



EAST BAY REGIONAL PARK DISTRICT

ENCROACHMENT PERMIT

PERMIT NO.: 020E-16-118 PERMIT FEE: Waived

EBRPD FACILITY AFFECTED: Morgan Territory Regional Preserve

PERMITTEE: Contra Costa County Public Works
255 Glacier Drive
Martinez, CA 94553

CONTACT PERSON: Lisa Zaragoza

PHONE: 925-313-2223

FAX: 925-646-0288

E-MAIL: lisa.zaragoza@pw.cccounty.us

CONDITIONS:

1. No project work shall commence until all necessary permits and environmental clearances have been obtained. It shall be the sole responsibility of the Permittee to obtain all necessary permits.
2. This permit is valid through December 31, 2016.
3. The Permittee shall **contact Chris Lyall, Park Supervisor, at 510-544-3060** to coordinate access. Work during wet, storm or elevated fire hazard conditions shall be at the discretion of the Park Supervisor.
4. Prior to the commencement of work the Permittee shall provide an Insurance Certificate showing general liability insurance for coverage of at least \$1,000,000.00 and automobile liability coverage in the amount of \$1,000,000.00 per occurrence. East Bay Regional Park District shall be named on the Certificate as additional insured and an "additional insured endorsement" shall be provided. A letter confirming self-insurance will satisfy this condition.
5. Permittee agrees to indemnify, hold harmless, defend and protect District, its officers, directors, agents, employees, invitees (each of which is an indemnitee) from and against any and all claims, losses, damages, demands, liabilities, suits, costs, expenses (including attorneys' fees), penalties, judgments, or obligations whatsoever for or in connection with injury (including death) or damage to any person or the loss or damage of property to whomsoever belonging or pecuniary or monetary loss resulting from, arising out of, or in any way related to activity conducted by or the omission of Permittee, including but not limited to Permittee's development, construction, occupation, use, operation, maintenance and/or removal of the property, premises, or any facilities or operations thereon, including events occurring on or off the property, premises, or facilities, regardless of how the injury or damage was caused or suffered, unless the

- injury or damage resulted from the sole negligence or the intentional and willful misconduct of the District, its officers, directors, agents or employees.
6. Permittee agrees to restore any park facility disturbed to its pre-construction/project condition. If the Permittee fails to do so the District may elect to make repairs and charge the Permittee the cost thereof. At the Permittee's request and sole expense, a pre-construction videotape record will be jointly made by the Permittee and the District to document the site conditions before the start of the work.
 7. Prior to any grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping or any other type of excavation, the Permittee shall provide the District with an initial inquiry identification number from Underground Service Alert.
 8. Survey monuments shall be protected. Any survey monuments or property corners removed or disturbed shall be replaced at the Permittee's sole expense using survey practices acceptable to the District.
 9. After both entering and exiting East Bay Regional Park District property, all gates must be closed and locked immediately.
 10. All work performed shall be consistent with the application submitted and attached.
 11. No construction material shall be stored, nor equipment parked on District land overnight.
 12. **All vehicles traveling on District land shall be limited to speeds not to exceed 15 MPH. All vehicles shall yield right of way to park and trail users.**
 13. Upon completion of the work all debris, scraps, material, etc., shall be removed from the parkland.
 14. All work performed within the parkland shall conform to recognized standards of construction.
 15. The Permittee shall cease work in the vicinity of any archaeological resources that are revealed and notify the District immediately. A qualified archaeologist, retained by the Permittee, will evaluate the situation and make recommendations to the District concerning the continuation of the work. All resulting recommendations shall be incorporated in the work at no additional cost to District.
 16. The Permittee is responsible for meeting all requirements of California Public Resources Code, Sections 4427 and 4431.

SECTION 4427. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

- (a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.
- (b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

This section does not apply to portable power saws and other portable tools powered by a gasoline-fueled internal combustion engine.

SECTION 4431. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any

flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry and Fire Protection shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.

17. This permit allows temporary trail or road closure only where allowed by Park Supervisor.
18. Permittee shall review conditions of this Permit with all employees and subcontractors prior to any work.
19. **The work site shall be enclosed by suitable barricades, fencing, signs and lights, as approved by District Representative, to warn and protect public and traffic effectively.**
20. Excavations made within the limits of the parklands shall be backfilled or securely covered before leaving the work for the night.
21. Permittee shall provide the District with copies of any reports or findings made as a result of this access.
22. Permittee shall provide the District with GIS data for any underground or above ground utilities installed or repaired under this Permit. The data shall be provided in the ESRI Shapefile format (.shp) in the following projection:
 - a. Projection: CA Stateplane Zone III
 - b. Datum: NAD83
 - c. Units: Feet
23. This permit does not authorize tree trimming or tree removal.
24. This Permit can be revoked at any time.
25. **A copy of this fully executed Encroachment Permit must be on site and presented to East Bay Regional Park District personnel upon request.**

Subject to the above conditions, A PERMIT IS HEREBY ISSUED FOR:
Access to Morgan Territory Regional Preserve for the purpose of environmental studies.

ISSUED BY: _____ DATE: _____
Brian Brawner, Permit Supervisor

CONDITIONS ACCEPTED BY: _____ DATE: _____
Permittee



**EAST BAY REGIONAL PARK DISTRICT
ENCROACHMENT PERMIT APPLICATION**

DATE:

PERMIT NO.
EBRPD USE

PERMIT FEE
EBRPD USE

EBRPD FACILITY AFFECTED

DESCRIPTION

ATTACHMENTS/ENCLOSURES

INSURANCE CARRIER

ESTIMATED START DATE

ESTIMATED COMPLETION

OTHER AGENCY PERMITS REQUIRED

APPLICANT NAME

ADDRESS

CONTACT PERSON

PHONE

EMAIL

FAX

East Bay Regional Park District
2950 Peralta Oaks Court
PO Box 5381
Oakland, CA 94605
510 544-2562
510 569-1432, fax

Contra Costa County Public Works Department is planning a bridge scour project along Morgan Territory Road in Clayton. The project is currently in planning and construction is expected to take place Summer of 2017.

The first phase of this project is to conduct biological surveys, which consist of botanical and wildlife habitat surveys. These surveys are necessary for environmental compliance for the Morgan Territory Road Bridges Scour Project. To complete the surveys, County is requesting access to a portion of East Bay Regional Park District's property identified as Assessor's Parcel 080-070-011 and 080-070-003 located on Morgan Territory Road in Clayton.

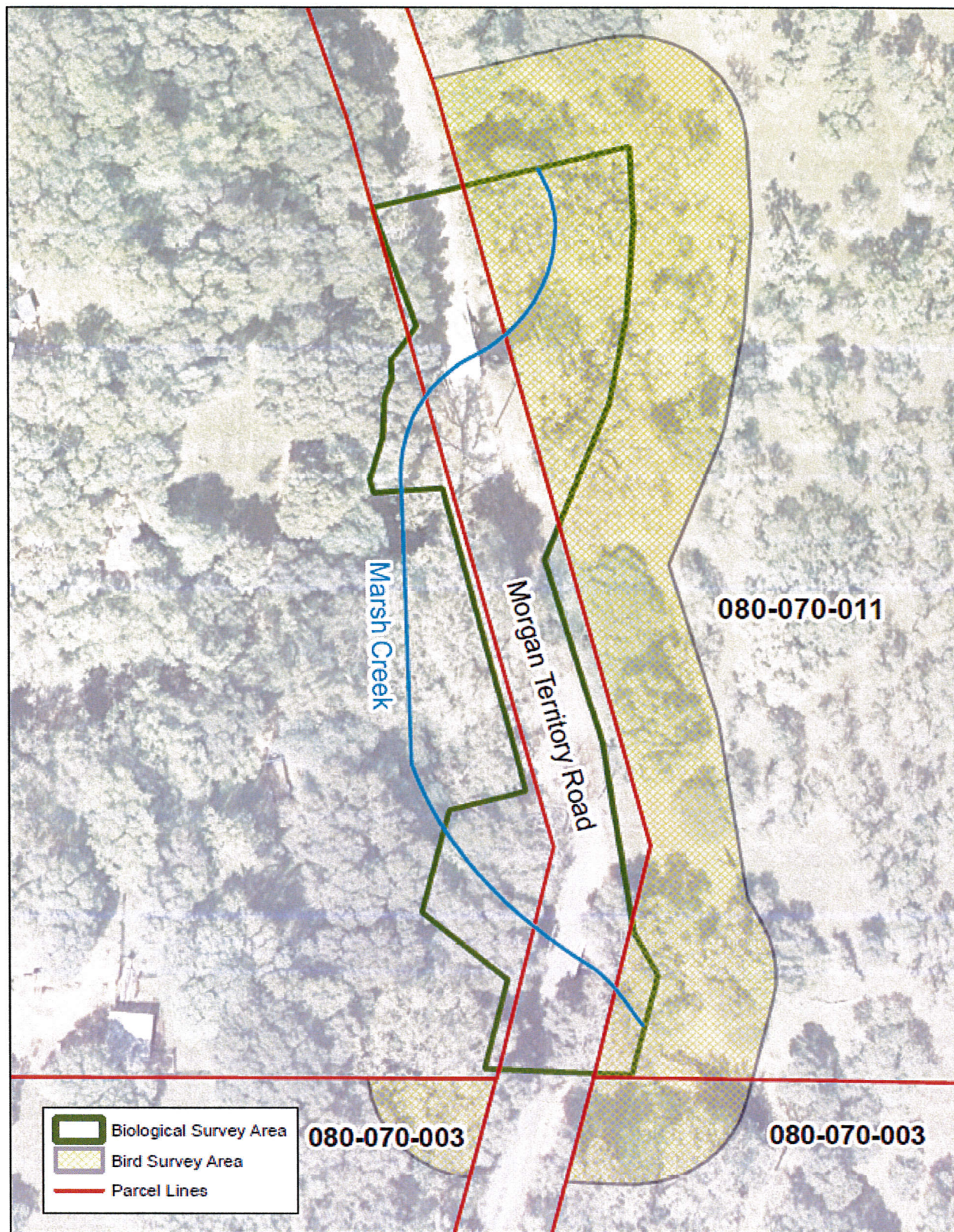
BIOLOGICAL SURVEYS

Biological surveys will consist of walking the site and visually inspecting a portion of the above-referenced parcel for specific plant species. Visual surveys will include plant species identification which may require collection of specimens. Photographs may be taken. Surveys may be conducted up to 50 feet beyond the right-of-way line as shown within the green lined area on the attached map, during May and June for one day of each month.

PRECONSTRUCTION SURVEYS

Preconstruction surveys will be conducted to determine and identify the locations of any special-status wildlife species within the Biological Study Area as shown outlined in green on the attached map. Tree canopies may be surveyed which may require use of binoculars. Wildlife management and special status species protection measures will consist of visual and pedestrian examinations within an area 125 feet beyond the right-of-way line as shown as crosshatch on the attached map. Photographs may be taken. Surveys can be expected to begin one (1) month prior to construction for approximately two (2) to ten (10) days and one (1) day prior to start date of construction. Once construction begins, biologists will be onsite to monitor certain activities. Typically one or two biologists are expected to be onsite at any given time.

Morgan Territory Road Bridges 4.30 and 4.40 Scour Repair Project



0 50 100
Feet

