



What You Need to Know

Introduction: Whole Watershed Act

On May 9, 2024, Governor Moore signed into law the Whole Watershed Act (Chapters [558](#) and [559](#)) making several legislative changes to MDE's permitting process related to stream and floodplain restoration projects. The Whole Watershed Act (WWA) introduces a collaborative framework for watershed restoration in Maryland, emphasizing innovative and science-based solutions to restoration challenges. Section 2 of the Act creates a new Title 18 of the Environment Article to regulate stream and floodplain restoration projects. This page is intended to provide guidance to the regulated community on new application and review requirements which take effect on July 1, 2025.

General

When are the MDE authorization requirements of the Whole Watershed Act (WWA) effective?

- The requirements under the WWA became effective on July 1, 2025. All new project applications submitted to MDE on or after that date must fully comply with the WWA, and MDE's WWA review requirements will apply accordingly.

What activities are considered stream and floodplain restoration projects that are subject to the requirement of the WWA?

- The goals and objectives for any stream and floodplain restoration project vary. Most stream and floodplain restoration activities are undertaken with the goal of recovering, re-establishing, or enhancing a degraded, damaged, or destroyed ecosystem through:
 1. improvements to physical, chemical, or biological characteristics or processes;
 2. returning natural or historic functions or services; or
 3. protecting or improving resiliency.

Learn more about Stream and Floodplain Restoration projects on [MDE's website](#)

I want to learn more about stream or floodplain restoration projects in my community. Where can I get this information?

- [MDE's Interactive Search Portal](#) allows users to search for different types of restorative types using geographic information such as County, watershed, etc. MDE is also working on a mapping tool that will allow the public to view authorized stream restoration and living shoreline projects



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along with available monitoring information. This tool is expected to be available by the end of 2025.

Does MDE have guidance available for the public for stream and floodplain restoration projects or how to comply with the requirements of the WWA?

- Yes, MDE has multiple resources available to the public to assist in project planning and application development. Resources specific to the implementation of the WWA are under development and will be posted online. Please visit the following links to learn more and gain access to available resources and information as it becomes available.
 1. [MDE- Whole Watershed Act and Permitting](#)
 2. [MDE- Wetlands and Waterways Protection Program, Applications, Forms and Guidance Documents for Permits, Approvals and Certifications](#)
 3. [MDE- Wetlands and Waterways Protection Program, Pre-Application and Pre-Filing Meeting Information and Forms](#)
 4. [MDE- Nontidal Wetlands and Waterways Forms and Applications](#)
 5. Wetlands and Waterways Program Checklists - Information Required for a complete application.
 - [Checklist as a PDF](#)
 - [Checklist as a Word document \(.doc\)](#)
 - [Stream Restoration Authorization Checklist \(v. 04.04.25\)](#)
 6. [Maryland Department of Natural Resources- Whole Watershed Act and Fund](#)

What changes are anticipated to the permitting timeline?

- MDE's goal is to issue stream and floodplain restoration projects within 90 days of receiving an application. An applicant can assist MDE's review timeframe by submitting a complete application, reducing the need for additional information requests.

How will WWA permitting changes affect crediting for MS4/TMDL projects?

- MDE's permitting occurs independently of crediting, and no effect is anticipated.



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Project Boundary

Is the project boundary the same as a parcel boundary?

- No, the project boundary includes areas noted as limits of disturbance or limit of development where work will occur, including construction access. The project boundary can include the entirety of a parcel or be located within a parcel.

I am a county, municipality, state, or federal agency and the project boundary is entirely within my land, there is no other entity within 200 feet of the project boundary, am I required to comply with §18-101 and the public engagement?

- No

I am a private landowner and the project boundary is entirely within my land, but the 200 foot buffer extending from the project crosses the parcel boundary of another property owner; am I required to comply with §18-101 and the public engagement?

- Yes. MDE believes the law aims to promote transparency about proposed stream restoration projects, and thus give reasonable notice to those who might be affected by a project—i.e., those who own certain property within 200 feet of its boundary.

Application Review

What can I do to reduce delays in the review of my application?

- Request a pre-application meeting with staff in the Wetlands and Waterways Protection Program. You can file a pre-application meeting request [HERE](#).
- Submit a complete application, reducing the need for additional information requests.

Has MDE updated the existing version of the [Stream Restoration Authorization Checklist](#) (Checklist) with WWA criteria and requirements?

- Yes, MDE revised the existing Checklist prior to the July 1, 2025, effective date. The current Checklist version and any future revisions, will be posted on MDE's webpage [here](#). Please check MDE's webpage prior to completing your application to ensure you are using the most up to date version of the Checklist.



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How will MDE assess whether the project applicant incorporated the WWA listed co-benefits, as appropriate, into project applications?

- The project applicant should present at the time of applications the co-benefits evaluated, as appropriate, for the project so that MDE may easily determine that the applicant considered or incorporated the co-benefits listed in the WWA. Providing this information at the time of application may eliminate delays in application review.

How will improving and protecting public health be evaluated for these projects?

- MDE is required to assess whether the project applicant incorporated the WWA listed co-benefits and not evaluate the level to which the project improves or protects public health.

What parameters are being considered for minimizing access road widths?

- As with all proposed project impacts, MDE requires all projects to avoid and minimize impacts to the maximum extent practicable. For further reference, see Appendix A of the [Stream Restoration Authorization Checklist \(v. 04.04.25\)](#)

How will MDE assess whether and how the project applicant responded to relevant public input in the final design?

- The project applicant should provide detailed information in the public input received and document how the project applicant considered and, as appropriate, incorporated the public comments in the final design. Similar to any project MDE reviews, each project will be evaluated independently upon their own merits and in accordance with applicable laws and regulations.

Is a new application for maintenance or adaptive management of stream or floodplain restoration projects authorized by MDE before the WWA effective date subject to its new requirements?

- MDE interprets that the WWA applies to new stream and floodplain restoration projects not previously authorized by MDE prior to the WWA effective date. It does not apply to maintenance or adaptive management applications for most previously authorized projects.

How will an approved project's modification request be reviewed by MDE?

- Project modifications requested for approved projects will be reviewed in accordance with MDE's [Modification to Authorization for Ecological Restoration Projects](#). Approved project modification requests for projects authorized by MDE are not subject to the requirements of the WWA, unless otherwise notified by MDE.



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WWA Public Notice

How do I determine if my project requires public notice?

- Public notice is required for all projects unless the applicant is an individual, the project is on their property, and there are no residences (except the individual's residence) or businesses within 200 feet of the project boundary. MDE interprets “residence or business” as inclusive of parcel boundary for a residence or business.

When does a project applicant have to provide a public notice?

- A project applicant shall provide public notice at 30% design completion. See [Maryland Environment Article §18-101\(C\)](#).

When is a project applicant required to hold a public meeting?

- A project applicant shall hold the public meeting when the project design is 60% complete. See [Maryland Environment Article §18-101\(D\)](#).

What if the project design milestones do not align with the 30% and 60% design completion milestones in the law?

- The goal is to communicate with the community early and regularly, allowing meaningful input and feasible design changes without late-stage budget impacts. MDE will assess whether the applicant fulfilled this obligation in line with the law’s intent, however the law has specific requirements and MDE encourages applicants to meet those obligations as specified.

What does the “option for virtual attendance” mean when holding a public meeting?

- MDE interprets the intent of the WWA to allow for discussion and solicit public comment during the public meetings. Although not expressly stated, it is expected that members of the public attending virtually will be able to provide verbal or written comments during the meeting on the virtual platform.

What materials and documents do I have to provide for the public notice?

- The notice should include name and contact information for the applicant, the project purpose, and information about the public meeting (if applicable). Please refer to [Maryland Environment Article §18-101\(C\)\(2\)](#) for a full and complete list. **Please note: [Maryland Environment Article §18-101\(F\)\(2\)](#) also requires that the applicant must post a copy of the application, notice that an application has been submitted, and the date of the submission on the applicant’s website within 24 hours of application submission.**



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What satisfies “points public access” location for posting project information signage?

- Please use best professional judgment to post signs at select high visibility areas. For example, posting on public rights-of-way along roadsides, sidewalks, trailheads, driveways or other visible public access points to the project boundary.

How will MDE assess documentation of public notice conducted by the project applicant?

- A Stream and Floodplain Restoration Project Certification of Public Notice Form (available [here](#)) shall be submitted as part of MDE’s application and review process.

Post Construction Monitoring

How many years of monitoring will be required?

- A minimum of 5 years of monitoring and reporting will be required.

Where do I send my stream and floodplain restoration project monitoring reports?

- MDE created a new email address to receive stream monitoring reports exclusively. The email address is streammonitoring.mde@maryland.gov.

Will quantitative or semi-quantitative geomorphic and vegetative surveys be required or is visual documentation through photographs satisfactory to be submitted as an annual monitoring report?

- Each monitoring and reporting condition in an authorization should be reviewed for an authorized project’s specific requirements. For planning purposes, MDE typically requires that the monitoring and report identify and evaluate changes in 1) channel cross-section, pattern, and profile; 2) bed materials; 3) channel stability; 4) structure stability and condition; and 5) vegetation viability. The monitoring effort and report may include topographic surveys of monumented cross-sections within the realigned channel segment, visual field observation, photographic documentation, and vegetation viability measures. Additional monitoring may be required and will be stipulated in the special condition of the authorization. After review of a monitoring report, MDE may request further information as necessary to determine satisfactory compliance with the terms of an authorization.

Contact

For more information, contact the Wetlands and Waterways Protection Program at 410-537-3456 or visit our webpage [here](#).