

Amendment No. 3 to the Operation and Maintenance Agreement

Background: The portion of Marsh Creek Channel between Dutch Slough to approximately Station 74+00 is part of the large Marsh-Kellogg Watershed project (Marsh Creek Reach I). This portion of Marsh Creek was improved in the mid-1960s to provide protection to adjacent farmland to the east of the channel. For over 100 years, the adjacent site east of this portion of March Creek Channel was used for grazing and dairy operations. During the past 30 years, eastern Contra Costa County has undergone a rapid urbanization and the previously planned 4,500-6,100 housing unit site has now become a restoration site after the purchase was completed by the State of California, Department of Water Resources (DWR) in fall of 2003 and the project is implemented by Reclamation District 2137.

DWR has purchased from the Contra Costa County Flood Control and Water Conservation District (FCD) a portion of Marsh Creek Channel between the mouth at Dutch Slough to approximately Station 74+00 (DWR Parcel No. CF-07-04; FCD Drawings ED-457 to 459). Due to the transfer of ownership and the conversion of the eastern adjacent land to wetlands, the maintenance requirements for the Marsh Creek channel between Dutch Slough to approximately Station 74+00 (DWR Parcel No. CF-07-04; FCD Drawings ED-457 to 459) has changed. DWR will be responsible for monitoring and maintaining the reach between Dutch Slough to approximately Station 74+00 (DWR Parcel No. CF-07-04; FCD Drawings ED-457 to 459) in a manner that allow the continued function of this portion of the channel and will continue all upstream functions as determined and established upon in the Operation and Maintenance Agreement dated June 8, 1964.

The subject Operations and Maintenance Agreement is hereby amended as follows:

Change numbered descriptive paragraphs on page 1 to read as follows:

- “1. Stream channel improvements, appurtenant structures, and vegetation in Marsh Creek, North side of Contra Costa Canal (Station 74+00) to Brentwood Blvd. (formerly State Highway No. 4), Marsh-Kellogg Watershed, Contra Costa County, California.”
- “2. Modification of existing group agricultural water management facilities in Marsh Creek, North side of Contra Costa Canal (Station 74+00) to Brentwood Blvd. (formerly State Highway No. 4), Marsh-Kellogg Watershed, Contra Costa County, California.”

NRCS will no longer require the FCD to operate, maintain, and inspect Marsh Creek from the mouth at Dutch Slough to approximately Station 74+00. All other terms and conditions of this Agreement shall remain in full force and effect.

CONTRA COSTA COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

NATURAL RESOURCES CONSERVATION SERVICE

\_\_\_\_\_  
Julia R. Bueren  
Chief Engineer

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Carlos Suarez  
State Conservationist

Date \_\_\_\_\_

Date \_\_\_\_\_