



**U.S. Army Corps
of Engineers**

Baltimore District
SPN-22-31

Public Notice

**In Reply to Application Number
NAB-2020-00415 (Maryland State Programmatic General
Permit-6 Corrections)**

CORRECTIONS TO THE MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-6 DATED OCTOBER 1, 2020.

The U.S. Army Corps of Engineers, Baltimore District issued special public notice #21-39 on September 30, 2020, announcing issuance of the final Maryland State Programmatic General Permit-6 (MDSPGP-6) for a five-year period. This document contains corrections and clarifications to that final MDSPGP-6. These corrections and clarifications will be effective immediately until the MDSPGP-6 expires on September 30, 2026, unless a decision is made to suspend or revoke the permit before that date.

A copy of the corrected MDSPGP-6 permit is attached and can be viewed on our web page at:

<https://www.nab.usace.army.mil/Missions/Regulatory/Permit-Types-and-Process/>.

The following corrections and clarifications were made to the October 1, 2020, final MDSPGP-6 permit:

1. On page 6, General Permit Review Categories, Category B – corrected misspelling to read, “Corps review is required for Category B activities, as described in Section III.B.2 Category B (Corps Review Required).
2. On page 7, Project Criteria Requiring Category B Review, item 6 – corrected first sentence in item 6 to read, “A project that is a violation of Section 301 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899 and does not meet the activity specific Category conditions.” Section 301 of the CWA is unauthorized work and is applicable in that item
3. On page 14, Activity a(3) Piers: Category A Impact Limits and Requirements, item a(i) – correction to read, “This activity authorizes only one (1) pier (fixed or floating), six (6) mooring piles, and up to four (4) boat slips (with or without hoists or lifts for vessels of any type), and up to two (2) additional personal watercraft slips (with or without lifts), exclusively for personal watercraft, per property.” Clarification that Category A, activity a(3) is applicable to both fixed and floating piers.
4. On page 14, Activity a(3) Piers, Category A Impact Limits and Requirements, item a(v) – correction to read, “The main section of fixed open pile and floating piers crossing

open waters must not exceed six (6) feet in width. Fixed piers must have decking constructed a minimum of four (4) feet above mean low water (MLW).” Clarification that Category A, activity a(3) is applicable to both fixed and floating piers and that the height above MLW is applicable only to fixed piers.

5. On page 23-24, Activity a(10) New Minor Dredging in Tidal Waters – correction to delete item c(iv) from Requirements Applicable to Both Category A and Category B Activities and relocate item b(v) to apply solely to Category B Impact Limits and Requirements. Relocated item b(v) to read, “The applicant shall include information in the application regarding the presence, absence, or proximity of horned pondweed (*Zannichellia palustris*) within the project site within mesohaline waters (i.e., salinity 5-18 parts per thousand) of the mid and upper Chesapeake Bay. Distribution information of horned pondweed shall require recent ground-truth survey of the area by the applicant (i.e., employing a survey crew with relevant experience) during the period May 1 through June 15, of any year. Horned pondweed is less prevalent or does not occur upstream of the geographical exclusion lines shown on the Low Salinity Waters in Maryland Chesapeake Bay Map Appendix B and in tidal waters of the Maryland Atlantic Coastal Bays. Therefore, documentation regarding the presence or proximity of horned pondweed is not required in these areas. The applicant may request the Corps conduct surveys for horned pondweed; however, this will require a Category B review and may result in significant delays in review timeframes.” This correction is needed to clarify that activity-specific condition for horned pondweed survey is applicable to Category B and not both Category A and Category B activities. This was an editing issue with the final permit.

6. On pages 55-57, Shoreline and Stream Bank Stabilization Activities, f(1) Tidal Revetments and Other Tidal Shoreline Erosion Control Structures - deletion of the term “new” when describing tidal revetments and addition of terms “modification” and “proposed work” to clarify that this activity could apply to new or augmentation of existing tidal revetments. Clarifications to f(1) to read,

a) Activity name changed to: “Tidal Revetments and Other Tidal Shoreline Erosion Control Structures.”;

b) Clarification to project description to read, “This activity authorizes discharges of dredged or fill material associated with construction of tidal shoreline erosion control structures and construction/modification of tidal revetments.”;

c) Correction to item a(i) to read, “For tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills, breakwaters, etc.), the proposed work is limited to 500 linear feet in length along the shoreline, total impacts to waters of the United States must not exceed 5,000 square feet, and the proposed work must not extend more than 10 feet channelward of the mean high-water shoreline.”;

d) Correction to item a(ii) to read, “Work associated with tidal groins must not extend more than 25 feet channelward of the mean high-water shoreline.”;

e) Correction to item a(iv) to read, “Tidal groins must be constructed with vents/windows or as a low-profile structure to minimize impacts to the littoral drift.”;

f) Correction to item b(i) to read, “For tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills, breakwaters, etc.), the discharge cannot cause the loss of greater than 0.5 acre (21,780 square feet) of waters of the United States, including no more than 2,000 linear feet in length along the shoreline, and the proposed work may not extend more than 25 feet channelward of the mean high-water shoreline.”;

g) Correction to item b(ii) to read, “Work associated with tidal groins must not extend more than 50 feet channelward of the mean high-water shoreline. Compensatory mitigation will not be required when the total amount of vegetated wetlands which is filled, in square feet, does not exceed the length of the activity along the shoreline in linear feet (e.g., 100 square feet maximum for a 100-foot-long revetment).”; and

h) Correction to item c(xi) to read, “Any revetment or tidal shoreline erosion control structure must be constructed parallel to the uplands, other than groins and returns on stone sills.”

7. On page 64, Activity h Private Landowner Oyster Gardening, Requirements Applicable to Both Category A and Category B Activities and on page 73, General Condition 6(e), Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899 – correction to update links for Private Aids to Navigation Application. Links are updated to read, [“https://www.dcms.uscg.mil/forms/smdsearch4081/2554/”](https://www.dcms.uscg.mil/forms/smdsearch4081/2554/).

8. On page 77, General Condition 22, Migratory Birds and Bald and Golden Eagles – correction to update U.S. Fish and Wildlife website link to read, [“https://www.fws.gov/law/bald-and-golden-eagle-protection-act”](https://www.fws.gov/law/bald-and-golden-eagle-protection-act).

It is requested that you communicate these corrections to the MDSPGP-6 to any persons known by you to be interested, who did not receive a copy of this notice.

Questions regarding this matter should be directed to Ms. Beth Bachur by telephone at: 410-962-4336 or by email at Beth.Bachur@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.