



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 08, 2024

Ecotone, Inc
c/o Karley Routh
129 Industry Lane
Forest Hill, MD 21050

Re: Agency Interest Number: 117570
Tracking Number: 202460034
Tidal Authorization Number: 24-WQC-0013

Dear Mrs. Yan:

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 Reginald Graves at email not available or phone number not available with any questions.

Sincerely,

Jonathan Stewart
Chief, Eastern Region
Wetlands and Waterways Protection Program



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



24-WQC-0013

EFFECTIVE DATE: **July 8, 2024**
CERTIFICATION HOLDER: **Talisman Plantation, LLC**
ADDRESS: **300 Talisman Circle Rd
Grasonville, MD 21638**
PROJECT LOCATION: **300 Talisman Circle Rd
Grasonville, MD 21638**

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 TALISMAN PLANTATION, LLC AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED MARCH 15, 2024 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 satisfied the statutory and regulatory public notice requirements by placing the WQC on Public Notice from June 1, 2024, to July 1, 2024, on Maryland Department of the Environment's Public Notice webpage and advertising in The Record Observer on June 7, 2024.

PROJECT DESCRIPTION

- 1) Place timber marsh matting in vegetated tidal wetlands to access the site resulting in 16,553 square feet of temporary impacts.
- 2) To fill and grade with 2,524 cubic yards of sand along 2,445 feet of eroding shoreline and establish 38,334 square feet of low marsh and enhance 14,810 square feet of high marsh.
- 3) Emplace 847 square feet of cobble beach protection in three locations between whale tail's 4, 5, 6, and 7.
- 4) Construct twenty breakwaters identified on the plans to the following dimensions.
 - (a) Whale Tail 1 - 57-foot long by 14.8-foot wide;

- (b) Whale Tail 2 - 56-foot long by 13.2-foot wide;
 - (c) Whale Tail 3 - 52-foot long by 13.6-foot wide;
 - (d) Whale Tail 4 - 81-foot long by 14.4-foot wide;
 - (e) Whale Tail 5 - 81-foot long by 14.3-foot wide;
 - (f) Whale Tail 6 - 83-foot long by 14.5-foot wide;
 - (g) Whale Tail 7 - 81-foot long by 15.1-foot wide;
 - (h) Whale Tail 8 - 56-foot long by 11.6-foot wide;
 - (i) Whale Tail 9 - 56-foot long by 14.8-foot wide;
 - (j) Whale Tail 10 - 67-foot long by 13.3-foot wide;
 - (k) Whale Tail 11 - 67-foot long by 12.7-foot wide;
 - (l) Whale Tail 12 - 67-foot long by 13.2-foot wide;
 - (m) Rock Sill 1 - 41-foot long by 15-foot wide;
 - (n) Rock Sill 2 - 38-foot long by 14.5-foot wide;
 - (o) Rock Sill 3 - 67-foot long by 14.6-foot wide;
 - (p) Rock Sill 4 - 67-foot long by 11-foot wide;
 - (q) Rock Sill 5 - 85-foot long by 13.2-foot wide;
 - (r) Crab Claw 1 - 74-foot long by 12-foot wide;
 - (s) Crab Claw 2 - 65-foot long by 13.1-foot wide;
 - (t) Crab Claw 3 - 67-foot long by 7.5-foot wide;
- 5) Construct ten groins to the following dimensions.
- (a) 28- foot wide by 14-foot long;
 - (b) 30- foot wide by 14-foot long;
 - (c) 23- foot wide by 13-foot long;
 - (d) 20- foot wide by 13-foot long;
 - (e) 10- foot wide by 9-foot long;
 - (f) 15- foot wide by 11-foot long;
 - (g) 18- foot wide by 12-foot long;
 - (h) 31- foot wide by 12-foot long;
 - (i) 16- foot wide by 11-foot long;
 - (j) 7- foot wide by 11-foot long;
- 6) Restore approximately 16,553 square feet of impacted vegetated tidal wetlands using Wetland Seed Mix (Ernst Mix ERNMX-733) as shown on sheet 23 of 36 on the plans dated March 15, 2024.

All above activities constructed within a maximum of 46 feet channelward of the mean high water line.

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. The Certification Holder shall allow authorized representatives of the Department 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 authorization NAB-2024-60034-M51 Talisman Plantation, LLC/Living Shoreline until such time that it expires or is not administratively extended.

SPECIAL CONDITIONS

1. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certificate 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. All work performed under this Water Quality Certificate 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. Licensing by MCLB shall occur prior to the beginning of construction activities. 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 Certificate 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 Certification Holder shall construct the marsh establishment area in accordance with the following conditions:
 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:
 - a. The Licensee 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
 - b. The 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.
5. The Certification 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 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.
6. The Certification Holder 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 to reduce any potential adverse effects to essential fish habitat.
7. The Certification Holder shall have all work proposed above the mean high water line reviewed and authorized by Queen Anne's County Department of Planning and Zoning.
8. The Certification Holder shall use marsh mats where access over marsh is required to protect the existing marsh.
9. The Certification Holder shall restore and revegetate all disturbed wetlands to original contours upon completion of construction and reseed approximately 16,553 square feet of impacted vegetated tidal wetlands using Wetland Seed Mix (Ernst Mix ERNMX-733) as shown on sheet 23 of 36 on the plans dated March 15, 2024.
10. The Certification Holder shall not perform any in water work from April 15th through October 15th of any year due to submerged aquatic vegetation restrictions.
11. To minimize impacts to oyster resources, no bank grading should be allowed in the portion of the project site shown on sheets 6 and 7 during the periods 16 December through 1 March and 1 June through 30 September.

STATEMENT OF NECESSITY & CITATIONS

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: 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 Conditions 4, 5: Tidal wetlands provide essential habitat, water quality, food, and movement corridors for wildlife, and support of estuarine and marine aquatic life and shellfish harvesting. Successful establishment is necessary to prevent discharges which interfere with designated uses, including growth and propagation of fish, other aquatic life, and wildlife through loss of stream channel habitat and wetlands. Required establishment, re-establishment, or enhancement and loss limits will maintain the designated use.

Citations: COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(3) and B(4); COMAR 26.24.

8. Statement of Necessity for Special Conditions 6: The discharge and deposition of material within or adjacent to regulated resources may result in discharges that result in impacts to water quality and designated uses.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 26.08.02.02.B.(3); 26.08.02.03-3.C.(2)d.(5).

9. Statement of Necessity for Special Condition 7, 8, 9: 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

10. Statement of Necessity for Special Condition 10, 11: This time of year, condition is necessary to maintain designated use for support of estuarine and marine aquatic life and shellfish harvesting. Discharges may result in increases in turbidity which may violate water quality standards for clarity needed to support SAV designated uses and uses for aquatic life.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 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, 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 26.24; COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03-3C(9); COMAR 26.08.02.03-3C(9)(a)

CERTIFICATION APPROVED

D. Lee Currey

[D. Lee Currey \(Jul 24, 2024 18:39 EDT\)](#)

D. Lee Currey, Director
Water and Science Administration

Jul 24, 2024

Date

Tracking Number: 202460034
Agency Interest Number: 117570

Effective Date:

Enclosure: Plan Sheets dated March 15, 2024

cc: WSA Inspection & Compliance Program
Army Corps of Engineers







24-WQC-0013

Final Audit Report

2024-07-24

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