Nutrient enrichment is one of the leading causes of negative environmental impacts to surface waters, such as algal blooms, low dissolved oxygen concentrations, fish kills, excessive growths of filamentous algae or bacteria, and generation of cyanotoxins. To better manage nutrients, the US Environmental Protection Agency (USEPA) has established a goal for states to develop and adopt nutrient criteria for all jurisdictional waters. The North Carolina Nutrient Criteria Development Plan (NCDP; May 16, 2019), which was mutually agreed upon with the USEPA, details the Division of Water Resources’ (DWR) strategy to accomplish this goal. The plan includes the development of a Scientific Advisory Council (SAC) to assist DWR with the incorporation of the best available data and science to establish defensible nutrient criteria that protect designated uses and are scientifically sound. Subsequent to criteria development, a separate group, the Criteria Implementation Committee (CIC), will work with the Division to determine fiscal implications of the proposed nutrient criteria.

Section I. Establishment

The NCDP SAC is established under the DWR. The SAC will be comprised of nine to twelve members appointed by DWR’s Director.

The members appointed to the SAC shall be persons satisfying the qualifications as defined in Section II.A below. One USEPA representative will be asked to participate on the SAC. SAC members will serve two-year terms and may be reappointed at the discretion of the Director of the DWR.

Section II. Scientific Advisory Council

The objective of the SAC is to provide regional knowledge and technical guidance to the DWR during the process of developing site-specific nutrient criteria. These criteria shall be based solely on data and scientific judgments about causal and response variables and their indications of water quality. The recommendations of the SAC will be considered by the DWR as criteria are selected for proposal as water quality standards during the triennial review rulemaking process.

Section II.A SAC Member Qualifications

Each SAC member shall meet one or more of the following qualifications:

1. A scientist with expertise in the study of nutrients in freshwater, estuarine, and/or lake ecosystems.
3. A scientist with expertise in the study of aquatic life and food webs in freshwater and/or saltwater ecosystems.
4. A scientist with expertise in freshwater and/or saltwater hydrology and hydraulics, including the effects of dams on water movement.

Section II.B  SAC Duties

The SAC shall have the following duties:

1. Provide regional knowledge and technical guidance to DWR to aid with development of numeric nutrient criteria.
2. Review and assess the quality of currently available nutrient data both nationally and regionally.
3. Identify data gaps in the scientific and technical information necessary for nutrient criteria development.
4. Recommend measures to address data gaps through additional monitoring or analysis.
5. Advise DWR on criteria development approach for each waterbody type.
6. Review and comment on proposed causal and response variable criteria developed by DWR.
7. Other duties as identified by DWR.

Section II.C  Decision-Making Process

The SAC will strive for consensus. SAC advice and considerations will be made only with concurrence of all members represented at the meeting. A facilitator will be appointed by DWR to guide the discussions and assist the SAC in reaching consensus.

Consensus is the decision rule that allows collaborative problem solving to work. Consensus requires sharing of information, allows building of trust, which leads to mutual education and in turn provides the basis for crafting workable and acceptable alternatives. Consensus promotes joint thinking of a diverse group and leads to creative solutions. Also, because parties participate in the deliberation, they understand the reasoning behind the recommendations and are willing to support them. Consensus does not mean that everyone will be equally happy with the decision, but all do accept that the decision is the best that could be made at the time.

The SAC will reach consensus when it finally agrees upon a single alternative and each participant can honestly say:

- I believe that other participants sufficiently understand my point of view
- I believe I sufficiently understand other participants’ points of view
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly.

If the SAC is unable to reach consensus regarding an issue, the lack of consensus will be noted in the meeting minutes and the SAC will summarize any points of disagreement in supporting documentation.

The SAC shall annually vote one member as Chairperson and another member as Vice-chairperson. The Chairperson will coordinate comment document development, delegate comment responsibilities to appropriate SAC members, and work to build consensus among members. The Vice-Chairperson will assist in these duties and act as Chairperson when the Chairperson is absent.
Section III. Administration

1. The DWR will assign a staff member(s) to provide support to the SAC. The support that will be provided includes but is not limited to the following: arranging meetings, ensuring notes are taken, distributed and made available to the public, collecting information requested by the members, ensuring requested analyses are performed and documented, maintain the web site, etc. This staff member may accept written comments from interested parties and disseminate appropriately.

2. Telephone or web conferencing may be conducted in lieu of meetings. Meetings may be streamed live if the technology is available.

3. Members of the SAC may be reimbursed for necessary in-state travel (mileage) to and from meetings.

Section IV. Implementation, Duration, and Frequency

1. This charter shall become effective October 30, 2019.

2. The SAC shall meet at intervals determined by the DWR-NCDP Program Manager in consultation with the members.

3. The SAC as an advising body shall continue for an indefinite period of time at the pleasure of the DWR Director.

4. All meetings will be open to the public.