

MINUTES
of the
EXECUTIVE COMMITTEE
Wild Horse Pass – Gila River Hotel & Casino
Chandler, Arizona
March 21, 2019

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MEMBERS AND ALTERNATES PRESENT

ALASKA	--
ARIZONA	Einav Henenson
CALIFORNIA	Jeanine Jones
COLORADO	Amy Moyer
IDAHO	--
KANSAS	Cara Hendricks
MONTANA	Tim Davis
NEBRASKA	--
NEVADA	--
NEW MEXICO	John D'Antonnio
NORTH DAKOTA	Jen Verleger
OKLAHOMA	Julie Cunningham
OREGON	--
SOUTH DAKOTA	Kent Woodmansey
TEXAS	Jon Niermann
UTAH	Todd Stonely
WASHINGTON	Buck Smith
WYOMING	Pat Tyrrell

STAFF

Tony Willardson
Michelle Bushman
Sara Larsen
Adel Abdallah
Cheryl Redding

WELCOME AND INTRODUCTIONS

Jeanine Jones, 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 Coeur d'Alene, Idaho on October 25, 2018 were moved for approval and seconded. The minutes were unanimously approved with no discussion, changes, or additions.

REPORT ON BUDGET AND FINANCES

Tony Willardson provided an update on the status of the budget. Tony described the budget spreadsheet, noting that income is substantially more than our expenditures, largely due to \$290,000 from the Water Foundation and \$50,000 from the Mitchell Foundation. In total, we've received \$340,000 from outside funds this fiscal year. Staff is looking into hiring interns to work on the WaDE program this summer, so some of these outside funds would be used to cover their salaries and other expenses.

Additionally, the Moore Foundation has extended an offer of \$633,000 for work to support the WaDE program.

The Executive Committee is reviewing the FY2020 budget proposal to provide preliminary approval at this meeting, recognizing it will be revised for the July meeting. The budget will be brought to the Committee for vote at the Summer 2019 meetings.

Tony further described that within the last few years, the WSWC purchased office space. This purchase, as opposed to paying rent, saves about \$22,000 per year. We do pay property taxes and sales tax, avoiding any issues related to our status as a governmental entity.

Buck Smith asked how we are classified as a government entity. Tony explained that the WSWC is an instrumentality of each and every participating state, established to fulfill a number of governmental purposes on behalf of those states, including advising the governors on planning, conservation, development, management and protection of their water resources. Council membership is comprised of States with member representatives appointed by the Governors of each participating State. The activities of the Council are subject to the control and supervision of the Governors of member States through their appointed representatives. The Council is funded by dues from member States, set by the Executive Committee, which also controls expenditures. This is written into our by-laws as well. We are not a non-profit organization.

Buck then asked if Hawaii had been invited to be a member. Tony noted that they have been invited, and at one time were members. The time zone difference is a bit of a challenge for their participation via phone.

As Chair of the Committee, Jeanine sought a motion to accept the preliminary budget with the idea that it will be adopted at the Summer meeting. Pat Tyrrell seconded, and the motion was approved.

Jeanine noted that the Management Subcommittee had discussed internal staff salary increases, and Tony will receive a 2.5% increase to his salary, as has been given to other members of the staff for FY2019.

Tony remarked that any increases to the staff's health insurance through PEHP will be determined in June, and will be included on the next iteration of the budget.

With respect to the matter of membership dues, the WSWC has not raised dues since 2009. Looking to the future, the Management Subcommittee feels it may be worth discussing a dues increase. In addition, there has been discussion of the potential of hiring additional staff to handle program and policy.

Jeanine noted that there has been a budgetary salary savings by not filling Tony's former position on the staff following Craig Bell's passing. Sara's salary is based on soft money. Jeanine would like to see the additional policy position on staff filled, particularly since some transition planning will be necessary for both Tony and Cheryl's staff positions (as both are now eligible to retire).

The Executive Committee discussed a 10% increase in dues to get ahead of the curve, and not rely on Sara's salary being soft money. Tim Davis noted a 10% increase would generate \$54,000. The Committee agreed that the staff is a great team, but that eventually changes will need to be made. Tim commented that he is supportive of the structural balance, and remarked that the dues are equal for each state.

Wyoming will start their State budget process this summer. They will have enough money to cover a little more, but Pat Tyrrell expressed the State will not be “out of the woods” with their recent budget cut-backs. Finding money for education is the major thing in Wyoming.

Kent Woodmansey suggested sending a letter with the dues invoice to justify any increase and to explain what the organization does.

John D’Antonio suggested perhaps having the Western Governors’ Association (WGA) send a letter. Tony raised a little concern about seeking WGA’s promotion in this regard.

John D. moved for the 10% increase in dues. The motion was seconded and unanimously approved. A letter and dues invoice will be sent out in May of 2019 to include a dues increase for FY2020.

Tony then mentioned that the WestFAST Liaison position is vacant. John D. recently left this position. We’re not quite sure of the status of the position at this time. It is quite an ordeal to get all of the participating federal agencies to fund the position. John spent time in the WSWC offices, but the majority of his time was spent outside our office. It is our understanding that the WestFAST team may consider hiring someone from Reclamation to fill the vacancy.

John feels it is important for someone from the Department of the Interior (DOI) to be involved. If they could fund the position, that would likely work best. The matter of the agreements is unbelievably complicated. It makes more sense for one agency like DOI to fund the position.

Pat Tyrrell inquired if the WSWC will start looking for the additional policy position now, or what is the status of that?

Jeanine stated that this will be on the agenda for discussion at the Summer meeting.

SUNSETTING POSITIONS

Just prior to the this Committee meeting, the Water Resources Committee handled three positions that would sunset if no action was taken. The positions were originally adopted in March 2016.

- #389 - Translating Climate/Weather Science into Water Management Actions
- #390 - Rural Water Infrastructure Projects/Needs
- #391 - Renewable Hydropower Development

Position #389 was allowed to sunset. Two sunsetting positions were renewed with minor revisions. The first supports federal and state legislative and administrative actions to authorize and implement rural water supply projects and programs that enhance water supplies and

promote economic development, streamline permitting processes and protect the environment and taxpayers. The second position supports federal actions to authorize and develop reasonable hydropower projects and enhance renewable generation while appropriately protecting environmental resources and respecting States' 401 certification authority under the Clean Water Act (CWA).

WESTERN GOVERNORS' ASSOCIATION WATER-RELATED RESOLUTIONS

Tony noted that during their meetings last week, no new water-related policies were adopted. Tony reviewed some of the recent policy positions the Governors have advanced such support for treating states as co-regulators, and maintaining state Section 401 certification authority under the Clean Water Act.

Tony also commented that the WSWC no longer considered ourselves as an affiliate of the Western Governors' Association (WGA), but it behooves the members to make sure you stay in contact with your WGA State Council representatives. The WSWC tries to keep you informed of WGA actions and activities. Tony does feel the two organizations have a good working relationship.

EXECUTIVE DIRECTOR'S REPORT/WSWC ACTIVITIES AND EVENTS

Tony Willardson referred members to Tab M in the briefing materials, as he reviewed activities and WestFAST agencies' coordination, as well as WaDE efforts.

Tony will be speaking at the American Water Resources Association meetings in March. Michelle Bushman is active with the American Bar Association, and will attend their Annual Water Law Conference in Denver at the end of the month. Sara Larsen is very active with the U.S. Geological Survey water use program and their meetings.

FUTURE WSWC MEETINGS AND FIELD TRIPS

Jeanine Jones referred the Committee to the roster of meetings listed in the Future Meetings document, which is Tab N in the briefing materials.

Jeanine thought it may be useful for States, especially as they are planning field trip destinations, to be able to review the sites visited from prior meetings. Staff put together a synopsis of the field trips ranging from the year 2000 to the present, and this document is found in briefing materials under Tab N.

Buck Smith talked about the Summer meetings planned in Leavenworth, Washington on July 16-18. The field trip will include a tour of Rocky Reach Dam and the historic Leavenworth National Fish Hatchery.

Tony Willardson reported that the WSWC/Native American Rights Fund (NARF) Indian Water Rights Claims Settlement Symposium will be held Aug 13-15, in Fanner, California. The agenda is in the early draft stages. The Department of the Interior is supportive of tribal settlements. Tony testified in February 2019 before the House Natural Resources Committee's Subcommittee on Water, Oceans and Wildlife, and included information on tribal settlements. Michelle Bushman will be testifying on April 3rd, also on Indian Water Rights settlements. The Symposium usually draws close to 200 attendees.

Amy Moyers noted that the Fall meetings will be held in Colorado, and they are still in the process of settling the dates and location. This information will be passed along as soon as it becomes available.

DRAFT FY2019-2020 COMMITTEE WORK PLAN

The Committee discussed the draft work plan as set forth in Tab J of the briefing materials. The Committee considered adding an item to promote the exchange of state information. We may wish to engage in more lobbying type efforts and be more strategic in the process.

Further, the Committee exchanged views about an infrastructure report that would focus more on things like streamgaging. They also reviewed the recently held infrastructure workshop with the Water Subcabinet members, what they got out of that effort, and what they may expect to get out of continuing activities.

Tony Willardson noted that the Interstate Council on Water Policy (ICWP) is ready to resend a letter, and they have asked us to sign. This iteration of the letter is very specific on the amounts of money they are seeking for USGS streamgaging.

Pat Tyrrell commented that he has not received direction from Wyoming's recently elected Governor to avoid signing requests for specific funding amounts -- which the former governor had specified.

Jeanine Jones remarked that in 2020, the WSWC will reach its 55th year anniversary. It is time to reflect and to think about what we are trying to accomplish.

SUMMER 2019 SUNSETTING POSITIONS

Jeanine requested that the Committee members take note of the four positions outlined in Tab XYZ in the briefing materials that are due to sunset at the meetings in Washington in July.

OTHER MATTERS

The Committee heard a request by Pat Tyrrell for the WSWC to support the Colorado River Drought Contingency Plans (DCPs) and adopt a position. He noted that the WSWC coalesced under the Surplus Waters Rule a few years ago. A draft letter was handed out to members of the Committee.

Einav Heneson said that Arizona would be happy to support the position. Tim Davis asked that “canned” language from other WSWC positions be included.

Jon Niermann asked about California. Pat Tyrrell noted that the Salton Sea does need money and repair, but it cannot hold up the Colorado River Basin DCP process. Jeanine said “they” were made irrelevant (the water district). It hurt their pride, and they have withdrawn. The other parties have made it work. The door is still open, although they are not willing to step through the door now. There is a timing issue in order to get the savings in place by 2020.

The Committee agreed to support the letter as it is consistent with our drought planning and resiliency positions.

There being no other matters, the meeting was adjourned.