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January 17, 2012

Hillary Heard, Planner II
Contra Costa County Public Works
255 Glacier Drive
Martinez, CA 94553

Sent via e-mail to
hhear@pw.cccounty.us
on January 17, 2012

RE: BLACK DIAMOND MINES REGIONAL PRESERVE - MARSH CREEK ROAD SAFETY
IMPROVEMENTS CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)

Dear Ms. Heard:

The District operates Black Diamond Mines Regional Preserve ("Park") immediately adjacent to the Marsh Creek Road Safety Improvement east of Russelmann Park Road ("Project"). Page 43 of the IS/MND appears to misrepresent the District's position. We have no record of correspondence between our agencies concurring with the project design and approach to minimizing impacts. A park operations representative attended an informational meeting in February 2010 and expressed concern over safe access to the portion of District property abutting the Project. This comment was not addressed in the project design or evaluated in the CEQA IS/MND.

The project description does not sufficiently disclose the location of temporary and permanent improvements. Thank you for providing this information in response to our request. It is still unclear if the project will impact our property and operations. The IS/MND does not identify how the project will specifically impact biological resources. Being a "covered activity" under the East Contra Costa HCP does not waive this requirement under CEQA.

Impacts to the park should be avoided. A District encroachment permit will be required if the project impacts the park. Furthermore, the IS/MND should address Project compliance with Section 4(f) of the Department of Transportation (DOT) Act of 1966 (49 USC § 303). This requires that impacts to public parklands be evaluated to determine how they may be affected by a proposed project. Impacts to public parkland must be avoided unless there is no "prudent or feasible alternative" and that "the program or project includes all possible planning to minimize harm to the park, recreation area, or wildlife or waterfowl refuge of national, state, or local importance".

Thank you for your review and consideration of our comments. If you have any questions or concerns, please contact me at (510) 544-2627 or via email at cbarton@ebparks.org.

Sincerely,

Chris Barton
Senior Planner

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