

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Reclamation Approvals Associated with the Tesoro Viejo Master Planned Community

FONSI-15-008



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

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Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-15-008

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the Tesoro Viejo Master Planned
Community**



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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for its proposed approvals associated with the Tesoro Viejo Master Planned Community (Tesoro Viejo). This draft Finding of No Significant Impact (FONSI) is supported by the U.S. Army Corps of Engineers (Corps) Decision Document/Environmental Assessment included as Attachment 1, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI between June 12 and June 23, 2017. Reclamation received three comment letters. The comment letters and Reclamation's response to comments are included in Attachment 2. Changes between this Final FONSI and the Draft FONSI, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

Background

Tesoro Viejo is a proposed development on an approximately 1,555 acre site in southeastern Madera County, about nine miles north of the city of Fresno and 13 miles east of the city of Madera. Tesoro Viejo is bisected by Reclamation facilities (i.e., the Madera Canal and Lateral 6.2) and would impact approximately 11 acres of waters of the U.S. Consequently, Reclamation and the Corps have federal discretionary actions associated with the proposed development. In order to jointly fulfill environmental compliance requirements, Reclamation and the Corps agreed to jointly share responsibility for NEPA through review and preparation of the Corps' Decision Document/Environmental Assessment. The Corps acted as lead for Section 106 of the National Historic Preservation Act (NHPA) and Reclamation acted as lead for the Section 7 of the Endangered Species Act (ESA). Neither the Corps nor Reclamation have land use authority or jurisdiction over the proposed development. Madera County has land use authority over the Tesoro Viejo development project. The County analyzed and approved the Tesoro Viejo Specific Plan as described below.

Tesoro Viejo Master Planned Community

In 2012, Madera County approved the Tesoro Viejo Specific Plan that outlined the planned development of Tesoro Viejo. Impacts relating to the development of Tesoro Viejo were analyzed by the County pursuant to the California Environmental Quality Act (CEQA) under a Revised Final Environmental Impact Report (SCH #2006111123). Madera County determined that with the implementation of mitigation measures that the majority of resources would result in less than significant impacts as defined by CEQA. Madera County found that significant and unavoidable impacts would occur due to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, increase in ambient noise, and cumulative transportation impacts resulting from projected increases in congestion and levels of service for existing roadways. Madera County issued a Notice of Determination with a statement of Overriding Considerations on November 5, 2012. Approval of the development was conditioned on

implementation of all of the mitigation measures included in the Tesoro Viejo Mitigation Monitoring and Reporting Program (Attachment 3).

The project proposes a mixed-use development consisting of up to 5,170 dwelling units, about 3 million square feet of commercial, retail, office, public institutional, and light industrial uses, approximately 218 acres of mapped open space, and approximately 128 acres of additional open space and recreational areas associated with boulevards, trails, and neighborhood parks that would be incorporated in developed areas. Another 37 acres would be set aside for utilities and stormwater facilities (including detention basins), at least up to 60 acres for K-8 and K-12 schools, and 28 acres for the potential right-of-way for the realignment of State Route (SR) 41 (a separate action proposed by Caltrans that is not associated with the development). The population at project buildout is projected to be approximately 15,000 residents. Full project buildout is anticipated to be completed by 2030. Figures of the proposed development are included in Attachment 1.

The project proponents for Tesoro Viejo have entered into a Water Supply Agreement with Madera Irrigation District in order to receive up to 3,000 acre-feet per year (AFY) of Madera Irrigation District's pre-1914 appropriative water rights to North Fork Willow Creek (referred to as Soquel water) for municipal and industrial (M&I) purposes. In order to convey the water to Tesoro Viejo, Madera Irrigation District has requested approval from Reclamation to add an additional points of delivery to their Soquel water Warren Act Contract(s).

Proposed Action

Reclamation proposes to issue land use authorization(s) to the County of Madera for the proposed construction, operation, and maintenance of four free-span bridge crossings over the Madera Canal, the piping of Lateral 6.2, and various road crossings through Reclamation right-of-way.

Reclamation also proposes to add Lateral 6.2 and the San Joaquin River as additional points of delivery to Madera Irrigation District's Warren Act Contract for the delivery of up to 3,000 AFY of Madera Irrigation District's Soquel water to Tesoro Viejo for M&I purposes.

Specific details of the actions associated with Reclamation's approvals are described below.

Madera Canal Proposed Modifications

Project proponents for Tesoro Viejo propose the following modifications along the portion of the Madera Canal that runs through the Tesoro Viejo site. See Attachment 3 for an overall site plan.

Bridge No. 7 – Pedestrian Bridge Mile Marker 6.10

The existing vehicular bridge at Mile Marker 6.09 would be replaced with a new pedestrian bridge crossing at Mile Marker 6.10. The nearby trash removal structure and drainage culvert would remain. The new bridge structure would be a free spanning steel structure with a timber-covered structure. The pedestrian pathway width would be 13'-2" and have a 56'-3" span. The bridge would have a minimum vertical clearance of three feet from the future projected top of the canal lining and a minimum five-foot horizontal clearance from the future projected top of canal

lining to the proposed abutment in accordance with Reclamation's guidelines. Footings for the bridge would be located within Reclamation's right-of-way but outside the canal alignment. The abutment of the bridge would be approximately 10 feet deep. The existing maintenance roads would be realigned in their approach to facilitate safe crossings at the future roadways/trails proposed for the development. Project Proponents will provide access easements to Reclamation to accommodate the new access roads which fall outside the existing Reclamation right-of-way. Access roads would be paved to the access gates, and roads would be gravel surfacing from the access gate to the existing maintenance road. A 6'-8" high tubular steel fence and gates would be installed adjacent to and within Reclamation's right-of-way to control access to federal facilities. Landscaping consisting of grasses and shrubs would be installed at each end of the bridge and entry into Reclamation's facilities. Drip irrigation would be installed for the landscaped areas and would drain away from the canal. Landscaping would be located within and outside Reclamation right-of-way. Dry utilities and landscape irrigation conduits would be installed within the bridge in steel sleeves. The architectural style of the bridge would be similar to the timber covered structures of the 1930's and 1940's with decorative pilasters at the entries, corrugated metal roof, wood deck and required safety features, including wire mesh fencing between the railing and roof structure along both sides of the bridge. Fencing would be seven feet in height on top of a four-foot railing connecting to a concrete pilaster. The perimeter fencing would also connect to the concrete pilaster (7'-10" tall and approximately three feet square) to prohibit access into Reclamation right-of-way.

Bridge No. 9 – Vehicular and Pedestrian Bridge Mile Marker 6.40

A new concrete arch bridge would be installed at Mile Marker 6.40. The prefabricated concrete bridge would have a width of 52 feet inclusive of 2-1" wide bridge walls and a 50-foot arch span to accommodate a minimum vertical clearance of three feet from the future projected top of the canal lining and a minimum five-foot horizontal clearance from the future projected top of canal lining to the proposed abutment in accordance with Reclamation's guidelines. Footings would be located within Reclamation right-of-way but outside the canal alignment. The abutment of the bridge would be approximately five feet deep. The existing maintenance roads would be realigned in their approach to facilitate safe crossings at the future roadways proposed for the development. Project Proponents will provide access easements to Reclamation to accommodate the new access roads which fall outside the existing Reclamation right-of-way. Access roads would be paved to the access gates, and roads would be gravel surfacing from the access gate to the existing maintenance road. A 6'-8" high tubular steel fence and gates would be installed adjacent to and within Reclamation's right-of-way to control access to federal facilities. Landscaping consisting of trees, grasses and shrubs is proposed at each end of the bridge adjacent to the maintenance roads. Drip irrigation would be installed for the landscaped areas and would drain away from the canal. Landscaping would be located within and outside Reclamation right-of-way. The bridge construction would include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. These utilities would be extended within the bridge and through Reclamation's right-of-way. The sewer main would be a jack and bore for a 21-inch steel casing that would accommodate a 12-inch PVC sewer main crossing under the canal. All other utilities within the bridge would be in steel sleeves. The architectural style of the bridge is similar to the rock culvert arch style bridges of the 1940's with decorative pilasters at the entries and required safety features including tubular steel fence (4'-4") on top of the concrete railing (28 inches) on both sides of the bridge connecting to a concrete pilaster. The perimeter fencing would also connect

to the concrete pilaster (7'-10" tall and approximately three feet square) to prohibit access into Reclamation right-of-way.

Bridge No. 10 – Vehicular and Pedestrian Bridge Mile Marker 5.64

A new concrete arch bridge would be installed at Mile Marker 5.64 and would replace the existing vehicular bridge at Mile Marker 5.68 which would be removed. The prefabricated freespan concrete bridge would have a width of 64 feet inclusive of 2-1" wide bridge walls and a 61-foot arch span to accommodate a minimum five-foot horizontal clearance from the future projected top of the canal lining to the proposed abutment in accordance with Reclamation's guidelines. Footings would be located within Reclamation right-of-way but outside the canal alignment. The abutment of the bridge would be approximately five feet deep. The existing maintenance roads would be realigned in their approach to facilitate safe crossings at the future roadways proposed for the development. Project Proponents will provide access easements to Reclamation to accommodate the new access roads which fall outside the existing Reclamation right-of-way. Access roads would be paved to the access gates, and roads would be gravel surfacing from the access gate to the existing maintenance road. A 6'-8" high tubular steel fence and gates would be installed adjacent to and within Reclamation's right-of-way to control access to the federal facilities. Landscaping consisting of trees, grasses and shrubs would be installed at each end of the bridge adjacent to the maintenance roads. Landscape drip irrigation would slope towards the canal and be diverted laterally with no runoff directed into the canal. Landscaping would be located within and outside Reclamation right-of-way. The bridge would include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. All utilities located within the bridge would be placed in steel sleeves. These utilities will be extended from within the bridge and through Reclamation's right-of-way. The sewer main would be a jack and bore for a 21-inch steel casing that would accommodate a 12-inch PVC sewer main crossing under the canal. The architectural style of the bridge would be similar to the rock culvert arch style bridges of the 1940's with decorative pilasters at the entries and required safety features including a tubular steel fence (4'-4") on top of the concrete railing (28 inches) on both sides of the bridge connecting to a concrete pilaster. The perimeter fencing would also connect to the concrete pilaster (7'-10" tall and approximately three feet square) to prohibit access into Reclamation right-of-way.

Bridge No. 11 – Vehicular and Pedestrian Bridge Mile Marker 5.36

A new concrete arch bridge would be installed at Mile Marker 5.36. The prefabricated concrete bridge would have a width of 36 feet inclusive of 2-1" wide bridge walls and a 61-foot arch span to accommodate a minimum vertical clearance of three feet from the future projected top of canal lining and a minimum five-foot horizontal clearance from the future projected top of canal lining to the proposed abutment in accordance with Reclamation's guidelines. Footings would be located within Reclamation right-of-way but outside the canal alignment. The abutment of the bridge would be approximately five feet deep. The existing maintenance roads would be realigned in their approach to facilitate safe crossings at the future roadways. Project Proponents will provide access easements to Reclamation to accommodate the new access roads which fall outside the existing Reclamation right-of-way. Access roads would be paved to the access gates, and roads would be gravel surfacing from the access gate to the existing maintenance road. A 6'-8" high tubular steel fence and gates would be installed adjacent to and within Reclamation's right-of-way to control access to Reclamation's facilities. Landscaping consisting of trees, grasses and shrubs would be installed at each end of the bridge adjacent to the maintenance

roads. Landscape drip irrigation would slope towards the canal and be diverted laterally with no runoff directed into the canal. Landscaping is located within and outside Reclamation right-of-way. The bridge would include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. These utilities would be extended within the bridge and through Reclamation's right-of-way. All utilities located within the bridge would be placed in steel sleeves. The architectural style of the bridge is similar to the rock culvert arch style bridges of the 1940's with decorative pilasters at the entries and required safety features including a tubular steel fence (4'-4") on top of the concrete railing (28 inches) on both sides of the bridge connecting to a concrete pilaster. The perimeter fencing would also connect to the concrete pilaster (7'-10" tall and approximately three feet square) to prohibit access into Reclamation right-of-way.

Madera Canal Berms

There are existing berms along the southerly and northerly sides of the Madera Canal. Project Proponents would reduce the height of the southerly berm along the Madera Canal (consisting of approximately 70,000 cubic yards) an average of three to 12 feet to match the surrounding elevations. The existing berms located along both sides of the Madera Canal would also be excavated approximately 15 feet at the bridge crossings to facilitate the construction of the roadway to allow ingress and egress to and from the Project areas.

Operation and Maintenance

The bridges would be owned and maintained by the County of Madera. All landscaping adjacent to the bridges would be maintained by the Tesoro Viejo Homeowner's Association. Maintenance of the berms, including weed abatement and erosion control, would be performed by Madera County and/or the Tesoro Viejo Homeowners' Association. Operation and maintenance of the Madera Canal would continue to be done by the Madera-Chowchilla Water Power Authority.

Piping of Lateral 6.2

Project proponents for Tesoro Viejo propose to replace approximately 1.12 miles of the unlined Lateral 6.2 open channel with approximately 12,000 linear feet of pipeline consisting of two parallel 84-inch diameter reinforced concrete pipes. Replacing this section of the Lateral with concrete pipes would involve the removal of the following existing structures: the metering bridge at approximately Mile Marker 0.22 (to be relocated to Mile Marker 1.06), the drop flume at Mile Marker 0.50, and the turnout structure at approximately Mile Marker 0.56 which would be replaced with a new turnout as described below. The existing drop flume located at SR 41 would remain. Attachment 3 provides an overall site plan of the piping of Lateral 6.2.

The concrete pipes would be installed within the Lateral's current alignment and grade. Some minor excavation and backfill of the bottom of the Lateral is anticipated prior to placement of the pipes. The concrete pipelines would follow the existing alignment of Lateral 6.2 and would be backfilled with native dirt with a minimum pipe cover of three feet. The existing berm along the west side of Lateral 6.2 (consisting of approximately 35,000 cubic yards) would be removed and used as material for backfill. Grading would occur during backfill to match the existing adjacent grades.

Manholes would be installed along the pipeline at horizontal bends, and at 500 foot maximum spacing. The existing conveyance capacity of Lateral 6.2 would be retained with the pipeline construction and there would not be a noticeable change in flowrate, water surface elevation, or channel velocity downstream of the pipe existing discharge point.

A new 30-inch turnout would be installed at approximately Mile Marker 0.76 (approximately 1,055 feet downstream from its present location) to replace the existing turnout structure being removed. The new turnout would extend outside of Reclamation right-of-way to the proposed pump station on the Tesoro Viejo property. The new turnout would supply Madera Irrigation District's Soquel water to Tesoro Viejo's proposed water treatment plant prior to distribution throughout the project site.

A multi-use access road and pedestrian path would be installed to allow access to the pipeline manholes and for pedestrian use. Landscaping consisting of grasses, shrubs and trees acceptable to Reclamation and Madera Irrigation District, Reclamation's operating entity for Lateral 6.2, would be installed within the right-of-way.

Four new road crossings would be installed once Lateral 6.2 is piped as described below:

Roadway Crossing No. 2 – Vehicular – Mile Marker 0.98

A 62-foot street cross section would be installed with two 12-foot travel lanes, parking, sidewalks, and landscape. The roadway would also include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. These utilities would be extended through Reclamation's right-of-way.

Roadway Crossing No. 3 – Vehicular – Mile Marker 0.81

A 62-foot street cross section would be installed with two 12-foot travel lanes, parking, sidewalks, and landscape. The roadway would include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. The Sewer Main, Water Mains, Electric and Gas Mains would be installed below the existing canal in steel casings prior to pipeline construction of Lateral 6.2. These utilities would be extended through Reclamation's right-of-way. All utility crossings would be under Lateral 6.2 and open cut across this portion of the Lateral with future accommodations for the roadway crossing.

Roadway Crossing No. 4/5 – Vehicular – Mile Marker 0.50/Mile Marker 0.31

The existing bridge structure would remain until such time as the Lateral 6.2 pipeline is completed, at which time the existing bridge and flume structure would be removed. The new roadway alignment construction at Mile Marker 0.31 would consist of a 62-foot street cross section with two 12-foot travel lanes, parking, sidewalks, and landscape. The roadway would also include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications pipelines and conduits. These utilities would be extended within the roadway and through Reclamation's right-of-way with the exception of the sewer main. The Sewer Main would be open cut and placed under Lateral 6.2 with a 27-inch steel casing to accommodate an 18-inch PVC Sewer Main. The construction of the sewer main would occur prior to the construction of the pipeline.

Roadway Crossing No. 8 – Vehicular Mile Marker 0.05

A 118-foot street cross section would be installed with four 12-foot travel lanes, an 18-foot landscape median, parking, sidewalks, and landscape. The roadway would include utility crossings consisting of sewer, water, recycled water, storm drain, gas, electric and telecommunications. These utilities would be extended through Reclamation's right-of-way.

Operation and Maintenance

The landscaped area above Lateral 6.2 would be maintained by the Tesoro Viejo Homeowner's Association and/or County of Madera. Any tree planting shall maintain a minimum horizontal separation of 10 feet from the underground pipeline. Landscape irrigation shall consist of drip irrigation. Operation and maintenance of Lateral 6.2 would continue to be done by Madera Irrigation District.

Equipment Staging

All equipment and materials staging and soil stockpiles would be within the designated ground-disturbance areas for Tesoro Viejo and outside Reclamation rights-of-way. All of these temporary-use areas would be protected by the same avoidance and minimization measures, best management practices, and other environmental protection measures as the development area itself (see Attachment 2). No off-road vehicle access, staging, or soil stockpiling will take place outside the designated ground-disturbance area.

Water Supplies for Tesoro Viejo

As noted previously, Tesoro Viejo project proponents have entered into a Water Supply Agreement with Madera Irrigation District to supply up to 3,000 AFY of Soquel Water to serve all dwelling units and commercial and industrial uses throughout the development site. This is the primary water supply for the proposed development. However, project proponents also have existing rights to withdraw groundwater from the property consistent with County requirements and to withdraw water from the San Joaquin River pursuant to Reclamation Holding Contract No. 7.

Tesoro Viejo only intends to utilize groundwater as an emergency backup water supply to supplement its surface water supplies if necessary. The maximum quantity of groundwater Tesoro Viejo would utilize is 400 AFY. Any groundwater used by Tesoro Viejo is required to be replaced by the County of Madera at a 1:1 ratio consistent with the County's groundwater balance policy for new residential and commercial developments.

Madera Irrigation District's Soquel water can only be diverted by Madera Irrigation District from October 1st to July 31st of the following year. During the period of non-diversion (August 1st through September 30th), Tesoro Viejo project proponents will either deliver water previously stored on site and/or Madera Irrigation District will provide Tesoro Viejo with Soquel water previously stored in Millerton Lake pursuant to their Warren Act Contract(s) with Reclamation. The Soquel water would only be introduced into federal facilities when there is excess capacity, as determined by Reclamation. Soquel water would either be delivered to Tesoro Viejo from Lateral 6.2 or off the San Joaquin River through Tesoro Viejo's existing Reclamation Holding Contract No. 7 facilities. Existing River diversion pumps and water pipeline infrastructure are already in place and in use for purposes of diverting Holding Contract No. 7 water to the project

site for irrigation purposes. No construction or modifications of this existing diversion system are needed to allow the delivery of Soquel Water.

A water treatment system will be installed that would recycle the used Soquel water, which will then be distributed throughout the site in a purple pipe distribution system for irrigation of open space, parks, and trails. Agricultural irrigation water for crop cultivation that is currently supplied to the Project site pursuant to Holding Contract No. 7 would continue to be used for irrigation of the agricultural vignettes that are dispersed throughout the Project area consistent with that contract.

Open Space Preserve

Tesoro Viejo shall include approximately 187 acres of on-site open space preserve, which includes 42.28 acres of preserved waters of the U.S. The open space preserve shall be placed under a conservation easement and managed in perpetuity according to an approved Wetlands and Open Space Long-Term Management Plan. The open space preserve includes the preserved waters of the U.S. plus a 50-foot buffer from the edge of the waters of the U.S. to the development area. In addition to the 50-foot buffer, an approximately 77-acre multi-purpose trail system would be included along the outer edge of large portions of the 50-foot buffer and serve as additional buffer between the proposed development and the preserve area. The trail system would be 30 to 50 feet wide and would include a 12-foot multi-purpose trail with the remaining area being used for bio-swales and other landscape improvements.

Environmental Commitments

Reclamation, Project Proponents, and the County of Madera shall implement the environmental protection measures listed in Table 1 to reduce environmental consequences associated with the Proposed Action.

Table 1 Environmental Protection Measures

Resource	Protection Measure
Biological Resources	All terms and conditions of the Biological Opinion for the Project shall be implemented (Attachment 1 – Appendix C).
Various	All terms and conditions of the Corps Clean Water Act 404 Permit shall be implemented (Attachment 1).
Various	All terms and conditions of the State Water Resources Control Board Clean Water Act 401 certification shall be implemented (Attachment 1 – Appendix D).
Various	All mitigation measures included in the Tesoro Viejo’s Mitigation Monitoring Program for the Project shall be implemented (Attachment 3).

Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

Based on the Corps Decision Document/Environmental Assessment prepared for the Project, including implementation of environmental commitments listed in Table 1, Reclamation finds that the Proposed Action described above is not a major federal action that will significantly affect the quality of the human environment. Following are the reasons why the impacts of the Proposed Action are not significant:

- The Proposed Action will not have a significant effect on the quality of the human environment (40 CFR 1502.3).
- The Proposed Action will not have highly controversial environmental effects (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). Although the Corps determined that there are unresolved conflicts with respect to resource use, they also determined that there are no practicable alternative locations or methods to accomplish the overall project purpose, nor practicable alternatives that would have fewer impacts than the proposed project.
- The Proposed Action will not significantly impact public health or safety (40 CFR 1508.27(b)(3)).
- The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)). Although the County of Madera determined that there would be significant and unavoidable impacts to prime and unique farmland pursuant to CEQA as described above, prime and unique farmland on the project site represents less than 0.9 percent of the total farmland in Madera County and is not considered significant pursuant to NEPA.
- The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
- The Proposed Action will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)).
- The Proposed Action will not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).
- The Proposed Action will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01), 43 CFR 46.215 (g)). The Corps consulted with the State Historic Preservation Officer (SHPO) on the Project, including Reclamation's actions associated with Tesoro Viejo, and received concurrence on a finding of no adverse effect to historic properties pursuant to 36 CFR § 800.5(b). SHPO concurrence is included as Appendix C in Attachment 1.
- The Proposed Action will not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)). As the project may affect California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp

(*Branchinecta lynchi*), succulent owl's clover (*Castilleja campestris* spp. *succulenta*), San Joaquin kit fox (*Vulpes macrotis mutica*), and designated critical habitat for succulent owl's-clover and California tiger salamander, Reclamation requested formal consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service issued its non-jeopardy biological opinion (08EEMF00-2015-F-0982) on April 5, 2017 (Appendix C in Attachment 1).

- The Proposed Action will not violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)).
- The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- The Proposed Action will not disproportionately affect minorities or low-income populations and communities as there are none in the Proposed Action area (EO 12898, 43 CFR 46.215 (j)).
- The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)).
- The Proposed Action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (l)).