



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda  
May 18, 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 on the [Meeting page](#). See items under the May 18, 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. Action Items of UNRBA Board of Directors

- A. Approval of [March 16, 2022, Draft Board Minutes](#)
- B. Approval of the [Treasurer's Report](#)
- C. Board Decision on Future Meeting Format

Item Summary (Forrest Westall): With COVID-related meeting and person-to-person contact protocols changing, the UNRBA has been discussing a transition toward “in-person” meetings. The Executive Director has polled the Board Officers, Directors, and Alternates about the status of local government meeting protocols and individual preferences about a timeline for returning to in-person meetings. The Executive Director has also contacted the Co-Chairs of the Path Forward Committee (PFC, Michelle Woolfolk and Terry Hackett) about the “ifs, how, and when” to move the PFC and its workgroups back to in-person. The response from the UNRBA Board Directors has been a recommendation for in-person meetings to begin soon, but with recommended protocols and a virtual option to ensure that participants have comfort with an in-person format and a remote option for participants more comfortable with that form of access at this time. The Modeling and Regulatory Support Workgroup, along with several PFC members and the Co-Chairs met on May 3<sup>rd</sup> and after a discussion on future meeting protocol, concurred with a plan to move forward with an in-person meeting with a remote access option for the June 7<sup>th</sup> PFC meeting. [The Board will vote on future meeting protocols during the meeting.](#)

**D. Board Decision on Surplus Property**

Item Summary (Forrest Westall): The UNRBA purchased an inflatable boat during the UNRBA Monitoring Program to assist with collection of bathymetric data along the lake shoreline and lake arms. The purchase was made when the contract was with Cardno, Inc. and the boat was transferred to the care of Brown and Caldwell when the contract was executed with that firm. Since the monitoring program is no longer active, the boat is no longer needed. The PFC, MRSW and Board (in March) have discussed options for transferring the property to a member government or non-profit organization. In March, the Board declared the boat and associated equipment as surplus property. [This item will be brought to the Board in May for a vote on whom to transfer the property to or whether or not to sell the property if no organization indicates they could put the boat to good use.](#)

**E. Revised Engagement Letter for Dr. Martin Lebo**

Item Summary (Forrest Westall): Dr. Martin Lebo was previously contracted by the UNRBA to support the statistical evaluation of site-specific criteria in Falls Lake. Dr. Lebo has changed firms and the owner of his previous firm has notified the UNRBA that they cannot do the work since it was specific to Dr. Lebo. This item

was brought to the Board at the March 16, 2022, meeting and the Board determined that a new agreement could only be considered once the previous contract with the original firm is terminated. A termination letter has been submitted to the previous company and a new agreement with Dr. Lebo's firm is being finalized. The UNRBA will need to execute a new agreement with the new firm for this work to continue. [The Board will be asked to authorize the Executive Director to complete the contract and review it with Don O'Toole following the meeting and authorize the Chair to execute the new agreement within the previously allocated budget \(not to exceed \\$20,000—previously approved by the Board for this effort\).](#)

### III. Status Reports and Informational Items

#### A. IAIA Status of Submittal to EMC

Item Summary (Forrest Westall): During the March Board meeting, the Board voted to amend the UNRBA Bylaws to allow the Town of Stem to join the UNRBA. The Compliance Group Committee (CGC) voted to allow the Town of Stem to join the IAIA Program and voted to amend the Program Document to add Stem and make other updates such as adding Hydrilla removal as an eligible practice. The CGC also voted to allow the Chair of the CGC to execute an updated resolution to the Environmental Management Commission (EMC) to add the Town of Stem and update the Program Document. The Chair executed the resolution and signed a submittal cover letter on May 2, 2022, for submittal to the State. The revised package was submitted to the Division of Water Resources (DWR) and the Environmental Management Commission (EMC) on May 12, 2022.

#### B. Objection Letters Regarding Proposed Chlorophyll-a Site Specific Standard for High Rock Lake

Item Summary (Forrest Westall, Jay Sauber): In July 2021, the EMC voted to send the proposed High Rock Lake Site Specific Water Quality Standard for chlorophyll-a out to public hearing. The proposal is precedent setting for site specific chlorophyll-a criteria in NC lakes and reservoirs and will likely affect the process to establish a site-specific chlorophyll-a standard for Falls Lake. The UNRBA filed significant comments highlighting the differences between the DWR staff proposal and the [recommendations of the Scientific Advisory Council](#). A Hearing Officer's Report has not been generated yet. DWR staff anticipate the Hearing Officer's Report and Recommendations on the High Rock Lake site specific proposal may be brought forward to the EMC in July 2022. DWR presented the Yadkin Pee Dee River Basin Plan to the EMC Water Quality Committee on May 11, 2022. This Plan includes High Rock Lake. The Plan does not mention the significant differences between the DWR staff proposal and those of the Scientific Advisory Council.

At the January 19, 2022, Board meeting, the Board authorized the Executive Director to develop a letter of objection to the Rules Review Commission (RRC) if DWR and the EMC proceeded to move forward with the approval of the rule as essentially released in the public notice. Also, the Board authorized the Executive Director to contact and coordinate with the individual UNRBA member jurisdictions for the consideration of formal objection letters. A brief review of the UNRBA basis for objection will be presented as a reminder. Status reports will be provided to the Board during the June and September Board Meetings. However, the RRC requirements for filing formal objection letters may require the UNRBA 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.

#### C. Modeling and Regulatory Support (MRS) Status:

Item Summary (Alix Matos): The Executive Director and the MRSW Chair are reviewing the watershed modeling report that describes development and calibration of the watershed model as well as summaries of loading delivered to Falls Lake. Agricultural representatives have reviewed sections of the report describing agricultural

inputs and outputs. Jurisdictional loads are being processed and will be added to an appendix with loading summaries by tributary. The full modeling report will be distributed to the MRSW after the Executive Director and Chair reviews have been completed and those comments addressed by the modeling team.

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 lake modeling report.

The Scenario Screening Workgroup has completed its work to evaluate potential scenarios for evaluation with the models; these scenarios were presented to the MRSW in March and will be presented to the PFC in June. The modeling team discussed options for modeling management activities on agricultural lands with agricultural representatives in April and May. The agricultural sector has already achieved significant reductions in nutrient loading to Falls Lake since baseline; these actions will be documented in UNRBA reporting. The Scenario Output workgroup has completed their charge of developing reporting formats to facilitate comparison of scenario output.

#### **D. DWR 2022 Integrated Report and 303(d) Assessments**

Item Summary (Jay Sauber): DWR and EPA have finalized the 2022 303(d) List. The DWR Draft Integrated Water Quality Assessment Report and the Draft 303(d) List for 2022 were posted to the [DWR website](#). The UNRBA submitted comments on the draft documents on February 18, 2022. The EPA received the State's final 2022 Section 303(d) List submission on April 1, 2022. The submission consisted of a Listing and Delisting Methodology, the Section 303(d) List, the list of waters removed from the Section 303(d) List (delistings), and a Draft Integrated Report (IR) providing IR categories on all State-assessed waters. According to the EPA decision support document, the package also included the State's priority ranking of TMDLs, the Notice for Public Comment, and the State's response to public comments. EPA approved DWR's 303(d) List as submitted by DWR on April 28, 2022. However, as related to UNRBA interests, EPA's approved 303(d) List contains some inconsistencies with the UNRBA's comments and DWR's response to those comments. A summary will be discussed with the Board.

#### **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 has also been coordinating with the Centers for Disease Control and NC Collaboratory Researchers on their algal toxin datasets to include in the UNRBA model. The modeling team will continue 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 NC Collaboratory.

**F. Summary of the Joint Symposium with the NC Policy Collaboratory**

Item Summary (Forrest Westall): The second joint symposium with the NC Policy Collaboratory was held on April 7, 2022. Several UNRBA member representatives were able to attend. This in-person meeting was very successful with substantive discussions about the challenges facing Falls Lake (example slides from the Symposium will be presented). A summary of the small-group discussions was presented to the MRSW at their May meeting (slides available [here](#)). The UNRBA would like to thank the NC Policy Collaboratory and the UNC Institute for the Environment for coordinating and hosting this important event.

**F. Communications**

Item Summary (Forrest Westall):

- The UNRBA is planning a technical stakeholders’ workshop for Fall 2022 following calibration of the lake models and evaluation of preliminary scenarios to discuss the status of the modeling efforts and hear input on a revised nutrient management strategy for Falls Lake.
- The UNRBA is planning to coordinate with the communications staff from the local governments to leverage existing platforms, accounts, and distribution lists to reach the general public regarding the UNRBA’s goals, objectives, and revised recommendations
- The Executive Director is planning a meeting with Richard Rogers, the DWR Director, to discuss the work of the UNRBA and preliminary results on the Re-examination, process for site-specific water quality standard petition and the High Rock Lake site-specific rulemaking process.
- The UNRBA is planning meetings with DWR planning, modeling, and standards groups 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. Every effort has been made to engage DWR staff in all of the work and meetings of the UNRBA on the way to developing our data, the models and this will continue through the development of recommendations for an updated Nutrient Management Strategy.
- 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**

### Remote Access Instructions for UNRBA Board Meetings

This meeting will open 30 minutes prior to the official meeting start time to allow for users to test equipment and ensure communication methods are functioning.

Equipment Type	Access Information	Notes
Computers with microphones and speakers	<a href="#">Join Microsoft Teams Meeting</a> <b>Please mute your microphone unless you want to provide input.</b>	Press control and click on this link to bring up Microsoft Teams through the internet. You can view the screen share and communicate through your computer's speakers and microphone.
Computers without audio capabilities, or audio that is not working	<a href="#">Join Microsoft Teams Meeting</a> (888) 404-2493 Passcode: 981 714 577# <b>Please mute your phone unless you want to provide input.</b>	Follow instructions above. <b>Turn down your computer speakers, mute your computer microphone</b> , dial the number through your phone and enter the passcode.
Phone only	(888) 404-2493 Passcode: 981 714 577# <b>Please mute your phone unless you want to provide input.</b>	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