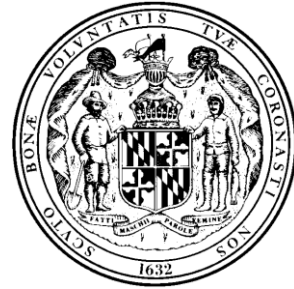


STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROTECTION PROGRAM
NONTIDAL WETLANDS AND WATERWAYS PERMIT

PERMIT NUMBER: 24-NT-0163/202461017

EFFECTIVE DATE: October 15, 2025

EXPIRATION DATE: October 15, 2035



PERMITTEE: Maryland Transportation Authority (MDTA)
c/o Brian Wolfe
8019 Corporate Drive, Suite F
Nottingham, MD 21236

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND, COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS, MDTA ("PERMITTEE"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON OCTOBER 15, 2025 ("APPROVED PLAN") AND PREPARED BY MDOT/MDTA AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Regulated activities are associated with replacement of the Francis Scott Key Bridge over the Patapsco River, which is located on I-695 from southwest of Broening Highway to northeast of the B&O Railroad crossing in Baltimore City, and Baltimore and Anne Arundel Counties. Activities associated with impacts to regulated resources include bridge construction, pier installation, maintenance access road construction, roadway grading, drainage improvements, construction access and use of erosion and sediment control measures. This approval authorizes permanent impacts to 135,789 square feet (3.12 acres) of emergent nontidal wetland, 101,681 square feet (2.34 acres) of the 25-foot nontidal wetland buffer, 112 linear feet (337 square feet) of a perennial tributary to the Patapsco River and 187 linear feet (599 square feet) of an intermittent tributary to the Patapsco River.

MD Grid Coordinates N 172339± E 440769±

Heather L. Nelson
Program Manager
Wetlands and Waterways Protection Program

Attachments: Conditions of Permit
Best Management Practices
Impact Plates

cc: Nicole Nasteff, US Army Corps of Engineers
Zachary Fry, US Army Corps of Engineers
MDE Compliance Program

SPECIAL CONDITIONS

1. **Avoidance and Minimization:** Avoidance and minimization of impacts to nontidal wetlands, nontidal wetland buffers, and nontidal waters, shall be emphasized throughout the remainder of the design and construction process.
2. **Critical Area:** The Permittee shall follow all Critical Area requirements and obtain all necessary authorizations from the Critical Area Commission (Commission). This Permit 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.
3. **Water Quality Monitoring Plan (WQM Plan):** Ensure water quality standards are maintained during the duration of the Project.
 - a. No activity that impacts nontidal regulated resources shall commence prior to the Wetlands and Waterways Protection Program's (Program's) approval of a WQM Plan. The WQM Plan shall be submitted at least 30 days prior to the commencement of any work authorized under this Permit. The Permittee shall implement and comply with the WQM plan in accordance with the approved plan. The WQM Plan shall ensure consistency with the conditions of this Permit.
 - b. The WQM Plan shall contain the water quality criteria and benchmarks for which the Project shall be monitored and documented to ensure consistency with the requirements of the Clean Water Act, COMAR 26.08.02, and conditions in this Permit, including, at minimum, applicable total suspended solids/turbidity, temperature, dissolved oxygen, conductivity, salinity, and pH criteria.
 - c. The WQM Plan shall also contain monitoring methodology, monitoring locations, reporting schedule(s), quality assurance/quality control procedures, and corrective action plans.
 - d. The WQM Plan can only be modified with approval by the Program.
4. **Independent Environmental Monitor (IEM):** Prior to the start of construction, the Permittee shall retain a minimum of one qualified full-time IEM who is independent of the Permittee, design consultants, and construction contractors working on the project. The Permittee shall retain an IEM(s) to assess compliance with all conditions of this Permit and other applicable permits and environmental regulations. The Permittee shall develop a project-specific IEM Manual detailing all IEM responsibilities and procedures and submit the manual to the Program for review and approval prior to implementation. The Program shall be provided the opportunity to review the qualifications of the IEM(s) proposed by the Permittee and provide concurrence that the candidate is qualified to perform the IEM role. More than one IEM may be needed to adequately staff the project depending on schedule and construction phasing. The IEM(s) shall:
 - a. Review design submittals and construction activities for compliance with all conditions of this Permit and other applicable permits and environmental regulations;
 - b. Report findings directly and concurrently to the Program and the U.S. Army Corps of Engineers (USACE), notifying them and the Permittee immediately of any reported or observed violations or noncompliance issues within the terms or conditions of this Permit, or approved plans and specifications;
 - c. Assist with and verify Permittee's monitoring of potential impacts to aquatic life resulting from construction activities;
 - d. Document impacts to regulated resources by developing and maintaining a detailed tracking list of impacted resources;
 - e. Assist with the identification of ongoing opportunities for further avoidance and minimization of impacts to regulated environmental resources and protection of water quality.
5. **Preconstruction Meeting:** A pre-construction meeting shall be held with the Program, the USACE, MDTA, the IEM, other agency stakeholders as available, and MDTA's primary contractors and subcontractors to provide the opportunity for all to review and discuss the construction plans and permit conditions. All meeting participants shall be notified of this meeting a minimum of 14 days prior to the date of the meeting.
6. **Construction Plan Submittals:** Submit plans and obtain the Program's concurrence with each plan impacting regulated resources before construction (regulated resources include nontidal wetlands, nontidal wetland buffers, nontidal waterways, and the 100-year nontidal floodplain). Each plan submission shall include a brief summary of avoidance and minimization efforts, or, for plans that have been previously reviewed by the Program, a summary of plan changes related to regulated resources.
 - a. **Submittal Review:** Thirty days prior to the start of work, develop and provide to the Program a submittal schedule indicating anticipated dates for submission of plans and reports, and update the schedule as required. No work that affects any regulated resource shall begin without written concurrence from the Program. The schedule shall determine which plans need to be reviewed and approved prior to the start of construction for each planset.
 - b. **Stormwater Management (SWM) Plan Submittal:** Submit the concept and final SWM Plans to the Program for review and obtain concurrence from the Program on the concept and final SWM Plans prior to beginning SWM construction activities. The final stamped plans, and any proposed modifications to those plans, shall be submitted to the Program for concurrence.
 - i. No SWM structures shall be placed in any nontidal wetland, nontidal wetland buffer, nontidal waterway, or 100-year nontidal floodplain unless specifically approved by the Program.
 - c. **Erosion and Sediment Control Plan Submittal:** Submit detailed construction plans and obtain Program concurrence prior to disturbing regulated resources.

- i. Erosion and sediment control plans, including methods for protection of water quality, maintenance of stream flow, and dewatering, shall be submitted for concurrence prior to initiation of work in each phase. Work on each phase shall not begin until the Program has concurred with the applicable plans for that phase.
 - ii. Any proposed change(s) to approved erosion and sediment control plans shall be forwarded to the Program for concurrence. Work shall not begin that reflects the proposed changes until the Program approves the proposed change(s).
 - d. **Approved Plans:** Permittee shall develop and maintain a searchable database of approved plans (including all revisions) for use by MDE and other agencies. The database must segregate the latest approved plans from previous versions so that reviewing personnel can reliably determine the most current plans.
7. **Construction Debris:** The Permittee shall not allow debris or construction material to enter any nontidal wetland or waterway. The Permittee shall implement best management practices and measures such as suspended netting, to minimize the quantity of material entering these wetlands and waterways. The Permittee shall immediately remove all debris inadvertently introduced into wetlands and waterways as a result of any construction activity. Debris shall be disposed of at an upland (not nontidal wetland) disposal site and in a manner that does not adversely impact surface or subsurface flow into or out of nontidal wetlands or waterways.

GENERAL CONDITIONS

1. **Validity:** Permit is valid only for use by Permittee. Permit may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Permit.
2. **Initiation of Work, Modifications and Extension of Term:** Permittee shall initiate authorized activities in waterways, including streams and the 100-year floodplain, within two (2) years of the Effective Date of this Permit or the Permit shall expire. [Annotated Code of Maryland, Environment Article §5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Permittee may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Permit, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article §5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article §5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Permittee is fully responsible for all work performed and activities authorized by this Permit shall be performed in compliance with this Permit and Approved Plan. Permittee agrees that a copy of the Permit and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Permittee, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Permit, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Permittee, its employees, agents or contractors fail to comply with this Permit or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Permittee, its employees, agents and contractors to cease and desist any activities which violate this Permit, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Permit may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Permittee: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Permit; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Permit and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Permit does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Permittee shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Permittee shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Permittee shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington Counties, Permittee shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery and Prince George's Counties, Permittee shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, Harford and St. Mary's Counties, Permittee shall call 410-537-3510. For Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Permittee shall call 410-901-4020. If Permit is for a project that is part of a mining site, please contact the Land and Materials

Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.

9. **Sediment Control:** Permittee shall obtain approval from the Maryland Department of the Environment for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Best Management Practices During Construction:** Permittee, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Permittee, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Unnamed tributaries to the Patapsco River are Use I waterways with documented spawning activities of yellow perch. In-stream work may not be conducted from February 15 through June 15 inclusive, of any year, unless specifically approved by the Program.
16. **Instream Blasting:** Permittee shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Permittee shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Permittee as directed by the Administration.
19. **Mitigation:** Permittee shall mitigate for the loss of 135,789 square feet (3.12 acres) of emergent nontidal wetland and 299 linear feet (which is equivalent to 54 functional feet as determined by the Maryland Stream Mitigation Framework) of perennial and intermittent streams by utilizing 135,789 square feet (3.12 acres) of nontidal wetland mitigation credit from MDTA's Permittee Responsible Mitigation Site (Eccleston) and purchasing 54 functional feet of stream mitigation credit from the Pheasant Run Stream Mitigation Bank, pursuant to COMAR 26.23.04, and in accordance with the approved Phase I conceptual mitigation plan approved on October 8, 2025, as may be modified by a Phase II Mitigation Plan approved by the Mitigation and Technical Assistance Section (Section) of the Program. The Phase II compensatory mitigation plan must be approved by the Section, through the Phase II Mitigation Plan Approval Letter and its associated exhibits (Approval Letter), prior to commencing the impacts authorized in this Permit. Upon approval, the Phase II compensatory mitigation plan, and subsequent Approval Letter from the Section, become part of the conditions of this Permit. The Permittee must finalize the Mitigation Bank credit purchase in advance of impacting nontidal streams associated with the activities in this Permit and notify the Section upon the completion of credit purchase. The Section shall provide an approval letter confirming that impacts to nontidal streams can commence. The Permittee shall successfully meet performance standards and other requirements, as specified in the Approval Letter and COMAR 26.23.04. In the event of discrepancy with the mitigation requirements found in this Condition, the standards and requirements set forth in the Approval Letter shall govern. If the Permittee as stated in the Permit, changes, the Permittee must notify the Section. If the mitigation obligation is to be transferred to another party, the Permittee must notify the Section.

FEDERALLY MANDATED STATE AUTHORIZATIONS

Water Quality Certification (WQC) was granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions. Portions of the project qualify for authorization by the USACE under the Maryland State Programmatic General Permit-6 (MDSPGP-6); therefore, those activities (such as the geotechnical borings, temporary trestles, and temporary piles) are certified under the granted Certification for the Maryland State Programmatic General Permit-6, NAB-2020-00415, SPN-20-66 (20-WQC-0051). Portions of the project qualify under Nationwide Permit 23; however, these activities (such as the

permanent fill for the bridge rebuild) are above the threshold for the WQC Nationwide Permit Reissuance, SPN-20-62 [20-WQC-0050(R1)], and those activities are granted certification under individual Certification (24-WQC-0028). In addition, this project received a Federal Consistency determination concurrence on December 9, 2024 that the activities authorized are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and:

☐ Granted authorization under the Maryland State Programmatic General Permit (MDSPGP-6), as a Category A ☐ activity. The terms and conditions of the MDSPGP-6 as outlined in the documents found on the Maryland Department of the Environment's website, https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/MDSPGP6_conditions.aspx, should be followed when performing the authorized work, or

☒ Will issue a Category B authorization or Individual Permit directly to the Permittee.

☐ No authorization per Section 404 of the Clean Water Act is required for this activity as the U.S. Army Corps of Engineers does not regulate the impacted resources.

**BEST MANAGEMENT PRACTICES FOR WORKING IN
NONTIDAL WETLANDS, WETLAND BUFFERS,
WATERWAYS, AND 100-YEAR NONTIDAL FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year nontidal floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (Lolium multiflorum), Millet (Setaria italica), Barley (Hordeum sp.), Oats (Uniola sp.), and/or Rye (Secale cereale). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:
 - Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
 - Use I waterways with documented spawning activities of yellow perch: In-stream work shall not be conducted from February 15 through June 15 inclusive, of any year, unless specifically approved by the Program.
 - Use III waters: In-stream work shall not be conducted during the period October 1 through April 30, inclusive, during any year.
 - Use IV waters: In-stream work shall not be conducted during the period March 1 through May 31, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.