

US EPA ARCHIVE DOCUMENT

## Notice of Availability of a Memorandum of Agreement and Categorical Exclusion

The United States Environmental Protection Agency (EPA) Region 9 is considering funding a project to upgrade the Las Vegas Paiute Tribe Colony water and sewer lines in downtown Las Vegas, Nevada pursuant to Public Law 111-88, Department of Interior, Environment and Related Agencies Appropriations Act of 2010. This project will upgrade and replace the existing water and sewer infrastructure which were constructed in the Colony more than 50 years ago.

The proposed project is a federal action requiring compliance with the National Environmental Policy Act (NEPA), 42 USC §§4321-4370f and constitutes an undertaking under the National Historic Preservation Act. In accordance with the Council on Environmental Quality regulation, 40 CFR §1508.4, a federal agency 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 §6.204. EPA Region 9, has determined this project to be eligible for a categorical exclusion under 40 CFR §6.204(a)(1)(ii) which covers:

“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...”

In addition, the proposed action constitutes an undertaking under the National Historic Preservation Act (NHPA). The EPA is responsible for the Section 106 review process under the NHPA for the replacement of water mains, water lines, fire hydrants, water meters, backflow assemblies, sewer mains, manholes and sewer service lines and has consulted with the Nevada State Historic Preservation Officer (SHPO). The EPA has determined that the proposed upgrade and replacement of the existing water and sewer infrastructure will result in adverse effects to the existing lines which are historic properties for this undertaking. EPA, SHPO and the Las Vegas Paiute Tribe are negotiating a Memorandum of Agreement which sets forth the mitigation measures which will be implemented to mitigate the impacts on historic properties.

This notice announces the availability of the Memorandum of Agreement (MOA) and the unsigned Categorical Exclusion (CATEX) for the 30 calendar day public review and comment beginning July 15, 2013.

Copies of the MOA and unsigned CATEX are available for review at the following locations:

U.S. Environmental Protection Agency  
Region IX

75 Hawthorne Street (WTR-10)  
San Francisco, California 94105  
Contact Kristin Gullatt (415) 972-3432 to be emailed a copy of the MOA and CATEX

For further information, contact Stephanie Wilson, (775) 885-6190.  
Any person interested in commenting on the proposed MOA or CATEX should submit comments in writing to Stephanie Wilson at PO Box 11, Carson City, NV 89702 by August 15, 2013.