

UNRBA Board of Directors September 15, 2010 Meeting Summary

Summary prepared September 15 & 21, 2010 · Meeting Location: Vance-Granville Community College

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 be 10 am, Wednesday, December 1, 2010, at a location to be announced (rescheduled from November 17 due to conflict with Committee meetings of the Environmental Management Commission).

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held a lunch meeting at 11:30 A.M. on Wednesday, September 15, 2010 at Vance-Granville Community College.

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

Name	Affiliation
Bill McKellar*	Town of Butner
Tom Mercer*	City of Creedmoor
Cora Cole-McFadden*	City of Durham
Becky Heron*	Durham County
	Franklin County
Ron Alligood*	Granville County
Mike Gering*	Town of Hillsborough
Pam Hemminger*	Orange County
Jimmy Clayton*	Person County
Lindsay Mize*	South Granville Water and Sewer Authority
Kenneth Waldroup*	City of Raleigh
Danielle Adams*	Upper Neuse Soil & Water Conservation Districts
Ellen Wilkins*	Town of Stem
Scott Miles*	Town of Wake Forest
Stan Norwalk* (arrived at end of meeting)	Wake County
Tom Davis	Orange County Environment & Resource Conservation Department
Dan McLawhorn	City of Raleigh Attorney's Office
Barry Baker	Granville County Planning Department
Reginald Hicks	City of Durham Water Management Department
Rick Flowe	City of Creedmoor Planning Department
Haywood Phthistic	Lower Neuse Basin Association/Neuse River Compliance Association
Britt Stoddard	Wake County Environmental Services
Gary Kreiser	Division of Water Quality, Classification and Standards Unit
Dianne Reid	Division of Water Quality, Classification and Standards Unit
Amy Chapman	Division of Water Quality, Classification and Standards Unit
Mike Ciriello	Kerr-Tar Council of Governments
Sarah Bruce (summary preparer)	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 one thing their local entity was currently working on to the group.

Sarah Bruce went over the agenda (Decision Items = *):

- Housekeeping, Updates & Announcements
- Recognition of Dedication and Committed Service to the UNRBA:
Commissioners Becky Heron and Ron Alligood
- Draft NCDENR Consolidated Riparian Buffer Rules (Gary Kreiser, NC Division of Water Quality)
- Continuing the contract partnering UNRBA with KTCOG for general support (decision item)
- Added item: Contract for a UNRBA Research Assistant (decision item)
- Appointment of a UNRBA Clerk (decision item)
- Update on TJCOG Project to Develop Upper Neuse Monitoring Plan
- UNRBA Strategic Planning / HB 1765 "Falls Lake Association Authorized" (decision item)

Housekeeping, Updates & Announcements

Becky Heron invited folks to the grand opening of the new Durham County stadium at 6 pm that evening.

Sarah solicited feedback about the meeting location and future agenda items. Dan McLawhorn suggested a report on the Environmental Management Commission hearing officers' report on public comments to the Falls Lake rules to the EMC this Fall as an agenda item.

Other UNRBA updates:

- 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 had begun to receive applications for recognition in the inaugural awards cycle.
- The UNRBA (Heather Saunders) was working on an update to the Eno River Association's Eno River Riparian Corridor Conservation Plan. In response to a question, Sarah said that UNRBA would present the plan to any group the Eno Association asked to be informed.
- Atlases (catalogs) of potential restoration projects are available for Ledge Creek, Lick Creek, Little Lick Creek, Ellerbe Creek, and Swift Creek.

Recognition of Dedication and Committed Service to the UNRBA

Sarah presented certificates of appreciation to Commissioner Becky Heron and Commissioner Ron Alligood for their many years of participation on the UNRBA Board of Directors.

Draft NCDENR Consolidated Riparian Buffer Rules

Gary Kreiser with the NC Division of Water Quality, Classification and Standards Unit, gave the Board a brief presentation on the consolidation of several sets of state buffer rules to streamline them. The current draft of the rules was included in attendee packets, but Mr. Kreiser noted that the rules were a work in progress. One of the main effects of consolidation will be to have a standard table of uses for all the rules that are consolidated. DWQ staff emphatically solicited input on the rules.

DWQ noted that there is no separate Falls Lake buffer rule; the Falls Rules address buffers by referencing the Neuse Buffer Rule. One of the differences between the Jordan/Randleman and the Neuse Buffer Rules is that the Neuse Buffer Rule may be implemented by DWQ (local governments are not required to implement the state's buffer rule, that is, they are not "designated" like they are in the Jordan/Randleman reservoirs). Local governments in the Falls watershed have the option of requesting delegation from DWQ to implement the Neuse Buffer Rule; Orange County and Durham have done this.

The Neuse Buffer Rule applies to all streams shown on USDA Soil Survey maps or USGS 1:24k topoquads. DWQ and local governments that have been delegated implementation of the buffer rule(s) handle appeals.

Mr. Waldroup asked if DWQ would develop a breakdown of differences between the Neuse Buffer Rule and the consolidated rule. Mr. Kreiser said that he expected to develop something like this for the Environmental Management Commission. Dan McLawhorn noted that there were substantial differences in the treatment of public access/greenways as well as the use of heavy equipment related to utility maintenance.

Continuation of Contract with KTCOG for General Support

Sarah asked the Board to consider continuing the UNRBA contract with Kerr-Tar Council of Governments to cover Mike Ciriello's time to help coordinate UNRBA activities in the Kerr-Tar region. The contract is not to exceed \$7000. **Ms. Cole-McFadden moved to approve the arrangement, seconded by Bill McKellar. The motion carried unanimously.**

Contract for Research Assistant to Study Urban Retrofitting Accounting Tools

Sarah asked the Board to consider a contract to pay a research assistant to run the Upper Neuse Site Evaluation Tool and the Jordan Lake Nutrient Accounting Tool on a highly urbanized catchment of downtown Durham that culminates in the Duke Diet & Fitness Center. Ms. Hemminger asked for a presentation back to the Board. Ms. Cole-McFadden asked how the person had been identified (prior collaborations with Ellerbe Creek Watershed Association) and asked that NCCU be notified of future openings.

Dan McLawhorn asked about the relationship with the Ellerbe Creek Watershed Improvement Project. Sarah responded that this project would build on that effort by looking more closely at this particular catchment and how the excess runoff that prevents sufficient residence time could be dealt with. **Ms. Cole-McFadden moved to approve the contract. The motion was seconded by Ms. Adams and passed unanimously.**

Appointment of a UNRBA Clerk

Sarah read Section 6 of the UNRBA Bylaws, which state that the "Board of Directors shall appoint a Clerk to provide staff services for the Association..." **Ms. Cole-McFadden moved to appoint Sarah Bruce to the position of UNRBA Clerk. The motion was seconded by Ms. Adams and passed unanimously.**

Update on TJCOG Project to Develop Upper Neuse Monitoring Plan

TJCOG will receive funding from DWQ through the 205(j) grant program to develop a monitoring plan and run a stakeholder process. That funding will not be available til January, so Sarah asked the Board to consider a budget amendment transferring \$1500 to TJCOG to cover staff time to enable Heather Saunders to bill her time to a single account for the duration of the project. The funds will

be taken from the UNRBA budget line item for Heather's UNRBA staff time. Ms. Heron cautioned that local government budgets will be even tighter next year. **Ms. Cole-McFadden moved to cover Heather Saunders' time up to \$1500. The motion was seconded by Ms. Adams and passed unanimously.**

The first TJCOG Upper Neuse monitoring plan stakeholder meeting has been scheduled for Nov. 3rd at 1:30 pm, location to be announced.

UNRBA Strategic Planning / HB 1765 "Falls Lake Association Authorized"

Sarah gave the Board a handout and mentioned some highlights of the long history of interlocal cooperation on Upper Neuse watershed issues.

Sarah provided copies the Board with copies of Session Law 2010-155, passed by the General Assembly as HB 1765 in their last session (2009-2010). The legislation recognizes an association of local governments. The purposes of the "Falls Lake Association" may include, but are not limited to:

- (1) Providing a forum for sharing information in order to assist local governments in complying with State and federal laws that pertain to the water quality in the Falls Lake watershed.
- (2) Providing a mechanism for participating local governments to coordinate and fund common technical resources.
- (3) Planning for and conducting water quality monitoring in the Falls Lake watershed in coordination with the Department of Environment and Natural Resources.
- (4) Coordinating with the Department of Environment and Natural Resources in the development of a transparent and accessible system for recording and maintaining nutrient offsets and credits that complies with any rules adopted to protect and restore water quality in the Falls Lake watershed.
- (5) Providing a public forum to review and discuss innovative approaches to restore, protect, and maintain water quality in the Falls Lake watershed.
- (6) Conducting and evaluating scientific research that describes or predicts conditions related to or affecting water quality in the Falls Lake watershed, including the reservoir.

Sarah mentioned that these functions are broader than those currently fulfilled by the UNRBA, which does not engage in tracking of nutrient credits (item 4), for example.

Mr. Gering asked what the purpose of the bill was. Mr. Clayton responded that the attorneys had worked together to develop Consensus Principles on how the Falls Lake Nutrient Strategy could be improved with additional data and modeling information, and that the law was passed to improve the scientific basis for the Falls Lake Rules and coordination with DWQ.

Jim Wrenn added that current statutory authority for a Falls Lake watershed association was scattered, and it was important that the legislature recognize the Falls Lake Association and direct the Division of Water Quality should work with the Association. As an example of a common technical resource activity, Jim cited that smaller jurisdictions could pool resources to hire a stormwater engineer through the Association to conduct local functions. Jim also said that it would be important for the Association to incorporate a 501(c)(6) in order to conduct lobbying activities. The bill was intended to bring all the potential functions in one place for clear authorization.

Dan McLawhorn added that the existing statute authorizing watershed associations [§ 143 214.14] requires local governments to "bite off more than they could do at one time." HB 1765 was written to create the Association first and then allow local governments to choose how much to take on. Dan and Jim Wrenn added that this would provide more flexibility than interlocal agreements in implementing programs cooperatively.

Ms. Cole-McFadden asked about membership in the Falls Lake Association. Sarah read the legislation under §77-120(a))

Local governments may elect to incorporate the Falls Lake Watershed Association nonprofit corporation or establish the Association using an existing nonprofit corporation. The Association shall only be comprised of local governments that choose to participate in the Association.

and §77-199 Definition (3):

"Local government" means a county, city, town, or incorporated village that is located in whole or in part within the Falls Lake watershed. Local government also includes any water or sewer authority that is created pursuant to Article 1 of Chapter 162A of the General Statutes that provides service within the Falls Lake watershed.

Sarah stated that the structural difference between the Falls Lake Association and the UNRBA is that UNRBA includes a single seat for Upper Neuse Soil & Water Districts that is held collectively. Ms. Adams mentioned that the Soil & Water Districts were meeting next month and part of the meeting would be to discuss amending the definition of "local government" in the legislation to include Soil & Water Conservation Districts.

Kenny Waldroup stated that there is a template for the Falls Lake Association in the Lower Neuse Basin Association, which eventually evolved into two different associations, the Lower Neuse Basin Association and the Neuse River Compliance Association [which conduct meetings and staff support jointly].

Sarah proposed an alternative approach, whereby local government officials are asked what a regional Association SHOULD do before determining what the best structure for the Association is and what changes are needed to undertake these activities. Sarah reminded the Board that they and TAC participants have noted the importance of engaging other local decisionmakers in decisions about funding and staffing. A solid understanding of the requirements is another prerequisite to informed decisionmaking.

Mr. Waldroup moved that the attorneys of the Consensus Partners evaluate the UNRBA vs. the Falls Lake Association authorized, identify where the organizations are compatible and where they're not, and to bring back a set of recommendations to the UNRBA Board of Directors. Mr. Clayton seconded the motion, which subsequent discussion clarified to affirm that in addition to those who local governments whose attorneys drafted the Consensus Principles, Soil & Water Districts, UNRBA, and those local governments that did not participate on the Consensus Principles would also be represented. Jim Wrenn and Dan McLawhorn volunteered to coordinate the meeting and provide an update at the next UNRBA Board meeting. Discussion subsequent to Mr. Clayton's earlier proposal to this effect clarified that the recommendation would be brought back to the UNRBA Board before substantive action was taken. **The motion carried unanimously.**

Next Meeting

The Board decided to move the next UNRBA Board meeting to Wednesday, December 1, 2010 at 10 a.m. due to conflict with the Environmental Management Commission's Committee meetings, pending confirmation via email from others. Location will be announced.

UNRBA Board meeting locations and times are posted online under "About UNRBA" > "Board of Directors."