

**MINUTES  
of the  
EXECUTIVE COMMITTEE  
Peppermill Resort Spa Casino  
Reno, Nevada  
May 23, 2023**

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**MEMBERS AND ALTERNATES PRESENT**

*Italics indicates virtual attendance.*

<b>ALASKA</b>	<i>Emma Pokon</i>
<b>ARIZONA</b>	<i>Thomas Buschatzke Amanda Long-Rodriguez</i>
<b>CALIFORNIA</b>	Jeanine Jones
<b>COLORADO</b>	<i>Becky Mitchell</i>
<b>IDAHO</b>	Jerry Rigby
<b>KANSAS</b>	Connie Owen <i>Earl Lewis</i>
<b>MONTANA</b>	<i>Anna Pakenham Stevenson</i>
<b>NEBRASKA</b>	Tom Riley
<b>NEVADA</b>	Adam Sullivan
<b>NEW MEXICO</b>	
<b>NORTH DAKOTA</b>	Jennifer Verleger Andrea Travnicek
<b>OKLAHOMA</b>	Sara Gibson
<b>OREGON</b>	
<b>SOUTH DAKOTA</b>	Nakaila Steen
<b>TEXAS</b>	Jon Niermann

**UTAH**

Todd Stonely

**WASHINGTON**

**WYOMING**

Brandon Gebhart  
Jeff Cowley

### **STAFF**

Tony Willardson

### **WELCOME AND INTRODUCTIONS**

Jen Verleger, Chair of the Executive Committee, called the meeting to order and requested self introductions for those attending both in-person and virtually.

### **APPROVAL OF MINUTES**

The minutes of the meeting held on October 20, 2022 in Sulphur, Oklahoma were moved for approval and the motion was seconded. The minutes were approved unanimously

### **SUNSETTING POSITIONS**

Next, the Committee jumped to the sunseting positions and deferred the budget discussion. As usual, most of the sunseting positions are addressed by the working committees. The Executive Committee did consider and recommend for the Full Council to approve two position statements (Positions #449 and #553). Both were moved, seconded, and reported without change. Tony noted these are foundational resolutions used in drafting testimony and letters expressing the Council's positions on a number of issues. The sunseting positions are:

- Position #441 – Sub-seasonal to seasonal weather research, forecasting, and innovation
- Position #442 – The Bureau of Reclamation's maintenance, repair and rehabilitation needs
- Position #443 – The Reclamation Safety of Dams Act of 1978
- Position #444 – The transfer of federal water and power projects and related facilities
- Position #445 – The National Levee Safety Act of 2007, levees and canal structures
- Position #446 – The clean and drinking water state revolving funds and state tribal assistance grants
- Position #447 – Rural water and wastewater project/infrastructure needs and program
- Position #448 – Supporting national dam safety programs
- Position #449 – Regarding preemption of state law in federal legislation
- Position #450 – Supporting NOAA data, forecasting, and research programs
- Position #451 – Regarding the Reclamation Fund

Position #452 – Supporting the Water Resources Research Institutes and the USGS Water Resources Research Act Program

Position #453 – Regarding water-related federal rules, regulations, directives, orders and policies

## **REPORT ON BUDGET AND FINANCES**

Tony summarized the status of the budget, sharing information from a May 22, memo provided to Executive Committee members. WSWC core services are on a sound financial basis.

### a. Dues Assessments

The Committee approved two dues assessment increases, the first a \$3,000 increase from \$30,000 to \$33,000 (the first increase in a decade) and a second increase of \$3,000 to \$36,000 effective July 1, 2023 for FY2024. The latter was also intended to help support replacing open staff positions. At present, some FY2023 dues (\$66,000) remain to be received for this year.

FY2024 dues assessments have been sent and full dues from 18 States would total \$648,000. A few States have already paid for the new FY2024 fiscal year that begins on July 1, 2023. As most of the dues are usually received early in the fiscal year, WSWC income spikes, and this money is placed in the Utah Public Treasure's Investment Fund (PTIF). While this money remains in the PTIF, which includes money in our sinking funds, interest accrues until withdrawn as required to cover expenses. Through April our interest income totaled \$17,231.04. These assets also provide a cushion until dues and WaDE reimbursements are received.

### b. FY2022-23 Budget Status Report and Staffing

The Executive Committee approved the proposed FY2023 budget at its meeting in Polson, Montana. The proposed budget included WaDE income and expenditure estimates together with core WSWC line-item estimates. As the budget is a working document, the Committee also authorized the Management Subcommittee to make changes as appropriate given changing circumstances. The proposed budget anticipated a surplus of some \$100k, but recognized that with staff retirement (and resignation) funds would be needed to address the lost capacity. However, we have not filled the vacant positions to date. There are a couple of reasons for this.

First, we experimented with contracting out both clerical, bookkeeping and policy analysis work. As you know, Cheryl retired this past year as our office manager after 35 years. Julie Groat is assuming some of her responsibilities, but we have also hired a contractor, Melissa Fueling, to handle some of the bookkeeping, financial tracking and reporting. We have also had a contractual arrangement with Erica Gaddis, former Director of the Utah's DEQ Division of Water Quality, and a former WSWC member. Her expertise and assistance has been tremendously helpful, particularly related to addressing potential regional approaches to regulations under the Clean Water Act related to Waters of the United States (WOTUS).

In December, Erica took a new full-time position, and her firm, SWCA Environmental Consultants, is helping sponsor this meeting. The firm has also offered Erica's continuing services at a discounted rate. Some may also recall that we had a full-time policy analyst, Jessica Reimer, that joined us just as Covid hit and we turned to working remotely. She left to pursue a Ph.D., more than a year ago, and we plan to open a position shortly.

Second, while awaiting promised WaDE grant funding, I have not wanted to over extend our resources. This continues to be a concern as we pursue future outside support for WaDE, hopefully long-term. WaDE and WSWC finances are intertwined and the prior years' budgets have not distinguished between the two. For this report, I have split the two and proposed separate budgets for clarity and transparency.

As of April 30, according to our pro forma balance sheet, WSWC assets included: \$691,935.09 in PTIF; \$108,982.26 held in Wells Fargo Bank; \$155,202.55 in our Leave Payout Sinking Fund (which covered Cheryl's payout); and \$32,975.77 in an Equipment Replacement Fund. The WSWC also owns our office space and our half of the building is on our books with a purchase price of \$355,420.54 less depreciation of \$84,163.06 for a net fixed asset valuation of \$271,257.48. We have not had the office building appraised since our purchase, but the value has likely increased substantially.

We have not had a review of our finances since FY2020-2021. Our accountant's wife passed last fall following a prolonged illness and his availability was limited. We anticipate asking him and our auditors for a review of both FY2021-2022 and FY2022-2023 beginning in July.

Overall, WSWC finances are sound, but important decisions as to staffing will need to be made soon, and the future of WaDE is uncertain without additional funding.

Please let me know if you have any questions related to the attached spreadsheets.

c. WaDE Budget & Grant Status

Total WaDE funding for FY2023 was just over \$400,000 and anticipated revenues are over \$380,000 with support from the BHP and Moore Foundations through grants administered by Duke University. We also received a \$255,000 Year-2 grant from the Water Foundation with money from the Walton Foundation. This came in a lump-sum that will carry over into the first half of FY2024. We have also spent about half of a \$200,000 U.S. Bureau Reclamation WaterSMART applied science grant with the Water Foundation funds used to meet the required match. These funds will also carry over.

d. FY2023-24 Proposed Budget

The proposed FY2024 WSWC expenditures anticipate spending about the same on meetings and arrangements with just a Fall 2023 meeting, in Alaska, and our Spring DC Roundtable. While discussed previously, it appears that a winter meeting in 2024 is unlikely. We expect our travel

expenses to rise as more and more we are returning to in-person meetings, and invitations for the WSWC to address various groups continue to come in, as well as travel to make congressional and administration visits.

My proposed salary and benefit increases are consistent with the State of Utah's 5% cost of living increase, plus awards and planned promotions based on increasing staff responsibilities. Overall, the proposed WSWC budget, without staff additions, would result in a surplus of \$175,190.10 or just over the amount we were paying Cheryl and Jessica before their departures.

As for WaDE, our FY2024 income projections, including carryover funds, will be a little over half our FY2023 revenues. This is sufficient to maintain current staff and allow some money for an intern and limited contracting services. Without additional federal and philanthropic support, WaDE funds will be exhausted early in FY2025. However, we are exploring a number of short-term opportunities for support that are very promising and would hopefully carry the program through FY2025 and beyond. Longer range funding continues to be elusive.

The recent WestDAAT public release has garnered interest and praise for our cutting-edge work. Still, one recent funder has specifically asked what States are contributing to WaDE. At present, that has primarily been in the form of in-kind contributions of state data.

Tom Riley: With respect to WaDE, have you looked at ways to monetize your services?

Tony: WaDE data and the WestDAAT architecture are open-source. We feel that given this if you build it they will come, but how to monetize the services is uncertain. As noted, we have had an exciting release of WestDAAT and anticipate growing use of this data and development of different applications by staff and users. Further, the WSWC might serve as a resource to states, many of which note their limitations related to budget and finances, staffing and expertise. We could possibly offer on a reimbursable basis training and technical support for states wishing for example to make their data machine readable.

Much of the Committee meeting was taken up with the budget discussions.

## **EXECUTIVE DIRECTOR'S REPORT/WSWC ACTIVITIES AND EVENTS**

Tony briefly highlighted some of the WSWC activities listed under Tab E, including a letter to Interior Secretary Deb Haaland, USDA Secretary Tom Vilsak and EPA Administrator Michael Regan related to prioritizing remediation of abandoned mines and recognizing Good Samaritan efforts. A separate letter to Senators Martin Heinrich (D-NM) and James Risch (R-ID) in support of various provisions of the Good Samaritan Remediation of Abandoned Hardrock Mines Act (S. 2371).

The Council of State Governments-West (CSG-West) and the Western States Water Council together submitted comments in the form of a letter to EPA Administrator Regan regarding EPA's proposed rule to improve the Clean Water Act Section 401 state certification process.

Tony and the Executive Directors of the Interstate Council on Water Policy (ICWP), Beth Callaway, National Water Supply Association (NWSA), Dave Mitamura also met virtually with Rick Spinrad, Administrator, National Oceanic and Atmospheric Administration (NOAA) to emphasize the need for continuous engagement and collaboration with the States.

### **FUTURE WSWC MEETINGS**

The Fall 2023 WSWC meetings will be held in Anchorage, Alaska in September at a date and place still to be determined, while the Spring 2024 meetings will be held in the Washington, D.C. area.

### **COUNCIL MEMBERSHIP UPDATE**

The meetings in Alaska will mark the State's continuing return as a full dues-paying and voting member.

Tony also noted that a number of changes to state representation, with members leaving and others taking on their official state dues, means that there have been changes that will require a letter of appointment from their respective governors. Meanwhile, WSWC staff continue to involve those officials and communication relevant WSWC actions and events.

### **SUNSETTING POSITIONS FOR FALL 2023 MEETINGS**

Position #454 – supporting Indian water rights settlements

Position #455 – supporting USDA Conservation Programs and Water Resources

Position #456 – asserting state primacy on protecting groundwater quality

Position #458 – outlining actions federal agencies should take to expedite state general stream adjudications

### **OTHER MATTERS**

There being no other matters, the meeting was adjourned.