

**NORTHERN NEVADA WATER PLANNING COMMISSION
MINUTES**

Wednesday, December 7, 2011

The regular meeting of the Northern Nevada Water Planning Commission (“NNWPC”) was held on Wednesday, December 7, 2011 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – In Chairman Ball’s absence, Vice-Chairman Krutz called the meeting to order at 1:39 p.m. There was a quorum present.

Voting Members Present:

Neil Krutz, Vice Chairman
John Buzzone
John Erwin (arrived at 1:50 p.m.)
John Jackson
Darrin Price
Jerry Schumacher
Stan Shumaker

Voting Members Absent:

George W. Ball, Jr., Chairman
Michael DeMartini
John Flansberg
Mickey Hazelwood

Non-Voting Members Present:

My-Linh Nguyen

Non-Voting Members Absent:

John Bird
David Boland
Harry Fahnestock
Kelvin Hickenbottom
Janelle Thomas

Staff Members Present:

Jim Smitherman
Chris Wessel
June Davis
John Rhodes, Legal Counsel

2. Public Comments.

Vice-Chairman Krutz called for public comments and hearing none, closed the public comment period.

3. Approval of the agenda.

Commissioner Price made a motion to approve the December 7 meeting agenda as posted. Commissioner Buzzone seconded the motion, which carried unanimously.

4. Approval of minutes from the November 2, 2011 meeting.

Commissioner Jackson made a motion to approve the minutes as submitted. Commissioner Shumaker seconded the motion, which carried unanimously.

5. Update on the Truckee River Flood Project, Danielle Henderson, Natural Resource Manager, Truckee River Flood Management Authority (“TRFMA”).

Vice-Chair Krutz invited Danielle Henderson to present an update on the TRFMA activities. Ms. Henderson reported that the Truckee River Flood Management Authority (“TRFMA”) was created in March 2011. Professional Liability insurance was secured as of October and key policies and procedures have been developed in order to “stand up” the agency. She added that an Interlocal Agreement (ILA) is in place with Washoe County to provide administrative services in the interim. The TRFMA expects to have its funds transferred from Washoe County to the TRFMA in early 2012.

Ms. Henderson reported that Jay Aldean was selected as the Executive Director and Michael Wolz will serve as Legal Counsel. She added that Mr. Wolz previously provided legal services for the Attorney General's office and the State Engineer.

Ms. Henderson stated that the TRFMA currently has a contract with Kafoury Armstrong to provide assistance with the policies and procedures and also to serve as chief financial officer (CFO) until June 30, 2012.

Ms. Henderson reported that the TRFMA recently held a Retreat, which resulted in revisions to the list of Truckee River Action (TRAction) Projects. She explained that the purpose was to move funding from programs or projects that might not occur for a few years to those that are shovel-ready. The intent is to begin construction as soon as possible on the North Truckee Drain realignment, the Virginia Street Bridge and the Tracy Restoration. She added that rates and fees were also discussed although no final decision was made.

Ms. Henderson stated that demolition of some Edison Way properties has occurred, with the help of a grant from the Federal Emergency Management Agency (FEMA). She added that staff is gearing up for flood season and is working on a Flood Awareness campaign.

Ms. Henderson reported that the Army Corps of Engineers (Corps) had scheduled an Alternatives Formulation Briefing (AFB) that was postponed based on a number of comments received from Headquarters (HQ). She stated that Flood Project staff is working with Corps staff on a draft environmental impact statement (EIS) and General Re-evaluation Report (GRR). When complete, the documents will be released to the public for review and comments. She added that District staff is addressing the comments from HQ and hopes to reschedule the AFB in March. She stated that the focus will be to identify federal interest in the project with the goal of receiving the highest cost share level possible.

Ms. Henderson stated that the cost estimates for individual components need to be updated based on real estate value declines, as well as decreased construction costs. She summarized that the TRFMA remains committed to the 117-year Locally Preferred Plan (LPP).

Commissioner Price asked if the revised priority list is available online. Ms. Henderson stated that it is reflected in the minutes of the retreat, which are available on the Flood Project's website.

Commissioner Price asked about the Flood Warning System. Ms. Henderson stated that Ed Evans maintains and operates the system. She added that he spends considerable time in the field checking the meters, which are coordinated with the NOAA system.

Commissioner Price asked if the Sacramento District is working to get increased funding and whether the NNWPC could provide assistance in moving the process forward. Ms. Henderson stated that letters from the NNWPC or other entities showing support from the community to Senator Reid or other congressional delegates would be appreciated.

John Rhodes, Legal Counsel, asked when Mr. Wolz would come onboard. Ms. Henderson stated he is working for the TRFMA currently and has attended a few meetings.

Vice-Chair Krutz asked if there is new information from the Corps on the participation level. Ms. Henderson stated that Mr. Aldean has been in discussions with Sacramento District Management staff. She added that currently the Corps is considering the Federal Interest plan at the 50-year level although staff is working to increase the cost sharing to the 75 or 100-year level.

Vice-Chair Krutz stated there is a substantial gap between the 50-year National Economic Development plan and what the community desires. He asked if there are elements of the project that might be eliminated. Ms. Henderson reiterated that an updated cost estimate is being prepared for each component

of the project to determine what the community could afford on its own.

Vice-Chair Krutz thanked Ms. Henderson for her update.

6. Report by the Regional Transportation Commission (“RTC”) on the Southeast Connector project, including issues related to Steamboat Creek and flood management; and possible direction to staff, Garth Oksol, RTC.

Vice-Chair Krutz invited Garth Oksol, Project Manager for the Southeast Connector project, to present this item. Mr. Oksol stated that he would provide an update on mitigation efforts, as well as other components of the project. He reported that the Corps 404 Permit Application was submitted and public comments were received. He stated that RTC’s final response to the public comments is due on December 16, 2011. Based on the comments and responses, the Corps will determine whether an environmental assessment (EA) or (EIS) will be required. He added that it could take 3 to 5 months before a decision is made.

Mr. Oksol reported that RTC is moving forward with 30% design for the first phase of the project. He explained that the project area is from the intersection of Sparks Boulevard and Greg Street to the intersection of South Meadows Parkway and Veterans Parkway. Currently a request for proposals is being evaluated for the Phase 1 Construction Management at Risk, which will include the area from Sparks/Greg to Clean Water Way. He referred to photos of the project area, which will include the roadway, utility relocation and stream restoration. He showed areas that are choked with tall whitetop and erosion. He added that in some places, erosion has been occurring at 1 to 2 feet per year.

Mr. Oksol stated that the project is being planned similar to the Living River Parkway portion of the Flood Project. He added that in the past, Washoe-Storey Conservation District and the Truckee River Fund provided opportunities for work on Steamboat Creek restoration.

Mr. Oksol summarized that the Southeast Connector project will provide 20 acres of new wetlands and restore an additional 19 acres, for a total of 39 acres of wetlands. He reported that much of the work will be at a minimal cost because the excavation equipment will already be onsite. He stated that he is unsure how Reno will proceed with the Rosewood Golf Course.

Mr. Oksol explained that a number of stakeholder group meetings were held, which included representatives of the Hidden Valley Wild Horse program, Nevada Department of Wildlife (NDOW), US Fish and Wildlife (USFWS), Nevada Division of Environmental Protection (NDPE), experts on weed control and vegetation and many others. A subconsultant was hired to develop a vegetation plan. He added that discussions are ongoing about long-term weed maintenance, with one option being to possibly set aside a certain amount of money (perhaps \$1 million) that would accrue interest so that by the time another entity would assume maintenance responsibility, funding would be available. RTC’s legal team is reviewing the possibility. He added that RTC is responsible for the first 14 or so years, at which time much of the natural vegetation should be self-maintaining.

Mr. Oksol reported that soil testing was done and they are aware of what chemicals are present; however, none of the test results showed contamination levels over the standards.

He referred to a map of the roadway and stated that he hopes to begin construction in 2012.

Commissioner Price asked about the tall whitetop control program. Mr. Oksol stated it would be included in the long-term maintenance plan and hopefully some of the natural vegetation will out-compete the whitetop. He mentioned that Dr. Sue Donaldson and Great Basin Institute were involved in the meetings.

Commissioner Price asked Mr. Oksol to elaborate on water quality issues. Mr. Oksol stated that they began the NEPA process and the Corps will determine whether an environmental assessment or environmental impact statement would be required. Also completed or in process are an alternatives analysis, noise study, and other testing. Water quality at the confluence of Steamboat Creek and the

Truckee River is expected to improve.

Commissioner Price asked about mosquitoes once the wetlands are established. Mr. Oksol stated that there would be no standing water so mosquitoes should not be an issue.

Commissioner Price mentioned that RTC is involved in trying to bring the Olympics to Nevada and asked if there is a potential for funding. Mr. Oksol stated that this project is funded by RTC-5, which was voter approved in 2008 and is all local funds. He added that any federal funds would be used for other programs.

Commissioner Jackson stated that the Pyramid Lake Paiute Tribe (PLPT) has concerns about the potential for increased mercury into the river and recommends an EIS. Mr. Oksol stated that RTC did respond to the comment about mercury. He briefly explained the two forms of mercury, methyl and free, and possible treatments, including photovoltaic degradation.

Commissioner Schumacher mentioned that the project will go through the county and both cities and asked who would be responsible for road maintenance. Mr. Oksol stated that Reno and Sparks would provide maintenance for their part of the roadway although funding would be provided by RTC. He added that maintenance of the multi-use path has not been determined. He added that the project does not affect any homes.

Commissioner Shumaker mentioned the footprint of the bridge and asked if it would have any impact on the floodway and asked if it would be possible to begin work as an early project since it would not be affected by an EA or EIS. Mr. Oksol stated that the decision would be up to the RTC Board but he does believe it would be possible.

Commissioner Shumaker asked if the flood volume storage mitigation precludes filling in Steamboat Creek on the TMWRF property. Mr. Oksol stated that the issue has been discussed but his understanding of the Corps' perspective is that filling the creek would change it from an indirect impact to a direct impact, which is worse. The decision was made to leave the abandoned creek areas open. Commissioner Shumaker stated it is a significant impact to TMWRF. Mr. Oksol stated that further discussion should occur.

Commissioner Buzzone asked about the impact to the project if an EIS is required. Mr. Oksol stated that he has heard it would add three years and a few more million dollars to the total cost. He reiterated that the decision would be up to the Corps.

Vice-Chair Krutz thanked Mr. Oksol for a very good detailed report on the project.

Commissioner Price made a motion to accept the report; however, he would like to hear updates on the questions mentioned by Commissioner Shumaker. Commissioner Shumaker seconded the motion, which carried unanimously.

7. Report by the Nevada Landscape Association (“NLA”) on the 2011 Certified Landscape Technician (“CLT”) testing program; request for funding in the amount of \$25,000 from the Regional Water Management Fund (“RWMF”) to support the program in 2012 and 2013; and, if approved, authorize the Water Resources Program Manager to execute a contract with the NLA for that purpose, Jim Stanhouse, CLT Program Administrator, NLA.

Vice-Chair Krutz invited Chris Wessel to introduce this item. Mr. Wessel reported that the CLT program has been part of the Conservation efforts in the Regional Water Plan for years and is a continuing effort. Jim Stanhouse reported that the NLA purchases the rights to administer the test. He stated that money was spent on equipment and advertising.

Mr. Stanhouse reported that the last test was held in June, at which time 21 candidates participated, with only 6 passing the exam.

Mr. Stanhouse stated that 13,000 donations were received from sponsors. He stated that the NLA is hearing that additional training and practice testing is needed prior to the actual test.

Commissioner Price asked about the funding amount and timing in the past. Mr. Smitherman stated that the program was funded for two years at \$12,500 per year.

Mr. Stanhouse stated that capital expenses were incurred initially to purchase equipment and supplies. The additional money now would be spent on additional training. He stated that some of the other sponsors include Western Nevada Supply, Western Turf, and many local landscape companies.

Mr. Stanhouse stated that continuing education units (CEUs) are provided for 24 hours of training. Commissioner Price asked if the NLA has applied for Truckee River Funds because they are very interested in conservation programs. Mr. Stanhouse stated they had not.

Commissioner Buzzone asked if any portion of the test focuses on reclaimed water. Mr. Stanhouse stated there is some focus although he would like to see more. He added that the program has to meet PLANET's specifications.

Commissioner Price asked if one passes the test in Nevada, is it good in other areas. Mr. Stanhouse stated that the certification is good everywhere.

Commissioner Schumacher made a motion to approve the request for \$25,000 from the RWMF to support the CLT program in 2012 and 2013, and authorize the Program Manager to execute a contract with the NLA for that purpose. Commissioner Buzzone seconded the motion, which carried unanimously.

8. Report by the Desert Research Institute ("DRI") on its Cloud Seeding Operations for the Truckee River and Lake Tahoe Basins for the past water year, and status of its Cloud Seeding Coalition efforts; discussion and possible recommendation to the Western Regional Water Commission ("WRWC") for funding in an amount not to exceed \$100,000 from the RWMF to support similar Cloud Seeding Operations for the upcoming water year, Arlen Huggins, DRI.

Vice-Chair Krutz invited Arlen Huggins to present an update on DRI's Cloud Seeding program. Mr. Huggins referred to a PowerPoint presentation (available on the NNWPC website). Some of the highlights include:

- Total cost was \$255,876 (\$100,000 from the WRWC)
- The goal is to enhance snowfall from winter storms and increase the snowpack in the Tahoe-Truckee Basins
- Measurable outcome: Estimate of snow water increase for the winter season
- Beneficiaries: All water users on the Truckee River System

Mr. Huggins briefly explained the process of cloud seeding. He added that the conceptual model has been validated. He reported that results in Australia showed a 14% increase in snow from the seeding. Other areas saw similar results. He stated that calculations showed that the snow water cost is approximately \$22.1 per acre-foot.

Mr. Huggins reported that DRI did approach Heavenly Valley Ski Resort and some of the other ski resorts about possibly contributing funding. Although the requests were denied because money had not been set aside in the budgets, the possibility of future funding was mentioned.

Mr. Huggins summarized that his request is for funding in the amount of \$100,000 to match the funding from the Truckee River Fund to continue the project.

Commissioner Price asked if the budget request is \$20,000 less based on funding restraints. Mr. Huggins explained that initially the costs were higher based on purchasing and setting up new equipment. He stated that the additional \$20,000 is not needed for this year.

Commissioner Price stated that he is completely in favor of the project but he encouraged the ski resorts to consider funding.

Commissioner Price made a motion to recommend that the WRWC approve the budgeted funding to continue the cloud seeding program. Commissioner Buzzone seconded the motion, which carried unanimously.

9. Report on the updated Truckee Meadows Storm Water Management Program (“TMSWMP”), and possible direction to staff, Terri Svetich, Truckee Meadows Storm Water Permit Coordinating Committee (“SWPCC”).

Vice-Chair Krutz invited Terri Svetich to present this update. Ms. Svetich introduced Jeff Curtis, Stantec Consulting. Ms. Svetich provided some background on the Storm Water Program. She stated that in 1990 a National Pollution Discharge Elimination System (NPDES) permit was issued to Reno, Sparks and Washoe County. In response, the Storm Water Management Program began in 2011. In 2010, NDEP issued the MS4 Permit.

Ms. Svetich thanked the NNWPC and WRWC for their continued support and funding of the program. She explained that an Interlocal Agreement was signed by Reno, Sparks and Washoe County. She added that the Storm Water Permit Coordinating Committee (SWPCC) is comprised of two representatives of each of the entities. She thanked Jim Smitherman, Chris Wessel and Lynell Garfield for their participation in the program. She added that Stantec Consulting was hired to update the Storm Water Management Program (SWMP) document.

Ms. Svetich reviewed some of the programs that have been implemented under the storm water program. She added that the program also requires public outreach programs. She stated that a monitoring program is required. She referred to a list of local documents, which include:

- Truckee Meadows Structural Control Design Manual
- Truckee Meadows Storm Water Quality Management Program
- Truckee Meadows Regional Drainage Manual
- Truckee Meadows Low Impact Development Handbook
- Truckee Meadows Industrial and Commercial Storm Water BMP Handbook
- Truckee Meadows Construction Site BMP Handbook
- Nevada Contractors Field Guide for Construction Site BMPs
- Truckee Meadows Watershed Protection Manual

Ms. Svetich invited Mr. Curtis to present this part of the presentation. Mr. Curtis stated that Stantec was charged with re-establishing the SWMP document to address all the new permit requirements. He reported that the document is currently out for public review. He added that it is organized as follows:

- Section 1 – Introduction
- Section 2 – Storm Water Management in the Truckee Meadows
- Section 3 – Program Elements
- Section 4 – Program Management, Assessment and Reporting
- Section 5 – References
- Section 6 – BMP Fact Sheets
- Appendices
 - Copy of the Permit
 - Interlocal Agreement
 - Map of the MS4 Permit Area
 - Review of Legal Authority

Mr. Curtis reported that 45 BMP Fact Sheets were developed to address the permit requirements (31 were existing programs). He stated that one new requirement in the permit is that each component must have a

measurable goal. The new permit also includes a requirement for herbicide, pesticide and fertilizer application programs.

Mr. Curtis stated that staff met with staff from the Flood Project to discuss water quality and future regional flood projects. He stated that one of the BMPs is to assess storm water impacts to impaired waters. He added that the SWPCC discussed the possibility of developing a geographic information system (GIS) based tool to include components such as infiltration, land use, soils, parcels and known issues (i.e., chloride in Chalk Creek) and overlay the map to define areas where perhaps infiltration should not occur.

Mr. Curtis reported that an Annual Assessment of the program will be required. He turned the presentation back to Ms. Svetich.

Ms. Svetich stated that most of the components of the SWMP are in place. She reiterated the measurable goals will be assessed annually. She added that the SWPCC would continue to provide Annual Reports to NDEP and updates to handbooks and manuals will be needed. She stated that additional monitoring will most likely be required. She summarized that she believes the storm water program can continue operating as it has in the past and she does not anticipate the need for increased funds or resources.

Ms. Svetich reiterated that the SWMP is out for public review. She stated it is available on the [TMStormwater](#) website. She added that the document would be finalized and submitted to NDEP by January 15, 2012.

Commissioner Price asked if each entity has an application program. Ms. Svetich stated that most entities do have qualified applicators for herbicides, pesticides, etc.; however, a more coordinated program would be beneficial. Vice-Chair Krutz stated that due to budget cuts, Sparks no longer has an application program but hopes to move in that direction as soon as possible.

Commissioner Price asked if the intention is to provide new details on retention and detention basins. Ms. Svetich stated that the Structural Control Design Manual already covers the issue.

Commissioner Shumaker asked if State or Federal agencies have relaxed any of their requirements based on the recent fires and runoff. Ms. Svetich stated that the issue is not mentioned in the permit; however, Reno staff is diligently working to provide restoration. Commissioner Shumaker stated that he heard that the agencies were planning to work with residents in the burn areas to educate them on re-vegetating their own property and asked if the SWPCC would be involved. Ms. Svetich stated that not particularly the SWPCC, but Reno staff is heavily involved in the issue and looking to partner with the Nevada Land Conservancy.

Commissioner Erwin asked where Ms. Svetich would refer viewers or the public to go for information on storm water. Ms. Svetich stated she would direct interested parties to the [TMStormwater](#) website, which includes a lot of information, as well as links to the manuals.

Commissioner Price made a motion to accept the report and move forward. He requested an update on the public comment process when completed. Commissioner Erwin seconded the motion. He asked if the permit requires all the programs and documents. Ms. Svetich stated it was not clear as to what exactly was required; however, program development was required. Commissioner Erwin added that the public education process is very important, with which Ms. Svetich agreed. Ms. Svetich added that Lynell Garfield has visited classrooms to educate students.

Ms. Svetich mentioned that a pilot project was completed at the McKinley Arts Center to use roof runoff for rain gardens, along with pervious concrete. She encouraged people to visit the center.

With no further questions, Vice-Chair Krutz called for a vote on the motion, which carried unanimously.

10. Update on the Truckee Meadows Regional Planning Agency's Parcel-based Population and Employment Modeling Program, and possible direction to staff, Jim Smitherman, NNWPC Water Resources Program Manager.

Mr. Smitherman stated that the application grant for the housing and urban development (HUD) Sustainable Communities was submitted but unfortunately denied. He added that the agency is now in preferred status for funding next year, if funds are still available.

Mr. Smitherman reported that he has almost wrapped up his meetings with the utilities to refine the development suitability factors to be input into the model. He stated that he has a map showing preliminary output from the model although it is not ready for the public yet. TMWA staff was asked to identify areas they believed would be constricted based on infrastructure and resources. He added that he has continued to work with County and City engineers, including discussions on wastewater.

Vice-Chair Krutz stated that the Consensus Population Forecast is expected in the spring timeframe and asked if those numbers would be included in the model. Mr. Smitherman stated they would. He added that the modeling information would be provided to the RTC for use in their updated Transportation Plan. He added that a joint meeting is scheduled for the following day for the Regional Planning Governing Board and RTC.

11. Program Manager's Report

a. Status report of projects and Work Plan supported by the Regional Water Management Fund

b. Financial report on the Regional Water Management Fund

c. Informational report from the NNWPC representative on the Truckee Meadows Water Authority Standing Advisory Committee ("TMWA SAC")

Mr. Smitherman reported that the items included in the agenda packet are provided as informational items.

Barry Winzeler, TMWA SAC Representative, reported that he attended a meeting the previous day, at which:

- Mark Foree stated that the merger of DWR into TMWA will probably take 18 months.
- During the recent fire, more than half of TMWA's pumping ability was lost due to power. He added that the firefighters did their best to keep the structures safe.

12. Discussion regarding agenda items for the February 1, 2012, NNWPC meeting, and other future meetings, and possible direction to staff, Jim Smitherman.

Commissioner Price asked if the January meeting was to be cancelled. Mr. Smitherman stated that is up to Commissioners.

Mr. Smitherman reported that items for the February NNWPC meeting include:

- TMWA's Water Usage Report with a request for additional funding
- Clean Water Act 208 Grant might be available in the amount of \$40,000, which could be used to update the 208 Plan
- Status report on proposals received on the groundwater and septic scope of work
- Program Manager's Report

Commissioner Erwin made a motion to cancel the January meeting and to move forward with the items mentioned for the February meeting. Commissioner Shumaker seconded the motion.

Commissioner Price requested additional agenda items:

- Report from Legal Counsel on representation and structure of this commission after the merger between DWR and TMWA
- Report from Legal Counsel on representation of South Truckee Meadows General Improvement District (STMGID) on the NNWPC if STMGID ceases to exist

Commissioner Price stated that a joint meeting is scheduled for the following week between the Board of County Commissioners and STMGID.

Commissioner Erwin and Commissioner Shumaker amended the motion to reflect the additional agenda items. The motion carried unanimously.

13. Commission Comments.

None

14. Staff Comments.

Mr. Smitherman reported that the WRWC cancelled its December meeting. He also reported that the Legislative Committee to Oversee the WRWC appointed its members, which are Senator Gustafson, Senator Lee, Senator Schneider, Assemblywoman Benitez-Thompson, Assemblyman Daly and Assemblyman Goicoechea. Patrick Guinan will continue to serve as the Research Analyst. He added that no meeting had yet been scheduled.

15. Public Comments.

Vice-Chair Krutz called for public comments and hearing none, closed the public comment period.

16. Adjournment.

With no further business, the meeting was adjourned at 3:58 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on _____ 2011.

George W. Ball, Jr., Chairman