

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Regular Meeting  
July 12, 2022

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**DIRECTORS:**

Todd Westergard  
John Capurro  
Ed James  
Mike Nevin  
Tyler Henderson  
Ty Minor  
Ernie Schank (via Zoom)  
John Enloe, (via Zoom)  
Karen Baggett, (Via Zoom)

**ABSENT:**

Pete Olsen

**Staff**

Mary Pat Eymann

**GUESTS:**

Kayla Dowty, Tri Sage Consulting  
Chad Blanchard, FWM  
Leo Bergin, Attorney

**OTHER GUESTS:**

Dale Keller, RTC  
Doug Malloy, RTC  
Judy Tortelli, RTC  
Kacee Stansbury, Jacobs Engineering

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**1. CALL REGULAR MEETING TO ORDER -**

President Westergard called the Regular meeting to order.

**2. PUBLIC COMMENT – None****3. APPROVE AGENDA –**

- ❖ Director Capurro made a motion to accept agenda as posted; seconded by Director James; motion carried.

**4. APPROVAL OF MINUTES, CHECKS WRITTEN AND FINANCIAL STATEMENTS –**

- ❖ Director Capurro made a motion to approve the June 2022 Minutes; financial statements as submitted, and checks written on Bank of America #9752 – 9756 and Nevada State Bank 3146 – 3155; motion seconded by Director Minor; motion carried.

**5. FEDERAL WATERMASTER'S REPORT – Chad Blanchard**

*A complete copy of the Water Report is available at  
District Offices or on the internet at [troa.net](http://troa.net).*

**6. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMITS AND REQUESTS – Kayla Dowty****a) 408 Encroachment Application 22-01 Arlington Bridges Replacement – Geotechnical Boring**

RTC has selected Jacobs as the most qualified consultant to provide environmental and engineering design services for the Arlington Avenue Bridges Replacement Project. RTC is kicking off the NEPA/Design Phase of this Project that will replace two bridges over the Truckee River on Arlington Avenue from Island Avenue to First Street. RTC would like to start construction in 2024. Tri Sage has held three meetings with the

Jacobs team to provide information on the 408-permitting process, USACE's available categorical permissions, as well as history and details of the CTWCD HEC-RAS model. Tri Sage reiterated CTWCD's comments and recommendations regarding the design of the Arlington Bridge Replacement, which was sent via letter to RTC in March 2021, including the need for access to the river from the bridge deck, as well as from the riverbanks, and the requirement that the water surface elevation is not increased by more than 0.1 ft as a result of the project. After a call with USACE on March 1<sup>st</sup>, a follow-up call was held with the Jacobs/RTC team on March 7<sup>th</sup> to discuss specific feedback that USACE provided based on review of the Categorical Permission checklist for bridge replacements. Tri Sage scheduled a pre-application meeting with USACE on April 5<sup>th</sup>. This included the project proponents, as well as the Flood and Regulatory branches of the USACE to ensure all NEPA requirements are being met and hopefully streamline the environmental review of the permit. The lead federal agency (FHWA) did not participate in the call. During the call, it came to USACE's attention that Jacobs was preparing to complete a geotechnical boring in the river channel to support bridge design. USACE noted that a boring requires a separate 408 encroachment permit and would likely take 9-12 months to review and issue. This was a concern to the Jacobs and RTC teams due to their 2024 construction requirement in order to receive the federal RAISE grant. Tri Sage urged Jacobs to submit their CTWCD application as soon as possible, as there are likely to be 2 months of technical review before the Board will supply a Letter of No Objection and the RTC application to USACE Flood. We received the CTWCD application for the Geotech Boring and payment on May 4<sup>th</sup>. Tri Sage completed a technical review of the application and attachments and provided comments back to Jacobs/RTC on May 13<sup>th</sup>. We received a revised application on May 26<sup>th</sup>.

During the USACE field inspection on June 13<sup>th</sup>, there was boring equipment set up on the north bridge of Arlington Avenue. Tri Sage approached the boring supervisor and asked if the work had a CTWCD permit, which it did not. Tri Sage has since had multiple calls with representatives from both RTC and Jacobs to understand how this work was scheduled. Tri Sage followed up with a call to USACE requesting a meeting to discuss the violation and specific direction on how to handle these incidents. Tri Sage set up a meeting with USACE on June 29<sup>th</sup>. USACE said that they do not have authority to take punitive action on unpermitted work and that decision is left to the non-federal sponsors. USACE also said that they are unable to issue a permit on work already completed, so they will only be issuing permission for the remaining bore work. We received a letter from RTC on July 5<sup>th</sup> accepting responsibility for the violation and proposing some solutions to avoid this in the future (copy is available at District offices and attached to these minutes).

Dale Keller, RTC – Apologize for the inconvenience caused to the District as well as USACE. Recognize the seriousness of this event and completely unacceptable for the work to be done without the proper permitting. As a result, as stated in the letter changes have been made moving forward that RTC believes will avoid any future issues.

Director Enloe – Appreciate RTC response to the issue and taking ownership.

Director Capurro – Will the bores that were done on the Virginia Street bridge be of any value to the Arlington Bridge project? Mr. Keller (RTC) stated that unfortunately the geotechnical engineers want to be very specific on where their foundations are so no, they are of no value to this project.

Director Westergard – Due to the fact that there is no regularly scheduled meeting for August due to vacations, there will be a special meeting in August. This will give the Board as well as legal counsel time to look over the letter received from RTC.

Director James – Asked if there is a timeline issue? The meeting is tentatively now scheduled for August 23, 2022, at 10:00 a.m.

#### **Other encroachments -**

Ms. Dowty received an email from USACE on June 6<sup>th</sup> indicating that Federal funding for the USACE 408 program through the end of the federal fiscal year is limited and SPK is anticipating periodic or sustained funding shortages and/or gaps. This will impact review timelines and their ability to issue Letters of Permission though through the end of the federal fiscal year, September 30, 2022. Tri Sage had a long conversation with the 408 Permissions Specialist regarding the specific impacts the funding shortage would have on this project

review, and he was unsure. He indicated that they are being funded on a monthly basis so he will know more next week. Tri Sage will follow up with him and provide an update as soon as possible.

**7. DISCUSSION AND POSSIBLE ACTION OF THE AMBROSE PARK DIVERSION AND POSSIBLE INVOLVEMENT OF THE DISTRICT – Kayla Dowty**

*See Engineer's Report*

Engineer Dowty – Is it worth getting a quote for the District to remove or cut the exposed rebar in its fall debris removal? Possible in late October as there will probably be low flows. There are other agencies also interested in assisting with this.

Director Westergard – It appears that this does fall within the Districts jurisdiction as far as debris. The District has done its due diligence as far as trying to ascertain who owns the structure.

Attorney Bergin – If another organization wants to do something the District might contribute to it but we do not want to be the lead agency.

Engineer Dowty – State Lands advised that just removing the rebar does not require a permit.

Director Schank - Suggested that a letter be sent stating our conclusions and that the District has done its due diligence and if another agency wants to undertake the project fine, but we have no responsibility.

Director James – Agreed with Ernie's statement but would like Ms. Dowty to help push it along, maybe find an entity who wants to do the project.

Attorney Bergin – Go to Washoe County and say “here's what we think should be done, if they are cutting off the rebar, figure the cost and the District will participate in cost share”

Engineer Dowty – Will follow-up with Washoe County.

**8. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING MAINTENANCE DEBRIS REMOVAL WORK, EMERGENCY DEBRIS/DEPOSIT REMOVAL WORK AND AUTHORIZATION FOR EXPENDITURES FOR SUCH WORK –Kayla Dowty**

*See Engineer's Report*

**9. DISCUSSION ABOUT THE CANCELLATION OF THE AUGUST MEETING – Staff**

The regular meeting will be cancelled, but there will be a special meeting on August 23, 2022.

**10. ENGINEER/CONSULTANT REPORT –Kayla Dowty**

*See Engineer's Report*

**11. SUPERINTENDENT REPORT – Ron Penrose**

Mr. Penrose was not present.

**12. LEGAL COUNSEL REPORT – Leo Bergin**

Nothing to report.

**13. SECRETARY/TREASURER REPORT – Mary Pat Eymann**

Nothing to report.

**14. PUBLIC COMMENT - None**

**15. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS:**

**Future Agenda Item Requests:**

- None

**Board Comments:**

- Director James – 1. On 8/11/22 having the “High Water Mark” ceremony on I580 before the Fairmont exit painting. 2. On 7/20/22 conducting a tour of Marlet & Hobard system. 3. Looking through the annual reports of the CTWCD and is finding a lot of historical information.

**16. ADJOURNMENT -**

- ❖ There being no further business Director James made a motion to adjourn the meeting; seconded by Director Schank; motion carried meeting adjourned.

**\*\*The next meeting will be the August 23, 2022, at 10:00 a.m.\*\***

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Todd Westergard,  
President

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Mary Pat Eymann,  
Secretary/Treasurer



**REGIONAL TRANSPORTATION COMMISSION**

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

July 5, 2022

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Kayla Dowty, P.E.  
Tri Sage Consulting  
5418 Longley Laney

*Via email*

**RE: Arlington Avenue Bridges Project – Section 408 Permit and Geotechnical Borings**

Ms. Kayla Dowty:

Please accept this letter as my acknowledgement that the RTC will be receiving a violation from the Carson Truckee Water Conservancy District (CTWCD) for having recently performed geotechnical borings within the Truckee River floodway without Section 408 permission from the U.S. Army Corps of Engineers (USACE). On behalf of the RTC, I apologize that this occurred and for any inconvenience it has caused. The RTC recognizes the seriousness of this violation and, as a result, has modified our project team. We are confident that the changes outlined below will avoid any further regulatory permitting issues and will get this important project back on track. The RTC would like to apologize to the CTWCD board in person and will have appropriate members present at that meeting to address questions and hear concerns. I will be out of town during your next Board meeting but, have asked Dale Keller, Engineering Director, to attend in my place.

An unauthorized encroachment within the Truckee River is unacceptable. Our intent has been to accelerate this project, but never at the expense of meeting applicable permitting requirements. As a result of misunderstanding the permitting requirements, Jacobs Engineering Group, Inc., (Jacobs) prepared the geotechnical boring Section 408 permit application for only one proposed boring location within the OHWM of the Truckee River rather than for all of the work to be performed within the 14,000 cfs floodway. Jacobs incorrectly assumed borings outside of the river channel could be performed without a Section 408 permit. Jacobs moved forward with those borings and that mistake led to the violation noted above.

RTC has modified the project team to ensure there are no further regulatory permitting issues. Going forward, the RTC Project Manager will be closely engaged in all permitting activities, understand the requirements, and be your main point of contact. Jacobs was hired by the RTC as the most qualified firm to perform engineering design and environmental services for this project and will continue in that role. Kaci Stansbury will continue her role as the Jacobs Project Manager; however, her focus will be

over the civil design, stakeholder coordination, and public outreach components of the project. All regulatory permitting activities will be handled by a separate Jacobs staff person with attention on permit compliance. Jacobs has added an Environmental Permitting Specialist Lead with Section 408 permit experience to perform that portion of work.

Matt Franck from Jacobs' Sacramento, CA, office will be the Environmental Permitting Specialist Lead. Matt has worked at Jacobs for over 23 years, preparing CEQA and NEPA impact assessment documents and securing environmental permits, including Section 408 permits. Furthermore, a majority of his experience has been working with the USACE Sacramento District. Matt's responsibilities will include necessary communication and coordination with the CTWCD and the RTC. He will lead the associated permit compliance process, provide direction and notifications to control the environmental work for the project, and have the authority to stop work to ensure compliance. All submittals to the CTWCD will be organized and submitted by Matt.

The RTC will also be dedicating additional staff resources to the project. Management performed a thorough investigation of the actions leading up to this violation. Multiple internal meetings, as well as meetings with Jacobs, have occurred over the past few weeks to gain full understanding of both where we are and how we got here.

In addition, RTC will assist Jacobs in hosting and providing a training session on Section 408 permitting in Washoe County, including sharing with the community lessons we have learned. Jacobs will facilitate a training/presentation to educate our local engineering community on the process, along with the importance and timelines associated with Section 408 permitting. The Jacobs permitting specialist will coordinate the presentation and reach out to the USACE and/or CTWCD to see if they are interested in participating. This informational training will be made available to our local engineering community through a presentation at a monthly meeting of the American Society of Civil Engineers, Truckee Meadow Branch (ASCE-TMB). In addition to the live presentation with interactive questions and answers, the training session will be live-streamed via a Teams Meeting, enabling greater participation. This training will be required for Jacobs and RTC Team staff working on the Arlington Avenue Bridges Project.

The project team is currently revising the Section 408 permit application to address all field work that has been performed and remains to be performed. The RTC looks forward to continuing our relationship with CTWCD so this project and others will be successful. If there are further measures that you believe would be helpful, I am happy to discuss those with you. Please reach out to me with any questions or concerns.

Respectfully,



Bill Thomas, AICP  
Executive Director

*Building a Better Community Through Quality Transportation*

cc: Judy Tortelli, RTC Project Manager  
Kaci Stansbury, Jacobs Project Manager  
Matt Franck, Jacobs Environmental Permitting Specialist Lead