



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: November 19, 2019

Subject: Mitigated Negative Declaration & Mitigated Monitoring & Reporting Program for the Lower Marsh Creek Stream Corridor Restoration Program

**RECOMMENDATION(S):**

APPROVE the Lower Marsh Creek Stream Corridor Restoration Program, Brentwood area. [Project No. 7521-6D8277] DCD-CP# 19-13 (District III), and

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 Program 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).

ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Program.

SPECIFY that the Chief Engineer 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 255 Glacier Drive, Martinez, CA.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **11/19/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, 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: November 19, 2019

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

Contact: Claudia Gemberling  
(925)313-2192

By: June McHuen, Deputy

cc:

DIRECT the Director of Conservation and Development to file a Notice of Determination

## RECOMMENDATION(S): (CONT'D)

with the County Clerk.

AUTHORIZE the Chief Engineer to arrange for payment of \$2,354.75 for California Department of Fish and Wildlife fees, a \$50 fee to the County Clerk for filing the Notice of Determination, and a \$25 fee to Department of Conservation and Development for processing.

## FISCAL IMPACT:

Preparing the documents for this Program was funded 100% by American Rivers, with minor District and Department of Conservation and Development staff costs for review and processing. This Program does not authorize any future expenditures of District or County funds.

## BACKGROUND:

The Program is a creek restoration and flood risk reduction program proposed by the District and American Rivers, a national nonprofit organization that protects wild rivers, restores damaged rivers, and conserves clean water for people and nature.

Implementation of the proposed Program will result in: 1) improved habitat conditions for fish, birds, reptiles, and amphibians by providing a mosaic of riparian, floodplain, wetland, and aquatic habitat types for these species to utilize, 2) expanded creek flow capacity to meet or exceed flood standards, 3) improved local water quality by shading the creek and reducing mobilization of fine sediments, and 4) improved public recreational opportunities. This Program will also complement three existing conservation planning efforts: the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP), the District's *50 Year Plan: Channel to Creeks* (2009), and American Rivers' *Lower Marsh Creek Stream Corridor Master Plan* (2015) (Master Plan).

The goal of the Program is to incentivize willing landowners and developers to work with the District and other local partners to transition the existing 75-foot creek setbacks on Marsh Creek and 50-foot creek setbacks on Deer and Sand creeks, as required by the HCP/NCCP for parcels and development activities subject to compliance with the HCP/NCCP, into ecologically functioning riparian habitat corridors. As such, the CEQA document was developed to put in place the environmental compliance mechanism necessary to alleviate uncertainty and complexity associated with implementing creek restoration projects, which would further incentivize landowners and developers to participate.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Program is not approved Marsh Creek restoration project planning opportunities and grant funding could be lost.

## ATTACHMENTS

