



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

May 22, 2024

U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
Attn. Christopher Johnson
Via email: Christopher.a.johnson@usace.army.mil

Re: Agency Interest Number: 181091
Tracking Number: 202460409
Water Quality Certification Number: 24-WQC-0010

Dear Mr. Johnson:

After examination and consideration of the documents received and evidence in the file and record for maintenance dredging of the Honga River Federal Navigation Channel, the Water and Science Administration has determined that the project meets the statutory and regulatory criteria necessary for issuance of an individual Water Quality Certification (WQC).

The individual WQC for this project issued by the Maryland Department of the Environment (Department) is attached. Please read and review the WQC for this project to ensure that you understand the limits of the certified project and all of the general and special conditions. The attached WQC is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such a decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please do not hesitate to contact me at danielle.spendiff1@maryland.gov or 410-537-4023 with any questions.

Sincerely,

Danielle A. Spendiff, Chief
Regulatory and Customer Service Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION



WATER QUALITY CERTIFICATION
24-WQC-0010

EFFECTIVE DATE: **May 20, 2024**

CERTIFICATION HOLDER: **U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
Attn: Mr. Christopher Johnson**

PROJECT LOCATION: **(38.349084, -76.228819)
Hoopers Island, MD 21622
(Dorchester County, Maryland)**

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH §9-313 THROUGH §9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT, MAINTENANCE DREDGING OF THE HONGA RIVER CHANNEL, WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND WITH ALL TERMS AND CONDITIONS OF THIS CERTIFICATION.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE U.S. ARMY CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

PROJECT DESCRIPTION

The U.S. Army Corps of Engineers, Baltimore District (USACE) proposes maintenance hydraulic dredging of the existing Honga River Federal Navigation Channel (Honga River Channel) located in Dorchester County, Maryland. Approximately 325,000 cubic yards of material consisting primarily of mud/silt will be hydraulically dredged from the Honga River

24-WQC-0010

Channel to its authorized dimensions. The proposed dredging footprint is approximately 5.8 miles long, 60 feet wide and seven feet deep mean lower low water (MLLW) from the seven-foot depth contour in Chesapeake Bay through Tar Bay and Fishing Creek to the Honga River, with a turning basin of the same depth, 150 feet long, and 200 feet wide.

A pipeline will transport the dredged material to a placement site on the southwest side of Barren Island. The location of the pipeline will move periodically as the dredging moves along the channel. The placement site along Barren Island is being used to help with the recovery and restoration of Barren Island as part of the greater Mid-Chesapeake Bay Island Restoration.

The Administration satisfied statutory and regulatory public notice requirements by placing this Certification on Public Notice from March 15, 2024 to April 15, 2024 on the Maryland Department of the Environment's Public Notice webpage.

The Certification Holder shall comply with the following conditions:

SPECIAL CONDITIONS

1. All of the equipment needed to conduct the dredging and the place the pipeline to the disposal site shall be in place prior to the start of dredging.
2. All dredging activities shall be conducted during the period of October 1 through December 31. Dredging activities or placement of dredged material are prohibited from:
 - a. Dredging activities (placement) are prohibited February 15th through July 31st of any year to protect the Great Blue Heron nesting colony.
 - b. April 15th through October 1st of any year to protect Submerged Aquatic Vegetation (SAV) during the growing season;
 - c. January 1st through March 14 and June 1 through September 30th within Natural Oyster Bars (NOB) or within 500 yards of shellfish areas.
3. Pipelines shall not be placed on any hard bottom within NOB 23-1, NOB 23-2, and NOB 23-4.
4. Dredging may not exceed the scope of this Certification in terms of authorized dredge area, volume of material, and authorized depths.
5. Conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Regulatory and Customer Service Division within 45 days after the termination of dredging operations and submit documentation to the Corps that the Certification Holder has satisfied the Departments requirements.
6. If work is not conducted by the Certification Holder, all work performed under this Water Quality Certification shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Licensing by MCLB shall occur prior to the beginning of dredging activities. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by

accessing the Maryland Department of the Environment, Environmental Boards webpage.

7. Dredged material shall only be placed at the Barren Island site approved by this Certification. The Certification Holder shall submit an application for modification of the Certification to MDE for approval of any dredge disposal site not authorized within the Certification.
8. Dredged material pipelines shall be installed, marked and maintained in accordance with all requirements for navigational safety. Dredge material pipelines and associated equipment shall be removed as soon as practicable, upon completion of activities authorized under this Certification.
9. In the event of any inadvertent returns resulting from failure of any dredge material pipeline and associated equipment, the Certification Holder shall cease operations immediately and shall:
 - a. Take steps to stop all dredged material from entering State waters; and
 - b. Notify the Compliance Program immediately at 410-537-3510.

GENERAL CONDITIONS

1. Avoid placing structures or conducting activities that entangle or interfere with the movement of aquatic life, fish, or other wildlife.
2. Implement and comply with all final approved plans, permits, and modifications that are approved by the State and/or the Corps, as applicable. The approved plans, permits and modifications by MDE and/or the Corps are incorporated by reference into this Certification.
3. Meet the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01, including obtaining and complying with an approved erosion and sediment control plan, and following the stabilization requirements set forth in COMAR 26.17.01.07 and the “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (2011 Standards)” as amended.
4. Limit any disturbance of the substrate to the authorized area and prevent sediment transport into adjacent State waters.
5. Remove and dispose of all unused fill and construction materials in a manner which will prevent their entry into waters of this State.
6. Avoid placing stockpiles of any material in Waters of the U.S. or waters of the state, unless otherwise authorized by the approving authority.
7. Obtain any other authorizations or approvals that the Department requires, including General Permits, and comply with all conditions of such authorizations or approvals.

8. Obtain any required authorizations or approvals from other State, federal, or local agencies.
9. Refrain from causing any injury to private property, invasion of rights, or infringement of federal, State, or local laws or regulations.
10. Inspection and entry. The Certification Holder shall allow the Department, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Certification Holder's premises where a certified activity or operation is located or conducted, or where records must be kept under the conditions of this Certification;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Department, any substances or parameters at any location.
 - e. Allow the Department's authorized representatives access to the Project during normal business hours to conduct inspections and evaluations of operations and records to verify compliance with this Certification.

STATEMENTS OF NECESSITY AND CITATIONS

1. Statement of Necessity for Special Condition 1: This condition is necessary to ensure that additional dredging and discharges will not occur during the closure period specified in Special Condition #2 and interfere with designated uses.

Citations: COMAR 26.08.02.03-3A(5); COMAR 26.08.02.03-3C(5)COMAR 26.08.02.03-3C(9)(a); 26.08.02.02B(1)(d); 26.08.02.02B(3); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); 26.08.02.02B(3); COMAR 26.08.02.03-3C

2. Statement of Necessity for Special Condition 2: The condition is necessary to ensure that dredged material does not increase turbidity in violation of general and numeric water quality standards and interfere with designated uses, and that project disturbance does not interfere directly or indirectly with designated uses for growth and propagation of fish, other aquatic life, and wildlife.

Barren Island supports colonial nesting Great Blue Herons. Heronries are a rare resource that should be protected. Conservation of Great Blue Heron colonies that are located in the Chesapeake Bay Critical Area is required by State law (§ 8-1801/1806). Significant mortality of chicks and/or eggs resulting from disturbance of the colony during the breeding season is a violation of the U.S. Migratory Bird Treaty Act. Disturbance

includes actions such as cutting nest trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults

SAV are a critical habitat for many aquatic species. Limitations on loss will sustain habitat for a variety of aquatic species, including anadromous fish and threatened or endangered species. Water quality regulations state minimum thresholds for SAV in tidal waterways. In addition to direct loss, turbidity created by construction or ongoing operation must be limited for support of aquatic life and meet water quality standards.

Oysters spawn and subsequently set their spat during the period June through September in estuarine sections of rivers and the Bay. During this period, dredge units can entrain and destroy oyster eggs and larvae. In addition, sediments resuspended by dredging activities may affect oysters. Potentially, larval oysters could be starved by ingesting sediment particles which are the same size as prey organisms. Larval oysters could also delay metamorphosis to spat because the substrate is covered with loose sediments and is therefore unsuitable. Oysters also become inactive during the colder months of the year and are more liable to burial (inability to clear themselves of deposited sediment) during this period of reduced activity.

Citations: COMAR 27.02.05.12; 26.08.02.03-3A(5); COMAR 26.08.02.03-3C(5); COMAR 26.08.02.03-3C(9)(a); 26.08.02.02B(1)(d); 26.08.02.02B(3); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); 26.08.02.02B(3); COMAR 26.08.02.03-3C

3. Statement of Necessity for Special Condition 3: This condition is necessary to maintain the designated use for support of estuarine and marine aquatic life and shellfish harvesting.

Citations: COMAR 26.08.02.02B(3); 26.08.02.02-1; COMAR 26.08.02.02-1B; COMAR 26.08.02.02B(3); COMAR 26.08.02.03-3C

4. Statement of Necessity for Special Conditions 4 & 5: The condition is necessary to ensure that water depths and limits on the scope of dredging are appropriate post-dredging to support designated uses of fishing and water contact recreation and growth and propagation of fish, other aquatic life, and wildlife; and ensure that no discharges are unsightly, create a nuisance, change to an objectionable color or interfere with designated uses or would violate water quality standards for water clarity and turbidity.

Citations: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1) COMAR 26.08.02.02B(3); COMAR 26.08.02.03B.

5. Statement of Necessity for Special Condition 6: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citations: COMAR 26.08.02.02B(2); 26.08.02.02 B(3) and 26.08.02.02 B(4); COMAR 26.08.02.03B(2)(d) – (e); 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

6. Statement of Necessity for Special Condition 7: The limits on the scope of dredging are necessary to ensure that no discharges would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife; and water contact recreation

Citations: COMAR 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.03B

7. Statement of Necessity for Special Condition 8: The condition is necessary to ensure that the placement does not interfere with navigational safety and designated uses for water contact recreation and fishing, nor create a nuisance.

Citations: COMAR 26.08.02.01B(1) and B(2); COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

8. Statement of Necessity for Special Condition 9: Unauthorized discharges may enter regulated waters as result of activity or structural failure. The condition is necessary to ensure that water quality standards are met under unique circumstances for inadvertent discharges and that designated uses of waters are maintained. Releases of significant amounts of sediment can impact aquatic environments and if unchecked can alter them to an uninhabitable state.

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 & 4; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.23.02.06, COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.08.02.09C(3); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.08.02.03-3; COMAR 26.08.02.02B(2); COMAR 26.08.02.02B(4); COMAR 26.08.02.02B(6); COMAR 26.08.02.02B(8)

9. Statement of Necessity for Special Condition 7 & General Conditions 4, 9, 10, 11: These conditions are necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements that also affect water quality.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

10. Statement of Necessity for General Condition 1, 2, 3: The condition is necessary to ensure that water quality standards are met and designated uses are maintained.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

11. Statement of Necessity for General Condition 5: Erosion and sediment control plans are necessary to ensure that sediment discharges from construction activities will not enter waters of the United States. Sediment discharges from earth disturbance or discharges at erosive rates within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance

Citation: Env. Article, Title 4, Subtitle 1 COMAR 26.17.01; 26.08.02.03B(1)-B(2)

12. Statement of Necessity for General Conditions 6, 7, 8: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

13. Statement of Necessity for General Condition 12: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained.

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

24-WQC-0010

This Certification is valid for the Project identified herein and the associated U.S. Army Corps of Engineers authorization until such time that it expires. Failure to comply with these conditions may subject the Certification Holder to criminal and/or civil penalties or other enforcement action in accordance with applicable law.

CERTIFICATION APPROVED:



DATE:

May 21, 2024

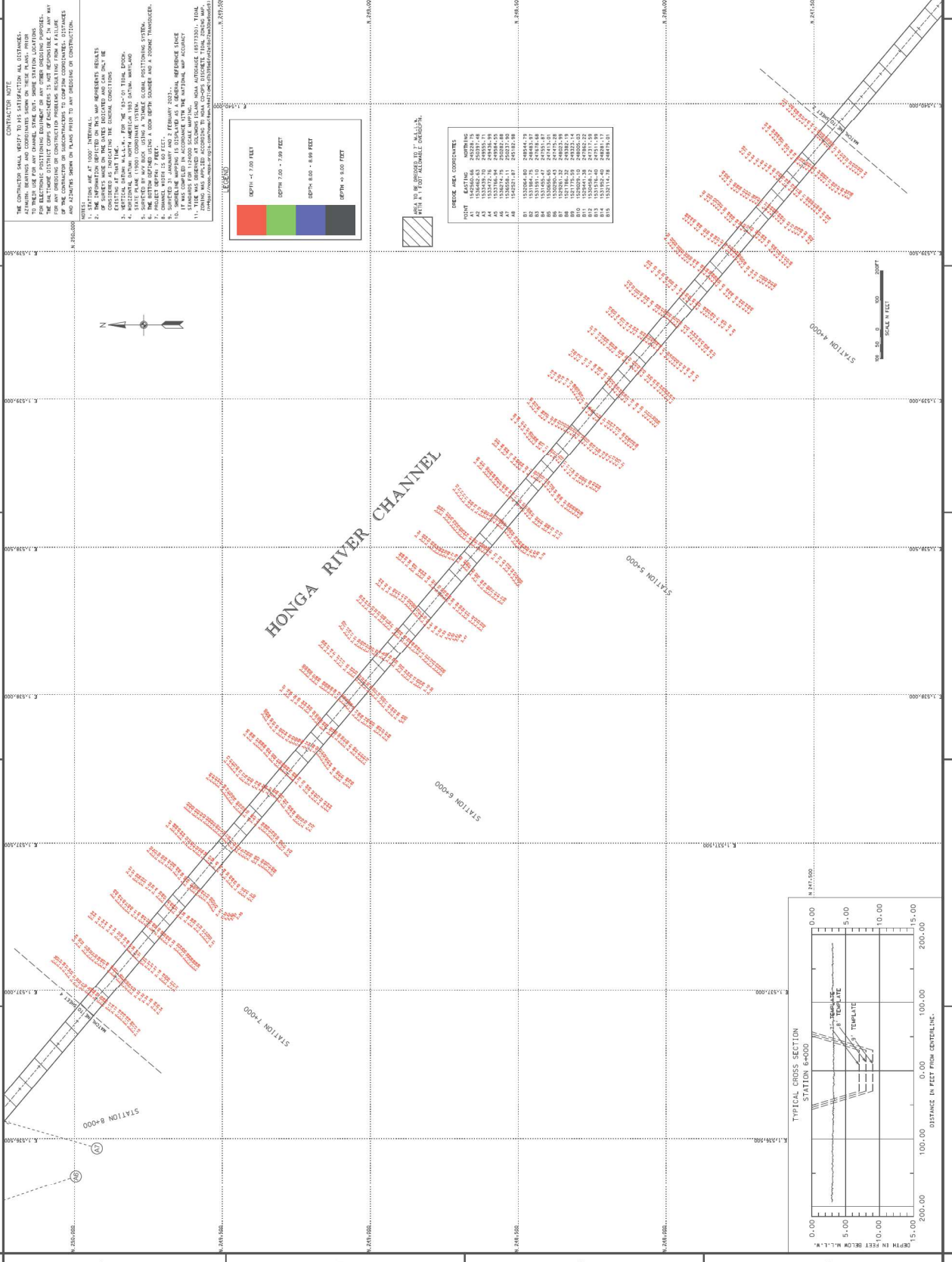
D. Lee Currey, Director
Water and Science Administration

Tracking Number: 202460409
Agency Interest Number: 181091

Effective Date: May 20, 2024

Enclosure: Plan Sheets 1 through 13

cc: WSA Inspection & Compliance Program



CONTRACTOR NOTE

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.

DEPTH DATA

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DEPTH - 7.00 - 7.99 FEET
DEPTH - 8.00 - 8.99 FEET
DEPTH - 9.00 FEET

DEPTH DATA COMMENTS

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TYPICAL CROSS SECTION STATION 6+000

CONTRACTOR NOTE

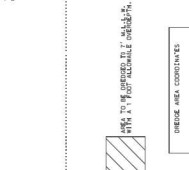
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

NOTES:
 1. THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF SURVEYING CONDUCTED BY THE ENGINEER AND HIS STAFF. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

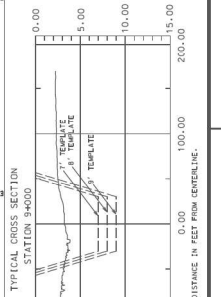
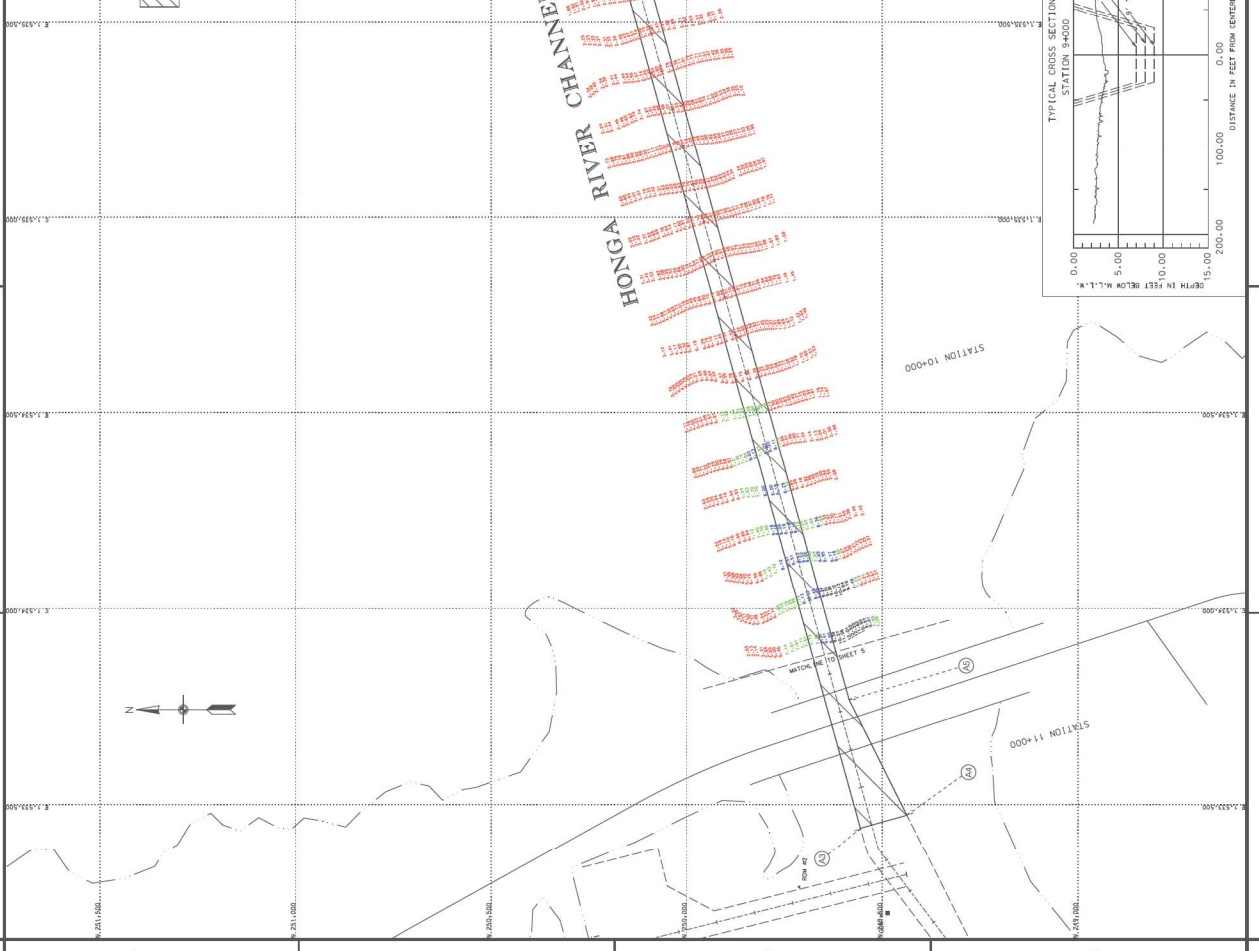
LEGEND



AREA TO BE CONSIDERED FOR CONSTRUCTION



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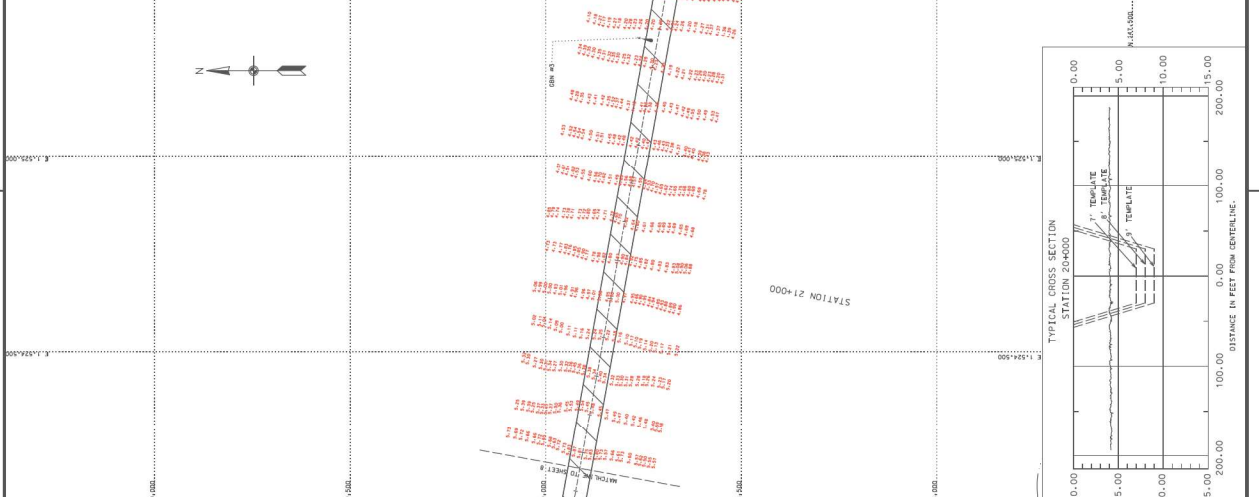
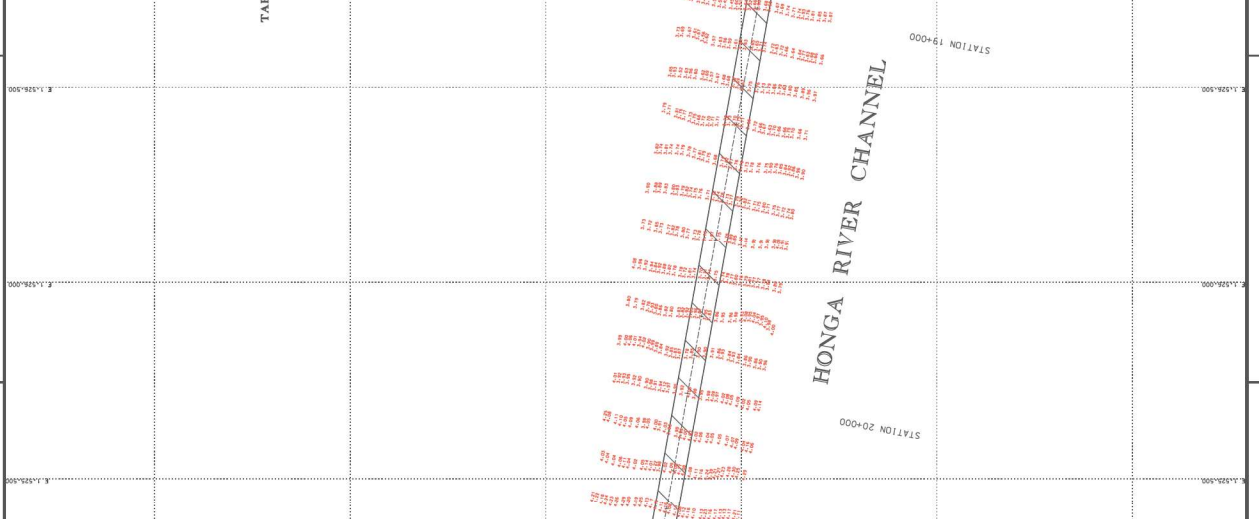


	U.S. ARMY CORPS OF ENGINEERS BALTIMORE DISTRICT	PROJECT NO. 11-104 SHEET NO. 4 OF 8	CONTRACTOR COUNTY: COMPTON COUNTY PROJECT NAME: HOCHON RIVER STATION RANGE: 1+000 TO 10+000
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THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF INVESTIGATIONS MADE AT 1000' INTERVALS. THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF INVESTIGATIONS MADE AT 1000' INTERVALS. THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF INVESTIGATIONS MADE AT 1000' INTERVALS. THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF INVESTIGATIONS MADE AT 1000' INTERVALS. THE INFORMATION SHOWN ON THIS MAP REPRESENTS RESULTS OF INVESTIGATIONS MADE AT 1000' INTERVALS.

DREDGE AREA COORDINATES
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24-WQC-0010_Honga River Dredging WQC (Need by 5/22)

Final Audit Report

2024-05-21

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