

## CATEGORICAL EXCLUSION CHECKLIST

**Project Name:** Hazen Water Inlet Closure, Truckee Canal, Newlands Project, Nevada

**CEC Number:** LO – 2011-1010

**Cost Authority:** A20 1912 4999 100 00 0 0

**Date:** May 3, 2011

**Exclusion Category:** *516 DM 14, 14.5.C.3.* – Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.

**Nature of Action:** USDI Bureau of Reclamation, Lahontan Basin Area Office is directing Truckee Carson Irrigation District (TCID) to close the Hazen Pipeline inlet located at approximate station 1294+90 (milepost 24.52) on the Truckee Canal (see Fig 1). This will be accomplished by welding a metal plate over the mouth of the inlet pipe during the time the Truckee Canal is dewatered.

A 6604 foot long pipeline right of way grant is currently authorized to Southern Pacific Railroad for a 6 inch diameter pipeline via Right-of-Way Grant Serial Number NVN 0 043251. The railroad company no longer uses the water for the purpose under which the original grant was issued. The pipeline is currently open at the canal inlet without any means to prevent water from entering the pipeline within the Truckee Canal right of way (see Fig 2). The pipeline terminates in a reservoir adjacent to the canal.

On March 23, 1906, Reclamation entered into an agreement with the Central Pacific Railroad to deliver 200,000 gallons per day for railroad purposes at Hazen, Nevada. Water after that time was also used by the residents of Hazen. Prior to the 1930s the United States, and during the 1930's TCID, granted a hookup for domestic use. In 1978 Southern Pacific Railroad sold the land, pipeline and reservoir to Acqua Terra, a developer who planned a housing development. Acqua Terra did not file to have the right-of-way transferred. They maintained the pipeline until 1987 when the State Water Engineer ruled that Acqua Terra did not own the water rights.

During the 1970s Nevada Department of Environmental Protection (NDEP), Health Division, became involved in water quality concerns, specifically with arsenic and manganese, and the location of the water system with respect to downstream flows from the Reno-Sparks sewage treatment plant. It prohibited expansion of the town unless a minimum treatment of coagulation, filtration and chlorination are added to the system, as the current filtration system of sand was inadequate. Numerous violations were referred to the US Environmental Protection Agency (EPA) for enforcement. In 1992 the owner of Acqua Terra informed the EPA that the former users of this system had switched to well water, and in 1993 the EPA concluded Hazen was no longer a Public Water System per federal definition.

In November 2010 the Truckee Canal was dewatered to allow TCID to make necessary repairs. During this time, with no water flowing in the canal and no water being diverted to the Hazen reservoir, the community complained that their source of water had dried up. Investigations indicated that the community of Hazen most likely did not have a valid water right for this water, and therefore further diversion from the Truckee Canal should not be allowed. There are indications that this water is being used for household purposes.

Nevada Revised Statute (NRS) 445A.015 states: "Every owner, agent manager, operator or other person having charge of any waterworks furnishing water for public use shall: 1. Knowing permit any act or omit any duty or precaution by reason whereof the purity or healthfulness of the water supplied shall become impaired is guilty of a gross misdemeanor."

Nevada Administrative Code (NAC) 445A.663 adopts numerous codes and standards which prohibit non-potable water connections to residential homes.

Reclamation believes that to allow the unauthorized diversion to continue may be a violation of these statutes and codes, as well as an unauthorized use of Newlands Project water. Therefore the inlet will be temporarily closed before the Truckee Canal is rewatered this year. Permanent removal of the structure may be considered in the future and will be addressed in a separate NEPA document.

**Location:** The pipeline inlet is located in the SE1/4 of the NW1/4 of Section 4, T 19 N, R 26 E, MDM, Churchill County, Nevada. This proposed project is located on the USGS Hazen, Nevada, quadrangle map.

#### 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 <input type="checkbox"/> Yes <input type="checkbox"/>
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 (e)].	No <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/>
3.	This action will have significant impacts on public health or safety (43 CFR 46.215(a)).	No <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/>
4.	This action would have significant impacts on 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	No <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/>

	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)).	
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 significant impacts on designated Critical Habitat for these species (43 CFR 46.215 (h)).	No <input checked="" type="checkbox"/> Uncertain ___ Yes ___
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 ___

<p>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)).</p>	<p>No <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/></p>
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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: Andrea J. Minor 4/29/11  
 Date

Recommended: Andrea J. Minor 5/3/11  
 Andrea J. Minor  
 Natural Resource Specialist  
 Date

Concurrence: Robert J. Edwards 5/6/2011  
 Robert J. Edwards  
 Resource Division Manager  
 Date

Approved: Kenneth L. Parr 5/9/11  
 Kenneth L. Parr  
 Area Manager  
 Date

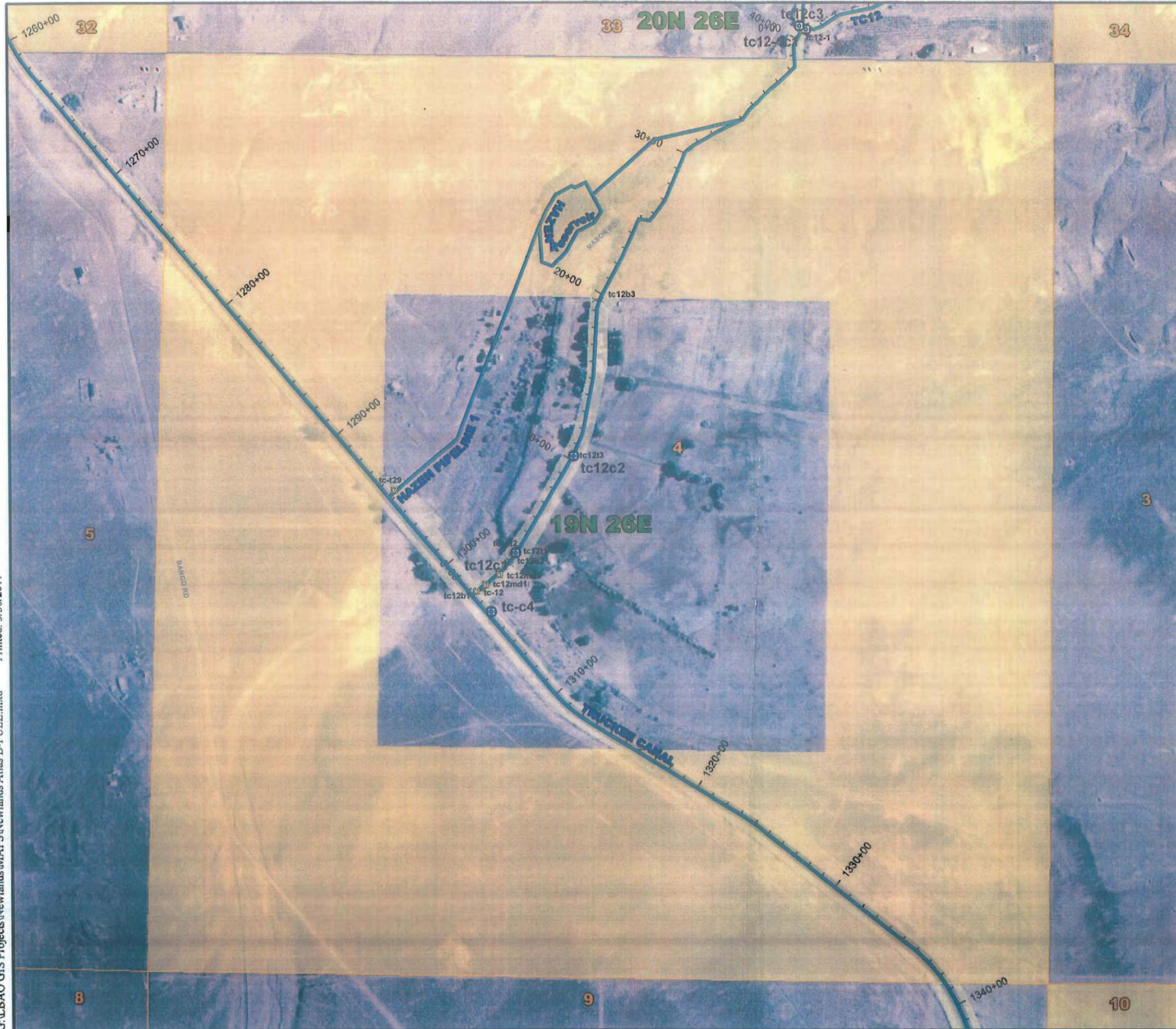




Figure 1. Hazen Inlet, looking downstream



Figure 2. Maintenance apparatus, looking east



**NEWLANDS PROJECT ATLAS**  
 Washoe, Storey, Lyon, and Churchill Counties  
 Nevada

**T19N, R26E, Section 4**  
 Plat Page: 0029-404

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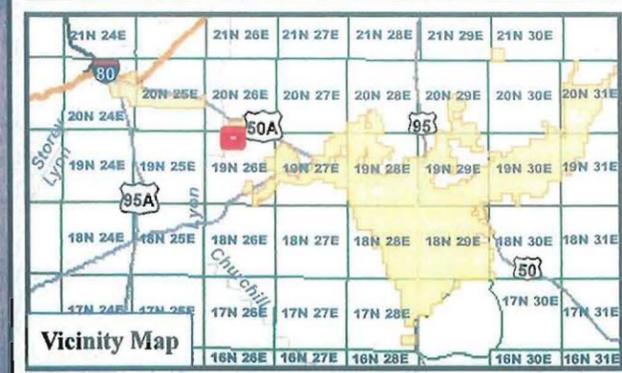
**LEGEND**

- |                                |                            |
|--------------------------------|----------------------------|
| <b>LBAO Property Locations</b> | <b>Canals and Laterals</b> |
| WITHDRAWN LAND                 | A-LINE                     |
| ACQUIRED LAND                  | D-LINE                     |
| EASEMENT                       | E-LINE                     |
| OTHER                          | G-LINE                     |
|                                | L-LINE                     |
| <b>Structure Inventory</b>     | N-LINE                     |
| Undefined Structure            | RD-LINE                    |
| Control Structure              | R-LINE                     |
| Bridge or Pipe Crossing        | S-LINE                     |
| Check Structure                | T-LINE                     |
| Dam                            | TRUCKEE CANAL              |
| Powerhouse                     | V-LINE                     |
| Spill                          | OTHER LATERALS             |
|                                | PRIVATE                    |
|                                | NOT MAINTAINED             |
| <b>Drains</b>                  |                            |
| DRAIN                          |                            |
| NATURAL DRAINAGE               |                            |
| PRIVATE DRAINAGE               |                            |



BACKGROUND IMAGE: 2010 NAIP; acquired between 6/10/2010 and 10/4/2010.

Adjacent Atlas Sheets		
T20N, R26E, Section 32	T20N, R26E, Section 33	T20N, R26E, Section 34
T19N, R26E, Section 5		T19N, R26E, Section 3
	T19N, R26E, Section 9	T19N, R26E, Section 10



DISCLAIMER: The information depicted on this map is a pictorial representation only. The information depicted may be subject to constant change and its accuracy cannot be guaranteed. All data is provided as is, with all faults, and without warranty of any kind, either express or implied, including, but not limited to, the implied purpose. The Bureau of Reclamation makes no claim as to the accuracy or completeness of this data. The Bureau of Reclamation disclaims all responsibility for errors and/or omissions inherent in this data. The end user is responsible for verifying the accuracy of this data prior to its use in any application.

**Minor, Andrea J**

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**From:** Rivera, Patricia L  
**Sent:** Thursday, April 28, 2011 7:23 PM  
**To:** Minor, Andrea J  
**Subject:** RE: ITA request form for the Hazen Inlet Closure

Andrea,

I reviewed the proposed action wherein the Lahontan Basin Area Office is directing Truckee Carson Irrigation District (TCID) to close the Hazen Pipeline inlet. This will be accomplished by welding a metal plate over the mouth of the inlet pipe during the time the Truckee Canal is dewatered.

A 6604 foot long pipeline right of way grant is currently authorized to Southern Pacific Railroad for a 6 inch diameter pipeline via Right-of-Way Grant Serial Number NVN 0 043251. The railroad company no longer uses the water for the purpose under which the original grant was issued. The pipeline is currently open at the canal inlet without any means to prevent water from entering the pipeline within the Truckee Canal right of way. The pipeline terminates in a reservoir adjacent to the canal.

In November 2010 the Truckee Canal was dewatered to with no water flowing in the canal and no water being diverted to the Hazen reservoir, the community complained that their source of water had dried up. Investigations indicated that the community of Hazen most likely did not have a valid water right for this water, and therefore further diversion from the Truckee Canal should not be allowed. There are indications that this water is being used for household purposes. Reclamation believes that to allow the unauthorized diversion to continue may be a violation of Nevada statutes, as well as an unauthorized use of Newlands Project water. Therefore the inlet will be temporarily closed before the Truckee Canal is rewatered this year. Permanent removal of the structure may be considered in the future and will be addressed in a separate NEPA document.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Pyramid Lake Reservation approximately 12 miles NW of the project location.

Patricia

## Minor, Andrea J

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**From:** Minor, Andrea J  
**Sent:** Thursday, April 28, 2011 4:29 PM  
**To:** Minor, Andrea J  
**Subject:** FW: Draft Proposed action - Hazen Pipeline Inlet Closure and Removal

**From:** Nickels, Adam M  
**Sent:** Thursday, April 28, 2011 4:07 PM  
**To:** Minor, Andrea J  
**Cc:** Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Overly, Stephen A; Perry, Lauren (Laurie) M; Williams, Scott A  
**Subject:** RE: Draft Proposed action - Hazen Pipeline Inlet Closure and Removal

Project No. 11-LBAO-132

Andrea:

The proposed undertaking to comply with local, state, and Federal regulations and laws and for the purposed of correcting an unauthorized water delivery and service action has no potential to cause effects to historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1).

The proposed undertaking will result in an action to temporarily cap a water diversion known as the Hazen Pipeline inlet on the Truckee Canal at MP 24.5. A metal plate will be welded to the inlet of the pipe. There is no ground disturbance associated with this action. The welded plate will serve as a temporary solution. Future actions to resolve the diversion point will be addressed at a later date.

After reviewing the CEC LO-2011-1010 for the "Hazen Water Inlet Closure, Truckee Canal, Newlands Project, Nevada," dated 04-28-11, I concur with stipulation 8.

Location: Truckee Canal MP 24.5

Exclusion Category: C3

This email is intended to convey the conclusion of the Section 106 process for this undertaking. Please retain a copy of this concurrence with the CEC file. Thank you for the opportunity to comment on this action.

Sincerely,

Adam M. Nickels - Archaeologist - M.S.  
Phone: 916.978.5053 - Fax: 916.978.5055 - [www.usbr.gov](http://www.usbr.gov)

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RECLAMATION-Mid-Pacific Regional Office MP-153 2800 Cottage Way - Sacramento, California 95825

