DRAFT NSAB Charter

The charter may be amended or modified by consensus of the Board.

A. Purpose

Session Law 2009-216 Section 3(d)(2)b and Section 4 sets the initial charge of the Nutrient Scientific Advisory Board (NSAB). Discussions at the first few meetings in 2010-2011 clarified the tasks.

The Secretary of DEQ shall establish a Nutrient Scientific Advisory Board. (Section 4.(a))

The NSAB shall: (Section 4.(b))

1) Identify management strategies that can be used by local governments to reduce nutrient loading from existing development.

2) Evaluate the feasibility, costs, and benefits of implementing the identified management strategies.

3) Develop an accounting system for assignment of nutrient reduction credits for the identified management strategies.

4) Identify the need for any improvements or refinements to modeling and other analytical tools used to evaluate water quality in nutrient-impaired waters and nutrient management strategies.

The NSAB shall advise the Secretary on any other issue related to management and restoration of nutrient-impaired water bodies. (Section 4.(c))

The NSAB shall submit an annual report to the Secretary no later than July 1 of each year concerning its activities, findings, and recommendations. (Section 4.(c))

B. Participants / Roles / Responsibilities

As of July 2017 the NSAB consists of the following members.

Representation	Member	Alternate
City of Burlington[1]	Michael Layne - 2010	
Town of Cary[1]	Eric Kulz – 2017	Charles Brown
Town of Chapel Hill[1]	Allison Weakley - 2016	Chris Jenson
City of Durham[1]	Sandra Wilbur - 2016	Michelle Woolfolk
City of Greensboro[1]	David Phlegar - 2016	
Cities of Mebane and Graham; Towns of Elon and Gibsonville[1]	Josh Johnson - 2010	
Professional or Academic[2]	Larry Band (UNC) - 2010	Jon Duncan (UNC)
Professional Engineer[3]	Bill Hunt (NCSU) - 2010	Sally Hoyt (UNC)
NC DOT Representative[4]	Andy McDaniel - 2016	Brian Jacobsen
Conservation Organization[5]	Grady McCallie – 2010 (NC Conservation Network)	Peter Raabe – 2010 (American Rivers)
Falls Lake Watershed (UNRBA)[6]	Forrest Westall - 2013	

In 2009 the NSAB membership was mandated by session law to consist of no fewer than five and no more than 10 members representing the expertise or experience listed in #s 1-5 below. (SECTION 4.(a))

1. One or more local governments in the Jordan Lake watershed. Local government representatives shall have experience in stormwater management, flood control, or management of a water or wastewater utility.
2. One member with at least 10 years of professional or academic experience relevant to the management of nutrients in impaired water bodies and possessing a graduate degree in a related scientific discipline, such as aquatic science, biology, chemistry, geology, hydrology, environmental science, engineering, economics, or limnology.
3. One professional engineer with expertise in stormwater management, hydrology, or flood control.
4. One representative of the Department of Transportation with expertise in stormwater management.
5. One representative of a conservation organization with expertise in stormwater management, urban landscape design, nutrient reduction, or water quality.

6. 2013: the NSAB decided to add a representative of the Falls Lake watershed. The member is not legislatively required and therefore is an unofficial member with no voting rights who is not appointed by the Secretary of DEQ.

All the official members above were reappointed by the Secretary of DEQ on June 6, 2017.

Roles and responsibilities:

Nine roles have been identified.

1. Primary Member
   Appointed by the Secretary of DEQ. Shall make an effort to attend all meetings. Shall designate an alternate. Sits at the discussion table and participates fully. Voting member.

2. Primary Alternate
   Identified by the primary member. Sits at the discussion table and participates fully. Non-voting member unless Primary Member is absent.

3. DWR Nutrient Strategy Staff
   Convenes the NSAB. Sits at the discussion table and participates fully. Non-voting member.

4. DEMLR Stormwater Permitting Staff
   Sits at the discussion table and participates fully as needed. Non-voting member.

5. Non-Voting Member
   Identified by the NSAB. Sits at the discussion table and participates fully. Non-voting member.

6. Non-Voting Alternate
   Identified by the Non-Voting member. Sits at the discussion table and participates fully. Non-voting member.

7. Invited Guests
   Identified by the NSAB or DWR staff. Sits at the discussion table and participates as indicated on the agenda or as requested by the board or DWR staff.

8. Visitors
   Visitors are welcome as observers only. The NSAB may invite a visitor to provide a perspective or answer a question.

9. Facilitator
   Invited by DWR on behalf of the NSAB. Consults to DWR and NSAB on the group's process (agendas, ground rules, room set up, participation/inclusion/balance/focus, discussion and decision making procedures). Runs each meeting. Neutral regarding discussion content. Does not vote.

C. Decision Making

In order for NSAB to make a decision, seven (7) NSAB members with voting privileges (Primary Members and Primary Alternates), at least five (5) of them primary members, must be present.

Consensus will be used to make decisions. A member, staff, or the facilitator can make a proposal.

A 5-finger poll method can be used to identify specific points of discussion and will be used to determine gradients of agreement:

1. I endorse the proposal.
2. I agree with minor reservations.
3. I can agree but am very conflicted about it.
4. I vote against the proposal but will support implementation if this passes.
5. I vote against the proposal and will not help implement it if it passes.

If the poll results in votes of 1 and 2 only, it shows a desired threshold of support for the proposal exists, and the NSAB adopts the decision by consensus.

If the poll results in any votes of 3, 4, or 5, it shows that a desired threshold of support for the proposal does NOT exist. The group will seek to clarify the concerns of those voting 3, 4, or 5, and attempt to generate and prioritize amendments to the proposal that address those objections.

Amended proposals will be tested using the same 5-finger poll method.

If no amended proposal generates a desired threshold of agreement during the meeting, a proposal will be made to defer the matter to the next meeting with objector(s) agreeing to meet with proposer(s) to redraft the proposal. A poll on this proposal must result in votes of 1 or 2 only.

In the absence of consensus to refer the matter to next meeting, the original proposal is immediately submitted to a yes/no vote and may be approved by an affirmative vote consisting of the full group in attendance minus one.

Meeting reports on decision-making can reflect minority and majority viewpoints where that is desired by those holding a minority perspective (let us know), especially if Board members will work with DWR to provide accurate language, as needed.

D. Operating Principles

1. Stick to the agenda topics.
2. Focus on one subject at a time.
3. Discuss all relevant information and issues, even difficult ones.
4. Keep discussion open and balanced.
5. Contribute to the discussion.
6. Listen actively.
7. Avoid repetition.
8. Be respectful of others.
9. Disagree openly, but try not to be disagreeable.
10. Focus on interests, not positions.
11. Look for mutually beneficial solutions.
12. Follow through on commitments.

E. Meetings

The NSAB meets on the first Friday of each month at Triangle J Council of Governments. Meetings will be moved or rescheduled as needed.

F. Agenda

Future agenda items will be identified during meetings and by contacting staff with ideas in between meetings. Staff will be responsible for setting the agenda.

Appendix 1: Legislation

Session Law 2009-216 Section 3(d)(2)b.

b. The Department shall establish a load reduction goal for existing development for each municipality and county required to implement a Stage 2 adaptive management program to control nutrient loading from existing development. The load reduction goal shall be designed to achieve, relative to the baseline period 1997 through 2001, an eight percent (8%) reduction in nitrogen loading and a five percent (5%) reduction in phosphorus loading reaching Jordan Reservoir from existing developed lands within the police power jurisdiction of the local government. The baseline load shall be calculated by applying the Tar-Pamlico Nutrient Export Calculation Worksheet, Piedmont Version, dated October 2004, to acreages of different types of existing development within the police power jurisdiction of the local government during the baseline period. The baseline load may also be calculated using an equivalent or more accurate method acceptable to the Department and recommended by the Scientific Advisory Board established pursuant to Section 4(a) of this act. The baseline load for a municipality or county shall not include nutrient loading from lands under State or federal control or lands in agriculture or forestry. The load reduction goal shall be adjusted to account for nutrient loading increases from lands developed subsequent to the baseline period but prior to implementation of new development stormwater programs.

Session Law 2009-216 Section 4

SECTION 4.(a) Scientific Advisory Board for Nutrient-Impaired Waters Established. - No later than July 1, 2010, the Secretary shall establish a Nutrient Sensitive Waters Scientific Advisory Board. The Scientific Advisory Board shall consist of no fewer than five and no more than 10 members with the following expertise or experience:

(1) Representatives of one or more local governments in the Jordan Reservoir watershed. Local government representatives shall have experience in stormwater management, flood control, or management of a water or wastewater utility.

(2) One member with at least 10 years of professional or academic experience relevant to the management of nutrients in impaired water bodies and possessing a graduate degree in a related scientific discipline, such as aquatic science, biology, chemistry, geology, hydrology, environmental science, engineering, economics, or limnology.

(3) One professional engineer with expertise in stormwater management, hydrology, or flood control.

(4) One representative of the Department of Transportation with expertise in stormwater management.

(5) One representative of a conservation organization with expertise in stormwater management, urban landscape design, nutrient reduction, or water quality.

SECTION 4.(b) Duties. - No later than July 1, 2012, the Scientific Advisory Board shall do all of the following:

(1) Identify management strategies that can be used by local governments to reduce nutrient loading from existing development.

(2) Evaluate the feasibility, costs, and benefits of implementing the identified management strategies.

(3) Develop an accounting system for assignment of nutrient reduction credits for the identified management strategies.

(4) Identify the need for any improvements or refinements to modeling and other analytical tools used to evaluate water quality in nutrient-impaired waters and nutrient management strategies.

SECTION 4.(c) Report; Miscellaneous Provisions. - The Scientific Advisory Board shall also advise the Secretary on any other issue related to management and restoration of nutrient-impaired water bodies. The Scientific Advisory Board shall submit an annual report to the Secretary no later than July 1 of each year concerning its activities, findings, and recommendations. Members of the Scientific Advisory Board shall be reimbursed for reasonable travel expenses to attend meetings convened by the Department for the purposes set out in this section.

Appendix 2: Membership history

Representation	**Member**	**Alternate**
City of Burlington	Michael Layne - 2010	
Town of Cary	~~Matt Flynn - 2011~~ Eric Kulz – 2017	Charles Brown
Town of Chapel Hill	~~Trish D'Arconte - 2010~~ Allison Weakley - 2016	Chris Jenson
City of Durham	~~John Cox - 2010~~ Sandra Wilbur - 2016	Michelle Woolfolk
City of Greensboro	David Phlegar - 2016	
Cities of Mebane and Graham; Towns of Elon and Gibsonville	Josh Johnson - 2010	Jon Duncan
Professional or Academic (UNC)	Larry Band - 2010	
Professional Engineer (NCSU BAE)	Bill Hunt - 2010	Sally Hoyt (UNC)
NC DOT Representative	~~Matt Lauffer - 2010~~ Andy McDaniel - 2016	~~Andy McDaniel~~ Brian Jacobsen
Conservation Organization	Grady McCallie – 2010 (NC Conservation Network)	Peter Raabe – 2010 (American Rivers)
Falls Lake Watershed (UNRBA)	Forrest Westall - 2013	
	Year is initial start date. Strikethrough text denotes a previous member in the position.	