

ATTACHMENT E – COASTAL ZONE MANAGEMENT PROGRAM

HONGA RIVER MAINTENANCE DREDGING

DRAFT Record of Environmental Consideration

Coastal Zone Management Act Evaluation

1. Introduction

This document provides a Coastal Zone Management Act (CZMA) evaluation for the Honga River Maintenance Dredging in Dorchester County, Maryland. The Honga River Channel is intended to be dredged to its authorized dimensions every three years. However, due to a lack of federal funding, the project was last dredged in 2009 to a depth of six feet in a limited stretch of the river. The project was last surveyed in 2019 and has shoaled to a controlling depth of 0.5 foot. The Honga River Channel is a vital link to the productive shellfish and fishery areas of the Chesapeake Bay.

The Honga River and Tar Bay Project was approved by the River and Harbor Act of August 30, 1935, in accordance with Rivers and Harbors Committee, Document No. 35, 74th Congress, First Session. The project was modified on June 30, 1948, in accordance with House Document No. 580, 80th Congress, Second Session. The Honga River and Tar Bay are located in Dorchester County, Maryland on either side of Hoopers Island. The project provides for a channel 60 feet wide and seven feet deep mean lower low water (MLLW) from the seven-foot depth contour in Chesapeake Bay through Tar Bay and Fishing Creek to the Honga River; and for a channel in Back Creek seven feet deep MLLW and 60 feet wide from the seven-foot depth contour in Honga River to the head of Back Creek, with a turning basin of the same depth, 150 feet long, and 200 feet wide.

1.1. Location

The Honga River Channel is located in Dorchester County, MD, south of the Blackwater National Wildlife Refuge along the lower Eastern Shore of the Chesapeake Bay within the Honga River Watershed (MD 8-Digit code: 02130401).

2. Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq.

The Federal Coastal Zone Management Act (CZMA) of 1972, as amended in 1990, aims to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone” (CZMA 1972). To achieve this directive, CZMA requires that all federal agency activity affecting land or water use, or natural resources of the coastal zone (whether the activity is performed within or outside of the coastal zone), be carried out in a manner that is consistent with the enforceable policies of state management programs, consistent with the minimum Federal standards. To implement the CZMA and establish procedures for compliance with its federal consistency provisions, NOAA promulgated regulations in 15 CFR Part 930. As per 15 CFR 930.37, a federal agency may use its NEPA documents as a vehicle for its consistency determination.

2.1. Maryland Coastal Zone Management Program

The Maryland Coastal Zone Management Program (CZMP) was approved by NOAA in 1978, with the Maryland Department of Natural Resources (MDDNR) acting as the lead agency. The CZMP is composed of several state planning and regulatory programs that enforce policies to protect coastal resources and manage coastal uses, including the Chesapeake Bay Critical Area Protection Program (CBCA). Maryland's coastal zone follows the inland boundary of the counties and Baltimore City bordering the Atlantic Ocean, Chesapeake Bay, and the Potomac River (as far as the municipal limits of Washington, D.C), and includes all local jurisdictions within the counties and Baltimore City (NOAA 2012).

2.2. Findings of the Coastal Zone Consistency Evaluation

In accordance with the CZMA, a CZMA consistency determination was sent to Maryland Department of the Environment and Maryland Department of Natural Resources on January 31, 2024. A determination will be made whether the Honga River Maintenance Dredging project would be carried out in a manner that is ***fully consistent*** with the enforceable policies of the CZMP and the CBCA. The table below includes information about project compliance with all CZMA Enforceable Policies.

Table 1: CZMA Enforceable Policies and Status of Compliance

TITLE OF ENFORCEABLE POLICY	STATUS OF COMPLIANCE
Core Policies	TBD
The Chesapeake and Atlantic Coastal Bays Critical Area	TBD
Tidal Wetlands	Not applicable.
Non-Tidal Wetlands	Not applicable.
Forests	Not applicable.
Historical and Archaeological Sites	TBD
Living Aquatic Resources	TBD
Mineral Extraction	Not applicable.
Electrical Generation and Transmission	Not applicable.
Tidal Shore Erosion Control	Not applicable.
Oil and Natural Gas Facilities	Not applicable.
Dredging and Disposal of Dredged Material	TBD
Navigation	TBD
Transportation	Not applicable.
Agriculture	Not applicable.
Development	Not applicable.
Sewage Treatment	Not applicable.

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1.1. Location

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2.2. Findings of the Coastal Zone Consistency Evaluation

In accordance with the CZMA, and through correspondence from MM DD YYYY with Maryland Department of the Environment, it has been determined that the proposed Honga River Maintenance Dredging project would be carried out in a manner that is **fully consistent** with the enforceable policies of the CZMP and the CBCA. The table below includes information about project compliance with all CZMA Enforceable Policies.

Table 1: CZMA Enforceable Policies and Status of Compliance

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Non-Tidal Wetlands	Not applicable.
Forests	Not applicable.
Historical and Archaeological Sites	TBD
Living Aquatic Resources	TBD
Mineral Extraction	Not applicable.
Electrical Generation and Transmission	Not applicable.
Tidal Shore Erosion Control	Not applicable.
Oil and Natural Gas Facilities	Not applicable.
Dredging and Disposal of Dredged Material	TBD
Navigation	TBD
Transportation	Not applicable.
Agriculture	Not applicable.
Development	Not applicable.
Sewage Treatment	Not applicable.



Coastal Zone Management Program - Core Policies Checklist

Name of Project:

Honga River Maintenance Dredging Project

5.1. CORE POLICIES

5.1.1. Quality of Life

Quality of Life Policy 1- Air Quality. It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State. MDE (C9) Md. Code Ann., Envir. §§ 2-102 to -103.

Select appropriate response:

- ☒ Project will be consistent with Air Quality policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Temporary, minor impacts will occur during dredging and localized emissions will increase due to dredging operations. Dredging will not occur during summer months when air masses are thicker which can exacerbate air quality conditions.

Quality of Life Policy 2 – Noise. The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life. MDE (C9) COMAR 26.02.03.02.

Select appropriate response:

- ☒ Project will be consistent with Noise policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging will only occur during winter months when vessel traffic is limited. Dredging will also occur away from the shoreline where residential housing is located.



Coastal Zone Management Program - Core Policies Checklist

Quality of Life Policy 3– Protection of State Wild Lands. The unique ecological, geological, scenic, and contemplative aspects of State wild lands shall not be affected in a manner that would jeopardize the future use and enjoyment of those lands as wild. DNR (C7) Md. Code Ann., Nat. Res. §§ 5-1201, -1203.

Select appropriate response:

- ☐ Project will be consistent with State Wild Lands Protection policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Quality of Life Policy 4 – Protection of State Lands & Cultural Resources. The safety, order, and natural beauty of State parks and forests, State reserves, scenic preserves, parkways, historical monuments and recreational areas shall be preserved. DNR (B1) Md. Code. Ann., Nat. Res. § 5-209.

Select appropriate response:

- ☐ Project will be consistent with Protection of State Lands & Cultural Resources policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Quality of Life Policy 5 – Natural Character & Scenic Value of Rivers & Waterways. The natural character and scenic value of a river or waterway must be given full consideration before the development of any water or related land resources including construction of improvements, diversions, roadways, crossings, or channelization. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-405; COMAR 26.17.04.11.

Select appropriate response:

- ☐ Project will be consistent with policy protecting Natural Character & Scenic Value of Rivers & Waterways.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Quality of Life Policy 6 –Natural Flow of Scenic & Wild Rivers. A dam or other structure that impedes the natural flow of a scenic or wild river may not be constructed, operated, or maintained, and channelization may not be undertaken, until the applicant considers alternatives less harmful to the scenic and wild resource.

Construction of an impoundment upon a scenic or wild river is contrary to the public interest, if that project floods an area of unusual beauty, blocks the access to the public of a view previously enjoyed, or alters the stream's wild qualities. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-406; COMAR 26.17.04.11.

Select appropriate response:

- ☐ Project will be consistent with policy protecting Natural Flow of Scenic & Wild Rivers.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Quality of Life Policy 7 – Atlantic Coast Development. Any land clearing, construction activity, or the construction or placement of permanent structures is prohibited within the Beach Erosion Control District except the construction and installation of a qualified submerged renewable energy line, if the project does not result in any significant permanent environmental damage to the Beach Erosion Control District and is not constructed or installed within the Assateague State Park, and any project or activity specifically for storm control, beach erosion and sediment control, or maintenance projects designed to benefit the Beach Erosion Control District. MDE/DNR (B1) Md. Code Ann., Nat. Res. § 8-1102.

Select appropriate response:

- ☐ Project will be consistent with policy ensuring Environmentally Beneficial Atlantic Shoreline Development.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Quality of Life Policy 8 – Integrity & Natural Character of Assateague Island. Activities which will adversely affect the integrity and natural character of Assateague Island will be inconsistent with the State's Coastal Management Program, and will be prohibited. MDE/DNR (B1) Md. Code. Ann., Nat. Res. §§ 5-209, 8-1102.

Select appropriate response:

- ☐ Project will be consistent with policy protecting the Integrity & Natural Character of Assateague Island.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Quality of Life Policy 9 – Public Outreach. An opportunity for a public hearing shall be provided for projects in non-tidal waters that dredge, fill, bulkhead, or change the shoreline; construct or reconstruct a dam; or create a waterway, except in emergency situations. MDE (A3) COMAR 26.17.04.13A.

Select appropriate response:

- ☒ Project will be consistent with Public Outreach policy for relevant projects.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

A public notice will be posted to the USACE Baltimore website upon completion of the Record of Environmental Consideration and other supporting documentation is completed. A public meeting was also held during the drafting of the Barren Supplemental EA to cover placement of dredged material (March 2022).

Quality of Life Policy 10 – Erosion & Sediment Control. Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs; maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment. MDA (C4) Md. Code Ann., Agric. § 8-102(d).

Select appropriate response:

- ☐ Project will be consistent with Erosion & Sediment Control policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Quality of Life Policy 11 – Safeguards for Outer Continental Shelf Development. Operations on the Outer Continental Shelf must be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or property, or which may endanger life or health. (B2) Md. Code Ann., Envir. §§ 17-101 to -403; COMAR 26.24.01.01; COMAR 26.24.02.01, .03; COMAR 26.24.05.01.

Select appropriate response:

- ☐ Project will be consistent with policy ensuring Safeguards for Outer Continental Shelf Development.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

5.1.2. Waste & Debris Management

Waste & Debris Management Policy 1 – Hazardous Waste Management. Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection. MDE (D4) Md. Code Ann., Envir. § 7-265(a).

Select appropriate response:

- ☐ Project will be consistent with Hazardous Waste Management policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Waste & Debris Management Policy 2 – Hazardous Waste Management in Port of Baltimore. A person may not introduce in the Port of Baltimore any hazardous materials, unless the cargo is properly classed, described, packaged, marked, labeled, placarded, and approved for highway, rail, or water transportation. MDOT (D3) COMAR 11.05.02.04A.

Select appropriate response:

- ☐ Project will be consistent with Hazardous Waste Management in Port of Baltimore policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

5.1.3. Water Resources Protection & Management

Water Resources Protection & Management Policy 1 – Pollution Discharge Permit. No one may add, introduce, leak, spill, or emit any liquid, gaseous, solid, or other substance that will pollute any waters of the State without State authorization. MDE (A5) Md. Code Ann., Envir. §§ 4-402, 9-101, 9-322.

Select appropriate response:

- ☒ Project will be consistent with water policy requiring a Pollution Discharge Permit.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

A Clean Water Act 404(b)(1) evaluation has been completed and will be sent to MDE for review and comment. A Water Quality Certification will eventually be received from MDE.

Water Resources Protection & Management Policy 2 – Protection of Designated Uses. All waters of the State shall be protected for water contact recreation, fish, and other aquatic life and wildlife. Shellfish harvesting and recreational trout waters and waters worthy of protection because of their unspoiled character shall receive additional protection. MDE (A1) COMAR 26.08.02.02.

Select appropriate response:

- ☒ Project will be consistent with Protection of Designated Uses policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

A Clean Water Act 404(b)(1) evaluation has been completed and will be sent to MDE for review and comment. A Water Quality Certification will eventually be received from MDE.

Water Resources Protection & Management Policy 3 – Prohibition of Harmful Toxic Impacts. The discharge of any pollutant which will accumulate to toxic amounts during the expected life of aquatic organisms or produce deleterious behavioral effects on aquatic organisms is prohibited. MDE (A4) COMAR 26.08.03.01.

Select appropriate response:

- ☒ Project will be consistent with water policy Prohibiting Harmful Toxic Impacts.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

An Environmental Data Resources (EDR) report has been completed within a 3-mile range of the project area. No harmful toxic impacts are expected to occur during dredging.



Coastal Zone Management Program - Core Policies Checklist

Water Resources Protection & Management Policy 4 – Pre-Development Discharge Permit

Requirement. Before constructing, installing, modifying, extending, or altering an outlet or establishment that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection. MDE (D6) Md. Code Ann., Envir. § 9-323(a).

Select appropriate response:

- ☐ Project will be consistent with water policy requiring a Pre-Development Discharge Permit.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Water Resources Protection & Management Policy 5 – Use of Best Available Technology or Treat to Meet Standards

The use of best available technology is required for all permitted discharges into State waters, but if this is insufficient to comply with the established water quality standards, additional treatment shall be required and based on waste load allocation. MDE (D4) COMAR 26.08.03.01C.

Select appropriate response:

- ☐ Project will be consistent with Use of Best Available Technology or Treat to Meet Standards water policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Water Resources Protection & Management Policy 6 – Control of Thermal Discharges. Thermal discharges shall be controlled so that the temperature outside the mixing zone (50 feet radially from the point of discharge) meets the applicable water quality criteria or discharges comply with the thermal mixing zone criteria. MDE (D4) COMAR 26.08.03.03C.

Select appropriate response:

- ☐ Project will be consistent with Control of Thermal Discharges water policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Water Resources Protection & Management Policy 7 – Pesticide Storage. Pesticides shall be stored in an area located at least 50 feet from any water well or stored in secondary containment approved by the Department of the Environment. MDA (C4) COMAR 15.05.01.06.

Select appropriate response:

- ☐ Project will be consistent with Pesticides Storage water policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Water Resources Protection & Management Policy 8 – Stormwater Management. Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary. MDE (C9) Md. Code Ann., Envir. § 4-203; COMAR 26.17.02.01, .06.

Select appropriate response:

- ☐ Project will be consistent with Stormwater Management policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Water Resources Protection & Management Policy 9 – Unpermitted Dumping of Used Oil. Unless otherwise permitted, used oil may not be dumped into sewers, drainage systems, or any waters of the State or onto any public or private land. MDE (D4) Md. Code Ann., Envir. § 5-1001(f).

Select appropriate response:

- ☐ Project will be consistent with Unpermitted Dumping of Used Oil water policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Water Resources Protection & Management Policy 10 – Toxicity Monitoring. If material being dumped into Maryland waters or waters off Maryland's coastline has demonstrated actual toxicity or potential for being toxic, the discharger must perform biological or chemical monitoring to test for toxicity in the water. MDE (A5) COMAR 26.08.03.07(D); COMAR 26.08.04.01.

Select appropriate response:

- ☒ Project will be consistent with Toxicity Monitoring water policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

An Environmental Data Resources (EDR) report has been completed within a 3-mile range of the project area. No toxic materials are expected to surface during dredging actions.



Coastal Zone Management Program - Core Policies Checklist

Water Resources Protection & Management Policy 11 – Public Outreach. Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation. MDE (A2) COMAR 26.08.01.02E(3).

Select appropriate response:

- ☒ Project will be consistent with Public Outreach water policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

A public notice will be posted to the USACE Baltimore website upon completion of the Record of Environmental Consideration and other supporting documentation is completed. A public meeting was also held during the drafting of the Barren Supplemental EA to cover placement of dredged material (March 2022).

Water Resources Protection & Management Policy 12 - No Adverse Impact from Water Appropriation. Any water appropriation must be reasonable in relation to the anticipated level of use and may not have an unreasonable adverse impact on water resources or other users of the waters of the State. MDE (C9) COMAR 26.17.06.02.

Select appropriate response:

- ☒ Project will be consistent with policy ensuring No Adverse Impact from Water Appropriations.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging activities will temporarily displace or divert typical water movement through way of hydraulic dredging and movement of material through hydraulic pipes. This action is not anticipated to cause unreasonable adverse impacts on water resources of the State.



Coastal Zone Management Program - Core Policies Checklist

5.1.4. Flood Hazards & Community Resilience

Flood Hazards & Community Resilience Policy 1 – No Adverse Impact. Projects in coastal tidal and non-tidal flood plains which would create additional flooding upstream or downstream, or which would have an adverse impact upon water quality or other environmental factors, are contrary to State policy. MDE (C2) Md. Code Ann., Envir. § 5-803; COMAR 26.17.05.04A.

Select appropriate response:

- ☐ Project will be consistent with No Adverse Impact flood hazard policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 2 – Non-Tidal Waters and Non-Tidal Floodplains. The following policies apply to projects in non-tidal waters and non-tidal floodplains, but not non-tidal wetlands. MDE (C2) COMAR 26.17.04.01, .07,.11.

Flood Hazards & Community Resilience Policy 2a – 1-Foot Freeboard Above 100-year Flood.

Proposed floodplain encroachments, except for roadways, culverts, and bridges, shall be designed to provide a minimum of 1 foot of freeboard above the elevation of the 100-year frequency flood event. In addition, the elevation of the lowest floor of all new or substantially improved residential, commercial, or industrial structures shall also be at least 1 foot above the elevation of the 100-year frequency flood event.

Select appropriate response:

- ☐ Project will be consistent with policy requiring a 1-Foot Freeboard Above 100-Year Flood for Construction in flood hazard areas.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Flood Hazards & Community Resilience Policy 2b – Stability of Unlined Earth Channels.

Proposed unlined earth channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, throughout their length unless it can be demonstrated that the stream channel will remain stable.

Select appropriate response:

- ☐ Project will be consistent with policy ensuring Stability of Unlined Earth Channels.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 2c – Stability of Lined Channels. Proposed lined channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, at their downstream terminus unless it can be demonstrated that the stream channel will remain stable.

Select appropriate response:

- ☐ Project will be consistent with policy ensuring Stability of Line Channels.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 2d – Prohibition of Dam Construction in High Risk Areas. Category II, III, or IV dams may not be built or allowed to impound water in any location where a failure is likely to result in the loss of human life or severe damage to streets, major roads, public utilities, or other high value property.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Dam Construction in High Risk Areas.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Flood Hazards & Community Resilience Policy 2e – Prohibition of Projects That Increase Risk Unless Mitigation Requirements Are Met. Projects that increase the risk of flooding to other property owners are generally prohibited, unless the area subject to additional risk of flooding is purchased, placed in designated flood easement, or protected by other means acceptable to the Maryland Department of the Environment.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Projects That Increase Flood Risk Unless Mitigation Requirements Are Met.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 2f – Prohibition of Construction or Substantial Improvements in 100-Year Floodplain. The construction or substantial improvement of any residential, commercial, or industrial structures in the 100-year frequency floodplain and below the water surface elevation of the 100-year frequency flood may not be permitted. Minor maintenance and repair may be permitted. The modifications of existing structures for flood-proofing purposes may be permitted. Flood-proofing modifications shall be designed and constructed in accordance with specifications approved by the Maryland Department of the Environment.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Construction or Substantial Improvements in 100-Year Floodplain.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Core Policies Checklist

Flood Hazards & Community Resilience Policy 2g – Channelization Is Discouraged.

Channelization shall be the least favored flood control technique.

Select appropriate response:

- ☐ Project will be consistent with policy Discouraging Channelization.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 2h – Preference of Multi-Purpose Use Projects, Project Accountability, & 50% Reduction in Damages. Multiple purpose use shall be preferred over single purpose use, the proposed project shall achieve the purposes intended, and, at a minimum, project shall provide for a 50 percent reduction of the average annual flood damages.

Select appropriate response:

- ☐ Project will be consistent with policy that ensures a Preference to Multi-Purpose Use Projects, Project Accountability & 50% Reduction in Damages.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Flood Hazards & Community Resilience Policy 3 – Development-Related Runoff Restrictions for the Gwynne Falls and Jones Falls Watersheds. Development may not increase the downstream peak discharge for the 100-year frequency storm event in the following watersheds and all their tributaries: Gwynns Falls in Baltimore City and Baltimore County; and Jones Falls in Baltimore City and Baltimore County. MDE (C2) COMAR 26.17.02.07.

Select appropriate response:

- ☐ Project will be consistent with policy that Restricts Development-Related Runoff in the Gwynne Falls & Jones Falls Watersheds.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Name of Project:

Honga River Maintenance Dredging

5.2 COASTAL RESOURCES

5.2.1 The Chesapeake and Atlantic Coastal Bays Critical Area

In addition to the policies in this section, the laws approved by NOAA implementing the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program are enforceable policies.

Critical Area Policy 1 – Scope of the Buffer. In the Critical Area, a minimum 100-foot vegetated buffer shall be maintained landward from the mean high water line of tidal waters, the edge of each bank of tributary streams, and the landward edge of tidal wetlands. The buffer shall be expanded in sensitive areas in accordance with standards adopted by the Critical Area Commission. The buffer is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices that protect water quality. Mitigation or other measures for achieving water quality and habitat protection objectives may be necessary in buffer areas for which the Critical Area Commission has modified the minimum applicable requirements due to the existing pattern of development. CAC C9 COMAR 27.01.09.01, .01-6, .01-8.

Select appropriate response:

- ☐ Project will be consistent with Scope of Buffer policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 2 – Buffer Disturbance. Disturbance to a buffer in the Critical Area is only authorized for a shore erosion control measure or for new development or redevelopment that is water-dependent; meets a recognized private right or public need; minimizes the adverse effects on water quality and fish, plant, and wildlife habitat; and, insofar as possible, locates nonwater-dependent structures or operations associated with water-dependent projects or activities outside the buffer. Disturbance to a buffer may only be authorized in conjunction with mitigation performed in accordance with an approved buffer management plan. CAC (C9) COMAR 27.01.03.03; COMAR 27.01.09.01, .01-2, .01-3.

- ☐ Project will be consistent with Buffer Disturbance policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 3 - Protection of Bird Nesting Areas. Colonial water bird nesting sites in the Critical Area may not be disturbed during breeding season. CAC (C9) COMAR 27.01.09.04.

Select appropriate response:

- ☒ Project will be consistent with policy Protecting Bird Nesting Areas.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will take the necessary precautions and implement the appropriate TOYR for colonial water bird nesting sites near Barren Island.

Critical Area Policy 4 - Protection of Waterfowl. New facilities in the Critical Area shall not interfere with historic waterfowl concentration and staging areas. CAC (C9) COMAR 27.01.09.04.

Select appropriate response:

- ☐ Project will be consistent with the Protection of Waterfowl policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 5 -Restrictions on Stream Alterations. Physical alterations to streams in the Critical Area shall not affect the movement of fish. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- ☐ Project will be consistent with the Restrictions on Stream Alterations policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces. The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams in the Critical Area is prohibited unless water quality and fisheries habitat will be improved. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- ☐ Project will be consistent with the Prohibition of Riprap and Artificial Surfaces policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 7 - Prohibition of Dams and Structures. The construction or placement of dams or other structures in the Critical Area that would interfere with or prevent the movement of spawning fish or larval forms in streams is prohibited. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- ☐ Project will be consistent with the Prohibition of Dams and Structures policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts. Development may not cross or affect a stream in the Critical Area, unless there is no feasible alternative and the design and construction of the development prevents increases in flood frequency and severity that are attributable to development; retains tree canopy and maintains stream water temperature within normal variation; provides a natural substrate for affected streambeds; and minimizes adverse water quality and quantity impacts of stormwater. CAC (C9) COMAR 27.01.02.04.

Select appropriate response:

- ☐ Project will be consistent with the Restrictions on Stream Crossings and Impacts policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams. The construction, repair, or maintenance activities associated with bridges or other stream crossings or with utilities and roads, which involve disturbance within the buffer or which occur in stream are prohibited between March 1 and May 15. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- ☐ Project will be consistent with the Stream Construction Time-of-Year Restrictions policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas. Roads, bridges, or utilities may not be constructed in any areas designated to protect habitat, including buffers, in the Critical Area, unless there is no feasible alternative and the road, bridge, or utility is located, designed, constructed, and maintained in a manner that maximizes erosion protection; minimizes negative impacts to wildlife, aquatic life, and their habitats; and maintains hydrologic processes and water quality. CAC (C9) COMAR 27.01.02.03C, .04C, .05C.

Select appropriate response:

- ☐ Project will be consistent with the Avoid or Minimize Habitat Area Impacts policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 11 – Intensely Developed Areas. The following policies apply in those areas of the Critical Area that are determined to be areas of intense development.

- To the extent possible, fish, wildlife, and plant habitats should be conserved.
- Development and redevelopment shall improve the quality of runoff from developed areas that enters the Chesapeake or Atlantic Coastal Bays or their tributary streams.
- At the time of development or redevelopment, appropriate actions must be taken to reduce stormwater pollution by 10%. Retrofitting measures are encouraged to address existing water quality and water quantity problems from stormwater.
- Development activities may cross or affect a stream only if there is no feasible alternative, and those activities must be constructed to prevent increases in flood frequency and severity attributable to development, retain tree canopy, maintain stream water temperatures within normal variation, and provide a natural substrate for affected streambeds.
- Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, shall be maintained and, if possible, are encouraged to be established.
- Ports and industries which use water for transportation and derive economic benefits from shore access, shall be located near existing port facilities or in areas identified by local jurisdictions for planned future port facility development and use if this use will provide significant economic benefit to the State or local jurisdiction.
- Development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Development shall minimize the destruction of forest and woodland vegetation.

CAC (C9) COMAR 27.01.02.03.

Select appropriate response:

- ☐ Project will be consistent with the Intensely Developed Areas policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

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Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 12 – Limited Development Areas & Resource Conservation Areas. The following policies apply in those portions of the Critical Area that are not areas of intense development.

- Development shall maintain, and if possible, improve the quality of runoff and ground water entering the Chesapeake and Coastal Bays.
- To the extent practicable, development shall maintain existing levels of natural habitat.
- All development sites shall incorporate a wildlife corridor system that connects undeveloped vegetated tracts onsite with undeveloped vegetated tracts offsite.
- All forests and developed woodlands that are cleared or developed shall be replaced on not less than an equal area basis.
- If there are no forests on a proposed development site, the site shall be planted to provide a forest or developed woodland cover of at least 15 percent.
- Development on slopes equal to or greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain the slope and is consistent with other policies.
- To the extent practicable, development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Lot coverage is limited to 15 percent of the site.

CAC (C9) COMAR 27.01.02.04.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Limited Development Areas and Resource Conservation Areas.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

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Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 13 - Public Facilities Allowed With Restrictions in Buffer. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the buffer in portions of the Critical Area not designated as intensely developed areas only if adequate sanitary facilities exist; service facilities are, to the extent possible, located outside the Buffer; permeable surfaces are used to the extent practicable, if no degradation of ground water would result; and disturbance to natural vegetation is minimized. CAC (C9) COMAR 27.01.03.08.

Select appropriate response:

- ☐ Project will be consistent with policy allowing Public Facilities within Buffer with Restrictions.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 14 - Water-Dependent Research Facilities. Water-dependent research facilities or activities may be permitted in the buffer, if nonwater-dependent structures or facilities associated with these projects are, to the extent possible, located outside the buffer. CAC (C9) COMAR 27.01.03.09.

Select appropriate response:

- ☐ Project will be consistent with the Water-Dependent Research Facilities policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 15 – Siting Industrial & Port-Related Facilities. Water-dependent industrial and port-related facilities may only be located in the portions of areas of intense development designated as modified buffer areas. CAC (C9) COMAR 27.01.03.05.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Siting Industrial and Port-Related Facilities.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 16 -Restrictions on Waste Facilities. Solid or hazardous waste collection or disposal facilities and sanitary landfills are not permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these facilities are needed in order to correct an existing water quality or wastewater management problem. CAC (C9) COMAR 27.01.02.02.

Select appropriate response:

- ☐ Project will be consistent with policy Restricting Waste Facilities.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 17 – Buffer Management Plan. If a development or redevelopment activity occurs on a lot or parcel that includes a buffer or if issuance of a permit, variance, or approval would disturb the buffer, the proponents of that activity must develop a buffer management plan that clearly indicates that all applicable planting standards developed by the Critical Area Commission will be met and that appropriate measures are in place for the protection and maintenance of the buffer. CAC C9 COMAR 27.01.09.01-1, .01-3.

Select appropriate response:

- ☐ Project will be consistent with the Buffer Management Plan policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 18 – Protection of Critical Area from Surface Mining Pollution. All available measures must be taken to protect the Critical Area from all sources of pollution from surface mining operations, including but not limited to sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of wastes, dusts, and spoils. CAC (D5) COMAR 27.01.07.02A.

Select appropriate response:

- ☐ Project will be consistent with policy Protecting Critical Area from Surface Mining Pollution.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 19 – Reclamation Requirements for Mining. In the Critical Area, mining must be conducted in a way that allows the reclamation of the site as soon as possible and to the extent possible. CAC (D5) COMAR 27.01.07.02B.

Select appropriate response:

- ☐ Project will be consistent with policy that requires Reclamation for Mining.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 20 – Restrictions on Sand & Gravel Operations. Sand and gravel operations shall not occur within 100 feet of the mean high water line of tidal waters or the edge of streams or in areas with scientific value, important natural resources such as threatened and endangered species, rare assemblages of species, or highly erodible soils. Sand and gravel operations also may not occur where the use of renewable resource lands would result in the substantial loss of forest and agricultural productivity for 25 years or more or would result in a degrading of water quality or a loss of vital habitat. CAC (D5) COMAR 27.01.07.03D.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Restrictions on Sand & Gravel Operations
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 21 - Prohibition of Wash Plants in Buffer. Wash plants including ponds, spoil piles, and equipment may not be located in the 100-foot buffer. CAC D5) COMAR 27.01.07.03E.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Wash Plants in Buffer.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 22 – Requirements for Agriculture in the Buffer. Agricultural activities are permitted in the buffer, if, as a minimum best management practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established in trees with a dense ground cover or a thick sod of grass. CAC C4) COMAR 27.01.09.01-6.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Requirements for Agriculture in the Buffer.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 23 – Geographical Limits for Feeding or Watering Livestock. The feeding or watering of livestock is not permitted within 50 feet of the mean high water line of tidal waters and tributaries. CAC (C4) COMAR 27.01.09.01-6.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Geographical Limits for Feeding or Watering Livestock.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 24 – Creating New Agricultural Lands. In the Critical Area, the creation of new agricultural lands shall not be accomplished by diking, draining, or filling of non-tidal wetlands, without appropriate mitigation; by clearing of forests or woodland on soils with a slope greater than 15 percent or on soils with a "K" value greater than 0.35 and slope greater than 5 percent; by clearing that will adversely affect water quality or will destroy plant and wildlife habitat; or by clearing existing natural vegetation within the 100-foot buffer. CAC (C4) COMAR 27.01.06.02C.

Select appropriate response:

- ☐ Project will be consistent with policy regarding Creating New Agricultural Lands.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 25 - Best Management Practices for Agriculture. Agricultural activity permitted within the Critical Area shall use best management practices in accordance with a soil conservation and water quality plan approved or reviewed by the local soil conservation district. CAC (C4) COMAR 27.01.06.02G.

Select appropriate response:

- ☐ Project will be consistent with policy requiring Best Management Practices for Agriculture.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 26 - Cutting or Clearing Trees in the Buffer. Cutting or clearing of trees within the buffer is prohibited except that commercial harvesting of trees by selection or by the clearcutting of loblolly pine and tulip poplar may be permitted to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams, or the edge of tidal wetlands if the buffer is not subject to additional habitat protection. Commercial harvests must be in compliance with a buffer management plan that is prepared by a registered professional forester and is approved by the Department of Natural Resources. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

Select appropriate response:

- ☐ Project will be consistent with policy regarding Restrictions on Cutting or Clearing of Trees in the Buffer.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 27 - Requirements for Commercial Tree Harvesting in the Buffer. Commercial tree harvesting in the buffer may not involve the creation of logging roads and skid trails within the buffer and must avoid disturbing stream banks and shorelines as well as include replanting or allowing regeneration of the areas disturbed or cut in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the buffer. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

Select appropriate response:

- ☐ Project will be consistent with policy regarding Requirements for Commercial Tree Harvesting in the Buffer.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Critical Area Policies Checklist

Critical Area Policy 28 - General Restrictions to Intense Development. Intense development should be directed outside the Critical Area. Future intense development activities, when proposed in the Critical Area, shall be directed towards the intensely developed areas. CAC D1 Md. Code Ann., Natural Res. § 8-1807(b); COMAR 27.01.02.02B.

Select appropriate response:

- ☐ Project will be consistent with policy regarding General Restrictions on Intense Development.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Critical Area Policy 29 – Development Restrictions in Critical Area. The following development activities and facilities are not permitted in the Critical Area except in intensely developed areas and only after the activity or facility has demonstrated that there will be a net improvement in water quality to the adjacent body of water.

- Non-maritime heavy industry
- Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters
- Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge when applied by an approved method at approved application rates may be permitted in the Critical Area, but not in the 100-foot Buffer

CAC (C9) COMAR 27.01.02.02.

Select appropriate response:

- ☐ Project will be consistent with policy Restricting Development in Critical Area.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Name of Project:

Honga River Maintenance Dredging Project

5.3 COASTAL USES

5.3.5 Dredging and Disposal of Dredged Material

Dredging and Disposal of Dredged Material Policy 1 – Dredging for Non-Water Dependent Projects is Discouraged. A person may not dredge for projects that are non-water-dependent unless there is no practicable alternative. MDE (A3) Md. Code Ann., Envir. § 5-907(a); COMAR 26.24.03.02D.

Select appropriate response:

- ☐ Project will be consistent with policy Discouraging Dredging for Non-Water Dependent Projects.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging and Disposal of Dredged Material Policy 2 – Dredging Requires An Environmental Analysis and Is Generally Discouraged. Dredging for sand, gravel, or fill material, including material for beach nourishment, is prohibited unless an environmental analysis determines that there will be no adverse impact on the environment and no alternative material is available. MDE (A3) COMAR 26.24.03.02C.

Select appropriate response:

- ☒ Project will be consistent with policy requiring An Environmental Analysis for Dredging.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore has drafted a Record of Environmental Consideration, 404b1, Essential Fish Habitat worksheet and has also completed a supplemental Environmental Assessment for the placement site at Barren Island. This project is considered routine maintenance but the channel has not been authorized to dredge since 2009.



Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Dredging and Disposal of Dredged Material Policy 3 – Dredging Shall Allow Flushing & Make Maximum Use of Existing Channels. Dredging of channels, canals, and boat basins shall be designed to provide adequate flushing and elimination of stagnant water pockets, and channel alignment shall make maximum use of natural or existing channels and bottom contours. MDE (B2) COMAR 26.24.03.02.

Select appropriate response:

- ☒ Project will be consistent with policy requiring Dredging to Allow for Flushing & to Make Maximum Use of Existing Channels.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Honga River is an existing Federal navigation channel. The existing channel already exists but due to lack of congressional funding, the channel has not been dredged since 2009. The maintenance dredging will occur within the same channel and no new channels will be created.

Dredging and Disposal of Dredged Material Policy 4 – Dredging Shall First Avoid & Then Minimize Habitat Impacts. The alignment of a channel shall first avoid and then minimize impacts to shellfish beds, submerged aquatic vegetation, and vegetated tidal wetlands. When feasible, the alignment shall be located the maximum distance feasible from shellfish beds, submerged aquatic vegetation, and other vegetated tidal wetlands. MDE (C6) COMAR 26.24.03.02.

Select appropriate response:

- ☒ Project will be consistent with policy requiring Dredging to First Avoid, & Then Minimize, Habitat Impacts.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will only dredge during the winter months (Oct-April) to avoid impacts to SAV beds and other TOYR.



MARYLAND Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Dredging and Disposal of Dredged Material Policy 5 – Dredging Time-of-Year Restrictions. Dredging is prohibited from February 15 through June 15 in areas where yellow perch have been documented to spawn and from March 1 through June 15 in areas where other important finfish species have been documented to spawn. MDE (A3) COMAR 26.24.02.06G.

Select appropriate response:

- ☒ Project will be consistent with policy requiring Time-of-Year Restrictions for Dredging.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will only dredged between Oct and April. An EFH worksheet has been completed and although SAV habitat will be impacted, its expected SAV beds would not propagate if regularly scheduled maintenance were to occur within the channel.

Dredging and Disposal of Dredged Material Policy 6 – 500 –Yard Setback Restriction for Dredging Near Submerged Aquatic Vegetation (SAV). Dredging is prohibited within 500 yards of submerged aquatic vegetation from April 15 through October 15. MDE (A3) COMAR 26.24.02.06H.

Select appropriate response:

- ☒ Project will be consistent with policy requiring a 500-Yard Setback Restriction for Dredging near SAV.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will only dredged between Oct and April. An EFH worksheet has been completed and although SAV habitat will be impacted, its expected SAV beds would not propagate if regularly scheduled maintenance were to occur within the channel. The hydraulic pipelines, which are approximately 2-feet in diameter are expected to lay across SAV beds when sediment is being transported to the placement site. However, no work will occur between April 15 - October 15.

Dredging and Disposal of Dredged Material Policy 7 – Restrictions on Mechanical & Hydraulic Dredging Near Shellfish Areas. Within 500 yards of shellfish areas, mechanical and hydraulic dredging is prohibited from June 1 through September 30 and mechanical dredging is also prohibited from December 16 through March 14. MDE (A3) COMAR 26.24.02.06E.

Select appropriate response:

- ☒ Project will be consistent with policy Prohibiting Mechanical & Hydraulic Dredging within 500 Yards of Shellfish Areas.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will not be utilizing mechanical dredging, only hydraulic dredging will occur. Dredging may impact portions of a historic oyster bar adjacent to the main Federal channel. However, TOYR will be utilized to reduce impacts to shellfish and their habitat.



Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Dredging and Disposal of Dredged Material Policy 8 –Dredge Disposal Site Selection Criteria. New disposal sites for dredged material shall be selected based on the following hierarchy of criteria: (i) beneficial use and innovative reuse of dredged material; (ii) upland sites and other environmentally sound confined capacity; (iii) expansion of existing dredged material disposal capacity other than the Hart-Miller Island Dredged Material Containment Facility and areas collectively known as Pooles Island. MDE (A3) Md. Code Ann., Envir. § 5-1104.2(d).

Select appropriate response:

- ☒ Project will be consistent with policy defining Dredge Disposal Site Selection Criteria.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore will be placing dredged material to be beneficially used as part of the Barren Island Restoration project. Placement will occur within the historic footprint of Barren Island, along the southwest portion of the southern extent.

Dredging and Disposal of Dredged Material Policy 9 – Dredge Material Disposal Facilities Shall Minimize Impacts. Disposal facilities for dredged material shall be designed to have the least impact on public safety, adjacent properties, and the environment. MDE (A3) COMAR 26.24.03.04A.

Select appropriate response:

- ☐ Project will be consistent with policy requiring Dredge Material Disposal Facilities to Minimize Impacts.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

The placement site for disposal will not be a facility.



Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Dredging and Disposal of Dredged Material Policy 10 – Sediment & Erosion Control Plan Shall Be Developed & Approved Prior to Upland Dredge Disposal. Prior to disposing of dredged material on upland areas, a sediment and erosion control plan must be developed and approved by the local soil conservation district or the Department of the Environment and the methods for protecting water quality and quantity must be identified in detail. MDE (A3) COMAR 26.24.03.03B.

Select appropriate response:

- ☐ Project will be consistent with policy requiring Sediment & Erosion Control Plans to Be Developed & Approved Prior to Upland Dredge Disposal.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging will not take place on an upland area.

Dredging and Disposal of Dredged Material Policy 11 – Restrictions on Open Water Disposal of Dredge Material in Chesapeake Bay & Its Tributaries. A person may not redeposit in an unconfined manner dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portion of any of the Chesapeake Bay's tributaries except when the project is undertaken to restore islands or underwater grasses, stabilize eroding shorelines, or create or restore wetlands or fish and shellfish habitats. MDE (A3) Md. Code Ann., Envir. § 5-1101(a), 5-1102.

Select appropriate response:

- ☐ Project will be consistent with policy Restricting Open Water Disposal of Dredge Material in Chesapeake Bay and Its Tributaries.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Dredging & Disposal of Dredge Material Policy Checklist

Dredging and Disposal of Dredged Material Policy 12 – No Open Water Disposal of Dredge Material in Deep Trough of Chesapeake Bay. A person may not redeposit in an unconfined manner dredged material into or onto any portion of the bottomlands or waters of the Chesapeake Bay known as the deep trough. MDE (A3) Md. Code Ann., Envir. §§ 5-1101(a), -1102.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Open Water Disposal of Dredge Material in Deep Trough of Chesapeake Bay.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging and Disposal of Dredged Material Policy 13 – Restrictions on Open Water Disposal of Dredge Material from Baltimore Harbor. No material dredged from Baltimore Harbor shall be disposed of in an unconfined manner in the open water portion of Chesapeake Bay, or the tidal portions of its tributaries outside of Baltimore Harbor. MDE (A3) Md. Code Ann., Envir. § 5-1102(a).

Select appropriate response:

- ☐ Project will be consistent with policy Restricting Open Water Disposal of Dredge Material from Baltimore Harbor.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Historical & Archaeological Policies Checklist

Name of Project:

Honga River Maintenance Dredging Project

5.2 COASTAL RESOURCES

5.2.5 Historical and Archaeological Sites

Historical and Archaeological Policy 1 – Protection of Submerged Historic Resources. Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb submerged archaeological historic property are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-341, -333.

Select appropriate response:

- ☒ Project will be consistent with historical & archaeological policy Protecting Submerged Historic Resources.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore consulted with MHT and Delaware Nation in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 – Protection of Historic Properties. No adverse impacts are expected to occur to submerged historic resources.

Historical and Archaeological Policy 2 – Protection of Caves & Archaeological Sites. Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb cave features or archeological sites under State control are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-342 to -343.

Select appropriate response:

- ☐ Project will be consistent with historical & archaeological policy Protecting Caves & Archaeological Sites
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Historical & Archaeological Policies Checklist

Historical and Archaeological Policy 3 – Protection of Burial Sites & Cemeteries. Neither human remains nor funerary objects may be removed from a burial site or cemetery, unless permission is granted by the local State's Attorney. Funerary objects may not be willfully destroyed, damaged, or defaced. MDP (C8) Md. Code Ann., Crim. Law §§ 10-401 to -404.

Select appropriate response:

- ☐ Project will be consistent with historical & archaeological policy Protecting Burial Sites & Cemeteries.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

Name of Project:

Honga River Maintenance Dredging Project

5.2 COASTAL RESOURCES

5.2.6 Living Aquatic Resources

Living Aquatic Resources Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife.

Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife. DNR (A4) Md. Code Ann., Nat. Res. §§ 4-2A-01 to -09; Md. Code Ann., Nat. Res. §§ 10-2A-01 to -09.

Select appropriate response:

- ☒ Project will be consistent with policy Protecting Rare, Threatened or Endangered Fish or Wildlife.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

The project will comply with Time of Year Restrictions when applicable to RTE species.

Living Aquatic Resources Policy 2 – Sustainable Harvesting of Fisheries. Fisheries shall be sustainably harvested. DNR (A4) Md. Code Ann., Nat. Res. § 4-215.

Select appropriate response:

- ☐ Project will be consistent with Sustainable Harvesting of Fisheries policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

Living Aquatic Resources Policy 3 – Protection of State Fishery Sanctuaries & Management

Resources. Any land or water resource acquired by the State to protect, propagate, or manage fish shall not be damaged. DNR (A4) Md. Code Ann., Nat. Res. § 4-410. **Select appropriate response:**

- ☐ Project will be consistent with policy Protecting State Fishery Sanctuaries & Fishery Management Resources.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 4 – Fish Passage. No activity will be permitted that impedes or prevents the free passage of any finfish, migratory or resident, up or down stream. DNR (A4) Md. Code Ann., Nat. Res. § 4-501 to -502.

Select appropriate response:

- ☐ Project will be consistent with Fish Passage policy.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 5 – Time-of-Year Restrictions for Construction in Non-Tidal

Waters. All in-stream construction in non-tidal waters is prohibited from October through April, inclusive, for natural trout waters and from March through May, inclusive, for recreational trout waters. In addition, the construction of proposed projects, which may adversely affect anadromous fish spawning areas, shall be prohibited in non-tidal waters from March 15 through June 15, inclusive. MDE (C2) COMAR 26.17.04.11B(5).

Select appropriate response:

- ☐ Project will be consistent with policy regarding Time-of-Year Restrictions for Construction in Non-Tidal Waters.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Living Aquatic Resources

Policies Checklist

Living Aquatic Resources Policy 6 – Protection of Forest Buffers Along Trout Streams. Riparian forest buffers adjacent to waters that are suitable for the growth and propagation of self-sustaining trout populations shall be retained whenever possible. MDE (C5) COMAR 26.08.02.03-3F.

Select appropriate response:

- ☐ Project will be consistent with policy Protecting Forest Buffers Along Trout Streams.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 7 –Non-Tidal Habitat Protection & Mitigation. Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided. MDE (C2) COMAR 26.17.04.11B(5).

Select appropriate response:

- ☐ Project will be consistent with policy regarding Non-Tidal Habitat Protection & Mitigation.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Living Aquatic Resources

Policies Checklist

Living Aquatic Resources Policy 8 – Protection & Management of Submerged Aquatic Vegetation

(SAV). The harvest, cutting, or other removal or eradication of submerged aquatic vegetation may only occur in a strip up to 60 feet wide surrounding a pier, dock, ramp, utility crossing, or boat slip to point of ingress in a marina, otherwise the activity must receive the approval of the Department of Natural Resources. No chemical may be used for this purpose, and the timing and method of the activity shall minimize the adverse impact on water quality and on the growth and proliferation of fish and aquatic grasses. MDE (A4) Md. Code Ann., Nat. Res. § 4-213.

Select appropriate response:

- ☒ Project will be consistent with policy regarding Protection & Management of Submerged Aquatic Vegetation (SAV).
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

SAV beds may be impacted by maintenance dredging. However, dredging will only take place during the winter months when SAV are dormant.

Living Aquatic Resources Policy 9 – Protection of Natural Oyster Bars. Natural oyster bars in the Chesapeake Bay shall not be destroyed, damaged, or injured. DNR (A4) Md. Code Ann., Nat. Res. § 4-1118.1.

Select appropriate response:

- ☒ Project will be consistent with policy Protecting Natural Oyster Bars.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

The project is expected to impact a historic NOB and Yates Bar but there are currently no oysters within the extents of proposed dredging.



Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

Living Aquatic Resources Policy 10 – Protection of Oyster Aquaculture Leases. A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner. DNR (A4) Md. Code Ann., Nat. Res. § 4-11A-16(a).

Select appropriate response:

- ☐ Project will be consistent with policy Protecting Oyster Aquaculture Leases.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters. An organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes may not be introduced into State waters. DNR (A4) COMAR 08.02.19.03.

Select appropriate response:

- ☐ Project will be consistent with policy Controlling Nonnative Aquatic Organisms.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic Organisms. Vectors for the introduction of nonnative aquatic organisms must be appropriately controlled to prevent adverse impacts on aquatic ecosystems. DNR (A4) Md. Code Ann., Nat. Res. § 4-205.1.

Select appropriate response:

- ☐ Project will be consistent with policy Controlling Nonnative Aquatic Organisms in State Waters.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

Living Aquatic Resources Policy 13 – Control of Snakehead Fish. Except as authorized by federal law, any live snakehead fish or viable eggs of snakehead fish of the Family Channidae may not be imported, transported, or introduced into the State. DNR (A4) COMAR 08.02.19.06.

Select appropriate response:

- ☐ Project will be consistent with policy Controlling Snakehead Fish.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Living Aquatic Resources Policy 14 – Nonnative Oysters Prohibited in State Waters. Nonnative oysters may not be introduced into State waters. DNR (A4) Md. Code Ann., Nat. Res. § 4-1008.

Select appropriate response:

- ☐ Project will be consistent with policy Prohibiting Nonnative Oysters in State Waters.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



Coastal Zone Management Program - Tidal Wetlands Policy Checklist

Name of Project:

Honga River Maintenance Dredging Project

5.2 COASTAL RESOURCES

5.2.2 Tidal Wetlands

Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation. Any action which alters the natural character in, on, or over tidal wetlands; tidal marshes; and tidal waters of Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland's coastal barrier islands, and the Atlantic Ocean shall avoid dredging and filling, be water-dependent, and provide appropriate mitigation for any necessary and unavoidable adverse impacts on these areas or the resources associated with these areas. A proponent of an action described above shall explain the actions impact on: habitat for finfish, crustaceans, mollusks, and wildlife of significant economic or ecologic value; potential habitat areas such as historic spawning and nursery grounds for anadromous and semi-anadromous fisheries species and shallow water areas suitable to support populations of submerged aquatic vegetation; marine commerce, recreation, and aesthetic enjoyment; flooding; siltation; natural water flow, water temperature, water quality, and natural tidal circulation; littoral drift; local, regional, and State economic conditions; historic property; storm water runoff; disposal of sanitary waste; sea level rise and other determinable and periodically recurring natural hazards; navigational safety; shore erosion; access to beaches and waters of the State; scenic and wild qualities of a designated State scenic or wild river; and historic waterfowl staging areas and colonial bird-nesting sites. MDE (B2) COMAR 26.24.01.01, COMAR 26.24.02.01, .03; COMAR 26.24.05.01.

Select appropriate response:

- ☒ Project will be consistent with Tidal Wetlands policy.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

USACE Baltimore has been and will be in continual communication with NOAA NMFS, USFWS, MDNR, and MDE in order to be compliant with maintenance dredging activities and Time of Year Restrictions when and where appropriate.

Name of Project:

Honga River Maintenance Dredging Project

5.3 COASTAL USES

5.3.6 Navigation

Navigation Policy 1 – Piers Are Preferred to Dredging in Providing Access to Deep Waters. Navigational access projects shall when possible be designed to use piers to reach deep waters rather than dredging. MDE (B2) COMAR 26.24.03.02.

Select appropriate response:

- ☐ Project will be consistent with policy Preferring Piers to Dredging in Providing Access to Deep Waters.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Navigation Policy 2 – Central Access Channels with Short Spurs Are Preferred to Multiple Separate Channels. Navigational access channels to serve individual or small groups of riparian landowners shall be designed to prevent unnecessary channels. A central access channel with short spur channels shall be considered over separate access channels for each landowner. MDE (B2) COMAR 26.24.03.02.

Select appropriate response:

- ☐ Project will be consistent with policy that Prefers Central Access Channels with Short Spurs to Multiple Separate Channels.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Navigation Policy 3 – Channels Shall Minimize Impacts to Tidal Wetlands & Underwater Topography. Navigational access channels shall be designed to minimize alteration of tidal wetlands and underwater topography. MDE (B2) COMAR 26.24.03.02.

Select appropriate response:

- ☒ Project will be consistent with policy requiring that Channels Minimize Impacts to Tidal Wetlands & Underwater Topography.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

The area of review encompasses approximately 4.65 miles, with a depth of seven feet, and width ranging from 60 – 140 feet. No tidal wetlands will be impacted and USACE Baltimore will take the necessary precautions when it comes to SAV habitat and TOYR.

Navigation Policy 4 - New & Expanded Marinas, with a Preference Given to Expansion of Existing Facilities, Shall Be Located in Strongly Flushed Waters More Than 4.5 Feet Deep at Mean Low Tide & Not Adversely Impact Habitat. New or expanded facilities for the mooring, docking, or storing of more than ten vessels on tidal navigable waters shall be located on waters with strong flushing characteristics and may not be located in areas where the natural depth is 4.5 feet or less at mean low water, and any of the following will be adversely affected: aquatic vegetation, productive macroinvertebrate communities, shellfish beds, fish spawning or nursery areas, rare, threatened, or endangered species, species in need of conservation, or historic waterfowl staging areas. Expansion of existing facilities is favored over new development. MDE (A1) COMAR 26.24.04.03.

Select appropriate response:

- ☐ Project will be consistent with policy requiring that New & Expanded Marinas, with a Preference Given to Expansion of Existing Facilities, Be Located in Strongly Flushed Waters More Than 4.5 Feet Deep at Mean Low Tide & Avoid Adverse Impacts to Habitat.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Navigation Policy 5 – Restrictions on Placement of Mooring Buoys. The location of buoys for the mooring of boats shall not be located in designated private or public shellfish areas, cable-crossing areas, navigational channels, in other places in where general navigation would be impeded or obstructed, or public ship anchorage. The location of mooring buoys should not obstruct the riparian access of adjacent property owners or hinder the orderly access to or use of the waterways by the general public. DNR (A1) COMAR 08.04.13.02.

Select appropriate response:

- ☐ Project will be consistent with policy Restricting Placement of Mooring Buoys.
- ☒ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Navigation Policy 6 – Noise Limit for Vessels on State Waters. Vessels operated on state waters should not exceed a noise level of 90dB(a). DNR (A1) COMAR 08.18.03.03.

Select appropriate response:

- ☒ Project will be consistent with policy Setting Noise Limit for Vessels on State Waters.
- ☐ Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Dredging will only occur during the winter months (Oct - April) when vessel traffic is limited. Dredging will occur far enough away from the shoreline where noise levels should not exceed 90dB to local residents.