

COLORADO RIVER BASIN SALINITY CONTROL ADVISORY COUNCIL
Minutes of Meeting
October 24 - 25, 2023

Santa Fe, NM and Virtual

Advisory Council Beginning Time: Tuesday October 24, 2023, 2:00 p.m. (MDT)

Designated Federal Officer
Presiding: **Clarence Fullard**
Chairman Bill Hasencamp

I. Welcome, Introductions **Hasencamp**

Chairman Bill Hasencamp called the Advisory Council meeting to order at approximately 2:00 p.m. (MDT) and welcomed those participating. He noted that Clarence Fullard was the new Designated Federal Officer, sitting at the table.

II. Opening Comments **Fullard**

Clarence Fullard introduced himself as the new Designated Federal Officer. He also recognized several individuals who had joined the meeting online including Colleen Cunningham, Paula Cutillo, Dennis Davis and Kurt Broderdorp. He recognized Charlie Ferrantelli as an alternate for Jeff Cowley. He also discussed the needed authority from the governors to appoint alternates.

III. Review and Approval of Draft Agenda **Hasencamp**

Hasencamp then asked for a review and motion to adopt the proposed agenda. The agenda was adopted, as proposed, by motion.

IV. Draft Minutes of June 6, 2023 Advisory Council Meeting

- A. Review **Fullard**
- B. Action **Hasencamp**

The Council then addressed the draft minutes of the June 6, 2023, Advisory Council meeting held in Jackson, WY. There were no proposed changes to the minutes, and they were adopted by the Council.

V. Items from the Forum **Mitchell**

Vice Chair Becky Mitchell indicated that there were two items to be brought to the Council from the Colorado River Basin Salinity Control Forum. They were a draft joint letter with the Forum recommending the management of the LCRBDF and recommendations on the 2024 Program funding levels.

VI. Federal Agency Reports on 2023 Accomplishments

A. USGS

Marston

Tom Marston then presented USGS' annual accomplishments report to the Advisory Council. Marston indicated that there has been no change in USGS' leadership and support of the Program. He reviewed the areas of emphasis in science support which the USGS provides to the Program. He indicated that these closely follow the science strategy identified by the Science Team and showed where current studies fall within the four areas of science strategy.

Marston then reviewed the USGS' efforts in maintaining the 20-Gage Network. He indicated that USGS maintains the SLOAD data for these gages, which includes regression equations to relate specific conductance data to TDS. He indicated that the USGS grades the gages A, B and C depending on the adequacy of the data to make proper SLOAD computations and showed a map and list of the 20-Gage Network with the respective gages' grading. The list showed two gages as Class C, six as Class B and the rest as Class A. There was then a discussion on what was needed to bring all gages up to the needed level of robustness. Marston then reported on the Upper Colorado River Basin trends study. The report shows widespread decreases in salinity loading which pre-date implementation of the salinity control program. The second part of the study is the attribution of the components which created this trend. This second part of the study should come out after the first of the year.

Relative to study efforts at Pah Tempe Hot Springs, Marston reviewed the basic findings of prior study efforts including the LV101 Pump Test. He indicated that a model is being developed and recommendations which will go into the draft report. He also reviewed USGS' prior data gap study which included a ranking of future study areas and data needs. He then provided the group with an update on the high-flow study indicating that monsoonal events are poorly represented in the hydrologic record. Data from monsoonal events buck the normal hydrograph in that they are generally high flows with high salt loads. He indicated that study started at the right time as they have been able to capture several monsoonal events, and that they are confirming that the SpC/TDS relationships vary from drainage to drainage.

Marston then updated the group on USGS' efforts to reassess the salinity loading to the Spanish Valley, UT. Previously, the USGS found that there are high pockets of salinity discharge along the banks of the Colorado River near the Matheson Wetlands. He reviewed the prior synoptic study and the lack of ability to detect any salt discharge due to the high river flows. He then showed data from the current efforts which shows high TDS water discharge recently during periods of low river flow. The next part of the study will be to drill monitor wells in the Matheson Wetlands and see the relationship between the underlying brine and freshwater. Due to a question Marston indicated that right now there is not sufficient information to assess the impact of development on the salt discharge to the river but under current flow conditions, the discharge appears to be 30,000 tons per year.

As a final report, Marston updated the group on their new Green River, UT salinity reassessment efforts. The focus was to look into the impact of high salinity discharge from new agricultural development on the east side of the Green River. However, during 2023 the subject lands were fallowed and so measurements were not meaningful

in 2023. There was also a discussion relative to whether the lands may also be fallowed under the SCP efforts in 2024. Due to a question, Marston indicated that WCWCD is working with Reclamation on looking at how study efforts may move forward. Hasencamp requested that the Forum get a report from WCWCD on where the efforts are.

B. BLM

Cutillo

Paula Cutillo and Jedd Sondergard then provided a report to the Council for BLM. Cutillo indicated that BLM's salinity control efforts are administered through their Aquatic Resources Program. She then provided an update on BLM's salinity related organizational chart. Cutillo, though stationed in Denver, CO is attached to the national headquarters which provides funding for the salinity control activities, and Sondergard, stationed in Montrose, CO but with the National Operations Center provides technical assistance to headquarters and field and state offices. FY2024 was the first year that Sondergard was on as BLM's salinity coordinator, and he provided input and recommendations on the funding of salinity projects. Cutillo then provided an outline on the timing of BLM's CRB salinity funding process.

Cutillo then reported on funding allocations from 2020- 2024 (preliminary) if the funding stays as it has in past years. She indicated that BLM has not received Congressionally directed funding since 2021. Sondergard then reported on FY2023 accomplishments showing projects which were implemented in 2023. He then provided a preview on the nature of projects which have been proposed for 2024.

C. NRCS

Fillerup/Steiff

Clint Evans, State Conservationist for Colorado, first addressed the group. He reported that presently there is not a new farm bill. Portions of the farm bill are more permanent, but other aspects are in flux right now. He indicated that there is also a lot of uncertainty relative to the Inflation Reduction Act (IRA) which provided upwards of \$20 billion in funding for typical farm-bill like activities. It is unclear if some of this funding may be wrapped into the next farm bill or there may be a recession of some of the moneys. He did indicate that NRCS is trying to staff up in almost all categories, but it has been difficult.

Anders Fillerup and Nicole Steiff then presented. Fillerup began by reviewing NRCS's salinity organizational chart. Steiff the presented NRCS' 3-Year Funding Plan for salinity control followed by a report FY2023 EQIP contracts by state. She indicated that implementation of most of the EQIP contracts are implemented over up to five years. Hence, she showed the contracts in one table by the year that they were contracted as well as expenditures by year as the contracts were actually implemented. She indicated that the implementation rate was faster in Utah because producers were able to take advantage of Utah's ag optimization funding for their piece of the projects. There was a comment that it will be good to include New Mexico on the table of efforts. Steiff then reviewed EQIP implementation by state and by project areas. She noted in Utah that now half of the available acres in Muddy Creek have contracts. She also indicated she will take back the comment on including projects in the Blacks Fork area, and she noted that the Big Sandy area, though not officially closed, is essentially dormant without new projects. Steiff showed charts of the cumulative acres treated

and tons removed and noted a gradual flattening in implementation and salinity control. There was a comment from the Council expressing a desire to look for opportunities for salinity EQIP opportunities in New Mexico in the San Juan Basin.

The Council then took a short break to celebrate the 50th anniversary of the Forum.

D. EPA Ismert
Peter Ismert provided EPA's report to the Council. Ismert indicated that not only is it the 50th anniversary of the Forum, but also the 50th anniversary of the Clean Water Act. He reviewed an organizational chart of EPA indicating that the Colorado River Basin fits within three regions of EPA. He then reviewed the processes under Clean Water Act. He reported on the continuing, changing definition of the "waters of the U.S." (WOTUS), indicating that a May 2023 Supreme Court ruling has further defined what is and isn't covered by WOTUS and the conforming rule changes which were published on September 8, 2023. He indicated that in general if waters are not relatively permanent or continuously connected then they were taken from the WOTUS rule. He indicated that because of pending litigation, not all states are immediately under the new rule. Ismert then reported that the definition under WOTUS is important because all efforts point to what are water quality standards. He then provided an update on the adoption of the Colorado River Basin Salinity Standards by each of the states and EPA's approval. He also indicated that EPA has a proposed rule to promulgate federal tribal baseline water quality standards to be finalized in the spring of 2024. This would apply to tribes that don't already have standards or who don't otherwise opt out.

Ismert then turned to a discussion on EPA's nonpoint source program. He indicated that there is about \$20 million in 319 grant money to be spread among the Colorado River Basin states. He then provided an update on the seven states' nonpoint source management plans. He indicated that erosion and sediment control was the largest category best management practices under the 319 program and showed a map of project locations within the Colorado River Basin and then identified new 2023 projects. Lastly, he indicated that EPA is updating the 319-grant guidance document and is seeking input from the states. Ismert responded to a question regarding reported potential impacts to the water quality of the Colorado River due to the Supreme Court ruling indicating that the Colorado River is clearly a water of the US and so there would not be any direct impact to the protection of its quality and that there are other environmental laws which are still in effect.

E. FWS Broderdorp
Kurt Broderdorp then presented to the group remotely. He first reviewed FWS' organization as it affects salinity. He briefly reviewed FWS' role to assist the Secretary with the replacement of fish and wildlife values foregone through implementation of salinity control projects. He indicated that FWS has been working on the potential development of a wildlife mitigation bank. He also reviewed FWS' efforts to provide ESA consultation on proposed projects and their wildlife mitigation, and then discussed the mitigation challenges which include the cutting or removal of plantings, the natural filling of ponds, and organizing multiple landowners. He also provided a chart showing the status of EQIP replacement versus goals in Colorado, Utah and Wyoming. Due to

a question, Broderdorp indicated that the responsibility for finding mitigation sites generally rests with the project proponents but needs to be reviewed and approved by Reclamation.

The Advisory Council then recessed for the day. Chairman Hasencamp reconvened the Advisory Council on October 25 at 8:30 a.m. There was some discussion regarding the afternoon tour of the Sante Fe Watershed and then presentations pursuant to the agenda continued.

VII. Continued Federal Agency Reports on 2023 Accomplishments

A. Reclamation

Fullard

Clarence Fullard, Reclamation's Water Quality Group Chief and Designated Federal Officer initiated Reclamation's presentation. He reviewed Reclamation's salinity organization, those who are part of his water quality group as well as those who provide support from the area offices. Fullard referenced materials contained within the Federal Accomplishments Report. He reported on Reclamation's efforts under CRSS V6 as well their CE-QUAL-W2 model which needed refinement in 2023 to work properly under a higher flow regime. His group also provides coordination of and updates to the SEIM model.

Fullard then turned to projects which are being implemented under Reclamation's Basinwide Program (14 open projects) as well as 7 projects under the Basin State Program. He then provided insight on specific projects. The first project he reviewed was the Ashley Highline Canal project in Utah with nearly 30 miles of pipe installation, 2,713 tons of salt reduction at a cost effectiveness of \$54/ton. The Muddy Creek, UT project replaced 37.5 miles of canals and laterals with approximately 7.3 miles of pressurized pipe. This project resulted in 3,010 tons of salt removal at the cost effectiveness of \$57.78 per ton. The project came in at \$1,000,000 under budget which allowed for additional pipe installation. The Interstate Canal project in Wyoming will replace 13.1 miles of open canal with a pressurized pipeline and will control 2,295 tons of annual salt load reduction. It will start in the spring of 2024.

Fullard then highlighted projects in western Colorado. He reported on a 6,175 foot lining project for the Government Highline Canal in the Grand Valley. The project will control 3,083 tons of salt at a cost effectiveness of \$57.75 per ton. The Upper Steward Ditch project replaces 2.6 miles of canal with pressurized pipe which will control 1,622 tons of salinity control at a cost effectiveness of \$58.67 per ton.

Lastly Fullard reported on the San Juan Dine Water Users project in New Mexico. The project involves several entities and converts fifteen secondary laterals into pressurized pipelines. The project is mostly completed.

- B. Melynda Roberts then continued with Reclamation's report. She indicated that her presentation would include an overview of the Basinwide and Basin States Programs but that she had also handed out copies of spreadsheets with detailed financial numbers on these programs for those who desired a more comprehensive review. A copy of Roberts' presentation and these handouts is included as Appendix I.

C. NOFO Update

Roberts

Roberts then reviewed the Notice of Funding Opportunity (NOFO) schedule with the group. The NOFO was release the first part of June and proposals, which needed to be submitted through Grants.Gov, were submitted by September 27, 2023. She indicated that these proposals were now in review and that the Application Review Committee (ARC) would convene and consider the proposals on November 28. The ARC includes representatives from the Forum. The ARC will rank the projects and provide a recommendation to Reclamation's Contracting Officer on which proposals should be awarded.

B. Basinwide Program

Roberts

Roberts explained the law associated with the Basinwide Program, which is a grant program. Projects are identified through the NOFO process. She provided the group with a list of active Basinwide Program projects which have not yet been fully funded. Due to a question, Roberts indicated that there is not a required cost-share under the Basinwide Program, but applicants can fund a portion of the costs which will improve their cost-effectiveness. She also provided a list of projects which have been fully funded, but which have not yet been completed. She indicated that the San Juan Dineh Project's contract has expired but that they are working on extending it. She also noted for the group that the two digits under the contract number which follow the "R" represent the year that the contract was made.

Roberts then reviewed the Basinwide Program funding status. She indicated that closing out FY2023 there were \$792,403 in carryover into FY2024. Shown in her table is a project carryover of \$5,252,984 at the end of FY2024, but Roberts indicated that number does not yet include the projects which will receive money in FY2024 under the current NOFO, and so once these projects are awarded, that number will decrease.

C. Basin States Program

Roberts

Roberts then provided a report on the Basin States Program. She indicated that unlike the law which covers the Basinwide Program, the law associated with the Basin States Program has greater flexibility which allows Reclamation to enter into contracts. She then reviewed the several contracts and agreements under this program to the State agencies, USFWS and the salinity consultant.

Roberts then turned to projects which have received awards under the Basin States Program from the last FOA (previous to the NOFO). She also discussed the studies, investigations and reports which are funded under the Basin States Program. In response to a question, Roberts indicated that cost share money from the power revenues are expended with appropriated dollars in the Basinwide Program as well as provide the funding for the Basin States Program. She then showed the status of the Basin States fund. The FY2023 carryover into FY2024 was \$2,825,485. Like the Basinwide Program spreadsheet, the shown FY2024 carryover into FY2025 in the Basin States fund will be decreased to the extent that these funds are committed to contracts under the NOFO.

D. LC Report

Status of LCRBDF

Saxton

Jolaine Saxton then reported to the group on the Lower Colorado River Basin Development Fund. She indicated that CA and NV pay 2.5 mills on power purchases which goes to salinity. Hasencamp confirmed that this rate does not increase over time with inflation. Saxton then reviewed the fund collection process with the group which includes the marketing of power by the Western Area Power Administration for power sales from Hoover, Parker and Davis, their billing of customers, and their transfer of collected funds including mills on the last day of each month to Reclamation. Time of collections from month to month creates variations in the timing of transfers. She then showed the salinity fund balance in FY2023 followed by the salinity revenue forecast. She noted that the forecast projects a slight increase in salinity funding moving forward but cautioned the group that this forecast only includes the impact of contracts currently in place and that there are a number of potential water conservation contracts being discussed, which, when implemented, would reduce future revenues below the projected amounts. Based on several questions and a discussion, Fullard responded by indicating that the forecasted amounts shown are based on contracts and rules in place as of today but that we are pretty certain that things will change over the next several years which will impact the forecasted amounts and that this has implications to the prior discussions under the NOFO and the dollars which may potentially be available in the future. Saxton also pointed out that using different models they forecast out 30 years. She also pointed out that LC's role is really only as far as the collecting of funds for salinity. There was a discussion that the proposed salinity funding fix legislation does not affect the income to the fund, only the obligations which are met by the fund.

VIII. Allocation of Payments between Upper and Lower Basin Funds

Roberts

Roberts provided the group with a short presentation on law relative to the allocation of payments between the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund, which the Secretary is to set each year after consultation with the Advisory Council. Roberts noted that in addition to identifying the criteria that the Secretary is to use in establishing the split, the maximum amount which can come from the Upper Colorado River Basin Fund is 15%. After some discussion, a motion to leave the split at 15% to the Upper Colorado River Basin Fund and 85% to the Lower Colorado River Basin Development Fund passed.

IX. Letter of Management of the LCRBDF

Mitchell

There had been a discussion the previous day by the Forum on the proposed joint letter to Reclamation with recommendations for the management of the Lower Colorado River Basin Development Fund in FY2023. After a brief discussion by the Council, there was a motion to approve the letter. The motion passed.

X. Direction to the Technical Advisory Group (TAG)

Hasencamp

Fullard raised several options for the TAG to potentially review. One item was the relatively high balance (\$854,000) being carried over as designated for SIR proposals and the potential to recategorize it for expenditure under NOFO contracts. It was noted that this same assignment had been given to the Work Group. There was a discussion about the status of the Pah Tempe efforts and how this project might move forward. It was concluded that a

discussion with Washington County Water Conservancy District might be better done by the states or the Work Group but if that recognized a need for study then such would be brought to the attention of the TAG. There was also a discussion of additional funding needs for improving the quality of data being collected for the 20-gage network. Fullard also raised the matter of the potential consideration of a thermal curtain at the Glen Canyon Dam to assist endangered fish, but this may have serious implications to downstream salinity. This may need to be studied.

XI. 2023 Advisory Council Report Hasencamp

After discussion, there was a motion to adopt the same future funding recommendations as had been approved by the Forum the previous day. The motion carried. Barnett was asked to provide context for the annual advisory council report. He indicated that the Salinity Control Act provides that annually the Advisory Council provide input to the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of EPA on the implementation of the salinity control program. The process generally includes receiving reports on implementation of the program from the federal agencies each year including the opportunity to ask questions as has occurred during the past two days of Advisory Council meetings, and then, based on the information received from the agencies, the Advisory Council prepares a report which could include: questions of the agencies, recognition of accomplishments, and input on implementation including potential changes. He indicated that the substance of the report comes from the discussions of the past two days. The report is then submitted to the federal agencies and then they provide responses to the Council. Several items were identified included appreciation of Reclamation's instruction on funding, questions and support for funding, a discussion on the improved methods for forecasting income to the LCRBDF, but also the need to be dynamic as conservation contracts are implemented. There had also been a discussion on improving the way that state standards are approved by EPA. Hasencamp summarized that the discussions of the past two days would be captured and then a draft report would be circulated to the Advisory Council members for further input. Fullard noted that there had not been a 2022 Advisory Council report and that these reports are really helpful in directing the Program within the federal agencies.

XII. Items for the Forum Hasencamp

There were no items for the Forum.

XIII. Other Business/Actions Hasencamp.

There was no other business brought forward to the Council.

XIV. Public Comment Hasencamp

There were no comments made. The meeting then adjourned a little before 10:00 a.m.

XV. Advisory Council Attendees:

- Bill Hasencamp, CA
- Jessica Neuwerth, CA
- Mike Hamman, NM
- Rebecca Mitchell, CO
- Nicole Rowan, CO

- Candice Hasenyager, UT
- Dan Larsen, UT
- John Mackey, UT
- Charlie Ferrentelli, WY
- David Waterstreet, WY
- Sara Price, NV
- Andrew Burns, NV
- Clint Chandler, AZ
- Erin Jordan, AZ
- Don Barnett, Forum Executive Director