

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

A Regular Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, of Holiday Inn Ontario Airport, 2155 East Convention Center Way, Ontario, California, 91764-4452, Wednesday, March 10, 2010.

Board Members and Alternate Present

Dana Bart Fisher, Jr, Chairman

John V. Foley

Terese Maria Ghio

Russell C. Kitahara

W.D. "Bill" Knutson

Henry Merle Kuiper

James B. McDaniel

John Pierre Menvielle

Jeanine Jones, Designee

Department of Water Resources

Christopher G. Hayes, Designee

Department of Fish and Game

Board Member Absent

John W. McFadden

Others Present

Steven B. Abbott

James H. Bond

John Penn Carter

Sue Fisher

Dave Fogerson

Mark L. Johnson

Michael L. King

William J. Hasencamp

Thomas E. Levy

Jan P. Matusak

Halla Razak

Steven B. Robbins

John L. Scott

Jack Seiler

Tina L. A. Shields

Ed W. Smith

Mark Stuart

Eli Underwood

Joseph A. Vanderhorst

Charles Van Dyke

Bill D. Wright

Abbas Amir-Teymoori

J.C. Jay Chen

Christopher S. Harris

Michael Hughes

Lindia Y. Liu

Mark Van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher announced the presence of a quorum, and called the meeting to order at 10:03 am.

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 the meeting to the next agenda item.

ADMINISTRATION

Approval of Minutes

Chairman Fisher asked if there was a motion to approve the February 10th meeting minutes. There were a couple of corrections made to the State water report. Mr. Kuiper moved the February 10th minutes be approved and seconded by Ms. Jones. Unanimously carried, the Board approved the February 10th meeting minutes with the corrections included on the State water report.

Election of Vice-Chairman

Chairman Fisher announced that Vice-Chairman McFadden had retired and that a new Vice-Chairman was to be elected. Mr. Foley nominated Mr. Knutson. Mr. Kuiper seconded the nominations. Mr. Knutson accepted the nomination. Chairman Fisher asked if there were any other nominations. There was no response. Unanimously carried, the Board approved the nomination of Mr. Knutson as the Vice-Chairman of the Board.

Retirement of Executive Director

Chairman Fisher announced that Mr. Zimmerman had mailed his resignation letter to the Board members. Mr. Levy, General Manager of the Colorado River Authority, reported on the status of the Executive Director remuneration conditions and limitations. Mr. Levy also discussed succession proceedings and probable duration thereof. He suggested the Board set up a search committee to begin the process. Chairman Fisher recommended that Mr. Zimmerman be retained as a retired annuitant. Mr. Levy mentioned a retired annuitant is limited to half time. Ms. Ghio asked about interim and overlap of the current Executive Director with the next Executive Director. There were motions' to encourage Mr. Zimmerman to accept the interim Executive Director position and remain until a suitable replacement is found. Mr. Hughes, of the Attorney Generals' office, mentioned that any formal motions should be deferred till next Board meeting.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency managers met after last month's February 10th Board meeting to discuss potential water supplies for proposed solar energy projects in the Colorado Desert of southern California. The Agency managers are scheduled to meet following this month's Board meeting as a follow up on the last Agency managers meeting. This meeting is among the Board staff, Reclamation, the Bureau of Land Management, the solar energy proponents, and MWD.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Amirteymouri reported that precipitation from October 1st to March 1st was 87 percent of normal, and the snowpack was also about 87 percent of normal. The April through July runoff is expected to be 5.6 maf or 71 percent of normal. The anticipated 2010 water year runoff is 8.7 maf or about 72 percent of normal. The snow condition, as of March 9th, is below normal for this time of year. Last month there were small areas in the Lower Basin that were above normal snowpack but those areas do not contribute much of the total flow of the Colorado River. The average for the 116 Snotel sites for the Colorado River Basin was about 82 percent of normal for this time of year. As of early-March, the season total was about 71 percent of a normal year.

Mr. Amirteymouri reported that as of March 1st, the storage in Lake Powell was 13.8 million acre-feet (maf), or 57 percent of capacity. The water surface elevation was 3,620.2 feet. The storage in Lake Mead was 11.8 maf, or 46 percent of capacity, and water surface elevation was 1,103.2 feet. Total System storage was about 32.98 maf, or 55 percent of capacity. Last year at this time, there was 32.73 maf in storage, also 55 percent of capacity. There was an increase of slightly over 0.2 maf acre-feet in total system storage over this time last year.

Mr. Amirteymouri added that Reclamation's projected consumptive use (CU) for the State of Nevada is 276,000 acre-feet; and for Arizona, the CU is projected to be 2.802 maf; and for California, the CU is projected to be 4.414 maf. The total projected CU in the Lower Basin is expected to be about 7.492 maf.

State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported on the current climate conditions in California. At the Los Angeles Civic Center, January precipitation totals were slightly better than average. The Central Coast Region was wetter than normal, about 120 percent of normal, whereas, the South Coast was between 90 and about 120 percent of normal. The Imperial and Blythe areas were more than 150 percent of normal, i.e., about two inches above normal precipitation for this time of year.

Mr. Stuart reported that the eight-station index in northern California is tracking right at normal for this time of year. However, the February 2010 monthly departure from normal precipitation indicates the Lake Oroville is several inches below normal for this time of year, where other parts of the state such as the Southern Sierra and parts of the South Coastal Range are above normal. Mr. Stuart added that, for 233 stations as of February 1st, the precipitation for the state was about 105 percent of normal, but the runoff, from 31 rivers, was about 65 percent of normal. Reservoir storage, in 155 reservoirs, was about 85 percent of average. The Sacramento River Index, as of February 1st, was 5.6 maf, where the average for the year is 18.4 maf. The snow pack in the Sierra Nevada as percent of April 1st average for the Northern Sierra was 119 percent of normal, where the Central Sierra's was 86 percent of average and the Southern Sierra's was 101 percent of average.

Mr. Stuart reported that the State Water Project (SWP) as of March 1, 2010, north of the Delta was at 1.476 maf or 40 percent of capacity. South of the Delta the SWP storage was 1.322 maf or 72 percent of capacity, where the total SWP storage was 2.798 maf, or 51 percent of capacity. The

projected SWP deliveries were 15 percent of Table A entitlements.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of March 1st, that MWD's combined reservoirs storage of Lakes Skinner, Mathews, and Diamond Valley, was about 592,000 acre-feet, or about 57 percent of capacity. Diamond Valley Lake was about 386,000 acre-feet, or about 48 percent of capacity. Lake Mathews was about 169,000 acre-feet, or at 93 percent of capacity. Lake Skinner is about 37,000 acre-feet, or 85 percent of capacity. Mr. Foley added that Metropolitan's system storage increased by about 90,000 acre-feet since November of 2009. The last few months have been wetter than normal and reduced demand as well as consumer water conservation efforts. Diamond Valley Lake has been filled with SWP water and not Colorado River water to protect the lake from Quagga mussel infestation. In addition, pumping of Colorado River water has been reduced from seven pumps to five pumps or, 3,200 cubic feet per second (cfs) to 2,200 cfs respectively.

Mr. McDaniel, of the City of Los Angeles Department of Water and Power (LADWP), reported that precipitation in the Eastern Sierra was about 101 percent of normal. On the March snow report the overall Eastern Sierra was 101 percent of normal for this time of year and 88 percent of normal for April 1st.

Colorado River Operations

Reclamation's "Lower Colorado Region Policy for Apportioned but Unused Water"

Mr. Zimmerman reported on February 11th Reclamation's Lower Colorado Regional Director issued a final policy associated with "Apportioned but Unused Water". The policy contains three scenarios for reapportioning unused water; prior to the operating year, during the operating year, and after completion of the operating year. The policy was distributed to the California entitlement holders and was included in the Board folder.

Reclamation's Letter Regarding the Quantitative Settlement Agreement (QSA)

Mr. Zimmerman reported that on February 25th, Reclamation's Lower Colorado Regional Director sent identical letters to California QSA parties indicating Reclamation's intention to continue to honor the terms and conditions of the 2003 QSA Water Delivery Agreement. The position, held by the Regional Director, reflects the position of Reclamation's Commissioner before the House Subcommittee on Water and Power hearing of January 25, 2010.

Update on the Quantification Settlement Agreement Litigation

Mr. Steve Abbott, Attorney for the Coachella Valley Water District, reported that the Sacramento County Superior Court (Court) held a hearing on objections to the proposed judgment on February 11th and later that afternoon the Court entered the final judgment. Mr. Abbott reported that final judgment was very close to the proposed order. Twelve of the thirteen agreements were declared void and invalid, declining to validate the Claim Settlement Agreement. The judgment did not contain an injunction and the Court included a 30-day stay of the judgment. The Court clerk sent out the judgment February 15th. The Coachella Valley Water District, Imperial Irrigation District, San Diego County Water Authority, and MWD (the Four Water Districts) filed Notices of Appeal from the judgment. The County of Imperial filed to cross-appeal the judgment citing environmental issues.

The Four Water Districts asked the Court of Appeals to confirm that the judgment is automatically stayed by the noticing of the appeal or issue a stay during the pendency of the appeal. The Court of Appeals, March 9th, issued a temporary stay and set a briefing schedule on the formal request for the stay. Opposition briefs are due April 1st; reply briefs are due April 15th; and the Court is to take the matter under submission and decide whether to stay the judgment during the pendency of the appeal.

Mr. Menvielle added that the Board folder contained a letter from Mr. Michael Abatti, one of the directors of the Imperial Irrigation District (IID). The letter was sent to Secretary of the Interior Salazar expressing concern over the security of the Imperial Valley's water supply and potential environmental hazards associated with the Salton Sea due to the QSA implementation. Mr. Menvielle added that the IID Board passed a resolution in favor of moving forward with the appeal and a stay of judgment during the pendency of the appeal.

Department of the Interior's News Release Regarding the WaterSMART Initiative and Interior's WaterSMART Workshop, Las Vegas, Nevada

Mr. Zimmerman reported that on February 22nd, Secretary Salazar issued a Secretarial Order outlining a new water sustainability strategy for the 21st Century. The short-term goal is to increase available water supplies in the western U.S. by 350,000 acre-feet by 2012. The Department of the Interior hosted the WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program and Workshop on February 23-24, 2010, in Las Vegas, Nevada for the Colorado River Basin stakeholders. Mr. Zimmerman reported that Chairman Fisher was in attendance along with others from the Palo Verde Irrigation District. There were others as well such as Assistant Secretary of Water and Science Anne Castle and the new Commissioner of the International Boundary and Water Commission.

Basin States Discussion

Status of the Bi-National Discussions

Mr. Zimmerman reported that the U.S. representatives continue to meet and discuss the six modeling scenarios. The six scenarios have been discussed at previous Board meetings. The primary focus has been on the two pilot projects. The project in the Limitrophe Section on the Mexican side could include up to 50 acres of cottonwood-willow habitat creation. The second pilot project is the Alamo-Reforma regulating reservoir, similar to the Drop-2 Reservoir storage project on the All-American Canal. The Alamo-Reforma regulating reservoir feasibility study is expected to cost about \$40,000 dollars. The actual construction of the Alamo-Reforma project is expected to cost several million dollars. The U.S. representatives have suggested the cost of the feasibility study be cost-shared between Mexico and the U.S., and the U.S. portion cost-shared between the Upper and the Lower Basins. The U.S. representatives have also proposed a land-fallowing pilot project to be funded by Reclamation. The next U.S. Technical meeting is scheduled for March 17th and the Bi-National Pilot Group meeting is scheduled for March 18th.

Ms. Razak reported on the status of the Desalination Plant Feasibility Study for the Rosarito Beach area. She reported that the first phase of the study is expected to be finished early in April 2010. The purpose of the first phase was to identify any potential fatal flaws. There was a preliminary study that identified potential locations of a desalting plant in Mexico. The original study identified two pipeline alignments, both of which go through areas that have recently built up, raising the cost,

but a third slightly longer alignment had been identified that could be easier to build. The next phase of the feasibility study is expected to begin this fall and the purpose is to develop a fairly good estimate of the cost of the desalination project. The results of the second phase will be used as a basis for negotiations between the U.S. and Mexico.

Ms. Razak reported that Mexico is very interested in this project and that Mexico's representatives from the highest levels of Comisión Nacional del Agua, Mexico's federal agency that manages water, have attended all of the meetings associated with the project.

Reclamation's Notification Regarding the Colorado River Basin Water Supply and Demand Study

Mr. Zimmerman reported that Reclamation recently issued a notification and fact sheet to stakeholders and interested parties in the Colorado River Basin regarding the development of the Basin Water Supply and Demand Study. Mr. Zimmerman reported that a public meeting was being scheduled for mid- to late-March 2010, the location yet to be determined. Reclamation also distributed a "public participation form" for interested parties to submit comments and stay informed.

National Science Foundation Climate Funding

Mr. Zimmerman reported that Board staff prepared a letter requesting the National Science Foundation (NSF) establish a 'regional climate modeling fund' to provide grants to laboratories and other institutions for the development of regional climate models. The Board received a letter from the NSF indicating the NSF will be releasing solicitations for the development of regional climate models. Ms. Jones added that the NSF received many letters of support for the fund and the NSF has responded favorably.

Colorado River Environmental Activities

Status of the Glen Canyon Dam Adaptive Management Program

Mr. Harris reported that the Department of the Interior (Interior) responded to the Grand Canyon Trust (GCT) letter of October 23, 2009 which asked Interior to consider two issues. The first issue was to consider releasing "equalized monthly volumes" (EMV) from Glen Canyon Dam. Interior believes the EMV releases should be studied and considered in the Glen Canyon Dam Adaptive Management Program (GCD AMP) process. Regarding the second issue, the GCT believes the Annual Operating Plan development process where Reclamation works closely with each of the Seven Basin states, should become constituted under the Federal Advisory Committee Act (FACA) and become a formal FACA committee. Mr. Harris noted that the venue for making recommendations to Interior regarding Glen Canyon Dam operations is through the GCD AMP, which is a FACA committee. Interior's letter was included in the Board folder.

WATER QUALITY

Status of the Colorado River Basin Salinity Control Program

Mr. Harris reported that the Colorado River Basin Salinity Control Forum's Work Group (Work Group) and the Colorado River Basin Salinity Advisory Council Technical Advisory Group (Advisory Council) met in Los Angeles on February 9-10, 2010 hosted at the offices of The Metropolitan Water District of Southern California. The Advisory Council received reports on potential salinity control projects and planning studies that may be eligible for funding through the Basin States Program, Reclamation or through the U.S. Department of Agriculture's Environmental Quality Incentives Program. The Work Group and Advisory Council discussed the roles and responsibilities. The Work Group activities relate to the Colorado River Basin Salinity Control Forum programs, while the Advisory Council is a committee, that can make recommendations to both the Secretary of the Interior and Secretary of Agriculture.

Mr. Harris reminded the Board that it was time to submit statements of support for the Colorado River Basin Salinity Control Program funding recommendations to Senate and House Committees and Subcommittees for the fiscal year 2010-11 federal budget.

Moab Mine Tailings

Mr. Harris reported that the U.S. Department of Energy recently announced through a news release that approximately one million tons of radioactive mine tailings have been moved about 35 miles from the vicinity of the Colorado River. There are about 14 million tons yet to be removed.

OTHER BUSINESS

Upper Basin Tour

Chairman Fisher announced that there were questionnaires for those who are interested in attending an Upper Basin tour. The questionnaire will help Mr. Tom Levy, the General Manager of Colorado River Authority, with the logistics of the Upper Basin tour for the Board members and interested Agency participants.

Mr. Gerald Zimmerman's Retirement Luncheon

Chairman Fisher announced that a luncheon has been scheduled in honor of Mr. Zimmerman's pending retirement to be held April 23rd in Burbank, California.

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, April 14, 2010, at 10:00 a.m., at the Holiday Inn Ontario Airport, 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. Kuiper, and unanimously carried, the meeting was adjourned 11:26 a.m. on March 10, 2010.

/S/Gerald R. Zimmerman

Gerald R. Zimmerman
Executive Director