

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER FY2024 BUSINESS MEETING

SEPTEMBER 10, 2024

IN-PERSON MEETING

GETTYSBURG, PA

DRAFT MINUTES

CALL TO ORDER: Chair Susan Weaver called the Fourth Quarter FY2024 Business Meeting to order at 9:45 am on September 10, 2024. The following Commissioners, staff, and guests were in attendance for all or part of the meeting.

Commissioners

District of Columbia

Willem Brakel (Commissioner)
Tiffany Potter (Commissioner)
James Tsai (Alt. Commissioner)
Kimberly L. Jones (Alt.
Commissioner)
Hamid Karimi (Alt. Commissioner)

Maryland

Birthe Kjellerup (Commissioner)
Lee Currey (Alt. Commissioner)
Catherine McCabe
(Commissioner)

Pennsylvania

Adam McClain (Alt. Commissioner)
Susan Weaver (Chair, Alt. Commissioner)
William Willis (Commissioner)
Dan Moul (Commissioner)
Chris Kimple (Alt. Commissioner)

United States

Robert Sussman (Commissioner)
Amy Guise (Alt. Commissioner)

Virginia

Mark Peterson (Alt. Commissioner)
Paul Holland (Commissioner)
Kathy Tran (Commissioner)
Jonathan Rak (Alt. Commissioner)

West Virginia

Mindy Neil (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Cherie Schultz (Dir, CO-OP Operations)
Heidi Moltz (Dir, Program Operations)
Laurel Glenn (Dir, Administration)
Richard Masters, (General Counsel)
Renee Thompson (Water Resources
Planner)
Renee Bourassa (Dir, Communications)
Alimatou Seck (Senior Water
Resources Scientist)
Serena Moncion (Outreach Program
Manager)
Sarah Ahmed (Senior Water Resources
Engineer Analyst)

Guests

Megan Jadrosich (USACE)
Joe Chandler (USACE)
Joel Caudill (WSSC Water)
Anne Spiesman (Fairfax Water)

1. ROLL CALL AND QUORUM CERTIFICATION

Executive Director Michael Nardolilli asked participants to annotate their names and affiliations on the sign-in sheet going around the room. He certified there was a quorum.

2. INTRODUCTION OF GUEST SPEAKER

Chair Weaver introduced herself and welcomed everyone to the Fourth Quarter Business Meeting in Gettysburg, PA. She reminded attendees that it has become tradition to give ICPRB pins to new Commissioners and Alternate Commissioners at the in-person meeting every year. She then introduced ICPRB's newest Commissioners who were present, by jurisdiction: from the State of Maryland: Birthe Kjellerup; from the Commonwealth of Virginia, Delegate Kathy Tran; from the Commonwealth of Pennsylvania: Chris Kimple. She also identified the three other new Commissioners were not present at the meeting: Jessica Shirley from the Commonwealth of Pennsylvania, Delegate Joshua Cole from the Commonwealth of Virginia, and Steve Saari from the District of Columbia. Pins were given out and a group photo was taken.

3. WELCOMING REMARKS (PA State Representative Dan Moul)

Chair Weaver introduced Commissioner Moul, who is the Pennsylvania State Representative for District 91. Commissioner Moul welcomed meeting attendees to the Commonwealth of Pennsylvania and noted the need for farmers to make a profit.

4. PUBLIC COMMENTS

Nardolilli reported that the Commission had received no requests for public comment for this meeting.

5. ADOPTION OR MODIFICATION OF DRAFT AGENDA

Chair Weaver asked if there were any changes to the draft agenda that was circulated in the Commission Meeting Book. There were none. **Commissioner Karimi made a motion to approve the agenda, which was seconded by Commissioner Tran. All were in favor.**

6. DRAFT MINUTES FROM JUNE 18, 2024

Chair Weaver asked if there were any changes to the draft June 18 meeting minutes found in the Commission Meeting Book at Tab 4, Attachment 2. **Commissioner Karimi made a motion to approve the June 18, 2024 meeting minutes as circulated, which was seconded by Commissioner Willis. All were in favor.**

7. NOTES FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALL AND IN-PERSON MEETING

Nardolilli reported on the conference call held by the Executive Committee on July 31, 2024 (under Tab 2 of the Meeting Book) and the in-person meeting conducted on September 9 in person. Highlights of his brief are as follows:

- On July 31, the Executive Committee voted 5-0 (the Federal Government abstaining) to re-adopt the 2010 Framework Budget for the annual assessments from the Signatory Jurisdictions that was approved by the Commission on June 10, 2008, but never implemented. This action will increase support from Basin jurisdictions from the current total of \$484,250 to \$650,000 beginning in FY26. Nardolilli noted that this amount from the jurisdictions will match the \$650,000 that ICPRB received from the Federal Government this summer and reflects the long-standing view that ICPRB is a partnership between the states on the one side and the Federal Government on the other.
- At the Executive Committee meeting on September 9, Nardolilli reported that they received a report on the Status of the Modification to the Low Flow Allocation Agreement (LFAA) and they discussed the latest version of the Collaborative Process Resolution. The Executive Committee recommended that the Commission adopt both Budget Amendment #3 as well as the Final Budget for FY25. They also provided feedback to the Staff on two documents being considered by the DEIJ Committee. The first document is a Land Acknowledgment Statement and the second is an article on the Indigenous Peoples of the Potomac Basin.
- In other business on September 9, the Executive Committee discussed and indicated support for the recommendation of the Nominating Committee for the election of Scott Morris of Virginia as Chair of ICPRB for FY25 and the election of Mindy Neil of West Virginia to serve as Vice Chair of ICPRB in FY25. Nardolilli noted that this succession follows the Regular Order delineated in the Bylaws.
- The Executive Committee considered and adopted FY25 Goals for the Executive Director. Nardolilli noted that these Goals are patterned on the recently adopted Strategic Plan.

8. OLD BUSINESS

A. Executive Director's Report

Chair Weaver asked Nardolilli to provide Commissioners with the Executive Director's Report found at Tab 6, Attachments 1 and 2 of the Commission Meeting Book. Rather than duplicate other items that would be discussed later in the meeting, Nardolilli reported on selected items as delineated below:

- The Staff is preparing for an office move in November 2024 from its current location in Rockville to another office building that is closer to the downtown Rockville area, the METRO and other amenities.
- Nardolilli noted that Virginia Commissioner Michael Rolband had temporarily appointed Jonathan Rak, Chief Policy Advisor of VA DEQ, as ICPRB Alternate Commissioner to represent Virginia at the September 9 and 10, 2024 meetings of the Executive Committee, the Commission, and CO-OP in the place of Commissioner Morris, who will resume his Alternate Commissioner status afterwards. Regarding the ICPRB Staff, Nardolilli reported that Charles O'Brien in the Aquatics Section submitted his resignation in August. Also, in August, ICPRB hired Renee Thompson for the Water Resources Planner position previously held by Christy Davis.

- Nardolilli highlighted the upcoming press conference scheduled for September 24, 2024, at the Wharf in the District of Columbia where ICPRB will present the report prepared by George Mason University that examines the economic impact of losing water in the region. There is another briefing paper commissioned by ICPRB which is currently under review by the Cybersecurity and Infrastructure Security Agency (CISA) that addresses the national security implications of a loss of water to the region. Nardolilli stated that the goal of the press conference is to build support for further appropriations to meet the anticipated \$3 million cost of the Water Supply Study. Currently, there is \$600,000 of funding pending in the House for this study which will be added to the \$500,000 that has already been appropriated.
- As discussed in the CO-OP Meeting earlier, there was workshop hosted by USACE on August 21 that covered the project management plan and scope of work for the Water Supply Study.
- On the WRDA side, there is legislation pending and passed by the House, but it needs to be reconciled in the Senate, for the Federal government to pay 100% of the study cost. Nardolilli noted that COG is acting as the primary non-Federal partner for the study. ICPRB has pledged technical support as an in-kind contribution for this effort.
- On the issue of Federal Compact Funding, Nardolilli reported that ICPRB has received the \$650,000 in Federal funding under the Compact and plans to spend it in FY25 on a variety of projects previously vetted with Congressman Raskin’s Office. ICPRB plans to make a similar request for a Congressional earmark in the next round of funding. For the States’ Compact Funding, Nardolilli said he plans to work with the Executive Committee to secure an increase in funding from the Signatory Jurisdictions in FY26 as previously discussed.
- Nardolilli reported on planning for the upcoming 3rd Annual Potomac River Conference scheduled for October 17th at the River View at Occoquan in Lorton, VA. The conference theme is: “Reeling in the Challenge of Aquatic Invasive Species.” Virginia Commissioner Tran, representing the Lorton area in the Virginia General Assembly, will give opening remarks. ICPRB is using part of its Federal Appropriation to fund the Conference along with sponsorships from xylem, HDR, and J.J. McDonnell.

B. Progress on June 2021 Resolution

- Commissioner McCabe briefed meeting attendees on the finalization process of the Modified LFAA. She stated that LFAA is still going through its legal review in the various jurisdictions and a few minor issues have been raised. Once the jurisdictions have completed their respective reviews, ICPRB’s General Counsel, Rick Masters, will finalize it.
- Commissioner Sussman briefed meeting attendees on the Collaborative Process Resolution which is a follow-up to the approval of the Modified LFAA. He discussed the background of the collaborative process and stated that a new draft of the resolution was considered at the Executive Committee meeting on September 9, 2024.

C. Report of DEIJ Committee

- Chair Weaver noted that the August 20, 2024, meeting minutes of the DEIJ Committee were at Tab 6, Attachment 3 in the Commission Book. She said that since the last Commission meeting, Commissioner Tsai, who is the incoming Chair of the DEIJ Committee, had requested clarification on the status of the DEIJ Committee within ICPRB. Chair Weaver asked that ICPRB’s General Counsel, Rick Masters, provide clarification on this topic to the Commission which was previously provided to the Executive Committee. Mr. Masters then briefed the Commission on the DEIJ’s legal status within ICPRB, namely that it is considered an advisory committee to ICPRB and is subject to the provisions of its bylaws and finally that it does not require separate by-laws or rules of procedure.
- Commissioner Tsai highlighted the most recent DEIJ meeting on August 20, including finalization of the Land Acknowledgment Statement and an article written by Serena Moncion on the Indigenous Peoples of the Potomac Water Basin, which was sent to the Executive Committee. Commissioner Tsai discussed the General Counsel’s comments on policy and governance of the DEIJ Committee and Commissioner Jones commented on the need for a formal policy for succession planning. She suggested a process whereby the Chair and Vice Chair are appointed for one year with the Vice Chair automatically succeeding the Chair each FY. **Commissioner Karimi made a motion that the DEIJ Committee adopt the formal succession planning process. Commissioner Potter seconded the motion. All were in favor.**
- **Commissioner Jones made a motion for Commissioner Tsai to be appointed as chair of the DEIJ Committee for the FY25 term. Commissioner Karimi seconded the motion. All were in favor.**
- Nardolilli reported that the Executive Committee had considered the draft Land Acknowledgment Statement at its September 9th meeting and made some suggested changes and comments which would be forwarded back to Commissioner Tsai. He added that the article on the Indigenous Peoples of the Potomac Basin would be vetted with local tribal representatives of the tribal nations.

D. Operations Report

- Nardolilli reported on two new ICPRB contracts listed on Tab 6, Attachment 4 of the Commission Book. One is a new contract with Loudoun Water for additional PFAS sampling in the Potomac Basin and the second is with the Virginia DEQ for a stressor analysis to identify pollutants in the Broad Run watershed of Loudoun and Fairfax counties in northern Virginia. Nardolilli announced that ICPRB had been awarded a 2024 Chesapeake Watershed Investments for Landscape Defense (WILD) grant to restore access of the American eel to its historic habitat in the western Potomac River watershed. The \$1 million project will open more than 1,500 miles of upstream river and stream habitat for eel and related aquatic species. Nardolilli stated that the project was made possible through a grant from the National Fish and Wildlife Foundation with support from the U.S. Fish and Wildlife Service, USDA’s Natural Resources Conservation Service, the U.S. Forest Service, the National Park Service, and Altria. Commissioner Guise urged Staff to coordinate with USACE’s study to “re-water” portions of the C&O Canal.

- Nardolilli provided a brief overview of the Financial Report, stating these documents (status of Janney accounts and Balance Sheet Statements) could be found at Tab 6, Attachment 5) of the Commission Book.
- Dr. Heidi Moltz provided a detailed brief on the status of the ICPRB Comprehensive Plan which was adopted in 2018.
- Commissioner McClain provided the SPOTLIGHT presentation on the activities of the Adams County Conservation District.
- Commissioners were given an opportunity to ask questions on the Unit Reporting located at Tab 7 of the Commission Book. There were no questions.

9. NEW BUSINESS

A. Nominations for Executive Committee by Each Delegation

Nardolilli asked that each Delegation submit their choices for the FY25 Executive Committee by October 10, 2025, per Section XII (a) of the Bylaws.

B. FY2024 Budget Amendment #3

Nardolilli explained the minor changes to the previously Adopted Budget for FY24, located at Tab 5, Attachment 1 of the Commission Book, which are the addition of two new contracts: Stressor Analysis at Broad Run and PFAS Additional Sampling with Loudoun County.

Commissioner Sussman made a motion to approve Budget Amendment #3. Commissioner Holland seconded it. All were in favor.

C. FY2025 Budget

Nardolilli presented the FY25 Final Budget for adoption found at Tab 5, Attachment 2 of the Meeting Book. **Commissioner Potter made a motion to approve the FY25 Budget and Commissioner Karimi seconded the motion. All were in favor.**

D. FY25 Meeting Dates

Nardolilli highlighted the proposed FY25 meeting dates for the Commission, found in the Commission book at Tab 5, Attachment 3. **Commissioner Karimi made a motion to approve the FY25 Meeting Date Schedule and Commissioner Tsai seconded it. All were in favor.**

E. Election of FY25 Officers

Commissioner Karimi made a motion to elect Commissioner Morris of Virginia as Chair and Commissioner Neal of West Virginia as Vice Chair for FY25. Chair Weaver noted that in keeping with the Regular Order set out in the Bylaws III(a), no second motion was necessary. All were in favor.

10. NEXT MEETING

Chair Weaver reminded meeting attendees that the next Commission meeting would occur virtually on December 17th, 2024.

11. FOR THE GOOD OF THE ORDER AND ADJOURNMENT

With no further business to transact, Chair Weaver asked for a Motion to Adjourn. **Commissioner Karimi made a motion to adjourn which was seconded by Commissioner Potter. All were in favor. Accordingly, the Commission adjourned at 11:50 am.** Afterwards, participants stayed for lunch on-site and several Commissioners and Staff then journeyed to the scheduled field trip and toured the Knouse Foods facility in Orrtanna, PA.

- Minutes Drafted: Laurel D. Glenn, Director of Administration
- Edited, Approved, and Submitted By: Michael Nardolilli, Executive Director