TRIBES' DEMONSTRATIVES

(CTGR-ELY-DUCKWATER)

CTGR 'S EXHIBITS 27

DATE: 10-3-17

NPS Form 10-900
OMB No. 1024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: *Bahsahwahbee*
Other names/site number: *Paa Sawapi*; Shoshone Cedars; Swamp Cedars
Name of related multiple property listing:
N/A
(Enter "N/A" if property is not part of a multiple property listing

2. Location

Street & number: Spring Valley, about 9 kilometers northeast of Major's Place, Nevada.
City or town: Major's Place State: Nevada County: White Pine
Not For Publication: [x] Vicinity: [x]

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this **X** nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property **X** meets does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

national **X statewide** **X local**

Applicable National Register Criteria:

X A **B** **C** **D**

Signature of certifying official/Title: **Date**

Federal Preservation Officer, Bureau of Land Management

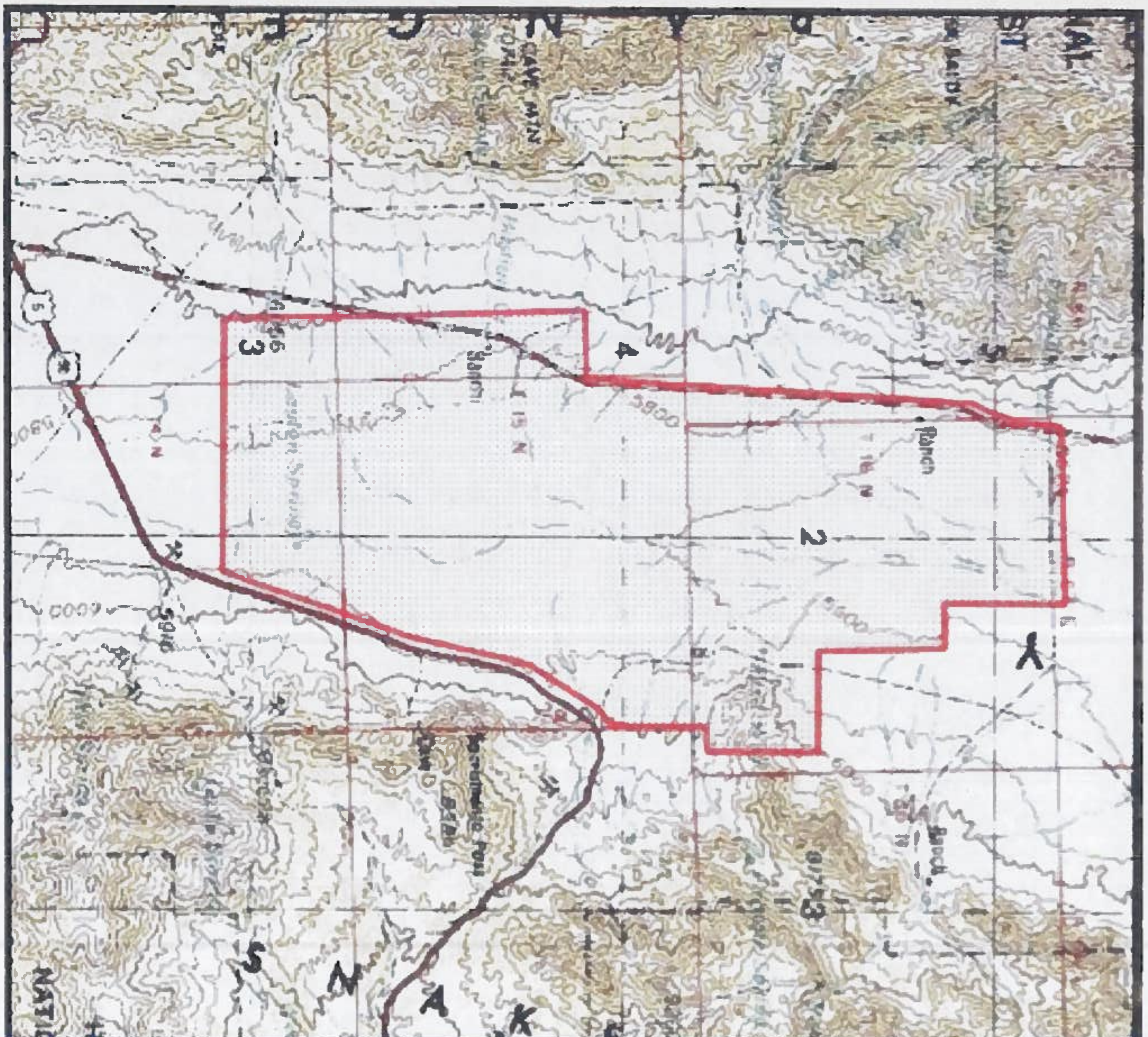
In my opinion, the property meets does not meet the National Register criteria.

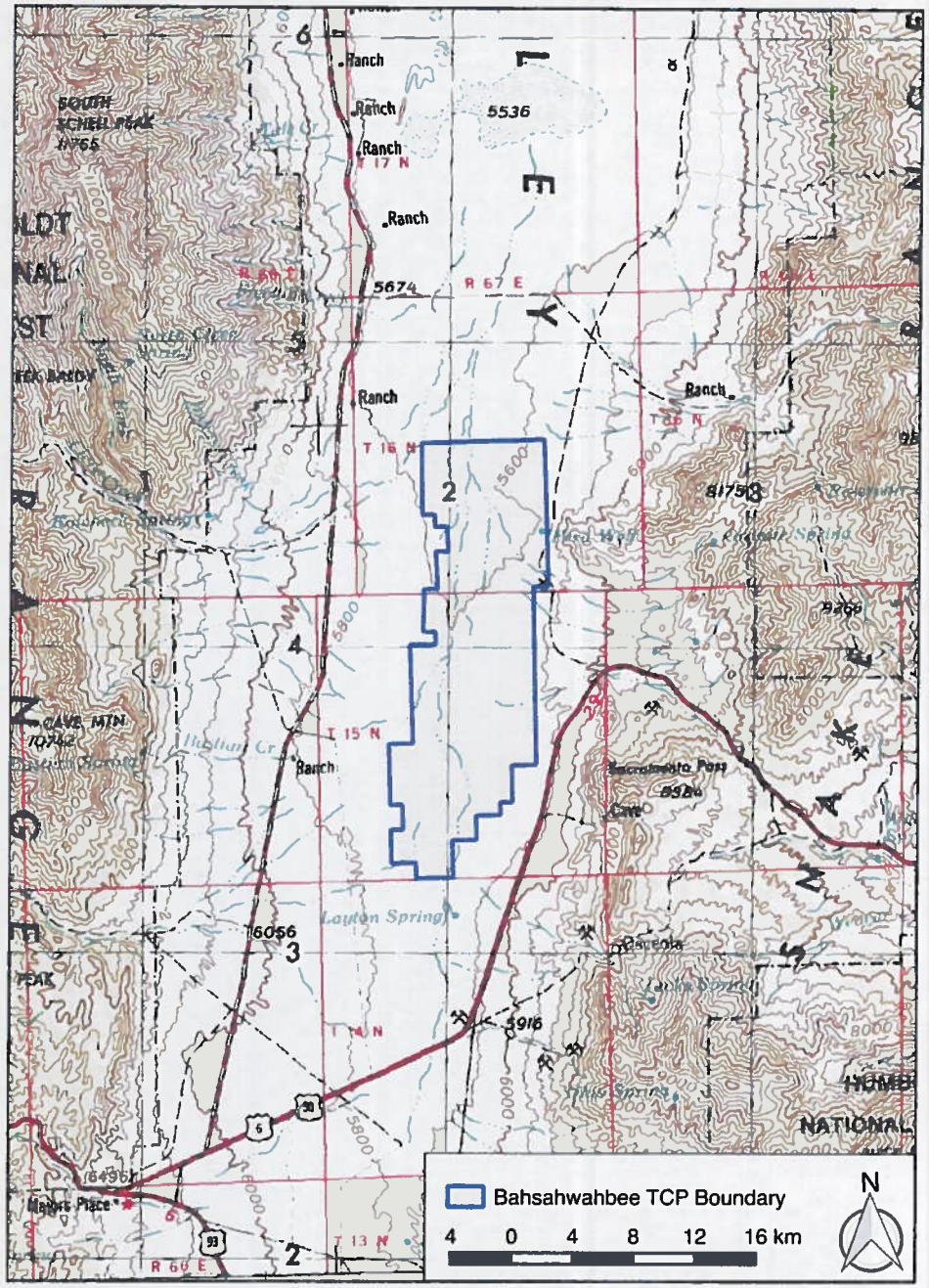
Signature of commenting official: **Date**

Vice-Chairman 2-27-2017

Title: Confederated Tribes of the Goshute Reservation

Bahsahwahbee is significant under Criterion A as a site where two massacres occurred, and where a third massacre is remembered, against the Newe (Goshute/Western Shoshone people) at a time when the United States claimed control over the Great Basin during American westward expansion, and when the United States rose to unprecedented economic and military power. The massacres were carried out during times of religious ceremonies in Spring Valley/*Bahsahwahbee*, and the Spring Valley Massacre of 1859 was one of the largest massacres of Indian people in the history of the United States. The Newe go to *Bahsahwahbee* to remember, mourn, and pay homage to their ancestors who were killed. According to Newe tradition, a swamp cedar tree grew in the place of each Indian person that was killed during the massacres, and thus the swamp cedars are the spiritual embodiment of their ancestors. In addition, the Newe use *Bahsahwahbee* as a place for cultural and religious practices: spring water and swamp cedar trees are used to gain spiritual power, connect and communicate with ancestors, perform ceremonies, and pass down traditional knowledge.




Bahsahwahbee TCP Boundary
4 0 4 8 12 16 km
N

DETERMINATION OF ELIGIBILITY NOTIFICATION

National Register of Historic Places
National Park Service

Name of Property: Bahsahwahbee

Location: White Pine County **State:** Nevada

Request submitted by:

Date received: 12/2/2016 **Additional information received:**

Opinion of the State Historic Preservation Officer:

_X_ Eligible _ Not Eligible _ No Response _ Need More Information

Comments:

The Secretary of the Interior has determined that this property is:

_X_ Eligible **Applicable criteria:** A _ Not Eligible

See Attached Comments

Barbara Wyatt
Keeper of the National Register

1-12-17
Date

WASO-28

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National Register of Historic Places Program: Weekly List

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

May 26, 2017

The Director of the National Park Service is pleased to send you the following announcements and actions on properties for the National Register of Historic Places. For further information contact Edson Beall via voice (202) 354-2255, or E-mail: <Edson_Beall@nps.gov>

Please Note New Address:

National Register of Historic Places
Mail Stop 7228
1849 C St. NW
Washington, D.C. 20240

Please continue to use alternative carriers as all USPS mail to our location is irradiated

Previous Weekly Lists are available here: http://www.nps.gov/history/nr/nrlist.htm

Please visit our homepage: http://www.nps.gov/nr/

Check out what's Pending: https://www.nps.gov/nr/pending/pending.htm

Prefix Codes:
SG - Single nomination
MC - Multiple cover sheet
MP – Multiple nomination (a nomination under a multiple cover sheet)
FP - Federal DOE Project
FD - Federal DOE property under the Federal DOE project
NL - NHL
BC - Boundary change (increase, decrease, or both)
MV - Move request
AD - Additional documentation
OT - All other requests (appeal, removal, delisting, direct submission)

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 5/15/2017 THROUGH 5/19/2017

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

FLORIDA, ESCAMBIA COUNTY,
Pensacola Harbor Defense Project,
W. end of Santa Rosa Island,
Pensacola, SG100000992,
LISTED, 5/15/2017

NEBRASKA, DOUGLAS COUNTY,
National Indemnity Company Headquarters,
3024 Harney St.,
Omaha, SG100000765,
LISTED, 5/18/2017

NEVADA, WHITE PINE COUNTY,
Bahsahwahbee,
Address Restricted,

Major's Place vicinity, SG100000464,
LISTED, 5/1/2017

NEW YORK, ALBANY COUNTY,
Tilley, John S., Ladders Company,
122 2nd St.,
Watervliet, SG100000993,
LISTED, 5/15/2017

NEW YORK, BRONX COUNTY,
Reformed Church of Melrose,
746 Elton Ave.,
Bronx, SG100000994,
LISTED, 5/15/2017

NEW YORK, DUTCHESS COUNTY,
Winans--Huntting House,
51 Bethel Cross Rd.,
Pine Plains, SG100000995,
LISTED, 5/15/2017

NEW YORK, ESSEX COUNTY,
Henry's Garage,
14 Church St.,
Port Henry, SG100000996,
LISTED, 5/15/2017

NEW YORK, NEW YORK COUNTY,
P.S. 186,
521 W. 145th St.,
New York, SG100000997,
LISTED, 5/15/2017

NEW YORK, SUFFOLK COUNTY,
Southold Town Milestones MPS,
MC100000998,
COVER DOCUMENTATION APPROVED, 5/15/2017

NEW YORK, SUFFOLK COUNTY,
Southold Milestone 7,
450 Franklinville Rd.,
Laurel, MP100000999,
LISTED, 5/15/2017
(Southold Town Milestones MPS)

Quicklinks

Search the National Register Database

Find out what we listed this past week

What's New / Features

1) Adopt Additional Monitoring Requirements

Identify monitoring wells that provide an early warning system for predicting long-term impacts to existing water rights and environmental resources. Additional monitoring wells are necessary to provide for improved model calibration for predicting future impacts under a programmatic process.

2) Develop Comprehensive Baseline Study

Applicant must develop a Comprehensive Baseline Study that documents data, analyses, hypothesis, adaptive management techniques, and objective measures for mitigation before groundwater withdrawals are allowed. The study will document physical, hydrologic, and biological monitoring data relied upon to refine, calibrate, and validate basin-specific models used to perform environmental impact analysis. Consultation activities with Tribes and other members of the public related to establishing objective measures for mitigation would be documented for future water managers.

3) Comprehensive Baseline Study Approval

In the event that ROWs are granted by the BLM for groundwater production wells under the tiered environmental analysis, the Comprehensive Baseline Study would then be submitted to the NSE for approval of groundwater withdrawals. The NSE must have adequate time approve or deny the Comprehensive Baseline Study, including at least a 90-day public review period. If approved, comments from the public should be incorporated in the NSE's decision and be included in his response to SNWA and the TRP.

4) Stage 1 Project Operations

Stage 1 operations may commence only upon the NSE's acceptance of the Comprehensive Baseline Study. Annual Reports submitted to the NSE will include, but not be limited to, monitoring activities, changes in adaptive management methods, project operations, performance of the project related to goals and objectives of the

stakeholder, changes to basin-specific groundwater model, and mitigation activities (Action Items) that took place.

5) Stage Performance Report

Based on a minimum of no less than 10 years, including representative periods of wet and dry hydrologic cycles, SNWA should submit a Stage Performance Report to the NSE for approval prior to proceeding with the next stage of groundwater withdrawal. The Stage Performance Report shall include a summary of past performance under the existing stage and provide a plan for Stage 2 development. Predictive analysis based on Stage 1 operation data, updated hydrologic tools and basin-specific groundwater models shall be used for evidence that supports increased withdrawal rates. The predicted impacts shall be consistent with those consulted on with the BLM during the tiered NEPA analysis.

The NSE must have adequate time to approve or deny the Stage Performance Report before additional groundwater withdrawals could occur, including at a minimum, a 90-day public review period. If approved, comments from the public shall be incorporated in the NSE's decision and be included in his response to SNWA and the TRP.

Specific Recommendations to Obtain Objective Measures for Project Implementation include:

- Perform Tribal and public consultation to develop mitigation measures for specific impacts.
- Address the protection of hydrological, environmental, and cultural resources in the WRFS and Millard and Juab Counties, Utah.
- Develop Basin-Specific Groundwater Models to quantify thresholds for objectively determining when mitigation is required.
- Plan installation of early warning monitoring wells (1-year and 5-year) to assess model integrity and improve long-term predictive capabilities.
- Document a comprehensive adaptive management plan.
    - Identify Goals and Objectives of all stakeholders
    - Establish Triggers for all Constraints
- Provide Detailed Plans and schedules for mitigation.
- Expand Annual Reports to reflect project performance and changes in the hydrologic tools and the adaptive management plan process.
- Expand the Biological Monitoring Reports to include resources outside Spring, Hamlin, and Snake Valleys.

Groundwater

Letter to the Editor/ Discussion Editor/Stephen R. Kraemer

Comment on "Drawdown 'Triggers': A Misguided Strategy for Protecting Groundwater-Fed Streams and Springs," by Matthew J. Currell, 2016, v. 54, no. 5: 619–622.

Comment by Robert Harrington[1], Keith Rainville[2], and T. Neil Blandford[3]

[1]Corresponding author: Robert Harrington, Inyo County Water Department, P.O. Box 337, Independence, CA 93526; (760) 878-0001; fax: (760) 878-2552; bharrington@inyocounty.us
[2]Inyo County Water Department, P.O. Box 337, Independence, CA 93526; krainville@inyocounty.us
[3]Daniel B. Stephens & Associates, Inc., Albuquerque, NM 87109; nblandford@dbstephens.com

This is a comment on the technical commentary by Currell (2016). Currell identifies a number of pitfalls that may be encountered when using "drawdown triggers" to protect groundwater-dependent ecosystems (GDEs) from the effects of groundwater pumping. Currell correctly associates sound groundwater management with the concepts of capture and depletion; however, we argue that the title of Currell's commentary is misleading. Rather than being a misguided strategy, we argue that drawdown triggers can be an effective mechanism for protecting GDEs and the pitfalls that Currell identifies can be addressed through groundwater monitoring and modeling. We disagree that triggers specified in terms of groundwater elevation are necessarily superior to triggers expressed in terms of drawdown.

Currell correctly notes that monitoring water levels at groundwater discharge zones such as spring-fed wetlands is a flawed monitoring strategy, because the discharge rate may decrease significantly without appreciable changes in groundwater levels. Instead, groundwater level monitoring points arrayed between the discharge zone and the location allowable at the discharge zone and using a groundwater model to determine the amount of upgradient drawdown that corresponds to that allowable effect. A groundwater model can also account for time lags between pumping and declines in discharge, and can be applied to determine, given a specified pumping rate, the trigger level and time at which pumping must cease to not exceed a specified decline in discharge at some subsequent time.

A systematic approach to using drawdown or groundwater level triggers to protect GDEs is as follows:

1. Identify the biological objective(s) for GDEs.
2. Identify the hydrologic condition or threshold that supports the biological objective.
3. Set trigger levels at monitoring locations some distance upgradient from GDEs that maintain the necessary hydrologic condition or threshold identified in Step 2, expressed as either a groundwater elevation or drawdown from a baseline condition.
4. Identify management actions that mitigate negative effects on GDEs if triggers are exceeded. Tiered trigger levels may elicit different management actions at the same monitoring well.
5. Reassess the association between drawdown triggers in Step 3 with hydrologic conditions in Step 2, and modify triggers as necessary.

In principle, drawdown triggers and water level triggers are interchangeable if a baseline water level is known from which drawdown is calculated by difference. We agree with Currell that deconvolution of observed water level declines may be challenging, but generally deconvolution is necessary to tie observed effects, and potential follow-on actions, to specific drivers of groundwater change. Management plans may impose mitigation requirements based simply on groundwater levels without

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Currell correctly notes that monitoring water levels at groundwater discharge zones such as spring-fed wetlands is a flawed monitoring strategy, because the discharge rate may decrease significantly without appreciable changes in groundwater levels. Instead, groundwater level monitoring points arrayed between the discharge zone and the location of pumping will provide earlier and less ambiguous warning of pumping-induced drawdown. To determine a protective trigger level in a monitoring well located between a pumping well and a GDE, the amount of groundwater elevation change allowable at that monitoring point can be determined by first defining a level of effect that is allowable at the discharge zone and using a groundwater model to determine the amount of upgradient drawdown that corresponds to that allowable effect. A groundwater model can also account for time lags between pumping and declines in discharge, and can be applied to determine, given a specified pumping rate, the trigger level and time at which pumping must cease to not exceed a specified decline in discharge at some subsequent time.

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In principle, drawdown triggers and water level triggers are interchangeable if a baseline water level is known from which drawdown is calculated by difference. We agree with Currell that deconvolution of observed water level declines may be challenging, but generally deconvolution is necessary to tie observed effects, and potential follow-on actions, to specific drivers of groundwater change. Management plans may impose mitigation requirements based simply on groundwater levels without considering the cause of groundwater level declines, or they may take into consideration the portion of decline attributable to the groundwater extractor responsible for implementing mitigation. This is a policy choice driven by sociopolitical factors and project conditions.

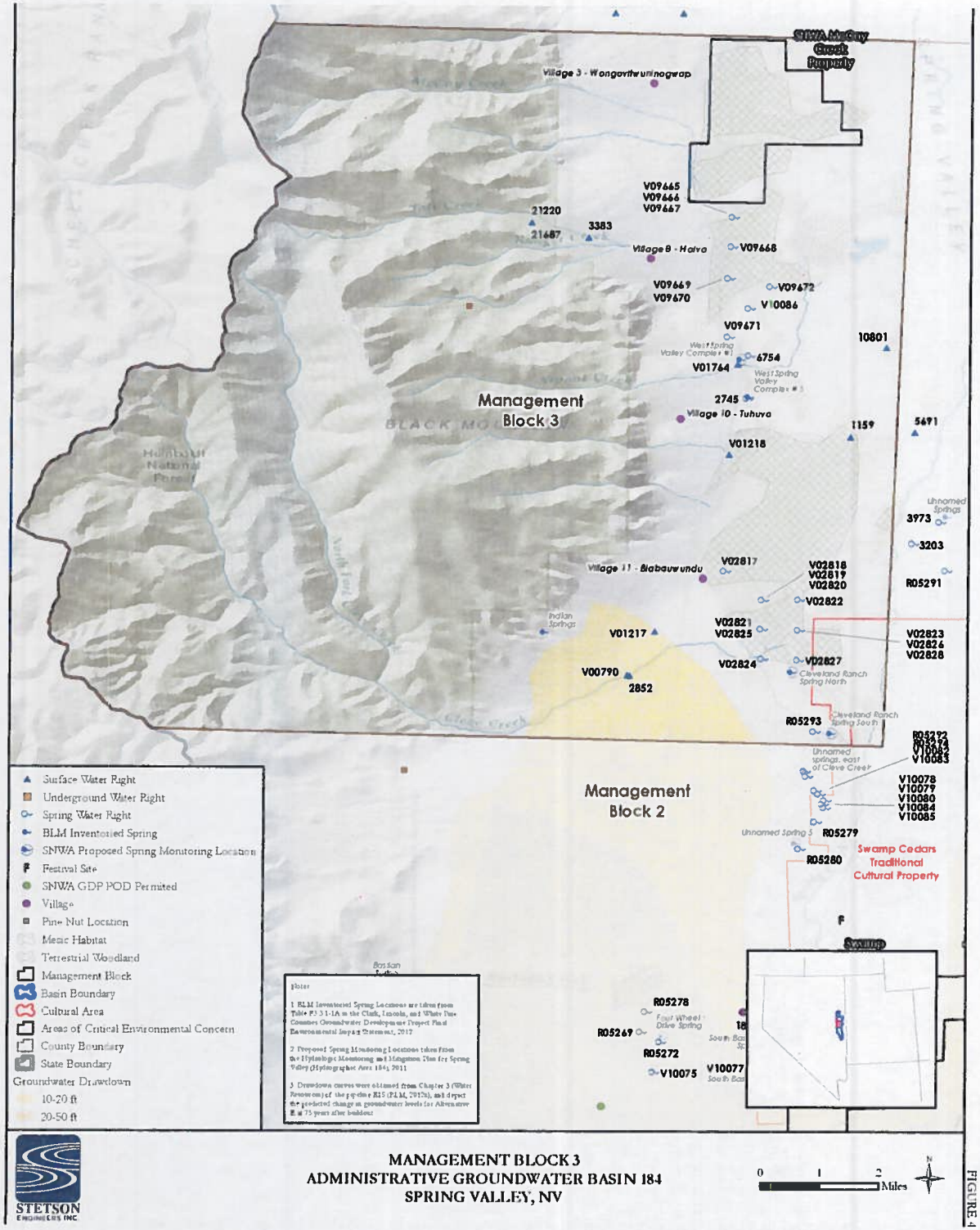
Whether using drawdown or groundwater elevation triggers, identifying effective trigger levels is complicated by transient preproject conditions, multiple factors affecting groundwater levels during the project, and uncertainties in ecosystem response to hydrologic change. These uncertainties are best addressed through an

doi: 10.1111/gwat.12503

- The Applicant fails to establish an objective standard regarding unreasonable effects to the environment. The Applicant has created an unacceptably low standard for environmental effects.
  - The standard of jeopardy to federally listed species is below the standard that is used to require mitigation from the USFWS. The USFWS has already determined that jeopardy to listed species, as defined by the Endangered Species Act, will not occur, but that adverse effects are likely to occur. The project May Affect and is Likely to Adversely Affect (MALAA) several species (USFWS, 2012). Unacceptable effects should be tied to incidental take statements published in Biological Opinions in subsequent tiers of NEPA, subject of course to decisions from the United States District Court in pending litigation..
  - The standard of basin wide extirpation of native aquatic-dependent species results in a monitoring and mitigation program focused in only one area within Spring Valley, an area that accounts for only 9% of the habitat. The Applicant should present an effects analysis for specific areas within the entirety of Spring Valley and provide unreasonable effects and mitigation requirements that are consistent with federal and state agency requirements. Effects that exceed the agreed authorized project impacts should be considered unreasonable.
  - The standard of basin wide elimination of habitat types results in a monitoring and mitigation program that is inadequate for mesic and terrestrial woodland habitat. Both habitat types are characterized by linkages to a single species (Northern leopard frog and Swamp Cedar) and monitored at a location that either experiences minimal impact or is already afforded protections through special designation. Even within those monitoring areas, unacceptable impacts are arbitrarily tied to baseline data, and not based on an effects analysis.
  - Cultural resources are part of the environment and should be included in the definition of unreasonable effects. Cultural resources are afforded protections from adverse effects in both federal and state law. Unreasonable effects to cultural resources are those project impacts that cause adverse effects to the characteristics that qualify a cultural resource for listing.

- Investigation triggers that are not linked to an effects analysis are arbitrary in that they are not tied to a predicted range of values. Investigation triggers tied to the baseline monitoring data in areas that are predicted to draw down beyond the already established investigation trigger have no value (Figures 2-4).
- There is no discussion of the amount of mitigation that can be expected to be required to avoid conflict with senior water right holders. The Applicant should present an effects analysis that includes predicted effects to senior water right holders, as compared to established mitigation triggers. The Applicant does not establish specific mitigation triggers for each senior water right holder. The Applicant discusses specific yield method by which mitigation triggers will be established at some point in the future, and a commitment to do baseline assessments of the points of diversion by management category, but assigns no mitigation triggers to each senior water right. A trigger must be a measureable or observable value at a discrete location. The Court has already determined that these standards must be in place prior to approval of an application.
- Protection of senior water rights does not, in itself, prevent unreasonable environmental effects. The USFWS analysis of the predicted effects in the programmatic level review contradict that assertion. Also, because of the mitigation options presented, the Applicant may dig a deeper well, install pumps, provide alternate grazing land, or install cisterns and deliver water.
- The Swamp Cedar ACEC monitoring plan is arbitrary in that it does not consider the characteristics that it is listed for in the National Register.
- The Swamp Cedar ACEC boundary should be modified to encompass the entire Tribal Cultural Area of *Bahsahwahbee* listed in the National Register.

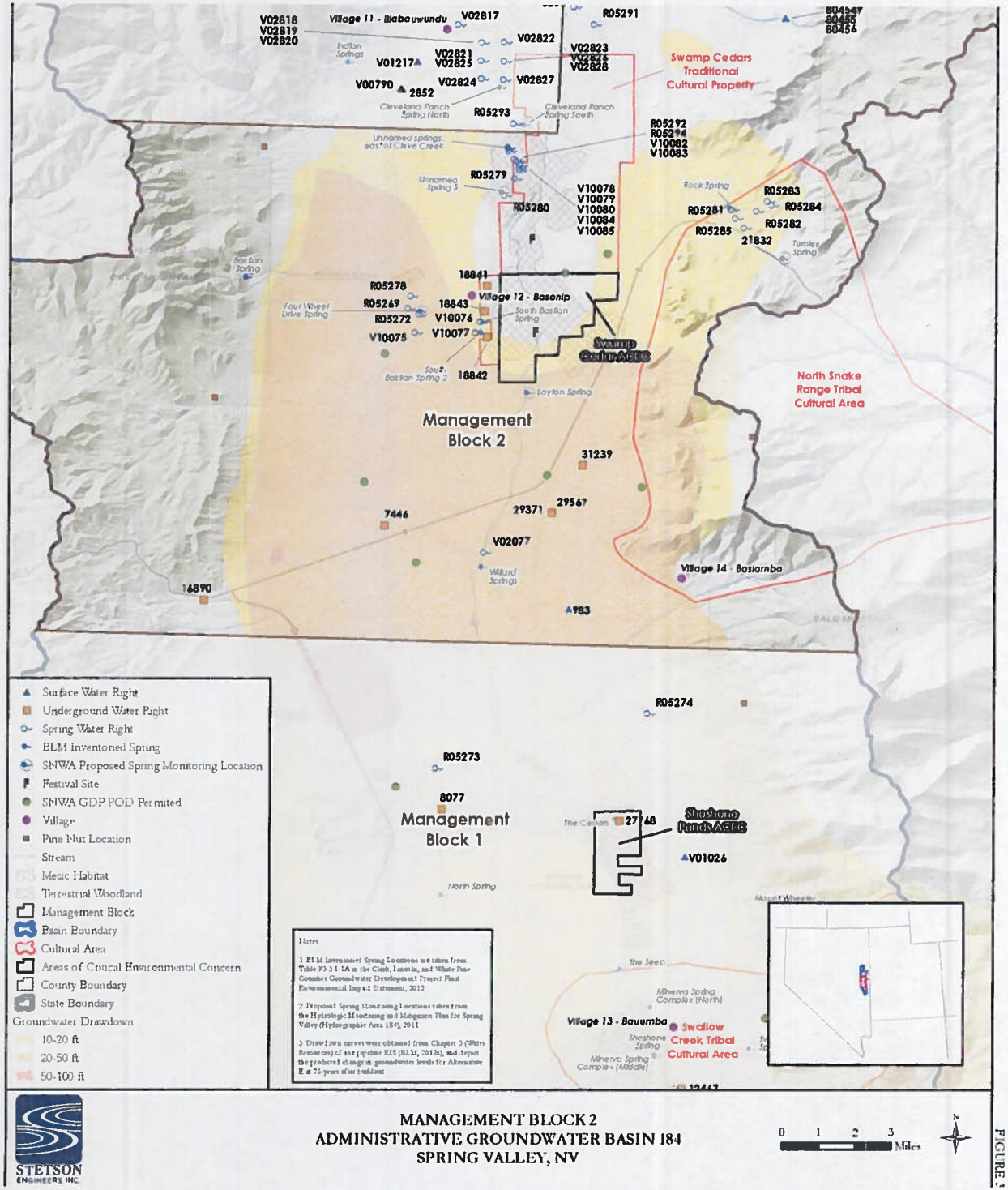
- The cultural resources inventory and eligibility determination for the Section 106 consultation is not complete. Therefore, the TAR does not account for all eligible or listed cultural sites (Figure 1).
- The groundwater pumping locations have not been determined, and therefore a basin level effects analysis cannot be completed at this time. A basin level effects analysis is required for subsequent analysis of groundwater pumping facility locations.
- The NSE should delay granting water rights until the Applicant submits applications for all proposed points of diversion and that rights of way environmental analysis has been completed for all project facilities.



STETSON ENGINEERS INC.

MANAGEMENT BLOCK 3
ADMINISTRATIVE GROUNDWATER BASIN 184
SPRING VALLEY, NV

FIGURE 4


Management Block 2
Management Block 1
Swamp Cedars Traditional Cultural Property
North Snake Range Tribal Cultural Area
Swallow Creek Tribal Cultural Area
Village 11 - Biabauwundu
Village 12 - Basonip
Village 13 - Bauumba
Village 14 - Basiamba
Swamp Cedars ACEC
Shoshone Ponds ACEC
Surface Water Right
Underground Water Right
Spring Water Right
BLM Inventoried Spring
SNWA Proposed Spring Monitoring Location
Festival Site
SNWA GDP POD Permited
Village
Pine Nut Location
Stream
Mesic Habitat
Terrestrial Woodland
Management Block
Basin Boundary
Cultural Area
Areas of Critical Environmental Concern
County Boundary
State Boundary
Groundwater Drawdown
10-20 ft
20-50 ft
50-100 ft
Notes
1 BLM Inventoried Spring Locations are taken from Table P3.3.1-1A in the Clark, Lincoln, and White Pine Counties Groundwater Development Project Final Environmental Impact Statement, 2012
2 Proposed Spring Monitoring Locations taken from the Hydrologic Monitoring and Mitigation Plan for Spring Valley (Hydrographic Area 184), 2011
3 Drawdown curves were obtained from Chapter 3 (Water Resources) of the 2nd draft EIS (BLM, 2012a), and depict the predicted changes in groundwater levels for Alternative E at 75 years after ROD
STETSON ENGINEERS INC.
MANAGEMENT BLOCK 2
ADMINISTRATIVE GROUNDWATER BASIN 184
SPRING VALLEY, NV
0 1 2 3 Miles
N
FIGURE 3