

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, June 10, 2009

A Regular Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, at the Holiday Inn Ontario Airport, at 2155 East Convention Center Way, Ontario, California, Wednesday, June 10, 2009.

Board Members and Alternate Present

Dana Bart Fisher, Jr., Chairman  
Terese Maria Ghio  
W. D. "Bill" Knutson  
Henry Merle Kuiper  
John W. McFadden  
John Pierre Menvielle  
Bill D. Wright

Christopher G. Hayes, Designee  
Department of Fish and Game  
  
Jeanine Jones, Designee  
Department of Water Resources

Board Members and Alternate Absent

Thomas M. Erb  
James B. McDaniel

John V. Foley

Others Present

Steven B. Abbott  
James H. Bond  
Celia A. Brewer  
John Penn Carter  
Dave Fogerson  
Darrell G. Hafen  
Fadi Z. Kamand  
Michael L. King  
Russell Kitahara  
Thomas E. Levy  
Paul Nordman  
David R. Pettijohn  
Halla Razak  
Steven B. Robbins  
John L. Scott

Tina L. Shields  
Jack Simes  
William H. Swan  
Joseph A. Vanderhost  
Bruce Wilcox  
  
Abbas Amir-Teymoori  
J.C. Jay Chen  
Christopher S. Harris  
Kathleen Kenealy  
Lindia Y. Liu  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 10:05 a.m.

## **RETURNING BOARD MEMBER SAN DIEGO COUNTY WATER AUTHORITY**

Mr. Zimmerman swore in returning Board member for San Diego County Water Authority, Mr. James Bond. Mr. Bond was sworn in as the alternate member for San Diego County Water Authority.

### **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. Darrel Haffen requested the Board's attention as he described some of his hardships, a potentially fatal car accident, and offered to gift shares of his company "Dixie Power, Water, Light & Telephone" to the State of California to develop expired patents on what's called "low energy nuclear power". The Board wished him well in his pursuits.

### **ADMINISTRATION**

#### Approval of Minutes

Chairman Fisher requested the approval of the April 15<sup>th</sup> meeting minutes. Ms. Jones moved the April 15<sup>th</sup> minutes be approved. Mr. Menvielle seconded the motion. Unanimously carried, the Board approved the April 15<sup>th</sup> meeting minutes.

#### Fiscal Year 2009-10 Board Budget

Mr. Zimmerman reported that the 2009-10 budget was included in the Board handout materials for review by the Board members. Mr. Zimmerman requested a two part motion: 1) approval of the final Fiscal Year 2009-10 budget and the Executive Director to execute Standard Agreement No. 42; and 2) approval of the Budget Resolution. There was some discussion regarding the current state mandatory two day per month furlough program and the impact on the Board budget. Any monies unspent due to the furlough program are to be returned to the Six Agency Committee's account to be carried-over to the next year's budget. Upon the motion of Ms. Jones, seconded by Mr. Menvielle and unanimously carried, the Board approved the 2009-10 fiscal year budget, authorized the Executive Director to sign Standard Agreement No. 42, and passed the Board Resolution in support of the Board's activities in fiscal year 2009-10.

### **AGENCY MANAGERS' MEETING**

Mr. Zimmerman reported that the Agency Managers met after the April 15<sup>th</sup> Board meeting to discuss the Inadvertent Overrun and Payback Policy (IOPP) procedures being developed by Reclamation. The Agency Managers met again on May 4<sup>th</sup> to discuss: Reclamation's draft IOPP, Exhibit P of the Forbearance Agreement dealing with the Yuma Desalting Plant pilot run, the Seven Basin states Study Program, and the Basin states Discussion Document that has been sent to Mexico.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Amirteymoori reported that as of June 1<sup>st</sup>, water storage in Lake Powell was 14.751 million acre-feet (maf), or 61 percent of capacity. The Lake Powell water surface elevation was about 3,629 feet above sea level. Water storage in Lake Mead was about 11.217 maf, or 45 percent of capacity. The Lake Mead water surface elevation is 1,097 feet above sea level. Total System storage is 33.941 maf, or 57 percent of capacity, at this time last year the System storage was 32.503 maf, or 54 percent of capacity. The total storage has increased about 1.4 maf from last year.

Mr. Amirteymoori reported that precipitation in the Basin was 100 percent of normal. The snowpack was practically no longer present. The unregulated inflow into Lake Powell forecast for April through July was about 7.1 maf, or 90 percent of normal. The 2009 water year forecast unregulated inflow into Lake Powell was about 10.3 maf, or about 86 percent of normal.

Mr. Zimmerman reported that the graph of the Colorado Basin River Forecast Center – Colorado River Basin above Lake Powell (116 NRCS Snotel Sites) indicated that the current year snow water equivalent for the year tracked fairly close to the average until about April, then the drop off was much greater than average. There was discussion regarding the factors of the faster than normal melt of the snowpack.

Mr. Amirteymoori reported that Reclamation's projected consumptive use (CU) for the State of Nevada is slightly over its entitlement of 300,000 acre-feet (305,000 acre-feet); and for Arizona the CU is projected to be slightly under its entitlement of 2.8 maf (2.792 maf); and for California the CU is projected to be slightly under its entitlement of 4.4 maf (4.374 maf). The Lower Basin projected CU for 2009 is estimated to be 7.471 maf.

### State and Local Water Reports

Ms. Jones, of the California Department of Water Resources, reported that the runoff in the State of California for the water year will most likely be classified as dry. Precipitation throughout the State appears to be 80 to 90 percent of normal. Runoff from 31 rivers in the State is expected to be about 70 percent of normal. The low runoff is due to the dry antecedent conditions after three dry years. Statewide, reservoir storage is around 80 percent of average, however, the large reservoirs of Lake Shasta and Lake Oroville are not doing as well. Lake Oroville is 58 percent of average. The State Water Project (SWP) storage is about 59 percent of average. The SWP contractors are currently allowed 40 percent of their allocation.

Mr. Bill Wright of The Metropolitan Water District of Southern California (MWD) reported that storage in Diamond Valley Lake, as of June 1<sup>st</sup>, is about 345,000 acre-feet, or 43 percent of capacity. There have been no boats in Diamond Valley Lake as the water level is currently below the boat ramp. The bad news is that, since June 1<sup>st</sup> of last year, about 250,000 acre-feet has been drawn from storage. The good news is that the SWP allocation has been raised to 40 percent and currently about 90 cubic feet per second is being diverted to help recover the storage in Diamond Valley Lake.

Mr. David Pettijohn, of the Los Angeles Department of Water and Power (DWP), reported that the Eastern Sierra snow pack has nearly melted. The current climate conditions in the Eastern Sierra has not changed from last month.

### Colorado River Operations

#### *Reclamation's Draft Environmental Assessment for the Yuma Desalting Plant Pilot Run*

Mr. Zimmerman reported that on May 1<sup>st</sup>, Reclamation issued a news release announcing the release of a draft environmental assessment (EA) associated with the proposed pilot run of the Yuma Desalting Plant (YDP). The proposed pilot study would commence in 2010 and would be operated from twelve to eighteen months at one third capacity and produce about 30,000 acre-feet of product water. The public comment period for the draft EA was 30 days and expired on June 1<sup>st</sup>. Reclamation has posted a copy of the draft EA on its Yuma Area Office webpage that can be downloaded at [http://www.usbr.lc/yuma/environmental\\_docs/environ\\_docs.html](http://www.usbr.lc/yuma/environmental_docs/environ_docs.html). A copy of Reclamation's news release announcing the release of the draft EA and request for public comment was included in the Board folder.

Related to the YDP pilot run, Mr. Zimmerman reported that the International Boundary and Water Commission is preparing a joint engineer's letter based upon the consultations with Mexico:

- Both the U.S. and Mexico would deliver 10,000 acre-feet of water to the Cienega to offset some of the flow that would be reduced during the YDP operations.
- The Non Governmental Organizations would attempt to deliver 10,000 acre-feet to the Cienega.
- The YDP funding parties would contribute \$250,000 for monitoring at the Cienega
- Reclamation would contribute \$100,000 for Operation and Maintenance on the Bypass Drain and loan Mexico the use of a dredge.
- Mexico would dredge the Santa Clara Drain.

Mr. Zimmerman reported that joint-engineer's letter is anticipated to be finalized by September/October to move ahead with the YDP pilot project by 2010.

#### *Reclamation's Basin Study Program*

At the February Board meeting, Mr. Zimmerman reported that the Board considered a letter of interest from the Basin states and others to participate with Reclamation in a study. To reiterate, the study would:

- Be part of Reclamation's Water for America Initiative
- Refine options and develop strategies for augmentation opportunities to meet future demands within the Colorado River Basin
- Identified projects and programs would have the potential for meeting the current and projected water supplies throughout the Colorado River Basin.

Mr. Zimmerman reported that the Basin states will provide significant resources to assist in the development and completion of the proposed study including cost-sharing up to 50 percent and will share data, information and pertinent models. The letter of interest was

sent to Regional Directors, Ms. Lorri Gray-Lee and Mr. Larry Walkoviak, requesting Reclamation's participation and cooperation in developing the proposed study. On May 14<sup>th</sup> the Basin states received a letter from Reclamation indicating that their proposed study has been selected for the second step of the evaluation process. In Step 2 of the evaluation process, Reclamation's Upper and Lower Colorado Regional Offices are working with the seven Basin states to develop a short (i.e., up to ten pages) study proposal to define options for meeting future water demands in the Colorado River Basin. A copy of the latest draft is included in the handout materials. The study proposal is to be submitted to Reclamation by June 26<sup>th</sup>. The cost of the study will be shared 50/50, at an estimated cost of \$2.0 million dollars, and conducted over two fiscal years. The Basin states proposal, along with others competing for the same funds, will undergo review and consideration by a Reclamation-wide review committee. Included in the handout materials were the schedule for developing and submitting the study proposal, Reclamation's letter to the Basin states, the Schedule and Selection Process being utilized by Reclamation, and a draft letter of support.

Mr. Zimmerman requested authority to sign the transmittal letter for the Basin states proposal indicating California's willingness to participate in the cost share of the study. Mr. Bill Wright moved the Motion be approved. Mr. Kuiper seconded the Motion. Unanimously carried, the Board approved the Executive Director sign the letter of support for the study in support of Reclamation's Basin study program.

#### Basin States Discussion

##### *Arizona Water Banking Authority's Final Verified Accounting of the Southern Nevada Water Authority Interstate Account for 2008*

Mr. Zimmerman reported on April 15<sup>th</sup> the Arizona Water Banking Authority (AWBA) notified interested parties of the status of the Southern Nevada Water Authority's (SNWA) interstate account with the AWBA for calendar-year 2008. In 2008, the SNWA began with 527,520 acre-feet of storage credit; and ended the calendar-year with the same balance. After operational and evaporation losses are applied, SNWA would be eligible to receive 477,520 acre-feet from the AWBA upon storage credit redemption. Also, Mr. Zimmerman reported that the SNWA banked about 45,000 acre-feet within MWD's service area during calendar-year 2008.

##### *Status of the Basin States Discussion Document*

Mr. Zimmerman reported that at the April Board meeting Mexico's reception of the Basin States' Discussion Document concerning Binational Water Management was discussed. Mexico welcomed the document but thought it lacked sufficient detail and wanted further discussions to be held in the established binational process. In response to Mexico's request, a meeting was held on June 1<sup>st</sup> among the Basin states, Reclamation, the International Boundary and Water Commission (IBWC) and Mexico to further the discussions. During the meeting, the Basin states provided a PowerPoint presentation. The presentation described the Basin states' role regarding water management within the United States and explained more fully the concepts contained in the Basin states Discussions Document. The presentation also identified and gave examples of how implementation of the programs contained in the Discussion Document could work and could benefit both nations. The presentation suggested that a workshop be held to advance the discussion.

Mr. Zimmerman reported that during the meeting Mexico agreed to have a follow-up two-day workshop August 6<sup>th</sup> and 7<sup>th</sup> in San Diego, California. Mexico and the U.S. have agreed to provide a list of questions that need to be addressed during the two-day workshop, by about June 15<sup>th</sup>. The questions provided by Mexico and the U.S. will provide the basis for the workshop agenda. The questions will probably cover specific projects and programs of binational interest, the terms and conditions associated with projects and programs, and the legal and policy issues that need to be addressed.

Mr. Zimmerman reported that the Basin states' Technical Group will meet on June 25<sup>th</sup> and 26<sup>th</sup> to review the list of questions. The Basin states principals will meet on July 7<sup>th</sup> and 8<sup>th</sup> to provide direction in preparing for the workshop.

#### *International Boundary and Water Commission Cooperative Process*

Mr. Zimmerman reported that IBWC Cooperative Process Technical Work Groups and the Core Group meetings were held in San Diego on June 2-3, 2009. Each of the four work groups met to continue discussions on projects that could have binational benefits. The New Water Sources Work Group received a report on desalinization potential in Sonora, Mexico and is moving forward with the studies of a desalting plant in Rosarito. The Conservation Work Group has identified projects in the Mexicali Valley, including several canal lining projects. The Environmental Work Group is focusing on the YDP Pilot program and finding replacement water for the Cienega de Santa Clara during YDP operations, and working on the monitoring plan for the Cienega. The System Operations Work Group is establishing a Sub-group to coordinate the results from Mexico's WEAP model and Reclamation's CRSS model, and also focusing on the development of a model that covers both the U.S. and Mexico. The Core Group received reports and considered recommendations from each of the Work Groups. The Core Group approved forming several small technical groups:

- To finalize a standard project form (Conservation Work Group)
- To work on model development (System Operations Work Group)
- To look into long-term water supply for the Cienega (Environmental Work Group)

Ms. Jones added that the new IBWC Mexican Section Commissioner, Mr. Roberto Salmon, was in attendance as well as representatives from Washington D.C., Secretaria De Medio Ambiente Y Recursos Natruales (SEMARNAT), Comision Nacional Del Agua (CONAGUA), Instituto Nacional de Ecologia (INA), Sonora, and Baja.

#### *Status of the Glen Canyon Lawsuit*

Ms. Kathleen Kenealy, of the Attorney Generals Office, reported that on May 26<sup>th</sup>, the U.S. District Court Judge David G. Cambell issued an order in the *Grand Canyon Trust vs. United States Bureau of Reclamation, et al.* The ruling is long, but briefly the Court found that the U.S. Fish and Wildlife Service (USFWS) didn't adequately explain its reasoning in the Biological Opinion associated with the Long-Term Experimental Plan (LTEP) with respect to the humpback chub. The Court remanded the USFWS 2008 Biological Opinion associated with LTEP back to the USFWS to reconsider potential impacts to the endangered humpback chub and critical habitat related to the continuation of the modified fluctuating

flow release regime from Glen Canyon Dam. The USFWS is to report by the end of October 2009 with a review of its Biological Opinion that considers the Court's concerns. In late October the Court will decide whether further proceedings are necessary.

Mr. Harris added that Court ruled that Reclamation's National Environmental Policy Act (NEPA) analysis associated with the LTEP was sufficient and meets the requirements of NEPA. A copy of the Court's order as well as a copy of the summary memorandum, dated June 5<sup>th</sup>, prepared by an Assistant Attorney General for the State of Colorado, was included in the Board folder.

## **WATER QUALITY**

### Salinity Control Forum Meeting

Mr. Amirteymoori reported that the Colorado River Basin Salinity Control Forum (Forum) and Advisory Council (AC), held meetings in Moab, Utah on May 6-7, 2009. The Forum voted to eliminate the 10 percent increase in the assessment that was approved at its meeting two years ago in Jackson, Wyoming. In light of a potential larger role for the AC, the AC formed a sub-committee to look into developing procedures for implementation of the Basin Salinity Program and amending the AC Charter as well as looking onto how to fund the AC activities. With the potential increased role of the AC, the Forum's role may need to be redefined to focus more on the States Programs.

## **OTHER BUSINESS**

### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, July 15, 2009 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. Menvielle seconded the motion, unanimously approved the Board meeting adjourned at 11:43 a.m. on June 10, 2009.

  
Gerald R. Zimmerman  
Executive Director