
Wyoming Water Development Commission Meeting
Hilton Garden Inn, Casper, WY
October 24, 2016

1. Call to Order: Meeting was called to order at 8:08 am.

2. Roll Call

Commission attendance:

Sheridan Little, Chairman

Nick Bettas, Vice-Chair

Jeanette Sekan

Karen Budd-Falen

Floyd Canfield

Rod Wagner

David Evans

Clinton Glick

Bill Resor

Todd Werbelow, Secretary - absent

3. Approval of Agenda

Jeanette Sekan made a motion to approve the agenda, seconded by Rod Wagner, the motion carried unanimously.

4. Audience Introduction

5. Overview Memo

Director LaBonde briefly discussed the overview memo he provided the Commission reviewing the timeline of items to be discussed during the meeting.

6. Consideration of Consultant Evaluation Forms

Karen Budd-Falen made a motion to accept the drafts presented of the Consultant Performance Reviews for Planning and Construction consultants. Rod Wagner seconded the motion. The motion carried unanimously.

7. Consideration of WWDC Rules Revisions

Floyd Canfield made a motion to approve the draft WWDC Rules Revisions. Bill Resor seconded the motion. Discussion followed. Director LaBonde guided the Commission through the proposed revisions to the WWDC Rules and Regulations.

David Evans made a motion amend the Rules and Regulations to add language per Commissioner Bill Resor to: Chapter VII, Section 2: Eligible Applicants. Eligible applicants shall meet the definition of a Sponsor as defined in these rules, with the exception of Level I reconnaissance studies *[and Level II Reconnaissance studies for Dams & Reservoirs]*. For Level I reconnaissance studies *[and Level II Reconnaissance studies for Dams & Reservoirs]*, the Commission may consider applications from applicants that do not meet the definition of a Sponsor at the time of application, but who intend to qualify as a Sponsor by the completion of the Level I reconnaissance study *[and/or Level II Reconnaissance study for Dams & Reservoirs]*. Exception to this section shall be made on a case by case basis after meeting with the proposed applicant representatives. The Commission may require reimbursement from these applicants for Level I reconnaissance studies *[and/or Level II reconnaissance studies for Dams & Reservoirs]*. Bill Resor seconded the motion. The amendment carried unanimously.

Bill Resor made a motion to amend the Rules and Regulations, Chapter VII, Section 2: Exceptions to this section shall be ~~made~~ approved by the Commission on a case by case basis *[based upon the completed application and the review and recommendation by the Office.]* ~~after meeting with the proposed applicant representatives.~~ Karen Budd-Falen seconded the amendment. The amendment carried unanimously.

Commissioners Budd-Falen and Resor suggested including a list of previous projects funded in the application.

Motion to accept Rules and Regulations as amended passed unanimously.

Director LaBonde explained to the Commission the process by which Rules and Regulations and a Statement of Reason are submitted to the Governor's Office for approval.

8. Consideration of Operating Criteria Revisions

Rod Wagner made a motion to approve the draft Operating Criteria, seconded by Floyd Canfield.

David Evans made a motion amend the Operating Criteria to include the following language at the end of the previous paragraph: Chapter III, B. 1. b.: *[This shall include a listing of all landowners notified by the sponsor's of the intent to submit a funding application and form a special district.]*

In addition, add romanette v, to Chapter III, B. 1. c.:

[Funding that the sponsor anticipates to contribute to the project.]

Bill Resor seconded the amendment. Discussion followed. The amendment carried unanimously.

Karen Budd-Falen made a motion to amend the Operating Criteria to include the following language in Chapter III, B. Applications for Projects New to the Program, 1. b.:

.....Applicants that are not public entities shall provide evidence of support for the application by providing letters or petitions from interested water users as a substitute for a resolution. *[Evidence shall be provided demonstrating a minimum of twenty-five percent (25%) of the landowners owning at least twenty-five percent (25%) of the assessed valuation of property within the area proposed to be established as a special district support the formation of a district.]*

David Evans seconded the amendment. The amendment carried unanimously.

David Evans made a motion to amend the Operating Criteria to exclude the following items from Chapter III, B. Applications for Projects New to the Program, 1. d.:

d. A list of all past Level I, Level II and Level III projects, including completion dates or proposed completion date for the project area by the WWDC.

e. A map of the area proposed to be included in the Level I study. Such map shall also include the surrounding area.

f. A list of all watershed improvement districts, irrigation districts, conservation districts within the proposed project area. Stricken items are to be put under Chapter III, B, 2. Review Requirements for New Applications.

Bill Resor seconded the amendment. Discussion followed. Commissioner Evans amended his motion to amend the Operating Criteria to leave item 'e.' (mapping requirement) in the Operating Criteria where it is and duplicate it under Chapter III, B, 2. Review Requirements for New Applications.

Bill Resor seconded his amended motion. The motion carried with Clinton Glick abstaining.

Clinton Glick made a motion to amend the Operating Criteria, Chapter III, B. 2. Review Requirements for New Applications, 2nd paragraph, item d. The proposed projects must serve fifteen (15) or more municipal/domestic water taps or 2,000 1,000 or more water righted acres. Bill Resor seconded the amendment. The motion to amend carried, Nick Bettas opposed.

Karen Budd-Falen made a motion to amend the Operating Criteria, Chapter III, D.1. d. Written verification from any city, county, or special district that is impacted by the project that they [have been notified of the project and its potential impacts]. Bill Resor seconded the amendment. The amendment carried unanimously.

David Evans made a motion to amend Chapter IV C. Level I and Level II Study Cost Sharing, "In any level I study the sponsor must pay ten percent (10%) of the cost of the study up to \$50,000.00, but that financial participation does not gain control or approval of the study". Floyd Canfield seconded the motion. Discussion followed. Abigail Boudewyns suggested better placement for the amended language and suggested it be placed in Chapter III. Karen Budd-Falen suggested placing the amended language in Chapter III, as a new item "D. Level I and Level II Study Cost Sharing" – In any level I study the sponsor must pay ten percent (10%) of the cost of the study up to \$50,000.00, but that financial participation does not gain control or approval of the study". This will push current item D. "Applications for Level III Projects" to E. David Evans amended his motion to instead place the cost sharing language in Chapter III as suggested by Karen Budd-Falen. Floyd Canfield seconded the amended motion to the amendment. Motion carried unanimously.

Karen Budd-Falen made a motion to amend the Operating Criteria by deleting Chapter IV, Section C. Level I and Level II Study Cost Sharing. Letters A-I will now exist in Chapter IV. Bill Resor seconded the motion. The motion carried unanimously.

Karen Budd-Falen made a motion to amend the Operating Criteria by adding additional language to the section added in Chapter III, new item D. Level I and Level II Study Cost Sharing. The commission can waive this requirement based on good cause shown. Bill Resor seconded the motion. Discussion followed. The motion carried, Nick Bettas opposed.

Discussion followed regarding priorities and priority spreadsheet provided to the Commission in August 2016. Reorganization of priority list will be considered in following agenda items.

Nick Bettas made a motion to amend the Operating Criteria, pg 9, Chapter III Applications-New Development and Rehabilitation Programs, Section B. Applications for Projects New to the Program.Level I Studies are reconnaissance level analyses, and comparison of development alternatives.

In addition, pg 27, Attachment I – Levels of Project Development

A. Level I Study Description

Level I studies are preliminary analyses and comparison of development alternatives. However, The following outline relates to project specific Level I studies. *[A detailed study reconnaissance plan will be developed by the sponsor and WWDO on a case by case basis in order to satisfy statutory and regulatory requirements in conjunction with financial participation by the sponsor or private entity in completing the study.]* Strike list items A 1. a-f and A 2. a-e. Karen Budd-Falen seconded the motion. Discussion followed. The motion failed, with commissioner Bettas in favor.

The motion carried unanimously to approve the Operating Criteria as amended.

9. Consideration of Project Priorities

To include the priority list as Attachment III in the Operating Criteria the Priority List will be cleaned up to delete ineligible projects.

Commissioner Bettas left the meeting at 2:00pm.

Discussion regarding priorities followed.

Account I – New Development

Karen Budd-Falen made a motion to replace priority #3, Level II Hydropower Studies, with priority #10, Watershed Studies. Rod Wagner seconded the motion, the motion carried unanimously.

Bill Resor made a motion to move #11 Weather Modification above #9 River Basin Plans. Karen Budd-Falen seconded the motion. The motion carried unanimously.

Jeanette Sekan made a motion to move Level II Hydropower studies to the end of the priority list on the Account II (Rehabilitation) list. Karen Budd-Falen seconded the motion. The motion carried unanimously.

Rod Wagner made a motion to accept and adopt the Project Prioritization Rating spreadsheet lists. Floyd Canfield seconded the motion, the motion carried unanimously.

Clarification: the priority sheets will be implemented in 2017, not 2016 as projects have already been brought forward.

10. Consideration of Agency Process Descriptions

Bill Resor made a motion to approve the Agency Process Descriptions. Rod Wagner seconded the motion.

Karen Budd-Falen offered to strike her request to be notified and invited to the annual meeting with the Governor and JAC regarding internal office budget under the Agency Process Description – Manage agency fiscal operations

Formulate and develop water resource plans

Office Duties and Responsibilities

Karen Budd-Falen made a motion to add:

Director meets with the Governor to review project applications and Office funding recommendations [*and report to the commission on the results of the meeting.*] Rod Wagner seconded the motion, the motion carried unanimously.

David Evans made a motion to capture the gist of the August 2013 changes to the Office of Water Programs in the Operating Criteria. Karen Budd-Falen seconded the motion, the motion carried unanimously.

Director LaBonde indicated he would create/provide some sort of numbering/indexing system for the Agency Process Descriptions in order to facilitate and simplify referencing the different items included, i.e., 2016-1, 2016-2, etc.

David Evans made a motion to strike the inserted language, "~~and presented to Commission~~" at the bottom of the page of the Agency Process Description "Provide technical assistance to the Office of State Lands and Investment in administering the Drinking Water State Revolving Fund program. Rod Wagner seconded the motion. The motion carried unanimously.

Karen Budd-Falen called for the question on the original motion to approve the Agency Process Descriptions. The motion carried unanimously.

Rod Wagner left the meeting at 2:57pm.

11. Consideration of new agency policies regarding Agency Process Descriptions

Policy drafted by Abigail Boudewyns, Assistant Attorney General, regarding delegation of duties from the Commission to the Office.

Bill Resor made a motion to approve the Policy regarding Agency Process Descriptions as drafted by Abigail Boudewyns, Assistant Attorney General. David Evans seconded the motion, the motion carried unanimously.

12. Discussion

a. Report from September 12th Management Audit Committee Meeting

Sheridan Little – Management Audit Committee was updated on the progress made by the WWDC regarding the program audit. The audit committee was informed of this October scheduled meeting to finalize a number of other issues identified in the audit. It was reported most likely there will be no statutory changes necessary at this time.

b. Report from September 12th Joint Ag Committee Meeting

A summary of the reservoir O&M accounts and status of those were presented to the Joint Ag Committee. Director LaBonde reported the 7 million dollar transfer from the Buffalo Bill Reservoir O&M account to Water Development Account I was approved by the WWDC. Statutory change will be required and will be sponsored by the Select Water Committee. There was also discussion about the USFS denial of Weather Modification application in the Wind River Mountains and options, if any, that may exist. Senator Meier also presented the two bills he presented to the WWDC in August regarding delegation and oversight.

c. Feedback from Commission on Planning project closeout reports at the August 26, 2016 meeting

d. Feedback from Commission on Construction project reports at the August 26, 2016 meeting.

There was an overall positive response from the Commission regarding the project updates given in August. Commissioner Resor requested an estimated total cost of projects expected to come forward following a Level I study. Bill Resor also indicated he appreciated the link given for the project reports in the closeout memos.

e. Report from September 22, 2016 meeting between Governor's Office and Harry LaBonde


Director LaBonde was asked to meet with the Governor's Chief of Staff, Kari Gray regarding several issues brought to the attention of the Governor by some Commissioners. Concerns regarding Commission procedures and processes. There was also concern regarding Director LaBonde instructing staff to proceed differently than he had indicated to the Commission. Perhaps there will be a time when the Governor's Office can meet with members of the partial commission to discuss resolution and follow up.

David Evans made a motion for Chairman Sheridan Little to write a letter to the Governor stating the Commission, as a whole, supports the Director and the Staff. Floyd Canfield seconded the motion. David Evans amended his motion to include information in the letter regarding the significant task of responding to the audit and it was successfully completed. Floyd Canfield seconded the amendment. The motion carried unanimously.

13. Next meeting: November 9-11, 2016 – Casper, WY, Ramkota Hotel.

14. Adjournment: Floyd Canfield made a motion to adjourn at 3:29pm.
Seconded by David Evans. The motion carried unanimously

Respectfully submitted,



Karen Budd-Falen, Acting Secretary