

Addendum No. 1

Three Creeks Parkway Restoration Project

Mitigated Negative Declaration

The following Addendum has been prepared in compliance with CEQA.

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December 2017

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1.0 INTRODUCTION

The Three Creeks Parkway Restoration Project in Brentwood, Contra Costa County is a project that is jointly proposed by the Contra Costa County Flood Control and Water Conservation District (“the District” or “CCCFCWCD”) for flood protection and American Rivers, a national non-profit organization that protects wild rivers, restores damaged rivers and conserves clean water for people and nature. The California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.) requires local governments to conduct environmental review on public and private development projects. On September 27, 2016, the Contra Costa County Board of Supervisors adopted an Initial Study/Mitigated Negative Declaration for the project (“2016 IS/MND”) (State Clearinghouse No. 2016082008) (on file with the District) on the basis of an Initial Study that was prepared and circulated for 30 days, pursuant to Section 15063 of the *CEQA Guidelines* (Title 14, California Code of Regulations, Sections 15000 et seq.). The project evaluated included proposed improvements to an approximately 4,000 linear foot section of Marsh Creek for flood conveyance capacity by widening the channel with a floodplain and floodplain benches and restoration of native vegetation of the creek banks and floodplain (“original project”). While the IS/MND was adopted by the County Board of Supervisors, the proposed project was not approved at that time.

Since then, there have been a few additions to the original project design. These include: (1) the incorporation of an existing water quality basin adjacent to the lower reach of Marsh Creek and improvements to the adjacent City of Brentwood Sungold Park, (2) the use of an adjoining parcel adjacent to the middle reach as a staging area and to place excavated materials, (3) the construction of a clear-span pedestrian bridge, and (4) the use of temporary creek crossings during construction (“updated project”). These proposed additions include a total of approximately 13.45 acres on three parcels that abut the original project area for the evaluation of the updated project.

2.0 PURPOSE OF ADDENDUM

The purpose of this Addendum is to analyze potential impacts that may result from the proposed additions to the original project and to document that the 2016 IS/MND for the original project adequately addresses the potential environmental impacts of the updated project pursuant to CEQA (Pub. Resources Code, Section 21000, et seq.), and that no subsequent or supplemental environmental document is required.

CEQA Guidelines Section 15164(b) states that an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

CEQA Guidelines Section 15162(a) provides guidance in this matter and states that “when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

CEQA Guidelines Section 15164(d) provides that the decision-making body shall consider the addendum in conjunction with the adopted negative declaration prior to making a decision on the project.

Based on the analysis in this Addendum No. 1, the District concludes that the updated project would not result in any new significant adverse impacts, nor an increase in the severity of significant impacts previously identified in the 2016 IS/MND for the original project. Nor would the updated project require the adoption of any new or considerably different mitigation measures or alternatives. Therefore, this Addendum No. 1 is the appropriate form of environmental review required under CEQA and has been prepared to satisfy the requirements of *CEQA Guidelines* Sections 15162 and 15164.

3.0 PROJECT DESCRIPTION

3.1 Summary of the Original Project

The original project is a multi-benefit flood control and creek restoration project to improve flood conveyance capacity and restore native vegetation along an approximately 4,000 linear foot section of Marsh Creek which includes widening the channel with a floodplain and floodplain benches and planting with native vegetation. When implementation is complete, the project would include up to 1.0 acre of frequently inundated floodplain (seasonal wetland), 1.87 acres of woody riparian vegetation, and 1.87 acres of grasslands and native scrub. The project would also enhance habitat and recreation within the watershed.

3.2 Proposed Additions to the Original Project

The District and American Rivers propose to update the original project to incorporate an existing water quality basin and make improvements to the adjacent City of Brentwood Sungold Park, use an adjoining parcel as a staging area and to place excavated materials, construct a clear-span pedestrian bridge across Marsh Creek, and to use temporary creek crossings during construction (**Figure 1**).

As detailed in **Table 1**, the amount of excavation has slightly decreased since the original project due to changes in assumptions regarding how wide the channel could be excavated and project refinements as the design advanced. In addition, with regard to the proposed project

additions, about 5,000 cubic yards of material would be excavated to incorporate the water quality basin. Thus, an increase of 2,000 cubic yards would be excavated as compared to the original project. A total of approximately 26,000 cubic yards of excavated materials would be placed on the Griffith parcel under the updated project.



SOURCE: Restoration Design Group, Inc. 2017

FIGURE 1

Table 1
Excavated Fill Material (in cubic yards)

Reach	Original Project	Project Refinements	Proposed Project Additions	Updated Project
Upper Reach	5,500	+5,000	n/a	10,500
Middle Reach	3,500	-1,000	n/a	2,500
Lower Reach	15,000	-7,000	+5,000	13,000
Total Excavation	24,000	-3,000	+5,000	26,000

Source: *Walking*, 2017.

(1) Lower Reach - Incorporation of Water Quality Basin

There is an existing 0.7-acre linear water quality/detention basin (Assessor Parcel 017-670-040) located between Carmel Estates/Sungold Park and Marsh Creek to detain runoff from the Carmel Estates residential development for treatment before discharge into Marsh Creek (**Figure 2**). The detention basin is enclosed on all sides by a fence. This basin would be incorporated into the project by adding native vegetation including trees and shrubs, creating a creekside mulch path, removing the fences, and lowering the eastern berm of the basin and western bank of the creek (**Figure 2A**). This would allow flood waters from the creek to spill into the basin as needed. The western fence may be reinstalled along the western length of the basin. In addition, a new trail, which would also serve as a District maintenance access road, would be added to the adjacent City of Brentwood Sungold Park (017-670-039, 017-450-065). Other improvements, such as landscaping and a creek overlook with seating and an interpretive area, would be added to showcase the environmental benefits of the project (**Figure 2A**). The total area of improvements would be approximately 3.25 acres.

(2) Middle Reach – Staging Area and Excavated Material Placement on the Griffith Parcel

The Griffith parcel (also known as DLT Ventures or the Hancock parcel) is a 10.2 acre undeveloped property located between Sand and Deer Creeks adjacent to the west side of the middle reach of Marsh Creek (017-110-011) (**Figure 3**). The Griffith parcel is bounded on the north, south, and east by channelized creek and to the west by private residential property. These lands are strictly uplands and are located above the top of bank of all three creeks. The vacant Griffith parcel would be used as a staging area and the placement of excavated material (26,000 cubic yards) for the updated project. The excavated material would be spread across the parcel to elevate the ground surface (**Figure 3A**).

(3) Middle Reach – Pedestrian Bridge

The updated project anticipates the pedestrian bridge would be installed just upstream of Marsh Creek's confluence with Sand Creek near the northeastern corner of the Griffith parcel (**Figure 3**). It is anticipated that the bridge would be 10 feet wide and approximately 100 feet long and would clear-span the creek (there would be no footings in the creek).

(4) Temporary Creek Crossings

The updated project anticipates up to six temporary creek crossings to facilitate construction access between the excavation areas on the east side of Marsh Creek and the Griffith parcel on the west side of Marsh Creek. Temporary creek crossings are proposed across Marsh Creek near the water quality basin in the lower reach, and across Sand, Marsh and Deer creeks to the Griffith parcel on the west bank (**Figure 1**). While Figure 1 shows four crossings locations, the actual number, locations, and design will be determined by the project contractor.

The creek crossings would be installed by placing a temporary culvert in the channel and then placing fill (i.e., clean gravel) that is wrapped in geotextile fabric over the culvert. The fabric would keep the fill separated from the creek environment and would make the removal clean and quick, as the fill would be kept separate from the creek bed materials. The fill material utilized would be free of silt or other contaminants. Each culvert could be up to 60 feet in length. Total area of each crossing would be approximately 2,500 square feet and each crossing would require approximately 600 cubic yards of fill material. The culverts would extend below the ordinary high water mark (OHWM) but fill would be expected to remain mostly above.

The creek crossings would be in place only during the grading operations. Upon completion of grading, the earthen fill, fabric, and pipe would be removed and the original channel conditions restored. As explained further in **Section 4.2** below, any surface flows in these channels at the time of installation would be uninterrupted and Best Management Practices (BMPs) would be in place to ensure there is no release of sediment downstream. However, at least one creek crossing is proposed to remain in place through restoration planting to connect the Griffith parcel on the west side of Marsh Creek with the east side of the creek.

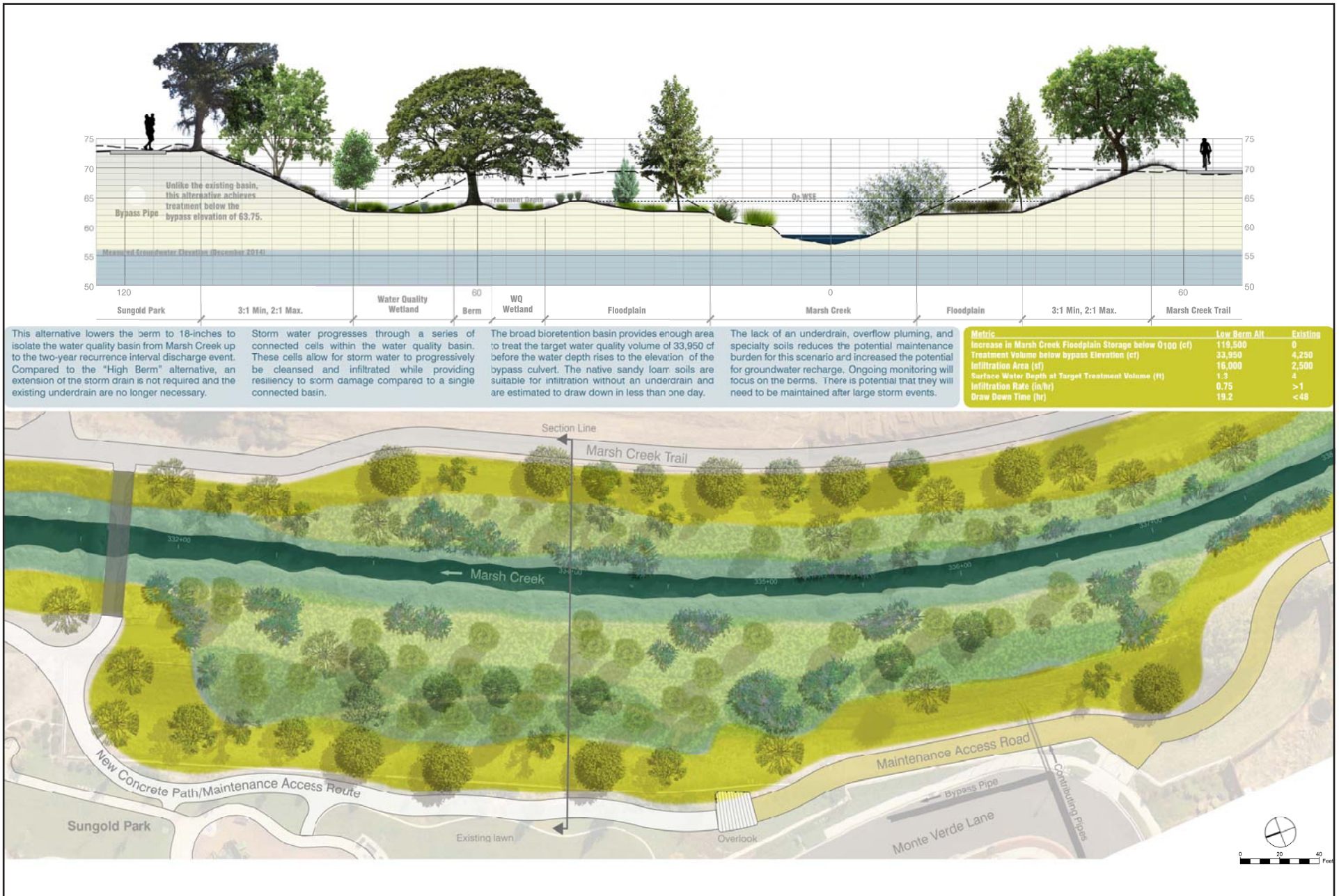
The proposed additions would not affect the duration of project construction; as with the original project, the updated project would still be constructed over a period of approximately two months during the dry season (between April and October) when creek flows are low and the chance of precipitation is low. Plant restoration would occur afterwards (i.e., November to February).



SOURCE: Restoration Design Group, Inc. 2017

FIGURE 2

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SOURCE: Restoration Design Group, Inc. 2017

FIGURE 2A

Incorporation of Water Quality Basin and Improvements to Sungold Park

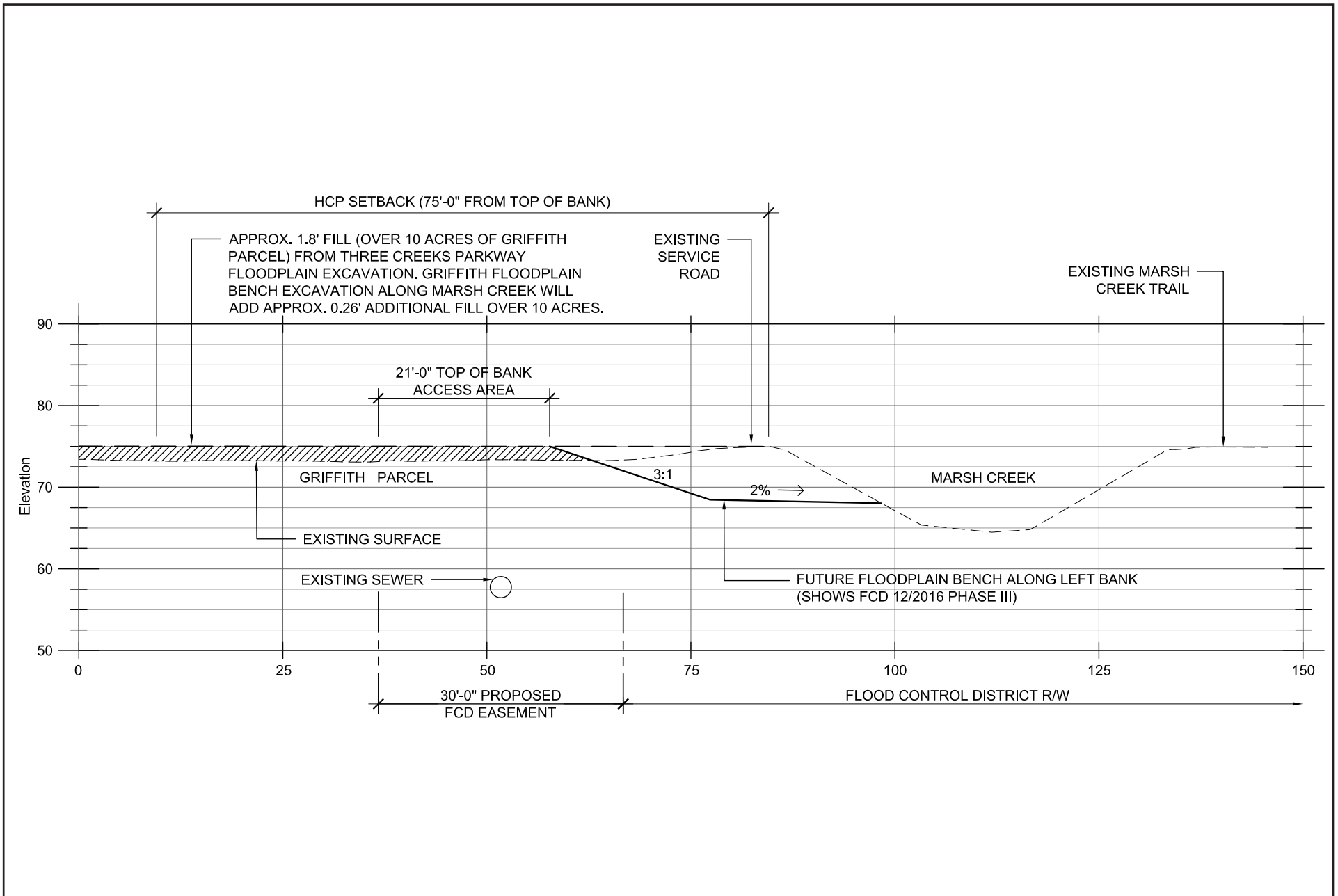
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SOURCE: Restoration Design Group, Inc. 2017

FIGURE 3

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SOURCE: Restoration Design Group, Inc. 2017

FIGURE 3A

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4.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT ADDITIONS

The 2016 IS/MND evaluated the potential environmental impacts of the original project under the 17 resource topics included in the CEQA Environmental Checklist. An examination of the proposed additions shows that the updated project would have the potential to affect the previous analysis for six of the 17 resource topics. Those six topics include air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, and noise. These six resource topics are examined further in detail in this Addendum. For the remaining 11 resource topics (aesthetics, agriculture and forestry resources, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic, utilities/service systems), a brief explanation is provided below as to why they do not need to be examined in detail.

Aesthetics

Incorporation of the water quality basin, improvements to the adjacent City of Brentwood Sungold Park, and construction of the pedestrian bridge would not degrade the character of the project area but instead would enhance the aesthetic quality of the area. As the Griffith parcel is currently fallow and undeveloped, placing fill onto the parcel would not cause any significant visual changes. The proposed temporary creek crossings would be in place only during construction and the original channel conditions would be restored after the work is completed. Therefore, the updated project would not result in new or more severe aesthetic impacts; no further discussion in the Addendum is required.

Agriculture and Forestry Resources

The Farmland Mapping and Monitoring Program (FMMP) identifies the project site as Urban and Built-Up Land¹ (California Department of Conservation 2014) and thus, as with the original project, the updated project would not result in the conversion of land designated either as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural

¹ Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

use. Therefore, the updated project would not result in new or more significant impacts on farmland; no further discussion in the Addendum is required.

Hazards and Hazardous Materials

According to an EnviroStor database search for known hazardous materials contamination, conducted on October 10, 2017, the project site is not located on a property associated with a hazardous site listed under Government Code Section 65962.5, also known as the Cortese List and thus as with the original project, the updated project would not create a significant hazard to the public or the environment associated with a hazardous site listed under Government Code Section 65962.5. Therefore the updated project would not result in new or more significant impacts related to hazardous materials; no further discussion in the Addendum is required.

Hydrology/Water Quality

Similar to the original project, the updated project would be constructed over a period of approximately two months during the dry season (between April and October) when creek flows are low and the chance of precipitation is low. The updated project would be subject to National Pollutant Discharge Elimination System (NPDES) requirements, and would be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would identify measures (or BMPs) to be implemented during construction activities to control erosion and release of sediment and other pollutants. The SWPPP would also ensure that construction activities would not cause an exceedance of the Central Valley Regional Water Quality Control Board's (RWQCB) water quality standards. The updated project would not increase the amount of impervious surfaces over what was analyzed in the 2016 IS/MND. Therefore, the updated project would not increase the volume of runoff. Additionally, incorporation of the existing water quality basin would improve the water quality of Marsh Creek. Thus, the updated project would not result in new or more significant impacts related to hydrology and water quality; no further discussion in the Addendum is required.

Land Use and Planning

According to the City of Brentwood General Plan Land Use Map (2014), Marsh Creek is mapped as a waterway, Sungold Park is designated as Park (P), and the Griffith parcel and the area containing the water quality basin are designated as Residential-Low Density (R-LD). The updated project would not change the existing or the designated land uses of the affected parcels. Placing excavated fill onto the Griffith parcel would be consistent with the intended land use of the parcel since it would be utilized for development of low density residential housing. Utilizing the vacant and developed Griffith parcel as a temporary staging area would

not result in adverse land use impacts. Thus, the updated project would not result in new or more significant land use impacts; no further discussion in the Addendum is required.

Mineral Resources

There are no known mineral resources on the additional lands of the updated project site. No mineral extraction occurs or is known to have occurred on the updated project site. Therefore, the updated project would not result in new or more severe impacts related to mineral resources; no further discussion in the Addendum is required.

Population/Housing, Public Services, Recreation, Transportation/Traffic, Utilities/Service Systems

Incorporation of the water quality basin and the other proposed additions to the original project would not increase the area population and thus would not result in an increased demand for parks, public services, utilities, or energy resources nor result in increased traffic. The use of the Griffith parcel for a staging area and placement of excavated materials would, in fact, reduce vehicle trips during construction that would have resulted from traveling to a further staging area or off-hauling of excavated materials under the original project. Thus, the updated project would not result in new or more significant impacts related to any of these resource areas; no further discussion in the Addendum is required.

The impacts of the updated project as they relate to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, and noise are examined further in detail below.

4.1 AIR QUALITY

4.1.1 Findings of the Adopted IS/MND

The 2016 IS/MND concluded that with mitigation, the original project would not result in significant air quality impacts or conflict with existing or future air quality planning efforts as follows:

- Construction emissions associated with excavation activities of approximately 24,000 cubic yards of material and associated off-haul trips for the original project were determined to be substantially below thresholds of significance for criteria pollutants. However, construction would result in significant short-term air quality impacts associated with particulate matter (dust). The 2016 IS/MND includes Mitigation Measure

AIR-1 to reduce impacts from dust generated by project construction to a less than significant level.

- Due to the size and nature of the original project, the potential was low for community health risk and hazards from construction-phase emissions of toxic air contaminants (TACs). However, sensitive receptors such as residences and a daycare center are located less than 50 feet, therefore the impact from TACs could be potentially significant and Mitigation Measure AIR-2 was set forth to ensure the impact would be less than significant. The daycare center has since been closed down and is no longer operating at this site.
- The impact from operational emissions of the original project would be less than significant as the land use would remain the same and minimal vehicle trips would be added related to monitoring and maintenance activities.
- Construction and operation would not cause or be affected by odors with incorporation of Mitigation Measure AIR-1 and AIR-2.
- Increases in temporary and long-term air pollutant emissions due to the original project would not result in a cumulatively considerable net increase of any of the pollutants for which the project region is in nonattainment status for federal or state ambient air quality standards with incorporation of Mitigation Measure AIR-1 and AIR-2.

4.1.2 Impact Analysis of Updated Project

The updated project would result in excavation of approximately 26,000 cubic yards of material, 2,000 cubic yards more than the original project. The original project planned for off-hauling the excavated materials approximately 5 miles off-site to the Dutch Slough project site in Oakley, but instead would be placed onto the adjacent Griffith parcel for the updated project.

Construction Phase Impacts

As stated above, the 2016 IS/MND found that construction phase emissions of the original project would be substantially below thresholds of significance for criteria pollutants. Due to the size and nature of the proposed small pedestrian bridge and up to six temporary creek crossings as well as the placement of excavated materials on Griffith parcel, the incremental emissions from additional construction activities would not be substantial enough to increase the total criteria pollutant emissions such that they would exceed the thresholds of significance

for criteria pollutants. Additionally, the 2016 IS/MND analysis of construction emissions included emissions that would be generated from the hauling of excavated materials to a site 5 miles away. With the updated project, even though an additional 2,000 cubic yards of materials would be excavated, instead of being off-hauled, all of the excavated materials would be deposited onto the adjacent Griffith parcel. Thus, the incremental emissions from additional excavation and ground disturbance would be offset by the elimination of off-hauling trips.

As with the original project, due to the scale and short duration of construction activities, there would be a low community health risk and hazard from construction-phase emissions of TACs associated with the updated project. However due to the proximity of sensitive receptors (residences) near the water quality basin and park improvement sites, Mitigation Measure AIR-2 would be implemented to ensure the impact would be less than significant.

In summary, the updated project would not substantially increase construction phase air quality impacts above what was analyzed in the 2016 IS/MND and the same mitigation measures would be implemented to ensure that the impact from the construction of the updated project would be less than significant.

Operational Impacts

Similar to the original project, the updated project would result in no change in land use and no significant permanent increase in vehicle trips. Therefore, similar to the conclusions of the 2016 IS/MND, operational emissions associated with the updated project would not change substantially from existing conditions, and would not exceed the applicable BAAQMD thresholds of significance for operational emissions. The impact from air pollutant emissions during operation would be less than significant.

Finding: The potential impacts of the updated project related to air quality would be similar to those analyzed in the 2016 IS/MND and no new or substantially increased substantially significant impacts would result. Thus, similar to the original project, the updated project would implement the mitigation measures for the original project to ensure construction-related impacts are reduced to a less-than-significant level. No new mitigation is required.

4.2 BIOLOGICAL RESOURCES

4.2.1 *Findings of the Adopted IS/MND*

The 2016 IS/MND concluded that with mitigation, the original project impacts would result in less-than-significant impacts on biological resources as follows:

- No special-status plant species are expected to occur on the project site due to the level of disturbance, the types of soils, lack of suitable habitat or substrate, and geographic isolation from known populations, and therefore, the impact was found to be less than significant.
- The potential exists for nine special-status wildlife species to occur on the project site and numerous other bird species that are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) to be present – silvery legless lizard, California red-legged frog, Pacific (western) pond turtle, Chinook salmon, steelhead (Central Valley distinct population segment [DPS]), burrowing owl, white-tailed kite, loggerhead shrike, Swainson’s hawk, and many other migratory bird species. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce impacts to a less-than-significant level.
- Impact on sensitive natural communities and riparian habitat would be less than significant.
- Marsh Creek is expected to qualify as a water of the U.S. and a water of the State. Thus, impacts would result to jurisdictional waters and Mitigation Measure BIO-4 would be implemented to reduce the impact to less than significant.
- Implementation of Mitigation Measure BIO-2 would ensure that temporary impacts to wildlife movement would be less than significant.
- Would not conflict with local policies, ordinances protecting biological resources, or provisions of an adopted HCP/NCCP.

4.2.2 *Impact Analysis of Updated Project*

The updated project would have similar impacts as the original project. In August 2017, Wood Biological Consulting performed a site reconnaissance survey of the additional areas of disturbance for the updated project, including the water quality basin, the area where there

would be improvements to Sungold Park, and the Griffith parcel as summarized below. The survey report is on file with the District.

Special-Status Plant Species

The survey report concluded that there was potential of occurrence for two additional special-status plant species based on an updated search of the California Natural Diversity Database (CNDDDB). Similar to the conclusions of the 2016 IS/MND, the survey report concluded that the presence of all special-status plants can be ruled out due to a lack of suitable habitat or substrate, geographic isolation from known populations, or the fact that they would have been detectable during the survey performed. Therefore, as with the original project, the updated project would not result in an impact on special-status plant species.

Special-Status Wildlife Species

The survey report concluded that there was potential of occurrence for five additional special-status wildlife species based on an updated search of the CNDDDB. Similar to the conclusions of the 2016 IS/MND, implementation of the updated project could affect four federally and/or state listed, candidate or fully protected wildlife species including California red-legged frog, Central Valley steelhead, Swainson's hawk, and white-tailed kite, and five special-status wildlife species, including burrowing owl, Chinook salmon, loggerhead shrike, Pacific pond turtle, and silvery legless lizard. Mitigation Measures BIO-1 through BIO-3 in the 2016 IS/MND would still apply to the updated project to reduce the impact to a less-than-significant level.

Jurisdictional Waters

As noted in the 2016 IS/MND, Marsh Creek is expected to qualify as a water of the U.S. and a water of the State and some of the modifications to Marsh Creek would affect jurisdictional waters. Mitigation Measure BIO-4 is set forth to minimize the impact. Incorporation of the water quality basin would not involve work in an area involving jurisdictional waters. The pedestrian bridge would not impact the creek below the OHWM and it is anticipated that jurisdictional waters would not be affected by the future bridge as it would be clear-span. Placement of excavated materials on the Griffith parcel and using the parcel as a staging area would also not affect jurisdictional waters. Work in the stream channel to install temporary creek crossings could still result in a potential significant impact to jurisdictional waters. Similar to the original project, Mitigation Measure BIO-4 would be implemented to ensure impacts to jurisdictional waters would be reduced to a less-than-significant level.

Wildlife Corridors

The 2016 IS/MND evaluated the potential for the original project to affect wildlife movement, including the potential effects of work in the creek channel on fish movement. The culverts for the proposed temporary land bridges would be positioned in the active channel. However, to maintain channel flows, similar to the original project, Mitigation Measure BIO-4 will be implemented which requires construction in the active channels to be restricted to the dry season (April 15 through October 15). Thus, the culverts for the temporary creek crossings would be installed during the dry season when there are no or low flows and the impact on migratory fish would be less than significant. Furthermore, Mitigation Measure BIO-4 requires all work within the stream channel to be subject to BMPs, which would ensure there would be no release of sediment downstream.

Other Biological Resources

Due to the nature of the proposed project additions, the conclusions of the 2016 IS/MND would remain the same for the updated project in regards to sensitive natural communities, local policies or ordinances, and adopted HCP/NCCP. All impacts would be less than significant or less than significant with implementation of applicable mitigation measures found in the 2016 IS/MND.

Finding: The potential impacts of the updated project on biological resources would be the same as those analyzed in the 2016 IS/MND. As with the original project, the mitigation measures listed in the 2016 IS/MND would be implemented to ensure impacts would be less than significant. Therefore, no new or substantially increased significant impacts would result from the updated project beyond those discussed in the 2016 IS/MND. No new mitigation is required.

4.3 CULTURAL RESOURCES, INCLUDING TRIBAL CULTURAL RESOURCES

4.3.1 Findings of the Adopted IS/MND

The 2016 IS/MND concluded that with mitigation, the original project would not result in significant impacts on cultural resources as follows:

- The original project does not contain any historical resources.
- With regard to archaeological resources, no recorded archaeological resources are known from the project area and there is no evidence of prehistoric, historic deposits, or

prehistoric cultural soils on the project site. However, the banks of Marsh Creek and areas immediately adjacent to Marsh Creek are considered sensitive for prehistoric archaeological deposits and human remains. Thus, Mitigation Measure CUL-1 was set forth to reduce the impacts to unknown historic and prehistoric archaeological resources and human remains to a less than-significant level.

- Excavation on the project site could potentially unearth and inadvertently damage paleontological resources. Mitigation Measure CUL-2 was set forth to reduce the impact on paleontological resources to a less-than-significant level.
- No known tribal cultural resources were identified through contacts with the Native American tribes identified by Native American Heritage Commission (NAHC), and that with implementation of Mitigation Measures CUL-1 and CUL-2, the original project would not affect any unknown tribal cultural resources in the area and therefore, the impact was less than significant.

4.3.2 Impact Analysis of Updated Project

The updated project includes the addition of 13.45 acres of land that abut the original project footprint. William Self Associates (WSA) Staff Archaeologist Patrick Zingerella conducted a pedestrian archaeological examination of the additional areas affected by the updated project on August 28, 2017 (WSA 2017). The survey report is on file with the District. There are no structures on the additional project lands. Therefore, there is no potential for the updated project to affect historic resources. No prehistoric or historic deposits were observed and no evidence of prehistoric cultural soils (midden) was observed during the archaeological survey. Therefore, as with the original project, there would be no significant impacts on any known archaeological resources due to the updated project. However, there would still be a potential to encounter buried archaeological resources or human remains during excavation and grading and Mitigation Measure CUL-1 would apply to the updated project to avoid a significant impact on any resources that are encountered.

The District will need to obtain a permit from the U.S. Army Corps of Engineers (USACE) and other applicable agencies for work within the creek. As part of the review process, the USACE consults with applicable federal agencies. In conjunction with consultation with the State Historic Preservation Office (SHPO), pursuant to Section 106 of the National Historic Preservation Act, the SHPO recommended to the USACE to prepare a monitoring and post-review discovery treatment plan consistent with 36 CFR 800.13(a). Mitigation Measure CUL-1

required initial monitoring by a qualified archaeologist to determine an appropriate level of monitoring for the duration of the project. Since receiving the response from the SHPO requesting a monitoring and post-review discovery treatment plan, Mitigation Measure CUL-1 has been updated to be consistent with the direction provided by the SHPO. The updated Mitigation Measure CUL-1 is presented below with the new text added to the mitigation measure shown in double underline and deleted text shown in strikethrough. In addition, Mitigation Measure CUL-2 would apply to the updated project to avoid a significant impact on any paleontological resources that are encountered. Therefore, the updated project would not significantly impact any known or unknown cultural resources in the area, including tribal cultural resources, and there would be a less than significant impact.

Updated Mitigation Measure CUL-1:

To manage any discoveries during construction, all construction crew workers shall following the procedures detailed in the Monitoring and Post Review Discovery Treatment Plan for the Three Creeks Parkway Restoration Project, Contra Costa County, California.

This document includes provisions for crew training, determines an appropriate level of monitoring for the duration of the project, describes the identification of archaeological resources, and the protocols to follow in the case of accidental discoveries.

~~Crew training, initial monitoring by a qualified archaeologist to determine an appropriate level of monitoring for the duration of the project, and additional spot checks pending the results of the initial monitoring shall be conducted prior to and during ground disturbing activities.~~

~~A qualified archaeologist shall be present on the project site to monitor ground disturbing activities and inspect excavated soils to identify any cultural resources and human remains as deemed appropriate by the qualified archaeologist.~~

~~All construction crew workers shall attend a training session led by a qualified archaeologist that discusses (1) the reasons for archaeological resource monitoring; (2) regulatory policies protecting resources and human remains; (3) basic identification of archaeological resources; and (4) the protocol to follow in case of a discovery of such resources.~~

In accordance with CEQA Guideline §15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood, privies, trash deposits or similar debris, be discovered during ground disturbing activities, work within 25 feet of these materials should be stopped until a qualified professional archaeologist has an opportunity to evaluate the potential significance of the find and to consult with the lead agency about what appropriate mitigation would be appropriate to protect the resource.

In the event that human remains, or possible human remains, are encountered during project-related ground disturbance, in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the project. The MLD, or in lieu of the MLD, and the NAHC, have the responsibility to provide guidance as to the ultimate disposition of any Native American remains.

Finding: The potential impacts of the updated project on cultural resources would be the same as those analyzed in the 2016 IS/MND, because similar to the original project, the updated project site has no structures that would be considered historic. The site is considered sensitive for archaeological resources due to its location along Marsh, Sand, and Deer Creeks. As with the original project, the mitigation measures listed above would be implemented to avoid significant impacts on previously unknown archaeological resources, human remains, and paleontological resources encountered during construction. With implementation of mitigation measures above, the updated project would not affect any known tribal cultural resources. Therefore, no new or substantially increased significant impacts on cultural and paleontological

resources would result from the updated project beyond those discussed in the 2016 IS/MND. No new mitigation is required.

4.4 GEOLOGY AND SOILS

4.4.1 *Findings of the Adopted IS/MND*

The 2016 IS/MND concluded that with mitigation, the original project would not result in significant impacts related to geology and soils as follows:

- Although the project site lies within a seismically active region, there are no known active faults crossing the project site and the site is not located within an Earthquake Fault Zone. Therefore, ground rupture is unlikely at the project site and the impact would be less than significant.
- The project site could experience ground shaking due to an earthquake of moderate to high magnitude generated within the San Francisco Bay Region and there could be a potentially significant impact. Implementation of Mitigation Measure GEO-1 would reduce the potential for slope deformation in the event of an earthquake and a less than significant impact from seismic ground shaking would occur. Implementation of Mitigation Measure GEO-1 would also ensure that the impact from expansive soils would be less than significant.
- Impact from liquefaction would be less than significant and no impact from landslides would occur.
- Potential soil erosion from construction activities would be controlled with compliance of the NPDES related to construction site runoff and therefore impacts would be less than significant. Further, erosion would be reduced following project completion due to project improvements such as restoration planting of the creek and water quality basin and therefore would be less than significant. The 2016 IS/MND found that the project site is not underlain by unstable soils and the impact would be less than significant.
- No septic tanks or alternative wastewater disposal systems are included in the original project, and there would be no impact.

4.4.2 Impact Analysis of Updated Project

Similar to the original project, the updated project would implement Mitigation Measure GEO-1, which would require all proposed improvements included in the updated project to be constructed in compliance with recommendations specified in Section 3.3 of the Geotechnical Report (ENGEO 2015; on file with the District). Implementation of Mitigation Measure GEO-1 would reduce impacts from seismic ground shaking and expansive soils to a less than significant level. As mentioned above, a SWPPP would be implemented which would include BMPs to control erosion and release of sediment and other pollutants from the project additions. Thus, similar to the conclusions of the 2016 IS/MND, the impact related to soil erosion during construction would be less than significant. All other impacts, similar to the conclusions of the 2016 IS/MND, would be less than significant.

Finding: The potential impacts of the updated project related to geology and soils would be the same as those analyzed in the 2016 IS/MND for the original project. The impacts would be less than significant with the implementation of the recommendations specified in Mitigation Measure GEO-1. Therefore, no new or substantially increased significant impacts would result from the updated project beyond those discussed in the 2016 IS/MND. No new mitigation is required.

4.5 GREENHOUSE GAS EMISSIONS

4.5.1 Findings of the Adopted IS/MND

The 2016 IS/MND concluded that the original project would not result in significant impacts related to greenhouse gas (GHG) emissions as follows:

- Estimation of greenhouse gas (GHG) emissions from operation of construction equipment and from construction worker vehicles and haul truck trips would generate approximately 44.6 MTCO₂e during construction, which would not result in a significant impact in global climate change.
- The number of periodic vehicle trips for monitoring the success of the restoration plantings and long-term creek maintenance would be minimal and would not substantially increase operational GHG emissions and therefore impacts would be less than significant.

4.5.2 *Impact Analysis of Updated Project*

Construction of the updated project would slightly increase GHG emissions above what was analyzed in the 2016 IS/MND due to additional excavation and grading to incorporate the water quality basin, improvements to Sungold Park, construction of a pedestrian bridge, and the installation of up to six temporary creek crossings. However, GHG emissions would also decrease as the excavated materials would be placed on the adjacent Griffith parcel and the initially planned 5-mile off-haul trips would be eliminated. Therefore, similar to the conclusions of the 2016 IS/MND, the impact of the updated project's construction-phase GHG emissions would remain less than significant. The impact from operational emissions of the updated project would also remain unchanged from the previous analysis and would be less than significant.

Findings: The potential impacts of the updated project-related to GHG emissions are similar to those analyzed in the 2016 IS/MND. As with the original project, all impacts from GHG emissions would be less than significant. Therefore, no new or substantially increased significant impacts would result from the updated project beyond those discussed in the 2016 IS/MND. No new mitigation is required.

4.6 NOISE

4.6.1 *Findings of the Adopted IS/MND*

The 2016 IS/MND concluded that with mitigation, the original project would not result in significant impacts related to noise and vibration as follows:

- Noise from construction equipment could impact the surrounding residences, school and daycare center, and park facilities that are located less than 50 feet from various work areas along the creek section. The daycare center located adjacent to the project site has since been closed down. With implementation of Mitigation Measure NOISE-1, which requires compliance with the Brentwood Noise Ordinance and limits construction activities to daytime hours, the impact would be less than significant.
- Due to the nature of construction activities and the distance to the nearby receptors, the impact from construction phase groundborne vibration would be less than significant.
- There would be no increase in operational noise in the project area due to the original project and a less-than-significant impact would occur.

- The original project is not located within two miles of any public airport or private airstrip and would not expose people residing or working in the project area to excessive noise levels.

4.6.2 Impact Analysis of Updated Project

Construction Noise Impacts

Construction noise due to the updated project would slightly increase above what was analyzed in the 2016 IS/MND due to additional excavation and grading to incorporate the water quality basin, improvements to Sungold Park, construction of a pedestrian bridge, the installation of up to six temporary creek crossings, and the hauling of excavated materials to the Griffith parcel. However, the noise increase would be minimal and would not significantly increase noise levels above what was analyzed in the 2016 IS/MND. Furthermore, the updated project would implement Mitigation Measure NOISE-1, and the impact from construction noise would remain less than significant.

Similar to the original project, the updated project would not require pile-driving, blasting, or other activities that could cause substantial groundborne vibration. Haul trucks could result in some level of vibration while hauling materials to the Griffith parcel. However, the trucks would not travel outside the project site on roadways that are adjacent to sensitive receptors. Thus, similar to the conclusions of the 2016 IS/MND, the updated project would result in a less-than-significant impact from groundborne vibrations.

Operational Noise Impacts

Impacts from operational noise of the updated project would remain the same as with the original project and a less-than-significant impact would occur.

Finding: The potential noise impacts of the updated project are similar to those analyzed in the 2016 IS/MND for the original project. For reasons stated above, the updated project's potential impacts related to noise would be less than significant with mitigation measures incorporated. Therefore, no new or substantially increased significant impacts would result from the updated project beyond those discussed in the 2016 IS/MND. No new mitigation is required.

5.0 CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the 2016 IS/MND, because no new significant impacts or impacts of substantially greater severity would

result from the construction and operation of the updated project. Furthermore, there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were analyzed in the 2016 IS/MND. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State *CEQA Guidelines* Section 15162, and an Addendum to an adopted negative declaration has therefore appropriately been prepared, pursuant to Section 15164.

Pursuant to CEQA Guidelines § 15164(c), this Addendum will not be circulated for public review, but will be included in the public record file for the project approval.

6.0 SUPPORTING INFORMATION SOURCES

City of Brentwood. 2014. General Plan, Land Use Map.

ENGEO. 2015. Geotechnical Exploration Three Creeks Parkway Restoration Project, Brentwood. May 15.ENGEO

Impact Sciences. 2016. Three Creeks Parkway Restoration Project Initial Study/MND, SCH# 2016082008 August.

Walkling, Rich (Planning Director, Restoration Design Group). Personal communication with Angela Pan (Impact Sciences). November 29, 2017.

Wood Biological Consulting. 2017. Biological Resource Assessment for the Three Creeks Restoration Project at Marsh Creek. February 9, 2016, revised June 9, 2016, revised August 8, 2017.

WSA. 2017. Addendum to the Cultural Resources Assessment Report for the Three Creeks Parkway Restoration Project. September.

7.0 ADDENDUM PREPARERS

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CONTRA COSTA COUNTY ADDENDUM FINDINGS

MITIGATED NEGATIVE DECLARATION

THREE CREEKS PARKWAY RESTORATION PROJECT

The following information is added to the previously adopted IS/MND and is presented to comply with Section 15091 of the CEQA Guidelines for the IS/MND:

1. **Environmental Effect:** Modifications to the proposed project as described in this **Addendum** are minor technical changes or additions to the project and, based on the analysis in the **Addendum**, including the analysis of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions and Noise impact, will not result in any additional environmental effects not previously discussed.

Findings: There are no significant environmental impacts associated with the minor technical changes or additions for the proposed activity for which this **Addendum** was prepared.

2. **Statement of Facts:**
 - a. The updated project to be developed pursuant to this **Addendum** to the IS/MND for the Three Creeks Parkway Restoration Project is substantially similar to the original project analyzed in the IS/MND.
 - b. The IS/MND for the Three Creeks Parkway Restoration Project consists of the IS/MND, comments received, responses to the comments raised, and this **Addendum**. The IS/MND was completed in compliance with CEQA.
 - c. There are no substantial changes in the updated project, pursuant to CEQA Guidelines Section 15162 (a)(1), that require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The updated project is substantially similar to the original project analyzed in the MND.
 - d. There are no substantial changes with respect to the circumstances, pursuant to CEQA Guidelines Section 15162 (a)(2), under which the updated project is undertaken which require major revisions of the previous IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Those

circumstances remain substantially similar to the circumstances analyzed in the IS/MND.

- e. There is no new information of substantial importance, pursuant to CEQA Guidelines Section 15162 (a)(3), which shows that the updated project will have one or more significant effects not previously discussed in the IS/MND.

- f. None of the conditions calling for the preparation of a subsequent or supplemental EIR have occurred (see items 1 c - e above). Therefore, it is appropriate to adopt this **Addendum** to the IS/MND to make the minor technical changes and additions discussed in the **Addendum** (CEQA Guidelines 15164). This **Addendum** shall be considered along with the IS/MND prior to the Board of Supervisors making a decision on the minor technical changes or additions to the project, and in considering these changes or additions, the Board is considering the identical or substantially similar underlying project.

The findings are supported by substantial evidence in the administrative record and are based on the IS/MND for the Three Creeks Parkway Restoration Project, which was subject to public review.

In accordance with CEQA Guidelines Section 15164(d), the County Board of Supervisors shall consider this **Addendum** along with the IS/MND prior to making a decision on the project. According to CEQA Guidelines Section 15164(c) an Addendum does not require circulation for public review but can be included in or attached to the Final IS/MND. This **Addendum** is attached to the Final IS/MND for the Three Creeks Parkway Restoration Project (CP# 16-39; SCH# 2016082008).

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6 (a) (1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the public agency determines to approve a project for which an EIR or a Negative Declaration (ND) has been prepared, to ensure that mitigation measures identified in the EIR or ND are fully implemented.

The MMRP for the Three Creeks Parkway Restoration project is presented in **Table 4.0-1, Mitigation and Monitoring Reporting Program**. **Table 4.0-1** includes the full text of project-specific mitigation measures identified in the Initial Study/Mitigated Negative Declaration and Addendum No. 1. The MMRP describes implementation and monitoring procedures, responsibilities, and timing for each mitigation measure, including:

Number: Identifies the number of the mitigation measure.

Mitigation Measure: Provides full text of the mitigation measure as provided in the final Initial Study/Mitigated Negative Declaration and Addendum No. 1.

Monitoring/Reporting Action(s): Designates responsibility for implementation of the mitigation measure and when appropriate, summarizes the steps to be taken to implement the measure.

Mitigation Timing: Identifies the stage of the project during which the mitigation action will be taken.

Monitoring Schedule: Specifies procedures for documenting and reporting mitigation implementation.

The Contra Cost County Flood Control and Water Conservation District and American Rivers may modify the means by which a mitigation measure will be implemented, as long as the alternative means ensure compliance during project implementation. The responsibilities of mitigation implementation, monitoring, and reporting extend to several district departments and offices. The manager or department lead of the identified unit or department will be directly responsible for ensuring the responsible party complies with the mitigation. The Contra Costa County Flood Control and Water Conservation District is responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities. The Contra Costa County Flood

Control and Water Conservation District is also responsible for ensuring the relevant parties understand their charge and complete the required procedures accurately and on schedule.

**Table 1
Mitigation Monitoring and Reporting Program**

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY				
AIR-1:	<p>The construction contractor(s) shall implement the following BMPs during project construction:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil stockpiles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Include in construction contract(s)</p>	<p>Monitor compliance during construction</p>	<p>Confirm and document during construction</p>

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>running in proper condition prior to operation.</p> <ul style="list-style-type: none"> Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 			
AIR-2:	All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously during the duration of construction shall, at a minimum, meet U.S. EPA emissions standards for Tier 2 engines or equivalent.	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Include requirement in construction contract(s)</p>	During construction	Confirm and document during construction
BIOLOGICAL RESOURCES				
BIO-1:	<p>To avoid and minimize impacts to California red-legged frog, Pacific (Western) pond turtle, and silvery legless lizard during construction activities, the project will implement the following measures:</p> <ol style="list-style-type: none"> <u>Coverage under the HCP/NCCP.</u> The project proponent shall apply for coverage under the HCP/NCCP. Participation in the HCP/NCCP, including implementation of appropriate avoidance and minimization measures and payment of applicable fees would provide the project proponent with incidental take coverage for California red-legged frog, Pacific (Western) pond turtle, and silvery legless lizard. <u>Seasonal Avoidance.</u> If required by the Streambed Alteration Agreement or Water Quality Certification, work shall be limited to the dry season, from April 15 to October 15. <u>Minimize Nighttime Work.</u> If required by the Streambed Alteration Agreement or Water Quality Certification, nighttime construction shall be restricted to avoid effects on nocturnally active species such as California red-legged frog. 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>File application, obtain HCP/NCCP coverage, and implement measures by including them in the construction contract(s)</p>	Prior to start and during construction	Confirm and document during construction

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>4. <u>Environmental Awareness Program</u>. Prior to the commencement of construction activities, a qualified biologist shall present an environmental awareness program to all construction personnel working on site. At a minimum the training should include a description of special-status species that could be encountered, their habitats, regulatory status, protective measures, work boundaries, lines of communication, reporting requirements, and the implications of violations of applicable laws.</p> <p>5. <u>Wildlife Exclusion Fencing</u>. Prior to the start of construction, wildlife exclusion fencing (WEF) shall be installed as warranted and consistent with the HCP/NCCP to isolate the work area from any habitats potentially supporting special-status animals or through which such species may move. The final project plans shall indicate where and how the WEF is to be installed. The bid solicitation package special provisions shall provide further instructions to the contractor about acceptable fencing locations and materials. The fencing shall remain throughout the duration of the work activities, be regularly inspected and properly maintained by the contractor. Fencing and stakes shall be completely removed following project completion.</p> <p>6. <u>Best Management Practices (BMPs)</u>. Prior to the initiation of work, BMPs shall be in place to prevent the release of any pollutants or sediment into the creek, storm drains, or tributaries; all BMPs shall be properly maintained. Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent contamination of water ways. All workers shall be properly trained regarding the importance of preventing and cleaning up spills of contaminants. Protective measures should include, at a minimum: No discharge of pollutants from vehicle and equipment cleaning should be allowed into any storm drains or watercourses.</p> <p>a. Spill containment kits should be maintained onsite at all times during construction operations and/or staging or fueling of equipment.</p>			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>b. Coir rolls or straw wattles should be installed along or at the base of slopes during construction to capture sediment.</p> <p>7. <u>Erosion Control</u>. Graded areas shall be protected from erosion using a combination of silt fences, fiber rolls along toes of slopes or along edges of designated staging areas, and erosion control netting (such as jute or coir) as appropriate on sloped areas.</p> <p>8. <u>Construction Site Restrictions</u>. The following site restrictions shall be implemented to avoid adversely affecting sensitive habitats and harm or harassment to listed species:</p> <p>a. Any fill material shall be certified to be non-toxic and weed free.</p> <p>b. All food and food-related trash items shall be enclosed in sealed trash containers and removed completely from the site at the end of each day.</p> <p>c. No pets from project personnel shall be allowed anywhere in the project site during construction.</p> <p>d. No firearms shall be allowed on the project site except for those carried by authorized security personnel, or local, State or Federal law enforcement officials.</p> <p>e. All equipment shall be maintained such that there are no leaks of automotive fluids such as gasoline, oils or solvents and a Spill Response Plan shall be prepared. Hazardous materials such as fuels, oils, solvents, etc. shall be stored in sealable containers in a designated location that is isolated from wetlands and aquatic habitats.</p> <p>f. Servicing of vehicles and construction equipment including fueling, cleaning, and maintenance should occur only at sites isolated from any aquatic habitat unless separated by topographic or drainage barrier or unless it is an already existing gas station. Staging areas may occur closer to the project activities as required.</p>			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>9. <u>Proper Use of Erosion Control Devices</u>. Plastic mono-filament netting (e.g., that used with erosion control matting) or similar material shall not be used within the project area; wildlife can become entangled or trapped in such non-biodegradable materials. Acceptable substitutes include coconut coir matting, tackified hydroseeding, blown straw, or other organic mulching material.</p> <p>10. <u>Protocol for Species Observation – Pacific (Western) pond turtle and silvery legless lizard</u>. If a Pacific (Western) pond turtle or silvery legless lizard is encountered in the project site, work in the area of the finding must cease immediately until the animal either moves out of harm’s way of its own accord or is safely relocated well upstream or downstream of the project site. Only a qualified biologist with a scientific collection permit issued by the CDFW may handle and relocate Pacific (Western) pond turtle or silvery legless lizard. Any sightings and relocation of Pacific (Western) pond turtle and silvery legless lizard should be reported to the CDFW and the CNDDB.</p>			
BIO-2:	<p>To minimize and avoid impacts to Chinook salmon and steelhead, the following measures will be implemented:</p> <ol style="list-style-type: none"> 1. <u>Seasonal Avoidance</u>. In-stream work shall be limited to June 1 to October 31. 2. <u>In-Stream Activities</u>: If in-stream construction or dewatering is required, the following precautionary measures should be implemented: <ol style="list-style-type: none"> a. A preconstruction survey of the aquatic environment shall be performed by a qualified biologist. b. A qualified biologist shall present an environmental awareness program working on site. c. A qualified biologist should monitor all in-stream activities. d. If dewatering is proposed, a qualified biologist should monitor the installation of coffer dams. During dewatering, a qualified biologist should check for stranded aquatic wildlife. 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Retain qualified biologist to implement the measures.</p>	<p>Prior to start and during construction</p>	<p>Confirm and document during construction</p>

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>Dewatering pumps must be fitted with intake screens with a mesh no greater than 5 mm (0.2 in) and BMPs will be installed to minimize sediment transport during installation of coffer dams.</p> <p>e. Native species (non-special-status fish species) should be relocated upstream or downstream of the cofferdams by a permitted biologist. Non-native species should be euthanized in accordance with the guidance of the CDFW. All wildlife encounters should be documented and reported to the CDFW. If listed salmonids are present, the NMFS shall be consulted to determine the appropriate measures to ensure conformance with ESA.</p>			
BIO-3:	<p>In order to avoid impacts to nesting Swainson’s hawk, white-tailed kite, burrowing owl, loggerhead shrike, and other bird species protected under the MBTA and CFGC during project implementation, the measures outlined below shall be implemented.</p> <ol style="list-style-type: none"> 1. <u>Environmental Awareness Program</u>. Prior to the commencement of construction activities, a qualified biologist shall present an environmental awareness program to all construction personnel working on site. At a minimum the training shall include a description of special-status species that could be encountered, their habitats, regulatory status, protective measures, work boundaries, lines of communication, reporting requirements, and the implications of violations of applicable laws. 2. <u>Swainson’s hawk</u> is a federally listed threatened species and is covered under the HCP/NCCP. Nonetheless, every effort should be made to ensure that no take of Swainson’s hawk occurs. Therefore, the measures outlined below should be implemented. <ol style="list-style-type: none"> a. The project proponent should apply for coverage under the HCP/NCCP. Participation in the HCP/NCCP would provide the applicant with incidental take coverage for Swainson’s hawk and satisfy any requirements for mitigation for loss of habitat. 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Retain qualified biologist to implement the measures.</p>	<p>Prior to start and during construction</p>	<p>Confirm and document during construction</p>

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>b. Prior to any ground disturbance during the nesting season (March 15-September 15), a qualified biologist shall conduct a preconstruction survey no more than one month prior to construction to determine if there are any active Swainson's hawk nests within 305 meters (1,000 feet) of the project site.</p> <p>c. If there are no occupied nests within this buffer, no further action is needed.</p> <p>d. If an active nest is present within this buffer, the measures outlined below shall be followed.</p> <ul style="list-style-type: none"> • Construction activities are not permitted within 305 meters (1,000 feet) of an occupied nest to prevent nest abandonment. However, if site-specific conditions or the nature of the activity warrant a small buffer, a qualified biologist should coordinate with CDFW and USFWS to determine the appropriate buffer size. • Construction activities may proceed prior to September 15 if the young Swainson's hawks have fledged, as determined by a qualified biologist. <p>3. White-tailed kite is a state-listed fully protected species; it is not covered under the HCP/NCCP and incidental take of the species is not allowed. To ensure that no take of white-tailed kite or other migratory raptors occurs, the measures outlined below shall be implemented.</p> <p>a. Prior to any ground disturbance during the nesting season (February 1-August 31), a qualified biologist shall conduct a preconstruction survey no more than two weeks prior to construction to determine if there are any active nests of white-tailed kite or other migratory raptors within 76 meters (250 feet) of the project site.</p> <p>b. Prior to the removal or significant pruning of any trees, they shall be inspected by a qualified biologist for the presence of raptor nests. This is required during both the breeding season</p>			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>and non-breeding season. If a suspected raptor nest is discovered, the CDFW shall be notified. Pursuant to CFGC Section 3503.5, raptor nests, whether or not they are occupied, may not be removed until approval is granted by the CDFW.</p> <p>c. If there are no occupied nests within this buffer, no further action is needed.</p> <p>d. If an active nest is present within this buffer, the measures outlined below shall be implemented.</p> <ul style="list-style-type: none"> • Construction activities are not permitted within 76 meter (250 feet) of an occupied nest to prevent nest abandonment. However, if site-specific conditions or the nature of the activity warrant a small buffer, a qualified biologist should coordinate with the CDFW and/or USFWS to determine the appropriate buffer size. Nest monitoring may be warranted for activities that would occur within a smaller buffer. • Construction activities may proceed prior to August 31 if the young white-tailed kites or other raptor species have fledged, as determined by a qualified biologist. <p>4. Burrowing owl is a State species of special concern and a covered species under the HCP/NCCP. To ensure that no take of burrowing owl occurs, the measures outlined below shall be implemented.</p> <p>a. Prior to any ground disturbance during the nesting season (February 1-August 31), a CDFW-approved biologist shall conduct a preconstruction survey of all suitable burrowing owl habitat that would be affected by the project. The survey shall be performed no more than 30 days prior to construction to determine if there are any active nests of burrowing owl within 153 m (500 ft) of the project site, access permitting.</p> <p>b. If there are no occupied nests within this buffer, no further action is needed.</p> <p>c. If an active nest is present within this buffer, the measures</p>			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>outlined below shall be implemented.</p> <ul style="list-style-type: none"> • If an occupied burrowing owl nest site is present within the limits of work, construction may not proceed. The taking of burrowing owls or occupied nests is prohibited under CFGC. Nest sites must be flagged and protected by a designated disturbance-free buffer zone of at least 76 meters (250 feet). • Construction activities are not permitted within 76 meters (250 feet) of an occupied nest to prevent nest abandonment. • Construction may proceed if a qualified biologist monitors the nest and determines that the adults have not begun egg-laying and incubation or that the juveniles have fledged. • Burrowing owls may be passively excluded from occupied burrows outside of the breeding season (i.e., September 1-January 31), in consultation with the CDFW. All owls should be passively excluded from burrows within 49 meters (160 feet) of the work site. Passive exclusion is achieved by installing one-way doors in the burrow entrances. Doors should be in place for at least 48 hours and the site should be monitored daily for at least one week to confirm that the burrow has been abandoned. <p>5. Loggerhead shrike is a state species of special concern; it is not covered under the HCP/NCCP and incidental take of the species is not allowed. To ensure that no take of loggerhead shrike or any other migratory passerines occurs, the measures outlined below shall be implemented.</p> <ol style="list-style-type: none"> a. If ground-disturbing activities (i.e., site clearing, disking, grading, etc.) can be performed outside of the nesting season (i.e., between September 1 and January 31), no additional surveys are warranted. 			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>b. Prior to any ground disturbance during the nesting season (February 1-August 31), a qualified biologist should conduct a preconstruction survey no more than two weeks prior to construction to determine if there are any active nests of loggerhead shrike or any other migratory passerines nests within 30 meters (100 feet) of the project site.</p> <p>c. If there are no occupied nests within this buffer, no further action is needed.</p> <p>d. If an active nest is present within this buffer, the following measures shall be implemented.</p> <ul style="list-style-type: none"> • Construction activities are not permitted within 30 meters (100 feet) of an occupied nest to prevent nest abandonment. However, if site-specific conditions or the nature of the activity warrant a smaller buffer, a qualified biologist should coordinate with the CDFW and USFWS to determine the appropriate buffer size. Nest monitoring may be warranted for activities that would occur within a smaller buffer. • Construction activities may proceed prior to August 31 if the young birds have fledged, as determined by a qualified biologist. 			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
<p>BIO-4:</p>	<p>In order to avoid, minimize and compensate for unavoidable impacts on waters of the U.S./waters of the State, the measures outlined below shall be implemented.</p> <ol style="list-style-type: none"> 1. Impacts on waters of the U.S. will be avoided by restricting grading to an elevation above the OHWM; avoidance of impacts to waters of the State is not feasible. Long-term impacts shall be minimized by limiting the use of hardened structures (e.g., grouted riprap) in preference of bio-engineering solutions as much as is practicable. Surface water connections must not be permanently blocked or interrupted and the installation of drop-structures or other features that create barriers to wildlife movement shall be avoided. 2. Prior to construction, the project proponent will need to secure authorization from the USACE, RWQCB, and CDFW in conformance to the Clean Water Act and Lake and Streambed Alteration Program. 3. Participation in the HCP/NCCP is expected to satisfy the requirements of the regulatory agencies for compensatory mitigation for unavoidable impacts on stream channels, wetlands and riparian habitat. A Planning Survey Report shall be completed and submitted to the East Contra Costa County Habitat Conservancy. The submittal shall include detailed drawings illustrating all temporary and permanent impacts. 4. Per the terms of the adopted HCP/NCCP, a wetland mitigation fee or on-site habitat restoration will mitigate the impacts. If accepted by the regulatory agencies, no additional mitigation for wetland impacts is typically required. HCP/NCCP fee payment will occur at project contract award. 5. For all work within and adjacent to the stream channel and riparian habitat, best management practices (BMPs) must be incorporated into the project design to minimize environmental effects. These include the following: <ul style="list-style-type: none"> • Construction in the active channels shall be restricted to the dry 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Obtain permits; obtain coverage under HCP/NCCP; include BMPs in construction contract (s)</p>	<p>Prior to start and during construction</p>	<p>Confirm and document during construction</p>

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>season (April 15-October 15).</p> <ul style="list-style-type: none"> • Personnel conducting ground-disturbing activities within or adjacent to the buffer zone of wetlands, ponds, streams, or riparian woodland/scrub shall be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations. • If dewatering is necessary, water released downstream of work areas must be as clean or cleaner than flows entering the work area. Sediment-laden water shall be either pumped onto upland sites for infiltration or into Baker tanks for settling, prior to being released back into the channel. Cofferdams shall consist of clean, silt-free sand or gravel in sand bags, or a comparable material. All coffer dam materials must be promptly removed when no longer needed. • High visibility temporary construction fencing should be erected between the outer edge of the limits of construction and adjacent streams or habitats to be preserved. Temporary construction fencing will be removed upon the completion of work. • Grading or construction near channels shall be isolated with silt fencing or other BMPs to prevent sedimentation. BMPs shall be regularly inspected. • Vehicles and equipment shall be parked on existing roads or previously disturbed areas. • Equipment working in channels must be in good working order and free of leaks of fuel, oil, and hydraulic fluids. Drip pans shall be placed under vehicles and equipment over waterways and spill clean-up materials should be kept onsite at a convenient location. • Equipment maintenance and refueling shall be performed well away from the top of bank of any channel; storm drain inlets shall be protected from an accidental release of contaminants. 			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<ul style="list-style-type: none"> • Concrete washings or other contaminants must not be permitted to enter the stream channel or any storm drain inlet. • Any concrete structures or cured-in-place pipe linings shall be allowed to cure before coming in contact with surface flows. • Construction debris and materials shall be stockpiled away from watercourses. • Appropriate erosion-control measures (e.g., coconut coir matting, tackified hydroseeding, blown straw or other organic mulching material) shall be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Plastic mono-filament netting (e.g., that used with erosion control matting) or similar material should not be used within the action area; wildlife can become entangled or trapped such non-biodegradable materials. Erosion-control measures shall be placed between the outer edge of the buffer and the project site. • Fiber rolls used for erosion control shall be certified as free of noxious weed seed. • Construction staging areas past the channel banks must be located away from any wetlands or other sensitive habitats as identified by a qualified biologist. • Newly graded earthen channel slopes shall be revegetated with a native seed mix developed by a qualified restorationist. Seed mixtures applied for erosion control shall not contain invasive nonnative species, and be composed of native species or sterile nonnative species. Straw or mulch shall also be applied to all bare surfaces. The seed mix and mulch shall be applied prior to the onset of the first winter-season rains. • Herbicide shall not be applied within 30 meters (100 feet) of wetlands, ponds, streams, or riparian habitat. However, where appropriate to control serious invasive plants, herbicides that have been approved by the U.S. EPA for use in or adjacent to 			

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>aquatic habitats may be used as long as label instructions are followed and applications avoid or minimize impacts on covered species and their habitats. In seasonal or intermittent stream or wetland environments, appropriate herbicides may be applied during the dry season to control nonnative invasive species. Herbicide drift should be minimized by applying the herbicide as close to the target area as possible and by avoiding applying during windy days.</p> <ul style="list-style-type: none"> Additional measures may be outlined in the conditions of the permits issued by the USACE, RWQCB, CDFW, and the Habitat Conservancy. All permit conditions must be conformed to. 			
CULTURAL RESOURCES				
CUL-1:	<ul style="list-style-type: none"> <u>To manage any discoveries during construction, all construction crew workers shall following the procedures detailed in the Monitoring and Post Review Discovery Treatment Plan for the Three Creeks Parkway Restoration Project, Contra Costa County, California.</u> <u>This document includes provisions for crew training, determines an appropriate level of monitoring for the duration of the project, describes the identification of archaeological resources, and the protocols to follow in the case of accidental discoveries.</u>Crew training, initial monitoring by a qualified archaeologist to determine an appropriate level of monitoring for the duration of the project, and additional spot checks pending the results of the initial monitoring shall be conducted prior to and during ground disturbing activities. A qualified archaeologist shall be present on the project site to monitor ground disturbing activities and inspect excavated soils to identify any cultural resources and human remains as deemed 	<p>Contra Costa County Flood Control and Water Conservation District</p> <p>Retain qualified archaeologist to implement identified measures; also include in construction contract(s)</p>	<p>Prior to start and during construction</p>	<p>Confirm and document during construction</p>

Number	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
	<p>appropriate by the qualified archaeologist.</p> <ul style="list-style-type: none"> • All construction crew workers shall attend a training session led by a qualified archaeologist that discusses (1) the reasons for archaeological resource monitoring; (2) regulatory policies protecting resources and human remains; (3) basic identification of archaeological resources; and (4) the protocol to follow in case of a discovery of such resources. • In accordance with CEQA Guideline §15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood, privies, trash deposits or similar debris, be discovered during ground disturbing activities, work within 25 feet of these materials should be stopped until a qualified professional archaeologist has an opportunity to evaluate the potential significance of the find and to consult with the lead agency about what appropriate mitigation would be appropriate to protect the resource. • In the event that human remains, or possible human remains, are encountered during project-related ground disturbance, in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. • The County Coroner, upon recognizing the remains as being of 			

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF DETERMINATION

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

State Clearinghouse Number: SCH# 2016082008

FILE COPY

Project Title: Three Creeks Parkway Restoration
Project No. 7521 -6D8176, CP# 16-39

Project Applicant: Contra Costa County Flood Control and Water Conservation District

Project Location: Marsh Creek (Dainty Avenue to Union Pacific Railroad tracks), Brentwood, Contra Costa County

Project Description The Contra Costa County Flood Control and Water Conservation District (District) in partnership with American Rivers, a national non-profit organization that protects wild rivers, restores damaged rivers and conserves clean water for people and nature, proposes to improve flood conveyance capacity, to meet the District's standards for 100-year flood protection, and restore native vegetation along an approximately 4,000 linear foot section of Marsh Creek. When implementation is complete, the project would include up to 1.0 acre of frequently inundated floodplain (seasonal wetland), 1.87 acres of woody riparian vegetation, and 1.87 acres of grasslands and native scrub. The project would also enhance habitat and recreation within the watershed. The segment just upstream of Dainty Avenue (Phase I) was widened in 2000 by the District; native riparian vegetation may also be planted in this section as part of this project to provide a continuous riparian corridor with the existing riparian vegetation upstream of this segment. Placement of boulders and large woody debris would be placed in some portions of the low-flow channel to create in-stream habitat as well as rock to protect the banks and culvert outfalls. Real Property transactions, including right-of-way acquisition and temporary construction easements for access and staging areas and permanent easements for access and maintenance may be necessary in support of this project. Construction is anticipated to begin summer 2018 and may take up to two construction seasons to complete. Excavation and grading activities would occur during the dry season (July to October) with plant restoration occurring afterwards (November to December).

The District prepared an IS/MND which was adopted by the Contra Costa County Board of Supervisors on September 27, 2016. Since then, there have been a few additions to the original project design, including (1) the incorporation of an existing water quality basin adjacent to the lower reach of Marsh Creek and improvements to the adjacent City of Brentwood Sungold Park, (2) the use of an adjoining parcel adjacent to the middle reach as a staging area and to place excavated materials, (3) the construction of a clear-span pedestrian bridge, and (4) the use of temporary creek crossings during construction totaling approximately 13.45 acres on three parcels that abut the project segment. These proposed additions were re-evaluated under applicable sections of Appendix G of the CEQA Guidelines to determine if the additions resulted in a substantial change that would require major revisions of the IS/MND. Re-evaluation of the additions did not result in significant impacts that would warrant changes to the IS/MND and therefore a CEQA Addendum was prepared.

The project was approved on:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

Notice of Determination sent to Office of Planning and Research.*

This is to certify that the Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at:

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

Signature (Contra Costa County):  Title: Principal Planner

Date: Jan 12, 2018 Date Received for filing at OPR: _____

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: Claudia Gemberling Environmental Services Division Phone: (925) 313-2192	Department of Fish and Game Fees Due <input type="checkbox"/> EIR - \$3,168. ⁰⁰ <input checked="" type="checkbox"/> Neg. Dec. - \$2,280.⁷⁵ <input type="checkbox"/> DeMinimis Findings - \$0 <input checked="" type="checkbox"/> County Clerk - \$50 <input checked="" type="checkbox"/> Conservation & Development - \$25	Total Due: \$ 2,355.75 Total Paid \$ _____ Receipt #: _____
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*Notice of Determination may be sent by fax to (916) 323-3018, if followed up with a duplicate mailed copy.