

ISSUE - WILL THE TROA EIR BE ADEQUATE GIVEN THE NEW APPROACH TO VALIDATION OF THE OPERATIONS MODEL?

Background

The Truckee River Operations Model is used to project potential reservoirs operations in the Truckee River Basin. The output of the model will be used to determine many of the environmental impacts of the TROA proposed action and alternatives. These will be analyzed in the EIR. The Truckee River Legal Review Group has been assigned the task of validating the model to ensure it can be defended in court, as required for approval of the TROA as well as the adequacy of the EIR if challenged.

Possible Problem

The Legal Review Group was recently redirected to compare the Truckee River Operations Model to the actual operation of the reservoirs, rather than to the legal requirements of the various decrees, agreements, and other requirements for operating the reservoirs (see attached memorandum with notes from the January 26, 1995 Legal Review Group meeting). This redirection came from Fred Disheroon of the Federal Department of Justice.

The concern is that, if the reservoirs are not currently being operated in compliance with the law, e.g. through informal agreement, the model will not represent legally enforceable operations. Yet, the output of the model is used to compare environmental impacts for the TROA EIR under CEQA. Hence, the adequacy of the EIR may be subject to challenge based on the legal validity of the Truckee River Operations Model.

Technical Note

One benefit of this redirection is that it should reduce the amount of work needed to validate the model. Comparing the model to actual reservoir operations primarily requires coordination with the Truckee River Watermaster, as opposed to examining and verifying the legal requirements, which are lengthy to read and difficult to interpret.

This issue is raised by:

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