



**THE COLORADO
RIVER AUTHORITY
OF UTAH**

DRAFT MEETING MINUTES

Colorado River Authority of Utah

January 12, 2023 --1:00 p.m. MT

Utah State University Roosevelt Campus

985 E Lagoon St, Roosevelt, UT 84066 – Conference Room 178

1. Call to Order – Gene Shawcroft, Chair

Mr. Shawcroft called the meeting to order at 1:02 pm and welcomed the Advisory Council Co-Chairs who were reporting to the Board today and thanked Dan Larsen for hosting the Board in Roosevelt. Mr. Shawcroft asked each attendee to briefly introduce themselves and Danny Schoenfeld introduced those who had joined remotely. A list of attendees is included in Attachment 1.

2. Approval of Minutes of the December 2, 2022, Colorado River Authority of Utah Meeting – Gene Shawcroft

There being no comments on the December 2, 2022 minutes, a motion was made by Mr. Larsen and seconded by Ms. Hasenyager to approve the minutes. The motion was unanimously approved by the Board.

3. Public Comment Pursuant to the Public Comment Policy of the Authority (limit of 2 minutes per person) – Joel Ferry, Vice Chair

There were no public comments.

4. Advisory Council Reports – Cody Stewart

Mr. Stewart provided a summary of the organization of the Advisory Councils and introduced the three Co-Chairs who were reporting: William Merkley for Central Advisory Council, Brian Steed for the Southern Advisory Council, and Chris Robinson for the Northern Advisory Council.

• Central Advisory Council – William Merkley

Mr. Merkley explained that the Central Advisory Council consists of Duchesne, Daggett, Carbon, Uintah, Emery, and Grand Counties and that the Council members are proud that they represent the communities most immediately adjacent to the Colorado River and its tributaries. Mr. Merkley briefly introduced the Central Advisory Council members and stated the Council held 4 meetings over the course of 2022. Mr. Merkley explained the Council's 2023 objectives which are to better understand and integrate tribal concerns, continue to learn, explore, and grow as a council, support implementation of the System Conservation Pilot Program, have honest conversations about what curtailment might look like in Utah, conduct more fact-finding site visits to increase understanding of critical water resources, and develop water conservation project proposals for the Board's consideration. Mr. Merkley discussed the lessons learned which include: 1) more and better data; 2) Urgency – the situation on the Colorado River demands vision, initiative, and action; 3) the state needs to have a plan and the tools in place to implement that plan; and 4) Coordinated efforts – Our water challenges were not caused by, and cannot be fixed by, any one sector alone. Mr. Merkley discussed the Council's recommendations to the Board which include: 1) Standardize Measurement and Close the Data Gap; 2) Prepare for Curtailment; and 3) Actively Pursue Public Education and Outreach.

- **Southern Advisory Council – Brian Steed**

Mr. Steed explained the Southern Advisory Council (SAC) consists of Wayne, Garfield, San Juan, Kane, and Washington Counties and that 4 meetings have been held to date between these geographically diverse counties. Mr. Steed briefly introduced the Council members whom he stated have all been very involved. Mr. Steed discussed the Council's accomplishments stating they have started discussing major issues facing the southern region and began to coalesce around certain ideas and recommendations for the Board, and they recognized the historic nature of the Navajo water settlement. Mr. Steed discussed the Council's goals for 2023 which are: 1) Schedule fact-finding site visits to key areas in the southern region (agriculture, water recycling efforts, conservation, and science on the river); 2) Identify additional ideas/projects to recommend to the Board; 3) Monitor water legislation emerging from the 2022-23 legislative sessions; and 4) Invite groups and individuals with water interests from within the region to help SAC members acquire a broader understanding of informed and unique perspectives, such as farm bureau, irrigation districts, and conservation districts. Mr. Steed discussed some general observations of the SAC, including listening to agricultural and rural voices, protecting local economies, and defending Utah's allocation. Mr. Steed discussed the Council's recommendations to the Board which include: 1) Conservation – The Board should make every effort to encourage state policymakers to promote conservation and the state of Utah should set the explicit goal of becoming a conservation leader in the Western States; 2) Fairness, Negotiation, and Future Water Rights – The Council urges the Authority to continue to advocate for equitable reductions which should be fairly shared among all basin states and to establish a strong negotiating strategy with other Upper Basin states and to preserve Utah's right to future water development should additional flows become available; 3) Energy and Storage – Energy needs to be a key part of the Authority's focus and the Council encourages the Board to ensure that the dam's 174 utilities that receive power are protected and the Authority should prioritize preserving Lake Powell's 1,320-megawatt power plant capacity and take measures needed to avoid reaching minimum power pool; 4) Water Use – The SAC supports maximizing usage of local water resources including recycling, regional reuse systems, de-salting hot springs, and pursuing agricultural conversion on a willing-buyer/willing-seller basis, and encourages the Board to continue to focus on agricultural optimization; 5) Measurement and Transparency – The Board should commit to promoting and emphasizing cutting-edge and highly accurate measurement and the Authority should work with the Department of Natural Resources and other state agencies to ensure that Utah uses the most advanced, recent data and that Utah's per capital use is being measured the same way as other states and municipalities; and 6) People and Wildlife – the SAC encourages the Board to keep wildlife and habitat in mind as water policy is being made.

- **Northern Advisory Council – Chris Robinson**

Mr. Robinson briefly introduced the 9 council members who bring a great deal of diversity to the council which has held 6 meetings. Mr. Robinson discussed the NAC 2022 accomplishments which included discussing and exploring key river policy themes including conservation, xeriscaping, incentives, water finance, measurement, metering, agricultural optimization, Lake Powell pipeline feasibility, tribal water rights, 2026 guidelines, data integrity and data consistency, and curtailment scenarios. Mr. Robinson explained the NAC has demonstrated a commitment to ongoing exposure and engagement with a variety of opinions by hosting diverse expert guests such as Bart Leeflang, Jack Schmidt, Candice Hasenyager, Amy Haas, Sara Larsen, and Nathan Bracken. Mr. Robinson explained the NAC 2023 objectives which are to continue inviting guest speakers to educate the members, hold fact-finding meetings at targeted locations to gain a better perspective, collaborate more with the other advisory councils, and continue to

provide timely, concrete, actionable recommendations to the Board on how best to allocate scarce Colorado River resources. Mr. Robinson stated the NAC believes that urgent action is necessary to avoid catastrophic effects associated with the current and anticipated diminished supply of the Colorado River water. Mr. Robinson presented the NAC's General Recommendations to the Board which include: 1) More feedback and engagement with councils – the NAC requests more frequent, direct and substantive communication from the Board and asks that the Board clarify how it believes the advisory councils should engage with the Board; 2) Conservation – The Board should prioritize and champion policies that incentivize and encourage conservation of both M&I and agricultural water use; 3) Best Science – The Board should continue incorporating the best available science and measurement data available for management and policy recommendations and future annual management plan development; and 4) Protect Utah's Interest – The Board should continue to keep the stability and ecological health of the Colorado River basin system in mind while still protecting the interests of Utah and the sovereign tribes as it engages in interstate and federal negotiations. Mr. Robinson presented the NAC's Specific Recommendations to the Board which include: 1) Aggressively pursue and wisely use federal funding; 2) Fact-finding on-site visits; 3) Curtailment and scenario planning; 4) Water pricing reforms; and 5) Agricultural optimization and conversion.

Chair Shawcroft thanked the Advisory Councils for their exceptional presentations and stated he was pleasantly surprised by the reports and agreed the Board needs to do a better job educating people about the Colorado River situation. Mr. Ferry stated he was impressed with the presentations and asked the State Engineer, Teresa Wilhelmsen, to discuss current Demand Management Legislation. Ms. Wilhelmsen discussed a bill that will be sponsored by Senator Hinkins that will allow for modifications to the instream flow section of Code 73-3-30 to add an option for demand management as a beneficial use to protect Utah's interests and rights.

Ms. Hasenyager mentioned that conservation was a common theme with the Council presentations and asked if the Councils were aware of any barriers that would prevent the implementation of conservation in their areas. Mr. Steed stated the agriculture community was pushing back hard on the notion that agriculture is the problem and believes it will be a barrier, and discussion ensued. Ms. Haas stated it would be important to hear from the Advisory Councils as the Authority implements the 5-year Management Plan as many of the Council's recommendations are aligned with the plan and the Board agreed.

5. **Hydrology Update – Bart Leeflang**

Mr. Leeflang began by stating hydrology is better than it's been in 10 years. Mr. Leeflang discussed the status of Lakes Powell and Mead which are 24% and 28% full respectively. Mr. Leeflang mentioned elevation has dropped below the 3,525' and will continue to drop until spring runoff. Mr. Leeflang displayed the Lake Powell Snow Water Equivalent (SWE) which made a jump after the last storm and stated it is a positive sign. Mr. Leeflang displayed the moisture for year 2022 and compared it to the moisture specifically at the end of the year which increased significantly. Mr. Leeflang discussed the corresponding relationship between temperature and moisture and explained that as the temperatures decreased the moisture increased. Mr. Leeflang displayed the current Basin-wide SWE which is above 150%. Mr. Leeflang discussed the 6–10-day outlook which showed temperatures near or below average and precipitation above average and noted that the 4 ski resorts with the most snow in the country are all in Utah. Mr. Leeflang discussed the Lake Powell end-of-month elevations where the most probable end of CY 2023 projection is 3,527'. Mr. Leeflang reminded everyone the Lower Basin is currently taking shortages and the Upper Basin is making a Drought Response Operations Agreement (DROA) release that will be completed on April 30th.

6. Runoff vs. Snow Water Equivalent Inquiry – Lily Bosworth

Ms. Bosworth discussed the relationship between snow-water equivalent (SWE) and runoff in the Upper Colorado River Basin and explained that as SWE decreases so does runoff, although there is variability year to year and runoff efficiency is less than 100%. Ms. Bosworth discussed the data set and approach used, which covered the entire Upper Colorado River Basin, included a relatively long-time range (1913-2017), had monthly values (aggregated into years) and had SWE and runoff in a uniform data set so they were easily comparable. Ms. Bosworth displayed graphs showing SWE and runoff both decreased, and temperature increased between 1913 and 2017 and showed rates of decrease (linear regression slopes) were statistically the same for SWE and runoff. Ms. Bosworth explained the total volume of water lost to runoff inefficiency appears to increase with increasing SWE, but the exact relationship and mechanism remain unclear at this level of analysis.

7. Update on Development of Supplemental Environmental Impact Statement (SEIS) to 2007 Interim Guidelines – Amy Haas

Ms. Haas reminded the Board that in December 2022 she forwarded Utah’s response to the Department of Interior’s Notice of Intent (NOI) to develop a Supplemental Environmental Impact Statement (SEIS) for the 2007 Interim Guidelines. Ms. Haas explained that the NOI intends to modify the Colorado River operations in 2023 and 2024 and potentially beyond and that the impetus for the proposed modification was modeling the US conducted last fall of what would be required to protect critical elevations at Lake Powell (3490’) and Lake Mead (950’) if we were to experience another year like 2022. Ms. Haas explained what was found was releases from Lake Powell would have to be reduced below 7 MAF and cuts in the Lower Basin would have to be increased beyond those required under the ’07 Guidelines and 2019 Lower Basin Drought Contingency Plan. Ms. Haas explained that under the Guidelines and the Drought Contingency Plan Reclamation believes it lacks authority to reduce Powell releases below 7 MAF and make deeper Lower Basin cuts without a SEIS, and that they suggest additional DROA releases (from Flaming Gorge) would play a part in shoring up Lake Powell. Ms. Haas discussed individual comment letters sent from all 7 states as well as collective letters from the 4 Upper Division States sent through the UCRC, and discussed main points of the Utah-specific letter: 1) concerns that reduced releases out of Lake Powell could potentially jeopardize compliance with the 1922 Compact requirement that we let an average of 7.5 MAF pass Lee Ferry every ten consecutive years; and 2) concern about current and future releases from Flaming Gorge especially if those releases are not effective in protecting critical elevations. Ms. Haas mentioned that we will not support the release of any Flaming Gorge water to the Lower Basin until all the water that was released from Flaming Gorge is recovered, and that we are insisting that Reclamation adopt clear and transparent accounting for this DROA water and that the four Upper Division states do not agree with Reclamation’s proffered approach to accounting.

Ms. Haas discussed another component of the Notice to prepare the SEIS which was the identification of 3 preliminary alternatives: a No Action Alternative; a federal Reservoir Operations Modification Alternative; and a possible consensus Framework Alternative.

Ms. Haas explained that the Basin States have agreed to an all-hands effort in January through a Technical Strike Team to try to develop a 7-State consensus alternative for the next two years and possibly until 2026 by February 1, 2023. Ms. Haas mentioned that Mr. Leeflang and his modeling team are working very hard to put this consensus alternative together.

Ms. Haas discussed the timeline for the SEIS stating the US, through the Bureau of Reclamation, has represented that it will have a Draft SEIS for public review in the spring and an FSEIS and Record of Decision in the summer before the release of the August 24 months study that will determine operations for the following calendar year.

Mr. Leeftang discussed the Upper Division States alternative and explained the approach that the Upper Division is taking is a solution that allows adaptive response to the conditions, and the Upper Basin has significant concerns about hydrologic shortages and would like to receive credit for these cuts.

8. River Commissioner Report – Gene Shawcroft

Mr. Shawcroft stated everything he intended to cover has already been covered.

9. Report of the Executive Director – Amy Haas

Ms. Haas asked Betsy Morgan to talk about the smallmouth bass National Environmental Policy Act (NEPA) process. Ms. Morgan stated this effort is in response to the May 2022 directive from the Secretary’s Designee to develop a strategic plan and operational alternatives for addressing cool and warm water non-native fish establishment below Glen Canyon Dam, notably focusing on smallmouth bass. Ms. Morgan explained the smallmouth bass is a highly predatory non-native species and is expected to thrive this year given the forecasted warm water temperatures. Ms. Morgan explained an environmental assessment is being pursued because the operational alternatives proposed by the Grand Canyon Monitoring and Research Council are not included within the Long Term Experimental and Management Plan (LTEMP), and therefore require a separate NEPA process. Ms. Morgan explained that operational alternatives mainly focus on decreasing release temperatures by using bypass and on changing velocity by using spike flow, and target fish that have already passed through the dam. Ms. Morgan stated that Reclamation kicked off this process on December 1st and the four Upper Basin States and UCRC submitted one comment letter with the following main points: 1) recommend the inclusion of an alternative without the use of bypass; 2) multi-faceted approach and is only one of many management actions; 3) short term - only for use in 2023 and potentially 2024; 4) any actions contemplated do not interfere with past, current, or future DROA release and recovery operations intended to protect critical elevations at Lake Powell. Ms. Morgan stated the strategic plan is being finalized and will be presented at the upcoming technical workgroup meeting later this month, and the draft Environmental Assessment (EA) will be posted for public review mid-January and comments will be due in February and the final EA is expected to be posted in early April.

10. Status of Upper Basin System Conservation Pilot Program (SCPP) – Lily Bosworth

Ms. Bosworth provided an update on the SCPP, which she explained is an opportunity for temporary, voluntary, and compensated consumptive water use reduction in the Upper Colorado Basin, is open to municipal, industrial, and agricultural water users, and is federally funded and administered by UCRC. Ms. Bosworth explained this program is not a “buy and dry” program or a demand management program involving water shepherding. Ms. Bosworth discussed the SCPP 2023 timeline, pricing, and in-person information sessions being held, and noted proposals were due by February 1, 2023.

11. Other Business

12. Next Meeting: February 16, 2023, 1:00 pm – World Trade Center 1st floor conference room, Salt Lake City, UT

13. Adjourn

Mr. Renstrom motioned to adjourn, Mr. Larsen seconded, and the Board unanimously agreed to adjourn the meeting at 3:13 pm.

Attachment #1 – January 12, 2023 Attendee List

**December 2, 2022
Colorado River Authority of Utah Board Meeting
Attendee List**

Board Member Attendees:

Gene Shawcroft, Chair
Joel Ferry, Vice Chair
Jay Mark Humphrey
Candice Hasenyager
Dan Larsen
Zach Renstrom
Paul Tsosie (Virtual)

In Person Attendees:

Amy Haas, CRAU
Danny Schoenfeld, CRAU
Betsy Coleman, CRAU
Cody Stewart, CRAU
Lily Bosworth, CRAU
Betsy Morgan, CRAU
Holly McCall, CRAU
Bart LeeFlang, CUWCD
Dennis Jones, Advisory Councils
Cody Allred, PacifiCorp
William Merkley, UWCD
Jordan Nielson, Trout Unlimited
Scott McGettigan, DWRe
Christopher Robinson, Advisory Councils
Brian Steed, Advisory Councils

Virtual Attendees:

Teresa Wilhelmsen, State Engineer
Wendy Crowther, Attorney General
Bryan Dixon
Dana Van Horn
Michael Eytel
Dan Hartman
Leia Larsen
David Jordan
Shaden Musleh
Evan Curtis
Jon Richens
Steven Humphrey
Cash Stallings
Edward Andrechak
Megan Nelson
Anthony Mancuso
Marc Stilson
Kyle Roerink