



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 28, 2023

Flying Point Marina
C/o Doldon W. Moore & Associates
Attn: Doldon Moore
P.O. Box 1
Owings, MD 20736

Dwmoorej@verizon.net

Re: Agency Interest Number: 70616
Tracking Number: 202061994
Tidal Authorization Number: 20-WL-1494/23-WQC-0010

Dear Flying Point Marina:

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 Matt Wallach at 410-207-0893 or matthew.wallach@maryland.gov with any questions.

Sincerely,

Tammy Roberson
Division Chief
Tidal Wetlands Division



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



23-WQC-0010

EFFECTIVE DATE: **July 28, 2023**
CERTIFICATION HOLDER: **Flying Point Marina**
ADDRESS: **324 Flying Pont Road**
Edgewood, Maryland 21040
PROJECT LOCATION: **324 Flying Pont Road**
Edgewood, Maryland 21040

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 MAINTENANCE DREDGING AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED February 03, 2023 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. Remove any unauthorized structures, as determined by MDE Compliance Program, which include a covered structure over the bridge.
2. Clarify and reauthorize the following structures that appeared in a previous authorization:
 - a. 201-foot and 9-inch replacement bulkhead 18-inches channelward of the mean high water line around an existing jetty;
 - b. 242-foot long by 8-foot wide pier with a 10-foot section tapering out to 16-feet and 9-inches where it meets the bulkhead; extending 242 channelward of the bulkhead.
3. Mechanically or hydraulically maintenance dredge a previously dredged marina basin and entrance channel totaling 215,167 square feet (4.93 acres) that include the following sections:
 - a. Section A (entrance channel): 8,476 square feet;
 - b. Section B (around the T-head pier): 73,180 square feet;
 - c. Sections C, D, E (original marina basin): 133,511 square feet;
 - d. All section will be dredged to a depth of 4.5 feet at mean low water;

- e. Approximately 11,650 cubic yards of dredged material will be transported by hydraulic pipeline, by barge, or by truck to the Bush River Dredged Material Placement Site at Fords Lane, Perryman, Harford County, Maryland 21001;
 - f. Provide periodic maintenance dredging for a period of 6 years.
4. In the entrance channel area, construct or install the following:
 - a. 182-foot long segmented breakwater containing an 87-foot long by 11-foot wide segment and a 95-foot long by 11-foot wide segment extending a maximum of 161 feet channelward of the mean high water line;
 - b. Six 4-pile dolphin channel markers extending a maximum of 325 feet channelward of the mean high water line.
 5. On the “T head” pier, construct or install the following:
 - a. Twelve, 60-foot long by 6-foot wide floating finger piers, that each include 14-foot long by 3-foot wide gangways;
 - b. Three 60-foot long by 6-foot wide floating piers that each include 12-foot long by 3-foot wide gangways;
 - c. Boatlift with associated piles;
 - d. 26 new mooring piles;
 - e. 62-foot long by 13-foot wide floating jet ski dock to accommodate 12 jet skis;
 - f. 18-foot long by 8-foot wide by 12-foot high covering over the gas pump area;
 - g. 8-foot long by 8-foot wide by 12-foot high covering over the pump out area;
 - h. All extending a maximum of 250 channelward of the mean high water line.
 6. Around the island, construct or install the following:
 - a. 50-foot long by 5-foot wide floating parallel pier
 - b. 100-foot long by 5-foot wide floating parallel pier,
 - c. Two 30-foot long by 6-foot wide floating finger piers that include 10-foot long by 3-foot wide gangways,
 - d. Two mooring piles;
 - e. Boatlift with associated piles.
 7. Near the main building, construct or install the following:
 - a. Two 40-foot long by 6-foot wide floating work platforms.
 8. In the original marina basin area, construct the following:
 - a. 640 linear feet of replacement bulkhead 18 inches channelward of an existing bulkhead.

GENERAL CONDITIONS

1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands 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 any other water quality requirements of state law or regulation shall be met.
2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
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 NAB-2020-61994, until such time as that federal approval expires or is not administratively extended.

SPECIAL CONDITIONS

1. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certification 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 vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
2. 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.
3. The issuance of this Certificate is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Certificate Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
4. The Certificate Holder shall remove the covered structure over the bridge and any other unauthorized structures, as determined by the MDE Compliance Program, prior to the start of any dredging or construction authorized under this Certificate.
5. The Certificate Holder shall not perform any dredging during the period of February 15th through October 15th of any year due to migrating yellow perch and SAV in the area.

6. The Certificate Holder shall conduct subsequent maintenance dredging within the scope of this Certificate in terms of authorized dredge area and authorized depths. The Certificate Holder shall:
 1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
 2. Comply with all applicable conditions of this Certificate.
 3. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
 4. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
7. The Certificate Holder shall stake the dredge area and receive approval from the Water and Science Administration's, Compliance Division prior to the start of dredging.
8. The Certificate Holder shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
9. The Certificate Holder shall dispose of dredged material only at the dredge disposal site(s) approved by this Certificate. The Certificate Holder shall submit an application for modification to MDE for approval of any dredge disposal site not authorized within this Certificate.
10. If mechanical dredging is performed, the Certificate Holder shall transport all dredged material in watertight trucks or barges. No dredged material shall be discharged onto the roadways or waters of the State.
11. If hydraulic dredging is performed, the dredged material placement site (DMP) shall be constructed to limit turbidity in the discharge to waters of the State. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified.
12. The Certificate Holder shall contact the Commander, Fifth Coast Guard District Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 and obtain approval for the installation of the hydraulic dredge pipe along the proposed route.
13. Dredged material pipelines shall be installed, marked and maintained in accordance with all U.S. Coast Guard requirements for navigational safety. Dredge material pipelines and associated equipment shall be removed as soon as practicable, upon completion of activities authorized under this Certificate.
14. If the Certificate Holder does not obtain approval from the U.S. Coast Guard, or the U.S. Coast Guard denies the Certificate Holder's application, the Certificate Holder may only proceed with mechanical dredging or submit an application to MDE for a modification.
15. If the U.S. Coast Guard's approval alters the proposed pipeline route, the Certificate Holder shall submit an application and revised plans to MDE for a modification.
16. The dredge operator shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified. MDE compliance shall be notified.

17. In the event of any inadvertent releases of dredged material into State tidal wetlands from a pipe breakage, all dredging operations shall immediately cease. The Certificate Holder shall take steps to stop all dredged material from entering State tidal wetlands and shall immediately notify MDE's Compliance Program of the pipe breakage. The Certificate Holder shall not resume dredging operations until receiving approval from MDE's Compliance Program.
18. The Certificate Holder shall complete construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.
19. The Certificate Holder shall not stockpile any material in State or private tidal wetlands.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1, 3, 7: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which 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

2. Statement of Necessity for General Conditions 5, 8, 9 and Special Conditions 7: 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. Statement of Necessity for General Condition 6: This 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 which 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

4. Statement of Necessity for General Condition 7: 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

5. Statement of Necessity for General Condition 10: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws which 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; 40 C.F.R. 121, 15 C.F.R. 930, 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 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 2: 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); COMAR 26.08.02.03B(2); COMAR 23.02.04.04

7. Statement of Necessity for Special Conditions 4: Covered bridges, walkways, and piers may result in excessive shading that can interfere with designated uses for waters of the State of Maryland. The condition is necessary to ensure that designated uses are not adversely affected.

Citation: COMAR 26.08.02.01B(1)(b); COMAR 26.08.02.02A(2); COMAR 26.24.04.02B(27); COMAR 26.24.04.02B(62); COMAR 26.24.02.03B(2); Md. Ann. Code, Env. Article, Title 16

8. Statement of Necessity for Special Condition 5: Time of year restrictions are necessary for SAV and to allow for yellow perch to migrate to find suitable spawning habitat and to support estuarine and marine aquatic life and shellfish harvesting. Access to the upper reaches of rivers and tributaries to habitat suitable for spawning is essential to support yellow perch populations. Disturbance and discharges during the closure period would interfere directly or indirectly with designated uses and may result in increases in turbidity which may violate water quality standards for clarity needed to support SAV designated uses and uses for aquatic life.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02.B.(3); COMAR 26.08.02.03-3.C.(2)d.(5); COMAR 26.08.02.03-3C(9)(a); COMAR 26.08.02.10G(3); 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

9. Statement of Necessity for Special Condition 6: This 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 which 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

10. Statement of Necessity for Special Condition 8: 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

11. Statement of Necessity for Special Condition 9: This condition is necessary to ensure that dredged material is removed which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, 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, 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 26.24; COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1) COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

12. Statement of Necessity for Special Conditions 10: The condition is necessary to ensure that no dredged material enters waters of the United States or State and will not result in a violation of water quality standards for turbidity and interfere with designated uses.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

13. Statement of Necessity for Special Condition 11: The condition is necessary to ensure that no dredged material will result in a violation of water quality standards for turbidity and interfere with designated uses.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

14. Statement of Necessity for Special Conditions 12, 13, 14, 15: The condition is necessary to ensure that discharge will not interfere with designed uses for water contact, recreation, and fishing. It is necessary to ensure a nuisance is not created.

Citation: 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, 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 26.24; COMAR 26.08.02.01B(1) and B(2); COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)


15. Statement of Necessity for Specials Conditions 16, 17: The condition is necessary to ensure that discharges related to installation, maintenance, and removal do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation.

Citation: 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, 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 26.24; COMAR 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3); COMAR 26.08.02.03B

16. Statement of Necessity for Specials Conditions: 18, 19: This condition is necessary to ensure discharges related to the installation of a bulkhead and the stockpiling of material does not result in additional discharges which may result in violations of water quality due to turbidity and other alterations which interfere with designated uses as well as designated use class for support of estuarine and marine aquatic life, and support of designated uses for growth and propagation of fish, shallow water submerged vegetation, other aquatic life and wildlife. Loss limits will maintain the designation use.

Citation: 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 26.24; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.23.02.06; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

7/28/2023

Date

Tracking Number: 201361758
Agency Interest Number: 141713

Effective Date: **July 28, 2023**

Enclosure: Plan Sheets dated February 3, 2023

cc: WSA Inspection & Compliance Program
Army Corps of Engineers