

BUREAU OF RECLAMATION
CATEGORICAL EXCLUSION CHECKLIST
Mid-Pacific Region
Lahontan Basin Area Office

Project Name: Frey Ranch LLC, H5 Drain Crossing, Newlands Project, Nevada.

CEC Number: LO – 2012-1004

Cost Authority: A1R-1752-9652-260-00-6-7

Date: April 25, 2012

Exclusion Category: *516 DM 14.5 D.10 – Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.*

Nature of Action: The Applicant, Frey Ranch LLC has requested Lahontan Basin Area Office (LBAO) consent to install a driveway crossing over the H5 Drain at Pasture Road, located approximately 10 miles south of Fallon, Churchill County, Nevada. The purpose of the driveway is to provide access for farm equipment from Pasture Road to the applicant's agricultural fields. The applicant is the underlying property owner.

The proposal includes placing up to a 48 inch by 50 foot plastic culvert pipe in the bottom of the drain. Earthen fill would be placed on top of the pipe and compacted, which will create the access point to the private property. The width of the driveway would be approximately 20 feet wide. All earthen fill and surfacing would be constructed using native materials. Refer to photos and map on pages 5 and 6.

Reclamation engineering has reviewed the proposed design for the crossing and concluded it is adequate for maintenance of project function. Responsibility for maintaining the crossing would remain with the landowner.

The applicant has indicated they would like to begin construction of the crossing before the irrigation season begins in Spring 2012.

Location: The project site is located in the Newlands Project Area, approximately 10 miles south of Fallon, Churchill County, Nevada.

SE1/4 of Section 7, T17N, R29E M.D.M.

Evaluation of Criteria for Categorical Exclusion

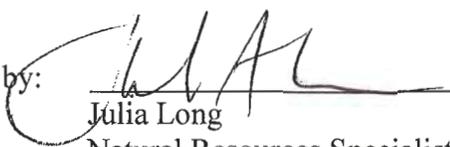
1. This action would have a significant effect on the quality of the human environment. (40 CFR 1502.3).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E) and 43 CFR 46.215 (c)].	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
3. This action will have significant impacts on public health or safety (43 CFR 46.215(a)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
4. This action would have significant impacts such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principle drinking water aquifers; prime farmlands; wetlands (E.O.11990); floodplains (E.O. 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
5. The action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risk (43 CFR 46.215 (d)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
6. This action would establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau (in coordination with a Reclamation cultural resources professional, RM LND 02-01 D(1)(a)) (43 CFR 46.215 (g)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___

significant impacts on designated Critical Habitat for these species (43 CFR 46.215 (h)).		
10. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment (43 CFR 46.215 (i)).		No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
11. This action would have a disproportionately high and adverse effect on low income or minority populations (E.O. 12898) (43 CFR 46.215 (j)).		No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
12. This action would 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 (E.O. 13007 and 43 CFR 46.215 (k)).		No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
13. This action would affect Indian Trust Assets. (To be completed by Reclamation official responsible for ITAs) (S.O. 3175; Policy Memorandum dated 12/15/93).		No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
14. This action would 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, E.O. 13112, and 43 CFR 46.215 (l)).		No <input checked="" type="checkbox"/> Uncertain ___ Yes ___

NEPA Action Recommended: Categorical Exclusion EA ___ EIS ___

Environmental commitments, explanation, and/or remarks:

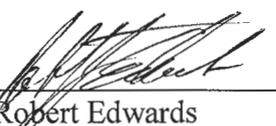
See the attached correspondence from the Mid-Pacific Region Cultural Resources Division regarding concurrence with Item 8 (cultural resources), and from Patricia Rivera regarding Item 13 (Indian Trust Assets).

Prepared by: 
Julia Long
Natural Resources Specialist

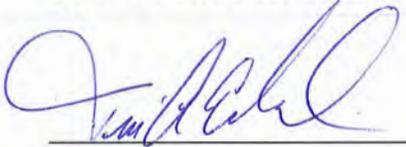
4-26-12
Date

Recommended: 
Pete Neugebauer
Water and Lands Specialist

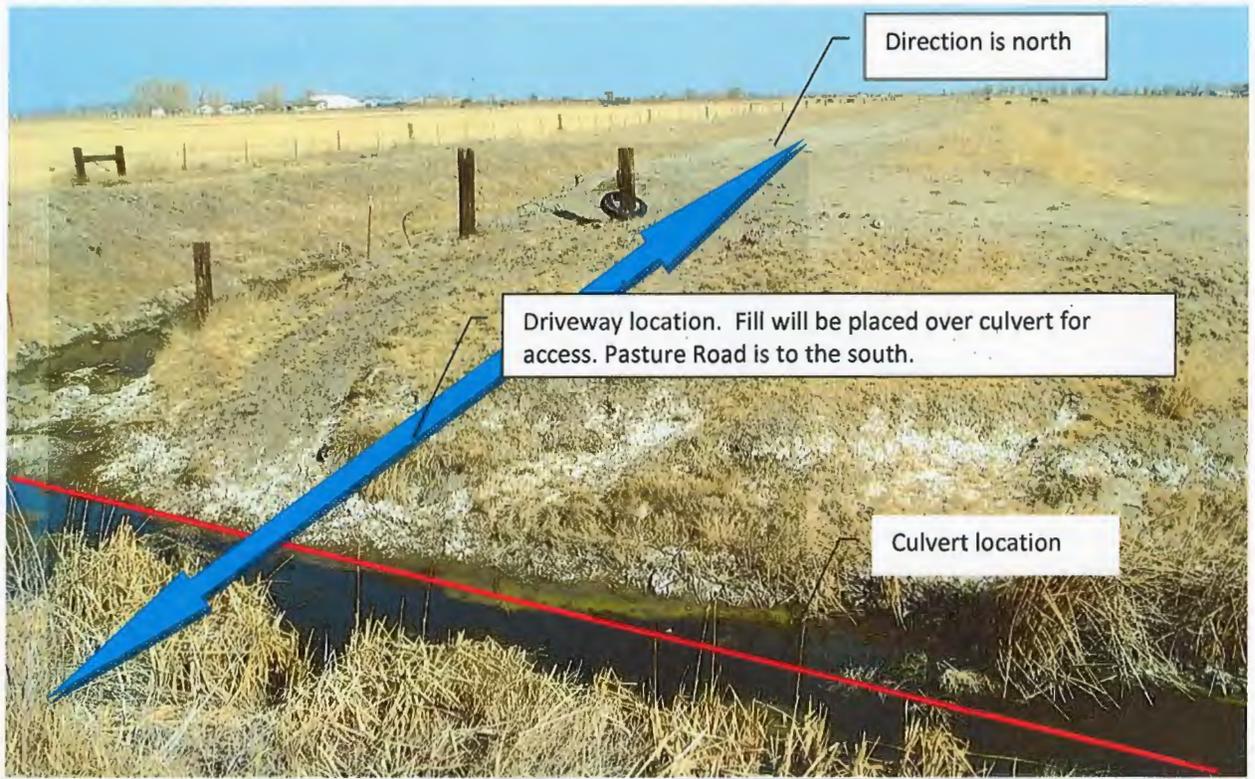
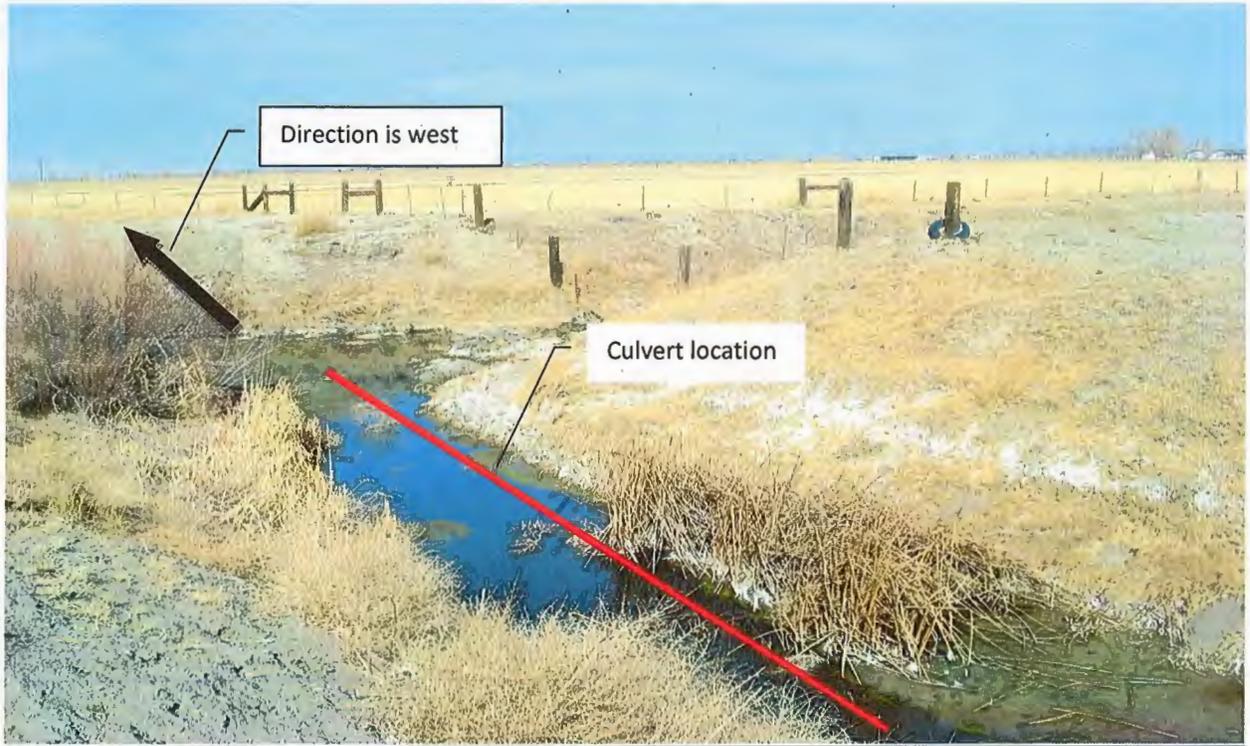
04/26/2012
Date

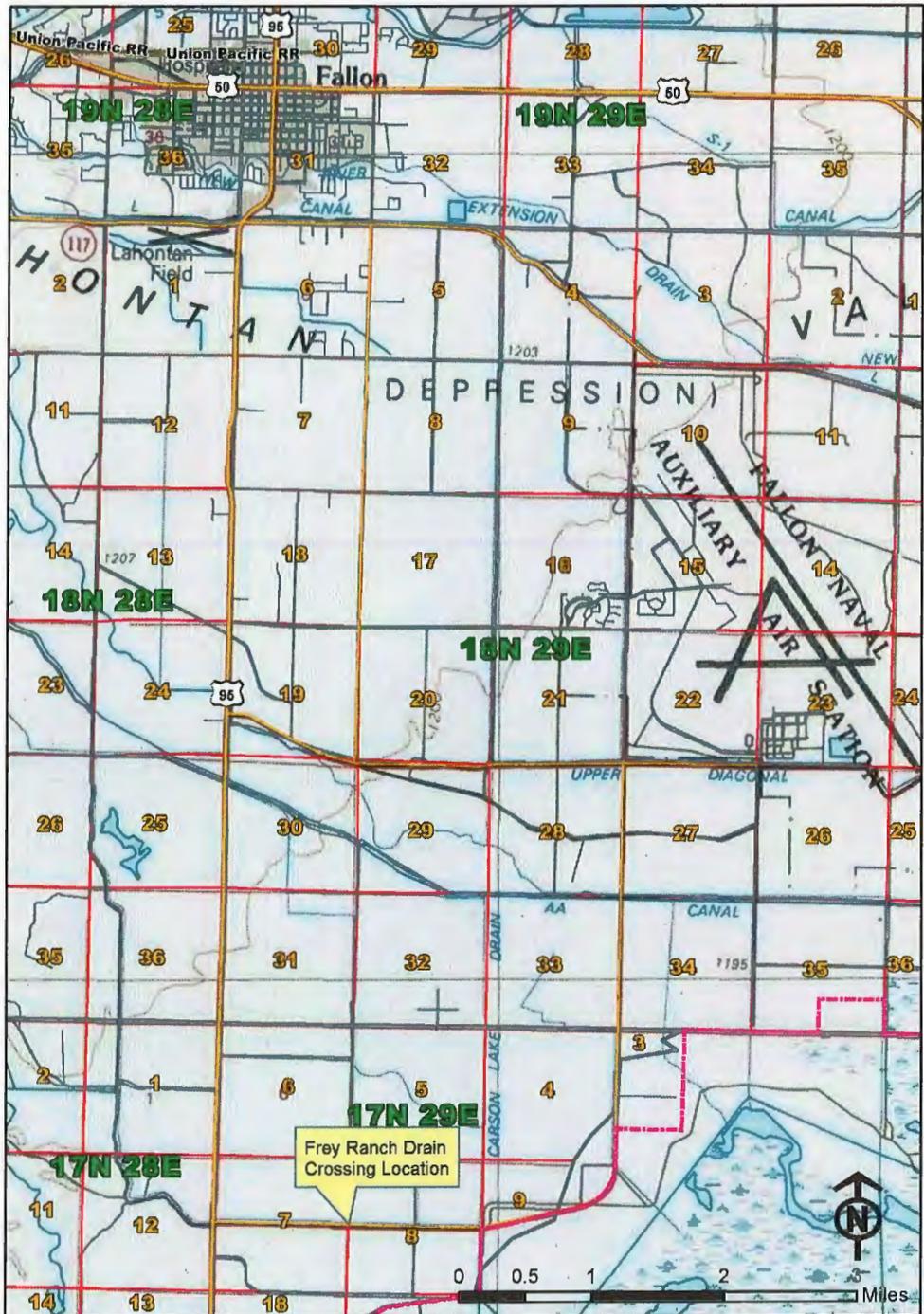
Concurrence: 
Robert Edwards
Resource Division Manager

04/27/2012
Date

Approved: 
Terri Edwards
Deputy Area Manager

4/27/2012
Date





**Frey Ranch LLC H5 Drain Crossing
Fallon, Newlands Project, Nevada**

Long, Julia A

From: Overly, Stephen A
Sent: Thursday, April 26, 2012 1:17 PM
To: Long, Julia A
Cc: Fogerty, John A; Bruce, Brandee E; Barnes, Amy J; Nickels, Adam M; Goodsell, Joanne E; Williams, Scott A; Soule, William E; Dunay, Amy L; Perry, Lauren (Laurie) M
Subject: RE: LO-2012-1004 CEC

12-LBAO-139

Julia,

In reference to CEC Number LO-2012-1004, the action to consent to the placement of one culvert pipe in the H5 Drain, a Reclamation conveyance facility of the Newlands Project, was determined to not meet the definition of a Section 106 of the National Historic Preservation Act (NHPA) undertaking (36 CFR Part 800.16y). Reclamation owns the conveyance via an 1890's Canal Act Easement but does not retain landowner status to the land. Reclamation has management responsibilities to its historic properties, and will determine if the drain is eligible for inclusion in the National Register of Historic Places (National Register) and seek a consensus determination with the State Historic Preservation Officer (SHPO).

Due to the fact that there is not a Section 106 undertaking and that the placement of the culvert pipe in the H5 Drain will not hinder Reclamation's ability to move and deliver water, Reclamation can now close the Section 106 process by stating that the proposed project is not an undertaking as defined by 36 CFR Part 800.16y.

Please forward MP-153 photographs of the drain after the culvert has been installed and retain a copy of this e-mail for the administrative record for this project.

Thanks,
Tony

Stephen (Tony) Overly, M.A. Archaeologist
U.S. Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, MP-153
Sacramento, CA 95825
916-978-5552



From: Long, Julia A
Sent: Thursday, April 26, 2012 9:07 AM
To: Overly, Stephen A
Subject: LO-2012-1004 CEC

Hi Tony,

I hope you are well. Attached is a CEC with photos and a map for your review and concurrence. Please let me know if you need additional information.

Thank you,

Julia Long
Natural Resources Specialist
Lahontan Basin Area Office
Bureau of Reclamation
705 North Plaza St. Suite 320
Carson City, NV 89701
Ph: 775-884-8372
Fax: 775-882-7592
jlong@usbr.gov

Long, Julia A

From: Rivera, Patricia L
Sent: Thursday, April 26, 2012 10:55 AM
To: Long, Julia A
Subject: RE: ITA Request for LO-2012-1004

Julia,

I reviewed the proposed action to approve the Applicant, Frey Ranch's request to install a driveway crossing over the H5 Drain at Pasture Road, located approximately 10 miles south of Fallon, Churchill County, Nevada. The purpose of the driveway is to provide access for farm equipment from Pasture Road to the applicant's agricultural fields. The applicant is the underlying property owner.

The proposal includes placing up to a 48 inch by 50 foot plastic culvert pipe in the bottom of the drain. Earthen fill would be placed on top of the pipe and compacted, which will create the access point to the private property. The width of the driveway would be approximately 20 feet wide. All earthen fill and surfacing would be constructed using native materials.

Reclamation engineering has reviewed the proposed design for the crossing and concluded it is adequate for maintenance of project function. Responsibility for maintaining the crossing would remain with the landowner.

The applicant has indicated they would like to begin construction of the crossing before the irrigation season begins in Spring 2012.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Fallon Colony approximately 9 miles North of the project location.

Patricia