

**MINUTES  
of the  
EXECUTIVE COMMITTEE MEETING  
of the  
WESTERN STATES WATER COUNCIL  
Holiday Inn Downtown  
Helena, Montana  
July 17, 2014**

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**MEMBERS AND ALTERNATES PRESENT**

<b>ALASKA</b>	--
<b>ARIZONA</b>	Bill Staudenmaier
<b>CALIFORNIA</b>	Jeanine Jones
<b>COLORADO</b>	--
<b>IDAHO</b>	Jerry Rigby
<b>KANSAS</b>	--
<b>MONTANA</b>	Tim Davis
<b>NEBRASKA</b>	Jim Schneider
<b>NEVADA</b>	Roland Westergard
<b>NEW MEXICO</b>	Scott Verhines
<b>NORTH DAKOTA</b>	Jennifer Verleger
<b>OKLAHOMA</b>	J.D. Strong
<b>OREGON</b>	Racquel Rancier
<b>SOUTH DAKOTA</b>	Kent Woodmansey
<b>TEXAS</b>	Carlos Rubinstein
<b>UTAH</b>	Walt Baker
<b>WASHINGTON</b>	Stephen Bernath

**WYOMING**

Pat Tyrrell

**STAFF**

Tony Willardson  
Nathan Bracken  
Sara Larsen  
Cheryl Redding

**WELCOME AND INTRODUCTIONS**

WSWC Vice Chair Pat Tyrrell welcomed the Executive Committee members and Committee Chairs. Introductions were made around the room.

**APPROVAL OF MINUTES**

The minutes of the meeting held April 3, 2014 in Arlington, Virginia were moved for approval. The motion was seconded, and the minutes were approved.

**REPORT ON BUDGET AND FINANCES**

Jerry Rigby reported that the WSWC is in a good fiscal state. He made a few brief remarks about the audit review. It was suggested that the audit be posted on the Council's website for review. This has been done.

Tony Willardson mentioned that the WSWC will be getting about \$40,000 from WGA in the next few months as reimbursement for work done on the WaDE project.

Jerry reviewed the budget under Tab D in the briefing books that was adopted. He commented on the equalization of symposia in terms of the amount expended and the income received. Jerry noted the net income is on the bottom of page 2, and indicates the WSWC is running in the black.

Tony reported on a proposal from the Western Electricity Coordinating Council (WECC) State Provincial Steering Group for the WSWC to consider cosponsoring a meeting specifically focusing on energy and climate. WECC has \$20,000 to fund a workshop, if funded through a non-profit organization. Tony explained to WECC that the WSWC is a governmental entity, not a non-profit. Discussion amongst the committee ensued as follows.

**Roland Westergard:** I hate to stretch the WSWC staff any further. I'm somewhat concerned that the WGA declined to sponsor the WECC meeting.

**Tony Willardson:** WGA is more involved with other areas right now. In some ways, the relationship between the WGA and the WSWC is stronger than in years past, in that they are in some ways even more reliant on WSWC assistance.

**J.D. Strong:** What about staffing money?

**Tony Willardson:** We would have to find out if the funding would meet their grant fund requirements.

**Jeanine Jones:** Since California is very firmly involved with climate we have stacks of reports that are over 5 feet high on this topic. This subject has been studied to death in California. I have also seen things funded at the federal level. To some extent, this looks like reinventing the wheel for one perspective.

**Tony Willardson:** The WECC scenario planning exercise establishes parameters for likely futures.

**Nathan Bracken:** I was at the meeting when this was proposed. They saw the workshop as a scoping exercise. Their members were really divided over the topic.

**Jeanine Jones:** We could highjack their agenda and move it toward extreme weather.

**Tony Willardson:** WECC is a regional entity responsible for coordinating and promoting bulk electric system reliability in the Western Interconnection. In addition, WECC provides an environment for coordinating the operating and planning activities of its members. WECC runs a least-cost transmission model. It is hard to quantify water-related costs. This would be a way to attempt to address water-related risks in their planning and modeling. The agenda is not really well-defined yet.

Maybe we need more information before we decide what we want to do. We could bring in scientists to say where we lack skill in projections. Northwest hydropower is an example. These are proposals that come to WECC.

**Carlos Rubinstein:** In 2011, it was the hottest, driest year on record in Texas. There were many curtailments, given the extreme weather conditions. I'd suggest you not say no, but rather say no to the concept of Council sponsorship. Leave the door open for further discussions.

**Scott Verhines:** This topic has been coming at us from several different directions. The WECC proposal seems to be a one-sided initiative. I don't have a big appetite for engaging.

**Jerry Rigby:** We need to make sure this meeting is balanced. After our experience with Sandia, do we want to be chasing this after the fact? Maybe we should be involved to help balance the effort. Our Water Resources Director had great consternation chasing the Sandia product.

**Jeanine Jones:** I would like to hold another workshop on drought, possibly around the dates of the Colorado River Water Users Association (CRWUA) event in Las Vegas. We may wish to hold a couple of separate events.

**Tony Willardson:** The Council appreciates being the vehicle for such workshops, and the funding is helpful.

**Pat Tyrrell:** I would be reluctant to go forward on issues such as the WECC proposal, unless we have a strong consensus from the Executive Committee to do so. If there is a strong feeling that we reconsider this in October, we may do so. I don't want to commit to something that we don't have a strong opinion on today, so we will not do anything at this point.

### **SUNSETTING POSITIONS**

Pat noted that the Executive Committee did not need to take any action on any of the proposed and sunseting positions as they were all assigned to be dealt with by the various working committees.

Tony then reported that the Executive Committee, during its last call, asked for a policy to be drafted on Federal Rules, Regulations, Directives, Orders and Policies. Pat Tyrrell's governor's office redrafted the initial document, which will be considered at the Legal Committee meeting later today.

The Legal Committee will also be looking at the Dividing the Waters Initiative. This initiative is focused on educating judges about the intricacies of water law. The group has asked that the WSWC support the concept of the initiative.

**Tim Davis:** On the Federal Rules and Regulations proposed policy, have we got any feedback from WestFAST as to their take on this? That was brought up, during the Executive Committee call. Have we heard any feedback from Eric Stevens or Becky Fulkerson on the proposed position?

**Nathan Bracken:** The original version did not acknowledge that WestFAST should be used.

**Pat Tyrrell:** I think WestFAST recognition could be inserted back in without affecting the draft one way or the other. I don't believe there is an expectation from our Governor's office that the WSWC would adopt exactly the language the Wyoming Governor's Office provided. WestFAST has been with the WSWC for 6 years now, and despite the good things that WestFAST has done, they have not been able to curb the lack of consultation and some of the challenges we face. Our discussion with WestFAST should be as a courtesy.

**Racquel Rancier:** Will this resolution be adopted at this meeting?

**Tony Willardson:** It would require unanimous approval to consider the position. If we have unanimous approval, then it could be considered and voted on. We could delay a vote. Any state can ask for a delay.

**Racquel Rancier:** I think you may want to hold off and allow WestFAST some time.

**Tony Willardson:** I would mention that there is a disconnect between the policy makers on WestFAST, and those who are appointed as WestFAST agency representatives (who do the work on the ground).

**Walt Baker:** Our perspective is that the views of WestFAST and the offices of the federal agencies may simply be different. We are not on the same page.

**Tony Willardson:** Eric did not get a great deal of support from his home agency, the Army Corps of Engineers. I think it will be different with the U.S. Geological Survey (USGS). Actually, USGS headquarters office asked Patrick Lambert to apply. He is a senior USGS official. There will be a difference in how we work things out and interact. WSWC has not been involved in the weekly WestFAST conference calls. They have only been talking amongst themselves. Only recently when we have expressed some concern about this and noted this is supposed to be a collaborative effort have we been invited to participate. In many ways, WestFAST has been more successful in getting the agencies to talk among themselves than it has in collaborating with the WSWC. Hopefully, we can address this through our new liaison.

**Jerry Rigby:** How do we fix this? The concept of WestFAST as initially framed is what we wanted. But since things seem to be getting worse, how do we fix this?

**Tony Willardson:** We've talked about quarterly conference calls with the Principals. I'm not certain how often they even get together. Many of the principals are at the Assistant Secretary level. It is a challenge. There is a gap between who is named to WestFAST and their principals, the Assistant Secretary levels. They may feel like they are excluded from talking to us sometimes by the Federal Advisory Committee Act (FACA) or something. Bringing federal officials to the meetings, we hope can be useful in helping understand what their needs are, and what western states' needs are. WestFAST agencies continue to be committed to the idea. Sometimes we talk on different planes, with respect to how we view collaboration.

### **EXECUTIVE DIRECTOR'S REPORT**

Tony Willardson reviewed the WSWC activities thus far this year and handed out a document highlighting the 2014 activities. He noted the briefings with NOAA and with USGS on the Hill. Dozens of visits have been made to Congressional offices to promote our positions, as well as the positions of the WGA. A number of letters have been written.

The strategic survey that was done indicated that continuing to represent states' rights and interests was a primary role for the Council. Another role was to coordinate, not only with the federal entities, but also with other non-governmental organizations and others. There have been 18 different meetings recently where the WSWC was represented.

Staff has been participating, as much as possible, in various meetings, such as the Association of Clean Water Administrators (ACWA), WGA, the National Hydropower Association, the National Water Quality Monitoring Council, the Attorneys General, and others. All of these meetings have been deemed to be an important function of the Council through the survey done last year.

With respect to the letters the WSWC has written, sometimes we send letters on our own, and other times we have sent a "one-two punch" as joint letters with WGA. We are getting an increasing number of requests from other organizations to sign joint letters. We have a longstanding history with some of these organizations, for example, the Interstate Council on Water Policy. We have jointly signed a streamgaging letter with ICWP every year and many of you are asked to sign a separate letter as state administrators. Given our name, we do end up at the end of the list alphabetically.

We recently received a request to sign a letter on S. 2019 which would reauthorize the WaterSMART program. We have a position in support of that program. The request came from the National Water Resources Association, with which we have a history. The other cosigner was the Teddy Roosevelt Conservation Foundation. The reason we received the request was that the staff of their organization previously worked for Senator Udall, and we worked with him considerably on Good Samaritan and mining clean-up issues. However, the question raised is: How far do we go? Are we beginning to dilute the Council's name? Even cosigning with ICWP or the National Water Resources Association? ICWP may have some folks represented around the table, and your states may be represented. Organizations such as the National Water Resources Association do not have members appointed by the Governors. Tony just raised this issue for consideration. The WSWC is viewed as the preeminent authority on water rights and water policy issues across the western states.

Pat Tyrrell stated that the WSWC may receive a request from an organization that perhaps does not have a history with the WSWC, and we are wondering why they want our increditure on their letter. If there are any qualms at all among the Executive Committee members, please respond and just let them know that their organization's position is similar to the WSWC's and provide them a copy of the WSWC letter or position, and ask that they append it to their position, rather than asking the WSWC to sign on to their letter. We need to carefully consider who we sign joint letters with.

With respect to member appointments, we are in transition with a number of our states. Tony requested all on the committee to please make sure that we receive letters from the Governor appointing their state's representatives. Several are currently included by virtue of their position.

Regarding member appointments by the Governor, in Arizona, Mike Lacey is the new director, but has not been officially appointed to the WSWC by the Governor. Please look at the list under Tab B in the briefing books and make sure we receive letters or notification from the Governor's office appointing your state's representatives. In the instance of divisive issues being voted upon by the WSWC, they require a two-thirds vote, and if we do not have appointed members, it could become an issue.

Pat Tyrrell commented that every past WSWC Chair has had an initiative to define their two year tenure. He would like to work on the coordination and consultation effort; to hopefully get better involvement from the Feds than we are getting today. That will be a focus of this group for the next couple of years.

Pat anticipates some committee chairmanship changes. Maria O'Brien has served as the Legal Committee Chair for a number of years. Pat has asked Jennifer Verleger to consider being Chair of the Legal Committee and John Tubbs to possibly serve as the Chair of the Water Resources Committee. J.D. is willing to continue on as the Water Quality Committee Chair.

With regard to the Nominating Subcommittee, the following will be nominated to serve as Council officers: Pat Tyrrell, Chair; Jerry Rigby, Vice Chair; and Scott Verhines, Secretary/Treasurer. These nominations will be subject to voting approval during the Full Council meeting.

### **WSWC 50<sup>th</sup> ANNIVERSARY**

Tony Willardson stated that the WSWC will commemorate 50 years at the meetings next summer. The WSWC was created by a resolution of the Western Governors in 1964. The first WSWC meeting was held in 1965 in Stateline, Nevada. It is Tony's recommendation that the WSWC meet again in Nevada next summer for the 50<sup>th</sup> anniversary meeting. Nevada Governor Sandoval will be the WGA Chair, and they will also be meeting in Nevada. We would hope that he might come to the WSWC meetings and reaffirm the Governors' commitment to working through the WSWC.

### **FY 2014-2015 DRAFT EXECUTIVE COMMITTEE WORK PLAN**

Tony Willardson noted that the work plan items remain the same as discussed in Washington, D.C. There was no further discussion.

### **FUTURE WSWC MEETINGS**

The 2015 Summer Council meetings are recommended to be held in Nevada as stated previously. We would postpone meeting in North Dakota until the following summer, Summer 2016. There are suggested changes to the future meetings schedule under Tab F in the briefing materials. It is anticipated we would hold the Spring 2015 meetings in Oklahoma.

Tony asked those on the Executive Committee to please talk to our representative attending these meetings from Alaska, Dave Schade. He indicates there is money in his budget for Alaska to become a full dues paying member. His boss has some concerns, saying that it is okay to pay for this year, but what about future years?

### **FALL 2014 MEETING SUNSETTING POSITIONS**

The positions noted on the agenda are included for the purpose of making sure you are aware they will sunset at the Fall 2014 meetings, unless there is a motion to continue the positions or absent any revisions.

### **OTHER MATTERS**

There being no other matters, the meeting was adjourned.