



**Contra  
Costa  
County**

To: Contra Costa County Flood Control District Board of Supervisors  
 From: Brian M. Balbas, Public Works Director/Chief Engineer  
 Date: May 26, 2020

Subject: APPROVE and AUTHORIZE execution of an Access Agreement with American Rivers, Inc., for the Three Creeks Parkway Restoration Project.

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (District), or designee, to execute an Agreement Regarding Access to and Use of Real Property in Order to Implement and Maintain a Habitat Restoration Project (Access Agreement), between the District and American Rivers, Inc. (American Rivers), pertaining to the Three Creeks Parkway Restoration Project, in the form attached hereto.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

The District entered into an agreement with American Rivers on February 19, 2020 to implement the Three Creeks Parkway Restoration Project (Project), a multi-benefit flood management and ecosystem restoration project located along portions of Marsh Creek in the Brentwood

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/26/2020** ☒ 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 26, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Gus Amirzehni, (925)  
 313-2128

## BACKGROUND: (CONT'D)

area from the Union Pacific Railroad crossing to Dainty Avenue. The Board approved the Project on November 12, 2019.

American Rivers has obtained grant funding to pay for a portion of the Project, including a grant from the State Coastal Conservancy (Conservancy). The Conservancy grant agreement requires that American Rivers enter into an Access Agreement with the District to protect the public interest by ensuring that American Rivers has permission to implement, monitor, and maintain the Project on District property. The Access Agreement terminates on January 31, 2042, and includes, among other requirements, that Conservancy funds not be used for mitigation of off-site environmental impacts unless written permission is obtained from the Conservancy, certification that there are no encumbrances on District property that would prevent Project implementation, and that after implementation, the District will maintain the Project long term in a manner consistent with the purposes of the Project. In addition, access by American Rivers to District property will be subject to terms and conditions of an encroachment permit to be issued by the District prior to the start of construction.

## CONSEQUENCE OF NEGATIVE ACTION:

Without this action, the Access Agreement will not be approved.

## ATTACHMENTS

Land Access Agreement

State Coastal Conservancy Grant Agreement