

**COLORADO RIVER AND WATER SUPPLY COMMITTEE**  
**MINUTES**  
**Thursday, May 19, 2022**

A meeting of the Colorado River and Water Supply Committee was held on Thursday, May 19, 2022, at 1:21 p.m. at the District office.

Chairman Tom Goodwin announced a quorum was present.

**COMMITTEE MEMBERS PRESENT:**

Tom Goodwin - Chairman, Kevin Karney – Vice-Chairman, Seth Clayton, Pat Edelmann, Mark Pifher, Bill Long and Jim Broderick

**COMMITTEE MEMBERS ABSENT AND EXCUSED:**

None

**OTHERS PRESENT:**

Andrew Colosimo, Matt Heimerich, Alan Hamel and Curtis Mitchell, Southeastern Board members; Lee Miller, Leann Noga, Peter Levish, Chris Woodka and Eleanor Ludwig, District staff; Jeff Rieker, Manager, USBR Eastern Colorado Area Office; and Jeff Mecklenburg, Colorado Assistant Attorney General, Water Unit.

**APPROVAL OF MINUTES:**

Chairman Tom Goodwin confirmed that members of the Committee received their copy of the November 18, 2021 minutes, and asked if there were any corrections or additions. Mark Pifher moved, seconded by Seth Clayton, to approve the minutes. Motion unanimously carried.

**PRESENTATION:**

Lee Miller reported that the Department of Interior has approved the 2022 Drought Response Operations Plan (2022 Plan) that the Upper Division States and the Upper Colorado River Commission approved and forwarded for the department's consideration and approval on April 21, 2022. The 2022 Plan calls for 500,000 acre-feet of water to be released from Flaming Gorge Reservoir between May 2022 and April 2023 to protect critical elevations at Lake Powell. Bureau of Reclamation (Reclamation) will begin operations so the 2022 Plan can be implemented. The Drought Response Operations Agreement was signed in 2019 by the Upper Basin States and the Secretary of the Interior to minimize risks

to Lake Powell. The 2022 Drought Response Operations Plan is a one-year plan under that Agreement.

Mr. Miller also reviewed federal and the Upper Basin states' response for funding of recovery programs, now funded through hydropower revenues at Lake Powell. These programs provide environmental compliance for agencies such as the Southeastern Colorado Water Conservancy District that export water from the Colorado River basin.

The four Upper Basin states have developed a response to the March 4, 2022 proposal by the federal agencies for funding of the recovery programs. The funding amounts under discussion are in today's dollars and would be adjusted for inflation annually. The proposals are being discussed in a 15-year time frame. Neither the federal agencies nor the states have proposed additional funding by water users.

**Federal Proposal:** The federal agencies have agreed to provide \$100 million in capital funding over a 15-year period with no firm commitment by the states or other non-federal parties to capital funding other than to attempt to identify additional sources on a project-by-project basis, which has been done recently. The states have accepted this proposal.

The issue between the federal agencies and the states relates to the contribution of annual funding commitments. The federal agencies have proposed full federal funding of the annual funding (\$13.9 million per year) for the 5 years of FY 24 through FY 28. Beginning in FY 29, the federal agencies propose that the states begin contributing \$250,000 per year to annual funding and increasing funding by \$250,000 per year until state funding reaches \$3 million per year. There would be a corresponding reduction in federal annual funding. Federal annual funding would continue at a level of \$10.9 million per year with congressionally appropriated funds. This would include \$2.62 million per year to meet federal trust responsibilities to the four tribes in the San Juan basin.

Given the uncertainty regarding availability of future hydropower revenues, it is likely that the proposed federal share would be provided with congressionally appropriated funds.

**State Proposal:** The states' May 4, 2022 annual funding counterproposal proposes that:

- 1) The states' contribution be reduced by the amount of in-kind services provided by the states;
- 2) The federal agencies provide full annual funding for 10 years rather than 5 years. The states have not identified the value of the states' in-kind contributions in the May 4 proposal that would be applied to determine the reduction in contributions. Any reduction in the states' cash contribution would likely increase the requirement for federal cash funding of the recovery programs with appropriations; and
- 3) The third item in the states' proposal is a question regarding the level of tribal depletions provided with ESA compliance by the San Juan Recovery Program.

In addition to the funding discussions, the Recovery Program participants briefed the Congressional offices on its activities during late March 2022.

The Committee was provided with documents that support this information.

These include:

- 1) Memorandum to Tanya Trujillo from Wayne Pullan dated April 26, 2022, regarding recommendation to approve 2022 Drought Response Operations Plan
- 2) 2022 Drought Response Operations Plan
- 3) Letter to Regional Directors from the Four Upper Basin States dated May 4, 2022, regarding the Regional Directors' Funding Proposal for the Upper Colorado and San Juan Recovery Programs
- 4) Synopsis of the Upper Colorado River Endangered Fish Recovery Implementation Program San Juan River Basin Recovery Implementation Programs
- 5) Briefing Summer of Upper Colorado River Endangered Fish Recovery Program San Juan River Basin Recovery Implementation Program

Matt Heimerich asked Mr. Miller to clarify recovery actions and commitments. Mr. Miller said there are other elements to the recovery program under the Programmatic Biological Opinion.

Mr. Miller said there were no issues that require an executive session. The Upper Colorado River Commission (UCRC) will meet in Cheyenne, Wyoming, in July.

Andy Colosimo asked if Reclamation has provided a way to track the impact of releases of flows to Lake Powell. Mr. Miller said more attention is needed to assess the success of the release program by Reclamation and the states.

Pat Edelman asked if the models that exist are adequate. Mr. Miller said the models are useful either to find information or to find out what remains unknown. Part of the difficulty is that each of the four upper basin states have different measurement and accounting systems.

Tom Goodwin asked if the Upper Basin states are together on the response. Mr. Miller said they are, and that the UCRC submittal on the 2022 Plan was accepted by Interior.

Alan Hamel asked if the Lower Basin states are together. Mr. Miller said he would not presume to speak for them, but that they are united in saying Upper Basin states should do more.

Matt Heimerich asked whose water is being released. Mr. Miller said it is Reclamation water, but is release in addition to or in conjunction with recreation and fish programs operated by Reclamation.

Mr. Goodwin asked if work is being done on the 2026 guidelines (under the 2007 agreement). Mr. Miller said there is work being done, but not specific to report. When there is, it will be presented in executive session.

Mr. Miller said the problem of shortages on the Colorado River will be solved by relationships. He reviewed the history of the Colorado River Compact, and said Colorado gained future use of the Colorado River at a time when California and Arizona had developed more of their share of the river. Water priorities alone cannot solve the problem. He said there are inequities, but that agreements can mitigate the impacts.

**EXECUTIVE SESSION:**

None

**OTHER BUSINESS:**

None

**NEXT MEETING:**

The next meeting will be in September.

**ADJOURN**

Chairman Goodwin adjourned the meeting at 1:58 p.m.

Respectfully Submitted,

Chris Woodka  
Senior Policy and Issues Manager