

## Notice of Determination

**To:**  
Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

Street Address:  
1400 Tenth Street  
Sacramento, CA 95814

**From:**  
Department of Fish and Wildlife  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 95434  
Contact: Brenda Blinn  
Phone: 707-428-2002



Lead Agency  
County of Santa Clara, Dept. of Planning and  
Development  
70 W. Hedding Street, 7<sup>th</sup> floor  
San Jose, CA 95110  
Contact: Colleen Tsuchimoto  
Phone: 408-299-5797

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108**

**State Clearinghouse Number:** 2019049140

**Project Title:** Meritage Dam Removal (Lake or Streambed Alteration Agreement No. 1600-2018-0360-R3)

**Project Location (include county):** The project is located on an unnamed tributary to Bodfish Creek, thence Uvas Creek, thence Pájaro River, in unincorporated Santa Clara County; at approximately Latitude 37.008701, Longitude -121.649139; associated with Assessors' Parcel Number (APN) 810-13-005.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2018-0360-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Meritage Homeowners Association.

The project will result in the removal of a man-made dam, including the resulting on-channel impoundment, with a spillway, together totaling approximately 1.1 acres, and re-grading of those areas to pre-existing contours, including restoration of approximately 412 linear feet of intermittent channel and 0.3 acres of riparian habitat, and restoration of approximately 0.8 acres of mixed oak woodland habitat within the former footprint of the existing dam, impoundment and spillway.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on June 18, 2021, and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the  mitigated negative declaration /  negative declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures  were /  were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan  was /  was not adopted by CDFW for this project.
5. A statement of overriding considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The  mitigated negative declaration /  negative declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

Signature Craig J Weightman Date: 6/18/2021  
Craig J. Weightman, Environmental Program Manager

Date Received for filing at OPR: \_\_\_\_\_