



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

September 13, 2016

Beth E. Bachur
Acting Chief, Regulatory Branch
Baltimore District, Corps of Engineers
10 South Howard Street
Baltimore, Maryland 21201

Dear Ms. Bachur:

I am responding to the U.S. Army Corps of Engineers' (Corps) request for the State's Clean Water Act, Section 401 Water Quality Certification and Coastal Zone Management Act (CZMA), Section 307 Federal Consistency decisions on the proposed Maryland State Programmatic General Permit-5 (MDSPGP-5). A public notice was issued by the Corps on January 22, 2016 announcing the Corps' proposal to reissue the MDSPGP-4, with modifications, as MDSPGP-5 for a five year period. A public hearing was held by the Corps on February 24, 2016 on the proposed MDSPGP-5, which will take effect on October 1, 2016.

As you know, in response to the Corps' public notice, the Maryland Department of the Environment (MDE) submitted detailed comments on the draft MDSPGP-5 on March 4, 2016. Subsequently, MDE provided additional comments by letter dated June 29, 2016 on a revised draft of the MDSPGP-5. Although the Corps did not incorporate the Department's recommendation that the threshold limits for all Category A activities be increased to a minimum of one-half (1/2) acre and 500 hundred linear feet of stream, the revised draft addressed the majority of the State's comments and concerns raised on the initial draft placed on public notice.

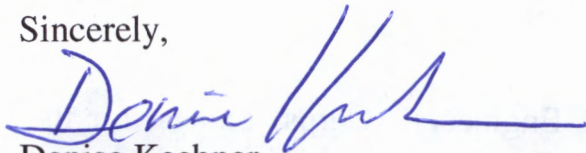
The Department has reviewed the final MDSPGP-5 and concurs that the activities authorized under the Permit will result in minimal adverse impacts to the aquatic environment. Accordingly, pursuant to Section 401 of the Clean Water Act, Maryland hereby issues Water Quality Certification, subject to the condition that applicants obtain all necessary permits and approvals from MDE, for all activities that meet the terms and conditions of MDSPGP-5.

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In addition, subject to the same condition, Maryland has determined that all activities that meet the terms and conditions of the MDSPGP-5 are consistent with the State's Coastal Zone Management Program, as required by Section 307 of the CZMA.

The Department looks forward to continuing its work with the Corps to ensure the issuance of an effective and efficient MDSPGP-5 on behalf of the citizens of Maryland. If you have any questions, please contact me at 410-537-3638 or by email at denise.keehner@maryland.gov.

Sincerely,



Denise Keehner
Program Administrator
Wetlands and Waterways Program

Cc: Lynn Buhl, Director, Water Management Administration
Elder Ghigiarelli, Jr., Deputy Program Administrator