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From: Renee Bourassa <rbourassa@icprb.org>
Cc: Curtis Dalpra <cdalpra@icprb.org>
Sent: Thu, Nov 5, 2015 12:47 pm
Subject: RE: ICPRB Meeting Minutes

I apologize for the late response to your email.

The meeting minutes that you have requested are attached. We have been posting the meeting minutes online since 2014 but do not have plans at this time to post the minutes prior to that year.

Please let me know if you need anything else,

Renee Bourassa | Communications Specialist
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**INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN
 FY2009 FIRST QUARTER
 BUSINESS MEETING AGENDA
 Tuesday, December 9, 2008**

PLACE: ICPRB Offices, Rockville, MD
TIME: Meeting begins at **9:45 AM**, Tuesday, December 9, 2008
 (or **15 Minutes after the end of CO-OP meeting**
 if it extends beyond **9:30 AM**)

COMMISSION ACTION

9:45 AM	1. Welcome, Roll Call and Introductions - Chairman Hines 2. Adoption or Modification of Agenda (Tab 4) 3. Minutes from September 9, 2008 Business Meeting (Tab 4, Attachment 1)	Approval Approval
9:55 AM	4. General Counsel's Report (Robert L. Bolle)	Information
10:00 AM	5. Financial Report (Tab 6, Att 1) (Joseph Hoffman)	Information
10:10 AM	6. Old Business A. Program/Projects Update (Carlton Haywood) B. Water Resources Project - ICPRB, Corps of Engineers and The Nature Conservancy (Stephanie Flack, TNC) (Tab 6, Attachments 2 and 3) C. Pennsylvania Water Allocation Permit - Marsh Creek (Tab 6, Att 4) D. Streamgage Funding in Basin (Tab 6, Att 5) E. Marcellus Shale	Information Information Update Update Update
11:15 AM	7. New Business Interstate Water Resources Issues A. MD & PA - The Monocacy watershed B. WV & MD - Water Appropriations	Discussion
12:00	LUNCH	
1:00 PM	8. Emerging Contaminants (Dr. Cherie Miller, USGS)	Information
2:00 PM	9. Executive Director's Report (Joseph Hoffman)	Information
2:15 PM	10. Commissioner's Time ("For the Good of the Order")	Information
2:30 PM	11. Adjournment Proposed	

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL BUSINESS MEETING

September 8-9, 2008

Blackwater Falls State Park

Davis, WV

DRAFT MINUTES

CALL TO ORDER: Vice Chairman John Hines called the Fourth Quarter and Annual Business Meeting to order at 9:44AM at the Blackwater Falls State Park, Davis, WV. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Ronald Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

John Hines (Commissioner)

United States

Jane Witheridge (Commissioner)

Howard Graeffe (Alt. Commissioner)

J. Winston Porter (Commissioner)

Mel Baughman (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

James Cummins (Director, Living Resources)

Joseph Hoffman (Executive Director)

Carlton Haywood (Director, Program Operations)

Bo Park (Administrative Officer)

Sarah Ahmed (Water Resources Engineer Assistant)

Sherry Zandieh (Administrative Assistant)

Guests

Maria Hammond (US Army Corps of Engineers)

Chris Kimple (for Commissioner Moul, PA)

John Booser (PA, DEP)

Kaye Brubaker (Research Fellow)

ADOPTION OF AGENDA: Vice Chairman Hines asked for a modification to the agenda to include an Executive Session following the Executive Director's Report to discuss personnel matters. **Commissioner Kudlas made a motion to adopt the agenda as modified. Commissioner Stanley seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Vice Chairman Hines asked for any comments or modifications of the June 10, 2008 Minutes. Mr. Hoffman made an edit to the Minutes to correct the date of the Minutes from June 9-10, 2007 to June 9-10, 2008. **Commissioner Graeffe made a motion to approve the June 10, 2008 Business Meeting Minutes as amended. Commissioner Steele seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman referred to the financial report in Tab 6. The revenue was below the budgeted number due to unspent project funds. By the year end, the funds are expected to be spent. No funds were withdrawn from the reserve account. The accounts receivables are mainly operational. One jurisdiction's outstanding contribution (District of Columbia) was made shortly after June's meeting. All jurisdictions are current on their dues.

EXECUTIVE DIRECTOR'S REPORT: There were no Commissioner changes during the last quarter. In Pennsylvania, Secretary Kathleen McGinty has resigned and Mr. John Hanger has taken over as the Acting Secretary. On the staff update, Mark Lorie, Deputy Director of CO-OP Water Supply Planning is leaving sometime in the future. In the meantime, he will be working on a part-time basis. Recruitment for a replacement is currently taking place. Sarah Ahmed is a new hire in the CO-OP Section. Tami Huber, Water Quality Data Manager, resigned as of July 18, 2008. Michael Mallonee will be replacing Ms. Huber, starting October 1, 2008.

For grants and contracts, the details are in the report. There is no update in the Water Resources Development Act (WRDA). The funding for ICPRB was included in the federal budget for FY2009 in the House Appropriations bill, but not in the Senate action bill. The budget is expected to be a continuing resolution. The budgeted amount can be changed, but unknown at this time. Ultimately, the bill can be vetoed by the President.

At this time, Vice Chairman Hines asked for a motion to move into Executive Session with Commissioners and Commissioner Representatives. **Commissioner Karimi made a motion to go into the Executive Session to discuss personnel matters. Commissioner Kudlas seconded the motion. All were in favor.**

NEW BUSINESS

A. Election of Officers FY 2009: On behalf of the Nominating Committee, Commissioner Karimi made the recommendations for the next year's officers. Commissioner Hines was nominated as the Chair and Commissioner Reiger as Vice Chair. Current Vice Chairman Hines asked for other nominations. Hearing none, he asked for a motion to approve the nominations. **Commissioner Karimi made a motion for the chair nomination and Commissioner Stanley seconded the motion. All were in favor. Commissioner Karimi made a motion for the vice chair nomination. Commissioner Graeffe seconded the motion with all in favor.**

B. Staff Holidays for FY 2009: Mr. Hoffman reviewed the staff holidays for FY 2009 provided in Tab 6. There are eleven (11) paid holidays which include ten (10) federal holidays and one (1) discretionary holiday designated by the Executive Director, usually the day after Thanksgiving.

C. Amendment FY 2008 ICPRB Budget: Mr. Hoffman referred to Tab 5 of the meeting book. The amendment is a technical change that reflects no activity in Project # 254, CBL Metals Analysis, and time worked on two projects (#235 and #255). Otherwise, there are no significant changes in the operating budget. **Commissioner Kudlas made a motion to approve the amended budget as presented. Commissioner Stanley seconded the motion. All were in favor.**

D. Proposed FY 2009 Meeting Dates: The proposed FY 2009 ICPRB meeting dates (Tab 5, Attachment 2 in Meeting Materials) have no direct conflict with Susquehanna River Basin Commission (SRBC). The dates are presented for the Commissioners to plan ahead. **Commissioner Stanley made a motion to approve the meeting dates. Commissioner Karimi seconded the motion with all in favor.**

E. Water Resources Planning Opportunity: Mr. Hoffman referred to Tab 6, Attachment 3 in the meeting book. The Nature Conservancy received approximately \$217,000 through federal highway funding and private donations that has been proposed to be used as a cost share match requirement with the Corps of Engineers to conduct flow management analysis of the middle Potomac and some tributaries. This project will coincide with the planned project by the Army Corps of Engineers. ICPRB staff is working with the Nature Conservancy and the Corps for possible ICPRB involvement. No contract has been made as of yet. The Nature Conservancy and the Corps want ICPRB to work as a contractor/vendor. This would be an opportunity to address flow management issues and be a potential spin-off task for future efforts in completing basin-wide actions. As possible matching funds, the CO-OP funds may be a source for non-federal dollar matching.

Commissioner Hines suggested that state water planning costs should be looked at as matching funds as well. Pennsylvania would make a commitment whether in dollars or staff time to support this project.

Commissioner Witheridge commented that this project is a very broad subject and that she would like to see more focused projects to come out of this.

F. Pennsylvania Water Allocation Permit: The Pennsylvania Mason Dixon Utilities (MDU) is requesting an intake and withdrawal from Marsh Creek, proposing 255 thousand gallons per day for domestic use, with additional groundwater withdrawals and with plans for a storage tank of 15.5 million gallon capacity. They would use 200-250 thousand gallons per day. A public hearing is in Gettysburg on September 17. Mr. Hoffman proposed that ICPRB testify at the hearing with information about downstream effects. The Gettysburg Municipal Authority (GMA) has a flow-by requirement at their upstream intake. To meet this requirement, GMA has to pump from groundwater. To address the potential withdrawal concerns, ICPRB would propose the following: 1) MDU work with USGS to put a streamgage at Marsh Creek for flow data after withdrawal. The cost should be a business cost to MDU. 2) MDU provide more details on how they would meet a flow-by requirement at their intake point, and 3) address wastewater disposal.

Commissioner Hines further explained that in Pennsylvania, there is a zero-net discharge requirement and that the withdrawal is handled through the Pennsylvania Water Allocation Program.

There is an ICPRB meeting in Adams County on September 30, led by staff member Cherie Schultz, on how much water is used and is available. This is an outcome from our National Fish and Wildlife Foundation funded project. As a reminder there is also a proposal for Susquehanna Basin water to come into the basin for domestic use and for some of it to enter Marsh Creek as wastewater. Marsh Creek is a potential critical water planning area, for which ICPRB provided work through a contract with the PA DEP under the Pennsylvania water planning. ICPRB is working for PA DEP but at the same time for the basin to protect its water resources.

Related to the current situation and as a possible new area to explore, Commissioner Hines suggested expanding the Compact that created the CO-OP Section to explore other geographical areas to form a similar coordinating body. Mr. Hoffman noted that under Article 3 of the Compact, if there is an issue that impacts less than the full Commission, a new section can be created. Commissioner Steele added that the Adams County has a group, Watershed Alliance, that should sit on this committee, if created. Mr. Hoffman added that he had a discussion with Commissioner Moul to explore potential options for such a group. Commissioner Hines suggested a pilot group to further explore this issue as a potential project and action of the Commission.

G. Streamgages Funding in Basin: The Army Corps of Engineers in Baltimore is facing funding shortfalls in the upcoming fiscal year that will impact continuing the operation of streamgages. There are 11 streamgages in the Potomac costing approximately \$127,000 in total to operate. The US Geological Survey charges \$12,000-\$14,000 per gage providing real time data in four hour increments for operation and maintenance. Due to funding shortage, the list of streamgages has been proposed, but added funding has narrowed the list, which is included in the meeting material. This is a national issue and not just the Potomac basin alone. Additional funding has to be found to keep the streamgages running. Mr. Hoffman asked the non-state agency Commissioners to make contact with their senators and congressmen about this important issue. Commissioner Hines stressed the importance of these gages, which are also used in the water permits decision-making process. He proposed that the Commission develop a talking point document on the impact of gages and potential negative consequences to the communities.

The Interstate Council of Water Policy (ICWP) has a roundtable meeting in the District of Columbia next March, where the topic is expected to be discussed. Commissioner Hines encouraged the Commissioners to attend and act as private citizens to support streamgage funding. The states that are not significantly impacted are Virginia, which operates their own streamgages and West Virginia, which is trying to come up with the money for their streamgages through a separate streamgaging council operated through West Virginia's Water Resources Research Institute at West Virginia University.

H. Marcellus Shale and Potomac River Basin: This is a significant issue developing in Pennsylvania. Companies are exploring Marcellus Shale for energy development. The process involves injecting water and chemicals that create fractures in the Marcellus Shale to release natural gas. The residual chemicals from the process are highly contaminated and are being released with the return water. The Susquehanna River Basin Commission (SRBC) has a meeting this coming Thursday with 56 projects for consideration where 50 projects are oil and gas permit related. ICPRB is not directly involved, but ICPRB received a call regarding the issue. This issue has the potential to become an emerging basin issue.

Commission Hines commented that ICPRB's role should be providing analysis and technical details that are not available at the state level. The Commission can build an in-house capability that can be a source of support to the state agency. That could be an opportunity for the Commission. Perhaps fees collected from permits can be a source of funding.

Commissioner Brannon added that there is a conference call scheduled to further discuss this issue with John Capacasa of the EPA Region III and the states involved. ICPRB was asked to participate in the call.

OLD BUSINESS

A. Program/Projects Update: Mr. Haywood provided a summary of the year-end progress of the projects at ICPRB. The spill exercise will start on September 16, 2008 and conclude on October 21, 2008, using the ICPRB Spill Model. If the Water Resources Development Act appropriations is received, part of the funding will be used for a low flow project that is currently a part of the Section 106 task. In addition, some TMDL support actions for the states are done at no-cost to the states under the EPA Section 106 grant. The tasks under this grant are now reported on environmental outcomes.

B. Report on Potomac River Ramble-June 19-22, 2008: Mr. Curtis Dalpra gave a DVD slide presentation of the Ramble on June 19-22, 2008. He reported that the participants gained an invaluable knowledge that perhaps can lead to their advocacy for the basin. A number of Commissioners participated including Commissioners Wennersten and Eames. Commissioner Mel Baughman was an active participant who led an activity in the Ramble.

COMMISSIONER'S TIME

Commissioner Wennersten wrote a book on Anacostia, which will be released at the end of October. Staff member Jim Cummins added that "Frontier Forts Along the Potomac and It's Tributaries" written by William H. Ansel, Jr. is a good historical book that details the Potomac River. The book is available in the ICPRB library.

Vice Chairman Hines asked for a motion to adjourn the meeting. **Commissioner Witheridge made a motion to adjourn. Commissioner Karimi seconded the motion. All were in favor.** The meeting adjourned at 1:25PM.

Respectfully Submitted,

Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER BUSINESS MEETING

December 9, 2008

ICPRB Headquarters

Rockville, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Hines called the First Quarter Business Meeting to order at 9:30AM at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

COMMISSIONERS

District of Columbia

Hamid Karimi (Commissioner)
Anne Snodgrass (Alt. Commissioner)
John Wennersten (Alt. Commissioner)

United States

George Reiger (Commissioner)
Howard Graeffe (Alt. Commissioner)

Maryland

Robert Summers (Alt. Commissioner)
Corazon Dones (Commissioner)

Pennsylvania

John Hines (Commissioner)
Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

Virginia

Scott Kudlas (Alt. Commissioner)
Walter Alcorn (Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

STAFF AND GUESTS

Staff

Robert Bolle (General Counsel)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Carlton Haywood (Director, Program Operations)
Jim Cummins (Director, Living Resources)
Curtis Dalpra (Communications Manager)
Sarah Ahmed (Water Resources Eng. Asst.)
Cherie Schultz (Assoc Dir, Water Resources)

Guests

Chris Kimple (for Commissioner Moul, PA)
Robert Pace (Army Corps of Engineers)
Maria Franks (Army Corps of Engineers)
Stephanie Flack (The Nature Conservancy)
Cherie Miller (USGS)
John Booser (PA DEP)

ADOPTION OF AGENDA: Chairman Hines asked for any modifications to the agenda. Hearing none, he asked for a motion to approve the agenda. **Commissioner Summers made a motion to approve the agenda. Commissioner Kudlas seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Hines asked for any modifications or changes to the September 9, 2008 Business Meeting Minutes or a motion to approve the Minutes. **Commissioner Graeffe made a motion to approve the Minutes. Commissioner Summers seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: General Counsel Bolle reported that all activities were related to routine legal matters including contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the financial reports were prepared as of October 31, 2008. No funds were withdrawn from the reserve account. On the report, the reserve funds are listed as Merrill Lynch Reserve for \$110,000 and Investment Merrill Lynch, which are mainly certificate of deposits totaling \$395,950. As of December 1, 2008, the total amount in the reserve account was \$504,000. There are no plans to withdraw any funds from the reserve account.

Pennsylvania paid their jurisdictional dues of \$51,000 in full plus additional \$500 to catch-up from previous year's shortfall. Maryland also paid their dues. The new EPA Section 106 grant document was received for \$528,480, which is about \$90,000 less than anticipated. The remaining amount is contingent upon fund availability at the federal level. The accounts receivables are mainly operational with no foreseeable problems.

OLD BUSINESS

A. Program/Project Update: Mr. Haywood reported that most projects are continuing from last fiscal year. A few projects to highlight, the Spill Exercise was held in September/October, sponsored by the Drinking Water Source Protection Partnership (DWSPP). The DWSPP held their annual meeting last week.

Commissioner Karimi inquired about staff hiring and operation with federal and state budget cuts. Mr. Haywood replied that staff hiring will be limited and conservative depending on the certainty of contracts. Also, the jurisdiction contributions would provide buffer that ICPRB needs to absorb economic fluctuations. However, the contributions are being used as cost-share for the states and matching requirements for grants.

Commissioner Karimi was asked to give a summary of the federal stimulus funding package being prepared by the new White House Administration. The stimulus funding would not apply to monitoring or assessment type but water quality, construction, technical type of work. Non-profit organizations are passing out their list to the new Administration. There is a potential niche for the Commission if there is a way to participate in this action.

Commissioner Alcorn added that the jurisdictions have already begun to put together a “wish list.” It would be beneficial to this Commission to have a discussion at this meeting on how it can participate in this process and explore other potential projects for the Commission. There is a small window of opportunity before the new Administration makes decisions.

Chairman Hines suggested that each jurisdiction provide their “wish list” to the staff by January 15. Also, he asked each state to submit their stimulus package information to the staff to explore potential projects. Lastly, he asked for an ICPRB document for the new Administration Transition Team to get on their agenda. He asked for volunteers from the Commissioners.

Commissioner Alcorn added that in addition to providing support to the jurisdictions, the Commission should look for opportunities for itself. He encouraged the staff to look for ways to get federal funding back and look for roles in administering the stimulus funding that may be coming through.

Commissioner Summers added that there is a need for federal involvement in river basin activities related to water quality and water supply protection. General Semonite, North Atlantic Division of the US Army Corps of Engineers, discussed at the Susquehanna River Basin Commission (SRBC) meeting that there is a need for a better federal coordination at the river basin commissions and restoration of federal funding for the commissions. At that meeting, there was a suggestion to look to the river basins as a model as a proactive approach. Looking for ways to get federal involvement whether through Interstate Council on Water Policy (ICWP) or other vehicles would be beneficial to the Commission.

Mr. Hoffman suggested that the letter to the Transition Team would have to be quick, pointing to the fact that one of the three federal commissioner positions is slated to be the North Atlantic Division of the US Army Corps of Engineers. The appointment would take away from one of the filled positions, which is a problem since they already are listed on the Plum Book for the new Administration. The new appointment can take couple of years as it was the case with the current Administration. The letter cannot wait until January 15 but must be immediate so a new appointment can be made as soon as the new Administration comes into office.

Mr. Pace explained that Mr. Shapiro from the Corps has been in contact with the White House working on the appointment, but nothing else can be done except to let him know that the US Army Corps is ready to be appointed. General Semonite is very active at SRBC and is waiting to be a part of this Commission.

Chairman Hines summarized the items discussed, the state’s request for stimulus funding, road blocks for states that the Commission can assist with, an ICPRB baseline information for the Transition Team, and also for the states to look for outsourcing projects for the Commission. Chairman Hines, Alcorn, and Summers volunteered to be on the team for assistance on these issues. Mr. Pace explained that there is not much time before decisions are made. Waiting until March timeframe may be too late to get the documents to the Transition Team. Chairman Hines asked for a conference call with the three volunteers. Mr. Hoffman suggested a conference call among the Executive Committee members who consist of Commissioners Hines as Chair, Reiger as Vice-Chair, and Commissioners Karimi, Kudlas, Brannon, and Summers. He suggested a

conference call shortly after January 15th. Commissioner Kudlas emphasized sending out the federal commissioner appointment request letter to the Transition Team as soon as possible.

B. Water Resources Project-ICPRB, Corps of Engineers and The Nature Conservancy:

Mr. Hoffman gave an introduction to the new effort that ICPRB is pursuing with the Corps of Engineers and The Nature Conservancy using a powerpoint presentation. The Corps received authorization to conduct a reconnaissance of the Middle Potomac and implement feasibility studies. This project would allow a basin-wide water supply study incorporating growth, climate change, and ecology of the Bay. This is a project management plan between the three entities. ICPRB is expected to have the lead on this project. The Army Corps, through Section 729 of the Water Resources Development Act, has received initial funding. Additionally, The Nature Conservancy has come up with approximately \$240,000 to fund this project. Under Section 729, the matching requirement is 25% of non-federal dollars. Potentially there may be a million dollar project.

This project would utilize integrated data management, hydrologic modeling, SWAT modeling, and HSPF modeling for the Chesapeake Bay. This project will be a comprehensive integration project that will involve all the jurisdictions. All member states and agencies are already working on their water plans and supply studies, which are related activities that may be allowed and counted toward this project. The water use projection for the CO-OP utilities demand study will count towards non-federal dollars. This project will entail a basin-wide hydrological assessment looking at alterations. The Nature Conservancy will work on some environmental workshops, and our work on flow management issues will be incorporated. The stream classification work, tributary ecological response curves, flow workshop, and tidal estuary up to North and South Branch can be accomplished through this project.

One of the key components of this project is transfer of knowledge to the stakeholders, states, and other groups. A decision support tool will be developed to assist the decision makers. There will be contributions needed from the states not necessarily dollars but through in-kind and staff time. The Virginia Department of Environmental Quality (VA DEQ) is already working on the HSPF model, which can be counted towards this project. The Pennsylvania Department of Environmental Protection (PA DEP) is working on critical water planning areas. The Maryland Department of the Environment (MDE) is working with groundwater and water budgeting. The West Virginia Department of Environmental Protection (WV DEP) water planning is beginning and we are unsure at this time how it may be counted.

Stephanie Flack from The Nature Conservancy continued with the overview of the Nature Conservancy and the project. The Nature Conservancy is a 501(c)(3) world-wide organization, with its mission to protect biodiversity. The Nature Conservancy has about \$240,000 secured to be counted toward this project. It is not too late to count in-kind contributions toward this project. The Nature Conservancy is the only non-federal contributor at this time. The project is an opportunity to be proactive in developing a baseline for ecological needs in the Potomac River basin before it becomes a limiting factor. This also will provide a tool for the states to complement their work.

Ms. Flack requested that the state agencies provide a letter of intent supporting this project through collaboration, data, and in-kind contributions through documentation of their cost accounting, which is already being spent by the states but would be used as matching for this project.

Commissioner Karimi asked if federal funds that were pass-through to non-federal entities can be counted toward the matching. Mr. Pace replied that it can be done but there are administrative actions involved. Mr. Hoffman will distribute a document with required information for the jurisdictions.

C. Pennsylvania Water Allocation Permit-Marsh Creek: An information sheet is found in the meeting packet under Tab 6, Attachment 4. Mr. Hoffman reported that he testified regarding the concerns. There also was a meeting between ICPRB and Mason-Dixon Utilities. It seemed that there was a discrepancy in water availability data between the two organizations. The main concerns were not having enough water all the time and water loss through consumption. No decisions were made on this issue and so discussions will continue.

D. Streamgage Funding in Basin: A list of streamgages in the Potomac basin is included in Tab 6, Attachment 5. The streamgages that were dropped are from Kitzsmiller on the North Branch, Williamsport, and Tuscarora. All others remain in place. The CO-OP Section provides funding for three gages at Point of Rocks, Hancock, and Seneca. This fall, there may be additional cuts. The ICWP is holding a series of roundtables with the next one scheduled in February, primarily for stakeholders and state agencies, and river basin commissions. Chairman Hines added that the gages that were cut in the Susquehanna basin were picked up by Pennsylvania. Additionally, they assembled a streamgaging council to look at funding. He proposed to have June's meeting in Pennsylvania. ICWP has discussed having a meeting in Pennsylvania to visit streamgages and invite Pennsylvania legislative delegates. The June's meeting can be a follow-up to ICWP's meeting. He also asked for an informational sheet to use at the ICWP meeting or at least for the spring meeting.

E. Marcellus Shale: ICPRB does not have a direct involvement, but is monitoring this issue. Mr. Hoffman offered assistance to the states. Commissioner Brannon reported that there was a meeting with the EPA and Pennsylvania to discuss the issues. West Virginia had some water quality issues possibly from Marcellus Shale. The issue has slowed down significantly but will not go away.

NEW BUSINESS

Interstate Water Resources Issues: The York Water Company wants to transfer water to Gettysburg Municipal Authority, which will come out to three different waste water treatment facilities. The local governments approve development in the area, but do not have adequate water conducive to development. Also, some West Virginia groups are requesting permit amendments to take water from the Potomac. Maryland accepted these permit applications which may be approved. These activities are occurring in the basin, but ICPRB does not have regulatory authority. There is a cause for concern where interstate actions are involved. The only way that ICPRB can deal with these type of issues is to work with the agencies.

Chairman Hines suggested looking at creating a separate section similar to the CO-OP Section, where partial jurisdictions are involved at least in the Monocacy watershed or for the ICPRB to undertake as a coordinating body. He would like to see the logistics on paper that outlines the pros and cons of creating a new group and evaluating the cost. Commissioner Summers indicated that Maryland already has a permitting process that deals with these issues. But he agreed that a coordinating body may be needed but not necessarily through creating a new section. He does not want to see a conflict with the Maryland permitting process or duplication of effort. But he does not object to seeing a document with the pros and cons. Mr. Hoffman will put a document together and forward to the Commissioners.

EMERGING CONTAMINANTS

Dr. Cherie Miller from USGS, gave a talk on several on-going national studies on emerging contaminants. Chemicals that are contaminating the water are human and veterinary drugs, antibiotics, fire retardant, disinfectants, fragrances, inert ingredients and degradation of products or byproducts. The compounds get into the water through humans, individual homes, septic tanks, landfills, industrial discharges, animal waste through agriculture and processing, aquaculture, computer waste, and some other ways.

Some ecological concerns were raised on the effects on animals, creating antibiotic resistance, and causing endocrine disruptors. Organisms that take up the compounds from the ground with high concentrations can affect animals and the higher food chain. The development of antibiotic resistance in organisms, which can develop from chronic low level exposures, can transfer between organisms. Another action is through endocrine disruptors which can cause immunosuppression in animals, particularly the fish.

A national study, that was just released this past Friday, looked at nine community water systems including Washington Aqueduct in Georgetown, looking at the water intake and treated water outtake. There were 260 man-made compounds found in the water. Some compounds were found only in finished water, some degraded during the treatment process, but majority of the compounds left the treatment process in its original form.

As for the effect on human health, the concentrations were low, between 0.1-1 micrograms per liter, which is below human health benchmark. However, only half of the compounds have human health benchmarks. No studies have been done on low level exposures. But given the current benchmarks and current findings, no adverse effect on humans is expected.

EXECUTIVE DIRECTOR'S REPORT

There was no change in Commissioners. Karin Bencala was hired and will start on December 16, 2008. Michael Mallonee started on October 1, 2008. On the days after Christmas and the New Year, and Inauguration Day, liberal leave policy will be in effect. The office will remain open on those days.

A contract with the USGS for streamgages was executed. There were no changes with the Water Resources Development Act (WRDA). The Congress is coming back this week but budget decisions probably will not occur until the January session. Until then, the federal budget is operating on continuing resolution.

FOR THE GOOD OF THE ORDER

Commissioner Summers added that there are three stormwater actions in Montgomery County municipal, separate storm/sewer permit which will be issued with significant increase in retrofitting requirement. This will be used as a template for 11 other jurisdictions in Maryland. Stormwater notice of intent, a general permit for construction activities is expiring in December. The permit will be reissued with more stringent requirements on erosion and sediment control. Stormwater regulations for new and redevelopment will be coming out before the end of the year.

Commissioner Stanley invited all who are interested in assisting with tree planting preparation and planting. On March 28, 2009, planting preparation will be held at Town Creek, which will require about 25-30 person hours. On April 18, 2009, 400 trees will be planted by Everett High School students. Additional 100 trees will be planted by Allegany County, Maryland schools, date to be announced. On April 4, 500 trees will be planted at Tewell Run.

Mr. Pace added that a watershed analysis report focused on Sligo Creek watershed was released on November 21, 2008 involving MWCOG, DC, Montgomery County, Prince George's County. The report lays out comprehensive action needed for ecosystem and environmental restoration of the watershed. The report is available on www.anacostia.net.

The location of the next meeting in March will be planned for Virginia.

Chairman Hines asked for a motion to adjourn the meeting. **Commissioner Graeffe made the motion to adjourn the meeting, which was seconded by Commissioner Kudlas. All were in favor. The meeting adjourned at 2:10PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER MEETING

March 10, 2009

Colonial Farm

Accokeek, Maryland

Minutes Notes

CALL TO ORDER: Chairman Hines called the Second Quarter Business Meeting to order at 10:01AM at the Colonial Farm in Accokeek, MD. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

Anne Snodgrass (Alt. Commissioner)

Pennsylvania

Ronald Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

John Hines (Commissioner)

United States

Howard Graeffe (Alt. Commissioner)

J. Winston Porter (Commissioner)

George Reiger (Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Carlton Haywood (Director, Program Operations)

Bo Park (Administrative Officer)

Sarah Ahmed (Water Resources Engineer Assistant)

Cherie Schultz (AD, Water Resources)

Sherry Zandieh (Administrative Assistant)

Karin Bencala (Water Resources Planner)

Guests

Col. Peter Mueller (Army Corps of Engineers)

Robert Pace (Army Corps of Engineers)

Chris Kimple (for Commissioner Moul, PA)

John Booser (PA, DEP)

Herbert Sachs (MDE, for Commissioner Summers)

Michael Stratton (WV, DEP)

A quorum was not present at the meeting. The following are notes from the meeting to complete the record.

ADOPTION OF AGENDA: No other items of discussion were added to the agenda.

APPROVAL OF MINUTES: The approval of the Minutes was deferred to June's meeting. There were no comments on the Minutes.

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Executive Director Hoffman advised that finances are on track with routine financial transactions. The funds in the reserve accounts are accruing interest. There was no loss on investments.

OLD BUSINESS

A. Program/Projects Update: All current projects are on budget, on schedule. The Casting Call event is scheduled for April 26-27 at Fletcher's Boathouse. The shad restoration project will be highlighted through the shad planking demonstration. At this event, an award will be given to Louis Harley, a waterman who has been involved in the shad project for many years.

B. Water Resources Project: ICPRB is the expected prime contractor through the Army Corps of Engineers for some or all of this new project that was discussed in detail at the last meeting. This project will deal with the flow management issues on the Potomac. The agreement is expected to be in place by April 1. The Nature Conservancy (TNC) has released a Request for Proposal for literature review. ICPRB submitted a proposal with George Mason University and the US Geological Survey for this part of the project. The entire project is estimated at \$1.1 million over three to four years. The Corps does not have all the funds secured. But the funds can be acquired over time. Non-federal dollar projects are sought out to contribute as cost-share for this project. Possible state projects such as water planning, modeling work and USGS work may be applicable as accounting for cost-share. More details will be given out for jurisdictions assistance.

C. Interstate Water Resource Issues: Executive Director Hoffman discussed the briefing paper provided in meeting materials that the Pennsylvania State Water Resources, Potomac Regional Committee has expressed a need for a regulatory body in Pennsylvania for issues that occur between states and to address pending water supply withdrawals. There are a number of issues that may require some sort of regulatory or a separate coordinating body to act on behalf of the river and not any particular agency. This may be a subject for further discussions as suggested in the briefing paper.

NEW BUSINESS

A. Budget Amendment: A revised budget is proposed to reflect additional work and an eliminated project. The federal budget is not passed (as of the meeting), thus agencies are operating under continuing resolution. The House passed an Omnibus Federal Appropriation to allow \$2.65 million through the Army Corps of Engineers to the three Mid-Atlantic River Basin Commissions. The Senate will be voting on this any day. If passed by the Senate, \$650,000 will be received which will be reflected on the budget for June's meeting. There will be a need for two positions for recruitment. Additional staffing maybe required depending upon federal funding and requirements.

B. 2009 River Ramble: Curtis Dalpra advised that the River Ramble is planned for June 24-28 from the Monocacy River into the Potomac. The journey will begin in Frederick, Md for a total of 40 miles. Staff is working on seeking sponsorships. A formal invitation will go out to the Commissioners.

EXECUTIVE DIRECTOR'S REPORT: Karin Bencala was hired as Water Resources Planner in December 2008. Accounts receivables are operational and routine. The EPA Section 106 grant was received, but is less than expected. The remaining amount is expected to be awarded upon passage of the Omnibus Federal Appropriation for FY09. A letter was submitted to President Barack Obama regarding federal Commissioner appointment. General Todd Semonite is leaving his position as the North Atlantic Division Commander. ICPRB is in contact with the Presidential appointments office to work on the federal appointment.

An information sheet on streamgages was distributed to the Commissioners. The non-agency Commissioners were encouraged to support streamgages through their Senators and Congressmen offices. More information can be provided to the Commissioners, if needed.

The states forwarded their list of stimulus funded projects. Maryland asked for help with their 604b projects. For Pennsylvania, an RFP response was submitted for their 604b work which includes stream assessments. Staff is ready to respond to other states to assist with their stimulus package projects.

For the Water Resources Development Act (WRDA) funding, the request for fiscal year 2010 was submitted in February.

Next year will be ICPRB's 70th anniversary. Staff is looking for ideas and a venue for an event to commemorate this milestone. Possibly, the meeting can be over multiple days with a number guests and presenters to commemorate the event.

The FY08 audit was completed with no negative findings.

There are vacant commissioner positions on ICPRB board. The state agency Commissioners were asked to look into filling the vacancies with appropriate state appointment offices.

The next meeting in June will be in Pennsylvania followed by September's meeting in West Virginia.

COMMISSIONER'S TIME

Commissioner Brannon introduced Michael Stratton, Water Use Program Manager from WV DEP. Mr. Stratton will be attending the meetings after Commissioner Brannon retires in October 2009.

Matt Moulder from the Accokeek Foundation gave a brief overview of the organization. The property was donated by Francis Bolton, a former congresswoman, for preservation and conservation. The property is owned by the Park Services and managed by the Accokeek Foundation.

Chairman Hines adjourned the meeting at 1:31PM.

Respectfully Submitted,

Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

THIRD QUARTER MEETING

June 9, 2009

Adams County (PA) Agricultural and Natural Resources Center Gettysburg, Pa

Draft Minutes

CALL TO ORDER: Vice Chairman Reiger, in the delayed attendance of Chairman Hines, called the Third Quarter Business Meeting to order at 10:00AM at the Adams County (PA) Agricultural and Natural Resources Center, Gettysburg, Pa. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)
Walter Alcorn (Commissioner)
Dann Sklarew (Alt. Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

District of Columbia

John Wennersten (Alt. Commissioner)

Pennsylvania

Ronald Stanley (Commissioner)
Roger Steele (Alt. Commissioner)
John Hines (Commissioner)
Lori Mohr (Alt. Commissioner)

United States

Howard Graeffe (Alt. Commissioner)
George Reiger (Commissioner)

Maryland

Robert Summers (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)
Curtis Dalpra (Communications Manager)
Joseph Hoffman (Executive Director)
Carlton Haywood (Director, Program Operations)
Bo Park (Administrative Officer)
Sarah Ahmed (Water Resources Engineer Assistant)
Cherie Schultz (AD, Water Resources)
Sherry Zandieh (Administrative Assistant)
Jim Palmer (Hydrogeologist)

Guests

COL. Peter DeLuca (Commander, North Atlantic Division, US Army Corps of Engineers (NAD COE))
Peter Doukas (NAD COE)
Robert Pace (COE, Baltimore)
Maria Franks (COE, Baltimore)
Michael Stratton (WV, DEP)
Chris Kimple (for Commissioner Moul, PA)
John Booser (PA, DEP)
Peter Hill (for Commissioner Karimi)
Mark Berg (Adams County Watershed Alliance)
Pat Naugal (Adams County Resident)
Jim Gilles (NRCS Staff)

ADOPTION OF AGENDA: Acting Chairman Reiger asked for any modifications to the agenda. Hearing none, he asked for an adoption of the agenda. **Commissioner Graeffe made a motion to adopt the agenda. Commissioner Kudlas seconded the motion, which was adopted.**

APPROVAL OF MINUTES: Chairman Reiger asked for an adoption of the December 9, 2008 Meeting Minutes (March meeting did not attain a quorum). **Commissioner Kudlas made a motion to adopt the December 9, 2008 Meeting Minutes. Commissioner Graeffe seconded the motion. All were in favor.** For the record, Chairman Reiger asked for an adoption of the March 10, 2009 Meeting Notes. **Commissioner Graeffe made a motion to adopt the March 10, 2009 Meeting Notes. Commissioner Kudlas seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman advised that the interest in the reserve account continues to be accrued. The accounts receivables are operational and routine. The EPA Section 106 grant was now fully funded at \$617,000. The WRDA related funding through Congressional budget process for FY2009 and the US Army Corps of Engineers is expected to be received in the very near future. COL DeLuca, Commander of the North Atlantic Division, US Army Corps of Engineers, advised that they expect to sign the funding letter this week. The EPA Section 117 grant has not been received for the next funding year, which starts on this day. But it is expected to be received, in the near future as there are no known adverse issues.

OLD BUSINESS

A. Program/Projects Update: Mr. Haywood reported that the projects are on schedule. The stimulus bill projects in which ICPRB is working with several states are in development. The WRDA related projects and program operation continue in planning stages since no funds were received as of yet.

B. Water Resources Project (ICPRB/COE/TNC): Mr. Hoffman summarized the joint effort between the Corps of Engineers, The Nature Conservancy (TNC), and ICPRB. Out of the reconnaissance study of the Middle Potomac Watershed, performed several years ago, a number of potential feasibility studies were considered. The Nature Conservancy (TNC) has partnered with the US Army Corps of Engineers (COE) to look at flow management issues. A Military Interdepartmental Purchase Request (MIPR) was executed with the Baltimore Corps of Engineers for \$131,000 to fund ICPRB staff efforts to begin the Middle Potomac flow management and watershed assessment study. Also, ICPRB is the prime contractor with The Nature Conservancy to work on literature review and develop a flow-management conference. Subcontracts will be awarded to George Mason University and the Leestown Aquatic Center of the U.S. Geological Survey for additional work with the work for The Nature Conservancy because we submitted a joint proposal.

Mr. Pace, Planning Chief for the US Army Corps of Engineers (COE), Baltimore District, gave an overview presentation of the TNC/COE project, the Potomac River Sustainable flow and Water Resource Analysis. The Potomac River Basin has been designated by Congress as a priority basin for the COE to prepare a watershed and river basin assessment. Cost-sharing for the assessment is 75% federal/25% non-federal. COE is the lead Federal agency in partnership with The Nature Conservancy and the ICPRB as a major technical partner. The assessment will focus on the Middle Potomac basin with the primary purpose of identifying a range of ecologically sustainable flows at several locations in the study area. The work will have a strong science basis and strong stakeholder involvement and will be a foundation for future comprehensive basin-wide water resources planning. The first workshop involving stakeholders is planned for September 2009, a workshop on flow ecology is planned for December 2009 with additional flow workshops in early 2010 and 2011 on the

mainstem and tributaries, respectively. A final report is planned for release in December 2011 and it is expected that a scope of the full, basin-wide comprehensive plan will be developed by early 2012.

The Potomac has been designated by Congress as a priority basin allowing the 75% federal share expenditure on this project that has a primary purpose of developing a report identifying a range of ecologically sustainable flows at several locations in the study area. The work will have a strong science basis and strong stakeholder involvement and will be a base for future comprehensive basin-wide water resources planning. The first workshop involving stakeholders is planned for September 2009, a workshop on flow ecology is planned for December 2009 with additional flow workshops in early 2010 and 2011 on the mainstem and tributaries, respectively. A final report is planned to be release in December 2011 and it is expected that a scope of the full, basin-wide comprehensive plan will be developed by early 2012.

Commissioner Summers added that Susquehanna River Basin Commission works on basin-wide comprehensive plan as part of their on-going work. He asked if a comprehensive plan for the Potomac River would be considered. Mr. Hoffman replied that it is not a requirement in the Potomac as in the Delaware and Susquehanna river basins as they deal with regulatory and permitting process, but that has been one of the long-standing discussions for the Potomac at the Commissioner level for which funding has not been available. It is intended to lead into that effort with this project.

C. 2009 River Ramble: The upcoming River Ramble is from 6/26-6/28 on flat waters in the Potomac, including the Monocacy River. This is an opportunity for environmental education and stewardship. The presentations will be hands-on on non-point source pollution, intersex bass issues, and topical actions led by tributary teams and county teams. The registration form is now available.

Mr. Hoffman passed out a hardcopy of a press release from USGS on the “Fish Health in Potomac and Shenandoah Rivers” that is timely for the Ramble.

NEW BUSINESS

A. Budget Amendment FY2009: Mr. Hoffman presented a budget amendment for FY2009, which reflects staff changes and updates on project activities. Also included is the federal support funding at 50% (\$325,000) of the expected contribution for this year, since we are so late. Due to the timing of the payment, full expenditure of the federal funding is not realistic. Subsequently, when/if an FY10 federal appropriation is received, it also is planned to be staggered to reflect the timing of receipt. Unspent federal dollars will be carried over to the next fiscal year as it is not tied to any period of time or specific project deadline.

Commissioner Kudlas made a motion to adopt the budget amendment. Commissioner Stanley seconded the motion. All were in favor.

B. Budget Adoption FY2010: The FY10 budget is presented with a description of the projects tied to appropriate strategic goals. With funds being available, new projects that benefit the basin are in the plans for next fiscal year. Nutrient trading is a new project that will be explored to seek out project sites that may produce nutrient credits that can be sold, which can then come back as revenue. By getting involved in the forefront of the process, an on-going project may be possible. **Commissioner Alcorn made a motion to adopt the FY10 Budget as presented. Commissioner Stanley seconded the motion. All were in favor.**

C. Framework Budget FY2011: Mr. Hoffman advised that the framework budget includes jurisdictional dues for the jurisdictions to use for their budgeting process. The jurisdictional contributions are not changed from previous years. Mr. Hoffman stated that he would like to see an increase in state contributions and get back to the regular funding formula. Commissioner Summers added that with Maryland budget cuts, the amount in the budget may hold up. He suggested that the Commission’s request be based on needs, but reflect reality on the budget. Commissioner Kudlas further added that if the financial conditions on the state

level improve, the budget can then be modified. **Commissioner Stanley made a motion to adopt the Framework Budget for FY2011. Commissioner Alcorn seconded the motion. All were in favor.**

D. Proposed Amendment, Manual of Operations: The proposed amendment is to clarify the financial section as well as moving expenses for new hires. The allowed moving expense amount for new hires has not been updated to reflect the current cost of such moves. Mr. Hoffman added that an Executive Committee Email review was held to receive a temporary authorization to increase the limit for moving expenses up to \$5,000 for a recent new hire. He suggested that the Manual of Operations be amended to adopt this level of available amount when needed as noted in the proposal. **Commissioner Kudlas made a motion to approve the amendment. Commissioner Wennersten seconded the motion. All were in favor.**

At this time, Chairman Hines, who arrived earlier, chaired the rest of the meeting.

ICPRB ADAMS COUNTY ACTIVITIES

Staff members, Cherie Schultz, Jim Cummins, and Jim Palmer gave a joint presentation entitled "The Upper Monocacy River Basin: Addressing Water Resources Challenges in Adams County, Pennsylvania". The presentation described ICPRB's past work in Adams County, including biological stream monitoring in Marsh & Rock Creeks, support for Adams County's recently organized Water Resources Advisory Committee (WRAC), and two ICPRB studies on water availability in the upper Monocacy basin. One of the water availability studies made estimates of seasonal water budgets and the other used a ground water/stream flow model to estimate percentage of losing stream miles under various hydrologic conditions.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hoffman referred to the Executive Director's report included in the meeting packet. He reported that two new staff will be starting employment on July 6. The September's meeting will be in West Virginia.

A new Chair and Vice Chair need to be elected for next year. The next in line are a Federal member as Chair and Virginia as Vice Chair. Chairman Hines asked for volunteers to serve on the Nominating Committee. Commissioners Summer, Brannon, Hines/Mohr volunteered to be on the committee with Commissioner Hines or Mohr to be the Chair of the committee.

COMMISSIONER'S TIME

Commissioner Steele gave a copy of the Adams County Conservation District 2008 Annual Report. Commissioner Sklarew announced that George Mason University partnering with county schools in Virginia received a grant for bay watershed education training for Prince William County students. There may be an opportunity for others with similar interest. If interested, contact Commissioner Sklarew for more information.

ADJOURNMENT

Chairman Hines asked for a motion to adjourn the meeting. **Commissioner Wennersten made a motion to adjourn the meeting. Commissioner Sklarew seconded the motion. All were in favor. The meeting adjourned at 2:24 PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL MEETING

September 15, 2009

Lakeview Golf and Spa Resort
Morgantown, WV

Draft Minutes

CALL TO ORDER: Vice Chairman Reiger called the Fourth Quarter and Annual Business Meeting to order at 9:25AM at the Lakeview Golf and Spa Resort in Morgantown, WV . **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

West Virginia

William Brannon (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

Pennsylvania

Roger Steele (Alt. Commissioner)

Lori Mohr (Alt. Commissioner)

United States

George Reiger (Commissioner)

Maryland

Robert Summers (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Carlton Haywood (Director, Program Operations)

Bo Park (Administrative Officer)

Olivia Devereux (Environmental Scientist)

Cherie Schultz (AD, Water Resources)

Sherry Zandieh (Administrative Assistant)

Guests

Robert Pace (COE, Baltimore)

Maria Franks (COE, Baltimore)

Michael Stratton (WV, DEP)

Chris Kimple (for Commissioner Moul, PA)

Tom Bonacquisti (Water Quality Program Manager,
Loudoun County Water Authority)

ADOPTION OF AGENDA: Vice Chairman Reiger asked for any modifications to the agenda. Hearing none, he asked for an adoption of the agenda. **Commissioner Karimi made a motion to adopt the agenda. Commissioner Summers seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Vice Chairman Reiger asked for an adoption of the June 9, 2009 Meeting Minutes. **Commissioner Summers made a motion to adopt the Minutes. Commissioner Kudlas seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the activities involved

routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman gave the report on financials as of July 31. The revenue is on target with the federal check for \$650,000 received. The District of Columbia has made a \$39,000 payment which was the remaining balance on their contributions. The other states are billed quarterly and are on time. The expenditures are under budget. The federal contribution will be carried over to next fiscal year. The FY10 federal contribution is not likely. Funds from the “reserve account” were not needed nor used this fiscal year.

OLD BUSINESS

A. Program/Projects Update: Mr. Haywood distributed a handout summarizing the projects in the fiscal year. More detailed information is in Tab 7 of the meeting book.

B. 2009 River Ramble Review: Mr. Dalpra reported that the Ramble was a success with increased public visibility, advocacy, and stewardship in the watershed. Approximately 45 rambblers visited the Dickerson Mirant plant. As planning begins for another canoe trip we have a mini-Ramble in the plans for next summer. The Rivers & Trail Outfitters will be asked to take on most of the logistics of the activities associated with the river trip. The Commission staff will focus on the educational aspects of the trip.

C. Budget Implementation FY 2010: At this point in the meeting, a closed Executive Session was held to discuss budget and personnel matters. **Commissioner Steele made a motion to go into Executive Session. Commissioner Karimi seconded the motion. All were in favor.** During the session, the Commissioners discussed personnel matters related to compensation and the budget, approving the Executive Director’s proposal for a modest cost of living increase of 2% of salary on January 1, 2010 for most staff.

NEW BUSINESS

A. Election of Chairman and Vice-Chairman FY 2010: Commissioner Summers, representing the Nominating Committee, nominated Commissioners Reiger as the Chair and Kudlas as the Vice Chair. **With all in favor, the nominations were accepted.**

B. Selection of Auditor for FY 2009-2011: Mr. Hoffman reported that 11 firms were solicited for proposals. Three auditing firms responded with proposals and one declined. Upon review of the proposals by a group of staff, Polan, White, & Associates, the current auditor, was recommended as the auditor for the next two year term with one optional year. Commissioner Kudlas, representing the Audit Committee, commented that the Committee has accepted the staff recommendation. A letter from Commissioner Graeffe, Chair of the Audit Committee, was distributed, endorsing the staff recommendation as well. **Commissioner Kudlas made a motion to approve the auditing firm. Commissioner Steele seconded the motion. All were in favor.**

C. Sublease at 51 Monroe Street Office Space: The current sublease with Chesapeake Towers is due to expire in March 2010. The tenant is interested in renewing the sublease for another term of two to three years. The cost of this space is off-set by the rent charged to the sublease tenant. It will be ideal to continue the sublease. There were no stated objections. Staff will pursue this course of action as space is considered in excess of needs.

D. Corps of Engineers Design and Construction Authorities: Robert Pace, US Army Corps of Engineer (USACE), Baltimore District, gave a presentation on USACE authorities that enable cost-sharing opportunities with non-federal sponsors for projects located within the Chesapeake Bay Watershed. The presentation provided an overview of Section 510 of WRDA 1996, which provides design and construction authority for a broad range of applicable projects within the Chesapeake Bay Watershed, and Section 219 of WRDA of 1992, as amended by Section 5158, WRDA 2007, which authorizes design and construction of specific types of projects within the region. USACE is committed to supporting the States and Bay community and has unique implementation authorities. Strategic planning among federal and non-federal interests can improve the magnitude and speed of results in Chesapeake Bay. The ICPRB Commissioners are encouraged to consider potential cost-sharing opportunities to better align the available resources with state and federal priorities. Mary Dan is the USACE, Baltimore District point of contact for the Section 510 and Section 219 Programs ((410) 962-3377 / Mary.Dan@usace.army.mil).

Mr. Hoffman distributed a summary and draft of proposed legislation received from Senator Cardin's office. The Senator will introduce this legislation. Staff member Carlton Haywood is working on a draft response. This project will require an interstate trading program to reduce nitrogen and phosphate by year 2012.

E. Water Quality Trading Potential in Potomac: Staff member, Olivia Devereux, gave a presentation on nutrient trading, which is a market-based approach to water quality that reduces pollution in the most effective manner. A reduction is made where it is least expensive to reduce a pollutant. Water quality trading is a big business and is not a new idea. National markets already exist for SO₂ and carbon. Trading provides flexible, cost-effective compliance options with greater net environmental benefits. There are also many risks involved in trading. Agricultural operations may have difficulty meeting baseline criteria established by state guidelines. There is a current lack of demand for credits. Hotspots could develop in certain streams depending on the location of credit generator versus credit purchaser. "Leakage" in the system could result in a decrease in pollution in one area but an increase in another area. Furthermore, there are variations among Pennsylvania, Maryland, Virginia, and West Virginia's regulations regarding trading. Each of these and other technical issues must be addressed for water quality trading to be successful in improving water quality.

ICPRB proposes to establish a project where drinking water authorities participate as funders (or buyers) of sediment abatement projects on farmland. This would allow drinking water authorities to reduce efforts to remove sediment and farmers could put best management practices in place with predictable funding. The process of establishing this type of market will necessitate a collaborative process among soil conservation districts, farmers, and drinking water utilities. This project will serve as a model for other trading programs in the U.S. While the project focuses on sediment, it will provide a multitude of ecosystem service benefits.

ICPRB also proposes to initiate a collaborative process with the states to outline policy options, drivers, opportunities, characteristics of successful programs, and include specific recommendations for implementing a carbon market.

Progress on water quality trading to date includes: 1) developing a manure management model for nutrient trading for Maryland Department of Agriculture, 2) determining sites for pilot projects (Washington County, MD and Franklin County, PA), and 3) bringing together the states on developing a carbon trading protocol. Trading discussions will continue.

F. Proposed Meeting Dates FY 2010: The next meeting in December will be held at the Rockville office, Tuesday only.

G. ICPRB Holidays FY 2010: The staff holiday schedule was included in the meeting book for the Commissioners.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hoffman thanked Commissioner Brannon for his service and meeting participation at Commission meetings. Commissioner Brannon will be retiring in October 2009. On staffing, two positions were filled and one position will be filled as vacated by Adam Griggs, who is now the Aquatic Ecologist. ICPRB is still trying to regain federal funding through the Office of Management and Budget (OMB).

No withdrawals were made out of the reserve accounts. The contracts are detailed in the Executive Director's Report. There is a paper discussing a commissioner conflict of interest in the Executive Director's report. This is due to direct involvement of project by a commissioner. An Executive Director Finding was issued that direct project involvement by a commissioner cannot be done as it would breach the code of conduct and standards inherent in the commissioner position. The information was given to the commissioners for further discussions and consideration of a code of conduct for commissioners similar to that of the Manual of Operations for employees.

The office installed a new phone system on September 4, 2009. This will cut staff time to maintain the equipment.

Commissioners may want to consider state travel restrictions becoming a hindrance to Commission meeting participation by the state agency Commissioners. Staff would welcome any suggestions to consider amendment of the By-Laws to allow Commissioner participation by conference calls on a limited basis, if needed.

Commissioner Summers suggested putting two items of discussions on the agenda for the December meeting, the conflict of interest and By-Laws amendment on the December agenda.

COMMISSIONER'S TIME: None.

ADJOURNMENT

Vice Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Karimi made a motion to adjourn the meeting. Commissioner Steele seconded the motion. All were in favor. The meeting adjourned at 1:31 pm.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER

December 8, 2009

ICPRB Headquarters
Rockville, Maryland

Draft Minutes

CALL TO ORDER: Chairman Reiger called the First Quarter Business Meeting to order at 9:52 am at the ICPRB Headquarters in Rockville, Maryland. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Walter Alcorn (Commissioner)
Scott Kudlas (Alt. Commissioner)

West Virginia

Michael Stratton (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
Anne Snodgrass (Alt. Commissioner)

Pennsylvania

Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)
Lori Mohr (Alt. Commissioner)

United States

George Reiger (Chairman and
Commissioner)
Howard Graeffe (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)
Curtis Dalpra (Communications Manager)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Jim Cummins (Director, Living Resources)
Heidi Moltz (Sr. Water Resources Scientist)

Guests

COL Peter DeLuca (NAD, COE)
Maria Franks (COE, Baltimore)
Rachel Dawson (Northeast Midwest Institute)
Herb Sachs (MDE for Commissioner Summers)

ADOPTION OF AGENDA: Chairman Reiger added an Executive Session for the purpose of briefly discussing personnel matters between Old Business and New Business on the agenda. He asked for a motion to approve the modified agenda. **Commissioner Graeffe made a motion to adopt the agenda. Commissioner Kudlas seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Reiger asked for approval of the September 15, 2009 Meeting Minutes. **Commissioner Steele made a motion to adopt the Minutes. Commissioner Kudlas seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported at as of October 31, 2009, the reserve account was still intact. The Accounts Receivables are routine and operational with no concerns.

Mr. Hoffman introduced Michael Stratton, a newly appointed Alternate Commissioner to Secretary Randy Huffman, West Virginia, replacing Commissioner Brannon. Mr. Stratton also will serve on the Executive Committee. Mr. Stratton was presented with an ICPRB logo lapel pin.

OLD BUSINESS

A. Program/Projects Update: Mr. Hoffman highlighted a few projects that are more fully detailed and addressed in the meeting materials. The nutrient trading program is moving forward. A collaboration is being initiated between a Chesapeake Bay regional group and Pennsylvania colleges and universities to put a process in place for new proposal technology evaluations. A new program is being pursued with farmers interested in trading and reducing sedimentation.

B. Casting Call 2010: Mr. Cummins invited the Commissioners to participate in the next National Casting Call event scheduled on April 22, 2010, which will coincide with the 40th Anniversary of Earth Day. There will be youth involvement, shad planking, and an opportunity to meet with Congressional staff.

At this time, an Executive Session was held with the Commissioners and also guests from the US Army Corps of Engineers.

NEW BUSINESS

A. Budget Amendment FY 2010 Budget: A budget amendment is being proposed due to salary adjustments, approved at the last meeting. Federal funding for 2010 is not likely, so only 50% of the last years funding received is being reflected. The performance incentive available from FY09 of \$57,000 is moved to FY10 for inclusion in the salary adjustment. The District of Columbia 604(b) project was declined by ICPRB and was eliminated from the budget. The Pennsylvania 604(b) contract was received late and was adjusted in the budget. Chairman Reiger asked for a motion to approve the amended budget. **Commissioner Stanley made a motion to approve the amended budget. Commissioner Alcorn seconded the motion. All were in favor.**

B. Budget Formula: The state contribution budget formula is based on pro-rata contributions, last calculated in 1991 including a service charge of \$25,000 with an appropriate amount of signatory formula based on pollution, population, land area, and water area factors and a previously used annual adjustment through the Consumer Price Index (CPI) differential. The pollution number is based on the Chesapeake Bay model. Over the last few years, the Commission has deviated from this formula and eliminated the CPI adjustment. The Commission needs to establish a solid formula to consistently operate its budget. Mr. Hoffman suggested establishing a committee of Commissioners with the Executive Director and General Counsel, and Mr. Haywood to come up with a funding formula, to be approved for use in June's meeting where a FY2011 budget will be approved. The recommended formula will be presented at the March meeting and finalized for June. Commissioners Kudlas, Mohr, Karimi, Graeffe, Stratton, Steele, and Herb Sachs for Commissioner Summers volunteered to be in the

committee. The committee will meet via a conference call and email.

C. Possible By-Law Changes: Mr. Hoffman proposed a change in the “By-Laws and Rules of Procedures,” Sections 2 and 7 that were included in the meeting materials. Section 2 is to establish a Standard of Conduct for Commissioners. He distributed a copy of the Standard of Conduct for staff (Attachment I to the ICPRB “Manual of Operations”) as reference. There was discussion of the proposal and it was decided to be less prescriptive. COL DeLuca suggested using the Joint Ethics Regulations in the Federal Acquisition Regulations (FAR) as reference for the Commissioners. A revised proposal to the By-Laws will be submitted for the March meeting.

The Section 7 of the By-Laws concerning Absentee Commissioner Participation is being proposed to be changed to reflect using electronic mail for voting that may be needed between commission meetings.

Chairman Reiger asked for a motion to approve the “By-Laws and Rules of Procedure,” Section 7 changes. Commissioner Stanley made a motion to approve the change to Section 7. Commissioner Stratton seconded the motion. All were in favor.

EXECUTIVE DIRECTOR’S REPORT

Mr. Hoffman briefly summarized the written report provided with the meeting materials. Michael Stratton is now the new Alternate Commissioner to Commissioner Randy Huffman, West Virginia, replacing Commissioner Brannon. The federal appointment is still pending. The audit is still in progress, with a draft expected in January. The Ramble for next year is taking suggestions for location interests. Give the request to staff member Curtis Dalpra. Paw Paw Bends is a possible interest for now. Planning the Ramble to be held in the June/July timeframe.

COMMISSIONER’S TIME: No items were presented.

ADJOURNMENT

Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Kudlas made a motion to adjourn the meeting. Commissioner Stratton seconded the motion. All were in favor. The meeting adjourned at 11:23 am.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER

March 9, 2010

ALOFT NATIONAL HOTEL, NATIONAL HARBOR, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Reiger called the Second Quarter Business Meeting to order at 9:51am at the Aloft Hotel at National Harbor, Maryland. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

Maryland

Robert Summers (Alt. Commissioner)

Corazon Dones (Commissioner)

West Virginia

Michael Stratton (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Ron Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

Lori Mohr (Alt. Commissioner)

United States

George Reiger (Chairman and Commissioner)

Howard Graeffe (Alt. Commissioner)

COL Peter DeLuca (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Bo Park (Administrative Officer)

Jim Cummins (Director, Living Resources)

Carlton Haywood (Director, Program Operations)

Cherie Schultz (Director, CO-OP Section)

Sherry Zandieh (Administrative Assistant)

Guests

Maria Franks (COE, Baltimore)

Chris Kimple (for Commissioner Moul)

John Booser (PA, DEP)

Chairman Reiger announced that COL Peter DeLuca has agreed to be his Alternate for federal representation at the Commission. COL DeLuca was presented with an ICPRB pin.

ADOPTION OF AGENDA: Chairman Reiger asked for a motion to approve the agenda as presented. **Commissioner Graeffe made a motion to approve the agenda. Commissioner Kudlas seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Reiger asked for a motion to adopt the December 8, 2009 Meeting Minutes. **Commissioner Kudlas made a motion to adopt the Minutes. Commissioner Graeffe seconded the motion. All were in favor.**

GENERAL COUNSEL’S REPORT: Mr. Bolle, General Counsel, reported that the activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the reserve account remained in tact. On jurisdictional dues, the District has not paid as of yet. Other jurisdictions are on schedule with payment.

OLD BUSINESS

A. By-Laws Change-Conflict of Interest: For this item, a carry-over from the December meeting, a proposed revision to the By-Laws was included in the meeting packet, to provide guidance on commissioner conduct with respect to potential conflicts of interest at the Commission. This does not change the states’ standards that the Commissioners may have to abide by, which takes precedence over the Commission’s standards. To clarify and to maintain the general nature of the standards of conduct, the language, “..all illegal or..” in Section C, #4, was omitted from the draft under consideration.

Commissioner Graeffe made a motion to approve the By-Laws as amended, which was seconded by Commissioner Stratton. All were in favor.

B. Budget Formula Discussion: This item is a continuation of earlier meeting discussions with information included in the meeting materials. The member contributions constitute 14.3% of the total revenues. Over the years, the member contributions have declined and have deviated from the original formula established in 1991 due to budget issues that confront the members from time to time. For this upcoming year, Pennsylvania already notified the Commission that they plan to reduce their contributions as a result of the proposed budget. Maryland has been forced to drop well below the formula due to budget cuts in past and current years. The equity and fairness of such actions to all the jurisdictions are questionable. The jurisdictional dues are largely used as cost-share for the EPA and the Chesapeake Bay programs and for state project where there may be on indirect rate or administrative cost cap. To maintain ICPRB’s position as a primary play in the Potomac, the jurisdictional contributions are essential. For the June meeting during which Commissioners will review and adopt the budget for FY2011, guidance is needed. The budgeting process is a three-year process with ICPRB budget years 2011 and 2012 being prepared to coincide with respective state budget cycles.

Mr. Haywood presented a funding formula discussion with updated data for each jurisdiction. The data used in 1991 is no long realistic. With the recommendation from the Funding Formula Committee, formed at the last meeting, the factors listed in the Compact including service charge, population, water area, land area, and pollution were used. The Committee agreed to use recalculated data and the Bay program model Phase 5.3 to compute the pollution share. Incidentally, the 2010 census data will not be available until December 2010. So the population number can be estimated for this purpose or wait until then. Waiting would push the budgeting process further to another year, which would be reflected in the FY 2013 funding request from the states, but not the FY 2012. Chairman Reiger asked for a motion to approve the formula as proposed and proceed with incorporating this into the budget for FY2011. **Commissioner Summers made a motion to approve the state funding formula.**

Commissioner Stanley seconded the motion. Commissioners Kudlas and Stratton voted against the motion. Commissioner Mohr abstained from the vote. Commissioner Graeffe made a suggestion to modify the motion, but defer the vote to June’s meeting. In June, staff will present two budgets,

FY2011 and 2012 framework budget and also present two numbers representing old and new funding methods for voting and consideration at that time. Commissioner Stratton requested that the budget request information be given to him earlier since West Virginia's budgeting process occurs early in June. Mr. Haywood will provide the data to Commissioner Stratton.

C. Program/Projects Review: Mr. Haywood summarized the projects for the quarter. The nutrient trading project which started last summer is continuing strong. A workshop on carbon issues was held last month. Commissioner Kudlas suggested that he can assist with locations in Shenandoah as another option for possible sites for remedial work to include. Mr. Haywood noted that there are six different TMDL projects with the Maryland Department of the Environment and one with Virginia Department of Environmental Quality. The West Virginia training workshop project is in progress leading up to water resources planning training sessions for the local county level planners.

D. Casting Call 2010: This year's Casting Call is scheduled for Thursday, April 22. The focus is on the Congress members and their staff, and Commissioners. This year the ICPRB and national recognitions will focus on youth leadership.

NEW BUSINESS

A. February Snow Event: Mr. Dalpra reported on the recent overwhelming snowfall impacting the region. In February, the District reported 11,000 tons of salt usage, Virginia 27,000 tons. The use of salt treatment impacts drinking water and freshwater. The Washington Suburban Sanitary Commission (WSSC) reported that they saw an increase in sodium level in their system which usually follows major snow events. The effect is not significant in normal healthy individuals, but to those with sensitive health. In general, the increase in salt also increases ammonia due to increased use of chlorine to neutralize the salt. It is not only expensive to treat water, but the salt in the system is very corrosive in pipes. The Washington Aqueduct reported they did not have much of a problem, but did notice an increase. Hagerstown wastewater treatment plant does not monitor sodium in their system. A major visible problem is in the sludge and this depends on where the sludge is being used. It may affect the groundwater especially during rapid infiltration, which will eventually flow into streams. The Drinking Water Source Protection (DWSP) Partnership monitors such concerns and has some information on the website..

B. ICPRB Support to Jurisdictions: Mr. Hoffman provided some examples of ICPRB assistance to the jurisdictions. He asked the jurisdictions to inform the Commission of projects where there may be opportunities for ICPRB for assistance. Some projects may be applicable for Section 106 grant support. ICPRB is capable of providing some training to assist the state and local staffs as well. Nutrient trading is a viable tool for problem areas. Carbon workshop outcome shows such trading is a potential tool in the basin. The states asked ICPRB to get involved in trading to create a platform for discussions, raise issues, bring sound science into the process, look for proper design and be a facilitator in the process. The response for carbon workshop has been positive. Senator Benjamin Cardin of Maryland was invited but was not able to attend. The Commission plans to continue to grow and foster the opportunities for trading in the Basin as a means of water quality improvements and to support member initiatives.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hoffman summarized the Executive Director's report included in the meeting book. The three commissions, ICPRB, Susquehanna River Basin Commission, and Delaware River Basin Commission worked together to get into the federal budget for FY 2011. A letter signed by 10 senators and 29 state representatives, asking that the commissions funding has been submitted to the President. Efforts to be

included in the Administration budget was unsuccessful. Subsequently, funding requests were prepared for some members of the House and Senate requesting funding under project earmarks for \$2.365 million, of which \$650,000 would be for ICPRB and the rest for the other commissions. There is a separate letter being prepared and routed through Congressman Tim Holden's office to request money moved into Energy and Water, Title 4, Independent Agencies Appropriations, with funding appropriated through the Army Corps of Engineers. A number of regional congressional signatures are anticipated supporting this funding request.

With the passing of Dr. Red's Wolman, the CO-OP Section is suggesting that a new moderator be selected for its Low Flow Allocation Agreement activities. Dr. Wolman served as a moderator for the Low Flow Allocation Agreement process for many years, even though his services were not used.

The Potomac River Bass Tournament is scheduled for May 25-26. On Tuesday night, a reception is held at the National Harbor. An officer from the ICPRB Executive Committee is requested to attend the reception to give a talk and to represent the Commission. Commissioners Reiger and Kudlas were asked to attend.

The Potomac River Ramble is scheduled for July 8-11 to paddle along Paw Paw Bends. Details will be provided in the near future.

COMMISSIONER'S TIME: No items were presented.

ADJOURNMENT

Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Graeffe made a motion to adjourn the meeting. Commissioner Kudlas seconded the motion. All were in favor. The meeting adjourned at 1:49 pm.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

THIRD QUARTER

JUNE 15, 2010

THE MUSEUM OF THE SHENANDOAH VALLEY, WINCHESTER, VA

DRAFT MINUTES

CALL TO ORDER: Chairman Reiger called the Third Quarter Business Meeting to order at 8:32am at the Museum of the Shenandoah Valley in Winchester, Va. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)
Del. Jackson Miller (Alt. Commissioner)
Dann Sklarew (Alt. Commissioner)

Maryland

Robert Summers (Alt. Commissioner)

West Virginia

Michael Stratton (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)
Lori Mohr (Alt. Commissioner)

United States

George Reiger (Commissioner and
Chairman)

Staff

Robert Bolle (General Counsel)
Curtis Dalpra (Communications Manager)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Jim Cummins (Director, Living Resources)
Carlton Haywood (Director, Program Operations)
Cherie Schultz (Director, CO-OP Section)
Sherry Zandieh (Administrative Assistant)

Guests

Maria Franks (COE, Baltimore)
Chris Kimple (for Commissioner Moul)
John Booser (PA, DEP)
David Nelms (USGS-VA Water Science Center)

Chairman Reiger presented an ICPRB pin to Commissioner Jackson Miller.

Commissioner Snodgrass has resigned as a commissioner for the District of Columbia. A resolution was drafted to recognize her 25 years of service in the Commission. Formal actions will be taken when an official resignation comes in from the District. **Commissioner Karimi made a motion to approve the resolution. Commissioner Kulas seconded the motion with all in favor.**

ADOPTION OF AGENDA: Chairman Reiger asked for a motion to approve the agenda as presented. **Commissioner Kudlas made a motion to approve the agenda. Commissioner Sklarew seconded the motion, with all in favor.**

APPROVAL OF MINUTES: It was noted that COL David Anderson attended the March 9, 2010 meeting, but was not listed on the meeting minutes. Correction on page 2, Section B, second paragraph, to read “no longer.” Chairman Reiger asked for a motion to adopt the March 9, 2010 Meeting Minutes. **Commissioner Karimi made a motion to adopt the Minutes as amended. Commissioner Steele seconded the motion. All were in favor.**

GENERAL COUNSEL’S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the reserve account balance is approximately \$528,000. All FY09 project receivables were collected as of today. The District of Columbia still has an outstanding balance for FY2010 member contribution, which the District indicated will be paid soon. The FY09 audit has been completed with no negative findings. The copies of the audit reports were distributed to the Commissioners during the meeting.

OLD BUSINESS

A. Budget Formula Discussion: Mr. Hoffman made an introduction of the budgets presented in the meeting materials and the funding formula for the signatory contributions. The jurisdiction contributions are used as matching funds for projects including state and federal projects. Over the years, the jurisdiction contributions have declined, when considered as a part of the budget, due to increases in other grants and project and state budget cuts. Although state project funds have provided for additional work by ICPRB in support of member needs, the funds are restricted by the scope of work. The unrestricted dollars allow ICPRB to use as required matching funds for many projects. ICPRB also receives significant federal funds through EPA Sections 106 and 117 grants, which are restricted and also require minimum matching contributions. As for unrestricted federal funding, federal funding was received in FY09 but none in FY10. For FY11, there is a pending request for funding in Congress at this time.

Mr. Haywood discussed the ICPRB funding formula, a continuation of the review from past meetings. The alternate proposed formulas omit the pollution factor since this factor is difficult to quantify and is not a large factor in the original formula. However, the pollution factor is indirectly accounted for through population and land area calculations. A different combination of factors with updated data were used to provide different options for adoption. Commissioner Karimi commented that the formula is logical and so recommended phasing the new numbers over a period of time, similar to an annual increase.

Mr. Hoffman noted that the numbers presented will not affect current or the next fiscal year budget, but for jurisdiction budget after July 1, 2011, thus affecting ICPRB’s budget for FY2012. Mr. Hoffman further added that the total jurisdiction contributions have not increased in these formula options, that the data have been updated to present more accurate numbers for each jurisdiction. Commissioner Kudlas commented that the options are logical, but Virginia supports Option E over Option A. Commissioner Summers further commented that Maryland already has appropriated the full amount of \$157,750 for FY10 and FY11. So both options are acceptable. However, he supports putting the pollution factor back in the formula. Mr. Hoffman reiterated that the Commission will work with the jurisdictions and their budgetary issue that may result in payment shortfalls. This current proposal is to adopt one formula to establish the jurisdiction amounts without considering current or future budgetary cuts. Both West Virginia and Pennsylvania stated that they support Option A.

Commissioner Sklarew made a motion to consider a mid-point for both Option A and E as additional option. Mr. Bolle added that the original formula has not been revisited for some 20 years. It leaves the Commission vulnerable at least from the federal government and IRS standpoint as more non-profit agencies are scrutinized. Although the new formula does not result in amounts being significantly changed, the act of going through this process demonstrates to the jurisdictions and to the federal government a rationale for the existence of a funding formula and a current base basis for jurisdiction review of the process.

Commissioner Karimi made a motion to adopt Option A, as presented. Commissioner Wennersten seconded the motion. The motion was then further discussed. Commissioner Miller commented that if Virginia is going to be a large contributor, Virginia may contribute even more to have the agency relocate to Virginia. Commission locality may be a topic for future discussions. Commissioner Mohr asked for getting some credit toward contributions by providing additional projects to the Commission since Pennsylvania is facing tough budget cuts. Mr. Hoffman responded that the annual signatory contributions are separate from the project funding process and have been considered separate in the audit process.

Commissioner Miller proposed a substitute motion to remain with the current formula with updated data. Commissioner Stratton seconded the motion. Commissioner Summers asked for discussions on this new motion. He indicated that if the old formula with updated population data are used, with the pollution aspect being different, the numbers will be significantly different than presented herein. Using the old formula with updated data, the jurisdiction contributions would be the following: WV-\$59,700; DC-\$59,000; MD-\$156,000; PA-\$51,300; VA \$159,500. These are calculated based on watershed model results as of mid February. The new formula is a result of previous meetings to bring updated numbers to reflect more accurate data in each jurisdiction. Mr. Haywood added that the Bay Program model used in the original formula is fluid and that even today's numbers will be off by couple hundred dollars. **Given the discussions, Commissioner Miller withdrew the motion. The motion under consideration remains in Option A.**

A roll call vote was made to take votes on the current motion Option A on the floor. The votes were the following: District of Columbia, two yes; Virginia, one yes, two nays; West Virginia, one yes; Maryland, one abstain; Pennsylvania, one yes, one abstain; US, one abstain. Based on the roll call, the summed jurisdiction votes were 3:1 for adopting Option A with two jurisdictions abstaining.

B. Program/Projects Review: Mr. Haywood highlighted a few projects. More detailed information is found in Tab 7 of the meeting book.

C. Executive Director Report: Mr. Hoffman reported that Governor O'Malley appointed a new commissioner for Maryland, Colleen Taylor Peterson. The Commission is currently recruiting for a Watershed Coordinator position.

Commissioners Mohr, Karimi, and Reiger were named by Chairman Reiger to the Nominating Committee for next year's chair and vice chair.

NEW BUSINESS

A. Budget Amendment FY2010: Mr. Hoffman discussed the need for changes to FY10 budget that

was provided in the advance meeting materials. The salary cost is decreased due to not hiring two positions. The expenses for equipment increased due to a new project. The travel costs increased due to the WV training workshop project. **Commissioner Steele made a motion to approve the budget amendment. Commissioner Kudlas seconded the motion with all in favor.**

B. Budget Adoption FY2011: Mr. Hoffman presented the FY11 budget. The state contributions remain the same with the exception of Maryland, which reflects the newly increased appropriation. The proposed budget includes funding that will allow for a 3.5% yearly increase for staff salary and funds for a total of 5% of salary cost for the performance incentive program for next year. It was recommended that the decision on actual award of the performance incentives for FY2010 (included in FY2010 funding) and the salary increase for FY2011 be held in abeyance until the September meeting. **Commissioner Sklarew made a motion to approve the FY2011 budget. Commissioner Stanley seconded the motion with all in favor.**

C Framework Budget for FY2012: Mr. Hoffman also presented the framework budget for FY2012 that is to be approved so that the jurisdictions have information to submit to their budget offices for the period beginning on or after July 1, 2011. The jurisdiction numbers remain the same as FY10 and FY11. This budget shows zero growth, as it is too early to estimate specific funding for grants and projects. **Commissioner Wennersten made a motion to approve the Framework FY2012 Budget. Commissioner Sklarew seconded the motion with all in favor.**

D. Pension Plan Trustee Assignment: Mr. Hoffman referred to the ICPRB Retirement (pension) Plan in which the Commission has fiduciary responsibilities. The current trustees on the plan are the Executive Director and the Executive Committee. Trustee signatures are required for multiple financial transactions throughout the year, which must be timely to meet ICPRB obligations. He proposed to add General Counsel, Robert Bolle, in name, as additional trustee with the Executive Director. A draft resolution was provided in the advance meeting materials. **Commissioner Kudlas made a motion to approve the Trustee Assignment Resolution. Commissioner Stanley seconded the motion with all in favor.**

VIRGINIA PRESENTATION: Commissioner Kudlas introduced David Nelms from the US Geological Survey, Virginia Water Science Center. Mr. Nelms presented a talk on hydrogeologic characteristics of the Northern Shenandoah Valley. Mr. Nelms works closely with the Virginia DEQ on groundwater monitoring.

COMMISSIONER'S TIME: Mr. Hoffman will be meeting through ICPRB membership in the Interstate Council on Water Policy, with USGS and the Department of Interior on issues on streamgaging across the country to encourage funding in the FY2012 budget. Commissioner Sklarew added that he is working on bringing watershed stewardship experiences to grade school students. He can provide more information to those interested.

ADJOURNMENT

Chairman Reiger adjourned the meeting at 12:24pm.

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL BUSINESS MEETING SEPTEMBER 14, 2010 LYRIC THEATRE, FROSTBURG UNIVERSITY, FROSTBURG, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Reiger called the Fourth Quarter and Annual Business Meeting to order at 9:46AM at the Lyric Theatre, Frostburg University, Frostburg, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Alt. Commissioner)

Maryland

Colleen Peterson (Commissioner)

West Virginia

Michael Stratton (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Ron Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner and Chairman)

Howard Graeffe (Alt. Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Bo Park (Administrative Officer)

Carlton Haywood (Director, Program Operations)

Sherry Zandieh (Administrative Assistant)

Audra Lew (Watershed Coordinator)

Guests

Chris Kimple (for Commissioner Moul)

Herb Sachs (for Commissioner Summers)

Kate O'Mara (Corps of Engineers, Baltimore)

Karla Hill (Corps of Engineers, Baltimore)

Connie Lyons Loucks (MDE)

Mike Garner (MDE)

ADOPTION OF AGENDA: Chairman Reiger asked for a motion to approve the agenda as presented. **Commissioner Kudlas made a motion to approve the agenda. Commissioner Graeffe seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Reiger asked for a motion to approve the June 15, 2010 Business Meeting Minutes. **Commissioner Stanley made a motion to approve the minutes, which was seconded by Commissioner Steele. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman reported that the expenditures are as expected. The revenues are operational. The excess operational funds were moved from Legg Mason to Merrill Lynch due to some

concerns over fund accessibility at Legg Mason.

OLD BUSINESS

A. Program/Projects Annual Review: Mr. Haywood gave an overview of the projects currently in progress. The summary of the projects are in Tab 7 in the meeting material.

B. Executive Director Report: Mr. Hoffman welcomed the new Commissioner, Colleen Peterson to the Commission. Audra Lew, Watershed Coordinator, was hired in August.

The river basin commissions are still attempting to get on the federal budget. The federal FY11 budget is most likely to be a continuing resolution. On the House side of the budget, the commissions were allocated \$1 million collectively. None have been included on the Senate side. The two different versions of the budget will go through conference for one final version. The 2012 budget process already has begun with the anticipation that the President will start this budget process in February. The respective governors are being asked to send support letters to the President on behalf of the commissions. Prior to this, letters will go out to the Commissioners for their governor's support on this matter. A draft letter will be provided to the Commissioners.

All accounts receivables are routine matters. There is a concern with recent action by the District of Columbia and the method of payment for jurisdictional dues, that are being treated as a procurement rather than an entitlement. There may be legal implications that may warrant further discussions.

On nutrient trading, there are some recent ICPRB activities and development. Pennsylvania is seeking an independent review board, potentially as a concept similar to the Drinking Water Supply Protection Partnership (DWSPP). The concept is to hire a technical consultant to review the nutrient reduction. ICPRB would act as a review board. Positive comments were received from Pennsylvania and Virginia. More information will be given out at the December meeting with examples of type of reviews.

On personnel matters, the performance incentive pays will be paid out to the staff by 9/20. This is based on performance ratings. There will be no across the board increase recommended at this time. It may be considered at the December meeting.

NEW BUSINESS

A. Budget Amendment FY2010: Mr. Hoffman discussed the FY10 budget amendment for approval. This amendment reflects changes in projects and expenditures for the rest of the fiscal year. **Commissioner Kudlas made a motion to approve the budget. Commissioner Stanley seconded the motion. All were in favor.**

B. Meeting Dates 2011: Two days have been reserved for the December meeting at this time. Typically, the meeting days are second Monday and Tuesday of the months, except in December due to the holiday season. **Commissioner Graeffe made a motion to approve the dates, which was seconded by Commissioner Kudlas. All were in favor.**

C. Staff Holiday 2011: The staff holiday schedule was distributed to the Commissioners as information only.

D. By-Laws-Recent Modifications: The changes were previously approved as individual actions by the Commissioners. The republication of the By-Laws was included in the meeting book for inclusion in the Commissioner binder book. **Commissioner Graeffe made a motion to approve the re-published and**

updated By-Laws as presented. Commissioner Kudlas seconded the motion. All were in favor.

E. Manual of Operations Amendments: A summary of the previously adopted changes is included with the republished copy of the Manual of Operations. There is one additional change proposed at this time. Leave approval would be changed from the Executive Director approving all leave to the supervisors approving leave up to five (5) days. Leave over five (5) days are to be approved by the Executive Director. **Commissioner Graeffe made a motion to adopt the re-published and updated Manual of Operations as presented. Commissioner Stanley seconded the motion. All were in favor.**

F. Election of Chair and Vice Chair for FY 2011- Nominating Committee: Commissioner Reiger, the chair for the Nominating Committee, nominated Commissioner Kudlas as the new Chair and Commissioner Stratton as Vice Chair. **Commissioner Graeffe made a motion to approve the nominations. Commissioner Stanley seconded the motion. All were in favor.**

MARYLAND PRESENTATION: Mr. Herb Sachs of Maryland, Department of the Environment (MDE), gave a presentation on Marcellus Shale Water Permitting at MDE and discussed the operations and funding of acid mine drainage (AMD) lime dosers and described the status of the fractured rock study underway in Maryland.

ADJOURNMENT

Chairman Reiger asked for a motion to adjourn the meeting. **Commissioner Graeffe made a motion to adjourn, which was seconded by Commissioner Kudlas. The meeting adjourned at 12:48PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER BUSINESS MEETING DECEMBER 7, 2010 ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Kudlas called the First Quarter Business Meeting to order at 10:18AM at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Chair and Alt. Commissioner)
Dann Skarlew (Alt. Commissioner)

Maryland

Colleen Peterson (Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

John Wennersten (Alt. Commissioner)

Pennsylvania

Lori Mohr (Alt. Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner and Chairman)
Jane Witheridge (Commissioner)

Staff

Robert Bolle (General Counsel)
Curtis Dalpra (Communications Manager)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Carlton Haywood (Director, Program Operations)
Cherie Schultz (Director, CO-OP Operations)
Jim Cummins (Director, Living Resources)
Heidi Moltz (Sn. Water Resources Scientist)

Guests

Chris Kimple (for Commissioner Moul)
Herb Sachs (for Commissioner Summers)
Maria Franks (Corps of Engineers, Baltimore)
Michael Stratton (WV, DEP)
Rachel Dawson (North East Mid West Institute)

ADOPTION OF AGENDA: Chairman Kudlas asked for an approval to add an Executive Session under Old Business of the agenda. **Commissioner Reiger made a motion to approve the modified agenda. Commissioner Steele seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Kudlas asked for a motion to approve the September 14, 2010, Business Meeting Minutes. **Commissioner Reiger made a motion to approve the minutes, which was seconded by Commissioner Steele. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

FINANCIAL REPORT: Mr. Hoffman gave a brief financial status report which only consisted of one month into the new fiscal year. Funds in Legg Mason (formerly held in a government fund at FBR Financial) was shifted into Merrill Lynch due to easier access and consolidation of all assets into Merrill

Lynch accounts. A 2011 federal appropriation for the three mid-Atlantic river basin commissions for a million dollars in the House Energy and Water Appropriation Mark-up has not passed. There is no mention in the Senate version, but is not likely to pass for 2011. However, the Commission is in good financial shape. The direct deposit for staff payroll through Bank of America is currently being implemented.

OLD BUSINESS

A. Program/Projects Review: Mr. Haywood gave an overview of the current projects performed by the staff. The summary of the quarterly reports is included in Tab 7 of the meeting book.

B. Executive Director's Report: Mr. Hoffman reported that Commissioner Summers has been appointed as the Acting Secretary of the Maryland Department of the Environment. There will be a new governor in West Virginia in mid-November. In Pennsylvania, the new governor will take office in mid-January. And the new mayor in DC will take his office early January.

The pay for performance incentives were given to each staff based on their performance evaluation. The audit engagement letter by Polan and Hollis (previously Polan and White) has been executed for FY10 audit. The cost of the audit is \$25,000.

As of end of FY10, there is a surplus of \$20,000 revenue over expense. Mr. Hoffman will discuss a compensation adjustment in the Executive Session. The parking fee will increase by \$5 per space effective January 1, 2011. It will increase from \$85 to \$90 (at 51 Monroe) and \$75 to \$80 (at adjacent parking garage). The Commission has paid parking and transit subsidy for the staff as fringe benefit. He recommends that the benefit continues, along with the transit benefit subsidy to coincide with the same amount for those who use mass transit in lieu of driving. There were no objections from the commissioners.

Commissioner Wennersten made a motion to go into the Executive Session to discuss Personnel Matters. Commissioner Reiger seconded the motion with all in favor.

NEW BUSINESS

A. Election-Vice Chair for FY 2011: Chairman Kudlas asked for a nomination of Vice Chair to replace former Commissioner Stratton from West Virginia. **Commissioner Witheridge made a motion to nominate Commissioner Campbell for the Vice Chair. Commissioner Mohr seconded the motion with all in favor.**

B. Overview of Water Resources Issues: Mr. Hoffman gave an overview of water resources issues. ICPRB is currently involved in water resources initiatives with a number of initiatives and organizations including the American Water Resources Association (AWRA), the Environment Protection Agency (EPA), the states, the Army Corps of Engineers (COE), The Nature Conservancy (TNC), and the Council of Environmental Quality (CEQ), all working together to address the water resources issues. The issues include marcellus shale, nutrient trading, TMDL, and land use changes, just a few of the water resources issues that are in our present and future. Currently, the flow management and watershed plan funding is available to 2012. The full comprehensive plan will take until 2015 to complete and is not fully funded. Funding requests from state and federal sources will be made over several years. The commissioners are asked to discuss, consider, and give the approval to proceed and commit to funding consideration for FY12 and beyond. If specific dollar request is needed, it will be done through the budget process in June for 2012 and 2013 in a framework basis in future meetings, including the budget adoption meeting in June 2011.

C. Middle Potomac Watershed Assessment

Update on Flow Management Workshop and Status of Project Tasks

Mr. Haywood provided a background for the water resources project in the middle Potomac watershed. The desired environmental outcome is a sustainable environmental flow and provision for human uses of the Potomac basin water resources. In September 2009, a webinar was held to introduce the concept to the stakeholders. This August, a draft report on the Potomac Large River Environmental Flows regarding ecological needs in the Potomac River mainstem was completed. In September, a workshop for the stakeholders was held in Shepherdstown with approximately 70 participants. This month, a final report will be submitted to TNC (The Nature Conservancy) incorporating the comments from the workshop. The report includes a literature review of the topics of flow on biological health, and the report represents ICPRB's expert judgement and the perspective of the stakeholders. The low flow of interest is between Great Falls and Little Falls. The general conclusion from the workshop was that at the present, change in the flow recommendation is not possible from the regulatory aspect. The science is not quite there. The final report will address the state of knowledge of flows and their impact on the ecosystem and the concerns of the stakeholders as to water resources and supply.

In January/February time frame, there will be a discussion with the states for their interests. A webinar will be scheduled in April to discuss 2030 water demands with climate change impact. In May, another webinar will be scheduled to discuss modeling stream flow using a simulated flow model. A year from now, the findings will be documented and discussed at a workshop to be scheduled sometime in September 2011. The final report will be reviewed by the Army Corps of Engineers.

Potential Outcomes of the Project: Water Withdrawal Decision Support Tool and Basin-Wide Assessment

Dr. Moltz gave a brief overview of a Potomac Basin Comprehensive Water Resources Plan concept. The proposed framework for the planning process is participatory, collaborative, adaptive, and integrated. Development of the plan is currently expected to proceed in four phases: (1) scoping; (2) water resource issue identification; (3) identification and evaluation of alternatives; and (4) development of the plan document. The scoping phase is funded under task 12 of the Middle Potomac project and is scheduled for completion in 2012. The other phases are not currently funded. Anticipated products of the planning process include development of shared goals, a Decision Support Tool, interstate withdrawal and consumptive use databases, groundwater availability assessment, and prioritization of water resources issues to name a few. However, these anticipated products are expected to be revised based on stakeholder input. The timeline for completion of the plan is dependent on the extent and nature of identified water resources issues and the availability of funding. Commissioner feedback was requested on the comprehensive plan concept as described.

Commissioner Kudlas added that the project objectives are in line with VA DEQ's plan. But their plan has to be done by 2012. Mr. Sachs also added that MDE is very supportive of this plan, however, this plan only covers 1/3 of Maryland. Commissioner Wennersten asked for a periodic update on this project. Commissioner Sklarew asked that the commissioners be informed in respect to assisting with federal appropriations request. The commissioners serving as a citizen member would be valuable to the Commission in seeking support for funding.

COMMISSIONER'S TIME

Commissioner Steele relayed a message from Commissioner Stanley, who was not able to attend this meeting. He thanked staff members, Audra Lew and Jennifer Willoughby, for helping with a workshop and a county fair in Pennsylvania. A copy of the letter was given for their personnel files. Commissioner

Steele also added that it would be useful to have a brief synopsis of the excursions that the commissioners take before the commission meetings including with the minutes.

ADJOURNMENT

Chairman Kudlas asked for a motion to adjourn the meeting. **Commissioner Sklarew made a motion to adjourn, which was seconded by Commissioner Peterson. The meeting adjourned at 2:08PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER BUSINESS MEETING

MARCH 14-15, 2011

ST. MARY'S COLLEGE OF MARYLAND, ST. MARY'S CITY, MD

Monday Field Trip, March 14, 2011

Tour of Evergreen Elementary School and St. Mary's College of Maryland Campus

The Commission group took a tour of the Evergreen Elementary School, coordinated by Bob Lewis (Executive Director of St. Mary's River Watershed Association), led by Chip Jackson and Larry Hartwick. The Evergreen Elementary School is a gold LEED standard certified, which is a green certified building with educational opportunities throughout for the students and visitors. The Commission group then took a tour of St. Mary's College of Maryland, led by Luke Mowbray (Facilities Planner and Coordinator) and Kevin Mercer (Grounds Keeper). The walking tour featured environmental initiatives at St. Mary's College including stormwater management and water use, organic program to reduce chemical usage on campus, riparian buffers, and energy conservation efforts throughout the campus.

DRAFT MINUTES

CALL TO ORDER: Chairman Kudlas called the Second Quarter Business Meeting to order at 8:35AM on March 15, 2011 at the St. Mary's College of Maryland, St. Mary's City, MD. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Chair and Alt. Commissioner)

Robert van Laer Hartwell (Commissioner)

Maryland

Corazon Dones (Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Lori Mohr (Alt. Commissioner)

Ron Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)

Staff

Robert Bolle (General Counsel)

Curtis Dalpra (Communications Manager)

Joseph Hoffman (Executive Director)

Bo Park (Administrative Officer)

Carlton Haywood (Director, Program Operations)

Cherie Schultz (Director, CO-OP Operations)

Jim Cummins (Director, Living Resources)

Sarah Ahmed (Water Resources Asst. Engineer)

Sherry Zandieh (Administrative Assistant)

Guests

Chris Kimple (for Commissioner Moul)

Herb Sachs (for Commissioner Summers)

Maria Franks (Corps of Engineers, Baltimore)

John Booser (PA, DEP)

Vicky Valk (Guest)

Bob Lewis (ED, St. Mary's River Watershed Assn)

Chairman Kudlas presented the ICPRB pin to the new Virginia Commissioner, Robert van Laer Hartwell.

ADOPTION OF AGENDA: Chairman Kudlas asked for an approval of the agenda for the meeting after recommending action to move the St. Mary's County Educational Outreach Efforts to earlier timeframe in the meeting to accommodate the speaker's time constraint. **Commissioner Wennersten made a motion to approve the modified agenda. Commissioner Stanley seconded the motion, with all in favor.**

APPROVAL OF MINUTES: Chairman Kudlas asked for a motion to approve the December 7, 2010 Business Meeting Minutes. **Commissioner Reiger made a motion to approve the minutes, which was seconded by Commissioner Steele. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

At this time, Tom Boatsman, VP, College Business, St. Mary's College, representing President Joseph Urgo, gave a brief welcome speech to the commission.

OLD BUSINESS

A. Program/Projects Review: Mr. Haywood gave an overview of the current projects in progress. The Project 400 with the Corps of Engineers will be extended to February 28, 2012 with additional \$79,000 funding expected. The Corps currently has 50% of the additional funding with the rest being pursued. Project 802 with the EPA Section 106 funding was approved for approximately 60% of the request amount of \$649,000, pending additional funding when the federal budget actions are received. Project 754 with The Nature Conservancy, which ended, has exceeded the budget by approximately \$100,000. This expenditure may be counted as cost share for additional funding from the Corps of Engineers. A proposal was submitted for a nutrient trading project. Staff also is working on a "white" paper on setting up an interstate trade.

B. Financial Report and Executive Director's Report: Mr. Hoffman reported that the financial status as of January 31 is routine. However, the District of Columbia still has yet to make their 2011 jurisdictional dues. The other jurisdictions are on schedule with the exception of federal funding. The expenditures are on target.

There are two new commissioners coming on board, Robert van Laer Hartwell from Virginia, replacing Walter Alcorn and Andrew Zemba from Pennsylvania, replacing John Hines.

A webinar is scheduled during this commission meeting. A series of webinars are expected to take place leading up to the Potomac Flows Workshop to be held at the National Conservation Training Center (NCTC). The dates are November 29, 2011 to December 1, 2011. ICPRB is planning to hold the December meeting earlier to coincide with the workshop.

To conserve paper and cost for the commission, Mr. Hoffman advised the commissioners that the newsclips will be sent out by electronic copies rather than hardcopies. The hardcopies will go out by exception only. The commissioners were asked to let the staff know if hardcopies are needed. Same procedure will be used for the meeting books.

The FY2012 budget issues will be discussed and approved in June's meeting. The FY2011 federal budget has not been approved. In Pennsylvania, the estimated FY 2011-12 amount of \$51,000 was reduced to \$48,000 for ICPRB. In Virginia, the funding for ICPRB has been zeroed out. The West Virginia General

Assembly has passed the same level of funding with no cuts. In Maryland, the General Assembly concludes on April 11 with no budget decision as of yet. In the District of Columbia, they are experiencing budget cuts and still with no funding for the current year. At the federal level, the Obama administration has requested an increase in budget of \$21 million for the 106 program for FY 2012. However, it is not final. The EPA Section 117, Chesapeake Bay grant application was submitted, expecting decision in early April. The current grant goes to June 8, 2011.

The financial status for FY11 (current year) and leading into FY 2012 will be challenging. The Section 106 EPA grant was partially funded. With the final federal resolution coming in late, there may not be enough time to amend the EPA grant within the grant period. The American Reinvestment and Recovery Act, 604(b) projects provided for significant source of project dollars. However, these projects are coming to an end. There are limited amount of projects carrying forward into FY12. Although the cash flow for FY11 into FY12 will be positive, without firm grants for FY12, ICPRB may be looking at making significant cuts in operational budget, staff benefits, equipment replacement, commission meeting costs, etc.

Commissioner Karimi stated that the District of Columbia has cut ICPRB from their FY12 budget. In their FY11 budget, all unobligated funds were cut completely. He is expecting FY12 to be worse.

Commissioner Wennersten asked what is the basis for the signatory compact. Mr. Hoffman replied that the Article 4 of the Compact, section on Financing, states that the jurisdictions “shall” provide through appropriations within each jurisdiction. Each state has similar language in their state legislation. The District of Columbia is slightly different as they use prioritization method for funding. Mr. Hoffman added that the commission has to maintain relevancy within the jurisdictions. The Virginia’s decision to zero out funding for river basins is final unless the governor vetoes it in FY12. Commissioner Karimi suggested that the commission hold a separate session to brainstorm. Chairman Kudlas proposed an Executive Session between now and the next meeting in June. The Executive Committee members are Commissioners Kudlas, Campbell, Karimi, Summer (H. Sachs), Mohr and/or Zemba, and Reiger.

Mr. Hoffman added that the audit is complete with no findings. The copies will be available by the end of this month.

Mr. Hoffman also announced his plans for retirement from the commission at the end of next March. He recommended starting the hiring process and designate an Executive Director Designee in between to overlap. Chairman Kudlas suggested that a package of information be ready during the budget discussion at an Executive Session for further discussion.

Chairman Kudlas asked for a motion for a resolution for John Hines for his services towards ICPRB, with a plan to invite John Hines to attend the next meeting to present the resolution. **Commissioner Stanley made the motion to approve, followed by Commissioner Steele. All were in favor.**

NEW BUSINESS

A. Update on Sustainable Flows Project: Mr. Haywood provided an update on the U.S. COE funded Middle Potomac Watershed Assessment. The project, which started in May 2009 and was originally expected to end in June 2011, is now expected to end in February 2012 due to a variety of factors including extra time required to complete model runs and difficulty in securing open dates at the National Conservation Training Center for the final workshop. Projected total cost for this project has increased by about 12% but the COE has informally agreed to support that increase.

St. Mary's County Educational Outreach Efforts: Ms. Vicki Volk from the Chesapeake Bay Field Lab gave an overview of the organization and their efforts in the Chesapeake Bay to promote awareness and education. Funding is an issue that the organization is facing. To continue the program, the organization would have to raise enough funds to repair and maintain the skip jack that served as an actual floating laboratory on the Chesapeake Bay.

B. Social Media Use Policy: Mr. Dalpra provided information on the draft social media use policy at the commission that has been posted as an interim policy. Several social media venues will be used as an outreach vehicle for some of the projects, where the public can comment and interact with the staff members. The policy is proposed to ensure commission control on content. It is a great medium for advocacy and education. The website will not in any way be used for lobbying. As it is being developed, a blog for Project #353 was setup. **Commissioner Stanley made a motion approve the policy. Commissioner Hartwell seconded the motion with all in favor.**

C. Potomac River Ramble 2011: Mr. Dalpra gave the information on the Potomac Ramble scheduled for July 15, 2011 to July 17, 2011, Friday to Sunday. It will be a stretch of 25 miles on the Shenandoah, ending in Brunswick on the Potomac. There will be some white water. Some of the partners are West Virginia Natural Resources and For the Love of Children. Additional partners and sponsorships are being pursued.

D. Jim Range Casting Call and ICPRB Potomac Steward Awards: Mr. Cummins discussed the Casting Call with the nominees for the annual ICPRB Potomac Steward Awards. They are Tracy Bowen, Kirby Carpenter, Steve Chaconas, and Joe and Ray Fletcher. The Casting Call is on April 15 proceeded a reception on April 14. The commissioners are encouraged to attend. The link is on the ICPRB website. **Commissioner Steele made a motion to accept the list of nominees. Commissioner Reiger seconded the motion with all in favor.**

COMMISSIONER'S TIME

Commissioner Steele suggested that the commission form a relationship with the colleges, perhaps the science departments to use college interns to meet the needs at the commission.

ADJOURNMENT

Chairman Kudlas asked for a motion to adjourn the meeting. **Commissioner Reiger made a motion to adjourn, which was seconded by Commissioner Stanley. The meeting adjourned at 11:03AM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

THIRD QUARTER BUSINESS MEETING JUNE 14, 2011 ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: In the absence of Chairman Kudlas, V. Chairman Campbell called the Third Quarter Business Meeting to order at 10:32AM on June 14, 2011 at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Dann Sklarew (Alt. Commissioner)
Robert van Laer Hartwell (Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Lori Mohr (Alt. Commissioner)
Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)

Staff

Robert Bolle (General Counsel)
Curtis Dalpra (Communications Manager)
Joseph Hoffman (Executive Director)
Bo Park (Administrative Officer)
Carlton Haywood (Director, Program Operations)
Cherie Schultz (Director, CO-OP Operations)

Guests

Chris Kimple (for Commissioner Moul)
Herb Sachs (for Commissioner Summers)
Maria Franks (Corps of Engineers, Baltimore)
John Booser (PA, DEP)

Vice Chairman Campbell presented an ICPRB pin to the new Pennsylvania commissioner, Andrew Zemba, who replaced John Hines.

ADOPTION OF AGENDA: V. Chairman Campbell added an item, "Discussion on Executive Director Search" to the beginning of Old Business. Then near the end of the meeting, "Appointment of a Nominating Committee for FY12 Officers" was added to the agenda. **Commissioner Sklarew made a motion to approve the agenda as amended. Commissioner Reiger seconded the motion. All were in favor.**

APPROVAL OF MINUTES: V. Chairman Campbell made a modification to the June 14, 2011 Minutes on page 2 to reflect West Virginia "legislature" not "assembly." **Commissioner Steele made a motion to approve the Minutes as amended. Commissioner Stanley seconded the motion. All were in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

OLD BUSINESS

A. Discussions on Executive Director Search: V. Chairman Campbell summarized the discussions that took place at the EXCOM meeting held the previous day. The plan is to post the job advertisement by August 15 and an initial applicant screening by September 2011. The updates of the progress to the full commission would occur in September and/or December. He asked for participation by each jurisdiction by appointing one person, committing to the full recruiting process, by July 15. The job description was distributed. He asked for feedback and comments by July 15.

He summarized the discussions regarding the job description with a de-emphasis on the Professional Engineer (PE) license and more emphasis on funding resources and familiarity with legislative processes, and experience in a similar size organization. A balance between technical and managerial skills is required with demonstration of writing and presentation skills. V. Chairman Campbell requested that all the commissioners give their input and feedback by July 15. A Word file of the job description was requested by Ms. Franks, Commissioners Sklarew, Hartwell, and Mr. Sachs. Today's presentation used by Mr. Hoffman to illustrate the recruiting process will be sent to all the commissioners after this meeting.

There is an alternative concept plan to use an Acting Director, in the interest of finances. Commissioner Wennersten commented that using an Acting Director sometime is not ideal. But Mr. Bolle added that he was in the acting ED position, which provided more time for the search.

A short list of candidates will be presented either at the full commission or to the EXCOM members. In the past, the search committee were the EXCOM members. Commissioner Karimi recommended that the commissioners have a well defined recruiting process.

V. Chairman Campbell asked for a motion to proceed as discussed. And for the current vice chair, by de facto, be the chair for the search committee. **Commissioner Stanley made a motion to accept the recruiting plan with Vice Chairman Campbell as the Chair for the ED search committee. Commissioner Steele seconded the motion. All were in favor.**

B. Program/Projects Review: Mr. Haywood gave an overview of the projects in progress at the commission. He gave a presentation on each project with environmental outcomes achieved. The project details are included in the Tab 7 of the meeting materials.

C. Financial Report and Executive Director's Report: Mr. Hoffman gave an overview of the financial status as of April 30. Revenues received are less than half of the budget. It is anticipated that Virginia will cease funding for the upcoming fiscal year (theirs), which becomes effective this July 1. The \$650,000 federal funding will be deleted from the current budget. The District of Columbia has indicated that they also will not be able to pay their jurisdictional dues.

For the Executive Director's report, the new Commissioner Andrew Zemba has replaced John Hines for Pennsylvania. Commissioner Summers has been appointed the Secretary of MDE. He will less likely to continue to actively participate in the commission meetings. The accounts receivables (A/R) as of May 16, 2011 is about \$226,000, which is within operational expectations. From FY10, \$27,000 A/R is expected to be paid.

There was an EXCOM conference call on April 25, 2011 and a meeting yesterday, June 13, 2011, to discuss ED replacement and budget issues for the current and next fiscal years.

Commissioner Hartwell added that he highly recommend the commissioners to join the shad trip. The shad trip is part of an educational program involving students from many school classrooms.

NEW BUSINESS

A. Budget Amendment FY 2011: Mr. Hoffman discussed the FY11 budget amendment. Due to the lack of federal funding, which is a significant amount on the budget, made it necessary to amend the budget. Both Virginia and the District of Columbia will remain on the budget to create an obligation to the jurisdictions. By leaving the obligations they become debts to the jurisdictions. There were a couple new projects and contract amounts. As a result the total revenue on the budget decreased by \$395,000. V. Chairman Campbell asked for a motion to approved the FY2011 Budget Amendment. **Commissioner Reiger made a motion to approve the amended budget, seconded by Commissioner Zemba. All were in favor.**

B. Budget Adoption FY 2012 Program Plan and Budget: The FY12 budget and FY13 framework budgets have been included to establish state member jurisdictional dues, and requests for the funding agencies to include in their budget starting July 1, 2012. The FY12 budget is tied to goals and activities as outlined in the ICPRB Strategic Plan. All the jurisdictional dues have been included even with known jurisdictional funding situations. The federal funding is with hopes but realistically will not occur. The EPA Section 106 grant is listed on the budget for \$617,600. As a result of deferrals and a two-year grant award, we expect to receive \$706,000 for FY12. The EPA Section 117 (Chesapeake Bay) grant document is expected to arrive. By September, the budget situation will be better known as jurisdictional dues and projects come or don't come through. There may need to be personnel reductions, which would be the very last option, since it impacts the commission's ability to perform work. Furlough or salary cut may be an option, but not recommended as some may apply for unemployment. Mr. Hoffman further added that he is exploring ways to continue Virginia jurisdictional dues. It would be extremely beneficial to receive \$650,000 in federal funding. V. Chairman Campbell stated that the budget scenario could be dire if funding and projects don't come through. Commissioner Karimi urged the commissioners and staff to actively pursue projects. V. Chairman Campbell asked for a modification to the budget to reflect the \$706,000 EPA Section 106 funding. He asked for a motion to approve the FY12 budget with the \$706,000 change. **Commissioner Karimi made a motion to approve the FY12 budget as amended. Commissioner Reiger seconded the motion. All were in favor.**

C. Adoption FY2013 Budget Framework: Mr. Hoffman stated that this budget is for the purpose of the state jurisdictions to provide to their agencies for funding requests. The amount requested has not changed for FY 2013. Commissioner Mohr asked about the new funding formula discussed in previous meetings. Mr. Hoffman replied that it was decided not to update the formula. Mr. Hoffman asked the commissioners to go to their legislatures and discuss the relevance of ICPRB. V. Chairman Campbell asked for a revisit of the funding formula in the December or the following March meeting. **Commissioner Hartwell made a motion to approve the FY13 Framework Budget. It was seconded by Commissioner Steele. All were in favor.**

D. FY12 Nominating Committee: Mr. Hoffman provided the rotation for the officers. The current rotation is West Virginia, the District of Columbia, Maryland, Pennsylvania, Federal, and Virginia. The next in line for the chair is West Virginia and vice chair with the District of Columbia. Commissioners Reiger, Zemba, and Sklarew volunteered to be on the nominating committee.

COMMISSIONERS' TIME: V. Chairman Campbell commended the staff for the MAST demonstration held in Shepherdstown. Commissioner Sklarew advised that a Trash Free Potomac watershed cleanup will take place on October 13, 2011. The Occoquan River Day is on June 25, 2011, 10am-5pm.

Commissioner Karimi added that the WIP 2 meeting and the Anacostia Partnership meeting are on the same day, July 23, 2011.

Mr. Sachs also added that the commissioners should give heed to the comprehensive plan, which involves the entire basin. At the Susquehanna River Basin Commission, General Semonite called all the federal agencies and asked how they can fit into the plan. There are many federal activities going on. It is extremely helpful to see an outline of all the activities. Mr. Hoffman added that ICPRB is still pursuing funding to continue the comprehensive plan that started with the Corps of Engineers and The Nature Conservancy. Staff member Heidi Moltz will be attending the American Water Resources Association specialty conference on integrated water resources, where she is a panelist. This conference will be attended by many with whom networking may be possible and who may have interest in this project.

Commissioner Wennersten expressed his disappointment for the elimination of the Ramble, which is a platform for public relations. Mr. Hoffman explained that to organize a ramble, it costs the Commission \$30,000-\$35,000. In the past, corporate sponsorships have been strong, but this year fund raising has been very difficult. More effort was made in fund raising, but only \$250 was received. The Commission is looking into day trips, working through a river outfitter vendor, with ICPRB only providing the educational piece.

Commissioner Steele commented on a Maryland Public TV program that showed the Chesapeake Bay from aerial view. He asked if it was possible to do a similar project for the Potomac River as an awareness project. Mr. Dalpra will look into the possibility.

ADJOURNMENT

V. Chairman Campbell asked for a motion to adjourn the meeting. **Commissioner Karimi made a motion to adjourn, which was seconded by Commissioner Steele. The meeting adjourned at 1:57PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL BUSINESS MEETING SEPTEMBER 13, 2011 ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Kudlas, called the Fourth Quarter and Annual Business Meeting to order at 10:00AM on September 13, 2011 at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Commissioners

Virginia

Scott Kudlas (Chair & Alt. Commission)
Robert van Laer Hartwell (Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Lori Mohr (Alt. Commissioner)
Ron Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

United States

Jane Witheridge (Commissioner)

Maryland

Colleen Peterson (Commissioner)
Herb Sachs (Alt. Commissioner)

Chairman Kudlas presented an ICPRB pin to the new commissioner, Herb Sachs, who replaced Commissioner Robert Summers.

ADOPTION OF AGENDA: Chairman Kudlas asked for an approval of the agenda. **Commissioner Karimi made a motion to approve the agenda. Commissioner Hartwell seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Kudlas asked for an approval of the June 14, 2011 meeting minutes. Mr. Hoffman added that in this meeting booklet, there are two sets of minutes, Executive Committee Minutes and the Business Meeting Minutes. The Executive Committee Meeting Minutes

should be accepted for the record. **Commissioner Zemba made a motion to approve the Executive Committee Minutes. Commissioner Campbell seconded the motion. Commissioner Campbell made a motion to approve the June 14, 2011 Business Meeting Minutes, which was seconded by Commissioner Hartwell. All were in favor of both actions.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

OLD BUSINESS

A. Financial Report: Mr. Hoffman highlighted the financial activities as of end of July 31, 2011. A large portion of the funds remain in Merrill Lynch accounts. The cashflow is good with no withdrawals made from the contingency reserve account. The accounts receivables as of August 30 is approximately \$306,000, which is primarily operational and normal for beginning of a fiscal year. The doubtful accounts receivables are recorded up to last fiscal year. They are mainly jurisdictional dues which will remain on record, as they may get paid someday.

The fiscal year closing has begun. The Audit Committee which was comprised of commissioners Kudlas, Graeffe, and Hines, with John Hines no longer an ICPRB commissioner. There is a question whether to re-establish the committee. This would be the final year with Polan and Hollis, the current CPA firm. The purpose of the audit committee is to provide guidance that the Commission wants to look at, independent from the staff. Chairman Kudlas encouraged that the commission continue this role to look at internal control and management. Commissioner Karimi added that this role can provide constructive feedback to the commission in laymen's terms. Mr. Bolle also added that from legal standpoint, it would be good to continue this committee. Commissioner Witheridge will coordinate with Commissioner Graeffe, the current Audit Committee chair. Chairman Kudlas suggested that further discussions take place at an Executive Committee conference call for committee members. The committee members would need to be re-established by the end of this month.

Mr. Hoffman continued with the financial report. The financial situation is worse compared to last year. The revenues are down due to less jurisdictional dues. The District of Columbia has not paid. Also, includes one less quarterly payment from Virginia, which is the last quarter of the current fiscal year and first quarter of the funding period that has been cut from Virginia's budget.

B. Executive Director's Report: There is a change in the next meeting location. The December meeting was planned to be at the National Conservation Training Center (NCTC) as part of a larger workshop by ICPRB, The Nature Conservancy and the Corps of Engineers. The workshop planners changed the course of the workshop which prompted our meeting to be canceled at that location. The next ICPRB meeting date will remain as Tuesday, November 29, as a one-day meeting at the Rockville office. The Executive Committee meeting in conjunction with the recruiting could potentially be held that Monday, November 28. Tentatively the CO-OP meeting will start at 8:30 am and the business meeting at 9:45am.

Mr. Hoffman noted that Mr. Sachs has been appointed as the Maryland alternate commissioner, replacing Dr. Robert Summers. It is tradition to recognize long time serving commissioners. A resolution was drafted for Dr. Summers' service at the Commission that is provided for consideration by the Commission. A proper presentation of the resolution can be made at a later date.

There is a staff change. Pat Beno will be retiring from the commission on September 30, after 33 years of service. A replacement will be not made at this time, due to uncertain financial situation in the next fiscal year. One of the staff, Audra Lew, will be changing her employment status to 80%, 4 days a week for

personal reasons. That time will also not be replaced. The time for the two positions unfilled will save approximately \$75,000 of staff expense.

The EPA Section 117 grant (Chesapeake Bay Program) was amended to add more funds for the project bringing the annual funding to the full amount expected. This is a 6-year term project. The Maryland Department of the Environment (MDE) has awarded an Memorandum of Understanding (MOU) for the second phase of the nonpoint source load estimator tool development (MAST II) project for \$149,700. Of which, approximately \$99,000 will be spent on contractor, J7 LLC. Another MOU with MDE was made for \$69,000 for Chesapeake Bay wide scenario tool project. Of which, \$49,000 will be spent on J7 LLC.

Another purchase order was received from the Virginia Department of Conservation and Natural Resources (VA DCR) for \$27,000, of which \$16,000 will go to J7 LLC. There has been some negative publicity on this project by Virginia. Without a proper contract between ICPRB and VA DCR, they have publicized completion and training dates that preceded our receipt of the contract documents. The contract was finally executed in September.

Another contract is in progress with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) for \$48,000. Another TMDL project with VA DEQ is being pursued for \$37,500. Staff is also working with MDE for TMDL support project for approximately \$170,000. There is a total of \$255,000 potential revenue. A potential project is in discussions with Tetra Tech, which is funded by the EPA. The budget amendment is expected to be presented at the November meeting.

At an All Staff Meeting held July 20, the staff was informed regarding the financial situation at ICPRB. They were informed that there are two jurisdictions that will not be paying their dues this year and next and that other financial cuts may be necessary as revenues are diminishing. As part of the methods of controlling expenses, vacancies will not be filled, which will save money and preserve the positions currently filled. The Northwest Midwest Institute (NMI) agreement for support with our Washington River Basin project was canceled effective August 31. NMI still wants to continue the relationship whether it be seeking opinions or information for upcoming environmental concerns such as the marcellus shale and utica shale.

Commissioner Zemba indicated that it may be a good time to look at Pennsylvania for more ICPRB involvement. Mr. Hoffman added that past Commissioner Hines had discussed the possibility also.

To further reduce costs, subscriptions to several publications were canceled. Also, this results in the newsclip mailings to the commissioners to cease. The Potomac Reporter will be reduced from bi-monthly to quarterly publication. Staff travel also has been limited. Mr. Hoffman noted that attendance at the Interstate Council on Water Policy meeting in St. Louis should be rejected for him based on cost constraints.

Chairman Kudlas asked for a motion to approved the resolution for Dr. Summers. **Commissioner Stanley made a motion to approve the resolution, which was seconded by Commissioner Peterson. All were in favor.**

Mr. Hoffman continued that Commissioner DeLuca, who was named alternate commissioner for Commissioner Reiger, has been reassigned out of this area. Currently COL. Larson has been assigned as an interim Commander and Division Engineer of the North Atlantic Division for the U.S. Army Corps of Engineers. Commissioner Reiger should be considering the appointment of another alternate within the Corps of Engineers.

Commissioner Campbell discussed the last Executive Committee meeting held on June 12, 2011. The committee discussed in length the financial situation and made a thorough analysis. FY12 will require a close monitoring especially without all jurisdictional dues.

Commissioner Witheridge asked that the Commission develop a continuing process of reviewing the financial situations and strategy. A frequent analysis may be required during the fiscal year.

C. Program/Projects Review: Mr. Haywood gave a review of the projects that the staff has been working in the last quarter. The project details are in Tab 7 of the meeting book. A few projects were highlighted. The Estimator Tool projects involve a contractor, J7 LLC. This contractor is not just a funding pass-through, but our staff has certain expertise that J7 LLC uses to develop the program. The Middle Potomac Watershed Assessment, Project #400, has six months to completion. The last stage of this project is to develop key technical conclusions. Leading to the conclusion are a series of webinars for stakeholders. The webinar information can be downloaded from the ICPRB website. The Potomac Ramble has been canceled due to inadequate funding. Staff is working on a one-day trip, which has been postponed due to the heavy rainfalls this season.

D. Status of Executive Director Selection Process: The recruiting process has been turned over to Commissioner Campbell as chair for the Selection Committee. The committee consists of commissioners Campbell, Hartwell, Karimi, Mohr, and Sachs, and Maria Franks from the Baltimore Corps of Engineers. The position descriptions have been finalized, and the position was advertised in early August. The position announcement closed on September 6, 2011. The Selection Committee met yesterday. The target goal for hiring is early 2012 to allow for a short “shadow” period with the current Executive Director. There were 39 applicants. The preliminary resume screening is expected to complete by October 1. Then candidate interviews may be possible in October. The selected candidate would be recommended to the Executive Committee. The final approval lies with the Executive Committee, where employment package and negotiation will take place. Travel reimbursement will be allowed for selected candidates as appropriate. This process by the Selection Committee will ensure consistency and fairness for the applicants throughout the process.

Commissioner Wennersten inquired about what the process would be for the other commissioners to add their inputs. Commissioner Campbell reiterated the consistency and necessity for a smaller group for this process. The commissioners are encouraged to work with the Executive Committee for inputs.

NEW BUSINESS

A. Adoption of FY2012 Meeting Schedule: The 2012 meeting dates are in Tab 5, Attachment 1 of the meeting book. The next ICPRB meeting date will be November 29, 2011. The Executive Committee was asked to stand-by for an additional meeting date possibly the day before. **Commissioner Stanley made a motion to approve the meeting schedule. Commissioner Karimi seconded the motion. All were in favor.**

B. Election of ICPRB Officers FY2012-Nominating Committee Report and Election Vote: The Nominating Committee consists of commissioners Zemba, Mohr, Reiger, and Sklarew. The committee had a conference call on August 29. Commissioner Mohr representing the committee, recommended Commissioner Campbell as the chair and Commissioner Karimi as vice-chair for the next term. Both commissioners accepted the nominations. **Commissioner Stanley made a motion for the nominations. Commissioner Witheridge seconded the motion with all in favor.**

Commissioner Witheridge expressed the importance of staying abreast of the financial matters with priorities. Mr. Hoffman directed the commissioners back to the June 14, 2011 meeting book, where FY2012 Program Plan and Budget links each project and budgetary items to specific ICPRB strategic goals. This budget was approved in June's meeting. He hopes that the next executive director uses this existing strategic plan, to revamp and modify for long-term planning in this difficult economy.

COMMISSIONER'S TIME

No items noted.

ADJOURNMENT

Chairman Kudlas asked for a motion to adjourn the meeting. **Commissioner Karimi made a motion to adjourn, which was seconded by Commissioner Stanley. The meeting adjourned at 12:05PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FIRST QUARTER BUSINESS MEETING NOVEMBER 29, 2011 ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Campbell called the First Quarter Business Meeting to order at 9:39AM on November 29, 2011 at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Virginia

Robert van Laer Hartwell (Commissioner)
Dann Sklarew (Alt. Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Lori Mohr (Alt. Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)

Maryland

Colleen Peterson (Commissioner)
Herb Sachs (Alt. Commissioner)

Staff

Joseph Hoffman (Executive Director)
Robert Bolle (General Counsel)
Bo Park (Administrative Officer)
Curtis Dalpra (Communications Manager)

Guests

Maria Franks (Corps of Engineers, Baltimore)
Robert Pace (Corps of Engineers, Baltimore)

ADOPTION OF AGENDA: Chairman Campbell asked for an approval of the agenda. **Commissioner Peterson made a motion to approve the agenda. Commissioner Reiger seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Campbell asked for an approval of the September 13, 2011 Minutes. **Commissioner Sachs made a motion to approve. Commissioner Zemba seconded the motion with all in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

OLD BUSINESS

A. Financial Report: Mr. Hoffman noted that the financial report is based on only one month. In accounts receivables, the District of Columbia still has not made a payment for 2011 and is not expected to pay for 2012. The federal is not counted in the A/R, but DC and 1st quarter for Virginia are recorded. The contingency reserve still remains intact. Grant was received from the EPA Section 117 for the period of June 9, 2011 to June 8, 2012, and is anticipated to renew each year for six years. The EPA Section 106 grant for \$706,000 has not been received. The EPA is operating under continuing resolution until

December 6. By this time every year, partial amount is usually awarded. However, no word has been given. The \$706,000 is not a guaranteed amount. From West Virginia, the first quarter payment was received. From Maryland, \$118,000 was received, which was a part of the full amount received from the last period. In Pennsylvania, the General Assembly passed the budget for \$48,500. The PA DEP is currently working on the shortfall of \$2,000, to meet the full amount. In the doubtful "account receivable," which are prior year budgeted amounts not met with payments, are still recorded even though not expected to be received.

Commissioner Wennersten asked for the reason given by DC for not paying the jurisdictional dues. Mr. Hoffman replied that DC's current fiscal status is not in situation to pay. He also added that Commissioner Karimi has requested additional money for the DC Department of Environment to pay after 2012. Mr. Hoffman has had direct communication with Chris Tulou, DC Director of the Department of the Environment. He has indicated that no money will be coming. ICPRB has been communicating with George Hawkins at DC Water. DC Water runs the water operation for the District and the waste water treatment operation at Blue Plains facility. DC Water spends approximately \$2 million a day on water and waste water operations. Incidentally, DC Water is a recognized part of the District code, "sanitary water works," where it lists priority items. The 4th priority on this list is funding ICPRB. DC is currently failing to meet this priority. Mr. Hoffman is working with Dr. Karimi to explore other possibilities. Commissioner Wennersten asked for a copy of the DC code.

DC has three commissioner positions and three alternates with only one of each filled. Others have not been filled for several years. Mr. Hoffman has made suggestions to add George Hawkins as a member of ICPRB. He was told that Mr. Hawkins does not have the time. But other suggestions were made to appoint alternates who can participate in the meetings in his place. No interest has been received at this time. To take a different approach, staff has been providing information pertinent to DC Water to assist. Mr. Hawkins seems to be receiving the information in a positive manner.

The other potential for support is a former DC Water boardmember, David Bardin, who has expressed interest in ICPRB and funding. He has spoken to Councilwoman Mary Cheh about ICPRB. There has been no other leads.

Commissioner Sachs added that the Low Flow Allocation Agreement through ICPRB was formed to protect the downstream users where DC is located. Commissioner Sachs expressed that DC has forgotten this relationship and the importance of the Commission. Mr. Hoffman added that water withdrawal is not by DC but by the Corps. There may be something in that relationship to further explore. Mr. Hoffman wrote an email to Hamid Karimi and a letter to Chris Tulou, raising the issues, but no response has been received from Mr. Tulou. But Dr. Karimi's response has been that no payment will be made. In addition, a letter was sent to Director David Paylor, Virginia, as well. Commissioner Wennersten asked what seems to be the problem with DC not paying seemingly a small amount. Mr. Hoffman replied that the jurisdictions view ICPRB as an expensive association. But it could be a budget administrator at a higher level who makes the cuts without proper knowledge of the Commission. Commissioner Reiger commented that rather listing the basin benefits, focus on the jurisdiction benefits. Mr. Hoffman replied that state benefits have been the focus of several documents.

B. Executive Director's Report: Mr. Hoffman gave an overview of the ED report. Staff member, Pat Beno retired from the Commission on September 30, 2011. Audra Lew, Watershed Coordinator, has elected to reduce time to 80%. The Chesapeake Bay grant was received in the full amount. A contract was received from Virginia for the watershed implementation plan. As an example of benefits to Virginia, the initial project and money was paid by MDE to develop the tool. Virginia is gaining the tool and knowledge already put into place and paid for by Maryland through ICPRB.

The \$363,000 A/R has been reduced to approximately \$200,000 due to payments being made. The EPA Section 106 money is still not available. This will be a greater concern if no indication is given by EPA in another 90 days. Given the federal budget situation, receiving the full \$706,000 grant amount may be questionable.

Commissioner Corazon Dones is in the process of being removed from the Commissioner group. She is still listed on the Maryland Manual, however. The removal from the Commission depends on the Maryland Governor's office.

Mr. Hoffman gave a brief discussion of developing projects and strategies, as requested by Commissioner Witheridge at the September Commission meeting. ICPRB operates outside the state government framework and structure, with intergovernmental and inter-basin focus. A strategic plan is developed to assess basin needs and needs established through the Compact. The jurisdictional needs are translated into projects and activities. With available resources, the commissioners set the guidance, and the staff pursue the technical aspect of the work. Ideally, the needs of the states are matched with the skill sets of the staff. One of the areas of needs is staff retention for skilled and specialized staff. At each June meeting, projects and funding are presented. It is very important to receive steady stream of revenue to support the staff and continue the work.

Commissioners have approved a strategic plan laying out three goals: to promote watershed management, to protect ecosystems and water resources and foster and develop knowledgeable stakeholders, and to acquire resources to achieve the recognition of ICPRB as vital link to basin's health and the future.

Staff and commissioners are working towards the basin, not for individual jurisdictions. In FY2012 anticipated revenues, the strategic goal #1 is the primary focus, then #2, then #3. Approximately \$1.8M or 77% or 23 projects include individual jurisdiction projects. Among the projects, the benefits of the jurisdictions for VA/PA/DC are 7% each. Maryland is about 22%. The basin is about 35%. The bay is about 22%. The basin is primarily the EPA grant related projects. A portion of the EPA grant funding is utilized for communications and publications. Of the projects listed, 2% for VA and DC are working with school children for the shad program. And 2% for PA is for the stream assessment work.

ICPRB needs to focus on basin-wide approach, focusing on a comprehensive basin-wide plan. Each of the individual states are not likely to be concerned about other states. As an example, looking at the surface water withdrawals, individual states do not always have the big picture and do not always assess the impact that each state has on another. Without ICPRB's presence and oversight, there are no other agencies to provide this level of information. The Potomac cannot survive without ICPRB's presence. A comprehensive plan would be the beginning of this process to protect the resources and plan for the future.

Commissioner Steele suggested including charts that outline jurisdictional relevance to each jurisdiction as educational tool to assist with their decision making process. Charts with relevant information could also be distributed to the commissioners to be used at their various speaking engagements. Mr. Hoffman will forward electronic copies. He asked that the information be given to those who are in decision making position in the jurisdictions. Commissioner Reiger added that a presentation tool would be good for the commissioners to maintain as occasion arises to support and perpetuate the mission of the commission.

Mr. Hoffman reported that he gave a legislative briefing at Fairfax Water, invited by Virginia Del. Kaye Kory. The topic was ICPRB and what it does for Virginia. At the time of the presentation, the

Commonwealth was considering withdrawing from the Commission, in addition to the budget elimination. As a background information, the budget withdrawal took place during their legislative session in 2011. There was a one-day legislative reconvening session, which allowed for veto actions to be corrected. As part of the action, members were presented with a 554 page budget document, and were asked to vote on them. On about page 215, was a line that appropriated \$151k to ICPRB for FY2012, which started on 7/1/2011 and \$151k for period beginning 7/1/2012. Another 200 pages later, was language that withdrew money from certain organizations without specifying ICPRB. Most of the General Assembly members may not have been aware that they were voting on withdrawing from funding the ICPRB, when it was already approved 200 pages earlier. Due to this, ICPRB lost funding beginning July 1, 2011. In early August, ICPRB was advised by the Executive Director of the Potomac Conservancy that an email was received from their legislative office asking about their thoughts on withdrawing from the ICPRB. Subsequent to receiving this email, Mr. Hoffman sent out a fact sheet about ICPRB, which was put together very quickly by staff. Del. Kory has been a key Virginia legislative member for ICPRB, who requested the legislative briefing.

There are severe consequences of this withdrawal action. In the EPA Section 106 appropriations, about 2.6% of the total EPA appropriation goes to the six interstate commissions. The funds are then suballocated to each commission based on the state land area, state population, etc. If Virginia withdraws from ICPRB, approximately \$200,000-\$220,000 EPA Section 106 grant amount awarded to ICPRB will be lost and redistributed to other river basin commissions. There will be a major impact, not only Virginia's \$151,000 jurisdictional dues loss but additional \$200,000-\$220,000 EPA money lost to ICPRB and to Virginia. Additionally, any jurisdictions withdrawing from the Commission must give a year notice.

Commissioner Hartwell has been working on a supporting document. Delegate Miller had discussions with the Speaker of the House and Virginia State Senator Emmett Hanger. The withdrawal is an initiative from the governor, basically from the Secretary of Natural Resources, Doug Domenech, with input and recommendations from David Paylor, who also happens to be an ICPRB Commissioner. The fact sheet that the staff drafted provides good information. But assigning specific dollar benefit is the key. He is working with staff on a fact sheet that shows direct impact on economy.

Mr. Hoffman added that in a similar situation, Virginia has threatened to pull out from the Ohio River Valley Water Sanitation Commission (ORSANCO). As a response, ORSANCO has filed a lawsuit based on a previous supreme court decision, Dyer vs. Sims 1951, which ordered a state agency to pay a commission. Our General Counsel has reviewed and decided that it probably does not apply to ICPRB in this case. In the ICPRB Compact, the contributions are not mandatory but subject to appropriations by the individual jurisdictions.

To this point, Commissioner Peterson noted that #2 goal only has 4.3% of the revenue/expenditures spent on communication and outreach. There needs to be a thoughtful analysis of public outreach and tools. That may be a horizon issue for ICPRB where the public and stakeholders need to be reached. Mr. Hoffman replied that the Communications unit works on the website, to publicize what the technical staff has been working on. The Communications section has a challenge to translate projects into reports. The 4.3% is an attempt to assign a dollar value to a specific goal.

Chairman Campbell reiterated the request expressed by the commissioners to have a presentation tool ready by staff for the commissioners. He also suggested that a decision is needed to assist Commissioner Hartwell for Virginia and to address DC.

NEW BUSINESS

A. Amended FY2012 Budget: In June, the adopted budget had some \$470,000 in revenue shortfall, which did not reflect the \$650,000 federal payment, \$151,000 Virginia payment, and the \$69,000 DC payment. Since then new projects have been identified, with no change in the jurisdictional dues status. The increase includes \$35,000 from CO-OP for additional project work with the utilities. The EPA Section 106 and 117 remain the same. In the grants and contracts category, there is an increase of \$48,000 from the National Recreation and Conservation Service (NRCS) with \$48,000 cost matching by the Delaware Maryland Agribusiness Association, \$12,500 from Tetra Tech for CAST Training, and the pending VAST project from Virginia. MDE has awarded \$123,000 for TMDL work with \$50,000 for biological impairment modeling. The expected VA TMDL project may be questionable depending on which route the contract would go for signature. There is a total increase of \$400,000 revenue. At the same time, salary budget decreased in part by Pat Beno's retirement and Audra Lew's voluntary reduction of time. With other expenditure cuts, the total decrease in expenditure is approximately \$106,000.

At this time the Commission moved into Executive Session with the commissioners and invited guests to discuss budget and personnel matters as noted on the agenda.

With the Commission meeting back in open session, Chairman Campbell asked for an approval of the budget as amended. **Commissioner Reiger made a motion to approve the amended budget. Commissioner Wennersten seconded the motion. All were in favor.**

The Commission will send out a letter to Virginia with Chairman Campbell's signature. **Commissioner Steele made a motion to approve the action. Commissioner Peterson seconded the motion with all in favor.**

COMMISSIONER'S TIME

Commissioner Steele expressed a need for the Commission to obtain regulatory authority. Mr. Hoffman will distribute a discussion document previously prepared that explains the regulatory process.

Chairman Campbell asked that any document that takes positions in the basin, i.e. from the Potomac flows workshop should be reviewed by the commissioners. He cautioned against any publication without prior knowledge by the commissioners. Mr. Hoffman replied that before the report comes out, visits to the states will take place to discuss the relevance of this report as a decision making tool.

ADJOURNMENT

Chairman Campbell asked for a motion to adjourn the meeting. **Commissioner Peterson made a motion to adjourn the meeting, which was seconded by Commissioner Wennersten. The meeting adjourned at 2:18PM.**

Respectfully Submitted,
Joseph K. Hoffman
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER BUSINESS MEETING MARCH 13, 2012 ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Campbell called the Second Quarter Business Meeting to order at 9:50AM on March 13, 2012 at the ICPRB Headquarters in Rockville, Md. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Virginia

Robert van Laer Hartwell (Commissioner)
Dann Sklarew (Alt. Commissioner)
Scott Kudlas (Alt. Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Lori Mohr (Alt. Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)
Jane Witheridge (Commissioner)

Maryland

Colleen Peterson (Commissioner)
Herb Sachs (Alt. Commissioner)

Staff

Joseph Hoffman (Executive Director)
Carlton Haywood (Director, Program Operations)
Robert Bolle (General Counsel)
Bo Park (Administrative Officer)
Curtis Dalpra (Communications Manager)
Jim Cummins (Director, Living Resources)
Sarah Ahmed (Water Resources Asst. Engineer)

Guests

Maria Franks (Corps of Engineers, Baltimore)
Julie Fritz (Corps of Engineers, Baltimore)
Chris Kimple (for Commissioner Moul)
COL David Anderson (Corps of Engineers, Baltimore)

ADOPTION OF AGENDA: Chairman Campbell asked for an approval of the agenda. **Commissioner Karimi made a motion to approve the agenda. Commissioner Reiger seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Campbell asked for an approval of the November 29, 2011 Minutes. **Commissioner Sachs made a motion to approve. Commissioner Karimi seconded the motion with all in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle, General Counsel, reported that the legal activities involved routine legal matters, primarily contract reviews. There were no significant matters to report.

OLD BUSINESS

A. Financial Report: Mr. Hoffman reported that the contingency reserve account has not been used recently and very infrequently since he came on board at ICPRB. The current balance is approximately \$547,000. This account is used in case of cash flow emergency. The Executive Director (ED) has the

authority to withdraw \$50,000 without approval from the Commission. The general fund account is used for operational purposes. Each account is FDIC insured. ICPRB also has an account at Capital One Bank for accounts payable, day to day financial transactions. The Bank of America account is primarily used for payroll direct deposit.

Accounts receivables are mostly doubtful as previous invoices for jurisdiction contribution payments are not anticipated to be received.

An employee was terminated as of January 13, 2012 due to lack of project work. A second staff person resigned for personal reasons as of February 8, 2012. Her projects were either completed or transferred to other staff prior to her termination.

The EPA funding was received as a partial grant. The rest of the grant funding is anticipated to be received by year end. Commissioner Hartwell asked whether the EPA Section 106 work can be quantified by jurisdiction. Mr. Hoffman replied that much of the Section 106 project work is basin-wide related on water quality and coordination activities. They are not specific monitoring activities, therefore cannot be quantified that way. Only a minor portion can be linked to specific jurisdictions, but in relation to the whole it is not significant amount.

Commissioner Karimi asked whether there is an impact on the revenue due to the resignation of the second staff. Mr. Hoffman replied that project related revenues are not the real issue on the budget. The issue is not receiving the full jurisdictional dues from Virginia since July 2011 and from the District of Columbia for both 2011 and 2012. Maryland has paid in full, as have Pennsylvania and West Virginia. The federal appropriation has not been paid since a one-time payment in 2009. The money earned from projects are obligations for payments. The resigned staff has completed the projects prior to leaving. Other open projects have been transferred to other staff. One of the current staff has increased work time from 80% to 100% to take on the transferred project work.

There is a need to carefully monitor expenses, but the financial situation is not as dire as previously seen. The overall expectation is that while the expense may be less, it is still expected to be higher than the income.

Chairman Campbell asked about the status of DC's payment. Commissioner Karimi replied that he has allocated 2012 dues in the budget, but 2011 books are basically closed and so will not be paid.

Commissioner Wennersten also asked whether the Commission is getting maximum production from the staff for the salary paid. Mr. Hoffman replied that staff is very professional in every way. They provide the highest level of work with professionalism. They may even put in extra hours of their own time, which goes uncompensated. Commissioner Witheridge asked whether there is a way to measure task assessment for better management of staff at the ED level. Mr. Hoffman replied that the Strategic Plan is the guide, noting an attempt to do so was incorporated in the presentation made at the December meeting.

B. Executive Director's Report: The Commission was notified that Commissioner Howard Graeffe recently passed away. Mr. Hoffman on behalf of the Commission extended condolences to the Graeffe family.

There has been a transfer at the Corps of Engineers North Atlantic Division level. General DeLuca is no longer the North Atlantic Division Commander. He is now the Commandant of Army Engineer School at Fort Leonard Wood, Mo. COL Anderson still represents the North Atlantic Division at many ICPRB meetings until his term ends in July.

There has been a change in the employee's healthcare program. The premiums have increased for the new plan year by 10-11%. Due to a significant increase in cost, the Commission is now offering three healthplans through Carefirst which include the concepts of Health Savings Account. The employees would assume the increased cost with a higher deductible. To alleviate the higher employee cost, Commission has provided the first year's employee healthplan deductible of \$1200 for each staff. The dental plan renews on May 1, with a small premium increase. The Commission will resume the 70% ICPRB 30% staff cost share on the dental plan. Commissioner Witheridge commended the Commission for moving forward with the new HSA plan, which is a better plan overall that can provide better cost savings to some individuals. Mr. Hoffman added that the staff lost benefits through absorbing much of the higher premiums. As future opportunity comes, he asked that the Commission give back to the staff what is lost to them. As a result of this benefit cutting, the Commission has reduced the ICPRB cost by about 50%.

The accounts receivables as of February 17 is \$111,000 from FY11 and \$263,717 from FY12. Commission continues to receive payments from the projects for which payment is due.

On the office space update, the co-tenants across the hallway asked for more space. WRIT (Washington Real Estate Investment Trust) has approached ICPRB for possible extra office space. Subsequently, ICPRB has obtained confirmation from the subtenant (Chesapeake Towers) to possibly relocate also. Money discussions were not made, but during the process the co-tenant has decided to move out of the building at the end of August. As a result, the office space downsizing is currently not an option for ICPRB. Unrelated to this, WRIT requested access into the suite for construction on level above the ICPRB's suite. The lease was reviewed by the General Counsel and found that the landlord has no rights to the suite except during business hours. The meeting with WRIT is scheduled for this Friday.

In the last six months, much effort was made to address Virginia's decision to zero out ICPRB's funding and ultimately to withdraw from the Compact. Active work has been in progress to retain VA in the Commission. This part of the work seems to have been fruitful. However, no progress has been made on the ICPRB's cut out from the VA's budget. Much work has been done by the staff especially Curtis Dalpra, with strong support by Commissioner Hartwell and also by Fairfax Water and some members of the VA General Assembly, both on the Senate and the House side. The significant issue is the Compact more than the money aspect.

Commissioner Hartwell added that the VA Senate budget included 100% of the dues. The Speaker of the House thinks 50% has a chance, but the Department of Natural Resources' Secretary Domeneck is opposing the dues. In the end, the governor can veto the bill and zero out the bill. Commissioner Karimi added that the VA was a challenge and potential issue for the rest of the jurisdictions. It is a major accomplishment for the Commission that VA is remaining in the Compact.

C. Project Status Review: Mr. Haywood focused the project status review on project #400, Middle Potomac Watershed Assessment. This project faced a setback in January with some issues at the Corps of Engineers. The main issue was regarding information being released and concerns over the Commissioners wanting the report prior to the release. There are four major tasks in the project, the large rive flow needs, basin-wide comprehension plan process, the future flows, and small stream environmental flows its cases and impacts.

D. Selection Committee Update: Chairman Campbell gave an overview of the executive director selection process. There were nine selected candidates from the initial pool of applicants. Of the nine selected, seven were interviewed. The Selection Committee has made their recommendation to the

Executive Committee and the selected candidate was confirmed. The first official day for the new Executive Director will be March 31, 2012. The Selection Committee has chosen Mr. Carlton Haywood as the new Executive Director.

NEW BUSINESS

Chairman Campbell asked for suggestions on how to proceed and enhance the Commission functions with the new Executive Director. Commissioner Hartwell suggested that subcommittees be formed and be tasked with specific issues at the Commission such as a public and government affairs group focus on educating the politicians and law makers. Another committee would be a budget and finance committee to seek out other sources of revenues or private foundations. Commissioner Peterson added that she welcomes the idea of getting more involved in the affairs of the Commission to expand self knowledge and go beyond just the quarterly meetings.

Commissioner Karimi added that the nature of the subcommittees would need to be identified including higher goals and purpose so as not to get engrossed in the details of the operation, which should be left at the Executive Director's level. Chairman Campbell asked that the new Executive Director Haywood visit with each jurisdiction in the next month and report back to the commissioners. Commissioner Witheridge reiterated the need for identifying "who we are," "where are we going" in term of strategic planning. Then apply qualitative measures by assigning costs associated with meaningful data applicable to each jurisdiction.

Commissioner Hartwell added that he has contacts of several individuals with strategic plan experience who can assist with the development of a strategic plan. Chairman Campbell concurred that a third party mediator would be beneficial. Commissioner Witheridge also added that over the next two months, the Commission should give directions to Mr. Haywood to help him establish a baseline for new strategic planning. Commissioner Peterson suggested that it may be helpful to forward concepts to the Chair as initial thoughts for those commissioners who are unable to participate in the initial plan development session. Commissioner Kudlas supports Commissioner Witheridge's approach with defining the baseline with money spent. However, meeting with each jurisdiction may take more time than one month. June timeframe may be too tight. Commissioner Mohr suggested that the subcommittees be more specific in their focus, such as a technical committee looking into the strategic plan. But a policy and implementation committee may focus on the general aspects. But both groups would work simultaneously as separate groups. Also an outside facilitator for strategic planning is strongly encouraged. Commissioner Kudlas added that he has several good outside facilitators that he can recommend also.

Chairman Campbell asked for suggestions on the location for the next June 11-June 12, 2012 meeting. It would depend on the cost but two days may be needed.

For the record according to ICPRB "By-Laws and Rules of Procedure" Mr. Hoffman noted that the Selection and the Executive Committees used an electronic email ballot, to select the new Executive Director. With the direction from Chairman Campbell, email ballots were taken by the Chairman in response electronic ballots and email notices to the Executive Committee acting for the full group of commissioners and alternate commissioners as previously authorized. The members in the poll were, West Virginia-yes, Pennsylvania-yes, Maryland-yes, the District of Columbia-yes, U.S. Federal-yes, Virginia-yes, an unanimous vote was made. The ballot, therefore, is valid and herein recorded.

COMMISSIONER'S TIME

Commissioner Hartwell further expressed his support for the commission and the efforts that went on as joint effort by staff and commissioners to provide information to retain Virginia in the Commission. The

effort will continue but much progress has been made as the danger of Virginia pulling out of the Compact is no longer a threat.

Commissioner Steele expressed his concern for the funding issues at the Commission. There may be other creative ways to explore the possibilities for the Commission to receive funding. There may be opportunities within the current partners to explore various possibilities.

ADJOURNMENT

Chairman Campbell asked for a motion to adjourn the meeting. **Commissioner Peterson made a motion to adjourn the meeting, which was seconded by Commissioner Sachs. The meeting adjourned at 12:32PM.**

Special Session: The U.S. Army Corps of Engineers gave a special presentation on the operation of the Jennings Randolph reservoir. The guest speaker, Julie Fritz, Chief of Water Resources Section, gave an overview of consumptive use and reservoir operation at Jennings Randolph. Dr. Cherie Schultz also gave a presentation on consumptive use in the basin.

Reviewed by Joseph K. Hoffman
and Respectfully Submitted,
Carlton Haywood
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

SECOND QUARTER BUSINESS MEETING

JUNE 12, 2012

GUNSTON HALL, MASON NECK, VA

DRAFT MINUTES

CALL TO ORDER: Chairman Campbell called the Third Quarter Business Meeting to order at 10:32AM on June 12, 2012 at the Gunston Hall in Mason Neck, Va. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Virginia

Robert van Laer Hartwell (Commissioner)
David Paylor (Commissioner)
Scott Kudlas (Alt. Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Ronald Stanley (Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)
Jane Witheridge (Commissioner)
Robert Pace (Alt. Commissioner)

Maryland

Herb Sachs (Alt. Commissioner)

Staff

Carlton Haywood (Executive Director)
Robert Bolle (General Counsel)
Bo Park (Administrative Officer)
Curtis Dalpra (Communications Manager)
Jim Cummins (Director, Living Resources)
Claire Buchanan (AD, Aquatic Habitat)

Guests

Julie Fritz (Corps of Engineers, Baltimore)
Chris Kimple (for Commissioner Moul)
John Booser (PA, DEP)

Mr. Pace, a new Alternate Commissioner for Commissioner Reiger was recognized with an ICPRB pin.

ADOPTION OF AGENDA: Chairman Campbell added new items to the agenda to include Virginia membership update under Old Business and under New Business, a summary of the strategic planning session, and discussions on business activities with non-profit organizations. Chairman Campbell asked for a motion to approve the modified agenda. **Commissioner Zemba made a motion to approve the agenda. Commissioner Witheridge seconded the motion. All were in favor.**

ACCEPTANCE OF EXECUTIVE COMMITTEE MINUTES: Chairman Campbell asked for comments and questions and acceptance of the Executive Committee Meeting Minutes from March 12, 2012. **Commissioner Sachs made a motion to accept the Minutes which was seconded by Commissioner Hartwell. All were in favor.**

APPROVAL OF MINUTES: Chairman Campbell asked for an approval of the March 13, 2012 Minutes. **Commissioner Sachs made a motion to approve. Commissioner Kudlas seconded the motion with all in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle reported that the legal activities involved routine legal matters, primarily contract reviews. However, a significant amount of time was spent on Loudoun Water in the context of the Low Flow Allocation Agreement and the Water Supplier Agreement. And there were no pending or threatening litigations.

As previously requested by Chairman Campbell, Mr. Bolle discussed the pros and cons of forming a 501(c)(3) organization. 501(c)(3) organizations are exempt from state and federal taxes. ICPRB currently is exempt from tax under Section 115 of the IRS Code as a governmental entity. 501(c)(3) organizations generally receive charitable contributions from individuals and corporations. ICPRB can currently receive such contributions as ICPRB is considered a charitable organization under the existing rules. Any corporation or individual, subject to their limitations also can contribute to ICPRB and claim charitable deductions. The most benefit of having a 501(c)(3) organization is receiving grants from private foundations that limit, under their own rules, contracting only with 501(c)(3) entities. These private foundations could work with ICPRB, if they so desired, as long as their administrative and accounting structures are properly setup.

A disadvantage of a 501(c)(3) organization is the extensive IRS reporting requirements in annual returns, which includes details of the entity's activities, finances, and all the sources of expenditures. IRS requires these data to be posted on the organization's website, including a full disclosure of the organization's finances to the world. Separate record keeping and accounting for the 501(c)(3) entity is expected. This means a separate audit, which may also be required to be posted on the website. A separate legal counsel is also required, as Mr. Bolle would present a conflict of interest as a General Counsel for ICPRB. Another disadvantage is legal and fiduciary responsibilities for the board members, which requires separate officers and director's liability insurance at additional cost.

There are no guarantees that this organization would receive an exempt status from the IRS. A pass-through organization where funds are passed onto another organization would not be granted exempt status by the IRS. Other exempt status organizations are universities and hospitals which have other purposes and functions. If setup, this new organization may be audited by the IRS involving time, effort, and money. The process of filing would also expose ICPRB to close scrutiny by the IRS with respect to its current tax exempt status. This would be problematic at the present time since only 17% of the Commission's funding is from the jurisdictions. Per the Compact, it is specified that it shall be funded by the appropriations from the signatories and the federal government. The basic question is whether ICPRB is an agency of the states. Commissioner Hartwell asked if the Commission is currently not in compliance with the Compact. Mr. Bolle replied that the current ICPRB exempt status can be justified, however, it could be scrutinized if the 501(c)(3) status is filed.

In terms of the conflict of interest between being an ICPRB Commissioner and also a board member of a 501(c)(3), that is an individual determination by each jurisdiction according to their policy. Depending on the state law, it could be viewed as an extension of the scope of functioning duties as a commissioner. It would be advisable that each Commissioner check with their state attorney and their own attorney to determine whether they would be protected by the sovereign immunity of their state and not as a separate entity. As some are political appointees and some per their statutory seat by virtue of the position in the state government, there may be a conflict. Since the Commission's Compact is approved by the U.S. Congress, an act by legislation also enabling legislation by each jurisdiction, he advised that every jurisdiction make their own determinations.

Mr. Bolle suggested that rather than pursuing a 501(c)(3) status, a Section 509(a)(3) organization, which is a supporting organization with board members, may be a better fit. Otherwise, a totally independent organization as a 501(c)(3) may present a conflict of interest.

Commissioner Witheridge asked whether the Commission has knowledge and experience of fundraising. Mr. Haywood replied that ICPRB lacks fundraising experience, but the possibility of pursuing a 501(c)(3) status was due to encountering obstacles in finding funding sources for particular topic areas of interest. There are organizations that are interested in funding specific type of work, but only to 501(c)(3) organizations. Mr. Bolle added that these organizations adhere to rules they set for themselves which are not IRS rules. The basic problem is that the organizations that require a 501(c)(3) status to receive funds do not want to deal with the potential tax consequences and potential scrutiny by the IRS.

Mr. Booser commented that the Penn Foundation, a 501(c)(3) organization, has found ways to fund studies by the Delaware River Basin Commission. There also is a parallel at the Great Lakes Commission where they receive grants for project work. Chairman Campbell asked for a contact at the Penn Foundation to explore further. Mr. Dalpra added that Subaru, which is a green company, has on their foundation website that they only provide funding to 501(c)(3) organizations. Interestingly, The Chesapeake Bay Alliance was able to work out an arrangement to receive a significant amount of funding from Toyota, Genon, and Pepco, which also specified 501(c)(3).

Chairman Campbell added that although funding sources may specify 501(c)(3), it should be explored and pursued for possible workable arrangement. He also asked that Commissioner Zemba and Mr. Booser contact DRBC about their relationship to Penn Foundation and report back at the next Commission meeting. Commissioner Witheridge also added that if possible, a partnership with 501(c)(3) organization should be considered to explore opportunities without having to establish a separate entity.

OLD BUSINESS

A. Executive Director's Report and Financial Report: Mr. Haywood reported that Mr. Joseph Hoffman officially retired from the Commission as of March 30, 2012. Mr. Haywood spent much time shadowing and learning before Mr. Hoffman's retirement. Staff member, Jennifer Willoughby, Senior Communications Specialist, resigned as of May 3, 2012. She worked on communications and outreach projects and as webmaster for ICPRB. For the short term, Ms. Willoughby was contracted to continue the webmaster function while a long term solution is reached. For the remainder of her communications and outreach functions, the rest of the Communications staff will fill in temporarily.

The audit for fiscal year 2011 was a clean audit with no findings. It was submitted to the cognizant and other agencies. The contingency account remains intact. Commissioner Karimi noted that the recent District of Columbia's payment of \$69,000 is for FY2012, and not for FY2011 as indicated on the financial report. Accordingly, DC's FY2011 will remain on the books as accounts receivable. Mr. Haywood added that the current cash flow situation is reasonable, but further discussions will be held during the budget discussions.

The EPA has awarded \$706,000 for the Section 106 grant. For the Section 117 grant, ICPRB just started the second year of its six-year grant period. New projects are currently being pursued. ICPRB is currently in negotiations with West Virginia, Department of Environmental Protection (WV DEP) for a project worth \$50,000. WV DEP has also asked for assistance with their water resources development act.

Mr. Haywood, since becoming the Executive Director, has been meeting with the jurisdictions and various agencies such as the Corps of Engineers, Civil Works, Potomac Conservancy, Anacostia Society, and the water utilities. He will be visiting Pennsylvania next and going back to Virginia to meet with their agency staff.

Commissioner Karimi asked if the Commission was included in the Chesapeake Bay Regulatory Assurance Program (CBRAP). Mr. Haywood replied that he met with the Director of the Chesapeake Bay Program (CBP) in Annapolis and asked about other funding programs that ICPRB may be eligible for in terms of topic areas rather than dollars. The CBRAP money was allocated to the states. The EPA indicated that they are concerned about the rate of spending at the state level and that there were discussions at the EPA headquarters and Congress about taking back the funds. Some potential work may come about if the states cannot spend this money. The EPA could ask ICPRB for assistance at that time. Commissioner Zemba added that Pennsylvania disagrees with the EPA's analysis, and it may be an accounting issue that needs to be closely looked at. The funds were intended for compliance and enforcement activities, for tracking of WIIP implementation and making sure permit requirements are being followed.

B. Project Status Review: Mr. Haywood reported that there was a spill exercise with the appropriate agencies and water utilities to test communication routes and response procedures in case of a toxic spill in the Potomac River. The Pennsylvania critical area resource plan project, Project #353, is near completion with a draft plan that was submitted to the local advisory committee. By the end of this week, it will go to the regional committee and then there will be a six month process before final review is complete. This project identifies the evaluated water resources issue in the watershed and identify management actions to address the issues. The key water issues are availability, storage, quality, stormwater policy water management data and communication and management responses in each area. Commissioner Zemba added that he will discuss with PA DEP about the next course of action following the regional committee review.

The Corps of Engineers Middle Potomac Project #400 is currently going through its final stages in a Corps renew process. By early next week, a complete report should be distributed to all the participants who attended any of the two workshops. A webinar is planned for next week to discuss the findings. Major components address large rivers, Great Falls and Little Falls, identifying state gaps with the existing data that do not identify any particular ecological stresses due to flow alterations. There are recommendations for flow pattern around low flows to be maintained and additional data to be collected. With respect to smaller streams, flow characteristics were shown quantitatively as a result of land use change due to development and impervious surfaces. It was also shown quantitatively that changes in flow characteristics increase the risk of degraded biological communities.

The shad project #726 is a yearly project involving local schools. This year 65 schools were involved. It was another successful year with six million fry being released into the Rappahanock River and 600,000 released into the Potomac River.

C. Virginia Membership Update: Commissioner Paylor gave an update on the status of the Virginia membership for ICPRB. Virginia would like to move forward with ICPRB as being a valued agency for the state. Although the current Virginia budget is zero for ICPRB, it is not indicative of future budget scenarios. Commissioner Hartwell added that he is looking forward to continuing the dialogue to convey ICPRB's services and activities for Virginia.

Chairman Campbell asked if the budget just passed is a two-year budget. Commissioner Paylor added that it is a two-year budget but a caboose bill, a modification to the second year budget, is decided in the middle of the biennium. The two-year biennium starts this July 2012 through June 2014. The budget for calendar year July 2013 to June 2014 is a caboose bill, which will be decided next winter.

Chairman Campbell asked if ICPRB can be of assistance to the state, not duplicating any effort but areas that may need further assistance. Mr. Paylor replied that the Virginia's focus has become narrower with less funds. The Chesapeake Bay cleanup is a critical piece for VA. There have been

some discussions on how the federal funds should be used. The EPA is working hard to get rid of nitrogen and phosphorous out of the streams. The water quality is Virginia's top priority and the challenge is nutrient trading and cost effective methods to address urban runoffs. Mr. Paylor also added that there is an inadequate evaluation for groundwater withdrawal scenarios affecting Virginia and Maryland, particularly along the coastal plains. And there is equal concern west of the fall line. Mr. Sachs further added that the coastal plain includes the metropolitan area, eastern bay and eastern shore. At the present, there is heavy usage for irrigation. In the future, there will be more conflict between agriculture users and small town users pulling from the same aquifers.

NEW BUSINESS

A. ICPRB Activities in Tidal Fresh Potomac: Dr. Buchanan gave a brief slide show which highlighted ICPRB's recent efforts to help the Chesapeake Bay Program and the states to address five of the challenges currently facing the Potomac tidal fresh region: excess nitrogen inputs, urban stream syndrome, toxic chemical pollutants, a poor understanding of shallow water impairments, and low fish recruitment. ICPRB also encourages studies that assemble, integrate, synthesize, and interpret the diverse collections of monitoring and research information relating to the Potomac.

B. Revised FY12 Budget: Mr. Haywood discussed the budget amendment included in Tab 5 of the meeting book. He proposed to take out the federal appropriations of \$650,000 from the budget. However, Virginia's jurisdictional dues will remain on the budget to be consistent with past treatment of state jurisdictional dues as accounts receivable. One project with Water Research Institute (WRI) under Olivia Devereux was terminated early after the departure of Ms. Devereux. WRI requested that ICPRB contract with Ms. Devereux to continue the project. ICPRB declined and terminated the contract with WRI. There was no benefit to ICPRB to be a pass-through entity for this project. A new project #450P with West Virginia to conduct biological sampling is estimated at \$50,000 to be spent between this fiscal year and next. There may be new projects in the works that are not included in the budget amendment. The Corps may have additional \$10,000 for the #400 project, which may be available to ICPRB. There are also discussions with West Virginia DEP for assistance with water resource protection act. The current budget amendment is a deficit budget, although it is better than last summer. However, there are additional projects that are currently being pursued, which will be reflected in September's amendment.

There have been a number of departures in staff. The total salaries have not changed much due to the annual leave payouts. But the annual leave obligations will be reduced which is reflected in reduced liabilities for ICPRB.

Commissioner Karimi asked whether budget contingency measures discussed in the recent past are again necessary for the upcoming fiscal year. These measures included travel freeze, reduction of reporters mailing, staff benefit reduction, etc. Mr. Haywood replied that these emergency budget items will be revisited again next year. The budget shortfall situation in the beginning of the fiscal year will always happen. And September would be an appropriate timeframe to discuss these items.

Chairman Campbell asked for an approval of the amended FY12 budget. Commissioner Sachs made a motion to approve the amended budget, which was seconded by Commissioner Kudlas. All were in favor.

C. Review of Strategic Planning Session: Chairman Campbell reviewed the strategic planning discussions, which took place on Monday. He also asked Mr. Dalpra to give information on other entities in the basin that are competitors or potential partners for ICPRB.

Mr. Dalpra reported that from the outreach perspective, there are smaller groups/activists that are important to various parts of the basin. Through their involvement, these groups help to shape the future of the basin. ICPRB has developed several projects with other partners, e.g. Rainbarrel

project which partners with local shops that conduct training and sales of rainbarrels. ICPRB has also assisted with establishing a 501(c)(3) status for local watershed groups and helped with membership database needs and water quality and other data needs, including GIS maps. However, ICPRB does not make any financial contributions or give out grants to these local groups. In addition, ICPRB does not get involved in policy decisions within the groups. The ICPRB role is to empower them by equipping them with the information and data they need. ICPRB has also attempted to link different watershed groups together. Success has been limited because the groups tend to focus solely on local stream issues. The volunteer nature of the groups limits time and resources applied to regional cooperation.

In terms of the size, two of the largest non-profit organizations that ICPRB has worked with are The Nature Conservancy and the Alice Ferguson Foundation, which does the Potomac trash cleanup. The Chesapeake Bay Trust (CBT) is a 501(c)(3) agency that has given ICPRB grants to help the watershed groups. And ICPRB has assisted small watershed groups to apply for CBT grants themselves. The Metropolitan Washington Council of Government (MWCOG) is another group that ICPRB has some overlap with. The difference is that MWCOG represents the local governments where ICPRB represents the states. Another group, the Riverkeepers is a group that ICPRB shares information with. The Cacapon Institute, the Potomac Conservancy, and Living Classrooms are other groups that ICPRB partners with on projects. There are other groups and directory of watershed groups on the ICPRB website. The ICPRB website gets about 8,000-10,000 visits per month from the public and government agencies.

Chairman Campbell summarized the strategic planning meeting on Monday. Commissioner Witheridge facilitated the meeting. The Commission reaffirmed that ICPRB is an agency of the states. There were some discussions about ICPRB's role in the basin and the condition of the basin. ICPRB should add value to the basin and not duplicate state efforts. In Article D of the Compact, it is stated that ICPRB is a coordinating body. There were discussions about the administrative fees and the size of the organization and whether that should be based on funding or based on the mission.

To continue the strategic planning process, Chairman Campbell suggested that the Executive Committee meet in late July or early August, before the September meeting, to summarize and organize the discussions from the strategic meeting. Another option would be to open up the discussions to the full Commission and invite anyone interested in participating. Commissioner Hartwell suggested that since the Executive Committee is open to the rest of the Commissioners anyway, the meeting be done with the Executive Committee meeting. Commissioner Karimi suggested that the discussions continue quarterly with a working strategic draft for review by the full Commission as a working progress. As factors change over time, September timeframe may be too early to complete a good strategic plan. Chairman Campbell agreed that since the new Executive Director's performance expectation has a footnote that it may not be completed by September, the strategic plan does not have to be completed by September.

Commissioner Sachs added that the final expectation of this process is unclear, whether it is a comprehensive plan which can be a guide for budget decisions or a broader statement of the basin and specified roles of the Commission. Mr. Haywood added that it would be beneficial to continue the discussions and proceed at the Executive Committee meeting level. Commissioner Pace added that the discussions need to be organized and defined. Commissioner Witheridge added that there was consensus from the discussions from a high level perspective which can lead to priorities. She encouraged further discussions at the Executive Committee meeting with open invitation to the full Commission. Chairman Campbell asked that the next planning meeting be scheduled sometime in July.

Chairman Campbell encouraged the Commissioners to understand the role of the board members. He suggested the book, Boards That Make a Difference, by John Carter. This book defines the roles

of the board members, not getting mired in details but setting direction from a higher perspective.

Commissioner Hartwell suggested that the next discussion include a way to quantify the benefits and efforts made in the states. This information could facilitate demonstrating the benefits to the jurisdictions, and could be used as a mechanism for cooperation and feedback from the states.

D. Proposed FY13 Budget: Mr. Haywood reviewed the FY13 budget amendment included in the meeting book. The salary decreased due to the loss of staff. The revenue budget for federal appropriation of \$650,000 and Virginia jurisdictional dues are included. Although it is highly unlikely that the federal appropriations will be received, the federal revenues remain on the budget for now. Also included are the projects that are continuing from FY12. This budget reflects a net loss, however, it is similar to the budget figures submitted last fall. And staff is pursuing potential projects where discussions are being made. There is one area of concern where continuing deficit budget precludes management from hiring new staff. The new strategic plan should provide direction for work areas that the Commission can focus on, which may provide the justification to hire new staff to maintain the expertise on hand to get the work done.

Commissioner Sachs asked whether there was any staff surplus in the remaining staff. Mr. Haywood replied that he is concerned about the areas of expertise rather than the surplus of labor. As an example, ICPRB lost an agricultural BMP and trading expertise. Currently, there is one staff person with trading experience but none in the agricultural expertise area. If agricultural expertise is an important area to focus on, then hiring would be required. Basically, ICPRB needs to identify direction and focus to build the staff expertise. Commissioner Karimi added that due to the economic situation, it may be prudent to be conservative. He also inquired about the status of the office space. Mr. Haywood replied that the current lease expires in September 2014, but there currently is excess office space. He has been discussing options with a leasing agent. Chairman Campbell added that he had discussions with the Executive Director and further discussions will be made at the Executive Committee meeting. **Commissioner Sachs made a motion to approve the FY13 budget, with the deletion of the \$650,000 federal appropriations. Commissioner Kudlas seconded the motion, with all in favor.**

E. Proposed FY14 Framework Budget: Mr. Haywood discussed the FY14 framework budget. The budget includes some known projects with reasonable estimates. It also includes \$650,000 federal appropriations. Commissioner Witheridge asked why the Commission makes a budget so far in advance. Virginia has a biennium budget and the states form their budget ahead of time. ICPRB budgeting process was done in response to the budgeting process of the states and their appropriation process. This budget is submitted with no increase in jurisdictional dues, including the federal \$650,000 appropriations request. **Commissioner Zemba made a motion to approve the FY14 framework budget with the inclusion of the \$650,000 federal appropriations. Commissioner Witheridge seconded the motion with all in favor.**

F. Subcommittee Formation: Chairman Campbell asked for a discussion on forming subcommittees of Commissioners. In a previous meeting, Commissioner Hartwell suggested forming a public and government affairs committee and a budget and finance committee to seek out sources of revenues and private foundations. It may be an opportunity for more commissioners to get involved. Mr. Bolle suggested that the audit committee should be separate from the committee that seeks out funding sources. ICPRB currently has an audit committee which due to circumstances was not involved this year. Commissioner Karimi further added that the finance and audit committees should not be combined due to possible conflict of interest, although the members can serve on both as a separate committee. The audit committee's purpose was to assist the commissioners to understand the audit and not to oversee the audit process. Commissioners Peterson and Hartwell have expressed an interest in the revenue committee. Mr. Bolle added that the chairman has the power to create committees and appoint members.

Chairman Campbell will appoint the Nominating Committee with three members by email. The District of Columbia is next in line for the chair. Mr. Bolle added that the past practice has been the Executive Committee members become chair and vice chair. The current vice chair becomes the chair. And the next jurisdiction would become the vice chair. The order of succession is West Virginia, District of Columbia, Maryland, Pennsylvania, Federal, Virginia.

COMMISSIONER'S TIME

None

ADJOURNMENT

Chairman asked for a motion to adjourn the meeting. **Commissioner Sachs made a motion to adjourn, which was seconded by Commissioner Karimi. All were in favor. The meeting adjourned at 2:43pm.**

Respectfully Submitted,
Carlton Haywood
Commission Secretary

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL BUSINESS MEETING

SEPTEMBER 11, 2012

ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Campbell called the Fourth Quarter Business Meeting to order at 10:03AM on September 11, 2012 at the ICPRB Headquarters in Rockville, Md, Va. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Virginia

Robert van Laer Hartwell (Commissioner)
Scott Kudlas (Alt. Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Commissioner)
John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)
Roger Steele (Alt. Commissioner)

United States

George Reiger (Commissioner)

Maryland

Herb Sachs (Alt. Commissioner)

Staff

Carlton Haywood (Executive Director)
Robert Bolle (General Counsel)
Bo Park (Administrative Officer)
Curtis Dalpra (Communications Manager)
Jim Cummins (Director, Living Resources)
Cherie Schultz (Director, CO-OP Section)
Ross Mandel (Assoc. Dir., Watershed Analysis)

Guests

Chris Kimple (for Commissioner Moul)
Maria Franks (U.S. Corps of Engineers)
Korey Gerdeman (PA Management Associate)
Nicholas DiPasquale (Speaker, Director, CPB, EPA)

ADOPTION OF AGENDA: Chairman Campbell asked for a motion to approve the agenda. **Commissioner Karimi made a motion to approve the agenda. Commissioner Reiger seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Campbell asked for an approval of the June 12, 2012 Minutes. **Commissioner Sachs made a motion to approve the June 12, 2012 Meeting Minutes. Commissioner Kudlas seconded the motion with all in favor.**

GENERAL COUNSEL'S REPORT: Mr. Bolle reported that the legal matters were of routine nature.

The Commission received a letter from the National Federation of the Blind (NFB) requesting information on compliance with the American Disabilities Act in the context of the Commission's website. The assumption was that the ICPRB was a federal agency. ICPRB is not a federal agency, therefore, not required to comply. But ICPRB is legally in compliance regardless. A response letter was sent to NFB. Mr. Bolle added that the letter from the NFB is a general letter sent to all the presumed federal agencies.

Mr. Dalpra added that in the American Disabilities Act concerning the blind, there are federal standards for the websites that would allow a reader to link to an audio of certain contents of the website. ICPRB uses a template that supports the Section 508 of the ADA. A potential problem area may be that every photo or panel in the website may not have a caption that the device can read. Due to the nature of the complexity of the website, there may be some that do not have a caption.

Commissioner Sachs added that the New York Attorney General is suing the Delaware River Basin Commission (DRBC) for failure to follow federal regulations for an EIS regarding Marcellus shale drilling. DRBC is contesting the suit on the grounds that it is not a federal agency. SRBC is also concerned and have made a number of statements stating that their agency is not a federal agency. Mr. Bolle responded that ICPRB is in a stronger position than DRBC or SRBC, as the federal government is not a signatory to ICPRB's compact. However, for DRBC and SRBC, the United States is a signatory to their compact.

Mr. Bolle also reviewed, from a legal perspective, the commissioner's role in representing positions of the Commission versus individual views. The commissioners alone cannot commit ICPRB to any position or comment with respect to issues in academic journals or similar publications without a disclaimer. The disclaimer should state that the views of the author do not reflect the views of the Commission but are solely those of the author. Chairman Campbell added that the subject of disclaimer came up in the context of the sturgeon position, to be discussed later in this meeting.

OLD BUSINESS

A. Executive Director's Report and Financial Report: Mr. Haywood reported that the watershed coordinator, Audra Lew, resigned as of August 3. This position was advertized and will be filled. In the interim, the project with Montgomery County will be contracted out to continue the work.

Mr. Haywood noted that the budget discussions will take place under New Business, and the FY2013 budget is to be amended in FY2013. There were no withdrawals from the reserve account, with good cash flow. The amount due from the District of Columbia for Drinking Water Source Protection Partnership (DWSP) for \$6,000 will be paid per DC. As for the Virginia dues, the unpaid bills will remain on the books as accounts receivables to be consistent with past practices.

ICPRB's auditor, Polan & Hollis LLC, has decided to discontinue auditing ICPRB due to lack of staffing and to terminate a long term relationship that may not present a good audit practice for both parties. Request for proposals were sent out to various audit firms that were recommended by John Hollis. In addition, he has offered to provide consulting service to assist with the transition process, although at an extra cost. Mr. Haywood views the transition as an opportunity to exhibit proper governance and good management responsibilities. The contract with a new auditor will be a fixed cost contract. Chairman Campbell added that if the cost of the contract exceeds Executive Director's limit of \$20,000, the approval can be done at the next Executive Committee conference call.

In July, the EPA informed ICPRB that an extra \$57,000 was available for the FY2013 Section 106 grant. Subsequently, an application was submitted for the higher amount. It is anticipated that ICPRB will use the additional funds to provide support for the WV Water Resources Management Act (WV WRMA) project, and support to certain TMDLs for the jurisdictions. Mr. Haywood continued that the Corps of Engineers also informed ICPRB that an extra \$12,000 will be provided to fund the remaining part of the Corps project.

Mr. Haywood informed that his visits to the jurisdictions were completed in July. And he has been working on the office space lease, which ends in two years. The goal is to reduce space and cost before the end of the lease in September 2014. However, there has been a new development with the Washington Real Investment Trust (WRIT) as a company. WRIT is selling their buildings in Maryland. Due to this, WRIT leasing staff has not shown much interest in talking to ICPRB about space at this time.

Mr. Haywood has been in contact with the American Clean Water Association (ACWA) for a possible sub-leasing of some excess ICPRB space and including a shared service contract for the

front office support. ACWA desires a location close to the EPA headquarters and Capitol Hill, which may be more important to them than the benefits of a shared location with ICPRB.

Mr. Haywood welcomes new ideas and suggestions from the commissioners regarding space. However, at this time his principal focus is working on an arrangement with WRIT that would reduce the amount of space we rent in advance of the current lease termination in September 2014.

Commissioner Karimi suggested that other commissioners look for space possibilities and come back to ICPRB with concrete suggestions.

B. Project Status Review: Mr. Haywood gave a brief summary of the projects that the staff are currently working on. More information is found in Tab 7 of the meeting book. Mr. Haywood added that project #353, Pennsylvania Critical Area Resource Plan, is a successful project that he would like to highlight and present at the December or March meeting. Chairman Campbell suggested perhaps that location can be an option for the next meeting location.

C. Status of Filling Commissioner Vacancies: Mr. Haywood asked each jurisdiction for their status to fill the commissioner vacancies. Virginia is fully filled. Commissioner Sachs informed that there are two candidates for one position from Southern Maryland region. For the central Maryland region, a state senator or a delegate is being pursued. Maryland commissioners have to be residents of the basin.

Commissioner Karimi reported that names have been submitted to fill the DC commissioner vacancies. Possibly related to this, Mr. Dalpra received a call from the District of Columbia for a copy of the ICPRB by-laws, which was forwarded as requested.

Commissioner Zemba reported that PA is pursuing Chris Kimple to be a voting member as an alternate. But this will require a legislative change which is not easy. More discussions will take place after this meeting.

Mr. Haywood reported that in West Virginia, a letter would need to be sent to the governor to fill the vacancies. There are a couple of WV commissioners who have not been active for many years. He has made contact with the two commissions to determine their desire to remain on the Commission. The two commissioners indicated that they would be agreeable to being replaced.

Commissioner Reiger reported that he has written a letter which was given to Commissioner Pace. Since, Commissioner Pace has forwarded the letter to a key person at the White House. Another letter was also given to a person at the office of the Secretary of the Army. He hopes to see a permanent designation for a full Commissioner from the Corps of Engineers. There is no requirement for a federal commissioner to be a resident of the basin.

Ms. Franks added that the Water Resources Development Act (WRDA) has a language that appoints the North Atlantic Division Commander of the Corps as one of the commissioners for the U.S. government. Ms. Franks added that this is automatic for SRBC and DRBC as it is a matter of the law. But for ICPRB, the legislation requires appointment from the President. She suggested that a change in the WRDA language could make it automatic for ICPRB as well. Mr. Bolle replied that there was an attempt to change this language in WRDA in the past, but was not successful.

As for the alternate for Commissioner Witheridge, she can appoint at any time. Chairman Campbell expressed that a former EPA personnel would be a good addition to the Commission.

Commissioner Kudlas has a recommendation for a former EPA staff who is also a resident of the basin.

Commissioner Hartwell expressed that in continuation of reinstating the Virginia funding, he would like to see a report of the value added, for example an in-depth research report to quantify ICPRB's work in each jurisdiction. He suggested an independent think tank like the Thomas Jefferson Institute for Public Policy (TJIPP) which has economists with experience in quantifying these benefits. An independent, unbiased, analysis may carry more credibility at the jurisdictions. Mr. Hartwell thinks the cost would be about \$5,000-\$10,000. Chairman Campbell added that time is of the essence since the next Virginia legislature goes back in session in January.

Commissioner Kudlas added that it can be a good tool to build relationships with the key legislative members. But he suggested targeting for the Virginia administration's last budget, which would be the most opportune time to influence the budget. The last budget from the governor is a "lame duck" budget which the General Assembly carefully reviews, to get ready for the next administration. That may be the best chance to get new appropriations, and even retroactive appropriations. He is not suggesting ignoring the caboose bill timeframe. But he believes the best time to influence may be the last budget timeframe. And he further advised that the Commission talk to the finance committees in Virginia, where the Commission did not pursue strongly the last time. To assist, he will provide the link to those committee members. Chairman Campbell will discuss this matter with Commissioner Karimi and make a decision at the next Executive Committee conference call. He asked Commissioner Hartwell to look for additional firms for comparison.

D. DRBC 501(c)(3) Funding: Commissioner Zemba reported that the DRBC has contracts with the William Penn Foundation. Within their compact, DRBC can negotiate loans and grants for the purpose of the compact. Mr. Bolle added that ICPRB can also negotiate any contracts. And any 501(c)(3) organizations can give grants to ICPRB if they so desire. However, the uncertainty is how Penn Foundation operates to give grants to DRBC. The answer is finding the right 501(c)(3) organizations that will give grants to ICPRB.

NEW BUSINESS

A. Chesapeake Bay TMDL Presentation by Nicholas DiPasquale: Mr. DiPasquale, Director, Chesapeake Bay Program, U.S. Environmental Protection Agency, gave a presentation on the "Chesapeake Bay TMDL, Focus on Implementation and Possible Future Roles for the Commission." The ultimate goal is to bring the water quality conditions back to the early 1950's through the development and implementation of various programs. The EPA has provided grants to the states to continue their work in implementation, regulatory and accountability programs, and headwater nutrient and sediment reduction grants. Possible roles for ICPRB are to support jurisdiction implementation plans, expanding monitoring of the watershed through small watershed groups, and to be a stronger advocate for securing opportunities with a geographical focus which targets areas for BMPs. Mr. DiPasquale will forward the presentation and other useful information to the Commission.

B. Adoption of FY 2013 Meeting Schedule: Chairman Campbell asked for a motion to approve the proposed FY2013 meeting dates. **Commissioner Kudlas made a motion to approve the dates. Commissioner Steele seconded the motion. All were in favor.**

C. Key messages from *Global Thirst*: Commissioner Wennersten, author of the book, *Global Thirst*, discussed the importance of water on a global scale as the population grows and the importance of reliance on water supply increases globally. The book is a call to realize that placing too much reliance on hope will not bring solution and that we rely too heavily on cheap technological

fixes at a greater cost. Over time, the countries that have a successful desalination programs will become the affluent countries. As human race, the main problem is that we have the capacity but not the will to control pollution.

D. Proposed FY12 Budget Amendment: Mr. Haywood presented a budget amendment for approval. Minor adjustments were made for the EPA Section 106 grant, which had a \$35,000 in unspent funds which will be carried over to FY2013. The under spending was due to staff turnover. Since this grant spans over two years, there should be no problem with carrying forward the unspent amount. In project #400, the U.S. Corps of Engineers will be providing \$12,000 in additional funding rather than the original indicated amount of \$10,000. A previous project #450 was renumbered to #760 to realign project classification. Project #276 was adjusted between the two-year project period. **Commissioner Reiger made a motion to approve the budget amendment. Commissioner Sachs seconded the motion with all in favor.**

E. Strategic Planning Session Outcomes: Chairman Campbell gave out a handout of the summary of the strategic planning session from the previous day. The structure of the strategic plan was done with the exception of grammar edits. The vision, mission, and values were agreed by the commissioners and staff present at the session. **Commissioner Steele made a motion to accept the strategic plan structure. Commissioner Karimi seconded the motion with all in favor.**

Mr. Haywood added that the next steps are to outline the objectives and actions in an annual work plan format. The strawman for objectives will be discussed with the states including the areas where the jurisdictions would need assistance from ICPRB. Commissioner Skarlew gave an alternate suggestion to form an interest group around each goal. Commissioner Karimi suggested that the ideas be brought up and discussed before the December meeting. Commissioner Hartwell also added that he will work on a list of services to better meet the needs of the stakeholders or more informed and active public. Each commissioner has areas of expertise. He suggested that each commissioner go to their jurisdiction and inquire about expectations. These discussions can be done via a phone call. Chairman Campbell will send the goals to the jurisdictions and a call for each commissioner to sort out their niche before the December meeting. Commissioner Hartwell will contact some Virginia agencies that he is familiar with and use this opportunity to educate in an outreach effort. Chairman Campbell further added that webinars are useful to promote ICPRB without travel. Commissioner Steele requested a communications piece to use for average citizens and legislators or a slogan to remember. Chairman Campbell added that vision and mission statements should be the slogan.

F. Loudoun Water permit impacts on CO-OP: Mr. Haywood summarized the discussions made at the CO-OP meeting prior to the ICPRB business meeting. An agreement was drafted between the Loudoun Water and the CO-OP utilities that ICPRB will sign. A signing event may be scheduled to coincide with the March meeting and to encourage the CO-OP utilities to participate in the Commission meeting as well.

COMMISSIONER'S TIME

Commissioner Hartwell discussed that the Atlantic sturgeon is on the endangered list. The James River sturgeon is a genetically different species from the Potomac River species. Several hundred James River sturgeons have been kept at the Maryland Department of Natural Resources hatchery, the Fish and Wildlife hatchery, and the Genon hatchery. These fish are not of the Chesapeake Bay origin so are not allowed to be released into the Potomac. The entire lot of fish will be destroyed due to a difference in the origin. An article was drafted by ICPRB staff member, Jim Cummins, on behalf of the Commissioners to highlight the issue at hand.

Commissioner Sachs has discussed the sturgeon article with MD DNR and was informed they have no objection. Commissioner Hartwell suggested going to the agencies to publicize the article. Commissioner Karimi asked that those working on the issue to look at all the scenarios and report back to the commission by the next meeting with information on who to talk to and what to do with the specifics. Commissioner Sachs added that a motion is needed for the commission to investigate the possibility of rejuvenating the sturgeon population in the Potomac by seeking information from the signatory parties. With this motion, he can get the names and specific departments. Mr. Haywood added that a draft is proposed to be published with three names, commissioners Sachs, Hartwell, and Reiger. The article draws attention to the issue. He recollects that the letter draws attention to the matter without taking a position.

Commissioner Reiger further added that placing a disclaimer on this article is a concern. Commissioner Hartwell wants a consensus to publish the article. Mr. Bolle replied that the article cannot be published as ICPRB without a formal review of the article by the rest of the commissioners. Commissioner Hartwell added that the letter can be sent to the Executive Committee for approval. Mr. Haywood is not against taking a position but not everyone has seen the article. He suggested that the letter be distributed to all the commissioners with a couple of weeks to review. Chairman Campbell suggested taking email votes after the commission review. Mr. Cummins added that the authorship is from three jurisdictions, commissioners Reiger, Sachs, and Hartwell. He would like a fourth authorship from the District of Columbia. Commissioner Karimi will talk to the DC department and get back with more information. Mr. Bolle suggested that the Chair of the Commission sign if the Commission is to take a position. Commissioner Hartwell added that in addition to the Chair, other jurisdictions' endorsement will add more weight on the matter. **Commissioner Reiger made a motion to approve the letter with the review process described herein. Commissioner Sachs seconded the motion with all in favor.**

Mr. Haywood will look into the next meeting location. Historically, December meetings have been held at the ICPRB office. Pennsylvania Adams County may be a possibility.

Commissioner Kudlas gave a summary of the nominations for the next officers. The Nominating Committee consisted of commissioners Reiger, Zemba, and Kudlas. The Nominating Committee nominated Commissioner Karimi as the next Chair and Commissioner Sachs as Vice Chair. **Commissioner Kudlas made a motion to accept the recommended nominations. Commissioner Reiger seconded the motion with all in favor.**

ADJOURNMENT

The meeting adjourned at 2:29pm.

Minutes Prepared By,
Bo Park
Administrative Officer

Minutes Approved By,
Carlton Haywood
Commission Secretary

**INTERSTATE COMMISSION
ON THE POTOMAC RIVER BASIN**

**SECOND QUARTER 2013
BUSINESS MEETING
March 12, 2013**

ADAMS COUNTY CONSERVATION DISTRICT, GETTYSBURG, PA

DRAFT MINUTES

CALL TO ORDER: Chairman Karimi called the Second Quarter 2013 Business Meeting to order at 8:31AM on March 12, 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 (Alt. Commissioner)

United States

Robert Pace (Alt. Commissioner)

George Reiger (Commissioner)

Maryland

Herb Sachs (Chair & Alt. Commissioner)

Virginia

Scott Kudlas (Alt. Commissioner)

Robert van Laer Hartwell (Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)

Lori Mohr (Alt. Commissioner)

Ronald Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

Staff and Guests

Staff

Carlton Haywood (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Administrative Officer)

Cherie Schultz (Director, CO-OP Section)

Jim Cummins (Dir, Living Resources)

Sherry Zandieh (Admin Assistant)

Heidi Moltz (AD, Water Resources)

Guest

Chris Kimple (for PA Del. Moul)

Jim Martin (Adams Co Commissioner)

Larry Martick (District Manager, ACCD)

Charley Bennett (Chair, ACCD)

ADOPTION OF AGENDA: Chairman Karimi asked for a motion to approve the agenda.

Commissioner Sachs made a motion to approve the agenda, which was seconded by Commissioner Kudlas. All were in favor.

APPROVAL OF MINUTES: Commissioner Hartwell asked for a modification to the Minutes to reflect his attendance by phone at the last meeting. Chairman Karimi asked for a motion to approve the December 3, 2012 Minutes with the attendance record addition. **Commission Zemba made a motion to approve the Minutes, 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. There were no other legal actions or matters to report.

OLD BUSINESS

Executive Director's Report: Mr. Haywood reported on the last quarter's progress and report.

Staff member, Sarah Ahmed will be on maternity leave until mid-summer.

On the financials, under Tab 6 of the meeting book, there was no withdrawal from the contingency reserve account as of 2/28/13. The accounts receivables (AR) from FY2012 total \$200k, of which \$157k is due to unpaid signatory dues. The AR in FY2013 totals approximately \$321k, of which \$84k is unpaid signatory dues and the remainder is operational.

The funds in Merrill Lynch accounts were successfully transferred to Janney Montgomery Scott LLC.

There was a bill in the Virginia legislature to restore funding to ICPRB, including payments in arrears, which did not pass. A budget amendment that would have provided \$100k for FY2014 did not make it out of joint conference committee. The next fiscal opportunity would be in Virginia's fiscal year 2015 (July 2014-June 2015). Chairman Karimi asked that anyone with suggestions or information that may be helpful in reestablishing funding from Virginia to pass on the information to the Executive Director.

Maryland paid 90% of their dues for this fiscal year due to a 10% reduction applied to all MDE programs.

Information from the EPA indicates that the Commission's Section 106 grant for FY2013 will be cut by 5.2% which equates to about \$40,000. Apparently, sequestration will impact other grants for this year as well. To deal with the sequestration cut this year, hiring an intern in the Communications Section will not occur.

For grants and contracts, the Middle Potomac Assessment report is still at the Corps of Engineers, pending approval. The original scope of work for the West Virginia Filamentous Algae project was completed below cost and, with WV DEP approval, the unspent amount is being used for an additional task. A workplan was submitted to the MD Department of the Environment to work with the Chesapeake Bay Program on the next version of the watershed model. The contract will be for the first of what is hoped to be a three-year project. There also has been an on-going discussion with VA Department of Environmental Quality to assist with TMDL at Holmes Run, for which the Commission received a modest increase in the contract. All other projects are on schedule.

Mr. Haywood continued that he has had on-going discussions with Loudoun Water and the CO-OP utilities managers to include Loudoun Water in CO-OP operations and planning. Loudoun Water has obtained a permit for a new Potomac River withdrawal from the VA DEQ. Commissioner Kudlas informed that the permit is in force currently but it has no effect until the Broad Run water treatment plant is complete. A section of this permit specifies that Loudoun Water should coordinate with CO-OP utilities, but the details of the structure for that coordination is yet to be worked out. Commissioner Kudlas added that there is an expectation that there will be cooperation. Mr. Haywood suggested that this discussion continue in a forthcoming meeting of the CO-OP section and CO-OP utility managers.

The Executive Director has been visiting each state. He has visited WV DEP and the PA DEP. He needs to set the dates with Maryland and DC in the next month or so. Commissioner Zemba added that the ED should visit the states at least once a year. Mr. Haywood added that his goal, for each jurisdiction, is to review ICPRB activities, their relevance to the jurisdiction's water management issues, and brainstorm for additional opportunities to assist the states.

The search for new office space continues. The current lease expires on September 30, 2014, but there is more space than needed. The objectives for a new lease are to decrease cost through reduction of space and through lower cost per square foot, and to maintain access to mass transit and amenities, as feasible. Several options are being explored. The current landlord (WRIT) was asked for a proposal that would reduce the space leased at the current location in advance of September 30, 2014, but their response provided only an insignificant cost reduction. Another location owned by WRIT, however, is available now. Commission is exploring an agreement to move before the end of the current lease. The decision will be based on the overall best value in the long term (10 years), including the cost of the current lease through FY2014.

Other possible locations in northern Virginia, DC, and within Montgomery County were explored. So far, it appears these areas do not yield better leasing terms than the current lease for locations with equivalent access to highways, transit, and amenities. Direct discussions with other landlords have not occurred yet as October 1, 2012, as it is too far away for serious negotiations. ICPRB will need approximately 7,000 sq. ft. as compared to 9,700 sq. ft. currently leased. Chairman Karimi asked for suggestions and ideas from the commissioners. Commissioner Wennersten asked whether condominium for purchase was considered. Mr. Haywood replied that the Commission does not have the down payment for a purchase. Chairman Karimi asked that this option be explored as well.

Mr. Haywood assisted the Low Flow Allocation Agreement (LFAA) governing members search for a new LFAA moderator. The Commission is not a party to the LFAA but having a moderator is important to the CO-OP Operations. Three of the four of the LFAA member representatives are also ICPRB Commissioners.

Mr. Haywood has had a conference call meeting with the other river basin commissions which included discussions on fringe benefits and the rates. It was noted that ICPRB's fringe benefits rate is very comparable to others.

The project status report format was changed to a table format indicating the current status of each project. The project purpose is attached separately with the table. If more information is needed, staff can provide as requested. Commissioner Hartwell asked if the sturgeon project should be a separate project number as this project may be funded in the future. Chairman Karimi asked for a separate project number to track the activities and costs associated with the sturgeon project which could be a good symbol for the Commission.

Mr. Haywood discussed the strategic plan. At previous meetings, the Commission has agreed on the vision, mission, and objectives for the strategic plan. The next step is to drill down to a finer level that defines actions to be taken in support of the goals. Mr. Haywood then shared with the Commission six proposed actions that the Communications unit will carry out. Outcomes and measures of success were defined for each action. Mr. Haywood added that his next focus will be on the Water Quality section, with the same approach, to be given at the June meeting. Chairman Karimi asked that the strategic plan be on the agenda at every meeting so to be aware of the progress on an ongoing basis.

Commissioner Wennersten added that he would like to see the Executive Director to be more of a spokesperson for the Commission. On that line, Mr. Haywood replied that he was interviewed for the film, "POTOMAC: The River Runs Through Us," that is coming out next week. Commissioner Mohr encouraged public outreach through partnership with other organizations to sponsor some sort of a contest to get higher website traffic and public involvement. She brought an example brochure for the Communications Manager. Commissioner Campbell commended that the Commission is taking a great new direction. He encouraged that the newsclip emails be sent to more people as he found it useful. He

suggested reaching out to other states as well. Commissioner Steele asked for a copy of the commissioner presentation slides. Mr. Haywood asked that the commissioners contact Mr. Dalpra for a copy. Commissioner Pace further added that face to face interaction may be necessary to reach out to the legislators. Mr. Haywood replied that although necessary, face to face meetings may be difficult but the idea is to bring focus on the headlines for a quick gleaning. And the newsclip mailings may not go directly to the legislators but to their staff, which would be fine for exposure sake. Ms. Kimple added that for Commissioner Moul's office, they would like to see more of their relevant information and not for the general Potomac area. Commissioner Stanley added that the newsclips do not market ICPRB. He would like to see more of what ICPRB does.

NEW BUSINESS

Executive Committee Actions: Mr. Haywood summarized the Executive Committee meeting held yesterday. He informed that the Executive Committee met with the investment advisor from Janney Montgomery Scott who explained collateralized mortgage investments, called pass-through mortgages, and also explained an investment approach that would put a small portion of ICPRB reserve funds into equities. The collateralized mortgage investments earn a bit more than certificate of deposits (CD) and are within the guidelines of the current investment policy. The Executive Committee agreed to convert some CDs into pass-through mortgages that are federally insured but decided not to consider equity investments in stocks at this time.

A contingency plan was discussed to address the impact of federal sequestration. ICPRB is expecting a \$40,000 cut in FY2013 EPA106 grant with no news from other grants. Additionally at this time, there is no information available for the FY2014 EPA 106 grant. A series of steps were presented to address the cut in FY2013, which can largely be absorbed within the budget, and progressively more severe steps to be taken, if necessary, in FY2014 and FY2015. Currently, sufficient funds are available to cover the deficits in FY2013 and even in FY2014. Mr. Haywood added that if the sequestration continues into FY2015, then the cuts will become more problematic and draconian. Chairman Karimi added that if the financial imbalance continues, it may create organizational structural problems. Therefore, before structural problems arise, he suggested to the ED that at every Executive Committee meeting, he would like to have updates and discussions on the fiscal and lease matters. He and the ED talk on a monthly basis and the Executive Committee meets in between two quarterly meetings. Any issues that come up in between the meetings will be brought up at the following general commission meetings. Chairman Karimi emphasized that reserve funds should not be used for structural deficiencies, as the root of the problem will still exist if not addressed.

Chairman Karimi added that he will be having a discussion with the ED on his performance evaluation. He asked the Executive Committee and the commissioners to provide any feedback.

Audit Committee Update: Commissioner Kudlas gave a brief overview of the audit in progress. The audit is not yet final. The audit committee is awaiting the final audit draft for review. The report on the audit will be done at the next meeting. So far, positive indications were received from the auditor.

Implementing the March/Rock Creek Critical Area Plan. Dr. Moltz described the development of the Critical Area Resource Plan in the Marsh and Rock Creek watersheds of Adams County, Pennsylvania. The project included a stakeholder participation process, data collection, technical analyses, identification of management alternatives, review/prioritization of management alternatives, and preparation of the draft document. The draft CARP is currently under review at DEP. After review, revision, and acceptance by the Potomac Regional Committee, the Pennsylvania Statewide Water Resources Committee, and the DEP Secretary, the CARP will be adopted as part of the State Water Plan.

Charlie Bennett discussed the challenges to preparing and implementing the CARP. These included the

length of time to complete the process, funding, municipal participation and their reluctance to be the first to enact a new ordinance, the need for additional outreach/communication/education, and the water transfer into the Gettysburg Municipal Authority system from York Water.

USFWS/NMFS Propagation Policy and Relationship to Fish Stock Supplementation: Ms. Marta Nammack from US Fish and Wildlife Service gave a presentation on the guidelines and policies of controlled propagation of species on the Endangered Species list. The National Oceanic and Atmospheric Agency, Fisheries Services handles the marine species where the USFWS handles the freshwater species. The two agencies developed a policy and guidance for controlled propagation of listed species. The Atlantic sturgeon is listed as an endangered species in the Chesapeake Bay. The stocking in the Chesapeake Bay has to comply with the controlled propagation guidelines. Ms. Marta described in broad, the guidelines and policies set forth by the agencies for the endangered species. No specifics on the sturgeon were discussed. Chairman Karimi requested information on how to inform colleagues in the decision making process. He asked to forward the information to Jim Cummins. He also asked to convey ICPRB's concerns to the NOAA Fisheries Services.

Baseflow Separation in the Shenandoah Valley: Commissioner Kudlas discussed Virginia Department of Environmental Quality (VA DEQ)'s approach to water supply planning and their use of meta-modeling and dealing with modeling uncertainties. As a regulatory agency, credibility with stakeholders is enhanced when the uncertainties are transparent. In order to get a better handle on groundwater contribution to stream flow, especially in fractured rock areas where model calibrations were not as good as calibrations in other areas, USGS was contracted to monitor concentrations of certain chemicals in streams. The study, now complete with a final report published and available on-line, found that groundwater has a distinct chemical signature that can be identified and that groundwater contributes more to surface flow (in the fractured rock area studied) than has been assumed in previous hydrologic models.

COMMISSIONER'S TIME

Commissioner Pace provided information about the status of the licensing sought by Fairlawn Hydroelectric at Jennings Randolph Lake. The applicant still has not provided to the USACE all of the information required to complete a review of the permit application. The applicant would like to begin construction in late Summer or early Fall, but that is uncertain given the several steps in permit review still to be completed. Mr. Pace described how USACE is planning to accommodate the requirements of sequestration. It appears that employees will be furloughed for up to 22 days on a schedule still being worked out. USACE has applied to the Department of the Army for a waiver of some or all of the budget cuts as it is an entirely project funded agency. Mr. Pace also informed the Commission that Reagan National Airport is considering a runway extension. The airport authority is working with the National Park Service to mitigate the extension of the airport into the Potomac River. Chairman Karimi added that the District of Columbia is involved in this process as well.

Commissioner Kudlas added that the Virginia legislative session for this year has been completed. They will be returning for veto session later this month. Of interest to the Commission, Virginia plans to move to DEQ those water quality related functions currently in the Department of Conservation and Recreation. These include stormwater and erosion and sedimentation control (E&S) programs. The consolidation is to be completed by July 1. It is possible that, in the next year, there could be another bill to bring agriculture and soil and water conservation districts under DEQ. Chairman Karimi asked that, as the department consolidates, to inform ICPRB of the changes if any.

Commissioner Sachs added that by next meeting, he hopes to see two more commissioners from Maryland. He is work on one delegate and the other in the St. Mary's watershed.

Commissioner Steele asked whether the commission would consider public radio talk show. Chairman Karimi asked the ED to forward the idea to the Communications Manager about the possibility. He also encouraged contacting the Communications Manager with information.

LOCATION FOR JUNE MEETING

In consideration of the budget, the next meeting location in June will be in Rockville as a one-day meeting.

ADJOURNMENT

The meeting adjourned at 12:17PM.

Minutes Draft By: Bo Park, Administrative Officer

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

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

FOURTH QUARTER AND ANNUAL BUSINESS MEETING

DECEMBER 3, 2012

ICPRB HEADQUARTERS, ROCKVILLE, MD

DRAFT MINUTES

CALL TO ORDER: Chairman Karimi called the First Quarter Business Meeting to order at 10:24AM on December 3, 2012 at the ICPRB Headquarters in Rockville, Md, Va. **Roll call** of attendees was conducted with the following Commissioners, guests, and staff present for some or the entire meeting:

Virginia

Dann Sklarew (Alt. Commissioner)

West Virginia

Patrick Campbell (Alt. Commissioner)

District of Columbia

Hamid Karimi (Chairman & Commissioner)

John Wennersten (Alt. Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)

Roger Steele (Alt. Commissioner)

Ronald Stanley (Commissioner)

United States

Robert Pace (Alt. Commissioner)

Maryland

Herb Sachs (Alt. Commissioner)

Colleen Peterson (Commissioner)

Staff

Carlton Haywood (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Administrative Officer)

Curtis Dalpra (Communications Manager)

Jim Cummins (Director, Living Resources)

Claire Buchanan (Assoc. Aquatic Habitat)

Rebecca Wolf (Watershed Coordinator)

Guests

Chris Kimple (for Commissioner Moul)

Maria Franks (U.S. Corps of Engineers)

ADOPTION OF AGENDA: Chairman Karimi asked for any modification or a motion to approve the agenda. Mr. Haywood added under New Business, a discussion on the Investment Policy and a report on the Potomac Conservancy State of the Potomac report. **Commissioner Sachs made a motion to approve the modified agenda. Commissioner Stanley seconded the motion. All were in favor.**

APPROVAL OF MINUTES: Chairman Karimi asked for an approval of the September 11, 2012 Minutes. Commissioner Pace asked that the paragraph on page 3, Section C, Status of Filling Commissioner Vacancies, 5th paragraph be stricken from the record, as the letter was not given to Commissioner Pace. He has discussed this with Commissioner Reiger, who was in agreement that the paragraph was miss-phrased. Typically a letter is sent to the White House asking that the Division Engineer be named as a Commissioner. In this case, Commissioner Pace being an alternate serves this purpose. As pointed out at the last meeting by Ms. Franks, a permanent solution would require a change in the language of the Water Resources Development Act (WRDA) so that automatic designation occurs. Mr. Haywood added that he has had on-going discussions with congressional staff at the House of Transportation subcommittee. That staff person will be talking with the Division Commander to discuss WRDA and the river basin commissions.

Chairman Karimi summarized that the Minutes be modified as requested by Commissioner Pace to reflect an accurate account of the letter, which was not given to Commissioner Pace; for the Executive Director to pursue the appropriate language modification in WRDA for the North Atlantic Division Commander to be a federal commissioner as ex officio, in coordination with congressional

staff; and to contact the White House regarding appointment of a Federal Commissioner. Mr. Bolle added that typically, his alternate would be the District Engineer.

Commissioner Campbell asked that on page 5, delete the statement "Chairman Campbell will send goals to the jurisdictions" from the record.

Chairman Karimi asked for a motion to approve the modified Minutes. Commissioner Sklarew made a motion to approve the modified September 11, 2012 Meeting Minutes. Commissioner Sachs seconded the motion with all in favor.

GENERAL COUNSEL'S REPORT: Mr. Bolle gave a brief summary of the General Counsel's activities for the quarter. His time spent was routine and administrative in nature, dealing with contracts and personnel matters. In addition, he reviewed the Investment Policy, restructuring the statement.

OLD BUSINESS

A. Executive Director's Report and Financial Report: Mr. Haywood directed his discussion to Tab 6 of the meeting book. As it is early in the fiscal year, not much financial activity has occurred.

A new staff member, Rebecca Wolf, was hired as the Watershed Coordinator. She will be mainly continuing the projects with Montgomery County and the Rainbarrel, and also get more involved in watershed activities. Commissioner Karimi added that DC has a pet waste program that may be of interest. He will forward a contact in DC to Ms. Wolf. Commissioner Sachs added that the North Branch Task Force is another group that may need to be resurrected. Commissioner Sklarew is interested in working with Ms. Wolf to expand school programs to bring watershed experiences consistent with the Chesapeake Bay 2000 agreement as requirement for all students before graduating from high school. He hopes to expand this program throughout the basin working with Ms. Wolf. Chairman Karimi added that a coordinating body may be needed to ensure consistency across the watershed.

Mr. Haywood continued with the financial status. The contingency reserve remains intact. The FY2011 Virginia dues of \$37,000 still remain outstanding and will remain on the books as accounts receivables (AR). The District of Columbia, Drinking Water Source Partnership dues for FY2011 was recently received. Of the FY2012 AR of \$328,000, \$103,625 is for the Virginia signatory dues. The rest of the AR is operational.

A contract was signed with Clifton Larson audit firm to replace Polan and Hollis, LLC. The contract is for FY2012 and FY2013 with optional FY2014. Clifton Larson's cost of audit is lower than the previous cost with Polan and Hollis. Chairman Karimi added that the selection of this audit firm was discussed at the previous Executive Committee meeting. Mr. Haywood added that since then the Audit Committee was re-established with commissioners Kudlas (chair), Sachs, and Zemba. The committee's contact information will be provided to the auditor, and the auditor will contact them directly. Chairman Karimi requested that as the audit is being conducted, the chair of the committee make a report to the Commission as appropriate.

In November, the Commission was notified by Merrill Lynch, an investment firm for ICPRB, that they no longer will be providing services to small governmental entities, and that we would need to transfer our funds to another investment firm. The Administrative Officer contacted several local banks and investment firms, of which Janney Montgomery Scott was selected. Mr. Haywood distributed a packet of information for Janney, along with a copy of the letter from Merrill Lynch.

During the discussions with these banks and investment firms, ICPRB was consistently advised that ICPRB's investment statement did not meet the current standards, and therefore, needed to be expanded and revised. As a result, a new investment policy statement has been drafted. Further discussion on this topic will take place under New Business.

The Middle Potomac River Watershed Assessment project final report is currently in review at the Corps of Engineers. Staff is working with the Maryland Department of the Environment (MDE) and the Virginia Department of Environmental Quality (VA DEQ) to amend several existing grants to cover new local TMDL and Chesapeake Bay TMDL related projects. A new project for WV DEP, Water Quality Trend Analysis, started in the first quarter. Another project, Assistance with the WV Water Resources Management Plan, which started last summer, will be completed in the spring.

Mr. Haywood has been working with Dr. Schultz and the water utilities on issues related to the new Loudoun Water permit. The continuing issues include implementing the participation of Loudoun Water in CO-OP operations and planning, whether that requires changing the Water Supply Coordination Agreement, and if so, how.

The ICPRB office in Rockville, MD was physically closed for two days during the super storm Sandy. The computer network continued operating, however, staff used telework so the office remained officially "open," and only minimal administrative leave was granted.

Mr. Haywood has had several discussions with the staff of the House Transportation Subcommittee regarding restoring federal funding. He also will be working with the other river basin commissions toward this goal.

On the office lease update, the tenant across the hall of ICPRB moved out, vacating a large space. There may be a possible new tenant interested in that space plus additional space, potentially within the ICPRB's suite. Due to this, WRIT may be looking to shuffle the office space to accommodate this new tenant. This new configuration will most likely result in losing the current conference room and reconfiguring the ICPRB office suite. In return, WRIT would probably offer a long term lease preferably at a favorable cost. Chairman Karimi suggested in the coming meetings, ED provide updates on the leasing/space situation and also during Executive Committee conference calls as well. Commissioner Steele asked whether space reduction may have an impact on the ability to add staff in the future. Mr. Haywood replied that he has considered that factor and is planning appropriately. Commissioner Sklarew asked if subletting is a possibility. ICPRB already has a tenant that subleases and Mr. Haywood stated that he has had conversations with the Association of Clean Water Administrators (ACWA) for subleasing. ACWA ultimately decided, however, to stay in DC for business reasons.

On Friday, a live video conference with the Society of Arakawa River in Japan took place through Skype. This event was held to renew the Arakawa Potomac Sister Agreement, originally signed in 1996. Chairman Karimi signed the new Agreement during the video conference. Chairman Karimi added that Commissioner Sklarew will be in Japan starting in January, who can act as our ambassador to the group. At the next meeting possibly, he suggested having a Skype event with them again to go beyond the ceremonial event. Commissioner Sklarew further added that he hopes to take students from U.S. on an Arakawa tour. He suggested reciprocating the tour in the Potomac.

The Atlantic sturgeon letter was provided to the Executive Committee for review. At the last meeting a consensus was reached to sign the letter by each jurisdiction. The letter was signed by Commissioners Karimi as chair and for DC, Hartwell for Virginia, Sachs for Maryland, and Reiger

for federal. Staff is seeking publication of this article. Commissioner Sachs added that he spoke with A.C. Carpenter, the Executive Director of Potomac River Fisheries Commission regarding any concerns. He was very supportive of pushing this activity among others, with the exception of the Federal Marine Fisheries.

B. Project Status Review: Mr. Haywood directed the discussion to Tab 7 of the meeting book. A summary of the project activities will be provided in advance of the meeting from now on instead of the long version in Tab 7. This summary provides the funds and the outcome of the project in a very short format. For this quarter reporting, as it is still early in the fiscal year, not much progress has been made to report.

Chairman Karimi asked that as the commissioners glance through the project summary, also look for staff expertise so if opportunities arise at their agencies, inform the Executive Director (ED) to apply for those grants or work. Commissioner Zemba is interested in working with ICPRB on Pennsylvania project with the Chesapeake Bay TMDL work. He will discuss further with the ED.

C. Strategic Plan: Matching the FY13 Workplan to the Strategic Plan: Mr. Haywood discussed the strategic plan that was drafted at the September meeting. The mission, vision, value, goal statements were approved with the exception of some word editing. The next step would be to evaluate the existing activities and compare to the goals. The FY13 workplan was already done prior to the strategic plan draft. Nonetheless, the workplan was compared to the strategic plan. All four goals were reached with the current activities at hand.

For FY14, there is an opportunity to look at the goals and evaluate the progress. The focus would be to serve the states, to determine the needs of the states, and to ensure that staff capabilities are fully communicated to the states.

Chairman Karimi added that the Commission may be more effective and productive if the projects are more immediate needs versus long range environmental planning. Mr. Haywood added that the Commission is already doing this through DWSP, engaging the utilities on water supply issues. Commissioner Pace suggested looking at sub areas that are important activities such as the CO-OP management operations, climate change, etc., which contribute to the strategic focus. These areas need to be articulated so that the area of emphasis can be realized.

Commissioner Sachs added that rather than focusing on individual projects, the focus should be on the entire basin. He does not see a higher coordination of activities from the entire basin perspective, such as a comprehensive plan. The Susquehanna River Basin Commission (SRBC) has a comprehensive plan and an annual report providing the status outcome.

Chairman Karimi added that the SRBC has broader resources with regulatory functions. SRBC has a need for a river basin plan. Although there is a need for a comprehensive plan, a river plan is not necessarily a strategic plan. He recommended, based on the resources, to evaluate what type of plan we should develop. At the next meeting, discuss the next process and what that comprehensive plan should look like. He will have a discussion with John Capacasa at the EPA to determine whether within the 106 grant a basin plan could be developed. The funding is there with an option to suggest projects to the EPA. Commissioner Pace added that the plan does not have to be a highly detailed but rather identify the priorities for the basin over time. And the annual workplan would provide the organization the activities under those priorities so there is a strategy for getting funding.

Chairman Karimi asked that, for the next meeting, ED look at the plans out there, take Commissioner Pace's recommendation and provide an outline of a plan and expand as needed. He also asked that at the next meeting, there be a report on the practicality of this plan and the possibility of using the Section 106 grant so that the plan can potentially be in the Section 106 grant workplan. Commissioner Pace added that there are a few models out there to look at with the SRBC and DRBC's plans.

Commissioner Peterson added that the focus should be on the mission and vision without considering the money factor. By chasing the money, the sight of reinventing ICPRB to be current is lost. She suggested focusing on how to achieve the mission and vision. It should be a simple framework.

Commissioner Zemba added that being recognized as a leader for regional efforts requires effective communications of that leadership role. Commissioner Steele added that "Advisor" describes ICPRB well. He also recommended reading the book "Global Thirst" by Commissioner Wennersten, which he found to be very good. He suggested offering a course, an even consider a degree for the course work. Chairman Karimi encouraged the commissioners to look for ideas and suggestions and talk to the staff for logistics.

NEW BUSINESS

A. Developing a Systematic Approach for Managing and Serving Information by Dr.

Buchanan: Dr. Claire Buchanan gave a short presentation about ongoing efforts to improve ICPRB's approach to managing and serving information. Ever increasing amounts of new data and data types require more and better data management, to enable more synthesis and interpretation of the data. A case in point is ICPRB's recently completed Middle Potomac River Watershed Assessment report, which relied on two models and dozens of different data sets, ranging from streamflow to census projections. ICPRB seeks to ensure the use of high quality data in its project analyses, meet the requirements of the agency's EPA-mandated Quality Management Plan, increase cost-effectiveness and staff efficiency, and provide quality assured information from multiple sources across the Potomac watershed.

B. Proposed FY13 Budget Amendment: Mr. Haywood asked for an approval of the amended FY13 budget which reflects updated information on projects. One large change is the project #802 with additional one-time funding of \$57,000. The total net revenue increased by \$172,389. On the expenses, there is a minor decrease in salary. But in salary \$20,000-\$25,000 was set aside to use as small performance incentive and for job modifications for a couple of staff. On the rent, ICPRB's tenant's lease expires on March 2013. But the tenant is interested in staying until the end of the ICPRB's master lease, so the budget reflects this adjustment. In the Contracts category, the cost is mainly for web management and water quality analysis for a project. With all the changes, the budget amendment has a year-end net of \$162,452. However, this net includes Virginia's full dues of \$151,500. Rather, without Virginia's signatory dues the realistic net would be an increase in the fund equity of approximately \$10,000.

Commissioner Sklarew asked on the status of pursuing Virginia's signatory dues. Mr. Haywood replied that Commissioner Kudlas offered to provide contacts in the Virginia legislature, staff level. After some initial inquiries, the indication was, given recent directives from the Governor's office to cut funding an additional 4%, that this was not a good time to pursue these contacts. Commissioner Kudlas made another suggestion to reach out to the friends of ICPRB who may have some influence on Virginia. He is pursuing this route. Commissioner Sklarew will discuss with Commissioner Hartwell to make another effort. Chairman Karimi would like to look at educating or

correcting the impressions that other jurisdictions are not paying. He suggested looking at the short legislative session period, using Commissioner Paylor's recommendation (from previous meeting). He would like for the ED to make further discussions with the Virginia commissioners to take appropriate action for this situation. Commissioner Sachs added that it may be placing Commissioner Kudlas in an unfair position, working for the Commission and also his position at the state. Mr. Haywood explained that Commissioner Kudlas has done no more than provide information to him about the Virginia budget process. Chairman Karimi asked Commissioner Sklarew to touch base with Commissioner Kudlas for his advice.

Chairman Karimi asked for a motion to approve the amended budget. Commissioner Stanley made a motion to approve the amended budget, followed by Commissioner Sklarew. All were in favor.

C. Investment Policy: Mr. Haywood introduced a new Investment Policy for ICPRB that continues the investment practices in the existing investment guidance in the Manual of Operations, but adds detail and language that meets current investment industry guidelines. This policy would be added to the Manual of Operations as an attachment. The Manual of Operations gives the authority to the ED, to invest appropriately for the Commission. It is a very conservative policy that allows only investments in U.S. government insured funds and is appropriate for the Commission. Mr. Bolle recommended adoption of this agreement. Mr. Haywood asked that due to the short notice, the commissioners take the policy home to review and get back to him within the week.

Commissioner Peterson added a minor edit to read, under Purpose and Scope, change "his" to "his/her." Commissioner Stanley added that a copy of the policy be sent to those commissioners who are not present at this meeting for their vote as well. Chairman Karimi asked that the document be sent to all the commissioners and alternates. The deadline for voting would be within the week. And no vote will mean abstaining from the vote. Mr. Bolle advised that the only votes that count are the commissioners, not the alternates. However, the commissioners that are not participating like the governor, their alternates will count for voting. Mr. Bolle further advised that the commission can vote on it now at this meeting to pass the motion, if the commission chooses. Chairman Karimi asked for a motion to vote on this policy at this meeting. Commissioner Sklarew and Commissioner Sachs recommended to vote now. Chairman Karimi asked for a vote from those present at the meeting and also send a copy to those Commissioners not present at this meeting to give them an opportunity to vote. **Commissioner Sachs made a motion to allow a week to review the document. Commissioner Pace seconded the motion. All were in favor. Chairman Karimi asked if those present would like to vote now. The following are those voting now with a "yes," Karimi, Stanley, Sachs, Peterson, Steele, Wennersten, Pace, Sklarew, Zemba. Commissioner Campbell voted yes with another modification to read, "All deposits must be fully insured." Chairman Karimi reiterated the motion at hand, which is the modified document with all given up to a week to vote. All were in favor of passing the motion. A second vote was made to adopt the document as modified. With consensus, all present at the meeting were in favor of adopting the Investment Policy. The motion passed.**

Mr. Haywood added that the intent of this document is a guideline for the new investment firm. In the future, he may ask the Commission the document may be modified to seek out secured higher yielding investment products. At this time, there will be no change in the investment practice.

D. Report on the Potomac Conservancy: Mr. Dalpra gave a short overview of the report from the Potomac Conservancy. This report focuses on the 40th anniversary of the Federal Clean Water Act (CWA). The Conservancy noted that the CWA is based on achieving fishable/swimmable waters

throughout the U.S. The states are required to report waterways that do meet the state's designated uses, which then may require a Total Daily Maximum Load Plan that maps measures that should return the waterway to health.

The conservancy report highlighted the number of streams that are not in compliance, along with a list of contaminants that included nutrients, sediments, pathogens and bacteria, industrial chemicals, and emerging contaminants such as endocrine disruptor chemicals, that interfere with hormonal processes. The conservancy report connects the discovery of amounts of emerging contaminants with the intersex fish problems in the Potomac watershed. Dalpra noted the conservancy report was not yet strongly supported by data. Dalpra noted that the most recent assessment is the first in which the Potomac Conservancy did not use a letter grade, but used the word "fail" instead. Another interesting fact on this report is that most of problems lie in the Virginia portion of the Potomac. This may be because of a recent report about Virginia's waterway quality. As the ICPRB Commissioners are aware, a comprehensive report for the entire watershed is a costly, time-consuming, and likely controversial report to produce. For previous reports, the conservancy requested and received ICPRB support in collecting data, but has not asked for help with the last couple of reports. The report addressed three approaches for improvement : strengthening the regulatory framework at the state and local levels to reduce nonpoint source pollution, to increasing funding for clean water programs, and providing assistance and incentives to individual property owners.

In line with its suggestions, the Conservancy announced its agenda for the next three years, including working more closely with private land owners, increasing government funding for programs to help land owners, and provide incentives and technical assistance to them. In a companion document, the conservancy highlighted a number of recommendations aimed at local and state government funding to promote smart growth and development practices that would guide development that supports clean waterways.

The report is a good way to generate publicity for an advocacy organization such as the Conservancy. An ICPRB report to generate similar publicity would need to be much more data-centric, and would need to agree with existing state policies. A possible offshoot for ICPRB use could include a broad assessment of the watershed and conceptually highlight jurisdiction efforts to meet the goals of the Clean Water Act or the goals of the Commission. The report is available on www.potomac.org.

COMMISSIONER'S TIME

Commissioner Wennersten invited the Commission to visit the Smithsonian Anacostia Museum, open until September 2013 to see a new exhibit: *Reclaiming the Edge: Urban Waterways and Civic Engagement*. Dr. Wennersten was a consultant on this exhibit.

Commissioner Zemba added that Pennsylvania has made a major initiative to revamp the permitting process to improve timeliness and efficiency of issuing permits.

Mr. Haywood had some conversations with the Pennsylvania commissioners about having the next meeting in Pennsylvania. Chairman Karimi suggested that Pennsylvania commissioners and the staff further discuss the meeting location for March. Commissioner Zemba suggested the meeting be a one-day meeting.

Commissioner Sachs added that Maryland will be appointing a new commissioner possibly from southern Maryland, St. Mary's county area. If the appointment happens, he suggested that in June,

the meeting location be in the southern Maryland area.

ADJOURNMENT

Chairman Karimi asked for a motion to adjourn the meeting. Commissioner Peterson made a motion to adjourn. Commissioner Sachs seconded the motion. All were in favor. The meeting adjourned at approximately 2:30pm.

Minutes Prepared By,
Bo Park
Administrative Officer

Minutes Approved By,
Carlton Haywood
Commission Secretary

**INTERSTATE COMMISSION
ON THE POTOMAC RIVER BASIN**

**SECOND QUARTER 2013
BUSINESS MEETING
March 12, 2013**

ADAMS COUNTY CONSERVATION DISTRICT, GETTYSBURG, PA

DRAFT MINUTES

CALL TO ORDER: Chairman Karimi called the Second Quarter 2013 Business Meeting to order at 8:31AM on March 12, 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 (Alt. Commissioner)

United States

Robert Pace (Alt. Commissioner)

George Reiger (Commissioner)

Maryland

Herb Sachs (Chair & Alt. Commissioner)

Virginia

Scott Kudlas (Alt. Commissioner)

Robert van Laer Hartwell (Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)

Lori Mohr (Alt. Commissioner)

Ronald Stanley (Commissioner)

Roger Steele (Alt. Commissioner)

Staff and Guests

Staff

Carlton Haywood (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Administrative Officer)

Cherie Schultz (Director, CO-OP Section)

Jim Cummins (Dir, Living Resources)

Sherry Zandieh (Admin Assistant)

Heidi Moltz (AD, Water Resources)

Guest

Chris Kimple (for PA Del. Moul)

Jim Martin (Adams Co Commissioner)

Larry Martick (District Manager, ACCD)

Charley Bennett (Chair, ACCD)

ADOPTION OF AGENDA: Chairman Karimi asked for a motion to approve the agenda.

Commissioner Sachs made a motion to approve the agenda, which was seconded by Commissioner Kudlas. All were in favor.

APPROVAL OF MINUTES: Commissioner Hartwell asked for a modification to the Minutes to reflect his attendance by phone at the last meeting. Chairman Karimi asked for a motion to approve the December 3, 2012 Minutes with the attendance record addition. **Commission Zemba made a motion to approve the Minutes, 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. There were no other legal actions or matters to report.

OLD BUSINESS

Executive Director's Report: Mr. Haywood reported on the last quarter's progress and report.

Staff member, Sarah Ahmed will be on maternity leave until mid-summer.

On the financials, under Tab 6 of the meeting book, there was no withdrawal from the contingency reserve account as of 2/28/13. The accounts receivables (AR) from FY2012 total \$200k, of which \$157k is due to unpaid signatory dues. The AR in FY2013 totals approximately \$321k, of which \$84k is unpaid signatory dues and the remainder is operational.

The funds in Merrill Lynch accounts were successfully transferred to Janney Montgomery Scott LLC.

There was a bill in the Virginia legislature to restore funding to ICPRB, including payments in arrears, which did not pass. A budget amendment that would have provided \$100k for FY2014 did not make it out of joint conference committee. The next fiscal opportunity would be in Virginia's fiscal year 2015 (July 2014-June 2015). Chairman Karimi asked that anyone with suggestions or information that may be helpful in reestablishing funding from Virginia to pass on the information to the Executive Director.

Maryland paid 90% of their dues for this fiscal year due to a 10% reduction applied to all MDE programs.

Information from the EPA indicates that the Commission's Section 106 grant for FY2013 will be cut by 5.2% which equates to about \$40,000. Apparently, sequestration will impact other grants for this year as well. To deal with the sequestration cut this year, hiring an intern in the Communications Section will not occur.

For grants and contracts, the Middle Potomac Assessment report is still at the Corps of Engineers, pending approval. The original scope of work for the West Virginia Filamentous Algae project was completed below cost and, with WV DEP approval, the unspent amount is being used for an additional task. A workplan was submitted to the MD Department of the Environment to work with the Chesapeake Bay Program on the next version of the watershed model. The contract will be for the first of what is hoped to be a three-year project. There also has been an on-going discussion with VA Department of Environmental Quality to assist with TMDL at Holmes Run, for which the Commission received a modest increase in the contract. All other projects are on schedule.

Mr. Haywood continued that he has had on-going discussions with Loudoun Water and the CO-OP utilities managers to include Loudoun Water in CO-OP operations and planning. Loudoun Water has obtained a permit for a new Potomac River withdrawal from the VA DEQ. Commissioner Kudlas informed that the permit is in force currently but it has no effect until the Broad Run water treatment plant is complete. A section of this permit specifies that Loudoun Water should coordinate with CO-OP utilities, but the details of the structure for that coordination is yet to be worked out. Commissioner Kudlas added that there is an expectation that there will be cooperation. Mr. Haywood suggested that this discussion continue in a forthcoming meeting of the CO-OP section and CO-OP utility managers.

The Executive Director has been visiting each state. He has visited WV DEP and the PA DEP. He needs to set the dates with Maryland and DC in the next month or so. Commissioner Zemba added that the ED should visit the states at least once a year. Mr. Haywood added that his goal, for each jurisdiction, is to review ICPRB activities, their relevance to the jurisdiction's water management issues, and brainstorm for additional opportunities to assist the states.

The search for new office space continues. The current lease expires on September 30, 2014, but there is more space than needed. The objectives for a new lease are to decrease cost through reduction of space and through lower cost per square foot, and to maintain access to mass transit and amenities, as feasible. Several options are being explored. The current landlord (WRIT) was asked for a proposal that would reduce the space leased at the current location in advance of September 30, 2014, but their response provided only an insignificant cost reduction. Another location owned by WRIT, however, is available now. Commission is exploring an agreement to move before the end of the current lease. The decision will be based on the overall best value in the long term (10 years), including the cost of the current lease through FY2014.

Other possible locations in northern Virginia, DC, and within Montgomery County were explored. So far, it appears these areas do not yield better leasing terms than the current lease for locations with equivalent access to highways, transit, and amenities. Direct discussions with other landlords have not occurred yet as October 1, 2012, as it is too far away for serious negotiations. ICPRB will need approximately 7,000 sq. ft. as compared to 9,700 sq. ft. currently leased. Chairman Karimi asked for suggestions and ideas from the commissioners. Commissioner Wennersten asked whether condominium for purchase was considered. Mr. Haywood replied that the Commission does not have the down payment for a purchase. Chairman Karimi asked that this option be explored as well.

Mr. Haywood assisted the Low Flow Allocation Agreement (LFAA) governing members search for a new LFAA moderator. The Commission is not a party to the LFAA but having a moderator is important to the CO-OP Operations. Three of the four of the LFAA member representatives are also ICPRB Commissioners.

Mr. Haywood has had a conference call meeting with the other river basin commissions which included discussions on fringe benefits and the rates. It was noted that ICPRB's fringe benefits rate is very comparable to others.

The project status report format was changed to a table format indicating the current status of each project. The project purpose is attached separately with the table. If more information is needed, staff can provide as requested. Commissioner Hartwell asked if the sturgeon project should be a separate project number as this project may be funded in the future. Chairman Karimi asked for a separate project number to track the activities and costs associated with the sturgeon project which could be a good symbol for the Commission.

Mr. Haywood discussed the strategic plan. At previous meetings, the Commission has agreed on the vision, mission, and objectives for the strategic plan. The next step is to drill down to a finer level that defines actions to be taken in support of the goals. Mr. Haywood then shared with the Commission six proposed actions that the Communications unit will carry out. Outcomes and measures of success were defined for each action. Mr. Haywood added that his next focus will be on the Water Quality section, with the same approach, to be given at the June meeting. Chairman Karimi asked that the strategic plan be on the agenda at every meeting so to be aware of the progress on an ongoing basis.

Commissioner Wennersten added that he would like to see the Executive Director to be more of a spokesperson for the Commission. On that line, Mr. Haywood replied that he was interviewed for the film, "POTOMAC: The River Runs Through Us," that is coming out next week. Commissioner Mohr encouraged public outreach through partnership with other organizations to sponsor some sort of a contest to get higher website traffic and public involvement. She brought an example brochure for the Communications Manager. Commissioner Campbell commended that the Commission is taking a great new direction. He encouraged that the newsclip emails be sent to more people as he found it useful. He

suggested reaching out to other states as well. Commissioner Steele asked for a copy of the commissioner presentation slides. Mr. Haywood asked that the commissioners contact Mr. Dalpra for a copy. Commissioner Pace further added that face to face interaction may be necessary to reach out to the legislators. Mr. Haywood replied that although necessary, face to face meetings may be difficult but the idea is to bring focus on the headlines for a quick gleaning. And the newsclip mailings may not go directly to the legislators but to their staff, which would be fine for exposure sake. Ms. Kimple added that for Commissioner Moul's office, they would like to see more of their relevant information and not for the general Potomac area. Commissioner Stanley added that the newsclips do not market ICPRB. He would like to see more of what ICPRB does.

NEW BUSINESS

Executive Committee Actions: Mr. Haywood summarized the Executive Committee meeting held yesterday. He informed that the Executive Committee met with the investment advisor from Janney Montgomery Scott who explained collateralized mortgage investments, called pass-through mortgages, and also explained an investment approach that would put a small portion of ICPRB reserve funds into equities. The collateralized mortgage investments earn a bit more than certificate of deposits (CD) and are within the guidelines of the current investment policy. The Executive Committee agreed to convert some CDs into pass-through mortgages that are federally insured but decided not to consider equity investments in stocks at this time.

A contingency plan was discussed to address the impact of federal sequestration. ICPRB is expecting a \$40,000 cut in FY2013 EPA106 grant with no news from other grants. Additionally at this time, there is no information available for the FY2014 EPA 106 grant. A series of steps were presented to address the cut in FY2013, which can largely be absorbed within the budget, and progressively more severe steps to be taken, if necessary, in FY2014 and FY2015. Currently, sufficient funds are available to cover the deficits in FY2013 and even in FY2014. Mr. Haywood added that if the sequestration continues into FY2015, then the cuts will become more problematic and draconian. Chairman Karimi added that if the financial imbalance continues, it may create organizational structural problems. Therefore, before structural problems arise, he suggested to the ED that at every Executive Committee meeting, he would like to have updates and discussions on the fiscal and lease matters. He and the ED talk on a monthly basis and the Executive Committee meets in between two quarterly meetings. Any issues that come up in between the meetings will be brought up at the following general commission meetings. Chairman Karimi emphasized that reserve funds should not be used for structural deficiencies, as the root of the problem will still exist if not addressed.

Chairman Karimi added that he will be having a discussion with the ED on his performance evaluation. He asked the Executive Committee and the commissioners to provide any feedback.

Audit Committee Update: Commissioner Kudlas gave a brief overview of the audit in progress. The audit is not yet final. The audit committee is awaiting the final audit draft for review. The report on the audit will be done at the next meeting. So far, positive indications were received from the auditor.

Implementing the March/Rock Creek Critical Area Plan. Dr. Moltz described the development of the Critical Area Resource Plan in the Marsh and Rock Creek watersheds of Adams County, Pennsylvania. The project included a stakeholder participation process, data collection, technical analyses, identification of management alternatives, review/prioritization of management alternatives, and preparation of the draft document. The draft CARP is currently under review at DEP. After review, revision, and acceptance by the Potomac Regional Committee, the Pennsylvania Statewide Water Resources Committee, and the DEP Secretary, the CARP will be adopted as part of the State Water Plan.

Charlie Bennett discussed the challenges to preparing and implementing the CARP. These included the

length of time to complete the process, funding, municipal participation and their reluctance to be the first to enact a new ordinance, the need for additional outreach/communication/education, and the water transfer into the Gettysburg Municipal Authority system from York Water.

USFWS/NMFS Propagation Policy and Relationship to Fish Stock Supplementation: Ms. Marta Nammack from US Fish and Wildlife Service gave a presentation on the guidelines and policies of controlled propagation of species on the Endangered Species list. The National Oceanic and Atmospheric Agency, Fisheries Services handles the marine species where the USFWS handles the freshwater species. The two agencies developed a policy and guidance for controlled propagation of listed species. The Atlantic sturgeon is listed as an endangered species in the Chesapeake Bay. The stocking in the Chesapeake Bay has to comply with the controlled propagation guidelines. Ms. Marta described in broad, the guidelines and policies set forth by the agencies for the endangered species. No specifics on the sturgeon were discussed. Chairman Karimi requested information on how to inform colleagues in the decision making process. He asked to forward the information to Jim Cummins. He also asked to convey ICPRB's concerns to the NOAA Fisheries Services.

Baseflow Separation in the Shenandoah Valley: Commissioner Kudlas discussed Virginia Department of Environmental Quality (VA DEQ)'s approach to water supply planning and their use of meta-modeling and dealing with modeling uncertainties. As a regulatory agency, credibility with stakeholders is enhanced when the uncertainties are transparent. In order to get a better handle on groundwater contribution to stream flow, especially in fractured rock areas where model calibrations were not as good as calibrations in other areas, USGS was contracted to monitor concentrations of certain chemicals in streams. The study, now complete with a final report published and available on-line, found that groundwater has a distinct chemical signature that can be identified and that groundwater contributes more to surface flow (in the fractured rock area studied) than has been assumed in previous hydrologic models.

COMMISSIONER'S TIME

Commissioner Pace provided information about the status of the licensing sought by Fairlawn Hydroelectric at Jennings Randolph Lake. The applicant still has not provided to the USACE all of the information required to complete a review of the permit application. The applicant would like to begin construction in late Summer or early Fall, but that is uncertain given the several steps in permit review still to be completed. Mr. Pace described how USACE is planning to accommodate the requirements of sequestration. It appears that employees will be furloughed for up to 22 days on a schedule still being worked out. USACE has applied to the Department of the Army for a waiver of some or all of the budget cuts as it is an entirely project funded agency. Mr. Pace also informed the Commission that Reagan National Airport is considering a runway extension. The airport authority is working with the National Park Service to mitigate the extension of the airport into the Potomac River. Chairman Karimi added that the District of Columbia is involved in this process as well.

Commissioner Kudlas added that the Virginia legislative session for this year has been completed. They will be returning for veto session later this month. Of interest to the Commission, Virginia plans to move to DEQ those water quality related functions currently in the Department of Conservation and Recreation. These include stormwater and erosion and sedimentation control (E&S) programs. The consolidation is to be completed by July 1. It is possible that, in the next year, there could be another bill to bring agriculture and soil and water conservation districts under DEQ. Chairman Karimi asked that, as the department consolidates, to inform ICPRB of the changes if any.

Commissioner Sachs added that by next meeting, he hopes to see two more commissioners from Maryland. He is work on one delegate and the other in the St. Mary's watershed.

Commissioner Steele asked whether the commission would consider public radio talk show. Chairman Karimi asked the ED to forward the idea to the Communications Manager about the possibility. He also encouraged contacting the Communications Manager with information.

LOCATION FOR JUNE MEETING

In consideration of the budget, the next meeting location in June will be in Rockville as a one-day meeting.

ADJOURNMENT

The meeting adjourned at 12:17PM.

Minutes Draft By: Bo Park, Administrative Officer

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

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

THIRD QUARTER 2013
BUSINESS MEETING
JUNE 11, 2013

ICPRB HEADQUARTERS, ROCKVILLE MD

DRAFT MINUTES

CALL TO ORDER: Chairman Karimi called the Third Quarter 2013 Business Meeting to order at 10:09AM on June 11, 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 (Alt. Commissioner)

United States

Jane Witheridge (Commissioner)

Robert Pace (Alt. Commissioner)

John Quigley (Alt. Commissioner)

Maryland

Herb Sachs (Chair & Alt. Commissioner)

Virginia

Scott Kudlas (Alt. Commissioner)

Robert van Laer Hartwell (Commissioner)

Pennsylvania

Andrew Zemba (Commissioner)

Ronald Stanley (Commissioner)

Staff and Guests

Staff

Carlton Haywood (Executive Director)

Robert Bolle (General Counsel)

Bo Park (Administrative Officer)

Cherie Schultz (Director, CO-OP Section)

Jim Cummins (Dir, Living Resources)

Curtis Dalpra (Communications Manager)

Claire Buchanan (Assoc Dir, Aquatic Habitat)

Ross Mandel (Assoc, Dir, Watershed Analysis)

Guest

Chris Kimple (for PA Del. Moul)

Alexandra Nigida (Intern, Rep. Dan Moul)

Bob Lewis (ED, St. Mary's River Watershed Assn)

Rhonda Manning (PA, DEP)

Chairman Karimi presented the ICPRB pin to the new federal alternate commissioner, John Quigley, alternate to Jane Witheridge.

ADOPTION OF AGENDA: Chairman Karimi asked for any modification of the agenda. Mr. Haywood asked that the presentation on Climate Change by Dr. Schultz be moved up to the beginning of Old Business. Commissioner Sachs asked for an update on the middle Potomac assessment. Mr. Haywood added that this update will be very brief. **Commissioner Kudlas made a motion to approve the agenda, which was seconded by Commissioner Hartwell. All were in favor.**

APPROVAL OF MINUTES: Commission Sachs made a motion to approve the Minutes, which was seconded by Commissioner Zemba. All were in favor.

APPROVAL OF EXECUTIVE COMMITTEE MINUTES: Commissioner Sachs made a motion to approve the minutes, which was seconded by Commissioner Kudlas. All were in favor.

GENERAL COUNSEL'S REPORT: Mr. Bolle reported that all legal affairs were related to routine matters. There were no other legal actions or matters to report.

OLD BUSINESS

Climate Change Impacts Throughout Basin: Dr. Schultz gave a presentation on the climate change study that was completed by the CO-OP Section. The study consisted of 18 scenarios from global forecast models. Staff member, Heidi Moltz and Dr. Cherie Schultz can be contacted for more information. Chairman Karimi asked that staff look for ways to communicate to a broader audience so information can be used for future needs for other stakeholders. Dr. Schultz indicated that the information will be put on the website. Chairman Karimi encouraged the commissioners to reach out to the staff with other suggestions.

Executive Director's Report: Mr. Haywood reported that staff member, Jacqueline Johnson's last day was June 14, as a result of a change in resource planning by the EPA for the Section 117 grant.

Commissioner Colleen Peterson has resigned as of yesterday due to personal reasons.

Financial Report: Mr. Haywood provided information on the current and projected financial status. He noted that Maryland has made a cut in their jurisdictional dues by 10%. Pennsylvania made a smaller cut of about \$5k, and there will be no dues received from Virginia. Per Commissioner Karimi, the District of Columbia dues will be forthcoming. From the grants, ICPRB has received about 40% from the EPA Section 106. This is beginning to impact our cash flow as about 75% of the 106 grant work has been expended thus far. Inquiry was made with John Capacasa at the EPA regarding additional funds into the 106 grant. There is still expectation that the full approved amount, less a sequestration cut, will be received.

Mr. Haywood indicated that the current cash flow is acceptable. If the shortage of funding resources continues into FY2014, however, some funds from the general account and possibly the reserve account will be necessary to close the cash flow gap. If the overall financial situation does not improve by FY2015, there will need to be significant changes in the operation to reduce expenses.

Mr. Haywood informed that some investments in mortgage-backed securities have been purchased consistent with the investment plan discussed at the March meeting. These assets are purchased in small increments of \$10k to \$20k with spread out maturity dates. So far approximately 18% of the contingency reserve account and 7.5% of the general account funds have been invested.

Mr. Haywood informed that the new Water Resources Development Act (WRDA) bill stipulates that if the Corps of Engineers (USACE) does not provide the funds, an explanation for non-funding must be made to the Senate. This new WRDA version was passed by the Senate, and is now in the House. There is only a small chance of success but the potential is there for \$750k/year funding if the USACE follows WRDA direction. There is an attempt by the river basin commission (RBC) group to arrange a meeting with the OMB and CEQ to put the RBC funding directly into the Obama Administration's budget. As a second attempt for ICPRB alone, Mr. Haywood is pursuing a meeting with Steve Stockton at the Corps of Engineers to discuss work on water resources planning as a basis for the \$750k federal payment.

Project Status Report: Mr. Haywood reported that the West Virginia water resources plan was completed and the report was delivered. The second year project is currently underway. West Virginia also awarded another project but staff is currently waiting for the data necessary to continue. Time extension on the project may be needed.

Efforts in Sturgeon Restoration: The Sturgeon project continues with Commissioner Hartwell and staff member Jim Cummins providing text to Congressional staff members for what could

become a letter from members of Congress to NOAA's National Marine Fisheries Service (NMFS) and to the US Fish and Wildlife Service (USFWS) to request alternative ways to deal with Atlantic sturgeon in the Potomac and upper Chesapeake Bay. This text is being reviewed by staff members for Congressmen Wolf and Moran. In addition, the NMFS recently indicated that they are going to re-evaluate the sturgeon population estimates used for the endangered species listing and that process provides a little more time for us to work on the fate of these hatchery sturgeon. Commissioner Sachs added that the Maryland Department of Natural Resources has strong interest on this issue. Commissioner Sachs asked for a copy of the letter to distribute within the Maryland departments. Commissioner Kudlas will also distribute to Virginia Marine Resources Commission.

Lease Renewal or Relocation Update: Mr. Haywood informed that there has been a rapid development in the lease/relocation effort. The total cost of the current space is approximately \$285k including parking. The current space is more than needed. Our sub-tenant, who holds about 960 ft², has given their notice to move out on 8/31/13. ICPRB's options are to stay in the current location until the current lease runs out on 10/1/14 and then move, stay in current location but with reduced space, or move to another WRIT location prior to 10/1/14.

Currently, there is a vacant WRIT office space located at 30 W Gude Drive, about 1.5 miles north, with approximately 7200 ft² for \$23.50/ft², with a move-in date of 10/1/2013. Negotiations have started for this location. As due diligence, other possible office spaces were seen. However, the advantage of 30 W Gude Dr. is the ability to move prior to the end of the lease with cost savings reflecting in FY2014. The impact of this move would be \$285,000 (FY2014 payment at 51 Monroe) vs. \$169,200 (at 30 W Gude), yielding a difference of \$115,800. Lower cost locations exist, down to about \$22/ft², but they are further away from highway access and from mass transit. In addition, ICPRB would not be able to move until the current lease runs out, resulting in a sharply higher rent cost for FY14 and waiting a year means taking a chance on the direction of market changes.

The 30 W Gude location has free parking and has reasonable access to mass transit, about 15 minutes by bus. Although there will be no large conference room in the suite, there is one available within the building for a nominal fee. There will be a small conference room within the suite, however. The estimated moving cost is approximately \$25-30k. In its counteroffer, ICPRB requested concessions from WRIT that is equivalent to the moving cost. Mr. Haywood requested the authorization to sign the lease at 30 W Gude Drive with an impending move on 10/1/2013. **Commissioner Kudlas made a motion to grant the Executive Director to move forward with the lease contract for 30 W Gude Dr with all related expenses. Commissioner Witheridge seconded the motion.** Commissioner Wennersten asked whether it is possible to extend for another year. Commissioner Stanley commented that it would be risking \$115.8k to wait since the economy is improving. Chairman Karimi asked for other comments. **With no other comments, all were in favor.** Chairman Karimi asked the ED to inform him of any significant developments. Mr. Haywood will let the commissioners know once the agreement is reached.

Implementing Strategic Plan: Mr. Haywood continued his previous discussion on the strategic plan. The mission, vision, goals were written last year. As a result, there are now 33 action items with 73 measurements. This list needs to be polished and pared down. However, the list represents the framework outlining the outcomes and measurements by department. Chairman Karimi requested that the strategic plan discussions be an on-going item on the agenda for future meetings.

NEW BUSINESS

Watershed Model: Past, Present, and Future: Dr. Mandel gave a presentation of the watershed models developed at ICPRB. Since the 1980's, the Chesapeake Bay Watershed Model has gone through several phases of development, and ICPRB has actively participated in the development of each phase. Currently, at the request of MDE, ICPRB staff are working to improve the performance of

Watershed Model at small scales to facilitate acceptance of Bay TMDL allocations by stakeholders. In addition to contributing to the objectives of the Chesapeake Bay Program, ICPRB's participation has enabled staff to apply the Watershed Model in other projects, including the CO-OP Climate Change Study, Sustainable Flows Project, the Potomac River PCB TMLs, and non-tidal nutrient TMDLs for six Maryland watersheds. The Watershed Model will form the basis for CO-OP's development of a low-flow forecasting model to better predict travel time of releases from William Jennings Randolph and Savage Reservoirs. It is anticipated that revised version of the Watershed Model also will be used in the future to help develop TMDLs and to simulate streamflow for local water resource planning.

Audit Committee Report: Commissioner Kudlas of the Audit Committee, reported that the Audit Committee has read the final audit report and was pleased with a clean audit. There were no deficiencies or material weaknesses. The committee met with the auditors. The auditors indicated that they made some suggestions, but they were resolved after discussions with the staff. So there were no subsequent issues. The committee made some suggestions in the draft report, which was included in the final report. **Commissioner Kudlas made a motion to accept the audit by CliftonLarson. Commissioner Stanley seconded the motion with all in favor.**

FY2013 Budget Revision: Mr. Haywood presented the FY2013 revision to reflect more accurate information with contract updates and expenditures. Included is a staff reduction for J. Johnson, prorated. The total revenue is based on the full receipt of jurisdictional dues, but the expectation is that expenses will exceed revenues by \$171k due to jurisdiction non-payment. The jurisdiction payment shortfalls will be carried as accounts receivable. **Commissioner Stanley made a motion to approve the FY2013 budget revision, which was seconded by Commissioner Kudlas. All were in favor.**

FY2014 Budget Revision: Mr. Haywood submitted the FY2014 budget revision, which is a conservative budget, with more up-to-date information. In the expense category, one staff reduction is reflected. The bottom line is approximately \$200k in the red, which is the norm at this early time. Any new revenue sources will be added as future revisions in FY2014. **Commissioner Sachs made a motion to approve the FY2014 budget revision, which was seconded by Commissioner Stanley. All were in favor.**

Reports from the Arakawa Basin, Japan: Commissioner Sklarew is serving as a Potomac ambassador to our sister Ara River (Arakawa) in Japan. He sent an audio/visual presentation about his activities that was played at the meeting and subsequently emailed to the commissioners. The presentation highlighted events that he has attended sponsored by the Society of Arakawa (our partner organization), including a science contest and a river tour event. He also made presentations about the Potomac at both events. He further asked the commissioners to suggest new avenues of participation that could help spread greater exchange between the two groups.

COMMISSIONER'S TIME

Commissioner Stanley informed that the former ICPRB commissioner Bill Plank's widow, Marrietta Plank recently passed away. Her memorial service will be held on 6/23/13, 1PM, in Everett, PA. Commissioner Zemba informed that Commissioner Mohr will be going on maternity leave starting August.

ADJOURNMENT

The meeting adjourned at 1:36PM.

Minutes Draft By: Bo Park, Administrative Officer

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