

**MINUTES**  
**of the**  
**EXECUTIVE COMMITTEE**  
**Virtual Meeting (Due to COVID-19)**  
**No Host**  
**June 25, 2020**

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EXECUTIVE COMMITTEE  
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**MEMBERS AND ALTERNATES PRESENT**

<b>ALASKA</b>	--
<b>ARIZONA</b>	Kyle Miller
<b>CALIFORNIA</b>	Jeanine Jones
<b>COLORADO</b>	Becky Mitchell
<b>IDAHO</b>	Jerry Rigby
<b>KANSAS</b>	Chris Beightel
<b>MONTANA</b>	Tim Davis
<b>NEBRASKA</b>	--
<b>NEVADA</b>	Micheline Fairbank Brad Crowell
<b>NEW MEXICO</b>	John D'Antonio
<b>NORTH DAKOTA</b>	John Paczkowski Jen Verleger
<b>OKLAHOMA</b>	Julie Cunningham
<b>OREGON</b>	Tom Byler Doug Woodcock
<b>SOUTH DAKOTA</b>	Kent Woodmansey
<b>TEXAS</b>	Jon Niermann Jim Rizk

**UTAH**

Todd Adams

**WASHINGTON**

Mary Verner  
Buck Smith

**WYOMING**

Steve Wolff  
Chris Brown

**STAFF**

Tony Willardson  
Adel Abdallah  
Cheryl Redding

**WELCOME/INTRODUCTIONS**

Jeanine Jones, Chair called the meeting to order. A roll call was taken.

**APPROVAL OF MINUTES**

As the spring meetings were canceled, there were no minutes. Without objections, the October 2019 minutes were accepted.

**REPORT ON BUDGET AND FINANCES AND STAFFING**

A. FY2019-2020 Budget Update

Tony sent out budget information prior to the meeting. We are beginning to separately show the WaDE expenses on the budget spreadsheet.

Tony referred to the chart of income and expenses he had emailed to the Committee. The budget revenue spikes are due to the number of grants and agreements with foundations. This somewhat skews the budget figures. We will exhaust the Water Foundation funding in this fiscal year.

We will be budgeting funds for the next fiscal year. There is some lag time between the time we perform the services and when we receive reimbursement funds.

The WSWC will also be doing some work with the California Department of Water Resources.

Tony will share some additional charts in coming weeks. By mid-July we will have a better idea of the amount we may receive from the Moore Foundation (Internet of Water).

## B. Revised FY2020-2021 Budget and Long-Term Outlook

Tony noted that Alaska has indicated they will not be able to pay their dues in this fiscal year. We do not anticipate any other states will not be able to pay. The Internet of Water has indicated they wish to continue to fund the WaDE project through September 2021, and there are ongoing discussions. There may be additional funding support through 2023.

Oil prices are causing some concern for various states and their individual state budgets.

Last year, the WSWC hired a new policy analyst, but the individual did not begin employment until February 2020. We also hired a hydroinformatics specialist who started in January 2020.

Jeanine pointed out that a dues increase was instituted last fiscal year, so that is already on the books. About five states have already paid dues for FY2021.

Jeanine was seeking for tentative approval for the FY2021 budget, authorizing the Management Subcommittee to make adjustments as necessary.

Jerry Rigby made such a motion and Jennifer Verleger offered a second. The motion passed unanimously.

## C. Office Administration & COVID-19 Precautions

Tony Willardson reported that most staff are working from home. We have established procedures for masks, sanitation and social distancing. We are dealing with the pandemic as best we can and hoping we are continuing to be effective.

## **PROPOSED AND SUNSETTING POSITIONS**

Jeanine opened discussion on a new proposed position supporting federal and non-federal dam safety programs. Tony noted that the intent was to address non-federal dam safety issues since our March meetings.

Motion – Kent Woodmansey. Second – Micheline Fairbank

The position as presented was approved for recommendation to the Full Council.

### **Sunsetting Positions**

**Position #406** – Opposes any federal legislation intended to preempt state water law (June 29, 2017).

This is a longstanding position of the WSWC on preemption of state water law. Tony Willardson commented that he made a few suggested edits to the 2017 position to include water quality, particularly given recent discussions related to Clean Water Act Section 401, noting that water quality and related environmental issues are also under the prerogative of the states.

Kent Woodmansey moved approval of the position as revised, and Jen Verleger seconded the motion.

**Position #407** – Supports federal research and the development of updated hydroclimate guidance for floods and droughts (June 29, 2017).

The proposal is a complete rewrite of Position #407 adopted in 2017 for two reasons. We have been trying to combine some of the data research positions to reduce. At our last in-person meeting we allowed one position to sunset as it was redundant of others. Also, this is an attempt to start cleaning up our data science research positions by putting everything that belongs under one agency in one position. It so happened that this was the first of the expiring positions that fit that category.

The position adopted in 2017 was organizationally somewhat of a mess in that the Whereas clauses named data programs from several different agencies, though the Resolved clauses were all about the National Oceanic and Atmospheric Administration (NOAA) with one exception. This came to our attention a couple of months ago when staff was attempting to write a general support letter for the Appropriations Subcommittee for NOAA. The language in our positions unfortunately did not describe the programs correctly or with enough detail. This rewrite provides the correct name of the program we are supporting and the correct agency within NOAA. The rewrite is an attempt to pick up things we have supported for a long time like the Cooperative Observer Data program and to describe it where it specifically belongs within NOAA.

Jon Niermann has proposed adding in the flooding in Texas and that is appropriate. Jon stated that in the sixth whereas clause that list weather disasters, he would propose that we add the words “and flooding in Texas resulting from Hurricane Harvey (2017).”

Tony Willardson added that we have had a number of positions dealing with data, including U.S. Geological Survey (USGS) streamgaging programs and the USDA snow survey program. Some of that language was in Position #407. The WSWC has adopted other positions that cover those programs, so removing them from this resolution causes no problem. We are reviewing our position statements to see if we can consolidate and avoid duplication. In some cases, we may need to include more specificity with respect to appropriations committees in Congress. Jeanine added that the long-term intent of this exercise is that we get to a point where we have essentially one position per relevant agency.

Micheline Fairbank offered a minor edit to the sixth whereas clause in the third line where it references California flooding, please add in Nevada as well. Nevada also received significant financial impacts during the 2017 period.

Chris Brown wondered if it made sense to separately call out what has been a 1,000 year drought in the entire Colorado River Basin for the last 20 years.

Jeanine took this list from the NOAA weather disaster list. Paleoclimate data is relevant for many of us and it fits within the framework of longer extended droughts. She suggested adding another “Whereas” clause about risks of prolonged extended drought and the importance of paleoclimate data and understanding that. Some paleoclimate data is funded by NOAA.

Tony will work with Jeanine on edits to the position. There was no other discussion on this position.

A motion to move the position along for consideration by the Full Council on July 22, with the addition of a new whereas clause on long term drought and paleoclimate data was moved by Jon Niermann with the amendments. Jen Verleger seconded the motion. With no opposition, the motion carried.

**Position #408** – Requests Congress fully appropriate receipts accruing to the Reclamation Fund for their intended purpose (June 29, 2017).

Tony Willardson commented that again this is a longstanding position of the WSWC on spending the receipts to the Reclamation Fund for their intended purposes. He updated this position with the new budget numbers from the President’s request from the appendix to the White House budget. They have asked for about \$1 billion for Reclamation and that money does come from the Reclamation Fund. There is a substantial unobligated balance in the Reclamation Fund, which at the end of the current fiscal year is estimated to be about \$18 billion.

As many of you know, we have expressed supported for an amendment to the Great American Outdoors Act that was ultimately unsuccessful on the Senate floor. Senator McSally of Arizona would have created a \$400 million per year infrastructure rehabilitation fund for aging infrastructure. It would also address the challenge that non-federal sponsors have where they are responsible for operation and maintenance of the federal project, yet in situations where there is an extraordinary maintenance cost they have nothing to secure a loan. This would allow Reclamation to fund extraordinary maintenance costs and add it to the repayment agreement for the entity operating the project to pay over time. This is the reason for the change to the second resolved clause of the position, as well as reiterating similar support for using the Reclamation Fund for rural water supply projects such as have been funded in North Dakota, South Dakota, and New Mexico. These projects are already authorized, but are not funded at a level where they will be completed in a timely manner.

Kent Woodmansey had a suggestion for the last resolved clause to keep it consistent with the first resolved clause. He suggested tweaking the language to include the” Administration and Congress to investigate....”

Chris Brown asked Tony Willardson to point him to the language about transferred works. Tony responded.

Chris remarked that he was very intrigued by that given a recent experience with an irrigation project and collapsed canal tunnel. It was a transferred work associated with the North Platte Project. Fort Laramie canal serves about 100,000 acres in both Wyoming and Nebraska. It collapsed last summer, which turned off water to all of the acres for about a month and a half. It was fairly devastating for those folks. This will be about a \$40-\$80M repair expense.

A motion to approve the position and move it to the Full Council was offered by Steve Wolff and seconded by Jerry Rigby. There was no opposition.

**Position #409** – Requests Congress maintain federal authorization and financial support for the U.S. Geological Survey (USGS) State Water Resources Research Institutes program (June 29, 2017).

Tony Willardson mentioned that we have continued to support funding for these Water Resources Research Institutes. The only suggested change is to emphasize the research to operations funding. Jeanine Jones added a “Whereas” clause to indicate where these funds come from in the federal budget.

A motion to move this position forward to the Full Council with the amendments was offered. Jen Verleger seconded the motion. The committee approved the position with no opposition.

**Position #410** – Requests Congress and the Administration acknowledge state authority over “waters of the state,” and provide clear and recognizable limits to Clean Water Act (CWA) jurisdiction (June 29, 2017).

Position #410 has been superseded by Position #427 which was adopted October 26, 2018.

**Position #411** – Emphasizes state primacy over water resources and requests that federal agencies establish and implement appropriate procedures and processes for substantively consulting with the states (June 29, 2017).

It was noted that again, this is a longstanding WSWC position and mentions an Executive Order that President Clinton issued directing federal agencies to develop procedures for consulting with the states. Staff has only re-ordered the whereas clauses, and in the seventh whereas clause made it consistent with the title. These are related to water quantity.

Jen Verleger moved approval by the Committee. A second to the motion was offered by Micheline Fairbank. With no opposition, the position will be brought forward to the Full Council for consideration.

### **WESTERN GOVERNORS' ASSOCIATION (WGA) ACTIVITIES UPDATE**

Tony Willardson noted that the WGA annual meeting had been cancelled due to the pandemic, but staff continue to communicate and collaborate with WGA staff.

### **CURRENT COUNCIL MEMBERSHIP & SUCCESSION DISCUSSION**

Jeanine Jones mentioned this is a housekeeping item to make sure all understand who is representing each state. Jeanine went through the list in alphabetical order by state and asked attendees to comment on any change in status. Tony advised that it is helpful for the Governor to not only name the WSWC representatives, but also point out if an individual is replacing someone that had been named. If the Governor so chooses, he may also make the direction as to who will serve on which committees, most importantly, the Executive Committee. In the membership list, if there is a cross symbol by your name, that indicates your name is listed because of the position you hold, and we have not received an appointment letter from your governor.

**Arizona** – Kyle Miller stated that a Governor’s letter which would include Kyle’s name on it as well as Director, Tom Buschatzke is expected to be signed very soon.

**California** – Jeanine Jones reported that those listed on the membership list are good. A couple of the agency directors do not have letters, and we do not intend to seek letters from the Governor for these individuals. Sometimes it is better to let “sleeping dogs lie” with respect to the appointments office.

**Colorado** – Becky Mitchell said the list will need to be updated, and she will work with the Governor’s Office on a letter of appointment. John Stulps and Hal Simpson are not actively participating, so a new letter will be sent as soon as possible.

**Idaho** – Jerry Rigby reported that Idaho’s listing is good.

**Kansas** – Chris Beightel remarked that the list looks accurate. He is not aware of a Governor’s letter. The appointments could change as the Governor is in the process of hiring a Chief Engineer.

**Montana** – Tim Davis had to leave the call, so Tony will follow up.

**Nebraska** – Tony Willardson stated that he has been in communication with Jesse Bradley. Jesse is in an acting status until the Governor makes the position determination.

**Nevada** – Micheline Fairbank reported that their Governor’s letter had recently been sent to the WSWC. Their listings should now be settled.

**New Mexico** – John D’Antonio reported that the list has been updated recently to remove former members and is now current.

**North Dakota** – John Paczkowski was not aware of a Governor’s letter. He is still in the position as Interim State Engineer. Tony noted he will keep in touch.

**Oklahoma** – Julie Cunningham stated that with respect to the members listed and the Executive Committee member, the list is fine. Some of the other committee membership will need to be revised.

**Oregon** – Tom Byler said there are no updates for Oregon’s delegation.

**South Dakota** – A letter was drafted, but was unfortunately never sent to the Governor’s office due to some internal changes. Hopefully that gets done.

**Texas** – Jon Niermann remarked that the membership appointments are current.

**Utah** – Todd Adams reported that Utah’s letter should be current. Todd noted that he will work with Tony to ensure that Todd Stonely’s name is also included on appropriate listings as he will be assisting. Utah will have a new Governor next year.

**Washington** – Mary Verner noted that Washington’s delegation is current. The Governor is seeking reelection. Maia Bellon left the agency at the end of last calendar year and is now in private practice.

**Wyoming** – A governor’s letter was just sent earlier this week and Steve Wolff was just appointed. The member list is now up to date.

Subcommittees will be cleaned up as appropriate. Tony will follow up with states as regarding Governors’ letters and appointments.

### **FUTURE WSWC MEETINGS**

Jeanine Jones commented that the Fall meetings will be held virtually as we don’t expect much to change between now and the Fall given COVID-19. Hopefully by next Spring we will be able to hold an in-person meeting.

### **2020 Meetings**

Fall – Virtual No-Host Meeting on Wednesday, October 14?

### **2021 Meetings Projections**

Spring – Texas in El Paso

Summer – Montana (last held 7/18/14 in Helena)

Fall – Wyoming in Jackson

(possible joint AWSE/WSWC meetings, week of Sep 20)

### **2022 Meetings Projections**

Spring – Washington, D.C.

Summer – South Dakota (last held 10/4/13 in Deadwood)

Fall – Oklahoma (last meeting on 4/17/15 in Tulsa)

## **FY2020-2021 DRAFT EXECUTIVE COMMITTEE WORKPLAN**

Jeanine Jones deferred to Tony Willardson. The Executive Committee workplan is sort of pro forma as it deals mainly with administrative topics. Tony will work with Jeanine on adding WSWC historical accomplishments to the work plan.

A motion to approve the FY2020-2021 work plan as outlined was offered by Jerry Rigby. Steve Wolff seconded the motion. The work plan was approved for adoption by the Committee.

## **FALL 2020 MEETING SUNSETTING POSITIONS**

- [Position #416](#) – Federal agency actions to expedite general stream adjudications (October 20, 2017)
- [Position #415](#) – Supporting the *Dividing the Waters* program for judges (October 20, 2017)
- [Position #414](#) – Asserting state primacy on protecting groundwater quality (October 20, 2017)
- [Position #413](#) – Supporting prompt reauthorization of the Farm Bill in 2018 (October 20, 2017)
- [Position #412](#) – Supporting Indian water rights settlements (October 20, 2017)

Tony answered a question raised by Micheline about Position #415. It expresses our support for the effort of a judicial college group. This program is sort of a volunteer effort working in partnership with the judicial college for judges to help them understand state water law. The WSWC position expresses support without any funding from us. We believe the effort

deserves support. Tony suggested getting a group together to discuss the status of the Dividing the Waters' fund raising efforts in order to move the position forward prior to the Fall meeting.

### **OTHER MATTERS**

Tony related that with respect to the budget, with the exception of Alaska, each of the states is budgeted as full dues paying members. We understand that there are fiscal issues in a number of states, primarily due to COVID-19. States may be facing challenges. He asked that if a state believes these challenges will impact their ability to pay WSWC dues, to please inform him.

With no further matters, the meeting adjourned at 3:15 p.m.