

## **MINUTES OF THE LAKE POWELL PIPELINE MANAGEMENT COMMITTEE**

Minutes of a public meeting of the Lake Powell Pipeline Management Committee, held on Tuesday, March 17, 2009, at 9:00 a.m. at 136 North 100 East, St. George, Utah.

**Board Members present:** Dennis Strong (Division of Water Resources), Harold Shirley (Board of Water Resources), Scott Wilson (CICWCD), Ron Thompson (WCWCD), and Mike Noel (KCWCD).

**Also present:** Eric Millis (Division of Water Resources), D. Larry Anderson (Water Resources Consultant), Harold Sersland (Water Resources Consultant), Brian D. Liming (MWH), Marc Brown (MWH), Jeff Feldman (Citizens for Dixie's Future), L. Skrzynski (Kaibab Paiute Tribe), Barbara Hjelle (WCWCD), Corey Cram (WCWCD), and Tina Esplin (WCWCD).

**Welcome and introductions**—Dennis welcomed those present and conducted the meeting.

**Update on cultural and environmental study progress**—Minutes of the last meeting were reviewed. **Harold Shirley moved to approve the minutes of January 13, 2009, Scott Wilson seconded the motion and all voted aye.**

**Report on right-of-way needs and acquisition**—Brian Liming said that a number of studies were approved by FERC on January 21, 2009 in the study plan determination letter. FERC identified the different requirements that they would have to incorporate and asked for several different changes. They wanted the alignment along State Hwy 389 through Arizona and the Navajo McCullough transmission line added as alternatives in the studies. Alignment across the reservation was the first alignment. They ruled that cultural resources needed to have modification regarding the area of potential effect (APE), and they made specific requirements that the area of potential effect would be 250 feet centered on the pipeline and transmission line and 100 foot buffers around the sites where there were power, pump stations, construction and access roads. In several of the other studies, they called out changes on geological soils to look at corrosion and other changes. They asked that specific language be put in to talk about the effects of the project on special status of aquatic resources that could occur if the Lake Powell project is implemented. They added noxious weed language regarding implementation of requirements of study plans. They also recommended accepting Fish and Wildlife's recommendations that the survey corridor be expanded to 600 feet for habitat for special status plant species. They requested language that the APE be expanded for cultural and ethnographic resources, so we have had to prepare APE maps showing the pipeline and transmission alignment, facility sites, and access roads. So, by February 21, we prepared maps and distributed them to Utah and Arizona State Historic Preservation offices and all agencies and native tribes involved. FERC asked that those APE maps be sent out with comments to be made back to the state. The state, in turn, sends the results back to FERC within 60 days, which is this Friday. So, that is what we have been working on the last several weeks. We held working meetings with SHIPO organizations and federal and tribal representatives in Salt Lake City, St. George and Phoenix and discussion was consultation on the APE maps. There are 81 maps showing the APE that SHIPO and federal agencies are working with. We are now receiving results of that consultation and will submit on Friday. We did receive a letter two weeks ago from Arizona

SHIPO indicating that they didn't think they would have their response in on time. We can't make them respond any quicker, so we will include their response when we get it, and send it on to FERC. We have started preparing for the cultural resource studies with archeologists and are planning to be infield for transmission lines, access roads and staging areas. We did geology and soils literature search, and used that information to create a map to identify areas where the 600 foot-wide corridors would be for special studies plant species. We have been doing literature searches for the other resources and are preparing to perform studies when we get approval from various agencies and tribes.

Harold added that another issue in the study plan had to do with assessing Grand Canyon Dam and Lake Powell and anything below Glen Canyon. We contracted with the Bureau of Reclamation with modeling that showed there was no measureable change in the operation of Glen Canyon Dam. FERC agreed with our position that we were not going to look at impact and took the legal definition that it is beyond jurisdiction. However in their letter back to us, there was disagreement with the park service, so they charged the state with getting the park service and the Bureau to work the issue out. We followed FERC's request and had a meeting with the park service, Bureau and BLM and presented the modeling information that there was no change. We believe the results from that meeting was that the agencies really didn't disagree with us, so we have prepared a letter. The park service wanted to know what happened if we don't deplete 100,000 acre foot of water, so we are going to do modeling of that. We also have to look at water quality issues, and don't believe there are any changes in water quality. Alice Walker, legal counsel for the Kaibab Tribe, thinks the tribe is in agreement and will allow us to do the cultural work, vegetation and wildlife studies on tribal lands.

Brian said that we have contacted leaseholders of BLM, state, and school trust lands and now have a data base prepared. This data base has been sent to the Water District staff to get assistance with them because of their knowledge of landowners along these alignments. This information will be used for letters requesting permission to conduct studies on private properties. Harold said that when we originally contacted Arizona State Trust Lands, they were not very positive. Since then, we have sent them letters and Eric has had conversations and thinks they have changed their position, so we shouldn't have any trouble getting on their lands to survey. Eric said he talked to the right-of-way manager who was agreeable to let us go out there and study. Harold said they now have the APE maps and all the information.

Dennis said we are in a pre-NEPA process now and a lot of folks say we are in the NEPA process and asked Brian to explain when we get into the NEPA process. Brian said that FERC has taken the lead agency role, and BLM, National Park Service, Bureau of Reclamation and the Kaibab Band have signed a memorandum of understanding with FERC to be cooperating agencies. The significant players have all signed, so the studies we are doing now are part of the pre-application process in this integrated license process. These are studies that support the environmental impact statement that will be prepared by FERC. The BLM and Bureau of Reclamation, National Park all have their own decisions to make regarding right- of- way and approval to use their properties to administer the project. They have to have their own record of decisions. They would adopt the FERC's EIS and use that as public disclosure to meet NEPA. There is some concern on FERC's timeline, but FERC has indicated that they are willing to work with the various agencies to meet their compliance as well. It has been our goal all along that the agencies cooperate and to have the studies support one NEPA document. Harold said we are in the NEPA compliance process right now, gathering data which is an intragal part of the NEPA

process. Brian said the integrated licensing process is fairly new and this is the first process. Ron said that FERC really expects us to have all studies and all mitigation written up and agreed to before they get into the project. If we can't come to a solution, they will try to bring the parties together and pressure to force a compromise. They prefer we solve these problems before they get to them. Harold said our job is to facilitate and make sure everyone is on the same page.

**Report on right-of-way needs and acquisition**—Dennis said that we covered this previously. At some point, we will need to enter into a formal process and will need a water service agreement with Reclamation. Harold said we need to have it ready, but we will put it together when we submit the license agreement and environmental documents to FERC as proof that we do not have an issue. The agreement is not part of NEPA, but one of the agreements that will be identified in the EIS as having been accomplished.

**Report on MWH progress**—Ron said we have to submit draft copies to FERC by January 21 of next year, so all work has to be done within the next ten months or thereabout. Larry said he thinks Brian and Harold are doing a good job in describing activities and the work going on. A lot of work, time and effort have been done on the APE maps and potential effects. They have done quite a bit of work on civil layout of booster pumps, hydro power plants because we have to have architect renderings of how these facilities will look as part of the studies and what the footprint looks like, so they know how they fit in the areas selected. We had meetings with some of the power providers to figure out how to get power to booster pump stations. In addition, MWH has been working with a driller that will do work at the intake station. The Bureau of Reclamation will probably issue a FONSI so he can go in and drill three or four holes. The District is working with Brad Price of RBG to begin work at the Hurricane Cliffs, where we have a fore and after bay, and to make sure they can be built. We have permits with the BLM to begin work, and he has drilled one hole and starting another. MWH went out with geological consultations to locate the Hurricane Fault as well as other possible faults in the area. As Harold mentioned, the Bureau of Reclamation will get back to us in two weeks on modeled impacts downstream and environmental quality if we build the project. By the end of February, about 10.7% of the work has been completed and 11.3% of the money has been spent. Some of the big ticket items will get started in the next few months as all consultants will be in the field doing the work. All study plans will be done in the next nine months, so we have a lot of work to be done.

Dennis said the flow out of Glen Canyon Dam is regulated by a compact between seven states, and the flow is going to be the same with or without the project. The Bureau of Recreation said that this year the upper basin will again release additional water, more than the 7½ million and Mexican water. The flows out of the dam are controlled by the compact and agreements. Mechanisms are in place for drought. Scripps said that “unless operation of reservoirs are modified,” and that is what we have been doing. We have relative peace on the river until 2026, and he suspects that by 2026, we will have water being put to use or facilities to be put to use, so there won't be much water left. Larry said that we need a flow into Lake Powell of 66% of average for the reservoir water level to stay about where it is. Historically, it is greater than 66% most of the time and runoff this year is predicted to be 90%-100%.

**Approval of expenditures**—Eric went over the expense memorandum and explained that the bill is higher than we have seen and will see as they continue studies. As we look at the expenditure curve between now and next year, the curve rapidly rises. The last report included in November was the 99% of the original contract, so in early December, we crossed the line into

that. There was discussion if management approves and then the board. The board approved the contract and so the board has acted on these. The expense memorandum is as follows:

**To-date costs to be reimbursed through the eventual sale of water are the charges by MWH, the Bureau of Land Management and the Bureau of Reclamation.**

**MWH has billed the Division each month and staff has reviewed and approved payment.**

<b>Total at last report</b>	<b>\$5,580,053</b>	<b>99.2% of the \$5.626 M contract</b>
<b>December 2008</b>	<b>\$ 317,196</b>	<b>1.9%</b>
<b>January 2009</b>	<b>\$ 231,298</b>	<b>1.4%</b>
<b>February 2009</b>	<b>\$ 527,109</b>	<b>3.2%</b>
<b>Total:</b>	<b>\$6,655,756</b>	<b>40.3% of the \$16.526 M contract</b>

**Ron made a motion to approve the expenses, Scott Wilson seconded the motion and all voted aye.**

**Other items**—Jeff Feldman talked about levels of Lake Powell in the last ten years and this year. All modeling seems to be a reduction in moisture from 10% to 40% on the Colorado plateau. Dennis said there is a lot of disagreement on climate change and of what may happen and that is part of what we will look at in the study process. Jeff said he understands they are looking at a new model. Harold said the Bureau doesn't have a model. They are trying to put something together. There is a study done by the Utah State Snotel. NRCS did study of snotel sites in Utah and can't see a change. Dennis said we have looked at run off and don't see a change. Ron said that most say what you will see is more rain and less snow, so he is not sure if we will see a change in reservoirs. Dennis said one of the problems is if you go north and south, Utah is in the middle. They are going to look at smaller more regional areas. The trend in temperature is up, but precipitation is the issue and there is so little agreement of what that is going to be. He thinks that as water managers, we are going to use adaptive management for years to come. In California because of the fish (the Delta Smelt), they had to reduce their water by a third. Ron said that if they didn't have reservoirs, they would not have been able to adaptively manage and that is why we need additional storage.

**Next Meeting**—Next meeting will be on May 12 at 9:00 a.m. at the Washington County Water Conservancy District office which will be in the new office on Water Works Drive.

There was no further business and the meeting was adjourned.

  
Secretary