

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Mr. Tom Strekal
Bureau of Indian Affairs
Western Nevada Agency
1677 Hot Springs Road
Carson City, NV 89706

December 19, 2001

Dear Mr. Strekal:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **Truckee River Water Quality Settlement Agreement (WQSA), Federal Water Rights Acquisition Program for Washoe, Storey, and Lyon Counties, Nevada.** (CEQ # 010367). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The WQSA grew from negotiations to resolve litigation brought by the Pyramid Lake Paiute Tribe against Reno, Sparks, the State of Nevada, and the United States over approval and operation of the Truckee Meadows Wastewater Reclamation Facility and its potential adverse effects on the water quality and fisheries of the lower Truckee River and Pyramid Lake. Signatories of the WQSA are Department of Justice, EPA, Department of Interior, Nevada Department of Environmental Protection, Washoe County, Reno, Sparks and the Pyramid Lake Paiute Tribe. The WQSA establishes a joint program to improve Truckee River water quality by increasing flows in the river through the purchase and dedication of Truckee River water rights for instream flow from the Reno/Sparks area to Pyramid Lake. The agreement obligates the U.S. to allocate \$12 million towards this effort. Reno, Sparks, and Washoe County are also obligated to acquire \$12 million of Truckee River water rights. Whenever possible, water associated with the exercise of these rights will be stored in Truckee River reservoirs managed by the Bureau of Reclamation. Stored "water quality water" is anticipated to be released during periods of low flow (normally July, August and September). The resulting flow augmentation is expected to increase the nutrient assimilative capacity of the Truckee River, to dilute pollutants, and improve flows for cottonwood recruitment, riparian habitat, and threatened and endangered fish and birds.

The DEIS evaluates four alternatives: No Action, federal obligations as defined by the WQSA (Alternative 2), acquisition of water rights only from the Truckee Division of the Newlands Project (Alternative 3), and acquisition of water rights only from the Truckee Meadows area (the greater Reno/Sparks metropolitan area, Alternative 4). The quantity of water rights purchased varies between the alternatives due to the availability and cost of water rights from willing sellers. Estimated acquired quantities of water rights are 8,500 acre-feet (af) under Alternative 2, 12,600 af under Alternative 3, and 3,600 af under Alternative 4.

EPA commends the signatories of the WQSA for their work with us in developing a program which will help permanently improve Truckee River water quality and reduce

violations of water quality standards. The dedication of water rights for additional instream flows will significantly enhance the ability to meet water quality requirements in the lower Truckee River. While the WQSA will assist in compliance with water quality standards, problems may persist given the multiple causes that contribute to water quality violations (diversions, non-point and point sources of pollution). We encourage the signatories to continue to work with us in achieving full compliance with water quality standards in the Truckee River.

We are also pleased with the establishment, as a condition of water rights permits and voluntary agreements, of minimum instream flow requirements downstream of most Truckee River reservoirs to maintain fish habitat (pg. III-9). Actions such as these will support all of our efforts to improve water quality and improve fish and wildlife habitat.

EPA advocates balancing available water supplies, water supply commitments, and environmental needs. We believe that long-term water supply planning should focus, in part, on a determination of available supplies and bringing water supply commitments and needs into alignment with these supplies. We recommend the Bureau of Reclamation and fellow WQSA signatories consider conducting a water needs analysis which evaluates in detail both the supply and demand side of water management in the Truckee River Basin, including the needs for instream Truckee River and Pyramid Lake beneficial uses. We suggest consideration of all available tools for enhancing water management flexibility and reliability. These tools could include water transfers, conservation, pricing, irrigation efficiencies, operational flexibilities, market-based incentives, water acquisition, conjunctive use, voluntary temporary or permanent land fallowing, and wastewater reclamation and recycling.

While we support the WQSA and believe it will provide important benefits, we have concerns regarding alternatives, monitoring and mitigation, and cumulative impacts. Our detailed comments are enclosed. Because of the above concerns, we have classified this DEIS as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). We appreciate the opportunity to review this DEIS. Please send two copies of the Final EIS (FEIS) to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions or wish to discuss our comments, please call Ms. Laura Fujii, of my staff, at (415) 972-3852.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

Enclosure: Detailed Comments (4 pages)
Summary of the EPA Rating System
Why Smart Growth: A Primer
Best Development Practices: A Primer for Smart Growth

Filename: TruckeeRWQSAdeis.wpd
MI#003790

cc: Steve Alcorn, BOR
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Nevada Division of Environmental Protection
Bill Hauck, Truckee Meadows Water Authority
Chairman, Washoe County Board of Commissioners
Don Mahin, Washoe County
Truckee Meadows Regional Planning Agency

DETAILED COMMENTS

Alternatives

1. It is our understanding that there is increasing competition for the acquisition of water rights from willing sellers in the region (Truckee River, Carson River, and Walker River basins). As the number of water purchasing programs has increased (e.g., development of urban water supply, Stillwater National Wildlife Refuge, Walker Lake) the cost of water has increased and the practicability of finding sufficient numbers of willing sellers has decreased. Therefore, we are concerned with the ability to maximize benefits of the Water Quality Settlement Agreement (WQSA).

Recommendation:

The Final Environmental Impact Statement (FEIS) should provide a description of other water purchasing programs and their potential effects on the ability to fulfill the goals of the WQSA.

2. There are other measures that can be taken to increase water availability for all beneficial uses. For instance, the development of sustainable irrigation systems and maximization of conservation and water reuse could provide a significant source of additional water. This conservation water could be utilized for water transfers, for providing replacement water for Fernley, or to enhance fish and wildlife habitat.

Recommendations:

We recommend the FEIS describe possible options for improving existing water use and the possible process for implementing these options. We understand that the State Engineer would determine the final use of conserved water, thus we do not expect the current acquisition program to rely upon such water sources or evaluate the potential impacts of such actions. Instead, our goal is to encourage the identification and evaluation of increased water use efficiency measures which could be implemented by any interested party. For example, describe current and potential urban and industrial water conservation practices in the Reno/Sparks metropolitan area. A list of possible options or measures for improving irrigation water productivity for consideration in the FEIS, are listed below¹:

<u>Category</u>	<u>Option or Measure</u>
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¹Sandra Postel, *Pillar of Sand: Can The Irrigation Miracle Last?*, Worldwatch Institute Book, (W.W. Norton & Company, 1999), pgs 37-39.

- Technical
 - Land leveling to apply water more uniformly
 - Surge irrigation to improve water distribution
 - Efficient sprinklers to apply water more uniformly
 - Low energy precision application sprinklers to cut evaporation and wind drift losses
 - Furrow diking to promote soil infiltration and reduce runoff
 - Drip irrigation to cut evaporation and other water losses and to increase crop yields.

- Managerial
 - Better irrigation scheduling
 - Improving canal operations for timely deliveries
 - Applying water when most crucial to a crop's yield
 - Water-conserving tillage and field preparation methods
 - Better maintenance of canals and equipment
 - Recycling drainage and tail water

- Institutional
 - Reducing irrigation subsidies and/or introducing conservation-oriented pricing
 - Establishing legal framework for efficient and equitable water markets
 - Fostering rural infrastructure for private-sector dissemination of effective technologies
 - Better training and extension efforts

- Agronomic
 - Selecting crop varieties with high yields per liter of transpired water
 - Intercropping to maximize use of soil moisture
 - Better matching crops to climate conditions and the quality of water available
 - Sequencing crops to maximize output under conditions of soil and water salinity
 - Selecting drought-tolerant crops where water is scarce or unreliable
 - Breeding water-efficient crop varieties.

3. The DEIS clearly states that rapidly expanding urban development is a contributing factor to direct, indirect, and cumulative impacts to the Truckee River and water quality. As one tool to minimize impacts to water quality, human health, and the environment; EPA advocates planned growth which is town-centered, transit and pedestrian oriented, and has a greater mix of housing, commercial and retail uses (see Smart Growth enclosures).

Recommendation:

While we acknowledge that the water rights acquisition program will not change or increase existing expanding urban development, we believe planned growth provides a tool for ensuring such development does not continue to adversely effect water quality or offset the water quality gains made through the water rights acquisition program. Therefore, we recommend the FEIS describe the

above principles of planned growth as a means to encourage minimization and mitigation of impacts of expanding urban development on water quality. Again, the intent is to provide information on measures which can be implemented by any interested parties. For instance, integration of these principles by local governments into regional development plans could provide for habitat corridors, open space, and reduced air and water pollution which would result in significant benefits for both the community and environment. We also suggest a focus on infill opportunities and development near existing infrastructure which would be less costly and would reduce the need to utilize undeveloped lands for new development.

Monitoring and Mitigation

1. While the DEIS describes possible monitoring and mitigation measures, there appears to be no clear commitment to implementation of these measures.

Recommendations:

We urge a firm commitment be made in the FEIS and Record of Decision, by the WQSA signatories, to specific monitoring and mitigation measures. One means of doing this is inclusion of a detailed monitoring and mitigation implementation plan in the FEIS. The monitoring plan should include actions to help validate and verify model assumptions and predicted results such as the increase in lower Truckee River and Pyramid Lake inflows, Lake elevation gains, and increased fish spawning success. The monitoring plan should also be fully integrated into an adaptive management plan to ensure incorporation of change and new information into management decisions and actions.

2. Although violations of air quality are not anticipated, we are concerned with potential indirect effects of increased fallowing on meeting PM10 requirements (pg. IV-9).

Recommendation:

We recommend the FEIS address the indirect effects of the water rights acquisition program on PM10 to the extent possible. For instance, we suggest participation in monitoring and mitigation programs to address the PM10 attainment requirements for the region. An example would be contributing to the monitoring effort for region-wide PM10 or supporting expedited revegetation of nonirrigated land.

Cumulative Impacts

1. Although under Nevada state law the groundwater basin is administered by the Nevada State Engineer (pg. III-6), it is not clear whether acquisition of surface water rights from farmers would result in their increased use of groundwater.

Recommendation:

The FEIS should evaluate whether the water rights acquisition program would include purchase of only water rights, without the associated land, and whether farmers would switch over to the use of groundwater. If the program could result in an increased use of groundwater, the potential direct, indirect, and cumulative impacts of this increased groundwater use should be fully evaluated in the FEIS.

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cc:

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Summary Paragraph
DEIS Truckee River WQSA

EPA recognized the WQSA signatories work to permanently improve Truckee River water quality and reduce violations of water quality standards. We encouraged them to continue to work with EPA in achieving full compliance with water quality standards. We expressed concerns with alternatives, monitoring and mitigation, and cumulative impacts.