

**Quarterly Meeting of the ASDSO Board of Directors
March 23-24, 2009
Washington, D.C.**

**MINUTES
(Approved May 15, 2009)**

Attending:

Rob Martinez (President), Nevada
John Moyle (Treasurer), New Jersey
Mark Ogden (Immediate Past President), Ohio
Dave Gutierrez (President-Elect), California
James MacLellan (Secretary), Mississippi
Cas Taherian, Maryland
Pat Diederich, Nebraska
Mark Haynes, Colorado
John Falk, Idaho
Bo Bolourchi, Louisiana
Jason Boyle, Minnesota
Lori Spragens, ASDSO Executive Director
John France (AMAC Chair), URS Corp.
Bill Bingham (AMAC Vice Chair), Gannett Fleming

Guests:

Eric Halpin, USACE
Brian Pallasch, ASCE
Brad Iarossi, USFWS

Absent:

Dennis Dickey, Pennsylvania (Note that Dennis has made John Moyle his proxy)
Jason Campbell, Illinois (Note that Jason has made Mark Ogden his proxy)
Tom Woosley, Georgia

President Martinez called the meeting to order at 1:30 p.m. and declared a quorum.

Levees

Eric Halpin from the U.S. Army Corps of Engineers spoke about the National Committee on Levee Safety draft report to Congress on the recommendation for a proposed national levee safety program and discussed some of the major points of the report (20 recommendations). Mr. Halpin addressed many questions posed by the Board. Of particular interest to ASDSO is the recommendation that the national dam safety program be combined with the proposed national levee safety program. President Martinez thanked Eric for coming in to brief the Board and stated that ASDSO would develop an official position on the recommendations of the report.

Legislative Policy

Brian Pallasch and Brad Iarossi spoke on current legislative efforts. Highlights:

- The latest ASCE (American Society of Civil Engineers) report card on infrastructure was handed out.
- The dam rehab bill will be reintroduced this week.
- A report was given on state legislative efforts by ASDSO's legislative committee. Missouri probably will not pass a bill to increase jurisdiction. The committee has also contacted some people in Alabama to get help in introducing dam safety legislation in that state.

President Martinez opened the floor for discussion on our position of combining dam safety and levee safety. The pros and cons were debated. It was clear that many of the issues being faced regarding

levees are similar to what dam safety faced in the past. The current ASDSO resolution (dated 2006) on this issue was brought out and read to the Board.

It was mentioned that the Department of Homeland Security Sector Security Program is doing a lot of work in regards to dam security and that there is more funding going into that program than the current National Dam Safety Program. The Board may want to consider recommending moving national dam safety program into the DHS Infrastructure Protection program.

The question was raised about the feasibility of putting dam safety and levee safety with the flood insurance program.

Mark Ogden raised the point that Board needs to make a resolution about supporting the recommendations of the National Committee on Levee Safety or not. The current resolution of the Board (June 8, 2006) states that ASDSO does support the creation of a levee safety program. The question before us at this time is to decide whether the Board should support all of the recommendations of the committee report? A recommendation was made and accepted to table this discussion until later in the meeting to give Board members time to read the committee's report.

Consent Agenda

There were no items for the consent agenda.

Report from the President

Highlights:

- Rob Martinez and Dave Gutierrez spoke on behalf of ASDSO at the FERC hearing on dam safety in December.
- ASDSO leaders met with FEMA leadership in February to discuss the distribution of state assistance grants and other projects under the FY09 FEMA budget.
- ASDSO leaders met with NRCS in their DC offices in February to discuss the Recovery Act and what it means for the NRCS Watershed Rehabilitation Program and to discuss the MOA between ASDSO and the NRCS.
- A conference call was described between ASDSO, ASFPM and the NRCS to discuss implementation of funding programs provided in the Recovery Act.

Report from the Secretary

The minutes from the December Board meeting passed.

Feedback from States

Midwest - Michigan asked about the status of the FY09 FEMA Assistance Grants.

West – Texas raised the issue about landowner agreements expiring (with NRCS)

Southeast – no comments

North – Delaware wanted to know about the status of the dam rehabilitation bill. Maine would like more staff.

Review of Action items from Last Meeting

- All of the signed conflict of interest statements from board members were received.
- John Falk is the new chair of the Awards Committee.
- FEMA approved ASDSO's nomination of Jim Gallagher as the new state appointee to the National Dam Safety Review Board (NDSRB).
- Sarah McCubbin-Cain will be spearheading coordination on the new dam failure database. ASDSO hasn't heard back from the Canadian Dam Association regarding ideas on closer coordination efforts.

- Greg Paxson has been approved as a member of AMAC.
- The number of states that have security clearances from DHS is unknown at this time. Jack Byers is working on it.

Report from the Treasurer

John Moyle presented a six-month financial statement. He also reported on the status of investments. The Finance committee meeting in May will re-evaluate the investment strategy and cash flow policies. The ExCom will bring a draft FY10 Action Plan and budget to the Board in June.

Status of Contracts

Ms. Spragens gave an update on contracts with FEMA, DHS and USACE. No questions.

Meeting adjourned at 5:20 PM.

Tuesday, March 24, 2009

Meeting began at 8:30 AM.

Partnerships

A report and discussion was held regarding the partnership relationship between ASDSO and the NRCS. NRCS is proposing to contract with ASDSO to do EAP workshops in the near future. The NRCS leaders provided several ideas for future cooperation which the Board discussed. (Attachment 1) Pat Diederich agreed to be the Board liaison with NRCS on all of these dam safety issues and the use of stimulus money through the NRCS.

A report was given on continued communications with the CEATI group, which was holding a research workshop concurrent with this board meeting. It was agreed that more effort should be put toward getting CEATI and the NDSRB Research Workgroup, as well as other research entities, to coordinate on dam safety research.

Ms. Spragens updated the Board on communications with the National Emergency Management Association leadership in DC.

Research Proposal

The proposal from Tennessee Tech (TT) was reviewed. The professor with TT requested that ASDSO review his proposal and then give him a letter of endorsement to help him with his grant application to the National Science Foundation. This is a proposal to study if reservoirs increase local precipitation. The consensus of the Board is that ASDSO can't endorse this at this time but we will forward it to NDSRB Research workgroup.

Future State Data Collection and Relation to NDSRB Performance Measures and State Assistance Grant Distribution

The discussion revolved around how to improve the data collection process and how to best use the data to analyze how states dam safety programs are improving. Concurrent was a discussion on how performance measures should affect the distribution of the FEMA State Assistance Grants and how the NID data should be used to award grant amounts to the states.

After considerable discussion about these topics focus settled on how FEMA should be distributing the grants to the states. FEMA has stated that it will use the older, 2007 NID data that is posted on the Corps' website. ASDSO and Corps representatives have agreed that the 2008 NID, while not yet posted to the Corps' website, is quality-checked and should be used in the formula to divide up the state assistance grants. It was also agreed that states should write more comprehensive workplans for the FEMA State Assistance Grants that related back to the legislative goals in the National Dam Safety Act.

A motion was made recommending that FEMA use the latest available NID data (FY08) when dividing up the state assistance grant funds.

Motion: Dave Gutierrez
Second: Cas Taherian
Motion carried.

It was then agreed that ASDSO should form a task group to look at all the data being collected through the DSPMT and make recommendations on streamlining the list of fields and how the data is collected. Jason Boyle and John France volunteered to be on such a task force. John Moyle nominated Dewey Lima to be on the task force.

Finally, Dave Gutierrez agreed to finalize the draft of the model state assistance grant workplan that he provided to the Board and send it to Board for comments so that it can be presented to the state members of the NDSRB. The NDSRB will then decide whether or not to use the workplan.

Review of Written Report

No questions. Ms. Spragens highlighted the new web site that summarizes the ASDSO website statistics.

Levee Safety Continued

The Levee Safety issue was re-opened.

Questions for the Board to consider were written on the screen:

1. Should ASDSO support all of the recommendations in the NCLS report?
2. Should ASDSO support the concept of combining the National Dam Safety Program with the new Levee Safety Program under one commission when created? Will we advocate for this on Capitol Hill? Would the national dam safety program be lost among the levee issues?
3. Should ASDSO support moving toward being the national dam AND levee safety association instead of just the national dam safety association?

A motion was made to support all recommendations in the NCLS report.

Motion: Mark Ogden
Second: Dave Gutierrez
Motion voted on with 10 for, 1 against
Motion carried

After further discussion, a motion was made to specifically support the recommendation to combine the National Dam Safety Program and the proposed National Levee Safety Program.

Motion: Bo Bolourchi
Second: Mark Ogden
Amendment offered that ASDSO support combining the National Dam Safety Program and the proposed National Levee Safety Program and support a new, single, independent dam and levee safety commission to administer the combined programs.
Amendment: John Falk (accepted by Mr. Bolourchi)
Motion carried

Point was raised for each Board member to communicate with the other states and find out what they think about this issue as well as why the Board made and passed the above 2 motions.

Constitution and Bylaws Amendment

A draft amendment was offered by the Constitution and Bylaws Committee to alter both the constitution and the bylaws so that an Associate Member could serve on the Board. The discussion focused on whether or not the current draft would adequately address the issue of increasing the pool of candidates

for the Board. President Martinez asked that Board members consider this proposed amendment and send any comments to Rob and Lori. Issue tabled until June Board meeting.

Committee Oral Reports

AMAC – Greg Paxson approved for membership and has been put on dam failure analysis committee

Peer Review – Bill Bingham has set up meeting dates with his committee starting first week in May. He hopes to have things done in committee by annual conference, definitely by end of year.

Annual Conference – have 165 abstracts already. Program committee will meet next week.

Awards – deadline is end of June. No award application has been turned in yet.

Constitution & Bylaws – report already discussed.

Dam Owner Outreach – discussion about dam failure animation project. Project is going slower than anticipated. First project is to show animated failure of dam by overtopping. The O&M course for owners being developed and will be presented at Northeast Regional Conference.

Dam Failure Database – Sarah McCubbin-Cain has been working with Marty McCann on coordination with the NPDP.

Finance – Will meet in May to develop FY10 plan.

Legislative – See notes from day one (PA, MO, AL). Lori pointed out that the committee can't accomplish the ambitious agenda that they have outlined without another staff person.

Levees – already discussed.

Membership – trying to get mentoring program started. Committee is working on a new member packet and planning for the annual conference "meet and greet" event.

Officers' Nomination – will soon send out email to eligible candidates and then select committee.

Outlet Works – broken up into 5 different subtopics. They are working on white papers.

Tech Journal – trying very hard to collect more papers to get back on schedule.

Tech Training – has been divided into 3 subgroups.

CSD – working on regional conference at Penn State and working with PA on state rehab program.

West – working on regional conference in May.

Security – Recent meeting in DC. Lots of ongoing projects that will be discussed at security workshops during the Northeast and West Conferences. Consequence based screening tool has been developed and invitations sent to all 50 states. Screening security questions have been added to the state data call. There is a particular focus on Tier 1, 2, and sector specific as well as state list.

NDSRB – next meeting April 14 & 15.

NDSRB Research Workgroup – already discussed. Have a proposal for research into energy dissipaters.

NDSRB Performance Measures Workgroup – nothing to report.

NDSRB Working Group on NID – nothing to report.

NDSRB EAP Workgroup – written report given. FEMA has hired a marketing group to do create awareness initiative for EAP development.

Partnerships –USSD has requested Rob to give presentation at next meeting. ASDSO should have an ASDSO rep at ASFPM conference June 7 – 12. National Watershed Coalition, ASDSO will send a rep to their conference (Matt Scherer).

New Business

The Board discussed whether or not to comment on a new report produced by the ASCE Geo-Institute's Joint Task Force on Areas of Practice entitled, *Engineering and Geology Practice Guidelines*. At issue are the report's recommendations on what areas geotechnical engineers and engineering geologists can operate in. It was decided that John would draft a letter for the ASDSO Board to endorse that would go to the Geo-Institute and the ASCE leadership regarding our position on the report's recommendations.

The issue was raised concerning Virginia and their wording on inspection forms about certifying the inspection. Legal precedent equates "certify" with warranty or guarantee. AMAC would like a dialogue with states on the use of that wording in their regulations and inspection forms. It was decided that the Model Dam Safety Program should be reviewed to see if any recommendations on this are included and, if so, have them altered.

Discussion was held about having standard dam breach guidance for all of the states. FEMA wants to include dam breach inundation maps into their new floodplain mapping program (RiskMap). This issued was referred to the NDSRB EAP workgroup

CEU discussion. ASDSO can't provide CEUs (continuing education units), only PDHs (professional development hours). It was decided that ASDSO should continue to research this option.

Motion to adjourn was made by Mark Ogden at 4:50 PM. Second by Mark Haynes. Meeting adjourned.

Action Items

1. Prep for potential testimony on National Committee on Levee Safety report. Prep for potential meetings with OMB to discuss future if ASDSO supports the concept of a dam and levee safety commission (Elizabeth Lien and Gene Ednor)
2. Send a letter from Rob to the Missouri governor expressing concern that updates to the state's dam safety law will not take place this year.
3. All Board members review the strategic plan and the action plans and submit any ideas for projects to Lori and Rob by April 27, 2009.
4. Pat Diederich (Nebraska) will be ASDSO Board liaison with NRCS on use of stimulus money and other dam safety issues.
5. Ask Bruce Julien at NRCS to give clarification on whether or not inundation studies will be included as a cost under the new easement purchase provisions in the Recovery Act. There seems to be a mixed message.
6. Dave Gutierrez (President-elect) will create a draft model workplan and present it to the State members of the NDSRB.
7. All Board members should communicate with the other states to solicit their thoughts on the idea of recommending merging the National Dam Safety Program with a National Levee Program in a separate Federal agency as well as discussing why the Board has chosen to support the recommendations of the National Committee on Levee Safety.
8. All Board members will review the proposed amendment to the Constitution and Bylaws and be prepared to discuss this at the June Board meeting.
9. Trade newsletter stories with NEMA.
10. Contact Tennessee Tech professor regarding ASDSO's denial of endorsement for the National Science Foundation proposal. Suggest he coordinate with the NDSRB Research Workgroup.
11. A new task force was started to review all the data collection fields and processes in conjunction with the NDSRB. Jason Boyle and John France agreed to sit on the task force. John Moyle volunteered Dewey Lima. Other members should represent the Corps and the FERC, as well as FEMA.
12. Send model state assistance grant workplan to State Review Board members. Update all state reps on the state assistance grant topic and need for more performance goal setting and reporting.
13. Ask the C&B Committee to keep working on the board service amendments. (Rob)
14. John Falk to draft a letter for the ASDSO Board to endorse that would go to the Geo-Institute and the ASCE leadership regarding our position on the JTFAP report's recommendations.
15. June Board meeting: 1) add time to do pros and cons of combining dam and levee safety programs and creating a new association for dam and levee safety. Survey the states (through regional communications), 2) look at new C&B draft after update from committee, 4) draft letter by Falk regarding JTFAP report recommendations.
16. Review Model Program for references in example inspection forms to the word "certify" as it relates to inspections.
 - a. Conclusion: The Model Program was studied. The New Jersey example in Appendix C uses the word "certify" on its inspection checklist to say whether or not the dam is "safe" or "unsafe."