

**WATER AND SCIENCE ADMINISTRATION  
TIDAL WETLANDS DIVISION**

**Wetland Report and Recommendation**

State Wetlands Case No:

19-WL-1084

**Applicant:** Calvert County Board of  
County Commissioners  
175 Main St  
Prince Frederick, Maryland  
20678

**Agent:** Calvert County Soil Conservation District  
PO Box 657  
Prince Frederick Maryland 20678  
410-535-1521 ext 3  
Bill.Clark@calvertcountymd.gov

**Date Application Received:** October 17, 2019 **Public Notice Required?** Yes

**Comment Period Closing Date:** June 1, 2020

**Maryland Coordinates:** 105759 x 442366

**Book Map Coordinates:** Calvert Co. ADC Map Num: 7 Ed: 13 Coord: 10 K

**Location of Proposed Work:** The proposed project is located at Breezy Point Park, 5300 Breezy Point Road, Chesapeake Beach, MD 20732 within the tidal waters of the Chesapeake Bay, Maryland in Calvert County.

**Purpose of Proposed Work:** The purpose of the project is to provide public beach nourishment and erosion control.

**Description of Authorized Work:** To 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; and to 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.

**Waterbody:** Chesapeake Bay

**Requires Water Quality Certification?:** Yes, WQC will be issued by MDE.

**Qualifies for Maryland State Programmatic General Permit?:** No, the United States Army Corps of Engineers alternate review and issuance of permit required.

**Area of Vegetated Wetland Impacts Requiring Mitigation:** Zero square feet

**Area of Wetlands Created:** 61,855 square feet (1.42 acres) of high marsh vegetation

**Was the Applicant's Original Project Modified?:** No.

## **Department Comment:**

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from May 1, 2020 to June 1, 2020 and publishing the public notice for the proposed project in The Calvert Recorder on May 6, 2020. In addition, the public notice was provided to adjacent property owners listed below:

A&S Development Corp.  
7364 Edgewood Road  
Annapolis, MD 21403-4086

Charles James Becker, Trustee  
3437 Shore Drive  
Chesapeake beach, MD 20732-2551

The Department received no comments from the public and no requests for a public informational hearing.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and recommended a Time of Year restriction for wintering waterfowl from November 15th through March 1st.

The Maryland Historical Trust reviewed that proposed project and determined that there are no historic properties affected by this undertaking.

The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To ensure that impacts to resources are avoided and minimized to the maximum extent possible and to ensure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

**Project Justification:** In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

### **SPECIAL 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 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.

- 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 Licensee shall not perform any construction from November 15<sup>th</sup> through March 1<sup>st</sup> of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.
- E. The Licensee 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.
- F. The Licensee 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.
- G. The Licensee shall submit photographs on an annual basis for the first five growing seasons to the 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.

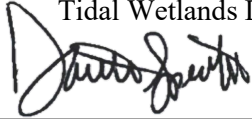
H. The Licensee shall obtain a Toxic Material Permit from the Department's Industrial and General Permits Division at 410-537-3619, prior to the application of any herbicide to eradicate *Phragmites*. Toxic materials use permits are required for any homeowner, farmer, local government or other person who wants to control aquatic life in ponds, ditches or waterways by the deliberate use of chemicals.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:



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Melissa McCanna, Natural Resource Planner  
Tidal Wetlands Division



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for Tammy Roberson, Division Chief  
Tidal Wetlands Division



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D. Lee Curry, Director

Water and Science Administration

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17 June 2020

DATE

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6/30/2020

DATE

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7/1/2020

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

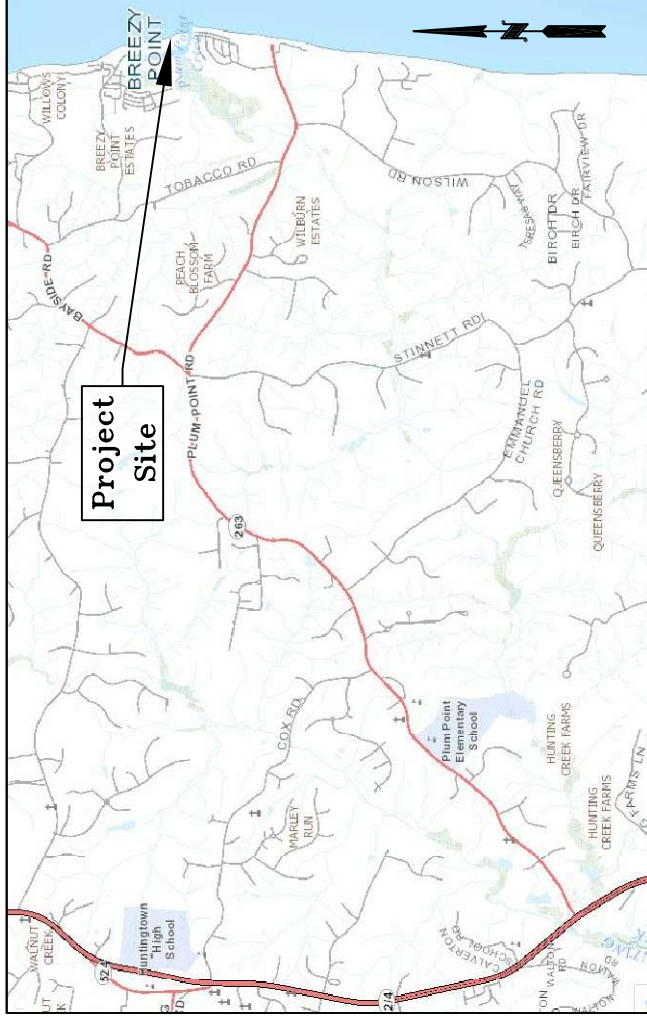
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William Morgante, Wetlands Administrator  
Board of Public Works

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DATE

# 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

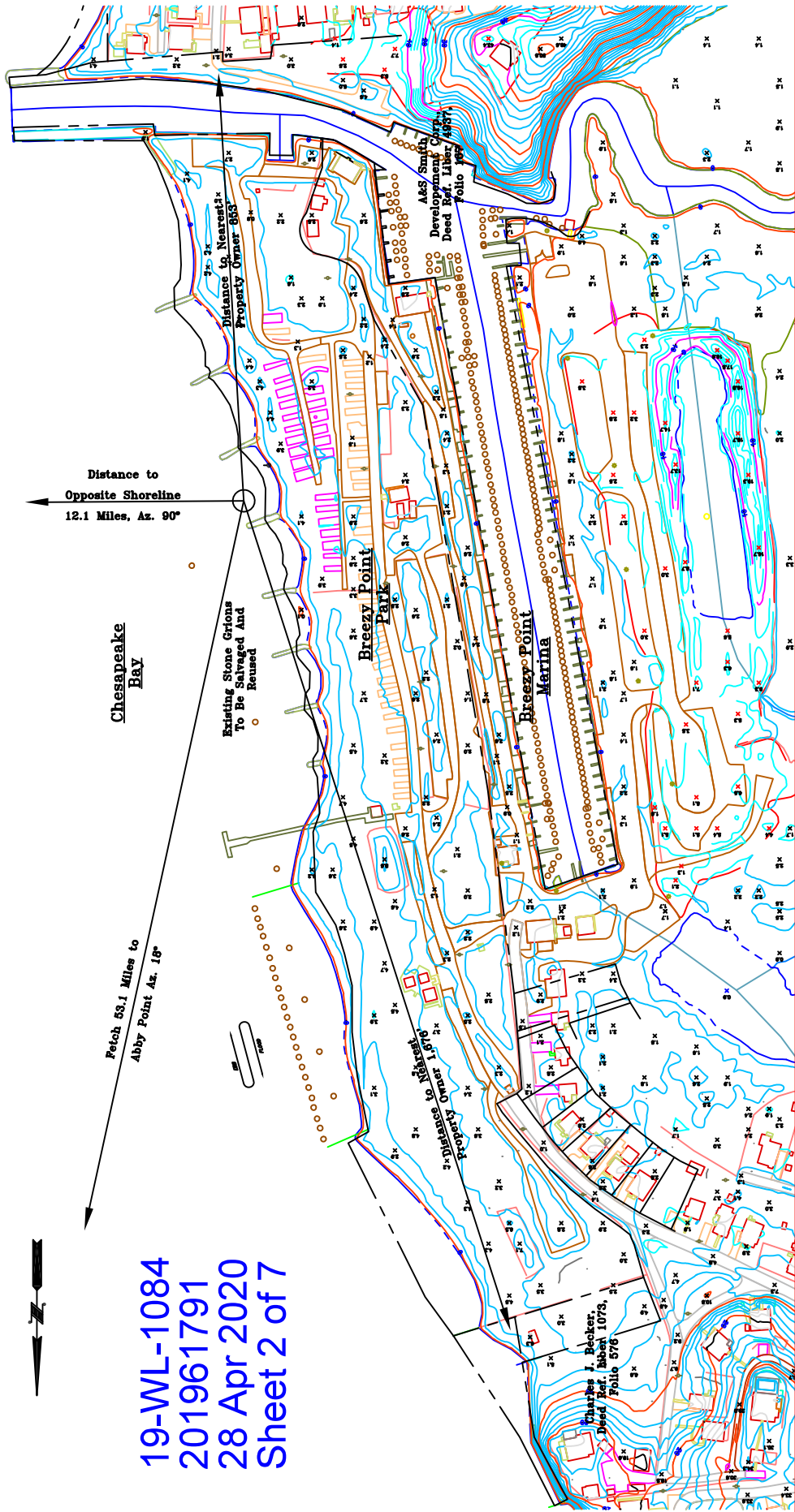
Applicant: Calvert Board of County Commissioners

Mailing Address: 175 Main Street, Prince Frederick, Calvert

County Maryland 20678

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201961791  
28 Apr 2020  
Sheet 1 of 7

Breezey Point Living Shoreline Re-Establishment Project – PLATE 1 of 6  
 Overview With Distances/Fetch Indicated  
 Scale 1" = 300'

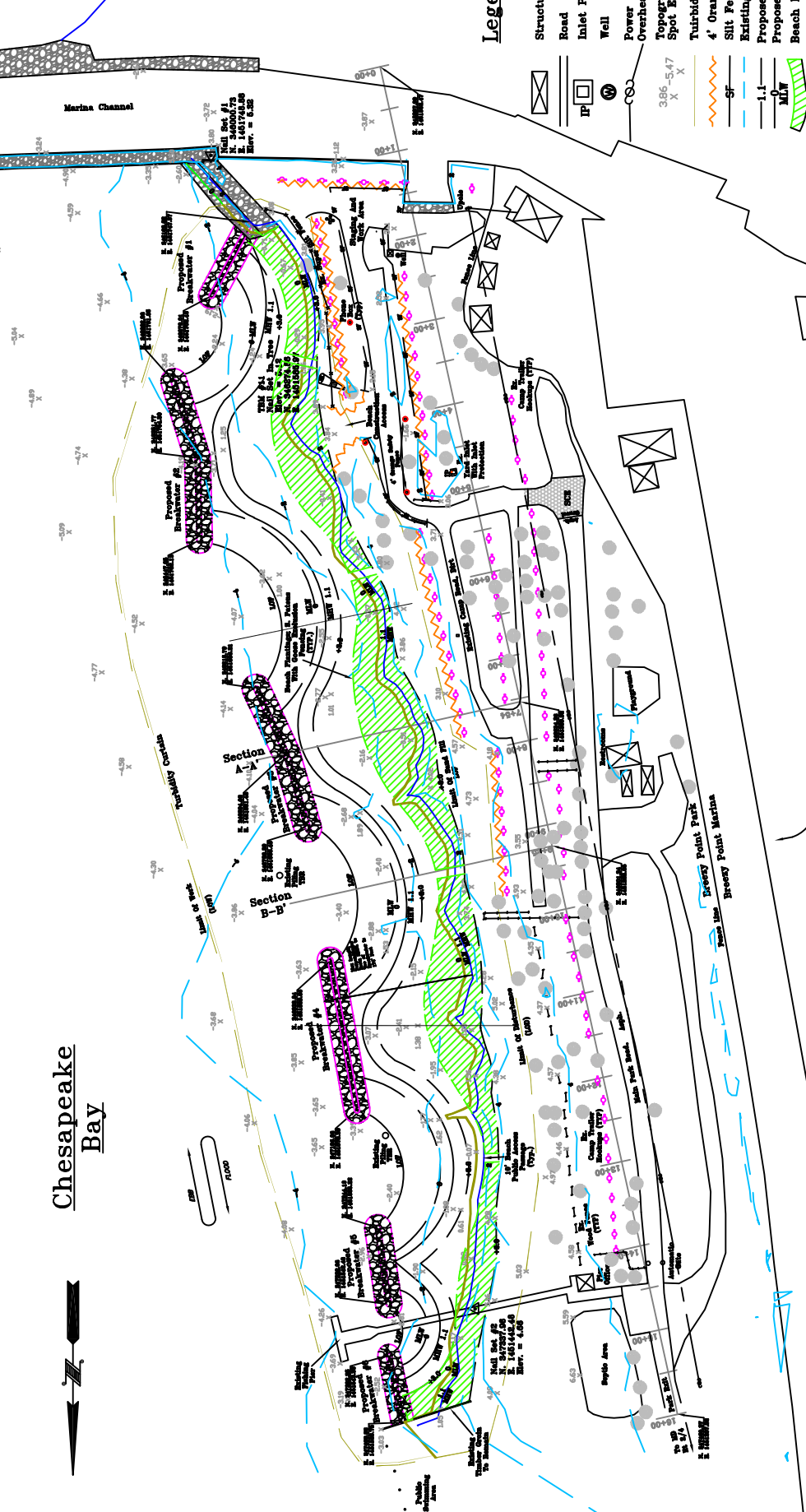


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 Sheet 2 of 7

# Breezy 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
- Slit Fence
- Existing 2' 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'

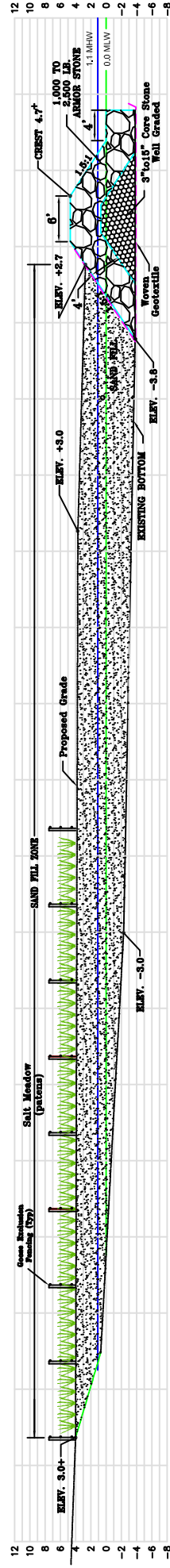
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 28 Apr 2020  
 Sheet 3 of 7







Breezy Point Living Shoreline Re-Establishment Project – PLATE 6 of 6  
 Typical Cross Section



Section A-A' 7+54  
 Sand Fill & Sill

Total Sand Fill = 27,300 Cy

Scale 1"=20'

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 28 Apr 2020  
 Sheet 7 of 7



**MARSH MAINTENANCE PLAN**

Agency Interest Number: \_\_\_\_\_  
Tidal Wetlands License Number: \_\_\_\_-\_\_\_\_-\_\_\_\_\_  
Licensee Name: \_\_\_\_\_  
License Effective Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*Please sign and date this Marsh Maintenance Plan and return to the address below no later than \_\_\_\_\_.\***

**Preparation:** All areas that are to be planted shall be cleaned of rough grass, weeds, and debris and the ground surface filled and graded to the elevations specified on the plans.

**Planting:** The living shoreline will be planted during the planting season for wetland sprigging which is between April 1 and June 30 or between September 1 and October 30. The mean high water (MHW) lines will be marked on the ground and the plantings shall be made in rows parallel to the MHW line extending to the limits on the construction plans. Rows shall be 18 inches apart and plants 18 inches apart. Plantings shall be made by hand with dibble, spade or shovel by opening a hole at the planting site, placing the fertilizer and then the plant in the hole, closing the hole and firming the soil around the plant so that the surface soil level is .5 to 1 inch above the top of the planting pot root mass. If the soil at the planting site is not wet or damp, the plants shall be sufficiently watered within 4 hours after planting.

**Protection:** Immediately upon completion of the planting operation, the planting area shall be protected against wildlife and human traffic by erecting goose exclusion fencing and Blaze Orange Fence (BOF) at the top of the slope and along the sides of the planted area.

**Plant Establishment:** A healthy stand of wetland vegetation is defined as 85% aerial coverage of the original planted area by native wetland vegetation (e.g., planted species and volunteer native species). A healthy stand of wetland vegetation shall be established within 1 year of planting and shall be maintained for at least 3 consecutive years thereafter. The licensee is responsible for making sure the planted area is maintained by eradicating non-native nuisance species (e.g., Phragmites), and protecting areas from human traffic and wildlife predators. If a healthy stand of wetland vegetation is not established within one year after planting, the limiting factors will be identified and addressed and the area will be replanted as necessary.

**Marsh Monitoring Reports:** Brief, annual Marsh Monitoring Reports will be submitted to the address below for 5 years by the dates below, *regardless of the whether or not the project is completed or a healthy stand of wetland vegetation is obtained.* The Marsh Monitoring Report may be brief and should include the following information, at a minimum:

- State Agency Interest number, Tidal Wetlands License number, and site address (listed above)
- Date of inspections
- Project completion date. If the project has not yet been completed, please indicate the current status of the project and disregard the remaining requirements.
- Estimation of percent plant coverage by the dominant species.  
*This should show the percent coverage of native and non-native wetland plant species. If 85% coverage by native species is not obtained, please indicate the limiting factors to plant growth, and what steps will be taken to meet the 85% coverage requirement.*
- Identification of factors limiting establishment or maintenance of a healthy stand of wetland vegetation and identify the maintenance activities necessary to mitigate the resulting stress. *For example, if non-native, invasive species (such as Phragmites) have emerged and begun to crowd out the planted or volunteer native species, the invasive species should be physically removed or chemically controlled. If geese are predating the plants, goose exclusion fence should be erected.*
- Photographs showing the current condition of the project

This 5-year monitoring period may be extended at MDE's discretion in the event replacement plantings are required.

**The annual Marsh Monitoring Report should be submitted to the address below on or before the following dates:**

1-Year Report: \_\_\_\_\_  
2-Year Report: \_\_\_\_\_  
3-Year Report: \_\_\_\_\_  
4-Year Report: \_\_\_\_\_  
5-Year Report: \_\_\_\_\_

ACCEPTANCE OF MARSH MAINTENANCE PLAN

The applicant acknowledges that he/she has read and understands this Marsh Maintenance Plan and agrees to submit annual Marsh Monitoring Reports on or before the above due dates.

\_\_\_\_\_  
**Signature of Licensee**

\_\_\_\_\_  
**Date**

PLEASE SIGN, DATE AND RETURN THIS COPY OF THE MARSH MAINTENANCE PLAN TO:

MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WATER AND SCIENCE ADMINISTRATION  
WETLANDS AND WATERWAYS PROGRAM  
**TIDAL WETLANDS DIVISION**  
(Signed Marsh Maintenance Plan) C/O \_\_\_\_\_  
(Annual Marsh Monitoring Reports) C/O Megan Spindler  
1800 WASHINGTON BLVD.  
BALTIMORE, MD 21230-1708