

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study of the Lake Cunningham Flood Detention Certification Project was prepared to evaluate environmental impacts. Based on the Initial Study, it has been determined that a Mitigated Negative Declaration (MND) is the appropriate level of review. This is a Notice of Intent (NOI) to adopt a MND for this project in accordance with CEQA Guidelines Section 15072.

**Project Title:** Cunningham Flood Detention Facility Certification Project

**Project Description:** The proposed project includes construction of improvements within Lake Cunningham Park (LCP) to ensure the flood detention capability of LCP, reduce flow hazards to urbanized areas along Lower Silver Creek downstream of LCP, and meet Federal Emergency Management Agency (FEMA) safety requirements for flood protection levees and floodwalls. The proposed project consists of multiple project elements including:

- Raising the crest height of the Lower Silver Creek levee up to approximately 3 feet. The levee would be raised up to approximately 4 feet in the areas near the Cunningham Avenue Bridge over Lower Silver Creek and the vehicular bridge over Lower Silver Creek.
- Construction of a new concrete floodwall along the alignment of the existing berm adjacent to Flint Creek from the Cunningham Avenue Bridge east to South White Road. The anticipated height of the floodwall would be up to approximately 3 feet above the existing berm. The areas near the Cunningham Avenue Bridge over Lower Silver Creek, and the pedestrian bridge over Flint Creek, would be constructed up to an approximate height of 4 feet.
- Relocating an existing trash compactor and green waste collection area about 1,500 feet southward from the northeastern corner of LCP to an undeveloped grassy area.
- Removing concrete slabs at the existing trash compactor and green waste collection area and constructing a new pedestrian path.
- Regrading approximately 70 feet of trails near the Lake Cunningham shoreline to drain high water from the lake during flood conditions to an existing 36-inch diameter storm drain discharging to Lower Silver Creek.
- In-kind replacement of the existing chain-link fence along the Cunningham Avenue park frontage.

**Construction Schedule:** Construction would occur from January 2018 to December 2018. Construction activities would be Monday through Friday between 7:00 AM to 7:00 PM, and 8:00 AM to 5:00 PM on Saturday, as needed.

**Project Location:** The project is located within LCP at 2305 South White Road, in San Jose. The project site would be located along Lower Silver, Flint, and Ruby Creeks at the eastern, northern, and western periphery of LCP.

**Public Review:** The Draft MND will be available for public review from **8 a.m. to 5 p.m.** weekdays at the Santa Clara Valley Water District Headquarters Building (5700 Almaden Expressway, San Jose, CA 95118) for 30-days starting **July 20, 2017**. A copy of the Draft MND will also be available at the Hillview Branch Library reference desk at 1600 Hopkins Drive in San Jose, CA 95122 and the Evergreen Branch Library reference desk at 2635 Aborn Road, San Jose, CA 95121. The Draft MND can also be

accessed online at: <http://www.valleywater.org/PublicReviewDocuments.aspx>. The public comment period on the Draft MND closes at 5 p.m. on August 21, 2017.

**Contact:** Comments on the Draft MND should be submitted via mail or electronically, by **5 p.m.** on **August 21, 2017**, to:

Santa Clara Valley Water District  
Attention: Tim Tidwell  
Environmental Planner  
5750 Almaden Expressway  
San Jose, CA 95118

For further information please contact **Tim Tidwell** at **(408) 630-3003**, or by email at **ttidwell@valleywater.org**.