



After Years of Stalled Discussions, Truckee River Operating Agreement Could be Finalized in 2007

By Jacqueline L. McDonald

The Truckee River flows through California and Nevada, leaving ripples of interstate conflict in its wake. After more than fifteen years of negotiations and environmental studies, an eclectic group of parties nears completion on a comprehensive strategy to manage use of the Truckee River within California and Nevada. The parties are expected to complete a revised draft of the Truckee River Operating Agreement (TROA) and, if done, the final environmental analysis for the TROA should be released in December 2006. Parties to the TROA could execute the final TROA as early as Summer 2007.

TROA Background

The TROA is intended to resolve long-standing interstate disputes over Truckee River water. Parties to the ongoing TROA negotiations have included, among others, the United States Department of Interior, Pyramid Lake Paiute Tribe, State of Nevada, State of California, the Truckee Meadows Water Authority, and Sierra Pacific. The primary purposes of the TROA are to modify operation of Federal and selected non-Federal reservoirs in the Truckee River basin located in northeastern California and northwestern Nevada, enhance conditions for threatened and endangered fish species, increase drought protection, improve river water quality, and enhance instream flows. The TROA will replace a water management system that traditionally adheres to the state's individual priority system favoring agricultural

uses, small hydroelectric plants, and abandoned paper mills. The TROA provides instead for more efficient storage and water use to meet modern day demands, including the municipal needs of the Nevada cities of Reno and Sparks as well as the instream needs for the river ecosystem. TROA aims to build reliability and flexibility into Truckee River management system.

The Truckee River Operating Agreement

The anticipated result of the ongoing negotiations is a TROA that allocates Truckee River water between California and Nevada as called for by Public Law 101-618, Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990. The most recent draft TROA allocates the Truckee River water supply between the two states. California can divert up to 32,000 acre-feet of surface and ground water. The remaining flow, an average of 550,000 acre-feet, is allocated to Nevada. The TROA triples the amount of water storage for the Truckee Meadows in drought years. The TROA further ensures instream flows for the endangered Cui-ui and threatened Lahontan cutthroat trout. The parties are negotiating one remaining issue before releasing a revised draft TROA.

Before finalizing the TROA, the TROA parties must also certify the appropriate environmental review for implementation of the TROA. The Department of Interior circulated a revised

draft environmental impact statement and environmental impact report (EIS/EIR) on August 25, 2004 for public review. Meetings and hearings occurred in September and October 2004 and the formal comment period ended December 30, 2004. After a year of apparent stagnancy, the Department of Interior expects to release the final EIS/EIR in December 2006 if the parties timely provide the Department of Interior the revised draft TROA. Once the environmental review is finalized, the parties will return the TROA to their organizations for approval.

Conclusion

If the parties resolve one remaining issue in the negotiation and approve the TROA in 2007, the TROA will likely become effective and put an end to several lawsuits filed over the years. If the TROA does not take effect, the parties will likely revert back to the courts for resolution of this ongoing tension between California and Nevada water needs. For more information about the Truckee River Basin Operating Agreement and related environmental review, visit <http://www.leginfo.ca.gov>.