

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, August 24, 2005

A Special Meeting of the Colorado River Board of California (Board) was held in Island Ballroom, at the Hyatt Regency Islandia Hotel – Mission Bay, 1441 Quivira Road, San Diego, California, on August 24, 2005.

Board Members and Alternate Present

Lloyd W. Allen, Chairman
James H. Bond
James B. McDaniel
John W. McFadden
Henry Merle Kuiper

Bill D. Wright
Jeanine Jones, Designee
Department of Water Resources

Board Members Absent

Dana Bart Fisher, Jr.
John V. Foley
Terese Marie Ghio

Charles Van Dyke
Curt A. Taucher, Designee
Department of Fish and Game

Others Present

Stephen N. Arakawa
John Penn Carter
Kathy Caldwell
David Fogerson
William J. Hasencamp
Andy G. Horne
Jeffrey V. Kightlinger
Michael L. King
Russell Kitahara
George Loveland
Brad Luckey
Jay W. Malinowski
Jan P. Matusak
Stella A. Mendoza
John Pierre Menvielle

Dorothy M. Nichols
Dan Parks
Glen D. Peterson
Randy Record
Steven B. Robbins
John L. Scott
William H. Swan
James J. Taylor
Nancy S. Wright

Abbas Amir-Teymoori
J.C. Jay Chen
Mark Van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Allen, in the presence of a quorum, called the meeting to order at 3:08 p.m.

INSTALLATION OF NEW BOARD MEMBERS

Mr. Zimmerman announced the installation of several new Board members. Mr. Jim McDaniel representing Los Angeles Department of Water and Power (LADWP). Mr. McDaniel had been an Alternate Member representing LADWP. Mr. Tom Erb has been appointed by Governor Schwarzenegger as the Alternate Member representing LADWP. Mr. Hank Kuiper has been appointed to represent the Public. Ms. Terese Ghio has also been appointed to represent the Public.

Mr. Zimmerman added that John Pierre Menvielle had been appointed as the Alternate Member for IID. Mr. Menvielle took the oath of office.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chairman Allen asked if there was anyone in the audience that wanted to address the Board on items on the agenda or matters related to the Board. Hearing none, Chairman Allen moved to the next agenda item.

ADMINISTRATION

Approval of Minutes

Mr. Zimmerman asked that the July 13th, 2005, meeting minutes be approved.

MOTION: Upon the motion of Mr. Bond, seconded by Mr. Wright, and unanimously carried, the Board approved the July 13th meeting minutes.

CONSENT ITEM

Mr. Zimmerman reported that included in the packet of materials to the Board members was information on recent applicants submitting applications to receive water from the Lower Colorado River Water Supply Project. Chairman Allen mentioned that this is the seventh packet of applications submitted to the Board. In total there are 566 applications for a total of 5,471 acre-feet per year of Project water. Current use of Project water is 533 acre-feet per year. Proposed future use of Project water is 4,938 acre-feet per year. The current packet of applications is for a total a total of 54 acre-feet per year; including 18 acre-feet of current use, and a future use of 36 acre-feet.

Mr. Zimmerman stated that Board Resolution 2005-1 provides the Board's recommendation to the Bureau of Reclamation that each of these applicants are considered eligible to receive Lower Colorado Water Supply Project water. After Reclamation reviewed and approves these applications, Reclamation will forward the recommendation to the City of Needles to enter into subcontract with each of the applicants.

MOTION: Upon the motion of Mr. Bond, seconded by Mr. McDaniel, and unanimously carried, the project applications were approved.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of August 18th, the storage in Lake Powell has increased to 12.234 million acre-feet (maf) or 50 percent of capacity. The storage in Lake Mead is 15.3 maf, about 59 percent of capacity. The total System storage is 35.695 maf, or 60 percent of capacity, whereas, last year this time, there was 30.651 maf in storage, or 52 percent of capacity.

Mr. Zimmerman reported that precipitation in the Basin from October 1st through August 18th is 106 percent of normal. The unregulated flow into Lake Powell is expected to be about 108 percent of normal, or 12.984 maf.

Mr. Zimmerman added that the estimated consumptive use within the Lower Basin states predicted by Reclamation for 2005 is 283,000 acre-feet for Nevada, 2.5 maf for Arizona, and 4.2 maf for California. Total consumptive use for the Lower Basin states predicted by Reclamation is 6.969 maf for 2005.

State and Local Water Reports

Ms. Jeanine Jones, of the California Department of Water Resources, reported that although the snowpack has melted and the runoff has dwindled, there are some items of interest affecting southern California. For instance, the Lake Perris reservoir has been drawn down for seismic safety reasons. In addition, there is concern regarding the status of the endangered Delta smelt, as was discussed at an earlier conference by Mr. Lester Snow, Director of the Department of Water Resources.

Mr. Wright, of the Metropolitan Water District, reported as of January of this year, storage in the MWD reservoirs has increased by 114,000 acre-feet. Diamond Valley Lake has reached 788,000 acre-feet in storage and is expected to fill this year or early next year. In addition, MWD anticipates delivery of 175,000 acre-feet of water this year to its storage partners, the Desert Water Agency and the Coachella Valley Water District for groundwater storage.

There was some discussion regarding conservation efforts in the MWD service area. Since 1990, about 700,000 acre-feet have been conserved by member agencies in the MWD system.

Mr. McDaniel of the Los Angeles Department of Water and Power, reported that with the end of the precipitation season there is no report from the City this month.

Arizona v. California

Mr. Zimmerman reported that Mr. William Abbey, Deputy Attorney General of the Attorney General's Office, was unable to attend the Board meeting. Mr. Zimmerman added that the Special Master's recommendations and proposed Supplemental Decree still rests with the United States Supreme Court awaiting final approval.

Colorado River Operations

2006 Annual Operating Plan Development

Mr. Zimmerman reported the Colorado River Management Work Group held its second meeting addressing the development of the 2006 Annual Operating Plan (AOP). The handout material includes the latest draft of the 2006 AOP.

Mr. Zimmerman summarized salient points within the draft AOP. Of note is the anticipated designation of a "partial domestic surplus" for 2006 to govern releases from Hoover Dam. In addition, the minimum release of 8.23 maf is scheduled to be released from Glen Canyon Dam, and that 1.5 maf will be available for Mexico.

There was some discussion regarding the means by which a mid-year review would or would not be included in the 2006 AOP, and acceptable language to do so.

The final consultation meeting of the Work Group is scheduled for September 19th in Las Vegas, Nevada.

Reclamation's Letter for a Modified Schedule of Calendar Year 2005 Water Deliveries to Mexico

Mr. Zimmerman reported that Mexico had requested a change in their water delivery schedule. Mexico has requested the delivery of an additional 2,171 acre-feet be included in the month of August instead of the month of December. Included in the Board folder is a copy of the letter from Reclamation approving the change in delivery schedule, as well as a table of the scheduled and proposed releases.

Arizona Water Banking Authority's Letter to Reclamation Reporting Southern Nevada Water Authority Interstate Account for Calendar Year 2004

Mr. Zimmerman reported that the 2004 annual accounting of water banked in Arizona for the Southern Nevada Water Authority (SNWA) is summarized in a letter from the Arizona Water Banking Authority (AWBA). This letter, with the attached worksheet, is included in the Board folder. In 2004, the AWBA diverted 15,258 acre-feet on behalf of SNWA. SNWA received 14,062 acre-feet in storage credit. The total available credit for SNWA is 125,260 acre-feet. Under article 3.3.1 of the Storage and Interstate Release Agreement, 75,260 acre-feet has been stored in Arizona for the State of Nevada and that 50,000 acre-feet was banked prior to the agreement.

Lining the All-American Canal Litigation

Mr. Zimmerman reported that several articles regarding the filing of a lawsuit to halt the lining of the All-American Canal, as well as the legal complaint of the filing, are included in the Board folder. Mr. Jim Taylor, of the San Diego Water Authority, provided some details of the parties involved and the interest of the agencies that would be affected by the outcome of the lawsuit. Of note was the level of support from others in the three Lower Basin states.

The lawsuit alleges that the environmental review and documentation was inadequate. Those Allegations include potential violations of the Endangered Species Act, National Environmental Policy Act, and the Migratory Bird Treaty Act, as well as violates provisions of the San Luis Rey Indian Water Rights Act. Further, the lawsuit alleges that the lining project may jeopardize water rights holders in Mexico. In addition, the lawsuit alleges that provisions of the Administrative Procedures Act were violated.

Letter to the Editor of the Las Vegas Review-Journal Regarding Henry Brean's Article "Nevada Has Stake in Water Lawsuit"

Mr. Zimmerman reported that the Board responded to a recent article in the Las Vegas Review Journal that suggested that California was using more than its share of Colorado River water. Mr. Zimmerman wrote a response letter to the editor of the Las Vegas Review-Journal to clarify that California has not been utilizing more water than had been lawfully allocated.

Federal Register Notice Regarding "Request for Public Comments" and 2007 Farm Bill

Mr. Zimmerman reported that the U. S. Department of Agriculture (USDA) has published a *Federal Register* notice, soliciting for comments to be used to develop the 2007 Farm Bill. The deadline for comments is December 30, 2005. The notice is included in the Board folder.

Colorado Water Conservation Board Comment Letter regarding Bureau of Land Management Environmental Impact Statement on Virgin-Muddy Rivers Project

Mr. Zimmerman reported that the Colorado Water Conservation Board (CWCB) sent a comment letter to the Bureau of Land Management (BLM), in conjunction with a recently released draft Environmental Impact Statement (EIS), suggesting the Southern Nevada Water Authority (SNWA) proposal to develop the Virgin and Muddy Rivers Project would impact the Colorado River Compact. The CWCB is concerned about additional tributary water development in the Lower Basin and that the Lower Basin is currently using more than its apportioned 7.5 maf that it is entitled under the 1922 Colorado River Compact. The CWCB suggests that the EIS evaluate the development of non Colorado River System water supplies, such as groundwater and weather modification.

Basin States Discussion

Mr. Zimmerman reported that two public meetings announced in a *Federal Register* notice released by Secretary Norton on June 15th have been held. The first meeting was held in Henderson, Nevada, on July 26th. The second meeting was held in Salt Lake City, Utah, on July

29th. The seven Basin states joined in a statement that was read at both of the meetings. The statement is included in the hand out materials. The statement generally supports the process initiated by the Secretary of the Interior. The Basin states have agreed on two primary objectives: 1) to delay the onset, extent and duration of shortages in the Lower Basin, and 2) develop management strategies to maximize the protection of the Upper Basin against a Colorado River Compact call. There is also agreement among the Basin states that Mexico should share proportionally in the shortages pursuant to the 1944 Mexican Water Treaty.

Mr. Zimmerman reported that environmental and conservation organizations have provided statements regarding the shortage criteria. A paper on “Conservation before Shortage” is included in the Board folder.

Mr. Zimmerman reported that a joint Basin states’ letter has been prepared and is to be discussed and finalized so that each Basin state representative can sign the letter to be sent to the Secretary of the Interior. The letter proposes that the management strategy include three elements: 1) Coordinated reservoir management and Lower Basin shortage strategies; 2) System efficiency and management; 3) Augmentation of supply. The intent of the letter is to provide input into the scoping process of the development of management strategies under low flow conditions of the Colorado River System.

MOTION: Upon the motion of Mr. Kuiper, seconded by Mr. Bond, and unanimously approved, the Board authorizes the Executive Director to sign the letter in its present form without substantive changes.

Mr. Zimmerman mentioned that the next Basin states meeting is scheduled for August 25th. Items to be discussed are the joint letter to Secretary Norton and additional model runs by the technical committee.

Colorado River Environmental Activities

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

Mr. Zimmerman reported Mr. Harris is attending the LCR MSCP Steering Committee Meeting where Reclamation has finalized its fiscal year 2006 work plan and budget for implementation of the LCR MSCP and is expected to submit the work plan and budget to the Steering Committee at its meeting.

Further, Reclamation is currently working with stakeholders to identify restoration activities that can be implemented on Cibola Valley Irrigation and Drainage District as well as the Palo Verde Ecological Reserve lands. The intent of the work plan is to begin restoration projects on the two recently acquired parcels of land in fiscal year 2006.

WATER QUALITY

Colorado River Basin Salinity Control Forum Work Group Meeting at Cortez, Colorado

Mr. Amir-Teymoori, reported that Colorado River Basin Salinity Control Forum Work Group (Work Group) met in Cortez, Colorado, last July 19th through the 21st. The Work Group discussed new projects to be recommended to the Forum and the status of existing projects. The projects that were discussed included the Muddy Creek, Huntington-Cleveland, and the Eden Lateral. The cost effectiveness of the Muddy Creek project is about \$75 per ton of salt removed from the surface water. This is in comparison to projects ranging in cost from \$30 to \$40 per ton of salt removed from surface waters. The Work Group concluded that it will recommend to the Forum to approve funding for the Muddy Creek project. The Huntington-Cleveland project has already been approved by Reclamation and a contract has been signed. The Eden Lateral project in Wyoming needs to be funded through discretionary funds in 2005. This project will be further discussed at the August meeting in Salt Lake City, Utah.

Mr. Amir-Teymoori reported that Reclamation gave a report at the meeting on the Paradox Well Project. The Paradox Project had nearly reached its maximum pressure and was shut down in May due to seismic activity, and then restarted in June. Reclamation is going to study other alternatives or a second well. Reclamation will report on the status of the Paradox Project to the Work Group in January 2006.

Mr. Amir-Teymoori added that there was an informative tour of local salinity control projects in the Cortez, Colorado, area. Also, he added that the Work Group discussed preparation of a report on the Forum's activities focusing economic damages associated with salinity and the need for salinity control projects. The next Work Group meeting is scheduled for August 29th through the 31st in Salt Lake City, Utah.

Las Vegas Wash Perchlorate Remediation Efforts Update

Mr. Amir-Teymoori reported that the remediation efforts to remove perchlorate before it enters Las Vegas Wash is continuing. There are two sites where remediation is continuing. The Kerr McGee site and the AMPAC site. The remediation at the Kerr McGee site began operation in December 2004. This site makes use of the Fluidized Bed Reactor (FBR) and has a capacity of 1,000 gallons per minute. The concentration of the perchlorate into the system is between 200 and 250 parts per million, whereas the effluent is less than 18 parts per billion. The FBR has reduced the load to the Las Vegas Wash from about 900 pounds per day to about 100 pounds per day. As of August 1st, approximately 1,650 tons of perchlorate have been removed from discharge waters entering the Wash. There are two stations that monitor perchlorate loads to the Las Vegas Wash. Perchlorate concentrations are also monitored at Willow Beach monitoring station below Hoover Dam. The Perchlorate concentration at Willow Beach is about 3 parts per billion. The State of California action level of perchlorate is 6 parts per billion. The perchlorate concentration in Lake Mead is less than 4 parts per billion. At the MWD intake the perchlorate concentration is also less than 4 parts per billion.

Mr. Amir-Teymoori stated that at the AMPAC site the Perchlorate plume is below the ground surface and is not contributing significant perchlorate to the Las Vegas Wash at this time. Pilot studies have been conducted to ascertain whether in-situ bioremediation would be effective

to convert the Perchlorate in-situ. The work plan was submitted in January 2005 and the Nevada Department of Environmental Protection approved the plan. AMPAC has obtained the permit to drill wells for the remediation. Two extraction well fields and two injection well fields are designed for the leading edge of the plume. The wells have been installed and are in the process of development. The pipeline connecting the infrastructure is being installed and one of the extraction and injection wells is expected to be operational some time in September 2005. The second set of wells is expected to be operational by the end of the year. The total flow of the system is about 325 gallons per minute. The perchlorate load is about 35 pounds per day. Groundwater is extracted and a type of bio-fouling is added to the extracted water. The water is then to be transported to injection wells and a donor added before the water is injected. The Las Vegas Wash will be monitored with a tracer material to find out if the water from the injection wells enters the Las Vegas Wash.

Moab Mill Tailings Cleanup

Mr. Amir-Teymoori reported that the Department of Energy has issued a letter, included in the Board folder, that announced that the final Environmental Impact Statement (EIS) regarding the Moab Uranium Mill Tailings is ready for comments. The EIS evaluated several alternatives for the remediation of the pollutant near the Colorado River. Their preferred alternative is the removal of the approximately 12 million tons of mill tailings away from the River as well as active groundwater remediation at the Moab site. This option will entail the hauling of the tailings by railroad to a location near Crescent Junction, Utah. The cost of the operation is expected to be about \$472 million.

OTHER BUSINESS

Next Board Meeting

Chairman Allen announced that the next meeting of the Colorado River Board will be held on Wednesday, October 12, 2005, 10:00 a.m., at the Ontario Airport Marriott Hotel at 2200 E. Holt Boulevard in Ontario, California.

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 4:39 p.m. on August 24, 2005.


Gerald R. Zimmerman
Executive Director