

**APPENDIX 4 - PREVIOUSLY OBTAINED MDE/
USACE PERMITS**



Doldon W. Moore, Jr.
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

Martin O'Malley
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

Sheila C. McDonald
Executive Secretary

April 27, 2009

Arundel on the Bay POW
c/o Andrews, Miller & Associates – Williams
401 Academy St., Suite 1
Cambridge, MD 21613

Re: Tidal Wetlands License No. 06-1141(R)
Chesapeake Bay/Fishing Creek, Anne Arundel County

Dear Applicant(s):

Per your recent request, enclosed is a revision of the above-mentioned license, extending the completion date to June 7, 2012. Please note that if the work has not been completed at that time a new wetland license will be required.

Please sign and return the entire original to this office in the enclosed envelope within the next ten days.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Doldon W. Moore, Jr.
Wetlands Administrator

cc: MDE, Inspections and Compliance Program
MDE, Tidal Wetlands Division



Doldon W. Moore, Jr.
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

Martin O'Malley
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

Sheila C. McDonald
Executive Secretary

WETLANDS LICENSE NO. 06-1141(R)

**ARUNDEL ON THE BAY PROPERTY OWNERS ASSOCIATION
FRANK FLORENTINE**

In response to an application dated February 8, 2006, for a Wetlands License, upon the recommendation of the Wetlands Administrator of the Board of Public Works, and pursuant to the provisions of Title 16, Environment Article, Annotated Code of Maryland (1996 Repl. Vol. and Supplement), entitled "Wetlands and Riparian Rights," enacted to provide a State policy for the preservation of wetlands and regulation of the filling and dredging of wetlands in Maryland, and for other purposes, you are hereby authorized by the Board of Public Works, for the State of Maryland to:

"emplace 1,480 feet of stone revetment within a maximum of 20 feet channelward of the mean high water line; emplace 234 feet of stone breakwaters within a maximum of 145 feet channelward of the mean high water line; emplace a 20-foot long by 10-foot wide stone outfall apron within a maximum of 20 feet channelward of the mean high water line; refurbish a 65-foot long stone jetty within a maximum of 60 feet channelward of the mean high water line; emplace 1,000 cubic yards of clean sand along 220 feet of shoreline as beach nourishment within a maximum of 50 feet channelward of the mean high water line; emplace a 150-foot long by 21 X 14-inch arched storm water pipe within a maximum of 8 feet channelward of the mean high water line; and repair a concrete bulkhead as necessary" – Chesapeake Bay, Fishing Creek, Arundel on the Bay, near Annapolis in Anne Arundel County.

This license is subject to the following special conditions:

- A. All work shall be permitted under, and performed in accordance with, the Critical Area requirements of the local jurisdiction where the project is located. This authorization 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 or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land-disturbing activity, from the local jurisdiction in the form of a Buffer Management Plan.
- B. All work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Anne Arundel County Soil Conservation District.

Tidal Wetlands License No. 06-1141(R)
Arundel on the Bay POA/Frank Florentine
April 27, 2009

- 1A -

- C. All work shall be performed in accordance with the required Water Quality Certification issued by the Maryland Department of the Environment and in accordance with the Maryland State Programmatic General Permit (MDSPGP-3) or the U.S. Army Corps of Engineers' Individual Authorization.
- D. No marsh shall be filled, dredged, or otherwise altered or destroyed.
- E. The Maryland Department of Environment has determined that the proposed activity complies with, and will be conducted in a manner consistent with, the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

The authorized work is to be accomplished in accordance with the plans and drawings attached hereto, dated February 2006.

This license is subject to the following general conditions and is revocable or subject to modification prior to the completion of the project as described above when such action is deemed to be in the State's interest.

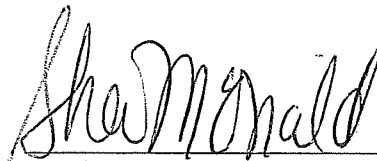
This license is subject to the following standard conditions:

- a. This license does not authorize a trespass or infringement upon private or public property rights or interests, nor does it relieve the licensee of the obligation to obtain applicable federal, State, or local approvals.
- b. The legal requirements of all federal, State, and local agencies shall be met.
- c. The license does not transfer a property interest of the State unless expressly stated by the Board of Public Works (usually in a separate document).
- d. The licensee shall allow full and free use by the public of State wetlands and navigable waters.
- e. A copy of this license and the plans or drawings attached hereto shall be available at the site until the construction or activity is complete.
- f. The licensee shall submit written notification to the Inspections and Compliance Program of the MD Department of the Environment at least 10 days in advance of commencing the construction or activity, and shall furnish written notification of the date of its completion within 30 days.
- g. The licensee consents to reasonable inspections by representatives of the Board of Public Works or the MD Department of the Environment to ensure consistency with the conditions of the license.
- h. The licensee shall comply promptly with any lawful regulations, conditions, or site complaints and orders affecting the structure or activity authorized herein, if and when issued by the MD Department of the Environment, which is authorized to enforce this license.
- i. The licensee shall maintain the structure authorized herein in good condition or perform the activity in accordance with the approved plans or drawings and otherwise comply with all license provisions until the structure is removed or the activity permanently ceases.
- j. The Board of Public Works or the Wetlands Administrator may modify, suspend, or revoke this license as necessary to protect the State's interests. The decision to modify, suspend, or revoke the license shall be based upon a consideration of the ecological, economic, developmental, recreational, and aesthetic values involved as they may affect the public and proprietary interests of the State.

- k. Any modification, suspension, or revocation of this license shall not be the basis for a claim for damages against the State of Maryland, or any unit or agency of the State.
- l. All provisions of this license shall be binding on any assignee or successor in interest of the licensee, with the procedure for assignment or transfer set by the Board of Public Works.
- m. The licensee or any successor or assignee agrees to make every reasonable effort to construct the structure or perform the activity authorized herein in a workmanlike manner so as to eliminate or minimize any adverse effects of the construction or activity on fish, wildlife and natural environmental values.
- n. The licensee agrees to indemnify, defend and save harmless the State of Maryland, its elected officials, officers and employees from and against any and all liability, suits, claims and actions of whatsoever kind, caused by or arising from the placement of fill and/or piles or construction of structures in the waters of the State pursuant to this wetlands license.
- o. If the structure or activity authorized herein is not completed on or before the 7th day of June, 2012, this license, if not previously revoked or specifically extended, shall cease and be null and void. **NOTE:** In most cases, a 3-year license may be renewed for one additional 3-year period if the request is received prior to the expiration date; 6-year licenses cannot be renewed and licensee must reapply to the Maryland Department of Environment.

By the authority of the Board of Public Works:

Issued for and in behalf of
the Members of the Board



Sheila C. McDonald
Executive Secretary

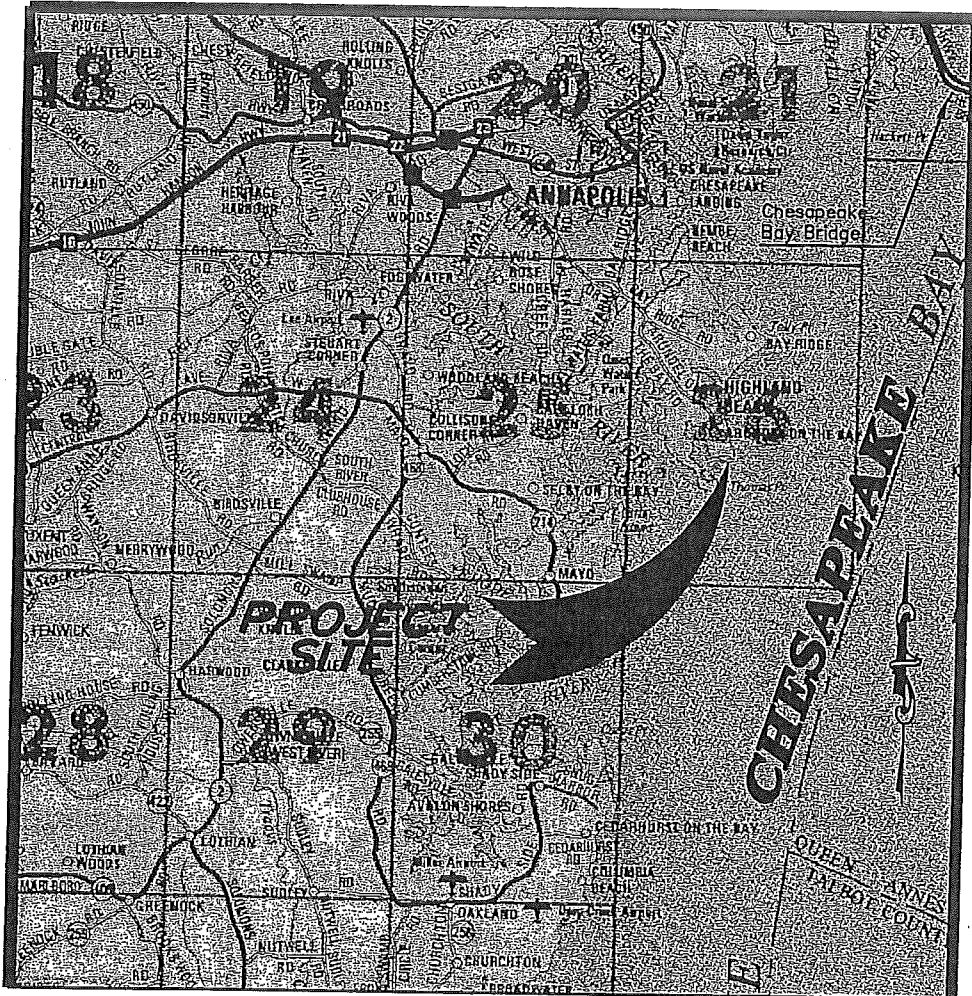
Effective Date: June 7, 2006
Extended: April 27, 2009

The terms and conditions of this license are hereby accepted.

Date

Licensee (Signature)

Printed Name



PROJECT SITE VICINITY MAP



Copyright ADC The Map People
Permitted Use No. 20502145

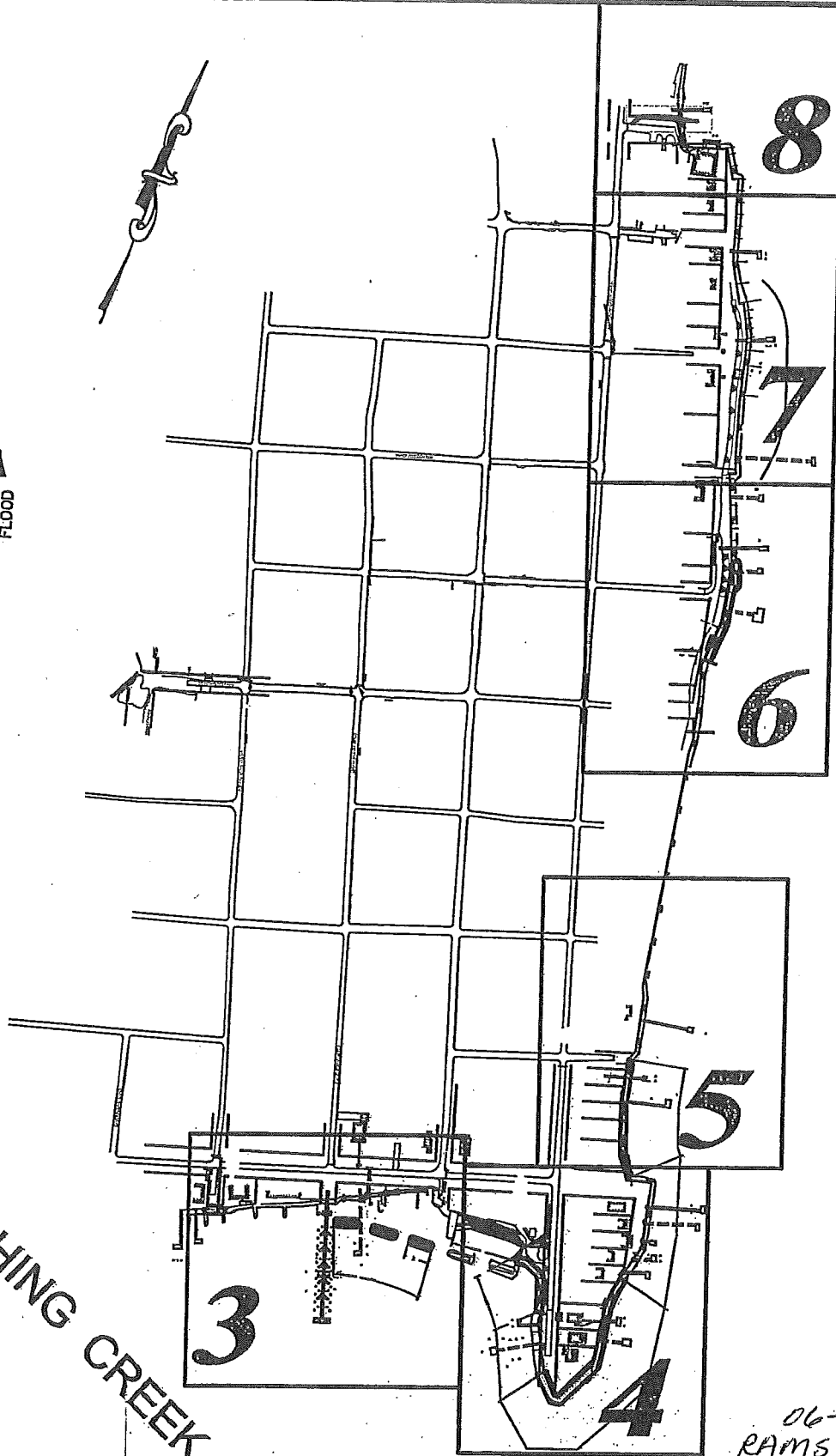
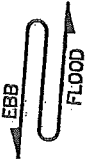
NOTES

1. PUBLISHED MEAN TIDAL RANGE IS 0.97 FEET.
2. HORIZONTAL CONTROL WAS ESTABLISHED FROM A CLOSED TRAVERSE AND IS BASED UPON MARYLAND STATE PLANE COORDINATE SYSTEM - NAD83
3. VERTICAL CONTROL WAS ESTABLISHED FROM ANNE ARUNDEL COUNTY SURVEY CONTROL DISC # 337AZ. ELEVATION = 4.29' MLW (4.57' NGVD 29). DATUM SHOWN IS MEAN LOW WATER (MLW).
4. REVETMENTS SHALL EXTEND NO FURTHER CHANNELWARD FROM MHW THAN NECESSARY TO MAINTAIN A 2:1 SLOPE.
5. APPROX. 1000 C.Y. OF CLEAN SAND SHALL BE TRUCKED FROM AN OFF-SITE SOURCE FOR BEACH NOURISHMENT.
6. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

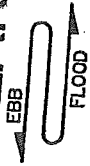
*06-WL-1141
RAMS# 200661932*

SHEET 1 OF 12
**SHORELINE /
 DRAINAGE
 IMPROVEMENTS**
 IN: CHESAPEAKE BAY
 AT: ARUNDEL ON THE BAY
 ANNE ARUNDEL COUNTY, MARYLAND
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006

FISHING CREEK



CHESAPEAKE BAY



FISHING CREEK

06-WL-1141
RAMS # 200661932

KEY SHEET



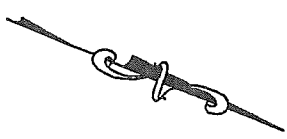
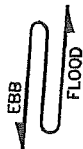
SHEET 2 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

FISHING CREEK



SEE SHEET 4

PLAN



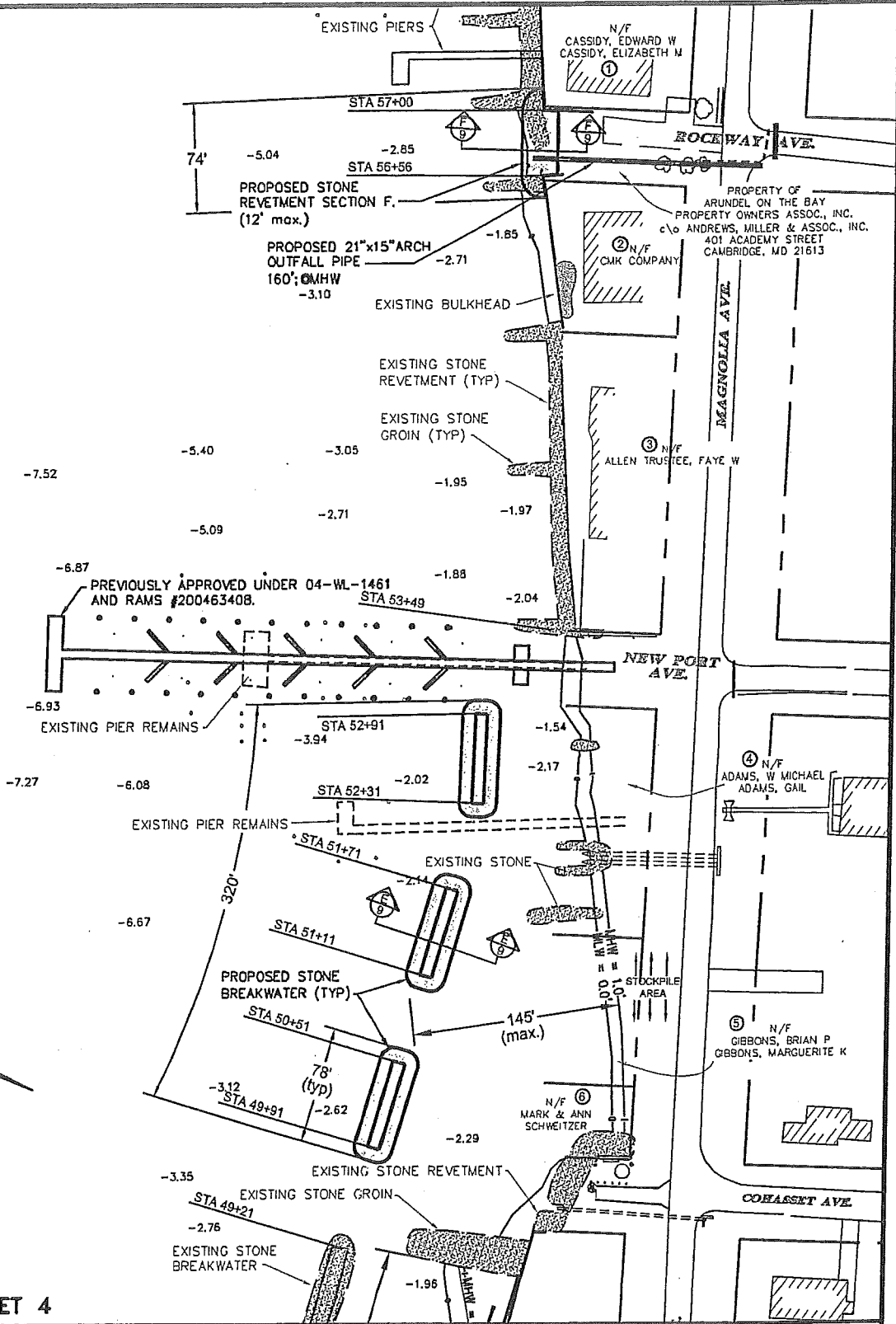
SHEET 3 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

06-WL-1141
RAMS# 200661932



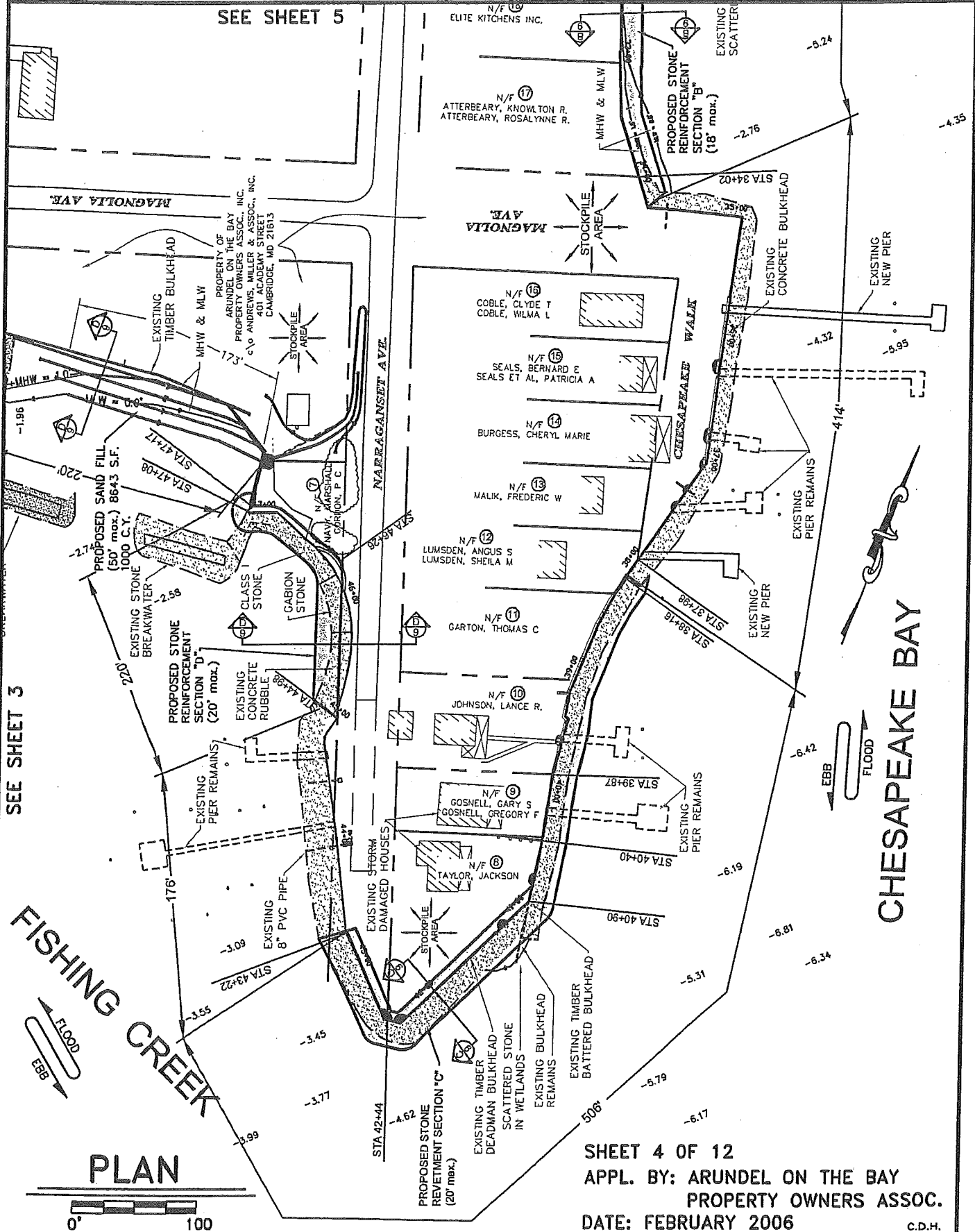
SEE SHEET 5

SEE SHEET 3

FISHING CREEK

CHESAPEAKE BAY

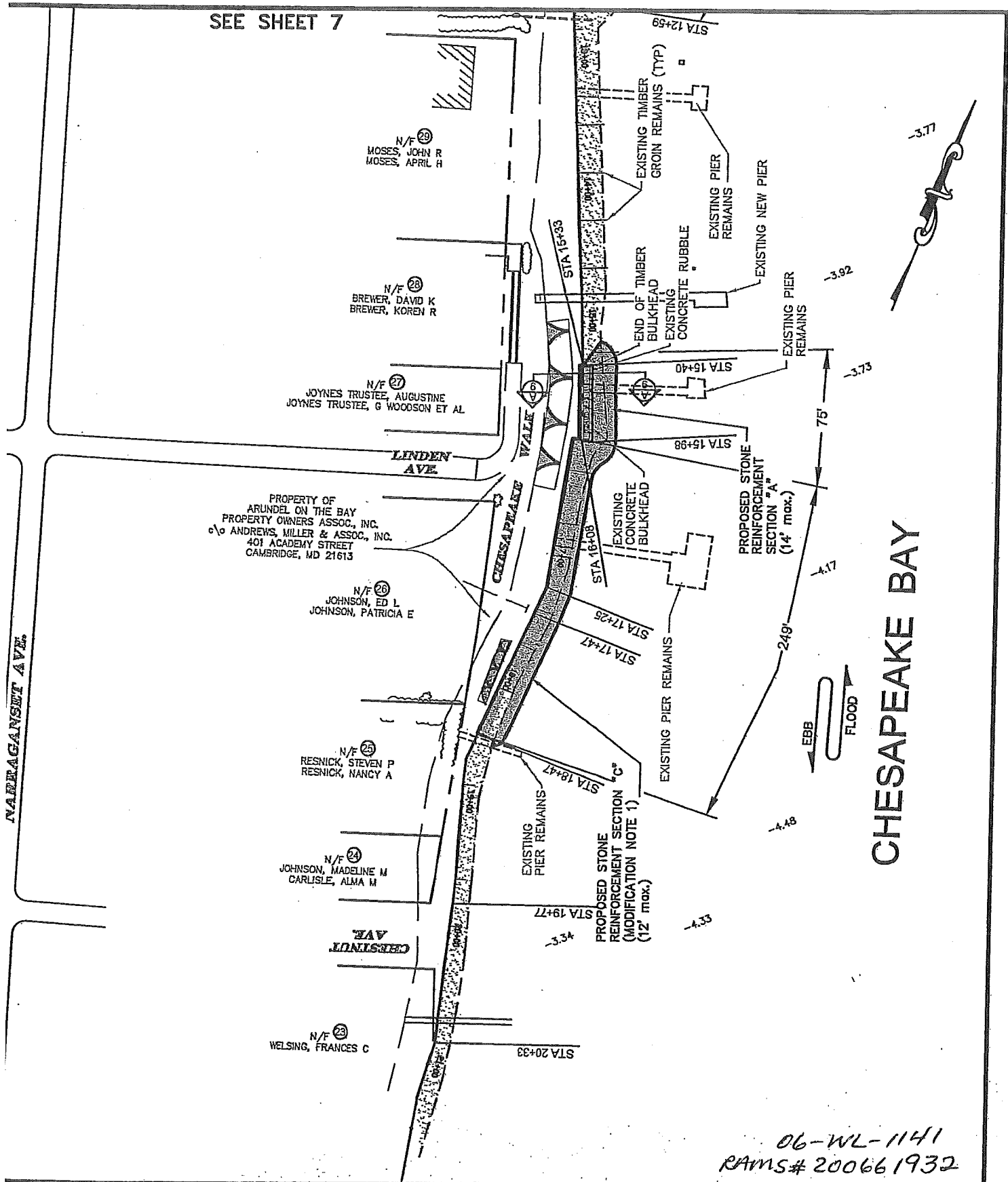
PLAN



SHEET 4 OF 12
APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.
DATE: FEBRUARY 2006
C.D.H.

06-WL-1141
RAMS.#200661932

SEE SHEET 7



NARRAGANSETT AVE.

LINDEN AVE

CHESAPEAKE WALK

CHESAPEAKE BAY

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 23
WELSH, FRANCES C

N/F 24
JOHNSON, MADELINE M
CARLISLE, ALMA M

N/F 25
RESNICK, STEVEN P
RESNICK, NANCY A

N/F 26
JOHNSON, ED L
JOHNSON, PATRICIA E

N/F 27
JOYNES TRUSTEE, AUGUSTINE
JOYNES TRUSTEE, G WOODSON ET AL

N/F 28
BREWER, DAVID K
BREWER, KOREN R

N/F 29
MOSES, JOHN R
MOSES, APRIL H

06-WL-1141
RAMS# 200661932

PLAN



SHEET 6 OF 12
APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.
DATE: FEBRUARY 2006

C.D.H.

SEE SHEET 8

N/F 37
JOHN C. & LAVERNE C. DAVIS

N/F 36
MITCHELL A. JOHNSON

WALNUT AVE.

N/F 35
DELIA, DAVID J
DELIA, O MARGARET

N/F 34
JACKSON-NASH, BARBARA J

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 33
SOCKWELL FAMILY
PARTNERSHIP, LP

N/F 32
MITCHELL A. JOHNSON

SYCAMORE AVE.

N/F 31
SOCKWELL, JAMES F
SOCKWELL, KATHERINE W

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 30
RAY, TONI
RAY, KOREN

REDWOOD AVE.

SEE SHEET 6

PLAN



SHEET 7 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

-3.69

-3.83

STA 5+00

EXISTING NEW PIER

-3.86

-3.49

STA 7+18
STA 7+19

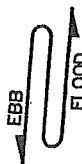
EXISTING NEW PIER

-4.10

STA 8+66

STA 8+96

541'



-4.19

EXISTING
TIMBER GROIN
REMAINS (TYP)

PROPOSED
BANK GRADING
PROPOSED CONCRETE
BULKHEAD REPAIR

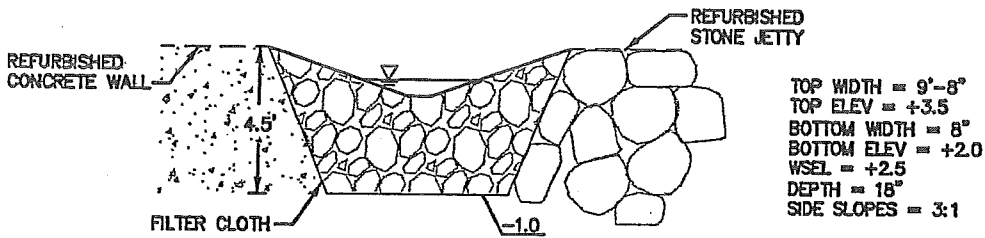
EXISTING PIER REMAINS

-3.43

STA 12+20

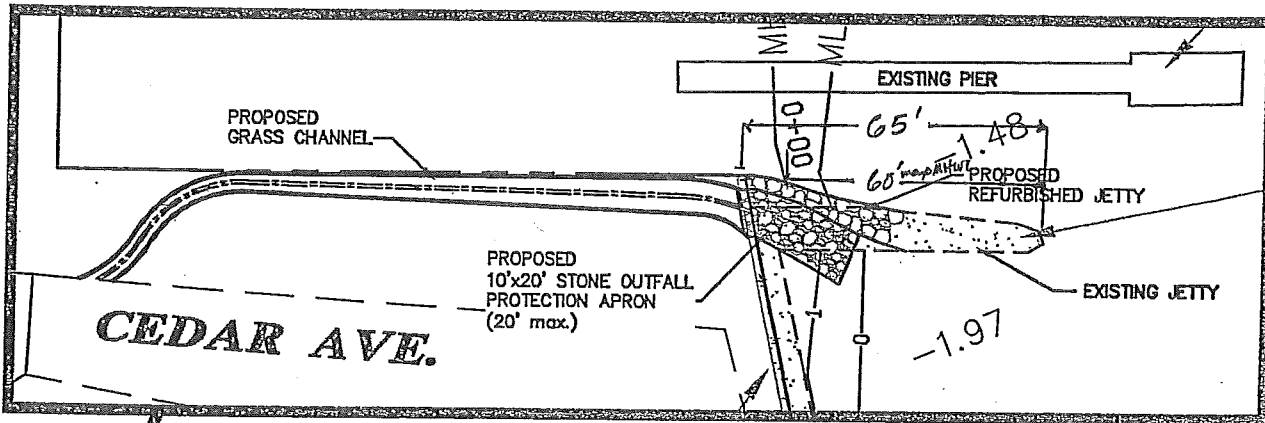
STA 12+59

06-WL-1141
RAMS# 200661932

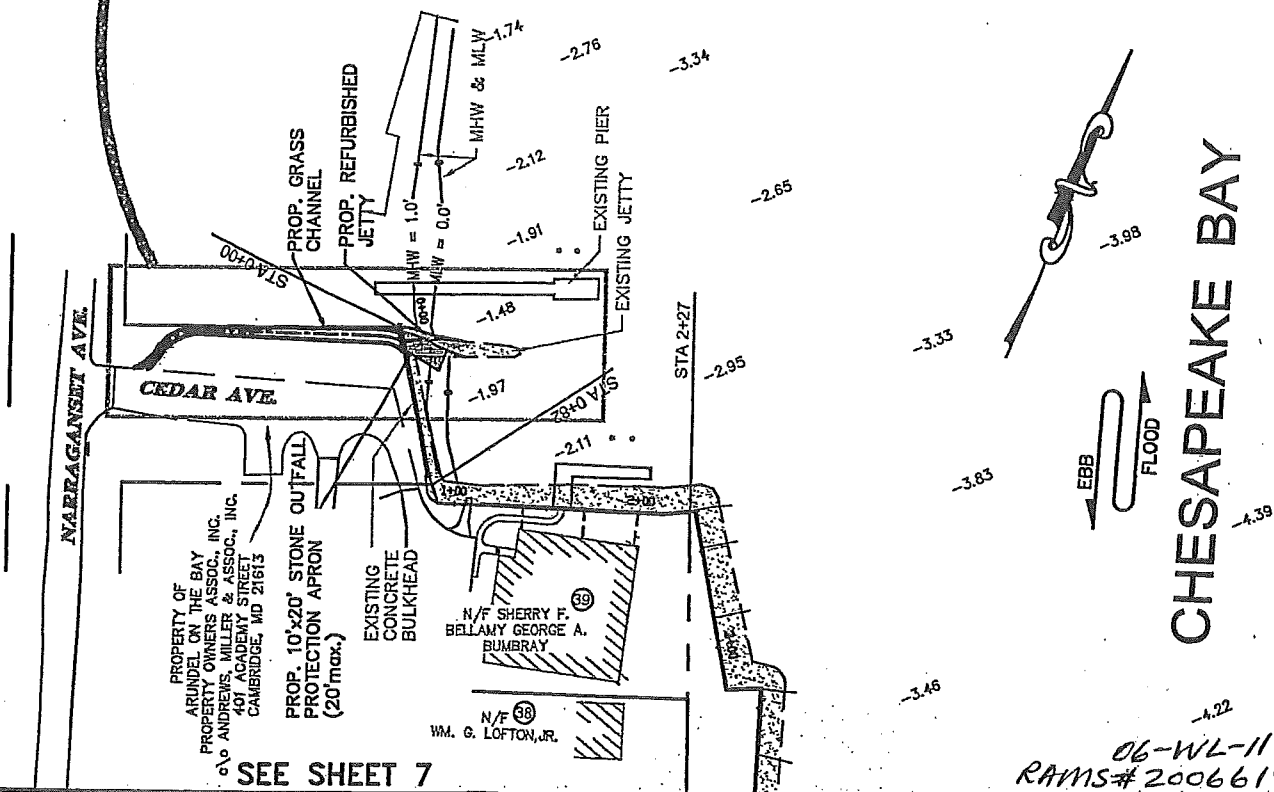


TYPICAL STONE APRON

SCALE 1" = 6'



SCALE 1" = 40'



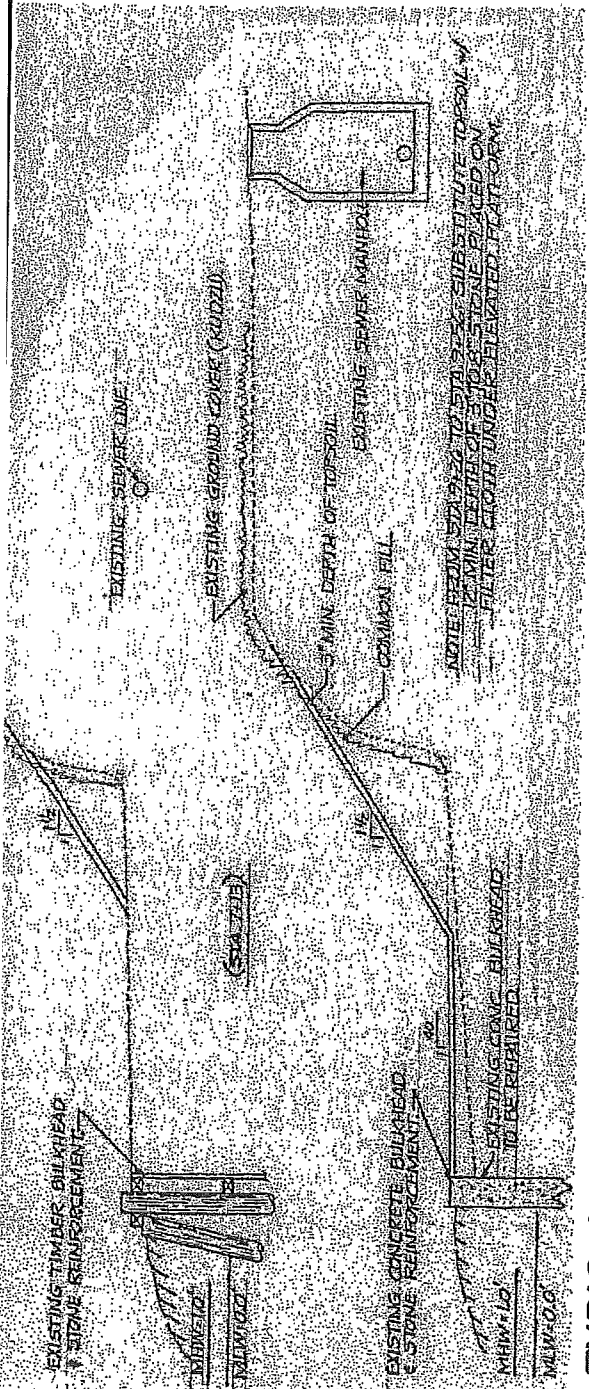
SEE SHEET 7

PLAN

SCALE 1" = 100'

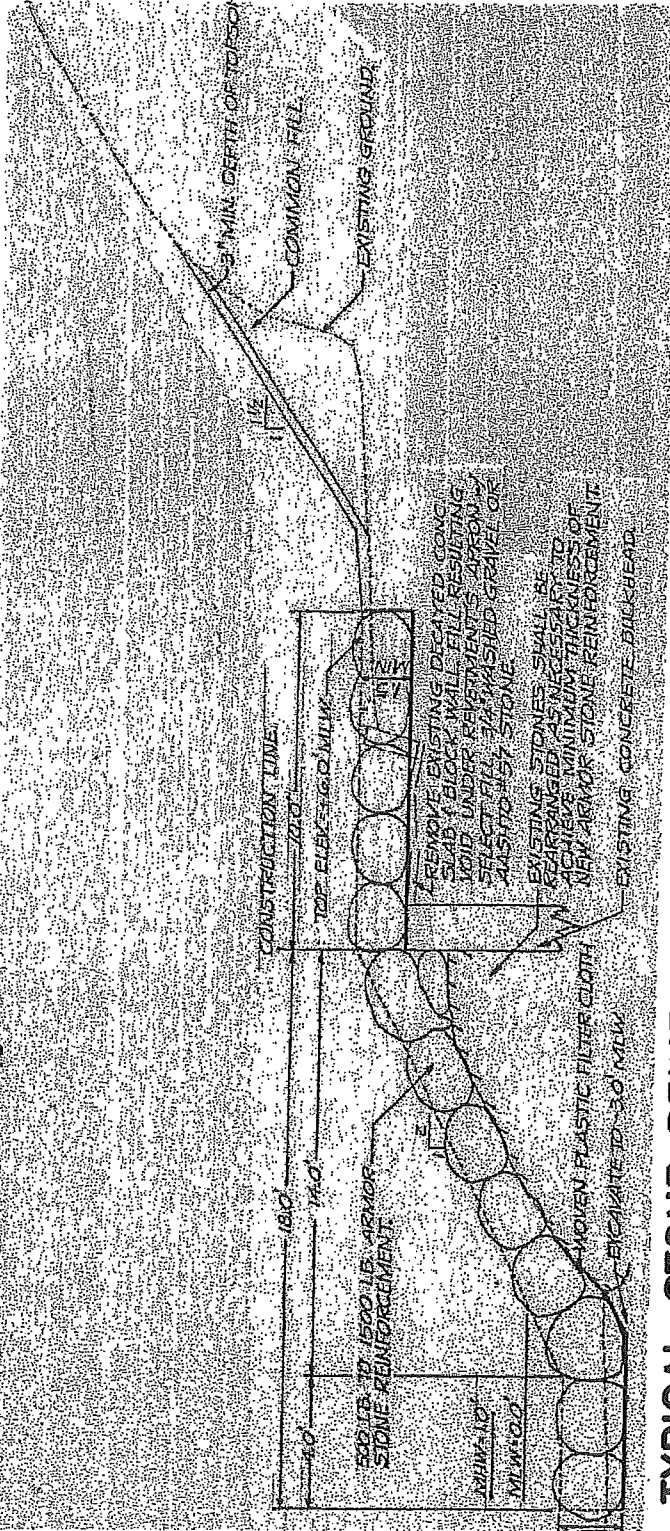
SHEET 8 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006

06-WL-1141
 RAMS# 200661932



TYPICAL BANK GRADING

SCALE 1" = 10' 0" 10'



TYPICAL STONE REINFORCEMENT-SECTION A

SCALE 1" = 6' 0" 6'

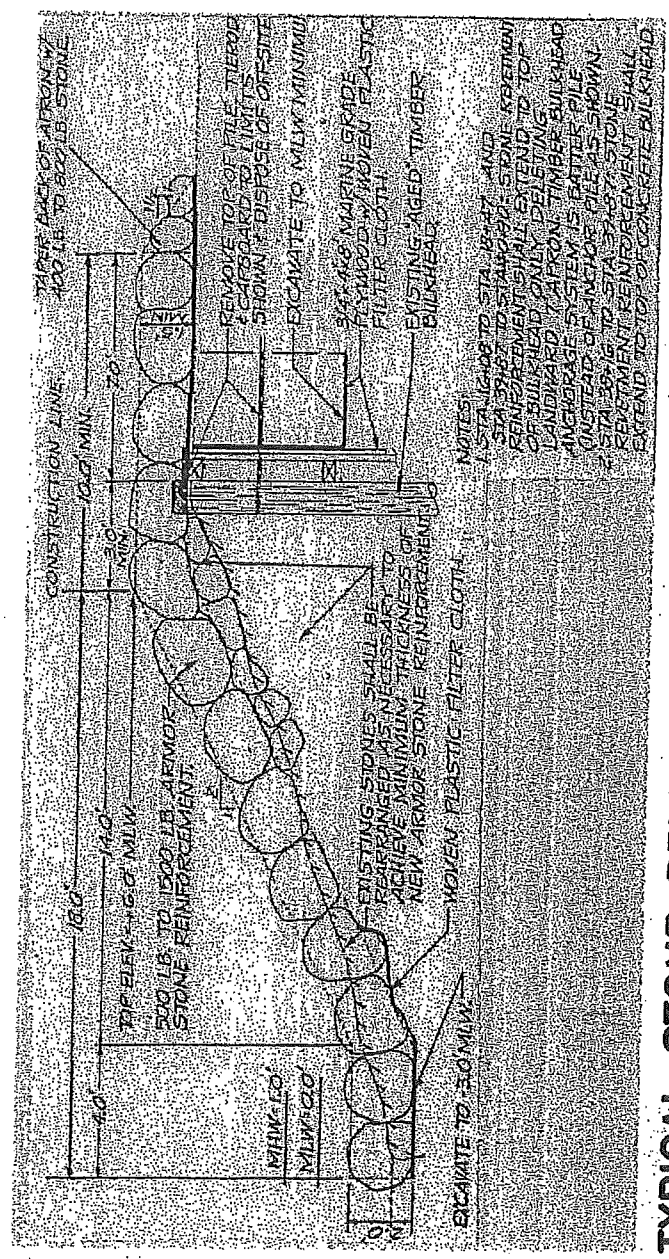
SHEET 9 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006
 C.D.H.

06-WL-1141
 RAMS# 200661932



TYPICAL BEACH RENOURISHMENT SECTION

SCALE 1" = 10' 0"

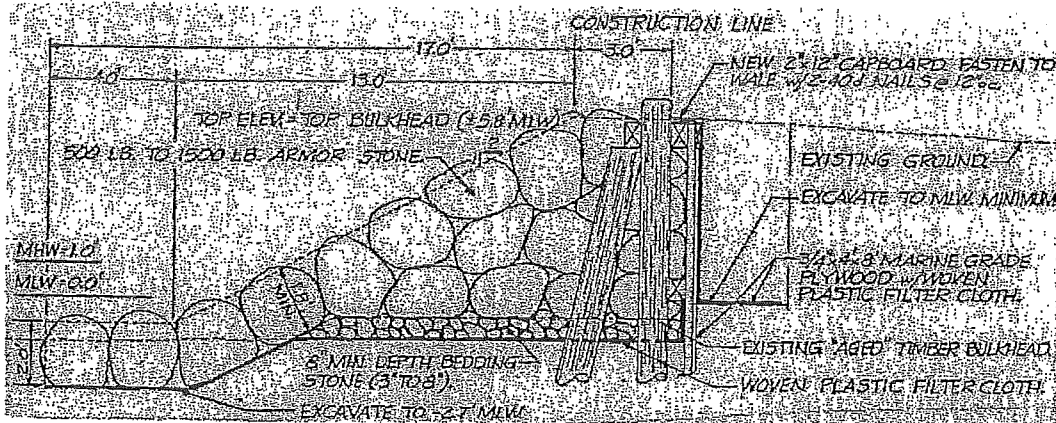


TYPICAL STONE REINFORCEMENT-SECTION C

SCALE 1" = 6' 0"

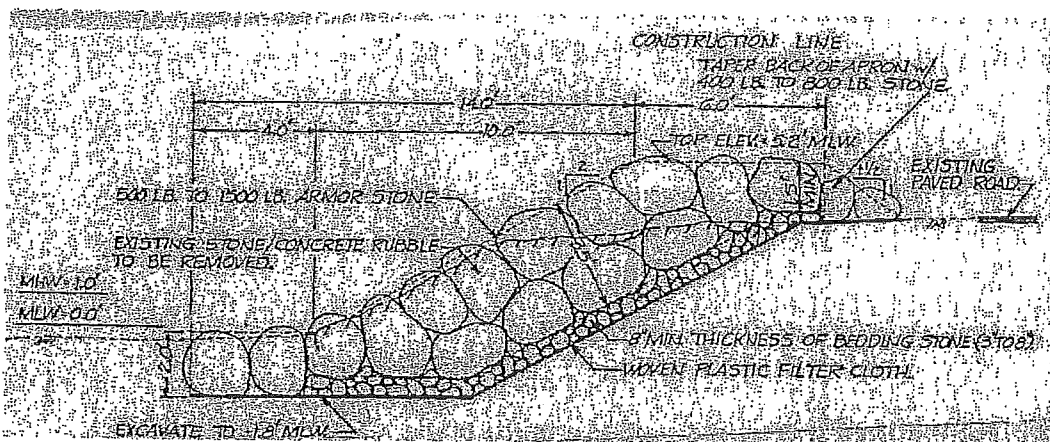
SHEET 10 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006
 C.D.H.

06-WL-1141
 RAMS# 200661932




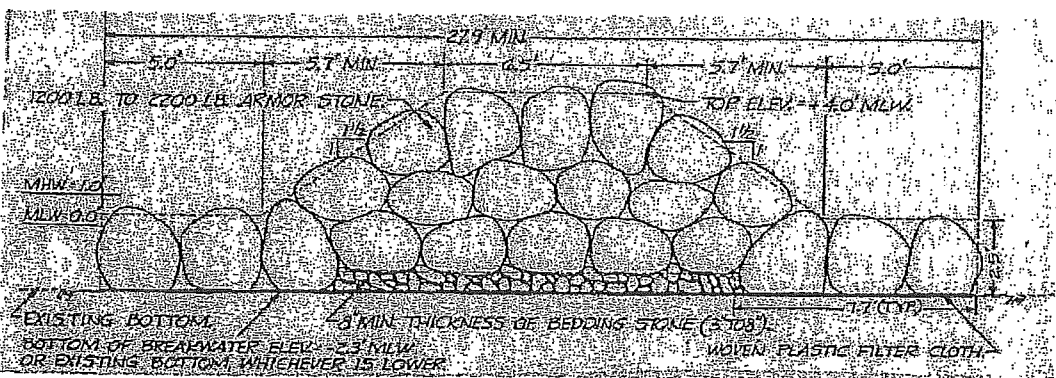
TYPICAL STONE REINFORCEMENT—SECTION B

SCALE 1" = 6' 




TYPICAL STONE REINFORCEMENT—SECTION D

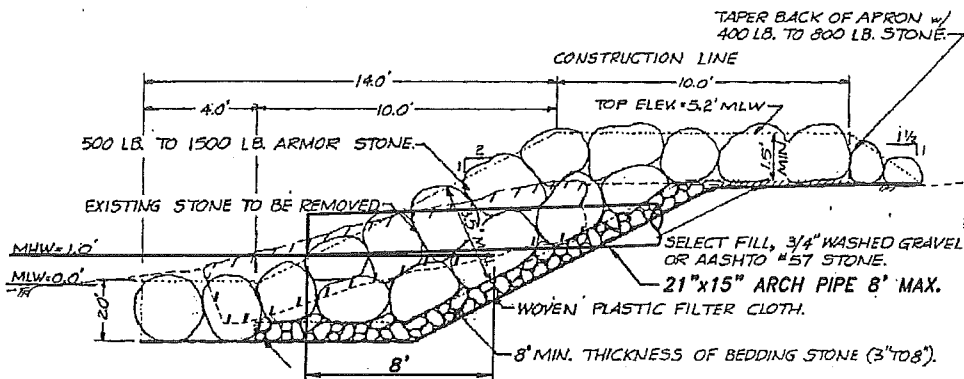
SCALE 1" = 6' 



TYPICAL BREAKWATER—SECTION E

SCALE 1" = 6' 

06-WL-1141
RAMS# 200661932



TYPICAL REVETMENT-SECTION F

SCALE 1" = 6'

Station		Typical Section	DESIGN SCHEDULE		Apron Width	Description
From	To		Top Elevation MLW	Toe Elevation MLW		
0+12	0+76	—	Ex. Wall (+/- 3.0')	N/A	N/A	• Parge top of concrete bulkhead
7+18	12+59	—	Ex. Wall (+/- 4.5')	N/A	N/A	• Repair concrete bulkhead
15+33	16+08	Revetment Reinforcement Section A	6.0'	-3.0'	10.0'	• Stone reinforcement outboard and over concrete bulkhead.
16+08	18+47	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 6.7')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only.
30+54	32+57	Revetment Reinforcement Section B	Ex. Wall (+/- 5.8')	-2.7'	3.0'	• Stone reinforcement outboard timber bulkhead. • Sheeting Enhancement. • New capboard.
32+57	34+28	Revetment Reinforcement Section B (Modification Note #1)	Ex. Wall (+/- 5.8')	-2.7'	3.0'	• Stone reinforcement outboard timber bulkhead only. • New capboard
34+28	38+16	—	Ex. Wall (+/- 5.8')	N/A	N/A	• Sheeting enhancement at sink holes only.
38+16	39+87	Revetment Reinforcement Section C (Modification Note #2)	Ex. Wall (+/- 5.4')	-3.0'	3.0'	• Stone reinforcement outboard concrete bulkhead only. • Parge top of concrete bulkhead. • Sheeting enhancement at sink holes only.
39+87	40+40	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 5.7')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only. • Sheeting enhancement at sink holes only. • New capboard.
40+40	40+90	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 5.6')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only. • Sheeting Enhancement. • New capboard.
40+90	43+22	Revetment Reinforcement Section C	6.0'	-3.0'	10.0'	• Stone reinforcement outboard and over timber bulkhead. • Sheeting Enhancement.
44+98	47+22	Revetment Section D	5.2'	-1.8'	6.0'	• Remove existing dumped concrete rubble and small stone. • Construct new revetment.
49+81	53+01	Breakwater Section E	4.0'	-2.3' or lower	6.5'	• Segmented stone breakwaters (3).
56+56	57+00	Revetment Section F	5.2'	-1.8'	10.0'	• Remove existing scattered small stone. • Construct new revetment.

SHEET 12 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006
 C.D.H.

06-WL-11401
 RAMS # 200661932



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Operations Division

APR 25 2006

Arundel on the Bay POA
c/o Andrews, Miller and Associates, Inc.
Attn: Mr. Gary Williams
401 Academy Street, Suite 1
Cambridge, Maryland 21613

Dear Mr. Williams:

This is in reference to your client's application, **CENAB-OP-RMN(ARUNDEL ON THE BAY POA/REVTMENT, GROIN, BULKHEAD & BREAKWATERS)06-61932-18**, for Department of the Army authorization to perform work in Chesapeake Bay, Anne Arundel County, Maryland.

The U.S. Army Corps of Engineers, Baltimore District has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit-2 (MDSPGP-2), as a Category IIIB activity, provided the work described below, is completed in compliance with the plan(s), the standard MDSPGP-2 conditions, and the applicable MDSPGP-2 activity-specific conditions, which are all enclosed as part of the Maryland Department of the Environment (MDE) and Corps authorization package, and any special conditions stated below. This MDSPGP-2 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-2 authorization for your project may be modified, suspended, or revoked.

In addition to the enclosed list of conditions, you must also comply with the following special conditions:

1. Best management practices must be followed to minimize sediment release into the Chesapeake Bay during construction.

As a condition of this MDSPGP-2 authorization, the permittee is required to complete and sign the certification form, also enclosed as part of the MDE/Corps authorization package, regarding the completed work and any required mitigation, and return it to this office.

The description of the work, as authorized by the Corps, and illustrated on the enclosed plans, is to install shoreline protection measures to include the addition of larger armor stone over existing undersized stone; place armor stone channelward of existing deteriorating timber bulkheads; refurbish an existing stone groin and repair deteriorating stone

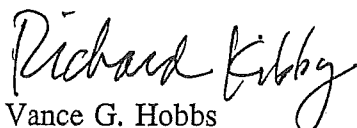
bulkheads; construct 3 offshore breakwaters a maximum of 145 feet channelward; and deposit approximately 1000 cubic yards of sand fill over 8,643 square feet for the purpose of beach nourishment.

Your MDSPGP-2 authorization becomes effective on the date of the associated State authorization, or the date of this letter for those projects that do not require State authorization, and is valid until the MDSPGP-2 expiration date of September 30, 2006, unless the MDSPGP-2 is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-2. When changes to the MDSPGP-2 occur, a public notice announcing the changes will be issued. If the expiration date of this individual MDSPGP-2 verification is September 30, 2006, as explained above, and you have not completed this work, you will have 12 months from the effective date of the modification, reissuance, or revocation of the MDSPGP-2 to complete the work under the present terms and conditions of this MDSPGP-2.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits. This information is also being coordinated with Maryland Department of the Environment (MDE).

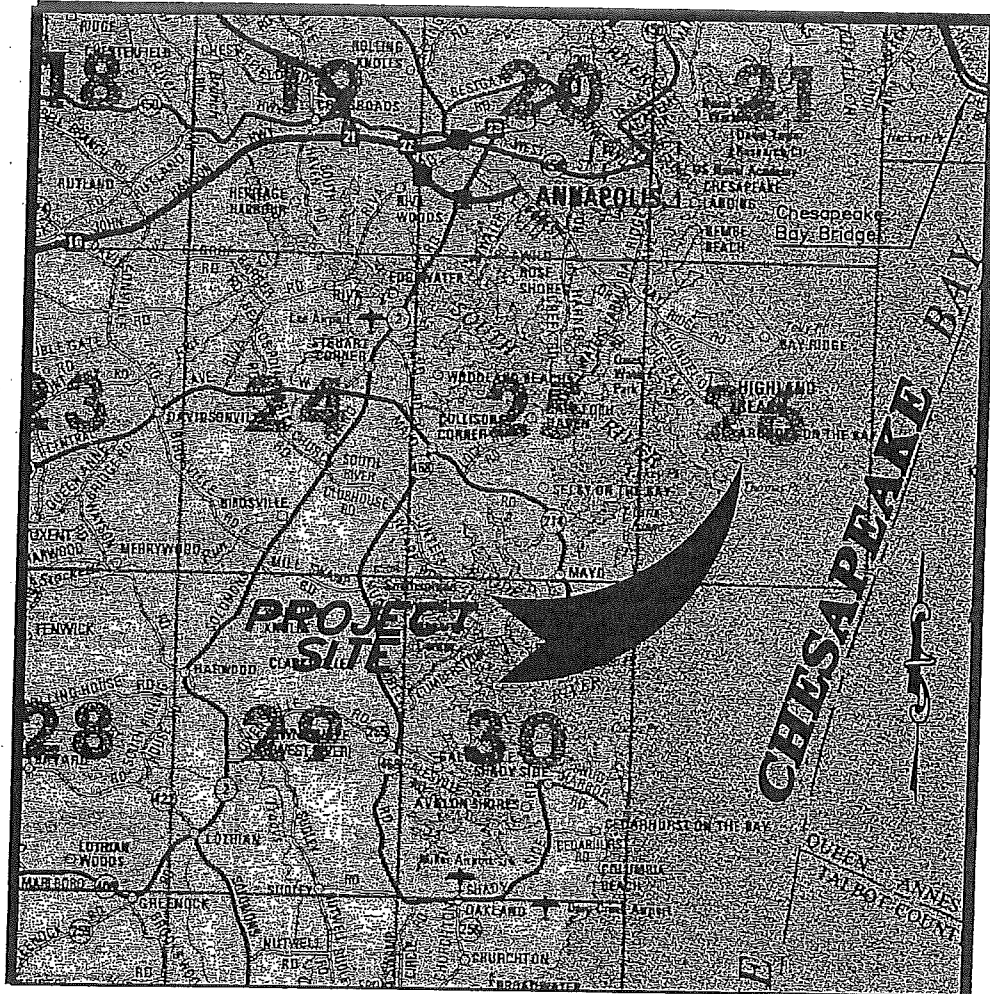
If you have any questions concerning this letter, please call Mr. Richard Kibby, of this office, at (410) 962-0694.

Sincerely,



Vance G. Hobbs
Chief, Maryland Section Northern

Enclosures



PROJECT SITE VICINITY MAP

NOTES



Copyright ADC The Map People
Permitted Use No. 20502145

1. PUBLISHED MEAN TIDAL RANGE IS 0.97 FEET.
2. HORIZONTAL CONTROL WAS ESTABLISHED FROM A CLOSED TRAVERSE AND IS BASED UPON MARYLAND STATE PLANE COORDINATE SYSTEM - NAD83
3. VERTICAL CONTROL WAS ESTABLISHED FROM ANNE ARUNDEL COUNTY SURVEY CONTROL DISC # 337AZ. ELEVATION = 4.29' MLW (4.57' NGVD 29). DATUM SHOWN IS MEAN LOW WATER (MLW).
4. REVETMENTS SHALL EXTEND NO FURTHER CHANNELWARD FROM MHW THAN NECESSARY TO MAINTAIN A 2:1 SLOPE.
5. APPROX. 1000 C.Y. OF CLEAN SAND SHALL BE TRUCKED FROM AN OFF-SITE SOURCE FOR BEACH NOURISHMENT.
6. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

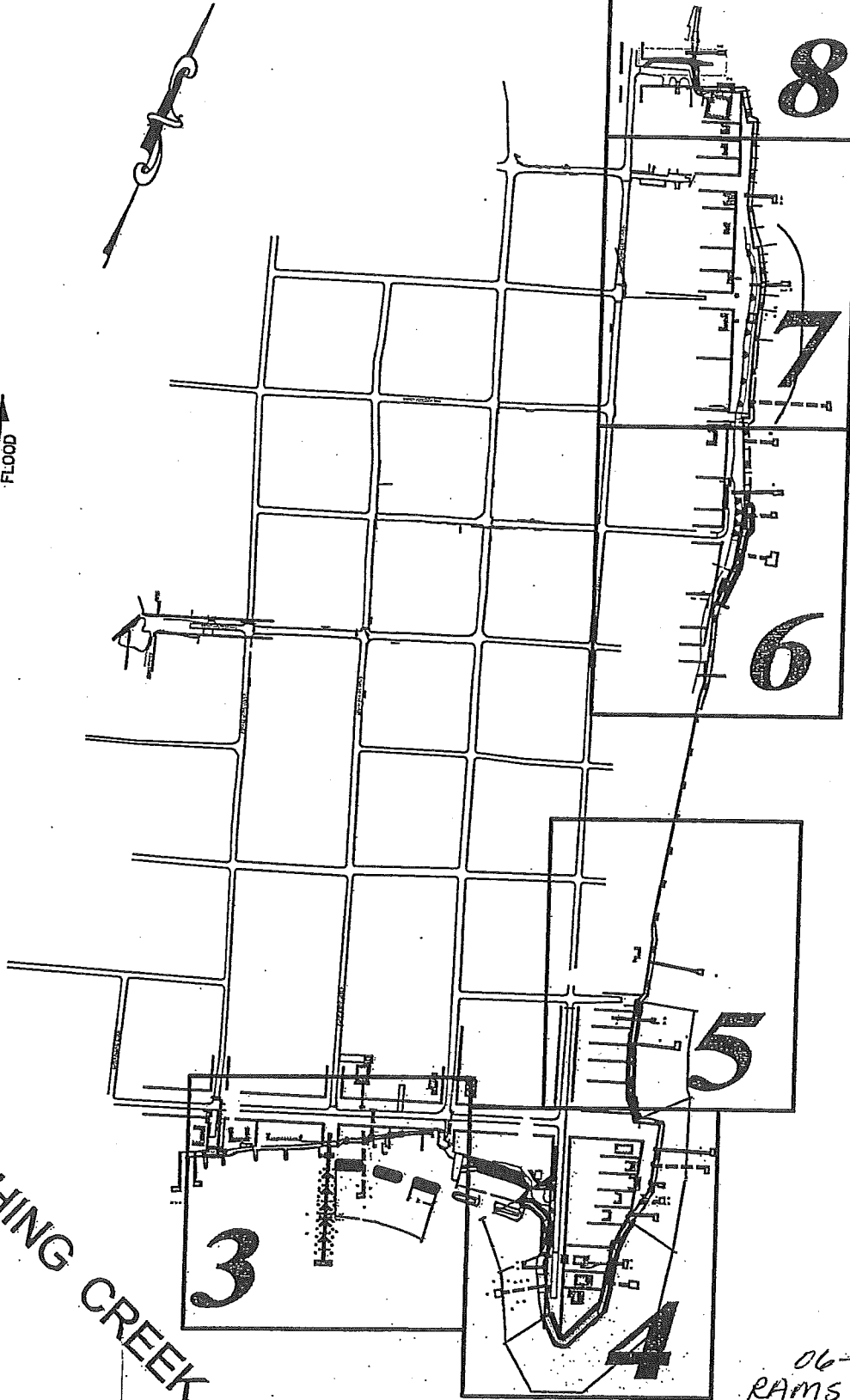
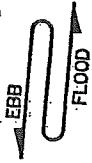
*06-WL-1141
RAMS# 200661932*

SHEET 1 OF 12

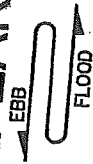
SHORELINE / DRAINAGE IMPROVEMENTS

IN: CHESAPEAKE BAY
AT: ARUNDEL ON THE BAY
ANNE ARUNDEL COUNTY, MARYLAND
APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.
DATE: FEBRUARY 2006

FISHING CREEK



CHESAPEAKE BAY



FISHING CREEK

06-WL-1141
RAMS # 200661932

KEY SHEET



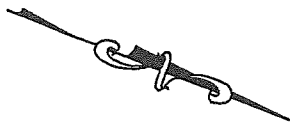
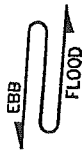
SHEET 2 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

FISHING CREEK



SEE SHEET 4

PLAN



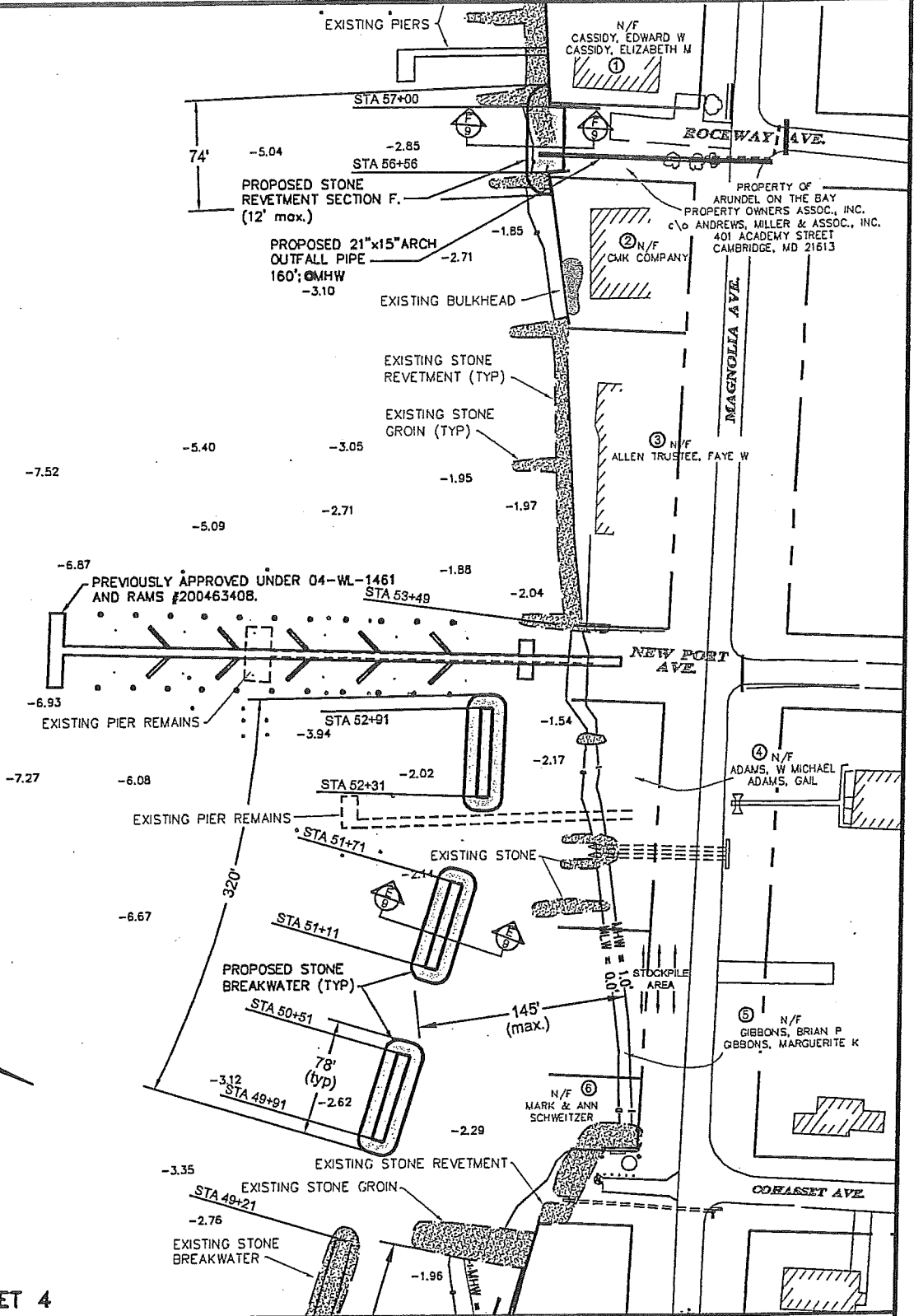
SHEET 3 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

06-WL-1171
RAMS# 200661932



SEE SHEET 5

MAGNOLIA AVE

MAGNOLIA AVE

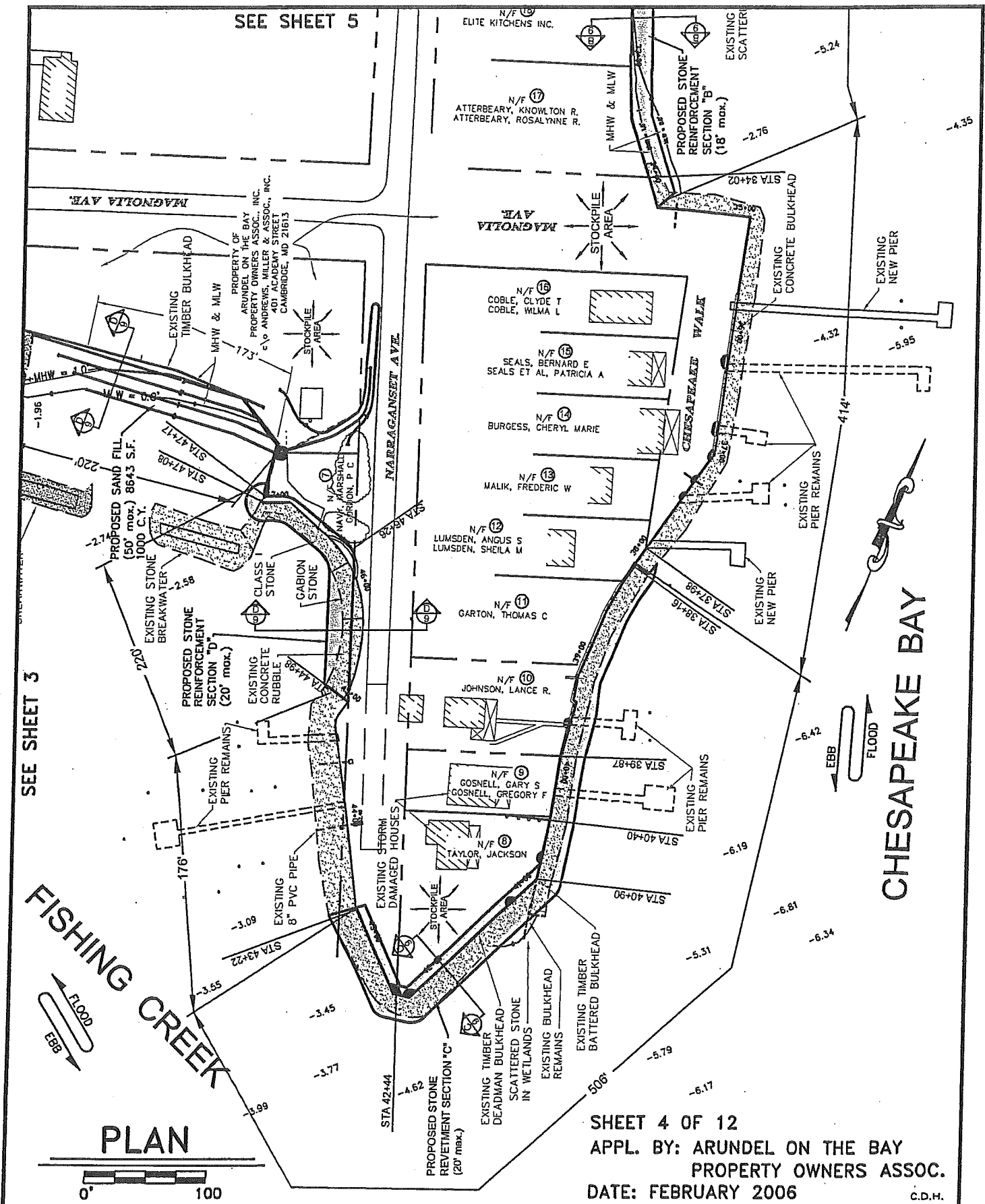
NARRAGANSET AVE

SEE SHEET 3

FISHING CREEK

CHESAPEAKE BAY

PLAN



ELITE KITCHENS INC.
N/F 17
ATTERBEARY, KNOWLTON R.
ATTERBEARY, ROSALYNN R.

N/F 15
COBLE, CLYDE T
COBLE, WILMA L

N/F 15
SEALS, BERNARD E
SEALS ET AL, PATRICIA A

N/F 14
BURGESS, CHERYL MARIE

N/F 13
MALIK, FREDERIC W

N/F 13
LUMSDEN, ANGUS S
LUMSDEN, SHEILA M

N/F 11
GARTON, THOMAS C

N/F 10
JOHNSON, LANCE R.

N/F 9
GOSNELL, GARY S
GOSNELL, GREGORY F

N/F 8
TAYLOR, JACKSON

PROPOSED STONE
REVETMENT SECTION "C"
(20' max.)

PROPOSED STONE
REINFORCEMENT
SECTION "B"
(18' max.)

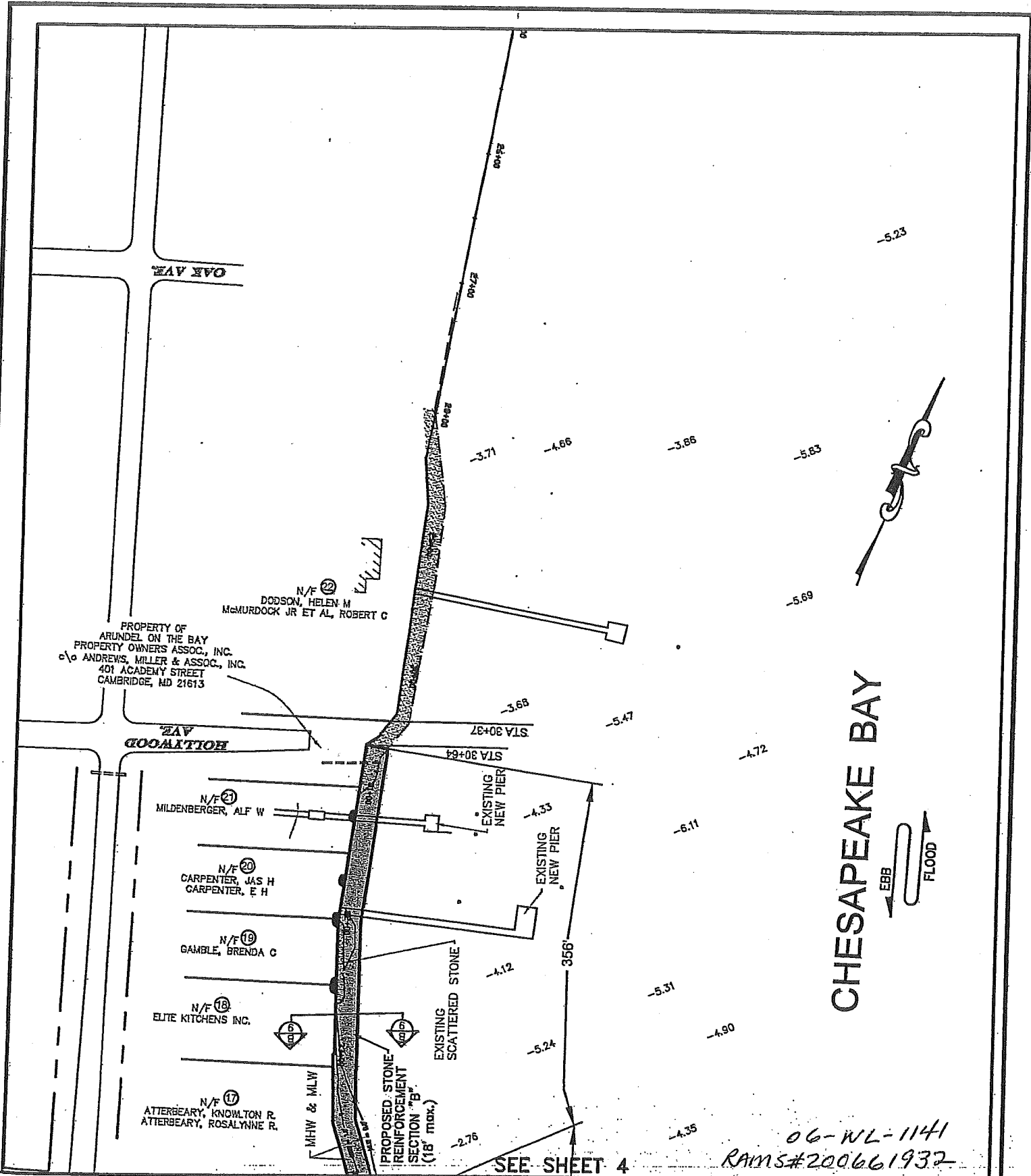
SHEET 4 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

06-WL-1141
RAMS#200661932



PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 21
MILDBERGER, ALF W

N/F 20
CARPENTER, JAS H
CARPENTER, E H

N/F 19
GAMBLE, BRENDA C

N/F 18
ELITE KITCHENS INC.

N/F 17
ATTERBEARY, KNOWLTON R.
ATTERBEARY, ROSALYNE R.

N/F 2
DODSON, HELEN M
McMURDOCK JR ET AL, ROBERT C

PROPOSED STONE
REINFORCEMENT
SECTION "B"
(18' max.)

EXISTING
SCATTERED STONE

SEE SHEET 4

CHESAPEAKE BAY

06-WL-1141
RAMS#200661932

PLAN



SHEET 5 OF 12
APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.
DATE: FEBRUARY 2006

C.D.H.

SEE SHEET 7

N/F 29
MOSES, JOHN R
MOSES, APRIL H

N/F 28
BREWER, DAVID K
BREWER, KOREN R

N/F 27
JOYNES TRUSTEE, AUGUSTINE
JOYNES TRUSTEE, G WOODSON ET AL

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 26
JOHNSON, ED L
JOHNSON, PATRICIA E

N/F 25
RESNICK, STEVEN P
RESNICK, NANCY A

N/F 24
JOHNSON, MADELINE M
CARLISLE, ALMA M

N/F 23
WELSHING, FRANCES C

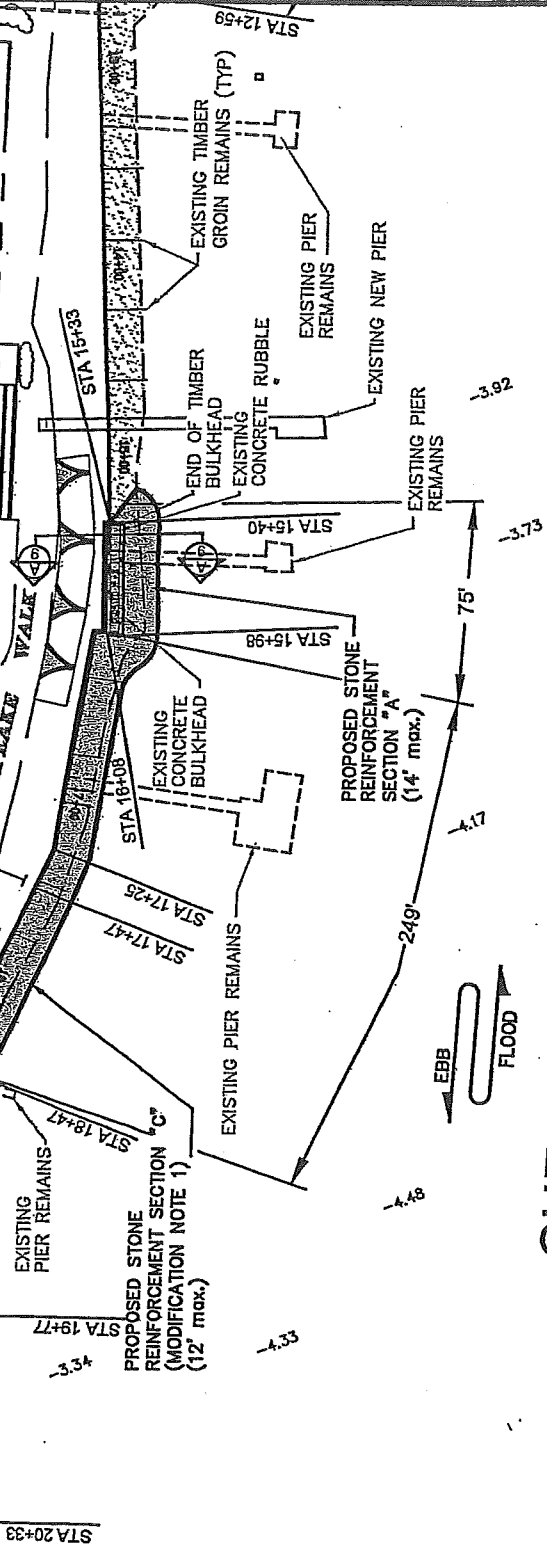
NARRAGANSETT AVE.

LINDEN AVE.

CHRISTINA AVE.

CHESAPEAKE WALK

CHESAPEAKE BAY



PLAN



SHEET 6 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

06-WL-1141
RAMS# 200661932

SEE SHEET 8

N/F 37
JOHN C. & LAVERNE C. DAMS

N/F 36
MITCHELL A. JOHNSON

WALNUT AVE.

N/F 35
DELJA, DAVID J
DELJA, O MARGARET

N/F 34
JACKSON-NASH, BARBARA J

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 33
SOCKWELL FAMILY
PARTNERSHIP, LP

N/F 32
MITCHELL A. JOHNSON

SYCAMORE AVE.

N/F 31
SOCKWELL, JAMES F
SOCKWELL, KATHERINE W

PROPERTY OF
ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC., INC.
c/o ANDREWS, MILLER & ASSOC., INC.
401 ACADEMY STREET
CAMBRIDGE, MD 21613

N/F 30
RAY, TONI
RAY, KOREN

REDWOOD AVE.

SEE SHEET 6

PLAN



SHEET 7 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

DATE: FEBRUARY 2006

C.D.H.

WATERGASNET AVE.

WALK

CHESAPEAKE

-3.69

-3.85

STA 5+00

EXISTING NEW PIER

-3.86

-3.49

STA 7+18

EXISTING NEW PIER

-4.10

STA 8+99

STA 8+96

54'1"

EXISTING
TIMBER GROIN
REMAINS (TYP)

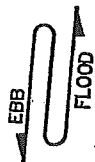
-4.19

PROPOSED
BANK GRADING
PROPOSED CONCRETE
BULKHEAD REPAIR

STA 12+20

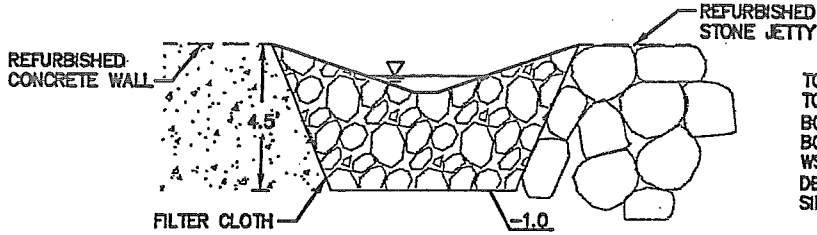
STA 12+59

EXISTING PIER REMAINS



CHESAPEAKE BAY

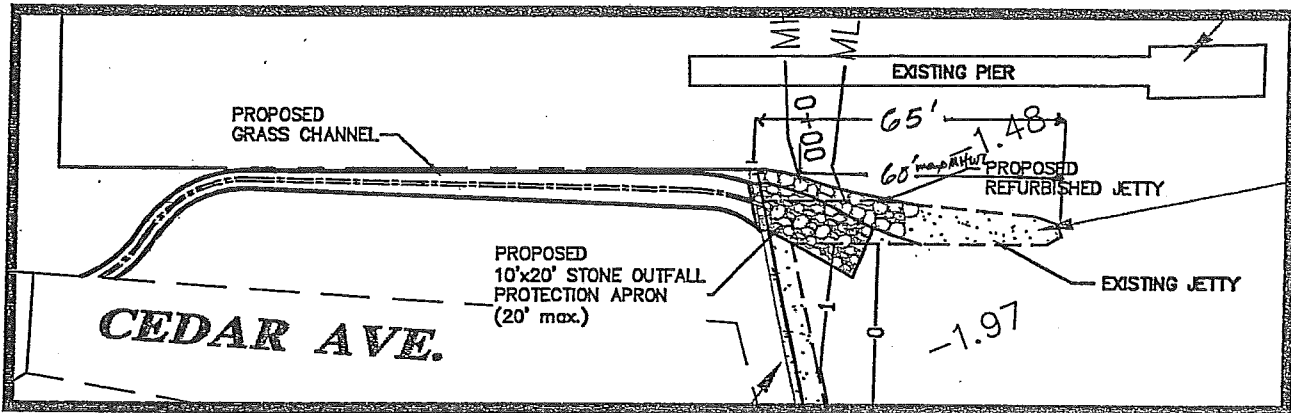
06-WL-1141
RAMS# 200661932



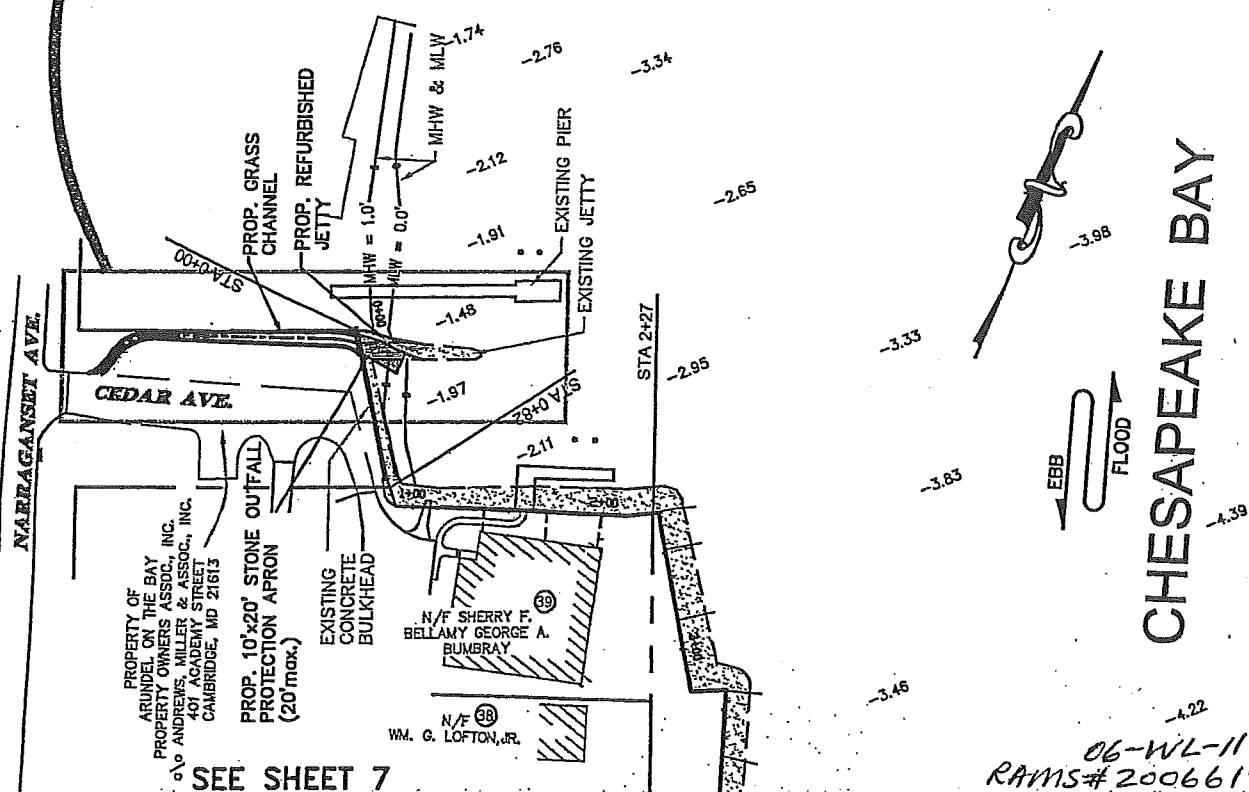
TOP WIDTH = 9'-8"
 TOP ELEV = +3.5
 BOTTOM WIDTH = 8'
 BOTTOM ELEV = +2.0
 WSEL = +2.5
 DEPTH = 18"
 SIDE SLOPES = 3:1

TYPICAL STONE APRON

SCALE 1" = 6'



SCALE 1" = 40'



PROPERTY OF
 ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC., INC.
 ANDREWS, MILLER & ASSOC., INC.
 401 ACADEMY STREET
 CAMBRIDGE, MD 21613

SEE SHEET 7

06-WL-1141
 RAMS# 200661932

PLAN

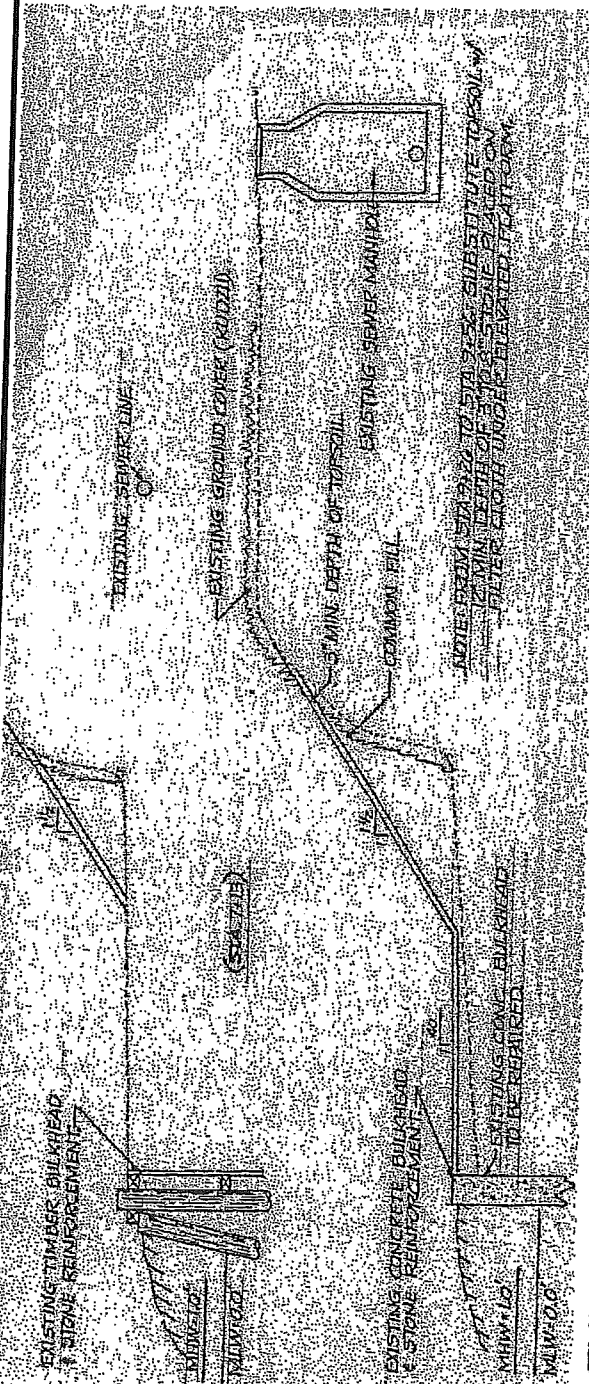
SCALE 1" = 100'

SHEET 8 OF 12

APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.

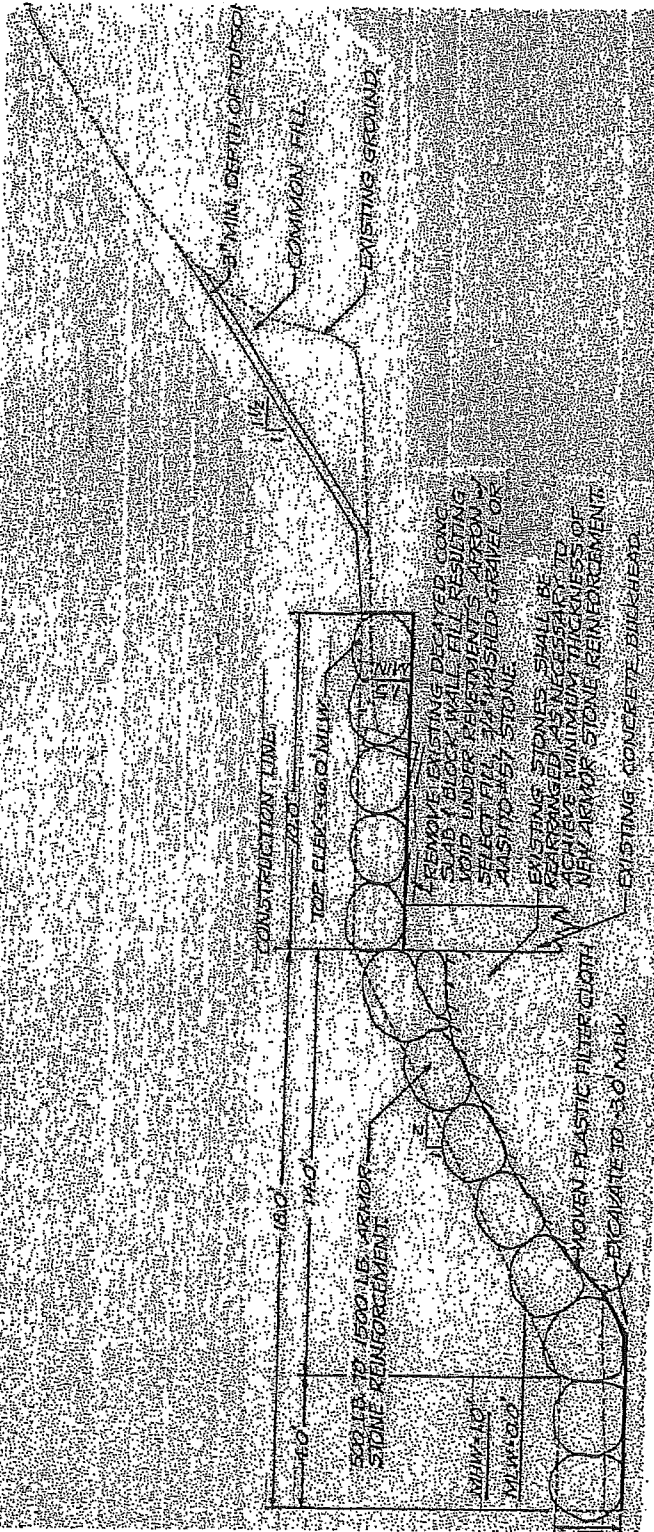
DATE: FEBRUARY 2006

C.D.H.



TYPICAL BANK GRADING

SCALE 1" = 10' 0"



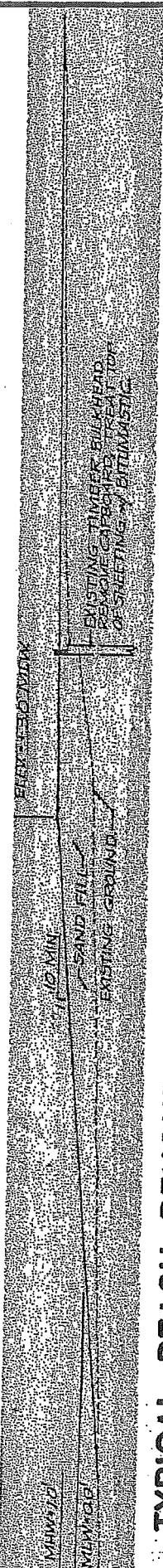
TYPICAL STONE REINFORCEMENT - SECTION A

SCALE 1" = 6' 0"

SHEET 9 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006

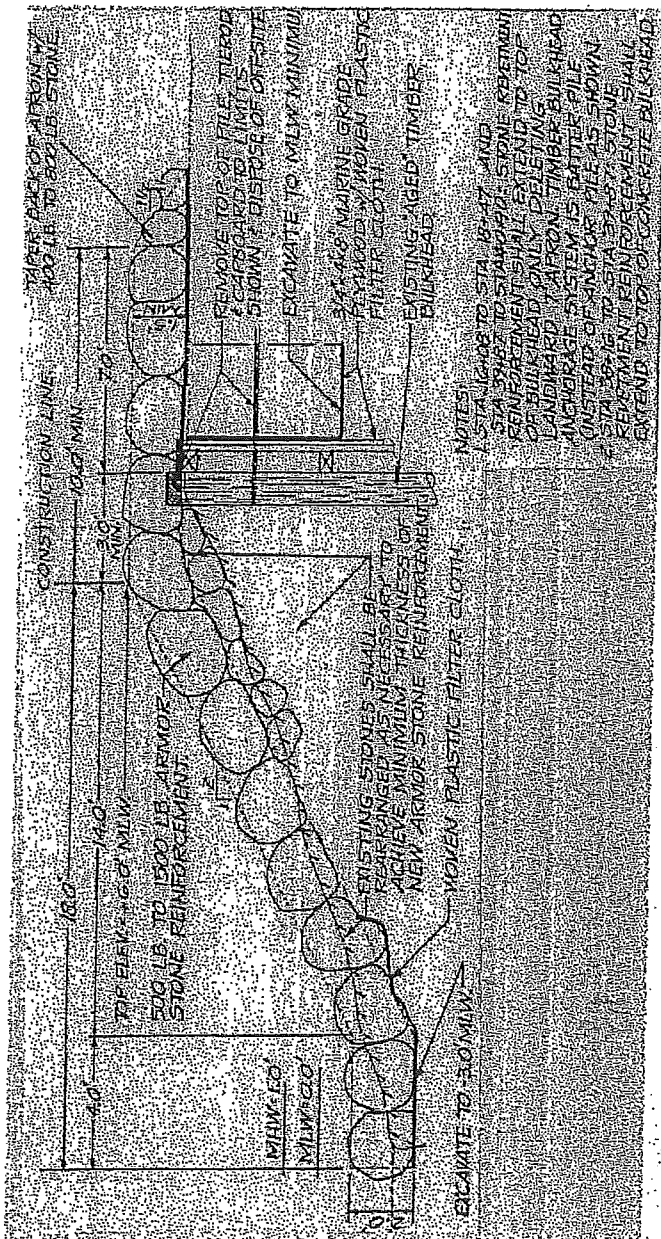
C.D.H.

06-WL-1141
 RAMS# 200661932



TYPICAL BEACH RENOURISHMENT SECTION

SCALE 1" = 10' 0"



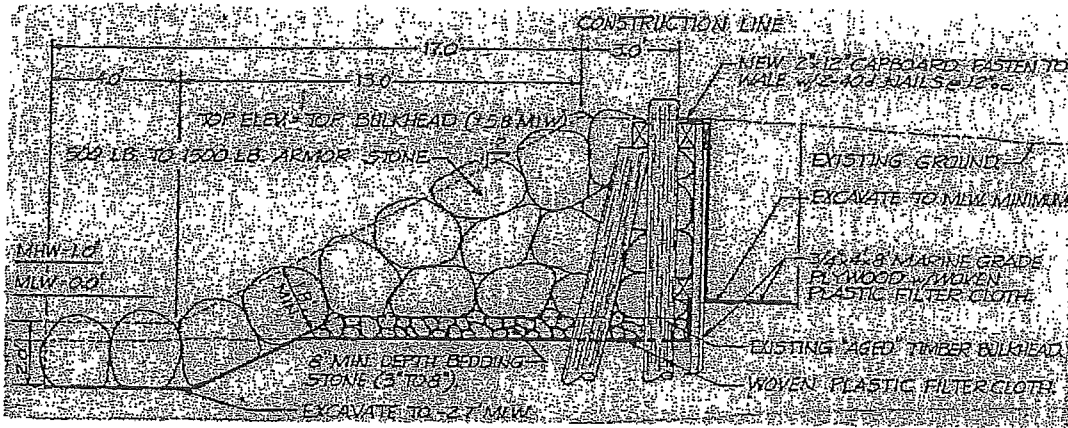
TYPICAL STONE REINFORCEMENT--SECTION C

SCALE 1" = 6' 0"


06-WL-1141
RAMS#200661932

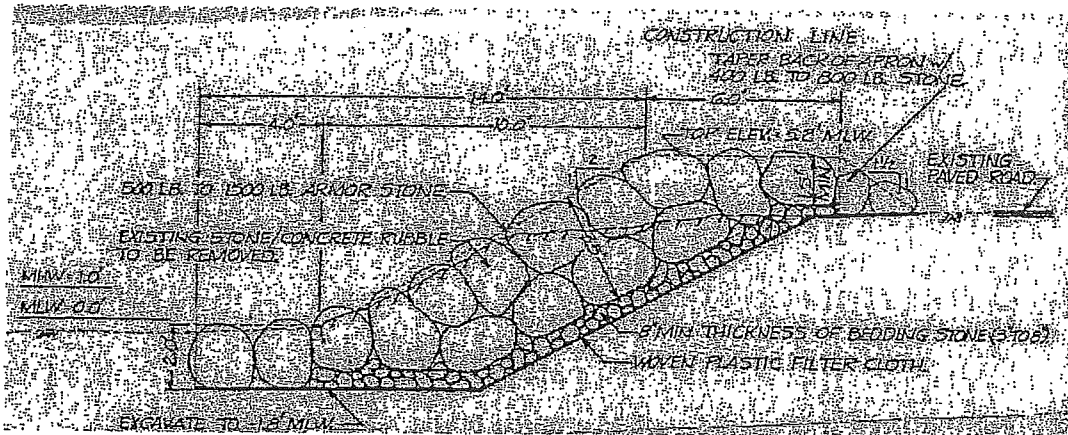
SHEET 10 OF 12
APPL. BY: ARUNDEL ON THE BAY
PROPERTY OWNERS ASSOC.
DATE: FEBRUARY 2006

C.D.H.




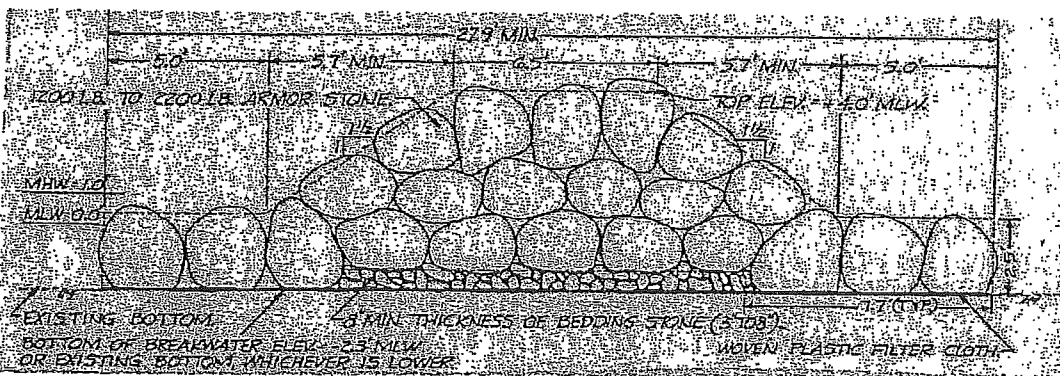
TYPICAL STONE REINFORCEMENT—SECTION B

SCALE 1" = 6' 




TYPICAL STONE REINFORCEMENT—SECTION D

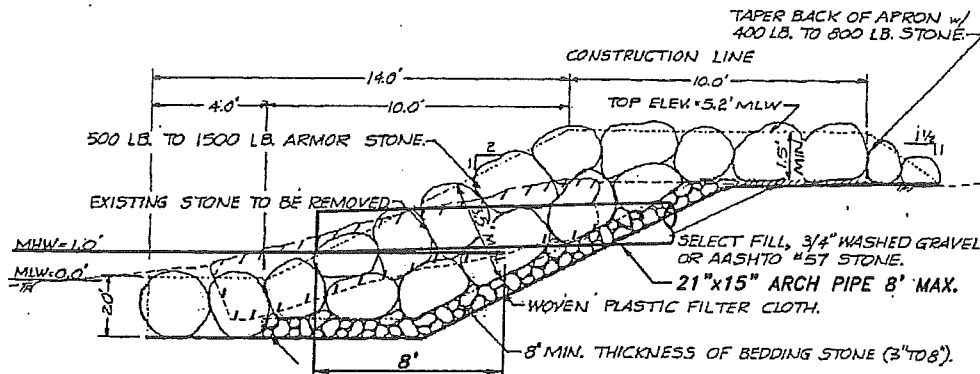
SCALE 1" = 6' 



TYPICAL BREAKWATER—SECTION E

SCALE 1" = 6' 

06-WL-1141
RAMS# 200661932



TYPICAL REVETMENT-SECTION F

SCALE 1" = 6'

Station		Typical Section	DESIGN SCHEDULE		Apron Width	Description
From	To		Top Elevation MLW	To Elevation MLW		
0+12	0+76	—	Ex. Wall (+/- 3.0')	N/A	N/A	• Parge top of concrete bulkhead
7+18	12+59	—	Ex. Wall (+/- 4.5')	N/A	N/A	• Repair concrete bulkhead
15+33	16+08	Revetment Reinforcement Section A	6.0'	-3.0'	10.0'	• Stone reinforcement outboard and over concrete bulkhead.
16+08	18+47	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 6.7')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only.
30+64	32+57	Revetment Reinforcement Section B	Ex. Wall (+/- 5.8')	-2.7'	3.0'	• Stone reinforcement outboard timber bulkhead. • Sheeting Enhancement. • New capboard.
32+57	34+28	Revetment Reinforcement Section B (Modification Note #1)	Ex. Wall (+/- 5.8')	-2.7'	3.0'	• Stone reinforcement outboard timber bulkhead only. • New capboard
34+28	38+16	—	Ex. Wall (+/- 5.8')	N/A	N/A	• Sheeting enhancement at sink holes only.
38+16	39+87	Revetment Reinforcement Section C (Modification Note #2)	Ex. Wall (+/- 5.4')	-3.0'	3.0'	• Stone reinforcement outboard concrete bulkhead only. • Parge top of concrete bulkhead. • Sheeting enhancement at sink holes only.
39+87	40+40	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 5.7')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only. • Sheeting enhancement at sink holes only. • New capboard.
40+40	40+90	Revetment Reinforcement Section C (Modification Note #1)	Ex. Wall (+/- 5.6')	-3.0'	3.0'	• Stone reinforcement outboard timber bulkhead only. • Sheeting Enhancement. • New capboard.
40+90	43+22	Revetment Reinforcement Section C	6.0'	-3.0'	10.0'	• Stone reinforcement outboard and over timber bulkhead. • Sheeting Enhancement.
44+98	47+22	Revetment Section D	5.2'	-1.8'	6.0'	• Remove existing dumped concrete rubble and small stone. • Construct new revetment.
49+81	53+01	Breakwater Section E	4.0'	-2.3' or lower	6.5'	• Segmented stone breakwaters (3).
56+56	57+00	Revetment Section F	5.2'	-1.8'	10.0'	• Remove existing scattered small stone. • Construct new revetment.

SHEET 12 OF 12
 APPL. BY: ARUNDEL ON THE BAY
 PROPERTY OWNERS ASSOC.
 DATE: FEBRUARY 2006
 C.D.H.

06-WL-1141
 RAMS #200661932



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

MDSPGP-2 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM (7/1/03)

Corps Permit No. 200661932

Project Name Arundel on the Bay / Revetment

Applicant Name Arundel on the Bay POA

Waterway Chesapeake Bay

County Anne Arundel

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-2 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within one year from the date of issuance of the above referenced permit, to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District to the address shown above and include ATTN: CENAB-OP-R.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____

3. Was all work and any required mitigation, completed in accordance with your MDSPGP-2 authorization, including all general and/or specific conditions? YES ___ NO ___

4. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary) _____

5. Was mitigation accomplished through a contribution to the Maryland Nontidal Wetlands Compensation Fund? YES ___ NO ___ (if NO complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES ___ NO ___ Required Completion Date _____
Completed? YES ___ NO ___ Mitigation Monitoring Reports Required? YES ___ NO ___

7. Attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

Signature of Permittee _____ Date _____

Signature of Contractor/Agent _____ Date _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Effective October 1, 2001

200661932
Corps Permit Number

CENAB-OP-R-MDSPGP-2 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-2)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-2. It has been determined that the project qualifies for the MDSPGP-2. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VI of the MDSPGP-2 effective on October 1, 2001.

VI. General Conditions

The following conditions apply to all activities authorized under the MDSPGP-2.

A. General Requirements:

1. **Other Permits.** Authorization under the MDSPGP-2 does not obviate the need to obtain other Federal, State, or local authorizations required by law.
2. **Applicability.** Applicability of the MDSPGP-2 shall be reviewed with reference to the Corps definition of Waters of the United States, including wetlands and navigable waters of the United States. Applicants are responsible for delineating boundaries of all Waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.
3. **Minimal Effects.** Projects authorized by the MDSPGP-2 shall have no more than minimal individual and cumulative adverse environmental effects.
4. **Discretionary Authority.** Notwithstanding compliance with the terms and conditions of the MDSPGP-2, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-2 based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis during the review process for Category III activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposal warrant individual review. In some instances the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific project, which has received a case-specific verification as a Category I activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with VII.E on page 85 of the MDSPGP-2.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-2 is voided. No work may be conducted until the Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-2.

5. **Single and Complete Projects.** The MDSPGP-2 shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. All components of a project shall be reviewed together as constituting one single and complete project. All planned phases of multi-phased projects shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP-2 shall not be used for any activity or portion of a project, e.g., a pier or boat ramp, that is part of, or dependent on, an overall project, e.g., the dredging of a main navigation channel or a spur channel, for which an individual permit or some other alternate Corps permit is required.

6. **Stacking of Category I activities.** Activity d.(2) in Category I (e.g., Underground and Overhead Utility Lines) may not be stacked or combined with any other Category I activity. Any single and complete project with both utility line impact(s) and other Category I activity(s), will be reviewed as a Category III project in accordance with the Category III process specified on page 9, provided the total impact to Waters of the United States, including wetlands, is less than one acre. If any other Category I activities, except Activity d.(2), are stacked or combined to authorize a single and complete project, the total impact to Waters of the United States for all activities in the single and complete project must be less than or equal to the 500 linear feet limit and be less than 5,000 square feet impact limit (except for tidal marsh creation projects that have a limit of less than 17,500 square feet), while complying with each activity-specific impact limit and conditions. For example, total road crossing impacts are still limited to not exceed 200 linear feet.
7. **Authorized activities in navigable waters subject to Section 10 of the Rivers and Harbors Act of 1899.**
 - a. If future operations by the United States require removal, relocation or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States on account of any such removal or alteration.
 - b. The U.S. Code of Federal Regulations, Title 33, Part 64 states that all structures erected in navigable waters in depths in excess of three feet at mean low water (MLW) require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in water depths in excess of three feet at MLW, the permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

B. National Concern:

1. **Historic Properties.** Any activity authorized by the MDSPGP-2 shall comply with Section 106 of the National Historic Preservation Act. The Maryland Department of the Environment (MDE), in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archeological and historical resources in the project area. The Corps shall determine if consultation under Section 106 with the Maryland Historic Trust or the Advisory Council on Historic Preservation is required. The applicant must notify the Corps if the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the permit area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, the permittee shall immediately stop work in the permit area and notify the District Engineer. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the Maryland Historic Trust, Office of Preservation Services, and the National Register of Historic Places.
2. **National Lands.** Activities authorized by the MDSPGP-2 shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuge, National Forests, National Marine Sanctuaries or any area administered by the National Park Service (e.g. Assateague Island National Seashore).
3. **Endangered Species.** The MDSPGP-2 does not authorize any activity that may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and the procedures outlined in the MDSPGP-2 Standard Operating Procedures. MDE, in cooperation with Maryland Department of Natural Resources, shall conduct an initial review and notify the Corps and the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) if any Federally listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is eligible for authorization. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS and NMFS.
4. **Essential Fish Habitat (EFH).** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized,

funded, or undertaken by a federal agency that may adversely affect EFH. EFH has been defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding or growing to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS, in consultation with the District, has determined that projects authorized under Category I (includes projects reviewed under Category II) of the MDSPGP-2 which comply with all terms and conditions of the MDSPGP-2 and all activity-specific impact limits and conditions, will not have an adverse effect on EFH. Projects that are proposed in areas designated as EFH and that do not qualify for MDSPGP-2 authorization under Category I, will require a case-by-case EFH effect determination.

5. **Wild and Scenic Rivers.** No activity is authorized under the MDSPGP-2 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, or U.S. Fish and Wildlife Service).
6. **Federally Authorized Civil Works Projects.**
 - a. **Federal Navigation Project.** The MDSPGP-2 does not authorize interference with any Federal navigation project. The permittee understands and agrees that, if future operations of the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (See VI.A.7.a. of the MDSPGP-2)
 - b. **Other Federally Authorized Civil Work Projects (i.e., flood control, dams, and reservoirs).** The MDSPGP-2 does not authorize interference with any proposed or existing Federally authorized civil works project.
7. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. Design or construction deficiencies associated with the permitted work; and
 - e. Damage claims associated with any future modification, suspension, or revocation of the MDSPGP-2 or any specific MDSPGP-2 verification.
8. **Navigation.** Projects authorized under the MDSPGP-2 shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized under the MDSPGP-2. Nothing in the MDSPGP-2 shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under Navigation Servitude of the United States. (See VI.A.7.a of the MDSPGP-2)

C. Minimization of Environmental Impacts:

1. **Minimization.** Discharges of dredged or fill material into Waters of the United States and adverse impacts of such discharges on the aquatic ecosystem shall be avoided and minimized to the maximum extent practicable on-site.
2. **Mitigation.** Generally, compensatory mitigation will be required for all permanent tidal or nontidal wetland impacts either through the State's tidal or nontidal wetland compensation fund or by the permittee as required by the special condition of the MDSPGP-2 or the State authorization.

3. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible and, if required, shall minimize soil and vegetation disturbance by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to pre-construction contours and elevations upon completion of the work.
4. **Temporary Fill and Mats.** Temporary fill and the use of mats are both considered discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-2. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-2 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original contours and elevations and revegetated with comparable native species.
5. **Erosion and Sediment Control.** Adequate erosion and sediment control measures, practices and devices, such as vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of a) preventing erosion, b) collecting sediment and suspended and floating materials, and c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.
6. **Water Crossings.**
 - a. All temporary and permanent crossings of waterbodies shall be suitably bridged, culverted or otherwise constructed to withstand and to prevent the restriction of high flows; to maintain existing low flows; and to prevent the obstruction of movement by aquatic life indigenous to the waterbody.
 - b. No open trench excavation shall be conducted in-stream without use adequate diversion structures.
 - c. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.
 - d. Temporary structures and fills shall be removed and the area restored to its original contours and elevations, or to the conditions specified in the approved plans. The temporary structures and the areas of fill associated with these structures must be included in the total waterway/wetlands impacts.
7. **Utility Lines.**
 - a. Impacts shall be minimized by using directional drilling, jack and bore, missile, or similar methods when feasible.
 - b. All in-stream work shall be conducted "in the dry" whenever practicable, by using stream diversion devices other than earthen or stone cofferdams.
8. **Discharge of Pollutants.** All activities that are authorized under the MDSPGP-2 and that involve any discharge or relocation of pollutants into Waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251 et. Seq.), and applicable State and local laws and regulations.
9. **Spawning Areas.** Discharge in fish and shellfish spawning or nursery areas during spawning seasons shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year.
10. **Environmental Values.** The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-2 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife and natural environmental values.

D. Procedural Conditions:

1. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-2. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. **Compliance Certification.** Every permittee who receives a written MDSPGP-2 verification shall submit a signed certification regarding the completed work and any required mitigation. The certification form will be forwarded to the permittee with the MDSPGP-2 verification. The completed form will include the following:
 - a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-2 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-2 verification, including any general and/or specific conditions, the permittee shall describe the specifics of the deviation from the authorized activity.
 - b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.
 - c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the District at the following address:

U.S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P.O. Box 1715
Baltimore, MD 21203-1715

3. **Maintenance.** The permittee shall maintain the work or structures authorized in good condition and in compliance with the terms and conditions of the MDSPGP-2.
4. **Property Rights.** The MDSPGP-2 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.
5. **Modification, Suspension and Revocation.** The MDSPGP-2, or any verification under it, may be either modified, suspended, or revoked in whole or in part pursuant to Department of the Army policies and procedures and any such action shall not be the basis for any claim for damages against the United States.
6. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-2, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.
7. **Special Conditions.** The Corps may impose other special conditions on any project authorized under the MDSPGP-2, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of public interest. Failure to comply with all conditions of the authorization/verification, including special conditions, will constitute a permit violation/unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.
8. **False or Incomplete Information.** If the Corps verifies a project under the MDSPGP-2 and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the MDSPGP-2 verification may be revoked and the Government may institute appropriate legal proceedings.
9. **Compliance.** Any activity performed in Waters of the United States, including wetlands and navigable waters, that is not in compliance with all the terms and conditions of the MDSPGP-2 that includes the MDSPGP-2 Category List activity-specific conditions, constitutes unauthorized work and is subject to an enforcement action by the Corps or the Environmental Protection Agency (EPA). Furthermore, the MDSPGP-2 does not delegate any Section 404 enforcement or regulatory authority. When unauthorized work occurs in Waters of the United States, including wetlands and navigable waters, it is subject to one or more of the following responses by EPA and/or the Corps:
 - a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.
 - b. Initiation and assessment of Class I administrative penalty order pursuant to Section 309(g) of the Clean Water Act.

- c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the Clean Water Act.
- d. Referral of the case to the U.S. Attorney with a recommendation for a civil or criminal action.
- e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.
- f. Any other appropriate response.