



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
June 12, 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 June 12, 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 May 15 2024](#)**
- B. Approval of the [Treasurer's Report](#)**
- C. Approval of FY2025 Contracts and FY2024 Contract Amendment for Website Development**

Item Summary (Forrest Westall): Five contracts to support the UNRBA efforts in **FY2025** will be discussed and considered during the meeting: Executive Director Services; Financial Assistance Services; Audit Services; Modeling, Regulatory Support, and Communications (MRSC); and Website Maintenance and Hosting. The Board has reviewed and approved the budgets for Executive Director and Financial Services (previously combined), and MRS&C. The Board has reviewed and approved the budget for administrative support which included website maintenance and hosting. The audit contract (\$2,300) will be paid for by contingency funds. The contract for the Executive Director Services will be consistent for FY2025, with the exception that Financial Services component will be covered under a septate contract. The Financial Services contract will run 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.

An **FY2024** contract amendment to finalize updates to the UNRBA website will also be presented. 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. A significant amount of work has been conducted. Several rounds of review and update have occurred. The developer has determined that at additional \$15,000 is needed to finalize the website. To supplement the \$10,000 previously approved by the Board, the MRS&C FY2025 budget has been reduced by \$5,000.

The Executive Director has provided the FY2025 contracts and FY2024 contract amendment to Aarin Miles at the City of Durham who has provided an advisory contract review for the UNRBA.

[The UNRBA Board will be asked to review and approve these six contracts.](#)

III. Status Reports and Informational Items

A. Updating the UNRBA Technical 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 include links to separate pdf documents that can be easily updated (e.g., list of Board members, project summaries). Links across content pages will also be included.

Links to the beta versions of the content are listed here: [Home Page](#), [About Us](#), [Scientific Studies](#), [Updated Strategy](#), and [Resource Library](#). We will briefly show these pages during the meeting. **Links among the pages still need to be added, and links already in the content may not yet function.** The Board is asked to provide comments to the Executive Director and Alix Matos by email by June 30th. We are working closely with the developer to maximize improvements within budget capacity.

B. Concerns with Development in the Falls Lake Watershed

Item Summary (Forrest Westall): Concerns with development in the Falls Lake Watershed continue to be raised. A [blog post](#) was recently published by Sound Rivers. The Executive Director and support team do not consider the post 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 does not 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 supports keeping these natural areas preserved.

The Falls Lake Rules are not a “development planning” approach to nutrient impacts, nor can they be (the state lacks the authority to regulate development planning and approval). The New Development Rules address post-construction nutrient impacts. Other state and local rules govern planning, construction, and sediment.

Development planning for individual jurisdictions is beyond the scope of the work of the UNRBA.

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 says 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.

C. 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.

D. 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 have discussed this approach with DWR several times and anticipate a similar approach as how the IAIA is structure in the Model Program as referenced by the Rules. The Legal Group plus Dan McLawhorn (NC Collaboratory), PFC, DWR, and the Board will be asked for review and input. The UNRBA will consult with representatives of agriculture before beginning drafts of sections that pertain to agriculture. The UNRBA will work with DWR to establish work groups with an expanded list of stakeholders (e.g., developers/home builders) for input on early drafts.
- A related consideration is coordination of the UNRBA's efforts at the Department leadership level. For several years the UNRBA has considered seeking a Memorandum of Agreement with DEQ/DWR to reflect a commitment to work cooperatively to develop revised Falls Lake Rules that are consistent with the scientific work and objectives of the UNRBA. Since the UNRBA issued its Concepts and Principles Document and Consensus Principles II at the end of last year, it seems appropriate to consider meeting with the Department/Division and pursuing agreement as the rule revisions are being developed. The Executive Director would like to proceed with making the appropriate contacts and, if appropriate, schedule a meeting.

E. 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.

F. Modeling and Regulatory Support Status and Evaluating a Falls Lake Assessment Methodology 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.

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.

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.

G. Communications Support

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
- Development of an FAQ to address development, turbidity, and sediment as well as list of rules governing planning, construction, and post-construction requirements
- Working on a slide deck for UNRBA members to present the recommendations for a revised nutrient management strategy to be finalized 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.

H. Ongoing Discussions/Issues:

Item Summary (Forrest Westall):

- DWR Neuse Watershed Model/Delivery Factors for WWTP
- DWR interviews of local stormwater staff about stormwater management and reporting techniques
- DWR Inquiries and Issues Regarding Nutrient Credits
- Jordan Lake rules readoption process

I. Closing Comments—Board Members and Chair

Next PFC Meeting: August 6, 2024, 9:30 AM to Noon

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

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