

DRAFT MEETING MINUTES
Colorado River Authority of Utah
October 19, 2023 -- 1:00 p.m. MT

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 September 19, 2023, Colorado River Authority of Utah Meeting – Gene Shawcroft**

There being no comments on the September 19, 2023 minutes, a motion was made by Mr. Renstrom and seconded by Mr. Humphrey 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 stated the 7 Basin States Workshop was held at Zermatt Resort October 16 - 18 and was very productive. Mr. Shawcroft explained that both Basins shared their respective ideas for a consensus alternative and agreed to establish a Basinwide Tech Team to develop the ideas into a single, unified alternative. Regular Basin States meetings have been planned through March 2024 with Tech Team meetings in the meantime.

Mr. Shawcroft announced the Scoping Report and Proposed Federal Action was published this morning totaling 389 pages. Over 24,000 comments were submitted and include information from the Basin States, contractors, and Tribes. The document is currently being reviewed by Authority staff. Mr. Shawcroft explained the comments form the basis for the Proposed Federal Action for Operations of Lake Powell and Lake Mead beginning in 2027. Mr. Shawcroft explained the action considers lowering the release from Lake Mead below 7.5 million acre-feet (MAF) which he believes is critical to balance the system. Mr. Shawcroft asked Ms. Haas to provide further details in her Executive Director Report.

Mr. Shawcroft explained the Draft Environmental Impact Statement (EIS) for post-2026 Colorado River operations is anticipated by the end of Calendar Year 2024, a final EIS is anticipated to be released in late 2025, and a Record of Decision is expected in early 2026. Mr. Shawcroft explained the Draft Supplemental EIS for Colorado River operations before 2027 is still being pursued by Reclamation and comments are anticipated before the end of October 2023.

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

Ms. Haas discussed the Scoping Report and Proposed Federal Action published the morning of the Board Meeting, October 19 2023, stating the report would be posted on the Authority's website. Ms. Haas explained the report outlines the Proposed Federal Action and that the Basin States were currently working on a consensus 7 State alternative, which was committed to in the 7-State letter submitted in August 2023. Ms. Haas explained the key elements of the Proposed Federal Action which were operations of the two reservoirs through specific guidelines (no

change), that the guidelines would be interim and provide for circumstances under which the Secretary could allocate, reduce, or increase the annual release of 7.5 MAF from Lake Mead, and Ms. Haas noted it was unprecedented to reduce the annual release below 7.5 MAF. Ms. Haas further explained additional key elements of the report including consideration of coordinated operations of Lake Powell and Lake Mead, especially under low reservoir conditions, considering “total system storage” and/or actual inflows, storage of conserved water in Lake Mead and/or Lake Powell, and temporary emergency response operations at upstream reservoirs such as Flaming Gorge, Blue Mesa, and Navajo to protect Glen Canyon Dam infrastructure, subject to existing environmental compliance/constraints.

a) Upper Basin federal funding (BIL, IRA) update

Ms. Haas explained the Upper Basin was allocated \$50M in Bipartisan Infrastructure Law (BIL) funds to support activities that mitigate the impacts of drought in the Reclamation States with priority given to the Colorado River Basin and other Basins experiencing comparable levels of long-term drought. Ms. Haas explained funded activities include both short term and multi-year conservation activities. Ms. Haas explained Inflation Reduction Act (IRA) funding for the Upper Basin, noting that “Bucket 1” IRA funding allocates \$125M to the Upper Basin for use primarily for the System Conservation Pilot Program (SCPP) and short term measures and that “Bucket 2” IRA funding allocates \$273M for multi-year or longer-term water conservation efforts oriented toward infrastructure improvements or other durable water conservation measures, such as demand management, that can benefit the Colorado River Basin System. Ms. Haas stated that program and project criteria are currently being developed by Reclamation, UCRC, and the Upper Division States and the expectation is that “Bucket 2” funding will begin to become available for projects in 2024.

Ms. Haas next discussed the Bipartisan Infrastructure Law (BIL) funding of \$50M for projects and activities that assist with the implementation of the Upper Basin Drought Contingency Plan (DCP) which includes Drought Response Operations Agreement (DROA) and Demand Management Activities. Ms. Haas explained the first tranche of \$8.7M will be available to the Upper Division States this year, 2023, and the focus is on stream gaging and consumptive use measurement. Ms. Haas explained the Authority is developing a list of potential stream gages in coordination with the Division of Water Rights, and in developing the list is considering gages that will help support implementation of the DCPs or similar needs, and gages that were identified in the Gap Analysis. Ms. Haas explained the Authority is pursuing a BIL-funded Eddy Covariance Station in the Green River area and is coordinating with the Upper Colorado River Commission (UCRC) and the Utah Geological Survey (UGS) to determine how to best integrate the station into the Utah Flux Network’s current efforts.

b) Ms. Haas asked Cadi Sande to provide a quick status update on the Fiscal Year 2024 (FY24) Budget

Ms. Sande discussed the FY24 Budget and provided a summary of the operating budget and year to date expenditures. Ms. Sande explained the Authority has budgeted for an additional full-time employee who will be providing more technical support to the Executive Director and Staff Engineers. Ms. Sande explained the Authority is currently at 8% expended of the FY24 Budget for the first quarter, but a spike in expenses is anticipated as travel increases and as the Management Plan activities ramp up.

c) Status of U.S.-Mexico negotiations: Minute 323, Post-2026

Ms. Haas discussed the 1944 Water Treaty between the United States (US) and Mexico and the various elements of the Law of the River around the obligation to provide Mexico 1.5 MAF under

the Treaty. Ms. Haas explained the Treaty implementing agreements were called Minutes between the two countries and the current Minute, 323, provides for reductions in Mexico's use in line with the Lower Basin reductions under the 2007 Interim Guidelines and Drought Contingency Plans. Ms. Haas explained that like these agreements, the Minute will also expire in 2026. Ms. Haas explained that when forecasts last year in 2022 showed Lake Powell and Lake Mead both dropping to critically low elevations, below 3490' and 1000', respectively, as early as 2024, the US began the National Environmental Policy Act (NEPA) Process to modify the 2007 Interim Guidelines. Ms. Haas further explained that NEPA is a domestic process and doesn't govern anything with Mexico, however, the Minute allows for additional Emergency Measures and that over the past 10 months, a US and Mexico delegation has been meeting to negotiate additional reductions that Mexico may take between now and 2026, given the 3 MAF proposed reductions by the Lower Basin during the same period. Ms. Haas stated Mexico has tentatively agreed to conservation activities that would yield about 400,000 AF/Year for the three years remaining under the Minute. These conservation activities would be funded by the US Federal Government similar to compensated activities under the Minute, and would result in another Minute in early 2024.

Ms. Haas explained the US would need to shift into a Post-2026 phase after the current Minute expires in 2026 and bring the two countries together to talk about longer-term operations in Mexico. Ms. Haas is hopeful a formal development of a Post-2026 Minute will begin, however, in the meantime, the two countries have agreed to an informal negotiation process.

6. **Hydrology and System Status Report – Lily Bosworth, Staff Engineer**

Ms. Bosworth explained the new water year began on October 1, 2023 and dry subsurface conditions remain.

Ms. Bosworth announced the Authority's grant proposal to support a pilot of Airborne Snow Observatories snow data collection and runoff forecasting has been selected by the Bureau of Reclamation and the Authority recently executed an agreement with Airborne Snow Observatories for the project. The project team hopes to complete the baseline snow-free survey the week of October 19, 2023, as soon as possible.

Ms. Bosworth discussed the Water Year 2024 snowpack is still too early in the season to indicate how much snow-water supply will accumulate over the year. Ms. Bosworth discussed surface streamflow, noting flows are low in the southern part of the Upper Colorado River Basin. Ms. Bosworth explained that temperatures are forecast to be above normal in the Upper Colorado River Basin for the first quarter of water year 2024, and precipitation is forecast to have equal chances of above or below average precipitation for the first quarter of water year 2024. Ms. Bosworth showed the US Drought Monitor Map, which suggests that the southern portion of the Upper Colorado River Basin is increasing in drought severity, even as the northern part of the Upper Basin remains out of drought.

Ms. Bosworth displayed the Upper Basin storage teacup diagram, indicating most reservoirs relatively full, yet Lake Powell is below normal at only 38% full, and Lake Mead is only at 34% full. Ms. Bosworth explained there has been a 10% increase in total system storage compared to last water year, 2023. Ms. Bosworth displayed the Lake Powell Unregulated Inflow and discussed the possible range of elevations that could occur at Lake Powell and Lake Mead over the next 24 months.

7. **Salinity and the Colorado River – Don Barnett, P.E., Executive Director, Salinity Control Forum**

Mr. Barnett explained the Colorado River Basin Salinity Control Program was created in 1973 with the goal of improving water quality. Mr. Barnett discussed historical geology and the Mancos Shale which is pervasive through the Upper Basin, highly erodible, and loaded with salt, which dissolves into the Colorado River. Mr. Barnett explained the increases in salinity and the salinity concentrations in the early 1970's and the 1972 Federal Water Pollution Control Act. Mr. Barnett discussed the 1974 Colorado River Basin Salinity Control Act, including Title I and Title II, and explained that in 1975 salinity standards for the Colorado River were adopted. Mr. Barnett explained how Salinity Control was implemented in the Colorado River Basin where only enough water is applied to flush salts below the crop root level but not enough to push salts into the groundwater and the Colorado River. Mr. Barnett discussed Salinity Control Program efforts which include lining and piping canals and ditches, on-farm irrigation efficiency improvements, Rangeland improvements, and National Pollutant Discharge Elimination System (NPDES) permit requirements. Mr. Barnett explained 2022 program funding was received from Reclamation (\$7M), NRCS (\$12.4M) and BLM (\$2M).

8. **Upper Colorado River Commission Drought Response Operations Agreement Resolution – Amy Haas, Bart Leeflang, P.E.**

Ms. Haas explained that at a special meeting of the Upper Colorado River Commission on Thursday, September 21, 2023, the four Upper Division States adopted a resolution that conditions their support for future releases under the Drought Response Operations Agreement (DROA) intended to protect Lake Powell elevations on the following three principles: Water released to Lake Powell must be retained at Powell until full recovery is achieved at the upstream Initial Units (e.g., Flaming Gorge); DROA water at Lake Powell cannot result in greater releases from the reservoir to the Lower Basin than would have occurred without DROA; and DROA operations cannot make Lake Powell worse off than it would have been without DROA.

Mr. Leeflang displayed a graph showing Flaming Gorge releases to Lake Powell and DROA water that has been recovered, with the deficit at Flaming Gorge decreasing monthly. Mr. Leeflang explained the way DROA water is accounted for is crucial to ensure all water is recovered. Mr. Leeflang explained full recovery of the approximately 588,000 AF of water released from Flaming Gorge to Lake Powell under DROA is anticipated by the end of February 2024, and given the favorable forecasts of Lake Powell elevations through 2026, further releases from Lake Powell are not anticipated in the next few years.

9. **2024 System Conservation Pilot Program – Lily Bosworth**

Ms. Bosworth explained that SCPP was an opportunity for temporary, voluntary, and compensated consumptive water use reduction in the Upper Colorado River Basin, the program is open to municipal, industrial, and agricultural water users, and is federally funded. Ms. Bosworth discussed lessons learned which include needed changes to program timing, pricing/compensation, conserved consumptive use, messaging, and transparency. Ms. Bosworth explained that SCPP was reauthorized for 2024 and the focused scope of eligible projects would favor projects that support exploration of demand management feasibility and/or projects that support innovation and local resilience in water conservation, and lessons learned applied. Ms. Bosworth reviewed the 2024 program timeline and explained the Authority is planning outreach in November 2023, aiming for approximately 5 in-person sessions in November with proposals due in December and reviewed in early 2024.

Ms. Bosworth explained that there is a Request for Proposals (RFP) for an engineering consulting firm to support the Authority in development and implementation of a Utah Ag Resilience and Demand Management Pilot Program. The RFP can be found on the Authority website.

10. **Approval of 2024 Authority Board Meeting Schedule – Gene Shawcroft**

Mr. Shawcroft asked for a motion to approve the 2024 Board Meeting Schedule and a motion to approve was made by Mr. Renstrom, seconded by Mr. Larsen, and unanimously approved by the Board.

11. **Remarks from the Board**

Ms. Hasenyager shared that November 1-3, 2023, she would tour Southeastern Utah to talk with water users, commissioners, and others, and she would report on what she learned at the December Board Meeting.

Mr. Shawcroft thanked Amy Haas, Betsy Coleman, and Holly McCall for their efforts at the Basin States Meeting which involved a great deal of work and was a wonderful event. Mr. Shawcroft stated the next in person Basin States meeting would be in California, Utah would host another meeting in February, and the March meeting would be in Phoenix.

12. **Other Business**

There was no other business.

13. **Next Meeting:** December 7, 2023, 1:00 PM, World Trade Center 1st Floor Conference Room, 60 East South Temple, Salt Lake City, UT 84111

14. **Adjourn**

Mr. Larsen motioned to adjourn the meeting, which was seconded by Ms. Hasenyager and unanimously agreed to by the Board. The meeting was adjourned at 2:44 pm.

Attachment #1 – October 19, 2023 Attendee List

**October 19, 2023
Colorado River Authority of Utah Board Meeting**

Board Member Attendees:

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

Attendees:

Amy Haas, CRAU
Betsy Coleman, CRAU
Cody Stewart, CRAU
Lily Bosworth, CRAU
Holly McCall, CRAU
Cadi Sande, CRAU
Bart Leeflang, Central Utah Water Conservancy District
Wendy Crowther, Utah Assistant Attorney General
Scott McGettigan, Division of Water Resources
Rachel Musil, Central Utah Water Conservancy District

Virtual Attendees:

Cash Stallings DWRi
Ted Sonnenberg DWRi
Teresa Wilhelmsen DWRi
Adam Jones
Keith Denos
Bart Jensen
Darren Robinson
Brian Barton

