



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

August 31, 2020

Somerset County Solid Waste and Drainage Dept
c/o Charles Cavanaugh
11916 Somerset Ave
Princess Anne, MD 21853

Re: Agency Interest Number: 134564
Tracking Number: 201961168
Tidal Authorization Number: 20-WQC-0042

Dear Charles Cavanaugh:

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 Permit to be approved and issued by the Maryland Department of the Environment and the permit is 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 Mary Phipps-Dickerson at mary.phipps-dickerson@maryland.gov or 410-901-4033 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Stewart".

Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division



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



20-WQC-0042

EFFECTIVE DATE: **August 20, 2020**
EXPIRATION DATE: **August 19, 2023**
CERTIFICATION HOLDER: **Somerset County Solid Waste and Drainage
Department**
ADDRESS: **11916 Somerset Ave
Princess Anne, Maryland 21853**
PROJECT LOCATION: **Tuff Street
Tylerton, MD 21866
Tyler Creek and Merlin Gut in Somerset
County**

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 PERMIT NUMBER 19-WP-0735 (“PERMIT”) 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 PERMIT. A COPY OF THE PERMIT, 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 Permit No. 19-WP-0735 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 any time.

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

8/31/2020

Date

Tracking Number: 201961162
Agency Interest Number: 134564

Effective Date: August 20, 2020

Enclosure: Executed Tidal Wetlands Permit No. 19-WP-0735 with all plans and attachments.

cc: WMA Inspection & Compliance Program



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

August 20, 2020

Somerset County Solid Waste and Drainage Department
C/o Charles Cavanaugh
11916 Somerset Ave
Princess Anne, MD 21853

Via email: ccavanaugh@somersetmd.us

Re: Agency Interest Number: 134564
Tracking Number: 201961168
Tidal Authorization Number: 19-WP-0735

Dear Charles Cavanaugh:

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 does not qualify for federal approval under the Maryland State Programmatic General Permit (MDSPGP). A separate review by the U.S. Army Corps of Engineers and issuance of the required federal permit is necessary. 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 Mary Phipps-Dickerson at mary.phipps-dickerson@maryland.gov or 410-901-4033 with any questions.

Eastern Region
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
PRIVATE WETLANDS PERMIT



PERMIT NUMBER: **19-WP-0735**
EFFECTIVE DATE: **August 20, 2020**
EXPIRATION DATE: **August 19, 2023**
PERMITTEE: **Somerset County Solid Waste and Drainage Department**
ADDRESS: **11916 Somerset Ave**
Princess Anne, Maryland 21853
PROJECT LOCATION: **Tuff Street**
Tylerton, MD 21866
Tyler Creek and Merlin Gut in Somerset County

PURSUANT TO TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND CODE OF MARYLAND REGULATIONS 26.24, **Somerset County Solid Waste and Drainage Dept** (“PERMITTEE”) IS AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) TO CONDUCT THE FOLLOWING REGULATED ACTIVITY IN PRIVATE WETLANDS, IN ACCORDANCE WITH THE CONDITIONS OF THIS PERMIT AND THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION’S TIDAL WETLANDS DIVISION ON **August 20, 2020**, AND PREPARED BY **Somerset County Solid Waste and Drainage Department** AND INCORPORATED HEREIN:

1. Perform ditch maintenance on 30,255 linear feet of tidal ditches.
 - a. Along 1,880 linear feet where an earthen berm exists, the excavated material will be used to repair breaches.
 - b. Where there is no berm, the excavated material will be placed on the adjacent marsh at a maximum of 6 inches deep.
2. Remove and replace an existing tide gate (Tide Gate #1) with a 24-inch flap tide gate approximately 15 feet downstream. If Tide Gate #1 cannot be removed, excavate a new 30-foot long by 5-foot wide ditch through vegetated tidal wetlands to divert flow around the deteriorated tide gate.
3. Perform maintenance on Tide Gate #2.

SPECIAL CONDITIONS

- A. The Permittee shall not enlarge or change the length, width, or shape of the existing ditch from its original design dimensions and configurations.
- B. The Permittee shall place all excavated material on the upland berm in such a way that it does not cause a sedimentation problem, adversely impact the function of the natural floodplain, and prevents the loss of material to waters of the State of Maryland.
- C. The Permittee shall submit evidence that easements have been obtained from adjacent property owners prior to beginning the authorized work.

- D. The Permittee shall deploy and maintain a turbidity curtain tightly around and channelward of the project area prior to any excavation and backfilling along the shoreline through completion of any excavation and backfilling along the shoreline

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 Permittee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This Permit 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 Permittee certifies real property interest in the contiguous upland.
- E. This Permit does not relieve the Permittee from the responsibility of obtaining all necessary federal, State and local government authorizations.
- F. The Permittee 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 Permittee shall ensure that a copy of this Permit, including the approved plans, is available at the site until the authorized work is complete.
- H. The Permittee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this permit 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 permit if the Secretary finds that the Permittee has not complied with any condition or limitation in the permit or has exceeded the scope of the authorized activities.

- J. The Permittee 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 Permit.
- K. This Permit is valid only for use by the Permittee. Permission for transfer of the Permit shall be obtained from the Water and Science Administration, Tidal Wetland Division. The terms and conditions of this Permit shall be binding on any assignee or successor in interest of the Permit.
- L. The Permittee shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- M. The Permittee 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) 901-4020.
- N. Upon completion of the authorized activities, the Permittee shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at (410) 901-4020.

By authority of the State of Maryland Department of the Environment:



 Heather Nelson
 Wetlands and waterways Program

8/24/2020

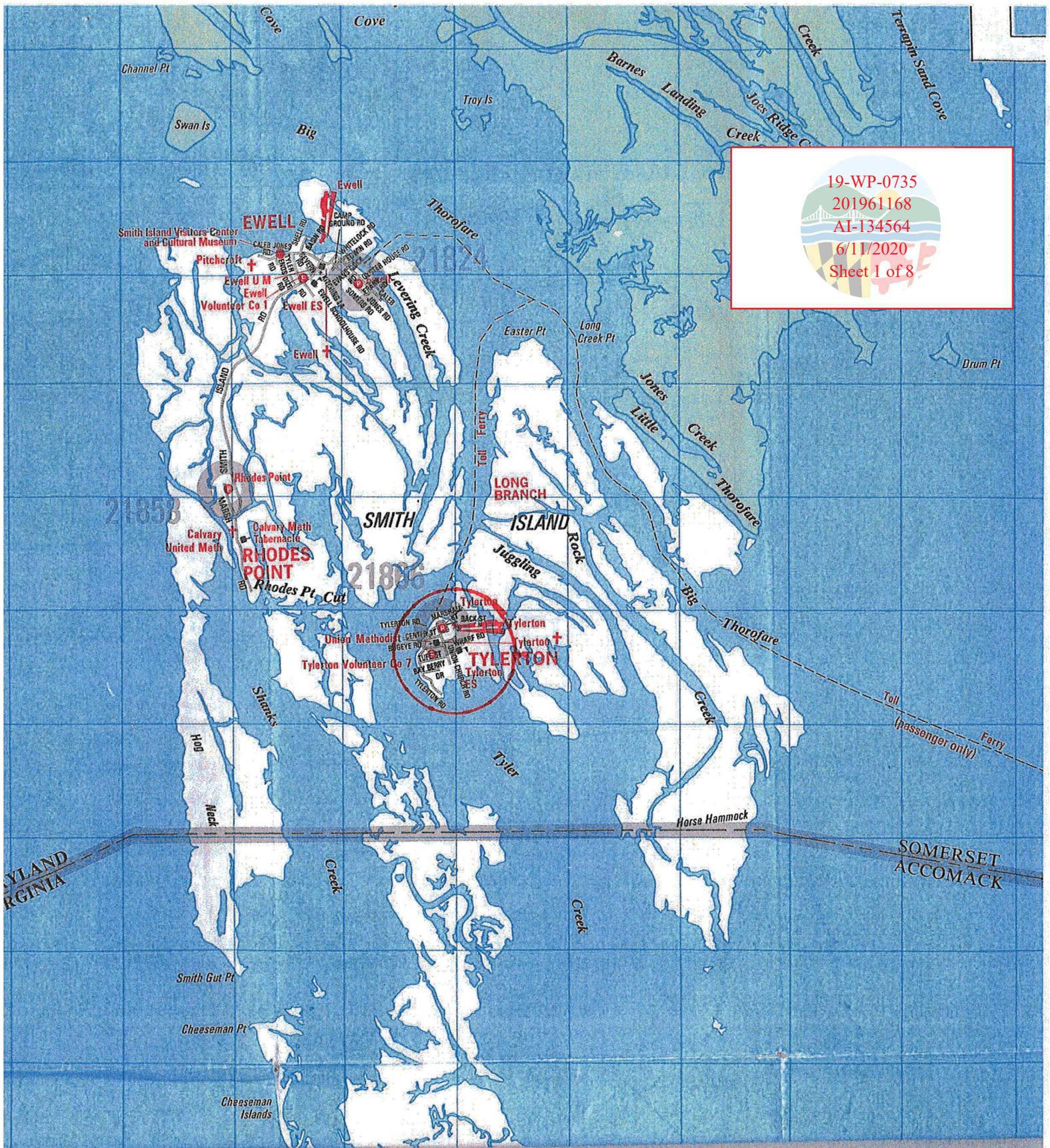
 Date

Tidal Wetland Review

Supervisor Concurrence 

Tracking Number: 134564
 Agency Interest Number: 134564

Enclosure: Plans dated June 11, 2020
 cc: WSA Inspection & Compliance Program



19-WP-0735
201961168
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6/11/2020
Sheet 1 of 8

WYLAND
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SOMERSET
ACCOMACK

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6/11/2020
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MAINTENANCE DREDGING 3,025' OF
EXISTING TIDAL DITCHES
(TIDAL DITCHES ARE MARKED IN GREEN)

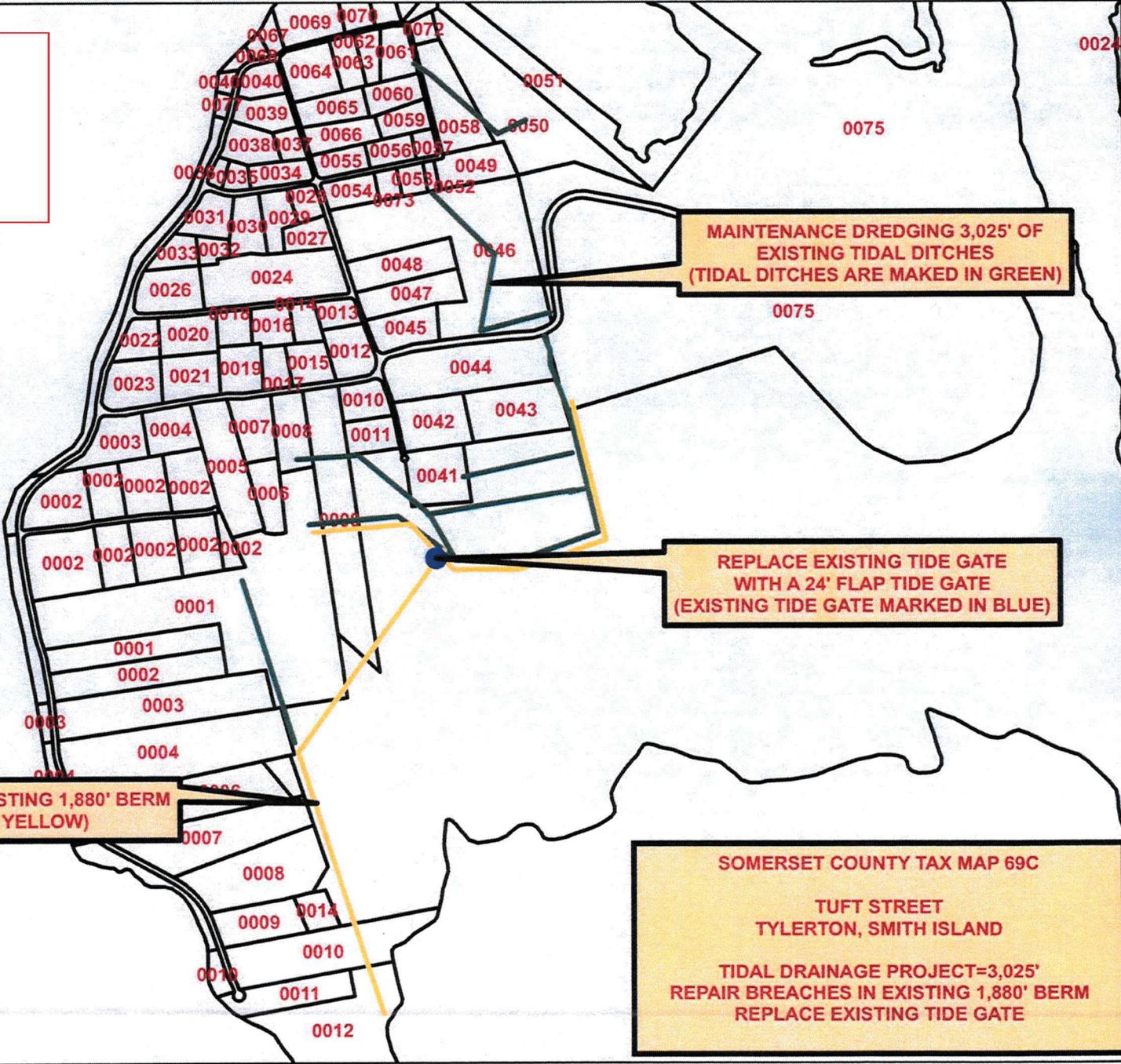
REPAIR ALL BREACHES IN EXISTING 1,880' BERM
(BERM IS MARKED IN YELLOW)

REPLACE EXISTING TIDE GATE
WITH A 24' FLAP TIDE GATE
(EXISTING TIDE GATE MARKED IN BLUE)

SOMERSET COUNTY TAX MAP 69C
TUFT STREET
TYLERTON, SMITH ISLAND
TIDAL DRAINAGE PROJECT=3,025'
REPAIR BREACHES IN EXISTING 1,880' BERM
REPLACE EXISTING TIDE GATE



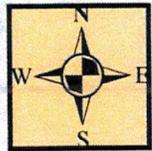
19-WP-0735
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REPAIR ALL BREACHES IN EXISTING 1,880' BERM
(BERM IS MARKED IN YELLOW)

MAINTENANCE DREDGING 3,025' OF
EXISTING TIDAL DITCHES
(TIDAL DITCHES ARE MARKED IN GREEN)

REPLACE EXISTING TIDE GATE
WITH A 24' FLAP TIDE GATE
(EXISTING TIDE GATE MARKED IN BLUE)



SOMERSET COUNTY TAX MAP 69C
TUFT STREET
TYLERTON, SMITH ISLAND
TIDAL DRAINAGE PROJECT=3,025'
REPAIR BREACHES IN EXISTING 1,880' BERM
REPLACE EXISTING TIDE GATE



SOMERSET COUNTY TAX MAP 69C
TUFT STREET
TYLERTON, SMITH ISLAND

NEW 24" TIDE GATE

DEVERSION DITCH AROUND
EXISTING TIDE GATE

REPAIR BERM



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3-36" TIDE GATES
SIDE BY SIDE



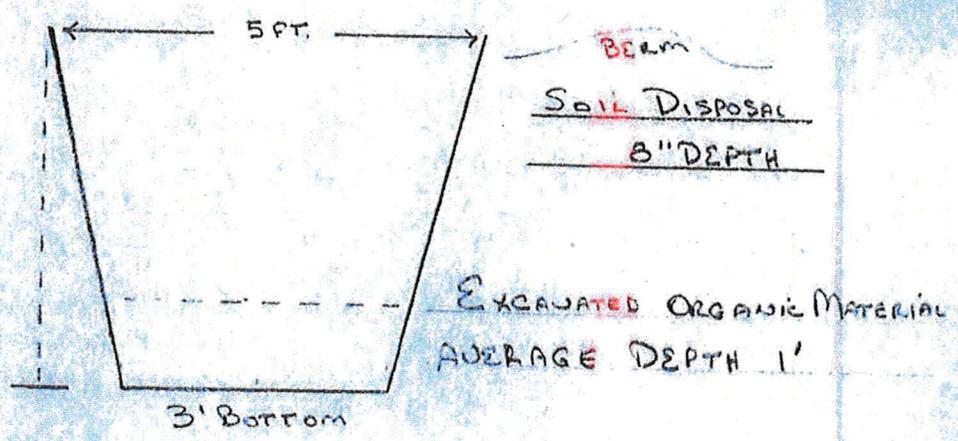
SOMERSET COUNTY TAX MAP 69C
TUFT STREET
TYLERTON, SMITH ISLAND





DITCH CROSS SECTION

SCALE
1/2" = 1'

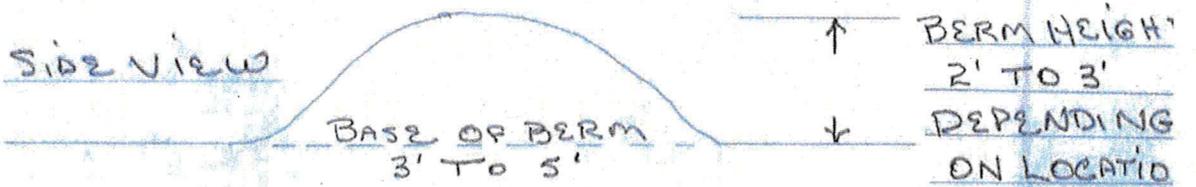


TUFT STREET DRAINAGE PROJECT

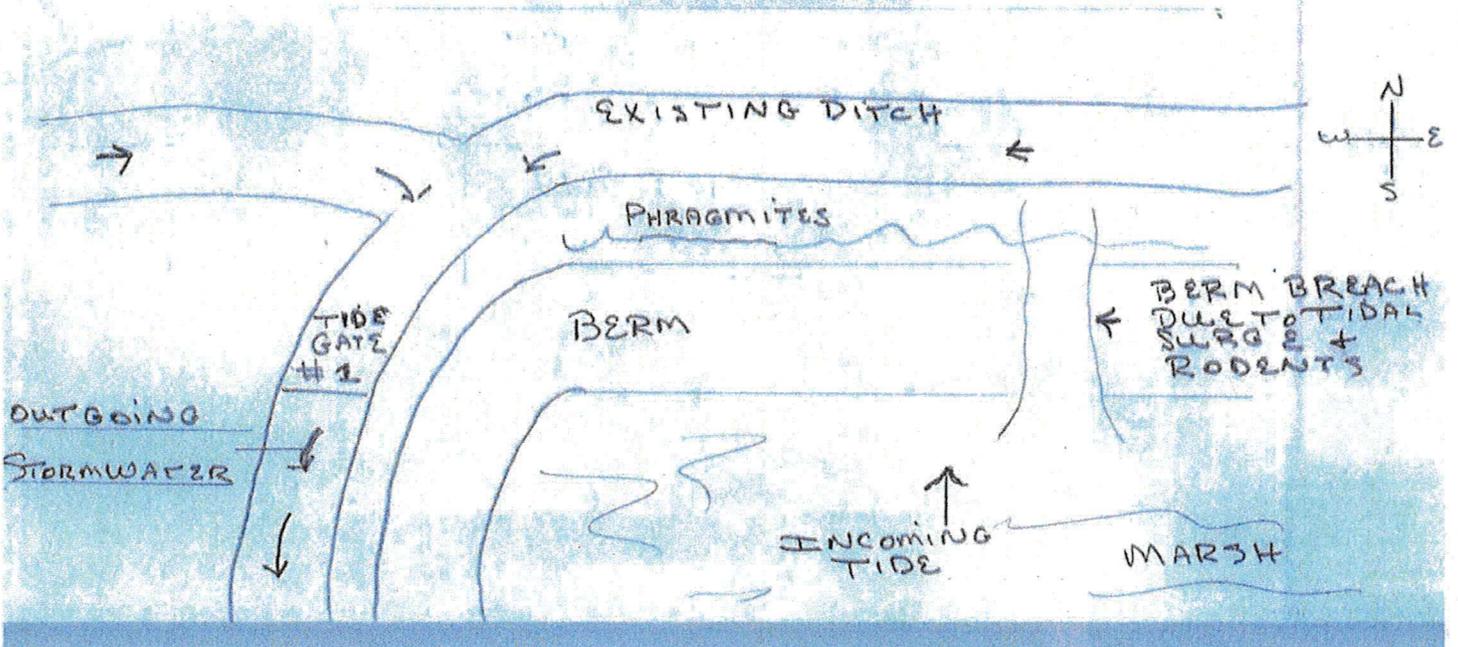
TYLERTON, SMITH ISLAND

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EXISTING CONDITIONS



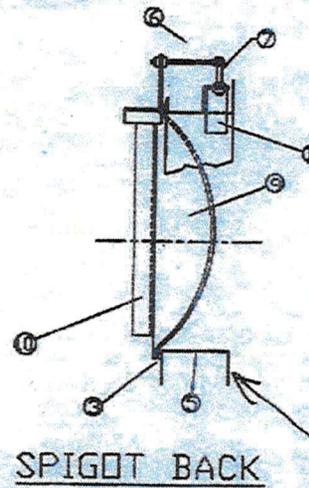
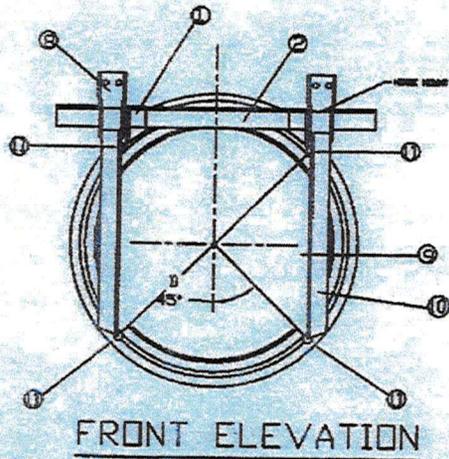
TOP VIEW OF EXISTING BERM
AND DRAINAGE DITCH



GATOR GA-40 FLAP GATE
FLATBACK

GATES AVAILABLE IN SIZES 12' - 72'

NOMENCLATURE DRAWING



- ① HINGE SUPPORT BRACKET
- ② HINGE SUPPORT BAR
- ③ SEAL
- ④ GASKET
- ⑤ RING
- ⑥ HORIZONTAL HINGE ADJUSTMENT ASSEMBLY
- ⑦ VERTICAL HINGE ADJUSTMENT ASSEMBLY
- ⑧ HINGE MOUNT
- ⑨ HEAD
- ⑩ HEAD SUPPORT BAR
- ⑪ WALL-MOUNTING BOLT HOLES

		REVISION DRAWN BY APPROVED BY
2880 MELLONVILLE AVE SANFORD, FL 32773		PHN 407-323-0190 FAX 407-322-6574
PROJECT NAME: GA-40 FLAP GATE FLATBACK		
FIB DATE 8/20/19 7/16/2020	SCALE 1:1	REF: GA-40 FLAP-23WG SHEET 8 OF 8

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