



# Maryland

Department of  
the Environment

Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Grumbles  
Secretary

March 6, 2017

Ms. Beth E. Bachur  
Acting Chief, Regulatory Branch  
Baltimore District, Corps of Engineers  
10 S. Howard Street  
Baltimore, MD 21201

Dear Ms. Bachur:

The Maryland Department of the Environment (MDE) has received your request dated January 18, 2017 for the State's Clean Water Act, Section 401 Water Quality Certification and Coastal Zone Management Act (CZMA), Section 307 Federal Consistency decisions on the Corps of Engineers (Corps) reissuance of the Nationwide Permits (NWP's). MDE has completed its review of the NWP's as published in the Federal Register on January 6, 2017. In addition to the current NWP's, the Federal Register Notice also announced the issuance of two new NWP's which include the removal of low-head dams and living shorelines. The 2017 NWP's will take effect on March 19, 2017.

Many of the NWP's will be suspended by the Baltimore District to facilitate implementation of the Maryland State Programmatic General Permit (MDSPGP) - 5. However, in the event that the MDSPGP is voided, enjoined, suspended, revoked, or removed from effect for any reason, the NWP's may be reinstated for use in Maryland by the Baltimore District. For this reason, it is necessary for the State to review the proposed NWP's for compliance with Maryland's water quality standards and consistency with Maryland's Coastal Zone Management Program (CZMP).

Based on its review of the NWP's and general conditions, Maryland hereby issues Water Quality Certification for Section 404 discharges in the State of Maryland, subject to the condition that the applicant obtain all necessary State permits, licenses, and approvals, as applicable to the proposed project. In addition, MDE has determined that all regulated activities in Maryland under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act authorized by the proposed NWP's are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the CZMA, subject to the same condition.

Finally, please note that the State's General Water Quality Certifications (GWQCs) remain in effect for utility lines, bulkheads, riprap, and marsh creation activities. The GWQCs address the majority of the activities permitted under NWP's 12 and 13, and serve the same purpose as Corps regional conditions for these two NWP's.

In closing, we look forward to continuing our work with your office to ensure an efficient and effective regulatory process, so that we may better serve the citizens of Maryland. If you have any questions, please contact me at (410) 537-3638 or by email at [denise.keehner@maryland.gov](mailto:denise.keehner@maryland.gov), or Mr. Elder Ghigiarelli, Jr. of my staff at (410) 537-3763, or by email at [elder.ghigiarelli@maryland.gov](mailto:elder.ghigiarelli@maryland.gov).

Sincerely,



Denise Keehner  
Program Administrator  
Wetlands and Waterways Program

Cc: Elder Ghigiarelli, Jr., Deputy Administrator