

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, March 15, 2006

A Regular Meeting of the Colorado River Board of California (Board) was held in the Grand Ballroom Salon 3, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, on March 15, 2006.

Board Members and Alternates Present

John V. Foley, Vice-Chairman
James H. Bond
Thomas M. Erb
D. Bart Fisher, Jr.
John W. McFadden
John Pierre Menvielle

Jeanine Jones, Designee
Department of Water Resources

Christopher G. Hayes, Designee
Department of Fish and Games

Board Members Absent

Lloyd W. Allen, Chairman
Terese Marie Ghio

Henry Merle Kuiper
James B. McDaniel

Others Present

Karen Crampton
William I. DuBois
William J. Hasencamp
Gordon A. Hess
Michael L. King
Russell Kitahara
Jay W. Malinowski
Jan P. Matusak
Doug McPherson
Dan Parks
Roger K. Patterson
David R. Pettijohn
Steven B. Robbins
John L. Scott

Mark Stuart
William H. Swan
James J. Taylor
Curt A. Taucher
Joseph A. Vanderhorst
Charles Van Dyke
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

Vice-Chairman Foley, in the presence of a quorum, called the meeting to order at 10:06 a.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Vice-Chairman Foley 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, Vice-Chairman Foley moved to the next agenda item.

ADMINISTRATION

Approval of Minutes

Vice-Chairman Foley asked if there was a motion to approve the February 15, 2006 minutes. Mr. Fisher moved approval of the February 15th meeting minutes.

MOTION: Upon the motion of Mr. Fisher, seconded by Mr. Menvielle, and unanimously carried, the Board approved the February 15th meeting minutes.

Imperial Irrigation District Director Lloyd W. Allen to Retire from Public Service in December 2006

Vice-Chairman Foley announced that Chairman Allen, Director of the Imperial Irrigation District, is planning to retire at the end of December 2006.

Statements of Economic Interest

Mr. Zimmerman mentioned that the Statement of Economic Interests are due back to the Board. Staff needs to file the Statements with Sacramento by April 1st.

Resolution Acknowledging the Retirement of Mr. D. Larry Anderson, Director of Utah Division of Water Resources

Mr. Zimmerman reported that the Board folder included a draft resolution honoring Mr. D. Larry Anderson and his service to the “Basin States Discussions” and his tenure with the State of Utah. Mr. Zimmerman asked the Board to adopt the draft resolution.

MOTION: Upon the motion of Mr. Bond, seconded by Ms. Jones, and unanimously carried, the Board adopted the resolution to honor Mr. D. Larry Anderson.

Resignation of Secretary of the Department of the Interior

Mr. Zimmerman reported that Secretary Gale A. Norton submitted her resignation as Secretary of the Department of the Interior on March 10, 2006. Secretary Norton plans to return to private practice after March 31st.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported that as of March 9th, the storage in Lake Powell was 10.77 million acre-feet (maf) or 44 percent of capacity. The water surface elevation was 3,589.4 feet. The storage in Lake Mead was about 15.49 maf, or about 60 percent of capacity. The water surface elevation was 1,140.9 feet. The total System storage was 33.815 maf, or 57 percent of capacity. Last year at this time, there were 31.03 maf in storage, or 52 percent of capacity.

Mr. Harris reported that precipitation in the Basin from October 1st through March 9th is about 98 percent of normal. The snowpack equivalent, which is based on 116 SNOTEL sites through out the Basin, is 92 percent of normal. The projected unregulated flow into Lake Powell for April through July 2006 is estimated to be 7.2 maf, or 91 percent of normal. The estimated unregulated inflow into Lake Powell for water year 2006 is about 12.2 maf, or 101 percent of normal. The Basin hydrology is below that of last month by about 10 percent. The winter season is not yet over and there have been additional storm fronts move through the Basin in the last few days that are not included in this months water report.

Mr. Harris reported that Reclamation's estimated consumptive use within the Lower Division states for calendar year 2006: for Nevada is expected to be 304,000 acre-feet; Arizona is expected to consumptively use about 2.853 maf; and California is expected to consumptively use about 4.368 maf. Overall Reclamation has estimated that the consumptive use for 2006 in the Lower Basin to be 7.524 maf.

State and Local Water Reports

Mr. Mark Stuart of the California Department of Water Resources reported that precipitation in the southern part of the state is below normal for this time of year. In the South Coastal Region the precipitation is about 45 percent. However, in the central and northern parts of the state, precipitation ranges from normal up to 150 percent of normal. The statewide average is about 120 percent of normal. The California Cooperative Snow Surveys indicate the runoff from snowmelt is forecasted to be 160 percent of normal. Reservoir storage is expected to be 120 percent of normal. The Sacramento River Run-Off is forecast to be 13.6 maf. Sacramento River Index precipitation season total to March 1st was measured at 50.0 inches, or about 150 percent of normal.

Vice-Chairman Foley of The Metropolitan Water District of Southern California (MWD) reported that as of March 1, 2006, the combined storage of Lake Skinner, Lake Mathews, and Diamond Valley Lake was about 984,000 acre-feet, or 94 percent of capacity. Diamond Valley Lake has 804,000 acre-feet, or 97 percent of capacity. Lake Mathews has 141,000 acre-feet in storage, or about 78 percent of capacity, and Lake Skinner has almost 38,000 acre-feet, or 86 percent of capacity.

Mr. Erb of the Los Angeles Department of Water and Power reported that as of March 14th, the Eastern Sierra snow pack as represented by the Mammoth Pass station was 126 percent of average, but many of other stations are reporting greater than 150 percent of average. The current snow pack for the Mammoth Pass station is 116 percent of the season average.

Arizona v. California

Mr. William Abbey of the Attorney General's Office reported that the proposed consolidated Decree and motion for approval of the Settlements remains with the United States Supreme Court. According to the U.S. Supreme Court website, the matter is scheduled to be heard March 24th of this year.

Colorado River Operations

All-American Canal (AAC) Lining Project Litigation

Mr. Zimmerman reported that U.S. District Court Judge Philip M. Pro's order issued on February 8th to dismiss seven of the eight counts regarding the AAC lining project have been re-raised. The plaintiffs submitted an amended complaint on February 23rd including the previously dismissed counts and asserting class action status, potentially including thousands of individuals in the class. The plaintiffs have also requested a preliminary injunction to stop the construction of the AAC Lining Project. The court held a status conference on March 3rd and laid out the schedule for proceeding. The United States has filed a Motion to oppose the plaintiffs' preliminary injunction. The plaintiffs' response is due by March 23rd.

There was some discussion regarding opposition to the preliminary injunction and of motions by several California agricultural and urban water agencies as well as one from Arizona to intervene and oppose the preliminary injunction. Intervener's motions are due March 17th. Ms. Jones mentioned that Mexico had placed the AAC Lining Project on the agenda of the Annual Bi-national meeting between the U.S. and Mexico on March 24th in Washington, D.C.

A hearing on the preliminary junction has been scheduled by the District Court in Las Vegas, on April 24th.

Mr. Zimmerman reported that the complaint filed by the plaintiffs, as well as several news articles, were included in the Board folder.

Water Supply Augmentation – Barona Indian Tribe

Mr. Zimmerman reported that the Board folder included a letter from Congressman Duncan Hunter offering assistance, including mediation or facilitation to assist the parties in augmenting the water supply of the Barona Indian Tribe in San Diego County. Congressman Hunter has suggested that the Tribe work with the Old Barona Road Association to develop a consensus-based solution.

There was some discussion regarding several of the options to resolving the Barona Indian Tribe water augmentation requests. Mr. Swan mentioned that solutions employing Federal legislation could affect Indian water rights along the Colorado River.

Basin States Discussion

Mr. Zimmerman reported that the Basin states discussions have been focused on the identification of opportunities to augment the Colorado River water supply. In that regard, the

Basin states representatives met with several potential consultants who had expressed an interest in bidding on a proposal that would identify opportunities to increase the water supplies of the Colorado River watershed. Five of the consultants, namely, Brown and Caldwell, CDM, CH2M Hill/Black & Veatch, HDR, and MWH have submitted statements of qualifications. The Basin states are scheduled to meet on March 17th to review the statements of qualifications from the consultants. It was noted that each of the consultants have brought in influential figures, associated with the Colorado River Basin, to provide expertise.

Reclamation's NEPA Process

Mr. Zimmerman reported that Reclamation is preparing the scoping document, incorporating the comments that were collected from the Basin states as well as others, during the comment period. The scoping document is expected to be distributed by the end of March 2006. Reclamation will then move forward with its preparation of the Draft Environmental Impact Statement (EIS) for the shortage guidelines for the Lower Basin and conjunctive reservoir management of Lakes Powell and Mead. The current schedule calls for the Draft EIS to be distributed in September 2006, with the ultimate objective of a Secretarial Record of Decision prior to December 2007.

Mr. Zimmerman continued that the California agencies are scheduled to meet on March 20th to discuss those refinements may be needed in the submittal from the Basin states. This would include additional information that may be needed, as well as the strategy, for presenting it at the Lower Basin states meeting on March 27th. The next Basin states meeting is scheduled for April 13th. The scoping document from Reclamation should be available by the Basin states meeting on April 13th, so discussion would involve whether Reclamation has sufficiently scoped the NEPA process.

Establishing a Weather Modification Operations Program in the Upper Basin

Mr. Zimmerman reported that in addition to the funding commitment last month of the Six Agency Committee meeting to spend \$15,000 dollars to support a weather modification pilot program. The Southern Nevada Water Authority and the Central Arizona Water Conservation District have also agreed to provide \$15,000 dollars each, to help fund the weather modification pilot program. The program is being administered by the Southwestern Conservation District of Colorado. The location of the program is the San Juan River watershed, in southwestern Colorado. The Southwestern Conservation District will contribute \$7,000 of its own funds in support of the program. The program will consist of cloud seeding, as well as monitoring and research to evaluate the effectiveness of the program. Thirty-five thousand dollars are expected to cover the cloud seeding, and ten thousand dollars are expected to cover the analysis, research, and documentation associated with the program.

Ms. Jeanine Jones mentioned that a weather modification conference is to be held in Boulder, Colorado, June 20th and 21st. The conference is to be held for the benefit of the Basin states and is intended to present the state of knowledge and measurable effectiveness of precipitation augmentation through weather modification.

Mr. Zimmerman added that on February 22nd, the Board sent a letter in support of H.R. 2995, the Weather Modification Research & Technology Transfer Authorization Act of 2005.

The letter is included in the Board folder.

Colorado River Environmental Activities

Glen Canyon Dam Litigation

Mr. Harris reported that the U.S. Geological Survey, October 2005, report called “The State of the Grand Canyon Ecosystem” indicates that dam operations continue to have a negative impact on the endangered fish downstream of the Glen Canyon Dam. Consequently, an environmental coalition filed a lawsuit with the U.S. District Court on February 15th alleging that operations at the Glen Canyon Dam violate the Endangered Species Act (ESA). The lawsuit asks the Court to require an updated NEPA analysis. The lawsuit also asks for the Court to require Reclamation and the U.S. Fish and Wildlife Service to immediately reinstate an ESA Section 7 consultation because of the precipitous decline of humpback chub populations. Several articles and a copy of the lawsuit are included in the Board folder.

Flaming Gorge Dam EIS Final Record of Decision

Mr. Harris reported that Mr. Rick Gold, Reclamation’s Upper Colorado Regional Director, signed the final Record of Decision (ROD) for the Flaming Gorge Dam EIS. The ROD approves the implementation of the Preferred or Action Alternative analyzed in the Operation of Flaming Gorge Dam Final EIS. While maintaining all authorized purposes of Flaming Gorge Dam, Reclamation will be adopting a long-term pattern of releases that approximates a natural pattern of river flow and water temperature. Any potential negative impacts that might occur are to be mitigated through an on-going adaptive management program. The announcement of the ROD is included in the Board folder.

Status of the Lower Colorado River Multi-Species Conservation Plan

Mr. Harris reported that Reclamation is finalizing land use agreements between Reclamation and the California Department of Fish and Game regarding the Palo Verde Ecological Reserve (PVER) lands, and also with the Cibola Valley Conservation Area in Arizona. Once those land use agreements are in place, then Reclamation intends to establish a native plant nursery and initiate a planting schedule of native trees on the PVER lands in 2006. Reclamation is scheduled to initiate similar efforts on the Cibola Valley Conservation Area lands in Arizona in 2006.

WATER QUALITY

Update on Perchlorate Remediation Efforts in the Las Vegas Valley

Mr. Amir-Teymoori reported that the perchlorate clean up in the Las Vegas Valley, by Kerr-McGee, now called Tronox, is proceeding. The Fluidized Bed Reactor (FBR) treatment system has been fully operational since December 2004. The flow of the FBR continues to be 1,000 gpm (gallons per minute) and the intake perchlorate concentration is between 200 and 250 ppm (parts per million) and the effluent from the FBR varies from non-detect to 16 ppb (parts per billion). The permit condition of 18 ppb for the effluent from the FBR continues to be

consistently met.

Mr. Amir-Teymoori continued that the load to Las Vegas wash has dropped to about 100 pounds per day. As of March 1, 2006, about 1,850 tons of perchlorate have been removed from the original plume of perchlorate. The perchlorate concentration at the Willow Beach monitoring station is now less than 4 ppb. The perchlorate concentration in Lake Mead is also less than 4 ppb. The intakes at the MWD intake are less than 2 ppb, which is also the detection limit of the reporting lab of the Environmental Protection Agency (EPA).

Mr. Amir-Teymoori added that a new well system is scheduled to be installed to capture more perchlorate and the FBR system will be expanded to remove more perchlorate. The expansion will basically increase the capacity of the system by about twenty-five percent. In addition, a large sand filter system is scheduled to be installed to reduce the turbidity of the water that enters the wash. The sand filter will increase the esthetic quality of the effluent. The turbidity is around 20 ntu's (nephelometric turbidity units). The goal is to reduce the turbidity to 10 ntu's.

Mr. Amir-Teymoori reported that the other perchlorate site, known as the AMPAC site, has received a permit to operate their first remedial system. This system will consist of two extraction and injection well fields. The well fields have been built and are scheduled to begin operation soon. The total flow of the remediation system is between 400 and 500 gpm. The perchlorate removal is expected to be about 35 lbs/day. The remediation operation is to be operated for one year to collect data. After the data has been analyzed, it will then be decided whether to add more wells to the extraction and injection system. Las Vegas Wash will be monitored for the inert tracer that has been added to the injection water to determine if the water from the injection wells enters the Las Vegas Wash.

Funding for Fiscal Year 2007 of the Colorado River Basin Salinity Control Program

Mr. Amir-Teymoori reported that the Board folder contains copies of letters sent in support of fiscal year 2007 funding for salinity control programs in the Colorado River Basin. The requests are for Reclamation to receive \$17.5 million in 2007, the Bureau of Land Management to receive \$5.2 million in the Land and Water fund and the U.S. Department of Agriculture through the Environmental Quality Incentives Program (EQIP) to receive 2.5 percent of total EQIP funding or \$25 million. The names and addresses to send letters and emails, as well as deadlines to send the letters, in support of salinity control projects in the Colorado River Basin are included in the Board folder. Each of the agencies are encouraged to write supporting testimony for receiving these appropriations to continue to implement the basin-wide salinity control program.


OTHER BUSINESS

Next Board Meeting

Vice-Chairman Foley announced that the next meeting of the Colorado River Board will be held on Wednesday, April 12, 2006, 10:00 a.m., at the Ontario Airport Marriott Hotel, 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. Fisher, and unanimously carried, the meeting was adjourned 11:29 a.m. on March 15, 2006.



Gerald R. Zimmerman
Executive Director