

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## SECOND QUARTER 2021 BUSINESS MEETING MARCH 2, 2021

### VIRTUAL MEETING ROCKVILLE, MD

#### FINAL MINUTES

**CALL TO ORDER:** Chairman Brakel called the Second Quarter 2021 Business Meeting to order at 9:46 a.m. on March 2, 2021. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

#### Commissioners

##### District of Columbia

Willem Brakel (Chair, Commissioner)  
Tiffany Potter (Commissioner)  
Jeff Seltzer (Commissioner)  
Kimberly Jones (Alt. Commissioner)  
Hamid Karimi (Alt. Commissioner)  
James Tsai (Alt. Commissioner)

##### Maryland

Robert Lewis (Commissioner)  
Lee Currey (Alt. Commissioner)

##### Pennsylvania

Summer Kunkel (Alt. Commissioner)  
Adam McClain (Alt. Commissioner)

##### United States

Robert Sussman (Commissioner)  
Darryl Madden (Commissioner)

##### Virginia

Paul Holland (Commissioner)  
Scott Kudlas (Alt. Commissioner)  
Mark Peterson (Alt. Commissioner)

##### West Virginia

John Wirts (Chair, Alt. Commissioner)

#### Staff

Michael Nardolilli (Executive Director)  
Robert Bolle (General Counsel)  
Wendy Wang (Acting Dir, Administration)  
Cherie Schultz (Dir, COOP Operations)  
Heidi Moltz (Dir, Program Operations)  
Curtis Dalpra (Dir, Communications)  
Claire Buchanan (Emerita Director)  
Sarah Ahmed (Senior Water Resources Analyst)  
Alimatou Seck (Senior Water Resources Scientist)  
Renee Bourassa (Outreach Program Manager)  
DeeDee Hunter (Administrative Coordinator)

#### Guests

Valerie Cappola (USACE, NAD)  
Anastasiya Kononova (USACE, Baltimore)  
Rhonda Manning (PA DEP)  
Chris Kimple (Rep. Commissioner Moul)  
Saeid Kasraei/Kendra Hicks (MDE)  
Thomas Hilton (WSSC)  
Joel Caudill (WSSC)  
Greg Prelewicz (Fairfax Water)

Mr. Nardolilli welcomed the Commissioners, staff, and guests to this virtual meeting of ICPRB. Mr. Nardolilli explained that this "virtual" meeting is allowed under a revision to the ICPRB By-laws which added Section V(g). That new section was approved by an e-mail vote of the Commission on April 17,

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2020 pursuant to Section XIII of the By-laws. Section V(g) permits public meetings by virtual conferencing under the state of emergency declared by Maryland Governor (and ICPRB Commissioner) Larry Hogan on March 5, 2020 and renewed on February 19, 2021.

### **WELCOME, ROLL CALL AND INTRODUCTIONS**

Chairman Brakel welcomed everyone to the virtual meeting. Due to the nature of the virtual meeting, Mr. Nardolilli called the names of the members, staff, and guests. Those at the meeting acknowledged their attendance. Chairman Brakel welcomed new Commissioner Willis, who said a few words. Curtis Dalpra said a few words in recognition of the passing of former Commissioner Ron Stanley.

### **ADOPTION OF DRAFT AGENDA**

Chairman Brakel modified the Draft Agenda as follows: (1) welcoming Commissioner Willis and taking note of Commissioner Tickner's official appointment; (2) adding the recognition of the passing of former Commissioner Ron Stanley; and (3) adding a report from the Audit Committee. **Commissioner Karimi made a motion to approve the agenda as modified, which was seconded by Commissioner Holland. All were in favor.**

### **DECEMBER 1, 2020 DRAFT MINUTES**

Commissioner Kudlas asked for three corrections: (1) on page 3, replace "Commissioner Hamid" with "Commissioner Karimi;" (2) on page 8, replace "The issues are on the website" with "The report on the issues is on the website;" and (3) on page 8, replace "thru" with "through." **Commissioner Kudlas made a motion to approve the December 1, 2020 Meeting Minutes as amended, which was seconded by Commissioner Karimi. All were in favor.**

### **ACCEPTANCE OF AUDIT**

Commissioner Holland discussed the results of the clean audit, which had been provided to each Commissioner. **Commissioner Kudlas made a motion to accept the Audit, which was seconded by Commissioner Karimi. All were in favor.**

### **SUMMARY FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS (Tab 2)**

Mr. Nardolilli gave an overview of the Executive Committee meeting held on February 2, 2021 (notes found under Tab 2 of the Meeting Book). Mr. Nardolilli then highlighted an update on two matters from the Executive Committee conference call that was held on March 1, 2021 as follows:

#### Resolution

The Chair & Vice Chair of the Commission and CO-OP met with the water suppliers on February 18, 2021 to receive their input on the "Resolution on Enhancing Water Supply Resilience for the Washington Metropolitan Area." A follow-up meeting without the water suppliers was held on February 25 at which time two changes were suggested to the Resolution: (1) on page 3, replace "droughts and security related supply disruptions in the coming decades" with "additional suppliers, future storage, governance, droughts and security related supply disruptions;" (2) on page 4, add "and member parties" after "governing parties" in the three instances it appears in Paragraph 2. The Executive Committee met on March 1 and there was general agreement in support of the two changes to the Resolution. The Executive Committee did not take any position on Staff's recommendation that the Commission adopt the revised Resolution. Some Commissioners noted that this was just the "first step" in the process and would provide a "helpful framework" for advancing funding for Travilah Quarry. Nonetheless, the Executive

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Committee decided to encourage those Commissioners in favor of the Resolution to move its adoption before the full Commission so that all Commissioners had the opportunity to comment upon it.

### Land Conservation Policy

At its meeting on February 2, 2021, the Executive Committee recommended adoption of the Land Conservation Policy by the full Commission (Meeting Book Tab 5, Att. 2). At its meeting on February 3, 2021, the Drinking Water Source Protection Partnership (DWSPP) expressed the consensus of the group to support the Commission's adoption of this language as a Land Conservation Policy.

The Executive Committee met on March 1 and suggested the following disclaimer be made clear in the Land Conservation Policy: "The Interstate Commission on the Potomac River Basin (ICPRB) does not provide tax, legal or accounting advice. The ICPRB's Land Conservation Policy and related materials has been prepared for informational purposes only, and is not intended to provide, and should not be relied on for, tax, legal or accounting advice. You should consult your own tax, legal and accounting advisors before engaging in any transaction involving ICPRB's Land Conservation Policy."

Mr. Nardolilli advised the Executive Committee that Staff will be setting up virtual meetings with the land trust community to advise them of this new land conservation tool. In addition, Christy Davis has sent out an email and doodle poll for an initial meeting of the DWSPP Ad Hoc Land Prioritization Workgroup. The primary objective of the workgroup is to promote implementation of this tool to various stakeholders involved in land conservation and water quality management.

### **OLD BUSINESS**

**Executive Director's Report:** Mr. Nardolilli noted that his full report is in Tab 6 of the meeting book. Because that report was prepared on January 29, 2021, Mr. Nardolilli updated some of those items in his oral presentation.

- **Response to COVID-19**

The Staff continues to monitor developments regarding (1) COVID-19, (2) the vaccine, and (3) the back to work protocols. First, as for COVID-19, we continue to keep the office open with all employees continuing to telework except for the Executive Director, who is in the office each day with other staff there on an "as needed" basis. These measures have proved to be effective in keeping our employees safe. Secondly, as for the vaccine, I have been on calls with MWCOG where we are receiving updates on the coordination of the distribution of the vaccine to workers in the water infrastructure fields. Montgomery County has not reached our category so there is nothing we can do at this time as we have not been notified when ICPRB Staff will be eligible to receive the vaccine. We are considering encouraging our employees to get the vaccine by offering a "floating holiday" as an incentive. Finally, I have been briefed on a pilot program (called the "Return to Work Study") between IBM, NIH, and WSSC. The program would involve a de-identified "Daily Wellness Survey" that employees would take each morning on their phone that would feed into a Contract Tracing Database. Depending upon those answers, the employee will get a "Good to Come Back to Work" credential on their phone or directed to contract tracing. This pilot program is free until September 2021.

- **Commissioner/Staff Changes**

Federal Commissioner MG Milhorn has resigned as he was reassigned to another post. BG Thomas Tickner, who is the new commander of the U.S. Army Corps of Engineers North Atlantic Division, has been appointed in his stead. William Willis was appointed as a Commissioner from the Commonwealth of Pennsylvania to take the position of Ron Stanley. On the Staff level, Bo Park, long-time Administrative Director of the Commission, left the Commission on January 29, 2021. The search for her replacement is discussed below.

- **Federal Funding Activities**

This year, ICPRB Staff will continue to work with the other two Mid-Atlantic River Basin Commissions in securing federal funding for ICPRB, the Susquehanna River Basin Commission and the Delaware Basin River Commission. With the new Administration, the three agencies are hopeful in getting our line items restored in the President's Budget. Staff expects a more intensive educational campaign on Capitol Hill, not only to restore direct funding for ICPRB but also to brief lawmakers on the need for federal support for Travilah Quarry (see below).

- **80th Anniversary Planning Update**

Mr. Nardolilli advised the Executive Committee that Staff is recommending "de-coupling" the planned boat ride from the 80th anniversary. The advantages of doing so were listed as keeping the Boat Ride feature (and therefore not losing our deposit) but instead of linking it to the 80th we instead make it clear that we are fundraising for the Comprehensive Plan Implementation. This gives us more flexibility in scheduling the trip given the uncertainty over COVID-19. We could work it around the schedule of our speaker (say, Michael Regan, President Biden's Nominee for EPA Administrator, approved by Senate EPW Committee) and make sure that we do it after Commissioners are able to attend. The event will recognize our current sponsors, new sponsors, and potential future sponsors of the Comprehensive Plan.

- **Search for New Administrative Director**

Mr. Nardolilli reported that the search continues for a replacement for ICPRB's long-time Director of Administration, Bo Park. Ms. Park's last day was January 29, 2021. Wendy Wang, ICPRB's accountant, has been serving as the Acting Administrative Director until we hire a replacement. We have interviewed four candidates, eliminated three, and have asked for references from the other one. We have kept the search open-ended at this time so please spread the word among your networks that we are still looking. (Ad is on website).

### **Ad Hoc Work Group on Water Supply Resolution**

Commissioner Seltzer began the discussion of the draft Resolution on "Enhancing Water Supply Resilience for the Washington Metropolitan Area" by noting that the Commission has long been considering a review of the two primary agreements that govern ICPRB's work on the Potomac River: (1) the Low Flow Allocation Agreement (LFAA)(1978); and (2) the Water Supply Coordination Agreement (WSCA)(1982). A Resolution that was approved at the ICPRB's business meeting on March 7, 2017 called for expert reviews of both the LFAA and the WSCA for the purpose of identifying key issues and options that may inform decisions on whether to modify the agreements. Commissioner Seltzer explained that the current Resolution consists of three parts: (1) forming a **Task Force** on WMA Water Supply and Coordination; (2) convening a **Work Group** to discuss the ten sets of options identified in the 2018

Cruden Report; and (3) holding an invitation-only scientific **Workshop** on the state-of-the-art approaches to environmental flows for large river systems.

Mr. Nardolilli presented the Staff recommendation that the Commission adopt the February 2, 2021 draft of the Resolution with the two modifications recommended by the Chairs & Vice Chairs of CO-OP: (1) to broaden the scope of the WSCA Task Force to include the goals of coping “with additional suppliers, future storage, governance, droughts and security related supply disruptions;” and (2) adding representatives of the “member parties” to the Work Group on the LFAA. Mr. Nardolilli added that these changes were made pursuant to a meeting with the water suppliers held on February 18, 2021. Mr. Nardolilli indicated that at its meeting on March 1, 2021, the Executive Committee decided to encourage those Commissioners in favor of the Resolution to move its adoption before the full Commission so that all Commissioners had the opportunity to discuss it.

**Commissioner Sussman made a motion to adopt the Resolution which was seconded by Commissioner Potter.** The Motion was then opened-up for discussion. Commissioner Sussman spoke in favor of his motion by noting that this was just the “first step” in the process and would provide a “helpful framework” for advancing funding for Travilah Quarry. Mr. Nardolilli noted Staff’s recommendation to support the Motion, adding his two concerns that: (1) Travilah Quarry in Potomac could be sold to developers thus foreclosing use as a reservoir; and (2) that federal funding for Travilah would be enhanced if there were an on-going process to determine the non-federal cost share of the project.

Commissioner Currey spoke next and stated his agreement that the Resolution addressed very important matters. Commissioner Currey noted, however, that the Commission needed to make sure that this was a collaborative process, and he particularly did not want to alienate the water suppliers in what should be a “win-win” situation. Commissioner Currey indicated that the Resolution did set a “path forward” but the wording “was not quite there” yet. Commissioner Currey mentioned that making certain changes, such as time-bound commitments and accountability, would benefit from further dialogue. Commissioner Currey suggested that the Commission take some extra time for a few weeks and delay the vote today. Chairman Brakel emphasized the history of the Commission in working toward consensus and wondered if there were a substitute motion to delay or defer the consideration of the Resolution.

**Commissioner Currey made a substitute motion to delay the vote so that the language could be “tightened up” sometime prior to the next quarterly business meeting, which was seconded by Commissioner Lewis.** Commissioner Kudlas spoke in favor of the substitute motion, expressing his desire for ICPRB to provide leadership on many issues raised by the Resolution, including additional consumptive users upstream and the improvements in the science over the years. Commissioner Sussman said that he could support the substitute motion if there were a short timetable for revisions. It was suggested that wordsmithing on the current version of the Resolution should be completed in one month’s time so that Commissioners would have a month to consider the changes in time for the Commission to reconsider any revised Resolution at its next quarterly meeting in June. Both the maker of the substitute motion (Commissioner Currey) and its seconder (Commissioner Lewis) considered the addition of the suggested timetable to be a friendly amendment. **With that, Chairman Brakel called for a vote on the Substitute Amendment. All voted in favor, except for Commissioner Kunkel who abstained.**

### **Land Conservation Policy**

Mr. Nardolilli indicated that Staff urges the approval of the Land Conservation Policy by the Commission. The wording as recommended by the Executive Committee and the Drinking Water Source Protection Partnership reads as follows: “The Interstate Commission on the Potomac Basin hereby adopts

the criteria for identifying high-priority land parcels and the resultant rankings of specific parcels, as spelled out in the report of the Land Prioritization Project of the Drinking Water Source Protection Partnership as a Land Conservation Policy. The Commission urges the voluntary conservation of those specific parcels that have been identified in the Land Prioritization Project as important for the preservation of drinking water supplies in the Potomac River Basin.” In addition, this disclaimer should accompany the Policy: “The Interstate Commission on the Potomac River Basin (ICPRB) does not provide tax, legal or accounting advice. The ICPRB’s Land Conservation Policy and related materials has been prepared for informational purposes only, and is not intended to provide, and should not be relied on for, tax, legal or accounting advice. You should consult your own tax, legal and accounting advisors before engaging in any transaction involving ICPRB’s Land Conservation Policy.” **Commissioner Holland made a motion to adopt the Policy which was seconded by Commissioner Jones. All were in favor.**

### **Work Group on Justice, Equity, Diversity & Inclusion (JEDI)**

As Chair of the Work Group, Commissioner Jones gave a status report on their activities. The Work Group has met twice and has collected documents from other groups implementing similar policies. Commissioner Jones requested that other jurisdictions name members to JEDI so that the Work Group has the broadest representation as possible. In response, Commissioner Madden offered to serve on the Work Group, Commissioners Kudlas and Wirts indicated that they would serve in such a capacity for Virginia and West Virginia, respectively, at least for the time being. In response to a question from Chairman Brakel about the timeline of the group, Commissioner Jones indicated their intent to have a preliminary report by the June meeting of the Commission.

### **Operations Report**

- **Contracts and Finance:** Mr. Nardolilli gave a summary of the grants and contracts, which can be found in Tab 6, Attachment 2 of the meeting book. A new project was received from Franklin County in Pennsylvania for \$11k ending on 12/31/2020 to support FCCD’s Community Clean Water Action Plan Coordinator. There were three vendor contracts in this period: (1) an accounting software upgrade with RSM for \$4,444; (2) a CO-OP Section software update with Deltares for \$15,000; and (3) payment for the FY2020 Annual Audit to CliftonLarsonAllen for \$20,500.

The Commission did not make any withdrawals from the Contingency Reserve Account, which held a balance of approximately \$634,906. The operating account held a balance of approximately \$1,559,788 including cash and investments. Funds received from the DC Settlement with GenOn have been set aside for the USGS LiDAR project in an interest-bearing account with a balance of \$50,156.45. The jurisdictional assessment for the District of Columbia (\$69,000) was yet to be received. All other jurisdictions are current. All project receivables are current.

- **Unit Reporting**

**Administration and IT:** [Editorial Note: Due to the transition from Ms. Park to Acting Administrative Director Wendy Wang, no presentation was prepared. During this period, the Administrative Unit successfully completed the FY2020 Audit and has been focused on hiring a permanent replacement for Ms. Park].

**Communications:** Mr. Dalpra provided the Communications Unit highlights. He noted that social media visibility has increased with the experimental use of boosted posts. Boosting is

using cash payments to increase the number of people exposed to the posts on the organization's timeline. This increases the number of likes, and more importantly the number of people following the page. To date, ICPRB has boosted a number of posts by 5-10 dollars. Additionally, the unit has learned how other organizations are using this feature to increase visibility. Dalpra noted how the coming summer activities are still being affected by COVID. Many river festivals and education opportunities are being cancelled, but some may return. The annual Potomac River Swim for the Environment has already been cancelled for this year. However, the annual Potomac cleanup will begin on May 10 and continue using smaller groups for about a month. The ICPRB is assisting the Alice Ferguson Foundation with identifying sites and supplying cleanup sites with bags, gloves, and other supplies. A recent report from our Japanese sister river, the Ara, shows they too are dealing with the virus, but getting out in groups to clean the river and hold recreation days. As here, the Japanese are making greater use of the outdoors in response to social restrictions.

**CO-OP Section:** In brief comments, supplementing her earlier report to the CO-OP Section, Dr. Schultz noted that one potential use of the upcoming 2D Potomac River flow and water quality model is to support the District Trash TMDL, as suggested several years ago by Commissioner Karimi. She also reported that she and Executive Director Nardolilli have been reaching out to Mr. Rudy Chow, the new Acting General Manager of Washington Aqueduct, to facilitate his engagement in CO-OP-related issues and discussions.

**Program Operations:** Dr. Moltz introduced an upcoming event series related to implementation of the Potomac Basin Comprehensive Water Resources Plan. During previous outreach activities, stakeholders have noted that a webinar series for land use decision makers would be a helpful contribution to information sharing in the basin. ICPRB is planning a webinar series in response to this feedback. The first event in the series will be held on May 7, 2021 from noon to 1pm with funding from ICPRB's EPA Section 106 grant. It will feature a demonstration of the Chesapeake Healthy Watershed Assessment by Renee Thompson, a geographer with the USGS and the coordinator of the Chesapeake Bay Program's Maintain Healthy Watersheds Goal Implementation Team. All are welcome to attend. Please contact Dr. Moltz if you have not received an invitation to the May 7 webinar and would like one.

- **Spotlight on Project: "CO-OP's Real-Time Water Withdrawal Forecasts."** Sarah Ahmed, a Senior Water Resources Engineer for the CO-OP Section, presented on the Real-time WMA Withdrawal Forecasts. This project is part of step one of the 2017 Alternative Study recommended strategy to improve the 1-day and 9-day streamflow forecasts by 10% over current accuracy. The Low Flow Forecast System, or LFFS, and the Data Portal are CO-OP developed tools used to produce the withdrawal forecasts. The next steps include devising metrics and tools to track progress in both the withdrawal and streamflow forecast improvement, an effort that will provide some degree of protection against the potential impact of climate change during the years leading up to 2040. These slides used during the presentation will be available for Commissioners.

## **NEW BUSINESS**

### **Fiscal Year 2021 Budget Amendment #2**

Mr. Nardolilli presented the budget amendment included in the meeting book, Tab 5, Attachment 3. The net change is (\$23,584) which reflects an increase in total revenues of \$29,941 and an increase of total

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contractual expenditures of \$53,525. **Commissioner Holland made a motion to approve the Budget Amendment #2, which was seconded by Commissioner Karimi. All were in favor.**

**Resolution for Bo Park**

Mr. Nardolilli presented a Resolution recognizing Bo Park for her nearly 20 years as an employee of the Commission. (Meeting Book, Tab 5, Attachment 4). Commissioners Kudlas and Holland spoke very highly of Ms. Park and noted their personal appreciation for her hard work and dedication.

**Commissioner Kudlas made a motion to approve the Resolution, which was seconded by Commissioner Karimi. All were in favor.**

**PUBLIC COMMENT:** None were made.

**FOR THE GOOD OF THE ORDER AND ADJOURNMENT**

Commissioner Kudlas and General Counsel Bolle offered some words of remembrance on the passing of former Commissioner Ron Stanley. [**Editorial Note:** After Commissioner Stanley's resignation, the Executive Director sent a letter to Commissioner Stanley thanking him for his long service and presenting him with a picture book of the Potomac River as a token of appreciation].

**With no further business before the Commission, Commissioner Potter made a motion to adjourn that was seconded by Commissioner Holland. All were in favor. Accordingly, the meeting adjourned at 12:02 p.m.**

Minutes Drafted, Edited, Approved, and Submitted By: Michael Nardolilli, Recording Secretary