

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

Ben Grumbles, Secretary Horacio Tablada, Deputy Secretary

September 4, 2019

John D Robertson c/o Lane Engineering, Inc. 117 Bay St PO Box 1767 Easton, MD 21601

Re:

Agency Interest Number: 162925

Tracking Number: 201861808

Tidal Authorization Number: 18-WL-1080

Dear John Robertson:

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 Megan Spindler at megan.spindler@maryland.gov or 410-537-3622 with any questions.

Sincerely,

Jonathan Stewart, Chief

Eastern Region

Tidal Wetlands Division



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



for WETLAND LICENSE 18-WL-1080

WATER QUALITY CERTIFICATION NUMBER: 19-WOC-0008

EFFECTIVE DATE: July 3, 2019 EXPIRATION DATE: July 2, 2022

CERTIFICATION HOLDER: John D. Robertson

ADDRESS: 23830 Mt. Misery

Saint Michaels, Maryland 21663-2520

PROJECT LOCATION: 23830 Mount Misery Rd

Saint Michaels, MD 21663

Broad Creek - 02120205 in Talbot

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 ADMINSTRATION ("ADMINISTRATION") HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN STATE TIDAL WETLANDS LICENSE NUMBER 18-WL-1080 ("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. 18-WL-1080 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

D. Lee Currey, Director

Water and Science Administration

Tracking Number: 201861808 Agency Interest Number: 162925

Effective Date:

July 3, 2019

Enclosure: Executed Tidal Wetlands License No. 18-WL-1080 with all plans and attachments.

cc: WMA Inspection & Compliance Program



John D. Robertson c/o Lane Engineering 117 Bay Street Easton, MD 21601

State of Maryland

Board of Public Works

Wetlands Administration Post Office Box 1510 Annapolis, Maryland 21404 410-260-7791 Fax: 410-974-5240

Toll Free: 1-877-591-7320

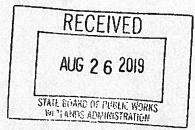
Larry Hogan Governor

Nancy K. Kopp Treasurer

Peter Franchot Comptroller

Sheila C. McDonald Executive Secretary

August 7, 2019



RE: Wetlands License No. 18-1080, Broad Creek, Talbot Co., MD

Dear Licensee(s):

Enclosed please find the original and one copy of the above-mentioned wetlands license issued to you on July 3, 2019.

After you have read all the conditions of the license, please ensure that the license is signed by the licensee (or designee) and the entire original license (including plans) is returned to this office within 15 business days in the enclosed envelope. The Executive Secretary signs and validates the license after BPW receives the license signed by the licensee. Retain the copy of the license for your records.

Please note that you must notify the MD Department of the Environment, Inspections and Compliance Program, by calling (410) 537-3510 in Baltimore, or (410) 901-4020 in Cambridge, five days prior to commencing work.

This does not constitute your federal authorization. Contact the U.S. Army Corps of Engineers, Baltimore District, (410) 962-4500 (Maryland Section Southern) or (410) 962-4252 (Maryland Section Northern) regarding the status of the federal permit.

If you have any questions concerning this license, please contact me.

Sincerely,

William Morgante Wetlands Administrator

Willia Mayo

Enclosure

MDE, Tidal Wetlands Division cc:



State of Maryland **Board of Public Works** Larry Hogan Governor Wetlands Administration RECEIVED Nancy K. Kopp Post Office Box 1510 Treasurer Annapolis, Maryland 21/404 Peter Franchot AUG 2 6 2019 410-260-7791 Comptroller Fax: 410-974-5240 Sheila C. McDonald Toll Free: 1-877-591-7820 STATE BOARD OF PUBLIC WORKS WELLANDS ADMINISTRATION Executive Secretary

WETLANDS LICENSE NO. 18-1080

JOHN D. ROBERTSON

The Maryland Board of Public Works authorizes you to:

- I. Construct a 130-foot long by 10-foot wide low profile stone, sand containment sill;
- II. Backfill and plant with 172 cubic yards of sand along 125 linear feet of eroding shoreline. All work extending a maximum of 96 feet channelwarad of the mean high water line.

Broad Creek at 23830 Mt. Misery Road, St. Michaels, Talbot 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. 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:

- i. Licensee shall obtain any required approvals of an erosion and sediment control plan from the applicable sediment and erosion control agency, and
- ii. Licensee shall 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.
- B. Licensee shall accept the terms of the attached marsh maintenance plan by signing and returning the standard plan to the Maryland Department of the Environment's (MDE) Water and Science Administration, Tidal Wetlands Division, 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 standards plan, in terms of the extent of native marsh plant coverage, elimination of invasive species and timeframe for plant establishment.

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

- Licensee shall conduct the authorized work in accordance with the plans and drawings dated February 7, 2019, which are hereby incorporated into this License.
 Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
- 6. 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.
- 7. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
- 8. Licensee may not stockpile material in State tidal wetlands or State tidal waters of the U.S.
- 9. Licensee shall allow unfettered public use of State wetlands and State tidal waters of the U.S.
- 10. This License does not transfer a property interest of the State.
- 11. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. Miss Utility: 800-257-7777
- 12. 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.
- 13. 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.
- 14. 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 contactors 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.
- 15. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
- 16. 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.
- 17. 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.
- 18. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
- 19. This License expires July 3, 2022. If the authorized work is not completed by the expiration date, all activity must stop.
- 20. 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

RECEIVED

AUG 2 6 2019

STATE BOARD OF PUBLIC WORKS WETLANDS ADMINISTRATION

By the authority of the Board of Public Works:

Sheila C. McDonald

Executive Secretary

Sec 6 (7/3/19)

Effective Date: July 3, 2019

Approved as: Secretary's Agenda Item 6

Board of Public Works Meeting Date: July 3, 2019

I accept this License and all its conditions.

RECEIVED

AUG 2 6 2019

STATE BOARD OF PUBLIC WORKS WETLANDS ADMINISTRATION

Licensee (Signature)

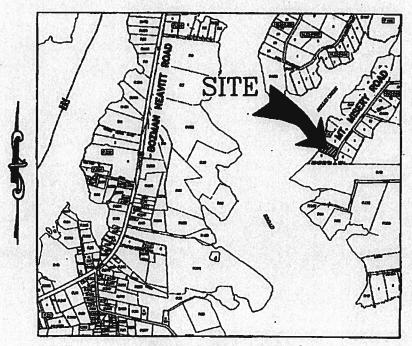
ROBERTSON Name (Printed)

Owner

Title

JACKROBERTSON & INQUIRIES INC, Email (To receive completed license.)

TIDAL WETLAND PERMIT DRAWINGS PREPARED FOR JOHN ROBERTSON IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND



18-WL-1808. 201861868 162925

VICINITY MAP
SCALE: 1" = 2,000'

ENGINEER

Lane Engineering, LLC
117 BAY STREET
EASTON, MARYLAND 21601
(410) 822-8003

OWNER/DEVELOPER

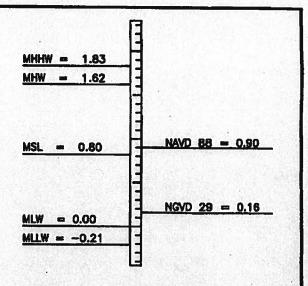
JOHN ROBERTSON GEORGIA ROBERTSON 23830 MT. MISERY ROAD ST. MICHAELS, MD 21663-2520

PROJECT LOCATION

23830 MT. MISERY ROAD ST. MICAHELS, MD 21663

ISSUE FOR:	DATE: 8	Y: No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	08/10/18 DS	SW		TO SAMPLE OF THE	
MDE SUBMITTAL	02/07/19 D	SW		CONTROL OF THE STATE OF THE STA	
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SHEET NO. 1 OF DATE: AS NO SCALE: AS NO. JOB NO. 170 FILE NO. 11	ON THE LANDS OF			Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyo Land Planning • Land Surveyo E-mail: general@isho.com 117 Bay St. Easton, NO 21801 (410) 822-8003 15 Washington St. Combridge, NO 21613 (410) 758-808 384 Pennsylving Ans. Controvide, NO 21617 (410) 758-808	
NOTED NOTED 1146	IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 31, GRID 6, PARCEL 320, LOT 4				

LEGEND & ABBREVIATIONS MEAN LOW WATER MEAN HIGH WATER TYPICAL MLW MHW TYP **EXISTING** APPROX **APPROXIMATE** PROPERTY LINE . APPROX TREE LINE APPROX LIMITS OF MAPPED SAV SAV LIMITS OF TIDAL WETLANDS 11/4 TIDAL WETLANDS SPARTINA ALTERNIFLORA v-2.15 SPOT ELEVATION EXISTING RIPRAP PROPOSED RIPRAP



VERTICAL DATUM COMPARISON CHART

SCALE: 1"=1"

NOTE: MEAN LOW WATER (MLW) AND RELATIVE TIDAL INFORMATION WAS OBTAINED FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE NATIONAL OCEANIC SERVICE (NOS) AND ARE BASED UPON TIDAL BENCH MARK CAMBRIDGE (STATION ID: 8571892) TIDAL EPOCH 1983-2001.

PROJECT NOTES:

- TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENMRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
- 2. MEAN TIDAL RANGE = 1.62'
- 3. LOT SIZE = 2.00 AC.± .
- 4. LOT DEPTH = 421'±
- 5. ROAD FRONTAGE = 210'±
- 6. LOT WIDTH AT SHORELINE = 234'±
- 7. DISTANCE TO CHANNEL CENTERLINE = 779'±
- 8. MAXIMUM CHANNELWARD ENCROACHMENT = 100'±
- 9. ZONING CLASSIFICATION = RR (RURAL RESIDENTIAL DISTRICT)

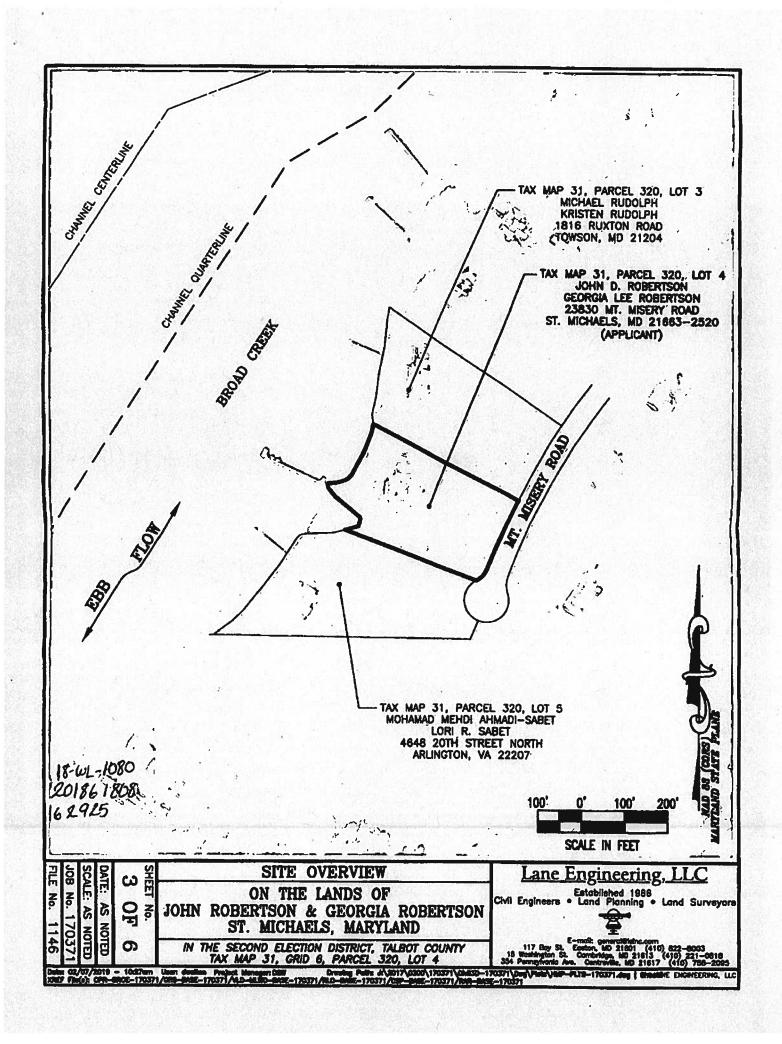
10. 911 ADDRESS = 23830 MT. MISERY ROAD ST. MICHAELS, MD 21663-2520

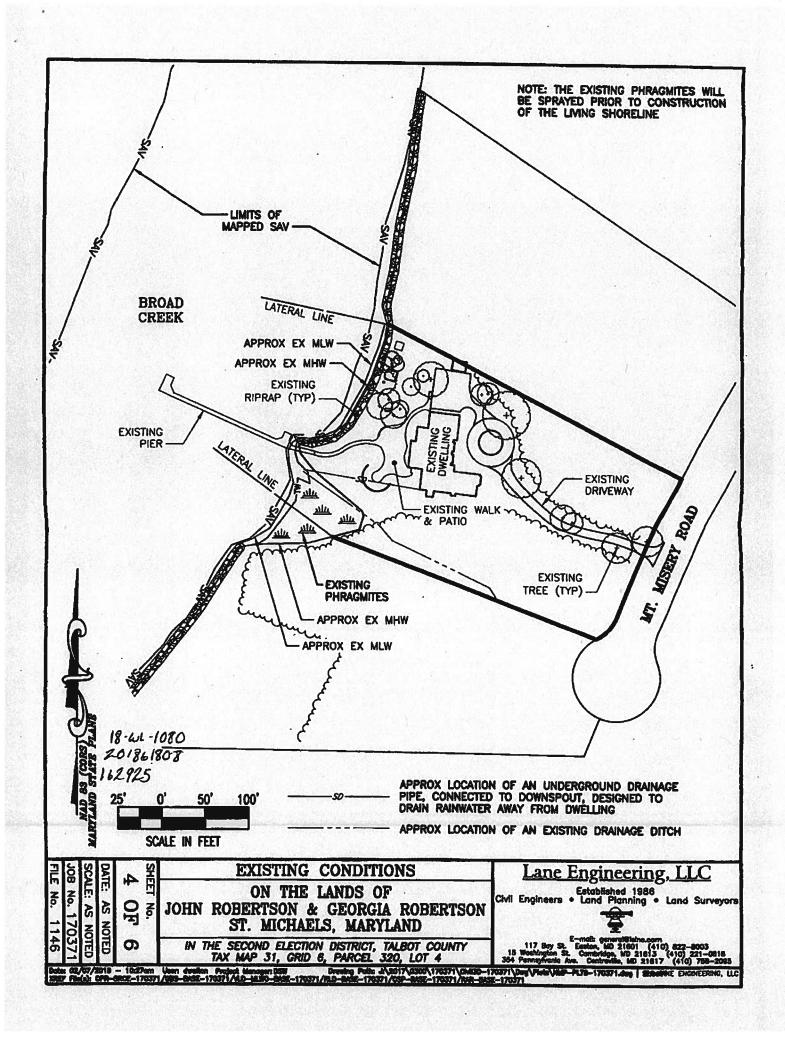
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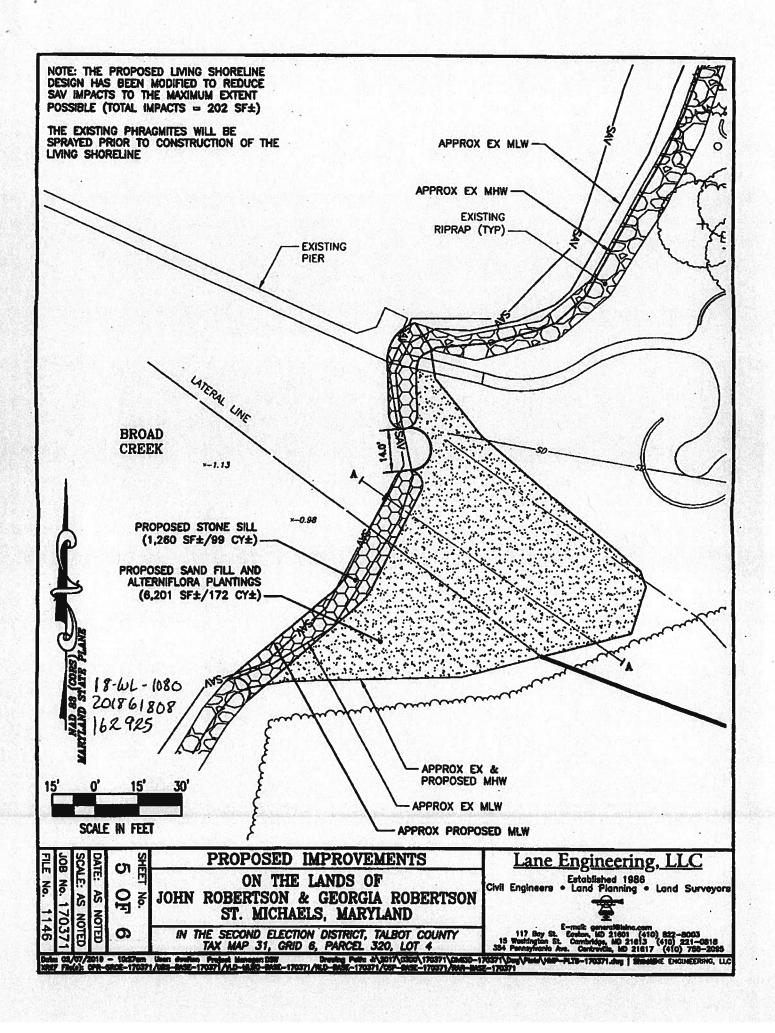
AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN HEREON, WITH LATERAL LINES AND SETBACKS ARE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A PORTION OF THE SHORELINE FEATURES SHOWN HEREON WERE SURVEY LOCATED BY LANE ENGINEERING, ILC IN JANUARY 2018. REMAINING SHORELINE FEATURES AND EXISTING CONDITIONS SHOWN HEREON WERE TAKEN FROM AERIAL PHOTO INTERPRETATION. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING CONDITIONS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

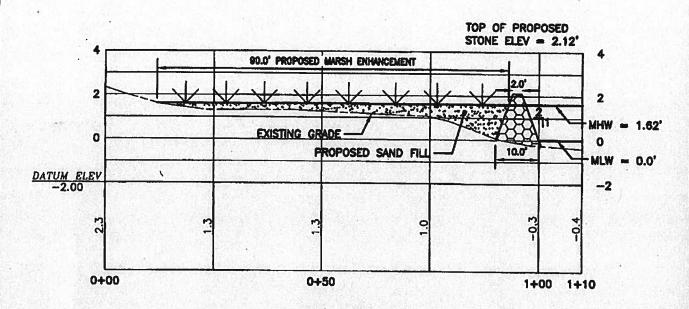
SITE & PROJECT NOTES DATE HH Lane Engineering, LLC 906 N Established 1986

Civil Engineers • Land Planning • Land Surveyors ON THE LANDS OF No. 3 JOHN ROBERTSON & GEORGIA ROBERTSON 2 ST. MICHAELS. MARYLAND NOTED <u>z</u> E-mdl: general@ieho.com faston, MD 21601 (410) 822-8003 L. Cembridge, MD 21613 (410) 221-0818 hes. Centredile, MD 21617 (410) 758-209 46 IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 31, GRID 6, PARCEL 320, LOT 4 8 Gruning Polit: 4\\$017\6000\170371\GM E-170371/NLD-8HS-170371/GM-8HSE-170371/NU -170371\Dec helion Project Manager: DB HSE-17037 | ALD-MLNO-BA









SECTION A HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 4'

18-WL-1080. 201861808 162925

E S S E	SHS	DETAILS	Lane Engineering, LLC
E: AS NO. 170	ET No.	ON THE LANDS OF JOHN ROBERTSON & GEORGIA ROBERTSON ST. MICHAELS, MARYLAND	Civil Engineers • Land Planning • Land Surveyors
6210日	တ	IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 31, GRID 6, PARCEL 320, LOT 4	E-mail: general@leinc.com 117 Bay St. Easten, MD 21601 (410) 822-8003 18 Wartington St. Cambridge, MD 21613 (410) 221-0318 364 Penngyiranto Ave. Centredle, MD 21617 (410) 788-2098