

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, December 13, 2006

A Special Meeting of the Colorado River Board of California (Board) was held in the Florentine Ballroom 1-2-3, of Caesars Palace Hotel, at 3570 Las Vegas Boulevard South, Las Vegas, Nevada 89109-8924, Wednesday, December 13, 2006.

Board Members Present

Dana Bart Fisher, Jr., Chairman

James H. Bond

John V. Foley

Henry Merle Kuiper

John W. McFadden

James B. McDaniel

John Pierre Menvielle

Jeanine Jones, Designee

Department of Water Resources

Christopher G. Hayes, Designee

Department of Fish and Game

Board Member Absent

Terese Marie Ghio

Others Present

Jack A. Barnett

Mark D. Beuhler

Timothy F. Brick

Dan Boyd

John Penn Carter

Peter Carlson

Kathryn Charlton

Michael J. Clinton

Tony Ferraro

David Fogerson

James Hanks

William J. Hasencamp

Gordon A. Hess

Susan Hinman

Jill Johnson

Jeffrey V. Kightlinger

Michael L. King

W. D. "Bill" Knutson

Thomas E. Levy

Brad Luckey

Don MacFarlane

Tom Maddock

Jay W. Malinowski

Dirk S. Marks

Jan P. Matusak

Stella A. Mendoza

Dan Parks

Roger K. Patterson

Steven B. Robbins

Dan Robinson

Jack Seiler

John W. Shields

Peter S. Silva

Ed W. Smith

James J. Taylor

Deven Upadhyay

Joseph A. Vanderhorst

Mark Wade

Bill D. Wright

J.C. Jay Chen

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 3:05 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

California Farm Bureau Federation Publication “AG-Alert”

Chairman Fisher announced that an article, “*Bill DuBois, 90 Years, Still Working For Agriculture,*” appeared in the weekly tabloid, “AG-ALERT,” acknowledging Mr. DuBois’ commitment to the farming community. Mr. DuBois often attends the Board meetings.

ADMINISTRATION

Approval of Minutes

Chairman Fisher requested the approval of the November 15th meeting minutes. Mr. Foley suggested a correction be made to page 10. Mr. Bond moved that with the correction made, that the minutes be approved. Mr. Kuiper, seconded the motion. Unanimously carried, the Board approved the November 15th meeting minutes.

2007 Board Meeting Schedule

Mr. Zimmerman requested that the meeting schedule, included in the Board folder, for the next calendar year be approved by the Board. On the motion of Mr. Kuiper, seconded by Mr. Menvielle, and unanimously carried, the Board approved the meeting schedule for 2007.

State of California Employee’s Ethics Training

Mr. Zimmerman reminded the Board that the bi-annual ethics training conformation forms need to be signed and turned in so that the forms can be sent to Sacramento.

AGENCY MANAGERS’ MEETING

Mr. Zimmerman reported that the agency managers met with representatives from Nevada. The Agency Managers listened to a presentation by the representatives from Nevada on how water augmentation proposals could be implemented to meet Nevada’s water supply needs. Challenges to the various proposals were discussed.

Mr. Zimmerman added that there was a conference call on December 8th, where the Agency Managers discussed the upcoming Lower Basin states meeting and the Seven Basin states meeting to be held at the end of the week (December 15, 2006).

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of December 7th, the storage in Lake Powell was 12.34 million acre-feet (maf), or 51 percent of capacity. The water surface elevation was 3,606 feet. The storage in Lake Mead was 14.04 maf, or 54 percent of capacity, and water surface elevation of 1,127 feet. Total System storage was about 34.07 maf, or 57 percent of capacity. Last year at this time, there was 34.51 maf in storage, or 58 percent of capacity. Storage is down about 440,000 acre-feet from this time last year.

Mr. Zimmerman reported that precipitation from October 1st to December 7th is about 120 percent of normal, and the snowpack is about 90 percent of normal. The observed April through July runoff into Lake Powell for Water Year 2006 was about 5.32 maf, or 67 percent of normal. The projected 2007 water year unregulated inflow into Lake Powell is about 11.7 maf, or about 97 percent of normal.

Mr. Zimmerman added that the Reclamation projected consumptive use (CU) for the State of Nevada to be slightly over their entitlement of 300,000 acre-feet (303,000 AF), and for Arizona the CU is projected to be 2.804 maf, and for California the consumptive use is projected to be 4.278 maf. Overall CU in the Lower Basin is expected to be about 7.386 maf. In 2005 the Lower Basin Consumptive use was about 7.07 maf.

There was some discussion of the current distribution of snow through out the upper watersheds of the Colorado River Basin. Mr. Zimmerman added that the Colorado River Basin storage curve is similar to last year and the projection for next year is about the same.

State and Local Water Reports

Ms. Jones reported that its too early to realistically know what the snowpack will be for this year. However, the initial State Water Project allocation, based on reservoir capacity, is 70 percent. This value is high because of the effect of the previous wet year on storage in the State Water Project. The first official snowpack forecast will be made after the snowpack measurements shortly after January 1st.

Mr. Foley reported that Diamond Valley Lake storage is about 730,000 acre-feet, or 90 percent of capacity; storage in Lake Mathews in 77 percent of capacity, and storage of Lake Skinner is 90 percent of capacity; overall storage in the MWD reservoir system is about 88 percent of capacity.

Mr. McDaniel of the Los Angeles Department of Water and Power (LADWP) reported that meaningful climate forecasts for the Eastern Sierra are not yet available. Precipitation as of December 12th is only about one tenth of an inch.

Colorado River Operations

Reclamation's 46th Annual Water Management Workshop

Mr. Zimmerman announced that Reclamation will be holding its annual water management workshop in Denver, Colorado on February 5-9, 2007. A copy of the announcement was included in the Board folder. Mr. Zimmerman mentioned that there appear to be about 20 participant slots available, and recommended that those within the Lower Basin that would like to attend the workshop should sign up soon. The purpose of the workshop is to assist water districts and water management agencies in improving management and operations related to delivery and use of water.

H. R. 2720 Salt Cedar and Russian Olive Control Demonstration Act.

Mr. Zimmerman reported that H.R. 2720, the salt cedar and Russian olive Control Demonstration Act, was passed by Congress. The legislation appropriates up to \$20 million during Fiscal Year 2006 and up to \$15 million annually from 2007 through 2010. Some of these monies potentially may be applied to salt cedar eradication programs under the Lower Colorado River Multi-Species Conservation Program.

Advance Delivery of Lower Colorado Water Supply Project (LCWSP) Water

Mr. Zimmerman reported that the Board has approved nearly 2,000 applications. However, 80 percent of those applications are for future use. Capital costs and maintenance cost for the project are due. In order to maintain the Project's economic viability, an amendment to the LCWSP Act, was sought to permit the 'advanced delivery' of Project water to an entity that could put the water to an authorized use now. The Metropolitan Water District of Southern California (MWD) has agreed to enter into a contract to receive the Project water over an interim period. Revenues from the sale of the water will be placed in a trust fund account. As Project beneficiaries come on line, the sale of the water to MWD will be reduced. The contract to receive the water from the excess capacity of the well field and the Trust Agreement is expected to be considered by MWD's Board in February, 2007.

MWD's Letter to Reclamation Regarding MWD's 2005 Consumptive Use and Request for Article II(B)(6) Water

Mr. Zimmerman reported that MWD may have exceeded its 2005 consumptive use (CU) by approximately 15,000 acre-feet. However, Arizona had purportedly used about 290,000 acre-feet under its basic entitlement. Accordingly, MWD submitted a letter requesting Reclamation make that amount of water available pursuant to Article II(B)(6) from some of Arizona's unused apportionment in 2005. Nevada had made a similar request previously for its CU over its apportionment. In a conference call on December 11th, with the Lower Basin states, no objections were made regarding the MWD request.

Status of the All-American Canal Lining Lawsuit

Mr. Zimmerman reported that oral arguments were heard on December 4th in the U.S. Ninth Circuit Court of Appeals. The State of California filed an *amicus curiae* brief in support of the defendant's position and the District Court's decision. A decision is expected in early 2007. However, the U.S. Congress recently passed legislation that directs the Secretary of the Interior to construct the project without delay, notwithstanding any other provision of law.

Basin States Discussion

Mr. Zimmerman reported that the Lower Basin states met on December 13th and the Basin States will be meeting on December 15th. Further discussions regarding revisions to the Basin States draft Agreement revealed that a two-day meeting on January 4th and 5th would be needed to go through all of the documents: including the draft Lake Mead Intentionally Created Surplus Forbearance Agreement (Forbearance Agreement) that Arizona had prepared; the exhibits to the Forbearance Agreement; and the Nevada-Arizona Shortage Sharing Agreement. Mr. Zimmerman added that the consultants are making progress in completing the Long-Term Augmentation Study, as well as the contracts for funding the 2007 Weather Modification Demonstration Program with the States of Colorado, Utah, and Wyoming.

Reclamation's Drop 2 Storage Reservoir Project – Draft Environmental Assessment

Mr. Zimmerman reported that Reclamation's Yuma Area Office recently released a draft Environmental Assessment (EA) for the Drop 2 Reservoir Project. The draft EA describes and analyzes the project and potential environmental impacts associated with the reservoir and connecting canals. Comments on the draft EA will be accepted through January 15, 2007. Mr. Zimmerman added that H.R. 6111 has directed the Secretary of the Interior to construct the project without delay, notwithstanding any other provision of law.

Colorado River Environmental Activities

Glen Canyon Dam Adaptive Management Program

Mr. Zimmerman reported that the Glen Canyon Dam Adaptive Management Work Group (AMWG) met on December 5th and 6th. There was discussion regarding the Long-Term Experimental Plan (LTEP), the potential Beach/Habitat-Building Flow (BHBF), the development of a Lower Colorado River recovery implementation plan for the Humpback chub, and the development of a Humpback chub refugia. The AMWG indicated that the current flows as dictated by the 1995 EIS for Glen Canyon Dam operations, adversely affects the sediment in the canyon and contributed to the reduction in the Humpback chub population. The AMWG suggest that Reclamation look at non-flow related options, such as the mechanical removal of some of the non-native fish

Mr. Zimmerman continued that Reclamation recently announced a schedule for the NEPA process evaluating the LTEP, culminating in a Record of Decision in December 2008. The process was initiated with the *Federal Register* notice published December 12, 2006. The AMWG recommended that the LTEP should maintain a balance of all resources while focusing on the Humpback chub and sediment resources. The AMWG did not immediately approve

conducting a BHBF, but directed the Grand Canyon Monitoring and Research Center and the Technical Work Group to work together to develop a credible science plan for consideration at the AMWG's next meeting.

Mr. Zimmerman added that the AMWG recommended development of a Lower Basin Recovery Program addressing the needs of the Humpback chub, including the development and utilization of off-site refugia.

Draft Programmatic Environmental Impact Report Salton Sea Ecosystem Restoration

Mr. Zimmerman reported that the Department of Water Resources and Department of Fish and Game released the draft Programmatic Environmental Impact Report (PEIR), on October 19th. The draft PEIR describes eight alternatives and compares them to existing conditions and two No Action alternatives. Two public workshops were held, one November 14th through 16th and the other December 4th through 6th, to obtain input. Comments to the draft PEIR are due by January 16, 2007.

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, January 10, 2006, 10:00 a.m., at the Ontario Marriott Hotel in Ontario, California. [EDITORS NOTE: The next Board meeting has been re-scheduled to meet at the Ontario Double Tree Hotel, 222 N. Vineyard Avenue, Ontario, California, instead of the Marriott Hotel. The meeting is to be held at the same time but at a different place.]

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting. Upon the motion of Mr. Kuiper, seconded by Mr. Bond, and unanimously carried, the meeting was adjourned 3:44 p.m. on December 13, 2006.


Gerald R. Zimmerman
Executive Director