
Path Forward Committee (PFC) Meeting Agenda
June 4, 2024, 9:30 AM
Butner Town Hall, Camp Butner Room

Materials related to the PFC Meeting will be placed on the UNRBA website unless noted otherwise: [UNRBA Meetings Page](#).

I. Opening Comments, Agenda Review/Revisions — Co-Chairs Michelle Woolfolk and Terry Hackett

II. FY2025 Contracts

Item Summary (Forrest Westall): At the June 12th meeting, the UNRBA Board will be asked to review and approve three contracts to support the UNRBA efforts in FY2025: Executive Director Services, Financial Assistance Services, and Modeling, Regulatory Support, and Communications (MRSC). The Board has reviewed and approved the budgets for Executive Director and Financial Services. The contracts for the Executive Director Services will be consistent for FY 2025, with the exception that Financial Services component will be covered under a separate contract. This contract runs through March 2025 and includes support for an audit effort and coordination assistance for transition of financial support to a new contractor beginning April 2025. The costs and scope of MRSC has been reviewed and discussed during previous meetings and budget discussions. The Executive Director has provided the scope document for MRSC to the PFC ahead of this meeting. The Executive Director has provided the contract documents to Aarin Miles at the City of Durham who has agreed to provide an advisory contract review for the UNRBA. The PFC will be asked to make recommendations to the Board concerning these three contracts.

III. Status of Updates to the UNRBA Website

Item Summary (Forrest Westall): The UNRBA has contracted with River Delta Consulting to merge and update the two UNRBA websites. PFC members and communications staff from the City of Durham previously provided input on draft content for the website. The UNRBA communications team has revised the draft content in response to this feedback. The content pages will include links to separate pdf documents that can be easily updated (e.g., list of Board members, key findings of the watershed modeling). Links across content pages will also be included. URLs for beta versions of the [Home Page](#), [About Us](#), [Updated Strategy](#), and [Resource Library](#) were provided to the PFC ahead of the June meeting for review and input. **Links among the pages still need to be added, and links already in the content may not yet function.** Work continues on the Scientific Studies content. These pages will be provided to the PFC via email for their review. The PFC is asked to provide comments by email. Beta versions of the webpages will also be provided to the Board ahead of their June 12th meeting. While we do want to improve the website, we also have an established budget for this effort. We have been working closely with our consultant to maximize improvements within budget capacity.

The current contract to combine and re-develop the UNRBA website is \$20,000. At their September 2023 meeting, the Board authorized the use of up to \$10,000 from contingency to increase the contract to \$30,000 if necessary. The content is being finalized in June, and the developer is assessing if additional funds will be needed. After its June meeting, the Board does not meet again until September. The

Executive Director will negotiate a contract amendment as needed to complete the work on the website and bring it to the Board for approval.

IV. Concerns with Development in the Falls Lake Watershed

Item Summary (Forrest Westall): Concerns with development in the Falls Lake Watershed continue to be raised. An [article](#) was recently published by Sound Rivers. The Executive Director and support team do not consider the article to be a complete representation of how development affects Falls Lake, the distinction between development practices and the Falls Lake Rules, or the science and research developed to assess the watershed and lake. The article doesn't reference how the UNRBA's Consensus Principles II for a revised strategy address the nutrient impacts of development, the need for continued investment in watershed improvement projects, and the importance of land preservation. The article does not reference Durham County's revisions to their development ordinance. Critically, the article doesn't reflect the full picture on land use in the watershed and that 75 percent of the Falls Lake Watershed is forested or natural areas – this is why those areas contribute most of the nutrient load to Falls Lake. However, the UNRBA concluded that natural areas in the watershed have been important in maintaining uses and strongly support keeping these natural areas preserved. Development and growth concerns in the watershed are beyond the scope of the work of the UNRBA. The Falls Lake Rules are not a “development management” approach to nutrient impacts, nor can they be (the state lacks the authority to regulate development planning and approval— New Development Rules address nutrient impacts). Nonetheless, the UNRBA has been an advocate for land preservation and one of our member governments have greatly strengthened construction and development controls related to sediment and impact of development on natural components of sites. The Executive Director and support team continue to be concerned that efforts to seek significantly more restrictive development constraints could endanger the progressive efforts to further constrain construction impacts and even the continued application of New Development controls. The Falls Watershed, and Durham County in particular, are the only places in the State with the level of control required for construction impacts. In other parts of the State and for other local government regulations (including some of those originally proposed by Durham County), the State legislature has removed the ability of the local governments to regulate stormwater, development, and riparian buffers. This political concern about stormwater management has already resulted in significant restrictions on regulation at the state and local level. This interest in the overall impact of stormwater management is illustrated by the proposed amendment being considered by the NC House Ag Committee. This proposal is that counties or municipalities “shall not impose a stormwater utility fee on property used for bona fide farm purposes as provided in [G.S. 160D-903](#).” If we are to achieve the continued management of new development and existing land use in the watershed, we need to make sure that we do not jeopardize the authority to implement these programs. We hope to reach out to those raising these issues and to encourage them to reference the positive efforts of the UNRBA. This will continue to be a case of keeping reasonable controls in place and to promote the investment program into the future without jeopardizing the authority to manage important aspects of development in the watershed.

V. Year Three of the IAIA Ends June 30th

Item Summary (Alix Matos): The third-year of the Stage I Existing Development Interim Alternative Implementation Approach is ending soon. Annual reports from each participant are due to John Huisman at the Division of Water Resources (DWR) with a copy to the Executive Director and Alix Matos by September 30, 2024. The link to the [template](#) and review of its use will be provided. Email addresses for submittal will be provided in the slide presentation. Common errors from previous years when submitting reports will be reviewed. The PFC is asked to bring additional questions for discussion during the meeting.

VI. DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed

Item Summary (Forrest Westall): We continue to monitor DWR's draft proposal for changes to new development requirements (post-construction stormwater controls) for the High Rock Lake Watershed. We are concerned that this proposal will impact the rules readoption process and the UNRBA's recommendations for revised Falls Lake Rules. We also are concerned that seeking more aggressive development controls for the Falls Watershed will put at risk current management efforts and that the post-construction proposals under consideration will threaten existing programs. Options in the proposal include requiring peak flow or volume reductions better than pre-development conditions depending on the intensity of the development. The PFC reviewed this proposal and provided input during and following the May PFC meeting. Since this draft has potential to impact the components of the revised Falls Lake Rules, our input is important. DWR has indicated it is updating the proposal and will provide that in the future. We will continue to be engaged in the review of this proposal and provide for PFC review and the filing of comments on the updated draft. As discussed above, the UNRBA wants to ensure that productive programs continue in Falls and are not inadvertently put at risk by seeking new and potentially more restrictive requirements for new development.

VII. DWR Interviews of Local Government Stormwater Staff

Item Summary (Forrest Westall): DWR has been reaching out to local stormwater regulators to learn more about local programs and reporting systems. Ellie Rauh will continue to reach out to local governments in the Falls Lake watershed.

VIII. Falls Lake Rules Readoption Process

Item Summary (Forrest Westall): The UNRBA submitted the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#) to DWR and the EMC on November 22, 2023. The NC Collaboratory submitted their final report in December 2023. These submittals trigger the initiation of the Falls Lake Rules Readoption Process. As noted in other agenda items, the UNRBA is engaging on every aspect of this process and how other actions or proposals may impact our efforts to achieve a balanced and productive set of new rules. The following activities are ongoing:

- The UNRBA continues to pursue a legislative change to § 77-141 that would explicitly support the concept of a watershed organization like the UNRBA developing and implementing a water quality protection plan. Both the PFC and Board have previously reviewed this change. Staff from DWR and American Rivers have indicated support for this specific change.
- DWR staff continue to develop the list of milestones and areas of support the UNRBA can provide during the Rules Readoption process.

- The Executive Director and support team have begun drafting text to support the Rules Readoption process based on the UNRBA recommendations and two documents listed above. We anticipate a similar approach as how the IAIA is structure in the Model Program as referenced by the Rules. The Legal Group and Dan McLawhorn (NC Collaboratory) will be asked for their review and input on initial drafts. As sections become available, they will be provided to the PFC for review and input. The UNRBA will consult with representatives of agriculture before beginning drafts of sections that pertain to agriculture.

IX. Modeling and Regulatory Support Status

Item Summary (Alix Matos): The UNRBA has submitted the final watershed modeling report and watershed modeling files to DWR and EMC. The Executive Director requested a formal statement from DWR as specified in Section (5)(f)(iii) of the [Falls Lake Rules](#) which require that “the Division shall assure that the supplemental modeling is conducted in accordance with the quality assurance requirements of the Division.” The UNRBA submitted and the Division approved the [UNRBA Modeling Quality Assurance Project Plan](#) for this purpose.

The UNRBA has also submitted lake modeling files for two of three lake models (WARMF and EFDC). The third lake model (statistical/Bayesian) is under development. The lake model report addresses all three UNRBA lake models. The modeling team has received comments on the draft lake modeling report from PFC members and DWR and is responding accordingly. The UNRBA will submit the lake report and appendices to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275 following this initial review process.

Final development of the statistical model continues and the reporting appendix is under development. Model input data is summarized in the main lake report. We greatly appreciate that the NC Collaboratory is providing additional funding to Dr. Nathan Hall to review the statistical model and provide input on some of the ecological processes in Falls Lake (including algal species and edibility of higher trophic level organisms).

The team met May 20, 2024 to continue discussions on the model structure and predictions. Discussions and preliminary findings will be summarized during the meeting.

X. Evaluation of Falls Lake Specific Assessment Methodology and Site-Specific Chlorophyll-a

Item Summary (Forrest Westall): The UNRBA continues to focus on our primary priority: coordination with DWR and stakeholders in the development of a revised management strategy through the rules review process. Noting that two additional goals remain under consideration: modifications of the 303(d) water quality assessment method for chlorophyll-a in Falls Lake, and the development of a proposed site-specific chlorophyll-a criteria. Dr. Marty Lebo is coordinating with the statistical modeling effort on his continued evaluation of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a.

XI. Communications Support

Item Summary (Forrest Westall): The work with DWR on the revised Falls Lake Rules continues and will become even more important in 2024 and FY 2025. Additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs are being planned. We continue to urge our

jurisdictions to identify additional communication needs and to request support from the UNRBA team as needed. Recent, ongoing, or upcoming activities are noted below:

- Continued comprehensive update of the website
- Updates to the fast facts and infographics documents have been finalized
- Working on a slide deck for UNRBA members to present the recommendations for a revised nutrient management strategy; will finalize once website is finalized with links
- Planning for a joint stakeholder workshop with DWR and UNRBA on the rules readoption process (possibly September 18, 2024 or November 20, 2024 to coincide with a day already reserved by UNRBA Board members)
- Participation in a synthesis workshop with NC Collaboratory researchers regarding the overall relationships between the findings of various research studies completed and how those relationships relate to the rules readoption process and the regulatory framework for Falls Lake
- American Rivers has offered to coordinate a series of videos as their “Neuse River of the Year” event for the upper part of the basin. We will coordinate on this effort after the updated UNRBA website is published (FY2025).

As continually noted (this is important!), the “open” nature of all UNRBA meetings remains a key component of a transparent communications approach. We always encourage member representatives and interested individuals to speak up about issues related to the Association’s work and to provide ideas and identify opportunities to better communicate our work, increase input on the UNRBA’s recommendations for a revised strategy and water quality assessment of Falls Lake.

XII. Other Status Items

Item Summary (Forrest Westall): Brief statements on ongoing activities:

- DWR Neuse Watershed Model Information Session / Delivery Factors for WWTP, etc.
- Inquiries and Issues Regarding Nutrient Credits: soil improvement practice, repair/replacement of failing onsite wastewater treatment systems
- Jordan Lake rules readoption process

XIII. Closing Comments— Co-Chairs Michelle Woolfolk and Terry Hackett

Next BOD Meeting: June 12, 2024, 9:30 AM to Noon

Next PFC Meeting: July 2, 2024, 9:30 AM to Noon

This schedule may be revised, and notices will be provided about any change.

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Phone only	(888) 404-2493 Passcode: 371 817 961#	Dial the toll-free number and enter the passcode. Please mute your phone unless you want to provide input.

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