



**Maryland**  
Department of  
the Environment

**Wes Moore**, Governor  
**Aruna Miller**, Lt. Governor

**Serena McIlwain**, Secretary  
**Suzanne E. Dorsey**, Deputy Secretary  
**Adam Ortiz**, Deputy Secretary

May 8, 2025

National Railroad Passenger Corporation (AMTRAK) c/o Dexter Fordyce  
1 Massachusetts Ave NW  
Washington, D.C. 20001  
dexter.fordyce@amtrak.com

Re: Agency Interest Number: 179405  
Tracking Number: 202361267  
Tidal Authorization Number: 23-WL-0811 / 23-NT-0190 / 23-WQC-0045(R1)

Dear Mr. Fordyce:

Any federal license or permit that authorizes an activity that may result in a discharge to navigable waters requires a Water Quality Certification (Certification) issued by the Maryland Department of the Environment (MDE) under Section 401 of the Clean Water Act. Your project requires federal permits from both the U.S. Coast Guard (USCG) and the U.S. Army Corps of Engineers (USACE), NAB-2023-61267; therefore, your project requires a Certification.

Additionally, your project requires a Wetlands License from the Maryland Board of Public Works (BPW) and a Letter of Authorization from the MDE Nontidal Wetlands Division, Wetlands and Waterways Protection Program (MDE WWPP). The Wetlands License decision will be sent to you by BPW's Wetlands Administrator. The Letter of Authorization decision will be sent to you by MDE WWPP. The federal permit decisions for your project are not attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

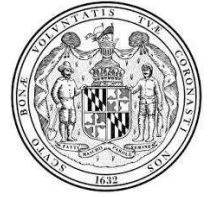
You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Lou Parnes (nontidal) at [louis.parnes@maryland.gov](mailto:louis.parnes@maryland.gov) or 410-537-3786, Matthew Wallach (tidal) at [matthew.wallach@maryland.gov](mailto:matthew.wallach@maryland.gov) or 410-207-0893 with any questions.

Sincerely,

Jonathan Stewart, Acting Chief  
Tidal Wetlands Division



STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT  
WATER AND SCIENCE ADMINISTRATION  
WATER QUALITY CERTIFICATION



24-WQC-0045(R1)

EFFECTIVE DATE: **May 8, 2025**  
CERTIFICATION HOLDERS: **National Railroad Passenger Corporation  
(AMTRAK) Dept. of Recreation and Parks**  
ADDRESS: **1 Massachusetts Avenue NW, Washington, DC  
Attn. Dexter Fordyce**  
PROJECT LOCATION: **Perryville, Harford County  
Havre de Grace, Cecil County  
8-digit Watershed (02120201)**

**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 MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED MARSH CREATION AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED AUGUST 2, 2024 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE 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 CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

## **PROJECT DESCRIPTION**

*The National Railroad Passenger Corporation (AMTRAK) proposes to construct two replacement and parallel four-track elevated train bridges spanning the Susquehanna River and on land between Harford (Havre de Grace) and Cecil (Perryville) counties. One lane will be designed specifically for high-speed passenger train service. The existing two-track moveable swing bridge above the waterway, in addition to the remaining in-use AMTRAK rail sections on land are to be dismantled and removed.*

*The Administration satisfied statutory and regulatory public notice requirements by placing this WQC on Public Notice from August 1, 2024, to September 1, 2024, and from April 15, 2025, to May 1, 2025 on the Maryland Department of the Environment's Public Notice webpage and advertisements within two newspapers: The Aegis (Harford County) and in the Cecil Whig (Cecil County) on August 1, 2024.*

## **NONTIDAL IMPACTS**

(Harford County) Havre de Grace (Gasheys Creek, Lilly Run/ Use I): The project will permanently impact 20,974 square feet of forested nontidal wetland, 8,619 square feet of forested (isolated) nontidal wetland, 18,297 square feet of emergent nontidal wetland, 2,488 square feet of emergent (isolated) nontidal wetland, 163,141 square feet of a 25-foot nontidal wetland buffer, 14,140 square feet of a perennial nontidal stream, 7,586 square feet of an intermittent nontidal stream, and 286,331 square feet of a 100-year nontidal floodplain.

(Cecil County) Perryville (Mill Creek/ Use I): The project will permanently impact an additional 20,402 square feet of forested nontidal wetland, 10,944 square feet of scrub-shrub nontidal wetland, 44,653 square feet of emergent nontidal wetland, 124,392 square feet of a 25-foot nontidal wetland buffer, 16,782 square feet of a perennial nontidal stream, 1,816 of an intermittent nontidal stream and 38,601 square feet of a 100-year nontidal floodplain. Havre de Grace: The project will temporarily impact 9,225 square feet of a perennial nontidal stream and 2,291 square feet of an intermittent nontidal stream. Perryville: The project will temporarily impact 8,704 square feet of a perennial nontidal stream and 34,261 square feet of an intermittent nontidal stream.

## **TIDAL IMPACTS:**

(Between Havre de Grace and Perryville at the Susquehanna River/ Use II): The project will result in 294,834 square feet (6.77 acres) of coverage over State Tidal Wetlands including the Susquehanna River and will be supported by 34 piers totaling 5,875 (0.14 acres) within State Tidal Wetlands. The project will also include 7,599 square feet (0.17 acres) of dolphins and fendering systems. The existing bridge will be mechanically demolished after the first new span is complete with the existing in-water foundations mechanically removed to two feet below the mudline. The project will include 72,356 square feet (1.66 acres) of temporary impacts including trestles and mooring piles.

## **SPECIAL CONDITIONS**

- 1) All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission ("Commission") shall be obtained. This Certification does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- 2) If the authorized work is not performed by the property owner or is not otherwise exempt from the licensing requirement, all work performed under this Tidal Wetlands Permit 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 and COMAR 26.30. The licensed marine contractor shall be authorized for the appropriate license category to perform or solicit to perform the activities within this authorization, if applicable. A list of licensed marine contractors and their license category 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 at: <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/LicensedMarineContractor.s.aspx>.

- 3) The issuance of this Certification is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Certification Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- 4) Due to the presence of anadromous and spawning fish, including Yellow Perch and Striped Bass, if any in-water pile installation occurs between February 15 through June 30, inclusive during any year, the Certification Holder shall coordinate with the Maryland Department of Natural Resources (DNR) for minimization and avoidance measures and receive a modification to the associated tidal wetlands license, 23-WL-0811, prior to activity commencement. The Certification Holder shall make every effort to complete pile driving activities outside of the above Time of Year Restriction (TOYR).
- 5) Due to the presence of the Northern Map Turtle (*Graptemys geographica*), if any in-water construction occurs from November 1 through April 1, inclusive during any year, the Certification Holder shall coordinate with DNR for minimization and avoidance measures and receive a modification to the associated tidal wetlands license, 23-WL-0811, prior to activity commencement.
- 6) Due to the presence of submerged aquatic vegetation, if any in-water construction occurs from April 15 through October 15, inclusive during any year, the Certification Holder shall coordinate with DNR for minimization and avoidance measures and receive a modification to the associated tidal wetlands license, 23-WL-0811, prior to activity commencement.
- 7) The Certification Holder shall strictly manage and maintain all in-water Best Management Practices (BMPs) to minimize sedimentation during construction activities.
- 8) The Certification Holder shall use Best Management Practices (BMPs), not limited to, but including such as soft-start and using vibratory hammers to the extent possible for pile driving activities.
- 9) Due to construction activity within Northern Map Turtle (*Graptemys geographica*) basking habitat, the Certification Holder shall maintain a minimum of four floating turtle basking platforms that will be installed prior to the commencement of construction, which are to be maintained through the completion of all construction activities, including the shoreline restoration on the Perryville shoreline.
- 10) Due to the presence of the Northern Map Turtle (*Graptemys geographica*), the Certification Holder shall install exclusion fencing in appropriate areas prior to activity commencement and before nesting begins. The Certification Holder shall coordinate with DNR Wildlife and Heritage Service to verify fencing locations prior to installation. Fencing shall be maintained and inspected by a designated environmental monitor and hatchlings shall be moved and released to suitable areas outside the fence should they be found.
- 11) The Certification Holder shall submit a Tidal In-Water Construction Plan (TIWC Plan) at least 30 days prior to the commencement of any work authorized under this Certification. The Certification Holder shall implement and comply with the TIWC plan in accordance with the approved plan. The TIWC Plan shall include detailed support for the implementation of appropriate practices to protect water quality, marine life, and estuarine habitat, and mitigation/recovery plans for unavoidable/unexpected impacts, and address the following at a minimum:
  - a) The use of best management practices to protect water quality, marine life, and habitat during and after construction such as bubble curtains and other applicable best management practices;

- b) Noise management including provisions for a “zone of safe fish passage,” to exist in the river at all times to allow migrating, resting, or foraging fish to continue their behaviors while the project is ongoing.
  - c) "Hold points," which would stop pile driving, or other in-water work injurious to marine life until coordination has occurred with DNR’s Environmental Review Program.
    - i) If any of the following is observed during or immediately (approximately 1 hour) after pile driving activities:
      - (a) Presence of dolphin, sea turtle, or sturgeon within the following injury or behavioral modification zones:
        - (i) 775 meter distance for sturgeon
        - (ii) 100 meter distance for sea turtle
        - (iii) 215 meter distance for cetaceans;
      - (b) One stunned or dead log perch, sturgeon, map turtle, and/or dolphin (applicability: all impact hammer activities);
      - (c) Ten stunned or dead game fish or species considered to be in need of conservation per pile location, such as Largemouth Bass, Striped Bass/Rockfish, Alewife, Blueback Herring, and American Shad and others (applicability: all impact hammer activities);
    - ii) If the following is observed cumulatively for all pile driving during 24-hour period when pile driving occurred related to hammer activities:
      - (a) One stunned or dead sturgeon, dolphin, log perch, map turtle;
      - (b) Thirty stunned or dead game fish or species considered to be in need of conservation, such as all Bass species, Alewife, Blueback Herring, and American Shad and others;
      - (c) One hundred-twenty (120) stunned or dead non-game fish.
  - d) Reporting requirements that include:
    - i) If any of the above f any of the above are observed, the Certification Holder shall contact Maryland Department of Natural Resources (DNR) Environmental Review Program
    - ii) A report to MDE Tidal Wetlands Division (Division) and DNR Environmental Review Program at the end of any week following any documented injured/killed fish while in-water tidal construction activities are ongoing. The report will include the approximate location relative to where the pile driving or noise-generating activity was occurring, and time/date.
    - iii) A quarterly report summarizing all injured/kill fish within a 3-month period.
    - iv) A final report summarizing the fish kills associated with construction. The final report shall be submitted to the Division within 60 days following completion of construction.
  - e) Procedures for coordination and approval procedures for release of hold points.
  - f) The TIWC Plan can only be modified upon approval by the Division.
- 12) The Certification Holder shall provide compensation for fish mortality. The Certification Holder shall provide payment into a Maryland Department of Natural Resources (DNR) Special Fund as designated by DNR. Monetary values associated with fish kills shall be evaluated in accordance with the Fish Mortality Mitigation Cost Table depicted on Attachment A of the approved tidal wetlands license, 23-WL-0811, and shall be paid within six months following completion of the project.
- 13) The Certification Holder shall submit a Water Quality Monitoring Plan (WQM Plan) submitted at least 30 days prior to the commencement of any work authorized under this Certification to ensure water quality standards are maintained during the duration of the Project.
- i) The WQM Plan shall contain the water quality criteria and benchmarks for which the Project shall be monitored and documented to ensure consistency with the requirements of the Clean Water Act, COMAR 26.08.02, and conditions in this Certification, including, at minimum,

- applicable total suspended solids/turbidity, temperature, dissolved oxygen, conductivity, salinity, and pH criteria.
- ii) The WQM Plan shall also contain monitoring methodology, monitoring locations, reporting schedule(s), quality assurance/quality control procedures, and corrective action plans.
  - iii) The WQM Plan can only be modified upon approval by MDE.
- 14) The Certification Holder shall submit a Severe Weather and Flood Action Plan (SWFA Plan) to ensure water quality standards are maintained during significant weather events at least 30 days prior to the commencement of any work authorized under this Certification. The SWFA Plan shall include the following:
- i) Weather and the possibility of a rainfall/wind event shall be monitored on a daily basis. When a significant weather event is forecast, appropriate actions shall be taken to protect water quality including review and repair of erosion and sediment control measures, securing all equipment, addressing material storage and stockpile areas, and other sources of potential pollution. A significant weather event is a greater than 50 percent chance of 1 inch or more rainfall forecast during a 24-hour period within the watershed or probability of gale force winds.
  - ii) Storm surges - Identify and address areas susceptible to storm surge and make provisions to remove materials, equipment, and other potential contaminants prior to inundation.
  - iii) The SWFA Plan can only be modified upon approval by the Program.
- 15) The Certification Holder shall submit a Submerged Aquatic Vegetation (SAV) Mitigation and Monitoring Plan with approved performance standards.
- 16) The Certification Holder shall not allow debris to enter the waterway. The Certification Holder shall implement BMPs and measures such as suspended netting, skip pans, and containment barges to minimize the quantity of material from entering waterways. The Certification Holder shall immediately remove all debris inadvertently introduced into the waterway because of any construction activity. Debris shall be disposed of at an upland (non-wetland) disposal site and in a manner which does not adversely impact surface or subsurface waterflow into or out of tidal wetlands.
- 17) Sediment and erosion control plans and stormwater management plans approved by MDE shall be submitted to MDE for approval prior to initiation of work in regulated areas. All work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by MDE. Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into the waters of the State unless treated by an approved sediment control device or structure. Any proposed changes to approved sediment and erosion control plans or stormwater management plans during construction shall be forwarded to the approving authority for approval prior to implementation.
- 18) If the Certification Holder requires any on-site facility that requires a General Discharge Permit application (Maryland General Permit No. 15-MM), the Certification Holder shall apply to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work. The Certification Holder shall send confirmation to MDE, Tidal Wetlands Division.
- 19) Prior to the start of construction, the Certification Holder shall retain a qualified full-time Independent Environmental Monitor (IEM) that is independent from the Certification Holder, design consultants, and construction contractors working on the project. The Certification Holder shall retain an IEM to assess compliance with all conditions of this and other applicable permits and environmental regulations. The Certification Holder shall develop a project-specific IEM Manual detailing all IEM responsibilities and procedures and submit the manual to MDE for review and approval prior to implementation. MDE and BPW Wetlands Administration shall

be provided with the opportunity to review the qualifications of the IEM proposed by the Certification Holder and provide concurrence that the candidate is qualified to perform the IEM role. The IEM shall:

- a) Review design submittals and construction activities for compliance with all conditions of this Water Quality Certification and other applicable permits and environmental regulations;
  - b) Report findings directly and concurrently to MDE's Tidal Wetlands Division, the Army Corps of Engineers (the Corps), and BPW Wetlands Administration, notifying them and the Certification Holder immediately of any reported or observed violations or noncompliance issues within the terms or conditions of the Tidal Wetlands License, this Water Quality Certification, or approved plans and specifications;
  - c) Document impacts to regulated resources by developing and maintaining a detailed tracking list of impacted resources; and
  - d) Assist with identification of ongoing opportunities for further avoidance and minimization of impacts to regulated environmental resources and protection of water quality.
- 20) A pre-construction meeting shall be held with the Tidal Section of the Maryland Department of the Environment, the US Army Corps of Engineers (Baltimore Regional Office), the Independent Environmental Monitor (IEM), other agency stakeholders, and Amtrak's primary contractors and subcontractors, to provide the opportunity for all to review and discuss the construction plans and conditions. All meeting participants shall be notified of this meeting a minimum of 14 days prior to the date of the meeting.
- 21) Mitigation is required for 1.57 acres of impacts to Tidal Submerged Aquatic Vegetation (SAV). The Certification Holder shall plant 4.71 acres of SAV in accordance with the Compensatory Mitigation Plan.
- 22) The Certification Holder shall maintain the mitigation site and monitor for five years. The Certification Holder shall submit a monitoring report to the MDE Tidal Wetlands Division verifying that the planted SAV has been successful no later than December 31 of each year per the required 5 years of monitoring. The following project shall be considered successful based on the approved SAV Mitigation and Monitoring Plan with approved performance standards. If these standards are not met, the licensee shall determine the reason(s) for failure, correct the problem(s), and replant the project.
- 23) The Certification Holder shall restore and revegetate the constructed living shoreline on the Havre de Grace shoreline, in addition to the tidal emergent vegetation on the Perryville shoreline within one year following completion of construction, as depicted on the attached plans.
- 24) The Certification Holder shall install appropriate hazard notification, visibility, and safety requirements on all temporary pilings, temporary structures, or monitoring devices.
- 25) The Certification Holder shall remove all temporary structures, or cut two feet below the mudline, within six months following completion of construction.
- 26) This Water Quality Certification does not authorize dredging. If any dredging is proposed to provide construction access, the Certification Holder shall coordinate with resource agencies and submit a Joint Permit Application (JPA) and plans for the proposed work.

## **GENERAL CONDITIONS**

1. The Certification Holder shall meet all water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in Waters of the United States to ensure that any discharges will not result in a failure to comply with

water quality standards in COMAR 26.08.02 or other water quality requirements of state law or regulation.

2. Structures and activities may not interfere with the movement of aquatic life, fish, and other wildlife nor cause their entanglement.
3. When operating an intake structure, the Certification Holder shall use a screen having a nominal mesh size of 1 mm and an intake velocity not to exceed 0.5 ft/sec. during the Time of Year Restriction specified in the applicable Department authorization.
4. Non-native species may not be introduced with adverse effects on the aquatic ecosystem.
5. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the Corps, and its approved revisions.
6. Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control,” as may be amended.
7. The disturbance of the bottom of the waterway and sediment transport into adjacent State waters shall be minimized.
8. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into the waters of this State.
9. The Certification Holder shall adhere to the construction time of year restrictions, unless waived or amended by the Department, as identified in a state authorization.
10. The Certification Holder shall obtain all additional authorizations or approvals, including self-certifying General Permits issued by the Department, and shall comply with all conditions of such authorizations.
11. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
12. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.
13. The Certification Holder shall allow authorized representatives of the Department access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.
14. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization NAB-2023-61267 and the United State Coast Guard Bridge Permit until such time that it expires.
15. All water quality-related performance standards and conditions required by the Department in any state issued for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, no nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.



# **STATEMENTS OF NECESSITY AND CITATIONS**

1. Statement of Necessity for General Conditions 1, 5, 10, 11, 15 and Special Conditions 1, 3, 19, 20: 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 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.08.03.03-3.D; COMAR 26.17.04; COMAR 26.23; COMAR 26.23.02.06

2. Statement of Necessity for General Conditions 2, 3: Movement of aquatic life and passage of flows is essential for growth and propagation of aquatic life, fish, and other wildlife to meet these designated uses.

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 26.08.02.10E; COMAR 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.17.01; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.17.04

3. Statement of Necessity for General Condition 4: Nuisance or non-native species may spread and disrupt and dislodge native species from their habitat, leading to declines in distribution, density, growth and propagation. This may result in failure to support native species; and growth, propagation of fish, other aquatic life, and wildlife. Limitations on loss will sustain habitat for a variety of aquatic species. In addition to direct loss, turbidity created by construction or ongoing operation must be limited for support of aquatic life and to meet water quality standards. The conditions ensure that discharges will not result in failure to support designated uses.

Citations: COMAR 26.08; COMAR 26.08.02.02.B(5); COMAR 26.08.03.03-3.D; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.17.04

4. Statement of Necessity for General Condition 6, 7, 8: Fill or construction material within or adjacent to regulated resources or other earth disturbance may result in discharges that result in impacts to water quality, clarity, growth and propagation of fish, other aquatic life, wildlife, potable water; 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.

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 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.17.01; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.17.04

5. Statement of Necessity for General Condition 9: Restrictions on instream construction are necessary to protect designated uses for propagation and growth of fish, other aquatic life, and wildlife. 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 26.08.02.03-3.D; COMAR 26.23.02.06

6. Statement of Necessity for General Condition 12: The condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

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

7. Statement of Necessity for General Condition 13: 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. These conditions are necessary to ensure that the activity was conducted and project completed according to terms of the authorization/ certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met.

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 26.08.02.02.B(5); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.08.03.03-3.D; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.17.04

8. Statement of Necessity for General Condition 14: 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 26.23.02.06; COMAR 26.23; COMAR 26.17.04

9. Statement of Necessity for Special Condition 2: 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.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e ); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04.

10. Statement of Necessity for Special Condition 4, 6: A time-of-year restriction is necessary to allow for designated use for support of estuarine and marine aquatic life. Discharges may result in increases in turbidity which may violate water quality standards for clarity needed to support SAV designated uses and uses for aquatic life including yellow perch and striped bass, which migrate between February 15 and June 30 to find suitable spawning habitat. Access to the upper reaches of rivers and tributaries to habitats suitable for spawning is essential to support yellow perch populations. Disturbance during the closure period would interfere directly or indirectly with designated uses.

Citation: 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 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03-3C(9); COMAR 26.08.02.03-3C(9)(a).

11. Statement of Necessity for Special Condition 5, 9, 10: A time of year restriction and best management practices are necessary to support and allow for Northern Map Turtle (*Graptemys geographica*) basking and nesting. Northern Map Turtle move from basking areas to nesting habitat to hibernating. Basking, nesting and hibernating habitat are essential to support Northern Map Turtle populations. Disturbance during the closure period would interfere directly or indirectly with designated uses.

Citation: COMAR 26.08.02.02.B.(3); COMAR 26.08.02.02.B.(1)(d); COMAR 26.08.02.03.B.(1)(b); COMAR 26.08.02.03.B.(2)(e); COMAR 26.24.

12. Statement of Necessity for Special Condition 7, 8, 14, 16: The discharge and deposition of material within or adjacent to regulated resources may result in discharges that result in impacts to water quality and designated uses.

Citation: COMAR 26.08.02.02.B.(3); COMAR 26.08.02.03-3.C.(2)d.(5).

13. Statement of Necessity for Special Condition 11: A hold point for agency for agency coordination, adaptive management, reporting, and compensation is necessary to protect migratory and resident fish, mammals, and aquatic life; and offset the loss of these species by providing compensation due to unavoidable impacts or alteration of the designated uses.

Citation: COMAR 23.02.04.11A-D; COMAR 23.02.04.12B; COMAR 23.02.04.12E COMAR 26.24.05.01B; COMAR 26.08.02.02.B.(3); COMAR 26.08.02.03-3.C.(2)d.(5); 33 U.S.C. § 1341(a), (b), & a; (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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24.

14. Statement of Necessity for Special Condition 11, 13, 14, 15: Requirements for additional plans that include BMPs and monitoring are necessary to protect migratory and resident fish, mammals, and other aquatic life; and to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained.

Citation: COMAR 23.02.04.11A-D; COMAR 23.02.04.12B; COMAR 23.02.04.12E COMAR 26.24.05.01B; COMAR 26.08.02.02.B.(3); COMAR 26.08.02.03-3.C.(2)d.(5); 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24.

15. Statement of Necessity for Special Condition 17, 18: The condition is necessary to ensure that water quality standards are met under circumstances for discharges relating to upland industrial activities so that designated uses of waters are maintained. Discharge of materials associated with cement production may enter waters of the United States or waters of the State and interfere with designated uses, including surface and groundwater flows necessary for support of drinking waters and growth and propagation of fish, other aquatic life, and wildlife.

Citation: 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).

16. Statement of Necessity for Special Conditions 12, 21, 22, 23: These conditions are necessary to restore designated uses and offset the loss and impact of the activities within and over the water for the unavoidable alteration of the designated uses. Citation: COMAR 23.02.04.11A-D; COMAR 23.02.04.12B; COMAR 23.02.04.12E COMAR 26.24.05.01B.

17. Statement of Necessity for Special Condition 24, 25: Structures that are not clearly visible can interfere with designated uses for recreation. Temporary structures that are not properly can result in pieces of the structure discharging to navigable waters. The conditions are necessary to ensure that structures do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation. The condition is necessary to ensure that the discharge will not interfere with designated uses for water contact recreation and fishing nor create a nuisance.

Citation: 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B COMAR 26.08.02.01B(1) and B(2) COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d).

18. Statement of Necessity for Special Condition 26: The condition is necessary to ensure that no dredged material enters waters of the United States or State and will not result in a violation of water quality standards for turbidity and interfere with designated uses.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B.

## CERTIFICATION APPROVED



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D. Lee Currey, Director  
Water and Science Administration

May 12, 2025

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Date

Tracking Number: 202361267  
Agency Interest Number: 179405

Effective Date: May 8, 2025

Enclosure: Plan Sheets dated July 9, 2024  
Attachment A: Fish Mortality Compensation Table

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers  
United States Coast Guard

## Attachment A

### Fish Mortality Mitigation Cost Table

	Prices as of March 2022						Prices in COMAR 08,02,09,01					
	Under 4"	4"-6"	6"-8"	8"-10"	10"-12"	12"+ price/lb	Under 4"	4"-6"	6"-8"	8"-10"	10"-12"	12"+ price/lb
Bass, Largemouth	1.75	2.45	3.85	5.60	7.00	8.75	0.50	0.70	1.10	1.60	2.00	2.50
Bass, Striped*	2.63	4.38	6.13	7.88	10.50	17.50	0.75	1.25	1.75	2.25	3.00	5.00
Bluefish	1.75	2.98	4.03	5.25	7.00	11.73	0.50	0.85	1.15	1.50	2.00	3.35
Catfish, Bullheads	0.35	0.70	1.05	1.40	1.75	1.75	0.10	0.20	0.30	0.40	0.50	0.50
Catfish, Channel, White	0.53	0.88	1.23	1.58	1.93	3.50	0.15	0.25	0.35	0.45	0.55	1.00
Catfish, Blue, Flathead	Invasive						0.00	0.00	0.00	0.00	0.00	0.00
Crappie, Black, White	0.70	1.40	2.10	3.50	5.25	8.75	0.20	0.40	0.60	1.00	1.50	2.50
Croaker	0.53	1.05	1.58	2.10	2.63	2.63	0.15	0.30	0.45	0.60	0.75	0.75
Drum, Black, Red	1.75	2.98	4.03	5.25	7.00	11.73	0.50	0.85	1.15	1.50	2.00	3.35
Eel, American	0.18	0.35	1.05	1.05	1.05	1.75	0.05	0.10	0.30	0.30	0.30	0.50
Herring*	0.35	0.70	1.05	1.75	2.63	1.75	0.10	0.20	0.30	0.50	0.75	0.50
Menhaden	0.35	0.70	1.05	1.75	2.63	1.75	0.10	0.20	0.30	0.50	0.75	0.50
Perch, White	0.53	0.88	1.23	1.58	1.93	2.28	0.15	0.25	0.35	0.45	0.55	0.65
Perch, Yellow	0.53	0.88	1.23	1.58	1.93	2.28	0.15	0.25	0.35	0.45	0.55	0.65
Seatrout, all species	0.88	1.58	2.28	3.15	3.85	5.25	0.25	0.45	0.65	0.90	1.10	1.50
Shad, American*	0.35	0.70	1.05	1.75	2.10	2.98	0.10	0.20	0.30	0.50	0.60	0.85
Shad, Hickory*	0.35	0.70	1.05	1.75	2.10	2.98	0.10	0.20	0.30	0.50	0.60	0.85
Shad, Gizzard	0.07	0.14	0.21	0.28	0.35	0.53	0.02	0.04	0.06	0.08	0.10	0.15
Snakehead	Invasive						0.00	0.00	0.00	0.00	0.00	0.00
Spot	0.53	1.05	1.58	2.10	2.63	2.63	0.15	0.30	0.45	0.60	0.75	0.75
Sturgeon*						175.00						50.00
Sunfish, all species	0.70	1.23	3.50	6.13	10.50	10.50	0.20	0.35	1.00	1.75	3.00	3.00
	Under 4"	Over 4"					Under 4"	Over 4"				
Forage fish, shiners, daces, silversides, anchovies, etc.*	\$3.50/thousand		\$7/thousand				\$1/thousand		\$2/thousand			
	Under 5"	Over 5"					Under 5"	Over 5"				
Blue Crabs, Hard*	.87/each		1.74/each				.25/each		.50/each			
	Under 3.5"	Over 3.5"					Under 3.5"	Over 3.5"				
Blue Crabs, Soft, Peeler*	.87/each		1.74/each				.25/each		.50/each			
Soft-shell Clams	\$70/bushel						\$20/bushel					
Hard-shell Clams	.70/each						.20/each					
Oysters	\$52.50/bushel						\$15/bushel					
Grass Shrimp	\$14/gallon						\$4/gallon					
Diamondback Terrapins*	\$3.49/pound						\$1/pound					
Notes:												
COMAR values have been adjusted to reflect the cumulative rate of inflation from 1980 to March 2022 which is just under 250%												
<a href="https://www.usinflationcalculator.com/?mc_cid=1603cc288f&amp;mc_eid=740ba2c29d">https://www.usinflationcalculator.com/?mc_cid=1603cc288f&amp;mc_eid=740ba2c29d</a>												
Edited/Proposed by Jim Thompson 05.04.2022												