

This Wetlands License Template was approved by the Board of Public Works
as Secretary's Item 4, on 2 June 2021
under proposed COMAR 21.02.04.10 (effective June 28,2021).

For any questions, please contact:
Board of Public Works
Wetlands Administration
410.260.7791

Please note that for any particular license

- material in **highlighted bold** will be completed/replaced with information specific to that particular license;
- the dated "license template" watermark would be removed; and
- "The Department or the Administrator may recommend to the Board special conditions, or other amendments to the license template, for inclusion in a specific State tidal wetlands license." COMAR 21.02.04.10C



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration

80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Wes Moore
Governor

Dereck Davis
Treasurer

Brooke Lierman
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. YR-NUMB
[Licensee Name]

The Maryland Board of Public Works authorizes you to:

I **[Authorized Activity 1]**

II **[Authorized Activity 2]**

Waterbody, Address, County, Maryland

Issuance of this Tidal Wetlands License constitutes the State's determination that the authorized activities are consistent with the Maryland Coastal Zone Management Program (CZMP), as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU
COMPLY WITH THE FOLLOWING SPECIAL CONDITION(S):**

A. **[Special Condition A].**

B. **[Special Condition B].**

1. **[Special sub-condition B1].**

2. **[Special sub-condition B2].**

3. **[Special sub-condition B3].**

C. **[Special Condition C].**

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF
YOU COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:**

1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated as accepted by MDE on **[Month DY, YEAR]**, which are hereby incorporated into this License.
2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.

4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.
5. Licensee shall notify MDE's Compliance Program by BOTH phone AND in writing of the following:
 - (a) start date at least five business days before beginning work; and
 - (b) completion date no more than five business days after project completion.

[Select as Appropriate:]

Western Division: 301-665-2850 91 Eastern Blvd. N, Hagerstown, MD 21740

Central Division: 410-537-3510 1800 Washington Blvd, Baltimore, MD 21230

Eastern Division: 410-901-4020 407 Race Street, Cambridge, MD 21613

6. Licensee shall comply with any regulations, conditions, or instructions issued by MDE, including any Water Quality Certification issued with respect to the authorized work.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.
 "Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.
8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. If the authorized work is not performed by the property owner or is not otherwise exempt from the licensing requirement, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland and COMAR 26.30. The licensed marine contractor shall be authorized for the appropriate license category to perform or solicit to perform the activities within this authorization, if applicable. A list of licensed marine contractors and their license category may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov, or by accessing the Maryland Department of the Environment, Environmental Boards webpage at <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/LicensedMarineContractors.aspx>.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.

17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this License authorizes.
19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion. Licensee shall promptly comply upon notice of any such action.
20. This License expires **[Month DY, YEAR]**. If the authorized work is not completed by the expiration date, all activity must stop.
Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.
Board of Public Works: 410-260-7791
21. In conducting work authorized under this license, licensee may not cause: injury to private property; invade the rights of others; or infringe any federal, state, or local laws or regulations.
22. Licensee shall maintain any authorized structure in good condition and perform the authorized activity in a workmanlike manner in accordance with this license.
23. In conducting work authorized under this license, licensee shall eliminate or minimize adverse effects on fish, wildlife, and the natural environment.

By the authority of the Board of Public Works:

William Morgante
Wetlands Administrator

Effective Date: **[Month DY, YEAR]**

Approved as: Secretary's Agenda Item **NU**

Board of Public Works Meeting Date: **[Month DY, YEAR]**

I accept this License and all its conditions.

Date

Licensee (Signature)

Name (Printed)

Title

Email (to receive completed license)

Note: The following are commonly recommended special conditions intended only for any project involving horizontal directional drilling (HDD); the “Frac-out Contingency Plan” model referenced in condition E, and a list of approved monitors per condition G are posted online at: <https://bpw.maryland.gov/wetlands/>

- A. Licensee shall pay the State of Maryland an annual fee of \$2.50 per linear foot of cables, pipelines, or similar structures for the first five years. The annual fee for this project is \$_____, calculated as follows: $\$2.50 \times \text{linear feet of HDD under wetlands} \times \text{(\# cables, conduits)} = \$______$. At the end of the first five years and every five years thereafter, the annual fee may be adjusted based on the United States Department of Labor’s Consumer Price Index. *[Only applies to private projects]*
- B. Licensee shall adhere to the guidelines set forth in *HORIZONTAL DIRECTIONAL DRILLING (HDD) Good Practices Guidelines 4th Edition* (authors: David Bennett, Ph.D., P.E., et al.).
- C. Before work begins, Licensee shall contact the United States Coast Guard, Fifth Coast Guard District, to determine if Coast Guard approval is required for the authorized work.
United State Coast Guard
Federal Building, 431 Crawford Street, Portsmouth, VA 23705
757-398-6486
- D. At least 30 days before starting the authorized work, Licensee shall provide current geotechnical data including, but not limited to, soil logs, soil borings, or well logs, to MDE’s Water and Science Administration Compliance Program and the Wetlands Administrator.
- E. Before starting the authorized work, Licensee must complete and sign the enclosed frac-out Contingency Plan and return it with the signed license.
- F. At least ten days before starting the authorized work, Licensee shall provide **[name of water body]** bottom elevations at ten foot intervals. Licensee shall provide an electronic copy of the pre-placement bottom elevations to MDE Compliance Program and to the Wetlands Administrator.

- G. Before starting the authorized work, Licensee shall hire an independent (not affiliated with the design engineering firm or drilling contractor) monitoring contractor (Monitor) approved by the Wetlands Administrator. Licensee is responsible for compensating the Monitor.
- H. At least five business days before starting the authorized work, Licensee shall coordinate a preconstruction meeting. The meeting must include the Licensed Marine Contractor, the Monitor, the Wetlands Administrator, the MDE Compliance Inspector, and the Licensee's representative.
- I. If an inadvertent return (frac-out) occurs in tidal wetlands or waters, HDD operations must cease immediately. The Monitor shall immediately contact the Wetlands Administrator and MDE's Water and Science Administration Compliance Inspector within TWO hours of the inadvertent return and document that the HDD Contingency Plan was implemented. The Monitor shall coordinate with the drilling contractor until the problem is corrected. Drilling can resume only when the frac-out has been contained and cleanup completed. Written documentation of HDD Contingency Plan implementation must be submitted to the Wetlands Administrator and the MDE Compliance Inspector within 24 hours of the resolution to the inadvertent return.
 - a. MDE/Water and Science Administration Compliance (business hours):
[Select as Appropriate:
Western Division: 301-665-2850
Central Division: 410-537-3510
Eastern Division: 410-901-4020]
 - b. MDE/Water and Science Administration Compliance (evenings, weekends, and holidays): 410-517-3600
 - c. Wetlands Administrator (business hours): 410-260-7791, or 410-260-7764
- J. The Monitor must be present at the site when authorized work occurs over, on, in, or under State tidal wetlands or State tidal Waters of the U.S.
- K. The Monitor shall provide daily visual monitoring of the drilling route and surrounding area.
- L. The Monitor shall prepare and submit weekly reports to the Wetlands Administrator and MDE's Water and Science Administration Compliance Inspector when drilling is over, on, in, or under State tidal wetlands or State tidal Waters of the U.S. The weekly reports must include volume of drilling material used and recovered, method of material disposal, and depth of bore below the bottom.
- M. The Monitor shall prepare and submit a summary report to the Wetlands Administrator and MDE's Water and Science Administration Compliance Inspector.
- N. Licensee shall seal each abandoned drill hole with bentonite or other approved material upon withdrawing the drill stem. Licensee shall submit an abandonment report to MDE's Water and Science Administration Compliance Inspector within 48 hours after sealing is complete.
- O. Licensee shall, prior to commencement of activities authorized by this License, submit to MDE's Water and Science Administration, Tidal Wetlands Division, one complete set of the final, approved Soil Erosion and Sediment Control Plans.
- P. Licensee may not discharge runoff, accumulated water containing sediment, or other suspended materials into State Waters of the U.S. except as authorized by the locally-

approved Soil Erosion and Sediment Control Plan for the project.

License Template (2021-06-02)