

MEMORANDUM

To: All Interested Parties
From: Heather Hutchinson, District Manager
Date: October 28, 2025
Subject: Small Pond Approval Requirements

In the state of Maryland, a Dam Safety Permit issued by the Maryland Department of Environment (MDE), Dam Safety Division is required to construct, reconstruct, change, or repair any reservoir, dam, or waterway obstruction, unless it is exempt or it can be reviewed and approved through the local Soil Conservation District (Frederick County Soil Conservation District (FCSCD)).

To determine whether a Stormwater Facility Structure is:

- 1) Exempt,
- 2) Requires FCSCD Review and Approval, or
- 3) Requires a permit from MDE Dam Safety due to being a Significant Hazard or High Hazard structure

MDE has created a [MDE Stormwater, Dam Safety, and Flood Management Program Flow Chart for Determining Embankment Design Category and Approval Authority](#). The watershed size, embankment/dam height, storage, and hazard classification will determine the reviewing and approval authority.

Some small water impoundments that treat small watersheds, have shallow earth embankments/dams, and limited storage reservoirs, such as micro-ponds and Environmental Site Design Facilities (ESD), are exempt from requiring Small Pond approval from MDE Dam Safety or FCSCD. In such cases, local county or city stormwater management approval authority will review and approve those small water impoundments.

After evaluating the design criteria against the flow chart, all cases where “review by small pond approval authority” is indicated may be submitted to FCSCD for review and approval. The design and computations must meet all requirements found within the [USDA NRCS MD Conservation Practice Standard POND CODE 378 dated January 2000](#) which is incorporated by reference in Code of Maryland Regulations (COMAR) 26.17.02.01-1(B. (2)); and [MDE policies and procedures](#).

Effective as of the date of this memorandum, any submission of a Stormwater Facility Structure (small pond) to FCSCD for review must provide the following documents:

- 1) FCSCD Fee [Transmittal Sheet](#)
- 2) Completed (for each pond on the plan) [MDE Stormwater, Dam Safety, and Flood Management Program Flow Chart for Determining Embankment Design Category and Approval Authority](#)
- 3) [Small Pond Design Review Checklist](#)
- 4) [Dam Breach Analysis and Hazzard Classification Report](#)
- 5) Completed (for each pond on the plan) [Pond Summary Sheet](#)

- 6) Preliminary/ Final plan phase Small Pond Construction Plans
- 7) Preliminary/ Final plan phase Small Pond Design Report/Analysis (Hydrology & Hydraulics)
- 8) Geotechnical Subsurface Evaluation

Please submit one (1) printed set of all documents and one (1) electronic set of all documents, provided either as an electronic file or on a USB flash drive.

Any submission that does not include all required documentation will be considered incomplete and will be returned without review.

We recommend that you check the MDE Dam Safety [website](#) regularly for updates. In addition, this memorandum can be accessed on FCSCD.com > Resources for Engineers > Small Ponds. The electronic version includes direct links to the referenced documents.

Please note: We are now requesting both paper plans and electronic files (or USB Flash Drive). This allows flexibility in assigning small pond reviews to remote staff or third-party reviewers as needed to expedite workflow.

As always, we look forward to working with you and appreciate your cooperation in our review process.