



MD 24 Advisory Committee Meeting

Maryland Department of the
Environment

Nontidal Wetlands and Waterways
Division



The Division's Review Responsibilities

- MD Nontidal Wetlands Protection Act – COMAR 26.23
- Construction on Nontidal Waterways and Floodplains – COMAR 26.17.04
- Water Quality Certification – COMAR 26.08
- Maryland State Programmatic General Permit MDSPGP-3





Wetlands Regulations

- Protect State regulated wetlands from loss and degradation
- Regulate a specified buffer in which proposed activities are reviewed to determine potential adverse affects to adjacent wetland areas.
- Assure “No net loss” of wetlands through requirements for appropriate mitigation of unavoidable impacts



Waterways Regulations

- Based upon the need to protect property from flooding and erosion
- Incorporate protection of aquatic flora, fauna, and habitat
- Require avoidance, minimization, and mitigation for loss of habitat.
- Address water quality protection during and after construction



Requirements for Application

- Description of Public need for proposed work
- Delineation of resources
- Alternate proposals studied
- Avoidance and minimization
- Geologic constraints
- Hydrologic and Hydraulic design report
- Environmental Study including mitigation for unavoidable impacts



Basis of Decision

- “shall grant the permit, if approval of the project is in the best public interest and the plans for the project provide for the greatest feasible utilization of the waters of the State....”
- “Proposed projects which increase the risk of flooding to other property owners are prohibited...”
- “Proposed projects that eliminate or significantly and adversely affect aquatic or terrestrial habitat ... are not in the public interest.”
- State Scenic and Wild Rivers protections -



Section 401 Water Quality Certification

- Protect public health or welfare
 - Enhance quality of water
 - Protect aquatic resources
 - Serve the Purposes of the Federal Act
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- ✓ State's Anti-Degradation Policy
 - ✓ Tier II Waters Protections



MDSPGP-3

- Corps delegates review “lead” to MDE for projects with no more than minimal adverse impacts – Category I
- Nontidal streambank stabilization – 500 linear feet total and less than ½ acre total impacts



Interagency Coordination

- DNR
- Wild and Scenic Rivers
- Maryland Historic Trust
- Local Agencies
- Other Divisions within MDE
 - Plan Review Division



Public Notice

- Applicant notifies adjacent property owners and local officials
- Applications received are posted on MDE Website
- If permit is required, an advertisement is published in a local newspaper and MDE Website to receive comments and provide opportunity for the public to request a public hearing