

The Colorado River Commission of Nevada (Commission) meeting was held at 1:32 p.m. on Tuesday, December 8, 2020 via video conference, pursuant to Emergency Directive 006, section 1.

COMMISSIONERS IN ATTENDANCE

Vice Chairwoman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

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

COMMISSIONERS NOT IN ATTENDANCE

Chairwoman

Puoy K. Premsrirut

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, Engineering and Operations
Assistant Director, Energy Information Systems
Manager, Natural Resources Program
Senior Energy Accountant
Natural Resource Analyst
Natural Resource Analyst
Senior Energy Accountant
System Coordinator
Office Manager
Administrative Assistant IV
Administrative Assistant IV

Eric Witkoski
Sara Price
Douglas N. Beatty
Robert Reese
Kaleb Hall
Angela Slaughter
Gail L. Benton
Warren Turkett Ph.D.
Peggy Roefer
Stephanie Salleroli
Chris Smith
Gina L. Goodman
Kathryn Aguilar
Kira Bakke

OTHERS PRESENT; REPRESENTING

Burns & McDonnell Engineering, Inc.
Division of Purchasing, State of Nevada
NV Energy
Southern Nevada Water Authority

Adam Roth
Ryan Vradenburg
Michael Hulin
Scott Krantz

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF DECEMBER 8, 2020**

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**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF NOVEMBER 10, 2020**

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Chairwoman Premsrirut at 1:32 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.)

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

C. For Possible Action: Approval of minutes of the November 10, 2020 meeting.

Commissioner Puliz moved for approval of the minutes. The motion was seconded by Commissioner Kirkpatrick and approved by a unanimous vote.

D. For Possible Action: Consideration of and possible action to approve Amendment No. 2 to the Interlocal Contract between the Colorado River Commission of Nevada (Commission) and the Silver State Energy Association (SSEA) for staffing services, extending the Interlocal Contract until May 2025 and adding \$7 million of authority to the total cost

Executive Director, Eric Witkoski explained that in 2007, the Commission, along with several of its customers, entered into a cooperative agreement to form the Silver State Energy Association (SSEA). The members of the SSEA include the Commission, Southern Nevada Water Authority (SNWA), City of Boulder City, Overton Power District No. 5, and Lincoln County Power District No. 1. The SSEA Board of Directors is comprised of a representative designated by each of its members.

The SSEA was formed for the purpose of jointly planning, developing, owning, and operating energy resources for its members. During Fiscal Year beginning 2019, the SSEA purchased approximately 1.2 million megawatt hours (MWh) of energy to meet its members' electrical needs.

The SSEA does not have any employees of its own. Instead, employees of the SNWA and the Commission provide the labor needed to staff the SSEA organization. In March of 2013, the Commission approved an interlocal contract between the Commission and SSEA pursuant to which the SSEA pays for Administrative Services provided by the Commission. The Commission then extended that agreement in 2017 for an additional four years. The base cost of the Administrative Services provided by the Commission, which includes labor and operating expenses with current personnel, is approximately \$1.6 million annually.

The contract cap contains sufficient funds to cover the cost of vacant positions and other operating expenses that may be incurred during the term of the contract. The extension to the original interlocal contract, which expires on May 13, 2021, was for a period of four years with a not-to-exceed expenditure and an additional \$7 million for an overall contract amount of \$14 million.

Staff recommended the Commission extend the term of the agreement for an additional four years, through May 13, 2025 and approve an additional \$7 million for a total overall amount of not-to-exceed of \$21 million for the total twelve-year term of the contract including amendments.

Commissioner Kirkpatrick asked for a reminder of the purpose of the contract.

Mr. Witkoski responded, SSEA was formed with the Commission, Southern Nevada Water Authority, Lincoln Power District, Overton Power District and Boulder City in order to look and collaborate on possible infrastructure and transmission, as well as to purchase power. Mr. Witkoski went on to further explain the original contract was from 2013 to 2017, and in 2017 the first amendment was created, and expires in May of 2021. The proposal is another 4-year amendment or extension that would run until 2025. The expenditures under contract, the authority gives up to \$7 million and the review from 2016-2020 showed an amount of \$5.4 million, running approximately \$1.4 million a year. Mr. Witkoski further clarified that the contract provides funding for staffing.

Commissioner Kirkpatrick moved for approval of all Staff recommendations for the Interlocal Contract, for staffing services, extending the Interlocal Contract until May 2025 and adding \$7 million of authority to the total cost. The motion was seconded by Commissioner Puliz and approved by unanimous vote.

E. *For Possible Action:* Consideration of and possible action to approve a four-year contract in the amount of \$860,000 for services among an independent contractor between Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) and the Colorado River Commission of Nevada (Commission) for an Engineering Services Agreement.

Assistant Director, Engineering and Operations, Robert Reese presented.

A. Background on Operations

The Colorado River Commission of Nevada (Commission) owns, operates and maintains seventeen high voltage substations staffed by seven Commission employees in the Commission's Power Delivery Project Group (PDP). In addition, the Commission is responsible for the operation and maintenance of ten substations that are owned by the Southern Nevada Water Authority (SNWA) and three owned by the Clark County Water Reclamation District.

The Commission's Staff includes in-house electrical engineer to provide engineering support for the system. As a result, Commission Staff is capable of performing many

routine engineering support functions. However, the Commission occasionally requires further engineering support for its operation and maintenance functions and to assist with the preparation of designs of ongoing and future projects for the agencies it serves.

The areas of expertise required periodically include, civil engineering for foundation, grading and structural design; communication engineering for assistance with the Commission's fiber optic and microwave radio communication system; and system studies. On a less frequent basis, the Commission requires expertise in environmental engineering and structural engineering for minor projects and problems.

B. Request for Proposals for Engineering Firms

The Commission Staff began the process of recruiting qualified engineering firms through a Request for Proposals (RFP) process in the fall of 2019. The RFP for engineering services was posted in the Las Vegas Review Journal, Reno Gazette Journal, on the Commission website and on NVEPro beginning on October 7, 2019. In addition to being posted, it was also sent to 3 vendors directly via email.

On November 4, 2019, the question period ended with no questions submitted. Deadline for submissions ended at 1:59pm on December 9, 2019. The only submission the Commission received was from Burns & McDonnell.

C. Agreement for Consideration

The agreement for Commission's consideration was with the firm Burns & McDonnell. The firm is a multi-discipline engineering company with expertise in all areas that may be required by the Commission's operation and maintenance function and for construction projects.

The agreement proposed to retain the services of Burns & McDonnell for an initial contract term of four years, subject to Board of Examiners approval. Work under the agreement will be authorized by Commission Staff, as needed through the development and execution of written task authorizations. The total combined value of task authorizations under this agreement shall not exceed \$860,000 over the term of the contract.

Vice Chairwoman Kelley asked for clarification on the need for the Commission giving approval for access to immediate services needed for certain locations.

Mr. Reese responded that some formats would be prequalified services and that the contract is one step further to ensure that in the even emergency services are needed there would not be any delays if services were needed.

Vice Chairwoman Kelley asked for an example of a time that the services were needed.

Mr. Reese responded with an example of when Regional Transportation Commission of Southern Nevada (RTC) was working on the new Interstate-11. The project necessitated that three quarters of the transmission line be relocated. During that process the engineering group under the existing agreement was contacted and they designed the relocation of the transmission line. This enabled the agency to meet the customers deadline.

Commissioner Kirkpatrick asked if this contract was an expenditure that is in the budget.

Mr. Reese confirmed that the process ensures that the funding source is identified and that funds are available to facilitate the scope of work.

Commissioner Kirkpatrick moved for approval on of all Staff recommendations, for staffing services a four-year contract for an Engineering Services Agreement and authorization for the Executive Director to execute. The motion was seconded by Commissioner Winterton and approved by unanimous vote.

F. *For Possible Action:* Consideration of and possible action to approve a four-year contract in the amount of \$1,200,000 for services of an independent contractor among PAR Electrical Contractors, Inc. (PAR) and the Colorado River Commission of Nevada (Commission) for Transmission and Distribution System Support Services.

Assistant Director, Engineering and Operations, Robert Reese presented.

A. Background on Operations

The Colorado River Commission of Nevada (Commission) owns and operates high-voltage transmission and distribution system consisting of two 230/69-kV substations, three 230/14.4-kV substations, four 69/13.8-kV substations, seven 69/4.16-kV substation, 32 miles of 230-kV transmission lines, 5 miles 69-kV overhead transmission lines, eleven miles of 69-kV underground transmission lines and other related facilities in Clark County, Nevada. In addition, the Commission is responsible for the operation and maintenance of ten additional substations owned by the Southern Nevada Water Authority and three owned by the Clark County Water Reclamation District.

B. Request for Proposals (RFP)

The RFP for labor services was posted in the Las Vegas Review Journal, on the Commission website and on NVEPro beginning on June 8, 2020. In addition to being posted, it was also sent to 17 vendors directly through NVEPro and 3 vendors independently via email.

On July 15, 2020, the question period ended with no questions submitted. Submissions for the proposals were hosted electronically by NVEPro and were downloaded and then emailed to the Commission Staff. Deadline for submissions

ended at 1:59pm on August 24, 2020. One proposal was received in response to the RFP. The evaluation period took place the week of September 21, 2020 and was determined the proposal complied with the requirements of the RFP.

PAR Electrical Contractors Inc., (PAR) submitted a proposal through the RFP process carried out by the Commission.

C. Agreement for Consideration

The agreement proposed to retain the services of PAR for a contract term of four years. Work under the agreement will be at the request of the Commission's customers, such as Southern Nevada Water Authority (SNWA) and Clark County Water Reclamation District (CCWRD), and Basic Substation Project. Additionally, the contract will cover services if needed for the Commission's high-voltage facilities, which provides power to our water pumping, wastewater treatment and industrial power customers.

The work will be authorized by Commission Staff through the development and execution of written task authorizations. The total combined value of task authorizations under this agreement shall not exceed \$1,200,000 over the term of the contract.

Each Task Authorization shall contain:

- a detailed description of the work to be performed by the contractor.
- a detailed breakdown of costs to be paid by the Commission to the contractor for performance of the work.
- a schedule identifying the timeframe under which the work is to be completed.

Mr. Reese added that the process ensures that the funding source is identified and that funds are available to facilitate the scope of work.

Staff recommended the Commission approve the contract and authorize the Executive Director to sign it on behalf of the Commission.

Commissioner Kirkpatrick moved for approval on of all Staff recommendations for a four-year contract for a Transmission and Distribution System Support Services and authorization for the Executive Director to execute. The motion was seconded by Commissioner Winterton and approved by unanimous vote.

G. For Possible Action: Consideration of and possible action to approve a two-year contract in the amount of \$40,000 for services of an expert witness related to regulatory proceedings before the Public Utilities Commission of Nevada and Federal Energy Regulatory Commission or other matters involving suppliers of federal hydropower between LCPDS LLC. and the Colorado River Commission of Nevada (Commission)

Executive Director Eric Witkoski explained Hoover power is provided under Schedules of Power in categories, A, B, and D that are allocated by the Commission to its contractors. Schedule C is for excess short-term power that may be allocated if it is available. A large portion of Hoover B is allocated to Nevada Power Company, dba as NV Energy and the economic benefit of the power is designated to the residential class pursuant to NAC 538.540(4).

Schedule D was created in 2011, by the Hoover Power Allocation Act of 2011, wherein a new pool of Hoover contractors referred to as the Hoover Schedule D contractors was created. Some of these new contractors include the Clark County School District, UNLV, several state agencies and local government entities. The creation of the Schedule D allocations was done to spread the benefit of low-cost Hoover power to more entities.

In 2013, NRS 704.787 was revised to accommodate the Hoover D contractors and provided for NV Energy to file a tariff to enable the Hoover D contractors to use their Hoover D allocations. The Tariff was stipulated in 2016 and implemented on October 1, 2017.

Since that time, the tariff has under-performed and the Commission has established alternative arrangements for its contractors to preserve the value they receive from having a contract for Hoover power. The Staff had some discussions with NV Energy in the fall of 2018 about revisions to the tariff, but the discussions were unsuccessful. Each March, NV Energy files its annual deferred energy case before the Public Utilities Commission of Nevada (PUCN) and updates the PUCN regarding the performance of the Hoover D tariff. The pass-through of the Hoover B benefit to the residential class of ratepayers also occurs through the deferred energy mechanism.

During NV Energy's recent general rate case before the PUCN, as part of the settlement, NV Energy agreed to meet with Commission Staff to "discuss modifications to the Hoover D tariff that is scheduled to change January 1, 2022." Stipulation in the Matter of Nevada Power Company. (Filed September 24, 2020).

In anticipation of the discussions with NV Energy and the potential need to have an expert witness testify to make recommendations regarding the Hoover D tariff, the Hoover B pass-through and potentially other matters pertaining to Hoover power during 2021, Staff recommended entering into a contract with LCPDS, LLC to provide such service if needed. Staff recommended the contract amount be limited to \$40,000.

Commissioner Puliz asked if the contract was in order to save money for the school districts, University of Nevada (UNLV) and government offices who received reduced power.

Mr. Witkoski confirmed that under the arrangement the contractors are captive customers. The credit mechanism may not be offsetting to the Hoover power that was purchased. The Commission is attempting to look at value of that and attempt to provide a benefit because that is the purpose of the allocation.

Commissioner Puliz asked if it would give the contractors credit for renewable power.

Mr. Witkoski confirmed that in the 2019 session, hydropower is considered a renewable energy source and that adds to the value as well.

Mr. Witkoski stated for the record a disclosure of a prior working relationship with proprietor of the contract.

Vice Chairwoman Kelley clarified that there was not a financial relationship between Mr. Witkoski and the proprietor.

Mr. Witkoski confirmed that there was no financial relationship.

Commissioner Stewart moved for approval on of all Staff recommendations for a two-year contract, for services of an expert witness related to regulatory proceedings before the Public Utilities Commission of Nevada and Federal Energy Regulatory Commission and authorization for the Executive Director to execute. The motion was seconded by Commissioner Puliz and approved by unanimous vote.

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 the case of *Save the Colorado v. Department of the Interior*, there is still a pending motion by the plaintiffs, Save the Colorado, concerning a dispute over the contents of the administrative record and the decision by the Federal Government to not provide a privilege log for withheld documents. The Intervener States, including Nevada, have taken no position on the motion. Until the court has ruled on this motion, litigation is pending.

In *Navajo Nation v. Department of the Interior*, oral argument was held on Friday, October 16, 2020 by the Ninth Circuit via Zoom and YouTube. The Navajo argued

that the Federal Government had breached their fiduciary responsibilities to the tribe by failing to secure the tribe an allocation of water from the Colorado River. The Federal Government argued that there was no breach of any recognized duty. The Intervener States, including Nevada, argued that the Ninth Circuit had no jurisdiction to hear a dispute that centers on the allocation of water from the Colorado River because the exclusive jurisdiction for such a claim resides with the United States Supreme Court as set out in *Arizona v. California*. The Parties are now awaiting a decision by the court.

Ms. Guerci stated that there has not been any movement in either case and would provide an update when received.

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 A.)

Vice Chairwoman Kelley asked if water accounting is tracked during the calendar year or the water year.

Dr. Turkett responded that water accounting is tracked during the calendar year from January through December. Dr. Turkett works with Reclamation and finalizes all the data for the calendar year. Results are completed by the April/May time period as required of all lower basin states to have final accounting report annually.

Vice Chairwoman Kelley asked for clarification on if the requirement was per calendar year.

Dr. Turkett responded that was correct.

Vice Chairwoman Kelley asked if the Las Vegas Valley Water District and the Southern Nevada Water Authority report their numbers according to the same requirement.

Dr. Turkett stated that as a state agency the Commission is responsible for collecting all the data from all the different water users. Dr. Turkett also said that there is a Nevada meeting with the Bureau of Reclamation and SNWA working together to finalize the numbers, it includes some of the other lower basin states numbers.

Vice Chairwoman Kelley asked about a news article that was sent to the Commissioners from Peggy Roefer on December 7, 2020. The article was about the program expanding to map Colorado snow. The Northern Colorado Water Conservation District is seeking grant money to expand the Colorado Airborne Snow Observatory (ASO) program. It has remote sensing lasers on airplanes that do better, deeper detection to precisely measure snow depth and density. The article further discussed how Aspen water managers do not have the funding and Vice Chairwoman Kelley wondered why it would not be eligible for federal funding and whether there was more information about the program or familiarity about the project.

Executive Director Eric Witkoski stated that he had no knowledge of the project.

Dr. Warren Turkett stated he is familiar with the ASO program. Currently, the Basin Forecast Center relies on Snotel sites that require manual calibration and cleaning. The use of satellite imagery and ASO could provide benefits to runoff forecasting. He further added he was not familiar with the specific article discussing the decrease in funding.

Vice Chairwoman Kelley clarified that the article stated that the technology is still too expensive. She encouraged Staff to review the article and report back about where the program might fit within the overall Colorado conservation topic.

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.)

Vice Chairwoman Kelley 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.

Vice Chairwoman Kelley asked if there were any other comments or questions from the commission members.

Commissioner Kirkpatrick asked about legislative bill, AB15, regarding the state engineer being added to the Commission. She requested a member of Staff to reach out and acquire more information.

Executive Director Witkoski, stated that he would reach out and obtain more information about AB15. He further added there was some discussion with the conservation office but there was not much dialogue regarding the bill. The

Colorado River is an interstate water and the 1922 Compact was established to have the states working together. The Southern Nevada Water Authority has an Integrated Resource Plan (IRP) available on their website for review should they require more information.

Commissioner Kirkpatrick stated that she did not understand the purpose of the bill and she would send a list of questions for Executive Director Witkoski to review.

Vice Chairwoman Kelley asked if there was any indication from the previous legislative session about this bill.

Commissioner Kirkpatrick stated that there was not necessarily a discussion based of the text of the bill. The bill is an Administrative Bill and must be approved by the Governor's office. She stated that she does not see the reasoning for the bill.

Vice Chairwoman Kelley thanked Commissioner Kirkpatrick for adding her knowledge and experience to the benefit of the agency and Commission.

Special Counsel Christine Guerci reminded the Commissioners that questions should be directed to the Executive Director and he could provide more information.

L. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on Tuesday, January 12, 2020, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

M. Adjournment.

The meeting was adjourned at 2:22 pm.



2/9/2021

Eric Witkoski, Executive Director

APPROVED:


Kara Kelley (Feb 28, 2021 2:06 PST)

Kara J. Kelley, Vice Chairwoman



Colorado River Commission of Nevada

Hydrology and Water Use Update

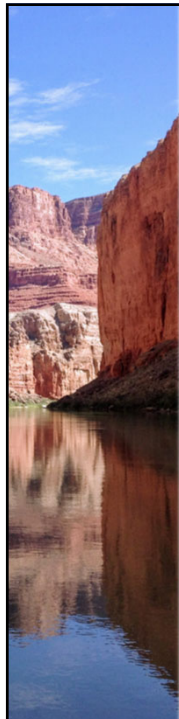
Warren Turkett

December 8, 2020



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Summary

Lake Powell

- Drought conditions are causing below average inflow forecasts.
- Unregulated inflow for water year¹ 2021 is forecasted at 58% of average.
- Upper Basin snowpack is currently 64% of seasonal average.

Lake Mead

- Lake Mead is forecasted to decrease almost 8 feet in elevation by the end of calendar year 2021.
- Lower Basin conservation programs have conserved roughly 3.5 million af or about 40 addition feet in Lake Mead.

Nevada Water Supply

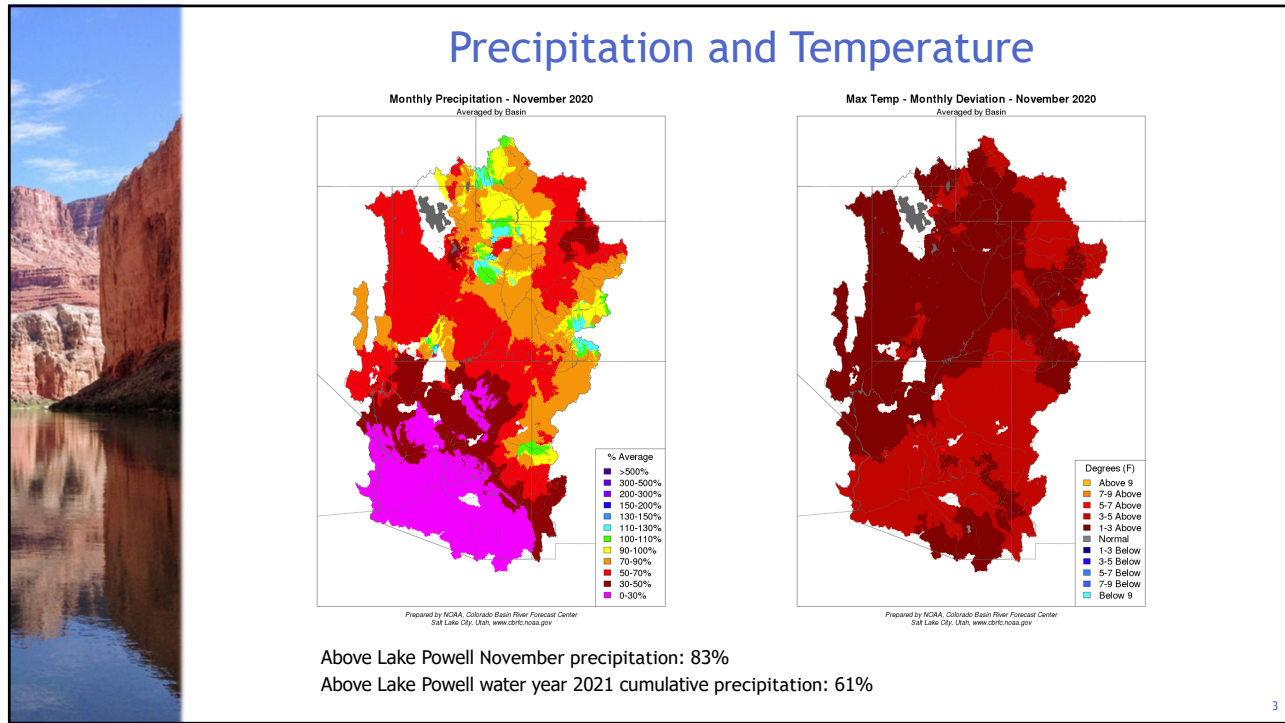
- Southern Nevada has 9 years of water supply banked. ²
- **In 2019, Southern Nevada used 22% less than its annual allocation.**

Storage	Elevation (f)	% Capacity	Change since last year
Lake Mead	1,081.0	39%	-3.1 ft
Lake Powell	3,587.9	44%	-23 ft

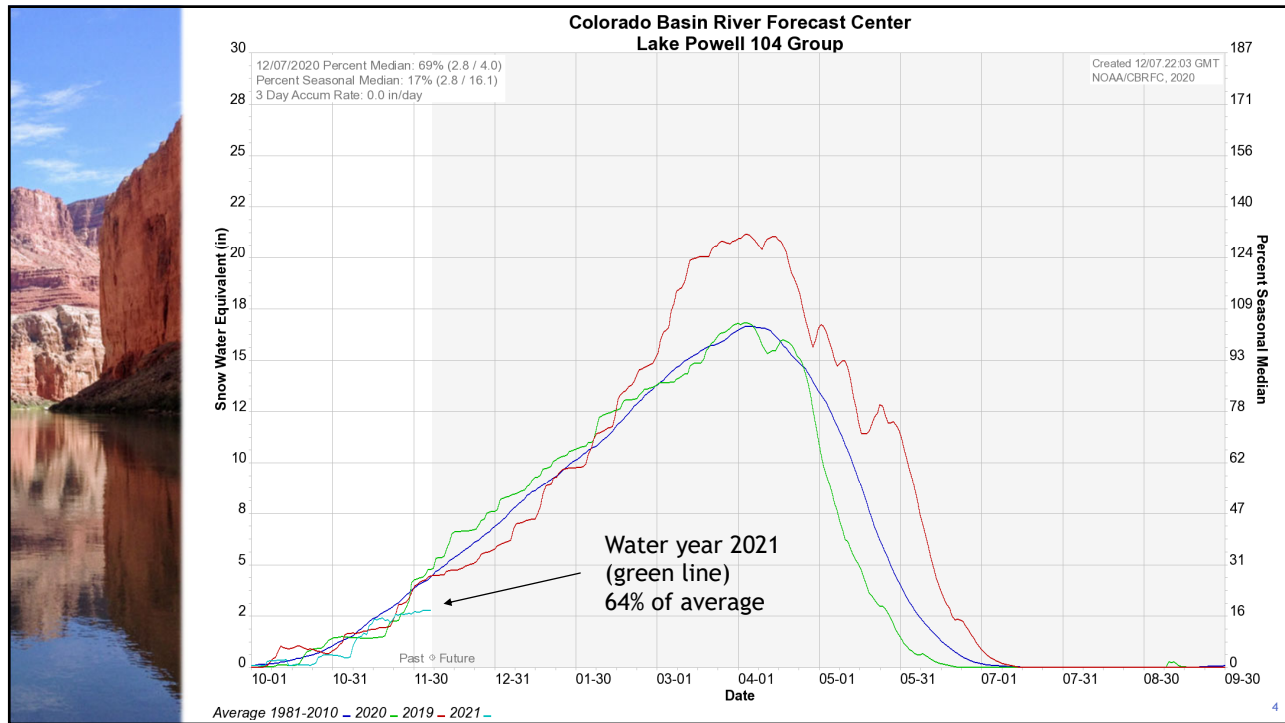
Data retrieved December 3, 2020
¹ Water year is defined as October through September.
² Based on historical Southern Nevada water use.

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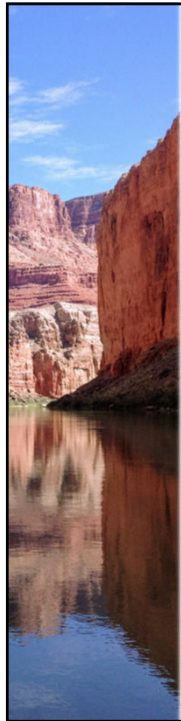
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Unregulated Inflow, Current and Projected Reservoir Status

Projected unregulated inflow to Lake Powell	Acre-Feet	% Average
Water Year 2021	6,252,000	58%
April thru July 2021	4,050,000	57%

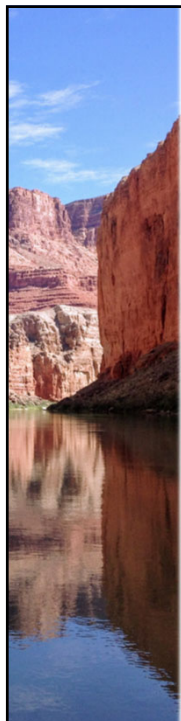
Reservoir	Current Elevation	Current Storage Acre-Feet	Current % Capacity	Projected Elevation on 1/1/2022 ¹
Lake Mead	1,081.0	10,097,000	39%	1,073.5
Lake Powell	3,587.9	10,629,000	44%	3,571.2

Data retrieved December 3, 2020

¹ Based on Reclamation's November 2020 24 Month Study Most Probable Inflow.

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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-September 2020	422,944	186,762	236,182

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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