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Request for Approval for the Three Creeks Parkway Restoration Project Responsible Agency Findings and Final Grant Award

Staff Report

RECOMMENDATION

Staff recommends that the Board consider the Mitigated Negative Declaration prepared by the lead agency for the Three Creeks Parkway Restoration Project (Prop 1-Y1-2015-009) in accordance with the California Environmental Quality Act (CEQA), make the CEQA responsible agency findings, adopt the Mitigation Monitoring and Reporting Plan, and file the Notice of Determination.

Contingent upon the adoption of the responsible agency findings, the staff recommends that the Board release the reserved funds for the Three Creeks Parkway Restoration Project and authorize the Executive Director to execute the grant agreement.

CEQA BACKGROUND

On September 27th, the Contra Costa County Flood Control and Water Conservation District (District), which is the lead agency for CEQA, made their [lead agency findings](#) based on the [August 2016 CEQA](#) document, confirming that the CEQA process for this project had been completed. The CEQA document has been reviewed by Conservancy staff and is included with this report for the Board's review. Staff concurs with the findings of the lead agency. These findings include measures that will alleviate potential deleterious effects to air, biological, cultural, geologic or soil, and noise resources that may result from the project. The final step in the CEQA process is for the Delta Conservancy Board to review the final CEQA document, which includes the Mitigation Monitoring and Reporting Plan, to make responsible agency findings, and to file the Notice of Determination with the Contra Costa County Clerk's Office and the State Clearinghouse. These materials are provided as attachments to this report. By voting to adopt and sign the responsible agency findings, the Delta Conservancy is agreeing that the lead agency sufficiently explained and proposed mitigation measures that are likely to alleviate any significant negative environmental effects that may result from the implementing the project.

PROJECT AND PROPOSITION 1 BACKGROUND

At the May 25, 2016 Board meeting, the Delta Conservancy's Board reserved funds for the Three Creeks Parkway Restoration Project (Prop 1-Y1-2015-009) until the project completed CEQA and the

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Board made its responsible agency findings. The Three Creeks Parkway Restoration Project was proposed by American Rivers and their partners – the Contra Costa County Flood Control and Water Conservation District (District), Friends of Marsh Creek Watershed (FOMCW), and the City of Brentwood – as a multibenefit ecosystem restoration project at the confluence of Marsh, Sand, and Deer Creeks (Three Creeks) that will convert a denuded flood control channel into a healthy riparian corridor. The Three Creeks Parkway Restoration Project will restore native vegetation on 12.5 acres along nearly a mile of Marsh Creek, and floodplain and riparian habitat along 4,000 linear feet of creek. These restoration actions will provide important habitat, increase flood protection, and contribute to achieving water quality objectives in the Delta.

The Board's reservation of funds pending the completion of CEQA was conditional upon the following: (1) submittal of proof and verification of adequate water rights; and (2) a signed agreement with the landowner, the District, that formalizes the applicant's right to implement and maintain the proposed project and the District's role in the proposed project. The project's water rights were reviewed and approved by staff, after verification by the Delta Watermaster, on October 17, 2016. Therefore, American Rivers has met the first condition. As decided by the Board at the July 27, 2016 meeting, the second condition has become a condition of the grant agreement required after the grant agreement is executed. The landowner agreement will be finalized after the grant agreement has been executed in accordance with Delta Conservancy procedures.

BUDGET

The Three Creeks Parkway Restoration Project included a project budget of \$836,409. This total will cover costs of obtaining the required permits, project design, construction, revegetation, coordination with local entities, and monitoring and maintenance. This project was considered as part of the Delta Conservancy's first Ecosystem Restoration and Water Quality grant program cycle, for which up to \$9.3 million was allocated to the Conservancy for the 2015/2016 fiscal year. The Conservancy approved, conditionally approved, or reserved funding for nine projects that have requested approximately \$6.3 million in grant funding for the first grant cycle.

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Attachments

Contra Costa County Flood Control and Water Conservation District (Lead Agency) District Action C. 2 - Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Three Creeks Parkway Restoration Project (CEQA). September 27, 2016 – available online at http://deltaconservancy.ca.gov/wp-content/uploads/2016/11/Prop-1-Y1-2015-009_CEQA-LeadAgencyApproved-Board-Order_9-27-16a.pdf

Contra Costa County Public Works Department, 2016. Initial Study / Mitigated Negative Declaration for Three Creeks Parkway Restoration Project including Notice of Public Review. August 3, 2016 – available online at http://deltaconservancy.ca.gov/wp-content/uploads/2016/11/Prop-1-Y1-2015-009_CEQA-NOI-IS-MND-MMRP-Reduced-File.compressed.pdf

Contra Costa County Public Works Department, 2016. Appendix B - Response to Comments on the Initial Study / Mitigated Negative Declaration for Three Creeks Parkway Restoration Project). September 21, 2016 – available online at http://deltaconservancy.ca.gov/wp-content/uploads/2016/11/Prop-1-Y1-2015-009_CEQA_Appendix-B-Response-to-Comments-FINAL_9-21-16_cmp.pdf.