



Modifications to State Authorizations for Ecological Restoration Projects in Nontidal Wetlands and Waterways

The Maryland Department of the Environment, Wetlands and Waterways Program (WWP), has instituted guidance for modifications to State-issued Authorizations for Ecological Restoration Projects.

Modifications to permitted Tidal Wetlands projects are not subject to these procedures. The guidance (below) reflects a three-tiered approach to the various activities for which modifications are typically sought:

Level one activities would be those for which no Wetlands and Waterways Program notification and review is necessary. These minor changes may be made with no prior notice to MDE.

Examples include:

1. Additional plantings / substitutions of plantings or soil mixture / re-planting provided that all locally native vegetation is used and appropriate bio diversity is addressed.
2. Modifications of work occurring outside of regulated resources (i.e. access changes, adjustments to LOD).
3. Changes to the Sequence of Construction that do not affect erosion/sediment control implementation or maintenance.
4. Bank stabilization measures that are limited to the placement of fiber matting and fiber bio logs excluding the use of stone riprap.
5. In-kind repair of permitted projects within the term of the Authorization.

Level two activities would be those for which the WWP would need to be contacted beforehand. The appropriate Division Chief and assigned reviewer should be contacted via Email with details including a work description, site sketch and photos (if appropriate). The Department commits to a 3-business-day turn around for these requests. The applicant should not proceed with the proposed changes until 3-business days have passed. If MDE does not respond to the notification of the proposed modification within 3-business days, the permittee may assume approval and proceed. In the event MDE requests further information, the work may not proceed until MDE is satisfied that a formal modification is not necessary. MDE will make every attempt to expedite the review of the supplemental information submitted to make a determination on next steps (i.e. proceed or submit a formal modification).

Examples include:

1. Installation of non-structural woody debris (toe wood, root wads).
2. Alteration of grade control structures, within original structure LOD and do not affect flood elevations.
3. Expansion of LOD in regulated areas for temporary construction access only (no additional permanent impacts or tree removal within jurisdictional resources). Timber matting should be used for access through wetlands or buffers to minimize impacts.
4. Relocation of created nontidal wetlands within LOD.
5. Changes in pump around / diversion type and location, excluding new channel diversion construction.
6. Changes to in-stream structures or configurations, including changes to stone sizes/materials.

Level three activities are more substantial changes that would require a formal modification approval to the permitted activity from the WWP through submission of a permit modification request before proceeding with these changes in the field.

Examples include:

1. Changes in the stream plan, profile or cross-section.
2. Additional grade control structures (different from as permitted plans) including the raising, lowering and relocation; including addition of coarse woody debris which functions like a dam.
3. Expansion of LOD with permanent impacts to regulated areas.
4. Change in location of temporary access crossing/s.
5. Additional floodplain grading / fill
6. Any additional permanent wetlands and wetland buffers impacts.
7. Projects in sensitive areas (e.g. Critical Area).
8. Any change or waiver to in-stream closure period.

This Process for Modifications to Authorizations for Ecological Restoration Projects is applicable only to Nontidal Wetlands and Waterways authorizations issued by the Wetlands and Waterways Program at MDE. Any other local, state or federal authorizations necessary to implement the field modifications contained in this document will be necessary before proceeding with the work. (2/2021)