

Minutes of Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, June 11, 2014

A Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, of the Radisson Ontario Hotel, Room 306, 2200 E. Holt Boulevard, Ontario, California, on Wednesday, June 11, 2014.

Board Members and Alternates Present

Bud Pocklington  
Dana Bart Fisher, Jr., Chairman  
Franz De Klotz  
James Hanks  
Henry Kuiper  
Glen Peterson

David Pettijohn  
Doug Wilson  
Jeanine Jones, Designee  
Department of Water Resources  
David Vigil, Designee  
Department of Fish & Wildlife

Board Members and Alternates Absent

Stephen Benson  
Terese Ghio  
Christopher Hayes  
James McDaniel

John Powell, Jr.

Others Present

Steve Abbott  
Tim Blair  
John Carter  
Shane Chapman  
J.C. Jay Chen  
Dan Denham  
Michael Hughes  
Lisa Johansen  
Kathy Kunsz  
Eric Katz  
Tom Levy  
Kara Mathews

Thang (Vic) Nguyen  
Carrie Oliphant  
Autumn Plourd  
Angela Rashid  
Tom Ryan  
Jack Seiler  
Ed Smith  
Mark Stuart  
Michael Touhey  
Reymundo Trejo  
Tanya Trujillo  
Mark Van Vlack  
Jerry Zimmerman

## **CALL TO ORDER**

Chairman Fisher announced the presence of a quorum and called the meeting to order at 10:05 a.m.

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Chairman Fisher asked if there was anyone in the audience who wished to address the Board on items on the agenda or matters related to the Board. Hearing none, Chairman Fisher moved to the next agenda item.

## **ADMINISTRATION**

### Approval of Minutes of the May 14, 2014 Colorado River Board Meeting

Chairman Fisher asked if there was a motion to approve the May 14, 2014 minutes. Ms. Jones moved that the minutes be approved, seconded by Mr. Wilson, and unanimously carried, the May 14, 2014, meeting minutes were approved.

### Next Board Meeting

Executive Director Trujillo reported that the Colorado River Board (CRB) Meeting scheduled for July may be cancelled and that next meeting, scheduled for August 13, 2014, will be held in San Diego.

### Announcement of New Principal Engineer at the Colorado River Board

Ms. Trujillo also announced the hiring of new Principal Engineer, Thang (Vic) Nguyen. Mr. Nguyen introduced himself to the Board and briefly discussed his work history. Mr. Nguyen worked with the California Department of Water Resources for 21 years working within many different divisions. Most recently, Mr. Nguyen had been working on California drought issues.

### Colorado River Board Budget and Six Agency Committee Agreement

Referring to 2014-2015 Fiscal Year Budget documents previously distributed to the Board, Chairman Fisher requested approval of the budget resolution. Mr. Kuiper moved to approve the budget resolution with the caveat to discuss the 2014-2015 Fiscal Year Budget in more detail. Mr. Wilson seconded the motion.

Mr. Wilson asked about budget details relating to salaries, benefits and utilities. Ms. Trujillo explained that the CRB budget is derived from the Governor's budget and the budget consists of two major components—personnel (i.e. salaries and benefits, and

operations (i.e. rent). Ms. Trujillo explained that if increases or decreases to the base budget are required, those changes must be approved by the State budget office in Sacramento. In response to a question raised by Mr. Kuiper regarding unused budget monies, Chairman Fisher stated that periodically the Board will pass resolutions to get reimbursed from the State for any unused funding that the Six Agency Committee has contributed.

The motion approving the Board's FY-14/15 budget was adopted by unanimous consent.

## **COLORADO RIVER BASIN WATER REPORT & DROUGHT UPDATE**

### Colorado River Basin Water Report

Executive Director Trujillo reported that as of June 2, 2014, the water level at Lake Mead was at 1,087 feet with 10.63 million acre-feet (maf) of storage, or 41% of capacity, while the water level at Lake Powell was at 3,590 feet with 10.85 maf of storage, or 45% of capacity. The total System active storage as of June 2<sup>nd</sup> was 29.14 maf, or 49% of capacity, which is 2.08 maf less than one year ago when the System storage was at 52% of capacity. As of June 2, 2014, the Upper Colorado River Basin reservoirs other than Lake Powell ranged from 68% to 95% of their capacities.

Ms. Trujillo also reported that the unregulated inflow into Lake Powell for Water Year 2014, is forecast to be 10.8 maf, or 100% of average. The Colorado River Basin Forecast Center's Snow Conditions Map dated June 3, 2014, indicates above average snowpack conditions in some areas, but now reflects normal spring runoff conditions.

Ms. Trujillo provided a brief overview of the current drought conditions within California. She stated that the drought conditions within California have not significantly improved and that Governor Brown's April 25, 2014, and January 17, 2014, State of Emergency Proclamations continue to remain in effect. She reported that the Department of Water Resources continues to issue weekly Drought Briefs to provide updates on current conditions and key action items taking place regarding the drought. The June 3, 2014 U.S. Drought Monitor map for California indicates that over 75% of the State continues to experience extreme or exceptional drought conditions and 100% of the state continues to experience some level of drought conditions. Ms. Trujillo also reported that she attended a recent meeting of the Western Governors Association, and that the Governors of other western states made a point of acknowledging the California situation and the actions being taken to mitigate the hardships created by the drought.

Ms. Trujillo then reported that Reclamation recently finalized the 2013 Article V Decree Accounting Report for Colorado River water uses in Arizona, California, and Nevada. She stated that a draft of the report had been circulated for review and comment among the three Lower Basin States and that the final report was now available on-line on Reclamation's Lower Colorado Region webpage. She reported that the overall consumptive use in the Lower Basin in 2013 was 7.48 maf.

She also reported that in 2013, California met the “benchmark” associated with agricultural use reductions established in the 2003 Quantification Settlement Agreement. In 2013, California's agricultural use, as adjusted for IID and CVWD reductions for Indian and miscellaneous PPR holders' use, MWD's reduction for Priority 1, 2, and 3b use, and paybacks by agricultural entities, was 56,452 acre-feet below the 2012 Benchmark of 3.47 million acre-feet. Additionally, she reported that IID exceeded the amount of water conservation generated to payback overruns occurring in 2011 and 2012 by approximately 30,000 acre-feet and is on track to continue its overrun paybacks in 2014.

Finally, Ms. Trujillo briefed the Board that in 2013, approximately 1.373 maf of water was delivered to Mexico in accordance with the 1944 Water Treaty between the United States and Mexico. She stated that in accordance with Section III.1 of Minute No. 319, Mexico deferred delivery of 126,812 acre-feet of its allotment in CY 2013, and that about 72,000 acre-feet of water was delivered to Mexico in excess of the deliveries ordered by Mexico in accordance with the Treaty. There was brief discussion among Board members acknowledging that progress is being made to reduce the quantities of excess Treaty deliveries, but that work still remains to conserve and retain more of this water in the system.

Ms. Trujillo updated the Board regarding the development of the 2015 Annual Operating Plan (AOP) for the Colorado River System. She stated that Reclamation has released its first draft of the 2015 AOP and on May 28, 2014, held the first consultation webinar regarding the plan. She reminded the Board that pursuant to the 2007 Guidelines for the Interim Operation of Lake Mead and Lake Powell, the prediction results from Reclamation's August 24-month study are used to determine the release amount from Lake Powell, and that initial indications are that 9.0 million acre-feet will be released next year. She went on to report that the current projection indicates that the Normal or ICS Surplus Condition is projected as the Lower Basin's operating tier. Ms. Trujillo stated that the next consultation meetings are scheduled for July 31 and September 4 at McCarran Airport in Las Vegas, Nevada. During the July meeting, California will report on the progress of meeting the Interim Surplus Guidelines benchmark and otherwise implementing the 4.4 Plan. Finally, Ms. Trujillo reported that the draft AOP and Reclamation's May 28, 2014 presentation can be found on-line on Reclamation's Upper and Lower Colorado Region webpages.

#### State and Local Reports

Mr. Mark Stuart, with DWR's Southern District Office, provided the Board with a quick overview of the current statewide precipitation and water storage conditions. Mr. Stuart indicated that the snowpack is effectively gone in the Sierras and that the runoff was approximately 35% of normal. With respect to storage in State Water Project reservoirs, he reported that it was just below 50% of capacity.

Board Member Glen Peterson, of the Metropolitan Water District of Southern California, reported that storage in MWD's reservoir system continues to decline, but that the Colorado River Aqueduct continues to run at full capacity. He also stated that MWD is actively engaged in public awareness campaigns related to the drought and water conservation throughout much of southern California.

Board Member David Pettijohn, of the Los Angeles Department of Water and Power, reported that 2014 is likely to be the Los Angeles Aqueduct's lowest yield in history, and follows the extremely low yield in 2013. He stated that the City of Los Angeles is currently spending \$35 million annually in conservation efforts, and has implemented mandatory restrictions on water use within the City, including restricting landscape watering to just three days per week. He also indicated that DWP has partnered with MWD to increase the turf grass removal program from \$2.00/square foot to \$3.00/square foot. There has been a significant increase in the number of households who are removing lawns and replacing with more drought-tolerant plant species.

### California Drought Update

Board Member Jeanine Jones gave a presentation comparing the current 2012-2014 California drought to past droughts. This was the same presentation she gave at the June 4<sup>th</sup> Drought Briefing in Sacramento that focused on the operations of the State Water Project and federal Central Valley Project under very dry conditions.

Ms. Jones began by presenting a figure indicating the percent of average precipitation from June 2011 to June 2014 to reflect that California has been in a 3-year drought. The colors depict that all of California has been very dry in recent years. She next described the precipitation for the current water year using the Northern Sierra precipitation 8-station index, which serves as a wetness index for the Sacramento River hydrologic region. She noted that the Sacramento River watershed as well as the San Joaquin watershed will likely end up being the third driest year on record, only to be beaten by 1923/1924, the single driest water year, and by 1977. Ms. Jones predicted the water-year would end at about 40% and 60% of average for the San Joaquin and Sacramento River watersheds, respectively.

Ms. Jones next depicted the drought in terms of statewide runoff. Again, out of 113 years of USGS records, the driest single year for statewide runoff (21% of average) was 1977. Drought impact is a function of duration, so the drought periods during the 1920s and 1930s and from 1987 to 1992 are probably the largest in terms of impact. She also noted that the California population has increased significantly from less than 10 million in the 1920s and 1930s to 30 million in the 1990s and to about 38 million today, thereby increasing the demand for water.

Ms. Jones showed a graph of irrigated crop acreage from 1870 to 2010 that indicated total acreage peaked at 10 million acres in the 1970s and has declined slightly since then due to urbanization. One reason for the lack of irrigated agriculture in the 1920s and 1930s was that large water projects such as MWD's Colorado River Aqueduct,

Hoover Dam, and Shasta Dam had not been constructed. She also noted that before major water projects were built, salinity in the Delta was uncontrolled. But after the 1940s, salinity intrusion into the Delta became significantly less because projects have been built to manage salinity in the estuary.

Ms. Jones then compared the State Water Project allocations for three dry years in 1991, 2009, and 2014 (allocation only at 5%). A lot of factors affecting allocations have changed since 1991 including regulatory constraints and implementation of the Central Valley Project Improvement Act, Bay-Delta Water Quality Control standards, and San Joaquin River restoration.

Finally, Ms. Jones explained that studies by Desert Research Institute show that there is not really a strong correlation to predict between an El Nino or La Nina year for Northern California, which is considered to be in a grey area. For example, modeling results suggest that drought periods in the 1920s and 1930s were largely La Nina years; however, for the more recent dry periods in 1977 and 1991-1992, it was El Nino. She said that we would need consistent, major precipitation events to break the current drought cycle.

## **COLORADO RIVER BASIN PROGRAM REPORTS**

### **Colorado River Basin Water Supply and Demand Study**

Executive Director Trujillo reported that the Coordinating Committee met in May and heard updates from each of the workgroups, which include the Municipal and Industrial (M&I) Conservation, Agricultural Conservation, Environmental Flows and Recreation workgroups. The Metropolitan Water District is one of the co-chairs of the M&I Workgroup, while Imperial Irrigation District is a co-chair of the Agricultural Conservation workgroup. It is anticipated that drafts of the Phase 1 reports will be completed in July. The M&I report will analyze the existing and planned conservation efforts in the basin, as well as, highlight conservation case studies in different areas in the Basin. Ms. Trujillo reported that gathering and collecting the data for these efforts has been challenging because the states and even individual water districts use different methodologies for calculating water savings and demonstrating conservation efforts. However, the data has revealed that, on average, there has been a 20 percent reduction in the per capita water use in the Basin since the 1990's.

Regarding the Agricultural Conservation workgroup report, Ms. Trujillo stated the Phase 1 report will also analyze existing and planned conservation efforts, as well as feature case studies of these efforts within the Basin. Ms. Trujillo noted that California is ahead of many states regarding agricultural conservation and transfer efforts. California's experience with agricultural conservation and opportunities associated with expanding agricultural conservation efforts will be outlined within the report.

Ms. Trujillo reported that the Environmental and Recreational Flows Workgroup report will analyze three focus reaches along rivers located in the Basin – the Green and

Colorado River near Grand Junction in the Upper Basin and the Bill Williams River in the Lower Basin. The analysis will include a review of existing environmental and recreational flow programs, potential funding for these programs and tools such as water banking or development of private-public partnerships.

Ms. Trujillo also reported that the Tribal Water Study, which Reclamation is working on with the Ten Tribes Partnership in the Basin, is anticipated to be completed by the end of 2015.

### Minute 319 Implementation

Referring to a photo presentation showing the positive impacts of the “pulse flow”, Executive Director Trujillo reported on the progress of the pulse flow. Ms. Trujillo stated that the pulse flow has successfully made a connection between the river and the Gulf of California. Currently, the experiment is now in the monitoring phase that is evaluating the effects of the recent pulse flow on generation of additional riparian habitat and species usage along the Lower Colorado River in the Delta. Ms. Trujillo noted that Mexico still has supplies of Colorado River water available, pursuant to Minute 319, to implement releases of water to maintain a base-flow in targeted river reaches in an effort to maintain and/or enhance habitats created or affected by the pulse-flow release. These base-flows may be periodically utilized over the next 2-3 years.

Ms. Trujillo reported that on May 30, 2014, the Hydrology Workgroup met with Mexican partners to discuss how to evaluate the hydrology in the Basin. Ms. Trujillo explained that Mexico is not tied into the same system of measuring drought, operating the Basin’s reservoirs or using NOAA’s projections that the United States utilizes. Further, Ms. Trujillo stated that through Minute 319, Mexico has agreed to share in shortages and it has been necessary to educate them as much as possible on the tools that are used to evaluate and operate the reservoir system in the Basin and as a way to improve relations with them. Ms. Trujillo noted that the Annual Operating Plan consultations and other hydrological reports that U.S. water users participate in have been made available to Mexico.

Ms. Trujillo also reported that the All American Canal workgroup discussed Mexico’s potential connection to the All American Canal, which will require coordination with Imperial Irrigation District (IID). Director Hanks described a discussion during a recent IID Board meeting regarding the potential bi-national connection to the All-American Canal. Further, Ms. Trujillo explained that after the major earthquake in 2010 that damaged water delivery infrastructure, Mexico requested alternative delivery points for Colorado River Water to avoid a similar scenario in the future.

Ms. Trujillo also reported that the bi-national projects workgroup discussed the status of potential conservation projects proposed in Mexico that would be funded, in part, by Metropolitan Water District, IID, Southern Nevada Water Authority, Central Arizona Project, and the Federal Government. In addition, the workgroup also discussed

the potential for desalination projects in Mexico. Chairman Fisher commented that the proposed projects, as well as work done on Minute 319 has fostered goodwill between the United States and Mexico and provides a good foundation for future discussions and negotiations related to new Minutes to the Treaty and binational projects.

#### Colorado River Basin Salinity Control Program

Ms. Trujillo reported that the Colorado River Basin Salinity Control Forum, Advisory Council, and Work Group were meeting at Jackson Lake Lodge in Grand Teton National Park, Wyoming, during the week of June 10-13, 2014. She briefly reviewed the Forum's agenda for the upcoming meeting, and indicated the two primary areas of concern revolving around the completion of the Paradox Valley Unit EIS, and the short- and long-term solvency of the Lower Basin Development Fund which is utilized by the Lower Basin States to make annual cost-share contributions for implementation of the Program. Ms. Trujillo also reported that she participated in a series of meetings in Washington, D.C. related to federal appropriations for Reclamation's salinity control efforts and the USDA's Environmental Quality Incentives Program. Both of these major federal programs are critical to long-term salinity control efforts in the Basin.

#### Glen Canyon Dam—Long-Term Experimental Management Plan EIS Process

Ms. Trujillo reported that the Glen Canyon Dam Adaptive Management Work Group (AMWG) held a brief webinar in late-May to review and approve the first year of its triennial budget. This budget is primarily associated with the on-going and proposed activities of the U.S. Geological Survey's Grand Canyon Monitoring and Research Center. Finally, Ms. Trujillo indicated that the Basin States and Interior agencies continue to make progress in developing appropriate alternatives for analysis in the Long-Term Experimental and Management Plan (LTEMP) EIS being developed by Reclamation and the National Park Service.

#### U.S. Department of Agriculture's Regional Conservation Partnership Program

Ms. Trujillo reported that a new program has been initiated through the USDA Natural Resources Conservation Service. The "Regional Conservation Partnership Program" is a significant grant funding opportunity and has approximately \$400 million available for funding opportunities in the first year, and over \$1 billion for the total program. She indicated that the Colorado River Basin has been designated a "critical conservation area" providing a higher prioritization for funding of conservation-related activities through the Regional Conservation Partnership Program. Ms. Trujillo indicated that several basin wide initiatives including salinity control, the Lower Colorado River Multi-Species Conservation Program, as well as some of the potential activities stemming from the Basin Study may be eligible for grant funding opportunities through the Program.

## QSA Litigation Update

Mr. Steve Abbott reported that U.S. Ninth Circuit Court of Appeals dismissed the 2013 lawsuit brought by the Imperial County Air Pollution Control District and County of Imperial challenging the Secretary of Interior's approval of the Federal Secretarial Implementation Agreement (SIA) associated with 2003 Quantification Settlement Agreement. The Plaintiffs questioned whether the Secretary fully complied with the National Environmental Policy Act (NEPA) and the Federal Clean Air act before executing the SIA. The District Court dismissed the lawsuit stating that the Air Pollution Control District and County of Imperial did not have legal standing to bring the lawsuit. Further, Mr. Abbott reported that the District Court ruled that the NEPA claims of insufficiency. Summarizing, Mr. Abbott stated that the May 2014 ruling by the Court of Appeals rejected the standing issue, determined that the NEPA analysis was sufficient, and with respect to the Clean Air Act claim, the Court found that there were no direct or indirect emissions as a result of the Secretary's approval of the Water Delivery Agreement of the QSA.

Finally, Mr. Abbott reported that the U. S. Department of Justice recently intervened on a lawsuit brought by the Agua Caliente Tribe against the Desert Water Agency and Coachella Valley Water District seeking Federal Reserved Rights to groundwater in the Coachella Valley Basin. The two water districts have advised the United States District Court that they do not want to oppose the intervention motion. Mr. Abbott explained that the Department of Justice will intervene as a Plaintiff, seeking decreed reserved water rights for the Tribe and to prohibit the water districts from over-drafting groundwater.

## Announcements/Notices

Ms. Trujillo reported that the Board packet included Reclamation's recent policy regarding the use of Colorado River water or facilities in growing operations associated with the cultivation of marijuana, citing the Controlled Substances Act of 1970.

## Adjournment

With no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting. Upon the motion of Mr. Peterson, seconded by Mr. Kuiper, and unanimously carried, the meeting was adjourned at 11:42 a.m. on June 11, 2014.