

CARSON RIVER ADVISORY COMMITTEE
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A regular meeting of the Carson River Advisory Committee was scheduled for 6:00 p.m. on Wednesday, May 7, 2003 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Charles Zimmerman
Vice Chairperson Paul Pugsley
Tom Farrer
Thomas Hall
Dan Greytak

STAFF: Steve Kastens, Parks and Recreation Director
Vern Krahn, Park Planner
Tom Hoffert, Utilities Operations Manager
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

CALL TO ORDER AND ROLL CALL (1-0008) - Chairperson Zimmerman called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. Members Hill and Johnson were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0013) - Dan Kaffer, Coordinator of the Western Nevada Resource Conservation and Development (WNRC&D) Council and employee of the U.S. Department of Agriculture Natural Resources Conservation Service, advised of a meeting regarding the Cooperative Weed Management Area scheduled for 9:00 a.m. on Friday, May 9th at the Cooperative Extension Office. He further advised that the WNRC&D Council just received a \$4,000 annual grant for vegetative management. The grant funding can be used for a number of vegetative management projects which the Committee may want to undertake, including spraying noxious weeds at the Carson River and its tributaries, match funding, prison crews, etc. A similar grant has been awarded to the WNRC&D Council for \$6,000 per year, which funding is also available to the Committee for projects. Mr. Kaffer reviewed the funding allocations, as follows: \$2,400 for Carson River workday projects and \$3,600 for prison crews, willow plantings, and restoration work. Mr. Kaffer advised the Committee to contact him or Vice Chairperson Pugsley with proposed projects.

1. ACTION ON APPROVAL OF MINUTES - February 5, 2003 and March 12, 2003 (1-0062) - Member Pugsley moved to accept the minutes, as written. Member Hall seconded the motion. Member Greytak noted a correction to page 3 of the March 12th minutes. Member Pugsley amended his motion accordingly. Member Hall continued his second. Motion carried 5-0.

2. CHANGES TO THE AGENDA (1-0085) - None.

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3. AGENDA ITEMS:

3-A. PRESENTATION AND DISCUSSION ONLY BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, WATER QUALITY PLANNING, EXPLAINING HOW THE FEDERAL CLEAN WATER ACT IS REQUIRING NEVADA TO ESTABLISH TOTAL MAXIMUM DAILY LOADS (“TMDL”) FOR THE CARSON RIVER. TMDL IS TO BE A PART OF A WATER QUALITY MANAGEMENT PLAN IDENTIFYING PROBLEMS AND SUBSEQUENT MEASURES NEEDED TO IMPROVE THE HEALTH OF THE CARSON RIVER

(1-0087) - Randy Pahl, of the Nevada Division of Environmental Protection (“NDEP”), narrated a slide presentation which included background information on the goals and objectives of the 1972 Clean Water Act, the function of the NDEP in enforcing the Clean Water Act, an overview of the TMDL designation developed for the Carson River in the 1970s, and discussion of the definition and purpose of a TMDL. Mr. Pahl discussed the NDEP’s practices to focus mainly on water chemistry, and advised that the Environmental Protection Agency is beginning to focus on beneficial use impairment. He suggested that a TMDL should involve a water quality management plan to assess the health of a water system, identify problems, and develop solutions. He advised that Nevada has developed a phased TMDL, using available information, which satisfies the requirements of the Clean Water Act and allows for revisions as additional physical, biological, and chemical information is gathered. He reviewed and discussed the various uses designated in the NDEP regulations for the Carson River, including irrigation, livestock watering, recreation (in and on water), industrial-supplied drinking water, and propagation of wildlife and aquatic life. He advised of the recently developed 303(d) list of impaired water bodies, and discussed chemical findings, sediment, and temperature problems. He noted the wide, straight, and deep channel areas, that the River has no access to its flood plain, the City’s flood control issues, and areas with no vegetation which causes temperature problems and low flows in the summer months.

Mr. Pahl advised that the U.S. Geological Survey is finishing a phosphorous study on the Carson River. Conservation Districts in Carson Valley and Dayton Valley are monitoring sediment which information the NDEP hopes to use in developing a phased sediment TMDL. In reference to dissolved oxygen problems on the River, Mr. Pahl advised that the NDEP is considering a project with the DRI to begin measuring dissolved oxygen on a continual basis. The NDEP is also beginning a project at the Lahontan Reservoir to sample and profile water quality characteristics. In addition, the NDEP began a program approximately three years ago to gather macroinvertebrate samples. The goal is to gather approximately five years’ worth of data and develop measures.

Mr. Pahl discussed challenges associated with developing and implementing useful TMDLs for the Carson River. Chairperson Zimmerman thanked Mr. Pahl for his presentation. In response to a question, Mr. Pahl advised that most of the River system is “on the list” for phosphorous. Phosphorous levels are relatively near the standard at the State line, peak at Cradlebaugh Bridge, and level off further down stream. Total suspended solids (“TSS”) have the same trends. Mr. Pahl noted that erosion takes place in a natural system. The goal of the NDEP is to maintain standards throughout the entire flow. In response to a further question, Mr. Pahl advised that one of the challenges has been identifying pollution sources; characterizing the sources is overwhelming. Mr. Pahl advised that cumulative sources must be addressed reasonably and appropriately. He discussed use attainability analyses which can justify to the EPA that designated

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beneficial uses cannot be attained. Mr. Pahl acknowledged that there are counterparts in California who have developed a TMDL for Indian Creek. He advised that the Lahontan Region Water Quality Board has been tasked with developing TMDLs. He further advised that some states have lawsuits which are dictating development of hundreds of TMDLs in the next ten years. He commented that Nevada receives less EPA funding than the Island of Guam. Chairperson Zimmerman thanked Mr. Pahl for his presentation.

3-B. ACTION TO RECOMMEND TO THE CARSON CITY BOARD OF SUPERVISORS TO SUPPORT THE CARSON WATER SUBCONSERVANCY DISTRICT'S FUTURE ROLE AND ADMINISTRATIVE GUIDELINES/CRITERIA FOR STATE BALLOT QUESTION #1 CARSON RIVER PROJECTS (1-0518) - Mr. Krahn provided background information on this item. Ed James, of the Carson Water Subconservancy District ("CWSD"), reviewed the Carson River Corridor Draft Proposed Guidelines and Criteria which was included in the agenda materials. He discussed the potential role of the CWSD in the process. Mr. James advised of the CWSD's proposal to the Division of State Lands that operations and maintenance costs be considered as in-kind match. He requested the Committee's support of this proposal. He reviewed the requested action, as follows: To accept the Proposed Guidelines and Criteria, to support the CWSD's leadership role with the Division of State Lands as projects are developed for the Carson River, and to designate a county entity to facilitate public meetings, etc.

Mr. James acknowledged that Division of State Lands staff is developing, and will have final authority over, the administrative regulations. The CWSD submitted proposed criteria early on, most of which have been incorporated in the draft regulations. In response to a question, Mr. Kastens discussed the public workshop held in Carson City on Monday, May 5th. He advised that Division of State Lands staff has committed to updating their website following each workshop. In response to a question, Mr. James discussed the role of advisory committees in development of the administrative regulations. He advised that Mr. Kaffer has been working with various groups to get input on the regulations which will govern other allocation categories. **Vice Chairperson Pugsley moved to recommend that the Board of Supervisors consider the Carson Water Subconservancy District's role and administrative guidelines and criteria for the State ballot question and pursue those issues relative to the Carson River on behalf of Carson City. Member Farrer seconded the motion. Motion carried 5-0.**

3-C. ACTION REGARDING SITE SELECTION FOR FUTURE U.S. ARMY CORPS OF ENGINEERS' CARSON RIVER RESTORATION PROJECT(S) WITHIN CARSON CITY; AND 3-D. ACTION REGARDING U.S. ARMY CORPS OF ENGINEERS' RIVERBANK RESTORATION TREATMENT ALTERNATIVES FOR THEIR CARSON RIVER PROJECT(S) (1-0737) - Mr. Krahn provided background information on this item. Vice Chairperson Pugsley distributed information on the project areas to the Committee members, staff, and the citizens present, and reviewed the same. He commented that the Army Corps of Engineers 206 Restoration Grant program represents one of the few opportunities to consider a large reach of the River all at once. Most restoration projects only consider stretches of River from 300' to 1,000'. Approximately \$1 million in grant funding will be available with a match requirement of \$500,000. Vice Chairperson Pugsley proposed designating this project as the number one priority on the Question #1 funding list. He advised that the Army Corps will contract with a design firm with which the Carson Valley Conservation District ("CVCD") will have an opportunity to interface regarding vegetation and bioengineering. Vice Chairperson Pugsley reviewed the various

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streambank restoration methods depicted in the distributed materials, and requested the Committee to consider advising the Army Corps to use as little rock as possible in the project design.

Vice Chairperson Pugsley advised that the total restoration grant is \$5 million which will be divided between Alpine County, Carson City, Douglas County, Lyon County, and Churchill County. The Army Corps has sought guidance from the CVCD regarding the reaches to be considered, perceived problems, and appropriate treatment responses. The information will be developed into a feasibility study which will include crews visiting the site to assess the problem areas. The assessment portion of the project is included in the \$5 million grant but is not required to be matched. In response to a question, Vice Chairperson Pugsley advised that flood event criteria will be established by the Army Corps. He anticipates the project will be designed to withstand a 100-year flow event in which case a good deal of rock will be incorporated. He acknowledged that the goal will be to encourage utilization of vegetation as part of the design criteria.

(1-0924) Mr. Kaffer advised that the Army Corps can often defer to local best management practices when designing environmental restoration projects. He advised of a number of 206 stream restoration projects done at Lake Tahoe which have used bioengineering techniques.

In response to a question, Vice Chairperson Pugsley advised that the Army Corps funding and the Question #1 funding will be matching funds for each other. (1-0960) Mr. Kaffer provided background information on acquisition of the Army Corps of Engineers funding. He advised that the original language of Question #1 included no earmarked funding for the Carson River. The WNRC&D Council worked with the CWSD, the Department of Conservation and Natural Resources, and governing bodies in each of the four pertinent counties to ensure a portion of Question #1 funding was earmarked for the Carson River. Mr. Kaffer noted that the WNRC&D considers the \$5 million Army Corps of Engineers funding as inspiration for the \$10 million Question #1 allocation.

In response to a question, Vice Chairperson Pugsley explained that his objection to primarily using rock in the restoration project is to avoid creating a channel. The Carson River is conducive to creating channels and Vice Chairperson Pugsley recommended that the River be "coaxed" in a more natural manner rather than rocking the walls. He expressed a preference for including in the design some consideration for allowing the River to flow naturally and change over time. He advised that a particular asset to protect is the golf course. Chairperson Zimmerman noted the balancing act between using as little rock as possible and maximizing use of the flood plain.

Mr. Krahn described the project area for the benefit of the viewing public, as follows: From the south boundary of Riverview Park north along the River to the Deer Run Road Bridge. In response to a question, Vice Chairperson Pugsley discussed a portion of the project area which presently has a bare 10' vertical bank, a 10' wide path, and a fence for the golf course. This area has continued to erode and has now washed around rock gabions placed years ago. Vice Chairperson Pugsley indicated that this particular portion is the most critical of the project area. There are other vertical banks which, at present, stretch against man made assets, and others which will involve work with private property owners. Mr. Krahn noted that a couple of the Committee's priority projects are within the subject stretch of River.

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(1-1156) Mr. Kaffer advised that an alternate project site is from the Old McTarnahan Bridge downstream to Mexican Dam. If funding remains after completion of the described project, some work may be done in the alternate project area. Mr. Kaffer requested the Committee to include both project areas in the recommendation.

In response to a question, Vice Chairperson Pugsley advised that private property owners will not be requested to help subsidize the cost of the project. He explained that the Army Corps of Engineers requires all affected project areas to be publicly owned. The Army Corps has agreed to consider publicly owned that portion of the riverbed to the high water bank, which is held by the State of Nevada. The project area will most likely go beyond the high water mark and an easement or a lot line adjustment may be required to encompass the project area into some form of public easement, if not ownership. Vice Chairperson Pugsley advised that decisions of the private land owners will not significantly impact the restoration effort in the project area. However, if the City declines to consider the project, it would be impacted. Discussion took place regarding Vice Chairperson Pugsley's participation in action taken by the Committee with regard to this matter.

(1-1245) Mr. Kaffer clarified that the applicants and sponsors on the Army Corps 206 Grant are the WNRC&D Council and the CWSD. He commented that in working with Army Corps projects and many federal programs and funding following the 1997 flood, there has always been some requirement for access to accomplish operation and maintenance of the project. There is no hint that any of the projects would require public access to any private lands.

Mr. Krahn noted that the City has parks and trails in the area which would be expected to remain open to public access. **Member Greytak moved to accept the northern section of the River between the south boundary of Riverview Park and Deer Run Bridge as the first priority for the Army Corps of Engineers to consider in an assessment, and that the southern section near McTarnahan to Mexican Dam be considered as a second alternative. Member Hall seconded the motion.** Following discussion, **Member Greytak amended his motion to indicate restoration rather than assessment by the Army Corps. Member Hall continued his second. Motion carried 5-0.** Vice Chairperson Pugsley moved, **in consideration of restoration treatments, to provide some sense of guidance that the Committee would prefer to see a modest level of rock used and a great deal of bioengineering used by the Army Corps in their project of restoring the two project areas mentioned in the previous motion, and to provide access for parks and trails on Parks and Recreation property specifically. Member Farrer seconded the motion. Motion carried 5-0.**

3-E. ACTION REGARDING THE ADDITION AND RANKING OF THE U.S. ARMY CORPS OF ENGINEERS' CARSON RIVER RESTORATION PROJECT(S) TO THE COMMITTEE'S FIVE-YEAR OUTLOOK FOR POTENTIAL RIVER CONSTRUCTION PROJECTS AVAILABLE FOR STATE BALLOT QUESTION #1 FUNDING (1-1377) - Mr. Krahn reviewed the staff report and the attachments, and discussion took place with regard to the Committee's priority project list. Mr. Krahn and Vice Chairperson Pugsley responded to questions regarding costs and funding sources associated with the next phase of the Carson River Park project and the Eagle Valley Creek restoration project.

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(1-1555) Mr. Kaffer expressed understanding for the Carson River Park prioritization. He suggested that since the \$10 million earmarked for the Carson River is available as a result of involved entities searching for additional funds for restoration projects along the Carson River, that it be the designated as the Committee's top priority.

In response to a question, Vice Chairperson Pugsley advised that Eagle Valley Creek tributary is outside of the project area. He anticipates a potential scope of work for the current 206 restoration grant which may consider the confluence of the sediment basin at the bottom of Eagle Valley Creek. He will seek a restoration grant for Eagle Valley Creek which may consider the long, channelized portion at the south boundary of the golf course.

(1-1605) Mr. Kaffer noted that the Army Corps of Engineers has shown a real interest in assisting with wetlands and habitat restoration. He suggested they may be willing to extend the project to the sediment basin to convert it to a wildlife area.

Vice Chairperson Pugsley moved to approve the projects as listed in their order of priority with the following modification: that #2 read "stream bank stabilization projects ranging from the southern boundary of Riverview Park to Deer Run Road," as water quality and habitat improvement goals; and that #4, relative to the U.S. Army Corps of Engineers Carson River Future Restoration Projects, be deleted. Member Greytak seconded the motion. Motion carried 5-0.

3-F. UPDATE ONLY REGARDING THE EAGLE CREEK URBAN RIPARIAN FOREST RESTORATION PROJECT AND ON THE OPEN SPACE ADVISORY COMMITTEE'S REQUEST FOR A GRANT FROM THE NEVADA DIVISION OF FORESTRY'S NEVADA URBAN AND COMMUNITY FORESTRY GRANT PROGRAM. (THIS PROJECT IS PART OF THE OPEN SPACE PROGRAM'S REHABILITATION EFFORTS FROM BUTTI WAY INCLUDING THE MOFFAT OPEN SPACE PROPERTY AND EXTENDING TO THE CARSON RIVER TO RESTORE THE CREEK AND CONTROL NOXIOUS WEEDS.) (1-1644) - Mr. Krahn referred to the staff report included in the agenda materials. Vice Chairperson Pugsley advised that wildlife habitat improvement funding from the Farm Bill and environmental quality improvement funding will be reviewed with regard to the private property portions of Eagle Valley Creek. He advised that a new administrator has been appointed to the Natural Resources Conservation Service, and provided background information on her experience. He explained that the State Conservationist has a significant role in Farm Bill funding programs. He advised that modest soil surveys have been performed on Eagle Valley Creek from Edmonds Drive to the River. Results indicate a high level pH, 8.5, which will moderately restrict the plant materials to be considered in the project. Vice Chairperson Pugsley advised that vegetation which will tolerate the pH range includes cottonwood, coyote willow, and buffalo berry.

Mr. Krahn provided an overview of the City's Design Standards pertinent to this item, and advised of the authority of the Planning and Community Development Director to exempt a project from the requirement under certain circumstances. Mr. Krahn advised that the Shade Tree Council opted not to take action on recommending the exemption until a tour of the project area is conducted.

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4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS (1-1778) - None.

STATUS REPORTS AND COMMENTS FROM STAFF (1-1782) - Mr. Krahn reviewed the “FYI” items included in the agenda materials and referred to the updated Committee liaison assignments table. Mr. Krahn acknowledged that the June Committee meeting will go forward; he recommended canceling the July 2nd meeting.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS (1-1836) - Mr. Krahn acknowledged that the Silver Saddle wetlands will be agendized at the next meeting. Discussion took place regarding the possibility of scheduling a field trip to the wetlands.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1870) - None.

5. ACTION ON ADJOURNMENT (1-1878) - Member Hall moved to adjourn the meeting at 7:46 p.m. Member Pugsley seconded the motion. Motion carried 5-0.

The Minutes of the May 7, 2003 meeting of the Carson River Advisory Committee are so approved this 4th day of June, 2003.

CHARLES ZIMMERMAN, Chair