

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, May 9, 2007

A Special Meeting of the Colorado River Board of California (Board) was held in Meeting Room 315, at the Sacramento Convention Center, 1400 J Street, Sacramento, California, Wednesday, May 9, 2007.

Board Members and Alternate Present

Dana B. Fisher, Jr., Chairman
James B. McDaniel
John W. McFadden
Bill D. Wright

Jeanine Jones, Designee
Department of Water Resources

Board Members and Alternate Absent

James H. Bond
John V. Foley
Terese Maria Ghio
James Cleo Hanks
Henry Merle Kuiper

John Pierre Menvielle

Christopher G. Hayes, Designee
Department of Fish and Game

Others Present

Mark D. Beuhler
William I. DuBois
John Penn Carter
Gary Croucher
Marilyn Dailey
Michel Gardner
William J. Hasencamp
Gordon A. Hess
Cathy Kay
Michael L. King
Brad Luckey
Russell Kitahara
Jay W. Malinowski

Peter Nelson
Glen Pearson
Roger K. Patterson
Halla Razak
Steven B. Robbins
Javier Saunders
Peter S. Silva
Bill Steele
Mark Stuart
James J. Taylor

J.C. Jay Chen
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced that a quorum was not present and started an informational meeting commencing at 5:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Ms. Cathy Kay, the Oil Shale Organizer for the Western Colorado Congress, addressed the Board regarding impacts potential resulting from commercial oil shale production in Colorado including the Colorado River Basin. Ms. Kay gave a brief overview of scheduled and planned oil shale pilot projects in Colorado. She warned that the commercial oil shale development could increase salinity and potential decrease runoff from the Upper Basin. She also requested the Board's support of efforts to slow down the development of oil shale mining in the Upper Basin.

ADMINISTRATION

Approval of Board Meeting Minutes

Chairman Fisher announced that without the presence of a quorum, the April meeting minutes could not be approved. Approval will be delayed until the next Board meeting.

Fiscal Year 2007-2008 Colorado River Board Budget

Mr. Zimmerman reported that the handout materials include a draft copy of the Board F. Y. 2007-08 budget. The budget is handed out for informational purposes and review by the Board members. Next month at the Board meeting, the budget will be presented for approval.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers met after the April 11th Board meeting. They also recently conducted two conference calls. The discussions involved finalizing the Basin states package and commenting on Reclamations' Draft Environmental Impact Statement (DEIS) for the Colorado River Interim Guidelines for Lower Basin Shortage and Coordinated Operations for Lakes Powell and Mead

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of May 3rd, the storage in Lake Powell was 11.790 million acre-feet (maf), or 48 percent of capacity. The water surface elevation was 3,600 feet. The storage in Lake Mead was 13.377 maf, or 52 percent of capacity, and water surface elevation of 1,120 feet. Total System storage was about 33.1 maf, or 56 percent of capacity. Last year at this time, there was 33.8 maf in storage, or 57 percent of capacity. Total System storage was about 700,000 acre-feet less than this time last year.

Mr. Zimmerman reported that precipitation from October 1st to May 3rd, is 89 percent of normal, and, the snowpack is only about 49 percent of normal. The forecasted, April

through July unregulated 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 8.243 maf, or about 68 percent of normal. Current snowpack conditions in the Upper Basin are below average, and most of the Basin is below 50 percent of average.

Mr. Zimmerman 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 just over their basic entitlement of 2.8 maf (2.810 maf); and for California the CU is projected to be slightly under its apportionment of 4.4 maf (4.382 maf). The projected total CU in the Lower Basin is expected to be about 7.5 maf (7.501 maf).

State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported on the current climate conditions in California. Precipitation in Los Angeles is 25 percent of normal, dryer than the driest year on record. Three-fourths of an inch last month brought the current total to 3.2 inches. Further north along the coast, the precipitation is about 40 percent, and up near the northern California border the precipitation is nearly 100 percent.

Mr. Stuart added, that the overall state reservoir storage is about 86 percent of capacity. State Water Project (SWP) storage in the northern part of the state is about 3.2 maf, and in the south about 1.5 maf of storage. Overall, there is about 4.7 maf of storage in the SWP, about 300,000 acre-feet less than last year at this time. Entitlements to the SWP are presently at 60 percent.

Mr. Wright, of The Metropolitan Water District of Southern California (MWD), reported that inspection and repairs during last months shut down of the MWD aqueduct have been completed. The aqueduct is now back in service and is currently operating at 75 percent of capacity. Combined MWD's reservoirs storage as of May 1st, is about 891,000 acre-feet, or 86 percent of capacity.

Mr. McDaniel, of the City of Los Angeles Department of Water and Power (LADWP), reported that the Eastern Sierra has been very dry. Water supply from the snowpack is only expected to deliver about 17 percent of LA's water supply; with another 13 percent from groundwater. LAWDP is expected to purchase about 70 percent of its supply from MWD.

Colorado River Operations

Imperial Irrigation Districts Letter to Reclamation Regarding 2006 Decree Accounting Report

Mr. Zimmerman reported that Reclamation's preliminary 2006 Decree Accounting Report indicates there is unused apportionment available for use. The Imperial Irrigation District (IID) requested, via a letter sent April 19th, to Reclamation to allocate the unused apportionment toward IID's inadvertent overrun accrued during 2006. The unused

apportionment, if made available to IID could off-set or reduce the inadvertent overrun amount incurred by IID during 2006.

Status of Draft EIS for Colorado River Basin Interim Guidelines

Mr. Zimmerman reported that that on February 28th, Reclamation released the draft EIS on the development of Lower Basin Shortage Guidelines and Coordinated Management Strategies for Lakes Powell and Mead Under Low Reservoir Conditions. Comments were due in Reclamation's Lower Colorado Regional Office by April 30th. Reclamation has posted both the DEIS and the seventy five comment letters on Reclamations website at: www.usbr.gov/lc/region/programs/strategies.htm. The Board staff are currently reviewing the comments letters.

Mr. Zimmerman added that the Board supports the Basin States' Alternative and related agreements. The Board also continues to advocate that the United States work with Mexico in defining the process for imposing reductions in water deliveries on Mexico when users in the U.S. are shorted. The Board's specific comments addressed are:

1. California shares of sixty to sixty five percent of any stage-two shortage is invalid.
2. the Final EIS should have further analysis of climate change and global warming.
3. the Final EIS and ROD should have default operating criteria for both shortage and surplus conditions.
4. The recognition that California is already at its 4.4 maf entitlement.
5. The California benchmarks and related text should be deleted in the Final EIS.

Reclamation is holding to its schedule to release the Final EIS in September 2007 and the Record of Decision (ROD) in December 2007.

Board's Letter to CAP Regarding its Maintaining a Full CAP Aqueduct over 2,500 cfs.

Mr. Zimmerman reported that the Central Arizona Water Conservation District (CAWCD) sent a letter March 26th, expressing its intent to continue to divert at full CAP aqueduct capacity of up to 3,600 cfs. The CAWCD included a proposed rationale with their letter of intent. The CAWCD believes that the 1984 Hoover Power Plant Act supersedes the Colorado River Basin Project Act of 1968 (CRBPA). The CRBPA governs diversion limitation unless there are flood control or equalization releases from Lake Powell (Section 301(a)). This limitation has not been enforced by Reclamation prior to this point.

Mr. Zimmerman reported that on May 3rd a response letter was sent to CAP on behalf of the Board. The letter stated that:

- The language in the 1968 CRBPA provides a clear limitation on diversions of Colorado River water by CAP;
- Subsequent acts of Congress have not amended or modified this limitation;
- Diversions in excess of 2,500 cfs are inconsistent with the Law of the River, unless releases from Glen Canyon Dam are being made for flood control or equalization releases; and

- Past disregard of the limitations do not justify future diversions in excess of the limitations.

The letter also invited CAP and Arizona representatives to meet with California and the other Basin states to further discuss the matter.

Basin States Discussion

Status of Draft EIS for Colorado River Basin Interim Guidelines

Mr. Zimmerman reported that the Basin states met on April 23rd, in Las Vegas, Nevada. At the meeting both the transmittal letter and the Basin States' Agreement were signed by Chairman Fisher. The interim guidelines for Colorado River operations were finalized, and submitted on April 30th. The draft Lower Colorado River Basin Intentionally Created Surplus Forbearance Agreement was included, as well as the agreement on shortage sharing between Arizona and Nevada, that had been executed by both Arizona and Nevada. The entire Basin States' Agreement package was submitted to Reclamation on April 30th.

Mr. Zimmerman reported that there was still much work that remained to be done. The water delivery agreement or agreements need to be finalized. Whether there is an agreement between the Secretary and each state or the entity that creates Intentionally Created Surplus (ICS) water needs to be resolved. There is still some work to do on the Interim Guidelines for Colorado River Operations, as well as the Lower Colorado River Basin ICS Forbearance Agreement. The draft Forbearance Agreement may need to be adjusted based on the exhibits to the agreement.

Mr. Zimmerman reported that in a separate effort, the Basin states will need to address how reductions in deliveries to Mexico will be defined and administered during drought and low reservoir conditions.

Mr. Zimmerman added that the next Basin States Technical Meeting is scheduled on May 30th in Phoenix, Arizona. The next Seven Basin States meeting is on June 5th in Denver, Colorado.

Water Quality

Moab Uranium Mill Tailings Site Cleanup

Mr. Zimmerman reported that the Department of Energy (DOE) plans on extending the time to complete the cleanup of the uranium mill tailings near Moab, Utah. Senator Bob Bennett of Utah, has called for the DOE to accelerate the proposed timeline for cleaning up the site. Mr. Bennett has written the DOE, indicating that the proposed twenty-one years to clean up the site is unacceptable. He proposed the DOE go back to the original seven to ten year timeframe for implementing and completing the mill tailings removal and remediation at the Moab site.

Other Business

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, June 13, 2007, at 10:00 a.m., at the Double Tree Hotel Ontario Airport, 222 North Vineyard Avenue, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher adjourned the informational meeting at 5:54 p.m. on May 9, 2007.



Gerald R. Zimmerman
Executive Director