



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 c(1)
Utility Lines

The authorized Utility Lines 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 discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, repair, and removal of utility lines, and the associated mechanized land clearing, excavation, backfill, or bedding for the utility lines. There must be no change in pre-construction contours of waters of the United States. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance. Utility lines also include any cable, line, or wire for the transmission of electricity, telephone and telegraph messages, radio, television, or other communication. The term "utility line" does not include activities which drain a water of the United States, such as drainage tile, or French drains. Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances (i.e., sewage, etc.) over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the United States Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a Section 404 permit. (Sections 10 and/or 404; all waters of the United States).

Category A Impact Limits and Requirements:

- (i) The total temporary impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other open waters, are not to exceed 10,000 square feet including no more than 200 linear feet of streams, rivers, and other nontidal open waters.
- (ii) This Category A activity does not authorize work in, over, or under navigable waters under Section 10 of the Rivers and Harbors Act of 1899, all utility line activities, including access roads, constructed, or installed in, over, or under navigable waters of the United States, including navigable nontidal Section 10 waters, and all tidal wetlands, require review under Category B or alternate Corps permit review procedures, as appropriate.
- (iii) Limit-of-disturbance for the construction of utility lines within nontidal waters of the United States, including wetlands, must be limited to the minimum width necessary and not to exceed 30 feet in width.
- (iv) The utility line must make a perpendicular crossing of any stream channel, except for instances where the existing on-site conditions would require a diagonal crossing of the waterway.

(v) Open-cut pipeline installation within wetlands adjacent to a stream must not parallel a stream channel for more than 100 feet along the ordinary high-water mark.

(vi) The top of the cable, encasement, or pipeline shall be located a minimum of 3 feet below the existing bottom elevation of the streambed and generally does not require any riprap protection in-stream. When the utility is placed in bedrock, a minimum depth of 1 foot from the lowest point in the natural contour of the streambed shall be maintained.

Category B Impact Limits and Requirements:

(i) This activity does not authorize any losses of waters of the United States. Temporary impacts must be reduced to the maximum extent practicable.

(ii) As built drawings: Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline crossing a navigable water of the United States (Section 10 waters), the permittee must furnish the Corps and the National Oceanic and Atmospheric Administration (NOAA) National Ocean Service (NOS), with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, geographic coordinate system), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of the survey or depicting the elevations and alignment of the buried cable or pipeline crossing the navigable waterway (Section 10 waters). The information should be transmitted via email to ocs.ndb@noaa.gov.

(iii) When the Corps permit authorizes aerial transmission lines and submerged cables and pipelines as well as artificial reefs and structures on the Outer Continental Shelf, the applicant must notify NOAA NOS of authorization within two weeks before beginning work and upon completion of the activity authorized by this permit. The applicant's notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notifications to NOAA NOS will be sent to the following email address ocs.ndb@noaa.gov.

(iv) For all submerged utility lines crossing navigable waters of the United States, the cross-sectional view drawing submitted with the application shall show the utility line crossing from bank to bank in relationship to the waterway bottom. In addition, the location and depth of any federal navigation channel shall be shown in relation to the proposed utility line.

(v) For aerial electric power transmission lines crossing navigable waters of the United States, the minimum clearances listed under General Condition 7 must be followed (33 CFR 322.5(i)).

Requirements Applicable to Both Category A and Category B Activities:

(i) Application must be submitted to MDE for Corps authorization.

(ii) There must be no change in pre-construction contours of waters of the United States.

(iii) Horizontal directional drilling, jack and bore, missile, or similar methods shall be reviewed as an option where feasible.

(iv) Clearing of wetlands and fragmentation of large tracts of forested wetlands shall be minimized by routing utility lines outside wetlands and forested tracts or on the edges of wetlands and forested tracts where feasible.

(v) When underground utility lines are installed in streams and wetlands, the trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect). Clay plugs, impervious membranes, or other materials may be placed in the trenches to ensure that the trench does not drain the waters of the United States through which the utility line is installed.

(vi) For energy production and transmission projects involving tall structures such as wind turbines, solar power towers, overhead electrical transmission utility and power lines and other energy systems including geothermal and solar panels coordination with the Department of Defense (DoD) Military siting clearing house. Prior to the approval of the application, permittees must submit the Informal Review Response Letter from the DoD military siting clearinghouse (32 CFR 211.8) <https://www.dodclearinghouse.osd.mil/Project-Review/>) to the reviewing agencies.

(vii) In wetlands, the top six (6) to 12 inches of the trench must be backfilled with the top six (6) to 12 inches of topsoil removed from the trench.

(viii) Exposed slopes and stream banks must be stabilized and revegetated with native, preferably woody, species immediately after construction of the authorized activity is completed.

(ix) When mechanized land clearing results in the permanent conversion of a forested or scrub-shrub wetland to an herbaceous wetland in the permanently maintained utility right-of-way, compensatory mitigation may be required to offset the adverse effects of the project. This is in addition to the requirement to mitigate for other permanent wetland and nontidal stream impacts resulting from the discharge of dredged or fill material.

(x) For utility line projects completed by horizontal directional drilling or boring methods that require an application submittal, a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the United States necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures, should be included in application. If an inadvertent return occurs, and the remediation requires work within waters of the United States that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible. The remediation plan must include a detailed

narrative of methods to contain and remediate impacts associated with inadvertent returns of drilling fluids, information on equipment kept on site to handle inadvertent returns, and coordination procedures with the Corps and MDE in the event of inadvertent returns of drilling fluids.