



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply Refer to CENAB-OP-RM

Date MAY 15 2001

Special Public Notice #01-033

Subject: Extension of the Maryland State Programmatic Permit (MDSPGP-1)

The purpose of this notice is to announce that the Baltimore District is extending the Maryland State Programmatic General Permit (MDSPGP-1) for five months until September 30, 2001. The MDSPGP-1 was implemented to protect the water resources of the State of Maryland; reduce the administrative burden of the program for both the Corps of Engineers and the State of Maryland through interagency regulatory cooperation; improve the regulatory response time; and add predictability within specified limits to the permit program for the potential applicant and the general public. On September 15, 2000, the Baltimore District solicited comments by public notice regarding whether to reissue with modifications, reissue without modifications, or not to reissue the MDSPGP-1, and held a public hearing regarding the same on October 24, 2000, where oral and written testimony was given. The majority of the comments received and testimony given in response were in support of reissuance with modifications. The development of a modified MDSPGP-1 (MDSPGP-2) is underway and the purpose for extending the MDSPGP-1 is to afford the same level of streamlining of the permit process until the decision is made on whether to revise with or without modifications or not to reissue the MDSPGP-1. The extension will be until the decision has been made or September 30, 2001, whichever occurs first.

The State's Nontidal Wetlands Protection Act, Waterway Construction Law, Tidal Wetlands Law and Water Quality Certification (WQC) rules and regulations establish a statewide permit program for protecting the waters of the State. The State's procedures for the granting of permits require the Maryland Department of the Environment (MDE) to apply evaluation criteria similar to those required by Federal regulations under Section 10 of the River and Harbor Act and Section 404 of the Clean Water Act. Those criteria consist of alternatives analysis (for non-water dependent activities), which is commensurate with the degree of impacts; avoidance techniques; the minimization of impacts; and if a permit is to be granted, require compensatory mitigation for unavoidable impacts.

The Baltimore District has requested the MDE to extend the WQC and Coastal Zone Management (CZM) determination for the MDSPGP-1 through September 30, 2001. Any comments related to the WQC and CZM determination should be addressed to MDE at Water Management Administration, Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224.

Activities authorized under the current MDSPGP-1 with an expiration date of May 31, 2001 are hereby extended until September 30, 2001. Further, activities authorized under the current MDSPGP-1 that have commenced or are under contract to commence prior to September 30, 2001, will remain authorized provided the activity is completed within 12 months of the date of the MDSPGP-1's extended expiration (September 30, 2002), modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the project-specific authorization in accordance with Department of the Army regulations.

For further information, contact Ms. Abbie Hopkins, Baltimore District, U.S. Army Corps of Engineers, P.O. Box 1715, Baltimore, Maryland 21203-1715, (410) 962-4252.

A handwritten signature in cursive script that reads "Linda A. Morrison". The signature is written in black ink and is positioned above the printed name and title.

LINDA A. MORRISON
Chief, Regulatory Branch