



State Water Resources Control Board

A005169



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
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Arnold Schwarzenegger
Governor

December 28, 2004

Mr. Kenneth Parr
U.S. Bureau of Reclamation
705 North Plaza Street, Room 320
Carson City, NV 89701-4015

Mr. Michael Cooney
Department of Water Resources
3251 "S" Street, Room E-12
Sacramento, CA 95816

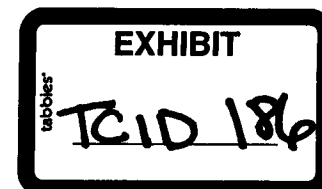
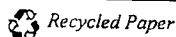
Dear Mr. Parr and Mr. Cooney:

COMMENTS ON THE TRUCKEE RIVER OPERATING AGREEMENT REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (CALIFORNIA STATE CLEARINGHOUSE NO. 2004042078)

This letter transmits the State Water Resources Control Board (SWRCB), Division of Water Rights' (Division) comments on the August 2004 Revised Draft Environment Impact Statement/Environmental Impact Report for the Truckee River Operating Agreement (DEIS/EIR) prepared by the U.S. Bureau of Reclamation (USBR) and the California Department of Water Resources (DWR). The SWRCB received the DEIS/EIR on September 7, 2004 and the final comment period for the DEIS/EIR closes on December 30, 2004. The SWRCB is a responsible agency for this project pursuant to the California Environmental Quality Act (CEQA). As such, the SWRCB may use the final EIS/EIR to act on two water right applications filed by USBR (Applications 31487 and 31488) and four petitions to change the points of diversion, places of use, and purposes of use filed by USBR (Licenses 11605 (Application 15673) and 10180 (Application 18006)), Washoe County Conservation District (License 3723 (Application 5169)), and Truckee Meadows Water Authority (License 4196 (Application 9247)). The following comments pertain to the DEIS/EIR's discussion of the California water right applications and petitions.

The DEIS/EIR does not adequately address the project level water right actions under consideration by the SWRCB. USBR/DWR should include a clear description of the applications and petitions in the EIS/EIR. Specifically, the EIS/EIR should include a description of the applications' sources of water (including points of diversion), the quantities requested for appropriation, the seasons of diversion, the availability of water for appropriation, the purposes of use, and places of use. Additionally, USBR/DWR should discuss the impacts associated with the SWRCB's potential approval of the applications or change petitions. For example, the EIS/EIR should include a discussion of any potential impacts to beneficial uses of water and public trust resources associated with approval of the applications. The EIS/EIR should also include a description of the changes sought in the petitions and any potential impacts of those

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changes on other legal users of water. Further, USBR/DWR should discuss the proposed groundwater recharge component of the applications and change petitions in the EIS/EIR, including potential impacts to the environment and other legal users of water.

In addition to the above, USBR/DWR should specify whether the "transfers" discussed in the DEIS/EIR are proposed to be transfers pursuant to the California Water Code or whether the transfers are proposed to take place through approval of the change petitions discussed above. If transfers outside of the change petitions on file with the SWRCB are proposed, USBR/DWR should discuss the specifics of those transfers, including what section(s) of the California Water Code they will be filed under and any potential impacts to other legal users of water. If the transfers discussed in the DEIS/EIR are not proposed as transfers pursuant to the California Water Code, USBR/DWR should specify that the transfers are proposed to occur through approval of the petitions to change the places of use, purposes of use, and points of diversion.

The Division has not yet accepted the applications and petitions as complete and may require additional information. USBR/DWR should include a discussion of any substantial new information the Division may request in the EIS/EIR. In addition, USBR/DWR should include the final completed applications and petitions as attachments to the final EIS/EIR.

Thank you for the opportunity to comment on the DEIS/EIR. If you have any questions concerning this letter, please contact Diane Riddle, the Environmental Scientist assigned to this matter, at (916) 341-5297.

Sincerely,

ORIGINAL SIGNED BY

James W. Kassel, Chief
Hearings and Special Projects Section

bcc: Jim Kassel, Erin Mahaney, Ernie Mona, Susan Wilson, Isabel Baer

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