McLaughlin Water engineers, ltd.

An ASCE Company

Comment Letter Number 9

May 10, 2002

Craig Williams
Sierra Pacific Power Company
P.O. Box 10100
Reno, Nevada 89520

**RE: Comments Regarding Chapter 9 - Recreation, of the Draft EIR for the Farad Diversion Dam Replacement**

Dear Craig:

These are my comments for the review of Chapter 9 of the Draft EIR.

1. While these comments address Chapter 9 of the EIR, it was noticed that the Figure 3-4, "Exceedence Probability at Floriston....." is incorrect as presented in the report. The probability of exceedence should decrease with increasing flow rates. For the purposes of the response for the comment below, we have used an exceedence curve (attached) previously developed by McLaughlin Water Engineers. 9-1

2. The reported minimum flow of 1000 cfs for "Park and Ride" wave at the old dam foundation seems high from field observations. We have not been able to contact a knowledgeable whitewater boater to verify that this is indeed the case. Nonetheless, with the restored Farad project, the available flows for this play spot will be reduced by 435 cfs (400 cfs at the wheel, 10 cfs return flow and 25 cfs transmission loss equals 435 cfs). This means that after the diversion is restored and operating at full capacity, the surfing wave would require a total upstream river flow of about 1,435 cfs. According to exceedence curves prepared by McLaughlin Water Engineers, suitable flows would be reduced from 30 % to about 19% because of the diversion. This results in a 37% reduction. To mitigate this loss, the diversion structure contains a boatable chute that will create favorable hydraulics for play boating. At full diversion capacity, flows in excess of 485 cfs (435 cfs + 50 cfs for low flow fish passage) are diverted into the proposed boat chute. Because of the concentration effects of the boat chute, a flow of as little as 300 cfs will provide whitewater boat surfing. While diverting, the total upstream flow in the river would need to be 785 cfs. Since this total river flow is less, than the 1,000 cfs, needed to surf the Park and Ride wave, the new play spot created below the boat chute will function for longer periods than the current conditions needed for the Park and Ride wave. According to the attached exceedence curve, this will occur about 37% of the time 9-2



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ATTACHMENT C

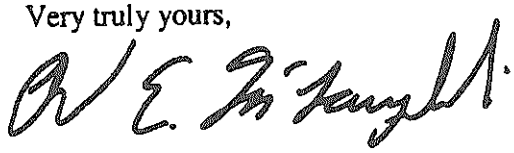
from May to September. An increase from the existing 30% for the Park and Ride wave to 37% for the boat chute surf spot will be realized. In addition, the inclusion of the boat chute mitigation does add an additional play spot, which will run concurrently with the existing Park and Ride wave. This may help ease crowding during peak use periods and add variety to this whitewater destination. 9-2 cont'd

3. It should be kept in mind that the Park and Ride wave is created by a failed portion of the old dam and is not a natural feature. One significant mitigation measure in the plan is that this piece of "debris" is not (like some of the other pieces) planned for removal. 9-3

4. *Page 9-10, second to last paragraph. "A rope, floating boom, or other appropriate equipment will be installed in the river upstream of the construction area to guide boaters to a take-out location and the portage path...."* Ropes or floating booms can create more safety problems for boaters than they can solve. Signage and possibly warning buoys should be used to guide boaters to the take-out location. 9-4

5. *Page 9-12, 9.4.2, bullet item. "The proposed project is designed to:.... Align the boat/debris chute to direct water into the (existing) boating play wave".* Because of the distance between the boat chute and the existing Park and Ride wave, the flow directed to the existing play spot is not impacted by the alignment of the boat chute. However, the counter weir is designed to not restrict flow to the side of the river where Park and Ride wave is located. 9-5

Very truly yours,



Richard E. McLaughlin, P.E.

Enclosures: Exceedence Curve for Boating Season (MWE, 1/2001)



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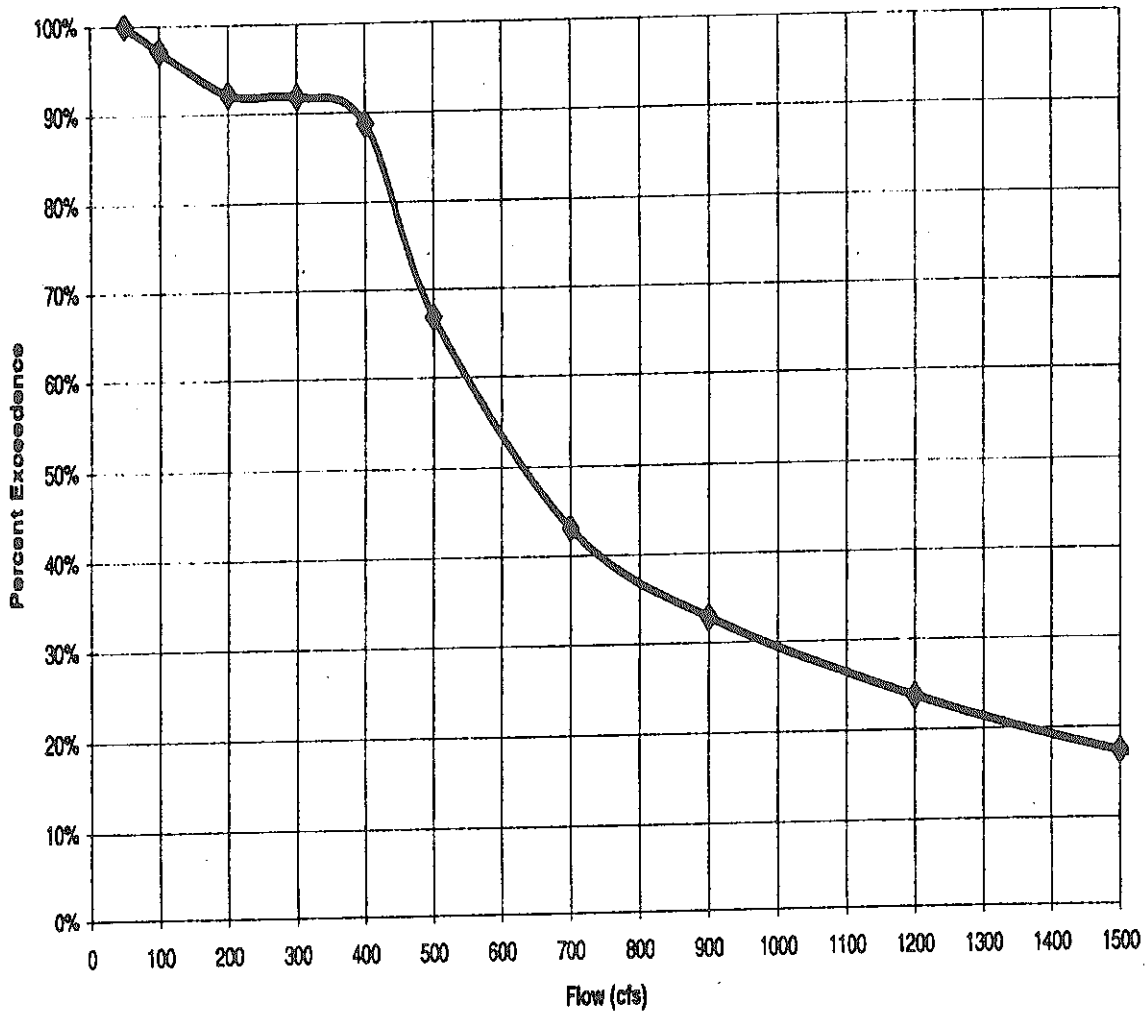
Truckee River at Farad, Percent Exceedence Curve
Boating Season (May 1st to September 31st), 1970 thru 1998
MWE 1/2000



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## Response to Comment Letter Number 9

### Response to Comment Number 9-1
Comment noted. Figure 3-4 in the Draft EIR has been revised (Appendix A).

### Response to Comment Number 9-2
This additional information has been added to Impact 9-4 to describe the effect on recreational boating opportunities in the vicinity of the project facility (Appendix A). However, the overall impact conclusions remain unchanged because of the substantial reduction in flows in the operation area that could substantially reduce recreation opportunities.

### Response to Comment Number 9-3
The project description and analysis in the Draft EIR assumes that the concrete that creates the Park and Ride wave will remain in place. Please see response to comment 1-11.

### Response to Comment Number 9-4
This portion of the mitigation measure has been deleted.

### Response to Comment Number 9-5
This bullet was removed from the bullet list in Chapter 2 and Chapter 9. In both cases, the intent of retaining the existing boating play wave remains.

TRUCKEE MEADOWS WATER AUTHORITY

May 13, 2002

Russ Kanz
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

**Re: Farad Diversion Dam Replacement Project/Draft Environmental Impact Report Prepared for State Water Resources Control Board by Jones & Stokes, March 2002**

Dear Mr. Kanz:

The following comments concerning the Draft Environmental Impact Report for the Farad Diversion Dam Replacement Project (the "DEIR") are submitted on behalf of the Truckee Meadows Water Authority ("TMWA"). TMWA is a joint powers authority consisting of the City of Reno, the City of Sparks, and the County of Washoe, Nevada. In June of 2001, TMWA acquired Sierra Pacific Power Company's water sale and delivery business within the Reno, Sparks and Washoe County area. In addition, Sierra Pacific Power Company may transfer its hydroelectric power generating business, including its Farad facilities to TMWA, if certain conditions occur. As a result of this acquisition, TMWA will replace Sierra Pacific Power Company as one of the five Mandatory Signatory Parties to the operating agreement provided for in Section 205 of Public Law No. 101-618, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (the "Settlement Act"). 10-1

TMWA's specific comments on the DEIR are better understood with some background information concerning the operating agreement called for by Section 205 of the Settlement Act and its importance to, and the benefits it provides to the State of California when it enters into effect. Therefore, set forth below is some background information on those subjects.

**The Settlement Act and the Truckee River Operating Agreement.**

Section 204 of the Settlement Act provides for an interstate allocation of the waters of the Carson River, Lake Tahoe, and the Truckee River between the States of California and

Nevada. That allocation, however, does not enter into effect unless and until the operating agreement referenced in Section 205 of the Settlement Act also enters into effect. That operating agreement is generally referred to as the Truckee River Operating Agreement ("TROA").

Representatives of the United States, the States of California and Nevada, the Pyramid Lake Paiute Tribe of Indians, Sierra Pacific Power Company and others have been negotiating the Truckee River Operating Agreement since the early part of 1991. Those negotiations have been long and difficult. It is expected that those parties will shortly agree upon a draft TROA as the preferred alternative for analysis in a draft Environmental Impact Statement/Environmental Impact Report. The draft TROA issued will only be executed following completion of a final Environmental Impact Statement/Environmental Impact Report, consideration of its information, incorporation of any modifications to TROA made in response to such information and completion of a Record of Decision and other notices and decision documents required by Federal and California law, including CEQA. Additionally, the Pyramid Lake Paiute Tribe will execute TROA only if it is approved by referendum vote of tribal members. If executed a number of prerequisites must be satisfied before TROA enters into effect. One prerequisite is that it be promulgated as a federal regulation; another is that it be submitted to the United States District Courts which administer the Orr Ditch and Truckee General Electric Decrees for approval of any necessary modifications in the provisions of those Decrees. 10-2

The draft TROA which will be submitted as the preferred alternative for environmental analysis under Federal and California law is long and complex. It is the product of over 11 years of negotiation and compromises by which the parties have achieved a delicate balance between mandatory and discretionary provisions of the Settlement Act and between consumptive water supply and non-consumptive environmental and recreational uses of water. Although the project before you now simply involves the replacement of a single diversion dam involving a non-consumptive use of water, you need to be aware that the objectives of TROA cannot be achieved without changing the operation of the major dams on the Truckee River system. You should not adopt requirements for this project without at least contemplating how broad application of those requirements might impede or even prevent TROA from happening and without considering how those requirements might be affected by the provisions of TROA.

In addition to allowing the interstate allocation to enter into effect, TROA itself provides many benefits to California. Among other things TROA provides details needed to implement California's allocation of Truckee River Basin water and the Nevada and California allocations of Lake Tahoe Basin water. It provides details and agreements needed for California to store portions of its Truckee River Basin allocation in existing federal

reservoirs and possibly in new storage facilities for both municipal and industrial use and environmental uses. TROA establishes rules which allow California to make use of Tahoe Basin water and Truckee River Basin water for snowmaking with little or no reduction in the amount of allocated water which remains available for other California uses. It provides detailed procedures for California to make use of the groundwater portion of its Truckee River Basin allocation.

TROA includes provisions which will enhance fish, wildlife and recreational beneficial uses of water within the Truckee River Basin, particularly in California. For example, it includes provisions which allow California to manage water in federal reservoirs in California for fish and recreational purposes in California. It provides rules regarding maintaining the level of Prosser Creek Reservoir during the summer recreation season. It requires releases from Truckee River Reservoirs not presently required for the benefit of fish and fisheries in California. It includes provisions for minimum instream flows at the hydroelectric plant diversions in the Truckee River, including the Farad Dam. It provides for instream flow maintenance at the hydroelectric plants by utilizing water released from federal reservoirs.

**Adoption Of Comments Of Sierra Pacific Power Company.**

10-2 cont'd

TMWA has reviewed the May 13, 2002 comments on the DEIR submitted Remy, Thomas & Moose, LLP, on behalf of Sierra Pacific Power Company. TMWA concurs in those comments and by this reference incorporates those comments into this letter as if submitted by TMWA.

**Mitigation Measures Proposed By The DEIR Which Are Inconsistent With Provisions Of The Truckee River Operating Agreement.**

There are several mitigation measures suggested in the DEIR which, if viewed as precedent for TROA operations, have the potential to conflict with what has been agreed upon in TROA. In addition, at least one of the mitigation measures suggested in the DEIR, if applied broadly in a TROA context, has the potential to undermine TROA's most fundamental elements.

***Minimum By-Pass Flows at Hydroelectric Diversions.***

Proposed Mitigation Measure 4-2 provides "at flows below 150 cfs, the project applicant will not divert more than 5-7 cfs to keep the flume wet or will implement other measures to ensure water is not wasted or used unreasonably, thus protecting the beneficial uses identified in the Basin Plan". In addition, Proposed Mitigation Measure 6-3 provides

that "in order to (sic) DFG's minimum flow requirement and maintain sufficient habitat for juvenile, adult and spawning rainbow trout and spawning brown trout life stages, the project applicant will maintain a minimum flow of 150 cfs in the operation area at all times during Project Operation." 10-2 cont'd

Section 9.E of the draft TROA includes detailed provisions for minimum instream flows at Power Company hydroelectric plant diversions. A copy of Section 9.E from the November 15, 2001 draft Truckee River Operating Agreement is attached to this comment letter as Exhibit A. In summary, Section 9.E.1 requires a bypass flow of 50 cfs (exclusive of a certain category of water which will be released to increase those bypass flows) whenever the flow in the river is greater than or equal to 55 cfs. It also requires that when the flow immediately upstream of the dam is less than 55 cfs then no more than 5 cfs may be diverted into flumes. Section 9.E.2, which is fairly complex, requires the operation of hydroelectric diversions to bypass additional flow in accordance with 9.E.2(a) and Section 9.E.2(b). Those complex sections are intended to minimize adverse impact on hydroelectric generation resulting from by-pass flow requirements and to minimize adverse impacts on instream flow values caused by such diversions by providing alternate sources of water to meet those values. At the same time, those sections recognize that many of the benefits associated with the TROA come about because of the ability to establish "Credit Water" and that the establishment of Credit Water will necessarily impact flows in the Truckee River. Proposed Mitigation Measures 4-2 and 6-3 should be carefully revised so as to not establish a precedent adverse to the provisions of Section 9.E of the TROA. They should be drafted in a way so that they are fully and completely replaced by the related provisions of a final approved and effective TROA.

**Ramping Requirements.**

Proposed Mitigation Measure 6-5 sets forth some very specific ramping requirements with respect to the project. Section 9.F of the November 15, 2001 draft Truckee River Operating Agreement includes provisions for California Guidelines concerning preferred reservoir operations for instream flows and recreation. A copy of Section 9.F from the November 15, 2001 draft is attached as part of Exhibit A to this comment letter. The issue of specific ramping requirements was a difficult issue for the TROA parties. Many of the benefits associated with TROA, particularly the ability to establish Credit Water and to make certain exchanges of water will have narrow windows of opportunity. It was therefore decided that specific ramping requirements would not be included, but rather that California in California Guidelines would suggest ramping requirements and that efforts would be made to meet those suggestions. Those requirements however, do not apply and were not intended to apply to the hydroelectric diversions. Proposed Mitigation Measure 6-5 should be drafted 10-3

in a way so that it can be fully and completely replaced by the related provisions in a finally approved and effective TROA. 10-3 cont'd

**Prohibition of Dam Operation to Meet Recreation Requirements.**

Proposed Mitigation Measure 9-1 at page 9-16 provides that there will be no diversion for generation purposes when the flows are between 400 and 1700 cfs for the first weekend each month from April through September and that when flows exceed 1700 cfs there will be a minimum bypass flow of 1500 cfs during that weekend. The proposed measure also leaves open the possibility that the measure would be applied a second weekend each month during the same period.[1]

Perhaps the single most important element to all of the parties to TROA, including California, is the ability to operate the upstream dams and reservoirs to establish what is referred to in TROA as "Credit Water." Subject to a number of other limitations in TRO and to the requirement that the reservoirs be operated to meet existing water rights, the establishment of Credit Water will involve holding water in reservoirs that would otherwise be released or passed through those reservoirs. The opportunities for establishment of such Credit Water will often times be limited. The establishment of a precedent that a dam on the Truckee River System may not effectively operate at all in order to provide flows for rafting and kayaking on the Truckee River during certain periods of time has the potential to undermine the very foundation for TROA and all of its related benefits. Because Proposed Mitigation Measure 9-1 is so inimical to TROA and has such serious potential to interfere with TROA, it should be rejected here. 10-4

Thank you for allowing TMWA the opportunity to comment on the DEIR.

Sincerely,

Malyn Malquist
General Manager

jl

Enclosures

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[1] There is also another proposed mitigation measure labeled 9-1 at page 9-10 of the DEIR.

## SECTION 9.E - MINIMUM INSTREAM FLOWS AT POWER COMPANY HYDROELECTRIC PLANT DIVERSIONS

**Section 9.E.1 Power Company Management of Diversions.** If total Truckee River flow immediately upstream of a **Power Company Hydroelectric Plant** diversion dam is greater than or equal to 55 cubic feet per second, then 50 cubic feet per second, exclusive of **Fish Water** scheduled and **Released** for maintenance of instream flow pursuant to Section 9.E.2, shall be the bypass flow over or through such diversion dam for instream flow immediately downstream from each diversion dam. Nothing in this Section 9.E.1 shall preclude Power Company from bypassing additional water, if it so chooses. If total Truckee River flow immediately upstream of such diversion dam is less than 55 cubic feet per second, then Power Company shall divert no more than 5 cubic feet per second into each flume.

This **Agreement** only limits diversions to **Power Company Hydroelectric Plants** and shall not limit diversions by **Persons** entitled to water under **Orr Ditch Decree Water Rights**. Power Company shall not be required to bypass water to compensate for diversions by other water users between the **Power Company Hydroelectric Plants** diversion dam and return points.

**Section 9.E.2 Instream Flow Maintenance at Power Company Hydroelectric Plants Using Fish Water.** In addition to the bypass flow required by Section 9.E.1, Power Company shall operate **Power Company Hydroelectric Plant** diversion works to bypass additional flow in accordance with Sections 9.E.2(a) and 9.E.2(b). For purposes of this Section 9.E.2 only, **Establishment** of **Fish Credit Water**, **Other Credit Water** and **Newlands Project Credit Water** shall only include such **Credit Water Establishment** through retention of **Floriston Rate Water**.

**Section 9.E.2(a) Flows at Farad Gage Equal to or Greater than Floriston Rates or Reduced Floriston Rates.** Whenever Truckee River flows at **Farad Gage**, exclusive of **Fish Water** scheduled and **Released** for maintenance of instream flows pursuant to this Section 9.E.2, between the **Power Company Hydroelectric Plant** diversion works and return points, are equal to or greater than flows equivalent to **Floriston Rates** or **Reduced Floriston Rates**, Power Company shall operate **Power Company Hydroelectric Plant** diversion works to bypass such **Fish Water**.

**Section 9.E.2(b) Flows at Farad Gage Less than Floriston Rates or Reduced Floriston Rates.** Whenever Truckee River Flows at **Farad Gage**, exclusive of **Fish Water** scheduled and **Released** pursuant to this Section 9.E.2 for maintenance of instream flows between the **Power Company Hydroelectric Plant** diversion works and return points, are less than flows equivalent to **Floriston Rates** or **Reduced Floriston Rates**, and:

(1) When **Fish Credit Water**, **Other Credit Water** owned by the United States or Pyramid Tribe, and **Newlands Project Credit Water** are not being concurrently **Established**, Power Company shall bypass such **Fish Water Released** for instream flow as follows:

(i) 50 cubic feet per second from October through April, and

(ii) 150 cubic feet per second from May through September; or

(2) When **Fish Credit Water**, **Other Credit Water** owned by the United States or Pyramid Tribe, and **Newlands Project Credit Water**, in any combination, are being concurrently **Established**, Power Company shall operate **Power Company Hydroelectric Plant** diversion works to bypass such **Fish Water Released** for instream flow according to the following schedule:

| **Period** | **Establishment Rate (cfs) of Fish Credit Water, Other Credit Water owned by the United States or Pyramid Tribe, and Newlands Project Credit Water** | **Fish Water Released for Instream Flow to be bypassed by Hydroelectric Plant at the following rate (cfs)** |
|---|---|---|
| Oct-April | >50 | 0 |
| | ≤50 | 50 minus Establishment Rate |
| May-Sept | >50 | 0 |
| | 41-50 | 10 |
| | 31-40 | 30 |
| | 21-30 | 50 |
| | 11-20 | 80 |
| | 1-10 | 120 |

## SECTION 9.F – CALIFORNIA GUIDELINES CONCERNING PREFERRED RESERVOIR OPERATIONS FOR INSTREAM FLOWS AND RECREATION

**Section 9.F.1 California Guidelines.** California shall timely submit operating guidelines including any revisions to the **Administrator** for instream flow, reservoir level and other environmental objectives. California shall transmit the **California Guidelines** to the **Administrator** and others in accordance with Section 11.C.2(b).

**Section 9.F.1(a) Content of California Guidelines.** The following are appropriate matters which may be included in the **California Guidelines**: (1) preferred

instream flows below reservoirs; (2) reservoir storage targets (for recreation, resident fish, or other environmental objectives); (3) other environmental objectives including, but not limited to, fish habitat, restoring, maintaining and enhancing riparian vegetation, and water quality; (4) priorities to be followed by the **Administrator**, insofar as practicable, in the event that not all preferred instream flow and reservoir storage targets can be attained; and (5) recommendations for voluntary **Exchanges**, maximum instream flows, ramping rates, scheduling of **Releases** and other adjustments to river operations for instream flow and reservoir-based recreation. The **California Guidelines** shall not specify a preferred instream flow below Donner Lake in a **Dry Season**.

**Section 9.F.1(b) Resolution of Conflict or Ambiguity in California Guidelines.** In the event that the **Administrator** finds a conflict or ambiguity in the **California Guidelines**, the **Administrator** shall, as appropriate, request that California clarify the **California Guidelines**, or consult with California and other affected parties to resolve the conflict.

**Section 9.F.1(c) Additional Proposals for Adjustments to River Operations.** In addition to transmittal of the **California Guidelines** pursuant to Section 11.C.2(b) California may request adjustments to river operations in accordance with Section 8.R.

**Section 9.F.2 Use of California Guidelines for Preferred Instream Flows, for Recreation, to Limit Maximum Flows, and to Provide Ramping of Flows.** To the extent practicable and consistent with the exercise of water rights, assurance of water supplies, operational considerations, the requirements of the **Settlement Act** and all other requirements of this **Agreement**, the **Administrator** shall:

(a) encourage **Scheduling Parties** to schedule in accordance with the **California Guidelines**;

(b) encourage voluntary **Exchanges** and re-storage, scheduling of **Releases**, and other available water management opportunities to increase reservoir **Releases** to help maintain the preferred instream flows specified in the **California Guidelines**;

(c) encourage voluntary **Exchanges** and re-storage, scheduling of **Releases**, and other available water management opportunities to meet the recreation-based reservoir storage objectives specified in the **California Guidelines**;

(d) encourage voluntary **Exchanges** and re-storage, scheduling of **Releases**, and other available water management opportunities to prevent or minimize **Releases** which result in any maximum flow criteria in the **California Guidelines** being exceeded; and

(e) encourage voluntary **Exchanges** and re-storage, scheduling of **Releases**, and other available water management opportunities to limit the rates of increase or decrease (ramping) of reservoir **Releases** consistent with the **California Guidelines**.

## Response to Comment Letter Number 10

### Response to Comment Number 10-1

Comment noted. The conditions imposed as part of the issuance of the water quality certification under Section 401 of the CWA will be applicable to the discharger. The possible sale of the hydropower facility does not the analysis in the EIR.

### Response to Comment Number 10-2

The SWRCB recognizes the extensive efforts of the TROA parties in negotiating an agreement for more than eleven years. The draft TROA is being negotiated to govern the operation of Truckee River reservoirs, as provided for by section 205 of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The mitigation measures will not affect Truckee River Reservoir operations. Although the draft TROA includes minimum bypass flows, these bypass flows apply equally to four run-of-the river hydroelectric power generating plants, not just to Farad Weir. In addition, at the time the bypass flow specified in the current draft was developed, none of these facilities was subject to water quality certification requirements or any other regulatory requirement to comply with water quality standards. At least up to this point, the TROA negotiators have not attempted to determine what bypass flows would be necessary to comply with water quality standards at Farad Weir. As the certifying agency in California for Clean Water Act 401 certification, the SWRCB has the responsibility to consider whether a project will comply with water quality standards and to condition the certification as appropriate. The SWRCB also has the responsibility under CEQA to identify in its EIR the significant environmental effects of a project and to mitigate or avoid those effects whenever feasible. The SWRCB's determination must be supported by substantial evidence in the record.

The commentor suggests that Mitigation Measures 4-2 and 6-3 should be drafted so that they are fully and completely replaced by the related provisions of a final approved and effective TROA. The SWRCB developed these mitigation measures based on the available information and data. Mitigation Measure 4-2 is based on information obtained from SPPC indicating that 5-7 cfs is necessary to maintain the flume. The state and federal resources agencies, DFG and USFWS, support Mitigation Measure 6-3, which requires a bypass flow of 150 cfs (see comment letters 1 and 2). According to DFG, a year-round minimum flow requirement of 150 cfs will provide 90%, 100%, 85%, and 90% of the maximum habitat value for fry, juvenile, adult, and spawning rainbow trout, respectively. It should be clarified, however, that the mitigation bypass flows will be required when water is available and not through changes in reservoir operations. Although section 9.E.1 of the draft TROA requires a bypass flow of 50 cfs, the information before the SWRCB indicates that a bypass flow of 50 cfs is insufficient to meet the fishery needs and protect aquatic resources in the project operation area. Commentors on the Draft EIR have not identified any information to support a determination that lower bypass flows will protect beneficial uses in the project operation area.

The commentor's suggestion that Mitigation Measures 4-2 and 6-3 be replaced by the related provisions of the final TROA could also delay the completion of TROA negotiations. It could force the negotiators to reopen discussions concerning the appropriate bypass under section 9.E.1, even though the bypass for Farad Weir can be resolved in these proceedings and there does not appear to be any occasion to reopen the issue as applied to the other three projects. In addition, the commentor may be asking the SWRCB to treat the TROA as if it preempts the SWRCB's water quality certification authority. Were the SWRCB to take this approach, however, treating the TROA as superceding the requirements of the Clean Water Act and other federal environmental laws even in the absence of any specific language in the TROA to that effect, it could generate opposition to the TROA that could undermine efforts to reach final agreement.

Although the draft TROA does not override the SWRCB's authority, and TROA generally addresses Truckee River reservoir operations, the environmental review process for TROA may provide additional information regarding appropriate instream flows. The SWRCB will reserve jurisdiction in the water quality certification to revise the 150 cfs bypass condition, in its discretion, if SPPC requests the SWRCB to review information developed in the TROA EIR/EIS process on instream flow requirements for LCT and other fish and any revision is supported by studies constituting substantial evidence.

### Response to Comment Number 10-3

Ramping flows, including those flows for non-consumptive water, need to be protective of the environmental resources in the project operation area. Ramping will occur much less frequently with the new proposed mitigation for recreation (Please see Master Responses Fish 4 and Recreation 1), but ramping restrictions are still needed. If the participants in TROA can demonstrate that the beneficial uses in the project operation area are protected under a different ramping scenario then this permit condition may be changed; currently, there is no such evidence.

### Response to Comment Number 10-4

Recreation mitigation has been modified. Please see Master Response Recreation 1. In the event new Mitigation Measure 9-3 needs to be implemented and recreational flows are required, flows are anticipated to be achieved through a reduction in power generation not a reallocation or reoperation of reservoir capacity.

Thomas L. Smith
1040 El Rancho Drive
Sparks, NV 89431

Russ Kanz
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812

Subject: Farad Diversion Dam Replacement

Dear Sir,

On Friday, April 26th I attended a meeting in Truckee, CA., regarding the Environmental Impact Report of the Farad Diversion Dam Replacement.

After the meeting I have concerns and questions regarding the proposed ramping of the river to benefit white water rafting and kayaking.

The ramping will be for one weekend a month. One weekend a month S.P.P.Co. would gradually take the Farad Diversion Dam off line beginning two days prior to the weekend. Going totally off line on Saturday and Sunday and gradually going back on line over the next two days. During this period the flows would be increased by 400 CFS over the approximately two miles from the Diversion Dam to the Power Station. This would be from April to September.

It would be hard to say how much impact the increased flows would have over the two miles stretch between the Dam and the Power Plant. There has been no history of water in that section during the summer forever, or at least since 1900, when the Farad Power Plant went on line. During the summer months and especially during the months that spawning would have occurred, there was never any water in that two-mile stretch of river. 11-1

Since the flood and the destruction of the dam there has been no control over that section at all and so there is no way to know before hand how such ramping will impact the fishery in that section.

Is it possible that there will be spawning gravel revealed once the Farad Diversion Dam is put on line and up to 400 CFS are removed from the river. If there is spawning and incubation in that area could the redds be buried under additional water during the ramping, or left high and dry when the ramping stops.

If there are small fish present during the ramping they will have to move to

the water flows that are most suitable for them and then relocate after the ramping. Would this not put the smaller fish in danger of being stranded in pools and not being able to return at all?

I would like to say that the ramping that is going to happen is of minimal benefit to rafting and white water enthusiasts, only happening one weekend a month, but this comes during the months when spawning of trout occurs and could have a detrimental effect on them.

As previously written, there is no recorded history of spawning in this area of the river, but now that water levels are to be controlled would it not be best to study this area for a period of several years before implementing the ramping. This would allow study and observation to determine what is best for the wild fish in that area.

There is no doubt that the ramping will also effect many invertebrates in this section. Once again, would it not be better if the fishery and the invertebrates were studied for several years prior to ramping to be able to determine if ramping was going to have a significant impact?

11-1 cont'd

Thanks you,

Thomas L. Smith
Director, Northern California Council, Federation of Fly Fishers
Director, Truckee River Fly Fishers
Steering Committee Member, Coalition for Nevada Wildlife
775-685-2383

# Response to Comment Letter Number 11

## Response to Comment Number 11-1

Please see Master Response Fish 4 and Recreation 1.

California Fly Fisher
A division of Stoakes Anderson Inc.

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Truckee, CA 96162

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Phone 530/587-8702
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KK

Comment Letter Number 12

6 May 2002

Russ Kanz
State Water Resources Control Board
PO Box 2000
Sacramento, CA 95812

**RE: Farad Diversion Dam Replacement Project — Preferred Fish Flows**

Dear Mr. Kanz:

The DEIR for the above-referenced project presents a downstream-from-dam flow of 250 cubic feet per second as optimal for trout, and 150 cfs as being, in essence, adequate for impact mitigation purposes. While I believe the latter is far preferable to the 50 cfs desired by the project applicant, the Sierra Pacific Power Company, I would like your board to instead consider requiring 250 cfs as the preferred fish flow in Mitigation Measure 6-3.

I make this request because a) the reconstruction costs for the Farad project are being covered by the applicant's insurance company, and b) SPPC's investment objectives for its Farad hydropower complex were likely fully realized prior to the dam's loss in the 1997 flood. The amount of SPPC capital now involved in the project is therefore close to nil, which means the return on investment through power generation would certainly be well above the ROI targets that SPPC sets for its facilities. Although a flow of 250 cfs would no doubt result in less revenue from Farad-generated power than would occur with 150 cfs, SPPC would still be doing very, very well by any financial-return criteria. 12-1

With the Farad project, the State Water Resources Control Board has the opportunity to truly minimize the environmental impact of a hydropower facility without causing undue financial hardship to the project applicant. This is literally a once-in-a-lifetime chance. Please seize it!

Cordially yours,

Richard Anderson
Publisher and Editor
*California Fly Fisher* magazine

# Response to Comment Letter Number 12

### Response to Comment Number 12-1

Please see Master Responses Fish 3 and Cost 2.

**FEDERATION OF FLY FISHERS**
*Conserving • Restoring • Educating Through Fly Fishing*
Northern California Council

May 9, 2002

Mr. Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento CA 95812-2000

Subject: Farad Diversion Dam Replacement Project DEIR - Comments

The Northern California Council of the Federation of Fly Fishers represents over 30 affiliated clubs and thousands of anglers in Northern California and Nevada. Our members are interested not only in fishing, but they are frequently involved in river and stream restoration projects. Many of our members fish on the Truckee River. We offer the following comments on the Farad DEIR.

We believe that the No Project alternative has been inappropriately discounted. In reality, some of the significant adverse impacts remain without tangible mitigation. The main justification offered for rejecting the No Project alternative is the loss of potential profit to SPP. We find no scientific evidence in the DEIR which warrants overriding the potential impacts outlined in the DEIR. The opportunity for power generation is very limited in normal years and minimal in dry years. 13-1

We offer the following comments regarding the proposed project:

1. We applaud the steps being taken to increase the minimum flows in this river reach. When the original project was in place, the health of this river segment was devastated due to the very low flows that occurred during much of the year. Flow release minimums in the range of 150 cfs are being considered for the river reach below Farad Dam. The minimum flows should be in the range of 200 to 250 cfs to adequately protect aquatic resources. These higher minimum flows have been frequently recommended for trout rivers by biologists based on past studies. 13-2

2. In the interest of providing increased out of season boating, the proposed Mitigation Measure 9.1 inappropriately risks the health of the river.

- Based on mounting evidence from studies in other river systems, it is highly likely that the weekend boating flows will have a negative impact on the health of river 13-3

habitat, invertebrates, and fish. Even the DEIR states under Mitigation Measure 9-1 " Fluctuations of flow once or twice a month could affect invertebrates and fish, and this effect cannot be predicted"

- Neither facts nor science support the boating flow fluctuations proposed in the DEIR. Studies done on other rivers indicate that flow changes should be much smaller during the summer-fall period to avoid negative impacts to the health of the river. Few western rivers are exposed to the extreme fluctuations proposed in the DEIR. It appears from the DEIR that flow increases could be 300% or more. 13-3 cont'd
- The proposed "Mitigation Measure 6-5" is not mitigation, but merely studies. In fact, studies should be done to determine the potential effect of weekend flow changes before a boating flow regime is implemented.
- The description of "Mitigation Measure 6-5" states that the Water Board will evaluate the studies, yet it offers no criteria for evaluating study data, nor provisions for obtaining pre-project baseline data. The project operator should be required to collect baseline data before project construction. 13-4
- In addition, it appears that design and execution of the studies would fall strictly to the project operator which is an obvious conflict of interest. Any studies should be done in conjunction with expert agencies including DFG, U.S. Fish and Wildlife, and should be subject to peer and public review.

3. The weekend boating flows will effectively displace anglers from the river during the only time of year when trout fishing is practical.

- The DEIR understates the impact of the boating flows on angling in stating, "there may be a slight change in angling success." The source of this statement isn't cited, but experienced anglers know that rapid flow changes cause fish to change their location in the river and to become less aggressive feeders. Fishing success is reduced dramatically when river flows are changing. While fishing may be physically possible, this section of river will not be a desirable fishing location during the boating flows. 13-5
- Due to seasonal high flows and state sport fishing regulations, the vast majority of river trout angling in California occurs in 6 ½ months of the year from May to mid-November. Because of the impact on fishing success, the boating flows essentially eliminate angling opportunities during the one time of year when anglers would otherwise be able to fish.
- Should the project proceed with the ill-advised boating flows, the project operator should be required to do studies to determine the affect of boating flows on angling success and angler satisfaction.

4. The project should insure that channel maintenance flows are provided in the spring prior to trout spawning. If higher natural spring flows do not occur, they should be provided by the project. 13-6

5. The proposed temperature Mitigation Measure 6-4 is only a general statement and is totally inadequate. The proposed study period is far too short to provide any scientifically valid conclusions. Studies must be done over an extended 13-7

period to insure data is collected under various weather and rainfall patterns. The EIR should be specific in requiring the project operator to submit a monitoring plan for approval by the board. The plan should include provisions for oversight of the monitoring due to obvious potential conflict of interest. 13-7 cont'd

Thank you for the opportunity to comment.

Robert N. Ferroggiaro
Vice President, Conservation
Federation of Fly Fishers - Northern California Council
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(916) 791-6391 Tel
(916) 791-6574 Fax
rob@surewest.net

## Response to Comment Letter Number 13

### Response to Comment Number 13-1
Please see Master Response Alternative 1. A statement of overriding considerations is only needed under CEQA when there are significant and unavoidable adverse effects. Overriding considerations are not needed for this project as all the impacts are mitigated to a less-than-significant level.

### Response to Comment Number 13-2
Please see Master Response Fish 3.

### Response to Comment Number 13-3
Please see Master Responses Fish 4 and Recreation 1.

### Response to Comment Number 13-4
Mitigation Measure 6-5 uses DFG ramping criteria as a basis for limiting flow fluctuations and the ramping criteria mitigate potential adverse effects. Because the extent of the applicability of these recommendations to the project reach is not known, additional studies will demonstrate whether these criteria are protective enough. Additional changes have been made to this mitigation measure, Please see Master Response Fish 4.

### Response to Comment Number 13-5
Please see Master Response Fish 4.

### Response to Comment Number 13-6
The project's effects on hydrology are described in Chapter 3 "Hydrology." Specific "channel maintenance" flows are not needed because the project would not result in erosion or siltation or a reduction in groundwater levels (see Impact 3-3 and 3-7). Higher flows of 600 to 800 cfs every other year are not needed to maintain the channel for aquatic resources. Based on the hydrology and as indicated in Figure 3-5, these flows would occur in representative average and wet water years.

### Response to Comment Number 13-7
Please see Master Response Water Quality 2.

# FEDERATION OF FLY FISHERS
Northern California Council
*Conserving - Restoring - Educating Through Fly Fishing*
1287 Greeley Way
Stockton, California 95207
(209) 951-7900

**Daniel A. McDaniel**
President


May 10, 2002

Russ Kanz
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812

Re: Farad Diversion Dam Replacement Draft Environmental Impact Report

Dear Mr. Kanz:

Please accept these comments on behalf of the Northern California Council of the Federation of Fly Fishers ("NCCFFF"), the Delta Fly Fishers of Stockton, California, and myself individually, concerning the Farad Diversion Dam Replacement Draft Environmental Impact Report ("EIR") dated March 2002. Separate additional comments are being submitted by Bob Baiocchi, which we refer to and incorporate herein by reference. We submit these additional comments to emphasize our serious concerns as to the inadequacy of the EIR, and our contention that the only acceptable alternative, consistent with the requirements of the California Environmental Quality Act ("CEQA") and the duty to protect Public Trust assets, is "No Project."

The NCCFFF represents thousands of anglers living in Northern California and Northern Nevada, and the Delta Fly Fishers consists of approximately 125 members, many of which fish the Truckee. We, including myself, are regular users of the waterways affected by the EIR. We submit that as the EIR currently consists, it is legally inadequate and deficient, and fails to provide adequate information and analysis as required by CEQA and the CEQA guidelines. 14-1

We are concerned that it appears that by design or oversight the EIR has obscured the singular conclusion that it reaches, that "No Project" is the "environmentally superior alternative." Accordingly, it is the only project that should be preferred and selected as consistent with protection of the Public Trust resources that would be affected by the proposed project.

The EIR is required to be an informational document which will inform the public generally of the significant environmental effects of the project. The EIR should contain a clear explanation and be written in plain language so that the public can easily understand the documents and what is being proposed. Instead, the document is voluminous and intimidating, and restricted in its availability, so as to dissuade members of the general public from meaningful 14-2

participation in the review process.

In addition, the water law of the State of California is a system of priorities, and the Public Trust and Fish and Game Code section 5937 obligations , are all senior to the rights of the appropriators such as Sierra Pacific. Water will be utilized for the project that will reduce the water available, both in timing and amounts and both upstream and downstream of the facility. We believe that the EIR fails to adequately assess these issues, and fails to adequately assess the relative benefits of no project as opposed to the relatively insignificant and marginal amount of power that the facility would generate. The water is far more valuable in the river than it is diverted, in which case only Sierra Pacific enjoys financial benefits. 14-3

The CEQA guidelines provide in section 15126 for the consideration and discussion of alternatives to the project. We believe that the EIR does not adequately consider or discuss the No Project alternative.

Finally, the proposed flows are wholly inadequate and will result in flows lethal to fish. I have fished the river when flows are more than 150 cfs, and the temperature was too high to maintain Rainbow and Cutthroat - at times exceeding 75 degrees. A minimum bypass flow of 325 cfs is essential, and should be a condition of any project. 14-4

In conclusion, we respectfully submit that the EIR is not legally adequate. We urge you to provide more than token lip-service to the protection of public trust resources, and reject the EIR and the proposed project. Thank you, and please see that I am maintained on all mailing lists respecting any further activity in this matter. 14-5

Very truly yours,

NORTHERN CALIFORNIA COUNCIL
FEDERATION OF FLY FISHERS
and
DELTA FLY FISHERS

DANIEL A. McDANIEL
Director

## Response to Comment Letter Number 14

### Response to Comment Number 14-1
Please see Master Response Alternative 1.

### Response to Comment Number 14-2
The EIR clearly explains project impacts in plain language; the summary provides an overview of impacts as well as a comparison of impacts and mitigation measures for the proposed project and the project alternatives. The public scoping and public meeting process for the project is described on page 1-2 of the Final EIR.

### Response to Comment Number 14-3
Please see Master Responses Alternative 1 and Need 1. The project only controls water within the 2 mile diverted reach between the dam and powerhouse and has no impact above and below the facility. The timing and magnitude of flows are not changed in the river above or below the project.

### Response to Comment Number 14-4
Please see Master Response Fish 3, Water Quality 1 and 2. The project only has the potential to affect water temperature in the project area. Modeling shows that the project has little affect on water temperature in the project area. At times, during low flow conditions (i.e., less than 100 cfs), the temperature in the river may be detrimental to trout, however these flows are not under the control of SPPC.

### Response to Comment Number 14-5
Comment noted. Before approving the project, the SWRCB must certify that the Final EIR has been completed in compliance with CEQA. The Final EIR discloses the project's significant environmental effects, ways to minimize those effects, and describes reasonable alternatives to the project. The SWRCB will review and consider the information in the Final EIR, including the comments it has received, before deciding whether or how to approve the project on its merits.

Russ Kanz
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, California 95812-2000

Dear Mr. Kanz,

My name is Charles Albright and I am writing to you in regards to the proposed Farad Diversion Dam, which would replace the dam destroyed during the 1997 floods on the Truckee River near Floriston.

First at bit of background about myself. I have been a river runner since 1971. I first ran the Truckee River in 1973 and the proposed dam area in 1975 for the first time. Since 1975 I have paddled in the Floriston / Farad area easily 200 or more times. I am currently the President of the Sierra Nevada Whitewater Club. It was loosely founded in 1981 and has been a legal / recognized club since about 1994. During this public comment to you I feel that I am speaking for the club on the matter of the Farad Dam.

As well as being a club President I have a number of other "labels" that one might consider in this letter. First and foremost I am a regional coordinator for American Whitewater. They are a nation wide group of paddlers and river users who are strongly opposed to dams of this nature. Our mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely.

I also belong to Friends of the River, The Nature Conservancy, American Rivers, National Organization of River Sports, the American Canoe Association, the Truckee River Yacht Club and several paddling clubs in California. I have also been member of the United States Canoe and Kayak Team in Wildwater racing since 1992. I was also a member of the Slalom team in 2001. I leave May 23rd for Europe where I will attend the 2002 Wildwater World Championships in Italy and compete in two World Cup Races in Austria and in the Czech Republic. I have taught canoeing and kayaking to thousands of people in the Reno / Tahoe area since 1978 at area pools, lakes and rivers for free.

That said I guess I am ready to discuss my concerns about the proposed Farad Diversion near Floriston. First let me say that I am very aware of the fact that Sierra Pacific Power Company (SPPCO) could have rebuilt the Farad Diversion Dam as a crib dam just like it was before the flood without any approvals. I thank them for realizing that the crib design was very dangerous to river users and that because they chose to offer a safer design that is user friendly it has required the design, approval process and public input that it is now undergoing. Obviously this has led to greater costs and increased time frame for ever starting the construction if it does gain approval.

I have been involved since the first plans and also know the engineering team who has made the proposed design for the new intake structure. It is so much better and safer than the old crib dam was. Yet, I do have concerns about the proposal and the dams effects on the river below the structure.

Obviously, dams a not native to the Truckee River and since the establishment of dams on the river there has been very detrimental effects to its formerly world class fishery as well as the river channel itself. We all know of what was once a great

15-1

Lahonton Cutthroat Trout fishery that basically is non existent from Wadsworth to Tahoe now days. Dams and a lack of working fish ladders as well as diversions for irrigation and power generation are the greatest reasons for this destruction of the fishery.

SPPCO has 4 power generation dams on the Truckee River between Floristion and Mogul. None of these dams has a fish ladder that actually allows migration of fish upstream. The flows that occur in the diversion affected sections are to low to support a healthy fishery typically and only can do so when spring runoff occurs. That is when there is enough water in the channel that diversions take a smaller percentage of flows and the fishery has the ability to at least support its already meager fishery. There will never be any hope of resurrecting the Cutthroat Fishery until the offending dams are removed or modified. 15-1 cont'd

Not only do the dams effect fish but they also effect river users. All the dewatered sections of rivers are popular with river users in the spring runoff. Come "summer flows" there is so little water in these sections that fishing, swimming and river running are non existent. The fishery suffers from very low flows while all the water is in ditches or flumes on its way to a powerhouse. River sections that supported rafting, canoeing and kayaking as well as fishing and swimming by large numbers of people get no use during diversions at winter and summer/ fall flows.

The Farad Diversion is no different. When generating power in the past before the flood the stretch below the dam was often nearly dry while the flume was full. It is not just fish and river users that suffer but also the plants, trees, aquatic life forms, and animals, birds and more that would do better in life if more water was available to them in the dewatered sections.

The proposed dam site and intakes offer to take advantage of the naturally deep pool below the Interstate I – 80 Bridge. Intakes would be further upstream from the old dam site. The existing pool would suffice to meet pooling needs with somewhat minor changes to the rocky area that causes the pool downstream. It is a concept that sounds great as it offers a "safe" rock dam similar to what exists already but still does not answer all the questions that could be raised. What if the intakes and fish getting into the flume and power turbines? What of changes in future high water episodes to the intakes or rock dam modifications? What of siltation from the Martis Fire Burn area causing the intake pool to be silted in and rendered useless for the intake structure? What flows can plant, fish, aquatic life and river users expect downstream in the diversion impacted area? Are those flows capable of supporting life in and along the river as it was before the advent of dams? Will river users ever get to use this stretch of water at any time other than spring runoff? 15-2

Will the "natural dam" effect that will be modified for better pool containment be safe for river users? Will it offer fish migration? What happens to the old dam site? Will the "newly" constructed wing wall that caused the old dams demise after it was topped and had its backfill washed away allowing the crib dam to be washed away be removed from the river bed? What will happen to the old dams concrete footing that now sees so much river use as a surfing wave? Will it be removed or modified? What will happen to the rapid that appeared from under the silted in old dam? How will SPPCO's proposal be affected by the plans that Cal Trans has for the area? Are they compatible? Will there be parking as there is now for river users at the dam site? Will there be parking or even access at Farad for river users? Will SPPCO remove non native

materials from the dam site, i.e.; concrete chunks, rebar, and material that was placed in the river when the paper mill and its flume were placed in the river bed? Such hazards and issues need to be dealt with as issues before construction ever is approved. 15-2 cont'd

Another issue that few ever foresaw as an issue before the energy crisis is SPPCO talk of BANKRUPCY. How can a utility company that uses those words be expected to start , complete and maintain a costly project such as the Farad Diversion Dam when it has been often of late using those words when discussing its financial future. That has to throw up some rather large red flags to any agency that is considering allowing them to start a very costly project in a river that supports several endangered species. 15-3

More to the point, is it really a benefit to have 4 very small hydro projects on a river that is not at all healthy due to dams and their effects on the aquatic environment of the Truckee? These dams supply such a small percentage of the power in the Reno area and could easily be rendered unneeded if they just turned up the power generation at Valmy or Tracy one click. Imagine a river without dams from Reno to Tahoe. Except for Steamboat ditch dam at stateline there could be free flows year round for fish, aquatic life, plants and wildlife as well as river users. Perhaps the construction money would be better spent removing the dams and returning this section of river to a natural pre SPPCO state. Certainly good publicity for SPPCO. 15-4

I have many more concerns but I have limited time to address them and need to get on with other issues such as sleep. I sincerely hope that you, Mr. Kanz can take the time to see if SPPCO has answers to my questions and those of others and that the new issues like the Martis Fire and siltation as well as the bankruptcy issue are addressed.

My personal recommendations:

1. No issuance of a construction approval until issues such as fish flows, recreation flows are addressed. 15-5
2. Possible allowances for recreational flows on the Farad stretch during summer and fall as well as others such as the Fleish, Verdi and Mogul Diversions stretches. Such as weekend flows once a month for each stretch so that the public is allowed to use the river for more than power generation. Much like PG&E are doing on the Feather, Pit and Mokelumne Rivers. One weekend a month on each stretch would create a great economic benefit to the area. 15-6
3. Clean up non-native materials in the dam and intake area as part of mitigation for approval of the dams. Lets face it, this is a safety issue. 15-7
4. Modifications to existing dams to allow better fish passage than currently exists. 15-8
5. Address concerns about access and parking at Dam site, Farad and other dam sites in SPPCO's generation facilities. 15-9
6. Address the concern as to Cal Trans and California Highway Patrol plans for traffic, parking and access at the dam site as well as Farad. 15-10
7. Control of river habitat and recreational use at site during construction. 15-11

Thank you for the opportunity to address this issue and I hope to be kept aware of future developments on this issue.

I still believe the best us of this money would be to spend it on removal and rehabilitation of the Truckee River at the SPPCO dam sites. Sounds crazy but it would go along way towards returning the Truckee River to its former self.

Sincerely yours,

Charles Albright
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Reno, Nevada 89503
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cralbright@juno.com

## Response to Comment Letter Number 15

### Response to Comment Number 15-1

The proposed project addresses the need for maintaining instream flows to support aquatic resources in a healthy condition and fish passage (specifically LCT) over a full range of migration flows and is, therefore, not expected to contribute to passage problems that may occur at other facilities. Please see Master Responses Fish 1 and Fish 3 regarding flow needs for LCT and other fish species.

### Response to Comment Number 15-2

This comment begins with several general thoughts about recreational use of the Truckee River and the effects of diversions on recreation and natural resources, then poses a list of 18 questions about the project. Many of the concerns raised in the comment are addressed throughout the Draft EIR, particularly in Chapters 2, 6, 7, 8 and 9. A summary of the questions and responses is provided below:

1. Entrainment of fish? SPPC is proposing a fine-plate fish screen to minimize the entrainment of fish in the flume. Please see page 6-15 of the Draft EIR.

2. High water episodes? The diversion structure is designed to be able to become submerged during high water events.

3. Siltation from Martis Fire burn? The diversion is designed to be self-cleaning and the increased sedimentation from the Martis Fire burn will be washed past the facility and carried further downstream.

4. What will downstream flows be? 150 cfs according to Mitigation Measure 6-3 on page 6-18 of the Draft EIR.

5. Flows capable of supporting life? This flow was selected because it is expected to maintain aquatic resources in good health at a level similar to existing conditions.

6. River use beyond spring runoff? The recreational effects of the project are described beginning on page 9-9 of the Draft EIR. There will be angling opportunities in this reach of the river and continue to be play wave opportunities. Reduced recreational opportunities will be mitigated through mitigation described in Master Response Recreation 1.

7. Safety of passage structure? The boat/debris chute will be safe for passage. This is discussed on page 9-12 of the Draft EIR.

8. Will the structure provide for fish migration? The roughened channels will provide passage for fish migration. This is discussed on page 6-15 of the Draft EIR.

9. What happens to the old dam site facilities? The existing radial-gate intake structure and concrete wall on river left will be removed during the second

step of the construction sequence. The footing of the former dam on river right and the dam remnant that forms the play wave will not be removed. Please see page 2-13 of the Draft EIR.

10. Wing wall removed? Yes. Please see page 2-13 of the Draft EIR.

11. Surfing wave remains? Yes. Please see page 2-13 of the Draft EIR.

12. Same as question and answer 11.

13. Will the rapid between the new diversion and old diversion be maintained? The rapid will be maintained but reduced flows due to the diversion will reduce opportunities to boat the segment of the river.

14. Will Caltrans' work affect SPPC? Caltrans' modifications are expected to be compatible with the proposed project.

15. Same as question and answer 14.

16. Will parking be the same? Caltrans is removing parking immediately adjacent to I-80. Parking will still be possible on river right near Caltrans' sand shed and may continue to be available on river left upstream of the diversion, though SPPC's new access road will be gated. Most access, including the portage will be provided on river right.

17. Same as question and answer 16.

18. Remove non-native materials? Some materials will remain, such as the piece of concrete that creates the play wave, and others will be removed. It is unknown whether SPPC will encounter materials from the former paper mill. SPPC will remove non-native materials encountered that pose a safety risk.

### Response to Comment Number 15-3

The bankruptcy of SPPC does not affect the pending application before the SWRCB. It is possible that SPPC will sell the facility to the Truckee Meadows Water Authority upon permitting or completion of construction.

### Response to Comment Number 15-4

Please see Master Responses Need 1 and Cost 1.

### Response to Comment Number 15-5

Chapters 6 and 9 of the Draft EIR describe the project effects on fish and recreation respectively. Compensation for potential adverse effects on fish due to reduced flows are addressed in Mitigation Measure 6-3, and similarly compensation for potential adverse effects on recreational users is addressed in new Mitigation Measure 9-2 (please see Master Response 1).

### Response to Comment Number 15-6

The SWRCB does not have the regulatory authority to modify diversions at these locations.

### Response to Comment Number 15-7
Some former dam remnants will be removed, with the exception of the play wave and the former dam footing on river right. This is not proposed for removal because of the potential short-term adverse water quality effects.

### Response to Comment Number 15-8
The SWRCB does not have the regulatory authority to require changes at other diversion locations. However, the proposed facility utilizes the latest fish passage techniques.

### Response to Comment Number 15-9
Parking will continue to be available near the site, though Caltrans will be removing parking adjacent to I-80. The SWRCB does not have the regulatory authority to require parking changes at other dam sites.

### Response to Comment Number 15-10
SPPC is continuing to work with Caltrans to resolve remaining recreational portage easements. If parking becomes problematic, the Nevada County will need to take appropriate steps to regulate parking as described in Mitigation Measure 9-3 (please see Master Response Recreation 1).

### Response to Comment Number 15-11
There are measures in the Final EIR to minimize adverse effects on fish during construction (Mitigation Measure 6-1) and to ensure the safety of the public during construction (Mitigation Measure 9-1).

# California Sportfishing Protection Alliance

April 29, 2002

Mr. Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento CA 95812-2000

Dear Mr. Kanz

The California Sportfishing Protection Alliance, an organization representing California anglers has reviewed the Draft Environmental Impact Report For the Proposed Farad Diversion Dam and has the following comments.

1. Flow releases in the range of 150 cfs are being considered for the stream reach below Farad Dam. To adequately protect aquatic resources, flows in the range of 200 to 250 cfs, varying seasonally are recommended based on past study information. 16-1

2. Channel maintenance flows in the 600 to 800 range should be provided at least every other year if natural flows do not occur. These flows should be provided in the March to May period and prior to trout spawning. 16-2

3. Facts or science does not support the flow fluctuation limits proposed by the Department of Fish and Game. No natural trout streams are exposed to these extremes in rate or magnitude of fluctuation. Recent evaluations of natural fluctuations on the Mokelumne and Feather river systems indicate fluctuations should be in the range of 30% per day during the December to June period and 10 % per day in the July to November period for the protection of aquatic life. Controlled fluctuations should be evenly ramped each day within the above limits. 16-3

4. The proposed temperature mitigation measure (6-4) of additional study does not meet the requirements of Sundstrom. Merely proposing more undefined study is not mitigation. 16-4

5. The water temperature modeling results (6-7) challenge reality and common sense and appear to be intended to mislead. The model assumptions and methods are not identified and the results do not correctly indicate downstream temperature impacts throughout the stream reach affected by the proposed diversion. This entire section needs major rewrite and correction. 16-5

6. We believe that additional analysis of the No Project alternative is warranted due to the continuation of significant adverse impacts resulting from the project, which remain unmitigated. We see no evidence, which would provide the Board the basis for the necessary overriding concerns determination. 16-6

Jerry Mensch
California Sportfishing Protection Alliance
2553 Stonehaven Drive
Sacramento CA 95827

## Response to Comment Letter Number 16

### Response to Comment Number 16-1
Please see Master Response Fish 3.

### Response to Comment Number 16-2
The project's effects on hydrology are described in Chapter 3 "Hydrology." Specific "channel maintenance" flows are not needed because the project would not result in erosion or siltation or a reduction in groundwater levels (see Impact 3-3 and 3-7). Higher flows of 600 to 800 cfs every other year are not needed to maintain the channel for aquatic resources. Based on the hydrology and as indicated in Figure 3-5, higher flows would occur in representative average and wet water years.

### Response to Comment Number 16-3
Please see Master Response Fish 4.

### Response to Comment Number 16-4
The data from the temperature model indicate that there will not be a significant adverse effect on water temperature due to the project. Mitigation Measure 6-4 is proposed to validate the conclusions in the temperature model. Please see Master Response Water Quality 2.

### Response to Comment Number 16-5
Please see Master Responses Water Quality 1 and 2. Additional information on the water quality temperature model, including methodology and assumptions, is provided on page 4-15 through page 4-18 of the Draft EIR.

### Response to Comment Number 16-6
Additional analysis of the No-Project Alternative is not warranted because the existing analysis sufficiently describes what would happen if this alternative is selected. The No-Project Alternative represents existing conditions that are described in the "Affected Environment" section of each chapter and project impacts are analyzed in comparison to those conditions. Impacts on the existing conditions associated with the project are mitigated through the project design as well as the additional mitigation measures identified in the EIR.

patagonia
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April 24,2002

Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA. 95812-2000

Dear Mr. Kunz,

I am writing you on behalf of Patagonia, Inc. to ask you to select the "No Project " alternative regarding the Farad Diversion Dam replacement project. We have a unique opportunity to ensure that a naturally restored segment of the Truckee River remains free flowing and healthy and this opportunity should not be passed up. Not building the Farad Dam best meets state and federal goals and objectives by providing optimum flows for both fish and recreation. In particular, the threatened Lahontan cutthroat trout would stand a better chance of survival if the no project alternative were chosen and would also result in the fewest number environmental impacts. 17-1

Dam removal, or in this case dam reconstruction, is no longer a radical idea. Dams worldwide are being removed to protect fish and riparian habitat, and to restore free-flowing rivers. The health of the Truckee River should be the primary consideration in the decision whether or not to rebuild the Farad Dam. We've built 75,000 dams in the course of our development as a nation. That's one dam a day, including Sundays from the time the Declaration of Independence was signed in Philadelphia. I believe we kind of overshot our mark. We should look at the Farad Dam and measure its benefits against the costs and ask ourselves whether we can't find a better way to get those benefits without the degradation of the watershed. 17-2

The Truckee River is unique. It one of the very few rivers that originates in a magnificent lake and ends in a magnificent lake. Its cradle is an alpine lake, Tahoe, and it flows to Pyramid Lake, one of only six freshwater terminus lakes in the world. It is home to the native Lahontan cutthroat trout. Imagine, reconnecting the Pyramid Lake, at the bottom, with Lake Tahoe at the top, with this native fish, swimming through Reno, thumbing it's nose at casinos and parking lots on its way up the river. There is magic in this vision and a landscape of possibilities in restoring the Truckee River.

I believe that restoring the health of the Truckee River takes precedent over the potential power generated from the Farad Dam. We have lived without that generated power since the 1997 flood and can continue to do so into the future. Once again, please choose the "No Alternative" option of this proposed project. Thank you for considering my views and please place them in the official record. 17-3

Sincerely,

Ronald J. Hunter
Patagonia Environmental Programs
Reno, NV.

## Response to Comment Letter Number 17

### Response to Comment Number 17-1
Comment noted. Please see Master Response Alternative 1 and Fish 3.

### Response to Comment Number 17-2
Please see Master Response Need 3.

### Response to Comment Number 17-3
Please see Master Response Need 1.

Comment Letter Number 18

ECOLOGY CENTER OF SOUTHERN CALIFORNIA
Project of Educational Communications, Inc.
P.O. Box 351419, Los Angeles, CA 90035

Telephone: (310) 559-9160

April 20, 2002

Russ Kanz
State Water Resources Control Board
Division of Water Rights
P.O.Box 2000
Sacramento, CA 95812-2000

Dear Mr. Kanz,

In most cases Nature's way is the best way, and that is the case when the Farad hydroelectric dam was destroyed in the 1997 flood. The dam formerly diverted most of the water from the Truckee River for nearly two miles, degrading fish and aquatic habitat, and reducing recreational opportunities of every sort. Since the flood removed the dam, the Truckee River has largely restored itself and now provides excellent fish and aquatic habitat, as well as outstanding opportunities for boating and angling. 18-1

We urge you to stay attuned to nature and maintain this segment of the Truckee as a healthy, free flowing river. Do not rebuild the Farad hydroelectric dam.

Sincerely,

Anna Harlowe
Issues Coordinator

# Response to Comment Letter Number 18

### Response to Comment Number 18-1

Comment noted. Please see Master Responses Need 3 and Alternative 1.

KK

California Fly Fisher
A division of Stoakes Anderson Inc.

Mail P.O. Box 8535
Truckee, CA 96162

Ship 10550 Olympic Blvd.
Truckee, CA 96161

Phone 530/587-8702
530/587-8789 fax

Comment Letter Number 19

9 April 2002

Russ Kanz
State Water Resources Control Board
PO Box 2000
Sacramento, CA 95812

**RE: Farad Diversion Dam Replacement Project DEIR — Comments**

Dear Mr. Kanz:

Although I'm impressed that the Sierra Pacific Power Company wants its proposed Farad dam to maintain (according to the DEIR) "a healthy ecosystem downstream of the project," I'm concerned that operation of the proposed facility will indeed have significant harmful effects on the Truckee River's trout, the aquatic invertebrates the trout feed upon, and on recreational angling opportunities. In essence, the DEIR is notably deficient with regard to its analysis of these impacts, and as a result the proposed mitigations are likely inadequate as well. The final document needs to explore, with greater specificity, the following issues:

- **Diversion-related water temperatures may harm trout populations.** Section 4.4.2 of the DEIR examines the project's effect on water temperatures as they relate to governmental water quality standards. These standards, however, could well ignore temperature parameters needed to foster healthy trout populations. The FEIR should explicitly analyze and discuss the project's potential temperature-related impacts on trout (particularly with regard to spawning and incubation periods), and, if necessary, present mitigations for these effects. It is not enough to close the issue, as the DEIR does, with such a simplistic statement as, "In general, sustained summertime water temperatures in excess of 21° C (70° F) are considered to be stressful, and perhaps lethal, to many cold-water organisms." The purpose of CEQA is to examine these impacts in particular, not in general. 19-1

- **Minimum flows of 150 cfs for trout may be too low.** Section 6.3.1.1 of the DEIR recommends a minimum flow requirement of 150 cfs for trout, which apparently derives from staff with the Department of Fish and Game (the FEIR, by the way, should cite its source). As stated on page 6-10 of the DEIR, however, the acceptability of this flow is "contingent on incorporation of a spawning and rearing habitat improvement program in TROA for the mainstem Truckee River and remaining spawning tributaries...." Clearly, the 150-cfs standard is appropriate only if the TROA habitat improvement program has been implemented. The FEIR should discuss the status of the TROA program, and if this program has not been implemented, the FEIR should revise upward its flow standard for trout, reanalyze impacts to trout and macroinvertebrates based on this new standard, and modify accordingly Mitigation Measure 6-3. 19-2

  Minimum flows for trout should also take into consideration the effect of water-quality and habitat impacts to downstream trout and macroinvertebrates caused by last year's Martis Burn. These flows may indeed need to be higher still over the short- to mid-term to compensate for Burn-related impacts; the FEIR should explicitly analyze and discuss this issue.

- **Weekend recreational flows may have harmful effects on trout and aquatic invertebrate populations.** The DEIR is not clear as to whether the weekend recreational flows identified in Mitigation Measure 9-1 derive naturally from high water events, or if they are to be created artificially through releases of water from impoundments upstream. If the latter, then the FEIR should quantify and discuss the impact of weekend recreational flows on trout, trout habitat, and macroinvertebrate populations both upstream and downstream of the project site, and, if necessary, present mitigation measures for these impacts. 19-3

• **Inadequate data lead to inadequate solutions.** The DEIR is surprisingly lacking with regard tc statistically reliable biological and water quality data. Inasmuch as a number of mitigation measures identified in the DEIR rely upon monitoring programs, data collection for these programs should begin immediately — and certainly long before the streambed and river flows are disturbed through project construction. The FEIR should contain a mitigation measure that requires immediate initiation of monitoring programs, and that identifies, in consultation with the DFG and the USFWS, the types of data to be collected, timetables for sampling, and agencies responsible for sampling and for data analysis. 19-4

Similarly, Mitigation Measure 6-5, which specifies ramping flows that will supposedly reduce the harmful effects of project-related flow fluctuations on trout and macroinvertebrates, justifies its ramping standards with nothing more than "DFG recommends." The FEIR should instead explicate the rationale underlying the ramping standards. 19-5

• **Maintaining the Farad flume in good condition may lead to inadequate flows in the Truckee River.** The flume that the proposed Farad dam will shunt water into is built of wood, and apparently the structure requires a continuous flow of water to keep it from drying out and falling apart. The FEIR should quantify the cfs needed to maintain the flume in good condition, explore how this flow might affect the minimum flow required for the river's trout, and present a mitigation that ensures flume-maintenance flows will cause neither loss of minimum trout flows or, worst-case, dewatering of the river itself during low-precipitation years. 19-6

I look forward to reviewing a final EIR that examines, in adequate detail, the issues raised above.

Cordially yours,

Richard Anderson
Publisher and Editor
*California Fly Fisher* magazine

## Response to Comment Letter Number 19

### Response to Comment Number 19-1
Specific temperature effects and potential adverse effects on aquatic resources associated with the violation of Basin Plan standards are described in the Draft EIR on page 6-19.

### Response to Comment Number 19-2
Please see Master Response Fish 1 and 3.

### Response to Comment Number 19-3
Please see Master Response Fish 4.

### Response to Comment Number 19-4
Engineers, biologists, and water resource planners at the SWRCB and SPPC have made detailed efforts to present the possible adverse effects associated with the proposed project including conducting a temperature model, surveying biological resources in the construction area, and building a physical model. The proposed project with mitigation, provides measures to ensure the short- and long-term effects associated with the project are minimized or avoided. Upon completion of the Final EIR, the SWRCB will prepare a detailed mitigation-monitoring plan that will be implemented with the project and include information on responsible parties and timing.

### Response to Comment Number 19-5
Please see Master Response Fish 4.

### Response to Comment Number 19-6
The Draft EIR addresses this issue in Mitigation Measure 4-2 “Limit flume diversions during low-flow periods.”

Comment Letter Number 20

***Pikes Peak River Runners & Private Boaters Coalition***

April 9, 2002

To: Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

From: Pikes Peak River Runners & the Private Boaters Coalition
Christina King, President
850 Sun Valley Dr
Woodland Park, CO 80863

**Subject: Truckee River Dam**

This letter is in response to the proposal to rebuild the Farad diversion dam on the Truckee River. The Pikes Peak River Runners club absolutely opposes this proposal. We support the "No Project" alternative.

20-1

By not rebuilding the Farad diversion dam it will best meet state and federal goals and objectives for the Truckee River which include water quality objectives, optimum flows for fish, recreation, and other beneficial uses, restoring the threatened Lahontan cutthroat trout, and maintaining public trust values.

The mitigation measures needed if the dam were rebuilt include: Boat & Fish Passage. If the dam were to be rebuilt, then the proposed mitigation measures intended to provide for safe boating and fish passage over the dam, as well as provide whitewater flows for one weekend per month, should be adopted.

20-2

> Rebuilding the dam would decrease the optimum fish flows of 250 cubic feet per second (cfs) to 150 cfs. This is particularly important for the restoration of native fish such as the threatened Lahontan cutthroat trout.
>
> Public Access: Providing public access around the diversion dam for boaters who do not wish to boat over the dam will be expensive.

As a private boater club with ties to the Private Boaters Coalition and members of the River Management Society, this flies in the face of proper river management. Nationally, dams are going away. We cannot support the proposal of rebuilding a dam on the Truckee river if we care about the river's health. Pikes Peak River Runners represents more than 100 private boaters that are opposed to this issue. Think carefully about the future and what is best for the river, NOT the "dam" supporters.

Sincerely,

Christina King
President of the Pikes Peak River Runners and the Private Boaters Coalition
www.pprr.org and www.privateboaters.org

## Response to Comment Letter Number 20

### Response to Comment Number 20-1
Please see Master Response Alternative 1.

### Response to Comment Number 20-2
Issuance of the water quality certification will legally require SPPC to apply the mitigation measures approved by the SWRCB. These measures provide for fish and recreational boater passage. See Master Response Recreation 1, an additional mitigation measure has been added that, if implemented, will eliminate weekend boating flows.

Comment Letter Number 21

GRAY PANTHERS

READY FOR ACTION
TAKING ON THE FUTURE

Sacramento, CA 95819
(916)739-1540

April 4, 2002

Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Re: Farad Dam proposal

Dear Mr. Kanz:

Gray Panthers California wishes to address it's opinion that dams are not necessarily in the best interests of the citizens of this State. We oppose the reconstruction of the Farad hydroelectric dam on the lower Truckee River.

This area, which has recovered to a wonderful and diverse state since the 1997 dam, is a marvelous area for campers and anglers, bicyclists, and hikers. My family have personally treasured the many times we go to the area each summer. It is very accessible to all and especially beautiful. I am a birdwatcher and painter and my husband a fisherman. I have related this to members of our organization and they support strongly advising you of their opposition to this reconstruction. It would drastically change the river and the character of the area. 21-1

We do not believe that the insignificant amount of energy such development would bring justifies in any way the destruction of a rich and diverse treasure such as the Truckee River.

Sincerely,

Joan B. Lee
Legislative Liaison

# Response to Comment Letter Number 21

### Response to Comment Number 21-1

Please see Master Responses Need 1 and Need 3.

PACIFIC RIVERS COUNCIL

*Protect the best, restore the rest*



March 29, 2002

Russ Kanz
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Re: Farad Dam proposal

Dear Mr. Kanz:

As a lifelong angler and outdoor recreationist, I am writing to urge you to adopt the "No Project" alternative of the Farad Dam proposal.

The Truckee River is an irreplaceable natural resource that your agency should be working to protect and restore, not further degrade. Not rebuilding the Farad diversion dam best meets state and federal goals and objectives for the Truckee River, including water quality objectives; providing optimum flows for fish, recreation, and other beneficial uses; restoring the threatened Lahontan cutthroat trout; and maintaining public trust values. 22-1

The environmental and social costs of rebuilding the dam simply are too high. Mitigation measures would be necessary for safe boating and fish passage, as well as strictly regulated flow regimes in order to not adversely affect downstream fisheries. Biologists consider 250 cfs to be optimum fish flows for the Truckee River. This is particularly important for the restoration of native fish such as the threatened Lahontan cutthroat trout. Additionally, public access for boaters and others would be necessary. 22-2

Sincerely,

Deanna Spooner
Public Lands Director
Pacific Rivers Council

Cc: Steve Evans

## Response to Comment Letter Number 22

### Response to Comment Number 22-1
Please see Master Response Alternative 1.

### Response to Comment Number 22-2
Please see Master Response Cost 1. Issuance of the water quality certification will legally require SPPC to apply the mitigation measures approved by the SWRCB. These measures provide for fish and recreational boater passage. See Master Response Recreation 1, an additional mitigation measure has been added that, if implemented, will eliminate weekend boating flows. Please also see Master Responses Fish 3 and 4.

May 5, 2002

Russ Kanz
State Water Resources Control Board
PO Box 2000
Sacramento CA 95812-2000

RE: Proposed Farad diversion

Following the floods in 1997, all of us in the Truckee-Tahoe-Pyramid watershed were taken aback by the devastation. The roads, bridges and manmade structures that were lost or damaged by the forces of Nature were humbling, to say the least.

But out of that first disconcerting look emerged a few bright signs. One of those was the removal of the Farad Dam. It was as if the ecosystem itself had applied a little corrective action to a river that is under heavy stress from top to bottom in its watershed. This "as if" has been reinforced by the transformation of the two-miles of river most impacted by the old dam and its water diversion impacts. The wounds are healing, correcting another of our shortsighted engineering travesties.

Contrary to the Draft Farad Diversion Dam Replacement Project EIR, which categorically ignores what is known about the cumulative regional water quality dilemma in the Truckee-
Tahoe-Pyramid watershed (EIR page 4-2), with the urbanization of the Tahoe Basin, Alpine Creek, Squaw Creek, Donner Basin, the town of Truckee, the proposed huge Martis Valley urban complex, and other residential, commercial and industrial impacts, as well as other tributary dams and diversions, the Truckee River and its watershed, above the proposed Farad Dam site, are under constant and ongoing stress. Its aquatic and biological systems, and its geomorphic tolerances have been compromised with eventual consequences that are currently beyond our abilities to fully comprehend. 23-1

Are there any tributary watersheds anywhere in the greater Truckee-Tahoe-Pyramid watershed that are *not* disturbed by human impacts?

- Lake Tahoe has been losing an average of a foot of clarity a year at least since measurements began in 1967 while large scale anthropogenic disturbances to the ecosystem continue in the Tahoe Basin.
- The Alpine Creek watershed, which connects with the Truckee downstream from the Lake Tahoe outlet has been decimated by ski area development and urban-density growth, with more development being proposed.
- Ski area development, huge impervious parking lot surfaces and stream channeling have also compromised the natural processes of the Squaw Creek watershed, the next tributary downstream from Alpine Creek, while major urban-density growth continues in the valley.

- The Donner Lake Basin is being stressed by urban densities immediately adjoining the lake and spreading uphill on all three up-stream sides of Donner Lake, thereby impacting the outlet, Donner Creek, which enters the Truckee at the town of Truckee.
- Trout Creek, which joins the river in Truckee, is victim to urban-density growth impacts.
- The town of Truckee, with the Truckee River running through it, continues to experience urban-density growth in all directions within the watershed and affects the Truckee River, accordingly.
- Martis Creek, which joins the Truckee just below the town, has been victimized by an ill-conceived dam, a busy state highway crossing through the middle of its alpine aquifer, a growing ski area, and urban-density residential development that, at build-out, will more than double the current size of the Truckee township.
- Prosser Creek has been controlled into submission with a dam and reservoir.
- The Little Truckee River watershed ecosystem has been totally re-engineered to gain more "benefits" (sic) than its undisturbed state was providing, by converting it from a stream ecosystem to a quasi-lake ecosystem.

Standing alone, the Farad Diversion Project seems innocuous. Based on the EIR and the presentation April 26 in Truckee, the engineers are well-meaning and professional folks. Their design of the dam, their ways of addressing recreational as well as wildlife, fisheries and other biological concerns, and their public presentation are creative and quite intriguing. That they have minimized the impacts that they can foresee seems likely. That they have neutralized those impacts is impossible. 23-2

We know that even though we may not be able to perceive "significant", measurable impacts, there will be some. We know that the natural forces that drive stream morphology will be compromised, most blatantly in the controlled flow releases to be coordinated in the summer for once-a-month river boating through the project reach. Because of this, we know that the river habitat and its inhabitants will be coerced into adapting to a different kind of unpredictability: mechanical rather than naturally systemic fluctuations in the flow, for example. This "known" impact (and others) falls below the level of significance in part because, as stated at the Truckee presentation, science hasn't been able to get a good grip around the chaotic nature of ecosystems – i.e.observe and evaluate them. (Such is the case in the Tahoe Basin, where because we don't know what is exactly causing the problem, regulatory agencies allow what we know, generally, to be contributing factors to continue, allegedly, until we do "know" whether one house contributes significantly (probably not) or if significance is a collective impact, in which case where is the point of critical mass.) 23-3

We also know that below the proposed Farad dam site, the health of the watershed and river also continues to deteriorate. By the time the Truckee reaches its destination in Pyramid Lake, she is depleted by water rights diversions and polluted by industrialization, off-road recreation, roadways, and many other intrusions on the natural 23-4

system. The river has been channelized and brutalized, much as has been done previously in the Farad Reach by modification and control of the river channel by previous diversion and industrial activities, and railroad and interstate highway incursions, all in keeping with the engineered degradation of individual tributary watersheds and the Truckee-Tahoe-Pyramid watershed as a whole. 23-4 cont'd

We also see a disturbing tendency to "need" to view natural watershed erosion processes and corresponding sediment and nutrient releases as "negative" because those processes "add" to the water quality problems.

*Although the importance of Juniper and Gray Creeks to the overall hydrology of the*

*Truckee River is minor because of their intermittent tendencies, they have substantial*

*effect on water quality.* (EIR page 4-3) 23-5

This need to artificially control, as if we understand natural process well enough to be good at it, is further complicated and exacerbated by human-caused fire, which overwhelmed the *naturally* dry and flammable Gray and Juniper Creek watersheds this past summer.

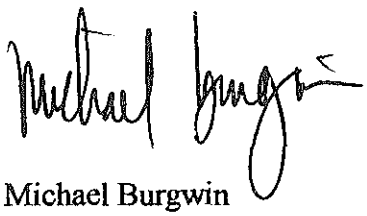
To reverse the impacts of human desecration of the Truckee River ecosystem, thousands of citizens are voluntarily working throughout the Truckee-Tahoe-Pyramid watershed to enhance natural restoration processes, such as revegetation of streambanks and protection of wetlands. They understand the importance of clean, fresh water and appreciate the importance of **undisturbed** ecological processes in achieving and maintaining water quality in this unique ecosystem. 23-6

Please remember, the reason we call adjustments to human impacts "mitigations" is because, as the definition of the term clearly states, our engineered adjustments do not correct, offset or neutralize our disturbances, they merely make them less severe. Watersheds and the people who inhabit them always experience a net loss in the process of ecosystem disturbance and mitigation. Rather than replace the Farad Dam, which will provide little in exchange for its contribution to the cumulative watershed damages, we need to find more ways and means to restore the Truckee: we need to ask if this project contributes to the restoration of the Truckee-Tahoe-Pyramid watershed. There are some aspects of this project that will help mitigate previous sins of highway construction (stabilizing bank erosion) but/and that alone, then, might be the most constructive and preferred project in this reach of the Truckee River. 23-7

If the Water Resources Control Board says "NO" to this proposal, it will enable the natural healing process of the Truckee-Tahoe-Pyramid watershed to continue, while encouraging those who are assisting the restoration of the Truckee to continue their important efforts. It will also send a signal to those regulating the watershed upstream: this project is not feasible, in part, because the extent of damages in your area of the watershed is excessive. 23-8

To allow this proposal to move forward would be to ignore the message delivered by the river in 1997, to turn our back on the already deteriorating state of the watershed, and to show the highest disregard for the efforts to restore water quality in the region and disrespect for the people who have dedicated parts or all of their lives to those restoration efforts. 23-9

The Tahoe Area Sierra Club respectfully requests that the State Water Resources Control Board reject this proposal on the grounds that it will contribute to the cumulative effects of watershed degradation. We furthermore encourage the board to seek ways to remove other encumbrances on the Truckee River ecosystem and other means of promoting restoration efforts in the Truckee-Tahoe-Pyramid watershed. 23-10



Michael Burgwin
Member of the Executive Committee
Tahoe Area Sierra Club
Mburgwin3@cs.com
775-831-1765

## Response to Comment Letter Number 23

### Response to Comment 23-1
Water quality effects are addressed in the "Water Quality" and "Cumulative and Growth-Inducing Effects" chapters of the Draft EIR. On page 4-2 major contributor of pollutants are identified as "salts used for ice control on roadways; petroleum-based pollutants such as fuels and oils from vehicular traffic; and soil erosion from road construction, development projects, and wildfires." A list approach was used to conduct the cumulative impact analysis, and the list focused on "closely related past, present, and reasonably foreseeable" projects related to water supply and flood control, habitat improvement and fish passage, and utility and infrastructure projects. Tributary watershed projects that are further removed from the project area, such as those listed in the letter, were not analyzed because these are part of the existing conditions and were not deemed as being "closely related." Unlike residential, commercial, or industrial projects that may have long-term discharges to the Truckee River, the proposed project is a non-consumptive use of the Truckee River with no long-term discharges. The impacts of the project to the environment, including hydrology, water quality, wildlife, aquatic and other resources have been analyzed in the Draft EIR on a project and cumulative level.

### Response to Comment 23-2
Engineers, biologists, and water resource planners at the SWRCB and SPPC have made detailed efforts to present the possible adverse effects associated with the proposed project including conducting a temperature model, surveying biological resources in the construction area, and building a physical model. The proposed project with mitigation, provides measures to ensure the short- and long-term effects associated with the project are minimized or avoided.

### Response to Comment 23-3
Please see response to comment 23-2. See Master Response Recreation 1, an additional mitigation measure has been added that, if implemented, will eliminate weekend boating flows.

Response to Comment 23-4.

Please see response to comment 23-2. The diversion structure itself is designed to make use of an existing pool and minimize any channelization or modification of the Truckee River itself.

### Response to Comment 23-5
Comment noted. The statement that Jupiter and Grey Creeks have a substantial effect on water quality is not intended to imply they have a negative effect. The project has been designed to accommodate natural watershed process, specifically the movement of sediments.

### Response to Comment 23-6
Comment noted.

### Response to Comment 23-7
The SWRCB is reviewing the project for compliance with Section 401 of the Clean Water Act, and in doing so, will ensure that SPPC implements measures to prevent temporary and permanent erosion, and mitigates for impacts on water quality and beneficial uses.

### Response to Comment 23-8
Please see Master Response Alternative 1.

### Response to Comment 23-9
Comment noted.

### Response to Comment 23-10
Please see Master Responses Cost 1 and Alternative 1. Cumulative effects are described in detail in Chapter 15 of the Draft EIR. Because the proposed project is a non-consumptive use of the Truckee River with no long-term discharges, and has been analyzed in the framework of possible future Truckee River operations, no additional cumulative effects are anticipated. No additional changes to the Final EIR are necessary.