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**Wyoming Water Development Commission  
Special Meeting  
Casper Events Center, 1 Events Drive  
Casper, Wyoming  
October 19, 2017**

1. Chairman Sheridan Little called the meeting to order at 8:39 am.
  
2. Roll Call
  - Sheridan Little, Chairman
  - Nick Bettas, Vice-Chairman
  - David Evans, Acting Secretary
  - Jeanette Sekan
  - Karen Budd-Falen
  - Rodney Wagner
  - Gerald Geis
  - Kellen Lancaster
  - Larry Suchor
  - Clinton Glick, Secretary – absent

Senator Larry Hicks of the Select Water Committee was in attendance

3. **Review Meeting Agenda and Expectations**

Jennifer Pratt Miles, Senior Mediator, from Meridian Institute was contracted by the Water Development Office to facilitate better communication between the Office and Commission. Jennifer introduced herself, reviewed the agenda and discussed goals for the meeting along with Chairman Sheridan Little.

4. **Audience Introductions**

5. **Approval of Minutes**

Gerald Geis made a motion to approve the August 23, 2017 WWDC/SWC Workshop minutes, August 25, 2017 WWDC Confidential Executive Session minutes, and August 25, 2017 WWDC Meeting minutes. Rodney Wagner seconded the motion; motion carried unanimously.

6. **Consideration of proposed revisions to Rules and Regulations**

Director LaBonde indicated most of the proposed changes had been agreed upon at the August 25, 2017 meeting, but needed final decisions on several points.

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David Evans made a motion to revert to the original language using 'sponsor' v 'applicant' in 5 instances in Chapter 7, Water Development Program. Gerry Geis seconded the motion; motion carried unanimously.

David Evans made a motion to delete the last sentence in Section 2 of Chapter 7 'Under Wyo. Stat. Ann. §41-2-112, the Commission may require reimbursement from any applicants or project beneficiaries for Level I Reconnaissance and Level II Feasibility studies in the New Development and Rehabilitation Program, and/or Level II, Phase III studies in the Dam and Reservoir Program.' Karen Budd-Falen seconded the motion; motion carried unanimously.

Mitch Cottenoir, former WWDC commissioner, suggested language change in Chapter 1. Section 3. Paragraph g., Definition of a sponsor - change 'the' to 'a' in reference to the joint business council of the Eastern Shoshone Indian tribe as they are no longer a viable organization. David Evans made a motion to approve the suggested language. Jeanette Sekan seconded the motion; motion carried unanimously.

Director LaBonde and Assistant Attorney General Karl Anderson discussed the challenges associated with referencing other documents, such as the Operating Criteria, in the Rules as they would need to be incorporated by reference including the date. The documents would then be 'married' to one another and, in case of revision, would present a challenge.

David Evans made a motion encompassing changes to multiple sections:

- To further edit Section 2 of Chapter 7. In addition to striking the last sentence he made a motion to delete '*based upon Operating Criteria, the completed application and the review and recommendation by the Office.*' The previous sentence now ends after '*case by case basis.*'
- Delete '*3a Deadlines*' based on the challenge of referencing the Operating Criteria and the deadlines are covered in the Operating Criteria.
- Section 4 Application Fees. The second sentence will be edited: '*The application fee may be waived on a case by case basis.*' striking as described in the Operating Criteria.

Gerry Geis seconded the motion; motion carried unanimously.

Rodney Wagner made a motion to adopt the revised Rules package. Gerry Geis seconded the motion; the motion carried unanimously.

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Due to a 10 day time frame for submittal of the final Rules package to the Secretary of State's office, Gerry Geis made a motion to designate Harry LaBonde to sign on behalf of the Chairman. Larry Suchor seconded the motion. The motion carried unanimously.

## **7. Consideration of proposed revisions to Operating Criteria**

Director LaBonde began by discussing a few non-controversial changes made at the August 25, 2017 meeting. Karen Budd-Falen began a discussion about River Basin Plans and Watershed Studies. Discussion continued.

Nick Bettas made a motion to strike the word 'essential' from Chapter 2.F.1. Motion failed due to lack of a second.

Director LaBonde suggested duplicating and adding language in several places in an effort to provide consistency. Karen Budd-Falen made a motion to copy the following language from Chapter III, B.1.a. : *'The application fee shall be deposited into Water Development Account No. 1. Acceptance of the fee does not obligate the Water Development Commission or State of Wyoming to fund a study or provide construction funding for any proposed project or purpose. If the application is denied, then seventy-five percent (75%) of the application fee shall be refunded to the applicant. The authority to require an application fee is provided by W.S. 41-2-110(a)(xii).'* into 2 other places, C.1.b. and D.1.b. regarding application fees for Level II and Level III projects. Gerry Geis seconded the motion; motion carried unanimously.

Kellen Lancaster made a motion to restore language added in October 2016, then stricken in August 2017 in Chapter III B.1.b., the third and fourth sentences: *'If the applicant is not a public entity at the time of the application, a written description of all steps completed by the sponsor to become a public entity. This shall include a listing of all landowners notified by the sponsors of the intent to submit a funding application and form a special district.'* David Evans seconded the motion; motion carried unanimously.

Director LaBonde reviewed a number of other changes discussed in August 2017.

Chapter 5 A. Project Priorities – this section was deleted in lieu of a list of Program Priorities - Attachment III in the Attachments. The #3 ranking of Watershed Studies was a topic of previous and continuing discussion. Going back to Chapter II Programs, F. Water Resource Planning, 2. Watershed

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Studies, Jeanette Sekan made a motion to strike the second paragraph which was added in August 2017: *‘Watershed studies are an integral part of the Small Water Project Program, which has its own specific criteria. Watershed studies also identify projects that may be eligible for the WWDC New Development, Rehabilitation, or Dams and Reservoir Programs.’* David Evans seconded the motion. Discussion followed with public comment from Anne McKinnon, a former WWDC Commissioner. The motion carried 8-1 with Gerry Geis dissenting and Clinton Glick absent.

Returning to Program Priorities and Attachment III; Karen Budd-Falen made a motion to move Watershed studies down from Project Priority #3 to #6. At the request of Kellen Lancaster, Karen amended her motion to move it down to #7, placing ‘Level III transmission pipelines (#3), ‘Level III potable water storage tanks (#4), ‘Level III irrigation canals and structures serving new lands’ (#5), and ‘Level II feasibility studies’ (#6) above Watershed studies in Project Priority. Larry Suchor seconded the motion; the motion carried unanimously.

Karen Budd-Falen made a motion to strike the words in parenthesis ‘(lower priority)’ from #14 Previously approved subdivision improvements ~~(lower priority)~~ in the New Development list as well as from #11 Previously approved subdivision improvements ~~(lower priority)~~ in the Rehabilitation list. Kellen Lancaster seconded the motion. The motion carried unanimously.

David Evans made a motion to move Project Priority #7 Level III rehabilitation of raw water storage facilities and #8 Level III rehabilitation of existing reservoirs up to #5 and #6 respectively, making Level II feasibility studies #7, seconded by Gerry Geis. The motion carried with Karen Budd-Falen absent from the vote.

Director LaBonde discussed the options going forward with the Operating Criteria. The Commission could choose to go back out for an additional 45 day comment period, thus potentially missing the March 1 deadline for applications now established or a public outreach campaign could be done to make the public aware of the changes.

Rodney Wagner made a motion to approve and adopt the Operating Criteria as revised. Larry Suchor seconded the motion. Discussion followed. Jeanette Sekan questioned if the entire document has been reviewed.

Rodney Wagner withdrew his motion.

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Sheridan Little reminded Nick Bettas of his previous motion.

Nick Bettas moved to strike the word '*essential*' from Chapter 2. F. 1. River Basin Plans, second sentence. Karen Budd-Falen seconded the motion; motion carried unanimously.

Rodney Wagner made a motion to adopt the changes to the Operating Criteria. Larry Suchor seconded the motion. The motion carried unanimously.

#### **8. Consideration of proposed revisions to the Operating Criteria of the Small Water Project Program**

David Evans made a motion to revise language in D. Application and Evaluation Process: '*Planning for small water projects may be generated by a WWDC watershed study or equivalent as determined by the WWDC that have a demonstrated public benefit*' striking the balance of paragraph 1. Discussion followed.

David Evans withdrew his motion.

David Evans made a motion to revise language in D. Application and Evaluation Process: '*Small water project must adequately demonstrate a public benefit. Public benefit may be demonstrated for projects included in WWDC watershed studies.*' Eligible projects may be located on Federal, State, public, or private lands. Karen Budd-Falen seconded the motion; motion carried unanimously.

David Evans made a motion to revise the language in D. 7. In the case of limited funding for this program the WWDC '*will prioritize the applications*'. Karen Budd-Falen seconded the motion and requested the Commission send a letter to those denied funding as to the reason(s) why. The motion carried unanimously.

David Evans made a motion to revise language in B.2. Eligible public entities are defined by state statute and include, '*but are not limited to*' conservation districts, watershed improvement districts, water conservancy districts, irrigation districts, municipalities, '*a joint business council*' of the Eastern Shoshone and Northern Arapaho Indian Tribes, the Business Council of the Eastern Shoshone Indian tribe, the Business Council of the Northern Arapaho tribe, or other approved assessment districts formed in accordance with Wyoming law. Karen Budd-Falen seconded the motion; motion carried unanimously.

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Karen Budd-Falen made a motion to adopt the Operating Criteria of the Small Water Project Program as revised. Director LaBonde suggested sending the document out for a 45-day public comment period. Karen Budd-Falen declined the suggestion. David Evans seconded the motion; motion carried unanimously.

**9. Commission and Office Operations**

The Commission and Office, facilitated by Jennifer Pratt Miles of Meridian Institute, discussed the various challenges of the last two years including the Management Committee audit, as well as comprehensive revisions to the Rules and Regulations and Operating Criteria of both the Water Development Program and Small Water Project Program. There are many changes to be implemented, all of which will take time. Some changes are fairly substantial and will affect staff on multiple levels. Both the Commission and Office hoped to move forward and begin implementing the changes.

Motion to adjourn 4:22 p.m.

Respectfully submitted,



~~David Evans, Acting Secretary~~  
Clinton Glick,