



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: May 9, 2017

Subject: Third Amendment to Marsh-Kellogg Operation and Maintenance Agreement dated June 8, 1964, with the Natural Resources Conservation Service, Oakley area.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Flood Control and Water Conservation District (FC District) to execute the Third Amendment to the Marsh-Kellogg Operation and Maintenance Agreement dated June 8, 1964, with the Natural Resources Conservation Service (NRCS), which changes the limits and maintenance obligations due to the transfer of ownership of a portion of Marsh Creek Flood Control Channel to the Department of Water Resources (DWR); thereby, NRCS will no longer require the FC District to operate, maintain, and inspect Marsh Creek from the mouth at Dutch Slough to approximately Station 74+00.

FISCAL IMPACT:

All costs to be funded by the Reclamation District 2137, implemented by the DWR.

BACKGROUND:

The State of California, DWR is in the process of purchasing a portion of Marsh Creek Flood Control Channel between the mouth at Dutch Slough and approximately Station

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **05/09/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: May 9, 2017

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

Contact: Olivia Reynolds-Freeman,
(925) 313-2306

By: Stacey M. Boyd, Deputy

74+00, from the FC District. Due to the transfer of ownership and DWR's project to convert the eastern

BACKGROUND: (CONT'D)

adjacent land to wetlands, the maintenance requirements for the Marsh Creek channel between Dutch Slough and approximately Station 74+00 has changed. DWR will be responsible for monitoring and maintaining the reach between Dutch Slough and approximately Station 74+00 in a manner that allows the continued function of this portion of the channel and will not impact any upstream functions as determined and established in the Operation and Maintenance Agreement dated June 8, 1964.

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

CONSEQUENCE OF NEGATIVE ACTION:

Without the Board's approval, the transfer of ownership of a segment of Marsh Creek to the DWR will not be approved and DWR's Dutch Slough Tidal Marsh Restoration Project will be delayed.

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

Amendment No. 3