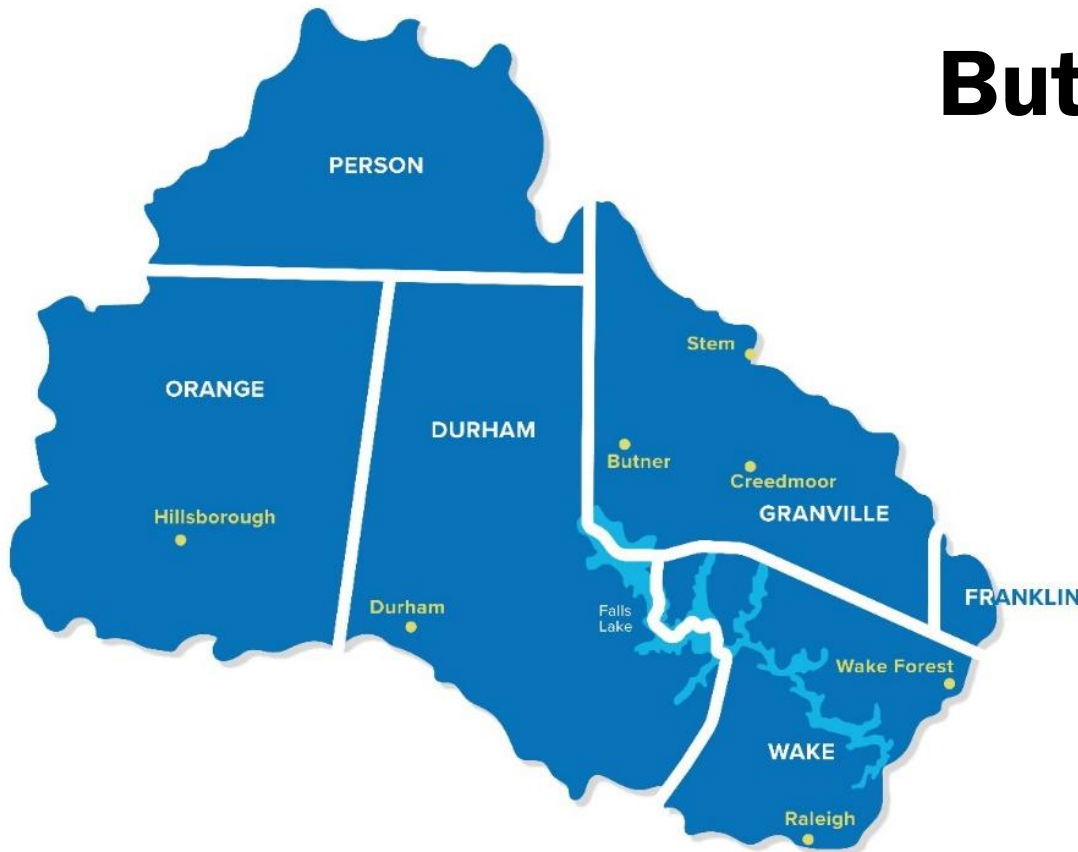




UNRBA Board Meeting January 15, 2025

Butner Town Hall



January 15, 2025, UNRBA Board Agenda

- **Opening—Wendy Jacobs, Chair**
- **Action Items**
 - Approval of November 20, 2024, Meeting Minutes
 - Approval of the Treasurer's Report
 - Officer Elections for 2025
 - Personnel Committee Report
 - Approval of the Financial Services Letter of Engagement
- **Status Reports and Informational Items**
 - Background for New Members
 - Status of the Falls Lake Rules Readoption Process
 - Continued Rule Development for Jordan Lake and High Rock Lake Watersheds
 - Budget Considerations for FY2026
 - Board Meeting Dates for 2025
 - Communications Support
 - Ongoing Discussions/Issues
- **Closing Comments**

Opening

Opening

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

Action Items of UNRBA Board of Directors

Approval of November 20, 2024, Meeting Minutes

Approval of the Treasurer's Report

Balance Forward: (per bank statement - 10/31/2024)		Checking	\$	372,294.07
		Savings		1,502,808.44
Debits:				
	McGill Asso. (2024 Invs)		\$	29,213.48
	Brown & Caldwell (MRS, FY 2024 Invs)			46,386.51
	Phthisic Consulting, Inc.			1,292.36
	WSP, Inc.			7,870.00
	River Delta Consulting (website)			2,400.00
	Winston, Williams, etc. (audit)			2,300.00
	Total Debits		\$	89,462.35
Credits:				
	Interest (checking)		\$	82.11
	Interest (savings)			7,532.55
	Membership Dues			-
	Transfer from Savings Acc't to Checking Acc't			-
Account Balance (per bank statement - 12/31/2024)		Checking	\$	282,913.83
		Savings		1,510,340.99
Total UNRBA Account Balances:			\$	1,793,254.82
Outstanding invoices/deposits in process since the close of bank statement (12/31/2024):				
Debits:				
	McGill Asso. (December 2024 Inv)		\$	17,417.71
	Phthisic Consulting, Inc. (Nov & Dec 2024 Invoices)			2,536.48
	Brown & Caldwell (November, FY 2025)			32,884.81
	Barnes & Thornburg (August, 2023 Inv)			4,518.00
	WSP, Inc. (December 2024 Invoice)			810.00
Credits:				
	Transfer from Savings to Checking		\$	-
Current Account Balances:		Checking	\$	224,746.83
		Savings		1,510,340.99
Total UNRBA Account Balance :			\$	1,735,087.82

Officer Elections for 2025

- The Nominating Committee was appointed at the September 18, 2024, Board meeting:
 - Carl Rist
 - Georgana Kicinski
 - Carolyn Bachl
 - Terry Hackett
- The Nominating Committee will provide recommendations for the officers of the UNRBA for 2025

Board of Directors will elect officers during the January 2025 Board Meeting as required in the UNRBA Bylaws.

Personnel Committee Findings and Recommendations

- The Personnel Committee met December 4, 2024, and reviewed the work of the UNRBA during 2024 and the support provided under the Executive Director Services Contract.
- The Committee will summarize their report and make recommendations to the Board on behalf of the members of the Committee.
- The Board will consider approval of the Personnel Committee recommendations.

FY2025 Executive Director Services Contract

- Contract with McGill Associations
 - Executive Director compensation (\$125/hour) \$198,750
 - Travel and other reimbursable support costs \$20,000
 - Other support services \$3,000
- Previously approved amount was \$243,390
 - Minus \$12,600 for separate Financial Services Contract
 - Minus \$9,040 to be held in UNRBA reserve fund to cover financial services with a different contractor for April 1 to June 30, 2025
- Board voted to approve the FY2025 Executive Director Services Contract for \$221,750 at the September 18, 2024, meeting.

FY2025 Financial Services Contract

- Nine-month contract with Haywood Phthisic
 - Ends March 31, 2025
 - Accounting and financial record keeping services
 - Interface with auditing contractor
- Total contract amount is \$12,600
 - \$1200 per month for nine months: (\$10,800)
 - Mileage reimbursement (IRS rate): \$1,000
 - Reimbursable expenses: \$800
- Haywood's portion is under a separate contract with UNRBA, rather than through McGill Associates
- Haywoods's portion was subtracted from the Board-approved contract amount for Executive Director Services
- At the June 12, 2024, meeting, the Board voted to approve the FY2025 Financial Services Contract for \$12,600 and to hold in reserve \$9,040 to cover financial services with a different contractor for April 1 to June 30, 2025.

Board Consideration of the Personnel Committee Report

- The Board will discuss the report and consider approval of the Personnel Committee recommendations.
- The decision will be reflected in the contract renewal in June of this year.

Approval of the Financial Services Letter of Engagement

- Our former auditing firm - Winston, Williams, Creech, Evans & Co., LLP – has agreed to provide financial services to the UNRBA beginning April 1, 2025, and continuing until revised or rescinded
- This would replace the financial services being provided by Haywood through March 31, 2025
- The Board will discuss and consider approval of the engagement letter

Status Reports and Informational Items

Background for New Board Members

Background and History of the Rules

- The UNRBA was formed in 1996 to promote water quality protection in the basin.
- The [Falls Lake Nutrient Management Strategy](#) (aka the Falls Lake Rules) was passed in 2010 by the State.
 - The nutrient management strategy specified two stages of nitrogen and phosphorus reductions to the lake.
 - The State developed watershed and lake models to determine the required amount of nutrient reductions.
- Based on the state's Fiscal Analysis of the Rules, the strategy was estimated to cost over \$1.5 billion.

Goal of the Rules

- The goal of the Falls Lake Rules was to meet the chlorophyll-a standard of 40 micrograms per liter.
- Chlorophyll-a is a green pigment used by plants and algae for photosynthesis.
- It is an indicator for algae in water but does not correlate to designated uses like fishing, swimming, and water supply.
- While algae forms the base of the food chain, excessive amounts can cause water quality issues.

Chlorophyll-a Standard

- The State set the [chlorophyll-a standard](#) in the 1970s under its delegated authority under [Section 303\(d\)](#) of the [Federal Clean Water Act](#).
- Authorized states and tribes can establish their own water quality standards and assessment methodologies.
- Waters that do not meet a standard are placed on the 303(d) list.
- The state or tribe must develop a plan to remove the waterbody from the 303(d) list.
- The NC chlorophyll-a standard applies to all locations in all waterbodies at all times unless a site-specific standard is developed and approved by the State.

New Development and Sediment/Erosion Control Rules

- The Falls Lake Rules also require implementation of stormwater projects so new development does not increase nutrient loading to Falls Lake.
- The New Development Rules have been implemented by every local government since mid-2012.
- New development projects must use a State-developed tool called the [Stormwater Nitrogen and Phosphorus \(SNAP\) tool](#) to ensure the stormwater projects meet the requirements of the New Development Rules.
- Local governments in the Falls Lake Watershed manage the New Development programs with oversight from the NC Division of Water Resources (DWR).
- Construction activities are governed by [State Sediment and Erosion Control Rules](#) and where delegated, local government erosion control programs that must be consistent with state requirements.

Successes and Challenges for Stage I Reductions

- After the Strategy was passed, the UNRBA focused on supporting its members with implementing Stage I existing development requirements and reexamining Stage II.
- While agriculture and wastewater treatment plants were able to meet their Stage I reduction requirements, the existing development requirements were difficult to quantify.
- Reduction credits for State-approved practices were relatively low and difficult to retrofit on existing development.
- In 2013, the UNRBA began its [Nutrient Credit Project](#) to expand the types of projects with State-approved nutrient reduction credits. This project added practices and sizing variants to provide more flexibility to local governments.
- However, the local governments and DWR were not able to agree on the amount of nutrient reduction required for Stage I.

Innovative Approach Suggested by Environmental Groups

- Wastewater treatment plants in the watershed had reduced their nutrient loads by much more than required under Stage I and many times more than the potential range of existing development requirements.
- Staff from local environmental advocacy and land conservation groups recommended a new approach for Stage I compliance that would focus on project implementation rather than counting pounds of nutrients.
- This innovative program would be voluntary and use investment to track compliance.
- DWR and UNRBA agreed this would be a helpful approach and a good demonstration project for the reexamination.

Development of the IAIA Program

- Over the next three years, the UNRBA led the development of the program called the [Stage I Existing Development Interim Alternative Implementation Approach \(IAIA\)](#).
- All UNRBA members voluntarily joined the Compliance Group Committee (CGC) which was formed under amended [UNRBA Bylaws](#) to implement the program.
- The IAIA is in the fourth year of implementation.
- Members are required to collectively invest at least \$1.5 million per year.
- [In each of the first three years of the program, members doubled to tripled the required investment.](#)
- Additional information about the IAIA including annual summary reports is available in the [UNRBA Resource Library](#)

Reexamination of Stage II Reductions

- The Falls Lake Rules included an adaptive management provision that allowed for reexamination of Stage II if an interested party conducted at least three years of water quality monitoring and developed revised watershed and lake models.
- This allowance for a reexamination was based on the Consensus Principles developed by the UNRBA members.
- The members had agreed to implement Stage I, but that a reexamination of the Stage II requirements was needed. The technical work of the reexamination was led by the UNRBA Path Forward Committee (PFC) and several workgroups like the Modeling and Regulatory Support Workgroup (MRSW).

Planning for the Re-examination (2011 to 2014)

- Planning for the reexamination began in 2011 and included several planning-level documents
 - [Communications Plan](#)
 - [Decision Framework](#)
 - [Description of the Modeling Framework](#)
 - Quality assurance project plans (QAPPs) to ensure best practices. These documents were approved by DWR as required.
 - [Monitoring](#)
 - [Modeling](#)

Completion of Monitoring and Modeling Studies (2014 to 2024)

- Monitoring included monthly monitoring at [38 locations](#) in the watershed as well as special studies designed to help build the lake models.
- The [Final UNRBA Monitoring Report](#) provides a comprehensive summary of the data and studies.
- Modeling included a watershed model and three lake models.
 - The UNRBA selected two models that DWR had used to establish the nutrient reduction requirements
 - The Watershed Analysis Risk Management Framework ([WARMF](#)) for the watershed modeling and one lake model.
 - The Environmental Fluid Dynamics Code ([EFDC](#)) was developed as a more complex lake model.
 - There is also a data-driven, statistical model to understand how water quality impacts designated uses in Falls Lake. This model will also inform development of a site-specific chlorophyll-a standard for Falls Lake.

Development of UNRBA Recommendations for Revised Strategy and Rules (2022 to 2023)

- The UNRBA applied information from the monitoring and modeling to develop its recommendations for a revised Nutrient Management Strategy and revised Falls Lake Rules.
- The [UNRBA Concepts and Principles for a Revised Nutrient Management Strategy](#) summarizes key findings from the reexamination activities and recommends an investment-based, watershed health approach for long-term protection of Falls Lake.
- The recommendations were condensed into a two-page set of revised consensus principles. [Consensus Principles II](#) was approved unanimously by every UNRBA member and the Association.

Submittal of Recommendations

- On November 22, 2023, the UNRBA submitted both of its documents to DWR and the Environmental Management Commission (EMC)
- On November 27, 2023, the Southeast Regional Director submitted a letter of support for the UNRBA recommendations.
- The NC Collaboratory also submitted its recommendations to DWR, the EMC, and the General Assembly in December 2023. The [NC Collaboratory](#) was formed in 2016 by the NC Legislature to study nutrient management issues in NC in general and for Falls and Jordan Lakes specifically.
- Submittal of recommendations by the UNRBA and NC Collaboratory initiates the rule making process conducted by DWR. [While this process is managed and carried out by the agency, the UNRBA is fully committed to remaining an active participant as described in the following items.](#)

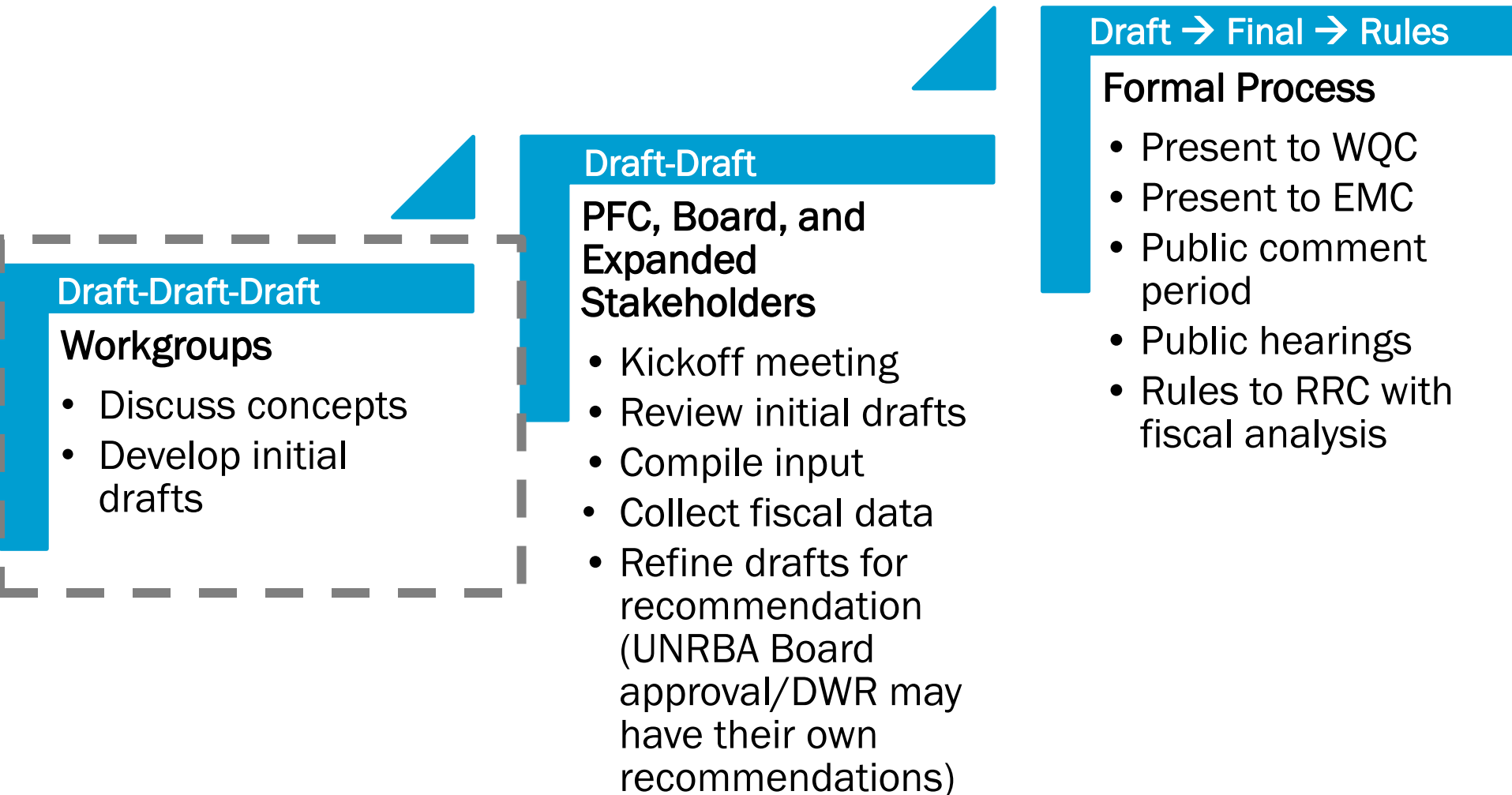
Status of the Falls Lake Rules Readoption Process

Status of Falls Lake Rules Readoption

- The UNRBA and DWR held a joint forum in November 2024 to kick off the rules readoption process
- The UNRBA and DWR presented to the EMC on January 9th to brief the rule-making decision-maker and to formally “begin” rule-making
- UNRBA continues to pursue a legislative change to [§ 77-141](#) to support a watershed organization developing a water quality protection plan under [§ 143-214.14](#).
- The UNRBA is engaging on every aspect of this process and how management options or proposals may impact our efforts to achieve a balanced, realistic, technologically feasible, and effective set of new rules.
- The UNRBA will continue to reference the scientific basis for appropriate rules as reflected in our 10-year evaluation and the work of the Collaboratory.

Related activities continued on next slide.

Rule Development Process



EMC: Environmental Management Commission

WQC: EMC Water Quality Committee

RRC: Rules Review Commission

Status of the Workgroup Process

- Each of the four Falls Lake Rules Review workgroup met once in December 2024 and once or twice in January 2025 (participants shown on next slide)
- Additional meetings are planned for February
- UNRBA and DWR will use feedback from the workgroup process to draft rule revisions (which may include options for different proposals) for review by the larger stakeholder group, the PFC, and the Board
- We hope DWR and UNRBA reach consensus on the proposed revisions, but if not, each may develop its own recommendations as we move through the process

Existing Lands Workgroup (may require subgroups for some topics)

DOT: Andy McDaniel, Brian Lipscomb

Farm Bureau: Anne Coan, Keith Larrick

NCDA&CS: Allie Dinwiddie

Durham County S&WCD: David Harris

Piedmont Conservation Council: Grace Messinger

Triangle Land Conservancy: Leigh Ann Hammerbacker

American Rivers: Donna Myers

UNRBA Members: Sandi Wilbur, Nancy Daly, Ryan Eaves, Raven McLaurin

Wastewater Workgroup (operators of major and minor facilities)

City of Durham: Reggie Hicks

Town of Hillsborough: Jeff Mahagan

SGWASA: Scott Schroyer

Representatives of minor facilities: *(owner/operator information is not typically shared by DEQ, John Huisman has emailed the contacts to invite them to participate and to copy Forrest and Alix on their response)*

New Development Workgroup

UNRBA Members: Jenn Tavantzis, Ed Buchan, McKenzie Bradshaw, Ryan Eaves, Barry Baker, Heather Fisher, Akin Akinola

Representatives of developers/HBAs: Chris Millis, NC HBA (Forrest has emailed representatives for local HBAs and developers to invite their participation as well)

Representative of NC DEMLR: tbd

Purpose and Scope Workgroup

UNRBA Members: Ed Buchan, Katie Cromwell, Michelle Woolfolk, Terry Hackett, Anna Smith

American Rivers: Donna Myers

WSP: Marty Lebo

NC Collaboratory: Nathan Hall, Dan McLawhorn

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

- Continue to monitor DWR's
 - Draft proposal for changes to post-construction stormwater rules for the High Rock Lake Watershed
 - Rules readoption process for Jordan Lake Watershed
- Concerned that these processes could negatively impact
 - The Falls Lake rules readoption process and timeline
 - Could be inconsistent with the UNRBA's recommendations
- Concerned that seeking more aggressive development controls for the Falls Watershed will threaten the development of broad support for maintaining essential management of new development
- Seek to ensure that productive programs continue in the Falls watershed and are not inadvertently put at risk
- This will be an important discussion topic for the New Development Workgroup.
- Recent discussions on this point with DWR are encouraging but attention to this issue remains a priority

Modeling and Regulatory Support Status and Evaluating a Falls Lake Assessment Methodology and Site-Specific Chlorophyll-a Water Quality Standard

Submittal of Modeling Files and Modeling Report

- Modeling files and reports for the WARMF watershed model, WARMF lake model, EFDC lake model, and statistical/Bayesian lake model have been submitted to the Division of Water Resources (DWR) for review and approval.
- Modeling reports and summaries of key findings are available at <https://unrba.org/resource-library>.
- Email communications from DWR staff indicate the agency has no additional comments on these reports and accepts them as the final submittals.
- The Executive Director has 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.

Completion of the UNRBA Re-examination

- Submittal of the lake modeling report completes the documentation of the work completed before the UNRBA developed its recommendations.
- UNRBA developed its recommendations based on the conclusions reached in the modeling evaluation.
- No issues with the formal review step are expected.

Status of the Falls Lake Assessment Methodology and Site-Specific Chlorophyll-a Criteria

- Our primary priority is rules readoption process
- Two additional goals remain under consideration:
 - Modification of the 303(d) water quality assessment method for chlorophyll-a in Falls Lake
 - Development of a proposed site-specific chlorophyll-a criteria.
- Dr. Martin Lebo is coordinating with the team on his continued evaluation of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a.
- We greatly appreciate that the NC Collaboratory is provided additional funding to Dr. Nathan Hall to provide input on some of the ecological processes in Falls Lake (including algal species and edibility of higher trophic level organisms) related to development of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a.

Status of the Falls Lake Assessment Methodology and Site-Specific Chlorophyll-a Criteria, Continued

- Timing is important in assessing the current “use-support” processes used by DWR.
- We continue to keep revision of these two key factors in regulatory assessment of “meeting” uses as important long-term goals
- We do not want to deter moving forward with revised rules.

Budget Considerations for FY2026

Budget Considerations for FY2026

- The UNRBA has moved into a period of supporting the use of [Consensus Principles II](#) in the development of revised Falls Lake Rules.
- It will be essential for the UNRBA to have sufficient resources to support the ongoing activities of the UNRBA.
- While there will not be a heavy demand for extensive technical support, we must maintain an experienced and capable “team” to effectively keep a viable UNRBA.
- In FY2026 (July 1, 2025 through June 30, 2026), the UNRBA will continue to support its members and DWR by compiling feedback from stakeholders to develop draft rule language.
- This activity will be followed by development of a fiscal analysis of the rules and then presentation of the rule package to the Environmental Management Commission (EMC) by DWR, a formal comment period, public hearing(s), and ultimately readoption of the rules (likely in the first quarter of 2027).

Budget Considerations for FY2026

- The UNRBA will proceed with working on receiving approval of a specific 303(d) assessment methodology for Falls Lake and for continuing the development of a site-specific chlorophyll-a standard.
- The UNRBA members have also discussed the importance of supporting tributary monitoring in the watershed to track progress and changes in water quality. While this will be a future effort, the UNRBA team will need to support designing and carrying out a monitoring program in the future.
- The UNRBA team will also need to provide reporting and assessment of the data to support the evaluation of changes in the watershed

Planning Level Budget FY2026

- During the November 20, 2024, meeting, the Board discussed a planning-level budget of \$899,500.
- At their November meeting, the PFC requested additional information about the budget and discussed capping the legal support fund based on pending information from the legal group.
- The PFC plans to finalize their recommendation for the FY2026 budget by March and will bring a recommendation to the Board at their March meeting.
- While it is extremely difficult to predict the future, a 5-year budgeting plan is under development and will be presented to the PFC ahead of the Board's March meeting.

Previously Approved Board Meeting Dates for 2025

Previously Approved UNRBA Meeting Dates for 2025

Board Meeting Dates:

January 15, 2025

March 19, 2025

May 21, 2025

June 18, 2025

September 17, 2025

November 19, 2025

Path Forward Committee (adjusted by PFC for January and February):

January 7, 2025, No Meeting. To be Used for Rules Readoption Workgroups.

February 4, 2025, No Meeting. To be Used for Rules Readoption Workgroups.

March 4, 2025

April 1, 2025

May 6, 2025

June 3, 2025

July 1, 2025

August 5, 2025

September 2, 2025

October 7, 2025

November 4, 2025

December 2, 2025

Communications Support

Communications Outreach and Preparation

- Continue to coordinate with DWR on the rules review process, potential modifications to the water quality assessment methods, and development of a site-specific chlorophyll-a standard for Falls Lake.
- As part of our expanding stakeholder process, additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs are being planned.
- Jurisdictions should identify additional meetings where support from the UNRBA team is needed.
- 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.

Additional Information and Activities

- DWR has established a [list serve for Falls Lake](#)
- The Executive Director and John Huisman (DWR) presented a status update to the Environmental Management Commission on January 9, 2025
- Coordinating with DWR on a larger stakeholder engagement kickoff meeting for the rules readoption process
- Planning for a Falls Lake session at the Water Resources Research Institute Annual Conference March 19 and 20, 2025
- American Rivers has been coordinating with UNRBA members to create videos to celebrate the 2022 designation of “Neuse River of the Year”

Ongoing Discussions/Issues

Ongoing Discussions/Issues

- DWR Neuse Watershed Model/Delivery Factors for WWTP –
 - DWR has scheduled a meeting on the final modeling report for January 28th
- Ongoing NC State University UNRBA and Jordan Lake One Water research study
- Impacts on implementation of nutrient requirements in light of PFAS/PFOS and other emerging requirements on wastewater management costs to local governments.

Closing Comments

Next UNRBA PFC Meeting
March 4, 2025
Butner Town Hall
9:30 AM to Noon

Next UNRBA Board Meeting
March 19, 2025
Butner Town Hall
9:30 AM to Noon