



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

October 10, 2024

U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
Attn. Lauren McDonald
Via email: lauren.n.mcdonald@usace.army.mil

Re: Agency Interest Number: 183518
Tracking Number: 202461165
Water Quality Certification Number: 24-WQC-0035

Dear Ms. McDonald:

After examination and consideration of the documents received and evidence in the file and record for maintenance dredging of three sections of the North East River Federal Navigation Channel (North East River 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-0035

EFFECTIVE DATE: October 9, 2024

EXPIRATION DATE: October 9, 2026

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

PROJECT LOCATION: (39.574357, -75.962346)
Northeast River, MD 21901
(Cecil 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 OF MAINTENANCE DREDGING AT THE NORTH EAST RIVER FEDERAL NAVIGATION CHANNEL WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS IF CONDUCTED IN ACCORDANCE 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 (CORPS). 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 North East River Federal Navigation Channel (North East

River Channel) located in Cecil County, Maryland. Approximately 40,000 to 60,000 cubic yards of silt, clay, sand, and shell material will be hydraulically dredged from three sections of the North East River Channel to its authorized dimensions of seven feet mean lower low water (MLLW), plus up to two feet of allowable overdepth. The proposed dredging footprint is approximately 7,200 feet of the federal navigation channel, from the North East River's lower reaches near Red Point and its confluence with the Chesapeake Bay upstream to about North East Community Park and Cherry Street.

A pipeline will transport the dredged material to the North East River placement site, also called the Stony Run Dredged Material Placement (DMP) site, and located near the western shore of the North East River. In total, the project would impact approximately 10 acres of the channel and span approximately 5 miles, including the pipeline pathway to the placement site. No dredged material will be placed in the aquatic environment. The purpose of the proposed action is to maintain full navigational use of the existing Federal navigation channel.

This Water Quality Certification (Certification) is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments, Title 9, Subtitle 3 of the Environment Article, and Code of Maryland Regulations (COMAR) 26.08.02.10. The Maryland Department of the Environment (Department) has determined from a review of the request application file that the project activities described in the above will not violate Maryland's water quality standards, provided that the following conditions are satisfied.

The Certification Holder shall comply with the following conditions:

SPECIAL CONDITIONS

1. Dredging shall not occur from February 15 to June 15 of any year to protect spawning anadromous and resident fish populations.
2. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified.
3. Dredging may only occur within the three sections as shown on the attached plans. The sections to be dredged are as follows: Station 2+200 to 4+100, Station 7+700 to 10+000, Station 16+00 to 17+500, and Station 17+600 to 19+000.
4. The Certification Holder shall 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.
5. 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.

6. Dredged material shall only be placed at the upland Stony Run DMP 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.
7. 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.
8. 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 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 as applicable, 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.
11. This Certification is valid only for the project identified herein and the associated federally-approved U.S. Army Corps of Engineers Civil Works Navigation Branch project.

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 #1 and interfere with designated uses.

The proposed project area is within a designated Striped Bass Spawning Area. In addition to striped bass, surveys by biologists from the Department of Natural Resources Fishing and Boating Services have documented the North East River and its tributaries, including Stony Run, as spawning areas for herring, white perch, and yellow perch. The North East River and in particular the mouth of Stony Run is also a significant spawning location for the recreationally important largemouth bass.

Citations: COMAR 08.02.05.02 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 no dredged material will result in a violation of water quality standards for turbidity and interfere with designated uses.

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

3. Statement of Necessity for Special Condition 3 and General Conditions 4, 9, 10: 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.

Citation: 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

4. Statement of Necessity for Special Condition 4: 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 5: 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 6: This condition is necessary to ensure that dredged material is removed in a manner which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, growth and propagation of fish, other aquatic life, and wildlife.

Citations: 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, 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 26.24; COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1) COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

7. Statement of Necessity for Special Condition 7: 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.

Citation: 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 8: 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.

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 & 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 General Condition 1, 2, 4: 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

10. Statement of Necessity for General Condition 3: 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)

11. 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

12. Statement of Necessity for General Condition 11: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

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; 40 C.F.R. 121, 15 C.F.R. 930, 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 26.17.04; COMAR 26.23; COMAR 26.24

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:

Oct 9, 2024

D. Lee Currey, Director
Water and Science Administration

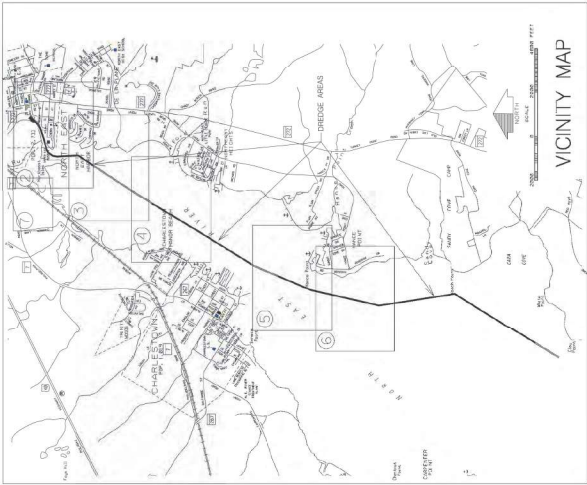
Tracking Number: 202461165
Agency Interest Number: 183518

Effective Date: October 9, 2024

Enclosure: Plan Sheets 1 through 8

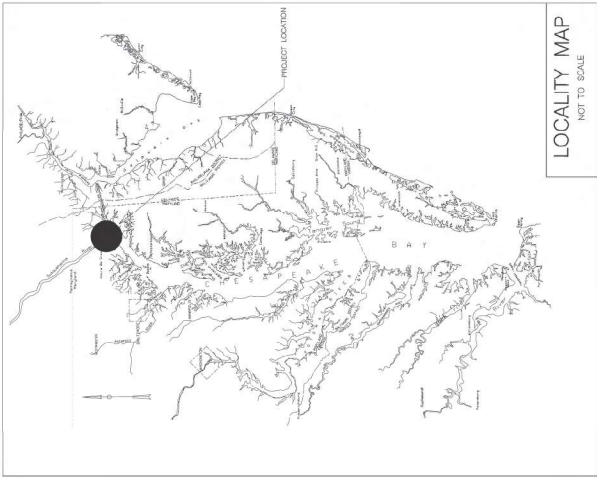
cc: WSA Inspection & Compliance Program
US Army Corps of Engineers, Baltimore District

MAINTENANCE DREDGING
NORTHEAST RIVER
CECIL COUNTY, MARYLAND



INDEX OF DRAWINGS

TITLE	FILE & MAP NO.	SHEET NO.
COVER SHEET	FILE:71 MAP:23-001	1
NORTHEAST RIVER STA. 0+000 TO 3+500	FILE:71 MAP:23-002	2
NORTHEAST RIVER STA. 3+600 TO 6+600	FILE:71 MAP:23-003	3
NORTHEAST RIVER STA. 6+700 TO 9+900	FILE:71 MAP:23-004	4
NORTHEAST RIVER STA. 13+200 TO 16+100	FILE:71 MAP:23-005	5
NORTHEAST RIVER STA. 16+200 TO 19+000	FILE:71 MAP:23-006	6
PLACEMENT SITE	NE River Story Run DMP	7
LOCATOR MAP	FILE:71 MAP:23-008	8





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NOTES

1. THE INFORMATION REFERRED TO ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

2. THE NATIONAL DATUM FOR THE YEAR 1983 IS THE MEAN SEA LEVEL 1136001 COORDINATE SYSTEM.

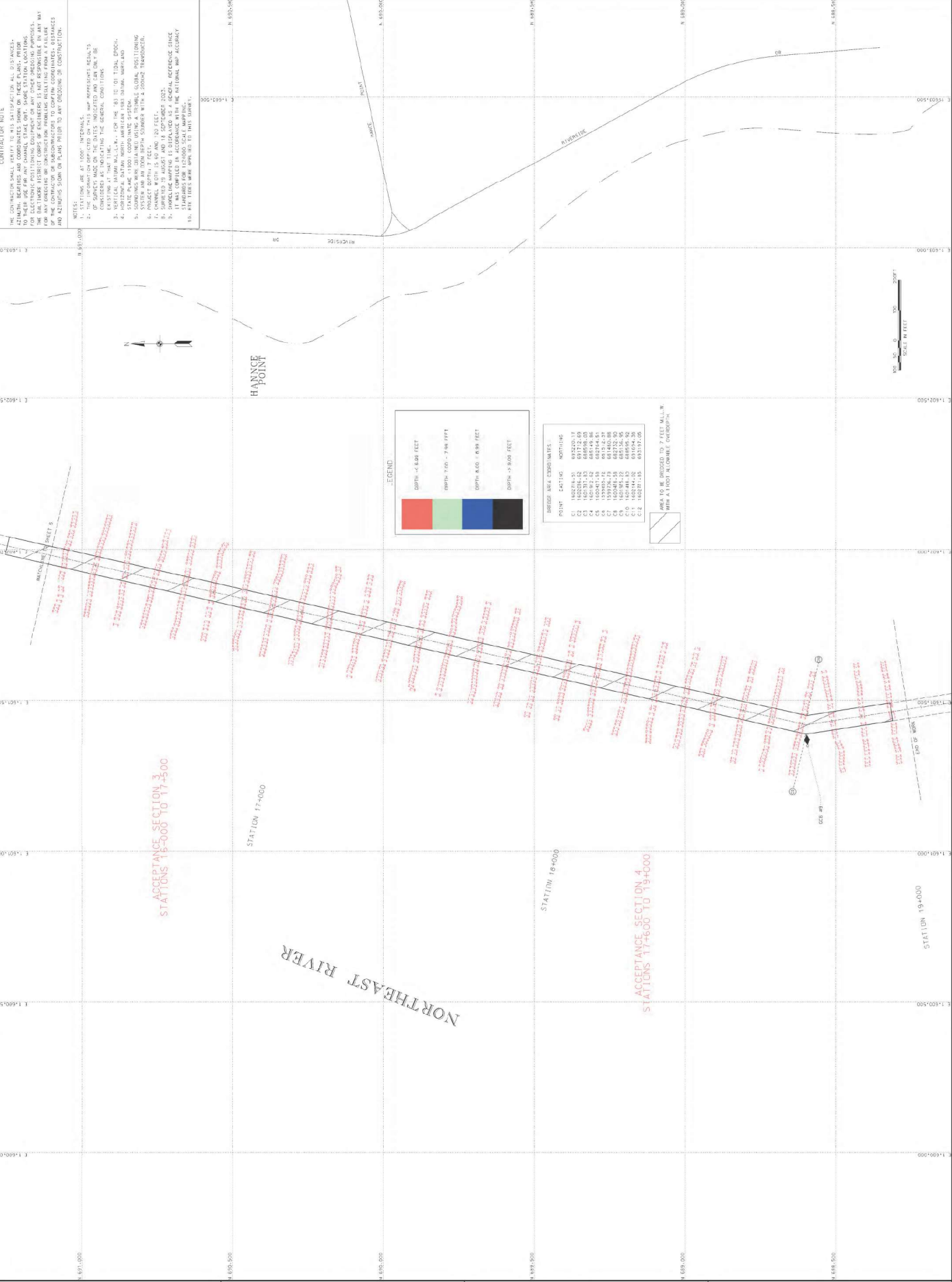
3. SOUNDINGS WERE OBTAINED USING A TRIMBLE GLOBAL POSITIONING SYSTEM AN IN-DEPTH SURVEY WITH A ZODIAC TRANSDUCER.

4. PROJECT DATED 1987.

5. SURVEYED BY AUGUST 10 AND 19 SEPTEMBER 2003.

6. SMOELING LENGTH 10 DISAPPEARED AS A GENERAL REFERENCE SINCE IT WAS COPIED IN ACCORDANCE WITH THE NATIONAL MAP ACTING STANDARD FOR 1:25000 SCALE MAPS.





CONTRACTOR NOTE

THE CONTRACTOR SHALL VERIFY TO HIS SATISFACTION ALL DISTANCES, AZIMUTHS, BEARING AND COORDINATES SHOWN ON THESE PLANS. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN A SURVEY FROM THE U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT, FOR ELECTRONIC POSITIONING EQUIPMENT ON ANY OTHER-RELEVANT PURPOSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FOR ANY FRESHWATER OR CONSTRUCTION FRESHWATER FROM A FILLING OF THE CONTRACTOR OR SUBCONTRACTOR TO COMPLY COORDINATES, DISTANCES AND BEARINGS SHOWN ON PLANS PRIOR TO ANY CONSTRUCTION OR CONSTRUCTION.

NOTES:

1. THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CONTRACTOR.
2. THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CONTRACTOR.
3. EXISTING AT THE TIME OF THE SURVEY, THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CONTRACTOR.
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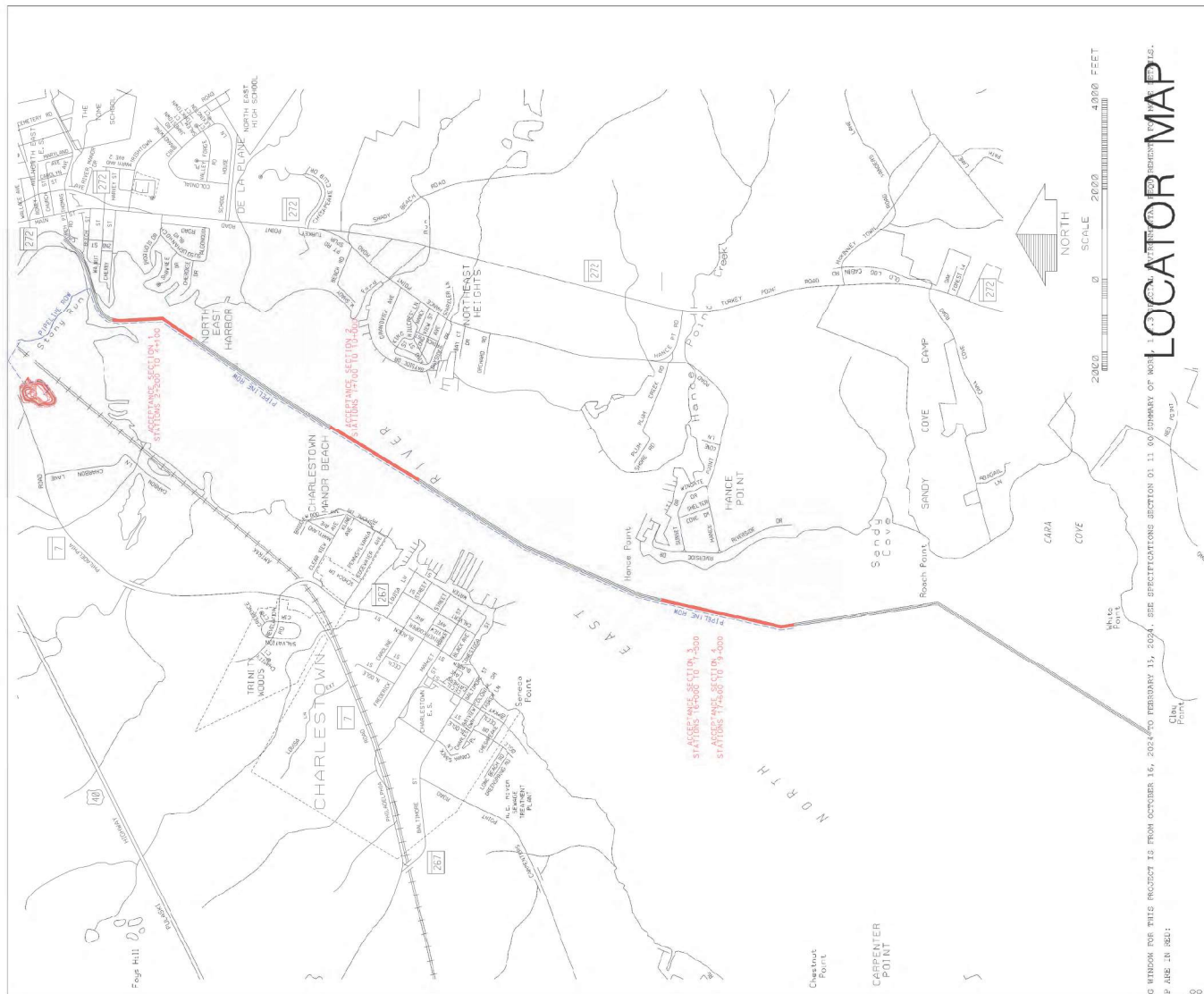
LEGEND

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SOUNDING DATA

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AREA TO BE INSPECTED TO 7 FEET MLLW WITH A 1 FOOT ALLOWABLE OVERDEPTH.



SURVEY:

DATE OF YEAR RESTRICTIONS:

TIME-OF-DAY RESTRICTIONS:

PERMITTING AGENCIES:

APPROPRIATE SECTIONS:

ADJACENT SECTIONS ON THE PROJECT OVERVIEW MAP ARE IN RED:

LOCAL OR MAP

SECTION 01.11.00 CHARTER OF WORKS

FOR REMOVAL OF THE BUILT

NO

(No)

ACCEPTANCE SECTION 1: STA 2+000 TO STA 4+100
ACCEPTANCE SECTION 2: STA 7+000 TO STA 10+000
ACCEPTANCE SECTION 3: STA 16+000 TO STA 17+500
ACCEPTANCE SECTION 4: STA 17+600 TO STA 19+000