

**MINUTES  
of the  
EXECUTIVE COMMITTEE MEETING  
of the  
WESTERN STATES WATER COUNCIL  
Red Lion Hotel on Fifth Avenue  
Seattle, Washington  
June 7, 2012**

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**MEMBERS AND ALTERNATES PRESENT**

<b>ALASKA</b>	--
<b>ARIZONA</b>	--
<b>CALIFORNIA</b>	Jeanine Jones
<b>COLORADO</b>	Jennifer Gimbel
<b>IDAHO</b>	Jerry Rigby
<b>KANSAS</b>	David Barfield
<b>MONTANA</b>	--
<b>NEBRASKA</b>	Brian Dunnigan
<b>NEVADA</b>	Roland Westergard
<b>NEW MEXICO</b>	Scott Verhines Maria O'Brien
<b>NORTH DAKOTA</b>	Todd Sando
<b>OKLAHOMA</b>	J.D. Strong
<b>OREGON</b>	Phil Ward
<b>SOUTH DAKOTA</b>	Garland Erbele
<b>TEXAS</b>	Weir Labatt
<b>UTAH</b>	Norm Johnson

**WASHINGTON**

Maia Bellon

**WYOMING**

Pat Tyrrell

**STAFF**

Tony Willardson  
Nathan Bracken  
Sara Larsen  
Cheryl Redding

**WELCOME AND INTRODUCTIONS**

WSWC Chairman Weir Labatt welcomed the Executive Committee members and Committee Chairs.

**APPROVAL OF MINUTES**

The minutes of the meeting held March 15, 2012 in Washington, D.C. were moved for approval. The motion was seconded, and the minutes were approved without change.

A couple of housekeeping items were discussed. First, the reception of the briefing book in digital format, rather than hard copy. For the first time, we provided our meeting briefing book materials electronically, and posted a link to the briefing book on our website in advance of the meetings. Hard copies of the briefing books were mailed to those requesting them in advance, and the remainder picked up their briefing books at the meetings. Several Council members commented that they were pleased with the new procedures.

Secondly, Tony asked about the meeting format, where all of the meetings are scheduled consecutively, with no overlapping meetings. It cuts down some on the amount of time available in each committee. This allows everyone the opportunity to attend all of the meetings. A few in the room commented that they like the schedule with no overlapping meetings. Tony said he will endeavor to continue to follow this schedule.

**REPORT ON BUDGET AND FINANCES**

Pat Tyrrell referred members to Tab D in the briefing materials. The Council's finances are pretty solid. The organization has continued to operate essentially without backfilling Tony's position. In addition, we have pulled in grant monies from WGA and other contracts. We also receive sponsorships and symposium fees that keep the Council's financial position sound.

This year, Kansas came through with their state's full membership dues. Washington is looking to pay full dues for FY2012-2013. We are still seeking some sort of action from Alaska. That question is

open. Only Nevada will remain as an Associate Member. Roland indicated that Nevada will put in a request for full membership in its next budget cycle, but whether or not that is successful remains to be determined.

In terms of the Council's income, there has been an increase in contract dollars, compared to the FY2012 budget of \$45,000. We are now looking at \$165,000, which will largely pay for Sara Larsen. She is doing a very good job. There will be somewhere in the neighborhood of a \$78,000 gain to the cash reserves at the end of this period. Because of the conditions of a number of states, we did not discuss any increase in dues this fiscal year. The projection includes no funds from Alaska, so anything we might receive from Alaska would be a bonus.

Reserves in the current year (FY 2012-2013) would be about \$349,000. We have an annual budget of about \$675,000, so the reserves are about one-half year's operating budget.

Tony may wish to discuss needs for new office equipment in the coming year, which would include a new laptop for Tony, and potentially a new copy machine. There is money in the budget to cover these items.

We have received money from California for symposium contributions. We are fully funded for obligations of staff when it comes to severance liabilities, if we should face that. Following Craig's departure, we had liabilities that were unfunded. Since that time, a sinking fund was established, and that fund is now fully funded.

Tony has done a lot of work, and Pat thanked him and staff for managing well our budget.

Weir stated that it is remarkable that we have had one less staff member for three years, and they have been able to do a fabulous job with reduced personnel. We are very appreciative to all of the staff for their phenomenal efforts.

Weir also thanked all of the states for working hard to come up with their full membership dues. It is really critical in order for the organization to stay afloat. Those states that have been struggling, thank you for making it happen. The key is whether or not you are getting value out of the organization. Hopefully, you are getting value out of your contributions.

Tony has had discussions with Alaska's Governor's WGA Staff Council member. A letter was sent to Governor Parnell last week asking for them to make a decision regarding their membership in the Council. Alaska participated for a number of years as a full member, and then dropped to associate member status. They quit paying dues under an executive order of the Governor that prohibited any payment of dues to a multistate organization. This occurred in about 2003 or 2004. We received a payment for one-half of the associate membership dues (\$7,500), which came from Christopher Estes' budget from the fisheries program. This amount was not matched from the Department of Natural Resources. This occurred in about 2007-2008. As you will recall, initially it only took a request from a governor to obtain membership in the Council.

We amended our rules of organization recently to provide the following:

(5) The Executive Committee of the Council shall set annual dues for Council participation and may, by unanimous vote, confer the status of Associate Member of the Council upon states it deems eligible. Associate Membership may be granted for a period of up to three years, during which time a state's appointed representatives may participate as observers in Council activities and receive all information disbursed by the Council. However, Associate Member states shall have no vote in Council matters. The Executive Committee shall, through regular Council voting procedures, establish the appropriate level of dues for Associate Member states. In addition to determinations concerning Associate Member states, the Executive Committee may, when appropriate, authorize and establish fees for participation in Council activities by non-member states and non-member state representatives (non-members).

(6) If any state fails to pay the appropriate level of dues established by the Executive Committee of the Council, the privileges afforded by virtue of its membership to participate in Council activities and to receive all information dispersed by the Council may be withheld pending the payment of dues, beginning at the start of the fiscal year following the delinquency.

Thus, it was a great time to communicate with Alaska and let them know that all of our members are current on their dues, and that if Alaska would like to continue to be listed as a Council member, that they need to make a decision and let us know. Christopher Estes has met recently with some of their legislators as well as others, and he has circulated the Council's letter widely and encouraged participation. Gary Prokosch has retired. In his exit interview with his boss, he recommended that they participate with the Council. Obviously, Alaska and Hawaii have some challenges in trying to make our schedule and travel. Alaska has been sent an invoice for \$30,000, and we'll wait to find out what kind of response we receive.

Pat moved that the Council adopt the FY2012-2013 budget. The motion was seconded. The following items were mentioned for discussion.

For the sake of disclosure, Weir stated that the Management Subcommittee had talked on several occasions. They decided to give an increase in salary to the Council staff, including Tony. The staff has not received raises in several years. The increase averaged to about 3%. Adjustments have been made to the budget for the upcoming Fiscal Year, and will go into effect as of July 1, 2012.

Pat Tyrrell noted that the Council staff is doing the work of 4-5 people with just 3-4 people at the current time. Given the workload that the staff has shouldered, it seemed that they had earned a modest bump, even though we understand that not all of the states can give increases at this time.

The budget was approved and adopted as proposed.

### **PROPOSED AND SUNSETTING POSITIONS**

The proposed and sunseting positions are being handled in their respective committees.

## **WGA/WSWC ACTIVITIES**

Tom Iseman with WGA was unable to attend this meeting as he and his wife are expecting a baby. We miss Tom's attendance.

Tony Willardson announced that the WGA Staff Council will meet this weekend, and Tony will meet with them. He turned members' attention to Tab V. In response to questions from governors' staff, WGA reformatted their own work plan and budget. The first page under Tab V is WGA's water resource item. Their budget for this effort is about \$350,000, a good portion of which is the DOE contract in which the Council is participating as a sub-contractor. The ready reserve is unrestricted funding. The private grant amount is the work on the innovative water transfers project being funded by the Walton Foundation, and this is another project in which the Council is participating. The areas WGA has highlighted for water include infrastructure, water transfers, data for decision making and working on partnerships.

The second page is a one-page bullet point summary of WSWC activities for the Governors' meeting briefing books. Although water is not on their agenda, the Staff Advisory Council will be talking about it. We note in the summary our water reports, the WestFAST team, the reports Nathan has completed with your assistance that have been published in law journals on exempt wells and also on water reuse, and our continuing efforts to develop a toolbox in the area of water transfers for members to consider for their use.

**Jerry Rigby:** Do we need to read anything into the fact that water is not on the Governors' agenda? Does it not have the focus that it used to, and for our purposes, needs to?

**Tony Willardson:** Tom Iseman is concerned that there is not as much focus on water. To some extent, I think it is that we are doing a good job, and so it is not high on their priorities list. I believe water is something that we need to keep in front of the governors.

Tony believes it is important to complete a 2012 Water Report. Governor Herbert from Utah, who will be the incoming WGA Chair, has as his primary theme, energy. The WSWC is doing a lot on water and energy, and thus, it may be easier to get it on his agenda. As the Staff Council discussed the areas they wish to focus on, they said that water is one of Governor Hickenlooper's top five issues. Water will continue to be important, but given healthcare, jobs, economic development, and so forth, there are many other issues before the governors right now. It behooves the WSWC members to have contact with their governors and to continue to raise the importance of water issues with them.

**Jeanine Jones:** As a precautionary note, some of you may know there's the Border Governors Water Work Table, which is an organization of ten border states. After the last election, there was a significant turnover among the U.S. border governors, and that organization has cratered. Scott may not even know that he is on point for being Chair of the Water Table this year? If we don't keep things in front of them, it is really easy for them to forget.

**Scott Verhines:** No, I did not know that. I do know that New Mexico is hosting the Water Table this year.

**Maia Bellon:** Ted Sturdevant, is the Director, the gubernatorial appointment to our Department of Ecology, and water is in his top five priorities. He is very engaged. The Governor has told him that water needs to be a top priority.

**Phil Ward:** Maybe the most practical mechanism for us, aside from through Tom Iseman, who I am sure is making every effort he can, is through our own representatives to the WGA Staff Council. After hearing this discussion today, I would plan to go back and make an appointment with my representative to the Staff Council in our Governor's Office and talk about our intention to do an update to the Water Report to the governors. I would encourage us all to do that as we have opportunity, to raise this issue with folks on the Staff Council.

**Tony Willardson:** If you're not sure who your WGA Staff Council representative is, there is a list included at the end of Tab B in the briefing books.

There are eleven new governors in the Western Governors' Association, so they are getting educated. The WGA is changing their Executive Director as Pam Inmann announced her retirement. They went through an initial application process and had 25 applicants. Two or three top candidates were interviewed by the governors, and the governors determined they wanted to start over with a search firm. Some of the folks have been encouraged to reapply. They are thinking the process will take 3-4 months to complete.

**Weir Labatt:** Following on Phil's comments, we need to update the Water Report to the governors. Even if it becomes 2013, I don't believe it really matters, but we need to then present it to the governors and request 30 minutes of their time to be on the agenda to present the report. We need to put the heat on them a little bit. We've done our job and we would like an audience.

**Scott Verhines:** As one of the new kids on the block, a message I've been using now that I sit on the cabinet, and listening to all of the other departments talk about their programs, a light bulb went off to me that water is an element of almost every one of those other areas: agriculture, economic development, tourism, environment department, education, etc. I have continued to use that message in my dealings with the Governor and her staff. I believe they are starting to think differently about water as a result. It is probably self-evident to everyone here, but it made an impression on me.

**Tony Willardson:** In the Staff Council discussions, and I believe it shows up in the one-page document, first they feel that sometimes the positions brought to the governors have had too much detail for the governors to address, and similarly with some of the reports that have been done. That might include our 2008 Water Report. It had 42 recommendations that were pretty detailed as to what states should do and what the federal agencies should do. They are not as prone now to take those documents and adopt them as a policy statement. They are more inclined now to accept those reports as products of the organization or the staff and they are looking to shorten their resolutions. Currently, the past water reports are no longer considered WGA policy. WGA policies sunset after three years, so the 2008 Water Report sunsetted last year. As you will recall, last year the governors adopted two separate resolutions, one on water quality and one on water resources to try to amalgamate all of that, and renew some of the basic principles. Each of those resolutions ran about 6-8 pages. The WGA Staff Council is looking for much more short and concise documents that the governors can support.

Roland may be the only one with the background to remember that at the first WSWC meeting Governor Sawyer spoke. One of the things he said was that the Council was intended to be a continuing organization as the governors are not. The reference there was that the governors have a limited political term, while the Council was anticipated as an institution that would continue to address water issues that go on sometimes for decades. WGA is struggling with determining what level of specificity the governors wish to participate with respect to such issues as water.

Governor Herbert will be the new WGA Chair. I'm hoping we can get time on the WGA's mid-Winter meeting agenda in which we could present our 2012 Water Report.

### **FY 2012-2013 WSWC AND WESTFAST WORKPLANS**

Weir focused members' attention on the work plan under Tab G in the briefing book. The Executive Committee work plan envisions that we would complete the 2012 Water Report, which would be based on our Vision and principles.

Tony noted that Dwane Young's tenure as our WestFAST liaison will be expiring in October. He and his family will be returning to the Washington, D.C. area. The agencies are beginning to recruit for a new liaison. WestFAST has determined that they wish to rotate the liaison position among the agencies, thus, EPA and Reclamation are not actively recruiting. Each of the federal agencies pays a portion of the liaison's salary. The home agency from which the individual comes ends up paying a larger portion, and they end up dealing with a lot of the details. The WSWC budget does not cover any of the liaison's salary, nor travel. The WSWC provides office space and a computer.

Weir entertained a motion for approval of the Executive Committee's work plan, which is under Tab G in the briefing book. Phil Ward moved approval. Jerry Rigby seconded the motion. There was no discussion regarding the items in the work plan. The FY2012-2013 Executive Committee work plan was unanimously approved.

Tony noted that the WestFAST work plan is located under Tab J in the briefing book. It focuses on the work that the Council is doing on water data and infrastructure. The WestFAST work plan is drafted by the WestFAST team in coordination with the WSWC's work plans. A major area the WestFAST team is going to focus on is working on principles for collaboration with the states. This work plan is just for Council members' information, and is not approved by the Council.

Weir commented that WestFAST has been a wonderful addition in support of the Council's efforts. They have brought a different dimension to the Council's coordination with the federal government. The twelve federal agencies are beginning to understand what each of them do among themselves, and that has not always been the case.

Jeanine remarked that last week she had an interview with a GAO panel, which was investigating the ability of NOAA, DOI and USDA to work together on climate related issues. The interview began with a discussion of the federal agencies. Soon thereafter, WestFAST and the Western States Water Council was brought into the discussion. They inquired how the Council views the progress of these three federal agencies? Soon enough, it appeared that the interviewer was more or less trying to grade the

Council's performance. She asked if she could track from a WSWC policy statement on our website, a particular action or outcome, etc. It was an interesting discussion.

### **WSWC 2012 WATER REPORT/VISION STATEMENT**

The 2012 Water Report, as well as the Vision Statement were discussed during the Water Resources Committee. A recommendation will come forth during the Water Resources Committee's report to the Full Council tomorrow.

### **FUTURE WSWC/WGA MEETINGS**

There are two upcoming meetings being sponsored by California, one on extreme weather events to be held July 30 through August 1, and a second on NIDIS reauthorization to be held in September. The Fall Council meeting will be held in San Antonio.

Jennifer Gimbel raised the question of the 2013 meetings. Wyoming and Colorado are scheduled to host the Spring and Summer meetings. Jennifer Gimbel and Pat Tyrrell will meet together and work out the schedule.

### **FALL 2012 MEETING SUNSETTING POSITION**

There is only one position scheduled to sunset in the Fall. This is position #320 which urges the Administration and the Congress to give a high priority to the allocation and appropriation of sufficient funds for federal water and climate data collection and analysis programs.

### **OTHER MATTERS**

Lastly, Weir mentioned a meeting he attended last February sponsored by the Clean Water Alliance in Washington, D.C. Weir attended the meeting to try to protect the Council's position of being a states' rights primacy organization on water issues. There were about 50 different organizations that attended, which included a few federal agencies. Weir did not get a sense that there was any unanimity.

The Clean Water Alliance has attempted to draft a memorandum of agreement to get each organization to sign. A month or so ago, they sent out a statement of collaboration, and asked for signatures. Weir talked to Tony about this matter. Weir ended up explaining that the Council is an arm of the Western Governors' Association and that they Council did not feel they could sign the agreement of collaboration, but that the Council would be glad to participate in the future. Weir did not understand where this group was going to head with this agreement. He felt that doing nothing was better than jumping into something without approval. Weir has not received any feedback as to the response of the other organizations to this collaborative agreement.

Pat Tyrrell remarked that absent the Council's concurrence at the time, he believes Chairman Weir Labatt made the correct decision.

Roland Westergard asked about the letter the Governors wrote to the Secretaries (attached). He wondered if the Council could parlay this into some communication.

Weir next commented on the Council's actions with respect to the California San Joaquin legislation. The Council received a lot of attention due to the actions taken in this regard.

There being no other matters, the meeting was adjourned.