

## **MANAGEMENT BOARD**

### ***MEETING MINUTES***

**March 14, 2018**

#### **VOTING MEMBERS PRESENT**

Mr. Kevin Artz, Avondale, Chairman  
Mr. Brian Biesemeyer, Scottsdale  
Ms. Cynthia Campbell for Ms. Karen Peters, Phoenix  
Mr. John Knudson, Chandler  
Mr. Craig Johnson, Glendale  
Ms. Jessica Marlow, Gilbert  
Mr. Javier Setovich, Goodyear  
Mr. Mike Weber, Peoria  
Mr. Jake West, Mesa

#### **VOTING MEMBERS NOT PRESENT – EXCUSED**

Ms. Holly Rosenthal, Tempe

#### **OTHERS PRESENT**

Rhett Billingsley, CAP	Lacey James, Avondale	Richard Siegel, SRP
Cindy Blackmore, Avondale	Sam Jaskolski, AMWUA	Tony Staffaroni, CAP
Eric Braun, Gilbert	Elisa Klein, Scottsdale	Drew Swieczkowski, Glendale
Gregg Capps, Chandler	Pat Kossan, AMWUA	Warren Tenney, AMWUA
Alan Dulaney, Peoria	Frank Milam, Phoenix	Theresa Ulmer, Ulmer Consulting
Kathy Ferris, AMWUA	Brian Payne, AMWUA	Carol Ward-Morris, AMWUA
Brett Fleck, AMWUA	Diana Piña, AMWUA	Gary S. Whitten, GHD Inc.
Chris Hassert, Mesa	Marcus Shapiro, CAP	

#### **A. Call to Order**

Mr. Artz called the meeting to order at 10:02 a.m.

#### **B. General Business – Items for Discussion and Possible Action**

##### **1. Approval of the Minutes from the February 14, 2018 Meeting**

Upon a motion by Mr. Biesemeyer and a second, the AMWUA Management Board unanimously approved the February 14, 2018 meeting minutes.

2. Next meeting scheduled: Wednesday, April 11, 2018, 10:00 a.m., in the AMWUA office
3. 2018 Legislative Update

Mr. Tenney stated that AMWUA's main focus continues to be on the twin water legislative packages introduced by Senator Griffin and Representative Bowers. He reported that SB 1507 was amended and failed to pass the Senate last week. He also reported that HB 2512 has not been amended, passed the House, and is scheduled to be heard in the Senate committee next Monday. He said AMWUA continues to oppose the individual water bills.

Mr. Tenney reported that SB 1511, extinguishment credits, was amended to conform to the compromise language that Pinal Active Management Area (AMA) stakeholders and the Arizona Department of Water Resources (ADWR) reached last summer. He said SB 1511 passed out of the Senate and was passed in a House committee yesterday. He noted that last week, the Governor approved a rulemaking exemption so ADWR can address the issue of Pinal AMA extinguishment credits through rules, which should mean that this issue no longer needs to be addressed legislatively.

Related to water legislation, Mr. Tenney said Representative Bowers and Senator Griffin have planned to hold a road show on water legislation in order to get input from different regions of the State. He reported that the first meeting was held last Friday in Casa Grande with the primary issue being extinguishment credits. He said overall support for the compromise language was given. He also noted that Pinal Agriculture interests continued to state their need for mitigation if the Drought Contingency Plan (DCP) is enacted and their belief that the cities and tribes should provide money and/or water to keep agriculture from being cut. Mr. Tenney reported that Pinal Agriculture said they are talking with the Environmental Defense Fund about possible mitigation ideas and while wanting mitigation, Pinal Agriculture also continues to voice opposition to the State pursuing its own conservation program for Lake Mead. He noted that AMWUA may want to look at how to better explain to policymakers how AMWUA cities are fully utilizing their water resources, and the importance policymakers hold in planning for our future.

Ms. Ulmer stated that everything feels very political at this point in the session. She also noted that Representative Bowers said he does not anticipate anything being accomplished this year and that any bills sent to the Governor's Office will be vetoed.

Regarding SB 1511, Ms. Ferris added that it is important to note that though the bill has been amended, it includes an additional provision that was not part of the compromise. She said this provision causes ADWR some real concern and the bill is still problematic.

Mr. Biesemeyer stated that he was listening to the road show in Casa Grande and agreed with Mr. Tenney about the importance of messaging on behalf of the cities, especially when other groups may put them in a bad light. He said the cities have invested a lot of time and money in their water resources investments and put them to practical use;

taking those resources from the cities is not the answer. Mr. Johnson agreed with Mr. Biesemeyer.

#### 4. AMWUA Annual Action Plan

Mr. Tenney stated that because AMWUA's current annual action plan is still relevant, AMWUA is presenting an updated version for Fiscal Year 2019. He said AMWUA received feedback from the Water Resources Advisory Group (WRAG) and is now seeking comments from the Management Board.

Mr. Tenney detailed that the annual action plan alphabetically highlights thirteen areas of focus with the knowledge that priorities will be adjusted accordingly as other issues arise throughout the year, as the Governor's Water Solutions Conversation did this year. The areas of focus include: Adjudication, Augmentation, Central Arizona Groundwater Replenishment District (CAGR), Colorado River Drought & Shortage, Demand Management & Sustainability, Finances & Water, 4<sup>th</sup> Management Plan, Legislation, Regional Recharge Efforts, Recovery Implementation Plan, System Use Agreement, and Water Reuse Rules.

Mr. Artz asked for more information under the CAGR focus area regarding plans to transition from excess water. Mr. Tenney said the CAGR has primarily focused on available excess water. He noted that the Central Arizona Water Conservation District (CAWCD) has a very active water acquisition program for the CAGR; however, there are concerns among home builders' associations and developers about what would happen if there was a sudden cut to excess water. He stated that AMWUA thinks it would be beneficial to look at a way to transition from excess water to minimize any sudden implications on cost and resources in the future.

Ms. Marlow asked what percentage of CAGR's portfolio is excess water. Mr. Tenney said CAGR's portfolio is primarily excess water at around 32,000 acre-feet (AF).

Mr. Biesemeyer noted that there are at least two AMWUA members who would like to see the 2025 limit be extended for remediated groundwater, though he is not suggesting that be included in the annual action plan. Ms. Campbell stated that not all AMWUA members agree. Mr. Setovich thanked Mr. Biesemeyer for mentioning that issue. Mr. Tenney added that AMWUA did not include this issue in the action plan as there was not complete support for it but assumes it and other issues will be incorporated into future discussions on potential legislation.

Upon a motion by Mr. Biesemeyer and a second by Mr. Johnson, the AMWUA Management Board unanimously recommended that the AMWUA Board of Directors approve the annual action plan through Fiscal Year 2019 upon receiving the AMWUA Board's feedback.

## 5. Presentation on Proposed Alamo Dam Release

Marcus Shapiro and Rhett Billingsley from the Central Arizona Project (CAP) shared a presentation on the U.S. Army Corps of Engineers (Corps) proposed release of water from the Alamo Dam, which CAP has been actively pushing back due to the impact to the CAP system as well as to the Colorado River water. Note: since this agenda's publication, this release is no longer proposed; the Alamo Dam release began on Monday.

Mr. Shapiro explained that the Alamo Lake and Dam are operated by the Corps and that releases from the Dam run down the Bill Williams River, which is right next to CAP's Lake Havasu intakes. He said previous Alamo Dam releases have caused significant turbidity and Total Organic Carbon (TOC), creating problems for the CAP as well as AMWUA cities' and other cities' water treatment facilities.

Mr. Shapiro highlighted a timeline of CAP's actions in response to the proposed Alamo Dam release:

- December 14, 2017: CAP commented on proposed hydrograph, including statements that the release does not follow the Corps' 2003 Water Control Manual and the release could have significant impacts to CAP and CAP's water user, suggestions of different times to schedule the release, and a request that specific dates for the release be announced so CAP could start planning. CAP did not receive a response.
- December 18<sup>th</sup>: CAP notified its water users of the proposed release and scheduled a meeting to discuss.
- January 8, 2018: CAP hosted a meeting of water users and received input and feedback.
- January 10<sup>th</sup>: The Corps released a Draft Environmental Assessment for the Alamo Dam Flushing Flow Release (Draft EA)
- January 31<sup>st</sup>: CAP formalized its operating and water quality monitoring plan.
- February 8<sup>th</sup>: CAP submitted a comment letter on the Draft EA to the Corps. Mr. Billingsley discussed that the Draft EA fails to comply with National Environmental Policy Act (NEPA) regulations.
- February 21<sup>st</sup> & 23<sup>rd</sup>: CAP coordinated with the Corps on the hydrograph.
- February 26<sup>th</sup> & March 6<sup>th</sup>: CAP shared the altered hydrograph and specific dates for the Alamo Dam releases (beginning March 12<sup>th</sup>) that were committed to by the Corps with water users via WebEx meetings. CAP shared the Corps' Final EA with supporting biological opinions and CAP's operational plan with water users via WebEx meetings.

Mr. Billingsley reported that there were still legal issues with the Corps' Final EA and, in turn, CAP filed a lawsuit on March 6<sup>th</sup> and Arizona Game & Fish Department (AZGFD) filed a lawsuit on March 2<sup>nd</sup>. He said both entities filed complaints alleging NEPA violations as well as filed motion for a temporary restraining order against the Corps. He added that AZGFD also filed separate claims challenging the Corps' violation of the 2003 Water

Control Manual. He reported that hearings were held last Friday for both cases and ultimately, judges found that each case did not meet its burden to show reparable harm. He said CAP will continue with their lawsuit and AZGFD likely will as well.

Mr. Shapiro stated that the Alamo Dam releases began on Monday and CAP is monitoring impacts through water quality sampling at Lake Havasu, which are being processed by the City of Phoenix. He said if water quality issues are found that CAP does not want to pass onto its water users, CAP plans to cut its pumping from Lake Havasu and to use water from canal storage and Lake Pleasant to meet demands for as long as possible. He added that CAP anticipates that could last from four to seven days, at which point water quality would improve or CAP would blend releases from Lake Pleasant with water pumped from the Colorado River. Mr. Shapiro reviewed CAP's webpage providing up-to-date information on releases from Alamo Dam.

Mr. Billingsley added that the Environmental Impact Statement (EIS) process has begun. He said the Corps is holding public scoping meetings for comments and he encourages CAP users to attend the meetings and send in letters expressing their concerns.

Mr. Weber asked what levels of turbidity and TOC CAP envisions will be delivered to the Valley water treatment plants. Mr. Shapiro stated that the feedback CAP received from the water treatment plants was that they can handle turbidity from 10-20 Nephelometric Turbidity Units (NTU) and CAP's goal is to keep turbidity in the 10 NTU range. He said CAP's primary concern is to mitigate risk so that the Valley does not receive water with turbidity and TOC.

Mr. Knudson asked what the total volume of the Alamo Dam releases will be. Mr. Shapiro said the total volume is approximately 30,000 AF.

### **C. Board Members' Updates**

The Management Board members were invited to report on water activities in their city/town.

**Gilbert:** Ms. Marlow reported that at the end of February, the Santan Vista Water Treatment Plant expansion was brought online, running 24 million gallons per day (mgd) with an ultimate capacity of 48 mgd.

### **D. Executive Director's Report**

Mr. Tenney reported that due to time constraints at last month's AMWUA Board of Directors meeting, staff was unable to share the analysis on water transfers. AMWUA plans to give this presentation at next week's Board meeting. He also said upon further review of the actual analysis and with receipt of additional feedback, AMWUA has revised the paper to be more

succinct and direct in addressing water transfers. He stated that the AMWUA Management Board members will receive a copy of the updated analysis.

Mr. Tenney said AMWUA has issued a request for proposals seeking a new financial and accounting consultant for the Association. He noted that proposals are due March 30<sup>th</sup> and that members are welcome to share the request for proposals as appropriate.

Mr. Tenney reminded members that the Non-Revenue Water Loss webcast will be held next Tuesday.

#### **E. Future Agenda Items**

Mr. Weber recommended that AMWUA track the Alamo releases and discharge and provide quick updates on water quality observed in the Valley and any impacts. Mr. Biesemeyer concurred with Mr. Weber and added that it would be good feedback on top of the information they receive from their operations staffs.

#### **F. Adjournment**

With no further items to discuss, upon a motion by Mr. Weber and a second by Mr. Biesemeyer, Mr. Artz unanimously adjourned the meeting at 11:04 a.m.