

**BUREAU OF RECLAMATION  
CATEGORICAL EXCLUSION CHECKLIST**

Mid-Pacific Region  
Lahontan Basin Area Office

**Project Name:** Fallon Paiute-Shoshone Reservation Bridge Replacement and Modification

**CEC Number:** LO-2011-1014

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

**Date:** 10/18/2011 8:35:54 AM

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

**Nature of Action:** The Fallon Paiute-Shoshone Tribe has requested consent for replacement of a wood deck bridge structure (Rb9) over the R-Line Canal and to extend both ends of the 4'x3' concrete box culvert (R-2b4) on the R-2 Lateral on Reservation Road. Both activities are part of a road improvement project on the Reservation and are located along Reservation Road.

Reclamation will issue a consent letter for modifications to project features.

The proposed timeline for construction activities is the winter of 2011/2012.

**Location:** Rb9 is near the N¼ corner of Section 16 and R-2b4 is near the S¼ corner of Section 17 in T19N, R30E MDM

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

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

<p>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 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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>5. The action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risk (43 CFR 46.215 (d)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>
<p>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)).</p>	<p><input checked="" type="checkbox"/> No    <input type="checkbox"/> Uncertain    <input type="checkbox"/> Yes</p>

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

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)).	<input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/> 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).	<input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/> 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)).	<input checked="" type="checkbox"/> No <input type="checkbox"/> Uncertain <input type="checkbox"/> 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).

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

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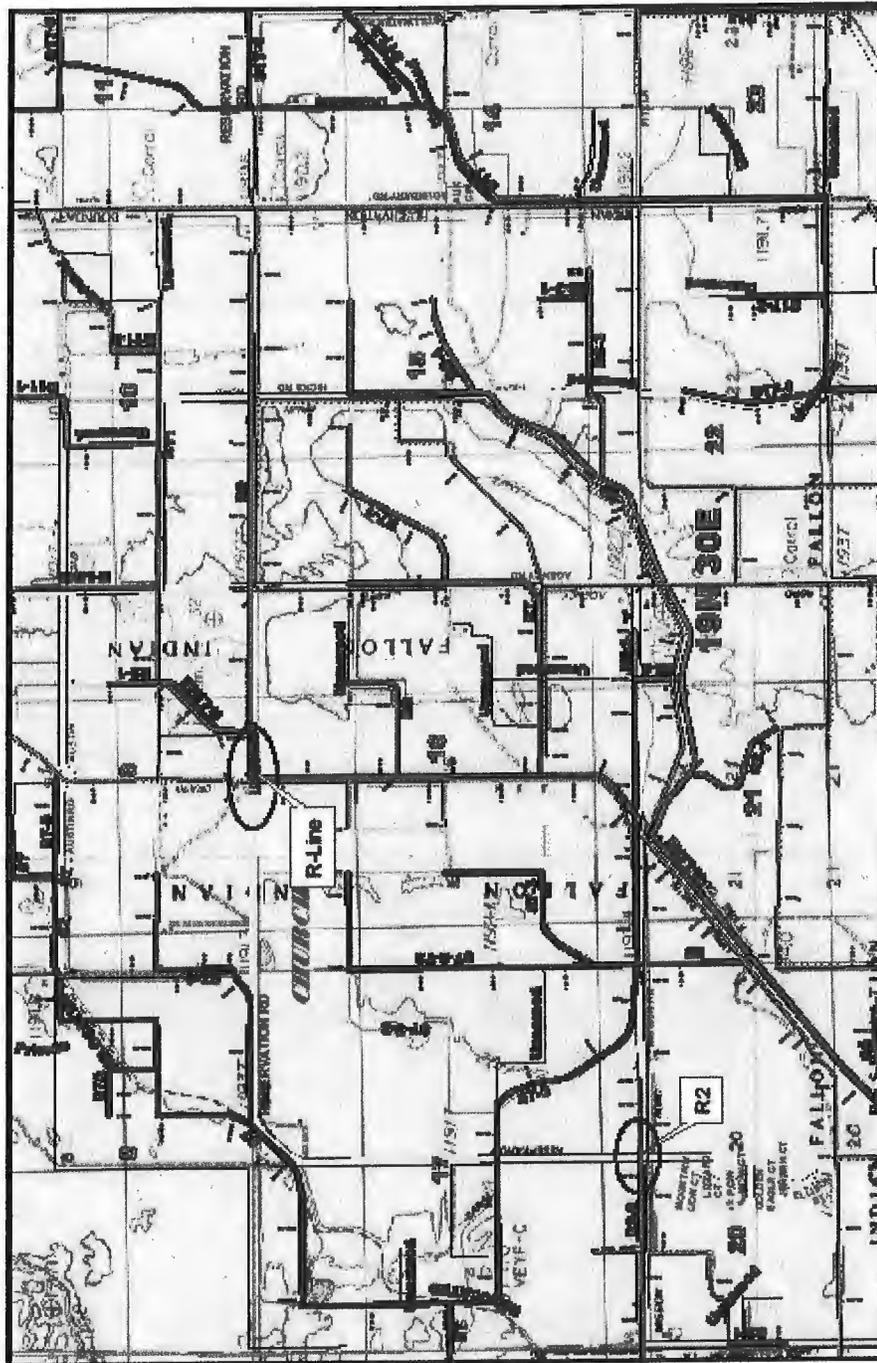
Prepared by: William (BC) Deshler Date: 10/19/2011  
William (BC) Deshler  
Water and Lands Specialist

Recommended: Julia Long Date: 10/19/2011  
Julia Long  
Natural Resources Specialist

Concurrence: Robert Edwards Date: 10/24/2011  
Robert Edwards  
Resource Division Manager

Approved: Terri Edwards Date: 10/24/2011  
Terri Edwards  
Deputy Area Manager

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



**Reservation Paving Project**  
 R2 Lateral Crossing  
 R-Line Crossing  
 05/02/2011

**RECLAMATION**  
*Managing Water in the West*  
 Lahontan Basin Area Office  
 705 N. Plaza Street, Carson City, NV 89701

## Long, Julia A

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**From:** Nickels, Adam M  
**Sent:** Thursday, October 13, 2011 10:30 AM  
**To:** Lewis, Charles; Deshler, William C  
**Cc:** Susan Keller-Smith; Schmidgall, Scott; Slade, Steve; Rago, Anna  
**Subject:** RE: Reservation Road (Fallon) Construction Project

This sounds great to me! Based on the response from SHPO and Mr. Lewis, Reclaamtion has no further obligation under Section 106 of the National Historic Preservation Act.

Sincerely,

**Adam M. Nickels** - Archaeologist - M.S.  
Phone: 916.978.5053 - Fax: 916978.5055 - [www.usbr.gov](http://www.usbr.gov)

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**REG-AMAUON** - Mid-Pacific Regional Office MP-153 2800 Cottage Way - Sacramento, California 95825



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**From:** Lewis, Charles  
**Sent:** Thursday, October 13, 2011 8:39 AM  
**To:** Nickels, Adam M; Deshler, William C  
**Cc:** Susan Keller-Smith; Schmidgall, Scott; Slade, Steve; Rago, Anna  
**Subject:** Reservation Road (Fallon) Construction Project

Adam,

We have received the response/determination letter from the Nevada SHPO re the potential affects to BOR canals/structures related to the Newlands Project on the Fallon Indian Reservation as part of BIA road construction project FIR Consolidated No. 3.

As you can see, the SHPO concurred with the BIA's determination that the structures were not eligible. This should satisfy BOR's previous concerns as it relates to impacts on BOR/TCID facilities.

You will note that the SHPO believed that Reservation Road itself was eligible but that the project would have "no adverse effect" on that property. The BIA will officially make that determination/declaration in a letter to the BIA-Western Nevada Agency Superintendent. Ms. Palmer related to me in a phone call that no further consultation with her office is required.

BC,

Our internal NEPA compliance document (CE) will be updated to reflect the slight change in scope of work and to include the SHPO's determination. Is there anything more that your office will need from myself or Scott Schmidgall for you to execute the encroachment permit? I understand that Scott has sent a letter to request a waiver of the associated fees. To date, we have received no response to that request. With the inclusion of the attached SHPO letter, you should have all the material you need to execute your own internal NEPA document associated with the encroachment permit application. Please let me know if you need any further information related to the NEPA/arch clearance and let Scott

know if you require any further technical information related to the project itself. I believe you should be in possession of everything that your office and that the Cultural Resource folks have requested. Overall efforts should continue to be coordinated with Ms. Keller-Smith.

The Tribe needs to get their request for bids out in November in order to meet your requirement that the canal crossings be completed during this spring's dry-up. We respectfully request, on the Tribe's behalf, that the encroachment permit process be completed such that the Tribe can meet their construction contract time restraints.

Thank you. If you have any questions, please feel free to contact myself, Scott Schmidgall (Design), or Steve Slade (Construction) at (602) 379-6782.

Chip

**Chip Lewis**  
**Environmental Protection Specialist**  
**BIA/WRO/DOT**  
**(602) 379-6782 cell: (602) 390-2014**

**Long, Julia A**

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**From:** Rivera, Patricia L  
**Sent:** Thursday, October 20, 2011 4:41 PM  
**To:** Long, Julia A  
**Subject:** RE: LO-2011-1014 Fallon Paiute Bridge Replacement and Modification

Julia,

I reviewed the proposed action and find the there is no potential to affect Indian Trust Assets.

The proposed project is inside the Fallon Reservation.

Patricia

D. Smith  
October 5, 2011  
Page 2 of 2

The SHPO does not concur with the Bureau of Indian Affairs' determination of eligibility for property CH3272, Reservation Road. The SHPO recommends that this resource is eligible under **Criterion A; *Property associated with events that have made a significant contribution to the broad patterns of our history.*** The SHPO believes that Reservation Road is historically significant for its association with the Truckee-Carson Project (Newlands Project), the Reclamation Act of 1902 and the Reclamation Service's "building of core structures of the Newlands Project between 1903 and 1915 (Rago, 2011)."

Per the submitted USRS Truckee Carson, Property and Structure Map(s), Section(s) 8, 9 10 and 15, 16, 17 the road was designed and built in 1912 and retains the same layout as today. Despite the 1962 paving and grading the road still is in the original configuration and retains integrity of location, the general character of its original setting, along with feeling and association. In addition, the road continues to be part of the Indian Reservation and the story of the Northern Paiutes interaction with the Federal Government, water rights and the Newlands Project.

The SHPO concurs with the Bureau of Indian Affairs' determination of ineligibility for resources S412, S413, S414 and S415 as referenced above.

The SHPO would concur with a finding of no adverse effect to historic properties for the above undertaking per 36 CFR 800, as amended. If the BIA cannot make this finding, please contact our office at your earliest opportunity.

If buried and previously unidentified resources are located during project activities, the SHPO recommends that all work in the vicinity cease and this office be contacted for additional consultation per 36 CFR 800.13.b.3 and NRS 383.150-383.190.

If you have any further comments please contact staff architectural historian Mara Thiessen Jones at 775-684-3439 or [mara.jones@shpo.nv.gov](mailto:mara.jones@shpo.nv.gov)

Sincerely,



Rebecca Lynn Palmer, Deputy  
State Historic Preservation Officer

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OCT 10 2011