

US EPA ARCHIVE DOCUMENT

**CATEGORICAL EXCLUSION
COLONY WATER AND SEWER UPGRADE PROJECT,
LAS VEGAS, NEVADA**

The U.S. Environmental Protection Agency (EPA) Region 9 intends to award a grant in the amount of \$149,914 to the Las Vegas Paiute Tribe, in accordance with the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111-88).

EPA Region 9's award of a grant for the proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§4321-4370f. In accordance with the Council on Environmental Quality regulation, 40 CFR §1508.4, EPA may categorically exclude an action from detailed environmental review if such action does not individually or cumulatively have a significant effect on the environment and such action meets the Agency's criteria for issuing categorical exclusions. EPA's categorical exclusions are set forth in 40 CFR Part 6.

Project Description

The Las Vegas Paiute Tribe plans to use EPA Region 9 grant funds to replace water mains, water service lines, fire hydrants, water meters and backflow assemblies along with sewer mains, manholes and sewer lines for the Tribe's Colony, located in Las Vegas, NV. The project includes water system upgrades of adding 2 fire hydrants with laterals and replacing 3 inch pipes with approximately 200 linear feet of 6" pipe and 900 linear feet of 8" pipelines along the street corridors (Paiute Drive, Ken Street, Sackett Street), along with an 8" RPPA (backflow preventer) for backflow protection on the existing meter. Approximately 4 – 8" valves will be added along the alignment. The existing water meter will remain. The water lines will be located above or adjacent existing lines and/or along existing streets. The existing 6 and 8" sewer mains are adequate but improvements will be to install cleanouts and laterals to the existing buildings. There will be approximately 22 cleanouts and lengths of the laterals will vary but will be approximately 40 feet. The proposed project will help deliver needed fireflow for the existing development and allow the Tribe to maintain the sewer collection system within the Colony.

Eligibility for Categorical Exclusion

In accordance with the EPA's regulations for implementing NEPA, EPA Region 9, has determined the project to be eligible for a categorical exclusion under 40 CFR §6.204(a)(1)(ii) which allows projects to be categorically excluded when the projects involve:

“Actions relating to existing infrastructure systems (such as sewer systems; drinking

water supply systems; and stormwater systems, including combined sewer overflow systems: that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water, and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities...”

The proposed project falls squarely within the categorical exclusion set forth under 40 CFR §6.204(a)(1)(ii) as it involves the functional replacement of the existing water and sewer pipelines and associated facilities. In addition, the project does not involve new or relocated discharges to surface or ground water; will not result in the substantial increase in the volume or the loading of pollutant to the receiving water; will not provide capacity to serve a population of 30% greater than the existing population; and will not directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development.

Extraordinary Circumstances

EPA Region 9 has reviewed the proposed action to ascertain whether the proposed project involves any of the extraordinary circumstances identified at 40 CFR § 6.204(b)(1)-(10) and has determined:

- (1) The proposed action is not known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.
- (2) The proposed action is not known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.
- (3) The proposed action is not known or expected to significantly affect federally listed threatened or endangered species or their critical habitat. The U.S. Fish and Wildlife Service was contacted and concurred on February 21, 2013 that there would be no impacts to the Mojave desert tortoise and the Las Vegas bearpoppy because the project is in downtown Las Vegas which is fully urbanized and no species are present. EPA has determined that the project will have “no effect” on federally listed species.
- (4) With the implementation of appropriate mitigation measures described below, the proposed action is not expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into consideration the impact that an action may have on historic properties which are included on, or are eligible for inclusion on, the National Register of Historic Places. A Class III archaeological survey was completed for this project area. The report identified twenty archaeological sites recorded within a one mile radius of the project area. The Nevada State Historic Preservation Office (SHPO) identified the existing infrastructure as over 50 years of age

and as historic properties for this undertaking. Pursuant to NHPA regulatory requirements, EPA and the Tribe will execute a Memorandum of Agreement with the SHPO specifying that because of the historic nature of the existing lines, the Tribe and EPA will implement mitigation measures (i.e. take pictures of the existing lines as they are uncovered and submit the photos to SHPO.) Such mitigation measures will also be incorporated as a programmatic term and condition in the grant agreement. Four Tribes in the vicinity of Las Vegas were contacted and no adverse response was received from the contacted Tribes.

(5) The proposed action is not known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.

(6) The proposed action is not known or expected to cause significant adverse air quality effects.

(7) The proposed action is not known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas, and is consistent with land use plans approved by a state, local government or federally-recognized Indian tribe and federal land management plans.

(8) The proposed action is not known or expected to cause significant public controversy about a potential environmental impact of the proposed action.

(9) The proposed action is not known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.

(10) The proposed action is not known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.

Finding

The proposed action will not individually or cumulatively have a significant effect on the environment and conforms to the category of actions eligible for exclusion under 40 CFR §6.204 (a)(1)(ii). By implementing appropriate mitigation measures, the proposed action will not involve any extraordinary circumstances delineated in 40 CFR §6.204 (b)(1)-(10). Accordingly, EPA Region 9 will not prepare either an environmental impact statement or an environmental assessment for the proposed project. EPA Region 9 may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.

Jane Diamond
Director, Water Division

Date