

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, April 13, 2005

A Meeting of the Colorado River Board of California (Board) was held in Grand Ballroom Salon 4, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, on April 13, 2005.

Board Members and Alternates Present

Lloyd W. Allen, Chairman  
James H. Bond  
James B. McDaniel  
John W. McFadden  
Charles Van Dyke  
Bill D. Wright

Jeanine Jones, Designee  
Department of Water Resources

Board Members Absent

John V. Foley  
Leonard E. Robinson

Curt A. Taucher, Designee  
Department of Fish and Game

Others Present

Steven Day  
William I. DuBois  
David Fogerson  
Elston K. Grubaugh  
Darrell Hafen  
William J. Hasencamp  
Jay W. Malinowski  
Doug McPherson  
Dan Parks  
David R. Pettijohn  
Steven B. Robbins

Mark Stuart  
William H. Swan  
James J. Taylor  
Joseph A. Vanderhorst  
William S. Abbey  
Abbas Amir-Teymoori  
J.C. Jay Chen  
Christopher S. Harris  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Allen, in the presence of a quorum, called the meeting to order at 10:05 a.m.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Mr. Darrell Hafen addressed the Board and gave a brief history of his recent efforts to effect the changes he wants with regards to obtaining funding for flood victims of the recent storms in the Southwest. He reminded the Board of previous letters that he had sent suggesting a

mechanism that would take advantage of the recent flood flows that brought about 100,000 acre-feet into Lake Mead in just a few days and raised the elevation of the Lake Mead about 5 feet. These flows would be designated a “storm bank,” would be sold, and the proceeds used to provide funding for flood victims in the Basin states.

Mr. Hafen, indicated that his company was pursuing water rights in desert areas in Western Utah and Lincoln County, Nevada, and the prospect of extracting groundwater and marketing it in the Colorado River Basin.

Chairman Allen asked if there were any other comments and hearing none, moved to the next agenda item.

## **ADMINISTRATION**

### Approval of Minutes

Mr. Zimmerman asked that the March 9<sup>th</sup> meeting minutes be approved.

MOTION: Upon the motion of Mr. McFadden, seconded by Mr. Bond, and unanimously carried, the Board approved the March 9<sup>th</sup> meeting minutes.

### Dennis Underwood Promotion

Mr. Zimmerman reported that Mr. Dennis Underwood has been named the new Chief Executive Officer and General Manager of The Metropolitan Water District of Southern California (MWD). Mr. Zimmerman pointed out that Mr. Underwood has a long and distinguished record of service in the area of water resources. Chairman Allen asked if there was a motion to send a letter on behalf of the Board congratulating Mr. Underwood on his new position with MWD.

MOTION: Upon the motion of Ms. Jones, seconded by Mr. Wright, and unanimously carried, the Board approved and authorized the Executive Director to send a letter of congratulations to Mr. Underwood on behalf of the Board.

### Resolution Authorizing Entering into an Office Sublease at 770 Fairmont Avenue, Glendale, CA

Mr. Zimmerman reported that the current sublease for the Colorado River Board offices has expired. The Department of Water Resources (DWR) is attempting to extend the lease with the same terms and conditions as the present lease, except the date will be moved to September 30<sup>th</sup> to begin a two-year extension. Mr. Zimmerman asked the Board for authorization to execute a two-year extension of the sublease with DWR.

MOTION: Upon the motion of Mr. McFadden, seconded by Mr. Bond, and unanimously carried, the Board approved and authorized the Executive Director, on behalf of the Board, to enter into a two-year extension of the sublease for the office space at 770 Fairmont Avenue, Glendale, California.

### Fiscal Year 2005-06 Colorado River Board Budget

Mr. Zimmerman reported on the status of the Colorado River Board's FY 2005-06 budget. He indicated that the Board's budget was on the Consent Calendar on March 30<sup>th</sup> in the Assembly Subcommittee No. 3, the Natural Resources and Environmental Protection Subcommittee. On April 25<sup>th</sup>, the Senate Subcommittee No. 2 on Resources and Environmental Protection and Energy is to consider the Board's budget.

Mr. Zimmerman reported that a copy of the proposed budget is included in the hand out materials. The budget is 100 percent funded from reimbursements received from the agencies represented on the Board. The total budget is \$1,237,000, essentially the same as last year. However, there was a slight increase in the retirement benefit.

## **AGENCY MANAGERS MEETING**

Mr. Zimmerman reported that the Agency Managers had not met since the last Board meeting. However, there have been discussions individually and collectively among the agency managers regarding the Basin States discussions, the Lower Colorado River Multi-Species Conservation Plan (LCR MSCP), and other Colorado River issues.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Harris reported that as of April 7<sup>th</sup>, the storage in Lake Powell is 7.971 million acre-feet (maf), or 33 percent of capacity. The elevation was at 3,555 feet. The storage in Lake Mead was 16.183 maf, or 63 percent of capacity and the water surface elevation was at 1,147 feet. Total System storage is 31.144 maf, or 52 percent of capacity; compared to 53 percent last year.

Mr. Harris mentioned that precipitation in the Basin is still within the normal range at 107 percent; whereas, the snowpack water equivalent is the above average at 114 percent as of April 7<sup>th</sup>. The percentages are based upon SNOTEL data, which consist of 116 sites throughout most of the Upper Basin. The projected unregulated inflow into Lake Powell, April through July 2005, is 8.5 maf, or 107 percent of average. The forecast for water year 2005, October 1<sup>st</sup> through September 30<sup>th</sup>, inflow into Lake Powell is 12.6 maf, or 105 percent of average.

Mr. Harris added that year-end 2005 consumptive use in the Lower Basin predicted by Reclamation is 279,000 acre-feet for the State of Nevada; 2.526 maf for the State of Arizona; and 4.320 maf for the State of California. The total forecast consumptive use for the Lower Basin states, as of April 7<sup>th</sup> is 7.125 maf.

### State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported that water supply forecasts for the State of California were included in the handout materials. Mr. Stuart discussed how the precipitation is distributed throughout the state. Normally, most of the rainfall occurs in the northern part of the state. The average, as of April 1<sup>st</sup>, is 140 percent of normal statewide. However, as was pointed out in discussions, much of the higher percentages do not represent large volumes of water. For instance, when normal precipitation is only two inches as

in some of the desert areas, a three hundred percent of average is only six inches of precipitation.

Mr. Stuart mentioned that the delivery forecast of the State Water Project (SWP) is 70 percent of entitlements. The current SWP storage system-wide is about 4.2 maf, or about 76 percent of capacity.

Mr. Wright, of MWD, reported that as of April 11<sup>th</sup>, the combined storage in Diamond Valley Lake, Lake Mathews, and Lake Skinner was about 900,000 acre-feet, or about 80 percent of capacity. Diamond Valley had about 705,000 acre-feet, or about 88 percent of capacity. Lake Mathews had 159,000 acre-feet in storage, or 87 percent of capacity, and Lake Skinner had 36,000 acre-feet, or 82 percent of capacity.

Mr. McDaniel, of the Los Angeles Department of Water and Power, reported that climate conditions in the Eastern Sierra are still above normal. Mammoth Pass, which is used as an indicator of the amount of water content in storage as snow in the eastern Sierra Nevada, is about 167 percent of normal for this time of year. The estimated runoff is expected to be 130 percent of normal, which is significantly higher than average. However, due to the previous five years of drought, much of the runoff will be lost to infiltration into the soil.

#### Arizona v. California

Mr. William Abbey, of the Attorney General's Office, reported that the parties' final motion recommending the approval of the settlement agreement resides with the Special Master, who is assumed to be in the process of writing his report. The report has not yet been submitted to the U.S. Supreme Court.

#### Colorado River Operations

##### *2005 Annual Operation Plan*

Mr. Zimmerman reported that the first consultation meeting on the mid-year review of the 2005 Annual Operating Plan (AOP) was held March 29<sup>th</sup>. During the meeting, none of the states provided comments on the appropriateness for a modification of the release from Glen Canyon Dam. There was discussion of possible conjunctive management of the reservoir system and other areas of potential agreement among the states. The Upper and Lower Basin states are continuing to discuss options that may avoid differences of opinion regarding the appropriateness of reduced releases from Glen Canyon Dam. Mr. Zimmerman added that a second consultation meeting is to be held on April 26<sup>th</sup>. Representatives from both the Upper and Lower Basin states will be meeting independently with Reclamation, prior to the April 26<sup>th</sup> meeting.

##### *Various Articles dealing with Improved Water Conditions along the Colorado River Basin*

Mr. Zimmerman reported that included in the Board folder is a news release from the National Oceanic and Atmospheric Administration regarding the 2005 Spring Outlook. The article discusses the current climate pattern that has reduced the effect of the drought over the last five years. Another related article in the Salt Lake Tribune discusses the issues of the low water elevations in Lake Powell, as well as the refilling brought about by the recent wet conditions. Also, the Los Angeles Times published an article describing the exposed geologic

formations revealed by the drop in water levels in Lake Powell from the last five years of drought.

*Integrated Water Management Plan Evaluation – A Review of the Salton Sea Authority’s Preferred Project Concept for Rehabilitating the Salton Sea*

Mr. Zimmerman reported that the Board folder included an executive summary of the Integrated Water Management Plan evaluation related to Salton Sea Restoration. A panel of experts was convened to evaluate the Salton Sea Authority’s preferred alternative, referred to as the “North Lake Plan”, for restoration of the Salton Sea.

A second series of public meetings are being held by the Resources Agency to inform the public on the process to be utilized to identify ecosystem restoration alternatives for the Salton Sea. Meetings meeting will be held later on the 13<sup>th</sup> of April in Indio, on the 14<sup>th</sup> in Niland and Brawley and on the 21<sup>st</sup> in Calipatria and Calexico. On the 21<sup>st</sup>, after the Calexico public meeting, there will be a workshop focusing on the “Cascade Plan” to restore the Salton Sea.

Basin States Discussion

Mr. Zimmerman reported that representatives from the Basin States met on March 18<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, and April 4<sup>th</sup> in an attempt to develop a consensus position regarding conjunctive management of Lakes Powell and Mead. There was also discussion regarding the mid-year review of the 2005 AOP.

Mr. Zimmerman reported that modeling simulation studies have recently been conducted and that the Technical Committee has concluded that there are water management benefits for both Basins to have conjunctive management of storage in Lakes Powell and Mead. However, the disagreement between the two Basins on the 2005 AOP Mid-Year Review has been a barrier to reaching agreement on a conjunctive management plan for the two reservoirs.

Mr. Zimmerman added that the Colorado State Legislature is currently considering a joint resolution urging the Secretary of the Interior and the Commissioner of the Bureau of Reclamation to significantly reduce releases from Glen Canyon Dam in 2005 based on current hydrologic conditions in the Upper Basin and the near record precipitation in the Lower Basin. The resolution would also seek to impose the development of shortage criteria on the Lower Basin in accord with the “Colorado River Compact” and the “Law of the River”.

*Several Articles Regarding the April 1<sup>st</sup> Deadline to Develop Shortage Criteria along the Colorado River*

Mr. Zimmerman reported that several articles have been included in the Board folder regarding the missed deadline for the Basin states to agree on shortage criteria for the operations of the Colorado River reservoirs. Some of the articles express alarm concerning the declining water elevations of Lake Powell compared to rising water elevations of Lake Mead.

Colorado River Environmental Activities

*Status of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP)*

Mr. Harris reported that the LCR MSCP has finally moved into the implementation phase. A signing ceremony commemorating this transition was held April 4<sup>th</sup> at Hoover Dam. At this ceremony, both the federal and California LCR MSCP implementation documents were signed. Several Board members participated in signing the various agreements and documents. Copies of the document will be made available to the respective California agencies. Several news releases regarding the signing ceremony were included in the Board folder.

The last meeting of the LCR MSCP Plan Development Steering Committee was held on April 5<sup>th</sup>. An organizational meeting of the LCR MSCP implementation steering committee is scheduled for May 13<sup>th</sup>. This new Steering Committee will be guiding overall program implementation.

Mr. Harris discussed a land parcel in the Palo Verde Valley that was recently purchased by the California Department of Fish And Game that will help satisfy a portion of California's acreage requirements under the CESA (California Endangered Species Act) 2081 permit. A presentation will be made by California agencies to the Steering Committee regarding the role of these recently purchased lands in long-term LCR MSCP implementation.

Mr. Harris added that Reclamation is in the process of finalizing the acquisition of the Cibola Valley Irrigation and Drainage District and that some of those lands will also be utilized for LCR MSCP habitat restoration. Some of the water assigned to the Cibola Valley Irrigation and Drainage District will be reassigned to other Arizona entities with some of the water and some acreage being made available for the LCR MSCP. In addition, Reclamation is working closely with the U.S. Fish and Wildlife Service to potentially acquire Planet Ranch, which is upstream of the Bill Williams River National Wildlife Refuge.

Mr. Zimmerman added that prior to the Steering Committee meeting on May 13<sup>th</sup>, Reclamation will be sending letters to each of the permittees requesting the identification of the voting and alternate members of the Steering Committee.

## **WATER QUALITY**

### *Colorado River Basin Salinity Control Forum (CRBSCF) Work Group Meeting*

Mr. Abbas Amir-Teymoori reported that CRBSCF Work Group is scheduled to meet April 13<sup>th</sup> and 14<sup>th</sup> to compile the first draft of the Triennial Review Report. The draft is then to be distributed to Forum members for comment. At the June Forum meeting, after comments have been incorporated into the draft Triennial Review Report, the Forum is scheduled to approve the Triennial Review Report. Upon Forum approval, public hearings will be scheduled in the Basin to receive comments on the draft Triennial Review Report. The final draft is then to be presented to the Forum for final approval and adoption. Upon adoption, the Report will be submitted to the State Water Resources Control Board for incorporation of relevant provisions into the water quality standards for California. After adoption by the State Water Resources Control Board the report will be submitted to the Environmental Protection Agency for approval.

Mr. Amir-Teymoori added that California agencies are encouraged to submit testimony

to the various Congressional Committees in support of appropriations for the Salinity Control program. The deadline for the House U.S. Department of Agriculture (USDA) Subcommittee was last Friday, April 8<sup>th</sup> and for the Senate USDA Subcommittee is April 15<sup>th</sup>. The Senate Energy and Water Subcommittee deadline is April 29<sup>th</sup>. The information and instructions for submitting testimony was included in last month's Board folder.

*Arizona Department of Environmental Quality's Letter Addressed to CAL EPA Regarding PG&E's Topock Gas Compressor Station, City of Needles, California and Data from New Wells*

Mr. Zimmerman reported that Arizona Department of Environmental Quality (ADEQ) has asked the California Department of Toxic Substances Control to conduct depth specific sampling of the groundwater at PG&E's Topock Gas Compressor station site, near the City of Needles, to determine if Chromium VI has migrated under the Colorado River and reached the Arizona side of the River. ADEQ's letter, along with a news article from the Los Angeles Times related to possible contamination within the State of Arizona, are included in the Board folder.

*News Release Regarding Department of Energy (DOE) to Move Moab Nuclear Waste From Colorado River Banks*

Mr. Zimmerman reported that the DOE has agreed to move the Moab uranium mine tailings away from the Colorado River. Several articles relating to the announcement are included in the Board folder. As mentioned in these articles, the location of the disposal site is about 70 miles from the present site, near Crescent Junction, Utah. Yet to be determined, is the method of moving the tailings to the Crescent Junction site.

## **EXECUTIVE SESSION**

There being no further items to be brought before the Board, Mr. Bond moved that the meeting be recessed.

MOTION: Upon the motion of Mr. Bond, seconded by Mr. Wright, and unanimously carried, the meeting was recessed at 11:21 a.m. on April 13, 2005.

Pursuant to the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and Sections 12516 and 12519 of the Water Code, Chairman Allen announced that he would like to hold an executive session, and then excused everyone who was not a Board member or an alternate Board member, on the staff of the Board or an agency member of the Board.

Prior to adjourning to closed session to consider interstate claims to the use of Colorado River System waters and negotiations with representatives from of other Basin states relative thereto, the Board determined that discussing these matters in open session would substantially impair the ability of the Board to perform its duties to represent and protect the rights and interests of the State of California, its agencies, and its citizens in and to the waters of the Colorado River System.

MOTION: Upon motion of Mr. Wright, seconded by Mr. McFadden, and unanimously

carried, the Colorado River Board was reconvened, and the public portion of the meeting was adjourned and the Board reconvened in Executive Session at 11:40 a.m.

There being no further business, Chairman Allen called the Board to adjourn the Executive Session, and to reconvene the public session of the Board on 12:32 p.m.

MOTION: Upon the motion of Mr. Wright, seconded by Mr. McFadden, and unanimously carried, the Executive Session was adjourned and the Board reconvened in public session 12:32 p.m. on April 13, 2005.

Chairman Allen reported that in the closed session the Board discussed and provided direction to him and the staff regarding interstate negotiations on the operations of the Colorado River Reservoir System.

### **OTHER BUSINESS**

#### Next Board Meeting

Chairman Allen announced that the next meeting of the Colorado River Board will be held on Wednesday, May 4, 2005, at 5:00 p.m., at the San Jose Convention Center in conjunction with the Association of California Water Agencies (ACWA) 2005 Spring Conference.

There being no further items to be brought before the Board, Mr. McFadden moved that the meeting be adjourned.

MOTION: Upon the motion of Mr. McFadden, seconded by Mr. Wright, and unanimously carried, the meeting was adjourned 12:33 p.m. on April 13, 2005.



Gerald R. Zimmerman  
Executive Director