

LAS VEGAS VALLEY WATERSHED ADVISORY COMMITTEE

Southern Nevada Water Authority
Virtual Meeting Conducted via Microsoft Teams
January 12, 2021
2:00 p.m.

Members Present: Mark Dunbar, *City of Las Vegas (CLV)*
Daniel Hernandez, *Clark County (CC)*
Priscilla Howell, *City of Henderson (COH)*
Zane Marshall, *Southern Nevada Water Authority (SNWA)*
Tom Minwegen, *Clark County Water Reclamation District (CCWRD)*
Steve Parrish, *Clark County Regional Flood Control District (CCRFCD)*
Colby Pellegrino, *Las Vegas Valley Water District (LVVWD)*
Quang Phan, *City of North Las Vegas (CNLV alt.)*

Also Present:	Lawrence Bazel	Alexei Luganov
	Elizabeth Bickmore	Tom Maher
	Keiba Crear	Peggy Roefer
	Adrian Edwards	John Solvie
	Dan Fischer	David Stoft
	Barry Fulton	John Tennert
	Ben Latham	Todd Tietjen
	Natalia Londono-Arroyo	Debbie Van Dooremolen

- 1. Welcome/Call to Order**
Steve Parrish called the meeting to order on Teams at 2:00 p.m.
- 2. Public Comment**
Seeing no public comment, Steve moved forward with the meeting.
- 3. Introductions**
Steve conducted a roll call of members and alternates to confirm who was present for each agency.
- 4. Approve October 20 and November 10, 2020 Meeting Minutes**
Zane Marshall made the motion to approve the October 20 and November 10, 2020 meeting summaries. Motion passed.
- 5. Select a Chair and Vice Chair for the Las Vegas Valley Watershed Advisory Committee**
Steve Parrish opened the discussion. Members elected Priscilla Howell as chair and Mark Dunbar as vice chair, respectively.

6. Receive an Informational Update on Items Related to the Las Vegas Valley Watershed Advisory Committee (LVVWAC) that may appear on Future Regular Board Meetings of LVVWAC Members' Appointing Agencies

Zane reported that an item is scheduled for the January 21 SNWA board meeting to award a contract to Las Vegas Paving Corporation for the reconstruction of two existing erosion control structures in the Las Vegas Wash (Wash). This item is also included in the current capital improvements plan for the Wash.

7. Receive an Update on the Selenium Standard Development Study

John Tennert, CCRFCD, presented the proposed Nevada Division of Environmental Protection (NDEP) standards for the Wash.

John introduced Barry Fulton, Ben Latham and Lawrence Bazel. Barry and Ben are consultants that have been working on the study, and Lawrence is the legal counsel for the project. John stated that they were in attendance to provide additional feedback and answer questions.

John reported that there are high levels of naturally-occurring selenium within the Las Vegas Valley, which has implications for groundwater and the tributaries in the Wash. He noted that the concern with high levels of selenium, particularly in the tributaries, is that levels are much higher than the existing criteria proposed by NDEP. Based on feedback from local government entities, NDEP proposed a revised selenium standard that would exempt the Wash from the standard for three years. NDEP agreed to work with local stakeholders to develop site-specific criteria for selenium and also agreed to revisit the tributaries. John added that in May 2020, CCRFCD contracted with Arcadis/Benchmark to begin the work necessary to develop a site-specific standard for selenium, and staff has met with NDEP multiple times to discuss the progress. Staff has also met with the U.S. Environmental Protection Agency (EPA) to review the data. He then stated that staff has been working on compiling existing data from four data sources: (1) flow data from the U.S. Geological Survey, (2) fish community data, (3) selenium water quality data and (4) fish tissue selenium data, all of which were collected by SNWA.

Flow monitoring data showed stability in conditions over the period that was analyzed (2000-2020). Fish community data identified nine species of non-native fish, including the green sunfish. Green sunfish is an important indicator species as identified in the EPA's criteria guidance document. Selenium water quality data indicated higher levels of selenium in the tributaries that are then diluted by effluent in the Wash. Lastly, the bioassessment data indicated tissue concentrations are protective of fish; therefore, water concentrations are protective. John reported that all existing data was presented to NDEP, and they were impressed with the data and analysis. NDEP recommended that CCRFCD prepare a presentation or memo for the EPA to get buy-in to use existing data to develop site-specific criteria for the Wash. Arcadis/Benchmark and NDEP presented findings to EPA on November 19, 2020. The only concern presented by the EPA was the age of the data, specifically, the fish tissue data that was collected in 2010-2011 and the single sample collected in 2017. Arcadis/Benchmark prepared an additional analysis (bootstrap analysis) to respond to EPA's concern and sent the data to the EPA in late December 2020. Staff is currently waiting for feedback from the EPA, which is expected by the end of January 2021 and should indicate whether it will request additional fish tissue sample collection and analysis.

John stated that the revised budget request for the Wash for the next fiscal year is for an additional \$114,000. John added that the reason for the increase in the budget is due to the additional analysis and that there have been more meetings conducted with NDEP and the EPA than originally expected. The revised budget assumes that additional fish tissue collection will be required, but that SNWA staff will collect the fish, and so it only includes estimated funding for lab analysis of the additional fish tissue samples. It also includes the work necessary to address delisting of the tributaries for selenium and other contaminants. John explained that the funding sources for the project were as follows:

LVVWAC fiscal year 2020-2021:	\$ 100,000
NDEP:	65,000
Remaining funds:	114,000

Following the presentation, Zane asked about the results of the bootstrap analysis. John replied that it showed that additional collection of fish data would not change the results. Tom Minwegen asked when they expected to hear from the EPA, since its response will impact the final Wash budget amount for 2021/2022 and that is the next item for consideration on the agenda. John replied that staff is hoping to hear back by the end of January. Priscilla asked when the budget needs to be submitted. Keiba replied that it depends on each agency's individual budget deadlines but that the Wash budget needs to be approved by each of the LVVWAC member agencies prior to July 1, 2021.

Priscilla asked John the funding difference on the revised budget in case the EPA required additional sampling. John stated that the funding difference was \$11,400 for fish tissue data collection and \$15,800 for laboratory analysis of the fish tissue for a total of approximately \$27,000. Dan Fisher asked if the objective with the tributaries was to categorize them as urban flood channels instead of aquatic habitats. Lawrence Bazel replied that this was going to be their key argument.

8. Receive an Update and Approve the Las Vegas Wash 2021/2022 Budget

Keiba Crear presented the Wash operating budget for fiscal year 2021/2022. Funding will be provided by Bureau of Reclamation grants in the amount of \$244,000, other contributions and grants totaling \$67,500 and the local contribution of \$892,731. Keiba displayed a list of items in the budget including equipment and materials, training, professional services, office lease, salaries and benefits and the research and studies budget, for a total operating budget of \$1,204,631.

Keiba stated that the Wash research and studies budget includes the selenium study, for a total local contribution of \$892,731. Wholesale delivery will cover 40 percent of the total contribution at \$357,092. The dischargers will also cover 40 percent and the amounts are broken down by the running averages that were provided by the dischargers through September 2020. CC and CCRFCD will cover 10 percent each, or \$89,273.

Following the Wash budget presentation, Tom noted that he had concerns with CCWRD providing funding for the selenium study, that he did not have covenant authority to do it. He further explained that CCWRD was the sole wastewater-only entity within LVVWAC and that everyone else on the committee represents a municipality. Tom noted that his concern was not necessarily the amount of money that CCWRD would pay, but the fact that his bond covenants

restrict him to sanitary-sewer related items and would not allow him to approve funding for the selenium study.

Priscilla asked Tom if there had been any conversations between CCWRD and CC to split the cost related to the selenium contribution. Tom replied that this discussion had not taken place and asked Daniel Hernandez if he and Randy Tarr would be open to such a discussion; Daniel said they would. Priscilla suggested setting a LVVWAC meeting in February to revisit Wash budget approval, adding that by then the EPA may have responded regarding whether additional fish tissue collection will be needed for the selenium effort, which will affect the budget amount. Zane made a motion to table the approval of the Wash 2021/2022 budget and consider it at the February meeting to allow LVVWAC to explore solutions to the concerns posed by CCWRD. Motion passed.

9. Receive an Update on the Las Vegas Wash Coordination Committee

Debbie Van Dooremolen provided an update on the Las Vegas Wash Coordination Committee (LVWCC). The LVWCC's mission is to stabilize and enhance the valuable environmental resources of the Wash. The Operations, Administrative and Research and Environmental Monitoring study teams, as well as LVVWAC oversight, have been instrumental in helping the LVWCC to fulfill this mission. All 44 action items from the Las Vegas Wash Comprehensive Adaptive Management Plan have been implemented; 31 action items are either complete or being addressed by others and 13 are ongoing items for the life of the project. Regarding stabilization, four weirs were benchmarked in 2020, with crews removing over 1,200 loads of vegetation and clean spoils and re-establishing grades. Additionally, the project consultant submitted a Letter of Map Revision to the Federal Emergency Management Agency (FEMA) and continues to work with FEMA to gain approval.

Regarding water quality, all regular monitoring was conducted except for the spring sampling due to the governor's stay-at-home order. The year 2020 was the second post-construction year on the Wash. Comparing 2019 to 2020, the data showed that selenium decreased by 8 percent, perchlorate increased by 7 percent, and orthophosphate and total phosphorus decreased 3-22 percent, depending on the location along the channel. Total suspended solids and trace metals were either similar or decreased slightly. Data for all the projects was uploaded into the Lower Colorado River Water Quality Database. Regarding the CC in-lieu fee mitigation wetlands, the Las Vegas Wash Project Coordination Team (Wash Team) managed the wetlands on behalf of the county through June 2020. Staff had successfully met the U.S. Army Corps of Engineers' permit requirement in 2018, and so the management agreement was concluded. Regarding the Las Vegas Wash Wildlife Management Plan, no Yuma Ridgway's rail surveys were conducted due to the stay-at-home order. Two of three surveys for the southwestern willow flycatcher and all yellow-billed cuckoo surveys were completed. Due to the stay-at-home order, the night searches for snakes and the second iteration of the amphibian survey were postponed. Regarding vegetation enhancement and management, the LVWCC was not able to hold the spring or fall Wash Green-Ups. The Wash Team did host a small event in the fall, where three Girl Scouts working toward their Gold Awards led teams of about 10 volunteers and revegetated just over two acres; combined with contractor revegetation during the year, approximately 25 acres were planted at the Wash. In addition, 11 acres of tamarisk were cleared, the last remaining large stand. The original 1,500 acres of tamarisk in the area has now been decreased by about 98 percent. Regarding education and outreach, the Wash Team hosted 10 events reaching 850 people and conducted a virtual stormwater pollution poster contest that reached 230 fourth and

fifth graders. Staff also created five videos for virtual field trips. For data resources, the re-design of the lvwash.org website has finally begun and should help bring more traffic to the site. The Facebook page reached 1,228 followers, an increase of nearly 25 percent, and staff continued to distribute the monthly e-newsletter. For 2021, the LVWCC will meet virtually on January 26 and April 27. The annual Wash tour is planned for October 26, 2021.

10. Receive an Update on the Stormwater Quality Management Committee (SQMC)

Steve reported that CCRFCD submitted their annual report on time and met all requirements listed in the National Pollutant Discharge Elimination System permit. Steve thanked the SQMC members for keeping up with all the tracking associated with this effort and completion of the work. Staff is still working under the 2010 permit which was administratively extended by the state in 2015. Steve reported that NDEP drafted a new permit, and it is currently under internal review. It is expected that the new permit will be issued sometime in 2021, and CCRFCD will work with the co-permittees to review and comment on it once it is issued.

Steve reported that the EPA issued a new rule that provides guidance regarding compliance with the Clean Water Act in terms of impacts to Waters of the United States, which includes 404 permitting. One of the changes in the new rule is that ephemeral washes are no longer jurisdictional. Steve noted that the valley has many ephemeral washes. With this change, the number of anticipated 404 permits will be a lot lower than it was before the new rule was issued. NDEP representatives expressed concerns about the revisions to the rule and indicated that at least some of the valley's ephemeral washes still need protection. As such, they indicated to the SQMC that they will be working on new permitting or a permit modification to "bridge the gap" to the new rule. Steve stated that the SQMC has concerns about how the new permitting would be implemented and reached out to the state to express the group's concerns. He added that they included Nevada Department of Transportation in the conversation and that the SQMC will continue to work with the state to see what happens with the permit being proposed by NDEP.

11. Receive an Update on the Clark County Wetlands Park

Elizabeth Bickmore gave the presentation on what they have done at the Clark County Wetlands Park (Wetlands Park) over the past year. The park remains open from dawn to dusk and the administrative offices are now open Tuesday-Sunday. All indoor facilities except for the restrooms have been closed due to COVID-19. The Wetlands Park has staffed three new positions—park police chief, environmental specialist and digital media recreation assistant—and has experienced a 99 percent increase in visitation over the previous year. Elizabeth reported that there was a flood and three fires at the park within the past year. One of the fires burned eighteen acres and resulted in the loss of the Cottonwood Crossing Bridge.

The Wetlands Park has focused on restoration projects in the Neighborhood Park, plantings in the Nature Preserve and fuel-reduction efforts. Staff has also been able to do weir clean-up in conjunction with SNWA downstream of the Big Weir Bridge (i.e., Upper Diversion Weir bridge) and Pabco Weir. The Wetlands Park is working on fuel-reduction projects with the Bureau of Land Management, Nevada Division of Forestry and National Park Service. The Wetlands Park also unveiled new programs including the Spooky Maze, Holiday Lane and Story Walk, and began offering virtual programs for school field trips. The park currently has 130 volunteers who are working on videos, an e-newsletter, a website upgrade and a web application. Future projects include installation of gates, barriers and fencing throughout the park and construction of the Nature Play Corner through a Southern Nevada Public Land Management

Act grant. Construction is expected to begin in spring 2021. The Wetlands Park will also be reviewing the Transwest Powerline proposal to install two towers to expand the existing powerline corridor.

12. Receive an Update from Members and Staff Regarding Water Resources, Stormwater, Wastewater, Water Quality Including but Not Limited to Regulations, Permitting and Status of the Lower Las Vegas Wash

Keiba reported that the Lower Las Vegas Wash stabilization project is continuing to move forward and that a pre-submittal meeting for a statement of qualifications was held earlier in the day. Staff is hoping to select a firm for the project in May 2021. In addition, the environmental compliance process for this project has begun. Ryan Pearson will provide an update on the effort at a future LVVWAC meeting.

13. Set Next Meeting Date and Propose Items for the Next Meeting's Agenda

The next meeting will be held on February 9, 2021. Staff will develop the agenda.

14. Public Comment

There were no comments. Meeting adjourned.