



**Water Classification Workgroup – Meeting Notes**

For October 10, 2012, 9am – 12pm

John Hoke: TALU UAA Protocol –

- What do stakeholders want to see?
- What UAA factors should be considered?

Steve Meyer: Springfield has a lot of 1:100K man-made channels – how do we get these off?  
Would like to hold off on rule until we can figure out how to remove these from classification.

Lorin Crandall: Aren't those man-made channels a modified habitat?

John Hoke: We can't hold the rule, but these would fit into the modified category.

Chris Zell: Would each of the modified channels need a UAA, or can they be put in a category from the outset?

John Hoke: A UAA is needed to move channels to the modified category. We want to develop UAA protocol in the same rulemaking as the classified waters rule is adopted. The goal with this meeting today is to figure out the UAA protocol.

Chris Zell: Will the same level of rigor of data be needed to modify use of concrete channels?

John Hoke: Probably not, but this is what we need to figure out today.

Steve Meyer: Concrete channels are designed for stormwater removal.

Lorin Crandall: The question is: Do we want to change it back, or leave it as it is?

Steve Meyer: We want a UAA process that won't require the city to spend a lot of money on waters that will never attain uses; would rather spend that money on water bodies that can be fixed.

Lorin Crandall: Need to have ability to rebut/comment on UAAs.

*General discussion about UAAs going through the formal rulemaking process, including public comment.*

Chris Zell: Will UAA procedure just apply to newly classified waters, or all waters?

John Hoke: All.



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Chris Zell: Other states have different protocols for different sized streams.

Robert Brundage: For concrete channels, can't we just know that there is no aquatic life, and not give it a use?

John Hoke: No, because of rebuttable presumption in Clean Water Act – need some level of effort in the UAA process.

Bob Angelo: EPA does not expect the same level of effort for heavily modified streams.

Lorin Crandall: Can a use be downgraded to support a future action?

Bob Angelo: Need to consider existing uses since Nov. 28, 1975 – the need to be maintained, designation consistent with that use.

John Hoke & Steve Meyer: Need to have graded level of effort to remove or modify uses depending on stream condition.

John Hoke: For UAA protocol, get data that you need – habitat and aquatic life assessments, a rigorous scientific assessment.

Steve Meyer: Many of these drainages were never a stream, with no data to back up that it is on the 1:100K.

Karen Bataille: MDC agrees with Springfield's concerns.

Jan Millington: How many protocols would there be?

John Hoke: One for aquatic life use – addressing different factors.

Bob Angelo: Federal law just requires a structured, scientific assessment – coming up with a protocol up front will pay huge dividends later on.

Peter Goode: Where we hesitate is where there may be streams with higher use segments, but these segments may be combined with segments that have lower uses (such as a concrete channel) and then the whole stream gets assigned it to the lower, modified use – we want to be careful not to do this.

Karen Bataille: We need to focus on the correct criteria for particular water bodies.

Chris Zell: We need to hone in on what criteria are appropriate for a particular stream.

Lorin Crandall: I'm concerned about applying a lower use to a water body, when in fact the habitat or watershed may be degraded.

Bob Angelo: Need development of Missouri-specific habitat index.



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Matt Combes: A habitat index will only consider in-stream measurements.

Lorin Crandall: I'm concerned that land use/landscape conditions would not be considered.

Bob Angelo: Reminder that courts have decided that Missouri is not satisfying the Clean Water Act with their current use designation framework.

Ed Galbraith: What do we do about bootheel ditches?

*(Someone noted that these are unique streams, but have biota – we need to have options to address these, but can't write them off.)*

John Hoke: Modified aquatic habitat has a gradient – we can put bootheel ditches in category/UAA 4.

Matt Combes: The bootheel has the richest fish communities in the state. There are two types of modification – habitat and flow.

Bob Angelo: Adopt a protocol that is flexible enough to address all 6 factors.

Chris Zell: Agrees. We should probably include low flow conditions.

Bob Angelo: Not every UAA factor needs to be addressed for every UAA.

- What might go into a lower level UAA include photos and a cursory aquatic life assessment.
- May want to look at Kansas' UAA protocol.
- Does not need to be rocket science, but EPA will consider whether it provides a compelling argument.

John Hoke: What I'm hearing is that we focus on UAA factor 4 now, then go back and revisit other factors later.

Chris Zell: I'm concerned that we're not talking about the robust protocol EPA suggested.

Jan Millington: Wants a UAA for factor 4 with:

1. Pictures (how frequent?)
2. Field visit
3. Measure/locate beginning and end of segment

John Hoke: What about addressing whether or not a pollutant or condition can be remedied?

Bob Angelo: This gets to the heart of the use – need to designate the highest attainable use – these uses can then be revisited.



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Karen Bataille: Would like to see established, scientific habitat assessment, the rigor of which may be variable as you move up and down stream, or depending on the stream condition.

Bob Angelo: There is difference between full-blown biological assessment and potential aquatic life based on habitat assessment. You don't necessarily need a biological assessment if habitat is not supporting

Carrie Lamb: If a stream is restored, but still may not support aquatic life due to factor 2 (lack of flow), would we need to do a UAA based on factor 2?

John Hoke: Yes. You do not need a UAA to move to a higher use, but would if you propose to lower use.

Steve Meyer: Is it helpful for stakeholders to provide written language suggestions?

John Hoke: How do we get language to support factors 2 and 3?

Bob Angelo: Don't want to casually throw around water quality as a factor for removing or modifying use – these are there, but rare.

Jan Millington: Kansas' protocol refers to "qualified person" – don't want to see this in a protocol.

John Hoke: The Department addresses this in recreational use UAA by referring to UAA training the Department conducts.

Bob Angelo: Improving qualification requirements...

Lorin Crandall: Would having voluntary water quality monitoring training be something we would use?

John Hoke: This could be leveraged.

John Hoke: Chris, what other UAA factors would you want to see addressed?

Chris Zell: Factors 2 and 5.

*Matt Combes presentation "Possible Procedure to Set DO Criteria for Newly Classified Streams".*

Bob Angelo: Development of DO criteria takes into consideration interstitial oxygen and early life stages, but study that Matt's analysis is based on does not consider this.

John Hoke: True, but our GIS data can get at early life stages.



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Bob Angelo: There is an endangered species component to water quality standards review that goes beyond EPA. A FWS review is also conducted.

Mat Combes: In headwater streams, fish communities are relatively stable temporally.

Lorin Crandall: Are we looking to include new DO criteria with this rule, or down the road?

John Hoke: Looking down the road to future triennial reviews.