

284TH MEETING OF THE UPPER COLORADO
RIVER COMMISSION

June 28, 2019

Keystone, Resort and Conference Center
Keystone, CO 80435

I. Call to Order

Vice Chairman Tyrrell called to order the meeting of the Upper Colorado River Commission at 9:05 a.m. on Friday, June 28, 2019, at the Keystone Resort and Conference Center, Keystone, Colorado. After asking for a roll call of the Commissioners in attendance, Vice Chairman Tyrrell asked the members of the audience to introduce themselves.

Attendance

Voting Commissioners

Patrick T. Tyrrell, Vice Chairman, Upper Colorado River Commissioner, Wyoming
John Stulp, Upper Colorado River Alternate Commissioner, Colorado
John D'Antonio, Upper Colorado River Commissioner, New Mexico
Eric L. Millis, Upper Colorado River Commissioner, Utah

Alternate Commissioners

John H. McClow, Colorado
Keith Burron, Wyoming
Randy Bolgiano, Wyoming

Commission Staff

Amy I. Haas, Executive Director and Secretary, Salt Lake City, Utah
Teri K. Gomm, Administrative Assistant, Salt Lake City, Utah
Don A. Ostler, Engineer, Salt Lake City, Utah

Legal Advisors

Lain Leoniak, Assistant Attorney General, Denver, Colorado
Amy Ostdiek, Assistant Attorney General, Denver, Colorado
Beth Van Vurst, Fairfield and Woods, Denver, Colorado
Lee Miller, General Counsel, Lakewood, Colorado
Chris Brown, Senior Assistant Attorney General, Cheyenne, Wyoming
Dominique Work, Interstate Stream Commission, Santa Fe, New Mexico

Engineer Advisors

Bruce Whitehead, Durango, Colorado
Michelle Garrison, Colorado Water Conservation Board, Denver, Colorado
Kyle Whitaker, Northern Colorado Water Conservancy District, Berthoud, Colorado
Randy Seaholm, Golden, Colorado
Mike Sullivan, Colorado Division of Water Resources, Burlington, Colorado
Paul Harms, Interstate Stream Commission, New Mexico
Steve Wolff, Wyoming State Engineer's Office, Cheyenne, Wyoming
Christina Noftsker, Interstate Stream Commission, Santa Fe, New Mexico
Scott McGettigan, Utah Division of Water Resources, Salt Lake City, Utah
Charlie Ferrantelli, Wyoming State Engineer's Office, Cheyenne, Wyoming

Colorado River Water Conservation District

Andy Mueller, General Manager, Glenwood Springs, Colorado

Colorado Water Conservation Board

Rebecca Mitchell, Director, Denver, Colorado
Brent Newman, Interstate Section Chief, Denver, Colorado
Andrew Rickert, Program Manager, Denver, Colorado

U. S. Bureau of Reclamation

Malcom Wilson, Chief Water Resource Group, Upper Colorado Region, Salt Lake City, Utah
Brent Esplin, Deputy Regional Director, Upper Colorado Region, Salt Lake City, Utah
Kathleen Callister, Upper Colorado Region Environmental Resource Division Chief, Salt Lake City, Utah

U. S. Fish and Wildlife Service

Don Anderson, Instream Flow Coordinator, Lakewood, Colorado

Western Area Power Administration

Steve Johnson, Colorado River Storage Project Manager, Montrose, Colorado

Others Present

Dan Gibbs, Director, Department of Natural Resources, Breckenridge, Colorado
Sara Larsen, WSWC/UCRC, Salt Lake City, Utah
Taylor Hawes, Colorado River Program Director, The Nature Conservancy, Boulder, Colorado
Erin Minks, Senator Bennet's Staff, Alamosa, Colorado
Melinda Kassen, Senior Counsel, TRCP, Boulder, Colorado

Brent Gardner-Smith, Aspen Journalism, Aspen, Colorado
Amy Moyer, Colorado

II. Conformance of the Meeting to the Commission By-Laws

Vice Chairman Tyrrell asked UCRC Executive Director Amy Haas to confirm that this meeting is being held in accordance with the requirements contained in the By-Laws.

Director Haas confirmed that the meeting conforms to the By-Laws; in particular, the notice requirements contained in Article IV, Section 3.

III. Welcome and Report from Colorado Alternate Commissioner Stulp and Director Gibbs

Commissioner Stulp welcomed everyone to Colorado and reintroduced Dan Gibbs, the Colorado Department of Natural Resources Director. Mr. Gibbs complemented everyone in the room who worked hard on the Drought Contingency Plan (DCP) to make it happen.

Mr. Gibbs shared the history of the area and expressed the challenges of forest health and water, as well as challenges associated with living in the Keystone area, where 67% of homes are second homes. Mr. Gibbs thanked everyone who worked on making possible the UCRC meetings over the past two days and yesterday's tour of Dillon Reservoir.

Commissioner Stulp read a message from Commissioner Eklund that highlighted the accomplishments of the seven Basin States in finalizing DCP which many thought impossible in the current political environment.

Commissioner Stulp provided a slide presentation about, among other things, Upper Basin Demand Management under the 2019 Demand Management Storage Agreement and appropriations from Colorado legislators to support ongoing activities. Commissioner Stulp concluded his presentation with photos of the recent snowfall in Colorado as well as the record hydrology the state experienced this year.

IV. Approval of the Minutes of the December 12, 2018 Meeting

Vice Chairman Tyrrell asked for any clarifications or corrections from the Commissioners to the draft minutes of the last regular meeting held on December 12, 2018, at Caesar's Palace, Las Vegas, Nevada. Commissioner Millis mentioned a few minor, non-substantive edits to the draft minutes that he would relay to Commission staff.

Motion: It was moved by Commissioner D'Antonio and seconded by Commissioner Millis that the Minutes of the Regular Meeting of the Upper Colorado River Commission, held on December 12, 2018, at Caesar's Palace, Las Vegas, Nevada, be approved with minor edits from Commissioner Millis. The Commission voted unanimously in the affirmative.

V. Report of the Vice Chairman and Adoption of a Resolution Honoring former Chairwoman Felicity Hannay

Vice Chairman Tyrrell began his remarks by conveying that the White House has not yet appointed a Federal Chair to the Commission. Therefore, as Vice Chair, he will be fulfilling the role of chair at today's meeting.

Vice Chairman Tyrrell wanted to recognize the Commission for its work on the DCP ("Drought Contingency Plan"). The DCP had a lot of support in the Basin, as well as nationwide. He added that the completion of DCP allowed Mexico's Binational Water Scarcity Contingency Plan component of Minute 323 between the US and Mexico (executed in 2017) to take effect.

Vice Chairman Tyrrell recognized former Federal Commissioner and Chairwoman Felicity Hannay by reading into the record a resolution that was presented to the Commission for adoption. See Attachment "A."

Motion: It was moved by Commissioner D'Antonio and seconded by Commissioner Stulp that the resolution honoring Felicity Hannay be approved. Vice Chairman Tyrrell then called for adoption of the resolution by acclamation. Hearing no objection, the resolution honoring Felicity Hannay was adopted by acclamation.

Commissioner Stulp then read a letter that Commissioner Eklund requested be read in his absence acknowledging Ms. Hannay's service.

Ms. Felicity Hannay expressed her gratitude to the Commission and her predecessor on the Commission, Mr. Dick Bratton, for spending the time with her during the first six-months of her appointment. She also thanked Don Ostler for helping her learn about her job duties as Chair, as well as all the state Commissioners that were on the Commission at the time of her appointment. Ms. Hannay expressed her pleasure working in the capacity of Chairwoman.

VI. Report of the Executive Director

Director Haas divided her report into two parts: A summary of the 70th Annual Report for Water Year (WY) 2018 and an update on current activities

Per Commission action in December, the By-Laws were amended to extend the deadline for the annual report from "no later than April 1" to "before July 1." Director Haas reported that UCRC was well within the deadline this year, finalizing and distributing the 2018 Annual Report (through September 30, 2018) in May.

Regarding the substance of the Report, Director Haas provided a brief summary beginning with staffing changes during WY 2018. Don Ostler retired in June 2018, but fortunately for the Commission has continued work on a part-time basis. Director Haas also reported that she

became Executive Director a year ago June. At that time, she started recruiting for the open Deputy Director/Chief Engineer position, but due to unanticipated issues associated with the recruitment processes, was unable to hire anyone in 2018. Finally, Brian Hart, the Program Manager for the System Conservation Pilot Program (SCPP) detailed to UCRC by the Bureau of Reclamation, left in spring of 2018 and was replaced by Robert Henrie (the first SCPP Program Manager).

On the technical side, Director Haas discussed tracking excess releases passing the Lees Ferry streamgage and the difference between Glen Canyon Dam releases and the Lees Ferry streamgage readings. In particular, Reclamation releases required Compact volumes at the dam itself, subtracting for the Paria River, which contributes approximately 20,000 acre-feet/year (afy). To date, Reclamation has not adjusted releases to reflect the gaining nature of the river in the sixteen mile reach between the Dam and Lees Ferry. While the excess flows are accounted for in the running 75 million acre-feet (maf) per 10-year totals, the Upper Basin does not get credit for them. While these excess releases may not appear remarkable in any one year, the cumulative total of approximately 2.1 maf between 2005 and 2018 is significant. The Commission staff continue to track and account for this excess volume going to the lower basin.

Regarding unregulated inflow into Lake Powell, WY 2018 was a dry year for Lake Powell recording only 43% of the 30-year average inflow. Since 2000, only one other year (2002) had a lower inflow. Despite this, Lake Powell releases totaled 9.0 maf to the Lower Basin as required by the 2007 Interim Guidelines, as it has the previous three years.

Director Haas clarified that although this is a Report on WY 2018 and WY 2019 is not yet over, it has been no secret what a bumper WY 2019 the Upper Basin is experiencing. The mid-June forecasts predict 13.5 maf of unregulated inflow into Lake Powell which would be 125% of the 30-year average, which represents one maf more inflow into Lake Powell than was forecast last month. And even though Lake Powell elevation is projected to rise 53' by July, at the end of calendar year 2019, it is projected to only be 53% full.

Director Haas then provided some data on storage at principal reservoirs in both the Upper and Lower Basins. In particular, combined Upper Basin storage during WY 2018 was 16 maf, or 51.4% of capacity, and approximately 4.6 maf was lost between WYs 2017 and 2018. Of note, releases from Glen Canyon Dam have been 9.0 maf from 2015-2018 per the 2007 Interim Guidelines, yet Lake Mead continues to decline, despite receiving above-normal releases.

On the topic of flow at Lee Ferry, Director Haas noted that Lees Ferry streamgage is about 16 miles below Glen Canyon Dam and approximately 1 mile above Lee Ferry which is the Compact accounting point. There is no gage at Lee Ferry so the Lees Ferry streamgage is used for Compact accounting. UCRC staff has worked with the U.S. Geological Survey (USGS) to upgrade the Lees Ferry streamgage such that it is one of the best gages in the USGS streamgage network. Importantly, the 10-year running total release past Lee Ferry is calculated to be 92,124,000 acre-feet —significantly more than the 75 maf/10-year period required by the Compact.

Director Haas gave a brief report on 2019 administrative activities, beginning with a switch in

February 2019 to a combination High-Deductible/Health Savings Account (HSA) with Blue Cross Blue Shield (BCBS) health plan at significant savings to the Commission. Director Haas also mentioned various IT improvements UCRC staff made in the first half of 2019, including implementing a cloud computing environment for digital file access and storage. Director Haas also mentioned the UCRC's good fortune in hiring Sara Larsen last month as its Deputy Director/Chief Engineer and proceeded to give some background on Ms. Larsen's professional experience and credentials. Finally, Director Haas showed some recent photos of the UCRC building in Salt Lake City, UT and the adjacent residential development, noting that development in the Downtown-area is booming.

VII. Discussion and Request for Approval of the Treasurer's Report

Director Haas presented the Treasurer's Report dated May 31, 2019, which provides an accounting of expenditures from July 1, 2018, through May 31, 2019, for Commission acceptance in accordance with the By-Laws. She noted that all dues have been received from each of the four states since the Report was prepared. She also mentioned that the Commission is not exceeding the approved fiscal year 2019 budget and is on target to finish the fiscal year well within the approved budget, thanks in large part to UCRC vacancy savings and changes to its health care policy.

Motion: It was moved by Commissioner Millis and seconded by Commissioner Stulp that the Commission accept the Treasurer's Report for May 31, 2019. The Commission voted unanimously in the affirmative to accept the Treasurer's Report.

VIII. Discussion and Request for Approval of the FY 2020 and Tentative FY 2021 Budgets

Commissioner Millis presented the proposed FY 2020 and Tentative FY 2021 budgets for approval. Commissioner Millis noted modest raises for the staff and a small bonus for Director Haas and mentioned that the numbers also reflect health insurance savings. The total budget proposed for this year is \$527,684.00, which will be assessed to the four states according to the relative percentages noted on the budget document.

Moving to FY 2021, the Tentative Budget is provided simply as information, reflecting projected increases in costs due to inflation and other factors, as well as possible staff increases. The Tentative FY 2021 Budget totals \$539,801.00. Commissioner Millis solicited questions on the proposed and tentative budgets, and corresponding assessments.

Motion: It was moved by Commissioner Millis and seconded by Commissioner D'Antonio that the Commission approve the FY 2020 and Tentative FY2021 budgets. The Commission voted unanimously in the affirmative.

IX. "Hydropower 101"—Presentation by Western Area Power Administration

Mr. Steve Johnson, the Senior Vice President and Colorado River Storage Project (CRSP)

Manager at Western Area Power Administration (WAPA) provided a PowerPoint presentation titled, “Hydropower 101” that explained the role of WAPA as a Department of Energy power marketing administration. He explained the role of the CRSP division in marketing power from Upper Colorado River Basin dams, and some general information about hydropower generation and marketing in the Upper Basin.

X. Report from the Colorado River Basin Salinity Control Forum

Commissioner Millis, on behalf of Don Barnett, Executive Director of the Colorado River Basin Salinity Control Forum, gave a PowerPoint presentation and an update on the Colorado River Basin Salinity Control Forum activities.

XI. Report from the U. S. Fish and Wildlife Service

Mr. Don Anderson, U.S. Fish and Wildlife Service Instream Flow Coordinator for the Upper Colorado River Endangered Fish Recovery Program, provided a PowerPoint presentation with updates on the Upper Colorado River and San Juan Recovery Programs.

X. Report from the Bureau of Reclamation-- Upper Colorado Region

Mr. Brent Esplin, Deputy Regional Director of the Bureau of Reclamation Upper Colorado Region, provided a PowerPoint presentation on current Reclamation activities in the Colorado River Basin, notably the recent signing of the DCPs, as well as the status of Upper Basin hydrology.

XI. Other Business and Next Meeting

Vice Chairman Tyrrell asked for any additional business that the Commission, or the staff, wanted to address. Hearing none, Commissioner Tyrrell announced the date and location of the next meeting, which is planned for December 11, 2019 in Las Vegas, NV, in conjunction with the annual Colorado River Water Users Association (CRWUA) Meeting.

Meeting Adjournment

Vice Chairman Tyrrell adjourned the meeting at approximately 11:53 a.m.

Actions Taken

By motion duly made and unanimously passed, the Commission took the following actions:

1. Approved the Minutes of the Meeting of December 12, 2018 (Movant, Commissioner D’Antonio; Second, Commissioner Millis).
2. Approved the Resolution honoring former Federal Commissioner and Chairwoman Felicity Hannay (Movant, Commissioner D’Antonio; Second, Commissioner Stulp). Adopted by Acclamation.
3. Approved the Treasurer’s Report of May 31, 2019 (Movant, Commissioner Millis; Second, Commissioner Stulp).

CERTIFICATE

I, AMY I. HAAS, Executive Director and Secretary of the Upper Colorado River Commission, do hereby certify that the Upper Colorado River Commission, at its Meeting held at Bally's Casino and Resort, Las Vegas, Nevada, on December 11, 2019, unanimously approved the above Minutes.

WITNESS my hand this _____ day of December, 2019

AMY I. HAAS
Executive Director and Secretary

**RESOLUTION
OF THE
UPPER COLORADO RIVER COMMISSION
HONORING FELICITY HANNAY**

WHEREAS, Felicity Hannay was appointed by President Barack Obama in November 2009 to serve as Federal Commissioner and Chairwoman of the Upper Colorado River Commission (Commission);

WHEREAS, Ms. Hannay ably served the Commission in these capacities from April 2010 until February 2019;

WHEREAS, prior to her service to the Commission, Ms. Hannay had an esteemed career as a water attorney in the state of Colorado;

WHEREAS, for 24 years, Ms. Hannay worked as an attorney in private practice representing water clients in the areas of water, mining, public land, environmental and land use law;

WHEREAS, in 1999, Colorado Attorney General Kenneth Salazar appointed Ms. Hannay Deputy Attorney General for Natural Resources and the Environment, where she supervised more than 50 attorneys and helped establish natural resources and environmental policy for the state of Colorado until 2004;

WHEREAS, from April 2010 until February 2019, Ms. Hannay served the United States and the Commission with distinction in matters related to the conservation, use and development of the water and related resources of the Upper Colorado River Basin;

WHEREAS, during her almost nine years of service to the Commission, Ms. Hannay took her responsibilities both as the officiating officer and as a voting member seriously, participating in meetings and actions related to the domestic agreements required for the implementation of Minutes 319 and 323 to the 1944 United States-Mexico Treaty on Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande; the implementation of the Upper Basin System Conservation Pilot Program; the finalization of the Upper Basin Drought Contingency Plan; and, myriad other activities of the Commission;

WHEREAS, Ms. Hannay honorably and tirelessly discharged her duties as Chairwoman of the Commission, running a "tight meeting" and often injecting welcome levity while doing so;

WHEREAS, as the result of the professionalism, personality and good judgment demonstrated by Ms. Hannay in her service to the Commission, the state commissioners, their advisers and Commission staff are grateful to consider Ms. Hannay a friend whose absence on the Commission will be missed;

NOW, THEREFORE, BE IT RESOLVED that the Upper Colorado River Commission, at its meeting held in Keystone, Colorado on June 28, 2019, does hereby express its deep gratitude and appreciation for the unflinching service and wise counsel provided by Felicity Hannay in addressing the many legal, technical and policy challenges confronting the Upper Colorado River Basin during her tenure;

BE IT FURTHER RESOLVED that the Upper Colorado River Commission, its advisers and staff wish Felicity Hannay, her husband James and their family (including their beloved granddaughters Caroline and Eloise) every happiness and the best of health in their future endeavors;

BE IT FURTHER RESOLVED that the Executive Director of the Upper Colorado River Commission is directed to transmit copies of this Resolution to Felicity Hannay, the President of the United States and the Secretary of the Interior.



PATRICK T. TYRRELL
Commissioner for Wyoming



ERIC L. MILLIS
Commissioner for Utah



L. JAMES EKLUND
Commissioner for Colorado



JOHN R. D'ANTONIO
Commissioner for New Mexico