

*Finding of No Significant Impact
For
Klamath Drainage District Infrastructure Modernization Project
Klamath County, Oregon, and Siskiyou County, California*

I. Introduction

The Klamath Drainage District Infrastructure Modernization Project is a federally assisted action authorized for planning under Public Law 83-566, the Watershed Protection and Flood Prevention Act. This act authorizes the Natural Resources Conservation Service (NRCS) to provide technical and financial assistance to local project sponsors. The local sponsor of the Project is the Klamath Drainage District (KDD or the District).

This environmental document was initiated using the 40 Code of Federal Regulations (CFR) 1500-1508 (2020) and 7 CFR 650 regulations. These regulations have recently been rescinded and replaced with the U.S. Department of Agriculture (USDA) regulations found under 7 CFR 1b. However, in a good-faith effort to fulfill National Environmental Policy Act's (NEPA) requirements, including Congressional timeline and considerations of fiscal restraints, the agency decided to continue to use 40 CFR 1500-1508 (2020) and 7 CFR 650. This is permissible per the USDA policy guidance issued in the Interim Final Rule's preamble. The Federal Register notice said: "To ensure an orderly transition without undue impact on the USDA mission, USDA subcomponents have discretion to continue using the versions of USDA and agency-specific NEPA regulations in place before publication of this interim final rule, as well as the 2020 version of the Council on Environmental Quality (CEQ) NEPA regulations, where it makes sense for proposals that are at a certain stage in the applicable NEPA process (categorical exclusion, environmental assessment, or environmental impact statement)." 90 FR 29644 (July 3, 2025). In the NRCS's expert opinion, it has thoroughly considered the factors mandated by the statute and the regulatory frameworks it used; and that, in the responsible federal official's judgment, the analysis contained herein is adequate to inform and reasonably explain findings regarding the proposed action and selected alternative. Additionally, though included in the environmental assessment, the environmental justice analysis was not considered when signing this document.

An environmental assessment (EA), attached and incorporated by reference into this finding, was undertaken in conjunction with the development of the watershed plan (Plan). The Plan-EA was conducted in consultation with local, state, and tribal governments, federal agencies, and interested organizations and individuals. Data developed as part of the assessment are available for public review at the following location:

U.S. Department of Agriculture
Natural Resources Conservation Service
1201 NE Lloyd Blvd; Suite 900
Portland, Oregon 97232

II. Recommended Action

The proposed action under consideration would modernize irrigation infrastructure within KDD. The proposed action would include construction activities associated with installing a fish screen at the North Canal diversion, extending the North Canal approximately 0.47 mile and connecting it to the P-1 Lateral, upgrading the E and F Pump Stations, installing a pipeline for recirculating water, installing 14 supervisory control and data acquisition (SCADA) monitoring and telemetry systems, and upgrading turnouts throughout the District.

The purpose of the proposed project is to enhance agricultural water management by improving District infrastructure, reducing District operational inefficiencies affecting water quality and water quantity, and improving the ability of the District to deliver the amount of water patrons need at the time they need it. Implementation of the Preferred Alternative would improve water delivery and operations efficiencies, eliminate fish entrainment in the North Canal, and improve water quality for agricultural and wildlife habitat purposes.

I must determine if the Preferred Alternative will or will not be a major Federal action significantly affecting the quality of the human environment. The Plan-EA accompanying this finding has provided the analyses needed to assess the significance of the potential impacts from the selected alternative.

III. Alternatives

A large number of alternatives were initially considered. When formulating an alternative, it was analyzed for satisfaction of the purpose and need statement, and against four criteria: completeness, effectiveness, efficiency, and acceptability. Some of the initial alternatives considered did not meet the formulation criteria and were eliminated from further analysis (see the Plan-EA Appendix D). Alternatives that met the formulation criteria, but did not address the purpose and need for action, did not achieve the Federal Objective and Guiding Principles, or were unreasonable because of cost, logistics, existing technology, or social or environmental reasons were removed from consideration, as described in the Plan-EA Section 5.2.

The No Action Alternative and one Action Alternative (Modernization Alternative) were fully analyzed.

No Action Alternative – construction activities associated with the project would not occur and KDD would continue to operate and maintain its existing system in the current condition. This alternative assumes that modernization of the District's system to meet the purpose and need of the project would not be reasonably certain to occur. The No Action Alternative is a near-term continuation of the District's standard operating procedures.

Modernization Alternative (Preferred Alternative) – KDD would implement the proposed infrastructure improvements, which include:

- Improve North Canal by extending it 0.47 miles (approximately 2,500 feet) from Fugate Rd. to CSH 161, thus connecting North Canal to the P-1 Lateral and adding a point of delivery to the Lower Klamath National Wildlife Refuge. This project action would also include the modification of five road crossings and one railroad crossing along North Canal.
- Upgrade the Reclamation E and F pumping plants along the Klamath Straits Drain to a more common voltage and with variable frequency drives.
- Install a fish screen at the North Canal Diversion.
- Install a recirculation pipeline going from the outlet of the westernmost pump in the E Pumping Plants to Center Canal.
- Install 14 SCADA systems at 12 locations distributed across the District.
- Upgrade 76 turnouts across District infrastructure.

Based on the evaluation in the Plan-EA, I have identified the Modernization Alternative as the agency's Preferred Alternative. I have considered that the Preferred Alternative meets the criteria listed above and is the most practical means of addressing the purpose and need. No significant adverse environmental impacts will result from installation of the measures, it is the project sponsor's Preferred Alternative, and it has been identified as the National Economic Development Alternative.

When choosing the agency's Preferred Alternative, in accordance with the CEQ's "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination." Based on the Plan-EA, potential impacts to water, vegetation, fish and wildlife, and human resources were heavily considered in the decision. As a result, the agency's Preferred Alternative would result in short- and long-term beneficial impacts to the environmental resources potentially impacted by the Preferred Alternative.

IV. Effects of the Recommended Action- Finding of No Significant Impact

NEPA and NRCS regulations require that federal actions be examined for their impacts on the human environment. To determine the level of NEPA analysis (categorical exclusion, EA, or environmental impact statement), the proposed action and alternatives are analyzed for their level of significance. This preferred alternative does not meet one of the specified NRCS categorical exclusions, therefore the significance was evaluated. Upon review of the NEPA criteria for significant effects and based on the analysis in the Plan-EA, I have determined that the action to be selected, the Preferred Alternative, would not have a significant effect upon the quality of the human environment.

Therefore, preparation of an environmental impact statement on the final action is not required under Section 102(2)(c) of NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650: The environmental impacts of constructing the Preferred Alternative are not significant for the following reasons:

- 1) The Plan-EA evaluated both beneficial and adverse impacts of the Preferred Alternative. It is anticipated that the Preferred Alternative will result in long-term beneficial impacts to the human environment including natural resources (such as water, fish, and wildlife) and social and economic considerations. As shown in the analysis (discussed in detail in the Plan-EA Section 6 and incorporated by reference), the Preferred Alternative does not result in significant adverse impacts to the human environment.
- 2) The Preferred Alternative does not significantly affect public health or safety. The direct and indirect effects associated with the implementation of the Preferred Alternative are anticipated to provide long-term, beneficial impacts that improve natural ecosystem functions and reduce public safety risks.
- 3) As analyzed in the Plan-EA Section 6, there are no anticipated significant effects to unique characteristics of the geographic area. This includes historic properties or cultural resources, fish and aquatic resources, park lands, prime farmlands, floodplains, wetlands, wild and scenic rivers, ecologically critical areas, land use, public safety, recreation, socioeconomic resources, vegetation, water resources, and wildlife resources. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and minimize or mitigate effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, avoidance, minimization, or mitigation have been incorporated into the Plan-EA Section 6 and 8.3. Unlike the No Action Alternative, the Preferred Alternative is expected to reduce environmental risks associated with past, present, and future actions.
- 4) The effects on the human environment are not considered controversial for the Preferred Alternative. There are no impacts associated with the proposed action that would be considered controversial as defined in 40 CFR 1508.27.
- 5) The Preferred Alternative is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The Preferred Alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.

- 7) Particularly when focusing on the significant adverse impacts that NEPA is intended to help decision-makers avoid, minimize, or mitigate, the Preferred Alternative does not result in significant adverse cumulative impacts to the environment, as discussed in Section 6.11 of the Plan-EA.
- 8) The Preferred Alternative will not cause the loss or destruction of significant cultural or historical resources as addressed in Section 6.1 of the Plan-EA. NRCS will adhere to the federal regulations outlined in the National Historic Preservation Act (36 CFR 800), which require NRCS to identify Historic Properties within the project area and evaluate the potential adverse effects of its undertaking. Any direct or indirect effects are avoided or mitigated through the processes outlined in the National Historic Preservation Act (36 CFR 800), in consultation with the State Historic Preservation Office, federally recognized tribes, and Certified Local Governments.
- 9) The Preferred Alternative may affect and is likely to adversely affect endangered or threatened species, or designated critical habitat, and may affect, not likely to adversely affect proposed species, as discussed in Section 6.7 and Section 6.9 of the Plan-EA. The Preferred Alternative will not jeopardize the continued existence of any endangered or threatened species, or designated critical habitat. NRCS requested initiation of Section 7 consultation from U.S. Fish and Wildlife Service (USFWS) on April 30, 2025 and sent a corrected biological assessment on May 6, 2025. USFWS provided a conference concurrence and a Biological Opinion on September 18, 2025. The conference concurrence was provided for proposed threatened species while the Biological Opinion was provided for listed species. NRCS requested initiation of Section 7 consultation from the National Marine Fisheries Service (NMFS) on May 5, 2025. NMFS concurred with the “not likely to adversely affect” and a letter of concurrence was issued on May 7, 2025. Section 7 documentation can be found in Appendix E.8 of the Plan-EA.
- 10) The Preferred Alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 8.4 of the Plan-EA. The major laws identified with the selection of the Preferred Alternative include the Clean Water Act, Endangered Species Act, Magnuson-Stevens Act, National Historic Preservation Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act. The Preferred Alternative is consistent with the requirements of these laws.

V. Consultation - Public Participation

NRCS announced the public scoping process on January 12, 2022 through a public notice and subsequent news release. Advertisements announcing the scoping period and associated scoping meeting were placed in a local newspaper. KDD mailed a notice to their patrons and a project website, watershedplans.org, was launched to inform the public and share information.

The scoping process followed the general procedures consistent with NRCS guidance and Public Law 83-566 requirements. A virtual public scoping meeting was held on January 27, 2022. During the scoping period, 12 comments regarding the project were received.


Specific consultation was conducted with the Oregon State Historic Preservation Office, California State Historic Preservation Office, Klamath Tribes, Modoc Nation, Yurok Tribe, and the Karuk Tribe to maintain the NRCS' government-to-government relationship between Tribes. NRCS sent letters to the Klamath Tribes, Yurok Tribe, and the Karuk Tribe requesting input and notifying them of the scoping process. Consultation letters regarding the proposed area of potential effect for cultural resources were sent to the Klamath Tribes and Modoc Nation.

As part of Public Law 83-566 planning requirements and in recognition of the need for evaluation of fish and wildlife resources impacts and opportunities, NRCS solicited input from the USFWS for Section 12 compliance and consulted under the Endangered Species Act with the USFWS and NMFS.

The Plan-EA was transmitted to all participating and interested agencies, groups, and individuals for review and comment from October 11 to November 15, 2024. A public meeting was held for informational purposes. Five comments were submitted during the review period.

VI. Conclusion

The Modernization Alternative has been selected as the Preferred Alternative for implementation based upon best meeting the purpose and need while maximizing net economic benefits. The Modernization Alternative is also the sponsor's Preferred Alternative. The Plan-EA accompanying this finding has provided the analyses needed to assess the significance of the potential impacts from the Preferred Alternative. The decision on which alternative is to be implemented, and the significance of that alternative's impacts, are summarized in Section 6 of the Plan-EA (Environmental Consequences). Based upon a review of the Plan-EA and supporting documents, the Preferred Alternative is not a major Federal action significantly affecting the quality of the human environment. I have determined that implementing the Preferred Alternative will not significantly affect the quality of the human and/or natural environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance, in context or intensity, as defined at 40 CFR 1508.27 (1/3/2017). Therefore, an environmental impact statement is not required for the Project. This finding is based on the consideration of the context and intensity of impacts as summarized in the Klamath Drainage District Infrastructure Modernization Project Plan-EA. With these findings, NRCS therefore has decided to implement the Preferred Alternative.

 ASTC-FO (signature) 12/3/25 (date)
Acting For
Greg Becker, State Conservationist

OR State Office

1201 NE Lloyd Blvd.
Suite 900
Portland, OR 97232

DATE: October 1, 2025**File Code:** 130-2**SUBJECT:** Delegation of Authority for Oregon State Conservationist for FY25

TO: Cody Cornell
Regional Conservationists Office - Chief of Staff for State Operations

Astor Boozer
Regional Conservationist - West

Per General Manual Title 130, Part 400, Subpart B the Oregon State Conservationist Delegation of Authority is as follows:

In the event the State Conservationist is absent from the state or is otherwise not available and has not designated an Acting State Conservationist, personnel in the following positions will assume the duties of Acting State Conservationist in the order shown below. These signatory authorities are not re-delegable.

- (1) Assistant State Conservationist - Management & Strategy
- (2) Assistant State Conservationist - Partnership Liaison
- (3) Assistant State Conservationist - Watershed Resources & Planning
- (4) State Resource Conservationist
- (5) State Soil Scientist
- (6) Assistant State Conservationist- Field Operations

Sincerely,

GREG BECKER
State Conservationist