

Minutes of Special Meeting
COLORADO RIVER BOARD OF CALIFORNIA
August 13, 2008

A Special Meeting of the Colorado River Board of California (Board) was held in the Riviera Room, at the San Diego Hilton Mission Bay Resort, at 1775 East Mission Bay Drive, San Diego, California, Wednesday, August 13, 2008.

Board Members and Alternate Present

D. Bart Fisher, Jr., Chairman

John V. Foley

Russell Kitahara

W. D. Bill Knutson

Henry Merle Kuiper

John Pierre Menvielle

Board Members and Alternate Absent

Thomas M. Erb

Terese Maria Ghio

James B. McDaniel

John M. McFadden

Christopher G. Hayes, Designee

Department of Fish and Game

Jeanine Jones, Designee

Department of Water Resources

Others Present

Dan Ariset

Mark D. Beuhler

Brian J. Brady

William I. DuBois

John P. Carter

Dave Fogerson

William J. Hasencamp

Thomas E. Levy

Brad Luckey

Jan P. Matusak

Demetri Polyzos

Javier Saunders

Bill D. Wright

Michael Yu

Abbas Amir-Teymoori

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 3:04 p.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. Mr. Menvielle introduced Brian Brady, the new General Manager of the Imperial Irrigation District, to the Board.

ADMINISTRATION

Approval of Minutes

Chairman Fisher requested the approval of the July 9th meeting minutes. Mr. Knutson moved the July 9th minutes be approved. Mr. Kuiper seconded the motion. Unanimously carried, the Board approved the July 9th meeting minutes.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers are scheduled to meet August 27th. The main topic will be Reclamation's proposed rule regulating the use of Lower Colorado River water without a valid entitlement. Discussions between the International Boundary and Water Commission (IBWC) and Mexico may also be included.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that as of August 5th, the storage in Lake Powell was 15.140 million acre-feet (maf), or 62 percent of capacity. The water surface elevation was 3,632.6 feet. The storage in Lake Mead was 11.899 maf, or 46 percent of capacity, and water surface elevation was 1,104.5 feet. Total System storage was about 34.9 maf, or 59 percent of capacity. Last year at this time, there was 33.1 maf in storage, or 55 percent of capacity. Total System storage was about 1.8 maf more than the storage at this time last year.

Mr. Zimmerman reported that precipitation from October 1st to August 4th, was 104 percent of normal, and the snowpack had melted. The April through July inflow into Lake Powell for Water Year 2008, is projected to be about 8.85 maf, or 112 percent of normal. The projected 2008 Water Year unregulated inflow into Lake Powell was about 12.73 maf, or about 106 percent of normal.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada is slightly below its entitlement of 300,000 acre-feet (278,000 acre-feet); and for Arizona, the CU is projected to be slightly over its basic entitlement of 2.8 maf (2.818 maf); and for California the CU is also projected to be over its apportionment of 4.4 maf (4.524 maf). Mr. Zimmerman added that concerns were raised among the Upper Basin states regarding over use of entitlement in the Lower Basin. The total projected CU in the Lower Basin is expected to be about 7.620 maf.

State and Local Water Reports

Mr. Zimmerman reported on the reservoir storage in the State Water Project. As of August 1, 2008, total storage north of the Delta is only 37 percent of capacity. Last year the total storage north of the Delta was 74 percent of capacity. SWP deliveries were 35 percent of Table A Entitlements. Slides of the uncovered lake bed of Lake Oroville were included in the presentation.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that, as of August 1, 2008, the combined reservoir storage of Lakes Skinner, Mathews and Diamond Valley, are about 71 percent of capacity, slightly less than last month. Water was taken from storage to make up to meet demand.

Colorado River Operations

Governor Schwarzenegger's and Senator Feinstein's Opinion Editorial, "Turning the Tide in the Water Crisis"

Mr. Zimmerman reported that on July 31st, Governor Schwarzenegger and Senator Feinstein published an op-ed letter in the Los Angeles Times regarding their support of the proposed water infrastructure bond. If passed by the legislature, the bond would be on the November election ballot. The proposed bond would take steps to modernize California's aging water diversion, conveyance and delivery systems; increase storage in reservoirs and underground aquifers; and increase the focus on conservation programs.

Reclamation's News Release and Federal Register Notice for Regulating the Use of Lower Colorado River Water Without an Entitlement: Proposed Rule; and Related News Articles

Mr. Zimmerman reported that Reclamation published a proposed rule in the *Federal Register* on July 16th regarding the regulation of unauthorized uses of Lower Colorado River water. The proposed rule establishes a process for identifying unauthorized uses and establishes a notice and appeal process for those users/entities identified as unauthorized users. Comments on the proposed rule are due on September 15th.

Status of Glen Canyon Lawsuit

Ms. Marilyn Levin, of the Office of Attorney General, reported that the State of California as a party with the seven Basin states to intervene, in support of the defendant in the *Grand Canyon Trust v. Reclamation*, filed an answer to the Grand Canyon Trust's Supplemental Complaint. The court scheduled a hearing in Phoenix, Arizona, on August 29th for Motions for Summary Judgment and a Motion to Dismiss on Counts One through Five of the Complaint. The interveners' are not expected to speak at the hearing and there was discussion on whether the Basin states attorneys needed to attend the hearing.

Basin States Discussion

Arizona Water Banking Authority 2007 Accounting of Southern Nevada Water Authority Interstate Account

Mr. Zimmerman reported that included in the Board folder is the Arizona Water Banking Authority (AWBA) final verified 2007 accounting of the Southern Nevada Water Authority's interstate water storage account. SNWA began in 2007 with 412,634 acre-feet credited to its account, 114,886 acre-feet were added during 2007. SNWA has established 527,520 acre-feet of water storage credits. This is 50,000 acre-feet above the long-term storage credits called for in AWBA subarticle 3.3.1. The storage credits through December 31, 2007 were adjusted for evaporation and operational losses.

Navajo-Gallup Project Update

Mr. Zimmerman summarized the essential components of the Navajo-Gallup Project using maps provided by Mr. Jan Matusak of MWD. Mr. Zimmerman reported that on June 25th Senate Bill 1171 (S. 1171) was reported in the Senate. This version of the Navajo-Gallup Project legislation had been discussed by the Basin states over the past couple of months. Based upon the Basin states' discussions, the seven Basin states have prepared a draft letter to New Mexico Senators Bingaman and Domenici suggesting some modifications to S. 1171/S. 3213. Senate Bill 3213 (S. 3213) combines S. 1171 with other bills related to the Navajo-Gallup Project. The modifications address water use accounting, conditions for water use in Arizona. S. 3213 states that nothing in the Acts establishes any precedent for future transfer, nor expands the Department of the Interior's role.

Mr. Zimmerman suggested the Board approve the signing onto the Basin states letter transmitting the suggested modifications to S. 1171/S. 3213. Upon the Motion of Mr. Foley, seconded by Mr. Knutson and unanimously carried, the Board approved signing onto the Basin states letter transmitting suggested modifications to S., 1171/S. 3213. Whether the Executive Director and/or the California Colorado River Commissioner signs the Basin states letter to be determined later.

Governor Conference Video – Border Water Infrastructure

Mr. Zimmerman showed for the Board members and those present a video to be presented at the Governors Conference on the border water infrastructure issues in Mexico. Both the Colorado River and the Rio Grande River regions were included in the video.

Glen Canyon Dam Adaptive Management Program

Mr. Zimmerman reported that with the resignation of Deputy Assistant Secretary for Water and Science, Ms. Brenda Burman, Secretary of the Interior, Dirk Kempthorne, has appointed Ms. Kameran Onley to serve as the Acting Assistant Secretary for Water and Science. Ms. Onley will also serve as the Secretary's Designee to the Glen Canyon Dam Adaptive Management Work Group. The Regional Director of Reclamation's Upper Colorado Regional Office will continue to serve as the Alternate Secretary's designee to the Adaptive Management Work Group.

WATER QUALITY

2008 Draft Triennial Review

Mr. Amir-Teymoori reported that the Colorado River Basin Salinity Control Forum has released the draft 2008 Triennial Review report for review and comment in each of the seven Basin states. The Board has published a notice and made the draft report available on its webpage: <http://www.crb.ca.gov/PublicNotice.html>. The draft 2008 Triennial Review is expected to be finalized and approved by the Forum at its October meeting in San Diego. After finalization and adoption, the report will be submitted to the State Water Resources Control Board and the U.S. Environmental Protection Agency for final approval.

Mr. Zimmerman added that the member agencies are encouraged to review and comment on the draft 2008 Triennial Review report.

Status of the Moab Mill-Tailings

Mr. Amir-Teymoori reported that the U.S. Department of Energy has chosen to move the Atlas uranium mill-tailings to the long-term disposal site near Crescent Junction, Utah, via rail car. This method was chosen over moving the 16 million tons of radioactive mill-tailings in 18-wheel trucks on Utah highways. It is expected that each daily train can carry 68 containers of material on 17 rail cars. The mill-tailings are to be loaded into covered containers to be moved up grade where the containers will be loaded onto rail cars. A contract was recently issued by the Department of Energy to Energy Solutions, Inc. to initiate the transfer of the tailings to the landfill site.

OTHER BUSSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, September 10, 2008 at 10:00 a.m., at the Ontario Airport DoubleTree Hotel, 222 North Vineyard Avenue, Ontario California

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourned. Mr. Knutson moved the Board meeting be adjourned. Mr. Foley seconded the motion, and with unanimous approval the Board meeting was adjourned at 4:04 p.m. on August 13, 2008.


Gerald R. Zimmerman
Executive Director