Tier II Report Template- Public Entity

Instructions:

1. Please use this fillable template to assemble your Tier II Report containing your social and economic justification.
2. Do not alter the text provided.
3. The executive summary should explain the project and its purpose, summarize avoidance, minimization, and mitigation actions, and briefly describe the social and economic justification basis.
4. If you wish to add information beyond what is within the basic template, please do so via additional appendices.
5. Depending upon the size and scope of the project and its impacts, the applicant may be required to provide supplemental report information, such as a more detailed economic analysis.

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) 26.08.02.04-1. 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 26.08.02.04-1 (J), applicants must submit an SEJ if "(a) No cost effective alternative to the discharge 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 (Linear Feet)	
Forest Cover Loss (Acres)	
Impervious Surface (No ESD treatment) (Acres)	

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 (Linear Feet)	
Reforestation (Acres)	
Conservation (Acres)	
Others (I.e. buffer improvement, etc.) (Applicable Units)	

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**

iv. **Environmental Justice (EJ)**

1. **Demographics of Tier II watershed area impacted by the project**

2. **MDE EJ screen tool results (https://mdewin64.mde.state.md.us/EJ/)**

a. **MDE EJ Score All**

b. **MDE Overburdened Communities Combined**

c. **MDE Overburdened Sensitive Populations**

d. MDE Underserved

3. How will your project benefit EJ areas?

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
      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
   c. Restoration Plan
   d. 2-yr Monitoring Plan
   e. Protection Mechanism for Restoration and/Conservation
E. References

F. Add Appendices for Other Relevant Documentation as needed