



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
January 19, 2022, 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. UNRBA meeting information can be found on site at [Meeting page](#). See items under the January 19, 2022, meeting date. A direct link to the meeting presentation is provided [here](#).

I. Opening—Sig Hutchinson, 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. Initial Action Items of UNRBA Board of Directors

- A. Approval of [November 17, 2021 Draft Board Minutes](#)
- B. Approval of the [Treasurer's Report](#)
- C. Officer Elections for 2022: 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 November 17, 2021, Board Meeting to make recommendations at the January Meeting: Wendy Jacobson, Carolyn Bachl, and Terry Hackett. A summary of the recommendations of the Nominating Committee will be provided for the [consideration of the Board](#).

D. Personnel Committee Report

Item Summary (Committee Chair, Don O'Toole): The Personnel Committee met December 6, 2021, and reviewed the work of the UNRBA during 2021 and the support provided under the Executive Director Services Contract. The Chair will provide the Committee's 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](#).

E. Revisions to UNRBA Policies and Procedures Manual

Item Summary (Forrest Westall): As part of the audit review process, UNRBA Board members suggested revisions to the UNRBA Policies and Procedures Manual to address whistleblower protections and record keeping requirements. The Board discussed these items during the September 15, 2021, Board meeting. A copy of a revised draft of the manual incorporating a whistleblower provision was provided to the Board prior to the November 2021 meeting. A final draft will be presented today for [consideration and action by the Board](#).

F. Authorization to Submit Letters Regarding Proposed Chlorophyll-a Site Specific Standards for High Rock Lake

Item Summary (Forrest Westall, Jay Sauber): In July, the Environmental Management Commission (EMC) voted to send the proposed High Rock Lake Site Specific Water Quality Standard out to public hearing. The official public notice was issued in the September 1st edition of the NC Register. The hearing was held virtually on October 28th and the comment period ended on November 15th. The proposal is precedent setting for site specific chlorophyll-a criteria in NC lakes and reservoirs and will likely affect the process followed for consideration of a request to establish a site-specific chlorophyll-a standard for Falls Lake. At the September 15, 2021 Board meeting, the Board reaffirmed authorization of the Executive Director to comment on this rule-

making precedent, and [UNRBA comments](#) were submitted on October 26, 2021, ahead of the hearing. Comments were submitted by several organizations, and the comments were generally consistent with the issues identified in the UNRBA's comments. It would be fair to say that the critical points of objection are very consistent. At this point, it is not clear if or to what extent DWR, the Hearing Officer, and the EMC will take into consideration the comments offered recommending revision to the High Rock Lake site-specific standard proposal that went to notice. The noticed proposal has specific and significant issues that need to be addressed before a site-specific standard is adopted. [The Executor Director requests authorization from the Board to make appropriate efforts to encourage consideration of the comments offered and, if necessary, develop and send a letter of objection to the Rules Review Commission \(RRC\) should the EMC adopt a final site-specific standard for High Rock Lake that fails to adequately address the substantial and valid concerns raised in the UNRBA's comments. This authorization is requested to include contact and coordination with the individual UNRBA member jurisdictions for the consideration of formal objection letters from these jurisdictions should a UNRBA letter be needed.](#) Because a Hearing Officer Report has not been released and action on the proposal has yet to be brought to the EMC and isn't planned for the January EMC meetings, it is possible that the action may be brought forward at the March, May or July 2022 EMC meetings scheduled for March 9th and 10th; May 11th and 12th; and July 13th and 14th. The EMC could also schedule a special meeting to take action. The UNRBA Board is scheduled to meet on March 16th, May 18th, June 15th and September 21st. Status report(s) of the adoption process will be provided to the Board at these upcoming meetings, and the Executive Director will identify any requested revisions to this authorization. However, the window for filing formal objection to the RRC is very narrow, and it may be necessary to act quickly. Should a letter be filed, the Executive Director will provide the letter to the Executive Committee for input and, once final, provide a copy to the Board members.

G. Approval of Town of Stem Rejoining the UNRBA

Item Summary (Forrest Westall): The Town of Stem is requesting to rejoin the UNRBA and participate in the UNRBA's program for complying with the Falls Lake Stage I Existing Development Rule, the Interim Alternative Implementation Approach (IAIA). The [UNRBA Bylaws](#) describe the procedures for adding new members and calculating their prorated dues. The Town of Stem has provided a letter and a resolution requesting that the UNRBA consider these requests. The Executive Director will review these requests and summarize the provisions of the Bylaws governing joining the UNRBA and becoming a participant in the IAIA. He will lay out the process for taking action and present a recommendation to the Board on membership. [The Board will take action on the request to rejoin the UNRBA and refer the IAIA participation to the Compliance Group Committee \(CGC\).](#)

III. Action Items of the Compliance Group Committee (CGC)

A. Addition of Town of Stem to IAIA Program

Item Summary (Forrest Westall): Following Board action on the Town of Stem's request to rejoin the UNRBA and provided the Board approves this request, the CGC will convene to consider Stem's request to participate in the IAIA. The [UNRBA Bylaws](#) include, in Attachment B, the provisions for participation and the guidelines and requirements for meeting the IAIA. The Bylaws, in Article VIII, Section 8.8, provide the provisions for participation in the IAIA. Based on the Town's request, the CGC must vote, unanimously to approve Stem's participation in the IAIA. Following a recommendation from the Executive Director, [the CGC will vote on participation of the Town of Stem in the IAIA Program.](#)

B. Recommendation for Approval of Revisions to Attachment B of the Bylaws, IAIA Program Document

Item Summary (Forrest Westall): Provided the CGC approves inclusion of Stem in the IAIA, Attachment B of the Bylaws needs to be revised to reflect the addition of Stem to the participant list and to include their annual investment commitment. A revision to Attachment B has been developed for consideration by the CGC and final action by the Board. As a note of clarification, the annual investments of the original list of UNRBA member participants have not been changed. Stem's investment level was determined by applying the same calculation approach for developing the other participants' investment levels. [The CGC will consider and vote on recommending approval of the revision to the UNRBA Board.](#)

C. Stage I Existing Development Interim Alternative Implementation Approach (IAIA) Program Development

Item Summary (Forrest Westall): A reporting tool has been developed and reviewed by the IAIA Reporting Workgroup to assist the IAIA participants in tracking eligible projects and compliance with the Program. This tool was discussed by the PFC in November, and DWR provided some additional recommendations for clarification that have been incorporated. [The CGC will be asked to vote on approval of the reporting template.](#)

IV. Subsequent Action Items of UNRBA Board of Directors

A. Approval of Revisions to the Bylaws to Accept Town of Stem into the IAIA

Item Summary (Forrest Westall): Anticipating approval of the Town of Stem's request to rejoin the UNRBA, the CGC's approval of the Town's request to participate in the IAIA, and the CGC's recommendation to adopt the revised Attachment B of the Bylaws, the following changes to the UNRBA Bylaws are required to formalize Stem's participation in the IAIA:

- Minimum investment level for the IAIA Program for the Town of Stem calculated based on the method described in Attachment B of the [UNRBA Bylaws](#). This amount is added to the minimum investments of the other IAIA participants which would not be revised from the current levels.
- Attachment B of the [UNRBA Bylaws](#) revised to add the Town of Stem to the IAIA Program Document.

[Following a recommendation from the Executive Director, the UNRBA Board will consider and vote on approval of the revised Bylaws.](#)

V. Status Reports and Informational Items

A. Prospective Budget for FY2023

Item Summary (Forrest Westall): The prospective budget for FY2023 will be presented for discussion. Final budget adoption will be considered at the March Meeting. The information provided at this time reflects no change from the FY 2022. However, based on the Board's action on Stem rejoining the UNRBA, Board action on the Personnel Committee Report and other adjustments needed, revision will be necessary before a final budget is proposed.

B. Modeling and Regulatory Support (MRS) Status:

Item Summary (Alix Matos): The Watershed Analysis Risk Management Framework (WARMF) model for the Falls Lake watershed has been calibrated for stream flows and water quality. The calibrated model has been run over the UNRBA's four-year monitoring period to identify the distribution of loading to the lake by source (land uses, wastewater treatment plants, etc.). This information has been reviewed by subject matter experts (SMEs) and third-party reviewers of the modeling effort. Two special meetings were held to provide the opportunity for SMEs and third-party reviewers to discuss and comment on the output of the model. The Modeling and Regulatory Support Workgroup also dedicated its entire meeting agenda to this item on January 4th. This information provides the best available picture of nutrient balance from the watershed into the lake and what

sources in the watershed fall into what can be characterized as “controllable.” This information lays the foundation for the development of an updated management strategy for Falls Lake that takes into realistic account the feasibility and potential effectiveness of management actions to reduce nutrient input to the lake. Contributions from nutrient sources in the watershed have been categorized into major land use activities (urban land, agricultural land) and land conditions that reflect more natural, undeveloped and unmanaged lands in the watershed. Major sources of delivered loading of total nitrogen, total phosphorus, and total organic carbon to Falls Lake will be discussed.

The three lake water quality models (WARMF Lake, Environmental Fluid Dynamics Code (EFDC), and a Statistical/Bayesian model) are being developed considering the information generated by the watershed model (stream flows, nutrient concentrations, and delivered loads to Falls Lake). The modeling team will continue to reach out to Collaboratory funded researchers to consider and supplement the extensive database developed by the UNRBA, our members and DWR. The modeling effort will also include extensive vetting through identified SMEs, third-party reviewers, our membership representatives, and DWR as the lake modeling effort moves forward. The modeling team is working on the watershed model calibration report and the EFDC model hydrologic calibration report. The scenario screening workgroup is continuing its process to select scenarios to evaluate with the models.

C. DWR 2022 Integrated Report and 303(d) Assessments

Item Summary (Jay Sauber): The DWR draft Integrated Water Quality Assessment Report and the draft 303(d) list for 2022 have been posted to the DWR website. Final submitted to EPA prior to April 1, 2022.

D. News Report - How to Keep Pets Safe from Toxic Algae

Item Summary (Jay Sauber): A citizen reported to DWR on December 6, 2021, that her dog had drunk water from Falls Lake and died three days later. DWR monitored the lake water quality following the report and indicated that algae were below bloom levels and algal toxin concentrations were below detection limits. The lake samples collected by DWR in November were all within normal ranges. The dog was taken to a veterinarian for symptoms of lethargy and euthanized. No samples were analyzed and no lab work or autopsy were conducted. There has been no confirmation that the symptoms were related to algal toxins or other water quality issues. No other pet owners filed complaints with the State or raised concerns when surveyed by the media.

E. Statistical Model Development and Regulatory Options for the Chlorophyll-a Water Quality Standard

Item Summary (Forrest Westall): The UNRBA continues developing a statistical/Bayesian model to link the water quality in Falls Lake to its designated uses. This is a critical support effort to developing a petition for a site-specific chlorophyll-a standard for Falls Lake. The Technical Advisors Workgroup, MRSW, and PFC have identified local subject matter experts to provide data and information regarding satisfaction with the designated uses of Falls Lake (drinking water, recreation, aquatic life, and flooding). The modeling team will be coordinating virtual meetings with these experts to understand the types of data and information that are tracked with respect to designated uses to inform development of the statistical/Bayesian modeling. Development of an appropriate chlorophyll-a standard for Falls Lake represents an important consideration for an effective revised Falls Lake management strategy. This effort is linked to the statistical modeling effort because this model will have the ability to simultaneously evaluate chlorophyll-a levels and potential impacts to designated uses in the lake. The modeling team and the legal team are also coordinating with Dr. Marty Lebo who has been identified as a Subject Matter Expert for assistance to the UNRBA for evaluating site-specific

criteria for Falls Lake. The UNRBA is also coordinating with the Environmental Finance Center on their Year 3 effort funded by the UNC Collaboratory.

F. Communications

Item Summary (Forrest Westall):

- The UNRBA is planning a **technical stakeholders' workshop for Spring 2022** to discuss the status of the modeling efforts.
- Planning has also begun for a **joint symposium with the Collaboratory to be held in Spring 2022**.
- We have also worked with the Collaboratory-funded researchers to develop a specific session on Falls Lake that has been accepted for inclusion at the upcoming **Water Resources Research Institute's Annual Meeting in March 2022**.

The Executive Director and the UNRBA Chair along with members of the legal group met with Secretary Elizabeth Biser on December 13, 2021, to review the work of the UNRBA with the Department of Environmental Quality's leadership.

- The UNRBA is planning meetings with DWR to review the technical work and discuss the general approach for the re-examination. We continue to engage DWR in the meetings of the MRSW and PFC and to seek the input of the agency on the model development work.
- The "open" nature of all of the UNRBA meetings is a key component of a transparent communications approach.

We continue to emphasize the importance of seeking Board member input to help identify their needs related to communicating the work of the UNRBA to their jurisdictions and the citizens of their local governments.

G. Ongoing Discussions/Issues:

Item Summary (Forrest Westall):

- Intensive workgroup activity and management of expectations and resources—A lot to do between now and recommendations in 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

H. Closing Comments—Board Members and Chair

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- 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