Tier II Report Template-
Public Entity
Basic Reviews (Non-Linear Project)

Title Page:

A. Tier II Antidegradation Review and Social and Economic Justification for the PROJECT NAME AND ASSOCIATED APPLICATION NUMBER(S)

B. Date Prepared:

C. Prepared By:

D. On Behalf Of:

E. For:

Section 1: Introduction

A. Project Summary

B. **Report Executive Summary**

C. **Antidegradation Policy** (text provided below)

a. Federal antidegradation regulations (40CFR131.12) require states to develop and adopt a statewide antidegradation policy that protects all Waters of the U.S. from degradation. These regulations also require states to maintain the condition of high quality (i.e. Tier II) waters that have water quality that is better than the minimum standard necessary to meet designated uses.

The Maryland antidegradation implementation procedures are found in the Code of Maryland Regulations (COMAR) 26.08.02.04-2. This regulation explains how Maryland identifies Tier II waters, when a Tier II antidegradation review is required for certain State permits and approvals, and how to determine current Tier II water quality status based on new data. The regulation also describes the social and economic justification procedure that would be necessary in order to permit the lowering of water quality in a Tier II water. Document purpose – Pursuant to COMAR 26.08.02.04-2 (I), applicants must submit an SEJ if "(a) No cost-effective alternative to the discharge or water quality impacts is available; or (b) The cumulative degradation resulting from nonpoint source pollution and any other permitted discharges would diminish water quality". Therefore, if impacts cannot be fully avoided, minimized, or mitigated, the applicant may have to provide MDE with an SEJ. The SEJ must demonstrate that an economic hardship and/or public benefit overrides the value of the ecological services or water quality benefit that the Tier II water segment provides. The applicant must also provide documentation to show that all reasonable avoidance, minimization, and mitigation alternatives have been considered, and where economically feasible, implemented.

Section 2: No Discharge Alternatives Analysis (Refer to the *MDE Tier II No Discharge Alternative Analysis Form*)
Include EITHER A or B as applicable

A. Exempt From Alternative Site Analysis

a. Provide a brief narrative of the exemption situation that applies to your project

b. OR See B

B. Alternative Site Analysis

a. General Project Purpose Statement (generated from page 4 of the form)

b. Insert: Overview Map of Sties Evaluated

c. **Insert Table 1: Alternative Site Evaluation Summary Analysis Tabl**e from page 5 of the form.

d. **Alternative Site Analysis Summary**. Provide narrative summary of the alternative site analysis using the Alternatives Sites Summary Analysis Table of Supplementary Information on page 6 of the form.
   - **i. General Search Criteria**
   - ii. **Site 1**:
     1. Site 1 Summary Information
     2. Site Feasibility
     3. Individual aerial photo of site 1
   - iii. **Site 2**:
     1. Site 2 Summary Information
     2. Site Feasibility
     3. Individual aerial photo of site 2
   - iv. **Site 3**:
     1. Site 3 Summary Information
     2. Site Feasibility
     3. Individual aerial photo of site 3

e. Final Decision and Justification

Section 3: Impact Minimization (Refer to the *MDE Alternatives Analysis -Minimization Alternatives* form)

A. **Impact Summary:** Provide a narrative summary of all impacts to stream buffers, forest cover, and increases in impervious cover (not treated by ESD), and necessity. (Refer to pages 4-6, Tables A(3-5), B(3-5), and C(3-5), of the form)

a. **Stream/Buffer Impacts and Necessity**

b. **Forest Cover Impacts and Necessity**

c. **Impervious Surface Increases and Necessity**

B. Table: Tier II Impact Summary

Impact	**Total**
Stream Buffer	
Forest Cover Loss	
Impervious Surface (No ESD treatment)	

C. **Minimization Practices:** Provide narrative summary or list of minimization BMPs and other practices included in the project.

a. **Tier II Streams & Buffer Minimization**

b. **Tier II Forest Cover Loss Minimization**

c. **Tier II Impervious Cover Increase Minimization**

Section 4. Tier II Mitigation, if applicable (Refer to the *MDE Alternatives Analysis -Mitigation Alternatives* form)**:**

A. Narrative summary of selected mitigation alternatives included in the project.

a. **Tier II Streams & Buffer Mitigation**

b. Tier II Forest Cover Loss & Tier II Impervious Cover Increase Mitigation

c. Conservation

d. Other Offsets

B. Table: Total Mitigation and Conservation

Type	**Total**
Stream Buffer [in Linear Feet]	
Reforestation [in Acres]	
Conservation [in Acres]	
Others (I.e. buffer improvement, etc.) [in Applicable Unitys]	

Section 5: Social and Economic Justification:

A. Introduction

B. **Social and Economic Benefits of the Project**

a. Economic and Financial Benefits

b. Economic Importance and Benefit

i. Method of Financing and categorized project costs

ii. Annualized cost of minimization implementation over estimated life of project

iii. Project cost allocation, i.e. costs related to financing that are passed along to end users

iv. **End users responsible for recouping financing**

v. **Table**: **Basic Economic Project Benefits**

c. **Social Importance and Benefit**
   i. **Purpose and Need**

   ii. **Widespread social benefits to the community affected**, **i.e., improved property values, community development potential, change in unemployment rates and household income, tax revenues, etc.**

   iii. **Contributions to environment**

d. **Project Budget**
   i. **Project Budget Narrative**

   ii. **Table: Project Budget and Other Relevant Costs**

Section 6: Socioeconomic Benefits of High Quality Waters
* Resource for Mattawoman Creek: https://dnr.maryland.gov/fisheries/pages/fhep/mattawoman.aspx

A. **Social and Economic Benefit of Maintaining High Quality Tier II waters**

a. Importance of Tier II streams and water quality

b. Impacts on property value

c. Recreation value

d. Other quality of life benefits

B. Economic Cost of Maintaining High Quality Tier II Waters/Restoring Degraded Resources

a. Approximate costs of 1:1 in-kind reforestation mitigation for all net forest cover loss based on area market value

b. Approximate cost of stream restoration, per linear foot, based on area market value

c. **Table: Estimated Cost of 1:1 In-kind Reforestation and Restoration**

Item	Cost
Land purchase	
Conservation fees	
Labor	
Other miscellaneous cost	

Section 7: Appendices

A. Overview Site Map
B. Tier II No Discharge Alternative Analysis
    a. Completed Form
    b. Exemption Supporting Documentation OR
    c. State Department of Assessment and Taxation (SDAT) Real Property Data Search (w2) information for Sites 1-3
C. Tier II Minimization Alternative Analysis
    a. Completed Form
    b. Buffer Exhibit
    c. Forest Cover Exhibit
D. Tier II Mitigation Analysis
    a. Completed Form
    b. Mitigation Site Search Report (template provided below)
        i. State Department of Assessment and Taxation (SDAT) Real Property Data Search (w2) information for Sites 1-3
        ii. Mitigation Buffer Exhibit
        iii. Mitigation Forest Cover Exhibit
        iv. Restoration Plan
        v. 2-yr Monitoring Plan
        vi. Protection Mechanism for Restoration and/Conservation
    c. Conservation - Protection Mechanism
E. References
F. Add Appendices for Other Relevant Documentation as needed

Tier II Mitigation Analysis Report Template

A. Brief Narrative of Analysis purpose

B. Impacts, in acres:

C. Buffer Mitigation (if applicable)

D. Reforestation Mitigation (On-Site Opportunities)

a. Availability of On-Site Opportunities

b. Site Map of Available On-Site Opportunities

c. Total Reforested, in acres:

d. Protection Mechanism

E. Reforestation Mitigation (Off-site, in Tier II Watershed)

a. Property search criteria

b. Aerial overview map of the 3 potential properties within the Tier II watershed

c. Table: Site Summary Results

Sites	Area in Acres	Map/Parcel #	Cost to acquire	Acquisition Feasible – Yes or No
Site 1				
Site 2				
Site 3				

d. Site 1:

i. Site 1 Summary Information
ii. Site Feasibility
iii. Individual aerial photo of site 1

e. **Site 2**:

i. Site 2 Summary Information
ii. Site Feasibility
iii. Individual aerial photo of site 2

f. **Site 3**:

i. Site 3 Summary Information
ii. Site Feasibility
iii. Individual aerial photo of site 3

F. **Mitigation Implementation:**

a. **Table: Feasible Reforestation Sites** (ONLY IF A FEASIBLE SITE IS IDENTIFIED)

Site Info	Property Owner Contact information	Date(s) of contact /attempted contact (i.e. mailing or phone call)	Outcome of negotiations
Site 1			
Site 2			
Site 3			

b. Total Acres Reforested, in acres:

c. Protection mechanism

G. Out-of-Kind Offsets (Off-site, in Tier II Watershed)

a. Conservation

i. Property search criteria

ii. Table: Feasible Conservation Sites

iii. Property Selected

iv. Total Conserved, in acres:

v. Protection Mechanism

b. **Others** (Example stream restoration, buffer improvements, stormwater retrofits, etc.)