



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
 From: Brian M. Balbas, Public Works Director/Chief Engineer
 Date: December 8, 2020

Subject: Approve Agreement with the John Muir Land Trust for Pacheco Marsh / Lower Walnut Creek Restoration and Public Access Project. Project No. 7520-6B8285

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (Flood Control District), or designee, to execute an agreement (Agreement) with the John Muir Land Trust (JMLT) for the Pacheco Marsh / Lower Walnut Creek Restoration and Public Access Project, Martinez area.

FISCAL IMPACT:

The total estimated cost of both projects is approximately \$20.5 million. Approximately \$15.5 million is for the Lower Walnut Creek Restoration Project with an additional \$5 million for JMLT's Pacheco Marsh Public Access Project. The terms of the Agreement dictate the items that the Flood Control District (via Flood Control Zone 3B or grant funds) will fund, such as the Flood Control District's restoration project, and JMLT or grants will fund JMLT's public access project.

BACKGROUND:

In 2003, the Flood Control District, East Bay Regional Park District (EBRPD), and JMLT jointly purchased the two parcels that make up 122-acre Pacheco Marsh at a tax-default sale. Since 2003, the Flood Control District and JMLT have been working cooperatively on

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/08/2020** ☒ 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: December 8, 2020

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

By: June McHuen, Deputy

Contact: Paul Detjens, (925)
 313-2394

the purchase, stewardship, planning, and restoration of Pacheco Marsh. The Flood Control District was selected

BACKGROUND: (CONT'D)

as the entity that would hold title to Pacheco Marsh while restoration plans were developed. EBRPD subsequently stepped aside, and JMLT has assumed a larger role in the partnership, focusing on plans for public access and long-term stewardship.

With Congress' 2014 selective deauthorization of the lowest four miles of the Walnut Creek Channel, the Flood Control District was able to broaden its project scope to encompass other parcels in or adjacent to the Lower Walnut Creek channel and formulated the Lower Walnut Creek Restoration Project. While the Lower Walnut Creek Restoration Project consists of more parcels than just Pacheco Marsh, Pacheco Marsh makes up approximately 70 percent of the larger Lower Walnut Creek Restoration Project.

The Flood Control District is working towards implementing the larger restoration project, and JMLT is working towards implementing public access amenities on Pacheco Marsh. The two projects are separate, but dependent on each other for success. The Flood Control District and JMLT have been closely coordinating to ensure the designs are compatible and the Flood Control District needs to complete the restoration site work before JMLT can begin construction of the public access site amenities.

In 2018, the Flood Control District (with JMLT participation and assistance) applied for project implementation funding from the San Francisco Bay Restoration Authority (Authority), and the Authority subsequently granted the project a total of \$7,929,855, \$1 million of which is intended to pass through to fund JMLT's public access project on Pacheco Marsh. If the Board of Supervisors approves the grant Agreement with the Authority, the Flood Control District will manage the grant on behalf of the Flood Control District and JMLT.

The Agreement has been written to describe the responsibilities of each party in relation to the planning, design, construction, and maintenance of the two projects. Key provisions of the proposed Agreement are as follows:

1. The Flood Control District will lead the implementation of the Lower Walnut Creek Restoration Project.
2. JMLT will lead the implementation of the Pacheco Marsh public access project.
3. The Flood Control District will fund up to \$1 million of JMLT public access project construction work, using Authority funds received for that purpose.
4. JMLT will accept the 122-acre Pacheco Marsh parcels in fee from the Flood Control District and provide maintenance in perpetuity.
5. The Flood Control District will retain sufficient rights to implement required monitoring and adaptive management of the restoration work on Pacheco Marsh for the 10-year duration of the restoration project's regulatory permits.

JMLT's Board has previously approved the proposed Agreement and has authorized JMLT's executive director to execute the proposed Agreement with the Flood Control

District.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed Agreement is not approved, the public access portions of the project will not be implemented.

ATTACHMENTS

JMLT Agreement