

# West Virginia Water Gaging Council

## Meeting Minutes

Thursday September 6, 2007

Department of Environmental Protection (DEP) Kanawha City  
Room 1125 (Dolly Sods Room)

### Council Membership Representation

Organization	Present	Absent	Proxy	Represented By
<b>WV Conservation Agency</b>	<b>X</b>			Russ Campbell Edward Cox
<b>U.S. Geological Survey</b>	<b>X</b>			Hugh Bevans Ron Evaldi
<b>WV Department of Environmental Protection</b>	<b>X</b>			Nick Schaer Mike Stratton
<b>WV Division of Highways</b>	<b>X</b>			Doug Kirk
<b>WV Division of Homeland Security and Emergency Management</b>	<b>X</b>			Jim Steele Paul Howard
<b>WV Division of Natural Resources</b>	<b>X</b>			Danny Bennett
<b>WV Water Research Institute</b>		<b>X</b>		
<b>National Weather Service</b>	<b>X</b>			John Sikora Alan Rezek
<b>U.S. Army Corps of Engineers</b>	<b>X</b>			Tim Curran
<b>WV Rivers Coalition</b>	<b>X</b>			Joe Peabody
<b>Canaan Valley Institute</b>	<b>X</b>			Todd Miller

### Other Representation

<b>Michael Baker Corp</b>	Ramesh Chintala
<b>U.S. Department of Agriculture Natural Resources Conservation Service</b>	Dick Judy

### Administration

The Secretary conducted a Roll-Call of the member organizations to determine if a Quorum had been established. The Secretary notified the Council Chair when the Quorum was established.

## **Call to order and agenda review**

Russ Campbell, West Virginia Conservation Agency (WVCA), called the meeting to order at 1:56 p.m. Campbell indicated that an addition to the Agenda was made by adding the election results of Chair and Vice-Chair. This would be the first order of business.

### **Election Results of Chair and Vice-Chair:**

Campbell called on Mike Stratton, Department of Environmental Protection (DEP), to provide the results of the Council Chair and Vice Chair election results.

Stratton indicated that Russ Campbell had received 11 of 11 council member organizations votes for Council Chair. Stratton indicated that Hugh Bevans representing U.S. Geological Survey (USGS) abstained from voting for himself for Vice-Chair and had received 10 of 11 council member organizations votes for the position of Council Vice-Chair.

Stratton, DEP, indicated that he will provide the Council membership with a printed document to show official results of the election.

**Campbell asked if there were any comments from those calling in by mobile phone and if they wanted to make a comment, speak-up and one of the members present would make their comments made clear to the rest of the Council.**

### **Approval of 7/12/07 Meeting Minutes**

Campbell asked if there were any additions, corrections, or comments to the minutes. Campbell indicated two word corrections in the document had been identified. Campbell asked if there was interest in accepting the minutes as amended with the two corrections.

**Action:** Hugh Bevans, USGS, moved to approve the 7/12/07 meeting minutes as amended with the two corrections. Danny Bennett, Division of Natural Resources (DNR) seconded. Motion passed.

### **Memorandum of Understanding Amendments**

Campbell stated that the Council had a revised Memorandum of Understanding (MOU) before it that amended the original MOU (dated October 8, 2004). Three documents (electronic copies of the original MOU, a strike-through with the added language, and a revised draft [dated August 16, 2007] of the proposed MOU) were sent out after the last meeting to all council members for review.

Campbell asked if there was any interest in the proposed MOU.

Paul Howard, Division of Homeland Security and Emergency Management (DHSEM) asked to be recognized for comments. In review of the documents, Howard indicated that in Article 2, under 2.1 (Purpose), the verbiage needed to be changed from the original document. The language of "will serve as" needs to be changed to "serves as". Howard also indicated that in Article 4, under 4.5 (Meetings), all meetings shall be open to the general public. Meetings and public notices thereof, "must" comply instead of "should" comply in accordance with West Virginia Open Governmental Proceedings Act.

Campbell explained that this was discussed during the last meeting. During this meeting, the West Virginia Conservation Agency shared with the Council that it had a legal council opinion from the Office of the Attorney General stating that the West Virginia Open Governmental Proceedings Act applied to Agencies that can formulate policy and that the Council is not one of those Agencies. From this it is the belief of the Council that we are not required to comply, but we will willfully comply and that is why the language is stated the way it is. Howard indicated that the rest of the document makes sense and follows through fairly clearly.

Bevans asked to be recognized for comments. Bevans indicated that in Article 3, under 3.3 (Removal from Membership), that we need clarification as to what attendance means. Bevans asked that a sentence be added to 3.3 stating that attendance can be in person or by teleconference.

Campbell asked if there were any additional comments on the proposed MOU with amendments. Campbell asked if there was interest in accepting the MOU as amended.

**Action:** Paul Howard, DHSEM, moved to accept the MOU as amended. Stratton, DEP, seconded. Motion passed.

**Campbell indicated to the Council that he was moving the request by NRCS to become a member of the Council as the next item on the Agenda.**

### **Natural Resources Conservation Service (NRCS) Request for Council Membership**

Following the procedures set forth in the MOU, Campbell, Chair of Council, received a written request from Natural Resources Conservation Service (NRCS) dated September 4, 2007 asking to become a member of the Council. Dick Judy will be the representative for NRCS. Campbell asked if there was interest in accepting the request from NRCS.

Tim Curran, U.S. Army Corps of Engineers, asked if NRCS would be able to attend the Council meetings on a regular basis. Dick Judy, NRCS, indicated that it is the intention of NRCS to be a regular part of the Council.

Campbell asked if there was interest in accepting the request from NRCS to become a member of the Council.

**Action:** Hugh Bevans, USGS, moved to accept NRCS as a member of the Council. Paul Howard, DHSEM, seconded. Motion passed.

### **Transition of network support for the West Virginia Water Gaging Council's Webpage**

Campbell stated that there is a proposal to move the network support from WV Water Research Institute (WVWRI) to the support of the West Virginia Conservation Agency (WVCA).

Edward Cox, WVCA, presented an overview of changes if the WVCA was to become webmaster for the webpage. The request would be for WVWRI to turn off its webpage and for the WVCA to turn on its page. This would allow the Council to update its webpage which has not been updated in over a year. This would also prevent a web search producing two web pages for the Council.

Evaldi asked if the WVGWC logo was changed due to notion that it was proprietary to WVVRI. Evaldi stated that the logo was developed by DEP. Stratton, DEP, indicated that DEP developed it for the Council.

Stratton, DEP, indicated that WVVRI had sent out a letter to the Council indicating that it would no longer be able to perform certain duties such as upkeep of the webpage without additional funding. From this we need to contact WVVRI and see what they deem as proprietary to WVVRI from the webpage and move on.

Bevans, USGS, stated that since WVVRI clearly noted in its letter that it could not support the website without compensation and the Council does not have compensation to give, that the proposal is the way to go.

Campbell stated the motion was for Stratton to contact WVVRI as to what on the WVGWC webpage is proprietary to WVVRI and for WVVRI to shut down their webpage and open it under WVCA.

**Action:** Stratton, DEP, moved to contact WVVRI and make transition of webpage from WVVRI to WVCA. Doug Kirk, WV Division of Highways (DOH), seconded. Motion passed and Campbell indicated that he would like Stratton, Evaldi, and Cox to work with WVVRI on this transition.

### **Status of FY 2008 and FY 2009 Gage Budget**

Campbell provided background from previous meetings and where this initiative was headed on gage funding. In previous discussion of the stream gaging Non-Federal cost share, which is provided by individual state agencies at this time, the Council would seek a better funding mechanism to ensure total funding. Instead of going independently through each agency's budget to fund the Non-Federal cost share, the different agencies budget funds would be consolidated and brought in under a single agency as an Improvement Package in FY 09.

This Improvement Package would go through the Governor's Office to the Legislature's Finance Committees in the amount of \$300,000 and would compose the Non-Federal cost share match of the unified agencies. This was going to be supported by a signatory MOU or Memorandum of Intent by the various state agents. This document would indicate mutual support for the approval by the Legislature to fund the \$300,000 to the Conservation Agency to serve as the agent of the Agencies joint Non-Federal cost share match.

This initiative was being developed over the last several weeks; however last week the WVCA was advised that its budget submission would have no Improvement Package submittals in FY 09. Effectively the status is the WVCA FY 09 budget was submitted without an Improvement Package for the \$300,000 to be dedicated to the stream gage program match. This leads us back to our normal budget process for the agencies which have been the financial contributors of the program. This is the status of the FY09. In FY08 we still face the same situation as we did in FY07 with the shortfall.

Campbell opened the floor for discussion.

Evaldi stated that even with this set-back, we need to keep the program alive. He indicated that he had prepared some possible plans for funding similar to previous years where individual agencies were asked to contribute to the state's part of the contribution (Non-Federal cost share).

Evaldi provided Council members with a Matrix as to the funding of the gages. Evaldi stated that USGS is asking each agency to put in the same budget amount that they did last year including the add-on they did last year. The two notable changes this year would be the amount needed to make up the shortfall that WVCA made-up last year. This year we are asking that the Division of Natural Resources (DNR) contribute a total of \$27,500 and that the Division of Homeland Security and Emergency Management (DHSEM) also contribute a total of \$27,500. Evaldi stated that in a previous meeting with Mr. Jimmy Gianato, Director of the Division of Homeland Security and Emergency Management (DHSEM), the director would rejoin in contributions if the funds were available.

Evaldi asserted that if the state agencies could not make up the shortfalls then USGS must reduce the program by discontinuing some of the gaging activity. Evaldi then provided the Council members with a spreadsheet of potential cut gages if the shortfall is not met and indicated that cuts would be made until the deficit was balanced out. The funding requires a 50/50 match between USGS and the state agencies. Matching funds that are put in by USGS must be used for discharge computation work. USGS cannot use the Co-Op match to operate stage only gage.

Evaldi concluded that if total funding for FY 08 was not available from the state agencies to USGS by January 1, 2008, that USGS would have to start shutting down gages.

Bevans indicated that we, as a Council, need to work with the agencies and agency's heads up through the cabinet secretaries to the Governor the issue of the state's Non-Federal cost share match shortfalls. Bevans proposed that the Council come up with a plan to solidify the funding for the state.

Campbell Asked USGS if the Joint Funding Agreements handed out to the agencies were for the \$294,000 for FY 08. Evaldi, USGS, indicated that it was for FY08.

Campbell indicated that he would like to see the agencies take the Joint Funding Agreements for FY 08 back to their agency heads for discussion. The Council agreed that 30 days would be sufficient to come back and see if the agencies can provide the funding that has been requested by USGS. This would allow time for the Council and USGS to look at other alternatives if the funding is not available. Several members of the Council indicated that October 4, 2007, would be a good date for the next meeting.

Campbell asked if there was interest in the next Council Meeting be held on October 4, 2007.

**Action:** Bevans, USGS, moved that the next meeting be held October 4, 2007. Stratton, DEP, seconded. Motion passed and the next meeting will be held at DEP on October 4, 2007 at 1:00 p.m.

## **New Business**

Campbell asked if there was any new business.

Nick Schaer, DEP, indicated that he had been approached by a company named Zedex who produces a compilation of all the Eastern United States rain gage data. They produce a real-time grid of rain gage data. This company has requested to come and make a presentation on its capabilities.

**Action:** Bevans, USGS, moved that the Company Zedex be invited to the next regular Council Meeting to make a presentation. Stratton, DEP, seconded. Motion passed and Nick Schaer, DEP, will contact Zedex on coming to the December 6, 2007 meeting to make a presentation.

Stratton, DEP, asked to be recognized for comments. Stratton moved that if any agency or organization tried to call into DEP on teleconference and was unable to get through, that the agency or organization not be counted absent for this meeting.

**Action:** Hugh Bevans, USGS, seconded. Motion passed

Campbell asked if there was any further business, none heard

**Action:** Tim Curran, USACE, moved that the Council Adjourn. Bevans, USGS, seconded. Motion passed Meeting concluded at 3:15 p.m.

*Respectfully submitted*

Edward G. Cox Jr.  
Secretary