| Action | Contact/Comments | Response/Revised Action |
| --- | --- | --- |
| Management Approach 1 | | |
| 1. Update and refine the Chesapeake Bay Basin-wide Index of Biotic Integrity (“Chessie BIBI”) for streams | * Add “watershed” to geographic location | n/a |
| 1. Establish 2008 baseline and approach for determining future trends (% change) | * Add “watershed” to geographic location | n/a |
| 1. Determine and report progress | * Added responsible Party Bay States, DC, ICPRPB and EPA CBP (C. Buchanan) * Estimated cost added (C. Buchanan) * Date completed added (C. Buchanan) * Add “watershed” to geographic location | * **Response**: Added text to performance targets * **Revised** **PT**: Periodically acquire and process available stream data from Bay States and District of Columbia |
| 1. Align metrics of functional lift with stream restoration protocols crediting projects for the Chesapeake Bay TMDL for nutrient and sediment reduction by incorporating recommendations from BMP Verification Committee for stream restoration into state Verification Plans | Bay Agreement and supporting major documents set objectives for projects: reduce excess N, P, and sediment loads to Bay and improve Chesapeake Bay BIBI. These objectives should be explicitly mentioned and should form basis for benefits metrics selected. As written, adds complicated additional terminology not obviously related to these Bay Agreement project objectives. (USACE)  This wording very confusing in meaning. (USACE)  Suggest alternate wording (MDE)  Add “watershed” to geographic location | * **Response:** Text edits made for simpler possible version better aligned with Bay Agreement and supporting major documents. * **Revised action**: Identify practicable metrics consistent with BMP verification guidance to credit projects for N, P, and sediment load reductions and stream functional improvements for overall improvement in stream health, and incorporate these recommendations into BMP Verification Plans. |
| Management Approach 2 | | |
| 1. Implement pooled monitoring approach throughout Chesapeake Bay watershed | * no change in action * Scott Lowe (as MSRA rep) volunteered to lead coordination efforts for potential expansion of pooled monitoring approach to other jurisdictions * Added other interested jurisdictions | * Added volunteer to lead effort in other jurisdiction: Maryland Stream Restoration Association (Scott Lowe) address expansion of effort Bay-wide. * VA DEQ, DOEE, interested |
| 1. Identify use and best application of current and research-based monitoring efforts to advance implementation of stream restoration practices and projects | * No change in action * SHWG meeting comments to further discuss to distinguish with KA5 | n/a |
| Management Approach 3 | | |
| 1. Health Work Group that brings practitioners, regulators and the regulated community together to resolve issues and find common ground to identify actions to streamline the stream restoration project permit review process | * No change in action   + The District (DOEE) would like to participate on the Committee that brings practitioners and regulators together.   + MD DNR's Chesapeake and Coastal Service would like to participate in the Key Actions 7-10 within Management Approach 3, regarding stream restoration project permitting and monitoring. (A.Armocida) | Identified interested parties |
| 1. Work with federal, state regulatory agencies and local governments to develop recommendations to accept WIPs, MS4 restoration plan or other relevant site analyses as sufficient documentation for alternative site analysis in support of stream restoration permits | While ideally we will accept and recommend all analyses completed by others, it is probably presumptive for federal government to do so without at least some minimal quality control effort (USACE)   * I think problematic for federal government which has responsibility to ensure fair evaluation of non-aquatic alternatives, no net harm, and level playing field across multiple jurisdictions. Need to acknowledge that determination probably can’t be made on faith (USACE) * Email provided by C. Spaur. (See footnote)[[1]](#endnote-1) * Action does not address design alternative analysis * In addition to MD, DOEE and VADEQ interested, Added MACO reps as per 10/6 SHWG meeting minutes * DOEE believes that in many cases WIPs should be sufficient as an alternatives analysis for proposed stream work and is willing to work with regional partners to discuss this further. | **Response:** Discussed comments with USACE and agreed to edits made to revised action. Discussed need to identify quality controls/minimum criteria to satisfy alternatives analysis as part of KA7. Provide solution as to not mis-align Corps and MDE reviews given joint permit review process. Address as part of KA 7   * **Revised:** Work with federal, state regulatory agencies and local governments to develop streamlined process to evaluate WIPs, MS4 restoration plan or other relevant site analyses as sufficient documentation for alternative site analysis in support of stream restoration permits * **Revised PT:** removed design alternative analysis * **Response:** Added VA DEQ, DOEE, MACO reps to interested parties |
| 1. Develop a streamlined permit review process, which does not require changes to existing Federal and state laws and regulations, for stream restoration projects. | * + No change in action   + DOEE is willing to work on the Restoration Permit Committee. While we have little problems with local permits the Nationwide and RGP permit processes are too long often with no substantive objections to the projects that causes delays. | n/a |
| 1. Establish minimum stability monitoring requirements for restoration projects | * Interested parties identified with South River Fed lead coordination role * No change in action | n/a |
| Management Approach 4 | | |
| 1. Establish joint SHWG and USWG work group as per STAC recommendation to develop guidance (e.g., via an expert panel) to align how the restoration/enhancement of stream functions translates to nitrogen, phosphorus, and sediment “credit‟ . Also use work group to address other technical issues identified in STAC Workshop on Sustainable Stream Restoration. | * Better to use explicit terms tied to Bay Agreement and major supporting documents. Otherwise confusing. (USACE) * Establish….expert panel) for restoration projects to balance nitrogen, phosphorus, and sediment load reductions while improving stream functions to benefit instream aquatic life and habitat of adjacent floodplain and wetlands.” (MDE) * Additional comment: It would be desirable for an expert panel to develop recommendations for assigning credit for the existing benefits of a stream and adjacent wetland, thereby reducing likelihood that projects will be overdesigned. (MDE) | * **Response to MDE:** MDE comment provides a recommendation for an expert panel. This recommendation would likely best be addressed or part of the discussion once the joint USWG and SHWG committee/ group is  established and its charge developed (performance target #2). We are in the process of getting input from Norm Goulet (USWG Chair) to gauge their interest to pursue this action. At this time, the comment is noted and will be shared with the SHWG. * Revised: Establish joint SHWG and USWG work group as per STAC recommendation to develop guidance (e.g., via an expert panel) to optimize stream restoration projects to reduce excess nitrogen, phosphorus, and sediment loads delivered downstream, as well as benefit instream aquatic life to improve Chesapeake Bay BIBI. Also use work group to address other technical issues identified in STAC Workshop on Sustainable Stream Restoration. |
| 1. Reconciling Sediment TMDLs with other stressors identified by Stressor Identification Methods to assure sediment TMDLs implemented under MS4 permits address multiple stressors   Performance Targets   1. Convene joint Stream Health and Urban Stormwater Work Group (see also Strategy 4, Action 8) 2. Identify priority training needs 3. Secure funding for training and training provider (tech lead) 4. Develop training workshop(s) content   Identify steps to implement recommended training | * MDE does not intend to revise MS4 permits to address non-pollutant impairments.   + DOEE is willing to assist as necessary with the achievement of this approach.   + VA DEQ, PA DEP, WV, FWS, MD DNR, MDE interested   + Note: Actions | * + **Response to comment:** Agreed that it would be  difficult to modify permits; MDE Water Management said that it would be impossible since the MS4 permits right now are in litigation. Approach is to develop TMDL Implementation Guidance that would highlight the 4c issue; this action would begin the dialog to resolve this issue. Meeting set for Nov 4th to discuss further with interested parties identfied   + **Revised action:** Review and provide recommendations for the water quality impairment listing and TMDL process to determine the best way to address impairments categorized as 4c (pollution) which are typically associated with habitat impairments   + **Revised PT:**  1. Coordinate with  reps from MDE (Water Sc involving TMDL and MS4 Programs. 2. Review Biological Stressor Identification (BSID) Analysis, sediment TMDLs and MS4 permits to determine best way for biological stressors identified by the BSID and classified as 4c can be addressed. 3. Work with other states to address issue |
| 1. Provide stream training to regulators and practitioners | * No change in action |  |
| Management Approach 5 | | |
| 1. No action previously defined | * Mary Gattis (Local Leadership Coordinator) recommend that you raise this with Cross GIT Coordinator and Local Leadership Workgroup, particularly as it relates to specific content that needs to be delivered to local officials and any thoughts you have about transfer mechanisms, e.g. trainings, web-delivery, etc.  Actions to consider: * Develop/identify at least one Best Practice: Case Study for each jurisdiction (urban and non-urban). Scan awards programs, etc. for existing case studies/projects???  E.g. DC just won a BUBBA for a stream restoration project. | * Discussed opportunities for SHWG to provide input to Local Leadership Work Group to advance development of programming on knowledge gaps for local government related to stream health * Two actions drafted as placeholders * **New action:**Provide training and education materials to local officials on stream restoration and health * **New PT:** USC work with PA Local Technical Assistance Program (LTAP) to disseminate Upper Susquehanna Coalition Emergency Stream Intervention initiative * **New PT:** Provide input on stream health to Local Leadership Work Group to assist with development of curriculum for watershed protection and restoration |

1. I respect intent of MDE letter advocating acceptance of county assessments as meeting state wetlands program alternative site-analysis requirements to reduce unnecessary review and expedite implementation of stream restoration\* projects that are proposed to meet Bay TMDL requirements.

   I do think this presents a quandary from federal perspective though. To my knowledge, it's not USACE's job to evaluate whether proposed stream restoration projects are the most cost-effective means to meet Bay TMDL requirements (so, we don't have to scrutinize costs nor magnitude of benefits). However, presumably it is USACE's job to ensure that proposed projects would not have a practicable upland alternative and ensure that net harm to the aquatic environment isn't incidentally done in the process of seeking to meet Bay TMDL requirements. Also, a vital role of the federal government in environmental matters is to ensure an interstate (inter-jurisdictional) level playing field.

   I think we need to double-check the watershed assessments in some manner to ensure that they've fairly evaluated upland alternatives, avoided sites with good health where we might be at risk of more harm than good, and ensure a level playing field. Ideally, we could identify a simple, non-onerous means to do this.

   \*Term "stream restoration" is being used equivalently to how stream health workgroup is using term, and encompasses natural channel design, legacy sediment removal, and regenerative stormwater conveyance projects. Note that the term "stream health" as utilized by the Bay Program requires a broader perspective wherein stream health could be restored by measures anywhere on the landscape, not just in the stream/floodplain. These out-of-stream measures could include any combination of sanitary sewer rehabilitation, stormwater management, mined-lands reclamation, agricultural land management, etc. Unfortunately, minimal consideration has been given to where/when stream restoration work is appropriate/needed with respect to these other opportunities. This is a major deficiency to date, and I don't know how well county assessments have considered this.

   Chris

   ----------------

   It should be noted that in the EA prepared by Baltimore District for the TMDL RGP, they determined that general information included in a WIP alone would not contain sufficient site-specific information to justify why impacts to waters of the United States could not be further avoided or minimized at the specific project site. The WIPs have been developed to achieve needed nutrient and sediment reductions, but the district believes they do not incorporate any regulatory controls based on federal and state wetland and waterway permitting requirements. I think this is the main quandary (and part of the reason practitioners feel they and regulatory agencies are "talking past each other") for issuance of standard permits by USACE for stream restoration projects and a stage-setter for the Stream Health Restoration Permit Committee. [↑](#endnote-ref-1)