

NOTE: This is not a transcript from the live webinar. These are notes the team compiled to help supplement the information on the slides.

The purpose of this webinar is to provide an overview of the changes that were made from the Maryland State Programmatic General Permit – 4 to the current fifth version of the Maryland State Programmatic General Permit.

For specific and detailed information regarding the MDSPGP-5, please refer to the permit document that can be found on our website.

This webinar was developed by the Baltimore District Regulatory Branch MDSPGP-5 team.

PRESENTERS

Beth Bachur, Corps of Engineers, Baltimore District

Bill Seiger, Maryland Department of the Environment

Steve Harman, Corps of Engineers, Baltimore District

Gene Morgenthaler, Corps of Engineers, Baltimore District

File Name



Beth Bachur, Baltimore District, Regulatory Branch, acting chief, to provide an overview of state programmatic general permits and their purpose.

Bill Seiger, of the Maryland Department of the Environment, Waterway Construction Division, to provide an overview of MDE's process and responsibilities under MDSPGP-5.

Steve Harman, project manager in the Maryland Section Southern section, to provide an overview of the key changes to MDSPGP-5.

Gene Morgenthaler, also a project manager in the Maryland Southern Section, to discuss grandfathering and provide examples of how a project is categorized under MDSPGP-5.

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STATE PROGRAMMATIC GENERAL PERMITS

- A State Programmatic General Permit (SPGP) operates in conjunction with a State Regulatory program that protects the aquatic environment in a manner similar to the Corps Regulatory Program.
- The first State Programmatic General Permit in Maryland was issued in 1996; MDSPGP-1.
- Subsequent MDSPGPs have been issued, with the previous MDSPGP-4 expiring on September 30, 2016.
- Public Notice #16-56, issued on September 30, 2016, announced issuance of MDSPGP-5; effective October 1, 2016.

File Name



A State Programmatic General Permit or SPGP operates in conjunction with an existing state regulatory program that protects the aquatic environment in a manner similar to the Corps Regulatory Program.

The first State Programmatic General Permit was issued in 1996 and called the MDSPGP-1.

Since then, subsequent MDSPGPs have been issued, with the previous fourth version, the MDSPGP-4, expiring Sept. 30, 2016.

The MDSPGP-5 became effective Oct. 1, 2016, and was announced in public notice #16-56 issued Sept. 30, 2016.

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MDSPGP-5

- Authorizes similar activities with no more than minimal impacts.
- Compliance with laws and regulations occurs during development of the permit.
 - But, site-specific consultations and evaluations may be required
- The suspension of certain NWP's within the District's boundaries in Maryland has been necessary to avoid duplication and ensure effective implementation of the MDSPGP.
- By regulation, each version of the MDSPGP is valid for no more than 5 years.

File Name



MDSPGP-5 provides efficient means to obtain a Department of the Army authorization for certain categories of similar activities with no more than minimal impacts.

During development of the permit, the Corps ensures that the activities authorized by the MDSPGP-5 will comply with federal laws and regulations.

Implementation of the MDSPGP will reduce the need for separate review by the Corps for minor work located in waters of the U.S., when that work is reviewed and authorized by MDE.

However, in some cases, an individual site-specific review and evaluation may be required by the Corps.

Certain Nationwide Permits have been suspended within Maryland to avoid duplication and ensure effective implementation of the MDSPGP.

By Corps regulations, a general permit, including State Programmatic General Permits are valid for no more than 5 years.

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MDE APPLICATION REVIEW PROCESS

- All applications submitted to the Maryland Department of the Environment (MDE) – Regulatory Services Coordination Office (RSCO)
- RSCO assures any required fees have been submitted (for the state; the Corps does not charge fees)
- RSCO Screens all applications for Maryland Historic Trust (MHT) resources, Rare Threatened and Endangered (RTE) species, Tier II waters, Washington Suburban Sanitary Commission (WSSC) resources, and Federal Emergency Management Agency (FEMA) Floodplains
- RSCO assigns Agency Interest (AI) and Tracking numbers
- RSCO forwards all applications to appropriate Divisions for further processing

File Name

All Applications for projects that impact regulated resources (streams, wetlands, floodplains) need to be submitted to MDE's Regulatory Services Coordination Office for processing.

RSCO assures that any required application fees have been submitted (processing does not begin until fees have been submitted and cleared).

RSCO uses data layers to screen all applications for RTE/MHT/WSSC/Tier II streams/FEMA floodplains.

RSCO assigns AI (Agency Interest) number and tracking numbers to each application; AI numbers are used for MDE's database, tracking numbers are used to coordinate with Army Corps reviewers.

RSCO forwards all applications to the Nontidal Wetlands, Waterway Construction and Tidal Wetlands Divisions, as appropriate, based upon the content of the application. Some applications are also forwarded to other programs within MDE (Dam Safety Division).

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MDE APPLICATION REVIEW PROCESS – CONT.

- Division Chiefs categorize applications, assign Division Numbers and assign to staff for review
- RSCO informed of any applications that need to be sent to the Army Corps for separate review
- Division staff review submitted information, make site visit and respond to the applicant with any required additional information within 45 days of receipt by the RSCO

File Name



Nontidal Wetlands, Waterway Construction and Tidal Wetlands Division Chiefs categorize applications for MDSPGP-5 processing; assign Division numbers and assign to Division staff for review.

RSCO is informed of any projects that need to be sent to the Army Corps (Cat. B/ALT), based upon the initial categorization.

Division staff review submitted information, make site visit and respond to the applicant with any additional information required within 45 days of application receipt by the RSCO.

MDE APPLICATION REVIEW PROCESS – CONT.

- If an application needs to be re-categorized after initial review, copies are sent to the Army Corps as soon as practicable
- MDE and the Army Corps coordinate on projects where there is a separate State and federal review

File Name



During review of an application initially categorized as a “Cat. A,” if staff discovers additional information that changes the appropriate categorization (e.g. unauthorized activities on the site or significant MHT issues), an application will be re-categorized to a B or ALT. These applications are then sent over to the Army Corps as soon as practicable. All projects sent to the Army Corps as a Cat. B/ALT project will be authorized by the Corps and will not come back to MDE for federal authorization.

For non-Cat. A applications, MDE coordinates with the Army Corps to ensure that the final project, including any revisions made during the review process, is consistent with the Corps’ federal authorization.

**MARYLAND STATE PROGRAMMATIC GENERAL PERMIT (MDSPGP-5)
NEW ACTIVITIES AND REVISIONS TO EXISTING ACTIVITIES AND CONDITIONS**

File Name



NEW ACTIVITIES

File Name



US Army Corps
of Engineers



ACTIVITY B(6) CULVERT PIPE GROUTING/SEALING AND JOINT REPAIRS

10

Authorizes the permanent discharge of grout paving materials for repairs to degraded pipe and box culverts.

- This activity was developed in response to comments from Maryland State Highway Administration and other local Department of Public Works seeking expedited permit review for this minor repair activity.
- Applies to all waters and wetlands of US.
- Authorizes **temporary** structures and discharges for activities such as stream diversion devices, construction access, dewatering of construction sites and construction matting.
- Environmental conditions have been added.
 - Must not block or impede the movements of aquatic species.
 - Grout/ concrete must be cured prior to contact with the stream.

Category A

- Only authorizes impacts to **only nontidal** waters and wetlands.
- Total permanent and temporary impact cannot exceed 10,000 square feet and/or 1,000 linear feet of **nontidal** waters and wetlands.

Category B

- Applies to **all tidal and nontidal** waters and wetlands.
- Total temporary and permanent impacts cannot exceed 21,780 square feet(½ acre) of waters of the U.S. and/or 2,000 linear feet of streams.

File Name



ACTIVITY E(10) NEW STORMWATER MANAGEMENT FACILITIES

- Authorizes the permanent and temporary discharges for the construction of **new** stormwater management facilities. This activity was developed to be consistent with the Nationwide Permits (Nationwide Permit 43).
- Applies **only to nontidal wetlands, streams, rivers, and open waters.**
 - Does not apply to tidal waters, tidal wetlands, non-tidal wetlands adjacent to tidal waters, perennial streams or Use III or IV intermittent streams.
- Also authorizes **temporary** structures and discharges for stream diversion devices, construction access, dewatering of construction sites and construction matting.

Category A

- Only authorizes impacts to **nontidal** waters and wetlands.
- Total permanent and temporary impact cannot exceed 10,000 square feet and/or 1,000 linear feet of **nontidal** waters and wetlands.

Category B

- Applies to **nontidal** waters and wetlands.
- Total temporary and permanent impacts cannot exceed 21,780 square feet ($\frac{1}{2}$ acre) of waters of the U.S. and/or 2,000 linear feet of streams.
- Cannot be used in combination with other MDSPGP-5 activities

File Name



REVISIONS TO EXISTING ACTIVITIES AND CONDITIONS

File Name



UNCHANGED	CHANGED	NEW	DELETED
13			
a. Boating and Navigation Related Projects, Structures, and Activities:			
(1) Channel and Harbor Navigation Aids			12
(2) State Regulatory Markers			12
(3) Piers			12
(4) Marina/Community Piers Reconfiguration			16
(5) Boat Ramp Construction, Repair, and Expansion			16
(6) Mooring Buoys			18
(7) Structures in Fleeting and Anchorage Areas			18
(8) Temporary Recreational Structures			19
(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters			19
(10) New Minor Dredging in Tidal Waters			20
b. Repair and Maintenance Activities:			
(1) General Maintenance			22
(2) Armoring Bridges, Causeways, and Culverts			26
(3) Bulkhead Repair or Replacement, Including Stone Toe Protection			28
(4) Maintenance of Tidal Roadside Ditches			29
(5) Maintenance of Mosquito Control Ditches			30
(6) Culvert Pipe Grouting/ Sealing and Joint Repairs			31
c. Underground and Overhead Utility Line Activities:			
(1) Utility Lines			33
(2) Foundations for Overhead Utility Line Towers, Poles, and Anchors			36
(3) Utility Access Roads			37
d. Linear Transportation Activities			
			40
e. Fill Activities:			
(1) Minor Nontidal Fills			43
(2) Agricultural Activities			44
(3) Soil Investigations, Scientific Measurement Devices, and Survey Activities			45
(4) Dry Fire Hydrants			47
(5) Clearing Debris and Windfalls			47
(6) Reserved (formerly SAMP Study Area Projects)			-
(7) Temporary Construction Access, Stream Diversion, and Dewatering			48
(8) Outfall Structures and Associated Intake Structures			49
(9) Residential, Commercial, and Institutional Development Activities			50
(10) New Stormwater Management Facilities			54
f. Shoreline and Stream Bank Stabilization Activities:			
(1) New Tidal Revetments and Tidal Shoreline Erosion Control Structures Other Than Revetments			56
(2) Tidal Marsh Creation/Beach Nourishment			57
(3) New Bulkheads, including Stone Toe Protection			60
(4) Nontidal Bank Stabilization Activities			61
g. Return Water from Upland Contained Disposal Areas			
			62
h. Private Landowner Oyster Gardening			
			63
File Name			

This slide shows the index of activities authorized under the new general permit.

The activities in black represent individual activities that have not been revised.

The activities in red represent activities that have been changed or conditions have been added or clarified under this general permit.

The activities in green represent the two new activities that are authorized.

Finally, the purple activity e(6) (Special Area Management Plan activity or SAMPs under MDSPGP-4) has been deleted due to lack of use.

PROVISIONS ADDED FOR THE AUTHORIZATION OF TEMPORARY STRUCTURES AND CONSTRUCTION ACCESS AND TO PREVENT INTERFERENCE WITH NAVIGATION

- Authorization of temporary structures and construction access has been added to:
 - b(1) General Maintenance
 - b(2) Armoring Bridges, Causeways, and Culverts
 - b(4) Maintenance of Tidal Roadside Ditches
 - b(5) Maintenance of Mosquito Ditches
 - e(5) Clearing Debris and Windfalls
 - e(9) Residential, Commercial and Institutional Activities

- This revision increases the applicability of these activities to more projects and simplifies permitting.

- Upon completion of the temporary structures and construction access work.
 - Temporary material must be removed.
 - Area must be returned to pre-construction conditions (contours, elevations, stream substrate).
 - Area must be restabilized with erosion control devices.
 - Area must be re-vegetated with native wetland species.

- Permit applicant requests to modify Time-of-Year restrictions must be coordinated with Corps and MDE.

File Name



PROVISIONS ADDED TO ENSURE IMPACTS DO NOT CAUSE INTERFERENCE WITH NAVIGATION

- Provisions were added to the following activities to insure that these types of project do not adversely impact Federal and local navigation channels.
- **Category B review is now required** for any work affecting navigable waters under the following activities:
 - c(1), c(2), and c(3) of the Underground and Overhead Utility Lines
 - (d) Linear Transportation Activity.
 - e(9) for Residential, Commercial, and Institutional Development Activities.
- Navigable Waters include those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark. They also include waters presently used and which have been used in the past or may be susceptible to use to transport interstate or foreign commerce.

File Name



The head of Navigable Waters may extend beyond the mean high-water mark for certain waters that are presently or in the past have been used for interstate commerce. This would include the non-tidal portions of the Susquehanna River up to Sunbury, Pennsylvania, and the non-tidal portions of the Potomac River up to its confluence of Wills Creek at Cumberland, Maryland. Any activity proposed in, under, or over navigable waters requires a Category B permit review.

REVISIONS TO INDIVIDUAL EXISTING ACTIVITIES AND CONDITIONS

File Name



**CLARIFICATION OF THRESHOLD LIMITATIONS AND CHANGES UNDER
ACTIVITY A(3) PIERS**

17

- Authorizes private and commercial piers not associated with marinas.
- This activity was revised in response to comments received from marine contractors.
- Clarifies that threshold limitations are for the entire project.
 - Includes proposed work and existing/previously authorized structures.
- Category A changes:
 - Now allows two additional personal watercraft slips (including their lifts) in addition to 4 boat slips per property.
 - Finger piers or platforms must be constructed in a minimum depth of 2 feet of open water at Mean Low Water.
 - Platforms must not be constructed within the landward 50% of the main pier section except in canals where a parallel walkway may be constructed adjacent to an existing or proposed bulkhead. These canal platforms cannot exceed 6 feet in width.
 - Pile driving activities authorized under Category A must utilize pile driving methods identified in Section VII.B.4.c.i (Tidal waters/wetland BMPs, Page 77).
- Category B clarification:
 - Clarification was added that the limit of 10 boat slips includes both the boat and watercraft lifts.
- Category A & B changes:
 - The square feet of main pier section is no longer included in the total square footage of the fixed or floating auxiliary platforms.
 - A pier project must have received a county variance or meet local minimum extended property line setbacks.
 - Finger piers no longer have to be constructed on the landward side of "L" and "T" piers.
 - Construction mats are no longer authorized by this activity, however, impacts for construction mats may be authorized under Category A of e(7) Temporary Construction Access, Stream Diversion, and Dewatering.

File Name



ACTIVITY A(5) BOAT RAMP CONSTRUCTION, REPAIR AND EXPANSION

- This activity was revised in response to comments received from the Maryland Marine Contractors Association.
- Category A
 - Access piers must not exceed 5 feet in width and must be constructed a minimum of 3 feet above mean low water level.
 - Fixed access piers must be constructed a minimum of 3 feet above the mean low water level.
 - Pile driving activities authorized under Category A must utilize pile driving methods identified in Section VII.B.4.c.i. (The BMPs for tidal waters/wetlands is listed on pages 77-78)
- Category A & B
 - Condition added stating access piers abutting boat ramp must extend no further than the ramp or minimum necessary to provide access to the ramp, whichever is less.
 - Now authorizes a maximum of two access piers along the ramp.

File Name



**ACTIVITIES A(9) MAINTENANCE DREDGING OF PREVIOUSLY AUTHORIZED DREDGED AREAS
IN TIDAL WATERS AND A(10) NEW MINOR DREDGING IN TIDAL WATERS**

19

This activity was revised to address the concerns regarding Endangered Species and their habitat submitted by the National Marine Fisheries Service.

Category A

- Hydraulic maintenance dredging activities must be reviewed under Category B or alternate permit review.
- Dredging in tidal waters in depths greater than -3 feet Mean Low Water to be conducted behind turbidity curtains or other exclusion structure during the period March 16 through November 30 to prevent aquatic animals from entering the dredge footprint.
- Category A, Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters does not authorize dredging in submerged aquatic vegetation bed or shellfish beds.
- Category A, New Minor Dredging in Tidal Waters does not authorize the dredging of or disposal into intertidal mudflats, wetlands, shellfish beds, and sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist within the last five years), or anadromous fish spawning areas

File Name



ACTIVITY B(1) GENERAL MAINTENANCE

This activity was revised in response to comments received from the Maryland Department of the Environment and the National Marine Fisheries Service.

Category A changes

- Total (temporary and permanent) impact threshold for Category A activities was increased:
 - From 10,000 square feet to 1 acre of waters of the U.S.
 - From 500 linear feet of stream channel to 2,000 linear feet of stream channel.
- Turbidity curtains or exclusion structures are required when dredging in depths greater than -3 feet Mean Low Water from March 16 through November 30 to prevent aquatic animals from entering the dredge footprint.
- Impacts to submerged aquatic vegetation are not authorized.
- Pile driving activities authorized under Category A must utilize pile driving methods identified in Section VII.B.4.c.i (Tidal waters/wetland BMPs, Page 77).

Category A & B changes

- Requirement added that applications must include information about the original design. Hydraulic maintenance dredging activities must be reviewed under Category B or alternate permit review.
- Clarification was added that the activity now includes authorization for temporary structures, work, and discharges of dredged or fill material necessary for associated construction activities or repairs

File Name



ACTIVITY C(1) UTILITY LINES

- Activity has been clarified and conditions added to prevent interference with navigation.
- Pipes or pipelines that carry gaseous, liquid, liquescent, or slurry substances over navigable waters of the U.S. are now considered to be bridges and may require a permit from the U.S. Coast Guard.
 - Discharges of dredged or fill materials associated with bridge construction need Section 404 Corps permit.
- Category A
 - Diagonal crossings may now be allowed where site conditions preclude perpendicular crossings.
- Category B
 - Within 60 days of project completion of any aerial transmission line, submerged cable, or submerged pipeline across navigable waters, the permittee must submit as-built drawings to the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch.
 - » Must depict alignment and minimal clearances of aerial electric power transmission lines above and alignments and elevations of buried cable crossings beneath navigable waters.
- Category A & B
 - For directional drilling activities, applicants must submit a plan and narrative describing proposed methods to contain and remediate impacts associated with inadvertent returns of drilling muds.

File Name



ACTIVITY D LINEAR TRANSPORTATION PROJECTS

A condition was added to insure that avoidance and minimization of aquatic impacts is achieved to the maximum extent possible.

For Category A & B projects

- New requirement states that if a bridge or bottomless arch is not proposed the applicant must provide a narrative with their application describing measures considered to minimize impacts to waters of the U.S.

File Name



ACTIVITY E(8) OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES

- This activity was revised to address threatened and endangered species concerns of the National Marine Fisheries Service
- Category A activities only
 - This category has been revised to disallow intake structures.
 - All intake structures must now be reviewed under Category B review procedures.

File Name



ACTIVITY H - PRIVATE LANDOWNER OYSTER GARDENING

- This activity was revised to allow private landowners the ability to conduct oyster gardening for personal consumption.
- Clarification added that activity authorizes private landowner oyster gardening.
 - The activity now includes authorization for the placement of cages on the bottom substrate and floats placed at the water's surface or within the water column (previously only floats were authorized).
- The overall impact was increased from 60 to 200 square feet of either floats or cages. (previously 60 sq. ft.)
- Category A
 - Does not authorize the use of vertical lines and activities cannot be located within 50 feet from mapped submerged aquatic vegetation beds.
- Category B
 - This activities may require project-specific Corps coordination with National Marine Fisheries Service.

File Name



DEFINITIONS ADDED & REVISED

- The MDSPGP-5 Definition Section now includes definitions for:
 - Adjacent
 - » This definition was added in response to comments received from the Maryland Department of the Environment.
 - Federally Authorized Civil Works Project
 - » This definition clarifies what are these Congressionally authorized projects.
 - Personal Watercraft
 - » This definition clarifies what is a personal watercraft.
 - Discharge of Fill Material
 - » This definition clarifies when the placement of piling has the effect of a discharge of fill materials.

File Name



ARE ANY MDSPGP-4 AUTHORIZATIONS STILL VALID?

- Any MDSPGP-4 authorizations that have commenced or are under contract to commence work by September 30, 2016, remain valid for one year until September 30, 2017, at which time the authorized work must be completed. However, they cannot be modified without a new authorization under the MDSPGP-5.
- Any MDSPGP-4 authorizations that did not commence, and were not under contract to commence work by September 30, 2016, are void and must be re-authorized under the MDSPGP-5

File Name



There are instances in which MDSPGP-4 authorizations are still valid after the MDSPGP-4 expiration date of Sept. 30, 2016.

Any MDSPGP-4 authorization that commenced or was under contract to commence work by Sept. 30, 2016, remains valid for one year until Sept. 30, 2017, at which time all authorized work must be completed. Any valid MDSPGP-4 authorization cannot be modified. For those projects that did not commence and were not under contract to commence work by Sept. 30, 2016, a new authorization must be issued pursuant to MDSPGP-5.

REAUTHORIZING MDSPGP-4 AUTHORIZATIONS UNDER THE MDSPGP-5 27

- For MDSPGP-4 Category A authorizations that were issued by MDE where the State authorization has not expired, the Corps will complete the Federal re-authorization. Those seeking re-authorization from the Corps will be required to submit a cover letter, a copy of the MDSPGP-4 authorization, plans, and the original JPA.
- For MDSPGP-4 Category A authorizations that were issued by MDE where the State authorization has expired, MDE will re-authorize for the Corps. Those seeking re-authorization will be required to submit a new JPA.

File Name



For MDSPGP-4 Category A authorizations that were issued by MDE in which the State authorization has not expired and which are not considered extended to September 30, 2017, the Corps is responsible for federal re-authorization under the MDSPGP-5. The permittee requesting re-authorization of a project with no modifications from the Corps under the MDSPGP-5 is required to submit a cover letter, a copy of the MDSPGP-4 authorization, plans, and the original Joint Permit Application directly to the Corps.

For MDSPGP-4 Category A authorizations that were issued by MDE in which the State authorization has expired, MDE is responsible for the re-authorization of the project pursuant to Category A of the MDSPGP-5.

Those seeking re-authorization of any project under the MDSPGP-5 for any reason other than those previously mentioned, including modifications, will be required to submit a new Joint Permit Application through MDE.

MDSPGP-5 WEBINAR CAT A & B EXAMPLES

- Under the MDSPGP-5, a joint Corps-MDE permit application is submitted to MDE and is subsequently categorized based on the project's impacts.
- After categorization, the application is either kept by MDE for processing pursuant to the Category A or forwarded to the Corps as a Category B for processing.



Under MDSPGP-5, a joint Corps-MDE permit application is submitted to MDE and is subsequently categorized based on the project's impacts.

After categorization, the application is either kept by MDE for processing pursuant to Category A or forwarded to the Corps as a Category B for processing.

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MDSPGP-5 WEBINAR CAT A & B EXAMPLES

e. (1) New Minor Fills Category A

The total temporary and permanent impacts to waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters, are not to exceed 5,000 square feet and/or 200 linear feet of streams, rivers, and other nontidal open waters.

e. (1) New Minor Fills Category B

The total temporary and permanent impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters, are not to exceed 1/2 acre (21,780 square feet) and/or 2,000 linear feet of streams, rivers, and other nontidal open waters.



An example of this is a project for Activity e. (1) Minor Nontidal Fills.

If the total temporary and permanent impacts to waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters, do not exceed 5,000 square feet and/or 200 linear feet of streams, rivers, and other nontidal open waters, then the application is categorized an A and processed by MDE.

If the total temporary and permanent impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters, do not to exceed 1/2 acre (21,780 square feet) and/or 2,000 linear feet of streams, rivers, and other nontidal open waters then the application is categorized a B and processed by the Corps.

There are other issues such as Mitigation Requirements, Maryland Historical Trust (MHT), Tribal, Endangered Species Act (ESA), and Essential Fish Habitat (EFH) issues that may cause an application to be re-categorized.

MDSPGP-5 WEBINAR CAT A & B EXAMPLES

f. (1) New Tidal Revetments / Category A

For new tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills, breakwaters, etc.), the structure 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 structure must not extend more than 10 feet channelward of the mean high water shoreline.

f. (1) New Tidal Revetments / Category B

For new tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills, breakwaters, etc.), total temporary and permanent impacts to tidal waters of the United States are not to exceed 1/2 acre (21,780 square feet), including no more than 2,000 linear feet in length along the shoreline, and the structures may not extend more than 25 feet channelward of the mean high water shoreline.



Another example of this is a project for Activity f. (1) New Tidal Revetments

If the new tidal revetment structure does not exceed 500 linear feet in length along the shoreline, does not exceed 5,000 square feet in total impacts to waters of the United States, does not extend more than 10 feet channelward of the mean high-water shoreline and does not discharge dredge or fill material into special aquatic sites, including intertidal mudflats, wetlands, shellfish beds, and sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist in the last five years), or anadromous fish spawning areas, then the application is categorized as an A and processed by MDE.

If the new tidal revetment does not have total temporary and permanent impacts to tidal waters of the United States that exceed 1/2 acre (21,780 square feet), does not exceed 2,000 linear feet in length along the shoreline, and does not extend more than 25 feet channelward of the mean high-water shoreline, and the applicant also submits documentation of shoreline condition at the project site along with their application using recent photographs and/or supplemental shoreline retreat or change information obtained from the Maryland Geological Survey, or other expert substantial sources, then the application is categorized as a B and processed by the Corps.

There are other requirements applicable to both Category A and Category B activities shown in the Final MDSPGP-5.

There are other issues such as Mitigation Requirements, Maryland Historical Trust (MHT), Tribal, Endangered Species Act (ESA), and Essential Fish Habitat (EFH) issues that may cause an application to be re-categorized.

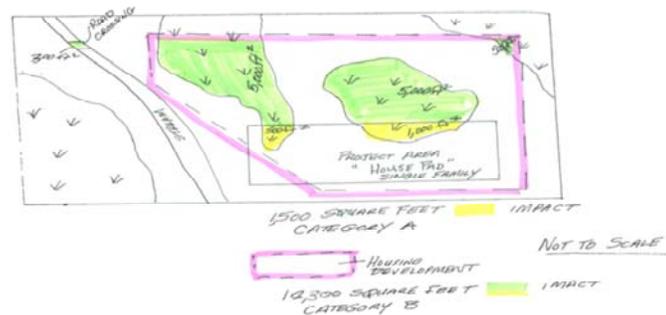
If the application exceeds the Category A or B limits or requirements, then an Alternative Corps process is required.

MDSPGP-5 WEBINAR CAT A & B EXAMPLES

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e. (1) New Minor Fills

SAMPLE e (1) New Minor Fills



The sample diagram for New Minor Fills shows a large rectangle for the property boundaries with delineated wetlands within the property and a stream running through it.

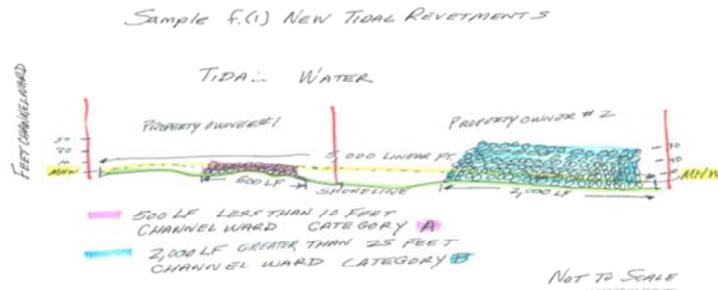
There is a smaller rectangle within the property lines where a single family house is proposed to impact/fill approximately 1,500 square feet of wetlands (in yellow). The impacts are less than 5,000 square feet and can be issued as a Category A by MDE.

There is an irregular area shown on the diagram (in pink). This area is within the large square / or property boundary, and let's say that the applicant is proposing a development within the property boundary that will impact approximately 12,300 square feet of wetlands, including the road crossing (green & yellow). This is less than $\frac{1}{2}$ acre (21,780 square feet) of total impact and less than 2,000 linear feet for stream impacts and thus this single and complete project will be sent to the Corps as a Category B for processing.

MDSPGP-5 WEBINAR CAT A & B EXAMPLES

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f. (1) New Tidal Revetments



File Name



The sample diagram for New Tidal Revetments shows 5,000 feet of shoreline along two different properties. There are two separate projects proposed by different shoreline owners.

The shoreline is abutting Section 10, tidal, navigable waters.

Project 1 (pink) proposes 500 linear feet of revetment, approximately 8 feet channelward of the MHW line. Since this revetment is proposed for 500 linear feet of shoreline, and is less than 10 feet channelward of the MHW line, it can be processed as a Category A by MDE.

Project 2 (blue) proposes 2,000 linear feet of revetment, approximately 30 feet channelward of the MHW line. This revetment proposed is no more than 2,000 linear feet, but it does extend greater than 25 feet channelward of the MHW line, and therefore will be sent to the Corps as a Category B for processing.

Any impacts to jurisdictional aquatic resources that cannot be processed under the MDSPGP-5 Category A or B will require an alternative Corps authorization.