

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Regular Meeting  
February 8, 2022

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## **DIRECTORS:**

Todd Westergard  
John Capurro  
Ed James  
Mike Nevin  
Ty Minor (viz Zoom)  
Ernie Schank (via Zoom)  
Karen Baggett (via Zoom)  
John Enloe (via Zoom)  
Pete Olsen (Via Zoom)

## **ABSENT:**

Tyler Henderson

## **GUESTS:**

Kayla Dowty, Tri Sage Consulting  
Leo Bergin, Attorney  
Chad Blanchard, FWM  
Dave Wathen, FWM (via Zoom)  
Rich Wilkinson, CVCD (via Zoom)  
Charles Albright  
Peter Harvey

## **Staff**

Mary Pat Eymann

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### **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 Nevin made a motion to accept agenda as posted; seconded by Director Capurro; motion carried.

### **4. APPROVAL OF MINUTES, CHECKS WRITTEN AND FINANCIAL STATEMENTS –**

- ❖ Director Capurro made a motion to approve the January 2022 Minutes; financial statements as submitted, and checks written on Bank of America #9720 – 9725 and Nevada State Bank 3112 – 31122; motion seconded by Director Nevin; motion carried.

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

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

### **6. DISCUSSION AND POSSIBLE ACTION OF GRANT REQUESTS AND POSSIBLE DISTRIBUTION OF**

*The Grant Applications received were provided to the Board and are available at District offices.*

- Carson Valley Conservation District (DVCD) – Genoa Carson River Bank Stabilization and Restoration,

Phase 3. Asking for \$50,000 this year. In 2020 the District assisted with funding in Phase 1. In 2021 Phase 2 was started, no funding from this District. Director James asked if the June 2023 completion date is accurate; Mr. Wilkinson advised he felt it should be completed by then. Director Enloe asked if Mr. Wilkinson was confident with the other funding sources? Mr. Wilkinson is pretty confident in the sources. Director James asked if costs come in greater than projected will they be able to complete the project? Mr. Wilkinson advised that yes or at least in part he anticipates completion. Director Westergard asked if Mr. Wilkinson could provide a budget breakdown of the project. Mr. Wilkinson will provide to the Board. Mr. Wilkinson will be providing additional information to the Board for the next meeting.

- Dayton Valley Conservation District (DVCD) – asking for \$50,000. No representative was present.
- One Truckee River – asking for \$20,000. No representative was present
- Carson City Parks & Recreation – asking for \$10,000.

The application requests were reviewed by the Board. There were numerous questions regarding the applications and since no representatives from the majority of the applicants were present the Board requested that the agencies be contacted and requested to come to the next meeting (March 8, 2022) to answer questions regarding the funding they are requesting. There were also questions regarding the percentage of matching funding. Director Westergard asked that the rest of the Board review the criteria for the funding that the District established prior to the next meeting. Director Westergard stated that next year maybe this should be done in a different way as far as having representatives present at the meeting. Mr. Westergard advised that to his recollection the reason it was done this way traditionally is as a filtering method for requests that didn't fit into the criteria. It may be more efficient in the future to have applicants appear at the first meeting. The Board felt that the applicants should appear and have the opportunity to present a 4-minute presentation and then follow-up questions can be answered. This should be approximately a 10-minute process per applicant with 4 minutes for presentation and 6 minutes of questions.

- ❖ Director Schank made a motion to extend the distribution of funding to the March 8, 2022 meeting and that the applicants be contacted and requested to attend the meeting for a presentation and to answer questions; seconded by Director Enloe; motion carried.

## **7. DISCUSSION AND POSSIBLE ACTION OF THE AMBROSE PARK DIVERSION AND POSSIBLE INVOLVEMENT OF THE DISTRICT – Kayla Dowty and/or Charles Albright**

### Kayla Dowty -

Washoe County reached out to CTWCD in early June 2021 because they were contacted by the recreational paddling community about an abandoned diversion structure near Ambrose Park in west Reno. The County is concerned that the structure poses a risk for rafters and other river recreationists. They asked whether the structure could be removed and if it would require a 408 Encroachment Permit. Tri Sage contacted the Federal Water Master's office to find out the history of the structure, as well as ownership. The Water Master said that the old diversion structure was part of the old South Side Canal and that all of the water rights in the South Side Canal were transferred to the Lake Ditch (state permit 11489, certificate 4827) in 1948. Since there aren't any valid water rights served by the structure and the ditch has long been abandoned, no one "owns" the structure. Additionally, Tri Sage researched the Martis Creek Agreement and it seems that the diversion structure was likely "grandfathered" in. A field meet was held on August 18<sup>th</sup> to further discuss the project and the permit impacts. Washoe County is looking for funding opportunities to complete the project. Tri Sage followed up via phone call to USACE and confirmed that a 408 permit would not be required for removal of the structure. This information was passed on to the County. Tri Sage received an update from the County in early January 2022 stating that the County does not have capacity to move forward on this project this year. The project would have to be managed by their Capital Improvements Project team because it would be over \$100k and there is not enough staff to include this project in this year's improvements. There is support from upper management, but it is not as high of a priority as other projects. Washoe County Parks did add the Ambrose

dam removal project to the 5-year CIP list and hope to circle back next year. Independently, the District received a call from Charles Albright who represents the paddling community and is very passionate about this project. He is working to request Congressional support, as well as gathering all of the agencies that have jurisdiction to understand what permits may be required for this project. The CTWCD Board is supportive of this project and asked at the January meeting if an inter-local agreement could be set up with the County for the CTWCD engineer to provide the project management and the County could provide the project funding. After the meeting, Kayla Dowty followed up with Lori Williams, and was reminded that CTWCD doesn't have the framework to support federally funded projects with payroll processing, Davis Bacon wage requirements, etc. This would be a large undertaking for the District.

Charles Albright –

In 2001 The Truckee River Plan was established and recommended removal of the structure. In 2011 the CTWCD had conversations about what to do with the dam. It has been 11 years since the start of this. Mr. Albright contacted Ms. Dowty and has spoken to the press as well trying to get public support. Realistically there is not enough money to come close to funding this project. Today Mr. Albright is just trying to get a determination on who owns the dam in order to start the process of having it removed. At a meeting a couple weeks prior State Lands said it belonged to Washoe County. Mr. Albright has talked to numerous agencies and congressional offices. It should be assumed that State Lands does own it. Need to find money and it was suggested that could use Congressional appropriations for the money. However, before any money can be received it needs to be determined who owns it.

Kayla Dowty –

Removing the structure does increase the flood capacity. In terms of the permit requirements, if they are able to remove using ramps without being in the 14,000 cfs a permit would not be required.

Director James –

The biggest issue right now is ownership. And currently no one is claiming ownership.

Director Westergard –

Asked the Board for thoughts on writing State Lands a letter asking them who owns the dam? State Lands needs to put in writing their stance, then if someone wants to challenge them then entities can decide that. Mr. Westergard asked Mr. Albright if he had contacted the legislators in Reno (State Legislators). Mr. Albright advised that no he had not contacted local (State). Only Congressional legislators had been contacted at this time.

Attorney Bergin –

This was a pre-existing impediment, not ours to remove.

Director Schank –

Wonders if the District even wants to be involved any further? Is it hurting us? Director Westergard advised that it could be argued that it is our responsibility. Was it an obstruction to us until it was brought to our attention? Has it impeded the 14,000 flow?

Kayla –

Debris does tend to build up on it, but at a certain flow because it is a low structure it normally just runs over the top. It would remove the flow.

- ❖ Director Schank made a motion directing Attorney Bergin to draft a letter to State Lands requesting the determination of ownership of the Ambrose Dam, the letter will be reviewed by Directors Westergard and Schank; seconded by Director James. Motion carried after below discussion.

Discussion – Director Schank stated that in the letter we need to be very clear that this is something that we don't feel impedes the flow but feel that since it has been brought to our attention. We believe that it lies in the high-water mark and that is why we are referring to the State. The District needs to be careful that we are not inserting any kind of ownership. Attorney Bergin stated that we are expressing interest

into something that has been brought to our attention about something that exists in the River prior to our formation and we need to an answer as to who owns it. If State Land owns it tell us if not, who do they think owns it.

Director Enloe stated that this has been around for many years due to the fact that no one wants to take responsibility for it. From our perspective could we have Kayla talk with contractors and look at some means and methods to come up with how this might be removed from the River and a ball park figure as to cost. Until someone steps a number and concept to it is it a waste of time? Director Enloe feels it would help the process with this information. Director Schank thought that rather than go out to a formal process if there was someone Ms. Dowty thought she could speak with to get the information that might be better.

- ❖ Director Enloe made a motion directing Ms. Dowty to contact someone of her choice on the cost and how the structure could be removed; seconded by Director Schank.

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

*See Engineer's Report*

**9. ENGINEER/CONSULTANT REPORT –Kayla Dowty**

*See Engineer's Report*

**10. SUPERINTENDENT REPORT – Ron Penrose**

Mr. Penrose was not at the meeting and there was no written report submitted.

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

Nothing to report.

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

The last election of officers was held November 2018, elections are every 4 years in November.

**13. PUBLIC COMMENT -**

- Peter Harvey, Reno Resident wished to thank the Board for the consideration and assistance in the Ambrose Dam.

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

**Future Agenda Item Requests:**

1. Grant distribution – haven applicants appear at the next meeting.

**Board Comments:**

- Director James – Q1 funding workshop tonight virtually.
- Director Baggett – Still awaiting response from the Governor's office regarding re appointment.

**15. ADJOURNMENT -**

- ❖ There being no further business Director Schank made a motion to adjourn the meeting; seconded by Director Baggett; motion carried meeting adjourned.

**\*\*The next meeting will be Tuesday, March 8, 2022, at 10:00 a.m.\*\***

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Todd Westergard,  
President

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Mary Pat Eymann,  
Secretary/Treasurer