



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

FINDING OF NO SIGNIFICANT IMPACT

Richard L. Schafer Dam, Tule River Basin, California; Tule River Spillway Enlargement Project, Road Realignment 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 April 16, 2020, for the Richard L. Schafer Dam (formerly the Success Dam), Tule River Basin, California; Tule River Spillway Enlargement Project, Road Realignment 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 2020 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 No Action alternative, the Western Road Realignment and Right Abutment Cut, and the Road Realignment and Right Abutment Spillway Cut (proposed action alternative).

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 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.

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

	Less than significant effects	Less than significant effects as a result of mitigation	Resource unaffected by action
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise and vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal special status species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vegetation and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land use and socioeconomics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Topography, geology, and soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Visual resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. The proposed action could have some temporary effects on oxides of nitrogen (NO_x) emissions due to construction activities. Implementing the BMPs identified in section 3.2.3, such as requiring off-road diesel-powered construction equipment to meet Tier-4 emission standards, would reduce the effects of the proposed action on air quality to less than significant. BMPs and mitigation to reduce impacts to threatened and endangered species, critical habitat, and historic properties are discussed in the following paragraphs. Impacts to noise would be reduced to less than significant by incorporating standard BMPs as described in section 3.3.3. For example, construction would occur during daytime hours, generally between 7 a.m. and 7 p.m.

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 (BO), dated December 17, 1999, which determined that the recommended plan will adversely affect, but 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); Giant Garter Snake (*Thamnophis gigas*), threatened (October 20, 1993, 58 FR 54053); Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*), threatened (August 8, 1980, 45 FR 52803); and San Joaquin adobe sunburst (*Pseudobahia peirsonii*), threatened (February 6, 1997, 62 FR 5542). The Corps re-initiated consultation with the USFWS in 2019 for two reasons: (1) The road relocation and spillway widening to accommodate the ogee weir design were not covered in detail in the 1999 FEIS/FEIR and accompanying Biological Data Report due to insufficient information on the future location of the road and hydraulics of the spillway; and (2) There were changes regarding the listed species referenced in the 1999 BO. The Corps received a supplemental BO from the USFWS on February 19, 2020. The Corps has determined that Phase 1 design refinements may affect, and are likely to adversely affect, only 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. All terms and conditions, conservation measures, and reasonable and prudent measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

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 December 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 resource 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, 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.

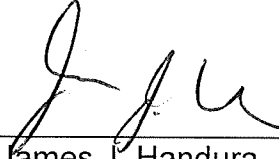
All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Public review of the Draft EA and FONSI occurred from September 27, 2019, through October 27, 2019. A public meeting was held in Porterville, CA, on October 8, 2019. No comments were received during the public review period or the public meeting.

A few minor design refinements occurred after the Draft EA went to public review. The Corps changed the location of the temporary stockpiles of blasted rock to increase efficiency and minimize environmental impacts. One sentence was added to the Final EA about the spillway gradient repair, which is part of Phase 1 and was not included in the Draft EA since the designs had yet to be finalized. Figure 3 was updated to reflect these changes. A summary was added to the Final EA to document these changes, as well as a few other changes including clerical errors.

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 from 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.

4/14/2020
Date


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