

## Summary: UNRBA Major Activities and Accomplishments for Calendar Year 2018

### Executive Director Services Contract

Current contract was reviewed and approved by the Board in June 2018. The contract reflects the January 12, 2018 Personnel Committee Evaluation and Recommendation Memorandum as approved by the Board at the March 21, 2018 Meeting. Copies of these documents are attached.

### Introduction

Calendar year 2018 saw continued and expanded efforts toward the established goals of the UNRBA. The two major objectives of the Association are: 1) Assistance to the members in achieving compliance with Stage I of the Falls Lake Rules and 2) Development of a reexamination of Stage II. We have also assisted the membership of the UNRBA on several other issues related to regulatory actions or proposed actions by the State, including the readoption of the Neuse Rules (lower TMDL for nitrogen), buffer rules, nutrient trading rules and the water quality standards rules. It remains a general priority for the Executive Director Services personnel to keep the membership aware of other regulatory developments that impact their ability to effectively manage their local government programs.

The reexamination represents a concentrated effort to review the existing strategy and develop a more cost-effective, technologically viable and sustainable Falls Lake Nutrient Management Strategy. In addition to the established components of this work that includes the development of nutrient practices that are reasonable and cost effective, pressing elected officials, policy makers and regulatory agency staff for a balanced and fair implementation of Stage I, and conducting the Monitoring and Modeling work to support the reexamination, the UNRBA has undertaken additional work components to assist with these efforts. This is reflected in the success the UNRBA and its members had with specific legislative changes made this last full session that make implementation easier to manage. The Communications Support Project and the retention of Legal Support for increased focus on the development of better regulatory options was also an important accomplishment. Related to the objective of providing effective communication is the UNRBA's effort to establish a Memorandum of Agreement with DEQ on how they will interact with the UNRBA relative to the reexamination effort. This has proved to be time-consuming and challenging (externally and internally). These additional efforts and expanding responsibilities represent increased demand for Executive Director Support resources in 2018. It is anticipated this will continue in 2019 and on through the effort to provide recommendations to the State for revision of the strategy.

The following sections will look at range of services provided during the year and some of the challenges faced as the work of the UNRBA proceeds. The continued progress on the reexamination, progressing toward recommendations to the EMC, DEQ and likely the Legislature, emphasizes the growing importance of communication and working effectively with the wide range of stakeholders in the watershed and individuals and groups with a general interest in Falls Lake and eutrophication management in NC, including the UNC Collaboratory. Falls Lake represents the leading example in NC

(and is certainly an important example nationally) of the difficulties and realities associated with attempting to manage the trophic status of man-made lakes in the piedmont (and the southeast). There are other reservoirs in NC, but only the Falls has resulted in the implementation of the rules that deal with a “rollback” of nutrients contributed by existing sources. The work of DWR on the development of nutrient criteria will likely impact all waters in the future, but it is conceptual at this point. The Falls Lake Rules are in place and represent a high bar for nutrient reduction. A workable and generally acceptable approach to this challenge will require innovative thinking and policy making that is outside of the established regulatory model. The UNRBA will have to lead this effort and this goal will need to be coordinated and communicated effectively to all parties. This challenge will continue to place additional pressure on the delivery of Executive Director Services.

### **General Management**

Oversaw the scheduling and arrangements for all UNRBA activities, including the coordination of meetings and preparation of agendas and support information for:

Board Meetings

Path Forward Committee Meetings (PFC)

Communications Support Workgroup Meetings

Legal Workgroup Meetings

Modeling and Regulatory Support Workgroup Meetings

Nominating Committee Meetings

Monitoring Program Workgroup

Rules Review Workgroup

Personnel Committee

Provided minutes for Board Meetings and, as needed, summaries of PFC and other Committee and Workgroup meetings. Posted this information to the Website. Supported numerous other called meetings, including two Special Board Meetings via conference call, during 2018 (see schedule on UNRBA Website: <https://unrba.org/meetings>). These activities encompass support for all of the workgroups of the UNRBA Board and PFC as listed above. Support included arranging meeting facilities, the development of pre-meeting materials, identification and coordination of presenters, coordination of materials presented by UNRBA contractors and other presenters, assisting with the facilitation of the meetings, providing summaries for meetings (as appropriate), follow-up to specific actions or decisions made during the meetings, and development of draft and final documents/products that were identified during the meetings and as directed by the Board, Committees and Workgroups.

Worked with PFC, associated workgroups, and Board to establish a FY 2019 Program Budget, including each component of the budget: Monitoring Program, Modeling and Regulatory Support (MRS), Communications Support, Executive Director Support, Subject Matter Experts, Web Support, Tax Returns, Communication Support, Legal Support, insurance, and miscellaneous administrative support. Specific effort was needed to effectively coordinate and facilitate decisions on how much funding should be set aside from the amount of the UNRBA's Monitoring Fees (total of \$800,00, plus some carry-forward from FY 2018) for the MRS work and Subject Matter Expert Support. The need for an increase in dues related to Legal Support and Communications was of particular interest to the membership and required additional support effort. Provided prospective FY 2020 (2019-2020) Program Budget at the November Board Meeting for use by members in the planning/development of their local budget proposals for FY 2020.

Made numerous contacts and meetings/interactions with Department leadership, including Assistant Secretary for the Environment, Sheila Holman, and DWR leadership, including Interim Director, Linda Culpepper, concerning issues related to Falls Lake and the impact of agency decisions on the member governments of the UNRBA. These interactions included discussions on 303(d) issues, EPA interaction, the importance of the State working collaboratively with the UNRBA to provide a high-quality reexamination of the current Falls Lake Nutrient Management Strategy, legislative initiatives of the UNRBA, rules up for re adoption under the Legislative mandate for regulatory reform, nutrient credits (in particular the land conservation practice), MS4 permitting, NPDES permitting, DEQ's intentions concerning Stage I Existing Development implementation, and the agency's role related to the UNC Collaboratory. Significant effort goes into the sometimes-challenging efforts needed to secure agency cooperation and decision-making on critical UNRBA matters.

Within the day to day operations, it has been our responsibility to make sure the Website is maintained and updated as needed. This included in 2018 the management of the database for the Monitoring Program into the UNRBA's Website and support and guide the development of a new website for easier general public access (through the Communications Project).

Provided timely and documented review and approval documentation of all invoices and tracking of all expenditures. Develop appropriate reports for presentation to the Treasurer and the Board. Provide all needed support to support the Treasurer in the payment of invoices and make sure that all invoices are tracked and accounted for properly.

Manage contractual relationships with the other UNRBA's contractors: Brown and Caldwell, Subject Matter Experts, Web Support, Communication support, Legal Support, and Insurance Services. Conduct weekly status calls with Brown and Caldwell on the MRS, Credits and Monitoring Program work.

Calendar year 2018 has been challenging from an overall administrative viewpoint. The coordination of the significant number of UNRBA "groups" is challenging considering the number of individuals involved and being able to schedule meetings and secure decisions to keep things moving forward. Interaction with DEQ continues to be difficult at times and requires significant contact and "pushing" to get issues

dealt with properly and in a timely manner.

### **Monitoring Program**

Provided consistent oversight and direction to the UNRBA for this program. In addition to tracking monitoring efforts, perform field confirmation site visits periodically of the monitoring program.

Worked with Brown and Caldwell and the key technical support people on the project. The transition from Cardno to Brown & Caldwell (B&C) moved smoothly into the second Fiscal Year after hiring B&C. In 2018, we worked with B&C to develop the Monitoring Program Scope of Work/Contract for FY 2019. This also went well but required significant coordination with the contractor and the membership. The Modeling-support Monitoring Program formally ended October 31, 2018 and the program began a much smaller sampling program in November 2018. We provided significant coordination and facilitation to make this transition work, particularly considering that there was some disagreement internally on the need for any continued monitoring. Through several meetings and the cooperation of all of the member representatives, resolution was reached.

We continue to conduct and coordinate monthly Status Updates with PFC and see that contractor monitoring moves forward consistent with the contract and the Scope of Work. Coordinate review, edit and finalization of all Monitoring Project reports and documents through consultation with the PFC. Post final documents to the website.

Conduct weekly conference calls with Brown & Caldwell on the status of the Monitoring Program and the Modeling and Regulatory Support effort. Provide guidance and decision-making to facilitate the effective completion of all work in accordance with the contracts and scopes of work. These sessions also allow us to plan upcoming meetings and activities more effectively.

Provide review and discussion of preliminary monitoring program data and information with B&C and coordinate the review of this information with the PFC and Board. This remains an ongoing responsibility. Maintain focus of work on providing the necessary data for the Reexamination, making sure that we consider all needed monitoring or special studies during the designated monitoring period. The final comprehensive (including a look at all the data collected up through the completion of the model-required monitoring) annual monitoring report will be completed in the spring of 2019.

Continue to press B&C on making sure that our efforts cover to the maximum extent possible the “regulatory options” component of the Reexamination and that all necessary and critical data is available for the MRS (Modeling and Regulatory Support) work. Use support and the ability of Falls Lake to provide for its designated uses and how this relates to algae levels and trophic status continues to be a priority in developing the UNRBA reexamination of the Falls Lake Nutrient Management Strategy.

Coordinate Subject Matter Expert (SME) support on the Monitoring Program from Haywood and Jay Sauber.

Review, monitor and provide updates on Lake level and inflow conditions. Provide appropriate notices on unusual hydrologic conditions in the watershed and the lake.

### **Nutrient Credits Development Project**

The Nutrient Credits Project came to a contractual close at the end of June 2017 several credits were approved. Approval of buffers in developed areas and land conservation languish within DWR. Efforts continue to get these credits approved and pressing the agency to adopt a full suite of nutrient credits practices as required under the rules continues. Comments on this are included in other sections of the report.

### **Modeling and Regulatory Support (MRS) Project**

Work continued and expanded during FY 2018 under the contract developed with B&C and approved by the Board in June 2018. We maintained our management of this work to comply with the approved contract and the Scope of Work.

Coordinated review of contract and scope to develop a recommendation from MRSW and PFC to Board. Contract approved and signed June 20, 2018 for FY 2019. After an effective and extensive effort to develop the Quality Assurance Project Plan and receive approval from the UNRBA, we received final approval of the MRS QAPP on February 28, 2018. Helped organize and conduct the MRS Year 3 Stakeholder Meeting on October 24, 2018. The meeting resulted in the participation of a good cross-section of stakeholders. A stakeholder process will continue through the development of the modeling and will be a key component of our communication efforts throughout the process, including the development of recommendations for consideration by the EMC.

Continued to provided leadership and support to the MRSW/PFC/Board on the integration of all modeling decisions, input from the stakeholders, and the project contractor for the tasks in the current Scope of Work.

Provided attention and leadership to keep the project on schedule and provide notices to the Workgroup, contractor and the PFC on upcoming deadlines.

Provide for and participate in weekly status reports from the Service Provider on this project.

Coordinate Subject Matter Expert (SME) support on the MRS project from Haywood and Jay Sauber.

### **Other Work and Accomplishments**

Worked with the Legal Workgroup to develop and receive Board approval of the selection of a service provider and a Legal Support Agreement (letter of engagement). Provide coordination and interface for the contractor as he works with the Legal Group, PFC and Board.

We worked with the Communications Support Workgroup to review and make recommendation on service provider for the Communications Support program. On the basis of this recommendation we received Board approval on a contract with HDR, Inc. on March 21, 2018. Finalized a contract and scope of work and have worked extensively to direct the preparation and finalization of work products. We secured a Communications Plan that was approved by the Board and the management of the development of other work products was coordinated through the Communications Support Workgroup, PFC and Board. Our contractor developed four important draft work products that have now been reviewed by the Workgroup, PFC and the Board. Those are:

- A. Multi-purpose infographic
- B. "Fast facts" handout
- C. Presentation template
- D. SquareSpace website

Finalization of these work products for the 2018 contract should be completed before the end of the year. Implementation of the Communications Plan calls for additional Executive Director efforts.

As the Upper Neuse representative on the state's Nutrient Scientific Advisory Board (NSAB), provided input as the NSAB considers various issues/topics, including practices and information submitted by the UNRBA for review.

Continued to provide support, as requested, from jurisdictional members on implementation of Stage I New Development. Executive Director continues to offer to meet with local jurisdictions, including their elected officials

Monitor Legislative and regulatory actions that impact or that could impact the UNRBA and Falls Lake. This includes ongoing tracking of the Rules Review Process and seeing that the Collaboratory Falls Lake strategy review process (created by the 2016 General Assembly Session Law). Continue to facilitate effective communication between the UNRBA and the Collaboratory by reaching to Brad Ives, Jeffery Warren and Steve Wall at the Collaboratory. General objective remains to provide effective coordination with the Collaboratory's evaluation of the Falls Lake Nutrient Management Strategy with

the work of the UNRBA. During 2018, provided support to the successful effort to secure the development and adoption of amendments to the referenced Session Law that would effectively reflect a more manageable schedule for the development of a new strategy, coordinate that with the Collaboratory process and prevent issues due to the regulatory schedule in the Falls Lake Rules.

Provide ongoing monitoring of the state's Nutrient Criteria Development Plan (NCDP), attend NCWQA (NC Water Quality Association) Meetings.

Serve as Member of League's Regulatory Action Committee.

Monitor the work of the Environmental Management Commission and attend those sessions or see that the UNRBA is represented at meetings where items or issues that affect the UNRBA are considered.

Attend or see that the UNRBA is represented at the Agricultural Watershed Oversight Committee Meetings and Interact with Agricultural Representatives on the UNRBA Credits Project, Reexamination and development of a more integrated process for nutrient management and trading in the watershed.

Interact with interest groups and stakeholders on behalf of the UNRBA. Represent the UNRBA at conferences and events that help to elevate and promote the UNRBA's efforts for a more effective way to manage nutrients in watersheds.

### **Summary Comments and Challenges for the Future**

Based on the points noted in this report, the work of the UNRBA continues to evolve, requiring additional attention and effort to effectively perform Executive Director Services. Activities for 2018 required a high level of attention and management of workgroups and the decision-making process of the recommendations of the PFC and action of the Board. The completion of the RFQ processes for Legal Support and Communications Support lead to the need to develop contracts and scopes of work. The ongoing management of these efforts have required focus and attention.

The UNRBA's consistent efforts to promote the development of a more robust set of nutrient reduction practices continues to be a frustrating process. We have specific pending credit documents that we developed as part of the Nutrient Credits project that have yet to be approved: r buffers in developed areas and land conservation. These continue to meet with a lack of agency focus/attention or in the case of land conservation, active opposition to the concept. With the help of member representatives, we have been able to secure some high-level management support at DEQ for land conservation, but at the staff level opposition remains and progress has still not been made. DWR has a list of nutrient credit practices that have been in the development stage long before the UNRBA's Nutrient Credits Project. The pace of development and approval has been extremely slow. We have continued to keep up the pressure and remain committed to seeing a Model Program that is fair, balanced and that includes the nutrient credits toolbox required under the rules.

It has been another full year that has included expansion of efforts to better support the reexamination. Moving forward, the challenges noted in the 2017 report remain with the emergence of some new ones related to Communications, Legal Support and the expansion of negotiations with DEQ on the MOA. We

will be engaged in MRS decisions that will require careful coordination with the MRS Workgroup and the PFC. Stakeholder involvement will continue and expand. The Communication Plan requires additional reporting and outreach that will represent a new level of effort. The FY 2019 approved budget includes funding for a Communications Support contract and scope of work. This will have to be developed between the end of this calendar year and the first of 2019. The Legal Support contract and scope of work requires tracking and management. Refocus of the reexamination effort continues based on the shift from monitoring to modeling. FY 2020's budget will involve the development of a more comprehensive MRS contract and scope of work. As we move toward identifying alternate strategies to "test" from a policy standpoint, Legal Support is also going to be critical.

The difficulties the UNRBA continues to face on securing approval of a credit for land conservation gives some insight to the challenges we will face in promoting a new approach for a more effective nutrient management program in the Falls watershed. In fact, the resistance to the adoption of a moderate conservation credit may likely look minor as we move toward trying to promote new thinking about how best to achieve improvement of water quality in Falls Lake (and the watershed) within the range of what is possible. An MOA between the UNRBA and DEQ will be of some assistance, but the regulatory framework currently in place (including the standard Clean Water Act approaches, general water quality rules and use-support process) and the traditional approach the rules lay out will hinder new thinking within the agency about how to make progress. The necessary components for getting to this goal requires some innovative ideas, an effect set of assessment tools to support the development of an improved water quality management approach, and an environment of collaboration between the regulated community, stakeholders and the agency. We are well on our way to building a suite of tools to effectively assess alternate management approaches, but the most difficult component ahead will be fostering stakeholder and agency support for a new approach. This requires a lot of coordination and collaborative interaction to reach a mutually acceptable conclusion. This means we will need a well-justified basis for change, a set of legally valid new ideas, sufficient time to build support, effective outreach using good communication, and cooperative partners on all sides of the equation. This will demand a high degree of attention and leadership from the UNRBA and its representatives.