



United States Department of the Interior

BUREAU OF RECLAMATION

Klamath Basin Area Office

6600 Washburn Way

Klamath Falls, Oregon 97603

IN REPLY REFER TO:

KO-180
RES-3.10

MAR 20 2002

To: Interested Parties

Subject: Scoping Summary for Feasibility Study on Increasing the Storage Capacity of Gerber Reservoir, Klamath Project, Oregon

Enclosed for your information and review is a copy of the Scoping Summary for the Feasibility Study on Increasing the Storage Capacity of Gerber Reservoir, Klamath Project, Oregon. The Scoping Summary describes the proposal and what the scoping process has entailed for this study. It also summarizes public comments received to date by the Bureau of Reclamation (Reclamation).

The Scoping Summary also includes a copy of the Notice of Intent to prepare an environmental impact statement which was published in the *Federal Register* March 13, 2002, and a copy of the two information packets Reclamation mailed to interested parties in the Klamath Project area.

At this time, Reclamation asks that you review the enclosed Scoping Summary. To be of most use to Reclamation, please send any comments or concerns before **April 30, 2002** to Gary Baker, Program Manager, Bureau of Reclamation, 6600 Washburn Way, Klamath Falls, Oregon 97603. Provided for your convenience is a comment sheet that you may use to mail your comments to Gary Baker at the above address, fax them to 541-884-9053, or e-mail them to gbaker@mp.usbr.gov

Reclamation anticipates providing additional opportunities for public comment as the study progresses. You will be notified in advance as these opportunities arise.

Sincerely,

Dave Sabo
Area Manager

Enclosures (2)

***Feasibility Study on Increasing the
Storage Capacity of Gerber Reservoir,
Klamath Project, Oregon***

Scoping Summary

**U.S. Department of the Interior
Bureau of Reclamation**

**Mid-Pacific Region
Klamath Basin Area Office
Klamath Falls, Oregon**

March 2002

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Scoping Notice (mailed June 28, 2001)

Scoping Notice Update (mailed July 18, 2001)

Notice of Intent to Prepare an Environmental Impact Study
(published March 13, 2002)

Scoping Summary

Feasibility Study on Increasing the Storage Capacity of Gerber Reservoir Klamath Project, Oregon

This document describes the proposal and the initial scoping process. It also summarizes the comments received from the public about increasing the storage capacity and/or yield of Gerber Reservoir in Oregon.

The Proposal

The Bureau of Reclamation (Reclamation) is studying the feasibility of increasing the storage capacity of Gerber Reservoir, a feature of the Klamath Project. The Klamath Project is a Federal reclamation project in southern Oregon and northern California. Reclamation is undertaking this feasibility study under the authority of section 2 of the Klamath Basin Water Supply Enhancement Act of 2000 (P.L. 106-498) (hereafter referred to as the Enhancement Act). The Enhancement Act authorizes and directs the Secretary of the Interior to engage in feasibility studies of increasing the storage capacity and/or yield of Klamath Project facilities, including Gerber Reservoir.

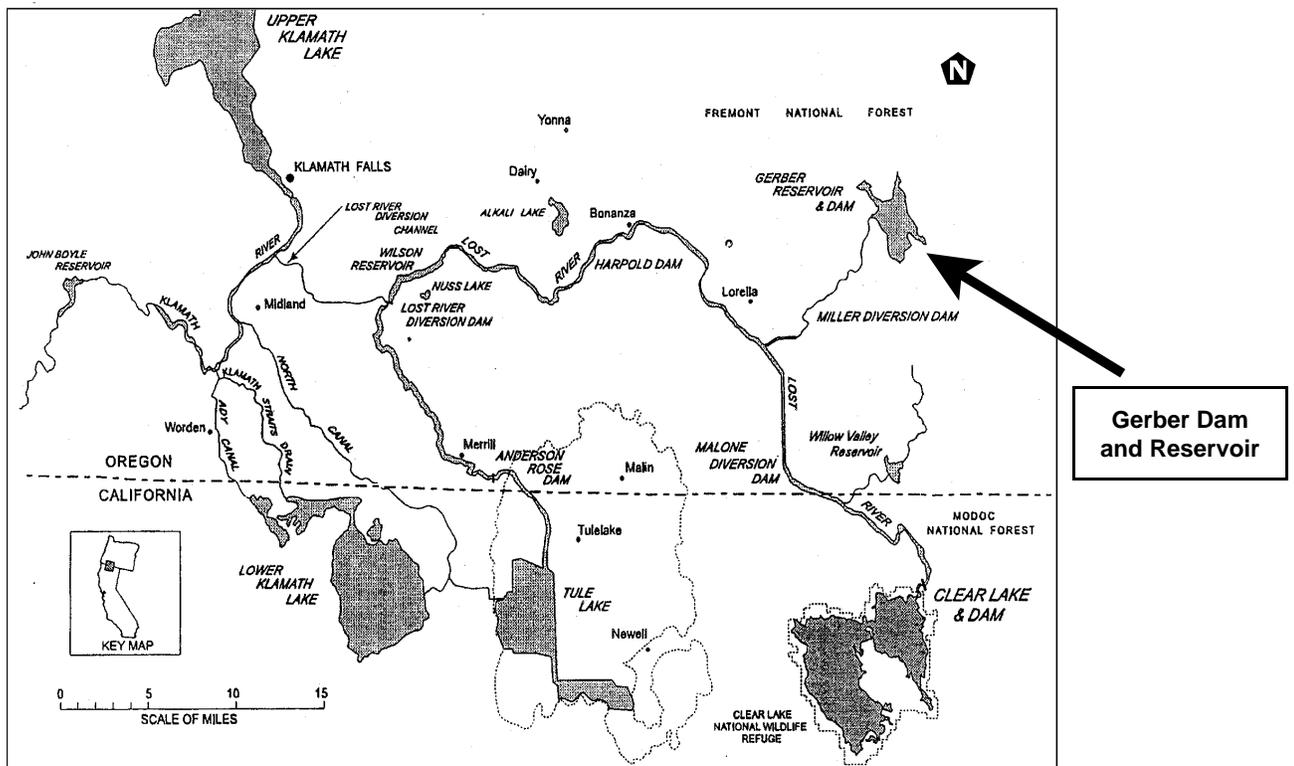
The purpose of this feasibility study is to develop and analyze alternatives to increase the storage capacity of Gerber Reservoir while improving water quality, consistent with the protection of fish and wildlife. This potential increase in water supply is needed to help meet the growing water needs in the Klamath River Basin; to improve water quality; to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin, including facilitation of Klamath tribal water rights claims; and to reduce conflicts over water between the Upper and Lower Klamath Basins.

Reclamation's Technical Service Center engineers in Denver, Colorado, completed a preliminary evaluation in May 1999 to increase the height of Gerber Dam by raising the maximum surface level of the reservoir by up to 3 feet. Reclamation then initiated an appraisal study in October 2000. After the Enhancement Act was enacted, Reclamation discontinued the appraisal study and proceeded directly to a feasibility study. The feasibility study now underway will evaluate the May 1999 study in detail and will consider a range of increased

surface levels for the reservoir to increase the storage capacity. Alternatives will be bounded by engineering, economic, and/or environmental considerations.

General Location of Study Area

Gerber Dam and Reservoir, located in southern Oregon, are shown on the map below.



NEPA Compliance

In conjunction with the feasibility study, Reclamation will prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA). The EIS will describe the proposal and its purpose, alternatives considered, potential effects of the proposal and alternatives, and mitigation for the proposed action. The combined feasibility report/EIS will be made available for public review and comment.

Reclamation anticipates completing the feasibility study and EIS by early 2003. The Enhancement Act requires the Secretary of the Interior to report the results of the feasibility study to the Congress within 90 days of the study's completion, together with any recommended project. Any specific project to increase the storage capacity and/or yield of Gerber Reservoir would require approval by Congress.

Scoping Process

Reclamation sought comments from the interested public, including tribes, individuals, organizations, and agencies, regarding the proposal to increase the storage capacity of Gerber Reservoir. The process for seeking comments and public information is called "scoping." Scoping is a term used for an early and open process to determine the scope of issues to be addressed and to identify the significant issues related to a proposal. Reclamation uses the comments received to assist in (1) identifying the significant issues relevant to the proposal, (2) identifying those elements of the environment that could be affected by the proposal, (3) formulating alternatives for the proposal, and (4) determining the appropriate environmental document to be prepared. All comments received will be considered in analyzing the impacts of this project.

Scoping for this study was initiated in June 2001. On June 28, 2001, scoping information packets (see attached) announcing public open houses and inviting public comments were mailed to more than 120 individuals and representatives of groups throughout the Klamath Basin Project area. Informal open houses had been scheduled in Lorella and Klamath Falls, Oregon, on August 1 and 2, 2001, respectively. A second informational packet (see attached) forwarded on July 18, 2001, cancelled the open houses and again invited written comments; the deadline to send comments was extended until September 7, 2001. These notices were also posted on Reclamation's Klamath Area Office web page.

In addition, Langell Valley Irrigation District (LVID) issued a letter suggesting its water patrons send comments to Reclamation. During the regularly scheduled Government to Government meeting on June 20, 2001, tribes were informed of the initiation of this feasibility study. Reclamation and Bureau of Land Management have also discussed the study.

Scoping and public involvement processes will continue throughout the feasibility study.

Comments Received from the Public

A total of 33 responses were received from the public. Six responses requested only that they receive a copy of the document. Comments were received from 27 individuals or groups. The overall tone or consensus of the comments seemed to be about three primary concerns:

- Who pays for raising the dam to provide the extra storage and how will the new storage affect the current contracts with LVID or Horsefly District? Will the repayment cause financial hardship to the farmers?
- Where will the new water supply be used? Will it benefit the LVID farmers to ensure a reliable water supply? Will it be used for fish in other parts of the Klamath Basin?
- Can we trust Reclamation any more? What good is more water if the Government and the Indians are going to claim it.

In addition, The Cloverleaf Stewardship Group petitioned the state Water Resources Commission to reserve all available, unappropriated water in the Lost River Subbasin to be set aside for future economic development. The group forwarded a copy of their petition to Reclamation. The request was made pursuant to a 1997 law change, authorizing a local watershed council or local government to request that the state set aside available water—not already appropriated for other purposes—to be saved for future storage to support local economic development. The reservation will save water now for storage projects that may be built in the future. The law allows reservations only for “multipurpose storage for future economic development.” The original version of the statute was enacted in 1987, at the same time the Oregon Legislature approved a process for creating state instream water rights. The reservation process addresses future economic needs in addition to instream needs.

Individual comments are summarized below by the resource area or topic of the comment.

Some questions or comments were on issues or actions outside the scope of this study. These are comments that do not relate to the purpose or need of this feasibility study and are listed at this end of this summary.

Water Resources

Nearly half of those responding expressed concern about “Who will use this water?”

Who will benefit? Fish or farmers?

How will new storage affect contracts with Langell Valley Irrigation District (LVID)? Horsefly District?

How will new storage affect our water rights?

Reclamation should release water only for irrigation in Bonanza and Langell Valley areas.

Project must ensure a reliable supply for LVID; and then to the refuge.

The mullet or “sucker fish” are being used by the Feds to put ranchers and farmers out of business, as they (Feds) used the spotted owl to bankrupt the timber industry.

Will construction affect annual irrigation? (expressed by 25 percent of comments).

New lake levels and flows must not encroach on irrigation storage (25 percent of responses).

How often has the reservoir filled to capacity since being built in 1923?

How much water went over the spillway and for how long a time?

Water Quality

How will raising Gerber Dam improve water quality?

Consult with Oregon Department of Environmental Quality to address impacts on water quality.

An estimate of reservoir sedimentation since 1925 should be made for the affected environment section of the environmental impact statement.

Address how unvegetated mudflats may contribute to elevated temperatures in tributary streams, as well as how changes in habitat and sedimentation affect temperature.

Land Use

Of ultimate concern is the future of agriculture use in Gerber meadow. Does Reclamation share this concern?

A rise in water level will come close to forcing violations of private property setbacks for buildings and sewer.

Who pays for the loss of inundated private lands, a utility road, and pine trees?

How large an area would be flooded?

How much range would be lost to BLM permittees?

What would be the extent and timing of Gerber Ranch (in Section 30) flooding?

Any new agreement concerning Gerber Ranch properties should include the recognition by Reclamation of the forfeiture in 1925 of water claims on TWP 38S, R 14E- for 600 acres — as per the 1925 sales contract with what is now known as Reclamation.

What's the effect on other agreements with Gerber Ranch?

Any lands affected by the proposal that are covered under BLM's Resource Management Plan must be identified if there is any change in land use.

BLM's Aquatic Conservation Strategy objectives must be maintained for sustainable resource management.

All BLM best management practices must be reviewed in conjunction with this proposal.

Status of withdrawn lands must be considered.

Roads and Bridges

What about road changes and/or realignments? bridges? homes?

What happens to Barnes Valley Creek crossing? a new approach? and a bridge?

Some access roads needed to manage timber stands could be inundated.

The areas under BLM's Off-Highway Vehicle "Limited" designation could be affected.

Increased traffic from additional recreational opportunities may require different road surfacing or increased maintenance.

New bridges could be necessary at Barnes Valley Creek, Ben Hall Creek, Barnes Creek, and Miller Creek areas.

Economic Resources

More than half of those responding expressed concern about "Who pays for this?"

Farmers mortgaged their land to pay for irrigation dams only to have the rights to use them taken away. Don't let it happen again.

Farmers should not be expected to pay for added storage since it would be of marginal benefit to them.

The cost of making the old dam safe would be much greater than benefits derived.

How would individual landowners be compensated?

Social Environment

It is hard to trust the Government any more.

What good is more water if the Government and the Indians are going to claim it?

I'm against raising the dam; Reclamation has proven they are in league with extreme environmentalists working against farming interests.

Bureau would claim water to use as they see fit.

A raised dam is not needed; farmers would have sufficient water if Reclamation was not intent on STEALING our water for use elsewhere for which we will be expected to pay.

We are against raising this dam. It appears the Bureau is NOT pro-agriculture, and we truly doubt the integrity of your reasons to raise the dam.

My family originally came here because Los Angeles took away their water with the Owens Valley Project and the Los Angeles Aqueduct. After a lifetime of hard work, my father is reduced to worrying about the government once again destroying his family's livelihood. Does anyone really care?

Questionnaire is bogus; it arrived August 18 and needed to be returned by August 15th.

Hydropower

Is hydro-electricity being considered? (More than one-third asked about this; one indicated it could benefit the project area and two indicated they did not want hydropower. Another wondered if it would have priority over "our" claims.)

If hydropower is considered, which I am against, it is another way of depleting our water supply with more nonbenefit to us and further control by them.

If the dam were to be equipped with hydro-electricity, we would like to see all proceeds go to the LVID.

Wildlife and Wildlife Habitat

Existing bald eagle and osprey nesting trees could be inundated; however, other new snags could be created. Some Canada goose nest platforms could be under water in early spring when reservoir is high. Or live trees with platforms may soon die after inundation.

Many herptile species may occur although no known surveys have been completed around the reservoir. Pronghorn and sage grouse habitat may be affected, as well as critical terrestrial habitat.

Riparian vegetation is very important habitat for landbirds.

Fisheries and Fish Habitat

What about fish passage in Barnes Creek–Gerber meadow?

Increased water levels could provide additional fish habitat in tributaries; higher water levels could help regulate water temperature with cooler water benefiting fish.

Affected streams need to be assessed for fish passage, instream structures, etc.

Consult with US Fish and Wildlife Service, Klamath area tribes, and Oregon Department of Fish and Wildlife to identify and eliminate impacts associated with habitat manipulation that threaten native fish stocks.

The BLM Resource Management Plan (RMP) includes goals to enhance warm water fisheries. A change in operations may affect prey base of raptor species as well as recreational fishing opportunities.

Fish entrainment and upstream migration should be addressed as well as incorporating the watershed analysis recommendations to address at-risk fish species.

Aquatic Resources

Address riparian areas as defined in RMP and identify instream flows needed to maintain riparian resources, etc.

Restoration of spatial and temporal flow connectivity should be assessed for Miller Creek.

Interrelated impacts of other land management actions (such as timber management and grazing) should be analyzed.

Sediment deposition could alter reservoir depth at stream confluences and affect spawning habitat. Also address potential for upstream channel aggradation.

Forests and Wetlands (Vegetation)

How will aspen groves be affected by inundation / restoration?

Address timber and range resources lost or the need for increased maintenance.

Address how alternatives would comply with BLM practices.

Some noxious weeds may be killed but others may invade newly inundated areas.

Threatened and Endangered Species

Please carry out Section 7 Endangered Species Act (ESA) consultation for any changes, including endangered suckers and threatened bald eagles. Conduct a full NEPA review. NEPA discussion should include assumptions as to who or what resources water from Gerber Reservoir will be provided for consistent with Judge Hogan's opinion of August 2000 regarding Reclamation's 2001 water operations.

Address impacts to these species, particularly Redband and Sucker species.

Recreation

A 3-foot rise in water level will threaten a number of campsites in the north campground.

Increased water levels could change recreational activities, requiring increased patrols and law enforcement. Replacement facilities should be included for any inundated recreational facilities.

The number of dead or dying trees along the shoreline may potentially cause degraded visual quality in BLM's Class 2 Visual Resource Management Class area.

Public Safety

The most important aspect of raising Gerber Dam is safety.

Will the dam be replaced or rebuilt? Integrity of structure is questionable.

Is raising the dam really practical?

Trees should be removed within the newly inundated area to prevent falling and causing safety hazards to boaters.

Historic Properties or Cultural Resources

A thorough inventory of the cultural resources needs to be completed before any are disturbed or inundated.

Cultural resources within the drawdown area and in shallow water may be damaged by wave action and recreational use along the water edge. These sites may require special management actions to stabilize them or to capture the data they hold.

Other Alternatives

Why stop with 3 feet, why not go for 10 or 20 feet?

How difficult would it be to divert part or all of the runoff of the west and south side of Bly Mountain into the reservoir or to farm lands?

Use dikes where ground level is too low.

A better location for a shorter dike across Barnes Creek to keep reservoir water (from a higher dam) off Gerber Ranch meadows would be on federally managed land at the lower (south) end of this ranch (fenced pasture) in sec 31 NENE quarter, T38S R14E WM. This dike would also address keeping waters on the south side of the dike off the meadow lands. Another option is to (1) Pump the waters of Barnes Creek (daily and spring runoff) from the north side (sec 30) over/through the dike to the south side or (2) provide for fish passage across the dike into/out of Barnes Creek.

Water removal possibilities from Gerber Ranch meadow after spring flush include (1) pumping, (2) ditch bypass, (3) combined a and b, or (4) no designed removal.

Is total purchase the last resort option for Gerber Ranch meadow?

Dredge current lakebed, especially in the arms.

Consider alternatives that would protect, enhance, or restore watershed values within the guidance of the RMP, such as fish passage improvements, instream structures using boulders and log placements for fish habitat, and establishment or release of riparian trees.

Mitigation and enhancements to address concerns regarding bedload supply and transport, stream elevation and slope, and existing upstream water tables should be described.

Alternatives should consider improving aquatic habitats in Miller Creek to address currently degraded conditions.

Public Participation

Will landowners be included in making the decision?

Reclamation should hold a public meeting in the local area directly affected by the proposed action to gather comments and suggestions.

It is recommended that Reclamation meet with BLM's CRMP group to discuss the project and identify their issues with the proposal.

Comments Outside the Scope of this Study

Some questions or comments were on issues or actions outside the scope of this study because they do not relate to the purpose or need of this feasibility study. They are:

- Gerber Dam should not be raised until Boundary Dam has been built. Heard it was scrapped because of deer migration paths.
- If Gerber should be raised to provide more water, it is only logical you reconsider the Boundary Dam proposal.
- Another place for water storage is Aspen Lake for 30 feet or more.

Attachments

Scoping Notice (mailed June 28, 2001)

Scoping Notice Update (mailed July 18, 2001)

Notice of Intent to Prepare an Environmental Impact Study
(published in the *Federal Register* March 13, 2002)



SCOPING NOTICE



FEASIBILITY STUDY OF INCREASING THE STORAGE CAPACITY OF GERBER RESERVOIR

Background

This scoping notice announces and seeks public comment on a proposal by the Bureau of Reclamation (Reclamation) to study the feasibility of increasing the storage capacity of Gerber Reservoir, a feature of the Klamath Project. The Klamath Project is a Federal reclamation project in southern Oregon and northern California. Reclamation is undertaking this feasibility study under the authority of the Klamath Basin Water Supply Enhancement Act of 2000 (P.L. 106-498) (hereafter referred to as the Enhancement Act).

Reclamation is proceeding with the Gerber Reservoir feasibility study in accordance with Section 2 of the Enhancement Act. The Enhancement Act authorizes and directs the Secretary of the Interior to engage in feasibility studies of increasing the storage capacity and/or yield of Klamath Project facilities, which include Gerber Reservoir. Reclamation expects to initiate similar feasibility studies in the future about other Klamath Project facilities, such as Upper Klamath Lake.

The purpose of the Gerber Reservoir feasibility study is to develop and analyze alternatives to increase the storage capacity and/or yield of Gerber Reservoir while improving water quality, consistent with the protection of fish and wildlife. This potential increase in water supply is needed to help meet the growing water needs in the Klamath River Basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin, including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins.

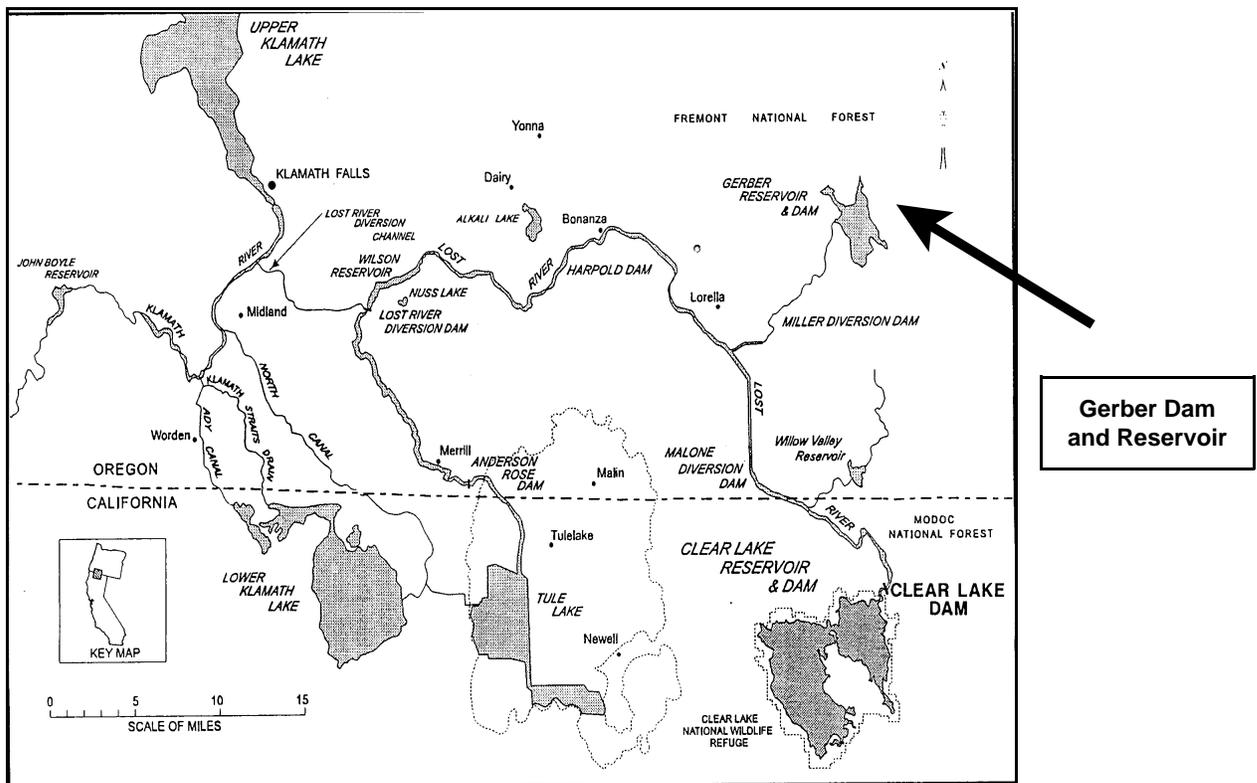
Scoping is a term used for an early and open process to determine the scope of issues to be addressed and to identify the significant issues related to a proposal. Reclamation will use the comments received in response to this notice to (1) identify the significant issues relevant to the proposal, (2) identify those elements of the environment that could be affected by the proposal, (3) begin formulation of alternatives to the proposal, and (4) determine the appropriate environmental document to be prepared. Scoping and public involvement processes will continue throughout the feasibility study.

The Proposal

In October 2000, Reclamation initiated a preliminary appraisal-level study of raising Gerber Dam, which impounds Gerber Reservoir. Reclamation discontinued the appraisal study subsequent to enactment of the Enhancement Act and decided to proceed directly to a feasibility study. A preliminary evaluation by engineers in Reclamation's Technical Service Center in Denver in May 1999 considered increasing the height of Gerber Dam sufficiently to raise the maximum surface level of the reservoir by up to 3 feet. The feasibility study now being initiated will evaluate that study in detail and may consider a range of increased surface levels for the reservoir, in addition to other ways to increase the storage capacity. Alternatives would likely be bounded by engineering, economic, and/or environmental considerations.

General Location of Study Area

Gerber Dam and Reservoir, located in southern Oregon, is shown on the map below.



National Environmental Policy Act (NEPA)

In conjunction with the feasibility study, Reclamation will prepare an environmental document (environmental assessment or environmental impact statement) in accordance with NEPA. The environmental document will describe the proposal and its purpose, alternatives considered, potential effects of the proposal and alternatives, and mitigation for the proposed action. The feasibility study report and environmental document will be made available for public review and comment.

Timing

Reclamation anticipates completing the feasibility study and appropriate environmental document by late 2002. The Enhancement Act requires the Secretary of the Interior to report the results of the feasibility study to the Congress within 90 days of the study's completion, together with any recommendation for projects. Any specific project to increase the storage capacity and/or yield of Gerber Reservoir would require approval by Congress.

Public Comments Requested

Reclamation is seeking comments from the interested public, including Tribes, individuals, organizations and agencies, regarding the proposal to increase the storage capacity of Gerber Reservoir. Your comments should be received **by August 15, 2001**, to be included in the Scoping Summary Document. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. You may use the enclosed Comment Sheet to provide written comments by mail or facsimile transmission to:

Gary Baker, Project Manager
Bureau of Reclamation, Klamath Basin Area Office
6600 Washburn Way
Klamath Falls, OR 97603
Fax: (541) 884-9053

Public Open Houses Scheduled

Reclamation will also conduct two informal open houses to provide information about the study and to receive public comments related to this proposal to increase the storage capacity of Gerber Dam. The open houses are scheduled as follows:

<u>Date</u>	<u>Time</u>	<u>Location</u>
August 1, 2001	7:00-9:00 pm	Langell Valley Community Hall 9787 E Langell Valley Road (Intersection of Gale Road and E Langell Valley Road) Lorella, Oregon
August 2, 2001	7:00-9:00 pm	Shilo Inn 2500 Almond St Klamath Falls, Oregon

Each open house will begin at 7:00 pm. Reclamation will make a presentation at 7:30 pm, and the open house will resume after the presentation. No formal public testimony will be received at either open house.

The meeting facilities are physically accessible to people with disabilities; however, the restrooms at the Langell Valley Community Hall are not currently accessible. The hearing impaired may contact Mr. Baker through the main number of the Klamath Falls office at (541) 883-6935 for TDD capability. Please direct requests for sign language interpretation for the hearing impaired, or other special needs, to Gary Baker by telephone, fax, or e-mail by July 18, 2001.

Other information and reports may be prepared during the feasibility study. If you would like to have your name added to the mailing list to receive future information, please complete and return the enclosed comment sheet or contact the Klamath Basin Area Office at (541) 883-6935. Likewise, if you would like your name removed from the mailing list, please contact the same office.

You may direct questions regarding this study to Mr. Gary Baker at telephone (541) 883-6935, fax (541) 884-9053, or e-mail at gbaker@mp.usbr.gov. This scoping notice and other information about this study will be available at the Klamath Basin Area Office website <www.mp.usbr.gov/kbao>.

GERBER RESERVOIR FEASIBILITY STUDY COMMENT SHEET and DOCUMENT REQUEST FORM

Please provide your comments below and return them by August 15, 2001, for inclusion in the scoping summary document to Gary Baker, Project Manager, Bureau of Reclamation, 6600 Washburn Way, Klamath Falls, OR 97603 OR you may fax them to Gary Baker, Project Manager, Bureau of Reclamation, fax: (541) 884-9053.

Note: You can request to withhold your name and/or address by stating this prominently at the beginning of your comment. However, we will make all submissions from organizations or businesses, and from representatives or officials of organizations or businesses, available for public disclosure in their entirety.

If you want to be on the mailing list, please **print** your:

Name _____

Address _____

City, State, Zip _____

Optional Phone _____

Optional Fax _____

Optional E-mail _____

Do you want to receive a copy of the draft report? yes____ no____

What format: cd-rom (with built in reader) ____ paper copy ____

Comments:

Please continue your comments on the back of this sheet and add additional sheets if desired.

Please return sheet(s) to:

**Gary Baker, Project Manager, Bureau of Reclamation, 6600 Washburn Way, Klamath Falls, OR 97603 OR
you may fax them to: Gary Baker, Project Manager, Bureau of Reclamation, fax: (541) 884-9053**



SCOPING NOTICE UPDATE



FEASIBILITY STUDY OF INCREASING THE STORAGE CAPACITY OF GERBER RESERVOIR

Public Open Houses CANCELED

Informal open houses previously scheduled in Lorella and Klamath Falls, Oregon, on August 1 and 2, 2001, respectively, are CANCELED.

Public Comment Period EXTENDED

Written comments should be received **by September 7, 2001**, to be included in the Scoping Summary Document. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. For your convenience, a Comment Sheet is enclosed. You may provide written comments by mail, facsimile transmission, or e-mail to:

Gary Baker, Program Manager
Bureau of Reclamation, Klamath Basin Area Office
6600 Washburn Way
Klamath Falls, OR 97603
Fax: (541) 884-9053
E-mail: gbaker@mp.usbr.gov

Other information and reports may be prepared during the feasibility study. If you would like to have your name added to the mailing list to receive future information, please complete and return the enclosed comment sheet or contact the Klamath Basin Area Office at (541) 883-6935. Likewise, if you would like your name removed from the mailing list, please contact the same office.

You may direct questions regarding this study to Gary Baker as indicated above or by telephone at (541) 883-6935. The scoping notice and other information about this study will be available at the Klamath Basin Area Office website <www.mp.usbr.gov/kbao>.

GERBER RESERVOIR FEASIBILITY STUDY COMMENT SHEET and DOCUMENT REQUEST FORM

Please provide your comments below and return them **by September 7, 2001**, for inclusion in the scoping summary document by mail OR facsimile transmission OR e-mail to Gary Baker, Program Manager, Bureau of Reclamation, 6600 Washburn Way, Klamath Falls, OR 97603; fax: (541) 884-9053; email gbaker@mp.usbr.gov.

Note: You can request to withhold your name and/or address by stating this prominently at the beginning of your comment. However, we will make all submissions from organizations or businesses, and from representatives or officials of organizations or businesses, available for public disclosure in their entirety.

If you want to be on the mailing list, please **print** your:

Name _____

Address _____

City, State, Zip _____

Optional Phone _____

Optional Fax _____

Optional E-mail _____

Do you want to receive a copy of the draft report? yes____ no____

What format: cd-rom (with built in reader) ___ paper copy ___

Comments:

Please continue your comments on the back of this sheet and add additional sheets if desired.

Please return sheet(s) by mail OR facsimile transmission OR e-mail to:

Gary Baker, Program Manager, Bureau of Reclamation, 6600 Washburn Way, Klamath Falls, OR 97603

OR fax: (541) 884-9053 OR e-mail: gbaker@mp.usbr.gov

The draft EIS/study is expected to be completed and available for public review in August, 2002. After public and interagency review of the draft document, comments will be considered and a final EIS followed by a Record of Decision will be prepared.

Dated: December 11, 2001.

Sandra Corbett,

Superintendent, Boston Support Office.

[FR Doc. 02-6041 Filed 3-12-02; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Increasing the Storage Capacity of Gerber Reservoir, Klamath Project, OR

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent to prepare a draft environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation (Reclamation) proposes to prepare a draft environmental impact statement (EIS) on increasing the storage capacity of Gerber Reservoir, Klamath Project, Oregon.

Reclamation will develop several alternatives to increase the storage capacity of Gerber Reservoir while improving water quality, consistent with protecting fish and wildlife. This potential increase in water supply is needed to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River basin, including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath River basins.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Baker, Program Manager, Klamath Basin Area Office, 6600 Washburn Way, Klamath Falls, OR 97603; telephone (541) 883-6935.

SUPPLEMENTARY INFORMATION:

Background

Reclamation is studying the feasibility of increasing the storage capacity of Gerber Reservoir, a feature of the Klamath Project. The Klamath Project is a Federal reclamation project in southern Oregon and northern California. Reclamation is undertaking this feasibility study under the authority of Section 2 of the Klamath Basin Water Supply Enhancement Act of 2000 (Pub. L. 106-498) (hereafter referred to as the

Enhancement Act). The Enhancement Act authorizes and directs the Secretary of the Interior to engage in feasibility studies of increasing the storage capacity and/or yield of Klamath Project facilities, including Gerber Reservoir.

Reclamation's Technical Service Center engineers in Denver, Colorado, completed a preliminary evaluation in May 1999 to increase the height of Gerber Dam to raise the maximum surface level of the reservoir by up to 3 feet. Reclamation then initiated an appraisal study in October 2000. After the Enhancement Act was enacted, Reclamation discontinued the appraisal study and proceeded directly to a feasibility study. The feasibility study now underway will evaluate the May 1999 study in detail and will consider a range of increased surface levels for the reservoir to increase the storage capacity. Alternatives will be bounded by engineering, economic, and/or environmental considerations.

Public Scoping Process

Scoping for this project began in June 2001 and continued into early fall. News releases and scoping information packets announced public open houses and invited public comments from individuals and groups throughout the Klamath Basin Project area. Later, other news releases and information packets cancelled the informal open houses and extended the date to provide written scoping comments. The extension would allow the written scoping comments to be included in a scoping summary. As a result of the comments received, Reclamation developed a report entitled, "Scoping Summary, Feasibility Study of Increasing the Storage Capacity of Gerber Reservoir, Klamath Project, Oregon, January 2002." (Summary). During the spring of 2002, Reclamation will solicit public review and comments on the Summary to ensure that significant issues have not been overlooked.

Dated: February 25, 2002.

Frank Michny,

Environmental Officer.

[FR Doc. 02-6021 Filed 3-12-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Amendments to Consent Decree

Notice is hereby given that on February 21, 2002, amendments to the consent Decree filed in *United States v. Marine Shale Processors, Inc.*, Civ. No. CV90-1240, were lodged with the

United States District Court for the Western District of Louisiana. The original Consent Decree was filed on February 19, 1998, and was modified by an Order of the Court dated February 23, 1999, and again on June 13, 2001.

In this action against Marine Shale Processors, Inc., ("MSP") the United States sought to recover civil penalties and enjoin violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Clean Air Act, 42 U.S.C. 7413. The United States also sought relief under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9604, 9606, and 9607. MSP operated a facility in Morgan City, Louisiana that treated hazardous waste by combustion.

These amendments would extend: (1) The date for the purchase of the facility from MSP, and (2) the date by which Earthlock may make a Continuation Election. Under these proposed amendments, on or before March 22, 2002, Earthlock must either make a Continuation Election, seek a Vacating Order, or seek an extension until April 22, 2002 in which to make its decision. If Earthlock seeks an extension until April 22, and subsequently seeks a Vacating Order, Earthlock would be required to pay the sum of \$50,000 to Plaintiffs.

The Department of Justice will receive comments relating to these amendments until noon on March 21, 2002. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Marine Shale Processors, Inc.*, D.J. Ref. 90-11-2-204. Comments may be sent via telecopier to Darlene Lyons, fax number (202) 514-2583, phone confirmation no. (202) 514-1605.

The consent decree amendments may be examined at the Office of the United States Attorney, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130, at U.S. EPA Region VI, 1445 Ross Avenue Dallas, TX 75202-2733, and at the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. A copy of the consent decree amendments may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. A copy of the proposed Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202)