

# INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

## FOURTH QUARTER 2020 BUSINESS MEETING SEPTEMBER 1, 2020

### VIRTUAL MEETING ROCKVILLE, MD

#### FINAL MINUTES

**CALL TO ORDER:** Chairman Wirts called the Fourth Quarter 2020 Business Meeting to order at 2:31 p.m. on September 1, 2020. 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)

Darryl Madden (Commissioner)

Amy Guise (Alt. Commissioner)

##### District of Columbia

Willem Brakel (Commissioner)

Jeff Seltzer (Commissioner)

Kimberly Jones (Alt. Commissioner)

Hamid Karimi (Alt. Commissioner)

##### Maryland

Robert Lewis (Commissioner)

Lee Currey (Alt. Commissioner)

##### Virginia

Paul Holland (Commissioner)

Scott Kudlas (Alt. Commissioner)

Mark Peterson (Alt. Commissioner)

##### Pennsylvania

Summer Kunkel (Alt. Commissioner)

Adam McClain (Alt. Commissioner)

#### Staff

Michael Nardolilli (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Dir, Administration)

Cherie Schultz (Dir, COOP Operations)

Claire Buchanan (Dir, Program Operations)

Heidi Moltz (Assoc. Dir, Water Resources)

Curtis Dalpra (Communications Manager)

DeeDee Hunter (Administrative Coordinator)

Rikke Jepsen (Aquatic Ecologist)

Mike Selckmann (Aquatic Ecologist II)

#### Guests

Valerie Cappola (COE, NAD)

Anastasiya Kononova (COE, Baltimore)

Rhonda Manning (PA DEP)

Chris Kimple (Rep. Commissioner Moul)

Mr. Nardolilli welcomed the Commissioners, staff, and guests to this first fully virtual meeting for ICPRB. Mr. Nardolilli explained that this "virtual" meeting is allowed under a revision to the ICPRB By-laws which added Section V(g). That new section was approved by an e-mail vote of the Commission on April 17, 2020 pursuant to Section XIII of the By-laws. Section V(g) permits public meetings by virtual conferencing under the state of emergency declared by Maryland Governor (and ICPRB Commissioner) Larry Hogan on March 5, 2020 and renewed on August 10, 2020.

## ROLL CALL

Due to the nature of the virtual meeting, Mr. Nardolilli called the names of the members, staff, and guests. Those at the meeting acknowledged their attendance.

## ADOPTION OF AGENDA

Chairman Wirts added two new items to the agenda under New Business after “FY2021 Budget Amendment #1.” They were the “Proposed Statement in Support of Diversity, Equity, Inclusion and Justice” that was approved by the Chesapeake Executive Council of the Chesapeake Bay Program and the “Resolution Honoring the Service of Thomas Jacobus.” **Commissioner Lewis made a motion to approve the agenda as modified, which was seconded by Commissioner Karimi. All were in favor.**

## JUNE 23, 2020 DRAFT MINUTES

Commissioner Brakel asked for a correction on page 3, a headline that read, “Supplemental Storage Workgroup Update” to read “Ad Hoc Work Group on Water Supply Update.” **Commissioner Lewis made a motion to approve the June 23, 2020 Meeting Minutes, which was seconded by Commissioner Peterson. All were in favor.**

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

Mr. Nardolilli gave an overview of the Executive Committee meeting held on July 28, (notes found under Tab 2 of the Meeting Book) and an update from the conference call earlier today.

- Funding for the 16 Potomac River gages, on the agenda for action today has been resolved and will be reported as an Informational Item. Details will follow later in the meeting.
- During the July 28 meeting, the EC adopted the virtual meeting protocol pursuant to the virtual meeting By-Law, establishing the procedures to hold this meeting virtually.
- Previously, the EC considered changes to the Investment Policy. The Executive Committee continued those discussions this morning. Earlier today, the EC approved a motion to recommend that the Commission adopt the staff-suggested change to the Investment Policy as well as the recommendation of investments of \$300k from the operating account as presented by the staff. .
- During the July 28 meeting, the EC discussed the possible sale of the Washington Aqueduct but as this information has not been verified and no formal offer has been made, the EC took no action.
- During the July 28 meeting, the procedures for the election of officers was discussed.
- Staff briefed the EC on the current status of re-occupancy of the building and the ICPRB offices. As of September 1, the state of Maryland and Montgomery County were still in Phase 2 of the re-opening. Currently, the office is operating under Phase 2, giving employees the choice of continuing to telework or coming into the office, with prior notice.
- At both the July 28 meeting and earlier in the morning, staff briefed the EC on efforts to secure federal funding for the ICPRB, including the proposed transfer of our liaison agency from the Corps of Engineers to the Environmental Protection Agency. This is an agenda item for this meeting.
- At the July 28 meeting, the process for the Executive Director (ED) evaluation was discussed. The evaluation has now been completed. Earlier this morning, the EC adopted performance goals for the ED for next year.
- Earlier this morning, the EC considered the Statement of the Chesapeake Bay Program’s Executive Council in support of diversity, equity, inclusion and justice. The EC has recommended that the Commission adopt language “welcoming” the Statement, to be discussed later in this meeting.

## OLD BUSINESS

**Executive Director's Report:** Mr. Nardolilli noted that his full report is in Tab 6 of the meeting book. Because that report was prepared on August 5, 2020, Mr. Nardolilli updated those items in his oral presentation.

- **Response to COVID-19**

The ICPRB office is still operating under Phase 2, which gives the employees the option of teleworking or coming into the office with prior notice. In order to improve communications with the staff and to keep connected: staff have been attending monthly meetings to keep in touch during the pandemic; the ED has been holding weekly meetings with the senior management staff to stay abreast of the unit progresses; and the ED has had daily meetings with the Administrative Director for operational updates. During this past quarter, the Commission was able to complete staff performance evaluations. Additionally, ICPRB has moved successfully to a new IT vendor and is now fully on Microsoft Office 365.

- **Commissioner Changes**

Federal Commissioner MG Milhorn has resigned as he was reassigned to another post. MG Milhorn has recommended BG Thomas Tickner, who is the new commander of the U.S. Army Corps of Engineers North Atlantic Division. We are awaiting a formal appointment letter from the White House for BG Tickner. On August 4, Ms. Summer Kunkel was appointed as the Pennsylvania Alternate Commissioner to Commissioner Patrick McDonnell. She also became an Executive Committee member for Pennsylvania. In Maryland, Ms. Nancy Hausrath has resigned as a Commissioner, leaving that position vacant for Maryland. Commissioner Currey was notified of the vacancy. There were no changes to the staff complement.

- **Projects**

On projects, the Commission is continuing to pursue NRCS (Natural Resources Conservation Service) in both Maryland and Virginia to explore assisting funding efforts under the Farm Bill for regional organizations. Staff has released the 2020 Washington metropolitan area water supply study and is awaiting final approval from the three utilities. The land prioritization project has been a great success. Maryland is interested in participating in this project. On August 13, staff published a study, "Integrating Sustainable Water Resources Management and Land Use in Decision Making," meeting the goals of the Revised Strategic Plan to publicize the Commission's work. At the Drinking Water Source Protection Partnership meeting on August 5, the group approved the use of \$50k received from the District of Columbia settlement money from GenOn for the next phase of the USGS LiDAR project. For the Salt Management Strategy outreach, staff member Curtis Dalpra, was featured on WDVM TV25 during a piece on the topic. Another staff member, Mike Selckmann, was featured on WDVM TV 25 piece on algal blooms. Mr. Nardolilli was quoted in several parts of a special edition of the *Washingtonian Magazine* devoted to the Potomac River.

- Mr. Nardolilli went on a tour, given by Commissioner Karimi, of Kingman Island in the Anacostia. He also went on a tour of the Washington Aqueduct given by General Manager Tom Jacobus.
- The three-part Comprehensive Plan webinar series is well underway. The first two events were well- attended and very productive. The last of the series is scheduled for September 11. Commissioner Brakel commended the staff members involved in the planning of this review of the Comprehensive Plan, Heidi Moltz, Cherie Schulz, and Claire Buchanan, as well as Kristin Rowles from Policy Works.

- **Federal Funding Activities**

The Senate Environment & Public Works Committee reported out the Water Resources Development Act (WRDA) that includes language transferring the three Mid-Atlantic River Basin Commissions from the Army Corps of Engineers to the EPA. The House of Representatives declined to include this language in their version of the bill but it is likely that the Conference Committee will adopt our language. To support that effort, a stand-alone bill has been introduced in the House of Representative to transfer the river basin commissions from the Corps of Engineers to the EPA as HR7705. Once we receive this new authorization, we will proceed to seek funding appropriations from EPA.

- **80th Anniversary Planning Update**

The celebration date has been shifted to May 15, 2021, which coincides with the first organizational meeting 80 years ago. The venue will be on the *Cherry Blossom* boat going out of Alexandria, VA.

### **Ad Hoc Work Group on Water Supply Update**

Commissioner Sussman reported that not much development has been made on the proposed Resolution to provide a path forward for the group. A meeting has been set for September 8.

### **Operations Report**

- **Contracts and Finance:** Ms. Park gave a summary of the grants and contracts, which can be found in Tab 6, Attachment 4 of the meeting book. A new project was received from Adams County Conservation District in Pennsylvania for \$20k ending on 12/31/2020 to assist their Community Clean Water Action Plan Coordinator. The EPA 117 grant went into the fourth year of a six-year grant in the amount of \$147,152. The Maryland's MS4 Data Analysis project was extended with no-cost to 10/15/2020. There were no vendor contracts awarded in the last quarter.

The Commission did not make any withdrawals from the Contingency Reserve Account, which held a balance of approximately \$633,490. The operating account held a balance of approximately \$1,517,000 including cash and investments. The jurisdictional invoices were sent out in July. The District of Columbia bill will be sent out in October. All project receivables were current. The income statement showed a negative net balance of \$289k, which will be billed.

- **Unit Reporting**

- **Administration and IT:** Ms. Park reported that the Commission has successfully migrated to Office 365 with cloud storage. The office will be moving more files to the cloud to minimize reliance on server storage. The office staff has been using Teams for all inhouse meetings which contributed success in transitioning to remote working from home during the pandemic. In moving the office to remote working, securing the server and files became a challenge. The Commission is working towards transitioning the desktops to laptops when possible. Additionally, the current server will soon be out of warranty. The next IT project for 2021 will be upgrading the server and building a server backup to the cloud. The Admin group also has started the year-end closing process in preparation of the audit. This process takes about six months until the audit is complete.
- **Aquatic Habitat/Program Operations:** Dr. Buchanan reported that the stream macroinvertebrate raw counts, habitat scores, and field water quality measurements representing ~30,000 sampling events in the Chesapeake region have been quality-assured (QA'ed) and are being incorporated into the Chesapeake Environmental Data Repository (CEDR). The data will be made available shortly through the CBP Data Hub, along with their calculated Chessie BIBI index scores and ratings. Temperature

monitoring in the North Branch Potomac River mainstem is being done to further investigate the river's potential to support brook trout populations. Preparations are underway to perform a dye tracing study in the Cacapon River WV watershed to look for nutrient sources in groundwater. Work continues to consolidate Maryland's MS4 data into a common relational database.

- **Communications:** Mr. Dalpra reported that the unit is involved in the range of ICPRB projects, particularly CO-OP, the Comprehensive Plan, DWSPP, and Administration Unit activities. The unit assisted with report preparation, meeting assistance, and outreach to the public, and helped to establish partnerships with other agencies, universities, and nonprofit organizations. Partnership with the public and other organizations occurs through the use of social media. ICPRB Facebook, Twitter, Instagram, and Youtube continues to grow. Another major tool is the website, an information-rich space that is visited about 3,000 times per month. The most popular pages have been the map page, and the "Is it safe to swim?" page, which has been updated with COVID-19 information.

Information requests average about seven per week, and range from simple publication requests, to residents with severe erosion problems, people who have seen unidentified creatures in the water, to people who want to spread the ashes of loved ones in the river. River festivals did not occur this season, and the unit is working with other groups to hold virtual festivals. Future plans also include webinars to help make the Comprehensive Plan more useful and accessible throughout the region.

- **CO-OP Section:** Dr. Schultz reported the Mid-Atlantic Drought Coordinating Committee (DCC) has had two virtual meetings this summer. The committee activities presently consist of informal meetings between the three Mid-Atlantic river basin commissions. This grew out of an effort last year to respond to a request for proposals by the National Integrated Drought Information System (NIDIS), which is focused on drought monitoring and forecasting and on fostering regional partnerships. NIDIS has created collaborative groups they refer to as DEWS (Drought Early Warning Systems) in numerous regions of the country, but there is no Mid-Atlantic DEWS. The Mid-Atlantic DCC is in part an effort to start communicating regularly on drought issues to help us understand the common needs and common interests that could be addressed by a Mid-Atlantic DEWS. CO-OP staff is interested in finding out whether or not there are regional products that could assist the Potomac basin states during drought. Commissioner Kudlas noted that Virginia has been engaged in discussions about a Southeastern DEWS.
- **Water Resources:** Dr. Moltz reported that the upcoming Comprehensive Plan Virtual Event Series on September 11 will be the final meeting in the 2020 series. The feedback received during the previous virtual events will be presented. Also, Leanne Nurse will speak about History, Equity, and Environmental Justice in the Potomac River Basin. Please contact Heidi Moltz for event invitation.

Under the land use challenge area of the comprehensive plan, water resources staff have been working on a strategy to integrate land and water resources management in the Potomac basin. The proposed strategy was developed into a manuscript and recently accepted in the Journal of Water (volume 12, issue 8). Download the article at <https://www.mdpi.com/2073-4441/12/8/2282>.

The annual Interstate Council on Water Policy meeting will be held virtually this year, free of charge. It would be a great opportunity to become more familiar with the organization and the resources they bring to the table. The meeting events will be held

from 11am-1:30/2:00pm October 6th, 8th, 13th, and 15th. Each day will address topics from one of the ICWP committees: water planning; water data and science; legislation and policy; and interstate water. More information is available on the <https://icwp.org/annual-conference/>.

- **Spotlight on Project: “Use of the “Chessie BIBI” in Regional Assessments, Planning, Communication, and Research”** Dr. Buchanan introduced a staff member, Rikke Jepsen who presented on the spotlight project. The Chessie BIBI stream health index is an environmental response indicator used in watershed assessments by the Chesapeake Bay Program (Stream Health Outcome) and ICPRB (Comprehensive Plan’s Ecological Health challenge area). The index is included in products, decision-support tools, and webpages created by various CBP-related groups and research centers. It was used as the response variable in USGS models investigating the impacts of land cover, climate change, and flow alteration. Proposed ICPRB projects aim to improve the index’s sensitivity in the coastal plain streams and further explore stream responses to MS4-related BMPs.

## **NEW BUSINESS**

### **Potomac River Gages**

Commissioner Currey spoke on the 16 Potomac River gages that lost funding for the coming year which were funded through the Maryland State Highway Administration. Maryland funds 130 gages and 16 of them were dropped due to funding cuts. These 16 gages hold a combined 1,000 years of flow data. Commissioner Currey noted that they provide critical infrastructure data too important to lose. . Commissioner Currey thanked ICPRB for providing timely information on the value of each gage that proved helpful in restoring funding for the 16 gages. However, there are some funding concerns going into the future so Commissioner Currey noted the need to be proactive.

### **Proposed Changed in Investment Strategy**

Mr. Nardolilli introduced proposed changes in the ICPRB investment strategy included in the meeting book in Tab 5, Attachment 1. This change in the investment strategy requires a modification to the current Investment Policy which expands the investment vehicles for the Commission for operational accounts which utilizes certificates of deposits (CD) to earn extra earnings. Due to the pandemic, the CD rates have drastically declined. The Commission’s investment firm, Janney Montgomery, has recommended three investment funds the ultra-short bond, short-term bonds, and West End Conservative, all which have been performing well in the market. The investment would only be from the operational accounts, which is necessary for day-to-day operation. These investments are not federally insured, but are very low risk, consistent with conservative philosophy of the Commission. This morning, the Executive Committee considered the staff proposed modification to the Investment Policy and have recommended Commission approval. The EC also recommended that the Commission approve the proposed amount of \$300k to be transferred to a newly created Investment Account for investing in the three funds as specified in the proposal. **Commissioner McClain made a motion to approve the proposal, which was seconded by Commissioner Lewis. All were in favor.**

### **Fiscal Year 2020 Budget Amendment #3**

Ms. Park presented the budget included in the meeting book, Tab 5, Attachment 2. The net change is only \$7,563 but is seeking approval to include a new project #291, PA Adams County project, to be reflected on the final budget. One other project, #380, 80<sup>th</sup> Anniversary, was shifted to FY2021, decreasing the revenue amount in this budget. **Commissioner Kudlas made a motion to approve the Budget Amendment #3, which was seconded by Commissioner Lewis. Commissioner McClain abstained from voting. All others were in favor.**

### **FY2021 Budget Amendment #1**

Ms. Park submitted a budget amendment for fiscal year 2021 to include the new project, #291, PA Adams County project and changes in revenues for #380, 80<sup>th</sup> Anniversary. On the expenditures, the salary line has been increased due to some personnel changes needed in FY2021, including a possible new hire for a research fellow. **Commissioner Lewis made a motion to approve the budget amendment, which was seconded by Commissioner Wirts. Commissioner McClain abstained from voting. All others were in favor.**

### **Supporting the Chesapeake Executive Council (CEC) Statement on Diversity, Equity, Inclusion and Justice**

Commissioner Brakel indicated that this Statement adopted by the CEC is important and timely. The Statement was signed by the Governors and Mayor of all our basin jurisdictions, as well as EPA Administrator Wheeler. It reinforces what ICPRB has done both internally and throughout the basin. In short, ICPRB should welcome this language as it echoes what we have in our Revised Strategic Plan and the Manual of Operations. There is a slight change from the version sent to the Commissioners previously. Commissioner Brakel suggested the addition of two words “broader outreach” after “a diverse workforce,” to read, “a diverse workforce, broader outreach, marginalized...” The final language is as follows:

“The ICPRB welcomes the Statement in Support of Diversity, Equity, Inclusion and Justice signed on August 18, 2020 by the Chesapeake Bay Program (CBP) Executive Council, which includes all parties to the ICPRB Compact. As a longstanding CBP participant and partner, the ICPRB fully shares the commitments articulated in the above-referenced Statement, which echo and amplify references in the ICPRB’s Manual of Operations and the recently adopted ICPRB Revised Strategic Plan for 2020-2023 to a diverse workforce, broader outreach, marginalized/vulnerable communities and environmental justice.”

**Commissioner Karimi made a motion to approve the support language, which was seconded by Commissioner Lewis. All were in favor.**

### **Resolution for Thomas Jacobus**

Dr. Schultz proposed a resolution to Thomas Jacobus, General Manager of the Washington Aqueduct, who is retiring on September 30. He served a long time and has been a friend and supporter of the CO-OP Section. He has made notable accomplishments in the basin, as documented in the resolution. This was suggested by Fairfax Water as a gesture of appreciation. He was involved in and was a strong proponent of the Travilah quarry and trying to raise awareness of the District of Columbia’s reliance on one source of water. He has worked to further the goals of the Commission as well. Mr. Nardolilli added that there were two changes from the version circulated to the commissioners, from 24 years of service to 26 years, and a wording addition of “among other.” Moreover, the CO-OP Section suggested a wording change on the last word “Commission” to “CO-OP.” Commissioner Kudlas added one clarification to spell out the word “CO-OP” to “Cooperative Operations on the Potomac River.” The final language of the resolution is as follows:

- Whereas, the Washington Aqueduct has long provided drinking water to the Nation’s Capital and surrounding jurisdictions and remains one of the largest suppliers of drinking water in the nation; and
- Whereas, Thomas Jacobus has served for 26 years with the highest distinction as the General Manager of the Washington Aqueduct; and
- Whereas, under Tom’s leadership, the Washington Aqueduct Residuals Processing Facility was constructed, improving Potomac River water quality by eliminating the discharge of water treatment residuals into the river; and

- Whereas, through Tom’s efforts, along with Fairfax Water, WSSC Water, and the Interstate Commission on the Potomac River Basin (ICPRB), and others, the Potomac Drinking Water Source Protection Partnership was established to help ensure that drinking water in the Washington, DC Metropolitan Area remains clean and safe; and
- Whereas, Tom has worked tirelessly to raise awareness within the U.S. Army Corps of Engineers and the Department of Defense, to advance one of the ICPRB’s goals: to implement an emergency backup supply of water for the Washington, DC Metropolitan Area; and
- Whereas, Tom Jacobus is retiring from the Washington Aqueduct effective September 30, 2020, now therefore, be it
- RESOLVED, that the Interstate Commission on the Potomac River Basin hereby honors and commends Thomas Jacobus for his many years of outstanding service and expresses its appreciation for his many contributions to the success of the Washington Aqueduct and the Section for Cooperative Water Supply Operations on the Potomac.

**Commissioner Karimi made a motion to approve the resolution as modified, which was seconded by Commissioner Lewis. All were in favor.**

**Nominations of Jurisdictional Officers**

Mr. Nardolilli asked each jurisdiction to announce their chosen executive members. The Executive Committee Members are: DC, Brakel, US-Sussman, MD-Currey, PA-Kunkel, VA-Kudlas, WV-Wirts. All members stated concurrence of their selected EC members.

**Election of FY2021 Officers**

Commissioner Karimi, chair of the Nominating Committee, has nominated Commissioner Brakel as the chair and Commissioner Currey as vice chair for FY2021. **Commissioner Karimi made a motion for the nominations, which was seconded by Commissioner Lewis. All were in favor.**

**FY2021 Meeting Dates**

The FY2021 meeting dates have been set as included in the meeting book, Tab 6, Attachment 5. Two-day meetings have been scheduled as customary, but most likely the next meeting will be a one-day meeting.

**PUBLIC COMMENT:** None were made.

**ADJOURNMENT**

**The meeting adjourned at 4:32 p.m.**

Minutes Draft By: Bo Park, Director, Administration

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