

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, June 13, 2007

A Regular Meeting of the Colorado River Board of California (Board) was held in the Lake Silverwood Room, at the Ontario Airport Double Tree Hotel, at 222 N. Vineyard Avenue, Ontario, California, Wednesday, June 13, 2007.

Board Members Present

Dana B. Fisher, Jr., Chairman
John V. Foley
W. D. "Bill" Knutson
Henry Merle Kuiper
John W. McFadden

John Pierre Menvielle
Jeanine Jones, Designee
Department of Water Resources

Board Members and Alternate Absent

Thomas M. Erb
Terese Maria Ghio
James B. McDaniel

Christopher G. Hayes, Designee
Department of Fish and Game

Others Present

Steve B. Abbott
Mark D. Beuhler
John Penn Carter
Dave Fogerson
Everett "Red" Hodges
Mary M. Hodges
Mark Hommel
William J. Hasencamp
Gordon A. Hess
Chuck Keene
Michael L. King
Russell Kitahara
Rich Magasin
Jan P. Matusak
Dirk S. Marks
Douglas B. Noble
Howard Omdahl
David R. Pettijohn

Steve B. Robbins
Javier Saunders
Ed W. Smith
William H. Swan
Gary Tavetian
James J. Taylor
Peter von Haam
Lance A. Wagner
Jason Weiner
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 Fisher, announced the presence of a quorum, and called the meeting to order at 10:14 a.m.

NEW APPOINTMENTS TO THE BOARD

Chairman Fisher announced that Mr. Bill Knutson, Board Member, and Mr. Javier Saunders, Alternate Board Member, were appointed, on May 18th, by Governor Schwarzenegger to represent San Diego County Water Authority on the Board. Mr. Bill Knutson had been sworn in previously, and Mr. Javier Saunders, was sworn in after the close of the Board meeting.

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 April 11th meeting minutes. Mr. Menvielle moved that the April 11th minutes be approved. Mr. Kuiper seconded the motion. Unanimously carried, the Board approved the April 11th meeting minutes.

Chairman Fisher requested the approval of the May 9th meeting minutes. Ms. Jones moved that the May 9th minutes be approved. Mr. Knutson seconded the motion. Unanimously carried, the Board approved the May 9th meeting minutes.

Revised Board Meeting Schedule

Mr. Zimmerman reported that the meeting schedule had been revised. The August meeting, to be held in conjunction with the Urban Water Institute meeting in San Diego, has been moved to August 22nd. The September meeting is cancelled, and the December meeting, to be held in conjunction with the Colorado River Water Users Association meeting in Las Vegas, is scheduled for December 12th. The revised schedule is included in the Board folder.

Mr. Zimmerman requested the approval of the revised meeting schedule. Mr. Menvielle moved that the revised meeting schedule be approved. Mr. Foley seconded the motion. Unanimously carried, the Board approved the revised meeting schedule.

Fiscal Year 2007-08 Board Budget

Mr. Zimmerman reported that the Fiscal Year (FY) 2007-08 budget was included in the May Board handout materials for review by Board members. A member agency questioned the difference in the amounts the legislature authorized and the amount to be funded by the Six Agencies. Mr. Zimmerman noted that the Governor submits a budget to the legislature and adjustments are made to account for salaries, benefits and other potential increases or decreases associated with items in the budget, to insure the anticipated budget will fund the items included in the budget. From previous years, any monies left in the budget revert to the Six Agency Committee and are carried over for use in subsequent years.

Chairman Fisher requested a motion to approve the final FY 2007-08 budget and execution of the Standard Agreement No. 40 between the Board and the Six Agency Committee. Mr. Knutson moved approval, seconded by Mr. Kuiper, unanimously carried, the Board approved the final fiscal year budget as proposed and execute the Standard Agreement No. 40 between the Board and the Six Agency Committee.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers had not met since the May Board meeting, though several conference calls and or meetings are anticipated before the next Board meeting.

CONSENT ITEMS

Lower Colorado Water Supply Project Applications

Mr. Zimmerman reported that thirteen applications have been submitted for the Lower Colorado Water Supply Project (LCWSP). The applications are for 22 parcels of land. The applications cover 116 acre-feet per year of current use and 69 acre-feet of future use, totaling 185 acre-feet per year. Analysis by staff has concluded that the twenty two parcels are eligible to receive LCWSP water, without issue for the purposes recommended.

Mr. Zimmerman reported that an application by Mr. Lance Wagner for 34 acre-feet of future use on two parcels of land within the Havasu Water Companies (HWC) service area is recieved. Staff advised Mr. Wagner that he does not need a subcontract if water is obtained from HWC. Mr. Wagner's desire is to have water and sewer services from the Chemehuevi Indian Tribe, which borders Section 36. Board staff have concluded that Mr. Wagner's parcels are eligible to receive LCWSP water for the purposes proposed. The Board does not need to make a determination on how the water is delivered.

Mr. Zimmerman mentioned that representatives from HWC and Mr. Lance Wagner were present at the Board meeting. Mr. Red Hodges, president of the HWC addressed the Board stating that the HWC has a master plan to supply all of the parcels within Section 36, with the proper volume and pressure of water to meet adequate county building and fire codes. He further stated that for the developer (Mr. Wagner) to contract individually with the Chemehuevi Indian Tribe would require installation of a separate and parallel service line,

thereby driving up the cost for HWC to serve other developers in the area. Mr. Hodges asked the Board to advise future applicants for LCWSP water in Section 36 that it is understood that HWC is asking that the water rights be held in trust for HWC to deliver water to Section 36. Ms. Hodges read into the record a March 12, 2004, letter agreement between HWC and Reclamation on the supply of water by HWC to Section 36.

Mr. Kuiper moved that the ninth submittal of LCWSP applications to the Board be approved. Mr. Menvielle seconded that motion. Unanimously approved, the Board approved the applications as eligible to receive LCWSP water.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported the current conditions were 'dry', as of June 6th, the storage in Lake Powell was 12.757 million acre-feet (maf), or 52 percent of capacity. The water surface elevation was 3,610.3 feet. The storage in Lake Mead was 12.921 maf, or 50 percent of capacity, and water surface elevation of 1,115.5 feet. Total System storage was about 33.75 maf, or 57 percent of capacity. Last year at this time, there was 34.84 maf in storage, or 58 percent of capacity.

Mr. Harris reported that precipitation from October 1st to June 7th, is 87 percent of normal, and, the snowpack is only about 19 percent of normal. The forecast, April through July inflow into Lake Powell for Water Year 2007, is projected to be about 4.0 maf, or 50 percent of normal. The projected 2007 water year unregulated inflow into Lake Powell is about 8.22 maf, or about 68 percent of normal.

Mr. Harris added that Reclamation's projected consumptive use (CU) for the State of Nevada is slightly over their entitlement of 300,000 acre-feet (309,000 acre-feet); and for Arizona, the CU is also projected to be slightly under their basic entitlement of 2.8 maf (2.767 maf); and for California the CU is projected to be slightly under their apportionment of 4.4 maf (4.366 maf). The total projected CU in the Lower Basin is expected to be about 7.44 maf.

State and Local Water Reports

Mr. Chuck Keene, of the California Department of Water Resources, reported on the current climate conditions in California. For the month of May, there has been no measurable precipitation at the seven major stations in Southern California. The current trend for this year is to be the driest year on record for the past 130 years.

Mr. Keene continued, the State Water Project (SWP) has about one maf less in storage now than this time last year. The total storage has gone from 97 percent to 78 percent of capacity. Mr. Keene added that the SWP delta pumps were shut down on May 31st to try to save the endangered delta smelt. The pumps have been turned back on at a reduced rate, but the future is unclear.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD),

reported that as of June 1st, the total storage is about 910,000 acre feet or 88 percent of capacity of the three lakes, Diamond Valley, Matthews, and Skinner.

Mr. Zimmerman, added that the Eastern Sierra has been very dry. The snow pack has melted and precipitation is about 20 to 30 percent of normal.

Colorado River Operations

Mr. Zimmerman reported that the Colorado River Management Workgroup are scheduled to meet on June 15th to begin the development of the 2008 Annual Operating Plan for the Colorado River System Reservoirs (AOP). Reclamation released an initial draft of the AOP. The draft, AOP will be reviewed for the rest of the current water year, it is anticipated the AOP will be finalized by the end of the water year. The draft AOP suggests that Lake Powell releases will likely be governed by the objective minimum release of 8.23 maf. Releases from Hoover Dam will be made to meet “normal” downstream requirements of 7.5 maf. Mexico will be able to schedule the delivery of 1.5 maf during the year, and if available, unused apportionment may be made available in accordance with the Consolidated Decree and Interim Surplus Guidelines. There will be an opportunity through regular consultation meetings to change these releases. Existing guidelines available to Reclamation will be used for Colorado River operations.

Central Arizona Aqueduct Capacity Issue

Mr. Zimmerman reported that the Central Arizona Water Conservation District (CAWCD) on March 26th sent a letter stating their intent to maintain a full Central Arizona Aqueduct (CAP) of 3,600 cubic feet per second (cfs) or more, in excess of its normal diversion rate of 2,500 cfs. CAWCD believes the 1984 Hoover Power Plant Act supersedes the Colorado River Basin Project Act of 1968 (CRBPA). The CRBPA prohibits diversion greater than 2,500 cfs unless there are flood control or equalization releases from Lake Powell (Section 301(a)). Mr. Zimmerman reported that on May 3rd the Board responded, taking issue with CAWCD’s position and maintained that diversions above 2,500 cfs without flood control or equalization releases from Lake Powell was inconsistent with the “Law of the River”. CAWCD responded on May 8th stating that “this was not a proposal . . . and that it was . . . how we operate today, and we plan to continue.” Mr. Zimmerman reported that on June 1st the Board sent a letter expressing significant concern regarding CAWCD’s positions and restated the Board’s willingness to meet with CAWCD, Arizona, and the other Basin states in the spirit of interstate comity to address the issue. Mr. Zimmerman added that on June 1st the Upper Basin states sent CAWCD and Arizona a letter expressing their concerns and oppositions to CAWCD’s position. This issue may be discussed at the next meeting of the Basin states on June 25th in Denver.

All-American Canal Lining Project Litigation

Mr. Zimmerman reported that on May 21st, the City of Calexico filed a petition for rehearing with the U. S. Ninth Circuit Court of Appeals. Calexico maintained that its issues and interests had not been addressed when the Court recently dismissed the lawsuit. However, on May 31st the Ninth Circuit Court denied Calexico’s petition, stating that it lacked standing to bring its equal protection claim.

Gallup-Navajo Legislation

Mr. Zimmerman reported that on June 27th, the Senate is to hold a hearing on the Gallup-Navajo Water Supply Project Act. This project has been discussed at previous Board meetings as well as the exchanges of letters between Arizona and New Mexico regarding the Gallup-Navajo Project. Arizona has raised a number of issues related to legislation to resolve issues with the project. Included in the hand-out materials, was a letter from New Mexico responding to the issues raised by Arizona. Mr. Zimmerman suggested that testimony be prepared and sent to the House when the hearings are held.

Mr. Zimmerman requested the Board approve the submittal of appropriate testimony for the upcoming hearings regarding the Gallup-Navajo Project. Mr. Menvielle moved the motion be approved. Mr. Foley seconded, and unanimously carried, the Board approved testimony be prepared and sent to the congressional hearings regarding the Gallup-Navajo Project.

Basin States Discussion

Mr. Zimmerman reported that the Basin states are continuing to work on documents related to the Colorado River Operations Interim Guidelines for the Lower Basin. The Basin States Technical Committee held a conference call, on June 11th, to discuss the draft Water Supply Augmentation Options report prepared by the consultants hired by the Southern Nevada Water Authority. The Technical Committee provided direction to the consultants regarding the final long-term Colorado River augmentation study. The consultants anticipate releasing the final report at the June 25th Basin states meeting.

Mr. Zimmerman added that the Technical Committee is scheduled to meet June 20th to begin discussions with Reclamation and the Department of the Interior on the contents of the Water Deliver Agreement regarding the preferred alternative. The meeting is to be held at the Southern Nevada Water Authority's office. Arizona proposes separate agreements for each entity that would be creating Intentionally Created Surplus (ICS). Feedback from Reclamation and the Department of the Interior regarding the content of water delivery agreement(s) should indicate the direction that the Interior and Reclamation want to go with the Water Deliver Agreement(s).

Mr. Zimmerman reported that the Basin states are scheduled to meet in Denver, Colorado, on June 25th. The meeting is expected to cover the Interim Operations EIS process and the 'preferred alternative', the results of the Long-Term Augmentation Study, the Water Delivery Agreement, the process for working with Mexico on shortage-sharing and other Colorado River management and operational programs. The other items that may be discussed include; the pending Navajo-Gallup legislation, the CAP aqueduct issue, tamarisk (salt cedar) control, and weather modification programs.

Mr. Zimmerman added that the Technical Committee will meet again on July 12th and 13th. The focus of the discussions will be on the Water Delivery Agreement, exhibits to the Forbearance Agreement and Nevada's water use accounting for importing non-system water.

Colorado River Environmental-Issues

Big River Fishes Recovery Plan Five-Year Review

Mr. Harris reported that the U.S. Fish and Wildlife Service (USFWS) has initiated a five year review of the recovery goals and the recovery plans for the four endangered big river fish, the razorback sucker, bonytail, humpback chub, and the Colorado pikeminnow. The USFWS sent out letters to stakeholders, soliciting comments and technical information and scientific data relevant to revision of existing recovery plans and/or preparing new recovery plans for each of these fishes. The Board submitted the following comments: 1) USFWS acknowledgment of the goals and objectives contained within the MSCP with respect to both the razorback sucker and bonytail, 2) Involve the Lower Basin game and fish agencies of Arizona, California and Nevada, 3) Co-equal involvement of Regions 2 and 6 of the USFWS, 4) Expressed opposition to the designation of ‘Distinct Population Segments’ or identification of populations that could be recovered within a ‘Significant Portion of their Range,’ and 5) Involvement of all interested stakeholders in the process.

WATER QUALITY

Salinity Control Forum Meeting

Mr. Amir-Teymoori reported that The Forum and Work Group met in Jackson, Wyoming, on June 4-6, 2007. The Forum received reports from the Work Group and each of the participating federal agencies. The Environmental Protection Agency, the USFWS, Reclamation, Bureau of Land Management, the U.S. Geological Survey and the U.S. Department of Agriculture, all made presentations. The Advisory Council’s ‘Cost-Share Rate Committee’ (CSRC) reported regarding the Natural Resources Conservation Service’s (NRCS) intention to increase the producers share of the costs to 50 percent from 25 percent. The CSRC reported on their conclusions and recommendations. They recommended that the NRCS physical cost of a project would initially be 50 percent, but there would be incentives for more salt removal, environmental-related issues, and better and faster construction. Producers would get from 50 to 75 percent cost share depending on the incentives and participation.

The Work Group briefed the Forum regarding the schedule for preparation of the 2008 Triennial Review report. The first draft will be available at the Forum’s Spring 2008 meeting. After the Forum’s review, there will be a public process before the Forum’s adoption of the Review at its Fall 2008 meeting. The Forum and Work Group also reviewed the status of several salinity control activities and projects.

2007 Regional Basin Plan Triennial Review Process

Mr. Amir-Teymoori reported that the California Regional Water Quality Control Board – Colorado River Basin Region (Regional Board) is in the process of initiating a review of the Regional Colorado River Basin Plan. This review is conducted by the Regional Board pursuant to Section 303 of the federal Clean Water Act. The Regional Board has identified a number of issues to be addressed in the next iteration of the Plan. The Regional Board is soliciting comments from the public regarding issues that may be addressed.

Comments on the Plan are due by July 20th.

Moab Uranium Mill-Tailings Site Cleanup

Mr. Amir-Teymoori reported that Utah Congressman Jim Matheson recently proposed an amendment to the defense bill that would accelerate the clean-up schedule for the Moab Uranium Mill-Tailings site. Congressman Matheson proposed that the Department of Energy (DOE) have the tailings relocated and the site cleaned up by 2019. Currently, the DOE projects that it will have the 16 million tons of tailings relocated and the remediation activities completed by 2028.

Other Business

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, July 11, 2007, at 10:00 a.m., at the Ontario Airport Double Tree, 222 North Vineyard Avenue, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to be adjourned. Mr. Knutson moved the Board meeting be adjourned. Mr. Kuiper seconded the motion, unanimously approved the Board meeting adjourned at 11:33 a.m. on June 13, 2007.



Gerald R. Zimmerman
Executive Director