

UNRBA Board of Directors
August 4, 2011 Meeting Summary (July Meeting rescheduled)

Summary prepared Aug. 10, 2011

UNRBA mission: To preserve and protect the water quality in the Upper Neuse River Basin through innovative, cost effective, and environmentally sound strategies and to create a coalition of local governments and stakeholders in a water resources partnership.

The next UNRBA Board meeting will begin earlier, 9:30 a.m., and will take place Wednesday, September 21, 2011 at Triangle J Council of Governments. Presentations from the short list of consultants for the RFP will take place between 1 and 5 pm, Aug. 30 and 31, exact times TBD.

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its first meeting of FY12 at 10:00 A.M. on Thursday, August 4, 2011 at Triangle J Council of Governments in Research Triangle Park, NC.

Meeting attendees are listed below (* denotes member representative to the Board).

Name	Affiliation
Bill McKellar*	Town of Butner
Jimmy Minor*	City of Creedmoor
Reggie Hicks*	City of Durham
Ellen Reckhow*	Durham County
	Franklin County
Edgar Smoak*	Granville County
Mike Gering*	Town of Hillsborough
Pam Hemminger*	Orange County
Jimmy Clayton*	Person County
Lindsay Mize*	South Granville Water and Sewer Authority
Nancy McFarlane*	City of Raleigh
Danielle Adams*	Upper Neuse Soil & Water Conservation Districts
	Town of Stem
Ervin Portman*	Wake County
Scott Miles *	Town of Wake Forest
Melissa Hodges	Town of Butner Planning Department
Don O'Toole	City of Durham Attorney's Office
Michelle Woolfolk	City of Durham Stormwater Services
Randy Cahoon	City of Creedmoor Planning Department
Barry Baker	Granville County Planning Department
Tom Davis	Orange County Environment & Resource Conservation
Paula Murphy	Person County Planning Department
Kenneth Waldroup	City of Raleigh Public Utilities
Dan McLawhorn	City of Raleigh Attorney's Office
Haywood Phthisic	Lower Neuse Basin Association/Neuse River Compliance Association
Tommy Esqueda	Wake County Environmental Services
Jim Wrenn	Attorney, various Upper Basin UNRBA members
Dale Threatt-Taylor	Wake County Soil & Water Conservation District
Bill Holman	Duke University, Nicholas Institute
Amy Pickle	Duke University, Nicholas Institute

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Zhenni Zhang	Duke University, Nicholas Institute
David Gordon	Duke University, Nicholas Institute
Simona Barbu	Eastern Carolina University
Kathy Stecker	NC Division of Water Quality, Modeling & TMDL Unit
John Huisman	NC Division of Water Quality, Nonpoint Source Planning Unit
Erin Wynia	NC League of Municipalities, Governmental Affairs
Mike Ciriello	Kerr-Tar Council of Governments, Planning Department
Marissa Streyle	Citizen of Durham
Heather Saunders	Triangle J Council of Governments, Water Resources
Mike Schlegel	Triangle J Council of Governments, Water Resources
Sarah Bruce (secretary)	Upper Neuse River Basin Association

Introductions, Welcome, and Agenda

Chair Pam Hemminger called the meeting to order. Participants introduced themselves, gave their affiliation, and mentioned something they were working on locally relevant to regional or water issues.

Sarah Bruce went over the agenda:

- Updates & Announcements
- RFP for Path Forward update (Michelle Woolfolk)
- Potential Nicholas Institute partnership (Bill Holman)
- TJCOG programmatic support of UNRBA (Mike Schlegel)
- Legislative update (Erin Wynia)
- Housekeeping

Updates & Announcements

Ms. Hemminger announced that the next UNRBA Board meeting would be 10 am, September 21 at TJCOG.

Heather Saunders announced that the TJCOG Upper Neuse Monitoring Project would focus on watershed management issues and techniques and that the next meeting would be held at the Mist Lake training room in Durham at 1:30 on September 27.

Sarah Bruce announced that the Greater Triangle Stewardship Development Awards program (UNRBA partnership with NCSU Bio & Ag Engineering, Homebuilders, Triangle Land Conservancy, and others) to recognize land developments that better protect natural resources would soon announce a call for applications for recognition in the 2012 awards cycle.

Michelle Woolfolk announced that the NC Lake Management Society had accepted Falls Lake as their topic for their Spring workshop and asked UNRBA to partner in some fashion. Ms. Hemminger said that a nonprofit cannot make a donation to another nonprofit, but that the Board could consider other ways of partnering with more specifics at a future meeting.

Update on RFP for The Path Forward

Ms. Hemminger reminded the group that the UNRBA was seeking to hire a consultant to advise the group on activities to implement the Path Forward. Michelle Woolfolk announced that the RFP had been released on July 11 via email and by postings on

various websites. A pre-proposal conference call took place on Aug. 3 on which 9 firms participated. Proposals are due on Aug. 10 to Sarah, who will turn them around to reviewers. Reviewers will conference on Aug. 22nd to decide the short list of presentations to the Board, which will take place the afternoons of Aug. 30 and 31.

Dan McLawhorn mentioned that he had a student do some work on Use Attainability Analyses that may be useful background for reviewers and the UNRBA. He shared that there was also a court challenge to the revised Total Maximum Daily Load (TMDL) for the Anacostia River that is a useful examination of the TMDL process, which is similar to that of the state's nutrient-sensitive waters processes. Sarah offered to share these documents with the meeting summary via email.

Mr. Waldroup expressed that a re-evaluation under the Path Forward would need to comply with state as well as federal procedures. He also expressed the importance City of Raleigh placed on utilization of the triple bottom line (environmental, economic, and social) for the analysis.

Potential Nicholas Institute Partnership

Ms. Hemminger said the UNRBA was shifting to be more action oriented, and that members had requested guidance and leadership. The RFP is one answer to this desire, and staff at the Nicholas Institute had some additional areas for Board consideration. A letter was shared with the UNRBA via email before the meeting regarding the Nicholas Institute's ideas for the UNRBA.

Bill Holman said the Nicholas Institute had helped facilitate the Consensus Principles. Bill said that as a regional watershed-based organization in the Southeast, UNRBA was fairly unique, of great interest, and a very useful forum. UNRBA has focused mainly on water quality, but water quantity will be a big concern in the future as well that will require regional cooperation.

Bill presented and explained the following regional needs in the view of the Nicholas Institute:

- 1) Managing water quality monitoring and modeling in Falls Lake and other drinking water reservoirs;
- 2) Monitoring sedimentation and loss of capacity in Falls Lake and other drinking water reservoirs;
- 3) Developing an economic model to estimate the costs and benefits of existing and proposed rules and policies in the watershed;
- 4) Developing watershed plans and a system to guide investments of nutrient offset payments and other conservation programs; Researching the relative water quality and quantity costs and benefits of practices such as managing stormwater volume, land conservation, and stream restoration
- 5) Researching the relative water quality and quantity costs and benefits of practices such as managing stormwater volume, land conservation, and stream restoration;
- 6) Developing alternatives and more flexible policies, such as local watershed plans, that meet the objectives and targets of the State nutrient management strategy but that provide more local benefits;
- 7) Developing policies to prevent phosphorus loading by eliminating phosphorus in lawn fertilizers and dishwashing detergents;

- 8) Integrating an accounting framework for mitigation, restoration, and conservation projects
- 9) Managing a reverse auction or other market-based strategies to produce cost effective nutrient reduction projects in the watershed;
- 10) Participating in the development of hydrologic models for water supply planning;
- 11) Developing a regional water supply planning organization, consistent with Part I of SL 2011-374, Promote Water Supply Development/Efficiency and developing cost-effective supply and demand alternatives to balance the water budget in the Upper Neuse (including working with the Jordan Lake Partnership in the Upper Cape Fear);
- 12) Educating the public about the value of the water resources in the Upper Neuse;
- 13) Managing research projects, watershed plans, and contracts requested by UNRBA members
- 14) Advocating for the interests of UNRBA and UNRBA members before local, state and federal agencies;
- 15) Other needs identified by UNRBA.

Bill said that many of these activities could be undertaken by individual jurisdictions, but in most cases, if undertaken jointly or regionally, an economy of scale and/or increased effectiveness could be obtained.

Ms. Hemminger said that lobbying at the legislative level was something neither UNRBA nor TJCOG could do. She said that a 501(c)(4) has been discussed but the paperwork is not finalized. Dan McLawhorn said that lobbying included state agencies and that he saw immediate needs and opportunities in this area, such as the existing development and trading programs [for the Falls Rules].

Ms. Reckhow asked if there was a committee to which this idea could be referred for further discussion and refinement. She also suggested that some tasks may more appropriately be handled through an RFP(s).

Mr. Clayton moved to refer discussion of Bill's proposal to the Policy and Advisory Group and for them to report back to the Board of Directors, and Ms. Reckhow seconded the motion.

There was further discussion of the item. Mr. Minor said that it was important for the UNRBA not to get sidetracked. Kenneth Waldroup emphasized that many of these issues could not be addressed through purely technical solutions – policymakers need to be involved, and local consensus should be sought before conflicts manifested.

Michelle Woolfolk asked Bill about other resources the Nicholas Institute could bring to bear besides facilitation, and Bill responded that they could bridge to Duke, UNC-Chapel Hill, and NC State researchers. Amy Pickle said that the Nicholas Institute has the overall mission of “putting science into service” and was linked with several professors doing long-term studies of the watershed. Bill emphasized the importance of research informing policy alternatives and the timeliness of this type of work.

The motion on the floor [refer the issue to the Policy & Advisory Group and bring back a report or a recommendation to the Board at the next possible Board meeting] was called and passed unanimously.

As an aside, Ms. Hemminger announced that a reserve rainy day fund held by TJCOG in UNRBA's name had been discovered with a substantial balance. Sarah has done some research with previous staff, and it would appear that the funds were not set aside for

any specific purpose; it resulted from several years' fund balances. Mr. Waldroup said that the relook could be a very expensive process.

TJCOG Programmatic Support of UNRBA

Mike Schlegel, TJCOG Water Resources Program Manager, gave the Board an update on how TJCOG was shifting staff support in response to member concerns. Mike expressed that TJCOG is very committed to the UNRBA and our work. Mike acknowledged that the regulatory and political environments in the basin are shifting and that there are some fundamental changes that the group needs to address.

Mike proposed that he serve as Board Liaison, aggregating issues into decision items for Board action, and, conversely, distilling the interests and directives of the Board into the day-to-day activities for UNRBA support staff to carry out. Mike proposed that Sarah remain the UNRBA Executive Director, administer organizational and technical aspects, and directly support UNRBA subcommittees.

Mike also suggested a partnership with the League of Municipalities to provide periodic briefings to the Board. Erin Wynia has graciously agreed to attend Board meetings and to provide regular policy and legislative updates.

Mike also said that the Nicholas Institute proposal to provide strategic consulting and help the Board develop agreement on the future roles the group and its members want it to take on and the types of activities it should conduct would be complementary to the services TJCOG and our to-be-selected consultant would provide the UNRBA. Mike reiterated TJCOG's desire to help UNRBA pivot to its future directions.

Mr. Mize expressed the need for more guidance and moved to have Mike Schlegel serve as Board Liaison, at least on a temporary basis, in a budget-neutral fashion. Mr. Clayton seconded the motion. Mr. Hicks requested more details in writing, and Ms. Hemminger responded that the Policy and Advisory Group would be discussing this and other issues related to future directions further. Sarah said that a revision to the UNRBA-TJCOG contract that would also spell out specifics was in the works. ***Ms. Hemminger called the motion, which passed unanimously.***

Before, during, and after the motion, group discussed the shifts (e.g., UNRBA becoming the Falls Lake Watershed Association), the reasons for them (primarily, a desire to have the UNRBA be more action oriented), and future directions (e.g., the RFP, engagement with DWQ on policy issues). Several participants expressed the challenge of working together when entities have different interests and that limited data had been available to inform the Falls Rules. Ms. Hemminger reminded the group that compliance with the Falls Rules will be based on the condition of the lake, not nutrient loading. Don O'Toole said he had come away from the bylaws revision issue with the idea that the UNRBA didn't need to think about lobbying until studies, such as those planned under the RFP, were completed. Ms. Hemminger responded that since it turns out that working with state agencies is also considered lobbying, this need is perhaps more urgent than was originally thought. Mr. Clayton said that lobbying was a tool we were likely to need down the road. Dan McLawhorn added that Falls programs for existing development and trading would be needing to get fleshed out in the short term, that it was hard to know when providing information turns into advocacy, and that the RFP was more about determining the method to getting the "right answer" [for Falls Lake] than collecting

actual data. Ms. Reckhow expressed that lack of crediting processes had hindered adoption of stricter standards in one instance.

The meeting of the Policy & Advisory Group (PAG) will be scheduled via email and Ms. Hemminger emphasized that the PAG is open to everyone.

Legislative Update

Erin Wynia with the NC League of Municipalities Governmental Affairs program thanked the Board for the opportunity to provide an update on activities at the legislature. She mentioned several important trends and changes:

- A sensibility that most regulation is too complex and restrictive, and this thread has led to limitations on local government authority in several areas, such as [municipal annexation](#).
- [A bill passed](#) prohibiting local governments from preventing a private individual from drilling a well.
- [A bill](#) was still active that would influence local governments' abilities to interconnect.
- "[Protect Private Property Rights](#)" would affect the hierarchy of who has access to water (prioritizing those with riparian rights over others).
- [SB 781](#) reforms the NC Administrative Procedures Act and will have substantial implications for rulemaking, particularly with regard to public comment and contested cases procedures. Erin suggested that local governments monitor permits and TMDLs more closely since this bill passed [the Governor's veto was overridden].
- Cities are being required to provide water & sewer service TO homes, not just trunk lines.
- DWQ is working on a revised Phase II permit (that would be the basis of future MS4 permits such as those issued to local government stormwater programs). The permit is expect to be released in about a year. In a related vein, EPA is doing [stormwater rulemaking](#) that would certainly affect local governments.

Ms. Adams encouraged local governments to establish relationships with their Soil & Water Conservation Districts to coordinate on legislative issues.

Several participants expressed gratitude for the League's valuable work and involvement on these issues.

Housekeeping

The group decided to convene the September meeting at 9:30 am since meetings seemed to be taking more than 2 hours.

Sarah said that several participants had requested the opportunity to adopt the meeting summary officially. The Board decided to share the draft summary via email and approve it officially at the subsequent meeting.