

Panoramic View from the Top of Gannett Peak

**Update Report at November 19, 2002 Meeting:
Presentation to Green River Basin Advisory Group**

by John W. Shields, Interstate Streams Engineer



Today's Presentation:

- **Update on CA's Colorado River Water Use Plan**
- **Upper Colorado River Endangered Fish Recovery Program Developments**
- **Colorado River Basin Salinity Control Program Update & Report**
- **Colorado River Delta – Brief Mention in Passing**
- **Upcoming Events**



Progress Continues to be Made with Implementing California's Colorado Water Use Plan

- **Bottom Line:** California agencies continue to state they are on schedule to execute the Implementation Agreement for the Quantification Settlement Agreement (QSA) by 12/31/2002 (as is required in the Interim Surplus Guidelines promulgated by the Secretary of the Interior on Jan. 16, 2001).



The impacts on the Salton Sea of the water transfer agreement between Imperial Irrigation District and the San Diego County Water Authority are at the heart of the recent issues and events for implementing California's Colorado River Water Use Plan!

Status of CA's Colorado River Water Use Plan - continued

- September 16th – Gov. Davis signed into law SB 482, which amended the fully protected species statutes to authorize incidental take of end. species and made legislative findings concerning the Salton Sea and the QSA.
 - Authorizes CA Dept. of Fish and Game, contingent upon the execution of the QSA, to authorize the take of species resulting from specified environmental impacts attributable to QSA implementation (creates **incidental take provisions**).
 - Provides while QSA is in effect (75 years) and Imperial Irrigation District is meeting its water delivery obligations under the QSA, **if IID uses land fallowing conservation measures ensuring compliance with specified criteria for environmental impacts of the water transfer, then no person or local agency may seek to obtain additional conserved Colorado River water from the IID, until IID has adopted a resolution offering to make conserved Colorado River water available.**

Status of CA's Colorado River Water Use Plan - continued

- On October 15th/early morning of 16th, the California entities who share CA's Colorado River entitlement reached agreement on revisions to the December 1998 Quantification Settlement Agreement (QSA).
 - Necessitated by concerns in the Imperial Valley that IID be “part of the solution, not the sole solution.”
 - Necessitated by need to deal with environmental impacts of the water transfer on the Salton Sea.
 - Necessitated to keep the process moving forward to have the QSA executed by the 12/31/2002 deadline.

QSA Term Sheet Revisions – Major Provisions

- First 15 years of IID/SDCWA water transfers to be restructured – IID to deliver 1.0 maf/15 years as opposed to 1.6 to 2.1 maf/15 years specified in 1998 QSA. IID to receive \$258/acre-foot for first 5 years, subject to price “resets” thereafter.

QSA Term Sheet Revisions – Major Provisions - continued

- Upfront payment by SDCWA to IID of \$10 million for socioeconomic impacts to a local Imperial Valley entity (to be created to administer funds).
- Beginning in 2010, IID – in cooperation with Imperial Valley farmers – will make additional annual payments into the fund until it has contributed another \$10 million.
- SDCWA agrees to pay any additional socioeconomic impacts associated with the 10-year following program above \$20 million.

QSA Term Sheet Revisions – Major Provisions - continued

- SDCWA is to receive additional water from the Metropolitan Water District of Southern California's (MWD's) land management, crop rotation and water supply program with the Palo Verde Irrigation District (PVID). SDCWA will receive nearly 1.4 maf of transfer water during the first 15 years.

QSA Term Sheet Revisions – Major Provisions - continued

- Through additional transfers from IID to Coachella Valley Water District (CVWD) and from MWD to CVWD, whose total water supply will be unchanged from the 1998 QSA arrangements.
- Under the QSA/Revised QSA Term Sheet agreements:
 - IID’s basic Colorado River water apportionment is set at 3.1 million acre-feet
 - CVWD’s basic Colorado River water apportionment is set at 330,000 acre-feet. In addition, IID agreed to transfer up to 100,000 acre-feet to CVWD at a cost ranging from between \$50 and \$125 per acre-foot, subject to annual price/cost escalation.

Note: SDCWA approved QSA Term Sheet terms on October 24th, IID voted on November 6th to delay vote until December.

- IID held two public meetings to discuss the Summary Term Sheet arrangements, one on November 12th in El Centro and the other on November 18th in Calexico.

Status of CA's Colorado River Water Use Plan - continued

- On October 28th, the California State Water Resources Control Board approved the Imperial Irrigation District/San Diego County Water Authority transfer petition
 - Any motions for reconsideration must be filed by November 27th and a hearing on any such motions would be held on December 30, 2002.

Status of CA's Colorado River Water Use Plan - continued

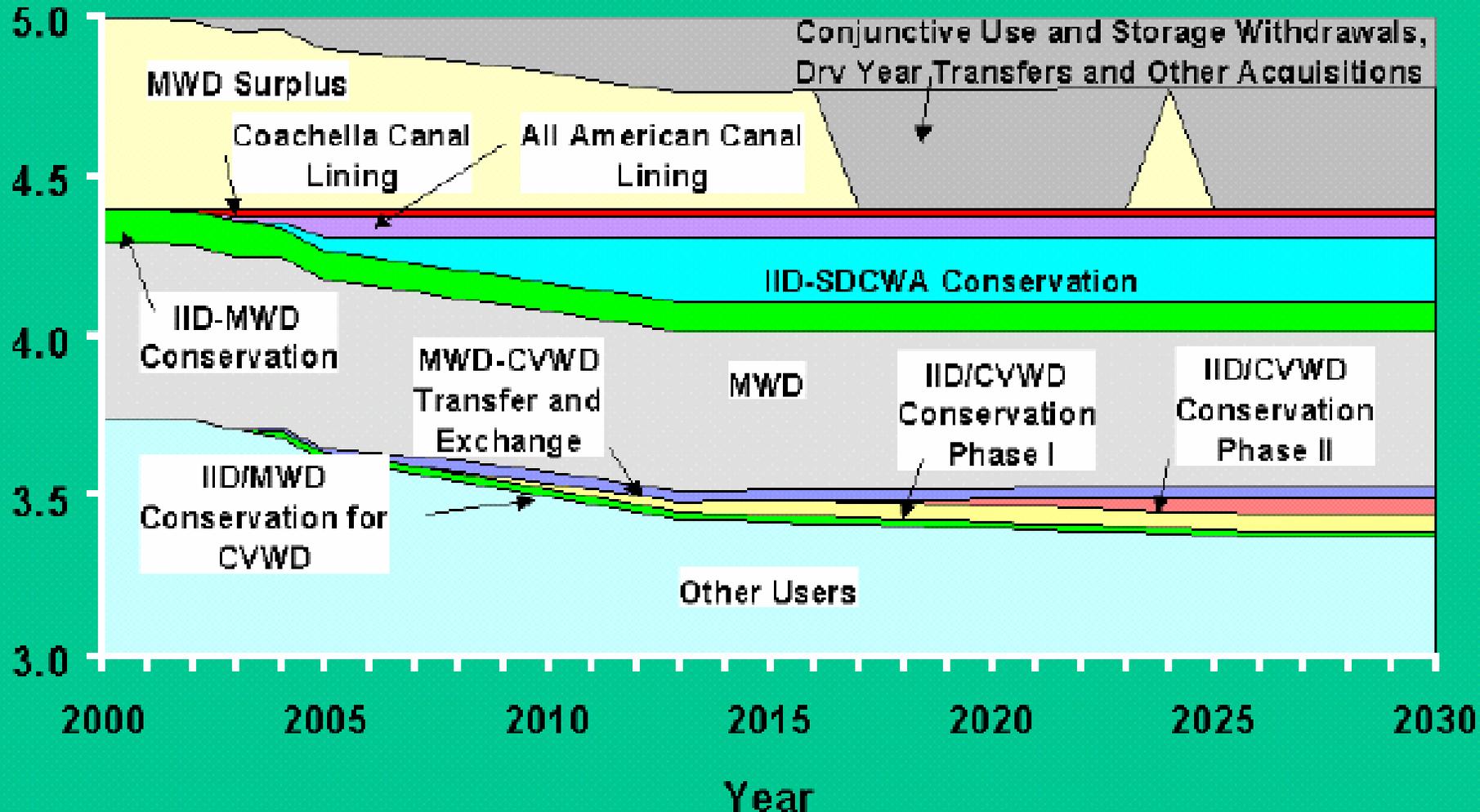
- On November 5th, California voted approved ballot measure Proposition 50 that provides up to \$200 million of state funding for projects associated with implementing the California Colorado River Water Use Plan and associated Quantification Settlement Agreement (QSA).

Status of CA's Colorado River Water Use Plan - continued

- The agencies are now focusing on (1) necessary revisions to the QSA and related documents to reflect the revised QSA terms and (2) the Endangered Species Act Section 7 consultation process for existing listed species and the State of California determination of consistency with the California Endangered Species Act, and (3) the review of certified environmental reviews for consistency with the revised QSA terms.

Schematically, California's Colorado River Water Use Plan will do:

California Use of Water



Upper Colorado River End. Fish Recovery Implementation Program Developments:

- Notice of Availability of Final Recovery Goals published in the *Federal Register* on August 28, 2002
- Program increasing its emphasis and refining ability to monitor population numbers – revisions and modifications to the interagency standardized monitoring program
- Program changes and emphasis on non-native fish control
- Emphasis Continuing Work on Development of the Yampa River Programmatic Biological Opinion

The Recovery Process

Defining “Recovery”

- (1) *“Recovery is the point at which wild populations are secure and self-sustaining and no longer need ESA protection.”* (2) *“Recovery does not mandate returning a species to all or a significant portion of its historic range nor establishing populations in all possible habitats...”*
- ESA Guidelines (must address five listing factors) and Service Policy (e.g., definitions of recovery and conservation)
- recovery approaches for other vertebrate species (i.e., bald eagle, peregrine falcon, desert tortoise, Pacific salmon, and southern sea otter)

The Recovery Process - continued

Listing Factors: ESA Section 4(a)(1)

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range
- (B) Overutilization for commercial, recreational, scientific, or educational purposes
- (C) Disease or predation
- (D) The inadequacy of existing regulatory mechanisms
- (E) Other natural or manmade factors affecting its continued existence

Humpback Chub



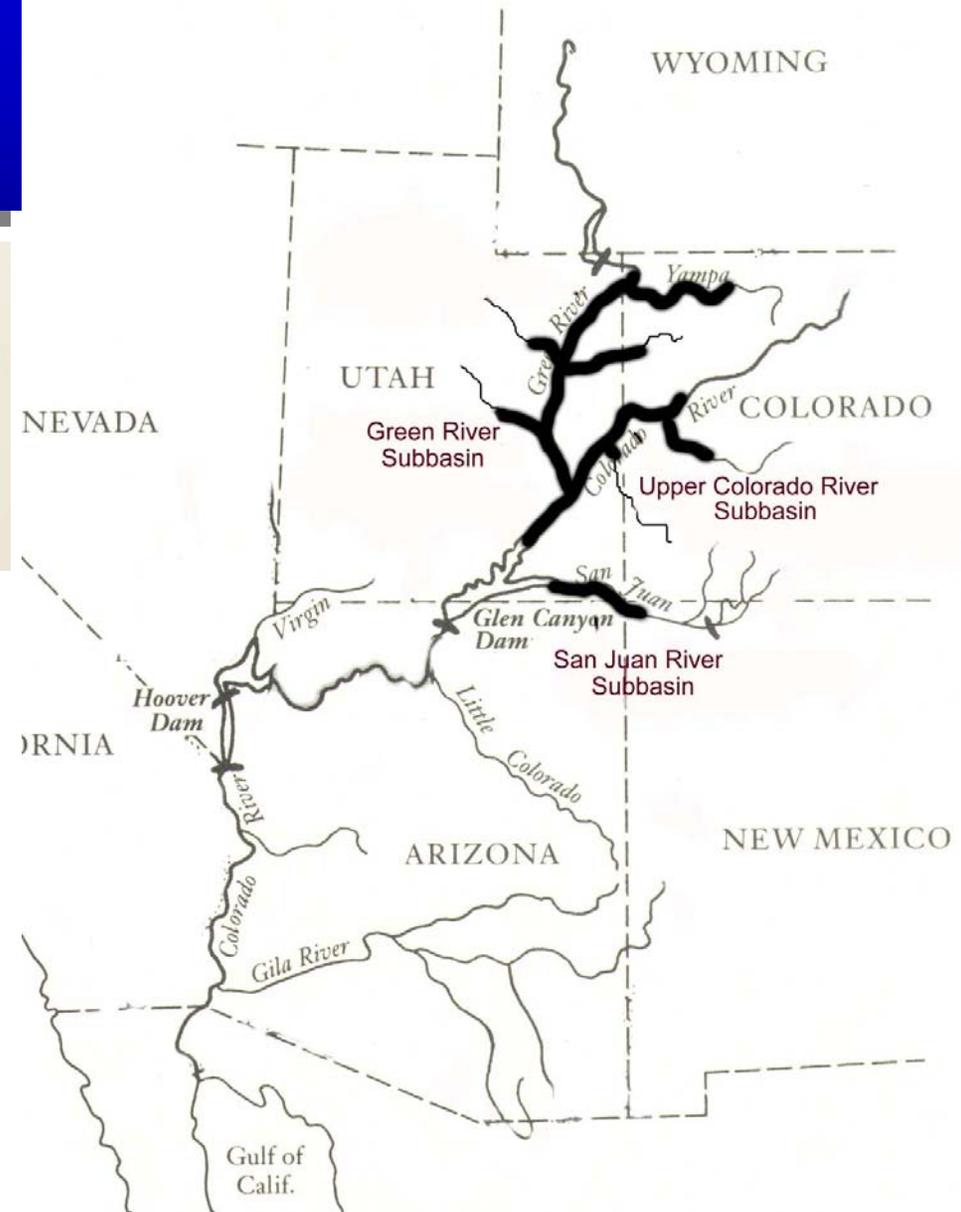
- Restricted to canyon reaches
- Deep water, swift currents, rocky substrates
- Limited movement



Colorado



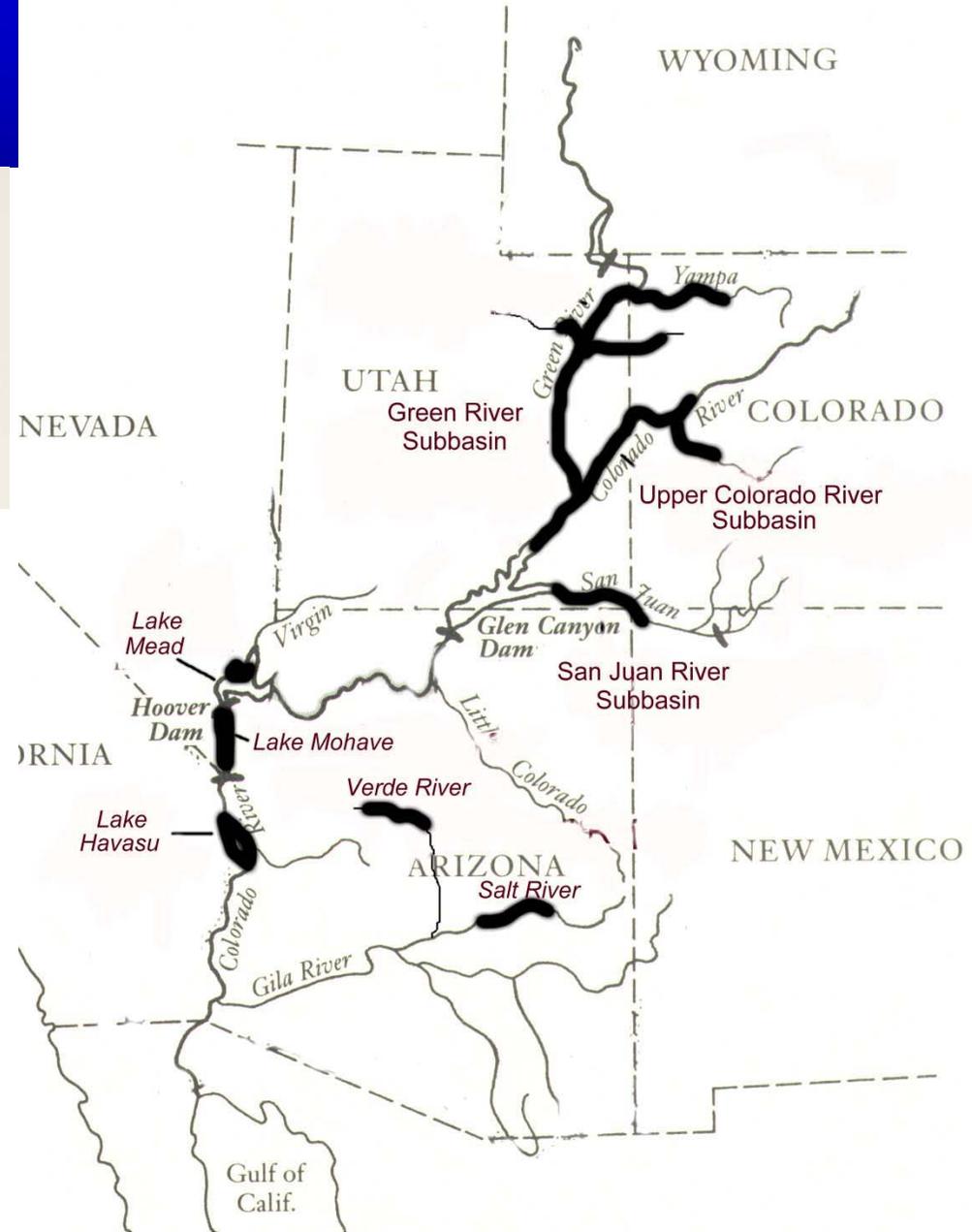
- Widely distributed
- Low-gradient, flat-water reaches
- Backwaters important for young
- Long-distance movements



Razorback Sucker



- Widely distributed
- Low-gradient, flat-water reaches
- Floodplains important for all life stages
- Long-distance movements



Bonytail



- Limited information
- Once widely distributed in large rivers
- Observed in pools and eddies

Humpback Chub

Demographic Criteria

Downlisting (5 years; monitoring)

- Each population maintained (“no net loss”); and
- One core population in upper basin $>2,100$ adults*;
and
- One core population in lower basin $>2,100$ adults*

Delisting (3 years beyond downlisting)

- Each population maintained (“no net loss”); and
- Two core populations in upper basin, each $>2,100$ adults; and
- One core population in lower basin $>2,100$ adults

(8 years generation time)

*Currently exceeding number

Colorado River Basin Salinity Control Program Update & Report on October 29-30 Meetings

- At the CRBSC Forum and CRBSC Advisory Council meetings held in San Diego, CA recently, the Forum and the Council:
 - Approved the “2002 Review of Water Quality Standards for Salinity In the Colorado River Basin” Report
 - Report identified the size of the needed salinity control program (1.8 million tons per year annually by the year 2020; 800,300 tons per year of measures in place as of end of 2001)
 - Report by BLM as required by P.L. 106-459
 - The BLM committed to send out their revised draft report for review by the Basin States again. The Denver National Science and Technology Center has received the Washington Office comments.
 - BLM has created a Colorado River Basin Salinity Control Coordinator position – to be housed in Federal Building in Salt Lake City with the USDA and USBR salinity control coordinators. At present, a temporary assignment to fulfill these duties given to Heidi Hadley, BLM State Hydrologist for State of Utah

Colorado River Basin Salinity Control Program Update & Report on October 29-30 Meetings - continued

- The Forum's Policy Committee approved the proposed revisions to the Forum's "Policy for Implementation of Colorado River Salinity Standards Through the NPDES Permit Program" adopted Feb. 28, 1977;
 - These address potential coalbed methane production in the Colorado River Basin and
- The Policy Committee is addressing the matter of whether the Forum should undertake efforts specifically directed at reducing selenium loading in the Colorado River Basin.
 - Policy Committee to be reconstituted with water quantity and water quality members from each of the seven States

The Forum's NPDES Policy Modifications:

- **Simplify the salt discharge waiver amount.** The salinity standard and policy's objective is no-salt return. This no-salt discharge requirement has been waived in cases where the discharge is less than "1 ton per day or 350 tons per year." The proposal would permit waivers if the discharge is less than "366 tons per year."
- Provide for **fresh water discharges** where water has value for beneficial use in the environment and doesn't cause or contribute to numeric criteria exceedances
 - Establishment of sufficiently protective discharge waiver concentration level
 - Preserve flows not causing significant degradation of existing ambient water quality. Net effect to reduce the downstream salinity concentration; adds salt tonnage to the River system but increases overall water.
- Encourage, where more cost-effective and preferable, the development of **salinity offset projects** as opposed to treating the effluent to the level required to obtain a fresh water discharge waiver.

Colorado River Delta Developments:



- Symposium held in mid-October in Tijuana concerning Colorado River Delta – science and technical focus
 - Basin States invited as “observers”
- United States is considering imposing measures on Mexico on account of Mexico’s failure to abide by 1944 Mexican Water Treaty’s terms regarding Rio Grande River water deliveries. Mexico has a water debt to U.S. of 1.8 million acre-feet. Mexican state governors and President Fox are on opposing political sides and Rio Grande River water has become political issue.
- Seven Basin States Colorado River Delta Technical Working Group has continued to meet and is preparing report with states’ recommendations for resolving Delta issues.

Upcoming Events – FYI

- Upper Colorado River Endangered Fish Recovery Program Management Committee meeting – November 20 in Denver, CO
- Municipal Water Systems Drought Contingencies and Strategies Symposium – November 20th in Rawlins
- Coordination meeting between State Engineer's Office and the Dept. of Environmental Quality – December 5th in Cheyenne
- Colorado River Water Users Association annual meeting in Las Vegas, NV – December 16-17th

Upcoming Events - continued

- Seven Basin State informal meeting with US Bureau of Reclamation Commissioner John Keys in LV, NV on December 17th
- Agency Coordination meeting between State Engineer's Office and the WY Game and Fish Dept. - January 7, 2003 in Cheyenne
- Upper Colorado River Commission meeting – tentative meeting date of January 9, 2003 in Albuquerque, NM

Upcoming Events - continued

- Wyoming Water Association's Winter Board meeting and first legislative review session – January 15, 2003 in Cheyenne
- Green River Basin Advisory Group meeting – March 25, 2003 in Rock Springs
- Wyoming Water Association Summer Board meeting and tour – July 10-11, 2003 in Glenrock. Tour of the Dave Johnston Power Plant owned and operated by PacifiCorp

Thank You



