



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 e(2)
Agricultural Activities

The authorized Agricultural Activities 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 nontidal waters of the United States for the purpose of improving agricultural production, including construction of building pads for farm buildings, and construction of tide gates designed to prevent the encroachment of salt water into agricultural drainage ditches. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land-clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in non-tidal waters of the United States; and similar activities. This activity does not authorize construction of farm ponds or aquaculture ponds in nontidal streams (Section 404; limited to all nontidal waters). Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This activity may authorize those regulated agricultural activities that do not qualify for the Clean Water Act Section 404(f)(1) exemptions because of the recapture provision at Section 404(f)(2).

Category A Impact Limits and Requirements:

- (i) The total temporary and permanent impacts to nontidal waters of the United States, which includes wetlands, streams, 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 activity does not authorize discharges into nontidal wetlands adjacent to tidal waters. Such projects must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.

Category B Impact Limits and Requirements:

- (i) The single and complete project will result in no more than a total 0.5-acre loss to nontidal waters of the United States.
- (ii) This activity does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in nontidal streams.

Requirements Applicable to Both Category A and Category B Activities:

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

(ii) For discharges into waters of the United States to improve agricultural production, if the permittee is a United States Department of Agriculture (USDA) program participant, they must: (a) obtain a categorical minimal effects exemption, minimal effect exemption, or mitigation exemption from NRCS in accordance with the provisions of the Food Security Act of 1985, as amended; (b) have a wetland delineation; and (c) implement an NRCS-approved compensatory mitigation plan that fully offsets losses of waters of the United States, if required.

(iii) For discharges into waters of the United States to improve agricultural production, if the permittee is not a USDA program participant, the permittee shall submit a compensatory mitigation statement describing how the mitigation requirement will be satisfied or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required.

(iv) This activity does not authorize any work in perennial streams.

(v) Some discharges for agricultural activities may qualify for associated with agricultural activities when the discharge an exemption under Section 404(f) of the CWA, as described in DA regulations at 33 CFR 323.4.

(vi) For the construction of building pads for farm buildings, only wetlands that were in agricultural production prior to December 23, 1985, (i.e., farmed wetlands) may be impacted.

(vii) Tide gates must be placed as close as possible to the affected agricultural field.

(viii) This activity does not authorize work in navigable waters under Section 10 of the Rivers and Harbors Act of 1899, tidal waters, or tidal wetlands.