

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

May 13, 2020

**ADMINISTRATION**

Meeting Minutes, March 11, 2020

The draft minutes for the meeting of the Colorado River Board of California have been prepared and were included in the Board packet of materials and are proposed to be adopted at the May 13<sup>th</sup> Board meeting.

Proposed Fiscal-Year 2020/2021 Budget for the Colorado River Board of California

The Governor's proposed budget for the State of California, released in January 2020, includes a funding level for the Colorado River Board of California of \$2,400,000 for Fiscal-Year 2020/2021. This is an increase of \$92,000 over the authorized amount of \$2,308,000 for FY-2019/2020. The breakdown for FY-2020/2021 is \$1,498,000 for Personnel Services, and \$902,000 for annual Operating Expenses and Equipment.

The Board's proposed budget for FY-2020/2021 is scheduled to be approved and adopted by Board action at its regularly scheduled June Board meeting.

**COLORADO RIVER BASIN WATER REPORT**

As of May 4<sup>th</sup>, the water level at Lake Powell was 3,599.26 feet with 11.68 million-acre feet (MAF) of storage, or 48% of capacity. The water level at Lake Mead was 1,096.08 feet with 11.39 MAF of storage, or 44% of capacity. As of May 3<sup>rd</sup>, the total system storage was 30.64 MAF, or 51% of capacity, which is about 3.22 MAF more than system storage at this same time last year.

As of May 3<sup>rd</sup>, the Upper Colorado River basin reservoirs, excluding Lake Powell, ranged from 45% of capacity at Fontenelle Reservoir in Wyoming; 86% of capacity at Flaming Gorge Reservoir in Wyoming and Utah; 91% of capacity at Morrow Point and 62% of capacity at Blue Mesa Reservoir in Colorado; and 77% of capacity at Navajo Reservoir in New Mexico.

As of April 16<sup>th</sup>, the mid-month forecast for the unregulated inflow into Lake Powell for Water Year 2020 (WY-2020) is 8.12 MAF (75% of normal). The forecasted April to July 2020

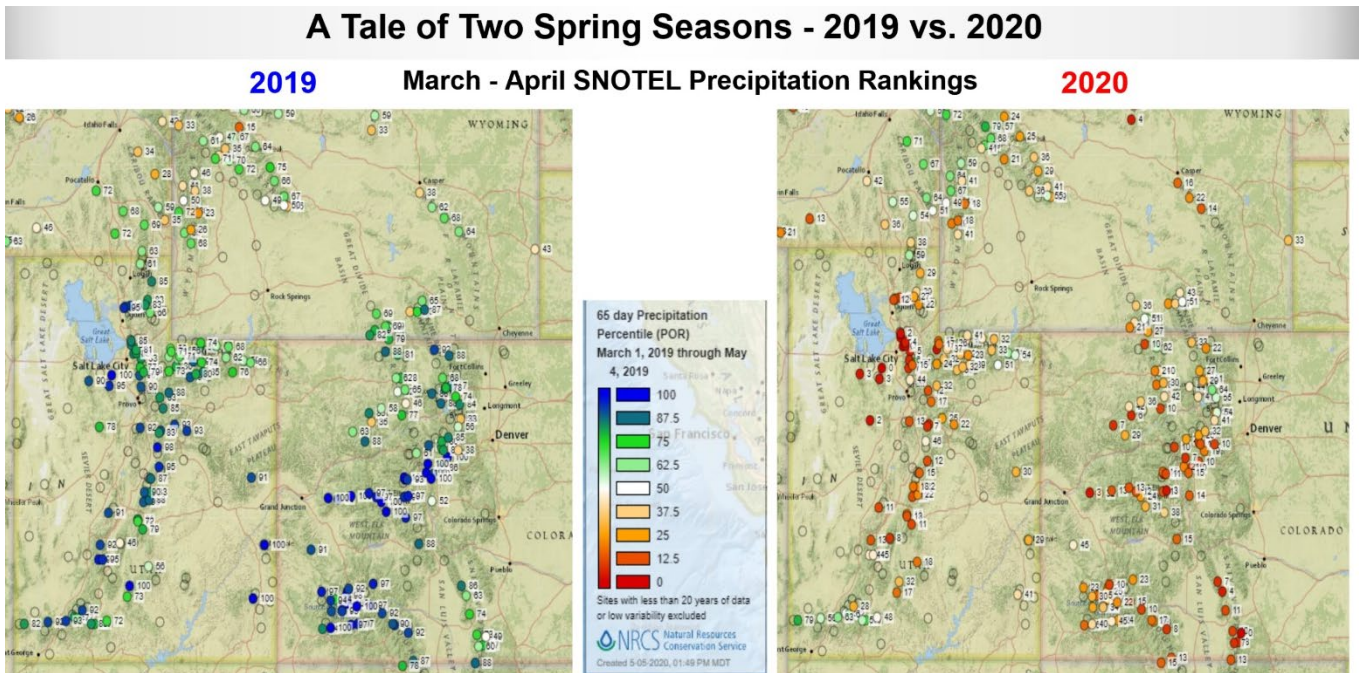
runoff into Lake Powell for WY-2020 is 5.3 MAF (74% of normal). For WY-2020, the March observed Lake Powell inflow was 0.48 MAF (71% of normal), and the April Lake Powell inflow forecast is 0.55 MAF (52% of normal). To date, the WY-2020 precipitation is 86% of normal and the current Basin snowpack is 81% of normal.

Colorado Basin River Forecast Center Water Supply Webinar

On May 7<sup>th</sup>, the Colorado Basin River Forecast Center (CBRFC) held its last webinar of the season to review the water supply conditions and forecast for WY-2020. In April, precipitation conditions in the Upper Green and Colorado Mainstem headwaters were near normal, due to storm activity. However, for much of the Basin, precipitation conditions were much below normal, with the least amount of precipitation in the San Juan and Dolores River basins at 10% and 30% of average, respectively.

Several SNOTEL sites in the San Juan and Dolores River basins experienced record or near record low precipitation amounts. Figure 1 displays the stark difference between the April 2020 and March 2019 SNOTEL precipitation rankings. During March 2019, SNOTEL sites in San Juan, Dolores and the Gunnison River basin experienced very wet conditions.

**Figure 1: 2019 and 2020 March-April SNOTEL Precipitation Rankings**



Near record wettest March in San Juan, Dolores, and Gunnison river basins.

Near record driest April in San Juan and Dolores river basins.

Early snow conditions in May range from near normal to slightly above normal in the Upper Green, Duchesne, Yampa/White, Upper Colorado Mainstem and Virgin River basins, with

below normal conditions in the Gunnison, Dolores, and San Juan River basins. During the last week of April, temperatures increased by 10 to 20 degrees above normal, accelerating snowmelt and runoff. It is anticipated that peak flow due to snowmelt will be below normal across much of the Basin.

As of May 1st, the April to July streamflow volume forecasts into Lake Powell, which include April observed inflow volumes, decreased by 13% since April 1<sup>st</sup>, mainly due to below average precipitation in April. The forecasted inflow into Lake Powell is 4.65 MAF, or 65% of normal.

Weather models forecast dry and warm conditions throughout the Basin until early next week, contributing to efficient snowmelt, and slightly cool temperatures thereafter.

## **COLORADO RIVER BASIN PROGRAM UPDATES**

### **Seven Basin States Letter to Secretary Bernhardt Regarding the 7.D. Review Process**

At the Colorado River Water Users Association conference in December 2019, Secretary of the Interior, David Bernhardt, indicated that Reclamation would be kicking off a process to conduct a review of the overall effectiveness of the 2007 Interim Guidelines. This review will be conducted pursuant to Part XI, Section G.7.D of the 2007 Interim Guidelines (“7.D. Review”), and states:

“Beginning no later than December 31, 2020, the Secretary shall initiate a formal review for purposes of evaluating the effectiveness of these Guidelines. The Secretary shall consult with the Basin States in initiating this review.”

As was described in the April Executive Director’s report, Reclamation’s staff held a series of webinars in March 2020 providing its perspectives on the proposed process for conducting the 7.D. Review, and has solicited comments regarding the proposed content of the report and the process to be utilized. Additionally, Reclamation has assembled a team of personnel from both the Upper and Lower Colorado Regional offices who will be preparing the report.

The seven Colorado River Basin states have prepared a letter, for signature by the Principals, which will be sent to Secretary Bernhardt in support of Reclamation’s preparation of the 7.D. Review report, and suggesting that it remains important to keep key Basin stakeholder groups, including Mexico, Tribes, water users, NGOs, and others informed as the 7.D. Review moves forward. A near-final draft of the seven Basin states letter to Secretary Bernhardt has been distributed with the Board packet materials. The staff recommendation is that the Board authorize the Chairman to sign the letter on behalf of California and its Colorado River water users.

Reclamation has also developed a website for tracking information and progress on the 7.D. Review at <https://www.usbr.gov/lc/region/programs/strategies.html#IGReview>. This website will also include comments received by Reclamation on the proposed review scope and process.

## Colorado River Basin Salinity Control Program

### *Paradox Valley EIS*

The Paradox Valley salinity control unit (PVU) is one of the original salinity control projects authorized under Title II of the 1974 Colorado River Basin Salinity Control Act (P.L. 93-320, as amended). The PVU is comprised of a series of brine collection wells and a deep injection disposal well that has prevented approximately 100,000 tons of salt each year from entering the waters of the Colorado River until its closure in March 2019 due to seismic activity. Reclamation has identified four PVU replacement alternatives in the Draft EIS released on December 6, 2019, including: A) No Action, B) New Injection Well, C) Evaporation Ponds, and D) Zero Liquid Discharge at locations shown in Figure 1. The public comment period for the Draft PVU EIS ended on February 19<sup>th</sup>, 2020. The Board and several Board member agencies submitted comments on the Draft PVU EIS consistent with positions taken by the Colorado River Basin Salinity Control Forum.

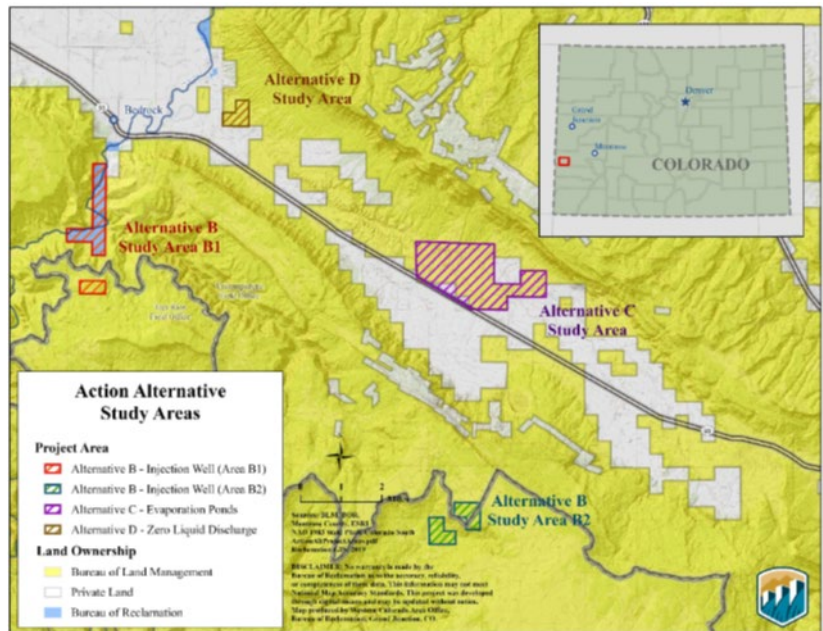


Figure 1. PVU Alternative Locations

Reclamation released the Administrative Draft of the Final EIS on April 17, 2020, for a 30-day review by the cooperating agencies. As the cooperating agency for California, the Board will coordinate consensus comments with cooperating agencies from the other basin states. The Final EIS is scheduled for release in July 2020, with a Record of Decision in August 2020.

### *Colorado River Basin Salinity Control Forum Meetings*

The Colorado River Basin Salinity Control Forum (Forum) Work Group meeting was held April 27-29, 2020, via a series of 4-hour webinars. During these webinars the Work Group was

updated by federal agencies on salinity related research and program funding, worked on revising the draft of the 2020 Triennial Review of salinity standards for Colorado River Basin, and learned about recent activities associated with restarting the brine injection well at the PVU. During the meetings the Work Group received a detailed briefing from the operators of the Intrepid Potash company, located in Moab, Utah, to learn about how that operation functions and about potential partnerships with Reclamation's PVU operation.

The Forum, Work Group, and Advisory Council will hold their next meetings as webinars the week of June 1-5.

### *Restarting Brine Injection at Paradox Valley*

During the Work Group meeting Reclamation provided an update on the resumption of brine-water injection operations at PVU, which resumed on April 21, 2020, for a six-month test. During the six-month test, which will be conducted at a 32% reduced injection rate, Reclamation will closely monitor the injection pressure and seismic response near the well. If any abnormal responses are observed, the well will be shut down for evaluation. Based on the data collected during the test, a decision will be made to determine future operations for the well. The injection rate will be reduced by 32% from the rate prior to the March 2019 earthquake, which was 168 gallons per minute (gpm). The new rate will be 115 gpm, potentially disposing of 65,000 tons per year (if operations continue beyond the six-month test).

### *Intrepid Potash Briefing*

During the Work Group meeting representatives from the Intrepid Potash mining company provided a briefing on the operations of their Moab facilities and how those operations could potentially support salinity control at PVU. Intrepid's Moab facilities are located 80 miles west of the PVU. The mining operation began in 1964 and has transitioned from direct mechanical mining to solution injection. Several PVC lined evaporation ponds are used to dry brine solution, which is then processed for potash used as an agricultural fertilizer, and for salt products used for road salts. The brine solution at the Moab facility is similar in chemical composition to what is found at PVU. A successful collaboration between Intrepid and PVU would likely require construction of lined ponds or zero-liquid discharge facilities at PVU.

### Status of Minute No. 323 Implementation

#### *Environmental Work Group*

The Environmental Work Group (EWG) for Minute No. 323 met via webinar on May 7<sup>th</sup>. The group discussed the effect of the ongoing coronavirus pandemic on habitat creation,

monitoring, and maintenance activities in the Colorado River Delta. Because of stay-at-home directives, monitoring that cannot be done remotely has been halted. While most habitat creation and maintenance work has also been halted, field crews are working to maintain existing habitats and greenhouse stocks of native plants. The impact to habitats and data collection will be determined by the length of time that this work is disrupted, but no significant impact is currently anticipated.

The EWG also discussed a recent workshop on the implementation of adaptive management at restored habitats in the Delta. The goal of this workshop was to improve the use of monitoring data to inform and improve restoration projects and to discuss the prioritization and streamlining of monitoring activities.

The EWG will next meet via webinar on June 9<sup>th</sup>.

### *Desalination Work Group*

The Minute No. 323 Desalination Work Group held a short webinar on April 29<sup>th</sup> to review the status of finalizing the draft report for desalination opportunities along the Sonora coastline of the Gulf of California in Mexico. The Work Group is also preparing a summary review of the report's key findings and "talking points" that can be presented to the Minute No. 323 Oversight Group at its proposed meeting in early June. With the approval of the Minute Oversight Group, it is expected that the study report, summary of key findings, and talking points could be released in mid-June 2020.

### Status of the Glen Canyon Dam Adaptive Management Program

The Technical Work Group (TWG) of the Glen Canyon Dam Adaptive Management Program met via webinar on April 15-16. The TWG discussed the details of the Program's FY21-23 Triennial Budget and Work Plan, which will guide program support and monitoring activities over the next three years. The TWG will finalize a proposed budget and work plan by its June 23-24 meeting, to be reviewed and approved by the Adaptive Management Work Group (AMWG) in August.

On April 24<sup>th</sup>, the Department of the Interior approved the recommendation to conduct Macroinvertebrate Production Flow ("bug flow") releases from Glen Canyon Dam from May 1<sup>st</sup> through August 31<sup>st</sup>. Bug flows were one of the experimental releases described in the Long-Term Experimental and Management Plan (LTEMP) EIS of 2016 and are intended to improve the aquatic foodbase that supports native fish populations and a blue-ribbon rainbow trout fishery. These low, steady weekend flows were also conducted in summer 2018 and 2019. Although the coronavirus pandemic has interrupted monitoring and research in the Grand Canyon, researchers believe that they will still be able to measure the results of this year's bug flow releases, despite a delay in data collection. A copy of the memorandum approving bug flow implementation has been included in the Board packet.

Finally, the AMWG is scheduled to hold a meeting on May 20<sup>th</sup> via webinar.

### Status of the Lower Colorado River Multi-Species Conservation Program

The Steering Committee for the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) met via webinar on April 22<sup>nd</sup>. The Steering Committee received an update on the status of current Program implementation and also considered and approved four minor modifications to the program's Habitat Conservation Plan (HCP) based on insight gained through research and program implementation. One of the modifications strikes language referring to a goal of maintaining a population of 50,000 razorback sucker in Lake Mohave for genetic diversity of the species; program implementation and recent genetic work suggests that this population target is both unrealistic and unnecessary to maintain genetic diversity. The other three minor modifications remove references to discrete values that marsh surface fluctuations must be maintained below for the benefit of the California black rail, Yuma clapper rail, and western least bittern. Not only do the realities of habitat management make these requirements difficult to meet or assess, but research conducted since the program was implemented in 2005 suggests that these specific water fluctuation limitations are not critical for marsh birds.

The LCR MSCP Work Group met via webinar on May 4-5 to discuss the *Draft Implementation Report, FY21 Work Plan and Budget, FY19 Accomplishment Report*. Through FY19, the Program has stocked 320,933 native fish in the Lower Colorado River, or about 18% and 32% of the overall program targets for stocking bonytail and razorback sucker, respectively. Monitoring for the Program's covered species continues, and results indicate that the LCR MSCP conservation areas remain popular with the yellow-billed cuckoo, with 263 detections across nine conservation areas in FY19. Although the endangered southwestern willow flycatcher continues to be elusive at the Program's conservation areas, in FY19 the birds had an unusually good nesting season in Topock Marsh, located near several LCR MSCP conservation areas.

Conservation area development has continued to move forward ahead of schedule, with 6,437 acres of the program's 8,132 required acres of habitat already established through FY19. FY19 saw the completion of planting at the Cibola Valley Conservation Area and Cibola National Wildlife Refuge Unit #1, as well as planting approximately one-third of the newly acquired Dennis Underwood Conservation Area in the Palo Verde Valley. The Program has recently initiated dredging at Beal Lake Conservation Area and construction of backwater habitat at the Planet Ranch Conservation Area along the Bill Williams River in Arizona, although the coronavirus pandemic has the potential to disrupt the construction schedule for FY20.

The LCR MSCP Steering Committee will meet via teleconference on June 24<sup>th</sup>.

## GENERAL ANNOUNCEMENTS AND UPDATES

### Basin States Climate and Hydrology State of the Science Report

On May 6, 2020, a webinar organized by Board staff was provided to interested California agencies by the lead authors of the Colorado River Basin Climate and Hydrology: State of the Science (SOS) report. The final draft of the SOS report was released on April 9, 2020, by the Western Water Assessment (WWA). The WWA, in partnership with the Cooperative Institute for Research in Environmental Science (CIRES) and the University of Colorado, Boulder began development of the report at the end of 2018. In August 2018, the Six Agency Committee approved funding of \$15,000 for the SOS report, joining other funders across the Colorado River Basin, including the Metropolitan Water District of Southern California. The goal of the SOS report is to assess and ultimately advance the current understanding of the Colorado River Basin's hydroclimate in order to improve short-to mid-term forecasting abilities and long-term projections. A two-page summary of the report is provided in the Board packet. Additional information is available at: <https://wwa.colorado.edu/publications/reports/CRBreport/>.

### Washington, D.C. Updates

#### *2020 Water Resources Development Act*

Last week, the Senate Environment and Public Works (EPW) Committee released and considered the America's Water Infrastructure Act of 2020 (AWIA) and Drinking Water Infrastructure Act of 2020. AWIA, the infrastructure and projects legislation, represents \$17 billion in new project authorizations and the latter bill includes \$2.5 billion in authorizations for drinking water projects. Both bills have been approved by the EPW Committee and have been sent to the full Senate for consideration. Due to the Coronavirus pandemic, the EPW Committee held paper hearings on the bills by taking written input and allowing members to question groups of witnesses.

The EPW Chairman, Senator John Barrasso (R-WY), is entertaining the idea that both bills could be merged with EPW's transportation bill for an infrastructure package that could be included in a future coronavirus economic stimulus package. In the House, the Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) has stated that he will release his water infrastructure bill this month.

#### *Clean Water Act Update- Maui v. Hawai'i Wildlife Fund*

On April 23<sup>rd</sup>, the Supreme Court issued a landmark decision in County of Maui v. Hawai'i Wildlife Fund, that considered whether federal permits are required for pollution that moves through groundwater before reaching the ocean. The Court, in a 6-3 decision led by Justice Breyer, ruled that a Functional Equivalence Test applied under the Clean Water Act. The Court held the



County of Maui liable for injecting contaminated wastewater into the ground because it could be traced leaching into the Pacific Ocean.

The Functional Equivalence test appears to be a middle ground application of the CWA. It allows for federal regulators to protect ground water when the effect of a groundwater discharge would be the functional equivalent of direct discharge into protected Waters of the United States, as determined under the CWA. In this case, that was demonstrated by the use of dyes that indicated a causal and significant connection between groundwater injection of wastewater in Maui County and contamination to the Pacific Ocean.

#### *Clean Water Act Update- Navigable Waters Protection Rule*

On April 21<sup>st</sup>, the Environmental Protection Agency (EPA) and Corps published the final Navigable Waters Protection Rule in the Federal Register (85 FR 22250). This rule is expected to become effective on June 22, 60-days after publication. This rule has received mixed responses from several Western states.

So far, 17 states and a number of non-profit organizations have filed suit over the Administration's issuance of the Navigable Waters Protection Rule. States that have filed suit include California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin, the District of Columbia, and New York City. It is uncertain what the impact of these lawsuits will be.

#### *Report on Army Corps Utilization of Natural Infrastructure*

On April 27<sup>th</sup>, the Congressional Research Service, published the first federal analysis of the effectiveness of Congress' efforts to promote green infrastructure for flood protection. This report found that the Army Corps of Engineers (Corps) has made limited use of natural infrastructure for flood control despite pressure from Congress to develop features such as wetlands and reefs instead of levees and flood walls. This report was a follow up to a 2016 law that directed the Corps to consider "natural and nature-based" features for flood control projects because they could be less expensive to build and provide wildlife habitats and recreation areas.

#### *U.S. Bureau of Reclamation WaterSMART Funding Opportunity*

Reclamation recently announced a funding opportunity available to build drought resiliency projects through the WaterSMART program. These grants help fund the building of projects that increase water supply reliability, improve water management, or provide benefits for fish, wildlife, and the environment. In particular, Reclamation is looking for projects that have been identified in drought response plans.

These grants provide up to \$300,000 per agreement for projects that can be completed within two years, and up to \$750,000 per agreement for projects that can be completed within three years. Recipients must match the funding with a minimum of 50% non-federal cost-share.

Eligible applicants for funding include states, tribes, irrigation districts, water districts or other organizations with water or power delivery authority located in the western United States or U.S. territories. It also includes Alaska and Hawaii, which are now eligible. The drought resiliency projects funding opportunity is available at [www.grants.gov](http://www.grants.gov) by searching funding opportunity number BOR-DO-20-F002. Applications are due on July 8, 2020, at 4 p.m. MDT.

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