

Introduction

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The US Department of the Interior (DOI), Bureau of Reclamation (Reclamation), Lahontan Basin Area Office (LBAO) has prepared this final resource management plan (RMP) and environmental impact statement (EIS) for the Newlands Project Planning Area (Figure 1-1).

The Newlands Project provides irrigation water from the Truckee and Carson Rivers for cropland in the Lahontan Valley near Fallon and benchlands near Fernley in western Nevada through a series of diversions, canals, dams, and reservoirs. The Newlands Project Planning Area encompasses approximately 442,000 acres surrounding the Newlands Project facilities and is composed of all Reclamation-administered lands, including waterbodies, managed as part of the Newlands Project. The Truckee-Carson Irrigation District (TCID) does not manage lands.

Reclamation possesses state permits to store water in its reservoirs but does not own any water rights in the Newlands Project. The operation and maintenance of the Newlands Project (i.e., water policy) are conducted through a contract with TCID. The contract is not addressed in this RMP. TCID does not manage any federal lands.

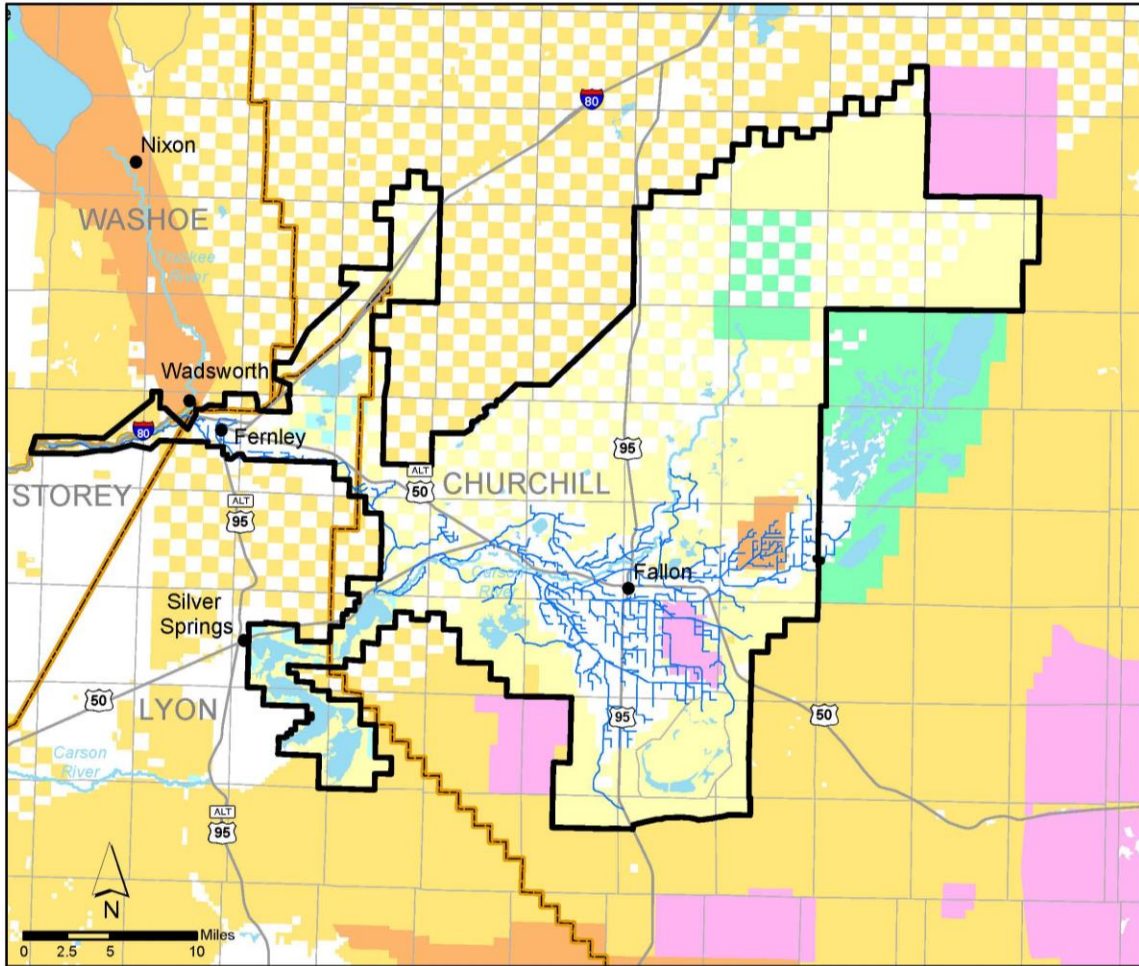
Scope of this RMP/EIS

This RMP addresses the use of federal lands administered by Reclamation in the planning area that are ancillary to the primary purpose of providing water for irrigation. The water resource itself, and the operation and maintenance of the facilities and infrastructure used in the storage, transport, and delivery of the irrigation water are excluded from this RMP.

This RMP provides a range of alternatives for managing Reclamation-administered lands in the Newlands Project Planning Area, which is in the west-central Nevada counties of Washoe, Storey, Lyon, and Churchill. The EIS is an analysis of the environmental effects that could result from implementing any of the alternatives defined in the RMP. The Newlands Project lands have been administered to date in accordance with applicable directives, and standards. This document will be the first RMP for the Newlands Project lands that LBAO administers.

The RMP/EIS will facilitate public understanding of the range of resources that Reclamation manages. It also will help the public understand the constraints and legal requirements that provide the framework in which Reclamation must

manage these lands. The RMP/EIS will provide the basis for consistent and integrated decisions for managing Reclamation-administered lands in the planning area. The guidance provided will help managers administer the Newlands Project lands in fulfillment of Reclamation’s mission, which is “to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.”



Reclamation lands of the Newlands Project, excluding water, encompass approximately 359,393 acres.

The project does not address the 14 acres of Reclamation Easement at Tahoe Dam

- Newlands Project Boundary
- Bureau of Reclamation (Newlands Project Only)
- Tribal Lands
- Bureau of Land Management
- Department of Defense
- Fish and Wildlife Service
- State of Nevada
- Regional Park
- Private
- Water
- Township
- County
- Major Highway
- Rivers
- Canals
- City



U.S. Department of the Interior
Bureau of Reclamation

Figure 1-1 Newlands Project Planning Area

The RMP will also facilitate the relationships that exist with Reclamation's partners. For example, recreation at the Lahontan Reservoir and the Fernley Wildlife Management Area (FWMA) is managed by the State of Nevada (Nevada State Parks (NSP) and by the Nevada Department of Wildlife (NDOW), respectively. A Comprehensive Recreation Management Plan for Lahontan Reservoir will be prepared by NSP within five years of the completion of this RMP.

This RMP/EIS addresses the interrelationships among the various resources in the Newlands Project Planning Area and provides management options to balance resource management between Reclamation's mission and authority, and the needs of the public to use these lands. Reclamation's authority to prepare the RMP is outlined in the Reclamation Recreation Management Act of 1992 (Public Law 102-575, Title 28).

The land use planning-level decisions that Reclamation will make regarding this RMP are programmatic, based on analysis that can be conducted only on a broad scale. Because of the broad scope, impact analysis of planning-level decisions is speculative with respect to projecting specific activities. Subsequent documents tiered to this RMP will contain a greater level of detail and will be subject to National Environmental Policy Act of 1969 (NEPA) analysis and compliance.

This RMP/EIS meets the requirements of the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR], Parts 1500-1508; CEQ 1978) and the DOI's regulations for implementing NEPA (43 CFR Part 46).

Newlands Project Background Information

Location

The Newlands Project Planning Area includes all Reclamation-administered lands managed as part of the Newlands Project, which encompasses four counties, Washoe, Storey, Lyon, and Churchill, in west-central Nevada (Figure 1-1). The Newlands Project Planning Area encompasses approximately 442,000 acres.

Project Function

Construction on the Newlands Project, formerly the Truckee-Carson Project, began in 1903, which makes it one of the first of Reclamation's projects. The primary goal of the Project, as set forth in legislation, is to provide water for irrigation. It provides full service irrigation water from the Truckee and Carson Rivers for about 57,000 acres of cropland in the Lahontan Valley near Fallon and benchlands near Fernley in western Nevada. In addition, water from about 6,000 acres of Project land has been transferred to the Stillwater National Wildlife

Refuge wetlands near Fallon. The drainage basins contain nearly 3,400 square miles, with a combined average annual runoff of about 850,000 acre-feet of water.

The goal of the Newlands Project was expanded in 1990 under Section 209 of Public Law 101-618. In addition to irrigation, the Newlands Project is operated and maintained for the following:

- Fish and wildlife, including endangered and threatened species;
- Municipal and industrial water supply in Lyon and Churchill Counties, Nevada, including the Fallon Indian Reservation;
- Recreation;
- Water quality; and
- Any other purposes recognized as beneficial under the law of the State of Nevada.

Description

The Newlands Project is made up of the Truckee Division and the Carson Division. The Newlands Project has features in both the Carson and Truckee River basins, with the Truckee Canal allowing interbasin diversions from the Truckee River to the Carson River. The major features of the Newlands Project include Lake Tahoe Dam, Derby Diversion Dam, the Truckee Canal, Lahontan Dam, Old Lahontan Power Plant, Carson River Diversion Dam and canals, laterals, and drains, for irrigation of approximately 57,000 acres of farmlands, wetlands and pasture.

Water for the Newlands Project comes from the Carson River, and supplemental water is diverted from the Truckee River into the Truckee Canal at Derby Diversion Dam for conveyance to Lahontan Reservoir. The water stored in Lahontan Reservoir or conveyed by the Truckee Canal is released into the Carson River and diverted into the V and T Canals at Carson Diversion Dam (Reclamation 2009).

Irrigation Related Facility Descriptions

Newlands Project water is mostly used for agriculture. The Project can provide service to approximately 6,200 acres of fertile benchlands next to the Truckee Canal, in the city of Fernley, and west and south of Hazen, and another 66,700 acres on the north and south sides of the Carson River near Fallon. Overall, the Project has 68.5 miles of main canals and more than 300 miles of laterals and almost 350 miles of drains that have been constructed since work on the first laterals began in 1904 (Reclamation 2009).

The Truckee Division includes the area in and around Fernley, about 30 miles east of Reno, and the Hazen and Swingle Bench areas to the east, which are in Churchill County. The Truckee Division includes the Lake Tahoe Dam, the Derby Diversion Dam, the Truckee Canal, and the irrigation delivery system for service to approximately 5,000 acres of irrigated lands. These lands amount to less than 10 percent of the Project acreage, and are supplied exclusively by water diverted at Derby Diversion Dam from the Truckee River into the Truckee Canal (Reclamation 2009).

The Truckee Division includes the following components:

- Lake Tahoe Dam, a small dam at the outlet of Lake Tahoe, controls the top six feet of Lake Tahoe and regulates the lake outflow into the Truckee River. Completed in 1913, Lake Tahoe Dam is a concrete slab and buttress structure with 17 vertical gates. It is 18 feet high and 109 feet long. Flows are controlled by 17 gates, each 5 feet by 4 feet. Reclamation modified Lake Tahoe Dam in 1987 under the Safety of Dams Program. Reclamation constructed reinforced concrete stabilizing walls in the embankments, concrete embankment caps over both embankments, and reinforced embankment and slope protection. Each stabilizing wall is 44 feet long and extends about 20 feet down into the embankment. A cut-off wall was added to provide increased stability to the dam and embankment in a severe earthquake.
- Derby Diversion Dam, on the Truckee River about 20 miles south of Reno, diverts water into the Truckee Canal for conveyance to Lahontan Reservoir and for irrigation of the Truckee Division lands. The dam is a concrete structure 31 feet high.
- The Truckee Canal extends 32 miles from Derby Diversion Dam to the Lahontan Reservoir. The canal has three 15.3-foot-wide tunnels, ranging from 309 feet to 1,521 feet long.

The Carson Division, in and around Fallon, about 65 miles east of Reno, contains the bulk of Project lands, includes the Lahontan Dam, Old Lahontan Power Plant, and Carson River Diversion Dam and canals, laterals, and drains. Together these facilities irrigate approximately 57,000 acres of farmland. Water users include farmers, the Fallon Paiute-Shoshone Tribe, the Stillwater National Wildlife Refuge, the Carson Lake Pasture wetlands, NAS Fallon, and the FWMA. Irrigation water is released from the Lahontan Reservoir, on the Carson River and, under specified conditions, receives supplementary water from the Truckee River via the Truckee Canal (Reclamation 2009). The Carson Division includes the following components:

- The Lahontan Dam and Reservoir on the Carson River stores the natural flow of the Carson River, along with water diverted from the Truckee River. The dam, completed in 1915, is a zoned earthfill structure 162 feet high. To prevent seepage, a cutoff-wall extends 30 to 60 feet below the original ground surface and six to eight feet above the surface and into the embankment. The dam has twin spillways, one at each end of the main dam, that discharge into a common stilling pool. Each spillway has an uncontrolled concrete crest, approximately 250 feet long; with an open channel that curves nearly 90 degrees before ending at the stilling pool. The pool, located at the base of the dam, is 230 feet across, with an area of almost one acre. The spillway system was designed so that the energy of the flows will cancel one another when the flows converge in the pool.
- The Carson River Diversion Dam is on the Carson River, five miles below Lahontan Dam. It diverts water into two main canals to irrigate Carson Division lands. The Carson River Diversion Dam is 241 feet long with a 225-foot-long, 31-foot-high, concrete control section. It was completed in 1906.

Two canals carry water from the Carson River Diversion Dam to Project lands. The T Canal serves lands on the north side of the river. It is nine miles long, with a bottom width of 10 feet, and has a capacity of 450 cubic feet per second (cfs). The V Canal serves lands on the south side of the river and is 27 miles long. It has a bottom width of 22 feet and a capacity of 1,500 cfs. The V Canal includes the V Canal Power Plant (owned by TCID), which is on a drop in the V Canal, about six miles west of Fallon. It has two 400-kilowatt generators.

The facilities also include an agricultural drainage system, designed to minimize saline and alkaline soils and a locally high groundwater table, and several small downstream regulatory reservoirs, designed to aid in distributing water throughout the Project. Some of the Project's agricultural drainage water is used to supplement the water supply for wildlife areas at the Carson Lake Pasture and the Stillwater National Wildlife Refuge.

Under terms of the contract of December 18, 1926, the care, operation, and maintenance of the Project were transferred to TCID on December 31, 1926. The United States and TCID entered into a new contract for care, operation, and maintenance of the Project on November 25, 1996; Reclamation assumed responsibility for operating and maintaining Lake Tahoe Dam in 2000 (Reclamation 2009).

Facility Descriptions Unrelated to Irrigation

In addition to the facilities to control, store, and deliver water, the Newlands Project includes the land surrounding the water delivery systems, irrigated lands, recreation facilities, and power generation facilities. Approximately two-thirds of

the planning area lands are owned by the federal government (Figure 1-1). Reclamation manages Newlands Project withdrawn lands and has entered into several partnerships and agreements with other agencies to manage the lands subordinate to the primary purpose of irrigation and agriculture.

Irrigated lands. Newlands Project water is used mostly for agriculture. Since its inception, the Newlands Project has been home to many different types of crops. Now principal irrigated crops are alfalfa hay, grass hay, irrigated pasture, barley, wheat, corn, oats, and sorghum. The primary crop grown on Project lands is alfalfa, which is raised on just over 35,500 acres. Cereal crops are raised on another 9,950 acres, with a small amount of acreage devoted to corn, melons, squash, and berries. In addition, there are 4,000 acres of irrigated pasture on the Project.

Recreation. The Lahontan Reservoir area offers swimming, picnicking, camping, boating facilities, and fishing for trout and warm water fish. Overnight lodging accommodations are located nearby. Recreation at Lahontan Reservoir is administered by the Nevada Division of State Parks.

The FWMA is within the boundaries of the Newlands Project and provides numerous recreation activities, including hunting and sightseeing. This area is administered by NDOW.

The Grimes Point Archeological Site, managed by the Bureau of Land Management (BLM), provides an opportunity to view examples of prehistoric rock art created by early Great Basin inhabitants. The BLM has constructed picnic and restroom facilities at the site. The Grimes Point site is on withdrawn lands that have been designated to be returned to the BLM through the withdrawal relinquishment process. Therefore, the management by Reclamation of recreational opportunities at Grimes Point will not be further analyzed in this RMP.

The Carson Lake Pasture (CLP) Wildlife Refuge is operated by NDOW. The 30,000-acre refuge provides opportunities for bird watching and water fowl hunting. Public Law 101-618 has mandated that the CLP be transferred to the State of Nevada to be operated and maintained as a Wildlife Refuge. That transfer process is ongoing; therefore the management by Reclamation of recreational activities at CLP will not be further analyzed in this RMP.

Throughout the Newlands Project are dispersed recreational opportunities, such as camping, hiking, biking, and other outdoor activities. However, the Project is not managed for these recreational activities. Oftentimes these recreational activities come in conflict with the purpose of Project, which is to provide irrigation water to end users. Therefore, the small regulating reservoirs are not sustained as water recreation facilities and are often allowed to dry up. A majority of the lands on

which the dispersed recreation occurs are designated to be returned to BLM and will thence be managed under BLM regulations in the foreseeable future. Those lands that are retained under Reclamation management will have limited recreational opportunities (with the exception of Lahontan Reservoir and the FWMA) due to safety and health considerations, limited access, and other impediments to recreation.

Hydroelectric power. The Lahontan Power Plant, immediately below Lahontan Dam, has a capacity of 1,920 kilowatts and facilities to use water from either Lahontan Reservoir or the Truckee Canal. Completed in 1911, the plant's designers took advantage of the more than 100-foot fall of the Truckee Canal into the Carson River. In 1949, TCID installed diesel equipment adjoining this plant to generate 2,000 kilowatts of electricity. In 1988, a second powerhouse was constructed at Lahontan Dam for a single 4,000-kilowatt generator. The hydro power generated is interconnected to the NV Energy grid.

Purpose and Need

The Newlands Projects lands have been administered to date in accordance with applicable directives and standards. The purpose of the Newlands Project RMP is to provide a single, comprehensive land use plan that will guide contemporary resource and recreation needs of the federal lands administered by Reclamation in the Newlands Project planning area. The RMP will help ensure that the Project's authorized purposes continue to be met: water supply, recreation, water quality, support of fish and wildlife, and any other purposes recognized as beneficial under the laws of Nevada.

The purposes of the Newlands Project RMP are as follows:

- Provide a framework to ensure Reclamation plans and activities comply with all appropriate federal, state, and local laws, rules, regulations, and policies;
- Provide for the protection and management of natural and cultural resources and of public health and safety;
- Provide for non-water based recreation management and development and other uses consistent with contemporary and professional resource management and protection theories, concepts, and practices; and
- Be consistent with Reclamation's fiscal goals and objectives.

The RMP is needed because no unifying management plan exists to guide Reclamation in achieving the demands listed above.

Project Authority

Reclamation's authority to prepare RMPs is derived from the broad authority of the Reclamation Act of 1902 (Chapter 1093, 32 Stat. 388), the Reclamation Project Act of 1939 (Chapter 418, 53 Stat. 1187), the Federal Water Project Recreation Act (Public Law [PL] 89-72, 79 Stat. 213), and, more specifically, from the Reclamation Recreation Management Act of 1992 (PL 102-575, Title 28 [2805(c)(1)(A)]). This act authorized the preparation of RMPs to "provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation-administered lands in a manner that is compatible with the authorized purpose of the Reclamation Project associated with the Reclamation-administered lands."

Below is a brief description of important legislation governing the management of the Newlands Project Planning Area.

Federal Legislation and Guidance

This section lists some of the federal regulations and guidelines that Reclamation complies with during preparation and subsequent implementation of the RMP.

Reclamation Act of 1902 (Chapter 1093, 32 Stat. 388)

This act set aside money for the construction and maintenance of irrigation projects. The newly irrigated land would be sold and money would be put into a revolving fund to support future projects.

Reclamation Project Act of 1939 (43 US Code [USC], Section 485)

This act provided a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects and to protect the investment of the United States in such projects.

Federal Water Project Recreation Act of 1965 (PL 89-72)

This act requires that recreation and fish and wildlife enhancement be given full consideration in federal water development projects. The act authorizes the use of federal water project funds for land acquisition in order to establish refuges for migratory waterfowl. It authorizes the Secretary of the Interior to provide facilities for outdoor recreation and fish and wildlife at all reservoirs under the Secretary's control, except those in National Wildlife Refuges.

Reclamation Recreation Management Act of 1992 (PL 102-575, Title 28 [2805(c)(1)(A)])

This act amends the Federal Water Project Recreation Act of 1965 (PL 89-72) and authorizes the preparation of RMPs to "provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation-administered lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation-

administered lands.” This act adds a non-federal partner cost share requirement to accomplish Reclamation projects. A non-federal partner is any governmental organization chartered by a state, county, or local government agent. Conversely, all nonprofit organizations or businesses are excluded from a federal cost share under PL 89-72. It is required that the cost-share entity have the capability to provide at least 50 percent of the cost of the project and to provide up-front funding for planning activities. In addition, the cost-share entity provides services and facilities that are open to the general public; cost sharing will not support private exclusive use on federal lands. The cost share entity also must show the capability to provide long-term operation and maintenance (O&M) of the facilities.

Off-Road Vehicle Use (43 CFR, Part 420)

This regulation establishes requirements for off-road vehicle use on Reclamation-administered lands. It protects the land resources, promotes the safety of all users, minimizes conflicts among the various uses, and ensures that any permitted use will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances.

Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies (43 CFR, Part 423)

The purpose of this regulation is to maintain law and order and protect persons and property within Reclamation projects and on Reclamation facilities, lands, and waterbodies.

Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use (43 CFR, Part 429)

The purpose of this regulation is to notify the public that any possession or occupancy of any portion of and the extraction or disturbance of any natural resources from Reclamation facilities, lands, or waterbodies are prohibited without written authorization from Reclamation. Exceptions are made for the legal harvest or collection of fish, wildlife, or plant material in conformance with applicable federal, state, and local laws. This regulation includes the requirement for collection of application and use fees and the recovery of administrative costs.

NEPA (42 USC, Section 4321 et seq.) and Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500 – 1508)

Under NEPA, federal agencies must consider the environmental consequences of proposed major actions. The spirit and intent of NEPA are to protect and enhance the environment through well-informed federal decisions, based on sound science. NEPA is premised on the assumption that providing timely information to the decision maker and the public concerning the potential environmental consequences of proposed actions would improve the quality of federal decisions. Thus, the NEPA process includes the systematic, interdisciplinary evaluation of potential environmental consequences expected to result from implementing a

proposed action. This document is a joint RMP/EIS to fulfill NEPA's requirements.

Clean Water Act (33 USC, Sections 1251 et seq.) and Implementing Regulations (33 CFR, Parts 320-330 and 335-338, 40 CFR, Parts 104-140, 230-233, and 401-471)

The Clean Water Act (CWA) of 1972, PL 92-500, is the law under which most US Army Corps of Engineers (USACE) permits are issued for discharging fill into wetlands. Most of the CWA deals with water pollution, which is the purview of the US Environmental Protection Agency (EPA). Responsibility for disposing of dredged material was delegated to the USACE because of its historic role in that arena, but the EPA still maintains ultimate responsibility for overseeing the program. USACE regulations are published at 33 CFR, Parts 320-384; those of the EPA are published at 40 CFR, Parts 230-233, and are often referred to as Section 404 guidelines.

Section 404 defines dredge and fill responsibilities under the CWA. Exemptions for Section 404 permits are granted for normal agriculture, ranching, and silviculture (forest management), as well as for maintaining drains, culverts, farm ponds, and roads. The USACE manages the wetland permitting program, but the EPA has veto power over USACE permit decisions, and the US Department of the Interior, Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) have consultation rights. The USACE and the EPA share enforcement authority, although states may adopt administration of parts of the program from the USACE, with EPA oversight. The point of contact for Section 404 permit issues is the USACE.

Clean Air Act (42 USC, Section 7401 et seq.)

The principal federal law protecting air quality is the Clean Air Act (CAA), which is enforced by the EPA. The CAA regulates air emissions from area, stationary, and mobile sources. Under this law, the EPA established National Ambient Air Quality Standards (NAAQS) for each state in order to protect public health and the environment. The CAA requires areas with unhealthy levels of ozone, carbon monoxide, nitrogen oxide, sulfur oxide, and inhalable particulate matter to develop State Implementation Plans, describing how the areas will attain compliance with the NAAQS, in accordance with 40 CFR, Part 52.220.

Executive Order 11990: Protection of Wetlands (42 Federal Register [FR] 26961, 5/25/77)

This Executive Order (EO) requires agencies to minimize destruction of wetlands when managing lands, administering federal programs, or undertaking construction. Agencies are also required to consider the effects of federal actions on the health and quality of wetlands.

EO 11593: Protection and Enhancement of the Cultural Environment (36 FR, 8921, 1/15/71)

This order requires federal agencies to inventory historic properties on federal lands and to document historic properties altered or demolished through federal action.

EO 13112: Invasive Species (64 FR, 6183, 2/3/99)

This order directs federal agencies to prevent the introduction of invasive species and provides for control and to minimize the economic, ecological, and human health impacts of invasive species. To do this, EO 13112 established the National Invasive Species Council.

EO 13443: Facilitation of Hunting Heritage and Wildlife Conservation (72 FR, 46537, 8/20/07)

The purpose of this order is to direct federal agencies with programs and activities that have a measurable effect on federal land management, outdoor recreation, and wildlife management, including the Departments of the Interior and Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and the associated habitat.

Bald and Golden Eagle Protection Act (16 USC, Sections 668-668d)

This act prohibits persons within the United States (or places subject to US jurisdiction) from “possessing, selling, purchasing, offering to sell, transporting, exporting or importing any bald eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof.”

Fish and Wildlife Coordination Act of 1934

This act requires consultation with the USFWS and state agencies whenever the waters or channels of a body of water are modified by a department or agency of the United States, with a view to conserving wildlife resources. It provides that land, water, and interests may be acquired by federal construction agencies for wildlife conservation and development.

Endangered Species Act of 1973 (16 USC, Sections 1531-1544) and Implementing Regulations (50 CFR 17, Parts 401-424, 450-453)

Under the Endangered Species Act (ESA) of 1973, all federal agencies, in consultation with the Secretary of the Interior, must take all necessary precautions to ensure that their actions do not jeopardize federally listed endangered or threatened species or destroy or degrade the associated habitats. The ESA provides a program for conserving threatened and endangered plants and animals and the associated habitats. It is designed to protect critically imperiled species from extinction due to “the consequences of economic growth and development untempered by adequate concern and conservation.” Section 7 of the ESA requires all federal agencies to consult with the USFWS or NOAA Fisheries

Service if they are proposing an action that may affect listed species or the associated designated habitat.

Migratory Bird Treaty Act of 1918 and Amendments (16 USC, Sections 703–712)

The Migratory Bird Treaty Act (MBTA) prohibits the take, harm, or trade of any migratory bird species and requires that all agencies must have a policy to prevent harm to such species as a result of that agency’s actions. For federal agencies, this policy is covered by completion of a memorandum of understanding with the USFWS, which is the agency charged with administering and enforcing the MBTA. The act was amended in 1972 to include owls, hawks, and other birds of prey.

Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 and 1995 (29 USC, Section 794)

The Rehabilitation Act and the Americans with Disabilities Act (ADA) require that access to federal facilities be provided for disabled people.

Law Enforcement Authority (PL 107-69 [2001])

PL 107-69 allows Reclamation to enforce laws on its lands and facilities using law enforcement services with other Department of the Interior agencies or by contracting with other federal, state, or local law enforcement organizations.

National Historic Preservation Act of 1966 (16 USC, Sections 470-470x-6)

The National Historic Preservation Act (NHPA) requires federal agencies to consider historic preservation values when planning their activities. Each federal agency must establish a preservation program for identifying, evaluating, and protecting properties under its ownership or control that are eligible for listing on the National Register of Historic Places (NRHP). In the Section 106 process, a federal agency must identify historic properties that may be affected by its actions, must evaluate the proposed action’s effects, and then must explore ways to avoid or mitigate those effects.

Archaeological Resources Protection Act of 1979 (PL 96-95; 93 Stat. 721; 16 USC, Sections 470[aa]-470[mm], as amended; PL 100-555; PL 100-588)

Provisions of the Archaeological Resources Protection Act (ARPA) set forth additional requirements beyond those of the NHPA. These include the establishment of standards for permissible excavation through a permit process and the prohibition of unauthorized excavation by prescribing civil and criminal penalties for violations of ARPA, by requiring federal agencies to identify archaeological sites, and by encouraging cooperation between federal agencies and private individuals.

Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 USC, Sections 3000-3013; 104 Stat. 3048-3058)

The Native American Graves Protection and Repatriation Act requires consultation with appropriate Native American groups before excavating (either intentionally or through inadvertent discovery) specified cultural items, including human remains, associated and unassociated funerary objects, sacred objects, and items of cultural patrimony.

American Indian Religious Freedom Act of 1978 (PL 95-341; 92 Stat. 469; 42 USC, Section 1996)

The American Indian Religious Freedom Act establishes the rights of Native Americans to have access to sacred sites or sites of religious importance. It defines a religious site as any place or area, including any geophysical or geographical area or feature sacred to Native American religion; it further defines a religious site as where Native American practitioners are required by their religion to gather, harvest, or maintain natural substances or natural products for use during ceremonies and rituals or for spiritual purposes and which is used by Native American religious practitioners for ceremonies, rituals, or other spiritual practices. A religious site may contain physical remains, objects, or other elements that could identify it as an archaeological site. The American Indian Religious Freedom Act defines objects as specific items of use for religious practices that have spiritual or ritualistic importance. These may include sacred objects, objects that are not sacred, and objects of cultural patrimony. The American Indian Religious Freedom Act has no affirmative position on Native American consultation; however, its intent (that is, the identification of religious or sacred sites so that access can be allowed) can only be met through the consultation process.

EO 13007, Indian Sacred Sites

EO 13007 directs that access to Native American sacred sites for ceremonial use by Native American religious practitioners be accommodated on federal lands. It also directs that the physical integrity of sacred sites be protected and that the confidentiality of these sites be maintained. It further directs that procedures be implemented or proposed to facilitate consultation with appropriate Native American tribes and religious leaders.

EO 13175, Consultation and Coordination with Indian Tribal Governments

EO 13175 reinforces government-to-government consultation and reduces the imposition of unfunded mandates on Native American tribes.

The Paleontological Resources Preservation Act of 2009 H.R. 146, of the Omnibus Public Land Management Act of 2009, Public Law 111-11. Title VI, Subtitle D

The Paleontological Resources Preservation Act (PRPA) requires the agencies to 1) promulgate regulations as soon as practical; 2) develop plans for fossil

inventories, monitoring, and scientific and educational use; 3) manage and protect paleontological resources on Federal land using scientific principles and expertise; 4) establish a program to increase public awareness about the significance of paleontological resources; 5) allow casual collection of common invertebrate and plant fossils on BLM, Forest Service and Reclamation lands where consistent with the laws governing those lands; 6) manage fossil collection via specific permitting requirements; 7) curate collected fossils in accordance with the Act's requirements; 8) implement the Act's criminal and civil enforcement, penalty, reward and forfeiture provisions; and 9) protect information about the nature and specific location of fossils where warranted. The PRPA authorizes appropriations necessary to carry out these requirements.

State and Local Regulation and Guidance

Reclamation will be consistent with officially approved or adopted resource-related plans of other federal, state, local, and tribal governments to the extent those plans are consistent with federal laws and regulations applicable to federal lands. Plans formulated by federal, state, local, and tribal governments that relate to management of lands and resources have been reviewed and considered as the RMP and EIS has been developed, and no inconsistencies with these plans have been identified.

These plans include the following:

- Churchill County Final Master Plan (2010);
- Lyon County Comprehensive Master Plan (2010);
- Washoe County Master Plan (2010);
- Storey County Master Plan (1994);
- Nevada Division of State Lands, Nevada Statewide Policy Plan for Public Lands (1985);
- Nevada Division of State Lands, Lands Identified for Public Acquisition (1999);
- Nevada Division of State Lands, Nevada Natural Resources Status Report (2002);
- State of Nevada Drought Plan (1993);
- Carson City Field Office Consolidated RMP (2001);
- Draft Winnemucca District RMP and EIS (2010);

- Final Programmatic EIS for Solar Energy Development in Six Southwestern States (2012);
- Final Programmatic EIS on Wind Energy Development on BLM-Administered Lands in the Western United States (2005);
- Final Programmatic EIS for Geothermal Leasing in the Western United States (2008)
- Nevada’s 2003 Statewide Comprehensive Outdoor Recreation Plan-Assessment and Policy Plan (2003);
- Nevada BLM Statewide Wilderness Report (1991);
- Statewide Wildfire Management Plan (developing);
- Nevada Comprehensive Preservation Plan (2004);
- Nevada’s Coordinated Invasive Weed Strategy (2000);
- Stillwater National Wildlife Refuge Comprehensive Conservation Plan (2002);
- Nevada Wildlife Action Plan (June 2006);
- Nevada Department of Wildlife Nevada Elk Species Management Plan (1997);
- First Edition Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California (June 2004); and
- Western Association of Fish and Wildlife Agencies Greater Sage-Grouse Comprehensive Conservation Strategy (December 2006).

Operation and Maintenance of the Newlands Project

The Newlands Project is a federal facility. Reclamation maintains jurisdiction over the lands, facilities, and waterbodies encompassing the Newlands Project. In 1926, Reclamation signed a contract with TCID to operate and maintain the Newlands Project, and that contract was renewed in 1996. Under the agreement, TCID completes its duties without cost to the federal government or American taxpayers by charging an operation and maintenance fee to all water users who benefit from the Newlands Project.

The operating constraints of these facilities are defined by the exercise of water rights, court decrees, agreements, and regulations. Some key operating constraints

are the Truckee River General Electric Decree, Truckee River Agreement, Orr Ditch Decree, Tahoe-Prosser Exchange Agreement, Newlands Project Operating Criteria and Procedures, and the Preliminary Settlement Agreement.

Organization of the Final RMP/EIS

The RMP/EIS provides a conceptual framework for conserving, protecting, enhancing, and managing resources in the Newlands Project Planning Area. The EIS portion fulfills NEPA requirements by assessing broad impacts that could result from implementing the various alternatives. The RMP/EIS is organized as follows:

- Chapter 1 Introduction
- Chapter 1 is overview of the planning area and sets forth the purpose of and need for an RMP, the authorities and regulations affecting management of the project area, and overall objectives. Chapters 1 and 3 of this document provide background information on the Newlands Project Planning Area, the purpose and need, Project authority, history of the Newlands Project, existing management programs, partnerships, and issues to be addressed in the RMP.
- Chapter 2 Description of Management Alternatives
- Chapter 2 details the proposed alternatives that were formulated in response to the issues identified by the public and Reclamation. Included are goals, objectives, and specific implementation strategy recommendations.
- Chapter 3 Affected Environment
- Chapter 3 describes the environmental conditions and resources in the Newlands Project Planning Area and is organized by resource areas.
- Chapter 4 Environmental Consequences
- Chapter 4 deals with the potential environmental consequences (effects) of implementing each of the proposed alternatives on specific resources and resource uses.
- Chapter 5 Consultation and Coordination
- Chapter 5 describes the process by which Reclamation involved the public, resource agencies, and stakeholders in the RMP/EIS preparation and selection process. It also lists all comments that were received during report preparation and the comment responses and includes a list of report preparers.

- Chapter 6 References
- Chapter 6 list the references cited in the RMP/EIS.
- Chapter 7 Glossary
- Chapter 7 contains a list of terms used in the RMP/EIS and their definitions.
- Appendix A Grazing Management Plan
- Appendix A contains the Final Lahontan Basin Area Office Grazing Management Plan.
- Appendix B Consideration of Public Comments
- Appendix B contains the record of public comments received on the Draft RMP/EIS and Reclamation’s consideration of those comments.

Existing Management Documents

Decision documents that provide management guidance for the Newlands Project Planning Area are described below.

Reclamation Manual

The *Reclamation Manual* (RCD P03 and RCD P03-01) consists of a series of policies, directives, and standards and delegations of authority. Collectively, these assign program responsibility and authority and document Reclamation-wide methods of conducting business. All requirements in the *Reclamation Manual* are mandatory and constitute official Reclamation policy. The manual also serves as a link to Reclamation’s supplements to the DOI and government-wide regulations, such as the Federal Acquisition Regulations.

RMP/EIS Development

This RMP/EIS is the result of a collaboration involving Reclamation, interested members of the public, stakeholders in the outcome of the plan, and relevant resource agencies. Input provided by these sources has been combined with guidance provided in Reclamation’s *Resource Management Plan Guidebook* (Reclamation 2003a) in order achieve the following:

- To determine and continue the most appropriate uses of Reclamation-administered lands in the planning area;

- To explore methods to enhance and protect the resources found on those lands;
- To identify or propose long-term resource protection programs; and
- To identify financially feasible opportunities or partnerships to help decision makers manage lands and resources in the planning area.

Management Constraints

Constraints on the management of the Newlands Project Planning Area come in the form of legislative control/authorization, budget resources, geography, and environmental limitations, as described below.

Legislative Authority

Planning upgrades to facilities in the Newlands Project Planning Area triggers compliance with the Rehabilitation Act of 1973 and the ADA of 1990 and 1995, which state that disabled individuals will be provided with access to federal government lands and facilities. Other federal legislation that may be triggered as a result of actions proposed in this RMP includes the CWA, the ESA, the NHPA, and NEPA.

Economic Constraints

Reclamation works to ensure that any public management actions do not conflict with authorized Project purposes. Much of Reclamation's resources are dedicated to fulfilling its mission of water storage and delivery; therefore, constraints on available resources commonly restrain the development of additional public resource uses and habitat protection and enhancement on most, if not all, Reclamation-administered lands. The Reclamation Recreation Management Act of 1992, Title 28, which was passed in 1992 as an amendment to PL 89-72, requires a non-federal partner to fund at least 50 percent of the development of recreation facilities or at least 25 percent of fish and wildlife enhancements on Reclamation-administered lands. A non-federal partner must meet the following criteria:

- Be a non-federal public entity;
- Be willing and capable of entering into a long-term agreement to develop, operate, and maintain the recreation facilities and uses at the project area;
- Be capable of providing at least 50 percent of the cost of the project;
- Be able to provide up-front funding of 50 percent of the planning cost; and

- Be able to provide services and facilities open to general public use.

Reclamation also has the option of considering whether entering into a contractual agreement with a private commercial entity would help the entity manage the resource. Such a partnership or concession would provide desired services that Reclamation itself could not provide. A percentage of any funds generated could be returned to Reclamation.

Reclamation is authorized to construct, operate, maintain, and expand recreation opportunities. However, as stated before, Reclamation will be greatly reducing the amount of lands they currently manage, and the lands that are to remain under Reclamation management will offer very little in the way of recreational opportunities.

Geographic Constraints

Developing resources in the Newlands Project Planning Area may be limited by such factors as soils, slope, wetlands, presence of sensitive plant or animal species or populations, or inundation zones. Development should not occur on or near wetlands or sensitive species habitat, in places prone to erosion, where soils could not accommodate septic systems, or where such development would encourage unauthorized use of sensitive areas.

Environmental Stewardship

Because of regional and geographical variations, each Reclamation planning area offers a unique set of opportunities and constraints for resource enhancement and protection and may limit facility expansions or development. In certain areas, a particular resource found on Reclamation land may invite the participation of a particular agency or group as a managing partner or a research or stewardship partner. In other areas, proximity to a certain user group or institution may provide the impetus for that group to become involved.

Public Involvement

Public involvement is a critical element in developing the RMP. Reclamation's goal is to gain input from a cross section of the user public.

Scoping is a two-component process to determine the extent of issues and alternatives to be addressed in a NEPA document. The first component, internal scoping, is conducted within an agency or with cooperating agencies to determine preliminary and anticipated issues and concerns. Reclamation held an interagency meeting in March 2007, with an interdisciplinary team of LBAO staff, its contractors for the RMP, and cooperating agencies to identify the anticipated planning issues and the methods, procedures, and data to be used in compiling the RMP/EIS.

The second component of scoping involves the public. In order to educate the public about the RMP process for the Newlands Project Planning Area and to solicit its input, Reclamation held a public scoping meeting in Reno on September 18, 2007, and in Fallon on September 19, 2007, to solicit issues and concerns that would be considered in the RMP. Most comments focused on planning and the NEPA process, on general resource protection, and on biological resources. Input from both internal and public scoping was compiled into a list of potential issues for Reclamation to address in the RMP/EIS.

Public input and participation helps ensure that the plan will meet the needs of the stakeholders, while providing for development and management of the Newlands Project Planning Area. Reclamation used public and agency review of the Draft RMP/EIS in finalizing the RMP.

The Draft RMP/EIS was issued to the public on May 28, 2013. A 62 day comment period was held to gather input on the Draft RMP/EIS from the public and interested groups and agencies. Public meetings on the Draft RMP/EIS were held June 18, 2013 at the Churchill County Commission Chambers, in Fallon, NV, and June 19, 2013 at the Hyatt Place Reno-Tahoe Airport in Reno, NV.

A total of 12 comment letters on the Draft RMP/EIS were received by the end of the public comment period on July 29, 2013. The comments included:

- Incorrect data referenced or lack of reference cited,
- Changing grazing practices,
- Lack of information on Historical Trails in the planning area,
- Protection of wildlife and a request to identify areas of wildlife habitat, and
- Relinquishment of un-needed Reclamation managed withdrawn lands back to public lands or disposal of un-needed lands.

All of the written comments, with responses, are included in Appendix B, *Consideration of Public Comments*.

Public involvement is discussed in greater detail in Chapter 5 of this RMP/EIS.

Planning Issues

Issue identification is the first step of the planning process. A planning issue is a significant concern, need, resource use, or development and protection opportunity relating to resource management or uses on public lands that can be

addressed in a variety of ways. The criteria used to identify issues include determining whether the effects would result in the following:

- Approach or exceed standards or a threshold;
- Substantially change a resource;
- Be controversial;
- Offer a wide range of opportunities; or
- Cause disagreement over the associated environmental impact.

These issues drove the formulation of the RMP alternatives, and addressing them has resulted in a range of management options presented in three alternatives (Chapter 2). Each fully developed alternative represents a different land use plan that addresses or resolves the identified planning issues in different ways. While other concerns are addressed in the RMP, management related to them may change by alternative.

The following issue statements have been developed to summarize the concerns brought forth by the public during the scoping process and by Reclamation during project planning. The issue statements are designed to state concisely those issues that appear to be of most concern to the public and to Reclamation staff and to encompass the scoping comments. The statements reflect planning topics that Reclamation will address when creating the goals, objectives, and management actions. (The issue statements are listed in the order in which they were developed, and are not listed in any order of priority.)

- How will Reclamation support agricultural endeavors and ensure irrigation in its management practices?
- How will Reclamation manage natural resources, especially sensitive species and wetlands?
- How will Reclamation manage noxious and invasive plant species?
- How will Reclamation manage any cumulative impacts on the area's wetlands?
- What types of cultural resources and Indian Trust Assets are on Reclamation-administered lands and how will the resources and assets be managed?

- What kind of cooperative management strategies can Reclamation develop with federal, state, and local agencies?
- How will Reclamation manage relationships with neighboring landowners, communities, and agencies to meet its management commitments?
- How will Reclamation manage open space and maintain consistent land use policies?
- How will Reclamation address its “checkerboard” lands in the project planning area?
- How will Reclamation manage grazing, particularly in Harmon pasture?
- What types of recreation activities will Reclamation manage in the Newlands Project area?
- How can Reclamation’s Newlands Project RMP support local economies?
- How will Reclamation protect the area’s watershed and water quality?
- How will Reclamation manage trespassing, encroachment, and illegal activities on its lands?
- How will Reclamation address oil and gas, mineral, geothermal, mill site, and renewable energy development?

Relation to Other Plans

As the decisions in this RMP are made, other plans are being prepared or begun. Under the Agency Preferred Alternative (Alternative B), Reclamation will prepare an implementation-level Grazing Management Plan to document the implementation-level details associated with the decisions made in this RMP. A Comprehensive Recreation Management Plan for Lahontan Reservoir will be prepared by NSP, to coordinate the recreation decisions made under this RMP and water-based recreation at Lahontan Reservoir.

The BLM is developing a national strategy to preserve, conserve, and restore sagebrush habitat, the ecological home of the greater sage-grouse. As part of this effort, BLM is preparing EISs in accordance with NEPA. Reclamation is coordinating with BLM on this issue.

Changes in the Final RMP/EIS

In consideration of the comments received from the public and interested groups and agencies, the following changes were made to the Draft RMP/EIS and included in this Final RMP/EIS. These changes include:

- An Objective and an Action regarding the protection of National Historical Trails (NHTs) has been added to Alternatives B and C. Additional information and a map has been added to Chapters 3 and 4.
- An Action directed at the protection of bats has been added to Alternatives B and C.
- An Action requiring the consultation with NDOW when inventorying key habitats within the Newlands Project area or developing management strategies/goals for key habitats has been added to Alternatives B and C.
- Action R 2.2 has been amended to include Carson Lake Pasture for Alternatives A, B, and C.
- The inclusion of updated data, corrected reference materials, and corrections to misstatements and typos.

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