

**NORTHERN NEVADA WATER PLANNING COMMISSION
MINUTES**

Wednesday, October 7, 2009

The regular meeting of the Northern Nevada Water Planning Commission (NNWPC) was held on Wednesday, October 7, 2009 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Seidel called the meeting to order at 1:40 p.m. There was a quorum present.

Voting Members Present:

Wayne Seidel, Chairman
George W. Ball, Jr., Vice-Chairman
Michael J. DeMartini
Rosemary Menard
Jerry Schumacher
Stan Shumaker

Voting Members Absent:

Michael Cameron
John Erwin
John Jackson
Darrin Price
John Flansberg

Non-Voting Members Present:

John Bird
Harry Fahnestock (left at 2:40 p.m.)
Jon Palm

Non-Voting Members Absent:

Kelvin Hickenbottom
David Noble

Staff Members Present:

Jim Smitherman
Chris Wessel
June Davis
John Rhodes, Legal Counsel

2. Approval of the agenda.

Commissioner Menard made a motion to approve the October 7, 2009 NNWPC agenda as amended. Commissioner Ball seconded the motion, which carried unanimously.

3. Approval of the minutes from the September 2, 2009 meeting.

The minutes of the September 2, 2009 NNWPC meeting were submitted for approval. Commissioner Schumacher made a motion to approve the minutes as submitted. Commissioner Ball seconded the motion, which carried unanimously.

4. Public Comments.

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

5. Presentation of Resolution of Appreciation to Greg Dennis in recognition of his exemplary service to the Northern Nevada Water Planning Commission (NNWPC)

Chairman Seidel read a Resolution of Appreciation and presented it to Greg Dennis to thank him for his eight years of service to the Regional Water Planning Commission (RWPC) and NNWPC. Members applauded Mr. Dennis.

Mr. Dennis thanked Commissioners. He summarized that it was his pleasure to serve and encouraged Commissioners to keep up the good work. He mentioned there will be many challenges including the total maximum daily loads (TMDLs), river quality and regionalization issues.

6. Discussion and possible recommendation to the Western Regional Water Commission (WRWC) to appoint a replacement for Michael Cameron as the Voting Public At Large Member of the NNWPC to represent environmental, biological, conservation or public concerns, and possible direction to staff.

Chairman Seidel reported that based on Michael Cameron's retirement from his position on the NNWPC, a new Voting Public At Large representative needs to be appointed. He reported that applications were received from seven individuals, all of whom are qualified for the position. The applicants include:

- David Bruketta
- Lori Carpenter
- Ray Davis
- Mickey Hazelwood
- James Litchfield
- Trina Magoon
- Hugh Ricci

Chairman Seidel stated that the NNWPC would be asked to recommend to the Western Regional Water Commission (WRWC) one of the applicants. He reported that three applicants spoke at the last NNWPC in September. Those applicants were David Bruketta, Trina Magoon and Hugh Ricci.

Chairman Seidel reported that he received a call from Mr. Litchfield this morning, who stated that he could not be present at today's meeting; however, he was still interested in the position. Chairman Seidel stated that the three applicants who were present would be asked to give a brief introduction to the NNWPC. He invited Lori Carpenter to address the commission.

Ms. Carpenter thanked Commissioners for the opportunity to apply for the position. She stated that she specializes in hydrological and hydrogeological sciences. She reported that she is one of 2,000 national professional wetland scientists in the nation. She explained that she is experienced in law and is considered a regulatory expert related to many federal regulations and provisions. She recently oversaw well drilling and is designing a drilling program for groundwater wells in Haiti.

Ms. Carpenter stated that her contributions to the NNWPC would include her technical background in addition to being a business person (as an owner of Huffman and Carpenter). She reported that her business is often brought into contentious issues and conflicts to provide scientific and legal data in order to resolve differences and move forward. She stated she believes the most pressing issue facing the community is water resources and allocations, including water supply balancing including importation, and how to allocate the limited resources based on demand and climate change. She summarized that her major contribution would be her position as a scientist. She thanked Commissioners and welcomed questions.

Chairman Seidel introduced Ray Davis. Mr. Davis reported he has over 25 years in the consulting and engineering profession. He stated he has worked on water resource projects ranging from basin-wide water budgets, test drilling, aquifer characterization, and water quality evaluations. He reported that he currently works for the Nevada Department of Conservation and Natural Resources as a Senior Engineer in the Air Pollution Control Bureau. He stated that formerly he worked for the Water Resource Division as the lead for water resource planning.

Mr. Davis stated he is applying for the position because he believes that water resources are a very significant aspect of the community and he believes the NNWPC will have an impact. He added that

based on his experience he feels he is well-qualified. He reported that he sees some of the most pressing issues for the NNWPC as climate change (whether it results in more or less precipitation), which will change the timing of precipitation. He stated that he also believes one of the most important issues will be based on Washoe County Ballot Question 3 (WC-3), which requires future planning to gauge population growth with available water within the county, which he sees as eliminating water importation projects in the future. He reported that another big issue is that downstream water users on the Truckee River have gained equal status as the municipalities (i.e. Reno and Sparks) in setting water quality standards, which he believes will complicate future issues on the river. He thanked Commissioners and welcomed questions.

Chairman Seidel introduced Mickey Hazelwood. Mr. Hazelwood thanked Commissioners for the opportunity to apply for the position. He reported that over the last ten years he has been involved in land management, land planning and land and water conservation issues. He stated that he is educated in geography and planning, as well as a focus in land conservation techniques. He reported that he currently serves as the Truckee River Project Director for The Nature Conservancy, which coupled with his desire to be an engaged citizen, has enabled him to work with most, if not all, of the Truckee River stakeholders, as well as stakeholders for other regional water issues.

Mr. Hazelwood reported that through his experience he has gained a thorough knowledge of the history of the past, present and potential future of the Truckee River and water resources for the region. He agreed with the other two applicants on the major issues facing the community. He added that he believes one of the major issues to be addressed while experiencing the economic downturn is planning for near future growth because the region has a lot to offer and is a wonderful place to live.

Mr. Hazelwood stated that water resources are very important and limited and therefore one of the NNWPC's main focuses should be to ensure that rates of growth and water supply are compatible. He added that another key issue in moving forward is continued public outreach and education related to the value of our water resources. He stated he has seen increased public awareness of the Truckee River; however, he sees a disconnect in the public's understanding of the link between the Truckee River and other water resources. He summarized that it is everyone's individual responsibility to conserve and protect water resources. He agreed that climate change will be a big issue that requires examination of the potential effects and associated potential mitigation measures.

Chairman Seidel thanked all applicants for their interest and presentation. He reminded Commissioners of the applicants who spoke at the September meeting and asked for Commissioner comments.

Commissioner Ball reported he was very impressed with the interest and qualifications of the applicants. He stated that the NNWPC is an essential Commission that has done great work. He recommended that based on the environmental qualifications, he recommends Lori Carpenter or Mickey Hazelwood due to their experience and interaction with the public. Chairman Seidel agreed with the recommendation, as did Commissioner Shumaker.

John Rhodes, Legal Counsel, clarified that the NNWPC is not limited to one recommendation to the Western Regional Water Commission (WRWC).

Commissioner DeMartini concurred with Commissioners on the recommendation and added that he believes Hugh Ricci would be a good recommendation based on his previous experience as State Engineer.

Commissioner Ball stated he believes that one recommendation to the WRWC should be forwarded by the NNWPC.

Commissioner Menard made a motion to recommend Mr. Hazelwood to the vacant position on the NNWPC. She added that his engagement with the Truckee River makes him the most qualified candidate. Commissioner DeMartini seconded the motion, which carried with five in favor and one opposed.

Chairman Seidel thanked all the applicants for their interest in the position and summarized that the NNWPC would forward the recommendation to the WRWC.

7. Status report on development of the 2011 Comprehensive Regional Water Management Plan, including outline and timeline, and possible direction to staff.

Chairman Seidel invited Mr. Smitherman to speak on this item. Mr. Smitherman referred to the staff report, which he and Chris Wessel developed in “table of content” format with timelines for completing each task. He reported that some of the tasks would be contracted out. He reported that to date the process has included a review by staff of the existing 2004-2025 Water Management Plan and the 2009 Amendment to compare it with the requirements of the WRWC Act.

Mr. Smitherman referred to the spreadsheet developed by Mr. Wessel, which shows that each element of the Act can be found in compliance by certain sections of the Plan. He explained that the outline provides the main chapters and subheadings. He reported that member agencies were asked to provide input on elements they felt needed to be addressed. He stated that he and Mr. Wessel developed a more streamlined and logical sequence for the updated Plan.

Mr. Smitherman referred to some of the necessary additions, which include:

- An Executive Summary, which will assist in the general public’s ability to find information easily
- The section on reclaimed water will be moved to the Water Resources chapter
- Water and reclaimed water purveyors will be grouped in one chapter
- Programs to protect the availability and quality of water resources were scattered throughout the existing Plan; however, they will be grouped into one chapter in the update.
- The section on legal and regulatory constraints will be moved to the appendix.

Mr. Smitherman reported that he and Mr. Wessel propose to bring topics and sections that require direction or guidance as needed to the NNWPC. He reported that the chapter on water resources and sustainability will be the primary focus, which needs to be presented to the WRWC by the end of the year along with the section related to population that can be supported by the sustainable water resources (as required by Washoe County Ballot Question 3).

Mr. Smitherman reported that the chapter on policies will need to be reviewed and adjusted based on some of the newer findings. He added that TMWA’s drought response plan triggers have changed (for a drought situation), which will require revisions to the Plan.

Mr. Smitherman reported that the complete updated review draft is planned to be presented to the NNWPC in August 2010, which provides one month for NNWPC review, prior to a September public hearing for a final recommendation to forward the Plan to the WRWC. He added that the timeline provides adequate time for the WRWC adoption process to take place before the statutory January 2011 deadline.

Mr. Smitherman stated that Mr. Wessel is currently transferring the information from the existing Plan to the updated Plan as outlined. He stated that staff is also developing requests for qualifications (RFQs) and requests for proposals (RFPs) as needed for contract services. He offered to provide a list of recommended contracts at the next NNWPC meeting. He clarified that the contracts would most likely include assistance with maps, figures and tables.

Mr. Smitherman reported that staff will also be gathering information from other service providers. He reported that a letter has been developed and will be sent out soon soliciting information, such as water resource plans, service area updates, service locations, etc. He stated that Truckee River Flood Project staff offered to provide updated information over the next couple of months for inclusion.

Mr. Smitherman stated that a complete review of sections needing updates would be done. The Facility Plans will still be included by reference in the Plan update. He welcomed questions from Commissioners.

Commissioner Schumacher asked if there is a dollar limit established for the update. Mr. Smitherman stated that the budget for the update is roughly \$150,000. Commissioner Ball asked how many firms and what sections of the Plan are anticipated to be contracted out. Mr. Smitherman stated that has not yet been determined; however, the compilation and document preparation will be necessary. He added that a financial analysis is also required by law, which was a rudimentary preparation for the Facility Plan. He stated that if determined that the analysis is adequate, further analysis will not be performed.

Mr. Smitherman reported that Flood Project costs have not been incorporated. He stated that perhaps 3 to 4 contracts might be required. He added that Mr. Wessel's assistance will save a lot of contract requirements.

Commissioner DeMartini asked if the public process for the Plan update would be the same as in the past. Mr. Smitherman stated yes, the public process requirements in the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada 2007, are the same as previously stated in Nevada Revised Statute 540A. He summarized that the Plan would be presented at a public hearing, which provides for a 10-day review period. After the NNWPC makes its recommendation, a 30-day review period begins (the Plan will be available at the County Clerk's office as in the past). After the WRWC holds its public hearing on whether or not to adopt the Plan, it needs to be found in conformance or consistent with the Regional Plan.

Commissioner DeMartini asked if the WRWC would have the same authority to approve the Plan as the previous Board (of County Commissioners) or to request revisions. Mr. Smitherman stated that yes; the WRWC does have that authority.

Chairman Seidel called for further questions or comments and hearing none, moved to the next agenda item.

8. Discussion and possible approval of a no-cost amendment to an existing interlocal agreement with the Desert Research Institute (DRI), including a minor amendment to the scope of work for the Washoe Evapotranspiration project, and adding an additional year to complete the project.

Mr. Smitherman reported that Washoe County and DRI entered into a two-year interlocal agreement to continue the Washoe Evapotranspiration (ET) project in October 2007. Funding in the amount of \$20,745 was provided from the Regional Water Management Fund. He stated that the only task DRI was not able to complete was the repair and installation of the weather station at Stead. He explained that alternatives are still being reviewed.

Mr. Smitherman reported that a local nursery requested that DRI provide a brochure describing the use of the project website to provide to the public. He stated that DRI offered to meet with water purveyors and the cooperative extension to develop the brochure. He added that he spoke with Lora Richards, TMWA, regarding the possibility of TMWA revising watering requirements. He stated that Ms. Richards assured him that nothing TMWA is planning would conflict with the ET project. He summarized that the brochure could be developed and that DRI confirmed that the watering frequency could be easily changed on the website.

Commissioner Schumacher made a motion to direct staff to develop and execute an appropriate scope of work and contract amendment to allow DRI to proceed. Commissioner Menard seconded the motion, which carried unanimously.

9. Program Manager's Report

Mr. Smitherman reported that he included updates on the following topics as requested or that he thought would be of interest to Commissioners. He stated that the purpose of this agenda item is for Commissioners to review the information included in the agenda packets and feel free to ask questions, make comments, or request additional information.

a. Status Report of Projects and Work Plan supported by the Regional Water Management Fund

The updated Status Report of Projects was provided in the agenda packets.

b. Financial report on the Regional Water Management Fund

The updated Status Report of Projects was provided in the agenda packets.

c. Status report on possible integration/consolidation of the Washoe County Department of Water Resources and the Truckee Meadows Water Authority (TMWA)

Mr. Smitherman reported that the Board of County Commissioners and TMWA Board held a joint meeting on September 8, 2009. The agenda items and direction included:

- Consider the recommendation of the WRWC regarding consolidation – the Boards essentially agreed to accept the recommendation to move forward.
- Development of an interlocal agreement (ILA) – A motion was made to direct staff to accept the proposal regarding the ILA (which included an outline of the ILA) and to ratify the ILA.
- Proceed with changes to the Joint Powers Agreement (JPA), which formed TMWA – Direction was provided to forward to the TMWA Technical Advisory Committee the JPA for possible revisions to the governance structure to change an at-large position to a permanent County representative.

d. Truckee River Flood Management Project status report

Mr. Smitherman reported that a status update on the Truckee River Flood Project was included as an informational item.

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

Commissioner Ball offered to provide an update on the SAC meeting under item 10.

10. Discussion and possible direction to staff regarding agenda items for the November 4, 2009, Commission meeting and future meetings.

Commissioner Menard stated that the next regularly scheduled NNWPC meeting would be November 4, 2009, which is the date for the Truckee River Symposium. She suggested that if desired, the meeting could be cancelled or changed to a different date. Commissioner Ball agreed that the meeting date could be changed.

Mr. Smitherman referred to the possible agenda items for the November 4, 2009 NNWPC meeting, which include the list of possible contracts needed for the Plan update (as discussed under item 7).

Commissioner Menard suggested that staff could determine what contracts would be needed. Mr. Smitherman agreed and added that staff could develop draft RFQs to be presented at the December NNWPC meeting.

Commissioner Ball made a motion to cancel the November NNWPC meeting. Commissioner Menard seconded the motion, which carried unanimously.

Chairman Seidel asked if there were other potential NNWPC agenda items.

Commissioner Ball reported that he attended the TMWA SAC meeting of October 6, 2009. He reported that the SAC includes many citizens, contractors, etc. He stated that the SAC discussed the possibility of integration/consolidation of TMWA and DWR. He added that much concern was voiced regarding the rate schedules and potential impacts of changing Washoe County Department of Water Resources' customers to TMWA. He stated that the issue is very complicated and technically involved from a union negotiation perspective, engineering perspective, etc. He suggested that a succinct presentation with an opportunity to ask questions should be provided to the NNWPC on the issue. He stated that he would like Commissioner Menard and/or Mark Foree to provide such a presentation at the next NNWPC meeting.

Commissioner Ball reported that the SAC meeting also included a presentation of the Draft 2020-2030 TWMA Water Resource Plan, which he added will impact this Commission's Comprehensive Water Management Plan. He requested a presentation to the NNWPC by John Erwin on TMWA's draft Water Resource Plan update. He stated that TMWA's Plan addresses global warming and the potential impact on water resource planning and other issues.

Commissioner Ball complimented the SAC members for their involvement and time commitment. He specifically commended Mr. Winzeler for his involvement on behalf of the NNWPC.

Commissioner Ball reported that Mr. Foree mentioned that the TMWA TAC would be disbanded and asked why. Commissioner Menard reported that the last time the TAC had a quorum for a meeting was in June 2008 so the recommendation to disband was made by agency representatives. She added that member agencies felt the TAC was needed in the beginning stages of the formation of TMWA.

Commissioner Schumacher asked that the presentation on the integration/consolidation include the potential impact of the Interlocal Agreement (ILA) on South Truckee Meadows General Improvement District (STMGID). He stated that STMGID customers are already concerned about possible impacts to their rates. Commissioner Menard asked Commissioner Schumacher to relay to the STMGID Local Managing Board that the document reviewed by the TMWA Board and the Board of County Commissioners ("BCC") on September 8, 2009 noted that STMGID has a relationship with Washoe County in terms of providing service and that basically STMGID needs to make a determination on what they would like to do. She clarified that there is not an automatic assumption that the contract for service would be assigned to TWMA. She reiterated it is up to STMGID to decide. She added that other options for service were also provided to STMGID. Commissioner Schumacher reiterated that he would like for STMGID to be included in the presentation.

Mr. Rhodes reported that he is not sure it would be appropriate for one position or another to be advocated in front of the NNWPC. He reiterated it is a decision to be made by STMGID. He added that it would be appropriate to include the informational options available to STMGID but not a decision.

Commissioner Schumacher stated he envisions a possible joint meeting between the BCC, STMGID Board, TMWA Board, Mark Foree and Commissioner Menard.

In addition to the above-mentioned items, future agenda items include:

1. Status report on the Groundwater Satellite Imagery project by Michael Widmer
2. 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. Status report on possible integration/consolidation of the Washoe County Department of Water Resources and the Truckee Meadows Water Authority
 - d. Truckee River Flood Management Project status report
 - e. Informational report from the NNWPC representative on the Truckee Meadows Water Authority Standing Advisory Committee – Barry Winzeler
3. Other Informational Items

11. Commission Comments.

None

12. Staff Comments.

Mr. Smitherman again thanked all the highly-qualified applicants for the Public At Large position for their time and interest in the position. He stated it speaks well of the NNWPC that so many applications were received. He added that he appreciated the difficult decision made by Commissioners based on such a top-notch group of applicants.

13. Public Comments.

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

14. Adjournment.

With no further business, the meeting was adjourned at 2:43 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on _____ 2009.

Wayne Seidel, Chairman