

UNRBA Board of Directors March 17, 2010 Meeting Summary

Prepared March 17, 2010 · Host jurisdiction: City of Durham

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 Board of Directors of the Upper Neuse River Basin Association (UNRBA) held a lunch meeting at 11:30 A.M. on Wednesday, March 17, 2010 at the Bennett Pointe Grill in Durham.

Meeting attendees are listed below (* denotes UNRBA Director or Alternate Director).

Name	Organization
Dave Roesler	City of Creedmoor
Cora Cole-McFadden*	City of Durham
Reginald Hicks*	City of Durham
Becky Heron*	Durham County
Pam Hemminger*	Orange County
Jimmy Clayton*	Person County
Lindsay Mize*	South Granville Water and Sewer Authority
Nancy McFarlane*	City of Raleigh
Margaret Stinnett*	Town of Wake Forest
Wright Lowery	Wake County Environmental Services
Haywood Phthisic	LNBA/NRCA
Dan McLawhorn	City of Raleigh Attorney's Office
Jim Wrenn	Hopper, Hicks, and Wrenn, LLC
Ed Buchan	City of Raleigh Public Utilities
Mike Ciriello	KTCOG
Sarah Bruce	UNRBA

Introductions, Welcome, Agenda, and Announcements

Chair Pam Hemminger called the meeting to order. Cora Cole-McFadden said a brief welcome on behalf of the City of Durham. Participants introduced themselves and Sarah Bruce went over the agenda:

- Announcements, Project Updates, Administrative Items
- Update on State Requirements (Falls Lake Nutrient Management Strategy)
- Spring UNRBA Visits to Local Boards
- Revisions to the City of Durham's Riparian Buffer Requirements
- UNRBA Board of Directors' Agenda Topics and Meeting Summaries

Sarah announced that the next UNRBA Board meeting would be May 19, 2010, hosted by Person County at a location to be announced.

Announcements, Project Updates, Administrative Items

- Sarah Bruce announced that TJCOG, UNRBA's fiscal agent, has a new "auditor," or accountant, and that some accounting practices were being changed; staff are attempting to make the transition as smooth as possible.
- UNRBA may need to revise its contract with TJCOG for staff support and to clarify the relationship of the TJCOG Board of Delegates to the UNRBA and the UNRBA budget. Commissioner Heron requested that staff continue to work with TJCOG to address the issue of indirect costs. Sarah said that these issues would be appropriate for the UNRBA Executive Committee to discuss.
- TJCOG has hired former Principal Water Resources Planner Mike Schlegel to replace Sydney Miller as Water Resources Program Manager (who has moved to the Town of Cary Public Utilities Dept.). Mike's position will now need to be filled.
- Sarah announced that UNRBA was receiving a standard IRS audit and that she and TJCOG Finance Director would be present. Several Board members recommended having well-organized printouts of important documents to shorten the process.
- Sarah reported that the Triangle Tomorrow Reality Check effort had broken up into subcommittees to work on each of the three principles: transit, open space, and vibrant centers. In a similarly regional and comprehensive but unrelated effort, TJCOG Planning Director John Hodges-Copple is considering a HUD grant to fund a regional plan. The Board discussed the importance of coordinating watershed planning and regional growth management planning.
- In 2009, Heather Saunders and Sarah Bruce developed a grant proposal to create a basinwide water quality monitoring plan for the Upper Neuse Basin that Triangle J Council of Governments submitted for a 205(j) grant from the NC Division of Water Quality (DWQ) that was not originally funded. Staff recently received word that DWQ does intend to fund the project to develop the management plan with stimulus money (~\$30,000) under the 205(j) program. Sarah will keep the Board apprised, and, further, the project will involve a stakeholder process in which she will participate and alert UNRBA members to.

The Board discussed the relationship of the monitoring proposal to the Falls Lake Nutrient Management Strategy at some length. Sarah emphasized that the Division of Water Quality could not be relied upon to fund an ongoing program, but that consistency in data collection would be key in determining the health and progress of the watershed. UNRBA and TJCOG are discussing a 319 grant for FY11 to conduct an intensive pre-implementation monitoring effort, which will require a 40% nonfederal match. Heather Saunders is lead staff on both of these efforts (the plan and the resulting monitoring program). Dan McLawhorn mentioned that the Lower Neuse River Basin Association has negotiated monitoring locations with the Division of Water Quality to better assess sources and has information on costs of monitoring.

The Board discussed the 2003 Tetra Tech Upper Neuse Watershed Management Plan modeling and how several aspects of the Plan ultimately proved problematic or inaccurate. The Board suggesting having a graduate Environmental Management student do an analysis.

Update on State Requirements (Falls Lake Nutrient Management Strategy)

Falls Lake Nutrient Management Strategy (Falls NMS)

Sarah Bruce went over the Falls NMS reference materials in the Board's handouts.

1. The "Falls Lake Nutrient Management Strategy Development Process": A DWQ handout summarizing the rule making timeline and milestones. The deadline for adoption of the rules by the Environmental Management Commission is January 15, 2011. Dan McLawhorn pointed out that the date on this handout for fiscal note submission to OSBM had not been met and that the Public Comment Period would likely not be until June.
2. "Opportunities Identified by DWQ, EMC, or EWC Water Quality Committee for Public Input on Draft Falls Rules": Sarah's quick summary of topics that have explicitly been vetted to the public for input.
3. The "Consensus Principles to Guide Falls Lake Nutrient Management Strategy" document: Dan McLawhorn reported that this document had arisen from a December 9 meeting of the TJCOG Mayors and Chairs at which the group decided to seek areas of consensus. In January, a subset of this group assisted by other staff began drafting a statement. In February, the Mayors and Chairs discussed the Principles and agreed to forward them with a recommendation for adoption to their local elected bodies. In addition to several Region J local governments, Person County and Granville County also participated in the meeting.

The Principles concur with the draft rules that Stage I of the strategy should be about ensuring that the lower part of Falls Lake attains chlorophyll-*a* standards. The Principles also call for the Stage II management strategy to be reassessed with additional data to inform implementation of potentially costly measures for this stage.

To date, every local entity that has officially considered the Principles has adopted them (i.e., Wake County, Orange County, Person County, Granville County, Creedmoor, Butner, and SGWASA). Jimmy Clayton said that it did not seem that Roxboro opposed the Principles. Wake Forest's, Hillsborough's, and Franklin County's intentions were not yet apparent.

Dan McLawhorn reported that the Principles had been made available to DWQ in early February and that DWQ been responsive with revisions in the rules they sent to the EMC in March. A motion made by Jeffrey Morse at the EMC meeting is in need of clarification with regard to the options for EMC to reconsider additional modeling analyses; it was intended to support the Principles.

4. "Local Government Concensus Principles, Other Major Stakeholder Comments, and DWQ Responses on Draft Falls Lake Nutrient Rules": DWQ handout dated February 18, 2010 DWQ provided at the recent March EMC meetings summarizing changes made to the rules since the January draft.
5. "North Carolina Environmental Management Commission": EMC member contact information (also available online). Dan McLawhorn added that EMC members Marion Deerhake, Tom Cecich, and Dickson Phillips had been appointed to be hearing officers for the Falls Rules, the people responsible for processing comments received from the public comment process for EMC and Water Quality Committee review.

Sarah then asked the Board for general guidance on what role they preferred she take with regard to UNRBA involvement in the rulemaking process. The Board expressed in Sarah

- tracking and presenting information about Rule revisions;

- meeting informally with other stakeholders to understand their interests, educate them, and track areas of agreement and overlapping/complementary interests; and
- preparing to assist local governments with implementing the new requirements.

Dan McLawhorn suggested also 1) a timeline of implementation requirements for local ordinance revisions, 2) understanding the impacts of the new rules on the development community, 3) researching options that developers can use to achieve reductions to help staff respond to questions, and 4) researching how other communities have dealt with nutrient issues.

Aaron Cain suggested meeting with developers who work in more urbanized areas as well because their concerns may be different from those of homebuilders who work in more suburban settings.

Spring UNRBA Visits to Local Boards

Sarah offered to attend and/or present at any member entity meetings regarding the Falls Lake rules. Sarah also has obligations to report on several projects to local elected bodies that must be fulfilled; specifically, UNRBA is to update local governments participating in the Ecosystem Enhancement Program Restoration Project Implementation effort about restoration projects identified in their jurisdictions. Sarah noted that these represent opportunities for compliance with the Falls Lake Nutrient Management Strategy and that the sooner local governments get started on these projects, the more cost-effective they would likely be. Dave Roesler suggested tying presentations on the Falls NMS rules with the "6 minimum measures" now required for recently designated NPDES "Phase II" communities.

Revisions to the City of Durham's Riparian Buffer Requirements

Aaron Cain with Durham City/County Planning Department briefly reviewed pending Durham City/County Unified Development Ordinance (UDO) changes regarding protections for riparian buffers (for streams and wetlands). A diverse stakeholder group appointed by the Joint City-County Planning Commission met for almost a year to draft "environmental enhancements" to the Durham UDO (EEUDO); they issued recommendations in May 2009. Sediment and erosion control recommendations were adopted first in late 2009.

The riparian buffer changes now proposed incorporate EEUDO recommendations as well as changes needed to comply with the Jordan Rules. The most challenging aspect was treating areas in the Neuse Basin and Jordan Lake watersheds somewhat consistently (Durham straddles these and they have differing requirements). DWQ has 6 months to make a recommendation to the EMC and Durham is having its planning commission examine it in the meantime to expedite implementation once EMC approval has been obtained.

UNRBA Board of Directors' Agenda Topics and Meeting Summaries

Sarah mentioned that an April date had been considered at one point for a field trip, but that this would be tabled until a less busy time (disregard the April 21 date on any Board meeting schedules that show it). The May 2010 Board meeting agenda will consider the FY11 UNRBA Budget, Sarah's report on Falls Rules stakeholder interests, interests the UNRBA had articulated at the start of the Falls Lake Stakeholder Process, and whether to cancel the July Board meeting.

The Board also agreed that, given the rarity of corrections to Board meeting summaries, Sarah does not need to issue draft as well as final Board meeting summaries. Sarah said that 1) she was now audio-recording meetings for reference purposes and 2) it would always be possible to issue a revised meeting summary if a correction were warranted.