



Nontidal Wetlands and Waterways Pre-Application Summary

1. **AI#:**

2. **Date:**   /   /          **Time:**   :   AM

3. **Summary prepared by:**

4. **Attendees:**

5. **Property owner name:**

6. **Address or Site Location/Description** (directions, if no physical address is available):

7. **Project purpose:**

8. **Plans provided:** Yes  No

9. **State regulated resources found:** Yes  No

NTW Type: PEM  PSS  PFO  Landscape Mgmt Area  Ag

NTW Buffer  Critical Area  Tidally Influenced

Waters of the State: Stream  Floodplain

11. **Delineation provided:** Yes  No

12. **Avoidance/Minimization Discussed? Recap:**

The the project is located entirely within the Critical Area and is mostly located within a forested nontidal wetland and stream (Fishing Creek). The project will permanently impact forested nontidal wetlands, 25-foot nontidal wetland buffer and waterway (Fishing Creek). It is not known at this time if any RTE species are located within the proposed project area. The project will not affect tidal wetlands. The area is located within the Tidal Floodplain of Fishing Creek which is not regulated by the State of Maryland. All proposed permanent impacts will require mitigation at a 2-to-1 ratio. Mitigation will be required to satisfy both State (MDE) and Federal (Corps) mitigation rules and regulations. This project qualifies as a Permit under COMAR and will need a Public Notice. A nontidal wetland delineation will need to be conducted and should be reviewed by both MDE and CORPS prior to submission of an Joint Permit Application (Application). A robust justification of project need, alternative site analysis and avoidance/minimization discussion must be included with the Application which will be reviewed by both the State and the Corps. A strong statement must be provided with supporting evidence why impacts to the nontidal wetlands cannot be avoided and how any proposed impacts have been minimized to the greatest extent possible. The MDE Waterway Construction Engineer has not provided comments for this report and should be contacted for comments regarding waterway/stream and 100-year FEMA floodplain. NOTE: The project will also require a Water Quality Certification.

13. **Project, as described, would require Authorization:** Yes  No

If Yes, type of State authorization required:

Permit  Letter of Authorization  Authorization to Proceed

If Yes, project (as described or shown on plans) under the MDSPGP would be:

Category A  Category B  Individual Permit

\* U.S. ACE categorization is a preliminary determination only and may change upon receipt of application or further consultation with the U.S. ACE staff or other resource agencies

14. **Recommended Action** (check all that apply):

Consult with Corps  Submit Application  Schedule follow-up meeting

No action required  Other

**Pre-App Site Visit Comments:**

A portion of this project is currently under an active enforcement action by the MDE Compliance Division (refer to MDE Compliance Complaint #58757, found in AI #124968). Mr Louis stated that the currently approved Compliance remediation plan was not acceptable to the local residents and Mr. Louis proposed a change of plans during the meeting as shown in pre-application notes submitted to MDE. MDE stated that the Wetlands and Waterway Protection Program could not discuss the Compliance matter and, that if they had problems with the approved remediation plan they must discuss with MDE Compliance Division. Mr. DaVia stated that a new Joint Permit Application for the proposed project will not be entertained by the Corps until the active enforcement action has been resolved and settled between all parties and MDE. Both MDE and Anne Arundel County stated support of this statement. Mr. Day stated Mr. Anderson will need to apply to the County for development authorization/license. Anne Arundel County should determine if the proposed project can move forward prior to the submission of a Joint Permit Application.

Maryland Department of the Environment Reviewer Contact Information:

Name  Email

Telephone (    )    -

\*This document is a summary of the items discussed. Please note that this information is based on MDE staff preliminary cursory review at the time of the preapplication meeting. MDE staff will perform a full review of the project and all available information at the time of the application submission. Additional information may be required.

**Applicant/Consultant Signature:**