

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting
Sept 10, 2013

DIRECTORS:

John Capurro
Ed James
Greg Dennis
Ron Penrose
Todd Westergard
Chuck Roberts
Mike Nevin

OTHERS PRESENT:

Leo Bergin, Attorney
Lori Williams, Engineer/Consultant
Joe Coudriet, P.E., City of Reno
Jay Aldean, Truckee River Flood
Management Authority

ABSENT:

Gwen Washburn
Ernie Schank
Barbara Byington

STAFF:

Gwyn Bergin
Trudy Salley

Acting Chair Westergard called the meeting to order at 10:10 a.m.

PUBLIC COMMENT - NONE

APPROVAL OF MINUTES AND CHECKS WRITTEN –

Director Roberts made a motion to approve the minutes for August and checks written on Bank of America #9153 - #9158 and Nevada State Bank #2436 - #2444. Motion seconded by Director Nevin and Director Capurro, motion carried.

FEDERAL WATERMASTER'S REPORT -

Chad presented the water report, a copy of which is included in Minutes book. Tahoe is dropping fairly quickly. We are just above the natural rim by 2 ft. Floriston this morning is at 500 cfs. Farad is 538 cfs. Half of Donner water belongs to TCID is coming out on top of Floriston rates for recoupment. The other ½ belongs to TMWA, in lieu of exchange of Floriston rate water in Boca. We will bring Independence down for fall just a little, only another 1000 AF. We are passing some water over Derby Dam to satisfy some downstream permits permitted by the State. We are reducing the amount going over Derby as the Ag entitlement down below as some of those diversions are being shut off as they have reached their annual entitlement. Carson is pretty slim, Gardnerville is at 42 cfs and Woodford is at 14 cfs. Little bit of reservoir water left on the East fork. Nothing is making it down to Ft. Churchill. In the past 112-113 years, we have had only 6 years that Tahoe has had a positive exchange in the month October. Depending on the winter, our base flows could be even lower than normal next year.

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY PRESENTATION -

Jay Aldean, TRFMA asked if there any requests: Director Dennis requested the following two topics be touched on: 1. Integration/coordination of responsibilities relative to the Martis Creek Agreement. 2. Emergency preparedness issues and Martis Creek Agreement. Mr. Aldean informed the Board TRFMA has just received a calibrated model of downtown which has driven the cost up. Mr. Aldean stated he would share a brief synopsis of where TRFMA is today as well as what steps they have taken thus far, June 2012. Last year, TRFMA made a presentation to the Flood Board to change the strategy they had been following thus far. Those strategies had been stick with the USACE and do nothing on your own. With small amount of money which is about \$5,500,000.00 they had contracted

with HDR and now have developed a project beginning at 395 eastward, which is the State of Nevada's portion of the Truckee River. This project has developed for approximately \$320,000,000 and should be able to build for this sum. It has not been officially approved by the Board. Hopefully, Mr. Aldean will receive direction from the Board in October which will be a quasi-approval for that part of the plan.

The difference between what TRFMA was doing before and the approach they are now taking is, in the past the approach was what do you want and we will put it in our plan which increased our plan up closer to about \$1.6 billion. The new approach is practicality and appropriateness in a goal of developing a 100 year protection. Everything from 395 East is planned to the 100 year level of flood protection level. Everything in the immediate downtown area is the protection level is a more limited 100 year level of protection plan. The difference is the limited level of flood protection still gives you the 100 year protection but not according to FEMA. The new plan includes replacing all 4 bridges (with peerless bridges) which will divert the debris out toward 395 in a harmless manner.

Jay stated the Truckee River HEC RAS model for downtown is almost completed and will be available for us to use very soon. The shoaling and point aggregation, designation items that we need. But is a good working model and will have staff call when it is ready.

Mr. Aldean is expected to have the Downtown Reno portion of the project completed by the end of this month (September), he would like to present to his Board so he can start with next section in October which will take six months to get the key model updated.

There was much discussion about the politics, the ins and outs of the Flood Management Authority and how everything may work and when the process will take place.

Next Major Steps are: Design/engineer the Local Rate Plan (LRP) will include additional features that are not eligible for federal cost-sharing. (September 2013)

Continue local rate-making process with the intent to adopt rates in September 2014 and complete judicial review (2014-2016).

Anticipated construction to begin in 2017

Civil Works Review Board (???? 2013)

Completion of Chief's report February, 2014

Prepare for possible Congressional authorization of the project via upcoming WRDA bill. (2013-2014).

DISCUSS SYSTEM WIDE IMPROVEMENT FRAMEWORK APPROACH

Ms. Williams, Director Penrose and Kerri Lanza from City of Reno, drove to Sacramento and met with the flood branch of the U.S. Corp engineers on August 21st. Stated Joe Coudriet, City of Reno was here for Kerri. Ms. Williams stated they had a good meeting, kind of described to them where we were, good dialog particularly around vegetation and which vegetation the City of Reno would like to retain. USACE Engineer stated they were going to have to issue their inspection report from April inspection. We know you are working on it, however, we do not have any of those unacceptable items moved into the minimum acceptable as of yet.

USACE Flood Control Branch, Sacramento recommended we pursue the System Wide Improvement Framework process for completion of the inspection related work under the Martis Creek Lake Agreement. Basically, this is a way to maintain the PL 84-99 rehabilitation assistance for the project jurisdiction, except for assistance with outstanding 'unacceptable' rated items from the inspection, while the items raised in the inspection are addressed. This process, if accepted by the USACE, buys us two years to correct the deficiencies. We asked if we could bring all areas back into minimum acceptable status, skipping the City of Reno's vegetation area. The answer was no, all items have to be moved to the minimum acceptable status in order for the entire system to be placed back into acceptable status. What this does buy us is reinstatement during the SWIF process, reinstatement into rehabilitation under P.L.84-99 assistance funding. Ms. Williams question is do we care enough to retain the P.L. 84-99 assistance funding if there is an event they will come in and help us reconstruct a project back to its original intent or do we not? Either way if you do the SWIF process or if USACE issues the

memorandum stating unacceptable rating; notices will be issued to the congressional representatives, FEMA, State Emergency Management, locally is the County emergency management, all elected officials. Either way, Ms. Williams's recommends we are going to need to be making rounds to the Senators offices, elected officials, Emergency Management, the FEMA folks. City of Reno has connections with the FEMA folks and they will assist us in scheduling some meetings with FEMA. We will need to be doing these notifications explaining why the report came out with an unacceptable rating.

Does this board want to pursue the repairs under the SWIF process and/or retain eligibility for the P.L 84-99 or do you just want to let USACE issue their report and get the work done as we can. One of the items we did state in our draft Letter of Intent was that we would obtain a vegetation variance for the City of Reno's trees along the vegetation free zone. However, after reading what that variance requires is a big question whether or not we would be able to obtain such variance and in the meantime buy ourselves some time.

Director Penrose shared his perspective regarding what is driving this entire process at this time. In 2011, CTWCD had a different engineering firm when the 2011 USACE inspection was performed. There was no action taken on our part pertaining to the 2011 inspection report due to communication breakdown between previous engineer and the board. Director Penrose also feels that USACE has been given marching orders to become stricter with these inspections due what has gone on across the country i.e., like Katrina. So they may have a different attitude that's been directed towards USACE staff, that's kind of the background we have been dealing with.

Director Penrose does have a "real" hard time accepting "unacceptable ratings" especially when the whole Martis Creek Reservoir situation, the Reservoir has been unacceptable for years, even though it provides flood management. It's a bit of a one-way street. However, CTWCD does have responsibilities and feels we have been more than pro-active the last 4-5 months, putting together two separate meetings with the USACE. First meeting, regarding the report and the second meeting was to share all of the things we are doing on our part as well as how we are collaborating with the City of Reno. We are committed to some short term projects which USACE is aware of which includes the vegetation thinning. Unfortunately, until we receive our Right of Entry (ROE) from State Lands we cannot get into the river to do this work.

Director Penrose recommends we move forward with the Letter of Intent (LOI) entering into the SWIF approach process. Begin talking with all the local entities Lori mentioned and let them know we are actually doing something, never dropped the ball in our opinion and moving forward with the entire process.

Later down the road if something changes and we do not want to for example remove the shoaling we can back away and possibly become ineligible for the rehabilitation assistance P.L.84-99. We do not know the impact between FEMA and the rehabilitation assistance P.L.84-99 at this time. But by going through the SWIF approach process it gives us two years to work through each item.

Progress continues toward the scoping and designation of work to be performed. However, it was determined a permit for entry into the river channel will be required by the Nevada Division of State Lands. Nevada Division of State Lands has agreed to process a 5 year permit with some specified notice requirements and provisions that will allow the CTWCD to gain access for routine channel maintenance and operational work on an ongoing basis without applying for a permit each time. This permit will have a notice period and is expected to take at least a month to obtain; thus work to remove debris and vegetation will likely be delayed until the October timeframe.

Director Penrose stated on the short term, we will get the Right of Entry from State Lands for five years. Submittal will be made today.

Ms. Williams is working on the scope of work that can be placed into a bid document, we are going to bid that work to de-vegetate. The City of Reno's staff people within their parks department are

going to also work under the ROE to do their work along the bank. We will also use the ROE for normal course of business such as removing a logs, etc. Now that we have the model we can use the model to determine whether or not the shoaling is an issue, if it is an issue we have another project, which will require design, more time, and additional time consuming permitting. The model also provides the information to the City of Reno to make a decision on the flap gates. Then we will have to apply for the vegetation variance, which is going to be very political.

Both Ms. Williams and Director Penrose recommend giving a positive vote on moving forward with the LOI to enter into the SWIF, because not only do we not understand the linkage between FEMA rating and the rehabilitation assistance P.L. 84-99 in having an unacceptable project. The other area we do not understand are the politics of what is the USACE going to do if we have an unacceptable project on the Truckee River and here comes TRFMA applying for another project on the Truckee River, in most political realms at some point these become inner twined.

Director Westergard posed the question, what are the repercussions, after the SWIF, should we not meet the plan within the two year period. Ms. William explained you fall out of rehabilitation assistance. Director Westergard also asked what the cost of the SWIF approach process would be. Director Penrose and Ms. Williams replied until we begin the process and know exactly what needs to be done especially where the shoaling is concerned there is no way of knowing. However, either way we will be modeling the shoaling, removing the vegetation & flap gates whether you are in the SWIF plan or not these things will have to be done. Unless, we have to remove the shoaling, we will really need to develop plan for long term planning. Both Director Penrose and Ms. Williams agree they feel we will be getting the work completed within in the two year time frame of the SWIF will just go away.

Director Capurro made a motion to move to go into the System Wide Improvement Framework approach process and submit the Letter of Intent for Correction to USACE. Motion seconded by Director Nevin. – After further discussion noted below, the motion was voted on and motion carried.

Attorney Bergin suggested we not only enter into the SWIF process, we also send the letters out to all parties mentioned above so that when they all receive a negative letter from USACE they also receive a positive letter from CTWCD explaining exactly what we are doing.

Director Roberts asked if we are approving the LOI at this time or is this draft form. Ms. Williams stated this is draft form. Director Westergard suggests we grant permission now for the final form to be signed by Mr. Penrose as our superintendent. Board also granted permission for Ms. Williams and Director Penrose to move forward with contacting the Congressional parties, etc.

DISCUSS STATUS OF USACE Inspection, Martis Creek Agreement revision, related matters and action plan -

Ms. Williams believes we have touched on all the elements as to where we stand as of now with the discussions on topic above. Director Roberts posed the question; the deficiencies seem to be a surprise to the Board. Ms. Williams walked Director Roberts through the chain of events. Director Roberts asked if this is an accumulation of deferred maintenance, so question is in the scope of revenue, do we have the funds available to correct the issues. Ms. Williams responded we do have to explain our source of funds within the SWIF process. We do have reserves for emergencies, and the Board may have to make the decision to tap into those funds, particularly if we have to get into the river and remove shoaling deposits. We have identified the City of Reno has agreed to work on the flap gates. Until, we really get into the modeling we really do not know what costs will be. Director Penrose stated that the high ticket items for CTWCD are the shoaling removal (if necessary) this could be a major project, the other which is down the road, is the box culvert in the river at Idlewild Drive. In terms of the deferred maintenance, Director Penrose feels we have and are on top of things in this area.

ENGINEER/CONSULTANT REPORT -

Ms. Williams believes we have touched on all the elements as to where we stand as of now with the discussions on topic above (SWIF) discussion. With exception of the fact, Ms. Bergin did receive a Tri Sage Consulting invoice today for \$12,044. Unfortunately, it costs money to go through these processes.

Ms. Bergin explained the reason the billing is mentioned, our actual Engineer budget has gone over the budgeted amount. However, this item will be paid and we will need to discuss future payments at our next meeting (using our Emergency Reserve Funds for cost augmentation).

Director James stated he will be meeting with State in the near future, believes the Truckee River bottom is owned by the State. The State used to have funding for maintenance, snagging and clearing that was removed years ago. Thinks we should try to have them establish these funds and this could be a funding source the District could look at. Lori mentioned she has to get in touch with Rob Martinez as they are in the same boat we are, not due to change engineer but employees that did not carry through on their inspection report. The lower of Truckee River from Glendale Bridge downstream is maintained by the State of Nevada.

LEGAL REPORT – Nothing to report

TELEPHONE, FAX, INTERNET AND COPIER EXPENSES-

Ms. Bergin wanted to remind the Board; we have recently (May 7, 2013) entered into a three year lease with Machabee Capital for a new copier. The District has always split these costs with WCWCD, so she has gone back to May and divided the costs for the above items. Ms. Bergin just wanted to keep the Board apprised of the extra expenses coming up and make sure that it was aegized to show the costs.

PUBLIC COMMENT - NONE

BOARD COMMENTS and/or REQUEST FOR AGENDA ITEMS –

Director Dennis asked if we could review the Budget changes next month, could we talk about the projected costs for Tri Sage and Ron’s costs.

Director Penrose – do we need to have an agenda item for the Bid Package and/or the Right of Entry. Also, should have an agenda item for discussion purposes at this time, regarding scheduling a presentation with the TRFMA Board in the future.

Review/Revise Martis Creek Agreement especially with the creation of TFRMA (standing item).

Director James review of budget and Director Roberts added distribution of financial information in advance of meetings.

There being no further business, Acting Chair Westergard adjourned the meeting at 12:10 a.m. Announced the next meeting will be held Tuesday, October 8, 2013.

Todd Westergard
Acting Chair

Gwyn S. Bergin,
Secretary/Treasurer