

operation, a Federal reclamation project, located in southern Oregon and northern California. This supplemental NOI is being published to describe the current proposed action, the purpose of and need for that proposal, and the scope of the EIS. Reclamation is proposing substantial changes in the proposed action alternatives that are relevant to environmental concerns, and there are new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts.

DATES: Reclamation is initiating a formal scoping period of 120 days following the publication of this supplemental NOI. Reclamation invites all interested parties to submit written comments or suggestions during the scoping period. Written comments should be sent to the Reclamation Project Manager (see **ADDRESSES** below) by September 2, 2003. Comments postmarked after that date will be considered to the extent practical.

A public mailing that outlines the project timeline and public involvement opportunities is planned for distribution subsequent to publication of this supplemental NOI. Individuals who want to receive this mailing should contact us within 15 days of the publication of this supplemental NOI.

ADDRESSES: Please send written comments to Mr. Daniel S. Fritz, Project Manager, Klamath Basin Area Office, Mid-Pacific Region, Bureau of Reclamation, Attention: KO-150, 6600 Washburn Way, Klamath Falls, OR 97603.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Fritz at 541-880-2556.

SUPPLEMENTARY INFORMATION: The preliminary alternatives developed in January 2001 are being reconsidered because many of the underlying assumptions used to develop alternatives for detailed analysis in the EIS have changed. The purpose of and need for the action should be clarified. This supplemental notice (1) summarizes the activities related to alternative formulation and other events to date, (2) defines and clarifies the proposed action, (3) defines and clarifies the purpose of and need for the proposal, and (4) defines and clarifies the scope of the action and the EIS. The proposed action was the subject of a Notice of Intent (NOI) published in the **Federal Register** (62 FR 61343, Nov 17, 1997) and a supplemental NOI published in the **Federal Register** (64 FR 6911, Feb 11, 1999).

Background

In the November 1997 notice, Reclamation described the proposed action as “* * * a plan for operations of the Klamath Project (Project) to cover an interim period, pending completion of a water rights adjudication * * *.” The plan will be developed to define project operations in relation to Reclamation’s responsibilities and obligations concerning the Endangered Species Act, senior water rights, tribal trust resources, Project water users’ contractual rights, wildlife refuges and other requirements * * *.” The proposed action was characterized as an “interim” plan for long-term operations.

The February 1999 supplemental notice also stated the proposed action as “an interim plan for long-term operations * * * pending completion of a water rights adjudication” but clarified what the draft EIS would address by stating “several alternative operational scenarios will be developed to define project operations in relation to Reclamation’s legal responsibilities and obligations * * *.” The supplemental notice also stated that it was being published because considerable time had passed without significant activity regarding development of the EIS.

Reclamation proceeded with scoping by circulating a “Summary of Klamath Project Operation Issues” for public review and comment in January 1999. Reclamation received 31 responses to this document. No formal scoping meetings were held. A “Scoping Report for the Long-Term Operations Plan for the Klamath Project” that summarized the concerns and issues raised in the responses was prepared and distributed to the public in May 1999.

A series of public information meetings were held in Klamath Falls, Oregon, Yreka, Orleans, Klamath, and Eureka, California, from May 17 through May 20, 1999. Presentations included, among other topics, an overview of the EIS process, scoping issues, purpose and need, and alternatives. A total of 118 people attended these meetings.

Also in May 1999, Reclamation invited several parties to participate as cooperating agencies (see 40 CFR 1501.6) in preparation of the EIS, including the Klamath Tribes, Yurok Tribe, Karuk Tribe, Hoopa Valley Tribe, U.S. Fish and Wildlife Service (Service), National Marine Fisheries Service (NMFS), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), U.S. Forest Service, Natural Resources Conservation Service (NRCS), California Department of Fish and Game, Oregon Department of Fish and Wildlife,

Klamath County, Oregon, and Siskiyou and Modoc Counties, California, and the Klamath Water User’s Association. The three counties and the Klamath Water User’s Association entered into written cooperating agency agreements with Reclamation.

Reclamation met with the cooperating agencies in July and September 1999, and in March 2000, to discuss the scope, purpose and need, and alternatives for consideration in the EIS. By June 2000, Reclamation developed 10 preliminary alternatives for consideration and met with cooperating agencies in July 2000 to discuss the preliminary alternatives. In August 2000, Reclamation received the cooperating agencies’ written comments on the preliminary alternatives and Chapter 1 of the draft EIS, “Purpose of and Need for the Action.” In September 2000, Reclamation continued the alternative development process by evaluating the cooperating agencies’ comments regarding the 10 preliminary alternatives and subsequently reduced the number of alternatives from 10 to 5. Reclamation informed the cooperating agencies of the five tentative alternatives in a January 31, 2001 EIS status report, but advised them that further alternative development and analyses were pending completion of certain studies, such as the “Evaluation of Instream Flow Needs in Klamath Basin—Phase II Final Report” (Hardy Report). This study and the forthcoming biological opinions may greatly influence further alternative development. If those studies and the biological opinions had been completed in early 2001, Reclamation had planned to complete alternative development and finalize the alternatives by the end of April 2001.

The Hardy Report has not yet been completed and the biological opinions were not received until early April 2001. Further, the 2001 biological opinions did not address Project operation in all water year types; thus, Reclamation’s ability to develop a long-term plan was delayed.

In late 2000, Congress enacted the Klamath Basin Water Supply Enhancement Act (Pub. L. 106-498) (Enhancement Act). It directed Reclamation to undertake feasibility studies of certain actions that could enhance the water supply in the Upper Klamath Basin. Such studies include increasing the storage capacity and/or yield of Project facilities, development of additional Klamath Basin groundwater supplies, and the potential for further innovations in the use of existing water resources.

The Enhancement Act also influences development of a long-term operations