

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, June 11, 2008

A Regular Meeting of the Colorado River Board of California (Board) was held in the Big Bear Room, at the Ontario Airport Double Tree Hotel, at 222 N. Vineyard Avenue, Ontario, California, Wednesday, June 11, 2008.

Board Members Present

Dana Bart Fisher, Jr., Chairman
John V. Foley
W. D. Bill Knutson
Terese Maria Ghio
John W. McFadden

John Pierre Menvielle
Jeanine Jones, Designee
Department of Water Resources

Board Members and Alternate Absent

Thomas M. Erb
Henry Merle Kuiper
James B. McDaniel

Christopher G. Hayes, Designee
Department of Fish and Game

Others Present

Steven B. Abbott
Mark D. Beuhler
Dave Fogerson
Michael L. King
Russell Kitahara
Thomas E. Levy
Brad Luckey
Jan P. Matusak
David Pettijohn
Halla Razak
Steven B. Robbins
Colin Roberts

Peter S. Silva
William H. Swan
Charles van Dyke
Peter von Haam
Bill D. Wright

Abbas Amir-Teymoori
J.C. Jay Chen
Gary E. Tavetian
Mark Van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 10:05 a.m.

Remembrance

Chairman Fisher reported to the Board that former Reclamation Commissioner John Keys, III, had passed away in a plane crash on Friday, May 30, 2008. Chairman Fisher mentioned that the last time many of those present saw Mr. John Keys was during the Upper Basin Salinity tour, June 28-30, 2006, in Moab, Utah, where Mr. Keys had joined the group for dinner. Mr. Keys was a prince of a man, very sociable and had a passion for aviation. Chairman Fisher noted that Mr. Keys was avid flyer, as he and Mr. Keys swapped flying stories. Mr. Keys will be missed.

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 16th meeting minutes. Ms. Jones mentioned that she had made a couple of small factual corrections, in addition Mr. Matusak also mentioned that he had a few minor corrections. Mr. Knutson moved the April 16th minutes be approved as amended. Mr. Menvielle seconded the motion. Unanimously carried, the Board approved the April 16th meeting minutes as amended.

Fiscal Year 2008-09 Board Budget

Mr. Zimmerman reported that the 2008-09 budget was included in the Board handout materials for review by the Board members. Mr. Zimmerman requested two motions; 1) approval of the final Fiscal Year 2008-09 budget and the Executive Director to execute Standard Agreement No. 41; and 2) approval of the Budget Resolution. Upon the motion of Mr. Knutson, seconded by Mr. Menvielle and unanimously carried, the Board approved the 2008-09 fiscal year budget and authorized the Executive Director to sign Standard Agreement No. 41. Upon the motion of Mr. Knutson, seconded by Mr. Menvielle, and unanimously carried, the Board authorized the Executive Director to sign the 2008-2009 Standard Agreement No. 41 and Budget Resolution.

Governor Schwarzenegger Declares Drought Conditions

Mr. Zimmerman reported that on June 4th, Governor Schwarzenegger issued an Executive Order proclaiming a condition of statewide drought. The Executive Order directs the California Department of Water Resources (DWR) to implement aggressive water conservation and water use reduction programs. In addition, DWR is directed to: 1) investigate dry-year water purchasing, similar to the water-banking program that was implemented in the early 1990's; 2) convene the Climate Variability Advisory Committee; 3) provide technical assistance to local water agencies for drought response; and 4) promote greater cooperation with other state and federal agencies.

Ms. Jeanine Jones, of the California DWR, added that regarding water conservation, DWR and the Association of California Water Agencies (ACWA) have partnered to develop a series of public service advertisements that will be made available to local water agencies encouraging urban water conservation. Public service announcements will be prepared and formatted for various media for outreach to the community. The materials will be available from ACWA and can be distributed through local water districts and agencies.

Ms. Jones also reported that efforts are being made to expedite a portion of the remaining \$35 million Proposition 50 funds that are designated for water conservation. There is \$10 million of the \$35 million that is not encumbered by subsequent statutory language that is delaying the movement of those funds. DWR is working to see how quickly those funds can be put to use conserving water.

Ms. Jones reported that the Climate Variability Advisory Committee has entered into a partnership with the National Oceanic and Atmospheric Administration (NOAA) as well as subsidiaries of NOAA. The committee members recently met via conference call and are bringing together several of the science institutions to do a best-case effort at a climate analysis of what Water Year 2009 will bring.

Mr. Zimmerman mentioned that Ms. Jones had delivered the document "California Drought, an Update April 2008" published June 6th. The document is available for purchase from DWR and can be ordered online or the report can be downloaded from DWR via their website at: <http://watersupplyconditions.water.ca.gov/DroughtReport2008.pdf>.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers held a couple of conference calls in preparation for the Basin states' meeting held May 20th. The main focus of the conference calls related to the Navajo-Gallop legislation.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that water storage in Lake Powell is above 50 percent for the first time this year. Lake Powell has about 12.898 million acre-feet (maf) in storage or, 53 percent of capacity. The Lake Powell water surface elevation is about 3,612 feet above sea level. Water storage in Lake Mead is about 12.124 maf, or 47 percent of capacity. The Lake Mead water surface elevation is 1,107 feet above sea level. Total system storage is 32.585 maf, or 55 percent of capacity, at this time last year the system storage was 33.693 maf, or 56 percent of capacity.

Mr. Zimmerman reported that precipitation in the basin through June 2nd was about 110 percent of normal. The snowpack water equivalent as of June 2nd was about 112 percent of normal. The April through July 2008 forecast was 9.23 maf or 116 percent of normal. The 2008 water year runoff into Lake Powell is projected to be 12.89 maf, or 107 percent of normal.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada is slightly under its entitlement of 300,000 acre-feet (284,000 acre-feet); and for Arizona the CU is projected to be slightly over its entitlement of 2.8 maf (2.85 maf); and for California the CU is projected to be slightly over its entitlement of 4.4 maf (4.488 maf). The Lower Basin projected CU for 2008 is estimated to be 7.622 maf.

State and Local Water Reports

Ms. Jones, of the California Department of Water Resources, characterized the drought in California. Both the San Joaquin and Sacramento Rivers are currently classified as in "critical" condition. State Water Project deliveries are forecasted to remain at 35 percent of requested amounts and Reclamation has reduced agricultural water deliveries from the Central Valley Project to 40 percent of contracted amounts. Storage north of the Delta is about 51 percent, with Lake Oroville at 50 percent of capacity. An initial hearing on the salmon case was held by U.S. District Court Judge Wanger. A final decision has not been made.

Mr. Foley of the Metropolitan Water District of Southern California (MWD) reported that storage in Diamond Valley Lake is about 551,000 acre-feet, or 68 percent of capacity. During the months of March through May, 50,000 acre-feet was drawn from Diamond Valley Lake to meet the water demands in the MWD system. Lake Mathews and Lake Skinner only gained 8,000 acre-feet during the March through May period. There was a net loss of about 42,000 acre-feet from MWD's storage. Overall storage in MWD's combined reservoir storage (Lake Skinner, Lake Mathews and Diamond Valley Lake) as of June 1st was about 762,000, or 74 percent of capacity.

Mr. David Pettijohn, of the Los Angeles Department of Water and Power (DWP), reported that the Eastern Sierra snow pack has nearly melted. Precipitation for the year has been about 97 percent of normal, whereas runoff is expected to be about 87 percent of normal because of the dry conditions last year.

Colorado River Operations

MWD Storage of Nevada Unused Apportionment in 2008

Mr. Zimmerman reported that on May 14th, Reclamation approved Nevada's request for MWD to store 15,000 acre-feet of Nevada's unused apportionment on Nevada's behalf in the MWD system. Reclamation also approved Nevada's revised diversion estimate to reflect the amount that will be stored in MWD's system. Nevada now plans to divert 510,000 acre-feet in calendar year 2008, instead of 525,000 acre-feet.

Basin States Discussion

Scripps Institution of Oceanography's Responses to the Board's Comment Letter on the Article, "When will Lake Mead go dry?" Published in the Journal of Water Resources Research

Mr. Zimmerman reported on April 24th, a response was received from the Scripps Institution authors of the Water Resources Research article, "When will Lake Mead go dry?"

The authors took issue with many of the points raised in the Board's letter and claimed that they tried to contact Reclamation for information and feedback regarding the article; but received no meaningful response from Reclamation. In the letter response the authors stand by the article and its conclusions.

Reclamation's Letter Acknowledging Receipt a Copy of Augmentation Report to the Department of the Interior

Mr. Zimmerman reported that on March 21st the Basin States' Long-Term Water Supply Augmentation Options report was submitted to Secretary Kempthorne. On May 6th, Reclamation Commissioner Bob Johnson responded in a letter, included in the Board folder, commending the Basin States for preparing the Report and their forward-looking vision to augment the water supply of the Colorado River Basin. The Lower Colorado Regional Office was designated as the liaison with the states in this continuing effort.

Salt Cedar and Russian Olive Control Demonstration Act

Mr. Zimmerman reported that on June 4th the Basin states sent letters to Senators Dorgan (ND) and Domenici (NM) requesting continued funding support for the Program in fiscal year 2009 Energy and Water Development Appropriations Bill. The states recommend \$300,000 be appropriated to complete assessments, and that \$2 million be appropriated for implementation of demonstration projects.

MWD's Letters in Support of S. 1807 and H.R. 3445, "The Weather Mitigation Research and Development Policy Authorization Act of 2007," Introduced by Senator Hutchinson and House of Representative Udall

Mr. Zimmerman reported that that MWD recently sent letters of support to Senate and House committees for the proposed "Weather Mitigation Research and Development Policy Authorization Act of 2007". Both letters, included in the Board folder, support a federal role in assistance with applied research and practical technology transfer programs. Further, the letters noted the federal role, activities and programs proposed in the legislation also compliment the Basin states' Long-Term Water Supply Augmentation Options effort.

Million Conservation Resource Group's Presentation, "Regional Watershed Supply Project"

Mr. Zimmerman reported that the Million Conservation Resource Group has developed a proposal to move water from Flaming Gorge Reservoir to Colorado's East Slope. The Colorado River Water Conservation District (District) currently opposes the proposal as it believes there are issues with both the 1922 and 1948 Compacts. The District also believes that current water planning processes underway in Colorado must be completed before this proposal can be fully and fairly evaluated. The District's Board of Directors has recommended that other water users, districts, and state agencies join them in opposing the Million Conservation Resource Group's proposal.

Report on the Lake Powell Pipeline

Mr. Zimmerman reported that the Federal Energy Regulatory Commission (FERC) recently published a notice in the *Federal Register* initiating a National Environmental Policy

Act (NEPA) scoping process and informal consultation with the U.S. Fish and Wildlife Service (USFWS) and the Utah State Historical Preservation Office for the proposed Lake Powell Pipeline Project. FERC designated the Utah Division of Water Resources as FERC's non-federal representative. The NEPA scoping will evaluate issues related to the 180 mile pipeline from Lake Powell to the St. George, Utah, metropolitan region. Board staff will continue to monitor the status of the project and provide comments, as appropriate, throughout the process.

Status of Navajo-Gallup Legislation

Mr. Zimmerman reported that the primary purpose of the Basin states meeting on May 20th was to obtain a consensus among the Basin states regarding the Navajo-Gallup pipeline from Lake Powell. Another meeting is scheduled for June 23rd to try again to reach a consensus among the states.

Status of the Yuma Desalting Plant Reactivation and Operation

Mr. Zimmerman reported that efforts continue to evaluate the potential reactivation and operation of the Yuma Desalting Plant (YDP). An advisory committee as well as three Work Groups (environmental, legal and regulatory) have been meeting since February. Beginning in March, the YDP was operated at ten percent capacity for ninety days. A small group has been formed to evaluate the feasibility of operating YDP as a demonstration project at one-third capacity, and for a longer period of time to gain additional information. Currently, it is thought that the product water created by the demonstration project could be classified as System Conservation Intentionally Created Surplus. This water might then be made available to the entities funding operation of the YDP during the demonstration period. Further efforts by the advisory committee and work groups are in abeyance awaiting results of the demonstration project.

Colorado River Environmental Issues

Six Agency Committee and Sonoran Institute to enter into Partnership on the San Felipe-Carranza Project

Mr. Zimmerman reported that the Six Agency Committee and the Sonoran Institute are partnering to provide habitat restoration and bird monitoring. The project would restore 10 acres of riparian habitat along the Rio Hardy, implement extensive monitoring of habitat and species to assist in associated adaptive management, and conduct local community building and educational outreach. The total project costs would be about \$65,000.

DWR/Sonoran Institute Project

Ms. Jones reported that DWR and the Sonoran Institute have partnered on a project near the San Felipe-Carranza site. The project is similar, though smaller, but will also include the installation of a stream gauge on the Rio Hardy. The total project cost is estimated to be \$35,000 and will provide habitat restoration, education outreach and bird monitoring.

U.S. Fish and Wildlife Service's Memorandum Regarding its Federal Register Notice for a Five-Year Status Review for Ten Threatened or Endangered Species in Arizona

Mr. Zimmerman reported that as required by the Endangered Species Act, the USFWS is conducting a five-year review of the threatened and endangered species in Arizona. The status of the ten species, including the Southwestern willow flycatcher (WIFL) is under review. Results of the review could lead to de-listing or down-listing of a species, or a recommendation that the species status remains unchanged. It is likely that the status of the WIFL will not be modified during this review, thus the Multi-Species Conservation Plan will need to continue its aggressive efforts to address the habitat needs of the WIFL.

Status of the Glen Canyon Lawsuit

Mr. Gary Tavetian, of the Attorney General's Office, reported that on February 15th, the Grand Canyon Trust (GCT) filed a detailed memorandum in support of its motion for summary judgment in *Grand Canyon Trust v. Reclamation*. The GCT filed a supplemental complaint on March 14th, adding the USFWS to its original complaint. The California Attorney General's Office along with the other Basin states filed a motion to intervene into the case as defendants. That motion was granted by the U.S. District Court. There was a group of several agencies, such as the CAWCD, IID, MWD and CREDA who also filed motions to intervene, and that those motions were also granted. The federal government filed a motion for, a partial Motion for Summary Judgment and a Motion to Dismiss. The Court granted motions of intervention on June 3rd; and requested that the states designate a single point-of-contact; and that the water agencies do the same. The Basin states recently chose the Colorado's Attorney General's office as its liaison.

Mr. von Haam, of MWD added that copies of the federal briefs or the plaintiff's briefs are available and would be emailed to those requesting them.

WATER QUALITY

Salinity Control Forum Meeting

Mr. Amir-Teymoori reported that The Forum, Advisory Council, and Work Group met in Montrose, Colorado, on May 28-30, 2008. Federal agencies provided reports to the Forum on the status of their salinity control efforts. The Advisory Council discussed issues related to the new Farm Bill and management of the "Parallel Program." The new formula requires that a report be made to Congress before any funding is made available for salinity control projects. The Advisory Council formed an *ad hoc* committee to work with Reclamation and USDA to speed up the process for the required report to Congress.

Ms. Jones mentioned that the Farm Bill in addition to having new provisions for the Salinity Control Program, also has the Regional Water Enhancement Program. The Regional Water Enhancement Program would provide money for water district-wide or Basin-wide water conservation programs in addition to the traditional USDA model of funding on-farm projects.

The Forum and Advisory Council elected new officers, including Pat Tyrrell (WY) as Chair; and Dennis Strong (UT) as Vice-Chair. The Forum discussed the completion of the 2008 Triennial Review Report with the Work Group; and is expected to approve the final Review at its fall meeting.

Reclamation has finalized the Basin-wide Program Review. The review is intended to document practices and procedures for future consistent USBR application of basin-wide salinity control. Also, the Forum directed the Work Group to monitor progress on the following: Tamarisk issues; Forum's justification report; Reclamation's accounting report; and USDA high-cost salinity control areas. The next meeting of the Forum is scheduled for late October 2008 in California.

Moab Uranium Mill-Tailings Site Cleanup

Mr. Amir-Teymoori reported that the Department of Energy (DOE) is evaluating the safest method to transport the mill tailings to the new storage site. DOE is looking at rail transport, or truck transport on Utah state highways. Safety issues have been brought up by concerned citizens regarding the transport of the mill tailings over the public highway system. The local community has expressed interest in moving the mill tailings by rail. The DOE is expected to make a decision after a report on the cost of the two options. The completion of the project is expected as early as 2019, or as late as 2028.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, July 9, 2008 at 10:00 a.m., at the Double Tree Hotel Ontario, 222 North Vineyard Avenue, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourned. Mr. McFadden moved the Board meeting be adjourned. Mr. Menvielle seconded the motion, unanimously approved the Board meeting adjourned at 11:14 a.m. on June 11, 2008.



Gerald R. Zimmerman
Executive Director