

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting
November 8, 2016

DIRECTORS:

John Capurro
Ed James
Ernie Schank
Mike Nevin
Todd Westergard
Karen Baggett
Greg Dennis
Pete Olsen

ABSENT:

John Enloe

GUESTS:

Leo Bergin, Attorney
Lori Williams, Engineer
Ron Penrose, Superintendent
Lauren Sankovick, Eide Bailly

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 Agenda as presented; seconded by Director Dennis; motion carried.

4. APPROVAL OF MINUTES AND CHECKS WRITTEN –

Director Schank made a motion to approve the October 2016 Minutes and financial statements as submitted and checks written on Bank of America #9389 - #9395 and Nevada State Bank #2712 - #2713, motion seconded by Director James, 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.

There was no representative from the Water Master's office present.

6. UPDATE ON MEETING AND ISSUES DISCUSSED WITH USACE FLOOD BRANCH AND POSSIBLE DIRECTION FROM THE BOARD – Lori Williams

Ms. Williams has continued to work through issues related to permitting with the USACE Flood Section and scheduled and participated in a conference call on October 17, 2016 with Chairman Westergard and Superintendent Penrose. The call was very informative regarding the changes to the 408 Permitting process which has been instituted by the USACE beginning in July of 2014, but not communicated with the District until permitting issues became prevalent. Based on the updated process, it is recommended that the District update the 408 Application to include several factors that will now be required for review by the USACE Flood Section. In addition, it is recommended that the updated process and timing be communicated with likely applicants for permits so that these projects can apply well in advance for the 408 Permits. The USACE estimates that currently the process will take between 6-9months to issue a 408 permit depending upon the specific project.

A copy of the presentation over pertaining to the 408 Overview was provided to the Board, and is available at District Offices.

The current application states that "Application Fee: \$400 initial fee to be submitted with the

complete application to CTWCD covers the first three hours of staff review; Additional review hours will be billed to the applicant at \$150 per hour”.

The Board discussed the fact that due to the changes in the application process perhaps the fee the District charges was not sufficient and the fees incurred by the District Engineer to proceed with the more complex process needs to be reviewed. The Board also felt the application itself needed to be reviewed and updated. Ms. Williams and Mr. Penrose are going to take a look at this and bring changes and recommendations back to the Board.

7. DISCUSS AND APPROVE DRAFT FINANCIAL AUDIT – Lauren Sankovick, Eide Bailly

(Item taken out of posted Agenda order)

The Board was given a copy of the DRAFT Financial Audit for FY2015-2016, a copy of which is available at District Offices.

- ❖ Director Schank made a motion to approve the DRAFT Financial Audit for FY2015-2016 as presented; seconded by Director Dennis; motion carried.

8. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMIT REQUESTS AND PROJECTS – Lori Williams

See Engineer’s Report

Ms. Williams has not heard back from The Chism Park Project following the request for engineered wall and stair drawings. It now appears that in the current USACE Flood Branch process, this project will also require an environmental assessment, cultural resources survey and other NEPA reviews in order to pursue a permit. Ms. Williams and Superintendent Penrose will approach the applicant and discuss options which include restoring the site to near prior conditions or pursuing the permit with an engineered wall design.

9. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING THE MARTIS CREEK AGREEMENT & SUPERINTENDENT RESPONSIBILITIES – Ron Penrose

Superintendent Penrose provided the Board with a copy of the “Superintendent Responsibilities and Duties under the Martis Creek Agreement” (a complete copy of which is available at District Offices).

There was discussion regarding the Encroachment Notice. The Martis Creek Agreement is vague and it was unclear if this notice referred to a one-time basis or annually. Attorney Bergin and Superintendent were going to look into this further and report back to the Board. After the specifics of the duties and responsibilities the Board felt this could be put into the job description of the Superintendent.

10. UPDATE ON THE 2017 REGULAR SESSION OF THE NEVADA LEGISLATURE WHICH COULD POTENTIALLY IMPACT CONSERVANCY DISTRICTS -

Director James advised the Board that he is watching BDR 473 which is regarding the revision of provisions governing funding and financing of flood management projects. He will keep the Board up-to-date on any further information.

Director Schank felt that it would be beneficial for Jason King, State Water Engineer be invited to the December meeting to discuss this issue.

11. ENGINEER/CONSULTANT REPORT – Lori Williams

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

12. SUPERINTENDENT REPORT – Ron Penrose

Nothing additional to report.

13. LEGAL COUNSEL REPORT – Leo Bergin

Nothing to report.

14. SECRETARY/TREASURER REPORT – Mary Pat Eymann

Nothing to report.

15. PUBLIC COMMENT - NONE

16. BOARD COMMENTS and/or REQUEST FOR AGENDA ITEMS –

Board Comments:

- Director Schank – Follow up on the letter sent by TCID to other conservation districts regarding the bonding issues in BDR 539; a meeting has been scheduled.
- Director Olsen – A meeting in Fallon took place regarding domestic wells and meters. The meeting was attended by about 400 people and Director Olsen felt most people left with a better understanding of the issues.
- Director Westergard – Reminded the Board of the Lyon County Board vacancy. After the election he would make inquiries to the County Manager as to their plans to fill the vacancy.

Future Agenda item requests:

- Board Direction regarding the Martis Agreement & Superintendent Duties & Responsibilities.
- Board Direction regarding the interpretation of the Martis Agreement with regards to the Notice that must be given regarding the fact that project does not protect against floods in excess of that intended by project.
- Overview of concerns regarding the 2017 Legislature and water issues by Jason King.

17. ADJOURNMENT -

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

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

Todd Westergard,
President

Mary Pat Eymann,
Secretary/Treasurer