

Nutrient Scientific Advisory Board Charter

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

A. Purpose

The NSAB functions primarily as an advisory group to assist and guide the agency with effective implementation of nutrient management strategies for developed areas.

Session Law 2009-216 Section 3(d)(2)b and Section 4 sets the initial charge of the Nutrient Scientific Advisory Board (NSAB) as it relates to the Existing Development rules.

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

Roles and responsibilities

The NSAB expects Primary Members or their alternates will attend each meeting and keep each other informed. Primary Members are expected to contact the convener ahead of the meeting if the Primary Member cannot attend. If neither the Primary Member nor alternate attend a meeting without notifying the convener, the convener will contact the Primary Member.

In 2009 the NSAB membership was mandated to consist of 5-10 primary members appointed by the Secretary of DEQ representing the expertise or experience listed in Session Law 2009-216 Section 4.(a).

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 Member Alternate**
Identified by the primary member. Sits at the discussion table and participates fully. Non-voting member unless Primary Member is absent.
3. **Advisor**
Identified by the NSAB. Sits at the discussion table and participates fully. Non-voting member.
4. **Advisor Alternate**
Identified by the Non-Voting member. Sits at the discussion table and participates fully. Non-voting member.
5. **DWR Nutrient Strategy Staff**
Convenes the NSAB. Sits at the discussion table and participates fully. Non-voting member.
6. **DEMLR Stormwater Permitting Staff**
Sits at the discussion table and participates fully as needed. 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.

Participants

The list of current members can be found in Appendix 1.

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 5-finger polling method (1) can be used to identify point of discussion or agreement, and (2) will be used to determine consensus. A goal of consensus decision making and the 5-finger polling method is to identify points of agreement, disagreement, and topics of discussion, and also to help participants understand they why they may disagree.

A member, advisor, staff, or the facilitator can make a proposal. And will identify if it is a final decision-making poll. Otherwise it will be considered a poll to help move discussion forward.

Poll choice, using # of fingers:

1. I fully endorse the proposal.
2. I agree with the proposal.
3. I can live with the proposal; we can move on.
4. I don't like the proposal but will not work against it.
5. Stop; I find the proposal unacceptable and will actively work against it.

If a poll is not identified as a final decision seeking vote then it is simply a method to gauge agreement and identify issues. When this is the case, those voting 3, 4, or 5 will be given the opportunity to share their disagreement with the proposal and discussion continues. There is no need to keep a record of this poll as it is just a way to efficiently delineate conversation.

If a poll identified as seeking a final decision results in votes of 1, 2, or 3, it shows a desired threshold of support, and the NSAB adopts the decision by consensus.

If a poll identified as seeking a final decision results in any votes of 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 alternate proposals to address those objections.

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

If multiple alternate proposals identified as seeking a final decision do not result in consensus, a referral proposal will be made to defer the matter to the next meeting with those voting 4 or 5 on the decision-seeking proposal agreeing to meet with proposer(s) to redraft the proposal. A poll on this deferral proposal must result in votes of 1 or 2 only.

In the absence of consensus to refer the matter to next meeting, the 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.

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: Membership

As of December 2018, the NSAB consists of the following members.

Representation	Member (affiliation)	Alternate (affiliation)
Local Government	Morgan DeWit (Chatham County)	Dan LaMontagne (Chatham County)
	Josh Johnson (Alley, Williams, Carmen and King, Inc. for Mebane, Graham, Elon, Gibsonville)	Vacant
	Eric Kulz (Cary)	Charles Brown (Cary)
	David Phlegar (Greensboro)	Peter Schneider (Greensboro)
	Allison Weakley (Chapel Hill)	Alisha Goldstein (Chapel Hill)
	Sandra Wilbur (Durham)	J.V. Loperfido (Durham)
Professional or Academic	Michael Burchell (NCSU)	Deanna Osmund (NCSU) 2018
Professional Engineer	Sally Hoyt (UNC)	Bill Hunt (NCSU)
NC DOT Representative	Andy McDaniel (DOT)	Brian Jacobson (AECOM)
Conservation Organization	Peter Raabe (American Rivers)	Grady McCallie (NC Conservation Network)

Representation	Advisor (affiliation)	Alternate (affiliation)
Falls Lake Watershed*	Forrest Westall (Upper Neuse River Basin Association)	Haywood Phthisic (UNRBA)
Local Government	Bob Patterson (Burlington)	

Appendix 2: 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.