

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, March 12, 2008

A Regular Meeting of the Colorado River Board of California (Board) was held in the Big Bear Room, of Doubletree Hotel, at 222 North Vineyard Avenue, Ontario, California, 91764-4428, Wednesday, March 12, 2008.

Board Members and Alternates Present

John W. McFadden Vice Chairman

John V. Foley

Terese Maria Ghio

W.D. "Bill" Knutson

Henry Merle Kuiper

James B. McDaniel

Jeanine Jones, Designee

Department of Water Resources

Christopher G. Hayes, Designee

Department of Fish and Game

Board Members and Alternates Absent

Dana Bart Fisher, Jr., Chairman

James Cleo Hanks

John Pierre Menvielle

Charles H. Van Dyke

Others Present

Steven B. Abbott

Mark D. Beuhler

Celia A. Brewer

John Penn Carter

William I. DuBois

Michael L. King

Warren Greco

William J. Hasencamp

Thomas E. Levy

Brad Luckey

Jan P. Matusak

David R. Pettijohn

Halla Razak

Steven B. Robbins

Javier Saunders

John L. Scott

Peter S. Silva

William H. Swan

Peter E. von Haam

Bill D. Wright

Abbas Amir-Teymoori

J.C. Jay Chen

Christopher S. Harris

Gary E. Tavetian

Mark Van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Executive Director Gerald Zimmerman announced that Chairman Fisher could not attend the Colorado River Board Meeting due to a sudden death in the family.

Vice Chairman John McFadden announced the presence of a quorum and called the meeting to order at 10:04 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

Mr. Harris mentioned that the February 13th meeting minutes were not available when the Board folder was mailed. The February 13th minutes will be included in the April Board folder.

April Board Meeting Rescheduled

Mr. Zimmerman asked the Board to reschedule the April Board meeting from April 9th, to April 16th. Budget hearings regarding the Board are scheduled to be held April 9th in Sacramento. Mr. Knutson moved the motion be approved. Mr. Kuiper seconded the motion. Unanimously carried, the Board approved rescheduling the April Board meeting on April 16, 2008.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency managers met on February 28th. The discussions were on the ongoing Bi-National process between the U.S. and Mexico. The Bi-National process is to facilitate interested entities on both sides of the border to work together on areas of mutual interest related to the Colorado River including water use, conservation, water efficiency, coastal desalination opportunities, environmental needs and climate change impacts.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported that as of March 5th the storage in Lake Powell was 10.867 million acre-feet (maf), or 45 percent of capacity. The water surface elevation was 3,590.5 feet. The storage in Lake Mead was 12.997 maf, or 50 percent of capacity, and water surface elevation of 1,116.2 feet. Total System storage was about 31.1 maf, or 52 percent of capacity. Last year at this time, there was 33.4 maf in storage, or 56 percent of capacity. There is a decrease of 2.2 maf acre-feet in total system storage over last year.

Mr. Harris reported that precipitation from October 1st to March 6th is 124 percent of normal, and the snowpack is about 126 percent of normal. The April through July runoff is expected to be 10.2 maf or 129 percent of normal. The anticipated 2007 water year runoff is 14.1 maf or about 117 percent of

normal. The snow condition, as of March 10th, is above normal for this time of year. There is significantly greater snow in the upper reaches of the Southern portion of the Upper Basin, such as the San Juan sub-basin, however the Upper Green sub-basin is still slightly below average.

Mr. Harris added that Reclamation's projected consumptive use (CU) for the State of Nevada is 299,000 acre-feet; and for Arizona, the CU is projected to be slightly below its basic entitlement of 2.8 maf (2.757 maf); and for California the CU is projected to be 4.360 maf. The total projected CU in the Lower Basin is expected to be about 7.416 maf.

State and Local Water Reports

Ms. Jeanine Jones, of the California Department of Water Resources, reported on the current climate conditions in California. Though January was wetter than normal, February was drier than normal. Normally more precipitation occurs in February, consequently, the forecast for the Sacramento River System is dry and the forecast for the San Joaquin River System is below normal. Ms. Jones addressed concerns regarding reports of above normal snow pack and yet forecasts could still be below normal. Ms. Jones mentioned that the water supply indices such as the Sacramento River index and the San Joaquin River index are terms that were developed over the years during the Bay Delta proceedings with the State Board. The indices are defined in regulatory terms, and includes a number of factors. Reservoir storage, last year, was up because of a very wet year; however, this year, partly due to the Delta smelt issue, reservoir storage is much lower and the reservoir storage influences the river indices. Though high snow pack is important, with low reservoir storage and transfer restrictions there could still be shortages in the amount of water available for delivery. Present State Water Project storage is about fifty-six percent of capacity and projected deliveries are thirty-five percent of Table A entitlements.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of March 1st, MWD's combined reservoir storage of Lakes Skinner, Mathews, and Diamond Valley, is about 804,000 acre-feet, or about 78 percent of capacity. Diamond Valley Lake is about 602,000 acre-feet, or about 74 percent of capacity. Lake Mathews is about 163,000 acre-feet, or at 90 percent of capacity. Lake Skinner is about 39,000 acre-feet, or 89 percent of capacity.

Mr. McDaniel, of the City of Los Angeles Department of Water and Power (LADWP), reported that precipitation is about 87 percent of normal in the northern portion of the Eastern Sierra to 137 percent of normal in the southern portion of the Eastern Sierra. Overall the average is between 110 to 120 percent of normal. Antecedent dry conditions is expected to reduce the amount of runoff by about 20 percent.

Colorado River Operations

Final 2008 Annual Operation Plan

Mr. Zimmerman reported that Reclamation transmitted the Final 2008 Annual Operation Plan (2008 AOP) to Secretary Kempthorne. The 2008 AOP includes provisions for releases from Glen Canyon Dam to be governed by the Upper Elevation Balancing Tier, assumes a minimum release of 8.23 maf. Intentionally Created Surplus conditions will govern Lake Mead operations. Mexico will be permitted to schedule the delivery of 1.5 maf in 2008. No unused apportionment is anticipated to be available. Twenty five thousand acre-feet of intentionally created unused apportionment stored in Arizona will be recovered by California, and inadvertent overrun and pay back policy water will occur

in 2008. The Final 2008 AOP is expected to be signed by Secretary Kempthorne by the end of March 2008.

Southern Nevada Water Authority Notice of Unused Apportionment for Storage by MWD in 2008

Mr. Zimmerman reported that the Southern Nevada Water Authority (SNWA) has notified Reclamation and MWD that Nevada anticipates that unused apportionment of its entitlement will be available for storage. Both letters are included in the Board folder. SNWA requested that MWD make arrangements for the storage of 15,000 acre-feet of Nevada's Colorado River water. SNWA may make an additional 5,000 acre-feet, or 10,000 acre-feet to be stored within MWD's system after a mid-year review of Nevada's water use of mainstream water. SNWA has requested that MWD notify them and Reclamation if this water can, in fact, be stored on its behalf in MWD's system.

Reclamation's Letters to Imperial Irrigation District and Central Arizona Water Conservation District Regarding 2006 Overrun of Colorado River Entitlements

Mr. Zimmerman reported that Reclamation has notified the Imperial Irrigation District (IID) and Central Arizona Water Conservation District (CAWCD) that each had incurred an inadvertent overrun in 2006. In its letter, Reclamation indicated that the IID has consumptively used 18,914 acre-feet above its approved amount. CAWCD has used 9,470 acre-feet above its approved amount. CAWCD is to submit its extraordinary water conservation plan by March 21st to show how the overruns will be repaid to the System. IID submitted its plan on November 15, 2007. In 2006, Nevada and MWD did not consumptively use their full apportionment. Reclamation is considering allowing IID and CAWCD using this unused water to partially offset the 2006 overrun.

Mr. Zimmerman reported that CAWCD sent a letter to Reclamation on February 5th regarding the 2006 inadvertent overrun of 9,470 acre-feet. CAWCD maintains that the use of Nevada unused apportionment from 2006 cannot be used to payback the overruns incurred by CAWCD or IID. CAWCD has submitted an extraordinary conservation plan to repay the overrun through reductions in diversion during 2008. A conference call is being scheduled between Reclamation, IID, CAWCD, and the Colorado River Board to discuss this issue further.

Basin States Discussion

International Boundary and Water Commission Discussions

Mr. Zimmerman reported that the International Boundary and Water Commission (IBWC) is following through with Secretary Kempthorne's August 13, 2007 announcement that the federal governments of the U.S. and Mexico renew their commitments to cooperate and collaborate on Colorado River issues. The two countries pledged to address issues related to: water uses, conservation, system efficiencies, coastal desalination opportunities, environmental needs and climate change impacts. The Bi-National Core Group has been formed to identify projects of interest to both countries and to guide the process. The U.S. Core Group includes representatives from IBWC, Reclamation, Arizona, California, Nevada, the Upper Basin, and non-governmental organizations. The IBWC finalized the Terms of Reference that will guide the discussions at its meeting on March 11th by an exchange of letters. The Terms of Reference contain very broad goals identified by both countries and the process under which discussions will occur. The Terms of Reference and the letters signed by the Commissioners are to be posted on IBWC's website, at some point in the near future.

Mr. Zimmerman reported that the Agency Managers meet on February 28th to discuss the Terms of Reference, the goals of this effort, the potential projects of interest from California's perspective and the potential 2008 Work Plan. The discussions during the meeting helped provide guidance for the March 11th meeting of the Bi-National Work Group. The Bi-National Work Group discussions identified four topic areas for potential projects; conservation, new water sources, environment, and system operations; agreed to form Work Groups for each of the topic areas; establish a process and time table for forming the four Work Groups and for providing guidance for the work to be undertaken by each Work Group.

Mr. Zimmerman mentioned that The U.S. Core Group is scheduled to meet on March 28th. At the March 28th meeting Work Group members are to be identified. The U.S. Work Group lead will be identified for each Work Group. The proposed efforts of each Work Group will be discussed to include: the focus of the effort; the elements of the proposed Work Plan; the proposed objectives. The Agency managers scheduled a meeting prior to the March 28th meeting to provide guidance to the Board.

Mr. Zimmerman reported that the next meeting of the Bi-National Core Work Group is scheduled to be on April 15th. The meeting will include the leads for each Work Group and the focus will be to reach Bi-National consensus on the charge given to each Work Group. Tentatively a meeting of the Bi-National Core Work Group is scheduled for May 7th to receive reports from each Work Group.

Long-Term Water Supply Augmentation Options Report

Mr. Zimmerman reported that the Basin States Technical Committee finalized the Long-Term Augmentation Options Report. The detailed one-page fact sheet and the Report were discussed at the February Board meeting. The Board authorized Chairman Fisher to sign the transmittal letter to Secretary Kempthorne. The transmittal of the report to Secretary Kempthorne should occur soon. Mr. Zimmerman requested that SNWA make 15 copies of the complete report and the related documents available for the Board and the member Agencies.

Colorado River Environmental Activities

Reclamation's Environmental Assessment for Experimental Releases from Glen Canyon Dam, Arizona, 2008 through 2012

Mr. Harris reported that on February 8th Reclamation released an Environmental Assessment regarding a potential high-flow test to mobilize sediment in the Glen Canyon reach and move it into backwaters and onto beaches in the Grand Canyon. The test flow is intended to benefit endangered humpback chub and recreational uses of beaches in the Grand Canyon. The high-flow test was initiated on March 5th and concluded on March 8th, with a maximum flow of 41,560 cubic feet per second over a 60-hour period. The results of data collected during the test flow will be included in the draft Environmental Impact Statement being prepared by Reclamation associated with the Long-Term Experimental Plan.

Status of the Glen Canyon Lawsuit

Mr. Harris 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 memorandum describes the arguments that the GCT is making and alleges that Reclamation should:

(1) re-consult under the Endangered Species Act Section 7 (ESA Section 7) regarding Glen Canyon Dam flow releases; and (2) Consult under ESA Section 7 and perform a National Environmental Policy Act analysis associated with the Annual Operating Plans associated with Glen Canyon Dam operations.

Proposed Lower Colorado River Multi-Species Conservation Plan Authorizing Legislation

Mr. Harris reported that on February 12th several environmental organizations sent the House Natural Resources Committee a letter opposing H.R. 2515, the proposed legislation that was to ensure the long term implementation of the Lower Colorado River Multi-Species Conservation Plan (LCR MSCP). The environmental organizations believed that the proposed legislation could inhibit the ability of the Secretary to effectively implement the ESA, and that the proposed water agreement provision would require public review and comment.

Mr. Harris reported that a delegation of representatives of the non-federal LCR MSCP participants met with National Resource Committee staff who then prepared a new draft of H.R. 2515. It is expected that H.R. 2515 may move through mark-up by the end of the second week of March. The companion Senate bill (S. 300) is expected out of mark-up soon as well.

Water Quality

Colorado River Basin Salinity Control Program

Mr. Amir-Teymoori reported that on February 8th the Advisory Council sent the Natural Resources Conservation Service (NRCS) State Conservationists a letter identifying several issues for their consideration. The Advisory Council wants to foster the continued cooperation and support of the NRCS staff for the development of additional on-farm programs in Colorado, Utah, and Wyoming. The Advisory Council continues to express concern that on-farm program funds are not being fully expended in Colorado; and recommends that NRCS staff make more of an effort to identify and fund programs and projects in Colorado. The Advisory Council wanted to advise the NRCS State Conservationists that there may be changes in the 2008 Farm Bill addressing Reclamation's management of state funding in the U.S. Department of Agriculture cost-share rate of 75 percent federal funding and 25 percent participant funding. The Advisory Council invited the NRCS Director to the Council and Forum meeting scheduled for May 28th through 30th in Montrose, Colorado.

Finally, Mr. Amir-Teymoori mentioned that it is the time to send testimony letters to congress in support of funding Colorado River Salinity Control Program. He encouraged each of the Board agencies to send letters of testimony in support of the funding.

Moab Mill-Tailings Cleanup

Mr. Amir-Teymoori reported that an article from the Salt Lake Tribune, included in the Board folder, discussing the Department of Energy (DOE) will soon initiate movement of the uranium mill tailings near Moab, Utah via truck instead of via rail. The trucks would travel along U.S. Highway 191 to the disposal site near Crescent City, Utah. U.S. Highway 191 has been widened and repaved to accommodate the increased big-rig truck traffic. Originally, the DOE anticipated moving the tailings to the Crescent City site via rail cars on a spur line, however, the construction costs for the railroad spur

was considered to be too expensive. The completion of the transfer of the mill-tailings is expected to be late 2019.

Other Business

Next Board Meeting

Vice Chairman McFadden announced that the next meeting of the Colorado River Board will on Wednesday, April 16, 2008, at 10:00 a.m., at the Ontario Airport DoubleTree Hotel, 222 North Vineyard Avenue, Ontario, California.

There being no further items to be brought before the Board, Vice Chairman McFadden asked for a motion to adjourn the meeting. Upon the motion of Mr. Kuiper, seconded by Mr. Knutson, and unanimously carried, the meeting was adjourned 11:16 a.m. on March 12, 2008.


Gerald R. Zimmerman
Executive Director