

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688



Santa Clara County Clerk-Recorder's Office
State of California



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CRO Order Number: 470585
Fee Total: 2,889.25

REGINA ALCOMENDRAS, County Clerk-Recorder
by **Oscar Urquilla, Deputy Clerk-Recorder,** *CR*

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: Santa Clara Valley Water District
2. PROJECT TITLE: Lower Berryessa Creek Project, Program Environmental Impact Report
3. APPLICANT NAME: Santa Clara Valley Water District PHONE: 408 - 265 - 2600
4. APPLICANT ADDRESS: 5750 Almaden Expressway, San Jose, CA 95118
5. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input checked="" type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 2,839.25	\$ 2,839.25
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,044.00	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 965.50	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 949.50	\$ 0.00
<input checked="" type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 50.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 2,889.25

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

9-21-2011 (FEES EFFECTIVE 01-01-2011)

NOTICE OF DETERMINATION

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
(408) 265-2600

File#: 17147 12/16/2011

☒ Office of planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95818

☒ County of Santa Clara County Clerk
70 West Hedding Street
San Jose CA 95110

Subject:

Filing of Notice of determination in compliance with Section 21108 or 21152 of the Public Resource Code.

Contact Person: David Dunlap	Telephone No: 408-265-2600	State Clearinghouse No: 2007092084
Project Title: Lower Berryessa Creek Project, Program Environmental Impact Report		
Project Location: The project limits extend 8,700 feet through the City of Milpitas (see attached Figure 1), from the creek confluence with Lower Penitencia Creek upstream to Calaveras Boulevard. The Program also includes modifications to approximately 4,000 linear feet of Tularcitos Creek, 3,000 linear feet of lower Calera Creek, two upstream reaches of Calera Creek (Upper Calera Creek Elements 1 and 2), and 4,500 linear feet of Lower Penitencia Creek. Both Tularcitos and Calera Creeks are tributaries to Lower Berryessa Creek, entering the creek approximately 0.2 miles and 1.4 miles, respectively, upstream of its confluence with Lower Penitencia Creek.		
Project Description: The Lower Berryessa Creek Project is divided into six program elements: (1) Lower Berryessa Creek element; (2) Lower Calera Creek element; (3) Upper Calera Creek element 1; (4) Upper Calera Creek element 2; (5) Tularcitos Creek element; and (6) Lower Penitencia Creek element. The Lower Berryessa Creek Project would include creek channel improvements that would result in the containment of flow in the channel with adequate freeboard requirements in Lower Berryessa, Calera, Tularcitos, and Lower Penitencia creeks. The improvements generally include raising creek levees, constructing floodwalls along existing creek levees, constructing an underground concrete box culvert, constructing a stormwater pump station, improving maintenance access, removing sediment and vegetation, and constructing floodplain.		

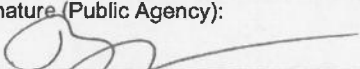
This is to advise that the Santa Clara Valley Water District has approved the above described project on December 13, 2011, and has made the following determinations regarding the above described project:

1. The project ☒ will, ☐ will not, have a significant effect on the environment.
2. ☒ An **Environmental Impact Report** was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were, ☐ were not made a condition of the approval of the project.
4. A statement of **Overriding Considerations** ☒ was, ☐ was not adopted for this project.
5. Findings ☒ were, ☐ were not made pursuant to the provision of CEQA.

This is to certify that the final Environmental Impact Report and responses and record of project approval is available to the General Public at:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Date Received for Filing and Posting at OPR:

Signature (Public Agency): 	Title: CEO	Date: 12/15/11
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SOURCE: ESA

Lower Berryessa Creek Program

Figure - 1
Program Alignment

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