

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER FY2024 BUSINESS MEETING

December 15, 2023

VIRTUAL MEETING

ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chair Susan Weaver called the First Quarter FY2024 Business Meeting to order at 9:45 am on December 15, 2023. 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)
Hamid Karimi (Alt. Commissioner)
Jeff Seltzer (Commissioner)
Kimberly L. Jones (Alt. Commissioner)

Maryland

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

Pennsylvania

Adam McClain (Alt. Commissioner)
Susan Weaver (Chair, Alt. Commissioner)
William Willis (Commissioner)

United States

Robert Sussman (Commissioner)
Darryl J. Madden (Commissioner)

Virginia

Mark Peterson (Alt. Commissioner)
Scott Morris (Alt. Commissioner)
Paul Holland (Commissioner)
Del. Alfonso Lopez (Commissioner)

West Virginia

Mindy Neil (Alt. Commissioner)

Staff

Michael Nardolilli (Executive Director)
Cherie Schultz (Dir, CO-OP Operations)
Heidi Moltz (Dir, Program Operations)
Renee Bourassa (Dir, Communications)
Laurel Glenn (Dir, Administration)
Carlington Wallace (Associate Dir, Water Resources)
Claire Buchanan (Director Emerita)

Guests

Megan Jadrosich (USACE)
Rick Masters, Acting General Counsel
Andrea Reese (Potomac Conservancy)
Joel Caudill (WSSC Water)
Anne Spiesman (Fairfax Water)
Amy Guise (USACE)

1. ROLL CALL AND QUORUM CERTIFICATION

Ms. Renee Bourassa, ICPRB Director of Communications, welcomed everyone to the meeting and informed attendees that the meeting was being recorded for note-taking purposes. She requested that everyone record their names and affiliations in the “CHAT” portion of TEAMS and introduced Mr. Michael Nardolilli, the ICPRB Executive Director. Mr. Nardolilli then certified that a quorum was present and introduced Chair Susan Weaver.

2. WELCOMING REMARKS

Chair Weaver introduced herself and welcomed everyone to the First Quarter Business Meeting. She noted that the Commission has decided to hold its Annual Meetings in-person in September while conducting the other three quarterly meetings virtually. She then asked Mr. Nardolilli to introduce the next item.

3. PUBLIC COMMENTS

Mr. Nardolilli reported that the Commission had no public comments scheduled for this meeting.

4. ADOPTION OR MODIFICATION OF DRAFT AGENDA

Chair Weaver asked if there were any changes to the agenda that was circulated in the Committee Meeting Book. **Commissioner Karimi made a motion to approve the agenda, which was seconded by Commissioner Currey. All were in favor.**

5. DRAFT MINUTES FROM SEPTEMBER 12, 2023

Chair Weaver asked if there were any changes to the September 15 meeting minutes. **Commissioner Karimi made a motion to approve the September 15, 2023, meeting minutes as circulated, which was seconded by Commissioner Potter. All were in favor.**

6. NOTES FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS

Mr. Nardolilli reported on the conference calls held by the Executive Committee on October 26, 2023 (summarized under TAB 2 of the Meeting Book) and on December 14, 2023. One of the highlights of the October 26 meeting was presentation of the After-Action Report for the 2023 ICPRB 2nd Annual Potomac River Conference (which is part of the Strategic Plan) held on September 21 where the focus was Climate Change. This was a highly successful event, and he shared that ICPRB plans to build on this positive momentum by soliciting sponsors for the 3rd conference being planned in 2024.

Mr. Nardolilli then shared the highlights of the December 14 Executive Committee meeting, summarized below:

- There was further discussion on the next steps for the LFAA Collaborative Process Roadmap and Framework which has not been finalized. Members suggested changes to

the draft plan which will be incorporated into the final version prior to distribution. Members voted to recommend the LFAA transmittal letter and materials be finalized and that we solicit input for the appropriate recipients that the LFAA be sent to for approval. The goal is to have the modified LFAA be signed by all the governing and member parties prior to the next annual LFAA meeting in April 2024.

- Members voted to recommend approval to the Commission of the DEIJ Policy Statement.
- Members voted to recommend approval to the Commission of the resolution for Mr. Bob Bolle.
- Discussion was held on the new Strategic Plan and about the way to new plan interfaces with the Advisory Committee. Mr. Nardolilli shared that the purpose of the Comprehensive Plan is to focus on ICPRB's relationship with external stakeholders while the purpose of the Strategic Plan is to focus on ICPRB's internal organization. Since there is obviously overlap between the two plans, it is helpful that Commissioner Brakel is on the Advisory Committee and concurrently serves as Chairman of the Strategic Plan Committee.
- A briefing was conducted on recent activities of the Interstate Council on Water Policy (ICWP) of which Dr. Heidi Moltz of ICPRB is Chair. ICWP is attempting to obtain some modifications to what are termed PPA's (dealing with USACE) involving 100% requirement for indemnification, and the requirement that projects be limited to fee ownership. ICWP supports the re-authorization of a number of USGS programs that ICPRB interfaces with, to include stream gages.
- Discussion was held on the progress of the Supplemental Storage Workgroup (SSWG) to obtain Federal funding for its study. Mr. Nardolilli stated that the Senate Appropriations Committee has approved its version of the Water Appropriations bill (S2443), and the full House (HR 4394) has approved its version. The primary difference between the two versions of the bill is that the Senate version includes \$500,000 for the Supplemental Storage Study, whereas the House version does not. It is expected that Congress will vote on these bills by January 19th after their holiday break.

7. OLD BUSINESS

A. Executive Director's Report

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

- General Counsel Bob Bolle has resigned due to health reasons. The Executive Committee appointed an interview committee to search for a new General Counsel; interviews have been conducted but an offer letter has not been extended. Mr. Rick Masters has agreed to serve as ICPRB's Interim Acting General Counsel until a final selection is made.

- ICPRB is moving forward with plans to move to downtown Rockville in November of 2024 when our current lease expires at 30 West Gude Drive. A meeting was held with their design team on November 30, a walk-through of the space on December 5 and another on-site meeting with the building management on December 14. We have made some minor changes to the floor plan which will make the new space more attractive to us.
- Commissioner Richard Negrin of Pennsylvania has resigned from his position as Secretary of the Department of Environmental Protection. Jessica Shirley has been appointed Interim Acting Secretary and, in this capacity, she sent us a formal letter appointing Susan Weaver as ICPRB’s Alternate Commissioner for Pennsylvania.
- Colonel John Lloyd of the Army Corps of Engineers has been promoted to BG and his appointment as a Federal Commissioner is imminent.
- Luke Vawter, who has worked on the CO-OP team for the past 5 years, departs ICPRB at the end of December.
- Mr. Nardolilli praised the CO-OP drought team for how they responded and handled the drought operations over the past several months. There was a recent After-Action meeting on the drought ops because improvements can always be made, but overall, it was a success. There were no reservoir releases although we were close to that. The Washington Aqueduct did a voluntary load shift between Little Falls and Great Falls to ensure the flow of water through Mather Gorge to provide for habitat resources.
- Compact Funding Update. ICPRB has \$650,000 approved by the House for our compact funding (HR 4384) and \$500,000 in the Senate (S2443) that will possibly be approved for our Supplemental Storage Study. We will find out in January 2024 if these are approved.
- ICPRB participated in a successful Spill Exercise on October 24th.
- DWSSP had its annual meeting on November 1st.
- Mr. Nardolilli participated in EPA Region #3’s meeting in Philadelphia on November 15 and 16 and made a presentation on CO-OP’s recent drought activities.
- Mr. Nardolilli interfaced with WTOP and various other media outlets during the past quarter to discuss and help educate the public on ICPRB’s drought operations.

At the conclusion of the Executive Director’s brief, Commissioner Karimi asked if ICPRB had taken into consideration its smaller footprint in selecting new office space and also inquired as to the cost of the new space. Mr. Nardolilli responded that ICPRB’s new office space is indeed smaller due to the staff remaining on a flexible work schedule. He shared that two individuals will be sharing one office vice each employee having their own office and also that ICPRB would have free rent for the first 18 months in the new building.

B. Report of the DEIJ Committee

Chair Weaver introduced Commissioner Jones to give the report of the DEIJ Committee. Commissioner

Jones began her presentation by noting that Commissioner Tsai had recently been voted as Co-Chair of the Committee and his presence has been extremely helpful. She also welcomed Ms. Serena Moncion of ICPRB as the Staff Liaison of the Committee. She mentioned that the Committee has a vacant seat for the State of Maryland. After reminding attendees that the DEIJ proposed Policy Statement could be found at TAB 6, Attachment 3 of the Commission Meeting Book, she asked if anyone would like to make a motion to officially adopt the Policy Statement. **Commissioner Karimi made a motion for the Commission to adopt the DEIJ Policy Statement. Commissioner Potter seconded the motion. All were in favor.**

Commissioner Jones said the DEIJ Committee had presented their list of recommendations at the Potomac Comprehensive Plan Advisory Meeting in May. At their latest meeting in November, they worked on planned actions for the coming year. Commissioner Tsai then provided a detailed brief of the DEIJ Committee's 2024 initiatives. Highlights include:

- Internal DEIJ considerations include ensuring that ICPRB Staff and Commissioners are diverse and that they are representative of underserved groups in the Basin. Workforce development should be a priority. Also, training for staff and commissioners that addresses workforce bias and improved listening skills would be helpful.
- External DEIJ considerations for ICPRB include providing resources, sharing best practices, and acting as a clearinghouse of information for other cohort groups. Convening workshops on environmental justice and similar issues is a suggestion. ICPRB should harness its convening authority, which is a powerful asset.
- Resources that could be utilized in these endeavors include focusing on training for ICPRB staff and reviewing current DEIJ activities at other agencies to become familiar with best practices in this arena.

Upon conclusion of Commissioner Tsai's brief, Commissioner Jones presented a slide titled "*EJ Mapping Resources in the Basin*" which displayed the software currently available to map the various member states within ICPRB from an environment justice perspective. She said it is important to be aware of these resources and they could be used in the Comprehensive and Strategic planning processes. She concluded the DEIJ Committee brief by highlighting the following items:

- On December 5th, the DEIJ Committee met with the Advisory Committee to provide advice on DEIJ milestones and presented opportunities to get better clarity on these milestones.
- The DEIJ Committee seeks to fill the vacancy from the State of Maryland. Commissioner Currey indicated that Maryland would be filling that position very soon.
- ICPRB's website will be reviewed for accessibility in the near term.
- The Committee plans to develop a Land Acknowledgement Statement that is appropriate and is supported by other activities as it relates to the Indigenous people on our land.

Commissioner Brakel asked if the DEIJ committee had reviewed ICPRB's Manual of Operations because it has portions that address equal opportunity in employment and seeking out diversity in hiring and procurement functions. Commissioner Jones said she would review that. Mr. Nardolilli then

confirmed with Dr. Moltz that the DEIJ recommendations had been incorporated into the Advisory Committee's work.

C. Next Steps Regarding the LFAA

Transmitting Revised LFAA to Signatories. Commissioner McCabe reminded attendees that the Commission approved the final draft of the report of the LFAA working group and that it was now ready to send to the parties for approval. She mentioned that Staff would be working to prepare a high-level summary document that highlights the substantive changes and issues in the agreement for Commissioners to read. **Commissioner McCabe made a motion that the Commission authorize the ICPRB staff to forward the proposed LFAA modification and transmittal letter to the member and governing parties of the LFAA. Commissioner Karimi seconded the motion. All were in favor. Commissioner McCabe then made a motion that the LFAA Working Group be formally dissolved. Commissioner Karimi seconded the motion. All were in favor.**

Collaborative Framework. Commissioner Sussman discussed the background and need for a path going forward to address the remaining disagreement between the water suppliers and the governing parties regarding whether there should be a modification for the environmental flow-by amount. He highlighted the fact that although the flow-by amount is important for a healthy drought response, and as a planning tool for operations, the final decision must strike a balance between environmental concerns and the human needs, particularly the demands of the people who live in the Basin so that a reliable and cost-effective supply of water may continue.

Dr. Schultz then presented a briefing titled: *“Proposed Collaborative Process – Roadmap and Framework for a Potential new Potomac River Environmental Flow-By Study.”*

Upon completion of Dr. Schultz's brief, Commissioner Peterson commented that he was pleased that the collaborative framework plan acknowledges that there needs to be a balance between environmental concerns and human needs, thereby making it a very subjective process. He also noted, that in terms of human needs, if a change to the environmental flow-by amount is ultimately implemented, then it is the most vulnerable communities that will be affected so it is critical that the DEIJ component remain a primary part of the any new initiatives moving forward.

Commissioner Sussman then made the following motion: **The Commission recognizes the progress that has been made in developing the collaborative framework and supports continuation of that process and asks the Staff to fine-tune and improve the existing framework paper and then send it to the water suppliers and other stakeholders for comment and feedback with the goal of having a final draft document in place by the next Commission meeting in March 2024. Commissioner Potter seconded the motion. All were in favor.**

D. Report of the Strategic Plan Committee. Commissioner Brakel reminded attendees that the committee was established in June of 2023 and stated the members are Commissioners Currey, Peterson and Brakel. The committee has reviewed the draft Strategic Plan that was presented to them and have provided minor feedback to Staff. Their goal is to finalize the plan by September 2024. He reviewed the elements of the plan which include a vision statement, values, mission, and specific goals which are divided into 4 pillars. The four pillars include high value issues, incorporating the Comprehensive Plan into the Strategic Plan, new and emerging opportunities and fostering a sense of belonging (DEIJ issues).

E. Operations Report

Mr. Nardolilli presented the ICPRB contracts and financial reports which are found under TAB 6, attachments 4 and 5 in the Commission Book. He shared that during the past quarter, ICPRB's checking account was fraudulently compromised and a new checking account had to be set up.

Dr. Moltz then presented an overview on the status of the Comprehensive Plan process.

Dr. Carlington Wallace, Associate Director of the Water Resources section, provided the "SPOTLIGHT on ICPRB" presentation on the topic of ICPRB's TMDL efforts.

Commissioners were given an opportunity to ask questions on the Unit Reporting found in TAB 7 of the Commission Book. There were no questions.

8. NEW BUSINESS

A. Resolution Commending Bob Bolle for Service (Tab 5 of Commission Book). Commissioner Karimi made a motion to approve the resolution as circulated and Commissioner Potter seconded the motion. All were in favor.

B. Mr. Nardolilli asked Commissioners to consider new business opportunities for the Commission Staff and mentioned three upcoming events that might be of interest:

- Land Use Webinar on Jan 19
- Staff "Polar Plunge" in the Potomac on Feb 10
- Tour of the 11th Street Bridge Project on May 7

9. NEXT MEETING

Chair Weaver reminded Commissioners that the next Commission meeting would be virtual on March 12, 2024.

10. FOR THE GOOD OF THE ORDER AND ADJOURNMENT

With no further business to transact, Chair Weaver asked for a Motion to Adjourn.

Commissioner Tsai made a motion to adjourn which was seconded by

Commissioner Potter. All were in favor. Accordingly, the Commission adjourned at 12:00 pm.

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