**Stream Health Workgroup**

Meeting Minutes

10/6/15

CBPO, Fish Shack

**Participants:**

Neely Law, CWP (Co-Chair)

Rich Starr, USFWS (Co-Chair)

Kyle Runion, CRC (Staff)

Jim Haggerty, USACE NY

Denise Clearwater, MDE

Bill Seiger, MDE

Fred Kelly, SRK

Kirk Mantay, SRF

Allen Gellis, USGS

Bill Stack, CWP

Chris Spaur, USACE

Derrick McDonald, PA DEP

Heidi Bonnaffon, MWCoG

Josh Burch, DC DOEE

Mark Southerland. AKRF

Rob Shreeve, MD SHA

Jana Davis, CBT

Sadie Dresher, CBT

Matt Meyers, Fairfax County

Bill Seiger, MDE

Alison Armocida, MD DNR

Alana Hartman, WV DEP

Tim Prudente, The Capital Gazette

\*KA = Key Action

**Action Items:**

Decision: PA, DC, WV, and VA will provide support as responsible parties for KA 3. Proposed updates to be provided annually. Follow-up with Claire Buchanan needed to determine timeframe of interest

Action: Drescher will share list of top 8 questions and results of Advisory Group meeting (10/8/15) with the SHWG (email to [runion.kyle@epa.gov](mailto:runion.kyle@epa.gov), [nll@cwp.org](mailto:nll@cwp.org), & [rich\_starr@fws.gov](mailto:rich_starr@fws.gov))

Action: Mantay expressed an interest to lead KA 10. Starr, Seiger, Kelly interested in being involved. Action: Law/Starr work with Seiger/Clearwater to have continued discussion with MDE to clarify specific actions to be taken outlined in the letter

Action: Bill Stack to follow-up with USWG (Norm Goulet/Tom Schueler) on KA11 and KA12

Action: Spaur is an interested party on KA11, 12

Action – Email the workgroup and interested parties, asking for responsible parties, both leaders and supporters.

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

**Minutes:**

September meeting minutes are approved

**Biennial Workplan**

Management Approach 1

* Claire Buchanan added actions (Key Actions [KA] 1 & 3) to reflect the status of refinement and update of the Chessie BIBI;

Decision: PA, DC, WV, and VA will provide support as responsible parties for KA 3. Updates to be provided annually. Follow-up with Claire Buchanan needed to determine timeframe of interest

* SHWG will continue to work with the HGIT to review future drafts of state BMP verification plans
  + *McDonald*: I am currently working on the wetland and riparian verification. The verification plans do align well with representing the type of benefit we want to demonstrate with the projects we are putting on the ground.
  + *Stack*: BMP verification committee develops guidelines for BMPs including stream restoration. 11 different steps for stream restoration. The hope is that each state would take a look at guidelines and adopt individual state guidelines. Currently, the plans are very general and a lot of work can be done to tie them more into the Bay Program recommended guidance, which would include post-construction monitoring and metrics related to functional lift. My advice is to look at the verification guidance then individual verification plans that were submitted to CBP in August.
  + *Starr*: CBP wants to allow each state to determine their guidelines for monitoring but want some consistency between states for comparisons within the watershed.

Management Approach 2

* The previously single key action under Management Action (MA)2 was expanded and clarified into two key actions with the responsible parties being the Ad-hoc Pooled Monitoring Committee facilitated by CBT and additional organizations/individuals TBD.
  + *Kelly*: Is the focus on monitoring a small number of major projects or all projects? The cost of this monitoring may be prohibitive to small projects where the money could be used more effectively elsewhere. How many years will monitoring be required?
    - *Starr*: We want to establish expectations for certain projects in certain landscapes. This requires monitoring on some projects, not all. Want to expand knowledge but also help with required monitoring. As for a timeframe, we expect stability of the stream in 3-5 years after restoration. Monitoring mirrors this timeframe.
    - *Mantay*: For most stream restoration projects, stability monitoring is required in the first year and a follow up several years later. Amphibians typically return within two years. Fish can take years to return. Monitoring requirements are broken down into individual questions for each attribute of a project.
    - *Kelly*: My hope is to use the monitoring data from Muddy Creek (with up to 40 year’s pre-project water quality data) as a Regenerative Stormwater Conveyance project to determine baselines.
      * *Starr*: Numerous years of data (for multiple projects) after the project is installed is also important to observe how the site changes.
        + *Mantay*: Hope to be able to use system, land-use, etc. as attributes to estimate project effectiveness.
      * *Davis*: Replication is important to be able to understand the bigger picture.
  + *Spaur*: We have a lot more data out there than we are acknowledging regarding stressors affecting stream health (outside of stream channel itself), and he expects that data will be the basis of what this pooled monitoring is going to find.
    - *Davis*: Pooled monitoring allows us to use older data, but we want to start by creating the questions we should answer then, if data exists, use to answer.
  + *Davis*: The same person who poses the question will collect and analyze the data; telling the full story.
  + *Starr*: Currently, the lone responsible party is Maryland; the hope would be to expand this into other states over the next two years.
    - *Davis*: The results that come from this project will be applicable throughout the watershed.
  + Action: Drescher will share list of top 8 questions and results of Advisory Group meeting (10/8/15) with the SHWG (email to [runion.kyle@epa.gov](mailto:runion.kyle@epa.gov), [nll@cwp.org](mailto:nll@cwp.org), & [rich\_starr@fws.gov](mailto:rich_starr@fws.gov))
* Neely introduced KA6, anew action item created as an offshoot of previous pooled monitoring action. Answers how do we best use the data already being collected. Performance target is to hold a monitoring charrette to identify use and application of current regulatory and research-based monitoring efforts
  + *Davis*: Frame the charrette as a way to mine data for specific questions previously posed rather than deciding outcomes based on available data.
    - *Stack*: Is there value in looking at combined data sets?
      * *Davis*: There is power in aggregating, but we would rather pose question to use data than look at data.
    - *Spaur*: We should be striving to only collect data that we think we can use so that the saved money can be spent towards something more useful.
      * *Law*: Moving away from mantra that more data is better data
  + *Mantay*: Will CBT be taking a leadership role on this key action?
    - *Davis*: We (CBT) could support, but would not want to be the responsible party. Will discuss with Starr on Thursday (10/8) Advisory Group meeting.

Management Approach 3

* KA7 is a recommendation to form a group to continue summarization of permitting work completed so far and provide recommendations on priority actions to streamline the permitting process.
  + KA 8, 9, & 10 are specific actions this group could take.
* KA8 – Removed design alternative analysis, now focuses on only site alternative analysis; removed feasibility analysis to avoid confusion with permitting process.
  + Maryland Association of Counties (MACO) drafted letter to MDE Secretary Ben Grumbles
    - “The Department (MDE) agreed in the August 7 meeting to remove the typical wetlands program requirement that an “alternative site analysis” be prepared for these TMDL-driven restoration projects, based on an assumption that the counties have performed comprehensive assessments of the problems within their jurisdictions which essentially mirrors the substance of such an analysis. This comprehensive assessment should accompany an application for wetlands and waterways authorization.”
      * *Starr*: Seems an agreement has been made for Maryland; has site alternative analysis been an issue for other states?
        + *Law*: Yes from VA DEQ

*Meyers*: Fairfax County has not had an issue with this.

*Starr*: Keep this action for MD & VA, look into other states to see if this is necessary.

* + - * + *Burch*: DC is open to such an agreement.
        + *Seiger*: County WIPs should count for something, but every county’s WIP is not equal. What type of documentation do these counties need to have to show their project is necessary?

*Kelly*: As a practitioner in Anne Arundel County, MD, my hope is that the agencies that look over permits know the adequacy of each counties WIP

*Seiger*: MDE approved each county’s WIP, but not for this purpose; some counties may have acceptable WIPs but not all do in order to skip alternative analysis.

* + - * *Starr*: Should have representatives from MACO as responsible parties on all of MA3
* KA9 – Former action to set a 90 day turn-around time for permit under specific criteria incorporated into KA9.
  + MACO letter: “The Department embraces the concept of a separate streamlined track for the MS4 TMDL implementation project applications. Our goal is to shorten the review process to 90 days for most projects; exceptions would include projects requiring public notice and projects which cause increased flooding on adjacent property. This will require applicants to pay close attention to the application requirements, including a brief summary of the anticipated benefits of the project in terms of “no net loss” of wetlands and associated functions, and the overall “functional uplift” resulting from the project.
    - *Starr*: The word “track” removed based on comments from US ACE
    - *Seiger*: We at MDE are taking steps to make this process quicker, but overall the permits that are being problems (over 90 days) now will continue to be problems and the ones that we can turn around in 90 days will continue to be done like so. Development of proposed checklists may help overcome issues with permits now taking longer than 90-days
    - Action: Law/Starr work with Seiger/Clearwater to have continued discussion with MDE to clarify specific actions to be taken outlined in the letter
    - *Law*: VA DEQ hosts training of staff to provide them with updated technical information. Other than altering the permit review process, there are non-regulatory ways to streamline.
      * *Seiger*: Having all required materials come in with the initial permit application helps too.
* KA10 – Action: Mantay expressed an interest to lead this key action. Starr, Seiger, Kelly interested in being involved.

Management Approach 4

* KA11 – Action arose from STAC workshop that identified need to define stream metrics related to stream function
* Action: Bill Stack to follow-up with USWG (Norm Goulet/Tom Schueler) on KA11
* KA12 - including sediment as a TMDL under MS4 permits
  + Action: Spaur is an interested party on KA11, 12

Action – Email the workgroup and interested parties, asking for responsible parties, both leaders and supporters.

* KA13 – provide stream training to regulators and practitioners; Starr interested party. DC, MD DNR, VA DEQ interested; public notice of trainings, member updates should include training opportunities

**Habitat GIT Meeting** – Wednesday, October 14th, 9am -4:30pm, FWS, CBFO, Annapolis, MD. Email [runion.kyle@epa.gov](mailto:runion.kyle@epa.gov) with any questions.

**Next SHWG Meeting**

November meeting – rescheduled Nov 4/6; email requesting comments on this version of biennial workplan, comments by 10/20. Additional comments from HGIT meeting 11/14. Biennial workplan submitted to MB 11/2, public comment January 2016.