



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Horacio Tablada, Secretary
Suzanne E. Dorsey, Deputy Secretary

August 31, 2022

Maryland National Capital Park & Planning Commission (MNCPPC)
Jackson's Landing Boat Ramp Improvements
c/o Chris Rager
BayLand Consultants & Designers, Inc
7455 New Ridge Road, Ste T
Hanover, Maryland 21076

Via email: crager@baylandinc.com
Thomas.baden@pgparks.com
Lamuelle.L.Coleman@usace.army.mil

Re: Agency Interest Number: 166789
Tracking Number: 202060161
Tidal Authorization Number: 22-WQC-0011

Dear Thomas Baden:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore, a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Melissa McCanna at melissa.mccanna@maryland.gov or 410-537-4053 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Tammy K. Roberson".

Tammy K. Roberson
Chief
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WATER QUALITY CERTIFICATION



22-WQC-0011

EFFECTIVE DATE: **August 31, 2022**
CERTIFICATION HOLDER: **Maryland National Capital Park & Planning
Commission (MNCPPC)**
ADDRESS: **Attn: Thomas Baden
6611 Kenilworth Ave
Riverdale, MD 20737**
PROJECT LOCATION: **16000 Croom Airport Rd
Upper Marlboro, MD 20772**

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH § 9-313 THROUGH § 9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED JACKSON'S LANDING BOAT RAMP IMPROVEMENTS AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED JUNE 10, 2022 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

PROJECT DESCRIPTION

1. Construction of the 68-foot long boat ramp would be widened from 12.8 feet to 21 feet, two 68-foot long by 1-foot wide timber flank walls on either side, and an approximately 8-foot long by 21-foot toe protection at the toe of the ramp to function as stop and scour protection.
2. The existing piers would be removed and replaced (a) fishing pier constructed a 52-foot long by 6-foot wide pier with a 65-foot long by 10-foot platform; (b) along the northern ramp wall, a 46-foot long by 6-foot wide floating dock with a 20-foot long by 6-foot wide "L" floating platform; and (c) along the south side of the ramp, a 32-foot long by 6-foot wide fixed pier with a 10-foot long by 6-foot wide fixed platform on the south side of the ramp, a 30-foot long by 6-foot wide gangway, and a 20-foot long by 20-foot wide floating kayak launch platform all within a maximum of 80 feet channelward of the mean high water line.

GENERAL CONDITIONS

1. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
2. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
3. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
4. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
5. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.
6. Authorized representatives of the Department shall be provided access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.
7. Authorized work under this Certification shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Maryland Department of the Environment.
8. No stockpiles of any material shall be placed in Waters of the U.S. or state or private tidal wetlands.
9. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
10. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization 202060161 until such time that it expires or is not administratively extended.

SPECIAL CONDITIONS

1. The Certificate Holder shall not perform any construction from November 15th through March 1st of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.
2. The Certificate Holder shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at least 10 days before starting the authorized activities at (410) 537-3510.

3. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetland buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02. or other water quality requirements of state law or regulation shall be met.
4. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certificate does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. “Disturbance” in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from the Commission in the form of a Buffer Management Plan.
5. All work performed under this Water Quality Certificate shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Licensing by MCLB shall occur prior to the beginning of construction activities. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
6. The Certificate Holder, to reduce any potential adverse effects to aquatic resources, shall construct and maintain a cofferdam around and channelward of the boat ramp area prior to any excavation and backfilling along the shoreline through completion of any excavation and backfilling along the shoreline.

CITATIONS AND STATEMENTS OF NECESSITY

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1) General Authorities; Need for Other Permits and Authorizations

a) General Conditions 1, 2, 10; Special Condition 4

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the certified Nationwide Permits and to maintain designated uses of waters.

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

b) General Condition 3

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the terms of the federal authorization and to maintain designated uses of waters. The Corps of Engineers authorization and plans include details about amount and location of discharges, as well as other conditions for reducing adverse effects to water quality, which

ultimately supports maintaining designated uses. The Certification conditions and decision are based upon based on the details of the Corps of Engineers authorization and plans.

Citation: COMAR 26.08.02.01E(2)

c) General Condition 5

Statement of Necessity for Condition: The condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

2) Unauthorized or Incidental Discharges - General Conditions 4, 8, 9; Special Condition 6

Statement of Necessity for Condition: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3) Inspections and Compliance - General Condition 6; Special Condition 2

Statement of Necessity for Condition: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained. These conditions are necessary to ensure that the activity was conducted and project completed according to terms of the authorization/certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

4) Erosion and Sediment Control – General Conditions 1, 2, 7

Statement of Necessity for Condition: Erosion and sediment control plans are necessary to ensure that sediment discharges from construction activities will not enter waters of the United States. Sediment discharges from earth disturbance or discharges at erosive rates within or adjacent to regulated

resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance

Citation: Env. Article, Title 4, Subtitle 1 COMAR 26.17.01; 26.08.02.03B(1)-B(2)

5) Performance Standards for Water Quality - Special Condition 3

Statement of Necessity for Condition: This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2);

6) Licensed Marine Contractor - Special Condition 5

Statement of Necessity: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses.

This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

7) Time of Year Restriction for Conducting Activities – Special Condition 1

Statement of Necessity for Condition: The time of year restriction is necessary to maintain the designated use- support of estuarine and marine aquatic life and shellfish harvesting.

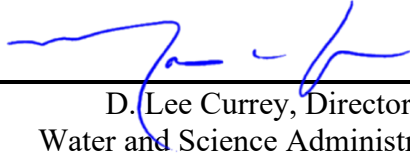
Citation: COMAR: 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.02-1

8) Inadvertent Discharges – Special Condition 6

Unauthorized discharges may enter regulated waters as result of activity or structural failure. A plan to address inadvertent discharges will prevent or address further violations of water quality standards and failure of water to meet designated uses, including uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation COMAR 26.08.02.02B(1)d; COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1) and B(2); 26.08.02.01B(2); 26.08.02.02B(1)

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

8/31/2022

Date

Tracking Number: 202060161
Agency Interest Number: 166789

Effective Date: August 31, 2022

Enclosure: Plan Sheets dated June 10, 2022

cc: WSA Inspection & Compliance Program
Army Corps of Engineers