

**EXECUTIVE DIRECTOR'S REPORT
TO THE
COLORADO RIVER BOARD OF CALIFORNIA**

October 9, 2019

ADMINISTRATION

Minutes of the September 11th Meeting of the Colorado River Board

A draft of the minutes from the September 11, 2019, Board meeting held in Ontario, California, has been prepared and is included in the Board folder for review and proposed adoption during the October 9th Board meeting.

COLORADO RIVER BASIN WATER REPORT

As of October 7th, the water level at Lake Powell was 3,614.9 feet with 13.20 million-acre feet (MAF) of storage, or 54% of capacity. The water level at Lake Mead was 1,083.5 feet with 10.3 MAF of storage, or 39% of capacity. As of October 6th, the total system storage was 31.6 MAF, or 53% of capacity, which is about 3.6 MAF more than system storage at this same time last year.

As of September 3rd, the Upper Colorado River basin reservoirs, excluding Lake Powell, ranged from 78% of capacity at Fontenelle Reservoir in Wyoming; 91% of capacity at Flaming Gorge Reservoir in Wyoming and Utah; 94% of capacity at Morrow Point and 88% of capacity at Blue Mesa Reservoir in Colorado; and 81% of capacity at Navajo Reservoir in New Mexico.

As of October 1st, the preliminary observed unregulated forecasted inflow in Lake Powell for Water Year 2019 was 12.9 MAF (120% of normal). The observed April to July 2019 runoff into Lake Powell was 10.41 MAF (145% of normal). The September observed Lake Powell inflow was 0.14 MAF (35% of normal), and the October Lake Powell inflow forecast is 0.38 MAF (74% of normal). Water-Year 2020 began on October 1st, and the precipitation to date is 15% of normal.

COLORADO RIVER BASIN PROGRAM UPDATES

Glen Canyon Dam Adaptive Management Program

On October 1st, a lawsuit was filed in the United States District Court for the District of Arizona (Prescott Division) by Save the Colorado, the Center for Biological Diversity, and Living Rivers against the United States Department of the Interior and Secretary Bernhardt. The suit alleges that the 2016 Long-Term Experimental and Management Plan (LTEMP), which directs

monthly, daily, and hourly releases from Glen Canyon Dam, failed to adequately consider the impacts of climate change on operation of Glen Canyon Dam. The plaintiffs seek to invalidate the 2016 Record of Decision (ROD) and prompt consideration of a broader range of alternatives that proponents claim will perform better under climate change conditions, including decommissioning Glen Canyon Dam, run-of-the-river operations, and the “Fill Mead First” proposal. These three alternatives would all eliminate or drastically reduce storage of water in Glen Canyon Dam. A copy of the complaint has been included in the Board folder materials.

Were the LTEMP to be set aside, and absent other action, releases from Glen Canyon Dam would likely be governed once again by the 1996 ROD for Operation of Glen Canyon Dam and its modified low fluctuating flow (MLFF) release patterns. Monthly release volumes would be slightly more variable than under LTEMP operations and the suite of experimental actions put in place by the LTEMP, including high flow experiments (HFEs), “bug flows,” and trout management flows, would no longer be available.

The High Flow Experiment (HFE) Technical Team met via teleconference on October 3rd to discuss the possibility of conducting a fall HFE release from Glen Canyon Dam. The team determined that, due to limited monsoonal activity in the region, tributaries had not delivered adequate sediment to the system to trigger an HFE this fall. A memo affirming that determination will be finalized by October 11th.

Finally, the Adaptive Management Program’s Technical Work Group will meet October 21-22, 2019, in Phoenix, Arizona.

Status of Minute No. 323 Work Groups

The purpose of this section is to provide a very brief status update regarding the activities of the various work groups operating under Minute No. 323, including: Hydrology, Projects, Salinity, Desalination, and the Environmental Work Groups. The Minute identified specified proposed objectives and timelines for most of the work group tasks.

- The Hydrology work group recently met in Tijuana, B.C., Mexico, and approved its proposed work and communications plan. Mexico indicated an interest in better understanding the relationship between annual precipitation conditions on annual operations and consumptive uses in the U.S. Reclamation will provide additional information in monthly hydrology/current conditions presentations and 24-Month Study Report information that it provides to Mexico.
- The Salinity work group recently met in Yuma, Arizona, and Reclamation and the U.S. Geological Survey reviewed the accomplishments related to operations of the real-time

salinity monitoring and data collection system that has been implemented in the Yuma region. The dredging and increasing the capacity of the heading for the Sanchez-Mejorada Canal project still has not been performed but is expected to be completed by Mexico in Spring 2020.

- The Desalination work group recently met in Tijuana, B.C., Mexico, and continued discussions related to potential options identified in the recently completed draft Sea of Cortez feasibility assessment for the Sonoran coastline. The work group will prepare a qualitative comparison of the options, instead of quantitative, as the options are so similar. It is expected that the work group will be shifting its focus to other areas of opportunity for desalination identified in the Minute, including: the Pacific coast, Baja side of the Sea of Cortez, and wastewater treatment in the Mexicali and Tijuana regions.
- The Environmental work group is scheduled to meet next week and is expected to discuss the status of its data management/archival system, and the 2020 Water Use Plan. All water supplies for habitat restoration and maintenance are scheduled to come from the purchases made by the Delta Water Trust using funds from the NGOs, as none of the Minute No. 323 water conservation projects have been planned or implemented.
- The Projects work group met in Mexicali recently and discussed the status of completion of the Minute No. 319 projects. Those projects are due to be completed in early 2020. Mexico is preparing a study that evaluates the actual water savings of each of the projects versus that estimated during the planning stages. Mexico indicated that representatives of District No. 14, CONAGUA and CILA are continuing discussions regarding planning for the development of Minute No. 323 conservation projects. The target is to conserve 36,367 acre-feet by December 31, 2020. Several U.S. work group participants (including IID and MWD) also provide excellent overviews of the various water conservation activities and techniques being implemented in the U.S.

The Minute No. 323 Oversight Group meeting is scheduled to be held on October 16th in San Ysidro, California. The Oversight group will hear status reports from the work group chairs/co-chairs, and discuss other issues related to implementation of Minute No. 323. The Oversight group will also review proposed work plans and schedules for the work groups for the next year. It should be noted that Mexican participation and travel is very limited currently because of budgetary restrictions, and Mexican governmental personnel can only meet in Mexico or in very close proximity to the U.S./Mexico border.

GENERAL ANNOUNCEMENTS AND UPDATES

Washington, D.C. Updates

Appropriations Update

The Senate Appropriations Committee approved multiple Fiscal-Year 2020 Appropriations bills this month including the Senate Interior-Environment Appropriations bill and the Senate Energy and Water Appropriations Bill. These bills are now awaiting a vote by the full Senate before they will be conferenced with House passed versions and subsequently sent to the White House to become law.

The Senate FY-2020 Energy and Water bill totals \$48.87 billion, which is \$4.23 billion above FY-2019 enacted levels. The House bill included \$46.4 billion. This bill included \$1.75 billion for the U.S. Bureau of Reclamation (Reclamation) to develop and protect the water resources of Western States. The House bill only included \$1.63 billion. The Senate bill also included the following:

- \$31.3 million for Lower Colorado River Operations Program;
- \$14.7 for Salinity Control Title I, and \$10 million for Title II;
- \$300,000 for Salton Sea Research Project;
- \$60 million for WaterSMART grants, \$144 million total for WaterSMART related programs; and
- \$4 million for Drought Response.

The Senate Appropriations Committee also approved its \$35.8 billion FY-2020 Interior-Environment bill which includes funding for both the Department of the Interior and Environmental Protection Agency. The House bill includes \$37.28 billion.

While the FY-2019 Fiscal year ended on October 1st, on September 26th Congress approved a continuing resolution that funds the government through November 21st. It is unlikely that all twelve appropriations bills will be finalized before then; however, Appropriations Committee leadership remains hopeful that at least half of them will be finalized, including the Energy and Water bill. The remainder of the bills will likely be subjected to another continuing resolution that carries over last year's funding levels for a stated period.

Senate Water Bills

The Senate Energy and Natural Resources Committee had a busy month approving a handful of water-related bills. Among them were bills that allow Reclamation facilities to transport

water for aquifer recharge, allowing Reclamation reservoirs to be used for pumped storage projects, and greenlighting a pilot project to adapt the management of Reclamation reservoirs to adjust the “rule curves” that guide water releases. The following list includes some of the bills that made it out of Committee:

- S. 1570 (Sen. Risch R-ID), a bill to provide flexibility to allow greater aquifer recharge, and for other purposes;
- S. 1751 (Sen. Cantwell D-WA), a bill to amend the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Reclamation reservoirs; and
- S. 2044 (Sen. McSally R-AZ), a bill to amend the Omnibus Public Land Management Act of 2009 to establish an Aging Infrastructure Account, to amend the Reclamation Safety of Dams Act of 1978 to provide additional funds under that Act, to establish a review of flood control rule curves pilot project within the Bureau of Reclamation, and for other purposes.

Waters of the United States Update

On September 12th, the 2015 Waters of the United States Clean Water Act rule enacted by the Obama Administration was officially repealed. Prior to September 12th, that rule was blocked in 27 states and in effect in 22 others. With the repeal of the rule, the application of the Clean Water Act reverts to determinations that were made in 1986 as interpreted by guidance put out by the Bush Administration in 2008. This will apply in all 50 states. That guidance reflects former Supreme Court Justice Kennedy’s opinion in the 2006 case *Rapanos v. United States* stating that waters with a “significant nexus” to navigable waters of the United States were protected under the Clean Water Act. The Trump Administration is planning future rulemakings that would roll back the regulatory reach of the Clean Water Act further.

Desalination Research Hub

The U.S. Department of Energy awarded a desalination research center to a new project called the National Alliance for Water Innovation, a consortium of national laboratories, 19 universities, and 10 private industry groups. The center will look for inexpensive, energy-efficient technologies to treat saltwater, brackish water, and wastewater from the oil and gas industry. The table below illustrates the current range in costs per acre-foot to treat different categories of water, stormwater capture, saline water, wastewater and ocean water supplies.

THE COST OF WATER

Lawrence Berkeley National Laboratory has been selected to lead a \$100 million project aimed at bringing down the cost of desalination and other alternative water sources.

Price range of producing water per acre-foot



*Water that is not as saline as seawater but is too salty to be used without treatment.

**Treated wastewater for irrigation or industrial use

***The storage of treated wastewater in groundwater or surface storage before it is distributed as drinking water.

Source: Public Policy Institute of California

BAY AREA NEWS GROUP

A link to recent article in the San Jose Mercury News provides more information about the project work to be led by Lawrence Livermore National Lab in Berkeley, California, can be found at <https://www.mercurynews.com/2019/09/27/100-million-desalination-project-to-be-led-by-lawrence-berkeley-national-lab/>.

California Department of Water Resources Updates

Climate Change Vulnerability Assessment and Adaptation Summit & Workshop

The California Department of Water Resources (DWR) held the Planning for Change: Climate Change Vulnerability and Adaptation Summit in Sacramento on September 17th and a technical workshop on September 18th and 19th in Tahoe City, California. The goals of the summit were to connect water managers with climate change technical experts and researchers; discuss future climate change challenges and uncertainties; develop shared knowledge of the potential impacts of climate change on California's water systems; and to present the Governor's [Executive Order N-10-19](#), created to strengthen the State's climate resiliency.

During the two-day workshop, attendees participated in panels and small group discussions with climate change technical experts, academics, and water managers about the current state of climate science; approaches to developing climate science informed policies and adaptation strategies at the State and local levels; and help advance DWR's climate change policy development. One of the expected outcomes of the workshop is that DWR will develop a policy brief detailing key policy and technical recommendations generated from the technical workshop that will be included as part of Governor Newsom's Water Resilience Portfolio. Board staff have

obtained electronic versions of all the presentations that were provided during the two-day workshop, and will distribute these materials as requested

California Natural Resources Agency All-Directors Workshop

On September 19-20, 2019, the Board's executive director attended a two-day workshop with all of the California Natural Resources Agency directors. Secretary Wade Crowfoot and his executive team wanted to take the opportunity to have all the agency directors get together and discuss common goals and objectives going forward during this term of the new State administration. Secretary Crowfoot identified his goals of establishing connections among the agencies, identifying resources in the agencies that can be better utilized or shared, addressing employee recruitment and retention challenges, and to applying new technologies to accomplishing agency missions.

The Secretary focused much of this first workshop around four key priorities identified by Governor Newsom and his administration, including:

- Addressing climate resilience (i.e., Executive Order N-10-19 for Water Resilience Planning, etc.);
- Protecting and enhancing California's biodiversity;
- Developing a "California Access for All" agenda for state agencies to implement; and
- Cutting Agency red-tape and "getting stuff done."

This was a productive workshop, and provided the CNRA Agency directors with the opportunity to get to know one another and better understand that we all share many of the same challenges as we conduct the State's day-to-day business, whether related to individual agency goals and objectives, or with overall administration, budgeting, or staffing and personnel issues. The next all-directors workshop has been tentatively planned for some time in March 2020 and will likely be held in the southern California region.

Governor Newsom Appoints New Assistant Secretary for Salton Sea Policy

Mr. Arturo Delgado, 48, of Palm Desert, was recently appointed by Governor Newsom to serve as the assistant secretary for Salton Sea policy at the California Natural Resources Agency. Mr. Delgado has served as Salton Sea program manager at the California Department of Fish and Wildlife since 2018. Prior to that, Mr. Delgado served in several positions with the U.S. Forest Service and California Department of Fish and Wildlife. A press release regarding Mr. Delgado's appointment by Governor Newsom can be accessed at the following link:

<https://www.gov.ca.gov/2019/09/25/governor-newsom-announces-appointments-9-25-19/>.