

DEPARTMENT OF THE ENVIRONMENT

ENVIROMATTERS

October 18, 2006

Improving and Streamlining the Regulatory Permitting Process:

Our state's ongoing efforts to streamline the deluge of paperwork required to initiate and complete wetlands projects must be balanced with how we protect and restore Maryland's precious waterbodies. The Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers made changes to the Maryland State Programmatic General Permit-3 (MDSPGP-3) to advance the regulatory process. The goal of the MDSPGP-3 is to reduce duplicative review of applications by federal and state governments and increase permitting efficiency by MDE and the Army Corps. It is also a shining example of how MDE coordinates with other state and federal agencies to maximize human resources while doing our jobs to protect the environment and our valued natural resources.

MDSGP-3

On October 1, 2006, the U.S. Army Corps of Engineers, Baltimore District reissued the MDSPGP-3 for a five-year period that expires on September 30, 2011. This permit authorizes work in Maryland waters for activities that would "cause no more than minimal adverse environmental effects, individually and cumulatively, subject to the terms, conditions, and limitations" of the permit. The MDSPGP-3 builds upon MDE's Wetlands and Waterways Program, and allows the regulated community to continue working directly with MDE for nearly 80 percent of its permitting needs.

Three-Tiered Review Process Saves Time

The first MDSPGP issued to Maryland became effective July 1, 1996. The second MDSPGP took effect on October 1, 2001. Over the ten years of experience working with the MDSPGP, MDE and the Army Corps changed to the MDSPGP-3 to allow applicants a joint State/federal permit application, which is processed by MDE on a three-tiered system:

Category I:

Proposed activities subject to both federal and state jurisdiction and part of a single, complete project resulting in minimal individual and/or cumulative adverse environmental effects, are reviewed only by MDE. This includes: piers; boat ramp construction, repair and expansion; maintenance dredging; new minor dredging; repair and maintenance; road

crossings and minor nontidal wetland fill. Impact limits have changed, for example, up to 20 feet wide boat ramps are now eligible for review under Category I, and up to one-half acre and 300 linear feet of minor nontidal wetland fill are allowed.

Category II:

Any proposed Category I activities that meet the Category II screening criteria requires the application be screened by the Army Corps. For example: activities in or near federally-authorized civil work projects; activities exempt from MDE's permit requirements or not state regulated and, denials and violations.

Category III:

Projects that propose total impacts exceeding Category I activity impact limits, do not meet the activity's specific terms and conditions, and do not exceed one acre, will be reviewed by both MDE and the Army Corps.

The MDSPGP-3 provides state and federal resource agencies (e.g., Maryland Department of Natural Resources, Maryland Historical Trust, U.S. Environmental Protection Agency, National Marine Fisheries Service, U.S. Fish and Wildlife Service and U.S. Coast Guard) with the opportunity to review and comment on any application. Projects potentially impacting sensitive resources will be identified by MDE's or another resource agency's application screening procedure. A current list of applications received is on MDE's website at www.mde.state.md.

www.mde.state.md 800.633.6101

