

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, March 14, 2007

A Regular Meeting of the Colorado River Board of California (Board) was held in the Keller Peak Room, of Doubletree Hotel, at 222 North Vineyard Avenue, Ontario, California, 91764-4428, Wednesday, March 14, 2007.

Board Members and Alternates Present

Dana Bart Fisher, Jr., Chairman  
James H. Bond  
John V. Foley  
Terese Maria Ghio  
Henry Merle Kuiper  
James B. McDaniel  
John W. McFadden  
John Pierre Menvielle

Jeanine Jones, Designee  
Department of Water Resources  
  
Christopher G. Hayes, Designee  
Department of Fish and Game

Others Present

Steven B. Abbott  
Mark D. Beuhler  
John Penn Carter  
William I. DuBois  
David Fogerson  
Michael L. King  
Russell Kitahara  
W. D. "Bill" Knutson  
Jay W. Malinowski  
Jan P. Matusak  
Dan Parks  
Roger K. Patterson  
McClain Peterson  
David R. Pettijohn  
Javier Saunders

John L. Scott  
Mark Stuart  
William H. Swan  
James J. Taylor  
Joseph Vanderhorst  
Peter E. von Haam  
Bill D. Wright  
  
William S. Abbey  
Abbas Amir-Teymoori  
J.C. Jay Chen  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher, announced the presence of a quorum and called the meeting to order at 10:03 a.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 February 14<sup>th</sup> meeting minutes. Ms. Jones moved the January 10<sup>th</sup> minutes be approved. Mr. McFadden seconded the motion. Unanimously carried, the Board approved the February 14<sup>th</sup> meeting minutes.

### State of California Employee's Ethics Training

Mr. Zimmerman reminded the Board that not all of the bi-annual ethics training certification forms have been received. All of the forms will need to be signed and turned in to Board administration staff.

### Senate and Assembly Budget Hearings

Mr. Zimmerman reported that both the Assembly, on March 7<sup>th</sup>, and the Senate, on March 12<sup>th</sup>, held hearings regarding the Board's proposed fiscal year 2007/2008 budget. The Board's budget was passed by both Senate and Assembly subcommittees without issue. The Board's budget will be scheduled to go before the full committee. The Board's proposed budget for fiscal year 2007/2008 is \$1.519 million, no monies are scheduled to be received from the State General Fund.

## **AGENCY MANAGERS' MEETING**

Chairman Fisher reported that the Agency managers have scheduled a meeting after the Board meeting. The primary focus of the Agency managers meeting is preparation for the upcoming Basin states meeting. Items to be discussed are the Draft EIS, shortage guidelines, coordinated management of Lakes Powell and Mead, comments related to the Draft EIS and the process to address comments received by Reclamation. In addition the Water Delivery and Forbearance Agreements will also be discussed.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Zimmerman reported that as of March 8<sup>th</sup> the storage in Lake Powell was 11.526 million acre-feet (maf), or 47 percent of capacity. The water surface elevation was 3,5987.6 feet. The storage in Lake Mead was 14.221 maf, or 55 percent of capacity, and water surface

elevation of 1,128.7 feet. Total System storage was about 33.3 maf, or 56 percent of capacity. Last year at this time, there was 33.8 maf in storage, or 57 percent of capacity. There is a decrease of nearly 500,000 acre-feet in total system storage over last year.

Mr. Zimmerman reported that precipitation from October 1<sup>st</sup> to March 8<sup>th</sup> is 94 percent of normal, and the snowpack is only about 81 percent of normal. The April through July runoff is expected to be 5.6 maf or 71 percent of normal. The anticipated 2007 water year runoff is 9.7 maf or about 81 percent of normal. The snow condition, as of March 13<sup>th</sup>, is below normal.

Mr. Zimmerman added that Reclamation's projected consumptive use (CU) for the State of Nevada is 302,000 acre-feet; and for Arizona, the CU is projected to be slightly above their basic entitlement of 2.8 maf (2.810 maf); and for California the CU is projected to be 4.411 maf. The total projected CU in the Lower Basin is expected to be about 7.523 maf.

### State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported on the current climate conditions in California. In the upper north coast precipitation is about normal. In the Shasta watershed and central part of the state precipitation conditions are about 70 percent of normal. In southern California precipitation is about 20 percent of normal. The snowpack in the northern part of the state is about 70 percent of normal, the central part is at about 60 percent. The snowpack in the southern part of the state is about 50 percent of normal. Fortunately, reservoir storage is up and state water contractors can receive 60 percent of their allocations.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of March 1<sup>st</sup>, MWD's combined reservoir storage of Lakes Skinner, Mathews, and Diamond Valley, is about 910,000 acre-feet, or about 88 percent of capacity. Diamond Valley Lake is at 91 percent of capacity, Lake Mathews is at 72 percent of capacity and Lake Skinner storage is 90 percent of capacity.

Mr. McDaniel, of the City of Los Angeles Department of Water and Power (LADWP), reported that as of March 13<sup>th</sup>, precipitation is at about 50 percent of average. Projections for April through September runoff are about 60 percent. For the April through March runoff, projections are about 70 percent. Though the climate conditions are dry, previous wet years have saturated the soils and more runoff is expected.

### Colorado River Operations

#### *Status of Draft Environmental Impact Statement regarding Shortage Criteria*

Mr. Zimmerman reported that Reclamation released the draft Environmental Impact Statement (EIS) on the development of Interim Guidelines for Lower Basin Shortages and Coordinated Management Strategies for Lakes Powell and Mead under Low Reservoir Conditions on February 28<sup>th</sup>. The complete draft EIS by chapters and appendices is available for download at: <http://www.usbr.gov/lc/region/programs/strategies.html>. The report itself is

over one thousand pages. The Basin States Technical Committee is scheduled to hold a two-day meeting on March 15-16, 2007, on the draft EIS. The Basin States had scheduled for March 23<sup>rd</sup> to consider a consolidated seven States comment letter on the draft EIS.

Mr. Zimmerman added that the draft EIS contains five alternatives: Four action alternatives and one no-action alternative. The Basin States' Alternative encompasses the Basin States proposal, which was submitted to the Secretary on February 3, 2007. The Conservation Before Shortage Alternative was developed by a consortium of environmental organizations. The Water Supply Alternative was developed by Reclamation staff, and the Reservoir Storage Alternative was developed by federal cooperating agencies, namely; the U.S. Fish and Wildlife Service, The National Forest Service, the Bureau of Indian Affairs, the International Boundary and Water Commission (IBWC), and the Western Area Power Administration. Comments on the draft EIS are due in Reclamation's Lower Colorado Regional Office by April 30<sup>th</sup>. Three public hearings are scheduled in early April: on April 3<sup>rd</sup> in Henderson, Nevada, on April 4<sup>th</sup> in Phoenix, Arizona, on April 5<sup>th</sup> in Salt Lake City, Utah.

There was some discussion whether there would be a hearing in California. Chairman Fisher asked whether Reclamation staff would make a presentation at or after the Board meeting in April.

Mr. Wright asked if there was any dialogue with Mexico related to the Shortage Criteria. Mr. Zimmerman mentioned there have been discussions with the IBWC, and Reclamation held a briefing with federal officials in Mexico.

#### *Upper Basin San Juan Hydrologic Determination*

Mr. Zimmerman reported that the Lower Division States had submitted comments on the Hydrologic Determination. A consultation meeting was held with Reclamation on March 8<sup>th</sup>. Reclamation is interested in moving the Hydrologic Determination forward. Reclamation is considering inclusion of language that, in part, will address the Lower Basin's concerns.

#### *National Research Council Releases the Prepublication Copy of "Colorado River Basin Water Management – Evaluating and Adjusting to Hydro-Climatic Variability"*

Mr. Zimmerman reported that the National Research Council (NRC) released a report on climate change and the Colorado River Basin. The report can be downloaded at <http://www.nap.edu>. The report evaluates prehistoric and historic stream flow records and proxy data. Population trends, water uses and demands in the Basin are assessed in the report. The report portrays a grim view of continued reliability of the Colorado River. Further cooperation and coordination among the academic/scientific community and water managers in the context of long-term water management and planning is encouraged.

## Basin States Discussion

### *Basin States Agreement*

Mr. Zimmerman reported that there is an interest in sending a signed Basin States Agreement to the Secretary when the Basin states preferred alternative is transmitted to the Secretary. A draft of the Agreement was included with the February 3, 2006, Basin States Preliminary Proposal. The purposes of the Basin States Agreement are to: improve cooperation and communication among the states, provide additional security and certainty in the water supply of the Colorado River System for the benefit of the people served by water from the Colorado River System, and avoid circumstances which could otherwise form the basis for claims or controversies over interpretations or implementations of the Colorado River Compact and other applicable provisions of the “Law of the River.” The Agreement facilitates this by stating:

- Each of the states supports the Basin states proposal and will annually consult on the reservoir operations.
- Prior to withdrawing from this agreement or filing a lawsuit, the dissatisfied party will consult the other parties.
- If a third party files a lawsuit, the parties will jointly defend the case.
- All rights that each party currently has under the “Law of the River” will remain unaffected by this agreement.
- Prior to December 31, 2025, the parties will determine whether to terminate this Agreement or extend it and recommend that the Secretary continue operations for an additional period either under the Record of Decision (ROD) or under a modified operational strategy.

Mr. Zimmerman added that the states agree to pursue:

- Augmentation of the Colorado River System through weather modification, desalination, and other means.
- Providing Nevada an interim supply of at least 280,000 acre-feet of water, up to 40,000 acre-feet per year, while Nevada continues to pursue a long-term non-Colorado River System water supply to meet its growing demands.

In return the Southern Nevada Water Authority (SNWA) agrees:

- to withdraw its right-of-way application to develop its water rights on the Virgin River.
- to not re-file the applications:  
Prior to 2014, as long as it is able to divert its pre-Boulder Canyon Project Act water rights on the Virgin and Muddy Rivers, or,  
After 2014, if progress is being made to provide Nevada an annual supply of 75,000 acre-feet of water from System augmentation projects.

Mr. Zimmerman requested the Board provide Chairman Fisher authorization to execute the Agreement provided that:

- No substantive changes are made in the Agreement.
- The Basin states submittal, commenting on the draft EIS and presenting the Basin states preferred alternative is acceptable to the Board.

Upon the motion of Mr. Menvielle, seconded by Mr. Foley, and unanimously carried, the Board approved Chairman Fisher to execute the Agreement with provisions.

Mr. Zimmerman added that the Basin States Principals are scheduled to meet March 23<sup>rd</sup> in Las Vegas, Nevada, at the SNWA offices. The purpose of the meeting is to provide guidance to the Technical Committee in finalizing the Basin States' proposal.

### Colorado River Environmental Activities

#### *Glen Canyon Dam Adaptive Management Program*

Mr. Zimmerman reported that a letter from Living Rivers and the Center for Biological Diversity sent to Secretary Kempthorne, commenting on their view of the scope of Reclamation's draft EIS is included in the Board folder. The letter details a critique of the Glen Canyon Dam Adaptive Management programs. The Living Rivers letter states that the Long-Term Experimental Plan draft EIS must address the following:

- Focus on the fundamental objectives of recovering downstream resources.
- Accurately represent baseline issues.
- Assess the 'failed history' of the Glen Canyon Dam Adaptive Management Program.
- Failure to install selective withdrawal structures.
- Failure to establish second hump back chub population, and develop a Razorback sucker management plan.
- Failure to test flow regimes that mimic natural flow.
- Failure to utilize rigorous scientific methods.
- Failure to consider climate change/global warming impacts.
- Failure to consider decommissioning of Glen Canyon Dam.

### **Water Quality**

#### *Salinity Control Program Federal Appropriations Process*

Mr. Amir-Teymoori reported that the U.S. House and Senate subcommittees have begun analysis of federal budget programs for fiscal year 2008. Included in the handout materials are two letters prepared on behalf of the Board that are due March 16<sup>th</sup>. The addresses including email addresses of the six subcommittees are included in the handout materials. The requested funding levels include: \$17.5 million dollars to Reclamation, \$5.9 million dollars to the Bureau of Land Management, and 2.5 percent of the EQIP, funding but not less than \$20 million dollars, to the U.S. Department of Agriculture. The Board has begun to prepare letters of support for federal agencies participating in the basin-wide Salinity Control Program. Board member agencies are encouraged to submit letters of support for this important program.

## Other Business

### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will on Wednesday, April 11, 2007, at 10:00 a.m., at the Ontario Airport Double Tree Hotel, 222 North 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. Kuiper, seconded by Mr. Menvielle, and unanimously carried, the meeting was adjourned 11:16 a.m. on March 14, 2007.



Gerald R. Zimmerman  
Executive Director