



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY DIVISION
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

MDSPGP-7
Activity a(10)
New Minor Dredging in Tidal Waters

The authorized New Minor Dredging in Tidal Waters activities must comply with the following applicable activity specific conditions, all general conditions of this permit, and any project-specific special conditions.

This activity authorizes new minor dredging below the mean high-water mark (Sections 10 and/or 404; limited to all tidal waters).

Category A Impact Limits and Requirements:

- (i) The total dredged area must not exceed 1,500 square feet.
- (ii) Total dredging volumes must not exceed 100 cubic yards of material.
- (iii) The landward edge of the dredge cut must be at least 15 feet channelward of the mean high-water shoreline, unless the proposed dredge area is associated with a ramp, marine railway, or commercial travel lift.
- (iv) Existing depths within the proposed dredge area must exceed three feet below mean low water.
- (v) No dredging of or disposal into intertidal mudflats, wetlands, shellfish beds, and sites that support SAV (including sites where SAV is documented to exist within the last five years as specified in Section III), or anadromous fish spawning areas is authorized (<https://dnr.maryland.gov/ccs/coastalatlas/Pages/default.aspx> provides areas of potential effect).
- (vi) New minor dredging is prohibited from April 1 through June 30 within all tidal waters of the Maryland coastal bays and their tidal tributaries to protect summer flounder nursery activities.
- (vii) Mechanical dredging only (Section 10) is authorized under Category A. Hydraulic dredging must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.
- (viii) All dredged material must be deposited in an upland site and must be properly contained and stabilized to preclude any runoff into adjacent areas. The upland area must be properly designed to contain the material.
- (ix) During the period March 16 through November 30, dredging within tidal waters in depths greater than -3 feet mean low water must be conducted behind turbidity curtains or other exclusion structure that would prevent aquatic animals from entering the dredge

footprint. Dredging activities that would occur in this time period without the use of turbidity curtains or other exclusion devices must be reviewed under Category B or an alternate Corps permit review process.

Category B Impact Limits and Requirements:

- (i) The dredged area must not exceed 0.5 acre (21,780 square feet).
- (ii) Dredging volumes must not exceed 400 cubic yards of material.
- (iii) Hydraulic and mechanical dredging (Section 10/404) are authorized under Category B or alternate Corps permit review procedures, as appropriate.
- (iv) Dredged material may be disposed of at an approved upland disposal site or at an approved beneficial, re-use site, provided the Corps finds the dredged material to be suitable for such disposal. The discharge of dredged material for beneficial re-use must be authorized under MDSPGP-7 Category B Activity f(2) Living Shorelines/Beach Nourishment or alternative Corps permit review process as appropriate.

Requirements Applicable to Both Category A and Category B Activities:

- (i) Application must be submitted to MDE for Corps authorization.
- (ii) Dredging must not be deeper than the water depths where the proposed dredge area will be connecting to.
- (iii) Proper siltation controls must be used including, but not limited to, silt fencing and turbidity curtains.
- (iv) The dredging project must be a single and complete action and not affiliated with a proposal by local/county/state government to improve access throughout a tidal tributary.
- (v) No dredging for the connection of canals or other artificial waterways to adjacent water bodies is authorized.
- (vi) Dredged depths must not exceed the authorized depths at mean low water, including over dredging.
- (vii) Dredging activities shall avoid disturbing shorelines colonized by vegetated wetlands to the extent practicable. The dredging activities shall maintain a buffer distance between the toe/bottom of the final dredge slope (i.e., after the slope has stabilized under normal conditions) and vegetated wetlands that is equivalent to four times the final dredging depth (e.g., 20 linear feet for a five-foot dredge depth) to prevent subsidence of these areas. This buffer shall be depicted on project plans when dredging is proposed adjacent to vegetated wetlands.

(viii) The applicant shall include information in the application regarding the presence, absence, or proximity of horned pondweed (*Zannichellia palustris*) within the project site within mesohaline waters (i.e., salinity 5-18 parts per thousand) of the mid and upper Chesapeake Bay. Distribution information of horned pondweed shall require recent ground-truth survey of the area by the applicant (i.e., employing a survey crew with relevant experience) during the period May 1 through June 15, of any year. Horned pondweed is less prevalent or does not occur upstream of the geographical exclusion lines shown on the Low Salinity Waters in Maryland Chesapeake Bay Map Appendix B and in tidal waters of the Maryland Atlantic Coastal Bays. Therefore, documentation regarding the presence or proximity of horned pondweed is not required in these areas. The applicant may request the Corps conduct surveys for horned pondweed; however, this will require a Category B review and may result in significant delays in review timeframes.