

**SCD CERTIFICATION/MDE CONCURRENCE FORM
AND DOCUMENTATION WORKSHEET
FOR PROPOSED AGRICULTURAL ACTIVITIES IN NONTIDAL WETLANDS**

Revised 06-07-16

The Soil Conservation District (SCD) is responsible for evaluating the impact of proposed agricultural activities on nontidal wetlands. If the wetland impact is less than 5,000 square feet (or less than 1 acre, if isolated), with no "significant plant or wildlife value," and the wetland is located outside the Chesapeake Bay Critical Area, then no mitigation is needed for an agricultural activity according to MDE's Nontidal Wetlands Regulations. Note: Permits and/or mitigation may be required by other regulations (e.g., Corps of Engineers - Section 404 Permits; MDE - Water Quality Certification, Waterway Construction Permits; and USDA - Farm Bill "Swampbuster" Compliance).

If the SCD and/or MDE determines that an agricultural activity will impact 5,000 square feet or more of nontidal wetlands (1 acre or more, if isolated), or wetlands of any size that have "significant plant or wildlife value," or wetlands located in the Chesapeake Bay Critical Area, then a soil conservation and water quality plan including agricultural best management practices (BMP's) and a wetland mitigation component will be required.

I. AGRICULTURAL ACTIVITIES EXEMPTED FROM WETLAND MITIGATION

The SCD should send the following information to the appropriate regional office of MDE, Wetlands and Waterways Program:

1. The completed SCD Certification/MDE Concurrence form (see page 2);
2. A location map of the property (e.g., section of ADC map or USGS quad, with sheet number/quad name, as appropriate);
3. The wetland location on the property (delineated on a suitable conservation plan map or photo);
4. The supporting documentation worksheet (see page 3) for determining no Significant Plant or Wildlife Value, and Isolated Nontidal Wetlands.

If MDE concurs with the SCD's determination, MDE will sign and return page 2 to the SCD. If MDE does not concur with the SCD's determination, MDE will notify the SCD of its decision by letter. The determination made by the SCD shall be considered correct if MDE does not respond to the SCD's determination within 60 days of notification.

II. AGRICULTURAL ACTIVITIES NOT EXEMPTED FROM WETLAND MITIGATION

In addition to the above information required for agricultural activities exempted from wetland mitigation, the SCD should also send the mitigation component of the soil conservation and water quality plan, consistent with regulations COMAR 26.23.04.03 through 26.23.04.07. Generally a Phase I Wetland Mitigation Plan (i.e. conceptual plan) should be submitted with the above information for approval before preparing and submitting a detailed Phase II Wetland Mitigation Plan (i.e. final plan).

MDE shall determine whether or not the mitigation component is consistent with regulations COMAR 26.23.04.03 through 26.23.04.07. If MDE determines that the mitigation component is consistent with regulations, MDE will notify the SCD with a Phase II Wetland Mitigation Plan Approval Letter. If MDE determines that the mitigation component is not consistent with regulations, MDE will notify the SCD of its decision by letter. If MDE does not respond within 60 days of receipt of the mitigation component, it shall be considered consistent with regulations.

SCD CERTIFICATION AND MDE CONCURRENCE FOR PROPOSED AGRICULTURAL ACTIVITIES IN NONTIDAL WETLANDS		Revised 06-07-16
Landowner:	Farm No:	Tract No:
Address:		
Evaluator:	SCD Office:	Date:
Brief description of the proposed activity:		
<p>I. SOIL CONSERVATION DISTRICT CERTIFICATION</p> <p>The Soil Conservation District has determined that the above referenced activity, as described in the attached worksheet (see page 3) and other supporting documentation, is an agricultural activity whose cumulative impact for the entire and complete project is: <i>(check one)</i></p> <p><input type="checkbox"/> Less than 5,000 square feet of nontidal wetland that has no "significant plant or wildlife value" as defined in COMAR 26.23.01, and is not located in the Critical Area. The approximate area of nontidal wetland impact in square feet is _____. (Mitigation <u>is not</u> required)</p> <p><input type="checkbox"/> Less than 1 acre of isolated nontidal wetland that has no "significant plant or wildlife value" as defined in COMAR 26.23.01, and is not located in the Critical Area. The approximate area of nontidal wetland impact in square feet is _____. (Mitigation <u>is not</u> required)</p> <p><input type="checkbox"/> Greater than 5,000 square feet of nontidal wetland, greater than 1 acre of isolated nontidal wetland, wetlands of any size that have "significant plant or wildlife value" as defined in COMAR 26.23.01, or wetlands of any size located in the Chesapeake Bay Critical Area. The approximate area of nontidal wetland impact in square feet is _____. (Mitigation <u>is</u> required)</p> <p>Briefly describe the type of wetland (e.g., forested), and predominant plant species: <i>(attach additional pages, if needed)</i></p>		
Authorized SCD Signature	Title	Date
<p>II. MDE WETLANDS AND WATERWAYS PROGRAM CONCURRENCE</p> <p>Maryland Department of the Environment, Wetlands and Waterways Program, concurs with the SCD's determination concerning the above referenced activity. **THIS CONCURRENCE IS FROM MDE ONLY** The SCD is responsible for obtaining any necessary federal authorizations or approvals from the Army Corps of Engineers.</p> <p>Additional Comments/Recommendations: <i>(attach additional pages, if needed)</i></p>		
Authorized MDE Signature	Title	Date

SUPPORTING DOCUMENTATION WORKSHEET FOR DETERMINING SIGNIFICANT PLANT OR WILDLIFE VALUE AND ISOLATED NONTIDAL WETLANDS		Revised 06-07-16	
Landowner:	Farm No:	Tract No:	
I. SIGNIFICANT PLANT OR WILDLIFE VALUE			
Use the following checklist to determine whether or not a nontidal wetland is likely to have " significant plant or wildlife value. " Check "Yes" if the item applies to the wetland in question, and "No" if it does not. [Refer to Maryland's Nontidal Wetland Regulations, COMAR 26.23.01 B (80).] Note: If all items are checked "No," then the wetland is <u>not</u> likely to have significant plant or wildlife value.		Yes	No
<i>"Significant plant or wildlife value" means a nontidal wetland:</i>			
A. Of the following unusual or unique community types:			
1. Bog;		<input type="checkbox"/>	<input type="checkbox"/>
2. Area with bald cypress, Atlantic white cedar, red spruce, balsam fir, or American larch that contains at least 20 percent of these species in any stratum, as determined using the 1987 Corps of Engineers Wetlands Delineation Manual;		<input type="checkbox"/>	<input type="checkbox"/>
3. Delmarva bay.		<input type="checkbox"/>	<input type="checkbox"/>
B. With water discharge that maintains minimum stream base flow important for maintaining plant and wildlife species.		<input type="checkbox"/>	<input type="checkbox"/>
C. With threatened or endangered species, or species in need of conservation.		<input type="checkbox"/>	<input type="checkbox"/>
D. Adjacent to Class III or Class IV waters, as defined in COMAR 26.08.02.08.		<input type="checkbox"/>	<input type="checkbox"/>
E. Of Special State Concern (refer to MDE's Nontidal Wetlands Guidance maps).		<input type="checkbox"/>	<input type="checkbox"/>
F. Supporting vernal pools (nontidal wetland in a confined depression that has surface water for at least 2 consecutive months during the growing season, and is free of adult fish populations, provides habitat for amphibians, and lacks abundant herbaceous vegetation).		<input type="checkbox"/>	<input type="checkbox"/>
G. That is regularly or periodically influenced by tidal waters.		<input type="checkbox"/>	<input type="checkbox"/>
II. ISOLATED NONTIDAL WETLANDS			
Use the following checklist to determine whether or not MDE may consider a wetland to be an isolated nontidal wetland (<u>not</u> "hydrologically connected"). Check "Yes" if the item applies to the wetland in question, and "No" if it does not. [Refer to Maryland's Nontidal Wetland Regulations, COMAR 26.23.01 B (47) and (52).] Note: If all items are checked "No," then the wetland is <u>not</u> hydrologically connected and is likely to be considered an isolated wetland.		Yes	No
<i>"Hydrologically connected" means a nontidal wetland that:</i>			
A. Is contiguous to a watercourse, surface water body, tidal wetland, or drainage ditch.		<input type="checkbox"/>	<input type="checkbox"/>
B. Is within or connected to any 100-year floodplain as determined by calculation or Federal Emergency Management Agency (FEMA) maps.		<input type="checkbox"/>	<input type="checkbox"/>
C. Receives or discharges surface water or groundwater as intermittent or perennial flow from or to a surface water body, watercourse, or other tidal or nontidal wetland, as demonstrated by the presence of an intermittent or perennial stream or spring flow (into and/or out of the wetland).		<input type="checkbox"/>	<input type="checkbox"/>
D. Was formerly contiguous to a surface water body, watercourse, or a nontidal wetland described in categories (A)-(C) above, and is presently separated from these areas by a man-made berm, fill, road, or other structure.		<input type="checkbox"/>	<input type="checkbox"/>