



— BUREAU OF —
RECLAMATION

Finding of No Significant Impact

Klamath Project Internal Water Transfers (2021-2025)

**Klamath Project, Oregon/California
Interior Region 10 California Great Basin
CGB-FONSI-2021-019**

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Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Background

In 2016, the Bureau of Reclamation's (Reclamation) Klamath Basin Area Office prepared the *Klamath Project Internal Water Transfers (2016-2020) Environmental Assessment* (EA; 2016-EA-005) and signed a Finding of No Significant Impact (FONSI; 2016-FONSI-001), in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, to optimize the use of limited Klamath Project (Project) water supplies by approving Project water transfers between contractors for existing irrigated lands within the delivery area of the Project within Klamath County, Oregon, and Siskiyou and Modoc counties, California.

The 2016 FONSI and EA focused on the potential impacts of approving the transfer of available Project water between lands within the Project for a period of five years. Under approved transfers, lands that had been established as irrigated lands-based state water right filings and water service contracts with Reclamation received available Project water, and no new lands or lands outside the Project were irrigated as a result of the approved transfers. Transfers were limited to the 2016 through 2020 irrigation seasons. Analyses and background information from the 2016 EA and FONSI are incorporated by reference and can be located at the following link: https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=21741

Reclamation proposes the continuation of approving the transfer of available Project water between Project lands annually for an additional period of five years. The action will include the continuation of internal Project water transfers between lands established as irrigated lands-based state water right filings and water service contracts with Reclamation, and no new lands or lands outside the Project would become irrigated as a result. Transfers would be limited to the 2021 through 2025 irrigation seasons.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not continue to approve internal water transfers between lands within the Project. Under the No Action Alternative, some agricultural water users may face shortages in the absence of water transfers and have to idle or fallow cropland as a result.

Proposed Action Alternative

The Proposed Action remains unchanged from the 2016 FONSI and EA, except for the updated five-year timeline of the 2021 through 2025 irrigation seasons. Reclamation proposes to continue to optimize the use of limited Project water supplies by approving the transfer of available Project water between existing irrigated lands within the delivery area of the Project in order to result in the most productive use of water (i.e., greatest economic or agricultural output). The Proposed Action area is located within the existing boundaries of the Project within Klamath County, Oregon, and Siskiyou and Modoc counties, California. The lands that would potentially continue to receive Project water under approved transfers have been established as irrigated lands based state water right filings and water service contracts with Reclamation, and no new lands or lands outside the Project would become irrigated as a result. The continuation of transfers would be limited to the 2021 through 2025 irrigation seasons. No additional water would be used than what is currently provided in the U.S. Fish and Wildlife Service's (USFWS) *Biological Opinion on the Effects of the Proposed Interim Klamath Project Operations Plan, effective April 1, 2020, through September 30, 2022, on the Lost River Sucker and the Shortnose Sucker* issued on April 10, 2020 (2020 BiOp), and the National Marine Fisheries Service's *Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Klamath Project Operations from April 1, 2019 through March 31, 2024* issued on March 29, 2019 or any subsequent operational plan and associated environmental compliance documents.

No new construction or modification of existing facilities would occur in order to complete the Proposed Action. Reclamation's action continues to be administrative in nature and continues to serve to optimize the use of limited Project water supplies among existing lands within the Project.

To ensure compliance with Reclamation policy regarding the minimum requirements for the approval of Project water transfers (Reclamation, 2019¹), KBAO would continue to utilize interim guidelines which would address all water transfers equitably and provide flexibility to water users in managing available Project water supplies. The interim guidelines provide the conditions for Reclamation approval of transfers of Project water under the Proposed Action.

Findings

Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. The following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

¹ Bureau of Reclamation, 2019. *Reclamation Manual* (RM), Policy, "Transfers and Conversions of Project Water" (PEC P09) (August 4, 2019). <https://www.usbr.gov/recman/pec/pec-p09.pdf>

1. Water Resources: No impacts to waters of the United States or other water resources are expected to occur as the Proposed Action is administrative in nature, does not involve in-water activities, and is in accordance with Reclamation historic and routine operations for delivery of available water supplies through Reclamation facilities within the Project.
2. Biological Resources: Based on the lists generated from the U.S. Fish and Wildlife Services USFWS Information, Planning, and Conservation website (USFWS, 2021) 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) Reclamation determined that the Proposed Action is not expected to have an effect on listed threatened or endangered species or their designated critical 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. However, for any water transfers that may involve lands within the Tulelake or Lower Klamath National Wildlife refuges, Reclamation will coordinate with the USFWS to ensure Proposed Action has no effect on refuge fish and wildlife, migrating birds protected under the Migratory Bird Treaty Act (16 U.S.C. §§ 703-711), and that transfers are consistent with the 2020 BiOp.
3. Cultural Resources: On March 1, 2021, Reclamation determined that the Proposed Action is the type of undertaking that does not have the potential to cause effects on historic properties, should such properties be present, pursuant to Title 54 U.S.C § 306108. As such, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act, pursuant to 36 CFR § 800.3(a)(1).
4. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
5. The Proposed Action will not violate federal, state, tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
6. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
7. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
8. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 – May 24, 1996 and 512 DM 3 – June 5, 1998).