COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX

January 4, 2010

NOTICE OF REGULAR MEETING OF THE COLORADO RIVER BOARD

NOTICE IS HEREBY GIVEN pursuant to the call of the Chairperson, Dana B. Fisher, Jr., by the undersigned, the Executive Director of the Colorado River Board of California, that a regular meeting of the Board Members is to be held as follows:

Date:	January 13, 2010, Wednesday
Time:	10:00 a.m.
Place:	Vineyard Room Holiday Inn Ontario Airport 2155 East Convention Center Way Ontario, CA 91764-4452 TEL: (909) 212-8000, FAX: (909) 418-6703

The Colorado River Board of California welcomes any comments from members of the public pertaining to items included on this agenda and related topics. Oral comments can be provided at the beginning of each Board meeting; while written comments may be sent to Mr. Dana B. Fisher, Jr., Chairperson, Colorado River Board of California, 770 Fairmont Avenue, Suite 100, Glendale, California, 91203-1068.

An Executive Session may be held in accordance with provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and in accordance with Sections 12516 and 12519 of the Water Code to discuss matters concerning interstate claims to the use of Colorado River System waters in judicial proceedings, administrative proceedings, and/or negotiations with representatives from other states or the federal government.

Requests for additional information may be directed to: Gerald R. Zimmerman, Executive Director, Colorado River Board of California, 770 Fairmont Avenue, Suite 100, Glendale, CA 91203-1068, or 818-500-1625. A copy of this Notice and Agenda may be found on the Colorado River Board's web page at www.crb.ca.gov.

A copy of the meeting agenda, showing the matters to be considered and transacted, is attached.

Gerald R. Zimmerman
Executive Director

attachment: Agenda

Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
January 13, 2010, Wednesday
10:00 a.m.

Vineyard Room
Holiday Inn Ontario Airport
2155 East Convention Center Way
Ontario, CA 91764-4452

A G E N D A

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Board. Items may not necessarily be taken up in the order shown.

1. Call to Order

2. Opportunity for the Public to Address the Board (Limited to 5 minutes)
   As required by Government Code, Section 54954.3(a)

3. Administration
   a. Minutes of the Meeting Held December 9, 2009,
      Consideration and Approval **(Action)** …… TAB 1
   b. Governor Schwarzenegger's Appointments (Handout)

4. Agency Managers Meetings
   Report from the Executive Director

5. Consent and Review Items
   a. Approval of Lower Colorado Water Supply Project Applications **(Action)** ….. TAB 2
   b. Blythe and Palen Solar Power Projects ……..…… TAB 3

6. Protection of Existing Rights
   a. Colorado River Water Report(s) ……. TAB 4
      Report from Board Staff on current reservoir storage, reservoir releases, projected water use, forecasted river flows, scheduled deliveries to Mexico, and salinity
   b. State and Local Water Reports ……... TAB 5
      Reports from Board members on current water supply and use conditions
   c. Colorado River Operations ……. TAB 6
      Report(s) from the Executive Director
      - Reclamation's Letter Regarding the Interim Determination by the Secretary of the Interior of the Quantity of Water Conserved by Reaches 1, 2, and 3 of the All-American Canal Lining Project and the Amount of Water Available for Allocation
      - Reclamation's Approval of The Metropolitan Water District of Southern California (MWD) Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus for Calendar Year 2009
      - Discussion of the Invalidating Quantification Settlement Agreement (QSA)
      - National Science Foundation National Climate Funding (Handout)

Agenda (continued)

d. Basin States Discussions ……. TAB 7
Report(s) from the Executive Director
- Joint Cooperative Projects and Programs with Mexico
- Colorado River Basin Water Supply and Demand Study (Basin Study) **(Action)**
  - Contributed Funds Act Agreement
  - Plan of Study
  - Public Involvement Plan for the Basin Study

e. Colorado River Environmental Issues ……. TAB 8
Report from the Board Staff
- Glen Canyon Dam Adaptive Management Program Work Group

7. Executive Session
An Executive Session may be held by the Board pursuant to provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and Sections 12516 and 12519 of the Water Code to discuss matters concerning interstate claims to the use of Colorado River system waters in judicial proceedings, administrative proceedings, and/or negotiations with representatives from other states or the federal government.

8. Other Business
a. Next Board Meeting: Regular Meeting
February 10, 2010, Wednesday, starting 10:00 a.m.
Holiday Inn Ontario Airport
2155 East Convention Center Way
Ontario, CA 91764-4452
TEL: (909) 212-8000, FAX: (909) 418-6703

3.a. - Approval December 9, 2009, Board Meeting Minutes

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, December 9, 2009

A Special Meeting of the Colorado River Board of California (Board) was held in the Roman Ballroom I, of Caesars Palace Hotel, at 3570 Las Vegas Boulevard South, Las Vegas, Nevada 89109-8924, Wednesday, December 9, 2009.

Board Members and Alternate Present

Dana Bart Fisher, Jr., Chairman
John V. Foley
Russell Kittahara
W.D. "Bill" Knutson
Henry Merle Kuiper
John Pierre Menvielle

Jeanine Jones, Designee
Department of Water Resources

Christopher G. Hayes, Designee
Department of Fish and Game

Board Members and Alternate Absent

Thomas M. Erb
Terese Marie Ghio
James B. McDaniel
John W. McFadden

Others Present

Steven B. Abbott
Don Barnett
Mark D. Beuhler
James H. Bond
Brian J. Brady
Celia A. Brewer
Vince Brooke
Fred Cagle
August Caires
Peter Carlson
John Penn Carter
Michael J. Clinton
Dave Fogerson
Jeffrey G. Harvey
William J. Hasencamp
Andy G. Horne
Thomas G. Havens
Jill Johnson
Michael L. King
Henry Merle Kuiper
Thomas E. Levy
Mark Limbaugh
Jay W. Malinowski
Jan P. Matusak
Stella A. Mendoza
Roger K. Patterson
Glen Peterson
Larry Purcell
Halla Razak
Steven B. Robbins
Danny Robinson
Anthony Sanchez
Jack Seiler
Tina L. Shields
Gerald D. Shoaf
Ed W. Smith
William H. Swan
Patrick Swarthout
J. "Jack" Terrazas
Rob Thomson
Eli Underwood
Charles H. van Dyke
Joseph A. Vanderhorst
Kimery Wiltshire
Bill D. Wright

J.C. Jay Chen
Mark van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher welcomed the audience and announced the presence of a quorum, then called the meeting to order at 3:14 p.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

Introductions

Mr. Menvielle introduced Ms. Stella Mendoza, member of the Board of the Imperial Irrigation District (IID). He also introduced Mr. Brian Brady, General Manager of the IID. He added that several members of the IID Board and staff were present as well.

Approval of Minutes

Chairman Fisher requested the approval of the November 12th meeting minutes. Mr. Knutson moved that the minutes be approved. Mr. Foley seconded the motion, noting that revisions have been included in copy in the Board handout packet. Unanimously carried, the Board approved the revised November 12th meeting minutes.

2009 Board Meeting Schedule

Mr. Zimmerman requested that the meeting schedule, included in the Board folder, for the next calendar year 2010 be approved by the Board. On the motion of Mr. Kuiper, seconded by Mr. Menvielle, and unanimously carried, the Board approved the meeting schedule for 2010.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency Managers met on the November 12th following the Board meeting. Three main items were discussed among the Agency Managers: 1) The status of Reclamation's development of the Inadvertent Overrun and Payback Procedures (IOPP), payback of another entities, within California, overrun, and how to handle savings resulting from a payback plan that is greater than required; 2) The potential creation and delivery of Intentionally Created Surplus schedules for 2010 and beyond, for modeling purposes; and 3) The potential impacts of proposed solar energy projects and the Lower Colorado Water Supply Project. Mr. Zimmerman added that discussions are continuing on the details of the IOPP Procedures within California.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that precipitation in the Colorado River Basin, as of November 30th, was about 76 percent of average. In addition, on the National Oceanic and Atmosphere Administration website, most of the Colorado River Basin is around 60 percent of average. However, this report doesn't include recent storm fronts moving across the Basin over the last few days. The observed April 2009 through July 2009 unregulated flow into Lake Powell was 7.804 million acre-feet (maf), or 98 percent of average. The observed 2009 water year unregulated flow into Lake Powell was 10.633 maf, or 88 percent of average.

Mr. Zimmerman reported that, as of December 6th, the storage in Lake Powell was 14.884 maf, or 61 percent of capacity. The water surface elevation was 3,630.3 feet. The storage in Lake Mead was 10.940 maf, or 42 percent of capacity, and water surface elevation was 1,093.8 feet. Total System storage was about 33.390 maf, or 56 percent of capacity. Last year at this time, there was 33.407 maf in storage, also 56 percent of capacity. Lake Powell is up about one million acre-feet and Lake Mead is down about one million acre-feet from this time last year.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada to be under its basic entitlement of 300,000 acre-feet (i.e. 249,000 AF), and Arizona CU of Colorado River water to be slightly over its 2.8 maf apportionment (i.e. 2.824 maf), and California CU is projected to be slightly under its 4.4 maf apportionment (i.e. 4.392 maf). The CU in the Lower Basin is expected to be about 7.465 maf.

State and Local Water Reports

Ms. Jones, of the California Department of Water Resources (CDWR) that the initial allocation of State Water Project deliveries had been announced last week to be five percent. This allocation is based only on water in storage. The low number is a reflection on the low storage in Lake Oroville. Normally the initial allocation is adjusted upwards over the course of the season. Also, the initial allocation is based on a 90 percent exceedance probability and is intended to be a very conservative number. If the water year turns out to be normal then the final allocation would probably be in the range of 20 to 40 percent. The range is contingent on how the biological opinions are interpreted by the fishery agencies with respect to their implementation in the delta. Ms. Jones added that last month the State convened a climate panel to give their best-guess forecast of the upcoming water year. These scientists were cautiously optimistic regarding this water year. The reservoirs of both the State Water Project and the federal Central Valley Project have yet to recover from the last three dry years. Ms. Jones added that there was a big storm in October that produced several hundred percent of normal in some areas throughout California, but by November that was only 20 percent of normal for the Sierras, so there must be more storms in the Sierras for snow and precipitation levels to reach average levels in the Sierras.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported MWD's combined reservoir storage appears basically the same as last month with a slight uptick at the end. The increase is partly due to the storage of 10,000 acre-feet of Nevada's unused entitlement.

Mr. Zimmerman reported that climate conditions in the Eastern Sierra, as of December 2nd, are very dry. At selected stations precipitation varies from three percent to 35 percent. Snow sensors vary from two to 27 percent of normal. However, the chart and graph do not include the snow and precipitation from earlier this week in the Sierras.

Colorado River Operations

2010 Annual Operating Plan

Mr. Zimmerman reported that the final 2010 Annual Operating Plan (2010 AOP) is in the Department of the Interior awaiting Secretarial approval. Mr. Zimmerman reported that it is anticipated that the 2010 AOP will be released during the annual Colorado River Water Users Association meeting. The Secretarial determinations are also expected to remain as discussed during previous Board meetings. The final 2010 AOP is expected to be posted on Reclamation's Upper and Lower Colorado Region webpages.

Applications of Intentionally Created Surplus and Intentionally Created Unused Apportionment and Reclamation's Development of Procedures in the Lower Basin

Mr. Zimmerman reported that three letters of correspondence were included in the Board folder regarding the creation and delivery of Intentionally Created Surplus (ICS) and Intentionally Created Unused Apportionment (ICUA) in 2009. Agencies are adjusting their delivery schedules and creation of ICS in order to balance the needs within their service area. The letters show where some of the balancing is occurring with MWD, Southern Nevada Water Authority, and MWD's use of water from the Arizona Water Bank. The final quantities will be reported in the 2009 Decree Accounting Report. In one of the letters, MWD requested Reclamation move forward with developing and finalizing the ICS procedures and policies that will more efficiently facilitate the approval of ICS creation requests in future years.

Basin States Discussions

Status of the Binational Discussions

Mr. Zimmerman reported that the current focus of the Binational Discussions has been on the modeling scenarios to be used by the modelers on both sides of the border. After the November 18th and 19th Binational meeting the modeling assumptions and scenarios grew from four scenarios to six. The two additional scenarios were added at Mexico's request. The six scenarios to be modeled by both the U.S. and Mexico technical staff are: 1) The base scenario simulating the Interim Guidelines for Operations of the Colorado River Reservoir System; 2) A U.S. scenario where Mexico would develop Intentionally Created Mexican Unused Apportionment (ICMUA) with a specific creation and delivery schedule; 3) A Mexican scenario where the maximum quantities of Mexico's ICMUA would be the same as those used in California's ICS provisions; 4) A scenario where Mexico would receive a portion of surplus flows of the Colorado River during surplus conditions; 5) A shortage scenario where Mexico would take no shortage; and 6) A shortage scenario where Mexico would participate in shortage sharing in the amount of nine percent of shortages in both Upper and Lower Basin, whereas in the base scenario Mexico would share in 16 percent of shortages in the Lower Basin.

Mr. Zimmerman reported that modeling results are expected by the beginning of January 2010. The U.S. Technical meeting is scheduled to be held January 8th, when modeling results are expected to be presented. The U.S. principals are scheduled to meet on the morning of January 28th and the Binational meeting is scheduled for January 28th and 29th.

There was some discussion as to the quickness of the current process. Ms. Halla Razak of the San Diego County Water Authority added that the six scenarios modeled are hoped to provide a framework for future discussions and that, without this umbrella of results from the modeling efforts currently underway, both sides are reluctant to say what they might consider, or be willing to accept.

Chairman Fisher compared the current Binational modeling work with the modeling work of the Colorado River System that lead to four years of negotiating that culminated in the shortage-sharing agreement among the Basin States.

Mr. Zimmerman reported that at the October Binational meeting there was agreement to explore implementation of two pilot projects. The habitat restoration pilot project would be funded by U.S. entities, and the land and water for the project would be provided by Mexican entities. The U.S. Technical Group has identified a set of proposed Selection Criteria for selecting a small pilot project. The Selection Criteria currently under review by the Environmental Group within the U.S. are expected to share their results with their counterparts in Mexico soon.

Ms. Razak reported that the Water Supply Group are scheduled to meet in January to discuss the status of the Rosarito Beach Desalination study as well as water recycling opportunities on both sides of the border.

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

Mr. Zimmerman reported that the three river basins selected included the "Colorado River Basin Water Supply and Demand Study." This study will be cost-shared between Reclamation and the seven Basin states, with one million dollars provided by Reclamation and will be matched by the seven Basin states. Currently Reclamation and the Basin states are preparing a detailed Plan of Study, a Memorandum of Agreement for implementing the study, and a Contributed Funding Agreement. These three documents are scheduled to be brought to the Board for its consideration at its January 2010 meeting. Mr. Zimmerman added that Reclamation would like to initiate the study by the end of January.

WATER QUALITY

Colorado River Basin Salinity Control Forum

Mr. Zimmerman reported that Governor Schwarzenegger has appointed Ms. Dorothy R. Rice, who is currently the Executive Director of the State Water Resources Control Board, to sit on the Colorado River Basin Salinity Control Forum and the Colorado River Basin Salinity Control Advisory Council (AC).

Mr. Don Barnett, of the Colorado River Basin Salinity Control Forum, gave a summary of the history of the Salinity Control Forum. From the challenges to address the water quality issues along the river, that initiated the formation of the agency through an Act of congress along with the legislation that has amended the Act up to most recent 2008 amendment that created the Basin States Program. The Act has two Titles in it, one addresses water quality issues below Imperial Dam to the Mexico border, the other Title addresses water quality issues above Imperial Dam to the head waters of the river system that feeds the Colorado River. The first ten years of the Forum was involved with water quality studies along the river. The next phase saw the implementation of large projects to address salinity issues. After 1995, the focus has been on basin-wide programs to improve the water quality along the river. Mr. Barnett discussed a Reclamation chart that displayed the cost of the basin-wide Salinity Program along with the tons of salt removed per year, from 1995 projected to 2025. Reclamations basin-wide funding is based on removing 24,000 tons of salt each year. The Natural Resources Conservation Service (NRCS) chart displayed the breakdown funding as it has changed from 1979 through 2009. He discussed the change in focus as the funding has changed. He then discussed a table that listed the major project areas and the potential goals that could be achieved in those areas and the progress that has been made so far. The effectiveness of the salinity removal program was shown by a graph of the salinity at Imperial Dam from 1965 through 2009. The salinity has declined from around 900 mg/l to around 700 mg/l. It is estimated that without the salinity control program the salinity in the river at Imperial Dam would be about 136 mg/l greater than it is today. He then discussed the ways to calculate the known benefit and that those benefits are difficult to quantify. Mr. Barnett, described the Basin States Program (Program), authorized by amendments to the Act of 2008 contained in the Farm Bill of 2008. The Program clarifies authority for expenditure of cost share dollars and how the cost share of Reclamation and the NRCS programs are expended. He added that Reclamation submitted the required report to Congress in September 2009. The AC is working with Reclamation in drafting procedures for the Council to follow in providing required consultation. Mr. Barnett closed with a schematic flow diagram of the Colorado River from Imperial Dam to the Southerly International Boundary. He discussed the salinity issues that could arise if the flows from Imperial Dam would be adjusted depending on changes brought about by the Binational Process current being discussed.

OTHER BUSINESS

Washington, D.C. Activities

Mr. Peter Carlson reported on numerous changes and activities in Washington D.C. He reported that the new administration is driven by executive order, or proposed executive orders that are forthcoming in the near months, built around three Administration goals of: encouraging economic development; investing in the future; and building a higher performing government structure. This is shown in an increased emphasis on public involvement by this administration through the use of listening sessions and webinars that are usually announced in the *Federal Register*, or on agencies' websites. With regard to water infrastructure in this Administration the philosophy that underlies their approach is that they're going to be 'greener, better, smarter, collaborative and it's going to be more transparent that what we've seen in the past.

Mr. Carlson reported that there have been three large sources of funding during 2009: the Fiscal Year 2009 appropriations process; the Recovery Act in March; and an energy and water appropriations bill in October. The Recovery Act did not request funding for Reclamation or the

U.S. Army Corps of Engineers (COE) with regard to water infrastructure, rather the focus was to drive money into the Environmental Protection Agency water and sewer programs. With the help of the Water Resource community in Washington, D.C. working with Congress, they were able to get a billion dollars for Reclamation and about 4.6 billion dollars put in for the COE. Mr. Carlson added that early 2009 the Omnibus Public Lands Management Act was passed and it contained $2.5 million dollars in funding for the Lower Colorado River Multi-Species Conservation Program legislation partly as a result of the stimulus package. Usually it takes about three years for funding to make its way into an agency's budget; they've been able to use the stimulus money to jumpstart the Lower Colorado effort. Three other provisions in the Omnibus Public Lands Management Act worth noting are: a Cooperative Watershed Program under Reclamation; an aging infrastructure section to help deal with the issue of payback with regard to maintenance work; and the secure water act, a joint effort between Reclamation and the U.S. Geological Survey that is data-driven to help generate the information that's needed for water resource planning in the future.

Mr. Carlson reported that all of the activity in Washington, D.C. has been under the umbrella of climate change. For instance, the Secretary of the Interior issued a Secretarial Order within the Interior for each of the agencies to develop a climate plan and a climate action plan for climate change. A week after the announcement the first agency to put forth a plan was the U.S. Fish and Wildlife Service (USFWS). It appears they may have had this effort in the works for more than a year. It may be useful to refer to the international side of the USFWS plan in regards to the Binational Process currently being discussed.

Mr. Carlson reported that one of the guiding documents put out by the environmental community for this administration was called "Transition to Green." This document has laid out an administrative, legislative and regulatory agenda. One of the items in the document that has taken place is the restoration of the Council on Environmental Quality (CEQ). The CEQ has become a pivot point for discussions on environmental and economic issues that are taking place with regard to natural resource policy. Historically CEQ had a staff of 12 to 15, it now has a staff of 60. The "Transition to Green" document recommends establishing a new mandate for Reclamation for the 21st century, and wants Reclamation to respond to climate change and move from a customer service to a public service agency. The details of these ideas are contained in the document. This theme as applied to the COE and water resource development agencies focuses on increased prioritization on ecosystem restoration and protection when it comes to project planning and project development. Three focal points emphasized with regard to federal water programs and federal programs in general are: future generations; the distributional considerations of benefits needed to be examined as far as fairness with regard to the action to be taken; and reassessing and discontinuing underperforming projects within the system.

Mr. Carlson brought up the collaborative effort for Reclamation to retain its programs for managing the operations of the Colorado River specifically Glen Canyon Dam, and mentioned key staff in Washington, D.C. and their ties to the Colorado River Basin programs. He emphasized the fast pace of change in Washington, D.C., and the quote "you should follow the money." With the transparency of this Administration it is easy to follow the money, but now you have to follow the new ideas described by some of the buzzwords: resiliency; sustainability; landscape-wide; conservation; ecosystem restoration; watershed planning; and ecological services.

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, January 13, 2010, 10:00 a.m., at the Holiday Inn Ontario Airport, 2155 E. Convention Center Way, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting.

Upon the motion of Mr. Knutson, seconded by Mr. Menvielle, and unanimously carried, the meeting was adjourned 4:39 p.m. on December 9, 2009.

Gerald R. Zimmerman
Executive Director

5.a. - Approval of Lower Colorado Water Supply Project Applications

RESOLUTION
of the
COLORADO RIVER BOARD OF CALIFORNIA
Regarding
Potential Applicants to Receive
Lower Colorado Water Supply Project Water
2010-1

WHEREAS, the United States Congress, on November 14, 1986, enacted the Lower Colorado Water Supply Act (P.L. 99-655) (Project) to provide a limited amount of Colorado River water to be made available on an exchange basis to entities in California, whose lands or interest in lands are located adjacent to the Colorado River, and who either do not have a contractual entitlement or insufficient entitlement to use Colorado River water; and

WHEREAS, the U.S. Bureau of Reclamation (Reclamation) declared Stage 1 of the Project facilities substantially complete, with a capacity of 5,000 acre-feet per year, on October 1, 1996; and

WHEREAS, the Imperial Irrigation District and Reclamation have agreed that Stage 1 of the Project facilities are complete and ready for operation as of January 1, 2000; and

WHEREAS, the City of Needles, on September 10, 1992, agreed to assume the administrative responsibility for Project beneficiaries in San Bernardino County; and

WHEREAS, the City of Needles, subsequently on July 3, 2002, amended its contract with Reclamation to include the administrative responsibilities for Project beneficiaries in Riverside and Imperial Counties; and

WHEREAS, the Colorado River Board has been designated as the responsible agency to provide its recommendation to Reclamation regarding the eligibility of a non-federal applicant to receive Project water; and

WHEREAS, the Colorado River Board on September 14, 2001, notified owners of property within the Colorado River flood plain and/or the accounting surface as delineated by the U.S. Geological Survey in California of the availability of Project water; and

WHEREAS; the staff of the Colorado River Board on January 13, 2010, submitted this tenth list of eligible applicants to the Board for its recommendation, while the staff continues to receive applications and reviews them for eligibility to receive Project water.

NOW, THEREFORE, BE IT RESOLVED THAT the Colorado River Board hereby recommends subcontracts for Project water be offered to those applicants contained on the January 13, 2010, consent calendar and directs the Executive Director to forward the applications to Reclamation with its recommendation with the following provisos:

(1) Those Project beneficiaries submitting the application appear to be eligible to receive Project water, as shown in the attached table and summarized below:

County	Numbers of Parcels	Current Use (AF/YR)	Future Use (AF/YR)	Total (AF/YR)
Imperial	11	0	110	110
Riverside	2	0	50	50
San Bernardino	4	3	3	6
Total	17	3	163	166

It is noted that as the subcontract with each applicant is prepared, there will be further verification of each applicant's eligibility; and

(2) At the time the subcontract is prepared, the annual quantity of water to be diverted, consumptively used, and returned will be refined to specify quantities of water to be reported in accordance with Article V in the Consolidated Decree in *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150 (2006));

(3) Request Reclamation include provisions in the subcontract that the water be put to reasonable beneficial use within a ten-year period of time, subject to renewal for another ten-year period, through an expedited application process to be developed by Reclamation.

Unanimously adopted on January 13, 2010.

State of California)
) ss.
County of Los Angeles)

I, GERALD R. ZIMMERMAN, Executive Director of the Colorado River Board of California, do hereby certify that the foregoing is a true copy of a resolution adopted by said Board at a Regular Meeting thereof, duly convened and held in Ontario, California, on the thirteenth day of January, 2010, at which time a quorum of said Board was present and acting throughout.

Dated this thirteenth day of January, 2010.

Gerald R. Zimmerman
Executive Director

Tenth Group **San Bernardino County** Recent Applications **1/8/2010**:

First Name	Last Name	Mail Number	Mail Street/P.O. Box	Mail City	State	Mail Zip	APN	Legal Description	Type of Use Current	Type of Use Future	Type Of Diversion	Use Current	Use Future	Total Use	Consumptive Use Current	Consumptive Use Future	Consumptive Use Total	Return Flow Current	Return Flow Future	Return Flow Total	Doc. No.
Brian D., and Jon Storms	Governor		2109 Rancho Corona Dr.	Corona	CA	92882-3716	0660 251 70 0000	Sec. 1, T9N,R22E, 1.26 ac				1	0	1	0.6	0.0	0.6	0.4	0.0	0.4	
	Diamond BE, LLC	1297	W. Boundary Cone Road	Kohave Valley	AZ	86440-8961	0660 201 03 0000	Sec 21, T10N, R22E, 180.6 ac	DOM	DOM		1	1	2	0.6	0.6	1.2	0.4	0.4	0.8	
Stephen G. & Rebecca G.	David	2241	Miraposa Ln.	Big Bear City	CA	92314-8865	0660 201 35 0000	Sec 13, T9N, R22E, 1.324 ac	DOM	DOM		1	1	2	0.6	0.6	1.2	0.4	0.4	0.8	
Stephen G. & Rebecca G.	David	2241	Miraposa Ln.	Big Bear City	CA	92314-8865	0660 201 36 0000	Sec 13, T9N, R22E, 1.323 ac	DOM	DOM		0	1	1	0.0	0.6	0.6	0.0	0.4	0.4	
										Sub Total:		3	3	6	1.8	1.8	3.6	1.2	1.2	2.4	

Tenth Group **Riverside County** Recent Applications **1/8/2010**:

First Name	Last Name	Mail Number	Mail Street/P.O. Box	Mail City	State	Mail Zip	APN	Legal Description	Type of Use Current	Type of Use Future	Type Of Diversion	Use Current	Use Future	Total Use	Consumptive Use Current	Consumptive Use Future	Consumptive Use Total	Return Flow Current	Return Flow Future	Return Flow Total	Doc. No.
Wuertz Ranches, Inc.		23960	24Th Ave	Blythe	CA	92225-9292	879 261 009	Sect.26,T8S, R21E, 60 ac		DOM		0	30	30	0.0	18.0	18.0	0.0	12.0	12.0	
Wuertz Ranches, Inc.		23960	24Th Ave	Blythe	CA	92225-9292	879 261 016	Sect.26,T8S, R21E, 33.78 ac		DOM		0	20	20	0.0	12.0	12.0	0.0	8.0	8.0	
													50.0	50.0	0.0	30.0	30.0	0.0	20.0	20.0	

Tenth Group **Imperial County** Recent Applications **1/8/2010**:

First Name	Last Name	Mail Number	Mail Street/P.O. Box	Mail City	State	Mail Zip	APN	Legal Description	Type of Use Current	Type of Use Future	Type Of Diversion	Use Current	Use Future	Total Use	Consumptive Use Current	Consumptive Use Future	Consumptive Use Total	Return Flow Current	Return Flow Future	Return Flow Total	Doc. No.
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 02	Sec. 3, T9S,R21E, 40 ac		DOM		0	10	10	0.0	6.0	6.0	0.0	4.0	4.0	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 03	Sec. 3, T9S,R21E, 80.44 ac		DOM		0	30	30	0.0	18.0	18.0	0.0	12.0	12.0	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 30	Sec. 3, T9S,R21E, 40 ac		DOM		0	20	20	0.0	12.0	12.0	0.0	8.0	8.0	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 31	Sec. 3, T9S,R21E, 10 ac		DOM		0	8	8	0.0	4.8	4.8	0.0	3.2	3.2	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 32	Sec. 3, T9S,R21E, 5 ac		DOM		0	4	4	0.0	2.4	2.4	0.0	1.6	1.6	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 33	Sec. 3, T9S,R21E, 5 ac		DOM		0	4	4	0.0	2.4	2.4	0.0	1.6	1.6	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 34	Sec. 3, T9S,R21E, 5 ac		DOM		0	4	4	0.0	2.4	2.4	0.0	1.6	1.6	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 35	Sec. 3, T9S,R21E, 5 ac		DOM		0	4	4	0.0	2.4	2.4	0.0	1.6	1.6	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 36	Sec. 3, T9S,R21E, 10 ac		DOM		0	8	8	0.0	4.8	4.8	0.0	3.2	3.2	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 37	Sec. 3, T9S,R21E, 40 ac		DOM		0	10	10	0.0	6.0	6.0	0.0	4.0	4.0	
WUERTZ RANCHES INC.		23960	24TH AVE.	BLYTHE	CA	92225-9292	006 020 38	Sec. 3, T9S,R21E, 40 ac		DOM		0	8	8	0.0	4.8	4.8	0.0	3.2	3.2	
										Sub Total:		0	110	110	0.0	66.0	66.0	0.0	44.0	44.0	

Total::	3	163.0	166.0	1.8	97.8	99.6	1.2	65.2	66.4

County	Parcels	Use (AF/Yr) Current	Use (AF/Yr) Future	Total (AF/Yr)
San Bernardino	4	1.8	1.8	3.6
Riverside	2	0	30	30
Imperial	11	0	66	66
Total	17	1.8	97.8	99.6

5.b. - Blythe and Palen Solar Power Projects

Lower Colorado Accounting Surface and Proposed Solar Energy Developments
Palm Springs - South Coast Field Office

US Department of the Interior
BUREAU OF LAND MANAGEMENT
Palm Springs-South Coast Field Office
Palm Springs, California
(760) 833-7100
www.ca.blm.gov/palmsprings
Date Prepared: 11/10/2009

R15E R17E R19E R21E

T3S T5S T7S

Desert Sunlight First Solar
Palen/McCoy Soleil
Desert Lily Soleil
Eagle Mountain enXco
Chuckwalla Sun Peak Solar
Palen Solar Millennium/Chevron
Genesis - Ford Dry Lake NextEra
Ford Dry Lake enXco
Maria Vista Bullfrog Green Energy
Black Hills Bullfrog Green Energy
McCoy enXco
Genesis - McCoy NextEra
Blythe Solar Millennium/Chevron
Mule Mountain Bullfrog Green Energy
Mule Mountain LightSource Renewables
Quartzite First Solar

177 10 78

Legend

- Open Solar Applications
- Accounting Surface - Lower Colorado River
- Major Highways

N W E S

0 1.25 2.5 5 Miles

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

DOCKET
09-AFC-6
DATE DEC 21 2009
RECD DEC 21 2009

TO: AGENCY DISTRIBUTION LIST

REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE BLYTHE SOLAR POWER PROJECT, DISTRIBUTION OF APPLICATION FOR CERTIFICATION SUPPLEMENT (09-AFC-6)

On August 24, 2009, the California Energy Commission received an Application For Certification (AFC) from Solar Millennium, LLC and Chevron Energy Solutions to construct and operate the Blythe Solar Power Project in Riverside County. On October 26, 2009, a Supplement to the AFC was received and evaluated by staff. Subsequently, at the Energy Commission's November 18, 2009 Business Meeting, the AFC was deemed complete, beginning staff's analysis of the proposed project.

As part of our review process, the staff of the Energy Commission endeavors to work closely with local, state and federal agencies to ensure that all laws, ordinances, regulations and standards are met and incorporated into the final decision of the Energy Commission.

Project Description

The Blythe Solar Power Project (project) is a concentrated solar thermal electric generating facility with four adjacent, independent, and identical units of 250 megawatt (MW) nominal capacity each for a total nominal capacity of 1,000 MW. The project is proposed to be located in the southern California inland desert, approximately eight miles west of the city of Blythe and two miles north of the Interstate-10 freeway in Riverside County, California. The applicants are seeking a right-of-way grant for approximately 9,400 acres of lands owned by the Federal government and administered by the Bureau of Land Management (BLM). Construction and operation of the project would disturb a total of about 7,030 acres.

The project would generate electric power through solar energy using parabolic trough technology. Pipelines supplying water would be routed from on-site wells to water treatment units. Water would be used principally for solar mirror washing, feedwater makeup, onsite domestic use, cooling of auxiliary equipment, and firewater supply. Total water consumption for the project is estimated at 600 acre-feet per year.

A natural gas pipeline for cold start up and freeze protection would be installed parallel to the project's new access road and would tie into a gas transmission pipeline south of Interstate-10. Proposed electric transmission lines would connect each steam turbine generator to a central internal switchyard. From this switchyard, a new single-circuit three-phase 500 kilovolt (kV) transmission line would interconnect with Southern California Edison's regional transmission system at its planned Colorado River substation. If approved, project construction would begin in the fourth quarter of 2010, with commercial operation commencing in the second quarter of 2013.

PROOF OF SERVICE (REVISED 12/15/09) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 12/21/09

HA

Energy Commission and Bureau of Land Management Joint Review Process

The BLM and the Energy Commission have executed a Memorandum of Understanding concerning their intent to conduct a joint environmental review of the project in a single National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) process. It is in the interest of the BLM and the Energy Commission to share in the preparation of a joint environmental analysis of the proposed project to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the local, state, and federal levels, and to facilitate public review by providing a joint document and a more efficient environmental review process.

Under federal law, the BLM is responsible for processing requests for rights-of-way to authorize the proposed project and associated transmission lines and other facilities to be constructed and operated on land it manages. In processing applications, the BLM must comply with the requirements of NEPA, which requires that federal agencies reviewing projects under their jurisdiction consider the environmental impacts associated with the proposed project construction and operation.

As the lead agency under CEQA, the Energy Commission is responsible for reviewing and ultimately approving or denying all applications to construct and operate thermal electric power plants, 50 MW and greater, in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts and engineering aspects of proposed power plants and all related facilities such as electric transmission lines and natural gas and water pipelines.

Agency Participation

To ensure that the Energy Commission has the information needed in order to make a decision, the Energy Commission's regulations identify a special role for federal, state, and local agencies (see, California Code of Regulations, title 20, sections 1714, 1714.3, 1714.5, 1742, 1743, and 1744). As a result, we request that you conduct a review of the AFC and provide us with the following information:

1) a discussion of those aspects of the proposed site and related facilities for which your agency would have jurisdiction but for the exclusive jurisdiction of the Energy Commission to certify sites and related facilities;
2) a determination of the completeness of the list in the AFC of the laws, regulations, ordinances, or standards which your agency administers or enforces and would be applicable to the proposed site and related facilities but for the Energy Commission's exclusive jurisdiction;
3) a description of the nature and scope of the requirements which the applicant would need to meet in order to satisfy the substantive requirements of your agency but for the Energy Commission's exclusive jurisdiction, and identification of any analyses that the Energy Commission should perform in order to determine whether these substantive requirements can be met; and
4) an analysis of whether there is a reasonable likelihood that the proposed project will be able to comply with your agency's applicable substantive requirements.

The scope of your agency's comments on the AFC should encompass significant concerns, and substantive requirements that would be required for permitting by your agency but for the Energy Commission's exclusive jurisdiction or certification (California Code of Regulations, title 20, section 1714.5, subdivision (a)(2)). Please let us know if you need additional information or need to perform analyses or studies in order to resolve any concerns of your agency (California Code of Regulations, title 20, section 1714.5).

The project was found to be data adequate on **November 18, 2009**, we request that all agency comments be provided to us by **January 18, 2010**, except for the Mojave Desert Air Quality Management District's Preliminary and Final Determinations of Compliance, which should be provided by **March 18, 2010** and **May 18, 2010**, respectively. You may be asked to present and explain your conclusions at public and evidentiary hearings on the project (see, California Code of Regulations, title 20, sections 1714.3, 1714.5, 1743, 1744.5, and 1748). Local agencies may seek reimbursement for reasonable costs incurred in responding to these requests. However, per California Code of Regulations, title 20, section 1715 reimbursement is not available to state and federal agencies.

Enclosed is a copy of the AFC in electronic format (CD). If you would like to have a hard copy of the AFC sent to you, if you have questions, or if you would like to participate in the Energy Commission's review of the proposed project, please contact Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by email at asolomon@energy.state.ca.us. The status of the proposed project, copies of notices, a copy of the AFC, and other relevant documents are also available on the Energy Commission's Internet web site at: http://www.energy.ca.gov/sitingcases/solar_millennium_blythe/index.html. You can also subscribe to receive email notification of all notices at http://www.energy.ca.gov/listservers.

Sincerely,

Eileen Allen, Manager
Energy Facilities Siting and Dockets Office

Enclosure

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

DOCKET
09-AFC-7
DATE DEC 21 2009
RECD DEC 21 2009

TO: AGENCY DISTRIBUTION LIST

REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE PALEN SOLAR POWER PROJECT, DISTRIBUTION OF APPLICATION FOR CERTIFICATION SUPPLEMENT (09-AFC-7)

On August 24, 2009, the California Energy Commission received an Application For Certification (AFC) from Solar Millennium, LLC and Chevron Energy Solutions to construct and operate the Palen Solar Power Project in Riverside County. On October 26, 2009, a Supplement to the AFC was received and evaluated by staff. Subsequently, at the Energy Commission's November 18, 2009 Business Meeting, the AFC was deemed complete, beginning staff's analysis of the proposed project.

As part of our review process, the staff of the Energy Commission endeavors to work closely with local, state and federal agencies to ensure that all laws, ordinances, regulations and standards are met and incorporated into the final decision of the Energy Commission.

Project Description

The Palen Solar Power Project (project) is a concentrated solar thermal electric generating facility with two adjacent, independent, and identical units of 250 megawatt (MW) nominal capacity each for a total nominal capacity of 500 MW. The project is proposed to be located in the Southern California inland desert, approximately 10 miles east of the small community of Desert Center, in eastern Riverside County, California; approximately halfway between the cities of Indio and Blythe; and about three miles east of the southeast end of Joshua Tree National Park. The applicants are seeking a right-of-way grant for approximately 5,200 acres of lands owned by the federal government and administrated by the Bureau of Land Management (BLM). Construction and operation of the project would disturb a total of about 2,970 acres.

The project would generate electric power through solar energy using parabolic trough technology. Pipelines supplying water would be routed from on-site wells to water treatment units. Water would be used principally for solar mirror washing, feedwater makeup, onsite domestic use, cooling of auxiliary equipment, and firewater supply. Total water consumption for the project is estimated at 300 acre-feet per year.

The project would use two propane-fueled boilers for quick startup and two heaters for freeze protection. Electric transmission lines would connect each steam turbine generator to a central internal switchyard. From this switchyard, a new double-circuit 230 kilovolt (kV) transmission line would interconnect with Southern California Edison's (SCE) regional transmission system at its planned Red Bluff substation. If approved, project construction would begin in the fourth quarter of 2010, with commercial operation commencing in mid 2013.

PROOF OF SERVICE (REVISED 12/15/09) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 12/21/09
HA

Energy Commission and Bureau of Land Management Joint Review Process

The BLM and the Energy Commission have executed a Memorandum of Understanding concerning their intent to conduct a joint environmental review of the project in a single National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) process. It is in the interest of the BLM and the Energy Commission to share in the preparation of a joint environmental analysis of the proposed project to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the local, state, and federal levels, and to facilitate public review by providing a joint document and a more efficient environmental review process.

Under federal law, the BLM is responsible for processing requests for rights-of-way to authorize the proposed project and associated transmission lines and other facilities to be constructed and operated on land it manages. In processing applications, the BLM must comply with the requirements of NEPA, which requires that federal agencies reviewing projects under their jurisdiction consider the environmental impacts associated with the proposed project construction and operation.

As the lead agency under CEQA, the Energy Commission is responsible for reviewing and ultimately approving or denying all applications to construct and operate thermal electric power plants, 50 MW and greater, in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts and engineering aspects of proposed power plants and all related facilities such as electric transmission lines and natural gas and water pipelines.

Agency Participation

To ensure that the Energy Commission has the information needed in order to make a decision, the Energy Commission's regulations identify a special role for federal, state, and local agencies (see, California Code of Regulations, title 20, sections 1714, 1714.3, 1714.5, 1742, 1743, and 1744). As a result, we request that you conduct a review of the AFC and provide us with the following information:

1) a discussion of those aspects of the proposed site and related facilities for which your agency would have jurisdiction but for the exclusive jurisdiction of the Energy Commission to certify sites and related facilities;
2) a determination of the completeness of the list in the AFC of the laws, regulations, ordinances, or standards which your agency administers or enforces and would be applicable to the proposed site and related facilities but for the Energy Commission's exclusive jurisdiction;
3) a description of the nature and scope of the requirements which the applicant would need to meet in order to satisfy the substantive requirements of your agency but for the Energy Commission's exclusive jurisdiction, and identification of any analyses that the Energy Commission should perform in order to determine whether these substantive requirements can be met; and
4) an analysis of whether there is a reasonable likelihood that the proposed project will be able to comply with your agency's applicable substantive requirements.

The scope of your agency's comments on the AFC should encompass *significant* concerns, and substantive requirements that would be required for permitting by your agency but for the Energy Commission's exclusive jurisdiction or certification (California Code of Regulations, title 20, section 1714.5, subdivision (a)(2); emphasis added). Please let us know if you need additional information or need to perform analyses or studies in order to resolve any concerns of your agency (California Code of Regulations, title 20, section 1714.5).

The project was found to be data adequate on **November 18, 2009**, we request that all agency comments be provided to us by **January 18, 2010**, except for the South Coast Air Quality Management District's Preliminary and Final Determinations of Compliance, which should be provided by **March 18, 2010** and **May 18, 2010**, respectively. You may be asked to present and explain your conclusions at public and evidentiary hearings on the project (see, California Code of Regulations, title 20, sections 1714.3, 1714.5, 1743, 1744.5, and 1748). Local agencies may seek reimbursement for reasonable costs incurred in responding to these requests. However, per California Code of Regulations, title 20, section 1715 reimbursement is not available to state and federal agencies.

Enclosed is a copy of the AFC in electronic format (CD). If you would like to have a hard copy of the AFC sent to you, if you have questions, or if you would like to participate in the Energy Commission's review of the proposed project, please contact Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by email at asolomon@energy.state.ca.us. The status of the proposed project, copies of notices, a copy of the AFC, and other relevant documents are also available on the Energy Commission's Internet web site at: http://www.energy.ca.gov/sitingcases/solar_millennium_palen/index.html. You can also subscribe to receive email notification of all notices at http://www.energy.ca.gov/listservers.

Sincerely,

Eileen Allen, Manager
Energy Facilities Siting and Dockets Office

Enclosure

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814
Main website: www.energy.ca.gov

DOCKET
09-AFC-6
DATE
RECD DEC 23 2009

Notice of Staff Workshop on Data Responses for the Blythe and Palen Solar Power Projects (09-AFC-6) and (09-AFC-7)

The California Energy Commission staff will conduct a combined workshop for the proposed Blythe and Palen Solar Power Projects to discuss staff's data requests and to work towards resolving issues. All interested agencies and members of the public are invited to participate.

The workshop will be held:

Thursday, January 7, 2010
Starting at 9:30 am

California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814-5512
(Wheelchair Accessible)

Call-in Number (toll free): **888-955-8942** (pass code: **59103**)

PURPOSE

The purpose of the workshop is to allow staff, the applicant, interested agencies, and the public to discuss Solar Millennium's Data Responses which are expected to be filed on January 6, 2010, and to work towards resolving project issues. Subjects to be discussed include: Alternatives, Biological Resources, Cultural Resources and Soil & Water Resources. Other technical areas of the data requests and data responses may be discussed as necessary.

PROJECT DESCRIPTION

On August 24, 2009, the California Energy Commission received an Application For Certification (AFC) from Solar Millennium, LLC and Chevron Energy Solutions to construct and operate the Blythe and Palen Solar Power Projects in Riverside County.

The Blythe project is proposed to be located in the southern California inland desert, approximately eight miles west of the city of Blythe and two miles north of the Interstate-

PROOF OF SERVICE (REVISED 12/15/09) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 12/23/09
HA

10 freeway in Riverside County, California. The applicants are seeking a right-of-way grant for approximately 9,400 acres of lands owned by the Federal government and administered by the Bureau of Land Management (BLM). Construction and operation of the project would disturb a total of about 7,030 acres. The Blythe project would have a nominal capacity of 1,000 MW.

The Palen project is proposed to be located in the Southern California inland desert, approximately 10 miles east of the small community of Desert Center, in eastern Riverside County, California; approximately halfway between the cities of Indio and Blythe; and about three miles east of the southeast end of Joshua Tree National Park. The applicants are seeking a right-of-way grant for approximately 5,200 acres of lands owned by the federal government and administered by the Bureau of Land Management (BLM). Construction and operation of the project would disturb a total of about 2,970 acres. The Palen project would have a nominal capacity of 500 MW.

PUBLIC PARTICIPATION

Over the coming months, the Energy Commission will conduct a number of public workshops and hearings to determine whether the proposed project should be approved for construction and operation and, if so, under what set of conditions. The workshops will provide the public as well as local, state and federal agencies the opportunity to participate in reviewing the proposed project. The Energy Commission will issue notices for these workshops and hearings at least ten days prior to the meeting. If you are not currently receiving these notices and wish to be placed on the mailing list, please contact Hilarie Anderson, Project Assistant, at (916) 651-0479, or by email at handerso@energy.state.ca.us.

If you desire information about participating in the Energy Commission's review of the proposed project, please contact the Energy Commission's Public Adviser by phone at (916) 654-4701 or toll free in California at (800) 822-6228, or by email at publicadviser@energy.state.ca.us. Technical or project schedule questions should be directed to Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by email at asolomon@energy.state.ca.us. News media inquiries should be directed to (916) 654-4989, or by email at mediaoffice@energy.state.ca.us.

Date: _____

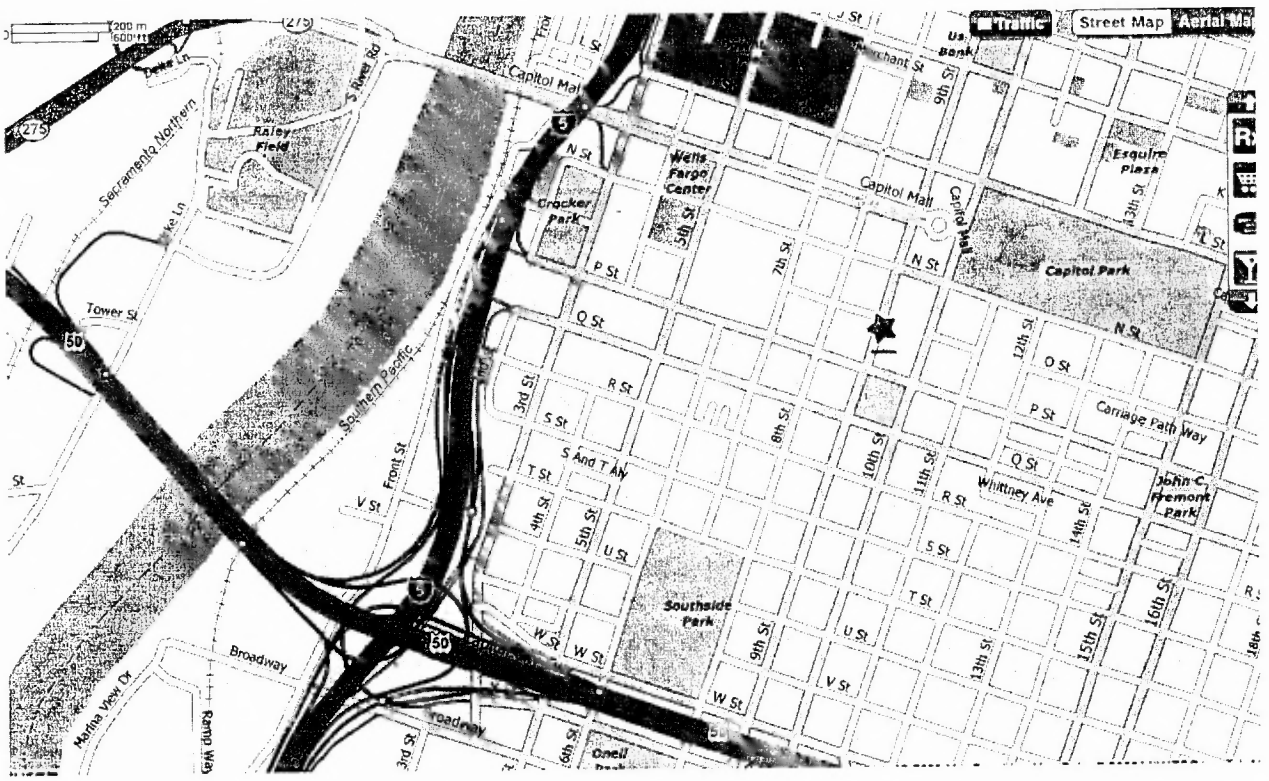
_____
TERRENCE O'BRIEN, Deputy Director
Siting, Transmission & Environmental
Protection Division

Proof of Service List
Mail Lists:

ENERGY COMMISSION STAFF DATA RESPONSE WORKSHOP FOR THE BLYTHE AND PALEN SOLAR POWER PROJECTS (09-AFC-6) AND (09-AFC-7)

Thursday, January 7, 2010
Starting at 9:30 am

California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814-5512
(Wheelchair Accessible)



6.a. - Colorado River Water Reports

SUMMARY WATER REPORT
COLORADO RIVER BASIN
January 11, 2010

RESERVOIR STORAGE (as of January 10)	MAF	ELEV. IN FEET	% of Capacity	December 7, 2009 MAF	ELEV. IN FEET	% of Capacity
Lake Powell	14.255	3,624.6	**59**	14.884	3,630.3	**61**
Flaming Gorge	3.234	6,027.0	**86**	3.287	6,028.4	**88**
Navajo	1.238	6,051.1	**73**	1.261	6,052.9	**74**
Lake Mead	11.227	1,097.0	**43**	10.940	1,093.8	**42**
Lake Mohave	1.645	641.0	**91**	1.500	635.6	**83**
Lake Havasu	0.569	447.4	**92**	0.563	447.1	**91**
Total System Storage	33.051		**55**	33.390		**56**
System Storage Last Year	33.259		**56**	33.407		**56**

		December 7, 2009
WY 2010 Precipitation (Basin Weighted Avg) 10/01/09 through 1/10/10	**80 percent (8.0")**	**71 percent (4.0")**
WY 2010 Snowpack Water Equivalent (Basin Weighted Avg) on day of 1/10/10	**76 percent (6.4")**	**57 percent (2.6")**
(Above two values based on average of data from 116 sites.)		**Observed (Obs. WY09) Dec.16, 2009**

January 6, 2010 Forecast of Unregulated Lake Powell Inflow	MAF	% of Normal	MAF	% of Avg.
2010 April through July unregulated inflow forecast	6.200	**78 %**	7.804	**98%**
2010 Water Year forecast	9.348	**78 %**	10.624	**88%**

USBR Forecasted Year-End 2009 and 2008 Consum. Use, January 6, 2010 a. MAF

			2009 Diversion	2009 - Return	2009 Net	2008
Nevada (Estimated Total)			0.458	0.210	0.248	0.269
Arizona (Total)			3.660	0.833	2.827	2.777
CAP Total					1.660	1.562
Az. Water Banking Authority					*0.134*	*0.214*
OTHERS					1.167	1.216
California (Total) b.			5.034	0.670	4.364	4.502
MWD					1.105	0.906
3.85 Agriculture	Total	Conserved			Forecasted	Estimated
IID c.	2.842	-0.269			2.573	2.825
CVWD d.	0.342	-0.034			0.308	0.299
PVID	0.285	0			0.285	0.376
YPRD	0.037	0			0.037	0.045
Island e.	0.006	0			0.006	0.007
Total Ag.	*3.512*	*-0.303*			*3.209*	*3.552*
Others					0.050	0.044
PVID-MWD fallowing to storage (to be determined						0
Arizona, California, and Nevada Total f.			**9.152**	**1.713**	**7.439**	**7.549**

a. Incorporates Jan.-Nov. USGS monthly data and 75 daily reporting stations which may be revised after provisiona data reports are distributed by USGS. Use to date estimated for users reporting monthly and annually.

b. California 2009 basic use apportionment of 4.4 MAF has been adjusted for approved paybacks for 01-02 obligations (3,751 AF), payback of Inadvertent Overrun and Payback Policy overruns (1,349 AF), ICS by IID (15,000 af), MWD recovery of interstate underground storage from Arizona (27,500 AF). plus delivery of Drop 2 Construction Water 2,750 af.

c. 0.105 MAF conserved by IID-MWD Agreement as amended in 2007: 90,000 AF for SDCWA under the IID-SDCWA Transfer Agreement as amended, 60,000 AF of which was diverted by MWD; 8,000 AF for CVWD under the IID-CVWD Acquisition Agreement, 65,577 AF from the All-American Canal Lining Project.

d. 30,850 acre-feet conserved by the Coachella Canal Lining Project of which 591 af used for mitigation, and 3,751 af of payback.

e. Includes estimated amount of 6,136 acre-feet of disputed uses by Yuma Island pumpers and 0 acre-feet by Yuma Project Ranch 5 being charged by USBR to Priority 2.

f. Includes unmeasured returns based on estimated consumptive use diversion ratios by user from studies provided by Arizona Dept. of Water Resources, Colorado River Board of California, and Reclamation.

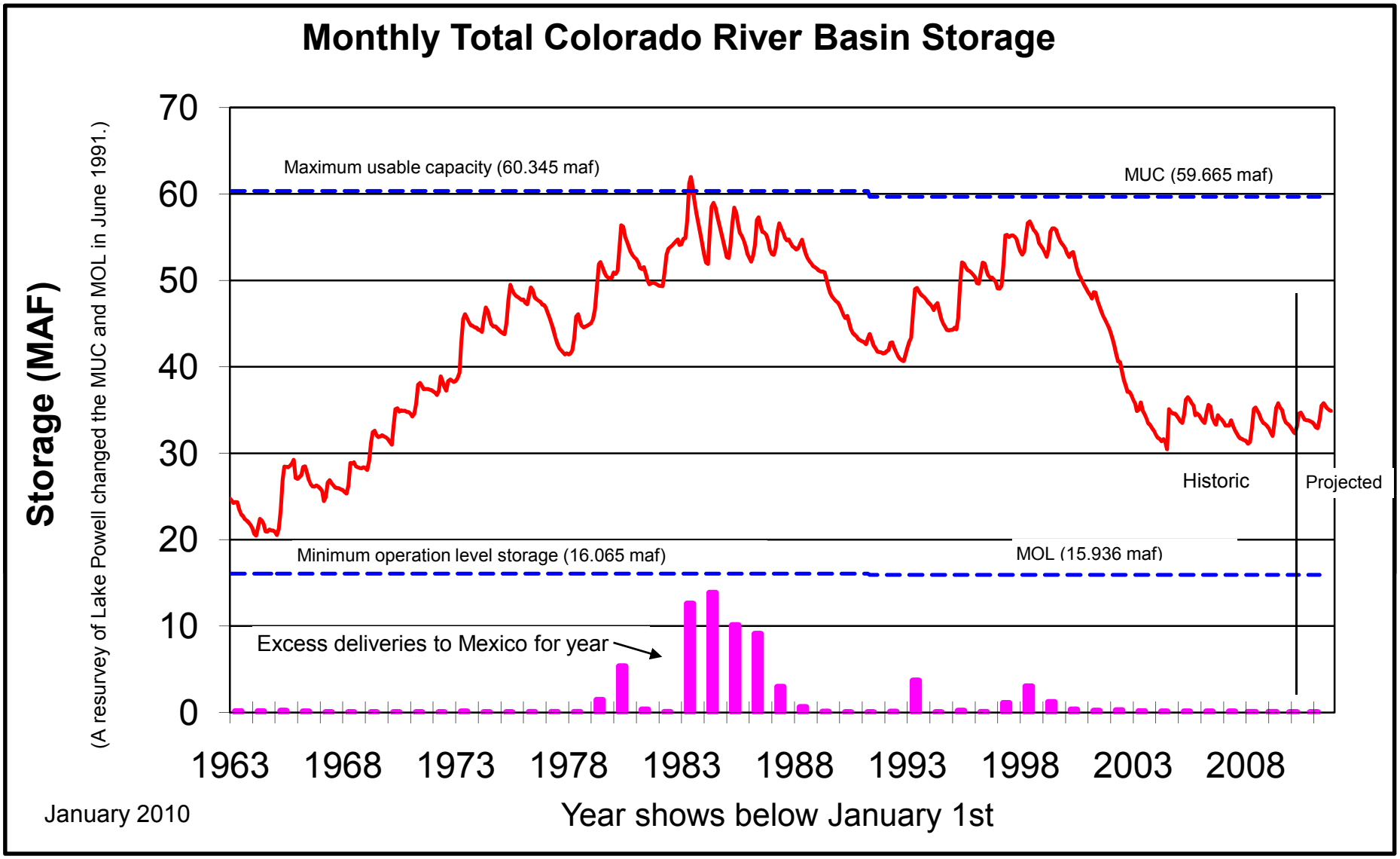
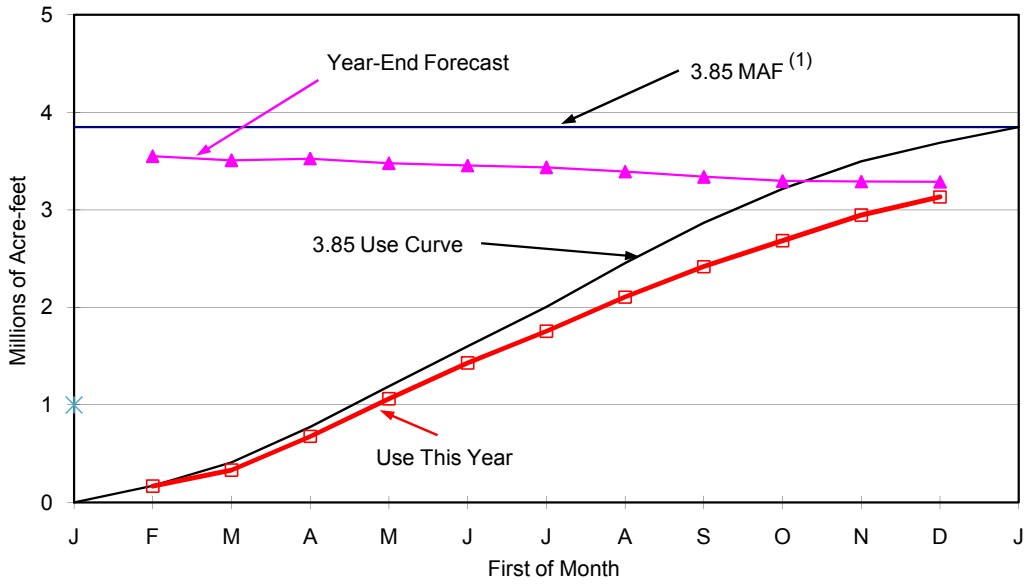

Monthly Total Colorado River Basin Storage
Storage (MAF)
(A resurvey of Lake Powell changed the MUC and MOL in June 1991.)
70
60
50
40
30
20
10
0
Maximum usable capacity (60.345 maf)
MUC (59.665 maf)
Historic
Projected
Minimum operation level storage (16.065 maf)
MOL (15.936 maf)
Excess deliveries to Mexico for year
1963
1968
1973
1978
1983
1988
1993
1998
2003
2008
January 2010
Year shows below January 1st

FIGURE 1
JANUARY 1, 2010 FORECAST OF 2009 YEAR-END COLORADO RIVER WATER USE BY THE CALIFORNIA AGRICULTURAL AGENCIES



Forecast of Colorado River Water Use
by the California Agricultural Agencies
(Millions of Acre-feet)

Month	Use as of First of Month	Forecast of Year End Use	Forecast of Unused Water (1)
Jan	0.000	--------	--------
Feb	0.168	3.551	0.016
Mar	0.332	3.509	0.058
Apr	0.678	3.526	0.041
May	1.064	3.478	0.089
Jun	1.430	3.454	0.113
Jul	1.755	3.437	0.130
Aug	2.106	3.392	0.175
Sep	2.418	3.340	0.227
Oct	2.685	3.297	0.270
Nov	2.948	3.292	0.275
Dec	3.133	3.289	0.278
Jan			

(1) The forecast of unused water is based on the availability of 3.568 MAF under the first three priorities of the water delivery contracts. This accounts for the 85,000 af of conserved water available to MWD under the 1988 IID-MWD Conservation agreement plus 8,000 per CVWD-IID transfer (11 25 09) and the 1989 IID-MWD-CVWD--PVID Agreement as ammended; 60,000 af of conserved water available to SDCWA under the IID-SDCWA Transfer agreement as amended being diverted by MWD; 30,259 af of conserved water available to SDCWA and MWD as a result of the Coachella Canal Lining Project: 65577 af of water be available to SDCWA and MWD as a result of the All-American Canal Lining Project; 14,500 af ofwater IID and CVWD are forbearing to permit the Secretary of the Interior to satisfy a portion of Indian and miscellaneous present perfected rights use; 3,751 af of CVWD; and 15,000 af of Intentionally Created Surplus by IID; Drop 2 Construction Water at 2,750 af. As USBR is charging disputed uses by Yuma islandpumpers to Priority 2, the amount of unused water has been reduced by those uses -6,136 af. The CRB does not concur wirh USBR's viewpoint on this matter.

COLORADO RIVER BOARD OF CALIFORNIA

November 28, 2009

COLORADO RIVER WATER REPORT

The following report summarizes data obtained from provisional reports of the U.S. Geological Survey, U.S. Bureau of Reclamation, International Boundary and Water Commission, and Imperial Irrigation District.

I. Active Surface Storage[1/] in Reservoirs at end of Month (Thousand Acre-feet).

October 2009

Upper Basin	Storage	Elevation in feet	% of Capacity	Change During Month	Change from 2008
Lake Powell	15,251	3,633.5	63%	-212	1,079
Flaming Gorge	3,376	6,030.7	90%	-18	362
Fontenelle	260	6,494.7	75%	-16	29
Navajo	1,283	6,054.8	76%	-32	-25
Blue Mesa	604	7,492.8	73%	-47	6
Morrow Point	108	7,148.2	92%	1	-4
Crystal	17	6,751.9	93%	2	2
Sub-total	20,898		67%	-322	1,448
Lower Basin					
Lake Mead	10,897	1,093.3	42%	-36	-1,316
Lake Mohave	1,469	634.3	81%	-33	25
Lake Havasu	581	448.0	94%	17	28
Sub-total	12,946		45%	-52	-1,264
Upper and Lower BasinTotal	33,844 [2/]		57%	-374	184

1/ Figures shown do not include reservoir dead storage.

2/ Storage above minimum operation level is 33,844 - 15,936 = 17,908 thousand acre-feet. Minimum operation level (15,936 thousand acre-feet) is defined as the sum of active content at minimum power pool plus minimum active content required to make surface diversions at Lake Havasu and Navajo Reservoir.

II. Upper Basin Discharge (Acre-feet).

Station	Meas. Flow October 2009	Cumulative Flow October thru October	Meas. Flow Adjusted for CRSP Surface Storage Changes: October 2009	% of Oct. 88- year average (1922-2009 water years)
Green River at Green River, Utah	178,000	178,000	160,100	102%
Colorado River near Cisco, Utah	262,900	262,900	218,100	93%
San Juan River near Bluff, Utah	35,100	35,100	3,600	4%
At Lee Ferry (Compact Point)	634,300	634,300	327,900	66%

III. Lower Basin Discharge (Acre-feet).

Station	October 2009	Cumulative Flow October thru October
Below Hoover Dam	612,800	612,800
Below Davis Dam	682,300	682,300
Below Parker Dam	471,200	471,200
Above Imperial Dam	413,200	413,200

IV. Consumptive Use of Lower Colorado River Mainstream Water (Acre-feet).
October, 2009

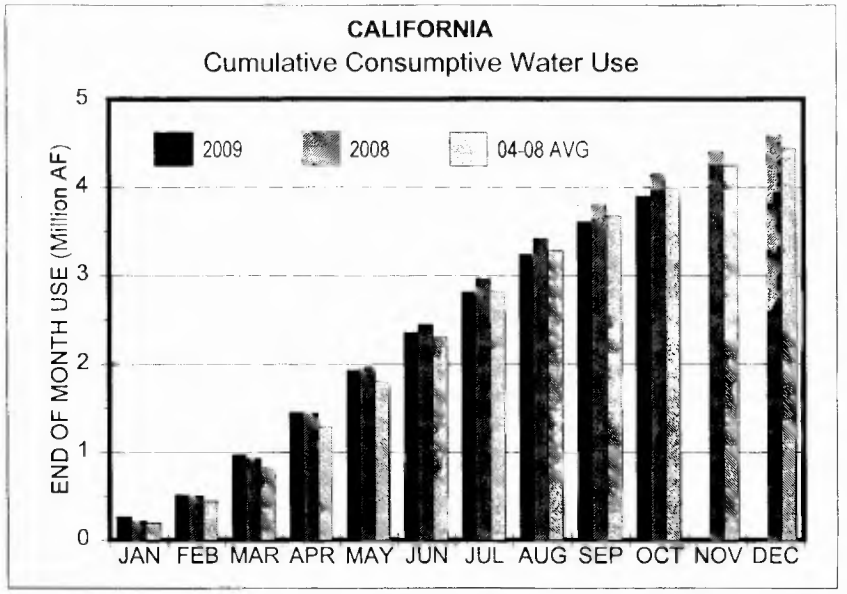
California Users	Diversion	Return	Consumptive Use	Change in Cons.Use From Oct. 2008	Cumulative Cons. Use January thru October	Change from prev. Jan. thru Oct.	12 Months thru October
Palo Verde Irrig. Dist.	52,020	38,720	13,300	-12,060	318,950	-93,630	332,400
Yuma Proj. (Res. Div.) [b/]	7,420	2,260	5,160	540	34,350	-11,150	35,760
Imperial Irrig. Dist. [a/]	213,270		213,270	5,670	2,302,420	-263,360	2,556,890
Salton Sea Mitigation	4,230		4,230	-690	24,950	5,480	31,530
USBR SaltonSea Operations	0		0	0	0	0	0
IID plus Salton Sea Mitigation	217,500		217,500	4,980	2,327,370	-257,880	2,588,420
Coachella Val. Wat. Dist. [a/]	26,590		26,590	-1,040	266,040	7,490	306,020
Subtotal	303,530	40,980	262,550	-7,580	2,946,710	-355,170	3,262,600
Fort Mojave Ind. Res. [c/]	2,000		2,000	0	23,120	0	24,760
Cal. Miscellaneous [d/]	1,670		1,670	0	32,000	0	34,000
Metropolitan Water Dist.	26,640	430	26,210	-50,360	897,190	108,480	1,016,710
Total	333,840	41,410	292,430	-57,940	3,899,020	-246,690	4,338,070
Arizona Users							
Central Arizona Project	133,090		133,090	-2,630	1,366,650	37,740	1,599,370
Colorado River Ind. Res.	42,380	18,760	23,620	-710	422,680	9,330	441,830
Gila Gravity Main Canal	57,170	14,020	43,150	210	497,790	-570	524,470
Yuma Proj. (Valley Div.)	38,950	13,180	25,770	-860	183,300	-28,870	197,070
Fort Mojave Ind. Res. [c/]	5,450		5,450	0	70,230	0	85,130
Havasu Nat. Wildlife Ref.	900	0	900	-410	35,040	-1,450	35,930
Arizona Miscellaneous [d/]	5,930		5,930	0	76,690	0	85,000
Total	283,870	45,960	237,910	-4,400	2,652,380	16,180	2,968,800
Nevada Users							
From Lake Mead [b/]	41,870	12,980	28,890	-1,390	252,740	-12,150	284,310
Mohave Steam Plant	50		50	10	430	30	510
Total	41,920	12,980	28,940	-1,370	253,170	-12,120	284,820
Total Consumptive Use (Ariz., Cal., Nev.)	659,630	100,350	559,280	-63,720	6,804,570	-242,630	7,591,690

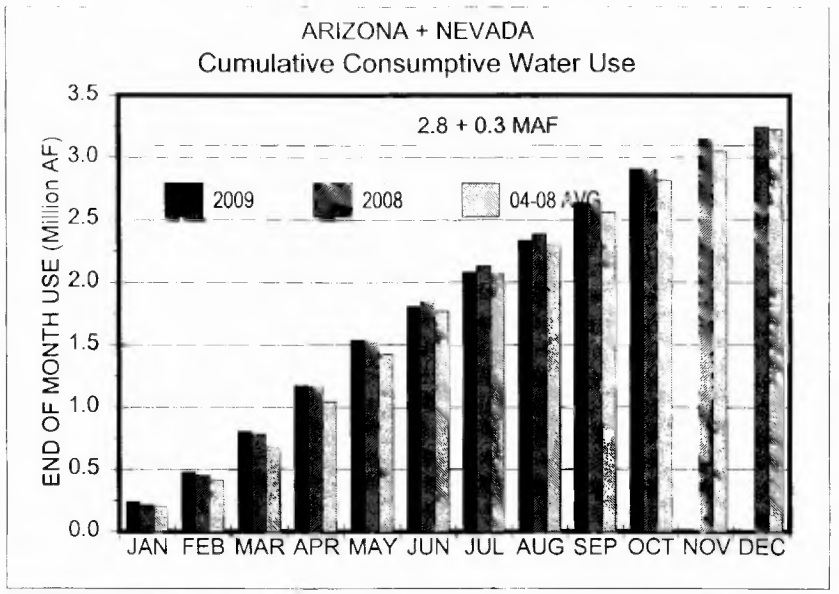
a. Based on measurements below Pilot Knob (assumed to be equal to USBR Article V data after credit is given for unmeasured California return flows between Imperial Dam and Pilot Knob). In addition, Salton Sea mitigation is not part of IID's use but is included in IID total diversion. IID diversions for April are not available

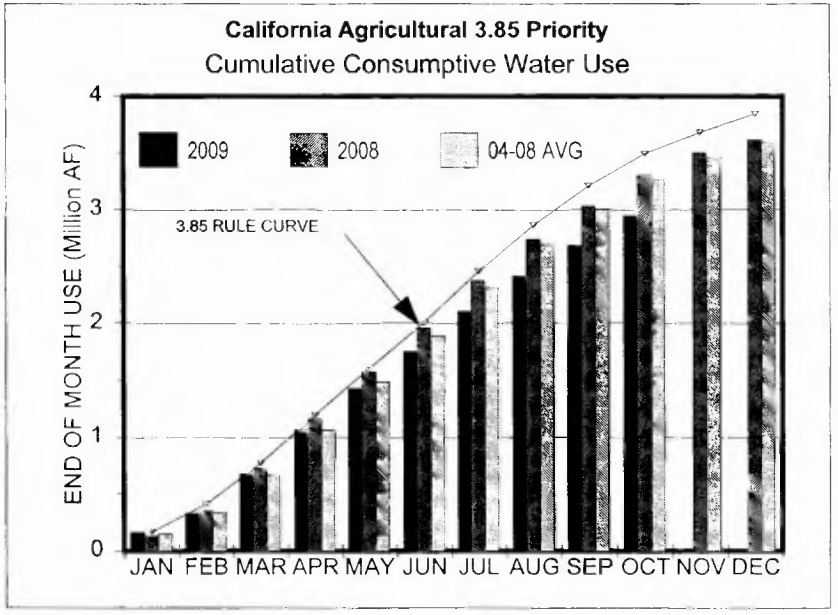
b. Return flow estimates based on averages of past returns as calculated by USBR for Article V data.

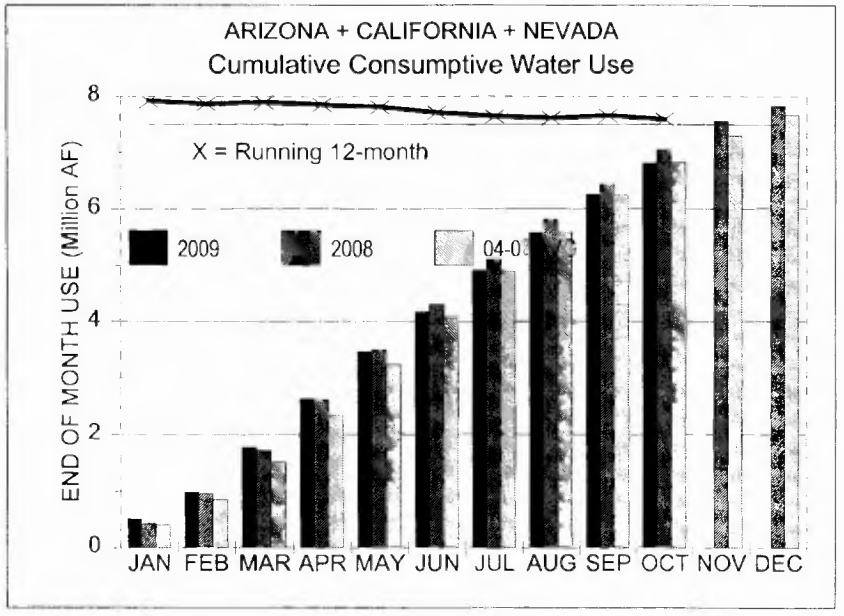
c. Assumed equal to August, 1983 use estimated by Fort Mojave Indian Tribe.

d. An estimated residual made by the Colorado River Board of California combining such items as small diversions along the river, unmeasured groundwater return flow, etc., which, when combined with other quantities listed to arrive at the State's total, presents an estimate of the State's Consumptive use of Lower Colorado River water.


CALIFORNIA
Cumulative Consumptive Water Use
END OF MONTH USE (Million AF)
0
1
2
3
4
5
2009
2008
04-08 AVG
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC


ARIZONA + NEVADA
Cumulative Consumptive Water Use
END OF MONTH USE (Million AF)
0.0
0.5
1.0
1.5
2.0
2.5
3.0
3.5
2.8 + 0.3 MAF
2009
2008
04-08 AVG
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC


California Agricultural 3.85 Priority
Cumulative Consumptive Water Use
END OF MONTH USE (Million AF)
0
1
2
3
4
2009
2008
04-08 AVG
3.85 RULE CURVE
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC


ARIZONA + CALIFORNIA + NEVADA
Cumulative Consumptive Water Use
END OF MONTH USE (Million AF)
0
2
4
6
8
X = Running 12-month
2009
2008
JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

December 16, 2009, Observed Colorado River Flow into Lake Powell (1) (Million Acre-feet)

	USBR and National Weather Service		Change From Last Month's Projected	
	April-July 2009	Water Year 2009	April-July 2009	Wat Yr 2009
Maximum (2)	7.804	10.633	0.000	0.000
Mean	7.804 *	10.633 **	0.000	0.000
Minimum (2)	7.804	10.633	0.000	0.000

* This month's A-J observed is 98% of the 30-year A-J average shown below.
** This month's W-Y observed is 88% of the 30-year W-Y average shown below.

Comparison with past records of Colorado River inflow into Lake Powell (at Lee Ferry prior to 1962)

	April-July Flow	Water Year Flow
Long-Time Average (1922-2008)	7.741	11.519
30-yr. Average (1961-90)	7.735	11.724
10-yr. Average (1999-2008)	5.203	8.449
Max. of Record	15.404 (1984)	21.873 (1984)
Min. of Record	1.115 (2002)	3.058 (2002)
Year 2000	4.352	7.310
Year 2001	4.301	6.955
Year 2002	1.115	3.058
Year 2003	3.918	6.358
Year 2004	3.640	6.128
Year 2005	8.810	12.614
Year 2006	5.318	8.769
Year 2007	4.052	8.231
Year 2008	8.906	12.356
Year 2009	7.804	10.633
Total Years 2000 - 2004	17.326	29.809
5-Year Average (2000-2004)	3.465	5.962

(1) Under conditions of no other Upper Basin reservoirs.

(2) USBR and NWS forecasts indicate the probability of 95 percent of the time the actual flow will not exceed the maximum value, and will not be less than the minimum value.

VI. Scheduled Flows to Mexico — Arrivals and excess arrivals of Water for Calendar Year 2009

(Acre-feet)

	(1) Scheduled Flow [9]	(2) Total Arrivals	(3) Excess Arrivals in accord with Minute 242	(4) Other Excess Arrivals	(5) Total Excess Arrivals	(6) Cumulative Excess Arrivals	(7) Flow Through NIB and Limitrophe	(8) Flow By-Pass Southerly International Boundary
Jan.	119,428	131,137	10,033	1,677	11,710	11,710	108,313	10,024
Feb.	152,979	171,990	9,433	9,578	19,011	30,721	151,373	9,433
March	208,455	219,177	10,164	558	10,722	41,443	195,714	10,164
April	199,629	215,258	9,702	5,927	15,629	57,072	192,856	9,702
May	112,754	132,812	10,422	9,631	20,053	77,125	110,896	10,422
June	112,353	123,213	9,645	1,215	10,860	87,985	102,298	9,645
July	118,342	129,556	9,525	1,689	11,214	99,199	108,508	9,525
August	92,284	107,840	6,621	8,935	15,556	114,755	89,839	6,621
Sept.	89,307	103,561	10,286	3,968	14,254	129,009	81,195	10,286
Oct.	72,742	88,648	11,572	4,334	15,906	144,915	64,619	11,572
Nov.	102,966							
Dec.	118,761							
	1,500,000	1,423,192	97,403	47,512			1,205,611	97,394

Column (1). Flow schedule requested by Mexico. In surplus years as determined by the United States, Mexico can schedule up to 1.7 rather than 1.5 million acre-feet.

(2). Total Colorado River waters reaching Mexico. It is the sum of: 1) Colorado River water measured at the Northerly International Boundary, 2) drainage waters measured at the Southerly International Boundary near San Luis, Arizona, and 3) Wellton-Mohawk drainage waters measured at the Southerly International Boundary. It is the sum of Columns (1) + (5).

(3). Arizona's Wellton-Mohawk Irritation and Drainage District drainage water. This water is discharged to the Santa Clara Slough in Mexico via a concrete-lined canal.

(4). Excess arrivals other than Wellton-Mohawk drainage. It is the sum of: 1) a delivery of about 5,000 a. f. per year to ensure that Mexico receives what is scheduled, 2) releases from Parker Dam which are not used due to unexpected rainfall in the Palo Verde, Coachella, Imperial, and and Yuma areas, 3) controlled flood releases on the Gila and Colorado River, and 4) local runoff.

(5). Sum of Columns (3) and (4).

(6). Cumulation of Column (5).

(7). Including Colorado River flow at the Northerly International Boundary plus flow from Cooper, 11-mile, and 21-mile spillways.

(8). Including flow at the Southerly International Boundary, from the East and West Main canals, Yuma Valley Main, 242 Lateral plus diversions from Lake Havasu for Tijuana.

(9). Revised schedule of Calander Year 2009 as of November 20, 2009

WEIGHTED MONTHLY SALINITY AT
SELECTED COLORADO RIVER STATIONS
AND RUNNING 12-MONTH NIB-IMPERIAL FLOW-WEIGHTED SALINITY DIFFERENTIAL
(in parts per million)

Month	Below Hoover Dam			Below Parker Dam [3]			Palo Verde [3] Canal Near Blythe			At Imperial Dam			At Northerly International Boundary			Running 12-Month Flow-Wtd. Differential [2]	
	5-Year avg.[1]			5-Year avg.[1]			5-Year avg.[1]			5-Year avg.[1]			5-Year avg.[1]				
	1974-78	2008	2009	1974-78	2008	2009	1974-78	2008	2009	1974-78	2008	2009	1974-78	2008	2009	2008	2009
Jan.	690	685	665	709	685		751	713		913	717	768	1,041	821	933	130.7	146.4
Feb.	675	692	655	706	678		732	682		835	675	745	998	822	862	135.9	145.5
March	684	674	649	699	668		727	686		805	717	703	925	803	804	139.4	147.0
April	680	659	636	700	675		714	697		801	699	710	892	805	798	144.9	144.6
May	677	676	646	698	681		709	696		822	725	727	962	914	907	141.4	144.0
June	678	648	637	695	671		712	686		812	718	717	956	896	889	137.1	143.4
July	682	655	630	688	683		709	701		797	720	698	909	865	847	137.3	144.0
August	690	641	619	686	677		706	692		800	734	706	907	894	882	135.7	145.5
Sept.	672	646	603	686	676		737	693		815	747	705	952	944	865	139.3	143.9
Oct.	680	638	626	689	657		739	689		854	758		1,070	1,010		139.6	
Nov.	682	642		692	674		746	705		897	765		1,010	931		140.2	
Dec.	681	651		702	671		731	723		877	834		999	912		140.5	

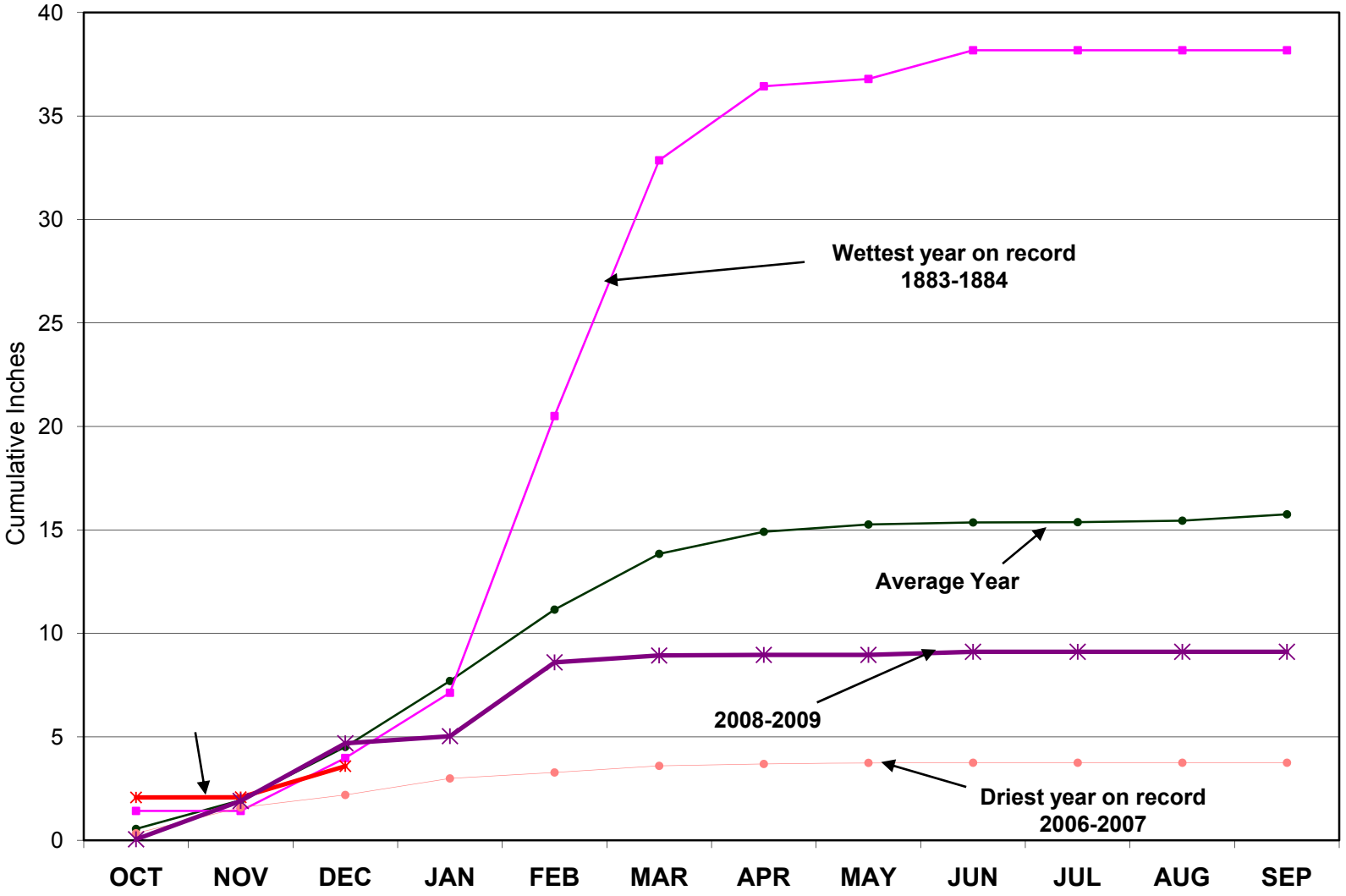
General Notes:

1/ 5-Year averages are arithmetical.
2/ 12-month flow-weighted differential between NIB and Imperial Dam through month shown in left column.
3/ Operational values only.

6.b. - State and Local Water Reports

Los Angeles Civic Center Precipitation

Data Used from 1877 to Present



PRECIPITATION AT SEVEN MAJOR STATIONS IN SOUTHERN CALIFORNIA

From October 1, 2009 to January 1, 2010

Precipitation in Inches

Station	Precipitation Dec	Precipitation Oct 1 to Jan 1	Normal to Date	Percent of Normal
San Luis Obispo	4.10	7.86	7.10	111
Santa Barbara	3.44	7.10	6.12	116
Los Angeles	1.50	3.58	4.54	79
San Diego	2.17	2.19	3.38	65
Blythe	0.85	0.85	0.91	93
Imperial	0.34	0.34	0.97	35

STATEWIDE SUMMARY OF WATER YEAR DATA

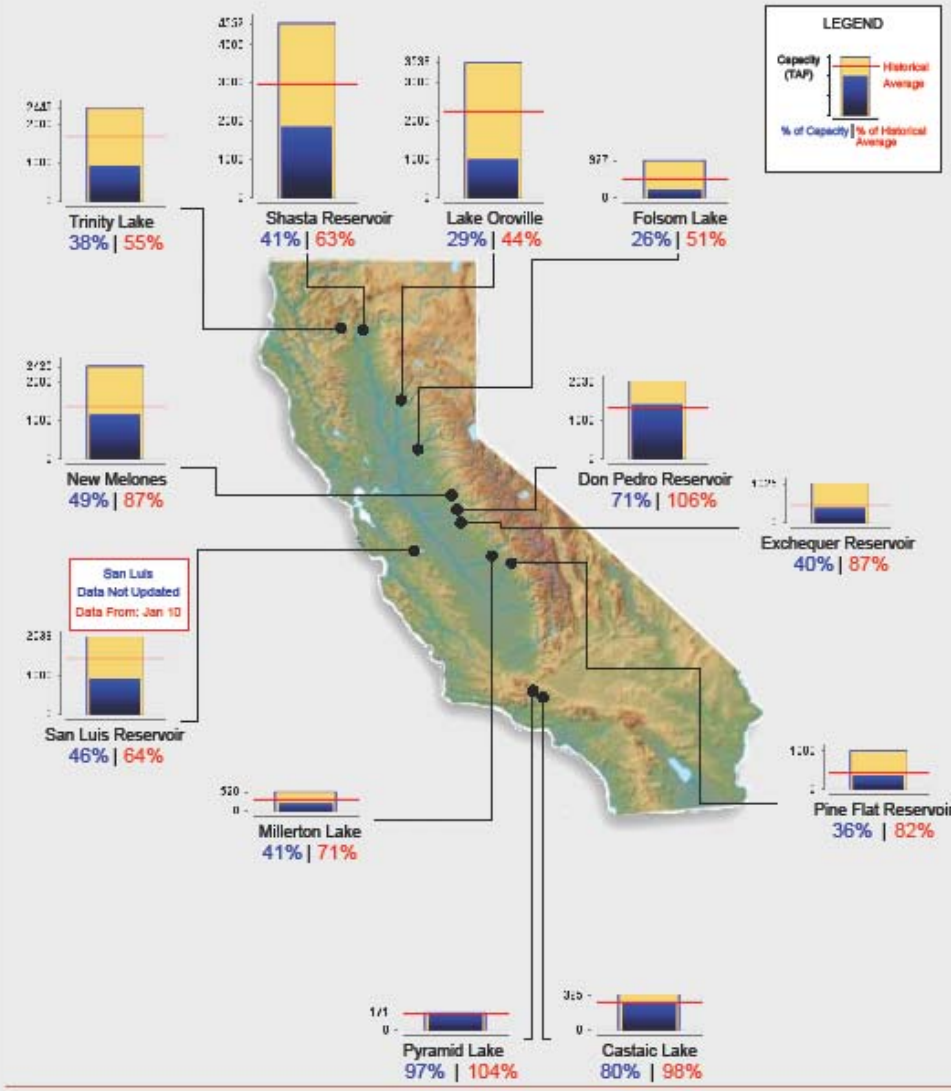
Water Year	Precipitation (233 Stations) □ of ave.	Runoff (31 Rivers) □ of ave.	Res. Storage (155 Reservoirs) □ of ave.	Sacto. Riv. Run-off □ (Million Acre-Feet)
2004-05	140	105	120	18.4
2005-06	140	170	120	31.9
2006-07	75	80	120	10.3
2007-08	75	35	80	10.2
Comparison of Water Year Data as of Jan 1				
2008-09	90	40	70	1.4
2009-10	85	40	75	1.5

□The Sacramento River Run-off is the sum of the unimpaired water year flow from the Sacramento River above Bend Bridge near Red Bluff, Feather River inflow to Oroville, Yuba River at Smartville, and American River inflow to Folsom. The average annual run-off is 18.4 MAF.

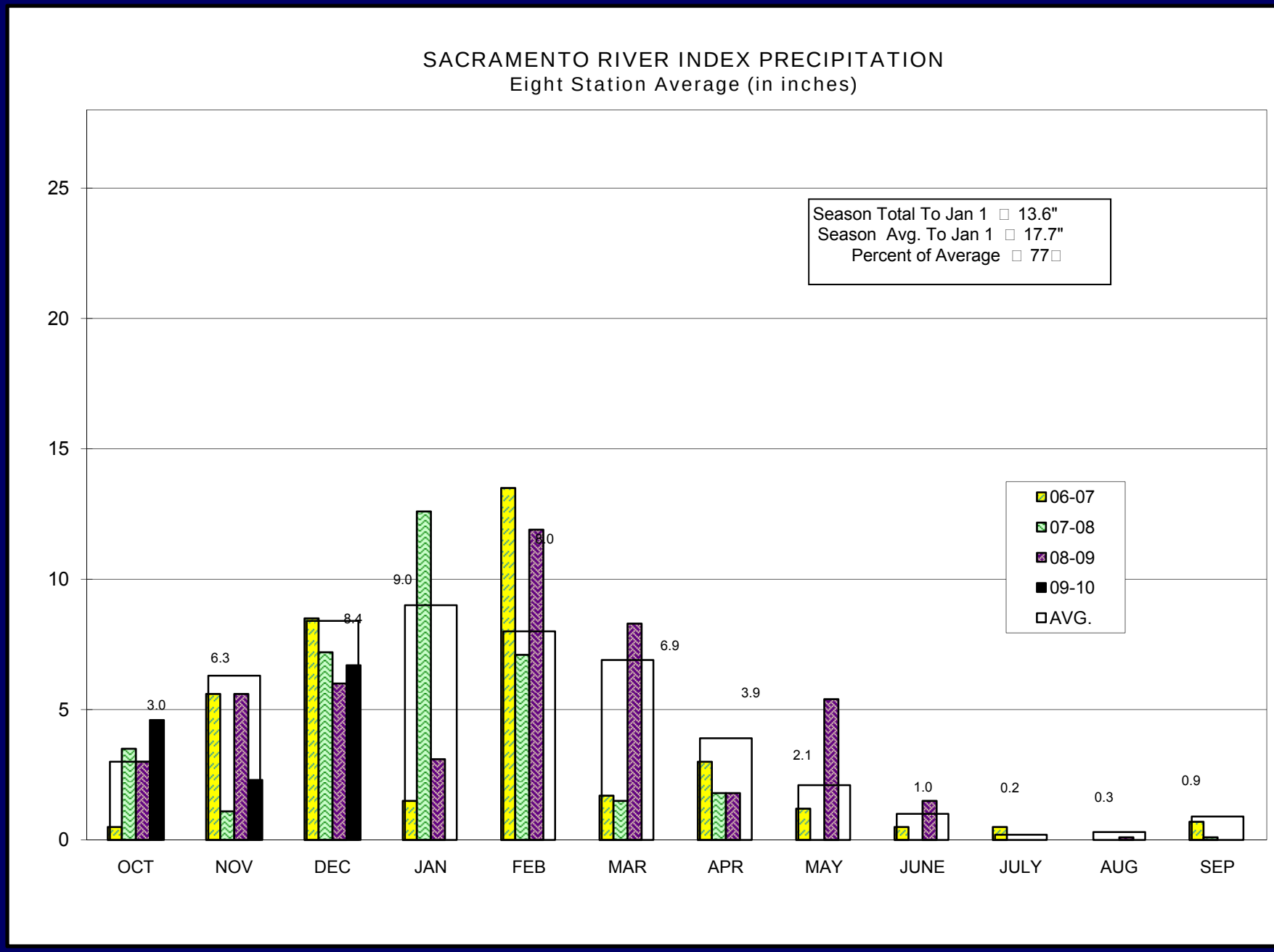
Reservoir Conditions

Ending At Midnight - January 11, 2010

CURRENT RESERVOIR CONDITIONS

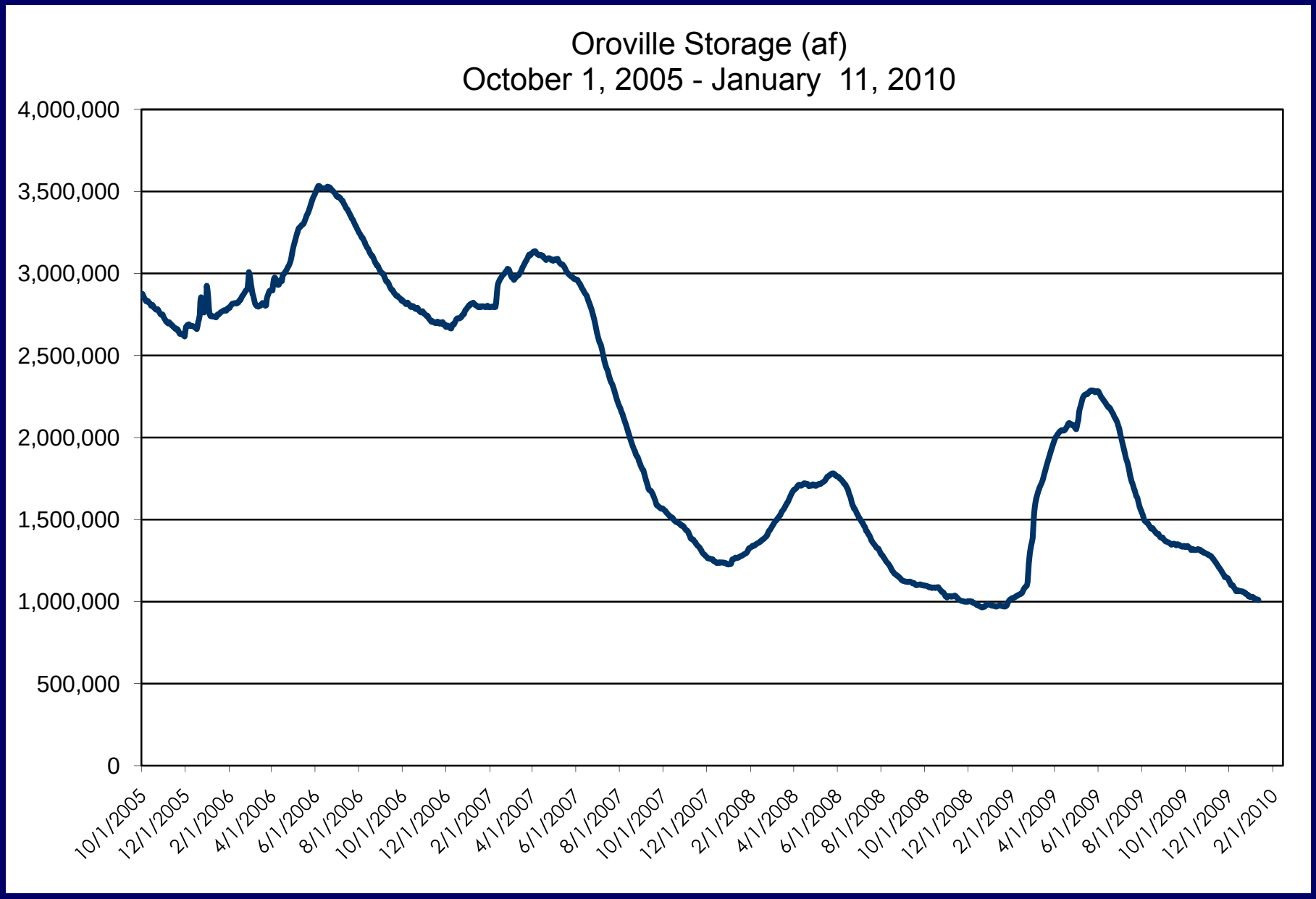


Graph Updated 01/12/2010 04:15 PM


SACRAMENTO RIVER INDEX PRECIPITATION
Eight Station Average (in inches)
Season Total To Jan 1 13.6"
Season Avg. To Jan 1 17.7"
Percent of Average 77
06-07
07-08
08-09
09-10
AVG.
25
20
15
10
5
0
3.0
6.3
8.4
9.0
13.0
6.9
3.9
2.1
1.0
0.2
0.3
0.9
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUNE
JULY
AUG
SEP

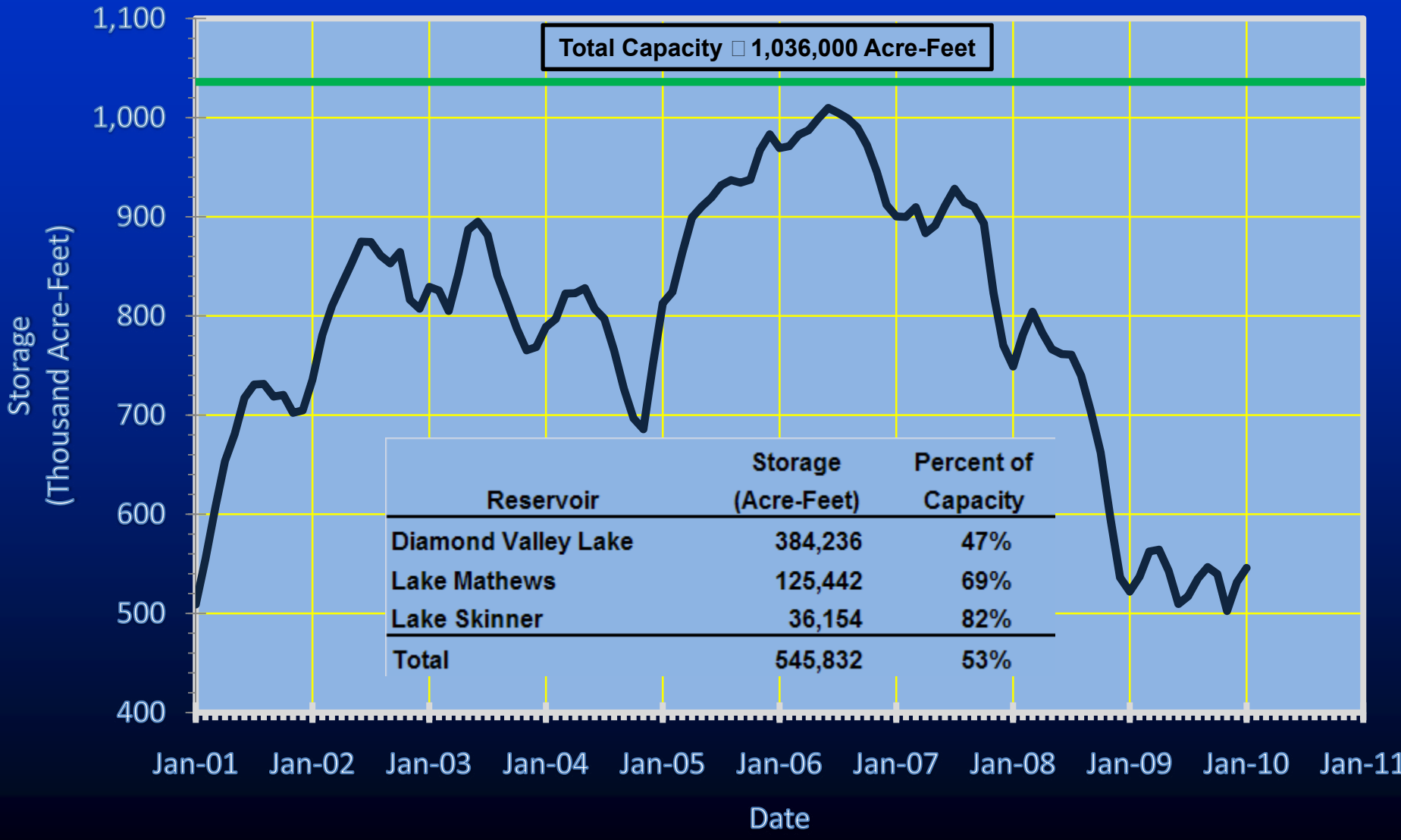
SWP WATER STORAGE

Comparison of Storage Jan 1, 2009 vs Jan 1, 2010		2008 SWP STORAGE (acre-feet)		2009 SWP STORAGE (acre-feet)	
Reservoir	Capacity	As of 1 1 2009	of Cap.	As of 1 1 2010	of Cap.
Frenchman	55,477	25,547	46	20,404	37
Lake Davis	84,371	39,196	46	41,206	49
Antelope	22,566	13,914	62	14,797	66
Oroville	3,521,797	979,688	28	1,028,604	29
TOTAL North	3,684,211	1,058,345	29	1,105,011	30
Del Valle	77,111	30,155	39	28,273	37
San Luis	1,062,180	262,710	25	348,251	33
Pyramid	169,901	166,681	98	163,955	97
Castaic	319,247	245,092	77	259,576	81
Silverwood	73,032	70,195	96	69,857	96
Perris	126,841	69,180	55	64,015	50
TOTAL South	1,828,312	844,013	46	933,927	51
TOTAL SWP	5,512,523	1,902,358	35	2,038,938	37
State Water Project Projected Deliveries: 5 of Table A Entitlement					


Oroville Storage (af)
October 1, 2005 - January 11, 2010
4,000,000
3,500,000
3,000,000
2,500,000
2,000,000
1,500,000
1,000,000
500,000
0
10/1/2005
12/1/2005
2/1/2006
4/1/2006
6/1/2006
8/1/2006
10/1/2006
12/1/2006
2/1/2007
4/1/2007
6/1/2007
8/1/2007
10/1/2007
12/1/2007
2/1/2008
4/1/2008
6/1/2008
8/1/2008
10/1/2008
12/1/2008
2/1/2009
4/1/2009
6/1/2009
8/1/2009
10/1/2009
12/1/2009
2/1/2010

MWD's Combined Reservoir Storage as of January 1, 2010

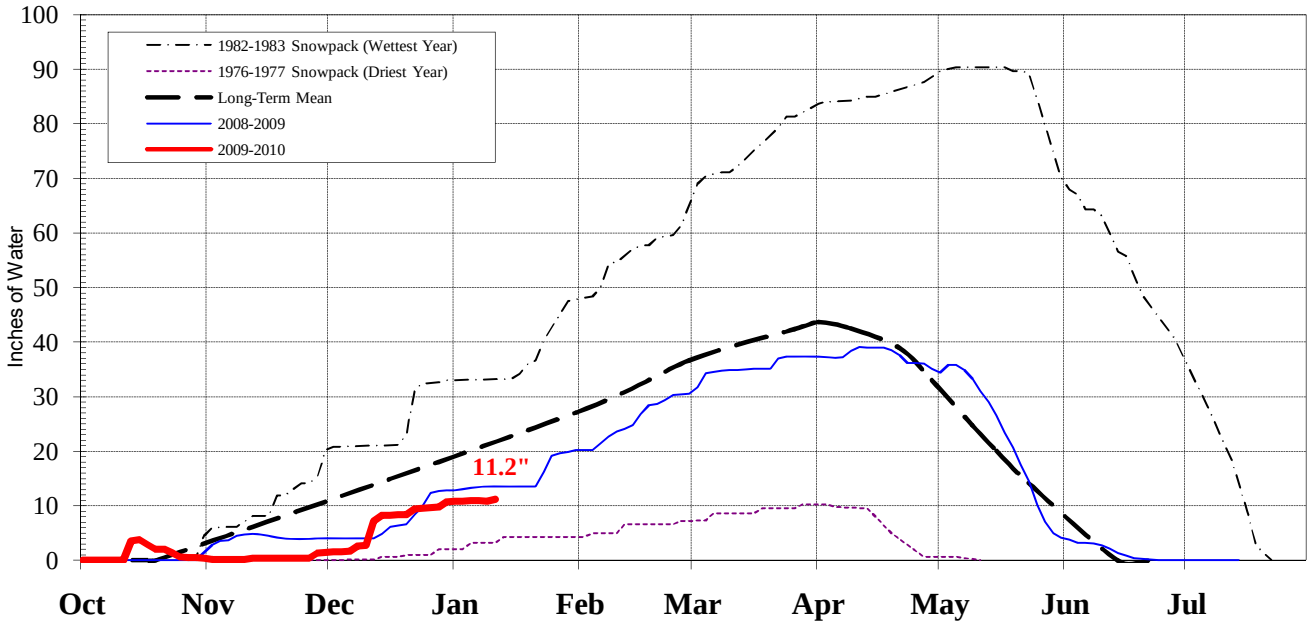
Lake Skinner, Lake Mathews, and Diamond Valley Lake



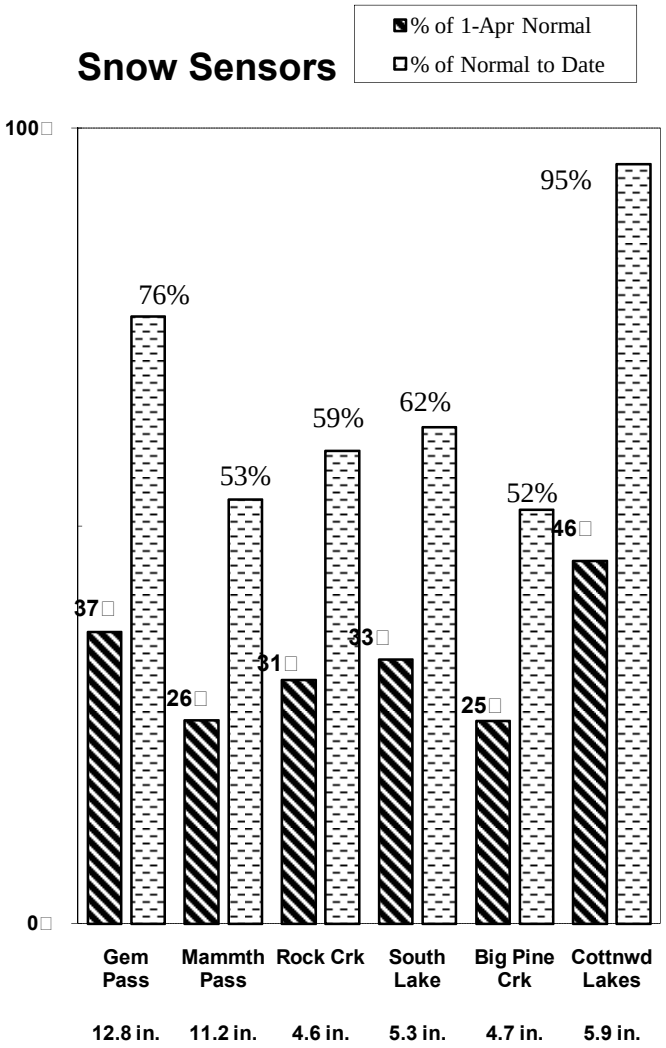
Reservoir	Storage (Acre-Feet)	Percent of Capacity
Diamond Valley Lake	384,236	47%
Lake Mathews	125,442	69%
Lake Skinner	36,154	82%
Total	545,832	53%

EASTERN SIERRA
CURRENT PRECIPITATION CONDITIONS
As of January 12, 2010

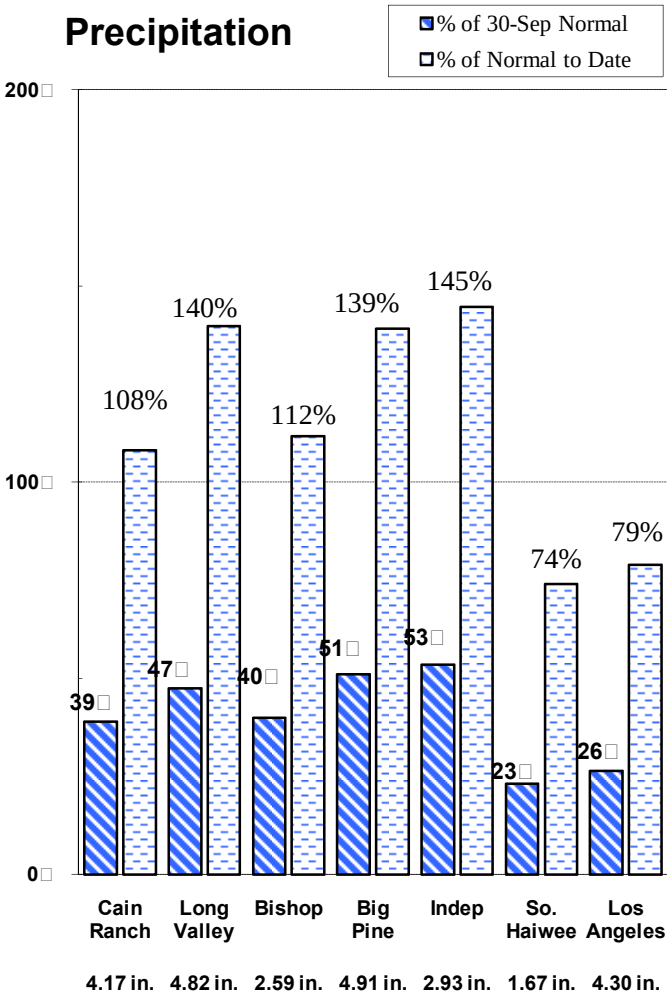
Mammoth Pass Snowpack



Snow Sensors



Precipitation



Station Location and Actual Measurement as Inches Water Content

Precipitation totals are cumulative for water year beginning Oct 1

6.c. - Colorado River Operations

United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
LC-4226
WTR-4.03

DEC 04 2009

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Gerald R. Zimmerman
Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, CA 91203-1035

Subject: Transmittal of the Interim Determination by the Secretary of the Interior of the Quantity of Water Conserved by Reaches 1, 2, and 3 of the All-American Canal Lining Project (AACLP) and the Amount of Water Available for Allocation (Interim Determination)

Dear Mr. Zimmerman:

Enclosed is the Interim Determination which is developed in accordance with Section 204 of Public Law 100-675 and Article 5 of the Allocation Agreement Among the United States of America, The Metropolitan Water District of Southern California, Coachella Valley Water District, Imperial Irrigation District, San Diego County Water Authority, the La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido, and the Vista Irrigation District. This Interim Determination supersedes the Interim Determination for Reaches 2 and 3 of the AACLP issued on February 6, 2009.

If you have questions regarding the Interim Determination, please contact Mr. Paul J. Matuska at 702-293-8164.

Sincerely,

Lorri Gray-Lee
Regional Director

Enclosure

Identical Letters Sent To:

Mr. Steve B. Robbins
General Manager-Chief Engineer
Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236-1058

Ms. Maureen A. Stapleton
General Manager
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Mr. Ed Smith
General Manager
Palo Verde Irrigation District
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Blythe, CA 92225-2714

Mr. Robert S. Pelcyger
Attorney at Law
1335 Marshall Street
Boulder, CO 80302-5803

Mr. Brian J. Brady
General Manager
Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251-0937

Mr. Roger K. Patterson
Assistant General Manager
The Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153
(w/encl to ea)

Interim Determination by the Secretary of the Interior of the Quantity of Water Conserved by the All-American Canal Lining Project and the Amount of Water Available for Allocation

Introduction

Section 204 of Public Law (P.L.) 100-675 provides that the Secretary of the Interior (Secretary) shall determine the quantity of the water conserved as a result of the All-American Canal Lining Project (AACLP). The Secretary has delegated to the Regional Director, Lower Colorado Region, authority to make the Interim Determination.

On October 10, 2003, an Allocation Agreement[1], prepared as part of the Quantification Settlement Agreement in California, was executed by the United States of America, and representatives of the Metropolitan Water District of Southern California, the Coachella Valley Water District, the Imperial Irrigation District (IID), the San Diego County Water Authority (SDCWA), the La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido, and the Vista Irrigation District. Exhibit A, appended to the Allocation Agreement, listed the estimated water yield from lining each of Reaches 1, 2, and 3 of the AACLP. The Secretary signed the Allocation Agreement on behalf of the United States and in effect the Allocation Agreement included the determination that the amount of water from the AACLP available for allocation would be 67,700 acre-feet per year, distributed by reach as shown in Exhibit A of that agreement. Article 5.2 of the Allocation Agreement provides that, at the completion of construction of the lining of each reach of the AACLP, the Secretary will send a notice of reach completion and will include a determination of the amount of water available for allocation as a result of lining that reach.

The Secretary, through the Bureau of Reclamation, hereby makes an Interim Determination of the future annual quantity of water available for allocation from the AACLP, and the 2009 partial-year quantity of water available for allocation. This Interim Determination supersedes the Interim Determination for Reaches 2 and 3 of the AACLP issued on February 6, 2009.

[1] Allocation Agreement Among the United States of America, The Metropolitan Water District of Southern California, Coachella Valley Water District, Imperial Irrigation District, San Diego County Water Authority, the La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido, and Vista Irrigation District, October 10, 2003.

The specific purpose of this Interim Determination is to:

1. confirm the determination that the full-year annual amount of water available for allocation from the AACLP is 67,700 acre-feet per year as set forth in Exhibit A of the Allocation Agreement;

2. confirm the allocation of the full year amount of water among participating entities;

3. make a determination of the amount of water available for allocation in 2009 under conditions of partial completion of the AACLP; and

4. make a determination of the allocation of the water available in 2009 among participating entities.

This Interim Determination is effective upon the date of signature, but is temporary in nature, pending the completion of the construction of the AACLP and transfer of the completed works to an operation and maintenance (O&M) status.

Background

The Parallel Canal Alternative is the preferred alternative in the AACLP Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), published in March 1994, and is the alternative that is selected within the AACLP Record of Decision (ROD) (May 1994). The Geohydrology Appendix was prepared by Reclamation in May 1991 and published in March 1994. A reevaluation of the environmental assessments in the 1994 FEIS/EIR was published by Reclamation in January 2006, which did not alter the decision in the ROD to implement the construction of the Parallel Canal Alternative.

The new concrete lined canal is being constructed parallel to the existing 23 miles of the earthen All-American Canal (AAC), beginning approximately one mile downstream of Pilot Knob and ending at Drop 3 according to the Parallel Canal Alternative. Construction design decisions will result in leaving unlined approximately 350 feet of canal under the first Interstate 8 bridge over the AAC and approximately 2,550 feet immediately downstream of Drop 1.

Discussion

The parallel canals in Reaches 2 and 3 of the AACLP were completed and placed in service in 2008. As of the date of this Interim Determination, Reclamation has not issued Notice of Project Completion for Reaches 2 and 3, and Reaches 2 and 3 have not been transferred from construction status to O&M status. The parallel canal in Reach 1 has been constructed in three segments, which were placed in service in 2009. As of the date of this Interim Determination, all the tie-ins between the existing AAC structures and Interstate 8 highway bridge crossings and the new lined canal have not been completed. Reach 1 contract work has not progressed to the point that a notice of completion may be issued by IID.

Secretarial Determination of the Full-Year Water Conserved by the Works of the AACLP and Available for Allocation

After consultation with the California Contractors[2], and in accordance with Section 204 of P.L. 100-675 and Section 5.3 of the Allocation Agreement, the amount of water available for allocation as a result of the AACLP is determined to be as follows:

1. The amount of water available for allocation from the AACLP is confirmed to be 67,700 acre-feet per year, unless reduced by uncontrollable force or Colorado River shortage conditions, as described in the Allocation Agreement.

2. The amount of water allocated to SDCWA and the San Luis Rey Settlement parties, minus the amount, if any, delivered to IID, shall be as described in the Allocation Agreement.

Future Secretarial Reevaluation of the Water Conserved by the AACLP and Available for Allocation

In accordance with Section 204 of P.L. 100-675, the Secretary shall determine the quantity of water conserved by the works and may revise such determination at reasonable intervals based on such information as the Secretary deems appropriate. Such initial determination and subsequent revision shall be made in consultation with the California Contractors as defined in P.L. 100-675.

Partial-Year Determination of Water Available for Allocation in 2009 from the AACLP

The amount of water available for allocation from the AACLP in 2009 will consist of the following items, which together amount to less than the full-year amount available for allocation from the entire AACLP.

- Full-year amount of water available for allocation from Reach 2
- Full-year amount of water available for allocation from Reach 3
- Partial-year amount of water available for allocation from Reach 1

The amounts of water available in 2009 are determined to be as follows:

1. The 2009 full-year amounts of water available for allocation from Reaches 2 and 3 are 14,700 and 2,150 acre-feet per year, respectively, as cited in Exhibit A to the Allocation Agreement.

[2] California Contractors as defined by P.L. 100-675 includes the Palo Verde Irrigation District, IID, the Coachella Valley Water District, and The Metropolitan Water District of Southern California.

2. During 2009, segments of Reach 1 were placed in service on three dates, which are the effective dates for calculation of the amount of water conserved by segments of Reach 1 that were defined during construction as:

   - Reach 1A: January 9, 2009;
   - Reach 1B, Sections B2 and B3: February 8, 2009; and
   - Reach 1B, Section B1: February 26, 2009.

3. The partial-year amount of water available for allocation in 2009 from Reach 1 is calculated with the formula described in Exhibit A. The amount of water so calculated is 48,727 acre-feet, as shown in Appendix 1 to this Interim Determination.

4. The amount of water available for allocation during 2009 from the AACLP is 65,577 acre-feet (48,727 + 14,700 + 2,150).

5. Pursuant to Article 7 of the Allocation Agreement, the Secretary shall deliver for the benefit of the San Luis Rey Settlement Parties, 17 percent of the water determined to be available for allocation in 2009 because of the AACLP. This amount is calculated to be 11,148 acre-feet of water.

6. From the water determined to be available for allocation in 2009, the Secretary shall deliver 54,429 acre-feet to SDCWA.

Lorri Gray-Lee
Regional Director

12/4/09
Date

References

Bookman-Edmonston in Association with MWH, All-American Canal Lining Project, Drawings for the Construction of the All-American Canal Lining Project, June 2006.

Bureau of Reclamation, All-American Canal Lining Project, Final Environmental Impact Statement/Environmental Impact Report, March 1994.

Bureau of Reclamation, All-American Canal Lining Project, Final Environmental Impact Statement/Environmental Impact Report, Geohydrology Appendix, March 1994.

Bureau of Reclamation, All-American Canal Lining Project, Supplemental Information Report, January 2006.

Appendix 1
All American Canal Lining Project
Reach 1 Partial Year Water Yield Available for Allocation in 2009

Segment of Reach 1	In-Service Date	Cumulative Flow at In-Service Date (ac-ft)	2009 Total Flow Forecast (ac-ft)	Ratio of Remaining 2009 Flow to Total Flow	Percentage of Reach 1 Water Yield in Each Segment of Reach 1	Full Year Water Yield per Allocation Agreement Exhibit A (af/yr)	**Partial Year Water Yield in 2009 (ac-ft)**
Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*	*Column 6*	*Column 7*	*Column 8*
Reach 1A	1/9/2009	36,496	2,935,441	0.9876	58%	29,493	**29,126**
Reach 1B, Section B1	2/26/2009	298,775	2,935,441	0.8982	16%	8,136	**7,308**
Reach 1B, Section B2 & B3	2/8/2009	206,086	2,935,441	0.9298	26%	13,221	**12,293**
				Totals	100%	50,850	**48,727**

Explanation of Columns

1. These are segments of Reach 1 that were defined in the construction program.
2. Date on which the segment of canal became operational.
3. Flow passing Pilot Knob at canal Sta. 1117+00 in 2009 through the day before the In-Service date. The flow data is from the IID 660 Report for January and February 2009.
4. Projected full-year flow forecast at canal Sta. 1117+00 in 2009 for delivery to IID, CVWD, and Salton Sea Project from Reclamation's Forecast Web page (forecast dated October 13, 2009.)
5. The calculation for this ratio is: (Column 4 - Column 3) ÷ Column 4
6. These percentages are based on the relative losses from the three sections of Reach 1.
7. The breakdown of Reach 1 water on Exhibit A of Allocation Agreement, based on percentages in Column 6.
8. The calculation for this ratio is: Column 7 x Column 5

Attribution

These calculations were made according to the procedure described in Exhibit A of the Allocation Agreement. Reclamation's Forecast Web page is accessible at http://www.usbr.gov/lc/region/g4000/hourly/forecast09.pdf, and was accessed on October 14, 2009.

United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
LC-4226
WTR-4.03

DEC 04 2009

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Roger K. Patterson
Assistant General Manager
The Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153

Subject: Approval of The Metropolitan Water District of Southern California (MWD) Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus (ICS) for Calendar Year 2009

Dear Mr. Patterson:

The Bureau of Reclamation has received MWD's ICS plan in a letter dated September 14, 2009. Based upon Reclamation's review of MWD's ICS plan and completion of the Basin States consultation process, Reclamation hereby approves MWD's plan for the creation of up to 100,000 acre-feet of extraordinary conservation ICS for 2009. The factors Reclamation considered in reviewing MWD's ICS plan are discussed below.

The Secretary of the Interior issued a Record of Decision (ROD) on December 13, 2007, for Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead (Interim Guidelines). Among other things, the Interim Guidelines establish criteria for the development and delivery of ICS. Prior to creating ICS, the Interim Guidelines require a contract holder to enter into a Delivery Agreement with the Secretary and a Forbearance Agreement with Arizona, Nevada, and certain California contract holders. On December 13, 2007, MWD entered into the necessary delivery and forbearance agreements.

Also, on December 13, 2007, the Palo Verde Irrigation District, MWD, Coachella Valley Water District, The Imperial Irrigation District, and the City of Needles entered into the California Agreement for the Creation and Delivery of Extraordinary Conservation Intentionally Created Surplus (California ICS Agreement). The California ICS Agreement discusses the amount of ICS that MWD can create in a given year and in total. Although Reclamation is not a party to the California ICS Agreement, Reclamation verified that the ICS plan submitted by MWD does not exceed the limits set forth in the California ICS Agreement.

Reclamation's review of MWD's ICS Plan confirmed that it contains the following information required by Section 3.B.2 of the Interim Guidelines:

a. Project description, including what extraordinary measures will be taken to conserve or import water.
b. Term of activity.
c. Estimate of the amount of water that will be conserved or imported.
d. Proposed methodology for verification of the amount of water conserved or imported.
e. Documentation regarding any state or Federal permits or other regulatory approvals that have already been obtained by the contractor or that need to be obtained prior to creation of ICS.

The Interim Guidelines provide for the submittal of a certification report by MWD to Reclamation, in the year following creation of the ICS, to demonstrate the amount of ICS created and that the method of creation was consistent with the approved ICS plan. Any technical issues associated with the actual creation of the ICS will be addressed during the verification process described in Section 3.D.2 of the Interim Guidelines.

If you have questions, please contact Mr. Paul Matuska at 702-293-8164.

Sincerely,

Lorri Gray-Lee
Regional Director

cc: Mr. Gerald Zimmerman
Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, CA 91203-1035

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Continued on next page.

cc: Continued from previous page.

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Ms. Jennifer Gimbel
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Colorado Water Conservation Board
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Mr. Donald Ostler
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Upper Colorado River Commission
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State of Wyoming
Herschler Building, 4th Floor East
Cheyenne, WY 82002-0001

JURIST
Legal News & Research

Friday, December 11, 2009

California judge tentatively invalidates Colorado River water use agreement

Jaclyn Belczyk at 9:46 AM ET

[JURIST] A California judge on Thursday tentatively **ruled** [opinion, PDF] that a 2003 Colorado River water use agreement is invalid. The agreement settled a dispute over how to divide the Colorado River between California and six other states: Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming. Under the agreement, California would significantly reduce the amount of water diverted from farms to California cities over the course of 75 years. Judge Roland Candee of the **Sacramento County Superior Court** [official website] tentatively found that the agreement was invalid because the state of California agreed to pay to restore the Salton Sea in southeastern California without putting a limit on spending. Candee wrote:

> The focus under the facts of these coordinated proceedings is on whether "the Contracts, and each and every portion of such Contracts, are valid, legal and binding and are ... in conformity with all applicable provisions of law ..." The question is, accordingly, whether the State obligation ... withstands judicial scrutiny under a contract validation action standard. ... The answer again must be "no". To hold otherwise would point out, for all to see, a way to contract around the constitutional debt prohibition and the constitutional requirement for an appropriation before expenditure found in our Constitution.

Candee will hold a hearing next week to decide whether to make the ruling final.

Under the agreement, Imperial Valley, the state's largest consumer of Colorado River water, would have to sell up to 90 billion gallons a year to San Diego. The **Imperial Irrigation District** [website] had asked Candee to approve the agreement in order to avoid future legal challenges. Opponents, including many Imperial Valley landowners, argued that the state's commitment to pay to restore the Salton Sea could have cost the state as much as $60 million.

The Mercury News
MercuryNews.com

Judge tentatively invalidates West water pact

By ELLIOT SPAGAT Associated Press Writer

Posted: 12/10/2009 11:08:18 PM PST

Updated: 12/10/2009 11:09:13 PM PST

SAN DIEGO—A California judge on Thursday tentatively invalidated a landmark pact to curtail the state's overuse of water and allow other Western states to claim their fair share.

The 2003 agreement ended of years of bickering over how to divide the Colorado River between California and six western states: Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

More than 30 million acre-feet of water—enough to cover the state of Pennsylvania a foot deep—would move from farms to cities in Southern California over the 75-year life of the deal.

Superior Court Judge Roland Candee ruled in Sacramento that the state improperly agreed to pick up much of the cost of saving the shrinking Salton Sea in the southeastern California desert. Restoring the state's largest lake was a crucial piece of the agreement.

The state put no limit on costs, "even if they ultimately amounted to millions or billions of dollars," violating a constitutional limit on assuming debts, Candee wrote.

"The Court has no ability to sanction a way to contract around the Constitution," he wrote.

The judge will hear arguments next Thursday to decide whether to make the ruling final.

Cities like San Diego and Los Angeles were taking billions of extra gallons of Colorado River water over the years, angering other Western states. The pact outlined a plan for California to wean itself.

Much of the water affected by the deal goes to San Diego. It calls for Imperial Valley, California's biggest user of Colorado River water, to sell as much as 90 billion gallons each year to San Diego—roughly a third of the city's future water needs.

Kevin Kelley, spokesman for the Imperial Irrigation District, said the ruling "might have the makings of a perfect storm" if it is upheld.

The San Diego County Water Authority board will consider its next steps at a board meeting next week, said Dennis Cushman, assistant general manager.

"The water is flowing and will continue to flow indefinitely until the legal issues are sorted out," he s aid. "There's no panic button to press right now."

Imperial asked the judge to bless the agreement, a tactic to blunt legal challenges from landowners and other opponents.

Critics challenged the state's commitment to pay for restoring the Salton Sea, which is fed by Colorado River irrigation channels. Four Southern California water agencies had agreed to cap their costs at $133 million. The state would pick up the rest.

One estimate in court documents pegged the total cost at $193 million, which would leave the state on

The Mercury News
MercuryNews.com

the hook for $60 million.

Malissa McKeith, an attorney representing Imperial Valley landowners, called the ruling a "fatal blow" to the deal.

A spokesman for California Attorney General Jerry Brown, Evan Westrup, did not immediately respond to a request for comment Thursday night.

6.d. - Basin States Discussions

CONTRIBUTED FUNDS ACT AGREEMENT
No. 10-XX-30-W0548

AMONG
Arizona Department of Water Resources
AND
(California) Six Agency Committee
AND
Colorado Water Conservation Board
AND
New Mexico Interstate Stream Commission
AND
Southern Nevada Water Authority
AND
Utah Division of Water Resources
AND
Wyoming State Engineer's Office
AND
Bureau of Reclamation, Department of the Interior

for the
Colorado River Basin Water Supply and Demand Study

Preamble

THIS CONTRIBUTED FUNDS ACT AGREEMENT (Agreement) for the Colorado River Basin Water Supply and Demand Study (Study) is entered into this _____ day of _____, 2010, by the STATE OF ARIZONA, acting through the ARIZONA DEPARTMENT OF WATER RESOURCES, the (CALIFORNIA) SIX AGENCY COMMITTEE, the COLORADO WATER CONSERVATION BOARD, the SOUTHERN NEVADA WATER AUTHORITY, the NEW MEXICO INTERSTATE STREAM COMMISSION, the UTAH DIVISION OF WATER RESOURCES, the WYOMING STATE ENGINEER'S OFFICE, and the UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, hereinafter referred to as "Reclamation".

Explanatory Recitals

WHEREAS, the Secretary of the Interior, through Reclamation, is authorized to make examinations and surveys for the development of waters under 43 U.S.C. §§ 411 and 1511, and Reclamation has received appropriations to perform such a study for the Colorado River Basin (Basin), called the Colorado River Basin Water Supply and Demand Study (Study); and

WHEREAS, the Secretary, through the Bureau of Reclamation, has the ability to receive money contributions through the Sundry Civil Expenses Appropriations Act, March 4, 1921, 43 U.S.C. §395 (Contributed Funds Act); and

WHEREAS, the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming (Basin States) desire to contribute funds to the Bureau of Reclamation for the performance of the Study, and also wish to perform concurrent studies, which can be used in the furtherance of the Study.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties agree as follows:

ARTICLES

I. Purpose of the Agreement

The Parties agree to work collaboratively to perform the Study. This Agreement establishes the terms for funding the Study and the terms that will guide the performance of the Study.

II. Definitions

A. Reclamation means the United States Department of the Interior, Bureau of Reclamation.

B. UC Region means the Upper Colorado Region of the Bureau of Reclamation.

C. LC Region means the Lower Colorado Region of the Bureau of Reclamation.

D. Non-Federal Cost Share Partners mean the Arizona Department of Water Resources, the (California) Six Agency Committee, Colorado Water Conservation Board, the New Mexico Interstate Stream Commission, the Southern Nevada Water Authority, the Utah Division of Water Resources, and the Wyoming State Engineer's Office.

E. Parties means Reclamation and each Non-Federal Cost Share Partner referred to collectively.

F. Party means either Reclamation or an individual Non-Federal Cost Share Partner.

G. Stakeholder means any entity that is not Reclamation or a Non-Federal Cost Share Partner that may provide input, data, comments, or participate in the public involvement process related to the Study. Reclamation and Non-Federal Cost Share Partners may invite Stakeholders to Study-related meetings where their input and expertise is desired.

H. Confidential Information means trade secrets or commercial or financial information that is privileged or confidential under the meaning of 5 U.S.C. §552(b)(4). However, this Agreement and the documents that are shared pursuant to this Agreement must comply with relevant Freedom of Information Act (FOIA) and State open records act laws.

I. Term of Agreement means that period set forth under Section X, Article A, Term.

J. Subject Invention means any invention or discovery, which is or may be patentable under Title 35 of the United States Code, conceived or first actually reduced to practice in the performance of work under this Agreement.

III. Purpose of the Study

The purpose of the Study is to conduct a comprehensive study to define current and future imbalances in water supply and demand in the Basin and the adjacent areas of the Basin States that receive Colorado River water for approximately the next 50 years, and to develop and analyze adaptation and mitigation strategies to resolve those imbalances.

The Non-Federal Cost Share Partners acknowledge that Reclamation may utilize this Study to meet portions of the Secure Water Act (42 U.S.C. § 10363).

IV. Study Approach, Expected Outcomes and Deliverables

A. The Study will be technically oriented, incorporating information from the latest science, engineering technology, climate models, and innovations. The level of analysis of the strategies and options will be similar to an appraisal-level study. The Study will take a collaborative approach and foster Stakeholder participation and input throughout the Study.

B. Management of the Study will be accomplished through the designation of Co-Study Managers, a Steering Team, a Project Team, and various Sub-Teams.

1. One Co-Study Manager will be designated from Reclamation and one Co-Study Manager will be designated from the Non-Federal Cost Share Partners. The Co-Study Managers will sit on and lead the Steering Team.

2. The Steering Team will steer and guide the efforts of the Project Team such that the objectives of the Study are met in an effective, efficient manner, and within the Study's financial and time constraints. The Steering Team will be comprised of one member from the UC Region, one member from the LC Region, one member from each Basin State, and one member from the Upper Colorado River Commission, for a total of 10 members.

3. The Project Team will ensure that the tasks that relate to the Study are completed in a cost-effective, timely manner and are technically sound. Members of the Project Team provide the expertise, experience, and knowledge that relate to the Study's scope and objectives. Members include staff from the UC and LC Regions, staff from the non-Federal Cost-Share Partners, and staff from other entities who may be contracted

to provide specific information, knowledge, and support. The Co-Study Managers will lead the Project Team.

4. Various Sub-Teams will be formed as needed to perform specific tasks. Sub-Team members provide specific expertise required to perform those tasks. Members are comprised of Project Team members, additional staff from the UC and LC Regions and the non-Federal Cost-Share Partners, and staff from contracted entities. Membership may also include representatives from other groups with a particular expertise sought by the Sub-Team.

C. The primary products of the Study will be interim written reports to be integrated into a final report that will include the following elements:

1. Assessment of quantity and location of existing and future water supplies and demands throughout the Basin, including the potential effects of climate variability and climate change;

2. Analysis of supply and demand relationships and quantification of imbalances in specific locations throughout the Basin;

3. Development and evaluation of options for balancing supply and demand;

4. Findings and recommendations;

5. Description of methods and research processes, including assumptions, models and data used in the Study; and

6. Description of Stakeholder involvement.

Other expected outcomes of the Study include the identification of collaborative strategies through the Study's Public Involvement Plan, included as a part of the Plan of Study. In addition, the Study is expected to enhance communication and improve the understanding of water management issues among the Parties and the Stakeholders.

V. Plan of Study

The Plan of Study is attached hereto and incorporated herein as Exhibit A. All Parties acknowledge that as the Study progresses, additional detailed tasks and sub-tasks will be determined by the Project Team and approved by the Steering Team. If the Steering Team determines that substantial changes or modifications to the Plan of Study are necessary, the Parties may amend Exhibit A by mutual written agreement.

VI. Study Cost and Funding

A. The total cost of this Study is estimated to be $2,000,000, to be cost-shared equally between Reclamation and the Non-Federal Cost Share Partners ($1,000,000 from Reclamation, $1,000,000 from the Non-Federal Cost Share Partners). The Non-Federal Cost Share Partners agree to split their cost-share obligation of $1,000,000 equally. Each Non-Federal Cost Share Partner will contribute $1/7^{th}$ of $1,000,000, a contribution of $142,860, to be provided as cash or a combination of cash and in-kind services.

B. No later than July 31, 2010, each Non-Federal Cost Share Partner shall contribute $75,000 in cash. In addition, by the expiration date of this Agreement, each Non-Federal Cost Share Partner will contribute the balance of their financial obligation ($67,860) as cash or in-kind services by performing concurrent studies which shall provide information and data integral to the Study. All cash funds contributed will be electronically transferred to Reclamation and deposited within an account to be provided by Reclamation.

C. In the event a Non-Federal Cost Share Partner is unable to participate due to lack of funding, that Non-Federal Cost Share Partner shall immediately withdraw from this Agreement in accordance with Section X, Article C. In the event of a notice of withdrawal, the remaining Non-Federal Cost Share Partners may meet and agree to alter the cash and/or in-kind services portions of their contributions to cover any lack of funding created by the withdrawal of a Non-Federal Cost Share Partner. If such an agreement is made, the remaining Non-Federal Cost Share Partners shall provide a written copy of their agreement to Reclamation within sixty (60) days. If an agreement is not reached within sixty (60) days, Reclamation and the remaining Non-Federal Cost Share Partners shall meet and discuss other options that allow the Study to move forward including adjusting the Study to allow for concurrent studies to obtain the information that was to be provided by the withdrawing Non-Federal Cost Share Partner.

D. In the event that any funds advanced to Reclamation by the Non-Federal Cost Share Partners are not required to complete the work under the Study, such excess funds shall be returned by Reclamation to the Partners without interest, upon completion of the work defined by the Study; provided, however, that in the event the Parties agree on additional work consistent with the direction of this Agreement, such excess funds may be retained by Reclamation.

VII. Authorities

A. Nothing in this Agreement alters the statutory authorities or any other authorities of the Non-Federal Cost Share Partners or Reclamation. This Agreement is intended to facilitate cooperative efforts for mutual provision of services and support and technical assistance by both Parties in the conduct of meeting the objectives and scope of the Study. This Agreement does not

supersede or void existing agreements between the Non-Federal Cost Share Partner(s) and Reclamation.

B. Reclamation's authority to enter into this Agreement:

1. Reclamation Act of June 17, 1902 (ch. 1093, 32 Stat. 388; 43 U.S.C. §372, et seq.) and acts amendatory thereof and supplementary thereto.

2. The Sundry Civil Expenses Appropriations Act, March 4, 1921, 43 U.S.C. §395 (Contributed Funds Act).

3. The Colorado River Basin Project Act, section 201 (82 Stat. 885; 43 U.S.C. § 1511).

C. Non-Federal Cost Share Partners' authority to enter into this Agreement:

1. The Arizona Department of Water Resources, through its Director, is authorized and directed, subject to the limitations in A.R.S. § 45-106, for and on behalf of the State of Arizona, to consult, advise and cooperate with the Secretary of the Interior of the United States ("Secretary") with respect to the exercise by the Secretary of congressionally authorized authority relative to the waters of the Colorado River (including, but not limited to, the Boulder Canyon Project Act of 1928, 43 U.S.C. § 617, and the Colorado River Basin Project Act of 1968, 43 U.S.C. § 1501). Additionally, under A.R.S. § 45-105(A)(8), the Director is authorized to "[e]nter into an interagency contract or agreement with any public agency pursuant to title 11, chapter 7, article 3 and contract, act jointly or cooperate with any person to carry out the provisions and purposes of" A.R.S. Title 45. Pursuant to A.R.S. § 45-105(A)(3) and (A)(10), the Director may "[c]ollect and investigate information upon and prepare and devise means and plans for the development, conservation and utilization of all waterways, watersheds, surface water, groundwater and groundwater basins in this state and of all related matters and subjects," and "cooperate with agencies of the United States or of any state or government."

2. (California) Six Agency Committee: The Colorado River Board ("CRB") of California was created in 1937 by the California Legislature in recognition of the vital nature of the Colorado River water and power resources to the general well being of the state, its agencies, and its citizens. As California Water Code Section 12550 permits monies to be contributed in support of the state's funding of the Colorado River Board, the Six Agency Committee was created in 1950 to provide such support. The Six Agency Committee is a Joint Powers Authority composed of six Southern California public agencies with Colorado River water and power interests: Coachella Valley Water District. Imperial Irrigation District, Los Angeles Department of Water and Power, Palo Verde Irrigation District, San Diego County Water Authority and the Metropolitan Water District of Southern California. The Six Agency Committee administers

funds contributed by the represented agencies, which currently accounts for 100 percent of the CRB's budget. The purpose of the Committee is to administer funds contributed by the represented agencies for purposes that will protect and advance their rights and interests in the Colorado River System.

3. The Colorado Water Conservation Board is a division of the State of Colorado, Department of Natural Resources, created for the purpose of aiding in the protection and development of the waters of the State of Colorado. The Colorado Water Conservation Board is authorized to enter this Agreement pursuant to Section 37-60-106 C.R.S. (2009).

4. The New Mexico Interstate Stream Commission is a statutory agency of the State of New Mexico with broad powers to investigate, protect, conserve and develop the state's waters, including both interstate and intrastate stream systems. The New Mexico Interstate Stream Commission is authorized to enter into this Agreement pursuant to Section 72-14-3 NMSA 1978.

5. The Southern Nevada Water Authority is a Nevada joint powers agency and political subdivision of the State of Nevada, created by agreement dated July 25, 1991, as amended November 17, 1994, and January 1, 1996. The Southern Nevada Water Authority is authorized to contract with public entities for the provision of services pursuant to ¶ 6(h) of the Cooperative Agreement that formed SNWA, and the Intergovernmental Cooperation Act of 1968 (31 U.S.C. §6505) authorizes federal agencies to provide specialized services to state or local governments and to receive reimbursement.

6. The Division of Water Resources (DWR) is the water resource authority for the State of Utah. Utah Code Ann. § 73-10-18. The Utah Department of Natural Resources Executive Director (Department), with the concurrence of the Utah Board of Water Resources (Board), appoints the DWR Director (Director). § 63-34-6 (1). The Board makes DWR policy. § 73-10-1.5. The Board develops, conserves, protects, and controls Utah waters, § 73-10-4(4), (5), and in cooperation with the Department and Governor, supervises administration of interstate compacts, § 73-10-4, such as the Colorado River Compact, §§ 73-12a-1 through 3, and the Upper Colorado River Basin Compact, § 73-13-10. The Board, with Department and Gubernatorial approval, appoints a Utah Interstate Stream Commissioner, § 73-10-3, currently the DWR Director, to represent Utah in interstate conferences to administer interstate compacts. §§ 73-10-3 and 73-10-4. These delegations of authority authorize the Utah Interstate Stream Commissioner/DWR Director to sign this document.

7. Water in Wyoming belongs to the state. Wyoming Constitution Article 8 Section 1. The Wyoming State Engineer is a constitutionally created

office and is Wyoming's chief water official with general supervisory authority over the waters of the State. Wyoming Constitution, Article 8, Section 5. The Wyoming legislature conferred upon Wyoming officers the authority to cooperate with and assist like authorities and entities of other states in the performance of any lawful power, duty or authority. Wyo. Stat. Ann. Section 16-1-101 (2005). Wyoming and its State Engineer represent the rights and interests of all Wyoming appropriators with respect to other states. Wyoming v. Colorado, 286 U.S. 494 (1922). See Hinderlider v. La Plata River & Cherry Creek Ditch Co., 304 U.S. 92 (1938). In signing this Agreement, the State Engineer intends that this Agreement be mutually and equally binding between the Parties.

VIII. Anti-Deficiency Act

The expenditure or contribution of any funds for the performance of any obligation of any Party under this Agreement shall be contingent upon appropriation or allotment of funds for the payment of such obligation. No liability shall accrue to any Party in case funds are not appropriated or allotted. No provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. §1341.

IX. Reports and Confidentiality

A. Freedom of Information Act (FOIA) Disclosures: The Parties understand and agree that all communications, including this Agreement, may be disclosed to the public in accordance with the FOIA, unless protected under any FOIA exemptions. Similarly, there are State open records act requirements that the Parties understand may require disclosure to the public in accordance with those State laws, unless protected under those State laws.

B. Final Reports: The results of this Agreement and the science, engineering, and technology data that are collected, compiled, and evaluated under this Agreement shall be shared and mutually interchanged by Non-Federal Cost Share Partners and Reclamation. A final report summarizing all data and findings shall be prepared by Reclamation and the Non-Federal Cost Share Partners. Reclamation and the Non-Federal Cost Share Partners shall have 60 days to review the manuscript prior to submission for publication. The report shall acknowledge this Agreement and the contribution of each Party's personnel and any Stakeholders contributions that are requested by Reclamation and/or the Non-Federal Cost Share Partners. The final content of the Report will be determined by Reclamation and the Non-Federal Cost Share Partners.

C. Confidentiality:

1. Any Confidential Information used in this Agreement shall be clearly marked confidential or proprietary by the submitter and shall not be disclosed by the recipient without permission of the submitter. To the extent any Party orally submits its Confidential Information to another

Party, the submitting Party will prepare a document marked "CONFIDENTIAL" embodying or identifying in reasonable detail such orally submitted Confidential Information and provide the document to the other Party within thirty (30) days of disclosure.

2. No Party shall be bound by confidentiality if the Confidential Information received from another Party:
   a. Already is available to the public or known to the recipient;
   b. Becomes available to the public through no fault of the recipient; or
   c. Is non-confidentially received from another Party legally entitled to it.

3. It shall not be a breach of this Agreement if the recipient is required to disclose the Confidential Information by a valid order of a court or other government body, or as otherwise required by law, or as necessary to establish the rights of any Party under this Agreement; PROVIDED THAT the recipient shall provide prompt prior notice thereof to the submitting Party to enable the submitting Party to seek a protective order or otherwise prevent such disclosure, and PROVIDED FURTHER THAT the Confidential Information otherwise shall continue to be confidential.

X. Term and Termination

A. Term: This Agreement shall take effect upon the approval of the Parties and, unless earlier terminated by the Parties, will expire on January 31, 2012, unless amended.

B. Amendment: If any Party desires to modify this Agreement, all Parties shall confer in good faith to determine the desirability of such modification. Such modification shall not be effective until a written amendment is signed by all Parties.

C. Withdrawal: Individual Non-Federal Cost Share Partners may withdraw from this Agreement at any time, with or without cause, and without incurring liability or obligation to the other Parties by providing notice to Reclamation and the remaining Non-Federal Cost Share Partner(s) at least ninety (90) calendar days prior to withdrawing from this Agreement. The withdrawing Non-Federal Cost Share Partner shall forfeit any funds obligated by it prior to the date on which the notice of withdrawal occurs.

XI. Key Personnel

A. Each Party shall designate key personnel for receipt of notices and other purposes under this Agreement ("Key Personnel"). The Key Personnel for each Party are listed in Exhibit B, which is attached hereto and incorporated herein.

B. Should a Party designate new Key Personnel during the term of this Agreement, the Party shall provide the other Parties with notice of the name of

its new designated Key Personnel in accordance with Section XII.

C. The Key Personnel are not authorized to change or interpret with authority the terms and conditions of this Agreement.

XII. Notices

Notices, requests, demands, or other communications between the Parties under this Agreement, including copies of any correspondence among the scientific and/or technical representatives of each Party that interpret or may have a bearing on the legal effect of this Agreement's terms and conditions, shall be sent to the Key Personnel listed in Exhibit B. Notice will be sufficiently given for all purposes as follows:

A. Personal Delivery: When delivered to the recipient, notice is effective upon delivery.

B. United States Mail: When mailed, postage prepaid, by first class mail, notice is effective three business days after the date the notice is mailed by the sender. When mailed, postage prepaid, by certified mail, return receipt requested, notice is effective on receipt, if a return receipt confirms delivery.

C. Overnight Delivery: When delivered by an overnight delivery service such as Federal Express, charges prepaid or charged to the sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

XIII. General Provisions

A. Limitations: This Agreement sets out the Parties' intentions and objectives and does not direct or apply to any person besides the Non-Federal Cost Share Partners and Reclamation. This Agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by anyone against the United States, its agencies, its officers, or any person.

B. Subcontracting Approval: A Party hereto desiring to obtain and use the services of a third party via contract or otherwise shall give prior notice to the other Parties, including details of the contract or other arrangement. This requirement is to assure that confidentiality is not breached and rights in Subject Inventions are not compromised.

C. Assignment: No Party has the right to assign this Agreement or any of its responsibilities hereunder.

D. Endorsement: This Agreement and/or the results of the Study funded under this Agreement are not to be construed as an endorsement of the results of the Study by the Federal government or any non-Federal Cost Share partner, except as may be explicitly stated by an authorized representative of the Federal government or by an authorized representative of a specific Non-

Federal Cost Share Partner.

E. Disputes: Any dispute arising under this Agreement, which cannot be readily resolved, shall be submitted jointly to the Key Personnel, identified in Exhibit B, Key Personnel. Each Party agrees to seek in good faith to resolve the issue through negotiation or other forms of nonbinding dispute resolution processes mutually acceptable to the Parties. Pending the resolution of any dispute or claim, each Party agrees that performance of all obligations shall be pursued diligently.

F. Force Majeure: No Party shall be liable for any unforeseeable event beyond its reasonable control not caused by the fault or negligence of such Party:
   1. Which causes the Party to be unable to perform its obligations under this Agreement; and
   2. Which it has been unable to overcome by the exercise of due diligence.
   3. This includes, but is not limited to, flood, drought, earthquake, storm, fire, pestilence, lightning and other natural catastrophes, epidemic, war, riot, civil disturbance or disobedience, strikes, labor dispute, failure or sabotage of any Party's facilities or any order or injunction made by a court or public agency.

G. Governing Law: The construction, validity, performance, and effect of this entire Agreement shall be governed by the laws applicable to the Government of the United States of America in accordance with applicable Federal Law as interpreted by Federal Courts.

H. Waiver: The failure of any Party to enforce any term hereof shall not be deemed a waiver of any rights contained herein.

I. Severability: In the event any provision of this Agreement is determined to be invalid or unenforceable under any controlling law, the invalidity or unenforceability of that provision shall not in any way affect the validity or enforceability of the remaining provisions of this Agreement.

J. Entire Agreement: The terms and conditions contained in this Agreement constitute the entire Agreement and understanding by and among the Parties and shall supersede all other communications, negotiations, arrangements and agreements either oral or written, with respect to the subject matter herein.

K. Notwithstanding Subsection XIII.J., above, individual Non-Federal Cost Share Partners may enter into separate agreements with Reclamation as may be necessary under applicable State law to implement the terms and conditions of this Agreement requiring contribution of funds. [1] Such agreements between Non-Federal Cost Share Partners and Reclamation shall

[1] The State of Colorado will enter into an agreement with Reclamation that will be consistent with Colorado fiscal rules and applicable statutes.

not be inconsistent with the terms and conditions of this Agreement.

L. Counterparts: This Agreement may be executed in duplicate and each original shall be equally effective.

M. Sovereign Immunity: The Parties do not waive their sovereign immunity by entering into this Agreement, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.

N. Prior Approval: This Agreement shall not be binding upon the Wyoming State Engineer's Office unless it has been reduced to writing before performance begins and unless it is approved as to form by the Wyoming Attorney General or his representative.

O. Third Party Beneficiary Rights: The Parties do not intend to create in any other individual or entity the status of third party beneficiary. The rights, duties, and obligations contained in this Agreement shall operate only among the Parties and shall inure solely to the benefit of the Parties to this Agreement.

P. All contractors shall strictly comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

Q. The State of Arizona may terminate this Agreement upon finding that a State employee that was significantly involved in the creation of this Agreement is, at the time the Agreement is in effect but no later than three years after its termination, an employee or consultant to any other Party in the Agreement.

R. Drafting Considerations: Each Party has participated fully in the drafting, review and revision of this Agreement, each of whom is sophisticated in the matters to which this Agreement pertains, and no Party shall be considered to be the sole drafter of this Agreement.

S. Officials Not To Benefit: No Member of or Delegate to the Congress, or Resident Commissioner, shall benefit from this Agreement other than as a water user or landowner in the same manner as other water users or landowners.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first written above.

Approved as to form:

THE STATE OF ARIZONA acting through the ARIZONA DEPARTMENT OF WATER RESOURCES

By: _____
Nicole Klobas
Deputy Counsel

By: _____
Herbert R. Guenther
Director

Approved as to form:

By: _____
Gerald R. Zimmerman
Executive Director
Colorado River Board of California

(CALIFORNIA) SIX AGENCY COMMITTEE

By: _____
Dana B. Fisher, Jr.
Chairman

Approved as to form:

By: _____
Maggie Van Cleef
Acting Purchasing Director
Colorado Department of Natural Resources

COLORADO WATER
CONSERVATION BOARD

By: _____
Jennifer L. Gimbel
Director

Approved as to form:

By: _____
John J. Entsminger
Deputy General Counsel

SOUTHERN NEVADA
WATER AUTHORITY

By: _____
Patricia Mulroy
General Manager

Approved as to form:

NEW MEXICO
INTERSTATE STREAM
COMMISSION

By: _____
Amy Haas
General Counsel

By: _____
Estevan R. Lopez
Director

Approved as to form:

By: _____
Robert V. King
Chief, Interstate Streams

UTAH DIVISION OF
WATER RESOURCES

By: _____
Dennis J. Strong
Director

Approved as to form:

By: _____
S. Jane Caton
Senior Assistant Attorney General
Wyoming Attorney General's Office

WYOMING STATE
ENGINEER'S OFFICE

By: _____
Patrick T. Tyrell
Wyoming State Engineer

Approved as to form:

By: _____
John Doney
Attorney Advisor
Office of the Solicitor

BUREAU OF RECLAMATION

By: _____
Lorri Gray-Lee
Regional Director
Lower Colorado Region

Exhibit B. Key Personnel

Non-Federal Cost Share Partners' Key Personnel

Organization	Primary Contact	Contact Information
Arizona Department of Water Resources	Perri Benemelis	Colorado River Management 3550 North Central Avenue Phoenix, AZ 85012 (602) 771-8408 pfbenemelis@azwater.gov
(California) Six Agency Committee	Jerry Zimmerman	Secretary c/o 770 Fairmont Avenue, Suite 100 Glendale, CA 91203 (818) 500-1625 x308 grzimmerman@crb.ca.gov
Colorado Water Conservation Board	Ted Kowalski	Program Manager 1313 Sherman Street, Room 721 Denver, CO 80203 (303) 866-3441 ext. 3220 ted.kowalski@state.co.us
Southern Nevada Water Authority	William Rinne	Director of Surface Water Resources 100 City Parkway, Suite 700 Las Vegas, NV 89193-9956 (702) 691-5255 Bill.rinne@snwa.com
New Mexico Interstate Stream Commission	John Whipple	Colorado River Program Manager PO Box 25102 Santa Fe, NM 87504-5102 (505) 827-6172 john.whipple@state.nm.us
Utah Division of Water Resources	Robert King	Chief, Interstate Streams 1594 West, North Temple Street Salt Lake City, UT 84114-6201 (801) 538-7259 robertking@utah.gov
Wyoming State Engineer's Office	John Shields	Interstate Streams Engineer Herschler Building, 4th East Cheyenne, WY 82002-0370 (307) 777-6151 jshiel@seo.wyo.gov

Reclamation's Key Personnel

Region	Primary Contact	Contact Information
Lower Colorado Region	Terry Fulp	Deputy Regional Director P.O. Box 61470 Boulder City, NV 89006 (702) 293-8411 tfulp@usbr.gov
Lower Colorado Region	Amber Z. Cunningham	Project Manager P.O. Box 61470 Boulder City, NV 89006 (702) 293-8472 azcunningham@usbr.gov
Upper Colorado Region	David Trueman	Manager, Resources Management Division 125 S. State Street, Room 6107 Salt Lake City, UT 84138 (801) 524-3759 dtrueman@usbr.gov
Upper Colorado Region	Deborah L. Lawler	Chief, Program Management Group 125 South State Street, UC410 Salt Lake City, UT 84138 (801) 524-3685 dlawler@usbr.gov

Colorado River Basin Water Supply and Demand Study
Plan of Study

1 Introduction

The Bureau of Reclamation's Upper Colorado and Lower Colorado Regions (UC and LC Regions), in collaboration with representatives of the seven Colorado River Basin States (Basin States), submitted a proposal in June 2009 to fund the "Colorado River Basin Water Supply and Demand Study" (Study) under the Basin Study Program (Program). In September 2009, the Study was selected for funding under the Program. The estimated total cost of the Study is $2 million, with an equal cost-share of 50 percent by Reclamation and 50 percent by agencies in the Basin States (the non-Federal Cost-Share Partners). The Study will be conducted over a period of two years, beginning in January 2010.

This Plan of Study contains: the Study's purpose and objectives; a description of the Study management structure; a description of the major phases of the Study and a breakdown of the major tasks in each phase; the June 2009 proposal (Attachment 1); and a plan for public involvement throughout the Study (Attachment 2).

2 Study Purpose & Objectives

The purpose of the Study is to conduct a comprehensive study to define current and future imbalances in water supply and demand in the Colorado River Basin (Basin) and the adjacent areas of the Basin States that receive Colorado River water for approximately the next 50 years, and to develop and analyze adaptation and mitigation strategies to resolve those imbalances.

The Study will characterize current and future water supply and demand imbalances in the Basin and assess the risks to Basin resources. Resources include water allocations and deliveries consistent with the apportionments under the Law of the River[1]; hydroelectric power generation; recreation; fish, wildlife, and their habitats (including candidate, threatened, and endangered species); water quality including salinity; flow and water dependent ecological systems; and flood control. Specific objectives of the Study include:

- Characterization of the current water supply and demand imbalances in the Basin including the assessment of the risks to Basin resources from historical climate variability.
- Characterization of future water supply and demand imbalances under varying water supply and demand conditions in the Basin including the assessment of the risks to Basin resources from possible future impacts of climate change.

[1] The treaties, compacts, decrees, statutes, regulations, contracts and other legal documents and agreements applicable to the allocation, appropriation, development, exportation and management of the waters of the Colorado River Basin are often referred to as the Law of the River. There is no single, universally agreed upon definition of the Law of the River, but it is useful as a shorthand reference to describe this longstanding and complex body of legal agreements governing the Colorado River.

- Identification of potential strategies and options to resolve Basin-wide water supply and demand imbalances including:
    - Modifications to the operating guidelines or procedures of water supply systems;
    - Modifications to existing facilities and development of new facilities;
    - Modifications to existing water conservation and management programs and development of new programs;
    - Modifications to existing water supply enhancement programs and development of new programs; and
    - Other structural and non-structural solutions.
- Identification of potential legal and regulatory constraints and analysis of potential impacts to water users and Basin resources for the strategies and options considered.
- Prioritization of identified strategies and options and the recommendation for potential future actions, including feasibility studies, Congressional authorization, environmental compliance activities, demonstration programs, and/or implementation as appropriate.

3 Study Management

Management of the Study by the UC and LC Regions and the non-Federal Cost-Share Partners will be accomplished as described in the following sections.

3.1 Steering Team

The Steering Team will steer and guide the efforts of the Project Team such that the objectives of the Study are met in an effective, efficient manner, and within the Study's financial and time constraints. The Steering Team is comprised of one member from the UC Region, one member from the LC Region, one member from each Basin State, and one member from the Upper Colorado River Commission, for a total of 10 members. Co-Study Managers, including a Reclamation member and member from the non-Federal Cost-Share Partners, lead the Steering Team.

3.2 Project Team

The Project Team will ensure that the tasks that relate to the Study are completed in a cost-effective, timely manner and are technically sound. Members of the Project Team provide the expertise, experience and knowledge that relate to the Study's scope and objectives. Members include staff from the UC and LC Regions, staff from the non-Federal Cost-Share Partners, and staff from other entities who may be contracted to provide specific information, knowledge, and support. The Co-Study Managers will lead the Project Team.

3.3 Sub-Teams

Various Sub-Teams will be formed to perform specific tasks. Sub-Team members provide a specific expertise required to perform those tasks. Members are comprised of Project Team members, additional staff from the UC and LC Regions and the non-Federal Cost-Share Partners, and staff from contracted entities. Membership may also include representatives from other groups with a particular expertise sought by the Sub-Team, e.g. Salinity Control Forum Work Group.

3.4 Reclamation Management Structure

To facilitate Reclamation's oversight responsibilities and internal coordination, the proposed Study management structure includes a Reclamation Oversight Team (Oversight Team) and a Reclamation Study Team (Study Team). The Oversight Team provides oversight for the Study and will guide the efforts of the Study Team to ensure that the objectives of the Study are met within the financial and time constraints. Members of the Oversight Team are the Regional Directors of the UC and LC Regions and a senior member of the Office of Policy and Administration in Denver. Members of the Study Team include key staff from the UC and LC Regions.

4 Study Schedule, Phases, & Products

The Study will be technically oriented, incorporating information from the latest science, engineering technology, climate models, and innovations. The level of analysis of the strategies and options will be similar to appraisal-level to assist in: justifying and preparing feasibility studies, Congressional authorization, environmental compliance activities, demonstration programs, and/or implementation as appropriate.

4.1 Schedule

The Study will be conducted over a period of two years, beginning in January 2010. The Study will consist of four major phases: Water Supply Assessment, Water Demand Assessment, System Reliability Analysis, and Development and Evaluation of Opportunities for Balancing Supply and Demand. The timeline for these phases is provided in Figure 1. Major Study milestones are listed in Table 1.

Figure 1. Study Timeline

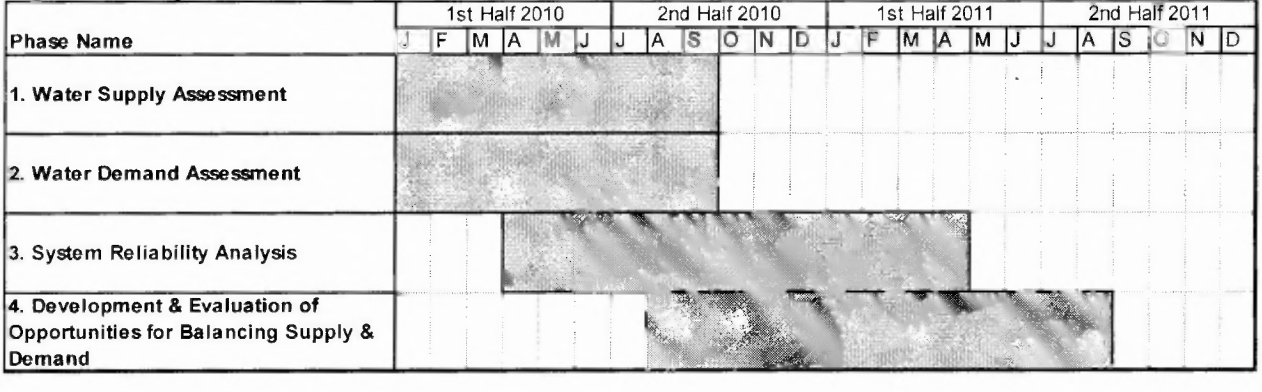


Table 1. Study Milestones

Milestone	Deliverable Description
September 2010	Report describing findings from current and future water supply assessment
September 2010	Report describing findings from current and future water demand assessment
April 2011	Report describing findings from system reliability analysis
August 2011	Report describing findings of opportunities analysis
October 2011	Draft Study report and appendices available for review
December 2011	Final Study report and appendices complete

Development and review of the draft and final Study report will follow the completion of the fourth milestone as shown on the previous page.

4.2 Phases

Table 2 below provides a breakout of the tasks and sub-tasks associated with the major Study phases introduced in the Study proposal.

Table 2. Overview of Study Phases

Phase 1. Water Supply Assessment. Assess the quantity and location of current and future water supplies throughout the Basin, including the potential effects of climate variability and climate change. Major tasks and sub-tasks include: 1.1 Review & Select Methods to Estimate Current Supply 1.1.1 Historic Observed Record 1.1.2 Paleo Record 1.2 Review & Select Methods to Project Future Supply 1.3 Conduct Assessment of Current Supply 1.4 Conduct Assessment of Future Supply 1.5 Enhance Modeling Capability as Needed to Incorporate Methods to Project Future Supply 1.6 Conduct Sensitivity Analysis of Selected Methods to Project Future Supply 1.7 Prepare Draft Report 1.8 Peer Review Report 1.9 Prepare & Publish Final Report
Phase 2. Water Demand Assessment. Assess the quantity and location of current and future water demands, including the potential effects of climate variability and climate change. Major tasks and sub-tasks include: 2.1 Review & Select Methods to Estimate Current Demands 2.2 Review & Select Methods to Project Future Demands 2.3 Conduct Assessment of Current Demands 2.4 Conduct Assessment of Future Demands 2.4.1 Update State Demand Projections 2.4.2 Analyze Temperature Effects on Projected Use 2.5 Enhance Modeling Capability to Better Represent Future Demands 2.5.1 Reservoir Evaporation 2.6 Prepare Draft Report 2.7 Peer Review Report 2.8 Prepare & Publish Final Report
Phase 3. System Reliability Analysis. Assess the capability of existing and proposed infrastructure and operations to meet future demands and water supply challenges. This analysis will include an assessment of the operational risk and reliability of the system currently and in the future. System reliability will be determined by describing the quantity and locations of supply/demand imbalances currently and in the future. Scenarios for baseline and future water supply and demand will be determined in Phases 1 and 2. Evaluate effectiveness of opportunities identified in Phase 4 in resolving imbalances. Major tasks and sub-tasks include: 3.1 Identify Model & System Reliability Metrics 3.2 Determine Baseline System Reliability 3.2.1 Determine Baseline Scenario Modeling Assumptions 3.2.2 Prepare Model to Simulate Baseline Scenario 3.2.3 Perform Model Simulations 3.2.4 Synthesize & Analyze Model Results 3.2.5 Summarize Model Results 3.3 Project Future System Reliability 3.3.1 Determine Future Scenario Modeling Assumptions 3.3.2 Prepare Model to Simulate Future Scenarios

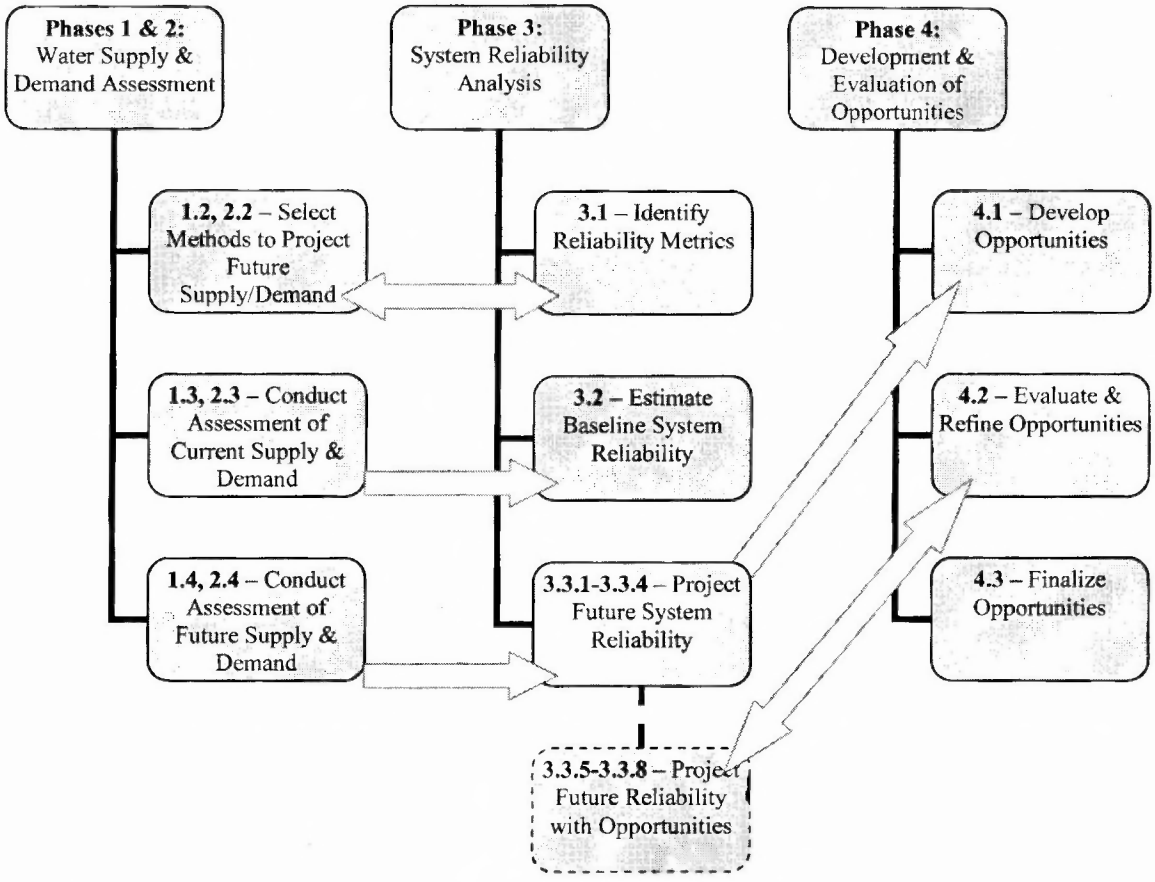
3.3.3 Perform Model Simulations
3.3.4 Synthesize & Analyze Model Results
3.3.5 Determine Modeling Assumptions for Supply/Demand Opportunities
3.3.6 Prepare Model to Simulate Future Conditions Under Supply/Demand Opportunities
3.3.7 Perform Model Simulations with Supply/Demand Opportunities
3.3.8 Synthesize & Analyze Model Results
3.4 Prepare Draft Report
3.5 Peer Review Report
3.6 Prepare & Publish Final Report

Phase 4. Development & Evaluation of Opportunities for Balancing Supply & Demand. Identify and quantify potential opportunities to address imbalances in supply and demand in order to best meet future challenges. This analysis will include the identification and development of both structural and non-structural opportunities. As opportunities are refined, an iterative modeling process will be used to determine future system reliability under conditions where selected opportunities are assumed to be developed and/or implemented. Opportunities include but are not limited to: operational changes, legal and institutional changes, water conservation and efficiency, land fallowing and retirement, conjunctive use, upgrades, rehabilitation or replacement of existing facilities, water recycling and reuse, desalination, development of new conveyance and storage facilities, weather modification, vegetation management, dust abatement efforts, groundwater remediation, urban runoff management, and importation projects. Major tasks and sub-tasks include:

4.1 Develop Opportunities
4.1.1 Identify Opportunities
4.1.2 Determine Preliminary Opportunities for Evaluation
4.1.3 Analyze Opportunities (Preliminary)
4.2 Evaluate & Refine Opportunities
4.2.1 Technical Feasibility
4.2.2 Uniform Cost Comparison
4.2.3 Environmental Impacts/Permitting Requirements
4.2.4 Economic and Socioeconomic Impacts
4.2.5 Legal and Public Policy Considerations
4.2.6 Risk and Uncertainty
4.2.7 Others
4.2.8 Assessment of Effectiveness
4.2.9 Potential Yield
4.2.10 Timeframe for Implementation
4.2.11 Agreements or Partnerships Needed
4.2.12 Cost Allocation
4.2.13 Siting
4.3 Finalize Opportunities
4.3.1 Determine Ability of Opportunities to Resolve Imbalances
4.4 Prepare Draft Report
4.5 Peer Review Report
4.6 Prepare & Publish Final Report

Figure 2 illustrates the information transfer and coordination of tasks in the four major phases of the Study.

Figure 2. Flowchart of Major Study Phases



The first coordination occurs between Phases 1 and 2 and Phase 3 where the identification of the system reliability metrics in Task 3.1, in terms of spatial and temporal scale, depend upon the methods selected to project future supply and demand in Task 1.2 and Task 2.2. Baseline and future system reliability in Task 3.2 and Task 3.3, respectively, is determined based on the results of the assessment of current and future water supply and demand conditions in Task 1.3 (and Task 2.3) and Task 1.4 (and Task 2.4).

In Task 4.1, opportunities to resolve supply/demand imbalance will be identified considering the results of the projections of future system reliability in Tasks 3.3.1-3.3.4. The evaluation and refinement of those opportunities in Task 4.2 will be accomplished through re-projecting future system reliability under the identified opportunities in Tasks 3.3.5-3.3.8. After several iterations consisting of refining opportunities and projecting system reliability to determine the opportunities' performance, opportunities will be finalized in Task 4.3.

4.3 Products

The primary products of the Study will be interim written reports to be integrated into a final report that will include the following elements:

- Assessment of quantity and location of existing and future water supplies and demands throughout the Basin, including the potential effects of climate variability and climate change,
- Assessment of efforts currently being undertaken to reduce supply and demand imbalances throughout the Basin,
- Analysis of supply and demand relationships and quantification of imbalances in specific locations throughout the Basin,
- Development and evaluation of options for balancing supply and demand,
- Findings and recommendations,
- Description of methods and research processes, including assumptions, models and data used in the Study, and
- Description of stakeholder involvement.

Other expected outcomes include the identification of collaborative strategies through the Study's stakeholder involvement process.

4.4 Public Involvement Plan

A Public Involvement Plan has been developed to ensure that all stakeholders in the Basin as well as the general public are informed and their input is sought and considered throughout the Study. The Public Involvement Plan is provided in Attachment 2.

5 Attachments

Attachment 1 – Colorado River Basin Water Supply and Demand Study Proposal
Attachment 2 – Public Involvement Plan for the Colorado River Basin Water Supply and Demand Study

Public Involvement Plan for the Colorado River Basin Water Supply and Demand Study

Introduction

The Colorado River Basin Water Supply and Demand Study (Study) has been selected to be one of three, two-year studies funded through the Bureau of Reclamation's Basin Study Program. The Study will provide a comprehensive analysis of current and future imbalances in water supply and demand projected through 2060 in the Colorado River Basin (Basin) and the adjacent areas of the Basin States (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) that receive Colorado River water; potential impacts of climate variability and climate change on water supply and demand; and potential adaptation and mitigation strategies and options to resolve those imbalances. A primary objective of the Study is prioritization of identified strategies and options and the recommendation for potential future feasibility studies, Congressional authorization, environmental compliance activities, demonstration programs, and/or implementation.

The Study is cost-shared on a 50/50 basis between the Study partners: Reclamation (the Federal Cost-Share Partner) and agencies in the Basin States (the non-Federal Cost-Share Partners). Because the Colorado River Basin spans two Reclamation regions, Reclamation is represented by both the Upper Colorado Regional Office and the Lower Colorado Regional Office.

The Study partners will facilitate public involvement to solicit and incorporate stakeholder input throughout the study. This Public Involvement Plan (PIP) provides the framework for that effort.

Approach

Several communication methods will be employed to effectively maintain communication with all interested stakeholders and to provide, seek, and receive information. A response will be provided for all comments received. All information received regarding technical aspects of the Study will be considered and feedback regarding that consideration will be provided.

All outreach materials, information received, and feedback provided will be archived in a centralized electronic filing system. As the Study progresses, the effectiveness of the public involvement will be assessed periodically and adjustments will be made as necessary to ensure that appropriate communication and feedback is occurring.

Communication Methods

Effective communication is essential for the ongoing success of the Study. The methods of communication that will be used to disseminate information and accept input during the course of this Study include the following:

- a Study website will be maintained to provide up-to-date, on-line information;
- an e-mail address will be established to facilitate communication electronically;

- a facsimile (fax) telephone number will be established to allow communication by fax;
- points-of-contact will be established in the Upper Colorado and the Lower Colorado Regions to facilitate additional information exchange;
- news releases and informational mailings will be provided as appropriate;
- a mailing list will be established and maintained to ensure that all interested stakeholders receive information;
- public meetings will be held at strategic points throughout the Study; and
- additional meetings with interested stakeholders groups will be held as appropriate.

Additional information on each of these methods is provided below.

Web Site

Reclamation's Study web site will be used to post up-to-date information. Web site content will be updated periodically, particularly at major milestones and prior to public meetings. In addition, the web site will be used as a tool for soliciting input from stakeholders. The following web page will be available no later than January 8, 2010: http://www.usbr.gov/lc/region/programs/crbstudy.html.

E-mail

Reclamation has established a Study e-mail address to disseminate information regarding the Study and to receive input. The Study e-mail address is: ColoradoRiverBasinStudy@usbr.gov.

Facsimile

Input may also be submitted by facsimile at: 702-293-8156.

Points-of-Contact

For additional information, questions, or comments on the Study, Reclamation has designated two Study Points of Contact:

- Lower Colorado Region: Amber Cunningham at 702-293-8472 or ColoradoRiverBasinStudy@usbr.gov
- Upper Colorado Region: Deborah Lawler at 801-524-3685 or ColoradoRiverBasinStudy@usbr.gov.

News Releases and Informational Mailings

News releases and other informational mailings will occur near major milestones throughout the Study to inform stakeholders and the public of the Study status, provide opportunities for input, and provide meeting information including dates and locations of the public meetings.

Mailing List

Informational mailings will be sent to interested stakeholders on the Study mailing list (either physically, electronically, or both). During each informational mailing, the recipient will be asked if he or she would like to remain on the list. Individuals will be added to the mailing list when requested through the Study e-mail address or through attendance at a public meeting captured on the sign-in sheet. An initial mailing will be made in January 2010 to a list of Colorado River stakeholders who were involved in similar prior studies.

Public Meetings

Public meetings will be held at strategic points throughout the Study, beginning with an initial meeting in the spring of 2010. Additionally, prior to completion of each Study phase, public meetings will be held to provide a summary of the results of the previous phase and to seek comments on the upcoming phase of the Study, thereby allowing consideration of information and suggestions by the public for incorporation in the Study.

Four public meetings are currently envisioned as follows:

1. *Targeted for March 2010* - Meeting to discuss the Study objectives, structure, schedule, PIP, the proposed approach for Phase 1 (assessment of current and future water supply), and Phase 2 (assessment of current and future water demand);
2. *Targeted for September 2010* – Meeting to discuss the results of Phases 1 and 2 and the proposed approach for Phase 3 (analysis of the current and future system reliability);
3. *Targeted for April 2011* – Meeting to discuss the results of Phase 3 and the proposed approach for Phase 4 (analysis of strategies and options for resolving supply/demand imbalances); and
4. *Targeted for August 2011* – Meeting to discuss the results of Phase 4.

Additional Meetings with Interested Stakeholder Groups

During the course of the Study, additional meetings may be held with interested stakeholder groups to solicit additional input, expertise, data, and information. As appropriate, representatives of interested stakeholder groups may participate in specific Study tasks to facilitate incorporation of such input into the Study.

Interested stakeholder groups may include, but are not limited to Federal agencies, Native American tribes and communities, water districts, scientific research groups, hydropower agencies and other representatives of the energy industry, environmental groups, and representatives of the recreational industry. An initial mailing will be made in January 2010 to a list of interest groups who were involved in similar prior studies to gage their interest and capability for participating in the Study. Other interest groups are encouraged to provide their contact information via one of the communication methods listed above.

Failure to appear at an ASC for a required ASC appointment will result in denial of your case due to abandonment unless you submit an address change notification (see instructions below) or a rescheduling request prior to your appointment.

What if My Address Changes after I File My Re-Registration Application?

If your address changes after you file your application for re-registration, you must complete and submit Form AR–11 by mail or electronically. The mailing address is: U.S. Citizenship and Immigration Services, Change of Address, P.O. Box 7134, London, KY 40742–7134.

Form AR–11 can also be filed electronically by following the directions on the USCIS Web site at: *http://www.uscis.gov.* To facilitate processing your address change on your TPS application, you may call the USCIS National Customer Service Center at 1–800–375–5283 (TTY 1–800–767–1833) to request that your address be updated on your application. Please note that calling the USCIS National Customer Service Center does *not* relieve you of your burden to properly file a Form AR–11 with USCIS.

Will My Current EAD that is Set To Expire on May 2, 2010, Automatically Be Extended for Six Months?

No. This Notice does not automatically extend previously-issued EADs. DHS has announced the extension of the TPS designation of Sudan and established the re-registration period at an early date to allow sufficient time for DHS to process EAD requests prior to the May 2, 2010, expiration date. You must apply during the 60-day re-registration period. Failure to apply during the re-registration period without good cause will result in a withdrawal of your TPS benefits. DHS *strongly* encourages you to file as early as possible within the re-registration period.

May I Request an Interim EAD at My Local District Office?

No. USCIS will not issue interim EADs to TPS applicants and re-registrants at district offices.

What Documents May a Qualified Individual Show to His or Her Employer as Proof of Employment Authorization and Identity When Completing Form I–9?

After May 2, 2010, a TPS beneficiary under TPS for Sudan who has timely re-registered with USCIS as directed under this Notice and obtained a new EAD valid through November 2, 2011, may present his or her new valid EAD to an employer as proof of employment authorization and identity. Employers may not accept previously issued EADs that are no longer valid.

Individuals also may present any other legally acceptable document or combination of documents listed on the Form I–9 as proof of identity and employment eligibility.

Note to Employers

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth re-verification requirements. For questions, employers may call the USCIS Customer Assistance Office at 1–800–357–2099. Employers may also call the U.S. Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1–800–255–8155. Employees or applicants may call the OSC Employee Hotline at 1–800–255–7688 for information regarding the automatic extension. Additional information is available on the OSC Web site at *http://www.usdoj.gov/crt/osc/index.html.*

[FR Doc. E9–30831 Filed 12–30–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–51]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date: December 31, 2009.*

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: December 22, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E9–30714 Filed 12–30–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Program

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Development of Experimental Protocol for High-Flow Releases from Glen Canyon Dam under the Authority of the Secretary of the Interior (Secretary), Development of Environmental Assessment, and Notice of Public Meeting.

SUMMARY: On December 10, 2009, Secretary of the Interior Ken Salazar announced that the Department of the Interior (Department) would initiate development of a High-Flow Experimental Protocol (Protocol) for releases from Glen Canyon Dam as part of the ongoing implementation of the Glen Canyon Dam Adaptive Management Program (AMP). High-flow experimental releases have been undertaken in the past and will be further analyzed and implemented pursuant to the direction of the Secretary to assess the ability of such releases to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established. As part of the AMP, the Department's effort to develop the Protocol is a component of its efforts to comply with the requirements and obligations established by the Grand Canyon Protection Act of 1992 (Pub. L. 102–575) (GCPA).

The AMP was established by, and has been implemented pursuant to the Secretary of the Interior's 1996 Record of Decision on the Operation of Glen

Canyon Dam, in order to comply with monitoring and consultation requirements of the GCPA. The AMP includes a Federal advisory committee known as the Adaptive Management Work Group (AMWG), a technical work group, a scientific monitoring and research center, and independent review panels. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam consistent with the GCPA.

This **Federal Register** notice provides the public with initial information regarding the anticipated development and purpose of the High-Flow Experimental Protocol, notice of the Department's commitment to analyze the Protocol pursuant to the National Environmental Policy Act (NEPA), as well as information regarding an upcoming AMWG public meeting that will address, in part, the development of the Protocol. Additional information regarding the dates and times for the upcoming AMWG public meeting and the development of the Protocol will be provided in a future **Federal Register** notice, as well as through other methods of public involvement as the NEPA process is undertaken and the Protocol is developed and analyzed.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Ryan, Bureau of Reclamation, telephone (801) 524–3732; facsimile (801) 524–5499; e-mail at *protocol@usbr.gov*.

SUPPLEMENTARY INFORMATION: On December 10, 2009, Secretary of the Interior Ken Salazar directed the development of a protocol for conducting additional high-flow experiments from Glen Canyon Dam as part of the ongoing implementation of the Glen Canyon Dam AMP. The text of the Secretary's statement and further information on his direction can be found at *http://www.doi.gov*.

High-Flow Experimental Protocol and Sediment Resources

Sandbars are a primary component of the Colorado River ecosystem, and determining how sand conservation can be achieved in areas within Grand Canyon National Park downstream of Glen Canyon Dam is a high priority of the AMP and the Department of the Interior. Previous high-flow experiments from Glen Canyon Dam were conducted in 1996, 2004, and 2008. Experimental high flows mobilize sand stored in the main channel of the Colorado River to rebuild sandbars, beaches, and associated backwater habitats along shorelines. Sandbars provide key wildlife habitat, protect archeological sites and vegetation structure, and provide camping opportunities in Grand Canyon.

Each experimental release has added to the understanding of the river ecosystem below the dam and the impacts of high-flow releases. Following the initial test in 1996, experimental approaches linking high-flow releases from Glen Canyon Dam to downstream tributary sand inputs to Grand Canyon were developed by scientists working in collaboration with the AMP. *See e.g.*, 66 FR 7772, 7778 (January 25, 2001) (Riverflow Issues). One of the best tools available for rebuilding sandbars using dam operations is to release short-duration high flows after tributary floods deposit new sand into the main channel of the Colorado River. Development and implementation of the Protocol builds on information developed in the previous three high-flow experiments, and will be designed to further evaluate the hypothesis that repeated high-flow releases conducted under conditions of sand enrichment in Grand Canyon may result in cumulative increases in sandbar area and volume. The Protocol constitutes the next logical step in adaptive management with respect to high flow testing.

Anticipated Approach Regarding Development of High-Flow Experimental Protocol

The Department intends to develop the High-Flow Experimental Protocol through a public process pursuant to NEPA, through the development of an Environmental Assessment (EA). The Protocol is anticipated to be a multi-year, multi-experiment approach and will be based on the best available scientific information developed through the AMP as well as other sources of relevant information. For example, in early 2010, it is anticipated that the U.S. Geological Survey will publish detailed information that provides a full and thorough analysis of the results of the most recent high-flow experimental release conducted in March 2008. It is anticipated that the Protocol will address such factors as the appropriate number of experiments, the appropriate sand input "triggering" for conducting future experiments, the timing and duration of high-flow releases to optimize sand conservation, the appropriate interval between high-flow releases, as well as the anticipated approach to monitoring the results and effectiveness of the experimental actions, among other resource issues.

The Department is currently developing a tribal consultation policy for matters related to the Glen Canyon Dam AMP. The Department will continue to consult with local affected tribes, including through the tribal consultation policy, to ensure the AMP and the Protocol take into account the United States' trust responsibility to the tribes and their natural resources. There will be a consistent and ongoing effort to consult with the tribes in development of the Protocol, and in implementation of any subsequent related decisions.

Consistent with the provisions of 43 CFR 46.305 (public involvement in the environmental assessment process), the Department "must, to the extent practicable, provide for public notification and public involvement when an environmental assessment is being prepared." This **Federal Register** notice is the first of many steps that the Department intends to take to ensure public input in the development of the Protocol and the NEPA process. The Department will next provide additional information on the Protocol and the EA process at a public AMWG meeting in Phoenix, Arizona, on February 3–4, 2010. Additional information regarding this upcoming AMWG meeting (including times, location, and agenda items) will be provided to the public in an upcoming **Federal Register** notice. The AMWG meeting is intended to provide scoping information for the EA process. Although scoping is not required for the preparation of an EA (CEQ regulations at 40 CFR 1501.7 specifically reference the preparation of an environmental impact statement), the Department recognizes and encourages the use of scoping where appropriate as it does represent a form of public involvement. *See* 43 CFR 46.305(a)(2), 73 FR 61292, 61306 (Oct. 15, 2008).

Further information regarding the development of the High-Flow Experimental Protocol, the EA process, and other relevant information will also be made available to the public through the AMP's Web site which may be accessed at *http://www.usbr.gov/uc/rm/amp/*.

Dated: December 22, 2009.

Anne Castle,

Assistant Secretary—Water & Science.

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