

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Special Board Meeting

August 9, 2022

1:00 PM

Tuesday, August 9, 2022
Meeting Schedule

01:00 Sp BOD

Teleconference meetings will continue until further notice. Live streaming is available for all board and committee meetings on mwdh2o.com ([Click Here](#))

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (833) 548-0276 and enter meeting ID: 815 2066 4276.

MWD Headquarters Building - 700 N. Alameda Street - Los Angeles, CA 90012

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Opportunity for members of the public to address the Board limited to the items listed on the agenda. (As required by Gov. Code §54954.3(a))

**** CONSENT CALENDAR ITEMS -- ACTION ****

5. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Adopt resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan's legislative bodies for a period of 30 days; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA

[21-1333](#)

Attachments: [08092022 Sp BOD 5A Resolution](#)

**** END OF CONSENT CALENDAR ITEMS ****

6. BOARD WORKSHOP ON COLORADO RIVER

- A. Colorado River Historical Review [21-1383](#)

Attachments: [08092022 Sp BOD 6A and 6B Presentation](#)

- B. Review of Current Conditions [21-1428](#)

- C. Near-term Implications to Metropolitan [21-1429](#)

Discussion regarding deteriorating conditions of the Colorado River, the Bureau of Reclamation's request for significant water use reductions by 2023 and negotiations regarding actions to conserve water. [Conference with legal counsel – anticipated litigation; based on existing facts and circumstances, including that requiring significant water use reductions could lead to litigation among the United States and one or more Colorado River water users; there is a significant exposure to litigation against Metropolitan: unknown number of potential cases; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(2)]

7. FOLLOW-UP ITEMS

NONE

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

NOTE:

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

RESOLUTION NO. XXXX

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
RELYING ON GOVERNOR NEWSOM’S MARCH 4, 2020 PROCLAMATION OF A
STATE OF EMERGENCY
AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE
LEGISLATIVE BODIES OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA FOR THE PERIOD OF 30 DAYS FROM
AUGUST 9, 2022 TO SEPTEMBER 8, 2022 PURSUANT TO BROWN ACT
PROVISIONS**

WHEREAS, The Metropolitan Water District of Southern California (“Metropolitan”) is committed to preserving and nurturing public access and participation in meetings of its legislative bodies; and

WHEREAS, all meetings of Metropolitan’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov’t Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the Metropolitan’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within Metropolitan’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution Number 9285 on September 28, 2021, finding that the requisite conditions exist for the legislative bodies of Metropolitan to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency, and the Board of Directors has done so in subsequent Resolutions Numbered 9287, 9288, 9291, 9292, 9295, 9296, 9297, 9298, 9300, 9306, 9308, 9309, and 9312 on October 12, 2021, November 9, 2021, November 23, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, March 29, 2022, April 12, 2022, May 10, 2022, May 24, 2022, June 14, 2022, and July 12, 2022, respectively; and

WHEREAS, such conditions now persist at Metropolitan, specifically, Governor Newsom's March 4, 2020 Proclamation of A State of Emergency caused by the COVID-19 pandemic; and

WHEREAS, state or local officials continue to impose or recommend measures to promote social distancing, including County of Los Angeles Department of Public Health Order issued on April 21, 2022 effective April 22, 2022, providing guidance for indoor masking and implementation of policies and practices that support physical distancing where possible; and

WHEREAS, as a consequence of the state of emergency, the Board of Directors does hereby find that the legislative bodies of Metropolitan shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

WHEREAS, Metropolitan is providing call-in telephonic access for the public to make comment and to listen; and providing livestreaming of the meetings over the internet to ensure access for the public.

NOW, THEREFORE, the Metropolitan Board of Directors does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Reconsider the Circumstances of the State of Emergency Persists. The Board of Directors hereby reconsiders the conditions of the state of emergency and the Board of Directors hereby continues to rely on the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 3. State or Local Officials Continue to Impose or Recommend Measures to Promote Social Distancing. The Board of Directors hereby acknowledges that state or local officials continue to impose or recommend measures to promote social distancing, including County of Los Angeles Department of Public Health Order issued on April 21, 2022 effective April 22, 2022, providing guidance for indoor masking and implementation of policies and practices that support physical distancing where possible.

Section 4. Remote Teleconference Meetings. The General Manager and legislative bodies of Metropolitan are hereby authorized and directed to take all actions necessary to carry out the

intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) September 8, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of Metropolitan may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Section 54953.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held on August 9, 2022.

Secretary of the Board of Directors of
The Metropolitan Water District
of Southern California



Colorado River Workshop

Metropolitan Water District of Southern California

Item 6a/6b
August 9, 2022



Key Agreements

Key Agreements

Colorado River is Highly Regulated



Key Agreements

Colorado River Compact (1922)

Divides right to use Colorado River water between the Upper and Lower Basins in perpetuity

Apportions 7.5 million acre-feet (maf) of annual use to both the Lower Basin and Upper Basin

Recognizes the Lower Basin's right to develop an additional 1 maf annually

Anticipated the treaty with Mexico (1944)

Key Agreements

Upper Colorado River Basin Compact (1948)

Upper Basin Differences

- The Secretary of the Interior is not the water master in the Upper Basin
- The Upper Basin's allocation is divided among the Upper Division States on the basis of percentage of native flow instead of a volumetric limit
- Hydrologic shortages are common in the Upper Basin because water users mostly take water out of the river and tributaries rather than out of reservoir storage

Key Agreements

Colorado River Compact (1922)

Art. III (d) Non-Depletion Obligation

- The Upper Division States will not cause the flow of river at Lee Ferry to be depleted below an aggregate of 75 MAF for any ten-year period
- The meaning of this provision is unsettled
- However, since the adoption of the Long-Range Operating Criteria in 1970, the Upper Division States' obligation has been met and demonstrated through annual releases from Lake Powell to the Lower Basin

Key Agreements

Water Rights Shielded from Compact Administration

“Prior Perfected” and “Present Perfected” Water Rights

- Excludes water rights perfected prior to November 24, 1922 from curtailment to meet non-depletion obligation
- Provides that present perfected rights to beneficial uses existing at the time of the Compact are “unimpaired”. (Art VIII Colorado River Compact)
- Lower Basin Present Perfected Rights were adjudicated and settled by the U.S. Supreme Court in *AZ v. CA*

Key Agreements

Colorado River Compact (1922)

Mexico Treaty Delivery Provisions

- Surplus water first
- If surplus water is unavailable then, equally from Upper Basin and the Lower Basin
 - *Whenever necessary the Upper Division States deliver water to supply one-half of the deficiency*

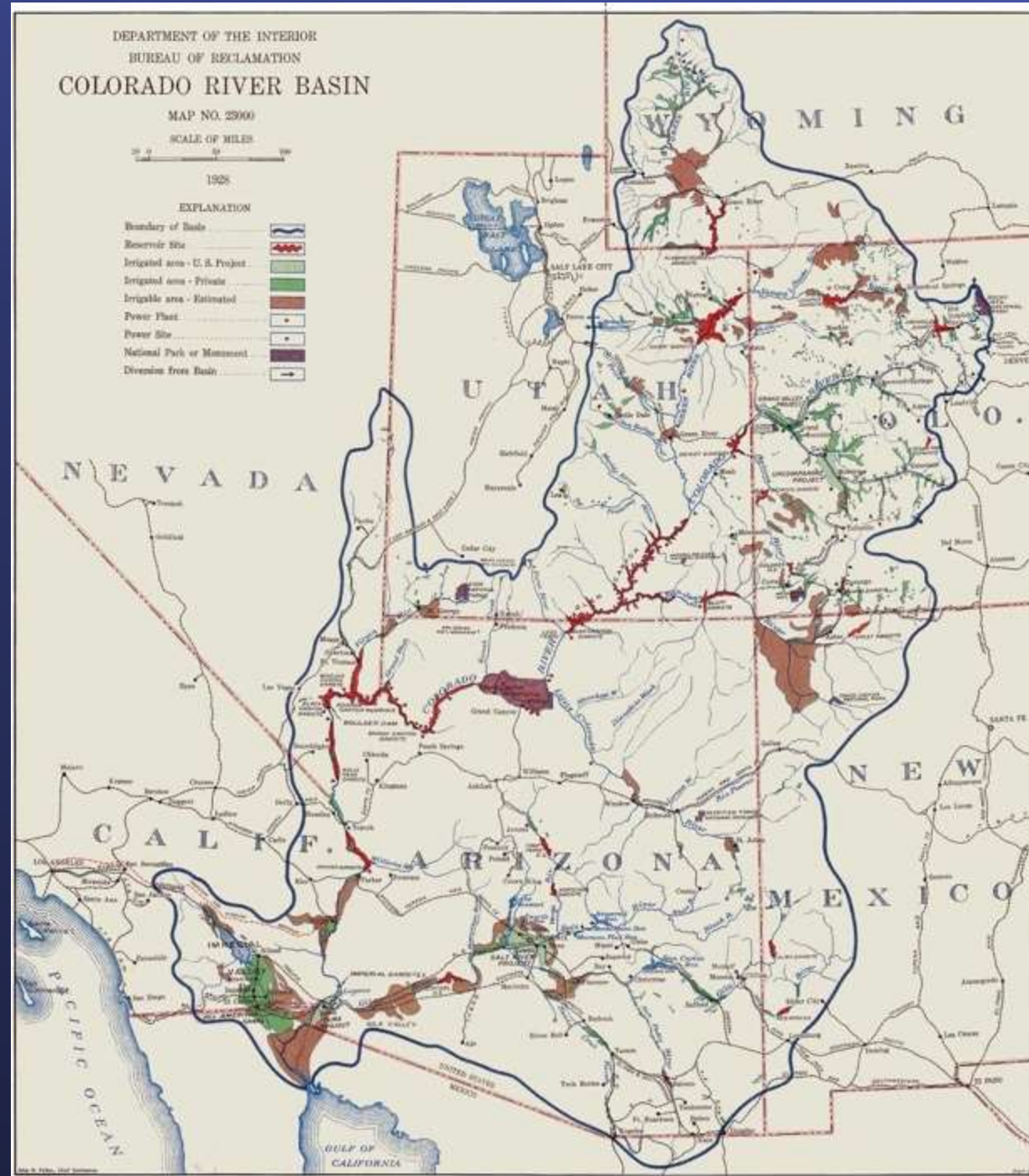


Morelos Dam

1944 Water Treaty with Mexico and Related Minutes

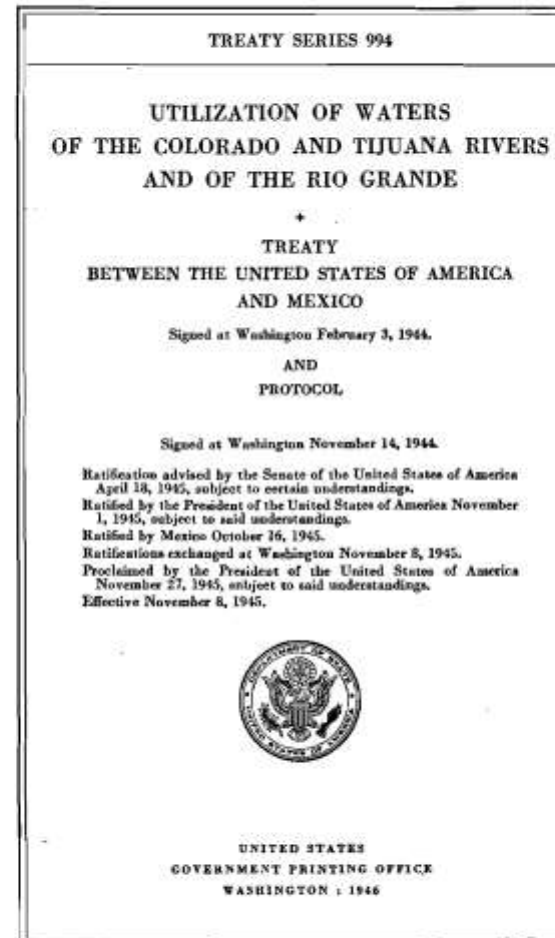
Treaty with Mexico and
Related Minutes

The Colorado River is a Binational River



Treaty with Mexico and
Related Minutes

The Mexico Treaty of 1944



Treaty with Mexico and
Related Minutes

A Decade of Cooperation with Mexico

Minute 317 – Binational Cooperation

Minute 318 – Emergency Response to Earthquake

Minute 319 – Surplus and Shortage Sharing

Minute 323 – Extended and Expanded 319

Treaty with Mexico and
Related Minutes

Highlights

Binational Water Scarcity Contingency Plan

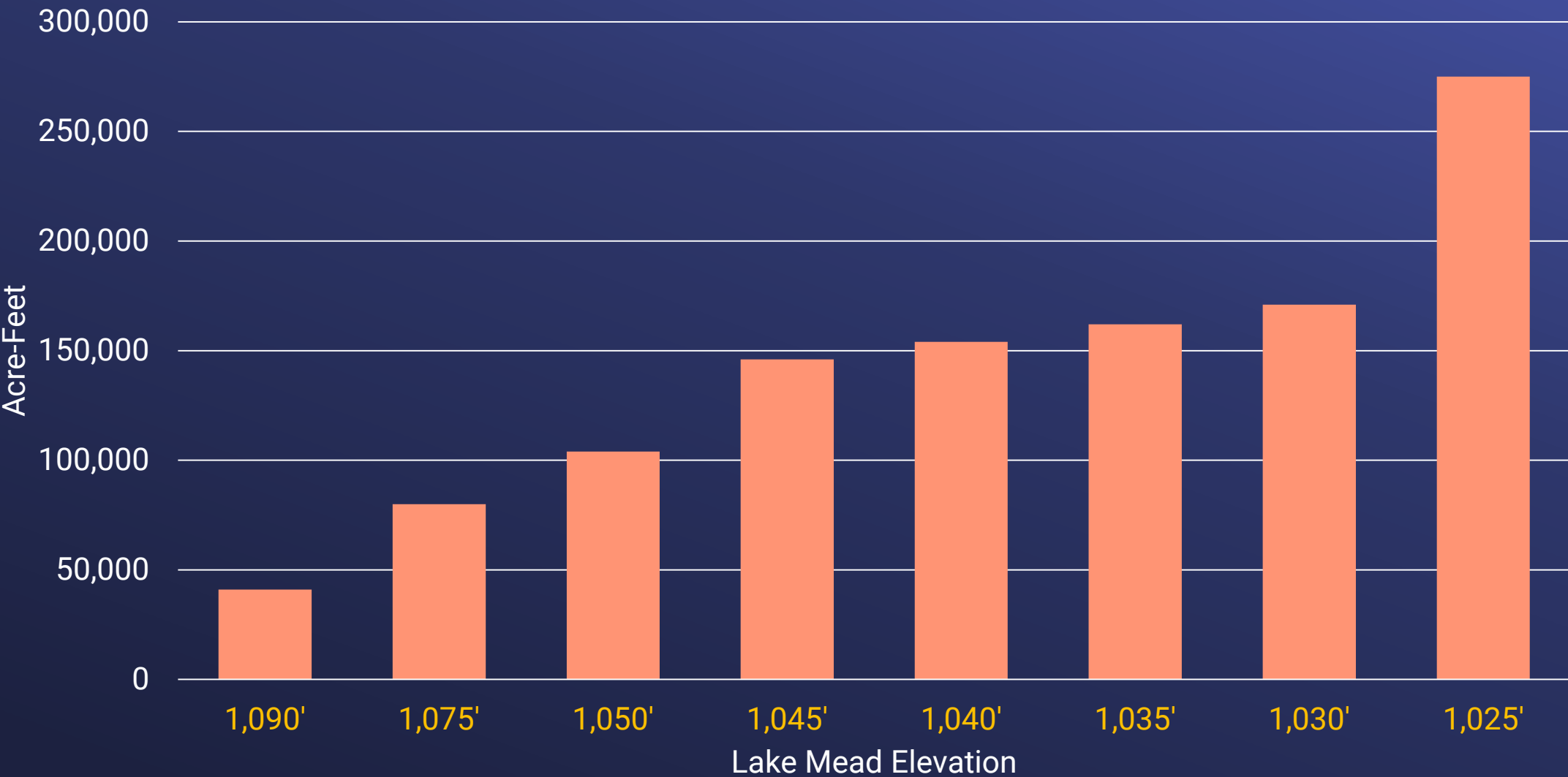
Intentionally Created Mexican Allocation

U.S. Funds for Conservation Projects in Mexico

Support for Environmental Projects

Future Binational Projects

Mexico's Water Scarcity Contingency Plan Contributions



Treaty with Mexico and Related
Minutes

A Future Minute is Necessary

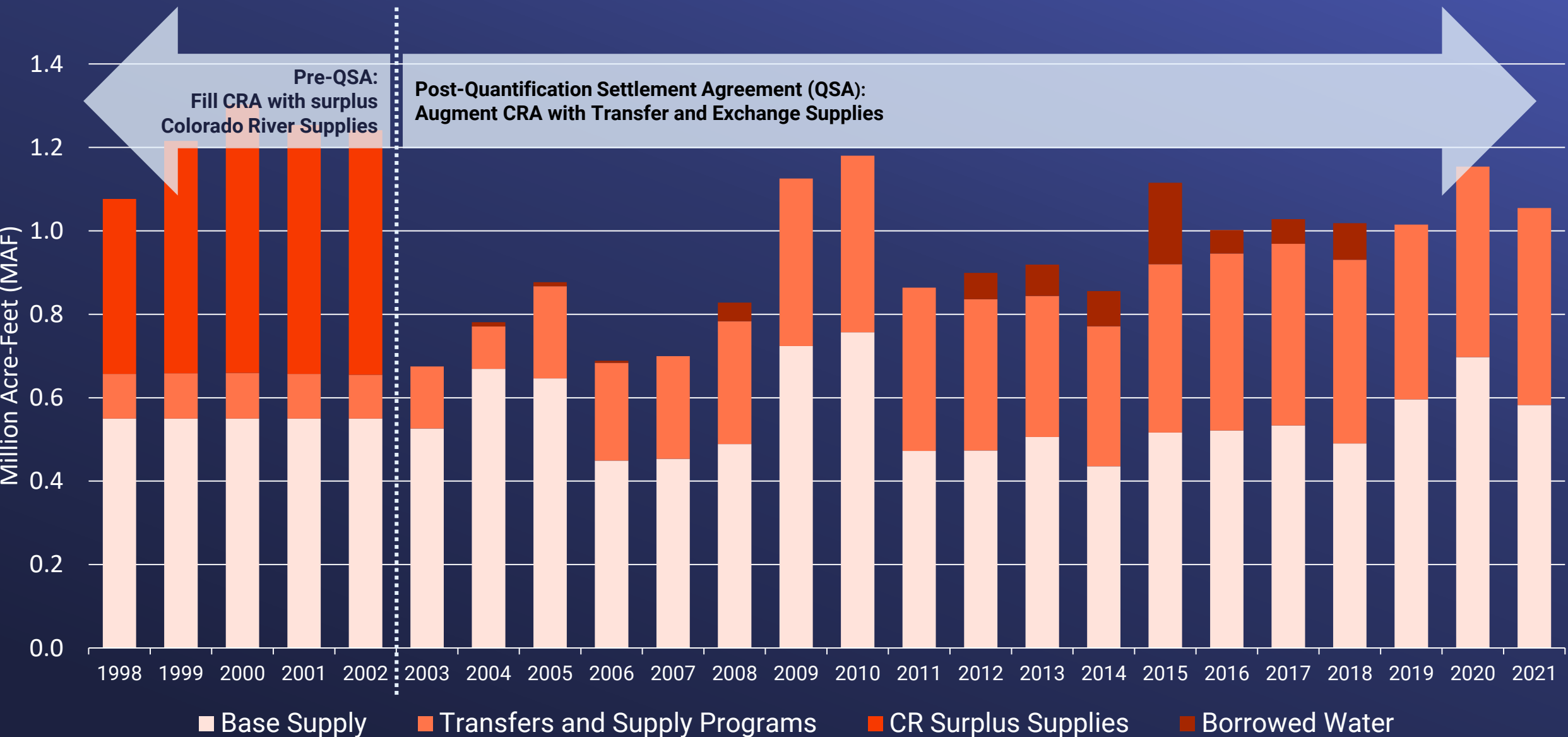
Binational Cooperation is Essential to Protect the Colorado River System



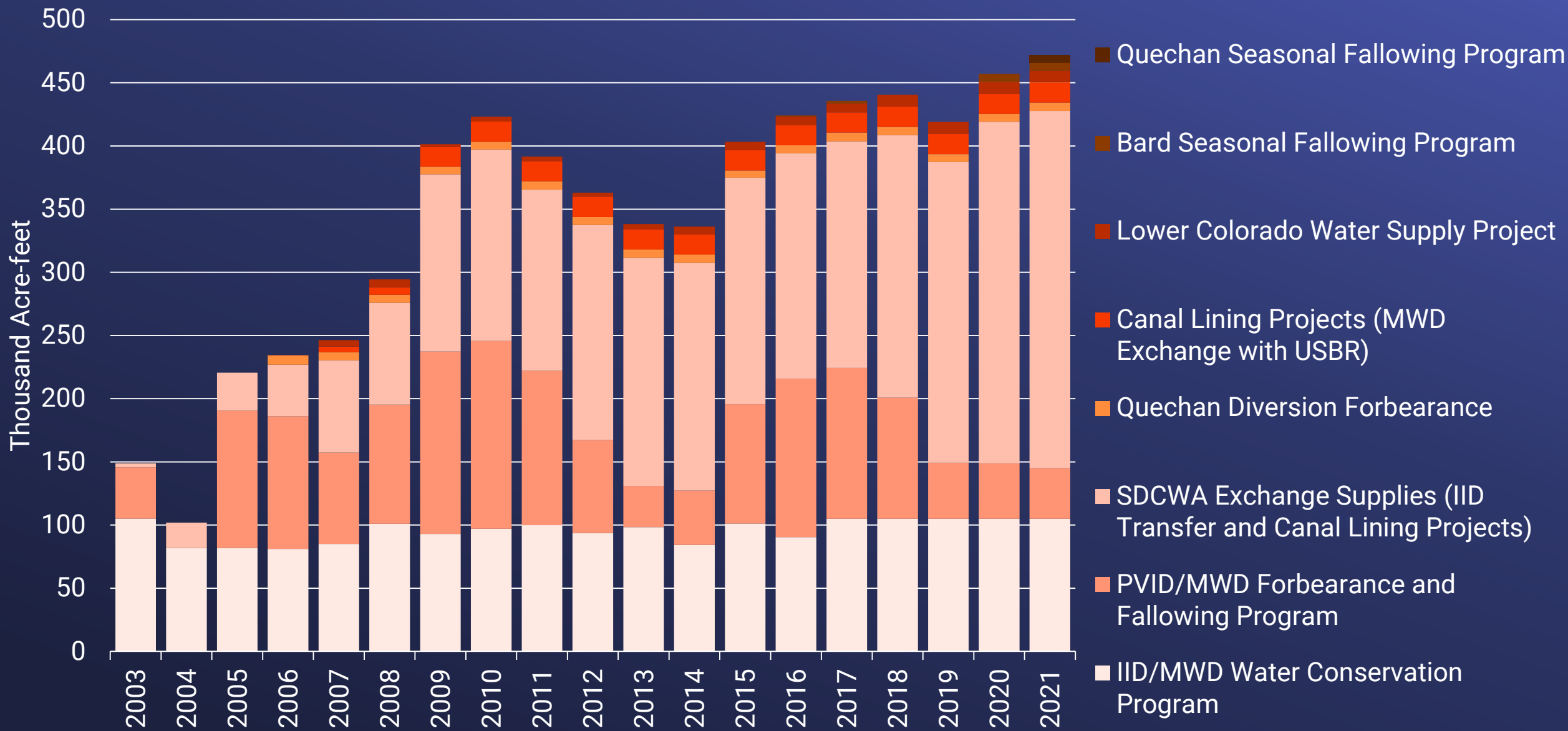


Metropolitan's CRA Supplies

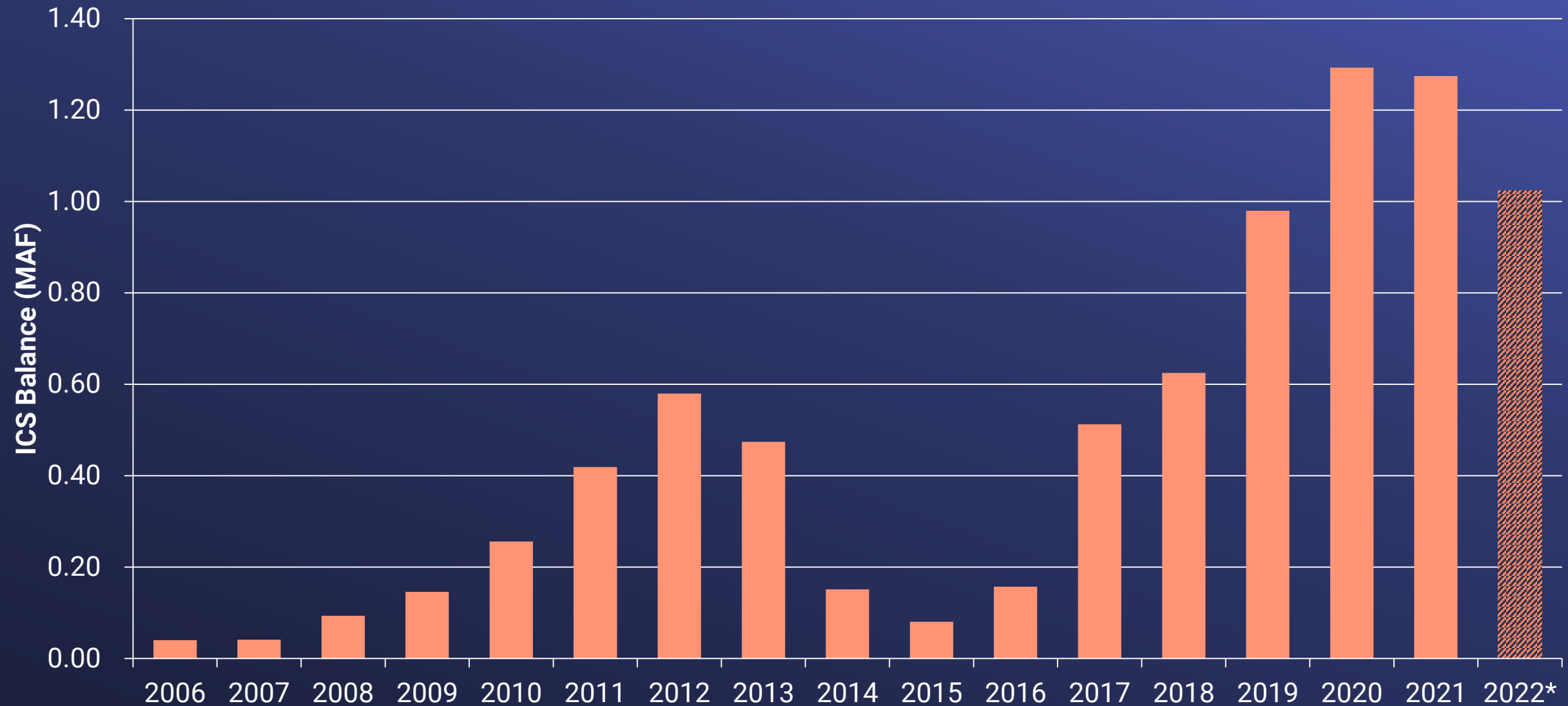
Metropolitan Colorado River Supply



California Transfer and Exchange Programs



Lake Mead End-of-Year Storage Balance

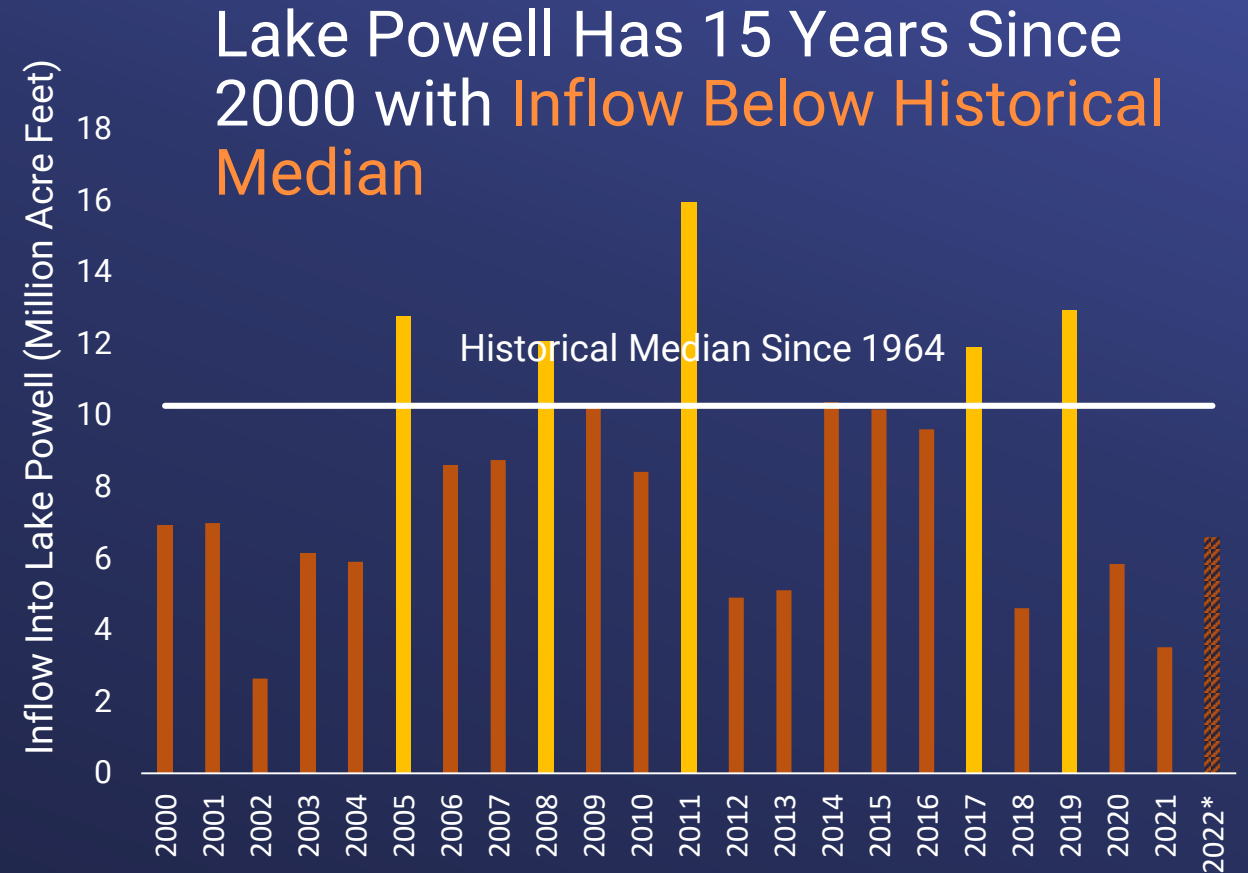


*Metropolitan’s Estimated End-of-Year Storage in Lake Mead

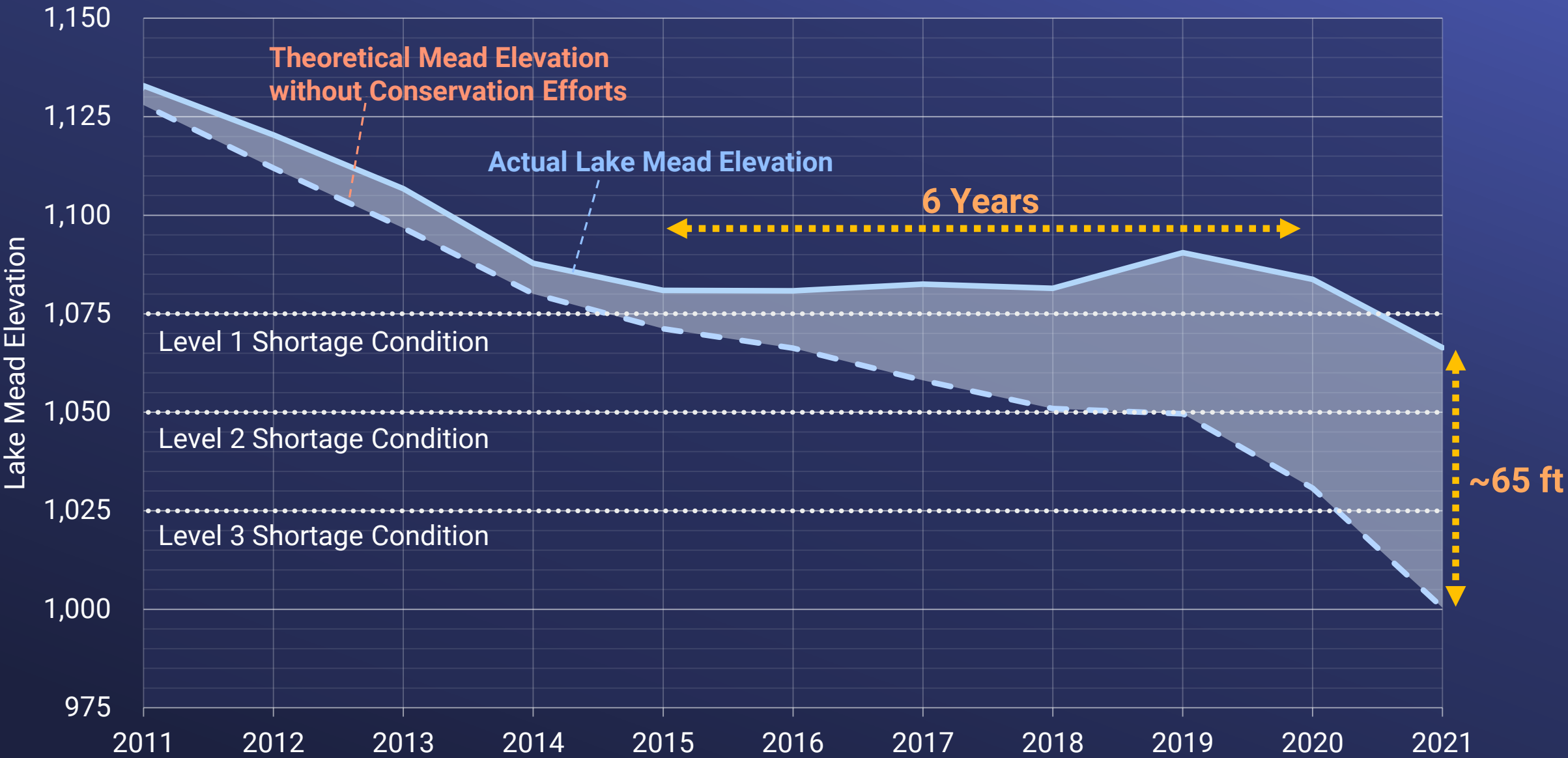


Recent Drought Severity

Large Storage Volumes in Lakes Powell and Mead Has Historically Buffered Flow Variability



Past Cooperative Efforts to Protect Lake Mead



Precipitation
(% Average)

Runoff
(% Median)

2020

81%



57%

2021

84%



37%

2022

91%

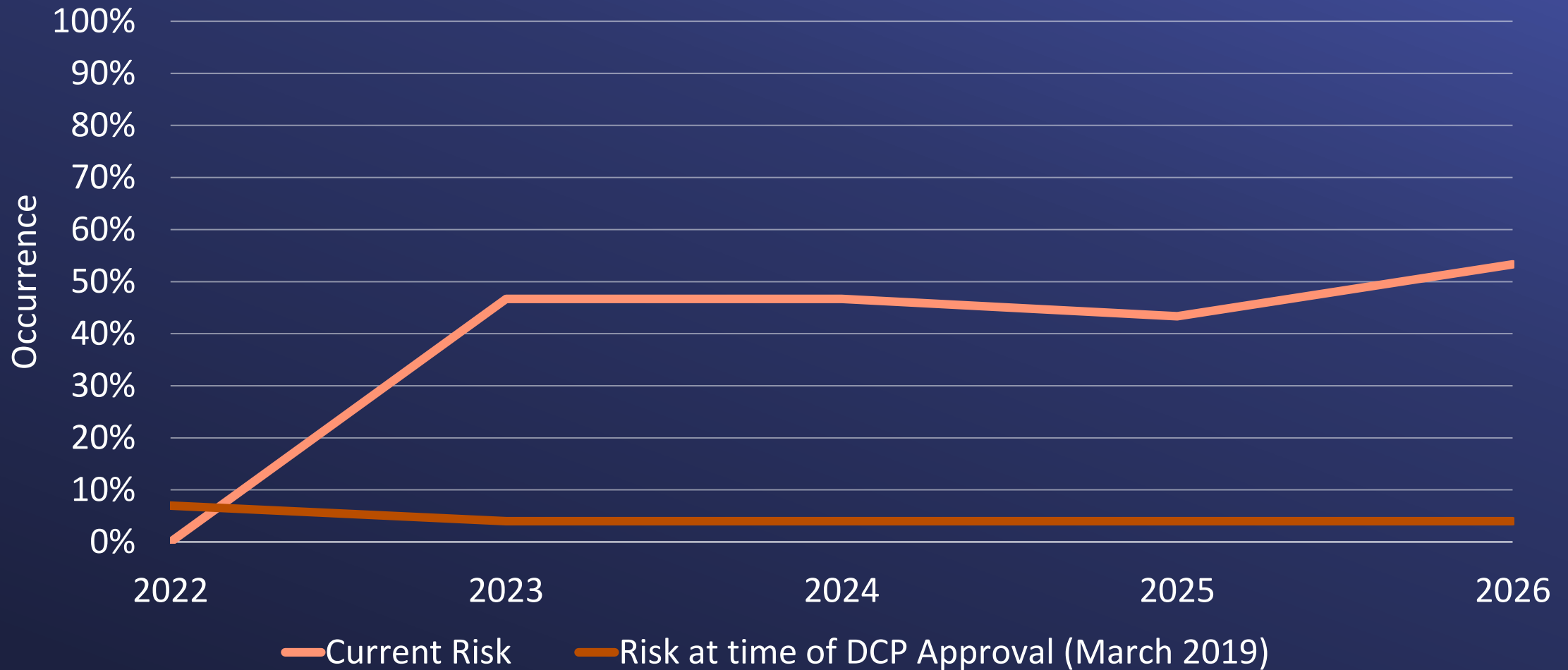


58%

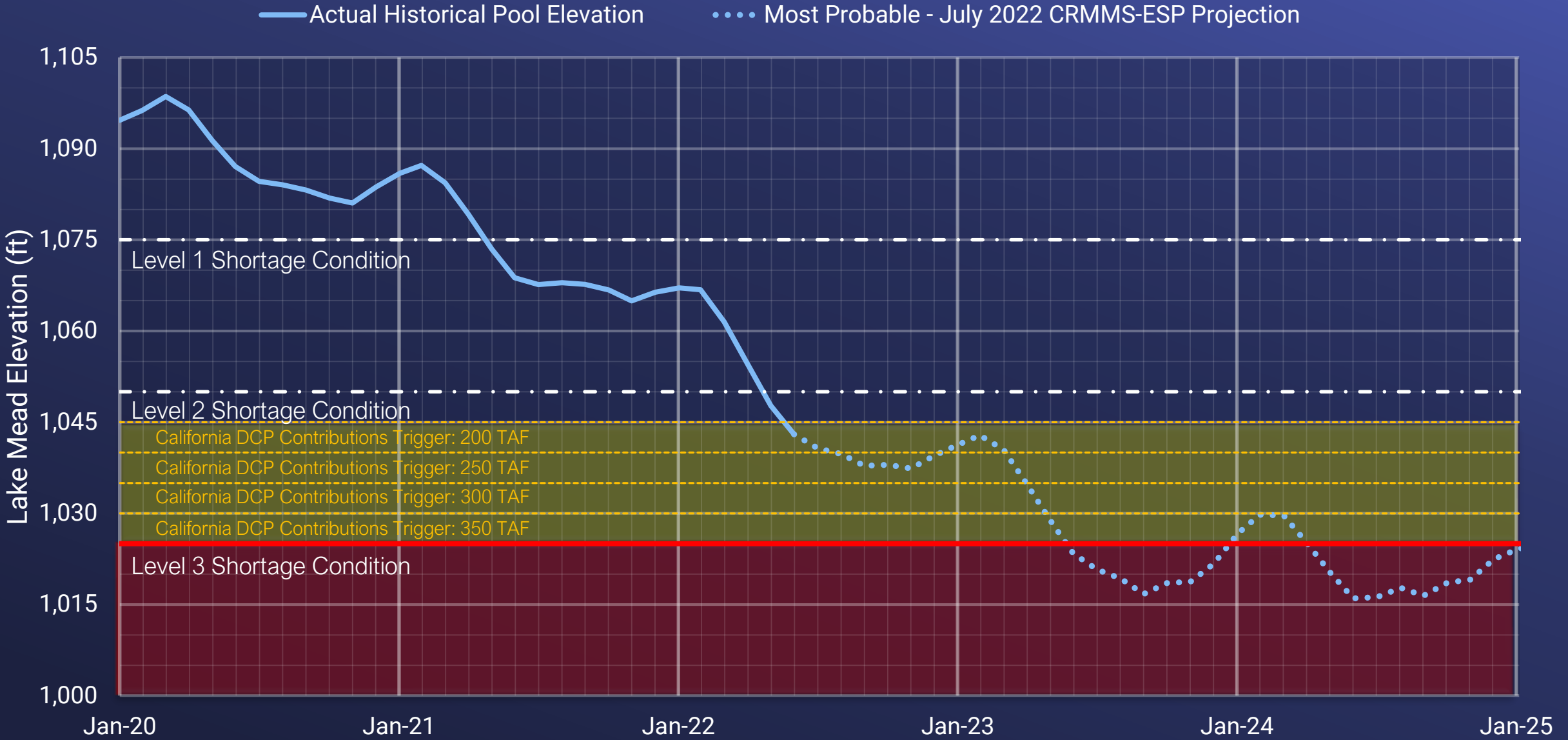
Recent Drought Severity

Decreased
Runoff
Efficiency
Since the
Drought
Contingency
Plan

Probability of Lake Mead Elevation Less than 1,020' in any month



Lake Mead Elevation Forecast Shows CA DCP Contributions





Recent Drought Responses

Recent Drought Responses

Drought Contingency Plan (2019)

Efforts to Keep Reservoirs Above Critical Elevations

- Lower Division States AZ, CA and NV agreed to store water in Lake Mead at specific reservoir elevations – DCP Contributions
- Upper Division States CO, WY, NM and UT entered agreement for releases of water from reservoirs upstream of Lake Powell – DROA releases

Recent Drought Responses

Actions to Protect Lake Powell & Lake Mead (2022)

- The Lower Division States and Reclamation entered into an MOU to add or retain 500,000 acre-feet of water in Lake Mead in both 2022 and 2023 in an effort known as the “500+ Plan”
 - Metropolitan entered into the 500+ Plan for California
- Lake Powell Protection:
 - 500,000 acre-feet will be released from Flaming Gorge to Lake Powell;
 - Combined with a reduction in Glen Canyon Dam’s annual release volume from 7.48 maf to 7.0 maf in WY2022
 - These changes are “operationally neutral” for 2023 Tier Determination

Recent Drought Responses

Critical Reservoir Elevations (2023)

Protection Volumes

- The Bureau of Reclamation Commissioner identified the need for Colorado River Basin water users to reduce their use by 2-4 maf of water per year
- The Commissioner stated that the Department of Interior (DOI) has the authority to act unilaterally and will protect the system if consensus cannot be reached
- DOI is working with States, Tribes, and others to reach a consensus about how to protect critical reservoir elevations

Shortages and DCP Contribution Table

(in thousand-acre-feet)

Projected January 1 Lake Mead Elevation (feet msl)	2007 Interim Guidelines Shortages		DCP Water Savings Contributions			Combined Volumes (2007 Interim Guidelines Shortages & DCP Contributions)			
	AZ	NV	AZ	NV	CA	AZ Total	NV Total	CA Total	Lower Basin States Total
At or below 1,090 and above 1,075	0	0	192	8	0	192	8	0	200
At or below 1,075 and at or above 1,050	320	13	192	8	0	512	21	0	533
Below 1,050 and above 1,045	400	17	192	8	0	592	25	0	617
At or below 1,045 and above 1,040	400	17	240	10	200	640	27	200	867
At or below 1,040 and above 1,035	400	17	240	10	250	640	27	AZ	917
At or below 1,035 and above 1,030	400	17	240	10	300	640	27	300	967
At or below 1,030 and at or above 1,025	400	17	240	10	350	640	27	350	1,017
Below 1,025	480	20	240	10	350	720	30	350	1,100

Lake Mead Reaches Critical Elevations Within the Next Few Years **Without Additional Actions**

% of Average Inflow to Lake Powell	2023	2024	2025	2026
Greater than 95%				
95%-80%				
79% - 64%	Average Annual Conservation 1.3 MAF			
63% - 50%	Average Annual Conservation 2.7 MAF			
Less than 50%	Average Annual Conservation 3.5 MAF			

	Lake Mead > 1,020
	1,020 > Lake Mead > 1,000
	1,000 > Lake Mead > Dead Pool
	Lake Mead Reaches Dead Pool

Recent Drought Responses

2023 Drought Responses

Negotiations to Reduce Use of Colorado River Water

- Metropolitan is in difficult negotiations with other Colorado River users in California and across the Lower Basin on how to reduce water uses to meet the Commissioner's call for 2-4 maf of reductions
- Every type of water user could be affected, including urban and agricultural uses
- The Secretary of the Dept of Interior could use authority to unilaterally reduce water use as early as next year

Recent Drought Responses

2023 Drought Responses

Impacts on Metropolitan's Colorado River Supply

- Metropolitan staff are working hard to protect our Colorado River supply in negotiations with other water users
- However, due to reservoir conditions Metropolitan may have to take action to reduce use of Colorado River water as early as next year
- If the water users don't reach agreement to reduce uses, the Bureau of Reclamation may take action to reduce uses in 2023

Recent Drought Responses

Board Updates and Input

Next Steps

- Seek input from the Board later in this workshop
- Keep the Board updated on developments
- If a tentative agreement is reached, bring to the Board for input and approval
- Reach final agreement with Basin State partners



Closed
Session



