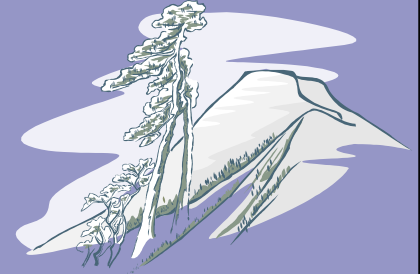




The Zephyr



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2009 Federal Agency Update Symposium

By David Vill, SR/WA

The 2009 Federal Agency Update, a Public Real Estate Symposium, took place in Las Vegas January 13-15 at the Flamingo. Despite the obvious distractions, the event was very well attended, with personages from top federal governmental agencies, state representatives, and local public agencies attending. My guess is about 400 people attended. The Consultants were out in full force, and put their hard earned bucks to work to provide outstanding food for lunches and break times.

Tuesday's keynote speaker, Dr. Tom DeCoster, AASHTO National Transportation Leadership Institute Director, set the tone with an amazing analysis of the challenges of the four contrasting generations now in the right-of-way work force. Dr. DeCoster detailed the drivers, work habits and preferred communications methods for the Veterans (1922-1946), the Boomers (1946-1964), Generation "X" (1964-1980), and Generation "Y", also called the Millennials. It's a war out there folks! Attendees then had the choice of ten (10) different interactive presentations to attend. The discussions ranged from contract negotiations to airport noise issues to accommodating utilities in right-of-way. There was

something for everyone's interests, and experience levels.

Wednesday was full of ten (10) more presentations from Uniform Act Updates (the relocatee's benefits are doubling!), valuing green properties, recruiting and succession planning, to conservation easements. For the most part the speakers had paper printouts, (we killed a small forest), and their presentations are all available on the IR/WA web site. What you miss is the discussion between speakers and attendees, which was half the fun!

Thursday we slowed down with only eight sessions to select from. Most everyone attended the Federal Updates sessions and some the acquisition of foreclosed properties. Over by Noon, people scattered to catch their planes home.

The Federal Agency Update Task Force deserves kudos for putting on an organized, professional, informative, and participatory work shop. I would highly recommend that anyone employed next year attend... My only suggestion is to bring a pillow. The chairs were soft, but not soft enough for eight (8) hours of sitting.



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Message from the President

By Dana Abney, SR/WA



Greetings one and all.

“Times are tough!...Put your nose to the grindstone!..There is no free lunch!...Why, when I was your age, we walked uphill both ways, in the snow, barefoot...”

Who hasn't heard these phrases at least once in their life? It seems there is doom and gloom wherever we look – especially in the workforce. People being laid off, money is tight, income and budgets are being slashed. When you are struggling to pay the mortgage, money for continuing education doesn't count as a priority. There is a way, however, to keep abreast of the changes in the field of Right of Way.

International Right of Way headquarters is offering **Audio-Video Downloads Now Available at No Cost!** With agencies reluctant to send their employees to conferences and seminars, especially out-of-town, the internet is the tool of choice to earn certification credits. According to the website, “The *e-Seminars are educational programs* are captured live presentations during major IRWA events – including the Uniform Act Symposium, Annual Education Conference and ... (*Federal Agency Update*). Featuring streaming audio and graphics, you can watch the featured speaker while viewing their actual PowerPoint presentation. If the topic includes handouts, you can print the materials for added value”. I urge everyone to check it out!

In chapter news, there have been a few changes in the committee chairs. Education Chair Laura Sheline is on medical leave recovering from surgery, so Carolyn Carrica has offered to fill her post for the remainder of the term. Carolyn was Chapter 46 Education Chair for a number of years and is also on the Professional Development Committee, so she brings a vast experience of the steps needed to attain certification and senior right of way status. Our Membership Chair, Doug Dubois, recently moved back to the San Diego area, and Kelly Hirning has stepped up to fill the position until the new officer elections in May. If you wish introduce a new member to the chapter, update your information, or inquire about the status of your own membership, please give her a call.

Our newsletter is going digital! Due to increased costs, it was decided by the Board to post a digital version of the Zephyr on the Chapter 46 website. Members will be notified by postcard when a new issue is available for viewing and/or downloading at www.irwachapter46.org. You can also access previous issues of the Zephyr on the Chapter website. If you prefer to read your news the old-fashioned way, Carol Buonanoma will bring some copies of the latest issue to the general meeting, or you can call her or Assistant Newsletter Editor, Kelly Hirning to request a copy be mailed to you. Speaking of lunch, our March 18th general meeting will be held in Carson City (location to be announced), and as always, please invite a guest!

Until next time, remember to enjoy your family, friends and loved ones, rest and realize that what you give and receive on a daily basis is a gift of life.

Dana D. Abney, SR/WA
President, IRWA Chapter 46

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Chapter 46 Committee Chairs

Who they are. How they can help you.

Relocation Committee

Patty Paulson, SR/WA, Chair

After working in the field of right-of-way for over 28 years, both as a consultant and as a governmental employee, I have been lucky to have had mentors who provided me with a strong background in appraisal, negotiations and relocation assistance from the beginning of my career. I began my career in Phoenix, Arizona, after obtaining an Arizona real estate license and being hired by the only land acquisition and relocation services consultant in Phoenix, AZ. The two owners of Southwest Right-of-Way Services had strong governmental backgrounds in title search, appraisal, machinery and equipment appraisal, negotiations, and relocation assistance services. They brought me in as their ROW assistant and immediately began training me in the field, in addition to having me join Chapter 28 of the IRWA. The first IRWA Annual Educational Seminar I attended was in 1982 at the MGM in Reno, NV. After my first year, I was able to coordinate many classes and took every IRWA and Local Public Agency class that was given nearby. During my first few years under their guidance, I was brought into the middle of the largest flood project in Phoenix, the Arizona Canal Diversion Channel Project, (ACDC Project) that required the relocation of hundreds of businesses and residential units from the west side to the east side of the valley. The project was overseen and audited by Arizona DOT. After beginning my career providing mostly relocation assistance services, I also began working with appraisers and negotiators, learning to negotiate to purchase property on behalf of governmental agencies, in addition to learning to provide expert witness testimony. I was asked to become an officer of Chapter 28, and went through the various positions in that chapter, and later did so in Las Vegas and Reno, NV.

In 1990, I left Phoenix, moved to Las Vegas, NV and opened my own firm, Property Specialists, Inc., (PSI) as a woman-owned business. Since that time, PSI has relocated thousands of residential occupants, both owner-occupied and tenant occupied, as well as hundreds of businesses throughout Nevada, Arizona and parts of California. Our firm, now operates from Reno, NV, and is regionally known and specializes in right-of-way activities such as cost estimating; grant applications; project administration, including the facilitation of title/escrow, appraisal, specialty & review appraisal, environmental services and interim property management. In addition, PSI provides acquisition and relocation services, as well as assistance to agencies in the preparation of policies and procedures guidelines. I have also obtained certification from the IRWA to instruct relocation courses. From providing these types of related services, as chairperson of the Relocation Committee, I am able to respond to various relocation questions, in addition to questions related to other aspects of right-of-way activities. I look forward to hearing from any of our members and will do my best to provide viable answers to any questions asked.

For assistance, I can be reached at PSI's office at 332-6500, extension 102, my cell, 225-0024, or by e-mail: patty@property-specialists.net

Survey Committee

David Crook, PLS, Chair

As a Principal of Tri State Surveying, Ltd., I serve as one of four Project Managers in our Mapping and Water Rights Services group and act as the Computer Systems Administrator for the company. I became licensed as a Professional Land Surveyor in 1994 and possess over 28 years of surveying and mapping experience. Some of the areas I work in deal with in survey mapping for land divisions, engineering design surveys and topographic mapping, digital terrain modeling and volume analysis, ALTA/ACSM Land Title Surveys, boundary resolution, cadastral retracement surveys and route surveying.

I could assist our membership in answering general information questions regarding boundary issues, locating and plotting of existing easement descriptions, questions pertaining to the Public Land Survey System and writing easement descriptions.

Please feel free to contact me by telephone at 775-358-9491, or by email at dcrook@tristateltd.com

Education Committee

Carolyn Carrica, SR/WA, Chair

My name is Carolyn Carrica, SR/WA. I work for NV Energy - formerly Sierra Pacific Power Company as a Land Draftsman in the Land Operation Department. My phone number is 775-834-4989 and my email is ccarrica@nvenergy.com. I am temporarily replacing Laura Sheline, SR/WA who works in my department as a Senior Right of Way Agent, while she is on medical leave.

(Continued on page 4)



(Continued from page 3)

The Education Chair is responsible for the courses given by our chapter. My job is to find out what courses that the people in our chapter need and see that they are put on, so we have new candidates for our Designation and Certification Programs and you can take the courses you need here in Nevada. I also interact with Region 1 Vice Chair, Chris Banks, SR/WA and Valerie Fries at IRWA Headquarters in Torrance CA. Every year our chapter puts in the courses to be given three years from now to the Region Vice Chair so that the other chapters in our region know what we are going to do. Chris has a large spreadsheet on which she keeps all the chapters in our region. We try not to duplicate courses and make sure that the struggling chapters are clear to put on a course unopposed so they also can make money. For those of you who do not know — offering IRWA education classes is how our chapter makes money.

I have included information here on our programs and if anyone is interested in being an IRWA Course Coordinator I have included details about that also. We have 4 coordinators in our chapter now and they actually handle the courses given for the Education Chair. Please feel free to email or call with any questions. For now, I am your education specialist. I will be emailing a survey so you can tell me what courses you are interested in taking. This way we can plan our education program together.

The SR/WA Designation

SR/WA - Senior Member, International Right of Way Association - is the most prestigious professional designation granted by IRWA to members who have achieved professional status through experience, education and examination.

The SR/WA designation requires training and examination in several major right of way disciplines. The SR/WA designation says, "I have more than five years of right of way experience, plus I have had formal training in a wide variety of right of way areas."

The SR/WA professional may be a specialist in one area such as acquisition, relocation or law, but also must be familiar with the other disciplines associated with the right-of-way profession. The SR/WA designation is the only designation reflecting evidence of professional attainment in the right of way field.

Certification Program

The Right of Way (R/W) Certification is a professional designation granted to IRWA members who have achieved professional status through experience, education and examination in a specific discipline.

Earning this certification demonstrates an unparalleled achievement in a single discipline and reinforces a standard of excellence in services provided to the public.

The International Right of Way Association offers certification in five disciplines:

- Appraisal
- Asset (Property) Management
- Environmental
- Negotiation/Acquisition
- Relocation Assistance

Why Course Coordinator Certification?

The chapter course coordinator plays a crucial part in the IRWA course delivery process. Because of the complex nature of the delivery process, it is essential that course coordinators understand and appreciate their role within their chapter, as well as how chapter responsibilities relate to the region and IRWA headquarters.

This responsibility was recognized during the recent Education Summit, at which IRWA leaders recommended the following strategy: IRWA will create a chapter course coordinator certification program to assure standardization of the classroom delivery function.

This course coordinator certification program is just part of a comprehensive series of programs and policies designed to improve the overall quality and delivery of IRWA courses.

The course coordinator certification program is offered online and covers all aspects of the course coordinator's responsibility. Certification is optional but strongly encouraged by IRWA. IRWA has created financial incentives for chapters to appoint course coordinators who have completed the training.

The 45-minute online training combines audio narration with PowerPoint illustrations outlining key steps in the IRWA course delivery process. The delivery process covers:

- educational needs assessment at the chapter level
- marketing

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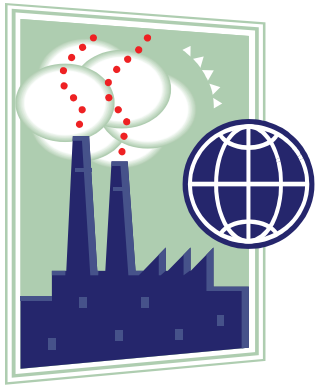
- facilitator selection
- negotiating for classroom space
- budgeting for the course
-

A step-by-step review of the pre- and post- course activities expected of chapter and course coordinator is also featured.

A course coordinator becomes certified by correctly answering at least 70% of the questions on the exam which follows the online presentation. The certification is valid for two years, after which time refresher training will be required.

Phase II Environmental Site Assessments

By John Dyer, RG, CEM



In a recent article, the purpose of Phase I ESAs was presented. To summarize in far fewer words now than used then, the Phase I ESA serves to establish the environmental condition of a site through a process of due diligence review and allows a party to protect itself from CERCLA liability for hazardous substances, whether purchasing, selling or leasing. This protection applies as well to liability associated with

other regulated substances/conditions such as petroleum, radon, asbestos and wetlands. This process is governed by an ASTM standard protocol and by the federal 'all appropriate inquiry' of Brownfields legislation. Most Phase I ESAs find no environmental issues, known as 'recognized environmental conditions' or RECs.

If the Phase I ESA finds RECs, the Phase II ESA is the means to further assess whether they are real, small or large. The REC can be such situations as a leaking underground storage tank at a gas station, unmanaged containers of wastes at industrial facilities, stained soil around a business, suspect past site chemical uses or unidentified drains in the floor of a warehouse. The additional assessment can take the form of more research, or sampling of air, water, soil, waste materials or building materials. The additional assessment is highly specific to site conditions and in some states requires pre-approval by a regulatory agency. The assessment process is often iterative, in that it is not always possible to foresee all the tasks needed to complete the full assessment in a single step. This process results in establishing the extent of the REC, a short list of suitable responses, and a range of costs.

The importance of this step is that it continues the environmental due diligence process, helps the proponent identify and manage their environmental liability, and establishes the site conditions sufficiently to allow cost-effective decisions to be

made about acquisition, clean-up and other property management needs.

Stormwater Pollution Control

Recently I was asked by an esteemed colleague about a small local business owner that was directed by the Nevada Division of Environmental Protection to apply for a stormwater pollution permit. Stormwater pollution control is a complex, important but not always welcome regulation.

The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972. However, it was the 1977 version that became commonly known as the Clean Water Act (CWA). The CWA is intended to restore and maintain the integrity of the nation's water by eliminating the discharge of pollutants into surface waters and by achieving water quality levels that are fishable and swimmable.

Some of us, perhaps our parents and certainly our grandparents, can tell of rivers and lakes too polluted to sustain fish, or to be healthy for swimming. Further, fish that do survive in some marginally healthy water bodies may not be edible (our Carson River and Lahontan Reservoir have warnings about eating fish due to mercury), and many water bodies may be aesthetically objectionable to recreational activities due to pollution. Both health and aesthetics count under the CWA.

Elements of the CWA:

- Implemented pollution control programs such as setting wastewater standards for industry.
- Water quality standards for all contaminants in surface waters.
- Outlawed the discharge of any pollutant from a point source into navigable waters, unless specifically permitted.

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- Funded the construction of sewage treatment plants with grants and loans.
- Established permit programs for filling and dredging wetlands and water bodies

Established a system for preventing, reporting and responding to spills into the nation's waters

Sound complicated? It is. And we have many public bureaucrats to help us comply-with advice, permits, fees, fines and litigation.

The current evolution of this regulation now reflects the fact that pollution from unregulated and uncontrolled stormwater runoff (non-point pollution) is greater than all the specific 'point' sources of pollution, such as industrial waste water pipes and sewage. And, as point-source pollution has increasingly been reduced and controlled through various permit programs, the non-point source pollution has come to be the next challenge. This includes pollutants in stormwater and snowmelt such as fertilizers; pesticides and insecticides from ag and residential area runoff; oil, grease and toxic chemicals from urban area runoff; sediment from disturbed construction sites, ag areas and forest land; and bacteria, nutrients and pharmaceuticals from livestock facilities, sewage treatment plants and septic systems.

The CWA requires each state to develop a list of all water bodies that need additional help beyond existing discharge controls to achieve or maintain water quality standards, and to submit an updated list to the Environmental Protection Agency (EPA) every two years. The additional work necessary includes the establishment of Total Maximum Daily Loads (TMDL's). The TMDL process provides an analytical framework to identify the relative contributions of each pollutant. The TMDL identifies the sources and causes of pollution (point sources, non-point sources, or a combination of both) and establishes allocations for each source of pollution as needed to attain water quality standards.

The targets now? Runoff from large paved areas, such as roads, big-box industrial facilities and shopping centers (lots of water percolation basins); stricter sewage treatment plant standards (nitrogen, phosphorus, turbidity, and the latest target is trace concentrations of estrogen mimicking drugs); and increased wetlands protection (very much politics driven- think about storm-surge protection in New Orleans vs. developers property rights).

UNIVERSAL AND E-WASTES

Some of the newest hazardous waste management regulations and 'green' concepts address certain wastes that are not your classic toxic stuff for which federal regulations were initially written. These are wastes very familiar to all of us in our homes

and businesses. These are the waste groups known as universal wastes (U-wastes) and electronic wastes (E-wastes). You know them as your batteries, computers, DVD players, light bulbs and phones.

The Resources Conservation and Recovery Act (RCRA) of 1976 was the heavy-hitting federal regulation designed to regulate, track and control hazardous wastes 'from cradle to grave'. It addressed generation, transportation, treatment, storage and disposal. It initially and especially targeted and regulated large industries, through permits, that generated high volumes of highly toxic waste. It complemented CERCLA (abandoned hazardous waste sites with hazardous releases, and SuperFund) by establishing the management practices and permitting at operating industrial sites. RCRA is especially noted as having established the basic definitions of hazardous waste. Unfortunately, the wide net cast by RCRA created unsuitable over-regulation of certain wastes that were low in toxicity or were better suited to special and unique management.

The criteria RCRA established to identify a hazardous waste included ignitability, corrosivity, reactivity, toxicity and pH (acidic or caustic). Other regulations expanded the realm of hazardous wastes by way of lists of specific waste chemicals and wastes from chemical processes that are designated as hazardous.

As regulations were written and implemented, and as their strengths and short-comings were identified, modifications, exemptions and exclusions were carved from and into the regulations. U-wastes and E-wastes are two of these.

Universal Wastes

EPA issued the universal waste (U-waste) rule to reduce the amount of hazardous waste items in the municipal solid waste stream, to encourage recycling and proper disposal of certain common or widely generated hazardous wastes, and to reduce the regulatory burden on businesses that generate these wastes. U-waste includes such items as batteries, pesticides, thermostats, and lamps (fluorescent, high intensity discharge, sodium vapor, and mercury vapor).

The U-waste program provides an alternative set of regulations that reduces the regulatory burden, with longer storage times and reduced recordkeeping, and by facilitating collection, segregation and recycling. By utilizing the U-waste standards, companies reduce the amount of gross hazardous waste they generate, important to the companies RCRA generator status (large, small or conditionally exempt).

Electronic Wastes

E-waste, E-scrap or Waste Electrical and Electronic Equipment (WEEE) describe the surplus, obsolete, broken or discarded electrical or electronic devices. This waste stream consists of

(Continued on page 7)



Meeting Dates

Board	September 4 2008
Membership	September 17 2008
Board	October 2, 2008
Membership	October 15, 2008
Board	November 6, 2008
Membership	November 19, 2008
Board	December 4 2008
Membership	December 17, 2008
Board	January 8, 2009
Membership	January 21, 2009
Board	February 5, 2009
Membership	February 18, 2009
Board	March 5, 2009
Membership	March 18, 2009
Board	April 2, 2009
Membership	April 15, 2009
Board	May 7, 2009
Membership	May 20, 2009



Next Member Meeting

February 18, 2009 at Noon;
plan to arrive a little early to
purchase lunch in the
cafeteria!

We meet in the Cafeteria
Conference Room, at the
Nevada Energy Building,
located at 6100 Neil Road,
Reno, NV



(Continued from page 6)

items that are very common and familiar to us all, and that carry hazardous components, including cathode ray tubes (CRTs in your older monitor), laptops, keyboards, stereos, televisions, VCRs, phones, copiers, printers and scanners. And even toasters and radios. These items only become wastes when they are broken or have reached the end of their useful life, and thereby discarded. Increasingly, the life span of many of these items is shorter and shorter. These items produce complicated multi-material wastes with different proportions of metals, plastics and glass. These can be polluting if they are not adequately treated before final disposal. Material recovery from these items is relatively complex but can prove worthwhile when they contain precious and rare metals (gold for one).

E-waste is of concern largely due to the toxicity and carcinogenicity of some of the substances if processed improperly. Toxic substances in E-waste may include such metals as [lead](#), [mercury](#) and [cadmium](#). Carcinogenic substances in E-waste may include [polychlorinated biphenyls](#) (PCBs). A typical computer monitor may contain more than 6% lead by weight, much of which is in the [lead glass](#) of the CRT. Capacitors, transformers, PVC insulated wires, and PVC coated components that were manufactured before 1977 often contain dangerous amounts of PCBs.

Once a waste, we have decisions to make about what to do with these U-waste and E-waste items. They are often very suitable to reuse and recycling, although not always profitably. Increasingly, public programs in the United States provide education and opportunities to recycle, reuse or dispose of these wastes at no direct costs to you and me (indirectly, of course, it is often a tax-payer cost since opportunities to recycle, reuse or dispose properly are sponsored by public agencies).

In Europe, however, it is increasingly possible to return electronic waste to the sales points and other collection points free of charge. The purpose is to make equipment manufacturers financially and/or physically responsible for their commercial products at its end-of-life under a policy known as [extended producer responsibility](#) (EPR). EPR was seen as a useful policy as it internalized the end-of-life costs and provided a competitive incentive for companies to design equipment with lower polluting potential when it reached its end-of-life.

The policy of "diversion from landfill" has been the driver for legislation in many states in this country requiring higher and higher volumes of E-waste to be collected and processed separately from the standard solid waste stream. Today the E-waste recycling business is, in all areas of the [developed world](#), a big and rapidly consolidating business. Unfortunately, increased regulation of E-waste has raised disposal costs with the unforeseen effect of providing brokers and others calling themselves recyclers with an incentive to export the E-waste to developing countries. Because the United States has no domestic laws forbidding the export of toxic waste, it has been estimated that about 80% of the E-waste directed to recycling in the US is put on [container ships](#) and sent to countries such as China. Some recycling does occur there, but not to the extent envisioned in the United States and with little worker protection or constraints on waste disposal.

A growing trend in the field of e-waste management is reuse. Reuse is preferable to recycling because it extends the lifespan of a device. The devices will need to be recycled and/or disposed at some point, but by allowing others to purchase these used electronics, recycling/disposal can be postponed and value gained from reuse of the various items.

Zephyr Advertising Rates:

2" x 3.5" (business card size) \$25.00 per year	3.5" x 4.5" (quarter-page) \$75.00 per year
4.5" x 7" (half-page) \$150.00 per year	7" x 9" (full-page) \$300.00 per year

Job Opportunity

Helix Water District is Seeking a
Senior Right-of-Way Agent / Environmental Analyst

\$5,455 - \$6,963/ month

APPLICATION DEADLINE: Open Until Filled

This is a position in which the incumbent has a significant role in a variety of professional and technical activities associated with the acquisition, management and disposition of right-of-way and fee property for waterworks facilities; and coordinates and participates in activities to ensure District compliance with applicable environmental regulations.

Qualifications

- Six years of increasingly responsible real estate and/or right-of-way acquisition experience, including one year as a SRWA or equivalent.
- Certification as a Senior Right-of-Way Agent (SRWA).
- Ability to obtain CA Notary Public License within one year.
- Associate Degree in right of way, appraisal, business, real estate, environmental science or closely related field or equivalent related education and/or experience.
- Environmental knowledge or ability to acquire knowledge by obtaining an Environmental Certification under IRWA or through other course work.
- Knowledge of the principles and practices of real estate, appraisal, title and escrow activities.
- Knowledge of applicable federal, state and local laws related to eminent domain, easements, right-of-entry, real estate title and other right-of-way technical, legal and financial activities.
- Ability to interpret legal descriptions of property and learn to make appropriate decisions in accordance with laws, regulations and policies.

For more details, go to www.irwachapter46.org and click on **Jobs**

or contact:

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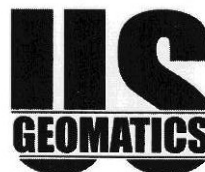
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