



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
June 17, 2020, 9:30 AM to Noon
Remote Access Only (see last page 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 June 17, 2020 meeting date. A direct link to the meeting presentation is provided [here](#).

I. Opening—Sig Hutchinson, Chair

- A. Introductions and Announcements**
- B. Roll Call for Quorum**
- C. Identification of any Conflicts**
- D. Review and approval of agenda**

II. Action Items

- A. Approval of [May 20, 2020 Meeting Minutes](#)**
- B. Approval of the [Treasurer's Report](#)**
- C. Approval of the UNRBA FY2021 Contracts**

a. Modeling and Regulatory Support and Communications Support Contract

Item Summary (Forrest Westall): The ongoing Modeling and Regulatory Support (MRS) effort that is critical to the Reexamination of Stage II continues in FY2021. The transitional monitoring effort will be completed at the end of June and all annual project funding will be directed at MRS. Final Falls Lake Nutrient Management Strategy revision recommendations are set to be completed in 2023. This contract also includes a portion of the Communications Support funds available for FY 2021. Brown and Caldwell will be providing Communications Support in conjunction with the UNRBA's "staff" resources and help from HDR. The Scope of Work includes some support from Brown and Caldwell for the completion of the IAIA process. This will require an allocation of funds from the contingency fund. In presenting this contract for approval, the Executive Director is requesting that \$15,000 from the reserve funds of the UNRBA be allocated to provide this IAIA support. The Executive Director recommends approval of the contract.

b. HDR Supplemental Communications Support

Item Summary (Forrest Westall): The UNRBA has developed significant experience in developing a communications program. HDR has provided Communications Support for the last couple of years. Amy Shahar with HDR has developed a good understanding of the focus of the UNRBA and has provided some much-needed facilitation support. We want to keep her as a part of our overall communications team. This contract will provide funding to continue to engage HDR and Amy in our work. The Executive Director recommends approval of the contract.

c. Executive Director Services

Item Summary (Forrest Westall): The UNRBA Personnel Committee provided the annual Executive Director Services assessment for 2019 in December. That report was provided to the Board at the January Meeting and the Board adopted the recommendations of the Personnel Committee. The contract before the Board today reflects that January action and incorporates the provisions recommended and approved by the Board. The contract is presented for consideration of the Board.

D. Authorization for Executive Director to Submit Comments on Behalf of the UNRBA on the EPA Federal Register Notice May 22, 2020 Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria (see description in Status Item III.C.

Item Summary (Forrest Westall and Jay Sauber): The EPA has brought forward a new approach for the assessment of eutrophication issues in lakes and reservoirs. The Executive Director asked Jay Sauber to provide a review of this recommendation and to develop an evaluation that could be used to provide comments on the proposal. Those comments are due July 21st. The review is ongoing and will need to be completed over the next few weeks. Following the presentation provided in III. C. below, the Executive Director will request that the Board authorize him to develop appropriate comments and to file those by the deadline on behalf of the UNRBA. The Executive Director will coordinate this review with the PFC and provide opportunity for input from the members of the Committee.

III. Status Reports and Informational Items

A. Review of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) Program Development Schedule:

Item Summary (Forrest Westall): On January 15, 2020 the UNRBA Board of Directors approved the IAIA Program Description as a guidance document and authorized the Executive Director to discuss implementation pathways with DWR and others. Following consultation and meetings with DWR and an NGO representative, DWR has agreed to include the alternative approach into the **Falls Lake Model Program** being updated by DWR. DWR has developed, with input from the UNRBA, draft language to insert into a revised DWR Modeling Program to allow for the IAIA. The draft language was distributed to the PFC on April 22nd, discussed during the May 5th meeting, and been revised in response to PFC comments. DWR has finalized their draft language consistent with the UNRBA comments. Additional comments were received on June 3rd from the PFC and these will also be provided to DWR. An updated draft **IAIA Program Document** was provided to the PFC members on May 21st and June 6th following revisions in response to PFC comments. We are working with Legal Group on a comprehensive Interlocal Agreement. A review of the schedule of activities to continue development of the IAIA Program as well as the status of revisions to the Model Program being developed by DWR will be discussed. A preliminary prospective schedule was developed previously and was provided to the PFC and the Board aimed at IAIA Program implementation date of July 1, 2021.

B. Modeling and Regulatory Support (MRS) Status:

Item Summary (Alix Matos): The DWR 319 grant is being finalized to fund revisions to the model code for the simulation of onsite wastewater treatment systems. The Modeling Team is drafting an interim technical memorandum to describe the watershed modeling and hydrologic performance. This interim draft will be provided to the MRSW in June following review by the Executive Director. As described in Amendment 2 to the FY2020 contract, hydrologic modeling results will be included in the interim draft using a compilation of slides presented at MRSW and/or PFC meetings. The Modeling Team will work with the MRSW to format the model output for final reporting. Modeling milestones and updates to the project schedule will be presented and discussed. Interim modeling milestones are revised compared to the schedule developed in 2018, but milestones associated with final reporting and development of the re-examination package are the same.

C. EPA Federal Register Notice May 22, 2020 - Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs

Item Summary (Jay Sauber): EPA noticed their Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria on May 22, 2020. The criteria are models that yield total nitrogen and total phosphorus concentrations to protect the designated uses of Aquatic Life, Recreation, and Drinking Water. These models, based on a 2007 EPA national lake survey, will replace EPA criteria based on the ecoregion/reference condition approach. If adopted, this document could potentially influence the UNRBA re-examination process review by EPA and the DWR. Executive Director Recommends that the UNRBA submit formal comments on the EPA Draft Criteria document for lakes to be included in the Federal Docket.

D. Update - DWR 2020 Integrated Report and 303(d) Assessments

Item Summary (Jay Sauber): The DWR draft Integrated Water Quality Assessment Report and the 303(d) list for 2020 were previously anticipated for June 2020. This target date has been pushed back to probably late September 2020 or perhaps even later.

E. Legal Support

Item Summary (Forrest Westall): The UNRBA has provided funding for legal support on critical issues related to the Reexamination. The work planned for FY 2020 and a portion of FY2019 has been completed. Fred Andes, with Barnes & Thornburg LLP, is providing this support. The Executive Director, in consultation with the Legal Group, has developed priorities for the coming FY and Fred has drafted a Scope of Work currently under review by the Legal Group. It is anticipated that the Scope of Work and Engagement Letter will be completed in the next few weeks. This information will be brought to the Board following a recommendation by the Legal Group.

F. Ongoing DEQ Discussions/Issues:

Item Summary (Forrest Westall):

- We continue to plan and schedule a meeting/workshop with DEQ to review the findings of the 2019 Annual Monitoring Report and summarize the model development underway. We have discussed this with DWR and, depending on the ongoing considerations due to COVID- 19, the meeting will be scheduled based on compliance with state requirements for assembly and social distancing.
- The re-examination, 303(d) assessment procedures, need for a site-specific chlorophyll-a criterion(a), NC Numeric Nutrient Criteria Development Plan, the work of the Scientific Advisory Council, and the evaluation by the UNC Collaboratory. As noted, this is connected to the work that continues and will be specifically addressed in our legal support scope of work and the use of our subject matter experts.
- Coordination with the Collaboratory on Falls Lake studies—Meeting Call with Collaboratory
- Continue to engage DEQ in the larger technical stakeholder sessions planned and secure input to modeling as it is being developed
- Continue discussions with DEQ on a Memorandum of Agreement that will provide agreed-to guidelines on DEQ's response to the Reexamination submittal.
- As a reminder, presentation support materials are available for review on the [Resource Library page](#). If you use any of these presentation materials, please complete the communication tool use tracking survey: <https://www.surveymonkey.com/r/UNRBA>.

G. Closing Comments—Chair Sig Hutchinson

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Computers without audio capabilities, or audio that is not working	Join Microsoft Teams Meeting (888) 404-2493 Passcode: 228 349 066# Please mute your phone unless you want to provide input.	Follow instructions above. Turn down your computer speakers, mute your computer microphone , dial the number through your phone and enter the passcode.
Phone only	(888) 404-2493 Passcode: 228 349 066# Please mute your phone unless you want to provide input.	Dial the toll-free number and enter the passcode.

Remote Access Guidelines

- If you dial in through your phone, mute your 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, for this remote access meeting, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items