



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
 From: Julia R. Bueren, Public Works Director/Chief Engineer
 Date: January 12, 2010

Subject: City of Pinole Mitigated Negative Declaration and License Agreement, Pinole area. (Flood Control Zone 9 Funds) Project #7532-6D8497, SCH #2007112100

RECOMMENDATION(S):

ADOPT the City of Pinole's (City) adopted Mitigated Negative Declaration for the Pinole Creek Demonstration Project (Project) to address issuance of necessary Flood Control Permits to the City in compliance with the California Environmental Quality Act (the custodian of which is the Department of Conservation and Development located at 651 Pine Street, Martinez); and

DIRECT the Director of the Department of Conservation and Development to file a Notice of Determination; and

AUTHORIZE the Chief Engineer to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Determination; and

APPROVE and AUTHORIZE the Chief Engineer to execute a License Agreement between the Contra Costa County Flood Control and Water Conservation District (FC District) and the City for joint use of FC District property and construction of flood control improvements as part of the City's Project.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/12/2010** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
 Gayle B. Uilkema, District II Supervisor
 Mary N. Piepho, District III Supervisor
 Susan A. Bonilla, 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: January 12, 2010

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

By: EMY L. SHARP, Deputy

Contact: Greg Connaughton (925)
 313-2271

FISCAL IMPACT:

The FC District's cost for construction of flood control improvements is estimated to be \$300,000. The City's joint use of FC District property is expected to be cost neutral.

BACKGROUND:

The FC District cooperated with the U.S. Army Corps of Engineers in the 1960's to construct improvements on Pinole Creek to increase its flood carrying capacity between Interstate Highway 80 and San Pablo Bay. Several years ago, the City, the FC District and the Friends of Pinole Creek led a community based planning process to develop a vision for the Pinole Creek watershed. As a result of the visioning process, the City adopted a master plan for restoration of Pinole Creek: the "Pinole Creek Greenway Restoration Plan." In 2007, the City received a \$2.6 million River Parkways grant from the State Water Resources Control Board for environmental restoration and recreational enhancement of a portion of Pinole Creek.

The FC District supports the creek restoration as a demonstration project to generate public interest in approving a municipal finance measure to further creek restoration and to fund perpetual maintenance of the creek.

On November 26, 2007, the City published a notice of a proposed adoption of a Mitigated Negative Declaration for the Pinole Creek Demonstration Project. On January 15, 2008, the City of Pinole City Council adopted the Mitigated Negative Declaration.

Contra Costa County intends to adopt the City's previously adopted Mitigated Negative Declaration to address necessary FC District Permit issuances to the City in support of the demonstration project, and to update the existing license agreement between the City and the FC District that currently allows recreational uses in the creek corridor to also allow for construction related activities in the creek corridor. The issuance of Flood Control Permit (FCP) 635-09 to the City will allow the City to excavate approximately 6,000 cubic yards of soil materials; remove and replace the Bay Trail Bridge and pedestrian bridge downstream of the Union Pacific railroad crossing; implement trail improvements and landscaping; and construct a floodwall (sheet piles or concrete block walls) and drainage work. The FC District's FCP will require the City to obtain all necessary regulatory clearances and permits from the resource agencies, prior to implementation of their improvements. All construction activities that occur within the license agreement area will have associated CEQA coverage by the City to address project-specific potential impacts.

The subject License Agreement establishes the City and FC District responsibilities for the construction project and for long-term maintenance of improvements on the FC District's property.

CONSEQUENCE OF NEGATIVE ACTION:

The Pinole Creek Greenway Restoration Project will not be constructed and the FC District will lose an opportunity to garner the support of Pinole citizens for long-term funding of maintenance for Pinole Creek.

ATTACHMENTS

License Agreement wi City of Pinole Re Joint Use Areas