



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
STATE COLLEGE FIELD OFFICE
1631 SOUTH ATHERTON STREET, SUITE 101
STATE COLLEGE, PA 16801-6260**

November 5, 2020

Operations Division

Calvert County Board of County Commissioners
175 Main Street
Prince Frederick, Maryland 20678

Dear Calvert County Board of County Commissioners:

This is in reference to the status of your Department of the Army permit NAB-2019-61791P29 (CA Comm-Breezy Point Park). This office is in receipt of the signed copy of the permit indicating your acceptance of its terms and conditions.

Enclosed is your permit that has been dated and validated with the appropriate District signatures (Enclosure 1). Also, enclosed is a yellow card, ENG FORM 4336 (Enclosure 2), which must be conspicuously displayed at the site of work prior to commencement of construction. In addition, enclosed is a compliance self-certification form (Enclosure 3). Upon completion of the authorized work and required mitigation, you are required to complete the enclosed compliance certification form and return it to the address indicated thereon.

You may proceed with the construction indicated therein, provided you have obtained all other required state and/or local authorizations.

A copy of this letter is also being forwarded to the Maryland Department of the Environment and Mr. Bill Clark, District Manager Calvert Soil Conservation District for informational purposes.

If you have any questions concerning this matter, please contact Terry Eucker of this office at 570-835-4262 or via email at Terry.P.Eucker@usace.army.mil.

Sincerely,

Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch

Enclosures

To identify how we can better serve you, we need your help. Please take the time to fill out our customer service survey at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:8845707609835

DEPARTMENT OF THE ARMY PERMIT

Permittee must have a copy of this permit available on site or upon request.

Application Name and Permit Number: NAB-2019-61791-P29 (CA Comm-Breezy Point Park)

Issuing Office: U.S. Army Engineer District, Baltimore
Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The following work is authorized under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Placement of sand to re-establish the non-vegetated shoreline to pre-2018 hurricane conditions resulting in 172,779 square feet (3.97 acre) of permanent impact to the bay. Placement of two stone breakwater structures permanently impacting 4818 square feet (0.11 acre) of the bay with one structure, 112 linear feet long by 30 linear feet wide extending a maximum of 60 feet channelward of the re-established mean high water line (100 feet from the 2018 hurricane established mean high water line), being connected to a groin at the south end of the project, and one structure, 92 linear feet long by 26 linear feet wide, extending a maximum of 40 feet channelward of the re-established mean high water line (90 feet from the 2018 hurricane established mean high water line), to be connected to a groin at the north end of the project. Construction of four off-shore stone breakwaters permanently impacting 22,380 square feet (0.51 acre) of the bay, with one stone breakwater 205 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (130 feet from the hurricane established mean high water line); one stone breakwater 205 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (160 feet from the hurricane established mean high water line); one stone breakwater 203 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (140 feet from the hurricane established mean high water line); and one stone breakwater 120 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (120 feet from the hurricane established mean high water line). Plantings of *Spartina patens* marsh vegetation along 1,400 linear feet of shoreline to create 61,654 square feet (1.42 acres) of new tidal wetland.

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

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2025. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. To minimize potential impacts to federally listed endangered species, prior to any beach nourishment and breakwater construction, the permittee must deploy a turbidity curtain or similar protection measure at the channelward limit of disturbance, unless operationally unfeasible. Such protection measures must be maintained throughout construction.

2. The permittee must use clean, properly graded (no more than 10% passes through standard No. 100 sieve) substrate fill material.
3. In-water work is restricted from February 15 through June 15 during anadromous fish migration and spawning and between November 15 and March 1 in order to protect over-wintering waterfowl.
4. The marsh establishment areas must be maintained as wetlands, with non-nuisance species having an aerial coverage of at least 85%, for three consecutive years. If 85% coverage is not attained, the reasons for failure must be determined, corrective measures must be taken and the area replanted.
5. The permittee must submit an annual monitoring report no later than 31 January of each year, for three consecutive years following completion of all marsh establishment work. The monitoring reports shall be submitted electronically to email address NAB-Regulatory@usace.army.mil with a Subject line of: "NAB-2019-61791 Monitoring Report", or by hardcopy sent to Mr. Donald Bole, Baltimore District Corps of Engineers, 2 Hopkins Plaza Baltimore, Maryland 21201.
6. All authorized work shall be performed in accordance with project plans prepared by Calvert Soil Conservation District entitled: "Breezy Point Park Living Shoreline reestablishment project", pages 1-11 of 11 (Attachment 1).
7. The permittee must be responsible for immediately removing any and all debris introduced into the waterway as a result of any construction and/or demolition activities and should ensure that all demolition debris is disposed of properly.
8. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work must cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
9. Projects authorized under this permit shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to projects authorized hereto. Nothing shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under the Navigation Servitude of the United States.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above:

To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

To discharge fill into waters of the U.S. pursuant to:

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

To make alterations to, or temporarily or permanently occupy or use, a Corps of Engineers federally authorized civil works projects pursuant to:

() Section 408 of the Clean Water Act (33 U.S.C. 408).

To transport dredged material for the purpose of dumping it into ocean waters pursuant to:

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law or to comply with the appropriate local critical area regulations.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

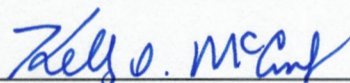
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

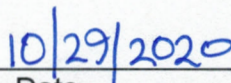
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



Permittee



Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of
John T. Litz, PMP
Colonel, U.S. Army
Commander and District Engineer

5 Nov 2020

Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch

Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, have the transferee sign and date below, and return an electronic copy of this page to email address NAB-Regulatory@usace.army.mil, with a Subject line of: "NAB-2019-61791 Permit Transfer", or by hardcopy sent to Mr. Donald Bole, Baltimore District Corps of Engineers, 2 Hopkins Plaza Baltimore, Maryland 21201.

Application Name and Permit Number: NAB-2019-61791-P29 (CA Comm-Breezy Point Park)

Transferee

Date

Address

Telephone Number



This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers

20 _____

A permit to _____

at _____

has been issued to _____ on _____ 20 _____

Address of Permittee _____

Permit Number

For _____
District Commander
Wade B. Chandler
Chief, Pennsylvania Section
(Proponent: CECW-O)



**DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MD 21201**

COMPLIANCE SELF-CERTIFICATION FORM

AUTHORIZATION NUMBER: **NAB-2019-61791-P29**

Corps Project Manager: Terry Eucker

Upon completion of the authorized work, sign this certification and return it to the address above or the following electronic mail address: nab-regulatory@usace.army.mil . Please include the following text in the email subject line: Compliance Certification Form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please complete the following information:

1. Date authorized work commenced: _____
2. Date authorized work completed: _____
3. Was all work completed in accordance with your authorization, including all general and/or specific conditions?
YES___ NO ___
4. Explain in detail any deviations to the authorized work and/or compliance with conditions:
(use additional sheets if necessary)
5. If compensatory mitigation is required, please provide a status below:
6. Attach labeled photographs showing completed work.

____I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said authorization.

____I hereby certify that the work is NOT in compliance with the above referenced authorization as detailed in #4 above and would like to discuss this project with a project manager.

I can be reached at: () ____-_____.

Signature of Permittee

Date