

CARSON WATER SUBCONSERVANCY DISTRICT
BOARD OF DIRECTORS AND
CARSON RIVER WATERSHED COMMITTEE MEETING
August 18, 2021

Minutes

The CWSD August 18, 2021, Board of Directors meeting was preceded by a tour of Lahontan Dam led by Director Schank. Dinner and the Board meeting followed at the Silver Springs Mutual Water Company Conference Room, 1315 Lahontan Drive, in Silver Springs 89429.

Chairman Giomi called the meeting of the Carson Water Subconservancy District (CWSD) to order at 6:30pm. Roll call of the CWSD Board was taken and a quorum was determined to be present.

CWSD Directors present:

Stacey Giomi, Chairman
Ken Gray, Vice Chairman
David Nelson (*via Zoom*)
Pete Olsen
Ernie Schank, Treasurer
Lisa Schuette
Fred Stodieck
Mike Workman

Directors Absent: John Engels, Mark Gardner, and Jack Jacobs.

Roll call of the Carson River Watershed Committee included CWSD Directors and Committee Members present - David Griffith (in person) and Kathy Canfield and January Riddle *via Zoom*.

CWSD Staff & Guests present:

David Burketta, Lyon County Utilities Director
Charlie Donohue, Nevada State Lands Administrator (*via Zoom*)
Shane Fryer, Watershed Program Specialist
Jason Gipson, Chief, Nevada/Utah Regulatory Section USACE (*via Zoom*)
Brenda Hunt, Watershed Program Manager (*via Zoom*)
Edwin James, General Manager
Patrick King, CWSD Attorney
Matt Martensen, General Manager, Silver Springs Mutual Water Company
Debbie Neddenriep, Water Resources Specialist 2 (*via Zoom*)
Catrina Schambra, Administrative Assistant/Secretary to the Board (*via Zoom*)
Julie Workman, Public

The Pledge of Allegiance was led by Chairman Giomi.

Item #4 – Discussion Only: Public Comment - None

Item #5 – For Possible Action: Approval of Agenda

Director Schank made a motion to approve the agenda as presented. The motion was seconded by Director Stodieck and unanimously approved by the Board.

Item #6 – For Possible Action: Approval of the Board Meeting Minutes of July 21, 2021

Committee Member Griffith made a motion to approve the Board Meeting Minutes of July 21, 2021, as presented. The motion was seconded by Director Workman and unanimously approved by the Board.

****CONSENT AGENDA****

Item #7 - For Possible Action: Approval of Treasurer’s Report for July 2021

Item #8 - For Possible Action: Approval of Payment of Bills for July 2021

Item #10 - For Possible Action: Approval to pursue the Nevada Division of Environmental Protection 319 Grant

Director Schank made a motion to approve Consent Agenda as presented, excepting to pull Item # 9 for further discussion. The motion was seconded by Director Schuette and unanimously approved by the Board.

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

Item #9 – For Possible Action: Approval to pursue the Recreational Trails Program Grant

Committee Member Griffith questioned how this grant fits into our mission. Mr. James gave background information on this item. This grant opportunity was originally brought to our attention through the Education Working Group of the Carson River Coalition to enhance recreational use of the Watershed Program. There are only in-kind costs to CWSD, no direct costs. Brenda Hunt’s and Shane Fryer’s time would be charged, as well as 100% of expenses to the grant. Mr. Fryer gave background on the original grant in 2006 that was used to start the Aquatic Trail for Recreation. Since then, efforts have been made to connect the Aquatic Trail through the Carson River Watershed counties. Through outreach and education, this program presents the Carson River to the community as a recreational asset, while promoting conservation and protecting bank integrity. This project does not compete with other CWSD projects for Ad Valorem Tax funds, while enhancing the value of the river to the community.

Committee Member Griffith stated he accepts this explanation and will support the grant application moving forward.

Director Gray made a motion to approve application for the Recreational Trails Program Grant as presented. The motion was seconded by Committee Member Griffith and unanimously approved by the Board.

Item #11 – For Possible Action: Update on the USACE Determination that the Carson River is a Navigable Water of the United States Pursuant to the Rivers and Harbors Act

Mr. James introduced Jason Gipson, USACE Chief, Utah/Nevada Section who is joining our meeting via Zoom audio to provide context and background and to address our questions and concerns regarding the recent report on the determination and designation of the Carson River as a Navigable Water of the United States pursuant to the Rivers and Harbors Act.

Mr. Gipson explained the 1899 Rivers & Harbors Act and how Carson River is a Section 10 Waterway – meaning a safe passible waterway for interstate commerce. He also talked about the Section 44 Clean Water Act of which they also hold jurisdiction. Since the historic use of floating logs down the river over 100 years ago, the Carson River was officially designated “navigable.” This year that determination was reaffirmed and with that activity specific permits are required work done on the river. Mr. Gipson stated he can only speak to the process and not to any discussion of exceptions to this designation.

Board members expressed concern that there was no public input allowed on this determination. Director Giomi asked that since it was not a public process, is this arguable beyond a legal process? Can a determination be appealed? Mr. Gipson responded that he is not aware of that possibility, it is jurisdictional and determined by the US ACE. Director Gray asked if anyone of determining body had seen the Carson River, as it runs dry most of the year. Especially in the current drought situation. He stated historical use does not mean it happened once in the past. That reference was over a hundred years ago! He wonders where the common sense is here. No commerce vessels are ever in the Carson River, only kayaks and rafts. Needless permits and regulation just hinder river improvements and cost money. Again, Mr. Gipson states he can only speak to the process.

There was a robust discussion with more questions than answers with the consensus being that more research must be done into the ramifications of the negative effect this has on the conservation efforts on the Carson River. Staff and legal research into the issue was advised.

Charlie Donahue, Administrator, Division of State Lands, stated he will meet with Mr. James and/or Board to address questions. He would like to engage and help navigate this issue. He states they are a partner, and they support CWSD.

No action was taken.

Item # 12 - For Discussion Only – Presentation on Lyon County Hwy 50 Right of Way Project

David Burketta, Utilities Director for Lyon County gave an update on the 50 Highway Right of Way progress to date.

No action was taken.

Item # 13 - For Discussion Only - Update on 2021 Water Year

Mr. James reported on the continuing record-breaking dry year. We are currently in line with 2015 at water levels. The consistent 100 degrees days and water gauges shows a warmer climate.

No action was taken.

Item #14 – For Discussion Only: Staff Reports –

Mr. James reported the following:

- FEMA is requesting CWSD 2022 project lists. Charter Meeting has been set for September 9 to finalize list.
- BOR Regional Water Study Grant: waiting for announcement and looking at how to move forward should CWSD not grant.

- He listened in on Legislative Session regarding Innovation Zones, specially in Storey County. Where will the water come from? He suggests we send a letter of concern that water is limited to the Chair of the Legislative Session. The Innovation Zone is looking at creating a “Company Town” on 3500 acres north of the 80 Freeway financed by a financier.
- Thanks to Matt Martensen, General Manager of Silver Springs Mutual Water Company for hosting the Board meeting.

Legal – None

Correspondence –

- A Thank You letter from Minden residents, Mr. & Mrs. Schneider to all involved in hosting Westwood Neighborhood Carson River Meet & Greet in July.
- A Thank You letter from Joe Hooven, Minden Rotary Club to Debbie Neddenriep for her August presentation on Floodplain Management at their monthly meeting.

No action was taken.

Item #15 – For Discussion Only: Directors Reports – None

No action was ken.

Item #16– For ta Only: Update on activities in Alpine County – c

January Riddle reported the following:

- They are still struggling with the internet in Alpine County after the fire. USFS is working to clear debris and cutting down trees designated as dead by a tree expert. They are under flood watch through Spring due to Tamarack Fire. The Watershed was trashed. Water is available from storage tanks and wells only. She is grateful for minimal loss of homes (4) and that the town was saved.

No action was taken.

Item #17– For Discussion Only: Update on activities in Storey County –

Kathy Canfield reports the following:

- Storey County should have a new CWSD Director by next month!

No action was taken.

Item #18 – For Discussion Only: Public Comment – None

There being no further business to come before the Board, Chairman Giomi adjourned the meeting at 8:11 pm.

Respectfully submitted,

Catrina Schambra

Secretary to the Board