

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, August 12, 2009

A Regular Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, at the Holiday Inn Ontario Airport, at 2155 E. Convention Center Way, Ontario, California, Wednesday, August 12, 2009.

Board Members and Alternate Present

Dana B. Fisher, Jr., Chairman  
Terese Maria Ghio  
W. D. 'Bill' Knutson  
John W. McFadden  
James B. McDaniel  
John Pierre Menvielle

Bill D. Wright  
Jeanine Jones, Designee  
Department of Water Resources

Board Members Absent

John V. Foley  
Henry Merle Kuiper

David Elms, Designee  
Department of Fish and Game

Others Present

Steven B. Abbott  
Celia A Brewer  
John P. Carter  
Dave Fogerson  
William J. Hasencamp  
Michael L. King  
Russell Kitahara  
Thomas Levy  
Jay W. Malinowski  
Jan P. Matusak  
Halla Razak  
Steven B. Robbins

Jack Seiler  
Ed W. Smith  
Mark Stuart  
William H. Swan  
Joseph A. Vanderhorst  
Abbas Amirteymoori  
J.C. Jay Chen  
Lindia Y. Liu  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher announced the presence of a quorum and called the meeting to order at 10:07 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 July 15<sup>th</sup> meeting minutes. Mr. Knutson moved the July 15<sup>th</sup> minutes be approved. Mr. Wright seconded the motion. Unanimously carried, the Board approved the July 15<sup>th</sup> meeting minutes.

## **AGENCY MANAGERS' MEETING**

Mr. Zimmerman reported that the Agency Managers had not met since the July 15<sup>th</sup> Board meeting.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Amirteymoori reported that as of August 2<sup>nd</sup>, Lake Powell storage was about 16.1 million acre-feet (maf), or 66 percent of capacity. The water surface elevation was 3,641.0 feet above sea level. Lake Mead storage was 10.99 maf, or 42 percent of capacity. The water elevation was 1,094.3 feet above sea level. Total System storage was 35.48 maf, or 60 percent of capacity, whereas, this time last year the Total System storage was 34.95 maf. Total System storage this year is about 530,000 acre-feet greater than this time last year.

Mr. Amirteymoori reported that precipitation from October 1<sup>st</sup> to August 3<sup>rd</sup>, was 103 percent of normal. The snowpack in the headwaters regions has largely melted. The projected April through July unregulated inflow into Lake Powell was 7.81 maf, or 98 percent of normal. The projected water year inflow (October 1<sup>st</sup> through September 30<sup>th</sup>) was 11.048 maf, or 92 percent of normal.

Mr. Amirteymoori added that Reclamation's projected consumptive use (CU) for the State of Nevada is slightly under its entitlement of 300,000 acre-feet (292,000 acre-feet); and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.700 maf); and for California the CU is also projected to be slightly under its basic apportionment of 4.4 maf (4.303 maf). Currently the total projected CU in the Lower Basin is expected to be about 7.3 maf.

## State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources (DWR), reported that as of August 1, 2009 surface water storage in the State Water Project (SWP) was about 47 percent of capacity, about 200,000 acre-feet over last year. Water storage in Lake Oroville was about 1.6 maf, about 45 percent of capacity. Projected deliveries from the SWP are currently 40 percent of Table A Entitlements.

Ms. Jeanine Jones, of the DWR, added that there was an accident at Lake Oroville involving one of the valves that has significant operational implications for next year. Combined with the need to conserve cold water in the reservoir for fishery purposes, she indicates that delivery capabilities next year will be reduced. The reduction has not been quantified.

Mr. Bill Wright, of The Metropolitan Water District of Southern California (MWD), reported that as of August 1<sup>st</sup>, storage in the main southern California reservoirs was about 535,000 acre-feet, or 52 percent of capacity. Diamond Valley Lake was about 349,000 acre-feet, or 43 percent of capacity. Lake Mathews was up about 15,000 acre-feet from last month, holding about 148,000 acre-feet, or 81 percent of capacity. Lake Skinner was 38,000 acre-feet, or 88 percent of capacity. Operationally, MWD wants at least 400,000 acre-feet held in Diamond Valley Lake for emergency storage. Much of the MWD system can be served by gravity flow. Mr. Wright mentioned that the boat ramps at Diamond Valley Lake are being extended down to the lower water surface elevation.

Mr. James McDaniel, of the Los Angeles Department of Water and Power (DWP), said that there was nothing to report regarding the climate conditions of the Los Angeles Aqueduct System. He reported that the DWP Commissioners voted at the last meeting to cap the amount of water going to Owens Lake at 95,000 acre-feet. The DWP has also explored waterless methods to control dust at Owens Valley Lake and development of a solar farm to generate electricity.

## Colorado River Operations

### *Inadvertent Overrun Policy*

Mr. Zimmerman reported that Reclamation has been working on development of the Inadvertent Overrun Policy (IOP) procedures. Reclamation is currently establishing a schedule to complete drafting the IOP procedures this fall.

### *House of Representatives Bill H.R. 3481: Lower Colorado River Protection Act*

Mr. Zimmerman reported that Congressman Grijalva of Arizona introduced the Lower Colorado River Protection Act on August 11<sup>th</sup>, H.R. 3481. Within the legislation the Lower Colorado River is defined as the Colorado River below Lee Ferry. The purpose of the legislation is to restore and maintain the ecosystems and water quality of the Colorado River. The legislation provides for the development and implementation of a comprehensive plan for the prevention and elimination of pollution and the maintenance of a healthy ecosystem.

Specifically the legislation seeks to:

- Empower Region 9 of the Environmental Protection Agency to take the lead in the effort;
- Establish the Lower Colorado River Management Conference, a 37 plus member body;
- Charge the Conference to develop a pollution elimination and restoration plan;
- Address both point and non-point pollution sources;
- Establish a grant program that is cost-shared at 45 percent;
- Allow funding for projects that address pollution from the Upper Basin that may pose a threat to the Lower Basin;
- State that the plan must be developed within two years;
- Require annual reports to Congress beginning on December 31, 2011; and
- Authorize the appropriation of \$20 million dollars.

Ms. Ghio expressed concern that the proposed legislation could duplicate current efforts and conflict with current programs and operations. Ms. Jones added that there was language in the legislation to cooperate with other federal agencies but no mention of cooperation with local and state agencies, other than the proposed conference identified in the legislation.

Mr. Zimmerman reported that the Board staff will review H.R. 3481 and coordinate with the California agencies and others on an appropriate response. A more detailed analysis of the legislation and staff recommendations will be available at the September Board meeting.

#### *Letters of Concern Associated with Glen Canyon Dam Operations*

As discussed at previous Board meeting, Mr. Zimmerman reported that the National Park Service (NPS), in response to complaints from concessionaires at Lake Mead about the low water surface elevations at Lake Mead, had requested that Reclamation take an increased role in Colorado River operations affecting Lake Mead water surface levels. Mr. Zimmerman reported that language in the Committee report associated with the Energy and Water Development Appropriations Bill, H.R. 3183 suggested that:

- The procedural requirements of the Grand Canyon Protection Act and Adaptive Management Work Group's charter have been disregarded;
- Federal responsibilities have been neglected and public transparency compromised; and
- Reclamation is encouraged, in cooperation and "concurrence" with the NPS, to revisit the operating criteria for Glen Canyon Dam.

Mr. Zimmerman reported that in response to the language of concern in the committee report; letters were written by the Colorado River Energy Distributors Association (CREDA) and the Basin states. On July 15<sup>th</sup>, CREDA sent a letter to Arizona U.S. Senator Jon Kyl. On July 27<sup>th</sup>, the Basin states sent letters to both Secretary Salazar and Senator Kyl, with copies to each of the Basin's senators. Each of the letters expressed concerns about the committee report language. The letters supported the Glen Canyon Adaptive Management process as providing the appropriate venue addressing stakeholder recommendations to the

Secretary of the Interior, and that the role and responsibilities of the NPS should not be expanded with less than complete information and a full discussion among all of the stakeholders and affected parties.

Mr. Zimmerman also reported that the letters to Senator Kyl requested that he works to ensure that recommendations contained within the House committee report do not become part of the final House and Senate report associated with the Fiscal Year 2010 Energy and Water Development Appropriations legislation. The Basin states' letter to Secretary Salazar provided extensive and detailed background information regarding management of the water resources and reservoir system within the Colorado River Basin.

*Metropolitan Water District of Southern California's Letter to Central Arizona Water Conservation District*

Mr. Zimmerman reported that on August 4<sup>th</sup>, MWD notified the Central Arizona Water Conservation District (CAWCD) of its intent to work with CAWCD in the recovery of 5,700 acre-feet of interstate underground storage credits projected to remain in MWD's account in 2010. The 5,700 acre-feet is the amount determined to be remaining in MWD's account after removal of 30,000 acre-feet from its account during 2009.

Basin States Discussion

*Workshop on the Draft of Conceptual Framework for U.S.-Mexico Discussions on Colorado River Cooperative Actions*

Mr. Zimmerman reported that a two-day workshop was held on August 4<sup>th</sup> and 5<sup>th</sup> with the Basin states, Reclamation, the IBWC, and federal and state representatives from Mexico. The purpose of the workshop was to further discuss the Basin States' Discussion Document Concerning Binational Water Management, the legal and policy framework to allow storage of Mexico's water in U.S. reservoirs and to address Colorado River operations under low reservoir conditions.

Mr. Zimmerman reported on the presentations that were made by the U.S. and Mexico representatives. For example, Mexico provided specific proposals regarding:

- Creation and use of 'Intentionally Created Mexican Apportionment' (ICMA);
- Environmental needs in Mexico and how the water for those needs should be shared;
- Binational participation in water use conservation projects in Mexico; and
- Joint investment in desalination projects in Mexico.

Mr. Zimmerman reported that Mexico's presentation proposed that ICMA could be created by Mexico and used under all reservoir conditions; however, in the discussions Mexico did recognize that there may be critical elevations in Lake Mead when the release of ICMA could be restricted, e.g., when the water surface elevation in Lake Mead was at 1,025 feet. Mexico was willing to accept the same evaporation charge of three percent of the annual volume stored, as the 'Intentionally Created Surplus' (ICS) stored by agencies within the U.S. Mexico proposed the storage of ICMA volumes up to 400,000 acre-feet per year, a

cumulative maximum of 1.5 maf, and annual withdrawal of up to 400,000 acre-feet per year. During a spill situation, due to flood control release, Mexico's proposed that up to 50 percent of the ICMA credits could be lost and that this release of water would be credited as Mexico's contribution to environmental use, such as the proposed quadrennial pulse flow. Mexico does not want a maximum term for its ICMA. Additionally, Mexico did not mention the five-percent system contribution that has been assessed to ICS created by U.S. entities.

There was some discussion about how U.S. entities must go through a process to prove how water is conserved before they can create ICS credits; however for Mexico this verification may not be required; but instead would be a reduction in the delivery of water at the Northerly International Boundary or Southerly International Boundary and included in Mexico's water delivery schedule.

There was also some discussion as to how the binational process began. During the process of developing the Lower Basin Shortage criteria, it was suggested that the tools that were being developed might benefit both countries and may even be needed in the event of an extended or severe drought. The IBWC efforts were made to explore the interest and possibility of cooperating across the border to better manage the available water supplies for both countries and to address potential water augmentation projects.

Mr. Zimmerman reported that Mexico's proposed environmental needs along the Colorado River corridor were:

- A base flow of 2-4 cubic meters per second (cms), (70-140 cubic feet per second (cfs)), or 50-100 KAF per year, below Morelos Dam;
- A pulse flow every four years of 20-40 cms (700-1,400 cfs) for three months, or 31-62 KAF per year for a release volume of 125-248 KAF during the three month period, every four years; and
- 106,000 acres of habitat restoration, 24,710 acres in the Limitrophe section (between Mexico and the State of Arizona)

Mr. Zimmerman reported that Mexico's presentation assumed that the Non-Governmental Organizations (NGO's) would contribute 51,000 acre-feet toward the base flow. Mexico and the U.S. would each contribute 25,500 acre-feet per year for the proposed pulse flow. Mexico and the U.S. would share in the restoration of the limitrophe section (24,710 acres). Ms. Razak, of the San Diego County Water Authority, added that there is a water banking system in Mexico where farmers can easily barter their water, if the farmer fallows some acreage for the season. This is how the NGO's have been able to secure some of the water for environmental purposes.

Mr. Zimmerman reported that regarding conservation projects in Mexico, Mexico's assumptions were:

- Investments in the conservation projects would be cost-shared on a 50/50 basis;
- Potential conservation identified was approximately 104,700 acre-feet;
- The U.S would receive conserved water for a specific time period; and
- Part of the U.S. water must go to Mexico as mitigation to address environmental impacts;
- Mexico proposes receiving 75 percent of the conserved water.

Mr. Zimmerman reported, regarding joint-investment in desalinization projects in Mexico, desalted water would be non-system water and not under the 1944 Mexican Water Treaty. Mexico presented the example of a project in the Tijuana area with a total volume of 56,000 acre-feet, where Mexico would receive 80 percent and San Diego 20 percent of the desalted product water. Provided the cooperative agreements can be attained, then Mexico could store 45 percent of its desalted water in the Colorado River system reservoirs with the remainder to supply municipal and industrial use in Mexico.

Mr. Zimmerman reported that U.S. representatives made presentations on the criteria for Mexico to store ICMA in the U.S., current operations of the reservoir system in the United States, and shortage management strategies used in the United States. Mr. Zimmerman added, that both countries seemed to reach agreement that future discussions are needed to focus on conservation projects in Mexico, joint investment in desalinization projects, ICMA, and environmental water use needs and shortage management.

Finally, Mr. Zimmerman reported that U.S. interests intend to respond to Mexico's specific proposals at the next binational meeting, scheduled to be held in early October, probably in Tecate, Mexico. The U.S. interests including the Technical Group and the Basin states principals will be meeting several times prior to that meeting. As proposals come out of these meetings, they will be brought before the Board for its review and consideration.

#### *Basin States Study Proposal*

Mr. Zimmerman reported that the Basin study proposal is being considered by the Reclamation-wide review committee. The committee is reviewing all of the proposals that were submitted and is expected to announce the selected proposals in late August. If the Basin states proposal is selected, a detailed plan of study will be developed that identifies the specific tasks to be completed during the study and the total costs. The cost-sharing agreements between Reclamation and the Basin states, and among the Basin states, will be prepared and executed. The board will be requested to review and approve the final plan of study and cost-sharing agreements when they become available.

#### Colorado River Environmental Issues

#### *Status of the Grand Canyon Trust v. United States Lawsuit*

Mr. Zimmerman reported that there was nothing new to report regarding the status of the *Grand Canyon Trust v. United States Bureau of Reclamation*.

### **OTHER BUSINESS**

#### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, September 9, 2009 at 10:00 a.m., at the Holiday Inn Ontario Airport, 2155 East Convention Center Way, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn. Mr. Knutson moved the Board meeting be adjourned. Mr. McDaniel seconded the motion, and with unanimous approval, the Board meeting was adjourned at 11:33 a.m. on August 12, 2009.



Gerald R. Zimmerman  
Executive Director