



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
September 18, 2024, 9:30 AM to Noon
In Person Meeting at Butner Town Hall, Camp Butner Room
[Remote Access Option \(see last page for instructions\)](#)

Materials related to this BOD Meeting have been placed on the UNRBA website unless noted otherwise on the [Meeting page](#). See items under the September 18, 2024, meeting date.

- I. **Opening—Wendy Jacobs, Chair**
 - A. **Introductions, Note Board Member Changes and Announcements**
 - B. **Roll Call for Quorum**
 - C. **Identification of any Conflicts**
 - D. **Review and Approval of Agenda**

- II. **Action Items**
 - A. **Approval of [Minutes for June 12, 2024](#)**
 - B. **Approval of the [Treasurer's Report](#)**
 - C. **Approval of [UNRBA Meeting Dates for 2025](#)**
 - D. **Appointment of the Officer Nominating Committee**
 - E. **Appointment of the Personnel Committee**
 - F. **Appointment of the Audit Committee**

- III. **Status Reports and Informational Items**

- A. **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 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 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 information. We have also identified one area where the New Development Rule implementation efforts can contribute positively to site soil stability during and following construction as well as reduce nutrient impacts.

In 2017, the UNRBA developed a [soil improvement practice](#) approved by DWR for assisting jurisdictions 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 until it had been demonstrated effective on existing development. Several demonstration projects and implementation of this practice by our members 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 on development impacts, 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 implemented
- 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, an additional cost effective “tool in the toolbox” to comply with new development rules, and 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 Board 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.

B. Annual IAIA Reports Due September 30th

Item Summary (Alix Matos): The third-year of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) ended June 30th. Annual reports from each member-participant are due to John Huisman at the Division of Water Resources (DWR) with a copy to Forrest Westall and Alix Matos by September 30, 2024. The link to the template is [here](#). The Board will discuss questions or issues as needed. The annual summary report will be drafted for PFC review at their November meeting. The Compliance Group Committee of the UNRBA will review and approve the annual summary report for submittal to DWR at their November 20th meeting (during the UNRBA Board meeting).

C. 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. 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.
- Met with DWR staff on September 6, 2024, 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 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.

D. 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.

E. Modeling and Regulatory Support Status and Evaluating a Falls Lake Assessment Methodology and Site-Specific Chlorophyll-a Water Quality Standard

Item Summary (Alix Matos): Modeling files for the WARMF watershed model, WARMF lake model, and EFDC lake model have been submitted to the Division of Water Resources (DWR) for review and approval. The [watershed model report](#) has also been submitted to DWR. 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. 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 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. After the PFC reviews and approves the responses and edits, the UNRBA will submit the lake report and appendices to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275.

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

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. Martin Lebo is coordinating with the statistical modeling effort on his continued evaluation of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a.

F. FY2026 Budget Discussion

Item Summary (Forrest Westall): The UNRBA has moved into a period of supporting the use of [Consensus Principles II](#) in the development of revised Falls Lake Rules. It will be essential for the UNRBA to have sufficient resources to support the ongoing activities of the UNRBA. While there will not be a heavy demand for extensive technical support, there has to be a “team” to effectively keep a viable UNRBA.

In FY2025, the UNRBA will support its members and DWR by facilitating workgroups to draft rule language. This activity will be followed by a larger stakeholder process, presentation of a rule package to the EMC by DWR, a formal comment period, and ultimately readoption of the rules. The UNRBA will need to maintain a collaborative relationship between DWR, EMC, and the General Assembly to support an effective readoption process. The recommendations developed by the UNRBA lay out a path that is an innovative, watershed management approach to address nutrients. Due to the scientific findings and realities of this watershed, the revised strategy will need to forge a path that is a departure from structure of previous nutrient management efforts. This new approach will need significant support to develop rules that make sense, are effective in maintaining uses in Falls Lake, and that garner broad support by the regulatory agencies, the membership of the UNRBA, environmental interest groups, and other stakeholders. The UNRBA should remain committed to working through this with DWR and the staff responsible for developing revised rules.

In addition, the UNRBA will proceed with working on receiving approval of a specific 303(d) assessment methodology for Falls Lake and for continuing the development of a site-specific chlorophyll-a standard.

The UNRBA members have also discussed the importance of supporting tributary monitoring in the watershed to track progress and changes in water quality. While this will be a future effort, the UNRBA team will need to support designing and carrying out a monitoring program in the future. The UNRBA needs to be “ready” to do this work and not lose important continuity and focus. DWR and other organizations continue to monitor water quality in Falls Lake. As DWR has paused the tributary monitoring, the UNRBA has discussed restarting the UNRBA monitoring program in the future. This would require updates to the previously developed monitoring program and quality assurance project plan. Depending on when monitoring would begin, these updates may be needed during FY2026. In the future, the UNRBA team will need to provide reporting and assessment of the data to support the evaluation of changes in the watershed.

UNRBA Board members have requested a budget amount before January to consider during the local government annual budgeting process. At this point, we do not have a specific budget proposal. The FY2025 budgeting process for the Modeling and Regulatory Support Project was extended relative to previous years. A budget amount was approved by the Board in November 2023 but modified through February 2024 to address comments from our membership. The PFC meets in October and November. We will provide additional information to the PFC, discuss this in the two upcoming meetings, propose a budget to PFC at the November meeting and seek input and a recommendation from the PFC for the Board to consider. Due to the condensed Board meeting time in November, this recommendation will be shared by email to the Board for input ahead of the November meeting date. Today, we are seeking preliminary comments from the Board.

G. 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 Messinger 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, Department of Water Management, 1600 Mist Lake Drive, Durham, NC) 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 2022 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 (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.

H. Ongoing Discussions/Issues:

Item Summary (Forrest Westall):

- DWR Neuse Watershed Model/Delivery Factors for WWTP - John Huisman indicated at the September PFC meeting that the model results will be reported out soon with stakeholder input to follow
- NC State University UNRBA and Jordan Lake One Water research study
- Impacts of PFAS/PFOS on treatment costs and local governments

I. Closing Comments—Board Members and Chair

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

Next Board Meeting: November 20, 2024, 10:45 AM to Noon following the Forum

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

Remote Access Instructions for UNRBA Board Meetings

This meeting will open 10 minutes prior to the official meeting start time to allow for users to test equipment and ensure communication methods are functioning.

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: Sent morning of meeting 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. See note below on pass code
Phone only	(888) 404-2493 Passcode: Sent morning of meeting Please mute your phone unless you want to provide input.	Dial the toll-free number and enter the passcode. The system issues a new phone passcode for each meeting. We will distribute the telephone passcode the morning of each meeting.

Remote Access Guidelines

- If you dial in through your phone, mute your computer 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**
- UNRBA meetings are open meetings; however, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items