

## **Notice of Determination**

**TO:** Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**FROM:** Department of Water Resources  
Central District  
901 "P" Street, Room 313B  
Sacramento, CA 95814  
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**LEAD AGENCY:** Resources Agency  
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Sacramento, CA 95814  
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***SUBJECT: Filing of Notice of Determination pursuant to Section 21108 of the Public Resources Code***

**State Clearinghouse Number: 2004042078**

**Project Title:** Truckee River Operating Agreement

**Project Location:** The study area included the 3,060-square-mile Truckee River basin in northeastern California and northwestern Nevada, Lahontan Reservoir, and the lower Carson River basin in northwestern Nevada. The study area is located within Alpine, El Dorado, Nevada, Placer, and Sierra Counties, in California, and Carson City, Churchill, Douglas, Lyon, Pershing, Storey, and Washoe Counties, in Nevada.

**Project Description:** The action is the signing, adoption, and implementation of the Truckee River Operating Agreement (TROA) by the State of California, along with other parties listed below, including the changing of California water rights permits and licenses to allow the water storage, transfers, and exchanges provided for in the Negotiated Agreement. The primary purpose of the action is to implement section 205(a) of Public Law 101-618, which directs the Secretary of the Interior to negotiate an agreement with California and Nevada to increase the operational flexibility and efficiency of certain reservoirs in the Lake Tahoe and Truckee River Basins. The TROA will provide additional opportunities to store water in existing reservoirs to meet future M&I demands during periods of drought, enhance spawning flows in the lower Truckee River for listed fish species in Pyramid Lake, improve streamflows and fish habitat throughout the Truckee River Basin, increase recreational opportunities in the Truckee River reservoirs, and improve water quality in the Truckee River. Signing TROA will implement federal Public Law 101-618, which, among other things, provides for an interstate allocation of water between California and Nevada for the Truckee River Basin, including Lake Tahoe.

**Parties Required to Sign the Agreement:** The five mandatory parties to TROA are: the U.S. Department of the Interior, the States of California and Nevada, the Pyramid Lake Paiute Tribe of Indians, and the Truckee Meadows Water Authority. Numerous other entities have also signed the TROA, including from California: the North Tahoe Public Utilities District, the Truckee Donner Public Utilities District, the Placer County Water Authority, and the Sierra Valley Water Company. A Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared for this Project, by the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the California Department of Water Resources.

This is to advise that the Secretary for the Resources Agency, acting as the designated lead agency, has approved the above described project on September 6, 2008, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project by DWR, acting for and on behalf of the Resources Agency, and certified by the Secretary for Resources pursuant to the provisions of CEQA.
3. No significant adverse impacts were identified in the EIR and consequently no mitigation measures were identified or made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was not adopted for this project.
5. A statement of overriding considerations was not adopted for this project.
6. No findings were made for this project.
7. Prior to TROA entering into effect the following conditions must be satisfied:
  - TROA is promulgated as an exclusive federal regulation.
  - Certain litigation initiated is dismissed with prejudice or otherwise finally resolved, including *Pyramid Lake Paiute Tribe v. California*, Civ. S-181-378-RAR-RCB, United States District Court, Eastern District of California.
  - The U.S. District Courts responsible for the Truckee River General Electric and Orr Ditch decrees have approved the modification of the decrees as necessary to allow for the implementation of TROA.
  - Change petitions for Truckee River reservoir storage licenses and permits, and the Independence Lake license, are approved by the State Water Resources Control Board. Applications for changes in place of uses, manner of use, and points of diversion of water rights are approved by the Nevada State Engineer (Changes would not be effective unless and until TROA is executed and, by its terms, become effective).

- Independence Lake vested storage water rights are changed to allow Credit Water to be accumulated for use in Nevada.
- Pyramid Tribe's water right granted under Nevada State Engineer Ruling 4683 to the remaining waters of the Truckee River is confirmed.

This is to certify that the Final EIR, along with comments and responses and a record of project approval, prepared for the Resources Agency by the Department of Water Resources, is available at the office location listed above for the Department of Water Resources.

Signature Mike Chismore Title Secretary for Resources

Date 9/9/08 Date Received for filing at OPR \_\_\_\_\_