

Maryland Department of the Environment Wetlands and Waterways Program IMPROVING CUSTOMER SERVICE



IMPROVING CUSTOMER SERVICE

- House Bill 1056 (2008)
- Senate Bill 382 (2010)
- Pre-Application Process (2011)
- Application Processing Standards (2011)
- House Bill 1411(2012)
- Maryland In-Lieu Fee Program (2014)

House Bill 1056

The goal of House Bill 1056 was to restore the workforce of the Wetlands and Waterways Program in order to enhance its resource management and conservation capabilities and strengthen existing levels of constituent service, ensuring a more efficient and effective application review process for both the environmental and regulated communities.

House Bill 1056

- Enacted by the Maryland General Assembly during the 2008 Legislative Session
- Signed by Governor O'Malley on April 24, 2008
- Established application fees for minor and major projects/modifications, and impact fees for major projects/modifications based on the acreage of wetlands impact for permits and licenses issued by MDE or the Board of Public Works
- Established exemptions from application fees for specific activities and applicants
- Established the Wetlands and Waterways Program Fund

House Bill 1056

APPLICATION FEES*		
APPLICATION TYPE	IMPACT	FEE
Minor Project	< 5,000 Square Feet	\$750
General Permit		\$750
Minor Modifications	< 5,000 Square Feet	\$500
Major Project	< 1/4 Acre	\$1,500
	1/4 Acre to < 1/2 Acre	\$3,000
	1/2 Acre to < 3/4 Acre	\$4,500
	3/4 Acre to < 1 Acre	\$6,000
	≥ 1 Acre	\$7,500 / Acre
*Applications for authorizations under §§5-503, 5-906, 16-202, 16-302 and 16-307 of the Environment Article, Annotated Code of Maryland		

House Bill 1056

WETLANDS AND WATERWAYS PROGRAM FUND

The Fund consists of:

- All application fees collected by MDE
- Monetary compensation paid to the State in conjunction with a wetlands license other than compensatory mitigation
- Money appropriated in the State budget
- Investment earnings, interest, and any other money from any other source accepted for the benefit of the fund

House Bill 1056

WETLANDS AND WATERWAYS PROGRAM FUND

The Fund is used for activities related to:

- Issuance of authorizations under §§ 5–503, 5–906, 16–202, 16–302 and 16–307 of the Environment Article
- Management, conservation, protection and preservation of the State’s wetlands and waterway resources
- Program development associated with the State’s wetlands and waterway resources

House Bill 1056

WETLANDS AND WATERWAYS PROGRAM FUND

The Department shall:

- Prioritize the use of the Wetlands and Waterways Program fund to improve the level of service to the regulated community
- Identify and implement measures that will reduce delays and duplication in the administration of the wetlands and waterways permit process

HB 1056 Workgroup

HB 1056 directed MDE to convene a workgroup consisting of interested stakeholders to review and assess whether the Program has improved the level of service to the regulated community. Specifically, the legislation directed the workgroup to address the following issues:

- Number of new positions assigned to the Program
- Program's progress in improving permit turnaround time frames and eliminating the permit backlog
- Long-term funding needs of the Program
- Adequacy of the application fees to support an effective program

The report detailing the findings and recommendations of the workgroup was submitted to the Legislative Policy Committee, the House Environmental Matters Committee, and the Senate in December 9, 2011.

HB 1056 Review Requirements

- ☒ **Number of new positions assigned to the Program**
- ☒ **Progress in improving permit turnaround time frames**
- ☒ **Progress in improving permit backlog**
- ☒ **Progress in providing enhanced services to the regulated and environmental communities**
- ☐ **Long-term funding needs of the Wetlands and Waterways Program**
- ☐ **Adequacy of the application fees to support an effective program**

HB 1056 Review Requirements

WORKFORCE DECLINE FROM 1991-2008

POSITION	1991 WORKFORCE	2008 WORKFORCE	PERCENT DECLINE
Program Director	2	1	0
Deputy Director	0	1	
Division Chiefs	4	2	50
Section Chiefs	9	6	33
Engineers	15	6	60
Tidal Reviewers	6	5	17
Nontidal Reviewers	10	9	10
Mitigation Reviewers	4	2	50
Planners	0	2	0
Permit Service Center	3	3	0
Computer Programmers	3	1	67
Clerical Support	9	4	56
Water Quality Certification	5	0	100
TOTALS	70	42	40

HB 1056 Review Requirements

NEW POSITIONS ASSIGNED TO PROGRAM

CLASSIFICATIONS	NUMBER OF POSITIONS	CREATION DATE	STATUS (AS OF May 1, 2011)
Regulatory and Compliance Engineer I	3	06/25/2008	Employees hired and trained.
Natural Resources Planner III	6	06/25/2008	Employees hired and trained.
Environmental Compliance Specialist I	6	06/25/2008	Employees hired and trained.
Regulatory and Compliance Engineer I	3	01/07/2009	Employees hired and trained.
Natural Resources Planner III	7	01/07/2009	Employees hired and trained.
Environmental Compliance Specialist I	4	01/07/2009	Employees hired and trained.
Accountant	1	01/07/2009	Employee hired and trained.
Administrative Officer	1	01/07/2009	Employee hired and trained.
Assistant Attorney General	1	01/07/2009	Employee hired and trained.
Computer Information Services Specialist II	1	01/07/2009	Employee hired and trained.
Office Secretary	1	01/07/2009	Employee hired and trained.
TOTAL	34		

HB 1056 Review Requirements

PUBLISHED TURN-AROUND TIMES

Section 1-607(A)(2) of the Environment Article, requires MDE to establish standard turn-around times for all types of permit applications.

WETLANDS AND WATERWAYS PROGRAM STANDARD PERMIT APPLICATION TURNAROUND TIMES	
Nontidal Wetlands and Waterways Permits	10 months for minor projects
	12 months for major projects
Tidal Wetland Licenses and Permits	5 months for minor projects
	8 months for major projects

Revised Processing Standards for the entire permit application review process - from receipt of an application to issuance of an authorization, as well as new Standard Operating Procedures help reduce application turnaround times.

HB 1056 Review Requirements

SENATE BILL 382

As a result of Chapter 286 of the 2010 Laws of Maryland (SB 382 – Marine Contractors – Licensing), permit turn-around times have been reduced for minor tidal wetland applications.

- Effective 10/01/2010, the law requires MDE to make a decision within 90 days of receipt of an application
- Success rate is 98%

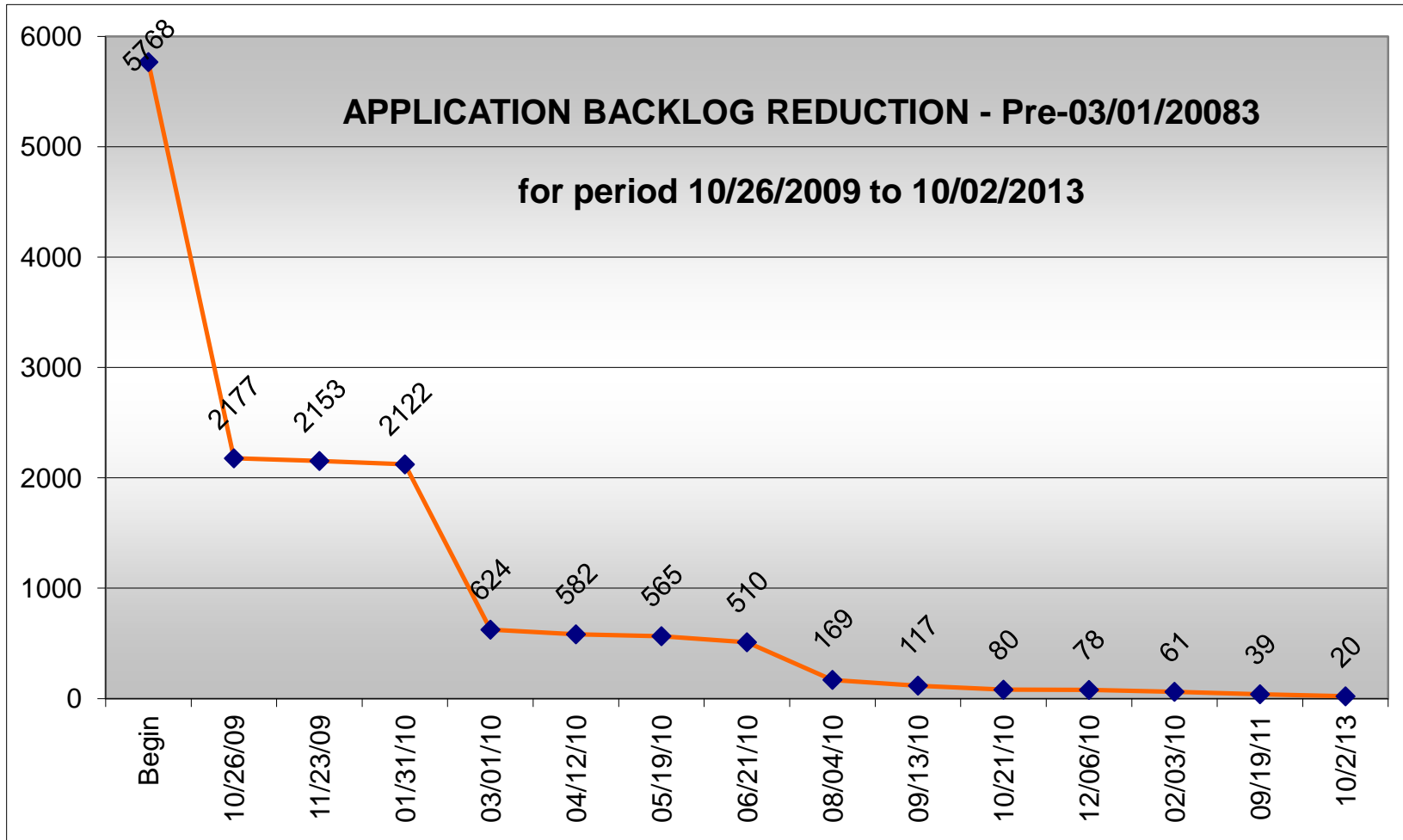
HB 1056 Review Requirements

IMPROVING TURN-AROUND TIMES

APPLICATION TURNAROUND TIME Issued From 08/01/2011 Thru 10/02/2013	
APPLICATION TYPE	APPLICATIONS PROCESSED WITHIN PUBLISHED TURNAROUND TIME
All Nontidal Wetlands	88.3%
Nontidal Minor	92.1%
Nontidal Major	76.3%
All Tidal Wetlands	95.1%
Tidal Minor	97.7%
Tidal Major	88.8%
ALL APPLICATIONS	92.1%

HB 1056 Review Requirements

IMPROVING PERMIT BACKLOG



HB 1056 Review Requirements

ENHANCED SERVICES

The goal of HB 1056 was to restore the Program's workforce and provide a more efficient and effective application review process for the regulated community, while enhancing the Program's resource protection capabilities

- Implemented new permit tracking database that allows managers to track and monitor permit review performance metrics by reviewer, media, and individual permit
- Reduced number of backlogged applications

HB 1056 Review Requirements

ENHANCED SERVICES

- Develop streamlined application with improved instructions and sample plans, which is currently being reviewed by the U.S. Army Corps of Engineers
- Established electronic process for scheduling pre-application meetings
- Established milestones for the application-to-authorization process, including new standard operating procedures and weekly management reports

ENHANCED SERVICES

- Consistently meeting the 45-day application review deadline, by informing applicant whether the wetland delineation is correct and the application is complete
- Consistently meeting MDE's published turn-around times for wetlands and waterways applications



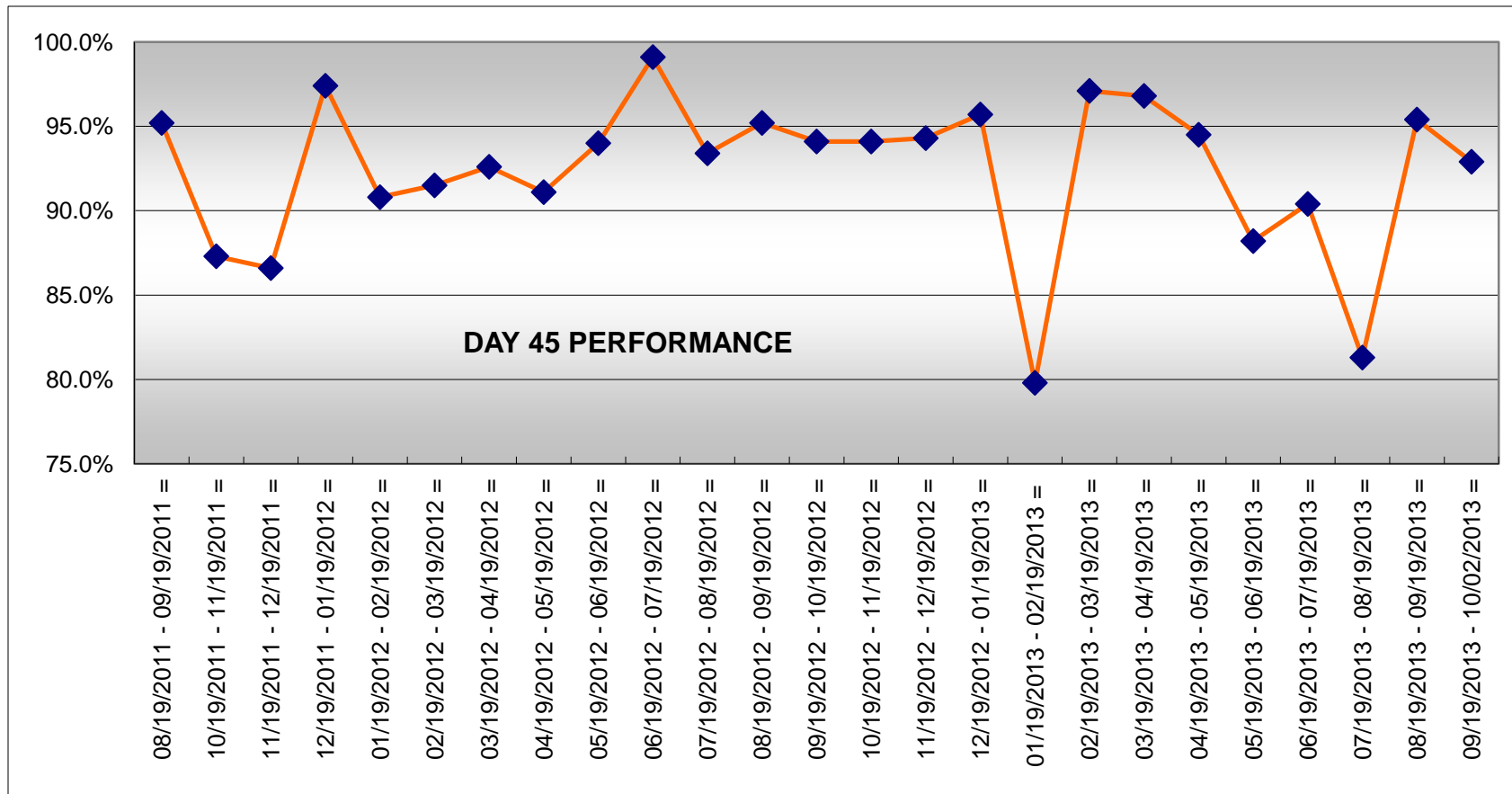


MDE Legislative Commitments

- **Consistently meet the 45-day application review deadline**
- **Shorten the plan review and approval backlog to less than one week**
- **Assure at least one pre-application meeting per project, if requested by the applicant**
- **Devote resources to additional streamlining/ customer service efforts**
- **Provide additional field inspection and follow-up on wetland mitigation projects**
- **Participate in special workgroups convened by counties or municipalities on permitting issues, resource management and restoration**

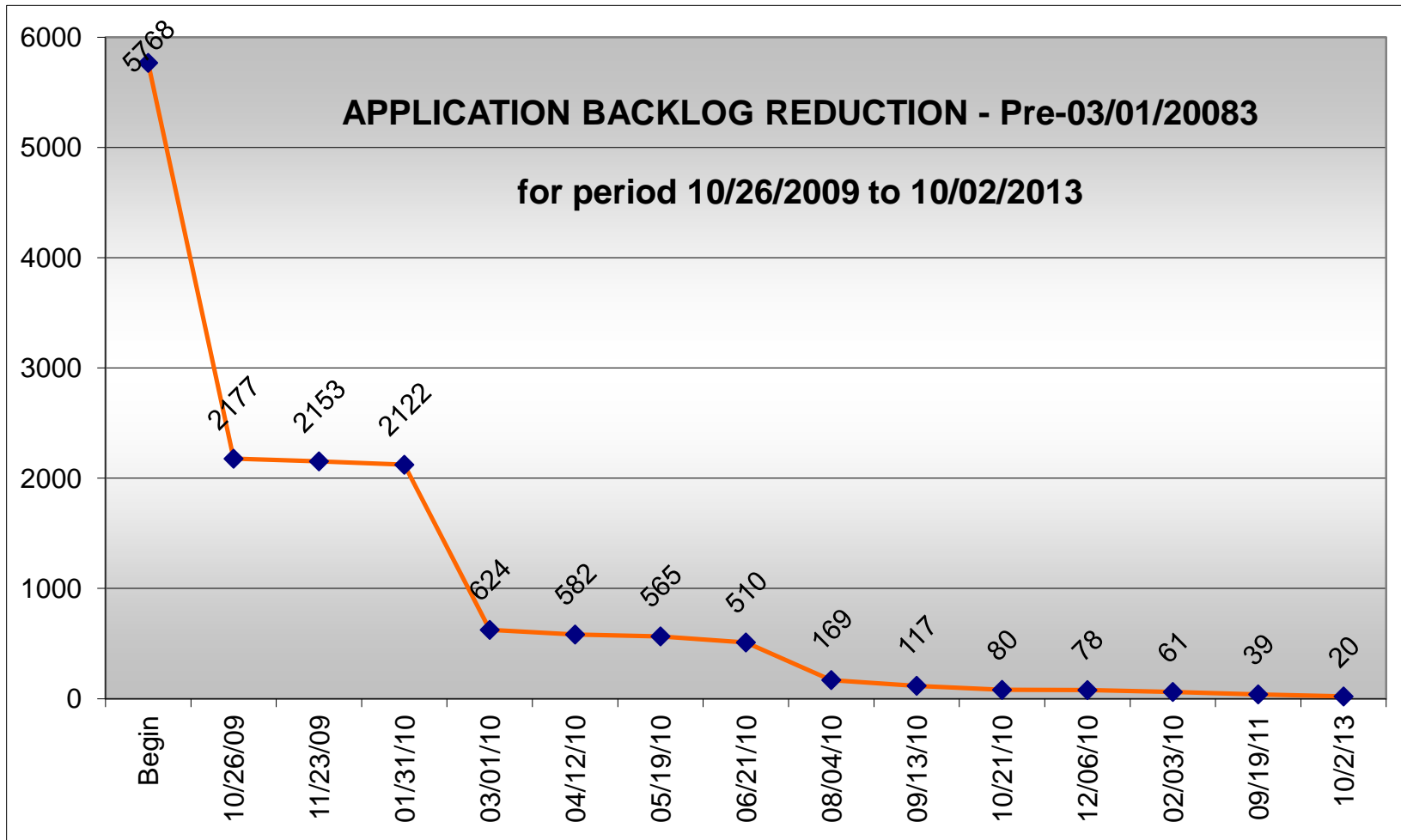
MDE Legislative Commitments

1. CONSISTENTLY MEET THE STATUTORY 45-DAY APPLICATION REVIEW DEADLINE



HB 1056 Review Requirements

2. ELIMINATE THE APPLICATION BACKLOG





MDE Legislative Commitments

3. ASSURE AT LEAST ONE PRE-APPLICATION MEETING PER PROJECT, IF REQUESTED BY THE APPLICANT

Pre-Application Meeting Request Form available from Website or by request by contacting MDE

4. DEVOTE RESOURCES TO ADDITIONAL STREAMLINING/ CUSTOMER SERVICE EFFORTS

Internal Procedures to Reduce Permit Processing Times

- Over 79% of the applications processed by the Program do not require an independent review by the USACE
- Implemented new permit tracking database that allows managers to track and monitor permit review performance metrics by reviewer, media, and individual permit
- Reduced number of backlogged applications

4. DEVOTE RESOURCES TO ADDITIONAL STREAMLINING/ CUSTOMER SERVICE EFFORTS

- Established milestones for the application-to-authorization process, including new standard operating procedures and weekly management reports
- Consistently meeting the 45-day application review deadline, by informing applicant whether the wetland delineation is correct and the application is complete
- Consistently meeting MDE's published turn-around times for wetlands and waterways applications

MDE Legislative Commitments

5. Provide additional field inspection and follow-up on wetland mitigation projects
6. Participate in special workgroups that meet on a regular basis to deal with permitting issues, and resource management and restoration in specific counties or municipalities.

House Bill 1141

- Amended the Wetlands and Waterways fee schedule based on the recommendations of the Wetlands and Waterways Program Funding Work Group convened by MDE in September 2011
- Adopted a strategy that (1) reduced the financial burden on residential property owners; and (2) eliminated the additional charge for major projects impacting rare, threatened or endangered species, historical and archeological resources, and natural and recreational trout waters.
- Included language requiring MDE to convene a Work Group in 2015 to review and assess the performance of the Wetlands and Waterways Program and the adequacy of any amended application fees to support an effective program.

House Bill 1141

HB 1411 adopted the workgroup strategy by:

- Changing the definition of a major project
- Defining “Residential Activity” or “Noncommercial Activity”
- Specifying that all non-commercial, residential activities meet the definition of a minor project
- Establishing a special category of noncommercial, residential activities that are assessed a reduced application fee

House Bill 1141

WETLANDS AND WATERWAYS PROGRAM FEES FOR MINOR AND MAJOR PROJECTS

TYPE OF APPLICATION	AREA OF PERMANENT IMPACT	APPLICATION FEE
MINOR PROJECT OR GENERAL PERMIT	<5,000 SQUARE FEET	\$750
MINOR MODIFICATION	<5,000 SQUARE FEET	\$250
MAJOR PROJECT	<¼ ACRE	\$1,500
	≥ ¼ ACRE TO < ½ ACRE	\$3,000
	≥ ½ ACRE TO < ¾ ACRE	\$4,500
	≥ ¾ ACRE TO < 1 ACRE	\$6,000
	≥ 1 ACRE	\$7,500/ACRE
MAJOR MODIFICATION	≥5,000 SQUARE FEET	\$1,500

House Bill 1141

WETLANDS AND WATERWAYS PROGRAM FEES FOR CERTAIN MINOR PROJECTS		
PERMIT TYPE	PROJECT DESCRIPTION	APPLICATION FEE
Tidal Wetlands	Installation of a boatlift on existing pilings	\$0
	Installation of an individual boatlift with 2 pilings	\$300
	Installation of a maximum of 6 pilings	\$300
	In-kind repair and replacement of structures	\$300
	Installation of a fixed or floating platform, where the total platform area (fixed and floating) does not exceed 200 square feet.	\$300
	Replacement of an existing bulkhead where the replacement bulkhead does not exceed more than 18 inches channelward of the existing structure	\$500
Nontidal Wetlands and Waterways	Construction of a non-habitable structure that permanently impacts less than 1,000 square feet, such as a driveway, deck, pool, shed or fence.	\$300
	In-kind repair and replacement of existing infrastructure	\$500



Program's Business Process

HOUSE BILL 1056:

- Precipitated higher client expectations surrounding the application-to-authorization process
- Created a need to develop an enhanced project management model for the Program
- Development of the Program's Business Process addresses the regulated communities expectation of certainty in the application process and the Program's ability to turnaround an application in a timely fashion

Program's Business Process

- Establishes major milestones for the application-to-authorization process
- Establishes measureable milestones in the database to record the authorization process
- Includes new Standard Operating Procedures defining the business process required and the functional methodologies to accomplish each procedure
- Creates weekly reports to reflect the progress and opportunities in the daily work process
- Monitors Program's daily routine and revises work processes, as necessary, to accommodate new business requirements and timetables, helping to insure applicant's satisfaction

Program's Business Process

- **What's new**

Pre-Application Meetings
Application Checklist
Measurable Milestones



Process Improvements

Pre-Application Meetings

- Web, paper, phone
- AI search / creation
- Pre-screening
- Repository for pre-app interviews / site visits

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Water Management Administration • Wetlands and Waterways Program
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410-537 3745 • 800-633-6101 • www.mde.state.md.us

Pre-Application Meeting Request

*All fields with an asterisk * are required unless noted otherwise.
Email this form to wetlandspreapplication@mde.state.md.us or,
print this form and return it to your MDE contact.*

Project location <i>Complete all of the following project location fields</i>	Site Address <i>If a site address is not available, be sure to describe the project location in the available field below:</i>	House, lot, or location number			
		Street name			
		* City * State * Zip			
http://www.earttools.org	* Latitude / * Longitude				
	* County	Select a county			
	* ADC Map <i>No ADC map coordinates required for Garrett, Allegany, or Somerset counties</i>	Map #	Alpha	Number	Edition
	Describe project location <i>i.e. 200 yards NE of Rte 50 and Tempo Roads</i>	not needed if exact address is shown in Site Address			
Property owner <i>May be different from Project location address</i>	* Full name * Mailing address * City, State Zip Telephone Home Work Cell Email				
* At least one telephone					
Primary contact	* Full name * Company * Mailing address * City, State Zip Telephone Work Cell Email				
* At least one telephone					
Project	* My project is <i>Place an 'x' under one selection</i>	Tidal	NonTidal	Waterway Floodplain	Unsure
	Describe your project				

By submitting this form, the property owner grants permission to the representative of the Maryland Department of the Environment to enter the property during business hours for the purpose of making observations of the proposed project site. If the form is being submitted by the primary contact and not the property owner, the primary contact certifies that he or she is the agent authorized to act on behalf of the property owner and, as the agent, has obtained the property owner's permission for the representative of the Maryland Department of the Environment to enter the property during business hours for the purpose of making observations of the proposed project site.

Process Improvements

☒ Wetland Application Checklist

1 of 4

- ☐ Processing Fee Enclosed
- ☐ Exempt from Processing Fee
- ☐ Applicant's name, mailing address, telephone number, email address and fax number
- ☐ Authorized agent's (or primary contact) name, mailing address, telephone number, email address and fax number
- ☐ Any existing authorization numbers
- ☐ General description of project purpose and proposed activity.
- ☐ The name of the city or town, water body, and county where the project is located
- ☐ Clear directions to the project site
- ☐ Latitude and longitude from a central location within the project limits

☒ Wetland Application Checklist

2 of 4

Wetland, Waterway/Stream, Buffer, Floodplain Description

- ☐ Itemized calculation of all permanent and temporary wetland, stream, buffer, floodplain impacts
- ☐ A delineation report of the area of all wetlands and buffers on the site and associated wetland data sheets. The report map should include the location of all streams, 100-year floodplains?, open water and other surface waters on the site the limits of Chesapeake Bay Resource Protection Areas (RPAs), Wetland types should be noted according to their Cowardin (USFWS-National Wetlands Inventory) classification or similar terminology.
- ☐ Distance of all proposed structures to all contiguous property lines and any appropriate County or State property line building restriction setbacks, right-of-ways and/or easements. A plan view depicting existing and proposed conditions and structures. All plan view sketches should include, but are not limited to: north arrow; existing and proposed contours and/or grades; limit of surface water areas; ebb and flow direction of all water bodies (e.g., streams, tidal waters); applicant name and address; all horizontal dimensions of all proposed structures and impacts, existing conditions of the project site which includes all existing structures at or near the project site including neighbors; existing areas of wetland vegetation or mapped wetlands; the project boundary and a boundary demarcating the limits of disturbance.
- ☐ Description of How Impacts were Avoided or Reduced
- ☐ Mitigation Proposal, if applicable

☒ Wetland Application Checklist

3 of 4

Plans

- ☐ A detailed vicinity map of the project area, including the project boundary. The map should identify the project site and adjacent property owners
- ☐ Plans showing distance of all proposed structures to all contiguous property lines and any appropriate County or State property line building restriction setbacks, right-of-ways and/or easements
- ☐ A plan view depicting existing and proposed conditions and structures. All plan view sketches should include, but are not limited to: north arrow; existing and proposed contours and/or grades; limit of surface water areas; ebb and flow direction of all water bodies (e.g., streams, tidal waters); applicant name and address; all horizontal dimensions of all proposed structures and impacts, existing conditions of the project site which includes all existing structures at or near the project site including neighbors; existing areas of wetland vegetation or mapped wetlands and buffers; the project boundary and a boundary demarcating the limits of disturbance. A section view showing existing and proposed conditions and structures.
- ☐ A description of construction access and methodology and a proposed construction schedule, with an estimated completion date
- ☐ Description of stabilization for temporary impacts

☑ Checklist Wetland Applications

4 of 4

ALL Tidal Projects

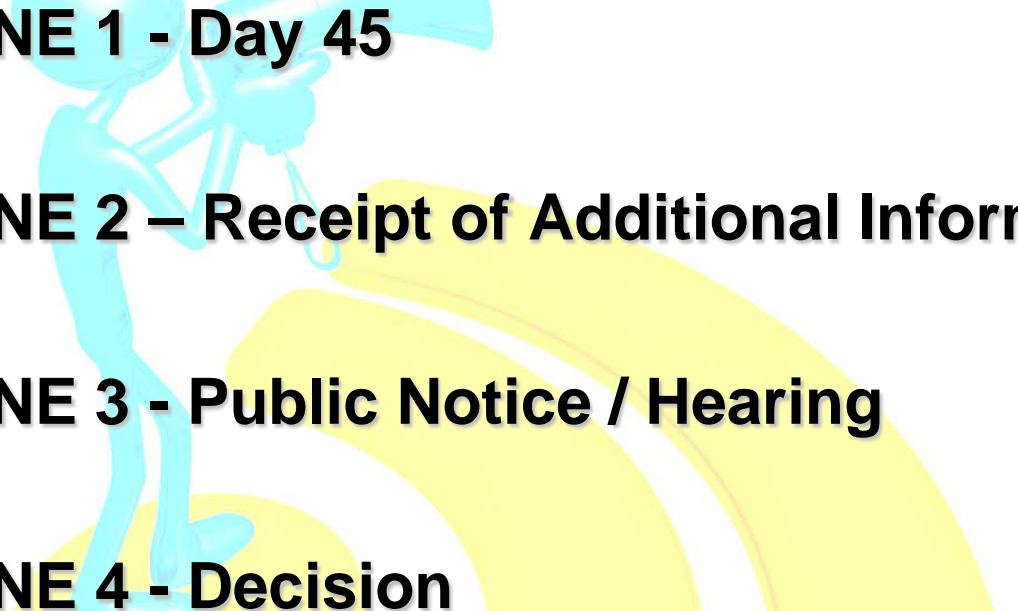
- ☐ Plans on 8.5" x 11" paper; Plans are to be legible and not cluttered; usable written scale no smaller than 1" = 100', Dimensions of proposed structures must be represented.
- ☐ Plan views should include Mean High Water Line (MHWL) and Mean Low Water Line (MLWL; referenced to 0.0'). *If MHWL or MLWL are to be altered during construction the proposed MHWL and MLWL should also be labeled*
- ☐ Plan views should include water depths marked as either contours or spot depths that extend across the width of the waterway.
- ☐ Plan view should include the maximum channelward extent beyond mean high water of all proposed structures and impacts
- ☐ Plan view should include the distance across the waterway, perpendicular to the proposed worksite, to the opposite shoreline and maximum fetch for the project worksite; *include multiple bearings and/or summer-winter wind direction if possible*
- ☐ Dredge material management plan (*for dredging projects only*) including type of dredging, location of dredged material placement site, handling and transport method for dredge material, the dimensions and detailed design of the proposed dredged material placement site including a plan and cross section drawing of dewatering area (*if proposed*), maximum volume of dredged material, and an acceptance letter from the operator of the dredged material placement site.

ALL Non-Tidal Projects

- ☐ Large-sized impacts map (at a scale no smaller than 1" = 200'); use matchlines if the entire site cannot fit on one sheet at this scale

Process Improvements

Timeline Development

- 
- A 3D illustration of a yellow, stylized human figure standing on a yellow circular base. The figure is holding a large yellow megaphone to its mouth, as if shouting or announcing. The figure is positioned to the left of the milestone list.
- **MILESTONE 1 - Day 45**
 - **MILESTONE 2 – Receipt of Additional Information**
 - **MILESTONE 3 - Public Notice / Hearing**
 - **MILESTONE 4 - Decision**

Day 45



Receive application with appropriate fee

Complete screening

Internal and external application distribution

PM assignment, major / minor determination, MDSPGP categorization

PM conducts site visit

PM sends Day 45 letter

ALL

0

7

14

40

Day 45

Additional Information



Day 45 reminder letter sent – cc: property owner

IF no response to Day 45 Letter – Deny Application

Notification sent to applicant including appeal rights

Day 45 letter response received

Review submission (s)

If response remains insufficient – Deny Application

Notification sent to applicant including appeal rights

Application Complete

TIDAL		NONTIDAL	
Minor	Major	Minor	Major
-	75	75	75
75	85	90	90
75	85	90	90
-	115	135	135
-	115	135	135
75	115	135	135

Public Notice / Hearing



Publish Public Notice subscription list

Publish Public Notice in newspaper

End Of Public Comment Period

Schedule Public Hearing

Conduct Public Hearing

End Public Hearing Comment Period

TIDAL		NONTIDAL	
Major	Hearing	Major	Hearing
145	145	180	180
145	145	180	180
175	175	210	210
-	190	-	225
-	220	-	255
-	250	-	270

Decision



Contact applicant re Public Notice /
Hearing comments

Receive response from applicant

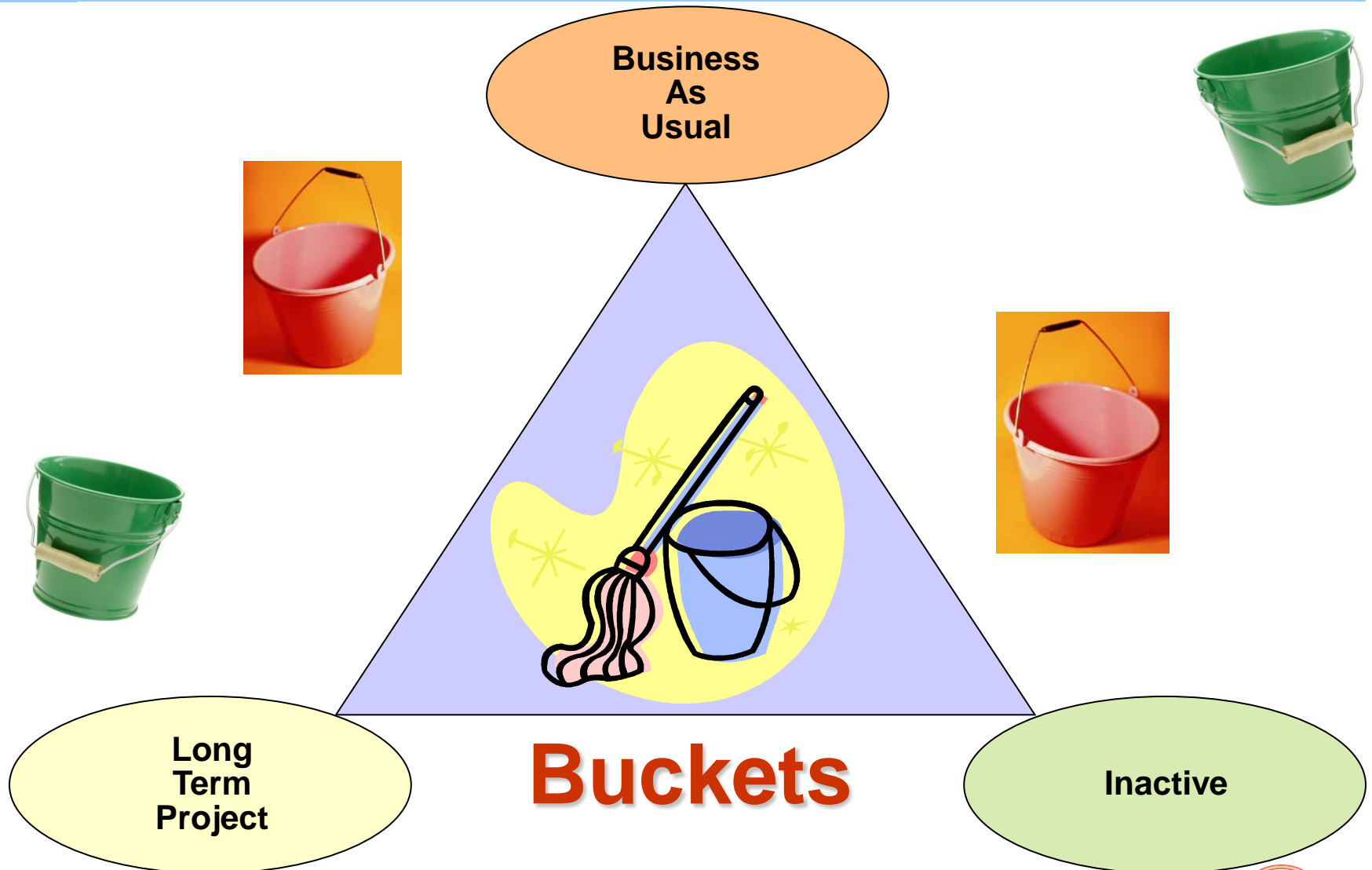
Complete evaluation

Complete necessary documentation
for issuance

**Decision
(Issuance or Denial)**

TIDAL			NONTIDAL		
Minor	Major	Hearing	Minor	Major	Hearing
-	190	265	-	240	300
-	205	280	-	270	330
85	235	310	-	290	350
90	240	325	180	300	360
90	240	325	185	305	365

Handling Special Cases



Handling Special Cases

Two review categories have been created to address special cases:

- ★ **Inactive** ----- (Stops clock)
- ★ **Long Term Projects** ----- (Does not stop clock)

Decision to use these categories is made by the Division Chief in consultation with the Project Manager



LONG TERM PROJECT	INACTIVE
Highway Utility Other	Technical processing issues Attorney General coordination Compliance Legal State Federal Local Other

Handling Special Cases

INACTIVE 1 of 2

Technical processing issues

... SAV survey, flushing study, hydraulic analysis/floodplain study, flooding easement/agreement, additional technical information required, final plans

Attorney General coordination

... projects in which the Attorney General's office is involved

Compliance

... projects that are under review by the MDE Compliance Program

Legal

... court actions, law suits, legal actions that do not directly involve MDE

Handling Special Cases

INACTIVE 2 of 2

State

... projects that have outstanding issues involving other MDE programs/divisions or other State agencies (MHT, DNR, SHA, etc.)

Federal

... projects that have outstanding issues involving federal agencies (i.e. the Army Corps of Engineers, Housing and Urban Development)

Local

... projects that have outstanding County/municipality issues

Other

Handling Special Cases

TURN-AROUND TIMES

RESOURCE	ALL APPLICATIONS AS OF 09/16/13			ACTIVE APPLICATIONS ONLY		
	Total Pending	Number Overdue	Percent Overdue	Pending	Number Overdue	Percent Overdue
NONTIDAL	425	109	25.6%	283	27	9.5%
TIDAL	227	24	10.6%	219	19	8.7%
TOTAL	652	133	20.4%	502	46	9.2%

IN-LIEU FEE PROGRAM UPDATE



STATE IN-LIEU FEE PROGRAM


➤ In-Lieu Fee Program Status

- MDE submitted draft prospectus describing how the State Program would operate under the federal Mitigation Rule on November 20, 2012
- USACE provided comments to MDE on December 21, 2012
- Code of Federal Regulations required a new In-Lieu Fee Instrument that complied with the Mitigation Rule be approved by June 9, 2013 or the existing State Program could no longer provide compensatory mitigation for Department of the Army permits, including the Maryland State Programmatic General Permit
- State Program is only available in instances where the USACE has waived compensatory mitigation requirements.

IN-LIEU FEE PROGRAM

➤ Next Steps For Approval of State Program

- Revise draft prospectus based on USACE comments
- Promulgate regulations increasing fees to cover operational expenses required by the Mitigation Rule and to level the playing field between State in-lieu fee rates and rates being charged by entrepreneurial banks in Pennsylvania, Maryland, and Virginia
- Submit revised draft prospectus by January 2014



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