

*******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. Additional information is available on the program's website:

http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Pages/Programs/WaterPrograms/wetlands_waterways/index.aspx.

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	_____	Date of Field Review	_____
Type of State permit needed	_____	Agency Performed Field Review	_____
Type of Corps permit needed	_____		

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- Please submit 1 original and 6 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
- Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a 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 _____
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) _____
DATE _____

1. APPLICANT INFORMATION:

APPLICANT NAME:

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

AGENT/ENGINEER INFORMATION:

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

ENVIRONMENTAL CONSULTANT:

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

CONTRACTOR (If known): _____

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

PRINCIPAL CONTACT:

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

2. PROJECT DESCRIPTION

a. GIVE WRITTEN DESCRIPTION OF PROJECT:

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

Is this a residential subdivision or commercial development? _____ Yes _____ No
If yes, total number of acres on property _____ acres

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 F. _____ grading
B. _____ dredging water G. _____ removing or destroying
C. _____ excavating E. _____ draining vegetation
H. _____ building structures

Area for item(s) checked: Wetland _____ (sq. ft.) Buffer (Nontidal Wetland Only) _____ (sq. ft.)
Expanded Buffer (Nontidal Wetland Only) _____ (sq. ft.)

Area of stream impact _____ (sq. ft.)
Length of stream affected _____ (linear feet)

c. TYPE OF PROJECTS: Project Dimensions

For each activity, give 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	_____	_____	_____	_____	_____	_____

1. _____ New 2. _____ Maintenance 3. _____ Hydraulic 4. _____ Mechanical
W. _____ Other (explain) _____

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

3. PROJECT LOCATION:

a. LOCATION INFORMATION:

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

D. State stream use class designation: _____

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 1,000 feet of tidal waters or tidal wetlands)?:

_____ Yes _____ No

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

Map: _____ 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)

I. _____ River, lake, pond

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

5. _____ Other _____

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

C. Project complies with current zoning _____ Yes _____ No

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):

4. REDUCTION OF IMPACTS: Explain measures taken or considered to avoid or minimize wetland 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 _____

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

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

Q. Description _____

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:

A. _____ No significant plant or wildlife value and wetland impact	B. _____ Repair existing structure/fill
1. _____ Less than 5,000 square feet	C. _____ Mitigation Project
2. _____ In an isolated nontidal wetland less than 1 acre in size	D. _____ Utility Line
E. Other (explain) _____	1. _____ Overhead
	2. _____ Underground

F. _____ Check here if you are **not** applying for a letter of exemption.

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 11

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in M. Also check any items in D-L 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
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Alternative sites were rejected/not considered for the following reason(s):

D. _____ Cost	H. _____ Greater wetlands impact	L. _____ Other _____
E. _____ Lack of availability	I. _____ Water dependency	_____
F. _____ Failure to meet project purpose	J. _____ Inadequate zoning	_____
G. _____ Located outside general/market area	K. _____ Engineering/design constraints	_____

M. Explanation: _____

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	C. _____ Health/welfare	E. _____ Other _____
B. _____ Safety	D. _____ Does not provide public benefits	_____

F. Description _____

8. OTHER APPROVALS NEEDED/GRANTED:

A. Agency	B. Date Sought	C. Decision		D. Decision Date	E. Other Status
		1. Granted	2. Denied		

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. _____

- b. Give a brief description of the proposed mitigation project. _____

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

- 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 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

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary:

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"/> Alternate site analysis | H. <input type="checkbox"/> Avoidance and |
| C. <input type="checkbox"/> Photographs | F. <input type="checkbox"/> Market analysis | minimization analysis |
| I. <input type="checkbox"/> 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 SEVEN 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.**

SUPPLEMENTARY INFORMATION TO BE INCLUDED ON PLANS, DRAWINGS, OR VICINITY MAPS

In addition to the information indicated on the previous pages, you should include the following on the 8 1/2 x 11 site plans and any blueprints you have submitted:

1. Delineation of any wetland buffers or expanded buffers, clearly marked and differentiated.
2. Location of mitigation area, if proposed on the same site as the project.

Note: If you are proposing a complex project you may wish to submit engineering blueprints of your project with the application form to expedite review.

Mitigation Location Map: If you are proposing that nontidal wetland mitigation be done at a different location than the proposed project, you should submit a map showing the location of the mitigation site in relation to the proposed nontidal wetland losses.

WETLAND DELINEATION

Wetlands should be identified according to methods described in the publication Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1). Copies of the manual may be obtained by calling the U. S. Government Printing Office at 202-783-3238 and requesting document #024-010-00-683-8 at a cost of \$7.50. Wetlands must be shown on all plans submitted with the application. All wetlands on site must be delineated and shown on the overall site plan. 8½ x 11 inch plans with topography showing relation of the wetlands and project impacts must be submitted. Copies of the wetland reports and data sheets used in making the determination be included with your application submittal.

Regulatory Agencies

Federal Permits

U.S. Army Corps of Engineers
Baltimore District
Attention: CENAB-OP-R
P. O. Box 1715
Baltimore, MD 21203-1715
Telephone: (410) 962-3670

State Authorizations

MD Dept. of the Environment
Water Management Administration
Tidal Wetlands Division
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3837

Coastal Zone Consistency Statement

MD Dept. of the Environment
Water Management Administration
Wetlands and Waterways Program
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3745

MD Dept. of the Environment
Water Management Administration
Nontidal Wetlands and Waterways
Division
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3768

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