

DRAFT MEETING MINUTES
Colorado River Authority of Utah
April 23, 2024 --1:00 p.m. MT

1. **Call to Order – Joel Ferry, Vice-Chair**

Mr. Ferry called the meeting to order at 1:05 pm stating there was a quorum. A list of attendees is included in Attachment I.

2. **Approval of the Minutes of February 27, 2024, Colorado River Authority of Utah Meeting – Joel Ferry**

There being no comments on the February 27, 2024 minutes a motion was made by Mr. Larsen 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) – Joel Ferry, Vice Chair**

There were no public comments.

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

Deferred to Amy Haas in Mr. Shawcroft's absence.

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

Ms. Haas provided an Intrastate Update and announced the Authority is currently developing the Fiscal Year 2025 Work Plan under the Five-Year Management Plan. Ms. Haas explained that Ms. Morgan and Ms. Bosworth have been essential in this effort and will be briefing the board at the May meeting. Ms. Haas stated the Authority is currently soliciting feedback on the Work Plan priorities from the Advisory Councils.

Ms. Haas announced the Authority has entered into an agreement with Jacobs Engineering Group to provide support and assistance in the development of the Drought Mitigation Pilot Program.

Ms. Haas announced the Authority is currently recruiting a Principal Engineer who will essentially act as her Deputy and provide technical supervision to the two staff engineers. Ms. Haas congratulated Betsy Morgan on becoming a licensed Professional Engineer (PE) in the State of Utah.

Ms. Haas provided an Interstate Update and announced a Memorandum of Understanding (MOU) was executed yesterday (April 22, 2024) in Chama, New Mexico between the Upper Colorado River Commission (UCRC) and the Upper Basin Tribes, which include the Jicarilla Apache Nation, Navajo Nation, Ute Mountain Ute Tribe, Southern Ute Indian Tribe, Ute Indian Tribe, and the Paiute Indian Tribe of Utah. Ms. Haas explained this MOU formalizes a dialogue that the 6 Tribes and the 4 States through the UCRC have been holding monthly since the summer of 2022. Ms. Haas explained the MOU sets forth a commitment for the Tribes and the States to meet approximately every two months to discuss potential collaborative action on interstate issues of mutual importance and interest and to review and update a framework for discussions developed

by all of the parties back in October 2022. Ms. Haas stated this MOU excludes any sovereign-to-sovereign discussion and intends to promote open dialogue and establish a framework for conversation on issues of mutual interest and concern.

Ms. Haas provided an update on the most recent Minute, which is an agreement pursuant to the 1944 United States (U.S.)-Republic of Mexico (Mexico) Water Treaty. Ms. Haas explained this recent Minute is between the U.S. and Mexico where Mexico has agreed to take additional reductions of 1.5 million acre-feet (MAF) per annum to their annual allocation under the 1944 Treaty. Ms. Haas explained that Mexico is agreeing to reduce use on 400,000 acre-feet per year through 2026, which is similar to what the Lower Basin has agreed to and is a step in the right direction.

Ms. Haas discussed the Interim Operating Guidelines issued by Reclamation for Glen Canyon Dam and operations during low reservoir conditions which was issued at the end of March 2024. Ms. Haas explained that when Lake Powell drops below elevation 3490' water cannot be released through the eight penstocks, nor are the penstocks able to deliver water through the power plant turbines. Ms. Haas explained that below elevation 3490' four river outlet works are employed to release water but are not designed to release water for an extended period of time at those reservoir elevations.

Ms. Haas provided a brief overview of the Post-2026 Upper Basin Alternative along with a high-level summary of the Lower Basin Alternative and explained that additional alternatives have been submitted to Reclamation for consideration, including from individual water users, Tribes in the Colorado River Basin and the academic and non-government organization communities. Ms. Haas explained that historically, the preferred path for any Big River negotiation is for the seven states to agree on a consensus proposal before submitting it for consideration by the Secretary of Interior, usually in the context of a National Environmental Policy Act (NEPA) process. Ms. Haas explained that the Upper and Lower Basins were unable to develop a consensus plan (or "alternative" under NEPA) by the early March 2024 deadline set by the U.S. Bureau of Reclamation, therefore, on March 6, 2024 the Upper Division States of Utah, Wyoming, New Mexico, and Colorado submitted an alternative to Reclamation for consideration via modeling and, on the same day, the Lower Division States of Arizona, California, and Nevada submitted their alternative.

Ms. Haas described the Upper Basin Alternative which focuses on sustainable operations of Lake Powell and Lake Mead that rebuild storage, align with hydrologic conditions, and follow the Law of the River. Ms. Haas discussed some additional goals including reducing risks to water users caused by depleted storage in Lakes Powell and Mead, addressing the imbalance between water supply and demand in the Lower Basin, providing greater predictability and reliability for reservoir operations under a wide range of potential future conditions, operating Lakes Powell and Mead based on observed conditions v. unreliable forecasts, and recognizing and accounting for hydrologic shortage in the Upper Basin. Ms. Haas discussed central elements of the Upper Division States Alternative: releases of between 9 MAF/yr and 6 MAF/yr unless Powell is spilling; Lake Powell operations governed by contents of reservoir on October 1, not tied to forecasts 6-months out that are inherently unreliable; releases aren't tied to Lower Basin uses as they are under the current Guidelines; and releases are designed to protect the reservoir's ability to release water consistent with our legal (Compact) obligations. Ms. Haas explained the releases are designed to smooth releases to avoid "step function" jumps as we currently have in the Tier Determinations under the 2007 Guidelines which a foot in elevation at certain tiers can mean the difference in release of 750,000 AF of water to the Lower Basin. Ms. Haas discussed the Lake

Mead piece of the Alternative which she explained is largely based on something the Lower Basin proposed fall 2023. Ms. Haas explained that under most conditions, the Lower Division States will take reductions of 1.5 MAF to account for evaporation and losses and that additional Lower Basin reductions of up to 2.4 MAF will be applied when the total contents of the two reservoirs are 20% or less as reductions are driven by the combined contents of Lakes Powell and Mead. Ms. Haas discussed the parallel activities that may be pursued if the Upper Division States Alternative is adopted and may include voluntary conservation and potential releases and recovery at Colorado River Storage Project (CRSP) Act Initial Units (Blue Mesa, Flaming Gorge, Navajo Reservoirs) and explained that any such Parallel Activities would be subject to new agreements outside the Post-2026 scope and should be used to protect Lake Powell's continued ability to make releases.

Ms. Haas discussed the Lower Basin Alternative where Lake Powell releases would range from 11 MAF to 6 MAF over four different regimes based on total system contents of the upstream CRSP Initial Units, including Flaming Gorge. Ms. Haas explained that in this hydrologic shortage-based release regime releases will vary based on the Upper Basin depletion/use the previous year and the more use in the Upper Basin the more water would have to be released from Lake Powell. Ms. Haas explained the Lower Basin has agreed to reduce use by 1.5 MAF to account for evaporation/losses and has proposed that cuts be based on the combined system contents of seven reservoirs AND the Lower Basin expects reductions to be split 50/50 between the Lower and Upper Basins. Ms. Haas explained this is a very difficult proposition for the Upper Basin both from a legal and regulatory standpoint as the state engineer cannot legally cut existing uses unless the Upper Basin is in a curtailment scenario and therefore couldn't enforce these types of reductions. Ms. Haas further explained the major assumption made by the Lower Basin is that Mexico will participate in reductions, but Mexico has not made a commitment to take reductions post-2026.

Ms. Haas discussed the Upper Division States next steps which include working with the Bureau of Reclamation to model the Upper Division States Alternative during April and May, resumed discussions with the Lower Basin to explore a Seven Basin States Alternative, and engaging with Mexico through the Binational Process.

Vice Chair Ferry announced that the State Engineers Office at Department of Natural Resources is working with Zion National Park and the Bureau of Land Management to designate a Wild and Scenic federal water right on several streams through Zion. Vice Chair Ferry also reported the Ute Mountain Ute Tribe sent a letter to the Secretary of the Interior to request a negotiation team which he stated was progress toward a settlement.

6. **Quarterly Budget Update – Cadi Sande, Manager of Administration and Finance**

Ms. Sande provided an update on the Authority's Budget for FY 24 explaining that while the Authority is running a little behind with our expenditures right now, costs will increase with bringing on a new employee and increased travel. Ms. Haas explained that the Authority recently executed a contract with Jacobs Engineering Group and anticipates our expenditures will increase as drought mitigation pilot programs are a large part of the Management Plan budget.

7. **Hydrology and System Status Update – Alex Pivarnik, U.S. Bureau of Reclamation**

Mr. Pivarnik provided a system status and operations update and discussed the Upper Basin reservoir storage where total system storage is currently at 42%. Mr. Pivarnik discussed water year precipitation and explained conditions have been very dry in March 2024 and that April and May 2024 are very important precipitation months. Mr. Pivarnik discussed Weather Prediction

Center and Climate Prediction Center Precipitation Forecasts and explained there is some minor precipitation expected over the next seven days and that regional precipitation will be near normal over the next two weeks. Mr. Pivarnik discussed the Upper Colorado River Basin Snow-Water Equivalent (SWE) and Observed Inflows and explained the current SWE is 95% of median.

Mr. Pivarnik discussed the most probable April forecast for Water Year 2024 for each of the reservoirs and explained April midmonth forecasted unregulated inflow for April through July was 4,300 thousand acre-feet (KAF) which is 85% of average, and April midmonth unregulated inflow forecast for Water Year 2024 was 8,091 KAF which is 84% of average. Mr. Pivarnik discussed Upper Basin reservoir operations and explained Lake Powell will be operated consistent with the 2007 Interim Guidelines, the Upper Basin Drought Response Operations Agreement (DROA) and Upper Basin Records of Decision. Mr. Pivarnik explained Lake Powell WY 2024 will operate in the Mid-Elevation Release Tier where Lake Powell will release 7.48 MAF. Mr. Pivarnik stated that Reclamation will ensure all appropriate consultation with Basin Tribes, the Republic of Mexico, other federal agencies, water users, and non-governmental organizations with respect to implementation of these monthly and annual operations.

Mr. Pivarnik discussed DROA recovery, explaining there was a total DROA release of 36 KAF from Blue Mesa Reservoir and all DROA water released from Blue Mesa Reservoir has been recovered. Reclamation achieved recovery of DROA water at Flaming Gorge Reservoir on February 28, 2024, and Reclamation's goal is to achieve the May 1 Drawdown Target of 6,027 feet elevation at Flaming Gorge. Mr. Pivarnik discussed potential Lake Powell monthly release volume distribution and stated the WY 2025 most probable release scenario was 7.48 MAF. Mr. Pivarnik discussed the Lake Powell end-of-month elevations Colorado River Mid-term Modeling System (CRMMS) projections and stated for Lake Powell the most probable end of CY 2024 projection is 39% full and the most probable end of CY 2025 projection is 42% full. Mr. Pivarnik discussed the Lake Mead end-of-month elevations CRMMS projection and stated the most probable end of CY 2024 projection is 32% full and the most probable end of CY 2025 projection is 37% full.

8. **Remarks from the Board**

Ms. Hasenyager stated the Salinity Control Forum would be meeting the first week of June and explained that due to HB280 passing there have been changes to the State Water Plan Statute, and that the Division of Water Resources would be reaching out to various agencies to coordinate meetings soon.

9. **Other Business**

There was no other business.

10. **Next Meeting:** May 21, 2024 World Trade Center 1st Floor Conference Room, 60 East South Temple, Salt Lake City, UT 84111

11. **Adjourn** – Ms. Hasenyager motioned to adjourn the meeting which was seconded by Mr. Larsen and unanimously approved by the Board. The Board Meeting was adjourned at 2:12pm.

April 23, 2024
Colorado River Authority of Utah Board Meeting

Board Member Attendees:

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

Panelist Attendees:

Amy Haas, CRAU
Betsy Coleman, CRAU
Betsy Morgan, CRAU
Cody Stewart, CRAU
Lily Bosworth, CRAU
Holly McCall, CRAU
Cadi Sande, CRAU
Bart Leeftang, Central Utah Water Conservancy District
Wendy Crowther, Utah Assistant Attorney General
Gordon Rowe, Utah Assistant Attorney General

Virtual Attendees:

Joshua Ward - Bowen Collins and Associates
Megan Nelson - The Nature Conservancy
Adam Jones
Cody Allred - Pacificorp
Scott McGettigan – Division of Water Rights
Rachel Anderson – AE2S
Bill Butcher - Price River Water Users Association
Cash Stallings - Utah Division of Water Rights
Bart Jensen - Jones & Demille Engineering
Cam Walker - HDR Engineering