



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(3)
Piers

The authorized Pier 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 private residential and commercial piers (e.g., piers associated with aquaculture) that are not associated with marinas and allows for the addition of boat lifts and personal watercraft (PWC) lifts to an existing authorized boat slip. This activity does not authorize marina piers, community piers, publicly owned piers, or governmental piers. Compliance with the following design conditions is required for the entire pier project, including proposed work and existing, previously authorized structures. For example, a new platform is proposed to be added to an existing pier with an "L" head. The proposed work would meet Category A only if the total area of the new platform and the existing "L" head did not exceed 200 square feet. (Section 10) (Navigable waters of the United States including nontidal navigable waters).

Category A Impact Limits and Requirements:

- (i) This activity authorizes only one (1) pier (fixed or floating), six (6) mooring piles, and up to four (4) boat slips (with or without hoists or lifts for vessels of any type), and up to two (2) additional personal watercraft slips (with or without lifts), exclusively for personal watercraft, per property.
- (ii) This activity does not authorize marina piers, community piers, publicly owned piers, or governmental piers (e.g., structures to be used by multiple residents of a condominium complex, members of a specific homeowner's association, commercial piers, military piers, etc.).
- (iii) This activity does not authorize enclosed buildings or other structures. Enclosed buildings or other structures must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.
- (iv) This activity does not authorize piers that exceed 100 feet in length over vegetated marsh wetlands. Piers exceeding 100 feet in length over vegetated wetlands must be evaluated under Category B or alternate Corps permit review procedures, as appropriate.
- (v) The main section of fixed open pile and floating piers crossing unvegetated open waters must not exceed six (6) feet in width. Fixed piers must have decking constructed a minimum of four (4) feet above mean-low water (MLW). Alternatively, fixed open pile piers crossing unvegetated open waters must have a width not to exceed five (5) feet and a minimum height of three (3) feet above MLW.

- (vi) Piers crossing areas of vegetated wetlands must not exceed three (3) feet in width and must be constructed a minimum elevation of three (3) feet between the decking and the vegetated wetland ground elevation.
- (vii) Piers crossing areas of mapped SAV (documented as existing in the last five years of available data as specified in Section III) must not exceed 6 feet wide and must be constructed a minimum elevation of four (4) feet above MLW.
- (viii) No floating piers or auxiliary pier platforms shall be permitted in areas of mapped SAV (documented to exist in the last five years as specified in Section III).
- (ix) The total area of all fixed and floating auxiliary pier platforms including "T" heads, "L" heads, and step-down platforms must not exceed 200 square feet (not including the segment of the main pier section to which the platform is attached) and must not be located over wetlands or SAV (documented to exist in the last five years as specified in Section III).
- (x) Floating auxiliary structures authorized by this activity are limited to floating finger piers, including small floating personal watercraft piers and platforms; and floating gangways provided the total square footage of these floating structures does not exceed 200 square feet for any one project.
- (xi) Pier platforms must be constructed in a minimum depth of 2-feet MLW except in canals where a parallel walkway may be constructed adjacent to an existing or proposed bulkhead.
- (xii) Platforms proposed adjacent to an existing or proposed bulkhead within a canal must be parallel to the bulkhead and must not exceed six (6) feet in width.
- (xiii) Finger piers or platforms must be constructed in a minimum depth of two (2) feet of open water at Mean Low Water.
- (xiv) The project must not include more than two (2) osprey poles per property.
- (xv) The project must not include more than two (2) three-pile dolphins.
- (xvi) The pier must not include more than two (2) three-foot-wide finger piers.
- (xvii) Piers must not extend within 100 feet of an MD DNR-approved water ski course.
- (xviii) The pier must not come within 20 feet of any marked or unmarked channel (area normally traversed by boats or areas of water commonly used for navigation) or within 150 feet of the horizontal limits of the near design edge (shown in the Navigation Setback Guidance) of a federal navigation channel or within established local harbor lines

Category B Impact Limits and Requirements:

This activity authorizes piers that exceed design criteria of Category A and meet the activity-specific terms and conditions below and the General Conditions of this MDSPGP-7. Design criteria would include the single and complete project with both existing authorized and proposed aspects of the structure.

- (i) An application must be submitted to MDE for Corps authorization. See Section II.D for when an application is required to be submitted for Corps review.
- (ii) Piers must not exceed eight (8) feet wide, a 400-square foot fixed or floating platform including Ts, Ls, and step-down platforms, eight (8) mooring piles, four (4) three (3) foot wide finger piers, and/or create no more than ten (10) slips, including boat lifts and personal watercraft lifts.

Requirements Applicable to Both Category A and Category B Activities:

- (i) Application must be submitted to MDE for Corps authorization.
- (ii) Only one (1) floating or fixed pier per property can be authorized under the MDSPGP-7.
- (iii) Whenever possible, piers shall be constructed to avoid vessel operation and pier shading in areas containing SAV (present or documented to exist in the last five years as specified in Section III). This can be achieved by locating fixed and/or floating piers outside of SAV, minimizing pier width, increasing decking height above MLW, extending piers to deeper water, and/or mooring vessels in depths greater than four feet relative to mean low water. In instances where mooring vessels outside of SAV is not practicable, the use of boat lifts should be considered to minimize damage and shading of SAV during vessel operation and mooring.
- (iv) This activity does not authorize filling or dredging.
- (v) Floating structures will be constructed to avoid resting on the bottom substrate during periods of low water. This can be achieved by locating the entire floating structure in water deeper than two feet relative to mean low water. If this is not possible, chocks, stoppers, or bracing should be employed.
- (vi) If the proposed structure(s) are being constructed for the purpose of boat mooring, sufficient water depths must exist to float the vessel at all stages of the tide or mean low water.
- (vii) Authorization of the pier is based upon current water depths; the use of boat propellers for dredging is not authorized.

(viii) It should not be presumed that this pier authorization predetermines, in any way, that future requests to dredge for navigational access would be similarly authorized. Any decision on future dredging proposals adjacent to this property will be based upon existing, historical, physical, and biological characteristics of the waterway, and will include consideration of water depths, SAV, consideration of any other aquatic resources present, or other factors that may be relevant.

(ix) Construction of the pier/platform shall be conducted from uplands, open water, or from the structure itself.

(x) Construction mats or other temporary fills used as best management practices for placing equipment in wetlands are not authorized by this activity; however, impacts associated with construction mats may be authorized under Category A of Section IV.A.1.e(7), Temporary Construction Access, Stream Diversion, and Dewatering. If the project is ineligible for Category A, the single and complete project, including the proposed pier structure and temporary construction access, will be reviewed under Category B or alternate Corps permit review procedures, as appropriate.

(xi) Auxiliary structures such as gazebos, tool sheds, etc., are not authorized by this MDSPGP-7 and will be reviewed under alternate Corps permit review procedures if they affect waters of the United States.

(xii) Alternate Corps permit review procedures are required for structures and float associated with a new or previously unauthorized public, commercial marina, community, or governmental pier or boating facility. A boating facility is defined as those facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, "dockominiums," etc.

(xiii) Piers must not extend more than a distance of 25% of the width of the waterway, channelward of the mean high-water shoreline and/or vegetated tidal wetlands.

(xiv) Finger piers must not exceed the proposed slip length.

(xv) Category B or alternate Corps permit review procedures are required for structures or floats that are located within the horizontal setback limits of a Corps Federal Navigation Project.

(xvi) Piers, auxiliary structures, floating docks, osprey poles, and/or mooring piles and boats moored thereto shall not extend into navigable channels marked either by the USCG or the USCG approved state system.