

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

Contracts for Conveyance of Non-Project Water through Klamath Project Facilities

Oregon and California

2018-FONSI-005

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Background

In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to evaluate Reclamation's proposal to enter into Excess Capacity contracts with district and/or individual water users within the existing Klamath Project (Project) service area to convey non-Project water through the Project facilities. Groundwater produced and used for irrigation purposes within the Project is termed "non-Project water" because it constitutes water that has not been reserved, withdrawn, appropriated or acquired by, or apportioned to, the United States, nor decreed, permitted, certified, licensed, or otherwise granted to the United States, for use in connection with the Project. 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." The use of Project facilities to convey non-Project water will allow Project water users to utilize Project facilities to transport privately owned and state regulated and authorized supplemental groundwater water supplies.

In issuance of these contracts, Reclamation is in no way authorizing or advocating groundwater pumping. Excess capacity contracts merely give contractors a method to utilize Reclamation facilities to transport non-Project water that is authorized by their respective state for private use. The amount of conveyance capacity available under such contracts will be limited to: (1) the amount of non-Project water a given contractor has legal right to and authorized by the respective state; and (2) the extent excess capacity is actually available in Project facilities for conveyance purposes. The proposed contracts will be for a term of between one and five years, expiring no later than 2022.

Alternatives Including the Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not execute contracts with Project districts or individuals for the conveyance of non-Project water through Project facilities. Project facilities would not be available to districts and individuals for the conveyance of non-Project groundwater.

Proposed Action Alternative

Under the Proposed Action Alternative, Reclamation would enter into excess capacity contracts for a period of not to exceed five years, ending no later than 2022. The non-Project water conveyed under the proposed contracts would be used for irrigation purposes on lands within the Project's existing service area. No additional lands would become irrigated through operation of

such contracts. Conveyance would be limited to use of existing Project facilities, and no new construction would occur to provide for additional or augmented conveyance capacity.

Under the Proposed Action Alternative, water quality testing and monitoring would occur as deemed appropriate for each source of non-Project water as outlined in the Quality Assurance Project Plan - Water Quality Standards and Testing included in Appendix E. This is to ensure that non-Project water introduced into Project facilities does not impact quality of Project water or associated water bodies beyond acceptable limits or standards.

Under the terms of the proposed contracts, the use of Project facilities may also be curtailed if the conveyance in question impacts third parties, for example due to the localized drawdown of groundwater levels. The States of Oregon and California manage groundwater resources within the Project's service area. As such, Reclamation intends to coordinate with the States of Oregon and California and rely upon their technical expertise in making impact determinations with respect to potential third-party impacts and any other groundwater impacts within the Project service area. Additionally, coordination and technical and financial assistance to the States of Oregon and California for additional groundwater monitoring may be implemented as deemed appropriate and if funds are available. Such assistance may involve installation of equipment and devices to monitor and report groundwater levels and use but will not involve drilling of new or supplemental wells nor any other ground disturbing activity.

Findings

Based on the EA, Reclamation finds that the Proposed Action Alternative is not a major Federal action that will significantly affect the quality of the human environment. The EA describes the affected environment in the Proposed Action Alternative area and evaluates the effects of the No Action and Proposed Action Alternatives on the resources. This EA was prepared in accordance with NEPA, Council on Environmental Quality regulations (40 Code of Federal Regulations (CFR) Parts 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 a summation of the analysis in the EA is hereby incorporated by reference.

This FONSI is based on the following:

1. Indian Trust Assets

Given, that the Proposed Action Alternative is largely administrative in nature and includes the issuance of contracts for conveyance of privately pumped, state authorized, non-Project water through Klamath Project facilities, and that the proposed although, the project activity is located within the Klamath Tribal Designated Statistical Area it is reasonable to assume that the Proposed Action Alternative will not have any impacts to Indian hunting or fishing resources or water rights.

2. Indian Sacred Sites

Given that the Proposed Action Alternative would not affect and/or prohibit access to and ceremonial use of Indian sacred sites no impacts to Indian Sacred Sites will occur.

3. Environmental Justice

Reclamation has not identified adverse human health or environmental effects (e.g., dislocations, changes in employment, and increased potentials for flood, drought, or disease) or disproportionate impacts on economically disadvantaged or minority populations as a result of implementing the Proposed Action Alternative. Therefore, the Proposed Action Alternative carries no Environmental Justice implications.

4. Cultural Resources

Following the Section 106 process as described at 36 CFR Part 800 of the National Historic Preservation Act (NHPA), 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) (see Appendix C). As such, Reclamation has no further obligations under Section 106 of the NHPA. The Proposed Action Alternative is limited to the use of existing facilities to convey water and does not involve new ground disturbing activities. As such, conditions under the Proposed Action Alternative would remain the same as existing condition, resulting in no impacts to cultural resources.

5. Global Climate Change and Greenhouse Gases

Impacts to climate change or greenhouse gases (GHG) from the implementation of the Proposed Action Alternative are difficult to quantify. No new construction or facilities are proposed; however, pumping, from equipment of various sizes at various locations, would be required to transport non-Project water. Emissions as a result of pumping would be within the typical range for the equipment involved and are part of baseline conditions, and is not anticipated to substantially fluctuate beyond what has historically occurred since 2001. Pumping is not anticipated to cause any unexpected or unusual increase in emissions in excess of what has historically occurred within the Klamath Project since 2001. Overall impacts to climate change and GHG emissions are expected to be insignificant due to the size and scope of the pumping equipment, small changes from current conditions, duration of use that is limited to the irrigation season, and compliance with pollution related regulations established by local and state agencies.

6. Water Resources

Implementation of the Proposed Action Alternative could have a potential to affect groundwater and surface water resources as the action involves extraction of groundwater to be conveyed via Klamath Project facilities. Reclamation has determined, however, that no significant acute and cumulative impacts to groundwater and surface water resources will occur as the Proposed Action Alternative includes water quality and quantity monitoring protocols to mitigate such impacts.

Groundwater: To the extent that groundwater extraction would not occur but for Project facilities being available to convey the water to the intended place of use, the Proposed Action Alternative could increase groundwater use within the Project's service area

compared to what might occur the No Action Alternative. The potential environmental impact from this additional groundwater use that may occur as a result of the Proposed Action Alternative is the lowering of local aquifer levels beyond what would otherwise occur absent the Proposed Action Alternative. However, Reclamation intends to coordinate with the States of Oregon and California and rely upon their technical expertise in making impact determinations with respect to potential third-party impacts and any other groundwater impacts within the Project service area which would include curtailment of conveyance within Project facilities.

In Oregon, the impacts to these reservoirs area monitored and regulated by the Oregon Water Resources Department, which has the responsibility to determine and enforce acceptable levels of impact to groundwater resources. In California, groundwater use is governed by the 2014 Sustainable Groundwater Management Act, which calls for the establishment of Groundwater Sustainability Agencies and Groundwater Sustainability Plans by 2022, with a goal (for the medium priority Tule Lake Basin) of sustainability by 2042. For the purposes of this action, only 2022 falls within the scope of the anticipated Excess Capacity contracts in California.

Due to Reclamation's obligation to operate in compliance with state water law, all districts and individuals utilizing excess capacity contracts in Oregon and California, will be required to provide information to Reclamation demonstrating that the proposed use of groundwater is consistent with state law and limitations. Reclamation will also regularly coordinate with, and potentially provide support to, the states to ensure state limitations related to groundwater extraction are monitored and enforced.

Surface Water: Surface water quality within Project canals could be impacted when groundwater is introduced and mixes with Project water, thereby changing its composition and potentially impacting downstream users. To reduce the potential for non-Project water degrading or contributing to poor water quality entering and being conveyed through Project facilities, minimum water quality standards and assurances, as outlined in the Quality Assurance Project Plan (QAPP; appended in Appendix E of the EA) would be evaluated and monitored by Reclamation. The standards listed in the QAPP will be adhered to by contractors in coordination with Reclamation. Water quality testing data would be provided to Reclamation for evaluation by its technical staff. Water sources not meeting minimum standards may not be allowed to convey non-Project water until Reclamation determines that the non-Project water source will not negatively contribute to the overall water quality.

7. Biological Resources

Based on lists generated from the United States Fish and Wildlife Services website on the Endangered Species Act (ESA) Federally Listed, Proposed, and Candidate species that may occur within the Proposed Action Alternative area (Klamath County, Oregon and Modoc and Siskiyou Counties, California), it has been determined that the Proposed Action Alternative is not expected to have an effect on these species or their habitats as the Proposed Action Alternative is administrative in nature and there would be no change in land use patterns of cultivated or fallowed fields that have some value to ESA listed species or to birds protected under the Migratory Bird Treaty Act. Additionally, under the Proposed Action, groundwater

transported through Project facilities would utilize existing facilities with no need for any new construction in or near Project waterways. Water quality assurance, as defined in the QAPP, and pursuant to the terms of the proposed excess capacity contract would ensure that inputs of non-Project water do not degrade existing Project water quality. These conditions would ensure that there would be no direct or indirect impact to Federally-listed species or their critical habitat or other biological resources as a result of implementing the Proposed Action Alternative.

8. 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 under the Proposed Action Alternative could provide water users with flexibility to optimize privately owned and state authorized 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 for Project water users while potentially reducing the need for and level of resource intensive drought mitigation measures or more expensive water supply alternatives.

9. Environmental Commitments

Reclamation would include the following (or similar) stipulations in the proposed contracts to ensure environmental consequences are reduced under the Proposed Action Alternative.

- Contractors will 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 will only be used for irrigation purposes on established agricultural lands within the Klamath Project.
- No new construction or excavation will occur as part of the Proposed Action Alternative. Conveyance of non-Project water would occur through existing wells, meters, pipes, water diversions, and field delivery facilities.
- Contractors will comply with all applicable Federal, state, and local laws and regulations.
- Contractors will comply with the standards and information included in the QAPP
- Contractors will comply with their respective state's groundwater laws, policies, and directives, as well as, any impact determinations made by the state with respect to potential third-party impacts and any other groundwater impacts within the Project service area.