

SCD CERTIFICATION AND MDE CONCURRENCE FOR PROPOSED AGRICULTURAL ACTIVITIES IN NONTIDAL WETLANDS		Revised 05-23-03
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 2) 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 _____.</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 _____.</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 DIVISION CONCURRENCE</p> <p>Maryland Department of the Environment, Wetlands and Waterways Division, 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
<p>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 <u>outside</u> the Chesapeake Bay Critical Area, then no mitigation is needed for an agricultural activity according to MDE's Nontidal Wetlands Regulations. <u>Note:</u> 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).</p> <p>If the criteria for minimal impact (as described above) are met, send this completed form to the appropriate regional office of MDE, Wetlands and Waterways Division, along with the following information:</p> <ol style="list-style-type: none"> 1. A location map of the property (e.g., section of ADC map or USGS quad, with sheet number/quad name, as appropriate); 2. The wetland location on the property (delineated on a suitable conservation plan map or photo); 3. The supporting documentation worksheet (see page 2) for determining no Significant Plant or Wildlife Value, and Isolated Nontidal Wetlands. <p>If MDE concurs with the SCD's determination, MDE will sign and return this page to the SCD. If MDE does <u>not</u> 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.</p> <p>If MDE and/or the SCD 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 wetland mitigation and/or agricultural best management practices (BMP's) will be required.</p>		

SUPPORTING DOCUMENTATION WORKSHEET FOR DETERMINING SIGNIFICANT PLANT OR WILDLIFE VALUE AND ISOLATED NONTIDAL WETLANDS		Revised 05-23-03	
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
"Significant plant or wildlife value" means a nontidal wetland:			
A. Of the following unusual or unique community types:			
1. Bog;			
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;			
3. Delmarva bay.			
B. With water discharge that maintains minimum stream base flow important for maintaining plant and wildlife species.			
C. With threatened or endangered species, or species in need of conservation.			
D. Adjacent to Class III or Class IV waters, as defined in COMAR 26.08.02.08.			
E. Of Special State Concern (refer to MDE's Nontidal Wetlands Guidance maps).			
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).			
G. That is regularly or periodically influenced by tidal waters.			
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
"Hydrologically connected" means a nontidal wetland that:			
A. Is contiguous to a watercourse, surface water body, tidal wetland, or drainage ditch.			
B. Is within or connected to any 100-year floodplain as determined by calculation or Federal Emergency Management Agency (FEMA) maps.			
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).			
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.			