



## MONTHLY REPORT TO THE COLORADO RIVER BOARD OF CALIFORNIA

June 15, 2023

### **ADMINISTRATION**

#### Fiscal-Year 2023/2024 Budget for the Colorado River Board of California

The State budget submitted by Governor Gavin Newsom in January 2022 and through the May revised budget process reflects a proposed budget for the Colorado River Board of California (Board) in Fiscal-Year 2023/2024 (FY-23/24) of \$2,615,000. At the June 15th Board meeting, the Board will be asked to approve and adopt its budget for FY-23/24.

### **COLORADO RIVER BASIN WATER SUPPLY CONDITIONS REPORT**

As of June 5<sup>th</sup>, the surface water elevation of Lake Powell was 3,565.81 feet with nearly 8.21 million-acre feet (MAF) of storage, or 35% of capacity. The surface water elevation of Lake Mead was 1,054.48 feet with 8.01 MAF of storage, or 31% of capacity. As of June 4<sup>th</sup>, the total System storage was 23.76 MAF, or 41% of capacity, which is about 3.21 MAF more than the total System storage at this time last year.

As of June 7<sup>th</sup>, storage in the Upper Basin reservoirs, excluding Lake Powell, included the following volumes: 86% of capacity at Fontenelle Reservoir in Wyoming; 82% of capacity at Flaming Gorge Reservoir in Wyoming and Utah; 94% of capacity at Morrow Point and 78% of capacity at Blue Mesa Reservoir in Colorado; and 80% of capacity at Navajo Reservoir in New Mexico.

As of May 16<sup>th</sup>, the April observed inflow into Lake Powell was 1.40 MAF (155% of normal) and the May forecasted inflow is 4.40 MAF (212% of normal). The forecasted unregulated inflow into Lake Powell for Water Year (WY) 2023 is 14.17 MAF (148% of normal). The April through July 2023 forecasted unregulated inflow into Lake Powell is 11.0 MAF (172% of normal).

## **COLORADO RIVER BASIN PROGRAM UPDATES**

### Colorado River Basin States Activities

On May 22<sup>nd</sup>, the Basin States announced that a consensus Lower Basin Plan had been submitted to the U.S. Bureau of Reclamation (Reclamation) for consideration. The Lower Basin Plan includes cumulative reductions of 3.0 MAF over the interim period, with a minimum of 1.5 MAF of physical conservation by the end of calendar year 2024. These reductions would be in addition to reductions triggered under the existing 2007 Guidelines and 2019 Drought Contingency Plans. Up to 2.3 MAF of the conservation will be federally compensated through funding under the Inflation Reduction Act (IRA) (Bucket 1). The remainder would be uncompensated, funded locally, or funded through IRA Bucket 2 (up to 0.2 MAF through the latter). If the minimum probable forecast indicates that the Lake Mead end-of-year elevation will fall below 1,025', the Lower Basin States will have 45 days to propose a plan to prevent Lake Mead from reaching 1,000'. Mid-year adjustments can be made to reduce releases from Lake Powell to not less than 6.0 MAF if the Minimum Probable scenario indicates Lake Powell may fall below 3,500 ft, subject to certain restrictions.

The Basin States requested that the Lower Basin Plan be analyzed as an action alternative in the Draft Supplemental Environmental Impact Statement (SEIS) process that Reclamation initiated in November 2022. In order to analyze this new alternative, Reclamation withdrew the Draft SEIS on May 26<sup>th</sup>. Reclamation plans to reissue the draft SEIS in the future with the new action alternative.

### Colorado River Basin Salinity Control Program Implementation

The Salinity Control Forum and Advisory Council held a hybrid in-person/virtual meeting on June 6-7, with in-person participation in Jackson Hole, Wyoming. Key topics under discussion during the working meetings included updates from Reclamation, the U.S. Geological Survey, and Natural Resources Conservation Service on program funding, research, and implementation.

The Forum and Council reviewed the draft 2023 Triennial Review, *Water Quality Standards for Salinity on the Colorado River System*. The document is prepared every three years by the program as required under the Clean Water Act and is incorporated into each of the seven Colorado River Basin States' water quality standards and approved by the EPA. The 2023 Triennial Review is the sixteenth review or update to the salinity standards in the Colorado River Basin since the original standards were adopted in 1975. The draft review recommends no changes to

the numeric salinity criteria at the three stations located on the lower main stem of the Colorado River. The salinity levels in the Colorado River are predicted to remain below these criteria in approximately 91% of future traces. The numeric criteria at these stations is proposed to remain:

<u>Station</u>	<u>Salinity in mg/L</u>
Below Hoover Dam	723
Below Parker Dam	747
At Imperial Dam	879

The draft 2023 Triennial Review is available for public review and comment, and the Forum will consider adoption of the final report in October 2023.

The Forum and Council also received an update on the operation of the Paradox Valley Unit (PVU). The PVU brine injection well is currently operating at 65% capacity with approximately 65,000 tons of salt control per year. The well has been operating at this level without incident since February 2023, and Reclamation plans to continue operating the well at this level unless the risk of seismic activity increases.

Funding for salinity control across the Basin is based on a cost-share between the federal government, Upper Basin, and Lower Basin. The Lower Basin’s funding is withdrawn from the Lower Colorado River Basin Development Fund, which is funded by power revenues generated from the Boulder Canyon and Parker-Davis projects. In recent years, with reduced power generation, there has been insufficient money in the Lower Basin Fund to meet the cost-share requirements. At the direction of the Forum, legislation has been drafted for inclusion in the 2023 Farm Bill that would change program cost-shares, thereby decreasing the demands on the Lower Basin Fund. The changes would reduce the Basin States’ cost share for the EQIP program and Operations and Maintenance (O&M) on several of the initial salinity control units.

#### Glen Canyon Dam Adaptive Management Program

The Adaptive Management Work Group (AMWG) for the Glen Canyon Dam Adaptive Management Program (GCDAMP) met virtually on May 17<sup>th</sup>. The AMWG received a report on the April High Flow Experiment (HFE). Initial results show significant sediment deposition at most sites from Upper Marble Canyon to Diamond Creek. The beach-building benefits from the HFE are anticipated to be dampened by high releases from Glen Canyon Dam over the summer which will likely inundate much of the newly deposited sand and result in accelerated erosion. The AMWG considered a proposed outline from the Technical Work Group (TWG) for a process to

potentially modify the sediment accounting windows for future HFEs. The AMWG accepted this outline and the process continues to move forward.

The AMWG received a report on non-native fish monitoring. Both the National Park Service and Arizona Game and Fish Department continue to conduct regular monitoring. Monitoring trips were conducted prior to the April HFE and will continue during the summer.

The AMWG received an update on restoration work at Paria Beach. Two hundred cottonwood and willow trees have been planted. All of these trees remained rooted during the April HFE.

Finally, the TWG is scheduled to hold a meeting in Flagstaff, AZ on June 14 - 15, 2023 and the AMWG is scheduled to hold a meeting on August 16 – 17.

Lower Colorado River Multi-Species Conservation Program

The Lower Colorado River Multi-Species Conservation Program (LCR MSCP) held a hybrid Technical Work Group meeting on May 10 – 11. The meeting focused on a review the *Draft Implementation Report, Fiscal Year 2024 Work Plan and Budget, Fiscal Year 2022 Accomplishment Report*. Bureau of Reclamation staff provided updates on conservation area development and management, the wildlife program, adaptive management, the fisheries program, and program administration and budgeting.

During FY-22, two hundred eight acres of cottonwood-willow habit were established. The LCR MSCP has created or restored a total of 7,048 acres of habitat over the life of the program. (Table 1)

**Table 1. LCR MSCP Habitat**

<b>Land Cover Type</b>	<b>Required Habitat (acres)</b>	<b>Established Habitat (acres)</b>
Cottonwood-Willow	5,940	4,482
Honey Mesquite	1,320	2,046
Marsh	512	362
Backwater	360	158
<b>Total</b>	<b>8,132</b>	<b>7,048</b>

As of the end of FY-22, 406,438 native fishes have been stocked through LCR MSCP efforts, including 273,676 razorback suckers and 132,762 bonytail. The goal of the LCR MSCP Fish Augmentation Program is to provide the effort to stock 660,000 subadult razorback suckers and 620,000 subadult bonytail for reintroduction into the Colorado River. This rate of stocking is

expected to meet augmentation program goals. In addition, 154,798 razorback suckers have been stocked in Lake Mohave towards the goal of maintaining a population of 50,000 adult razorback suckers as a genetic refuge.

Monitoring for covered species continued in FY-22. Forty-three southwestern willow flycatchers were detected through monitoring efforts, including two nests at Topock March that fledged young. Only migratory flycatchers were detected at conservation area sites.

Restoration and monitoring at LCR MSCP conservation sites continues to move forward. At the Dennis Underwood Conservation Area, in FY-22 removal of invasive and non-native plant species on portions of Phase 1 was completed as part of maintenance efforts and cottonwood-willow was planted on 208 acres of Phase 2. At the Section 26 Conservation Area, 100% design drawings were completed in FY-22 as well as dredging for the construction of a flood protection berm.

Fish PIT tag antenna array equipment was installed at a number of LCR MSCP sites during FY-22 to facilitate broader monitoring of tagged fish.

The Lake Mead Fish Hatchery remains out of use due to difficulty in transferring water from Lake Mead to the hatchery. Funds have been obtained to improve the water delivery infrastructure. The hatchery may resume operations in FY-25.

A meeting of the LCR MSCP Steering Committee will be held virtually on June 28<sup>th</sup>.

## **GENERAL ANNOUNCEMENTS AND UPDATES**

### 2024 Annual Operating Plan (AOP) for Colorado River Reservoirs

The planning for the 2024 AOP is underway. Due to ongoing activities related to the Draft SIES process, the AOP schedule and timing has been adjusted. The schedule for the three consultation meetings is listed below:

- 1st consultation webinar Thursday, June 22<sup>nd</sup>;
- 2nd consultation webinar Wednesday, September 6<sup>th</sup>; and
- 3rd consultation webinar/ in person Wednesday, October 25<sup>th</sup>.

Reclamation has not yet released the draft 2024 AOP document. CRB will continue to monitor the progress of the 2024 AOP process and provide updates at an upcoming meeting.

## Salton Sea Management Program

The State Water Resources Control Board (State Water Board) held its annual workshop on the status of Phase 1 of the Salton Sea Management Program on May 16 and 17. Every year, the California Natural Resources Agency provides an update to the State Water Board and interested parties on the progress that has been made on the Salton Sea Management Program. The workshop also provided an opportunity for participants to share input with the State Water Board regarding the status of the Salton Sea Management Program.

## Washington, D.C. Report

### *Waters of the United States (WOTUS)*

The Supreme Court finally ruled in the *Sackett v. EPA* case which essentially invalidates the Administration's recent WOTUS rule that went into effect on March 20. The majority opinion, which was led by Justice Alito found "The Clean Water Act (CWA) extends to only those wetlands with a continuous surface connection to bodies that are waters of the United States in their own right, so that they are indistinguishable for those waters."

The ruling threw out the "significant nexus" test that had been the ruling WOTUS test since the *Rapanos* decision, stating that the CWA never mentions the test, therefore EPA has no statutory authority to impose it. The ruling also stated that the boundary between significant and insignificant nexus is far from clear.

The Principal Concurrence (agreement in judgment only) was led by Justice Kavanaugh and agreed with doing away with the "significant nexus" test but stopped short of agreeing with the new continuous surface connection test requiring wetlands to be "adjoining" waters of the United States.

While the Administration has not made any public statements as to how it will proceed after the ruling, they will need to go back to the drawing board to rewrite their recently finalized rule.

### *STREAM Act*

Senator Feinstein is circulating a discussion draft of a bill that she introduced in the 117<sup>th</sup> Congress, the Support to Rehydrate the Environment, Agriculture and Municipalities Act (STREAM Act).

*Western Water Infrastructure Repayment*

Rep. Lauren Boebert (R-CO) and six other House Republicans sponsored [a bill](#) that would reauthorize a program that allows irrigation districts and municipalities to pay off their share of federally funded water projects ahead of schedule.

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