



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

September 14, 2020

Calvert County Board of County Commissioners  
c/o William Clark  
Calvert Soil Conservation District  
PO Box 657  
Prince Frederick, MD 20678

Re: Agency Interest Number: 73618  
Tracking Number: 201961791  
Tidal Authorization Number: 20-WQC-0049

**Via email:** [Bill.Clark@calvertcountymd.gov](mailto:Bill.Clark@calvertcountymd.gov) and [Terry.P.Eucker@usace.army.mil](mailto:Terry.P.Eucker@usace.army.mil)

Dear Mr. Clark:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore, a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by the BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

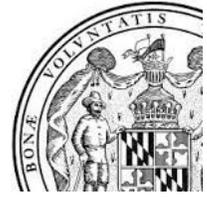
You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Melissa McCanna at [melissa.mccanna@maryland.gov](mailto:melissa.mccanna@maryland.gov) or 410-537-4053 with any questions.

Sincerely,

Danielle Spendiff, Chief  
Western Region  
Tidal Wetlands Division



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



20-WQC-0049

EFFECTIVE DATE: **September 14, 2020**  
EXPIRATION DATE: **September 13, 2023**  
CERTIFICATION HOLDER: **Calvert County Board of County  
Commissioners**  
ADDRESS: **175 Main St  
Prince Frederick, Maryland 20678**  
PROJECT LOCATION: **5300 Breezy Point Rd  
Chesapeake Beach, MD 20732**

**UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH §9-313 THROUGH §9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN STATE TIDAL WETLANDS LICENSE NUMBER 19-WL-1084 (“LICENSE”) WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND WITH ALL TERMS AND CONDITIONS OF THE LICENSE. A COPY OF THE LICENSE, INCLUDING APPROVED PROJECT DRAWINGS AND OTHER ATTACHMENTS, IS ATTACHED HERETO AND IS HEREBY INCORPORATED BY REFERENCE.**

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE CORPS OF ENGINEERS.

THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

### **SPECIAL CONDITIONS**

- A. The terms and conditions of Tidal Wetlands License No. 19-WL-1084 are hereby incorporated, by reference, into this Water Quality Certification. The Certification Holder shall comply with these conditions to ensure that the authorized activities will not result in a violation of the State's water quality standards.

## GENERAL CONDITIONS

- A. The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant is to notify this Department ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.
- B. The Maryland Department of the Environment has determined that the proposed activities comply 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.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
- D. The Certification Holder shall ensure the proposed project shall be constructed in accordance with the authorized plan and any authorized revisions.
- E. The Certification Holder shall ensure that all fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
- F. The Certification Holder shall notify the Water and Science Administration, Tidal Wetlands Division, in writing, upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this Water Quality Certification to his/her name.
- G. The Certification Holder shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- H. The Certification Holder shall ensure that a copy of this Permit, including the approved plans, is available at the site until the authorized work is complete.
- I. The Certification does not relieve the Certification holder from the responsibility of obtaining all necessary federal, State, and local government authorizations.
- J. The Certification Holder shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This Certification does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.

Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification, and legal proceedings may be instituted against the Certification Holder in accordance with the Annotated Code of Maryland. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime

**CERTIFICATION APPROVED**



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D. Lee Currey, Director  
Water and Science Administration

9/18/2020

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Date

Tracking Number: 201961791  
Agency Interest Number: 73618

Effective Date: September 14, 2020

Enclosure: Executed Tidal Wetlands License No. 19-WL-1084 with all plans and attachments.

cc: WMA Inspection & Compliance Program



William Morgante, PWS  
Wetlands Administrator

State of Maryland  
**Board of Public Works**  
Wetlands Administration  
Post Office Box 1510 Annapolis, Maryland 21404  
410-260-7791

Larry Hogan  
Governor

Nancy K. Kopp  
Treasurer

Peter Franchot  
Comptroller

John T. Gontrum, Esq.  
Executive Secretary

**WETLANDS LICENSE NO. 19-1084**

**CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS**

The Maryland Board of Public Works authorizes you to:

- I. Construct six breakwater structures with lengths varying from 92 feet to 105 feet, and most widths at 30 feet approximately 3.5 feet above mean high water.
- II. Fill, grade, and plant 1.42 acres of high marsh vegetation along 1400 feet of eroding shoreline with 27,300 cubic yards of sand within a maximum of 174 feet channelward of the mean high water line.

*Chesapeake Bay at Breezy Point Park, 5300 Breezy Point Road, Chesapeake Beach, Calvert County, Maryland*

Issuance of this Tidal Wetlands License constitutes the State's determination that the 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 [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING SPECIAL CONDITION(S):**

- A. Licensee shall not perform any construction from November 15 through March 1 of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.
- B. Marsh establishment:
  - a. Licensee shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
  - b. The marsh establishment area shall be planted within one year following completion of the filling operation.

- c. The marsh establishment project shall be maintained as a wetland, with non-nuisance species' aerial coverage of at least 85% for three consecutive years. If 85% coverage is not attained, the reasons for failure shall be determined, corrective measures shall be taken, and the area shall be replanted.
  - d. If the fill is graded hydraulically, Licensee shall use a turbidity curtain around the perimeter of the instream work.
  - e. If the existing bank is to be cleared or graded, Licensee shall obtain any required approvals of an erosion and sediment control plan from the applicable sediment and erosion control agency and perform all work under and in accordance with the Critical Area requirements of the local jurisdiction in the form of an approved Buffer Management Plan.
- C. Licensee shall accept the terms of the attached Marsh Maintenance Plan by signing and returning the standard plan to Maryland Department of the Environment's (MDE) Compliance Division, Water and Science Administration, prior to commencement of any work authorized under this License. If the Licensee wishes to propose an alternative marsh maintenance plan, the alternative plan must be submitted to and approved by MDE's Tidal Wetlands Division, Water and Science Administration, prior to commencement of any work authorized under this License. Any alternative plan must provide assurances of success that are at least equivalent to those of the standard plan, in terms of the extent of native marsh plant coverage, elimination of invasive species and timeframe for plant establishment.
- D. Licensee shall submit photographs on an annual basis for the first five growing seasons to MDE's Tidal Wetlands Division, Water and Science Administration, in order to document the success of the project in terms of the extent of native marsh plant coverage. Photographs shall be taken from at least two directions, as necessary to fully depict the living shoreline.
- E. Licensee shall obtain a Toxic material Permit from MDE's Industrial and General Permits Division at 410-537-3619, prior to the application of any herbicide to eradicate *Phragmites*. Toxic Material Use Permits are required for any homeowner, farmer, local government or other person who wants to control aquatic life in ponds, ditches or waterways by the deliberate use of chemicals.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU  
COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:**

1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated April 28, 2020, which are hereby incorporated into this License.
2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.

5. Licensee shall notify MDE's Inspection and Compliance Program by phone (410-537-3510) AND in writing (MDE, Inspection and Compliance Program, 1800 Washington Boulevard, Baltimore, MD 21230) of the following:
  - start date at least five business days before beginning work; and
  - completion date no more than five business days after project completion.
6. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.

"Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.
8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Inspection and Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by email at *MDE.MCLB@maryland.gov* or by accessing the *Maryland Department of the Environment, Environmental Boards webpage*.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this License authorizes.

- 19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
- 20. This License expires July 22, 2023. If the authorized work is not completed by the expiration date, all activity must stop.

Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.  
*Board of Public Works: 410-260-7791*

By the authority of the Board of Public Works:

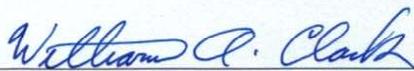
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 John T. Gontrum  
 Date: 2020.07.28  
 10:06:02 -04'00'

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 John T. Gontrum  
 Executive Secretary

Effective Date: July 22, 2020  
 Approved as: Secretary's Agenda Item 2  
 Board of Public Works Meeting Date: July 22, 2020

**I accept this License and all its conditions.**

July 27, 2020  
 Date

  
 Licensee (Signature)

William A. Clark  
 Name (Printed)

District Manager - Project Designee  
 Title

Bill.Clark@calvertcountymd.gov  
 Email (to receive completed license)

# Breezey Point Living Shoreline Re-Establishment Project – Vicinity Map



## Vicinity Map & Aerial Photo

Project: Breezey Point Living Shoreline Re-Establishment Project

Proposed Project for : Breezey Point Park

Applicant: Calvert Board of County Commissioners

Mailing Address: 175 Main Street, Prince Frederick, Calvert

County Maryland 20678

19-WL-1084

201961791

28 Apr 2020

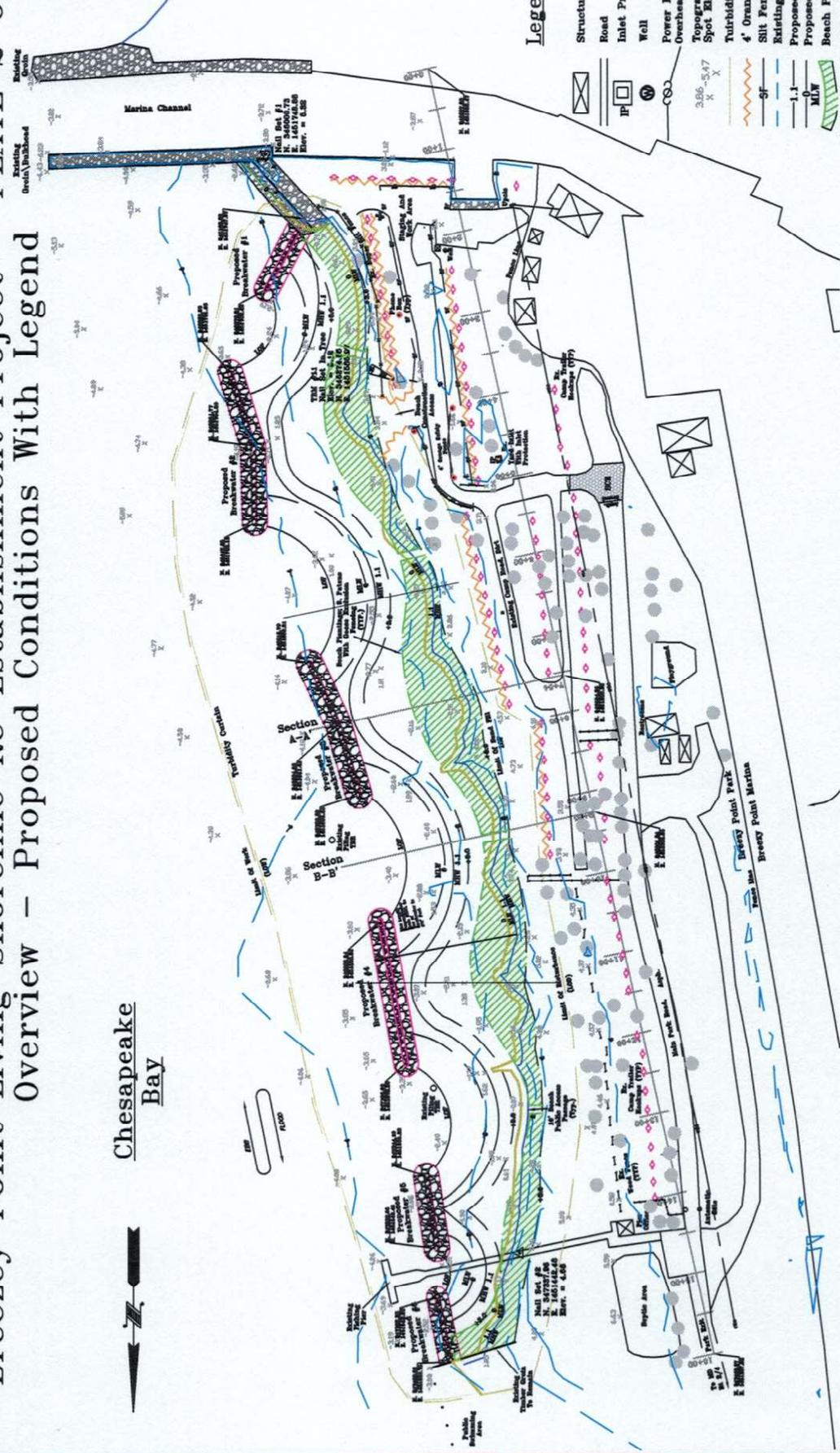
Sheet 1 of 7



# Breezey Point Living Shoreline Re-Establishment Project - PLATE 2 of 6

## Overview - Proposed Conditions With Legend

Chesapeake Bay



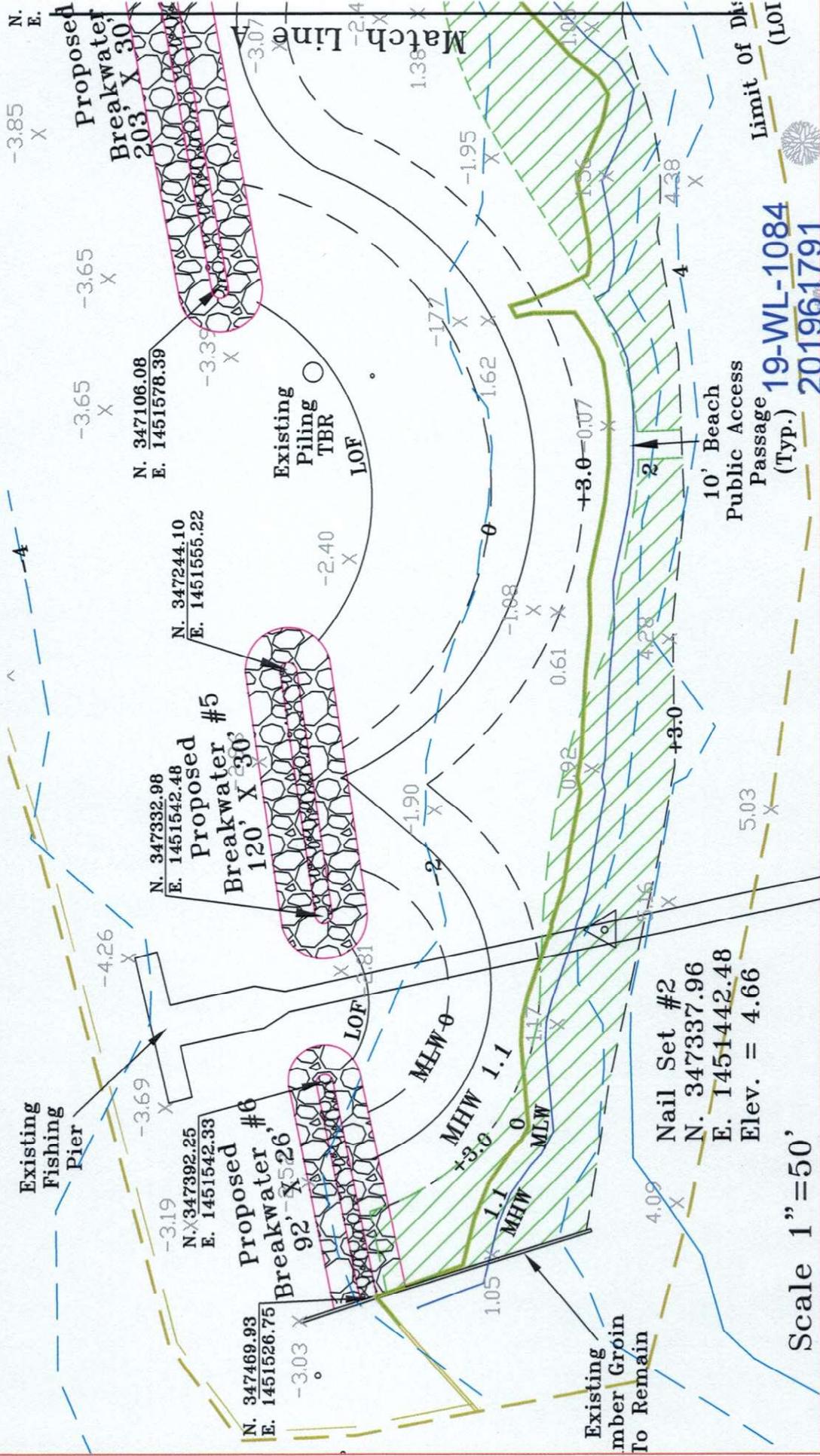
### Legend

- Structure
- Road
- Inlet Protection
- Well
- Power Pole & Overhead Utility Lines
- Topographic & Bathymetric Spot Elevations
- Turbidity Curtain
- 4' Orange Safety Fence
- Silt Fence
- Existing 2' Contours
- Proposed Mean High Water
- Proposed Mean Low Water
- Beach Plantings; S. patens
- Limit of Fill, Channelward
- Proposed Contour, Upland
- Control Points

Scale 1" = 200'

19-WL-1084  
 201961791  
 28 Apr 2020  
 Sheet 3 of 7

Breezy Point Living Shoreline Re-Establishment Project - PLATE 3 of 6

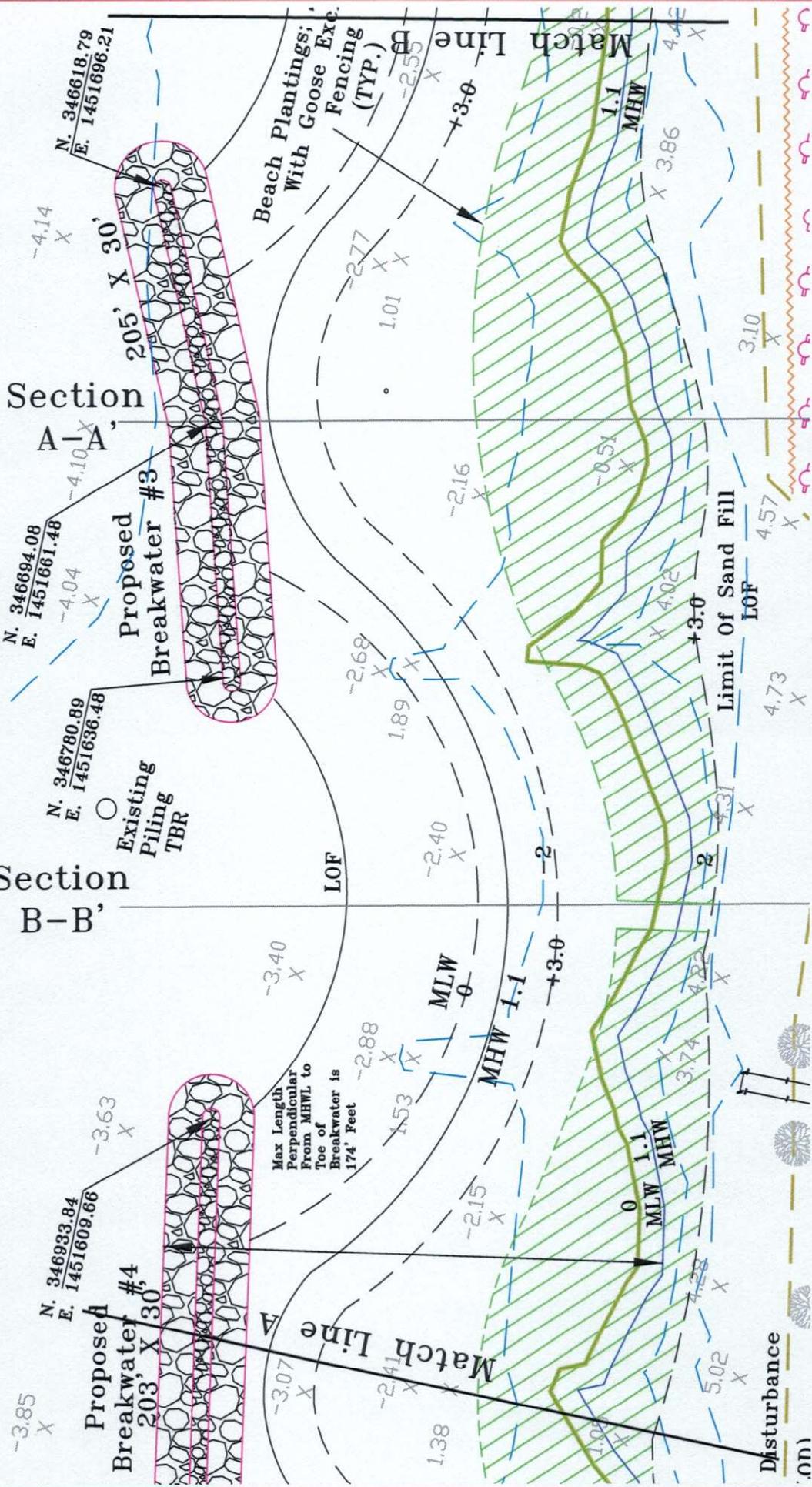


Scale 1"=50'

19-WL-1084  
201961791

28 Apr 2020  
Sheet 4 of 7

Breezy Point Living Shoreline Re-Establishment Project - PLATE 4 of 6

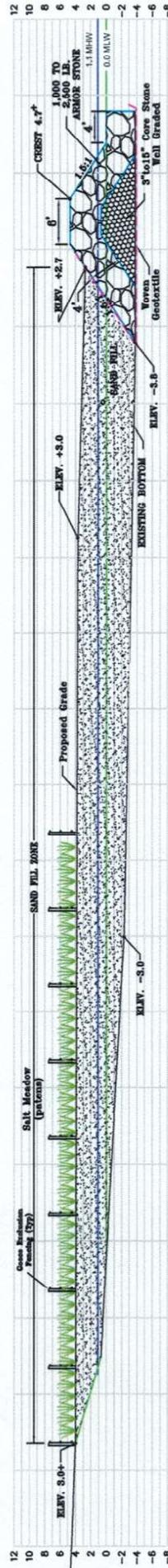


Scale 1"=50'  
 19-WL-1084  
 201961791  
 28 Apr 2020  
 Sheet 5 of 7



# Breezy Point Living Shoreline Re-Establishment Project – PLATE 6 of 6

## Typical Cross Section



Section A-A' 7+54  
 Sand Fill & Sill  
 Total Sand Fill = 27,300 Cy  
 Scale 1"=20'

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 201961791  
 28 Apr 2020  
 Sheet 7 of 7