

Path Forward Committee (PFC) Meeting Agenda
June 6, 2023, 9:30 AM to 12:00 PM
Butner Town Hall

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

- I. **Opening Comments, Agenda Review/Revisions — Co-Chairs Michelle Woolfolk and Terry Hackett**
 - A. **PFC Meeting Schedule—No Meeting in July but need to schedule a “Check-In” Teams Session the week of July 3rd or 10th—PFC to set this date today**
 - B. **Board Meeting Schedule—Recommend Provisional Meeting Date for December**
- II. **Contracts and Agreements for FY2024**

- A. **Review of the Modeling and Regulatory Support and Communications Support (MRS&C) Contract and Scope of Work for FY2024**

Item Summary (Forrest Westall): The Executive Director and contractors have developed a draft scope of work and contract for FY2024 to continue providing Modeling and Regulatory Support and Communications Support to the UNRBA. The proposed budget for the contract is \$675,000 based on 1) Board approval of the budget at the March 15, 2023 Board Meeting and 2) holding \$180,000 in the fund balance. This amount was taken from the fund balance for a contract amendment for FY2023.

The UNRBA will be working on its recommendations for a revised Nutrient Management Strategy during the first half of the next fiscal year (FY2023-2024). We anticipate feedback from DEQ/DWR about our recommendations and close coordination with the agency as they plan their actions leading up to a readoption of the Falls Lake Rules. There will be additional scenarios and modeling support to address DWR questions and to assist them in moving forward as quickly as possible on a revised strategy. Since this support will be something of an unknown, we have prepared a contract/scope for FY2024 that includes tasks and budget to provide anticipated follow-up on our recommendations and model development documentation. It is anticipated that the \$180,000 placed in the fund balance will be available to respond to additional needs as they emerge. For example, the UNRBA may need additional policy development support or legal support to see that the Association’s recommendations are acted on and that proper revisions to the strategy are included in the readopted rules. The Executive Director will work with the MRS&C project manager on contract amendments as needed in FY2024. The contract has been reviewed for its legal provisions and is considered consistent with the current contract.

- B. **Executive Director Services Contract**

Item Summary (Forrest Westall): The UNRBA Personnel Committee reviewed Executive Director services for the calendar year 2022 in December 2022 and made recommendations to the Board in January. The Board approved contract provisions for FY 2024 and that contract is being reviewed for presentation to the Board on June 21, 2023.

- C. **Legal Support**

Item Summary (Forrest Westall): The UNRBA began collecting legal support funding from its members in FY 2019. The UNRBA selected Fred Andes with Barnes and Thornburg to provide legal support to the UNRBA. There have been two letters of engagement approved by the Board since June of 2018 with a total budget of \$100,000. The last engagement letter was in 2020 and that budget has been used. Fred Andes has

prepared a new letter and scope and it has been reviewed by the Executive Director. This letter and scope are under informal legal review and will be adjusted based on input received. The new letter will include a not to exceed budget of \$50,000. The new letter will be put before the Board on June 21, 2023 for approval.

III. **Modeling and Regulatory Support Status**

Item Summary (Alix Matos): The Watershed Analysis Risk Management Framework (WARMF) has been revised to address comments from the MRSW and DWR and to include the results of watershed scenarios. The Executive Director and Chair of the Modeling and Regulatory Support Workgroup (MRSW) are reviewing the revisions and responses to comments. The draft will be refined in response to their comments and provided back to the MRSW (redline and clean copy) and to the PFC (clean copy only) for review. A final report will be submitted to DWR following the review process. In response to requests from DWR at the WARMF Model training, the model interface is being refined to provide additional functionality similar to the old interface. A final set of files has been provided to DWR for review.

The calibrated WARMF Lake model has been evaluated for several scenarios presented at the [February PFC meeting, March PFC meeting, and April PFC meeting](#). A scenario to evaluate changing the operations of Falls Lake from a flood control reservoir to a release at normal pool will be presented and discussed during the June PFC meeting.

The lake modeling report (WARMF Lake, EFDC, and the UNRBA Statistical/Bayesian model) is under development. This report will include the results of the lake sensitivity and scenario evaluations.

The third lake model is the Statistical/Bayesian/Decision Support model which is based on an extensive data base dating back to the 1990s. The subject matter experts and third-party reviewers funded by the NC Collaboratory began review of the input data and categorization in February, and we continued this discussion in March. Evaluations of data within the lake arms compared to the main lake is being conducted to inform model development. Evaluations of loading to Falls Lake are being compiled including tributary loading, atmospheric deposition, and nutrient releases from Falls Lake sediments.

IV. **Developing Recommendations for a Revised Nutrient Management Strategy and a Petition for a Site-Specific Chlorophyll-a Water Quality Standard**

Item Summary (Forrest Westall): Since November 2002, the PFC has been discussing concepts and principles under consideration for inclusion in the UNRBA's recommendations for a revised Falls Lake Strategy/Revised Falls Lake Rules. These discussions were used to develop a preliminary draft document that describes the concepts and principles. This document was provided to the PFC for review and a revised draft was provided to the full PFC distribution list for discussion in April. The draft has been revised based on this input and will be discussed today. A public-facing summary has also been developed to expand outreach and invite additional feedback; this will be provided to the PFC for review and can be used by the local governments to distribute information to their mailing lists and social media accounts.

Expanded outreach to other stakeholders including the general public, interest groups, regulated entities will continue, and the document will be revised to address this feedback over the next several months. The UNRBA recommendations are due in December 2023, and this document represents an important submittal. The PFC will discuss feedback on the draft document.

The UNRBA has scheduled a meeting with DEQ and DWR leadership on June 22nd to continue discussing coordination efforts to review the technical findings of the reexamination, discuss UNRBA recommendations

for a revised nutrient management strategy, develop a petition for site specific criteria, and continue coordination as the agency moves into the rules readoption process. We have continued to remind DWR that they would identify a contact for site-specific chlorophyll-a standard development, and they have filled their vacant standards management position, but have not yet identified a specific staff member as the main point contact. John Huisman remains the primary DWR contact for work on an updated strategy. Forrest has discussed this with John recently and offered to meet with the leadership of the Water Planning Section to emphasize the importance of engaging the DWR standards program in the work of the UNRBA. This ongoing engagement will allow DWR staff responsible for the review of a request for a revision to the standard to better understand the work of the UNRBA and how it relates to the need for a revised standard. The UNRBA will continue to identify opportunities to work with other stakeholders as we move through this development process. The subject matter experts continue to evaluate other State's site-specific standards for chlorophyll-a and nutrient-related standards. The UNRBA continues to work with Dr. Marty Lebo to complete his work and integrate his results into the site-specific standard evaluation, statistical modeling, and regulatory support efforts.

V. Gathering Data from Local Governments to Support the Cost Benefit Analysis

Item Summary (Alix Matos): An important component of the re-examination is understanding the costs of past and possible future actions in the watershed as well as the benefits in terms of nutrient load reductions and improvements in lake water quality. To support this cost-benefit analysis, we are requesting information from the PFC as described during the [February PFC meeting](#). Please email initial information to amatos@brwnald.com and ashley@brindlecreek.com and copy Forrest.Westall@mcgillassociates.com. Structured data requests will follow after existing data and reports have been reviewed and compiled.

VI. Timeline for the Development of Recommendations for a Revised Strategy and Model Development Documentation

Item Summary (Forrest Westall): The timeline for the development of strategy revision recommendations was set in 2018 as part of the modified Collaboratory legislation. December of 2023 has been ahead of us for about 5 years and all of our focus has been on achieving this goal. We are well on our way to having the C&P document developed and will pull together the Consensus Principles II to be the primary communication to the state (EMC, DEQ, DWR and General Assembly). A final C&P document will be the support for those consensus principles. We also, as noted, have our model documentation reporting that will be submitted to DWR for review. Compliance with the approved Quality Assurance Project Plan is the main yardstick for looking at how our models were developed. It is our intention to submit all of our modeling documentation before the end of the year. Forrest has discussed with the two Co-Chairs of the PFC the plan for this process and the schedule by product has been developed and was provided to the PFC ahead of the meeting. We need to keep in clear focus meeting this schedule because it is critical to placing before the state our recommendations for a revised strategy and for a site-specific water quality standard for chlorophyll-a.

VII. Communications Support

Item Summary (Forrest Westall): There are several efforts of outreach underway, including ongoing engagement with DWR and development of a concepts and principles document for review by a broad group of stakeholders. Following discussion with communications staff at the City of Durham, the communications team is developing a high-level, public-facing document to describe the challenges for the

Falls Lake watershed and the concepts and principles under consideration by the UNRBA to maintain and improve water quality in Falls Lake. This electronic document can be distributed by the local governments and utilities to their contact lists and social media accounts to provide information about the effort and how the general public and other organizations can be involved in review of the draft documents in preparation for submittal in December 2023.

The UNRBA held a session at WRRRI's Annual Conference in March and participated in a Symposium with the NC Collaboratory in April. Key findings from the UNRBA monitoring and modeling studies were presented at both meetings, and each included participatory sessions to hear feedback on the draft recommendations for a revised nutrient management strategy. The UNRBA is planning a workshop with DWR, NC Collaboratory staff and researchers, and NGOs to discuss stakeholder feedback on the concepts for a revised nutrient management strategy. A Technical Stakeholder Workshop is planned for fall 2023 that will provide a more in-depth review of the materials presented at the March and April conferences and discuss updated recommendations for the revised nutrient management strategy based on feedback from WRRRI, the Symposium, and the workshop with DWR, NC Collaboratory staff and researchers, and NGOs.

We have discussed expansion of outreach efforts through our Board Directors, PFC members and their elected and leadership representatives remains a priority. We continue to seek input from our membership, including the locally elected officials, on opportunities to reach out to important local stakeholders, including the public living in the jurisdictions. The Executive Director will continue scheduling presentations at the local government's Board, Council, and other meetings to discuss the recommendations for a revised nutrient management strategy over the next several months. He presented to the City of Durham Environmental Affairs Board on April 12, 2023 and plans to present to the City of Creedmoor on July 17, 2023 and the Wake County Growth & Sustainability Committee on September 18, 2023. The Executive Director will continue to reach out to local government staff to identify needs and support staff with implementation of the IAIA Program and participation in developing the revised nutrient management strategy. Year 2 of the IAIA ends June 30th, and annual reports to DWR are due September 30th with a copy to UNRBA. Member representatives should keep in mind that the Consensus Principles II will need to be approved by their jurisdictional boards and commissions in October to allow the UNRBA to provide recommendations with full support of the jurisdictions in the Falls Lake watershed.

A regulatory forum is planned for spring 2024 to discuss the next steps in the rules readoption process. Following submittal of the UNRBA and NC Collaboratory reports and recommendations in December 2023, we anticipate that DWR will begin to formulate a plan for readoption of the rules. We hope to engage with DWR on that process and, as already mentioned to DWR, work cooperatively with them as the new rules are drafted.

American Rivers is still planning a "Neuse River of the Year" event for the upper part of the basin. The UNRBA is planning a press release to coincide with the timing of the event. This press release will also reference the successes of the IAIA. Plans to develop videos and messaging for UNRBA members to distribute on their social media accounts is being planned to coincide with this event to streamline videography.

The "open" nature of all UNRBA meetings remains a key component of a transparent communications approach. We encourage member representatives and interested individuals to speak up about ideas and

opportunities to communicate our work and the importance of our recommendations on a revised strategy and a site-specific standard.

VIII. Other Status Items

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

- Intensive work and coming deadlines make it important to manage expectations and resources— Recommendations are due at the end of 2023.
- Ongoing DEQ/DWR Items—DWR Neuse Watershed Model; delivery factors for WWTP
- The UNRBA will be providing comments on DWR 20-yr status report for the Neuse and Tar-Pam Estuaries, etc.

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

Next BOD Meeting: June 21, 2023, 9:30 AM to Noon

PFC Check-In Meeting in July via Teams (to be determined)

Next PFC Meeting: August 1, 2023, 9:30 AM to Noon

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

Remote Access Instructions for the MRSW and 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.