

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## FIRST QUARTER BUSINESS MEETING DECEMBER 7, 2010 ICPRB HEADQUARTERS, ROCKVILLE, MD

### DRAFT MINUTES

**CALL TO ORDER:** Chairman Kudlas called the First Quarter Business Meeting to order at 10:18AM at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

#### Commissioners

##### Virginia

Scott Kudlas (Chair and Alt. Commissioner)  
Dann Skarlew (Alt. Commissioner)

##### Maryland

Colleen Peterson (Commissioner)

##### West Virginia

Patrick Campbell (Alt. Commissioner)

##### District of Columbia

John Wennersten (Alt. Commissioner)

##### Pennsylvania

Lori Mohr (Alt. Commissioner)  
Roger Steele (Alt. Commissioner)

##### United States

George Reiger (Commissioner and Chairman)  
Jane Witheridge (Commissioner)

#### Staff

Robert Bolle (General Counsel)  
Curtis Dalpra (Communications Manager)  
Joseph Hoffman (Executive Director)  
Bo Park (Administrative Officer)  
Carlton Haywood (Director, Program Operations)  
Cherie Schultz (Director, CO-OP Operations)  
Jim Cummins (Director, Living Resources)  
Heidi Moltz (Sn. Water Resources Scientist)

#### Guests

Chris Kimple (for Commissioner Moul)  
Herb Sachs (for Commissioner Summers)  
Maria Franks (Corps of Engineers, Baltimore)  
Michael Stratton (WV, DEP)  
Rachel Dawson (North East Mid West Institute)

**ADOPTION OF AGENDA:** Chairman Kudlas asked for an approval to add an Executive Session under Old Business of the agenda. **Commissioner Reiger made a motion to approve the modified agenda. Commissioner Steele seconded the motion, with all in favor.**

**APPROVAL OF MINUTES:** Chairman Kudlas asked for a motion to approve the September 14, 2010, Business Meeting Minutes. **Commissioner Reiger made a motion to approve the minutes, which was seconded by Commissioner Steele. All were in favor.**

**GENERAL COUNSEL'S REPORT:** Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

**FINANCIAL REPORT:** Mr. Hoffman gave a brief financial status report which only consisted of one month into the new fiscal year. Funds in Legg Mason (formerly held in a government fund at FBR Financial) was shifted into Merrill Lynch due to easier access and consolidation of all assets into Merrill

Lynch accounts. A 2011 federal appropriation for the three mid-Atlantic river basin commissions for a million dollars in the House Energy and Water Appropriation Mark-up has not passed. There is no mention in the Senate version, but is not likely to pass for 2011. However, the Commission is in good financial shape. The direct deposit for staff payroll through Bank of America is currently being implemented.

## **OLD BUSINESS**

**A. Program/Projects Review:** Mr. Haywood gave an overview of the current projects performed by the staff. The summary of the quarterly reports is included in Tab 7 of the meeting book.

**B. Executive Director's Report:** Mr. Hoffman reported that Commissioner Summers has been appointed as the Acting Secretary of the Maryland Department of the Environment. There will be a new governor in West Virginia in mid-November. In Pennsylvania, the new governor will take office in mid-January. And the new mayor in DC will take his office early January.

The pay for performance incentives were given to each staff based on their performance evaluation. The audit engagement letter by Polan and Hollis (previously Polan and White) has been executed for FY10 audit. The cost of the audit is \$25,000.

As of end of FY10, there is a surplus of \$20,000 revenue over expense. Mr. Hoffman will discuss a compensation adjustment in the Executive Session. The parking fee will increase by \$5 per space effective January 1, 2011. It will increase from \$85 to \$90 (at 51 Monroe) and \$75 to \$80 (at adjacent parking garage). The Commission has paid parking and transit subsidy for the staff as fringe benefit. He recommends that the benefit continues, along with the transit benefit subsidy to coincide with the same amount for those who use mass transit in lieu of driving. There were no objections from the commissioners.

**Commissioner Wennersten made a motion to go into the Executive Session to discuss Personnel Matters. Commissioner Reiger seconded the motion with all in favor.**

## **NEW BUSINESS**

**A. Election-Vice Chair for FY 2011:** Chairman Kudlas asked for a nomination of Vice Chair to replace former Commissioner Stratton from West Virginia. **Commissioner Witheridge made a motion to nominate Commissioner Campbell for the Vice Chair. Commissioner Mohr seconded the motion with all in favor.**

**B. Overview of Water Resources Issues:** Mr. Hoffman gave an overview of water resources issues. ICPRB is currently involved in water resources initiatives with a number of initiatives and organizations including the American Water Resources Association (AWRA), the Environment Protection Agency (EPA), the states, the Army Corps of Engineers (COE), The Nature Conservancy (TNC), and the Council of Environmental Quality (CEQ), all working together to address the water resources issues. The issues include marcellus shale, nutrient trading, TMDL, and land use changes, just a few of the water resources issues that are in our present and future. Currently, the flow management and watershed plan funding is available to 2012. The full comprehensive plan will take until 2015 to complete and is not fully funded. Funding requests from state and federal sources will be made over several years. The commissioners are asked to discuss, consider, and give the approval to proceed and commit to funding consideration for FY12 and beyond. If specific dollar request is needed, it will be done through the budget process in June for 2012 and 2013 in a framework basis in future meetings, including the budget adoption meeting in June 2011.

### **C. Middle Potomac Watershed Assessment**

#### Update on Flow Management Workshop and Status of Project Tasks

Mr. Haywood provided a background for the water resources project in the middle Potomac watershed. The desired environmental outcome is a sustainable environmental flow and provision for human uses of the Potomac basin water resources. In September 2009, a webinar was held to introduce the concept to the stakeholders. This August, a draft report on the Potomac Large River Environmental Flows regarding ecological needs in the Potomac River mainstem was completed. In September, a workshop for the stakeholders was held in Shepherdstown with approximately 70 participants. This month, a final report will be submitted to TNC (The Nature Conservancy) incorporating the comments from the workshop. The report includes a literature review of the topics of flow on biological health, and the report represents ICPRB's expert judgement and the perspective of the stakeholders. The low flow of interest is between Great Falls and Little Falls. The general conclusion from the workshop was that at the present, change in the flow recommendation is not possible from the regulatory aspect. The science is not quite there. The final report will address the state of knowledge of flows and their impact on the ecosystem and the concerns of the stakeholders as to water resources and supply.

In January/February time frame, there will be a discussion with the states for their interests. A webinar will be scheduled in April to discuss 2030 water demands with climate change impact. In May, another webinar will be scheduled to discuss modeling stream flow using a simulated flow model. A year from now, the findings will be documented and discussed at a workshop to be scheduled sometime in September 2011. The final report will be reviewed by the Army Corps of Engineers.

#### Potential Outcomes of the Project: Water Withdrawal Decision Support Tool and Basin-Wide Assessment

Dr. Moltz gave a brief overview of a Potomac Basin Comprehensive Water Resources Plan concept. The proposed framework for the planning process is participatory, collaborative, adaptive, and integrated. Development of the plan is currently expected to proceed in four phases: (1) scoping; (2) water resource issue identification; (3) identification and evaluation of alternatives; and (4) development of the plan document. The scoping phase is funded under task 12 of the Middle Potomac project and is scheduled for completion in 2012. The other phases are not currently funded. Anticipated products of the planning process include development of shared goals, a Decision Support Tool, interstate withdrawal and consumptive use databases, groundwater availability assessment, and prioritization of water resources issues to name a few. However, these anticipated products are expected to be revised based on stakeholder input. The timeline for completion of the plan is dependent on the extent and nature of identified water resources issues and the availability of funding. Commissioner feedback was requested on the comprehensive plan concept as described.

Commissioner Kudlas added that the project objectives are in line with VA DEQ's plan. But their plan has to be done by 2012. Mr. Sachs also added that MDE is very supportive of this plan, however, this plan only covers 1/3 of Maryland. Commissioner Wennersten asked for a periodic update on this project. Commissioner Sklarew asked that the commissioners be informed in respect to assisting with federal appropriations request. The commissioners serving as a citizen member would be valuable to the Commission in seeking support for funding.

### **COMMISSIONER'S TIME**

Commissioner Steele relayed a message from Commissioner Stanley, who was not able to attend this meeting. He thanked staff members, Audra Lew and Jennifer Willoughby, for helping with a workshop and a county fair in Pennsylvania. A copy of the letter was given for their personnel files. Commissioner

Steele also added that it would be useful to have a brief synopsis of the excursions that the commissioners take before the commission meetings including with the minutes.

**ADJOURNMENT**

Chairman Kudlas asked for a motion to adjourn the meeting. **Commissioner Sklarew made a motion to adjourn, which was seconded by Commissioner Peterson. The meeting adjourned at 2:08PM.**

Respectfully Submitted,  
Joseph K. Hoffman  
Commission Secretary