

Addendum No. 2

Three Creeks Parkway Restoration Project

Mitigated Negative Declaration

The following Addendum has been prepared in compliance with CEQA.

Prepared for:

Contra Costa County Flood Control and Water Conservation District (Project Applicant)
255 Glacier Drive
Martinez, CA 94553

and

American Rivers
2150 Allston Way, Suite 320
Berkeley, CA 94704

Prepared by:

Impact Sciences, Inc.
505 14th Street, Suite 1230
Oakland, California 94612

and

Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553
Contact: Claudia Gemberling
(925) 313-2192

September 2019

TABLE OF CONTENTS

Section	Page
1.0 Introduction	1
2.0 Purpose of Addendum	1
3.0 Project Description	3
4.0 Environmental Impacts of the Proposed Project Additions	11
5.0 Conclusion.....	24
6.0 Supporting Information Sources.....	25
7.0 Addendum Preparers.....	25

LIST OF FIGURES

Figure	Page
1 Proposed Project Additions	4
2 Lower Reach Improvements	6
3 Incorporation of Water Quality Basin and Improvements to Sungold Park.....	7
4 Middle Reach Improvements.....	8
5 Griffith Parcel Section	9

1.0 INTRODUCTION

This Addendum (Addendum #2) and attached supporting documents have been prepared to document that the previously adopted Mitigated Negative Declaration (State Clearinghouse No. 2016082008) and Addendum #1 for the Three Creeks Parkway Restoration project adequately addresses the potential environmental impacts of the updated Three Creeks Parkway Restoration project, proposed by American Rivers and Contra Costa County Flood Control and Water Conservation District (“the District” or “CCCFCWCD”), pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.), and that no subsequent or supplemental environmental document is required.

2.0 PURPOSE OF ADDENDUM

CEQA requires local governments to conduct environmental review on public and private development projects. On September 27, 2016, 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 Contra Costa County Board of Supervisors adopted a Mitigated Negative Declaration for the Three Creeks Parkway Restoration project (“2016 IS/MND” which is on file with the District). The Three Creeks Parkway Restoration Project is a project that is jointly proposed by the District 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 project evaluated in the Mitigated Negative Declaration and associated Initial Study involved an approximately 4,000 linear feet section of Marsh Creek located in Brentwood and included the improvement of flood conveyance capacity by widening the channel with a floodplain and floodplain benches and restoration of native vegetation of the creek banks and floodplain. Although the MND was adopted by the County Board of Supervisors on September 27, 2016, the project was not approved at that time (attached).

Subsequent to the adoption of the 2016 IS/MND, American Rivers and the District proposed a few additions to the previously evaluated Three Creeks Parkway Restoration project (“original project”). These included: (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 creek crossings during construction. These proposed additions included a total of approximately 16 acres on four parcels that abut the original project area for the evaluation of the updated project. These additions were evaluated in an addendum (Addendum #1). The original project and Addendum #1 was approved by the Contra Costa County Board of Supervisors on March 27, 2018 (attached).

The purpose of Addendum #2 is to identify and analyze potential impacts of the following project components that were not specifically identified and described in the project description of the 2016 IS/MND and Addendum #1 (2017) as well as incorporation of additional project features: (1) the abutments for the proposed pedestrian bridge identified in Addendum #1 and spur trail from the Marsh Creek Regional Trail to the proposed pedestrian bridge, (2) incorporation of a City of Brentwood-owned parcel for a future pocket park (Dainty Triangle Park), and (3) permanent property acquisitions for the project features identified in the 2016 IS/MND and Addendum #1 and this Addendum. Other property transactions not identified at this time may be required to accommodate this project.

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, the District concludes that these project components would not result in any new significant adverse impacts, nor an increase in the severity of significant adverse impacts previously identified in the 2016 IS/MND for the original project and Addendum #1 for the project updates. Nor would the revised project require the adoption of any new or considerably different mitigation measures or alternatives. Therefore, this Addendum is the appropriate form of environmental review required under CEQA and has been prepared to satisfy the requirements of *CEQA Guidelines* Sections 15164 and 15162.

3.0 PROJECT DESCRIPTION

3.1 Summary of the Original Project

As noted above, the District prepared an Initial Study for the Three Creeks Parkway Restoration project in 2016 and adopted a MND for the multi-benefit flood control and creek restoration project. The previously analyzed project proposed to improve flood conveyance capacity and restore native vegetation along an approximately 4,000 linear feet section of Marsh Creek located in Brentwood. The project included widening the channel with a floodplain and floodplain benches and planting with native vegetation. When implementation is complete, the original project would include up to 1.0 acres of frequently inundated floodplain (seasonal wetland), 1.87 acres of woody riparian vegetation, and 1.87 acres of grasslands and native scrub. The original project would also enhance habitat and recreation within the watershed.

3.2 Proposed Additions to the Original Project

3.2.1 Addendum #1

The District and American Rivers propose to revise the original project to incorporate an existing water quality basin into the project, use an adjoining parcel as a staging area and to place excavated materials, construct a pedestrian bridge across Marsh Creek, and to use temporary creek crossings during construction as shown in **Figure 1** and detailed in Addendum #1 (attached).

3.2.2 Addendum #2

The District and American Rivers propose additional features to revise the original project to incorporate (1) the bridge abutments for the pedestrian bridge identified in the proposed additions in Addendum #1 and a bridge spur trail that will extend from the Marsh Creek Trail to the east side of the pedestrian bridge; (2) the inclusion of a vacant parcel owned by the City of Brentwood for a future pocket park (Dainty Triangle Park); and 3) permanent property acquisitions for the additions in Addendum #1 and Addendum #2. The additions are shown in **Figures 1 – 4** and detailed below.

Lower Reach

Permanent Property Acquisitions

Carmel Estates Water Quality Basin (Carmel Homeowners Association): Addendum #1 identified the addition of the adjacent 0.7 acre linear water quality basin owned and operated by the Carmel Estate Homeowners Association (**APN 017-670-040**) to allow flood waters from the creek to spill into the basin as needed by lowering the eastern berm of the basin and planting native vegetation. Since then it was determined that the District would **purchase the basin in fee** for the improvements and long-term maintenance (Figure 2).

Sungold Park (City of Brentwood): Addendum #1 also identified construction of a new trail which would also serve as a District maintenance access road within the adjacent City of Brentwood-owned Sungold Park (017-670-039, 017-450-065) along with other greenway amenity improvements. The area of improvements would be approximately 3.25 acres. Since then it was determined that the District would secure a **permanent access easement** over a 600-foot linear segment of the public trail that occurs within **APN 017-670-039 and 017-450-065** (Figure 2).

Marsh Creek Trail from Union Pacific Railroad to Sand Creek (City of Brentwood): The District proposes to secure a **permanent access easement** over a 1,800-foot linear segment of the public trail within **APNs 017-690-092, 017-690-093, 017-680-077** (Figure 2).

Middle Reach

Permanent Property Acquisitions

DLT Ventures (Hancock) Parcel: The 2016 IS/MND identified the widening of the Marsh Creek channel along the undeveloped 10-.2 acre Griffith parcel (also referred to as DLT Ventures or Hancock parcel) (**APN 017-110-011**) (Figure 3). Since then it was determined that the District would **purchase a portion of the parcel** along Marsh Creek (**approximately 20,715 square feet**) **in fee** to accommodate the channel widening.

Bridge Abutments and Bridge Spur Trail

Concrete bridge abutments and associated wingwalls would need to be constructed on both sides of the creek to support the clear-span pedestrian bridge. In addition, site boulders would be added at the wingwalls. A paved spur trail would also be constructed from the existing Marsh Creek Trail to the east side of the pedestrian bridge (Figure 3). A temporary pedestrian guardrail would also be added to the abutment if the pedestrian bridge is not constructed at the same time for pedestrian safety.

Upper Reach

Permanent Property Acquisitions

Marsh Creek Trail from Deer Creek to Dainty Avenue (City of Brentwood): The District proposes to secure a **permanent access easement** over a 1,050-foot linear segment of the public trail within **APNs 017-210-029 and 017-201-038** (Figure 4).

Dainty Triangle Park

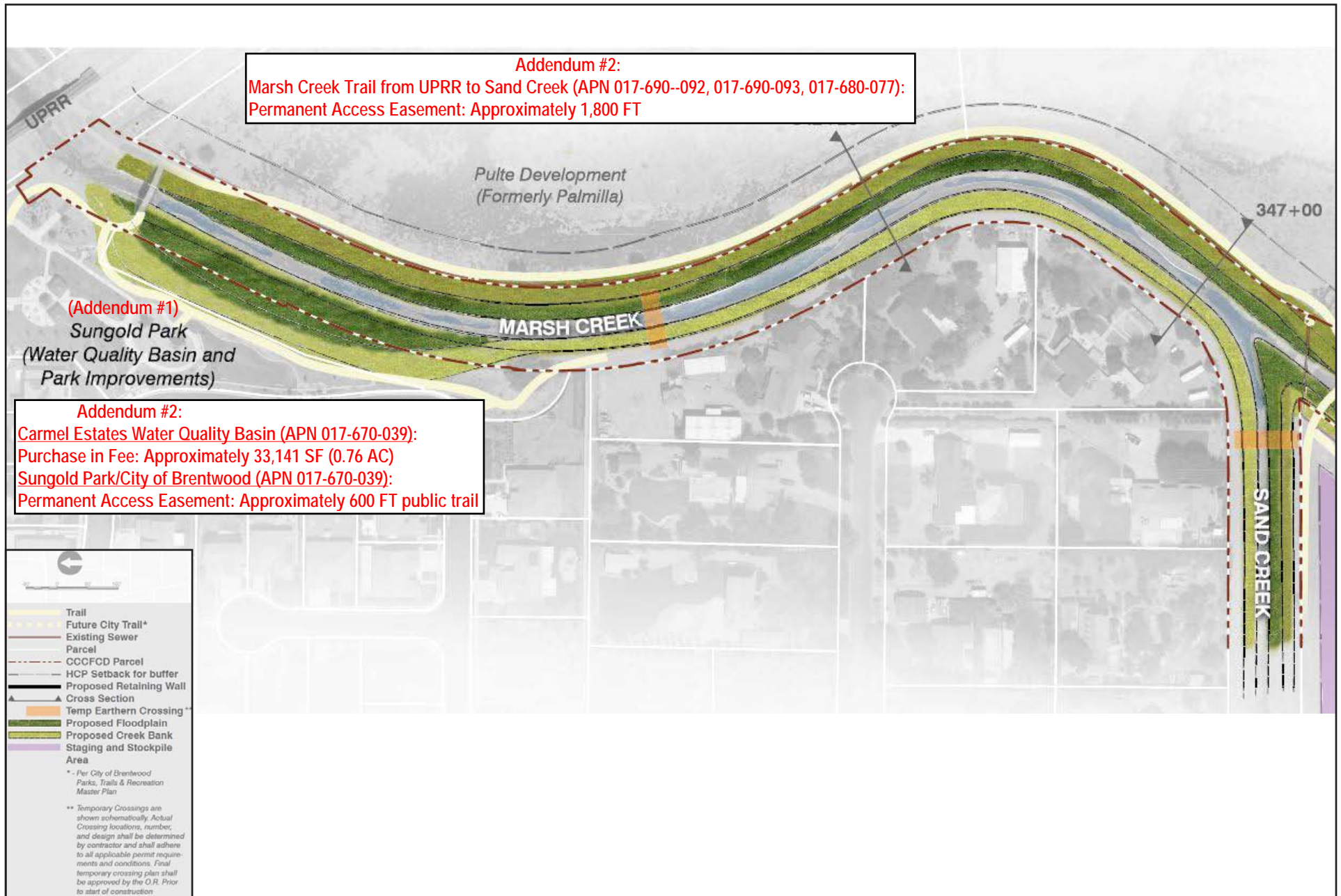
The City of Brentwood owns a triangular-shaped undeveloped parcel at the northeast corner of Central Boulevard and Dainty Avenue (APN 017-260-080) (Figure 4). The parcel consists of sparse trees and ruderal grassland. The parcel will be graded to accommodate a future park with a concrete pathway, benches, interpretive educational signs, community board, rain garden, and native trees and lower vegetation. The existing chain-linked fences and footings will be removed. Existing oak trees will be protected in place as well as the existing irrigation system for the future park as well as other underground utilities. The City of Brentwood would maintain this park.

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 to three 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).



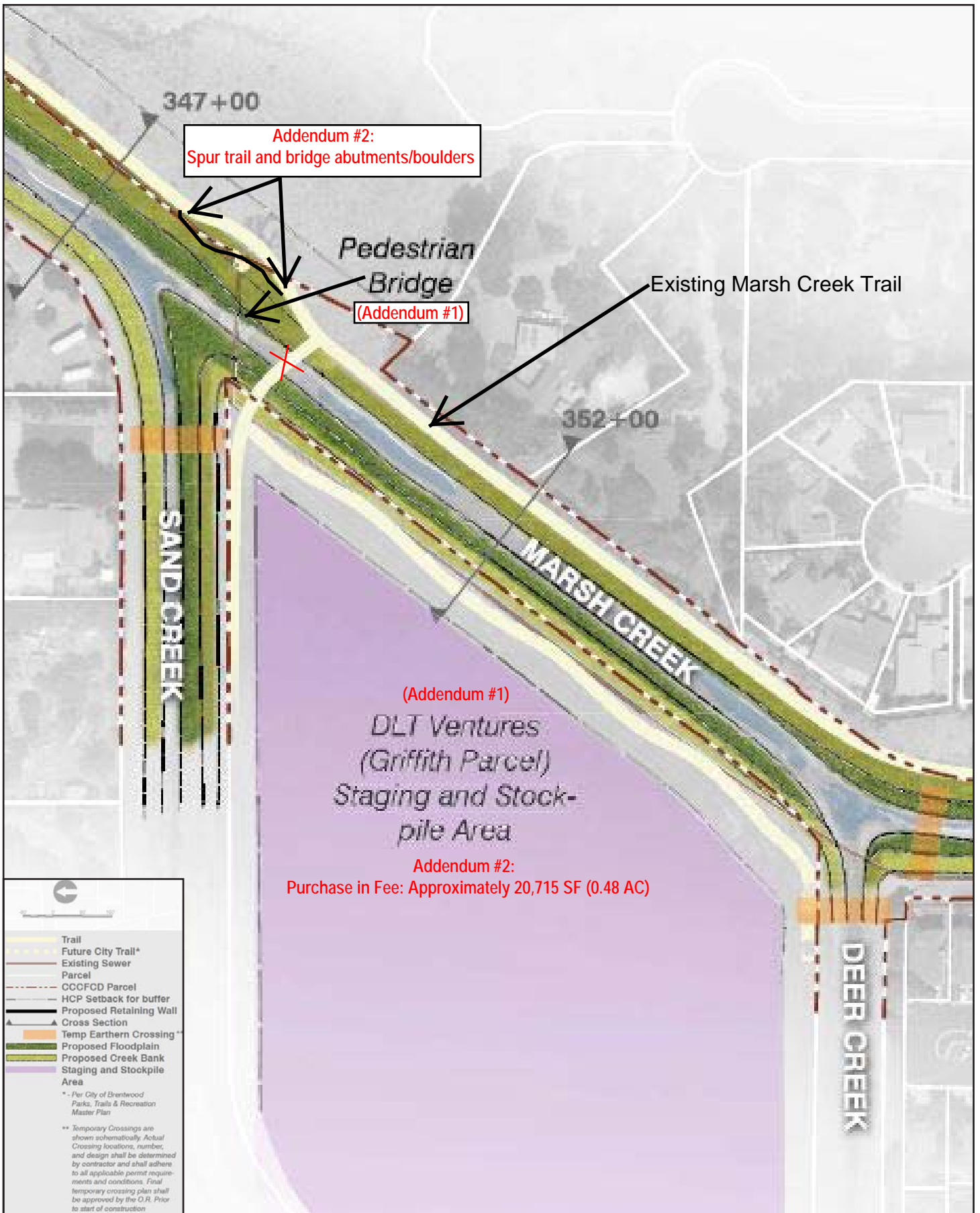
SOURCE: Restoration Design Group, Inc. 2017

FIGURE 1



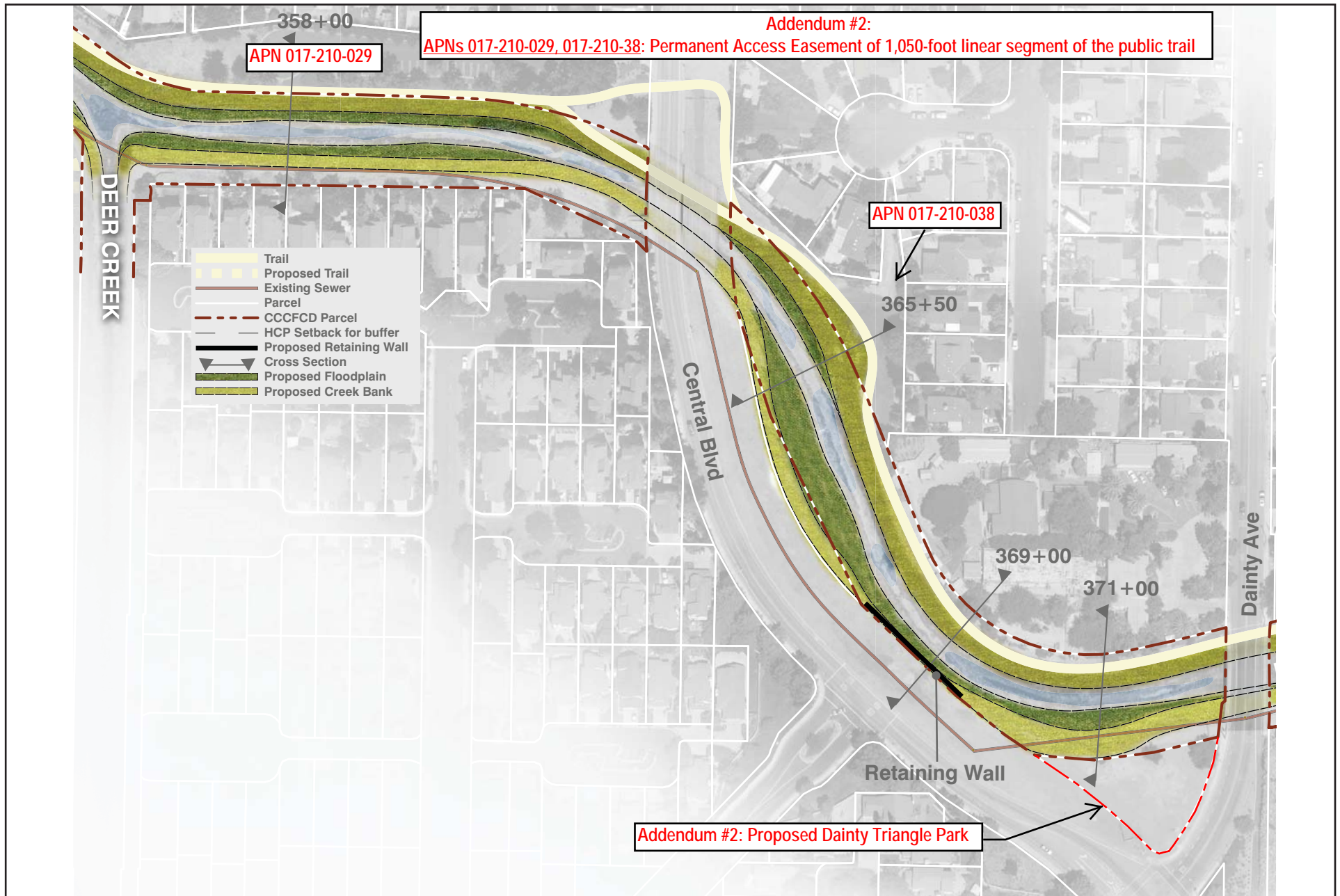
SOURCE: Restoration Design Group, Inc. 2017

FIGURE 2



SOURCE: Restoration Design Group, Inc. 2017

FIGURE 3



SOURCE: Restoration Design Group, Inc. 2016

FIGURE 4

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. Since then, the CEQA Guidelines were updated in December 2018, which included two additional topics: Energy and Wildfire. An examination of the proposed additions show 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 13 resource topics (aesthetics, agriculture and forestry resources, energy, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic, utilities/service systems, wildfire), a brief explanation is provided below as to why they do not need to be examined in detail. Since the

Aesthetics

Incorporation of the bridge abutments and spur trail for the pedestrian bridge, inclusion of a vacant parcel for a future pocket park (Dainty Triangle Park), and permanent property acquisitions would not degrade the character of the project site but instead would be expected to enhance the aesthetic quality of the site. 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 2018) 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 use. Therefore, the updated project would not result in new or more severe impacts on farmland; no further discussion in the Addendum is required.

Energy

The Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources once constructed nor conflict with or obstruct a state or

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.

local plan for renewable energy or energy efficiency. Project construction will result in an incremental increase in energy usage associated with construction equipment (i.e. fuel in vehicles and power generators). However, energy usage during construction would be minimal and would not require excessive amounts of wasteful usage of energy. Therefore, project impacts will be less than significant.

Hazards and Hazardous Materials

An updated search of the EnviroStor and GeoTracker databases for sites with known hazardous materials contamination did not identify the project site 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. Further, as with the original project, the updated project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area, impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, the updated project would not result in new or more severe 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 Best Management Practices [BMPs]) to be implemented during construction activities to control erosion and release of sediment and other pollutants such as the installation of the abutments and spur trail and grading the future Dainty Triangle Park parcel. 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 permanent property acquisitions would have no physical impact. 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

Within the project site, Marsh Creek is mapped as a waterway and the future Dainty Triangle Park parcel is designated as Residential-Low Density (R-LD) in the General Plan. While the Dainty Triangle Park parcel will not be developed with low-density residential development, the City of Brentwood Council and the Parks and Recreation Department determined that the project is consistent with the guidelines in the City's General Plan (2014) and the Parks, Trails and Recreation Master Plan (2002) (City of Brentwood 2018). And, as discussed for the original project, the project is located within the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. While the Dainty Triangle Park is an additional area of impact, the project is a self-mitigating project and will provide overall wildlife habitat enhancement. Therefore, the project will be mitigated accordingly in coordination with the East Contra Costa County Habitat Conservancy. 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 additional features 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. 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.

Wildfire

The project is located in a Non-Very Fire Hazard Severity Zone and is designated as a Local Responsibility Area (CalFire 2009). The project will not substantially impair an adopted emergency response plan or emergency evacuation plan, expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, expose people or

structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes as the project will not change the existing use of the site. While unlikely, there is the potential that construction activities may result in an unanticipated fire. The construction contractor will have fire extinguishers on site and if necessary will notify the local fire department. The local fire department will also be notified of when project construction will begin. Therefore, project impacts would be less than significant.

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 and Addendum #1 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 26,000 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 grading of the Dainty Triangle parcel for a future park. However, no off-hauling would occur and grading would be minimal in comparison to the overall project especially with off-hauls being reduced to the adjacent Griffith parcel rather than off-site at a distance.

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 abutments and spur trail as well as the grading on the Dainty Triangle 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, any excavation for the Dainty parcel 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 pedestrian bridge and Dainty Triangle parcel, 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:

- 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 (CFGF) 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 identified in Addendum #1, which included the Dainty Triangle parcel. 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) for a total of 64 special-status plant species in the project area. Similar to the conclusions of the 2016 IS/MND, the survey report concluded that the presence of all 64 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 for a total of 87 special-status wildlife species. 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 Dainty Triangle parcel would not involve work in an area involving jurisdictional waters. While the abutments for the pedestrian bridge would be installed at the top of the channel about 8 feet above the ordinary high water mark, installation activities could result in a potential impact to jurisdictional waters from incidental fallback from soil movement. 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 additions of the bridge

abutments and Dainty Triangle parcel improvements would not impact wildlife beyond what was analyzed for the original project.

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, places along 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 and 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 area that includes the bridge abutment was analyzed in the original project (WSA 2017, on file with the District). However, while the Dainty Triangle parcel was not field-surveyed by a qualified archaeologist, there are no records identified for the project site. Further, there are no structures on the subject parcel. Therefore, there is no potential for the updated project to affect historic resources. As with the original project, there would be no significant impacts on any known archaeological resources as no records were found for the project site. However, that does not discount the potential of encountering unknown archaeological resources. While the grading of Dainty Triangle parcel would be a lesser impact than for the project overall, 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. In conjunction with consultation pursuant to Section 106 of the National Historic Preservation Act, the State Historic Preservation Officer (SHPO) recommended to the U.S. Army Corps of Engineers (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. The updated project would implement Mitigation Measure CUL-1 (updated) and Mitigation Measure CUL-2, therefore, the updated project would not adversely affect 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, the NAHC, has 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 any inadvertent impacts on previously unknown archaeological resources and 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 would 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, improvements that would reduce erosion potential following project completion 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 in 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 change 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 of the pedestrian bridge abutment, spur trail, and Dainty Triangle parcel. However, GHG emissions would also decrease as the excavated materials

would be placed on the adjacent Griffith parcel and the 5-mile off-haul trips would be eliminated as analyzed in Addendum #1. 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. 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 pedestrian bridge abutments,

spur trail, and Dainty Triangle parcel 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

- CalFire. 2009. Contra Costa County Fire Hazard Severity Zone Map, Local Responsibility Area. https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf. September 2019.
- City of Brentwood. 2018. Resolution #, A Resolution of the City Council of the City of Brentwood Accepting a Recommendation from the Park and Recreation Commission to Approve Planned Improvements to City Parcels as Part of the Three Creeks Parkway Restoration Project and Authorize the City Manager or His Designee to Execute any Required Documents for the Project. February.
- ENGEO. 2015. Geotechnical Exploration Three Creeks Parkway Restoration Project, Brentwood. May 15.
- EnviroStor. 2019. Contaminated sites. <https://www.envirostor.dtsc.ca.gov/public/>. Department of Toxic Substance Control. September.
- GeoTracker. 2019. Contaminated sites. <https://geotracker.waterboards.ca.gov/>. State Water Board. September.
- 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

Impact Sciences, Inc. (Original Project, Addendum #1)

Principal: Shabnam Barati, Ph.D.
Project Manager: Angela Pan
Air Quality and GHG Analyst: Jared Jerome
Publications: Van Hoang

Contra Costa County Public Works Department (Addendum #2)

Claudia Gemberling, Environmental Services Division