



— BUREAU OF —
RECLAMATION

Draft Environmental Assessment

Summit Lake Conservation Action Plan Implementation Project

LO-2018-1016

U.S. Department of the Interior
Bureau of Reclamation
Lahontan Basin Area Office
705 N. Plaza St., Suite 320
Carson City, NV 89701

December 2019

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitment to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

Acronyms & Abbreviations	Description
APE	Area of Potential Effect
BA	Biological Assessment
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DOI	Department of the Interior
DTL	Desert Terminal Lakes
EA	Environmental Assessment
EPM	Environmental Protection Measures
ESD	Ecological Site Description
GBCG	Great Basin Consulting Group
ITA	Indian Trust Assets
LCT	Lahontan Cutthroat Trout
LiDAR	Light Detection and Ranging
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NNNLA	Nevada Native Nations Land Act
OHV	Off-Highway Vehicle
Reclamation	Bureau of Reclamation
Reservation	Summit Lake Paiute Reservation
SHPO	State Historic Preservation Office
SLCAP	Summit Lake Conservation Action Plan
SLPT	Summit Lake Paiute Tribe
SLPVI	Summit Lake Paiute Reservation Vegetation Inventory
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
UWA	Unified Watershed Assessment

1. Introduction

1.1 Background

The Summit Lake Paiute Tribe (SLPT) has requested grant funding through Public Law 93-638, the Indian Self-Determination and Education Assistance Act, to provide Desert Terminal Lakes (DTL) grant funding through the Bureau of Reclamation (Reclamation). Grant funding would be utilized to implement portions of the Summit Lake Conservation Action Plan (SLCAP) and other Summit Lake Paiute Reservation (Reservation) conservation activities. The SLCAP was completed in January 2015 and identified resource threats and solutions within and surrounding the Summit Lake Watershed (SLPT 2015). The SLCAP also identified existing and future recommended actions necessary for the conservation of significant resources in the Summit Lake Watershed (SLPT 2015).

This Environmental Assessment (EA) describes the existing environmental resources for the Proposed Action area, evaluates the effects of the No Action and Proposed Action Alternatives on the resources, and proposes measures to avoid, minimize, or mitigate any potential adverse effects. This EA was prepared in accordance with National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1500-1508), and Department of Interior (DOI) Regulations (43 CFR Part 46).

1.2 Location and Site Description

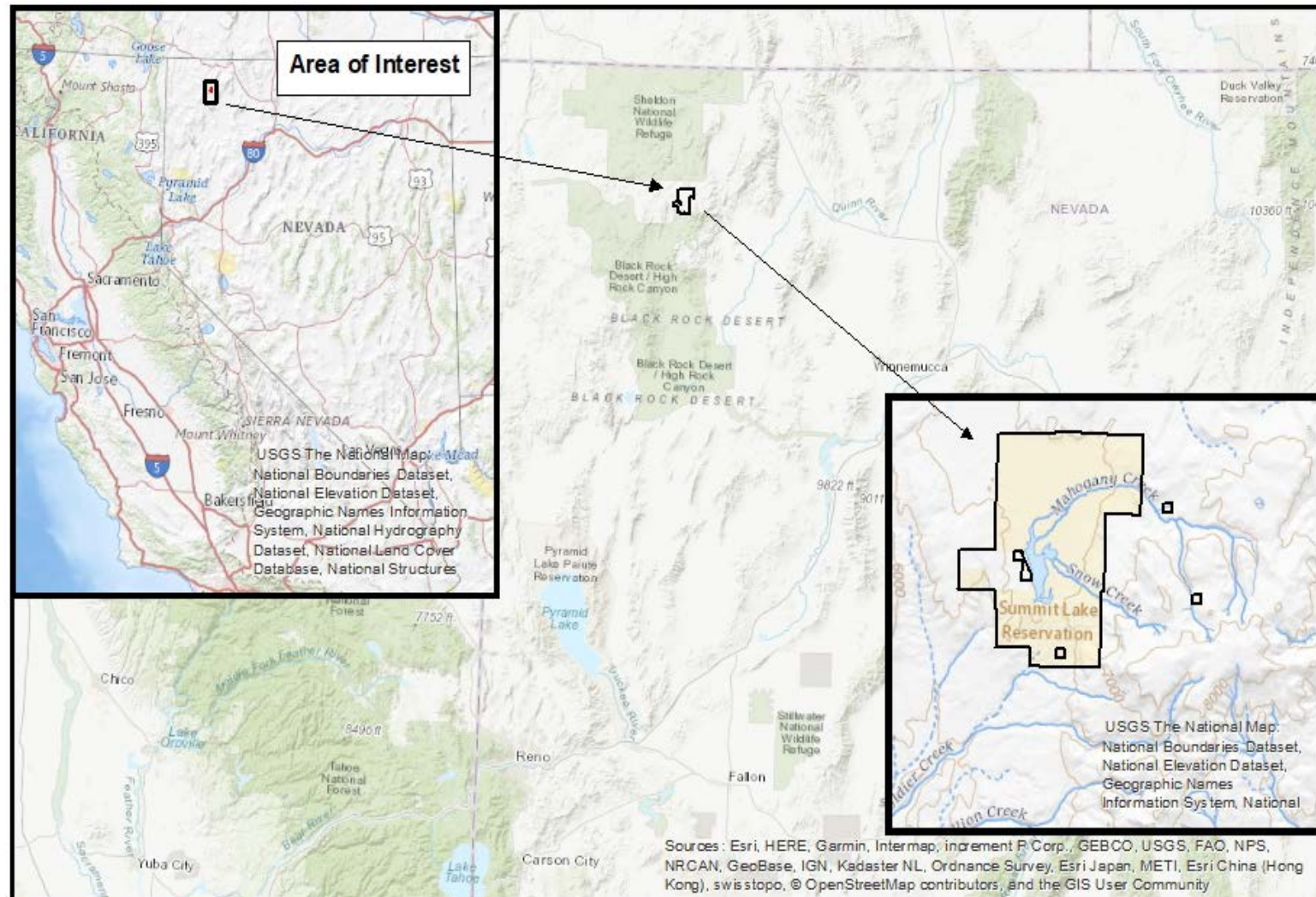
The project is located mostly on the Reservation in northern Humboldt County, Nevada. The legal description is T42N, R25E, sections 13, 24, 25, 35, 36; T41.5N, R25E, sections 35, 36; T42N, R26E, sections 16, 17, 18, 19, 20, 21, 29, 30, 31, 32; T41N, R26E, sections 5, 6, 7, 8; T41N, R25E, section 1, Mount Diablo Meridian. Some office activities would also occur at the SPLT office, currently located in Sparks, Nevada.

Access to the Reservation from Reno, Nevada is via NV State Route 447N and Humboldt County Road 34 and 217 and Soldier Meadows Road or from Winnemucca, Nevada is via US-95 N to NV State Route 140, Leonard Creek Road or Knott Creek Road and Summit Lake Road. Figure 1 is a vicinity map of the project area.

1.3 Legal and Statutory Authorities

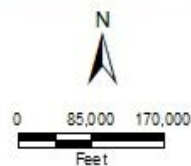
In conformance with the NEPA, as amended, Reclamation has prepared this EA to evaluate and disclose any potential environmental impacts associated with implementation of the Proposed Action. Reclamation proposes to allow funding from a DOI DTL program grant to the SLPT to support implementation of the Proposed Action. Reclamation is required to analyze environmental effects and approve the proposed project.

Figure 1. Summit Lake CAP Implementation Vicinity Map



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**Figure 1
Summit Lake CAP Implementation
Vicinity Map**

In February 2014, Public Law 113-79, Agricultural Act of 2014, section 2507 (d)(1)(C) amended the Farm Security and Rural Investment Act of 2002 to (A)... *provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake.....(B) to purchase land, water appurtenant to the land, and related interests; and (C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources.*

1.4 Need for the Proposal

The Summit Lake Watershed is currently not meeting all the needs and goals described in the SLCAP, the main goals are simplified and summarized as follows (SLPT 2015):

- Prevent adverse impacts from Off-Highway Vehicle (OHV) activity.
- Eliminate transport of sediment by wind or water from roads into the lake ecosystem.
- Prevent the introduction of invasive aquatic plant and animal species.
- Promote a self-sustaining population of Lahontan cutthroat trout (LCT) and limit the negative influence of warm water adapted existing non-native species (Lahontan redbreast shiners and speckled dace).
- Sustain a healthy landscape dominated by native plant communities. Prevent the further invasion of noxious weeds throughout the watershed.
- Sustain greater sage-grouse habitat and sagebrush communities through a desired fire regime.
- Increase the understanding of greater sage-grouse population size, survival and status.
- Protect spring ecosystems from wild horses.

While there has been progress made in these areas since 2006, this project is designed to address remaining issues.

Summit Lake is one of the last remaining places in Nevada that has an original population of LCT (*Oncorhynchus clarkii henshawi*). LCT are culturally important to the SLPT, as well as state and federal agencies. There is a need to manage and increase the population of LCT.

The greater sage-grouse (*Centrocercus urophasianus*) is a species that has been of concern to the western United States, and particularly the State of Nevada. There is a need to manage this species on the Reservation and obtain additional information concerning greater sage-grouse genetics, predation and habitat.

This EA recognizes that the Summit Lake Watershed and this specific project area fall within an area that has significant meaning to the native people of northern Nevada. As such, this document supports the SLPT and its history in a way that conserves their lifestyle and environment. This proposal is necessary to further preserve and elevate the cultural value while also protecting the landscape.

2. Alternatives Including the Proposed Action

2.1 No Action Alternative

The No Action Alternative would consist of Reclamation not providing DTL grant funding to SLPT to implement the Proposed Action. SLPT would either need to identify alternative sources of funding or not implement the Proposed Action. The described actions in both the SLCAP and Proposed Action would not be attained and may not be attainable in the future. This would not support or accomplish the goals of the SLCAP (SLPT 2015) and would have detrimental effects to the Summit Lake Watershed over time.

2.2 Proposed Action Alternative

The Proposed Action has been developed to meet the project's purpose and need. The Proposed Action consists of providing DTL grant funding to SLPT to implement portions of the SLCAP and other conservation activities on the Reservation. The Proposed Action Alternative would support and accomplish the goals of the SLCAP (SLPT 2015) and other needed conservation measures on the Reservation. The SLPT supports the Proposed Action through a resolution as recorded in a November 16th, 2019 Tribal Council Meeting (SLPT 2019).

2.2.1 Actions that Would Receive no Further Analysis

The following are activities that would take place in an office or a non-ground disturbing environment. The activities described below would have no direct, indirect or cumulative effects and therefore require no further analysis.

- LiDAR (Light Detection and Ranging) imagery. LiDAR imagery generates precise, three-dimensional information about the shape of the Earth and its surface characteristics and creates fast and accurate terrain models. LiDAR imagery would assist in a better understanding of the creeks and lakes in the Summit Lake Watershed and can be a tool to identify and reduce threats to conservation targets. LiDAR imagery would involve completing an aerial LiDAR flight, as well as data processing and analysis. Contractors would be utilized for LiDAR imagery, data processing and analysis.
- Greater sage-grouse telemetry flights. The telemetry flights would be aerial flights to locate radio-collared birds to help determine population size and location. A contractor would be utilized to complete this activity.
- Greater sage-grouse infrared flights. Infrared aerial technology would be utilized to detect and monitor greater sage-grouse active lek (breeding ground) sites. A contractor would be utilized to complete this activity.
- Climate modeling. Development of a small watershed hydrology model for Summit Lake that incorporates future climate scenarios of precipitation (snowpack, rain, rain and snow). This information would be used to predict stream discharges, and link discharge with watershed runoff and stream temperature gradients, as well as effects on the aquatic ecosystem. This activity would include field work to place weather stations or other water monitoring equipment, and office and laboratory work to complete data analysis and

modeling. A contractor would be utilized to complete this study. Equipment may be connected to t-posts that would be placed at strategic locations.

- SLPT employment. Four new positions would be hired to only work on this project; eight other existing positions would also work on this project, though not full time. Work would occur on the Reservation. Because of the remote location of the Reservation, activities would require multiple days and nights at that location. The field station, located at the Reservation, would be a staging area and provide housing for employees and contractors working on the Reservation.
- Develop and implement a long-term vegetation management plan. A vegetation management plan would be developed to prioritize management activities and proactively plan for restoration activities in the event of disturbance. Vegetation inventories would be conducted to obtain current conditions. There would be no ground disturbance for this action and existing roads and access on foot would be used.
- Update the SLCAP. The SLCAP would be updated with new information and utilized to further inform and guide the SLPT's future conservation actions with the Summit Lake Watershed. This activity would occur in an office environment.
- Maintenance of equipment. This would include routine maintenance of equipment stationed at the Reservation. Most work would be performed at the field station, but if necessary, equipment would be transported to other areas, such as Reno or Winnemucca, to a commercial repair facility. Existing roads and facilities would be utilized for transport.
- Tribal/public education and outreach. A landscape vision and tribal/public outreach program would be developed and implemented. This would include public events at the Reservation and other locations, development of a brochure and web content, event keepsakes and other promotional items and placement of signs. Activities would occur in an office environment or at the field station. To reduce vehicle use, large vehicles and vans would be used to transport individuals to the Reservation to the extent possible utilizing existing roads. Hand placement of information and directional signs on t-posts may occur.
- Paleolimnology study. Sample sediment cores would be extracted from the lake bottom and analyzed. Several cores would be extracted along the long axis (north-south) of the lake, including the nearshore and deepest areas. For the operation of penetration and extraction of the core, a boat or a coring platform with a tower or A-frame with a winch would be used, especially in the deep zone. Core information would be utilized to reconstruct the past climate and lake levels, as well as species composition and appearance on the landscape. This analysis would assist with determining when the landslide that formed Summit Lake occurred.
- Comprehensive data analysis. Historic data and program files and documents relating to Reservation fish, wildlife, plant and habitat information would be archived through digital scanning. Current and historic data would be analyzed to determine baselines and trends, this information would be utilized to make informed management decisions.
- Support for fisheries studies and management. Purchase of supplies, equipment, software, and Tribal salaries for conservation management, research activities, and data and/or genetic analysis of fisheries samples to support existing and ongoing Tribal fisheries studies.

- **Predator study.** Suspected predators of greater sage-grouse would be captured and collared. Their movements would be monitored to determine the relationship between predator and greater sage-grouse movement and mortality. Suspected predators would be captured using widely accepted ethical and scientific methods for capture of the specific species. This may include netting for birds or capturing larger mammals in padded foothold or other traps or tranquilizing them with darts. Individuals conducting capture activities would be thoroughly trained and have proper certifications.
- **Greater sage-grouse genetic analysis.** Little information is available concerning greater sage-grouse genetics on the Reservation. Genetic analysis would be accomplished by testing of greater sage-grouse feathers. Feathers would be collected during previous and future capture events. The feathers collected have generally fallen off the bird during the capture process or can be carefully and non-invasively plucked from the breast of the bird while handling. This is a widely accepted scientific practice that has been shown to the Tribe by other agencies and organizations conducting greater sage-grouse capture and does not injure or harm the bird.
- **Migratory Bird Surveys.** Waterfowl and other migratory birds are a baseline indicator for environmental monitoring. Point counts or drone surveys would be completed for passerine or waterfowl species to determine species diversity and seasonal habitat use. The data would be analyzed and assist with more informed restoration management decisions.
- **Soundscape Monitoring.** Acoustic detectors would be installed on t-posts or other temporary structures and placed at strategic locations. Passive monitoring and data analysis would determine the presence of various species of birds and amphibians.
- **Protective designations/certifications for the Reservation and its resources.** Staff time and associated costs to establish designations and certifications such as International Dark Sky Place, Important Bird and Biodiversity Area, or other similar designations/certifications. This would offer an additional level of protection from outside influences that could negatively impact the Reservation and the surrounding area's features and resources.
- **Staff time to pursue long-term funding to continue and maintain improvements on the Reservation.** This would include funding for tribal positions to search and secure future funding sources to maintain the proposed action and continue additional conservation activities.

2.2.2 Actions that Would be Further Analyzed

The following are proposed action activities that would require further analysis because they may have direct, indirect or cumulative effects. Figures 2 and 3 are maps of the proposed action area. Figure 2 displays the boundary fence construction, fence maintenance and possible land acquisition areas. Figure 3 displays the field station, irrigation structure removal, culvert installation, culvert replacement, road improvements and maintenance, fuels reduction treatments areas and possible land acquisition areas.

Figure 2. Summit Lake CAP Implementation Proposed Action Map 1 of 2

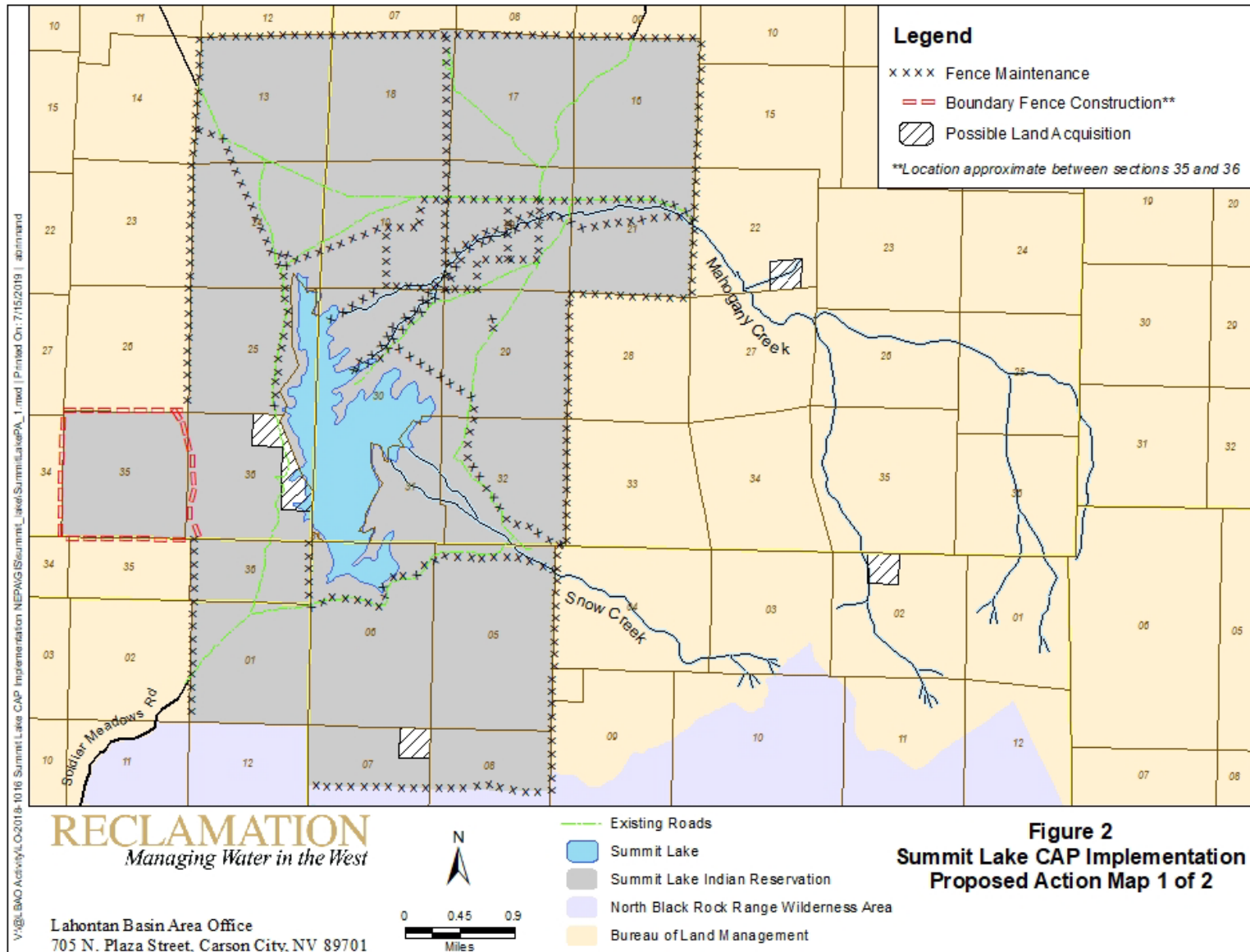
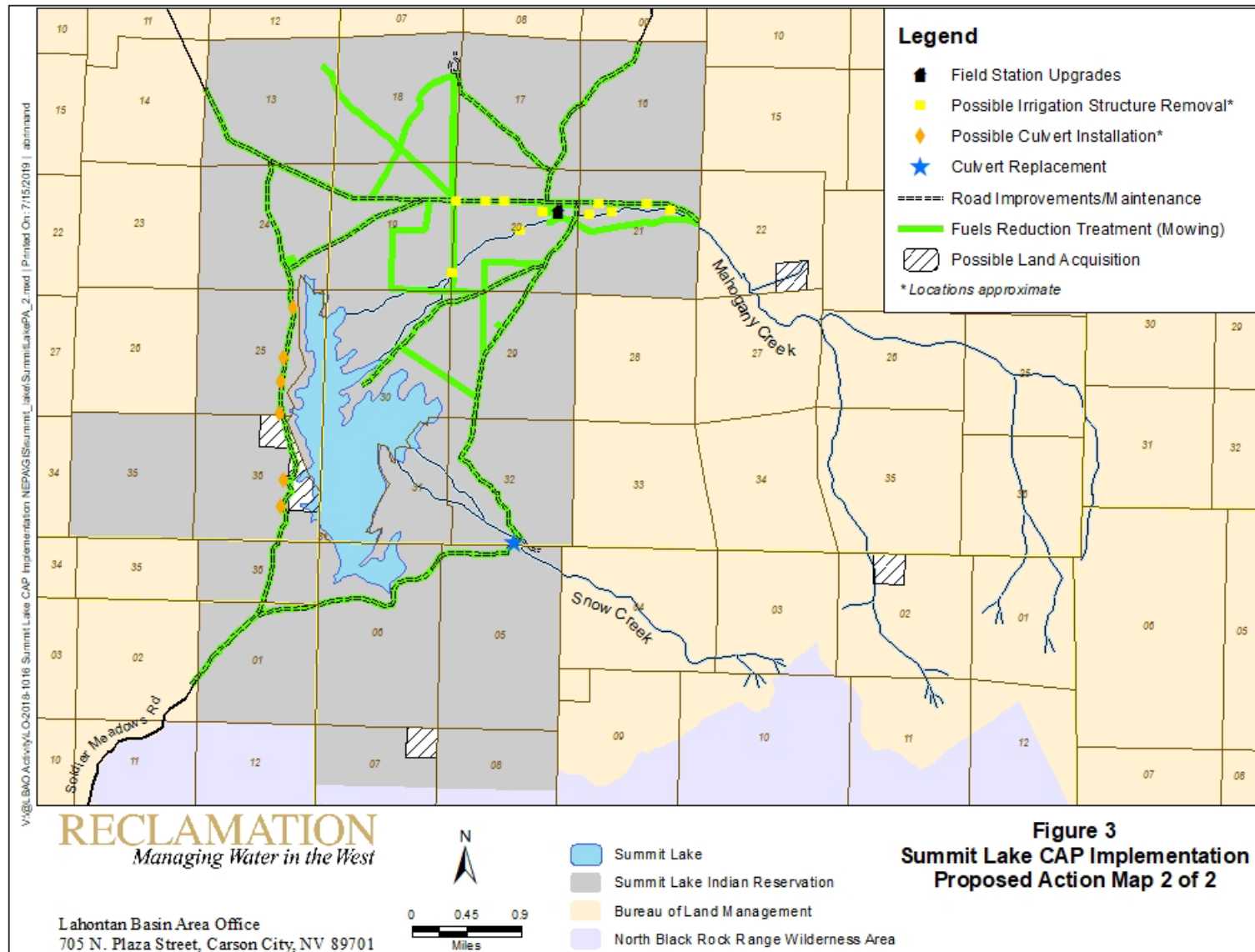


Figure 3. Summit Lake CAP Implementation Proposed Action Map 2 of 2



- Boundary fence construction. In 2016, approximately 941 acres were added to the Reservation through the Nevada Native Nations Land Act (NNNLA 2016). To protect Summit Lake from the effects of unauthorized grazing by cattle and horses on this land, there is a need to construct approximately 4 miles of wire fence around the new boundary, as well as construct a drift fence to control authorized grazing by SLPT cattle. Greater sage-grouse markers would also be attached to the new fence. A contractor would be utilized and may use OHV's to transport materials and personnel to the jobsite. Photo 1 displays an example of the boundary fence construction.
- Fence maintenance. There is approximately 41 miles of existing fencing on the Reservation that requires maintenance and attachment of greater sage-grouse markers. Maintenance consists of repair and/or restringing of wire and replacement of damaged t-posts and juniper posts in existing locations. A contractor would be utilized and may use OHV's to transport materials and personnel to the jobsite. Photo 1 displays an existing Reservation fence that would be maintained.

Photo 1. Example boundary fence construction, fence maintenance and fuels reduction.



- Geomorphic stream restoration study and implementation. The current conditions of the Summit Lake Watershed would be assessed, and recommendations developed to improve watershed conditions to reach desired conditions. The primary focus would occur in Mahogany and Snow Creeks. The study would identify stresses and stress sources on the environment so appropriate management actions can be implemented. This would include analysis of the physical characteristics of the creek through field analysis or drone survey, assessment of aquatic and riparian vegetation effects on channel morphology, and implementation of actions determined to be beneficial to the overall health of the stream. A contractor would complete this and would include sampling of vegetation, soil, water, etc., and completion of the study in a laboratory or office setting. Actions would be implemented, and may include removal of irrigation diversion structures, vegetation management activities, and installation of monitoring equipment for overall improvements on the Reservation. Monitoring equipment would include equipment such as stream gauges, staff gauges and water quality instruments, which may be connected to t-posts. Photo 2 is an example of an existing irrigation structure on the Reservation that may be removed.

Photo 2. Existing irrigation structure on the Reservation that may be removed.



- Watershed wide road assessment and implementation. Roads on the Reservation are typically maintained annually and generally include grading and gravel spreading, and a culvert replacement on Mahogany Creek. A watershed wide road assessment would be completed to assess and document the existing condition of the roads, culverts and stream crossings. This information would be used to determine road repair and maintenance priorities, as well as seasonal and permanent road closures. Environmental Protection Measures (EPM's) for OHV and other vehicles on the Reservation would also be developed. Based on the results from the road assessment, existing roads would be maintained or improved, including placement of base material or gravel. Worn or non-functioning culverts would be replaced, and additional culverts may be installed where needed. Photo 3 displays gravel placement, a road improvement activity.

Photo 3. Example of road maintenance activities.



- **Field Station Upgrades.** The field station consists mostly of mobile or modular homes and a one stick-built bunkhouse. The field station housing currently available for new employees is in a state of disrepair and would need to be upgraded. There is one uninhabitable mobile home that would be removed and disposed of. A new mobile or modular home would be purchased and placed on the existing pad and utilize existing utility hookups.
- **Fuels reduction along existing road rights-of-way and fence lines and fence enclosures.** To maintain a fire break, maintenance of exiting mowed areas would occur. Vegetation would be mowed approximately 10 feet either side of some existing roads and fences. A tractor with a mowing attachment on a boom to the side of the tractor, which together are 14 feet wide, would maintain an approximate 6-inch vegetation height. A total of approximately 90 acres would be treated, which includes approximately 19 acres within fenced enclosures and 10 feet either side of approximately 30 miles of existing road and fence lines. SLPT employees would complete this activity, utilizing equipment owned, rented or leased by SLPT. Photo 1 displays an example of a fuels reduction area on the Reservation.
- **Invasive weed early detection/eradication program.** Invasive weeds are currently treated annually on the Reservation, mostly within the riparian areas, these treatments include chemical and mechanical methods. Chemical and mechanical treatments would continue to occur on existing and new invasive weed populations. A contractor would complete most of these treatments, though SLPT members would also be trained and spot treat individual weeds or small areas. Approximately 800 acres would be treated. Treatment locations and effectiveness would be entered into a noxious weed database. Photo 4 is an example of an existing Canada thistle (*Cirsium arvense*) noxious weed infestation on the Reservation. Photo 5 is an example of noxious weed spraying on the Reservation.

Photo 4. Example of existing noxious weeds on the Reservation.



Photo 5. Example of weed spraying on the Reservation.



- Aquatic invasive species detection and removal. Research and evaluation of existing non-native fish impacts, and potential control mechanisms would be continued. Aquatic species would be sampled to determine genetic diversity and distribution throughout the system, removal of aquatic invasive species would also occur. Areas would be accessed by existing roads and foot travel.
- Western Pearlshell Mussel study. The Western Pearlshell Mussel is a culturally significant species to SLPT. A mussel conservation evaluation and planning study would provide a report on the life history, population structure and genetics of the species and develop a conservation plan to identify threats and provide recommendations to conserve the Summit Lake population. This study would educate tribal members and the public of the uniqueness and importance of this species and the stressors that can be mitigated to improve the health of this community. A contractor would complete this and would include non-destructive sampling of mussels through observation and completion of report in a laboratory or office setting. The study sites would be accessed by existing roads and on foot.
- Possible acquisition of private lands. There are 137.06 acres of private land within the Reservation boundary and 80 acres of private land near the Reservation that contain key streams that drain into Summit Lake. If willing sellers are located, up to 217.06 acres of private land would be acquired for conservation purposes only and held in trust by the United States government for SLPT.

2.3 Environmental Protection Measures (EPM)

The following EPMs were developed to avoid or minimize potential environmental consequences associated with the Proposed Action.

- SLPT staff would generally be on site during implementation of the proposed action, apart from the aerial or drone flights.
- To minimize ground disturbance, appropriate equipment typical of similar projects would be identified for use in contracts. These could include the use of a backhoe, excavator, mowing tools, weed sprayers, OHVs and other typical construction equipment. All equipment would be used proactively to avoid disturbance when the project is underway.
- Operation and staging of equipment would follow EMPs to prevent contamination of surface and groundwater, floodplains, air, and soil. Appropriate hazardous material spill kits would be on site.
- All equipment brought to the Reservation would be clean and inspected for invasive weeds prior to off-loading. All equipment would be “diapered” or otherwise protected to prevent introducing hazardous material to the stream, ground or Summit Lake. All equipment would be inspected daily to assure no leakage is occurring.
- Areas for fuel storage, refueling, and servicing of equipment, vehicles, and pumps would be at the Reservation field station located at least 250 feet from the stream channel or lake. All machinery fueling and maintenance would occur within the contained area of the Reservation field station at a designated location.

- Project sites would generally be accessed by existing roads. If leaving established roads is necessary, SLPT staff would identify a route for necessary equipment and crews to access the sites which minimizes soil disturbance and impacts to vegetation.
- Vehicles and equipment would not enter or cross LCT-occupied bodies of water except at designated crossings.
- Any equipment, gear, or personal protective equipment used by contractors entering the stream would be properly sanitized and disinfected with a bleach solution, and thoroughly rinsed and dried prior to use for these projects in accordance with generally accepted practices to prevent introduction of non-native aquatic species or transmission of aquatic diseases.
- Implementation of each project would be expedited in the shortest time possible.
- For fence maintenance, only foot travel would cross LCT-occupied waters; OHVs used to transport materials and personnel would only cross at designated crossings such as culverts.
- Fuels reduction activities occurring near LCT-occupied water would utilize hand tools and foot travel only.
- All herbicides would be applied according to label direction. If required, aquatic approved chemicals would be used near water.
- All permits necessary for the project would be acquired prior to the implementation of any activity in the project area.

It is expected that LCT would freely move away in advance of sampling due to human activity. To minimize impacts specific to LCT while performing aquatic invasive species detection and removal and the Western Pearlshell Mussel study, sample areas would be avoided where LCT are visibly present. Special care would be taken when working in LCT habitat, and the following practices would be applied to minimize impacts specific to LCT:

- Irrigation structure removal and culvert installation/replacement activities would occur when streamflows are low to minimize disturbance of stream and riparian habitats and LCT encounters are unlikely (September to April). The lacustrine LCT spawning season is April-June and young fish are expected to have emerged from the gravels and migrated to Summit Lake by the end of August. During low streamflow, stream resident LCT are expected to be upstream of these projects in higher quality habitat. LCT encounters would be minimized by timing project implementation in the late summer or fall when it is expected that all life stages of lacustrine LCT would have migrated to Summit Lake and stream resident LCT would be upstream of the project area.
- When possible, work would be completed when drainages are dry to minimize sediment and turbidity from impacting water quality downstream of the project area. If drainages are not dry, equipment or a pipe would be used to temporarily divert the streamflow around the project area in a tube-like structure, allowing the removal of the culvert or irrigation structure and installation of the new structure if necessary. After completion of the project, the streamflow would be returned to the former and newly restored stream channel.

- To prevent entrainment of fish while diverting streamflow, block nets or screens would be installed in the stream, within 5 meters upstream and downstream of the project area. The screens or nets would be installed and maintained by SLPT staff.
- Silt fencing and other applicable methods to prevent increased turbidity and sediment runoff would be used to minimize impacts to vegetation and stream water.
- All disturbed areas would be recontoured to a natural shape. All disturbed areas and banks would be reseeded with appropriate native seed mix, willow stakes, salvaged native vegetation mats, riprap or other rocks and boulders as necessary and appropriate.

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3. Affected Environment & Environmental Consequences

This section identifies the potentially affected environmental resources and the environmental consequences that could result from the No Action and Proposed Action Alternatives.

3.1 Required Resource Discussions

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of the following items when preparing environmental documentation.

3.1.1 Indian Trust Assets (ITA)

ITAs are defined as legal interests in property held in trust by the United States government for Indian Tribes or individuals. These assets can be described as lands, minerals, hunting and fishing rights and water rights.

An ITA determination was completed on November 19, 2019 (ITA 2019). Other than the 80 acres of possible land acquisition outside of the Reservation, the project area is located within the SLPT Reservation ITA. The SLPT is a federally recognized tribe with ITAs that would be relevant to this project. Traditional SLPT beliefs consider that all elements of an ecosystem are interconnected, and that certain species of wildlife and plants are relatives and spiritual messengers. Many Tribal members respect the natural world by paying reverence to wildlife phenomena as divine inspiration and prefer to eat wild, traditional foods; including, greater sage-grouse, LCT, waterfowl, big game, and fur-bearing mammals (SLPT 2015).

A resource of utmost importance to SLPT is Summit Lake itself, a desert terminus lake. SLPT is primarily concerned with cultural resources and surface and ground water quality and quantity that are hydrologically connected to Summit Lake. Trust resources include the land, plants, fish and wildlife, as sustenance is derived from these resources.

The Proposed Action would provide the necessary tools to manage the ITA appropriately and have a positive impact on the ITA. A SLPT Resolution was passed by the Tribal Council on November 16, 2019, supporting the proposed action. The proposed action would not change the traditional SLPT beliefs or actions and therefore would not affect ITAs.

3.1.2 Indian Sacred Sites

Indian Sacred Sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site". The Proposed Action would not be located on nor impact any federal land and therefore would not affect any Indian Sacred Sites.

The entire Reservation is culturally important to the SLPT. Although there would not be any effects on Indian Sacred Sites as defined in Executive Order 13007, if any culturally important

sites are identified over the course of the project, they would be handled according to their significance. No sites on the Reservation have been disclosed at this time.

3.1.3 Environmental Justice

Executive Order 12898 (February 11, 1994) requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects; including, social and economic effects of its programs, policies, and activities on minority populations and low-income populations. Reclamation has not identified adverse human health or environmental effects on any population as a result of implementing the Proposed Action. An insignificant increase in employment would result from implementation of the Proposed Action. Depending on the project's needs, employees would be hired based on the SLPT hiring policy and contractors based on the SLPT procurement policy.

3.1.4 Water Resources, Hydrology, and Soils

Water Resources, Hydrology, and Soils Affected Environment

The entire project area is located within the Summit Lake Watershed, there are several important areas that are influenced by or more susceptible to changes in water resources, hydrology and soils. The SLPT Unified Watershed Assessment (UWA) assessed Mahogany Creek, Snow Creek, the Water Gap, and other overland flow areas as the watershed priorities. The UWA (Summit Envirosolutions, Inc. 1998) provided the following information:

- Mahogany Creek is the largest spawning location for LCT and also receives the most recreation, which is an important factor when considering it as a water resource. Continued action is necessary to retain and improve the quality of the creek.
- Snow Creek is the second most probable location for LCT spawning and its maintenance is essential if a "catastrophic event" should occur to Mahogany Creek.
- The Water Gap is a mile-long stretch of Summit Lake that provides the only approved and accessible location for cattle to reach the lake. Over the years, high numbers of trespass cattle would overuse the water gap. Lumos and Associates (1997) monitored water quality and identified this section as the poorest water quality of all the areas monitored in 1997.
- Due to the large amount of runoff in high-water years, it is important to acknowledge the other overland flow areas. The drainage patterns and soil conditions surrounding the lake can make the dirt roads impassable. The overall health of the watershed is highly dependent on runoff numbers and vegetation type, due to the amount of sediment that washes into the lake.

The Summit Lake Paiute Reservation Vegetation Inventory (SLPVI) states that there are 12 major ecological sites that make up vegetation communities on the Reservation (BIA 2006). These 12 sites were narrowed down to four Ecological Site Descriptions (ESD) that cover much of the Reservation. All four of these ESDs are typical of the area and, more specifically, to cold desert environments.

- Northern and central portions of the Reservation, 3,578 acres, are Loamy 10-12" P.Z.-023XY020NV.

- Northeast and southwest corners of the Reservation, 2,014 acres, are Loamy Slope 10-14" P.Z. 023XY039NV.
- Dry meadows around the northern, eastern and southern edges of Summit Lake, 778 acres, are Dry Meadow 023XY013NV.
- Southern third of the Reservation, 1,994 acres, are ashy Slope 10-12" P.Z. 023XY072NV

Water Resources, Hydrology, and Soils Environmental Consequences

No Action Alternative

Under the No Action Alternative, there would be no Reclamation DTL funding to conduct stream or vegetation improvements to reduce erosion and sediment in waterbodies. The No Action Alternative would have negative impacts to water quality and soils.

Proposed Action Alternative

Under the Proposed Action Alternative, there would be a positive impact on water resources, hydrology, and soils. Increased management and monitoring would decrease the amount of stress on the land from trespassing cattle and horses, high water years and recreational use. The Proposed Action would reduce unmanaged grazing by maintaining existing fencing and constructing new, additional fencing where needed. This would allow the land and vegetation to recover and strengthen over the years, which would help reduce the amount of sediment that erodes into the lake during high rain and flow events.

The Proposed Action would also reduce the impacts from recreationalists. This would help increase vegetation and support healthy, minimally disturbed streams and springs. The LCT and Western Pearlshell Mussel would benefit from this action with healthier ecosystems in Mahogany and Snow Creeks by promoting higher spawning rates and healthier habitats.

- The geomorphic stream restoration study and implementation would assess the current conditions of the Summit Lake Watershed and recommendations developed to improve watershed factors to reach desired conditions. The primary focus would occur in Mahogany and Snow Creeks. The study would identify stresses and stress sources on the environment so appropriate management actions can be implemented. This would include analysis of the physical characteristics of the creeks through field analysis or drone survey, assessment of aquatic and riparian vegetation effects on channel morphology and implementation of actions determined to be beneficial to the overall health of the stream.
- Mahogany Creek would experience more managed recreational activity, increased monitoring and healthier LCT habitat. Improved fences and road maintenance would protect the creek from indiscriminate disturbances that compromise stream health. Vegetation would stabilize banks over time, which would increase the stream's recovery and resistance to erosion.
- Snow Creek would also benefit, especially regarding potential LCT habitat. More managed recreationalists and overall usage would help promote defined fish channels, which is a desired condition listed in both the UWA (Summit EnviroSolutions, Inc. 1998) and the SLCAP (SLPT 2015). Improved fences and road maintenance would protect the creek from

indiscriminate disturbances that compromise stream health. Vegetation would stabilize banks over time, which would increase the stream's recovery and resistance to erosion.

- The Water Gap would experience the most visible effects and improved conditions from the Proposed Action. The UWA (Summit Envirosolutions, Inc. 1998) lists undesired cattle grazing from neighboring permit-holders that are not Tribal livestock as one of the largest problems for this specific area within the Summit Lake Watershed. The proposed new fence would prevent cattle from trespassing and reaching the lake, while creating a boundary for Tribal cattle and a drift fence that would allow access when necessary. As a result, there would be decreased water pollution from livestock use and increased vegetation on the banks of the lake.
- The overland flow areas would most likely see a moderate increase in their stability as vegetation increases and stabilizes the soil over time.

The four dominant soil types described in the SLPVI would be positively influenced by the Proposed Action. All four soil types and associated vegetation are currently prone to wildfire. With the Proposed Action, more vegetation variety would appear which would both stabilize the soil and decrease the risk of a wildland fire.

3.1.5 Biological Resources

Biological Resources Affected Environment

The terrain on and around the Reservation is varied and ranges from broad, flat valleys to rolling hills to vertical cliffs. Volcanic and prehistoric rock features formed by ancient lakes are scattered throughout the landscape.

Multiple wildlife habitats occur in the project area; including, those for greater sage-grouse, mule deer (*Odocoileus hemionus*), pronghorn antelope (*Antilocapra americana*), LCT and multiple migratory bird species. Most habitats are dominated by sagebrush plant communities except for riparian and meadow communities which are located primarily in the highest elevations of the project area.

Lahontan Cutthroat Trout

LCT are a federally threatened species in Summit Lake and Mahogany and Snow Creeks.

Greater Sage-grouse

The greater sage-grouse has been proposed as a federally threatened species and is a concern across the state of Nevada and the project area. The entire project area falls within priority habitat for greater sage-grouse, which entails strict regulations and monitoring activities. Greater sage-grouse prefer slightly different habitats based on the season. The project area has habitat for every season in a greater sage-grouse life cycle.

Migratory Birds

Multiple migratory bird species are known to occur in the project area, and many species are ground or low vegetation nesters.

Wild Horses/Trespass Cattle

Wild horses and trespass cattle periodically occur within the project and cause damage to riparian areas and springs. Although the SLPT has a zero-tolerance policy, trespass occurs due to lack of fencing in some areas and limited fence maintenance in others.

Vegetation and Invasive Species

Rangeland vegetation in the Reservation was inventoried to determine annual forage production and allowable forage allocations (BIA 2006). During range inventory, dominant ESDs were identified and used to stratify map units with differing vegetation production. Overall, the inventory described the project area as being typical of semi-arid high desert and sagebrush steppe plant communities with primarily rocky, alkaline soil. Dominant plant communities are made up of low sagebrush (*Artemisia arbuscula*), big sagebrush (*A. tridentata*), Thurber's needlegrass (*Achnatherum thurberianum*), and bluebunch wheatgrass (*Pseudoroegneria spicata*).

Areas of the Reservation (primarily those that have been disturbed) are invaded by non-native plants; including, species such as hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), perennial pepperweed (*Lepidium latifolium*), and salt cedar (*Tamarix* sp.).

Biological Resources Environmental Consequences

No Action Alternative

Under the No Action Alternative, Reclamation would not provide DTL grant funding to SLPT for implementation of the Proposed Action. Erosion and degraded stream conditions would continue. Habitat for LCT, greater sage-grouse and ground nesting birds would not be improved, and invasive species would not be reduced.

Proposed Action Alternative

A list of federally listed species with the potential to occur in the project area was obtained from the U.S. Fish and Wildlife Service (USFWS) on February 12, 2019. The species list identified two federally threatened and endangered wildlife species that may occur in or be affected by the Proposed Action, and no designated critical habitat was identified in the project area. Based on habitat assessments, presence of suitable habitat, historic data, and professional opinion, LCT is the only federally listed species with the potential to occur in the action area and to be affected by the proposed action. Desert dace does not occur within the project area and is not affected by the proposed action.

A Biological Assessment (BA) for the Proposed Action activities was completed in July 2019 with affects determinations for the desert dace and LCT. The species, listing status and BA affects determination is provided in Table 1.

Table 1. Proposed Action Species, Listing Status and Affects Determination

Species (Common Name)	Species (Scientific Name)	Listing Status	Affects Determination
Desert Dace	<i>Eremichthys acros</i>	Threatened	No effect
Lahontan Cutthroat Trout	<i>Oncorhynchus clarkii henshawi</i>	Threatened	May effect, not likely to adversely affect

Lahontan Cutthroat Trout

The BA found that the Proposed Action was likely to have either a positive impact or no impact on the LCT. Positive impacts would coincide with higher management of recreational activities which would decrease the amount of disturbance that inadvertently occurs to LCT habitat. New fences and increased maintenance of existing fences would decrease potential habitat disruption from trespass cattle and wild horses. This in turn would positively affect the amount of vegetation in the project area, which would decrease the amount of sediment that pollutes LCT habitat in high water years. Removal of irrigation structures would improve the natural stream shape and function.

Greater Sage-grouse

The *State of Nevada Sagebrush Ecosystem Program website* (assessed April 10, 2019) recommends measures to avoid distress of greater sage-grouse. This includes placing greater sage-grouse fence markers on fences that are both being maintained and newly constructed. Since the project area is located within priority habitat, SLPT would work closely with the BLM to follow appropriate, up-to-date management practices. This involves decreasing trespass cattle and wild horse numbers, which would in turn increase the number of forbs, sage brush canopy and understory cover available for the species. With maintenance of fire break and reduced fuels, the risk of a wildland fire would also be reduced.

Greater sage-grouse telemetry flights would be conducted to assess population sizes and location. Infrared aerial technology would also be utilized to detect and monitor greater sage-grouse active lek sites (breeding ground) on approximately 330,000 acres.

The Proposed Action would have a minimal impact and a long-term positive effect on greater sage-grouse.

Migratory Birds

To avoid impacts to migratory birds, vegetation removal would not occur between March 1 and August 15. This time window effectively avoids the nesting season for most Great Basin and migratory bird species. If vegetation clearing cannot take place outside of the nesting season, pre-construction nesting surveys would occur prior to vegetation removal. If nests are found during pre-construction surveys, project activities would be modified to avoid impacts to birds. The Proposed Action would have a minimal impact on ground-nesting birds.

With the increased monitoring of recreational activity, there would be fewer opportunities for eagles to be disturbed by the public. The Proposed Action would not have a significant impact on bald and golden eagles.

Wild Horses and Trespass Cattle

The Proposed Action would decrease trespass cattle and wild horse numbers in the project area. The new fence would keep wild horses on the BLM land, instead of trespassing on to the Reservation. Horses and cattle that are currently accessing springs and riparian areas would need to find other sources for water and forage.

Vegetation and Invasive Species

As part of the Proposed Action, invasive plant species would be sprayed, hand-pulled and salt cedar (*Tamarix* sp.) would have the cut stumps painted. Due to reduced invasive species numbers, the Proposed Action would have a positive impact on invasive species control.

3.1.6 Transportation

Transportation Affected Environment

The project area is a low-traffic recreational area. There are multiple dirt roads in the area, including Summit Lake Road and Soldier Meadows Road. Smaller, unnamed roads are also used for both maintenance and fuel reduction. The 2015 SLCAP acknowledges that this area has the potential to incur damage from OHVs, although it was assessed to be a non-significant concern.

Transportation Environmental Consequences

No Action Alternative

Under the No Action Alternative, Reclamation would not provide DTL grant funding to SLPT for implementation of the Proposed Action. There would be no watershed wide road assessment and implementation. There would be no seasonal or permanent road closures or best management practices for OHV users. Transportation would continue in the current manner.

Proposed Action Alternative

The SLCAP (SLPT 2015) identifies the largest concern with the project area's dirt roads and potential for OHV use is the possibility of decreased vegetative cover, increased soil erosion, unnaturally high sediment amounts and invasive plant seed dispersal.

Based on the information provided, transportation would either have a positive impact or no impact from the Proposed Action.

The increased fuels management and road maintenance would most likely increase the ease and safety to reach Summit Lake for the recreationalists that utilize the dirt roads with their OHV's. It is not anticipated that recreational traffic would be significantly affected by the Proposed Action, although the risk of fires from passing vehicles would decrease with the proposed fuel management.

There would be an increase in traffic for short periods of time during implementation activities, although the small number of employees needed for these actions would not have a significant impact. There would also be an increase in OHV use when the new fences are being constructed and old fences maintained, although this would not cause a significant change in transportation.

Ideally, this fence construction and management would decrease the amount of irresponsible OHV use by reducing accessibility to certain areas.

There would not be a significant impact on transportation due to the Reservation's remote location.

3.1.7 Cultural Resources

Cultural Resources Affected Environment

"Cultural resources" is a term used to describe both 'archaeological sites' depicting evidence of past human use of the landscape and the 'built environment,' which is represented in structures such as roadways and buildings. The National Historic Preservation Act of 1966 (NHPA) is the primary legislation, which outlines federal agencies' responsibilities to consider cultural resources. Section 106 of the NHPA requires the federal government to take into consideration the effects of its undertakings on historic properties, which are cultural resources listed or eligible for listing on the National Register of Historic Places.

Implementing regulations for Section 106 (36 CFR Part 800) describe the process that federal agencies must use to identify historic properties and determine the level of effect that a proposed undertaking would have on such properties. In summary, it must first be determined whether the action is the type of activity that has the potential to affect historic properties. If the action is that type of activity, then the agency must identify the Area of Potential Effects (APE), determine if historic properties are present within the APE, determine the effect that the undertaking would have on historic properties, and seek to resolve any adverse effects through consultation with the State or Tribal Historic Preservation Officer and any other consulting parties.

In 2019, Great Basin Consulting Group, LLC (GBCG) completed a cultural resource inventory on the Reservation for the Proposed Action. GBCG's report included results of a background and records search, and a field survey for the APE. Based on the historic properties identification efforts, Reclamation, in consultation with the Nevada State Historic Preservation Office (SHPO) have consensus on a no historic properties affected finding for the proposed project.

Although the SLPT was the grant recipient, Reclamation formally invited the SLPT by letter to assist in identifying historic properties of concern that might be affected by the proposed project. Reclamation has not received a response from the Tribe. Reclamation will work to address any concerns that may be raised in the future.

Cultural Resources Environmental Consequences

No Action Alternative

Under the No Action Alternative, Reclamation would not provide DTL grant funding to SLPT for implementation of Proposed Action. Reclamation would not have an undertaking as defined by Section 301(7) of the NHPA, and there would be no impacts to cultural resources.

Proposed Action Alternative

The Proposed Action is the type of activity that has the potential to affect historic properties. Since no historic properties were identified in the project APE, no cultural resources will be impacted as a result of implementing Proposed Action.

In the event of an unanticipated discovery of previously unidentified cultural resources during the implementation of the Proposed Action, Reclamation and the SLPT would be immediately notified. Any ground-disturbing activities within 50 feet of the discovery would be stopped until the area could be inspected by a qualified archaeologist. A Tribal cultural monitor may assist the archaeologist, depending on the specific discovery on a case-by-case basis. Avoidance or recovery measures could be developed in consultation with Reclamation, as outlined at 36 CFR §800.13. Work would not resume at that specific location until authorized by Reclamation and approved by the SLPT.

Under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001) and implementing regulations 43 CFR Part 10, Reclamation is responsible for the protection of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on a Reclamation undertaking. All human remains, and potential human remains must be treated with respect and dignity at all times. In the event that suspected human remains are discovered during proposed project activity, all activities in the immediate area will cease, and appropriate precautions will be taken to protect the remains and any associated cultural items from further disturbance. Reclamation will follow the procedures outlined in 43 CFR § 10.4 Inadvertent Discoveries. The SLPT Tribal Chairperson (and any other appropriate SLPT representative[s]) and Reclamation Region 10 Cultural Resource Officer will be immediately notified by telephone. Reclamation will take responsibility for the discovery by contacting the appropriate law enforcement and Reclamation officials. Within three (3) working days of confirmation of the discovery [see 43 CFR Part 10.4(d)(1)(iii)], the Regional Cultural Resource officer will notify by telephone or in person, with written confirmation, the Indian tribes likely to be affiliated with the discovered human remains (e.g., lineal descendant, culturally affiliated Indian tribe, Indian tribe with other cultural relationship, and Indian tribe that aboriginally occupied area). Treatment and handling of the remains will be determined through consultation between Reclamation and consulting tribes.

3.1.8 Socioeconomics

Socioeconomics Affected Environment

The affected environment includes the entire project area as well as the surrounding Humboldt County. Contractors could come from anywhere, although it is likely most would come from the Reno, Nevada area.

Due to the historical agricultural use, it is important to note that the affected environment includes previously irrigated meadows. This land has not been used for agriculture since approximately 1988, and it is not projected to be used for agriculture in the future. It is acknowledged that the irrigated areas are of historical importance to the SLPT.

Socioeconomics Environmental Consequences

No Action Alternative

Under the No Action Alternative, Reclamation would not provide DTL grant funding to SLPT for implementation of the Proposed Action. There would be no funding for hiring or training employees or contracting. There would be no measurable impact to socioeconomics under the No Action Alternative.

Proposed Action Alternative

The Proposed Action would have positive impacts on the Socioeconomic resources of the project area. Due to the remote location of the project, these impacts would be insignificant regarding the SLPT and potential employees and contractors.

While it is acknowledged that there would be an impact on irrigation structures, these impacts would not be significant to past, present or potential management, since these structures have not been used in approximately 30 years and are not projected to be used in the future. As a result, they are not of any economic benefit to tribal members. It is not projected that any members would use the structures, due to their state of disrepair. The SLPT would prefer to follow the Proposed Action and put funding towards returning channels to their natural state, rather than repairing them for irrigation purposes. The SLPT Tribal Council supports the irrigation structure removal, as documented in a resolution recorded in The November 18, 2019 Tribal Council Meeting (SLPT 2019). The removal does not significantly impact any current agricultural business operation or in the foreseeable future. Therefore, the irrigation structure removal would not have a significant impact on the Socioeconomic resources in the project area.

With the addition of four full-time employees and new contractors, there would be a positive impact on the Reservation. As suggested in Section 2.2.1, this new employment would benefit individuals that would be hired specifically for this project. There would also be a small, positive impact for contractors who would experience a small increase in employment opportunities, although it would not be enough to significantly affect the local economy.

3.2 Cumulative Effects

According to the CEQ regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over time.

3.2.1 Past, Present, and Reasonably Foreseeable Future Actions

Past actions are those whose impacts on one or more of the affected resources have persisted to present day. Present actions are those occurring at the time of this evaluation and during implementation of the Proposed Action. Reasonably Foreseeable Future Actions constitute those actions that are known or could reasonably be anticipated to occur in the analysis area for each resource, within a time frame appropriate to the expected impacts from the Proposed Action.

Past and present actions that have or may interact with the Proposed Action include:

- Acquisition of approximately 941 acres of Reservation lands in 2016 with passage of the NNNLA.
- Acquisition of 941 acres of Tribal allotments into the Reservation.
- Mahogany creek culvert replacement.
- Invasive weed treatments.
- Fuels reduction (mowing).
- Great sage-grouse telemetry flights and studies.
- Ongoing and past fence maintenance.
- Ongoing and past road construction and maintenance.

Reasonably foreseeable future actions that have or may interact with the Proposed Action include:

- Realignment of the existing road away from the edge of Summit Lake.

3.2.2 Cumulative Impacts

For the purpose of this EA, the cumulative impacts are the sum of all past, present (including proposed actions), and reasonably foreseeable future actions. The purpose of the cumulative analysis in this EA is to evaluate the significance of the Proposed Action's contributions to cumulative environmental impacts.

All resources described under the affected environment and environmental consequences section of this EA are either not affected or would be affected in a positive manner. Therefore, the cumulative effects of the proposed action would be either neutral or positive.

4. Consultation and Coordination

4.1 Agencies and Persons Consulted

Reclamation coordinated or consulted with SLPT, Great Basin Land and Water, USFWS and Nevada SHPO in the preparation of this EA.

4.2 Endangered Species Act (16 United States Code [USC] § 1531 et seq.)

Section 7 of the Endangered Species Act requires federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of these species. A BA was completed regarding ESA-listed species and critical habitats that may be potentially affected and determined that execution of the Proposed Action may affect but is not likely to adversely affect each. On August 14, 2019 (File No. 2019-I-0624), the USFWS concurred with Reclamation's finding that the Proposed Action may affect but is not likely to adversely affect LCT or their habitat.

4.3 National Historic Preservation Act (16 USC § 470 et seq.)

The NHPA of 1966, as amended (16 USC 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

Reclamation finds that this action will not affect e any historic properties.

5. References

- Bureau of Indian Affairs (BIA). 2006. Summit Lake Paiute Reservation Vegetation Inventory.
- Indian Trust Assets (ITA). 2019.
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