

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM A
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Roll Call / Conformance to Open Meeting Law.
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION: None.
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND:

Announcement of actions taken to conform to the Open Meeting Law will be reported at the meeting.

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM B
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Comments from the public. Members of the public are invited to comment on items on the meeting agenda. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:

None.

FISCAL IMPACT:

None.

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM C
FOR MEETING OF APRIL 9, 2023**

SUBJECT: <i>For Possible Action:</i> Approval of minutes of the December 12, 2023, meeting, and approval of the minutes of the March 12, 2024, meeting.
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION: None.
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND:

The minutes of the December 12, 2023 and March 12, 2024, meeting is enclosed for your review.

The Colorado River Commission of Nevada (Commission) meeting was held at 1:45 p.m. on Tuesday, December 12, 2023, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155.

COMMISSIONERS IN ATTENDANCE

Vice Chairwoman
Commissioner
Commissioner
Commissioner

Kara J. Kelley
Dan H. Stewart
Justin Jones
Marilyn Kirkpatrick

COMMISSIONERS PRESENT VIA TELECONFERENCE

Commissioner
Commissioner

Allen J. Puliz
Cody Winterton

COMMISSIONER NOT IN ATTENDANCE

Chairwoman

Puoy K. Premsrut

DEPUTY ATTORNEY(S) GENERAL

Special Counsel, Attorney General
Special Counsel, Attorney General

Michelle D. Briggs
David Newton

COMMISSION STAFF IN ATTENDANCE

Executive Director
Assistant Director, Energy Information Systems
Assistant Director, Engineering and Operations
Assistant Director, Finance and Administration
Assistant Director, Hydropower
Assistant Director, Natural Resources
Chief Accountant
Hydropower Engineer
Natural Resource Specialist
Power Facilities Communications Technician
System Coordinator
Executive Assistant Manager
Office Manager
Administrative Assistant III
Administrative Assistant II

Eric Witkoski
Kaleb Hall
Bob Reese
Douglas N. Beatty
Gail Bates
Warren Turkett, Ph.D.
Gail L. Benton
Stevie Espinosa
Danielle Greene
Walter Shupe
Chris Smith
Gina L. Goodman
Noah Fischel
Tamisha Randolph
Joshua Cleveland

OTHERS PRESENT: REPRESENTING

City of Boulder City
City of Henderson
City of Henderson
Las Vegas Valley Water District
Las Vegas Valley Water District
Legislative Counsel Bureau
NV Energy
NV Energy
Overton Power District No. 5
Silver State Energy Association
Southern Nevada Water Authority

Joe Stubitz
Christopher Boyd
Becky Risse
Brittany Cermak
Chaunsey Chau Duong
Justin Luna
Jana Stewart
Abigail Watkins
MeLisa Garcia
Scott Krantz
Laura Browning

DRAFT

COLORADO RIVER COMMISSION OF NEVADA

MEETING OF

DECEMBER 12, 2023

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Vice Chairwoman Kelley at 1:45 p.m., followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director, Eric Witkoski confirmed that the meeting was posted in compliance with the Open Meeting Law.

B. Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.

Vice Chairwoman Kelley asked if there were any comments from the public. There were none.

C. For Possible Action: Approval of minutes of the October 10, 2023, meeting.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Dan Stewart and approved by unanimous vote.

D. Possible Action: *Adoption Hearing for Revised LCB File No. R023-23.* Hearing by the Commission to receive comments followed by consideration of and possible action, including adoption, revision, or rejection, regarding the following proposed amendment to the Nevada Administrative Code (NAC) Chapter 538; Specifically,

NAC 538.370, NAC 538.460, NAC 538.470, and NAC 538.490 are deemed unnecessary and are therefore being repealed. NAC 538.025 is being placed near other similar regulations for clarity.

Mr. Witkoski introduced Item D for consideration and possible action including adoption of revised LCB file No. RO23-23 by the Commission. He indicated LCB File No. R023-23 was presented and approved by the Commission on October 10, 2023, but Legislative Counsel Bureau (LCB) requested the File to be readopted.

Vice Chairwoman Kelley opened the public Adoption Hearing on the proposed amendment to the Nevada Administrative Code (NAC) Chapter 538 asking Staff to confirm that the Notice of Intent to Act upon Revised LCB File No. R023-23 has been properly posted.

Mr. Witkoski confirmed that the proposed regulation was properly posted.

Vice Chairwoman Kelley stated Mr. Witkoski had given the Commission a brief overview of the changes proposed. The Commission will turn to Special Counsel to give the background regarding the need to have a readoption hearing.

Special Counsel, David Newton explained on October 10, 2023, the Commission approved LCB File No. R023-23. However, subsequently Staff were notified by LCB that due to a change in personnel, the version received by the Commission was not the LCB final version. The regulation before the Commission today is substantially similar to what was approved on October 10, 2023. The only thing that was added was some conforming language to clean up references in the regulation. Mr. Newton discussed the compliance with the notice requirements that the Commission satisfied.

Vice Chairwoman Kelley opened the hearing for public comment. There were none.

Commissioners were asked if there were any questions or comments. There were none.

Commissioner Stewart moved for approval and the motion was seconded by Commissioner Jones and approved by unanimous vote.

E. *For Possible Action: Consideration of and possible action by the Colorado River Commission of Nevada (Commission) to adjust the amount of collateral posted by the Commission's retail industrial contractors for Calendar Year 2024.*

Assistant Director, Hydropower, Gail Bates explained the Commission's requirements for each of its retail power customers at the Black Mountain Industrial (BMI) Complex to provide collateral to protect the Commission and the state of Nevada from any financial risk posed by those contractors pursuant to the agency's regulations. Commission Staff are to conduct a yearly creditworthiness review and based on that review, establish the level of collateral each contractor is to provide. Staff recommends the following collateral and adjustments:

Contractor	Form of Collateral	Present Collateral	Recommended Collateral Requirement	Collateral Adjustment
Henderson Water Company (formerly Basic Water Co)	Letter of Credit	\$170,077.56	\$170,077.56	\$0
Lhoist North America	Cash	\$21,684.43	\$24,342.70	\$2,658.27
EMD d/b/a Borman Speciality Materials	Cash	\$789,076.80	\$626,878.47	(\$162,198.33)
Olin Chlor Alkaline Products	Cash	\$53,789.07	\$53,789.07	\$0
Titanium Metals Corporation	Letter of Credit	\$503,396.22	\$599,752.33	\$96,356.11
		\$1,538,024.08	\$1,474,840.13	(\$63,183.95)

A discussion ensued regarding the collateral chart.

Commissioner Stewart asked what will happen when the formal change between Basic Water Company (BWC) through the bankruptcy court to Henderson WC, LLC (HWC) is complete.

Ms. Bates explained in terms of collateral, HWC is proposing to post a letter of credit and when received, the Commission will return Basic Water Company's cash to Basic Water Company.

Commissioner Stewart then asked if the collateral will be returned to Basic Water Company or to the bankruptcy court.

Ms. Bates replied that the collateral will be returned to Basic Water Company.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Stewart and approved by unanimous vote.

F. *For Possible Action:* Consideration of and possible action to approve a Transmission Service Agreement among the Southern Nevada Water Authority, the Silver State Energy Association, and the Colorado River Commission of Nevada.

Ms. Bates gave a presentation on the need for the Electric Power Transmission Services Agreement between the Commission, Southern Nevada Water Authority (SNWA), and Silver State Energy Association for an additional ten-year term to December 31, 2033.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Stewart and approved by unanimous vote.

G. *For Possible Action:* Consideration of and possible action regarding update on Basic Water Company bankruptcy and Assignment, Assumption, and Consent Agreement among the Colorado River Commission of Nevada, Basic Water Company, and Henderson WC LLC., of existing hydropower contracts and related agreements.

Special Counsel, Michelle Briggs provided an update on the bankruptcy and transfer of contracts from Basic Water Company to Henderson WC LLC.

The court approved the plan, effective November 17, 2023. The sale occurred on the same effective date. The assignment approved by the Commission will be signed soon, additional documents Staff will need to execute the contracts essentially amounts to new notice provisions and to change the party.

Vice Chairwoman Kelley asked if there is any action required today.

Ms. Briggs stated Staff requests authority to prepare and execute ancillary documentation to effectuate the transfer of the contracts.

Commissioner Jones moved for approval and the motion was seconded by Commissioner Kirkpatrick and approved by unanimous vote.

H. *For Information Only:* Consideration of and possible action to approve contract CRCMH-03 between successful bidder, Peak Substation, LLC, and the Colorado River Commission of Nevada, based on bid solicitation 69CRC-S2539 for Monthill Substation for Vacuum Medium-Voltage Circuit Breaker.

Assistant Director of Engineering and Operations Bob Resse explained that pursuant to NRS 538.161, the Commission may execute contracts for the planning, and development of any facilities for the generation or transmission of electricity for the greatest possible

benefit to the state. The proposed purchase contract is being put forward for approval as part of the work the Commission will perform for SNWA's Monthill project.

Commissioner Stewart moved for approval and the motion was seconded by Commissioner Kirkpatrick and approved by unanimous vote.

I. *For Information Only:* Update by Commission Staff on the financial audit for Fiscal Year 2024 being performed by Moss Adams.

Assistant Director, Finance and Administration, Doug Beatty stated the audit for 2023 is currently underway. The Moss Adams Audit team visited the Commission Main Office in the first week of October to review account balances and the entries Staff had ready to post for the closing.

Vice Chairwoman Kelley stated on behalf of the Commission that it continues to be appreciative of Moss Adams, and their professionalism.

J. *For Information Only:* Update on pending legal matters, including Federal Energy Regulatory Commission or Public Utilities Commission of Nevada filings.

Mr. Newton provided an update stating oral argument for Save the Colorado vs USDOJ is scheduled by the U.S. Court of Appeals for the Ninth Circuit in Phoenix on February 6, 2024, at 9:30. However, calendar entries may change the hearing day.

K. *For Information Only:* Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, the drought contingency plan, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.

Assistant Director of Natural Resources, Dr. Warren Turkett presented current hydrology and river updates. A copy of the report is attached and made a part of the minutes (See Attachment A).

L. **Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.**

Vice Chairwoman Kelley asked if there were any comments from the public. There were none.

M. **Comments and questions from the Commission members.**

Vice Chairwoman Kelley asked if any comments from the Commission members. There were none.

N. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on January 9, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.

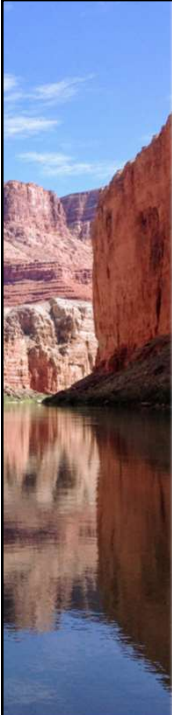
O. Adjournment.

The meeting was adjourned at 2:18 p.m.

APPROVED:

Eric Witkoski, Executive Director

For Puoy K. Premsrirut Chairwoman




Colorado River Commission of Nevada

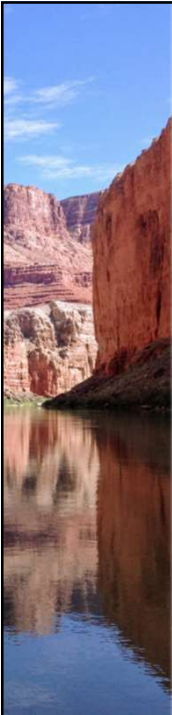
Hydrology and River Updates

Warren Turkett

December 12, 2023

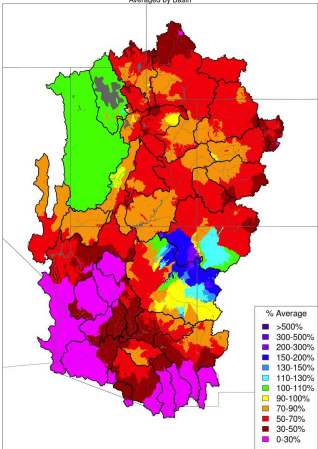


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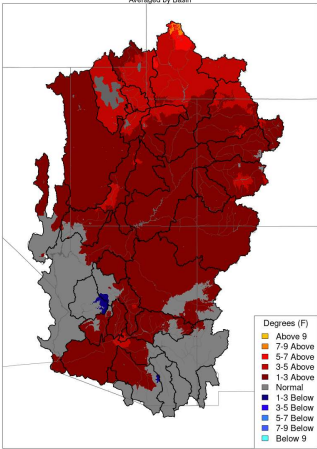
Precipitation and Temperature

Monthly Precipitation - November 2023
Averaged by Basin



Prepared by NOAA, Colorado Basin River Forecast Center
Salt Lake City, Utah, www.cbrfc.noaa.gov

Max Temp - Monthly Deviation - November 2023
Averaged by Basin



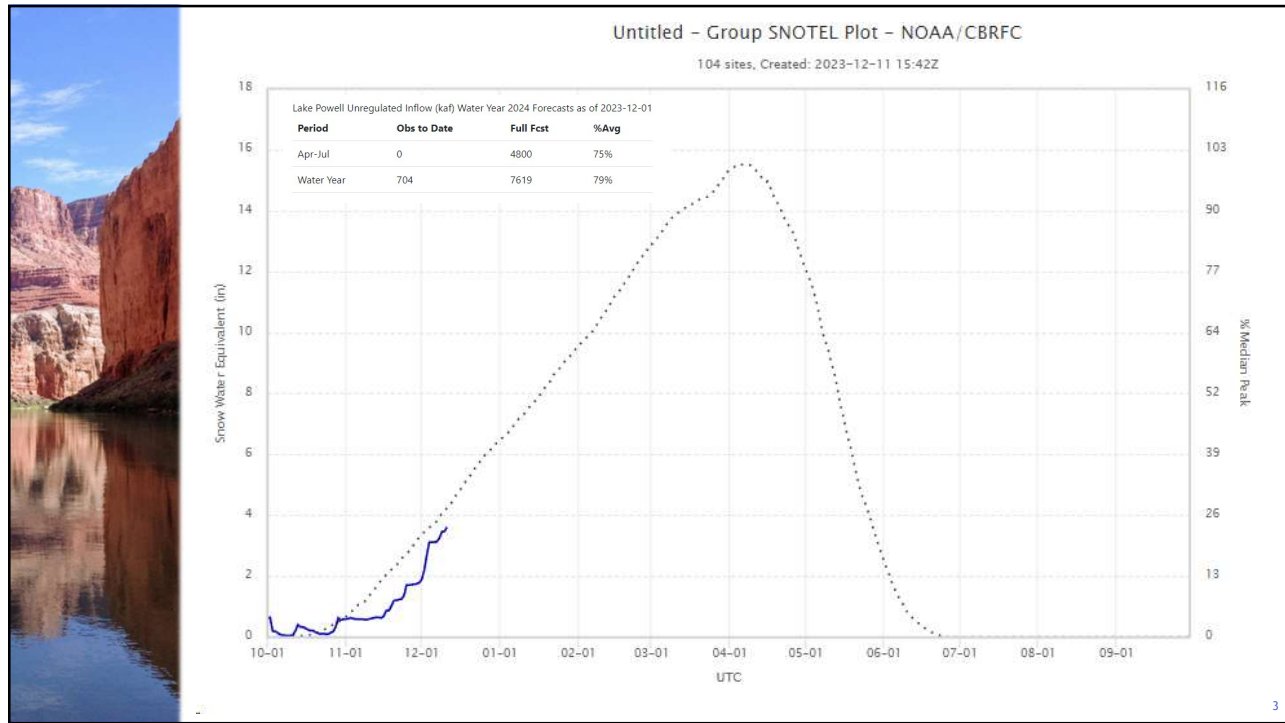
Prepared by NOAA, Colorado Basin River Forecast Center
Salt Lake City, Utah, www.cbrfc.noaa.gov

Lake Powell %Average Precipitation Water Year 2024

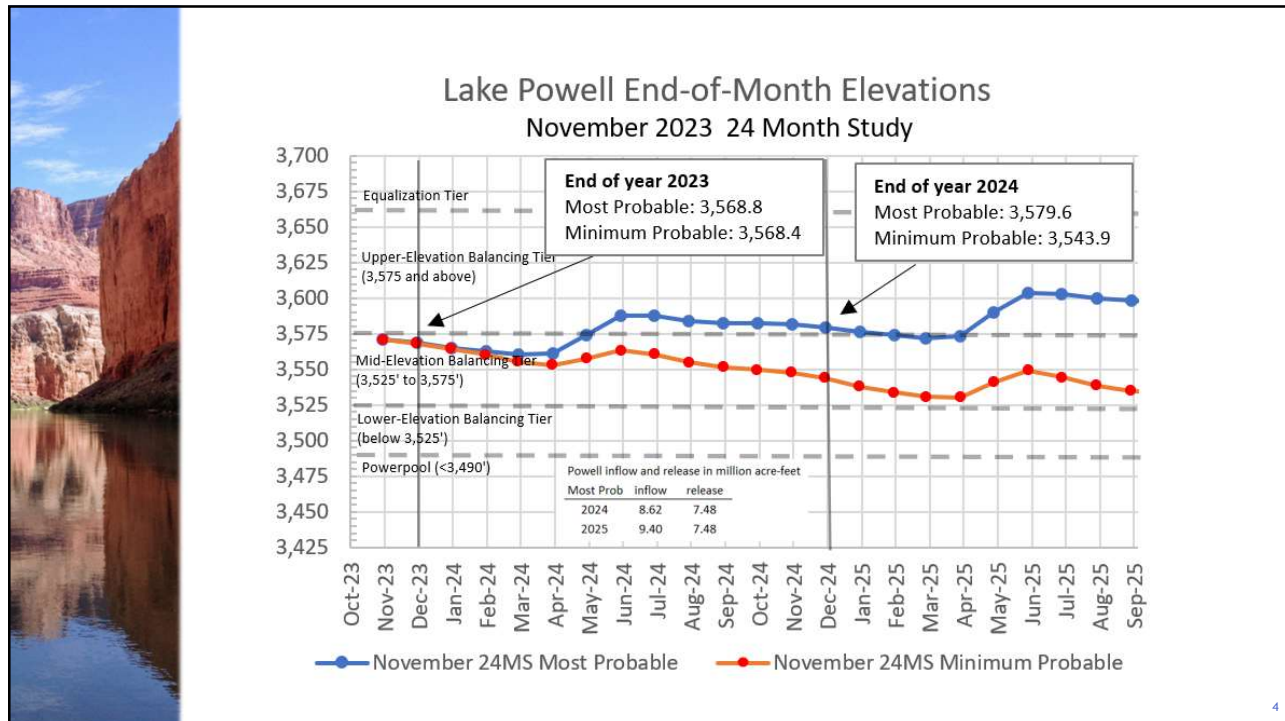
Area	Oct	Nov	Water Year
UC-Powell	92	56	73

2

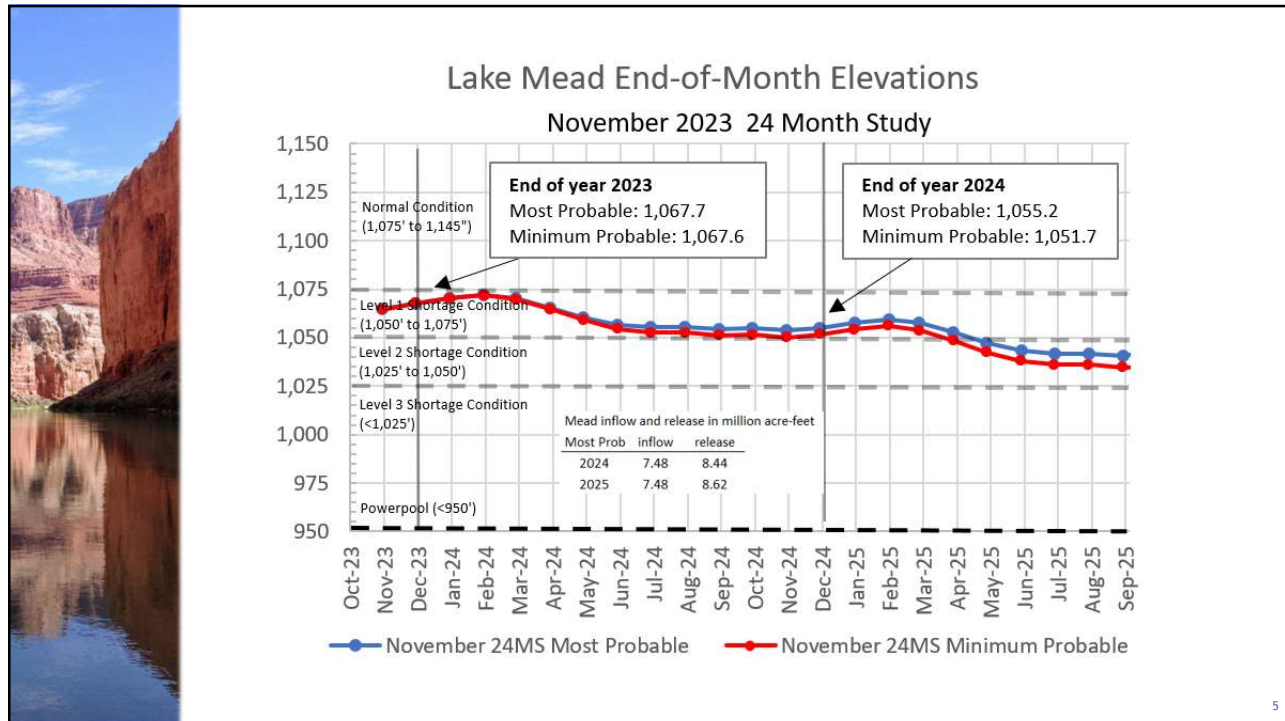
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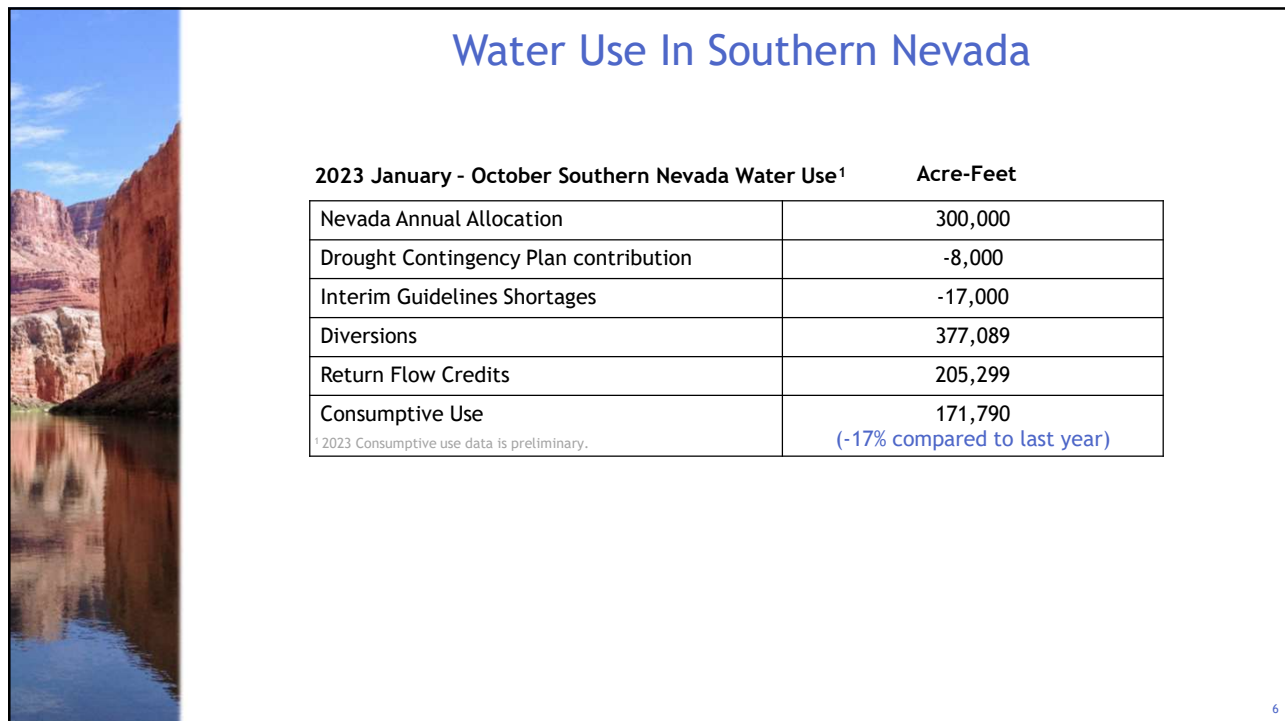
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The Colorado River Commission of Nevada (Commission) meeting was held at 1:30 p.m. on Tuesday, March 12, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155.

COMMISSIONERS IN ATTENDANCE

Chairwoman	Puoy K. Premsrirut
Vice Chairwoman	Kara J. Kelley
Commissioner	Cody Winterton
Commissioner	Allen J. Puliz
Commissioner	Dan H. Stewart

COMMISSIONERS PRESENT VIA TELECONFERENCE

Commissioner	Justin Jones
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COMMISSIONER NOT IN ATTENDANCE

Commissioner	Marilyn Kirkpatrick
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DEPUTY ATTORNEY(S) GENERAL

Special Counsel, Attorney General	Michelle D. Briggs
Special Counsel, Attorney General	David Newton

COMMISSION STAFF IN ATTENDANCE

Executive Director	Eric Witkoski
Senior Assistant Director	Sara Price
Assistant Director, Energy Information Systems	Kaleb Hall
Assistant Director, Engineering and Operations	Bob Reese
Assistant Director, Finance and Administration	Douglas N. Beatty
Assistant Director, Hydropower	Gail Bates
Assistant Director, Natural Resources	Warren Turkett, Ph.D.
Chief Accountant	Gail L. Benton
Coordinator, Energy Operations	Ken Mayer
Energy Management Data Analyst	Rebecca Suafoa
Natural Resource Specialist	Danielle E. Greene
Power Facility Manager	Shae D. Pelkowski
Senior Power Facilities Electrician	Walter Shupe
System Coordinator	Chris Smith
Executive Assistant Manager	Gina L. Goodman
Office Manager	Noah Fischel
Administrative Assistant III	Tamisha Randolph
Administrative Assistant II	Joshua Cleveland

OTHERS PRESENT: REPRESENTING

Burns and McDonnell
City of Henderson
College of Southern Nevada
Las Vegas Valley Water District
Legislative Counsel Bureau
Moss Adams
Overton Power District 5
Overton Power District 5
Peak Substation Services, LLC
QUES
Self
Silver State Energy Association
Southern Nevada Water Authority
Southern Nevada Water Authority
Virginia Transformer Corp

Sam Kraemer
Christopher Boyd
Tina Dobbs
Brittany Cermak
Justin Luna
Keith Simovic
Jon Dunninghoff
MeLisa Garcia
Jason Harris
Eric Manuel
Andy Nicewicz
Scott Krantz
Laura Browning
Jordan Bunker
Sunny Swarna

COLORADO RIVER COMMISSION OF NEVADA

MEETING OF

MARCH 12, 2024

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H.	<i>For Possible Action:</i> Consideration of and possible action to approve contract CRCMH-02 between successful bidder,	

	Virginia Transformer Corp., and the Colorado River Commission of Nevada based on bid solicitation 69CRC-S2540 for Monthill Substation for two Liquid Filled Main Power Transformers for a total of \$3,599,000	3
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The Colorado River Commission of Nevada (Commission) meeting was called to order by Chairwoman Premsrirut at 1:30 p.m., followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director, Eric Witkoski confirmed that the meeting was posted in compliance with the Open Meeting Law.

B. Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

C. For Possible Action: Approval of minutes of the December 12, 2023 meeting.

Vice Chairwoman Kelley requested the minutes of the December 12, 2023, meeting on hold pending revision.

D. For Possible Action: Selection of Vice Chair of the Commission.

Commissioner Puliz moved to approve nominating Commissioner Kara Kelley as Vice Chair. The motion was seconded by Commissioner Stewart and approved unanimously; and a congratulations to Vice Chairwoman Kelley.

E. For Possible Action: Consideration of and possible action to accept the Commission's Annual Comprehensive Financial Report for Fiscal Year 2023, and report and comments from the Finance and Audit Subcommittee members regarding the report based on the presentation by Moss Adams to the Subcommittee meeting on February 13, 2024.

Chief of Finance and Administration, Doug Beatty, gave a summary of the audit to the Commission.

Chairwoman Premsrirut asked if any members of the Commission had any comments.

Chairwoman Kelley stated, as the Chair for the Financial and Audit Subcommittee, she wanted to add to what Mr. Beatty had reported.

- The Subcommittee listened to the presentation from Moss Adams and was pleased with their presentation.
- The Commission has received another excellent management audit letter showing no findings and the result continues to speak to the excellent leadership of Staff we have in this area.

- There were just a few issues that Mr. Beatty noted involving the Controller's Office about information that was not ready in time and Mr. Beatty worked with Moss Adams on those issues.
- This is a very healthy process and Moss Adams does a very good job.
- Mr. Beatty in discussions indicated that Moss Adams does not audit the internal controls but does review them.
- Mr. Beatty and the Staff continue to do a review of internal controls every two years and moving forward Commissioner Kelley has requested that Staff share the results with the Commission of those reviews.

Vice Chairwoman Kelley moved for approval of the Commission's Annual Comprehensive Financial Report for fiscal year 2023 and the report from the Finance and Audit Subcommittee. The motion was seconded by Commissioner Stewart and approved unanimously.

<p>F. <i>For Possible Action: Consideration of and possible action to approve the transfer from the Colorado River Commission of Nevada to the City of Henderson, by Quitclaim Deed, an interest in property on or near Boulder Highway in Henderson, Nevada.</i></p>
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Mr. Witkoski gave a brief overview of the findings on Item F and indicated Staff recommended signing the Quitclaim Deed for the City of Henderson.

Chairwoman Premsrut asked if there were any questions or comments.

Commissioner Winterton indicated he spent some time looking at this issue with Staff and had multiple conversations with the City of Henderson. He indicated he has become comfortable with the transfer. Especially, given the transfer that the State has already made through Nevada Department of Transportation (NDOT), that the City of Henderson's project is a great project, and the right-of-way interest is not something the Commission is going to need.

Vice Chairwoman Kelley, indicated she echoed Commissioner Winterton's comments and given the additional information provided, is comfortable with the transfer.

Chairwoman Premsrut recalled this matter on the agenda last year and some substantial questions were raised. The instructions to Staff were to table it and have Staff do some due diligence and obtain some additional title information. She acknowledged Commissioner Winterton's assistance. She indicated that given the Governor has signed the transfer through NDOT was dispositive for her.

Commissioner Stewart thanked Commissioner Winterton for his assistance and made a motion to approve. Motion was seconded by Commissioner Kelley and approved unanimously.

G. *For Possible Action:* Consideration of and possible action to approve contract CRCMH-01 between successful bidder, Ritz Instrument Transformers, Inc., and the Colorado River Commission of Nevada, based on bid solicitation 69CRC-S2585 for the Monthill Substation Project for three Combined Instrument Transformers for a total of \$89,400.

H. *For Possible Action:* Consideration of and possible action to approve contract CRCMH-02 between successful bidder, Virginia Transformer Corp., and the Colorado River Commission of Nevada based on bid solicitation 69CRC-S2540 for Monthill Substation for two Liquid Filled Main Power Transformers for a total of \$3,599,000.

I. *For Possible Action:* Consideration of and possible action to approve contract CRCMH-04 between successful bidder, Peak Substation, LLC, and the Colorado River Commission of Nevada, based on bid solicitation 69CRC-S2538 for Monthill Substation Project for three Gas High-Voltage Circuit Breakers for a total of \$450,000.

Mr. Witkoski introduced Items G through I, for consideration and possible action.

Robert Reese, Assistant Director of Engineering and Operations gave a summary of the need for the contracts and payment schedule under the contracts.

Chairwoman Premsrut confirmed with Mr. Reese that Southern Nevada Water Authority (SNWA) had approved the prices and process in the contracts.

Chairwoman Premsrut inquired to what the determining factors were as part of the selection process in selecting a bid.

Mr. Reese indicated Staff has a matrix in place and has an evaluation team that examines performance history, proposed price, delivery schedule, examine the bids and all the information looking for the most qualified bid and contractor. Mr. Reese additionally indicated there are three funding agencies that pay a portion of these projects: SNWA, Clark County Water Reclamation District and the Basic Industrial Customers to some degree.

Chairwoman Premsrut ask for questions on Items G through I.

Chairwoman Kelley commented she appreciated the information on the payment schedules, how they have changed post COVID and requested additional information regarding contract provisions.

Mr. Reese indicated in the Virginia Transformer Corp. contract there is a percentage escalation clause.

Special Counsel Michelle Briggs indicated that the market has changed and there were some changes to the contracts as a result.

She pointed out Section 32 of the Virginia Transformers Corp. (VTC) contract was negotiated, and a compromise was reached. VTC would be at risk for up to two percent of an increase in costs and for amounts above two percent of the cost of the unit, not to exceed six percent, the Commission may bear the risk for the increase, but the increase must be based on a clear showing of an increase in cost. Ms. Briggs wanted to highlight the possible increase in the cost and make the Commission aware as part of approving the contract that it would be approving the process for the increases. Meaning that if VTC met the criteria, Staff would not have to return to the Commission for additional approval for increases within those parameters.

Chairwoman Premsrirut, to be clear, restated the requirements in the contract, to confirm Ms. Briggs explanation about the risk involved with price increases and the need for clear and convincing evidence to pass on increased cost to the Commission over and above the two percent level.

Commissioner Puliz indicated he has seen similar price increases and experienced problems with availability of equipment on a project he was building in Reno. He inquired what magnitude of increases that Mr. Reese was seeing in the cost of projects.

Mr. Reese indicated he saw increases of 20 to 30 percent.

Commissioner Puliz made a motion to approve the contracts and Commissioner Kelley seconded the motion. The motion was approved unanimously.

J. <i>For Possible Action:</i> Consideration of and possible action to approve a contract between PAR Western Line Contractors, LLC dba QUES and the Colorado River Commission of Nevada for engineering services in the amount of \$1.2 million for a term of four years.

K. <i>For Possible Action:</i> Consideration of and possible action to approve a contract between Burns and McDonnell Engineering Company, Inc., and the Colorado River Commission of Nevada for engineering services in the amount of \$1.2 million for a term of four years.

Mr. Witkoski introduced Items J and K for consideration and possible action.

Mr. Reese briefly explained Power Delivery Group's (PDG) operations and the need for the proposed contracts. He highlighted the contracts are enabling and would only be used if needed to service a customer's project.

Chairwoman Premsrirut clarified whether each contract was for \$1.2 million, or the contracts shared a total of \$1.2 million. Mr. Reese indicated that each contract was for \$1.2 million, so the total available for engineering services would be \$2.4 million.

Mr. Witkoski requested that Mr. Reese go over the number of projects his group was working on to illustrate the need for the contracts requested.

Mr. Reese indicated they have multiple projects currently and must look into the future to what is on the horizon. SNWA has several big projects on the horizon for the PDG that will likely need the services of an engineering firm.

Example of projects include Boulder Flat Solar Project for SNWA that requires extending the 230KV system and building a 10-mile transmission line to connect the system to Mead substation.

Mr. Reese also indicated PDG has another project for the Clark County Water Reclamation District, expanding two substation bays and an engineering firm to facilitate that design and support for that project.

Further, there are discussions of projects in the future, and Staff is not sure of the timing. This is the reason for requesting four-year contracts to be in place as the need arises.

Commissioner Kelley made a motion for approval and Commissioner Puliz seconded the motion. The vote was approved unanimously.

<p>L. <i>For Possible Action:</i> Consideration of and possible action on office operations and possible options regarding office move from Grant Sawyer Office Building to a new location designated by the Governor's Office, tentatively scheduled to occur before the end of the fiscal year of 2024</p>

Mr. Witkoski introduced Item L and gave a brief update on the possible move of the Commission offices from the Grant Sawyer Building to a location at 500 E. Warm Springs. He indicated that the floor plan was still being sorted out and there was a meeting Friday, March 15, 2024 to gather more information.

<p>M. <i>For Information Only:</i> Update on pending legal matters, including Federal Energy Regulatory Commission or Public Utilities Commission of Nevada filings.</p>

Mr. Witkoski introduced Item M and referred the matter to Special Counsel David Newton.

Mr. Newton updated the Commission on the Save the Colorado litigation pending in the Ninth Circuit. He indicated the information is basically the same as it was last month, the case had been argued before the Ninth Circuit on February 6, 2024, and no decision has been issued.

<p>N. <i>For Information Only:</i> Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, basin negotiations, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.</p>

Mr. Witkoski introduced Item N. Warren Turkett, Assistant Director of Natural Resources gave a presentation on the latest hydrology and his Power Point presentation is Attachment A.

Sara Price provided an update on the latest negotiations among the various States regarding future operations of the Colorado River pre-2026 and post-2026.

O. Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

P. Comments and questions from the Commission members.

Chairwoman asked if there were any comments from the Commission members. There were none.

Q. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on April 9, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.

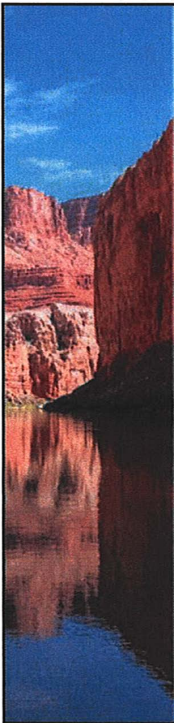
R. Adjournment.

The meeting was adjourned at 2:23 p.m.

Eric Witkoski, Executive Director

APPROVED:

Puoy K. Premsrirut, Chairwoman



Colorado River Commission of Nevada

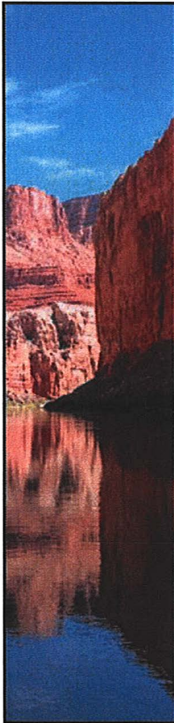
Hydrology and River Updates

Warren Turkett

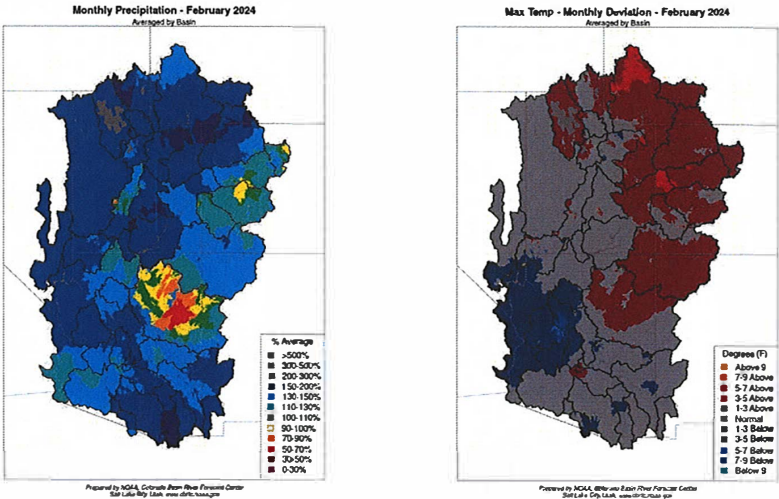
March 12, 2024



1



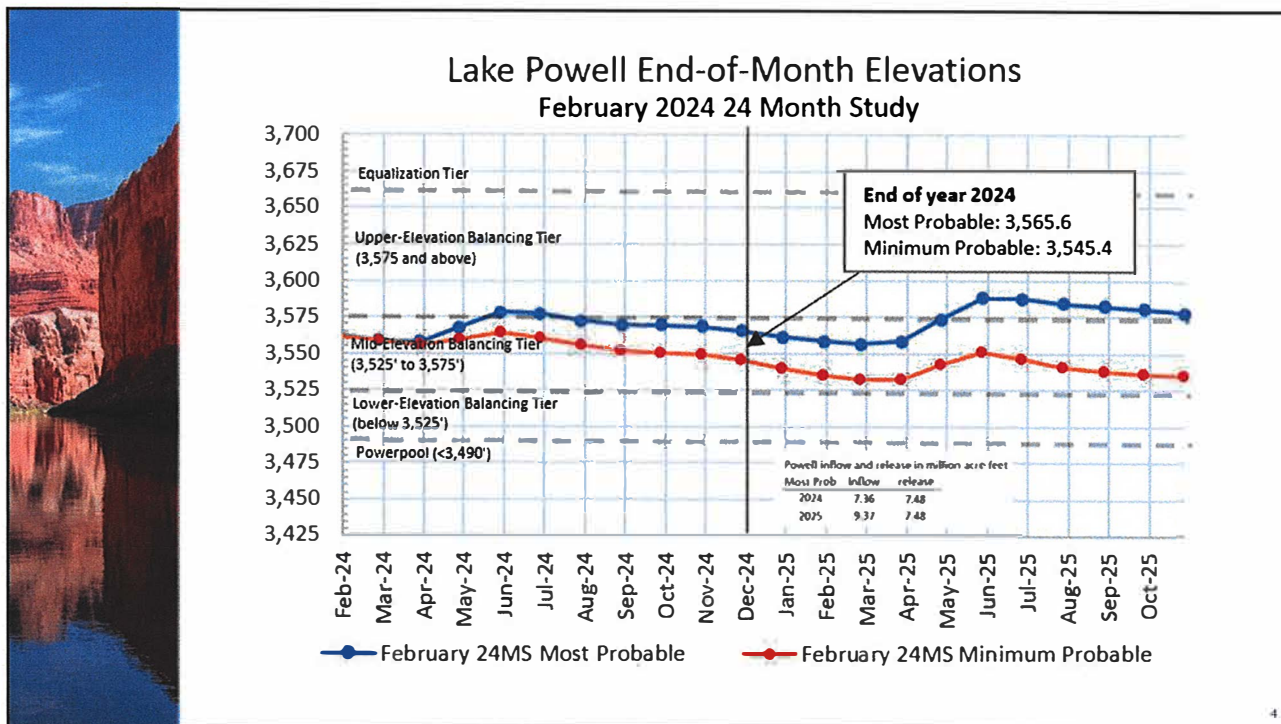
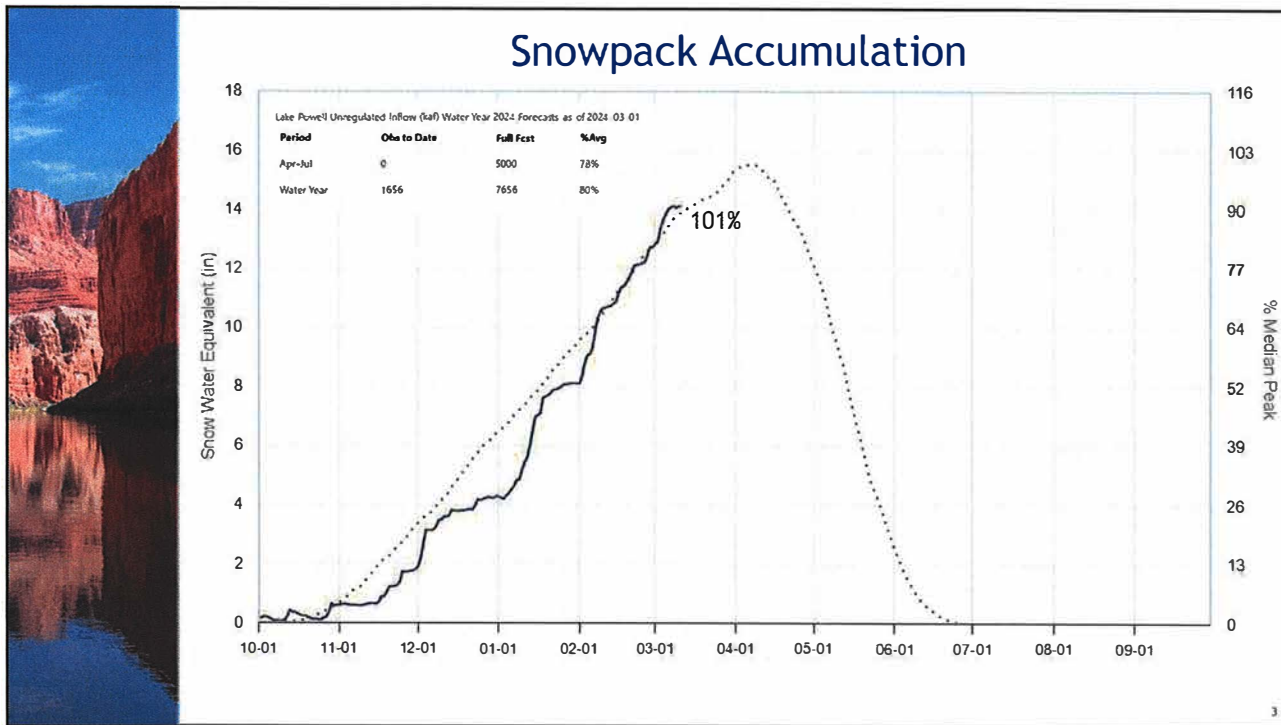
Precipitation and Temperature

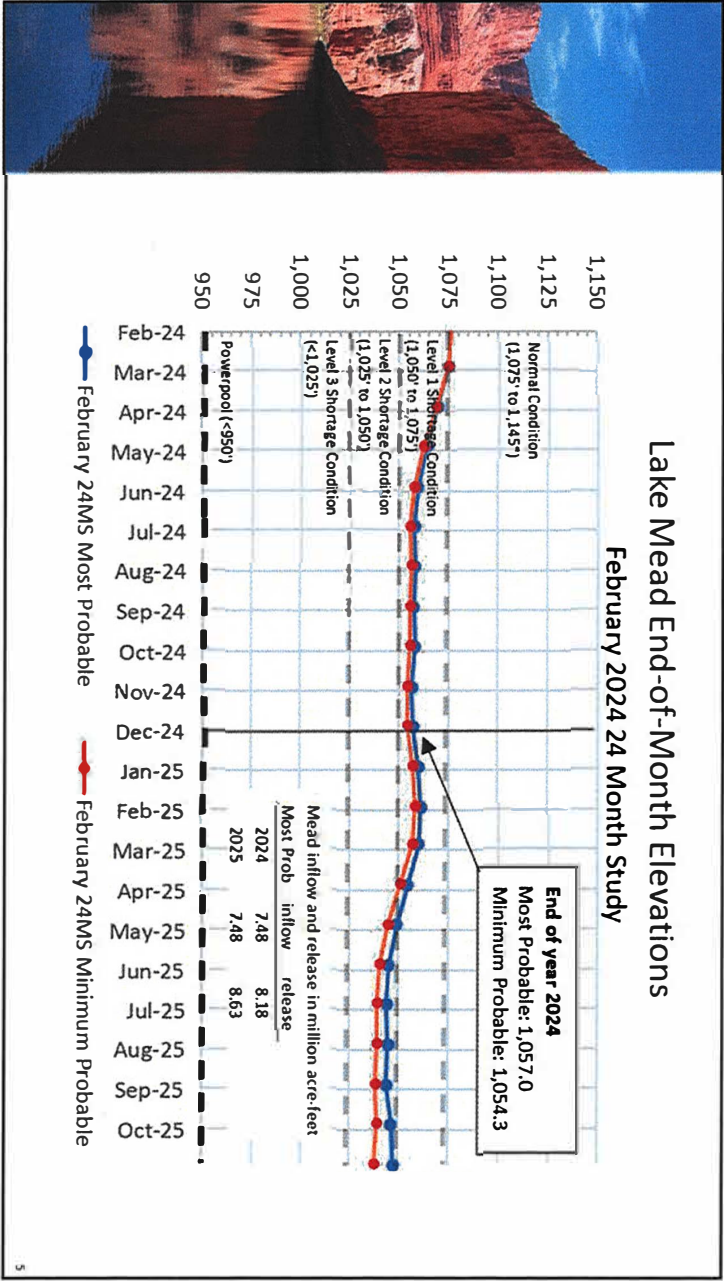


Lake Powell %Average Precipitation Water Year 2024

Area	Oct	Nov	Dec	Jan	Feb	Water Year
UC-Powell	92	56	76	120	137	96

2





5

Water Use In Southern Nevada

2024 January Southern Nevada Water Use¹	Acre-Feet
Nevada Annual Allocation	300,000
Drought Contingency Plan contribution	-8,000
Interim Guidelines Shortages	-13,000
Diversions	29,054
Return Flow Credits	22,750
Consumptive Use	6,304
2024 Consumptive Use Delta is positive (+/-10% compared to last year)	

6

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM D
FOR MEETING OF APRIL 9, 2024**

SUBJECT: *For Possible Action:* Consideration of and possible action regarding an update on the Warm Springs Office location and alternative locations for the office, including space owned by the Southern Nevada Water Authority in the Molasky Office building.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:

FISCAL IMPACT:

To be determined.

STAFF COMMENTS AND BACKGROUND:

Staff visited the proposed site the State Department of Administration had designated for the Commission on March 15, 2024. The space proposed is not ideal for the Commission's operations. Staff are exploring an alternative location that the Southern Nevada Water Authority has available in the Molasky Office building. Staff have placed the matter on the agenda for discussion of options and guidance from the Commission.

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM E
FOR MEETING OF APRIL 9, 2024**

SUBJECT: *For Possible Action:* Consideration of and possible action to approve expenditures for architect services of up to \$10,000, if needed, for space and design planning for future office location.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:

FISCAL IMPACT:

None.

STAFF COMMENTS AND BACKGROUND:

The staff is requesting authority to spend up to \$10,000 for architect services, if needed, as part of a move to a different office space. The Staff is making the request so professional services could be available, if needed, to help assist Staff in planning office space utilization and allocation.

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM F
FOR MEETING OF APRIL 9, 2024**

SUBJECT: <i>For Information Only:</i> Update on Budget planning for Fiscal Years 2026-2027.
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION:
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND:

Staff will provide a briefing.

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM G
FOR MEETING OF APRIL 9, 2024**

SUBJECT: <i>For Information Only:</i> Update on federal legislation called “Help Hoover Dam Act.”
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION:
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND:

STATE OF NEVADA

JOE LOMBARDO, *Governor*
PUOY K. PREMSRIRUT, *Chairwoman*
KARA J. KELLEY, *Vice Chairwoman*
ERIC WITKOSKI, *Executive Director*



JUSTIN JONES, *Commissioner*
MARILYN KIRKPATRICK, *Commissioner*
ALLEN J. PULIZ, *Commissioner*
DAN H. STEWART, *Commissioner*
CODY T. WINTERTON, *Commissioner*

**COLORADO RIVER COMMISSION
OF NEVADA**

July 7, 2023

The Honorable Mark Amodei
104 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Amodei,

On behalf of the Colorado River Commission of Nevada (CRCNV) and its hydropower customers, I am writing to update you on some important issues regarding Hoover Dam and request your assistance in finding a way to authorize the Bureau of Reclamation to use \$42 plus million that resides in the Colorado River Dam fund for project purposes.

As way of background, Hoover Dam is an iconic symbol of American ingenuity and pride, that provides renewable hydropower to western utilities in urban and rural communities and important industrial customers. The dam provides power, often at critical times, when the demand for energy is high and resources are scarce. Hoover Dam is a hydropower workhorse that was built over eighty years ago, and its aging plant and equipment needs to be replaced to keep the plant operating reliably. The hydropower customers that the dam serves are contractually obligated to pay for maintenance, repairs, and replacements at Hoover Dam. The same customers that are seeing these increased costs are also seeing reduced hydropower generation because of climate change and drought, and the last three years saw visitor revenue fall by over \$30 million. Generation is likely to be reduced even further as a result of future reductions in water use that are necessary to manage the ongoing drought. The customers are desperately looking for funds that are available to help manage the increase in cost, lost tourism revenue, and reduced generation.

There is \$42 million that could be made available to help the Bureau of Reclamation manage the fiscal impacts on Hoover Dam that is currently stranded in the Colorado River Dam Fund. These funds have accumulated for over twenty years and will remain stranded unless some action is taken.

Background on Stranded Funds

In 2000, Western Area Power Administration (WAPA) began collecting money from Boulder Canyon Project (Hoover) contractors to fund post-retirement benefits (PRBs) for federal employees even though the cost were paid through appropriations. WAPA, an agency under the Department of Energy (DOE), made the determination to collect the money administratively, based on a change in policy, not a change in law. The charges by WAPA were challenged at the Federal Energy Regulatory Commission (FERC). WAPA contended the costs could be collected in WAPA's rates, but once the funds were turned over to Reclamation, WAPA pointed out, "...that the relevant monies are to be paid into the Colorado River Dam Fund and not disbursed to the Civil Service Retirement and Disability Fund..." See *United States DOE WAPA (Boulder Canyon Project), FERC Order Confirming and Approving Rate Schedule Docket No. EF00-5092, July 31, 2001, at page 6. (underline added)*.

The Federal Energy Regulatory Commission (FERC) agreed that WAPA may collect such costs in rates. But FERC noted that Reclamation's actions and opinions regarding transfer of the funds by Reclamation were beyond FERC's scope of review. FERC acknowledged it was not clear to them any transfer needed to occur from the Colorado River Dam fund to Civil Service Retirement and Disability Fund. *Id. at p. 8.*

Since that time, \$42.6 million has been collected by WAPA from Hoover contractors through their rates and has been transferred to the Colorado River Dam Fund, a revolving fund which is controlled by the Bureau of Reclamation (Reclamation) pursuant to the Boulder Canyon Project Act. Revenues deposited into the Colorado River Dam Fund stay in the fund and are used to pay for the cost of operation, maintenance, and replacements at Hoover Dam.¹

A mechanism authorizing the transfer of the funds from the Colorado River Dam Fund to the Treasury does not exist and the costs to fund PRBs have already been paid by appropriations under the Civil Service Retirement and Disability Fund, 5 U.S.C. §8348 (f).

Reclamation sought advice from the Solicitor on what to do with the stranded funds and they were advised there was no mechanism to transfer the funds from the Colorado River Dam Fund to Treasury. However, out of an abundance of caution, Reclamation was advised not to use the stranded funds for project purposes without clear legislative direction, even though the funds reside in the Colorado River Dam Fund that are meant for use by the Boulder Canyon Project or Hoover Dam.


¹ See Boulder Canyon Project Adjustment Act. From 1937 to 1987, Reclamation was required to transfer funds from the Colorado River Dam Fund to repay the cost of the Boulder Canyon Project with interest over a fifty-year term. The dam was paid off by October 1, 1987.

Although the language in the Boulder Canyon Project Act supports use of the funds for project purposes², the Bureau of Reclamation desires specific direction to support the use of the funds. Hence, clarifying language is requested to make explicit that these and future stranded funds collected, which reside in account XXXR565P1 in the Colorado River Dam Fund, can be used to pay for operation, maintenance, and replacement costs at Hoover Dam. *Suggested language on page 4.*

In close, freeing up the funds for Reclamation would allow beneficial use of the stranded funds, already collected from the Hoover contractors, to pay for operation, maintenance, and replacement projects at Hoover Dam that will keep the plant operating and serving the critical needs in the southwest United States.

We appreciate your service and if you or your Staff have questions, or want additional information, please let me know.

Sincerely,



Eric Witkoski
Executive Director

Cc: The Honorable Catherine Cortez Masto
520 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Susie Lee
365 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jacky Rosen
713 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dina Titus
2464 Rayburn House Office Bldg.
Washington, D.C. 20515

The Honorable Steven Horsford
406 Cannon House Office Building
Washington, D.C. 20515

² "All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for: Defraying the costs of operation..., maintenance and replacements of, and emergency expenditures for, all facilities of the project, with such separate limitations as may be included in annual appropriations."

Possible Legislative Language

Language Proposed in December 2022

Draft legislation to address stranded funds was expected to be included in the Omnibus Bill at the end of 2022 but did not make it into the final Bill. The proposed language was:

(b) IN GENERAL.—The Secretary of the Interior is authorized to expend the funds in the Colorado River Dam fund that were and hereafter are recovered for costs related to post-retirement employee benefits, on a non-reimbursable basis, for any authorized activity, including operations, maintenance, and capital improvements, to mitigate the impacts of drought at any Reclamation facility within the Project with hydropower as an authorized project purpose.

Possible Alternative Language

(b) IN GENERAL. —The Secretary of the Interior is authorized to expend the funds in the Colorado River Dam Fund, including funds in account XXXR5656P1, that were and hereafter are recovered on a non-reimbursable basis, for any authorized activity, including operations, maintenance, and capital improvements, to mitigate the impacts of drought at any Reclamation facility within the Project with hydropower as an authorized project purpose.

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Boulder Canyon Project Act to authorize the Secretary of the Interior to expend amounts in the Colorado River Dam fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LEE of Nevada introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Boulder Canyon Project Act to authorize the Secretary of the Interior to expend amounts in the Colorado River Dam fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Hoover Dam
5 Act”.

6 **SEC. 2. AUTHORIZATION TO EXPEND AMOUNTS.**

7 Section 2 of the Act of December 21, 1928 (43
8 U.S.C. 617, et seq.; commonly known as the “Boulder

1 Canyon Project Act”), is amended by adding at the end
2 the following:

3 “(f) The Secretary of the Interior is authorized to
4 expend moneys in the fund, including moneys in account
5 XXXR5656P1, that were and hereafter are recovered on
6 a non-reimbursable basis, for any authorized activity, in-
7 cluding operations, maintenance, investigation and clean-
8 up actions, and capital improvements, within the Boulder
9 Canyon Project at Hoover Dam or on land used for the
10 construction and operation of the Hoover Dam, subject
11 to the review and approval of the Boulder Canyon Project
12 contractors as identified in the Hoover Power Allocation
13 Act of 2011 (Public Law 112–72).”.

118TH CONGRESS
2D SESSION

S. _____

To authorize the Secretary of the Interior to expend certain recovered amounts from the Colorado River Dam Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. SINEMA introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the Secretary of the Interior to expend certain recovered amounts from the Colorado River Dam Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Hoover Dam
5 Act”.

6 **SEC. 2. EXPENDITURES OF RECOVERED AMOUNTS FROM**
7 **THE COLORADO RIVER DAM FUND.**

8 The Secretary of the Interior is authorized to expend
9 the funds in the Colorado River Dam Fund, including
10 funds in account XXXR5656P1, that were and hereafter

1 are recovered on a non-reimbursable basis, for any author-
2 ized activity, including operations, maintenance, investiga-
3 tion and cleanup actions, and capital improvements, with-
4 in the Boulder Canyon Project at Hoover Dam or on land
5 used historically for the construction and operation of the
6 Hoover Dam, subject to the review and approval of the
7 Boulder Canyon Project contractors as identified in the
8 Hoover Power Allocation Act of 2011 (Public Law 112-
9 72).

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM H
FOR MEETING OF APRIL 9, 2024**

SUBJECT: *For Information Only:* Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, basin negotiations, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:

FISCAL IMPACT:

None.

STAFF COMMENTS AND BACKGROUND:

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM I
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:

FISCAL IMPACT:

None.

STAFF COMMENTS AND BACKGROUND:

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM J
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Comments and questions from the Commission members.

RELATED TO AGENDA ITEM:

None.

RECOMMENDATION OR RECOMMENDED MOTION:
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FISCAL IMPACT:

None.

STAFF COMMENTS AND BACKGROUND:

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM K
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Selection of the next possible meeting date.
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION:
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND:

**COLORADO RIVER COMMISSION OF NEVADA
AGENDA ITEM L
FOR MEETING OF APRIL 9, 2024**

SUBJECT: Adjournment.
RELATED TO AGENDA ITEM: None.
RECOMMENDATION OR RECOMMENDED MOTION:
FISCAL IMPACT: None.

STAFF COMMENTS AND BACKGROUND: