



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

June 17, 2020

Virginia McHugh
c/o Stephen Peterson
Colliflower & Peterson, Inc
PO Box 135
Callaway, MD 20620

Re: Agency Interest Number: 64985
Tracking Number: 201961375
Tidal Authorization Number: 20-WQC-0028

Dear Virginia McHugh:

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.

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 Justin Berezna at justin.berezna@maryland.gov or 410-537-3782 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-0028

EFFECTIVE DATE: **June 17, 2020**
EXPIRATION DATE: **December 12, 2022**
CERTIFICATION HOLDER: **Virginia McHugh**
ADDRESS: **4990 Sentinel Dr, Apt 406**
Bethesda, Maryland 20816
PROJECT LOCATION: **10950 Dreamland Pl and Acker Rd**
Newburg, MD 20664

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-GL-0845 (“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-GL-0845** 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

6/29/2020

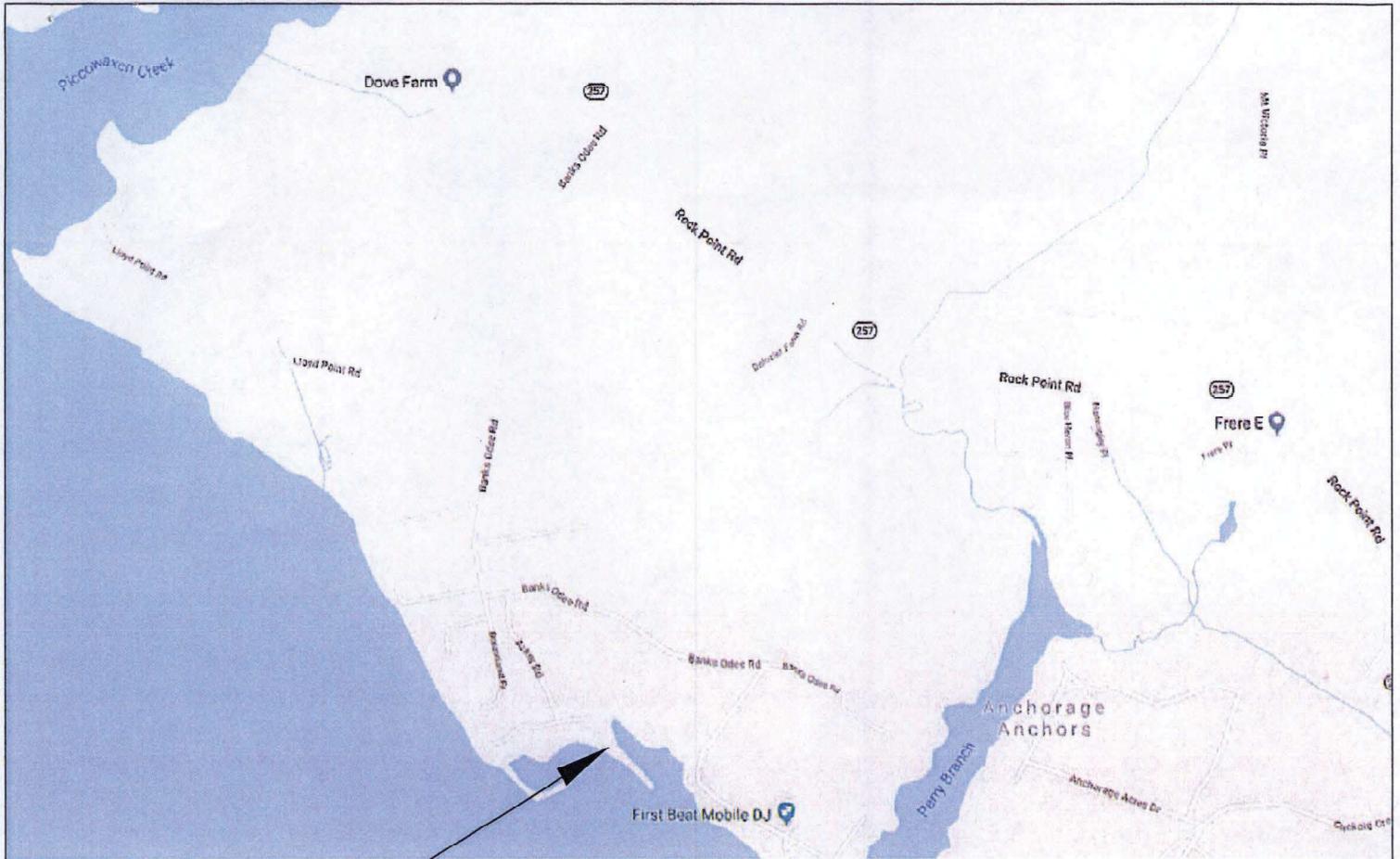
Date

Tracking Number: 201961375
Agency Interest Number: 64985

Effective Date: June 17, 2020

Enclosure: Executed Tidal Wetlands License No. **19-GL-0845** with all plans and attachments.

cc: WMA Inspection & Compliance Program



10950 DREAMLAND PLACE

201961375
20-WQC-0028



PROJECT:	LIVING SHORELINE	TAX MAP:	86	DEED:	6689/368
OWNER:	VIRGINA McHUGH	PARCEL:	208	LOT:	
COUNTY:	CHARLES	STREET:	ACKER RD.		
WATERWAY:	CUCKOLD CREEK	DATE:	5/28/2019	SHEET:	1 OF 2

Colliflower & Peterson, Inc.
 Marine Contractors
 P. O. Box 135
 Callaway, MD 20620
 301.994.2824

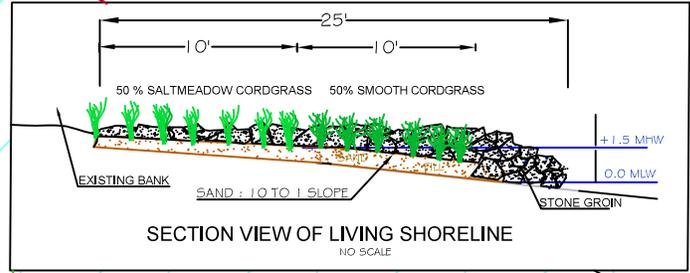
VIMS MAPPING OF SAV

201961375
20-WQC-0028

PROPERTY OF:
JMJ INVESTMENTS LLC
2101 WISCONSIN AVE. NW
WASHINGTON, DC 20007

PROPERTY OF:
JOHN GARDNER
11260 ACKER RD.
NEWBURG, MD 20664

PROPERTIES OF:
VIRGINIA MCHUGH
4990 SENTINEL DR.
APT. 406
BETHESDA, MD 20816



PROPERTY LINE

PROPERTY LINE

EXISTING MARSH
3,400 SQFT

ACCESS ACROSS LAWN

EXTENDED P.L.

GROIN

MCHUGH COVE

LIMITS WHERE SAV COULD GROW

GROIN

NOTE:
1. 400 CUYDS OF CLEAN SAND WILL BE USED FOR FILL FOR THE CORDGRASS PLANTS.
2. 105 CUYDS OF STONE WILL BE USED FOR THE GROINS.
3. TOTAL: 505 CUYDS.

CUCKOLD CREEK

SCALE: 1" = 60'



PROJECT:	LIVING SHORELINE	TAX MAP:	86	DEED:	6689/368
OWNER:	VIRGINIA MCHUGH	PARCEL:	208	LOT:	
COUNTY:	CHARLES	STREET:	ACKER RD.		
WATERWAY:	CUCKOLD CREEK	DATE:	2/21/2020	SHEET:	2 OF 2

Colliflower & Peterson, Inc.
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P. O. Box 135
Callaway, MD 20620
301.994.2824



Maryland
Department of
the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

December 13, 2019

Virginia McHugh
c/o Stephen Peterson
Colliflower & Peterson, Inc
PO Box 135
Callaway, MD 20620

Re: Agency Interest Number: 64985
Tracking Number: 201961375
Tidal Authorization Number: 19-GL-0845

Dear Virginia McHugh:

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State wetlands license or permit authorizing work in tidal wetlands is attached. Please take a moment to read and review your authorization to ensure that you understand the limits of the authorized work and all of the general and special conditions.

Your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP); however your project requires a separate review by the U.S. Army Corps of Engineers and issuance of the required federal permit. The federal permit is not attached. You should not begin any work until you have obtained all necessary State, local, and federal authorizations.

This State authorization is a final agency decision; there is no further opportunity for administrative review. Any person with standing, who is either the applicant or who participated in the public participation process through the submission of written or oral comments, may petition for judicial review in the circuit court in the county where the authorized activity will occur. The petition for judicial review must be filed with the court within 30 days of receipt of this decision. Please contact Justin Berezna at justin.berezna@maryland.gov or 410-537-3782 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Spendiff".

Danielle Spendiff, Chief
Western Region
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
GENERAL TIDAL WETLANDS LICENSE



LICENSE NUMBER: **19-GL-0845**

EFFECTIVE DATE: **December 13, 2019**

EXPIRATION DATE: **December 12, 2022**

LICENSEE: **Virginia McHugh**

ADDRESS: **4990 Sentinel Dr, Apt 406**

Bethesda, Maryland 20816

PROJECT LOCATION: **10950 Dreamland Pl and Acker Rd**

Newburg, MD 20664

Cuckold Creek in Charles County

PURSUANT TO THE AUTHORITY OF THE BOARD OF PUBLIC WORKS, TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND CODE OF MARYLAND REGULATIONS 26.24 AND 23.02.04, **Virginia McHugh** ("LICENSEE") IS AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT THE FOLLOWING REGULATED ACTIVITY IN STATE TIDAL WETLANDS, IN ACCORDANCE WITH THE CONDITIONS OF THIS LICENSE AND THE ATTACHED PLANS DATED **December 2, 2019**, PREPARED BY **Stephen Peterson**, AND APPROVED BY THE ADMINISTRATION'S TIDAL WETLANDS DIVISION ON **December 13, 2019**, AND INCORPORATED HEREIN:

1. Construct fourteen low profile stone, sand containment structures extending a maximum of 25 feet channelward of the mean high water line; and fill and grade with 450 cubic yards of sand along 450 feet of eroding shoreline and plant with marsh vegetation.

SPECIAL CONDITIONS

A. Marsh establishment:

1. The licensee shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
2. The marsh establishment area shall be planted within one year following completion of the filling operation.
3. 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.
4. If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
5. If the existing bank is to be cleared or graded, the licensee shall obtain any required approvals of an erosion and sediment control plan from the applicable sediment and erosion control agency.

- B. The Licensee shall accept the terms of the attached marsh maintenance plan by signing and returning the standard plan to the 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 the Tidal Wetlands Division, Water and Science Administration, prior to commencement of any work

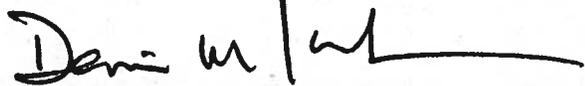
authorized under this License. Any alternative plan must provide assurances of success that are at least equivalent to those of the standard plan, in terms of the extent of native marsh plant coverage, elimination of invasive species and timeframe for plant establishment.

GENERAL CONDITIONS

- A. 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.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License 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.
- 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 Licensee certifies real property interest in the contiguous upland.
- E. This License does not relieve the Licensee from the responsibility of obtaining all necessary federal, State and local government authorizations.
- F. The Licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet or 100 cubic yards of fill.
- G. The Licensee shall ensure that a copy of this License, including the approved plans, is available at the site until the authorized work is complete.
- H. The Licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this License in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values.
- I. The Secretary of the Environment may suspend or revoke a License if the Secretary finds that the Licensee has not complied with any condition or limitation in the License or has exceeded the scope of the authorized activities.
- J. The Licensee shall indemnify, defend and hold 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 authorized by the License.

- K. The Licensee acknowledges that this License does not transfer any property interest in State tidal wetlands. This License allows the Licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public.
- L. This License is valid only for use by the Licensee. Permission for transfer of the License shall be obtained from the Water and Science Administration, Tidal Wetland Division. The terms and conditions of this License shall be binding on any assignee or successor in interest of the License.
- M. The Licensee shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- N. The Licensee shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at least 10 day before starting the authorized activities at (410) 537-3510.
- O. The Licensee shall complete construction of the activity authorized under this License by the expiration date, otherwise a new General License shall be obtained.
- P. Upon completion of the authorized activities, the Licensee shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at (410) 537-3510.

By authority of the Secretary of the Environment:



Denise M. Keehner, Manager
Wetlands and Waterways Program

12/16/19

Date

Tidal Wetland Reviewer: 

Supervisor Concurrence: 

Tracking Number: 201961375
Agency Interest Number: 64985

Enclosure: Plans dated December 2, 2019
cc: WSA Inspection & Compliance Program

Marsh Monitoring Reports: Brief, annual Marsh Monitoring Reports will be submitted to the address below for 5 years by the dates below, *regardless of the whether or not the project is completed or a healthy stand of wetland vegetation is obtained.* The Marsh Monitoring Report may be brief and should include the following information, at a minimum:

- State Agency Interest number, Tidal Wetlands License number, and site address (listed above)
- Date of inspections
- Project completion date. If the project has not yet been completed, please indicate the current status of the project and disregard the remaining requirements.
- Estimation of percent plant coverage by the dominant species.
This should show the percent coverage of native and non-native wetland plant species. If 85% coverage by native species is not obtained, please indicate the limiting factors to plant growth, and what steps will be taken to meet the 85% coverage requirement.
- Identification of factors limiting establishment or maintenance of a healthy stand of wetland vegetation and identify the maintenance activities necessary to mitigate the resulting stress. *For example, if non-native, invasive species (such as Phragmites) have emerged and begun to crowd out the planted or volunteer native species, the invasive species should be physically removed or chemically controlled. If geese are predating the plants, goose exclusion fence should be erected.*
- Photographs showing the current condition of the project

This 5-year monitoring period may be extended at MDE's discretion in the event replacement plantings are required.

The annual Marsh Monitoring Report should be submitted to the address below on or before the following dates:

- 1-Year Report: December 12, 2020
- 2-Year Report: December 13, 2021
- 3-Year Report: December 13, 2022
- 4-Year Report: December 13, 2023
- 5-Year Report: December 12, 2024

ACCEPTANCE OF MARSH MAINTENANCE PLAN

The applicant acknowledges that he/she has read and understands this Marsh Maintenance Plan and agrees to submit annual Marsh Monitoring Reports on or before the above due dates.

Signature of Licensee

Date

PLEASE SIGN, DATE AND RETURN THIS COPY OF THE MARSH MAINTENANCE PLAN TO:

MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROGRAM
TIDAL WETLANDS DIVISION
(Signed Marsh Maintenance Plan) C/O Justin Berezna
(Annual Marsh Monitoring Reports) C/O Megan Spindler
1800 WASHINGTON BLVD.
BALTIMORE, MD 21230-1708



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

MARSH MAINTENANCE PLAN

Agency Interest Number: 64985
Tidal Wetlands License Number: 19 - GL- 0845
Licensee Name: Virginia McHugh
License Effective Date: December 13, 2019
Address: 4990 Sentinel Drive Apt 406
Bethesda, MD 20816

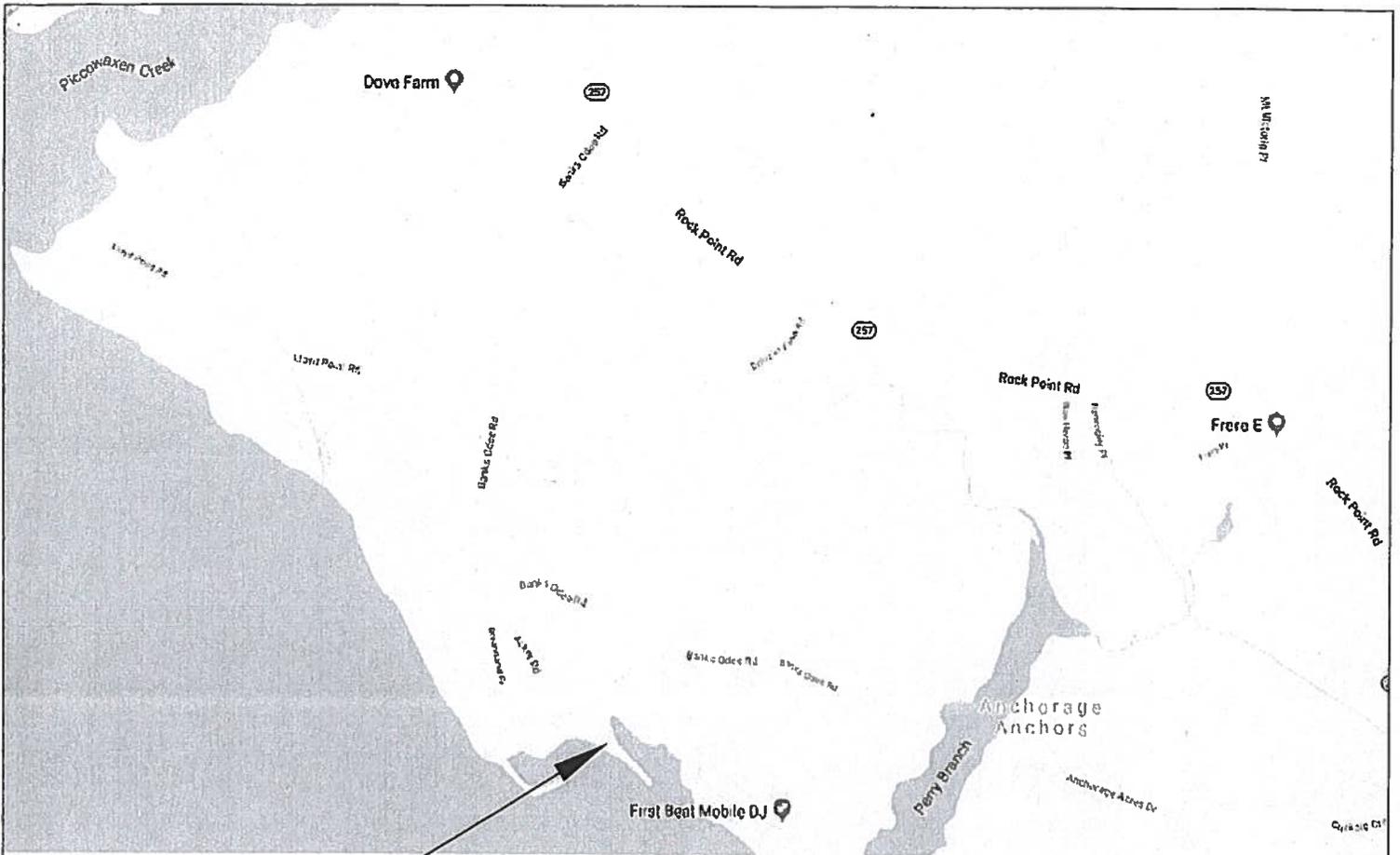
Please sign and date this Marsh Maintenance Plan and return to the address below no later than February 11, 2020 .

Preparation: All areas that are to be planted shall be cleaned of rough grass, weeds, and debris and the ground surface filled and graded to the elevations specified on the plans.

Planting: The living shoreline will be planted during the planting season for wetland sprigging which is between April 1 and June 30 or between September 1 and October 30. The mean high water (MHW) lines will be marked on the ground and the plantings shall be made in rows parallel to the MHW line extending to the limits on the construction plans. Rows shall be 18 inches apart and plants 18 inches apart. Plantings shall be made by hand with dibble, spade or shovel by opening a hole at the planting site, placing the fertilizer and then the plant in the hole, closing the hole and firming the soil around the plant so that the surface soil level is .5 to 1 inch above the top of the planting pot root mass. If the soil at the planting site is not wet or damp, the plants shall be sufficiently watered within 4 hours after planting.

Protection: Immediately upon completion of the planting operation, the planting area shall be protected against wildlife and human traffic by erecting goose exclusion fencing and Blaze Orange Fence (BOF) at the top of the slope and along the sides of the planted area.

Plant Establishment: A healthy stand of wetland vegetation is defined as 85% aerial coverage of the original planted area by native wetland vegetation (e.g., planted species and volunteer native species). A healthy stand of wetland vegetation shall be established within 1 year of planting and shall be maintained for at least 3 consecutive years thereafter. The licensee is responsible for making sure the planted area is maintained by eradicating non-native nuisance species (e.g., Phragmites), and protecting areas from human traffic and wildlife predators. If a healthy stand of wetland vegetation is not established within one year after planting, the limiting factors will be identified and addressed and the area will be replanted as necessary.



10950 DREAMLAND PLACE

2019 61375
 19-GL-0845
 Revised 12/2/19



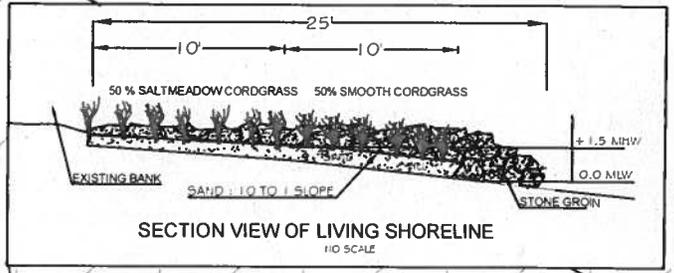
Colliflower & Peterson, Inc. Marine Contractors P. O. Box 135 Callaway, MD 20620 301.994.2824	PROJECT: LIVING SHORELINE	TAX MAP: 86	DEED: 6689/368
	OWNER: VIRGINIA McHUGH	PARCEL: 208	LOT:
	COUNTY: CHARLES	STREET: ACKER RD.	
	WATERWAY: CUCKOLD CREEK	DATE: 5/28/2019	SHEET: 1 OF 2



PROPERTY OF:
 JMJ INVESTMENTS LLC
 2101 WISCONSIN AVE. NW
 WASHINGTON, DC 20007

PROPERTY OF:
 JOHN GARDNER
 11260 ACKER RD.
 NEWBURG, MD 20664

PROPERTIES OF:
 VIRGINIA MCHUGH
 4990 SENTINEL DR.
 APT. 406
 BETHESDA, MD 20816



NOTE:
 1. 450 CUYDS OF CLEAN SAND WILL BE USED FOR FILL FOR THE CORDGRASS PLANTS.
 2. 150 CUYDS OF STONE WILL BE USED FOR THE GROINS.
 3. TOTAL: 600 CUYDS.

SCALE: 1" = 60'

2019 61375
 19-GL-0845
 Rev. 12/2/19

PROJECT:	LIVING SHORELINE	TAX MAP:	86	DEED:	6689/368
OWNER:	VIRGINIA MCHUGH	PARCEL:	208	LOT:	
COUNTY:	CHARLES	STREET:	ACKER RD.		
WATERWAY:	CUCKOLD CREEK	DATE:	5/28/2019	SHEET:	2 OF 2

Colliflower & Peterson, Inc.
 Marine Contractors
 P. O. Box 135
 Callaway, MD 20620
 301.994.2824