



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works
Wetlands Administration
Post Office Box 1510 Annapolis, Maryland 21404
410-260-7791

Larry Hogan
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 19-1084

CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS

The Maryland Board of Public Works authorizes you to:

- I. Construct six breakwater structures with lengths varying from 92 feet to 105 feet, and most widths at 30 feet approximately 3.5 feet above mean high water.
- II. Fill, grade, and plant 1.42 acres of high marsh vegetation along 1400 feet of eroding shoreline with 27,300 cubic yards of sand within a maximum of 174 feet channelward of the mean high water line.

Chesapeake Bay at Breezy Point Park, 5300 Breezy Point Road, Chesapeake Beach, Calvert County, Maryland

Issuance of this Tidal Wetlands License constitutes the State's determination that the authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING SPECIAL CONDITION(S):

- A. Licensee shall not perform any construction from November 15 through March 1 of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.
- B. Marsh establishment:
 - a. Licensee 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% 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.
 - d. If the fill is graded hydraulically, Licensee shall use a turbidity curtain around the perimeter of the instream work.
 - e. If the existing bank is to be cleared or graded, Licensee shall obtain any required approvals of an erosion and sediment control plan from the applicable sediment and erosion control agency and 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.
- C. Licensee shall accept the terms of the attached Marsh Maintenance Plan by signing and returning the standard plan to Maryland Department of the Environment's (MDE) Compliance Division, Water and Science Administration, 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 MDE's 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.
- D. Licensee shall submit photographs on an annual basis for the first five growing seasons to MDE's Tidal Wetlands Division, Water and Science Administration, in order to document the success of the project in terms of the extent of native marsh plant coverage. Photographs shall be taken from at least two directions, as necessary to fully depict the living shoreline.
- E. Licensee shall obtain a Toxic material Permit from MDE's Industrial and General Permits Division at 410-537-3619, prior to the application of any herbicide to eradicate *Phragmites*. Toxic Material Use Permits are required for any homeowner, farmer, local government or other person who wants to control aquatic life in ponds, ditches or waterways by the deliberate use of chemicals.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU
COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:**

1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated April 28, 2020, which are hereby incorporated into this License.
2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.

5. Licensee shall notify MDE's Inspection and Compliance Program by phone (410-537-3510) AND in writing (MDE, Inspection and Compliance Program, 1800 Washington Boulevard, Baltimore, MD 21230) of the following:
 - start date at least five business days before beginning work; and
 - completion date no more than five business days after project completion.
6. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.

"Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.
8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Inspection and Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. 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 email at *MDE.MCLB@maryland.gov* or by accessing the *Maryland Department of the Environment, Environmental Boards webpage*.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee shall indemnify, defend, and save 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 this License authorizes.

- 19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
- 20. This License expires July 22, 2023. If the authorized work is not completed by the expiration date, all activity must stop.

Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.
Board of Public Works: 410-260-7791

By the authority of the Board of Public Works:

 John T. Gontrum
 Executive Secretary

Effective Date: July 22, 2020
 Approved as: Secretary's Agenda Item 2
 Board of Public Works Meeting Date: July 22, 2020

I accept this License and all its conditions.

July 27, 2020
 Date

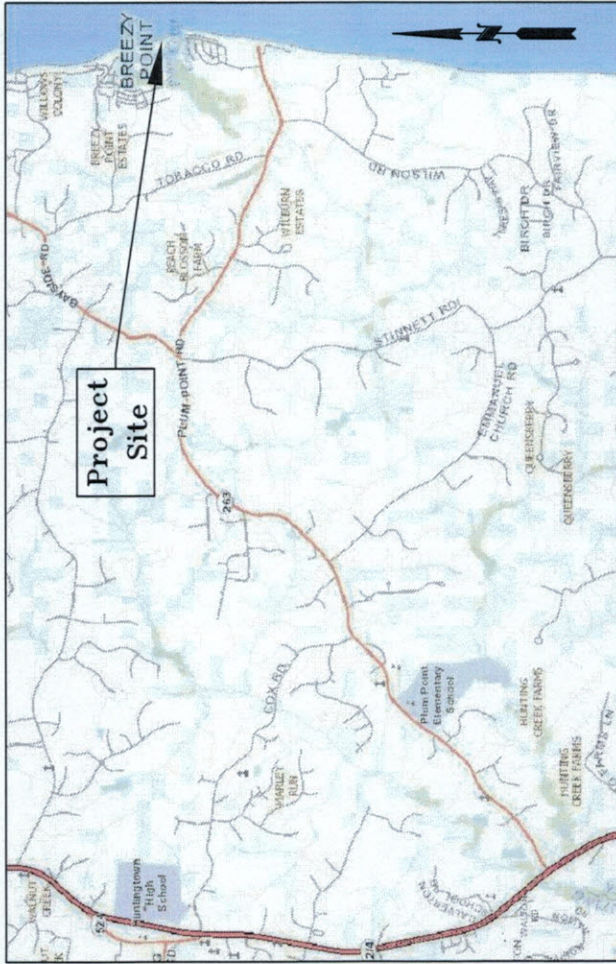
William A. Clark
 Licensee (Signature)

William A. Clark
 Name (Printed)

District Manager - Project Designee
 Title

Bill.Clark@calvertcountymd.gov
 Email (to receive completed license)

Breezy Point Living Shoreline Re-Establishment Project – Vicinity Map



Vicinity Map & Aerial Photo

Project: Breezy Point Living Shoreline Re-Establishment Project

Proposed Project for : Breezy Point Park

Applicant: Calvert Board of County Commissioners

Mailing Address: 175 Main Street, Prince Frederick, Calvert

County Maryland 20678

19-WL-1084

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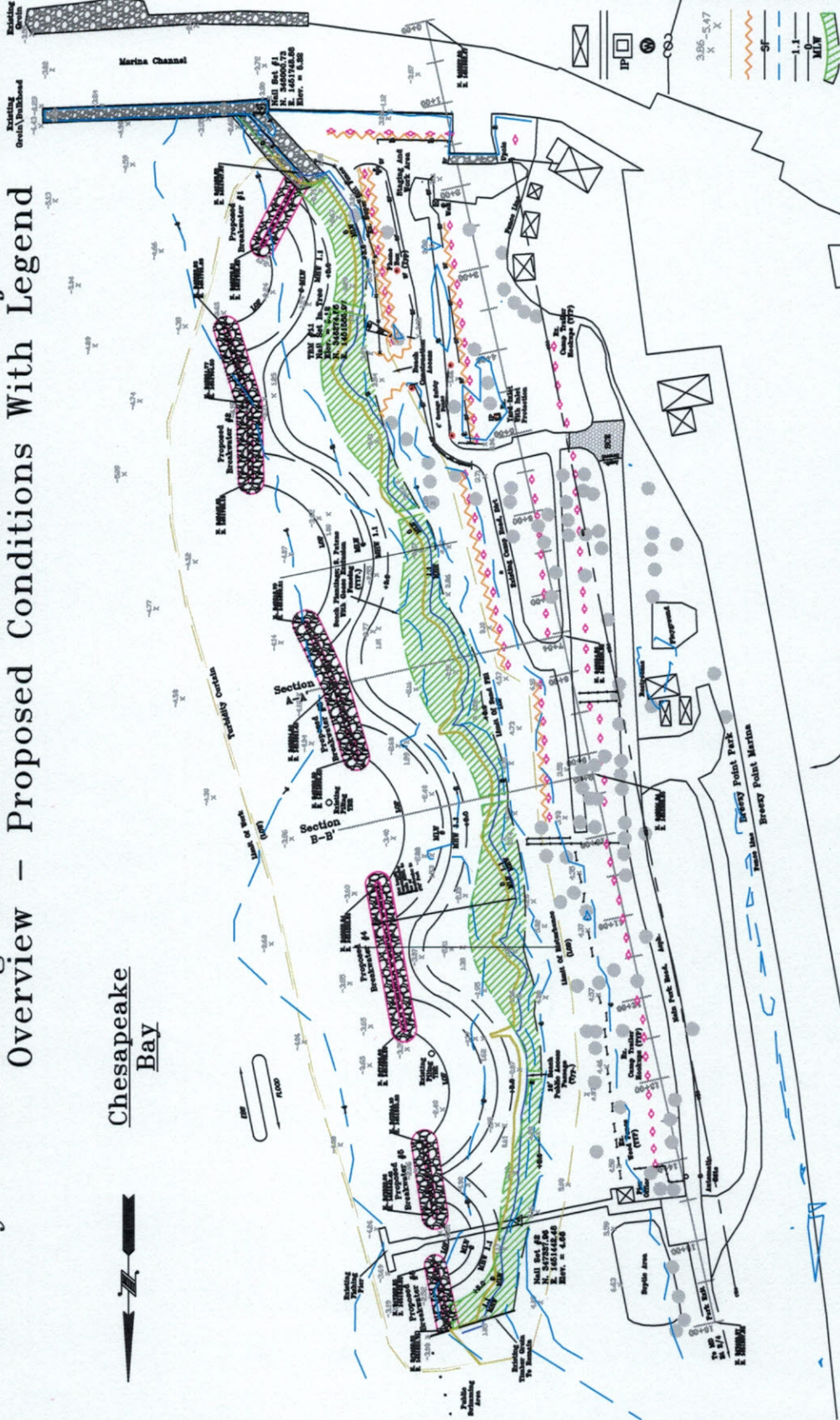
28 Apr 2020

Sheet 1 of 7

Breezey Point Living Shoreline Re-Establishment Project - PLATE 2 of 6

Overview - Proposed Conditions With Legend

Chesapeake Bay



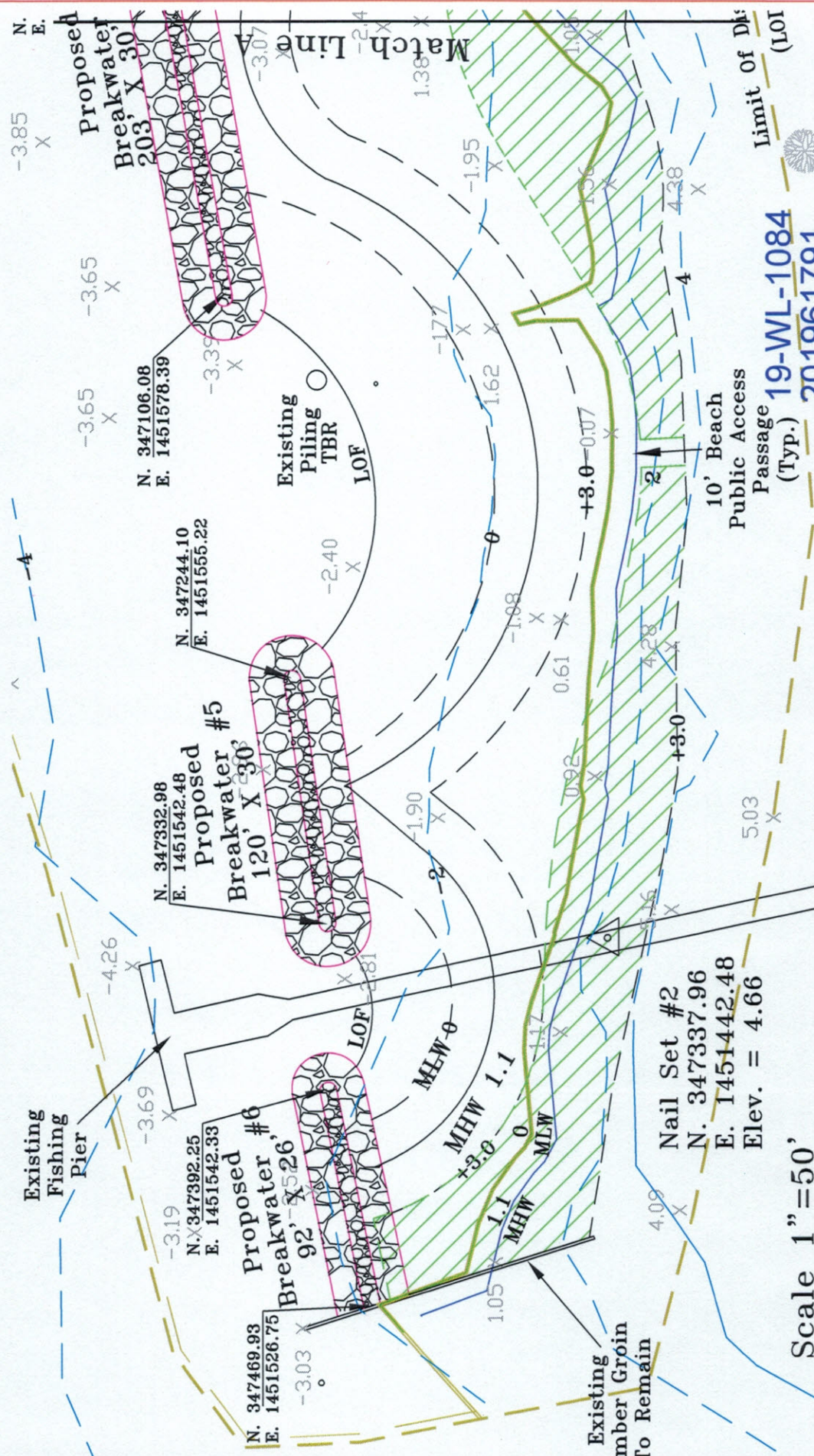
Legend

- Structure
- Road
- Inlet Protection
- Well
- Power Pole & Overhead Utility Lines
- Topographic & Bathymetric Spot Elevations
- Turbidity Curtain
- 4' Orange Safety Fence
- Silt Fence
- Contours
- Proposed Mean High Water
- Proposed Mean Low Water
- Beach Plantings; S. patens
- Limit of Fill, Channelward
- Proposed Contour, Upland
- Control Points

Scale 1" = 200'

19-WL-1084
 201961791
 28 Apr 2020
 Sheet 3 of 7

Breezy Point Living Shoreline Re-Establishment Project - PLATE 3 of 6

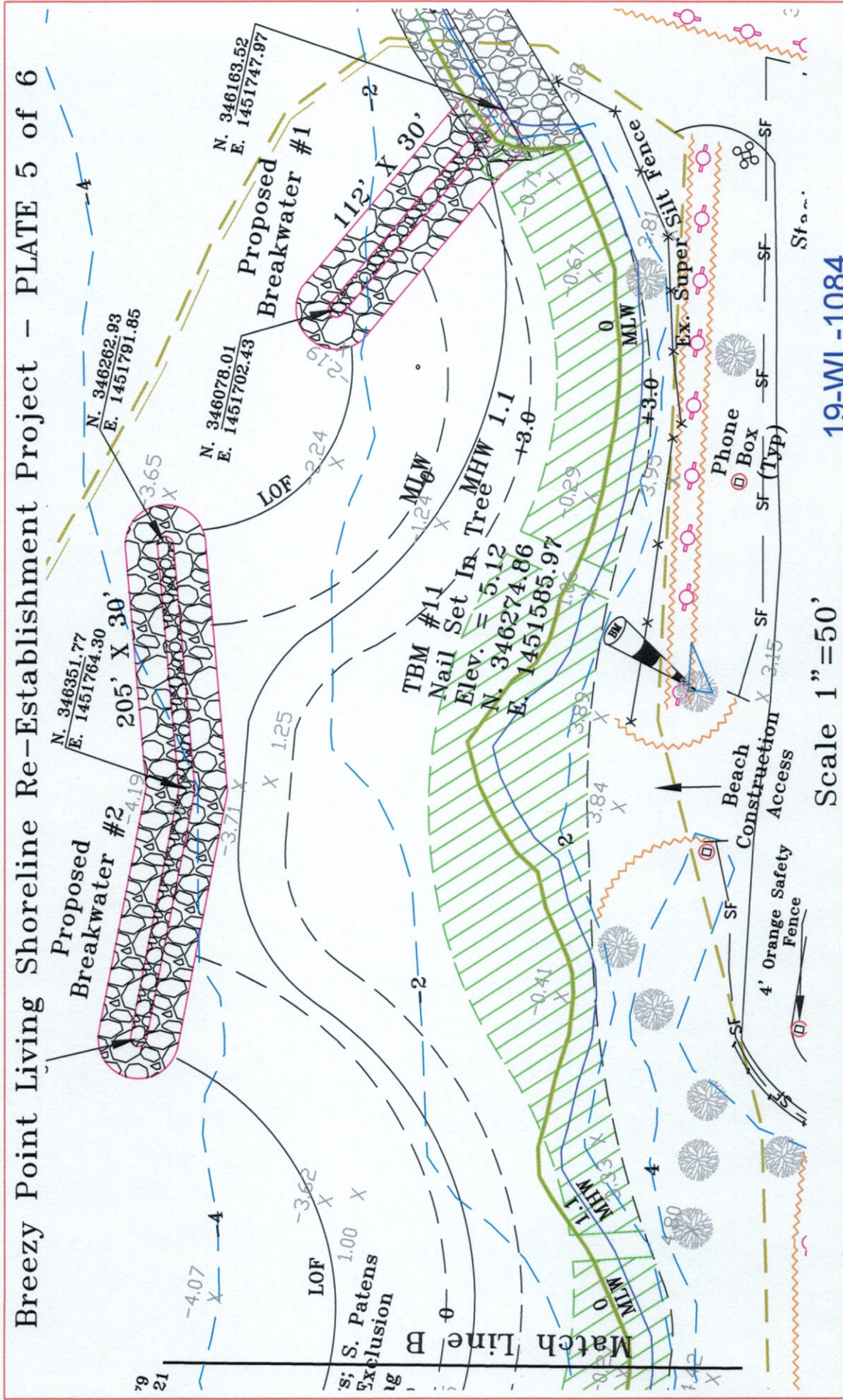


Scale 1" = 50'

19-WL-1084
 201961791

28 Apr 2020
 Sheet 4 of 7

Breezy Point Living Shoreline Re-Establishment Project - PLATE 5 of 6



Scale 1" = 50'

19-WL-1084
201961791
28 Apr 2020
Sheet 6 of 7

