

Notice of Determination



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

From:
Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail, Napa, CA 94558
Contact: Kristin Garrison
Phone: 707-944-5534

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency
City of San Jose
200 E. Santa Clara Street, 3rd FL
San José, CA 95113
Contact: Kara Hawkins
Phone: (408) 535-7852

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

State Clearinghouse Number: 2020039052

Project Title: Hummingbird Energy Storage Project (Lake or Streambed Alteration Agreement No. EPIMS-SCL-15156-R3)

Project Location (include county): Project is located in Santa Clara County, California, 95138. The coordinates are 37.22358° N latitude and -121.74644° W longitude (NAD 83 or WGS 84). The Assessor's Parcel Number is 72515002.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number EPIMS-SCL-15156-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, City of San Jose.

The Project is limited to two 115-foot-tall riser poles on 10-foot diameter concrete footings for a electricity transmission line that will span approximately 325 feet over Coyote Creek.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 8/10/2021 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.

DocuSigned by:
Craig Weightman
7988F6C4FDC24F2... **Signature** **Date:** 8/10/2021

Craig J. Weightman, Environmental Program Manager

Date Received for filing at OPR: _____