Missouri River Watershed Coalition
Executive Committee
Friday, July 25, 2008
2:00 - 3:45 pm MST
MEETING MINUTES
Conference call

Meeting Participants
Executive Committee: Dave Burch (MT), Mitch Coffin (NE), Slade Franklin (WY), Ron Moehring (SD), Rachel Seifert-Spilde (ND), and Kelly Uhing (CO).
Others: Kim Johnson (MT proxy); Liz Galli-Noble, Janet Clark and Tess Wood (CIPM)

MRWC Fall 2008 Meeting
The fall 2008 MRWC meeting will be held in conjunction with NAWMA – Sept 15-18, Billings, MT.
  • Dates and times for MRWC meetings are:
    Part I – Workgroups will meet on Monday, Sept 15 from 6:00 – 8:00 pm
    Part II – Main MRWC meeting will be held on Thursday, Sept 18 from 1:00 – 5:00 pm.
  • Liz Galli-Noble will set up meeting rooms with assistance from Jim Larson.
  • A preliminary MRWC meeting agenda was okayed by the Executive Committee (see Attachment A).
  • Sept 15th focal workgroups are:
    1. Appropriations/Funding
    2. Education
    3. Mapping
    Note: An EDRR workgroup will meet in the future, but the committee would like to hear from CIPM’s Erik Lehnhoff first.

*A preliminary meeting announcement was made on headwaters_tamarisk listserv on July 3, 2008. A follow-up announcement will be made in late July or early August which will include: MRWC meeting times/dates, workgroup sign up, preliminary agenda and MRWC Constitution and Bylaws.

Announcement: MRWC MOA Addendum has been signed by all six states and all were sent a scanned copy of the document. The original signed document will be sent to Kelly Uhing (CO) as a permanent record. The document is posted on the MRWC website with the original MOA.

Announcement: MRWC In-Kind Form is completed and has been distributed. The form has been made available to MRWC participants via the headwaters_tamarisk listserv and is posted on the MRWC website. CIPM will also bring hardcopies to meetings. Changes to the form can be made by contacting Liz.

Editing the MRWC Constitution/Bylaws – The Executive Committee reviewed and edited the 5/06/08 version of the document. See Attachment B for July 25, 2008 revised draft.

*CIPM will submit edits/suggestions to Ron Moehring for final draft edits and presentation at fall meeting.
**MRWC 501(c)3 non-profit status** – Janet Clark provided the committee with a summary of the pros and cons of becoming a 501(c)3 non-profit organization (see *Attachment C*). Liz Galli-Noble also presented three different ways that the CIPM could accept funding/donations for the MRWC. Given the fact that the CIPM is able to provide financial services to the MRWC, the Executive Committee decided that non-profit status will not be pursued by the Coalition at this time.

**MRWC Mapping Effort** – Liz Galli-Noble reported that she got updates on MRWC proposed mapping efforts, which she shared with the Executive Committee via e-mail on July 24.

1. Kelly Sharp’s mapping update: *I did an upgrade to the server and need to redo the map. The data is fine, so they still can update that online on their own. I don’t know which states have updated their data over the summer. I’ll get to the map by the end of the week (I hope)*. Kelly did not send Liz any additional information.

2. JHS Inc. of Helena asked if they could submit a mapping proposal to the MRWC. Dave Burch provided a summary of their proposal (see *Attachment D*).

The Executive Committee made no decision concerning the JHS proposal. Instead, they agreed that MRWC should bring these mapping people together in Billings to hash out a plan to develop and deliver this important tool for the MRWC. Slade Franklin volunteered to contact the mapping point people for each of the six states and arrange for them to meet. Slade requested that each of the six state weed coordinators send him the name and contact information for their main weed mapping person.

**Missouri River Recovery Program & MRRIC Committee membership** – The Executive Committee asked Ron Moehring to look into the application process for MRRIC Committee membership. He will take the lead and report back to the group. He is willing to fill out the application for the MRWC.

**EDRR Progress** – Erik Lehnhoff, the new CIPM Assistant Director for Research, will take the lead on EDRR for the MRWC. Liz Galli-Noble has asked him to present on this topic at the fall MRWC meeting.
**Missouri River Watershed Coalition**

**Fall 2008 Meeting**

**September 15 & 18, 2008**

**Billings, Montana**

**Tentative AGENDA**

7/25/08 - draft

---

**Monday, September 15 6:00 pm - 8:00 pm**

**PART I. MRWC WORKGROUP SESSIONS**

*MRWC workgroup sign-up and explanation was done via the headwaters_tamarisk_listserv in August 2008.

**Two-Hour Sessions:**

**Appropriations/Funding Workgroup**

This group will focus on federal and other funding opportunities for the MRWC as a collective effort. Of particular concern are: FY09 and FY10 appropriations, membership contributions to the MRWC, Water for America program, Noxious Weed Control Eradication Act of 2004 (due to sunset), etc. Others???

**Education Workgroup**

This group will review educational goals from the MRWC Management Plan and Action Plan, and develop a strategy to implement one or more of those goals over the next six months (by the MRWC Spring 2009 meeting).

**Mapping Workgroup**

This will be a special mapping work session where key state mapping experts and MRWC members will come together to develop a short-term plan to develop and deliver a six-state, county-based, quarterquad, saltcedar presence/absence map, which can be easily updated via the Internet. Information sharing should include: Presently, who is doing what with regard to saltcedar mapping? What data does your state have at present and in what format, at what accuracy? What special mapping support or data management needs does your state (counties) have? What are the appropriate uses of a map at this resolution? What should be added to the six-state map in the future? When does MRWC need a final product?

**All workgroups:**

- Assign a workgroup leader/presenter.
- Prepare to report back (15 -20 minutes) to full group at the MRWC meeting on Thursday.
- Note: CIPM staff will participate in these sessions; they can help facilitate and record, if needed.

---

**Thursday, September 18 1:00 pm - 5:00 pm**

**PART II. MRWC FALL MEETING**

**1:00 pm**

Welcome

Introductions

Approve minutes from MRWC May 6, 2008 meeting

**1:15 pm**

Announcements:

- MOA Addendum signed; 6-state coalition
- Please track in-kind match for MRWC; fill out In-Kind Match form and send to CIPM
• CIPM has signed contract to coordinate and facilitate for the MRWC

Others?

1:20 pm  Final review and approval of MRWC’s Constitution and Bylaws - Ron Moehring

1:45 pm  Election of MRWC Officers (President and Vice President)
Paper ballots will be distributed, collected and decisions announced.

2:00 pm  Workgroup Reports
  1. Mapping
  2. Appropriations/ Funding
  3. Education

3:00 pm  15-minute BREAK

3:15 pm  MRWC EDRR - Dr. Erik Lehnhoff, CIPM

3:45 pm  Roundtable: projects on saltcedar management in your state or agency
*Colorado  *Montana  *Nebraska  *North Dakota  *South Dakota
*Wyoming  *Local groups  *State agencies  *Federal agencies  *NGOs

4:45 pm  Upcoming Events
NIWAW - does MRWC want to be represented?
Others?

5:00 pm  Set time and place for MRWC Spring 2009 meeting.
Adjourn.
Missouri River Watershed Coalition Constitution

Article I.

Section 1. NAME: This organization shall be known as the Missouri River Watershed Coalition

Section 2. MEMBERS: The Missouri River Watershed Coalition membership shall be composed of the official state Agriculture agencies of the following states:

- Colorado
- Montana
- Nebraska
- North Dakota
- South Dakota
- Wyoming
- Other states within the Missouri River Watershed, upon the approval of the membership states.
- Also a representative from all the Tribes, Federal Agencies, and any private Coalition or individual located in these state that may wish to participate.

The membership shall be eligible to serve as Missouri River Watershed Coalition officers or committee representatives, except on the Executive Committee, provided that all other provisions of the Constitution are complied with.

Article II.

Section 1. PURPOSE: The purpose of this organization shall be to recognize the critical need for protecting the water resources of the Missouri River Watershed, and to develop management strategies and priorities for invasive plant species management and water resources in this region. The overall goal of the Coalition is to protect and improve agriculture, recreation, aesthetics, water systems, habitats, and ranching/grazing by minimizing the effects of Saltcedar and other noxious and invasive species within the Coalition boundary. The plan organizes project surveys and treatment and compiles necessary information to best use the states’ limited collective resources.

Article III.

Section 1. VOTING: In the transaction of Missouri River Watershed Coalition official business, each member state shall be entitled to one vote, in addition to the President voting in the case of a tie. Member state votes are to be cast by the noxious weed coordinator or his/her authorized representative from his/her state. This group Authorized representatives from each state and the President shall be known as the “Executive Committee.” The Vice President shall only cast a vote in the absence of the President. In the event of a tie, the President of the organization shall have the deciding vote.
Section 2. QUORUM: A quorum shall consist of a number of members representing a majority of the member states.

Section 3. CONDUCT OF MEETINGS: All meetings of the Missouri River Watershed Coalition shall be conducted in accordance with Robert's "Rules of Order" except when there is conflict with this constitution and bylaws, in which case the constitution and bylaws shall prevail.

Article IV.

Section 1. OFFICERS: The officers of this organization shall consist of a President and Vice-President, and Secretary-Treasurer. These officers shall be elected annually for a term of two years, or until their successors are elected and qualified, except for the initial election, where the President and Secretary-Treasurer shall be elected for two-year terms and the Vice-President shall be elected for a one-year term. Officers are eligible for re-election. All officers shall, on expiration of their terms, surrender to their successors all Missouri River Watershed Coalition property.

Article V.

Section 1. AMENDMENTS: The Constitution may be amended at any meeting by three-fourths vote of the states represented, provided those present constitute a quorum and provided the proposed amendment or amendments have been submitted to each member thirty (30) days before the meeting. RON?? consistency with Article VII of Bylaws

Missouri River Watershed Coalition Bylaws

Article I.

The Executive Committee as may be provided by the Bylaws shall govern the Coalition. The Executive Committee shall supervise the business, programs, and policies approved by the membership of the Coalition.

Article II.

The officers and representatives of this Coalition shall be elected by written ballot.

Article III.

The President and Executive Committee shall appoint members to such workgroups as deemed necessary to conduct the business of the Coalition.
Article IV.

A sum of money as determined by the Coalition shall be paid by the members to the Coalition to finance its operations. Money paid by member states to the treasury of the Missouri River Watershed Coalition shall be deposited in a special account and shall be made available for paying ordinary expenses of the Coalition.

Article V.

The time and place of the bi-annual meeting shall be determined by the Executive Committee.

Article VI.

Special meetings of the Coalition shall be called at the discretion of the Executive Committee or upon the petition of four (4) or more member states.

Article VII.

An executive session of the Coalition shall be called by the President at the request of any member of the Coalition with the approval of the majority of the Coalition members present. Members may have their agency associates attend executive sessions. Nonmembers may appear before the Coalition upon majority vote of the membership present.

Article VII.

The bylaws may be amended at any meeting by a three-fourths vote of those present, providing those present constitute a quorum. RON???? consistency with Article V of Constitution
Attachment C.  
Pros and Cons of becoming a 501(c)3 non-profit organization

<table>
<thead>
<tr>
<th>PROs</th>
<th>CONs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax-exempt status</td>
<td>Harder to secure government appropriations and grants</td>
</tr>
<tr>
<td>Can apply for public or private grants</td>
<td>Can only undertake limited lobbying activities (see page 2)</td>
</tr>
<tr>
<td>Can act as a neutral forum for stakeholders</td>
<td>Government agencies can still exercise influence if they are on the Board of Directors</td>
</tr>
<tr>
<td>Can access private funds more easily as an NGO</td>
<td>Cannot exercise regulatory authority or implement activities within agencies</td>
</tr>
<tr>
<td>Organization can be modified as required</td>
<td>Not in the loop in agency budget decision-making</td>
</tr>
<tr>
<td>Greater flexibility in the use of paid or</td>
<td>May incur new costs: staff, office, insurance, equipment, accounting, legal, corporate reporting, etc.</td>
</tr>
<tr>
<td>volunteer staff than governmental organizations</td>
<td></td>
</tr>
<tr>
<td>Qualifies for low postal rates and favorable</td>
<td>Lack of institutional framework for operational funding and staff support</td>
</tr>
<tr>
<td>employee benefit programs</td>
<td></td>
</tr>
<tr>
<td>In some states, can receive property tax and</td>
<td>Cannot receive more than 90% of income from an endowment</td>
</tr>
<tr>
<td>sales tax exemptions</td>
<td></td>
</tr>
<tr>
<td>Ability to fundraise, receive donations (which</td>
<td>Competition with other nonprofits</td>
</tr>
<tr>
<td>are tax-deductible for donors)</td>
<td></td>
</tr>
<tr>
<td>Quicker decision-making for grants and contracts (compared with running dollars through an agency or university)</td>
<td>Lack of name recognition and legitimacy associated with established institutions or agencies</td>
</tr>
<tr>
<td>Independence</td>
<td>Involved 501(c)3 filing procedure with the IRS, including $300 fee.</td>
</tr>
<tr>
<td>Ability to support or challenge agency partners</td>
<td></td>
</tr>
<tr>
<td>Less encumbered by bureaucracy</td>
<td></td>
</tr>
</tbody>
</table>

(From Independent Sector, http://www.independentsector.org/programs/gr/lobby_tax_rules.htm)

1 Adapted from Community-Based Watershed Management, EPA-842-B-05-003, 2005.
Lobbying Rules for Public Charities

Public charities [501(c)3] may engage in a limited amount of legislative lobbying, direct and/or grassroots, under either the vaguely defined “no substantial part of its activities” test or, except for churches, by electing to operate such activities under the Section 501(h) of the tax code.

The IRS measures compliance with the “no substantial part” test on the basis of “all the pertinent facts and circumstances of each case,” determined under a variety of factors such as the time devoted (by both paid and volunteer workers) and the expenditures devoted to the activity by the organization. Courts have interpreted this test in a variety of ways, from a 5% safe harbor (1955) to a ruling that percentages test are inappropriate (1972).

Under 501(h) expenditure test public charities may spend:

- **on Direct Lobbying:**
  20% of the first $500,000 of its exempt purpose expenditures;
  15% of the next $500,000, and so on, up to one million dollars a year.

- **on Grassroots Lobbying:**
  5% of the first $500,000 of its exempt purpose expenditures;
  3.75% of the next $500,000, and so on, up to $250,000 a year.

**Direct lobbying** is defined as an attempt to influence legislation by stating a position on specific legislation to legislators or other government employees who participate in the formulation of legislation, or urging your members to do so.

**Grassroots lobbying** is defined as an attempt to influence legislation by stating a position on specific legislation to the general public and asking the general public to contact legislators or other government employees who participate in the formulation of legislation.

The term "lobbying" does **not** include the following activities:

- providing technical assistance or advice to legislative body or committee in response to a written request;
- making available nonpartisan analysis, study or research;
- providing examinations and discussions of broad, social, economic and similar problems;
- communicating with a legislative body regarding matters which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization (the "self-defense" exception); and,
- updating the members of your own organization on the status of legislation, without a call to action.

Center for Invasive Plant Management
Montana State University-Bozeman
Attachment D.

Submitted by: JHS Inc., Helena, Montana

July 2008

Project Title: Missouri River Salt Cedar Internet Mapping Application

Project Objectives – The project will consist of updating the number of acres of salt cedar in each of the 320 counties within the Missouri River Watershed Coalition project area. The data reporting areas for each county will consist of 12,000:1, 3.75-minute USGS quarter quadrangles (approximately 40,000 quads in the project area). Each county will be issued a user name and password to enable Internet updating capabilities for each quarter quadrangle through the interactive web mapping application. The objective of the project will be to enable the delivery of secured data from all stakeholders, and then utilize the combined regional data for analysis, education, and funding purposes.

Scope of Work – An interactive web mapping application will be developed utilizing the existing level of ArcGIS Server software, which will enable authorized weed control personnel to enter updated salt cedar data, along with any additional data fields required by the Coalition. The contractor shall personally contact weed coordinators in all 320 counties involved in the project to discuss their individual status and type of salt cedar data. Each county will be accessed for their ability and willingness to utilize the interactive mapping application to update the USGS quarter quads in their county. Alternative methods of data transfer will be made available for counties not utilizing the interactive map, such as utilization of spreadsheets or GPS data, or even the printing of large format paper maps to use hand drawn maps for salt cedar location data. The mapping contractor will utilize necessary temporary staff to ensure accurate data updates for all of the quarter quads that are not updated by individual counties. Every effort will be made to establish a positive working relationship with all 320 counties, to help accomplish as close to 100% response as possible within the nine-month project timeline.

Materials to Be Delivered

- Interactive web mapping application (capable of editing tabular data), which will require secured usernames and passwords by authorized weed control personnel. The application and all resultant data will be housed on a secured server, with off-site backups created weekly.
- Updated data will be delivered to the Coalition in a non-editable Internet map application for demonstration purposes by the Coalition members.
- Data will also be available in ESRI format shapefile or geodatabase which can be used by the Coalition for analysis. All spatial data will be accompanied by relevant metadata.

Timeline

- Interactive web mapping application launch milestone deadline of September 15, 2008 (software limitations notwithstanding).
- Project completion nine months after contract signing date.
Compensation and Payment – All data layer creation, Internet mapping application development and housing, and data updates will be provided for the total price of $18,124.00. The sum of $9,062.00 will be paid upon implementation of the Interactive web mapping application. The remaining sum of $9,062.00 will be paid in 7 monthly installments of $1,294.57, which will be invoiced at the end of each month.