Commission Meeting Transcript--February 18, 1997

Western Waters Policy Review Advisory Commission

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WESTERN WATER POLICY REVIEW ADVISORY COMMISSION

COMMISSION MEETING

TEMPE MISSION PALMS
TEMPE, ARIZONA
FEBRUARY 18, 1997
4:15 p.m.
COMMISSION CHAIRPERSON FORT: Commission Members, shall we conclude? Members, can we take our seats please and then we'll conclude.

Thank you all. We're going to begin a business meeting of the Commission now and others are welcome to stay in the room and listen or not. But we're going to now finish up our Commission's business.

Curt, do you have attendance, can you just note who was present today, you won't have to call it out, but -- thank you. I'm going to stay up here for a minute because it continues to be a little hard to hear.

The items that I've got that I'd like us to talk about -- I'm sorry, we don't have a written agenda, we do this pretty informally. But the things that we need to talk about rather rapidly are these items.

As you've done -- people now are passing out the memo on the extensions, but I think the first item we need to talk about is the date by which this Commission's report is due. And talk about how we might handle a request for extensions.

The second item that I have got down is to discuss the change in our proposed meeting schedule, two changes, to add additional days to meet in both March and April. Before I
ask --

EXECUTIVE DIRECTION GLASER: The hired help you get now days, I’ll tell you.

COMMISSION CHAIRPERSON FORT: I think everyone is a little punch drunk with this day -- two days we’ve had. So we’re going to talk about a change in the meeting schedule to add two additional days.

Hauli Chai has raised the question, which I think is a -- mostly in the nature of a report, but just a brief report on drought -- I’m sorry, on flood issues in California, and the question about a Commission being formed to look at those issues.

And then I think we should do a general update, insofar as there’s time and energy left, on staff issues, basically, and hear a report from Don. One of the issues we left was -- at the last meeting, was talked about the basin -- the process for public comment on the basin reports. And so we wanted to bring you up to date on that and I’m sure there are some other items that we wanted to bring you up on.

Anything else we should talk about over the next hour or so? I’d like to cover everything everyone is thinking of.

Let’s move onto the extension item now. I’ll sit down, it’s quieter.
Commission Members, have in front of you now a memorandum describing our thought at a staff level, that we should have, that we should request an extension of time to complete the Commission report and to take public input on that report.

As you note we're not asking -- we don't think it's going to be necessary to have additional monies, although it will be necessary to have the support of the Department of the Interior in allowing us to carry monies over. And to continue to use facilities and staff as we have been from the Department of Interior in support of these activities.

And so I frankly think the October deadline, which we're all committed to, is nonetheless a very ambitious. And even to leave time for editorial work and so on, on the report. It's going to be very ambitious. So I think this extension is needed both in terms of public comment and public participation, it's very badly needed for that. But it's also needed in time in terms of completion of the report as a secondary matter.

So are there discussion on that item?

COMMISSION MEMBER ZIRSCHKY: I think the people that we need to ask is Congress. Are they willing to wait the extra 60 days for that public comment. I guess politically it would be difficult for members of Congress to say, no, that
they didn’t want an additional public comment period. But perhaps in one of the supplemental appropriations bills, and I’d welcome comments from those on appropriations, Congress might take a formal position and say, yes, you can have the time period.

Barring that, we sort of knew how much time we had going into it. We knew what the challenges were way back when we met in Portland. Barring Congress saying it’s okay, we believe public comment is important, I think we should stick with the schedule. But I would support us formally, as a Commission, requesting that Congress support a 60-day extension.

COMMISSION CHAIRPERSON FORT: Valerie, did you want to say anything at this time?

MEMBER REPRESENTATIVE WEST: No.

COMMISSION CHAIRPERSON FORT: You looked like -- Valerie?

MEMBER REPRESENTATIVE WEST: No.

COMMISSION CHAIRPERSON FORT: Yes.

MEMBER REPRESENTATIVE KOPOCIS: I just wanted to make a comment. John said that we knew how much time we had and et cetera, Congress, when they enacted this, said it would take three years to do it. We are now trying to complete it in a year and a half. So I think that there are certain
things that just take a certain amount of time. And we can't put an 18 month schedule into a nine-month period and -- or a 36-month schedule into a 18-month period. So I don't think it's unreasonable to expect that there is -- that this Commission needs more time than it actually has.

COMMISSION MEMBER ZIRSCHKY: True, but we also cut the scope down from what Congress originally asked us to look at, somewhat. And that was an issue that Nils brought up many times during the course of these deliberations.

I don't have a problem with asking for another 60 days and I'm glad to hear that Ken believes that that important. I would just like to see us get some support from Congress for that.

COMMISSION CHAIRPERSON FORT: David Cottingham.

MEMBER REPRESENTATIVE COTTINGHAM: I think that one point I want to make is I think it's best if the -- if you, Denise, I think you should send a letter to the relevant committees. The memo is drafted that Denise would send a letter to the secretary. I think under the circumstances, especially when there are so many Congressional members present on this -- on the Committee, that the agenda that you have laid out here doesn't look like a 60-day -- is a 60-day extension for public comments, but it's really a six month extension. And it should -- it goes until March 30th, instead
of October 1.

But I don’t think that should require any appropriations language. I think it could be an exchange of letters at this stage. I mean, so many of the -- we don’t -- let’s try to avoid appropriate writers at this stage. I don’t know unless -- I mean I’m --

COMMISSION MEMBER ZIRSCHKY: Do we need that to get the money to carry over?

MEMBER REPRESENTATIVE COTTINGHAM: No, I don’t think we need it to carry over the money.

COMMISSION MEMBER ZIRSCHKY: All right.

COMMISSION CHAIRPERSON FORT: Jeff.

MEMBER REPRESENTATIVE COTTINGHAM: Unless Jeff --

MEMBER REPRESENTATIVE STASER: I think -- no, I thank that’s the proven way to go. Why stir up a hornets nest if it’s not necessary.

MEMBER REPRESENTATIVE COTTINGHAM: Yeah.

MEMBER REPRESENTATIVE STASER: If we have the authorizing committees, the committees of primary jurisdiction, aware and we’ve notified them that this is our intention and we get something back in writing, I think we’re all right.

COMMISSION MEMBER ROBERTSON: Isn’t it true, David, that the FACA Charter on the Commission actually extends well
beyond '98?

MEMBER REPRESENTATIVE COTTINGHAM: I think that's another point in this memo that I wanted to clarify. When we initially signed the FACA Charter it was in -- I don't have it with me -- September of '95, and it said, it was a standard FACA Charter for two years. We then made the amendments where we, in May of '96, where we made the ex-officio voting members. And that was essentially the only change.

I had talked with our attorneys last week and then again this morning. We'll take care of the FACA issue. I don't think -- I think it's going to take a technical extension of the FACA Charter as it's stated in this fourth or fifth paragraph down here. I don't think is quite the way our attorneys, our FACA attorneys, would put it, but we'll take -- we can deal with that. That's not going to be a big deal.

MEMBER REPRESENTATIVE WEST: I have more of a question on the availability of funds. If the funds are not available until expended, is it going to be possible to fund a January meeting or are we going to get up to close to that meeting and realize there is no departmental authorization for Commission members to travel?

Given that money was earlier spent by the department when it was going to -- the fiscal year was about to be over.

EXECUTIVE DIRECTOR GLASER: Our intention, Valerie,
would be to carry over sufficient funds that have been made available, in this year’s budget to the Commission, to cover the January activity. Now, what we will have to verify that I think is more important and that is that Reclamation will continue to provide us space; Curt Brown, Charlene Dougherty and probably Larry Schulz, support through the revision of the document. And I will talk to Austin Burke who has been -- who are these folk’s supervisor and provides us the space to make sure that that is, in fact, something that we can rely on.

MEMBER REPRESENTATIVE WEST: But the carry over of funds, you don’t perceive to be a problem either?

EXECUTIVE DIRECTOR GLASER: What I would hope that we would do following this meeting, is we would prepare a letter for Denise to sign that goes to Patty Beneke the Secretary’s representative and presents what it is you decide. And then prepare a second letter with the help of the two authorizing committees on the chair, the two authorizing committees to exchange correspondence between Denise and the committee chairman to so notify them of our desire to have a comment period. And hopefully solicit their response.

And we think that will take care of -- our understanding with the Interior, on the carryover funds as well as an understanding with the committee that although the report will be done in October, we’re going to provide public
report will be done in October, we’re going to provide public comment on its way to the Hill.

MEMBER REPRESENTATIVE WEST: Now, given that the other authorizing committee is not represented here and I’ve not had a chance to speak to the members, I think that that’s probably something we -- I don’t -- I’m not saying I perceive it to be a problem, but I feel like it’s something I need to check on.

EXECUTIVE DIRECTOR GLASER: Sure.

MEMBER REPRESENTATIVE COTTINGHAM: Our assumption at the Department is that this would not -- that the -- we can cover the expense of the January meeting given the existing money that has been allocated to the Commission. And that the staff’s salaries -- Don would probably go off salary.

COMMISSION CHAIRPERSON FORT: Volunteer.

MEMBER REPRESENTATIVE COTTINGHAM: Volunteer his time.

EXECUTIVE DIRECTOR GLASER: Maybe. I might have a lot of time on my hands, you never know.

MEMBER REPRESENTATIVE COTTINGHAM: So I think with that that the schedule -- and I’ve talked this over with Patty and they talked it over with us before. This -- we think this is a good idea to go ahead and for the Commission to get public comment as opposed to handing a document on October the
15th to the administration and then say, here you go get public comment on it. It needs to be a Commission process.

COMMISSION MEMBER ROBERTSON: So Madam Chair, I guess what I would do then is, if you’re looking for it, I would move essentially the adoption of the proposal as described and elaborated on the document you passed out.

COMMISSION CHAIRPERSON FORT: Thank you. All in favor of the motion indicate by say Aye.

(AYES)

COMMISSION CHAIRPERSON FORT: Opposed. There were none, the motion’s passed.

The second item we’ve got is a change in the schedule and actually, Mr. Robertson would be responsible for two extra days of meetings. So I think he should present the next item.

COMMISSION MEMBER ROBERTSON: Just as background, quickly we -- the sense was that we had a set of very important informational briefings that were going on through the spring and into the early summer, but that it was -- seemed clear that one of the interests of the Commission revolves around the strategic alignment or strategic issues associated with water policy in the 21st Century. And we needed time, in a classic sense, to kind of spend time together to talk about the strategic implications and some of
the structures that have been suggested to us. And to come up with a discussion among ourselves about how we would like to deal with these -- the new structural challenges that are confronting water policy in the West.

And so the idea was to give ourselves some breathing space in the meetings, I think, to allow for a strategic discussion of that type. And the Chair graciously has consented to listen to that.

And I think the proposal would be to add a day at the end of the meeting next month here in Phoenix and a day at the end of the following meeting in April. Specifically devoted to what I'll describe as a strategic discussion about the direction of water policy relative to the conversations we've had around the Commission for the last few months.

COMMISSION CHAIRPERSON FORT: Are there questions about the proposal? We're looking at -- I think it's unavoidable, Ken, just commented it was very nice Arizona has given everyone a calendar. We should do this every time we have a meeting.

We may need to -- I think what we should probably do is approve, in concept, the idea of additional time. And obviously three days will be harder for some people than two days and not everyone is here. But we would tentatively be looking at March 17th, 18th and 19th. And then in April if we
were to add an additional day, I'd be in trouble unless it were the 20th. But -- which would be a Sunday, but we would have to figure out some -- where we would add an additional into that April meeting. I don't know if it would be -- either direction would be hard for me.

But we'll -- does anyone have -- other than me, have problems with the day on the 17th, an additional day on April 17th as you now know your calendars?

MEMBER REPRESENTATIVE COTTINGHAM: It's a Thursday.
COMMISSION CHAIRPERSON FORT: Thursday.
MEMBER REPRESENTATIVE COTTINGHAM: April 17th is a Thursday?
COMMISSION CHAIRPERSON FORT: Yeah.
MEMBER REPRESENTATIVE COTTINGHAM: And March 19th is a --
COMMISSION CHAIRPERSON FORT: Wednesday.
MEMBER REPRESENTATIVE COTTINGHAM: Wednesday.
COMMISSION CHAIRPERSON FORT: Okay. So it sounds as though are tentatively all right with everyone.
EXECUTIVE DIRECTOR GLASER: And it would be our intention on March 19th; is that correct?
MEMBER REPRESENTATIVE COTTINGHAM: Uh-huh.
EXECUTIVE DIRECTOR GLASER: The Wednesday, to make sure the Washington folks can get out that afternoon so they
don't have to stay another day and then lose a day to travel to get home. And the same thing getting out of Boulder, that should be a little easier because there's a later direct flight out of Dallas, but we will be sensitive to the people going to the east.

MEMBER REPRESENTATIVE COTTINGHAM: You can't take it anymore -- you can't take it anymore on government contracts.

EXECUTIVE DIRECTOR GLASER: Well, we may have to do something in the exigency of the service.

MEMBER REPRESENTATIVE COTTINGHAM: That's fine.

EXECUTIVE DIRECTOR GLASER: But we will be mindful of the people traveling east and their travel budgets on both of those days. And we should be able to accommodate that.

MEMBER REPRESENTATIVE KOPOCIS: I would also just encourage, I understand that March meeting on Tribal Water meetings is largely falling into place. But to the extent we could steal some time away from the April meeting, in some fashion, to try to take on some of our internal Commission business I think that would be a help as well.

EXECUTIVE DIRECTOR GLASER: We should be able to design a day for Commission -- substantive Commission business, however you chose to use it. For the discussions on governments and other things that you've shown an interest in.

COMMISSION CHAIRPERSON FORT: Yes, Jeff.
MEMBER REPRESENTATIVE STASER: Could we plan that in the mornings so while we’re sharp and alert and make some consideration there for --

EXECUTIVE DIRECTOR GLASER: I’ve noticed you sharp and alert at all times, but we will do our best to do that.

COMMISSION MEMBER ROBERTSON: May I ask, is it clear and certain that the tribal presentations will go forward next month now?

EXECUTIVE DIRECTOR GLASER: Yes.

COMMISSION MEMBER ROBERTSON: Okay.

EXECUTIVE DIRECTOR GLASER: In fact, I would openly state my appreciation to John Echohawk for his leadership in helping us get this put together in the last couple of three weeks. It’s -- I think by the end of this week it should be -- the speakers should be pretty firm and we’ll get you a tentative agenda for the meeting.

COMMISSION CHAIRPERSON FORT: We’ll say some more -- go on to an update, say some more about that. I think nothing more is needed on that, but just simply do -- it sounds as though people are all comfortable with the idea of additional time for which we’re very appreciative that you’re willing to take this time at the end.

MEMBER REPRESENTATIVE COTTINGHAM: I’d just like to ask a question about the scheduling on the 27th through the
29th of August meeting. I know that Congress will be out of session, that happens to be the Thursday -- the Wednesday, Thursday, Friday before Labor Day in Washington. A great many people are usually gone on vacation right there before Labor Day. And I'm going to put it to the others would it be better to move that until the week after Labor Day, if it doesn't effect anybody. It just seems to me that that's a time when a whole lot of people are gone so.

MEMBER REPRESENTATIVE STASER: A lot depends on where the location is.

MEMBER REPRESENTATIVE COTTINGHAM: I don't know where the location is so.

MEMBER REPRESENTATIVE KOPOCIS: I thought it was Alaska.

COMMISSION CHAIRPERSON FORT: Alaska?

EXECUTIVE DIRECTOR GLASER: I would say that we could accommodate doing that the next week without really too adversely affecting our schedule. It may mean that the October 10th date moves back to the October 15th time frame, but it's not going to be a critical issue for us. So that's a decision you should make as a group for your schedules.

MEMBER REPRESENTATIVE STASER: I think it's wiser to do it afterward rather than have an expectation that people are going to be there and actually have them well intended
plan on being there, but have something come up.

MEMBER REPRESENTATIVE COTTINGHAM: I’m just throwing it out. It seems to be a time in Washington when everything gets real slow and everybody’s on vacation and everybody sort of gets back to business that week after Labor Day.

MEMBER REPRESENTATIVE STASER: That’s one of the few times that you can actually get back to your state and touch base with people in the state. So very likely, we don’t know yet, but in our case, you know, I may be up in Alaska during that time.

COMMISSION CHAIRPERSON FORT: So will we, Jeff.

MEMBER REPRESENTATIVE STASER: Yeah, you’re all invited.

COMMISSION CHAIRPERSON FORT: What would you have done; what would you like to do this about this? Note it, maybe send something around?

EXECUTIVE DIRECTOR GLASER: I could send a notice around, query the group and confirm that back if that’s what you’d like me to do as a matter of process for those that aren’t here. We’ll do that later this week. We’ll send out a notice asking folks for their availability the next week and just see what the temperature of the group is.

COMMISSION CHAIRPERSON FORT: Next item -- well, Hauli you wanted to say something about the -- just note the
COMMISSION MEMBER: Yeah.

COMMISSION CHAIRPERSON FORT: I keep calling it drought. That's Senator Domenici is proposing a Drought Commission that Ben told me about, and I guess California legislators are proposing a Flood Commission so -- oh, I'm sorry, I thought we were concluded, Ken, on schedules.

MEMBER REPRESENTATIVE KOPOCIS: Well, we were, I didn't know right where we were headed. I want to go back to the schedules for a minute. During the course of our conversations last evening, some informal chatter, one of the issues that comes up is the fact that there are, I always forget, 12 or so members of Congress that are members of this Commission by virtue of the positions they hold in Congress.

And except for Senator Hatfield's appearance at the first meeting and Senator Kyle's appearance here yesterday, those members of Congress have never attended these meetings. And based on the schedule, if these meetings continue to be held outside of the Washington area, they will not attend any of them. I don't think it's realistic to expect them to.

And so I would like very much for us to consider the possibility of setting up a meeting in such a way that the elected members of Congress can attend a meeting. A subsequent meeting discuss issues and it would probably be the
meeting which is tentatively scheduled for the August 27th and 29th period.

Congressional recess being what it is, I can virtually assure you that your maximum attendance would be one if the meeting were held during that period. And that might be -- I'm not even sure which member that is I've got one in mind.

The week after that Congress is scheduled to be in session, both the House and Senate. And it may be possible that members would attend a two-hour, three-hour meeting of the Commission at that time.

But I would encourage each of the Congressional representatives, and I know there aren't very many of us here, to check with our individual members and see whether they are willing to attend a meeting, if a meeting was held in Washington. Because I think that that should have some influence on scheduling of when and where we schedule a meeting.

It has many advantages. One is, of course, attendance and secondly, quite frankly, I think it's probably would be cheaper to hold a meeting in Washington. You would have to fly fewer people. There are 12 or 14 of us who would be commuting from home to the meeting.

So from a budgetary standpoint, from a participation
standpoint, I think there are a lot of advantages to actually holding one of these meetings in Washington. Now, if all come back and the answer is, from our members, is that they would prefer have this remain a staff delegated function, then it becomes less important to schedule it necessarily in Washington for their convenience.

I would just, I guess, I want us to consider the idea of holding a meeting in Washington. Probably this one which is penciled in for August, for late August or perhaps early September, and I would ask my colleagues on the Hill to check with their members and see if they would be willing to attend. I think that’s important information for us to give to Denise and Don in terms of scheduling.

COMMISSION CHAIRPERSON FORT: Jeff.

MEMBER REPRESENTATIVE STASER: That ties in with a suggestion I’d like to table for the Commission, and I’m not sure if we need to do this formally or just informally. But it makes a lot of sense to me that we have a task force of the people that work on the Hill to get together between now and perhaps the next meeting, and talk amongst ourselves and see what kind of a consensus there is for meaningful changes. What kind of maneuver room there is to do something in law. What kind of vehicles are moving.

So that perhaps we can come back with some
suggestions to the Commission as to what the art of the possible is to make sure that as we frame our recommendations, we have some things we know are possible to do. I think we could do a lot of work amongst ourselves, given the committees that we represent, to help frame -- not trying to limit by any means what the Charter is, but at least advise, which I think is our responsibility as being members of the Commission. Advise on what can actually get done this Congress. And come back and say that.

I just -- maybe we should have either formal or informal gathering of all the folks who work on Capital Hill before the next meeting and lay out some of those. Probe, you know, probe the possibilities.

COMMISSION CHAIRPERSON FORT: Valerie.

MEMBER REPRESENTATIVE WEST: Well, Jeff and I had talked and one of the issues that we raised was that not only -- I mean, agency redundancy is in -- not completely, but I mean, there is a function of that, that is that the way that the committee structure is set up on the Hill and the jurisdiction is handled by a wide variety -- I mean, Mark Hatfield Chart. You know, you have 11 committees on both sides of Congress, and if there was a way that we could look at that and see, if perhaps, as we talked about gaining some of these efficiencies in the budget pressures that we're
facing, whether there are some feasible recommendations for how to perhaps eliminate redundancies in programs or make the budget go as far as possible, the scarce federal dollars.

COMMISSION CHAIRPERSON FORT: But you’re discussing both legislative and administrative it sounds.

MEMBER REPRESENTATIVE STASER: Yeah, I think it would be wise for us to have, you know, a working group looking at the legislative problem that the Commission faces in trying to implement recommendations. Just so -- and if nothing else, we can advise the full panel as to well, here’s some areas that are going to be just dynamite and cause the entire plan to be shelved. Or here are some areas that we think there’s a rough consensus on and we need to flush it out a little bit in this area.

And just so that you’re aware of what the legislative battlefield is like. I think in the military they call it intelligence preparation of the battlefield, know where all the mine fields are. And that’s something useful, I think, that it will cause a dialogue amongst the members and representatives which may encourage our members to participate.

COMMISSION CHAIRPERSON FORT: Any other comments on that?

COMMISSION MEMBER ROBERTSON: I’d just say, I think
it's a great idea. One of the great values to the way this Commission was set up was to get Congressional -- keep Congressional players involved early in helping shape and advise the Commission on that particularly complicated process. And I think we have to think, as the Charter or the Commission calls for, we have to think well into the future. But I think we have to understand the map of how to get there.

And the idea that members -- the representatives from Congress would talk amongst each other and give some strategic advice to the Commission generally about that, I think is highly valuable.

COMMISSION CHAIRPERSON FORT: I would just comment as well, we've noted along the way that there are some very informal working groups as well and should make sure, especially you as a new member Jeff, and others are just kept informed of that. If you have an interest in any of the topics on the outline or anything you think should be on the outline please be in touch with Don and with Dan.

We've got a -- let's see, Don, Ken Salazar has raised an interest in ADR, Janet has started to work with him on, you know, looking at ADR questions as they apply to water adjudications and apply to conflict resolution generally. And so people who are interested in that topic have been talking some, shaping that discussion a little bit.
It’s all in terms of input to the Commission. As you know, we will then have a draft report that we’ll all work on. But there are such efforts going on and I think this is the nature of our enterprise, is not much time and lots of work. And so the more, the better, of those.

We in particular were interested, I was interested in the question of Congressional organization and so any materials on that would be useful. And just keep us informed and we’ll disseminate the results.

Questions, comments?

Curt, yes.

COMMISSION STAFF MEMBER BROWN: I don’t think we closed on Ken’s suggestion and I guess Ken were you, do you want to poll the Congressional folks and look at the calendar?

MEMBER REPRESENTATIVE KOPOCIS: Well, yeah, I think really what I was proposing was that I wanted to -- I want to maintain some flexibility of the schedule for late August, early September. And I think one of the important factors of deciding when that meeting is going to be held is the likelihood of the Congressional members actually attending the meeting were it to be held in Washington and were it to be held that first week in September following Labor Day.

EXECUTIVE DIRECTOR GLASER: Can I comment on that?

MEMBER REPRESENTATIVE KOPOCIS: Yeah.
EXECUTIVE DIRECTOR GLASER: I think if we’re going to poll people on meeting after Labor Day instead of before Labor Day, we ought to just see what the sense of the group is in holding that meeting in Washington.

Irrespective of the elected officials’ interest in showing up at the meeting, it is a good place to hold a meeting. It is going be theoretically our meeting where we agree on the final draft report, your Commission report. I mean, we’re going to have a report at that time on our current schedule. And I would like to structure that as such, that we get as many of the Congressional representatives there as possible and the best place to do that is in Washington.

I’m talking about you folks now, the best place to do that is in Washington given the busy Congressional schedule we’re going to have this year. I would just propose you consider having that meeting there.

COMMISSION CHAIRPERSON FORT: Any comments on that, just generally, that we just agree to meet in Washington?

COMMISSION MEMBER ZIRSCHKY: I would be curious, not to be indelicate, but how many -- given how volatile the issue of western water is and that we will likely have a draft, how many members will actually want to show up at that meeting versus give themselves some breathing room to wait and see how the public comment period goes before they actually show up
and take a position.

I've noted in the last month or two an increasing nervousness on the part of people in the west to this Commission. And I know I've gotten calls and some of the other people around this table have gotten calls from interests. People are just starting to sort of wake up to the existence of this Commission and they're nervous about what it's going to recommend.

And I'm skeptical that many of the western members will see it in their interest to show up at the start of a comment, public comment period, rather than let us get a draft report done, see how the public comment period is, and then I would suggest they're more likely to show up knowing how their constituents feel.

COMMISSION STAFF MEMBER BROWN: We could consider also May as a possibility for a Washington meeting.

COMMISSION MEMBER ZIRSCHKY: Well, I think it's important to -- Ken's suggestion is to poll the members, but I would just -- I'm more cynical, I guess, about some of them -- given that we've had two of them show up.

EXECUTIVE DIRECTOR GLASER: You know, that may be true, John, but even if they choose not to show up it might not be too bad to have the September meeting there just so that we can get their representatives to the meeting.
COMMISSION MEMBER ZIRSCHKY: Well, that's true.

EXECUTIVE DIRECTOR GLASER: These, it would be their proxy or non-proxied representatives, so that we can have a real thorough discussion on the report.

COMMISSION MEMBER ZIRSCHKY: It's often, though, very difficult, if you're in Washington -- speaking from a federal -- I doubt I'll be with a federal agency then, but if I still were, if you're close to your home base, it's very easy for people to take you away from the other business that you could be doing. And it would be very difficult for some of the Congressional staff as well as similarly -- that's a very busy, busy time of the year.

COMMISSION MEMBER ROBERTSON: I don't mean to complicate this, but I do think Curt's got a point and John makes a point, too. Truthfully, at the stage we're talking about, and I thinking we should be talking about early September, and I think it may be that that's the best place to do that would be Washington, D.C., you are talking about polishing the recommendations of the Commission.

So inputs at that point, I mean you will have done a lot of the heavy lifting, and if you're doing your job, you're at the point there where you're trying to resolve the final differences. And for those who can't agree then there may be other outcomes.
So the notion of actually having a Commission meeting in May, for example, in Washington when the concrete is still wet and when we’re still working on conceptual approaches where you’ve got -- might have a better chance of getting buy-in, that shows up finally in the September final report, to me has more true value because it is a more genuine kind of input and less likely to spook people around.

Although I’m personally thinking that what the Commission is going to do here would be interesting, but maybe not as politically volatile as people may think, but --

COMMISSION CHAIRPERSON FORT: Yes.

MEMBER REPRESENTATIVE STASER: I can only speak for one member, I think. Senator Stevens, it would probably not make any difference at all to him whether or not it was in September and/or earlier. He expects me to keep him informed on what the recommendations are and have his input. And he’s making his input known before a public opinion comes back because he knows what he wants and what he thinks the state needs. I don’t think the public comment period would change his input to the process.

I don’t think -- but, of course, Alaska’s got a different situation, they have an abundance of water. We don’t have -- like in 1933 with Arizona’s National Guard being called out to stop the floods.
COMMISSION MEMBER ZIRSCHKY: Some of the other members aren't as familiar with the west. I don't know if Chairman Shuster would come down or Mr. Oberstar not being from the region.

MEMBER REPRESENTATIVE STASER: Yeah.

COMMISSION MEMBER ZIRSCHKY: I don't know.

MEMBER REPRESENTATIVE STASER: So from my point of view, I think it, you know, would be very supportive of getting the members involved as early or as late as you feel is appropriate. And getting the meeting in Washington makes it feasible to get members involved.

So the decision I guess is, you know, are you going to have meeting in Washington and how many.

COMMISSION MEMBER ZIRSCHKY: I'm happy to defer to whatever members of Congress feel. It's -- you know best, Ken, as to what the members are likely to do.

MEMBER REPRESENTATIVE KOPOCIS: I wouldn't make a prediction today that even if we held the meeting in Washington, while Congress was in session, you would necessarily get members to attend the meeting. Other than in the capacity like we saw Senator Hatfield before or Senator Kyle, they make a brief appearance. But to sit down and endure several hours worth of one of our Commission meetings is very unlikely.
I mean, we’ve got -- I know members of Congress who -- we mark up significant legislation and if it takes more than 10 minutes, it’s taken at least nine minutes too long. And so to go through the kind of process that we’ve done here or that we’re anticipating doing is not something that your typical member of Congress is going to do.

COMMISSION MEMBER ZIRSCHEKY: And he’ll be very -- your committee will be very busy that first week back, perhaps, finishing a highway bill that may pull in a lot of --

MEMBER REPRESENTATIVE KOPOCIS: We may busy finishing the highway bill. The people that represent appropriations committee are going to be in the last four weeks of the fiscal year. So there are going to be a lot of demands. And I’m not sure it works, I’m just suggesting we’ve got to consider these ideas and put them on the table. And that’s one of the reasons that I would suggest that we -- well, the meeting in Washington would be fine, but we may also just want to see whether the members are interest and then the Commission can decide whether the Commission wants to meet.

One issue that has not been raised about -- that I thought you were going to, John, about the Western Policy Commission’s meeting in Washington is not meeting in the west. So that there are people who have a very real stake in the issue, who would then be forced to travel long distances to
attend the meeting.

Not that you can get anywhere in the west that's not a long distance, but it's easier to get to Phoenix from Sacramento than it is to get to Sacramento to Washington. So I mean, I think that's absolutely another issue we need to consider as well. So often we get accused of eastern bias and I don't know if that's an issue for us to consider.

MEMBER REPRESENTATIVE STASER: A quick comment on that. On that meeting in July, we were talking about the federal role, I mean, there's a certain legitimacy in having a meeting to talk about the federal role in the Federal Capital. And maybe that would be the time to do that.

COMMISSION MEMBER NEUMAN: I'm not sure when the recess is.

MEMBER REPRESENTATIVE COTTINGHAM: Can I --

COMMISSION CHAIRPERSON FORT: Yeah, David.

MEMBER REPRESENTATIVE COTTINGHAM: Do we assume that with, with each of these chapters, that there will be draft recommendations with each of those chapters?

COMMISSION CHAIRPERSON FORT: Yes.

MEMBER REPRESENTATIVE COTTINGHAM: Okay. So we will have a continuing roll out of various chapters with -- okay.

COMMISSION CHAIRPERSON FORT: Yes. All right. Are there other comments? I mean, I think as I'm reflecting on
what Ken said, there may three questions.

Is it good to meet -- we have, I've felt, a little bit symbolically, I've felt we've been meeting in the West.

I'm actually writing my article per Ben's instructions on the Commission, and one of the things I note is unlike, perhaps other Commissions, which I suspect were more out of Washington D.C. we are out of the West and so I've -- I don't know that it's a good reason not to meet in Washington, it's just, I think, something notable that we have been having our meetings in the west.

Second question to me is staff participation from D.C.-based staff. John's noted that it may be -- it should be easier for staff people to be there, it might be harder. And that's just something that you'll need to reflect on because we certainly like having the uninterrupted two days, and we've had pretty good participation from Congressional staff. But that might be something we could just address in a memo that we circulate and ask for people's comments.

And then the third question is, will we get any participation by members of Congress and that would be as Ken said something for Commission -- for staff members to ask their members, will you come. And I think, frankly, even if we just get -- we obviously can't expect someone to sit down and work over the text the way we're going to, but if we can
get 15 minutes of comments, it's actually been, I think especially for the citizen members who don't know people as well, very enlightening to have that. So if we get a few 15 minute appearances that might be a helpful thing for us.

But that's how I would see the different issues and would think that maybe we should write a memo, Don, to the people who are -- well, to everyone and ask everyone to reflect on what their preferences would be. And then to ask Ken's question of, do you think you could get your member present for some period of time. And maybe not worry too much about which meeting.

Valerie.

MEMBER REPRESENTATIVE WEST: Well, I'm just going to throw out -- not to complicate matters more, but I think that another thing to think about is that although I represent Mr. Young I also feel as though I have an obligation to the other Republican members on the committee. A great number of whom represent rural areas of the West that could have strong feelings one way or another about the Commission's report, shall we say.

MEMBER REPRESENTATIVE COTTINGHAM: No.

MEMBER REPRESENTATIVE WEST: No. But my point being that I think there also is, perhaps, in one of these meetings a time to have -- there is a fairly active western water
caucus among the members, both House and Senate, back in Washington, D.C. and it may provide an opportunity to have direct interaction, not necessarily with the specific members who are represented on this committee, although they may come, but also other, you know, other members of Congress who aren’t probably going to have a high interest in this.

And it may be that it also provides an opportunity for the Commission to briefly, you know, outline to the members if we had a Western Water Commission meeting -- or western water caucus meeting the direction that you, Denise, or whomever feels that that the report is going.

So I just throw that out as it does provide an opportunity, a different opportunity.

MEMBER REPRESENTATIVE STASER: If I heard what you said correctly, this is a kind of a new twist which is really fascinating. What if we had the Western Governor’s Association and the Senate, western states caucus and the water-issue’s folks in the house, all have an opportunity, nothing required of course, but an opportunity to meet the members of the Commission, make statements, introduce statements for the record, something like that. I don’t know how far you want to go along those lines, but --

COMMISSION MEMBER ZIRSCHEKY: I guess I’m nervous. The more you put the members on the spot to take a position,
the tougher it will be, even for those who want change to be able to support change because the people who are likely to call up the members of Congress are going to be those that are nervous about any change, and we'll be forcing some members who might like a little more flexibility to prove their allegiance to the status quo.

COMMISSION CHAIRPERSON FORT: Pat, did you have a comment?

COMMISSION MEMBER O'TOOLE: Just my comment would actually be similar to that of Valerie. And I think that the opportunity to go back to Washington would be a good one, sooner, better than later. And I think that the idea of having the perverse input there would be valuable. We could certainly -- these issues are going to come to the forefront sooner, rather than later, and it would be good to have that interaction.

COMMISSION CHAIRPERSON FORT: Does it sound acceptable to poll everyone who's here and to ask the questions about -- do you think you can capture this in a poll, Don?

EXECUTIVE DIRECTOR GLASER: I think we can put out a query and --

COMMISSION CHAIRPERSON FORT: Okay.

EXECUTIVE DIRECTOR GLASER: -- and see what the
sense of the group is. I'd ask you to think about this.

One other thing that at least I had on my mind, is somewhere in this process I think it would be appropriate for us to have somebody on the Hill and then you folks, probably, arrange briefings for western staffers who have an interest in this issue.

Because what's going to happen is as we get closer to a report and we have more meetings and we start to formulate ideas and paper starts floating, the interest level is going to go way up. And folks are going to start communicating with their representatives.

And what we don't want to do is we don't want to have people that are partially informed carrying our message to the Hill. We probably ought go tell them where we're at in the process, what the schedule is, how this is going to roll out, when the public comment period is. So that those folks are equipped to deal with the inquiry that comes into their offices.

So we'll want to think about when we should do that. And I don't see that as being some big public meeting, I just see folks in -- somebody on the Hill from the committees inviting folks to one of your meeting rooms, and we hold a briefing in the Senate and a briefing in the House for staffers so that they're informed. I mean, that would be a
helpful thing. I’ve found that to be a helpful thing in the past. We should do the same thing with federal agencies.

The only other thing that I would add, and this goes back to the schedule, and not to confuse things even more, but this meeting on July 8th, 9th and 10th -- now, Curt help me out here if I misstate this. But this was going -- this, in part, was going to be a meeting with federal representatives to talk about what we were beginning to envision as a change in federal role or a characterization of federal roles into the future.

And it was our most recent thought that this would not necessarily be a formal Commission meeting, but we would, like all of our working meetings, invite any Commission members who were interested in sitting down with the federal agencies and talking about this to attend. And this would be a Washington meeting. This is the federal forum meeting?

COMMISSION STAFF MEMBER BROWN: Yeah, we talked about several different approaches. We need to do both things. We need to have a Commission discussion of the drafts on chapters five and six. Then we felt we also needed to have a discussion about those same chapters with our federal liaisons to sort of grind through some of those recommendations.

We’re not absolutely sure that we can do that in the
same meeting. And it may be we would go back --

EXECUTIVE DIRECTOR GLASER: Probably not, in fact.

COMMISSION STAFF MEMBER BROWN: -- and just at an earlier time, maybe late June maybe on the 4th of July, to Washington and talk to the federal forum.

EXECUTIVE DIRECTOR GLASER: Then this ends up being a shorter meeting because the three days was to cover --

COMMISSION STAFF MEMBER BROWN: Right.

EXECUTIVE DIRECTOR GLASER: -- sort of the joint meeting.

COMMISSION STAFF MEMBER BROWN: That's right.

EXECUTIVE DIRECTOR GLASER: And so when you see this three day meeting, if we designed it for just discussion with the Commission --

COMMISSION STAFF MEMBER BROWN: It may be just a --

EXECUTIVE DIRECTOR GLASER: -- it should be a more focused meeting that we get through quicker.

COMMISSION STAFF MEMBER BROWN: Yeah.

MEMBER REPRESENTATIVE COTTINGHAM: Given that Dan Beard's first question this morning is what is the federal role in all of this. I mean, I think that could be a fairly lively discussion around this table.

EXECUTIVE DIRECTOR GLASER: I suspect it will be lively, but I think it will also be focused.
COMMISSION STAFF MEMBER BROWN: So if we went that route, we would schedule that informal working session with the federal forum and the Commission Members could attend and that would probably be a week or two earlier. Maybe just a week earlier, but we would need the draft.

COMMISSION MEMBER ROBERTSON: I'd like to make -- I mean, we're going to have to poll people on this I think, but just to make a point on this thing. The dominate -- I think the dominate challenge for the group and why we've just added another day in the following meetings is this question of the federal role and the future of water policy. We will have gone through two, hopefully very interesting, conversations about that for at least a day in March and April.

And I hate to kind of rigidify ourselves into a conservation because we're going step-wise through the report by saying well now we can't revisit that thing until July or early July. That the logical sequence for me would be to take the issues associated with the federal role, that are now captured in this July meeting, probably front-load those back into May so you have a sequential follow along with a kind of -- the objective of getting the concept down clearly by the end of that meeting and writing it up.

And then picking up at the following meeting on, essentially beginning of the report and going through the West
today. And go through that which will still have its issues, a whole set of issues, but is, I think, less challenging for the whole than perhaps the discussion about the future federal role.

So I'd actually for my last of three suggestions, I'd suggest that, if we're going to talk about this, I think there's a logical place to be, in Washington. And I think it should sequentially follow our conversation so that people are fresh as we roll out to the final solution.

Waiting three months after we have conversations to get back to the federal role question seems to me odd and unnecessary.

EXECUTIVE DIRECTOR GLASER: But somewhere in this process we have an obligation. We have committed ourselves, at the staff level, to sit down with the federal agencies and run both our characterization of their current programs and our recommendations for perspective roles passed them as sort of litmus test to the validity of our ability to capture both their current programs and to get their insight into the future. I mean, they know their programs well.

That's a separate -- to me that is a working meeting not a Commission meeting and it is a staff activity that Commission members are welcome to attend. I see that as something that follows the substantive discussions the
Commission has.

COMMISSION CHAIRPERSON FORT: Jeff.

MEMBER REPRESENTATIVE STASER: It's a little bit of an irritative process because you can help the agencies understand what they don't have to worry about and what they do have to worry about. If we have some kind of a discussion amongst ourselves as to what direction we think we're going, and then give them a chance to respond to that, as opposed to saying what do you think we're going to do, and let us know all of your concerns. We may be raising unnecessary issues.

Maybe the approach of starting early with the federal role and laying out a straw man of ideas. This is the kind of the thoughts the Commission is going toward, and then giving that at a -- giving the agencies the courtesy of looking at that and responding to those specific things would help focus the agencies. And say well oh yeah we can live with that or here's some areas that you all didn't have all the information about when you considered it.

EXECUTIVE DIRECTOR GLASER: Well, that was our intent and that's why the federal forum meeting was later in the process. It wasn't that that's when the Commission was going to be in a possession to discuss, but that was when we were going to be in a position to discuss it with the federal agencies and the advisors that we have within the federal
agencies.

MEMBER REPRESENTATIVE STASER: So it’s not exclusive, I mean we could discuss it in May amongst ourselves.

EXECUTIVE DIRECTOR GLASER: Oh, I assume we’re going to.

MEMBER REPRESENTATIVE STASER: And keep that current and then flush out that -- keep the dialogue going at every meeting until we get to the final written draft, I guess you would call it.

COMMISSION STAFF MEMBER BROWN: Right, I think the federal role chapter is separable because it’s more of a philosophical discussion. The chapters on how the agencies are addressing the challenges and improved management of water resources, those really depend on us having the full reports from the agencies first and those we’ll have by early April. So some of this is sequence because we need data before we can write.

But I think we could move the discussion of the federal role up into May without disrupting our flow of products too much, but think about that a little bit.

COMMISSION CHAIRPERSON FORT: I think we’re going to need to just reserve some -- Dan, is not here I don’t think and we --
COMMISSION STAFF MEMBER BROWN: Yeah, that’s the other factor.

COMMISSION CHAIRPERSON FORT: Yeah, we need to reserve a little --

COMMISSION STAFF MEMBER BROWN: How much we can get Dan to write in how much time is the other question.

COMMISSION CHAIRPERSON FORT: Yeah, he’s actually fairly well through the materials for that May meeting, so it’s not like we could take him off that now and say do the federal role now, he’s actually fairly well along with that.

So we hear what we’re saying and there’s a practical side of how quickly we can get something from him or from Sarah Bates, his co-author. So maybe there’s a possibility for her to do it sooner, but better juggle that.

MEMBER REPRESENTATIVE STASER: We do need a scoping session to be able to help Dan get ready for that other meeting. Perhaps in May we could have that discussion, lay out the philosophical understandings and the direction the Commission believes it’s going.

And then roll that forward in the written form, let Dan write that up and share it back at the next meeting with the Commission. So we have a look at the draft before it goes out to the final draft stage.

COMMISSION CHAIRPERSON FORT: We’ve got that, yeah,
assumed.

MEMBER REPRESENTATIVE STASER: I would ask Jack, does that meet the concerns?

COMMISSION MEMBER ROBERTSON: Denise, I have to say I'm not quite following you with respect to -- are you saying that if we took and moved the schedule back, took the May meeting essentially and dropped it to June, in other words a session to discuss introduction, historical context and so on, are you saying -- I'm not sure I understand what you're saying. You're saying that Dan's so far along that we can't rearrange this schedule and there's a time line and sequence coming from the other agencies that pretty much lock us into this schedule?

COMMISSION CHAIRPERSON FORT: I'm not -- actually Jack I'm not entirely sure. My thought is that we are already in April proposing, and I'm -- I don't have the full outline in front of me, so I need Curt's help on this. But we really said that we're going to shoot for a text in April that is this improved management of water resources which includes a section on or, you know, it's my conception it includes a section on rethinking the federal role.

So I actually think we're going to have, you know, we had some of that discussion about pulling together the watershed, pulling together the basin materials, pulling
together some of the historic materials and analysis of the basin efforts and I thought our goal was to do that in April, which isn't reflected on this schedule yet. But that's, I think that's what we're attempting to do so that we would actually have that text from Sarah in April.

Is that not right, Curt, are we not --

COMMISSION STAFF MEMBER BROWN: It may not be the full chapter.

COMMISSION CHAIRPERSON FORT: No, it may not be.

COMMISSION STAFF MEMBER BROWN: But it could be a sketch at least, a discussion framework.

COMMISSION CHAIRPERSON FORT: So we would hope to do it even sooner than May, in fact.

COMMISSION MEMBER ROBERTSON: Well, I guess my suggestion might be then why don't we have -- this is one of those conversations where you can have a theoretical conversation about the progress you think you're going to make and maybe after the next meeting we'll have a better -- we can have a conversation --

COMMISSION CHAIRPERSON FORT: Yeah. Yeah.

COMMISSION MEMBER ROBERTSON: -- like this and say well, how much progress are we making, how well situated are we with this?

And if we're really zooming along and things are
really clicking and we think we can knock over this section or at least we can begin to have the writing done and we’re confident it can be delivered, then maybe May is simply a cleanup along the terms of how much progress is being made. And may -- or maybe we have to spend more time at it and we need to have an adjustment.

But I’d just -- I’d say why don’t we revisit the question of May step-wise in the next meeting.

EXECUTIVE DIRECTOR GLASER: I think we’re going to have to revisit the context of meetings every time we meet to see where we’re at, what the next logical thing to do is. Because I think you’re right, some things are going to be easier to get through than we think and some things we’re just going to get stuck on and it may take effort. And so it’s going to be iterative and we need to be willing to adjust as we move through.

COMMISSION CHAIRPERSON FORT: Hauli, we were -- any other comments about the process? It’s really -- you know, for those of us who write, the idea that we’re going to write a book in the next few months is really a staggering thought so we try not think about it. But we write these deadlines down and we say we’ll have a chapter there to review and I trust it will be so. Since I’m not writing it, just commenting and tearing it up and so on. So this is quite a
Hauli, did you want to talk about the flood issues a little, the Flood Commission?

COMMISSION MEMBER CHAI: Yes, I just -- I think that in view of the time problem here and the comments that have been made by people, you know, I'll really cut this very short.

Initially, I had asked Denise last week, in view of an article that came out in the Sacramento Bee, and various other article in California concerning the January flooding, whether or not we would like to participate in a possible independent study of California's flood control systems and response efforts.

Some of our top state legislators, one of our senator's, a number of other political people in California have called for an independent commission and have written the President letters requesting that an independent commission examine California's flood control systems and response efforts. Because of the enormity of what we have to do and the fact that people don't want to take on the possibility of an additional roll after this report is due, I can see that there really isn't a whole lot of interest in our doing that.

But I still feel that because of the very important nature of this whole issue that our -- some portion of our...
report should address flooding. And it doesn’t have to be just California flooding, but the California floods make it timely.

In California, we received about two months worth of rain in 16 days and it flooded 250 square miles of the Central Valley. It breached many levees, it destroyed 24,000 homes and it killed 9 people.

And basically many of the types of considerations that are being visited here are the same ones that were examined by the Galloway Report which was the result of an Interagency Flood Plain Management Review Committee that studied the 1993 flooding in the Midwest. That report was submitted to President Clinton in June of 1994, and has really been un-implemented, but it advised -- it made some comments which I think that we should, in turn, comment upon with regard to federal policy in general. There’s a gap, a real void, in federal policy concerning flooding.

And among other things the Galloway Report advised legislation establishing a nationwide approach to flood plain management, restoration of some basin commissions for basin-wide planning. Advised Mississippi River Basin and Missouri River Basin Commissions for flood management and ecosystem management. And advised issuance of a Presidential Executive Order requiring federal agencies to follow the flood
plan management principles and to coordinate with one another concerning them.

In addition, it made a lot of very interesting recommendations with regard to flood insurance and how people’s risk taking could perhaps be somewhat altered by the availability of federal flood insurance and requirements that emergency relief be tied to whether or not people purchased it.

This is a very interesting report, very significant report. And I have talked to Dan Tarlock about this and he feels very comfortable, I think, with touching on all of this, he’s very interested in it too. And also speaking with some of the people in the Corps and including some portion -- including this in some portion of our report. So let me just leave it at that.

COMMISSION CHAIRPERSON FORT: David Cottingham, first, and then John.

MEMBER REPRESENTATIVE COTTINGHAM: John’s -- Michael Davis who was here earlier and Michael Mantell are both on their way to Sacramento now to have multiple meetings with multiple -- there are multiple agency efforts underway in California, just like you said. The Deputy Secretary of Interior is working very closely with a number of agencies and has taken a personal interest in this since his farm in
Stockton.

And so -- I mean, we do have a very strong -- the CALFED policy group is going to meet tomorrow, flooding is on the agenda. I think in the particular case of the California floods they are much -- the organization is there for much more interagency cooperation with the Corps of Engineers than there perhaps was on the Missouri.

The one that's not, is everybody's paying focusing on the California flood and not paying nearly as much attention to the floods that occurred in western Idaho and eastern Oregon and Washington because they got big -- very heavy rainfall, too. So we're trying to a lot of that. California leads the way in some of the GIS systems.

So I think a lot of the -- what you're saying is accurate, how the Commission wants to deal with it, I don't know, but there's a lot underway already.

COMMISSION MEMBER CHAI: Yes, and I think -- and, of course, the flooding in Nevada, too. I think that what I'm saying is that this an area for us to comment on the federal role as to flooding in general. And as Dan pointed out to me a little while ago, he said he wanted to include this in the report, but wait until the rest of the floods occurred which he expects will happen within the next couple of months as the snowpack melts.
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But not to necessarily make specific recommendations as to California as they may be outdated by the time our report comes out anyway. But to use the experience of California and these other states to perhaps make some observations concerning flood management.

COMMISSION CHAIRPERSON FORT: John Davidson.

COMMISSION MEMBER DAVIDSON: Thank you. This is, of course, an issue that I know something about being from the Missouri Basin and having had the chance to watch the Corps all these years.

But a little institutional history here, you will recall that our first meeting, when we were the guests of Bonneville Power, there was a great flood going on. And it was a very dramatic meeting and we discussed this issue at some length. And, indeed, it was my understanding and my notes indicate that we have agreed, at least informally and if not by motion, to treat the Galloway Report as a report to this Commission. As we will the other reports that we've had over the last two years and I've operated on that assumption.

And there are two — going even further I would point out that the snowpack in Missouri Basin right now is somewhere between 185 to 190 percent of normal. And as a — when they were packing the money into the Sacramento River bailout, you know, I was talking to the people in Washington
the hydrograph. We did some very detailed studies supported
by the other federal agencies and what caused the Midwest
floods was rain. And without those structures you would have
had a lot more damage. And, in fact, most of the damage that
resulted from the Midwest floods was in areas not in the flood
plain. Most of the damages occurred in the Midwest flood in
areas not in the flood plain.

You will have floods no matter how many levees you
have. There will always be a flood bigger than the amount of
the levee that you have.

I think there is a very strong lesson for us in the
Galloway Report. The Administration has taken zero position
on the Galloway Report, none. That does not mean that many of
its recommendations have not been implemented under other ways
or a very low-key manner.

The Galloway Report was characterized by some people
as being very bad who had never actually read the report. And
because one particular interest group did a press release on
the report that did not accurately reflect the report. They
boxed a lot of members of Congress in, made it very
politically difficult for the Administration to take a
position.

Some of the recommendations of the Galloway Report
I'll be -- in our agency's opinion were a bit ridiculous.
They did not represent political reality and they did not represent, to some extent, the agendas of a few people. By in large the report had a quite a large number of useable recommendations that were lost in the few that were politically unrealistic.

And if we don't want our report to meet a similar fate, we should learn some of the lessons from the Galloway Report. That we can actually setback the cause that we hope to foster by years if we don’t think about the political realities. Which I hope the members of Congress will bring to the Commission.

The Corps of Engineers did not cause the Midwest floods, the Corps of Engineers did not cause the Sacramento floods, the California floods. A lot of the systems aren’t even our flood protection systems.

The reality is that we like to live in places we probably shouldn’t live, whether it’s a flood plain or an earth quake zone or a tornado alley or on the beach. People like to live places they probably shouldn’t. That’s a problem with our society not any one federal agency.

Flooding is caused by rain, droughts are caused by lack of rain. Some of the problems that are going to happen in the West is people are probably living in numbers above where you should live for the middle of a desert. But that’s
us and we've got to recognize that that's people and our job is to come up with recommendations that are realistic given what people do and how to help people perhaps make smarter judgements.

I just hope that we learn that lesson, I guess, from the Galloway Report. And not let our report get shelved because two or three recommendations that are not politically realistic get used to describe the whole effort of that report.

COMMISSION MEMBER DAVIDSON: Madam Chairman, in the interest of time, I'll just record a general exception.

MEMBER REPRESENTATIVE WEST: Well, I think perhaps there's another way to look at these and I have always been concerned about the way -- if you want to look at the federal role and the federal response is that we tend to -- leaving actions by the Corps to deal with flood plains and flood plain management aside, but we tend to be very cyclical as the federal government in responding either to extreme drought situations or extreme flood situations.

And it's always reactive, I mean, I can't tell you how many drought relief act bills that we've worked on. And it's all very ad hoc, I mean, and this part of the legislative process, but I think there's a possible recommendation here that we take a longer term view of drought management, of
assisting states with development of drought.

I mean, we heard early on from one of these presentations, you know, we now do have a number of the western states that finally do have drought contingency plans. But, you know, and what happens is we do these, you know, there was a 1977 Drought Relief Act there was a 1992 Drought Relief Act. And the minute it starts raining, we take the money that was provided for technical assistance and we reprogram it some place else.

And I think that that possibly -- and the same side on floods, we always seem to have money to bail people out after the fact and to provide emergency relief. Why aren't we looking at how to spend that money more effective up front either to -- whatever, buy people out who are in the flood plain, make certain modifications. Whatever it is we are not taking a long-term approach to what are inevitable events.

And I think that is, like I said, that is something that I think is sort of a systemic problem with the federal response to these water events, if you will.

COMMISSION CHAIRPERSON FORT: Let me just -- Don, did you have something?

EXECUTIVE DIRECTOR GLASER: Well, I have something to add at the end of this conversation.

COMMISSION CHAIRPERSON FORT: Okay. Jeff.
the flow, it’s invigorating.

COMMISSION CHAIRPERSON FORT: Jeff.

MEMBER REPRESENTATIVE STASER: The customer is always right. And the customer for the Commission is definitely always right, that’s the Congress. They’re going to be asking for advice from the President on how to enact legislation to address these issues facing the west.

It seems to me that we’ve got some work to do to lay out what are the kinds of customer demands that are expected out there. And lay out some parameters to work with them, to get some actual results out of the Commission so we don’t end up with a report that’s shelved.

I would caution everybody to keep the futurity of decision making in mind, that looking back we should learn from our history, but not look back to try to place blame or identify, you know, this is what happened someplace. We learn from our future -- our past, but keep looking to the future.

I would think, I mean, not everybody in the Commission is aware right now that Senator Domenici has got a bill working or has some ideas for a drought relief package. Not everybody is aware that Senator Stevens and Senator Inouye have jointly sponsored a disaster bill to take the costs of recovering from these natural disasters of any kind off of the federal government’s back and shift it to the
off of the federal government's back and shift it to the people who are living in flood plains or are stressing the systems.

Now, perhaps the Commission can -- we can use a little bit of elegance here, some kung fu and go with the flow in a direction -- and guide it in a direction that the Commission would like to see it go, but harness the energies of the Congress.

We've got some bills out there that are trying to get moving. If we can show solidarity behind what's good in those legislative vehicles, you'll see change. But if we start goring everybody's ox, we're going to end up with a resistance out there to doing anything.

And we have to be very careful that we don't get the entire Commission's report branded by one single issue. We have a broader Charter than that. It's advising Congress on all the issues in the west; drought, flood, wetlands, instream, ecological. And maybe some of that is just to say it needs to be studied, it needs to be looked at.

But I think the Commission has got to take a broader perspective.

COMMISSION MEMBER CHAI: I was speaking in terms of the broader perspective and not trying to suggest necessarily what our conclusion would be, but just to say that it
shouldn't be left out because it's such a timely issue.

MEMBER REPRESENTATIVE STASER: Yea, I agree with you.

COMMISSION MEMBER CHAI: And I certainly agree with John that there's no way that the Corps was responsible for the damage in these recent floods. By the far the vast majority of the levees were not federal levees.

COMMISSION MEMBER ZIRSCHKY: Thank you.

COMMISSION MEMBER CHAI: There are something like 6000 miles of levees in California and the Corps has 18, I think, 1800 miles of it. And most of those held and the ones that broke were the ones that were not Corps levees for obvious reasons.

So it's not -- that wasn't even part of my thinking to blame the Corps. It was just that there isn't -- that there is this void in federal policy and that there needs to be coordination among these various agencies for the reasons that Valerie described. And also alternative solutions to just simply rebuilding these structures and waiting for the next flood to occur.

So just that we would consider those and that Dan would write about those, as he seems to be interested in doing, given my -- based on my discussion with him I made that -- drawn that conclusion. And then later on, we can
decide what sorts of recommendations to make or not make.

COMMISSION CHAIRPERSON FORT: We have used, in fact, I think I felt in listening to Don Wilhite's report and he -- that was so well written in terms of the prior commissions and the prior commissions on drought. And I think we did something economical and smart by saying, well, let's take someone who has looked at this, we don't need a fresh look. We'll use the fruits of his research and we've done that with respect to the Galloway Report. I think everyone was provided a copy by us, were you not?

EXECUTIVE DIRECTOR GLASER: If not, let us know and we'll get you a copy.

COMMISSION CHAIRPERSON FORT: And the Corps is providing further comment. So presumably the areas that John has identified as ones with which the Corps disagrees, will be highlighted in that.

COMMISSION MEMBER ZIRSCHKY: And for the record, Galloway was a Corps of Engineers --

COMMISSION CHAIRPERSON FORT: Yes.

COMMISSION MEMBER ZIRSCHKY: -- Office.

COMMISSION CHAIRPERSON FORT: So we've got a -- the fact that we haven't talked about it so much doesn't mean that it -- the intention is that those areas would, of course, be covered in the report. We just haven't needed -- it's not an
area where we need additional research, there’s ample research materials to use.

EXECUTIVE DIRECTOR GLASER: As a matter of information, we received a report from the Corps last week --

COMMISSION CHAIRPERSON FORT: Oh, okay.

EXECUTIVE DIRECTOR GLASER: -- on a new approach to flood control. And I think it was last week, if this is the beginning of this week then it was the end of last week. And we will be getting that out to folks. It’s just that it just came in on Thursday or Friday. And so we do have their thinking on flood, in part in response to what Galloway said, and a re-looking at their flood operation.

In addition to that, as a matter of also information, Western Governor’s Association has just signed -- they came out with a position on drought, a resolution on drought. And, in fact, just signed an agreement with the Administration on drought management. And the foundation of theirs is the work of Wilhite. So their findings look exactly like our report and we do -- we are building on energy that’s moving in a constructive direction. It does have political accord in the West.

And so there are a lot of real positive things that are happening. And if we had a little more time, we would be getting better information out to you in a more timely
fashion. But last, again, last week we were trying to get ready for this meeting.

COMMISSION CHAIRPERSON FORT: Jeff, did you have --

MEMBER REPRESENTATIVE STASER: One quick question for Don, are we incorporating James Lee Whit's approach to FEMA with the pre-mitigation, pre-disaster mitigation measures that he's trying to work?

EXECUTIVE DIRECTOR GLASER: That's folded into Wilhite's philosophy and he is and I think also the Western Governor's, both of them.

COMMISSION CHAIRPERSON FORT: Maybe we could turn to the -- we had a quick item on flood measures and drought. Let's turn quickly to a staff update, if we could, Don, and as I mentioned, I think perhaps you might leave with a question of public participation in the basin reports. And then I think the tribal conference would be a good thing to touch on and perhaps new hires.

I'm just thinking of some of the things I know that have gone on, you may have your own list.

EXECUTIVE DIRECTOR GLASER: Okay. Real quick, I'll try to be real quick on this. Since our last meeting and based on the discussions we had in Coronado, we came back, talked to the basin authors about providing for a public comment period on their reports for them to receive --
actually, we will receive the comments in our web site or in our office on their behalf. But they will take those comments, incorporate them as they view appropriate in their document and provide the comments to us with their revised report.

And we're just about through the contract modification process for that. And so that was received with greater or lesser enthusiasm, but all of them understood it. And that's a thing that's just about taken care of since the Coronado meeting.

Earlier I reported that the Indian Symposium is coming together really well right now. It's going to be one month from right now, Monday and Tuesday, here in Phoenix at the Hyatt which is right downtown Phoenix and is a first-class facility for this kind of a conference.

The agenda is going to be finished up, I think John indicated hopefully towards the end of this week. And we will get out a draft agenda when we have it more full. When we have the panels more developed and the individuals who will be on those panels identified. But that should be forthcoming shortly.

COMMISSION CHAIRPERSON FORT: Any questions on that item?

COMMISSION STAFF MEMBER BROWN: I might just mention
a couple of dates. We expect the basin reports in our hands the 2nd, 3rd of March and we’ll try to get them out to you right away.

I don’t think we’ve mentioned, but we hope to open up our web site for the Commission about that same time. So that the reports can be posted onto the web site and people can -- citizens can pull them off for review. We’ll be mailing out a news letter next week or this week, I forget what week this is.

EXECUTIVE DIRECTOR GLASER: I think it’s next week.

COMMISSION STAFF MEMBER BROWN: To our mailing list saying that this web site will be opening up and things will be put on it and here’s our schedule of meetings so far as we know it. And here’s reports that should be posted and when. We’re going to send a little note to you folks, too, earlier than that, saying the web site is opened, but unannounced and giving you the address and inviting you to look at it and give us any comments on it. Whether you think it does the job or not.

So we’ll have about a week of, if you will, beta testing by this group before it becomes publicly announced.

EXECUTIVE DIRECTOR GLASER: And that notice should be going out towards the end of this week.

COMMISSION STAFF MEMBER BROWN: Right, right.
to look at it because the more eyes that look at this thing, the more opportunity we have to catch something dumb that we may have gotten on the web site unintentionally and just don't pick up because we keep looking at it. So fresh eyes would be good right now.

COMMISSION STAFF MEMBER SCHULZ: We'll also be putting the notice in the Federal Register so the public will know that these reports are going to be available. And be able to make them available to people by contacting our office should they not get it through the web site or some other means. So it will be accessible to anyone who wants it.

COMMISSION CHAIRPERSON FORT: With respect to the Tribal Symposium, Don, do you want to announce any of the speakers at this time or -- we are cosponsoring this, as I understand it, with NARC and Mr. Trudell's --

COMMISSION MEMBER ECHOHAWK: And the American Indian Resources Institute.

COMMISSION CHAIRPERSON FORT: American Indian Resource Institute.

EXECUTIVE DIRECTOR GLASER: And actually the last notice I saw also cited eight or nine of the other most prominent Indian groups in the West. Mini Sose and I guess, but all I noticed was everyone who is prominent has looked like they've committed to this activity.
like they’ve committed to this activity.

COMMISSION MEMBER ECHOHAWK: Yeah, some of the other national and regional intertribal groups, we’ve got most everybody involved in it. And that will help increase attendance and participation. And I think give us the kind of recommendations that we need to chew on.

COMMISSION CHAIRPERSON FORT: Any questions on that Tribal Symposium? Okay.

Hauli.

COMMISSION MEMBER CHAI: The only request I would make is as to all these meetings, if it’s possible if you could get us the agenda in advance, that would be helpful to maybe preparing ourselves a little bit. Knowing when to be places.

COMMISSION CHAIRPERSON FORT: And we will basically be taking -- we’ll be in the audience at this meeting is that the expectation? Okay.

COMMISSION STAFF MEMBER BROWN: Well, and addressing questions to the panel. I mean, the Commission will play an active role in that regard.

COMMISSION CHAIRPERSON FORT: And that will go for about one full day until about 2:00 o’clock the next day, John, as I understand for our participation.

COMMISSION MEMBER ECHOHAWK: Yeah, really about one
and three quarters, we were talking about it over lunch, we want to reserve the last half of the last afternoon for the tribal representatives there to mull over the suggestions you're going to be making to them about following up on these recommendations with the Commission. And also following up on these recommendations with the Administration and the Congress.

In other words not to put all of the tribal eggs in one basket, the Commission basket, but take these recommendations that they develop right on to Washington with delegations to the Administration and to the Congress. As many of these issues are critical in terms of timing. And there will be inertia and energy there that we want to take advantage of from the tribal side and go right on in to Washington.

COMMISSION CHAIRPERSON FORT: Questions on that item? Don.

EXECUTIVE DIRECTOR GLASER: Staff?

COMMISSION CHAIRPERSON FORT: Staff?

EXECUTIVE DIRECTOR GLASER: Yeah, the more we look at the schedule, the more concerned we become as your staff in being able to handle the numbers of documents and the numbers of activities that are ahead of us over the next four or five months.
So out of self-preservation we've been trying to line up as much help as we can and also to try to identify more diverse staff than what we've had to date. Both diverse vocationally and institutionally. And so since the last meeting, we've hired a full-time researcher who happens to be a young lawyer, a graduate from DU Law Center, passed the bar in Colorado, worked for the solicitors office for a while and they could only hire him temporary. So we had them rehire him on a temporary appointment and he works full-time for us. His name's Spencer Shepherd.

The Forest Service has identified -- is Noel still here?

COMMISSION CHAIRPERSON FORT: Yes.

EXECUTIVE DIRECTOR GLASER: The Forest Service has identified a full-time, longtime professional hydrologist and program administrator from their northwest, who they made available to us throughout the duration here.

So we'll have land management, watershed, wetlands expertise at a policy level and at a field level to help us with that part of our program.

Noel, do you want to do anything else to introduce yourself?

NOEL LARSON: No, I think that's quite all right. I'm anxious to become more actively involved. I'm glad to be
EXECUTIVE DIRECTOR GLASER: Okay. We’re really luck
to have Noel and we’re really lucky to have the Forest Service
identify somebody with so much background and such high
credentials to work with us.

And the EPA has more or less enthusiastically loaned
us a agricultural economist who has worked for the Department
of Agriculture, also worked in the policy office of
Reclamation and now currently works in the Washington office
for EPA and detailed to Denver. And we’re trying to get him
two days a week, and as Curt would say, this is the most
energy he’s put in to trying to get an individual for the
shortest period of time that he’s ever experienced, but this
person is really top drawer his name is Brad Crowder.

We have entered into a contract with Jo Clark
formerly of Western Governor’s Association who is available to
us an a as-needed basis to help us with policy, to reflect on
things that we are working on or to work on watershed
activities which was an area focused for her with Western
Governor’s Association.

And we’ve gotten three more people from the Bureau
of Reclamation on loan to us out of their policy office. One
is an ag economist, one of them is an engineer that
specializes in drought -- I mean in water conservation and one
is a biologist of substantial standing. And those have been available to us.

So we've broadened out our staff by about seven additional types of expertise that are available to us from a full-time to an on-call basis. We're assigning research efforts to each of these individuals to shepherd through the process.

So that it will free Charlene and Curt and I and Larry up to do some perspective logistical work of just moving all of these activities through the next four months or so. If you consider the undertaking not only are we going to attempt to produce a book, literally a book, in three or four months with the consensus of 22 citizen and Congressional, representatives through a public process. But we're also going to be responsible for the quality of -- receipt of the quality of and the publishing of some 15 separate documents being submitted to the Commission in addition to the research that we're going to have to commission in the meantime to fill data voids.

It's a lot of stuff to handle over a four-month period of time. I keep looking at the schedule that I have pinned up on my wall and I have no empirical data to say we aren't going to make it and so, therefore, I still believe we are.
COMMISSION CHAIRPERSON FORT: That's a good positive way to look at it. But we've got a great staff that we know will make these, help us a lot.

Did you have a question, Jack?

COMMISSION MEMBER ROBERTSON: I just had a question, Don, about one hole that I think it is -- needs to be filled in terms of basic information. Unless it's being done by somebody that I'm not aware of. And that is, I do think we need to have -- we need to understand a lot more about hydroelectric systems; what's what. And for processes how much capacity energy is available enough for relicensing in the next few years. Those are very, very important numbers associated with potential creations of trust and alternative funding vehicles and so on.

Do we have someone working on that or do we need to have --

EXECUTIVE DIRECTOR GLASER: We do, actually, we have an individual named Mike Roluti who is the head of Reclamation's Power Policy Office and wrote, recently wrote a report of some acclaim called Hydropower 2002, I think. And also and did just recently developed a hydropower pilot that has been commissioned by the White House. He is helping us frame the hydropower issue which we would like to get to you, in particular, to reflect on, and then we will begin to staff
that, that particular activity out.

But we should have had that last week, I'm sure we'll have it this week when we get back. We worry about both the hydropower generation and what re-operation of dams is all about and financial mechanisms and all of that. But David also brought up, be reminded we need to look at FERC relicensing which is a big slice that we're not prepared to deal with right now, but it's on our screen and we're pushing it pretty hard.

COMMISSION CHAIRPERSON FORT: Other comments about ongoing research? I really -- it would not be surprising if nothing occurs to you at this hour and at this point in the meeting. However, tomorrow morning when you're fresh, if something does occur to you, please be in touch with Don. We really have a lot going on, but we don't necessarily have everything going on that should be and so it's still timely. We've got some good people available to give assignments to, so it's just timely to do so.

Yes.

MEMBER REPRESENTATIVE STASER: Is anyone assessing the impacts or potential impacts of deregulation of electric industry on hydropower?

COMMISSION CHAIRPERSON FORT: Ask, if you would, ask Don that.
MEMBER REPRESENTATIVE STASER: Don, is anybody working on, specifically, the potential impacts of deregulation of electric industry on hydropower?

EXECUTIVE DIRECTOR GLASER: We're working with Roluti on that, and see if there's some part of that we really think we -- and with Western. No offense to the EPA, but they happen to be located right there in town. But we don't know if there's a part of that that we can intelligently write on. I think the report needs to acknowledge that as an issue, but I don't have any sense right now of whether or not that is something we can do very much with.

COMMISSION MEMBER ROBERTSON: We can add something to this I think. There's a -- we've done a lot of analysis of what deregulation might mean and what it means for -- it's fundamentally an issue about cost of product, electric market that's emerging in the west wide system. And that relates a lot to FERC relicensing, cost relicensing, what dams can afford to pay for and any costs, including wildlife mitigation.

So it's an important piece and it doesn't necessarily have to be overly complicated. It just simply has to be a reflection back against the reality of where the commodity market is going which is --

MEMBER REPRESENTATIVE STASER: I think it's tied to
that FERC relicensing thing.

COMMISSION MEMBER ROBERTSON: Yeah, right.

EXECUTIVE DIRECTOR GLASER: Can you give me a contact on that so that when we have some thoughts down on paper we know where to go to in BPA. Because you folks know as much about this as anybody. Both the marketing agencies have been looking very carefully --

COMMISSION MEMBER ROBERTSON: Yeah, I can.

EXECUTIVE DIRECTOR GLASER: -- at this, at this issue.

And there a lot of other things going on that we could look at that are just incredibly intriguing on -- with the Corps and the Bureau of Reclamation. They’re now looking at a reallocation of cost to the PICS loan. You do a cost reallocation on a PICS loan that’s had a 40-year cost allocation that’s stood as a matter of public policy and as a matter of public record, you’re opening up an incredibly large issue. Because it is a financial -- it is a financing project more than a public works project.

And so there are just a lot of things that are happening along with deregulation that just have fundamental consequence. And somewhere we need to quit inspecting, acknowledge them. And we’re looking at the PICS loan also as an issue we don’t know if it’s worth writing about in our
report, but it's worth us being aware of.

COMMISSION CHAIRPERSON FORT: Well, it's all exciting and we've earned the title that Dan Beard gave us in his luncheon talk. I won't repeat it, however, and thank you all for a very good meeting. See you in a month.

(Commission Meeting was concluded at 5:55 p.m.)

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CERTIFICATE

I do affirm that the foregoing is a correct and accurate transcript from electronic tape recording of the Western Water Policy Review Advisory Commission Meeting held on February 18, 1997 at the Tempe Mission Palms in Tempe, Arizona.

Dated: March 14, 1997

Dollie Feigel

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