

# RECLAMATION

*Managing Water in the West*

## Finding of No Significant Impact

### Five-Year Contracts for Conveyance of Non-Project Water within Klamath Project Irrigation Facilities – Contract Years 2015 – 2019

Oregon and California

2015-FONSI-006

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# Background

In accordance with Section 102(2)(c) of the *National Environmental Policy Act of 1969* (NEPA), as amended, the Bureau of Reclamation has prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to evaluate Reclamation's proposal to enter into contracts with three irrigation districts for the use of excess capacity in Klamath Project facilities for storage and conveyance of "Non-Project" water acquired or obtained for private use during the spring-summer irrigation season for a five-year period, from 2015 through 2019. The three proposed contracting entities are the Klamath Irrigation District (KID), Tulelake Irrigation District (TID), and Langell Valley Irrigation District (LVID; collectively the Districts) (Please refer to map in Appendix A). These Districts operate and maintain certain Klamath Project facilities under existing agreements with Reclamation.

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

## Alternatives Including the Proposed Action

### No Action Alternative

Under the No Action Alternative, Reclamation would not execute and issue excess capacity contracts for the conveyance of Non-Project water in Klamath Project facilities. Reliant irrigation districts and Klamath Project water users 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 transport through Federal facilities.

### Proposed Action Alternative

Under the Proposed Action, Reclamation proposes entering into excess capacity contracts with the Districts for a period up to five years, beginning in 2015 and concluding in 2019. The proposed contracts would not identify a specific quantity of Non-Project water to be conveyed through Reclamation facilities, but rather constrain such use to the available excess capacity within Klamath Project facilities and the typical irrigation season outlined in the Districts contracts.

The Non-Project water conveyed under the excess capacity contracts would be used for irrigation purposes on lands with a contract or agreement to receive water from the Klamath 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 attached environmental assessment (EA), Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The attached 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 attached EA, and the analysis in the EA is hereby incorporated by reference.

## Water Resources

The water resources potentially affected would be groundwater and surface water resources. Groundwater resources could be affected when contractors pump groundwater from private wells and convey it through Klamath Project facilities under the proposed excess capacity contracts. Surface water could be affected when private pumped groundwater is pumped into Klamath Project facilities under excess capacity contracts and mixes with Klamath Project surface water supplies being conveyed through the same facilities.

Impacts to groundwater would be within those deemed acceptable by groundwater management agencies as contracting irrigation districts would be required to provide confirmation that the proposed pumping of groundwater is compatible with local groundwater management plans and state water law including the groundwater pumping under any appropriate and necessary permits.

Surface water quantity within the Klamath Project canals would be expected to increase as a result of implementation of the proposed project. The amount of increase would be limited to the excess capacity of the canals, compliance with local groundwater management plans and consistent with state water law.

Surface water quality within the Klamath Project canals could be impacted when groundwater is introduced for conveyance in Klamath Project facilities. To reduce the potential for the introduction of water with poor water quality into Klamath Project facilities, terms in the excess capacity contract, minimum water quality standards (as outlined in Appendix D), and general monitoring requirements bulleted below would be met.

- Water chemistry sampling would occur monthly with the first sampling occurring prior to discharge of Non-Project water into Klamath Project facilities.
- Instantaneous measurements of physical parameters: temperature, dissolved oxygen, pH, conductivity, and total dissolved solids should occur monthly at the time of water chemistry sampling.

- A temperature probe would be installed in each discharging well that measures temperature continuously (1-hour intervals) throughout the pumping period.
- Flow would also be monitored continuously, if feasible, via the installation of a metering device.

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.

## Biological Resources

Based on the lists generated from the U.S. Fish and Wildlife Services Ecological Services' website (USFWS, 2015) 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) (Tables 1.1, 1.2, and 1.3), 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 administrative nature of the Proposed Action.

## Socioeconomics

Evaluation of the Proposed Action, increased irrigation via excess conveyance contract would potentially occur, thereby allowing allow for potential increases in land yields and farmer revenues. Farm employment could also increase as farmers produce more crops. This would be a beneficial effect to the regional economy and within normal historical market fluctuations and water supply availability.

## Cultural Resources

It has been determined that Reclamation's Proposed Action to enter into contracts for conveyance of excess capacity “does not have the potential to cause effects to historic properties pursuant to 36 CFR 800.39(a)(1). With this determination, Reclamation has no further NHPA Section 106 obligations” (Appendix B). Reclamation has no further obligation under *Title 54 U.S.C. § 306108*, commonly known as Section 106 of the *National Historic Preservation Act*, pursuant to *36 C.F.R. § 800.3(a) (1)*.

## Indian Trust Assets

After coordination with the Mid-Pacific Region Native American Affairs Coordinator, it was determined on, that the Proposed Action does not have the potential to impact any Indian Trust Assets within the Klamath Project (Appendix C).

## Environmental Justice

There are no economically disadvantaged or minority populations within the affected environment that would be subject to disproportionate impacts by the Proposed Action.

## Summary of Environmental Impacts

The environmental analysis indicates that the Proposed Action meets the purpose and need described in the EA with negligible effects to the human environment.

Following are the reasons why the impacts of the proposed action are not significant:

1. The proposed action will not significantly affect public health or safety (*40 CFR 1508.27(b)(3)*).
2. The proposed action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (*Executive Order (EO) 11990*); flood plains (*EO 11988*); national monuments; migratory birds; and other ecologically significant or critical areas (*40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)*).
3. The proposed action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (*40 CFR 1508.27(b)(5)*).
4. The proposed action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (*40 CFR 1508.27(b)(6)*).
5. There is no potential for the effects to be considered highly controversial (*40 CFR 1508.27(b)(4)*).
6. The proposed action will not have significant cumulative impacts (*40 CFR 1508.27(b)(7)*).
7. The proposed action has no potential to affect historic properties (*40 CFR 1508.27(b)(8)*).
8. The proposed action will not affect listed or proposed threatened or endangered species (*40 CFR 1508.27(b)(9)*).
9. The proposed action will not violate Federal, state, tribal or local law or requirements imposed for the protection of the environment (*40 CFR 1508.27(b)(10)*).
10. The proposed action will not affect any Indian Trust Assets (*512 DM 2, Policy Memorandum dated December 15, 1993*).

11. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (*EO 12898*).
12. 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 and 512 DM 3*).