

The Colorado River Commission of Nevada (Commission) meeting was held at 1:30 p.m. on Tuesday, February 9, 2021 via video conference, pursuant to Emergency Directive 006, section 1.

COMMISSIONERS IN ATTENDANCE

Chairwoman
Vice Chairwoman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Puoy K. Premsrirut
Kara J. Kelley
Justin Jones
Marilyn Kirkpatrick
Allen J. Puliz
Dan H. Stewart
Cody T. Winterton

DEPUTY ATTORNEY GENERAL

Special Counsel, Attorney General

Christine Guerci

COMMISSION STAFF IN ATTENDANCE

Executive Director
Senior Assistant Director
Chief of Finance and Administration
Assistant Director, Hydropower
Assistant Director, Engineering and Operations
Assistant Director, Energy Information Systems
Manager, Natural Resources Program
Hydropower Program Manager
Natural Resource Analyst
Natural Resource Analyst
Assistant Hydropower Program Manager
System Coordinator
Office Manager
Administrative Assistant IV
Administrative Assistant IV
Administrative Assistant II
Administrative Assistant II

Eric Witkoski
Sara Price
Douglas N. Beatty
Gail Bates
Robert Reese
Kaleb Hall
Angela Slaughter
Craig Pyper
Warren Turkett, Ph.D.
Peggy Roefel
Lisa Ray
Chris Smith
Gina L. Goodman
Kathryn Aguilar
Kira Bakke
Joshua Cleveland
Tamisha Randolph

OTHERS PRESENT; REPRESENTING

Eide Baily LLP
Eide Baily LLP
Overton Power District No. 5
City of North Las Vegas
Southern Nevada Water Authority
Southern Nevada Water Authority

Tamara Miramontes
John Hansen
Mendis Cooper
Rob McLaughlin
Laura Browning
Chaunsey Duong

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF FEBRUARY 9, 2021**

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**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF FEBRUARY 9, 2020**

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Chairwoman Preamsirut at 1:31 pm.

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. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.)

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

C. For Possible Action: Approval of minutes of the December 8, 2020 meeting.

Vice Chairwoman Kelley moved for approval of the minutes. The motion was seconded by Commissioner Kirkpatrick and approved, with Chairwoman Preamsirut abstaining.

D. For Possible Action: Selection of Vice Chair.

NRS 538.111 provides: "At the first meeting of the Commission in each calendar year, the Commission shall select the Vice Chair for the ensuing calendar year."

Commissioner Kirkpatrick nominated Kara Kelley to remain Vice Chairwoman for the ensuing calendar year. The nomination was seconded by Commissioner Stewart and approved by unanimous vote.

E. For Possible Action: Adoption Hearing for LCB File No. R156-20. 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 Nevada Administrative Code (NAC) Chapter 538; specifically, the repeal of NAC 538.060:

NAC 538.060 Office of the Commission. The principal office of the Commission is located at 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada. The office of the Commission will be open from 8 a.m. to 5 p.m. each day except on a Saturday, Sunday or legal holiday.

NAC 538.060 Office of Commission was added to the regulatory framework in 1985, approximately thirty-five years ago and updated when the Commission moved into the Grant Sawyer Building in 1995. It reads:

NAC 538.060 Office of Commission. The principal office of the Commission is located at 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada. The office of the Commission will be open from 8 a.m. to 5 p.m. each day except on a Saturday, Sunday or legal holiday.

Due to ongoing issues surrounding the Grant Sawyer building, the state may seek to move the Commission out of the building, or the Commission may desire to secure a new location for its office. NRS 538.121 gives the Executive Director the statutory authority to determine the precise location of the Commission's office, provided it is located in Clark County.

The hours requirement is a carryover of the old NRS 281.110 which used to require state office hours of 8 am - 5 pm Monday to Friday. This statute was amended in 2011 to remove that requirement and allow for variable schedules with the requirement that office hours be posted near the agency's entrance and on the agency's website.

Due to the outdated schedule requirement and the need for flexibility in location of the Commission office, the Commission approved starting the process to repeal NAC 538.060 at its June 9, 2020 meeting. A Small Business Impact Statement was prepared (attached) and Staff held a Public Workshop on June 25, 2020 at which written and oral comment was solicited from stakeholders and the public. No comment was received, and a copy of the minutes is attached.

The proposed repeal was then submitted for review by the Legislative Counsel Bureau (LCB). LCB returned the proposed change as File No. R156-20 (Attachment A).

Staff recommended that the Commission adopt LCB File No. R156-20 thereby repealing NAC 538.060.

Vice Chairwoman Kelley asked whether there were any regulations or restrictions regarding the CRCNV's physical office space, as a government agency, and whether there were any stipulations for reduced rent or other negotiations involving private entities.

Mr. Witkoski answered that the only specific statutory requirement for the CRCNV's physical office space is that it needs to be located in Clark County. Additionally, any leasing of private office space by Staff would be negotiated by the State of Nevada's Buildings and Grounds' leasing procedures.

Chairwoman Premsrirut asked Mr. Witkoski to add an informational item to a future Commission meeting regarding the process of leasing private office space.

Vice Chairwoman Kelley moved to repeal NAC 538.060 Office of the Commission. The motion was seconded by Commissioner Puliz and approved by unanimous vote.

F. *For Possible Action:* Presentation of and possible action regarding the Commission's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2020.

Chief of Finance and Administration, Douglas Beatty, presented the CAFR for Fiscal Year Ended June 30, 2020 and introduced representatives from Eide Bailly, LLP.

John Hansen, auditor from Eide Bailly, further explained Eide Bailly's audit for Fiscal Year Ended June 30, 2020.

Commissioner Kirkpatrick and Vice Chairwoman Kelley thanked Staff and Eide Bailly for their hard work in performing the audit.

Chairwoman Premsrirut reiterated this thanks to Staff and Eide Bailly and thanked Vice Chairwoman Kelley and Commissioner Stewart for serving on the Financial and Audit Subcommittee.

Vice Chairwoman Kelley moved to accept the CAFR for the Fiscal Year Ended June 30, 2020. The motion was seconded by Commissioner Kirkpatrick and approved by unanimous vote.

G. *For Information Only:* Status Update on 2021 Legislative Session and related Budget.

Chief of Finance and Administration, Douglas Beatty, explained the presentation of the Commission's budget to the Governor's Finance Office and the Legislative Counsel Bureau. The Governor's Finance Office accepted all items set forth by Staff and included those items in the State's budget proposal, which is pending Legislative approval. A tentative date for the Legislative subcommittee budget hearing has been established for March 26, 2021.

Commissioner Kirkpatrick asked about the fiscal ramifications of AB 15, which would revise the membership of the CRCNV, and whether Staff was monitoring the bill.

Mr. Beatty answered that AB 15 had not yet progressed through the legislative process to have any established potential fiscal impact.

Mr. Witkoski stated that Staff was monitoring AB 15 and that no hearing regarding the bill had been scheduled.

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

Special Counsel Christine Guerci presented an update on pending legal matters involving the Commission.

In *Save the Colorado vs. Dept. of the Interior*, there has been a challenge to the December 2016 Record of Decision for the Glen Canyon Dam Long Term Experimental Management Plan (LTEMP). The LTEMP is a 20-year plan for hourly, daily, and monthly releases from Glen Canyon Dam. The plaintiffs, Save the Colorado, are alleging that the Record of Decision did not appropriately address climate change issues.

Save the Colorado had brought a motion disputing the contents of the administrative record filed by the Department of the Interior and its decision to not provide a privilege log for withheld documents.

The Department of the Interior has argued that the withheld documents were deliberative pre-decisional documents that were properly withheld from the Record because such documents are not considered to be part of the official record. The Court, in reviewing the motion, noted that there is a strong presumption that a federal agency has properly designated the record and that an agency may exclude documents that reflect internal deliberations. Further, a privilege log is not required for deliberative documents because those documents are not part of the record and the creation of the log might detail the agency's decisional process, which is not under review.

The Court denied the motion without prejudice and is giving Save the Colorado the opportunity to bring a new motion to supplement the administrative record with specific documents that the Court can review. That motion will need to be filed no later than March 5, 2021. If such a motion is not filed, a proposed case management schedule which includes briefing deadlines for motion for summary judgement needs to be filed by March 12, 2021.

The Intervener States, including Nevada, had taken no position on the motion, but will participate in setting the Case Management Schedule at the appropriate time.

I. *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.

Dr. Warren Turkett, Natural Resource Analyst, gave a status update on the hydrological conditions, drought, and climate of the Colorado River Basin,

Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.

- Summary of Lake Powell, Lake Mead, and Nevada Water Supply
- Precipitation and Temperature
- Upper Basin Snowpack Accumulation
- Water Use in Southern Nevada
- Unregulated Inflow, Current and Projected Reservoir Status

A copy of the report is attached and made a part of the minutes. (See Attachment B.)

Chairwoman Premsrirut asked that the graph detailing the 2007 Interim Guidelines from the Drought Contingency Plan be retained and updated in future presentations.

Dr. Turkett then gave a presentation on the Airborne Space Observatory Program, in response to a question from Chairwoman Kelley from the December 8, 2020 Commission meeting. (See Attachment C.)

J. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

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

K. Comments and questions from the Commission members.

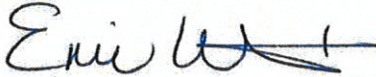
Chairwoman Premsrirut asked if there were any other comments or questions from the commission members. There were none.

L. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on Tuesday, March 9, 2020, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.


M. Adjournment.

The meeting was adjourned at 2:40 pm.



Eric Witkoski, Executive Director

APPROVED:



Puoy Premsirut (Apr 14, 2021 11:23 PDT)

Puoy K. Premsirut, Chairwoman

**PROPOSED REGULATION OF THE
COLORADO RIVER COMMISSION OF NEVADA**

LCB File No. R156-20

October 28, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 538.201.

A REGULATION relating to the Colorado River Commission of Nevada; eliminating provisions specifying the location and hours of the office of the Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This regulation: (1) eliminates the requirement for the office of the Colorado River Commission of Nevada to be open from 8 a.m. to 5 p.m. each day except Saturdays, Sundays and legal holidays; and (2) removes a provision of existing regulations specifying the location of the principal office of the Commission. (NAC 538.060)

Section 1. NAC 538.060 is hereby repealed.


TEXT OF REPEALED SECTION

538.060 Office of Commission. (NRS 538.201) The principal office of the Commission is located at 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada. The office of the

Commission will be open from 8 a.m. to 5 p.m. each day except on a Saturday, Sunday or legal holiday.

NAC 538.060 is hereby repealed in its entirety:

~~NAC 538.060 Office of Commission. The principal office of the Commission is located at 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada. The office of the Commission will be open from 8 a.m. to 5 p.m. each day except on a Saturday, Sunday or legal holiday.~~




Colorado River Commission of Nevada

Hydrology and Water Use Update

Warren Turkett

February 9, 2021



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Summary

Lake Powell

- Drought conditions are causing below average inflow forecasts.
- Unregulated inflow for water year¹ 2021 is forecasted at 48% of average.
- Upper Basin snowpack is currently 76% of seasonal average.

Lake Mead


- Lake Mead is forecasted to decrease about 16 feet in elevation by the end of calendar year 2021.
- Lower Basin conservation programs have conserved roughly 3.5 million af or about 40 additional feet in Lake Mead.

Nevada Water Supply

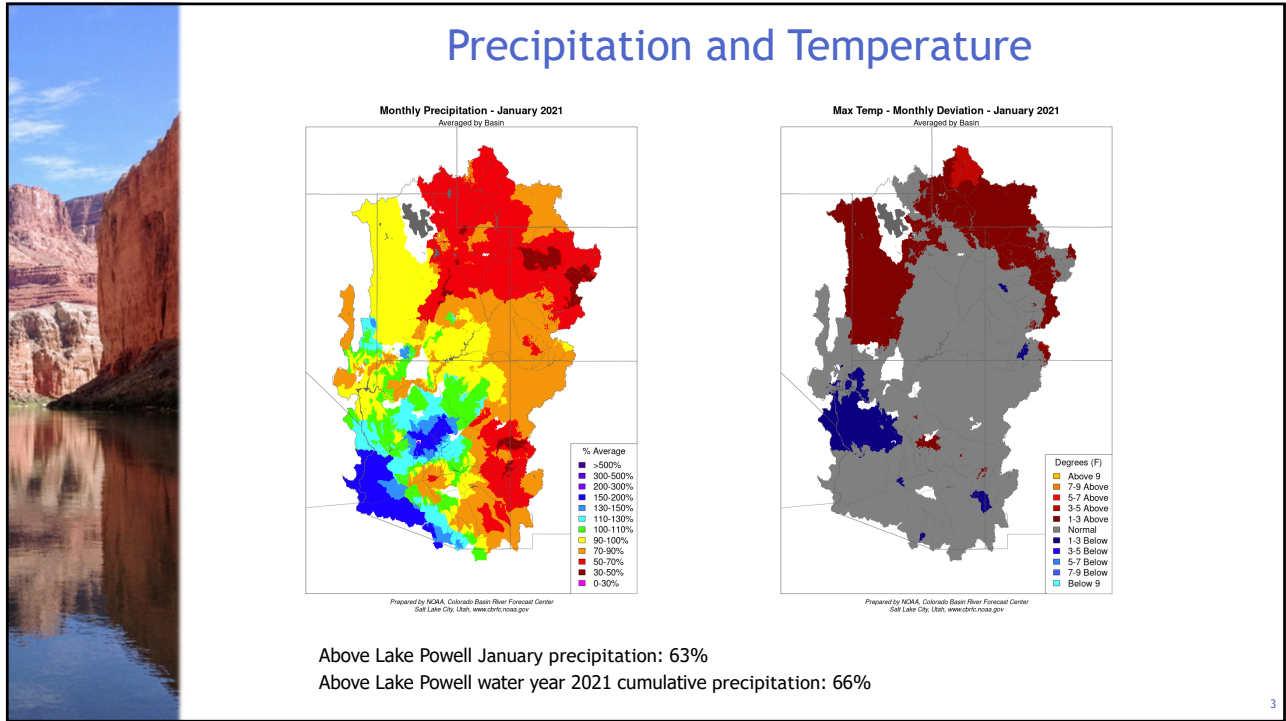
- Southern Nevada has 9 years of water supply banked. ²
- **In 2019, Southern Nevada used 22% less than its annual allocation.**

Storage	Elevation (f)	% Capacity	Change since last year
Lake Mead	1,086.0	40%	-8.8 ft
Lake Powell	3,576.5	40%	-28.9 ft

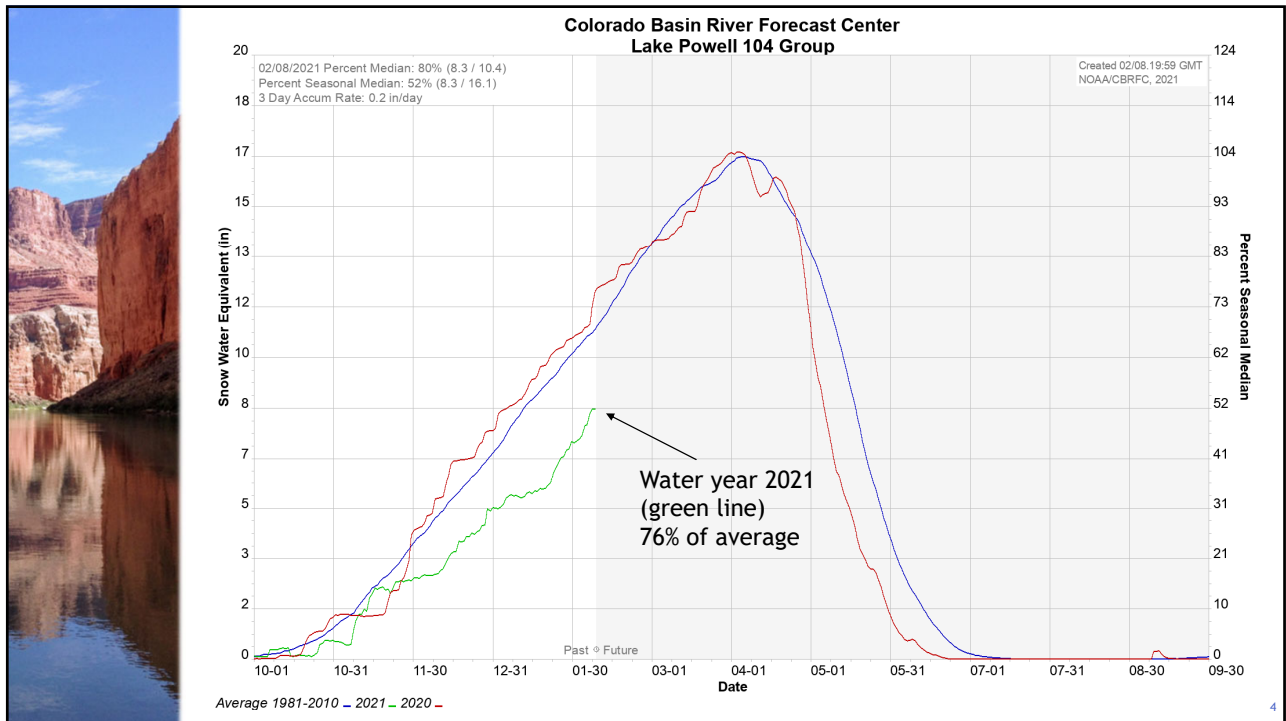
Data retrieved February 1, 2021
¹ Water year is defined as October through September.
² Based on historical Southern Nevada water use.



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Unregulated Inflow, Current and Projected Reservoir Status

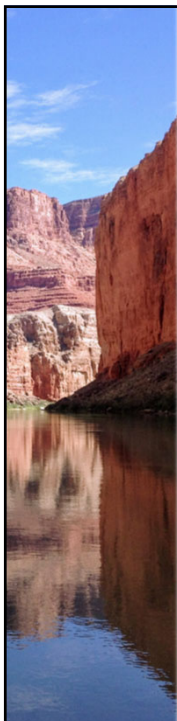
Projected unregulated inflow to Lake Powell	Acre-Feet	% Average
Water Year 2021	5,149,000	48%
April thru July 2021	3,300,000	46%

Reservoir	Current Elevation	Current Storage Acre-Feet	Current % Capacity	Projected Elevation on 1/1/2022 ¹
Lake Mead	1,086.0	10,510,000	40%	1,069.8
Lake Powell	3,576.5	9,638,000	40%	3,558.6

Data retrieved February 1, 2021
¹ Based on Reclamation's January 2020 24 Month Study Most Probable Inflow.

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2007 Interim Guidelines and Drought Contingency Plan

Table 1 – DCP Contributions and 2007 Interim Guidelines Shortages by State

Projected January 1 Lake Mead Elevation (feet msl)	2007 Interim Guidelines Shortages		DCP Contributions			Combined Volumes (2007 Interim Guidelines Shortages & DCP Contributions)			
	Arizona	Nevada	Arizona	Nevada	California	Arizona	Nevada	California	Lower Division States Total
<i>(thousand acre-feet)</i>									
At or below 1,090 and above 1,075	0	0	192	8	0	192	8	0	200
At or below 1,075 and at or above 1,050	320	13	192	8	0	512	21	0	533
Below 1,050 and above 1,045	400	17	192	8	0	592	25	0	617
At or below 1,045 and above 1,040	400	17	240	10	200	640	27	200	867
At or below 1,040 and above 1,035	400	17	240	10	250	640	27	250	917
At or below 1,035 and above 1,030	400	17	240	10	300	640	27	300	967
At or below 1,030 and at or above 1,025	400	17	240	10	350	640	27	350	1,017
Below 1,025	480	20	240	10	350	720	30	350	1,100

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Water Use In Southern Nevada

Southern Nevada Water Use	2019 Actual Use in Acre-Feet
Nevada Annual Allocation	300,000
Diversion	472,314
Return Flows	238,318
Consumptive Use	233,996
Unused Allocation Available for Banking	66,004 (22%)

Southern Nevada Water Use	Diversions	Return Flows	Consumptive Use
January-December 2020	479,146	223,420	255,726

Banked Water (through end of 2019)	Acre-Feet
Ground Water Recharge in So. Nevada	358,315
Banked in Lake Mead	785,913
Banked in California and Arizona	944,071
Total	2,088,299

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Colorado River Commission of Nevada

Airborne Space Observatory Program (ASO) Question

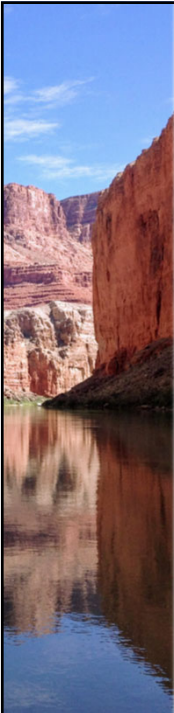
Warren Turkett

February 9, 2021



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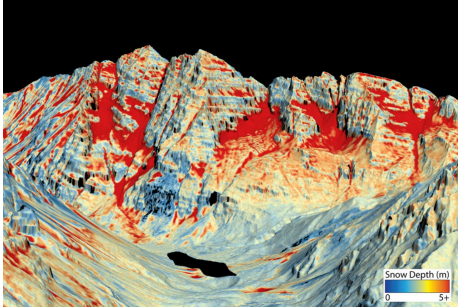


Program expanding to map Colorado mountain snowpack

New technology still too expensive for Aspen water managers

Vaildaily.com (December 5, 2020)

- The article discusses the Airborne Snow Observatory Program (ASO) and how the technology is an improvement over traditional SNOTEL monitoring.
- The ASO program uses a remote sensing laser equipped to an airplane, which provides detailed snow depth and density measurements.
- The ASO program provides a more detailed snow survey of an area, but the cost is too expensive for many water users.
- The article describes several water agencies that will provide in-kind contributions to hopefully expand the use of this technology in Colorado.



<https://www.vaildaily.com/news/program-expanding-to-map-colorado-mountain-snowpack-2/>

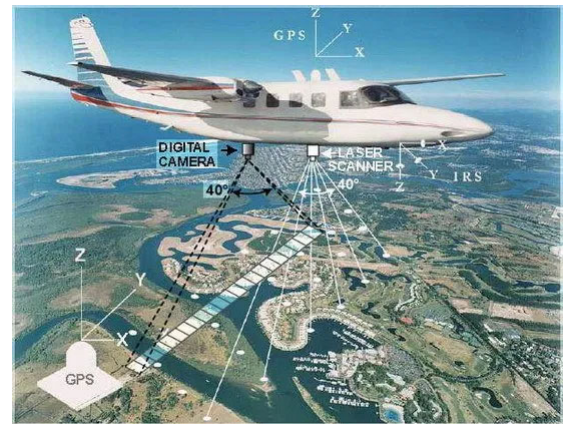
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Airborne Snow Observatory Program

- Airplanes are equipped with a remote sensing device called a LiDAR, which stands for Light Detection and Ranging.
- Airplanes fly over a gridded area and a laser scans the ground and bounces back to the plane providing snow depth and density measurements.
- Data collected is more accurate compared to SNOTEL sites and covers a larger area.
- Flights are expensive with each flight costing up to \$200,000 per flight.
- Data provides a snapshot of conditions but will not show seasonal progression unless more flights are performed.



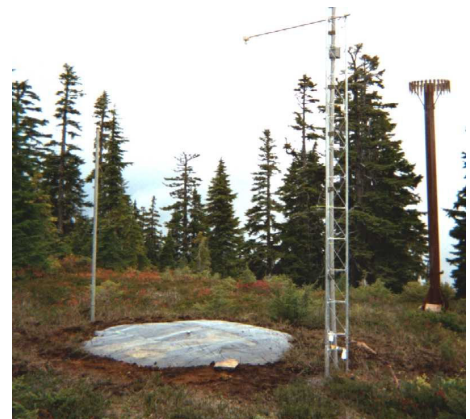
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SNOTEL Measurements

- The National Resource Conservation Service (NRCS) maintains the Snow Telemetry Network (SNOTEL) with over 175 stations within the Colorado River Basin.
- SNOTEL sites have been used as the backbone for most scientific work on western snowpack.
- Provide continuous data over the season to monitor snowpack progression.
- Site locations need to be cleaned and monitored for accurate measurements.
- Requires numerous site locations to get data for a large area.



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Basin Snowpack and Forecasting Programs

- The ASO Program was ended by NASA in December of 2019.
- Senator Feinstein and Representative Hardy introduced legislation which would establish an ASO program within the Department of Interior and provide \$15 Million in funding from fiscal year 2022 to 2026.

Additional work being conducted in the Basin

- The Western Water Assessment published the Colorado River Basin Climate and Hydrology: State of the Science Report, which evaluated the current science for monitoring and forecasting research and provided recommendations for future research.
- The Basin Forecast Center is evaluating new modeling methods and incorporating satellite imagery into their forecast methods.

