Stream Health Workgroup

Meeting Minutes

9/8/15

CBPO, Fish Shack

**Participants:**

Neely Law, CWP (Co-Chair)

Rich Starr, USFWS (Co-Chair)

Kyle Runion, CRC (Staff)

Jim Haggerty, USACE NY

Julie Winters, EPA

Scott Stranko, MD DNR

Chris Spaur, USACE Baltimore

Matt Meyers, Fairfax County

Mike Lovegreen, Upper Susquehanna Coalition

Sarah Woodford, VA DEQ

Sarah Caldes, Severn Riverkeeper

Ann Meyers, Severn Riverkeeper

Bill Stack, CWP

Tish Robertson, VA DEQ

Alana Hartman, WV DEP

Jana Davis, CBT

Denise Clearwater, MDE

Claire Buchanan, ICPRB

Renee Thompson, USGS

Kirk Mantay, South River Federation

PA Representative (TBD)

**Action Items:**

* Action: Law will email out BMP verification document
* Action: Add “& regulators” to “practitioners and the regulated community” to Key Action 4.
* Action: Remove design alternative analysis from Key Action #5, Performance Target #3; leave that Performance Target to site analysis
* Action: Haggerty will suggest language that will increase ACE support.
* Action: Have Eric Michaelson define non-mitigation in Key Action #7.
* Action: Add an action to the workplan regarding CADDIS/BSID stressor prioritization moving baywide
* Action: Co-Chairs will send out follow up for more detailed discussion as members are interested

**Minutes:**

**Meeting Purpose**: Review actions in the biennial workplan with members

In August, we met to identify actions to populate the biennial workplan with. August meeting minutes are approved with no comments.

**Update on Habitat GIT Funding proposals**

A total of 18 proposals were submitted within the Habitat GIT. These were cut and condensed into six proposals, which the HGIT prioritized by a vote to be submitted tomorrow (9/9/15). Included in these six, the Stream Health Workgroup had refined and resubmitted a proposal drafted last February based on prioritizing and consensus building stream restoration permit issues across the Bay watershed. An additional proposal based on pooled monitoring was not voted a priority by the Habitat GIT and will not be submitted. Funding decisions are expected to be made mid-October.

**Biennial Workplan** (see biennial workplan draft for more details, distributed and at http://www.chesapeakebay.net/calendar/event/22941/)

For each key action in the workplan we want to answer:

* Should this remain in the workplan?
* Should we change any language or performance targets?
* Who could be a lead for this action

Management Approach 1: Identify an appropriate suite of metrics to measure the multiple facets of stream health to complement the baywide Chessie BIBI

* Key Action 1: Develop method to track and report Chessie BIBI in stream miles
  + *Spaur*: Performance targets 2 & 3: language such as stream “miles” or “segments” could more accurately describe our target than stream “reach”
  + Stranko and Buchanan volunteered to stay involved with this action.
* Key Action 2: 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
  + Action: Law will email out BMP verification document

Management Approach 2: Provision of adequate funding and technical resources to support functional lift in stream restoration projects, in addition to nutrient and sediment reduction.

* Key Action 3: Secure funding source for pooled monitoring baywide
  + CBT, DNR, EPA currently providing funding eligible for MD organizations
  + Not intended to replace BMP verification
    - *Stranko*: We have a list of unanswered questions regarding the effectiveness of in-stream restoration and are trying to answer through funded research
    - *Mantay*: These answers can go towards improving the permitting as well as BMP verification. Continued support from Region III suggested
    - *Woodfor*d: Shows support from a regulatory standpoint and adds that this pooled monitoring research would help permit coordinators
    - *Buchanan*: Regarding performance target #2: would like to add Mike Mallonee (CBP Water Quality Data Manager) as a working partner in regards setting-up a database clearinghouse

Management Approach 3: Regulatory communities should be working with local and resource agencies in order to most effectively implement projects on the ground

* Key Action 4: Develop a “Stream Restoration Permit Committee” within the SHWG
  + The next three key actions are desired outcomes of this committee
  + Need to quickly develop schedule for this new group to start review and recommendations regarding the permit review process
  + *Clearwater*: Action: add “& regulators” to “practitioners in the regulating community” to Performance Target 4.
  + *Mantay* noted support to participate in this new group
  + Set up group then find/establish a lead person
* Key Action 5: Develop recommendations to accept site identification as sufficient for a feasibility analysis for stream restoration permits
  + Need to resolve whether or not to include design alternative analysis in this performance target (PT #3)
  + *Haggerty*: With differences in standard/general permits, we feel that projects should still comply with the 404B1 guidelines
  + *Starr*: Agrees with Spaur that what you do at a site is based on objectives. Part of the delay in the permitting process is from discussions between applicants and regulators based on the potential lift at the site as a result of stream restoration vs other management alternatives in the watershed.
  + Action: Remove design alternative analysis from Key Action #5, Performance Target #3; keep focus on site alternatives analysis
* Key Action 6: Develop an administrative review process that sets a 90 day turn-around time for permit issuance given specific administrative criteria.
  + 90 day turn-around time already in place for complete applications. Barrier to this is incomplete application, public notice/hearing, among others.
  + *Mantay*:Administrative criteria could be referring to a standard for completeness; often times applications submitted are not complete and therefore not reviewed by MDE
    - Could develop a comprehensive list of what MDE wants to see in a complete permit application
    - MDE is not legally held to the 45 day review period for incomplete applications, though they tend to follow it
      * Unclear about 90 day period; two 45 day responses from agencies?
    - Applicants with incomplete application should put on timeline for completing application (sending in documents) with accountability
  + *Haggerty*: Wording is a concern as it might conflict with our (USACE) requirements. We Have an administrative review process that is in place; want to improve that and develop a standard for a complete application. 60 day for general permits and 120 day for standard permits goal from day of complete application. Action: Haggerty will suggest language that will increase ACE support.
  + *Woodford*: 90 day turnaround is a concern for DEQ. Most of our general permits are within boundary but individual or large, complex permits have a 120 day turnaround which is largely dependent on public notice and a public hearing in the middle of the process. Do agree with idea of shrinking turn-around time for complete applications time (but almost never receive complete application on initial submittal).
  + *Starr*: Could develop two different timelines for general permits (90 day) vs. individual permits with public notice and hearings.
  + Lead can be developed after the committee assembles (See Action #4)
* Key Action 7: Develop a separate permit track for stream restoration (non-mitigation) projects
  + *Clearwater*: MDE now has dedicated staff for restoration projects so no regulation change would be necessary
  + *Haggerty*: Concerned shared about “special treatment” for stream restoration projects; needs substantial rewording or could not support
  + *Woodford*: In terms of non-mitigation vs. mitigation, though purposes are different, activities are similar regardless of outcome.
    - *Clearwater*: Debate as to whether or not mitigation should count as voluntary BMP. Mitigation offset other losses so loads remain at baseline.
    - Action: Have Eric Michaelson define non-mitigation in Key Action #7.
* Key Action 8: Establish minimum stability monitoring requirements for restoration projects
  + Physical stability is the intent in this action. Biological, chemical, and other requirements are intended to be addressed elsewhere.
  + *Mantay*: Stability monitoring is a fairly uniform and inexpensive process to conduct
    - *Starr*: Standard stability monitoring would be the best case scenario. The hope is that stability monitoring requirements can be established in a way that reduces efforts in biological/chemical monitoring
  + *Starr*: Add as performance target: Coordinate this effort with BMP verification methods
  + *Woodford*: DEQ currently has standards for stability monitoring for mitigation projects. Biological and chemical monitoring is required but there are no standards to be met.
  + *Clearwater/Starr*: Minimum monitoring requirements should meet BMP verification if applicant wants to use BMP
  + *Clearwater*: Default rate ends this year. Physical monitoring comes into crediting, allowing for site specific credit

Management Approach 4: Develop and promote holistic stream restoration design guidelines that identifies the level of degradation and improvement of stream functions and key stressors/factors limiting potential uplift

* Key Action 9: Establish joint SHWG and Urban Stormwater WG to align how the restoration/enhancement of stream functions translates to N, P, and sediment “credit.”
  + Identify representatives, establish charge, establish list of deliverables, develop timeline, and get approval from both WGs
  + *Stack*: This work group will try to resolve the list of recommendations made by the Expert Panel
  + *Clearwater*: Would be interesting to find a way to credit an existing streams without restoration within the model
  + Spaur: USACE and MDE did a study regarding sediment behind dams. TN is high in the sediment but it has low bioavailability, which shows that TN not good metric in model.
    - *Stack*: This was a strong rec of the Expert Panel report. Joint workforce could address this.
* Key Action 10: Reconciling sediment TMDLs with other stressors to assure sediment TMDLs implemented under MS4 permits address multiple stressors
  + *Spaur*: Would like to bring stressor prioritization/ID to as much of Bay as we can (key action only for MD)
    - *Buchanan*: CADDIS would cover the Bay but would need specific tailoring.
      * Action: Add an action to the workplan regarding **Causal Analysis/Diagnosis Decision Information System** (CADDIS)/BSID stressor prioritization moving baywide
      * *Stranko*: Would be very similar to Biological Stressor Identification (BSID)
* Key Action 11: Provide stream training to regulators and practitioners
  + *Mantay*: Useful but could be included under other actions of convening groups
    - *Starr*: Could be appropriate there but also do not want to limit training to the focus of the group
  + *Law*: An alternative action or performance target could be for the SHWG to annually identify potential trainings needs, similar to Urban Stormwater WG that identifies priority BMPs for panel review
  + Starr to follow-up with DNR for Fall/Winter RSC training in 2015

Action: Co-Chairs will send out follow up for more detailed discussion as members are interested

Reminder that all the members of the SHWG are invited to the **Habitat GIT Fall 2015 Meeting** on October 13-14, 10am – 4pm at the USFWS large conference room in Annapolis, MD.

We will be checking in for actions and prompting for emails to check in with organizations to see if they are happy with action plans

**Next Meeting**: October 6, 1-3pm, Fish Shack