8 AUTHORIZATIONS, PERMITS, AND APPROVALS

Substantive changes that have been made to this Final EIS since the publication of the Draft EIS are indicated with underlined text. Substantive changes that have been made in response to public or agency comments are indicated with double underlined text. Public comments and responses are in **Appendix G,** and agency comments and responses are in **Appendix H**.

The development and review of applications for permits and other approvals will be completed as more detailed design and construction engineering progresses beyond the Tier 2 Study EIS. The EIS will be coordinated with the Federal and state regulatory agencies based on their role as cooperating and participating agencies.

The MDTA and FHWA do not anticipate submitting applications for permits and approvals that require design-level detail as part of NEPA or immediately following completion of the NEPA environmental review process. Per 23 USC 139(d)(10)[37], permits and authorizations would ordinarily be completed no later than 90 days after the issuance of a ROD. However, the NOI issued by FHWA in November 2024 documents that the MDTA will follow a permitting and authorization timeline that reflects an anticipated construction date that is not expected to begin until 2032. The Federal Permitting Dashboard[38] reflects these dates.

During development of this Tier 2 Study EIS, the MDTA and FHWA analyzed the types and degree of environmental effects likely to result from the ARDS. This analysis was used to identify the specific permits that will likely be needed. The impact assessment also informs the potential avoidance, minimization, and mitigation strategies.

The permits and regulatory approvals that are anticipated to be required prior to construction are listed in **Table 8-1**. As design progresses, it may be determined that some of these permits and authorizations may not be needed. Regulatory changes in the future may add or reduce regulatory requirements. **Table 8-1** also presents the anticipated timing of permit and authorization decisions. The overall schedule for permits and authorization decisions is as follows:

- Final EIS/ROD (October 2026)
- Procurement for Final Design (Fall 2026 – Spring 2028)
- Commence Final Design (Spring 2028)
- Permit Applications/Authorization Requests Submitted (Spring 2030)
- All Permit Decisions and Authorizations Issued (Spring 2031)
- Commence Construction (Summer 2032)

[37] USCODE-2024-title23-chap1-sec139.pdf
[38] https://www.permits.performance.gov/permitting-project/dot-projects/chesapeake-bay-crossing-study-tier-2-eis

Table 8-1: Permits and Regulatory Approvals

Permit/Approval	Authority	Agency	Schedule
Section 6(f) of the LWCF Act	Federal	NPS	Spring 2030 – Authorization concurrent with Permit Application (if needed for optional SUP)
Section 4(f) of the USDOT Act	Federal	FHWA	October 2026 – Authorization with ROD
Migratory Bird Treaty Act	Federal	USFWS	At this time no impacts are identified; needed only if occupied nests cannot be avoided.
Nongame and Endangered Species Conservation Act	State	MDNR	October 2026 – Authorization with ROD
MHT Act and National Historic Preservation Act, Section 106	State / Federal	MHT, ACHP, FHWA	October 2026 – Authorization with ROD (Programmatic Agreement)
Fish and Wildlife Coordination Act	Federal	USFWS, NMFS, MDNR	October 2026 – Authorization with ROD
EO 11990: Protection of Wetlands	Federal	FHWA	October 2026 – Authorization with ROD
EO 11988: Floodplain Management	Federal	FHWA	October 2026 – Authorization with ROD
Endangered Species Act	Federal	USFWS	Concurrence received March 4, 2026
		NMFS	October 2026 – Authorization (Biological Opinion) with ROD
Marine Mammal Protection Act	Federal	NOAA NMFS	Spring 2030 – Permit Application Spring 2031 – Authorization
CWA, Section 401 (Water Quality Certification)	Federal	MDE	Spring 2030 – Joint Permit Application Spring 2031 – Permits
CWA, Section 404/River and Harbors Act – Section 10	Federal	USACE	
Nontidal Wetlands Protection Act & Program	State	MDE	
Tidal Wetlands Act & Program	State	MDE/BPW	
Waterways Construction Statute	State	MDE	
Coastal Zone Consistency & Coastal Zone Management Program	Federal	MDE/DNR	
Whole Watershed Act	State	MDE	
Civil Works Projects, Section 408 / River and Harbors Act – Section 14	Federal	USACE	Spring 2030 – Permit Application Spring 2031 – Permit
Bald and Golden Eagle Protection Act	Federal	USFWS	At this time no impacts are identified; needed only if impacts are identified in final design.
Essential Fish Habitat – Magnuson-Stevens Fishery Conservation and Management Act	Federal	NOAA Fisheries	October 2026 – Conservation Recommendations with ROD
General Bridge Act/River and Harbors Act – Section 9	Federal	USCG	Spring 2030 – Bridge Permit Application Spring 2031 – Permit
National Flood Insurance Program	Federal	FEMA	Spring 2030 – Authorization

Permit/Approval	Authority	Agency	Schedule
Obstruction Evaluation / Airport Airspace Analysis 14 CFR 77	Federal	FAA	Spring 2031 – Authorization
Obstruction Evaluation / Airport Airspace Analysis COMAR 11.03.05	State	MAA	Spring 2031 – Authorization
Chesapeake Bay Critical Area Law	State	DNR Critical Area Commission	Spring 2030 – Authorization
Forest Conservation Act, Reforestation / Roadside Tree Laws	State	DNR	Spring 2030 – Applications Spring 2031 – Permits
CWA, Section 402 (National Pollutant Discharge Elimination System)	Federal	MDE	Spring 2030 – Applications Spring 2031 – Permits
Sediment & Erosion Control Program	State	MDE	
Stormwater Management Act	State	MDE	
General Permit For Discharges of Stormwater Associated With Construction Activity	Federal	MDE	
General Permit for Stormwater Associated with Industrial Activity	Federal	MDE	
Water Appropriation and Use Permit	State	MDE	
Dam Safety Program	State	MDE	
Water Supply Program - Well Construction Permit	State	MDE	
Onsite Systems Division - Septic System Construction Permit	State	MDE	
Air Quality Permits Program - Permit to Construct	State	MDE	
Oil Control Program - Underground Storage Tank Removal/ Abandonment Notification	State	MDE	