

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, February 10, 2010

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, February 10, 2010.

Board Members and Alternates Present

Dana Bart Fisher, Jr., Chairman

Russell Kitahara

W. D. 'Bill' Knutson

Henry Merle Kuiper

James B. McDaniel

Bill D. Wright

Jeanine Jones, Designee

Department of Water Resources

Board Members and Alternate Absent

Terese Marie Ghio

James C. Hanks

John W. McFadden

John Pierre Menvielle

Christopher G. Hayes, Designee

Department of Fish and Game

Others Present

Steven B. Abbott

John Penn Carter

David Fogerson

John V. Foley

William J. Hasencamp

Mark L. Johnson

Michael L. King

Jan P. Matusak

David R. Pettijohn

Halla Razak

John L. Scott

Jack Seiler

Ed W. Smith

Cathy Stites

Mark Stuart

Joseph A. Vanderhorst

J.C. Jay Chen

Gary E. Tavetian

Mark Van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher announced the presence of a quorum and called the meeting to order at 10:16 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. Hearing none, Chairman Fisher moved to the next agenda item.

ADMINISTRATION

Approval of Minutes

Chairman Fisher requested the approval of the January 13th meeting minutes. Mr. Kuiper moved January 13th minutes be approved. Mr. Knutson seconded the motion. Unanimously carried, the Board approved the January 13th meeting minutes as amended.

Governor's Executive Order

Mr. Zimmerman reported that Governor Schwarzenegger issued Executive Order S-01-10 directing state agencies to implement an additional five percent salary savings through attrition or other means beginning March 1st. A copy of the executive order was included in the Board folder. The Board submitted a plan with identified salary savings that was not expected to affect staff operations.

Professional Engineers in California Government Lawsuit

Mr. Zimmerman reported that the organization, Professional Engineers in California Government (PECG), has filed a lawsuit, January 21st, in the California Superior Court in Alameda County. The PECG lawsuit alleges that the furloughs for positions not funded by the General Fund are illegal. The PECG lawsuit was filed against the Governor's office and each of the state agencies. Chairman Fisher has been served. It is not clear yet how, or if, the Board will be affected by the PECG lawsuit.

California Unions for Reliable Energy Public Records Act Request

Mr. Zimmerman reported that the California Unions for Reliable Energy (CURE) have requested all materials related to the Solar Millennium's Blythe Solar Power Project. Board staff is currently assessing the information available and plans to respond to CURE within the designated time period of the Public Records Act request.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the agency managers met following the January 13th Board meeting. Solar power/energy projects within the Palo Verde Valley as well as along the Colorado River were discussed. The Agency Managers are scheduled to meet after the Board meeting to consider a couple of draft papers developed with the help of MWD and to further discuss solar power/energy development in the desert area and water supply issues related to potential development.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Zimmerman reported that precipitation from October 1st to February 1st was 85 percent of normal. The snow water equivalent was 85 percent of normal. Reclamation's projections of unregulated inflow into Lake Powell were 5.800 million acre-feet (maf) for April through July 2010 or 73 percent of average; and water year projections from October 1, 2009 through September 30, 2010 were 8.893 maf, about 74 percent of average.

Mr. Zimmerman reported that the latest snow-pack map, February 9th, of the Upper Colorado River Basin shows much of the Upper Basin is still below normal. There has been some increase in snow water equivalent in the lower part of the Upper Basin, such as the San Juan and the Colorado Plateau. The Upper Green River has increased from 50 to 56 percent, however, it is still early in the season. As of February 3rd the snow water equivalent was about 81 percent of normal.

Mr. Zimmerman reported that as of January 31st, the storage in Lake Powell was 13.991 maf, or 58 percent of capacity. The water surface elevation was 3,622.1 feet. The storage in Lake Mead was 11.493 maf, or 44 percent of capacity, and water surface elevation was 1,100.0 feet. Total System storage was about 33.093 maf, or 55 percent of capacity. Last year at this time, there was 33.002 maf in storage, or 55 percent of capacity.

Mr. Zimmerman reported that Reclamation's estimated consumptive use (CU) during calendar year 2009 for the State of Nevada to be below its entitlement of 300,000 acre-feet (248,000 AF); and Arizona's estimated 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, reported on the current climate conditions in California. Precipitation for most of California is slightly above or at normal for most of California. Snowfall is also slightly above or at normal for this time of year. However, runoff for this year has only been about 65 percent of normal. The storage in Lake Oroville is about 1.2 maf, or 34 percent of capacity. Water storage, as of February 1st, in the northern State Water Project (SWP) was about 1.3 maf, or 35 percent of capacity. SWP storage in the south was about 1.2 maf, or 64 percent of capacity. Total SWP storage is at 44 percent of capacity. SWP projected deliveries for 2010 are currently five percent of Table A Entitlements.

Mr. Stuart reported that the draft SWP Delivery Reliability Report 2009 was recently released and copies were available. He mentioned that the current estimate of SWP deliveries at the 50 percentile exceedence delivery volume was about 300,000 acre-feet less than the 2007 Final SWP Delivery Reliability Report.

Mr. Wright, of The Metropolitan Water District of Southern California (MWD), reported that as of February 1st, MWD's combined reservoir storage of Lakes Skinner, Mathews, and Diamond Valley, was about 582,000 acre-feet, or about 56 percent of capacity. As of February 1st, Lake Mathews had about 159,000 acre-feet, or 87 percent of capacity an increase of about 34,000 acre-feet from last month. Lake Skinner had about 37,000 acre-feet or about 84 percent of capacity. Diamond Valley Lake had about 386,000 acre-feet in storage, or about 48 percent of capacity. Though no water was delivered to Diamond Valley Lake during January, the water storage increased by just over 1,000 acre-feet from rainfall and runoff. Colorado River water has not been stored at Diamond Valley Lake due to concerns of Quagga mussels could get established in the Lake. In addition pumping restrictions in the Sacramento Delta had essentially reduced delivery from the SWP in January by about 50,000 acre-feet.

Mr. McDaniel, of the City of Los Angeles Department of Water and Power (LADWP), reported that as of February 1st, the Eastern Sierra Snow Survey results are similar to the rest of the state, slightly better than normal for this time of year. The northern most catchment, the Mammoth Lakes area are about 97 percent of normal, the Rock Creek area is about 101 percent of normal, the Big Pine area is about 97 percent of normal and the Cottonwood area is about 140 percent of normal. Overall the Eastern Sierra snowpack is about 105 percent of normal or 67 percent of the April 1st normal. The current snow pack represents about 67 percent of an average season.

Colorado River Operations

New Commissioner for the U.S. Section of the International Boundary and Water Commission

Mr. Zimmerman reported that on January 15th, President Barack Obama appointed Mr. Edward Drusina to the post of the Commissioner of the U.S. Section of the International Boundary and Water commission. Mr. Drusina was sworn in as Commissioner on January 19th. Mr. Drusina is a registered professional engineer and has worked in the City of El Paso region for many years.

National Science Foundation Climate Funding

Mr. Zimmerman reported that Board staff prepared a letter requesting that the National Science Foundation (NSF) establish a "regional climate modeling fund" to provide grants to universities and other research institutions for the development of regional climate models. The Board requests the NSF to set aside \$25 million in research grants to be issued for regional climate research over the next three years.

Proposed Solar Energy Projects

Mr. Zimmerman reported that included in the Board folder is the *Federal Register* notice announcing that the Bureau of Land Management (BLM) has initiated a National Environmental Policy Act (NEPA) process for proposed solar energy project near Desert

Center in Riverside County. BLM held an open house on February 4th in the City of Needles associated with the proposed solar energy project. Board staff attended a public hearing held by the California Energy Commission and BLM on January 25th in Blythe, California. Before the public hearing there were tours of the proposed solar energy projects near Blythe, Palen, and Rice. Currently, BLM is processing 128 applications for 77,000 megawatts of potential solar projects on 1.2 million acres of public land.

Water SMART Program Workshop

Mr. Zimmerman reported that the Department of the Interior is hosting the Water SMART Program Workshop (workshop) on February 23-24, 2010 at the Aria in City Center in Las Vegas, Nevada. Assistant Secretary for Water and Science, Ms. Anne Castle, will be at the workshop. The workshop announcement and agenda was included in the Board folder and registration is due Friday, February 12th. Mr. Zimmerman encouraged those in attendance to take part in the Water SMART Program Workshop. Several from the MWD as well as the San Diego County Water Authority are scheduled to attend and participate at the workshop.

Update on the Quantification Settlement Agreement Litigation

Mr. Zimmerman acknowledged the presentation of Mr. Abbott at the last Board meeting. Mr. Zimmerman asked if there had been additional activity on the case. Mr. Steven Abbott, consultant for the Coachella Valley Water District, reported that Sacramento County Superior Court issued a Final Decision. The Judge held a status conference where he issued an Order proposing to send the remaining parts of the cases (the challenge to the Western Farms, the fallowing purchase and the fallowing program and the one Cross-Complaint) back to Imperial County. He also issued a proposed judgment for the parties to comment and file objections on. The proposed judgment does not contain an injunction against implementing the agreements and proposes to stay the judgment declaring them invalid, until the time to notice an appeal expires. A request was made to set a hearing date for a motion to stay the cases during the pendency of the appeal. There has not yet been a response. Objections to parts of the proposed judgment dealing with cost issues in the CEQA cases and dealing with the cost of preparing the Administrative Record have been filed. A hearing was scheduled Thursday morning, February 11th, dealing with the objections on the Court's proposal to sever the remaining cases and send them back to Imperial County.

Basin States Discussion

Status of Binational Discussions

Mr. Zimmerman reported that the binational discussions within the U.S. and between the U.S. and Mexico are continuing. The binational discussions have focused on: potential environmental and conservation pilot projects, and modeling six identified scenarios. The six identified modeling scenarios include: 1) Baseline scenario where the same assumptions are included in the 2007 Environmental Impact Statement (EIS) for the Shortage Guidelines and the Coordinated Operation of Lakes Powell and Mead; 2) The U.S. scenario; 3) The Mexico

scenario; 4) Mexico surplus scenario; 5) Mexico no shortage scenario; and 6) Mexico basin-wide shortage scenario.

Mr. Zimmerman reported that at the binational meeting January 28th and 29th, Mexico identified three environmental and two conservation potential pilot projects. Reclamation explained key modeling assumptions that had been revised from the 2007 EIS. Instead of reservoir conditions as they were in 2007, the updated reservoir conditions as of January 2010 were used. The Upper Basin depletion schedule was updated. Originally the maximum ICS creation and delivery schedule was used, the revised schedule included current conditions and the most likely ICS creation and delivery schedule was used. The shortage and coordinated operations criteria was extended to 2036 to cover the modeling period. Reclamation presented their results from modeling the six scenarios. The Mexico modeling team were surprised that the U.S. team had changed key modeling assumptions and the modeling results of the two teams were based on different assumptions.

Mr. Zimmerman reported that at the January 28th meeting Mexico reported on the three pilot projects. One of the projects was the Laguna Grande. This project was funded by the Six Agency Committee, where the Six Agency Committee contributed \$75,000 to provide restoration of the Laguna Grande area. Mexico is proposing the restoration area be expanded. Mexico identified a potential project in the Limitrophe Section further downstream from the Laguna Grande area. Two conservation pilot projects proposed by Mexico would essentially be operational storage areas and a couple of major reservoirs in Mexico. Regarding experimental high flows through the Limitrophe Section, there was discussion concerning the high water table in the Yuma and the potential damage to crops if that water table rises due to the experimental periodic high flows through the Limotrophe Section.

Mr. Zimmerman reported that Reclamation presented an analysis of the salinity impacts at the Northerly International Boundary (NIB) with Intentionally Created Mexico Apportionment (ICMA). The modeling results indicate that with the creation of 100,000 acre-feet of ICMA there would be an increase of 11 parts per million (ppm) salinity at the NIB. Further, with the creation of 400,000 acre-feet of ICMA, there would be an increase in salinity of 60 ppm. Mr. Zimmerman reported that according to Reclamation for 100,000 acre-feet of ICMA created an additional 12,000 acre-feet would need to be released from Lake Mead to compensate for the 11 ppm salinity at the NIB.

The next binational meeting is scheduled for February 16th for the Pilot Projects, and February 25th and 26th for the modeling group. The U.S. Principals are tentatively scheduled to meet March 1st.

Status of the "Basin Study" Program

Mr. Zimmerman reported that the initial meeting of the Basin Study Program was held January 22nd. This study will be cost-shared between Reclamation and the seven Basin states. Reclamation will fund the study at \$1 million and the seven Basin states will equally provide \$1 million in cash and services. Reclamation and the Basin states have finalized and executed the Contributed Funds Agreement, and finalized the Plan of Study and Public

Involvement Plan. At the initial meeting three teams were formed. The first team deals with water supply, the second team focuses on water demand, and a third team on system reliability. Reclamation recently issued a request-for-proposal for technical services in support of preparing the Basin Study. A sub-team was formed to review the proposals.

Mr. Zimmerman reported that the water supply team is scheduled to submit a report on their findings of current and future water supply assessment by September 2010. The water demand team is scheduled to submit a report describing their assessment of current and future water demand by September 2010. The system reliability analysis team is scheduled to report on their findings by April 2011. A report on opportunities analysis is expected by August 2011. The draft Basin Study and appendices are expected to be available by October 2011. The Basin Study Program report and appendices are expected to be completed by December 2011.

Reclamation's Water Conservation Initiative

Mr. Zimmerman reported that Ms. Pat Mulroy was scheduled to testify before the Water and Power Subcommittee in support of Reclamation's Water Conservation Initiative. Given the snow conditions near the capital and unavailable flights, the Water and Power Subcommittee hearing may be postponed. Ms. Mulroy's written testimony addressed the water supply and demand imbalances in the Colorado River Basin, and the impact that climate change could have on the imbalances. She also supported the Basin States/Reclamation Basin Study process and encouraged Congress to provide additional funding for the Basin Study Program.

Colorado River Environmental Activities

Status of the Glen Canyon Dam Adaptive Management Program

Mr. Zimmerman reported that on December 31st, Reclamation published a notice in the *Federal Register* of its intention to prepare an experimental protocol for high-flow releases from Glen Canyon Dam. The NEPA review, via an Environmental Assessment, will be prepared. The recent Glen Canyon Dam Adaptive Management Program (GCD AMP) meeting served as a scoping meeting. The review will look at the frequency, magnitude, and duration of potential high-flow releases. The review will also assess the types and level of monitoring necessary to gauge the effectiveness of high-flow releases.

Mr. Zimmerman reported that the U.S. Geological Survey (USGS) issued a news release, February 2nd, that stated that the 2008 experimental flow-release was beneficial to downstream resources: benefitted trout in Lees Ferry reach; benefitted beaches in the riverine corridor; and reduced amount of non-native vegetation seedling germination. The GCD AMP Work Group met in Phoenix on February 3-4th to discuss the desired future conditions, experimental flow-release protocols, and the biennial budget and work plan.

Status of the Lower Colorado Multi-Species Conservation Program

Mr. Zimmerman reported that the Water Accounting Agreement relating to the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) was finalized and in the process of being executed by all of the LCR MSCP parties. Mr. Zimmerman reported that Chairman Fisher signed the final agreement on January 22nd. The Water Accounting Agreement is intended to guide Reclamation in acquiring and accounting for mainstream water use associated with implementation of the approved LCR MSCP conservation activities. Mr. Zimmerman reported that the final package was sent to California Department of Fish and Game (DFG) while a letter was received from DFG with comments on the final package. Board and Agency staff are scheduling a meeting with DFG and working to address the DFG's comments.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, March 10, 2010, at 10:00 a.m., at the Holiday Inn Ontario Airport, at 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. Wright, and unanimously carried, the meeting was adjourned 11:24 a.m. on February 10, 2010.

/S/Gerald R. Zimmerman

Gerald R. Zimmerman
Executive Director