

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

June 10, 2020

## **ADMINISTRATION**

### Meeting Minutes, May 13, 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 June 10<sup>th</sup> Board meeting.

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

The proposed Fiscal-Year 2020/2021 budget for the Colorado River Board of California is attached for review and consideration.

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 FY2019/2020. The breakdown for FY-2020/2021 is \$1,498,000 for Personnel Services, and \$902,000 for annual Operating Expenses and Equipment. The galley sheet for the Colorado River Board from the Governor's proposed budget has also been included in the materials distributed for the Board meeting.

### Consideration of Applications for Water Subcontracts from the Lower Colorado Water Supply Project

#### *Overview of the Lower Colorado Water Supply Project*

The Lower Colorado Water Supply Act (Public Law 99-655) was enacted by Congress in 1986 as a mechanism for California water users without Boulder Canyon Project Act Section 5 contracts for small amounts of water for domestic and industrial uses by exchange of up to 10,000 acre-feet of water per year from the Colorado River for current and future uses within California. Constructed by the U.S. Bureau of Reclamation (Reclamation), the Lower Colorado River Supply Project consists of four wells and pumping facilities in the Sand Hills area along the All-American

Canal in Imperial County. The Project water is intended for domestic, municipal, industrial, and recreational uses only. Eligible Project beneficiaries are limited to “persons or Federal or non-Federal governmental agencies whose lands or interests in lands are located adjacent to the Colorado River in the State of California, who do not hold rights to Colorado River water or whose rights are insufficient to meet their present or anticipated future needs as determined by the Secretary.” The City of Needles currently acts as the Administrator for the Project to enable eligible water users to subcontract for the use of Colorado River water subject to Project availability. The Board reviews applications for use of Project water supplies and then makes a recommendation to Reclamation as to whether a subcontract should be approved. Since 2001, the Board has received over 650 applications for the use of water from the Project and recommended approximately 5,900 acre-feet of current or future water uses for subcontracting with the City of Needles under the Project. This includes current approved uses of 797 acre-feet and future approved uses of 5,097 acre-feet.

*Staff Recommendation for Board Consideration*

The Board packet includes proposed Board Resolution 2020-1 providing a recommendation to Reclamation for two application contracts for the use of Lower Colorado Water Supply Project (Project) water for land parcels in San Bernardino County, California. Mr. and Mrs. Ostby hold an existing subcontract (No. 324) for 1.0 acre-foot per year of current use and 3.0 acre-feet per year of future use. In May 2016, they subdivided their parcels into five smaller parcels and sold one parcel to Mr. Jason Baucher and one to Ms. Cima Johnson. Mr. Jason Baucher is requesting a transfer of 1.0 acre-foot per year of current use from the existing contract to his parcel for the first contract. Ms. Cima Johnson is requesting 1.0 acre-foot per year of future use from the same existing contract to her parcel for the second contract. If the Board recommends that these transfers are approved by Reclamation, the original subcontract (No. 324) amount would be reduced from 1.0 acre-feet per year of current use and 3.0 acre-feet per year of future use to 1.0 acre-feet per year of current use and 1.0 acre-feet per year of future use. New subcontracts would be developed for the two new owners at a future point in time. Board staff recommends that the Board approve and adopt Resolution 2020-1 during its meeting on June 10, 2020.

## **COLORADO RIVER BASIN WATER REPORT**

As of June 1<sup>st</sup>, the water level at Lake Powell was 3,605.05 feet with 12.24 million-acre feet (MAF) of storage, or 50% of capacity. The water level at Lake Mead was 1,091.32 feet with 10.97 MAF of storage, or 42% of capacity. As of May 31<sup>st</sup>, the total system storage was 30.96 MAF, or 52% of capacity, which is about 2.32 MAF more than system storage at this same time last year.

As of June 1<sup>st</sup>, the Upper Colorado River basin reservoirs, excluding Lake Powell, ranged from 61% 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 67% of capacity at Blue Mesa Reservoir in Colorado; and 81% of capacity at Navajo Reservoir in New Mexico.

As of May 18<sup>th</sup>, the mid-month forecast for the unregulated inflow into Lake Powell for Water Year 2020 is 7.15 MAF (66% of normal). The forecasted April to July 2020 runoff into Lake Powell for Water Year-2020 is 4.4 MAF (61% of normal). For WY-2020, the April observed Lake Powell inflow was 0.48 MAF (45% of normal), and the May Lake Powell inflow forecast is 1.7 MAF (73% of normal). To date, the Water Year-2020 precipitation is 81% of normal and the current Basin snowpack is 54% of normal.

### Colorado Basin River Forecast Center Water Supply Webinar

On June 5<sup>th</sup>, the Colorado Basin River Forecast Center (CBRFC) held a webinar to review the water supply conditions during the runoff period for Water-Year 2020. The dry conditions that that Basin experienced in April have continued to persist through May and into early June. Although the very northern portions of the Basin, which include the Upper Green, Yampa and Colorado mainstem headwaters, received precipitation from a few storms, that precipitation only ranged from 50% to 60% of average. Most of the Basin received below average precipitation in May, ranging from 7% of average in the Virgin river basin to 40% of average in the Gunnison basin.

The overall Water-Year 2020 upper basin precipitation from October 2019 through May 2020, is below average, ranging from 65% in the San Juan basin to 95% in the White/Yampa basin. In the lower basin, Water Year-2020 precipitation is above average, ranging from 100% of average in the Virgin basin to 110% of average in the Little Colorado and Upper Gila river basins.

In addition to dry precipitation conditions, the Basin has also been experiencing above normal temperatures, as much as 10 to 20 degrees above normal. Within the last ten days, Salt Lake City, Utah, endured the second warmest period in over 140 years, while Grand Junction, Colorado, experienced the seventh warmest period in over 130 years. The rapid snow melt that began in mid-May has accelerated due to the warm temperatures.

As of June 4<sup>th</sup>, many SNOTEL sites were reporting little to no data, which is normal for this time of the year. Sixty-one percent of CBRFC SNOTEL stations are located between 8,000 feet and 10,000 feet in elevation, while 5% of the stations are above 11,000 feet and produce a significant amount the Basin's runoff. The data provided by the SNOTEL sites is used in the CBRFC model during the snow accumulation period, but during the snowmelt and runoff period, the CBRFC utilizes other tools, such as the satellite snow products produced by NASA's Jet Propulsion Laboratory to ensure its models correctly portray Basin snowpack conditions.

As of June 1<sup>st</sup>, April to July forecasted water supply volumes in the upper basin have decreased by 5% to 30% since May 1<sup>st</sup>. Most areas in the Basin have most likely already experienced peak flows during the last few days due to warm temperatures.

Weather models forecast a trough moving into the Basin during the first weekend of June, bringing widespread precipitation and cooler temperatures until early next week. By the second half of next week, it is expected that ridging and warm temperatures will return, which is typical in June.

### Final 2019 Colorado River Accounting and Water Use Report

On May 15, 2020, Reclamation released the final “Calendar Year 2019 Colorado River Accounting and Water Use Report for Arizona, California, and Nevada,” in accordance with Article V of the 2006 Consolidated Decree in *Arizona v. California*. The Decree requires documentation of releases of water through regulatory structures controlled by the United States, diversions, consumptive uses, and return flows to the mainstream that would be available for delivery to downstream users in the U.S., or to satisfy water deliveries to Mexico pursuant to the 1944 Water Treaty with Mexico. The final Calendar-Year 2019 Water Use and Accounting Report can be accessed and viewed online at:

<http://www.usbr.gov/lc/region/g4000/wtracct.html>.

### 2021 Colorado River Annual Operating Plan, First Consultation

The first consultation meeting for the development of the 2021 Annual Operation Plan (AOP) was held on June 1<sup>st</sup> via webinar to provide an overview of the draft 2021 AOP and accept comments from stakeholders. The 1968 Colorado River Basin Project Act (P.L. 90-537) requires that the Secretary of the Department of the Interior prepare a report documenting the actual operations for the previous water year and the projected operations for the upcoming water year. Based on the operating criteria established within the 2007 Interim Guidelines, the August 24-Month Study Report projections for January 1<sup>st</sup> elevations in the following year sets the operational tiers for the coordinated operations of Lakes Powell and Mead.

Based on the May 2020 24-Month Study Report Study and the most probable inflow scenario, the projected operational tier for Water-Year 2021 for Lake Powell is the Upper Elevation Balancing Tier with the most probable release of 9.0 MAF from Glen Canyon Dam. It was determined that the most probable operational tier for Lake Mead is the Normal or ICS Surplus Condition. However, as mentioned above, it is the August 2020 24-Month Study that will determine the official operating tiers for Lakes Powell and Mead, and this will be updated and

documented in the final version of the 2021 AOP. The Draft 2021 Annual Operating Plan for Colorado River Reservoirs can be accessed and viewed online at:

[https://www.usbr.gov/uc/water/rsrvs/ops/aop/AOP21\\_draft.pdf](https://www.usbr.gov/uc/water/rsrvs/ops/aop/AOP21_draft.pdf).

The second and final AOP consultations are scheduled to be held via webinar on July 23<sup>rd</sup> and September 3<sup>rd</sup>, respectively at 1:00 pm PDT.

## COLORADO RIVER BASIN PROGRAM UPDATES

### Colorado River Basin Salinity Control Program

#### *Status of the Paradox Valley Environmental Impact Statement*

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.

Reclamation released the Administrative Draft of the Final EIS on April 17, 2020, for a 30-day review by the cooperating agencies. At the request of the Basin States cooperating agencies, Reclamation granted additional comment extensions to June 22, 2020. As the cooperating agency for California, the Board will coordinate consensus comments with cooperating agencies from the

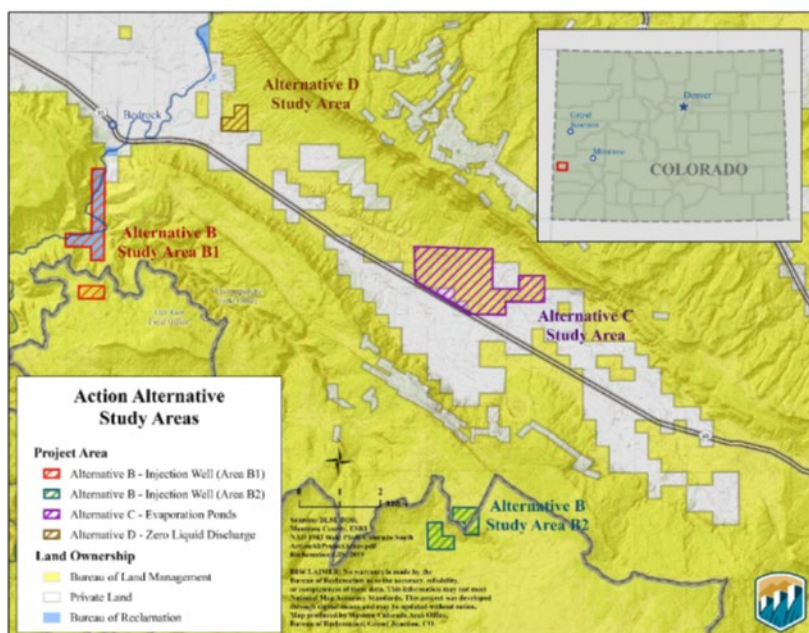


Figure 1. PVU Alternative Locations

other basin states. The Final EIS is scheduled for release in mid-August 2020, with a Record of Decision in late September 2020.

### *Suspension of Brine Injection at Paradox Valley*

As mentioned during the May Board meeting, on 4/21/2020, Reclamation resumed operation of brine-water injection operations at PVU for a six-month test. However, we were informed that on May 29, 2020, Reclamation suspended operations of the PVU six-month injection test, while it seeks an outside contractor's review of their test procedures and protocols. As far as we have been informed, there have not been any issues associated with operation of the restarted brine well such as increased earthquake activity or problems with well borehole pressures. Board staff are hopeful this is a temporary setback in restarting the existing brine injection well.

When restarted, the six-month test will be conducted at a 32% reduced injection rate, while Reclamation closely monitors 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 operation continues beyond the six-month test).

### *Colorado River Basin Salinity Control Forum and Advisory Council Meetings*

The Colorado River Basin Salinity Control Forum (Forum), Work Group, and Advisory Council held webinar meetings on June 1-3, 2020. The focus of the Forum and Work Group meetings were approval by the Forum of the public draft 2020 Triennial Review, Water Quality Standards for Salinity in the Colorado River System. The Federal Water Pollution Control Act requires that at least once every three years the Basin States review water quality standards relating to the salinity of the Colorado River. The states collectively initiated this review under direction of the Forum. During the meeting, the Forum approved the public draft 2020 Review, which will be sent to the Basin States governors and the state's water quality agencies for public comment prior to final approval by the Forum and inclusion within the individual state water quality standards.

In other business, The Forum approved formation of a finance subcommittee to renew and reinvigorate efforts to strengthen the Lower Colorado Basin Development Fund (LCBDF). The LCBDF uses hydropower revenue from Hoover, Davis, and Parker dams to support the lower basin state's cost share responsibilities for salinity control projects in the Basin. Due to reduced hydropower generation in recent years there has been a deficit between the revenue raised and the expected future Basin States cost share obligation. A few options under consideration are seeking Congressional authorization to allow the State of Arizona to contribute to salinity control programs

through the LCBDF for the first time, and to increase the existing upper basin cost share percentage above 15 percent. The lower basin is currently responsible for 85% of the Basin State's cost share obligation.

The Advisory Council serves as a Federal Advisory Committee and provides advice and recommendations to the Secretaries of the Departments of the Interior and Agriculture, and the Administrator of the Environmental Protection Agency on Salinity Control Programs in the Colorado River Basin. The Advisory Council recommended approval of two research projects by the U.S. Geological Survey as part of the Basin State's Studies, Investigations, and Research program. The first study will evaluate long-term salinity transport trends within lower basin tributaries to the Colorado River. The second study will evaluate the impacts of high intensity storm events, like monsoonal rains, on salinity transport. Board staff has recommended including the Colorado River below Parker Dam as one potential study area to further investigate salinity spikes observed by Board agencies in 2019. The studies are expected to be completed within two years.

#### *Minute 242 Salinity Differential Exceedance*

Minute No. 242, approved on August 30, 1973, by the International Boundary and Water Commission, requires that the water delivered to Mexico at Morelos Dam, have an annual average salinity of no more than 115 parts per million (ppm)  $\pm$  30 ppm U.S. count (121 ppm  $\pm$  30 ppm Mexican count) over the annual average salinity of Colorado River waters which arrive at Imperial Dam. During the Work Group meeting, Reclamation presented that provisional information suggests for the first time, the standard of 145 ppm was exceeded by 4 ppm, i.e., 149 ppm in CY-2019. Subsequently, Reclamation provided the following additional information:

- The Mexican estimated average annual flow-weighted value came in at 140 ppm, or 5 ppm below the maximum standard exceedance threshold; and it is well documented that there are differences in laboratory procedures between the two countries.
- Reclamation is currently investigating the cause(s) related to the differential exceedance and will continue to brief the states and water users as more information becomes available;
- The probable cause of the differential exceedance may be related to the good quality of Colorado River water arriving at Imperial Dam which results in Reclamation being able to blend less saline drainage water collected in the Yuma area with mainstream water for delivery to Mexico. In addition, salt contributions in the Yuma area were increasing significantly from past years. Research up to this point confirms a "spike" in the salinity of the "side inflows" (i.e., discharge from the river banks);
- The two sections of the International Boundary and Water Commission are currently discussing this issue too.

## Status of Minute No. 323 Implementation

A virtual meeting of the Minute No. 323 Oversight Group was held on June 3-4 via Zoom webinar platform. The meeting included updates from each of the work groups implementing activities pursuant to the Minute, including the Hydrology, Projects, Environmental, Salinity, Desalination, and the All-American Turnout work groups. Reclamation provided a brief update and overview associated with Colorado River System hydrologic conditions and operations, and Mexico provided an overview regarding its plans for increasing the volume of conserved water supplies in Mexico's Water Reserve in Lake Mead.

First, as many are probably aware, Mexican CILA Commissioner, Roberto Salmon Castillo, was asked to step down by the current Mexican federal administration. Commissioner Salmon served as the CILA Commissioner for nearly twelve years after being appointed following the deaths of both the U.S. and Mexican Commissioners in an aircraft crash on September 15, 2008, in northern Mexico. Commissioner Salmon provided steady leadership for CILA and was responsible for helping to enhance and improve the relationship between the two countries in managing the water resources of both the Rio Grande and Colorado River systems. Several important Colorado River Basin-related Minutes were successfully negotiated during Commissioner Salmon's tenure, including Minute Nos. 318, 319, and most recently, Minute No. 323. There has been no word yet on a successor to Commissioner Salmon, and CILA Secretary Jose Luevano Grano is the acting office manager.

The Projects work group reported that the last few Minute No. 319 projects are being completed, but activities have been temporarily halted because of the COVID-19 pandemic public health requirements in both Baja California and in Sonora. Joint planning is also underway involving CONAGUA, CILA, and District No. 014 agricultural producers to identify and develop potential water conservation and management projects that could be implemented pursuant to Minute No. 323.

The Desalination work group reported that the reconnaissance-level feasibility assessment for potential desalination opportunities along the Sonoran coast of the Gulf of California (Sea of Cortez) has been finalized. The Minute Oversight Group has directed that the two sections of the International Boundary and Water Commission work together to post the report on the webpages of each of the sections. The Desalination and Projects work groups will continue to identify and evaluate the feasibility of desalination opportunities along the Baja coastlines on both the Gulf of California and Pacific, as well as consider desalination opportunities associated with the wastewater treatment facility in Mexicali. Eventually, the Minute Oversight Group will identify those potential water supply augmentation projects which should be pursued via further investigation.



The Environmental work group reported that the impacts of the COVID-19 pandemic have limited or reduced the ability to fully implement the 2020 work plan associated with environmental monitoring and maintenance of habitat restoration projects in the Colorado River Delta region. The work group reported that water deliveries of supplies acquired by the Delta Trust continue to be conveyed through the District No. 014 water delivery infrastructure to maintain established habitats. The work group also expressed its concern about the ability to obtain and utilize the federal water supplies for environmental purposes that were identified in Minute No. 323. Mexican federal representatives from both CONAGUA and CILA indicated that they are aware of this concern and are working together to develop plans to make these supplies available perhaps as soon as 2021.

The Salinity work group reported that the real-time salinity monitoring program that has recently been implemented has been working well and is providing valuable information to managers in both countries. This has allowed water managers in CONAGUA, CILA, and District No. 014 to make on-the-spot decisions regarding the volumes delivered at both the Northerly and Southerly International Boundary delivery points and providing options for blending supplies to improve water quality. Additionally, Mexico indicated that it is in the process of completing contracts to initiate the dredging project to increase the capacity of the forebay of the Sanchez-Mejorada Canal at SIB to allow for increased volumes of water to be delivered there in the future.

Finally, Mexico reported on its plans to increase the volume of water supplies stored in Mexico's Water Reserve pursuant to the provisions of Minute No. 323. As of December 31, 2019, the total volume in Mexico's Water Reserve was approximately 133,000 acre-feet, and the goal by the end of calendar-year 2020 is to increase that total volume to slightly more than 166,000 acre-feet.

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

At the recommendation of the Glen Canyon Dam Adaptive Management Program, the Department of the Interior has initiated experimental "Macroinvertebrate Production Flows," also known as bug flows, at Glen Canyon Dam, starting on May 1<sup>st</sup> and running through August 31<sup>st</sup>. Bug flows are one of the experimental release patterns included in the 2016 Long-Term Experimental and Management Plan (LTEMP) EIS and were also conducted during the summers of 2018 and 2019, with mixed results. Bug flows consist of steady weekend releases from Glen Canyon Dam, intended to provide favorable conditions for aquatic insects and increase the food base supporting ecosystems in Glen and Grand canyons. The flows will not change the overall weekly, monthly, or annual release volumes from Glen Canyon Dam.

The Adaptive Management Work Group (AMWG) met via webinar on May 20<sup>th</sup>. The group heard a report on the draft Triennial Work Plan and Budget for FY21-23. The work plan directs approximately \$11 million in funding per year for program management, tribal projects,

and research and monitoring efforts below Glen Canyon Dam. Prior to FY19, program funding came from power revenues in the Upper Colorado River Basin Development Fund. However, the Office of Management and Budget redirected these power revenues from the Program to the Treasury as of FY19. Program funding was supplied by Congressional appropriations in FY19, then funded by power revenues once again in FY20 at the direction of Congress. However, the source and amount of Program funding in FY21 and future years remains uncertain. The draft FY21-23 work plan includes ongoing monitoring for native fish, sediment, cultural and tribal resources, nonnative fish, and aquatic insects. The budget includes increased funding to study the population dynamics of brown trout, a highly predatory nonnative species that has recently increased dramatically in the Lees Ferry area.

The Technical Work Group (TWG) will meet via webinar on June 23-24 to further discuss and reach consensus on a final budget and work plan recommendation to the AMWG.

## **GENERAL ANNOUNCEMENTS AND UPDATES**

### Lake Powell Pipeline Project Environmental Impact Statement

On June 8, 2020, Reclamation released the Notice of Availability of the draft Environmental Impact Statement/draft Resource Management Plan Amendment for the Lake Powell Pipeline Project (LPP). Reclamation is seeking public comment on the draft EIS/draft RMPA during a 90-day public comment period that will close at 11:59 pm MDT on September 6, 2020. Board staff previously submitted scoping comments on January 10, 2020, in a letter to Reclamation for the LPP project proposed by the Utah Board of Water Resources (UBWR). The proposed LPP is a 140-mile, 69-inch-diameter water delivery pipeline that begins at Lake Powell, located in the upper basin of the Colorado River, and ends at Sand Hollow Reservoir near St. George, Utah, located in the lower basin of the Colorado River. The UBWR proposes building the LPP in order to convey additional water supplies to Washington County in extreme southwestern Utah to meet future water demands, diversify the regional water supply portfolio, and for water supply reliability enhancement. Board staff currently believe that Congressional authorization will be required to implement the LPP. Board staff will work with the agencies to develop comment responses regarding the draft EIS. Additional information about the LPP is available here:

<https://www.usbr.gov/uc/DocLibrary/EnvironmentalImpactStatements/LakePowellPipeline/index.html>

## Washington, D.C. Updates

### *Coronavirus Update*

Congress remains gridlocked on the prospects of passing another Coronavirus stimulus package. The House Democratic Majority put together and passed a \$3 trillion package in May, titled the HEROS Act. However, the chances of the Senate Republican Majority taking this package up remain slim. Republicans in Congress are targeting a narrower response for the next round of stimulus, likely a package under \$1 trillion that would include liability protections for businesses as they reopen.

On the other hand, Congress appears to be making swift progress on Fiscal Year 2021 appropriations, a renewal of the Water Resources Development Act, the enactment of a historic conservation package that would fully fund the Land and Water Conservation Fund as well as fund deferred maintenance projects across federal lands, and a broad infrastructure bill for transportation. Both Chambers have been holding in person and virtual hearings to move these legislative priorities forward.

### *2021 Appropriations Update*

Congress is poised to begin work on twelve annual appropriations bills. Both the House and Senate anticipate marking up bills in the respective appropriations subcommittees in the week leading up to the July 4<sup>th</sup> recess and the weeks thereafter. However, once markups begin, there is little expectation for funding increases. Last year, Congress reached a budget deal that calls for only a modest boost of \$5 billion for domestic agencies, leaving many appropriations at Fiscal-Year 2020 levels.

Additionally, since this is an election year, Congress is expected to pass a stop-gap spending resolution to keep the government funded past the end of the fiscal-year on September 30<sup>th</sup>. A final deal on FY-2021 spending, likely an omnibus package, is not expected until after November and perhaps not until next year. This, of course, depends on who wins the presidency and if there is a shift in power in Congress.

### *Legislative Action in Congress*

On June 4<sup>th</sup>, the Senate Committee on Environment and Public Works held a hearing on the role of infrastructure in the nation's economic recovery from the coronavirus pandemic. On June 24<sup>th</sup>, we expect the House Natural Resources Committee to hold a Water, Oceans and Wildlife (WOW) legislative hearing and may include some western water bills.

### *Colorado Files Suit Concerning the Navigable Waters Protection Rule*

In late March, Colorado filed a lawsuit against the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineer (Corps) requesting that the most recent update to the Clean Water Act (CWA), The Navigable Waters Protection Rule, be rescinded. Their complaint notes that the state of Colorado’s headwaters supply water to nineteen states and Mexico, and that – according to the USGS National Hydrography Dataset – at least 68% of Colorado’s waters are intermittent or ephemeral. “The 2020 Rule shifts the burden onto Colorado to protect federally excluded wetlands and waters....”

The complaint states that the lack of mitigation requirements and protective best management practices required under Corps §404 permits and Colorado §401 CWA certifications will result in adverse water quality impacts where illegal filling of excluded wetlands and tributaries occurs. Additionally, the absence of state and tribal protections for non-federal upstream waters that enter Colorado from New Mexico, Oklahoma, Utah, Wyoming, or the Southern Ute Tribe means that those waters are also likely to be filled in or polluted without controls, further degrading Colorado’s water quality.

### *Reclamation Drought Funding Opportunity*

In early May, Reclamation announced the availability of funds for communities to proactively address drought through projects that increase water supply reliability, improve water management, or provide benefits for fish, wildlife, and the environment. 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.

This funding opportunity will provide up to \$300,000 per agreement for a project that can be completed within two years and up to \$750,000 per agreement for a project that can be completed within three years. Recipients must match the funding with a minimum 50% non-federal cost-share. Applications are due by July 8<sup>th</sup>. See [www.grants.gov](http://www.grants.gov), funding opportunity number BOR-DO-20-F002.

### *Reclamation Appointments*

On May 18<sup>th</sup>, Mr. Chris Beardsley was named Director, Policy and Programs for Reclamation. Mr. Beardsley will be responsible for the planning and execution of the following divisions: Security, Safety and Emergency Management, Environmental Compliance, Reclamation Law Administration, and Design, Estimating and Construction Oversight. Mr. Beardsley started his career with Reclamation in 1992, and in 2015, moved to Billings, Montana,

to serve as deputy regional director for the Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions overseeing six area offices across nine western states, including 80 dams, 20 powerplants and over 100 recreational areas. In this prior role, he also served as a member of the Platte River Recovery Implementation Program's Governance Committee which supports and protects four threatened and endangered species in Nebraska while allowing for continued water and hydropower project operations in the Platte River basin.

On May 28<sup>th</sup>, Dr. David Raff was named as Reclamation's Chief Engineer. As the Chief Engineer, Dr. Raff will direct Reclamation's engineering and scientific programs in Technical Services, Dam Safety and Infrastructure, Hydropower, Research and Development, and Water Planning. Previously, Dr. Raff served as Reclamation's Science Advisor. In this position, he served as Reclamation's Scientific Integrity Officer — promoting data quality, peer review, and ensuring adherence to the Department of the Interior's Scientific and Scholarly Integrity Policy while overseeing Reclamation's Research and Development and Water Resources and Planning Offices.

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