



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 b(4)
Maintenance of Existing Drainage Ditches

The authorized Maintenance of Existing Drainage Ditches 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 sediment and debris removal, not otherwise exempt, of existing, currently serviceable man-made drainage and irrigation ditches and their outlets, that are tidally influenced, for the purposes of 1) mosquito control or 2) maintaining stormwater management drainage from upland areas. This activity also authorizes temporary structures, work, and discharges of dredged or fill material into tidal waters of the United States necessary for associated construction activities or repairs, including but not limited to stream diversion devices, access fills, structures and/or fills for dewatering of construction sites, and placement of construction matting (Section 10 and/or 404; limited to all tidal waters of the United States).

Category A Impact Limits and Requirements:

- (i) No application is required for Corps authorization.
- (ii) The total temporary and permanent impacts to tidal ditches and tidal wetlands are not to exceed 10,000 square feet including no more than 500 linear feet of drainage ditch being maintained.
- (iii) Permanent and temporary impacts in SAV is not authorized by Category A and requires review under Category B of the MDSPGP-7 or an alternate Corps permit.
- (iv) Excavated material may be placed on existing upland ditch banks/berms or disposed of at an approved upland disposal site. Placement of the excavated materials into waters of the United States, including wetlands, is not authorized by Category A MDSPGP. A discharge of dredged or fill material into waters of the United States, including wetlands, requires review under Category B process of the MDSPGP-7 or an alternate Corps permit.

Category B Impact Limits and Requirements:

- (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) The single and complete project will result in no more than a total 0.5-acre loss of waters of the United States, to include stream channels, wetlands, and open waters.

(iii) Excavated material must be placed in an upland disposal site, unless the Corps waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects.

(iv) If placement of the excavated/dredged material in uplands is not practicable, then it may be placed in adjacent wetlands in a manner that does not impede the reach and flow of water in the system. Placement of the excavated materials in waters of the United States, including wetlands, must be placed in a manner to minimize disturbance to adjacent wetlands. Placement methods include spreading the material as thinly and evenly as possible on the wetland surface and grading the material as low as possible without undue disturbance to the nearby vegetated wetland or placing the material in unvegetated mosquito-breeding low pockets. Excavated material shall be feathered into existing grade on alternating sides of the ditch as site-specific conditions allow and so as not to impede lateral flow.

Requirements Applicable to Both Category A and Category B Activities:

(i) This activity authorizes work only in ditches and their outlets that are subject to the ebb and flow of the tide.

(ii) This activity does not authorize stationing equipment in the ditch. Work shall be done from the bank or road crossing using the appropriate equipment, such as an excavator arm, rotary ditcher, or boom.

(iii) The maintenance must not enlarge or change the length, width, depth, or shape of the ditch from its original design dimensions and configurations. Maintenance cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the tidal ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States).

(iv) This activity does not authorize the relocation or realignment of existing drainage or irrigation ditches constructed in waters of the United States. The location of the centerline of the tidal ditch must be approximately the same as the location of the centerline of the original design.

(v) This activity does not authorize construction of new ditches, new stream channelization or stream relocation projects.

(vi) Excavated material must be properly contained and stabilized and placed where the material: (1) will not wash back into the ditch; (2) will not adversely impact the function of the natural floodplain; and (3) will not create a restriction or impediment to the movement of aquatic species indigenous to the water, or to the passage of normal or expected high flows and tidal exchanges.

(vii) The proposed maintenance activities must not exceed the depth of the connecting waterway.

Note: Some discharges of dredged or fill material into nontidal waters of the United States regulated under Section 404 of the CWA for ditch maintenance activities may qualify for an exemption under Section 404(f) of the CWA (see 33 CFR 323.4). This activity authorizes the maintenance of drainage ditches that do not qualify for the Clean Water Act Section 404(f) exemption.