

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER FY2023 BUSINESS MEETING

September 12, 2023

NATIONAL CONSERVATION TRAINING CENTER

SHEPHERDSTOWN, WV

DRAFT MINUTES

CALL TO ORDER: Chair Robert Sussman called the Fourth Quarter FY2023 Business Meeting to order at 9:45 am on September 12, 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)

Maryland

Catherine McCabe (Commissioner)

Lee Currey (Alt. Commissioner)

Pennsylvania

Adam McClain (Alt. Commissioner)

Susan Weaver (Vice Chair, Alt. Commissioner)

William Willis (Commissioner)

United States

Robert Sussman (Chair, 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)

Serena Moncion (Outreach Program
Manager)

Alimatou Seck (Sr. Water Resources Scientist)

Mike Selckmann (Associate Dir, Aquatic
Habitats)

Guests

Chris Kimple (Rep. Commissioner Moul)

Megan Jadrosich (Planning Drought Manager,
USACE)

Jim Auxer, Mayor, Shepherdstown, WV

Ed Enamait, Retired MDDNR Fish Biologist

Andrew C Groske, Eel Pathway Advocate

Jim Ouellet, Executive Director, Berkeley
County PSD

Steve DeRidder, Superintendent of Operations,
Berkeley County PWD

1. ROLL CALL AND QUOREM CERTIFICATION

Mr. Michael Nardolilli, the ICPRB Executive Director, asked that everyone introduce themselves. Utilizing a “round robin” approach, meeting attendees identified themselves. (A sign-in sheet was also circulated.) Mr. Nardolilli then certified that a quorum was present.

2. WELCOME AND INTRODUCTIONS

Chairman Sussman introduced himself and welcomed everyone to the Fourth Quarter Business Meeting of FY2023 in Shepherdstown, WV. He noted that this was the first in-person meeting of the Commission since March 3, 2020, when the group met in Rockville, MD, before the pandemic.

3. WELCOMING REMARKS

Chairman Sussman introduced the Mayor of Shepherdstown, Mr. Jim Auxer, who gave welcoming remarks.

4. DISTRIBUTION OF ICPRB PINS TO NEW COMMISSIONERS

Chairman Sussman reminded Commissioners that ICPRB has a long-standing tradition of presenting ICPRB pins to new Commissioners and Alternate Commissioners. Since the group has not met for over two years, he indicated that there is a “backlog” of “new” Commissioners to recognize. He then proceeded to present pins to the following Commissioners who joined after March 2020:

- From the State of Maryland: Lee Currey and Catherine McCabe
- From the Commonwealth of Pennsylvania: William Willis and Susan Weaver
- From the Commonwealth of Virginia: Michael Rolband and Scott Morris
- From the State of West Virginia: Mindy Neil

5. PUBLIC COMMENT

Chairman Sussman informed Commissioners that we had one individual present, Mr. Andrew Groske, who wished to make a public comment. Mr. Groske spoke about the need for resurrecting eel passages at dams 4 and 5 on the Potomac. Currently, the existing eel passageway is inoperably damaged.

6. ADOPTION OR MODIFICATION OF DRAFT AGENDA

Chairman Sussman 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 McCabe. All were in favor.**

7. DRAFT MINUTES FROM JUNE 21, 2023

Chairman Sussman asked if there were any changes to the June 21 meeting minutes. **Commissioner Holland made a motion to approve the June 21, 2023, meeting minutes as circulated, which was seconded by Commissioner Potter. All were in favor.**

8. NOTES FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALLS

Mr. Nardolilli reported on the conference calls held by the Executive Committee on August 2, 2023 (summarized under TAB 2 of the Meeting Book) and on September 11, 2023. Mr. Nardolilli also reported that on August 14, the Executive Committee took an e-mail vote to allow the Executive Director to provide references to ICPRB interns in keeping with one of the goals of the current Strategic Plan. He also reported that the main item that was discussed at the September 11 meeting was the Report of the Low Flow Allocation Workgroup, their recommendations, and the subsequent Collaborative Process Resolution.

9. OLD BUSINESS

A. Executive Director's Report

Chairman Sussman 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:

Staff Changes. Office Manager Laurel Glenn was promoted to Director of Administration (filling the position once occupied by Bo Park) and that Serena Moncion had been hired as Outreach Program Manager (filling the position previously occupied by Renee Bourassa who became Director of Communications after the passing of Curtis Dalpra).

Drought Operations. On August 25, ICPRB's Section for Cooperative Water Supply Operations on the Potomac (CO-OP) initiated drought operations. (This is the second step in the CO-OP drought plans.) Since the dry Spring, ICPRB has been in and out of the first step, daily monitoring. After the flow in the Potomac River continued to fall, CO-OP began the more intensive drought operations. This led to a voluntary load shift by the Washington Aqueduct from its Great Falls intakes to its Little Falls intakes but an "Alert Stage" was not issued. On September 5, CO-OP Staff had a TEAMS call with the operators of Dams 4 (near Shepherdstown) and Dam 5 (22 miles further upstream) as well as the owners of the dams, the National Park Service, who agreed to "smooth out" their operations and notify us when they anticipate their operations impacting river flow. Also on September 5, ICPRB had a meeting of the Drought Technical Committee, pursuant to the MWCOG Drought Plan, who declined to recommend that the Drought Coordination Committee (DCC) issue a "DROUGHT WATCH." On September 6, the DCC followed the recommendation of the Technical Committee and declined to issue a "Drought Watch." In the meantime, ICPRB has been widely quoted in the traditional media about the drought (Kojo Nnamdi show, WTOP, WAMU, the Washington

Post, Channel 5 Fox News). ICPRB has maintained the messaging to “use water wisely.” Nardolilli also reported on his remarks at the Bethesda Rotary Club on September 8 and his planned appearance before the Fairfax County Environmental Quality Advisory Council (EQAC) on September 13.

WRDA Updates. The Supplemental Storage Workgroup (SSWG) met on July 26. SSWG has been successful in persuading the Senate Committee on Appropriations to include \$500k for the “Washington Aqueduct Backup Water Supply” in S. 2443. Unfortunately, the companion bill in the House (H.R. 4394) does not include this provision. Mr. Nardolilli said that he briefed Congressman Don Beyer on September 4, asking for support of the funding on the House side. Because the Senate version passed the Committee by a vote of 29-0, there is a good chance that ICPRB’s provision will be included in the final legislation. While this still leaves the group short of the \$3 million needed for such a study, future appropriations and possible funding through NOAA’s Climate Resilience Regional Challenge may narrow the gap so that non-federal contributions could make up the difference. The SSWG discussed the possibility of writing an Op-Ed to advance the cause. Kishia Powell of WSSC indicated her support for this approach and the establishment of a small team consisting of the Public Information Officers in the group to develop a messaging strategy, including the use of the two Briefing Papers. The next meeting of the SSWG is set for October 25.

Compact Funding Update. ICPRB continues its efforts to obtain federal funding for the organization under its Compact. Working with Congressman Raskin, ICPRB has been successful in persuading the House Committee on Appropriations to include \$650k for ICPRB in H.R. 4394. Unfortunately, the companion bill in the Senate (S. 2443) does not include this provision. There were discussions over the Congressional recess in reconciling both bills. There are also discussions between the three Mid-Atlantic River Basin Commissions and the Senate Environment and Public Works Committee about changing our liaison agency because of the reluctance of the Army Corps of Engineers to fund programs instead of projects.

2023 Potomac River Conference. The second installment of ICPRB’s series of webinars/seminars known as the “Potomac River Conference” is sold-out. Mr. Nardolilli reminded Commissioners that these annual conferences are mandated in ICPRB’s current Strategic Plan. Titled “*One River’s Perspective on a Changing Climate,*” this in-person conference will take place on September 21, 2023, at Fairfax Water in Lorton, VA. He shared the hope that with a positive track record, the third Annual Potomac River Conference will attract sponsors in 2024.

B. Progress on the June 21, 2023, Resolution

Chairman Sussman briefed Commissioners about two resolutions that need to be passed. He asked Commissioner McCabe to brief the group on the first resolution regarding the LFAA.

Report of the LFAA Workgroup

LFAA Workgroup. Catherine McCabe first provided background on the formation of LFAA Workgroup. She then presented an overview of the Report of the Low Flow Allocation Workgroup, found at TAB 6, Attachment 2 of the Commission Meeting Book.

An overview of Commissioner McCabe's comments is delineated below:

Commissioner McCabe reminded meeting attendees that the mission of the LFAA Working Group was to review and make recommendations on 10 issues raised by the 2018 Cruden Report. She reported that the work has been completed and the Final Report is in the Commission Meeting Book at TAB 6, Attachment 2.

She elaborated that the Workgroup reached *agreement by consensus* on most issues (9 of 10). There was some divergence of views on the 10th issue, regarding the environmental flow-by provision of the LFAA.

She reviewed the issues that the LFAA Group *agreed to by consensus* and said they concerned proposed language changes. She summarized them as follows:

- To update the 1978 LFAA to incorporate subsequent developments.
- To add qualifications and a term of office for the LFAA Moderator.
- To clarify the dual role of the Washington Aqueduct.

She shared that the LFAA group *agreed by consensus not to recommend* the following:

- Changes in the roles of the “governing” and “member” parties.
- Changes in the Stages of Flow (that trigger Alerts, Restrictions or Emergency measures).
- Changes in the allocation formula.
- Bringing in more upstream users such as Loudoun Water or West Virginia, as parties.

The environmental flow-by issue that the LFAA Group had a divergence of views on is whether to recommend a new study of environmental flow-by needs. Accordingly, Commissioner McCabe stated there is no consensus or recommendations on this issue.

Commissioner McCabe stated that the LFAA Workgroup agreed to recommend adding references in the LFAA to the 1981 study on which the current flow-by amount is based and also specifying that any future changes must be based on data and scientific studies conducted jointly by the governing parties (in consultation with the member parties). Commissioner McCabe said that all governing party Workgroup members agreed on the language to implement these modifications. (She highlighted the fact that any Amendment of the LFAA requires concurrence of all Governing Parties.)

Commissioner McCabe stated that this report concludes the charge of the LFAA Workgroup and that it now will be dissolved.

In summary, Commissioner McCabe noted that the discussions about possible future changes in environmental flow-by needs assessments revealed some underlying concerns about how to ensure, in the long-term, that full and careful consideration is given to assessing and balancing environmental and human needs for the waters of the Potomac in the Washington Metropolitan area. Accordingly, she said that the group proposed to the Executive Committee that a new,

collaborative process be set up to address that concern. The Executive Committee approved this proposal on September 11, 2023, and it has prepared a Resolution for that purpose as reflected below:

LFAA Resolution:

The Executive Committee recommends that the Commission:

“(1) approve the Report of the Low Flow Allocation Agreement Workgroup, as circulated in the Commission Book at Tab 6, Att.2, with one change. Page 17 of the Report quotes the proposed language to Article 2.C and contains the phrase “Maryland, Virginia, the District of Columbia, and the United States.” The Executive Committee recommends striking that phrase and substituting “the governing parties” in its place.

(2) authorize ICPRB Staff to prepare a Final, Clean Version of the agreed-upon language of the LFAA.

(3) transmit this Version to the governing parties and the member parties; and

(4) dissolve the Low Flow Allocation Agreement Workgroup.”

Commissioner McCabe made a motion for Commissioners to approve the resolution, as presented above, that approves the final LFAA Report. Commissioner Tsai seconded the motion. All were in favor.

Chairman McCabe stated that because of discussions among the LFAA Workgroup Members, the Executive Committee decided on September 11 to present to the Commission an accompanying Collaborative Process Resolution, delineated below:

Collaborative Process Resolution:

“The Executive Committee recommends that the Commission approve the Collaborative Process Resolution as circulated in the Commission Meeting Book at Tab 6, Attachment 3.”

Chairman Sussman made a motion to adopt the above resolution and Commissioner Potter seconded the motion. All were in favor.

C. Status Report of the DEIJ Committee

Commissioner Tsai said that Commissioner Jones could not be present for a full report. He said that the group now has a member from every jurisdiction and that new ICPRB employee Serena Moncion has recently joined as well. He stated that a draft statement will be provided at the next quarterly meeting.

D. Operations Report

Contracts and Financial Report

Mr. Nardolilli reminded the Commissioners that the report could be found at TAB 6, Attachments 4 and 5 in the Commission Meeting Book and would not be covered in detail due to time constraints.

Review of Comprehensive Plan

Dr. Heidi Moltz provided an in-depth review of the Comprehensive Plan (found at TAB 6, attachments 6 and 7), to include what has been accomplished to date, what processes the working group uses to meet its objectives, its current projects and the planned initiatives going forward. Commissioner McClain complimented Dr. Moltz and her group on their impressive and far-reaching accomplishments to date. Dr. Schultz expressed appreciation for having an opportunity to work with the group. She also asked if the eel pathway issue could be included as a new initiative for the group to work on going forward. Dr. Moltz indicated this would be considered. Commissioner Brakel asked if Mr. Groske could share more details of his eel pathway concerns with ICPRB Staff members in the near term. Mr. Groske said he would.

Project Spotlight: Seasonal Forecasting Projects

For the “Spotlight” Presentation, Dr. Alimatou Seck gave an overview of ICPRB projects to improve Seasonal Forecasting and there was a short question and answer session following.

Unit Reporting

Mr. Nardolilli indicated that due to time constraints, Commissioners should refer to TAB 7 of the Commission Meeting Book for detailed reports on ICPRB’s current projects. Any questions should be referred to the Unit Directors.

10. NEW BUSINESS

A. Retirement Plan Additions

Mr. Nardolilli asked Commissioners to approve mandatory technical changes to the ICPRB Retirement Plan to add a Roth Plan option for plan members. **Commissioner McCabe made a motion to accept the change and Commissioner Potter seconded the motion. All were in favor.**

B. Nominations for Executive Committee by Each Delegation

This topic was not covered by the Commission due to time constraints.

C. FY2023 Budget Amendment #3

Mr. Nardolilli introduced Budget Amendment #3 and said that a copy could be found at TAB 5,

Attachment 2 of the Commission Meeting Book. He reminded Commissioners that (almost) every quarter, the Commission is asked to approve a budget amendment to reflect changes in grants. FY2023 Budget Amendment #3 makes certain changes which he presented as (1) to revenue (Accounts # 264, 763, and 830); and (2) to expenditures due to Staff vacancies (Salaries) and IT outsourcing (Supplies and Office). He highlighted one change to the document in the Book: EPA 106 Grant should be \$671,000 instead of \$659,000. **Commissioner Holland made a motion to adopt Budget Amendment #3 which was seconded by Commissioner Neil. All were in favor.**

D. FY2024 Budget

Mr. Nardolilli explained that the proposed FY24 Budget closely follows the Framework Budget except that the most significant change is the increase in Grants and Contract (Non-EPA). He also noted that according to the audits for FY19 through FY22, ICPRB's Net Position has increased each year so that the Operating Surplus (Not Reserves) stands at \$613,985 today. These funds would be available to meet any shortfall in FY24. **Commissioner McCabe made a motion to adopt the FY24 Budget which was seconded by Commissioner Karimi. All were in favor.**

E. FY2024 Meeting Dates

Mr. Nardolilli briefed Commissioners on the need to amend the proposed First Quarter dates for the Commission to meet in the next Fiscal Year. He suggested that the Executive Committee meet on December 14th from 3:00pm to 5:00pm and for the Commission meet on December 15th. **Commissioner Karimi made a motion to accept the meeting dates proposed at TAB 5, Attachment 3 with the modification of dates suggested above from December 11-12 to December 14-15 for the First Quarter Executive Council and Commission meetings. Commissioner Lopez seconded the motion. All were in favor.**

F. Election of FY2024 Officers

Commissioner Karimi introduced the topic of electing new FY2024 Officers for the Commission. Following the normal rotation, he informed Commissioners that it is the Commonwealth of Pennsylvania turn to lead the Commission and accordingly, he nominated Commissioner Susan Weaver to be the next Chair. The Commonwealth of Virginia is in line to provide the next Vice Chair and accordingly, he nominated Commissioner Scott Morris to be the next Vice Chair. **Commissioner Tsai made a motion to nominate these individuals and Commissioner Willis seconded the motion. All were in favor.**

11. NEXT MEETING

Chairman Sussman reminded Commissioners that the next three quarterly meetings would be virtual, and the group would not be meeting in person until September of 2024.

12. FOR THE GOOD OF THE ORDER AND ADJOURNMENT

With no further business to transact, Chairman Sussman asked for a Motion to Adjourn. **Commissioner Tsai made a motion to adjourn which was seconded by Commissioner Holland. All were in favor.** Accordingly, the Commission adjourned at 12:15 pm.

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