

MINUTES
of the
EXECUTIVE COMMITTEE
Crystal Gateway Marriott
Arlington, Virginia
March 15, 2018

Table of Contents

Welcome and Introductions	4
Approval of Minutes	4
Report on Budget and Finances	4
Proposed/Sunsetting Positions	5
Western Governors’ Association (WGA) Water-Related Policy Resolutions	5
Nominating Subcommittee	5
Executive Director’s Report/WSWC Activities and Events.....	6
WestFAST Liaison Position/Transition/Alternatives	7
Future WSWC Meetings.....	9
FY 2018-2019 Executive Committee Work Plan	9
State Engagement with Federal Partners: Topics and Strategies.....	10
Summer 2018 Meeting Sunsetting Positions	11
Other Matters	11

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MEMBERS AND ALTERNATES PRESENT

ALASKA	David Schade
ARIZONA	Einav Henenson
CALIFORNIA	--
COLORADO	--
IDAHO	Jerry Rigby
KANSAS	Tracy Streeter
MONTANA	Tim Davis
NEBRASKA	--
NEVADA	Jason King
NEW MEXICO	Tom Blaine
NORTH DAKOTA	Jen Verleger
OKLAHOMA	Julie Conningham
OREGON	--
SOUTH DAKOTA	Kent Woodmansey
TEXAS	Jon Niermann
UTAH	Eric Millis
WASHINGTON	--
WYOMING	Pat Tyrrell

STAFF

Tony Willardson
Michelle Bushman
Sara Larsen
Cheryl Redding

WELCOME AND INTRODUCTIONS

Jerry Rigby, Chair of the Executive Committee, called the meeting to order, and requested introductions be made around the room.

APPROVAL OF MINUTES

The minutes of the meeting held in Albuquerque, New Mexico on October 19, 2017 were moved for approval and seconded. There was no discussion, nor additions or subtractions. The minutes were unanimously approved.

REPORT ON BUDGET AND FINANCES

Tim Davis reported that there are a number of budget highlights. He began with an announcement that the Management Subcommittee agreed to give the staff 2% raises. He noted it would be great to be able to give more. Some of the states were about to give higher percentages, and yet others such as Montana have only received 1% salary increases. This change is reflected in the budget.

He continued and pointed out that looking at the FY2017 budget as opposed to the actuals, there have been increases above what was anticipated in EPA Exchange Network grants, a fairly significant increase in California contracts over what had been included in the proposed budget. With respect to income versus expense estimates for FY2018, we will end up being about \$27,000 in the black and with reserve funds of \$224,000. There were no big surprises in the negative. With respect to the EPA Exchange Network grants, there are some states that have funds that will not be able to fully utilize those funds and the WSWC will try to use them.

Tony Willardson mentioned that the Committee has met and discussed dues assessments and the potential of raising dues. We have been able to continue to delay any increases because of the contract work with the EPA Exchange Network (EN) and funds from a California EN grant. We will have about \$75,000 left in the next fiscal year to complete some work on the EN grant with California.

The Water Foundation has approached us with a significant grant for funds to help get more of the state databases into WaDE. The contract is quite open in terms of the timing on receipt of the funds. They are offering about \$340,000, with the opportunity that if we can show good progress, there may be additional funds extended. We hope to have the contract signed by the end of March. We will report back at the August meetings.

Tony added that the projections in the budget are rough, and that adjustments may be made. Jerry commented that what he loves about WaDE is that it is becoming the standard. Web services are the norm.

Tim remarked that the states of Washington and Kansas have yet to pay their FY2017-2018 dues. Tony stated that the state of Washington has always paid and he will be contacting them. Kansas has indicated they will make their payments. We are still hoping that Alaska may be able to pay dues, but the budget is predicated on 17 states without Alaska's funds. Additionally, temporary staff may be hired to help with the work being funded from the Water Foundation.

Jerry called for a motion to approve the FY2018-2019 budget. A motion to adopt the proposed budget was offered by Pat Tyrrell and seconded by Jon Niermann. There was no further discussion. The Executive Committee approved the proposed budget for the coming fiscal year.

PROPOSED / SUNSETTING POSITIONS

The Water Resources Committee has already moved that three positions be forwarded to the Full Council for adoption, as well as two sunseting positions, #378 and #379. The Legal Committee discussed sunseting position #380 during their committee meeting, and has recommended it be readopted. There was no further discussion.

WESTERN GOVERNORS' ASSOCIATION (WGA) WATER-RELATED POLICY RESOLUTIONS

Tony Willardson had reviewed the WGA's water-related policy resolutions earlier during the Water Resources Committee meeting. Please be sure to work with your WGA Staff Council member if you have any concerns or wish to suggest any changes.

NOMINATING SUBCOMMITTEE

Pat Tyrrell reported that going into the Summer meetings it will be necessary to nominate an incoming slate of officers. Presumably at the August meetings, Mr. Rigby will become the Past Chairman. For those who may not be familiar with the process, Pat noted that the

Nominating Subcommittee recommends moving the Vice Chair to be the Chair, the Secretary/Treasurer to be the Vice-Chair, and the nomination is for an incoming Secretary/Treasurer. The Nominating Subcommittee is made up of Roland Westergard and Hal Simpson. It is presumed that Jerry Rigby will be working with Hal and Roland before the Summer meetings to recommend a name for the incoming Treasurer. In the past, the nominations consisted of looking at which states have not held management positions for a number of years. States that have more recently held a Chair position will be looked at less than those that have not. Also, they try to consider if a state's WSWC representative will be retiring or moving on before the end of a six-year rotation. There is not a real formula.

Pat Tyrrell asked that anyone who may be interested or would like to be considered for the Secretary/Treasurer position please send him an email.

EXECUTIVE DIRECTOR'S REPORT/WSWC ACTIVITIES AND EVENTS

Tony Willardson noted that a list of some of the activities since our last meetings are included in Tab T of the briefing materials. Michelle already described the Washington, D.C. meetings of the Ad Hoc Group last October.

The Western Governors' Association will be meeting in June in Rapid City, South Dakota. Tony has regular calls with Ward Scott, WGA Water Program Advisor. Tony has met recently with the WGA and participated in a State and Local Governments Association Summit.

Tony continued by mentioning meetings that Sara has attended and also presented about WaDE. Thus, the word on WaDE is getting out there. This is part of our outreach, and is funded as part of the Exchange Network grants.

Tony continued relating items listed under Tab T in the briefing materials, and mentioning the upcoming NOAA NIDIS Executive Council, which will be held in Washington, D.C. in April. This includes federal and state people planning to address drought, which seems to be always somewhere in the West.

The WSWC held a Water Information Management Systems (WIMS) Workshop in January at NASA JPL in Pasadena, California.

With respect to other coordination, WSWC staff attended the ICWP meetings in Maryland; AWRA; Michelle attended the National Association of Clean Water Agencies (NACWA) law seminar last November, and will be attending the ABA Water Law Conference in Orlando, Florida in April.

Tony attended the Western Regional Partnership (WRP) annual meeting last November. It is a group of Department of Defense and other federal agencies, as well as southwestern States, primarily focused on maintaining military readiness by protecting the resources available to

military bases. Folks may be surprised to learn that about 70% of the military reservations in five WSWC member states are for the Army, the Air Force and the Marines.

Mr. Bartell with the Department of Justice, who is attending these meetings, has participated in some of our WestFAST webinars, including one on the McCarran Act Amendment, with multiple federal agencies. Tony has found it interesting how many federal agencies haven't heard of the McCarran Act Amendment, and are unaware of the fact that they have to adjudicate their water rights in state court. In preparing remarks for that webinar, Tony learned some history about the Amendment that related to Camp Pendleton in California. The U.S. Government purchased property which included certain water rights and a permit for water use with the land. Because of some concerns by the local communities about their continuing water supply, they approached the Department of Defense (DOD) about participating in the construction of a small water storage project. The DOD thanked them and said they had all the water they needed. However, their rights had not been adjudicated. A U.S. Senator said he would find out what rights they held, and this led to the McCarran Act amendment. This was an interesting caveat.

Additionally, Tony attended the Colorado River Water Users Association annual conference last December.

WestFAST LIAISON POSITION/TRANSITION/ALTERNATIVES

Tony Willardson commented that it has nearly been ten years since WestFAST was formed. Roger Pierce will be leaving the WestFAST Liaison position in September, and he will be retiring from federal government service. We will miss his presence, and unfortunately, for the WSWC, Roger will not be going back to the federal family, as have former liaisons Pat Lambert and Dwane Young. The Western Federal Agency Support Team (WestFAST) is beginning the recruiting process and looking at how to secure funds to support the position. There are a number of federal agencies that have not yet been represented by a liaison, including NASA and the FWS.

Since its inception, the position has been a two-year detail in Salt Lake City. One complicating factor has involved the pooling of resources from the federal agencies to fund the position. NOAA has participated and made financial contributions for six years, but their attorneys raised concerns with respect to the legalities of the funding process. It has been suggested that perhaps an alternative method to fill the position may be for the WSWC to consider hiring someone on assignment through an Intergovernmental Personnel Act (IPA) agreement.

In addition, questions have arisen as to whether or not the liaison must be housed in Salt Lake City. The WSWC Management Subcommittee has discussed options and alternatives. We would not preclude consideration of someone, if they could do the job, and not be in the WSWC offices in Salt Lake. For obvious reasons, the day-to-day interactions with the liaison have been

tremendously beneficial. We'll explore all of the considerations as the hiring process moves forward.

Discussion

Julie Cunningham: Is there an opportunity for the WSWC members to weigh-in as to which specific agency we may want to receive some expertise from that would be more relevant than others?

Tony Willardson: Tony commented that typically a small group looks at the applicants. We would welcome any suggestions you may have. He noted that former liaisons have included Dwane Young who worked on migrating EPA's water databases from the STORET system. Data migration skills were helpful at that time. His expertise helped us build the architecture for the WaDE program. Having him in-house for a couple of years was immensely useful. Roger Pierce, whose home agency in NOAA is the National Weather Service, has worked with Jeanine Jones on sub-seasonal to seasonal precipitation forecasting and with drought. It has been helpful to have involvement from NOAA and the National Weather Service. Pat Lambert's home agency was USGS, and he was the most immediate former liaison. Pat [Tyrrell] has suggested there is a bit of a disadvantage not hiring someone as the liaison who has a usable part of their career ahead of them.

Pat Tyrrell: On bringing in a new WestFAST Liaison, one of the things the Management Subcommittee discussed was the fact that there is a little bit of a disadvantage to hiring someone like Roger Pierce, who will be retiring and will not be taking his work experience and knowledge of the Council back to his home agency. Pat Lambert and Dwane Young have been able to do that. Our first liaison, Jonne Hower, retired not long after her two-year detail. We believe it is important to have someone who can take this experience back to their agency and help people understand what the WSWC does and how they can support our efforts.

Tony Willardson: Yes, actually, while the liaison is of benefit to the WSWC member states, I think to a certain degree, it has been more beneficial to the federal agencies. It has helped them to be able to talk to each other.

Jerry Rigby: That is so true. When I first started with the WSWC, I attended meetings where they were considering a US agencies' water vision statement. They were going to come out with a water statement for the entire United States. The part that surprised me the most was that the agencies themselves did not agree with each other. I thought it was going to be the United States versus the states, but it wasn't. It was the federal agencies versus each other. The States declared the federal agencies were not going to make water policy for them. The thing that came out of this exercise was that the federal agencies recognized that they needed to do a better job of coordinating with each other. I think WestFAST has done that.

Julie Cunningham: I believe the beauty of WestFAST is that the federal agencies have learned how to coordinate better. Having them focused on not only their own missions, but looking at

things from a state's perspective or private perspective is the beauty of it, and bringing them to the table.

FUTURE WSWC MEETINGS

Chairman Jerry Rigby noted the upcoming WSWC and California Department of Water Resources workshop on sub-seasonal to seasonal precipitation forecasting set for May 14-17 in San Diego, California. The Summer Council meetings will be held in Newport, Oregon on August 1-3, 2018. Idaho's meeting in October will be in Coeur d'Alene. It is most convenient to fly into Spokane, Washington and then cross the border. Cheryl Redding will notify the Interstate Council on Water Policy, the Western State Engineers, and the National Water Supply Alliance of the Fall WSWC meeting dates once they are determined.

FY2018-2019 EXECUTIVE COMMITTEE WORK PLAN

Jerry Rigby referred members to Tab K in the briefing materials for the coming fiscal year's work plan. He commented that there are not many modifications, but went through each item on the Executive Committee's work plan.

Jerry noted that with respect to WGA coordination and collaboration, we are basically saying, the WSWC is here and we are willing to work with you. Jerry feels there is perhaps less communication from WGA to the WSWC than when he was first appointed as a representative.

Tony feels like WGA is establishing their own brand. Tony has likened the WSWC group to the governors' cabinet. There is still the White House and the Office of Management and Budget. Member states have to deal with their governors' offices. Many of the WSWC representatives have a greater or lesser channel with access to their respective governor. The Governors' efforts stem from changes at WGA that happened a few years ago, where issues were believed to be staff-driven. The WSWC tries to ensure that we don't get out ahead of our members or our governors. In years past, the WGA would have adopted policies recommended by the WSWC and they looked to us for comments. However, they now go directly through the governors' Staff Advisory Council (SAC) representatives, and they ask the WSWC to provide comments through SAC.

Item #2 is WestFAST. We just discussed how important WestFAST is to the WSWC. It is important to mark their 10-year anniversary. We hope that collaborative effort continues.

The third item is Federal Administration and Congressional Visits. Tony and Jerry made visits to Washington, D.C. Jerry made the comment that there is not an office you can go by, that Tony won't make you stop and go in. Tony works hard, and as a result of that, they all know him. One of the biggest problems with our travel budget quite frankly is that Tony has to

start saying no to invitations to discuss water issues. Every group that talks about water wants to have Tony address them. That's a good thing, but perhaps a little too good fiscally speaking.

Item #4 deals with the regular Council meetings.

Item #5 is the Newsletter. It is very valuable and many people have expressed the significance, the usefulness and timeliness of the information on various water resources topics.

Work plan item #6 is the Water Management Symposium. Tony mentioned that the topic for this symposium would likely be infrastructure. The symposium is contemplated to be held in November 2018. If anyone would like to work on infrastructure issues, please get in touch.

Tony shared some thoughts and noted some WSWC members may have attended a tour of the San Antonio floodway a few years ago, which at that time was being taken over by the local flood control district, with the promise of funding resources from the Corps forthcoming. Many entities are looking for answers and there may be some opportunities for block grants. For example, if you have a state, local, or even a private project, that has a benefit to endangered species, you could perhaps go to the federal government and get funding for that component of the project. There will be more multiple partners in some of these projects going forward.

STATE ENGAGEMENT WITH FEDERAL PARTNERS: TOPICS AND STRATEGIES

Jerry Rigby stated that this item is on the agenda so that each committee can discuss what topics to address with our federal partners as they join the meetings this week.

Tim Davis raised the notion of the marriage of new policy directions with funding. On the water quality side, there has been a disconnect between what the President's budget proposes versus what we are hearing from the Environmental Protection Agency. They have certain priorities that don't seem to line up on the policy side and the funding side. Tim will likely ask Administrator Ross about this at the meeting tomorrow. It's almost like there are two sides of the house making decisions and then not having consensus. It makes it confusing for us when we have a representative of the Administration telling us they want to set certain parameters such as drinking water and lead a priority, while at the same time cutting our funding for PEG for public water supply.

Kent Woodmansey voiced concern that this is just one example of them asking us to do more while giving us less. We're falling behind, and then when we want to not do something, it's almost impossible to get them to agree. They say it's not unfunded mandates, but that we are supposed to have been doing things all along.

SUNSETTING POSITIONS

Jerry Rigby stated that the Committee does not need to go into detail on these future sunseting positions now, but they are included on the agenda to make you aware and to put you on notice to review them for the next meeting. We will hold a conference call prior to the Summer meetings to determine if these positions should be retained or not. If there are any new policies or issues that need to be addressed, please raise them in time for the 30-day notice.

OTHER MATTERS

There being no other matters, the meeting was adjourned.