

MINUTES
of the
EXECUTIVE COMMITTEE
Doubletree by Hilton Sonoma Wine Country
Rohnert Park, California
June 28, 2017

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MEMBERS AND ALTERNATES PRESENT

ALASKA	David Schade
ARIZONA	Einav Henenson
CALIFORNIA	Jeanine Jones (via phone)
COLORADO	John Stulp
IDAHO	Jerry Rigby
KANSAS	Tracy Streeter
MONTANA	Jan Langel
NEBRASKA	Jim Macy
NEVADA	Roland Westergard
NEW MEXICO	Tom Blaine
NORTH DAKOTA	Garland Erbele
OKLAHOMA	--
OREGON	Tom Byler
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 around the room.

APPROVAL OF MINUTES

The minutes of the meeting held in Nebraska City, Nebraska on April 13, 2017 were unanimously approved.

REPORT ON BUDGET AND FINANCES

a. FY2016-2017 Budget Status Report / Dues Report

Tony Willardson reported that we received all our dues for FY2016-2017. Some states have already paid for the next fiscal year as well. The Executive Committee left as pending for next year a decision on whether or not to raise dues. It is not anticipated dues will be raised for one more year.

b. WaDE/EN Grants Status Report

With respect to the Exchange Network (EN) grants from the Environmental Protection Agency, the initial contract overseen by the Texas Commission on Environmental Quality will be completed by the end of September, although we will not be expending the entire allotted funds. We have hired another part-time intern with expertise in hydroinformatics, Adel Abdallah, to assist Sara on the Water Data Exchange (WaDE) project. Some of the EN grant funds were used to purchase a new computer for the interns.

A second EN grant for the WaDE project is overseen by the California Department of Water Resources. This grant provides funding to California, South Dakota and Nevada. The first reimbursement was recently made to South Dakota. Nevada did not have a reimbursement request for this past quarter. Another grant with Utah and Utah State University has been applied for, and we are awaiting word from EPA on its status.

Another new funding source that was unexpected has come our way through the National Atmospheric and Space Administration (NASA) and Jet Propulsion Lab (JPL). We will be surveying state water agencies on your use of the cloud for data management. We will be looking at advances in cloud technology and how western states can take advantage of these resources.

c. FY2017-2018 Proposed Budget

The Executive Committee tentatively approved the FY2017-2018 budget at our last meeting held in April 2017 in Nebraska. Tab D contains our proposed budget which includes funding from a NASA and JPL contract.

Tony highlighted that given the inclusion of contract funds received from the California Department of Water Resources (CDWR), the Council's budget took in substantially more money than had been anticipated. The WSWC's budget will be in the black this fiscal year by about \$100,000 or more. These funds will be used to replenish the reserves which were diminished to purchase the Council's office suite for \$310,000 in December 2016, which results in about a \$25,000 per year savings in rent. However, as a property owner, the budget now includes payment of an HOA fee, property taxes, and janitorial services. Tony is the resident "handyman," which also helps reduce our rent expenses.

In fiscal year 2017-2018, we will hold the WSWC/NARF Symposium on the Settlement of Indian Water Rights Claims in August, and that has typically brought in some funds which are split with NARF as a cosponsor for the event.

Jeanine anticipates hosting a workshop again in the spring of 2018, continuing efforts with seasonal to sub-seasonal precipitation forecasting, and CDWR will provide funding support.

A cushion had been included in the budget for health insurance, but it has not yet been needed.

We usually assume we will break even with income and expenses for workshops and symposia. Travel has been deterred somewhat as there has not been a reason to travel to Washington, D.C, and Tony has also declined some invitations to attend meetings.

We are assuming every state will pay their dues assessment this next fiscal year. Our proposed budget is just under \$750,000.

Jerry noted the budget should be approved formally at this meeting. Kent Woodmansey moved approval of the FY2017-2018 budget as proposed under Tab D in the briefing materials. Eric Millis seconded the motion. The FY2017-2018 budget was approved.

SUNSETTING POSITIONS

The sunseting positions have been delegated to the committees. The Legal Committee will take up Position #365 on preemption of state water law in federal legislation.

The Water Quality Committee will discuss the Clean Water Act resolution and the letter on the interpretive rule, which are positions #369 and #370, respectively. It is anticipated that Position #370 will be allowed to sunset. Tony received a phone call yesterday from the Acting Assistant Administrator of EPA letting him know that the WOTUS rule would be withdrawn. EPA has completed an outreach process for how to move forward with a new rule and it should not preclude further conferences with the states. Michelle will look at state constitutional and statutory authority for issuing water quality related permits, in the absence of federal Clean Water Act jurisdiction. Just because waters are not regulated by EPA, doesn't mean they are not regulated by a state.

The Executive Committee will review Position #371, regarding federal rules, regulations, directives, orders and policies related to water. Jerry Rigby stated this position may be found on page 40 in the electronic briefing materials. No changes were offered. The Chair entertained a motion to readopt Position #371. The motion was seconded. There was no discussion. Position #371 will be forwarded to the Full Council for adoption with the Executive Committee's recommendation.

EXECUTIVE DIRECTOR'S REPORT / WSWC ACTIVITIES AND EVENTS

Tony Willardson mentioned letters submitted by the WSWC to members of Congress and the Administration since our last meetings. The WSWC wrote the Senate Appropriations Committee seeking support for sub-seasonal to seasonal precipitation forecasting. We also wrote to key House and Senate Committees requesting that Congress work together with the Administration to ensure that stable and continuing federal appropriations are made to the State Revolving Fund programs and the State and Tribal Assistance Grants. Another letter was submitted on June 19 commenting on revising the WOTUS rule.

The WSWC continues to work with WestFAST agencies. Tony remarked it is great to have Roger Pierce finally in our office after some hurdles with funding. At this point, NOAA is funding his position.

With regard to events, the WSWC/NARF symposium on the settlement of Indian water rights claims is coming up.

Tony gave a presentation at the Western Snow Conference/Weather Modification Association meeting in Boise in April. Further, Nathan Bracken invited Tony to address the Utah Section of the American Water Resources Association on water data generally.

WSWC STRATEGIC PLANNING SUBCOMMITTEE REPORT

Jeanine Jones remarked that prior to internet days, we controlled who attended our meetings. Nowadays, everyone sees our information available on our website. We have to decide how we control attendance. If we get more people coming than we have room for, it could be a problem. In the past, we haven't needed to make a distinction. The question is whether or not we may need to be more selective and control participation. It has been suggested that perhaps we need a "members only" section on the website.

COMMENTS

Jim Macy: Administrator Pruitt attended an ECOS meeting in Nebraska. There was a protest and it could have been difficult.

Tom Byler: Oregon's participation is supported through public funds. Transparency is a really big deal. I think there must be a middle ground.

Jim Macy: Part of this is that we are dues paying members.

John Stulp: We have strong open meeting regulations in Colorado.

Roland Westergard: We have to be extremely careful about this. I know the sensitivity. I would stay away from risking anything that Tom has raised with respect to the open meeting laws, etc.

Tony Willardson: We could close any workshops and the tour.

Tom Byler: Perhaps you could do a survey of different organizations and get examples of what other groups are doing. Think this through.

David Schade: Maybe we should kick this to the WGA. There are formal rules that could be set, if needed. They could perhaps give us some guidance.

Jerry Rigby: I'd suggest everyone go home and talk to your other agencies and find out what they are doing. We will explore this further with the Strategic Planning Subcommittee.

Pat Tyrrell: We need to do what we've got to do. There is an optimum line that we need to be able to figure out.

Jeanine Jones: We have a perceived issue with not lobbying and about consultation with agencies.

Tony Willardson: Maybe we can explore having the members register to attend the meetings. The way it is handled now, members only register to attend the field trip, and otherwise there is no registration required. It could be helpful for staff to know who is planning to attend.

WSWC FEDERAL BUDGET PRIORITIES

Jeanine Jones observed that this year is clearly different in terms of the federal budget. The budget process is very uncertain this year. The Council might want to be more proactive in advocating our positions on things such as the rural water development programs, for example. How much do we want to engage in this process?

Tony commented that in following the lead of the Governors of WGA, we have tried not to ask for specific amounts of money. Rather, we emphasize the importance of a program without asking that a specific dollar amount be budgeted.

Roland suggested we may need to wait until the Federal administration's path is more clear.

Jeanine voiced a request to keep in mind what the context of the amount of the funds we're seeking are and how they stack up in terms of the overall federal budget.

Tony stated that the WSWC is in agreement with the WGA on the snow survey program. It is very unclear yet what effect the President's proposed cuts to specific entities will mean. The WGA is active with presenting testimony before Congress, but not addressing specific numbers. Both organizations are sensitive to these cuts, and do not want specific programs cut. Given the vacancies in the Administration at this point, it is difficult to influence upcoming budgets without someone to address with our concerns

At our previous meeting, Jeanine recommended we form a subcommittee on federal budget issues. Given that suggestion, volunteers to be on a budget committee were requested. Those who volunteered include: Jeanine Jones, Tom Blaine, Jim Macy, and Jerry Rigby. The group should be ready to work on the FY2019 budget.

Jim Macy made a comment on the Continuing Resolution for FY2018 and noted it might be the best solution.

Tony remarked that Edgar Ruiz of the Council of State Governments West will be speaking to Council members on Friday.

FUTURE WSWC MEETINGS

As for future meetings, please note the WSWC/NARF Indian Water Rights Settlement Symposium will be held in Great Falls, Montana on August 8-10. The Fall Council Meetings will be held in Albuquerque, New Mexico on October 18-20. There will be a half-day field trip, with a workshop in the morning on Oct 18th.

Next Spring, the WSWC will again cosponsor a meeting in Washington, D.C. Hopefully the Secretaries of Departments and Bureaus will be in place by that time.

FY2017-2018 COMMITTEE WORK PLANS

Water Resources Committee Chairman Tom Byler remarked that modifications to the Committee's work plan are noted on the red-lined version contained in Tab E of the briefing materials.

Tony Willardson commented it may be useful to hold a water infrastructure symposium next year.

Tom Byler asked about coordination with WGA. Tony talked about the difference in the structure of WGA from that of the past, and noted WGA has made an effort to "distinguish their brand." Roland Westergard asked if there is anything the states or Council members can do to increase and improve the relationship with the WGA.

Tony recommended Council members work directly with their Governor's representatives on the WGA Staff Council. Tony and the WGA's Policy Advisor, Ward Scott, try to hold weekly calls to keep apprised of what's going on. Members made some comments about the way the relationship with WGA has evolved. Tony also noted that the WSWC will work together with WGA in sequencing our meetings better. The overlap of the WSWC's Summer meetings with the WG's annual meeting was unfortunate this year.

A motion to adopt the modified Executive Committee work plan was made. The motion was then seconded and unanimously adopted.

SUNSETTING POSITIONS

The list of positions that will sunset at the upcoming Fall 2017 meetings is included under Tab XYZ, and is on the agenda to provide advance notice for your information.

OTHER MATTERS

There being no other matters, the meeting was adjourned at 1:10 p.m.