

Resolution approved at ICPRB's March 7, 2017, business meeting

WHEREAS –

1. The Potomac River is the principal source of drinking water for the citizens of the Washington Metropolitan Area.
2. Virginia, Maryland, District of Columbia, and the United States entered into a Low Flow Allocation Agreement (LFAA) on January 11, 1978 to provide for the equitable allocation of Potomac River flows among all users in time of shortage.
3. BG Drake Wilson, Acting Director of Civil Works USACE, issued a Memorandum of Intent to James Joseph, Under Secretary of the Department of the Interior, dated July 20, 1978, clarifying the steps to be taken by the parties under the LFAA to assure that sufficient water remains in the Potomac River "to avert severe and irreparable damage to the Potomac River ecosystem, and to recognize the need to avoid damage to properties of the National Park Service". The signatories to the LFAA concurred with the MOI and agreed that reference to the MOI be included in permits granted and any future permits for withdrawal structures from the affected portion of the Potomac River.
4. The United States, District of Columbia, Washington Suburban Sanitary Commission, Fairfax County Water Authority and ICPRB entered into a Water Supply Coordination Agreement (WSCA) on July 22, 1982 to align operations and planning by the principal water suppliers serving the District of Columbia and suburban Maryland and Virginia in order to minimize the possibility that the LFAA's allocation provisions will need to be implemented.
5. The WSCA establishes an Operations Committee, supported by the CO-OP Section of ICPRB, to enable the water suppliers to oversee implementation of the agreement and participate in joint operational and planning activities.
6. The LFAA and WSCA have been effective in increasing the reliability of the regional water supply system and avoiding low flow conditions during droughts and other threats to drinking water supply through cooperative forecasting of supply and demand and optimum utilization of the area's water resources.
7. Nonetheless, a comprehensive review of the adequacy of the LFAA and WSCA has not been conducted since 1982.
8. Such a review is warranted in light of changes in population, water demand and use, laws and regulations, threats to supply and understanding of the metropolitan area's water resources and the ecology of the Potomac River Basin.
9. The goals and provisions of the two agreements are inextricably linked.

THEREFORE, BE IT RESOLVED BY THE INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN (ICPRB) –

1. It is recommended that reviews of the LFAA and WSCA should be conducted to examine whether these agreements continue to serve their original purposes or should be updated and revised.
2. The four entities comprising the governing parties under the LFAA should organize and undertake a review of the LFAA in consultation with water suppliers within the pertinent portion of the river as defined in the LFAA and other suppliers as may be affected.
3. The signatories to the WSCA should organize and undertake a review of the WSCA in consultation with the LFAA governing parties.

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4. Each review should be performed by an expert or experts agreed to by the LFAA governing parties (in the case of the LFAA) and the WSCA signatories (in the case of the WSCA), respectively, and should be conducted under these parties' oversight and supervision.
5. The purpose of the reviews should be to identify key issues and options that may inform a decision whether to modify the agreements,
6. Any decision to modify the agreements should be a separate action after deliberation on the reviews' recommendations, findings and conclusions. Such action, for the LFAA, should be a unanimous decision of its governing parties and, for the WSCA, a unanimous decision of the water suppliers and the District of Columbia.
7. The ICPRB Executive Director and staff should help facilitate communications, provide appropriate technical and legal support and respond to requests for assistance as the reviews are organized and carried out.