

**DRAFT MEETING MINUTES**  
**Colorado River Authority of Utah**  
**June 22, 2023 -- 1:00 p.m. MT**

60 E South Temple 1<sup>st</sup> Floor Conference Room, Salt Lake City, UT 84111

1. **Call to Order – Gene Shawcroft, Chair**

Mr. Shawcroft called the meeting to order at 1:00 pm stating there was a quorum and asked each attendee to briefly introduce themselves. A list of attendees is included in Attachment I.

2. **Approval of the Minutes of the May 16, 2023, Colorado River Authority of Utah Meeting – Gene Shawcroft**

There being no comments on the May 16, 2023 minutes, a motion was made by Mr. Renstrom 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) – Gene Shawcroft**

There were no public comments.

4. **Report of the Chair – Gene Shawcroft**

Mr. Shawcroft discussed the Draft Supplemental Environmental Impact Statement (DSEIS) that was proposed in late May and was concerning to the Lower Basin States. Mr. Shawcroft explained that the Lower Basin states requested the opportunity to submit an Alternative plan, which is currently being prepared to submit to Reclamation without endorsement from the Upper Division States. Mr. Shawcroft explained the Upper Division States still don't have much detail on the Alternative, whether the Alternative includes Drought Response Operations Agreement (DROA) actions, or how the Bureau of Reclamation will model proposed Powell operations under the Lower Basin Alternative. Mr. Shawcroft stated it was important for Reclamation to keep the two action alternatives on the table to analyze. Mr. Shawcroft explained that we understand the plan includes reductions of 3 million acre-feet (MAF) between 2023 and 2026, where 1.5 MAF is conserved in 2024 and 2.3 MAF is "compensated" by the Federal Government for \$1.2 billion. Mr. Shawcroft further explained the Alternative plan included a hard protection elevation of 1000 feet at Lake Mead and that one of the things being analyzed is the ability to reduce releases at Lake Powell from 7 MAF to 6 MAF. Mr. Shawcroft stated there was a Basin States Meeting June 23 for Commissioners where he would be asking to see their plan.

Mr. Shawcroft discussed the Upper Colorado River Commission (UCRC) Work Session held in Santa Fe, New Mexico on June 15 where the Upper Basin 5-Point Plan was reviewed, System Conservation Pilot Program (SCPP) lessons learned were discussed, and Demand Management and Post 2026 Operations Modeling and Analysis were discussed. Mr. Shawcroft discussed the regular UCRC Summer Meeting held on June 16 that included a presentation by JB Hamby, Chair, Colorado River Board of California as well as remarks by Tommy Beaudreau, Deputy Secretary of the Interior.

Mr. Shawcroft stated the Notice of Intent (NOI) for the Post 2026 Operations was released June 16, which begins the formal National Environmental Policy Act (NEPA) process for the Post 2026 operations. Mr. Shawcroft explained that Reclamation's hope is for there to be draft operations in the works by the end of 2024 for the NEPA process, which he explained is a very aggressive goal.

5. **Report of the Executive Director – Amy Haas, Executive Director**

Ms. Haas explained there are currently five major ongoing NEPA processes, four of which are related to the Colorado River, and that she would discuss only two of them today. Ms. Haas discussed the SEIS to modify aspects of the current operational criteria for the river, known as the 2007 Interim Guidelines, which she explained is supposed to get us through 2026 operations and has been ongoing since last fall. Ms. Haas explained the Lower Basin has come up with an Alternative plan and requested the plan be modeled by Reclamation. Ms. Haas noted the Upper Basin has supported the request to model the Lower Basin's request for the Alternative plan, without endorsing the plan, as the Upper Basin doesn't know very much about it. Ms. Haas explained that the reductions the Lower Basin purports to make under this Alternative are irrespective of hydrology and that the 3 MAF will not depend on the elevations of Powell and Mead, which is promising. Ms. Haas mentioned it was unknown what contributions Mexico would be making toward the 3 MAF at this time.

Ms. Haas explained the process where on September 1, it's expected that Reclamation would reissue the DSEIS with the Lower Basin Plan as an action alternative, alongside the original action alternatives, and allow 45 days for comments. Ms. Haas stated a Final SEIS is anticipated by the end of calendar year 2023 and explained that the Authority will comment, as we have in the past, on behalf of the state of Utah. Ms. Haas mentioned the Bureau of Reclamation has been a bit equivocal about issuing a Record of Decision (ROD) based on the SEIS process and may not feel the need to do so if binding contracts are in place for Lower Basin conservation.

Ms. Haas discussed the Notice of Intent for Post 2026 Operations, which were formally published Friday, June 16 in the Federal Register, with a 60-day comment period and a deadline of August 15. Ms. Haas explained this notice formally kicks off the NEPA process for the Post 2026 operating criteria once the current operating guidelines expire in 2026. Ms. Haas noted the Bureau of Reclamation would like a 7 Basin States Alternative by Spring 2024 and a Draft SEIS by the end of 2024. Ms. Haas explained there was currently no timeline for a Final SEIS or ROD, but 2025 may see a new Administration so she imagines the Department of Interior is reluctant to set forth a timeline beyond 2024.

Ms. Haas discussed this DROA year, which runs May 2023 through April 2024, stating it is focused exclusively on recovering the 624 thousand acre-feet (KAF) released from Flaming Gorge and Blue Mesa in 2021 and 2022, and that she would provide more detail in her System Status report.

Ms. Haas discussed new federal legislation, which Senator Hickenlooper is expected to sponsor, for the reauthorization of the two Upper Basin Recovery Programs, Upper Colorado and San Juan, where Utah is a signatory to each. Ms. Haas explained this legislation authorizes up to \$11.85 million a year for 15 years for Reclamation to continue program implementation which ensures continued Endangered Species Act (ESA) coverage for 2,500 state, federal and Tribal projects in the Uinta Basin.

Invited to speak by Ms. Haas, Scott McGettigan, Utah Division of Water Resources, discussed the federal Farm Bill which contains adjustments to the Salinity Control Act (SCA). Mr. McGettigan explained that SCA funding, which typically comes from hydropower generation, has been reduced due to limited water supply and resulting limited hydropower generation in the Colorado River System. The current draft of the Farm Bill would provide alternative funding to support SCA actions given the water and power shortages in the Basin.

Ms. Haas discussed Arizona v Navajo Nation and announced that today the US Supreme Court ruled against the Navajo Nation in a case originally brought by the Tribe over 20 years ago asserting a breach of trust claim against the US based on the Nation's 1868 Treaty for failure to secure Colorado River water for the Tribe. Ms. Haas explained that Utah was not a party to the suit and the decision did not implicate the Utah Navajo Settlement.

Ms. Haas congratulated Betsy Morgan and Lily Bosworth for passing their Professional Engineer exams and explained they would become licensed Professional Engineers once they completed their work experience requirements in the coming years.

Invited to speak by Ms. Haas, Cody Stewart briefly introduced three new digital publications that have recently been developed, the Quarterly Tribal Newsletter, the Monthly Authority Newsletter, and Distilled News, and asked if anyone was aware of individuals who would benefit from receiving these to please let him know.

6. **System Status Update – Amy Haas**

Ms. Haas provided a Hydrology Update, explaining the Snow Water Equivalent (SWE) in Utah peaked at 295% of median and the SWE in the Upper Colorado River Basin peaked at 160% of median. Ms. Haas discussed the total system content for Lake Powell and Lake Mead, as well as Lake Powell end of month elevations at a most probable elevation of 3,588', and Lake Mead end of month elevations at a most probable elevation of 1,069'. Ms. Haas explained that both Lake Powell and Lake Mead were well above critical elevation levels. Ms. Haas discussed DROA, explaining that based on projections Flaming Gorge is expected to have full recovery of DROA releases by the end of February 2024.

7. **Request approval of proposed Colorado River Management Plan FY 2024 Work Plan – Lily Bosworth, Staff Engineer, and Betsy Morgan, Staff Engineer**

Ms. Morgan explained the 5-Year Management Plan focuses on Measurement, Hydrology & Operations, and Drought Mitigation and has an associated Fiscal Year (FY) 2024 Work Plan. Ms. Bosworth provided an overview of the Management Plan Budget Allocations that currently total \$32,271,700 and explained this includes Authority and in-kind contribution staff salaries, and that estimated costs do not include charges of other state agencies participating. Ms. Bosworth explained the total proposed FY 2024 Budget Allocations of \$7,529,400 include Authority and in-kind contribution staff salaries. Ms. Bosworth discussed the Advisory Council Recommendations received in January, showing how they were being tracked to ensure the Authority was considering them in the priority areas. Ms. Morgan discussed the Interstate Activities which include 20 committees, as well as the FY 2024 Work Plan Structure organized within the three priority areas.

Ms. Morgan and Ms. Bosworth discussed an outline of the projects under the three priority areas, acknowledging progress for each project in FY 2023, and highlighting new projects for FY 2024. A timeline for each project was also provided. Board Members were encouraged to refer to the Draft FY 2024 Work Plan for details on each project.

Board Member Hasenyager offered one comment for the FY 2024 Work Plan, asking Authority staff to continue to closely coordinate Agricultural Resiliency efforts with other state agencies to ensure the best use of available funds for water conservation in the state.

A motion to approve the FY 2024 Work Plan was made by Mr. Humphrey, seconded by Mr. Larsen, and unanimously approved by the Board.

8. **Request approval of proposed FY 2024 Authority Budget – Danny Schoenfeld, Director of Administration**

Mr. Schoenfeld discussed the FY 2024 Budget which he explained only reflects State funds that have been allocated to the agency by the Legislature. Mr. Schoenfeld explained that during the last legislative session, the Authority was appropriated \$1,607,800 in ongoing funds and \$7 million in one-time funds. Mr. Schoenfeld explained the uses of funds and the ending and running balances that show an anticipated FY 2023 ending balance of State funds to be \$15,367,665. Discussion ensued regarding the restricted account and unused appropriation funds. Mr. Shawcroft asked for a motion to approve the FY 2024 Authority Budget. A motion to approve the Budget was made by Mr. Humphrey, seconded by Mr. Larsen, and unanimously approved by the Board.

9. **Colorado River 101 – Amy Haas**

Ms. Haas reminded the Board that her last update focused on the 1968 Colorado River Basin Project Act ('68 Act) which authorized the Central Arizona Project, made the Treaty obligation to provide Mexico with 1.5 MAF a “national priority,” and most importantly to the Upper Basin, provided for the comprehensive development of water resources of the Colorado River Basin and the coordinated operations of Lakes Powell and Mead. Ms. Haas explained that the '68 Act required the Secretary of the Interior to propose criteria for the Long-Range Operations of Reservoirs in the basin, most critically Lake Powell and Lake Mead, but also the Upper Initial Units including Flaming Gorge Reservoir, the Aspinall Units, and Navajo Reservoir. Ms. Haas explained this criterion is referred to as “LROC” and it is important to note that these criteria are currently being implemented through the '07 Interim Guidelines and we anticipate they will be backed into the Post-2026 operating criteria. Ms. Haas explained that prior to the '07 Guidelines, the LROC was in place and was adopted, per the 1968 Act, by the Secretary of Interior in 1970. Ms. Haas explained the LROC requires the Secretary, through the Bureau of Reclamation, to make determinations regarding operations for the upcoming year and that this report is called the Annual Operating Plan. Ms. Haas explained these determinations include the amount of water the Secretary will store and release from Lake Powell under the requirements set forth in Section 602a of the 1968 Act. Ms. Haas explained that under the LROC, if the amount of storage in the Upper Basin was less than the 602a storage and Lake Powell storage is less than Lake Mead, a Minimum Objective Release of 8.23 MAF would be maintained for the upcoming year. Ms. Haas explained there would be a lot of negotiation around coordinated operations and 602a obligations in the Post 2026 negotiations which were formally initiated on June 16.

10. **Remarks from the Board**

Mr. Larsen thanked Cody Stewart and Holly McCall for organizing the tour of Flaming Gorge for the Advisory Councils the previous week. Ms. Hasenyager and Mr. Humphrey also thanked them for the tour which they both found extremely interesting.

11. **Other Business**

12. **Next Meeting:** August 24, 2023 World Trade Center 1<sup>st</sup> Floor Conference Room, 60 East South Temple, Salt Lake City, UT 84111

13. **Adjourn**

The meeting was adjourned at 2:28pm.

**Attachment #1 – June 22, 2023 Attendee List**

**June 22, 2023  
Colorado River Authority of Utah Board Meeting  
Attendee List**

**Board Member Attendees:**

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

**In Person Attendees:**

Amy Haas, CRAU  
Danny Schoenfeld, CRAU  
Betsy Coleman, CRAU  
Cody Stewart, CRAU  
Lily Bosworth, CRAU  
Betsy Morgan, CRAU  
Holly McCall, CRAU  
Scott McGettigan, Utah Division of Water Resources  
Teresa Wilhelmsen, Utah Division of Water Rights  
Wendy Crowther, Utah Assistant Attorney General  
Jordan Nielsen, Trout Unlimited

**Virtual Attendees:**

Kyle Roerick  
Megan Nelson

