



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: November 8, 2016

Subject: APPROVE Encroachment Permit for the Orwood Road Bridge Replacement Project, Brentwood area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute an Encroachment Permit with the East Bay Regional Park District (EBRPD), in connection with the Orwood Road Bridge Replacement Project, Brentwood area. County Project No. 0662-6R4076, Federal Project No.: BRLO 5928 (045) (District III)

FISCAL IMPACT:

100% Local Road Funds

BACKGROUND:

The Contra Costa County (County) Public Works Department is required to obtain an Encroachment Permit from EBRPD for the Orwood Road Bridge Replacement Project in order to plant trees on EBRPD's Big Break Regional Shoreline Park property in the City of Oakley. The tree planting is required by the California Department of Fish and Wildlife (CDFW) as mitigation for trees removed to accommodate the bridge project. The County and EBRPD have already co-signed a letter of agreement stating roles and responsibilities. The County is responsible for planting the trees and for annual monitoring and reporting to

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/08/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 8, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh, (925)
313-2233

cc:

CDFW

BACKGROUND: (CONT'D)

for a period of five years. EBRPD is responsible for ensuring sufficient watering and general maintenance of the trees (weed removal and cage repair) during the first five years. The survivability requirement in the CDFW permit for the trees is 80%.

Replacement trees as needed, are at the County's expense.

Under the permit, the County must indemnify EBRPD from any claims that arise from the work covered by the permit, unless the claim arises from the sole negligence or willful misconduct of EBRPD.

CONSEQUENCE OF NEGATIVE ACTION:

The County would be in default of a CDFW permit condition and be subject to fines and penalties.

ATTACHMENTS

Permit