



Truckee River Watershed Council  
Collaborative solutions to protect, enhance and restore the Truckee River Watershed

August 28, 2012



Sent Electronically to:

[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Re: COMMENT LETTER – 9/17/12 BOARD WORKSHOP: Truckee River Decision**

Dear Ms. Jeanine Townsend,

On behalf of Trout Unlimited National (TU), the Truckee River Watershed Council (TRWC), and the undersigned businesses and chapters, we submit the following supporting comments regarding the State Water Resources Control Board (SWRCB) Draft Decision conditionally approving applications 31487 and 31488, and conditionally approving conditions to change licenses 3723, 4196, 10180, and permit 11605. We appreciate the opportunity to comment on this important decision, which we consider fundamental to the implementation of the Truckee River Operating Agreement (TROA), and a critical step towards protecting vital public and ecological resources, enhancing flood protection, and improving water quality and conveyance in the Truckee River watershed.

**Why we support the Decision**

TROA requires that certain conditions be met before it can take effect, including modification of the Orr Ditch Decree, approval of the water right changes pending before the SWRCB, and resolution of pending litigation. We understand that if any one of these conditions is not met, TROA will not be implemented and its benefits and flexibility will not be enjoyed by the State of California. We hope that such an outcome can be avoided for the sake of the many biological resources that rely on the Truckee River watershed.

The Truckee River and its tributaries provide habitat to a variety of native and non-native fish species. For example, Pyramid Lake is home to two fish species listed under the Endangered Species Act, the cui-ui (endangered) and the Lahontan cutthroat trout (threatened). Sections of the Little Truckee and Upper Truckee River watershed are also critical occupied habitat for the

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threatened Lahontan cutthroat trout. In many cases, water – along with fish migration barriers and non-native species - is the major limiting factor to expanding these populations in the entire watershed. Constant ramping and lowering of water releases from the seven dam-controlled reservoirs in the watershed currently impact wild trout spawning, rearing and incubation, as well as jeopardize meadow and instream restoration projects seeking to improve both aquatic and terrestrial habitats. The Settlement Act authorizing TROA explicitly outlines its benefits to fish and wildlife and recreation, including that it will promote the enhancement and recovery of the Pyramid Lake fishery, and protect and enhance significant wetlands and the wildlife that depend on those wetlands. The interstate waters of Lake Tahoe and the Truckee River have been the subject of dispute, controversy, and litigation for well over a century, and though TROA is not a panacea to solve all of these issues, we believe it provides the legal framework to improve conditions throughout the Truckee River Watershed, and must be pursued.

TROA outlines the intent to “implement California’s responsibilities under the public trust doctrine” through coordinating operation of the various reservoirs, by supporting recreation and instream flows, and by providing for consultation with California. We recognize that these statements of purpose are not adequate to fulfill the SWRCB’s obligations under the public trust doctrine and other state law. We agree with the SWRCB conclusion that approving the four change petitions and two water right applications that were filed to implement TROA will fulfill this obligation and not adversely affect water quality, fish, wildlife, and other instream beneficial uses, and other public trust resources, and in fact, may benefit those resources through operation of TROA.

## **Conclusion**

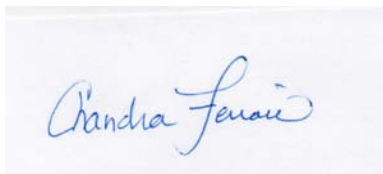
We support the decision of the State Water Resources Control Board to conditionally approve water right Applications 31487 and 31488 of the United States Bureau of Reclamation (Reclamation or Applicant) to appropriate water from Independence Creek, the Little Truckee River, and Prosser Creek for beneficial use, and to conditionally approve petitions to change License 3723 (Application 5169) of Washoe County Water Conservation District (Conservation District), License 4196 (Application 9247) of Truckee Meadows Water Authority (TMWA), and Permit 11605 (Application 15673) and License 10180 (Application 18006) of Reclamation. The SWRCB’s decision is a positive step that is necessary to begin implementation of TROA, and to realize the many benefits that will result from it.

We thank you for your time and consideration of our supportive comments, and feel free to contact any of the undersigned parties at anytime.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Brown", written over a horizontal line.

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