

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Regular Meeting

February 9, 2021

Video Conference via ZOOM

## **DIRECTORS:**

Todd Westergard

Karen Baggett

Ed James

Mike Nevin

Ernie Schank

John Capurro

Tyler Henderson

Pete Olsen

## **ABSENT:**

Ty Minor

John Enloe

## **Staff**

Mary Pat Eymann

## **GUESTS:**

Lori Williams, Tri Sage Consulting

Ron Penrose, Superintendent

Kayla Dowty, Tri Sage

Chad Blanchard, FWM

Leo Bergin, Attorney

Mike Hayes, CVCD

Theresa Jones, City of Reno

### **1. CALL REGULAR MEETING TO ORDER -**

President Westergard called the Regular meeting to order at 10:00 a.m.

### **2. PUBLIC COMMENT – None**

### **3. APPROVE AGENDA –**

Director Schank made a motion to approve the posted agenda; seconded by Director Olsen; motion carried.

### **4. APPROVAL OF MINUTES AND CHECKS WRITTEN –**

Director Capurro made a motion to approve the January 12, 2021 Minutes; financial statements as submitted and checks written on Bank of America #9656- #9662 and Nevada State Bank #3044 - #3049, motion seconded by Director Baggett; motion carried.

### **5. FEDERAL WATERMASTER'S REPORT –**

*A complete copy of the Water Report is available at  
District Offices or on the internet at [troa.net](http://troa.net).*

Ended up with 4.83 inches of precip at Tahoe following latest storm which is good but should have had over 6" to be average for January.

In the process of investigating with the BOR the upgrading of the Water Control Manual, which is the core of engineer's criteria which the watermaster's office operates under. This was last updated in 1985, there are significant reasons to look at modifying the manual. The program is called the Truckee Meadows Options Piolet Study. It was suggested that the District be invited to an upcoming meeting to discuss some of the options.

Issues with the current flood control manual that the Watermaster's Office sees and is hoping to operate under:

1. Several other basins have started to transition over to a Forecast Enform Reservoir Operation (FERO). Currently the flood control curves and we have to have a certain amount of flood space going into the winter starting November 1. Typically, can start filing on April 10 to be full May 20. However, in

years like 2017 we have what is called a high snow melt perimeter and that pushes back the date we can start filling and be full. And 2017 it pushed back to the maximum which was starting on June 1 to be full July 5. Some of the problems the WM office saw specifically in 2017 were that we weren't able to fill Prosser because the way the high snow melt perimeter works is it pushes back when you can start filling until there is a certain amount of snow left. You don't want to have the reservoirs full and still have a significant amount of snow on the mountain. The problem with the way it works now is if you were able to shut off all releases there is still typically enough run off to capture and fill the reservoirs. The problem is there is typically demands at that time depending on the system. And when you have to pass water to meet demands you're having to pass water that you store or fill it and you are unable to store it. So even in 2017 which is the biggest year in history we were unable to fill at least Prosser. What FERO does it allows to look into the flood control. If we get early run off before April 10, we can fudge into that a little bit as long as there are no significant storms forecast. Would be looking into the forecast and possible encroaching into that flood space until a point when the river forecast center says there is no significant atmospheric river coming.

2. Right now, the flood control requirements say as soon as Reno hits 6000 cfs we have to shut off all the flood controls down to the minimum. Reno hits 6000 all reservoirs are shut off. 6000 is a really low number and if it's on the way up and is a normal storm it's not a problem. One of the problems in 2017 just from normal run off in the spring on sunny days we were above 6000 cfs and having to store into the flood space. You really don't want to lose your flood space on days when it's not even storming. If you use all your flood space and a storm suddenly comes you don't have anymore room. There wasn't flooding and you are above 6000 the rules say you have to store. Want to make sure if it's not flooding and there is no event and are hovering above 6000 maybe can avoid losing that flood space.
3. Another concern is that after the 97 flood we filled basically all of the flood space. There was no flood space left. There was another storm forecast which didn't come. The way it is now is once you hit 6000 you have to store and can't start evacuating out of the reservoirs until it drops below 6000 and then you can only do it to a level that causes Reno to go back to a level of 6000. You can't exceed 6000. In 97 it looked like another storm was coming and there was no flood space left which was a significant problem. An exception to that rule was granted by USACE under an emergency deviation the ability to go to 9000 cfs in order to evacuate that water as quickly as possible.

These are some of the issues that are hoping to address in the manual rewrite. Currently in the study process. Since CTWCD is in charge of the flood channel the WM office thought the District should be involved. The next scheduled meeting is in March. Kayla advised that the District has been notified and she and Superintendent Penrose will be attending the meetings.

## **6. DISCUSS AND REVIEW OF TRUCKEE RIVER WATERSHED PLAN/IMPROVEMENT PROJECT WITH POSSIBLE BOARD DIRECTION – Kayla Dowty**

Ms. Dowty reached out to Mike Callahan, NRCS engineer as to what they were looking for from a cooperating agency as well as explaining the District's responsibilities and roles. It was explained that USACE would be better suited to be a cooperating agency than the District. The District would probably be better suited to be a project stakeholder. This would allow us to continue to be informed on the project process and included in any stakeholder meetings. The letter shown at the previous meeting to be sent to NRCS has been revised based on this conversation. The letter was revised to state that we would like to be a project stakeholder rather than a cooperating agency.

A statement from NRCS was read by staff:

“In consideration of public comments received to date, and an intent to re-evaluate the feasibility, scope and extent of the project, as well as the effectiveness of the proposed project to meet conservation criteria; and identify the level of technical services that would be required to complete the project, the planning process has been halted at this time.

Comments received will be documented to inform NRCS of the interests and concerns associated with potential improvements to the SCIC system.

More information will be forthcoming through a press release and on the NRCS Nevada website as to the next steps in the planning process.

For additional information, please contact Jose Rosado at 775-834-0911 or jose.rosado@usda.gov”

Ms. Dowty stated that even though NRCS is in a holding patter she doesn't feel it changes the District's response. She believes it is still worth sending the signed letter letting them know the District is interested in being a stakeholder but does not have the jurisdiction to be a cooperating agency.

Attorney Bergin – we have a lot at stake here and we should be involved to have a voice.

Todd – Does it actually say in the letter we don't have jurisdiction?

Kayla – We don't jurisdiction to participate as a cooperating agency. But do have jurisdiction to be involved as a project stakeholder. It is the USACE flood branch that does have the jurisdiction to be a cooperating agency. There is no firm scope as to what they want to do. They are still very early in the scoping process and don't even know if they will address the diversion structure. Only work in the 14,000 will require a permit and it is not even known if they will be in the channel.

Todd – My hesitation is in saying we don't have the jurisdiction to participate in that manner. Mr. Westergard did go and review the NRS that provides for Conservancy Districts. We have broad ability and authority and jurisdiction. Therefore Mr. Westergard is very hesitant to declare we don't have authority to be a cooperating agency. Maybe leave that part of the letter out and say we do want to continue as a stakeholder.

Ernie – Agree with Todd about the authority the District has being broad. Is there anything in the Martis Creek Agreement that would not allow us to do it?

Kayla – Clarification that we are only talking about the development of the environmental assessment (EA).

Lori – Maybe the letter should say we are not the agency to be a cooperating agency relative to the EA. That is what they asked us to do specifically. It is good to put in the letter that the District is the local sponsor for a 408 permit or any work in the 14,000 cfs flood channel. And to state we do want to be a stakeholder so we can be informed as to the project scope.

Kayla – If we are involved in the EA it could be perceived as our approval of a 408 permit. This could create a conflict of interest between the EA and a permit.

Lori – When you say you are a cooperating agency you are saying you are involved in the development of all documentation and are in agreement that all NEEPA requirements have been met. We do not want to give this impression; this is reviewed by USACE flood branch.

- ❖ Director Schank made a motion that a letter be drafted by Kayla, reviewed by Leo, Ron and Todd and sent to NRCS stating that the District does want to be a stakeholder but not a cooperating agency at this time; seconded by Director Henderson; motion carried.

**7. UPDATE AND REVIEW OF LETTER FOR THE RTC ARLINGTON BRIDGE PROJECT – Kayla Dowty**  
Working on a draft letter now, will present at the next meeting.

**8. DISCUSSION AND POTENTIAL ACTION REGARDING ISSUES THAT MAY ARISE DURING THE 2021 REGULAR SESSION OF THE NEVADA LEGISLATURE WHICH COULD POTENTIALLY IMPACT CONSERVANCY DISTRICTS, GENERALLY – Karen Baggett**

Ms. Baggett is sending the Board information on an ongoing basis.

SB98 – has to do with the Carson Sub Conservancy District – Mr. James stated that this bill has been worked on a couple years with Storey County. Storey County has been a non-voting member of CWSD. This bill is to formulize this relationship and have Storey County become a voting member of CWSD. This would only affect the small portion of Storey County that is in the Carson watershed. They would have 1 official members on CWSD's board.

**9. DISCUSSION OF GRANTS PROVIDED BY THE DISTRICT FOR CURRENT FISCAL YEAR (2020-2021) AND POSSIBLE GRANTS FOR 2021-2022 INCLUDING DISCUSSION OF THE GRANT PROCESS – Kayla Dowty/Lori Williams**

As far as the budget and the category the grants come from per the accountants it is not weather, we go over a specific category but go over the budget as a whole when we would need to do an augmentation.

We are currently reviewing the current grant regulations. Currently there are 2 grant applications, one for weed abatement and one for matching funds. We are trying to combine those 2 applications into one. Are thinking of incorporating a grant agreement. It currently no stated as to when payment is made and when the work needs to be done in order to receive the payment. A standard agreement might clarify those points. Another consideration is to salary and labor charges being paid as part of grants. Currently there is a tight policy as to when the money can be paid and this could perhaps be left to the Board on a case-by-case basis.

Ed – do we have any requests in for this fiscal year – No. So, what we are talking about is setting up for next fiscal year?

Lori – Grants put on hold due to pandemic and not knowing what our financial situation would be. Process where everyone applies at once and reviewed. Need to add some board flexibility.

Todd – Why did we have 2 applications? Was it we didn't want to put too much money into one type of project and not have any for other types? That we shouldn't spend everything on weed abatement and not have anything for erosion projects.

Ernie - Todd's statement is correct as to why we had 2 different ones. Suggest a working document be made so that as the Board changes the new members can know the process that has been adopted for ranking projects that come in.

Todd – What is the process as far as letting people know that the application period is open?

Ernie – When we do the budget, we could send out notice to previous participants that money is available.

Lori – Office staff has a working list and has in the past sent out notice once funds are available.

**10. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENTS, PERMITS AND REQUESTS– Lori Williams/Kayla Dowty**

*See Engineer's Report*

*See Martis Creek Agreement, which is referenced in this agenda item*

Letters to the City of Reno and Washoe County (available at District offices) to follow up and introduction regarding the assurances that they had made in regards to the Martis Creek Agreement. Identifying specific spots on the River that need to be addressed.

- ❖ Director Schank made a motion to approve the letters as drafted after Director Henderson who represents Washoe County has had a chance to review and then be sent; seconded by Director Capurro; motion carried.

**11. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING MAINTENANCE DEBRIS REMOVAL WORK, EMERGENCY DEBRIS/DEPOSIT REMOVAL WORK AND AUTHORIZATION FOR EXPENDITURES FOR SUCH WORK – Lori Williams/Kayla Dowty**

*See Engineer's Report*

**12. ENGINEER/CONSULTANT REPORT – Lori Williams/Kayla Dowty**

*See Engineer's Report*

**13. SUPERINTENDENT REPORT – Ron Penrose**

Nothing to report

**14. LEGAL COUNSEL REPORT – Leo Bergin**

Nothing to report

**15. SECRETARY/TREASURER REPORT – Mary Pat Eymann**

Nothing to report

**16. PUBLIC COMMENT - None**

**17. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS**

**Future Agenda Item Requests:**

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**Board Comments:**

- Ed James – Chair of Natural Resources is new and not much knowledge will have to keep track of.
- Karen – Adding FYI section to Legislature Report for bills not specifically water related but interested or could potentially be water related.

**18. ADJOURNMENT -**

There being no further business, President Westergard asked for a motion to adjourn the meeting. Director Capurro moved to adjourn, Director James, seconded said motion, motion carried.

**\*\*The next meeting will be Tuesday, March 9, 2021 at 10:00 a.m.\*\***

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Todd Westergard,  
President

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Mary Pat Eymann,  
Secretary/Treasurer