



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Success Dam, Tule River Basin, California; Tule River Spillway Enlargement Project, Road Relocation and Right Abutment Spillway Cut Tulare County, California

The U.S. Army Corps of Engineers, Sacramento District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Environmental Assessment (EA) dated November 2019, for the Success Dam, Tule River Basin, California; Tule River Spillway Enlargement Project, Road Relocation and Right Abutment Spillway Cut addresses proposed design modifications to the project that was authorized for construction in Title I, Section 101 of the Water Resources Development Act of 1999, Public Law No. 106-53, Section 101, 113 Statute 279 (1999).

A Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) was completed in September 1999. The 2019 Final EA is a supplemental document that incorporates proposed design refinements for the construction of Phase 1 features, including the relocation of Worth Drive/Avenue 146 and expansion of the spillway right abutment.

Three alternatives were evaluated for design refinements to the Phase 1 features: the Western Road Realignment and Right Abutment Cut, the No Action alternative, and the Road Relocation and Right Abutment Cut (proposed action alternative).

The Western Road Realignment and Right Abutment Cut was eliminated from further consideration due to cost and safety issues. This alternative would be almost double in length of the proposed action, increasing costs and the amount of property that would need to be acquired. Furthermore, this alternative would have many cuts and curves into and around slopes and hills, making this realignment longer and less safe than the proposed action. Therefore, this alternative was determined not feasible due to costs and safety.

Under the No Action alternative, the right abutment cut and road realignment would not occur. The current existing road would remain in use during normal conditions. However, the road would be closed to travel during Probable Maximum Flood (PMF) events, which have a less than 1 in 500 chance to occur in a given year. This would limit travel to the west side of Lake Success and limit access to the Rocky Hill Recreation Area during PMF events.

The proposed action is the Road Relocation and Right Abutment Cut. This alternative would realign Worth Drive/Avenue 146 such that it no longer crosses the

Success Dam spillway. Currently, Worth Drive/Avenue 146 would have to be closed during the construction of the 10 foot ogee weir spillway, creating an obstruction to vehicle passage on the existing road. Since the right abutment of the spillway needs to be wider to accommodate the ogee weir, the project development team has determined that relocating the road to a bench within the abutment cut is the safest and most economical option. Constructing the new realigned road before the spillway raise would help maintain public access to the west side of the reservoir and the Rocky Hill Recreation Area during the bulk of Phase 2 construction (Spillway Raise).

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the proposed plan is listed in Table 1.

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the EA will be implemented, as appropriate, to minimize impacts.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (USFWS) issued a biological opinion, dated 17 December 1999, which determined that the recommended plan will not jeopardize the continued existence of the following federally listed species: San Joaquin kit fox (*Vulpes macrotis mutica*), endangered (March 11, 1967, 32 FR 4001) and San Joaquin adobe sunburst (*Pseudobahia peirsonii*), threatened (February 6, 1997, 62 FR 5542). All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species. The Corps has determined that Phase 1 design refinements may affect, but are not likely to adversely affect San Joaquin kit fox and San Joaquin adobe sunburst. Due to BMPs, impacts from the Phase 1 on these two species would be less than significant.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties may be adversely affected by the recommended plan. The Corps, the California State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation entered into a Programmatic Agreement (PA) dated November, 2019. Consistent with the requirements of the PA, the Corps has implemented a Historic Property Treatment Plan to guide responses to unanticipated discoveries and mitigate for adverse effects to known historic properties. Additionally, the Corps has consulted with the following Native American tribes and communities identified by the California Native American Heritage Commission as having cultural resources interests in the Area of Potential Effects (APE): Tule River Indian Tribe, Santa Rosa Rancheria Tachi Yokut Tribe, Kern Valley Indian Community, Tubatulabals of Kern Valley, and Wuksache Indian Tribe/Eshom Valley Band. All terms and conditions resulting from the PA shall be implemented in order to avoid, minimize, and mitigate adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the Corps has determined that no discharge of dredged or fill into the nation's waters will occur during the Phase 1 construction activities. Thus the proposed action is compliant with Clean Water Act Section 404(b)(1) Guidelines and a water quality certification pursuant to Section 401 of the Clean Water Act does not need to be obtained from the Central Valley Regional Water Quality Control Board (CVRWQCB). In accordance with Section 402 of the Clean Water Act, prior to the start of ground disturbing activities, the contractor would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), obtain a National Pollution Discharge Elimination System permit, and a Construction General Permit from the CVRWQCB, including a spill prevention plan detailing the construction activities to take place, BMPs to be implemented to prevent any discharges of contaminated stormwater into waterways, and inspection and monitoring activities that would be conducted. By applying these requirements, possible adverse effects on water quality due to construction of the project would likely be less than significant.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Public review of the Draft EA and FONSI occurred from 27 September 2019 through 27 October 2019. All comments submitted during the public review period were considered and incorporated into the Final EA and FONSI, as appropriate.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

James J. Handura
Colonel, U.S. Army
Commander and District Engineer