



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

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

February 8, 2023

Kirk Simpkins
C/o Evan Young
George E. Young, III, P.C.
1603 Market Street
Pocomoke, Maryland 21851
ecyoung@gey3pc.com

Re: Agency Interest Number: 168476
Tracking Number: 202060836
Tidal Authorization Number: 22-WQC-0031

Dear Mr. Simpkins:

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

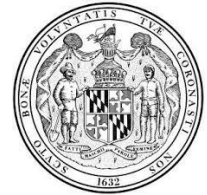
Sincerely,

A handwritten signature in black ink that reads "Tammy K. Roberson".

Tammy K. Roberson
Chief
Tidal Wetlands Division



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



22-WQC-0031

EFFECTIVE DATE: **February 8, 2023**
CERTIFICATION HOLDER: **Kirk Simpkins**
ADDRESS: **PO Box 550**
Princess Anne, MD 21853
PROJECT LOCATION: **13317 Dorsey Rd**
Princess Anne, MD 21853

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 NEW BULKHEAD AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED JANUARY 11, 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.

PROJECT DESCRIPTION

Restore and protect an oyster packing house and associated pier as depicted on plans dated January 11, 2023 and described below:

1. Construct and backfill a new 57.35-foot long bulkhead with 4.23 cubic yards of material all within a maximum of 3.91 feet channelward of the mean high water line;
2. Construct a 30-foot long by 8-foot wide pier with a 50-foot long by 8-foot wide platform all within a maximum of 38 feet channelward of the mean high water line; and
3. Install a 30-foot long by 18-inch diameter fiber log for sand containment extending a maximum of 6.5 feet channelward of the mean high water line and fill and grade with 2 cubic yards of sand along 35 feet of eroding shoreline and plant 91.46 square feet with marsh vegetation.

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 floodplain, 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-2020-60836 Kirk Simpkins, until such time as that federal approval expires or is not administratively extended.

SPECIAL CONDITIONS

1. The Certificate Holder shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This Water Quality 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.

2. If the authorized work is not performed by the property owner, all work performed under this Water Quality Certification 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.
3. The issuance of this Water Quality Certification 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 Certificate Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
4. The Certificate Holder shall complete construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.
5. The Certificate Holder shall have all work proposed above MHW reviewed and authorized by Somerset County Planning & Zoning Department.
6. The Certificate Holder shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.
7. The Certificate Holder 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 Water Quality Certification. If the Certificate Holder 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 Water Quality Certification. 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.
8. The Certificate Holder shall construct the mitigation area in accordance with the following conditions:
 - a) The Certificate Holder 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% in perpetuity. 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, the Certificate Holder shall use a turbidity curtain around the perimeter of the instream work.
 - e) If the existing bank is to be cleared or graded:
 - 1) The Certificate Holder shall perform all work under and in accordance with an approved Soil Erosion and Sediment Control Plan from the applicable sediment and erosion control agency; and

2) The Certificate Holder 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.

9. The Certificate Holder shall maintain the mitigation site and monitor for 5 years subsequent to the completion of construction. The Certificate Holder shall submit a monitoring report to the Tidal Wetlands Division verifying that the wetland construction has been successful no later than December 31 of each year per the required 5 years of monitoring.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1,3: 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 and Special Condition 5: 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 2: 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

7. Statement of Necessity for Special Condition 4: Loss of fill material may result in violations of water quality due to turbidity and other alterations which interfere with designated uses as well as designated use class for support of estuarine and marine aquatic life, and support of designated uses for growth and propagation of fish, shallow water submerged vegetation, other aquatic life and wildlife. Loss limits will maintain the designation use.

Citations: 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 26.24; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.23.02.06; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

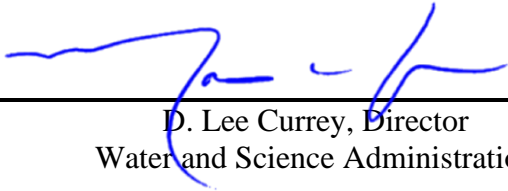
8. Statement of Necessity for Special Condition 6: Damaged piers may result in pieces of the structure discharging to navigable waters. The condition is necessary to ensure that discharges related to removal and installation removal do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation. The condition is necessary to ensure that the discharge will not interfere with designated uses for water contact recreation and fishing nor create a nuisance.

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

9. Statement of Necessity for Special Conditions 7-9: Stabilization of the site with vegetation is required to ensure that waters continue to meet designated uses. Loss of substrate fill material may result in discharges which reduce water quality and interfere with designated uses, including the support of estuarine and marine aquatic life, and the protection of shellfish harvesting, shallow water submerged aquatic vegetation, and migratory fish spawning and nurseries in tidal wetlands. Loss limits will maintain the designated use.

Citation: COMAR 26.08.02.02.B.(3); COMAR 26.08.02.03-3.C.(2)d.(5); COMAR 26.08.02.03.A(1)(b); COMAR 26.08.02.03.B(1-5), COMAR 26.08.02.10E(2), COMAR 26.24.05.C(1); COMAR 26.24.05.E

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

2/9/2023

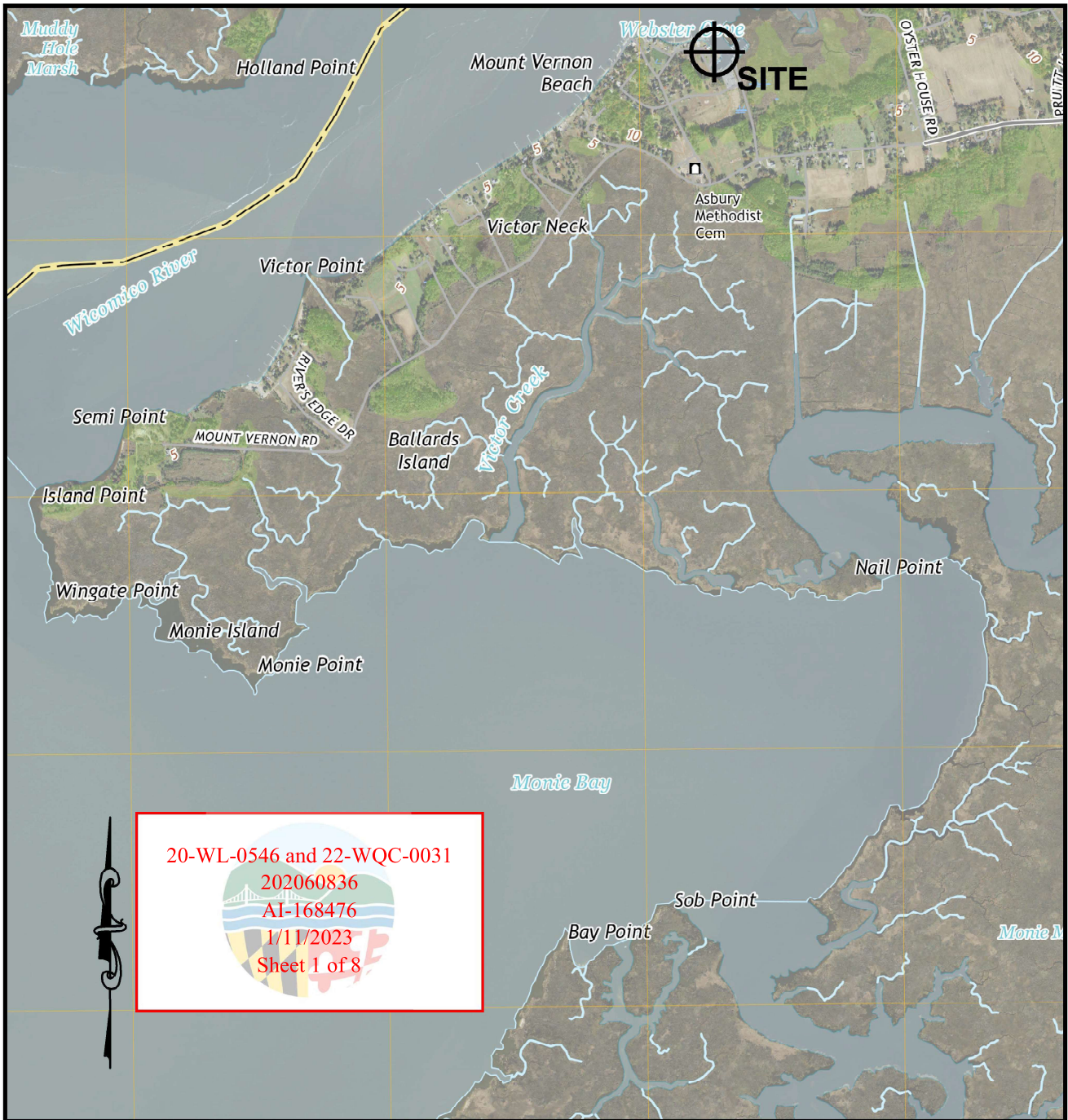
Date

Tracking Number: 202060836
Agency Interest Number: 168476

Effective Date: February 8, 2023

Enclosure: Plan Sheets dated January 11, 2023

cc: WSA Inspection & Compliance Program
Army Corps of Engineers



From: USGS Monie, MD Quadrangle (7.5 minute series)
 Site Location: 38° 14' 54.70" N Lat.
 75° 49' 51.09" W Long.

OWNER/DEVELOPER:
 Kirk G. Simpkins
 P.O. Box 550
 Princess Anne, MD 21853

VICINITY MAP

Scale: 1" = 2000'

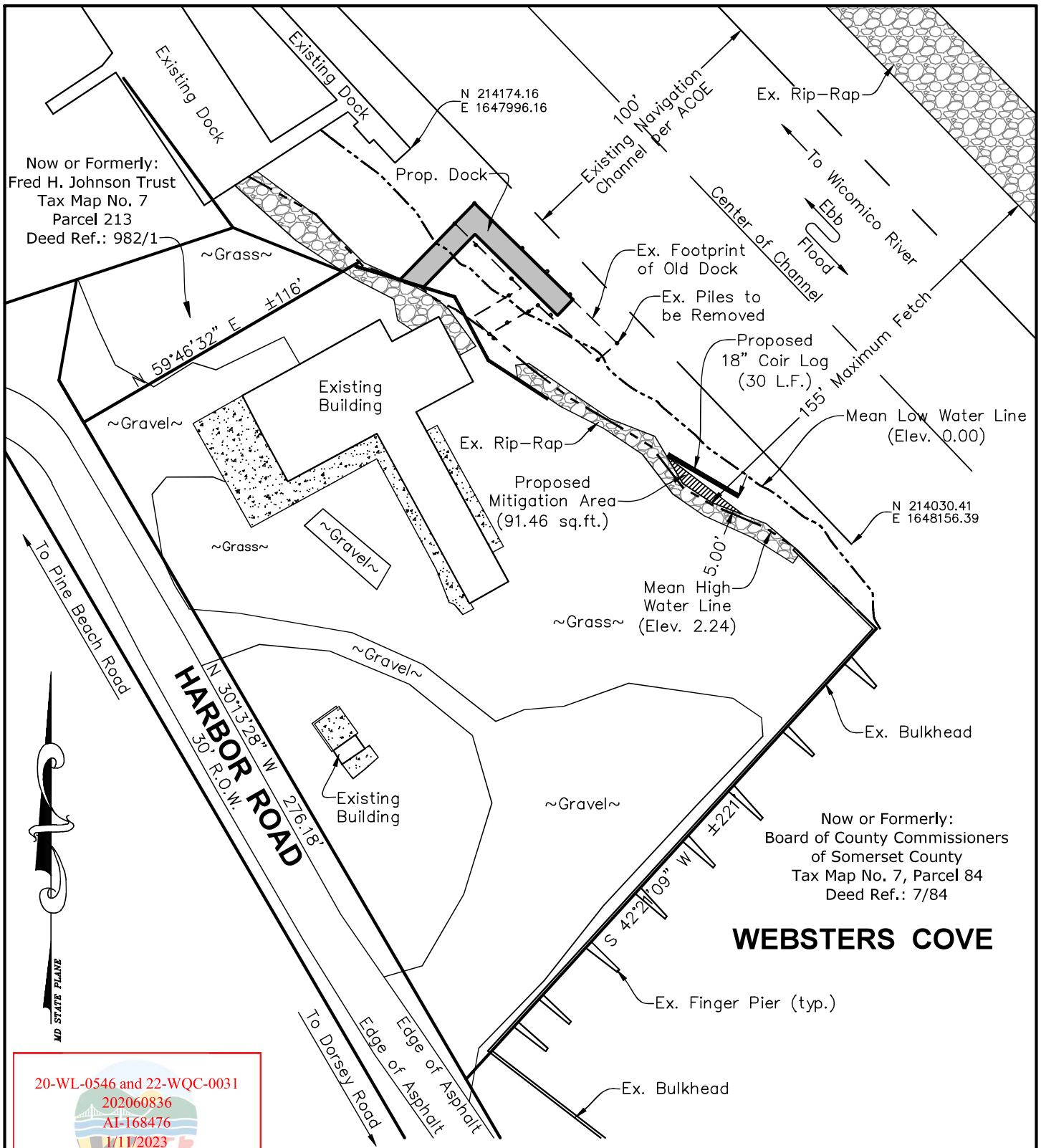
**PROPOSED
 LIVING SHORELINE**
 ON: WICOMICO RIVER/WEBSTERS COVE
 13317 DORSEYS ROAD
 SOMERSET COUNTY, MARYLAND

GEY
 GEORGE E. YOUNG, III, P.C.
 ENGINEERS & SURVEYORS



1603 MARKET STREET
 POCOMOKE MARYLAND 21851
 PHONE: (410)-957-2149
 FAX: (410)-957-2928

DATE DRAWN: 8/2/2022
CADD NAME: M20012 mitigation plan
JOB # : M20012
SHEET 1 OF 7



Now or Formerly:
Fred H. Johnson Trust
Tax Map No. 7
Parcel 213
Deed Ref.: 982/1

Now or Formerly:
Board of County Commissioners
of Somerset County
Tax Map No. 7, Parcel 84
Deed Ref.: 7/84

WEBSTERS COVE

EXISTING CONDITIONS

Scale: 1" = 50'

PROPOSED LIVING SHORELINE

ON: WICOMICO RIVER/WEBSTERS COVE
13317 DORSEYS ROAD
SOMERSET COUNTY, MARYLAND

OWNER/DEVELOPER:
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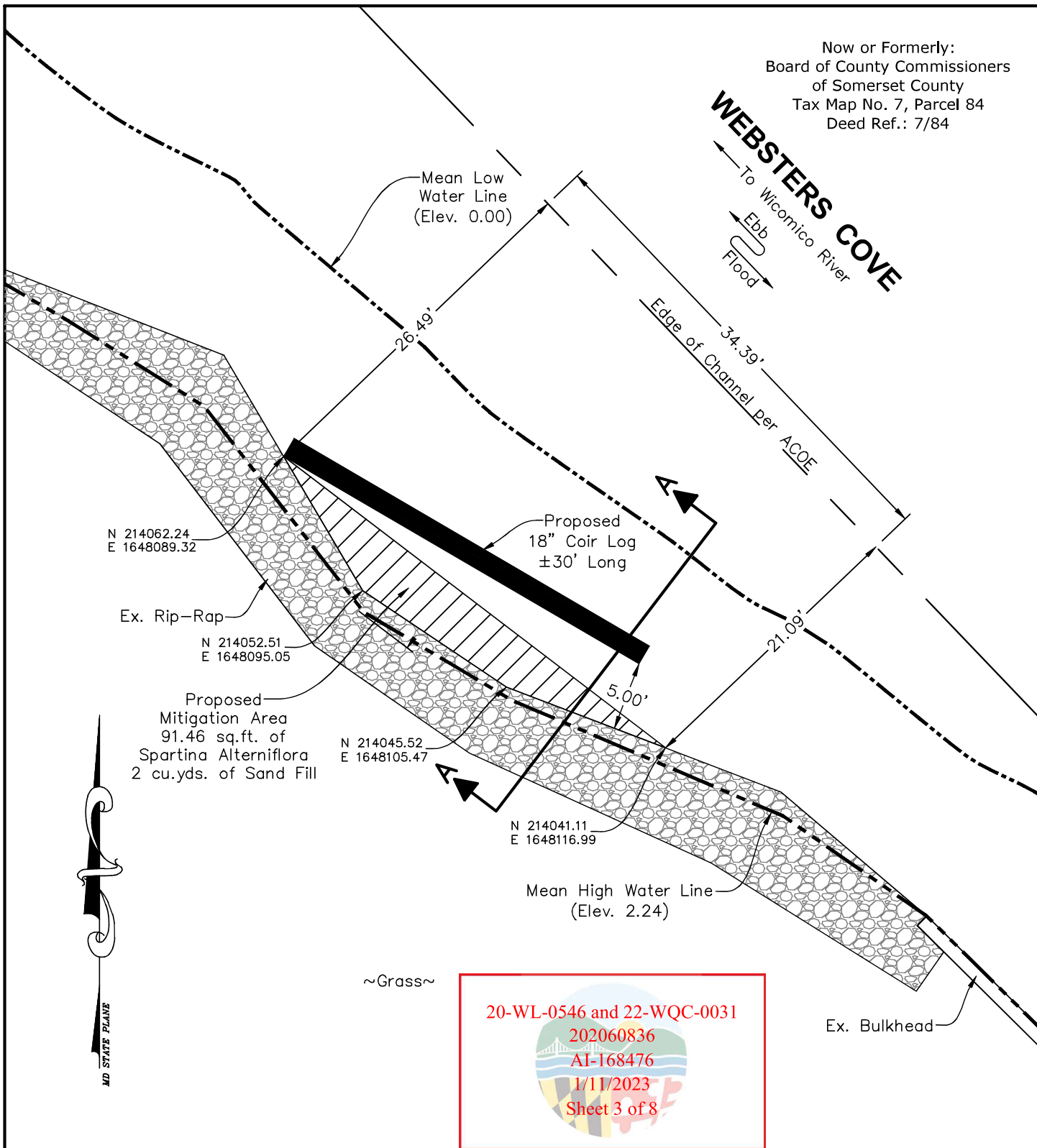
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DATE DRAWN:	8/2/2022
CADD NAME:	M20012 mitigation plan
JOB # :	M20012
SHEET	2 OF 7

Revised: 9/22/2022 Revised: 11/30/2022 Revised: 1/8/2023

20-WL-0546 and 22-WQC-0031
202060836
AI-168476
1/11/2023
Sheet 2 of 8

Now or Formerly:
Board of County Commissioners
of Somerset County
Tax Map No. 7, Parcel 84
Deed Ref.: 7/84



20-WL-0546 and 22-WQC-0031
202060836
AI-168476
1/11/2023
Sheet 3 of 8

PROPOSED MITIGATION AREA

Scale: 1" = 10'

PROPOSED LIVING SHORELINE

ON: WICOMICO RIVER/WEBSTERS COVE
13317 DORSEYS ROAD
SOMERSET COUNTY, MARYLAND

OWNER/DEVELOPER:
Kirk G. Simpkins
P.O. Box 550
Princess Anne, MD 21853

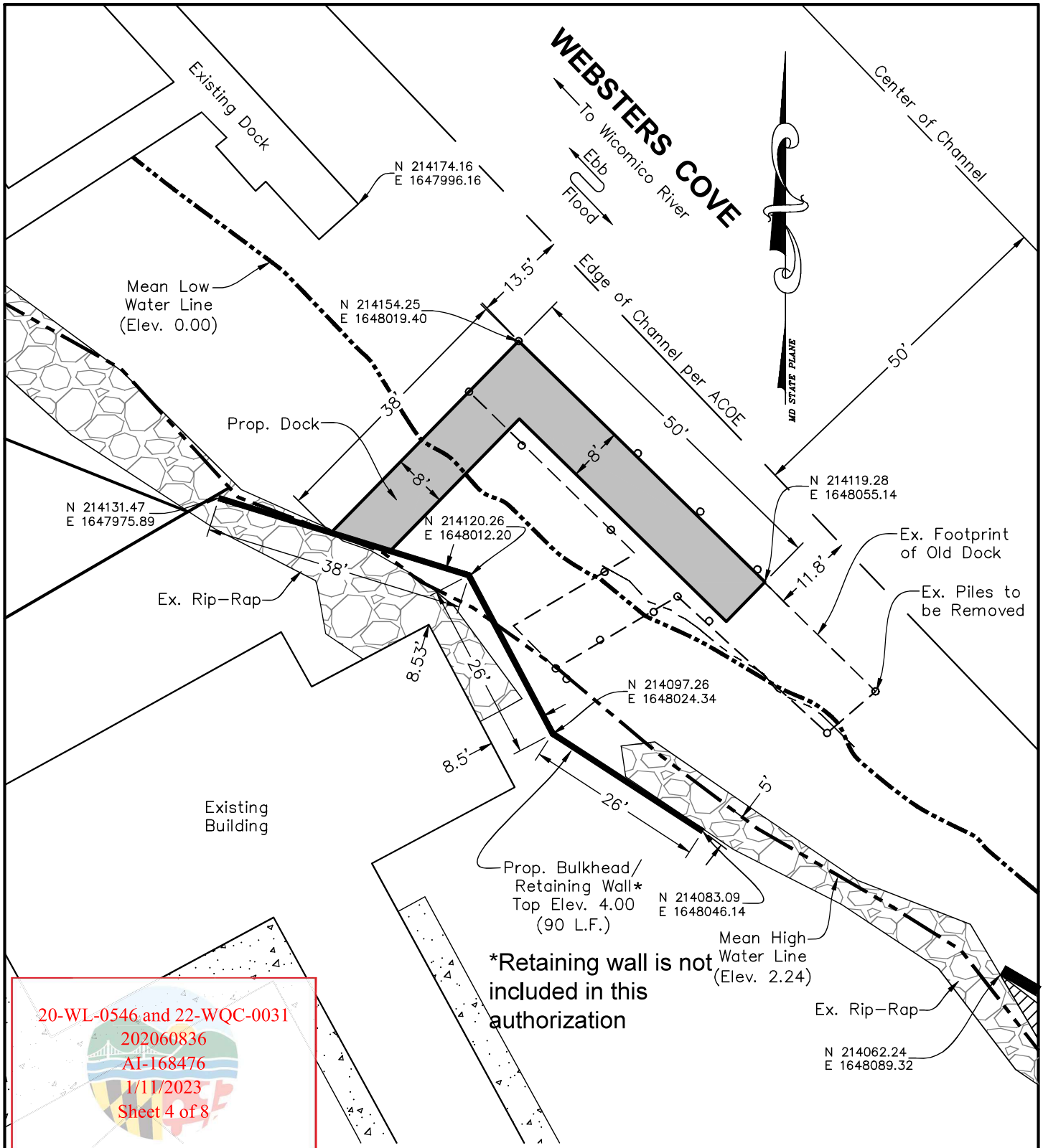
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PHONE: (410)-957-2149
FAX: (410)-957-2928

DATE DRAWN:	8/2/2022
CADD NAME:	M20012 mitigation plan
JOB # :	M20012
SHEET	3 OF 7

Revised: 9/22/2022 Revised: 11/30/2022 Revised: 1/8/2023



20-WL-0546 and 22-WQC-0031
 202060836
 AI-168476
 1/11/2023
 Sheet 4 of 8

PROPOSED DOCK & BULKHEAD

Scale: 1" = 20'

PROPOSED LIVING SHORELINE

ON: WICOMICO RIVER/WEBSTERS COVE
 13317 DORSEYS ROAD
 SOMERSET COUNTY, MARYLAND

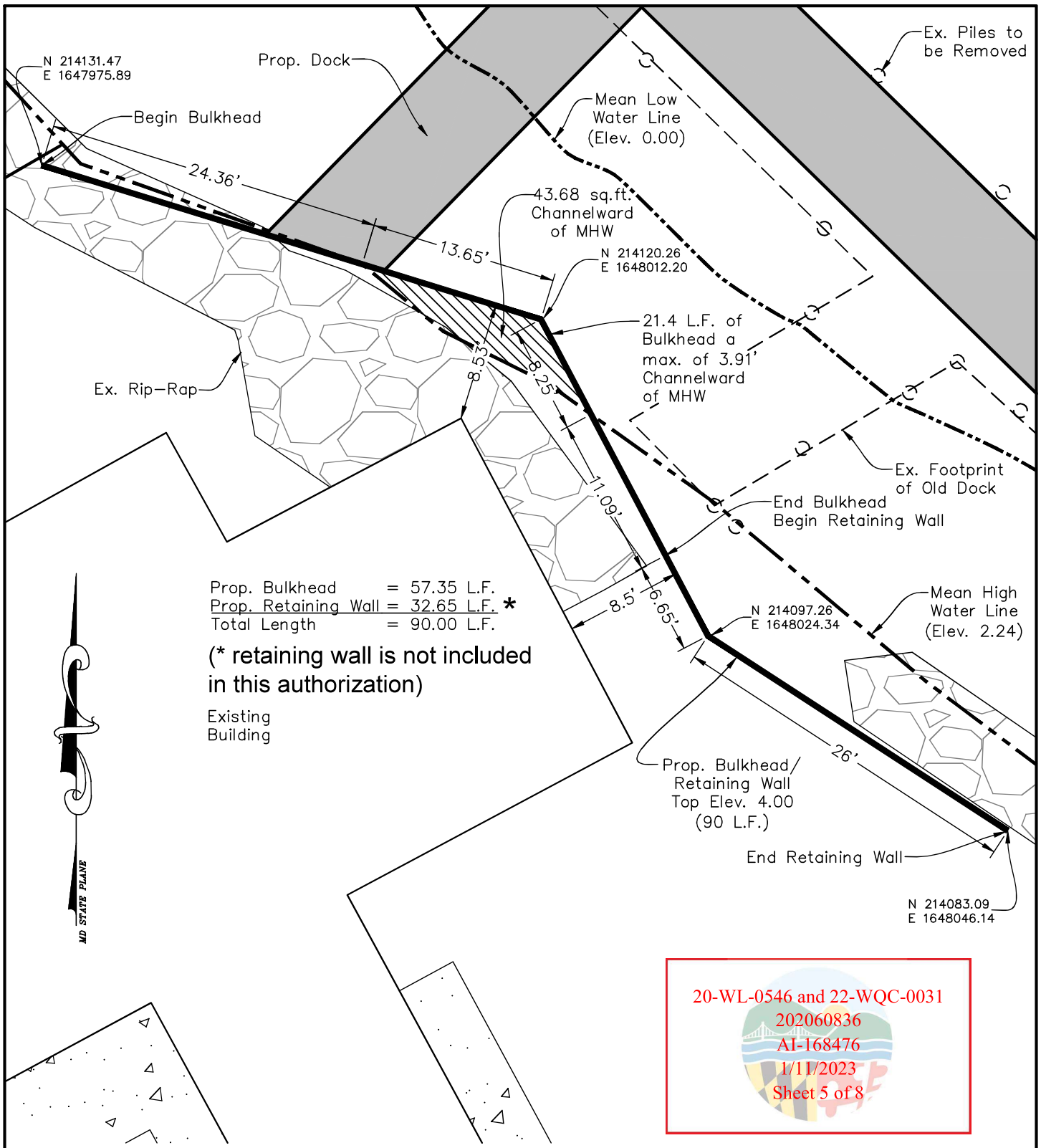
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 SHEET **4** OF **7**



20-WL-0546 and 22-WQC-0031
 202060836
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 1/11/2023
 Sheet 5 of 8

PROPOSED BULKHEAD / RETAINING WALL

Scale: 1" = 10'

PROPOSED LIVING SHORELINE

ON: WICOMICO RIVER / WEBSTERS COVE
 13317 DORSEYS ROAD
 SOMERSET COUNTY, MARYLAND

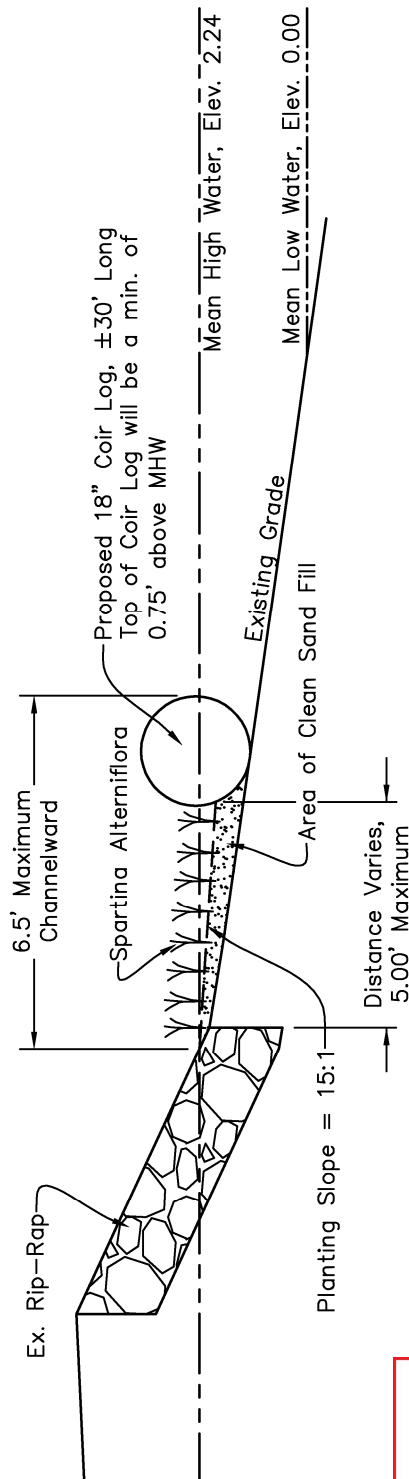
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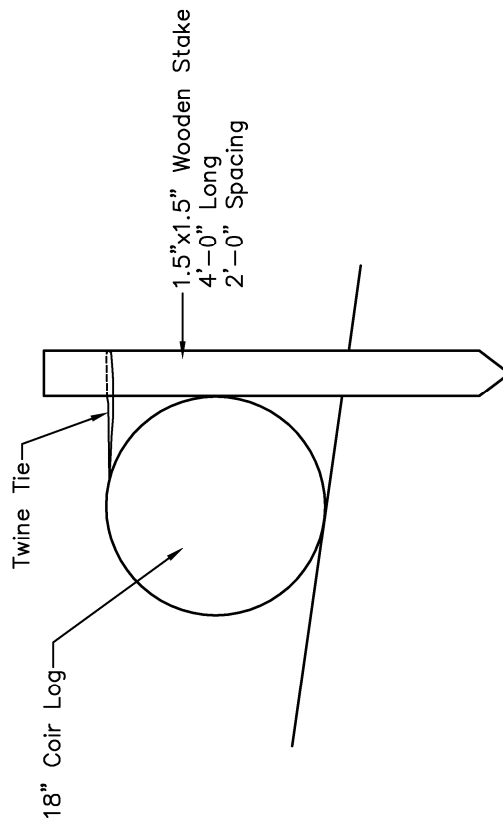
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DATE DRAWN: 8/2/2022
 CADD NAME: M20012 mitigation plan
 JOB #: M20012
 SHEET **5** OF **7**



SECTION A-A
Not to Scale

- NOTES:
1. Maximum Channelward Distance = 6.5'
 2. 2 cu.yds. of Clean Sand Fill
 3. 91.46 sq.ft. planting area (Spartina Alterniflora)
 4. Slope of planting area = 15:1
 5. No. of Plants = 95



COIR LOG INSTALLATION DETAIL
Not to Scale

20-WL-0546 and 22-WQC-0031
202060836
AI-168476
1/11/2023
Sheet 6 of 8

OWNER/DEVELOPER:
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P.O. Box 550
Princess Anne, MD 21853

**PROPOSED
LIVING SHORELINE**
ON: WICOMICO RIVER/WEBSTERS COVE
13317 DORSEYS ROAD
SOMERSET COUNTY, MARYLAND

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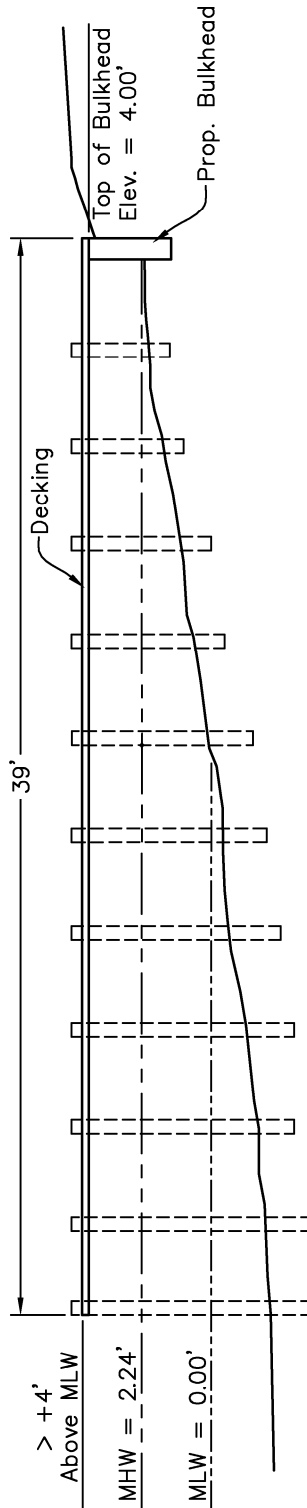
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JOB # :	M20012
SHEET	6 OF 7

Revised: 9/22/2022
Revised: 1/8/2023

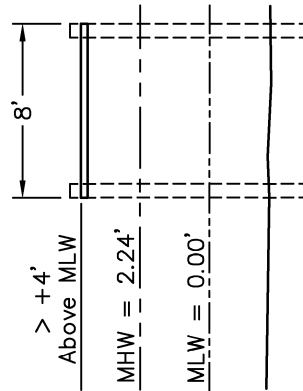
20-WL-0546 and 22-WQC-0031
 202060836
 AI-168476
 1/11/2023
 Sheet 7 of 8

Pier is a maximum of 38 feet channelward of the mhw



PROPOSED DOCK PROFILE

Not to Scale



PROPOSED DOCK SECTION

Not to Scale

OWNER/DEVELOPER:
 Kirk G. Simpkins
 P.O. Box 550
 Princess Anne, MD 21853

PROPOSED LIVING SHORELINE
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 13317 DORSEYS ROAD
 SOMERSET COUNTY, MARYLAND

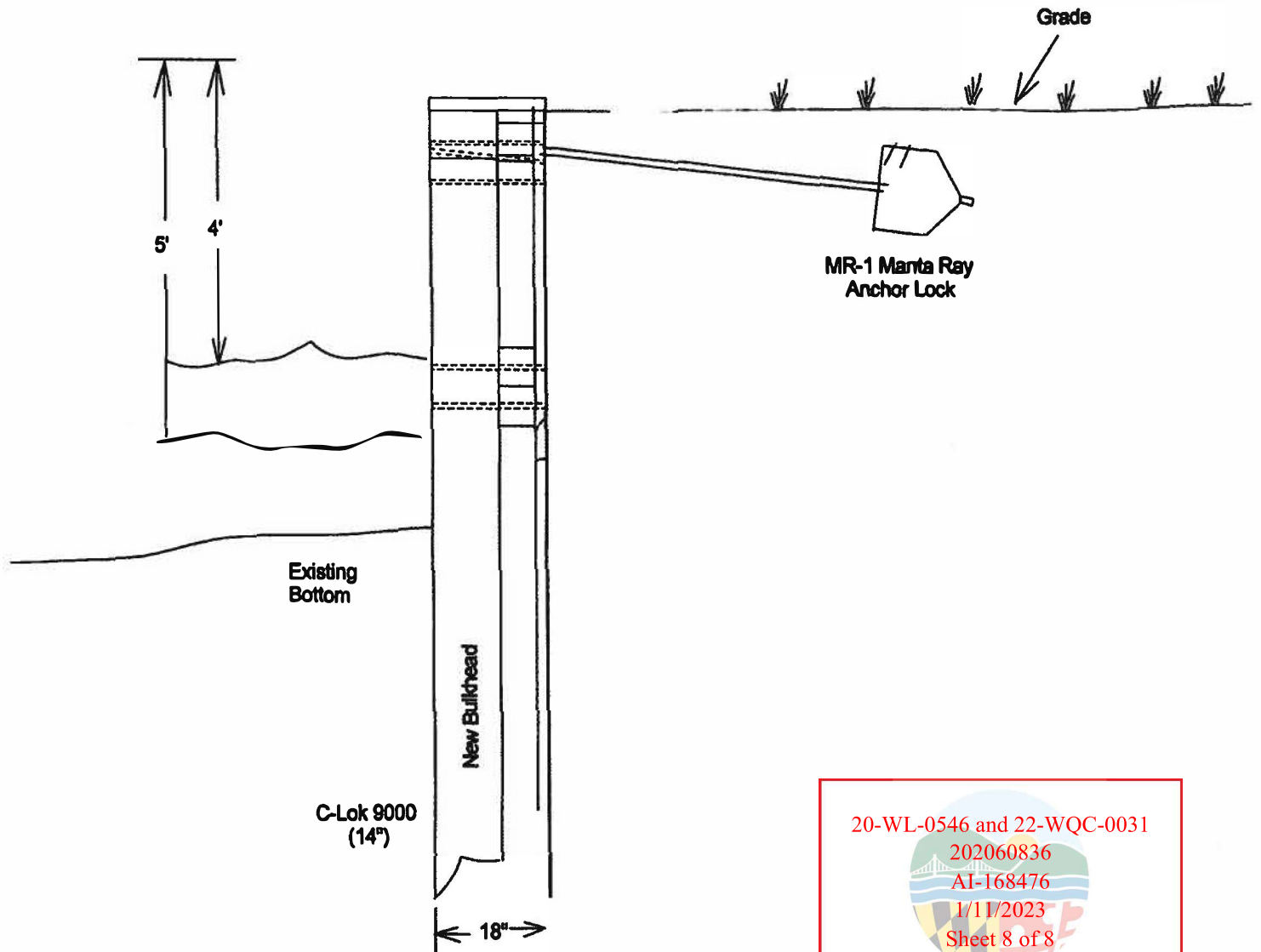
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SHEET 7 OF 7

13317 Dorsey Road, Princes Anne Tierod Bulkhead System



General Notes:

1. Bulkhead design will Meet or exceed Somerset County Specifications and Standards.
2. The tie back system shall be the Manta Ray MR-1 with 1" tierods.
3. The sheathing will be the C-Lok 9000 system.
4. Scale: 1/2" = 1'