



REPLY TO
ATTENTION OF

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

Operations Division

FEB 17 2006

Mr. Jose Mangual
Fairfax County Films LLC
Production Office
c/o Four Points Sheraton
1910 Dual Highway
Hagerstown, Maryland 21740

OPTIONAL FORM 92 (7-90)

FAX TRANSMITTAL		# of pages ▶ 13
To <i>Lynne Wigfield</i>	From <i>JOE DAVIA</i>	
Dept./Agency	Phone #	
Fax # <i>301 714 2209</i>	Fax #	

NSN 7540-01-517-7368 5010-101 GENERAL SERVICES ADMINISTRATION

Dear Mr. Mangual:

This is in reference to your application, CENAB-OP-RMN(FAIRFAX COUNTY FILMS LLC/STRUCTURE, PIER)06-01039-16, requesting Department of the Army authorization to perform work in the Potomac River, Washington 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 I 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 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 condition:

1. The temporary floating dock/barge, simulated ice floes, and sandbags must be removed from the Potomac River at the conclusion of the filming operations.

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 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 is to place a temporary floating dock/barge scaffolding structure (approximately 10' x 6') with sandbag anchors, extending a maximum of 40 feet channelward of the ordinary high water mark, and 15 simulated ice floes (each tethered to a concrete block weight, 8"x 8"x 16"), resulting in

-2-

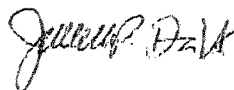
temporary impacts to approximately 20 linear feet of river (non-vegetated waters of the U.S.), in the Potomac River, Washington County, Maryland.

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. Joseph P. DaVia of this office at (410) 962-4527.

Sincerely,



FOR Vance G. Hobbs
Chief, Maryland Section Northern

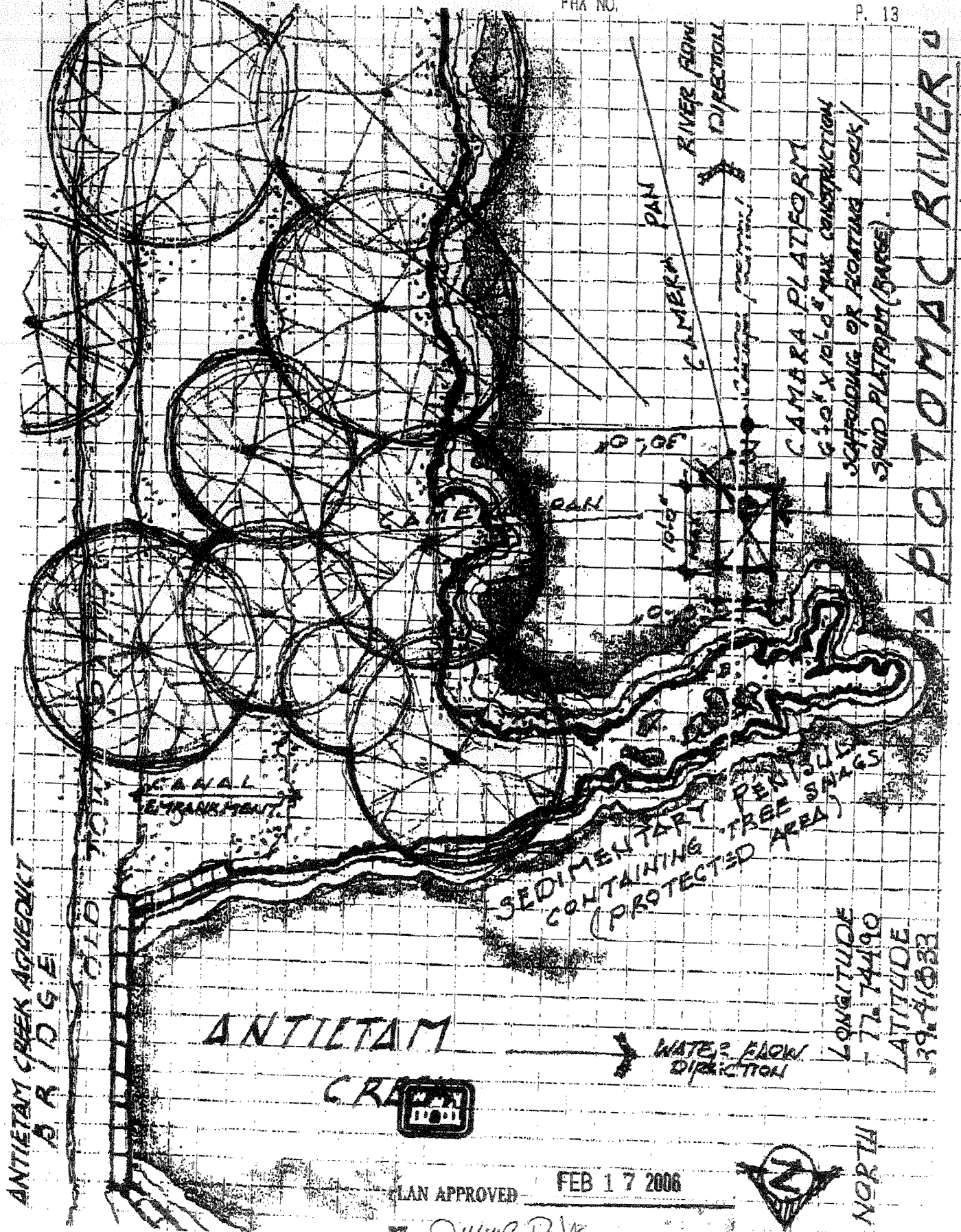
Enclosures

Copy Furnished:

Ms. Lynne Wigfield, National Park Service
Mr. Sean McKewen, MDE, Frostburg, Maryland

FAX NO.

P. 13



ANTLETAM



PLAN APPROVED

FEB 17 2006

BY:

Joseph P. Davia

JOSEPH P. DAVIA



NORTH

MOTION CONTROL CAMERA

HEIGHT OF CAMERA ABOVE WATER LEVEL

DEPTH of WATER AT SITE

STANDARD USCG
NOTE: 4'-0" x 12'-0" FLOATING DOCK
ACCESS WALKWAY FROM SUPPLYLINE
TO PLATFORM TO BE PROVIDED.
2 SECTIONS FOR EQUIPMENT ACCESS



SAFETY RAILING
AS PER OSHA



10'-0"

STANDARD OSHA APPROVED
CONSTRUCTION SCAFFOLDING.

TYPICAL CAMERA PLATFORM - ELEVATION

NOTE: CAMERA PLATFORM IN RIVER CONSIST OF STANDARD
SECTIONS OF 6'-0" x 10'-0" STEEL CONSTRUCTION SCAFFOLDING
WHICH SHALL MEET ALL OSHA REQUIREMENT FOR
PLATFORM LOADS & SAFETY RAILING REQUIREMENT FOR
TYPICAL TEMPORARY CONSTRUCTION.

RIVER BOTTOM

PLAN APPROVED FEB 17 2006

BY: Joseph P. Davila
JOSEPH P. DAVILA



PLAN APPROVED FEB 17 2006

BY: *Joseph P. Davis*

JOSEPH P. DAVIS



TYPICAL ICE FLOE - MAKE 15

NO SCALE

TYPICAL ICE FLOE CONSISTS OF 3" THICK SCULPTED WHITE STYROFOAM, COVERED WITH A THIN LAYER OF PARAFFIN WAX. MIDS TO BE PROVIDED. ICE FLOE UNITS TO FLOAT IN POTOMAC RIVER AS FOREGOING PROP UNITS. ALL 15 ICE FLOES SHALL HAVE ANCHOR POINTS FOR TETHERING TO WEIGHT.

WEIGHT UNIT SHALL CONSIST OF STANDARD CONSTRUCTION CONCRETE BLOCK UNIT 8" X 8" X 16".

FAX NO.

FEB-14-2006 TUE 11:00 AM

P. 11



REPLY TO
ATTENTION OF

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

Effective October 1, 2001

200601039
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.

R. 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 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.
 - 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.
 - 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

-
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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 Cease and Desist order and/or an administrative compliance order requiring remedial action.
 - 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.



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

200601039
Corps Permit Number

MDSPGP-2
CATEGORY I ACTIVITIES
Boating/Navigation-Related Structures and Activities
Piers

This activity authorizes private, non-commercial piers that meet the criteria in COMAR 26.24.04.02. Piers authorized by this activity must comply with all activity-specific conditions listed below, in addition to the general conditions of this permit. Piers that do not meet these conditions do not qualify for authorization under Category I and will be reviewed under Category III or alternate Corps permit review. (Section 10: limited to all tidal waters.)

Conditions:

1. Application must be submitted to MDE for Federal authorization.
2. The project must be part of a single and complete project that includes all attendant features, both temporary and permanent. (See General Condition VI.A.5 concerning "single and complete project.")
3. This activity does not authorize the construction of a pier, or any addition, if its most channelward end is in water depths of 2 feet or less below mean low water.
4. This activity authorizes only 1 pier and 4 boat hoists or lifts per property.
5. The width of the main section of the pier must not exceed 6 feet.
6. The total area of all fixed and floating auxiliary platforms including Ts, Ls, and step down platforms must not exceed 200 square feet and must not be located over vegetated wetlands.
7. Platforms must not be constructed within the landward 50% of the main pier section.
8. The project must not create more than 4 boat slips.
9. The project must not include more than 2 osprey poles per property.
10. The project must not include more than 2 three-pile dolphins.
11. The project must not include more than two, 3-foot wide finger piers, and the finger piers must not exceed 50 % of the proposed slip length.
12. The finger piers must be constructed on the landward side of the end of a private pier.
13. The project must meet the minimum extended property line setback requirements established by the local jurisdictions in which the activity is proposed.
14. In localities where there are no set back requirements, the structure(s) must be constructed in a manner that does not obstruct ingress and egress from adjacent properties.
14. Piers over vegetated tidal wetlands must be constructed a minimum of 3 feet above the wetlands.
15. Piers must not extend within 100 feet of an MDE-approved ski course.
16. Piers must not extend more than a distance of 25 % of the width of the waterway, channelward of the mean high water line and/or vegetated tidal wetlands; provided the pier does not come within 20 feet of a marked or commonly used channel (natural deep water) or within 150 feet of the horizontal limits of a Federal navigation channel.
17. The project must not obstruct the flow of the tide.
18. This activity does not authorize dredging.



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

REPLY TO
ATTENTION OF

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

Corps Permit No. 200601039
Project Name Fairfax County Films/Structure, Proj Applicant Name Fairfax County Films LLC
Waterway Potomac River County Washington

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 _____

Address: _____

Telephone: _____

Signature of Contractor/Agent _____ Date _____

Address: _____

Telephone: _____