

**NORTHERN NEVADA WATER PLANNING COMMISSION (“NNWPC”)  
AGENDA**

Wednesday, September 7, 2011  
1:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, Nevada

**Notes:**

1. Items on this agenda on which action may be taken are followed by the term "for possible action". Non-action items are followed by an asterisk (\*).
2. Public comment is limited to three minutes per speaker and is allowed during the public comment periods, and before action is taken on any action item. Comments are to be directed to the Commission as a whole. Persons may not allocate unused time to other speakers. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and submitting it to the clerk.
3. Items on this agenda may be taken out of order, combined with other agenda items for consideration, removed from the agenda, or delayed for discussion at any time. Arrive at the meeting at the posted time to hear item(s) of interest.
4. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call 954-5665 no later than 24 hours prior to the meeting.
5. In accordance with NRS 241.020, this agenda has been posted at the following locations: Reno City Hall (1 East First Street), Sparks City Hall (431 Prater Way), Sparks Justice Court (630 Greenbrae Dr), Sun Valley GID (5000 Sun Valley Blvd.), TMWA (1355 Capital Blvd.), Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center St.), Washoe County Department of Water Resources (4930 Energy Way), Galena Market (19990 Thomas Creek Rd.), Galena High School (3600 Butch Cassidy Way), South Valleys Library (15650A Wedge Parkway), Sparks City Hall (645 4<sup>th</sup> St), and the NNWPC website: <http://www.nnwpc.us>

1. Roll Call and determination of presence of a quorum. \*
2. Public Comments. \* (Three-minute time limit per person.)
3. Approval of agenda. **(for possible action)**
4. Approval of the minutes from the June 1, 2011, meeting. **(for possible action)**
5. Report on and request for a letter of support from the NNWPC for the Bureau of Reclamation ("BOR") Truckee River Basin Study; and, if approved, authorize the Chairman to sign the letter, Arlan Nickel, Senior Project Manager, BOR. **(for possible action)**
6. Discussion and request by the Truckee Meadows Storm Water Permit Coordinating Committee for a letter of support from the NNWPC for a Clean Water Act Section 319(h) Grant Application to the Nevada Division of Environmental Protection, as part of the State of Nevada's Non-Point Source Program for watershed awareness and improvement projects (leveraging in-kind services); and, if approved, authorize the Chairman to sign the letter, Jim Smitherman, NNWPC Water Resources Program Manager. **(for possible action)**

7. Report on amendments to the Open Meeting Law made by the 2011 Nevada Legislature, John Rhodes, Legal Counsel. \*
8. Update on the Truckee Meadows Regional Planning Agency's Regional Data Development project, and possible direction to staff, Jim Smitherman. **(for possible action)**
9. Program Manager's Report, Jim Smitherman. \*
  - 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")
10. Discussion regarding agenda items for the October 5, 2011, NNWPC meeting, and other future meetings, and possible direction to staff, Jim Smitherman. **(for possible action)**
11. Commission comments. \*
12. Staff comments. \*
13. Public Comments. \* (Three-minute time limit per person.)
14. Adjournment.

\*Indicates a non-action item

# Northern Nevada Water Planning Commission

## STAFF REPORT

DATE: August 31, 2011

TO: Chairman and Members, Northern Nevada Water Planning Commission

FROM: Jim Smitherman, Water Resources Program Manager

SUBJECT: Report on the Bureau of Reclamation Truckee River Basin Study and request for a letter of support from the Northern Nevada Water Planning Commission (“NNWPC”)

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### **SUMMARY**

The United States Department of the Interior, Bureau of Reclamation (“BOR”) and four non-Federal cost-share partner agencies have proposed to jointly sponsor the preparation of a basin study for the Truckee River basin. The cost-share partners are: Tahoe Regional Planning Agency, Placer County Water Agency, Truckee Meadows Water Authority, and Truckee River Flood Management Authority.

In the Truckee Basin Study (“Study”), BOR and its study partners will estimate the existing and projected water demands imposed by a growing population and compare those demands to existing supplies and potential future supplies. The Study will also incorporate future climate change assessments which will provide general trends in the region’s future climate based on anticipated changes in temperatures and precipitation. From these assessments, the Study will develop estimates of changes in frequency, duration and intensity of severe storm events which may result in flooding in the Truckee River watershed. The Study will evaluate potential imbalances in demand and supply to identify feasible structural and non-structural options for resolving those imbalances. Utilizing broad stakeholder involvement and consensus, the Study partners will provide a spectrum of recommendations incorporating adaptive strategies to respond to potential climate change effects and other uncertainties.

BOR has prepared a Plan of Study (“POS”), which the Study partners have agreed to. The POS is a guide to how the Study will be prepared and summarizes the study management structure, describes planning approaches, activities to be accomplished, milestones, and a schedule to complete the Study. The POS, which is attached to a Memorandum of Agreement among the cost-share partners and presently in the process of being executed, may be amended by mutual consent of all the partners.

### **BACKGROUND**

The preparation of a basin study is an authorized program of the Secure Water Act (P.L. 111-11). The basin study program is specifically intended to assess the risk of climate change to water resources in the west’s major river basins. BOR is the lead Federal agency for preparing the basin study.

The Secure Water Act specifically identifies eight major Reclamation basins that are proposed for a basin study; the Truckee River is one of the eight river basins listed. The

intent of the basin study program is to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer scales to address potential climate change effects on water supplies and demands. The basin study is intended to assist water management agencies to incorporate the potential risk of water shortages, conflicts, and other impacts to water users dependent upon the Truckee River, into their management and decision processes.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Staff recommends that the NNWPC accept the report on the Truckee River Basin Study and authorize the Chairman to sign and send the attached letter of support for the Study.

JS:jd

Attachment

# Northern Nevada Water Planning Commission

4930 Energy Way, Reno, NV 89502-4106 · Tel: (775) 954-4665 · Fax: (775) 954-4610

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September 7, 2011

Jay Aldean, P.E., Acting Executive Director  
Truckee River Flood Management Authority  
9390 Gateway Drive, Suite 230  
Reno, NV 89521-8900

Dear Mr. Aldean:

I am writing to you as Chairman and on behalf of the Northern Nevada Water Planning Commission (“NNWPC”) to express support for the Bureau of Reclamation’s Truckee River Basin Study.

The NNWPC understands that this study will add value to ongoing local water management efforts and assist local agencies in addressing potential future changes in climate and possible effects on water supply and flooding.

The NNWPC appreciates the Truckee River Flood Management Authority’s initiative in partnering with the Bureau of Reclamation and the various other study participants to conduct the Truckee River Basin Study. If I may be of any other assistance, please contact me at 775-742-2583. Alternatively, you may contact our Water Resources Program Manager, Jim Smitherman, at 775-954-4657.

Sincerely,

George Ball, Chairman  
Northern Nevada Water Planning Commission

GB:jd

# Northern Nevada Water Planning Commission

## STAFF REPORT

**DATE:** September 7, 2011  
**TO:** Chairman and Members, Northern Nevada Water Planning Commission  
**FROM:** Terri Svetich, Engineering Manager, City of Reno  
**SUBJECT:** Discussion and request by the Truckee Meadows Storm Water Permit Coordinating Committee ("SWPCC") for a letter of support from the NNWPC for a Clean Water Act Section 319(h) Grant Application to the Nevada Division of Environmental Protection ("NDEP") as part of the State of Nevada's Non-Point Source Program for watershed awareness and improvement projects (leveraging in-kind services).

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### **SUMMARY**

The SWPCC is seeking a letter of support from the NNWPC (attached) for a Grant Application being submitted to NDEP for Clean Water Act Section 319(h) Grant Funding as part of the Non-Point Source Program for watershed awareness and improvement projects.

### **PREVIOUS ACTION**

None

### **FISCAL IMPACT**

None at this time.

### **DISCUSSION**

The State of Nevada's 319(h) Non-Point Source Grant Program has issued requests for proposals for projects to promote water quality protection. The SWPCC desires to pursue grant funding to develop a watershed fold-out map for distribution and signage for some creek crossings in the Truckee Meadows.

Watershed management as it relates to water quality is a responsibility outlined in the interlocal agreement between Washoe County and the Cities of Reno and Sparks. Condition assessments of the creeks that flow into the Truckee River have been conducted annually since 2005. Using the information obtained, web-based tools have been created, such as the Watershed Mapserver (GIS-based) and the Watershed Maptool, that serve as resources for educators. This proposal would include: development of a fold-out map of the Truckee River Watershed with messaging and website references and signage at selected creek crossings. The intent is to further educate the community about the watershed, promoting protection of our water resources and reduction of non-point source pollution. The project would be administered through the City of Reno in coordination with the City of Sparks and Washoe County.

**RECOMMENDATION**

Staff recommends that the Commission authorize the Chairman to sign a letter of support for the SWPCC's application to NDEP for Clean Water Act Section 319(h) Grant Funding.

**POSSIBLE MOTION**

"Having considered the recommended letter of support from the NNWPC for the SWPCC's Clean Water Act Section 319(h) Grant Application to NDEP, I move to authorize the Chairman to sign and send the letter."

JS:jd

Attachment

# Northern Nevada Water Planning Commission

4930 Energy Way, Reno, NV 89502-4106 · Tel: (775) 954-4665 · Fax: (775) 954-4610

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September 7, 2011

Birgit Widegren  
State of Nevada  
Nevada Division of Environmental Protection  
Bureau of Water Quality Planning  
901 So. Stewart Street, Suite 4001  
Carson City, NV 89701-5249

Dear Ms. Widegren:

I am writing to you as Chairman and on behalf of the Northern Nevada Water Planning Commission (“NNWPC”) to support the Truckee Meadows Storm Water Permit Coordinating Committee’s (“SWPCC”) application for funding under the Clean Water Act Section 319 (h) grant program as part of the Non-Point Source Program for watershed awareness and improvement projects in the Truckee Meadows. The Commission understands that the SWPCC, led by the City of Reno, will be developing a fold-out map of the Truckee River Watershed with messaging and website references and signage at selected creek crossings. The intent of this effort is to further educate the community about the watershed, promoting protection of the region’s water resources and reduction of non-point source pollution.

The NNWPC finds value in the SWPCC’s efforts because the project will bridge existing gaps between the efforts of area stakeholders and the public’s involvement in the protection of the Truckee River Watershed. In addition, the project will provide for a better understanding of the tools that have been created, such as the Watershed Mapservers (GIS-based) and the Watershed Maptool, that serve as resources for educators.

On behalf of the NNWPC, we appreciate the NDEP’s initiative in extending this grant opportunity. If I may be of any other assistance, please contact me at 775-742-2583. Alternatively, you may contact our Water Resources Program Manager, Jim Smitherman, at 775-954-4657.

Sincerely,

George Ball, Chairman  
Northern Nevada Water Planning Commission

GB:jd



# Northern Nevada Water Planning Commission

## STAFF REPORT

**DATE:** August 31, 2011

**TO:** Chairman and Members, Northern Nevada Water Planning Commission

**FROM:** John Rhodes, Legal Counsel

**SUBJECT:** **Report on amendments to the Open Meeting Law made by the 2011 Nevada Legislature.**

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Two Nevada Open Meeting Law ("OML") bills were passed the 2011 Legislature: [AB59](#), requested by the Attorney General, and [AB257](#), requested by Assemblymen Carpenter and Ellison. In the electronic version of this Report, the full text of each bill in final form, as enrolled, is available by clicking on the above links. A summary of the amendments that affect the NNWPC is provided below. Some of the required changes can be noted in various revisions to the form of the agenda for the September 7, 2011 NNWPC meeting.

### SUMMARY

1) The amendments to the OML enacted by AB 257 affect only the public comment period requirements, and provide that comments by the general public must be taken:

(I) At the beginning of the agenda (before any action is taken), and again before adjournment. [This has always been the general practice of the NNWPC.] This option allows, but does not require, that comments be taken during the meeting on action items; **or**

(II) After each action item is discussed, but before action is taken on that item. If this option alone is used, public comment must be allowed, at some time before adjournment, on any subject matter not specifically included on the agenda as an action item.

Nothing in the existing or amended OML prevents a public body from doing both -- providing public comment periods and allowing public comment on action items. That has and will continue to be the procedure recommended by counsel and followed by the NNWPC .

2) A list of the amendments enacted by AB 59 is set forth below. Three changes that affect the content of the agenda are discussed following the list.

- If the Attorney General finds a violation of the OML, the public body must include an item on its next agenda acknowledging the finding of the violation. This acknowledgement does not constitute an admission of wrongdoing in subsequent legal proceedings.
- The Attorney General is given the power to issue subpoenas to investigate violations of the OML, and failure to comply with a subpoena is a misdemeanor.

- Any administrative or advisory body that is created by a resolution or other formal designation of a body created by a statute of this state, e.g., the NNWPC, is a public body for the purposes of the OML.
- In addition to existing criminal penalties for violations of the OML, the Attorney General may recover a civil penalty not to exceed \$500 from each member of a public body who attends a meeting where action is taken in violation of the OML, **and** who participates in such action **with knowledge of the violation**. (Emphasis added.) Any such penalty must be recovered through a civil action brought, in the name of the State of Nevada, within one year from the date of violation.

Any restriction on public comment **must be reasonable and stated on the meeting notice** (agenda). A public body may restrict time, place, and manner of public comment, but may not restrict comment based on viewpoint. That is consistent with the idea that public entity meetings are limited public forums instead of open public forums where almost no restrictions on speech will survive legal challenges.

**The agenda must provide notice** that: "Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time." The revised NNWPC agenda form addresses those requirements.

Finally, the list of items on which action may be taken must denote that action may be taken on those items by **placing the term "for possible action" next to the action item**. The revised NNWPC agenda form also complies with this requirement.

The above amendments became effective on July 1, 2011. The current and all future agendas must be in compliance with the new requirements. Legal counsel will be available at the September 7 NNWPC meeting to answer any questions and address any concerns.

# Northern Nevada Water Planning Commission

## STAFF REPORT

DATE: August 31, 2011

TO: Chairman and Members, Northern Nevada Water Planning Commission

FROM: Jim Smitherman, Water Resources Program Manager

SUBJECT: Update on the Truckee Meadows Regional Planning Agency (“TMRPA”) Regional Data Development Project and possible direction to staff

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### **SUMMARY**

In July 2011, staff started working approximately 16 hours a week at the TMRPA offices as per the Interlocal Agreement (“ILA”) between the Western Regional Water Commission (“WRWC”) and the Regional Planning Governing Board (“RPGB”) for the Regional Data Development and Analytical Program. The scope of work for the current quarter includes the following tasks.

- Assist TMRPA staff and peer review team in the development of the population and employment model, specifically with water-related elements
- Help TMRPA staff to understand the linkages between future land use development and planning for water and wastewater infrastructure
- Assist with Housing and Urban Development (“HUD”) grant application

Activities to date include two workshops with TMRPA staff, peer review team and local government planners and model users. Staff also coordinated a workshop with water and wastewater utility technical staff to explore possible refinement of the existing water-related model input factor.

The short term goal concerning water-related factors is to improve on the existing “proximity to water infrastructure” factor for use in the initial model runs to be conducted in October. It appears that a parcel’s proximity to water and/or sewer infrastructure should function adequately for initial model runs provided utility technical staff review infrastructure maps and identify specific infrastructure or areas that should be weighted differently because of capacity constraints. Over the long term, more work will be necessary to better define capacity constraints and develop efficient methods to incorporate capacity constraints into the model input factors.

In addition, staff is working with TMRPA staff and Stantec to explore the incorporation of the Regional Water Balance model, developed by ECO:LOGIC for the Regional Water Plan. The five planning areas identified in the Water Balance model may help to define service areas having infrastructure or resource constraints that can be weighted and used to further develop the model input factors.

**BACKGROUND**

In March 2011, the WRWC approved an ILA with the RPGB for partial funding of the Regional Data Development and Analytical Program, a TMRPA project involving multiple phases and stakeholders. The ILA provides for funding and in-kind services, including as much as 60 percent of the WRWC Program Manager's time in Fiscal Years 2011-2012 and 2012-2013.

The data base and scenario planning and modeling tools to be developed by the project will, with the addition of appropriate supplemental elements related to water, facilitate the effective coordination of land use and water resource planning, and assist in the planning and administration required by the Western Regional Water Commission Act, and the implementation of the Comprehensive Regional Water Management Plan.

**RECOMMENDATION**

Staff recommends that the NNWPC accept this report on the TMRPA project and provide direction as appropriate.

JS:jd

# Northern Nevada Water Planning Commission

## STAFF REPORT

**DATE:** August 30, 2011  
**TO:** Chairman and Members, Northern Nevada Water Planning Commission  
**FROM:** Jim Smitherman, Water Resources Program Manager  
**SUBJECT:** Program Manager's Report

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Attached are updated reports for items a) and b) for your review; a verbal report will be given at the meeting updating item c).

- 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")

**Status Report of Projects and Work Plan  
Supported by the Regional Water Management Fund**

	Approved by Water Planning Commission	Approved by WRWC	Project Name	Contractor/Provider	Amount	Balance Remaining	Percent Complete	Target Completion Date	Notes
1	N/A	7/10/09	Amendment to TMDL Phase I	City of Reno (LimnoTech)	400,000	284,365	29%	ILA 7/31/12 PO 12/31/12	Work is in progress Amended to 7/31/12
2	N/A	3/13/09	TMDL Legal Services	Somach Simmons & Dunn	50,000	4,863	90%	<del>6/30/11</del> 6/30/12	Work is in progress & will continue with Amendment for \$50,000 (see next row)
3	N/A	5/20/10	Amendment to TMDL Legal Services	Somach Simmons & Dunn	50,000	50,000	0%	<del>PO &amp; Agmt ends 6/30/11</del> Amended to 6/30/12	work in progress
4	9/1/10	9/10/10	Cloud Seeding Program Winter 2010	(DRI) Desert Research Institute	100,000	20,000	80%	ILA 12/31/11 PO 3/31/12	Work is in progress
5	12/2/09	N/A	Certified Landscape Technician Program	Nevada Landscape Association (NLA)	25,000	6,730	73%	Agmt & PO 12/30/11	Work is in progress (2010 and 2011)
6	2/2/11	N/A	Washoe Evapotranspiration (ET) Project Maintenance	DRI (Desert Research Institute)	10,000	10,000	0%	6/30/13	FY 2012 - \$4,000 FY 2013 - \$6,000
7	10/6/10	11/12/10	Truckee Meadows Regional Storm Water Quality Management Program	City of Reno	218,000	13,662	94%	6/30/11	Closing project after invoice rec'd for FY 10-11
8	N/A	6/10/11	Regional Storm Water Quality Management Program	City of Reno	262,500	262,500	0%		Awaiting fully executed ILA
9	6/1/11	N/A	Effluent Recharge Workshp	City of Reno (Stantec)	23,000	23,000	0%	6/30/12	Work is in progress
10	6/1/11 Routine Operating Expense Budget	N/A	Website support Fiscal Year 2011-12	Washoe County Technology Services	10,000	10,000	0%	6/30/12	ILA in approval process
11	5/5/10 Routine Operating Expense Budget	5/20/10	G3 Productions NNWPC FY 10-11	G3 Productions	5,000	2,637	47%	6/30/12	Work is in progress
12	N/A	5/20/10	Reimburse TMWA and DWR for consolidation efforts	DWR, TMWA	550,000	250,000	55%	<del>6/30/11</del> 6/30/12	Work is in progress
13	N/A	6/10/11	First Amendment to Reimburse TMWA and DWR for consolidation efforts	DWR, TMWA	300,000	300,000	0%	7/30/12	Work is in progress
14	5/5/10 Routine Operating Expense	5/20/10	TRIG Website Support	City of Reno	7,500	530	93%	12/31/12	Work is in progress
15	N/A	2/11/11	Regional Data Development 146,000 FY 2011 170,000 FY 2012 170,000 FY 2013	Truckee Meadows Regional Planning Agency	146,000	114,850	21%	6/30/13	Work is in progress
16	5/5/10 Routine Operating Expense Budget	2/11/11	Financial Audit of Fiscal Year ending 2011	Schettler, Macy & Silva	8,000	8,000	0%	12/31/11	work in progress
17	6/1/11 Routine Operating Expense Budget	N/A	Envision Video Televising WRWC	Envision Video	2,300	2,300	0%	6/30/12	Work in progress

# Financial Report on the Water Management Fund

9-7-11: NNWPC Agenda Item 9b

Run Date: 09/01/11  
 Fund 766  
 Report 400/ZF15  
 Period 1 thru 3 2012

Accounts	Plan Budget	Actual (Revenue & Expenses)	PO Commit (Remaining PO Balance)	Actual + PO	Available (Budget Minus Actual + PO)	Avail%	PreCommit (PO's Requested)	Available (Budget Minus PO Requisitions)	Avail%
481000 Interest-Pooled Inv.	31,380.00-	7,826.73-		7,826.73-	23,553.27-	75-		23,553.27-	75-
482100 RGL Pooled Inv.		949.68-		949.68-	949.68			949.68	
482200 URGL Pooled Inv.		18,752.55-		18,752.55-	18,752.55			18,752.55	
491060 Water Surcharge 1.5%	1,284,980.00-	244,704.01-		244,704.01-	1,040,275.99-	81-		1,040,275.99-	81-
** REVENUE	1,316,360.00-	272,232.97-		272,232.97-	1,044,127.03-	79-		1,044,127.03-	79-
710100 Professional Services	1,384,500.00	256,513.16	667,095.81	923,608.97	460,891.03	33		460,891.03	33
710110 Contracted/Temp Svcs	334,532.00	34,365.98		34,365.98	300,166.02	90		300,166.02	90
710120 Legal Fees	144,000.00	11,640.00	40,680.00	52,320.00	91,680.00	64		91,680.00	64
710139 Fin Consult Services	23,000.00		8,000.00	8,000.00	15,000.00	65		15,000.00	65
710149 Invest Pool Alloc Ex		405.18		405.18	405.18-			405.18-	
710155 Lobbying Services	600.00				600.00	100		600.00	100
710200 Service Contract	50,000.00	1,139.00	20,311.00	21,450.00	28,550.00	57		28,550.00	57
710400 Pmts to O Agencies	1,700,000.00				1,700,000.00	100		1,700,000.00	100
710509 Seminars and Meetings	3,000.00				3,000.00	100		3,000.00	100
710512 Auto Expense	2,400.00				2,400.00	100		2,400.00	100
710546 Advertising	10,000.00				10,000.00	100		10,000.00	100
710585 Undesignated Budget	10,000.00				10,000.00	100		10,000.00	100
711210 Travel	7,000.00				7,000.00	100		7,000.00	100
711509 Comp Sftw nonCapital		24.98		24.98	24.98-			24.98-	
** EXPENDITURES	3,669,032.00	304,088.30	736,086.81	1,040,175.11	2,628,856.89	72		2,628,856.89	72
<b>*** Total</b>	<b>2,352,672.00</b>	<b>31,855.33</b>	<b>736,086.81</b>	<b>767,942.14</b>	<b>1,584,729.86</b>	<b>67</b>		<b>1,584,729.86</b>	<b>67</b>