



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda January 15, 2025, 9:30 AM to Noon

In Person Meeting at Butner Town Hall, Camp Butner Room

[Remote Access Option \(see page 6 for instructions\)](#)

Materials related to this BOD Meeting have been placed on the UNRBA website unless noted otherwise on the [Meeting Page](#). See items under the January 15, 2025, meeting date.

I. Opening—Wendy Jacobs, Chair

- A. Introductions, Note Board Member Changes and Announcements
- B. Roll Call for Quorum
- C. Identification of any Conflicts
- D. Review and Approval of Agenda

II. Action Items

- A. Approval of [November 20, 2024, Draft Board Minutes](#)
- B. Approval of the [Treasurer's Report](#)
- C. Officer Elections for 2025: Nominating Committee Recommendations

Item Summary (Nominating Committee): The [UNRBA Bylaws](#) call for its Annual Meeting to be held in January and provides for the election of Association Officers for the calendar year. The Board appointed a Nominating Committee during the September 18, 2024, Board Meeting to make recommendations at the January Meeting: Carl Rist, Terry Hackett, Carolyn Bachl, and Georgana Kicinski. [A summary of the recommendations of the Nominating Committee will be provided for the consideration of the Board.](#)

D. Personnel Committee Report

Item Summary (Wendy Jacobs): 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. Ms. Jacobs will provide the Committee's report and make recommendations to the Board on behalf of the members of the Committee. [The Board will discuss the report and consider approval of the Personnel Committee recommendations.](#)

E. Approval of the Financial Services Letter of Engagement

Item Summary (Forrest Westall): 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LLP – has agreed to provide financial services to the UNRBA beginning April 1, 2025, and continuing until revised or rescinded.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 Phthisic through March 31, 2025. [The letter of engagement will be provided to the Board prior to the meeting; the Board will discuss and consider approval of the engagement letter.](#)

III. Status Reports and Informational Items

A. Background for New Board Members

Item Summary (Forrest Westall): An overview of history of the UNRBA will be provided with a focus on the UNRBA's role in the readoption of the Falls Lake Rules. [Please refer to the last two pages of this agenda for a summary of what will be presented during the meeting.](#)

B. Status of the Falls Lake Rules Readoption Process

Item Summary (Forrest Westall): The UNRBA submitted the [UNRBA Concepts and Principles for Reexamination](#) and [Consensus Principles II](#) to DWR and the EMC on November 22, 2023. The NC Collaboratory submitted their final report in December 2023. These submittals trigger the initiation of the Falls Lake Rules Readoption

Process. As noted in other agenda items and as directed by the Board, 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. The following activities are ongoing:

- The UNRBA and DWR hosted a joint forum on November 20, 2024, to discuss the Falls Lake rules readoption process. The event was well attended, and the UNRBA is very appreciative of the City of Durham for providing a meeting space for this important event.
- The UNRBA and DWR presented to the EMC on January 9th to brief the rule-making decision-maker and to formally “begin” rule-making.
- The UNRBA continues to pursue a legislative change to § 77-141 that would explicitly support the concept of a watershed organization like the UNRBA developing and implementing a water quality protection plan. The Legal group, PFC and Board have previously reviewed and fully support this change. Staff from DWR and American Rivers have also indicated support for this specific change. The proposal did not make it into a short session bill, but we hope to see it included in future legislative sessions. The Executive Director and support team met with representatives from the Home Builders Association to discuss this legislative change and how it would benefit both the local governments and the developers.
- As reflected in the approved Consensus Principles II, the Executive Director and support team will continue to promote the position that it is important to secure revised rules and promote continued momentum on the rules readoption process. To support moving forward, we have drafted a very preliminary set of proposed revisions to the rules to support discussion of potential revision to the Rules and to fuel specific discussion during the readoption process. The UNRBA will continue to use the adopted recommendations based on its Reexamination of the Rules as filed with DWR and the EMC (see reference to the two documents listed above). The rules review workgroups as constituted through the PFC and review of DWR have been reviewing and discussing concepts and proposed revisions to the Falls Lake Rules.
- The workgroups will continue their discussions through February. UNRBA and DWR will compile input from the workgroups to develop a set of draft rules to take to a broader set of stakeholders, including the UNRBA Path Forward Committee (PFC), the UNRBA Board, and stakeholder contacts compiled by both the UNRBA and DWR since the reexamination began. We anticipate a kickoff meeting to support this larger stakeholder process in the spring.

C. Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

Item Summary (Forrest Westall): We continue to monitor DWR’s draft proposal for changes to new development requirements (post-construction stormwater controls) for the High Rock Lake Watershed and the rules readoption process for the Jordan Lake Watershed. We remain concerned that these processes could negatively impact the Falls Lake rules readoption process, both in timing and in “setting” an approach for nutrient management that could be inconsistent with the recommendations of the UNRBA. Based on the preliminary proposal on post construction stormwater requirements we have discussed previously, the proposal seems to indicate that DWR is seeking what may be a more aggressive development control program for new development. The recommendation of the UNRBA has promoted some minor revisions to the existing program for management of new development in the watershed. We also believe that trying to adopt more aggressive requirements for new development, which likely provide little or no improvement over current requirements,

threatens the development of broad support for maintaining essential management of new development in the Falls Watershed. The UNRBA seeks to ensure that productive programs continue in Falls and are not inadvertently put at risk by seeking new and potentially more restrictive requirements for new development. Recent discussions on this point with DWR are encouraging but attention to this issue remains a priority.

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

Item Summary (Alix Matos): 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 Quality Assurance Project Plan](#) for this purpose. This submittal completes the documentation of the work completed before the UNRBA developed its recommendations which were made based on the conclusions reached in the modeling evaluation. No issues with the formal review step are expected.

The UNRBA continues to focus on our primary priority: coordination with DWR and stakeholders in the development of a revised management strategy through the rules review process. However, the UNRBA has identified, as part of the Reexamination and recommendations, that two additional goals remain under consideration: modifications of the 303(d)-water quality assessment method for chlorophyll-a in Falls Lake, and the development of a proposed site-specific chlorophyll-a criteria. Dr. Martin Lebo is coordinating with the statistical modeling effort 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. 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, but we do not want to deter moving forward with revised rules.

E. Budget Considerations for FY2026

Item Summary (Forrest Westall): 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).

The UNRBA will need to maintain a collaborative relationship between DWR, the EMC, and the General Assembly to support an effective readoption process. The recommendations developed by the UNRBA lay out a path that is an innovative, watershed management approach to address nutrients. Due to the scientific findings and realities of this watershed, the revised strategy will need to forge a path that is a departure from structure of previous nutrient management efforts. This new approach will need significant support to develop rules that make sense, are effective in maintaining uses in Falls Lake, that can be implemented, and that garner broad support by the regulatory agencies, the membership of the UNRBA, environmental interest groups, development interests in the watershed, and other stakeholders. The UNRBA has been committed to working through this with DWR and the staff responsible for developing revised rules. That should be an ongoing commitment.

In addition, 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 needs to be “ready” to do this work and not lose important continuity and focus. DWR and other organizations continue to monitor water quality in Falls Lake. As DWR has paused the tributary monitoring, the UNRBA has discussed restarting the UNRBA monitoring program in the future. This would require updates to the previously developed monitoring program and quality assurance project plan. Depending on when monitoring would begin, these updates may be needed during FY2026. In the future, the UNRBA team will need to provide reporting and assessment of the data to support the evaluation of changes in the watershed.

UNRBA Board members have requested a budget amount to consider during the local government annual budgeting process. 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.

F. Previously Approved Board Meeting Dates for 2025

Item Summary (Forrest Westall): During the September 18, 2024, meeting, the Board approved the meeting dates for UNRBA Board Members and the Path Forward Committee (PFC) for 2025. The PFC cancelled the January and February PFC meetings to use this time for workgroup meetings. A revised list of meeting dates was provided to the Board via email.

G. Communications Support

Item Summary (Forrest Westall): The work with DWR on the revised Falls Lake Rules continues and will be even more important in FY2025. Consistent with our expanding stakeholder process as outlined, we will have additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs. As we have continued to do, we encourage our jurisdictions to identify additional communication needs and to request support from the UNRBA team as needed. Recent, ongoing, or upcoming activities are noted below:

- 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 9th
- 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”

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. We also continue to look to our engaged membership representatives to use materials developed to help with communication within their jurisdictions. We remain available to assist with any presentations/meetings that are set up to discuss Falls Lake and the status of our work and the rules readoption process.

H. Ongoing Discussions/Issues:

Item Summary (Forrest Westall):

- 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

I. Closing Comments—Board Members and Chair

Next PFC Meeting: March 4, 2025, 9:30 AM to Noon

Next Board Meeting: March 19, 2025, 9:30 AM to Noon

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

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- If you dial in through your phone, mute your computer 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**
- UNRBA meetings are open meetings; however, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items

Background for New Board Members (to be presented under Agenda item III. A.)

Item Summary (Forrest Westall): 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](#) (link is currently broken and under repair) of the Rules, the strategy was estimated to cost over \$1.5 billion.

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 form the base of the food chain, excessive amounts can cause water quality issues.

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 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.

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, the local government erosion control programs (these local requirements must be consistent with state requirements).

After the Falls Lake 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 for water quality improvement. 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 under Stage I. Fortunately, the 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 pilot for the reexamination. Over the next three years, the UNRBA developed a 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 eligible projects and activities. Over the first three years of implementation, the participants were required to cumulatively invest approximately \$4.5 million. Total investments have exceeded \$13 million over this period, nearly 3 times the required amount.

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 reexamination began in 2011 and included several planning-level documents including a [Communications Plan](#), a [Decision Framework](#), and a [Description of the Modeling Framework](#) to guide the process. It also included quality assurance project plans for [monitoring](#) and [modeling](#) to ensure best practices. These documents were approved by DWR as required. 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 the same types of models that DWR had used to establish the nutrient reduction requirements. The Watershed Analysis Risk Management Framework ([WARMF](#)) was used 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.

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. On November 22, 2023, the UNRBA submitted both of these documents to DWR and the Environmental Management Commission (EMC), and 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 initiated 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 other meeting items.](#)