

**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN  
SECTION FOR COOPERATIVE WATER SUPPLY OPERATIONS  
ON THE POTOMAC RIVER (CO-OP)**

**SECOND QUARTER FY2023  
March 7<sup>th</sup>, 2023**

**VIRTUAL MEETING  
ROCKVILLE, MD**

**DRAFT MINUTES**

**CALL TO ORDER:** Chair Catherine McCabe called the Second Quarter FY2023 CO-OP Section Meeting to order at 8:30 a.m. on March 7<sup>th</sup>, 2023. The following Commissioners, staff, and guests attended the meeting in whole or in part.

**Commissioners**

**United States**

Robert Sussman (Commissioner)  
Amy Guise (Alt. Commissioner)  
Darryl Madden (Commissioner)

**District of Columbia**

Jeff Seltzer (Vice Chair, Commissioner)  
Willem Brakel (Commissioner)  
Hamid Karimi (Alt. Commissioner)  
James Tsai (Alt. Commissioner)  
Kimberly L. Jones (Alt. Commissioner)

**Maryland**

Catherine McCabe (Chair, Commissioner)  
Lee Currey (Alt. Commissioner)

**Virginia**

Scott Morris (Alt. Commissioner)  
Mark Peterson (Alt. Commissioner)

**West Virginia**

Mindy Neil (Alt. Commissioner)

**Staff**

Michael Nardolilli (Executive Director)  
Heidi Moltz (Dir., Program Operations)  
Cherie Schultz (Dir., CO-OP Operations)  
Renee Bourassa (Acting Communications Director)  
Sarah Ahmed (Senior Water Resources Engineer)  
Laurel Glenn (Office Manager)  
Alimatou Seck (Senior Water Resources Scientist)  
Claire Buchanan (Emerita Director, Program Operations)

**Guests**

Valerie Cappola (COE, NAD)  
Susan Weaver (PA DEP)  
Chris Kimple (Rep. Commissioner Moul)  
Joel Caudill (WSSC Water)  
Harry Johnson (attorney for Fairfax Water)

## 1. EXPLANATION FOR VIRTUAL MEETING

Renee Bourassa began the meeting by giving an overview of the WebEx virtual meeting platform. Mr. Michael Nardolilli, the Executive Director for ICPRB, then welcomed everyone to the meeting and gave an explanation for the virtual meeting by reading the following statement: This meeting is being conducted under Section V (g) of the Commission Bylaws that allows for the Commission or any of its Sections to conduct public meetings via “virtual conferencing” during the period of a state of emergency declared by either the President of the United States or the Governor of the State in which the Commission’s headquarters are located, currently in Maryland. Section V (g) was approved by email vote of the Commission on April 17, 2020, pursuant to Section XIII of the Bylaws. On January 11, 2023, U.S. Department of Health and Human Services Secretary Xavier Becerra renewed the COVID-19 Public Health Emergency (PHE) until May 11, 2023. This means that the Commission’s “virtual” bylaw remains applicable. It should be noted, however, that the Administration has signaled that the PHE will not be renewed after it expires on May 11, 2023.

## 2. WELCOME, ROLL CALL, AND INTRODUCTIONS

Mr. Nardolilli announced the passing of Mr. Curtis Dalpra, ICPRP’s Director of Communications, over the weekend and asked the meeting attendees to observe a moment of silence. He noted that Mr. Dalpra had served ICPRB continuously since 1982 and that a declaration honoring his service would be presented at the next quarterly meeting. This meeting being virtual, Mr. Nardolilli then called the names of the attendees by jurisdiction, the staff, and guests. Those in attendance acknowledged their presence when called or were identified from the log of attendees of the virtual meeting as noted above. Commissioner Catherine McCabe, Chair of the CO-OP Section, welcomed everyone to the meeting. She then introduced Mr. Scott Morris as the replacement for Mr. Scott Kudlas, Alternate Commissioner from Virginia, who retired. Mr. Morris introduced himself and gave a brief overview of his professional credentials to the group.

## 3. ADOPTION OR MODIFICATION OF DRAFT AGENDA

Commissioner McCabe asked if there were any additions or modifications to the agenda that anyone would like to propose, and there were none. **Commissioner Tsai made a motion to approve the agenda, and this was seconded by Commissioner Karimi. All were in favor.**

## 4. MINUTES FROM DECEMBER 6, 2022

Commissioner McCabe asked if there were any comments or corrections to the December minutes, which appeared under Tab 3 of the Commission Book. **A motion to adopt the December 6, 2022, minutes as circulated was made by Commissioner Karimi and seconded by Commissioner Jones. All were in favor.**

## 5. OLD BUSINESS

**A. Follow-up on December Action Items:** Dr. Schultz identified two action items from the December meeting. The first regarded the Moderator for the LFAA. Scott Kudlas had requested that Dr. Schultz provide information on some prospective candidates for this position, and this

was completed. The second issue regarded providing a cost estimate for a new accounting system that can separately track CO-OP projects since the current ICPRB accounting system does not support this capability. Dr. Schultz will provide an update on this at the next quarterly meeting.

## **B. Section's Quarterly Report**

Dr. Schultz summarized the CO-OP Section's second quarter activities, which are described in detail in the Section's Quarterly Report, available in Tab 3 of the Commission meeting book. Dr. Schultz reported on hydrometeorological conditions in the basin over the past 90 days, which are close to historical norms. She briefly mentioned meetings that took place in the second quarter and CO-OP staff support of cooperative regional efforts, including this year's updating of milestones of the ICPRB Comprehensive Plan. She also reported that a final draft of the report on the 2022 drought exercise was sent to participants for review and the report should be available on ICPRB's website soon. In addition, a draft memo on CO-OP's proposed change in Jennings Randolph water accounting rules was sent to staff at the US Army Corps of Engineers (USACE) Baltimore District Office on February 3 and discussed at a subsequent meeting where USACE requested some additional modeling.

## **C. Effort to secure Federal funding for supplemental storage**

Mr. Nardolilli reported that, thanks to Congresswoman Norton, ICPRB was able to get into WRDA 2022 the authorization of a USACE feasibility study on a secondary water source for the region.. ICPRB continues to coordinate with the Banner Group (MWCOG's lobbyists) about securing funding for the study, estimated to cost \$3 million and to take 3 years. At the last meeting of the Supplemental Storage Work Group on January 25, ICPRB discussed ways to get the feasibility study into the President's Budget. Regardless of the success of that effort, Mr. Nardolilli stated that ICPRB will work towards incorporating the funding into the regular appropriation bills. He said we are still working with our contractor, Delta Point Solutions, to create a briefing paper explaining the costs of a "do nothing scenario" to vet with the water suppliers and share with legislators. The next working group meeting will be held on April 26, 2023. Mr. Nardolilli emphasized that ICPRB is making progress on this issue and moving quickly to resolve.

## **D. LFAA**

Workgroup Next Steps. Commissioner McCabe reviewed the progress of this working group over the past several months. She reminded the Commissioners that the group was charged with providing recommendations on 10 issues that were identified by the 2018 Cruden report. At the time of the working group's November report to the Commission, it had reached consensus on 8 of the 10 issues.

One of the remaining issues was: Should we bring upstream users (West Virginia) into the group? The working group deliberated on this in November 2022 and unanimously agreed that this was not necessary at this time; a supplemental report was released in December 2022 reflecting this decision.

The final remaining issue regards the “environmental flow-by” and involves two questions: Should the scientific basis for this be updated since the current one is based on a 1981 joint study which was led by Maryland. Since then, more modern methodologies and data approaches have been developed. The second question raised in the Cruden Report is whether flow-by amounts or other aspects of the flow by should be made more specific in the LFAA. The current version mandates that the environmental flow-by amount be based on current conditions of the Potomac River (i.e. data and conclusions) and in consultation with parties (the Army Corps of Engineers and the state of Maryland). Part of this issue involves what the technical language should be in the wording of this policy. Currently, the policy gives substantial deference to Maryland for decision-making. The working group is considering whether Virginia and DC should be included in the decision-making process.

Commissioner McCabe concluded by stating that this remaining issue will be discussed and hopefully resolved at the working group’s next meeting, scheduled for March 24, 2023. She will report back to Commissioners at the June meeting.

Moderator and Standby Moderator. Commissioner McCabe stated that one of the issues raised by the 2018 Cruden report was that terms of service and selection criteria needed to be established for the LFAA’s Moderator and Stand-by Moderator. This has been accomplished and the group is moving forward to select a new Moderator. She called on Commissioners Currey and Morris to report on the selection progress. Commissioner Currey noted appreciation for the work that prior Commissioner Kudlas had done in vetting a new Moderator. Commissioner Morris stated that after an evaluation and selection process, the Commissioners are interested in nominating Mark H. Masters, who is the head of the Georgia Planning and Policy Center. Commissioner Morris said that Mr. Masters is willing to serve, has significant experience in LFAA issues and has a history working with ICPRB. Commissioners will work on preparing a letter that nominates Mr. Masters for a 5-year term for this position and will circulate it prior to the next quarterly meeting so that a vote may be taken.

Discussion was conducted on the status of the Standby Moderator. Dr. Schultz noted that it is currently Maryland’s turn to appoint this individual. Mr. Peter Gravitz has previously served. Commissioners agreed that the working group needs to reach out to Mr. Gravitz to see if he’s interested in serving a second term and also to determine if he has any current commitments or associations that would present a conflict of interest.

## **E. Financial Statement**

Dr. Schultz briefed that the CO-OP Section Financial Statement is available as Attachment 4 in Tab 3 of the Commission meeting book. She indicated that expenses were below budget in the first quarter of this year due to maternity leave but that CO-OP expects to be over budget going forward due to substantial staff salary increases that took effect in January 2023. CO-OP is working with the ICPRB administration to create mechanisms to make adjustments in the ICPRB budget to facilitate this transition.

## **6. NEW BUSINESS - None**

## **7. ADJOURNMENT**

With no further business to transact, Commissioner McCabe asked for a motion to adjourn.  
**Commissioner Karimi made such a motion which was seconded by Commissioner Currey.  
All were in favor.**

The CO-OP Section adjourned at approximately 9:23 a.m.

Minutes drafted by Laurel D. Glenn, Office Manager  
Edited by Cherie Schultz, Director, CO-OP Operations  
Approved by Michael Nardolilli, Executive Director