

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, February 9, 2005

A Meeting of the Colorado River Board of California (Board) was held in Executive Suite Room 321, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, on February 9, 2005.

Board Members and Alternate Present

Lloyd W. Allen, Chairman  
James H. Bond  
Dana "Bart" Fisher, Jr.  
William D. Wright  
John W. McFadden

Christopher G. Hayes, Designee  
Department of Fish and Game  
  
P. Joseph Grindstaff, Designee  
Department of Water Resources

Board Members and Alternate Absent

John V. Foley  
James B. McDaniel

Leonard E. Robinson

Others Present

Harold W. Ball  
Steve Day  
William I. DuBois  
Thomas M. Erb  
David Fogerson  
Elston K. Grubaugh  
William J. Hasencamp  
Jeanine Jones  
Thomas E. Levy  
Le Val Lund  
Jay W. Malinowski  
Jan P. Matusak  
Douglas B. Noble  
Dan Parks  
Steven B. Robbins

Ed W. Smith  
Mark Stuart  
William H. Swan  
James J. Taylor  
Dennis B. Underwood  
Charles Van Dyke  
Joseph Vanderhorst  
  
William S. Abbey  
Abbas Amir-Teymoori  
J.C. Jay Chen  
Christopher S. Harris  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Allen, in the presence of a quorum, called the meeting to order at 10:00 a.m.

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Mr. Zimmerman reported that Mr. Darrell Hafen could not attend the Board meeting, but that he had sent an e-mail to be read into the record. Mr. Hafen's e-mail stated that he was concerned for home owners whose homes were flooded by the recent rainstorms. He suggested that flood flows on the Virgin and Santa Clara Rivers in Utah and the Muddy River in Nevada that ended up in Lake Mead be declared a flood bank and that title be secured for that water, separate from the normal flood waters that flow into the Colorado River. The flood bank waters would then be sold, and funds used to repair homes damaged from floods.

Chairman Allen asked if there were any other comments and hearing none, moved to the next item.

## **ADMINISTRATION**

### Approval of Minutes

Mr. Zimmerman asked that the January 12<sup>th</sup> meeting minutes be approved.

MOTION: Upon the motion of Mr. Fisher, seconded by Mr. Wright, and unanimously carried, the Board approved the January 12<sup>th</sup> meeting minutes.

### Report Regarding the Status of State of California Government Reorganization

Mr. Zimmerman reported that several of the Six Agencies, the Southern California Water Committee, and the Desert Water Agency have written letters in support of the Board to the Little Hoover Commission. These letters were included in the Board folder.

### Appointment of Senator Ducheny to Chair a Select Committee on Colorado River Issues

Mr. Zimmerman reported that California Senator Denise Ducheny has been appointed to chair a Select Committee on Colorado River matters. Included in the Board folder is a letter to Senator Ducheny from the Board. Several Board members expressed interest in being notified when the Select Committee is in session and what activities it becomes involved in.

### Conflict of Interest Statements

Mr. Zimmerman mentioned that conflict of interest statements have been sent out and that the deadline for returning them to Board staff is March 1<sup>st</sup>.

## **AGENCY MANAGERS MEETING**

Mr. Zimmerman reported that the Agency Managers had not met since the last Board meeting. However, there have been several conference calls regarding drought management and discussions relating to the Basin states meetings. In addition, there have been discussions regarding the California Performance Review.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Harris reported that as of February 2<sup>nd</sup>, the storage in Lake Powell is 8.471 million acre-feet (maf). or 35 percent of capacity and the water level elevation is 3,561.9 feet. The storage in Lake Mead is 15.138 maf or 53 percent of capacity and the water level elevation is 1,137.6 feet. The total system storage is about 30.4 maf or 51 percent of capacity, whereas last year the total system storage was about 32.5 maf or 55 percent of capacity.

Mr. Harris further reported that precipitation for the October 1<sup>st</sup> through February 3<sup>rd</sup> is about 117 percent of normal and the snow pack water equivalent is about 123 percent of normal. The percentages are based on the SNOTEL water data collection system comprised of 116 sites in the Upper Colorado River Basin. Reclamation projected unregulated inflow into Lake Powell for April through July 2005 to be 9 maf or about 113 percent of average. The inflow forecast for the water year from October 1, 2004 to September 30, 2005 is projected to be 13.2 maf or 109 percent of normal.

Mr. Harris added that Reclamation has projected consumptive use for 2005. The projection for the State of Nevada is 0.284 maf, for the State of Arizona, 2.776 maf, and California just under 4.4 maf. The total Lower Division States consumptive use is projected to be 7.424 maf.

Mr. Harris talked about several slides depicting the snow conditions in the Upper Colorado River Basin. Current snow conditions and precipitation amounts were compared to recent historic amounts.

### State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported that precipitation for the water year through January 31<sup>st</sup> is up 150 percent statewide. In the northern part of the state, where most of the storage facilities for the State Water Project (SWP) are located the precipitation, is not much over 100 percent. In the southern part of the State, precipitation is up over 300 percent. The greater amount in the south does not fill storage facilities in the north, but it does help replenish groundwater supplies. Mr. Stuart discussed the records of various precipitation stations throughout southern California, as well as the relative water content of the snow pack in the northern, central, and southern ranges of the State. Overall the reservoir storage in the state is at 95 percent of normal.

Mr. Wright, for The Metropolitan Water District of Southern California (MWD), reported that the three main surface storage reservoirs of the Diamond Valley Lake, Lake Mathews and Lake Skinner are at 837,000 acre-feet, or about 82 percent capacity. Diamond Valley Lake has 639,000 acre-feet in storage, or 80 percent of capacity. Lake Mathews has 161,000 acre-feet in storage, or 80 percent of capacity, Lake Skinner has 38,000 acre-feet in storage, or 88 percent of capacity.

Mr. Thomas Erb, Water Resources Director for the Los Angeles Department of Water and Power, reported that the snow pack in the Eastern Sierra is at 48.7 inches of water content,

which is about 163 percent for this time of year, and 111 percent of the entire winter season through April 1<sup>st</sup>.

### Arizona v. California

Mr. William Abbey, of the Attorney General's Office, reported that all of the parties, including the Governor's office, have accepted the language of the proposed Settlement Agreement. The attorneys for the parties are now exchanging drafts of a motion to be filed with the Special Master, asking that he submit his Report to the United States Supreme Court recommending approval of the settlement and issue a Decree.

Mr. Abbey added that there may be an informal "signing ceremony" on the 24th or 25th of February in La Jolla, as most of the attorneys involved in this case will be attending a water law conference that week.

### Colorado River Operations

#### *Letter to U.S. Army Corps of Engineers (COE) and Reclamation Regarding Coordination of Releases from Parker, Alamo and Painted Rock Dams*

Mr. Zimmerman reported that a letter was sent to Reclamation and the COE, requesting coordinated operations of Parker, Alamo, and Painted Rock Dams. A copy of the letter that was prepared by the Board regarding the proposed reservoir coordination activities was included in the Board folder. Mr. Zimmerman added that the COE and Reclamation are working to conserve water in the mainstream reservoir system of the Colorado River. Reclamation has reported that there is about 60,000 acre-feet of excess delivery to Mexico that can be conserved.

#### *News Article on the Growth in Nevada and another on Recent Rainstorms in Arizona*

Mr. Zimmerman reported on two articles published in the Las Vegas Sun and Arizona Republic. The Las Vegas Sun article described Nevada's record growth and water use. An Arizona Republic article described how the recent rainstorms have filled the Verde River System reservoirs in Arizona, as well as other flood control reservoirs. The article noted the cooperation between state and federal agencies to conserve the mainstream flows in the Colorado River. Both articles were included as handout materials.

#### *Status of the State of New Mexico's Approval of the Proposed San Juan Basin Water Rights Settlement Between the Navajo Nation and State of New Mexico*

Mr. Zimmerman reported that both the State of New Mexico and the Navajo Nation have agreed to a settlement related to water rights in the San Juan River Basin. The agreement will settle more than 20 years of conflict over the adjudicated rights within the San Juan River Basin within New Mexico. The parties of the agreement will be seeking congressional approval.  
*Announcement from the International Boundary and Water Commission (IBWC)*

Mr. Zimmerman reported that the IBWC is seeking nominations to sit on the advisory committee for the Colorado River Citizen's Forum. Members of this advisory committee must be reappointed every two years. The advisory committee has been in existence for two years and

meets four times per year. Through the advisory committee the IBWC communicates the issues and activities of the American Section. The announcement is included in the Board folder. Applications are due February 28<sup>th</sup>.

### Basin States Discussion

#### *Basin States' Meeting of January 31<sup>st</sup> and February 1<sup>st</sup>, 2005, Albuquerque, New Mexico*

Mr. Zimmerman reported that the Technical Committee and Basin States are continuing to meet. During the meeting on January 31<sup>st</sup> and February 1<sup>st</sup>, the Technical Committee reported on the model study results associated with impacts under various reservoir operating scenarios. Drought mitigation and conservation strategies were discussed at the meetings. Reservoir conjunctive use and storage strategies, as well as potential criteria and parameters for shortage declarations were discussed. The next Basin States meeting is planned for February 28<sup>th</sup> and March 1<sup>st</sup>. The Upper and Lower Basin representatives plan on meeting separately to develop each Basin's perspective on reservoir operations before the February 28<sup>th</sup> and March 1<sup>st</sup> Meeting.

#### *Request for FY 2006 Appropriations for Lower Colorado River Regulatory Storage*

Mr. Zimmerman reported that the Basin States have prepared letters requesting appropriations during fiscal year 2006 for water conservation facilities along the Colorado River in the Lower Basin, including the Laguna Dam and Drop 2 regulatory storage reservoirs adjacent to the All-American Canal. These facilities will improve the operating efficiency within the Lower Basin.

Mr. Zimmerman requested that the Board authorize the Chairman and Executive Director to sign the letter to the Colorado River Basin congressional delegations.

MOTION: Upon the motion of Mr. Fisher, seconded by Mr. Wright, and unanimously carried, the motion was approved for authorizing the Chairman and the Executive Director to sign the letter to the Colorado River Basin congressional delegations for requesting FY 2006 appropriations for Lower Colorado River regulatory storage.

#### *News Release on Reclamation's 2005 Klamath Basin Pilot Water Bank*

Mr. Zimmerman reported that the Mid-Pacific Region of Reclamation has proposed the development of a water bank to acquire and store approximately 100,000 acre-feet of water per year to meet the environmental needs within the Klamath Basin. Reclamation sent out a request for water this year and is preparing to bank about 31,000 acre-feet. The water would be obtained through forbearance type agreements. Participating farmers that have been irrigating at least twenty acres for the past two years, and are willing to dry-farm for the current year, would be reimbursed at a rate of \$187.50 per acre. Reclamation's Colorado River region is trying a similar approach to replace the water in the Bypass Drain.

### Colorado River Environmental Activities

#### *Status of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP)*

Mr. Harris reported that finalization of several agreements is proceeding: including the implementation agreement, the funding and management agreements, and the federal Section 10 incidental take authorization. These agreements need to be finalized and readied for approval and execution prior to the Record of Decision to be signed by the Secretary of the Interior in late- March.

The implementation agreement coordinates the efforts and the support of the U.S. Fish and Wildlife Service (USFWS), the implementing parties, both federal agencies and non-federal agencies to the long-term 50-year implementation period. The funding and management agreement specifies how the United States and the nonfederal parties are to pay for the long-term implementation and how the program is to be managed. The incidental take authorization is the agreement between the USFWS and the nonfederal parties with respect to the terms and conditions and responsibilities under the Habitat Conservation Plan for conserving species, restoring habitat, and maintenance of the habitat during the 50-year period.

The federal and nonfederal parties have generally accepted the tenants of each of the agreements. A signing ceremony is tentatively scheduled for March 23<sup>rd</sup>, so there is still a sense of urgency to complete and ready the final documents for the signing ceremony that is expected to take place at Hoover Dam.

#### *Status of California Endangered Species Act (CESA) Compliance Package for LCR MSCP*

Mr. Harris reported that the California parties are working to ensure that the permit terms and conditions of the CESA permit are generally compatible with the federal permit terms and conditions. Mr. Harris commended Joseph Vanderhorst of MWD for his efforts to finalize the CESA 2081 Permit and working closely with CDFG. All of the parties are working together and nearing the final stages to complete the agreements in time for the signing ceremony in March.

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

Mr. Harris reported that the next Adaptive Management Work Group (AMWG) meeting is scheduled for March 2<sup>nd</sup> and 3<sup>rd</sup>. For information purposes, a fact sheet, describing the hydropower resources of Glen Canyon Dam and the impact of the adaptive management program on those resources, was prepared by the hydropower customers. In addition, a copy of a letter from the Arizona Game and Fish Department requesting completion and release of the genetics management plan by the USFWS for the chub species in the Colorado River Basin. The genetics management plan will be used in the development of the Lower Basin Endangered Fish Recovery Program, as well as the LCR MSCP.

#### Lower Colorado Water Supply Project

Mr. Zimmerman reported that the status of the Lower Colorado Water Supply Project has not changed since the last meeting. The Board is seeking congressional authorization to allow for the advance delivery of water from the project using the excess capacity outside of the Colorado River corridor.

## **WATER QUALITY**

### *Colorado River Basin Salinity Control Forum Work Group Meeting (CRBSCF)*

Mr. Abbas Amir-Teymoori reported that CRBSCF met on January 12<sup>th</sup> and 13<sup>th</sup> in Salt Lake City, Utah. Funding issues in 2004, and the allocation of discretionary funds in 2005 were discussed at the meeting. There were fourteen projects submitted for review by the Forum, nine of which were approved. The funding for the nine projects is to be \$723,840. Preparations and scheduling of the 2005 Triennial Review Report was discussed. The Forum Work Group is scheduled to meet on February 22<sup>nd</sup> and 23<sup>rd</sup> to further discuss the Triennial Review Report. The Report must be finalized for the by the October 2005 meeting.

### *Update on Perchlorate Remediation Efforts at Las Vegas Wash, Las Vegas, Nevada*

Mr. Amir-Teymoori reported that remediation efforts to clean up the two plumes of perchlorate pollution are continuing. The Kerr-McGee's new Fluidized Bed Reactor (FBR) perchlorate removal system has been optimized and is fully operational. According to the Nevada Department of Environmental Protection (NDEP) the permit conditions of less than 18 parts per billion have been consistently meet since December 2004. The flow through the treatment facility is about 1,000 gallons per minute. The inflow perchlorate concentration varies from 200 to 250 parts per million, whereas the effluent varied from non-detect to 18 parts per billion. With the FBR in place the perchlorate load to Las Vegas Wash has dropped to about 100 lbs per day. Due to the heavy rains in January there were some days where the loading was up to 200 lbs per day. By the end of 2004, about 1,500 tons of perchlorate have been removed from the environment. Perchlorate concentrations at Willow Beach monitoring station dropped to about 2 ppb in September 2004. Concentrations increased and reached 3.6 ppb in January, but this is in part due to seasonal turnover of Lake Mead. The concentration is expected to drop to 2 ppb or less.

At the AMPAC site, the project proponents have completed the site investigations, pilot studies, and submitted a work plan to the NDEP. After approval, the permit process will begin. It is anticipated that the first treatment system for the leading edge of the plume will be fully operational by August 2005.

There being no further items to be brought before the Board, Mr. Fisher moved that the meeting be adjourned for recess.

MOTION: Upon the motion of Mr. Fisher, seconded by Mr. McFadden, and unanimously carried, the meeting was adjourned for recess at 11:30 a.m. on February 9, 2005.

## **EXECUTIVE SESSION**

Pursuant to the provisions of Article 9 (commencing with section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and Sections 12516 and 12519 of the Water Code, Chairman Allen announced that he would like to hold an executive session, and then excused everyone who was not a Board member, or his/her alternate, nor on the staff of an agency member of the Board.

Prior to adjourning to closed session to consider interstate claims to the use of Colorado River System waters and negotiations with representatives from other Basin states relative thereto, the Board determined that discussing these matters in open session would substantially impair the ability of the Board to perform its duties to represent and protect the rights and interests of the State of California, its agencies, and its citizens in and to the waters of the Colorado River System.

MOTION: Upon motion of Mr. Fisher, seconded by Mr. McFadden, and unanimously carried, the public portion of the meeting was adjourned and the Board reconvened in Executive Session at 12:15 p.m.

There being no further business, Chairman Allen called the Board to adjourn the closed section, and to reconvene the public session of the Board at 2:30 p.m.

MOTION: Upon motion of Mr. Fisher, seconded by Mr. McFadden, and unanimously carried, the Executive Session was adjourned at 2:30 p.m. and the Board reconvened in public session.

Chairman Allen reported that in closed session the Board discussed and provided direction and guidance to him and the staff regarding interstate negotiations on operations of the Colorado River Reservoir System.

## **OTHER BUSINESS**

### Next Board Meeting

Chairman Allen announced that the next meeting of the Colorado River Board will be held on Wednesday, March 9, 2005, at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California, at 10:00 a.m.

There being no further items to be brought before the Board, Mr. Fisher moved that the meeting be adjourned.

MOTION: Upon the motion of Mr. Fisher, seconded by Mr. McFadden, and unanimously carried, the meeting was adjourned at 2:33 p.m. on February 9, 2005

  
Gerald R. Zimmerman  
Executive Director