

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Thursday, November 12, 2009

A Special Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, at the Holiday Inn Ontario Airport, at 2155 East Convention Center Way, Ontario, California, Thursday, November 12, 2009.

Board Members and Alternate Present

Dana B. Fisher, Jr. Chairman
John V. Foley
Terese Marie Ghio
Russel Kitahara
W. D. 'Bill' Knutson
Henry Merle Kuiper

James B. McDaniel

Jeanine Jones, Designee
Department of Water Resources

Board Members and Alternate Absent

James Cleo Hanks
John W. McFadden
John Pierre Menvielle

David Elms, Designee
Department of Fish and Game

Others Present

Steven B. Abbott
James H. Bond
Dan Charlton
John P. Carter
Dave Fogerson
Gil Granito
William J. Hasencamp
Mark L. Johnson
Michael L. King
Thomas E. Levy
Jan P. Matusak
Halla Razak
Steven B. Robbins
John L. Scott

Tina Shields
Ed W. Smith
Eli Underwood
Joseph A. Vanderhorst
Bill D. Wright

Abbas Amirteymoori
J.C. Jay Chen
Christopher S. Harris
Michael W. Hughes
Lindia Y. Liu
Mark Van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher announced the presence of a quorum, called the meeting to order at 10:08 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 9th meeting minutes. Mr. Knutson moved the September 9th minutes be approved. Mr. Kuiper seconded the motion. Unanimously carried, the Board approved the September 9th meeting minutes.

Proposed 2010 Board Meeting Schedule

Chairman Fisher reported that included in the Board folder is the proposed 2010 calendar year Board meeting schedule. Action on the 2010 meeting schedule is expected at the December Board meeting.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency Managers are scheduled to meet after the November Board meeting to discuss: Inadvertent Overrun and Payback Procedures (IOPP) as applied within California; the Intentionally Created Surplus (ICS) creation and delivery schedules to be used in a planned comprehensive modeling effort; and the increasing interest in using Lower Colorado Water Supply Project (LCWSP) water for use in potential solar energy development projects along the Colorado River in California.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported that the November Board meeting will be Mr. Abbas Amirteymoori's last Board meeting. Mr. Harris expressed to the Board how important Mr. Amirteymoori's service to the Board has been and that Mr. Amirteymoori will be missed.

Mr. Harris reported that from October 1st to November 2nd, precipitation in the Basin was about 119 percent of normal. There has been intermittent snow, but no measurable snowpack. The observed April through July unregulated flow into Lake Powell for 2009 was 7.804 million acre-feet (maf) or 98 percent of capacity. The observed 2009 water year unregulated flow into Lake Powell was 10.633 maf, or 88 percent of capacity.

Mr. Harris reported that the reservoir storage in Lake Powell was 15.243 maf, or 63 percent of capacity. The water surface elevation was 3,633.4 feet. The storage in Lake Mead was 10.899 maf, or 42 percent of capacity. The water surface elevation was 1,093.3 feet. Total System storage was 33.831 maf, or 57 percent of capacity. Last year at this time, there was 33.656 maf of water in storage, or 57 percent of capacity. Total System storage was about the same as last year, however last year storage in Lake Powell was less than this year and Lake Mead was greater than this year.

Mr. Harris reported that Reclamation's estimated consumptive use (CU) for the State of Nevada is under its entitlement of 300,000 acre-feet (270,000 acre-feet); and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.789 maf); and for California the CU is also projected to be under its apportionment of 4.4 maf (4.221 maf). The total projected CU in the Lower Basin is expected to be about 7.280 maf.

Mr. Harris reported that storage in the Basin has remained within a few million acre-feet of 35 maf since 2006. Reclamation's 24-month study forecasts that the storage in the Colorado River Basin to stay within the recent amounts.

State and Local Water Reports

Mr. Harris reported that precipitation in southern California at selected sites for the first month (October) of the water year show that the central coast and Los Angeles area picked up two to nearly four inches, overwhelming the normal to date precipitation. Such storms usually occur later in the season. Percent of normal for October is orders of magnitude greater than normal (400 to 700 percent of normal), but there are still eleven months to go in the season. The San Diego, Blythe and Imperial gages show no precipitation for October.

Mr. Harris reported that the graph of water storage in Lake Oroville showed that there was about a million acre-feet temporary recovery in Lake Oroville during the winter of 2009 but that storage is dropping again, nearing about a million acre-feet in storage.

Mr. Harris reported on the storage conditions of the State Water Project (SWP) in California. Water storage in the SWP north of the delta was about 1.4 maf, or 40 percent of capacity. Storage south of the delta was about 0.9 maf or 51 percent of capacity. Total storage in the SWP was about 2.387 maf or about 43 percent of capacity. The SWP is expected to deliver 40 percent of Table A Entitlements.

Mr. John Scott, of The Metropolitan Water District of Southern California (MWD), added that the storage in Lake Oroville, should be listed as 1.25 maf, instead of 1.37 maf.

Ms. Jeanine Jones, of the California Department of Water Resources (DWR), reported that DWR sponsored the "Winter Outlook Workshop" that is available online via webcast at <http://cawater.rmxpres.com/webcast/data/dwrwinteroutlook11032009/msh.htm#>. Ms. Jones reported that climate scientist and research meteorologist reported and discussed science and skill in predicting the 2010 winter forecast. The long range forecast is based on correlations found between ocean-atmosphere patterns such as the El Nino-Southern Oscillation (ENSO) cycle, the Pacific Decadal Oscillation, and Madden-Julian Oscillation with observed climate

conditions. The presenters at the workshop were cautiously optimistic for a water year closer to average hydrologic conditions, potentially wetter than the past two critically dry years. Given the dry antecedent conditions and the flow restrictions in the delta, it will be some time before the SWP reservoirs are refilled.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that the combined reservoir storage of Diamond Valley Lake, Lake Mathews, and Lake Skinner as of November 1st was about 502,400 acre-feet, or 48 percent of capacity. Storage in Diamond Valley Lake was about 347,500 acre-feet, or 43 percent of capacity. The storage in Diamond Valley Lake has not been this low for ten years. There was a drop of about 45,000 acre-feet from last month. The Colorado River Aqueduct was closed for about 29 days for cleaning. About 90 miles of canal were cleaned. SWP water, when available, has been delivered to Diamond Valley Lake at the rate of about 640 cubic feet per second (cfs). Mr. Scott added that the delivery rate has recently been increased to 850 cfs.

Mr. McDaniel, of the Los Angeles Department of Water and Power (LADWP), stated that there was nothing to report as it was still early in the water year. Regarding Eastern Sierra climate conditions, the winter snow season is just beginning.

Colorado River Operations

2010 Annual Operating Plan for Colorado River System Reservoirs

Mr. Zimmerman reported the final consultation meeting of the Colorado River Management Work Group regarding the 2010 Annual Operating Plan (2010 AOP). The Secretarial determinations remain the same as discussed at previous Board meetings. Reclamation has forwarded the 2010 AOP to the Department of the Interior, and the Secretary is expected to announce the approval of the 2010 AOP in December 2009.

Yuma Desalting Plant Pilot Project Status

Mr. Zimmerman reported that on September 30th, Reclamation released a “Finding of No Significant Impact” (FONSI) regarding the environmental impacts associated with the proposed pilot run of the Yuma Desalting Project (YDP). The proposed pilot run is scheduled to be initiated in early 2010. The YDP would operate from one year to 18 months at one-third capacity. The YDP would operate at a rate of about 60 acre-feet of product water per day. The product water would be blended with drainage water to produce about 29,000 acre-feet of water. The product water would be discharged to the Colorado River during the pilot run. The product water would be divided, via exchange, among the entities funding the pilot run of the YDP.

Mr. Zimmerman reported that the Upper Colorado River Commission, on behalf of the Upper Basin states, submitted a letter in support of the pilot run of the YDP. Mr. Zimmerman reported that the “Exhibit P” to the Lower Basin Intentionally Created Surplus Forbearance Agreement has been executed and submitted to Reclamation. The FONSI, Upper Colorado River Commission’s letter, and the executed “Exhibit P” were included in the Board folder.

SNWA Notice of Availability of Unused Apportionment

Mr. Zimmerman reported that the Board folder included copies of letters from the Southern Nevada Water Authority (SNWA), to Reclamation and MWD, notifying Reclamation that the SNWA intends to make 60,000 acre-feet of Nevada's unused basic apportionment available for storage by MWD during 2009 and to be made available to SNWA at a later date.

CAP Letter to Reclamation Regarding ICS & ICUA Procedures and Guidelines

Mr. Zimmerman reported that the Central Arizona Project (CAP) sent a letter to Reclamation requesting procedures and guidelines be developed as soon as possible related to the creation and accounting of Intentionally Created Surplus (ICS) and Intentionally Created Unused Apportionment (ICUA). This request was driven by the recent requests by SNWA to have MWD store 60,000 acre-feet, as well as CAP storing 20,000 acre-feet on behalf of SNWA.

Inadvertent Overrun and Payback Procedures

Mr. Zimmerman reported that Reclamation has been working on developing the Inadvertent Overrun and Payback Procedures (IOPP) over the past few months. Two issues have arisen: The ability of an entity to payback an overrun of another entity; and the ability to delay payback if it is under a certain threshold or within a certain limit or certain range of the entities apportionment. These and other items will be discussed at the Agency Managers' meeting following the Board meeting.

BASIN STATES DISCUSSIONS

Reclamation Selects Three River Basins for Inclusion in "Basin Study Program"

Mr. Zimmerman reported that Reclamation selected three river basins to inaugurate the Reclamation's new "Basin Study Program." The three basins selected include: the Colorado River Basin Water Supply and Demand Study (Planned Study); the Yakima River Basin Study and Associated Basin Restoration Implementation Plan; and the Modeling for the Future of the Milk and St. Mary River Systems in north-central and southern Montana. The Colorado River Basin Water Supply and Demand Study will be funded with matching funds from Reclamation and the seven Basin states. The cost of the Planned Study is about two million dollars over about two years. Mr. Zimmerman reported that several groups or subcommittee's had been formed to examine various components of the Planned Study. One of the subcommittee's has been working on the Memorandum of Agreement and the Contributed Funds Agreement. After several conference calls and two meetings, those components are nearing completion. A meeting is scheduled for November 16th to bring all of the components together for a draft of the Plan of Study as well as the funding agreement. The draft is scheduled to be brought before the Board for consideration at its January Board meeting. The goal is to have all of the documents completed and executed by the end of January 2010.

The Binational Discussions

Mr. Zimmerman reminded the Board of the proposals that Mexico had made during the August 4th and 5th Binational Workshop. Mexico proposed: specific projects for the creation and use of Intentionally Created Mexico Apportionment (ICMA); environmental need in Mexico along the Colorado River and the Delta and how the water for those needs can be met and how they should be shared; binational participation in conservation projects in Mexico; and joint investment in desalination projects in Mexico. Mr. Zimmerman reported that at the follow-up Binational meeting held on October 14th and 15th, the United States responded that there needs to be further modeling and analysis of the projects and the impacts that may occur before the U.S. can negotiate the specifics of any proposal. The U.S. is willing to move forward on a small environmental restoration project possibly in the Limitrophe Section of the Colorado River and a small conservation project within an agricultural district as demonstration projects to verify and quantify the efficacy for potential larger efforts.

Mr. Zimmerman described the Flow Chart that depicts the process steps for completing the projects included in the Binational discussions. The next step is to include the key concepts proposed for the Modeling/Analysis associated with the specific projects jointly proposed by the U.S. and Mexico. Mr. Zimmerman reported that a Binational modeling group was formed at the October Binational meeting. The modeling group will be working with several scenarios, including: Mexico's proposal; the U.S. scenario modeled in the Interim Guidelines; Mexico sharing in surpluses; and others. The U.S. Technical Group has had several conference calls and met on November 9th to discuss the modeling assumptions to be used.

Ms. Halla Razak added that it has been difficult for Mexico to discuss the concept of shortage sharing. However with the Modeling/Analysis effort now underway, Mexico hopes that quantitative results of specific projects scenarios and the benefits of management possibilities could make it palatable for Mexico to consider and engage in shortage management. Chairman Fisher added that that was especially true since the Modeling/Analysis effort will include Mexico.

Mr. Zimmerman reported that the U.S./Mexico Modeling Group is scheduled to meet on November 18th and 19th; then again on January 13th and 14th of 2010. The U.S. Technical Group is scheduled to meet December 8th and January 8, 2010. The Basin States Principals are scheduled to meet December 11th and January 28, 2010. The next Binational meeting is scheduled to be held January 28th and 29th of 2010.

Navajo-Gallup Project Update

Mr. Zimmerman reported that on October 1st, Secretary Salazar issued an order delegating authority to the Commissioner of Reclamation related to implementation of elements of the Navajo-Gallup Water Supply Project pursuant to Title X of Public Law 111-11. The Secretarial Order authorizes Reclamation to design, construct, operate, and maintain the Project; negotiate and execute cost-sharing agreements, settlement contracts; and develop repayment obligation among the various Project proponents.

Environmental Issues

Secretary of the Interior's Letter to Colorado River Board Regarding the Glen Canyon Dam Adaptive Management Program

Mr. Harris reported that Secretary Salazar responded to the Basin states' letter of July 27th. Secretary Salazar reassured the Basin states that the Department of the Interior (Interior) is committed to the existing collaborative processes currently managing Colorado River System (System). The Interior will continue to operate the System consistent with the Interim Guidelines and each year's Annual Operation Plan. In addition, Secretary Salazar has charged Assistant Secretary Ms. Anne Castle, as the Interior's Designee to the Adaptive Management Work Group (AMWG), to coordinate among the various Interior Department Bureaus to prioritize and focus Interior on the key issues. Secretary Salazar's letter stated that Glen Canyon Dam will continue to be operated under the 2008 Experimental Plan through 2012.

Grand Canyon Trust's Letter to Secretary of the Interior Regarding Glen Canyon Dam Annual Operating Plan and Colorado River Management Work Group

Mr. Harris reported that the Grand Canyon Trust (GTC) sent a letter on October 23rd recommending that the Colorado River Management Work Group be chartered under the Federal Advisory Committee Act, include more stakeholders, and be more transparent to the public. The GTC letter expressed concern that current flows from Glen Canyon Dam modulated to maximize power generation are stripping sediments from the Colorado River below Glen Canyon Dam and those sediments could be better conserved if the Secretary utilized "Equal Monthly Volumes" in developing an annual operating plan at Glen Canyon Dam to conserve the downstream sediment resources.

Supplement to the 2008 Final U.S. Fish and Wildlife Service Biological Opinion for the Operation of Glen Canyon Dam

Mr. Harris reported that pursuant to the May 26th order of the U.S. District Court, in the lawsuit *Grand Canyon Trust v. U.S., et al.*, the U.S. Fish and Wildlife Service (USFWS) released a supplemental biological opinion to its 2008 biological opinion for Glen Canyon Dam operations. The USFWS reiterated, in significant detail, that the Modified Low Fluctuating Flow alternative does not violate the Endangered Species Act. The USFWS also stated that the current 2008 experimental plan was adequate and should continue to be implemented through 2012. The USFWS, in the supplemental Biological Opinion, believes that Reclamations activities, to date, have actually benefitted the listed species in the Grand Canyon.

Grand Canyon Trust v. United States Lawsuit

Mr. Michael W. Hughes, of the California Attorney General's Office, reported there was a status conference held earlier this week that the court hopes to have a briefing on the merits of the case as early as January or February 2010. The administrative record could be filed as early as the first week of December 2009. Mr. Hughes reported that the Basin states' legal representatives will be working to develop a briefing schedule for the case.

WATER QUALITY

Colorado River Basin Salinity Control

Mr. Harris reported that the Colorado River Basin Salinity Control Forum (Forum) and the Advisory Council met in Phoenix, Arizona on October 26-28, 2009. The Colorado River Basin Salinity Control Forum Work Group (Work Group) met October 26th also in Phoenix. The Work Group discussed the addition of two additional areas for salinity control: 1) Ouray County to Lower Gunnison area consists of about 15,000 acres and the program would reduce the salinity loading rate from 2.8 tons per acre to 2.0 tons per acre; 2) The Green River area consists of about 4,000 acres and the program could reduce the salt loading by 7,000 tons per year in that region. The Work Group discussed the state-of-knowledge on salt loading and the total dissolved solids (TDS) in the mainstream river near Moab, the TDS varies from 170 parts per million (ppm) to as high as 1,100 ppm. The Utah Department of Environmental Quality and the U.S. Geological Survey (USGS) are planning to research all available data and determine the source of the changes in TDS in the mainstream river near Moab and report back to the Forum. Mr. Harris reported that the Work Group is continuing to work on refining “unquantified damages” related to salinity impacts and salinity control. The Work Group expects to have a draft report by mid-2010, and anticipates inclusion of the updated analysis in the 2011 Triennial Review report. The Work Group discussed the proposed schedule and timeline for the 2011 Triennial Review report. The report may require new modeling runs and require updating the National Pollutant Discharge Elimination System permit list for the seven Basin states. The Draft Triennial Review report is expected to be available for Forum review in spring 2011.

Mr. Harris reported that the Advisory Council received updates from the Federal agencies; Reclamation, Bureau of Land Management, USGS, National Resource Conservation Service (NRCS)/U.S. Department of Agriculture (USDA), U.S. Fish and Wildlife Service, and the International Boundary and Water Commission. The Advisory Council discussed the federal agency’s activities and their proposed budgets. The Advisory Council recommended the Secretary’s of the USDA and the Interior to fund the salinity control activities of Reclamation at \$17.5 million, the NRCS/USDA salinity control activities at \$20 million, and the Bureau of Land Management salinity control activities at \$1.5 million. Mr. Harris reported that the amendments to the Colorado River Basin Salinity Control Act, that were passed in 2008, authorized the creation of the “Basin States Program” and expenditures can now be taken directly from the Upper and Lower Basin funds and used for salinity control.

Mr. Harris also reported that the Forum meeting received reports from the Work Group and Advisory Council. Reclamation’s Regional Directors Ms. Lorri Gray and Mr. Larry Walkoviak reported to the Forum on Reclamation’s salinity control activities. Reclamation discussed the status of the Yuma Desalting Plant Pilot Project. Reclamation also provided the status of the Lower Basin Fund and current projections. There was also a report on the upgraded Paradox Project well-head.

Mr. Harris reported that USGS has developed and is improving a modeling tool referred to as SPARROW. The new program has been used in other parts of the country to interpret the water-quality monitoring data over a region. The USGS SPARROW program is part of the National Water-Quality Assessment Program and is to be applied to the Colorado River Basin.

Mr. Harris reported that the next Forum meeting is scheduled for June 2-4, 2010, in Cheyenne, Wyoming.

Mr. Amireteymoori added that with the creation of the Basin states program the role of the Forum may change. Mr. Zimmerman mentioned that a committee was formed to look into the situation and he discussed some possible scenarios. There was also some discussion on how salinity control projects were selected and the minimum criteria for a project to be considered for inclusion into the program.

Finally, Chairman Fisher acknowledged and thanked Mr. Amireteymoori for his past reports and service to the Board and wished him well in his future endeavors.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, December 9, 2009, at 3:00 p.m., at Caesars Palace Hotel, Las Vegas, Nevada, in conjunction with the annual conference of Colorado River Water Users Association.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn. Mr. Kuiper moved the Board meeting be adjourned. Mr. Knutson seconded the motion, and with unanimous approval, the Board meeting was adjourned at 11:36 a.m. on November 12, 2009.

/S/Gerald R. Zimmerman

Gerald R. Zimmerman
Executive Director