

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

A Regular Meeting of the Colorado River Board of California (Board) was held in the Orchard Room, at the Ontario Airport Holiday Inn, at 2155 East Convention Center Way, Ontario, California, Wednesday, November 12, 2008.

Board Members Present

Dana B. Fisher, Jr. Chairman
John V. Foley
W. D. 'Bill' Knutson
Henry Merle Kuiper

John Pierre Menvielle
Janine Jones, Designee
Department of Water Resources

Board Members and Alternate Absent

Terese Maria Ghio
Thomas M. Erb
James B. McDaniel

Christopher G. Hayes, Designee
Department of Fish and Game

Others Present

Steven B. Abbott
Celia A. Brewer
John P. Carter
Kevin Donhoff
Dave Fogerson
William J. Hasencamp
Michael L. King
Russell Kitahara
Thomas E. Levy
Jan P. Matusak
Dan Parks
David R. Pettijohn
Steven B. Robbins

John L. Scott
Jack Seiler
William H. Swan
Peter E. von Haam
Bill D. Wright

Abbas AmirTeymoori
J.C. Jay Chen
Kathleen Kenealy
Mark Van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher announced the presence of a quorum, called the meeting to order at 10:06 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 September 10th meeting minutes. Mr. Knutson moved the September 10th minutes be approved. Mr. Menvielle seconded the motion. Unanimously carried, the Board approved the September 10th meeting minutes.

Proposed Calendar Year 2009 Board Meeting Schedule

Mr. Zimmerman reported that the proposed calendar year 2009 Board meeting schedule was included in the Board folder for review. Action on the 2009 meeting schedule is expected at the December Board meeting.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers have not met since the September 10th Board meeting. The agency managers were expected to meet before the December Board meeting. Agenda items on an agency managers meeting might include Reclamation's Proposed Rule Regulating the Use of Lower Colorado River Water without an Entitlement, and/or the binational process with Mexico.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that, as of November 3rd, reservoir storage in Lake Powell was 14.160 million acre-feet (maf), or 58 percent of capacity. The water surface elevation was 3,623.7 feet. The storage in Lake Mead was 12.226 maf, or 47 percent of capacity, and water surface elevation of 1,108.1 feet. The Total System storage was 33.654 maf, or 56 percent of capacity. Last year at this time, the Total System storage was 31.840 maf, or 53 percent of capacity.

Mr. Zimmerman reported that precipitation from October 1st to November 3rd, was 69 percent of normal, and the snowpack was zero percent of normal. The observed for April through July inflow into Lake Powell for Water Year 2008, was 8.906 maf, or 112 percent of normal. The observed 2008 Water Year unregulated inflow into Lake Powell was about 12.356 maf, or about 102 percent of normal.

Mr. Zimmerman reported that Reclamation's estimated consumptive use (CU) for the State of Nevada is under its entitlement of 300,000 acre-feet (273,000 acre-feet); and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.775 maf);

and for California the CU is projected to be slightly over its apportionment of 4.4 maf (4.498 maf). The total projected CU in the Lower Basin is expected to be about 7.547 maf.

State and Local Water Reports

Ms. Jeanine Jones, of the California Department of Water Resources (CDWR), reported that there was a little but significant series of storms in Northern California, however, the 2009 water year is just beginning. The CDWR's initial estimate of the State Water Project (SWP) allocation is 15 percent of requested deliveries. Normally the initial allocation is increased throughout the rainy season when there is a measurable snowpack to forecast runoff for the coming year.

Ms. Jones reported that storage in many northern California reservoirs is low, particularly San Luis Reservoir, which is 14 percent of capacity. Last year, pumping plants south of the Delta were temporarily shut down. Hence, much of the water demand south of the Delta was served by San Luis Reservoir. Total SWP reservoir storage is about 33 percent of capacity.

Ms. Jones added that CDWR is hosting its first ever, Winter Outlook Workshop, November 21, 2008 in San Diego at the San Diego Westin Hotel. The Winter Outlook Workshop will bring together nationally known scientist and researchers to look at experimental scientific forecasts using several different techniques.

Mr. John Foley, of The Metropolitan Water District of Southern California (MWD), reported that MWD's combined reservoir storage of Lakes Skinner, Mathews and Diamond Valley, have been drawn down to 596,000 acre-feet, or 58 percent of capacity, in order to meet water demands.

Mr. Pettijohn, of the Los Angeles Department of Water and Power, reported on the water supply conditions of the Eastern Sierra. There were a few storms over the Eastern Sierra, but it is too early to know how wet the rest of the water year will be.

Colorado River Operations

2009 Annual Operation Plan for Colorado River System Reservoirs

Mr. Zimmerman reported that the final 2009 Annual Operating Plan (2009 AOP) consultation meeting with the Colorado River Management Work Group was held on October 24th. The final draft 2009 AOP has been forwarded to Secretary Kempthorne. It is anticipated that the Secretary's determinations in the 2009 AOP include:

- Glen Canyon Dam releases – operated in the Upper Balancing Tier with a release of 8.23 maf, unless the April 2009 24-month study projects the water surface elevation of Lake Powell to be above the equalization trigger (3,639 feet) by the end of the water year;
- Hoover Dam releases – Normal releases to meet a 7.5 maf consumptive use demand on the mainstream in the Lower Basin;
- Lower Division states will be allowed to utilize water apportioned, but not used,

- by another Lower Division state; and
- Mexico will be allowed to schedule the delivery of 1.5 maf.

International Boundary and Water Commission (IBWC) News Release Regarding the Death of IBWC Commissioners' in Plane Crash

Mr. Zimmerman reported that included in the Board folder was a news release from the IBWC regarding the deaths of the U.S. Commissioner, Carlos Marin, and the Mexican Commissioner, Arturo Herrera. Both died in a plane crash, September 17th, as they were viewing some of the flooding in Mexico on the Rio Grande. Mr. Zimmerman added that both will be greatly missed for what they provided in the current binational discussions as well as in other areas.

Reclamation's News Release Regarding Public Meeting to Seek Input on Environmental Assessment for the Proposed Yuma Desalting Plant Pilot Run

Mr. Zimmerman reported that MWD, the Southern Nevada Water Authority (SNWA) and the Central Arizona Project (CAP) have participated in discussions with Reclamation to implement a pilot project to run the Yuma Desalting Plant (YDP) up to one-third capacity to produce about 30,000 acre-feet of blended water. The YDP product water would be blended with Welton-Mohawk Irrigation Drainage District return flow to the equivalent salinity as the Colorado River. The blended water would be returned to the Colorado River as System Efficiency-Intentionally Created Surplus (ICS) and would be credited to the non-federal agencies funding the operation of the YDP during the pilot study. The non-federal parties have agreed to fund the non-federal costs of the YDP pilot run. Currently MWD would fund 60 percent, the SNWA would fund 30 percent and CAP would fund 10 percent. The ICS water would be credited to each party's ICS account based upon the percent of funding provided. The non-federal parties have also agreed to fund environmental impact monitoring in the Limitrophe and Cienega de Santa Clara during the term of the pilot project. During the course of the pilot project research is to be conducted to evaluate future operation of the YDP.

Mr. Zimmerman reported that final implementation of the proposed pilot project will require the following agreements to be executed: 1) Contributed funds agreement between Reclamation and the non-federal funding parties, 2) Water delivery agreements between Reclamation and each non-federal funding party, 3) A forbearance exhibit executed by all parties to the December 2007 Forebearance Agreement; and 4) An environmental monitoring funding agreement among all of the non-federal funding parties.

Mr. Zimmerman reported that associated with the proposed pilot project, Reclamation is preparing an environmental assessment (EA) pursuant to the National Environmental Policy Act (NEPA). As part of the NEPA process, Reclamation conducted a public scoping meeting, on October 16th, in Yuma, Arizona. The scoping meeting was held to help identify issues that should be described and analyzed in the EA. Comments were received through October 16th. A copy of the news release announcing the scoping meeting was included in the Board folder.

MWD's Letter to Central Arizona Water Conservation District Regarding the Recovery of Interstate Underground Storage Credits in 2009

Mr. Zimmerman reported that a copy of MWD's letter to the Central Arizona Water Conservation District announcing its intention to recover a total of 39,105 acre-feet in 2009 from its account with the Arizona Water Banking Authority.

Reclamation Rule-Making Process to Regulate Unauthorized Uses of Colorado River Water.

Mr. Zimmerman reported that Reclamation published a proposed rule in the *Federal Register* on July 16th regarding the regulation of unauthorized uses of Lower Colorado River Water. The proposed rule establishes a process for identifying unauthorized uses and a notice and appeal process for those users/entities identified as unauthorized users. Comments on the proposed rule were due on September 15th.

Mr. Zimmerman reported that at the September Board meeting, a draft comment letter on Reclamation's proposed Rule, prepared by Board staff in consultation with the agency managers was discussed. Based on discussions, the Board directed staff to further obtain input from the agency managers and attempted to get a consensus comment letter. A conference call was scheduled for September 11th to receive additional comments from the agency managers. Staff finalized the draft letter, based upon comments received during the conference call. The final letter was submitted to Reclamation. A copy is included in the Board folder as well as, additional comment letters from MWD, Palo Verde Irrigation District, the City of Needles, Arizona Department of Water Resources, Southern Nevada Water Authority, and the Colorado River Commission of Nevada.

Mr. Zimmerman added that there were many diverse comments sent to Reclamation and the topics covered ranged from the extent of the accounting surface to how the process should be implemented. Reclamation is expected to issue a proposed rule by the end of this year.

Field Hearing on Drought Conditions on the Colorado River

Mr. Zimmerman reported that the California State Senate Select Committee on the Colorado River held a field hearing on Drought Conditions in the Colorado River Basin on October 15th in El Centro, California. The field hearing was scheduled to provide an opportunity for the State Senate Select Committee on the Colorado River to better understand current hydrologic and water management issues related to the drought in the Colorado River Basin. Mr. Zimmerman testified at the field hearing, a copy of his written testimony was included in the Board folder. Testimony was also provided from representatives from Reclamation, California Department of Water Resources, Imperial Irrigation District, Coachella Valley Water District, MWD, San Diego County Water Authority, Palo Verde Irrigation District, California Department of Fish and Game, Western Growers Association, and two environmental organizations.

Basin States Discussions

Mr. Zimmerman reported that the Lower Basin states met on September 23rd and the Seven Basin states met on October 2nd. The primary focus was the draft discussion document to share with Mexico, describing potential binational projects. Concerns were raised regarding the environmental focus of the document and potential future commitments that may be inferred in the document. In addition, it was suggested that the document tends to imply what Mexico's priorities should be regarding water use. There was also a concern that Mexico may misinterpret the conditions for support of the potential binational projects listed in the document.

Mr. Zimmerman reported that at the Seven Basin states meeting, a Basin States Technical Committee was formed to address concerns raised at the Basin states meeting. The Basin States Technical Committee met, October 25th and November 5th, to redraft the discussion document and to develop a Basin states proposal. A conference call was scheduled for November 13th to further develop the Basin states proposal. The intent is to have a proposal supported by the Basin states by March 2009.

Bureau of Land Management's Record of Decision for the System Conveyance and Operations Program to the Applicant, Clean Water Coalition

Mr. Zimmerman reported that on September 3rd, the Bureau of Land Management (BLM) issued a Record of Decision (ROD) associated with its Environmental Assessment for the alignment and excavation of a portion of the Systems Conveyance and Operations Program (SCOP) project in the Las Vegas region. The SCOP project conveys treated wastewater to its discharge location near the Boulder Islands in Lake Mead. This BLM ROD pertains only to the BLM decision-making and actions under the authority of the BLM.

ENVIRONMENTAL ISSUES

Status of the Glen Canyon Dam Lawsuit

Ms. Kathleen Kenealy, of the California Attorney Generals Office, reported that on September 26th the US District Court issued an order on the pending motions challenging the complaint. The complaints associated with the AOP were dismissed. However, the remaining motions were essentially deferred. Further briefings on the remaining issues are expected. A copy of the Court's order was included in the Board folder.

Arizona Governor's Letter to the Secretary of the Interior Kempthorne Regarding the Uranium Mining Claims in Grand Canyon

Mr. Zimmerman reported that Arizona's Governor sent a letter to the Department of the Interior regarding withdrawal of federal lands that might be eligible to uranium leasing. A copy of Governor Janet Napolitano's letter to the Interior Secretary Kempthorne was included in the Board folder. The letter expressed concern with Interior's withdrawal of federal lands near Grand Canyon National Park that might be eligible for uranium mining. The Governor also believes that there should be more time for comment and review than the 15 days allocated by

the Interior Department.

WATER QUALITY

Colorado River Basin Salinity Control Forum, Work Group and Advisory Council Meetings

Mr. Abbas AmirTeymoori reported that the Colorado River Basin Salinity Control Forum (Forum), and the Advisory Council (AC) held meetings from October 28th to 30th, in San Diego. The federal agencies (US Department of Agriculture, BLM, US Geological Survey, Reclamation, and US Environmental Protection Agency) provided their reports to the AC. The reports included the agencies' efforts related to the Colorado River Basin salinity control and the status of their projects. The Forum adopted the 2008 Review of Water Quality Standards for Salinity in the Colorado River System (2008 Triennial Review) and instructed the Forum's Executive Director to send the Review to the states. Within California, the 2008 Triennial Review will be sent to the State Water Resources Control Board where, if adopted, it will be submitted to the USEPA for final approval. Another important action item was the AC recommended the same funding level as previous years for all federal agencies; the USDA, BLM, and Reclamation. The new Farm Bill requires that a report be submitted to Congress on the Basin-wide program and that no funding would occur until 30 days after the report has been submitted to Congress. The Forum and AC expressed concern over the need to receive timely funding for the Basin States Program. The AC formed a committee to work with Reclamation to fine tune the Report before it is submitted to Congress. Reclamation indicated that it has extended the funding of the salinity projects through March 31, 2009, with anticipation that the Report to Congress will be finalized by February 2009.

Mr. AmirTeymoori reported that the AC requested that Reclamation provide funding for the hydrosalinity studies related to the long-term alternatives associated with the Paradox Project. The Forum and the AC expressed concerns over the Natural Resources Conservation Service (NRCS) obligation to implement the salinity projects. The NRCS confirmed that it is obligated to implement the salinity projects but indicated that the EQIP is the mechanism for funding the projects. The Forum approved two new studies by USGS and tasked the Work Group to review the proposals.

Mr. AmirTeymoori added that the next Forum meeting will be held in Moab, Utah, in May 2009.

OTHER BUISNESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held in conjunction with the Colorado River Water Users Association 63rd Annual Conference, on Monday, December 15, 2008 at 3:00 p.m., at the Caesars Palace Hotel, Las Vegas, Nevada.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting. Mr. Kuiper moved the Board meeting be adjourned. Mr. Knutson seconded the motion, and with unanimous approval the Board meeting was adjourned at 10:55 a.m. on November 12, 2008.

A handwritten signature in cursive script, appearing to read "Gerald R. Zimmerman".

Gerald R. Zimmerman

Executive Director