ACTION:  Adopt a resolution authorizing the Mayor to sign an agreement among the United States of America represented by the Secretary of the Interior acting through the Regional Director of the Lower Colorado Region of the Bureau of Reclamation, The Arizona Department of Water Resources, The Arizona Banking Authority, The Central Arizona Water Conservation District, the Gila River Indian Community, City of Chandler, Town of Gilbert, City of Glendale, City of Mesa, City of Phoenix, City of Scottsdale and the City of Tempe for the mitigation of reductions to NIA Priority Cap Water Under the Drought Contingency Plan (DCP). (Resolution No. R2019.60)

FISCAL IMPACT:  None

RECOMMENDATION:  Approve and authorize the agreement.

BACKGROUND INFORMATION:  Tempe is legally entitled to Non-Indian Agricultural Priority (“NIA Priority”) water from the Central Arizona Project (“CAP”) through various contracts, subcontracts and agreements with the U.S. Bureau of Reclamation (“Reclamation”), CAWCD, and other parties. On April 16, 2019, the President of the United States signed Pub. L. No. 116-14, requiring the United States Department of the Interior to implement the Colorado River Drought Contingency Plans, which includes the Lower Basin Drought Contingency Plan Agreement (“LBDCP Agreement”). The State of Arizona (“Arizona”), acting through the Director of the Arizona Department of Water Resources (ADWR), is a party to the LBDCP Agreement, which is designed to address falling elevations in Lake Powell and Lake Mead. The LBDCP Agreement requires reductions in Arizona Colorado River diversions at various Lake Mead elevations. Under the Agreement Regarding Lower Basin Drought Contingency Plan Obligations between the United States and CAWCD, CAWCD agreed to implement certain of Arizona’s reductions under the LBDCP Agreement, which will result in net reductions to available CAP Project Water.

This Agreement is intended to govern how the NIA Mitigation will be undertaken as part of the DCP Framework Agreement and shall become effective on the date on which all of the following have occurred: (a) this Agreement has been executed by all Parties; (b) the LBDCP Agreement has been signed by all parties to that agreement; (c) the Agreement Regarding Lower Basin Drought Contingency Plan Obligations has been signed by all parties to that agreement, and (d) the DCP Framework Agreement has been signed by all of the original parties to that agreement. This Agreement shall terminate on Dec. 31, 2026.

ATTACHMENTS:  Resolution and Agreement

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