



Contra Costa County  
**Public Works**  
Department

Julia R. Bueren, Director

Deputy Directors

R. Mitch Avalon

Brian M. Balbas

Stephen Kowalewski

---

January 23, 2012

Mr. Chris Barton  
East Bay Regional Park District  
2950 Peralta Oaks Court  
P.O. Box 5381  
Oakland, CA 94605-0381

Re: Response to Comments on CEQA IS/MND  
Marsh Creek Road Safety Improvements  
1.0 Mile East of Russlemann Park Rd Project  
**Federal Project No. HRRRL 5928(096)**  
**County Project No. 0662-6R4063**

Dear Mr. Barton:

Thank you for providing comments from East Bay Regional Park District (EBRPD) on the Marsh Creek Road Safety Improvement 1.0 Mile East of Russlemann Park Road Project CEQA document (CP # 11-93). Our responses to your comments follow the order of your comments (numbered in the margin and attached for reference).

As you are aware, staff from the Public Works Department met with staff from your agency (Rex Caufield) and others on February 8, 2010 regarding the project. As discussed at the meeting, the County's safety improvement project is located adjacent to EBRPD lands. Following the meeting, meeting minutes were forwarded to all attendees for comment.

Comment #1: The statement in our CEQA document indicating that your agency had concurred with the project design and approach to minimizing impacts was an unintentional and unfortunate misrepresentation. While we received concurrence on the project design and approach to minimizing impacts from California State Parks during the Section 4(f) process, we received no comment on the meeting minutes from your agency and did not pursue Section 4(f) concurrence from your agency because we do not believe the project will impact EBRPD property (see further discussion in responses below).

At the February 8, 2010 meeting Rex Caufield expressed concern regarding three issues: 1) the limited shoulder width at the driveway, 2) the limited site distance of the driveway, and 3) the close proximity of the construction staging area to the driveway entrance. Mr. Caufield expressed that his hope for the project would be to improve or at least provide no additional negative impact to the driveway.

Regarding Mr. Caufield's concerns about limited shoulder width, the proposed project will improve conditions by widening the existing shoulder in the vicinity of the driveway, allowing for more available area for EBRPD to better access the roadway before entering the travel lane. Regarding site distance from the driveway, the proposed project will provide no additional negative impact. The current project is a targeted safety improvement project that is being designed to improve the geometrics of an existing curve. The specific location of the project is based on vehicle accident data, including injury and fatality accidents. The curve that is being realigned by the project is located northwest of the EBRPD driveway. The current project is not designed to modify the curve east of the EBRPD driveway because existing traffic accident data did not suggest that a targeted project was warranted at this location. Regarding the proximity of the construction staging area to the driveway entrance, while earlier plan iterations identified a potential project staging area near the EBRPD driveway, based on EBRPD's input, current plans have relocated staging areas to the following locations: 1) approximately 250 feet northwest of the EBRPD driveway, opposite side of the road; 2) approximately 750 feet west of the EBRPD driveway, same side of the road; 3) approximately 1500 feet west of the EBRPD driveway, opposite side of the road (please refer to Figure 3d Impact Areas figure provided to you via email on January 12, 2012 and attached here).

Comment #2: Minimal driveway conform work is necessary at the EBRPD driveway to ensure the grade of the roadway adequately matches the grade of the driveway. However, all work in the vicinity of the EBRPD parcel, including the driveway conform, will occur entirely within existing County road right of way (please see attached plans that show all work occurring in road right of way; Preliminary Drawings dated 01/23/12). Work necessary to conform the driveway should not take more than one day and access to the EBRPD parcel will be provided at all times. If paving is actively occurring, EBRPD staff will still be able to access their driveway at all times via a graveled access immediately adjacent to the existing driveway. For these reasons, no physical or operational impacts to EBRPD property are expected to occur.

Comment #3: The IS/MND does indicate that the project is a covered project under the HCP/NCCP. However, there is also a detailed discussion in the IS/MND regarding biological resource impacts (see pages 10-24 of the IS/MND). In addition to specific discussions regarding potential impacts to federal and state listed or sensitive species, the IS/MND also discusses necessary avoidance and minimization measures to be implemented to reduce the potential for impacts to these species as well as compensatory mitigation for potential impacts. The IS/MND also discusses potential impacts to seasonal wetland and ephemeral stream features in the project area and mitigation for those potential impacts.

Comment #4: Project plans are not final; however, they are complete enough to conclude that no changes resulting in potential impacts to the park would be expected. However, in the unlikely event that the project changes such that impacts to the park will occur, the County will apply for an encroachment permit from EBRPD.

Comment #5: As discussed above, no physical or operational impacts to the park are expected as a result of this project; therefore, a Section 4(f) evaluation is not warranted.

At your convenience, Public Works staff is available to meet with you to discuss the project and review the design plans.

Please feel free to contact me at (925) 313-2022, or [hhear@pw.cccounty.us](mailto:hhear@pw.cccounty.us), or the project engineer, Laurie Sugang, at (925) 313-2395 or [lsucg@pw.cccounty.us](mailto:lsucg@pw.cccounty.us) if you have any further questions or would like to meet to discuss the project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hillary Heard", followed by a long horizontal line and a checkmark-like flourish.

Hillary Heard  
Environmental Planner II  
Engineering Services-Environmental

LC:HH;jh

G:\engsvc\ENVIRO\TransEng\MarshCreek\_RusselmannPark\CEQA\Comments and Responses\response to EBRPD.docx

Attachments:     EBRPD Comments on IS/MND  
                      Figure 3d Impact Areas  
                      Plan view and profile showing EBRPD driveway (plan dated 01/23/12)  
                      Driveway details (plan dated 01/23/12)  
                      Meeting Minutes from 02/08/10

C:     C. Lau, Transportation Engineering  
       S. Gospodchikov, Design  
       L. Sugang, Design



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG  
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

Board of Directors

Beverly Lane President Ward 6	Carol Severin Vice-President Ward 3	John Sutter Treasurer Ward 2	Ayn Wieskamp Secretary Ward 5	Whitney Dotson Ward 1	Doug Siden Ward 4	Ted Radke Ward 7	Robert E. Lacy General Manager
-------------------------------------	---	------------------------------------	-------------------------------------	--------------------------	----------------------	---------------------	-----------------------------------



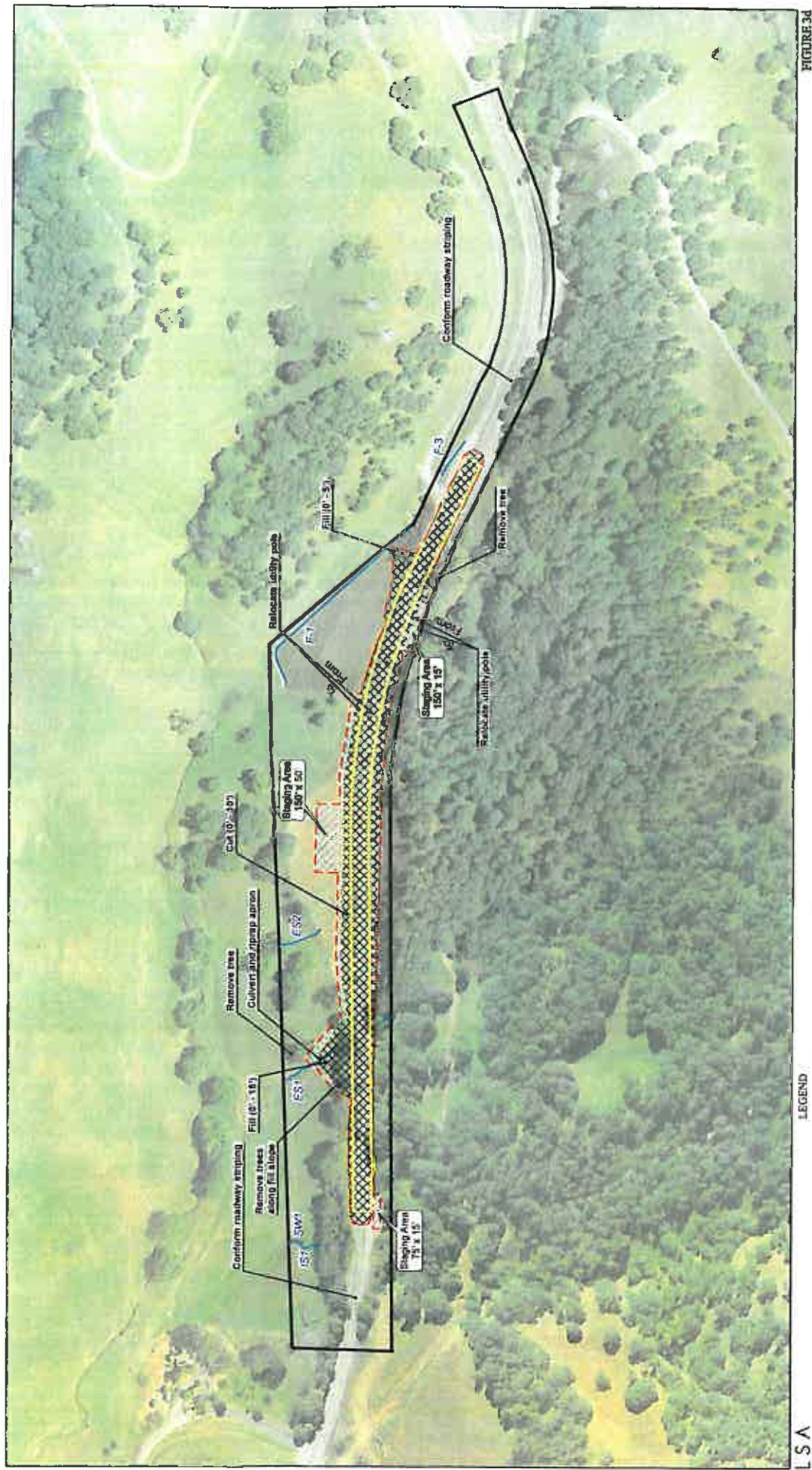
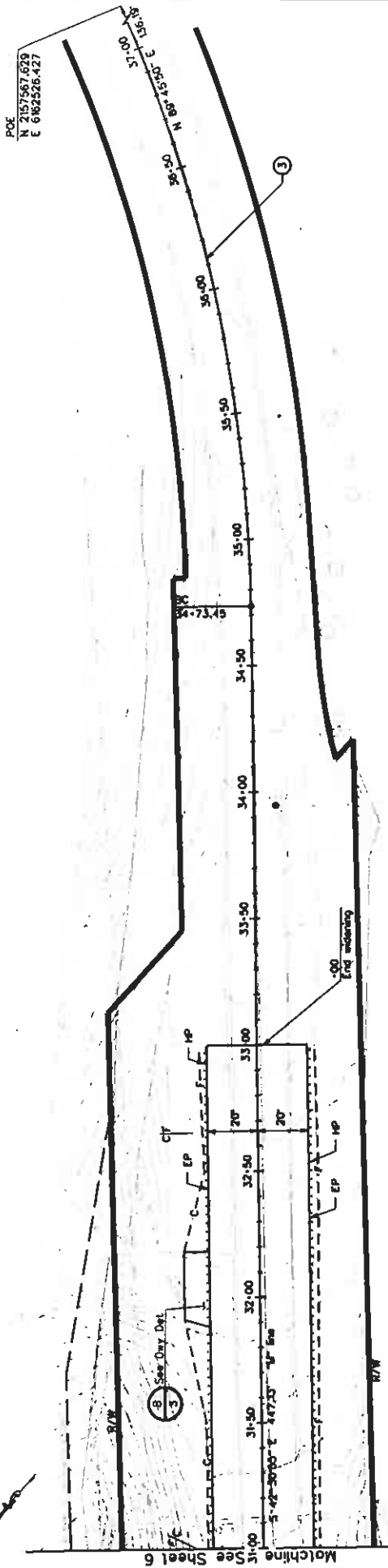


FIGURE 3d

Marsh Creek Road Safety Improvements  
-1 Mile East of Russellmann Park Rd.  
Impact Areas

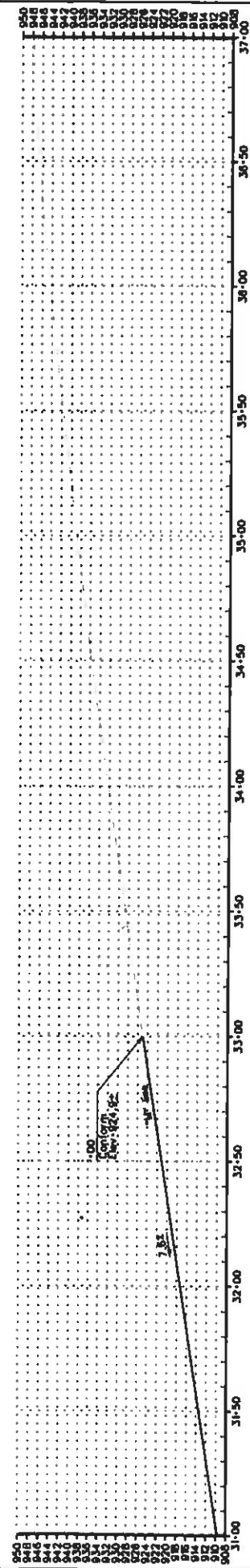
POE  
N 2157567.629  
E 682526.427



Curve Data

Radius	600.00
Length	498.73
A	47°43'58"

PLAN  
Scale 1"=20'



<b>REVISIONS</b> NO. DATE DESCRIPTION 1 10/21/12 2 10/21/12 3 10/21/12 4 10/21/12 5 10/21/12 6 10/21/12 7 10/21/12		DEL. L. SUGGANG DESIGNED P. MARDEN CHECKED J. CHEN DATE 10/21/12 DRAWN AS SHOWN PLOT DATE 10/21/12		PRELIMINARY DRAWING DATE 10-23-12 M19 1600 518		CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT 255 GLACIER DRIVE MARTINEZ, CALIFORNIA 94553		MARCH CREEK ROAD SAFETY IMPROVEMENTS- 1 MILE EAST OF RUSSELLMAN PARK ROAD PLAN AND PROFILE SHEET 7 OF 7	
--	--	---	--	---	--	---	--	--	--



**PRELIMINARY  
DRAWING** DATED 1-23-12

## Hillary Heard

---

**From:** Hillary Heard  
**Sent:** Wednesday, February 10, 2010 9:51 AM  
**To:** 'Tom Holstein'; 'Rex Caufield'; 'Roland Gabert (rgaebert@parks.ca.gov)'; Chris Lau; John Pulliam; Mary Halle; Jason Chen; Laurie Sucgang; Lisa Dalziel; 'George Molnar'  
**Cc:** Leigh Chavez; 'Bachman, Stephen'; Angela Villar  
**Subject:** Meeting Minutes from March Creek Road (1 mile east of Russelmann Park Rd.) Stakeholder Meeting 2/8/10  
**Attachments:** Stakeholder meeting minutes for Marsh Creek at Russelman.pdf

Hi Everyone,

Please find attached the minutes from our meeting on Monday. Should you have any comments or questions related to the minutes please direct them to Leigh Chavez (313-2366) as I will be out of the office on maternity leave beginning tomorrow. Leigh will be helping to manage this project while I'm out of the office should anything come up.

Thank You,  
Hillary

### Hillary Heard Planner



Contra Costa County  
**Public Works**  
Department

Contra Costa County Public Works Department

Environmental Section

255 Glacier Drive

Martinez, CA 94453

Phone: (925) 313-2022

Fax: (925) 229-7950

e-mail: [hhear@pw.cccounty.us](mailto:hhear@pw.cccounty.us)

website: [www.cccpublicworks.org](http://www.cccpublicworks.org)

**"Accredited by the American Public Works Association"**





**Marsh Creek Road Safety Improvements  
(East of Russelmann Park Road)  
February 8, 2010  
3:00pm- 4:00pm, Contra Costa County  
Public Works Department, Conference Room B**

## **Meeting Minutes**

**Meeting Attendees:** Tom Holstein, Caltrans District 4; Rex Caulfield, EBRPD; Hillary Heard, CCCPW Environmental Section; Leigh Chavez, CCCPW Environmental Section; John Pulliam, CCCPW Design Section; Jason Chen CCCPW Design Section; Laurie Sugang, CCCPW Design Section; Mary Halle, CCCPW Transportation Engineering Section; Chris Lau, CCCPW Transportation Engineering Section; Lisa Dalziel, CCCPW Real Property Section; George Molnar, LSA Associates (Environmental Consultant); Roland Gaebert, CA State Parks did not attend.

### **Discussion**

- **Purpose of the meeting**

- To conduct a stakeholder meeting with all the agencies who have land adjacent to the project site to talk about our safety improvement project along Marsh Creek Road. The meeting is intended to be an opportunity to meet and discuss any concerns or questions with this project. Staff from Caltrans has asked us to take the lead in scheduling the meeting. Caltrans is the lead agency overseeing this project on behalf of the Federal Highway Administration.

- **Project Description**

- The project runs along Marsh Creek Road between Russelmann Park Road and Morgan Territory Road. It involves roadway widening to provide 12-foot wide travel lanes and 8-foot wide shoulders, where the shoulders consist of a combination of gravel shoulder backing and asphalt pavement. The length of the project is approximately 2,250 feet, starting roughly 5,200 feet east of Russelmann Park Road and ending 3,200 feet west of Morgan Territory Road.
- Construction date is targeted at 2013
- Permits have been secured with all agencies and the private property owner to access their land to a distance up to 100 ft. from the roadway. Official 48 notice must be given when access to land for these studies is needed.

- **Environmental, Cultural and related studies**

- County consultant LSA will be conducting the following studies under the permitted agreements with EBRPD & CA State Parks & one private property owner.
  - Habitat mapping per the East Contra Costa Habitat Conservation Plan (HCP)
  - Wetland Delineation study, 2-3 site visits to map any wetland areas with minimal disturbance to land.

- Species Specific Surveys to assess suitable habitat for any endangered species listed that may be in the area (1 day visit).
  - Historic Property Survey Report/Archeological Report/Historical Records Report and Architectural Study
  - Botanical Survey (Special Status Plant Survey): numerous site visits February-June and in October by a botanist to survey for rare plants.
  - Tree Survey: trees within the project boundary mainly right along roadway with the exception of on the private parcel (Caltrans is concerned with the Visual Impacts to property if tree are removed along NW edge of the project).
  - Hazardous Waste (Phase I) investigation: simplified approach to an initial study assessment (likely requested because of aerially deposited lead from roadway).
  - Traffic Study: to determine the impacts associated during the construction of the project, how it is going to affect traffic movement along the roadway and serving the adjacent properties (EBRPD would like to receive a copy if possible).
- **Stakeholder questions and concerns:**
    - EBRPD
      - Acquired the property about one year ago, it's approximately 300 acres and is currently in land bank status with no current public access. Currently there is no definitive timeline to construct a public facility on the property and it has yet to be defined what may be constructed.
      - Currently concerned with the limited shoulder width and the sight distance of the driveway. Concerned with the close proximity of the construction staging area close to the driveway entrance and how EBRPD vehicles would enter the roadway safely.
      - Would hope the project would improve or at least provide no additional negative impact to the driveway. This is consistent with County expectations
    - CA State Parks (as related via discussions in negotiating the permit by CCCPW staff)
      - Expressed concerns over blocking access to the gated maintenance road to Mt. Diablo State Park during construction. There is no current public access to the park from this parcel.
    - Caltrans
      - Staff commented a Section 4(f) consultation would be warranted if there was current public access to these parcels or there was a plan in place to provide such access in the near or reasonably foreseeable future.
      - CCCPWD may need to request a Section 4(f) letter if temporary occupancy to either agency's properties is needed during construction in the form of a formal letter from the agency allowing such temporary use.
    - CCCPWD
      - Additional access to the private property will need to be negotiated as there is a need with some of the Environmental and Cultural Studies to go farther than the allowed 100 ft. distance from the roadway based on the APE.

- Permits for the private and agencies property will need to request an extension to December 2010 to access properties for these studies.

- **Closing/Follow up items:**

- Meeting notes will be circulated to EBRPD and CA State Parks for their comments and concurrence. Any additional concerns should be communicated to staff at CCCPWD (H. Heard at 313-2022 or Leigh Chavez: 313-2366).