

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, March 9, 2005

A Meeting of the Colorado River Board of California (Board) was held in Grand Ballroom Salon 3, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, on March 9, 2005.

Board Members and Alternates Present

Lloyd W. Allen, Chairman  
James H. Bond  
Dana "Bart" Fisher, Jr.  
John V. Foley  
John W. McFadden

P. Joseph Grindstaff, Designee  
Department of Water Resources  
Paul Stein, Designee  
Department of Fish and Game

Board Member and Alternate Absent

James B. McDaniel

Leonard E. Robinson

Others Present

Harold W. Ball  
William I. DuBois  
David Fogerson  
Elston K. Grubaugh  
William J. Hasencamp  
Jeanine Jones  
Jay W. Malinowski  
Jan P. Matusak  
Doug McPherson  
Douglas B. Noble  
Dan Parks  
McClain Peterson  
David R. Pettijohn  
Steven B. Robbins  
Mark Stuart

Dee Sudduth  
William H. Swan  
James J. Taylor  
Dennis B. Underwood  
Charles Van Dyke  
Joseph A. Vanderhorst  
Bill D. Wright

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 10:03 a.m.

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

Mr. Zimmerman reported that Mr. Darrell Hafen had sent another email to be distributed to each of the Board Members. In addition, a fax from Mr. Cliff Hurley was also sent to the Board to be submitted to each of the Board Members. Both communications were included in the handout materials made available to each of the Board members.

Chairman Allen asked Mr. Joseph Grindstaff of the Department of Water Resources to introduce Mr. Paul Stein, Chief Deputy Director of the California Department of Fish and Game. Mr. Grindstaff gave a brief introduction and welcomed Mr. Stein's attendance to the Board meeting.

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 February 9<sup>th</sup> meeting minutes be approved.

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

### Conflict of Interest Statements

Mr. Zimmerman mentioned that conflict of interest statements have been sent out and that the deadline for returning them to Board staff was March 1<sup>st</sup>.

### Regarding the Status of State of California Government Reorganization

Mr. Zimmerman reported that the initiative to eliminate 88 Boards and Commissions, the Colorado River Board being one of them, has been withdrawn. Testimony provided to the Little Hoover Commission by the Secretary Chrisman of the Resources Agency, Mr. Steve K. Hall of the Association of California Water Agencies, as well as several newspaper articles are included in the Board folder and hand-out materials. There was some discussion regarding inaccuracies in the testimony and whether they should be corrected for the record.

## **AGENCY MANAGERS MEETING**

Mr. Zimmerman reported that the Agency Managers had not met since the last Board meeting. However, there have been several conference calls regarding the Basin States discussions, the Lower Colorado Multi-Species Conservation Plan (LC-MSCP) and other Colorado River issues.

## **PROTECTION OF EXISTING RIGHTS**

## Colorado River Water Report

Mr. Harris reported that as of March 3<sup>rd</sup>, the storage in Lake Powell is 8.245 million acre-feet (maf). or 34 percent of capacity and the water level elevation is 3,559 feet. The storage in Lake Mead is 15.777 maf or 58 percent of capacity and the water level elevation is 1,143.6 feet. The total System storage is about 31 maf or 52 percent of capacity, whereas last year the total System storage was about 32.2 maf or 54 percent of capacity.

Mr. Harris discussed the climate pattern that has delivered record breaking precipitation across most of the southwest; but just on the slightly above normal range across the Upper Colorado River Basin. The April through July projected inflow into Lake Powell is 8.6 maf, or about 108 percent of average. The water year inflow forecast is almost 13 maf or 107 percent of normal.

Mr. Harris further added that the predicted consumptive use of ordered water as per Reclamation is 0.292 maf for the State of Nevada, 2.429 for the State of Arizona, and 4.255 maf for the State of California.

Mr. Harris talked about several slides depicting the snow conditions in the Colorado River Basin. The main stream flows to date in context to flows in recent years and current snow conditions and precipitation amounts as compared to recent historic amounts were discussed.

## State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, discussed precipitation to date in the metropolitan Los Angeles area. Precipitation so far is only about three inches less than the wettest year on record. All of Southern California is substantially above normal precipitation. The current precipitation for the Northern third of the state is about 100 percent of normal, the middle third of the state is about 120 percent of normal, and the southern third of the state is about 150 percent of normal. The April through July unimpaired snowmelt forecast for the northern part of the state is only about 80 percent, the middle part of the state is about 120 to 130 percent and the southern most portion of the Sierra Nevada Mountain range in Kern County is 124 percent of normal.

Mr. Stuart continued with California surface water storage. Statewide reservoir storage is about 110 percent of normal, whereas, the State Water Project (SWP) Storage is 3.9 maf or about 70 percent of capacity. Lake Oroville, the largest reservoir of the SWP, is holding about 2 maf, or 58 percent of capacity and about 80 percent of normal for this time of year. San Luis reservoir, being at south of the Delta, is over 1 maf, or 103 percent of normal capacity.

Mr. John Foley of the Metropolitan Water District, reported that as of March 7<sup>th</sup>, the combined storage in the three main reservoirs; Diamond Valley, Lake Mathews, and Lake Skinner is 895,000 acre-feet, or about 87 percent of capacity. Diamond Valley is at 689,000 acre-feet or 86 percent of capacity, which is expected to be filled by the end of the year. Lake Mathews is at 167,000 acre-feet or 92 percent of capacity and Lake Skinner is at 39,000 acre-feet or 88 percent of capacity.

Mr. David Pettijohn of the Los Angeles Department of Water and Power, reported that climate conditions in the Eastern Sierra are 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 at 56

inches of water content or 145 percent of normal for this time of year and 128 percent of normal for the year through April 1<sup>st</sup>.

### Arizona v. California

Mr. William Abbey of the Attorney General's Office reported that an informal "signing ceremony" of the Settlement Agreement among the California parties took place February 24<sup>th</sup> in La Jolla, California. The final motion recommending the approval of the Settlement Agreement has been sent to the Special Master, Judge Frank McGarr in Chicago. Judge McGarr will write his report and submit the package, including a proposed supplemental decree to the United States Supreme Court.

Mr. Abbey mentioned that included in the Board folder is a letter from Patrick Barry, of the Indian Resources Section of the Environment and Natural Resources Division of the U.S. Department of Justice, to the Special Master with respect to the Settlement Agreement between Arizona and the Quechan Indian Tribe. The letter for the California Parties, though similar will be slightly different because some of the exhibits to the motion are different. Mr. Abbey added that a copy of the Settlement Agreement is included in the Board folder and discussed the amounts of Colorado River water to be diverted by the Tribe, the restrictions to the use of this water and provisions in which MWD can buy back unused water. Mr. Abbey further discussed the difference in the terms and conditions of the recognition of the Tribal boundary in the California Settlement versus the Arizona Settlement.

### Colorado River Operations

#### *Reclamation's approval of the City of Needles Calendar Year 2005 Colorado River Diversions*

Mr. Zimmerman reported that Reclamation has approved the City of Needles diversions for the calendar year 2005. Included in the diversions by the City is the purchase of the Atchison, Topeka, and Santa Fe Present Perfect Right, which is a diversion of 1,260 acre-feet with a consumptive use of 273 acre-feet. In addition, Reclamation has approved the consumptive use of the Lower Colorado River Project in the amount of 475 acre-feet for the City of Needles and the subcontractors for the project. For this year, Reclamation is providing approval for the City of Needles to consumptively use 1,914 acre-feet of Colorado River water for the Lower Colorado Water Supply Project beneficiaries, as well as, for the City itself. A copy of the letter from Reclamation was included in the Board folder.

#### *Living Rivers News Release*

Mr. Zimmerman reported that the Living Rivers environmental group published an article briefly describing the ongoing discussions among the Colorado River Basin States and the status of the drought management and planning activities within the Colorado River Basin. The article, which was included in the Board folder, discusses the Department of the Interior's efforts to urge the Colorado River Basin States into developing shortage criteria and the deadlines that were set.

#### *Coordinated Releases from Alamo and Painted Rock Dams*

Mr. Zimmerman reported that the U.S. Army Corps of Engineers (USACE) on February 9<sup>th</sup> responded to the Board's letter requesting the coordination of releases from Parker, Alamo

and Painted Rock Dams. The response from the USACE described how it was working closely with Reclamation. Recent rainstorms across the southwest have required the USACE and Reclamation to communicate quickly with regard to reservoir operations in the Lower Colorado River Basin. The coordinated efforts will help to minimize the over-deliveries to Mexico.

Mr. Zimmerman mentioned that also included in the Board folder were several articles describing coordinated efforts to conserve the water from the recent rainstorms. The articles discuss the reduction in reservoir releases, reduced agricultural diversions, Salton Sea mitigation, and increased diversions to minimize the over-delivery of water to Mexico.

Mr. Elson Grubaugh of the Imperial Irrigation District (IID) provide a brief summary of the problems with delivering high flows to the Salton Sea through the IID distribution system.

#### *American Public Power Association Resolution*

Mr. Zimmerman reported that the Colorado River Energy Distributors Association and other members of the American Public Power Association has sponsored a resolution to urge Reclamation and the Western Area Power Administration (Western) to implement cost cutting measures and develop operational, financial and rate-setting strategies to improve the condition of the Upper Colorado River Basin Fund and to stabilize the Colorado River Storage Project (CRSP) hydroelectric power rates. The last five years of drought have resulted in considerably less energy being generated at Glen Canyon Dam. To make up the difference, the Western has purchased power at a higher cost, placing a financial burden on the Upper Basin Fund.

Mr. Zimmerman added that the resolution encourages the passage of federal legislation to make non-reimbursable appropriations available to ensure funding of the ongoing CRSP operations, as well as, required annual funding obligations. Revenues received from the generation of power at Glen Canyon Dam provide funding for the Colorado River Basin Salinity Control Program, the Upper Colorado and San Juan Recovery Implementation Programs, as well as, the Glen Canyon Adaptive Management Program.

#### *Announcement of Public Meetings Regarding Salton Sea Ecosystem Restoration Program*

Mr. Zimmerman reported that five public meetings have been held regarding the restoration of the Salton Sea. Two additional meetings will be held later today, March 9<sup>th</sup>, the first in La Quinta, California, at 1 p.m. and the second at 6 p.m. in Indio, California.

#### Basin States Discussion

#### *Basin States Representatives' Letters to their Senators Regarding Urgent Request for FY 2006 Funding for Lower Colorado River Regulatory Storage*

Mr. Zimmerman reported that all of the representatives of the Basin States signed the letter written to the congressional delegation of the Basin States. The letter requested funding of \$30 million for a 10,000 acre-foot management reservoir adjacent to the All-American Canal and \$7.6 million for the dredging behind Laguna Dam to create 1,100 acre-feet of regulatory storage. There was some discussion regarding federal budget considerations and the desire to have letters of support from the agencies on the Board.

*Lower Basin States' Representatives' Meetings on February 18<sup>th</sup> and 28<sup>th</sup>*

Mr. Zimmerman reported that the Lower Basin States' representatives have met to discuss conjunctive management of the releases and storage at Lake Mead and Lake Powell, and key items for consideration in the development of interim shortage guidelines and mid-year review of Lake Powell releases. Generally, a unified position among Arizona, California and Nevada regarding conjunctive management of Lakes Powell and Mead, interim shortage guidelines and mid-year review of Lake Powell releases has been reached. It was acknowledged, as the details for each of these are discussed, this could change.

*Seven Basin States' Representatives Meetings on March 1<sup>st</sup>, Phoenix, Arizona*

Mr. Zimmerman reported that regarding conjunctive management of Lakes Powell and Mead releases and storage, the Upper Basin and Lower Basin States have differing opinions and no agreement has been reached. Regarding the development of the interim shortage guidelines, more progress is being made. Generally, there is agreement on the following: 1) the key parameters for interim guidelines are interim through 2016; 2) the parameters are based upon the minimum objective release of 8.23 maf from Lake Powell; 3) through 2011, the shortage trigger will be based on 80P1050 for an absolute protection of water surface elevation behind Lake Mead at 1000; 4) starting in 2012, the shortage trigger will be based on absolute protection of 1000; 5) any shortage would be allocated between U.S. and Mexico; 6) the Upper and Lower Basins would share the reduction proportionally when Mexico receives less than 1.5 maf; 7) additional triggers would be identified above elevation 1000 to protect critical reservoir elevations and avoid sudden reductions in water supply; 8) a plan to address shortage in the U.S. will be developed by the Lower Basin states and provided to the Secretary at a later date.

Regarding the mid-year review of the 2005 Annual Operating Plan for the Colorado River System Reservoirs, the Upper Basin representatives are demanding less than 8.23 maf to be released from Lake Powell. It is the Lower Basin representatives' position that, with the current projected runoff into Lake Powell, there is no justification to reduce the releases from Lake Powell in 2005. The proviso would be that, if there is agreement among all of the states regarding the conjunctive management of Lake Powell and Lake Mead or if the Lower Basin could bank water in Lake Powell this year, a release of less than 8.23 maf from Lake Powell may be acceptable.

There was some discussion concerning the position of the Board regarding the mid-year review.

**MOTION:** Upon the motion of Mr. Fisher, seconded by Mr. Grindstaff, and unanimously carried, the motion that the release of water from Lake Powell during water year 2005 must be the minimum objective release of 8.23 maf unless acceptable arrangement regarding conjunctive management of Lake Powell and Lake Mead or the ability for the Lower Basin to bank water in Lake Powell are agreed to by all seven states.

Mr. Zimmerman further indicated that there was agreement at the Seven Basin States meeting on the 1<sup>st</sup> of March to charge the Basin States Technical Committee with investigating the short-term operation of the reservoirs and the long-term conjunctive management of Lakes Powell and Mead. The next Technical Committee meeting is scheduled for March 18<sup>th</sup>. The next Lower Basin States meeting is March 28<sup>th</sup> and the next Seven Basin States meeting is scheduled for April 4<sup>th</sup>.

*Arizona's House of Representatives Passed House Concurrent Memorial (HCM) 2007 Urging the Congress to Enact Legislation that would Restore the Priority Status of the Central Arizona Project (CAP)*

Mr. Zimmerman reported that the Board has sent a package of documents to the California Congressional Delegation in response to the HCM 2007 that was introduced in the Arizona Legislature calling for a revision of CAP's water right priority. In addition to the California congressional delegation, The Governor, as well as, the California legislative leaders received the package of materials. The package of materials included: a Congressional Alert, a Fact Sheet and a copy of the HCM 2007 that was introduced into the Arizona legislature.

*Senate Committee on Energy & Natural Resources' Announcement to be held on April 5<sup>th</sup>*

Mr. Zimmerman presented a slide announcing a special half day conference addressing the Nations every increasing demand for water. This conference is being held by the U.S. Senators Bingaman, of New Mexico, and Domenici, of New Mexico, at the Hart Office Building in Washington D. C. on April 5<sup>th</sup>. There was some discussion regarding conflicts with this date.

Colorado River Environmental Activities

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

Mr. Harris reported that finalization of the several agreements was proceeding. These includes the implementation agreement, the funding and management agreements, and the federal Section 10 Incidental Take Authorization. These agreements need to be finalized and readied for approval and execution prior to the Record of Decision (ROD) to be signed by the Secretary of the Interior. The process is on schedule to have the ROD signed on April 4, 2005 at Hoover Dam.

*Status of California Endangered Species Act (CESA) Compliance Package for LCR MSCP*

Mr. Harris reported that recent discussions with the California Department of Fish and Game (CDFG) have resulted in another draft 2081 Permit to be prepared. The California parties are working to ensure that the permit terms and conditions of the CESA permit are compatible with the federal permit terms and conditions.

Regarding the details necessary to complete the CESA compliance, there was discussion to "adopt a staff recommendation" as a motion that first adopts the findings of fact and statement of overriding considerations and adopts the mitigation monitoring and reporting program and approves the LCR MSCP and second authorizes the Executive Director to execute any and all appropriate agreements conditional upon executing a final CESA 2081 Permit with the CDFG, as well as to pass a formal resolution to accomplish the same. The draft resolution was sent to the Board members prior to the Board meeting.

MOTION: Upon the motion of Mr. Bond, seconded by Mr. Foley, and unanimously carried, the "staff recommendation was adopted".

Lower Colorado Water Supply Project

Mr. Zimmerman reported that Reclamation has made a reservation for 350 acre-feet of water from the Lower Colorado River Water Supply Project. About 100 acre-feet of the water is to be used at the Parker Dam Camp, the remaining 250 acre-feet will be reserved for future use. Also as previously discussed, congressional authorization to allow the advance delivery of water from the project using excess capacity outside the Colorado River corridor has been attached as an amendment to the Energy and Water Appropriations Bill. The passage would help solve the financial problems related to the project.

## **WATER QUALITY**

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

Mr. Abbas Amir-Teymoori reported that CRBSCF Work Group met on February 22<sup>nd</sup> and 23<sup>rd</sup> in Phoenix, Arizona. Much of the discussion revolved around allocation of the remaining discretionary funds. There was some review of the Salinity Economic Damage model. The input data has been updated and the model is expected to be run this month.

Mr. Amir-Teymoori added that the projects to be funded be prioritized under the categories of emergency, planning, research and underground. The identification and ranking of priorities will be decided by the forum.

The next CRBSCF Work Group meeting is scheduled for April 13<sup>th</sup> and 14<sup>th</sup> in Salt Lake, Utah. The Triennial Review will be discussed as the draft report, which is expected to be sent to the Forum members during the first week of May.

Mr. Amir-Teymoori continued that as in the past, Agencies are encouraged to provide written testimony in support of the fiscal year 2006 appropriations for the Salinity Control Programs. There are deadlines that are associated with each of the programs and testimony must be submitted accordingly. Submittal information is included in the Board folder.

There was some discussion of the quality of reclaimed water and the reduction of salt damages when the salinity is lower.

### *Board's, MWD's, Grand County Council's and Moab City's Comments on the Department of Energy's Draft EIS for Remediation of the Moab Uranium Mill Tailings Site, Moab, Utah*

Mr. Amir-Teymoori reported that comments were submitted regarding the Moab mine tailings and the draft EIS that was prepared related to the on-site or off-site removal of the mine tailings as well as groundwater remediation. Consistent with the Board's position in the past, the comment letter, included in the Board folder, recommended the mine tailings be moved off-site. Also included in the Board folder are several news releases and letters related to the Draft EIS and addressing the Moab mine tailings.

### *Los Angeles Times News Article Regarding Chromium VI Contamination Cleanup at PG&E's Topock Gas Compressor Station, City of Needles, California*

Mr. Harris reported that the Department of Toxic Substances Control (DTSC) has

requested the PG&E to accelerate their cleanup at the Topock Gas Compressor Station Site with respect to the hexavalent chromium contamination that is in the groundwater. The DTSC is requiring weekly well water sampling and that the pumps in the remediation well-field be pumped at the maximum capacity. The article was included in the Board folder.

### **EXECUTIVE SESSION**

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

MOTION: Upon the motion of Mr. Bond, seconded by Mr. Fisher, and unanimously carried, the meeting was adjourned for recess at 11:45 a.m. on March 9, 2005.

MOTION: Upon the motion of Mr. McFadden, seconded by Mr. Foley, and unanimously carried, the Colorado River Board was reconvened for Executive Session at 11:50 a.m.

There being no further business, Chairman Allen called the Board to adjourned the closed session, and to reconvene the public session of the Board on 12:09 p.m.

MOTION: Upon the motion of Mr. McFadden, seconded by Mr. Foley, and unanimously carried, the Executive Session was adjourned 12:09 p.m. on March 9, 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 and the Governor's proposal to California Government reorganization.

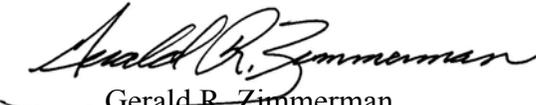
### **OTHER BUSINESS**

#### Next Board Meeting

Chairman Allen announced that the next meeting of the Colorado River Board will be held on Wednesday, April 13, 2005, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, at 10:00 a.m.

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. Foley, and unanimously carried, the meeting was adjourned 12:10 p.m. on March 9, 2005.

  
Gerald R. Zimmerman  
Executive Director