



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: October 18, 2022

Subject: Convey Grant of Easement to SFPP, L.P., in connection with the Kinder Morgan Pipeline Remediation Project.

RECOMMENDATION(S):

Acting as the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE the conveyance of a Grant of Easement to SFPP, L.P. a Delaware limited partnership (Kinder Morgan), for an approximately 0.626-acre pipeline easement within the District's Walnut Creek flood channel and AUTHORIZE the Chair, Board of Supervisors, to execute on behalf of the District, the Grant of Easement in connection with the Kinder Morgan Pipeline Remediation Project (Project), pursuant to Contra Costa County Flood Control and Water Conservation District Act, Section 31. (Project No. WL72RP FCP 619-16) [CP#16-42]

DETERMINE that the conveyance of the easement to Kinder Morgan, a pipeline utility, is in the public interest and will not substantially conflict or interfere with the District's use of its Walnut Creek flood control channel for the purpose for which it was acquired.

DETERMINE that the activity will not have a significant effect on the environment and is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061 (b)(3) of the CEQA Guidelines.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/18/2022** ☒ 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: October 18, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Olivia D.
Reynolds-Freeman, 925.957.2462

By: June McHuen, Deputy

cc:

DIRECT the Director of the Department of Conservation and Development, or designee, to file a CEQA Notice of Exemption with the County Clerk.

AUTHORIZE the Public Works Director, or designee, to arrange for the 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 Exemption.

RECOMMENDATION(S): (CONT'D)

DIRECT the Real Estate Division of the Public Works Department to have the above referenced Grant of Easement recorded in the Office of the County Clerk-Recorder and to deliver a copy of the recorded Grant of Easement along with a certified copy of the board order to Kinder Morgan.

FISCAL IMPACT:

100% Permit Applicant Fees

BACKGROUND:

Kinder Morgan will decommission in place an existing 8-inch pipeline known as Line Section 72 (L.S. 72) across Walnut Creek and will install a replacement 8-inch pipeline using the Horizontal Directional Drill (HDD) method to minimize environmental impacts. The first phase of construction is the installation of the replacement 8-inch pipeline and decommissioning of the existing L.S. 72 pipeline. The second phase of construction is the remediation plan for the decommissioned pipeline. The District has asked Kinder Morgan to remove the pipeline from its properties within two weeks from the installation and operation of the replacement pipeline.

The replacement 8-inch pipeline is located outside of Kinder Morgan's existing easement at Walnut Creek thus they need a new easement for the new pipeline crossing that will be located approximately 20 feet north of its current location. The new section of 8-inch pipeline will be approximately 1,000 feet in length and the overall HDD depths will be a minimum of 35 feet deep under Walnut Creek to minimize potential drilling fluids from escaping into the channel. Staging areas are included in the work areas described above and located on both the west and east side of Walnut Creek. No work is being proposed to occur within the banks, bed or wetlands association with Walnut Creek. (CP# 16-42)

Kinder Morgan is a pipeline utility. District staff have determined that the conveyance of this easement to Kinder Morgan is in the public interest and will not substantially conflict or interfere with the use of the District's property for flood control purposes. Indeed, the construction methods will not affect banks, beds, or wetlands, or the flood control capacity of the channel.

Public Works Environmental staff have determined that the conveyance of the easement is exempt from the California Environmental Quality Act for the reasons described in the attached CEQA notice of exemption.

Flood Control staff recommend that the Board approve the conveyance of this easement to Kinder Morgan.

CONSEQUENCE OF NEGATIVE ACTION:

Kinder Morgan will not have the necessary property rights to remove the existing 8-inch L.S. 72 line and place a new L.S. 72 line within the new easement area.

ATTACHMENTS

Grant of Easement

CEQA Notice of Exemption