

Public Notice

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
1800 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21230

Notice of Application for State Wetland Licenses, Private Wetland Permits, Nontidal Wetlands and Waterways Permits and/or Water Quality Certification and the Opportunity to Provide Written Comment or Request an Informational Hearing

December 1, 2020

Water Quality Certification - (410) 537-3837

Statewide

202000415/20-WQC-0051: The Water and Science Administration is reviewing the following request for a State Water Quality Certification and Coastal Zone Consistency Determination concurrence. Pursuant to COMAR 26.08.02, Regulation .10 Water Quality Certification, and 15 C.F.R. Section 930.42 Subpart C of the Coastal Zone Management Act, the Maryland Department of the Environment is required to give public notice of this application. Section 401 of the Clean Water Act requires the State of Maryland to issue a Water Quality Certification for any federally permitted project which may result in the discharge of dredged or fill material to waters or wetlands of the State. The purpose of the water quality certification is to advise the federal agency as to whether the permitted activity will or will not comply with Maryland's water quality standards. The purpose of the consistency determination is to advise the federal agency as to whether the federal activity will be consistent with Maryland Enforceable Policies approved under Maryland's Coastal Zone Management Program. The purpose of this public notice is to solicit comments from the public regarding the work described in the referenced documents.

The U.S. Army Corps of Engineers, Baltimore District, is proposing to reissue with modifications, the Maryland State Programmatic General Permit-5 (MDSPGP-5) as the Maryland State Programmatic General Permit-6 (MDSPGP-6) for a five year period. The modified MDSPGP-6 is proposed to provide a streamlined form of Department of the Army authorization for certain recurring activities that are similar in nature, have minimal individual and cumulative adverse effects on the aquatic environment, and satisfy other public interest review factors. The State of Maryland's Tidal Wetlands Protection Act, Nontidal Wetlands Protection Act, and Waterway Construction Act establish a State-wide permit program for protecting Maryland's aquatic resources. Maryland's procedures for the granting of permits and licenses require Maryland Department of the Environment (MDE) to apply evaluation criteria consisting of alternatives analyses (for nonwater dependent activities), avoidance techniques, the minimization of impacts, and if a permit is to be granted, compensatory mitigation for wetland impacts. The evaluative criteria within Maryland's programs are similar to Federal criteria under

Section 404(b)(1) of the Federal Clean Water Act. If the MDSPGP-5 is reissued as MDSPGP-6, the Baltimore District Engineer will reevaluate the MDSPGP-6 within five years to determine if activities have been authorized in accordance with the requirements of the MDSPGP-6. Programmatic general permits are authorized for a five-year period at which time they must be re-evaluated for their impacts on the aquatic environment.

Applicant:
Regulatory Branch
Baltimore District, U.S. Army Corps of Engineers
2 Hopkins Plaza Baltimore, MD 21201
Application # 20-WQC-0051

Waterway: Chesapeake Bay, nontidal waters of the United States, including nontidal wetlands in the Chesapeake Bay watershed within the State of Maryland, District of Columbia, and Fort Meyer, the Pentagon, and Fort Belvoir in Virginia. Excluded waters include the Coastal Bays in Worcester County, Maryland, and the waters located in the Ohio River drainage in Western Maryland. Additional excluded waters of Maryland include adjacent and contiguous jurisdictional wetlands to Back Creek (of the Chesapeake and Delaware Canal) east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north. All these areas above are excluded as they are located within the regulatory geographic boundary of the Corps Philadelphia District.

The applicant, U.S. ARMY CORPS OF ENGINEERS, Baltimore District, Regulatory Branch, 2 Hopkins Plaza, Baltimore, MD 21201, requests a Water Quality Certification and concurrence determination with the Coastal Zone Management Program for the proposed reissuance of the Maryland State Programmatic General Permit effective October 1, 2016 and expiring September 30, 2021.

A copy of the current version of the MDSPGP that expires on September 30, 2021 can be viewed at the U.S. Army Corps of Engineers webpage:

<http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Permits/MDSPGP-5.pdf>

The draft MDSPGP-6 can also be viewed at:

<https://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Public-Notice-View/Article/2425059/spn-20-66-proposed-reissuance-of-mdspgp-6-nab-2020-00415/>

Arrangements may be made for inspection and copying of file materials. Interested parties may provide written comment on the requests or request an informational hearing. A request for a hearing must be in writing and provide the following information: 1) Name, Address, and Telephone Number of the person making the request; 2) The identity of any other person(s) the requestor is representing; and 3) the specific issues proposed to be considered at the hearing. Any person or party interested in commenting or requesting a hearing is requested to submit comments and requests to Denise Clearwater, Wetlands and Waterways Program, Water and Science Administration, Maryland Department of the Environment, 1800 Washington Blvd., Ste. 430, Baltimore, MD 21230, or email comments to denise.clearwater@maryland.gov. *Please send questions to denise.clearwater@maryland.gov or by phone at (410) 537-3781. **Comments and/or a request for hearing must be received on or before December 31, 2020.***