

May 1, 2008

**Conference Call Summary
Colorado River Management Committee
April 28, 2008**

Participants: See Attachment 1

CONVENE - 10:00 a.m.

1. Proposed legislative amendments – John Shields introduced the topic, referencing e-mails sent by himself, Tom Pitts, and Leslie James. Dave Mazour and others reviewed the legislative history, including amendments to date (extensions and additional funding). The original language (which was not changed) called for a report to Congress by the end of FY 2008. Dave noted 3 issues before us: 1) the San Juan rock slide repair in critical habitat; 2) modification to capital construction (extending dates and increasing amount of funds to cover potential repair/rehabilitation/replacement costs of capital projects); and 3) use of power revenues (changing definition based on the report to Congress). Dave said the power users are concerned primarily with the third issue: they had envisioned that some time would elapse for review of the final report to Congress, and then amending legislation related to power revenues would be developed *after* that. Dave said it wasn't until the February Implementation Committee that CREDA learned the intent was to package all the legislative requests together. Leslie concurred and said she only became aware on April 7 of the legislative language addressing the recommendations in the draft report being submitted to Congress. John countered that the Committee has been talking about the authorization for additional capital spending authority since the Elkhead dedication in Craig last year. Tom Pitts suggested at the Implementation Committee meeting on February 6 that it would be good to package the power revenue portion with the other legislative amendments. Tom sent a draft of this legislation to Leslie on February 28 and she provided proposed changes on April 7 that included authority for providing funds to the Glen Canyon Adaptive Management Program (even though that program was not called out by name), but Leslie did not suggest any changes to the language implementing the Secretary's recommendations in the draft report. Leslie said she understood the legislative language would be agreed on before it went to Congress. Tom said her understanding was correct and apologized for not meeting that commitment. Tom thought it was okay to take the proposed legislation to Congress because it mirrored the consensus recommendations in the draft Secretary's report approved by the Implementation Committee, which is why he and Randy Kirkpatrick seized the opportunity to meet with Congressional representatives a few weeks ago. Tom suggested that we now focus on whether there are any substantive issues with the proposed language. Dave countered that he has concerns with the process; suggesting that the decision to move ahead with the proposed legislative amendments should have been a formal Implementation Committee decision. Dave asked how the legislation can be introduced based on a report to Congress that the Secretary has not submitted yet; Tom Pitts said the amendments are based on the consensus language that the Management and Implementation committees agreed to in the draft report to Congress. Randy Kirkpatrick added that although this legislation is on hold due to CREDA's concerns, some form of it (with or without reference to continued use of power revenues as outlined in the draft Secretary's report to Congress) will soon be introduced by the offices of the New Mexico delegation.

The Committee reviewed the 4/12/08 proposed draft legislative amendments. John referenced the brochures that outlined these changes. Leslie said she would have liked to have reviewed these before they were distributed; Tom Pitts and John apologized for this oversight. John added that he would be happy to work with CREDA to address Glen Canyon funding concerns, but that he doesn't believe the current proposed legislative amendments are the right place to address it. Dave said they believe the Glen Canyon funding is relevant because also would come from the Basin Fund. Brent observed that several activities are supported by the Basin Fund, including the salinity program. Tom emphasized that we're simply trying to implement the consensus recommendations of the Management Committee and do that while we have strong support in this session of Congress. Randy Kirkpatrick noted that he has asked his Congressional contacts for one more opportunity to review the language after it is returned from legislative drafting and before it is introduced. Leslie James asked about the Administration's position; Tom and others replied that the Administration won't take a position until the legislation is introduced. At Leslie's request, Tom Pitts outlined the visits he and Randy Kirkpatrick made to Congress the week of April 14 with regard to the proposed legislation (to which they received a positive response). Leslie asked if there are any PAYGO issues with the proposed amendments; John Shields said he's discussed this with Kiel Weaver who said he doesn't know if there are issues or not; we'll have to get it introduced and have CBO review it. Leslie raised a question about the extension to 2023, and continued power revenues beyond that point. Tom and John clarified that the proposed amendments do not change the "except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring" language. Leslie noted that the CRFP power contracts terminate in 2024, but she doesn't know what effect that would have. With regard to the CWCB loan language, Tom said they met with Colorado and everyone is clear that this is still a CWCB *option*, and not a mandate. Leslie said she has no issue with the loan language. Dan Luecke said the environmental groups have always had some concern with the rock slide repair portion of the legislation, but they certainly do not want to see Glen Canyon added to this legislation. However, Dan said he believes we do need to address concerns CREDA has with the process. Robert King said Utah is okay with the proposed legislation. Tom Blickensderfer said Pitts had briefed Colorado Department of Natural Resources staff and Colorado Water Conservation Board staff. Support was voiced for the legislation at the briefing.

Leslie James asked when the draft report to Congress would go forward; Randy Kirkpatrick said he has a call in to Bob Johnson about that; Bob Muth said the report is in Interior's Office of Congressional Legislative Affairs (OCLA) awaiting final surnaming by Reclamation (note: shortly after this call, Bob Muth was told that the report had cleared Reclamation and was in OCLA for transmittal to OMB, but this has not yet been confirmed).

The question was posed whether anyone had specific concerns with anything in the 4/12/08 draft language. No one objected to the language (subject to review of any re-drafting by Congressional staff). >Tom Pitts will check in with Western Area Power Administration on the 2023 date in the draft legislation, then >John Shields will inform the Congressional staff that we've reached consensus on the 4/12/08 draft. >Randy Kirkpatrick will advise the New Mexico delegation that they can send this draft legislation forward for legislative drafting.

2. The Committee's next meeting is June 4 in Denver at the Country Inn and Suites near DIA from 9:30 a.m. to 3:30 p.m.

ADJOURN – 11:30 a.m.

Assignments

1. Tom Pitts will check in with Western Area Power Administration on the 2023 date in the draft legislative amendments.
2. John Shields will inform Congressional staff that we've reached consensus on the draft legislative amendments (4/12/08 draft).
3. Randy Kirkpatrick will advise the New Mexico delegation that they can send the 4/12/08 draft forward for legislative drafting.

Participants

Colorado River Management Committee Conference Call April 28, 2008

Management Committee Voting Members:

Brent Uilenberg and Tom Ryan	Bureau of Reclamation
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
John Reber	National Park Service
Tom Blickensderfer	Colorado Department of Natural Resources
Dave Mazour	Colorado River Energy Distributors Association
Dan Luecke for Tom Iseman	The Nature Conservancy
Robert King	State of Utah

(The U.S. Fish and Wildlife Service's Management Committee representative was not available for this call.)

Nonvoting Member:

Bob Muth	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
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Others

Leslie James	Colorado River Energy Distributors Association
Randy Kirkpatrick	San Juan Water Commission
Carol DeAngelis	Bureau of Reclamation
Jana Mohrman	U.S. Fish and Wildlife Service