

MINUTES
of the
EXECUTIVE COMMITTEE
Host State - Wyoming
Virtual Meeting
June 3, 2021

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**MINUTES
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MEMBERS AND ALTERNATES PRESENT

ALASKA	Tom Barrett
ARIZONA	Amanda Long Rodriguez
CALIFORNIA	Jeanine Jones
COLORADO	--
IDAHO	--
KANSAS	--
MONTANA	Anna Pakenham-Stevenson Laura Rennick
NEBRASKA	Tom Riley
NEVADA	--
NEW MEXICO	John D'Antonio
NORTH DAKOTA	Jennifer Verleger John Paczkowski
OKLAHOMA	Julie Cunningham
OREGON	Racquel Rancier
SOUTH DAKOTA	Nakaila Steen
TEXAS	Jon Niermann Jim Rizk
UTAH	Erica Gaddis

WASHINGTON

Mary Verner

WYOMING

Chris Brown

STAFF

Tony Willardson
Cheryl Redding

WELCOME

Jen Verleger, WSWC Chair, called the meeting to order. Tony then read a roll call of those in attendance.

APPROVAL OF MINUTES

The minutes of the Spring meeting held virtually on March 5, 2021 were still under review. Tony reported he would email them to Committee members.

REPORT ON BUDGET AND FINANCES

Tony Willardson reported on the current fiscal year (FY2020-2021) budget. He noted that given the effects of the COVID pandemic, there were a lot of changes. Payment of FY2020-2021 dues were received from all 17 member states.

Highlighting a few budget details, Tony remarked that there would be a delay in the use of funds received from California (\$30,000) for holding workshops on: (1) subseasonal to seasonal precipitation forecasting and (2) research to operations. These funds have been retained since we were not able to hold the workshops in FY2021.

The WSWC funds held in a reserve trust account with the State of Utah received an unusually substantial amount of interest due to the receipt of grant funds from the Water Foundation in a lump sum.

Funds were also received from the Moore Foundation under a collaborative agreement related to the Water Data Exchange (WaDE) and the Internet of Water (IOW). There is an additional \$195,000 from the Moore Foundation yet to be received.

The IOW and Moore Foundation have agreed to extend the current grant agreement for an additional year. The WSWC must provide them with a rebudget, and you'll note that an

amount of \$125,000 is listed in the budget, which would be for a new grant. These grant funds go towards WaDE expenditures. A breakdown was given to the Management Subcommittee in a meeting held on June 2.

With respect to the category “Payroll Benefits,” that line item has changed as two employees are now eligible for pension benefits. Due to COVID, Jessica Reimer has been working 80% time. In the new fiscal year (FY2022) which begins July 1, 2021, we expect that she will return to full-time work.

There have been very few expenditures in the travel category as a result of COVID-19.

Overall, the budget is close, although expenses may leave us in the red by about \$1,000. The next fiscal year’s budget will be bare bones. We will be updating the budgetary information for the quarter in the near future.

The budget is a tool. We are seeking a motion to approve the proposed budget for FY2022 as outlined in the budget document, while allowing the Management Subcommittee to approve future changes.

John D’Antonio offered a motion to approve the proposed budget. Jon Niermann seconded the motion.

SUNSETTING POSITIONS

WR Position #423 – Rural Water Supply Project/Infrastructure Needs

WSWC staff recommended a few changes to the resolution. We’re awaiting information from the Bureau of Reclamation (BOR) on some related figures. Authorized BOR rural water projects are still under construction. Tony contacted our WestFAST liaison regarding some of these project details. Another change refers to the Reclamation Fund and receipts from oil and gas mineral leasing rights. The fund’s unobligated balance stands at about \$18 billion.

Tony requested that WSWC members send any suggested changes to the sunseting positions as soon as possible.

Chris Brown asked about the status of the Rural Water Project Act. He thought it had been extended or reincarnated. Tony said he would look into this.

Erica Gaddis wondered if it would be helpful to reflect how the funds are expended. Tony noted a letter has been sent to the Congress related to water quality related infrastructure spending by a number of interstate organizations, which the WSWC signed. A similar letter may be drafted and sent by the Interstate Council on Water Policy (ICWP), the National Water

Supply Association (NWSA) and the Council. Further, Tony was just contacted by the Family Farm Alliance and others about a joint letter about infrastructure funding.

WQ Position #424 - Water Transfers and National Pollutant Discharge Elimination System (NPDES) Discharge Permits

The few changes suggested are to explain some of the acronyms and to correct some typographical errors. The alleged need for NPDES permits has been settled through the courts. NPDES permits are not required where there is no addition of a pollutant. Tony suggested the Council keep the resolution as is only because the court's decision was based on EPA's position on the rule. By retaining the resolution, the WSWC remains on the record, should EPA change its interpretation of the rule. This resolution was considered in particular in light of transfers of water from the West Slope of the Colorado to the East Slope. Northern Water, which distributes the water from this interbasin transfer, estimated the potential cost of requiring NPDES permits for each related facility would cost over \$10 million, with little if any improvement in water quality. It may be helpful to continue to have this resolution on the books should EPA revisit the water transfers rule.

Chris Brown suggested that the word "connects" should be added in the third Whereas clause to read: ...conveys "or connects."

L Position #425 – Endangered Species and State Water Rights

Tony remarked that in the 1980s, the WSWC was involved in the writing of Section 2(c)2 of the Endangered Species Act which reads: "It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species." The Council continues to remain interested, but has largely left endangered species issues to the governors.

EXECUTIVE DIRECTOR'S REPORT/WSWC ACTIVITIES AND EVENTS

A summary of activities was distributed in advance of the Executive Committee meeting. This summary will also be included in the meeting briefing materials. A lot of letters with WSWC resolutions attached have been sent seeking appropriations for subseasonal to seasonal precipitation forecasting efforts.

Letters have also been sent addressing infrastructure financing, as well as supporting the creation of an Open Evapotranspiration (OpenET) software system and data platform.

The WSWC has submitted an application for federal support of the WaDE project to the U.S. Bureau of Reclamation under the WaterSMART Applied Science program. Funding decisions are pending. The Council is also pursuing opportunities with NASA related to OpenET, and support from the Walton Foundation to support WaDE and greater data interoperability.

As Executive Director, Tony signed a letter to EPA Administrator Radhika Fox summarizing various WSWC positions regarding State primacy to manage water resources and water quality within their borders, the CWA Section 401 implementation rule, and the new definition of “Waters of the United States” (WOTUS) under the Navigable Waters Protection Rule (NWPR). Additionally, in April 2021, the Council sent a letter to the Environmental Protection Agency asking for an expedient review of the Section 401 Certification Final Rule that went into effect on September 11, 2020.

The WSWC sent a letter in late May to Senators Bennet (D) and Hickenlooper (D) of Colorado in support of state and federal applied research and hydroclimate data collection programs that would assist water agencies at all levels of government in adapting to climate variability and making sound scientific decisions. The Western States Water Partnership (WSWP) is a for-profit entity currently 100%-owned by a Colorado non-profit, the Colorado Wildlife Foundation (CWF). CWF’s mission involves working to address certain legacy water issues not currently being solved by either government or industry, such as gaps in weather radar coverage. The WSWP’s approach is to augmenting public resources dedicated to weather radar with a unique blending of public, private and social impact funding that will help expand coverage across the West and promises to enhance our ability to make sound water resources planning and emergency management decisions.

On May 27, the WSWC, together with the Native American Rights Fund (NARF), and the National Congress of American Indians (NCAI) sent a letter to Congressional committees expressing strong support for construction, operation, and maintenance of critical water infrastructure, particularly in tribal and rural regions of the West. The letter was sent to the Senate Committees on Energy and Natural Resources, and Indian Affairs; House Committee on Natural Resources; and Appropriations Subcommittees on Agriculture and Rural Development, Energy and Water Development, and Interior and Environment.

The letter noted that many existing water infrastructure projects have long been authorized by Congress but lack adequate appropriations to complete construction. Examples include infrastructure projects authorized as part of Indian water rights settlements and rural water projects. The letter also pointed out that existing programs under multiple federal agencies have been Congressionally authorized “to support drinking water infrastructure for tribal communities, but lack adequate funding and coordinated interagency effort. These neglected projects and programs have contributed to the disproportionate impact of the pandemic on tribal communities.”

The letter urged Congress “to prioritize federal funding to meet these urgent needs, especially as Congress is considering potential infrastructure packages.”

On June 1, the WSWC submitted written testimony to the House Appropriations Committee, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. The testimony focused on general support for several water-focused

programs within the U.S. Department of Agriculture (USDA) that benefit small, rural and tribal communities, as well as important data collection programs that inform water management.

There is an extensive list of activities and events contained in the summary. It also lists a number of other groups and organizations with which the WSWC collaborates.

FUTURE WSWC MEETINGS

Jen Verleger advised the Committee of the following upcoming WSWC meetings.

2021

Fall – Deadwood, South Dakota – September 14-16, 2021

2022 Meetings Projections

Spring – Washington, D.C. – week of April 4-8

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

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

COUNCIL MEMBERSHIP UPDATE

Tony Willardson commented that the membership list he emailed indicates those who currently receive WSWC information. Please review the list and let us know if someone else should be receiving the information. Those on the list are not all officially appointed members of the Council. Some are listed by virtue of their position. Tony urged member states to request appointment letters from the governors' offices where appropriate.

Erica Gaddis commented that Utah's Governor Cox would like to name Kim Shelley. She also inquired if Tim Davis could be appointed as an alternate? Erica stated that Utah will be working on a letter.

Julie Cunningham of Oklahoma stated that they will work with the Governor's office on appointments.

Racquel Rancier noted that Jennifer Wigal's name appears on the list and asked if she had not been appointed? Tony affirmed that the WSWC has not received a letter from Oregon's governor appointing Jennifer.

John Paczkowski of North Dakota declared that there are administration changes being made in state government. It will likely take a few months before the Governor can send a letter appointing WSWC representatives. Tony expressed appreciation for John's participation.

DRAFT FY2021-2022 EXECUTIVE COMMITTEE WORK PLAN

Jen Verleger turned the time to Tony to review the Committee's draft work plan. Tony said there are really no changes in the FY2021-2022 work plan. He noted that WGA will be meeting and will be discussing two water resolutions at their upcoming annual meeting. Tony will follow up with Erica Gaddis on comments on the WGA's water quality resolution.

Tony sent a lengthy email to Mary Verner on the WGA's water resources resolution. The WSWC would like WGA to reiterate support for WestFAST and for the Western Water Applications Office, as well as for Forecast Informed Reservoir Operations. The governors may want to comment on those topics.

Mary remarked that she had reviewed Tony's email and discussed the WGA's water resources resolution with Jeff Potter. They will work to call out the programs Tony mentioned in the resolution.

FALL 2021 MEETING SUNSETTING POSITIONS

WSWC Chair Jen Verleger asked the Executive Committee to be aware of the sunseting positions listed below, which will be reviewed at the Fall Meetings.

- WQ [Position #426](#) – supporting State Clean Water Act Section 401 Certification Authority
- WQ [Position #427](#) – regarding Clean Water Act Jurisdiction
- WR [Position #428](#) – regarding Federal Water and Climate Data Collection and Analysis Programs
- WR [Position #429](#) – regarding Drought Preparedness, Prediction and Early Warning Programs
- WR [Position #430](#) – regarding Bureau of Reclamation Drought Response program
- L [Position #431](#) – regarding States' Water Rights and Natural Flows

OTHER MATTERS

Tony expressed appreciation for the help from members. In particular, he referred to a last minute request that was sent to Committee members asking for support of the WSWC's WaDE grant application for submission to Reclamation under the WaterSMART program. Ten letters of support were received in a timely fashion.

The meeting was then adjourned at 3:25 p.m.