



DIABLO

w a t c h

Save Mount Diablo

Protecting the Mountain Since 1971

Summer/Fall 2002 No. 33

4,445 Acres Preserved in 2002

Nearly seven square miles have been preserved this year as additions to Diablo parks!!! The most surprising new projects are in Morgan Territory—the preservation of a square mile east of Morgan Territory Road, and Save Mount Diablo’s option of an historic 20 acre property nearby, to serve as a staging area for Mt. Diablo State Park.

At Cowell Ranch nearly 4000 acres will be preserved as a new State Park, surrounding the John Marsh home.

The Trust for Public Land’s fundraising success allowed them to exercise their option on Cowell in September. Their project would not have been possible without the land use success of Greenbelt Alliance, the Sierra Club, Save Mount Diablo and others, that culminated in the tightening of the Urban Limit Line two years ago.

A significant addition was made to Black Diamond Mines, and a small one at Lime Ridge that includes a new staging area. Still to come is the protection of a visually significant property at the North gate entrance to the State Park.

It’s not all good news, though. Mt. Diablo State Park continues to suffer an acquisition drought. Only one parcel has been purchased for addition to the State Park since 1993, the 66 acre Turtle Rock Ranch addition. There have been a number of development dedications that Save Mount Diablo has negotiated.

Inside this newsletter you’ll find a special insert. The city of Antioch has designs on nearly eight square miles east of Black Diamond, the largest piece of which is the Sand Creek Specific Plan or FUA#1 (Future Urban Area #1).

Meanwhile the County ignored the public in approving the Combined Tassajara/Alamo Creek projects, despite hundreds of suggested improvements in the proposal.

The Morgan Red Corral

In 1989 Save Mount Diablo acquired 631 acres from Willard ‘Bill’ Morgan for \$1.4 million—a square of landscape draped corner to corner across Highland Ridge, another corner at Marsh creek and the last across the ridge at Tassajara creek in Riggs Canyon.

We passed that rugged property to the State Park in the spring of 1990. This created the first connection between Mt. Diablo State Park and Morgan Territory Regional Preserve.

There was no place that made sense as a staging area and the property’s April 1989 dedication took place at Diablo’s summit, with searchlights marking the two parks and the new acquisition that connected them.



The Morgan Red Corral photo by Scott Hein

On July 10th the Save Mount Diablo Board of Directors approved a six month, \$25,000 option with Bill and Naomi Morgan for another 20.05 acre parcel, with a total purchase price of \$290,000. The option will be matched by a second \$25,000 amount in 90 days. SMD has until the end of the year to pay the remaining \$240,000.

SMD first toured the property in September 1999 and made an initial offer soon after. Last year a similar property adjacent to the State Park sold for \$310,000.

Funding for the purchase was awarded to Save Mount Diablo on July 19th, part of a penalty paid by the Seeno development company for Endangered Species Act and Streambed Alteration permit violations at its San Marco project in Pittsburg (see “Revenge of the Jumping Frog” article). In addition, Save Mount Diablo



SMD’s Art Bonwell and Bill Morgan

Seth Adams

Continued on page 8

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Masthead Panorama

Oak Flat, Mt. Diablo

Photo by Stephen Joseph

Diablo Watch is published by *Save Mount Diablo*, a non-profit organization dedicated to preserving land on Mt. Diablo and educating the public to the mountain's natural values.

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**From The Executive Director . . .**

Save Mount Diablo has been evolving steadily since its inception in 1971. For its first 17 years, the work of the organization was very successfully accomplished by volunteers. However, the number of projects and complexity of management increased over the years and the organization has grown to currently support three full time staff members. Nevertheless, we could not begin to fulfill our many objectives without the continued support of our volunteers.

Elsewhere in this issue you can see how instrumental our volunteers have been and continue to be. For example, the "Spotlight on Volunteers" section focuses on Scott and Claudia Hein and Don de Fremery. Scott and Claudia's efforts help in a number of different ways and Scott's photography (as you can see in this issue) help showcase the landscapes that we work to preserve. Don's coordination of Autumn and April on the Mountain, combined with the numerous hikes that he leads, help us interpret the threats and opportunities by bringing people onto the land for first hand experiences.

In addition to the ongoing work of our volunteer Board of Directors and committees, other individual volunteers make a major impact. Dave Husted and Marty Breen have teamed up to co-sponsor the annual Trail Adventure that is headed toward becoming a major fundraiser for SMD. Richard Rollins volunteered his time to photograph the last two Four Days Diablo trips and his photo exhibit (see article below) further help us in reaching the public with our message. Doug Knauer helped our annual appeal to raise a record amount of funds and Amara Morrison and Steve Mehlman continue to volunteer countless hours of legal services each year to assist with our land acquisition negotiations and contracts and conservation easement agreements.

Think of ways in which you can make a significant contribution. . . . plan and implement a fundraising event . . . recruit, train and deploy volunteers for outreach efforts and community presentations . . . write foundation grant applications. These are just some of the ways that you might be able to help. We all have areas in which we shine. How might your special talents or skills assist Save Mount Diablo in realizing

Ron Brown

Endangered Species Exhibit:

*A Chronicle of Land Use & Open Space
Preservation in the San Francisco Bay Area*



Richard Rollins photo. Looking northeast from Laughlin Rd, across Frick Lake, North Livermore

This exhibit by Richard Rollins will be on display at Saint Mary's College Library in Moraga from October 19 thru November 27. There will be a reception and panel discussion about land use and open space preservation at the library at 7:00 p.m. on Wednesday, October 30.

**Fire Slide Show
& Hike**

Bob Doyle will present a slideshow about the 1977 Mount Diablo fire on Thursday Oct. 3rd at 7:00 p.m. at the Clayton Library. Bob will also lead a Save Mount Diablo "1977 Fire 25th Anniversary Interpretive Hike" through Donner & Back Canyons on Sunday, Oct. 6th at 9 am, starting from the end of Regency Drive in Clayton.

Support the cause by purchasing

Save Mount Diablo Mountain Merchandise**T - Shirts**

*Navy Blue or Gray
(100% cotton)*

Adult Sizes:

*S, M, L, XL, XXL
\$12.50*

Coffee Mugs

*Available in Gray
\$7.50*



Place your credit card order by phone (925) 947-3535, (Master Card, VISA, American Express), or by mailing a check to SMD: 1196 Boulevard Way, #10, Walnut Creek, CA 94595.

Merchandise can be purchased and picked up at SMD's office or shipped for a \$5 charge.



Scott Hein

Save Mt. Diablo Trail Adventure Held June 1st

Sixteen year old Danville resident Scott Bauhs and forty-two year old Suzanne Cordes from Blackhawk were the top finishers in the first annual "Save Mt. Diablo Trail Adventure," a 10 kilometer run and hike held on June 1st. 111 hikers and runners participated and more than \$1000 was raised for Save Mount Diablo, the event's beneficiary.

The primary event sponsors were Outside Interests (Dave Husted) and Forward Motion Sports (Marty Breen) on Hartz Avenue in Danville.

The challenging course looped above Walnut Creek, Alamo and Danville, from Castle Rock Recreation Area



over Pine Ridge through Diablo Foothills Regional Park and Mt. Diablo State Park, returning through Pine Canyon. A Community Expo and barbecue with family activities, face painting, and community organization information booths were also held with a variety of non-profits and businesses represented.

"We expect this event to grow dramatically and next year we plan to add a half marathon," said Ron Brown, Save Mount Diablo's Executive Director. "Anyone interested in participating in event planning or in becoming an event sponsor should contact me. I'd especially like to thank Marty Breen of Forward Motion and Dave Husted of Outside Interests for organizing and supporting this event."

Join SMD's E-Mail Distribution List

By signing up for Save Mount Diablo's email distribution list we will be able to send you our monthly "action alerts" about current land use issues, notices of events and activities and images of landscapes that we are working to preserve.

To join the Save Mount Diablo email distribution list, send an email to:

<smd-request@savemountdiablo.org>

In the message put the word "subscribe" (without the quotation marks).

Members of this list may not post messages directly to other members of the list, but they can send messages or information to staff at Save Mount Diablo. We will review the message and pass on important information to the entire list. Messages can be sent to:

<smd@savemountdiablo.org>.

Visit Our Web Site:

www.savemountdiablo.org

In addition to seeing beautiful images of the mountain and learning about the history of Save Mount Diablo and its acquisitions, you can also find information about our current land use planning efforts and acquisition projects. The web site contains articles from past newsletters and our monthly Action Alerts.

Our web site was created by and is regularly updated by SMD co-founder Art Bonwell. Art makes changes to the web site on a frequent basis and encourages web site visitors to share their own Diablo images with him to be posted on the site.

The **Wild Bird Center**, in Newell Plaza in Walnut Creek donates space on its server to host our web site, thanks to Joanie & Chris Smith. Chris also provides SMD with the technical support Art needs in maintaining the web site.

United Way Donor Option

You can designate Save Mount Diablo as the recipient of your United Way Pledge. When you are asked to make your annual workplace donation, please consider designating it to us. If asked, our federal tax ID number is 94-2681735.

Business Contributions

Many companies will match your charitable contributions to Save Mount Diablo. Ask your employer if they have a matching gift program.

Also let us know if your employer has a foundation or corporate donation program to which we can apply.



Bill Sattler

Fiery Hell: Twenty-Five Years Later

The 1977 Mount Diablo Fire: A First Person Account

2002 marks the 25th anniversary of one of Diablo's biggest fires. Lightning and two years of drought sparked on August 2, 1977 into a conflagration which burned 6000 acres. Other lightning strike fires hit grasslands throughout the County and over the next three days most of the mountain's north side burned, from Clayton to the summit and North Peak, and on to Morgan Territory Rd.

The fire was visible from San Francisco, the mountain appearing to be a smoldering volcano, and towering clouds of smoke soared for many miles. Roads were jammed with sightseers.

More than 700 firefighters and a dozen cargo planes with chemical retardants responded to the fire. A backfire was set in Perkins Canyon and wide fire breaks were bulldozed. The fire jumped many of them, and walls of flames crested both peaks.

Amazingly, not a single house was lost, in large part because big flatland, grassland buffers had been preserved from development north of the mountain's peaks. In the twenty five years since, many houses have been built in steep, rugged areas around North Peak, especially in Morgan Territory, an area that has burned repeatedly over the past hundred and fifty years.

There have been more than a hundred fires on Diablo since 1891, when record keeping began. 1977's fire was the second largest, after a five day fire July 3-7, 1931 which began in Blackhawk and eventually charred 25,000 acres. That fire burned the moun-

tain's south side. Three weeks later the north side burned.

Mount Diablo's vegetation evolved with and has been shaped by fire for thousands of years. Twenty-five years later many areas still show the effects of the '77 fire, from the skeletons of manzanitas in Donner Canyon and denuded slopes on Eagle Peak, to bulldozed riparian areas along Mitchell creek. Back Canyon was hit hardest of all and has changed completely.

Bob Doyle, one of Save Mount Diablo's founders, was an East Bay Regional Park District ranger at the time and experienced the fire first hand. Bob is currently Assistant General Manager & chief of the Land Division for the Park District, but in 1977 he lived in the Donner cabin near the end of Regency Drive, just inside the State Park boundary with Clayton. He knows the mountain well, witnessed the fire and has since watched the mountain's recovery.

Soon after the fire, the *Contra Costa Times* led a public fundraising drive to revegetate the mountain, collecting more than \$17,000 over several months. Led by Doyle and Save Mount Diablo, cooler heads advised that the mountain would recover on its own.

The funds were used instead to construct the

Dr. Mary Leo Bowerman Fire Interpretive Trail, which Doyle helped design, around the summit. Part of the disabled accessible trail was paved. To avoid blasting and sensitive plant species, trestles were cantilevered around rocky cliffs on wide wooden decks.

Fire Slide Show & Hike

Bob Doyle will present a slideshow about the '77 fire at the Clayton Library at 7 pm, Thursday Oct. 3rd and will follow up with a Save Mount Diablo "1977 Fire 25th Anniversary Interpretive Hike" looping through Donner & Back Canyons on Sunday, Oct. 6th at 9 am, starting from the end of Regency Drive in Clayton.

Bob Doyle: I saw the first lightning hit Mt. Zion, above the quarries. A little fire started then went out, then a second bolt struck Twin Peaks. As I drove to the cabin, Twin Peaks was in flames. The coulter pines there had been hit hard by bark beetles from the previous drought years and it was a tinder box.

The fire started to go downhill toward the Murchio grasslands at Mitchell Canyon, then the canyon updrafts caught it and it just exploded, went up Eagle Ridge to Back Canyon and over to Meridian Ridge, to upper Donner and to North Peak.

Then the flames shifted and came down the east ridge of Donner to Russelmann Park, off Marsh Creek Road. When it got to the manzanita groves and gray pine on the serpentine soils it was just huge - flames over fifty feet high. They were the largest manzanitas on the mountain, many of them thirty feet high.

That first night the firemen back burned all



Thousands of fire poppies the following spring. Photo by Bill Sattler



Bill Sattler

Back Canyon erosion in the spring following the fire

around the canyon and Roger Epperson, John Roskelly and I evacuated from the cabin. It was really smoky and hot but more than anything, I remember the noise - explosions and crackling and crunching, winds ripping up the canyons. Trees were literally exploding.

CDF landed with dozers—they were going to go right up Donner Canyon and rip a huge firebreak—I persuaded them not to, so they came over Murchio knoll in the blue oaks, around the cabin and back up toward Cardinet Oaks. You could hear them pulling the oaks out by the roots. It would have really destroyed the canyon, and we were sure it would burn anyway. Some of the fire breaks were 100-200 feet wide, you can still see scars today. That was the first night.

On the second day it ran up North Peak and caught them by surprise coming back down. Late in the second day it went over Mitchell to Olofson Ridge and came over into all that chaparral—it exploded the same way as at Donner, and they lost control of it again. For a long time you could see the scars from the erosion. The fire fighters caught it on the Ginocchio Ranch, but wherever it hit serpentine soils it took off.

The park was heavily grazed at the time, and the grass down from the drought but it didn't make a bit of difference. Mary Bowerman's {Save Mount Diablo's co-founder, a botanist and student of the mountain since 1930} analysis was that there hadn't been a fire on the north side for as long as she could remember but the summit and the south side had burned pretty frequently. Everybody assumed the Donner cabin where I lived would be lost.

The biggest flames I saw were on the upper bowl of Donner below the Falls Trail—the Hetherington Loop really burned hot. The

flames would literally run up the pines, which would explode. The head of heat dried everything in front of it and the firefighting chemical retardant wasn't having much effect.

They stopped it from going down the other side east of Donner, and saved the houses around the Trail Ride property and at Russelmann Park.

Clayton residents were very nervous but it mostly

went uphill.

Altogether, the '77 fire burned to the summit, North Peak, Russelmann, into Perkins Canyon, into Ginocchio above Walnut Creek, and was stopped at Juniper Camp. The real core was Mitchell, Back and Donner Canyons. The year after, we had the most amazing display of flowers I had



Bill Sattler

Construction of the Dr. Mary Leo Bowerman Fire Interpretive Trail around the summit

ever seen—it sterilized the soil in places and nothing grew, but pockets of fire poppy and golden eardrops were great. Some slopes were covered with millions of them. All the annual flowers were incredible, but as you went upslope, a lot of the east face of Eagle and Twin Peaks had nothing for several years.

What was interesting was that the larger oak trees didn't die until two weeks later—their bases caught fire and smoldered into charcoal, but the girdling took a couple of weeks to kill them.

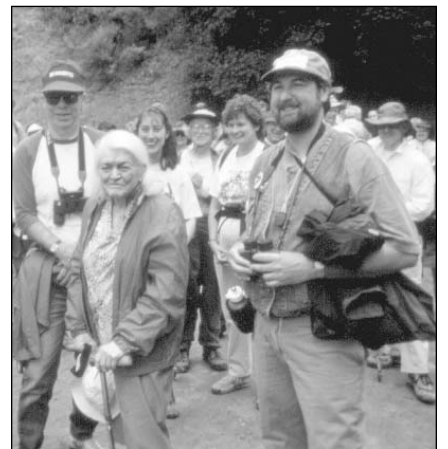
They bulldozed Mitchell creek and White Canyon creek—both creeks had dozers in them from the road on down and all the riparian vegetation there is new. The only thing in Mitchell that was missed was the Coulter pine grove at the bottom of the canyon—the flames jumped that area for some reason. Most of the coulter got it—they're fire pines like knobcones—and the regeneration of the coulter is lower in elevation now—they've moved down the

mountain and the groves have expanded.

The only Coulter Pine grove that didn't come back was on the west face of Meridian Ridge. A grove there went; probably the hottest part of the fire was on the East slope of Meridian Ridge—Back Canyon must have been a fiery hell. It completely changed into a much rockier environment—before the fire it was impenetrable, then it was bare for years, now it's starting to get overgrown again twenty-five years later. You can still see the manzanita skeletons.

Then the mountain slowly recovered. Lots of toasted birds and squirrels. The grassland came back immediately but larger shrubs were slower and the trees slower still. Erosion was intense in the winter storms afterward. There were no big landslides but a lot of mud and debris flowed downstream. The big rains took whole tree trunks down the drainages into Dana Hills and Regency and flooded into the streets.

Then the *Contra Costa Times* held its fundraising drive. Save Mount Diablo convinced everybody that the money that had been raised should be used to create a trail about the fire at the summit rather than to do revegetation. Mary Bowerman and Gen and Bill Sattler were very concerned about the route—they were going to blast out the rock. I helped design the trail with the State and proposed a trestle instead, cantilevered around the rock outcroppings. It's a great trail with great views and a lot of fire species. {The Diablo summit's Dr. Mary Leo Bowerman Fire Interpretive Trail circles the summit, starting from a small picnic and parking area found between the upper and lower summit parking lots. The first section is level and disabled accessible.}



Mary Bowerman and Bob Doyle in 1997
Photo by Susan Kraughto

Spotlight on Volunteers

Scott and Claudia Hein



Seth Adams

"Beautiful photos." We hear that comment often. The East Bay's great beauty is partly responsible for the compliments, but Save Mount Diablo is also blessed with the work of many outstanding volunteer photographers. You may notice that this issue of Diablo Watch carries a theme beyond the need to save more of this beautiful land—most of the photographs in this issue are by Scott Hein, an amazing photographer who captures wildlife equally as well as landscapes.

We first noticed that Scott and Claudia - the other half of the Hein team - came to nearly all of our events and dedications. Then they adopted a grove of trees at Chaparral Spring. Before long they were volunteering at some of those events, and a few years later they had turned their love for the outdoors into part-time volunteer 'jobs' helping Save Mount Diablo.

Scott considered a career in photojournalism before he got side-tracked with environmental analytical chemistry. We stumbled on his outstanding website by accident, and when we realized the caliber of his photography, we began asking him to document areas we were trying to preserve. He returned with notebooks of carefully labeled slides and prints that continually amaze us. Like the work of SMD Board member Stephen Joseph, Scott's images are continually excellent. Last year he joined SMD's Land Committee.

Claudia is a chemist as well and an instructor at Diablo Valley College. She takes minutes at our Board meetings, helps with mass mailings, and has

inputted hundreds of names for a new landowner database. Both Heins have helped with our Diablo Trail backpacking trips.

According to Scott, "I have been taking photographs for as long as I can remember...we can usually be found running around Northern California and the Western U.S. 'naturizing' with friends. Although we are birders, we also try to be naturalists and pay attention to all wild things - reptiles, amphibians, mammals, flowers, dragonflies, butterflies, etc." Last Fall, on a SMD tour with the Antioch Planning Commission (through Black Diamond Mines to look at the proposed FUA#1 development), Scott got a long look at a bobcat and Claudia wished she had come along. A few months later, however, on a trip to Arizona, Scott was wishing he'd taken that last hike with Claudia—for the first time she experienced watching a mountain lion - for several long minutes.

You can see other examples of Scott's work at <www.heinphoto.com>. "As I have become more involved with local land conservation issues through Save Mount Diablo, my web site has become a vehicle for me to express the beauty and importance of the threatened landscapes and wildlife where we live."

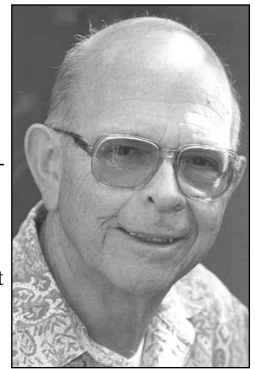


Splittail swallowtail butterfly
Photo by Scott Hein

If you would like to volunteer with Save Mount Diablo, call 925 947-3535. We especially need help from people who are interested in putting on fundraising events, grant writing or soliciting businesses and corporations for goods and dollars.

Don de Fremery, Mr. Hike

Since 1970 Don de Fremery has led more than 600 public hikes throughout the Bay Area, more than anyone else these past thirty years. He was



Richard Rollins

involved in the creation of the 30-mile Diablo Trail and has built many trails while also serving on the Boards of a half-dozen local trail and conservation groups, including Save Mount Diablo and the Mount Diablo Interpretive Association. Don is responsible for the coordination of the "April on the Mountain" and "Autumn on the Mountain" hike schedules. A third generation native Californian, Don lives in Alamo with his wife Neysa.

In December, Save Mount Diablo honored Don with a 'Mountain Star' award and the San Francisco Bay Chapter of the Sierra Club recently selected Don de Fremery as the first recipient of the Dave and Pat Michener Outings Leadership Award, "for demonstrated superior leadership". Don's hikes range in difficulty from the "Beginner Series" (which he has led for 20 years) to the 31-mile East Bay Skyline trail hike (which he has led for 17 years).

In-Kind Gifts

Edward & Julie Sattler

Lateral file cabinet

Ken Ahl

Computer Consulting

Wish List

You can help Save Mount Diablo by donating the following items:

- Combination TV/VCR
- Lap Top Computer and projector for Power Point presentations
- High resolution, large screen computer screen for graphics editing
- Phone system (4 line/6 phone) for SMD office



The Mount Diablo Gateway property, in foreground. Photo by Scott Hein.

Gateway Parcel to be Preserved at Mount Diablo's North Gate

Unanimous!!! After four years of work by the Mt. Diablo Gateway Alliance and Save Mount Diablo, on May 21st Contra Costa County Supervisors unanimously approved a \$1.559 million deal to preserve a surplus parcel at the State Park's North Gate entrance, the Mt. Diablo Gateway property. Owned by the County Flood Control and Water Conservation District and adjacent to Diablo Foothills Regional Park, the 36-acre property had been proposed for 34 luxury homes. The Supervisors' action gives the organizations two years to purchase a conservation easement on the property which had been appraised at between \$6.2 and \$8.5 million.

"This deal is a result of the efforts of a few individuals—especially the Alliance's Bob and Shirley Nootbaar, and Joann Hanna—who committed to raising private funds to compensate the County," said Supervisor Donna Gerber, who facilitated the deal. "They've proven that private residents really can make a difference. Save Mount Diablo was instrumental in negotiations and in fundraising and Flood Control Director Mitch Avalon is to be congratulated for his vision in working for a win-win for the County, its residents, and the environment."

The property, which is inside the Urban Limit Line and part of the County's North Gate Specific Plan, was originally

acquired as a site for the deposit of soils removed from the neighboring Pine Creek detention basin. Afterwards, Flood Control began pursuing development to recoup costs and for other flood control needs.

Crossed by Arroyo del Cerro creek, which joins Pine and Walker creeks in the detention basin wetlands below, the property is visible from throughout Central County and is prized by local painters such as Shirley Nootbaar for its outstanding view of Mt. Diablo. Incredible 360 degree panoramas include parks in every direction, up Pine Canyon to Castle Rock in one direction and all the way to the North Bay in the other.

The Nootbaars and Hanna catalyzed efforts to preserve this visual 'gateway' to the mountain and formed the Alliance, which has committed to raising \$200,000 privately. Save Mount Diablo is serving as the Alliance's non-profit fiscal sponsor.

For more than a year the Alliance, Save Mount Diablo, Supervisor Gerber

and Flood Control's Director Mitch Avalon met to negotiate. The outcome was that instead of acquiring the parcel, a conservation easement could be used to preserve it. In other words, the development potential would be purchased, while allowing recreational uses.

What sealed the deal, at 25% of appraised value, was that when the detention basin was constructed, the State Department of Water Resources (DWR) provided 75% of the funding. If the parcel was sold, Flood Control would have to pay back 75% of any proceeds. Senator Tom Torlakson interceded with DWR, which agreed to forgive its share if the proceeds are used for flood control projects and if the property remains open space.

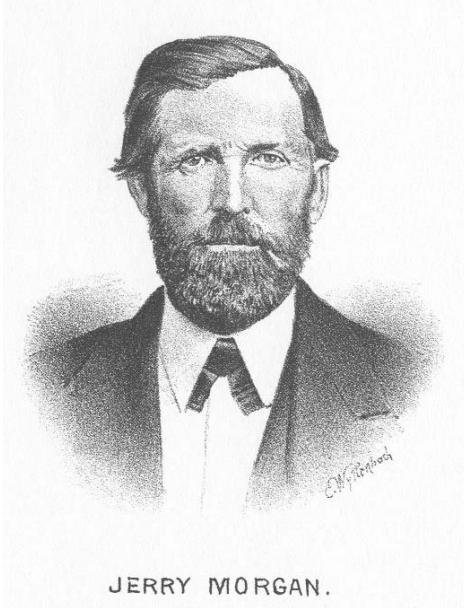
Walnut Creek has endorsed the project and it's expected that the East Bay Regional Park District will accept and monitor the easement and recreational improvements. The Park District has challenged the City to contribute by agreeing to match its commitment. Other agencies and funders are being approached and all the parties are meeting to finalize easement details.

\$250,000 has already been raised in a grant sponsored by former Senator Richard Rainey, and the Alliance is one third of the way toward its \$200,000 goal.

Contributions toward the property's preservation can be made to: Save Mount Diablo-Gateway, 1196 Boulevard Way #10, Walnut Creek, CA 94595, 925 947-3535, www.savemountdiablo.org



Scott Hein photo of a mighty oak on the Gateway property



Circa 1882, courtesy of CCC Historical Society

has agreed to create a plaque, to be placed on the property, which will describe the history of the Morgan family in Morgan Territory.

The beautiful ‘red corral’ property rises east from Marsh creek and Morgan Territory Rd., across from SMD’s previous 631-acre Morgan Ranch addition to the State Park. The parcel is known for its red cattle chute and fences, which were constructed in 1963 or ’64 and are located on what had been a pioneer house site. A foot of fill dirt was used to cover the house’s rock wall basement, thereby avoiding damage from the corral and its occupants.

Marsh creek and its flood plain provide excellent riparian habitat for the federally listed ‘threatened’ California red-legged frog and other species, and are lined with mature sycamore, big leaf maple, oaks and bay. A fire road crosses the stream at the 931’ elevation and rises up the property to 1200’ through scattered oaks and grassland.

The site includes dramatic views of Diablo, Highland Ridge and Windy Point, and offers the potential for a small staging area in the future.

The property is also known for its interesting history. Bill Morgan is the great grandson of Jeremiah Morgan, who arrived in California’s gold mines in 1849, but made more money hunting game than mining. He first visited Mt. Diablo’s east side around 1856 from his home in the Ygnacio Valley, and then moved there the following October because the bear hunting was so good.

The prospects for cattle grazing on the east

side were also uncomplicated by the Mexican Rancho holdings dominating the west. In one year Morgan was reported to have killed 46 bears, in addition to deer and elk.

Although the grizzlies and elk are long gone, the east side became known as Morgan Territory for ‘Jerry’ Morgan and his family. Jerry, however, called it “the morning side of the mountain” for the way Diablo’s eastern slopes lit up at sunrise.

Jeremiah Morgan claimed 10,000 acres but lost half his first year in Morgan Territory and was down to 2,000 acres after the official first government survey in 1862. By 1901 he owned 1,440 acres—2 and ¼ sections (a section is 640 acres or one square mile).

Ignoring existing land claims, the federal government deeded odd-numbered sections in the area to Charles McLaughlin for constructing the Western Pacific Railroad, and the even-numbered sections to the railroads themselves. Morgan lost a lawsuit challenging the federal grants and by the time of his death in 1906 he had lost or sold the remainder of his property. His descendants later re-acquired a number of parcels including the ‘red corral.’

During the period from 1986 to present, Save Mount Diablo, the State of California and the East Bay Regional Park District have acquired eleven parcels between Morgan Territory Regional Preserve and Mt. Diablo State Park. These lands include most of Riggs Canyon, and total 4,774 acres, tripling the size of the Regional Preserve from 1,524 acres to 4,387 acres.

In 1993, SMD proposed the 30-mile Diablo Trail, to highlight the regional cooperation which resulted in this recreational corridor across six public parks and watersheds, from Walnut Creek to Brentwood and Livermore.

The Red Corral acquisition will encourage new access to Mount Diablo State Park and to the Diablo trail.

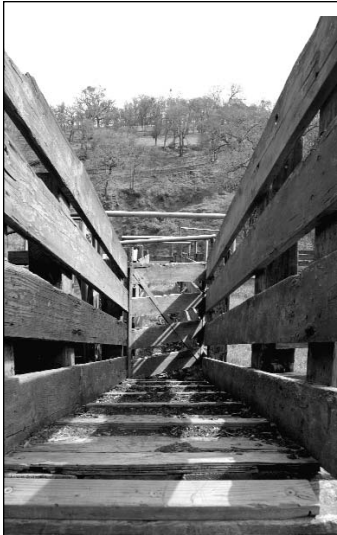


Photo by Scott Hein


What’s in a map?

Save Mount Diablo attempts to track every parcel around Mt. Diablo, from Walnut Creek to Livermore to Brentwood. Our office is a map lover’s dream. Parcel maps, development proposals, trail and topographic maps, satellite images all cover Director of Land Programs Seth Adams’ walls, layered on top of each other, even hanging on the ceiling. We’ve also begun mapping locations of rare species.

In Morgan Territory, where large parcels change hands more slowly, the job’s a little easier. When a parcel’s assessors’ record changes to the name of a developer, however, it’s very threatening. For fifteen years Adams has stared at one such developer-owned parcel in the heart of Morgan Territory, as the edges of the Regional Preserve and the State Park expanded toward it.

Revenge of the Jumping Frog

Morgan Territory Ranch: 640 acres to be preserved



“Well, thish-yer Smiley... He ketches a frog one day...and said he cal’klated to edercate him...And you bet you he did learn him, too. He’d give him a little punch behind, and the next minute you’d see that frog whirling in the air like a doughnut — see him turn one summerset, or may be a couple, if he got a good start, and come down flat-footed and all right, like a cat. He got him up so in the matter of catching flies, and kept him in practice so constant, that he’d nail a fly every time as far as he could see him. Smiley said all a frog wanted was education, and he could do most any thing — and I believe him. Why, I’ve seen him set Dan’l Webster down here on this floor — Dan’l Webster was the name of the frog — and sing out, “Flies, Dan’l, flies!” and quicker’n you could wink, he’d spring straight up, and snake a fly off’n the counter there, and flop down on the floor again as solid as a gob of mud, and fall to scratching the side of his head with his hind foot as indifferent as if he hadn’t no idea he’d been doin’ any more’n any frog might do.”

Mark Twain, *The Celebrated Jumping Frog of Calaveras County*, 1867

Twain’s celebrated jumping frog near Angel’s Camp was a California red-legged frog, *Rana aurora draytonii*, the largest native ranid frog in California and living in still or slow water. At the turn of the century, red-legged frogs

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The Morgan Territory Ranch (fore & midground) slopes from a high peak down to Marsh creek, with dramatic views of Windy Point, Highland Ridge and Mt. Diablo. Photo by Scott Hein

Frogs continued from page 8

were harvested for their legs. Because of over-harvesting, populations declined dramatically. Bullfrogs were introduced as a substitute and, along with non-native fish, ate and replaced the red-leggeds and their eggs. Dam construction poses a threat and along with exotic plant species, destroys and fragments habitat; reservoirs favor aquatic predators; road-building silts pools; flood projects and grazing along streams destroy emergent vegetation. Like many amphibians, frogs breathe at least partially through their skins and pollution from garbage, sewage, pesticides and other chemicals contaminate the waters of their habitat. Only recently has it become known that they use powerful antibiotics to avoid bacterial invasion through their permeable skins.

Red-leggeds have disappeared from more than three quarters of their historic range and are found from the coast inland to Redding and south to northern Baja. In 1996 the frog was declared a threatened species by the U.S. Fish and Wildlife Service; none have been seen in Calaveras County since 1975. Today, California red-legged frogs are known from less than 250 streams. Just four of these populations include more than 350 adults. Until a recent settlement with the Building Industry Association by the Bush administration, in which it agreed to review an earlier decision, the Mt. Diablo area was designated critical habitat for the frog. Diablo includes many red-legged populations in relatively high numbers, heavily dependant on cattle stock ponds.

“No-Name” peak and Morgan Territory Ranch

When you start south through Morgan Territory, east of Diablo’s summit, on its beautiful scenic road of the same name, after a few miles the road narrows to one lane and enters a heavily wooded stream canyon. Two long ridges—Highland Ridge to the west and Morgan Territory Ridge to the east—parallel the road, squeezing the headwaters of Marsh creek, rising and merging, then trailing southeast toward Altamont Pass.

Numerous peaks stand out along these ridges. 2,112’ Windy Point is one, west of the road along Highland, at the northwest corner of SMD’s Silva Ranch. Mt. Diablo’s summit is Northern California’s central survey point, quartered by an east-west baseline and a north-south meridian, and Windy Point is quartered by section lines, too.

As if a mirror image, east of the road another peak rises, at 2,139’ almost identical in elevation to Windy Point, also quartered, and unnamed, a dramatic rise along Morgan Territory Ridge. Just outside the northernmost corner of the Regional Preserve, it forces the road west to cross and recross Marsh creek. At sunset the peak’s high grassy slopes shine like a beacon as the mountain’s shadows obscure the lower parts of the ridge. Except for errant mountain bikers, almost no one goes there because only a steep dead end trail approaches it, far from the Preserve staging area, ending at a private property boundary and “No-Trespassing” signs.

The southeast quarter of the peak is within the Preserve, and the northwest section of “No-Name” (one square mile or 640 acres) is owned by developer Albert Seeno, Jr. His “Morgan Territory Ranch” includes a small hunting cabin, a broad diversity of habitat and spectacular panoramic views. Deep canyons and sycamore shaded ravines separate oak-bay woodland, grassy slopes and large patches of chaparral. There is a large pond near the property’s highest point, near the peak. Fire roads loop through the property and along the ridge.



Sycamores line the property’s canyons. Photo by Scott Hein

Seeno & Associates

Albert Seeno, Sr. started Seeno & Associates in 1938 and his development companies have been powerful in Contra Costa County for decades, especially in Pittsburg. Albert Seeno, Jr. took over the company before his father died several years ago. Seeno companies have built more than 30,000 homes throughout the western states, including Concord and Eastern Contra Costa County. Many of them were “affordable.” The family has other interests, including casinos. Last year Seeno & Associates was the county’s 7th largest taxpayer, exceeded only by five oil & energy companies and Pacific Bell.

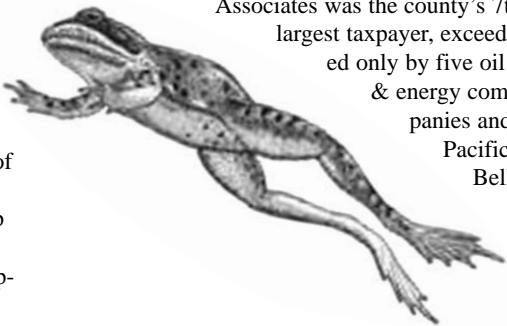
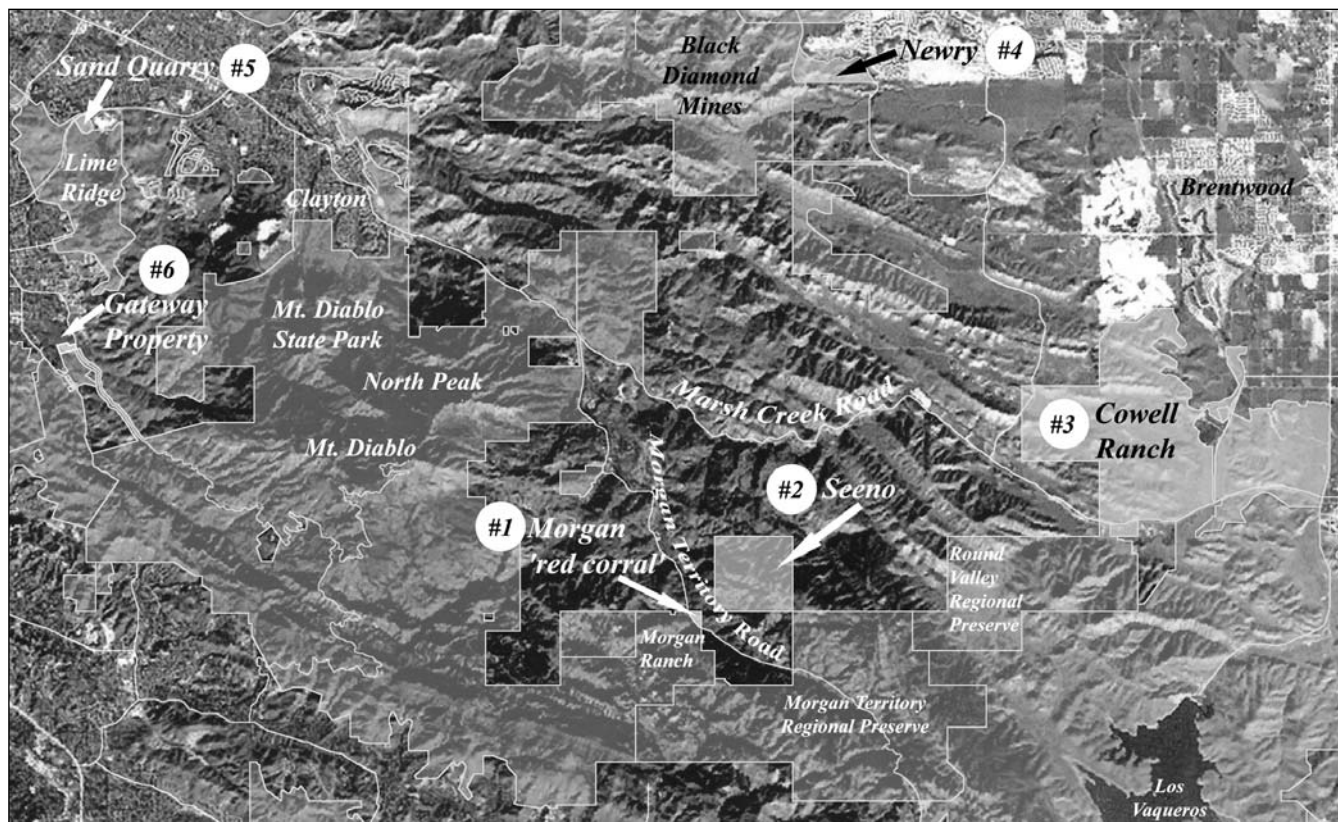


Image c. of Earth Justice Continued on page 10



Recent land preservation projects around the mountain, including the Morgan red corral (#1), the Seeno conservation easement (#2), and other projects discussed in this issue. Save Mount Diablo works to protect wildlife and recreational corridors--in this satellite image you can make out some of the area's landforms, which direct wildlife movement and recreational use. Park boundaries show that if just two small gaps are acquired a 'ring' of open space will encircle Morgan Territory, an area where acquisition is very important but ranchette development is threatening.

Seeno continued from page 9



Seeno companies have a history of project and environmental regulation violations and for filing lawsuits to protect their interests. In 1989 Save Mount Diablo exposed the cutting of oaks before environmental analysis at the Crystyl Ranch project and led a referendum which overturned Concord's approval of the project. Ultimately units were reduced almost by half, and project open space was expanded from 30 to 330 acres.

In 1997 Pittsburg residents overturned an approval for a Seeno casino there. Just east of Willow Pass and the Concord Naval Weapons Station, however, the 2,938-unit San Marco development was easily approved on a steep 639-acre site along Bailey Road. Houses are now under construction.

A Frog & A Game Warden

In order to build the massive San Marco project, Seeno got a streambed alteration permit from the California Department of Fish and Game (DFG) to fill 2.9 acres of wetlands. He was instructed to survey for endangered species, among a variety of

other conditions. Instead ponds and creeks were filled, and riparian vegetation repeatedly ripped out without authorization. Nicole Kozicki, the DFG's local warden, saw the work and investigated for violations.

Seeno Company representatives claimed that they weren't violating the permit or the Endangered Species Act. In 1991 however, California red-legged frogs, a federal threatened species, were confirmed on Seeno's adjacent Oak Hill project within the same watershed and recorded in the DFG's California Natural Diversity Data Base (CNDDB). In March 2001, biotic consultants hired by Seeno confirmed the frogs at the two San Marco site ponds and noted, "excellent CRLF ponds—healthy breeding population" representing dozens of adults and hundreds of tadpoles.

Seeno Jr. has admitted that he told an employee in March or April of 2001 to drain two ponds at the construction site "to destroy the [frogs] and [their] habitat." On May 8th, 2001, Kozicki noticed that the ponds were dry. On June 14th she found a dead frog in one of the pond sites and began enforcement proceedings.

Despite the developer's influence, on August 9th DFG suspended its Streambed Alteration permit, citing five state permit violations and destruction of habitat for the threatened California red-legged frog and California tiger salamander. The frog is listed as 'threatened' under the ESA; the tiger salamander is a 'candidate' species for federal listing.

The Contra Costa County District Attorney's Office began investigating violations of Department of Fish & Game codes, while the U.S. Attorney's office investigated Endangered Species Act violations.

The Map and the Frog

The news became widely known locally and on November 15th was reported in the *Contra Costa Times*. SMD has worked closely with DFG's Kozicki. Suspecting mitigation might be required as part of a penalty or settlement, we provided Kozicki with a parcel map of the Diablo area showing the Seeno property on 'No-Name' peak. Given confirmations of the frog's





presence in every direction around “No-Name”, we were confident it would also be found there.

Subsequently Fish & Game confirmed the presence of the threatened frog, the rare Mt. Diablo globe lily, and habitat suitable for the federally listed Alameda whipsnake.

On June 28th, 2002, Seeno’s company, West Coast Homebuilders Inc. of Concord, was charged in U.S. District Court in Oakland with two counts of violating the Endangered Species Act. Seeno did not face charges personally.

On July 19th convictions were reached and a penalty approved: a \$1 million fine, preservation of Seeno’s 640-acre Morgan Territory Ranch hunting property with a conservation easement, and a public apology. Seeno’s company was placed on three years probation. Seeno was given the right to retain two small building sites low on the Ranch’s western edge and a hunting cabin in a canyon near the southern edge. Seeno retains ownership of the property but it will be protected in perpetuity. Fish & Game will monitor the easement for violations.

\$300,000 of the \$1 million penalty was awarded to Save Mount Diablo for preservation of red-legged frog habitat. It will be used to acquire the Morgan ‘red corral’ property less than ¼ mile from the Morgan Territory Ranch. The access road for Seeno’s ranch starts at the red corral. (See “The Morgan Red Corral” article)

If Seeno had followed the rules, he would have been forced to mitigate by protecting red-legged frog habitat and wetlands, on a far smaller area and probably at another location from his project. Instead, a threatened square mile parcel in Morgan Territory—as large as the San Marco property Seeno is developing—has been saved from future development.

Tremendous credit in this story goes to the state Department of Fish & Game and to warden Nicole Kozicki for taking on one of the state’s biggest developers.

The Newry Acquisition: Black Diamond Ridge Trail Extended

Until 1998, when the 772 acre Garaventa



Scott Hein

Dave & Barbara Walters leading a hike past the Newry dedication to Black Diamond Mines. The new property (beyond the fence and left of the road cut) will allow an extension of the Ridge Trail. The Higgins Ranch, part of Antioch’s proposed FUA#1 development, is at right.

property was acquired, Black Diamond Mines Regional Preserve looked sort of like a horse shoe on trail maps, with its “Ridge Trail” rising from the saddle between the coal mining ghost towns of Somersville and Stewartville, wrapping around the hole in the horseshoe, then dropping to the park’s eastern edge where it joined the Stewartville Trail. The ridge and trail (not to be confused with the “Bay Area Ridge Trail”, overlooking San Francisco Bay) provide some of the most spectacular views in the Bay Area. On March 19th, the Board of Directors of the East Bay Regional Park District accepted the 184.15 acre Newry development dedication, which will allow extension of the Ridge Trail almost to Empire Mine Road. Newry borders Antioch’s proposed FUA#1 development (see the enclosed Community Alert).

Cowell Ranch Preserved

Our last *Diablo Watch* included a history of Cowell Ranch and Rancho Los Meganos (you can read it on our website, www.save-mountdiablo.org), as well as efforts to preserve this huge grassland surrounding the 14-acre John Marsh Home and the Marsh Creek reservoir. On September 16th, 2002, the Trust for Public Land will have exercised its option to buy Cowell Ranch from the S.H. Cowell Foundation for \$13.5 million. 3,647 acres will be added to the 14 acre John Marsh Home to create a new

state park and 218 acres has been sold to the County flood control district for the potential expansion of their reservoir. A whole host of state agencies provided funding.

Sand Quarry Staging Area to Open Soon

In last Fall’s *Diablo Watch*, we discussed the grading for the Montecito project in Concord, on Lime Ridge at the intersection of Cowell Rd. and Ygnacio. Save Mount Diablo was successful in preserving a 35-acre section of the ridge to the west of the development, and a new staging area has been built and will open to the public in the next few weeks.

Concord is expected to add the 35-acre area to Lime Ridge Open Space in the next few months. Another 300 acres from the Crystyl Ranch development should have already been dedicated—we’ll keep you posted.



Sticky Chinese Houses, c. Scott Hein



Opposing Views...

...between the Diablo summit and Altamont Pass show the amazing diversity of the mountain's habitats and vegetation--grass-land on southern facing slopes and heavily wooded areas on northern facing ones--which support very different wildlife species.

Conservation biologists believe that many large animal species, especially predators like mountain lions and bobcats, may need as much as 1000 square miles of contiguous open space to survive over the long term. North of Highway 580 we have protected about 125 square miles around Diablo.

If our animal neighbors, which currently rely on large areas of private, threatened land, are to survive, it's important that we

connect Diablo to other public lands to the south, such as the Ohlone Wilderness and Henry Coe State Park. We'll get to enjoy those public recreational corridors, too, and the vistas they protect.

In the photo below, you can see that development in Livermore to the west and Tracy to the east has already narrowed the Altamont 'gap' to just six miles. How the land is protected is important, too. In the photo above, you might be able to make out the 2.5 mile wide Los Vaqueros reservoir (at right, center), a serious barrier for many species. If Los Vaqueros is expanded, as is currently proposed, the wildlife corridor from Mt. Diablo south will be narrowed further still.

We need your help in order to continue our work to save Mount Diablo

*Top photo courtesy of
John Woodbury
(Bay Area Open Space Council;
Buckeye leaf photo & bottom photo
courtesy of Scott Hein*





Scott Hein

The Combined Tassajara Developments *Four Supervisors ignore the public; vote to approve 1400 units and to build on a major ridgeline*

On July 9th four Contra Costa County Supervisors—Mark De Saulnier, John Gioia, Federal Glover and Gayle Uilkema—

approved the Combined Tassajara projects (the largest part is known as ‘Alamo Creek’) stretching south and east from Blackhawk. In doing so they over ruled Supervisor Donna Gerber, in whose district the project is located and who fought long and hard for improvements. They also ignored the public that had suggested hundreds of positive changes.

The developers, Braddock & Logan, Shapell Industries, and Ponderosa Homes, were handed a complete victory, without

compromise. The San Ramon Valley Regional Planning Commission had voted to oppose the project. Other opponents included a host of community and environmental groups including Save Mount Diablo, and the cities of Danville and San Ramon, which have sued the County to overturn the approval.

In 2000, the Board tightened the County’s Urban Limit Line but left inside the line the 1000 acres proposed for the Tassajara development. Including grading of 8.5 million cubic yards of earth, the project will generate 13,000 car trips daily, strain water supplies, destroy wildlife habitat and impact the County Urban Limit Line and agricultural lands.

Save Mount Diablo’s concerns could have easily been met. Number one was preservation of a major ridge line. Left in the project was a Daly City-styled line of houses which breaks project open space in two. It affects steep slopes, and is higher in elevation than Walnut Creek’s Shell Ridge, Lafayette’s Burton Ridge, the Franklin Hills above Martinez, the Sobrante Ridge, or Willow Pass or Kirker Pass. Our second major goal was preservation of an open space corridor from Hidden Valley open space north toward Mt. Diablo - to buffer the Urban Limit Line. Both of our goals were ignored.

Four Days Diablo *An elegant experience*

In April Save Mount Diablo led its second *Four Days Diablo* backpack trip. The four day -three night adventure takes participants from Shell Ridge Open Space in Walnut Creek to the Round Valley Regional Preserve in Brentwood. The entire route is on permanently protected open space and crosses only two narrow roads used by auto traffic.

As you can imagine, participants get to see beautiful and lush landscapes and thousands of wildflowers. They learn about the geologic and cultural history of the land and have experts helping to identify the flora and fauna. These photos depict some of the experiences that participants might not have expected to be part of the trip.

These photos are just from the first day. *You can only imagine how great the next 3 days were.* The next trip will take place in April of 2003. Call the SMD office to reserve your spot, or to get more information. Space is limited 20 to participants. Don’t miss out!!



Participants only had to carry a day pack with their water and a catered box lunch (provided by Sunrise Cafe). Sleeping bags, tents and other food were transported from site to site by SMD volunteers.



As participants arrive in camp at the end of the day, they are greeted with iced drinks and receive assistance in setting up their tents and inflating their AIR MATTRESSES!!!



Each day’s dinner is a catered feast. Above, Prima’s Executive Chef, Peter Chastain, General Manager Marco Powell and staff member Rory prepare the first night’s meal, which is served on the elegantly prepared table (china & linen provided by Sunrise Catering). Prima owner, Michael Verlander helped to prepare and serve the second night’s dinner). Each evening ends with a guest lecture. The first night’s was about Diablo myths, legends and folklore.





Scott Hein

Owl

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Contributions were made from January 23 thru July 31, 2002

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Red Tail Hawk

The father of Gloria Handel
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Valley Oak
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Michael Sewell

Membership Matters

Save Mount Diablo’s annual operating expenses are underwritten by the financial support we receive from membership revenue. In addition to providing financial support, the number of members we have is a statement to legislators and others about the level of community support for our projects.

We would like to thank the following individuals who have become members since mid-December of 2000. We invite you to join them in supporting Save Mount Diablo’s efforts to preserve open space.

Summit Club

(\$1,000 or more)

John & Jane Ausman
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Heidi Slocomb
Dave Smith
Diane Smith
Kathryn Smith
Ron & Judy Smith
Beth Snortum
Gregg & Anne Sorensen
Malcolm & Casey Sproul
Stan & Linda Stanley
Andrew & Karen Stein
Dean & Samantha Stoker
Kermit Sveen
Patricia Thomas
Patricia Thunen
Tom & Jill Toffoli
Rose Tom
Terry Toranto
David & Kristen Trisko
Mary Ulrich
Frank & Edith Valle-Riestra
Verne Van Vlear
Barbara Walters
Sharon Walters
Valerie Warburton
Mitchell & Ann Ward
Douglas & Ruth Waterman
Tom & Carolyn Westhoff
David Whippy
Hugh & Alice White
Martha Whittaker
Ayn Wieskamp
Kenneth Winters
Ann Witter
John Wohr & Stephanie
Simmonds
Hobie & Ann Woods
Milo Zarakov & Deborah
Long
G & D Zellingers
Donald & Carolyn Zerby

Friends (\$35 or more)

622 individuals or families
are members in this
category.

Thanks to Our Business Partners

Save Mount Diablo is grateful to the following businesses that make significant contributions towards the success of our mission. We encourage our members and friends to frequent these businesses and thank them for supporting us.

Sunrise Bistro, Cafe & Catering

Walnut Creek,
Cindy Gershen

Prima Ristorante

Walnut Creek,
Michael Verlander,
Peter Chastain & Marco Powell

Outside Interests

Danville
Dave Husted

Forward Motion Sports

Danville & Walnut Creek
Marty Breen

Diablo Analytical

Concord
Scott Hein

LSA Associates

Point Richmond
Malcolm Sproul

Wild Bird Center

Walnut Creek,
Joanie & Chris Smith



Let Us Send Your Holiday Greetings

Do you have a difficult time figuring out what would be an appropriate holiday gift for your clients, business associates, neighbors, friends and relatives?

If so, we have a suggestion for you. Rather than struggling to think of the right gifts and then actually buying them and mailing or delivering them, just donate the money to Save Mount Diablo. This coming holiday season send us a list of the names of the people (along with their addresses) you are honoring with your tax deductible dona-

tion. We will send each person on your list a beautiful holiday card of Mount Diablo covered in snow (the Scott Hein photo above - except the image will be in color on the greeting card). Each card will include a personalized message from you, or if requested, we can provide a standard holiday greeting message.

Donations, address lists and messages need to be received at the SMD office no later than December 2. For more information, call Suzanne at the office, 925-947-3535.

Save Mount Diablo's Mission . .

To secure through acquisition and preservation, the open space necessary to support the full range of biological diversity and to insure the integrity of Mt. Diablo's natural beauty.

Founded in 1971, Save Mount Diablo has been instrumental in increasing open space on and around the mountain from 6,788 acres to more than 81,000 acres.

In support of our mission, Save Mount Diablo:

- Creates dedicated open space from land acquired through gifts, purchases & cooperative efforts with public and private entities;
- Educates the public about threats to the mountain;
- Works with landowners to preserve their property while realizing economic benefits;
- Works in partnership with Mt. Diablo State Park, East Bay Regional Park District, and

- other organizations to increase open space;
- Monitors land-use planning;
- Aids in the restoration of habitat and preservation of rare species;
- Offers technical assistance to agencies and neighborhood groups with regard to securing open space;
- Works diligently to raise funds necessary to support Save Mount Diablo's mission.

save MOUNT DIABLO

1196 Boulevard Way, Suite 10
Walnut Creek, CA 94595

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