

Nevada 2012 Water Quality Integrated Report
Comments submitted by the Colorado River Commission of Nevada
January 30, 2014

Introduction:

The Colorado River Commission of Nevada (CRC) is charged with representing and acting for the State of Nevada concerning water and power matters of the Colorado River. NRS 538.161(6). Accordingly, the CRC has a direct interest in NDEP's 2012 Water Quality Integrated Report (Report) that includes two reaches of the Colorado River: Lake Mojave to the Nevada-California border and Hoover Dam to Lake Mojave inlet. NDEP includes these reaches on its 303(d) list as "not supporting beneficial use of aquatic life," because these reaches fail to meet State water temperature standards set forth in NAC 445A.2146 and 445A.2148, respectively.

Comments:

- 1.) NDEP's temperature standard is based on outdated data and contrary to the current Colorado River Basin States and Federal Agency practice of supporting native fisheries.**

NDEP's temperature standard is obsolete. It is a statewide standard developed back in the late 1970's based on recommendations from a Truckee River publication by the Department of Wildlife in 1979 focusing on life stage requirements for nonnative, coldwater fish species (predominantly Rainbow and Brown Trout). NDEP revised the standard in 1985 to actually lower the temperature further.

The standard is almost 30 years old, applied statewide rather than by local area, and should be reevaluated based on advances in science and significant changes in environmental policy, which for some time now adamantly focuses on protecting native fish species for beneficial use.

Protecting native species is the basis of a 50 year conservation program on the lower Colorado River. In 2005, the lower Basin States (Nevada, Arizona and California), a number of Federal agencies, such as the Bureau of Reclamation, Fish and Wildlife Service, National Park Service, and a large number of other power and water stakeholders, began implementing the 50 year "Lower Colorado River Multi Species Conservation Program" (Program¹). The Program is in its 8th year of implementation and works toward the recovery of 26 native species (including 4 fish species²), most of

¹ The Nevada Parties to the Program are the CRC, SNWA, Basic Water Company and the Nevada Department of Wildlife.

² The 4 fish species are: Bonytail; Flannelmouth Sucker; Humpback Chub; Razorback Sucker

which are state or federally listed endangered, threatened, or sensitive species under the Endangered Species Act (ESA). Through implementation of the Program, the Parties are able to continue to benefit from current water diversions and power production, and optimize opportunities for future water and power development.

As evidenced by the LCR MSCP and a plethora of other programs authorized under the ESA, the current regulatory goal for aquatic species is to support native fisheries. In the case of the lower Colorado River, the native fish are warm water species, and do not benefit from the cold water temperatures dictated by NDEP's standards. It does not appear that any other state lists Colorado River water on a 303(d) list for temperature violations.

2.) The Current State temperature standards are not achievable

Even if the standards were applicable, these 2 reaches would have issue meeting them. Analysis of the temperature of Colorado River water entering Nevada from Arizona, in at least 8% of samples, showed temperatures above the State standard. Further, water leaving Hoover Dam failed the temperature standard 18% of the time. Drought conditions and its impact on lake elevations have contributed to warmer water releases from the Dam.

3.) NDEP data is based on a poor representation of samples of the Colorado River

The CRC is concerned that most of the temperature samples were taken from surface water, near the shore, at easier to access points, where water temperatures are naturally warmer than water off shore. Further, the sampling does not take into account that the reservoirs become increasingly stratified throughout spring, summer, and fall due to temperature and salinity, keeping the coldest water on the bottom until the surface water cools in late fall/early winter, and the reservoirs "turn over."

Conclusion:

The CRC respectfully requests, NDEP remove the 2 Colorado River reaches off its 303(d) list; remove a temperature standard all together from these 2 reaches; or at the very least, reevaluate its temperature standards for the lower Colorado River based on current science and policy practices to ensure the standards are consistent with ongoing conservation efforts on the River and so that they better reflect the requirements on life stages of native fish species.