

OWNER'S/DEVELOPER'S CERTIFICATION

I/WE HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND THAT ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF ATTENDANCE AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT. I HEREBY AUTHORIZE THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY STATE OF MARYLAND, DEPARTMENT OF THE ENVIRONMENT, COMPLIANCE INSPECTORS.

12-5-05

DATE

[Signature]
OWNER/DEVELOPER

11462

CARD NO.

DANIEL COPENHAVER-PARK ENGINEER

PRINTED NAME AND TITLE

DESIGN CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH THE 1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, THE 2000 MARYLAND STORMWATER DESIGN MANUAL VOLUMES I&II AND THE MARYLAND DEPARTMENT OF THE ENVIRONMENT EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT REGULATIONS

12-5-05

DATE

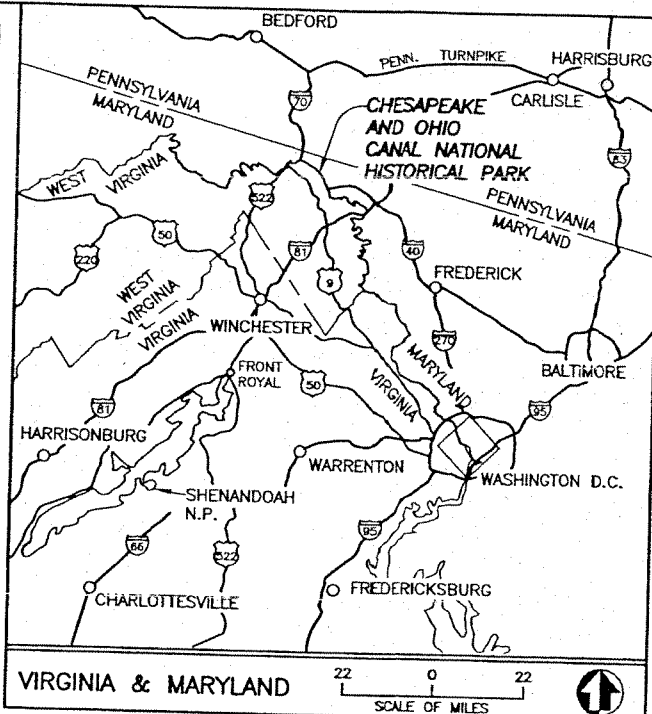
[Signature]
DESIGNER'S SIGNATURE

11462

CARD NO.

DANIEL COPENHAVER

PRINTED NAME



VIRGINIA & MARYLAND

22 0 22
SCALE OF MILES



EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED

FOLLOWING INITIAL SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES AND ALL SLOPES GREATER THAN 3 HORIZ TO 1 VERT (3:1); AND FOURTEEN (14)

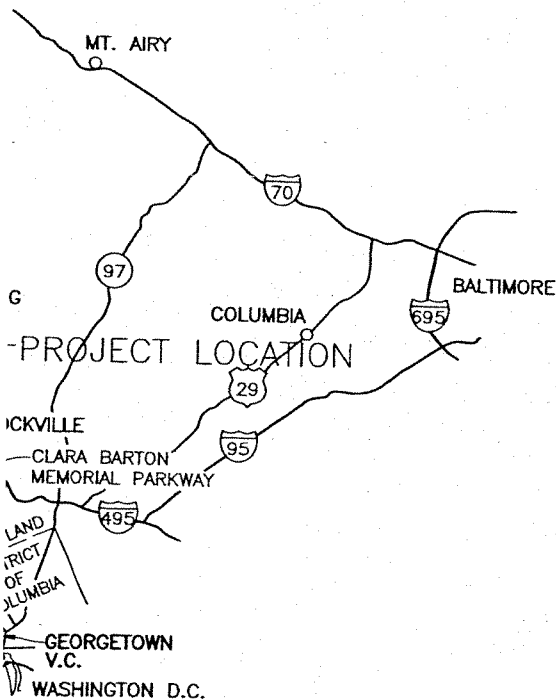
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SHEET

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PLANS APPROVED BY: *[Signature]*

DATE: 2/2/06

WATER MANAGEMENT ADMINISTRATION
NONTIDAL WETLANDS & WATERWAYS DIVISION
MARYLAND DEPARTMENT OF THE ENVIRONMENT

05-MT-0444

SCALE OF MILES
5 0 5 10
SCALE OF KILOMETERS
5 0 5 10 15



ORICAL PARK

Compliance Officer _____ Date _____
Chief of Maintenance _____ Date _____
Attendant _____ Date _____



UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
DENVER SERVICE CENTER

TITLE OF DRAWING
NEW SEWERLINE GREAT
FALLS MAINTENANCE FACILITY
LOCATION WITHIN PARK
PALISADES DISTRICT

NAME OF PARK
C&O CANAL NHP

REGION
NCR

COUNTY
MONTGOMERY

STATE
MARYLAND

DRAWING NO.
412
86165

PKG. NO. _____ SHEET
1
OF 14

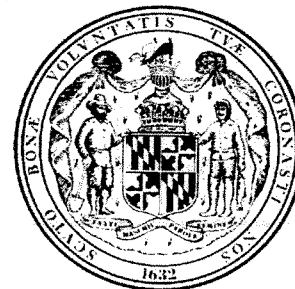
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 05-NT-0444/200660998

EFFECTIVE DATE: February 2, 2006

EXPIRATION DATE: February 2, 2009

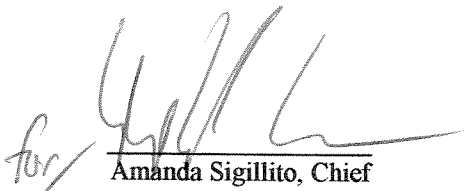
AUTHORIZED PERSON: National Park Service
C & O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740
Attn: Daniel Copenhagen



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND (1996 REPLACEMENT VOLUME), COMAR 26.23.01 AND 26.17.04, AND THE ATTACHED CONDITIONS OF AUTHORIZATION, National Park Service "AUTHORIZED PERSON", IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH PLANS APPROVED BY THE WATER MANAGEMENT ADMINISTRATION, NONTIDAL WETLANDS AND WATERWAYS DIVISION February 2, 2006 ("APPROVED PLAN") AND PREPARED BY Authorized Person AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Regulated activities associated with the replacement and extension of sanitary sewer lines. The project will result in temporary impact to approximately 45 linear feet of stream channel, an unnamed tributary to Potomac River (Use I). The project site is located at the C & O Canal National Historic Park, Great Falls Visitor Center near Potomac, Montgomery County.

MD Grid Coordinates: 425,000 ± N; 730,000 ± E


Amanda Sigillito, Chief
Nontidal Wetlands and Waterways Division

Attachments: Conditions of Authorization
U. S. Army Corps of Engineers Authorization (MDSPGP2)

cc: WMA Compliance Program w/ file
U.S. Army Corps of Engineers (Jack Dinne)

**THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY TO ALL ACTIVITIES
AUTHORIZED BY AUTHORIZATION NO. 05-NT-0444/200660998;**

GENERAL CONDITIONS

1. Validity: Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. Initiation of Work, Modifications and Extension of Term: Authorized Person shall initiate authorized activities within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modifications shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion.
3. Responsibility and Compliance: Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Environment Article, Annotated Code of Maryland (1996 Replacement Volume).
4. Failure to Comply: If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. Suspension or Revocation: Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. Other Approvals: Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. Site Access: Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. Inspection Notification: Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Frederick, Washington, Allegany and Garrett counties, Authorized Person shall call (301) 689-8494. For all other counties, call the Baltimore office at (410) 537-3510.
9. Sediment Control: Authorized Person shall obtain approval from the Maryland Department of the Environment for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.

10. Federally Mandated State Authorizations:
X Water Quality Certification: Water Quality Certification is granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions.
N/A Coastal Zone Consistency: This Authorization constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.
11. Best Management Practices During Construction: Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
12. Disposal of Excess: Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
13. Temporary Staging Areas: Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
14. Temporary Stream Access Crossings: Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
15. Discharge: Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
16. Instream Construction Prohibition: To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings.
No instream construction is to occur under this Letter of Authorization.
X Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Unnamed Tributary to Potomac River is a Use I waterway; in-stream work may not be conducted from March 1 through June 15, inclusive, of any year.
17. Instream Blasting: Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
18. Minimum Disturbance: Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
19. Restoration of Construction Site: Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The project is authorized by the U.S. Army Corps of Engineers under the Maryland State Programmatic General Permit (MDSPGP2), Category I, Activities D(2) subject to the attached conditions of the MDSPGP2.



REPLY TO
ATTENTION OF

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

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Date: February 2, 2006

Corps Permit No.: 200660998

MDSPGP-2 Category and Activity No.: Cat I, Activity D(2)

Permittee/Project Name: US NPS C & O Canal NHP – Great Falls Visitor Center Utility Line

Dear Applicant:

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 (MDSPGP-2), provided the work is completed in compliance with the enclosed plan(s), the standard MDSPGP-2 conditions, the applicable MDSPGP-2 activity-specific conditions, and special conditions (enclosed, if applicable). 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.

Your MDSPGP-2 authorization is valid for three years from the date of this letter, or until September 30, 2006, whichever is sooner, unless the MDSPGP-2 is modified, reissued, or revoked. If the MDSPGP-2 is modified, reissued, or revoked, your authorization may be valid for less than three years. 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 you have not completed this work before the date that the MDSPGP-2 is modified or revoked, you will have 12 months from the effective date of the modification or revocation 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.

Walter Washington, Jr.
Chief, Maryland Section Southern

Janet M. Vine
Chief, Maryland Section Northern



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

Corps Permit Number
200660998

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 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 VILE 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 not exceed the 500 linear feet limit or be greater 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.



REPLY TO
ATTENTION OF

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

200660998
Corps Permit Number

MDSPGP-2
CATEGORY I ACTIVITIES
Fill Activities
Underground and Overhead Utility Lines

This activity authorizes discharges of dredged or fill material associated with excavation, backfill and bedding for utility lines provided there is no change in preconstruction contours. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable or slurry substance. Utility lines also include any cable, line or wire for the transmission of electricity, telephone and telegraph messages, radio, television or other communication. This activity also authorizes mechanized land clearing, construction of temporary and permanent access roads for the utility line, and foundations associated with overhead utility lines. In addition, one driveway crossing with the utility crossing may be authorized by this activity if the single and complete project is to provide access and utilities to a **single residential lot**, not part of a larger development and not requiring other impacts to wetlands and/or streams for the development of the lot. This discharge, as are all of the other cited discharges of this activity, is subject to the impact limits and activity-specific conditions listed below, in addition to the general conditions of this permit. Discharges that do not meet these impact limits and/or conditions do not qualify for authorization under Category I and will be reviewed under Category III or alternate Corps permit review. (Section 10 and 404; **limited to all nontidal wetlands and streams, and tidal wetlands and certain waters, as specified below**)

A. Impact Limits: The total temporary and permanent impact to Waters of the United States, which includes tidal and nontidal wetlands, streams, rivers, and other open waters, is less than 0.25 acre (10,890 square feet). Included in this areal limit, is a total maximum distance impact limit to streams and other open waters of no more than 500 linear feet, which is measured along the centerline of the waterway. The width of the water body is measured bank to bank at the ordinary high water line or the mean high water line. For all access road and/or single residential driveway crossings, total temporary and permanent impacts to all Waters of the United States, including wetlands and streams, are to be less than 5,000 square feet, and total stream impacts are limited to no more than 200 linear feet in length of the allowable maximum 500 linear feet. The acreage of impact to streams and wetlands includes the filled area, both temporary and permanent, plus streams and wetlands that are adversely affected by the project through permanent flooding, draining, or mechanized landclearing.

B. Conditions:

1. Application must be submitted to MDE for Federal authorization.
2. The discharge 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. Impacts shall be minimized by using directional drilling, jack and bore, missile, or similar methods when feasible.
4. Pipe diameter for underground **water and sewer lines** must not exceed 8 inches.
5. Pipe diameter for underground **natural gas lines** must not exceed 12 inches.
6. In some instances, a proposed water or sewer line will extend service to currently undeveloped residential lots that have been platted partially or totally in wetlands. In these cases, extension of sewer and/or water service to such lots may be the impetus for lot owners to propose to fill wetlands on the lots for construction of homes. Under these circumstances, the utility line does not qualify for authorization under Category I and will be reviewed under Category III.
7. For the single residential lot project that proposes both a driveway and a utility line crossing, the utility line should be placed within the driveway right-of-way where practicable to result in a single crossing of the Waters of the United States.
8. When underground utility lines are installed in streams and wetlands, bedding material must not promote drainage of the streams and wetlands. Clay plugs, impervious membranes, or other materials must be placed in the trenches to reduce drainage through the backfill material.
9. The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and generally does not require any riprap protection in-stream. When the utility is placed in bedrock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained.
10. In wetlands, the top 6 to 12 inches of the trench must be backfilled with the top 6 to 12 inches of topsoil removed from the trench.

11. Excavated material must be stabilized with straw bales, silt fence, or other erosion and sediment control measures to prevent reentry of soil into Waters of the United States.
12. Excavated material must not be stockpiled in wetlands for longer than 14 days.
13. Limit-of-disturbance easements for the construction of utility lines within Waters of the United States, including wetlands, must be limited to the minimum width necessary and must not exceed 30 feet in width.
14. Immediately after construction of the utility line is completed, excess material must be removed to upland areas and stabilized with straw bales, silt fence or other erosion and sediment control devices to prevent its reentry into Waters of the United States, including wetlands.
15. Exposed slopes and stream banks must be stabilized and revegetated, preferably with native, woody species, immediately after construction of the utility line is completed.
16. Any utility line and road crossing of tidal waters is limited to man-made tidal ditches or channels (e.g., roadside and agricultural ditches) that are no more than 12 feet wide measured at the mean high water line. All other permanent road crossings of tidal waters are to be reviewed as Category III activities.
17. The utility line and any road crossing must not cross in the location of a braided channel nontidal system.
18. All utility line and temporary and permanent road crossings of waterbodies must not restrict low flows.
19. The utility line and any road crossing must be constructed roughly perpendicular to Waters of the United States, including streams and wetlands. If the utility line is placed within a jurisdictional area (i.e., a Water of the United States), and it runs parallel to a streambed that is within that jurisdictional area, the activity does not qualify for authorization under Category I and will be reviewed under Category III.
20. All temporary and permanent road crossings of waterbodies must be bridged, culverted or designed in some other manner so that they will withstand, but not restrict, expected high flows.
21. All temporary and permanent road crossings must be the minimum width necessary for the crossing.
22. For permanent culverted crossings, the single culvert, or one of the multiple cells, must be depressed a minimum of one foot below the invert of the stream, or 20% of the diameter width for culverts less than 36 inches in diameter.
23. For permanent culverted crossings, flow depth and velocity (not more than 3 to 4 ft./sec.) through the culvert and the slope of the culvert must be taken into consideration in the design of the crossing to ensure anadromous and resident fish passage. In addition, all utility line and temporary and other types of permanent road crossings of waterbodies must not restrict the movement of aquatic organisms, including anadromous, estuarine and resident fish species.
24. Any temporary crossing must be removed within 14 calendar days after the structure is no longer needed, subject to any time-of-year restrictions, and no later than one year of the installation date.
25. Areas in Waters of the United States impacted for installation of utility lines, temporary access roads, or other temporary activities or structures, must be returned to pre-construction conditions, which includes contours, elevations, stream substrate, and revegetation with native wetland species.
26. Utility line and road construction across streams must be conducted "in the dry" whenever practicable. This should be accomplished by using stream diversion devices, other than earthen or stone cofferdams.
27. When mechanized landclearing results in the permanent removal or conversion of a forested or scrub-shrub wetland to an herbaceous wetland in the permanently maintained utility right-of-way, mitigation is required to reduce the adverse effects of the project to the minimal level. This is in addition to the requirement to mitigate for permanent wetland impacts resulting from the discharge of dredged or fill material.



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 (10/1/01)

Corps Permit No.: 200660998 Date of Issuance: February 2, 2006

Project Name: US NPS, C & O Canal NHP/Utility Line

Waterway: Potomac River County: Montgomery

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: _____