

Serena McIlwain, Secretary Designate Suzanne E. Dorsey, Deputy Secretary

January 31, 2023

Snug Harbor Civic Association, Inc c/o J. Stacey Hart 301 N Washington St Snow Hill, MD 21863 stacey@jstaceyhart.com

Re: Agency Interest Number: 173926 Tracking Number: 202162283 Tidal Authorization Number: 22-WQC-0030

Dear Stephen Hadley :

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. <u>The federal permit is not attached.</u>

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 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 Mary Phipps-Dickerson at (443) 509-0797 or mary.phipps-dickerson@maryland.gov with any questions.

Sincerely,

ammya

Tammy Roberson Division Chief Tidal Wetlands Division



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



22-WQC-0030

EFFECTIVE DATE:January 31, 2023CERTIFICATION HOLDER:Snug Harbor Civic Association, IncADDRESS:Attn: Stephen M Hadley12317 Snug Harbor RdBerlin, MD 21811PROJECT LOCATION:Snug Harbor Rd and Meadow Dr.North and South CanalsBerlin, MD 21811

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 MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED DREDGING OF SNUG HARBOR CANALS AND ENTRANCE CHANNELS AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED January 19, 2023 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION.

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.

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.

PROJECT DESCRIPTION

1. Mechanically dredge a 2065-foot long by 25-foot wide canal (North canal) with a 205-foot long by 60-foot wide entrance channel, and a 2100-foot long by 25-foot wide canal (South canal) with a 135-foot long by 60-foot wide entrance channel to a maximum depth of 3 feet at mean low water;

- Transport 3,400 cubic yards of dredged material in watertight trucks to either of the following three dredge material disposal sites; 1) Brittingham Dredge Disposal Site at Tax Map 20 Parcel 185, on Friendship Road, Berlin, Maryland, 2) Brittingham Landscaping Dredge Spoil Site at Map 42, Parcel 144 on Asherwood Branch Road, Berlin, Maryland and Absolute Ventures, LLC at 7968 Libertytown Road, Berlin, Maryland.
- 3. Provide for six years of maintenance dredging; and
- 4. Collect two soil samples 2-inches wide by 2.5-foot deep within the canals.

GENERAL CONDITIONS

- 1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.
- 2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
- 3. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
- 4. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
- 5. 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.
- 6. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.
- 7. Authorized representatives of the Department shall be provided access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.
- 8. No stockpiles of any material shall be placed in Waters of the U.S. or state or private tidal wetlands.
- 9. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
- 10. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers NAB-2021-62283 Snug Harbor Dredging, until such time as that federal approval expires or is not administratively extended.

SPECIAL CONDITIONS

- 1. The Licensee shall perform no dredging during the period April 1 through June 30 of any year to minimize impacts to summer flounder.
- 2. The Licensee shall perform no dredging of the entrance channels in the Sinepuxent Bay and in the North Canal within 300 feet of the mouth or in the South Canal within 400 feet of the mouth, during the period of April 15 through October 15 of any year to minimize impacts to submerged aquatic vegetation.
- 3. 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.
- 4. 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.
- 5. The issuance of this license is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- 6. The Licensee shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.
- 7. The Licensee shall stake the dredge area and receive approval from the Water and Science Administration's, Compliance Division prior to the start of dredging.
- 8. The Licensee shall dispose of dredged material only at the dredge disposal sites approved by this Wetland Licensee. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within the License.
- 9. The Licensee shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The licensee shall:
 - a. Dredge no more than 500 cubic yards of material at each maintenance dredging.
 - b. Comply with all applicable conditions of this license.
 - c. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.

- d. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
- 10. The Licensee shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
- 11. The Licensee shall transport all material removed for the soil sample away from the waterway. No material shall be discharged into the canals or the Sinepuxent Bay.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 3,5: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

2. Statement of Necessity for General Conditions 5, 8, 9: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3. Statement of Necessity for General Condition 6: This condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

Citation: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

4. Statement of Necessity for General Condition 7: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained. These conditions are necessary to ensure that the activity was conducted, and project completed according to terms of the authorization/certification, while

allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

5. Statement of Necessity for General Condition 10: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; 40 C.F.R. 121, 15 C.F.R. 930, Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 1 and 2: A time of year restriction is necessary to maintain the designated use for support of estuarine and marine aquatic life and shellfish harvesting.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.02-16.

7. Statement of Necessity for Special Condition 4: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

8. Statement of Necessity for Special Conditions 6, 7, 8, 9 and 11: Unauthorized discharges may enter regulated waters as result of activity or structural failure. A plan to address inadvertent discharges will prevent or address further violations of water quality standards and failure of water to meet designated uses, including uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation COMAR 26.08.02.02B(1)d; COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1) and B(2); 26.08.02.01B(2); 26.08.02.02B(1)

9. Statement of Necessity for Special Condition 10: The condition is necessary to ensure that the dredging results in water depths which are appropriate to support designated uses of fishing and water contact recreation and propagation of fish, other aquatic life and wildlife; and ensure that no discharges are unsightly, create a nuisance, change to an objectionable color or interferes with designated uses.

Citations: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1); 26.08.02.02B(3); COMAR 26.08.02.03B

CERTIFICATION APPROVED

D. Lee Currey, Director

Water and Science Administration

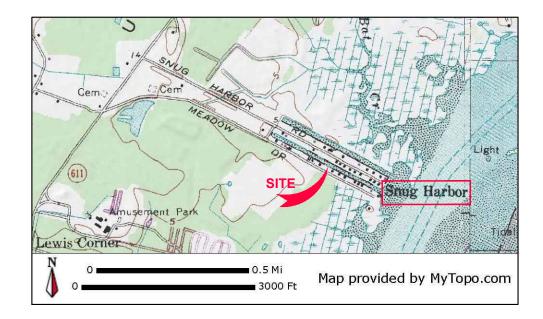
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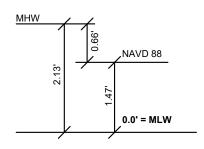
Effective Date: January 31, 2023

Enclosure: Plan Sheets dated January 19, 2023

cc: WSA Inspection & Compliance Program Army Corps of Engineers 2/3/2023

Date





DATUM COMPARISONS SCALE: NONE

DATUM COMPARISONS WERE OBTAINED FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) INFORMATION INTERPOLATED FROM STATION ID# 8570283 - PID: HU0267.

PROJECT DESCRIPTION:

MAINTENANCE DREDGE A 25' WIDE CHANNEL IN TWO (2 MANMADE CANALS, FOR A PERIOD OF SIX (6) YEARS BY MECHANICAL METHOD A ±125,000 SF AREA TO A UNIFORM DEPTH OF -3.0 MLW AND TRANSPORT ±3,400 C.Y. OF DREDGE SPOIL TO AN APPROVED UPLAND SITE.

22-WOC-0030

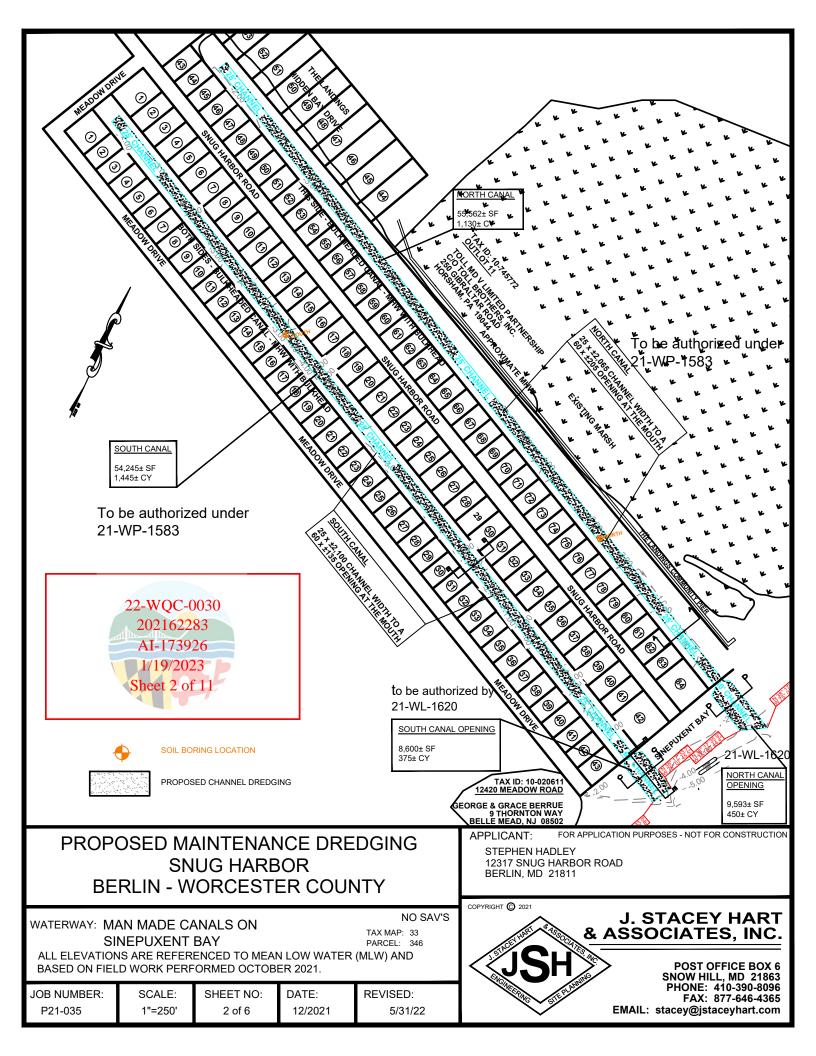
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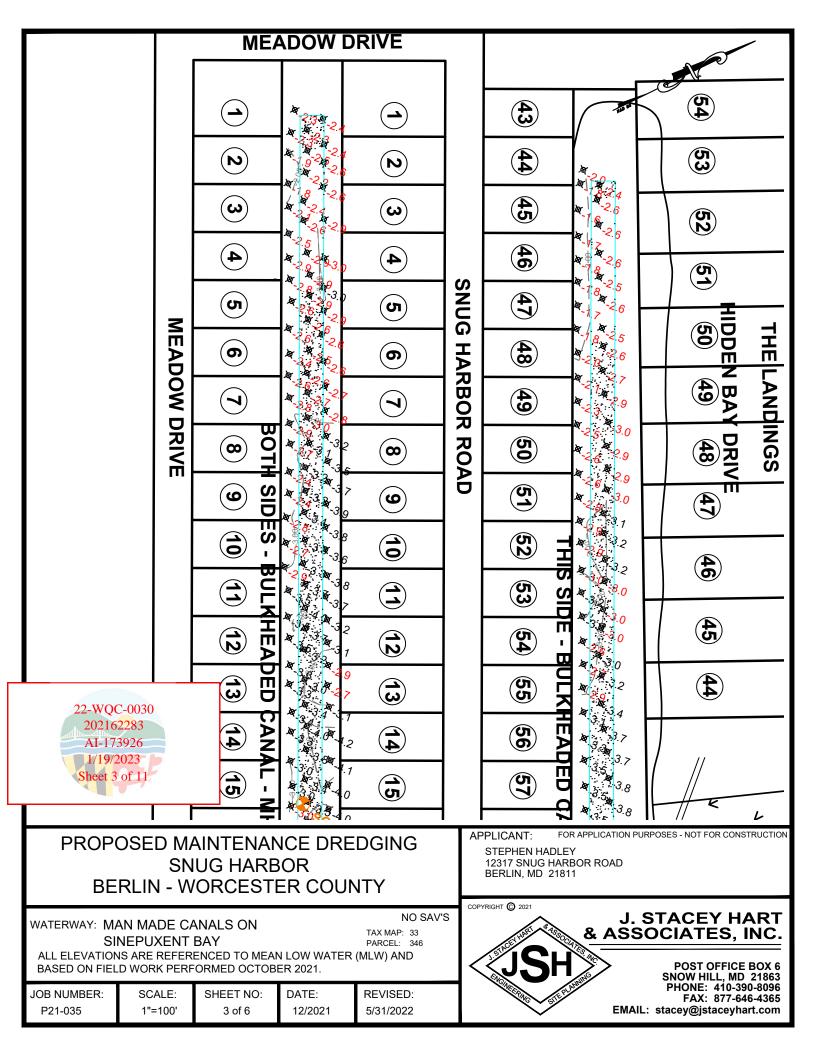
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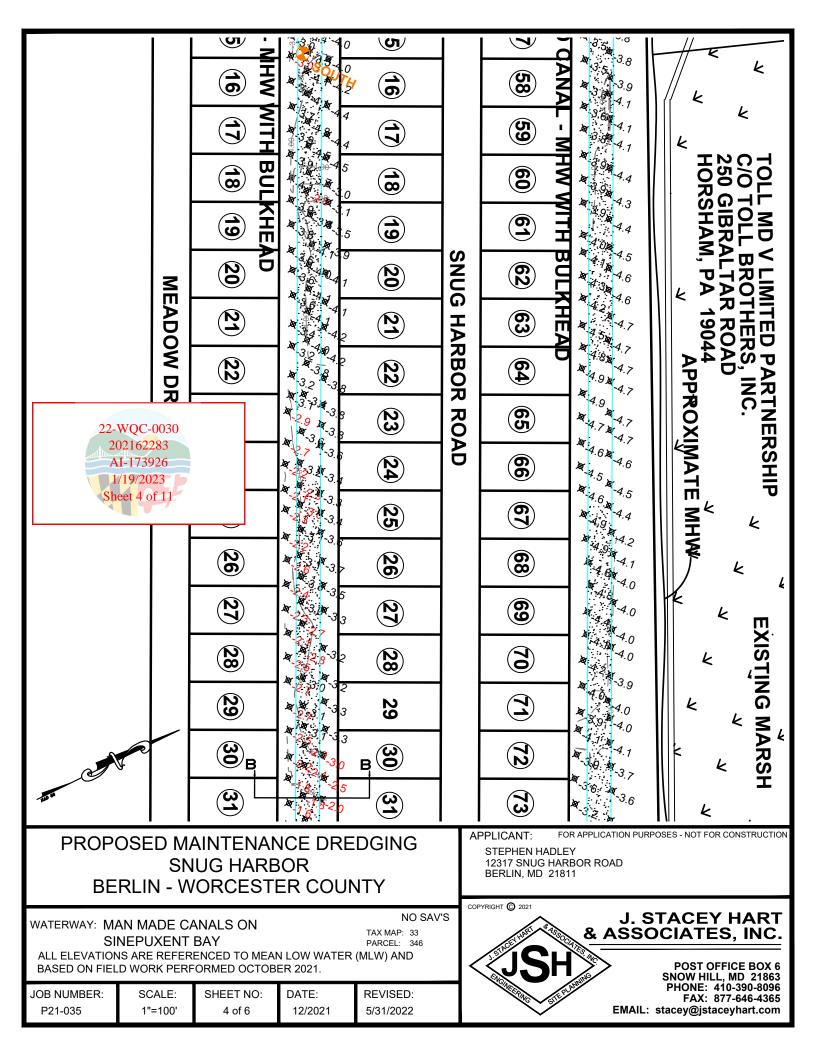
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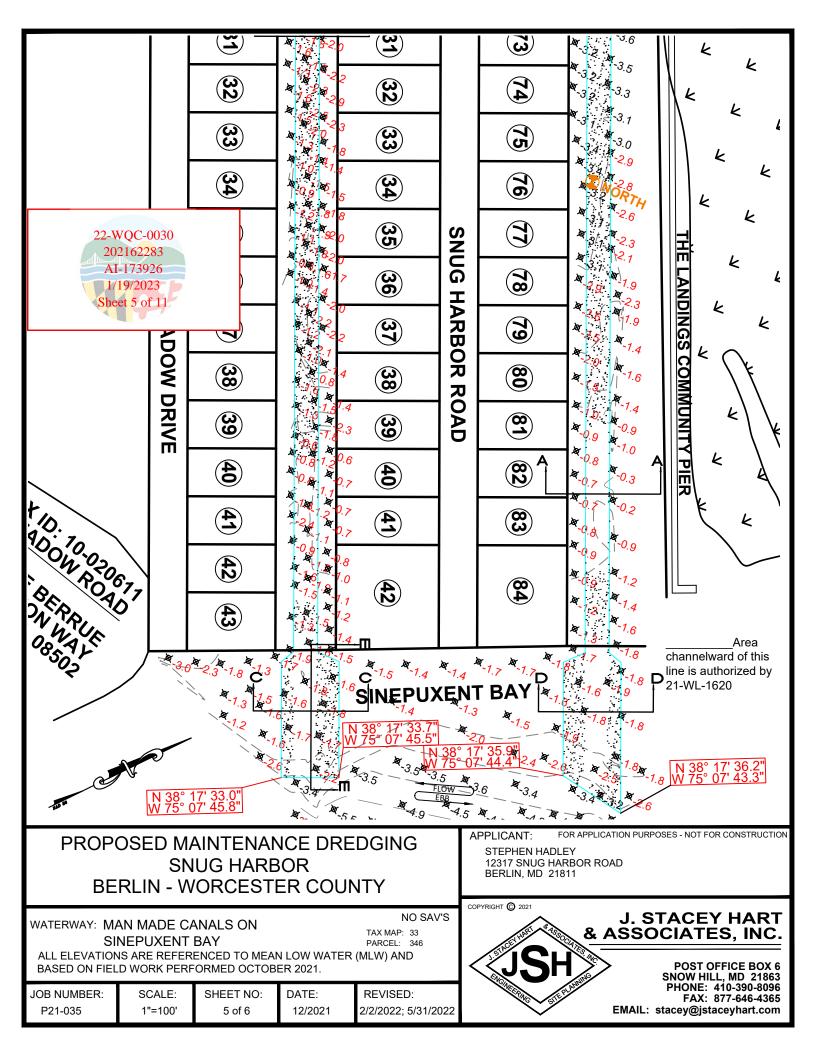
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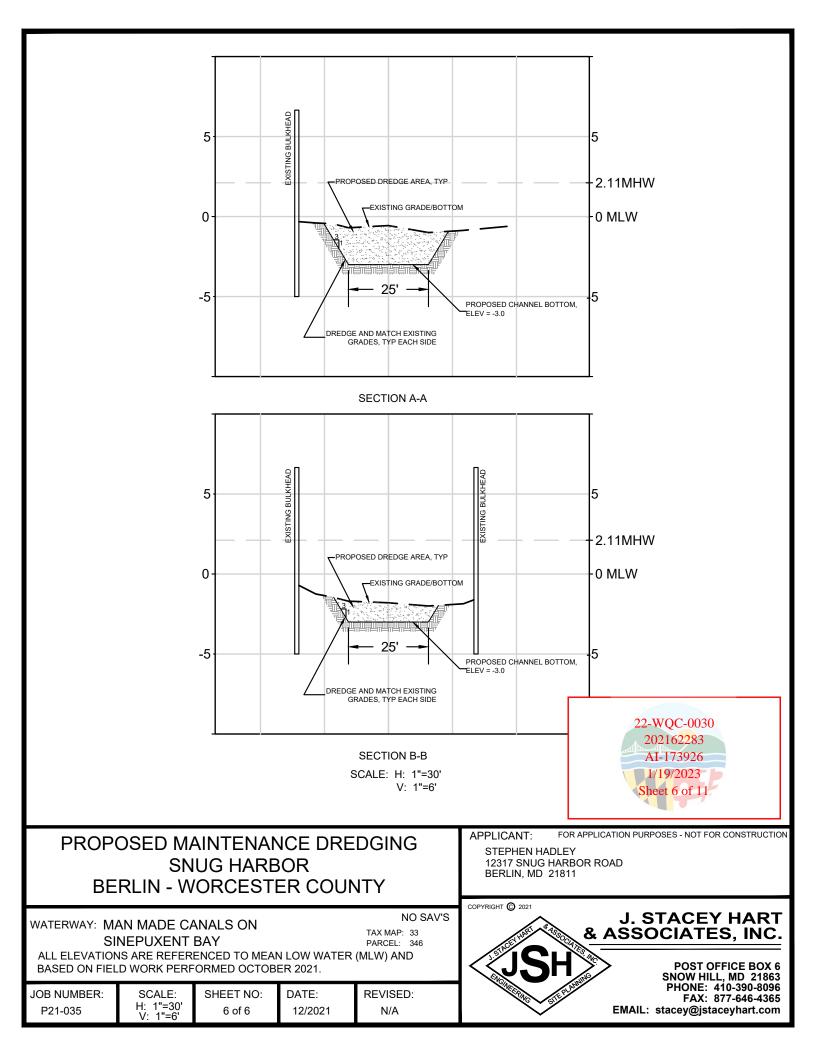
APPLICANT: FOR APPLICATION PURPOSES - NOT FOR CONSTRUCTION PROPOSED MAINTENANCE DREDGING STEPHEN HADLEY SNUG HARBOR 12317 SNUG HARBOR ROAD BERLIN, MD 21811 **BERLIN - WORCESTER COUNTY** COPYRIGHT C 2021 J. STACEY HART & ASSOCIATES, INC. NO SAV'S WATERWAY: MAN MADE CANALS ON TAX MAP: 33 SINEPUXENT BAY PARCEL: 346 ALL ELEVATIONS ARE REFERENCED TO MEAN LOW WATER (MLW) AND POST OFFICE BOX 6 SNOW HILL, MD 21863 PHONE: 410-390-8096 FAX: 877-646-4365 BASED ON FIELD WORK PERFORMED OCTOBER 2021. JOB NUMBER: SCALE: SHEET NO: DATE: REVISED: P21-035 NONE 1 of 6 12/2021 N/A EMAIL: stacey@jstaceyhart.com

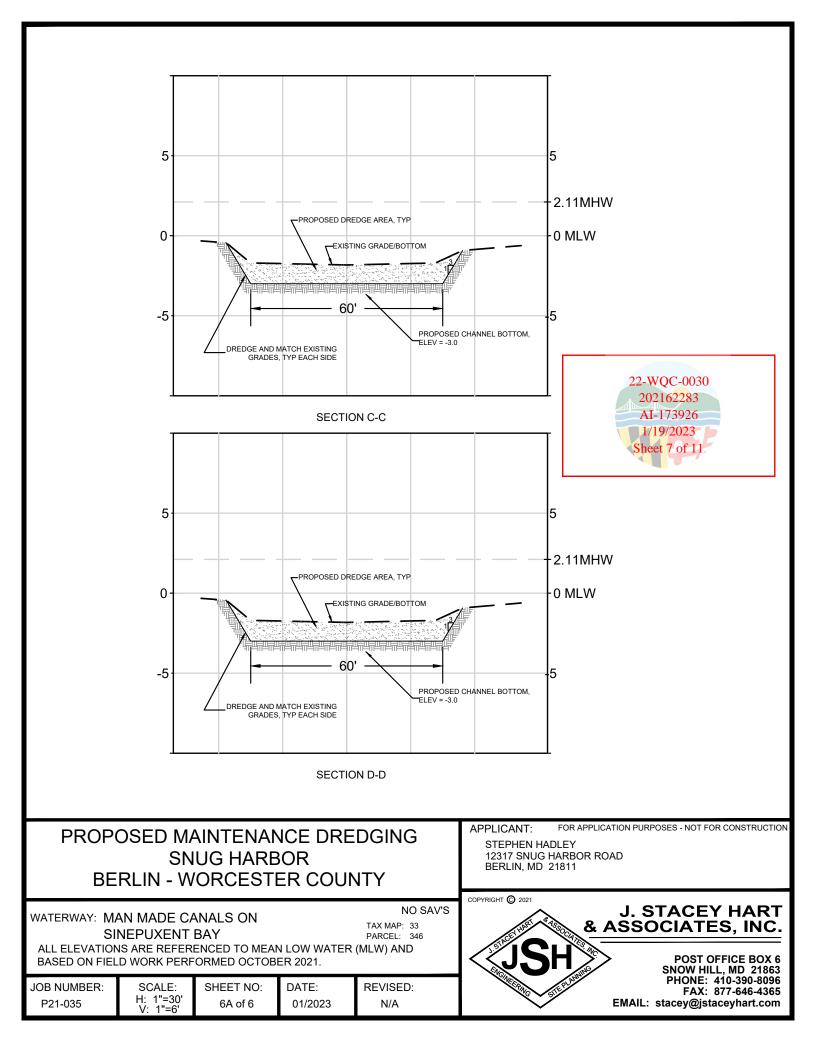


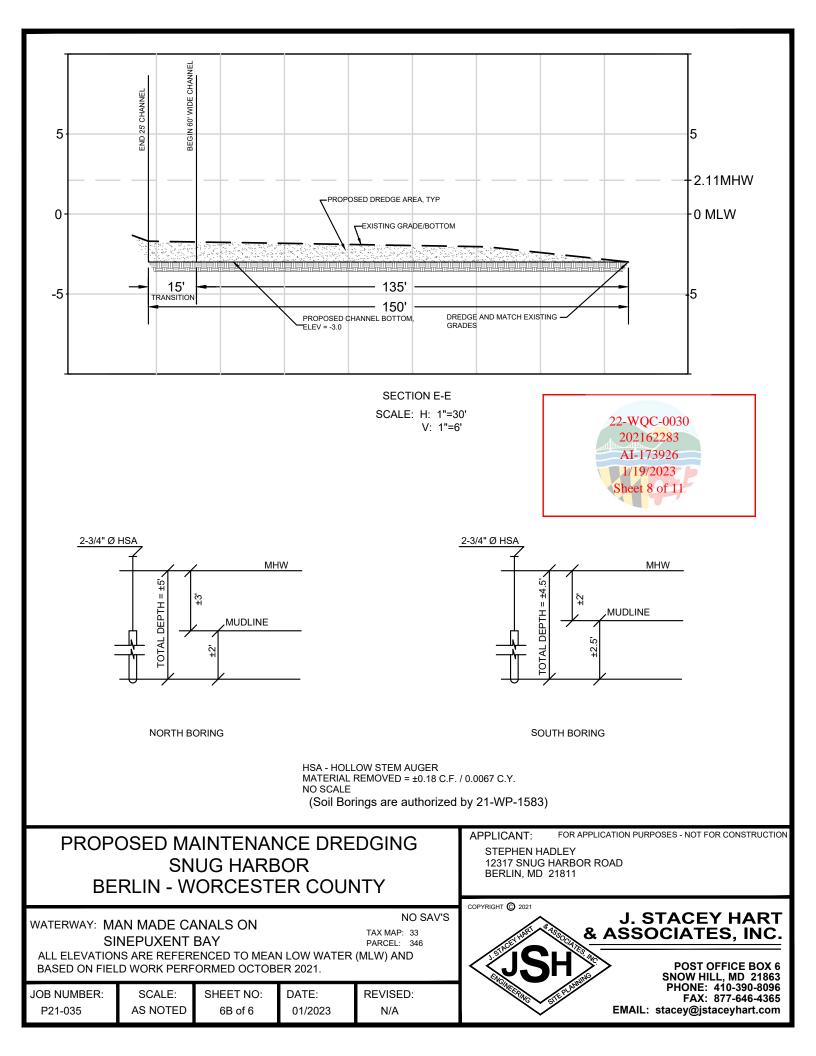


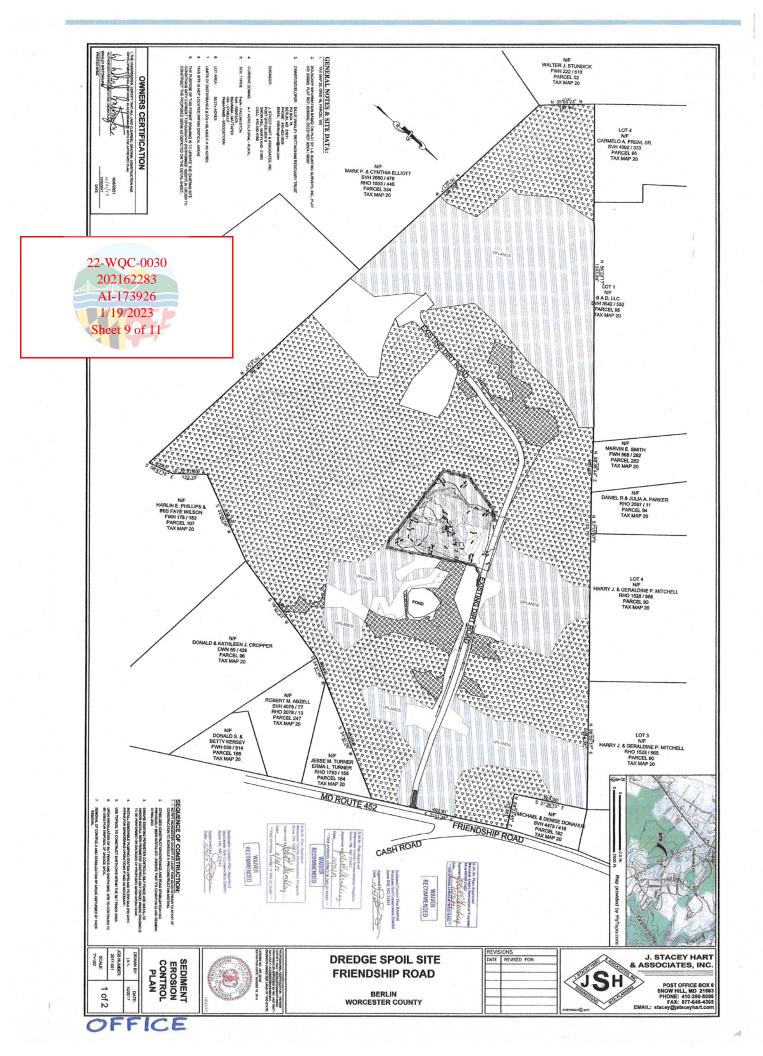












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