



**RESOLUTION NO. 2016-01**

**A RESOLUTION OF THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY ADOPTING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE THREE CREEKS PARKWAY RESTORATION PROJECT.**

**Whereas**, the Three Creeks Parkway Restoration Project (“Project”) is a proposal put forth by the Contra Costa County Flood Control and Water Conservation District to widen and improve an approximately 4,000-foot section of Marsh Creek in the City of Brentwood to provide additional flood conveyance capacity and restore riparian habitat along the creek; and

**Whereas**, the Contra Costa County Flood Control and Water Conservation District (“District”) is the lead agency pursuant to CEQA (Public Res. Code, § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.); and

**Whereas**, the District prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) pursuant to CEQA in order to analyze all potential adverse environmental impacts of the project; and

**Whereas**, on 27-Sep-2016, the Board of Supervisors of the District considered and certified the IS/MND, adopted findings as required by CEQA, including a mitigation monitoring and reporting program (attached as Exhibit A), and approved the Project ; and

**Whereas**, the District has requested funding from the Sacramento-San Joaquin Delta Conservancy (Delta Conservancy) for the Project and must, therefore, as a responsible agency, make certain findings prior to its approval of funding for the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY AS FOLLOWS:**

- a. The Delta Conservancy has, in its independent judgment, reviewed and considered the IS/MND and the District’s findings, which are incorporated herein by reference, and finds, as to those potential impacts within the Board’s powers and authorities as a responsible agency, that the IS/MND contains a complete, objective, and accurate reporting of the Project’s potential impacts and that mitigation measures have been incorporated into the Project that avoid and/or substantially lessen any of the potentially significant effects of the Project.
- b. Further, the Board adopts the Mitigation, Monitoring, and Reporting Program.
- c. The Board further finds that no additional feasible mitigation measures within the Board’s authority are necessary to reduce the environmental impacts of the project to less than significant levels.
- d. The Delta Conservancy hereby authorizes and directs staff to file a Notice of Determination with the state clearinghouse and the County Clerk’s Office of the county of Contra Costa.
- e. The documents and materials that constitute the record of proceedings for this Resolution are located on the Delta Conservancy’s website.

**PASSED, APPROVED, AND ADOPTED BY THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY BOARD THIS 21<sup>st</sup> DAY OF NOVEMBER, 2016.**

**VOTE**

Ayes:

Noes:

Abstentions:

Absent:

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Jim Provenza, Board Chair

Exhibit A

C. 2



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: September 27, 2016

Subject: ADOPTION OF Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Three Creeks Parkway Restoration Project (CEQA)

**RECOMMENDATION(S):**

1. CONSIDER the proposed Initial Study/Mitigated Negative Declaration for the Three Creeks Parkway Restoration Project (Project) together with any comments received during the public review process.
2. FIND on the basis of the whole record, including the proposed Initial Study/Mitigated Negative Declaration and any comments received and staff responses thereto, that there is no substantial evidence that the Project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the lead agency, Contra Costa County Flood Control & Water Conservation District (District).
3. ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.
4. SPECIFY that the Contra Costa County Conservation and Development Director is the custodian of the documents and other material that constitute the record of proceedings upon which the Board’s decision is based, and that the record of proceedings is located at 30 Muir Road, Martinez, CA.

APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **09/27/2016**  APPROVED AS  
RECOMMENDED

OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II  
Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 27, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Claudia Gemberling (925)  
313-2192

By: Stacey M. Boyd, Deputy

cc:

### FISCAL IMPACT:

The cost of the environmental review of this Project totaled approximately \$80,000, to be funded by the District with Flood Control Zone 1 funds (50 percent) and American Rivers, Inc. (American Rivers) State Grant Funds and other private funds (50 percent).

### BACKGROUND:

During the 1960s and early 1970s, approximately 7.9 miles of Marsh Creek from the mouth of the creek near Big Break in Oakley to the Dry Creek confluence in Brentwood were channelized into steep earthen and armored trapezoidal flood control channels to provide conveyance capacity and riparian vegetation was removed. The channel was designed for a 50-year flood event in an agricultural setting. Over the last 25 years, the population of the lower Marsh Creek watershed has increased dramatically, transforming the watershed into a dense residential and commercial area, covering open space with impervious surfaces, substantially increasing runoff volume and degrading water quality. The District has constructed detention basins on each of Marsh Creek's three tributaries (Dry, Deer, and Sand Creeks) to accommodate increased run-off associated with urban development and impervious surfaces; however, urban and agricultural runoff remain issues.

The Three Creeks Parkway Project described in the Initial Study/Mitigated Negative Declaration (IS/MND) combines two separate projects. The first is the Three Creeks Restoration Project on Marsh Creek, in which the District partnered with American Rivers to apply for and receive \$744,404 in DWR Urban Streams Grant Funding. The project limits of that project are from the Union Pacific Railroad tracks crossing of Marsh Creek to its confluence with Sand Creek (identified as the Lower Reach in the IS/MND). The second project is Phase 2 of the Marsh Creek Widening Project. The District is the sponsor of that project, and American Rivers is providing the District with State grant funds and other private funds to provide a multi-benefit flood control project. The project limits of the second project are from Sand Creek to just upstream of Dainty Avenue (identified as the Middle and Upper Reaches in the IS/MND). The two projects were addressed together because they are adjacent and cumulative impacts needed to be considered.

The objective of the Project would be to improve the ecological functions of Marsh Creek by reducing flow velocities, creating wetlands, and restoring riparian habitat. Although much of the watershed has been constrained by urbanization, the Project site is the longest remaining stretch of undeveloped land along the creek where there is still an opportunity to widen the channel and provide a more natural creek system that is connected to the historic floodplain that can be enjoyed by trail users.

The District, in partnership with American Rivers, developed the proposal to widen and restore approximately 4,000 linear feet of the Marsh Creek channel identified in three reaches (Upper, Middle, Lower) from Dainty Avenue downstream to the Union Pacific Railroad tracks with a floodplain (or in sections where more constrained, floodplain benches) that will meet the District's standards for 100-year flood protection and restore native riparian vegetation and enhance habitats and recreation. The segment just upstream of Dainty Avenue was widened in 2000 by the District. Native riparian vegetation may also be planted in this segment as part of the Project to provide a continuous riparian corridor with the existing riparian vegetation upstream of this segment.

The Project calls for widening the creek above the low-flow channel, but some areas will require work within the low-flow channel in order to create in-stream habitat using boulders and large woody debris, and to place rock slope protection. The Project would also include slight relocation of the existing East Bay Regional Park District Marsh Creek trail along the top of the eastern bank to the new top of grade from Dainty Avenue to Sand Creek (in the Upper and Middle Reaches). The trail from Sand Creek to the railroad tracks (in the Lower Reach) is to be relocated by the adjacent subdivision developer (Pulte) separately from the Project; however, the Project would reduce the gradient of the steep slope between the creek and the trail in this reach and would provide a new unpaved foot trail within the floodplain benches. The relocated trail section within the Upper Reach would be routed to pass under the Central Boulevard bridge.

Approval of the Project is not recommended at this time because the District and American Rivers have not yet

completed their negotiation of a separate agreement that outlines their respective obligations under the DWR Urban Streams grant agreement (for the Three Creeks Restoration Project) and terms and conditions that will apply to the work that American Rivers plans to perform. Without this agreement, the District would become obligated to perform the obligations of both parties under the grant agreement upon approval of the Project. District staff also anticipates the need for an agreement that sets forth the District's and American Rivers' roles under the Marsh Creek Widening Phase 2 Project. District staff anticipates returning to the Board in February 2017 to seek Board approval of the agreement(s) and the Project.

CONSEQUENCE OF NEGATIVE ACTION:

If the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are not adopted before October 1, 2016, American Rivers may lose conditionally-approved grant funding for the Project.

ATTACHMENTS

CEQA