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**COLORADO RIVER COMMISSION
OF NEVADA**

September 5, 2023

**NOTICE OF INTENT TO ACT UPON A REGULATION
AND
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS
PURSUANT TO LCB FILE NO. R023-23**

The Colorado River Commission of Nevada (Commission or CRCNV) will be holding a public adoption hearing at 1:30 p.m., Tuesday, October 10, 2023, at the **CLARK COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS, 500 SOUTH GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA**. This public adoption hearing will be included on the agenda for the Commission's October 10, 2023, meeting.

The public may attend this workshop and public hearing via videoconference by Webex link at: www.crc.nv.gov, under the meeting tab or in person at the Clark County Government Center, Commission Chambers, 500 S. Grand Central Parkway, Las Vegas, NV 89155.

The purpose of the hearing is for the Commission to consider and take possible action to approve, modify or reject, in whole or in part, the revised placement of NAC 538.025, and the repeal of NAC 538.370, NAC 538.460, NAC 538.470 and NAC 538.495.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. NAC 538.370, NAC 538.460, NAC 538.470 and NAC 538.49 are deemed unnecessary and are therefore being deleted. NAC 538.025 is being placed near other similar regulations for clarity.

2. The estimated impact of the regulations:

a) The proposed regulations will not have a significant adverse or beneficial economic impact upon the regulated industry, either immediately or long-term.

b) The proposed regulations will not have a significant adverse or beneficial economic impact upon the public, either immediately or long-term.

3. The Commission determined the impact on small business as required pursuant to NRS 233B.0608 by receiving and analyzing written and verbal comments from the public at workshop on April 11, 2023.
4. The Commission has not incurred and is anticipated to not incur additional enforcement and regulatory oversight expenses as a result of the repeal or relocating proposed herein.
5. The Commission is not aware of any overlap or duplication of the proposed regulations with any regulations of other state or local governmental agencies.
6. The proposed regulation changes are not required pursuant to federal law.
7. The proposed regulation changes are not more stringent than any federal regulation that regulates the same activity.
8. The proposed regulation changes do not establish a new fee or increase an existing fee.

Interested parties and members of the public may provide comments to the Commission on the Draft regulation, LCB File No. R023-23, either by appearing at the October 10, 2023, public hearing to provide oral comments, or by submitting written comments addressed to: Executive Director, RE: LCB File No. R023-23. Written comments must be delivered to the Commission's offices by **5:00 p.m. on Monday, October 9, 2023**, for inclusion in the materials provided to the Commission for the hearing.

Written comments may be submitted to the Commission via email at crcadmins@crc.nv.gov or may be delivered by mail or in person to the Commission's offices at 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada 89101.

AVAILABILITY OF DOCUMENTS

A copy of the revised regulations is attached to this Notice. In addition, this Notice and the revised regulation are available at:

- The Commission's offices at 555 East Washington Avenue, Suite 3100, Las Vegas, NV 89101, during business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.), and
- Online at: www.crc.nv.gov

A copy of the Agenda for the October 10, 2023, Commission meeting will be available on the Commission's website at least 3 business days before the meeting. Any person may request a copy of the agenda be sent to them by calling Tamisha Randolph at the Commission's offices at (702) 486-2670. At the discretion of the Chairman, agenda items may be taken out of order or the meeting or may be continued as deemed necessary. The Commission may combine two or more items for consideration and may remove an item from the agenda at any time.

NOTICE: The Commission is pleased to make reasonable accommodations for persons who are disabled and wish to attend the workshop. If special arrangements are required, please notify the Colorado River Commission of Nevada in writing, 555 E. Washington Avenue, Suite 3100, Las Vegas, NV 89101 or by calling (702) 486-2670 at least 2 business days prior to the meeting.

This Notice of Public Meeting has been sent to all persons on the agency's service list and posted at the following locations:

Colorado River Commission website: www.crc.nv.gov

Nevada Public Notice website: <https://notice.nv.gov>

Legislative Counsel Bureau website: www.leg.state.nv.us

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

LCB FILE NO. R023-23

CHAPTER 538 - COLORADO RIVER COMMISSION OF NEVADA

NAC 538.025 IS BEING MOVED TO FOLLOW NAC 538.385 “SCHEDULE C” DEFINED.

NAC 538.025 “Schedule D” defined. (NRS 538.181, 538.201) “Schedule D” means the schedule appearing at 43 U.S.C. § 619a(a)(2)(A) which specifies the amount of:

1. Contingent capacity of the Hoover power plant; and
2. Associated firm energy, allocated in that schedule for allocation to new allottees.

(Added to NAC by Colorado River Comm’n by R148-13, eff. 6-23-2014)

THE FOLLOWING REGULATIONS, NAC 538.370, NAC 538.460, NAC 538.470, AND NAC 538.495 ARE BEING REPEALED.

NAC 538.370 “Program for increasing capacity” defined. (NRS 538.201) “Program for increasing capacity” means the program for increasing the capacity of existing generating equipment and appurtenances at the Hoover power plant authorized by 43 U.S.C. § 619. This is equivalent to the uprating program referred to in Public Law 98-381.

(Added to NAC by Colorado River Comm’n, eff. 9-13-85)

NAC 538.460 Minimum reserves of contractor; exception. (NRS 538.181, 538.201) Each contractor must meet the minimum recommendation for reserves set by the Western Electricity Coordinating Council unless the contractor receives power from the Commission over the facilities of a utility that meets the minimum recommendation for reserves set by the Western Electricity Coordinating Council.

(Added to NAC by Colorado River Comm’n, eff. 9-13-85; A 11-24-87; R148-13, 6-23-2014)

NAC 538.470 Capacity offered at varying load factors; identification. (NRS 538.181, 538.201) Capacity from the Boulder Canyon Project, Parker-Davis Project and Salt Lake City Area Integrated Projects will be:

1. Offered by the Commission at varying load factors; and
 2. Identified by the Commission in an exhibit to the contract to purchase power.
- (Added to NAC by Colorado River Comm'n, eff. 9-13-85; A 12-17-87; R123-00, 2-15-2001)

NAC 538.495 New contracts. (NRS 538.181, 538.201) Before the expiration of a contract for the delivery of long-term power from the Boulder Canyon Project designated in Schedule A or Schedule B pursuant to subsection 1 of NAC 538.500, the Commission will offer the contractor a new contract for the delivery of such power for the period commencing on October 1, 2017, and ending on September 30, 2067.

(Added to NAC by Colorado River Comm'n by R148-13, eff. 6-23-2014)

SMALL BUSINESS IMPACT STATEMENT

LCB FILE NO. R023-23

The Colorado River Commission of Nevada (Commission) is an executive agency of the State of Nevada responsible for acquiring and managing Nevada's share of water and hydropower resources from the Colorado River. The Commission has been involved in the marketing and allocation of federal hydropower since 1936. The proposed revised regulations are necessary to ensure agency procedures are relevant for future hydropower marketing and operations.

The proposed regulation changes:

1. Revises the placement of NAC 538.025, repeal of NAC 538.370, NAC 538.460, NAC 538.470, and NAC 538.495.

Pursuant to NRS 233B.0608 and NRS 233B.0609, the staff of the Commission has made a concerted effort to determine whether the proposed regulations are likely to (a) Impose a direct and significant economic burden upon small businesses, or (b) Directly restrict the formation, operation, or expansion of a small business.

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

The Commission determined the impact on small business as required pursuant to NRS 233B.0608 by receiving and analyzing written and verbal comments from the public at workshop on April 11, 2023.

Additionally, the Commission has not contracted, and does not anticipate contracting with small business. Commission staff determined that there are no known small businesses that would be affected by the proposed revisions to its regulations.

(b) The manner in which the small business analysis was conducted:

Commission staff knowledgeable of the hydropower industry, reviewed the Commission's statutes, regulations, and its federal contracting requirements, and determined that there are no known small businesses that would be affected by its proposed revisions to its regulations.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects:

(I) Adverse effects:

No known or anticipated adverse effect on small businesses.

(II) Beneficial effects:

No known or anticipated beneficial effect to small businesses.

(2) Both direct and indirect effects:

(I) Direct effect:

No known or anticipated direct effect to small businesses.

(II) Indirect effect:

No known or anticipated indirect effect to small businesses.

(d) A description of the methods that the Colorado River Commission of Nevada considered to reduce the impact of the proposed revisions to its regulations on small businesses and a statement whether the Commission actually used any part of those methods.

Because the Commission has determined that there is no impact on small businesses, the Commission has not considered a method to reduce the impact of the repeal of regulations on small businesses at this time.

(e) The estimated cost to the Commission for enforcement of the proposed regulation.

There is no cost to the Commission for enforcement of the proposed regulation.

(f) If the Commission's proposed revisions to its regulations provides a new fee or increases an existing fee, the total annual amount the Commission expects to collect and the manner in which the money will be used.

The Commission's proposed revisions to its regulations does not provide for a new fee or increase an existing fee.

(g) If the Commission's proposed revisions to its regulations includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The Commission's proposed revisions to its regulations does not duplicate any existing federal, state, or local standards regulating the same activity.

(h) The reasons for the conclusions of Commission staff regarding the impact of its proposed revisions to its regulations on small businesses.

Commission staff has concluded that there will be no impact to small businesses that will result from the adoption of the proposed regulations for the reasons set forth below:

1. Pursuant to NRS chapter 538 and 704, the Commission is limited to the customers that it may provide hydropower to by contract and those contractors are not small business.
2. The proposed changes, change the placement of one regulation and repeal of four regulations that the Commission's contractors did not object to and will not impact their respective operations.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses, and the information contained in the Small Business Impact Statement was prepared properly and is accurate.



Eric Witkoski
Executive Director

Date

