

3.a. - Approval January 13, 2010, Board Meeting Minutes

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, January 13, 2010

A Regular Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, of the Holiday Inn Ontario Airport, at 2155 East Convention Center Way, Ontario, California, Wednesday, January 13, 2010.

Board Members and Alternates Present

D. Bart Fisher Jr., Chairman
Thomas M. Erb
John V. Foley
Terese Marie Ghio
Russell Kitahara
W. D. 'Bill' Knutson
Henry Merle Kuiper
John Pierre Menvielle

David Elms, Designee
Department of Fish and Game

Jeanine Jones, Designee
Department of Water Resources

Board Members Absent

James B. McDaniel

John W. McFadden

Others Present

Steven B. Abbott
Celia A. Brewer
John Penn Carter
James H. Bond
David Fogerson
William J. Hasencamp
Dorothy Hallock
Jim Imbierski
Mark L. Johnson
Michael L. King
Harold Lea
Jan P. Matusak
Halla Razak

Steven B. Robbins
Bob Siemak
John L. Scott
Ed W. Smith
Mark Stuart
Joseph A. Vanderhorst
Bill D. Wright

J.C. Jay Chen
Mark Van Vlack
Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 10:04 a.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chairman Fisher asked if there was anyone in the audience who wanted to address the Board on items on the agenda or matters related to the Board. Chairman Fisher introduced Ms. Dorothy Hallock, of Hallock/Gross, Inc. Ms. Hallock introduced the Board to the Rio Resort Mixed Use Development, 235 acres, along the Colorado River within the corporate boundaries of the City of Needles, California. The project has a potential population of 3,285, with up to 1,200 acre-feet of water use and up to 837 acre-feet of treated effluent. The size of the project has triggered compliance with S.B. 610 (water supply assessment) and the City of Needles to prepare an Urban Water Management Plan. The project will also require California Environmental Quality Act documentation. Ms. Hallock added that three of the parcels included in the project have a combined total present perfected right water (priority dates 1921, and 1923) of 406 acre-feet per year. The developers intend to secure a water supply for the project through the Lower Colorado Water Supply Project through a subcontract with the City of Needles. Ms. Hallock left a handout describing the project including location maps and a list of questions regarding the water supply for the project.

ADMINISTRATION

Chairman Fisher announced that Ms. Celia Brewer, legal representative for San Diego County Water Authority, had announced that she has taken a position with the San Diego Port Authority and will no longer be attending the Board meetings. The Board wished her well in her new pursuits and noted her presence will be missed.

Approval of December 9, 2009 Minutes

Chairman Fisher requested the approval of the December 9th, 2009 meeting minutes. Ms. Jones moved the December 9th, 2009 minutes be approved. Mr. Menvielle seconded the motion. Unanimously carried, the Board approved the December 9th, 2009 meeting minutes.

Governor's Appointments

Mr. Zimmerman reported that California's Natural Resources Secretary, Mr. Mike Chrisman, has announced his intention to leave state service on February 1st, 2010. Governor Schwarzenegger has named Department of Water Resources (DWR) Director, Mr. Lester Snow, to succeed Mr. Chrisman as Secretary of the Natural Resources Agency. The Governor named Mr. Mark Cowin to become Director of DWR and named Mr. John McCamman to become Director of the Department of Fish and Game. All three appointees will require senate approval. Mr. Zimmerman reported that he looks forward to working with the new appointees.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency Managers have not met since November 12, 2009.

CONSENT AND REVIEW ITEMS

Lower Colorado Water Supply Project Applications

Mr. Zimmerman reported that there were 17 parcels of property to be submitted for subcontract under the City of Needles for Lower Colorado River Water Supply Project (LCWSP) water. Board staff have reviewed the applications and recommend the applications be approved. There was a corrected version of the Resolution 2010-1 to recommend approval of the 17 parcels of property under the LCWSP in the handout materials. Mr. Knutson moved the Resolution be adopted as amended. Mr. Foley seconded the Motion; unanimously approved the Board adopted the amended Resolution to accept the 17 parcels of property under the LCWSP and forward the recommendation to Reclamation.

Blythe and Palen Solar Power Projects

Mr. Zimmerman reported that there were two proposed solar power projects, Blythe and Palen Solar Power Projects, which are seeking water supplies for construction, dust control, and the cleaning of mirrors during operation. There are potentially up to 17 solar power projects, planned for the Colorado and Mojave Desert Regions in California. There were questions regarding the appropriateness of using LCWSP water, given that the intent of the LCWSP is to provide legal water supplies along the Colorado River for those who currently do not have a water right or an insufficient right to use Colorado River water for domestic use. There was concern that if those solar projects are built on those lands that have no right to use Colorado River water since the right of LCWSP to supply water is attached to the property. There was also concern expressed that one of the LCWSP wells is currently having cavitation problems, affecting the pumping capacity of the well. There may be problems meeting the LCWSP domestic users' needs in the long term future, even without the additional demand by the proposed solar projects.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that precipitation from October 1st to January 10th was 80 percent of normal. The snowpack was 76 percent of normal. Reclamation's projections of unregulated inflow into Lake Powell were 6.20 maf for April through July 2010 or 78 percent of average; and water year projections from October 1, 2009 through September 30, 2010 were 9.348 maf, about 78 percent of average.

Mr. Zimmerman reported that the latest snow-pack map, January 12th, of the Upper Colorado River Basin shows much of the Upper Basin is still below normal, however it is still early in the season.

Mr. Zimmerman reported that as of January 10th, the storage in Lake Powell was 14.255 million acre-feet (maf), or 59 percent of capacity. The water surface elevation was 3,624.6 feet. The storage in Lake Mead was 11.227 maf, or 43 percent of capacity, and water surface elevation of 1,097 feet. Total System storage was about 33.05 maf, or 55 percent of

capacity. Last year at this time, there was 33.259 maf in storage, or 56 percent of capacity.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada to be below its entitlement of 300,000 acre-feet (248,000 AF); and Arizona's projected CU to be slightly above its entitlement of 2.8 maf (2.827 maf); and California is expected to be slightly below its basic entitlement of 4.4 maf (4.364 maf). In 2009, the Lower Basin CU was about 7.439 maf.

State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources (DWR), reported that precipitation in Southern California is about normal, and a series of storms is reportedly on the way in the next week or so. Precipitation as of January 1st is about 85 percent of normal, however the projected runoff from 31 rivers is about 40 percent of normal. Reservoir storage of 155 reservoirs is about 75 percent of normal. The Sacramento River Index, as of January 1st, is about 1.5 maf. Reservoir storage of the State Water Project (SWP), as of January 1st, was about 37 percent of capacity and SWP deliveries are projected to be 5 percent of Table A Entitlements.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of January 1st, MWD's combined reservoirs storage (Lake Skinner, Lake Mathews, and Diamond Valley Lake) was about 545,800 acre-feet, or 53 percent of capacity. Diamond Valley Reservoir storage was about 384,200 acre-feet, or about 47 percent of capacity. The storage in Lake Mathews was about 125,400 acre-feet, or about 69 percent of capacity, and Lake Skinner storage was about 36,100 acre-feet, or about 82 percent of capacity. The boat ramps at Diamond Valley Lake have been extended so boaters can launch their boats while Diamond Valley Lake is at low lake elevations.

Mr. Thomas Erb, of the City of Los Angeles Department of Water and Power (LADWP), reported that eastern Sierra climate conditions are dryer than the western Sierra's. He reported that as of January 12th, the Mammoth Pass snowpack, was 11.2 inches, or about 53 percent of average.

Colorado River Operations

2010 Annual Operating Plan for Colorado River Reservoirs System

Mr. Zimmerman reported that the final 2010 Annual Operating Plan (2010 AOP) has been released by Interior Secretary Salazar and has been posted on Reclamation's website: <http://www.usbr.gov/lc/region/g4000/AOP2010/AOP10.prf>. Mexico will be allowed to schedule the delivery of 1.5 maf during 2010.

Water Conserved at Reaches 1-3 of the All-American Canal Lining Project

Mr. Zimmerman reported that on December 4th, 2009 Reclamation released the Secretarial Determination regarding the amount of water conserved in Reaches 1 through 3, as a result of the All-American Canal Lining Project. The 2009 Full-Year amounts from Reaches 2 and 3 were 14,700 acre-feet and 2,150 acre-feet, respectively. The 2009 Partial-

Year amount from Reach 1 was 48,727 acre-feet. The total amount of water available for allocation during 2009, is 65,577 acre-feet, pursuant to the 2003 QSA Allocation Agreement. Of this amount, 11,148 acre-feet was delivered to the San Luis Rey Settlement Parties, and 54,429 acre-feet to the San Diego County Water Authority. Mr. Matusak added that there are remaining issues that will need to be settled before the San Luis Rey Settlement Parties can receive their water. Until then, the 11,148 acre-feet has been made available to MWD.

Reclamation Approves MWD's 2009 Extraordinary Conservation Intentionally Created Surplus (EC-ICS) Plan

Mr. Zimmerman reported that included in the Board folder was Reclamation's December 4th letter approving MWD's plan to create up to 100,000 acre-feet of EC-ICS for 2009.

Status of the QSA Court Cases

Mr. Steve Abbott, Attorney for the Coachella Valley Water District, reported on the Status of the QSA court cases. Mr. Abbott reported there were eleven separate cases and a number of related cross-actions filed in various superior courts coordinated before Sacramento Superior Court Judge Roland Candee. Mr. Abbott also reported that there are six active cases that have not yet been resolved by final judgment. Mr. Abbott reported that a number of the cases were dismissed before trial.

Mr. Abbott reported that Judge Candee decided to break the remaining cases into a four-phase trial. Phase 1A was to deal with issues regarding the validity of the agreements, except for issues relating to environmental challenges. Phase 1B was to deal with challenges to the QSA Program EIR. Phase 1C was to deal with issues dealing with the challenges to the Transfer Project EIR, compliance with NEPA and the Clean Air Act. Phase 2 would deal with the trial of the Western Farms and the Following Program cases.

Mr. Abbott reported that trial briefs and presentations were made by IID, CVWD, MWD, SDCWA, and the State of California (Department of Fish and Game and DWR) in support of the validity of the agreements. The parties Morgan/Holtz, Barioni, Cuatro Del Mar, County of Imperial, Imperial County Air Pollution Control District, and two Pro Per parties submitted briefs and presentations in opposition to the agreements. The briefs and presentations occurred over an eleven-day hearing comprising 330 CD's of Administrative record of the Phase 1A trial. On December 10, 2009, Judge Candee issued a tentative ruling. The Court is not bound by the tentative ruling and is free to make changes before issuing the final statement of decision and entering judgment. Mr. Abbot summarized the tentative ruling.

Mr. Abbott reported that the Court vacated trial dates for Phase 1B and Phase 1C. Oral and written comments on the tentative ruling were received during a December 17, 2009, hearing. A status conference has been scheduled for January 19, 2010.

Mr. Abbott reported that the Court is expected to issue a proposed statement of decision and proposed judgments. The parties would then file objections to the proposed statement of decision and proposed judgment. The Court would hold hearings on the

objections. The Court would then issue a final statement of decision and enter a judgment as appropriate. The Phase 2 trial would then begin.

Mr. Abbott reported that Reclamation has approved the 2010 water orders for Colorado River water. The water transfers according to the QSA are continuing, as environmental work also continues. The transfers and mitigation work will continue during appeal process unless ordered to stop.

National Science Foundation Climate Funding

Mr. Zimmerman reported that included in the Board folder was a letter from the Western States Water Council (WSWC), requesting the National Science Foundation (NSF) to establish a Regional Climate Modeling Fund that would downscale results from the large scale climate models to produce output from those models into a format that correlates to regions within a watershed. Ms. Jones, of the California Department of Water Resources, added that the WSWC and the Western Governors Association (WGA) were approached by the research community to request the NSF place a higher priority on funding to develop regional climate models that would include topographic features such as mountain peaks where much of the precipitation and runoff occurs.

Ms. Jones reported that the WSWC and others are putting together a package of letters in support of the NSF to dedicate funding for regional climate modeling. The funding sought is \$25 million over three years. The major expenditure of the cost would be the amount of time required of super-computers. Many of the global models work with a resolution of 200 kilometers, where some of the regional models are working with resolutions of two kilometers. Currently the National Center for Atmospheric Research is working on an experimental regional model with a resolution of 50 kilometers.

Mr. David Elms, of the California Department of Fish and Game, mentioned that he attended the Colorado River Fish and Wildlife Council Meeting (hosted by the Western Association of Fish and Wildlife Agencies) where a group of three individuals from the U.S. Geological Survey requested funding for climate modeling work to be done in the Upper Colorado River Basin. He suggested that this group may also write a letter of support for the regional climate modeling effort. Ms. Razak, added that the San Diego County Water Authority would be willing to write a letter in support of the effort. Ms. Jones responded that member agencies would be encouraged to write letters in support of the effort.

Chairman Fisher asked if there was a motion for the Board to send a letter in support of the regional climate modeling effort. Ms. Jones moved the Board send a letter in support of the effort. Mr. Kuiper seconded the motion, unanimously carried the Board approved the Executive Director to prepare and send a letter in support of the NSF fund regional climate modeling.

Basin States Discussions

Status of Binational Projects and Programs with Mexico

Mr. Zimmerman reported that the binational discussions have been delayed. The main reason was that Mexico did not have the funds to provide for its representative's travel expenses. However, the U.S. representatives have continued to meet and to discuss some modeling scenarios that have been identified within the binational process.

Mr. Zimmerman reported that the U.S. representatives met on January 8, 2010, and discussed the results of Reclamation's initial modeling. He indicated that Reclamation started the modeling with the assumptions used for the Shortage Criteria modeling. However, at the January 8th meeting, two revisions were suggested: 1) the Upper Basin requested that their latest depletion schedule to be used; and 2) the more realistic amount of creation of ICS in the Lower Basin be used (in the Shortage modeling assumptions, the maximum amount of ICS was used).

Mr. Zimmerman added that also, the modeling would look at the impact of water delivery reductions at NIB due to creation of ICMA for Mexico and impacts to the salinity differential at NIB. Mr. Zimmerman discussed the modeling results with the Board and mentioned the differences in the results of this modeling and the modeling for the Shortage Criteria. Mr. Zimmerman pointed out that comparing the two modeling results (the Shortage Criteria modeling and considering the assumptions mentioned earlier) the following may be observed:

- Related to water elevations at Lakes Powell and Mead, there would be a large change in the Lake Powell elevation in 10th and 50th percentiles probabilities. However, at Lake Mead there is not much change in 10th and 90th percentile but there is a large change with 50th percentile (elevation is lower). In other words, if the Upper Basin develops, the probability of Lower Basin shortage increases.
- Related to creation of Mexico ICMA, it is observed that the probability of shortage decreases. Also, the elevation of Lake Powell increases with creation of Mexico ICMA.
- Related to the salinity impact at NIB with creation of Mexico ICMA, it is observed that with creation of 100,000 AF ICMA, about 18,650 AF of water must be discharged into the bypass drain. Also, if considering 400,000 AF of ICMA (the maximum amount that Mexico is considering), then about 64,650 AF of water must be put into the bypass drain. These indicate that with the creation of ICMA, the salinity at NIB will increase and this is an issue that will need to be addressed in the future in negotiations with Mexico.

Status of the Colorado River Basin Study

Mr. Zimmerman indicated that the Colorado River Basin Study has been discussed at past Board meetings. He reported that this study will be cost-shared between Reclamation

and the seven Basin states (i.e., \$1 million from Reclamation, and \$1 million from the seven Basin states). Mr. Zimmerman added that Reclamation and the Basin states have finalized a Plan of Study, a Public Involvement Plan, and a Contributed Funds Agreement.

Mr. Zimmerman requested Board approval and authorization for him to sign the Contributed Funds Agreement as to its form. He indicated that the California's share is \$142,860 (\$75,000 cash contribution by July 31st; and \$67,860 in cash or in-kind services contributions by 1/31/2012). Mr. Erb moved the request be approved. Mr. Kuiper seconded the motion. The Board unanimously approved Mr. Zimmerman's request.

Status of the Glen Canyon Dam Adaptive Management Program

Mr. Zimmerman reported to the Board that On December 31st, Reclamation published a notice in the *Federal Register* of its intention to prepare a protocol for experimental high-flow releases from Glen Canyon Dam. Mr. Zimmerman indicated that there has been high-flow release as part of the Glen Canyon Dam Adaptive Management Program. However, the Department of the Interior (DOI) believes that some type of protocol is needed to determine when these flows be made. Therefore, DOI has initiated a public process that will look at the frequency, magnitude, and duration of potential high-flows. This review will also assess the types and level of monitoring necessary to gauge the effectiveness of high-flow releases.

Mr. Zimmerman indicated that there will likely be a NEPA review process as well. He added that at this time, the DOI intends to prepare an Environmental Assessment and not an Environmental Impact Statement (EIS). Based upon comments received, the DOI may move to prepare a full EIS.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, February 10, 2010, 10:00 a.m., at the Holiday Inn Ontario Airport, 2155 East Convention Center Way, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting. Upon the motion of Mr. Knutson, seconded by Mr. Menvielle, and unanimously carried, the Board meeting was adjourned 11:48 a.m. on January 13, 2010.

Gerald R. Zimmerman
Executive Director