

WESTERN REGIONAL WATER COMMISSION BOARD OF TRUSTEES MINUTES

Friday, January 8, 2010

The regular meeting of the Western Regional Water Commission (WRWC) Board of Trustees was held on Friday, January 8, 2010, at Sparks Council Chambers, 745 Fourth Street, Sparks, Nevada.

- 1. Roll Call and Determination of presence of a Quorum** – Chairman Carrigan called the meeting to order at 1:30 p.m. There was a quorum present.

Commissioners Present:

Mike Carrigan, Chair
John Breternitz
Steve Cohen
Patricia Lancaster
Bob Larkin
Geno Martini
Ron Smith

Representing:

Truckee Meadows Water Authority (TMWA)
Washoe County
South Truckee Meadows General Improvement District (STMGID)
Sun Valley General Improvement District (SVGID)
Truckee Meadows Water Authority (TMWA)
Truckee Meadows Water Reclamation Facility (TMWRF)
City of Sparks

Commissioners Absent:

Dave Aiazzi, Vice-Chair
Bob Cashell

Representing:

City of Reno
Truckee Meadows Water Authority (TMWA)

- 2. Pledge of Allegiance**

Chairman Carrigan asked Commissioner Martini to lead the Western Regional Water Commission in the Pledge of Allegiance.

- 3. Approval of Agenda**

Commissioner Lancaster made a motion to approve the January 8, 2010 WRWC agenda as posted. Commissioner Cohen seconded the motion, which carried unanimously.

- 4. Public Comment**

Chairman Carrigan called for public comments and hearing none, closed the public comment period.

- 5. Approval of the Minutes of the November 13, 2009 meeting.**

The minutes of the November 13, 2009 Western Regional Water Commission meeting were submitted for approval. Commissioner Breternitz made a motion to approve the minutes as submitted. Commissioner Larkin seconded the motion, which carried unanimously.

6. Election of Chairman, Vice-Chairman, Secretary and Treasurer for the 2010 calendar year.

Chairman Carrigan called for nominations for Chairman, Vice-Chairman, Secretary and Treasurer for the 2010 calendar year.

Commissioner Martini made a motion for Chairman Carrigan to continue as Chairman. Commissioner Larkin seconded the motion, which carried unanimously.

Commissioner Smith made a motion to appoint Commissioner Larkin as Vice-Chairman. Commissioner Breternitz seconded the motion, which carried unanimously.

Commissioner Breternitz made a motion for Commissioner Lancaster to continue as Secretary. Commissioner Larkin seconded the motion, which carried unanimously.

Commissioner Smith made a motion for Commissioner Cohen to continue as Treasurer. Commissioner Larkin seconded the motion, which carried unanimously.

7. Status report on pending integration/consolidation of the Washoe County Department of Water Resources (“DWR”), and the Truckee Meadows Water Authority (“TMWA “), and possible direction to staff.

Mark Foree, TMWA General Manager, reported that staff from TMWA and DWR have been performing due diligence related to the integration/consolidation. He reported that four workshops have been held by TMWA staff at DWR, one of which focused on the apprentice program. He added that another workshop was focused on Human Resources and TMWA’s benefits, as well as one on TMWA’s business process. He stated that the Operations Plan to operate the two systems as one would be available in the next few months.

Rosemary Menard, DWR Director, stated that the process is going well with a great relationship between the entities. She reported that the revisions to the Joint Powers Agreement (JPA) were moving forward and would be presented to the Attorney General after signatures are obtained. She added that the Interlocal Agreement was unanimously approved by the TMWA Board and Board of County Commissioners on December 9, 2009.

Chairman Carrigan thanked staff for the update and also for the update to the Legislative Oversight Committee (LOC).

8. Review and discussion of the Water Resources portion of the 2011 Comprehensive Regional Water Management Plan, including sections addressing issues relating to sustainable water resources, and possible direction to staff.

Chairman Carrigan invited Jim Smitherman to present this item. Mr. Smitherman stated that he presented this report to the Northern Nevada Water Planning Commission (NNWPC) on January 6, 2010, where he received some comments, which he offered to share. He referred to the staff report and a Power Point presentation, which included the following points:

Overview of Water Resources

- Sources of Water
 - Surface Water

- Groundwater
- Reclaimed Water for irrigation purposes
- Water Resources Baseline Table – Mr. Smitherman referred to the Draft Water Baseline Table and explained the basins and associated columns and notes. He clarified that the table is intended to show water resources that are quantified adequately for twenty year planning purposes. He added that the commitment numbers came from last year’s Plan Amendment and will be reviewed and updated as needed.
 - Truckee River and Tributary Water Resources
 - TROA, Orr Ditch Decree, Water Rights, State Engineer Decisions
 - Groundwater Resources
 - Perennial Yield Estimate, Water Rights, State Engineer Decisions
 - Reclaimed Water Resources
 - WRF Flows not Committed to Return Requirements

Factors Affecting Water Resource Sustainability

- Sustainability
 - Definition – The Chapter includes one and a half pages explaining “sustainability” in the context of the Water Plan, in relation to science-based perennial yield estimates and legal access to the water. The Chapter also includes the methodology used for compiling the Baseline Table, as well as a purveyor or local government’s ability to accept rights for service or to better land use planning based on independent evaluation of the available water.

Mr. Smitherman referred to page 3 of 21, “In basins where appropriations for municipal and industrial (M/I) uses, or those that may be converted to M/I, are less than the perennial yield estimate, only those water rights actually appropriated are considered to be sustainable.” He stated that a next sentence should be, “In basins where the perennial yield estimate is exceeded by the appropriated water rights, the perennial yield estimates are considered to be sustainable.” He summarized that it is a conservative way to approach the quantification of groundwater in the basins, whereby the smaller number would be used as the sustainable amount for the basin.

Commissioner Larkin asked for clarification that the perennial yield estimates used are those set forth by the State Engineer. Mr. Smitherman confirmed they are the State Engineer’s adopted numbers. Commissioner Larkin asked if the number includes appeals or modified court judgments based on the number. Mr. Smitherman clarified that when the State Engineer adjusts a number, the Water Plan number will be adjusted accordingly. He added that where available, it will be noted if there is a pending appeal.

Commissioner Larkin referred to the paragraph, “Sustainability, in the context of resource planning, is usually defined as the ability to meet present needs while ensuring resource opportunities for future generations that provide optimal economic, social and environmental benefits.” He asked if the statement is consistent with the perennial yield definition as defined by the State Engineer. Mr. Smitherman stated that in his opinion it is. John Rhodes stated that he reviewed the comment and agrees that the statement is consistent with the State Engineer’s definition.

Commissioner Larkin referred to WC-3, the intent of which is to link up “sustainability”, which is undefined in WC-3, with long-term yields and population. He asked if Mr. Smitherman believes this definition complies with the intent of the WC-3 proponents. Mr. Smitherman stated that in his mind, it does. Commissioner Larkin asked if Mr. Smitherman has reviewed the language forwarded to Regional Planning by the Board of County

Commissioners (BCC). Mr. Smitherman stated he has and he believes the statements made are consistent with the intention of WC-3.

Mr. Smitherman reported that he received a comment from the NNWPC related to a sentence on page 4 of 21 of the Chapter, "...the local governments and water purveyors may *limit such approvals or may take affirmative actions to mitigate the deficits* through mechanisms such as artificial recharge and recovery of groundwater, conjunctive use of available resources, or the use of alternative water resources." The suggestion was that "may limit such approvals" be worded more strongly, such as, "will deny such approvals" or that "the developer would have to bring water". Commissioner Larkin disagreed with the suggestion because it could become a battle between the Regional Plan and the Water Plan. He stated that using a word such as "deny" is setting a precedent for the Water Plan to dictate to the Regional Plan, rather than ensuring consistency or conformance with one another.

Commissioner Larkin clarified that the Water Plan is intended to serve as a "guide" but not to replace the Regional Plan as the guiding principles. Chairman Carrigan suggested changing "*will limit*" to "*should limit*". Commissioner Larkin suggested "*may limit*". He explained that the idea is to not expand growth beyond the sustainable water sources over a long period of time. He added that those sources do not take into account water importation, reinjection, or the use of reclaimed water (purple pipes).

o Proposed Regional Plan Amendments

- NNWPC and WRWC to compare Consensus Forecast with Sustainable Water Resources – Mr. Smitherman referred to the "Decision Tree – Regional Population Forecast based on Water Sustainability", which is a procedural flow chart. He reviewed the process based on different scenarios. He stated that the NNWPC and staff would calculate a population number that can be supported by the sustainable water resources for the future. John Erwin and Shawn Stoddard, TMWA, agreed to use a model to provide the calculations. The number will be calculated using the Cities of Reno and Sparks and Washoe County land use assumptions and water demand factors working backward to a population number. He added it would then be up to the WRWC to determine that the numbers are in balance.

Commissioner Larkin stated that the process will only work if the sustainable water approved by this Board is inclusive of all water resources. He clarified that if certain water resource categories are excluded, it will result in vast disparity. He asked what process is envisioned to reconcile or account for those issues. Mr. Smitherman reiterated that the perennial yield estimates used would be those set forth by the State Engineer.

Mr. Smitherman referred to page 5, "The proposed amendments implement the voters' intent." He stated that he realizes that the statement is impossible to verify and suggested revising it. He clarified that the proposed amendments have been thoroughly reviewed with citizens in support of WC-3, who requested the Regional Planning Commission to move forward with the proposed amendments.

Commissioner Larkin stated that a particular group should not be singled out and suggested removing the reference to the proponents. Chairman Carrigan agreed.

Commissioner Larkin referred to the Decision Tree, "NNWPC/WRWC staff review draft/updated Consensus Forecast and recommend for or against a finding of consistency with sustainable water resources from RWMP". He asked if that determination would be based on a mechanical process where gallons per person would be compared to gallons per person on a sustainable perennial yield basis. Mr.

Smitherman stated yes, it would be along those lines. He added that the determinations would be made based on current conditions; not projections of possible scenarios, such as conserved water or others.

Commissioner Larkin referred to the next step, “WRWC finds draft/updated Consensus Forecast is consistent with sustainable water resources in RWMP and transmits finding to RPC and affected entities.” He asked if this is a new process where the WRWC would submit directly the RPC, as opposed to the current practice that only the three governing bodies can submit directly to the RPC. Mr. Smitherman confirmed that it is a new step. Commissioner Larkin asked if the change would require legislation to do so. Mr. Rhodes stated he did not believe it would. He added that the step requires a “finding” of whether or not the Consensus Forecast and sustainable water resources are consistent.

Commissioner Larkin asked what process would be used if a finding is made “that no new water resources or demand management strategies are available – the forecasted population able to be supported by sustainable water resources remains unchanged”. Mr. Smitherman stated that the land use planners will need a number so the constrained number would carry through and the land use planning entity would have to decide how to deal with the Consensus Forecast after such a finding. He added that staff would already be developing alternatives and recommendations (such as, using water resources more efficiently) in such a case. Commissioner Larkin stated that staff would see such a scenario in advance and asked if there is a way to incorporate the pre-reconciliation process. He stated that once such a formal process is adopted, it will be very difficult to back away from the constraint. He added that he believes the constrained number would become ipso facto.

Ms. Menard stated that based on the Consensus Forecast number changing every two years (per the Regional Planning Governing Board process), such a 20-year constrained number would only be in place for two years as a worst-case scenario. She added that the WRWC has the authority to direct staff to find new water resources, such as reclaimed water management strategies. Commissioner Larkin stated that while that may be true, the constrained number will dictate to the local entities what the growth potential will be for a particular area. He referred to long-range planning being done by the Regional Transportation Commission (RTC), which sets in motion possible unintended consequences based on growth projections.

Ms. Menard stated that the Consensus Forecast is due out in the next couple of months, which she stated would enable a “test drive” of the process over the next few months. She added that changes could be made as the process moves along.

- Economic Conditions – Mr. Smitherman reported that the economic conditions were well-covered by TMWA’s Draft Water Resources Plan so with TMWA’s permission, the information was used in the Regional Water Plan.
- Laws, Regulations, Decrees, Agreements (Federal, State, Local)
- Source Water Reliability
 - Climate Change and Drought
 - Water Quality
 - Natural and Anthropogenic Influences, Surface Water, Groundwater and Reclaimed Water

Water Management Programs to Protect the Availability and Quality of Water Resources for Municipal and Industrial Use

- Surface Water Programs
 - Truckee River Restoration
 - Watershed-based Water Quality Planning
 - Tributary Watershed Assessment and Stream Surveys
 - Environmental Control and Pre-treatment
 - Coordinated Monitoring Program (MOU)
 - Truckee Meadows Regional Storm Water Quality Management Program
- Groundwater Programs
 - Groundwater Recharge
 - Wellhead Protection Plans
 - Central Truckee Meadows Remediation District and Other Contaminated Sites
 - Municipal Well Siting
 - Groundwater Resources Data Center and Domestic Well Mitigation
- Other Programs
 - Low Impact Development
 - Hill Slope Development
 - Cloud Seeding
 - Public Outreach Programs

Mr. Smitherman welcomed any further questions or comments.

9. Discussion and possible approval of funding not to exceed \$49,000 from the Regional Water Management Fund to support a scope of work and Consulting Engineering Agreement with ECO:LOGIC Engineering for technical services related to the development of the 2011 Comprehensive Regional Water Management Plan, and, if approved, authorize the Chairman to execute the Agreement.

Mr. Smitherman referred to the staff report and stated that the Northern Nevada Water Planning Commission (NNWPC) recommended that the WRWC approve the scope of work for ECO:LOGIC Engineering in an amount not to exceed \$49,000. He reported that the scope of work includes technical work on the updated Water Plan, including revisions to facility cost estimates, revisions to the regional water balance, and development of a regional wastewater analysis. He mentioned that ECO:LOGIC decreased their rates 5% from their 2009 rates due to the current economic situation.

Commissioner Breternitz made a motion to approve the contract, including the discount. Commissioner Smith seconded the motion, which carried unanimously. Chairman Carrigan commended ECO:LOGIC for the rate reduction.

10. Status report on proposed funding sources for existing U.S. Geological Survey stream gauges on Truckee River and tributary gauging stations, and possible direction to staff.

John Buzzone, DWR, presented a brief overview of the staff report, which included a list of gauge locations and the responsible entity. He reported that there is currently a sort of ad hoc arrangement as to the development of funding strategies. He reported that at present the local agencies participate in funding approximately 20 flow gauges. He added that the responsible entity is based on that receiving the most benefit from the information.

Mr. Buzzone reported that the Flood Project agreed to assume responsibility for the early flood warning program and along with that, the responsibility for funding seven gauges at a cost of \$75,020.

Chairman Carrigan asked about the annual cost of the gauges. Mr. Buzzone reported that the total cost is approximately \$706,550 per year, of which TMWA pays \$101,850, USGS pays \$203,330. Chairman Carrigan asked what benefit the gauges are to Reno and Sparks. Mr. Buzzone stated that much of the data is required for various permitting agencies, including permitting for Truckee Meadows Water Reclamation Facility (TMWRF). He added that the Stormwater Permit Coordinating Committee (SPCC) is required to provide the monitoring data to the State. He clarified that the SPCC is evaluating whether the data is absolutely required or if the monitoring requirements could be changed. He stated that he believes the funding amount will be reduced.

Commissioner Breternitz referred to the Fiscal Year 2010 costs and asked what the changes were from 2009. Mr. Buzzone apologized and explained that the 2009 information was to be available but was inadvertently omitted. He reported that there should be a net reduction to the Sparks and Washoe County General Funds in the amount of approximately \$74,000 per year. He clarified that the funding burden would be shifted to TMWA and the Flood Project.

Commissioner Larkin mentioned that some of the gauges are operated for different purposes, for instance, the Vista gauge monitors for flood and for water quality.

Chairman Carrigan thanked Mr. Buzzone for his presentation.

11. Status report on the Truckee River Coordinated Monitoring Program Memorandum of Understanding adopted pursuant to Nevada Senate Concurrent Resolution 2 (2008).

Chairman Carrigan invited Tom Porta, Deputy Administrator for Nevada Division of Environmental Protection (NDEP) to present this item in Leo Drozdoff's absence. Mr. Porta referred to the Memorandum of Understanding (MOU) for the Development and Maintenance of a Truckee River Coordinated Monitoring Program. He stated that the MOU has been signed by all the signatories. He reported that as approved in the legislative session, Senate Concurrent Resolution (SCR) directed NDEP to oversee development of a MOU between the entities engaged in monitoring on the Truckee River.

Mr. Porta reported that shortly after the August 11, 2008 meeting of the Legislative Oversight Committee (LOC) (which oversees the WRWC), NDEP initiated the MOU process. He reported that approximately 20 local agencies were involved in the process, including research and monitoring. He added that a work group was formed to draft the MOU. The final MOU was distributed for signature in June 2009.

Mr. Porta explained that the MOU provides for the development and maintenance of a comprehensive monitoring program, leverages agency resources and minimizes duplication of effort. It also provides for a clearinghouse to make data accessible to other agencies and the public and ensures coordination by establishing requirements. Two working groups were established by the MOU, the Oversight Group and the Monitoring Coordination Group. The Oversight Group's kickoff meeting is scheduled in February.

Mr. Porta reported that NDEP has provided approximately \$65,000 from the 319 Non-Point Source Program funds. City of Reno hired a consultant to assist with development of the plan (if approved by the City Council in February). Mr. Porta emphasized that NDEP and all the signatory entities are committed to working together on the program.

Mr. Porta stated that he provided this same presentation to the LOC on January 7, 2010. He welcomed any questions or comments. Chairman Carrigan thanked Mr. Porta for his update.

12. Discussion and possible direction to staff regarding agenda items for the February 12, 2010 Commission meeting and future meetings.

Ms. Menard stated that currently only three items were scheduled for the February WRWC meeting, none of which are time sensitive. The items include:

- Status report on the first meeting (January 7, 2010) of the LOC
- Briefing on the development of an effluent management strategy
- Status report on the Regional Planning Governing Board's January 14, 2010 action on the proposed amendments to the Regional Plan concerning WC-3

She stated that if desired, the items could be moved to the March meeting. Chairman Carrigan agreed that it would be good to postpone the items.

Commissioner Larkin stated that he would like a future agenda item to discuss the "purple pipes", which Chairman Carrigan clarified is on the list.

Chairman Carrigan announced that the February WRWC meeting would be cancelled with the next meeting scheduled for March 12, 2010.

13. Commission Comments

None

14. Staff Comments

None

15. Public Comment

Chairman Carrigan called for public comments and hearing none, closed the public comment period.

16. Adjournment

With no further business, the meeting was adjourned at 2:32 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on April 9, 2010.

Mike Carrigan, Chairman