

CARSON WATER SUBCONSERVANCY DISTRICT  
BOARD OF DIRECTORS AND  
CARSON RIVER WATERSHED COMMITTEE MEETING  
May 16, 2018, 6:30 P.M.  
Minutes

Chairman Abowd called the meeting of the Carson Water Subconservancy District (CWSD) to order at 6:32 p.m. in the Conference Room of Dayton Utilities, 34 Lakes Blvd., Dayton NV. Roll call of the CWSD Board was taken and a quorum was determined to be present.

**CWSD Directors present:**

Karen Abowd, Chairman  
Brad Bonkowski  
Carl Erquiaga, Vice Chairman  
Ken Gray  
Barry Penzel  
Chuck Roberts  
Ernie Schank  
Fred Stodieck

**Directors not present:**

Don Frensdorff  
Doug Johnson  
Steve Thaler

**Staff present:**

Edwin James, General Manager  
Patrick King, Legal Counsel  
Toni Leffler, Administrative Assistant/Secretary to the Board

**Also present:**

David Griffith, Alpine County  
Jack Jacobs, Jacobs Family Berry Farm  
Mike Kellogg, JE Fuller, Inc.  
Austin Osborne, Storey County  
Andrew Roberts, private citizen  
Bettina Scherer, NV Dept. of Conservation & Natural Resources  
Richard Waskowsky, JE Fuller, Inc.

The Pledge of Allegiance was led by Director Abowd.

**Item #4 – Discussion Only: Public Comment –**

**Item #5 – For Possible Action: Approval of Agenda.** *Director Schank made the motion to approve the agenda. The motion was seconded by Director Stodieck and unanimously approved by the CWSD Board.*

**Item #6 – For Discussion and Possible Action: Approval of the Board Meeting Minutes from April 18, 2018.** *Director Gray made the motion to approve the Minutes of the Board meeting on April 18, 2018. The motion was seconded by Director Penzel and unanimously approved by the CWSD Board, with Directors Bonkowski and Schank abstaining for not having been at that meeting.*

CONSENT AGENDA

**Item #7 – For Possible Action: Approval of Treasurer’s Report for April 2018.**

**Item #8 – For Possible Action: Payment of Bills for April 2018.**

**Item #9 – For Possible Action: Approval of the Legal Services Agreement with Patrick O. King, Esq. of King & Russo, Ltd. as CWSD’s new legal counsel.**

**Item #11 – To have Director Gray and Director Roberts change places on the Finance Committee and Administrative Committee.**

Director Bonkowski requested that Item #10 be pulled from the consent agenda. *Director Schank made the motion to approve Items #7-9 and #11 of the Consent Agenda. The motion was seconded by Director Erquiaga and unanimously approved by the CWSD Board.*

\*\*END OF CONSENT AGENDA\*\*

**Item #10 – For Possible Action: Approval of Agreement #2018-7 Addressing Funding from Alpine County, California to Carson Water Subconservancy District for a Groundwater Elevation Monitoring Program (CASGEM).** Mr. James explained that Item #5 of the agreement was missing the last word which was “terminated.” Director Penzel asked about the reference to the Carson Valley Water Basin and wondered if it should include the words “in Nevada.” Mr. James responded that the portion of the Carson Valley Water Basin which is included in the program is in California.

*Director Bonkowski made the motion to approve Agreement #2018-7 Addressing Funding from Alpine County, California to Carson Water Subconservancy District for a Groundwater Elevation Monitoring Program. The motion was seconded by Director Penzel and unanimously approved by the Board.*

RECESS TO CONVENE AS  
THE CARSON RIVER WATERSHED COMMITTEE

**Item #12 – Roll Call** – Director Abowd convened the Carson River Watershed Committee and a roll call was taken.

**Committee Members present:**

CWSD Directors as present in roll call above

David Griffith, Alpine County  
Austin Osborne, Storey County

**Committee Members not present:**

Don Frensdorff  
Don Jardine  
Doug Johnson  
Steve Thaler

**Item #13 – Discussion Only: Public Comment** – None

**Item #14 – For Discussion Only: Presentation by JE Fuller on the Johnson Lane Area Drainage Master Plan.** Mr. James introduced Mike Kellogg with JE Fuller, Inc. Mr. Kellogg explained that this presentation is an abbreviated version from that given at a public open house in the Johnson Lane area and at the 2018 Forum. An Area Drainage Master Plan (ADMP) is a planning level study of flooding hazards within the watershed over multiple water courses. The general goals of ADMP are to develop a comprehensive understanding of the drainage exiting conditions and to develop alternative mitigation solutions. Funding for development of the Johnson Lane ADMP is through a FEMA Cooperative Technical Partner (CTP) grant and Douglas County. The ADMP was developed by JE Fuller and Lumos and Associates.

The major project elements included data collection; topographic mapping by LiDAR and field survey; comprehensive watershed assessment of geology and historical flow paths; flood hazard assessment through hydrologic modeling and hydraulic (2D) modeling; and flood hazard classifications.

Alternatives included OHV impacts; an individual lot management plan; individual lot retention; contour trenching; arterial road all-weather access; and roadside ditch lining. Regional alternatives were also considered.

The Flood Hazard Assessment started with hydrologic modeling (HEC-HMS) to include four storm events: a 25-yr., 24-hr. storm; a 100-yr., 6-hr. storm; a 100-yr., 24-hr. storm; and the July 2015 storm estimate. They built hydraulic modeling (FLO-2D) based on a 10-ft. grid element (4 million total grids). Sedimentation engineering was considered.

Animation of the model showed the dynamics of a flooding event. The Johnson Lane community was built without consideration of drainage flow. The goal of modeling is to eliminate uncertainties. The models were verified by USGS records for Johnson Lane Wash and resident flooding experience. It was determined that the model was well calibrated.

The flood hazard classification is to identify specific hazard areas for pedestrians, vehicles, and buildings. The model provided information to county about what areas are vulnerable. They used the HAZUS Analysis which is the FEMA model used for estimating potential economic losses from natural disasters. Pulling their information into the HAZUS Analysis helps determine potential economic loss for each type of flooding event.

When considering regional mitigation alternatives, they recognized that the Johnson Lane area presents unique challenges including no drainage infrastructure as the community was developed and high sedimentation. On-site mitigation would provide limited protection, so community-wide solutions were considered.

The chart of economic loss showed the estimated loss for a 100-yr. 6-hr. event to be higher than for a 100-yr. 24-hr. event which Mr. Bonkowski questioned. Mr. Kellogg explained that the loss is greater for a 6-hr. event because it is more intense.

Mr. Penzel asked if HAZUS includes landscaping. Richard Waskowsky from JE Fuller responded that the HAZUS only includes structures and the contents of structures, not landscaping losses. Mr. Penzel noted there was no significant in-house loss in the 2015 event but a great amount of landscape loss. Mr. Kellogg explained that a census block means a block of information based on population density and type of housing. It is a rough estimate but the standard of how things are calculated. Mr. Penzel asked if that economic number can be used to claim FEMA loss. Mr. Kellogg responded that it couldn't; this is just for planning. Mr. James explained that these are the figures that FEMA would use for planning grant purposes.

Mr. Penzel asked if Kermin Depression was considered in determining that the water didn't get to the Carson River. Mr. Kellogg stressed that the modeling is to get storm water as safely through community as possible. Mr. Penzel noted that the county ordinance requires planning for water in and water out so it doesn't go through the community, so you have to consider water from where it begins and ends. Mr. James explained that ordinances deal with a development and runoff can't be greater than it was historically. Mr. Penzel suggested stopping water as high up as possible and plan for water to flow through community. BLM's lack of planning has caused the county and community great problems. Mr. Kellogg pointed out that there is no development on BLM land and if there was no development below, there would not have been damage. Mr. Bonkowski noted that developers only have to develop to county requirements.

Mr. Griffith asked if infrastructure is included in estimates. Mr. Waskowsky responded that it is not factored into these numbers but can be factored into HAZUS. Mr. Bonkowski stressed that this is a planning tool, not reflecting what has happened. It is hard to plan for every circumstance since storm clouds will not be over the same land every time. It was suggested that the county phase changes to remedy drainage problems over time. Mr. Schank noted that planning tool helps the planning commission to require developers to plan for these events.

Mr. Penzel asked if recurrence interval designations are used throughout the US and whether it is skewed by East Coast vs. West Coast conditions. Mr. Kellogg explained that storm statistics are determined regionally. Every new storm event will change data as it occurs to provide greater predictability. The more data, the more accurate storm information will be. Mr. Waskowsky noted that this modeling is based on data up to 2010.

Constraints on this community are primarily lack of drainage infrastructure and high sedimentation. On-site mitigation has a limited impact because most of the storm water is coming from off-site, from the watershed above. Therefore, we need community-wide solutions. For the purpose of study the area was divided into five regional systems. They include Unnamed

Wash A System; Hot Springs-Buckbrush System; Pine Nut North System; Pine Nut South System; and Johnson Lane Wash Dam System.

Several locations were investigated for detention basins, looking for the greatest amount of benefit at the least cost. Johnson Lane Wash is largest area with a unique geology so there wasn't a lot of room to put in a basin. Installing a basin on undeveloped area downstream doesn't help residents higher upstream. The most viable alternative was a dam structure upstream of the Mackay Street alignment. They created a concept level design of what this might look like to determine whether this will fit within the topography and work as a hydrologic system.

JE Fuller ranked the various projects based on the number of structures/homes removed from the flooding hazard by dam structures. Designing for 25-yr storm costs less than the 100-yr basin but the 100-yr. basin can contain more water. The prioritized list is as follows:

- 1 – Pine Nut North projects designed to the 25-yr. level would provide most of the benefit.
- 2 – Johnson Lane Wash Dam
- 3 – Hot Springs-Buckbrush projects designed to the 100-yr. level
- 4 – Pine Nut South projects designed to the 25-yr. level
- 5 – Unnamed Wash A projects designed to the 25-yr. level

Mr. Kellogg showed an animation with and without the preventative measures in place. Mr. Stodieck asked how much water is backed up behind the dam. Mr. Kellogg estimated 200 AF which would be released through a pipe, but he noted the system also has an overflow spillway.

Potential funding sources for structure construction include:

- FEMA Pre-Disaster Mitigation (PDM) – Requires a FEMA approved Hazard Mitigation Plan which Douglas County has. Awards planning and project grants and provides opportunities for raising public awareness about reducing future losses before disaster strikes.
- FEMA Flood Mitigation Assistance (FMA) – Requires structures to be insured under the NFIP. Projects submitted for consideration must be consistent with the goals and objectives identified in the agency's Hazard Mitigation Plan. Awards projects and planning grants that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP.
- FEMA Hazard Mitigation Grand Program (GMGP) – Requires a Presidential Major Disaster Declaration and 25% cost share from applicant. Funding for projects listed in the agency Hazard Mitigation Plan.

**Item #15 – For Possible Recommendation: Approval of the FY 2018-19 Final Budgets for the General Fund, Acquisition/Construction Fund, and Floodplain Management Fund.** Mr.

James explained that on p. 59 of the Board package begins the explanation of the final budgets. Changes from the tentative budget are in red, grants in blue. The Dept. of Taxation ad valorem tax numbers are compared to the tentative estimate in the notes column. Bottom line on p. 62 of the General Budget proposes to increase funds moved from the General Fund to the Acquisition/Construction Fund by \$15,000. On p. 64, the Acquisition/Construction Fund is

budgeted as a holding place for projects, but nothing can be spent without Board approval. One project considered is the grant from the Bureau of Reclamation which staff is proposing to increase by \$20,000. In the Floodplain Management Fund budget on p. 65, the amount received from the Mutual of Omaha CD has changed since the CD matured and the account is closed.

*Committee Member Roberts made the motion that the Carson River Watershed Committee recommend CWSD Board approval of the 2018-19 Final Budgets for the General Fund, Acquisition/Construction Fund, and Floodplain Management Fund at the Special Board meeting and Tentative Budget Hearing on May 22, 2018. The motion was seconded by Committee Member Griffith and approved by the Carson River Watershed Committee.*

**Item #16 – For Possible Recommendation: Approval to pursue Water Smart Grant to develop a Water Marketing Strategy for the Carson River Watershed.** Mr. James explained that the Bureau of Reclamation (USBR) Water Smart grant focuses on water marketing, but its purpose is to achieve a more stable water source through storage. Combining a study of both water storage and marketing options will provide a more comprehensive picture of storage options in the watershed. We will need letters of support from the water purveyors within the watershed. The grant proposal will be provided to the Board at a future meeting.

Mr. Schank asked Mr. James whether he thinks it would be wise to include Fish and Wildlife from the beginning. Mr. James responded that it is critical to form partnerships with water purveyors, counties, farmers, etc., so that everyone understands that no one is trying to take water from another community. This study would be to determine what water is available and what makes sense in infrastructure to move that water around. The farther east in the watershed, the less water is available. If locations for water storage are identified beforehand, the need to release water into the desert during a flooding event would be minimized.

Mr. Griffith expressed his concern about the language used in the title. Mr. James noted that water marketing is USBR's grant title. We would focus on water storage and infrastructure to allow water to be moved to enhance the reliability of water supplies in communities. All options must be within Alpine Decree, as well as Federal and State water laws.

Mr. Stodieck asked if the only water that can be considered is flood water. Mr. James responded that flood water is not a reliable source of water. The focus will be on water rights identified in the Alpine Decree. Mr. Stodieck noted that the Alpine Decree created a segmentation issue and asked what water can go behind a storage structure and how the water can be transferred to the area where it is needed. Mr. James responded that this grant would help to identify storage sites throughout the watershed and an inventory of what is available. The study would be to identify how to get the water to the location of need. The amount of water needed is a couple thousand acre-feet. The focus is on seasonal storage instead of storage over multiple years.

Mr. Schank asked if this will require protocol with State Engineer for a temporary permit. Mr. James responded that you'd have to own permitted water rights and transfer them to a storage site. Mr. Schank clarified that this study is to identify potential water rights that can be transferred and identify potential storage sites. Mr. James confirmed that it would be to identify potential storage sites and what water rights could be put into them without drying up

agriculture. Mr. Schank asked if there are any current storage sites that can be enlarged. Mr. James responded that Mud Lake could be enlarged, but there are issues with seepage. There might be some off-stream storage like Brunswick Reservoir or groundwater aquifers. Mr. Bonkowski noted that it would be necessary to identify funding to acquire water rights. Mr. Roberts asked how much the grant is. Mr. James responded that it is up to \$200,000, but it must be matched. Mr. James is hoping that CWSD can provide about \$115,000 in cash and in-kind match.

Mr. James explained that the initial focus would be on creating the Request for Proposals (RFP) and Scope of Work. Mr. Roberts asked whether we are studying something that has no remedy. A lot of money doesn't get you very far toward a utilizing minimal amount of benefit. Mr. Schank noted that top priority from CWSD's strategic planning was potential storage. We can do that without the USBR Water Smart grant, but this will get us farther. Mr. Bonkowski asked who is going to come up with funds to build storage facility. Mr. James pointed out that the most likely sources would come from developers. Mr. Roberts asked whether the strategic plan is in alignment with a practical approach. Mr. Schank asked whether this is the best way we want to use the \$75,000 which is reserved. Mr. Roberts asked what if when the study is done and you have the information, no one wants to spend money to develop the storage. Mr. Schank responded that Mr. James will need to have meetings and find out if we can get support. Mr. James explained that staff will put a in time and effort into applying for this grant, but it is not guaranteed to us since it is a competitive grant.

Mr. Stodieck asked whether the State Engineer would approve. This study would only benefit the developer. Mr. Gray noted that it would benefit the community and would require a conglomeration of resources. Mr. James suggested that the study may need to just focus on lower watershed. He agreed that the infrastructure is expensive, but the water source needs to be identified. Stagecoach would be a good place to store water but would need a pipeline and spreading location to build up water for future use.

Mr. Penzel asked if staff has had a conference with the State Engineer about doing this study in theory. He suggested finding out how the State Engineer views what we are suggesting before we do this study. Mr. Schank noted that Fish and Wildlife can't use all the water in their system, but their rationale is that all the water belongs to them. Under the Alpine Decree, if there is available water, we can transfer water which stays in the river and lose priority; but if it is in a pipeline, there would be a change of use, but you don't lose the priority.

Mr. Gray suggested authorizing staff to begin to plan for the grant application and bring it back to Board in June.

*Committee Member Gray made the motion that the Carson River Watershed Committee recommend CWSD Board approval for staff to put the grant proposal together for the Water Smart Grant to develop a Water Marketing Strategy for the Carson River Watershed and bring it back to the Board in June. The motion was seconded by Committee Member Roberts and unanimously approved by the Carson River Watershed Committee.*

Mr. Schank mentioned his concern for the potential of a lawsuit by the Pyramid Lake Paiute Tribe. Mr. Gray commented that we can't let the threat prevent us from exploring the options or do due diligence. Mr. James noted CWSD's role is to maximum the benefits of the water that's available in the watershed. Mr. Penzel agreed that the study can assist us in developing a coordinated view of managing the water resources.

**Item #17 – For Possible Recommendation: Authorize staff to retain Patrick King, Esq. to assist with developing an agreement between the conservation districts and State Lands to do routine maintenance in the Carson River in an amount not to exceed \$2,000.00.** Mr. James explained that Mr. King's negotiating skills would be helpful in developing an agreement to do routine river maintenance.

*Committee Member Roberts made the motion that the Carson River Watershed Committee recommend CWSD Board authorization for staff to retain Patrick King, Esq. to assist with developing an agreement between the conservation districts and State Lands to do routine maintenance in the Carson River in an amount not to exceed \$2,000.00. The motion was seconded by Committee Member Penzel and unanimously approved by the Carson River Watershed Committee.*

**Item #18 – Discussion Only: Public Comment.** None.

### **ADJOURN TO RECONVENE AS THE CARSON WATER SUBCONSERVANCY DISTRICT BOARD OF DIRECTORS**

**Item #19 – For Possible Action: Approval to pursue Water Smart Grant to develop a Water Marketing Strategy for the Carson River Watershed.**

**Item #20 – For Possible Action: Authorize staff to retain Patrick King, Esq. to assist with developing an agreement between the conservation districts and State Lands to do routine maintenance in the Carson River in an amount not to exceed \$2,000.00.**

Items #19 and #20 were discussed earlier in the meeting under Agenda Items #16 and #17, respectively. There were no further Board or public comments, so both items were taken in one motion.

*Director Schank made the motion to approve the Carson River Watershed Committee's recommendations on Items #19 and #20. The motion was seconded by Director Stodieck and unanimously approved by the Board.*

#### **Item #21– Discussion Only: Staff Reports**

**General Manager** - Mr. James reported:

- He has been working on a workshop with the US Army Corps of Engineers (ACOE) to explain when a permit is needed and not. The goal of determining what is exempt from permitting. The workshop will be on June 1 in 2<sup>nd</sup> floor conference room of the Bryan Building. Mr. Stodieck asked if the workshop could include going out to the river. Mr. James will follow up on that suggestion.

- On Friday, 5/18/18, Mr. James is going to the Legislative Public Lands Committee meeting in Hawthorne to give a presentation on CWSD.
- The FY 2018-19 Tentative Budget public hearing will be on Tuesday, 5/22/18, at 8:00 a.m. A conference call will be set up for Directors to call in since it is expected to be a very short meeting.

**Item #27- Discussion Only: Directors' Reports –**

Director Schank asked how the Governor will select a new State Engineer when Jason King retires. Mr. James responded that as head of Nevada Department of Conservation and Natural Resources, Brad Crowell will appoint the new State Engineer.

Director Abowd reported:

- The Curry Street sewer/storm water infrastructure update project started yesterday, and the first day the crew hit a gas main.

**Item #28 – Discussion Only: Update on activities in Alpine County.**

Supervisor Griffith reported:

- Alpine Watershed Group, selected Kimra McAfee to replace Sarah Green as Executive Director. Gavin Feiger resigned so AWG is seeking a new Coordinator.

**Item #29 – Discussion Only: Update on activities in Storey County.** Committee Member Osborne reported:

- The Virginia City sewer project is 65-70% done. The community has been disrupted while pipes from 1860s and 1870s were discovered. Archeologists have documented everything. Ames Construction has done a great job of working with the community.

**Item #30 – Discussion Only: Public Comment.** None.

*There being no further business to come before the Board, Director Schank made the motion to adjourn, and the meeting was adjourned at 8:27 p.m.*

Respectfully submitted,

Toni Leffler  
Secretary