

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting  
August 9, 2016

## **DIRECTORS:**

Todd Westergard  
John Capurro  
Ed James  
Ernie Schank  
Mike Nevin  
John Enloe

## **ABSENT:**

Karen Baggett  
Greg Dennis  
Pete Olsen

## **GUESTS:**

Leo Bergin, Attorney  
Lori Williams, Engineer  
Ron Penrose, Superintendent  
Danielle Henderson, TRFMA

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

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

### **2. PUBLIC COMMENT –**

President Westergard advised the Board that Garry Stone, former Federal Water Master had passed away and there would be a celebration of life this weekend. Director Schank advised the Board that Gwen Washburn, former Director representing Churchill County had passed away.

### **3. APPROVE AGENDA –**

Director Schank made a motion to approve the Agenda as presented; seconded by Director Enloe; motion carried.

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

Director Schank made a motion to approve the May 2016 Minutes and to approve the checks written on Bank of America #9373 - #9378 and Nevada State Bank #2674 - #2694, motion seconded by Director Capurro, 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).*  
There was no representative from the Water Master's office in attendance.

### **6. UPDATE ON MEETING AND ISSUES DISCUSSED WITH USACE FLOOD BRANCH –**

#### **Lori Williams**

Ms. Williams along with Chairman Westergard and TRFMA General Manager Jay Aldean, TRFMA met with the USACE to discuss a list of items which included the Martis Creek Agreement and the issue with the water surface elevations along Riverside Drive; options evaluated by the District for Riverside Drive flow containment.

Projects completed since the last inspection; open inspection issues including debris removal, flap-gate work, plywood needs, shoal deposits and other related matters; determination of walls as channel or flood walls in downtown. The determination was that they were channel walls, therefore many of the no vegetation regulations do not apply. USACE stated that it was their intention to modify the O&M manual of the Martis Creek Agreement to change where it says flood walls to say channel walls. USACE also wants to look at the Agreement to take a look at the use of terms such as; berms, dykes and levees as these terms have very specific regulations associated with them. Ms.

Williams will add this information in the letter to be sent to USACE reminding them of what was stated regarding the modification of the O&M manual as well as the fact that the walls have been determined to be channel walls as well as the use of the specific terms in the Martis Creek Agreement.

West St Plaza; permitting process and emergency work; and other issues raised by the USACE were discussed at the meeting. The Board was provided with a drawing showing the elevations of the West Street Plaza (copy available at District Offices). The water does not go above the Parapet wall at the 14,000 cfs elevation. This drawing will be sent along with the letter being drafted to the USACE verifying that the water does not go above the openings in the Parapet wall making plywood unnecessary. The District does still have to take care of the Plaza. Previously on the Plaza USACE had told the District that the City of Reno does not have an Encroachment Permit and USACE does not want them to apply for one. Previously USACE did not have a way for the City to apply for a permit for a project that has been built. USACE now feels they can process such an Encroachment permit. The City has to determine if they want the outlying wall to be determined as the new channel wall and get the approval of the CTWCD and USACE or whether they want to do something else. There was discussion as to the liability of the Plaza during a flood event. Once the City applies for the permit the language will be reviewed by Attorney Bergin pertaining to the liability. There was discussion as to if this previous project would set a precedence as far as “changing” the channel flow for projects. It was pointed out that the CTWCD is now part of the process with the City of Reno planning as far as any projects in the river channel. Projects must now be reviewed by the District pertaining to their impact on the river channel. Attorney Bergin stated that first CTWCD must have the application to review, at that time the District can add or subtract requirements for the permit.

A discussion on the Encroachment Permit authorization process and emergency work also took place with USACE. USACE felt the District should have recorded easements as well as easements that have been relied upon for projects extents. The Martis Creek Agreement is very nebulous about the definition of a “project”. The “project” as defined goes from the State line to the Glendale Bridge. The District does not have right of ways or easements recorded for the entire channel. The District asserts that we have the right up to the 14,000 cfs mark by virtue of the agreement with USACE. The City of Reno and Washoe County have obligations under the Martis Creek Agreement that they would provide access. But there are no recorded deeds or easements. USACE said that if it is maintenance work can be done without a permit. The Martis Creek Agreement does not state that if it is an emergency or maintenance you can do work without the authorization of the Sacramento USACE. Attorney Bergin felt that the letter sent to USACE should contain the fact that from the recent meeting with USACE our interpretation is that our interpretation is that maintenance does not require permission from Sacramento USACE.

An addition issue the USACE brought up was the fact they thought the District should have a log of everything that happens along the River. A log will now be started documenting changes along the River. Ms. Williams will keep the log that will be kept at District offices.

Director Schank thought it would be a good idea that the District office maintain a file of easements and places where access to the River can be obtained. Ms. Williams is working on updating the previous file.

Ms. Williams will draft two letters to the USACE letter number one specifically identifying the issues with the Agreement water surface elevations along Riverside Drive as requested by the USACE so that they can evaluate and respond to these concerns; letter number two will address the maintenance permitting issues and the district’s interpretation of the process.

## **7. REVIEW AND POSSIBLE APPROVAL OF AN ENCROACHMENT PERMIT APPLICATION FOR THE CITY OF RENO, 4<sup>TH</sup> & STOKER STORM DRAIN OUTFAL – Lori Williams**

The City has made application for an encroachment permit for a storm drain outfall from the 4<sup>th</sup>& Stoker drain system project. The District has reviewed this project and requested additional information and submittals regarding the outfall design related to scour and flow as well as the

installation of backflow/flap gates on this new outlet and the connected outlet. The City has updated the plans and submittals addressing all requested information and has included the backflow on these two storm drains as requested. This project is ready for approval by the District. We are awaiting USACE review and approval of both the project and permit draft.

- ❖ Director Capurro moved to accept the Encroachment Permit Application for the City of Reno, 4<sup>th</sup> & Stoker Drain Outlet Fall; seconded by Director Enloe; motion carried.

## **8. DISCUSS, REVIEW AND APPROVE/DISAPPROVE TRUCKEE RIVER CHANNEL MAINTENANCE PROJECT(S) FOR FY2016-2017 – Lori Williams**

Ms. Williams and Superintendent Penrose noted a lot of debris in the River when doing their annual River inspection. Ms. Williams recommends the District set aside approximately \$75,000 for channel maintenance this year. Director James advised the Board that the State Legislative process did not include any money in the Clearing and Snagging Fund this year. Ms. Williams stated that this work is done in the fall but the planning and can be done after the River levels drop. The project can be done in individual stages using RDC as in previous years.

- ❖ Director James made a motion that Ms. Williams move forward with planning of the debris removal project and the District allocate the \$35,000 from the channel maintenance portion of the budget and \$40,000 from the projects to be determined portion of the budget and that Ms. Williams use her discretion as to the hiring of a contractor for the work; seconded by Director Capurro; motion carried.

## **9. DISCUSS, REVIEW AND APPROVE/DISAPPROVE FUNDING REQUESTS FROM OTHER AGENCIES -**

The District had received unsolicited requests for funding from agencies prior to the 2016-2017 budget. The requests were presented to the Board (available at District Offices). The Board discussed that perhaps these projects were either no longer valid or were for reimbursable expenses.

- ❖ Director Schank made a motion that the District would make \$30,000 available for possible funding to agencies; that the agencies must submit applications using the criteria setup by the District previously as stated in the online application process. Agencies who have requested funds previously from the District would be contacted via email would be advised that the District is making available the amount of \$30,000; would have 30 days from the time the original email was sent to them to submit the applications. The Board would review the applications at the October 11, 2016 meeting and decide on any possible funding; motion seconded by Director Capurro; motion carried.

## **10. ENGINEER/CONSULTANT REPORT – Lori Williams**

*A complete copy of the Engineer's Report is available at the District Offices or on the CTWCD website.*

## **11. SUPERINTENDENT REPORT – Ron Penrose**

Mr. Penrose has been reviewing the Martis Creek Agreement. In the Agreement it talks about an annual communication. Mr. Penrose is going to prepare a report for next meeting as to how the District handles the communication with the public in the event of a flood.

## **12. LEGAL COUNSEL REPORT – Leo Bergin**

Nothing to report.

## **13. SECRETARY/TREASURER REPORT – Mary Pat Eymann**

Nothing to report.

**14. PUBLIC COMMENT - NONE**

**15. BOARD COMMENTS and/or REQUEST FOR AGENDA ITEMS –**

**Board Comments: none**

**Future Agenda item requests: none**

**16. ADJOURNMENT -**

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

**\*\*The next meeting will be Tuesday September 13, 2016, 2016 at 10:00 a.m.\*\***

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Todd Westergard,  
President

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Mary Pat Eymann,  
Secretary/Treasurer