

Appendix D

Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2020110323

Project Title: Guadalupe River Bridge Replacement Project

Project Applicant: Peninsula Corridor Joint Powers Board

Project Location (include county): San Jose, Santa Clara County

Project Description:

See Attachment A.

This is to advise that the Peninsula Corridor Joint Powers Board has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on 8/6/2026 and has made the following determinations regarding the above
(date)
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 mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

166 N. Rollins Rd., Millbrae, CA 94030 <https://www.vta.org> <https://www.vta.org/projects/guadalupe-river>

Signature (Public Agency): _____ Title: Deputy Director, Env. Compliance

Date: 9/9/2026 Date Received for filing at OPR:

ATTACHMENT A

Project Description:

Caltrain approved reconstruction and extension of two rail bridges over the Guadalupe River in San Jose to address safety issues. The Guadalupe River channel is also approved to be widened. This project is known as the Guadalupe River Bridge Replacement Project (GRBR). In February 2025 JPB adopted an addendum to the MND (Addendum No. 1) to address an updated HMMP; changes in project duration and sequencing; revised limits for clearing and grubbing, grading, and erosion control; and some activities related to construction that could occur at night. In April 2026, JPB adopted an addendum to the MND (Addendum No. 2) to evaluate additional proposed changes to the Project that would include amendments to the applicable permits. These changes included constructing a new long-term site access on Willow Street, pruning in the floodplain areas starting in April, performing minor, low-impact tasks post-sunset; initiation of clearing and grubbing, and placement of access mats, temporary gravel for pipe support, and gravity diversion pipes, in the floodplain (away from the river) beginning on June 1.

This addendum incorporates the habitat restoration project at Hicks Creek within the Midpeninsula Regional Open Space District Sierra Azul Open Space Preserve, herein referred to as the Hicks Creek Mitigation Project. The restoration project, which includes removing invasive plants, concrete structures, and other impediments, and replanting the area with native species, will provide off-site mitigation credit for the GRBR Project's jurisdictional impacts.

This third addendum to the GRBR Project MND (Addendum No. 3) evaluates the proposed changes to the Project to identify and address any new potential environmental impacts that were not evaluated by the 2021 MND and the first and second addendums prepared in February 2025 and April 2026 respectively, determine the severity or magnitude of any new or more severe environmental impacts, and determine whether the new or more severe environmental impacts of the July 2026 Modified Project changes would require substantial revisions to the MND.

Under CEQA, once a negative declaration has been adopted for a project, no subsequent environmental impact report or negative declaration shall be prepared unless JPB, as the CEQA lead agency, determines that, based on substantial evidence, one of the qualifying criteria is met. Based upon the information provided in Addendum No. 3, the effects of the Hicks Creek Mitigation Project would not meet the qualifying criteria. As such, an addendum is appropriate, and Addendum No. 3 was prepared to address the environmental impacts of the Hicks Creek Mitigation Project (CEQA Guidelines §15164).

Resolution No. 2026-31

Board of Directors, Peninsula Corridor Joint Powers Board

State of California

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Approve Hick's Creek Mitigation Project Cooperative Agreement with Midpeninsula Regional Open Space District and Adopt the Third Addendum to the Mitigated Negative Declaration for the Guadalupe River Bridge Replacement Project

Whereas, the Peninsula Corridor Joint Powers Board (JPB) intends to carry out a compensatory mitigation project at Hicks Creek to mitigate for impacts due to the Guadalupe River Bridge Replacement Project (GRBRP) on state and federal wetland and water jurisdictional areas, by enhancing and restoring a portion of the Hicks Creek riparian corridor. Enhancement will include the removal of non-native trees and invasive plants, removal of concrete building foundations and improvements, removal of a concrete wall lining the stream channel, removal of concrete lining within the channel of Hicks Creek (former swimming pool), removing and replacing two existing bridges to create a natural bed within the Creek, creating and installing habitat improvements in and around Hicks Creek, removing and controlling nonnative species, and revegetating the Hicks Creek Site by planting native species.

Whereas, the San Francisco Bay Regional Water Quality Control Board Water Quality Certification, an Administrative Order on Consent between the Joint Powers Authority (JPA) and United States Environmental Protection Agency, and an Amended Streambed Alteration Agreement between the JPA and the California Department of Fish and Wildlife related to the GRBRP, require JPB to identify, design, and implement a habitat restoration project at Hicks Creek to compensate for the environmental impacts of the GRBRP.

Whereas, Hicks Creek is located within the Sierra Azul Open Space Preserve, which the Midpeninsula Regional Open Space District (Midpen) owns. Midpen, an independent public agency governed by a seven-member elected board, owns and manages over 19,000 acres of protected open space in the Santa Cruz Mountains and surrounding areas. Its mission centers on preserving natural lands and restoring wildlife habitat in perpetuity.

Whereas, the JPB and Midpen (collectively referred to as the “Parties”) wish to execute a Cooperative Mitigation Agreement to formalize the commitments and actions needed by the Parties to implement off-site restoration mitigation project at the Hicks Creek (Hicks Creek Mitigation Project);

Whereas, under the Agreement, Midpen will grant JPB access to a stretch of Hicks Creek within its Sierra Azul Open Space Preserve to carry out the Hicks Creek Mitigation Project, which includes removing invasive plants, concrete structures, and other impediments, and replanting the area with native species; cooperate with JPB to facilitate the additional permitting and site access; does not assume any project costs or liability; will assume permanent stewardship of the restored land as part of its existing preserve once it successfully meets all regulatory performance standards. Midpen will not receive any compensation from JPB for the use of its property;

Whereas, under the Agreement, JPB will fund and implement all aspects of the Hicks Creek Mitigation Project, which will include obtaining additional federal and state permits; be responsible for monitoring the Hicks Creek mitigation site for up to ten years; and will exclusively obtain all mitigation credits generated by the Hicks Creek Mitigation Project for use toward GRBRP permit compliance.

Whereas, implementation of the Hicks Creek Mitigation Project is a component of GRBRP and subject to the California Environmental Quality Act;

Whereas, on February 4, 2021, at a regularly scheduled meeting, the JPB Board of Directors (Board) adopted the Mitigated Negative Declaration (MND) (State Clearinghouse No. 2020110323) for GRBRP in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code §§21000 et seq.; 14 California Code of Regulations §§15000) and approved the Project;

Whereas, on February 11, 2021, the JPB filed a Notice of Determination with the County Clerk of Santa Clara County and the State Clearinghouse;

Whereas, on March 6, 2025, the JPB Board adopted an Addendum to the Initial Study (IS)/MND for the changes to the Project (Resolution No. 2025-13) and Notice of Determination was filed with the County Clerk of Santa Clara County and the State Clearinghouse on March 12, 2025;

Whereas, on April 6, 2026, the JPB Board adopted a second Addendum to the IS/MND for additional project modifications to GRBRP (Resolution No. 2026-14) and Notice of Determination was filed with the County Clerk of Santa Clara County and the State Clearinghouse on April 7, 2026;

Now, Therefore, Be It Resolved, the Peninsula Corridor Joint Powers Board of Directors hereby find that:

1. Based on substantial evidence provided in the Addendum (herein Addendum No. 3), the Hicks Creek Mitigation Project would not meet any of the following criteria:

- a. Substantial changes are proposed to the project that would require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- b. Substantial changes occur with respect to the circumstances under which the project is being undertaken that would require major revisions of the previous environmental document in order to describe and analyze new significant environmental effects, or any changes that would cause a substantial increase in the severity of the previously identified significant effects.
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was approved, shows any of the following:
 - i. The project would have one or more significant effects not discussed in the previous MND;
 - ii. Significant effects previously examined would be substantially more severe than shown in the previous MND;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or

- iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.
- 2. None of the other factors set forth in CEQA Guidelines §§ 15162(a)(3) are present; and
- 3. An Addendum is the appropriate CEQA document to evaluate the Hicks Creek Mitigation Project in accordance with CEQA Guidelines §§ 15164(a), (b).

Be It Further Resolved, the JPB Secretary is directed to file a Notice of Determination promptly with the County Clerk of Santa Clara County and the State Clearinghouse; and

Be It Further Resolved, the record of this action shall be maintained by the JPB Secretary at 166 North Rollins Road in Millbrae, California.

Be It Further Resolved, that the Board of Directors of the Peninsula Corridor Joint Powers Board hereby authorizes the Executive Director or designee to execute the Cooperative Mitigation Agreement between the Parties; and

Be It Further Resolved that the Board of Directors of the Peninsula Corridor Joint Powers Board authorizes the Executive Director, or designee, to take any other actions necessary to give effect to the resolution.

Regularly passed and adopted this 6th day of August, 2026 by the following vote:

Ayes: Abe-Koga, Canepa, Cohen, Gee, Burt, Medina

Noes: None

Absent: Heminger, Wagner, Walton



Chair, Peninsula Corridor Joint Powers Board

Attest:



JPB Secretary