

**APPENDIX 3:
DOCUMENTATION FOR CORPS VERIFIED ACTIVITIES AUTHORIZED BY THE
CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD REGIONAL GENERAL
PERMIT**

GENERAL INFORMATION AND INSTRUCTIONS

The TMDL Regional General Permit (TMDL RGP) was established to authorize activities in Waters of the U.S. resulting in minimal adverse effects, with the specific purpose of reducing nutrient and sediment pollution in accordance with the Chesapeake Bay TMDL.

As described in Section IV of the TMDL RGP, proposed work may meet the conditions and thresholds for Corps Verification. Corp-verified projects provide a higher threshold for impacts and involves a detailed review for projects in sensitive waterways (Tier 2 or coldwater streams) or where impacts present potential adverse effects to (for example) Activities authorized by the TMDL RGP, which may be Corps-Verified include:

Activity A) The Retrofit of Existing Stormwater Management Facilities

Activity B) The Retrofit and Stabilization of Existing Outfalls

Activity C) Nontidal Streams and Wetland Restoration

To qualify for Corps-verification under the TMDL RGP, a project must meet the General Conditions of the TMDL RGP and fall under the impact and conversion limits of Corps-verifying activities (Outlined below and in Section IV of the TMDL RGP). The checklist below will assist in determining whether a proposed activity qualifies for Corps-verification under the TMDL RGP. If a project does not meet the conditions for Corps-Verification under the TMDL RGP, it may still be authorized using an alternative permit.

APPLICABLE WATERS

The Bay TMDL RGP is applicable in nontidal waters and nontidal wetlands in the Chesapeake Bay watershed within the State of Maryland, District of Columbia, and Fort Belvoir, Fort Myer, and the Pentagon in Virginia.

HOW TO OBTAIN/APPLY FOR AUTHORIZATION

An applicant pursuing Corps Verification under the TMDL RGP should complete Appendix 3 and attach it to their joint permit application for the respective geographic area. *See Section VI and VII of the TMDL RGP for detailed instructions as necessary.*

Activities authorized by the TMDL RGP that are Corps verified may commence WITH written notification from the Corps after the permittee and Corps have:

- Confirmed that the activity will be conducted in compliance with the terms and conditions of the Bay TMDL RGP, which may include consultation with outside relevant Federal and State agencies. Prospective permittees and Corps reviewers must refer to the terms and conditions of the Bay TMDL RGP to determine if the activity may be eligible for authorization under this Bay TMDL RGP.
- Completed this Pre-Construction Notification Appendix 3, received correspondence from the SHPO if required (see General Condition number 17 of the TMDL RGP), correspondence from USFWS if required (see General Condition number 21 of the TMDL RGP), permit application using the established Corps of Engineers permit application procedures.
- Provided supplemental information for any proposed work meeting the description of the two activities below:
 - Activity B) The Retrofit and Stabilization of Existing Outfalls
The applicant must provide photographic documentation that the existing (pre-construction) outfall is in a degraded condition.
 - Activity C) The Restoration and Enhancement of Non-tidal Streams and Wetlands
Documentation that the existing (pre-construction) stream reach is in a degraded condition using a Corps approved Functional or Conditional Assessment Methodology (FCAM) or BIBI Score in combination with geomorphic evidence of stream quality degradation. The applicant must also provide rationale for stream site selection and the proposed design approach using applicable evidence, prioritization tools, and literature.
- Obtained all required State and local authorizations.

IMPACT AND CONVERSION LIMITS FOR CORPS-VERIFIED ACTIVITIES

Activity A) Retrofits of Existing Stormwater Management Facilities: Permanent impacts may not exceed 3 acres of nontidal wetlands and/or nontidal streams, or 3,000 linear feet of nontidal streams.

Activity B) Retrofit and Stabilization of Outfalls: Permanent impacts may not exceed 5,000 square feet of nontidal wetlands and/or nontidal streams, or 200 linear feet of nontidal streams.

Activity C) Nontidal Streams and Wetland Restoration: Permanent impacts may not exceed 3 acres of nontidal wetlands and/or nontidal streams, or 5,000 linear feet of nontidal streams. Total resource loss or conversion may not exceed 10,000 square feet of nontidal waters of the U.S., and may not exceed more than 200 linear feet of nontidal streams, rivers, open waters, or a combination thereof.

INFORMATION REQUIRED FOR CORPS VERIFICATION UNDER THE TMDL RGP

1. BACKGROUND INFORMATION

Self-Verified Activity Summary	
Project Name:	Lat/Long (Dec degrees):
Applicant:	County:
	Proposed Activity:
Project Summary:	

2. BASIC REQUIREMENTS FOR USE OF THE BAY TMDL RGP

*If you answer **No** to any of the questions below your project does not qualify for the Bay TMDL RGP, and you must submit an application for processing under another permit type in accordance with the established Corps of Engineers permit application procedures for Maryland, Virginia, and the District of Columbia:*

- a) Are the activities in waters of the U.S. part of an acceptable watershed strategy, such as a Chesapeake Bay Watershed Implementation Plan (WIP), whose purpose is to identify implementation activities needed to meet nutrient and sediment load reduction targets under the Chesapeake Bay TMDL?
- b) Does the project comply with all of the TMDL RGP terms and conditions, including avoidance and minimization, aquatic life movements, endangered species, single and complete project, and cultural resources?

3. QUESTIONS FOR CORPS-VERIFYING ACTIVITIES UNDER THE TMDL RGP

- a) Is work proposed in Use III, Use IV, or other cold water resources identified in mapped waterways (Code of Maryland Regulations (COMAR) *Section 26.08.02.02?* <https://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=dc5100c0266d4ce89df813f34678944a>
- b) Is work proposed in Tier II watersheds (COMAR 26.08.02.04-1)?
- c) Does the U.S. Fish and Wildlife Service documentation indicate that federally listed Threatened or Endangered species may be affected by the proposed activity?
- d) Does the State Historic Preservation Office documentation indicate that historic and cultural resources may be affected by the proposed activity?

e) Is your project located in or adjacent to a proposed or existing Federally authorized civil works project?

4. ACTIVITY A: RETROFIT OF EXISTING STORMWATER MANAGEMENT FACILITIES *(Complete item 4 only if applicable)*

*If you answer **Yes** to any question below, your project **does not** qualify for **Corps-Verification** under the TMDL RGP, and you must submit an application for review and processing under another permit type for authorization.*

a) Does proposed work include expansion of stormwater management facilities outside the existing as-built footprint?

b) Is the sole purpose of the proposed activity general maintenance of a stormwater management facility?

c) Do total permanent impacts exceed 3 acres of nontidal waters of the U.S. or more than 3,000 linear feet of nontidal streams, rivers, and other open waters or a combination thereof?

5. ACTIVITY B: RETROFIT AND STABILIZATION OF OUTFALLS *(Complete item 5 only if applicable)*

*If you answer **Yes** to any question below, your project **does not** qualify for **Corps-Verification** under the TMDL RGP, and you must submit an application for review and processing under another permit type.*

a) Do the total permanent impacts to nontidal waters of the U.S. (wetlands, streams, etc.) for the overall project exceed 5,000 square feet or 200 linear feet of streams, rivers, open waters, or a combination thereof?

b) Does the project result in more than 5,000 square feet of resource loss or conversion (*i.e. wetlands to streams*) or 200 linear feet of streams, rivers and other open waters? *(See section IX of the TMDL RGP for a definition of "conversion")*

6. ACTIVITY C: NONTIDAL STREAM AND WETLAND RESTORATION ACTIVITIES *(Complete item 6 only if applicable)*

If you answer **Yes** to any question below, your project **does not** qualify for **Corps-Verification** under the TMDL RGP, and you must submit an application for review and processing under another permit type.

a) Do the total permanent impacts exceed 3 acres of nontidal waters and wetlands or 5,000 linear feet of nontidal streams, rivers, open waters, or a combination?

b) Does the discharge of fill result in loss or conversion of any type of waters of the U.S. exceeding 10,000 square feet or 200 linear feet of streams, rivers and other open waters? See section IX of the TMDL RGP for a definition of "conversion."

If you answer **No** to any question below, your project **does not** qualify for **Corps-Verification** under the TMDL RGP, and you must submit an application for review and processing under another permit type.

c) Are the existing aquatic resources on the site in a degraded condition?

Please describe how degradation was documented for each aquatic resource impacted (See Sections IV.C.1.ii of the TMDL RGP and provide attachments if needed).

d) Will the project provide “functional lift” as documented using an approved Functional or Conditional Assessment Methodology (FCAM)?

Please list the FCAM used and describe how conditions and/or functions are expected to change for each aquatic resource impacted on the site. Please attach the FCAM, functional lift forecast, resource evaluations, and resource map.

TMDL RGP CERTIFICATION

- *I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief.*
- *I certify that I will provide to the Corps an As-built & Post Construction Report in accordance with General Conditions 5 and 6 and of the TMDL RGP.*
- *I certify that I will provide an electronic written post-construction report to the Corps (NAB-Regulatory@usace.army.mil) by December 31 of project completion year. The post-construction report shall include: a) The application tracking number & State permit number; b) Location of the completed work (latitude and longitude); c) dates during which the work occurred; d) A point of contact name and contact information (email and phone) e) surveyed as-built drawings, to scale, with control (latitude/longitude) depicting the final work including the restoration of the temporary impacts; f) A set of geo-referenced photographs that show the pre-construction and post-construction conditions for the project; g) narrative describing how the project purpose and objectives were met.*
- *The activities proposed in waters of the U.S. are part of an appropriate watershed strategy such as a Chesapeake Bay Watershed Implementation Plan for the purpose of meeting nutrient and sediment load reduction targets in accordance with the Chesapeake Bay TMDL.*
- *The activity complies with the siting criteria and land use practice recommendations stated in Sections 1-3 of the Federal Aviation Administration Advisory Circular 150/5200-33. This document can be found at:
http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf*

Your name and signature below, as permittee, confirms that your project: a) meets the self-verification criteria and b) that you accept and agree to comply with the applicable terms and conditions in the Regional General Permit for Chesapeake Bay TMDL Activities.

Permittee Printed

Name: _____

Permittee Signature: _____

Date: _____