

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## FIRST QUARTER 2020 BUSINESS MEETING DECEMBER 3, 2019

### ICPRB HEADQUARTERS ROCKVILLE, MD

#### FINAL MINUTES

**CALL TO ORDER:** Chairman Wirts called the First Quarter 2020 Business Meeting to order at 9:43 a.m. on December 3, 2019. The following commissioners, staff, and guests were in attendance for all or part of the meeting.

#### Commissioners

##### West Virginia

John Wirts (Chair, Alt. Commissioner)

##### United States

Robert Sussman (Commissioner)

Amy Guise (Alt. Commissioner)

Darryl Madden (Commissioner)

##### District of Columbia

Jeff Seltzer (Commissioner)

Willem Brakel (Commissioner)

Kimberly Jones (Alt. Commissioner)

James Tsai (Alt. Commissioner)

##### Maryland

Robert Lewis (Commissioner)

##### Virginia

Paul Holland (Commissioner)

Scott Kudlas (Alt. Commissioner)

Mark Peterson (Alt. Commissioner)

##### Pennsylvania

Jennifer Orr-Greene (V. Chair/Alt. Commissioner)

Adam McClain (Alt. Commissioner)

#### Staff

Michael Nardolilli (Executive Director)

Bo Park (Dir, Administration)

Cherie Schultz (Dir, CO-OP Operations)

Claire Buchanan (Dir, Program Operations)

Renee Bourassa (Outreach Program Manager)

Heidi Moltz (Assoc. Dir, Water Resources)

Mike Selckmann (Aquatic Ecologist)

#### Guests

Chris Kimple (rep. Commissioner Moul)

Saeid Kasraei (MDE)

Valerie Cappola (COE, NAD)

#### **ADOPTION OF AGENDA**

Mr. Nardolilli made a change to the Commission Action for the “Adoption of Public Comment Policy” from “Adoption” to “Discussion”. **Commissioner Brakel made a motion to approve the agenda, which was seconded by Commissioner Lewis. All were in favor.**

## SEPTEMBER 10, 2019 DRAFT MINUTES

Commissioner Guise asked that on page 3, second paragraph, first sentence to read, “Mr. Nardolilli has met with Commissioner Guise in June to discuss past Corp funding.” **Commissioner Orr-Greene made a motion to approve the modified September 10, 2019 Minutes, which was seconded by Commissioner Lewis. All were in favor.**

## SUMMARY FROM EXECUTIVE COMMITTEE (EC) CONFERENCE CALL (Tab 2)

Mr. Nardolilli indicated that the summary of the EC conference call is included in the meeting and noted the items, also on this agenda, were discussed at the EC meeting on Monday, December 2. The Executive Committee determined that the March meeting will be at ICPRB headquarters due to uncertain weather conditions at that time. For the June 2, 2020 meeting, we will have a tour of the Washington Aqueduct.

## OLD BUSINESS

**Executive Director’s Report:** Mr. Nardolilli informed that the report is in Tab 6 of the meeting book. He highlighted some activities that have occurred since the reporting.

- **Commissioner Changes**
  - New DC Commissioner Jeffrey Seltzer was sworn in by Mayor Bowser. (Commissioner Seltzer received his ICPRB pin at the meeting).
  - Adam McClain was appointed as an Alternate Commissioner for Pennsylvania. (Commissioner McClain received his ICPRB pin at the meeting).
  - The ED reported that on November 25, 2019, he received an e-mail from Lee Currey, the Director of Maryland Department of the Environment, Water & Science Administration. Mr. Currey indicated that MD Secretary of the Environment Ben Grumbles requested that he serve “temporarily” as the Alternate Commissioner for Governor Hogan, previously held by Virginia Kearney. General Counsel Bolle previously advised that without a formal appointment letter from the Governor, Mr. Currey will not be able to vote on Commission matters and will not count for quorum purposes.
- The audit for fiscal year 2019 is currently underway. The auditors are scheduled to conduct onsite reviews from December 9-21. The auditor firm is the same, CliftonLarsonAllen LLC, but the principal has changed. The Audit Committee, consisting of commissioners Holland (chair), Karimi, and Guise, will be contacted by the auditor.
- The Strategic Committee currently includes commissioners Brakel (chair), Tsai, and Peterson. The committee is seeking members from Pennsylvania and Maryland. Commissioner Orr-Greene noted that Commissioner Stanley may be interested, and the committee will be notified then.
- The Commission’s Public Comment Policy was discussed with the EC. Some members expressed that the language was unwelcoming. Accordingly, the Commission Action on the agenda was changed from “Approval” to “Discussions” to take place in this meeting.

**80th Anniversary Planning Update:** Mr. Nardolilli reported that the preparations are moving forward for the 80<sup>th</sup> anniversary celebration on October 10, 2020. The party will sail on the Cherry Blossom out of Alexandria, VA. A brochure and a sponsor benefit insert were developed to highlight notable accomplishments by the Commission, which was shown by presentation slides. Copies were distributed to the EC for comments. Any interested commissioners were asked to contact their EC representative for a copy of the documents or to submit comments. The goal is to contact potential sponsors in early January, awaiting the end of the calendar year to start the fundraising drive so as not compete with charities. He also reviewed the files from the 50<sup>th</sup> anniversary celebration. There was approximately \$50k in donations for that event. Currently, Mr. Nardolilli is seeking a celebrity speaker and has contacted an agent for

Michael Phelps, who is identified with this region and water. **Commissioner Brakel asked for scanned copies of the brochure and insert by email to share with other members.** Mr. Nardolilli asked for a quick turnaround as he is planning to go out to the potential sponsors in early January as beginning of the year would be a good time for a kickoff campaign. **Commissioner Madden asked for an information sheet to use for corporate sponsors with whom he is familiar.** An insert to the brochure contains all the sponsorship information that can serve that purpose. Mr. Nardolilli added that staff is also seeking ways for individual sponsorships via the “383 Club,” which represents the number of miles from the Fairfax Stone to Point of Rocks.

This is an opportunity to raise funds for the Comprehensive Plan, which is estimated to cost over \$4M to implement and currently has \$2.2M in unidentified funding.

Mr. Nardolilli reported that the draft “Virginia Proclamation” is now in the hands of Virginia House Delegate and ICPRB Commissioner Alfonso Lopez. Mr. Nardolilli indicated that he will be asking for assistance in obtaining similar proclamations from the other legislatures. Mr. Nardolilli will be looking into Letters to the Editor/appearance on Kojo Nnamdi Show to promote the 80<sup>th</sup> anniversary.

The EC also discussed the Guidance Document for Donations (Tab 6, Attachment 3) and found the language to be too restrictive and offered suggested changes. This item will be discussed later in the meeting.

**Federal Funding Activities:** Mr. Nardolilli noted that he is working with Delaware River Basin Commission (Steve Tambini & Stacy Mulholland) and Susquehanna River Basin Commission (Andrew Dehoff & Gene Veno) in forming a “Congressional Caucus” for the three mid-Atlantic river basin commissions (RBC). The group is pursuing a dual track of both the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA). There have been some discussions by the other two river basin commissions to explore funding through the EPA. Mr. Nardolilli added that from funding perspective, the Department of the Interior may be a better approach. However, ICPRB will support as one-unit along with the other river basin commissions. He also noted that both Meghan Conklin (Senator Van Hollen) and Max Hyman (Senator Capito) were advised that ICPRB has no objection to move funding obligation from the Corps to EPA to obtain federal appropriation. An information packet was created for the three RBCs to share with the legislative members, which was shared via presentation slides.

On the Farm Bill initiative, staff on various projects has had many contacts at the Natural Resources Conservation Service (NRCS). Staff will be meeting on December 9 to strategize on taking an active role with NRCS.

**Supplemental Storage Work Group Update:** A summary of the workgroup update is found in Tab 6, Attachment 1, of the meeting book. Dr. Schultz summarized that an ad hoc workgroup on water supply was formed, as requested at the last Commission meeting by Commissioner Brakel. This workgroup met via teleconference on November 19. Call participants discussed the water suppliers’ report on their review of the Water Supply Coordination Agreement. They also discussed follow-up to the review of the Low Flow Allocation Agreement (LFAA). Commissioner Kudlas added that he and Commissioner Kearney had discussions regarding a response by the governing parties to the Cruden Group report recommendations completed in 2018, but MDE administrative changes took place and no decisions were finalized. Dr. Schultz indicated that ICPRB had addressed two of the five recommendations by making available on ICPRB’s website an up-to-date version of the agreement, incorporating changes due to Modifications, and by conducting a drought exercise focused on the LFAA in November of 2018.

The group also discussed the follow-up to the September 18th meeting of the Supplemental Storage Workgroup. Tom Jacobus is working on organizing a spill exercise to demonstrate the critical importance

of Washington metropolitan area water supply. Amy Guise is leading a value engineering study which will assess several past and current alternatives as well as any new considerations. A draft report should be available in the February-March timeframe. Participants in the September 18 meeting will be given an opportunity to provide comments. **Commissioner Jones asked for a copy of the draft report.** At this time, the report will be provided to the workgroup only.

Commissioner Brakel added that of the five items in the Cruden report, three items are tied to the signatories. He asked the state agency representatives what the Commission can do to assist or help along on this effort. Commissioner Seltzer added that Maryland representation is important in order for high level discussions to take place. Commissioner Kudlas added that the signatories should meet first to discuss the technical changes. Commissioner Holland suggested that it would be helpful to review the Cruden report again and have this topic on the future meeting agenda.

Commissioner Sussman suggested that there should be a mechanism to bring the appropriate parties together, suggest changes, and agree on how to address them. The Water Supply Coordination Agreement (WSCA) also raises a different set of issues, as the agreement has not been modified since its inception and conditions have changed significantly since including Loudoun Water. He asked the commissioners how to address the WSCA and the timing of the response. Commissioner Kudlas added that the signatory positions on the Low Flow Allocation Agreement (LFAA) are important prior to considering the WSCA, which is more complex. However, a response or acknowledgement would be needed at some point, but further involvement in the WSCA is uncertain. Mr. Nardolilli suggested that staff gather comments off-line from the signatories and report back at the next EC conference call in January. Commissioner Sussman agrees that the Commission should respond, and further off-line discussions are needed, including reconvening the participants from the last conference call. Commissioner Kudlas added that full participation of the appropriate parties is needed with a clear agenda. Dr. Schultz added that the first step might be to address the recommendations of the LFAA which prompted the development of the WSCA. Focusing on the LFAA may be a better approach. **Dr. Schultz suggested that commissioners Sussman and Kudlas discuss the agenda for a subsequent discussion by the full workgroup. Mr. Nardolilli suggested that a conference call for the full workgroup be scheduled for early January and that the workgroup report to the EC on progress.**

**Contracts and Financial Report:** Ms. Park reported that a grant was received from the EPA for the Section 106 grant in the amount of \$111k of \$635k grant request. There was a rescission of \$6,000 from the previously requested amount of \$641k. There may be more cuts this year.

In the CO-OP Section (#500), two contracts have been awarded to USGS for stream gages (\$31,045) and for the Bathymetric LiDAR project (\$75k). In the Admin Section (#100), the audit contract for \$20,500 has begun. Lastly, under the Section 106 grant (#802), a contract was awarded to Policy Works LLC, in the amount of \$13,730 for the Comprehensive Plan facilitation.

There were no withdrawals from the Contingency Account. That account contained approximately \$618,500 as of October 31. On the same date, the General Account, which is the operational account, contained \$1.5M in cash and short-term investments.

The signatory dues have been received. Maryland paid with a 10% shortfall. Pennsylvania has paid \$23,000 of the \$50,500 dues. The unpaid amount from both jurisdictions is not expected to be received. All other jurisdictions are up-to-date.

As it is the first month of operation for the fiscal year, there is not much to report. Expenses exceed revenues; however, billing is sent out in arrears. That is typical for this time of the year.

**Project Status Summary:** Project summaries are included in Tab 7. Each unit head provided an update of notable projects.

- **Communications:** Ms. Bourassa gave a briefing for Mr. Dalpra. In October, ICPRB had a table at the Festival del Rio Anacostia where they talked about a variety of benthic macroinvertebrates and their relationship to water quality. ICPRB held their fourth and final Walk in the Woods on November 2. It was produced in partnership with Harpers Ferry Water Commission, West Virginia Rivers Coalition, and Appalachian Mountain Club. About 25 people came to learn about water resources and water quality. ICPRB will have a table at the upcoming VA DEQ Salt Management Strategy (SaMS) Public Listening Session in Burke, VA. The display will feature the reports completed by ICPRB for the SaMS project. The SaMS reports and the Comprehensive Plan will be featured at a display at the upcoming Maryland Water Monitoring Conference.
- **Potomac River Basin Drinking Water Source Protection Partnership (DWSPP):** The Annual Meeting was held at the USGS Water Science Center in Baltimore, MD. Speakers included a presentation by USGS on the Next Generation Water Observation System (NGWOS). The Potomac Basin is a candidate for NGWOS. Anne Spiesman of Washington Aqueduct proposed a Land Prioritization project to the DWSPP members. The project, spearheaded by ICPRB, would develop a map of priority source water protection areas in the basin. Shortly after the meeting, draft funding commitment letters were sent to the utility members of DWSPP. Several funding commitment letters have already been received. Funding for this project will be matched by a tentative grant from the U.S. Endowment of Forests and Communities.
- **Aquatic Life:** Dr. Buchanan highlighted a project that staff is currently working on. Staff from ICPRB and the Center for Watershed Protection are completing a pilot study for Maryland Department of the Environment (MDE) where monitoring data collected for Municipal Separate Storm Sewer System (MS4) permits was analyzed for three Maryland jurisdictions: Baltimore City, Frederick County and Carroll County. The report is being reviewed by MDE and the three jurisdictions and will be made available on ICPRB's website when final. Sewer line repairs in Baltimore increased runoff coefficients and loading rates. A large wet pond retrofit in Carroll County was linked to decreasing metals and nitrogen, however land uses below the pond may be negating some of that progress. Population growth and more impervious surface appears to be counteracting improvements in stormwater control in Frederick County.
- **Water Supply:** Dr. Schultz gave an overview of the CO-OP Section activities. In the last quarter the Section has started on a joint Potomac River Bathymetric LiDAR project with USGS that will support development of the 2D Potomac River Spill Model. Data collection took place October 21-25. The study area was the Potomac River mainstem from Little Falls to Shepherdstown, and also included the portion of the Shenandoah River from the Potomac confluence to the USGS stream gage station at Millville, WV. The 2019 Annual Drought Exercise was conducted on November 20 and 21. This year's exercise focused on ICPRB staff training and on a new Shiny app for operations support that was constructed in the R/Shiny scripting language. The 2020 Water Supply Study is mid-way through a new study that is due in April of 2020.
- **Water Resources:** Dr. Moltz updated the Commissioners on plans for implementing the Comprehensive Plan's overarching recommendation that spans all challenge areas. The recommendation has three parts: 1) develop an inventory of roles, responsibilities, and authorities; 2) define specific water criteria for which to compare progress related to current programs and activities; and 3) define subsequent planning efforts to evaluate progress and gaps in activities. As a first step in addressing this recommendation, ICPRB plans to host a one-day in-person workshop and a half-day webinar later this spring. In preparation for these activities, an

RFP was posted last quarter for a workshop facilitator to lead the workshop and webinar. After a careful review of a great applicant pool, Policy Works LLC was selected. Letters of introductions and save-the-dates for these events are expected to come out in the next month or so.

## **NEW BUSINESS**

**FY2020 Budget Amendment #1:** Ms. Park presented a budget amendment for approval. Although the net change amount did not require a budget amendment, the current operating budget was a framework that needed to reflect projects at hand. The budget was mainly updated to capture carry-over amounts from last fiscal year with two project changes. The West Virginia Algae Project #770 fell through in this next phase. This project is expected to continue later this fiscal year as Project #771. A new project, Land Prioritizing Mapping #351, is currently forming and will be received from the U.S. Endowment for Forestry and from the Drinking Water Source Protection Partnerships. Ms. Park also added that there is a new project contract that was just signed on Monday. Due to timing, that project did not make it into this amendment, however, it will be added on the next amendment. **Commissioner Lewis made a motion to approve the Budget Amendment #1, which was seconded by Commissioner Holland. All were in favor.**

**Discussions of the Commission's Public Comment Policy:** Mr. Nardolilli informed that the policy was discussed at the EC meeting. There were some suggested changes. He asked for further discussions from the commissioners. Commissioner Jones suggested that under the Eligibility Requirement section, the language should be lighter in context and the speaking time should be decreased from five to three minutes. Commissioner Holland added that under Modification, there should be a timeframe for the Commission to review and comment.

**Discussions of Guidance Document for Donations:** In a prior discussion with the EC, it was decided that item #4 was too restrictive and so it would be eliminated in its entirety. Commissioner Tsai added that a conflict of interest statement should be incorporated into the document. Commissioner Lewis suggested that a definition of "corporation" should be added to clarify the type of businesses that are being addressed. Commissioner Brakel also added that in some cases corporations may earmark the funding or make in-kind contributions. These items should be included as donations. Lastly, Commissioner Tsai suggested that a process for soliciting sponsorships be included to inform the Commission. Mr. Nardolilli will provide updates to the EC as he solicits sponsors.

**Spotlight on a Project: Opportunities to Enhance a Potomac Sub-Watershed, the North Branch Potomac River:** Mr. Selckmann gave a presentation on the North Branch Potomac River. Beginning in 2017, the Corps of Engineers, Baltimore District (Corps) and ICPRB were tasked with reviewing the Jennings Randolph Lake (JRL) 1997 Water Control Plan (WCP) to determine if the document was in need of revision. To address this task, the agencies focused on assessing the role of lake operations in accomplishing the lake's four authorized purposes, 1.) control floods, 2.) dilute downstream pollution, 3.) supply drinking water to Washington, D.C. during droughts, and 4.) provide recreational opportunities. Results from the scoping studies found the mainstem North Branch Potomac River and its tributaries have improved considerably since 2000, due in part to the Corps operations but primarily to watershed scale improvements. The reservoir has successfully ameliorated flooding and provided recreation, and its cool-water releases in summer have had a positive impact on downstream biology. The benefits of lake operations on downstream water quality was not as significant as the 1997 WCP suggested.

While streams and small rivers in the North Branch Potomac River watershed are fairly well sampled, there are significant data gaps in the mainstem. These data gaps make it difficult to assess the effectiveness of the Corps operations and raises the questions, "What is JRL's downstream scope of influence?" and "Who is responsible for reporting and assessing effectiveness of Corps operations on downstream conditions?" ICPRB is coordinating with various agencies to conduct fish habitat and behavior studies downstream of the lake. The studies will inform temperature and flow models and

document if trout can use the JRL-cooled mainstem in summer to move between temperature refugia in headwater streams. Improved stakeholder integration in managing the area's water resources can optimize JRL operations and lead to more economical and beneficial uses of North Branch Potomac River.

**ADJOURNMENT**

**Commissioner Lewis made a motion to adjourn the meeting at 11:52 a.m. It was seconded by Commissioner Jones. All were in favor.**

Minutes Draft By: Bo Park, Director, Administration

Minutes Edited, Approved, and Submitted by: Michael Nardolilli, Recording Secretary