

**ANNUAL REPORT
ON THE
COLORADO RIVER BASIN
SALINITY CONTROL PROGRAM**

2008

**COLORADO RIVER BASIN SALINITY CONTROL
ADVISORY COUNCIL**

December 31, 2008

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BACKGROUND

The Colorado River Basin Salinity Control Advisory Council (Council) was established pursuant to Section 204 of Public Law 93-320, the "Colorado River Basin Salinity Control Act of 1974" (Act). The Secretaries of the Departments of the Interior (DOI) and Agriculture (USDA) and the Administrator of the U.S. Environmental Protection Agency (USEPA) originally approved a charter for the Council on February 6, 1976. It was revised on June 22, 1976 and has been renewed biennially. A copy of the current Advisory Council Charter is included as Attachment A.

The Council consists of up to three members from each of the seven Colorado River Basin States (Basin States). Governors of their respective states appoint the members. The Council membership list as of December 31, 2008 is included as Attachment B.

Many of the Council members are members of the Colorado River Basin Salinity Control Forum (Forum). The Forum is an organization created in 1973 by the seven Basin States for the purpose of interstate cooperation and to provide the Basin States with the information necessary to comply with the Water Quality Standards for the Colorado River and Section 303 of the Clean Water Act.

This report provides annual recommendations to the federal agencies concerning the progress of the Salinity Control Program (Program) and the need for specific actions by involved federal agencies. This report comments on the actions taken by the federal agencies through December 31, 2008.

The report does not contain a full description and analysis of the Program. Readers unfamiliar with the Program are encouraged to refer to *Quality of Water, Colorado River Basin, Progress Report No. 22, January 2005*, and the *2008 Review, Water Quality Standards for Salinity, Colorado River System, October 2008* (2008 Review). The first report is available at www.usbr.gov/uc/progact/salinity/ or by contacting Kib Jacobson, the Salinity Control Program Manager for the Bureau of Reclamation (Reclamation). The second report is available at (<http://www.ColoradoRiverSalinity.org>) or by contacting Jack A. Barnett, the Executive Director for the Forum. The addresses and phone numbers for Reclamation and the Forum are provided at the beginning of this report.

The Council met in San Diego, California on October 29th and 30th, 2008. At that meeting, the Council received reports from and made inquiries of the federal agencies involved in salinity control and approved the budget recommendations contained in this report. Prior to the meeting, Council

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members received written reports from the federal agencies detailing their accomplishments for the year. The Council recognizes written reports from the federal agencies are not explicitly required. However, the Council appreciates the agencies' preparation and transmittal of reports in advance of the Council meetings. Those written reports provided a valuable basis for more complete and focused discussions on the progress and needs of the Program. The written reports provided to the Council for its San Diego meeting were very informative and well formatted. The Council recognizes that these reports detail the status of ongoing activities and, therefore, are not official agency reports as they contain, in some instances, incomplete data sets and preliminary statistics since the reporting year (calendar year basis) is not yet complete at the time of the Council meeting. Included in this report as Attachment C are the federal responses to the 2007 Advisory Council Report.

The recently passed amendments to the Act create a Basin States Program. Reclamation is to seek guidance from the Council as that program is implemented. The Council notes that with increasing responsibilities given to the Council and the growing size and complexities of the salinity control effort, the Council may need to meet more often than once a year, as has been done in the past. The Council did hold a meeting in May of 2008 in Montrose, Colorado and a meeting is contemplated for May of 2009 in Moab, Utah.

COUNCIL COMMENTS AND RECOMMENDATIONS

General Issues

The Council observes that 2008 was a very productive year for the Program. The Forum, with the support of the DOI and the USDA, sought and gained amendments to the Act which better defined the Basin States role in the Program. Both Reclamation and the Natural Resources Conservation Service (NRCS) completed reviews of their individual programs. These reviews confirmed the importance of salinity control for the whole Colorado River Basin and the critical nature of state and federal cooperation in achieving that goal. The Bureau of Land Management (BLM) continued to make strides in bringing better awareness to its field personnel of the role salinity control plays in the BLM's overall land management activities. The Council continues to have concerns with the impacts energy development in the Upper Basin may have on salinity of the Colorado River. The Council believes this development will continue to increase for the near future and the impact on the

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salinity of the Colorado River should be a concern for not only the state entities but all the federal agencies involved in Colorado River salinity control. The Council urges the federal agencies, especially the BLM, to continue to work with the Forum's Work Group to assess the salinity impacts of ongoing and proposed energy development on water resources and water quality.

The Council suggests in recognition of the economic difficulties in the U.S. and the discussion by the new Administration of the need for an economic stimulus package that the Program and the Colorado River Basin may be an area where projects could be developed and funding spent in an expedient manner. Reclamation has projects that could be funded if funding was made available. The completion of these projects could then lead to other projects being implemented using NRCS funding. Additionally, any federal funding spent by the Program brings with it significant cost share dollars.

The Council was saddened by the tragic loss of the U.S. and Mexican Commissioners of the International Boundary and Water Commission. The Council hopes the strategies put in place by these two commissioners will continue to be addressed regarding the impact that reducing the salinity concentration of Colorado River water in the Lower Basin has on meeting the salinity differential between the Northern International Boundary (NIB) and Imperial Dam.

U.S. Department of Agriculture (USDA)

Now that the Farm Bill has been reauthorized, the Council encourages the USDA to continue to fund Colorado River salinity control. The report recently completed by the NRCS shows that the partnership between the USDA and the Forum has provided significant benefits to the Basin States as a whole. Now that the review is completed, the NRCS should work with the Council, Forum and Forum's Work Group to implement any changes to its program that may be required based on that review.

The Council encourages the NRCS to continue to work with the Forum's Work Group to understand, define, and develop strategies to address the impacts to the Program as installed measures reach their useful life and require replacement.

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The Council is pleased with the efforts of the NRCS to test an incentive program. Hopefully such a program will encourage producers to continue to participate in the Program as the NRCS restructures its cost dockets.

In the Management and Budget Recommendations portion of this report, the Council recommends that funding for the USDA portion of the federal program be in accordance with Table 1 of this report.

The Council requests a written response from the USDA to recommendations contained in this report by **April 30, 2009**. This response should include comments on statements made in this section of this report and also on comments found in this report under the headings of General Issues and Management and Budget Recommendations.

U.S. Department of the Interior (DOI)

Bureau of Reclamation (*Reclamation*)

The Council appreciates Reclamation's efforts in completing its review and believes the review was helpful. The review identified some areas of concern within the Reclamation program. The Council encourages Reclamation to work with the Council, Forum and Forum's Work Group to resolve any outstanding concerns and to implement any changes in how Reclamation administers the Program.

The Council has concerns with the outcome of Reclamation's review regarding how contracts will be awarded under the Basinwide Program and how the Basin States will participate in that process.

The Reclamation review allowed the Forum to focus on a specific area of concern when it developed language to amend the Act. The Council appreciates the coordination and cooperation Reclamation provided as the Act was amended. The Council encourages Reclamation to continue this coordination and cooperation as the Council develops strategies for the implementation of the new provisions of the Act dealing with the Basin States Program.

The amended Act created the Basin States Program. The Act mandates that Reclamation consult with the Council as it implements the Basin States Program. The Council looks forward to this consultation, especially with respect to how all Basin Funds, advanced as cost sharing, will be

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spent. The Council anticipates that it may need to meet more than once a year to be effective in the consultation process.

The Council acknowledges that the Funding Opportunity Announcement (FOA) process used in 2008 appears to have been successful. However, the Council has concerns about how the Basin States will participate in that process. In preparation for future FOA's, the Council encourages Reclamation to seek input from the Council, Forum, and Forum's Work Group on the 2008 FOA, especially the Evaluation Criteria.

The Council is pleased that Reclamation continues to move forward with its current and future efforts at the Paradox Unit. This unit is critical to meeting the overall goals of the Program. As such, the Council stands ready to support any request for additional funding and would also encourage the reprogramming of other available Reclamation funds to ensure that the appropriate studies are completed and available to make timely decisions on the future direction of this unit. The Council encourages Reclamation to continue to work with the Forum's Work Group as it moves forward developing studies and analyzing future opportunities.

The Council is pleased with Reclamation's efforts to be more aggressive in coordinating the overall Program by creating the Science Team. Reclamation should continue its effort to coordinate with the USDA and the USGS in determining the appropriate salt loading for the various project areas in the Program, and continue to work with the USGS to resolve data discrepancies within the Upper Basin and at the NIB. In addition, the Council encourages Reclamation, as the Program lead, to work with both the USEPA and the USFWS to develop appropriate roles for those agencies within the Program.

In the Management and Budget Recommendations portion of this report, the Council requests that Reclamation seek increased appropriations in FY 2009 and FY 2010 in accordance with Table 1 herein. Reclamation is requested to give a detailed report on its efforts to secure additional funding at the next Council meeting.

The Council asks Reclamation to respond in writing to recommendations contained in this report by **April 30, 2009**. This response should address the Council's statements made in this section of this

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report and also on comments found under the headings of General Issues and Management and Budget Recommendations.

Bureau of Land Management (BLM)

The Council is pleased with the efforts of the BLM's basinwide salinity control coordinator to make field personnel more aware of how salinity control can be incorporated into and even become a major portion of their land management planning efforts. The Council continues to encourage the BLM to begin using tools that have been developed to begin implementation of programs which will result in salt retention on BLM lands. Salinity control on public land could be one of the most cost-effective ways of providing salinity control for the Basin.

The Council encourages the BLM to address the issue of discharges from flowing saline wells on public lands. These flowing saline wells are often the result of previous decades of oil and gas exploration where test wells were not properly abandoned. Now there is a new and major wave of energy development occurring on BLM-administered lands and also on other lands where the BLM administers the production rights. The Council appreciates the efforts of the BLM and the USGS to follow and report this new development. The Council urges the BLM and the USGS to continue this monitoring, analyzing and reporting effort.

In the Management and Budget Recommendations portion of this report, the Council recommends that the BLM seek funding of \$5,900,000 to be used by the BLM on activities that do, in part, control salinity in the Basin (see Table 1). Potential activities that are focused on salinity control have been identified that could readily utilize \$1.5 million in FY 2009, of which about 65% is identified for implementation of on-the-ground projects. The Council recommends that the \$1.5 million be designated from the BLM's on-going budget for direct salinity control work. The Council also recommends that sufficient funding from the Land Resources Subactivity Soil, Water, and Air Management be used for monitoring and maintenance of implemented projects.

The Council requests a written report responding to each of the above recommendations herein by **April 30, 2009**. This response should include comments on statements made in this section of this report and also on comments found under the headings of General Issues and Management and Budget Recommendations.

U.S. Geological Survey (USGS).

The Council appreciates the efforts of the USGS to work with the Science Team to bring a science-based approach to the development and analysis of projects that will benefit the overall Program. The Council urges the USGS to continue to work with Reclamation to ensure that the data collected is accurate and to identify any difference or discrepancies in that data and to resolve those errors.

The Council requests the USGS assess and report to the Council on its continued ability to perform these important functions by **April 30, 2009**.

U.S. Fish & Wildlife Service (USFWS)

The Council encourages the new USFWS salinity coordinator to work with Reclamation and the Forum's Work Group, with the funding available within the Program, to seek out opportunities to replace wildlife values foregone under the USDA program and propose wildlife-only projects to increase appropriate replacement.

The Council requests a written report responding to the above recommendations by **April 30, 2009**.

U.S. Environmental Protection Agency (USEPA)

The Council and Forum have, over the years, felt they have developed a good working relationship with the USEPA. It is believed that from the USEPA's strong involvement in the early 1970's, the relationship has evolved into a partnership and the program has developed into perhaps the largest and most successful program that has resulted from the 1972 Clean-Water Act. In today's terms it could be called, for the most part, a non-point pollution control effort or a TMDL.

This relationship between Basin States representatives and the USEPA has been facilitated by the USEPA's long-standing position that the Denver Region would act as the coordinating region for the Program for the USEPA. Recently the USEPA has suggested that the coordination should be rotated between the Denver, Dallas, and San Francisco regions. The Council does not favor this proposed rotation and asks that the coordination continues to occur out of the Denver Region.

The Council requests the USEPA to respond to this request by **April 30, 2009**.

MANAGEMENT AND BUDGET RECOMMENDATIONS

The funding level recommendations contained in this report are consistent with and support the conclusions regarding the funding required to accomplish the plan of implementation adopted by the Forum as part of its 2008 Review. The Program includes a significant amount of non-federal cost sharing. The Basin States provide, in total, 30% cost share for the Program from the Upper Basin Fund and Lower Basin Development Fund. The Basin States are currently the second largest contributor to the Program behind the USDA. In addition to the Basin States' cost share, the local farmers cost share in the USDA on-farm program. The non-federal participants (the states, landowners, irrigation districts, etc.) are ready in FY 2009 to contribute their share of the Program costs as up-front payments. The Council continues to be pleased with the funding made available to the USDA as authorized by the Farm Security and Rural Investment Act (FSRIA). The Council continues to be concerned that Reclamation funding is lagging behind the USDA funding in geographic areas where coordinated implementation is essential. The potential impact of such a lag is a slowed down, less cost-effective Program. The Council urges Reclamation to vigorously pursue adequate funding so as to allow timely implementation of its portion of the Program. The Council is encouraged by the BLM efforts in the Basin and recommends that absent receiving the full funding contained in Table 1 for the BLM that the BLM make available to the Program \$1.5 million to fund on-the-ground salinity control measures. The Council and Forum stand ready to assist the BLM in achieving this funding goal.

Table 1 contains the Council's recommendations for federal cost share for FY 2009 and FY 2010. These funds are for the construction activities necessary to meet the Program objectives as set forth in the plan of implementation. The Forum will transmit these recommendations to the Congress and will actively seek the Congressional support necessary to maintain adequate funding for the Program. The Council wishes to emphasize that funding delays and funding in lesser amounts will render the Program unable to meet the plan of implementation objectives, as measured in tons of salt loading reduction.

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As indicated in Table 1, the funding recommendations therein are for the federal portion of project implementation costs only. The Council also urges the agencies to provide adequate funding to support operation and maintenance, technical and education assistance, monitoring and evaluation of implemented projects and planning for future projects. The Council recommends funds for these activities be provided in addition to the funds recommended in Table 1. The Council requests that in their responses federal agencies specifically comment on funding for these non-construction activities.

Table 1		
FEDERAL FUNDING RECOMMENDATIONS		
	Fiscal Years	
	2009	2010
DEPARTMENT OF THE INTERIOR		
Bureau of Reclamation ¹	\$17,500,000	\$17,500,000
Bureau of Land Management ²	\$5,900,000	\$5,900,000
DEPARTMENT OF AGRICULTURE	not less than \$20,000,000 ³	not less than \$20,000,000 ³
<p>Notes:</p> <p>¹ The Council anticipates and requests that Reclamation budget sufficient funds for required operation and maintenance of constructed units and for plan formulation.</p> <p>² The Council anticipates and requests that BLM budget sufficient funds for inventory and ranking, planning, maintenance, monitoring, evaluation, and support.</p> <p>³ If the FY2009 continuing resolution or appropriation for the Environmental Quality Incentives Program (EQIP) allotment equals \$1.2 billion, the recommendation would equal \$30 million; if the FY 2009 EQIP allotment equals \$1.3 billion, the recommendation would equal \$32.5 million.</p>		

CONCLUSION

The Council recognizes and appreciates its responsibility to submit comments and recommendations on salinity control activities to the federal agencies. As indicated in the General Comments section, the Council is pleased with the interagency efforts put forth in 2008 and looks forward to additional successes and considerable progress being made in the coming year. The Council requests written responses to this year's report be provided by **April 30, 2009**. Responses should be sent to the Advisory Council Chairman, Patrick T. Tyrrell, at the following address:

Patrick T. Tyrrell, State Engineer
State Engineer's Office
Herschler Building, 4th Floor East
122 West 25th Street
Cheyenne, Wyoming 02002-0370

It would be appreciated if a copy of the responses also be sent to the Forum's Executive Director, Jack Barnett, at the following address:

Jack A. Barnett, Executive Director
Colorado River Basin Salinity Control Forum
106 West 500 South, Suite 101
Bountiful, UT 84010

Attachment A

Advisory Council Charter

Attachment B

ADVISORY COUNCIL MEMBERSHIP

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Attachment C

Federal Responses to the 2007 Advisory Council Report