

RECLAMATION

Managing Water in the West

Draft Finding of No Significant Impact

Contracts for Conveyance and/or Exchange of Non-Project Water through Klamath Project Facilities

Oregon and California

2017-FONSI-004

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Background

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact to evaluate Reclamation's proposal to enter into contracts with district and/or individual water users within the existing Klamath Project (Project) service area to convey and/or exchange non-Project water through the Project facilities. The use of Project facilities and/or Project water to convey and/or exchange non-Project water will allow Project water users to utilize existing supplemental groundwater water supplies when Project surface water is limited or unavailable. The amount of conveyance and/or exchange capacity available under such contracts will necessarily be limited to the extent excess capacity and/or Project water is available to facilitate such operations. The proposed contracts will be for a term of five years or less, expiring no later than 2022.

The Warren Act (Act of February 21, 1911, ch. 141, 36 Stat. 925, 43 U.S.C. §§523-525) authorizes Reclamation to contract with individuals and entities for the use of excess storage and/or conveyance in Federal Reclamation facilities for irrigation purposes. This type of contract is commonly called an "excess capacity contract."

Section 14 of the Reclamation Project Act of 1939 (Act of August 4, 1939, ch. 418, 53 Stat. 1187, 1197; 43 U.S.C. §389) authorizes Reclamation to contract for the exchange or replacement of water as necessary and in the interests of the United States and the project.

Alternatives Including the Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not execute and issue the proposed contracts for the conveyance and/or exchange of Non-Project water through Project facilities. Districts and individual water users within the Project would be confined to either using available surface water supplies provided under their respective water service contracts with Reclamation or obtaining non-Project water by means other than conveyance and/or exchange using Project facilities.

Proposed Action Alternative

Under the Proposed Action, Reclamation would enter into excess capacity and/or exchange contracts for a period of not to exceed five years, ending no later than 2022. The conveyance and/or exchange capacity would be dependent upon the excess capacity and/or available Project water being available to facilitate the conveyance and/or exchange.

The non-Project water conveyed and/or exchanged under the proposed contracts would be used for irrigation purposes on lands with a contract or agreement to receive water from the Project. Pumping and conveyance would be limited to use of existing wells, meters, pipes, water diversion, and field delivery facilities, and no new construction would occur

Findings

Based on the Draft EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The EA describes the existing environmental resources in the Proposed Action area and evaluates the effects of the No Action and Proposed Action alternatives on the resources. This EA was prepared in accordance with National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46). Effects on several environmental resources were examined and found to be absent or minor. That analysis is provided in the EA, and the analysis in the EA is hereby incorporated by reference.

This FONSI is based on the following:

1. Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. A portion of the activity area does extend into a portion of the Klamath Tribal Designated Statistical Area. Given, however, that the Proposed Action is administrative in nature, no impacts to Indian hunting or fishing resources is expected. As such, Reclamation anticipates a determination that the Proposed Action will not have any impacts on ITAs.

2. Indian Sacred Sites

As the action is administrative in nature, Reclamation has deemed it reasonable that the Proposed Action would not affect and/or prohibit access to and ceremonial use of Indian sacred sites.

3. Environmental Justice

Reclamation has not identified adverse human health or environmental effects on any population as a result of implementing the Proposed Action Alternative. Since there would be no impact to any populations, there would be no adverse human health or environmental effects to minority or low-income populations as a result of implementing the Proposed Action Alternative.

4. Cultural Resources

Reclamation reviewed the Proposed Action Alternative and determined it has no potential to cause effects on historic properties, pursuant to 36 CFR §800.3(a)(1). As such, Reclamation has no further obligations under Section 106 of the NHPA. The Proposed Action Alternative, which involves the use of existing facilities to convey water, would result in no impacts to cultural resources.

5. Water Resources

Implementation of the Proposed Action would not result in significant impacts to water resources as the use would be limited to existing conveyance facilities and their existing capabilities, and groundwater extraction quantities would be required to comply with all federal, state, and local laws, and water quality standards and monitoring would be met. Pursuant to the proposed contracting terms, non-Project water would be required to be tested for approved water quality standards per the terms of the contract, prior to its introduction into Reclamation facilities. Performing this measure and complying with the standards outlined in the Quality Assurance Project Plan (see Appendix D in the EA), and as defined in the contracts, would ensure that water transported through the canals does not impair existing uses, including downstream users, or negatively impact existing Project water quality conditions.

6. Biological Resources

Based on the lists generated from the United States Fish and Wildlife Services website on the Federally Listed, Proposed, and Candidate species that may occur within the Proposed Action Area (Klamath County, Oregon and Modoc and Siskiyou Counties, California), it has been determined that the Proposed Action is not expected to have an effect on these species or their habitats as the Proposed Action is administrative in nature and does not change land status or historic water delivery services within or around the Project. The Proposed Action is also not expected to result effects on migratory birds protected under the Migratory Bird Treaty Act (16. U.S.C. 703-711) due to the administrative nature of the Proposed Action.

7. Socioeconomics

Under the Proposed Action Alternative, there would be a reduced potential for involuntary irrigation curtailments due to limited surface water supplies. Non-Project water conveyed and/or exchanged under the Proposed Action Alternative could provide water users with flexibility to optimize existing water supplies and independently respond to drought. As a result, the Proposed Action Alternative could result in a reduction in the number of temporarily idled agricultural lands, thereby helping to stabilize and possibly increase land yields and agricultural revenues, especially in years of limited Project water supplies. Non-Project water conveyed through Federal facilities under the Proposed Action Alternative could increase the overall water available water supply for Project water users while potentially reducing the need for and level of resource intensive drought mitigation measures or more expensive water supply alternatives.

8. Environmental Commitments

In addition to those standards outlined in Appendix D, Reclamation would include the following (or similar) stipulations in the proposed contracts to ensure environmental consequences are reduced under the Proposed Action Alternative.

- Contractors would be required to confirm with Reclamation that the proposed use of groundwater is consistent with state law.
- Non-Project water stored and/or conveyed through Project facilities would only be used for irrigation purposes on established agricultural lands.
- No new construction or excavation would occur as part of the Proposed Action.

Conveyance and/or exchange of non-Project water would occur through existing wells, meters, pipes, water diversion, and field delivery facilities.

- Contractors would comply with all applicable Federal, state, and local laws and regulations.