

*******IMPORTANT ANNOUNCEMENT*******

**New State Procedures for Application Processing
Wetlands and Waterways Program**

**Water Management Administration
Maryland Department of the Environment**

Effective **August 1, 2011**, the Maryland Department of the Environment (MDE) will implement new procedures for application review and communication with applicants designed to improve and expedite permit application processing. These procedures are intended to clarify the steps in the review process, promptly communicate the need for specific additional information and add certainty to the permit process by adhering to published permit turn-around times. MDE's ability to meet these new turn-around times for permit decisions depends on the submission of a carefully prepared application and the provision of any additional information determined by MDE to be necessary to complete an application review and render a decision. Providing additional information when requested is critical to the success of MDE in rendering a timely permit decision.

What is the Current Procedure?

All applicants for a wetlands and waterways authorization currently receive a "45-day letter" notifying the applicant that the activity is either authorized to proceed, or that the additional information described in the letter is needed to complete the application and enable MDE to render a decision. Past practice has been to allow the applicant an indefinite period of time to provide this information, resulting in thousands of pending applications upon which MDE could take no action.

What is Changing as of August 1, 2011?

The new process provides only one opportunity for an applicant to supplement an application with additional information. This change in procedure, which is applicable to all applications received on or after August 1, 2011, places a deadline by which the additional information requested in the "45-day letter" must be provided to MDE. Since each "45-day letter" will include a deadline for the submission of requested information, it is important to maintain a dialogue with the project manager assigned to your project prior to responding.

What Happens If Applicants Do Not Provide Sufficient Information or MDE Fails to Meet Deadlines?

If an applicant fails to provide the additional requested information or if the information provided within the requested time frame is insufficient, MDE will deny the permit application due to insufficient information upon which to make a favorable decision. The applicant may re-apply as allowed under State law. Resubmission of a permit application is considered a new application and fees will be due and payable upon resubmission of the application. As is currently done, if the Department fails to request additional information in the 45-day letter, the application is considered complete and the review will continue.

Note: If an application meets certain criteria for requiring additional time for review, such as a scientific study requested by MDE, resolution of legal or local governmental matters or other factors beyond the control of the applicant or the Department, this new procedure will not apply. The applicant will be notified if the application meets these criteria in the 45-day letter.

How Can an Applicant Ensure an Expedited Review Process?

Applicants are advised to obtain information and guidance by calling 410-537-3745 or 800-633-6101. Another option is to schedule a pre-application meeting by filling out the Pre-Application Meeting Request Form available at the following email address:

<http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Documents/preAppMeetingRequest.pdf>

In addition to providing the information requested in the application, be sure to include all of the information discussed during the telephone call or at the pre-application meeting. It is advisable to delay submitting an application until all of the required information can be provided. For more information, please visit the program's website.

JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

FOR AGENCY USE ONLY

| | | | |
|-----------------------------|-------|-------------------------------|-------|
| Application number | _____ | Date Determined Complete | _____ |
| Date received by State | _____ | Date(s) Returned | _____ |
| Date received by Corps | _____ | | _____ |
| Type of State permit needed | _____ | Date of Field Review | _____ |
| Type of Corps permit needed | _____ | Agency Performed Field Review | _____ |

⁰ Please submit 1 original and 6 copies of this form required maps and plans to the Wetlands and Waterway Program as noted on the last page of this form.
⁰ Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in time delay to the applicant.

Please check one of the following:

RESUBMITTAL: APPLICATION AMENDMENT: MODIFICATION TO AN EXISTING PERMIT: JURISDICTIONAL DETERMINATION ONLY: APPLYING FOR AUTHORIZATION **GWCP ADVANCED NOTIFICATION**

PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) _____

DATE

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: _____ B. Telephone: (_____)
C. Company: _____
D. Address: _____
E. City: _____ State: _____ Zip: _____

AGENT/ENGINEER INFORMATION:

A. Name: _____ B. Telephone: _____
C. Company: _____
D. Address: _____
E. City: _____ State: _____ Zip: _____

ENVIRONMENTAL CONSULTANT:

A. Name: _____ B. Telephone: (_____)
C. Company: _____
D. Address: _____
E. City: _____ State: _____ Zip: _____

MDE CONSULTANT REVIEWER: _____

A. Name: _____ B. Telephone: _____
C. Company: _____
D. Address: _____
E. City: _____ State: _____ Zip: _____

PRINCIPAL CONTACT:

A. Name: _____ B. Telephone: _____
C. Company: _____
D. Address: _____
E. City: _____ State: _____ Zip: _____

2. PROJECT DESCRIPTION:

A. GIVE A WRITTEN DESCRIPTION OF PROJECT:

Has any portion of the project been completed? Yes No. If yes, explain

GWCP Notification

B. ACTIVITY: Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

- A. Filling D. Flooding or impounding water G. Removing or destroying vegetation
 B. Dredging E. Draining H. Building structures
 C. Excavating F. Other

**This Section
Not Applicable**

| | | | | |
|-------------------------------------|------------------|--|--|------------------|
| Area for items(s) checked: | Wetlands | | Wetland Buffers | |
| Nontidal Wetland - <i>Permanent</i> | <u>0</u> sq. ft. | | Buffer - <i>Permanent</i> (Nontidal Wetlands Only) | <u>0</u> sq. ft. |
| Nontidal Wetland - <i>Temporary</i> | <u>0</u> sq. ft. | | Buffer - <i>Temporary</i> (Nontidal Wetlands Only) | <u>0</u> sq. ft. |
| Tidal Wetland - <i>Permanent</i> | <u>0</u> sq. ft. | | Expanded Buffer (Nontidal Wetland Only) | <u>0</u> sq. ft. |
| Tidal Wetlands - <i>Temporary</i> | <u>0</u> sq. ft. | | | |

| | | | | |
|------------------------------------|---------------------------|----------------------|---|-------------------|
| | Stream /Waters | | 100-year Floodplain | Y/N |
| Stream affected - <i>Permanent</i> | <u> </u> sq. ft. | <u> </u> LF | Minor Disturbance in Floodplain | <u> </u> |
| Stream affected - <i>Temporary</i> | <u> </u> sq. ft. | <u> </u> LF | Certification of No Flood Risk Attached | <u> </u> |

C. TYPE OF PROJECTS: Project Dimensions

For each activity, give all overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

| | Length (Ft.) 1 | Width (Ft.) 2 | Area Sq. Ft. 3 | Maximum/Average Channelward Encroachment 4 | Pond Depth 5 | Volume of fill/dredge material (cubic yards) below MHW or OHW 6 |
|-----------------------------|-------------------------------|------------------------------|-------------------------------|---|-----------------------------|--|
| A. Bulkhead* | _____ | _____ | _____ | _____ | _____ | _____ |
| B. Revetment* | _____ | _____ | _____ | _____ | _____ | _____ |
| C. Vegetative Stabilization | _____ | _____ | _____ | _____ | _____ | _____ |
| D. Gabions | _____ | _____ | _____ | _____ | _____ | _____ |
| E. Groins | _____ | _____ | _____ | _____ | _____ | _____ |
| F. Jetties | _____ | _____ | _____ | _____ | _____ | _____ |
| G. Boat Ramp | _____ | _____ | _____ | _____ | _____ | _____ |
| H. Pier* | _____ | _____ | _____ | _____ | _____ | _____ |
| I. Breakwater | _____ | _____ | _____ | _____ | _____ | _____ |
| J. Repair & Maintenance | _____ | _____ | _____ | _____ | _____ | _____ |
| K. Road Crossing | _____ | _____ | _____ | _____ | _____ | _____ |
| L. Utility Line | _____ | _____ | _____ | _____ | _____ | _____ |
| M. Outfall Construction | _____ | _____ | _____ | _____ | _____ | _____ |
| N. Small Pond | _____ | _____ | _____ | _____ | _____ | _____ |
| O. Dam | _____ | _____ | _____ | _____ | _____ | _____ |
| P. Lot Fill | _____ | _____ | _____ | _____ | _____ | _____ |
| Q. Building Structures | _____ | _____ | _____ | _____ | _____ | _____ |
| R. Culvert | _____ | _____ | _____ | _____ | _____ | _____ |
| S. Bridge | _____ | _____ | _____ | _____ | _____ | _____ |
| T. Stream Channelization | _____ | _____ | _____ | _____ | _____ | _____ |
| U. Parking Area | _____ | _____ | _____ | _____ | _____ | _____ |
| V. Dredging* | _____ | _____ | _____ | _____ | _____ | _____ |

V. 1. New 2. Maintenance 3. Hydraulics 4. Mechanical

W. Other (explain) _____:

*For projects indicated with an asterisk refer to the sample plans and checklists found in the January, 1988 Joint Application booklet.

D. PROJECT PURPOSE: Give brief written description of the project purpose:

3. PROJECT LOCATION:
LOCATION INFORMATION

A. County: _____ B. City: _____ C. Name of waterway or closest waterway _____

D. State stream use class designation: USE: _____

E. Site Address or Location: _____

F. Directions from nearest intersection of two state roads:

G. Is your project located in the Chesapeake Bay Critical Area (generally within 1000 feet of tidal waters or tidal wetlands)?: Yes No

H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:

Page: _____ Letter: _____ Number: _____ (to the nearest tenth)

I. FEMA Floodplain Map Panel Number (If Known): _____

J. 1. _____ Latitude 2. _____ Longitude

b. ACTIVITY LOCATION: Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

- A. Tidal Waters
- B. Tidal Wetlands
- C. Special Aquatic Site (e.g. mudflat, vegetated shallows)
- D. Nontidal Wetland
- E. 25-Foot buffer(nontidal wetlands only)
- F. 100-foot buffer (nontidal wetland of special State concern)
- G. In stream channel
1. Tidal 2. Nontidal
- H. 100 year floodplain (outside stream channel)
- J. Other (Explain)

c. LAND USE:

A. Current Use of Parcel is: 1. Agriculture: Has SCS designated project site as a prior converted cropland? Yes No
2. Wooded 3. Marsh/Swamp 4. Developed

3. Other (Explain):

B. Present Zoning Is: 1. Residential 2. Commercial/Industrial 3. Agriculture 4. Marina 5. Other Transportation

C. Project complies with current zoning: Yes No

GWPCP Notification

Note: If your project is located in a nontidal wetland or riparian buffer or is located in the Chesapeake Bay Critical Area do not complete these blocks.

4. REDUCTION OF IMPACTS: Explain measures taken or considered to avoid or minimize wetlands losses in F. Also check items A-E if any of these apply to your project.

- A. Reduced the area of disturbance
- B. Reduced size/scope of project
- C. Relocated structures
- D. Redesigned project
- E. Other

F. Explanation:

This Section Not Applicable

Described reasons why impacts were not avoided or reduced in Q. Also check items G-P that apply to your project.

- G. Cost
- H. Extensive wetlands on site
- I. Engineering/design Constraints
- J. Other natural features
- P. Other
- Q. Description
- K. Parcel size
- L. Other regulatory requirements
- M. Failure to accomplish project purpose
- N. Safety/public welfare issue
- O. Inadequate zoning

5. LETTER OF EXEMPTION: If you are applying for a letter of exemption for activities in nontidal wetlands and/or their buffers, explain why the project qualifies (*Use III and Use IV watersheds do not qualify for LOE*):

- A. No significant plant or wildlife value and wetland impacts:
 - 1. Less than 5,000 square feet
 - 2. In an isolated nontidal wetland less than 1 acre in size
- B. Repair existing structure/fill
- C. Mitigation Project
- D. Utility Line
 - 1. Overhead
 - 2. Underground
- E. Other
- F. Check here if you are not applying for a letter of exemption

GWCP Notification

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 10

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in N. Also check any items in E-M if they apply to your project. (If you are applying for a letter of exemption, do not complete this block):

- A. 1 site
- B. 2-4 sites
- C. 5 or more sites

Alternative sites were rejected or considered for the following reason(s):

- D. Cost
- E. Lack of availability
- F. Failure to meet project purpose
- G. Located in a high ground market area
- M. Explanation:
- H. Greater wetlands impact
- I. Water dependency
- J. Water dependency
- K. Other
- L. Other:

This Section Not Applicable

7. PUBLIC NEED: Describe the public need or benefits that the project will provide in F. Also check items in A-E that apply to your project.

(If you are applying for a letter of exemption, do not complete this block):

- A. Economic
- B. Safety
- E. Other
- C. Health/welfare
- D. Does not provide public benefits
- F. Description

8. OTHER APPROVALS NEEDED/GRANTED:

| A. Agency | B. Date Submitted | C. Decision 1. Granted | 2. Denied | D. Decision Date | E. Other Status |
|----------------------------|-------------------|------------------------|-----------|------------------|-----------------|
| <h1>GWCP Notification</h1> | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

9. MITIGATION PLAN: Please provide the following information:

a. Description of a monetary compensation proposal, if applicable (For State requirements only). Attach another sheet if necessary.

This Section

b. Give a brief description of the proposed mitigation on project.

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected:

Not Applicable

d. Describe how the mitigation site will be protected in the future:

10. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?: A. Yes B. No

Provide names and mailing addresses for property owners adjacent to impacts below (Use separate sheet if necessary):

a.

b.

c.

11. HISTORIC PROPERTIES: Is your project located in the vicinity of historic properties? (For example: structures over 50 years old. Archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 13.

A. Yes B No C Unknown (Attach MHT coordination)

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary: (Attach DNR and F&WS letters)

Check box if data is enclosed for any one or more of the following (See checklist for required information):

- | | | | | | |
|-----------------------------|---------------------|-----------------------------|---------------------------|-----------------------------|-------------------------------------|
| A. <input type="checkbox"/> | Soil borings | D. <input type="checkbox"/> | Field surveys | G. <input type="checkbox"/> | Site plan |
| B. <input type="checkbox"/> | Wetland data sheets | E. <input type="checkbox"/> | Alternative site analysis | H. <input type="checkbox"/> | Avoidance and minimization analysis |
| C. <input type="checkbox"/> | Photographs | F. <input type="checkbox"/> | Market analysis | | |
- I. Other (explain):

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all Waters of the United States have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1). I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. I understand that none of the information contained in the application form is confidential and that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN: _____ **Date:** _____

WHERE TO MAIL APPLICATION

Maryland Department of the Environment
Water Management Administration
Regulatory Services Coordination Office
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230
Telephone: (410) 537-3762
1-800-876-0200

BEFORE YOU MAIL... DON'T FORGET...

- **SIGN AND DATE THE APPLICATION. THE LANDOWNER MUST SIGN.**
- **SEVEN (7) COPIES OF ALL DOCUMENTS (APPLICATION, PLANS, MAPS, REPORTS, ETC.) MUST BE RECEIVED TO BEGIN OUR REVIEW.**
- **INCLUDE FIVE COPIES OF A VICINITY MAP (LOCATION MAP) WITH THE PROJECT SITE PINPOINTED.**
- **SEND AN APPLICATION FEE OF \$750 ALONG WITH A COPY OF THE FIRST PAGE OF THE APPLICATION TO MARYLAND DEPARTMENT OF THE ENVIRONMENT, P.O. BOX 2057, BALTIMORE, MD 21203-2057. PLEASE REFER TO OUR WEBSITE <http://www.mde.state.md.us/wetlands> FOR FURTHER INSTRUCTIONS.**

**SAMPLE PLANS MAY BE OBTAINED BY PHONE (1-800-876-0200)
OR E-MAIL acunabaugh@mde.state.md.us.**

Wetlands and Waterways Program: Checklist for Floodplain, Waterway, Tidal or Nontidal Wetland Applications

- Processing Fee Enclosed
- Exempt from Processing Fee

- Applicant's name, mailing address, telephone number, email address and fax number
- Authorized agent's (or primary contact and other contact) names, mailing addresses, telephone numbers, email addresses and fax numbers
- Any existing authorization numbers or previously assigned numbers
- General description of project purpose and proposed activity.
- The name of the city or town, waterbody, and county where the project is located
- Clear directions to project site
- Latitude and longitude from a central location within the project limits

Wetland, Waterway/Stream, Buffer, Floodplain Description

- Itemized calculation of all permanent and temporary wetland, stream, buffer, floodplain impacts
- A delineation report of the area of all wetlands and buffers on the site and associated wetland data sheets. The report map should include the location of all streams, 100-year floodplains?, open water and other surface waters on the site the limits of Chesapeake Bay Resource Protection Areas (RPAs), Wetland types should be noted according to their Cowardin (USFWS-National Wetlands Inventory) classification or similar terminology.
- Description of How Impacts were Avoided or Reduced
- Mitigation Proposal, if applicable

Plans

- A detailed vicinity map of the project area, including the project boundary. The map should identify the project site, property boundaries, and adjacent property owners
- Plans showing distance of all proposed structures to all contiguous property lines and any appropriate County or State property line building restriction setbacks, right-of-ways and/or easements

A plan view depicting existing and proposed conditions and structures. All plan view sketches should include, but are not limited to: north arrow; existing and proposed contours and/or grades; limit of surface water areas; ebb and flow direction of all water bodies (e.g., streams, tidal waters); applicant name and address; all horizontal dimensions of all proposed structures and impacts, existing conditions of the project site which includes all existing structures at or near the project site including neighbors; existing areas of wetland vegetation or mapped wetlands and buffers; the project boundary and a boundary demarcating the limits of disturbance. A section view showing existing and proposed conditions and structures.

A description of construction access and methodology and a proposed construction schedule, with an estimated completion date

Description of stabilization for temporary impacts

ALL Tidal Projects

Plans on 8.5" x 11" paper; Plans are to be legible and not cluttered; usable written scale no smaller than 1" = 100', Dimensions of proposed structures must be represented.

Plan views should include Mean High Water Line (MHWL) and Mean Low Water Line (MLWL; referenced to 0.0'). *If MHWL or MLWL are to be altered during construction the proposed MHWL and MLWL should also be labeled*

Plan views should include water depths marked as either contours or spot depths that extend across the width of the waterway.

Plan view should include the maximum channelward extent beyond mean high water of all proposed structures and impacts

Plan view should include the distance across the waterway, perpendicular to the proposed worksite, to the opposite shoreline and maximum fetch for the project worksite; *include multiple bearings and/or summer-winter wind direction if possible*

Dredge material management plan (*for dredging projects only*) including type of dredging, location of dredged material placement site, handling and transport method for dredge material, the dimensions and detailed design of the proposed dredged material placement site including a plan and cross section drawing of dewatering area (*if proposed*), maximum volume of dredged material, and an acceptance letter from the operator of the dredged material placement site.

ALL Non-Tidal Projects: Large-sized impacts map (at a scale no smaller than 1" = 200'); use match lines if the entire site cannot fit on one sheet at this scale