UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) CONSENSUS PRINCIPLES II TO GUIDE REVISIONS TO THE FALLS LAKE RULES
DRAFT - To be dated upon Approval by the UNRBA Board of Directors

These Consensus Principles are based on scientific conclusions resulting from a 10-year evaluation of Falls Lake and its watershed by the UNRBA, NC Collaboratory, and other organizations. The information now available cannot be fully described in this set of Consensus Principles but is described in more detail in a companion document titled "Concepts and Principles for the UNRBA Recommendations for a Revised Falls Lake Nutrient Management Strategy" available online at https://unrba.org/reexamination.

The UNRBA is committed to a cooperative and collaborative process to reach agreement on revised Falls Lake Rules (also referred to as the revised Falls Lake Nutrient Management Strategy). The Association appreciates our positive relationship with the NC Department of Environmental Quality and its Division of Water Resources (DEQ-DWR). The UNRBA will work diligently to maintain this relationship through the development and the adoption of a revised set of Falls Lake Rules. We have had the opportunity to interact and report to the NC Environmental Management Commission (EMC) on initiatives of the UNRBA. We plan to continue this communication through the readoption and implementation of the Falls Lake Rules. These Consensus Principles, and supporting information, will be provided to DEQ-DWR, the EMC, and the NC General Assembly as required by State law.

1. Revised rules are needed to promote effective action and sustainable investment by local governments, utilities, and other partners to meet the goals of maintaining, protecting, and improving water quality in Falls Lake into the future. The UNRBA recognizes the importance of this lake as a water supply source, an ecological and recreational resource, and a flood control reservoir.
2. NC DEQ-DWR and the EMC should move forward promptly with the revisions to the Falls Lake rules, taking into consideration these Consensus Principles.
3. The revised rules should embrace a systems approach focusing on solutions that consider interactions among surface water, land surfaces, groundwater, soils, and atmospheric and climatological drivers. This watershed-health approach should consider environmental benefits, costs, and impacts to users of the water resource and those asked to pay the costs of the regulations. The revised rules should improve water quality throughout the watershed, and not prioritize activities solely based on the reduction of nutrients to Falls Lake.
4. The revised rules should include adaptive management. Implementation of the rules should be reviewed every 5 years, with a report to address new information, conditions, or concerns that have developed during the previous 5 years. The UNRBA proposes that the adaptive management provision also include a detailed reevaluation of the rules completed 25 years after the date the revised rules are enacted. A detailed reevaluation should incorporate additional monitoring data collected by DWR and other organizations, data analysis, modeling evaluations, and consideration of technological advancements for improving water quality. The 25-year review should include a reexamination of the rules, so that changes may be proposed and put forward for consideration.
5. The revised rules should include a provision for a watershed organization to promote voluntary coordination of an investment-based, joint-compliance approach.
6. The revised rules should not require nutrient load reductions from natural or unmanaged areas including forests, land in forest succession, scrubland, non-pasture grassland, and isolated or connected wetlands. Nutrient loads from these areas should not be directly or

indirectly assigned to other source categories.

7. The revised rules should promote land conservation and preservation of natural or unmanaged areas as an investment credit.
8. The revised rules for managed lands should be an investment-based, joint-compliance approach. Managed lands include residential, commercial, institutional (schools, hospitals, other state and federal facilities, etc.), agricultural (cropland and pasture), road rights of way, recreational (parks), etc.
9. The revised rules should maintain the annual loading limits specified in the current new development rule, provide a more flexible evaluation-of-need for stormwater nutrient control for individual residential lots or for the subdivision of large family parcels for the purposes of passing land to heirs for building their homes, allow local governments to consider more innovative approaches to stormwater management, and include joint consultation among watershed organization members to assess and document consistent application of new development requirements.
10. Major and minor wastewater treatment plant owners should continue to optimize treatment performance using currently installed technologies. Review of plant performance should be included as a provision of the 25-year review. Plant and collection system owners should continue to track emerging technologies that may become technically and financially feasible in the future for further improvements to plant operations and biosolids handling; and identify and eliminate exfiltration from sewer lines and sanitary sewer overflows.
11. The revised rules should incorporate requirements for new wastewater treatment facility requests or expansion requests including provisions for technology upgrades, joint-compliance permits (e.g., the Lower Neuse Compliance Association's permit), nutrient offsets, and/or nutrient credit trading using practices on managed lands.
12. Investment credits should continue to be available for inspecting, identifying, and repairing or replacing malfunctioning onsite wastewater treatment systems and, as appropriate, for connecting onsite systems to sewer systems.
13. Separate, State-required nutrient management requirements should not be applied to managed lands in separate areas of the watershed (draining to an upstream watershed impoundment, arms of Falls Lake, etc.). However, water quality in all areas of the watershed should be tracked, particularly sub-watersheds with water-supply impoundments. The adaptive management provisions of the revised rules should address changing conditions in these waterbodies and allow for revisions to the program to address concerns as they arise.
14. The revised rules should expand the types of projects that qualify for investment credit, include the option of developing new credit types, and provide opportunity for other voluntary partners. The revised rules should promote local government participation in other watershed improvement actions.
15. The revised rules should encourage local governments to base implementation decisions on the principles of the fair and equitable treatment of members, and the residents of the watershed. The revised rules should promote opportunities for equitable stakeholder participation by encouraging input and participation from the public and interest groups.
16. The chlorophyll-a standard and water quality 303(d) assessment methodology for Falls Lake should be adjusted to better represent conditions in Falls Lake. The UNRBA supports an adjusted 303(d) assessment methodology and site-specific chlorophyll-a standard for Falls Lake and will continue to cooperate and collaborate with DEQ-DWR, Environmental Protection Agency (EPA), and other stakeholders on these revisions. The UNRBA does not recommend delaying rule revisions while these objectives continue to be developed and evaluated. Readoption of the Falls Lake Rules remains the priority so ongoing implementation efforts in the watershed can proceed.