

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, December 12, 2007

A Special Meeting of the Colorado River Board of California (Board) was held in the Tiberius Ballrooms 1-2-3, of Caesars Palace Hotel, at 3570 Las Vegas Boulevard South, Las Vegas, Nevada 89109-8924, Wednesday, December 12, 2007.

Board Members and Alternates Present

Dana Bart Fisher, Jr., Chairman

Henry Merle Kuiper

Russell Kitahara

W.D. "Bill" Knutson

John Pierre Menvielle

Bill D. Wright

Jeanine Jones, Designee

Department of Water Resources

Christopher G. Hayes, Designee

Department of Fish and Game

Board Members Absent

John V. Foley

Terese Marie Ghio

James B. McDaniel

John W. McFadden

Others Present

Steven B. Abbott

Jack A. Barnett

Mark D. Beuhler

John Penn Carter

Michael J. Clinton

Tellis Codekas

Jim Edwards

William J. Hasencamp

Timothy J. Henley

Gordon A. Hess

Andy G. Horne

Jeffrey V. Kightlinger

Thomas E. Levy

Mark Limbaugh

Brad Luckey

Jay W. Malinowski

Jan P. Matusak

Stella A. Mendoza

John M. Mylne, II

Lynn Orphan

Roger K. Patterson

Glen Peterson

Larry Purcell

Steven B. Robbins

Dan Robinson

Anthony Sanchez

Javier Saunders

Peter S. Silva

Ed W. Smith

James J. Taylor

Curt A. Taucher

Rob Thomson

Deven Upadhyay

Charles van Dyke

Peter von Haam

Meena Westford

J.C. Jay Chen

Mark van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 3:15 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.

ADMINISTRATION

Approval of Minutes

Chairman Fisher requested the approval of the November 14th meeting minutes. Mr. Knutson moved that the minutes be approved. Mr. Menvielle, seconded the motion. Unanimously carried, the Board approved the November 14th 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. Menveille, seconded by Mr. Wright, and unanimously carried, the Board approved the meeting schedule for 2008.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers have held a number of conference calls while finalizing the documents supporting the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead (Guidelines). The Guidelines are expected to be signed December 13, 2007.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of December 5th, the storage in Lake Powell was 11.6 million acre-feet (maf), or 48 percent of capacity. The water surface elevation was 3,598 feet. The storage in Lake Mead was 12.6 maf, or 49 percent of capacity, and water surface elevation was 1,112 feet. Total System storage was about 31.7 maf, or 53 percent of capacity. Last year at this time, there was 34.1 maf in storage, or 57 percent of capacity. Lake Powell is down about 0.8 maf and Lake Mead is down about 1.5 maf from this time last year.

Mr. Zimmerman reported that precipitation from October 1st to December 6th is about 93 percent of normal, and snowpack in some areas was less than 50 percent, but in others greater than 150 percent, overall the Upper Basin is about 75 percent of normal. The observed April through July

runoff into Lake Powell for Water Year 2006 was about 4.05 maf, or 51 percent of normal. The projected 2008 water year unregulated inflow into Lake Powell is about 9.77 maf, or about 81 percent of normal.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada to be slightly over its basic entitlement of 300,000 acre-feet (i.e. 301,000 AF), and for Arizona the CU is projected to be within its 2.8 maf apportionment, and California the consumptive use is projected to be 4.368 maf. The CU in the Lower Basin is expected to be about 7.437 maf.

Mr. Zimmerman added that the Colorado River Basin storage curve records the reduction in storage from the drought that began around 1999. The storage curve showed the Basin has not yet recovered.

State and Local Water Reports

Ms. Jones of the California Department of Water Resources (CDWR), reported that 2007 has been dry and the storage in the State Water Project (SWP) has declined. Therefore, allocations to the SWP have been reduced to 25 percent of the amount requested. Through the end of November, precipitation is only 10 percent of average. January and February are typically the wettest months of the year, so it is still too early to know the water supply for 2008.

Mr. Wright of The Metropolitan Water District of Southern California (MWD), reported that water storage has declined since July 2007. There was an effort to divert some water from agriculture in northern California but there was a pumping restriction in the delta that prevented the delivery. Last month 52,000 acre-feet was taken out of storage, 35,000 acre-feet was drawn from Diamond Valley Lake. The winter rains are anticipated but that is expected later in the year.

Mr. Zimmerman reported that climate conditions in the Eastern Sierra as of December 11th are almost identical to last year, which was a dry year. At selected stations precipitation varies from 20 percent to 125 percent and snow sensors vary from 24 percent to 150 percent. Most stations reported less than 50 percent of normal for this time of year.

Colorado River Operations

2008 Annual Operating Plan

Mr. Zimmerman reported that the final 2008 Annual Operating Plan (2008 AOP) has not yet been released. The final consultation meeting was held on September 27th. The proposed 2008 AOP includes the minimum objective release of 8.23 maf from Glen Canyon Dam. The normal condition will govern Lake Mead operations. No unused apportionment is anticipated to be available. MWD will be allowed to move 17,000 acre-feet of Intentionally Created Unused Apportionment water from Arizona's ground water basin that was stored in previous years. Mexico will be permitted to schedule the delivery of 1.5 maf in 2008.

Mr. Zimmerman added that the Final 2008 AOP is expected to be signed by Secretary Kempthorne in late-December 2007, or early-January 2008.

Weather Modification

Mr. Zimmerman reported that included in the handout materials are a number of draft letters that could be sent to Congressional delegations, supporting the enactment of The Weather Mitigation Research and Development of Policy Authorization Act of 2007 from H.R.3445. Legislation is not expected to move this year; however, there is interest in starting this process now. Mr. Zimmerman requested the Board's authorization to send the letters, with a follow-up next year.

On the motion of Mr. Menvielle, seconded by Mr. Kuiper and unanimously carried, the Board authorized Mr. Zimmerman to send the letters in support of The Weather Mitigation Research and Development of Policy Authorization Act of 2007 from H.R. 3445.

Mr. Zimmerman added that Arizona is also planning to send similar letters in support of the future legislation regarding Weather Mitigation Research and Development Authorization Act of 2007, from HR-3445.

Basin States Discussions

Final Environmental Impact Statement for the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead

Mr. Zimmerman reported that on November 2nd, Reclamation released the Final Environmental Impact Statement for the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead (FEIS). The FEIS included analysis of the six alternatives as well as, the No Action and Preferred Alternative. The FEIS is posted online and can be downloaded from Reclamation's Lower Colorado Region webpage.

Mr. Zimmerman added that joint comments on the FEIS were submitted by the seven Basin states as well as by the environmental organization, Living Rivers. The seven Basin states joint-letter to Secretary Kempthorne stated that:

“The states have actively participated throughout the process and appreciate the efforts of the Department of the Interior and Reclamation to work with the states and others. Following the release of the Department of the Interior's preferred alternative, a disagreement among the states surfaced regarding the operation of Lake Powell in the 'equalization tier'. The states attempted to resolve the issue, but were unsuccessful. The states have reviewed the draft Guidelines that may be included in the Record of Decision (ROD). Each of the states have concerns with certain aspects of the draft Guidelines; however, in order to gain additional operating experience through the interim period none of the states will oppose the adoption of the Guidelines.”

The Basin state's letter further stated that assuming; all of the appropriate parties have approved the related documents necessary to implement operations under Reclamation's Draft Guidelines and the ROD is substantially consistent with the draft Guidelines and the Basin states' proposal, the parties would sign all of the related documents following issuance of the ROD. By not objecting to adoption of the Guidelines, none of the states or parties are waiving any of their legal arguments.

Mr. Zimmerman reported that upon review of the ROD, the Basin states anticipate execution of the following related agreements: 1) The Lower Basin Intentionally Created Surplus Forbearance Agreement; 2) The Specific Intentionally Created Surplus Water Supply Project exhibits; 3) The California Agreement for the Creation and Delivery of Extraordinary Conservation Intentionally Created Surplus (ICS); 4) All-American Canal Drop 2 Reservoir Project Funding Agreement; 5) Intentionally Created Surplus Water Delivery Agreements between the United States and each of the parties creating the Intentionally Created Surplus (i.e., Southern Nevada Water Authority, MWD, and the Imperial Irrigation District)

Mr. Zimmerman added the schedule for signing all of the documents:

- The California ICS Sharing Agreement, at the California breakfast caucus Thursday 8:00 am.
- Secretary Kempthorne signing the ROD, Thursday at the Colorado River Water Users Association session around 9:30 a.m. after Kempthorne's presentation at 9:10 a.m.
- Basin states signing a resolution recognizing the significance of execution of the ROD and related documents, concurrent with signing the ROD.
- Parties signing the Forbearance Agreement, exhibits, Water Delivery Agreements, etc., Thursday, following execution of the ROD

Mr. Zimmerman read into the record the operative clause of a Resolution "The Seven Colorado River Basin States recognize that the adoption of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations represent a historic milestone reflecting the continuation of the consultative approach to river management between the federal government and the affected states on the Colorado river, thereby successfully implementing the principles of federalism." Mr. Zimmerman requested the Board's approval to authorize Chairman Fisher to sign the resolution.

On the motion of Mr. Wright, seconded by Ms. Jones, unanimously carried, the Board authorized Chairman Fisher to sign the Resolution.

Joint U.S./Mexico Statement of Cooperation and Coordination

Mr. Zimmerman reported that on August 13th Secretary Kempthorne announced that the federal governments of the United States and Mexico have renewed their commitments to cooperate and collaborate on Colorado River issues. The two countries pledged to address issues related to: water uses, conservation, and efficiencies; coastal desalination opportunities; environmental needs; and climate change impacts. The International Boundary and Water Commission is moving forward with this bi-national effort and will be meeting with stakeholders in the United States.

Environmental Issues

Lower Colorado River Multi-Species Conservation Program Act, H.R. 2515 & S. 300

Mr. Zimmerman reported that Senate subcommittee staff communicated that S. 300 may be amended to clarify the definition of "Lower Colorado River" to conform with that used in the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) Water Use Agreement. There may also be an amendment to limit the waiver of sovereign immunity to those Program documents for which the waiver is necessary (i.e., LCR MSCP Funding and Management Agreement, Implementing Agreement, and the Section 10 permit). In discussions with those involved in the LCR MSCP these amendments would be acceptable. However, it appears the markup of S. 300 will not occur during

this session of Congress.

Grand Canyon Trust Lawsuit

Mr. Zimmerman reported that on December 7th, the Grand Canyon Trust (GCT) filed a lawsuit in the U.S. District court in Arizona. The complaint alleges the following: 1) Reclamation has violated the Endangered Species Act (ESA) by not implementing Seasonally Adjusted Steady Flow releases from Glen Canyon Dam, 2) Reclamation's operations at Glen Canyon Dam continues to jeopardize the endangered Humpback chub, and adversely modifies chub critical habitat, 3) Reclamation has violated the National Environmental Policy Act, and the ESA, by not consulting on the development and implementation of the AOP involving Glen Canyon Dam operations. The GCT is asking the Court to require Reclamation to implement Seasonally Adjusted Steady Flow releases in low water years in the April through October period and initiate NEPA and ESA consultation on the annual development of the AOP.

WATER QUALITY

Salinity Control Forum

Mr. Jack Barnett, Executive Director of the Colorado River Basin Salinity Control Forum, reported on activities to ensure that Congress continue to support basinwide salinity control programs. He also briefly reported on the status and use of the funds (i.e., the Upper and Lower Basin funds) contributed by the Basin states related to salinity control programs and project activities. Mr. Barnett gave a brief history of the program and recent efforts to correct the legislation authorizing Reclamation to continue to manage Basin states funds. In the past this was done through the parallel program.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, January 9, 2008, 10:00 a.m., at the Ontario DoubleTree Hotel, 222 N. Vineyard Avenue, Ontario, California.

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. Knutson, seconded by Mr. Wright, and unanimously carried, the meeting was adjourned 3:50 p.m. on December 12, 2007.


Gerald R. Zimmerman
Executive Director