

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, May 4, 2005

A Special Meeting of the Colorado River Board of California (Board) was held in Sainte Claire Room, 2nd Floor, at the Hyatt Sainte Claire Hotel, 302 South Market Street, San Jose, California, on May 4, 2005.

Board Members and Alternates Present

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

P. Joseph Grindstaff, Designee
Department of Water Resources

Board Members and Alternate Absent

John V. Foley
Leonard E. Robinson

Curt A Taucher, Designee
Department of Fish and Game

Others Present

Robert G. Beeby
John P. Carter
Ted Chester
Kristine Fontaine
Elston K. Grubaugh
William J. Hasencamp
Gordon A. Hess
Andy G. Horne
Ronald E. Hull
Jeffrey V. Kightlinger
Bill Knutson
Thomas E. Levy

George Loveland
Brad Luckey
LeVal Lund
Melissa Hatheway McKeith
David R. Pettijohn
Steven B. Robbins
Jessie P. Silva
Robert D. Thomson

J.C. Jay Chen
Gerald R. Zimmerman

CALL TO ORDER

Chairman Allen, in the presence of a quorum, called the meeting to order at 5:01 p.m. Chairman Allen introduced Mr. George Loveland as is the new Alternate for the San Diego County Water Authority (SDCWA). Mr. Loveland was welcomed by the Board members.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mr. Zimmerman gave the audience an opportunity to address the Board on any issues on the Agenda or matters related to the Boards mission. Upon hearing none, Chairman Allen moved to the next item.

ADMINISTRATION

Approval of Minutes

Mr. Zimmerman asked that the April 13th Board meeting minutes be approved.

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

Congratulatory Letter to Mr. Dennis B. Underwood

Mr. Zimmerman reported that a letter had been sent congratulating Mr. Dennis B. Underwood on his new appointment as the new Chief Executive Officer and General Manager of The Metropolitan Water District of Southern California.

Fiscal Year 2005-06 Colorado River Board Budget

Mr. Zimmerman reported the Colorado River Board budget was considered and adopted as part of the Consent Calendar by the Assembly Subcommittee No. 3 on March 10th. The Senate staff had included a write-up on the Lower Colorado River Multi-Species Conservation Program that was considered to be favorable and good, the Senate Subcommittee No. 2 without any discussion approved the Board's budget.

Mr. Zimmerman added that a Standard Agreement between the Board and the Six Agency Committee is expected to be submitted for approval and action by the Board next month.

AGENCY MANAGERS MEETING

Mr. Zimmerman reported that the Agency Managers were scheduled to meet May 5th at 3:00 p.m. The Board's fiscal year 2005-2006 Budget and the funding percentages as well as the Basin States issues were to be discussed at the meeting.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of April 27th, the storage in Lake Powell is 8.4 million acre-feet (maf), or 34 percent of capacity with an elevation of 3,560 feet above sea level. The Upper Basin reservoirs are starting to fill from this season's run-off and snow melting. Many of the Upper Basin reservoirs are expected to fill before the end of the year. The storage in Lake

Mead was about 16 maf or 62 percent of capacity. The water surface elevation was 1,145 feet above sea level.

Mr. Zimmerman reported that precipitation in the Basin for the period of water year from October 1st to April 27th was 104 percent of normal. The snowpack was about 100 percent of normal. As of April 15th, projections for the April through July runoff were or 8.4 maf, or 106 percent of normal, and for the water year runoff is forecasted to be or 12.5 maf, or 104 percent of normal. Warm climate conditions brought about an early melt of the snowpack that caused flood flows in some areas of Colorado and Utah, the high flows increased runoff in portions of the Basin and additional snowstorms replenished the snowpack in some regions.

State and Local Water Reports

Mr. Joseph Grindstaff, Chief Deputy Director of the California Department of Water Resources, reported that the water supply forecasts for the State of California have increased from last month. Precipitation records for this year are close to the wettest year on record. Delivery forecast of the State Water Project (SWP) is 85 percent of entitlements, up from 70 percent the previous month.

Mr. Wright, Director of MWD, reported that, as of April 28, the combined storage in Diamond Valley Lake, Lake Mathews, and Lake Skinner was about 920,000 acre-feet or about 90 percent of capacity. Diamond Valley had about 715,000 acre-feet in storage, or about 89 percent of capacity. Lake Mathews had 164,000 acre-feet in storage, or 90 percent of capacity, and Lake Skinner had 41,000 acre-feet in storage, or 92 percent of capacity.

Mr. McDaniel of the Los Angeles Department of Water and Power reported that the City of Los Angeles is expecting to supply about 58 percent of its water supply needs from the Eastern Sierra's for this year. Environmental uses are up, with the implementation of the Owens Dry Lake Project and allocations to Mono Lake. In the recent past, during a wet year as this year the City of Los Angeles would have been able to meet 75 to 80 percent of its water needs with diversion from its Eastern Sierra supplies.

Arizona v. California

Mr. Zimmerman reported that although Mr. Abbey wasn't able to attend the Board meeting, he had communicated the status of the Proposed Settlement Agreement. The Special Master has approved the Agreement and is recommending approval along with the proposed Supplemental Decree to the Supreme Court. Upon approval by the Supreme Court, a Supplemental Decree in the *Arizona vs. California* case would be issued.

Colorado River Operations

Reclamation's review of the "Criteria for Coordinated Long-Range Operations of Colorado River Reservoirs"

Mr. Zimmerman reported that the Secretary of the Interior, on March 21st, had released the final decision regarding the five-year review of the Long-Range Operating Criteria of Colorado River Reservoirs (Operating Criteria) in the *Federal Register*. Included in the Board folder, is the Operating Criteria as it was modified, including comments from 21 agencies or

individuals and federal responses to comments received during the public review process.

Southern Nevada Water Authority's (SNWA) Letter to MWD and Reclamation Regarding Availability of Unused 2005 Apportionment of Colorado River Water

Mr. Zimmerman reported that SNWA has entered into an agreement with MWD to bank Nevada's unused apportionment water in MWD's system pursuant to the SNWA Storage and Interstate Release Agreement (SIRA). SNWA has requested that at least 15,000 acre-feet be stored, however that amount could be as high as 25,000 acre-feet. The letters to both MWD and Reclamation are included in the Board folder.

Inadvertent Overrun and Payback Policy (IOPP)

Mr. Zimmerman reported that in January 2004 the Secretary of the Interior issued the IOPP. In Article 10 of the IOPP, Reclamation is to develop procedures to implement the IOPP. On April 26, 2005, Reclamation distributed their recommended procedures. Inputs from the Board agencies were encouraged, so that they could be incorporated into the Board's comments on the procedures.

Denver Channel.Com Article, "High Snowpack in Parts of Colorado Create Flood Risks"

Mr. Zimmerman reported that there are areas in the Upper Basin where warm periods in conjunction with this seasons snowpack have contributed to the potential for flood flows in portions of Colorado as mentioned in the article included in the Board folder. Other areas in neighboring watersheds to the Basin have also been subject to this predicament.

Eradication of Saltcedar in the Colorado River Basin

Mr. Zimmerman reported that Assembly Bill 1466, introduced by Assembly Member Laird, charges the California Department of Water Resources in coordination with the Board, the Department of Fish and Game, and the Department of Food and Agriculture to develop a plan to remove or eradicate saltcedar in the Colorado River Basin. The bill also requires the re-establishment of native vegetation where the saltcedar is removed. There is no funding at the present time for the implementation of the bill. In addition the bill would only cover that portion of the Colorado River Basin within the State of California. There was discussion acknowledging that a truly effective plan would incorporate the removal of phreatophytes such as saltcedar to begin from the upper reaches of the Basin to the lower reaches of the River. The proliferation of phreatophytes, such as saltcedar, is such that populations of the species in the upper reaches would propagate in the lower reaches of the River. Consequently, the most effective program would start in the upper reaches of the Basin. A Seven-State effort to eradicate saltcedar was suggested.

Basin States Discussions

Mr. Zimmerman reported that the efforts of the Basin States Representatives to reach a consensus on the mid-year review of the releases from Lake Powell were unsuccessful at the April 18th meeting. Reclamation met individually with representatives from the Upper Basin States and the Lower Basin States to better understand the respective positions regarding releases from Glen Canyon Dam.

Mr. Zimmerman added that the Upper Basin States' representatives submitted a letter also dated April 18th to Secretary Gale Norton. The Upper Basin States contend that there is no obligation to release 8.23 maf annually to the Lower Basin from Glen Canyon Dam. In addition, they also stated that hydrologic conditions warrant a delivery of less than 8.23 maf this year. This letter as well as a letter from the Upper Colorado River Commission with an attached resolution is included in the Board folder.

Mr. Zimmerman reported that Reclamation held a consultation meeting on April 26th. Reclamation gave the a status report of hydrologic and reservoir conditions in the Colorado River System. Also presented were forecasts of reservoir elevations if releases from Glen Canyon Dam were reduced by 200,000 or 500,000 acre-feet. In both scenarios, the reduction would have occurred in the months of June and July and only a slight reduction in August. The resultant impact on the Lake Powell and Lake Mead would be slight for this calendar year, however, by 2006 there would be about a five foot drop in Lake Mead with about a five foot rise in the water surface elevation of Lake Powell. In 2007, this deviation would be even greater. In addition to the changes in elevations of Lakes Powell and Mead, there would also be a reduction in power revenue of about \$10 million from Glen Canyon Dam, and \$2.5 million less power revenue generated from Hoover Dam. The revenue from Glen Canyon Dam contributes to the Upper Basin Fund. This fund provides for the implementation of environmental programs in the Upper Basin.

Mr. Zimmerman mentioned that after the consultation meeting on April 26th, a letter was sent from the Lower Basin States to the Secretary of the Interior. The letter, included in the handout materials, maintained that the 8.23 maf should continue to be released from the Glen Canyon Dam. Such a reduction of releases would undercut current efforts among the Basin States to reach a consensus on Conjunctive Management of the Lakes Powell and Mead. A reduction in releases from Glen Canyon Dam would also hamper the development of the Shortage Criteria Guidelines for the Lower Basin. In addition, current hydrologic conditions are much more favorable than was assumed when the 2005 AOP was developed. The letter did acknowledge that if drought conditions continued next year and Lake Powell was about to reach the minimum power pool, then a reduction in releases from Glen Canyon Dam may be considered. However, in our view the Long-Range Operating Criteria do not provide the Secretary of the Interior the discretion to reduce the minimum objective release from Glen Canyon Dam.

Mr. Zimmerman added that Secretary of the Interior directed Reclamation to convene the Colorado River Management Work Group on May 31st to discuss the Long-Range Operating Criteria. The purpose of the meeting is to consult with the states and the public on the appropriate processes and mechanisms to address management challenges in the operation of the Colorado River Reservoir System. Following the meeting, the Secretary is expected to prepare a *Federal Register* notice, which is to be published on or before June 15th. The notice is expected to announce the process of development of interim shortage guidelines for the Lower Basin and development of Conjunctive Management Guidelines for Lake Powell and Lake Mead.

Various News Articles of Interest Related to the Recent Basin States Discussions

Mr. Zimmerman reported that included in the Board folder and handout materials are various articles from news media outlets in Colorado, Arizona and California. Each highlights

the hydrologic and reservoir conditions of the Colorado River System and perspective of the views articulated by various representatives of the Basin states.

Colorado River Environmental Activities

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

Mr. Zimmerman reported that Board staff had notified him that a copy of the final Record of Decision of the Secretary of the Interior was e-mailed the morning of May 4th. Board staff sent out a copy to each of the Board agencies. In addition, the inaugural meeting for the implementation of the LCR MSCP is to be held May 13th in Las Vegas. Prior to this meeting, all of the partners are to designate their representative member and alternate to attend the steering committee.

The Board recently received the final copy of the executed ESA section 10(a)1(B) Incidental Take Permit. A copy of the permit has been sent to all of the partners. A copy of that permit is included in the Board folder. Regarding the California Endangered Species Act section 2081 permit, the City of Los Angeles has yet to sign the permit.

California Senate Bill 1081

Mr. Zimmerman reported that Senator Ducheny had introduced legislation, S.B. 1081, that would amend the Water Code to prevent the use of Proposition 50 funds from being spent on any activity not related to the Salton Sea. The bill would require the Wildlife Conservation Board to identify the source of funds that would be used to purchase the Travis Ranch property. As mentioned at previous Board meetings the Travis Ranch property is an important element related to California's compliance with the 2081 permit. MWD currently opposes the legislation.

Southwestern Willow Flycatcher Critical Habitat Designation

Mr. Zimmerman reported that the U. S. Fish and Wildlife Service (USFWS) has recently completed its economic analysis associated with the designation of the Critical Habitat for the willow flycatcher. The USFWS has requested interested parties to submit comments by May 31, 2005. Board staff are preparing comments related to the proposed Critical Habitat designation.

WATER QUALITY

PG&E Topock Gas Compressor Station

Mr. Zimmerman reported that the California Department of Toxic Substances Control (DTSC) was working with the Arizona Department of Water Quality (ADWQ) on two studies related to the Chromium VI contamination at the PG&E's Topock Gas Compressor Station.

PG&E is conducting a study to determine the background concentrations of metals as well as Chromium VI at various sites. Permission for access from local well owners is currently in process. Once permission is obtained, monitoring and testing of wells will begin.

There was some discussion regarding a Tribal suit against DTSC trying to stop the cleanup activities until cultural resource issues have been addressed. A 60 day delay has been instituted to resolve the issue.


OTHER BUSINESS

Next Board Meeting

Chairman Allen announced that the next meeting of the Colorado River Board will be held on Wednesday, June 15, 2005, at the Ontario Airport Marriot Hotel, 2200 East Holt Boulevard, in 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. Wright, and unanimously carried, the meeting was adjourned 6:09 p.m. on May 4, 2005.



Gerald R. Zimmerman
Executive Director