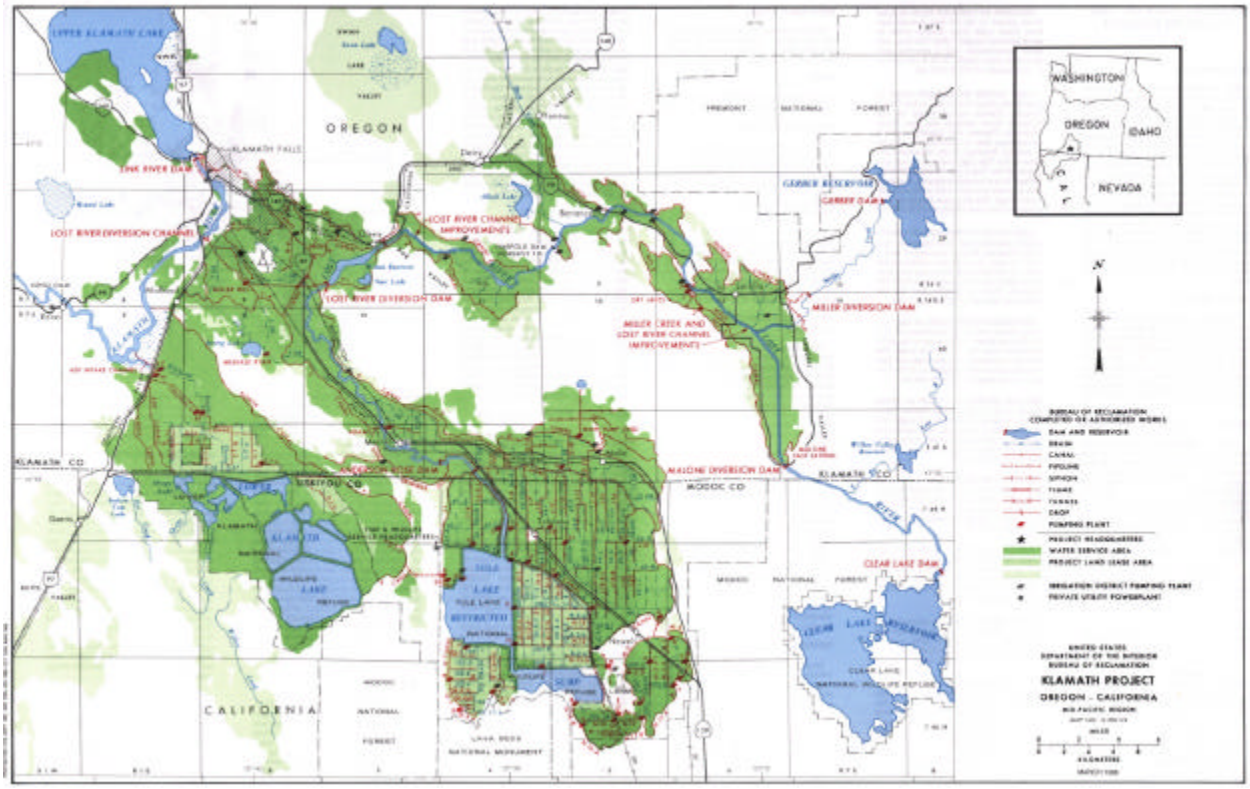
KLAMATH PROJECT OPERATIONS
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
SCOPING DOCUMENT

The Bureau of Reclamation (Reclamation) previously began preparation of a DEIS in November 1997. Development of the DEIS has been delayed since early 2001 when Endangered Species Act compliance issues and drought response activities overran the DEIS process. This scoping document outlines the scoping process which will guide the renewed effort to prepare the DEIS.

General Location

The general location of the Project is shown in the following figure:



The Proposed Action

Reclamation proposes to implement an operations plan through March 2012 that provides for continued operation of the Klamath Project (Project) in a way that meets its legal obligations.

Operational Elements of the Proposed Action

Reclamation is presently operating the Project consistent with the May 2002 biological opinions (opinions) on Project operation issued by the U.S Fish and Wildlife Service (Service) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries (formerly National Marine Fisheries Service). The opinions apply to Project operation through March 31, 2012. The operations plan would be an adaptive plan that describes management actions for operation of the Project's features and facilities to meet the defined needs through March 31, 2012. It would describe a process for anticipating and adapting demand for Project water annually during a multiple year period and during different hydrological conditions (ranging from very dry to very wet). It would be subject to revision when necessary (adapt) to address new information or circumstances that have bearing on Project operation and/or

Project effects. The following key elements of an operations plan have been tentatively developed during ESA consultations with the Service and NOAA Fisheries.

- The proposed action would be consistent with historic Project operation from water year 1990 (which began October 1, 1989) through water year 1999 (which ended September 30, 1999).
- The proposed action would include development of annual operating criteria developed consistent with the 2002 biological opinion RPA.
- The proposed action would also include development and use of a "water bank" of up to 100,000 acre-feet annually that would be acquired from several sources. (Began in 2002).
- Continued coordination with the Service, NOAA Fisheries, Klamath Basin Tribes, PacifiCorp, and irrigation districts to coordinate ongoing and anticipated Project operation activities and to discuss water supply conditions.
- Entrainment reduction into the A Canal from Upper Klamath Lake (under construction) and fish passage at Link River Dam.
- Development and participation in a basin-wide Conservation Implementation Program.
- Additional water supplies resulting from reasonably foreseeable actions that may be implemented during the proposed period of operation.

Purpose of the Proposed Action

The purpose of the proposed action is to operate the authorized features and facilities of the Project during varying hydrological conditions through March 2012 to meet Reclamation's legal obligations and responsibilities. Reclamation's goals associated with the purpose are to retain Project viability in a manner that seeks to avoid jeopardizing federally-listed threatened and endangered species and to conserve and protect those species, and to address Reclamation's tribal trust obligation

Need for the Proposed Action

The need for the proposed action stems from an underlying need to reduce uncertainty, to the extent possible, by Reclamation, agricultural water users, tribes, national wildlife refuges, and other interested/affected parties about both short-term and long-term availability of Project water. There is a need to operate the Project consistent with applicable laws and to meet Reclamation's obligations related to operation of the Project. Those needs are:

- To deliver Project water in accordance with the Klamath Project water rights and contracts between Reclamation and agricultural water users;
- To comply with requirements of the Endangered Species Act;
- To operate the Project in a manner that does not interfere with the Tribes' senior water rights;
- To provide adequate water to Lower Klamath and Tule Lake National Wildlife Refuges to fulfill their Federal reserved water rights, when in priority and when water is available.

Scope of the Proposed Action

The scope of the DEIS consists of the range of actions, alternatives, and potential impacts to be considered by Reclamation. The scope of the proposed action is developing a multi-year operations plan consistent with the purpose and need above. Those actions involve all elements of Project operations that Reclamation can implement that may affect the Project water supply and demand. Such actions include, but are not limited to, Project water (1) storage volume, location, and timing; (2) source (surface and/or groundwater); (3) delivery quantity, timing, and duration, and (4) quality. The potential environmental impacts to be considered in the DEIS are direct, indirect, and cumulative effects that may arise from the proposed action and alternatives.

Geographic Scope

The geographic scope of the proposed action includes areas and resources affected by water diversion, storage and delivery for Project purposes. This includes, but is not necessarily limited to: (1) the sites of all Project features and facilities (such as dams, reservoirs, canals, drains, pumping plant/stations) and areas adjacent to those sites that are subject to Reclamation's ownership, management or control; (2) lands that receive Project irrigation or drainage water; and (3) areas adjacent to Clear Lake, Gerber Reservoir, Miller Creek, Lost River, Tule Lake, Lower Klamath

Lake, Upper Klamath Lake, Link River, Lake Ewauna, and the Klamath River downstream from Link River Dam subject to fluctuating water levels and/or flows that result from Project operation.

Responsible Official
This environmental document is a non-delegated EIS which means the proposed action is of a highly controversial nature or one in which the Secretary of the Interior has taken a prominent public position on a highly controversial issue and the proposed action faces a high probability of judicial challenge. The responsible official for the decision to be made regarding the proposed action is the Secretary of the Interior.

Lead and Cooperating Agencies
Reclamation is the lead agency for preparation of this DEIS. The following agencies were previously invited to participate as cooperating agencies and are expected to continue in that role: Klamath Tribes, Yurok Tribe, Karuk Tribe, Hoopa Valley Tribe, Service, NOAA Fisheries, Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), U.S. Forest Service, Natural Resources Conservation Service (NRCS), California Department of Fish and Game, Oregon Department of Fish and Wildlife, Klamath County, Oregon, and Siskiyou and Modoc Counties, California, and the Klamath Water User's Association. In addition, Reclamation will invite Humboldt County, California to participate as a cooperating agency.

Nature of Decision to be Made
Reclamation will decide whether it will implement the proposed action or a reasonable alternative to it.

Project Timeline
The formal scoping will extend through September 2, 2003. Reclamation will issue a scoping summary report after conclusion of the formal scoping. The DEIS may be completed by mid-2005. It will be available for at least a 60-day comment period.

Public Involvement Activities
This scoping document will be mailed to agencies groups and individuals who have previously expressed an interest in the proposed action. This notice invites additional public comment on this proposal. Due to extensive scoping already conducted, no scoping meetings are planned at this time. Reclamation will reassess the need for scoping meetings as the formal scoping period proceeds. While public participation in this analysis is welcome at any time, comments received by the closing date of the formal scoping period (September 2, 2003) will be especially useful in preparation of the DEIS. The scoping process will include identifying potential issues, significant issues to be analyzed in depth, alternatives to the proposed action, and potential environmental effects of the proposal and alternatives.

Preliminary Issues and Potential Effects
Preliminary issues and potential effects have been identified from previous scoping efforts and recent public and agency comments related to Klamath Project operation. Reclamation intends to continue to identify and analyze in depth the significant issues. It will also identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review. The following general questions reflect the significant subjects or questions of widespread public discussion and interest relevant to Klamath Project operation. However, the issues and potential effects are not necessarily limited to those listed below. Reclamation invites suggestions for other issues and potential effects that reviewers believe should be addressed in the DEIS.

How does Klamath Project operation affect:

- Upper Klamath Lake levels and Klamath River flows?
- Irrigation water supply and use for agriculture in the Project area?
- Water quality of Upper Klamath Lake, the Lost River, and the Klamath River?
- Water rights of the Klamath Basin Tribes and other water users in Oregon and California?

- Federally-listed threatened and endangered species, such as the Lost River and shortnose suckers, coho salmon and the bald eagle?
- National wildlife refuges in the Klamath Basin that receive Project water, especially Lower Klamath, Upper Klamath, and Tule Lake National Wildlife Refuges?
- Continued operation and viability of irrigated agriculture in the Klamath Basin area?
- Groundwater resources in the Project area?
- Social and economic considerations in the local area and wider region?
- Cultural resources, both historic and prehistoric, in the project area?
- Indian trust assets for which the United States has a trust responsibility to protect and maintain, such as lands, minerals, hunting and fishing rights, water rights and instream flows?
- Aquatic resources in the Klamath River basin and Pacific Ocean?
- Recreation resources and activities?
- Wetlands or riparian areas adjacent to the Project reservoirs and along the Klamath River?
- Wildlife populations and habitat in the Project area?
- The cumulative effects of other federal, state and private actions in the Klamath River basin?
- Operation of PacifiCorp's Klamath Hydroelectric Project No. 2082?

Possible Alternatives

The DEIS will describe the effects of at least two alternatives: (1) no action, meaning Project operations prior to the U.S. Fish and Wildlife Service's and National Oceanic and Atmospheric Administration Fisheries' (NOAA Fisheries, formerly the National Marine Fisheries Service) May 31, 2002 biological opinions, and (2) the proposed action, meaning Project operations consistent with the 2002 biological opinions. Reclamation invites suggestions for other alternatives to be analyzed in detail and/or development of reasonable alternatives for detailed consideration in the DEIS. Such alternatives should be described in sufficient detail to allow Reclamation to evaluate the reasonableness and adequately analyze the effects of such public-driven alternatives.

Comments Requested

This scoping document continues the previously conducted scoping process which guides development of the DEIS. The public is invited to take part in the process and is encouraged to visit with Reclamation officials at any time during the analysis and prior to the decision. Reclamation will be seeking information, comments and assistance from Federal, Tribal, State and local agencies and other individuals or organizations that may be interested in, or affected by, the proposed action.

Written comments should be directed to either:

Dave Sabo (Area Manager) or Daniel Fritz (EIS Manager)
Klamath Basin Area Office
Bureau of Reclamation
6600 Washburn Way, Klamath Falls, OR 97603

Mr. Fritz may also be contacted by telephone at 541-880-2556 or by e-mail at dfritz@mp.usbr.gov.

Importance of Public Participation

Reclamation believes it is important to inform reviewers of several guidelines that have been supported by court rulings related to public participation in the environmental review process. To assist Reclamation in identifying and considering issues related to the proposed action, comments made during formal scoping and on the DEIS should be as specific as possible. Reviewers must structure their participation in the environmental review of the proposal so that it is meaningful and alerts Reclamation to the reviewer's position and contentions. It is very important that those interested in this proposed action participate by the close of the scoping period so that substantive comments and objections are made available to Reclamation at a time when it can meaningfully consider them and respond to them. Environmental objections that could be raised at the DEIS stage, but are not raised until after completion of the Final EIS may be waived or dismissed by the courts. Comments may also address the adequacy of the DEIS or the merits

of the alternatives formulated and discussed in the statement. Comment received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection, unless requested otherwise by the commentor.