

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

A Regular Meeting of the Colorado River Board of California (Board) was held in the Keller Peak Room, at the Ontario Airport DoubleTree Hotel, at 222 N. Vineyard Avenue, Ontario, California, Wednesday, November 14, 2007.

Board Members and Alternates Present

John W. McFadden Vice-Chairman
Terese Maria Ghio
W. D. 'Bill' Knutson
James B. McDaniel
John Pierre Menvielle
Bill D. Wright

Christopher G. Hayes, Designee
Department of Fish and Game

Mark Stuart, Designee
Department of Water Resources

Board Members Absent

D. Bart Fisher, Chairman

John V. Foley

Others Present

Steven B. Abbott
Mark D. Beuhler
Celia A. Brewer
John P. Carter
William I. DuBois
Dave Fogerson
William J. Hasencamp
Kathleen Kenealy
Michael L. King
Clifford Lee
Brad Luckey
Jan P. Matusak
Dan Parks
David R. Pettijohn

Steven B. Robbins
Joe Ruiz
John L. Scott
William H. Swan
James J. Taylor
Gary Tavetian
Peter E. von Haam

William S. Abbey
Abbas Amir-Teymoori
J.C. Jay Chen
Christopher S. Harris
Mark Van Vlack

CALL TO ORDER

Vice-Chairman McFadden announced the presence of a quorum, called the meeting to order at 10:01 a.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

ADMINISTRATION

Approval of Minutes

Vice-Chairman McFadden requested the approval of the August 22nd meeting minutes. Mr. Menvielle moved the August 22nd minutes be approved. Mr. Knutson seconded the motion. Unanimously carried, the Board approved the August 22nd meeting minutes.

Proposed Calendar Year 2008 Board Meeting Schedule

Mr. Zimmerman reported that the proposed calendar year 2008 Board meeting schedule was included in the Board folder for review. Action on the 2008 meeting schedule is expected at the December Board meeting.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers have had several meetings and held a number of conference calls, regarding the Basin states discussions and the negotiations with the other states regarding the shortage guidelines and guidelines for the coordinated operation of Lakes Powell and Mead.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported that in addition to November, both the September and October water reports were included in the Board folder. The reservoir storage in Lake Powell, as of November 8th, was 11.776 million acre-feet (maf), or 48 percent of capacity. The water surface elevation was 3,600.3 feet. The storage in Lake Mead was 12.501 maf, or 48 percent of capacity, and water surface elevation was 1,111.0 feet. Total System storage was about 31.8 maf, or 53 percent of capacity. Last year at this time, there was 34.2 maf in storage, or 57 percent of capacity. Total System storage was about 2.4 maf less than the storage at this time last year.

Mr. Harris reported that precipitation from October 1st to November 8th, was 98 percent of normal, and the snowpack was zero percent of normal. The observed for April through July inflow into Lake Powell for Water Year 2007, was 4.052 maf, or 51 percent of

normal. The projected 2008 Water Year unregulated inflow into Lake Powell was about 9.727 maf, or about 81 percent of normal.

Mr. Harris reported that Reclamation's estimated consumptive use (CU) for the State of Nevada is slightly under its entitlement of 300,000 acre-feet (296,000 acre-feet); and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.785 maf); and for California the CU is also projected to be slightly over its apportionment of 4.4 maf (4.411 maf). The total projected CU in the Lower Basin is expected to be about 7.492 maf.

Mr. Harris added that long term forecasts of storage in the Colorado River Basin are similar to this year, with slightly less storage, most likely due to reduced runoff from antecedent dry soil conditions from the previous dry years.

State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported on the climate conditions in California. Water storage in 115 reservoirs averages to about 85 percent of capacity. The Sacramento River index precipitation for eight stations as of November 1st was 3.5 inches which is about 117 percent of average. Regarding the State Water Project (SWP) the Lake Oroville storage was 1.4 maf, or 41 percent of capacity, whereas, last year, at the same time, was 2.7 maf. That's a reduction of 1.3 maf. The SWP storage is 2.6 maf, down from 4.4 maf last year.

Mr. Bill Wright of The Metropolitan Water District of Southern California (MWD), reported that from August to November 1st about 90,000 acre-feet has been drawn from storage. Reservoir storage in the Lakes Skinner, Mathews and Diamond Valley was about 822,930 acre-feet, or 79 percent of capacity.

Mr. James McDaniel, of the Los Angeles Department of Water and Power, reported that the Eastern Sierra winter snows had barely started and there was nothing to report.

Colorado River Operations

Commissioner of Reclamation Appoints New Regional Directors for Upper and Lower Colorado Regions

Mr. Zimmerman reported that a news release from Reclamation on September 4th, included in the Board folder, announced the appointments of Regional Directors for the Upper Colorado and Lower Colorado Regions. Commissioner Robert W. Johnson appointed Ms. Lorri Gray Regional Director to the Lower Colorado Region and Mr. Larry Walkoviak as the Regional Director to the Upper Colorado Region. Ms. Gray had been the manager for the Lower Colorado River Multi-Species Conservation Program in the Lower Colorado Region. Mr. Larry Walkoviak had been a Deputy Regional Director in the Lower Colorado Region and worked a number of years with the Lower Colorado Region. Both will be a great asset to the Upper and Lower Colorado Regions.

Reclamation's Letters to Various Agencies Regarding Projected 2007 Colorado River Water Use and Possible Overrun

Mr. Zimmerman reported that included in the Board folder are several letters from Reclamation notifying water users in the Lower Basin that projected water uses for 2007 may exceed approved schedules and that overruns could be incurred. Agencies notified included: Imperial Irrigation District, Coachella Valley Water District, Welton-Mohawk Irrigation and Drainage District and Gila Monster Farms in Arizona, the Colorado River Commission and the Fort Mojave Indian Tribe. Projected diversions of each of the entitlement holders are listed on Reclamations website at www.usbr.gov/lc/region/g4000/hourly/forecast07.pdf.

2008 Annual Operation Plan Consultation Meeting

Mr. Zimmerman reported that on September 27th, Reclamation released the final draft of the 2008 Annual Operating Plan (AOP). The proposed 2008 AOP includes: Glen Canyon dam releases would be governed by the objective minimum release criterion of 8.23 maf, Normal conditions will govern Lake Mead operations; 7.5 maf would be available within the Lower Basin states; No unused apportionment is anticipated to be available; seventeen thousand acre-feet of intentionally created unused apportionment stored in Arizona will be recovered by California; Mexico will be permitted to schedule the delivery of 1.5 maf in 2008.

Final Environmental Impact Statement for Shortage Conditions and Coordinated Reservoir Operations

Mr. Zimmerman reported that on November 2nd, Reclamation released the Final Environmental Impact Statement (Final EIS) for the proposed interim shortage guidelines and coordinated reservoir operations of Lakes Powell and Mead (Guidelines). The Final EIS considered the six alternatives, including no action and the preferred alternative. The four volumes that make up the Guidelines are available on Reclamation's Lower Colorado River webpage. Elements of the Preferred Alternative include: Establishment of shortage guidelines in the Lower Basin that are tied to Lake Mead elevations; Adopts detailed guidelines to improve coordinated operations of Lakes Powell and Mead; Provides for the creation and releases of intentionally created surplus in the Lower Basin initially up to 2.1 maf and potentially increased up to 4.2 maf in future years; Interim Surplus Guidelines would be modified and extended through 2026, and address operation of Lake Mead at relatively full reservoir conditions and specify when surplus supplies would be made to Lower Basin water users. Comments on the Final EIS are due December 2nd. The Record of Decision is scheduled to be issued mid-December.

Fiftieth Anniversary of Palo Verde Diversion Dam

Mr. Zimmerman reported that November 19, 2007 will be the 50th anniversary of the construction of the Palo Verde Diversion Dam. The Palo Verde Irrigation District is sponsoring a celebration including a tour of the Diversion facility and dinner presentation to be held at the Palo Verde Diversion Dam and the fairgrounds near Blythe, California. Mr. Charles van Dyke of the Palo Verde Irrigation District added that all are welcome.

Basin States Discussion

Status of Seven Basin States Representatives Meetings and Activities

Mr. Zimmerman reported that the Basin States Technical Committee continues to work on documents related to the Interim Colorado River Operations Guidelines: The Water Delivery Agreement; the Lower Basin Forbearance Agreement; and, the Project descriptions to be included as exhibits of the Forbearance Agreement. The Basin States Technical Committee Principles met several times in September and October to discuss: Reclamation's proposed preferred alternative for the Interim Operations Draft EIS; Draft Water Supply Augmentation Options report; Status of discussions associated with the Water Delivery Agreement between the Lower Basin states and the Department of the Interior; There was also a briefing from the International Boundary and Water Commission (IBWC)-American Section Commissioner Carlos Marin regarding Mexican Treaty Issues including Mexico's potential involvement in Intentionally Created Surplus storage opportunities in Lake Mead

Mr. Zimmerman reported that with the release of the Final EIS, the Basin states must ensure that all of the related agreements are internally consistent with the Interim Guidelines. The Lower Basin states representatives are meeting in Las Vegas on November 16th to continue to work on the Forbearance Agreement and its exhibits and the revised Guidelines for Coordinated Operations of Lakes Powell and Mead. Future meetings will focus on the Water Delivery Agreement.

News Article - "Arizona Fights changes in Colorado River Plan"

Mr. Zimmerman reported a news article from the Arizona Republic, included in the Board folder, reports that Arizona had sent a letter to Secretary Dirk Kempthorne and the Basin states, notifying them of Arizona's request to enter into a consultation process. A formal consultation process would in effect delay Reclamation's Lower Basin shortage criteria plans. The Letter claimed that Arizona water users would be at unacceptable risk if a shortage is declared based on water levels in Lake Mead, while there is water available in Lake Powell.

Press Release – Colorado River District Board Cautions the State about Prematurely Adopting Colorado River Compact Curtailment Rules

Mr. Zimmerman reported that included in the Board folder is a press release from the Colorado River District Board of Colorado. The press release announces the Colorado River District Board passed a motion that cautions the State of Colorado about proceeding with rules that could result in the curtailment of water use in the Upper Basin without first studying how much water can be safely developed for use by the Upper Basin states.

Basin States Letter to Secretary Kempthorne Regarding the Proposed interim Guidelines

Mr. Zimmerman reported regarding Arizona's letter, meetings were held, conference calls were made and Reclamation held meetings in the Upper Basin, in Salt Lake City, Utah, and the Lower Basin in Phoenix, Arizona. During those meetings there were discussions of

language that represented a type of compromise. Reclamation proposed revisions to the Guidelines to accommodate the positions of perspectives from both the Upper and Lower basin. The seven Basin states prepared a letter to Secretary Kempthorne regarding the Final EIS and the proposed interim Guidelines. The states' letter states that while an individual state, or basin, may object to certain portions of the guidelines, the states will not oppose the Secretary adopting the Guidelines in the Record of Decision. Mr. Zimmerman asked the Board for approval to sign the letter pending the revised Interim Guidelines from Reclamation. Mr. Kuiper moved the Executive Director be approved to sign the seven states letter pending the Reclamations Final EIS. Mr. Menvielle seconded the motion. Unanimously carried the Board approved the Executive Director sign the Basin states letter pending Reclamations Final EIS.

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.

Mr. Zimmerman reported that on September 5th a meeting in Washington, D.C. with representatives of the Basin States, Departments of the Interior and State to discuss: the strategy for discussions between the U.S. and Mexico on cooperative programs; Consultation with Mexico and the Department of Interior's development of Shortage Guidelines and Coordinated Reservoir Operations; and current status of bi-national discussions related to the All American Canal Lining Project and the Drop-2 Reservoir Project.

Mr. Zimmerman added that the International Boundary and Water Commission held a meeting on November 13th to update the states on the status of discussions with Mexico. Additional meetings are expected in December and January to involve the stakeholders in identification of potential projects and opportunities for cooperative United States and Mexico joint activities.

ENVIRONMENTAL ISSUES

Grand Canyon Trust 60-Day Notice Letter

Mr. Harris reported that on September 12th, the Grand Canyon Trust sent a letter to Secretary Kempthorne, Reclamation, the U.S. Fish and Wildlife Service regarding alleged violations of the Endangered Species Act in conjunction with Glen Canyon Dam operations. The Letter alleges failure to fully implement the 1994 biological opinion, including: dam operations continue to endanger and take humpback chub; that Reclamation must implement Seasonally Adjusted Steady Flows; and that Reclamation must consult on the preparation of the AOP. The Solicitor's office is reviewing the letter and developing a response strategy.

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

Mr. Harris reported that a hearing was held before the House Subcommittee on Water and Power associated with the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) Act (H.R. 2515) on July 24th. Representatives of each of the three Lower Basin states and the Administration provided testimony during the hearing, as did a representative of the environmental community. The Board provided supplemental written testimony in support of the legislation. The legislation would give Congressional endorsement to long-term appropriations for the federal funding portion of the Multi-Species Conservation Program implementation rather than through budget process of each of the participating federal agencies.

Mr. Harris added that on October 17th, Senators: Kyl from Arizona; Feinstein from California; and Senators Ensign and Reid from Nevada, requested that the LCR MSCP Act legislation be moved from the Energy & Natural Resources committee to the next markup session, advancing the legislative process.

WATER QUALITY

Salinity Control Forum Meeting

Mr. Amir-Teymoori reported that the Salinity Control Forum (Forum) and Advisory Council met in Santa Fe, NM on October 29-30. The Forum received reports from the federal agencies. The National Resource Conservation Service (NRCS) is recommending a 50-50 cost share with producers. The old rate of 75-25 share rate will continue for this year. The cost-share rate issue would be finalized as the NRCS program review is completed.

Mr. Amir-Teymoori reported that the Salinity Control Forum Work Group briefed the Forum regarding the preparation of the 2008 Triennial Review. Reclamation briefed the Forum on its Basin-wide Program Review. The Program Review is intended to document current practices and develop process implementation manuals. Amendments of the Salinity Control Act are being contemplated and may result in amendments to the Farm Bill. The amendments were recommended by the Solicitors office to ensure Reclamation's authority to manage the parallel program funding. The proposed clarification language has been adopted by the Senate Agriculture Committee.

Status of the Perchlorate Remediation efforts in the Las Vegas Valley

Mr. Amir-Teymoori reported on status of the ongoing in situ treatment of perchlorate contamination in Las Vegas Wash. The treatment systems are continuing to work efficiently and steadily removing the perchlorate from ground water and reducing the load to Las Vegas wash. The current load to Las Vegas Wash is about 55 pounds per day. As of August 1st, approximately 2,330 tons of perchlorate have been removed. Perchlorate concentration at the Willow Beach monitoring station is now less than 2 parts per billion (ppb). The total flow at the AMPAC remediation site is 225 gallons per minute and the perchlorate load is about 34 pounds per day. The goal is for the perchlorate capture rate to be about 50 pounds per day.

On a related note, California has adopted a maximum contaminant level of 6 ppb for perchlorate as of October 18th.

OTHER BUISNESS

Next Board Meeting

Vice-Chairman McFadden announced that the next meeting of the Colorado River Board will be held in conjunction with the Colorado River Water Users Association 62nd Annual Conference, on Wednesday, December 12, 2007 at 3:00 p.m., at the Caesars Palace Hotel, Las Vegas, Nevada.

There being no further items to be brought before the Board, Vice-Chairman McFadden asked for a motion to adjourn. Mr. Kuiper moved the Board meeting be adjourned. Mr. Menvielle seconded the motion, and with unanimous approval the Board meeting was adjourned at 11:11 a.m. on November 14, 2007.



Gerald R. Zimmerman
Executive Director