

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Special Meeting  
August 23, 2022

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**DIRECTORS:**

Todd Westergard  
John Capurro  
Mike Nevin  
Ed James (Zoom)  
Ernie Schank (via Zoom)  
Karen Baggett, (Via Zoom)

**ABSENT:**

Pete Olsen  
John Enloe  
Tyler Henderson  
Ty Minor

**Staff**

Mary Pat Eymann

**GUESTS:**

Kayla Dowty, Tri Sage Consulting  
Ron Penrose, Superintendent  
Chad Blanchard, FWM  
Leo Bergin, Attorney

**OTHER GUESTS:**

Dale Keller, RTC  
Judy Tortelli, RTC

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**1. CALL SPECIAL MEETING TO ORDER -**

President Westergard called the special meeting to order.

**2. PUBLIC COMMENT – None****3. APPROVE AGENDA –**

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

**4. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMITS AND REQUESTS – Kayla Dowty**

*See Engineer's Report*

**a) 408 Encroachment Application 22-01 Arlington Bridges Replacement – Geotechnical Boring**

RTC has revised the application to complete the boring project for the Arlington Bridge replacement. An inundation map with the boring locations was provided to the Board and is attached to these minutes. The revision to the application is a lot more thorough than the previous one. A permit specialist has also been brought on by RTC and Jacobs. Ms. Dowty had a conversation with USACE regarding the borings completed and yet to be completed. USACE advised they do not have a way to authorize for permit work that has already been completed. Therefore, RTC is only asking for a 408 permit for SB2203 and SB2204 (see inundation map). A complete review of the revised application has been completed and checks all the boxes that USACE and the District requires. There are two items for the Board to consider today – 1. Approve the revised application and 2. To discuss and close out the violation of the 2 bores that were completed without a 408 permit. The District did receive a letter from RTC (available at District offices and attached to minutes) which we have not responded to yet.

Approval of the revised application:

- ❖ Director Schank made a motion to approve the revised application for the 408 permit; seconded by Director Capurro. Discussion – Director Nevin asked if the District is billing for the additional time Ms. Dowty has sent on the project. Ms. Dowty advised that yes, due to the \$10,000 payment they made upfront for the review all her time spent is being deducted from that amount. All the information is being provided to USACE on the application as far as the bores that have already been drilled, the map will show the 2 bores that the 408 permit is requesting. This will show to USACE what occurred. Motion then carried.

Discussion and action on the violation:

The letter received from RTC was received in July indicating what they intended to do.

Director Westergard – the authority of the District to “punish” anyone is questionable at best, but we do have the authority to request some kind of mitigation. There needs to be some connection as far as what the Board requests.

Attorney Bergin – The District can accept what has been done but, in the future, they have to comply with the statutes.

Engineer Dowty – RTC is already adding additional personal to handle the permitting and are also planning a training to education about projects along the River. Ms. Dowty suggested that a meeting between RTC and the City of Reno be set up so that the City of Reno can independently be educated. The City did issue an encroachment permit for this project and approved the geotechnical boring for each of the locations, and they should not have done that.

Superintendent Penrose - There are outstanding issues with the City of Reno, West Street Plaza for example that could be used as part of the mitigation. There are several mitigation options that can be explored.

Director Westergard – RTC has been responsive once this was brought to their attention. His concern is that if the District does not take some action others may action for forgiveness rather than asking for permission. As far as the mitigation, he does not feel it is fair to ask RTC to do something they don’t have anything to do with.

Dale Keller (RTC) – Referring to the letter sent in July RTC have done several of the items and showing they are making good progress in changing the process in addition to the training that will take place November 16. How do we educate our partners, City of Reno etc. RTC will help lead that effort and work with Ms. Dowty and have her time charged back to the project. Regarding projects like the West Street Plaza would struggle to see RTC connection to it as far as possible a mitigation. Supportive of moving the conversation forward but tying it to the Arlington Bridge project struggling to make that connection.

Engineer Dowty – appreciate that the District wants to make sure this doesn’t happen again but want to be aware of making the “punishment fit the crime”. Luckily the bores that were completed have no impact to the hydraulics of the channel. There are no permanent flood impacts. Feels that what RTC has done to address the issue has been good as far as the education, and if RTC can support additional training with the City of Reno.

- ❖ Director Schank made a motion that the District reply to the letter of July 5, 2022 from RTC to explain our concerns for work that was started without a permit and as part of the mitigation to meet with the City of Reno and others who have an impact on the River and put together a workshop to educate as to the proper procedures, and that if there are further violations there could be possible other consequences, that Engineer Dowty’s time be charged; seconded by Director Capurro; motion carried.

## **5. ENGINEER/CONSULTANT REPORT –Kayla Dowty**

*See Engineer’s Report*

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

Nothing to report.

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

Nothing to report.

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

Nothing to report.

**9. PUBLIC COMMENT - None**

**10. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS:**

**Future Agenda Item Requests:**

- None

**Board Comments:**

- None

**11. ADJOURNMENT -**

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

**\*\*The next meeting will be the September 13, 2022, at 10:00 a.m.\*\***

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Todd Westergard,  
President

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Mary Pat Eymann,  
Secretary/Treasurer



**Attachment 2. 14,000 cfs Inundation Map**



**REGIONAL TRANSPORTATION COMMISSION**

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

July 5, 2022

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Kayla Dowty, P.E.  
Tri Sage Consulting  
5418 Longley Laney

*Via email*

**RE: Arlington Avenue Bridges Project – Section 408 Permit and Geotechnical Borings**

Ms. Kayla Dowty:

Please accept this letter as my acknowledgement that the RTC will be receiving a violation from the Carson Truckee Water Conservancy District (CTWCD) for having recently performed geotechnical borings within the Truckee River floodway without Section 408 permission from the U.S. Army Corps of Engineers (USACE). On behalf of the RTC, I apologize that this occurred and for any inconvenience it has caused. The RTC recognizes the seriousness of this violation and, as a result, has modified our project team. We are confident that the changes outlined below will avoid any further regulatory permitting issues and will get this important project back on track. The RTC would like to apologize to the CTWCD board in person and will have appropriate members present at that meeting to address questions and hear concerns. I will be out of town during your next Board meeting but, have asked Dale Keller, Engineering Director, to attend in my place.

An unauthorized encroachment within the Truckee River is unacceptable. Our intent has been to accelerate this project, but never at the expense of meeting applicable permitting requirements. As a result of misunderstanding the permitting requirements, Jacobs Engineering Group, Inc., (Jacobs) prepared the geotechnical boring Section 408 permit application for only one proposed boring location within the OHWM of the Truckee River rather than for all of the work to be performed within the 14,000 cfs floodway. Jacobs incorrectly assumed borings outside of the river channel could be performed without a Section 408 permit. Jacobs moved forward with those borings and that mistake led to the violation noted above.

RTC has modified the project team to ensure there are no further regulatory permitting issues. Going forward, the RTC Project Manager will be closely engaged in all permitting activities, understand the requirements, and be your main point of contact. Jacobs was hired by the RTC as the most qualified firm to perform engineering design and environmental services for this project and will continue in that role. Kaci Stansbury will continue her role as the Jacobs Project Manager; however, her focus will be

over the civil design, stakeholder coordination, and public outreach components of the project. All regulatory permitting activities will be handled by a separate Jacobs staff person with attention on permit compliance. Jacobs has added an Environmental Permitting Specialist Lead with Section 408 permit experience to perform that portion of work.

Matt Franck from Jacobs' Sacramento, CA, office will be the Environmental Permitting Specialist Lead. Matt has worked at Jacobs for over 23 years, preparing CEQA and NEPA impact assessment documents and securing environmental permits, including Section 408 permits. Furthermore, a majority of his experience has been working with the USACE Sacramento District. Matt's responsibilities will include necessary communication and coordination with the CTWCD and the RTC. He will lead the associated permit compliance process, provide direction and notifications to control the environmental work for the project, and have the authority to stop work to ensure compliance. All submittals to the CTWCD will be organized and submitted by Matt.

The RTC will also be dedicating additional staff resources to the project. Management performed a thorough investigation of the actions leading up to this violation. Multiple internal meetings, as well as meetings with Jacobs, have occurred over the past few weeks to gain full understanding of both where we are and how we got here.

In addition, RTC will assist Jacobs in hosting and providing a training session on Section 408 permitting in Washoe County, including sharing with the community lessons we have learned. Jacobs will facilitate a training/presentation to educate our local engineering community on the process, along with the importance and timelines associated with Section 408 permitting. The Jacobs permitting specialist will coordinate the presentation and reach out to the USACE and/or CTWCD to see if they are interested in participating. This informational training will be made available to our local engineering community through a presentation at a monthly meeting of the American Society of Civil Engineers, Truckee Meadow Branch (ASCE-TMB). In addition to the live presentation with interactive questions and answers, the training session will be live-streamed via a Teams Meeting, enabling greater participation. This training will be required for Jacobs and RTC Team staff working on the Arlington Avenue Bridges Project.

The project team is currently revising the Section 408 permit application to address all field work that has been performed and remains to be performed. The RTC looks forward to continuing our relationship with CTWCD so this project and others will be successful. If there are further measures that you believe would be helpful, I am happy to discuss those with you. Please reach out to me with any questions or concerns.

Respectfully,



Bill Thomas, AICP  
Executive Director

*Building a Better Community Through Quality Transportation*

cc: Judy Tortelli, RTC Project Manager  
Kaci Stansbury, Jacobs Project Manager  
Matt Franck, Jacobs Environmental Permitting Specialist Lead