

Path Forward Committee Meeting
August 6, 9:30 AM to Noon
Butner Town Hall



A copy of materials related to the PFC's Meeting will be placed on the UNRBA website before the meeting:
<https://www.unrba.org/meetings>
See items under the August 6th, 2019 meeting date.

I. Opening Comments, Agenda Review/Revisions—Co-Chairs Kenny Waldroup and Michelle Woolfolk

II. PFC Tasks and Timelines—Review and Discuss—Forrest Westall.

At the July 9, 2019 PFC Meeting a number of initiatives were identified that will require significant effort and coordination over the next several months. Specifically, five items identified as needing further work are summarized below. It is important for the UNRBA to identify the most important items.

A. Development of a Decision Framework—At the September, October, and if necessary, November PFC Meetings HDR and Brown and Caldwell will support a facilitated framework process. The goal is to complete a PFC final framework by January or February for Board consideration (January or March). The PFC must determine if meetings need to start 30 minutes early and finish 30 minutes later, 9AM to 12:30 PM.

B. Transition Monitoring Program for FY 2021—PFC discussions identified concerns about the benefit of the Transition Monitoring for this FY. Jurisdictions were asked to identify any possible monitoring program needs that could be covered within an expanded Transition Monitoring Program in FY 2021. The City of Durham identified some components for consideration. No other jurisdictions have identified an interest in additional monitoring needs. The effort to develop costs for an expanded Transition Monitoring Program will be completed prior to the September 3, 2019 PFC Meeting. PFC recommendations will be used to develop the FY 2021 budget/fees for consideration by the Board at its November Meeting.

C. Discussion of Next Steps: Optional Implementation Approach for Stage I ED (Existing Development)—In February 2019, a workgroup of PFC members began comparing methods and assumptions for Stage I existing development load reduction requirements (jurisdictional loads). An optional approach to the Stage I ED process in the rules was discussed. In March 2019 the Board appointed a workgroup to consider an optional implementation approach. The workgroup met April 15, 2019 and April 29, 2019: [Optional Approach Workgroup Meeting, April 15, 2019](#)
[Optional Approach Workgroup Meeting, April 29, 2019](#)

Discussions were summarized at the May 13, 2019 PFC Meeting ([PFC Slides, May 13, 2019 Meeting](#)). City of Durham comments, reviewed at the July 9, 2019 PFC meeting, identified some key decisions that need to be made by the PFC and considered by the Board. ([PFC Meeting Slides for July 9, 2019](#)). Issues discussed focused on the level of investment that the Association's members would be required to fund. It was understood that nutrient reductions achieved by the point sources could offer nutrient loading credits that greatly exceed the required credits of Stage I ED jurisdictional loads. Some jurisdictions, in anticipation of rule implementation, have been developing projects to reduce loading from existing development. DWR has yet to approve jurisdictional loads or provide an updated draft of the Stage I ED Model Program. DWR does not have a schedule for completion of these tasks. DWR does not have a scheduled date for the regulatory program to "begin". Session Law sets Stage I ED for completion after the UNRBA Reexamination and the Collaboratory's report on Falls Lake (due by the end of 2023). Several jurisdictions expressed the need for comparing investment levels of an Optional Implementation

Approach against the cost of compliance under the rules. The PFC identified Two important needs.

1) What would jurisdictions be “willing to pay” to participate in an optional program?

2) Will DWR provide clear confirmation that if progress on this optional program isn’t forthcoming that they would move to implement the Stage I ED program.

Jurisdictions were asked to provide feedback to the Executive Director before the next meeting and DWR was asked to provide a definitive statement of intent on Stage I ED. These two questions were reiterated to the PFC and DWR on July 24th.

- To date, two jurisdictions responded, Wake County and Hillsborough.
- Durham and Raleigh are providing projects and funding expected to exceed any levels under an optional implementation program.
- The viability of the Optional Implementation Approach now hinges on the collective willingness to participate and reaching agreement on the program framework.
- Our Legal Support contractor has been asked to assess the viability of an optional approach under both State and Federal statutory provisions.
- If agreement can be achieved, then it is very possible that legislative action may be required to authorize the use of such a program in lieu of the rules as currently worded.

D. Modeling and Regulatory Support (MRS) Oversight and Direction—The MRS Workgroup will have significant demands on their time during this fiscal year to provide direction, guidance and decision-making. MRSW members will also be engaged in the development of a Decision Framework. Meeting dates and conference calls will need to be scheduled throughout the year to provide for necessary modeling decisions.

E. UNRBA Reexamination Summit—We are working with our contractor, HDR, to develop a meeting plan for the Summit as stipulated in the 2019 Communications Support Contract. It is anticipated that this Summit may be held in October. The target audience includes elected officials, community leaders, development interests, agricultural interests, institutional parties, and others with a strong community presence and interest in how the Falls Lake Rules impact the watershed. The objective is to develop an agenda with speakers and session leaders that can appeal to the stakeholders identified. We need strong input and assistance from our member representatives to identify participants and to help secure broad representation from these stakeholders.

III. Modeling and Regulatory Support Status Update—Item summary (Scott Sheeder): Development of the watershed model continues. Previous decisions by the MRSW is guiding the watershed effort and efforts to develop other needed input data for the model will be summarized.

IV. Need for Developing a Site-Specific Chlorophyll-a Standard—(Forrest Westall /Jay Sauber)
The UNRBA has identified attainment of the current water quality standard for chlorophyll-a as the principal challenge. It is difficult to relate the current chlorophyll-a water quality standard to Falls Lake’s designated uses and the sustainability of those uses. The lake is consistently meeting its designated uses. An informational presentation will review several important developments related to the process of setting site-specific chlorophyll-a standards for NC waters. This issue was recently discussed by the Legal Group and the UNRBA’s contractor providing legal support services to the Association.

V. June 7, 2019 NSAB Meeting on Jordan Lake Rule Revisions—(Forrest Westall): DWR sought input from the NSAB on issues that the Jordan Rules re-adoption process should address. This informational item will touch on the major points raised; a more detailed review may be provided at a future PFC meeting.

VI. Other Status Items—Information Only—No Presentation

A. Ongoing UNRBA/DEQ Discussions:

- Memorandum of Understanding/Agreement
- Credit for land conservation
- 303(d) Evaluation Procedures for Falls Lake

B. Collaboratory Coordination: A meeting to review and discuss the comprehensive UNRBA modeling-support data report is being scheduled in September.

C. Communications:

- Contractor preparing to facilitate Decision Framework session at the September PFC Meeting.
- Planning for upcoming Stakeholder Summit in October continues.
- A media engagement protocol will be established shortly.
- Wide distribution of our press release on the Monitoring data report didn't result in any media follow-up. Will continue to seek media interest in developing a story on this important development and the "good news" that nutrient loading data provides.

VII. Closing Comments— Co-Chairs Kenny Waldroup and Michelle Woolfolk

Next PFC Meeting, September 3, 2019, time to be established, Butner Town Hall