



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE:** February 25, 2020

**DATE:** Thursday, February 20, 2020

**TO:** Board of County Commissioners

**FROM:** Ben Jesch, P.E., Licensed Engineer, Engineering and Capital Projects,  
Community Services Department, 954-4635, [bjesch@washoecounty.us](mailto:bjesch@washoecounty.us)

**THROUGH:** Dwayne Smith, P.E., Division Director, Engineering and Capital Projects,  
Community Services Department, 328-2043, [desmith@washoecounty.us](mailto:desmith@washoecounty.us)

**SUBJECT:** Recommendation to accept and approve a Nonpoint Source Grant Program 319(h) subgrant agreement from the Nevada Division of Environmental Protection for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$200,000] with match [in the amount of \$280,000] for the period the date the subgrant agreement is approved by the Nevada Division of Environmental Protection through March 31, 2022, and direct the Comptroller's Office to make the necessary budget amendments.  
(Commission District 1.)

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### SUMMARY

Washoe County applied for and was awarded a Section 319(h) grant for the Lower Wood Creek Phase I Water Quality Improvement Project (WQIP) in Incline Village at Lake Tahoe. The Lower Wood Creek WQIP is the next project on Washoe County's Lake Tahoe Total Maximum Daily Load (TMDL) priority list and is being implemented in accordance with Washoe County's Interlocal Agreement (ILA) with Nevada Division of Environmental Protection (NDEP). Washoe County also participates in the Tahoe Regional Planning Agency (TRPA) Environmental Improvement Program (EIP) in the Lake Tahoe Basin, and this is the next project on Washoe County's 5-year list of EIP water quality improvement projects (EIP No. 01.01.01.0111).

In accordance with the 319(h) grant guidelines, grantees must provide a minimum 1:1 match of the total project funding. Washoe County committed matching funds for the project in the amount of \$280,000, which are available from an existing grant from the Nevada Division of State Lands (NDSL). The higher match commitment increased Washoe County's competitiveness for the 319(h) funding without requiring support from the County's general funds. Further, additional funding for the project is available from TRPA Mitigation Funds and in-kind County staff match. The estimated cost of the Lower Wood Creek Ph I WQIP is \$3,087,000.

By accepting these funds, Washoe County is maintaining its commitments to NDEP, TRPA, and the residents of Lake Tahoe for our part in the preservation of lake clarity and to maintain the infrastructure for a minimum 20 year period.

Strategic Objective supported by this item: Stewardship of our Community.

**AGENDA ITEM # \_\_\_\_\_**

## **PREVIOUS ACTION**

October 11, 2016 - The Board of County Commissioners (Board) approved an update to an ILA between Washoe County and NDEP, which was originally approved in July 2013. The ILA affirms Washoe County's commitment to participate in an urban stormwater pollutant reduction program at Lake Tahoe. The ILA is a cooperative implementation of water quality improvement actions as opposed to a regulatory permit. The ILA explicitly requires the County to implement pollutant control projects and pursue external funding sources for the projects. The current Agreement is valid through 2021.

March 27, 2018 - The Board:

- 1) adopted a Resolution approving the application for State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds and appointing Assistant County Manager David Solaro as agent of Washoe County to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, which may be necessary for the completion of the [Lower Wood Creek Phase I] project; and
- 2) approved the Project Funding Agreement Between the State of Nevada Acting By and through its Division of State Lands and the Fund to Protect Lake Tahoe and Washoe County; and
- 3) approved the Assurances certifying that the County will comply with the regulations, policies, guidelines, and requirements of the Division of State Lands; and
- 4) accepted a Grant Award from the Nevada Division of State Lands (NDSL) Water Quality and Erosion Control Grants Program for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$1,285,000] for the period of April 2, 2018 through March 31, 2021; and
- 5) accepted Tahoe Regional Planning Agency Mitigation match funds [in the amount of \$606,500, with additional Washoe County in-kind staff support match of \$115,500]

## **BACKGROUND**

Washoe County Community Services Department (CSD) continues its efforts to meet the Lake Tahoe TMDL requirements established by the United States Environmental Protection Agency (EPA). The goal of the TMDL is to reduce the pollutant load in urban stormwater runoff that reaches Lake Tahoe. Within Nevada, the TMDL is implemented through an agreement approach, and in 2016, Washoe County updated an ILA with NDEP to comply with obligations and commitments towards achieving the identified load reduction milestones and associated credit targets. Specifically, one of the requirements of the ILA is to maintain a five-year list of priority pollutant control projects to reduce sediment loading and to implement those projects. Additionally, the County commits to "oversee and coordinate financing for all aspects of pollutant control implementation including planning and design, construction, and activities related to Crediting Program participation. The County, as an implementing entity, will pursue self-funded and external funding sources to implement the [projects]."

In further efforts to improve the water quality and transparency of Lake Tahoe, Washoe County has participated in the TRPA EIP in the Lake Tahoe Basin since the inception of the program. This has been done through the implementation of erosion control and water quality improvement projects and enhanced road maintenance practices within the County right-of-way to improve the water quality of urban storm runoff discharging to Lake Tahoe.

Since its inception in March 2018, the Lower Wood Creek WQIP has advanced through the planning and pre-design phase. In that process, the need for additional funds has been identified in order to fully implement the project. Therefore, County staff applied for and has been awarded this Section 319(h) grant to augment the project budget. The additional funding will be used only towards construction of the project.

### **GRANT AWARD SUMMARY**

#### **Project/Program Name:**

Lower Wood Creek Phase I Water Quality Improvement Project

#### **Scope of the Project:**

The project will construct erosion control and stormwater treatment facilities that may include shoulder stabilization, storm drains, catch basins, stormwater treatment facilities, infiltration features, curb and gutter, channel improvements, culvert improvements, water quality basins, and revegetation. Construction will take place during the summer of 2021, and the project will be registered with the Crediting Program to receive credits toward the milestones agreed upon in the ILA.

#### **Benefit to Washoe County Residents:**

The project will continue to improve water quality and clarity of Lake Tahoe through the construction of erosion control and stormwater treatment facilities. The project will help Washoe County meet the Federal and State requirements of the Lake Tahoe TMDL.

#### **On-Going Program Support:**

Washoe County will be responsible for maintenance of any facilities constructed for a minimum of 20 years. Maintenance of stormwater features is currently provided by the CSD. The Department is researching potential funding opportunities and is working to develop strategies for on-going program support of the Lake Tahoe TMDL.

**Award Amount:** \$200,000

**Grant Period:** Date approved by NDEP – March 31, 2022

**Funding Source:** U.S. Environmental Protection Agency 319(h) grant

**Pass-Through Entity:** Nevada Division of Environmental Protection

**CFDA Number:** 66.460

**Grant ID Number:** DEPS 20-027

**Match Amount and Type:**

<b>Funding Source</b>	<b>Amount</b>	<b>Percentage</b>
<b>319(h) Grant</b>	<b>\$200,000</b>	<b>42%</b>
Nevada Tahoe Bond Funds (match)	\$280,000	58%
<i>Total</i>	<i>\$480,000</i> <sup>[a]</sup>	<i>100%</i>

[a] The total project budget is \$3,087,000 and includes additional funding which is neither 319(h) nor match funds.

**Sub-Awards and Contracts:**

A public bid for the construction phase will be advertised and awarded in accordance with County Purchasing policies and procedures and any other requirements dependent on final funding sources. The County may also enter a contract for construction management services.

**FISCAL IMPACT**

Should the board accept and approve this grant award, the adopted budget will be increased by \$200,000 in both revenues and expenditures in the following accounts:

<b>Cost Object</b>	<b>G/L Account</b>	<b>Amount</b>
IN11650- NDEP Lower Wood Creek	431100 – Federal Grants	\$200,000
IN11650 – NDEP Lower Wood Creek	818000 – Transfer to Intrafund	\$200,000
PW920598-Lower Wood Creek WQIP	781001 - Land Improvements Capital	\$200,000
PW920598-Lower Wood Creek WQIP	818000 – Transfer to Intrafund	-\$200,000

In accordance with the 319(h) grant guidelines, Washoe County must provide a minimum match of 50% of the total project funding. Washoe County will provide matching funding for the project in the amount of \$280,000 from the Nevada Division of State Lands (NDSL). Additional funding for the project also comes from TRPA Mitigation Funds and in-kind County staff match.

This is a reimbursement grant and funds will be quarterly, as specified by the State. The Capital Improvement Fund (402) will be the source for the up-front cash.

**RECOMMENDATION**

It is recommended that the Board of County Commissioners accept and approve a Nonpoint Source Grant Program 319(h) subgrant agreement from the Nevada Division of Environmental Protection for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$200,000] with match [in the amount of \$280,000] for the period the date the subgrant agreement is approved by the Nevada Division of Environmental Protection through March 31, 2022, and direct the Comptroller's Office to make the necessary budget amendments.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to accept and approve a Nonpoint Source Grant Program 319(h) subgrant agreement from the Nevada Division of Environmental Protection for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$200,000] with match [in the amount of \$280,000] for the period the date the subgrant agreement is approved by the Nevada Division of Environmental Protection through March 31, 2022, and direct the Comptroller's Office to make the necessary budget amendments."