

CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Contra Costa County
Dept. of Conservation & Development
30 Muir Road
Martinez, CA 94553

County Clerk
County of: Contra Costa

Project Title: Flood Control Permit Issued to City of Walnut Creek
Proj. No. FCP 630-17 CP#18-31

Project Applicant: **Contra Costa County Public Works Department**

Project Location – **Specific:** Diablo Shadows Park and Milton Kubicek Detention Basin

Project Location: City of Walnut Creek

Project Location – County: **Central Contra Costa**

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of this project is for the Contra Costa County Flood Control and Water Conservation District (FCD) to issue an encroachment permit to the City of Walnut Creek (City) to remove Diablo Shadows Pedestrian Bridge over Pine Creek Flood Control Channel and construct a paved trail on the west side of Pine Creek Flood Control Channel, north of the bridge to Diablo Shadow Drive. In addition, the project also involves the FCD entering into a license agreement and other related right-of-way transactions with the City for the maintenance and operation of a new paved trail along the Pine Creek Flood Control Channel and for the existing trail within Milton Kubicek Detention Basin.

The FCD previously issued an encroachment permit (Flood Control Permit 618-17), to the City for maintenance and operation of the existing trail through the Milton Kubicek Detention Basin and the existing Diablo Shadows Pedestrian Bridge. As part of this project, the FCD would issue a new encroachment permit to the City to remove Diablo Shadows Pedestrian Bridge and construct a paved trail on the existing gravel access road from the location of the bridge to Diablo Shadow Drive, on the west side of the Pine Creek Flood Control Channel.

The FCD would also enter into a license agreement with the City for the maintenance and operation of two trail locations including the new paved trail on the west side of Pine Creek Flood Control Channel and for the existing trail within the Milton Kubicek Detention Basin that the City has been maintaining for years. The license agreement will also cover access rights on the east side of Pine Creek Channel for trail access, ingress, and egress. Fence, trail, and landscaping, currently in FCD right-of-way on the east side of the channel will also be included in the license agreement.

This CEQA documentation covers issuance of an encroachment permit, license agreement, and other related right-of-way transactions with the City of Walnut Creek. The City will be responsible for CEQA analysis as well as obtaining any applicable local, State, or federal regulatory permits for their project.

Name of Public Agency Approving Project: **Contra Costa County**

Name of Person or Agency Carrying Out Project: **Contra Costa County Public Works Department**

Exempt Status:

- Ministerial Project (Sec. 21080(b) (1); 15268); Categorical Exemption: Class ()
 Declared Emergency (Sec. 21080(b)(3); 15269(a)); Other Statutory Exemption, Code No.: _____
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); General Rule of Applicability [Article 5, Section 15061 (b)(3)]

Reasons why project is exempt: The project consists of the minor real property transactions and it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment, pursuant to Section 15061(b)(3) of the CEQA guidelines.

Lead Agency Contact Person: **Matt Kawashima - Public Works Dept.** Area Code/Telephone/Extension: **(925) 313-2161**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on _____ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Title

Applicant:

Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: **Matt Kawashima**
Environmental Services Division
Phone: (925) 313-2161

Department of Fish and Game Fees Due

- EIR - \$3,271.⁰⁰
 Neg. Dec. - \$2,354.⁷⁵
 DeMinimis Findings - \$0
 County Clerk - \$50
 Conservation & Development - \$25

Total Due: \$75.⁰⁰

Total Paid \$ _____

Receipt #: _____

**DETERMINATION THAT AN ACTIVITY
IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

ACTIVITY NO.: FCP 630-17, CP#18-31

ACTIVITY NAME: Flood Control Permit Issued to City of Walnut Creek

PREPARED BY: Matt Kawashima

DATE: September 5, 2018

This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b) (3) of the CEQA Guidelines.

It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

DESCRIPTION OF THE ACTIVITY:

The purpose of this project is for the Contra Costa County Flood Control and Water Conservation District (FCD) to issue an encroachment permit to the City of Walnut Creek (City) to remove Diablo Shadows Pedestrian Bridge over Pine Creek Flood Control Channel and construct a paved trail on the west side of Pine Creek Flood Control Channel, north of the bridge to Diablo Shadow Drive. In addition, the project also involves the FCD entering into a license agreement and other related right-of-way transactions with the City for the maintenance and operation of a new paved trail along the Pine Creek Flood Control Channel and for the existing trail within Milton Kubicek Detention Basin.

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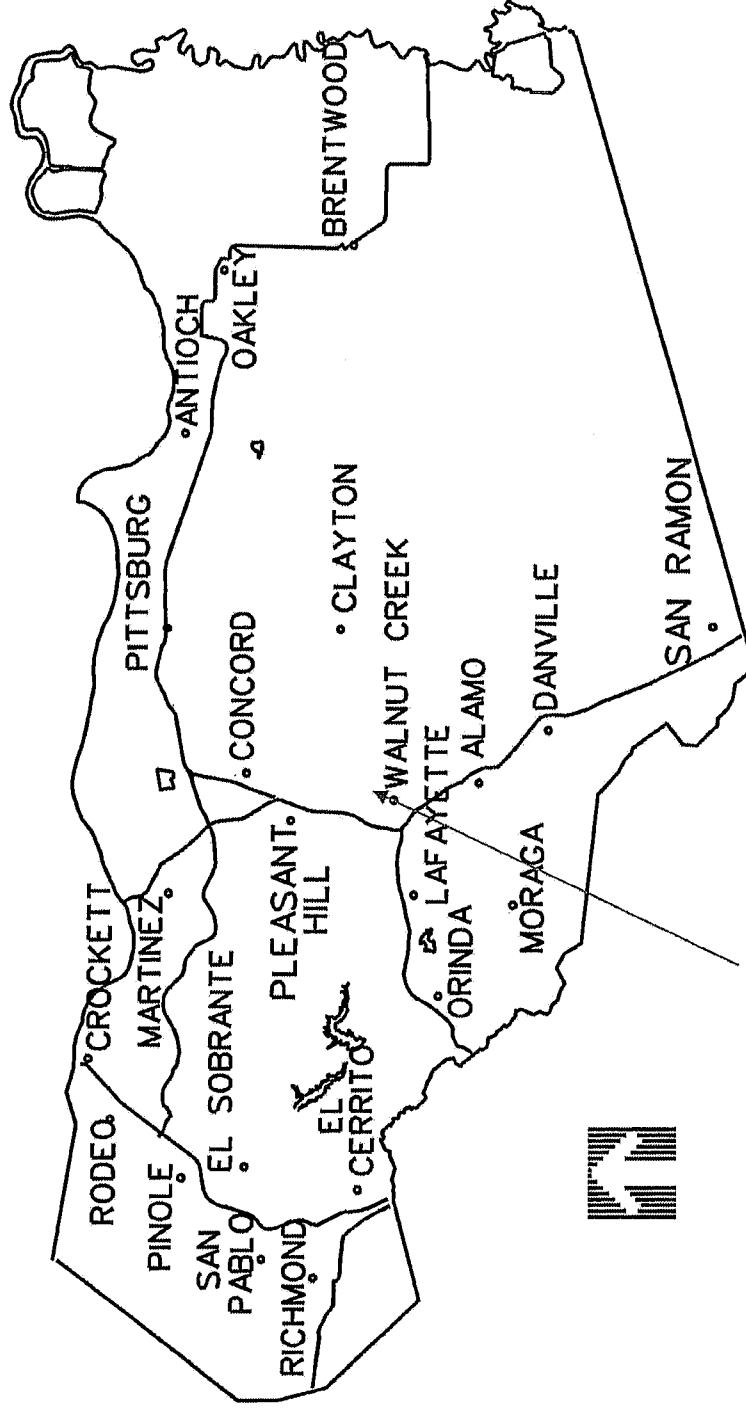
This CEQA documentation covers issuance of an encroachment permit, license agreement, and other related right-of-way transactions with the City of Walnut Creek. The City will be responsible for CEQA analysis as well as obtaining any applicable local, State, or federal regulatory permits for their project.

LOCATION: The project is located in the City of Walnut Creek, Central Contra Costa County (Figures 1 – 5)

REVIEWED BY: *Claudia Kempalung for* DATE: 9-5-18
Avé Brown
Principal Environmental Analyst
Environmental Services Division
Contra Costa County Public Works Department

APPROVED BY: *Teen B. Morera* DATE: 9/12/18
Deputy Zoning Administrator
Dept. of Conservation and Development

CONTRA COSTA COUNTY CALIFORNIA



PROJECT LOCATION

FIGURE 1

Regional Location Map

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department

Determination of Exemption (DE)
September 2018

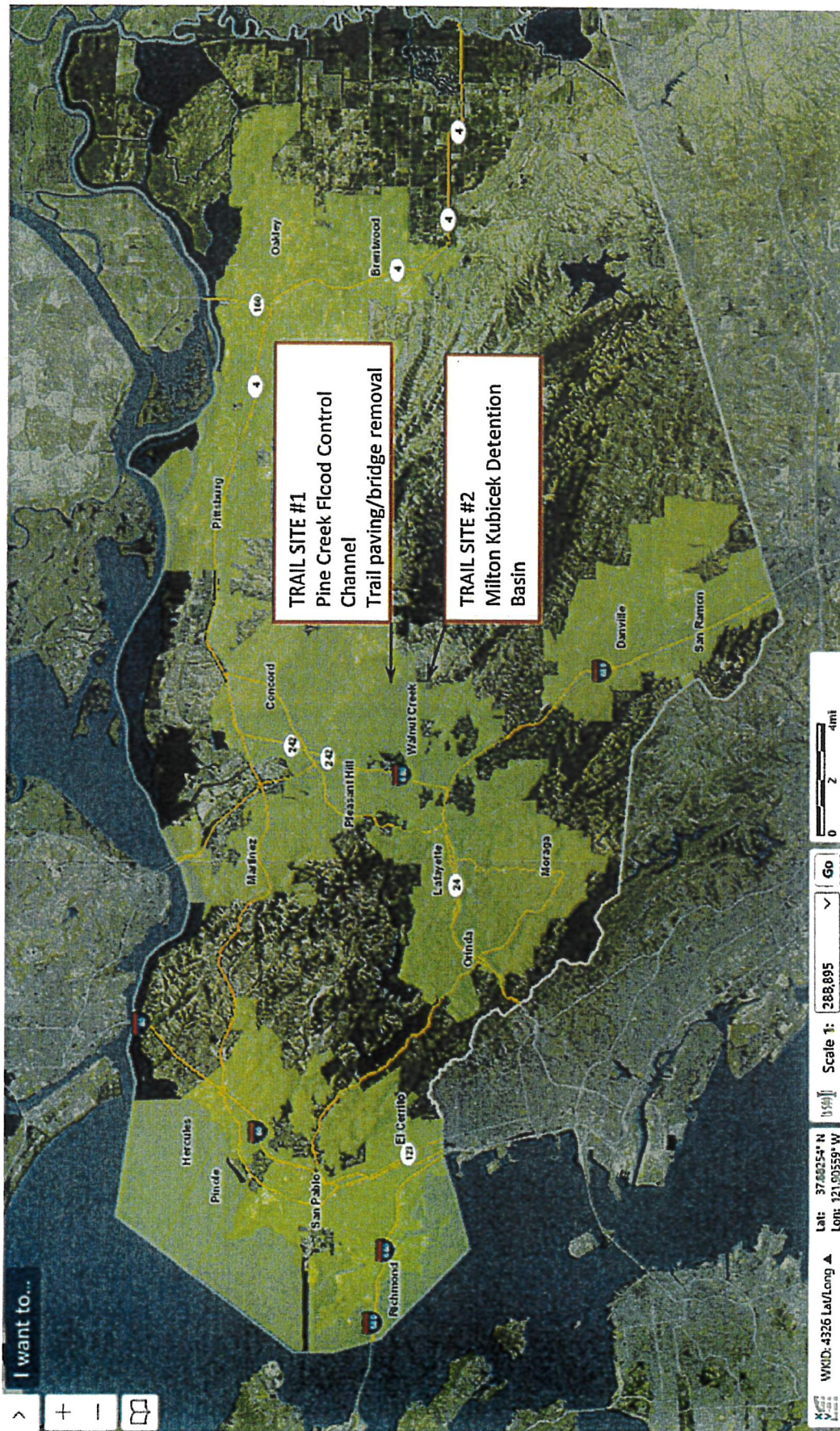


FIGURE 2

Project Locations Map

Determination of Exemption (DE)
September 2018

Flood Control Permit Issued to City of Walnut Creek
Contra Costa County Public Works Department

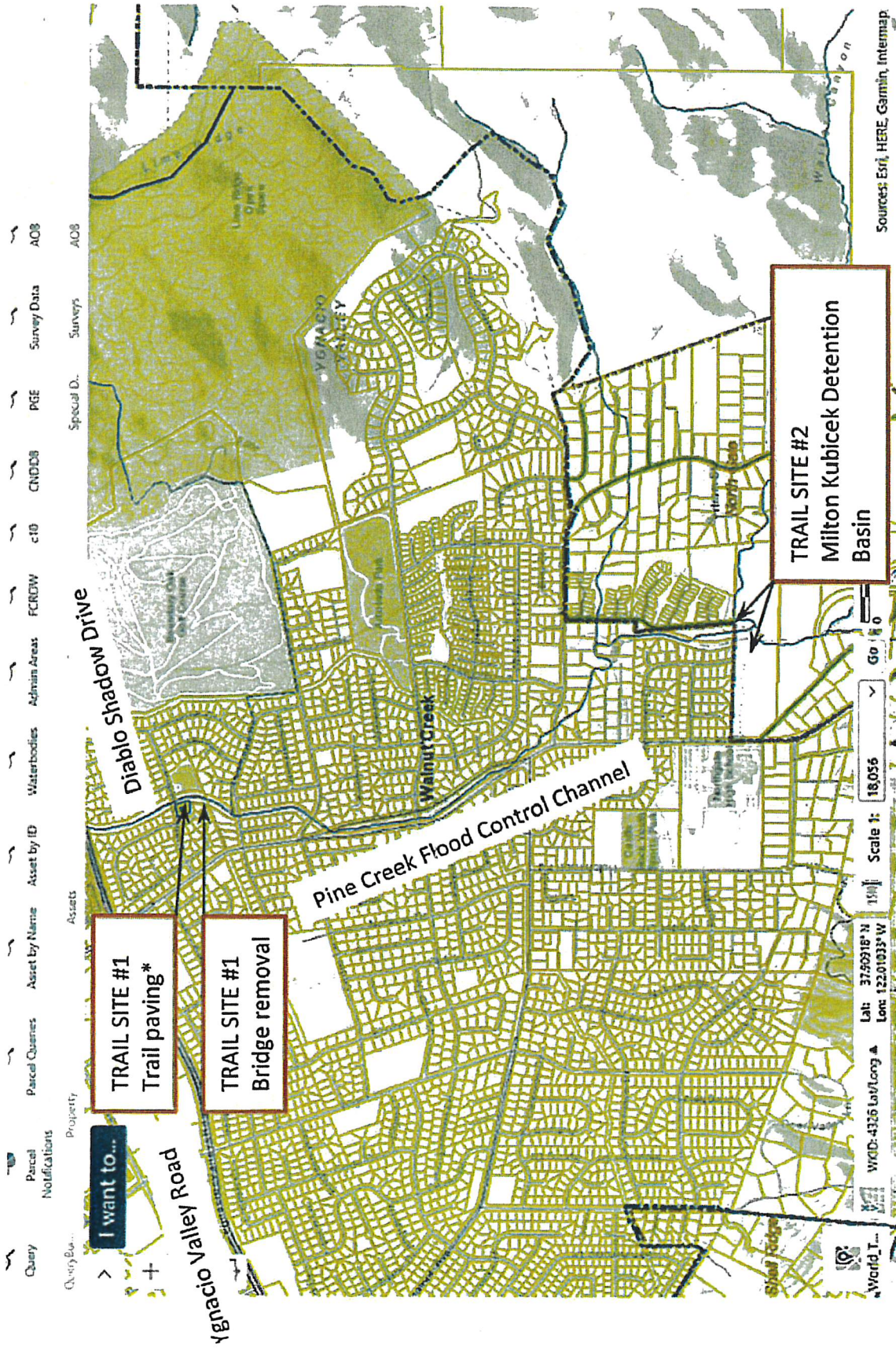


FIGURE 3

Project Overview Map

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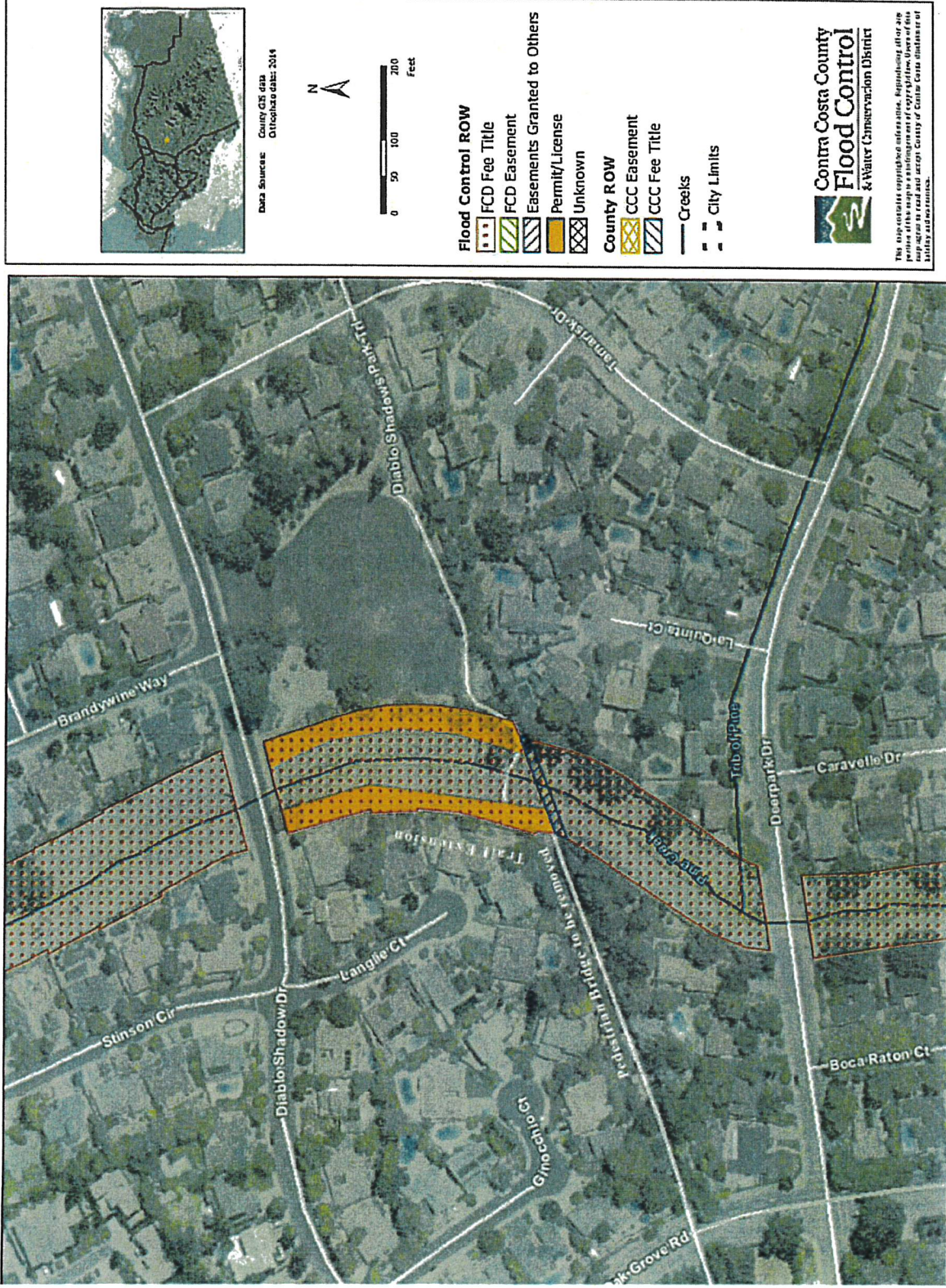


FIGURE 4

Diablo Shadows Park & Pine Creek Trail Map

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Data Sources: County GIS data
DTI photo data: 2014

Flood Control ROW

- FCD Fee Title
- FCD Easement
- Easements Granted to Others
- Permit/License
- Unknown

County ROW

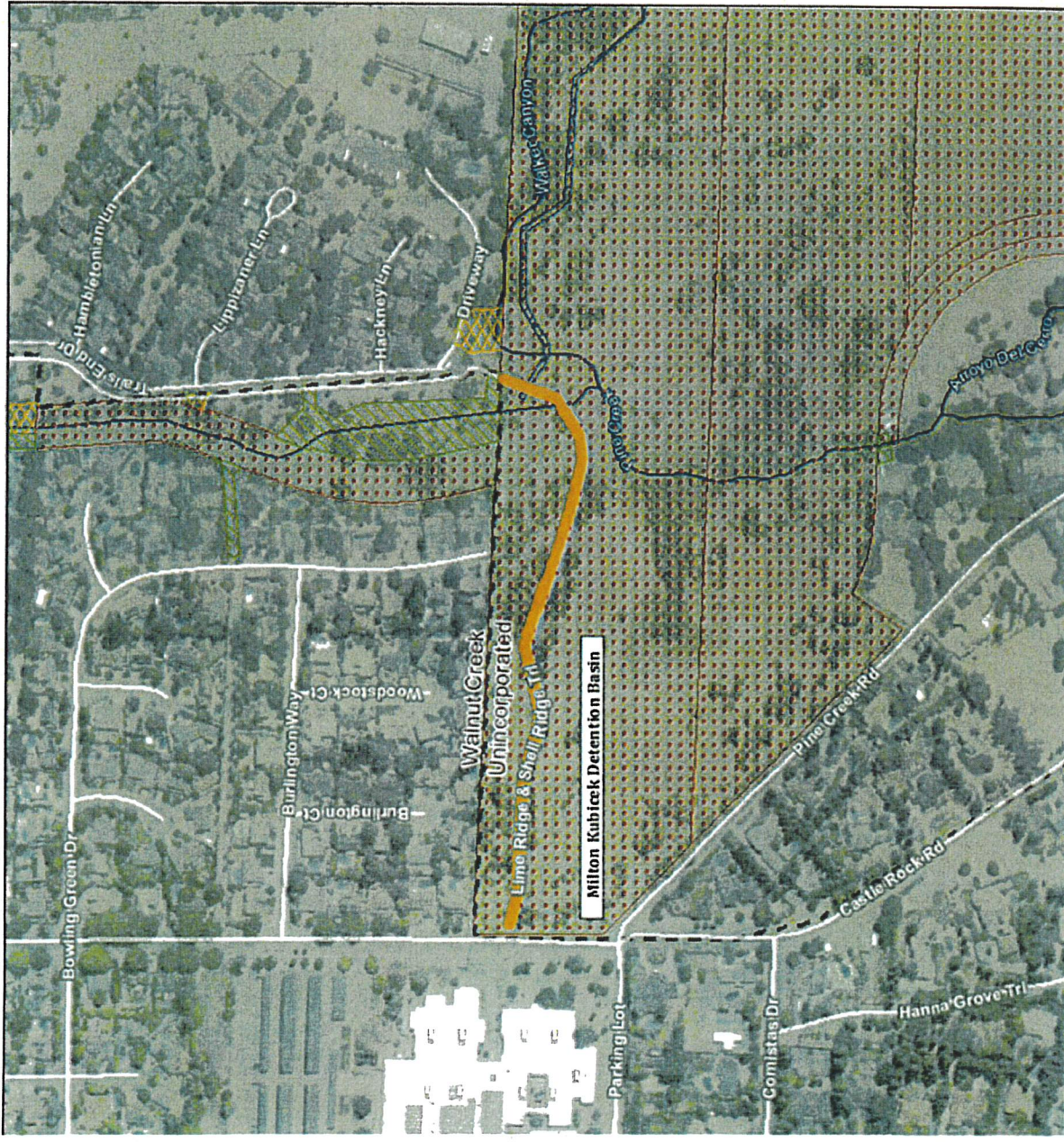
- CCC Easement
- CCC Fee Title

Other Features:

- Creeks
- City Limits

**Contra Costa County
Flood Control
& Water Conservation District**

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Milton Kubicek Detention Basin & Pine Creek Trail Map

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