

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, April 16, 2008

A Special Meeting of the Colorado River Board of California (Board) was held in the Strawberry Peak Room, of the Doubletree Hotel, 222 North Vineyard Avenue, Ontario, California, Wednesday, April 16, 2008.

Board Members Present

Dana Bart Fisher, Jr., Chairman

John V. Foley

W.D. 'Bill' Knutson

John W. McFadden

John Pierre Menvielle

Jeanine Jones, Designee

Department of Water Resources

Board Members and Alternate Absent

Thomas M. Erb

Terese Maria Ghio

Henry Merle Kuiper

James B. McDaniel

Christopher G. Hayes, Designee

Department of Fish and Game

Others Present

Mark D. Beuhler

Celia A. Brewer

John Penn Carter

David Fogerson

Lance Hendron

Brad Luckey

Jan P. Matusak

David R. Pettijohn

Tom J. Ryan

John L. Scott

Peter S. Silva

Mark Stuart

William H. Swan

Charles Van Dyke

Carlos Z. Villalois

Bill D. Wright

J.C. Jay Chen

Christopher S. Harris

Kathleen Kenealy

Mark Van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher, announced the presence of a quorum and 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 wished to address the Board on items on the agenda or matters related to the Board. Hearing none, Chairman Fisher moved to the next agenda item.

ADMINISTRATION

Approval of Minutes

Chairman Fisher requested the approval of the February 13th meeting minutes. Mr. Foley mentioned that he had some minor corrections. Mr. Menvielle moved the February 13th Minutes as corrected be approved, Mr. Foley seconded the motion. Unanimously carried, the Board approved the February 13th meeting minutes.

Chairman Fisher requested the approval of the March 12th meeting minutes. Mr. Foley mentioned he had made a correction. Mr. Menvielle moved the March 12th minutes as corrected be approved. Mr. Knutson seconded the motion. Unanimously carried, the Board approved the March 12th meeting minutes.

Cancellation of May Board Meeting

Chairman Fisher reported that there were conflicts regarding the scheduled May 7th Board meeting. Chairman Fisher asked the Board if there was any objection to cancelling the May 7th Board meeting. Hearing none, Chairman Fisher cancelled the May 7th Board meeting.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency managers met on March 20th. At the Agency managers' meeting, coordinators of California's membership on the ongoing Binational process were chosen. The Conservation Work Group would be coordinated by Michael King of the Imperial Irrigation District (IID), and Carlos Villalois of IID would be the alternate. The Environmental Work Group would be coordinated by Chris Harris of the Colorado River Board, and Jeanine Jones of DWR would be the alternate. The New Water Sources Work Group would be coordinated by Pete Silva of MWD, and Hala Razak of San Diego Water Authority would be the alternate. The System Operations Work Group would be coordinated by Mr. Zimmerman and Chris Harris would be the alternate. Potential projects that may have Binational interest were also discussed.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Harris reported that, as of April 7th, the storage in Lake Powell was 10.862 million acre-feet (maf), or 45 percent of capacity. The water surface elevation was 3,590.5 feet. The storage in Lake Mead was 12.842 maf, or 50 percent of capacity, and water surface elevation of 1,114.6 feet. Total System storage was about 30.894 maf, or 52 percent of capacity. Last year at this time, there was 33.3 maf in storage, or 56 percent of capacity.

Mr. Harris reported that precipitation from October 1st through April 7th was 114 percent of normal, and the snowpack was about 119 percent of normal. The projected April through July runoff as of April 7th is 9.7 maf, or 122 percent of normal. The anticipated 2008 water year runoff is 13.5 maf, or about 112 percent of normal.

Mr. Harris added that Reclamation's projected consumptive use (CU) for the State of Nevada is 300,000 acre-feet; and for Arizona, the CU is projected to be slightly below its basic entitlement of 2.8 maf (2.763 maf); and for California the CU is projected to be 4.406 maf. The total projected CU in the Lower Basin is projected to be 7.469 maf.

State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources (CDWR), reported on the current climate conditions in California. The Northern Sierra eight-station precipitation index as of April 1st was 79 percent of normal. Though snowpack is close to 100 percent of normal, runoff is less. State Water Project (SWP) reservoir storage north of the Delta was about 1.8 maf, or 48 percent of capacity. South of the Delta SWP reservoir storage was 1.5 maf, or 84 percent of capacity. Total SWP storage was 3.3 maf, or 60 percent of capacity. SWP deliveries are projected to be 35 percent of Table A Entitlements.

Ms. Jeanine Jones mentioned that the snowpack at 100 percent belies the fact that conditions in California are dry. Runoff from the snow pack is below normal. March was the sixth driest for the eight-station index. Both the Sacramento and San Joaquin basins are dry. In addition, the Delta pumping restrictions due to the endangered delta smelt reduces the amount of water that can be transported south of the Delta.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that overall storage in Lake Skinner, Lake Mathews and Diamond Valley Lake as of April 1, was 783,000 acre-feet, or 76 percent of capacity. For nine days in March, the Colorado River Aqueduct was shut down to inspect the aqueduct for quagga mussels. During the shut down of the aqueduct a total of 21,000 acre feet was drawn from storage, 17,000 acre-feet was drawn from Lake Mathews and 3,000 acre-feet was drawn from Diamond Valley Lake. Further draw-downs this year are expected if the SWP allocation remains at 35 percent.

Mr. Pettijohn, of the City of Los Angeles Department of Water and Power (LADWP), reported that the snowpack sensors indicate the snowpack in the Eastern Sierra is rapidly melting. The Cottonwood Lakes sensor was over one-hundred percent last month, and as of

April 15th it is about 60 percent. The snowpack for this year was 97 percent of normal and runoff is expected to be 85 percent of normal. The reduced runoff is mainly to replace soil moisture depleted by the dry weather.

Colorado River Operations

2008 Annual Operating Plan

Mr. Zimmerman, reported that the 2008 Annual Operating Plan (2008 AOP) was signed on March 14th by Secretary Kempthorne. The Final 2008 AOP includes Glen Canyon Dam releases governed by the objective minimum release criterion of 8.23 maf, Normal conditions will govern Lake Mead operations, no unused apportionment is anticipated to be available, 0.017 maf of Intentionally Created Unused Apportionment (ICUA) stored in Arizona will be recovered by California; and Mexico will be permitted to schedule the delivery of 1.5 maf in 2008. Mr. Zimmerman added that on April 11th, Reclamation announced that equalization releases would be made in 2008. Lake Powell releases could be greater than 8.23 maf. If the water level in Lake Powell rises above 3,630 feet above sea level it would trigger an equalization release from Lake Powell based on the Record of Decision signed by the Secretary in December 2007. Currently, the volume of the release would be about 653,000 acre-feet. That volume could change depending on the river flows for the rest of the year, as well as operations at Lake Mead and the resultant water surface elevation behind Hoover Dam.

Reclamation News Release Regarding Appointment of Terry Fulp as Deputy Regional Director

Mr. Zimmerman reported that on March 24th Reclamation's Regional Director for the Lower Colorado Region has appointed Dr. Terry Fulp as the Deputy Regional Director. Mr. Zimmerman recalled the important work that Terry Fulp accomplished in moving the Interim Shortage Criteria Guidelines forward during the EIS process. At the April 2007 Board meeting, both Terry Fulp and the late Nan Yoder made a presentation to the Board on the Lower Basin Shortage Criteria. Mr. Zimmerman added that prior to his appointment Dr. Fulp had been the Boulder Canyon Operations Office Area Manager. Mr. Zimmerman mentioned that he had sent an e-mail congratulating Terry on his recent appointment.

MWD's Letter Responding to Southern Nevada Water Authority Notice of Availability of Unused Apportionment for Storage by MWD in 2008

Mr. Zimmerman reported that the Southern Nevada Water Authority (SNWA) recently notified Reclamation and MWD that Nevada anticipates that unused apportionment will be available in 2008. SNWA requests that MWD make arrangements for the storage of 15,000 acre-feet of Nevada's water in MWD's storage system. SNWA indicated that an additional 5,000 or 10,000 acre-feet of Nevada's water may be available for storage by MWD after a mid-year review of Nevada's use of mainstream water. SNWA has requested that MWD notify Reclamation and SNWA if this water can be stored on Nevada's behalf in MWD's system. MWD notified Reclamation and SNWA on March 10th that MWD would store 15,000 acre-feet on behalf of SNWA in MWD's system. Further storage on behalf of SNWA, in MWD's system will be evaluated as the need arises.

MWD Partners with SNWA and Central Arizona Water Conservation District

Mr. Zimmerman reported that the MWD Board of Directors recently agreed to partner with SNWA and CAWCD, and fund a portion of the construction of the All American Canal (AAC) Drop-2 Reservoir. In exchange for \$28.7 million, MWD will receive 100,000 acre-feet, including up to 34,000 acre-feet in 2008.

There was some discussion regarding the particulars of MWD drawing water immediately after providing funding of the contract to construct the AAC Drop-2 Reservoir. The amount of water conserved by the project as Intentionally Created Surplus can be taken when the terms of the contract are fulfilled, provided that the Secretary of the Interior does not declare a shortage. If a shortage is declared, then the ICS water becomes an inadvertent overrun and must be repaid under Shortage Conditions. The ICS water would be available when the Normal Condition is declared by the Secretary.

Scripps Institution of Oceanography e-Magazine Comment on the Effect of Climate Change on the Bay Delta Levees and Salinity

Ms. Jones of the Department of Water Resources reported that Scripps Institution of Oceanography had released to the news media and promoted a study “When will Lake Mead go dry”. This study, submitted by an emeritus professor and a graduate student at Scripps Institute will be reviewed in other papers in preparation by the academic community. The study did not utilize the work done by Reclamation and the Seven Basin states that resulted in the completion of the shortage criteria for the Lower Colorado River. Ms. Jones added that Scripps should be more discerning before promoting a study that has not been reviewed by practitioners. A draft letter has been prepared to respond to the posting of the study. Mr. Menvielle moved the draft letter be finalized and approved. Mr. Knutson seconded the motion. The motion was unanimously carried, and the Board staff will finalize the draft letter to be sent to Scripps Institute in response to the study, “When will Lake Mead go dry”.

Basin States Discussions

Mr. Zimmerman reported that the Basin states have not met recently. The last activity of the Basin states was the release of the Water Augmentation study commissioned by the State of Nevada. The next Basin states’ meeting is scheduled on May 20, 2008. The focus of the next Basin states’ meeting will be on Water Augmentation study options and activities related to the International Boundary and Water Commission process for cooperative activities between the U.S. and Mexico.

International Boundary and Water Commission News Release, “U.S. and Mexico Meet in Phoenix, Arizona to Address Cooperative Actions for the Colorado River Basin”

Mr. Zimmerman reported that on August 13, 2007 a Joint Statement between, Mexico and the U.S. created a Binational Core Group to address joint Colorado River Basin issues. The Core Group met on March 11, 2008, in Phoenix, Arizona to establish four work groups. The four work groups: 1) conservation; 2) new water sources; 3) environmental; and 4) system operations, consist of representatives from both the U.S. and Mexico.

Mr. Zimmerman reported that the Agency Managers met on March 20th to discuss the ongoing Binational process and to address California's membership on the four Work Groups, California's lead on each Work Group and the suggested U.S. Work Group lead. Potential projects that may have Binational interests were also discussed.

Mr. Zimmerman reported that the U.S. Core Group met on March 28th, to prepare for the April 15th Binational Core Group meeting in San Diego. The U.S. Core Group discussed: 1) who should lead the four Work Groups; 2) the membership of the four Work Groups; 3) the process that the Work Groups should use to identify and evaluate projects that may have Binational interest and support; and 4) potential projects that may have Binational interest in pursuing. The U.S. New Water Sources Core Group leader would be Pete Silva of MWD, The U.S. Conservation Core Group would be lead by McClain Peterson of the Southern Nevada Water Authority. The U.S. Systems Operations Core Work Group leader would be Jayne Harkins of Reclamation. The U.S. Environmental Core Work Group leader would be Jennifer Pitts of Environmental Defense.

Mr. Zimmerman reported that the Binational Core Group along with the U.S. and Mexico leads for each Work Group met on April 15th in San Diego. The focus of the meeting was to ensure consistency regarding initiation of the activities of the Work Groups. Discussion included: 1) the key elements to the Terms of Reference; 2) the Binational objectives; 3) the Work Group process and their interaction with the Core Group; and 3) the list of projects that have been identified by the U.S. and Mexico Core Groups. The Binational Core Group provided specific guidance to the leaders of the Work Groups. The Binational Core Group discussed an outline for the conduct of the Work Groups. The Work Groups are expected to have Binational interaction prior to the next Binational Core Group meeting. The Work Groups are to catalog available information, schedule field trips and Binational Work Group meetings, and identify additional expertise needs. The Work Groups are scheduled to meet on May 15th and 16th in Tijuana, Mexico, and report to the Binational Core Group on May 15th in Tijuana, Mexico. Binational Core Group meetings are scheduled to be held in August and November 2008.

Letter from Nevada Governor's Office to Mexican Government

Mr. Zimmerman reported that Commissioner Herrera said that Mexico's government has received a letter from Nevada's Governor indicating that Nevada would like to construct a desalination facility in Mexico. In addition, Mexico is in the final stages of drafting a response letter. Mr. Zimmerman reported that a request has been made to obtain copies of both letters. Mr. Zimmerman reported that Commissioner Herrera is checking with Mexico to make sure the letters are not confidential before releasing the letters.

Mexican Environmental Projects Feasibility Assessments

Mr. Zimmerman reported that the Mexican Section of the IBWC (CILA) and the Sonoran Institute have submitted a list of 18 proposed environmental restoration and monitoring projects. The proposed projects and activities address species and habitats in the Lower Colorado River, various wetland sites, Rio Hardy and the Colorado River Delta. Many of these were identified through the IBWC/CILA Fourth Working Group. They are likely to be folded into the Binational Core Group process.

Colorado River Environmental Activities

Upper Colorado River Commission and Upper Basin States' Letter to Secretary Kempthorne

Mr. Harris reported that on March 26th, the Upper Colorado River Commission (UCRC) and the four upper basin states sent a letter to Secretary Kempthorne regarding apparent contradictory remarks of the Grand Canyon National Park's superintendent associated with the recent high-flow test at Glen Canyon Dam. The Grand Canyon National Park Superintendent, in newspaper and television interviews, indicated that a high flow release should occur with a frequency of every one or two years. The current Adaptive Management Work Group (AMWG) experimental plan makes no recommendations on high-flow release frequency as the science is not yet clear on this point. The UCRC and the Upper Basin states are concerned that these contradictions from within Interior undermine the efforts of the Glen Canyon Dam Adaptive Management Program, as well as the Long-Term Experimental Planning process.

Status of the Glen Canyon Dam Lawsuit

Mr. Harris reported that on February 15th, the Grand Canyon Trust (GTC) filed a detailed memorandum in support of its motion for summary judgment in *Grand Canyon Trust v. Reclamation*. On March 14th, the GCT filed a supplemental complaint, adding the U.S. Fish and Wildlife Service to its original complaint. On March 17th, the United States filed its memorandum in support of the motion to dismiss the claims. It is likely that the seven Basin states will join in a motion to intervene: and that several Lower Basin water agencies will move to intervene as well. The U.S. moved that Claims 1-3, are moot as they address the old 1995 Biological Opinion, which was superseded by the 2008 Biological Opinion. Claim 4 should be dismissed as the AOP is not an action that authorizes, funds, or carries out a particular action: and therefore does not require an Endangered Species Act consultation. Claims 4-5 allege a failure to conduct a National Environmental Policy Act (NEPA) analysis on Glen Canyon Dam operations. The U.S. argues that this assessment was done through the 1995 Final Glen Canyon Dam Operations Environmental Impact Statement: which addresses any variations in flow releases related to hydrologic conditions. Additionally, the U.S. claims that the recent Interim Shortage Guidelines Final Environmental Impact Statement covers any potential modifications in Glen Canyon Dam operations requiring NEPA assessment.

Mr. Harris reported that a draft resolution has been prepared for Board consideration supporting the California Attorney General's Office joining with the other Six Basin states to intervene in the GTC lawsuit. Board staff recommended that the Board adopt the draft resolution.

Ms. Kathleen Kenealy of the California Attorney General's Office reported that she and Gary Tavetian, also of the California Attorney General's Office, had prepared a memo recommending that the California Attorney General consider becoming a party joining the intervention motion of the other six Basin states.

Ms. Jones moved that the draft resolution be approved. Mr. Foley seconded the motion. With the motion unanimously passing the Board approved the draft resolution recommending that California become a party joining the other six Basin states in intervention in the GTC lawsuit.

Other Business

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on June 11, 2008, 10:00 a.m., Ontario Airport DoubleTree Hotel, 222 N. Vineyard Ave. 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. Menvielle, seconded by Mr. Foley, and unanimously carried, the meeting was adjourned 11:03 a.m. on April 16, 2008.



Gerald R. Zimmerman
Executive Director