

MEETING:	Technical Advisory Committee (TAC) Meeting No. 1
PROJECT:	Feasibility Study for Arlington Avenue Bridges Replacement
SUBJECT:	Permitting and Regulatory Requirements
LOCATION:	Remote WebEx Teleconference
DATE/TIME:	Wednesday, July 15, 2020, 9:00-10:30 AM
MODERATOR:	USACE Sr. Project Manager Jennifer C. Thomason

INVITATION:	<p>WebEx invitation from USACE Sr. Project Manager Jennifer C. Thomason</p> <p>Meeting link:  <a href="https://usace.webex.com/usace/j.php?MTID=m8d0baa4d680fd77df5c368a9840fd350">https://usace.webex.com/usace/j.php?MTID=m8d0baa4d680fd77df5c368a9840fd350</a></p> <p>Meeting number: 146 700 8460</p> <p>Join by phone:          Call-in toll-free number 1-888-808-6929</p> <p>Access Code 6113046          Security Code 1234</p>
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ATTENDANCE:	<p>TAC members defined and vetted by the RTC and the City of Reno.</p> <p>Agencies: USACE (4), City of Reno (4), CTWCD (1), FHWA (1), NDEP (3), NDOT, NDSL (1), Pyramid Lake Paiute Tribe (1), SHPO, RTC/Jacobs (4), USFWS (1).</p>
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NOTES AUTHORS:	<p>Compiled by the project team and supported by court reporter Nicole Hansen/Sunshine Litigation Services transcript.</p>
WELCOME, JENNIFER THOMASON, USACE:	<p>Welcomed TAC members, noted that this was a pre-application meeting for RTC, confirmed that there was no application already in progress and initiated introductions of TAC members attending. She also provided Project Number #2020-00533 assigned to the action,</p>
PRESENTATION JUDY TORTELLI, RTC:	<p>Welcomed everyone and outlined the agenda - a brief presentation followed by group discussion - and the purpose of the meeting: to provide an overview of permitting and regulatory requirements identified by the RTC to get TAC input on anything missing, if timelines are correct and which of the alternatives may be more challenging.</p>

	<p>Judy T/RTC noted that 1) since SWG-1, it has been determined that FHWA will be the lead agency for the NEPA process, 2) 2021 federal funding for that phase has been identified and 3) upcoming SWG/TAC meetings have been delayed due to COVID-19 but likely schedule is TAC-2 Aug/Sep, SWG-2 Oct/Nov, SWG-3 Dec. TAC-2 will focus on bridge concepts, bridge and roadway elements. Public meeting to present findings/solicit feedback early 2021.</p> <p>She added that the majority of the information being presented was previously provided either during the December 12, 2019 public meeting, or during the February 6, 2020 SWG-1 meeting.</p> <p>Highlights of her presentation:</p> <ul style="list-style-type: none"> <li>- Project Scope. To complete a feasibility study to define bridge options, identify constraints and determine costs. To identify a bridge and aesthetic package to carry forward into environmental clearance and design.</li> <li>- Project Process. Alternatives evaluation criteria: ability to meet project purpose and need, ability to avoid and minimize impacts to the natural and built environment, construction feasibility and cost, and input from the SWG, City of Reno Council and the public. Decisions to be documented using the PEL process.</li> <li>- Project Purpose and Need. Address structurally deficient bridges (built in the 1930s), providing safe and ADA compliant multimodal improvements, meeting hydraulic capacity needs and responding to regional and community plans.</li> <li>- Project Schedule. Previously outlined meetings schedule. Complete feasibility study early 2021 before beginning NEPA process (separate phase and contract). Start building 2026.</li> </ul>
<p><b>PRESENTATION          KEN GREENE:</b></p>	<p>Introduced himself as Jacobs Engineering PM, supporting Judy on the project, and summarized his presentation as an overview of the permitting and regulatory requirements developed by the RTC/Jacobs team, intended for group discussion of timeline, what might be missing or not needed (special use permit - SUP?)</p> <p>Highlights of Ken Greene’s Presentation:</p> <p>Permitting Requirements.</p> <ul style="list-style-type: none"> <li>- SUP(?)</li> <li>- 408. Required if altering a Corps of Engineers Civil Works project. Must precede 404. USACE to coordinate with CTWCD, NDS: and USACE civil</li> </ul>

	<p>Permitting Requirements continued</p> <p>works. Requires some flood risk modeling for flood elevation 4,502 feet above sea level plus two feet of freeboard. Timeline about 18 months.</p> <ul style="list-style-type: none"> <li>- 404. Required. Regulates dredge and fill waters in the U.S., jurisdictional delineation of wetlands and waters of the U.S. Includes consultation with the tribes and Fish and Wildlife for Section 7 and Section 106. Timeline about 18 months.</li> <li>- 401. Required as part of 404. Water quality regulation/certification during construction through NDEP.</li> <li>- Construction Stormwater Permit. Required during construction. Need to make sure contractor understands the requirements.</li> <li>- State Land Encroachment. Required to use state-owned lands below the ordinary high watermark.</li> </ul> <p>Regulatory Requirements.</p> <ul style="list-style-type: none"> <li>- Determine ordinary high watermark (OHWM).</li> <li>- Analyze current flood model conditions (supported by TRMA).</li> <li>- Consultation with Fish and Wildlife. Section 7 requires a biological assessment (BA) to document natural resources impacts, mitigation (submitted as part of 404 application).</li> <li>- Consultation with SHPO. Required per section 106 to document impacts (direct and indirect), mitigation requirements for historic and/or prehistoric properties. Also traditional cultural properties along the Truckee River.</li> <li>- Possibly U.S. DOT Section 4(f). Prohibits using publicly owned parks, recreation areas unless no feasible or prudent alternative exists.</li> <li>- LWCF Act, Section 6(f). Confirming it doesn't apply.</li> <li>- Stormwater Pollution Prevention Plan. Required from the construction contractor through the USACE and NDEP.</li> </ul> <p>Alternative-specific concepts.</p> <p>Briefly discussed, focusing more on the wider north bridge.</p> <ul style="list-style-type: none"> <li>- Alternative 1: single pier versus current two piers in the channel</li> <li>- Alternative 2: clear span, north channel</li> <li>- Alternative 3: underdeck arch clear span</li> <li>- Alternative 4: tied arch clear span</li> <li>- Alternative 5: elevated bridge, up and above channel encumbering a large portion of Wingfield Park open space</li> </ul> <p>Summary of alternative-specific permitting/regulatory requirements.</p> <ul style="list-style-type: none"> <li>- Chart of RTC/Jacobs team's perception. Nearly identical except for these exceptions:</li> </ul>
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	<p>Summary of alternative-specific requirements continued</p> <ul style="list-style-type: none"> <li>- Alternative 1 possible additional 404 and NDSL encroachment requirements related to work below the OHWM during construction.</li> <li>- Alternative 4 and 5 possible additional 404 requirements related to viewshed and indirect APE impacts.</li> </ul>
GROUP QUESTIONS, COMMENTS, DISCUSSION:	<p>Judy T/RTC called for questions on material presented or comments on what may be missing.</p>
	<p>Comment, Andrew Dixon/NDEP - noted missed permitting requirement: Working Waters permit from the state or Water Pollution Control for six months to cover equipment within the water, diverting flow, etc. Suggested including with the stormwater permit.</p>
	<p>Question, Del Abdulla/FHWA - Is there Federal Highways money in this project? Should the FHWA be involved?          Response, Judy T/RTC - The Feasibility Study is funded with RTC fuel tax. RTC has identified \$2.5 million of federal STBG money for the NEPA process. So, absolutely.</p>
	<p>Question, Del Abdulla/FHWA - Is this a historic bridge?          Response, Ken G/Jacobs - NDEP concluded the bridge is not historic.          Response, Judy T/RTC - There are historic properties around the bridge.          Comment, Del A/FHWA - No 4(f) with the bridge, which is good.</p>
	<p>Question, Del A/FHWA - Nationwide or individual 404 permit? Response, Jennifer T/USACE – 1) USACE cannot make that decision without 408 input and 2) When FHWA is lead, Sections 7 and 106 consultations will have been done for 408 permitting and could be used to support the 404 permit application, shortening the permitting/review timeframe. USACE would try to work together with FHWA on one tribal consultation.</p>
	<p>Comments, Lori Williams/CTWCD – 408 permit application must go through the CTWCD as local sponsor. Other issues for the District: flood risk modeling at 14,000 CFS flood level flow level (using District’s updated flow model, provided to Jacobs, with as-built kayak park), and access to the river for debris and sediment removal.</p> <p>Future funding heads-up; USACE Flood Branch has run out of 408 permit review money in the past. Consider timing and whether to self-fund.</p>

	<p>Discussion, Kerrie Koski/C of R and Lori W/CTWCD - Designing with a two-foot freeboard vs. a one-foot freeboard depends on anticipated project funding sources. Project team should keep that in mind.</p> <p>Future funding heads-up; USACE Flood Branch has run out of 408 permit review money in the past. Consider timing and whether to self-fund.</p>
	<p>Comments, Brian Luke/USACE – recommended that FHWA be designated as lead agency officially through a formal letter to them, covering the project under their consultations. Elaborated on 408 permit review funding status: out of money until October. Suggested the project team review the Sacramento District Section 408 website to look into an 1156 agreement for funding. Noted 408 permitting also includes hydraulic and levy safety review.</p>
	<p>Question, Del A/FHWA – Who would be the 408 permit applicant? Response, Jennifer t/USACE and Lori W/CTWCD - the RTC.</p>
	<p>Question, Del A/FHWA – Do we have to wait for the NEPA documents to apply for permits? Response, Lori W/CTWCD, Brian Boyd/Jacobs and Brian L/USACE - not anticipating submitting anything prior to, but will do some of the supporting investigation. If USACE adopts the FHWA NEPA document, their NEPA would have to be complete prior to USACE issuing the 408 permit. If we can complete our NEPA separately, we would still use FWHA section 7 and 106 consultation documents.</p>
	<p>Comment, Jennifer T/USACE – NDEP 401 certification takes a separate application, submitted to NDEP concurrently with the 404 permit. NDEP supervisor (Birgit Widegren) assigns these.</p>
	<p>Question, Judy T/RTC - Can we take the City of Reno Special Use Permit (SUP) off the requirements list? Response, Kerrie K/C of R – we determined that SUP is not needed for bridge replacement in this area.</p>
	<p>Question, Judy T/RTC - For Alternative 2, clear span, do we need permit 404? Jennifer T/USACE mentioned earlier that we might not. Response and agreement, Brian B/Jacobs, Jennifer T/USACE, Kerrie K/C of R, Lori W/ CTWCD, Ken G/Jacobs – for work (removing piers, headwalls, bridge structure) below the ordinary high watermark or in wetlands under CTWCD authority, one of four types of the 404 permit would be needed.</p>

	Discussion, Peter Lassaline/NDEP, Lori W/CTWCD, Kerrie K/C of R, Andrew D/NDEP – if groundwater is encountered, additional permit requirements for discharges/dewatering would be needed. Recommended the project team start exploring dewatering options, water quality issues and permit requirements. Permits can take six months-plus.
	Discussion, Lucy Wong/NDSL, Judy T/RTC, Kerrie K/C of R, – about State Lands permits. A 2-step process: 1) temporary authorization to remove the bridge and/or do studies (if federally funded or through FHWA, may need a temporary construction easement instead). Will take about 3 months with 30-day public comment period. 2) shorter timeframe to convert to long-term, perpetual easement in City of Reno’s name. Permitting more toward the end of the timeline because NDSL wants plans with application.
CONCLUSIONS:	Judy T/RTC, Ken G/Jacobs, Lori W/CTWCD, Kerrie K/C of R – Permitting and regulatory requirements seem even except for two. Tied-arch and elevated concepts are more challenging in terms of permitting and maintenance. Group concurred. From CTWCD and City of Reno maintenance perspective, tied-arch would not be the design choice.
ADJOURNMENT:	Judy T/RTC – thanked participants for attending and Jennifer T/USACE for hosting. She added that draft notes would be circulated to the TAC members for review and input before finalizing. Kerrie K/C of R - thanked everyone for the “really good information.” Jennifer T/USACE - thanked everyone and concluded the meeting.
PROJECT WEB PAGE:	<a href="https://www.rtcwashoe.com/engineering-project/arlington-avenue-bridges-project/">https://www.rtcwashoe.com/engineering-project/arlington-avenue-bridges-project/</a>