

## Notice of Exemption

---

**To:**

Office of Planning and Research  
[CEQA Submit](#)

**From:**

Department of Fish and Wildlife  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 95434  
[R3LSA@wildlife.ca.gov](mailto:R3LSA@wildlife.ca.gov)



**Project Title:** 8770 FEMA - Alum Rock Mineral Springs Bridge Embankment Project (Notification of Lake or Streambed Alteration, No. 1600-2020-0074-R3)

**Project Location (Santa Clara):** The Project is located within Alum Rock Park, Santa Clara County, California, 95127. The coordinates are 37.397532°N latitude and 121.797299°W longitude (NAD 83 or WGS 84). The Assessor's Parcel Numbers are 595-07-015 and 612-46-001.

**Project Description:** The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement Notification No. 1600-2020-0074-R3, pursuant to Section 1602 of the Fish and Game Code to the City of San Jose, as represented by Sal Kumar.

The Project will repair bank erosion and replace a damaged rock wall embankment along the eastern bank of Upper Penitencia Creek. The embankment will be 35 feet long and 12 feet tall. There will be approximately 10 piles to support the wall that will be constructed by drilling holes and pouring concrete. There will be a concrete footing along the length of the wall that will be tied to bedrock using rebar. The wall facing will be constructed using shotcrete, rock, and mortar. Weep holes constructed of 4-inch plastic pipe will be installed within the wall to allow groundwater to percolate through the wall and into the creek. There will be 10 cubic yards of engineered fill will be placed behind the wall and under the pedestrian path.

There will be 32 lineal feet of temporary impacts and 52 feet of permanent impact to Riverine/Streams, as defined under the Santa Clara Valley Habitat Plan (SCVHP). There will be one 10-inch diameter California buckeye (*Aesculus californica*) tree removed. The Project is located within the SCVHP permit area and applicable measures from the SCVHP will be implemented as part of the Project.

**Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**


**Person or Public Agency Carrying Out Project:** The City of San Jose, as represented by Sal Kumar

**Exempt Status:**

- Statutory Exemption.
- Categorical Exemption. Type – Class 1; California Code of Regulations, title 14, section 15301

**Reasons why project is exempt:** The Project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

**CDFW Contact Person:** Melony Wood (Environmental Scientist), (707) 428-2002, [Melony.Wood@Wildlife.ca.gov](mailto:Melony.Wood@Wildlife.ca.gov).

Signature:  Date: 9/11/2024  
Craig Weightman, Environmental Program Manager

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