

5.4 **Plant Collection.** GRANTOR reserves the right to permit limited supervised collection of plant materials for cultural interpretive uses at a level that is consistent with the Conservation Purpose of this Easement.

The allowed uses, practices and rights to improve the Property which are not retained by GRANTOR under Sections 5.1, 5.2, 5.3, and 5.4 above or allowed under Exhibit B are hereby extinguished. In the event that such extinguishment is determined to be unlawful or otherwise unenforceable, then those uses, practices and rights contributing to the improvement of the Property are hereby assigned by GRANTOR to DISTRICT. Neither GRANTOR nor DISTRICT shall use or receive the benefit from any increase in allowable uses, practices and rights to improve the Property, that are inconsistent with this Easement, resulting from any change in applicable governmental land use regulations.

6. **Merger of Parcels.** GRANTOR acknowledges that the Property currently consists of separate parcels as shown on the current Sonoma County Assessment Roll. GRANTOR further acknowledges that one or more additional parcels may exist on the Property through the recognition of previously unrecognized parcels created by patent or deed conveyances, subdivisions, lot line adjustments, surveys, recorded or unrecorded maps or other documents and, that existing or future land use regulations might permit

these parcels to be sold or otherwise conveyed separately from one another as separate legal parcels. It is the intent of GRANTOR and DISTRICT to prevent the separate conveyance of any of these parcels. To the extent not already accomplished as a condition precedent to the acceptance by DISTRICT of this Easement, GRANTOR shall apply for and pursue to completion an application to the County of Sonoma, or, such other governmental agency having jurisdiction, for the consolidation or merger of any existing parcels or claimed parcels of the Property into a single parcel. If the parcels cannot be merged because of their lack of contiguity or for any other reason, GRANTOR shall pursue and secure such other applicable legal restrictions so that no such existing parcels or claimed parcels may be separately sold or conveyed from the others or the property as a whole.

7. **Notice and Approval Procedures.** Some uses permitted by this Easement require that prior written notice be given by GRANTOR to DISTRICT, while other uses permitted by this Easement require the prior written approval of DISTRICT. Any activity proposed to be done or undertaken by GRANTOR which requires prior notice or the prior approval of DISTRICT shall be commenced only after satisfaction of the requirements of this Section and of Section 18. Notice shall be given or approval requested by using the appropriate form available at DISTRICT's offices. DISTRICT may consider notices and requests for approval in different forms, provided that all necessary information is provided to permit DISTRICT to make an informed judgment as to the consistency of the GRANTOR's request with the terms of this Easement.

7.1 **Uses/Activities Requiring Notice to DISTRICT.** GRANTOR shall deliver the notice to DISTRICT at least forty-five (45) days prior to the commencement of any use or practice requiring notification.

7.2 **Uses/Activities Requiring Prior Approval from DISTRICT.** DISTRICT shall have forty-five (45) days from the receipt of a complete request for approval to review the proposed use or practice and to approve, conditionally approve, approve with modifications, disapprove or otherwise respond to the request. If the request for approval is approved, conditionally approved or approved with modifications, the requested use or practice may only be undertaken in accordance with the terms, conditions and modifications of the approval. DISTRICT's decision to disapprove a request for approval shall be supported by a finding that the requested use or practice is inconsistent with the Conservation Purpose of this Easement or that the request for approval is incomplete or inaccurate. The approval of the DISTRICT obtained in one circumstance shall not be deemed or construed to be a waiver by DISTRICT of any subsequent change in use or practice.



7.3 **DISTRICT's Failure to Respond.** Should DISTRICT fail to post its response to GRANTOR's request for approval within forty-five (45) days of the receipt of said notice, GRANTOR shall send a second notice by registered or certified mail. Should DISTRICT fail to respond to the second notice within ten (10) days of the receipt thereof, GRANTOR may appeal to DISTRICT's Board of Directors.

7.4 **Non-Permitted Uses; DISTRICT's Approval.** In the event GRANTOR desires to commence a use or practice on the Property which is not expressly reserved or prohibited in Exhibit B or Section 5, GRANTOR shall seek DISTRICT's prior written approval of such use or practice in accordance with the procedure set forth in Section 7.2 above. The exercise of any use or practice pursuant to a right not expressly reserved in Exhibit B or Section 5 may constitute a breach of this Easement and be subject to the provisions of Section 13.

8. **Costs and Liabilities Related to the Property.**

8.1 **Maintenance of the Property.** GRANTOR agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property and does hereby indemnify and hold DISTRICT harmless therefrom. Without limiting the foregoing, GRANTOR agrees to pay any and all real property taxes, fees, exactions and assessments and each of them levied or imposed by local, state or federal authorities on the Property. GRANTOR shall be solely responsible for any costs related to the maintenance of general liability insurance covering acts on the Property. Except as specifically set forth in Section 9.2 below, DISTRICT shall have no responsibility whatever for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of GRANTOR, the public, or any third parties from risks relating to conditions on the Property. GRANTOR hereby agrees to indemnify and hold DISTRICT harmless from and against any damage, liability, claim, or expense (including attorneys' fees) relating to such matters. Without limiting the foregoing, DISTRICT shall not be liable to GRANTOR or any other person or entity in connection with consents given or withheld hereunder, or in connection with any entry upon the Property occurring pursuant to this Easement, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against GRANTOR or any other person or entity, except as such claim, liability, damage, or expense is the result of DISTRICT'S negligence, gross negligence, or intentional misconduct.

8.2 **Hazardous Materials.** Notwithstanding any other provision of this Easement to the contrary, the parties do not intend and this Easement shall not be construed such that (1) it creates in DISTRICT the obligations or liabilities of an "owner" or "operator" as those words are defined and used in environmental laws, as defined

below, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 United States Code, sections 9601 et seq. and hereinafter "CERCLA") or (2) it creates in DISTRICT the obligations or liabilities of a person described in 42 United States Code section 9607(a)(3) or (3) DISTRICT has the right to investigate and remediate any hazardous materials, as defined below, associated with the Property or (4) DISTRICT has any control over GRANTOR'S ability to investigate and remediate any hazardous materials associated with the Property. GRANTOR represents, warrants and covenants to DISTRICT that GRANTOR'S use of the Property shall comply with all environmental laws as that phrase is defined below. For the purposes of this Easement:

i. The term "hazardous materials" includes, without limitation, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Hazardous Materials Transportation Act, as amended (49 United States Code sections 1801 et seq.), the Resource Conservation and Recovery Act of 1976, as amended (42 United States Code sections 6901 et seq.), sections 25117 and 25316 of the California Health & Safety Code, and in the regulations adopted and publications promulgated pursuant to them, or any other federal, state, or local environmental laws, ordinances, rules, or regulations concerning the environment, industrial hygiene or public health or safety now in effect or enacted after this date of this Easement.

ii. The term "environmental laws" includes, without limitation, any federal, state, local or administrative agency statute, regulation, rule, ordinance, order or requirement relating to environmental conditions or hazardous materials.

## 9. Indemnities.

9.1 GRANTOR'S Indemnity. GRANTOR shall hold harmless, indemnify, and defend DISTRICT, its agents, employees, volunteers, successors and assigns, from and against damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except as such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of DISTRICT (it being the intent of this provision to limit GRANTOR'S indemnity to the proportionate part of DISTRICT'S damage, liability, claim or expense for which GRANTOR is responsible); and (ii) the obligations specified in Section 8. In the event of any claim, demand, or legal complaint against DISTRICT, the right to the indemnification provided by this Section 9.1 shall not apply to any cost, expense, penalty,

settlement payment, or judgment, including attorneys' fees, incurred prior to DISTRICT'S written notice of such claim, demand, or legal complaint to GRANTOR, unless GRANTOR has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by GRANTOR, which approval shall not be unreasonably withheld.

9.2 **DISTRICT'S Indemnity.** DISTRICT shall hold harmless, indemnify, and defend GRANTOR, its heirs, devisees, successors and assigns, from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property and attributable to DISTRICT, except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of GRANTOR (it being the intent of this provision to limit DISTRICT'S indemnity to the proportionate part of GRANTOR'S damage, liability, claim or expense for which DISTRICT is responsible). In the event of any claim, demand, or legal complaint against GRANTOR, the right to the indemnification provided by this Section 9.2 shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to GRANTOR'S written notice of such claim, demand, or legal complaint to DISTRICT, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by DISTRICT, which approval shall be in DISTRICT'S sole discretion. DISTRICT hereby also agrees to hold harmless, indemnify and defend GRANTOR from and against all damages, liabilities, claims and expenses, including attorneys' fees, asserted against GRANTOR by any officer, agent, employee, or volunteer of DISTRICT, for personal injury and/or property damage arising out of any inspection or visit to the Property by any such officer, agent, employee or volunteer of DISTRICT, except to the extent that such injury is attributable to the negligence, intentional act or willful misconduct of GRANTOR.

10. **Public Access to the Property.** Nothing in this Easement shall be construed to preclude GRANTOR's right to grant access to third parties across the Property, provided that such access is allowed in a reasonable manner and is consistent with the Conservation Purpose of this Easement and so long as such activity is undertaken subject to the terms and conditions of this Easement.

11. **Interpretation and Construction.** To the extent that this Easement may be uncertain or ambiguous such that it requires interpretation or construction, then it shall be

interpreted and construed in such a way that meets the Conservation Purpose of this Easement. It is the intention of the parties that any interpretation or construction shall promote the Conservation Purpose of this Easement.

12. **Baseline Documentation for Enforcement.** District acknowledges that the present uses of the Property are consistent with the Conservation Purpose of this Easement. In order to establish the present condition of the Property, DISTRICT, in consultation with GRANTOR will prepare a Baseline Documentation Report within three (3) months of the execution of this Easement which will be maintained on file with DISTRICT and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Easement. The parties agree that the Baseline Documentation Report is intended to provide an accurate representation of the Property at the time of the execution of this Easement. GRANTOR and DISTRICT recognize that changes in natural resource management practices and management of the recreational uses of the property may dictate an evolution of the management of the Property, consistent with the Conservation Purpose of this Easement.

13. **Remedies for Breach.**

13.1 **DISTRICT's Remedies.** In the event of a violation or threatened violation of any term, condition, covenant, or restriction contained in this Easement, DISTRICT may, following notice to GRANTOR, which notice shall contain a reasonable and specific cure period, institute a suit to enjoin and/or recover damages for such violation and/or to require the restoration of the Property to the condition that existed prior to such violation. The notice shall be a general written notification of the condition claimed by the DISTRICT to be a violation that is either mailed or otherwise delivered by DISTRICT to GRANTOR. If DISTRICT reasonably determines that circumstances require immediate action to prevent or mitigate damage to the values protected by this Easement, DISTRICT may pursue its remedies under this paragraph without waiting for the cure period to expire, and shall have the right, upon the giving of 24 hours' notice, to enter the Property for the purpose of assessing damage or threat to the Conservation Values protected by this Easement and determining the nature of curative or mitigation actions that should be taken. DISTRICT's rights under this Section apply equally in the event of either actual or threatened violations of the terms of this Easement, and GRANTOR agrees that DISTRICT's remedies at law for any violation of the terms of this Easement are inadequate and that DISTRICT shall be entitled to the injunctive relief described herein, both prohibitive and mandatory, in addition to such other relief, including damages, to which DISTRICT may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

13.2 **DISTRICT'S Discretion.** Enforcement of the terms of this Easement shall be at the sole discretion of DISTRICT, and any forbearance by DISTRICT to exercise its rights under this Easement in the event of any breach of any term of this Easement by GRANTOR shall not be deemed or construed to be a waiver by DISTRICT of such term or of any subsequent breach of the same or any other term of this Easement. Any failure by DISTRICT to act shall not be deemed a waiver or forfeiture of DISTRICT'S right to enforce any term, condition, covenant, or purpose of this Easement in the future.

13.3 **Liquidated Damages.** Inasmuch as the actual damages resulting from the loss [or depreciation] of the Conservation Values of the Property and caused by its breach by GRANTOR are uncertain and would be impractical or extremely difficult to measure, the parties agree that the damages allowed by Civil Code section 815.7(c) shall be measured as follows:

(a) For an improvement prohibited by this Easement, an amount equal to the product of (i) the market value of the improvement, (ii) the length of time that the improvement exists on the Property (in terms of years), and (iii) the then current annual interest rate for post judgment interest; and

(b) For an activity or change in use prohibited by this Easement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR because of the activity or change in use; and (c) For an activity or change in use prohibited by this Easement, whether or not it involves an improvement and where there is no measurable economic gain realized by GRANTOR, the product of (i) the cost of restoration, as set forth in a written estimate by a qualified person selected by DISTRICT, (ii) the length of time that the prohibited activity or use continues (in terms of years) and (iii) the then current annual interest rate for post judgment interest.

13.4 **GRANTOR'S Compliance.** If DISTRICT, in the notice to GRANTOR, demands that GRANTOR remove an improvement, discontinue a use or both and claims the damages allowed by Civil Code section 815.7(c), then GRANTOR may mitigate damages by fully complying with DISTRICT'S notice within the cure period provided therein. In the event of litigation arising out of the notice, brought either by GRANTOR or by DISTRICT, in which GRANTOR prevails, then GRANTOR shall be entitled to economic damages; provided, however, that neither DISTRICT nor GRANTOR shall be entitled to damages where DISTRICT has not claimed damages in its notice.

13.5 **Remedies Nonexclusive.** The remedies set forth in this Section 13 are not intended to displace any other remedy available to either party as provided by this Easement, Civil Code sections 815 et seq. or any other applicable local, state or federal law.

14. **Acts Beyond GRANTOR'S Control.** Nothing contained in this Easement shall be construed to entitle DISTRICT to bring any action against GRANTOR for any injury to or change in the Property resulting from causes beyond GRANTOR'S control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by GRANTOR under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes so long as such action, to the extent that GRANTOR has control, is designed and carried out in such a way as to further the Conservation Purpose of this Easement.

15. **Condemnation.** In the event that the Property or some portion thereof is condemned for public use by an entity other than DISTRICT, the market value for purposes of just compensation shall be determined as though this Easement did not exist and GRANTOR and DISTRICT shall share the compensation on the following basis: GRANTOR 38% and DISTRICT 62%. In the apportionment of the proceeds from an eminent domain proceeding, an adjustment shall be made in GRANTOR's favor for any increase in value after the date of this Easement that is attributable to improvements; provided such increase in value is earned through GRANTOR's efforts and is not the result of value added by this easement, the passage of time or other passive means; and provided, further, that such increase in value is not the result of activities constituting a breach of this Easement.

16. **Agreement to Bind Successors.** The Easement herein granted shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Property and shall bind GRANTOR, GRANTOR'S heirs, personal representatives, lessees, executors, all persons claiming under GRANTOR, successors, including but not limited to purchasers at tax sales, and assigns forever. The parties intend that this Easement shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California, including, *inter alia*, Civil Code sections 815-816.

17. **Subsequent Deeds and Leases.** GRANTOR agrees that a clear reference to this Easement will be made in any subsequent deed, or other legal instrument, by means of which any interest in the Property (including, but not limited to, a leasehold interest) is conveyed, that GRANTOR will attach a copy of this Easement to any such instrument,

and that GRANTOR will notify DISTRICT in writing ten (10) days prior to any such conveyance. These obligations of GRANTOR shall not be construed as a waiver or relinquishment by DISTRICT of rights created in favor of DISTRICT by this Easement.

18. **Notices.** All notices, (including requests, demands, approvals, or communications) under this Easement shall be in writing.

18.1 **Method of Delivery.** Notice shall be sufficiently given for all purposes as follows:

(a) When personally delivered to the recipient, notice is effective on delivery.

(b) When mailed first class to the last address of the recipient known to the party giving notice, notice is effective on delivery.

(c) When mailed by certified mail with return receipt requested, notice is effective on receipt if delivery is confirmed by a return receipt.

(d) When delivered by overnight delivery with charges prepaid or charged to the sender's account, notice is effective on delivery if delivery is confirmed by the delivery service.

(e) When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice, notice is effective on receipt as long as (1) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery or (2) the receiving party delivers a written confirmation of receipt. Subject to the foregoing requirements, any notice given by telex or fax shall be considered to have been received on the next business day if it is received after 5 p.m. (recipient's time) or on a non-business day.

18.2 **Refused, Unclaimed, or Undeliverable Notices.** Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be considered to be effective as of the first date that the notice was refused, unclaimed, or considered undeliverable by the postal authorities, messenger, or overnight delivery service.

18.3 **Addresses.** Addresses for purposes of giving notice are set forth below:

**To GRANTOR:** Director of Regional Parks  
County of Sonoma  
2300 County Center Drive, 120A  
Santa Rosa, CA 95403

**To DISTRICT:** General Manager  
Sonoma County Agricultural Preservation  
and Open Space District  
747 Mendocino Avenue  
Santa Rosa, CA 95401

19. **Entire Agreement; Severability.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supercedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in a written amendment executed by GRANTOR and DISTRICT and recorded by the Sonoma County Recorder. In the event any provision of this Easement is determined by the appropriate court to be void and unenforceable, all remaining terms and conditions will remain valid and binding.

20. **Estoppel Certificates.** DISTRICT shall, at any time during the existence of the Easement, upon not less than thirty (30) days' prior written notice from GRANTOR, execute and deliver to GRANTOR a statement in writing certifying that the Easement is unmodified and in full force and effect (or, if modified, stating the date of execution and date of recording of the respective amendment) and acknowledging that there is not, to DISTRICT'S knowledge, any default by GRANTOR hereunder, or, if DISTRICT alleges a default by GRANTOR, specifying such default. DISTRICT'S obligation to deliver the statement of certification is conditioned on GRANTOR'S reimbursing DISTRICT for all costs and expenses reasonably and necessarily incurred in its preparation as determined by DISTRICT'S General Manager.

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this Easement this 27<sup>th</sup> day of September, 2005.

GRANTOR:  
COUNTY OF SONOMA

By:   
Chair of the Board of Supervisors  
Tim Smith



DISTRICT:

SONOMA COUNTY AGRICULTURAL  
PRESERVATION AND OPEN SPACE  
DISTRICT

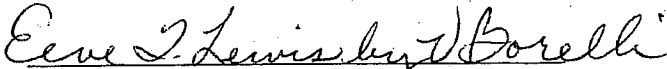
By



\_\_\_\_\_  
President of the Board of Directors

*Tim Smith*

ATTEST:



EEVE T. LEWIS, County Clerk and  
ex-officio Clerk of the Board of Directors

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

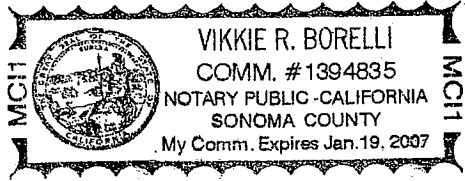
State of California }  
County of Sonoma } ss.

On September 27, 2005 before me, Vikkie Borelli, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Jim Smith, Chair Board Supervisors  
Jim Smith, President Ag + Open Space Dist.  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Vikkie R. Borelli  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

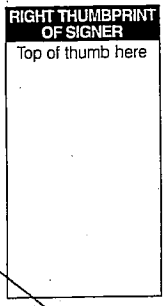
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



(RITA & MARVIN PARCEL)

**EXHIBIT A**

**The Real property**

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

**TRACT ONE:**

**PARCEL ONE:**

LOT 3, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-057

**PARCEL TWO:**

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

**TRACT TWO:**

**PARCEL ONE:**

LOT 4, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-058

**PARCEL TWO:**

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

**PARCEL THREE:**

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Martinelli as said lands are described by Deed recorded in Book 1512 of Official Records, Page 45, Sonoma County Records, the center line of which is more particularly described as follows:

BEGINNING at a point in the centerline of an existing road on the Northerly boundary line of the lands of Gilardi as said lands are described by Deed recorded

in Book 3538 of Official Records, Page 835, Sonoma County Records, from which a set 3/4" iron pipe, on the Northerly line of said lands of Gilardi, tagged LS 5092, bears South 67° 03' 53" West 10.00 feet and also from said point of beginning a set 3/4" iron pipe, tagged LS 5092, at an existing 6" x 8" fence corner post, at the Northwestern corner of said lands of Gilardi, bears South 67° 03' 53" West 2856.53 feet; thence Northerly from said point of beginning the following courses along the center line of an existing road: North 23° 05' West 105.67 feet to a curve concave Easterly having a radius of 200.00 feet, Northerly along said curve through a central angle of 8° 04' for a distance of 28.16 feet, North 15° 01' West 407.05 feet to an angle point, North 6° 16' West 171.60 feet to a curve concave Easterly having a radius of 380.00 feet, Northerly along said curve through a central angle of 11° 45' for a distance of 77.93 feet, North 5° 29' East 227.7 feet to an angle point, North 8° 08' East 89.00 feet to a curve concave Westerly having a radius of 205.00 feet, Northerly along said curve through a central angle of 27° 18' for a distance of 97.68 feet, North 19° 10' West 36.00 feet to a curve concave Easterly having a radius of 810.00 feet, Northerly along said curve through a central angle of 8° 03' for a distance of 113.80 feet, North 11° 07' West 220.00 feet to a curve concave Westerly having a radius of 390.00 feet, Northerly along said curve through a central angle of 37° 10' for a distance of 252.99 feet, North 48° 17' West 74.40 feet to a curve concave Easterly having a radius of 270.00 feet, Northerly along said curve through a central angle of 27° 37' for a distance of 130.14 feet, North 20° 40' West 60.60 feet to an angle point, North 28° 44' West 50.05 feet to a curve concave Easterly having a radius of 450.00 feet, Northerly along said curve through a central angle of 18° 32' for a distance of 145.56 feet, North 10° 12' West 78.00 feet to a curve concave Westerly having a radius of 170.00 feet, Northerly along said curve through a central angle of 42° 22' for a distance of 125.70 feet, North 52° 34' West 67.99 feet to a curve concave Northeasterly having a radius of 130.00 feet, Northerly along said curve through a central angle of 20° 04' for a distance of 45.53 feet, North 32° 30' West 88.00 feet to an angle point, North 35° 00' West 95.00 feet to an angle point and North 28° 00' West 41 feet more or less to the Southerly line of State Highway 116 (Stage Gulch Road).

**PARCEL FOUR:**

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Gilardi as described in that Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, the centerline of which is more particularly described as follows:

COMMENCING at a found 1/2" iron pipe, tagged L.S. 5092, at a fence corner, the Southwesterly corner of said lands of Gilardi; thence North 66° 59' 40" East, 2334.15 feet along the Southerly line of said lands of Gilardi, to the point of beginning of said centerline at the centerline of an existing road and a point on a curve concave Westerly having a radius of 300.00 feet from which a radial line of said curve bears South 76° 33' 43" West; thence Northerly the following courses along said existing road; Northerly along said curve through a central angle of 4° 33' 43" for a distance of 23.89 feet, North 18° 00' 00" West 54.35 feet, North 11° 30' 00" West 201.40 feet, North 13° 45' 00" West 126.10 feet to a curve concave Easterly having a radius of 300.00 feet, Northerly along said curve through a central angle of 20° 55' 00" for a distance of 109.52 feet, North 7° 10' 00" East, 186.00 feet to a curve concave Easterly having a radius of 400.00 feet, Northerly along said curve through a central angle of 16° 50' 00" for a distance of 117.52 feet to a curve concave Southeasterly having a radius of 210.00 feet, Northerly and Northeasterly along said curve through a central angle of 37° 00' 00" for a distance of 135.61 feet, North 61° 00' 00" East 146.68 feet to a curve concave Northwesterly having a radius of 310.00 feet, Northeasterly and Northerly along said curve through a central angle of 71° 15' 00" for a distance of 385.50 feet, North 10° 15' 00" West 81.75 feet, North 18° 00' 00" West 152.50 feet, North 31° 30' 00" West 186.32 feet to a curve concave Westerly having a radius of 250.00 feet, Northerly along said curve through a central angle of 28° 20' 00" for a distance of 114.90 feet, North 57° 50' 00" West 172.74 feet to a curve concave Easterly having a radius of 620.00 feet, Northerly along said curve through a central angle of 18° 52' 00" for a distance of 204.16 feet, North 38° 58' 00" West 180.00 feet to a curve concave Easterly having a radius of 180.00 feet, Northerly along said curve through a central angle of 29° 18' 00" for a distance of 92.05 feet, North 9° 40' 00" West 133.04 feet to a curve concave Easterly having a radius of 940.00 feet, Northerly along said curve through a central angle of 7° 28' 00" for a distance of 122.50 feet, North 2° 12' 00" West 74.14 feet to a curve concave Westerly having a radius of 415.00 feet, Northerly along said curve through a central angle of 20° 53' 00" for a distance of 151.26 feet and North 23° 05' 00" West 2.32 feet to the Northerly line of said lands of Gilardi, from which a set 3/4" iron pipe tagged L.S. 5092 bears South 67° 03' 53" West 10.00 feet.

**PARCEL FIVE:**

A 40 FOOT easement for road and utility purposes over Lot 2 as shown upon Parcel Map No. 5085-A filed October 14, 1976 in Book 240 of Maps at Pages 23, 24 and 25, Sonoma County Records and as further described in a deed recorded May 21, 1985 as Document No. 1985- 31917, Official Records.

**Exhibit B**  
**Prohibited and Restricted Uses of the Property**

1. **Subdivision/Development Rights.** The legal or de facto subdivision of the Property or any of its constituent parcels for any purpose, including but not limited to gaining recognition of previously unrecognized parcels created by patent or deed, conveyance, subdivision or survey; the seeking of a partition remedy in a lawsuit; the transfer of development rights within or outside the ownership of the Property; and/or the sale, alienation, finance or conveyance of one parcel of the Property apart from the sale of the entire Property is prohibited, except through the power of Eminent Domain. Notwithstanding anything stated to the contrary in the previous sentence, GRANTOR may, subject to DISTRICT's prior written approval, undertake the following actions:

1.1 **Conveyance for Conservation Purposes.** GRANTOR may voluntarily convey a portion of the Property to a government or non-profit entity exclusively for conservation or public access purposes.

1.2 **Boundary Line Adjustments.** GRANTOR may relocate one or more boundary lines between two or more of the existing contiguous parcels on the Property, where the land taken from one parcel is added to a contiguous parcel and neither a greater number of parcels nor a greater number of buildable parcels than originally existed are thereby created.

2. **Commercial Uses.** Any commercial use of or activity on the Property is prohibited, except for the following rights reserved by GRANTOR:

2.1 **Recreational Use.** Recreational concessions or short-term special events may be operated on the Property in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this Easement.

2.2 **Park Complex/Visitor Center.** GRANTOR may develop visitor-serving uses within the Park Complex Area in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this Easement.

2.3 **Agricultural Use.** In addition to the rights reserved in Paragraph 5.3 of this Easement, GRANTOR reserves the right to engage in limited agricultural use of the Property in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this easement, subject to approval by the District, Wildlife Conservation Board and State Coastal Conservancy.

3. **Recreational Use.** Any recreational use of the property that would adversely impact the conservation values of the property is prohibited, including the following:

3.1 Camping. The use of the Property for limited or supervised camping by permit is allowed at a level that is consistent with the Conservation Purpose of this Easement. Any other camping on the Property shall be consistent with the Conservation Purpose of this Easement and shall be subject to approval by the District, Wildlife Conservation Board and State Coastal Conservancy.

3.2 Water based recreation on lake and ponds. Any public use of existing or restored water bodies for motorized watercraft is prohibited. Any use of non-motorized watercraft must be consistent with the Lake Restoration and Management Plan and Conservation Easement held by the Department of Fish and Game and must be consistent with the Conservation Purpose of this Easement.

3.3 Ball fields. The development of ball fields is prohibited.

3.4 Night lighting. The development or installation of lighting to allow for public recreational uses outside of a Park Complex/Visitor Center Area past sunset is prohibited.

4. **Residential Use.** Any residential use of or activity on the Property is prohibited, except for the following rights reserved by the GRANTOR relating to residential use of the Property.

4.1 To lease one or more of the residences on the Property consistent with the terms, conditions, and purpose of this Easement.

5. **Structures and Improvements.** No residences, buildings or other structural improvements, shall be placed, constructed or reconstructed on the Property, other than as provided for in the Park Management Plan.

5.1 Maintenance, Repair or Replacement of Existing Structural Improvements. GRANTOR may maintain, renovate, or replace agricultural, residential, and related buildings, structures and improvements, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Easement, in their present location as described in the Baseline Report and shown on the Baseline Site Map; provided that any renovation, or replacement of an existing building, structure, or improvement may not substantially alter its character or function or increase its present height, or the land surface area it occupies.

5.2 New Structural Improvements for Recreational, Educational or Interpretive Uses. GRANTOR may place or construct, after prior written approval of the DISTRICT, additional buildings, structures and improvements necessary for the permitted recreational, educational, or interpretive use of the Property, provided that any additional buildings, structures and improvements are located within the Park Complex Area as more particularly described in the Baseline Report and shown on the Baseline Site Map.

5.3 Roads. Construction of new roads, reconstruction or expansion of existing roads is subject to the DISTRICT's prior written approval, and are restricted to roads as may be directly required for uses and activities permitted herein, so long as such road construction, expansion or reconstruction is otherwise consistent with the purposes, terms and conditions of this Easement. Roads shall be constructed and maintained so as to minimize erosion and sedimentation and ensure proper drainage, utilizing Best Management Practices as recommended by the U.S. Forest Service, California Department of Forestry & Fire Protection or other similar or successor entity. Roads may not be paved with asphalt, concrete or other impervious surface unless such paving is identified in and consistent with the Park Management Plan or required by any law, code, ordinance or regulation. Roads that are abandoned, permanently closed and/or decommissioned shall be restored, stabilized and ensured of proper drainage.

5.4 Fences. Construction of new fences is restricted to fencing only as necessary for agricultural uses, natural resources protection or other uses accessory to the residential or recreational use of the Property. Such fencing must be the minimum necessary for such uses. In the event of destruction or deterioration of any fences, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, GRANTOR may replace such fencing with a fence of similar size (i.e., no greater in height or length), function, capacity and location, without prior notice to or approval by DISTRICT, provided, however, that such replacement: (i) is consistent with the conservation purpose of this Agreement, including the preservation of scenic values; (ii) does not impede wildlife movement; and (iii) complies with the DISTRICT'S current standards for fences on conservation lands. In the event any fence, or portion thereof, becomes unnecessary for the uses described in this paragraph, GRANTOR shall remove such fencing from the Property.

5.5 Utilities. Expansion, development or construction of utilities, including but not limited to electric power, septic or sewer, communication lines, and water storage and delivery systems ("Utility Systems") is prohibited, provided however, that, upon written notification to DISTRICT, GRANTOR may reconstruct, replace and maintain the current Utility Systems, and subject to DISTRICT's approval, develop and expand the Utility Systems when directly required for the uses permitted in Paragraphs 4 and 5 of this Easement, so long as such expansion is constructed in a manner that is otherwise consistent with the purposes, terms and conditions herein.



5.6 **Signs.** The construction of outdoor advertising structures such as signs and billboards is prohibited, provided however, that GRANTOR reserves the right to construct signs on the Property which are necessary to accomplish the permitted uses herein, so long as such signs are constructed, placed or utilized in a manner that is otherwise consistent with the purposes, terms and conditions of this Easement, and that no sign other than Park Entry signs exceed thirty-two (32) square feet in size and/or be artificially illuminated without prior written approval of the DISTRICT. Any signs to be placed on the property must comply with the Matching Grant Agreement between GRANTOR and DISTRICT.

6. **Water Resources.** Except as may be necessary to implement the Lake Restoration and Management Plan as described in Paragraph 5.2 of this Agreement, relating to the maintenance, replacement, development and expansion of water storage and delivery systems, the draining, filling, dredging, diking, damming or other alteration, development or manipulation of watercourses, springs and wetlands is prohibited; provided, however, that GRANTOR may conserve riparian, wetland and instream habitats for fish and wildlife, and may take necessary actions in the event of an emergency situation.

7. **Easements.** The granting of new temporary or permanent easements, and the modification or amendment of existing easements is prohibited without the approval of the DISTRICT. New easements or easement modifications shall only be granted where they will remove or significantly lessen the impact of existing easements of record on the Conservation Values set forth in this Easement or if such new or modified easement furthers the Conservation Purpose of this Easement. It is the duty of GRANTOR to prevent the use of the Property by third parties which may result in the creation of prescriptive rights which may be inconsistent with the conservation purpose of this Easement.

8. **Motorized Vehicles.** Motorized vehicles shall not be used off roads, except in an emergency, or directly in connection with permitted agricultural, conservation, wildlife or recreation management activities and when otherwise consistent with the purposes, terms and conditions herein.

9. **Soil Degradation.** Any use or activity that causes soil degradation, loss of productivity, or erosion, or contributes to the pollution of any surface or sub-surface waters is prohibited.

10. **Mineral Exploration.** The exploration for, or development and extraction of, geothermal resources, minerals and hydrocarbons by any surface or sub-surface mining or any other method is prohibited; provided however, that GRANTOR may use rock material from the existing quarry site, as designated on the Baseline Site Map, on site and in connection with the permitted uses under the terms of this Easement.

11. **Storage/Dumping.** The dumping, release, burning, permanent storage, or other disposal of wastes, refuse, debris, motorized vehicles or hazardous substances is prohibited; except for the

following rights reserved by GRANTOR in connection with the permitted uses under the terms of this Easement:

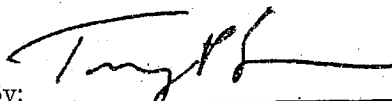
- 11.1 Storage of Materials Related to Permitted Uses. The storage of vehicles, building materials, machinery or agricultural supplies required for permitted uses may be stored in existing agricultural structures as delineated on the Baseline Site Map, so long as such storage is consistent with law, public health and sound agricultural practices.
- 11.2 Storage of Construction Materials. Construction and other work materials which are visible from public roadways may be stored outside while work is in progress for a period not to exceed ninety (90) days.
12. **Surface Alteration or Excavation.** Any alteration of the contour of the Property in any manner whatsoever including, but not limited to, excavating or removing soil, sand, gravel, rock, peat or sod is prohibited, except as necessary in connection with the permitted uses as provided in this Easement.
13. **Tree Removal.** The harvesting, cutting, removal, or destruction of any trees is prohibited, provided, however, that GRANTOR reserves the right to cut or remove trees as reasonably necessary for personal, non-commercial use on the Property, including without limitation (a) to control insects and disease, (b) to prevent personal injury and property damage, (c) to allow construction or repair of residential, recreational, educational, or agricultural structures and improvements, (d) to allow for habitat restoration activities, and (e) as necessary for the purpose of fire control and/or natural resource management as more specifically defined in Section 5.3 of the Easement.

**CERTIFICATE OF ACCEPTANCE**  
(Government Code Section 27281)  
**OF REAL PROPERTY BY THE**  
**BOARD OF DIRECTORS OF THE**  
**SONOMA COUNTY AGRICULTURAL PRESERVATION**  
**AND OPEN SPACE DISTRICT**

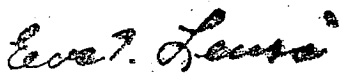
This is to certify that the interests in real property conveyed by the Conservation Easement Agreement dated September 22, 2005, from the County of Sonoma to the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5, is hereby accepted by the President of the Board of Directors on behalf of the District pursuant to the authority conferred by Resolution No. 05-0840 of the Board of Directors, Dated September 27, 2005, and the District consents to the recording thereof by its duly recognized officer.

Sonoma County Agricultural  
Preservation and Open Space District

Dated: 9/27/05

By:   
Tim Smith, President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Eeve T. Lewis, County Clerk and  
ex-officio clerk of the Board of Directors

## **Attachment 2**

### **Wildlife Conservation Board Conservation Easement**

RECORDING REQUESTED BY AND )  
WHEN RECORDED MAIL TO: )

Recorded: 9/29/05  
Doc # 2005-144636

State of California )  
Wildlife Conservation Board )  
1807 13<sup>th</sup> Street, Suite 103 )  
Sacramento, CA 95814 )

Space Above Line for Recorder's Use Only

**CONSERVATION EASEMENT DEED**

THIS CONSERVATION EASEMENT DEED is made this 22<sup>nd</sup> day of September, 2005, by County of Sonoma ("Grantor"), in favor of THE STATE OF CALIFORNIA ("Grantee"), acting by and through its Department of Fish and Game, a subdivision of the California Resources Agency, with reference to the following facts:

RECITALS

A. Grantor is the sole owner in fee simple of certain real property containing approximately 190 acres, located in the County of Sonoma, State of California, portions of designated Assessor's Parcel Numbers 068-060-057, 068-070-004, and 068-070-005, and more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property");

B. The Property possesses, or will possess in the future, wildlife and habitat values (collectively, "conservation values") of great importance to Grantee and the people of the State of California;

C. The Property provides, or will provide upon completion of the activities to be undertaken in the "Restoration and Management Plan for Tolay Lake" referred to in (F) below, high quality wetland and aquatic habitats in the form of a large seasonal lake that supports the following species: California red-legged frogs; western pond turtles, a wide variety of waterfowl and water birds including Canada geese, mallards, cinnamon teal, shovelers, greater scaup, bufflehead, and greater yellowlegs; and raptorial birds including marsh harriers, golden eagles, and white-tailed kites.

D. The Department of Fish and Game has jurisdiction, pursuant to Fish and Game Code Section 1802, over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically sustainable populations of those species, and the Department of Fish and Game is authorized to hold easements for these purposes pursuant to Civil Code Section 815.3, Fish and Game Code Section 1348, and other provisions of California law.

CONFIRMED COPY

**E. The Sonoma County Agricultural Preservation and Open Space District (SCAPOS), will be acquiring the larger Cardoza Ranch property in part, with funds provided by the Department of Fish and Game and the Wildlife Conservation Board for the purposes of protecting its natural and historic open space values and providing for recreational use compatible with those open space values.**

**F. As a condition of grant contributions to SCAPOS for the acquisition, SCAPOS has agreed to provide this easement to the Department of Fish and Game, and to prepare a Restoration and Management Plan for Tolay Lake (Plan). The purpose of the Plan will be to restore Tolay Lake to a seasonal, shallow water lake whose function is primarily to benefit wildlife. Only wildlife-compatible recreational uses, approved by the Department of Fish and Game will be allowed within the area of the easement. The preparation and implementation of the Plan will be coordinated with and approved by the Department of Fish and Game. The Plan will describe enhancement measures needed to restore the hydrologic and wildlife functions of the lake and identify wildlife-compatible recreational uses of the lake.**



## COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to California law, including Civil Code Section 815, *et seq.*, hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property.

1. **Purposes.** The purposes of this Conservation Easement are to ensure the Property will be retained forever in its natural condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property. Grantor intends that this Conservation Easement will confine the use of the Property to such activities that are consistent with those purposes, including, without limitation, those involving the preservation, restoration and enhancement of native species and their habitats.

2. **Grantee's Rights.** To accomplish the purposes of this Conservation Easement, Grantor hereby grants and conveys the following rights to Grantee:

- (a) To preserve and protect the conservation values of the Property;
- (b) To enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Conservation Easement, and for scientific research and interpretive purposes by Grantee or its designees, provided that Grantee shall not unreasonably interfere with Grantor's authorized use and quiet enjoyment of the Property;
- (c) To prevent any activity on or use of the Property that is inconsistent with the purposes of this Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by any act of Grantor, or any use allowed by Grantor that is inconsistent with the purposes of this Conservation Easement;
- (d) All mineral, air and water rights necessary to protect and to sustain the biological resources of the Property; and
- (e) All present and future development rights allocated, implied, reserved or inherent in the Property; such rights are hereby terminated and extinguished, and may not be used on or transferred to any portion of the Property, nor any other property adjacent or otherwise.

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purposes of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following uses and activities by Grantor, Grantor's agents, and third parties, are expressly prohibited:

(a) Unseasonal watering; use of fertilizers, pesticides, biocides, herbicides or other agricultural chemicals; or weed abatement activities; unless the aforementioned uses are part of the Department of Fish and Game approved Plan; incompatible fire protection activities (for the purposes of this agreement, water use for fire fighting is not incompatible); and any and all other activities and uses which may adversely affect the purposes of this Conservation Easement;

(b) Use of off-road vehicles and use of any other motorized vehicles except on existing roadways;

(c) Grazing, unless it is part of the Department of Fish and Game approved Plan, or other agricultural activity of any kind;

(d) Recreational activities including, but not limited to, horseback riding, biking, hunting or fishing, except as may be specifically permitted as part of the Department of Fish and Game approved Plan under this Conservation Easement;

(e) Commercial or industrial uses;

(f) Any legal or de facto division, subdivision or partitioning of the Property;

(g) Construction, reconstruction or placement of any building, billboard or sign, or any other structure or improvement of any kind unless it is part of the Department of Fish and Game approved Plan;

(h) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or any other materials;

(i) Planting, introduction or dispersal of non-native or exotic plant or animal species;

(j) Filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extraction of minerals, loam, soil, sands, gravel, rocks or other material on or below the surface of the Property. Excavation and or recontouring of the lake bed may be allowed as part of the approved Plan to enhance wildlife values;

(k) Altering the surface or general topography of the Property, including building of roads unless it is part of the Department of Fish and Game approved Plan;

(l) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required (1) by law for fire breaks, (2) for maintenance of existing foot trails or

roads, or (3) for prevention or treatment of disease or as provided for in the approved Plan; and

(m) Manipulating, impounding or altering any natural water course, body of water or water circulation on the Property, unless it is part of the Department of Fish and Game approved Plan to restore the historic Tolay Lake or the streams onsite; and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.

4. Grantor's Duties. Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Property. In addition, Grantor shall undertake all necessary actions to perfect Grantee's rights under Section 2 of this Conservation Easement, including but not limited to, Grantee's water rights.

5. Reserved Rights. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from its ownership of the Property, including the right to engage in or to permit or invite others to engage in all uses of the Property that are not expressly prohibited or limited by, and are consistent with the purposes of, this Conservation Easement. Notwithstanding anything stated to the contrary herein, Grantor also reserves the right to lease the property for agricultural purposes. The term of the lease shall be limited to the term of the Agricultural Lease dated as of the recordation date of this document unless extended with the prior written approval of Grantee. Agricultural use may include activities necessary and associated with the harvesting of various crops, for example use of harvesting equipment or machinery, use of agricultural chemicals (in accordance with all applicable laws and regulations), and use of vehicles off roadways for agricultural purposes.

6. Grantee's Remedies. If Grantee determines that a violation of the terms of this Conservation Easement has occurred or is threatened, Grantee shall give written notice to Grantor of such violation and demand in writing the cure of such violation. If Grantor fails to cure the violation within thirty (30) days after receipt of written notice and demand from Grantee, or if the cure reasonably requires more than thirty (30) days to complete and Grantor fails to begin the cure within the thirty (30) day period or fails to continue diligently to complete the cure, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to recover any damages to which Grantee may be entitled for violation of the terms of this Conservation Easement or for any injury to the conservation values of the Property, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, or for other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any such violation or injury. Without limiting Grantor's liability therefor, Grantee may apply any damages recovered to the cost of undertaking any corrective action on the Property.

If Grantee reasonably determines that circumstances require immediate action to prevent or mitigate damage to the conservation values of the Property, Grantee

may pursue its remedies under this Section 6 without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this section apply equally to actual or threatened violations of the terms of this Conservation Easement.

Grantor agrees that Grantee's remedies at law for any violation of the terms of this Conservation Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including but not limited to, the remedies set forth in Civil Code Section 815, *et seq.*, inclusive. The failure of Grantee to discover a violation or to take immediate legal action shall not bar Grantee from taking such action at a later time.

If at any time in the future Grantor or any subsequent transferee uses or threatens to use the Property for purposes inconsistent with this Conservation Easement then, notwithstanding Civil Code Section 815.7, the California Attorney General or any entity or individual with a justiciable interest in the preservation of this Conservation Easement has standing as interested parties in any proceeding affecting this Conservation Easement.

6.1. Grantee's Discretion. Enforcement of the terms of this Conservation Easement by Grantee shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any of Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy shall impair such right or remedy or be construed as a waiver.

6.2. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from (i) any natural cause beyond Grantor's control, including, without limitation, fire not caused by Grantor, flood, storm, and earth movement, or any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes; or (ii) acts by Grantee or its employees.

7. Fence Installation and Maintenance. Grantor shall install and maintain a fence reasonably satisfactory to Grantee around the Conservation Easement area to protect the conservation values of the Property, including but not limited to wildlife corridors if required as part of the approved management plan for the easement area.

8. Access. This Conservation Easement does not convey a general right of access to the public.

9. Costs and Liabilities.

9.1. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantor agrees that Grantee shall have no duty or responsibility for the operation, upkeep or maintenance of the Property, the monitoring of hazardous conditions thereon, or the protection of Grantor, the public or any third parties from risks relating to conditions on the Property. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use permitted by this Conservation Easement Deed, and any activity or use shall be undertaken in accordance with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders and requirements.

9.2. Indemnities.

(a) GRANTOR'S Indemnity. Grantor shall hold harmless, indemnify, and defend Grantee, its agents, employees, volunteers, successors and assigns, from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of Grantee (it being the intent of this provision to limit Grantor's indemnity to the proportionate part of Grantee's damage, liability, claim or expense for which Grantor is responsible); and the obligations specified in Section 9.1. In the event of any claim, demand, or legal complaint against Grantee, the right to the indemnification provided by this Section 9.1 shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to Grantee's written notice of such claim, demand, or legal complaint to Grantor, unless Grantor has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by Grantor, which approval shall not be unreasonably withheld.

(b) GRANTEE'S Indemnity. To the extent authorized by Government Code Section 14662.5, Grantee shall hold harmless, indemnify, and defend Grantor, its heirs, devisees, successors and assigns, from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act of Grantee on or about the Property except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of Grantor (it being the intent of this provision to limit Grantee's indemnity to the proportionate part of Grantor's damage, liability, claim or expense for which the act of Grantee is responsible). In the event of any claim, demand, or legal complaint against Grantor, the right to the indemnification provided by this Section 9.2 shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to Grantor's written notice of such claim, demand, or legal complaint to Grantee,

unless Grantor has acquired knowledge of the matter by other means.

9.3. Attorney's Fees. The prevailing Party in any action brought to enforce the terms of this Agreement or arising out of this Agreement may recover its reasonable costs and attorneys' fees expended in connection with such an action from the other Party.

9.4. Extinguishment. If circumstances arise in the future that render the purposes of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, in whole or in part, by judicial proceedings in a court of competent jurisdiction.

9.5. Condemnation. This Conservation Easement is a "wildlife conservation easement" acquired by a State agency, the condemnation of which is prohibited except as provided in Fish and Game Code Section 1348.3.

10. Transfer of Easement. This Conservation Easement is transferable by Grantee, but Grantee may assign this Conservation Easement only to an entity or organization authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3 (or any successor provision then applicable) or the laws of the United States. Grantee shall require the assignee to record the assignment in the county where the Property is located.

11. Transfer of Property. Grantor agrees to incorporate the terms of this Conservation Easement by reference in any deed or other legal instrument by which Grantor divests itself of any interest in all or any portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the intent to transfer any interest at least thirty (30) days prior to the date of such transfer. Grantee shall have the right to prevent subsequent transfers in which prospective subsequent claimants or transferees are not given notice of the covenants, terms, conditions and restrictions of this Conservation Easement. The failure of Grantor or Grantee to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

12. Anti-Deficiency. Nothing in this Conservation Easement shall be interpreted as a commitment or requirement that Grantee obligate or pay funds unless sufficient funds are made available to Grantee by appropriation for the purpose of this Conservation Easement.



13. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and be served personally or sent by recognized overnight courier that guarantees next-day delivery or by first class mail, postage fully prepaid, addressed as follows:

To Grantor: County of Sonoma  
Director of Regional Parks  
2300 County Center Drive, Suite 120A  
Santa Rosa, CA 95403

General Manager  
Sonoma County Agricultural Preservation  
and Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401

To Grantee: Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
Attn: Regional Manager

With a copy to: Department of Fish and Game  
Office of the General Counsel  
1416 Ninth Street, 12th Floor  
Sacramento, CA 95814-2090  
Attn: General Counsel

or to such other address as either party shall designate by written notice to the other. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by overnight courier or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail.

14. **Amendment.** This Conservation Easement may be amended by Grantor and Grantee only by mutual written agreement. Any such amendment shall be consistent with the purposes of this Conservation Easement and California law governing conservation easements and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Sonoma County, State of California.

15. **General Provisions.**

(a) **Controlling Law.** The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of California, disregarding the conflicts of law principles of such state.

(b) **Liberal Construction.** Despite any general rule of construction to the contrary, this Conservation Easement shall be liberally construed to effect the purposes of this Conservation Easement and the policy and purpose of Civil Code Section 815, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) **Severability.** If a court of competent jurisdiction voids or invalidates on its face any provision of this Conservation Easement Deed, such action shall not affect the remainder of this Conservation Easement Deed. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Easement Deed to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

(d) **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with Section 13.

(e) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) **Successors.** The covenants, terms, conditions, and restrictions of this Conservation Easement Deed shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Property.

(g) **Termination of Rights and Obligations.** A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(h) **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

(i) **No Hazardous Materials Liability.** Except as disclosed in that certain Phase I Environmental Site Assessment dated February 2004, Report of Investigation dated September 2004 and Seller's Disclosures under that certain Option and Purchase Agreement, dated April 20, 2004, all of which have been provided to Grantee, Grantor represents and warrants to the best of its knowledge, that it has no knowledge or notice of any Hazardous Materials (defined below) or underground storage tanks existing, generated, treated, stored, used, released, disposed of, deposited or abandoned in, on,

under, or from the Property, or transported to or from or affecting the Property. Without limiting the obligations of Grantor under Section 9.2, Grantor hereby releases and agrees to indemnify, protect and hold harmless Grantee (defined in Section 9.2) from and against any and all claims (defined in Section 9.2) arising from or connected with any Hazardous Materials or underground storage tanks present, alleged to be present, or otherwise associated with the Property at any time, except any Hazardous Materials placed, disposed or released by Grantee, its employees or agents. This release and indemnification includes, without limitation, claims for (i) injury to or death of any person or physical damage to any property; and (ii) the violation or alleged violation of, or other failure to comply with, any Environmental Laws (defined below). If any action or proceeding is brought against Grantee by reason of any such claim, Grantor shall, at the election of and upon written notice from Grantee, defend such action or proceeding by counsel reasonably acceptable to Grantee or reimburse Grantee for all charges incurred for services of the Attorney General in defending the action or proceeding.

Despite any contrary provision of this Conservation Easement Deed, the parties do not intend this Conservation Easement to be, and this Conservation Easement shall not be, construed such that it creates in or gives to Grantee any of the following:

(1) The obligations or liability of an "owner" or "operator," as those terms are defined and used in Environmental Laws (defined below), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 *et seq.*; hereinafter, "CERCLA"); or

(2) The obligations or liabilities of a person described in 42 U.S.C. Section 9607(a)(3) or (4); or

(3) The obligations of a responsible person under any applicable Environmental Laws; or

(4) The right to investigate and remediate any Hazardous Materials associated with the Property; or

(5) Any control over Grantor's ability to investigate, remove, remediate or otherwise clean up any Hazardous Materials associated with the Property.

The term "Hazardous Materials" includes, without limitation, (a) material that is flammable, explosive or radioactive; (b) petroleum products, including by-products and fractions thereof; and (c) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 *et seq.*; hereinafter "RCRA"); the Hazardous Materials Transportation Act (49 U.S.C. Section 6901 *et seq.*; hereinafter "HTA"); the Hazardous Waste Control Law (California Health & Safety Code Section 25100 *et seq.*;

hereinafter "HCL"); the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Health & Safety Code Section 25300 *et seq.*; hereinafter "HSA"), and in the regulations adopted and publications promulgated pursuant to them, or any other applicable Environmental Laws now in effect or enacted after the date of this Conservation Easement Deed.

The term "Environmental Laws" includes, without limitation, CERCLA, RCRA, HTA, HCL, HSA, and any other federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, protection of human health or safety, the environment or Hazardous Materials. Grantor represents, warrants and covenants to Grantee that activities upon and use of the Property by Grantor, its agents, employees, invitees and contractors will comply with all Environmental Laws.

(j) Warranty. Grantor represents and warrants that there are no outstanding mortgages, liens, encumbrances or other interests in the Property (including, without limitation, mineral interests) which have not been expressly subordinated to this Conservation Easement Deed, and that the Property is not subject to any other conservation easement.

(k) Additional Easements. Grantor shall not grant any additional easements, rights of way or other interests in the Property (other than a security interest that is subordinate to this Conservation Easement Deed), or grant or otherwise abandon or relinquish any water agreement relating to the Property, without first obtaining the written consent of Grantee. Grantee may withhold such consent if it determines that the proposed interest or transfer is inconsistent with the purposes of this Conservation Easement or will impair or interfere with the conservation values of the Property. This Section 14(k) shall not prohibit transfer of a fee or leasehold interest in the Property that is subject to this Conservation Easement Deed and complies with Section 11.

(l) Recording. Grantee shall record this Conservation Easement Deed in the Official Records of Sonoma County, California, and may re-record it at any time as Grantee deems necessary to preserve its rights in this Conservation Easement.

IN WITNESS WHEREOF Grantor has executed this Conservation Easement Deed  
the day and year first above written.

GRANTOR:

GRANTEE:

COUNTY OF SONOMA

STATE OF CALIFORNIA  
WILDLIFE CONSERVATION BOARD

BY: Mary E. Burns

BY: Al Wright

NAME: Mary E. Burns

NAME: Al Wright

TITLE: Director, Regional Parks

TITLE: Executive Director

DATE: 9/22/05

DATE: 9/23/05

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

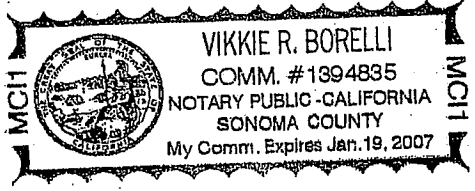
State of California }  
County of Sonoma } ss.

On September 22, 2005 before me, Vikki Borelli, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mary E. Burns  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Vikki Borelli  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

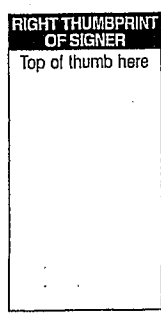
**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney-in-Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_





**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Sacramento

} SS.

On 9-23-05  
(DATE)

before me, Terrri L. Muzik, Notary Public  
(NOTARY)

personally appeared Al Wright

SIGNER(S)

personally known to me - OR -

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Terrri L. Muzik

NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER

\_\_\_\_\_  
TITLE(S)

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

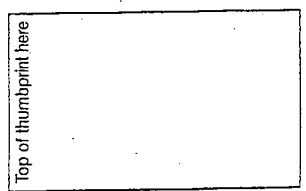
\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
\_\_\_\_\_

RIGHT THUMBPRINT  
OF  
SIGNER



## LAKEBED CONSERVATION EASEMENT EXHIBIT "A" LEGAL DESCRIPTION

Being a portion of the lands of Marvin G. Cardoza and Rita Cardoza, his wife as Joint Tenants as described in Parcel One of the Grant Deed recorded as Document No. 1982-0428360 of Official Records, Sonoma County Records and further being a portion of Lot 3 of Parcel Map No. 7704 as filed in Book 336 of Maps, at Pages 33-34, Sonoma County Records, also being a portion of the lands of Vera C. Cardoza, as Trustee of the Vera C. Cardoza Trust; the lands of John S. Cardoza, Jr. and Mary L. Cardoza Trust; Edward J. Cardoza and Cathleen L. Cardoza; Vera C. Cardoza, as Trustee under the Will of George S. Cardoza, deceased; and Marvin Cardoza and Rita Cardoza as described those deeds recorded as Document No. 1992-0077601, Book 3661 of Official Records, at Page 352, Document No. 1994-0045629, 1990-0125314 and 1986-006811 all of Official Records, Sonoma County Records, and being more particularly described as follows:

Commencing at a ½" iron pipe with illegible plastic plug marking the most easterly corner of Lot 4 of the aforementioned Parcel Map No. 7704; thence along the southerly line of said Lot 4 South 40 degrees 42 minutes 39 seconds West, 1094.40 feet (Map, South 40 degrees 21 minutes 59 seconds West, 1094.54 feet) to the southerly corner of Lot 3 and 4 of said Parcel Map from which a 1" iron pipe with brass cap stamped "RP25" bears North 45 degrees 53 minutes 37 seconds West, 5.00 feet (Map, North 46 degrees 14 minutes 16 seconds West); thence along the southerly line of Lot 3 of said Parcel Map South 75 degrees 20 minutes 45 seconds West, 1783.42 feet (Map, South 75 degrees 01 minutes 20 seconds West) to the True Point of Beginning of the herein described parcel; thence leaving said southerly line South 33 degrees 45 minutes 48 seconds East, 762.01 feet; thence South 09 degrees 08 minutes 40 seconds East, 1543.06 feet; thence South 51 degrees 20 minutes 06 seconds West, 131.00 feet; thence North 76 degrees 25 minutes 58 seconds West, 1014.77 feet; thence North 40 degrees 43 minutes 41 seconds West, 1701.72 feet to the aforementioned southerly line of Lot 3; thence continuing North 40 degrees 43 minutes 41 seconds West, 1.14 feet; thence North 34 degrees 57 minutes 51 seconds West, 707.43 feet; thence North 16 degrees 15 minutes 29 seconds West, 697.30 feet; thence North 50 degrees 03 minutes 52 seconds West, 494.23 feet; thence South 84 degrees 00 minutes 01 seconds West, 656.83 feet to a ½" iron pipe tagged "RCE 11226" marking an angle point in the

northwesterly line of said Lot 3; thence along said northwesterly line North 30 degrees 43 minutes 48 seconds East, 2856.63 feet (Map, North 30 degrees 23 minutes 24 seconds East) to a point; thence leaving said northwesterly line South 25 degrees 05 minutes 25 seconds East, 2557.08 feet; thence South 33 degrees 45 minutes 48 seconds East, 1115.31 feet to the Point of Beginning.

Containing 187.4 acres, more or less.

APN 068-060-057 ptn  
SCAPOSD – Tolay Lake Easement  
Job No. 2004-055  
July 29, 2005



Project: Tolay Lake Ranch  
Sonoma County

## CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant, dated September 22, 2005, from County of Sonoma to the STATE OF CALIFORNIA, is hereby accepted by the undersigned officer on behalf of the State of California, pursuant to authority conferred by authorization of the Wildlife Conservation Board, Department of Fish and Game, Resources Agency, State of California, adopted on February 24, 2005, and the grantee consents to the recordation thereof by its duly authorized officer.

STATE OF CALIFORNIA  
Resources Agency  
Department of Fish and Game

By: Al Wright  
Al Wright  
Executive Director  
Wildlife Conservation Board

Date: 9/23/05