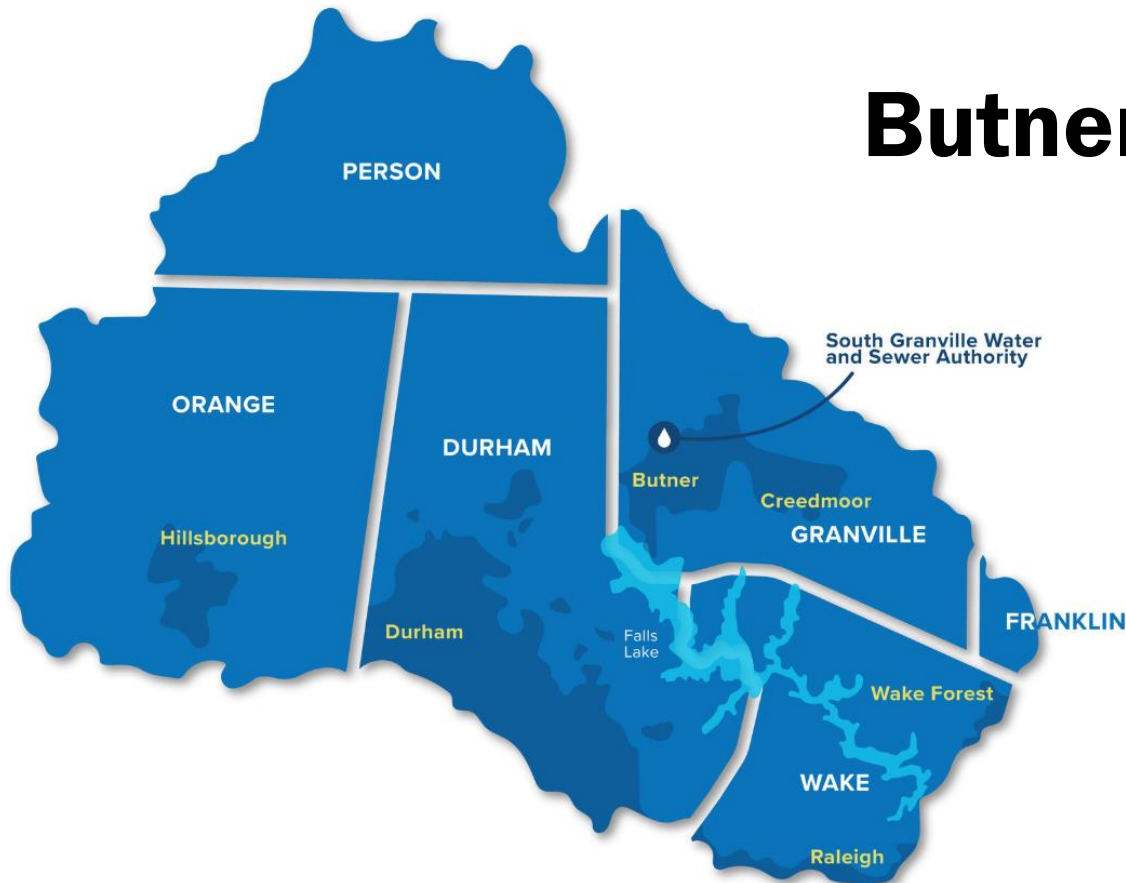




# UNRBA Board Meeting May 17, 2023

## Butner Town Hall



# May 17, 2023 UNRBA Board Agenda

- **Opening—Sig Hutchinson, Chair**
- **Action Items**
  - Approval of March 15, 2023 Meeting Minutes
  - Approval of the Treasurer's Report
- **Status Reports and Informational Items**
  - Overview of Reexamination
  - Modeling and Regulatory Support (MRS) Status
  - Developing Recommendations for a Revised Nutrient Management Strategy and a Petition for a Site-Specific Chlorophyll-a Water Quality Standard
  - Approach for Developing the Modeling and Regulatory Support Contract and Scope of Work for FY2024
  - Gathering Data from Local Governments to Support the Cost Benefit Analysis
  - Summary of the Joint Symposium with the NC Collaboratory
  - Communications
  - Ongoing Discussions/Issues
- **Closing Comments**
- **Post Meeting Agenda: Review UNRBA Presentations from the Falls Lake Nutrient Management Study Symposium**

# Opening—Sig Hutchinson

# Opening

- Introductions, Board member changes, and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda
- Review staffing changes

# **Action Items of UNRBA Board of Directors**

**Approval of March 15, 2023  
Meeting Minutes**

# Approval of the Treasurer's Report

<b>Balance Forward: (per bank statement - 1/31/2022)</b>	Checking	\$	229,008.78
	Savings		1,080,648.77
<b>Debits:</b>			
McGill Asso. (2023 Invs)		\$	57,105.24
Sauber Water Quality Consulting (2023 Invs)			8,470.00
Barnes & Thornburg (2022 - 23 Invs)			6,435.00
Brown & Caldwell (MRS, FY 23, 2022 Invs)			219,734.36
Phthisic Consulting, Inc. (2023 Invs)			1,781.25
WSP, Inc. (Invs, 2023)			2,155.25
MFG Consulting, LLC (2023 Invs)			765.60
Total Debits		\$	296,446.70
<b>Credits:</b>			
Interest (checking)		\$	84.49
Interest (savings)			4,118.28
Transfer from Savings Acc't to Checking Acc't			250,000.00
<b>Account Balance (per bank statement - 4/30/2023)</b>	Checking	\$	182,646.57
	Savings		834,767.05
<b>Total UNRBA Account Balance :</b>		<b>\$</b>	<b>1,017,413.62</b>
<b>Outstanding invoices/deposits in process since the close of bank statement (4/30/2023):</b>			
<b>Debits:</b>		\$	-
McGill Asso. (2023 Inv)			330.00
MFG Consulting, LLC (2023 Inv)			2,240.00
Sauber Water Quality Consulting (2023 Inv)			7,679.10
Barnes & Thornburg (2023 Invs)			2,698.50
WSP, Inc. (2023 Inv)			1,040.50
Phthisic Consulting, Inc. (2023 Inv)			116,279.62
Brown & Caldwell (MRS, FY 23, 2022 Inv)			
<b>Credits:</b>		\$	100,000.00
Transfer from Savings to Checking			
<b>Current Account Balances:</b>	Checking	\$	162,756.45
	Savings		734,767.05
<b>Total UNRBA Account Balance :</b>		<b>\$</b>	<b>897,523.50</b>

# **Status Reports and Informational Items**



# Overview of Reexamination

# Overview of Reexamination Activities

- **May through August 2023**
  - Discuss revised draft document describing concepts and principles and distribute public-facing summary; revise based on feedback
  - Expand stakeholder engagement
  - Propose legislation as needed
  - Meetings with Director of the Division of Water Resources (DWR) and the Chairs of the Environmental Management Commission (EMC) and its Water Quality Committee
- **September/October 2023**
  - Technical stakeholder workshop to review a final draft document
  - Provide draft report to the Collaboratory for reference
  - Draft consensus principals 2
- **Not later than mid-November 2023 – UNRBA Board endorsement of Consensus Principals 2**
- **December 2023 - Legislative requirements for Submittals**
  - NC Collaboratory final Falls Lake report
  - Submittals from other groups (UNRBA)
- **DWR to begin rule making within 6 months/no later than December 2024**
  - DWR to begin their stakeholder process
- **DWR anticipates rules readoption by 2026/2027**

Continued engagement with Collaboratory researchers

# Overview of the Reexamination

- Timing is everything—a final package of recommendations will need to be completed well before December 2023
- The UNRBA draft recommendations for a revised nutrient management strategy for Falls Lake will be submitted to the state in December 2023.
- We will repeatedly review the schedule and activities for the next several months
- These reviews will include the status of development of Consensus Principals 2 and activities leading to the final approval of the Board at the November 2023 meeting
- Priority on setting meetings with the Director of the Division of Water Resources (DWR), DEQ, and the Chairs of the Environmental Management Commission (EMC) and its Water Quality Committee prior to submission as well as outreach to stakeholders and local citizens.

# **Modeling and Regulatory Support for the Re-examination of Stage II**

# Watershed Model Report and Training Status

- The Watershed Analysis Risk Management Framework (WARMF) model for the Falls Lake watershed has been calibrated for stream flows and water quality
- The model has been evaluated for scenarios which have been incorporated into the watershed model report.
- The MRSW and DWR has reviewed a draft watershed model report
- Once the Executive Director and the Chair of the MRSW have reviewed the revised draft report in response to comments, the revised report will be distributed to the MRSW, DWR, and PFC for review
- As a result of comments received during the WARMF model training, the model interface is being updated and will be distributed soon

# Lake Modeling Status

- The three lake water quality models are being developed considering the information generated by the watershed model (stream flows, nutrient concentrations, and delivered loads to Falls Lake)
  - Both WARMF Lake and EFDC have been calibrated for water quality in Falls Lake with approval by the MRSW and are being used to evaluate scenarios
  - The datasets for the statistical model have been compiled and are being evaluated to address questions about the relationships among precipitation, nutrient loading, chlorophyll-a, and satisfaction with designated uses.
    - This model will inform the proposed revised nutrient management strategy and the petition for a site-specific chlorophyll-a standard.
    - Third-party review of the statistical model by the Collaboratory researchers has begun
- Lake model reporting is under development.

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

# Development of Principles and Concepts for a Revised Strategy

- During the [November](#), [December](#), and [January](#) PFC meetings, the PFC discussed concepts and principles under consideration for inclusion in the UNRBA's recommendations for a revised Falls Lake Strategy/Revised Falls Lake Rules.
  - Used to develop a preliminary draft document that was distributed to the PFC for review
  - Following revisions in response to PFC comment, a revised draft was distributed to the full PFC distribution list for review
  - Additional feedback will be incorporated into an updated draft for discussion at the June 6<sup>th</sup> PFC meeting
- The development of principles and concepts for review and approval by the PFC will lead to specific recommendations for revised rules.
- The UNRBA will continue to work in cooperation with DEQ and DWR to consider specific rule modifications, the revised strategy, and petition for site-specific chlorophyll-a standard
- The UNRBA and other stakeholders have identified an expanded list of stakeholders to begin reaching out



# **Petition for Site-Specific Chlorophyll-a Criteria and Evaluations of Legal Approaches**

- The subject matter experts continue to evaluate other State's site-specific standards for chlorophyll-a and nutrient-related standards.
- Dr. Marty Lebo continues to integrate his work into the statistical modeling and regulatory support efforts.
- The modeling efforts will also inform development of an appropriate, attainable site-specific criteria

# Coordination with DEQ

- The UNRBA has been meeting with DEQ and DWR leadership to discuss coordination efforts to finalize the models, develop a revised nutrient management strategy, and develop a petition for site specific criteria.
- Plans are under development on how to coordinate with DEQ and EPA on our general objectives for a revised strategy and a site-specific standard.
- DWR has hired a standards coordinator that replaces the former coordinator who retired. As a result, we anticipate the Division will identify a contact for us to work with on developing the site-specific standard recommendation/petition.
- We are working to schedule a follow up meeting with DWR in late May or June
- The UNRBA will continue to work with other stakeholders on these items as well.

# Stakeholder Engagement

- We have reached out to other regulated stakeholders, specifically agriculture, DOT and forestry, to provide input and participate in these discussions.
- We will expand this outreach to include stakeholders impacted by all aspects of the current rules, including
  - General public (in coordination with member staff)
  - Other state and federal facilities
  - Development community (new development rule)
  - Farmers and landholders
  - USACE
  - County Health Departments
  - EPA
  - NC Attorney General and Administration
  - EMC Water Quality Committee

# Potential Statutory and Regulatory Revisions

- As the UNRBA works to develop its recommendations for a revised strategy and a site-specific standard, it will be necessary to consider potential statutory and regulatory revisions that will allow a more flexible watershed management approach.
- This will involve some legal and legislative actions that will require coordination with the agency and the Legislature.
- The Executive Director is authorized generally to undertake these activities; however, it is requested that the Board reaffirm this authorization considering that outreach to the agency and legislators will be necessary during the current Long Session of the General Assembly.
- The Executive Director will continue to seek assistance from the Legal Group and the UNRBA's Advisory Attorney as approaches are considered and evaluated
- The Board voted at their March meeting to note this ongoing authorization.

# **Approach for Developing the Modeling and Regulatory Support Contract and Scope of Work for FY2024**

# Approach for Developing the Modeling and Regulatory Support Contract and Scope of Work for FY2024

- At the March 15, 2023 Board Meeting, the Board approved the proposed budget for FY2024 which would maintain the budget at the current FY2023 level.
- The UNRBA will continue working on its recommendations for a revised Nutrient Management Strategy during the first half of the next fiscal year (FY2023-2024) and will need funding for Modeling and Regulatory Support.
- Additionally, 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 may 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.

# Approach for Developing the Modeling and Regulatory Support Contract and Scope of Work for FY2024

- Since this support will be something of an unknown, we are preparing a contract for FY2024 that will include specific support
- \$180,000 will be held in reserve so we can respond to more specific needs as they emerge (regulatory support, policy development, etc.)
- The Executive Director will work with the project manager on a draft contract and scope of work for FY2024.
- Following review by the Co-Chairs of the PFCPFC, a revised draft contract and scope of work will be provided to the PFC who will be asked to provide comments and edits via email.
- A final draft will be developed for review and discussion at the June PFC, and the PFC will consider a recommendation for submittal to the Board at their June meeting.

# **Gathering Data from Local Governments and Utilities to Support the Cost Benefit Analysis**



# Gathering Data from Local Governments to Support the Cost Benefit Analysis

- 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
  - Nutrient load reductions
  - Improvements in lake water quality
- At their [February meeting](#), the PFC discussed the types of data and information being compiled to initiate this process
- Structured data requests will follow after existing data and reports have been reviewed and compiled.

# **Summary of the Joint Symposium with the NC Collaboratory**

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- The third joint symposium with the NC Collaboratory was held April 19<sup>th</sup>; Forrest will review the UNRBA presentations after the regular meeting of the Board today
- Several UNRBA member representatives attended.
- This in-person meeting was very successful with substantive discussions about the challenges facing Falls Lake.
- The UNRBA would like to thank the NC Collaboratory and the UNC Institute for the Environment for coordinating and hosting this important event.
- Some of the researchers noted the importance of holding a “synthesis workshop” for the scientists to integrate the findings across studies
- The Executive Director has reached out to Steve Wall at the Collaboratory and requested that the UNRBA be included
- Coordination with the NC Collaboratory and their Falls Lake researchers is very important and will need to continue in 2023.
- The Collaboratory’s report on their Falls Lake work is also due at the end of 2023.

# Summary of the Joint Symposium with the NC Collaboratory

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# Communications

# Communications Outreach and Preparation

- Continued engagement with DWR and Collaboratory researchers (meeting planning underway)
- Development of 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.
  - To be distributed by the local governments and utilities to their contact lists and social media accounts
  - Broaden outreach and input from the general public and other interested organizations
- Several events recently held or being planned
  - WRRRI Falls Lake Session held on March 23, 2023
  - Symposium with NC Collaboratory held on April 19, 2023
  - Meeting with DWR to discuss reexamination in June 2023
  - Workshop with DWR/NC Policy Collaboratory/NGOs planned for summer 2023
  - Technical Stakeholder Workshop planned for Fall 2023
  - Regulatory forum to discuss rules revision process planned for Spring 2024

# Communications Outreach and Preparation

- 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
  - Presented to the City of Durham Environmental Affairs Board on April 12, 2023
  - Plans to present to 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
- Planning a press release on the Neuse River of the Year for the upper part of the watershed following event details from American Rivers
  - The Board suggests including the Year 1 IAIA Report and the 2022 UNRBA Status Report as part of this release
  - BC communications staff have been identified to support development of press releases and videos

# Ongoing Discussions/Issues



# Ongoing Discussions/Issues

- Intensive workgroup activity and management of expectations and resources—A lot to do between now and recommendations at the end of 2023
- Ongoing DEQ/DWR Items—MOA, Neuse Watershed Model Information Session / Delivery Factors for WWTP, etc.—we plan to address in our follow-up meetings with DEQ/DWR

# Closing Comments

**Next UNRBA Board Meeting is Scheduled  
for June 21, 2023  
Butner Town Hall 9:30 AM to Noon**

**Post Meeting Agenda: Review UNRBA  
Presentations from the Falls Lake  
Nutrient Management Study Symposium**

**Board Member Questions and Input**