

Falls Lake Rules  
Opportunities for Negotiations with Upstream Municipalities  
August 2015

Recommendations from American Rivers, NC Conservation Network, Upper Neuse Riverkeeper, WakeUP Wake County:

**Continue efforts to implement rules -- don't delay progress.** Delay questions about Stage 2 til 2023.

**Pursue an interim stage 1B, to run 2016 - 2025,** with these characteristics:

- The agreement is for jurisdictions to fund and implement specific suites of projects, not to deliver a measured load allocation by a specific date.
- DWR agrees that a commitment to fund and implement the negotiated suites satisfies the requirement in the rules to submit a plan. DWR agrees either to deem governments in compliance with Stage 1 targets based on full implementation of 1B, or to defer and confirm reductions after accounting methodology and credit for practices are finalized (thus effectively delaying the end of Stage 1).
- The suite of projects is negotiated to the satisfaction of the downstream stakeholders to do better than simply reach the baseline level of loadings - it also begins to cut into pre-baseline loadings. Thus, although Stage 1 deadlines are effectively delayed, implementation does not lose momentum.
- All questions about Stage 2 are pushed off until 2023. All stakeholders can continue to discuss and negotiate those, and the current re-look provisions remain in place. Stage 2 implementation beginning implementation dates are left at 2025 for the time being.

The specific suites of practices in the negotiated agreement should reflect these principles:

**Focus efforts on watershed based stormwater control.** Other stormwater pollution problems can be addressed simultaneously with nutrient reductions, and likely at lower cost than maintaining expensive in-lake treatments.

**Use Green Infrastructure with existing development in watershed.** Take action now on implementing Ellerbe Creek Green Infrastructure Partnership proposal.

**Create fund to support existing development efforts.** Perhaps downstream munis could put stormwater funding towards upstream existing development projects.