

ORAL HISTORY INTERVIEW

Tony Lashbrook



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OPEN FOR RESEARCH



Interview Conducted and Edited by:
Donald B. Seney in 1999

California State University-
Sacramento

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Statement of Donation

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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles

always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, the Bureau of Reclamation created a History Program. Although headquartered in Denver, the History Program was developed as a bureau-wide program.

One component of Reclamation's History Program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University, Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation:

- water transportation over great distances;
- limited water resources in an urbanizing area;

- three Native American groups with sometimes conflicting interests;
- private entities with competitive and sometimes misunderstood water rights;
- many local governments with growing urban areas and water needs;
- Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada;
- and, Reclamation's original water user, the Truckee-Carson Irrigation District.

Reclamation manages the limited water resources in a complex political climate while dealing with modern competition for some of the water supply that originally flowed to farms and ranches on its project.

Questions, comments, and suggestions may be addressed to:

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For additional information about Reclamation's

history program see:
www.usbr.gov/history

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**Oral History Interview
Tony Lashbrook**

Seney: My name is Donald Seney. Today is July 13, 1999. I'm with Tony Lashbrook in his office in Truckee, California. This is our first session and our first tape. Good afternoon.

Lashbrook: Thank you. Good afternoon.

Seney: Why don't you tell me a little bit about your own background, where you were born, where you came from, your education, and how you got to be Community Development Director?

Early Life and Education

Lashbrook: That's correct. I was born in Minnesota, moved to California when I was a young child, grew up, really, in the central mother lode area of the Sierra foothills, went on to college at Humboldt State University. I have a degree in natural resources. I've been working in the planning field, local government planning, for about eighteen years. I've been in Truckee for about five and a half years. I was hired as the first

Community Development Director after the town incorporated in 1993. Shortly thereafter, I got involved in the Truckee River operating issues. So that's, in a nutshell, who I am.

Seney: Give me your birth date. You're awfully youthful-looking to me, having spent eighteen years in the planning field.

Lashbrook: I'm forty-one.

Seney: Are you really? The tape won't see how well preserved and youthful-looking—

Lashbrook: If I had my hair, I'd look younger.
[Laughter]

Getting Involved in the Issues on the Truckee River

Seney: When did you begin to get involved with the issues on the Truckee River?

Lashbrook: I arrived here about the first of February in 1994, and then it was about April of 1994, which happened to be a drought winter, after the big winter of 1993, which was very wet. The winter of '93-'94 was extremely dry, particularly after the first of the year.

It was about March, April that the U.S. Fish and Wildlife Service decided that they were going to create a cui-ui run in Pyramid Lake, even when there was very little water in the river. So from the locals' perspective, what actually happened is they essentially drained Stampede Reservoir¹ and flushed 1,000 c-f-s [cubic feet per second] down the Little Truckee [River] through Boca [Dam]² and into the Truckee River to create what are called attraction spawning flows for the cui-ui fish. That episode woke this local community up to the fact that we have very little control, if any, over our hydrologic environment. We are kind of perceived as a storage tank in a pipeline. I think it was that event that people figured out that's not right.

¹ Completed in 1970 as a primary feature of the Washoe Project, Stampede Dam is a rolled earth and rock-filled structure is 239 feet high and 1,511 feet long. The water storage capacity of the reservoir is 226,500 acre feet which is reserved by court decree for fishery enhancement, primarily for the spawning of the endangered cui-ui, along the Truckee River downstream from Derby Dam and facilities operation of the Pyramid Lake Fishway.

² Boca Dam was completed in 1939 and has a height of 116 feet and a crest length of 1,630 feet. It provides flood protection for Reno and Sparks, Nevada. The reservoir is used to regulate the Truckee River and provide water for irrigation, recreation, fish and wildlife benefits, power generation, and drought supplies for municipal and industrial users in the Truckee Meadows area.

Seney: Stampede is east of here, right?

Lashbrook: Stampede is east of here.

Seney: How far from where we're sitting?

Lashbrook: Obviously, this isn't going to come through tape, but if you look at this map, which I created so I could understand this issue, it's about six miles due north of the town boundary. So it's here on the map.

Seney: Right. I see, yes.

Lashbrook: It flows down the Little Truckee through Boca and into Truckee River. Now, rightly so, people argue, "Well, Stampede was built for cui-ui flows." And that's true.

Seney: Well, you know, it was built, if I may, originally as part of the Washoe Project,³

³ The Washoe Project comprises the drainage basins of the Truckee and lower Carson rivers. The project covers an area in west central Nevada that includes the cities of Reno, Sparks and Fallon, and the Town of Fernley. The project also covers a small portion of east central California in the vicinity of Lake Tahoe, including the cities of Truckee, Tahoe City and South Lake Tahoe. Reclamation designed the project to improve the regulation of runoff from the Truckee and lower Carson River systems. It also provides fishery uses, flood protection, fish and wildlife benefits, and recreation development. Major features of the project include Prosser Creek, Stampede and Marble Bluff Dams, (continued...)

and Sierra Pacific Power thought it was going to be theirs, and a court ruling gave it to the tribe for cui-ui maintenance.

Lashbrook: You probably know more about the old history than I do.

Seney: Well, on this part you don't really need to know that. I mean, what you need to know is how it's managed now. Stampede's not a source of M&I [municipal and industrial] water for the city of Truckee. This is a recreational resource.

Lashbrook: Recreation, absolutely. You're going to get to the Newlands Project.⁴ Really, our local environment started to get modified actually before the Newlands Project with the dam at

³(...continued)

and Pyramid Lake Fishway, now in operation. For more information see, Carolyn Hartl, "Washoe Project," Denver: Bureau of Reclamation History Program, 2001, <https://www.usbr.gov/projects/pdf.php?id=208>.

⁴ Authorized by the Secretary of the Interior March 14, 1903, the Newlands Project was one of the first Reclamation projects. It provides irrigation water from the Truckee and Carson Rivers for about 57,000 acres of cropland in the Lahontan Valley near Fallon and bench lands near Fernley in western Nevada. In addition, water from about 6,000 acres of project land has been transferred to the Lahontan Valley Wetlands near Fallon. For more information see, Wm. Joe Simonds, "The Newlands Project," Denver: Bureau of Reclamation History Program, 1996, <https://www.usbr.gov/projects/pdf.php?id=142>.

Lake Tahoe, but the Newlands Project started all these spinoff issues that have had a fairly drastic impact on the way this area functions from a hydrologic and biologic and natural standpoint. We're only now, I think, understanding that over the last five or ten years.

The Recreation Attractions in the Truckee Area

Seney: How important is Stampede as a recreational resource to you here in Truckee?

Lashbrook: I think the town of Truckee looks at its attraction as a whole package of activities that's available, both to short term, you know, tour day visitors from Nevada and the Central Valley. But also one thing that's important to know about the town of Truckee is the residential population, permanent, may only be about 12,500, but we've got nearing 10,000 housing units. Half of those are second homes. As people are making those investments, partly because of Stampede, partly because of Boca, partly because of Squaw Valley, partly because of Alpine Meadows, we don't know really what the impact at pulling little pieces away are, but we know that there's an impact.

Seney: Certainly for summer recreation.

Lashbrook: Right. But it's the whole package of easily accessible recreation and open space, I think, that makes Truckee fairly unique in an alpine environment that's so close to so many major metropolitan areas.

The 1994 Draw Down of Stampede Reservoir

Seney: In this 1994 draw down at Stampede, how much did they draw it down over a few-day period?

Lashbrook: It was more than a few-day period. But, boy, it went down from like 200,000 acre feet to like 80,000 acre feet. So it was a big draw down.

Seney: And it's a shallow lake, isn't it, with a long—

Lashbrook: It's a pretty big lake, yes. Surface acres is not necessarily real deep in all places.

Seney: Right. So when they draw down like that, you're left with a very muddy unusable shore line.

Lashbrook: You end up with hundreds of yards of dirt,

mud shoreline. There's been cases where lakes have been drawn down, Prosser, Stampede, over holiday weekends, and you can't get to the lake without getting stuck in the mud, you know, things like that.

Seney: That happened in 1992 to Stampede, didn't it, on Memorial Day weekend?

Lashbrook: Well, it may have.

Seney: As I recollect from Kathleen Eagan⁵ and Gary Elster.⁶ that's what got them stimulated. But this '94 draw down, you think, was another stimulus to the interest?

Lashbrook: Yes.

Seney: Tell me what happened.

⁵ Kathleen Eagan participated in Reclamation's Newlands Project Series oral history project. See, Kathleen Eagan, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, www.usbr.gov/history/oralhist.html.

⁶ Gary Elster participated in Reclamation's Newlands Project Series oral history project. See, Gary S. Elster, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, www.usbr.gov/history/oralhist.html.

Lashbrook: It was early in my tenure here, but I remember Congressman [Wally] Herger holding a local hearing up here to really find out what's going on and why are these locals are so excited and agitated.

Seney: Was this Memorial Day weekend in '94? Do I have my years wrong?

Lashbrook: It may have been.

Seney: Maybe I'm thinking too early then, because I know that that draw down was what stimulated Kathleen Eagan. So I may be a couple of years off, and we're talking about the same thing, because I know it did stimulate Congressman Herger to come up and see what was going on. What was the local buzz here, do you remember? Did you get a lot of phone calls, or were you making phone calls?

Lashbrook: Oh, yes.

Seney: Tell me all about it.

The Importance of the Incorporation of the Town of Truckee

Lashbrook: The thing that was different, I think, was that all of a sudden there was this town here that before you'd call Nevada City to find out what's going on at Stampede. That's where county seat of Nevada County is, and that didn't make a lot of sense. So all of a sudden there was a town here, and there was an expectation that the town maybe didn't have control over the situation, but at least would be proactive in trying to provide for some public dialogue of it.

Certainly Kathleen Eagan was the first mayor and, you know, she kind of jumped in the middle of it with both feet, because it's such an important part of our—the reservoirs, the stream flows, the fish that they support, the recreational activities they support, that's really our economic base. We don't have smokestacks. We have streams and rivers and ski areas and hiking and biking and those kinds of activities.

Seney: You must have begun with the city then, or the town, I should say, technically, just as it got off the ground.

Lashbrook: Right.

Seney: Were you one of the first planning staff

members?

Lashbrook: As I said, the town incorporated in '93. They hired a bunch of very temporary staff. The first thing they did was went out and saw the town manager, who was Steve Wright, and is here today. They hired him in the fall of 1993, and then he started hiring his department heads, and I came here in early 1994. So, yes.

Seney: From where? What were you doing when you came here?

Lashbrook: I worked a similar job for Mariposa County. I was the Director of Planning and Building there. That's Yosemite area, which is many of the same issue. That was policy of river and all sorts of similar hydro projects, lots of the same issues.

Seney: So you weren't unfamiliar with these kinds of things.

Lashbrook: No.

Realizing that Others Controlled the Reservoir Levels

Seney: What was your feeling when you discovered

that this may be an important resource to you, but you have no control over it?

Lashbrook: Well, from a professional standpoint, I like dealing with resource issues. That's what my training is in and that was what my experience was. So this is something I can sink my teeth into. But at the same time, the town was trying to work on its first general plan. It was struggling just to get set up to do business. So it was very ill-prepared to take on a big issue like the Truckee River Operating Agreement [TROA].⁷

⁷ "More than 27 years in the making, the Truckee River Operating Agreement (TROA) now guides use of the river that winds nearly 120 miles from the mountains of Lake Tahoe to Pyramid Lake and is the primary water source for Reno and Sparks. The long-pursued plan brings the Truckee River's management into modern times, protects the area from protracted droughts and offers a promising future for the region....

"The agreement brings an end to historic uncertainty between Nevada and California over distribution of the river's water, allocating 90 percent to Nevada. Beyond enhanced drought storage for the Truckee Meadows community, it modifies the operation of federal and selected non-federal reservoirs in the river system to protect and improve water quality and enhances conditions for the endangered Pyramid Lake cui-ui and the threatened Lahontan cutthroat trout. By retaining more water in upstream reservoirs, TROA also expands the range of recreational opportunities, including boating and fishing." See, Truckee Meadows Water Authority, "Truckee River Operating Agreement," http://tmwa.com/water_system_settlement/ (Accessed 2/2019)

Organizing the Truckee River Basin Water Group

The success—the spinoff of that was the formation of this Truckee River Basin Water Group, which it's the whole region getting together, all of the general governments, Sierra County, Placer County, Nevada County, the town, plus the water purveyors, plus a lot of other folks, the local Forest Service, the District Ranger.

Seney: That's Joanne Robique?

Lashbrook: Right. That are involved with resources, and said, "You know, we need to get organized ourselves so that we can kind of gel our own thinking of what our interests are, we can communicate that effectively to our state reps [representatives], who are part of this TROA operation. If we don't know what we want to do, they're certainly not going to be able to convey that to four other major negotiating parties that have other quite varied interests." So that's really what spun out of that first crises was, "Gee, let's get organized. Let's create this really what's an ad hoc committee," and it's still today, very little formal documentation that supports it. But its become quite a resource,

I think, working with the state and actually working with the other negotiating interests to help provide a sounding board, you know, what are the local issues, what are the local concerns, what are the local interests. So that continues today, and that's been very effective.

Seney: Was it difficult to get people to come together on this issue?

Lashbrook: Not initially. The significance of it is born out by the fact that people hung together in this informal group for five years, still working on an issue that is so complicated and so time-consuming, to have even a basic understanding of how the system is working, it's quite daunting. So the natural inclination, I think, is to kind of go, "Someone else can deal with that. I don't have the time."

Seney: It is very complex, and of course, you guys come to the table very late.

Lashbrook: Right.

**The Lack of Input from Upper Truckee Interests in
Public Law 101-618**

Seney: This is after the passage of Public Law 101-618 in 1990.⁸

Lashbrook: Yes.

Seney: You were never invited to those negotiations.

Lashbrook: That predates me. I don't know.

Seney: I was just kind of wondering if you had any

⁸ Public Law 101-618 became law on November 16, 1990. The Law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon-Paiute Tribal Settlement Act
- Interstate Allocation of water of the Truckee and Carson rivers.
- Negotiations of a new Truckee River Operating Agreement (TROA).
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout.
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon counties. A project efficiency study is required.
- Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source: [http://www.usbr.gov/mp/lboa/public law 101-618.html](http://www.usbr.gov/mp/lboa/public%20law%20101-618.html)
(Accessed December 2011).

fix on what went on.

Lashbrook: There was some state leadership that was very active, and they may have had some local contacts and they thought that they kind of had the local interest wired. But I'm not sure that there was ever adequate dialogue. And, again, I've worked as a planner for a long time, and it takes something like a draw down of a lake to get people interested.

Seney: A crisis of some kind.

Lashbrook: You can, you know, present a hundred workshops on this grand plan or water negotiation and you'll get three people to show up.

Seney: Until you can't get your boat in the lake.

Lashbrook: Right.

Seney: And then it gets their attention.

Lashbrook: Exactly.

Seney: So it's a mixed blessing. I mean, that was certainly an inconvenience, but a politically galvanizing event, nonetheless.

Lashbrook: Absolutely.

Seney: What did you think when you began to be involved? Did you go to the TROA [Truckee River Operating Agreement] meetings to begin with? Do you remember your first one, what your question was?

Lashbrook: The first issue here was not necessarily a TROA issue. It was a draw down of Stampede to deal with rare and endangered fish, which is not a real key issue in TROA. It's kind of a given. My initial thoughts were, "Gee, I need to understand a lot more about what's going on with this system." I knew about the Newlands Project, because I had read Marc Reisner's book ten years ago.

Seney: *Cadillac Desert.*

Lashbrook: *Cadillac Desert.* In fact, I remember coming up here going, "Hmm, Truckee River. Gee, that was the Bureau's [Bureau of Reclamation] first project," which, of course, he didn't think much of. And then to kind of get right in the middle of it was ironic, I guess. So I had all those kinds of thoughts.

Seney: What have you been doing specifically in terms of this issue to represent the town?

Lashbrook: Well, I'd say the first issue, things we started finding out was that there was a lot of baseline work that was under way in terms of creating the E-I-R/E-I-S [Environmental Impact Report/Environment Impact Statement] for the Truckee River Operating Agreement. We early found out, particularly Kathleen did, that they were doing all this economic modeling down in Reno, Washoe County, to try to predict what the impacts of the TROA would be, but they weren't doing any economic evaluation in the upper watershed. "Gee, that's interesting, because there's a whole lot more impacts up here potentially on economics than there are down in Nevada. Let's go find out about that." So I really found out that no one had thought about it, and they started thinking about it soon thereafter.

It started up with some recreation surveys on the Truckee River, and they did this in '94, which was this drought year and the water was very low. Use was different, if not a lot less, than it would be in other years. And Stampede had been brought way down. So they were doing these surveys,

which we had a little involvement in a hurry to try to identify issues for U-N-R [University of Nevada, Reno], who was doing this work on contract to the Bureau.

And then we started thinking, "Gee, you're missing a few things here. You're interviewing users, but we've got this whole second-home population. You're not necessarily talking to them. In fact, when at Donner Lake you missed those folks, because you didn't go to the Tahoe Donner Marina and you didn't go to the West End Beach boat facility," etc. So they followed up and we worked a lot with them and they did some more surveys in '95.

Seney: So this was an honest mistake on their part, do you think? They weren't trying to skew things?

Lashbrook: They just did not know the local area, the local economy. They don't understand how things work. It's different than most communities that people are familiar with, even tourist-oriented communities. Certainly a lot of Reno's economy is a tourism-based economy, but it's different.

- Seney: Right. It's not a second-home economy.
- Lashbrook: And it's not based upon natural resources, although they tend to market it that way. And the Truckee River runs through Reno as well as Truckee. It's probably not why most people go to Reno. So we saw improvement, and the U-N-R people were very interested in what our issues were and how they could model them.
- Seney: So they did respond to you?
- Lashbrook: Yes.
- Seney: I know when Kathleen Eagan became involved, one of the things she did was to contact [U.S. Senator] Bill Bradley's⁹ subcommittee on water and power. Maybe you went to that hearing, did you, that was held in Reno?
- Lashbrook: No.
- Seney: She wrote a letter and they added her to the list at the very last minute to come and testify. That was in 1993. They clearly wanted to be able to say, I'm sure, at least that they had heard everyone who had a

⁹ Senator Bill Bradley represented the state of New Jersey from 1979 to 1997.

legitimate interest to be heard. Did it surprise you that they responded so positively and quickly to your request to be included in the E-I-R/E-I-S?

Lashbrook: I don't think they had any choice. I think it was a major oversight and they needed to try to fix it.

Seney: If they hadn't, they would have left themselves open to legal challenges on the sufficiency of it?

Lashbrook: Right. You know, I mean, anybody that's preparing a major plan and environmental document can assume if you've got a consensus and all the issues are dealt with, then you're not going to have a challenge. But I think they had figured out by that point that at least there was some dissent brewing up on the hill that they needed to understand.

The Quality of the People Representing the Upper Truckee Interests

Seney: One of the things, too, I was very impressed with Kathleen Eagan. I thought she was very bright and very able, obviously.

Lashbrook: Absolutely one of the most brightest and most able legislative people I've ever worked with in my career.

Seney: Yes. With Kathleen Eagan, you mean?

Lashbrook: Absolutely.

Seney: Yes. I was also very impressed with her. I thought that she was a very substantive individual, and the same with Gary Elster, whom actually I interviewed in Maui last year when I happened to be there on vacation. I took a few hours off to interview him, and I was very impressed with him. I mean, he's obviously a very able guy, whose accumulated enough to retire at an early age.

Lashbrook: A trial lawyer, right. [Laughter]

Seney: Yes, exactly. What more do we need to say? [Laughter]

Lashbrook: Right.

Seney: So I was impressed with the quality of the individuals up here. Do you think that made a difference, that they saw they were dealing with serious, capable people?

Lashbrook: Yes, absolutely. And it wasn't just emotional. Kathleen, although, at that point, obviously, the mayor, a political being, tended to approach things extremely analytical, and still to this day, probably, in terms of the state interest is probably one of the most analytical people involved in the effort in terms of looking at the big picture and, "Gee, did we think about how this article affects this one, or will we get anything or not?" It's very complicated, and it takes a lot of discipline to be able to sit down and think about it that way. She possesses that kind of discipline.

Seney: Yes. I think she'd say it was her banking background that gave her that background. The energy and commitment, because it is tough to stick with it. There's no question about it.

Lashbrook: Well, you know, Kathleen did it initially because she was on the town council, and she decided that she wasn't going to run for any more terms, and was kind of asked and kind of offered by the town to stay on as kind of the town liaison in working with me, the two townspeople that were involved in it, and has done that and, you know, put in

thousands and thousands of hours.

Seney: One of her points to me was that it would be awfully hard to get somebody else up to speed on this, because it's such a complex issue.

Making Headway on TROA Issues

Lashbrook: My boss says, "Whatever. You handle it, because I don't even have time to even understand what you're doing. Tell me if you think we're gaining ground or not." And certainly with my job I have three major functions. I've got eighteen different employees doing three types of different things. Every time I crack the book on a TROA issue, I have to measure that against is this really a valuable use of Truckee taxpayers' time? Are we making headway? Is this worthwhile? That's not an easily answered question a lot of times.

Seney: Let me ask you, are you making headway? Are you gaining ground, do you think?

Lashbrook: Yes.

Seney: What would lead you to that conclusion?

Lashbrook: Well, the first—well, we have to back up. When Stampede was drained for a cui-ui run, I think somebody might have called somebody the day before they started draining it and said, "Oh, yeah, we're going to dump Stampede to create a cui-ui run. Just wanted to let you know." As a result of that, now there's a lot of conversation, "Gee, do we need to do this? Here's some different options." There's four reservoirs up here, and there's a lot of different ways, that's the benefit of the TROA. There's a lot of different ways you can make things happen without eroding someone's water rights, you know, availability of water.

So now there's a lot of coordination and communication. That alone is gaining ground, and I would expect that to continue. Kathleen stepped back and away from it. I think the challenge is that when they ask, someone's got to be there to answer. Ten years from now, I don't know what that picture looks like.

Seney: One of the points she made to me is that when they first called to complain—and Gary Elster said this, he called the Bureau of Reclamation finally, and they said, "Oh,

well, this is just the way things work," and kind of condescending, "It's very complicated and you wouldn't understand it," you know. "And we have to do this. There are court orders and agreements."

Lashbrook: Exactly. Which is all true, yes.

Seney: Yes. And, "Oh, we don't have a choice." But as she said, and I guess you're saying this, too, that there's flexibility, and that they've come to understand that.

Restoration of the Cottonwoods on the Lower Truckee

Lashbrook: Right. One of the things that the Fish and Wildlife Service has done for the last three or four years, we've had the luxury now of multiple wet years, and one of the problems with the lower Truckee River is that it's been dry. It's not an actual stream force anymore. It doesn't have cottonwoods, and it doesn't have the kind of shading that—

Seney: As we get down near Pyramid Lake.¹⁰

Lashbrook: Right. Particularly between Reno and

¹⁰ Fed by the waters of the Truckee River, Pyramid Lake lies 40 miles northeast of Reno, Nevada. The lake is the last remnant of the ancient Lake Lahontan that covered much of northeastern Nevada during the last ice age.

Pyramid Lake that makes for a healthy stream. The Fish and Wildlife Service, has been, over the last few years, trying to meter out flows to create cottonwood regeneration. The way cottonwoods regenerate is they send these little seeds out to float around, that everyone's seen. They look like little cotton puffs. And they stick in the riverbank. Cottonwood roots grow very fast. So the water, as long as it recedes slowly, if the river comes down slowly, they will start to grow and the roots can keep up with the drop in water.

Over the last few years, they've been trying to maximize the regeneration of cottonwood to create more shading in the lower Truckee with great success. This region will support those kinds of smart water-use agendas, I think. I mean, it's very compatible with things we're trying to do here, even though that means less water in our reservoirs in the short term. Over the long term, it could provide a great deal more flexibility in terms of the way the river is managed.

Seney: Once those cottonwoods come back, it keeps the river cool. You can keep it as cool with

less water. You need more water now to keep it at the proper spawning temperature.

Lashbrook: That's right.

Seney: I don't know who cut those down years and years ago, but somebody came, because they were always the natural shade on the lower Truckee, right?

Lashbrook: Right.

Seney: Have they come and discussed that cottonwood regeneration program with you?

Lashbrook: Yes. Every year.

Seney: And let you know why they're managing the river?

Lashbrook: They keep us posted on the cui-ui flows and how that works. In fact, Lisa Hecke from the Fish and Wildlife Service reported two months ago that they're having another excellent cui-ui run and the physical improvements they've made to the lift. If you haven't been down there, it's very complicated the way they have to move these fish up and down the river.

Seney: At Marble Bluff Dam.¹¹

Lashbrook: But they're having much less mortality, you know, to an extent that really they're going to reevaluate the status of the cui-ui. I don't think it's going to become de-listed, but the need for attraction flows may go down and all sorts of great things could happen. That's real exciting. Those benefits come from communication, not from dictation. That's the benefit of having a local group up here now, I think.

The Effect of Recent Heavy Water Years

Seney: Since '94, and I think I told you I live in South Shore, so I get a sense of what the weather's like, too. Have we good winters since '95, the winter of '95-'96?

Lashbrook: Yes. We've had above-normal winters. Really, you could go back to '93, '92-'93, and we've had above-average winters every

¹¹ The Marble Bluff Dam and Pyramid Lake Fishway, Washoe Project, was constructed between 1973 and 1975. Marble Bluff Dam is located on the Truckee River approximately 50 miles downstream of Reno, Nevada and approximately 3 miles upstream of Pyramid Lake. It is a zoned earthfill structure with a height of 22 feet and crest length of 1,622 feet, and it has a capacity of 19,700 cubic feet per second through the spillway.

one but one.

Seney: So the question of a draw down on Stampede hasn't really come up since this last one.

Lashbrook: Plenty of water.

Seney: But you're confident that they would handle it differently now based on your input?

Lashbrook: Maybe not, you know. But with so many successful runs, do they need—if there was ten years without a successful spawning run, I think this region could say, "You know what, that's a legitimate reason to draw that thing down." But they had just had a huge winter with massive runoff the year before.

Seney: Right and the year before that.

Lashbrook: You need to take that scarce water and dump it, you know, to get another year class, or could you wait and save it?

Seney: Well, the cui-ui, as you know, doesn't need to spawn every year to maintain itself.

Lashbrook: Right. It lives to be forty-five years old. But at the same time, any species needs

multiple age classes for genetic diversity and protection against disease and the like. But whether you need a class every year is another question. Naturally I doubt that they spawned every year, and some drought years there was probably very little water running in the Truckee [River] at spawning time.

The Preliminary Settlement Agreement

Seney: There's also the Preliminary Settlement Agreement¹² between the tribe and Sierra Pacific Power, which would have an impact in a drought year, would it not, to keep water in Stampede?

¹² "An agreement reached between the Pyramid Lake Paiute Tribe of Indians and Sierra Pacific Power Company (SPPCo) on May 23, 1989. The Preliminary Settlement Agreement provides SPPCo the ability to store its water rights in federally operated reservoirs along the Truckee River in California at times when it is not needed for municipal and industrial (M&I) water supply in the Reno-Sparks Metropolitan Area. In exchange, excess water in storage is used for fishery purposes when drought conditions are not in effect. Also, SPPCo forgoes its right to single-use hydroelectric flows in the Truckee River under the Orr Ditch Decree (Nevada and California), thereby enabling the United States and the Tribe to store water for fishery benefit at certain times of the year. The PSA is incorporated into Public Law 101-618 (the Negotiated Settlement) by reference." See Ecology Dictionary.org, "Preliminary Settlement Agreement (PSA) Nevada," [http://www.ecologydictionary.org/PRELIMINARY_SETTLEMENT_AGREEMENT_\(PSA\)_Nevada](http://www.ecologydictionary.org/PRELIMINARY_SETTLEMENT_AGREEMENT_(PSA)_Nevada) (Accessed 2/2016).

Lashbrook: Yes.

Seney: It's very hard for me to grasp that agreement. It's not clear to me. I mean, there are all those levels of water, fish credit and firm fish credit and non-firm fish credit and firm M&I.

Lashbrook: Very complicated.

Seney: It is very complicated. A very elegant agreement. I think it was a very smart agreement between those two entities, one who had control over a dam and no water and one who had water and no dam, and I thought it was very elegant of them to get together and overcome a lot of difficulties. But that will help keep water in Stampede, will it not, for you in dry years?

Lashbrook: But one of the challenges with that is, Stampede is an awfully big reservoir, and it has reasonable recreation when it's only two-thirds full. But you drop Donner Lake down during the summer season, Memorial Day to Labor Day, and you might as well close it up. It doesn't function anymore for its normal purposes.

Seney: Do you have a hand at all in what Donner

means to you here? It's going to have less impact than Stampede, probably, is it?

Lashbrook: For the town of Truckee?

The Importance of Donner Lake for the Town of Truckee

Seney: Yes.

Lashbrook: Donner Lake is the most important.

Seney: Oh, it is?

Lashbrook: Donner Lake and Truckee River are the most important.

Seney: And Stampede might be third in terms of water-based recreation that has an impact?

Lashbrook: Boca [Reservoir] is very important, too. Although, Boca you see a lot of people coming in from Nevada, using the lake, turning around, and going back.

Seney: Yes. I saw that today. I saw boats with trailers, trucks with boats, taking the off ramp as I came from Reno.

END SIDE A, TAPE 1.
BEGINNING SIDE B, TAPE 1.

Seney: Has there been a draw down problem with Donner? Sierra Pacific owns half the water, I think, above that dam, and the other half—

Lashbrook: Truckee-Carson Irrigation District [TCID].

Seney: Yes. And we're only talking maybe about 10,000 acre feet, I think. Is it 5 and 5? I think that's what it is.

Lashbrook: Roughly.

Seney: If you drew all 10,000 acre-feet out of there, you would have—

Lashbrook: You'd make the boat ramps and the docks unusable. That's what the lake is used for in the summer. Actually, no, there's been good coordination. Now, that could change. I don't have a great understanding of the relationship between Sierra Pacific and T-C-I-D. Sierra Pacific seems to be motivated to keep the water in the lake until the fall. Now, one thing you need to know about Donner Lake is the water has to come down, the dam has to be all the way open by November first or November fifteenth

because of dam-safety reasons. They like to use that water between Labor Day and when the dam has to be opened. That works great for us.

Seney: Well, as you may know, there are complications with T-C-I-D using the water and whether or not that's charged off against their OCAP [Operating Criteria and Procedures] allocations. The federal government won't let them take it during periods of the year, won't let them transport through the Truckee Canal. So that helps maintain the level of it. But, you're right, it has to be drawn down to make room for the inflows and all of that.

Lashbrook: We recognize in the TROA we have really two competing interests. The California Department of Fish and Game feels that Donner Creek is one of the prime and only remaining legitimate spawning habitats for indigenous trout in the Truckee River. To be successful, it needs to have more flow during—for rainbow trout that would be in the spring and through the early summer and for browns, it tends to be in the fall.

The problem is, is that Donner Lake has

a real quick runoff because it's all rock up in the upper watershed. When the snow melts, it's melted, and the water is in the lake. There's not a lot of ground storage up there. So it tends to fill the lake up and then it kind of shuts off. There's not a lot more inflow. So to meet those fish flows desires in Donner Creek—

Seney: This is Donner Creek from the—

Lashbrook: From the lake down to the Truckee River. To meet their what are called preferred fish flows, then you're emptying Donner Lake through the summer season, and that creates issues. In fact, one of the hottest issues in the original TROA/E-I-R was "Keep Donner Lake full" versus "We want better fishery habitat." It was all these local people bickering back and forth. It's a tough issue.

Our position on that is, yes, they're both legitimate, it needs to be a California decision, and we need to keep control of it. So, I mean, that's just an example of Donner Lake. In terms of the TROA, it's affected by our own desire to improve or maximize fish habitat [while maintaining good recreation levels].

The EIR/EIS

Seney: Let's go back for a minute, if we might, to the E-I-R/E-I-S, which we talked about on the phone, and I said to you I haven't read a whole lot of these reports, not nearly as many as you've read. And even based on my scanty knowledge of them, this didn't look like much to me, one of the problems being it had to be done simultaneously, they thought, with the TROA, or it would so elongate the process it would be fifteen years before it was done. Give me your critique of this E-I-R/E-I-S.

Lashbrook: There were some fatal flaws—my words—going in. One was that they were trying to write an E-I-R on an agreement that wasn't written. So they didn't really know—their project description was the TROA agreement as it existed at some date in 1996 that had no meaning. By the time the E-I-R came out, they were a light year beyond that in terms of where the agreement was headed. That was the number-one problem.

The number-two problem was the whole E-I-R is based upon a water model that has been roundly criticized in terms of really its accountability. Who's running it? Can it be

checked? What are the inputs? Is it detailed enough to really provide legitimate information? I mean, if you look at the E-I-R analysis in terms of stream flows and fishery habitat, all the analysis is based upon monthly flows, end-of-month flows. What's happening in between there is really important in terms of aquatic insects and all sorts of things that support fish habitat and fish well-being. If you have a monthly step model, it's kind of hard to know what you're really getting. So it was a little crude, too.

The third issue that was really raised in the town, on Truckee River basin, a lot of groups comments, and these are for the record, is, "Gee, the person that runs the water model is a consultant to Sierra Pacific Power Company."

Seney: Would be Joe Burns?¹³

Lashbrook: Well, Joe Burns, but—actually, I'm drawing a blank. Ron Hall is the actual modeler that makes the thing work. I think everyone has

¹³ Joseph I. Burns participated in Reclamation's Newlands Project Series oral history project. See, Joseph I. Burns, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, www.usbr.gov/history/oralhist.html.

a lot of faith in Ron's abilities and his desire to try to balanced all those issues. But if you know anything about modeling, whoever is inserting the data and making the assumptions has a lot of control. The model was criticized by the U-S-G-S [U.S. Geological Survey]. "There's no accountability in this model. We can't tell what the inputs are or why they were made." So those are the fundamental flaws going into preparing the document.

The next flaw, from California's standpoint, under CEQA, which is our California environmental law–

Seney: California Environmental Quality Act.

Lashbrook: Right. There are significant environmental impacts. There needs to be mitigation measures offered, and then the decision-maker can make findings. We can apply those or we can't. And then they can make special findings and all those things. As we were working through this process, we kept hearing, "Don't worry. It will be analyzed in the E-I-R and we'll take care of it."

When the E-I-R. came out, there was

one significant impact identified related to California interests, and that related to the tower yellow crest [phonetic], which is a teeny plant that grows around Lake Tahoe. Really, I nearly fell out of my chair. It took away all of the authority that an E-I-R provides is lost at that point. There's no required mitigation. So our dilemma was, okay, all of these assumptions are based upon a model which we have no faith in, that the federal government has no faith in in terms of the U-S-G-S, and so we are finding—this is paraphrasing what the E-I-R is saying—we're finding that the TROA results in improvements to all these issue points for our region—fisheries, economy, whatever, lake levels, whatever you want to deal with—so there's no mitigation.

Our big issue is there's no way to go and check. What happens if, "Oh, gee, the model is wrong, and it really isn't working like it was assumed. By the way, our lake levels are a lot lower than were earlier anticipated." There was no provision anywhere in the E-I-R, any mechanism provided for the E-I-R that said, "Gee, we'll check in five years and make sure, and if it's not, then we'll do this." So there was no teeth. We were relying on a series of

assumptions that we were skeptical of, and there was no way to go back and say, "Time out. It's not working that way." There was no what we call mid-course correction.

At the same time, we were trying to negotiate that to the TROA and just got tortured by the Nevada interests. They had no interest in California coming back and saying, "Wait a minute, folks. That isn't quite what we expected." And it really remains the case today.

In my own personal view, California created a law called the California Environmental Quality Act to deal with issues like this. It's above and beyond what the rest of the country is dealing with. It's to make sure our decision-makers know the long-term consequences of what they're doing before they do it. The law's been amended over time to provide mitigation monitoring and some back-checks to say, "Okay, let's look five or ten years from now to see if reality is how we thought it was going to be, and if it's not, then we'd better go back and fix it." I guess our hope is that this new E-I-R will use those tools to provide that process.

I can take a pure stance. I'm not a negotiator. It doesn't matter what the negotiators think. If we've got to do it under California law, then we can't sign the agreement unless we have those provisions in it. It takes the negotiation out of it. It says, "Look folks, this is what we've got to do in California. If you want us to sign the document, these are the rules." I'm obviously oversimplifying this issue, but the first E-I-R didn't provide for that. I think that was a major technical error in the document and certainly was probably a strategic error as well.

Seney: Have you been called on to help draft what is going to go in this next E-I-R/E-I-S?

Trying to Protect the Interests of the Upper Truckee River

Lashbrook: We are a resource to the state. We will help them in any way that we can in terms of providing technical information, and have and will continue to. Really, we had about a couple of people from the state working on that previous E-I-R. Now there's a whole team that's been put together. The secretary of resources has gotten quite interested in this, I mean, really, again, because this local

group led to a great extent by Kathleen and others, has said, "We keep hearing what a good deal this is. We don't see this as a very good deal, and here's why." So we finally got the attention of the new secretary of resources in a new administration.

Seney: Is the new administration giving you a little more than the old one did?

Lashbrook: Yes.

Seney: I've heard that.

Lashbrook: Similar issues that we had raised, same issues raised again before, the response back was, "No, this is really a done deal. We're headed down the right track. These locals don't know what they're talking about." Those are my words.

Seney: This is the [California Governor Pete] Wilson administration.

Lashbrook: Right. And really the issue was, and still is, the public law provides two things for California, if you read it. One is, we get a water allocation that we wouldn't otherwise automatically get, and that's really

important.

Seney: That's the 10,000 acre feet.

Lashbrook: Well, there's 10,000 surface and 20,000 ground. That's really important, and no one will disagree with that. The other thing that the public law says is that the process will mitigate significant impacts. And that's the other thing. My position—and I think Kathleen's position—is we're not willing to trade off no mitigation for getting the water allocation. The public law provides for both. We want both. That's really where we're at.

The Question of Depletion

Seney: What's the status of the depletion argument?

Lashbrook: Its part of the tentatively agreed-to TROA. It was put on the table by California. Why? Its still is beyond us in terms of—we can live with it, but what did we get for it? I mean, we gave up a very easy to calculate, easy to administrate straight allocation.

Seney: Gross diversions.

Lashbrook: Right. For something that no one has quite

figured out yet how to measure, and is probably going to create administrative nightmares for people from here to who knows when.

Seney: The assumption was that the gross diversions of this 32,000 acre feet that you're allocated, that half of that would find its way back into the Truckee [River] and flow back on—

Lashbrook: Probably a good guess.

Seney: For use downstream.

Lashbrook: Since the major sewer plant that serves the whole region is right next to the river. I mean, what it does currently is discharge into a giant leach field that flows directly into the river. I mean, probably a safe assumption.

Seney: Right. But this depletion business, simply for context, was brought up based upon, well, what if you get to be more efficient and you're only returning 30 percent, not 50 percent, and the downstream interests, primarily the tribe and the power company, wanted some assurances.

Lashbrook: Okay. What do we get for it?

Seney: What did you get for it? Nothing.

Lashbrook: Nothing that we've been able to identify. Yes, we could trade off some depletion for some mid-course correction guarantee or whatever. But we didn't do that, at least not in my personal view.

Seney: The state of California didn't do it, who's really the negotiator here.

Lashbrook: Yes.

Seney: I've heard it said that what California is really interested in is not this area, but water in Southern California.

Lashbrook: I can't speak to that. Certainly we scratch our head and say, "You know, there must be something else driving this, because it's not making sense to us." But beyond that, I can't speak to it.

Seney: You don't know anything for sure?

Lashbrook: No.

Seney: It's just hunches and suspicions.

Lashbrook: Yes.

Seney: And the not unreasonable conclusion that if they're giving something away here they're giving something—

Lashbrook: We've asked the question, "If that's the deal, please let us know, because we can understand that." We understand our kind of place in the world.

Seney: Sure. But they protest innocence on that count?

The Effect of Southern Pacific and Union Pacific Railroad Merger on the Town of Truckee

Lashbrook: You kind of compare that issue to—the town's had some [other] interesting challenges since it incorporated. One of the things that happened was the S-P/U-P [Southern Pacific/Union Pacific] rail merger, and the issue for Truckee was U-Ps buying the railroad so that they can triple the train traffic. If you know anything about Truckee, the trains kind of chop the town in half, particularly from a circulation standpoint. If you follow Reno, you know—

Seney: Same thing.

Lashbrook: We've been battling. We had to negotiate with the railroad and they've had to negotiate with the railroad. The context of our negotiation, however, was the State of California fully supports the merger. Its big economic development in terms of the port of Oakland and the city of Roseville with the yard there. We're not going to get our senators to say, "You know, because Truckee cares, we're putting the stops on this merger."

Seney: Yes. Or you'd better lower the tracks or something like that.

Lashbrook: Right. So we sat down, understanding we're really this little town and this little region is going alone on this issue with the railroad. We're going to negotiate our best deal, and we got a good one. Our big problem was you're going to triple the amount of trains, not only is the traffic queue going to be huge until the 267 bypass is built along 267, you're really making the emergency response problem drastically worse, not to mention we have a few other issues like a P-M 10 [particulate matter] air-quality problem, and your diesel locomotive tripling

is going to add so many tons. But what we got out of the railroad is—and really they came up with the design—I think it was quite fruitful to work with them, because we were kind of, "We need a great separate crossing. A road going over the tracks downtown, that's not going to fit in our downtown image. We're really stuck here."

And the railroad folks showed up and they said, "Why don't you put a road under the tracks."

"A road under the tracks? What are you talking about?"

"Well, we think, you know, if you push it, you can get it under the tracks on the west part of your downtown."

We go, "Well, how much does that cost? You know, we don't have any money."

Well, to make a long story short, the railroad said, "We'll build you the bridge. You build the road. They went through some conceptual engineering gymnastics, and said we think that's roughly a million dollars to build the bridge." We'll do that.

In fact, we can do it and not even interrupt train service dramatically, where if you had to do it, it would cost you tens of millions of dollars."

Seney: The railroad is saying this to you?

Lashbrook: Yes. "And you guys can build the road. You guys know how to do that, do the road. That's the deal. And, by the way, we understand this air-quality issue, and we think based upon your numbers it will cost you \$300,000 to offset this P-M 10 increase that our locomotives are going to generate, and so we'll build the bridge and we'll pay you \$300,000. How does that sound?"

We said, "That sounds great. We'll take that deal."

Reno may come out on top, but they had the full state behind them in terms of building the trench, etc., so we can understand when our political place doesn't put us in a position of power, but that's when CEQA and the laws then become important. Let's make sure we understand what we're doing, even if there is a political deal. That's why those laws are there. Let's make sure that California knows what it's doing

before it does it.

**Has the State of California Looked After the Interests
on the Upper Truckee**

- Seney: On the whole, do you think California's looked after your interests here?
- Lashbrook: No. They're working harder at trying to, but we're not there yet.
- Seney: Well, you must have felt fortunate to get the 30,000–32,000 is it? I keep forgetting all these numbers I have to keep in mind—32,000 out of the river and 22,000 out of the wells. You must have felt good to get that and this guarantee on impacts, not being at the table, really.
- Lashbrook: Right. I mean, someone was looking after us.
- Seney: Yes, that's true. That's right. I don't know who it was.
- Lashbrook: People who work for D-W-R [California Department of Water Resources] generally tend to be focused on, "We need water. Where do we get it and how do we get it?"

That's what they do well, and they did a good job. The gross diversion is very important and its in there, and that's a big deal.

Seney: My reading of all that, what, of course, Public Law 101-618 does is to write into the legislation the long-time, long-standing agreement over the allocation in the basin itself, one-third, two-thirds allocation. And then that number is what, 11,000 acre feet for Nevada and 22,000 acre feet for California, isn't it?

Lashbrook: Are you talking about the Tahoe Basin?

Seney: I'm talking about the Tahoe Basin. Eleven and 22, I think. Something like that.

Lashbrook: I haven't paid a whole lot of attention.

Seney: That was the main focus of the Interstate Compact negotiations, the main focus of what California wanted, David Kennedy representing California and the [Nevada U.S. Senator] Harry Reid,¹⁴ negotiations.

¹⁴ Senator Harry M. Reid served the state of Nevada in the U.S. Senate from 1987 to 2017. Senator Reid also participated in Reclamation's Newlands Project Series oral history project. See, Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of
(continued...)

There just wasn't much thought given to you guys here. I mean, the allocation and the impact mitigation is a good thing. I mean, it's amazing that you got that much, really. But not being represented in TROA by California makes a big difference, doesn't it?

Lashbrook: Well, we are represented in TROA by California.

Seney: Well, you are and you aren't, right? I mean, when you look at the depletion business, you know, I mean, I think they kind of rolled over you on the depletion business, haven't they?

Lashbrook: They thought it wasn't a big deal. They didn't ask the question.

Seney: They didn't understand?

The TROA Negotiations

Lashbrook: Our water purveyors went, "What do you mean?" Then the more strategic people are

¹⁴(...continued)

Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

saying, "Well, what do we get for it?"
These are some shrewd negotiators. I'm flabbergasted when I go to these meetings—and you're going to go to one—you see literally tens of thousands of dollars per hour sitting there, with little or no facilitation. I mean, the Bureau kind of creates an agenda, but they don't hold—

Seney: They've been at it so long, these guys.

Lashbrook: It's phenomenal just to watch. All except for Kathleen Eagan is being paid by the public one way or the other.

Seney: Yes, right. Or Sierra Pacific Power.

Lashbrook: Well, they're paid by water rates by the public.

Seney: It's hard to call them private, really.

Lashbrook: Yes. You could write a book, I think, just on the negotiation process and how things work. There's more work done in a side conversation over a donut than there is at the negotiation table.

Seney: My impression of the one meeting I've gone to is how long all of these people have been

at it and how well they knew one another and how difficult it would be for someone like yourself to crack into that and be taken seriously and to have the kind of history—I mean, [Bob] Pelcygar¹⁵ has been at this twenty-five-plus years for the Pyramid Lake Tribe, and the guys from California, John Kramer¹⁶ and so forth, they've been at it nearly as long. [William] Bettenberg¹⁷ [of the U.S. Department of the Interior] is a very able guy, who's able to absorb a great deal of this sort of bureaucratic information

¹⁵ Robert S. Pelcyger participated in Reclamation's Newlands Project Series oral history project. See, Robert (Bob) S. Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Professor Donald B. Seney for the Bureau of Reclamation, in 1995 and 2006, in Reno, Nevada, and Boulder, Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, senior historian of the Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

¹⁶ John Kramer participated in Reclamation's Newlands Project Series oral history project. See, John Kramer, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2016, www.usbr.gov/history/oralhist.html.

¹⁷ William D. Bettenberg participated in Reclamation's Newlands Project Series oral history project. See, William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009, www.usbr.gov/history/oralhist.html.

and Fred Disheroon¹⁸ [for the U.S. Justice Department], too. And all the rest of them. Pete Morros and Roland Westergard [for the state of Nevada].

Lashbrook: We are a johnny-come-lately addition to that group.

Seney: Yes. And it makes it very tough in a policy area like this where you come late to the table, where they think everything is settled and they don't really want you. They're not interested in what you have to say. Do you think the TROA will succeed? Do you think everybody will sign off on it? Are you happy enough with it?

Lashbrook: I think the jury's still out. If we polled our group today, our recommendation would be to the governor and the secretary of resources or whoever to sign it or not sign it, I don't think we know the answer to that question right now. The E-I-R is going to be very important to that issue.

¹⁸ Fred Disheroon participated in Reclamation's Newlands Project Series oral history project. Fred Disheroon, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, www.usbr.gov/history/oralhist.html.

We think there's the opportunity for great benefit to our area. We're still questioning. We're not comfortable with no mid-course correction that if it doesn't work, do we have any protection at all. We're kind of the—let me think of an appropriate analogy. Maybe there isn't one. But we're kind of the last in line. We don't have much water rights. We don't have any of those long-term guarantees, and we kind of go up there with our hat in our hand, saying, "Hey, could you help us out?" That concerns us.

Seney: I think from talking to others, especially on the other side of the border, in Nevada, I think the one thing you have is if you can somehow influence whether California signs off on the TROA, I think that amounts to significant leverage, because Nevada is scared to death that this will fall through and that they will lose the 90/10 allocation on the Truckee River. They still can't believe they got so much water out of the Truckee. If you have any leverage at all, I suspect that's the root of it there.

Lashbrook: Yes. Actually, I think we got more attention from the downstream parties than we got from California until recently.

Seney: So the new administration has been a big change. Who do you point to? I mean, David Kennedy was the long-time Director of Water Resources in California.

Trying to Influence the TROA

Lashbrook: We were getting nothing, no real response from the Department of Water Resources. We went up to [California State] Senator [Tim] Leslie [phonetic] and said, "You know what? This isn't working for us." It wasn't just us. It was the entire group, you know, which had everything from environmental interests to water purveyors to the sewer plant.

Seney: Was Leslie receptive?

Lashbrook: We said, "We'll kind of work through this. Okay. Well, here's the Department of Water Resources. What's the next step? What's under the resources agency? Who is the secretary of resources? What do they think?" We tried to make contact, discuss with the previous secretary of resources—the name kinds of escapes me right now.

Seney: It escapes me, too.

Lashbrook: He was the Sierra Summit guy and did all that. But, anyway, we got no response. So we made a new shout at the new administration. We sat down at a meeting with the Secretary of Resources Mary Nichols and said, "We've got some problems, and here's why." And she kind of stopped us five minutes into the conversation and said, "You know what? I agree with everything you're saying. The question is now what do we do to make it work." And that's kind of where we've been now.

So there's really two efforts going on. One is how do we improve our negotiating strategy, so to speak? How do we make sure we've got the good thinkers in there thinking? And I would say with mixed results, it's really tough. I sat in a meeting with nine or ten high-powered state people, primarily from D-W-R, but others, and they were allowing themselves to be facilitated by a citizen, who happened to be Kathleen Eagan. I think they didn't really know how to think that way. It was a very enlightening experience for me. So that's the one effort. How do we improve our negotiating strategy, ability to think strategically so we

can kind of respond and get through these final rounds effectively? Don't know what the outcome of that is.

How to Create an Effective EIR Team

The other is, how do we create an effective E-I-R team? We pointed out that California was put in kind of tough duty, because they not only had to write the E-I-R—it was an E-I-R/E-I-S in California. California was the co-author along with the Bureau. The State of Nevada didn't have any problem commenting on the E-I-R, but you didn't see a comment from the California Department of Water Resources. They wrote the damn thing. It's kind of hard to comment on what you wrote, you know. So, they put themselves in a tough spot. But we had [California] Fish and Game commenting. We go, "Well, wait a minute. This ought to be an E-I-R that's prepared by California." So Fish and Game ought to be providing the technical work that goes into the fishery section. The Regional Water Quality Control Board ought to be very involved with the water-quality section, not sending comments in. They should represent the state's best thinking. So that's our goal. We're hopeful it will get there. In

terms of resource commitment, they seem to be headed in that direction.

Seney: Let me change this tape.

END SIDE B, TAPE 1.
BEGINNING SIDE A, TAPE 2.

Seney: This is Donald Seney. I'm with Tony Lashbrook in his office in the Truckee Town Hall. Today is July 13, 1999. This is our first session and our second tape.

So you were talking about the E-I-S/E-I-R team. Who are you putting together for that on the staff?

Lashbrook: Again, the state's putting it together.

Seney: Yes. Well, you put the heat on them, though, right? I know Mal Toy¹⁹ [of the Placer County Water Agency] is part of your group, right?

¹⁹ John M. (Malcom) Toy participated in Reclamation's Newlands Project Series oral history project. See, John Toy, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2019, www.usbr.gov/history/oralhist.html.

Lashbrook: Yes.

Seney: And I know he feels strongly about this.

Lashbrook: Absolutely. So that was really the second outcome of this discussion with the secretary was, "You know what? This needs to be a joint effort. You have the power, secretary. You oversee Fish and Game. You oversee D-W-R. Make these people work together," essentially was what we were asking for. Even though they're all under one agency, they have separate budgets, some people have been funded to do this E-I-R, other people haven't. So you see all these things. We're really looking for somebody to cut through all that and say, "We're going to do this E-I-R. Here's what it's going to take." And we're hopeful that that happens, and we see some indication that it may happen, but it's a long way from where we are right now to really an adequate environmental document.

Seney: One sees in the press the notion that Governor [Gray] Davis really micromanages what goes on and that the agency secretaries, department heads—

Lashbrook: Dan Walters wrote a few columns on that

issue.

Seney: Right. He thinks that's terrible. I'm not so sure how I feel about it. If I were governor and had been elected, I think I'd want to know what was going on as well. Davis has had a lot of experience. I mean, he's been governor before, frankly, under Jerry Brown. But what I'm getting to here is that Mary Nichols is likely reflecting his views, do you suppose?

Lashbrook: I don't know. I mean, I know reading Dan Walters' columns that she got in trouble early on some CALFED [Bay-Delta Program] stuff.²⁰

²⁰ "The CALFED Bay-Delta Program is a unique collaboration among 25 state and federal agencies that came together with a mission: to improve California's water supply and the ecological health of the San Francisco Bay/Sacramento-San Joaquin River Delta. It was the Delta's importance to the economic stability of California and the nation that led to the drafting in 2000 of a 30-year plan for its management and restoration. Implementation of the plan was ultimately pledged by 25 state and federal agencies with expertise to manage the complex program. This plan, set forth in a programmatic Record of Decision, laid out a science-based planning process through which the participating agencies were able to make and implement better, more informed decisions and actions on future projects and programs. Two years later, the California Bay-Delta Authority was created to oversee the program's implementation and Congress adopted the plan in 2004."

(continued...)

Seney: Yes.

Lashbrook: I don't know. I don't know. I don't have any perception how that is working.

Seney: If you make an appointment a week or two in advance, a couple of weeks in advance, and "Here's what we want to talk to you about," I suppose she has time to clear that with the governor, don't you think?

Lashbrook: I don't know. It was no easy thing getting this meeting.

Seney: Wasn't it?

Lashbrook: No, it was not. Senator Leslie was really instrumental in getting that thing set up. He continues to be a real champion for this area in many ways, and I give a lot of credit to him to getting our issues on the table to the right people. And this is a Republican senator meeting with a new Democratic appointment. It was fairly interesting.

Seney: And I don't know that Leslie is thought of as a particularly influential member of the Senate either, for that matter.

²⁰(...continued)

See "CALFED Bay-Delta Program Archived Website," <http://www.calwater.ca.gov/calfed/about/> (Accessed 8/2016).

Lashbrook: I don't know.

Seney: My understanding is, he's not particularly.

Lashbrook: He's been—

Seney: But he's been helpful in this?

Lashbrook: Very helpful. And not only this, but many of our regional issues. And he has some ties to the top people.

Seney: I guess what I'm thinking is that Davis must be predisposed, once this comes to his attention, to do something about this, for whatever reason.

Lashbrook: I think our local position is consistent with—how do I say this?

Seney: That state's interest?

Lashbrook: Kind of the state-of-the-art thinking in terms of how environmental processes ought to work, you know, and what the value of science and environmental analysis is. We're not talking about anything different than that.

Seney: And you feel like you're pretty inclusive in the sense that you've got all the water purveyors, environmentalists, and others in this group of yours, right?

Lashbrook: Right.

Seney: No, I'm not saying it doesn't make sense at all. If there's been a political change in the departments, given again these things we hear about the Davis administration, one is likely to conclude if those things are true at all that somehow the governor's ear has been gotten to here.

Lashbrook: I have no sense of that.

Seney: You don't have? I don't either, for that matter. Just one assumption laid on top of another.

Lashbrook: I would guess that this is an issue that's small enough it would be hard to get the governor's attention. But I don't have any idea.

Seney: Well, they're funny. I mean, sometimes there's a personal connection with an area. Maybe his wife, who's very active in his administration, has some sort of connection.

- Lashbrook: Obviously there's a lot of powerful interest groups such as the San Francisco Flycasters Club down here on the Truckee River. There's all sorts of connections.
- Seney: Influential people, yes.
- Lashbrook: Influential people. Hewlett Packard both run around this area and have interests. There's all sorts of things going on.
- Seney: Yes, it's very helpful. Very, very helpful.
- Lashbrook: So who knows?
- Seney: So where does the E-I-R/E-I-S stand now? Are you still assembling the team and getting people together to work on it?
- Lashbrook: We're hearing about a fall preparation date. I don't know. Our understanding is they're trying to work backwards from [U.S. President] Bill Clinton's last day to say, "What have we got to do to get this thing done under the current administration?" That's driving the schedule. More power to them. I hope they can stick to that schedule, because I think somebody needs to keep a little heat under everyone or this thing is just

going to keep going around in circles.

Seney: Well, Secretary [of the Interior Bruce] Babbitt has to sign off on it, too, doesn't he?

Lashbrook: Right.

Seney: I can see why they prefer not to have a change of administration.

Lashbrook: Although, you know, I would also say, if it's the right agreement and the major parties of interest are supportive of it, who's going to say no?

Seney: Yes. Well, I mean, you have to realize that Public Law 101-618 was negotiated under a Republican administration, under the [George H. W.] Bush administration, really, and signed by President Bush. So I don't know that partisanship will matter much.

Lashbrook: I don't know either.

Seney: I just don't know. It is interesting to me, though, that you're getting a lot more success out of the Davis administration than you did out of the Wilson administration. You know, Wilson was instrumental, according to Senator Reid, in getting

President Bush to sign Public Law 101-618. You'd think that would give him a kind of interest in it. I know when they drew the Stampede down and people reached him, he wrote a very indignant letter about how things should be managed. But you didn't see any kind of follow-through at the administrative level on that.

Lashbrook: You know, some have said that, well, David Kennedy's a water guy and he got the water and that was his interest. I don't know much about David Kennedy.

Seney: I don't either. I haven't had a chance to interview him yet, but I will.

Let me ask you about this depletion business, because I think you told me that, and I've called several people for interviews, but I think you told me you have enough water for build out?

Lashbrook: The 32,000 acre feet we feel pretty comfortable would support the build out of this region.

Seney: What about the depletion business? Is that a fly in the ointment?

Lashbrook: The big problems that the locals see with depletion is how do you measure it. Are we going to get sued because we're not measuring it correctly, you know, because Sierra Pacific is hurting for water? We're creating more discretion eroding the 32,000 gross allocation. And, again, why are we doing that and how are we going to deal with it?

One of the issues with the states is, "Oh, we'll figure that out. It will be no problem." Well, they worked for six months and did nothing, essentially, and then finally, if you talk to Mal you know, well, "We'll go hire someone to figure it out, and we'll take care of it."

Seney: Yes. There's only been one experience with it in some other district and they had a hell of a time apparently with it.

Lashbrook: Right.

Seney: I can't begin to remember the numbers, but you're using somewhere between 4,000 and 6,000 acre feet at this point?

Lashbrook: Of surface water?

Seney: Yes. Of your allocation.

Lashbrook: Of total water?

Seney: Yes.

Lashbrook: Yes, probably in the ballpark.

Seney: What happens when you get up to 14,000 acre feet and I come to you with a large apartment complex to build?

Lashbrook: I think that's a heck of a question, going to depletion.

Seney: Yes. That's what I'm thinking.

Lashbrook: We've got three land use entities here. We've actually got four. We have three counties and a city. So are we going to be looking over each other's shoulders and say, "Are you taking up our depletion?" That's a real risk. You know, it's things like golf courses and certainly irrigated agriculture, which isn't a big issue up here. It could be. Who knows?

And that's the thing. Yes, we probably have enough water and this depletion is

probably not that bad of a thing, but this is forever. This is seen as a forever deal, and we're not smart enough to know what this might mean fifteen years from now or twenty-five years from now. And so we need to be real thoughtful about throwing those kind of issues out there, real thoughtful. Frankly, the thing that really got us, I think, is what did we get for it?

Seney: I don't blame you. It requires a political cast of mind to deal with these matters and there always is, if you give up something, you expect something in return.

Lashbrook: I've seen our negotiators put absolutely reasonable proposals on the table and just get slammed by the other interests.

Seney: Things like?

Lashbrook: Things like mid-course correction. That was one of the few negotiations I went to. It was almost melodramatic to watch the response from the downstream interests is like, "Oh, you don't trust us. You've got to assume that we're going to continue to work in good faith." Well, you know, who was it, Mark Twain or whatever that said, "Whiskey's to drink and water's to fight over." No one is

going to be able to be acting in good faith, because the resource is going to be so tight that everyone's going to have to grab every last drop. I mean, that's where we'll be at some point.

Seney: And Reno is way ahead of their projections on growth and water use. They thought they were good until 2015 or 2020, and they're right up against it in the next couple of years.

Others Problems with the EIR/EIS

Lashbrook: We were talking about issues with the E-I-R problems. Another one, you bring it up, was that—and we're headed in the same direction again—in the cumulative section of the E-I-R/E-I-S, it's supposed to kind of list projects that, in this case, might use water. For instance, there's a golf course project which was approved by the town in 1995. So it was identified in there, rightly so. I don't have a problem with that. But the Washoe County water plan, which had one or maybe more reservoirs planned off Truckee River but Truckee River water, no mention of those projects in the cumulative analysis section. We're going, "Well, wait a minute

here. This doesn't balance."

I got a request from the Bureau this spring that said, "You give us your list of projects."

So I said, "You didn't give me any definition. I'm giving you our application log. There's 350 projects in here. I'm going to check the ones that I think are significant enough that you would even care about, but I'm letting you also know that you're not giving any definition here. It's very incumbent upon you to create some kind of common filter. Otherwise, it's going to be total B-S in your documents."

Seney: Yes. Some sort of minimum demand or something.

Lashbrook: Right. Your cumulative impacts analysis is going to be based upon whoever sent you the information, not on any analysis. I'm still skeptical of the outcome of this. It's just such a giant document.

Seney: Yes. Oh, it is huge, yes.

Lashbrook: I can't imagine trying to work on it.

- Seney: And there's so many people who are so anxious to get it done right away, you know, and there's nobody, really, except unless maybe you guys want to drag your feet a little and say, "Wait. Let's get this right."
- Lashbrook: We definitely want to get it right. We definitely want to know what we're getting into.
- Seney: "Drag your feet" may be the wrong idea, but take the time to get it right. The others, I think, want to expedite it to get it over with.
- Lashbrook: They've had twenty, thirty, fifty, a hundred more years to think about what right is.
- Seney: That's right. [Laughter]
- Lashbrook: Really, you know. I mean, that kind of goes to the original context of this discussion, how did the Newlands Project affect us. I'm not sure yet. It's still affecting us.
- Seney: Yes. That's right. And will continue to as long as it's there drawing water, right. Well, that's all the questions I have for you. Anything else you what to add?

Lashbrook: No.

Seney: Okay. That's what I wanted to hear about.
So I appreciate your time, and thanks on
behalf of the Bureau.

Lashbrook: Okay.

END SIDE A, TAPE 2.
END OF INTERVIEW.