CHESAPEAKE BAY TMDL PROJECT PERMITTING IN NAD (MARYLAND FOCUS)

Prepared by: USACE Baltimore District-Regulatory Branch

Prepared for: Stream Health Work Group

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OUTLINE

1) Bay TMDL project permitting history in Maryland (brief)

2) Improvements since 2013

3) Status of permitting for Chesapeake Bay TMDL projects in Maryland

4) How applicants can help the Corps streamline the permit process

5) Recent and Upcoming Developments

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BAY TMDL PERMITTING HISTORY

Chesapeake Bay TMDL in place

2012-2013 Forecast 2000 + projects in the coming years

Permit tools somewhat limited and not enough regulators

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CHALLENGES EARLY PROJECTS

Ponding/Resource Conversion

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CHALLENGES

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CHALLENGES

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IMPROVEMENTS SINCE 2013

Creation of the Bay TMDL RGP

-Self-verification for work in SWM facilities and small projects in headwaters

Communication between Regulatory and applicants

-Open communication

-Quarterly meetings

Pooled Monitoring for complex questions

-Water Chemistry

-Biological response

Dedicated Staff to specifically review TMDL projects

-Corps and MDE

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STATUS OF TMDL PROJECT PERMITTING IN MARYLAND

MDSPGP-5

- Stabilization projects
- CAT A (Less than 500 linear feet)
  - Issued by MDE
- CAT B (up to 2,000 linear feet)
  - Issued by Corps with Agency Coord.

NWP 27

- Unlimited length
- Must show lift and have ecological reference
- No conversion or loss authorized
- Coordinated with NMFS

Bay TMDL RGP

- Self Verifying Cat 1 and 2
  - SWM Retrofits
  - Small projects
- Cat 3
  - 2,000 foot limit
  - Some conversion allowed
  - Coordinated with Agencies

Standard Permit

- Projects with greater than minimal impacts
- Conversion
- Involved interagency review
- Public Notice
- Pace varies
- Mitigation may be required

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Require lift documentation (except SWM retrofits)

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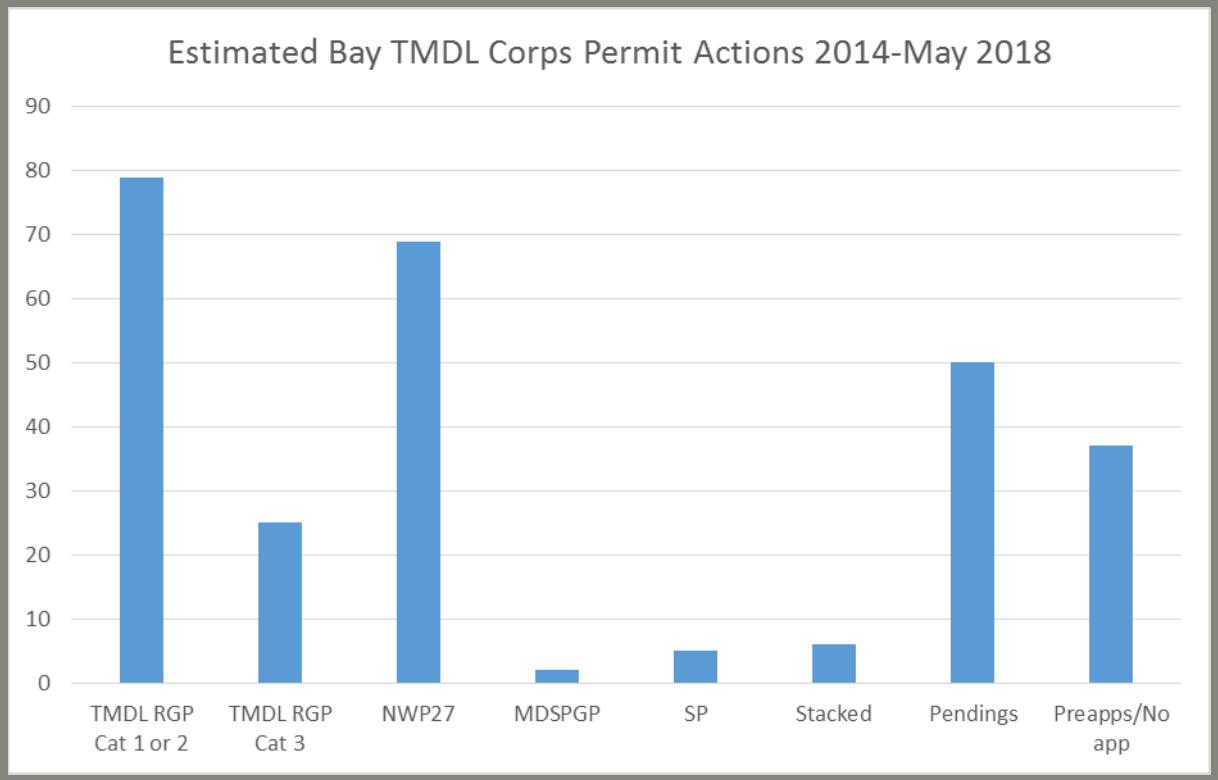
STATUS OF TMDL PROJECT PERMITTING IN MARYLAND



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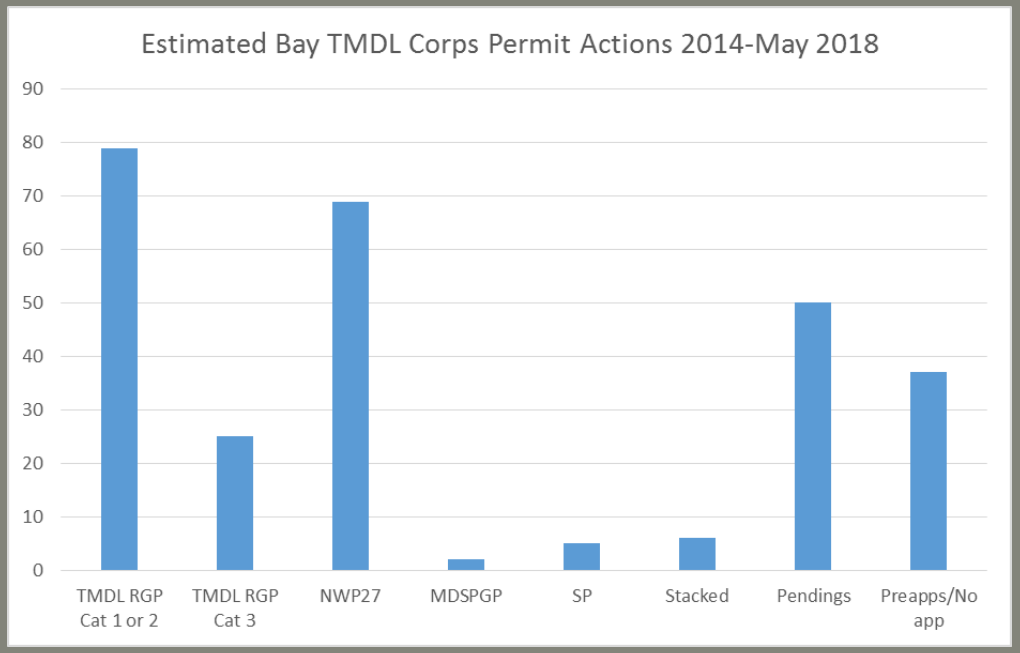

TMDL Permit Data
-Underreported
-Projects with unclear project purposes not included
-Notice TMDL RGP Cat I and II (Self-verification)

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HOW APPLICANTS CAN HELP THE CORPS STREAMLINE PERMITTING

Permit Application:

-Always fill out “project purpose” and “project description” (Avoid “see attached Report”

-Well organized documents (table of contents)

-Clearly show existing vs proposed resources with figures and tables (sketch overs are ok)

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HOW APPLICANTS CAN HELP THE CORPS STREAMLINE PERMITTING

Project Site Section and Design:

-Summarize site selection process to include activities in the watershed

-Verify project (substrate) stability with modeling or calculations and make necessary changes prior to sending in application.

-Explain projected ecological lift on site using literature and data.

-Take caution in valleys dominated by wetlands

-Avoid projects which cause extensive ponding

-Avoid designs which result in loss of streams or wetlands

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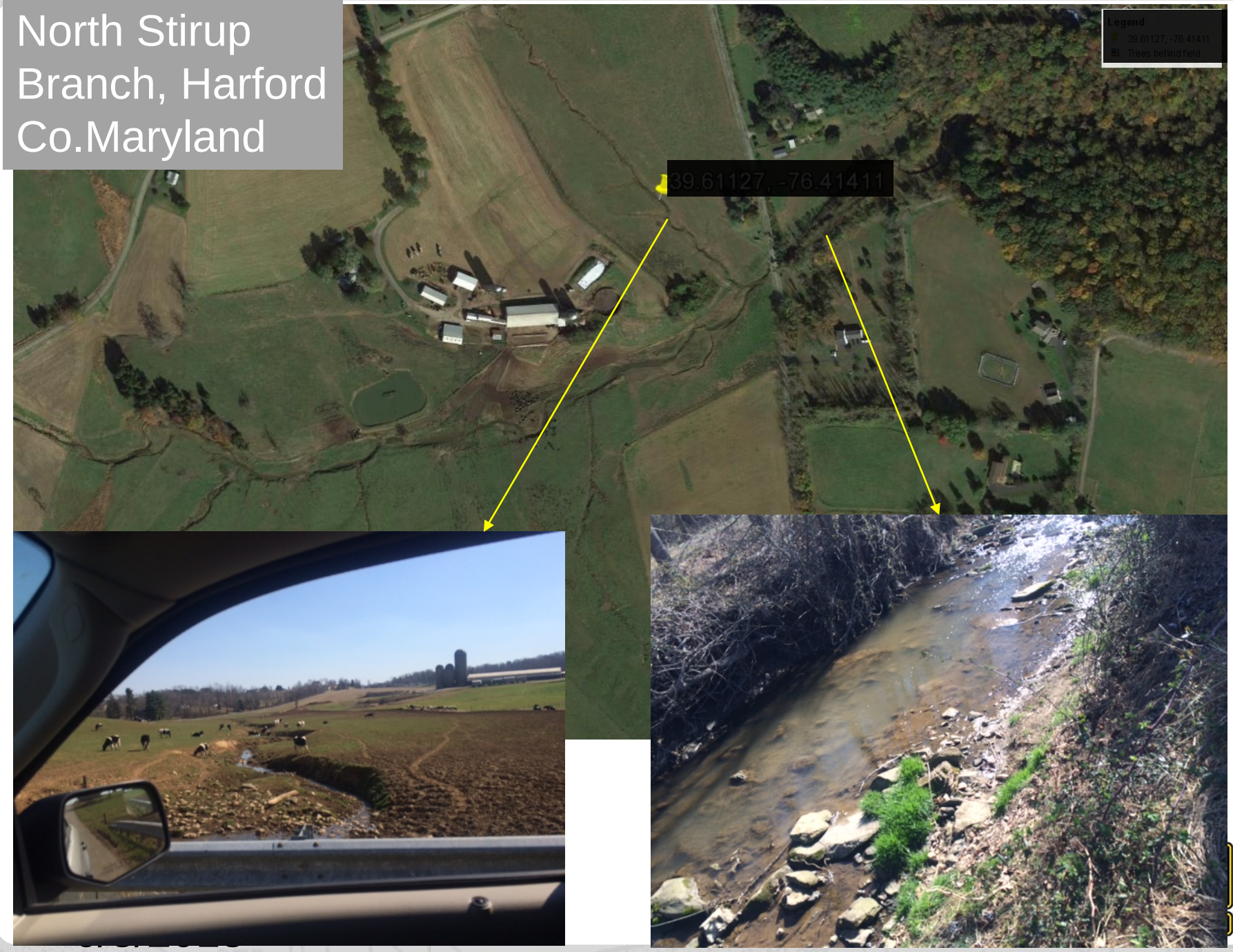
North Stirup Branch, Harford Co.Maryland



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File Name

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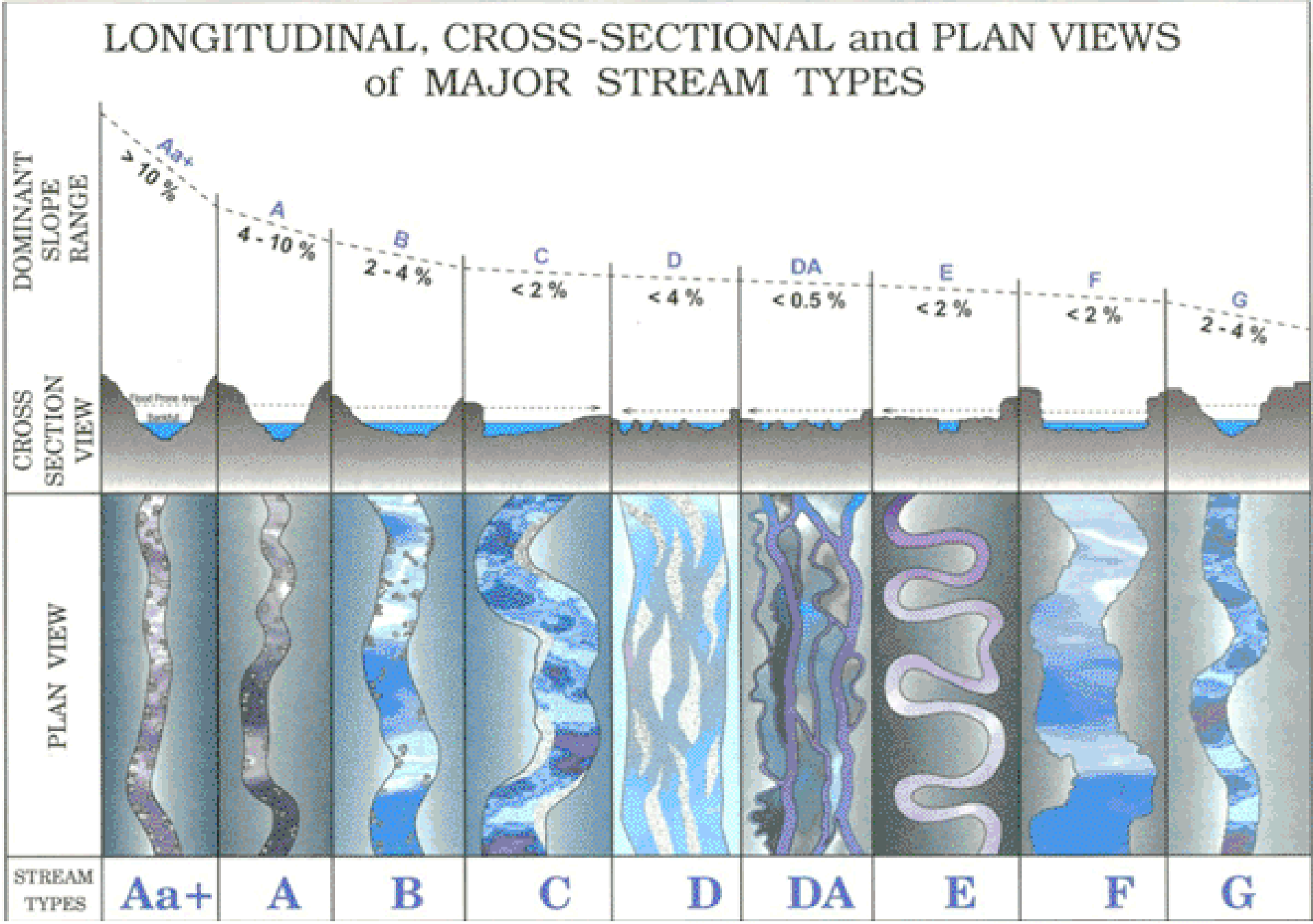
LONGITUDINAL, CROSS-SECTIONAL and PLAN VIEWS of MAJOR STREAM TYPES



Rosgen, David L. "A classification of natural rivers." Catena 22 (1994): 179. www.wildlandhydrology.com

HOW APPLICANTS CAN HELP THE CORPS STREAMLINE PERMITTING

Project Implementation and Monitoring:

-Follow authorized planset and permit conditions

-Contact regulators with any change or maintenance requests

-Provide As-built reports within 90 days of construction completion and submit certificate of compliance form to Corps. Must capture field changes.

-Provide annual monitoring reports as required

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ADAPTIVE MANAGEMENT

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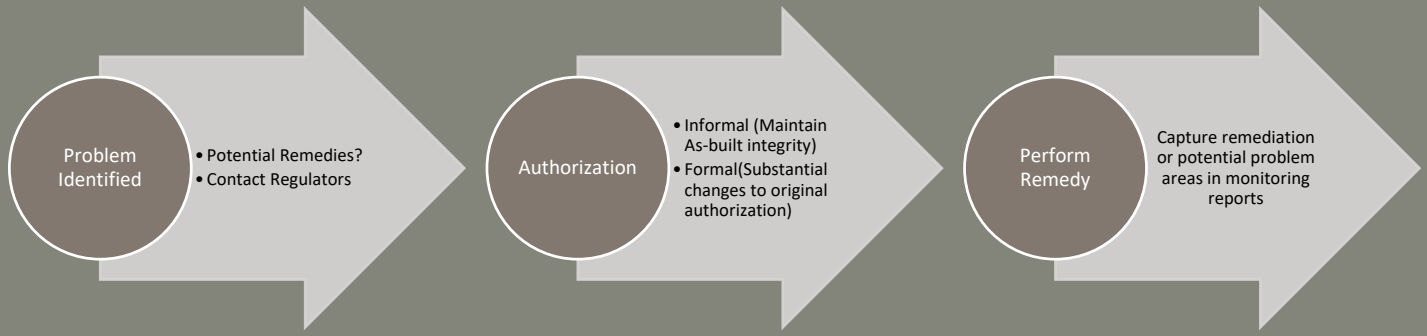

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RECENT AND UPCOMING DEVELOPMENTS

From Applicants:

Seeing better applications and more thorough design rationale. Avoiding large wetland impacts and thinking more about stability.

From Agencies

Stream Mitigation Protocol (Maryland)

Ability to bundle TMDL and Mitigation on same site. (Guidance being developed)

Electronic Permit Processing/eCollaboration

Academia:

Pooled Monitoring results to inform permit decisions and site selection/design methods and materials.

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QUESTIONS?