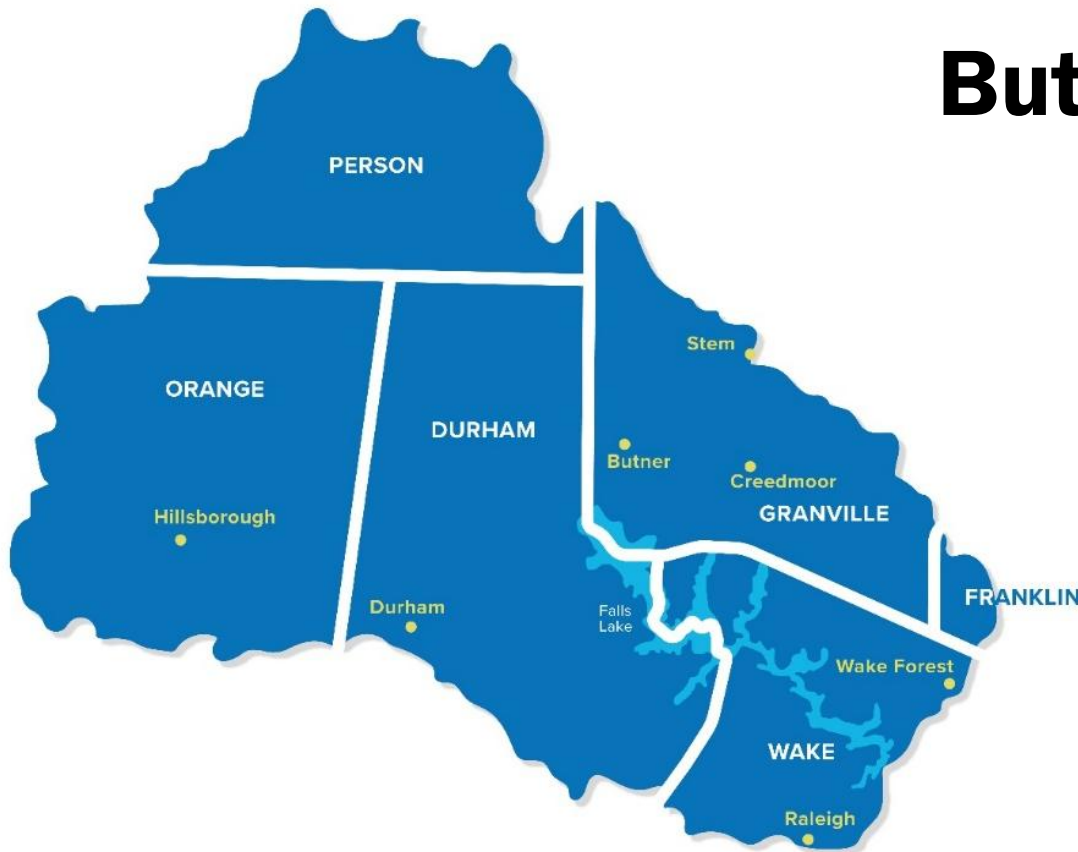




UNRBA Board Meeting May 21, 2025

Butner Town Hall



May 21, 2025, UNRBA Board Agenda

- Opening—Wendy Jacobs, Chair
- Action Items
 - Approval of [March 19, 2025, Meeting Minutes](#)
 - Approval of the [Treasurer's Report](#)
 - Review Informational Item A and Authorize the Chair to Submit a Letter of Clarification
- Status Reports and Informational Items
 - Status of the Falls Lake Rules Readoption Process and Extension of IAIA Program
 - Continued Rule Development for Jordan Lake and High Rock Lake Watersheds
 - Discussion of House Bill 382 and Impacts to Local Government Zoning Authority
 - Modeling and Regulatory Support Status and Evaluating a Falls Lake Assessment Methodology and Site-Specific Chlorophyll-a Water Quality Standard
 - Status of FY2026 Modeling, Regulatory, and Communications Support Contract Development
 - Communications Support
 - Ongoing Discussions/Issues
- Closing Comments

Opening

Opening

- Introductions and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda

Action Items of UNRBA Board of Directors

**Approval of March 19, 2025,
Meeting Minutes ([link](#))**

Approval of the Treasurer's Report

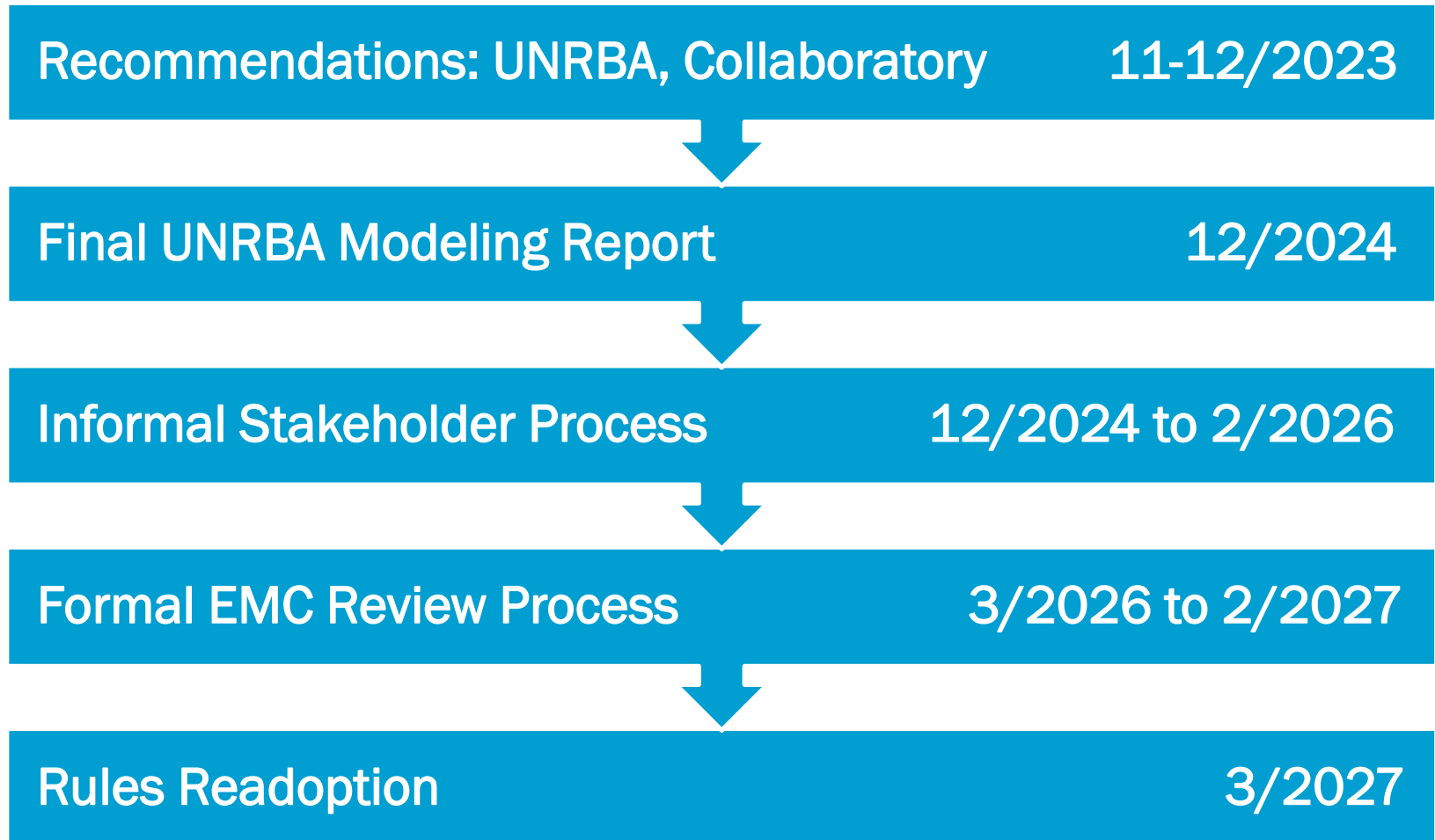
5/1/2025

Balance Forward: (per bank statement - 03/31/2025)		Checking	\$	412,231.69
		Savings		1,270,920.97
Debits:				
	McGill Assoc (Feb 2025 Inv)		\$	19,489.85
	Phthisic Consulting			1,696.20
	Brown & Caldwell Fen 2025 FY 2025			36,190.37
	McGill Assoc (March 2025 Inv)			18,262.43
	WSP, Inc			2,697.50
	River Delta Consulting April Invoice			1,200.00
	Total Debits		\$	79,536.35
Credits:				
	Interest (checking)		\$	47.40
	Interest (savings)			3,137.46
Account Balance (per bank statement - 04/30/2025)		Checking	\$	332,742.74
		Savings		1,274,058.43
Total UNRBA Account Balances:			\$	1,606,801.17
Outstanding invoices/deposits in process since the close of bank statement (04/30/2025):				
Debits:				
	Brown & Caldwell(April Invoice)		\$	39,775.66
	WSP (April Invoice)			1,565.00
Credits:				
	Transfer from Savings to Checking		\$	-
Current Account Balances:		Checking	\$	291,402.08
		Savings		1,274,058.43
Total UNRBA Account Balance :			\$	1,565,460.51

Status Reports and Informational Items

Status of the Falls Lake Rules Readoption Process and Extension of the IAIA Program

Rules Readoption Schedule



UNRBA: Upper Neuse River Basin Association
EMC: Environmental Management Commission

Rule Development Process

Draft-Draft-Draft

Four Workgroups

- 12/24 to 4/25
 - 18 workgroup meetings
 - 2 workshops
- Discussed concepts and challenges
- Developed initial drafts

Draft-Draft

PFC, Board, EMC informational items, and Expanded Stakeholders

- 5/2025 to 2/2026
- Review initial drafts
- Compile input
- Collect fiscal data
- Refine drafts for recommendation (UNRBA Board approval; DWR may have their own recommendations)

Draft → Final → Rules

Formal Process

- 3/2026 to 2/2027
- Present to WQC
- Present to EMC
- Public comment period
- Public hearings
- Rules to RRC with fiscal analysis

EMC: Environmental Management Commission

WQC: EMC Water Quality Committee

RRC: Rules Review Commission

Conclusion of the Workgroup Process

- The UNRBA is extremely grateful to the workgroup members representing several interests in the development of draft-draft-draft rules
- The workgroups submitted four rule sections to the PFC and other stakeholders for discussion on May 6, 2025
- Written feedback is due May 20, 2025
- Additional discussions will be arranged to allow more time for discussion
- Compiled comments and revised drafts will be provided to the PFC and stakeholders ahead of the June 3, 2025, meeting
- Our goal is to bring draft rules for the Board to discuss and consider at the September 18, 2025, meeting

DWR Presentation at May 8, 2025, EMC Meeting

- DWR indicated they were moving forward drafting their own rules
- DWR indicated after the meeting they will share their drafts with the UNRBA
- DWR also indicated to the Commission that the UNRBA is proposing to eliminate evaluation of chlorophyll-a for the 303(d)-assessment process and replace it with a vague, undefined evaluation of trophic status.
 - This is not accurate and was corrected during the meeting.
- DWR made other statements that we would have liked to have clarified during the EMC meeting, but the UNRBA was only asked to clarify the statement about the chlorophyll-a standard.
- We provided a letter of clarification for the Board to consider for submittal to the EMC

Continued Engagement with DWR

- DWR's participation in workgroup process decreased over past two months
- Follow up meeting held May 13, 2025, to lay out path forward
- Our goal remains to develop a joint set of rules
- Several key issues we may not be able to resolve ahead of the Board's consideration of draft rules in September 2025
- We will work to see if we can reach some level of consensus
- Continue to discuss these items and our approach for submitting either individual or joint Falls Rules to the EMC
- We have encouraged DWR to use our drafts as the basis of continued discussions and their markups
 - Avoid unnecessary confusion and difficulty in correlation of any competing drafts.
 - Identify differences and frame up our discussions of areas of disagreement.

The next slides summarize the need to clarify DWR's presentation to the EMC on May 8th.

Correcting Allowable Loads in WWTP Permits

- Permits include permitted flows and Stage I allowable loads based on flow rates near 2008/2009 levels
 - Stage I loads do not allow WWTPs to use full capacity
 - Would require reverse osmosis which is unproven for this application and has significant logistical challenges
 - Upgrades would require investment of financial resources never anticipated or expected under Stage I
 - Significantly increased carbon footprint
 - DWR acknowledged that Stage II is unachievable, but did not mention that at permitted flow, Stage I is also
- The UNRBA proposal addresses this by requiring
 - Treatment performance concentrations at best achievable
 - Tracking of emerging technologies and optimization
 - Investment of combined \$500k in watershed health
 - Monthly monitoring in receiving streams and Falls Lake to support adaptive management as flows increase
 - Use of predictive modeling to evaluate chlorophyll-a

Developing a Falls Specific 303(d) Assessment Methodology

- DWR indicated that our proposal abandons chlorophyll-a assessment in favor of a vague evaluation of trophic status
- This is not accurate – our proposal EXPANDS assessment
 - Evaluation of chlorophyll-a, pH, and dissolved oxygen
 - Assesses algal biovolume, species shifts, and toxins
 - Considers water treatability for drinking, recreational use, and wildlife/aquatic life data
- Our proposal revises the assessment methodology to align with EPA guidance - more scientifically valid for large waterbodies
 - Streamlined method to consider extensive data collection (eliminates non-attainment based on a few samples)
 - Combines data from stations within each of three segments (not station-by-station which does not make sense in a lake)
 - Worked with subject matter experts (Drs. Lebo and Hall) on our proposal and vetted through the workgroup

Not Capping the Investment in Land Conservation

- DWR has proposed a 15 percent investment cap on land conservation in the draft rules for the Jordan Lake watershed
- DWR indicated during a recent Jordan Lake workgroup meeting that they would be proposing something similar for Falls Rules
- We address land conservation in our draft Existing Managed Lands Rule and recommend that no cap be placed on its use
 - Critical component of a watershed health strategy
 - Self limiting due to costs, landowner negotiations, and diminishing availability
 - [IAIA](#) only allows areas identified by a conservation organization or similar group as high priority to receive investment credit

Need to Extend IAIA Program

- IAIA is approved as a five-year program with an option to extend until Falls Rules are readopted.
 - The five-year period ends June 2026
 - Likely rule readoption date is in March 2027
 - IAIA program will need to be extended.
- During the November 19, 2025, UNRBA Board meeting, we will include a Compliance Group Committee (CGC) meeting
 - Consider submitting a request to the EMC to approve an extension of the IAIA program
 - Five years, or
 - Until the Falls Rules are readopted and an updated watershed protection plan is developed and approved by the Commission (i.e., an updated [Program Document](#))

Status of Potential Legislative Change

- The UNRBA continues to consider the need for a legislative change to [§ 77-141](#) (legislation that created the Falls Lake Watershed Association which the UNRBA is doing business as)
 - Change would explicitly support the concept of a watershed organization like the UNRBA developing and implementing a water quality protection plan (under [§ 143-214.14](#)).
 - The Legal group, PFC and Board have previously reviewed and supported this change.
 - Staff from DWR and American Rivers have also indicated support for this specific change.
- The proposal is still under consideration by the Legislators and discussions continue about the need for this revision.
- We are seeking confirmation from Legislative Staff on the need for this revision and to confirm, if a change is not sought that current law protects the option for the UNRBA to develop a watershed protection plan for submission to the EMC.

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

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- 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 (e.g., a proposed 15% cap on land conservation)
- Concerned that seeking more restrictive 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

Discussion of House Bill 382 and Impacts to Local Government Zoning Authority

Discussion of House Bill 382 and Impacts to Local Government Zoning Authority

- Subpart III-K. of [Senate Bill 382](#) prohibits a local government to initiate down-zoning without the consent of all affected property owners.
- This bill applies to any ordinance or zoning change within 180 days of the day of adoption and any passed after the day of adoption.
- The Governor's veto of the bill was overridden on December 11, 2024, and the bill was passed.
- During the March meeting, the UNRBA Board discussed that clarifying bills are likely to be forthcoming.

NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT CONSENT OF AFFECTED PROPERTY OWNER

SECTION 3K.1.(a) G.S. 160D-601(d) reads as rewritten:

"(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated nor is it enforceable~~ initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning ~~amendment, unless the down zoning amendment is initiated by the local government.~~ amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element."

SECTION 3K.1.(b) If any provision of this section is declared unconstitutional or invalid by the courts, it does not affect the validity of this section as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 3K.1.(c) This section is effective when it becomes law and applies to local government ordinances adopted on or after that date and any local government ordinance enacting down-zoning of property during the 180 days prior to the date this section becomes effective. Ordinances adopted in violation of this section shall be void and unenforceable.

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

Awaiting Formal Statement from DWR on Modeling

- Modeling files and reports have been submitted to DWR for review and approval.
- 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.
- UNRBA developed its recommendations based on the conclusions reached in the modeling evaluation.
- 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.

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

- The Purpose and Scope workgroup decided to address 303(d) assessment in the draft rule.
- We continue to keep development of a site-specific chlorophyll-a standard as an important long-term goal.
- 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 FY2026 Modeling, Regulatory, and Communications Support Contract Development

Status of FY2026 Modeling, Regulatory, and Communications Support Contract Development

- The UNRBA Board of Directors approved the budget for FY2026 during the March 19, 2025, meeting.
- Development of the Modeling, Regulatory, and Communications Support Contract and Scope of Work are under development.
- The UNRBA Path Forward Committee (PFC) will review the scope of work for this contract during their June 3, 2025, meeting.
- The Board of Directors will review and consider approval of the contract and scope of work during the June 18, 2025, meeting.

Communications Support

Communications Outreach and Preparation to Support Rule Readoption

- Continue to coordinate with DWR
 - Rules review process
 - Falls specific assessment method
 - Site-specific chlorophyll-a standard for Falls Lake
 - Fiscal note
- 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

- Delivered a Falls Lake Presentation at the Water Resources Research Institute Annual Conference on March 20, 2025.
- Distribution of draft-draft-draft rules to 90 PFC members and stakeholders for discussion at the May 6, 2025, PFC meeting; additional stakeholders will be included when the draft goes to the Board by September 2025
- Status updates to the EMC
- The UNRBA has posted YouTube [videos](#) of the Falls Lakes water quality simulations to the website
- Planning a meeting with the new Secretary of DEQ
- Planning a meeting with staff from the NC Office of State Budget Management

Ongoing Discussions/Issues

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- DWR Neuse Watershed Model/Delivery Factors for WWTP –
 - Final modeling report presented January 28th
 - DWR provided a status update to EMC on May 8th
- 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. DWR developing an implementation plan for control of these pollutants—EMC to review

Closing Comments

Next UNRBA PFC Meeting
June 3, 2025
Butner Town Hall
9:30 AM to Noon

Next UNRBA Board Meeting
June 18, 2025
Butner Town Hall
9:30 AM to Noon