

TRC Conference Call Meeting Notes

May 23, 2016

Attending

Area I:

Area II: Claire Hilsen

Area III: Keith Burgess, Brandon Dillistin, Kyle Haynes, Sharon Conner

Area IV:

Area V: Kelly Snoddy

Area VI: Cole Charnock, John Allen, John Bilzor

DCR: Blair Gordon, Angie Ball, Amy Walker, Barbara McGarry, Scott Ambler, Roland Owens

Others:

2016 grants revised workload

This topic was discussed at the April TRC Conference call; however, revisions to the workload were made immediately after the conference call. A revised workload was e-mailed via CDCs on April 27. A list of the Districts now in the CB contract workload was read to the group. The OCB workload is still not yet finalized. Regarding the 2016 grants, the CB portion of the contract requires that plans be submitted before June 30. The workload for the CB portion is shifting, so DCR can't say with certainty which Districts will receive plans for review. Outside Chesapeake Bay (OCB) plans must be approved by December 31.

RMP -1 and RMP-2 newsletter article

As stated previously, a set-aside has been included in the proposed cost-share budget. Last year, there was a set-aside for the RMP-2 only in the CB watershed. This year, an additional \$150,000 is proposed to be added to the set-aside balance, to make the total just over \$209,000. This set aside will apply to both RMP-1 and RMP-2 practices, in both the CB and OCB watersheds. Districts may still use any of their allocation to fund these practices. The approval procedure for statewide set-aside funds will change, due to a tracking program enhancement for tracking the balance of such funds. This will be discussed further at upcoming June/July VACS training.

This funding language will be e-mailed to TRC e-mail distribution groups so that the information can be included in any upcoming District newsletters, etc.

Program Update Newsletter

Like last year, an RMP program update newsletter will be developed to provide SWCDs with relevant RMP updates. Most of the information will have already been provided in TRC conference calls; however some information may be new. This information will be covered in VACS update sessions.

Stream Perenniality Determinations

DCR has previously stated SWCDs could request RMP revisions if the validity of a Plan Developers stream perenniality determination was disagreed with during RMP verification (e.g. inspection) during implementation for certification (or even later). However, DCR has now determined, through consultation with our counsel, that **perennial stream determinations should occur only during the RMP review process**. Our counsel has determined the RMP, once approved, would not need revision if an SWCD contested the perenniality determination later in the process (i.e. after RMP approval).

RMP developers are required to either make a determination or to confirm classification indicated on the topo. It is the District's role to review the plan, including the stream determination to the extent that they feel necessary, which may involve an on-site TRC visit. The TRC plan review checklist is being revised to state that the stream determination methodology should be described in the "description of water features" section of the RMP. The checklist also states that a map showing any water features where the developer disagrees with the designation on the topo map is required. The plan review checklist will include the question "Does the TRC agree with the stream designation?" The TRC can request that the plan developer provide evidence to support the plan developer's determination.

Regarding allowable methods, the regulations do not allow DCR to dictate a required method. DCR recommends that methodologies in the CB watershed follow approved Bay Act protocols. Several methods developed for use in Chesapeake Bay Preservation Area localities are summarized in (DCR-CBLAB-019)(6/10) titled "Determinations of Water Bodies with Perennial Flow." This guidance document may be revised by DEQ in the near future. RMP Plan developers and TRCs will be informed of any relevant changes to methodology. Discussions are ongoing about methodologies to be used in non-CBPA localities.

If using maps to determine or confirm stream perenniality, the NHD layer should not be used; the topo layer should be used. The NHD layer uses a solid blue line as symbology for all water features, regardless of perenniality. The topo layer in the module was recently updated and includes the latest version of digital topographic maps, which differs greatly from older paper copies of the USGS maps.

June TRC Conference Call

The TRC conference call date in June conflicts with a scheduled VACS training. The May meeting will be held as scheduled. The June meeting is cancelled, but will resume in July.

TRC initial module user training

A tentative date of June 21 has been set for TRC module user training for new users. There will be 10 available spaces, and some may attend for a refresher, but priority will be given to new users, particularly those with plans to review. Confirmed date, location, and time are yet to be determined. Please let Barbara McGarry know if you have a need or interest to attend.

Questions/Comments

What happens for plans already approved, for which the TRC may disagree with the plan developer's stream determination?

DCR suggests that the plan developer may be willing to work with the District and make a revision if the District requests. There is no obligation for the plan developer to do so, but this is a possibility.

What happens if an RMP stream determination differs from a CBPA perennality determination? RMP staff are working in conjunction with DEQ to pursue a simplified methodology. This coordinated effort should reduce the chances of such a situation.

Is there a possibility of a database for stream determinations?

The NHD layer can be updated. There were efforts in the past by DCR and DEQ to do so, but the effort was discontinued due to budget cuts. We can look at renewing those efforts. The USGS updates maps every 3 years. If corrections are suggested, those corrections likely wouldn't appear until the next 3-year update.

How will the TRC know the methodology used by the RMP developer?

A revised TRC plan review checklist states that the stream determination methodology should be described in the "description of water features" section of the RMP. RMP regulations allow the TRC to ask for evidence of a stream determination. The TRC could ask whether a classification has been done for any other purpose and the result of the determination.

A contractor has been using only the topo map for stream determination.

Per the regulations, this is allowable. However, it is the responsibility of the TRC to ask for evidence of why it was categorized either intermittent or perennial.

What is the difference in CBPA and RMP perennality? Why not use existing protocol?

DEQ had expressed interest in a new protocol when discussions began about compatibility of protocols for both programs.

Have RMP developers been trained?

There have been no stream determination protocol trainings offered specifically for RMP developers. RMP regulations do not allow DCR to require the RMP developers be trained in perennial stream determination. When stream protocol training is provided to District staff serving on a TRC, RMP developers will likely have the option to participate.