



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(9)

Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters

The authorized Maintenance Dredging of Previously Authorized Dredged Areas 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 maintenance dredging below the mean high-water mark and removal of accumulated sediment for existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. The maintenance dredging area must have been previously authorized by the Corps and the dredging completed in accordance with the terms and conditions of the Corps authorization (Sections 10 and/or 404; limited to all tidal waters).

Category A Impact Limits and Requirements:

- (i) The proposed dredge area must not exceed 0.5 acre (21,780 square feet) and involve the removal of no more than 500 cubic yards of dredged material.
- (ii) Category A only authorizes mechanical (Section 10) dredging. All hydraulic dredging (Section 10/404) must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.
- (iii) Maintenance 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.
- (iv) Dredged material that is deposited in an upland site must be properly contained and stabilized to preclude any runoff into adjacent areas. The upland area must be properly designed to contain the material.
- (v) The discharge of dredged material for beneficial re-use into waters of the United States from a Category A Activity a(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters must be specifically approved by MDSPGP-7 Category A Activity f(2) Living Shorelines/Beach Nourishment or another Category A MDSPGP-7 written verification. If beneficial re-use is proposed, the specific beneficial re-use of the dredged material must be specifically determined acceptable and approved for that re-use activity.
- (vi) The discharge of dredged material for beneficial re-use into waters of the United States from this Category A Activity does not apply to sediments that do not meet applicable testing and criteria, including chemical and grain size analyses consistent

with applicable Maryland regulations (e.g., COMAR 26.24.03.05 and 26.24.03.06D) and the Sampling & Analysis Considerations in the State of Maryland's, Innovative Reuse and Beneficial Use of Dredged Material Guidance Document;

(vii) Category A does not authorize dredging within SAV beds or shellfish beds. These activities must be reviewed under Category B or alternative permit review.

(viii) 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) Mechanical and hydraulic dredging (Section 10/404) up to the previously verified depths and boundary limits are authorized under Category B or alternate Corps permit review procedures, as appropriate.

(ii) Clean 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 into waters of the United States from a Category B Activity a(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters must be specifically approved by the Corps under MDSPGP-7 Category B Activity f(2) Living Shorelines/Beach Nourishment or another Department of the Army authorization.

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.

(iii) Proper siltation controls must be used including, but not limited to, silt fencing and turbidity curtains.

(iv) The proposed dredge area must not exceed the dredging depths and footprint as was previously authorized.

(v) Dredged depths must not exceed the authorized depths at mean low water, including over dredging.

(vi) 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.

(vii) Authorization for maintenance dredging of the project under this MDSPGP-7 expires upon expiration of this MDSPGP-7. The applicant may continue to maintenance dredge after receiving verification of MDSPGP-7 until the expiration of the permit. Permittees desiring to continue maintenance dredging beyond this expiration date must request a new permit.

(viii) Applications for maintenance dredging must include a description of the type, composition (via grain size analysis), and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material.

(ix) The Corps permit number, a copy of the previous verification, and documentation of completion of the dredging (e.g., post-dredge bathymetric surveys) shall be submitted with the application for verification of eligibility as a maintenance dredging activity.