

Path Forward Committee (PFC) Meeting Agenda
September 3, 2024, 9:30 AM
Butner Town Hall, Camp Butner Room

Note: This is an in-person meeting. For those connecting remotely, we will be using a new phone/microphone system (different than the one we tried in August) with multiple microphones which should improve the audio. We will have the conventional phone on standby if needed.

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. Concerns with Development and Opportunity to Collaborate with Stakeholders

Item Summary (Forrest Westall, Ryan Eaves, Terry Hackett): Over the past several months, we have discussed concerns with development near Falls Lake and in particular information provided and blogs discussing turbidity in streams that drain to Falls Lake. As our membership knows, the UNRBA's initiatives have been and continue to be limited in scope to the Falls Lake Rules. These initiatives do not address programs, requirements, guidance, and local regulatory responsibilities about development and growth plans, construction related impacts of new development, or programs implemented by our member jurisdictions that address development patterns, code enforcement, and zoning. The UNRBA approach to complex water resource issues related mainly to nutrient impacts has been one of research and study, collaboration with subject matter experts and affected stakeholders, development of innovative approaches to address primarily nutrient related water quality issues, and promotion of water resource projects that benefit water quality and water quantity in the watershed.

The UNRBA's goals and objectives, as established by the membership, have been directed at issues related to the regulatory impacts of the Falls Lake Rules. While the UNRBA has established several initiatives in these efforts that will benefit overall water quality in the basin and assist with implementation of the Falls Lake Rules, development patterns and growth priorities have not been established as part of the UNRBA's charge. The Board has identified growth and development in the watershed as an issue for discussion. As a result, the UNRBA team has been providing background and information to assist in these discussions. We will continue to provide this background information. We have also identified one area where the New Development Rule implementation efforts can contribute positively to site soil stability during and following development as well as reduce nutrient impacts.

In 2017, the UNRBA developed a [soil improvement practice](#) approved by DWR for assisting the jurisdiction with meeting the Existing Development Rule. Currently, this practice quantifies reductions in nitrogen and phosphorus loading through the application of soil improvement actions to help meet nutrient requirements on lands developed before 2006 ("existing development" under the Falls Lake Rules). Soil improvement includes tilling and conditioning the soil with compost to increase infiltration and water storage and establishing ground cover to stabilize the soil surface. While the UNRBA requested that this practice also be approved for New Development rule implementation, when its application can be done while a project is

under initial development and is most effective, the Division of Energy, Mineral, and Land Resources (DEMLR) would not approve the practice. Their position has been that it cannot be included until it has been demonstrated effective on existing development. Several demonstration projects and implementation of this practice by local governments provide important documentation that this practice is effective. Also, the Division of Water Resources has raised concerns about implementation of this practice on new development, and the UNRBA provided additional technical information and documentation of use in other states in December 2023.

The potential for increased turbidity from new development occurs most significantly during the construction phase when land has been cleared for development and is exposed to rainfall. The best way to reduce the release of sediment and turbidity is to stop it before the soil particles are dislodged and suspended in runoff. It is clearly established that removing turbidity from runoff is very difficult because the particles are so small and do not readily settle or filter out. While established sediment and erosion control practices are effective on the larger sediment particles, they are less effective with suspended, colloidal particles. Even with improvement in sediment and erosion control practices and site planning, including those recently adopted by Durham County, turbidity will not be completely eliminated. Staff from Durham County have observed that ground cover works best for reducing turbidity. The UNRBA believes the application of soil improvement as a new development practice would provide an opportunity to improve the implementation of New Development Requirements and to provide some assistance in addressing ongoing turbidity concerns.

To further discussion of the overall development impacts issue, this presentation will address the following:

- Review of existing regulations that affect development, sediment, and erosion control
- Discussion of the limitations, role, and approach of the UNRBA
- Review of practices employed on Triassic Basin soils to reduce sediment (that you can scoop with a shovel) and turbidity (colloidal particles suspended in water)
- Project sites (before and after) soil improvement practices have been used
- A proposal to collaborate with public interest groups, environmental interests groups, developers, local governments, regulators, and subject matter experts to get this voluntary, cost-effective practice approved for application on new development

The UNRBA feels strongly that a collaboration on this practice with a broad range of stakeholders will have multiple benefits for the watershed including further mitigation of turbidity release, providing an additional cost effective “tool in the toolbox” to comply with new development rules, and providing support for our members as they address concerns in their jurisdictions. The UNRBA continues to “keep the lines of communication open” between our organization and the concerned stakeholders.

We are requesting that the PFC support our going back to DWR and to DEMLR on the soil improvement practice for new development, to press for approval for its use for compliance with the New Development Rule, and to coordinate with other stakeholders to encourage the agency to approve this practice as an option for new development.

III. Modeling and Regulatory Support Status

Item Summary (Alix Matos): The UNRBA submitted the final watershed modeling report and watershed modeling files to DWR and the EMC in December 2023. 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](#), and this document represents “the quality assurance requirements of the Division.” On July 31, 2024, Karen Higgins provided an email confirmation that the watershed modeling report met the provisions of the QAPP. In early August, the Executive Director requested a formal response to be issued by the Director.

The UNRBA also submitted lake modeling files for two of three lake models (WARMF and EFDC) and a draft lake modeling report including model specific appendices. The PFC and DWR provided comments on the report and Appendices A (EFDC) and B (WARMF). The modeling team has drafted responses to these comments and revised the report and these two appendices. Findings from the statistical model were reviewed at the August PFC meeting and have been summarized in the main lake report in redline. The Executive Director and PFC Co Chairs are reviewing the responses and edits. A redline version of these three files will be provided to the PFC, subject matter experts, and DWR for review.

Appendix C for the statistical model is also being drafted. 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.

After review by the PFC and DWR, the main lake report and these appendices will be finalized and submitted to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275.

The EFDC model simulations for key parameters have been converted into videos for the May to October 2016 period. Examples of these videos were shown during the August PFC meeting. Updated videos have been developed in response to PFC comments. The PFC will view the [updated videos](#) during the September meeting, and once approved, the videos will be refined and posted to the UNRBA website and/or You Tube.

IV. Annual IAIA Reports Due September 30th

Item Summary (Alix Matos): The third-year of the Stage I Existing Development Interim Alternative Implementation Approach ended June 30th. 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 is [here](#). The PFC will discuss questions or issues as needed. The annual summary report will be drafted for PFC review at the November meeting. The Compliance Group Committee will review and approve the annual summary report for submittal to DWR at their November 20th meeting (during the UNRBA Board meeting).

V. Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

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 and the rules readoption process for the Jordan Lake Watershed. We are concerned that these processes will

impact the Falls Lake rules readoption process, both in timing and in “setting” an approach for nutrient management that could be inconsistent with the recommendations of the UNRBA. Based on the preliminary proposal on post construction stormwater requirements we have discussed previously, we remain concerned that seeking more aggressive development controls for the Falls Watershed will put at risk existing and future management efforts required under the Falls Lake Rules. The UNRBA seeks 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.

VI. Falls Lake Rules Readoption Process

Item Summary (Forrest Westall): We know this has been said over and over, but it remains important to point out that 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. We must keep the objective of rule readoption in the crosshairs. The results of these comprehensive studies and research are not getting any newer. We know as much today about the lake as we are going to know to support rule readoption. As noted in other agenda items and in past discussions, the UNRBA seeks to remain engaged on every aspect of this process and how other actions or proposals may negatively impact our efforts to achieve a balanced and productive set of new rules. The following activities are ongoing:

- The UNRBA will continue 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. The proposal did not make it into a short session bill, but we hope to see it included in future legislative sessions, perhaps as early as November. The Executive Director and support team are planning a meeting with representatives from the Home Builders Association to discuss this legislative change and how it would benefit both the local governments and the developers.
- Planning a meeting with DWR staff to discuss activities, milestones, and actions for rules readoption, and a proposed plan for incorporating the assistance and engagement of the UNRBA in this process.
- The Executive Director and support team will continue to promote the position that it is important to continue the momentum on the rules readoption process. To continue moving forward, we have begun drafting a very preliminary set of proposed revisions to the rules to support the Rules Readoption process that are based on the UNRBA recommendations (using the two documents listed above). For the revised rules on existing land use in the watershed, we anticipate a similar approach to how the IAIA is structured in the Model Program as being currently implemented. The Legal Group (including legal advisors) will develop a strategy for moving this forward, and that strategy will be reviewed by the PFC. The process will certainly include stakeholder engagement and outreach to interest groups that have not had significant engagement to this point, as well as to all of our stakeholders. Workgroups will include UNRBA members, staff from DWR, representatives of agriculture, development, wastewater treatment plants, etc. To promote continued progress toward rule readoption, the workgroup process needs to begin soon. The UNRBA will coordinate

the schedule of this effort with DWR so our efforts can be integrated with the overall process.

Importantly, these workgroups need to include the work and input from the Collaboratory's report.

- VII. Evaluation of a Specific Falls Lake 303(d) Assessment Methodology and Site-Specific Chlorophyll-a Criteria**
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. As approved by the Board in June, Dr. Marty Lebo was provided with a new contract to continue this work and he is coordinating his efforts with the statistical modeling effort. Nathan Hall is also an important contributor to these discussions and evaluations.

VIII. Communications Support

Item Summary (Forrest Westall): The work with DWR on the revised Falls Lake Rules continues and will become even more important in FY2025. We still seek to have additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs. As we have continued to do, we encourage 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:

- Presented to Whole Orange on August 26th to discuss the work of the UNRBA and our recommendations for revised Falls Lake Rules
- Met with Donna Myers from American Rivers to discuss proposed legislative changes listed in the NC Collaboratory [policy report](#) authored by Dan McLawhorn.
- Met with Grace Messenger from Piedmont Conservation Council and David Harris from Durham County Soil and Water Conservation District to discuss the work of the three organizations
- Supported City of Raleigh staff presentation to the Growth and Natural Resources Committee on August 27th to discuss the work of the UNRBA and our recommendations for revised Falls Lake Rules
- A template slide deck has been distributed for use by UNRBA members to present the recommendations for a revised nutrient management strategy
- Planning a forum for elected officials on the morning of November 20th (8:30 am to 10:30 am at the City of Durham meeting facility) to summarize the rules readoption process; a shortened regular UNRBA Board meeting would follow at the same location (10:45 am to noon).
- Coordinating with American Rivers on a series of videos related to their 2023 designation of the Neuse River as "River of the Year" and how the work being done in the upper part of the basin helped contribute to that designation.

As continually noted, (and this is important!), the "open" nature of all UNRBA meetings remains a key component of our 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.

IX. Other Status Items



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

- DWR Neuse Watershed Model / Delivery Factors for WWTP, etc.

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

Next BOD Meeting: September 18, 2024, 9:30 AM to Noon

Next PFC Meeting: October 1, 2024, 9:30 AM to Noon

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



Remote Access Instructions for PFC Meetings

Equipment Type	Access Information	Notes
Computers with microphones and speakers	Join Microsoft Teams Meeting Please mute your microphone unless you want to provide input.	Press control and click on this link to bring up Microsoft Teams through the internet. You can view the screen share and communicate through your computer's speakers and microphone.
Computers without audio capabilities, or audio that is not working	Join Microsoft Teams Meeting (888) 404-2493 Passcode: 371 817 961# Please mute your phone unless you want to provide input.	Follow instructions above. Turn down your computer speakers, mute your computer microphone , dial the number through your phone and enter the passcode.
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.

Remote Access Guidelines

- If you dial in through your phone, mute your microphone, and turn down your speakers to avoid feedback.
- Unless you are speaking, please mute your computer/device microphone or phone microphone to minimize background noise.