

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN**

**THIRD QUARTER 2014  
BUSINESS MEETING, JUNE 3, 2014**

**SOUTH BRANCH INN  
MOOREFIELD, WV**

**FINAL MINUTES  
APPROVED SEPTEMBER 23, 2014**

**CALL TO ORDER:** Chairman Sachs called the Third Quarter 2014 Business Meeting to order at 10:07AM on June 3, 2013. The following Commissioners, staff, and guests were in attendance for all or part of the meeting.

**Commissioners**

**West Virginia**

Patrick Campbell (Alt. Commissioner)

**District of Columbia**

Hamid Karimi (Alt. Commissioner)

John Wennersten (Commissioner)

**United States**

Robert Pace (Alt. Commissioner)

George Reiger (Commissioner)

**Maryland**

Herb Sachs (Chair & Alt. Commissioner)

Robert Lewis (Commissioner)

**Virginia**

Scott Kudlas (Alt. Commissioner)

Brock D. Bierman (Commissioner)

Jackson Miller (Commissioner)

**Pennsylvania**

Andrew Zemba (Commissioner)

**Staff and Guests**

**Staff**

Carlton Haywood (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Administrative Officer)

Jim Cummins (Dir, Living Resources)

Claire Buchanan (Dir, Program Operations)

Curtis Dalpra (Communications Manager)

Cherie Schultz (Dir, CO-OP)]

Sherry Zandieh (Administrative Assistant)

**Guest**

Maria Franks (U.S. Army Corps, Baltimore)

Chris Kimple (rep. Commissioner Moul)

Brendon Shaw (Del. Miller's Aid)

Chairman Sachs recognized Lee Zeni, former ICPRB Executive Director, who passed away on May 13, 2014. His obituary was passed out describing his achievements and accomplishments.

**ADOPTION OF AGENDA:** Chairman Sachs asked for any modification of the agenda. Mr. Haywood added under Old Business, Item C, Discussion on University Consortium, and under New Business, Item E, West Virginia Recent Spill. **Commissioner Kudlas made a motion to approve with modification, which was seconded by Commissioner Bierman. All approved in favor.**

**APPROVAL OF MINUTES:** Chairman Sachs asked for any modification to the December 2, 2013 Meeting Minutes. Commissioner Kudlas added clarification to the sentence on page 2, 6<sup>th</sup> paragraph, 4<sup>th</sup> line to read, "Natural Resources has been appointed, it may be a good time..." **Commissioner**

**Wennersten made a motion to adopt the Minutes with changes, which was seconded by Commissioner Reiger. All were in favor.**

**GENERAL COUNSEL'S REPORT:** Mr. Bolle reported that all legal affairs were related to routine matters. Of the contracts, a more detailed review for the Travilah Quarry contract with Black and Veach was done, due to the fact that ICPRB is a steward of the CO-OP funds. There were no other legal actions or matters to report.

#### **OLD BUSINESS**

**Executive Director's Report:** Mr. Haywood reported on the last quarter's notable activities.

Mr. Haywood noted that from now on ICPRB will be following the District of Columbia Open Meeting Act requirements for Boards and Commissions, updating the public notification and public access to minutes. ICPRB is required to provide two weeks advance for the meeting agenda on the Board of Ethics and Government Accountability (BEGA) website, the District of Columbia Register, as well as on the ICPRB website. Then within three days of the meeting, a draft meeting minutes must be posted on the BEGA and ICPRB websites. The final meeting minutes as amended then would need to be posted after the approval at the following meeting. This is a change to the normal process as the changes to the meeting minutes would have to be made into the draft minutes rather than noted on the following minutes.

Commissioner Pace asked that the action items during the meeting be reiterated at the end of the meeting. **Commissioner Karimi asked that the report on the other jurisdictions' open meeting act or similar reporting requirements be made at the next meeting.**

On the Water Resources Development Act (WRDA) bill, the bill was passed in the House and also in the Senate. It is now awaiting the President's signature. The language in the bill is an authorization and not an appropriation of funds. The next step would be to meet with federal counterparts to explore appropriation. Commissioner Pace suggested working with other river basin commissions to form a stronger case.

There were some commissioner changes. Jackson Miller, previously Virginia alternate commissioner replaced Joe May, becoming a full commissioner for Virginia. David Ramadan is now Commissioner Miller's alternate. Robert Lewis, Maryland's new commissioner is now a full commissioner and not an alternate.

**Financial Report:** Mr. Haywood reported that there were no withdrawals from the contingency account in the last quarter. As of today, the District of Columbia has not paid its dues for FY2014. Maryland has paid 90% of its dues. ICPRB is still awaiting the passing of the Virginia's FY2015 budget for the restoration of VA funding, a portion of which will apply to ICPRB's fourth quarter revenue.

**Commissioner Reiger asked for a followup on the rainbarrel project and the effectiveness of that program.**

**Strategic Plan:** Mr. Haywood handed out a revised strategic plan that separates projects into four key areas. These are Communication and Education, Water Quality Improvement, Drinking Water and Source Water Protection, and Ecological Recovery. This plan would be used as a tool to report on the outcomes and outputs of the projects, aligning to the budget and communicated through project reports. This plan will also be vital when funding becomes available, where the Commission will be prepared to answer how the funds will be utilized.

Commissioner Karimi stated that the Commission can develop a niche where the states can find value with assistance in implementing the Chesapeake Bay Agreement (CBA), expected to be approved on June 15. Commissioner Zemba encouraged the staff to continue to be involved in the implementation process. He added that the CBA would be a great opportunity to highlight ICPRB's capabilities and help further

the states' implementation strategy coordination so duplication is minimized. Commissioner Karimi stated that the Commission should further publicize its roles and promote its capabilities. He would like to see continuous method and analysis of the tool to determine the outcomes and be able to identify areas and direct focus on those areas.

Commissioner Wennersten asked about the plans for the Ramble this year. He emphasized that the Ramble is a valuable communication tool and asked the Commission to reconsider having the event. **Mr. Haywood will get back with a decision on the Ramble.**

Commissioner Pace added that project outcomes could be useful in solidifying funding, as outcomes are sellable. Commissioner Zemba cautioned that the Commission's strategic goals should not be dictated by the Chesapeake Bay Agreement but the Agreement is an opportunity to further the Commission's mission. Commissioner Kudlas added that it will prove to be valuable to the Commission, however, how the Commission communicates and institutionalize this document as in implementation will be key whether or not how this would be successful.

**Commissioner Karimi would like to see continued revisiting and refining the issues and suggestions made at this meeting regarding the Strategic Plan, and make it a recurring discussion in the subsequent meetings.**

Commissioner Campbell suggested the Commission also decide ahead of time on which projects or items to focus on and revisit those periodically. He suggested for the following fiscal year, to identify a preliminary list of priorities at the March meeting and finalize at the June meeting. Mr. Haywood agreed but noted there is a difficulty in that project opportunities arrive 12 months of the year with constant adjustment. There is little knowledge of projects in March. Commissioner Kudlas suggested putting together a short list of undefined project ideas in March and have dialogues about what funding and determine which project ideas should be pushed to the following year. Chairman Sachs suggested starting the process with FY15 budget.

**Basin Comprehensive Plan:** Mr. Haywood reported that the Commission staff will be moving ahead with some initial tasks leading to a basin-wide comprehensive plan. The objective for the plan is to serve as a living document for sustainable living resources, water resources, and water quality in the basin. For these initial steps, funding will come from the Commission and we will look for outside funding opportunities for future steps. There are three tasks which are projected to be complete by the end of this calendar year or early next year. The first task is a description of the plan and how it should be used. The second task is to describe the basin's water resources issues, as identified by federal, state, and local agencies, and create some GIS layers to provide a spatial context for these issues. The third task will be to draft a document for state agency review. Approximately 0.5 FTE effort is being split between two staff persons on this project. Commissioner Pace and Zemba added that this is a good and logical step.

**Sturgeon Restoration:** Mr. Cummins reported that not much progress has been made on the sturgeon restoration. The Commission has a limited role as an advocate without any regulatory power. He is awaiting a Maryland's draft plan for Sturgeon restoration. **Commissioner Sachs added that he will follow up on the draft report with the Maryland Department of Natural Resources.**

**Establishing ICPRB Federal Team:** Ms. Franks, US Army Corps of Engineers (USACE), and Commissioner Pace introduced the concept of an informal team of Federal agencies with interests in the Potomac River Basin. The team would be facilitated by USACE with the purpose of providing a forum for Federal agencies to share information concerning their interests, projects, and programs within the basin; to inform Federal agencies of ICPRB missions, goals, projects, and events; and to provide opportunities for the agencies to get involved. Ideally, the team would also contribute toward comprehensive management of the resources within the watershed. ICPRB's strategic plan would be beneficial to the group. **Mr. Haywood will provide a shortened version to share, at least the first two**

pages of the current plan would be appropriate. He will add a “looking forward” section to the strategic plan.

**University Consortium:** Chairman Sachs had asked Mr. Dalpra to put together a list of area educational institutions for possible student exchanges or other potential collaborations, and Mr. Dalpra’s list was distributed. Chairman Sachs added that this list is for information only at this time. Commissioner Karimi suggested having a summit or a forum concentrating on specific subjects. There may be small watershed grants that may support this type of effort. **Chairman Sachs will discuss the university consortium further with Mr. Dalpra.**

## NEW BUSINESS

**FY14 Budget Amendment:** The FY14 budget is being amended to reflect the current and new projects previously not on the budget. A new budget item was added during the meeting, to revamp the Commission’s website with updated features with the latest web security. This budget item became urgent as there was a security breach on the Commission’s website. This item otherwise would have been on the FY15 budget, has now become a FY14 budget item. An additional \$23,000 is needed to redesign, revamp, and secure the Commission’s website. **Commissioner Karimi made a motion to approve the amended budget with the new website cost, which was seconded by Commissioner Zemba. All were in favor.**

**FY15 Framework Budget:** Mr. Haywood presented the framework FY15 budget, which at this time is for information only. Not much is known at this time, but there is a level of confidence that FY15 will be fiscally stable. The new Commission website build out that was initially planned for FY15, will now be in the FY14 budget. Mr. Haywood is contemplating a 5% across the board salary increase for staff. There has been no increase for staff since 2010. **Commissioner Karimi asked the ED to provide a history of recent salary increases at each signatory and that the Executive Committee should take up the matter of a salary increase.**

**Audit Committee Report:** Commissioner Kudlas reported that the Audit Committee consisting of commissioners Kudlas, Sachs, and Zemba have met with the auditor prior to beginning of the audit and also before the final audit report was released. He is pleased to report that the FY13 is a clean audit. The feedback from the auditor was that the staff acted responsibly, timely, and professionally. He commended the staff for their effort. The Audit Committee’s meeting was recorded in minutes. He will forward it to Ms. Park. **Commissioner Karimi made a motion to accept the audit report, which was seconded by Commissioner Beirman. All were in favor.**

**Virginia’s New Water Resources Plan:** Commissioner Kudlas provided a presentation on the development and findings of the Virginia State Water Resources Plan. He gave an overview of the program history. The program, resulting from the 1999-2002 drought, requires every county, city, and town to develop a water supply plan according to state criteria. All plans were developed and submitted by the 2011 deadline. The DEQ has been reviewing the plans to determine compliance with the regulations and to disaggregate the data to conduct state-wide cumulative impact analyses. He described the metrics used in these analyses and that they were chosen to serve as indicators of the beneficial water uses required to be protected by state law.

Mr. Kudlas reviewed statewide findings, including the new additional demand expected of 450 mgd by 2014 and the spatial clustering that demonstrates that 97% of the new surface water supply is expected to come from 25% of the stream reaches. He concluded that the water to meet the future demand can be made available but not without accepting risks to instream beneficial uses, particularly during low flow periods and drought. He said a challenge was the operations of “grandfathered” water withdrawals which do not have permits. He noted that in the Potomac Watershed, the North Fork and South Fork of the Shenandoah and the middle Potomac were considered areas of high risk for impacts and that DEQ would target outreach in these areas to work with water users to develop solutions to minimize or eliminate these risks.

Mr. Kudlas ended his presentation by pointing out some areas in which collaborative efforts among the states and ICPRB, whether part of a Comprehensive Potomac Basin Plan or not, should focus for the long term analysis and planning. He described DEQ's GeoContent Management System that will provide the framework for collaboration.

**West Virginia Recent Spill:** Commissioner Campbell gave a brief account of a recent chemical spill in West Virginia. The chemical spill caused a state emergency in nine counties, closing schools and businesses in the area. There were many lessons learned from this event.

**The remaining meeting action items on the agenda, West Virginia's New Water Resources Plan by Commissioner Campbell and the Development of Regional General Section 404 Permit for TMDL Projects by Commissioner Pace have been deferred to the next meeting in September.**

**NEXT MEETING LOCATION:** Chairman Sachs suggested that the next meeting be held at the ICPRB Office in Rockville, Md, as a one-day meeting.

#### **FOLLOW-UP AND ACTION ITEMS**

1. Report on other jurisdictions' Open Meeting Act requirements for Boards and Commissions. (Haywood)
2. Assess effectiveness of the rainbarrel program. (Dalpra)
3. Decision on 2014 Ramble. (Haywood)
4. Refine strategic plan with commissioners' suggestions. (Haywood)
5. Provide a clean copy of the strategic plan to share with the potential Federal team. Also add a "looking forward" section to the strategic plan. (Haywood)
6. Status of the Maryland DNR sturgeon draft letter. (Sachs)
7. Discuss university consortium with Mr. Dalpra. (Sachs)
8. Report on recent pay raises at each signatory. (Haywood)
9. Defer talk on West Virginia Water Resources plan. (Campbell)
10. Defer talk on Section 404 permit. (Pace)
11. Include follow-up and action items on meeting agendas.
12. List of project ideas for next fiscal year at every March meeting.

**ADJOURNMENT:** The meeting adjourned at 2:48 PM.

Minutes Draft By: Bo Park, Administrative Officer

Minutes Reviewed, Approved, Submitted by: H. Carlton Haywood, Recording Secretary