



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

REPLY TO  
ATTENTION OF

CESPK-RD

11 Jun 2008

MEMORANDUM FOR RECORD

SUBJECT: Navigable- in- Fact Determination for the Truckee River and Pyramid Lake  
(ID SPK-2007-01872)

1. I have determined the Truckee River and Pyramid Lake are "navigable-in-fact" traditionally navigable waters based on available information. The segment of the Truckee River navigable-in-fact is from the dam at Lake Tahoe in Tahoe City, California, downstream crossing the Nevada state line to its terminus and including the entirety of Pyramid Lake. Pyramid Lake is navigable-in-fact to the limits of its ordinary high water mark. This determination is made in accordance with Appendix D of the U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook (Rapanos Guidance), dated 5 Jun 07, Appendix D.
2. The Truckee River is an interstate waterway originating in the Sierra/Nevada Mountains in California. The river system (omitting Lake Tahoe and its major tributary, the 15-mile long Upper Truckee River) consists of five (5) major river reaches including: (1) the 15-mile reach from the Truckee River's origin beginning at the Lake Tahoe Dam at Tahoe City, California; (2) the 20-mile reach flowing through the upper Truckee River canyon between Truckee, California, and Verdi, Nevada, a reach which cuts through the Carson Range of the Sierra Nevada Mountains; (3) the 15-mile reach through the Truckee Meadows and the cities of Reno and Sparks, Nevada, to Vista; (4) the 30-mile reach from Vista to Wadsworth through the lower Truckee River canyon, and cutting through the Virginia Mountain Range; and (5) the 25-mile reach below Wadsworth, Nevada, traversing a broad alluvial valley to Pyramid Lake. The Truckee River Basin encompasses an area of approximately 3,060 square miles (1,958,400 acres) in the states of California and Nevada. The basin stretches in a generally north by northeast direction from Lake Tahoe, located in the Sierra Nevada Mountains on the border between California and Nevada, to Pyramid Lake, located approximately 50 air miles away in the desert of northwestern Nevada. Connecting this alpine source lake and the basin's desert terminal lake is the 105-mile long Truckee River. Of the basin's total area, approximately 760 square miles (486,400 acres), or almost 25 percent of the basin, lie within the State of California, while the remaining 2,300 square miles (1,472,000 acres), or 75 percent of the basin, and lie within the State of Nevada. As a major sub-basin within the Truckee River Basin, the total drainage area of the Lake Tahoe Basin, to include Lake Tahoe and its tributaries, totals approximately 506 square

miles (323,840 acres), and comprises 16.5 percent of the Truckee River Basin's total area. While the greater portion of the Truckee River Basin's surface area, and certainly the majority of its demands for water resources lie within the State of Nevada, most of the precipitation and virtually all of the basin's water storage lie within the State of California.

3. The Truckee River has historic documented uses to transport commercial goods and people, including transporting logs downstream to build mining mills, railroad lines, and housing. In the 1860s the early Truckee-Donner area settlement began based primarily on logging and railroad construction and operations. In 1867 the Truckee Lumber Company was established near Donner Lake. By 1868, this lumber mill alone had produced some 10,000 railroad ties and two million feet of bridge timber as part of a contract with the Central Pacific Railroad. The lumber mill also produced eight million board feet, a significant portion of the 66 million board feet produced by the dozen or so milling operations located in the immediate vicinity of Truckee. In the latter part of the 1800's, Wadsworth was an important rail center, particularly for the shipment of Pyramid Lake cutthroat trout to San Francisco markets and, beginning in 1869 with the completion of the transcontinental rail line, to points east as well. In 1888 alone, it was reported that approximately 250,000 pounds (125 tons) of Pyramid Lake cutthroat trout were shipped from Wadsworth. The Nevada State Supreme Court declared the Carson River navigable according to the Nevada Division of State Lands (NDSL) in the court case: State v. Bunkowski (1972). The Attorney General of Nevada, on January 6, 1970, and the Nevada Legislative Counsel, on January 13, 1970, issued opinions that the Carson River is a navigable stream due to the river being used to float logs during the Comstock Era.

4. Currently, there are eight (8) major storage facilities of the Truckee River Basin; Lake Tahoe; Donner Lake; Martis Creek Reservoir; Prosser Creek Reservoir; Independence Lake; Stampede Reservoir; Boca Reservoir; and Derby Dam;(excluding the basin's terminus, Pyramid Lake). River flows and water releases from these lakes and reservoirs are controlled by the Federal Watermaster in Reno, Nevada, in accordance with specific operating criteria, specifically, the 1944 Orr Ditch Decree and its incorporated 1935 Truckee River Agreement and the Floriston rates.

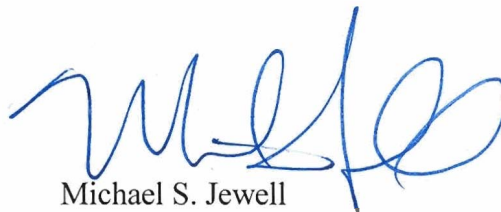
5. The Truckee River serves a variety of purposes along its length. The Lake Tahoe area, known for its clear waters and beautiful mountain setting, is one of the most popular recreational areas in the world. Water from Tahoe also contributes municipal water to the surrounding communities. The Lower Truckee River supplies water to the cities of Truckee, Reno, Sparks and other smaller towns along the river. The river is used for recreation, including fishing and rafting, hydroelectric power (water is diverted through several off-stream power plants located near the California-Nevada border). The Truckee River is heavily used for summer rafting by commercial rafting outfitters and individual recreational users. There are put in sites at Tahoe City for a 5-mile trip downstream to River Ranch; on the Little Truckee River near the old Boca town site for a 7-mile trip downstream to Floristan; near the confluence of the Truckee with the Little Truckee below Boca Reservoir; below Floriston the river is runnable all the way through

Reno and down stream to Derby Dam and from there with various portages down to Pyramid Lake The Truckee River runs through Reno, which is the site of the new whitewater park. The new \$1.5 million park is heavily utilized by recreational kayakers, but also has some surf holes that could be fun for a raft. Also the Truckee Meadows Water Authority publishes a Truckee Rive Recreation and Safety identifying all recreational aspects of the Truckee River from Truckee, California to Tracy, Nevada. Further, there are multiple businesses in the vicinity of the Truckee River that rent rafting and kayaking equipment for use on the river. Lastly, the Pyramid Lake Paiute Tribe maintains a marina with a fee based boat ramp and campground at Sutcliffe on Pyramid Lake.

6. Reference:

- a. [Http://cee.engr.ucdavis.edu/faculty/lund/dams/TruckeeR.System/intro.html](http://cee.engr.ucdavis.edu/faculty/lund/dams/TruckeeR.System/intro.html).
- b. Gary A. Horton. 1995. Truckee River Chronology. A Chronological History of the Truckee River and Related Water Issues, Nevada Water Basin Information and Chronology Series. State of Nevada, Department of Conservation and Natural Resources. (Entire Document) <http://water.nv.gov/WaterPlanning/truckee/truckee1.cfm#TITLE2>
- c. [Http://www.americanwhitewater.org/content/Wiki/do-op/id/access:nv](http://www.americanwhitewater.org/content/Wiki/do-op/id/access:nv).
- d. [Http://silversource.state.nv.us/forms/lands/PERMITDOCS.pdf](http://silversource.state.nv.us/forms/lands/PERMITDOCS.pdf).
- e. <http://www.whitewatertours.com/lake-tahoe>
- f. [http://www.truckeeriver.org/safety/2003%20Truckee%20River%20Map%20final%](http://www.truckeeriver.org/safety/2003%20Truckee%20River%20Map%20final%20)

7. Kevin J. Roukey, Reno Regulatory Office, is POC for this determination, telephone 775-784-5307 or e-mail: [kevin.j.roukey@usace.army.mil](mailto:kevin.j.roukey@usace.army.mil).



Michael S. Jewell  
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