



Missouri  
Department of  
Natural Resources

## **WATER QUALITY COORDINATING COMMITTEE**

DNR Conference Center  
Roaring River Conference Room  
1730 E. Elm Street  
Jefferson City, Missouri

September 17, 2013

10:00 a.m.

### **MEETING AGENDA**

Clean Water Act Section 401 Certification Program – Stacia Bax, Water Protection Program, DNR

Missouri Wetland Program Plan – John Horton, Water Resources Center, DNR

Other

Agency Activities

Meetings & Conferences



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MINUTES

**Attendees:**

Greg Anderson	DNR, Water Protection Program	Stacia Bax	DNR, Water Protection Program
John Horton	DNR, Water Resources Center	Bob Broz	University of Missouri Extension
John Johnson	DNR, Water Protection Program	Alan Freeman	DNR, Soil & Water Conservation Pgm
Anna Nowack	DNR, Water Protection Program	Robert Brundage	Newman Comley & Ruth
Becky Cripe	DNR, Water Protection Program	Darlene Schaben	DNR, Water Protection Program
Valerie Hentges	DNR, Water Protection Program		

Introductions were made.

**Clean Water Act Section 401 Certification Program** – Stacia Bax, Water Protection Program, DNR

PowerPoint Presentation; Handouts: PowerPoint Presentation; “Explanation of 404-401 Process” and Helpful Links

Stacia works in the Water Protection Program’s Operating Permits Section and is the technical lead of the 401 staff. Stacia explained that Section 401 authority is given directly to the state through the Clean Water Act. State statutes and the code of state regulations also dictate part of the process. A 401 water quality certification is the state’s certification that any federal action will protect water quality standards. Section 404 is the most common permit certified. Federal permits (Section 404) or licenses are not valid without the state’s certification or waiver. In Missouri, there are five U.S. Army Corps of Engineer (COE) districts (Rock Island, St. Louis, Memphis, Little Rock, and Kansas City).

Stacia explained the section 401 process. Applications are sent to the federal agency. The lead federal agency reviews the request and makes jurisdictional determinations and the type of permit or license needed. She explained the different types of permits: nationwide, regional general, and individual. If an individual certification is needed, the federal agency or applicant requests a state review. An individual permit is for larger projects, having significant impacts, and do not meet the limits within the nationwide permit. Some common permit requests are pre-certified through a nationwide permit. Stacia said that permit requests are reviewed in chronological order. Certifications must be addressed within 60 days with either certified, certified with conditions, or denied with or without prejudice. Without prejudice means the reviewer requires more information to make a decision. Time extensions past 60 days must be agreed upon by all parties. If the certification is not addressed within 60 days or by end of the extension, there is an automatic waiver. The federal Clean Water Act allows up to one year. An email with the electronic certification documents is sent to the respective COE and DNR regional office. Once the \$75 fee is received, the section 401 water quality certification is valid. More information can be found online at:  
<http://www.dnr.mo.gov/env/wpp/401/index.html>.

Nationwide permit renewals are every 5 years. The latest renewal was March 19, 2012. Stacia said they will start working on the next round of renewals within one year prior to expiration. Missouri’s General and Specific Conditions were accepted by all COE districts. In order to reduce the need for individual



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certifications, they are now limited to only waters impaired by inorganic sediment, aquatic habitat alteration or unknown impairments. Nationwide permits 29 (residential development) and 39 (commercial development) are also now pre-certified. These were the most requested permits. The program's enforcement staff will work on select cases for inspection and enforcement but the COE and EPA handles most enforcement cases. The department's regional office staff and other agency resource staff often report any findings while they are in the field.

When a stream is impacted and a water quality benefit is lost, stream mitigation is required to compensate for that loss. There is currently a method to determine a mitigation for streams, Missouri Stream Mitigation Method. This method was developed because Missouri has a huge diversity of streams. Stacia explained how the method was developed. The original method was finalized in spring 2007 and tested from 2007-2010. The 2013 revised stream method, effective May 2013, includes a section on 401 certifications, stream impacts, mitigation credits, definitions and appendices. The major change was a reduction in credits given for riparian buffer work. More focus was needed on in-stream work (i.e., weirs, j-hooks, bendway weirs, toe protection). There is currently a 50-foot riparian buffer requirement. Stacia went over an example worksheet to determine impacts and credits.

They are also working on a Missouri Wetland Mitigation Method, which is in draft form right now, but is similar to the stream method in how it finds certain parameters and gives factors of what those parameters are valued at. Meetings began a couple months ago.

Contact Stacia at [stacia.bax@dnr.mo.gov](mailto:stacia.bax@dnr.mo.gov) or (573) 526-4586 if you have any questions.

**Missouri Wetland Program Plan** – John Horton, Water Resources Center, DNR  
PowerPoint Presentation

John is a Hydrologist with the department's Water Resources Center. John said wetlands mean different things to different people. Basically, wetlands are distinguished by the presence of water-hydrology, unique soils that differ from adjacent uplands, and support vegetation adapted to wet conditions. Missouri wetlands are diverse, and have dynamic/temporal changes, different functions, and physiographic/geomorphic settings. John showed winter and summer comparison pictures of a marsh, an oxbow marsh, emergent marsh, palustrine forest, wet prairie, slough, lacustrine fringe, and the Ozark fen – groundwater/spring fed. Wetlands are not always the same.

EPA requires states to have a Wetland Program Plan in order to receive federal funding. A Wetland Program Plan is a voluntary plan developed and implemented by state agencies which articulate what these entities want to accomplish with their wetland programs over time. The plan describes overall program goals along with broad-based actions and more specific activities that will help achieve the goals. Timelines vary between 3-6 years based on state needs. Missouri's draft plan has a 6-year timeframe, 2013-2018. It is based on EPA's Core Element Framework format. It is not a comprehensive document. The first draft has been submitted to EPA so John is waiting on their comments prior to sending for department approval. Contributors include MDNR, MDC, MoDOT, USDA-NRCS, USGS, FWS, University of Central Missouri, UMC, Ducks Unlimited, and Mid-America Regional Council. The Core Elements Framework outlines, describes and provides a comprehensive menu of program-building activities for each core element. The core elements are monitoring and assessment, regulation, voluntary restoration and protection, and water quality standards for wetlands. John explained each of these elements and showed examples of the goals and actions included in the plan. John felt the Water Quality Standards for Wetlands was the most difficult element. Bill Whipps, Water Protection Program, has applied for a grant to work on developing these standards.



In answer to a question, John said the ultimate goal of the plan is to manage and focus everyone's efforts in the state in wetland protection. It will also help when applying for federal funding. John said they are trying to develop a Wetland Rapid Assessment methodology and develop a grading system. Grand River has the most wetlands in the state. John encouraged everyone to get out and enjoy a wetland.

### **Agency Activities/Meetings & Conferences**

Greg Anderson mentioned the department has received grant applications in response to the section 319 and 604(b) Requests for Proposals (RFP). Staff are currently reviewing and making recommendations for funding. Through this RFP, applicants were allowed to submit a Letter of Intent if they are not ready to start a project. They will then be contacted to submit a full application at a later date. Section 604(b) funding has a focus on feasibility studies.

Greg has also been working to revise the Nonpoint Source Management Plan (NPSMP). He mentioned it is time again to start work on the 319 Annual Report in order to submit to EPA prior to the end of 2013. Greg sent an email request to various staff and agencies requesting information for this report. This is a report to show progress of the NPSMP, which includes measures, load reduction, achievements of projects, education efforts, and outreach. In answer to a question, Greg explained the 319 "project" and "program" funding, and the flexibility of placing 319 funding into the Performance Partnership Grant (PPG). EPA is becoming stricter, therefore, there is the need for more accountability.

John Horton said he was looking forward to working with the Water Protection Program on the Wetland Water Quality Standards grant.

Bob Broz mentioned the following meetings/conferences:

- 9/19 Spring River Conference Call with KSU at 9:30
- 9/24 Healthy Food Symposium at Memorial Union, 3:00 p.m.
- 9/30 Lower Grand Committee meeting to evaluate the summit
- 10/8-9 Soil Health Education Program at UMC's Bradford Farms (contact Bob for info)
- 10/24 Nutrient Reduction Strategy Committee meeting

Bob felt the Big River Watershed Tour and Lower Grand Summit were a success.

Stacia Bax said the Project Development Team will meet in October to discuss the Wetland Mitigation Method. Contact Stacia if questions.

Becky Cripe said there were 50-60 attendees at the Big River Watershed Tour. It was a good tour and there were a lot of questions and input. Oct. 9 is the Big River Watershed Summit in Farmington. The post-tour meeting for the Big River Watershed Tour is Sept. 23. She will travel to Chattanooga, Tennessee, to attend a Water Education Summit, Sept. 24-26.

Anna Nowack is mostly working on developing data for the water quality standards rule. She should be done by Jan. 2014. A proposed dataset on an Interactive Map Viewer has been posted online. They are hoping to eliminate the tables in the rules and replace with a GIS platform but still have a table available if someone doesn't have GIS experience. The GIS platform will have more up-to-date information.

Alan Freeman said the Commission approved two supplemental cost-share allocations for the soil & water conservation districts with the first one going out after Oct. 15; the next will be after Dec. 15. Districts are working on their needs assessment processes, which are due to their coordinators by Nov. 1. Some Soil & Water staff are attending the National Association of State Conservation Agencies (NASCA) meeting in



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Arkansas in Oct. The MASWCD state soil & water training conference will be held Dec. 16-18 at Tan-Tar-A Resort, Osage Beach, Missouri.

Alan said there were 5800 drought program contracts throughout last summer, costing approx. \$21 million, which is the largest cost-share year ever. They are currently doing audit checks.

John Johnson has been working on the Big River and Spring River Watershed summits and tours. He mentioned the Spring River Watershed Management Plan is being developed by Kansas State University. The city of Northwoods received a 401 certification for in-stream and out-of-stream stabilization practices. Phase I works needs to be completed by the end of September. Phase II will continue into next year. John will be travelling to Northwoods to see what has been done and take some pictures.

Anna added that they are checking the Big and Spring rivers NHD (National Hydrography Dataset) for errors to have them ready for the Our Missouri Waters Initiative. The edits should be completed within three months. Information is based from permits, other DNR staff, and NHD stewards. Anna said if anyone notices any errors to please let her know so she can get them corrected sooner rather than later.

Meeting adjourned.