



Maryland
Department of
the Environment

Cold Water Advisory Committee Meeting Number 3

August 8, 2018

Document last updated August 13, 2018



Review Action Item Progress

- Coldwater Advisory Group Website
- Updates to data summary document
- MDE's discussion with MDA and USDA NRCS staff about the connection between the agricultural community and stream classes
- DNR's discussion with the MDNR Forest Service about the nexus with stream classes



Action Item Progress continued....

- MDE's consultation on the need to follow APA public review process for existing use determinations
 - Additional research needed but safest approach is to incorporate public notice and comment period as part of process
- Draft Existing Use Identification Procedures



Document Overview

Draft Existing Use Identification Procedures

- This document outlines the steps that the Department will follow to recognize an existing use
- This is important because:
 - Streams may require additional protections (different than those for codified use) during the time lag between Triennial Reviews.
 - Existing Use determinations may have permitting ramifications



Purpose

1. Enumerate steps
2. Delegate Responsibilities
3. Establish timelines and goals
4. Encourage public participation
5. Protect the resource



Draft Procedure

1. Coordinate monitoring activities
2. Existing Use documentation
 - a) Tier I data submitted to MDE's Water Quality Standards (WQS)
 - b) Characterize trout stocking activity in area
 - c) WQS will create a data summary and recommendations document and accompanying materials



Draft Procedure

3. Early Notification (including but not limited to)
 - a) Entities to be notified:
 - permitting programs at MDE
 - Other state staff (e.g. State Highway Administration)
 - Local government staff
 - Regulated entities
 - Landowners
 - Environmental organizations
 - Any other potentially interested parties
 - b) Solicit participation on the ad hoc advisory committee for that particular existing use evaluation with the goal of convening this committee roughly 35 days after the Department's existing use confirmation



Draft Procedure

4. Summary Rationale and Final Notification

- a) Produce document describing reasoning and justification behind the final scale determination and water quality thresholds. This will include:
 - Text and cartographic depictions of the sampling locations and available data
 - The stream segments (and associated catchments) that support an existing use that is different than the codified designated use
 - The water quality thresholds that will be used to protect the existing use in the interim until either more data can be collected or until the stream can be re-designated as another use class
- b) Document will be available on MDE website
- c) Notice on Maryland Register
- d) Emailed to interested parties
- e) Online maps updated



Draft Procedure

5. Address data gaps

- a) Data gaps will be identified during the Existing Use determination process
- b) MDE and DNR will cooperate to address data needs
- c) Department will reopen existing use evaluation if any scale determinations need refinement



Summary of Draft Timeline

Milestone	Day
Data Received by MDE's Water Quality Standards Section	1
Review of Data for Quality and Demonstration of an Existing Use	15 (10 business days after receipt of data)
Early Notification of Interested Parties	20
Convene Advisory Meeting	50
Complete Existing Use Determination and Rationale Document	64 (10 business days after meeting)

- Need for public review will likely extend this timeline