



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Horacio Tablada, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 18, 2022

Town of Oxford
C/o Underwood And Associates
Attn: Keith Binsted
1787 Severn Chapel Rd
Millersville, Maryland 11108

Keith.binsted@ecosystemrestoration.com

Re: Agency Interest Number: 168866
Tracking Number: 202061098
Tidal Authorization Number: 22-WQC-0012

Dear Town of Oxford:

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 Matt Wallach at 410-207-0893 or matthew.wallach@maryland.gov with any questions.

Sincerely,

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

Tammy Roberson
Division Chief
Tidal Wetlands Division



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



22-WQC-0012

EFFECTIVE DATE: **July 18, 2022**
CERTIFICATION HOLDER: **Town of Oxford**
ADDRESS: **PO Box 339**
Oxford, MD 21654
PROJECT LOCATION: **The beach at West Strand Road (Lovers Lane);
Tred Avon Yacht Club, 102 West Strand Road;
Oxford-Bellevue Ferry Terminal, Ferry
Crossing Slip Road and Strand Road;
Northwest shore of Strand Road between
Stewart Street and 501 E Strand Street;
Southeast shore of E Strand Road (Town Creek
area); Oxford MD 21654**

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 TOWN OF OXFORD SHORELINE RESILIENCY PROJECT AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED JUNE 1, 2022 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

Authorize 97,346 square feet (2.24 acres) of shoreline improvements within the following five distinct locations:

1. The beach at West Strand Road (Lovers Lane):

- a. Construct a 118-foot long by 70-foot wide “North Living Headland” breakwater that includes 620 cubic yards of stone and sand fill and planted with 3,817 square feet of tidal marsh vegetation;
 - b. Construct a 108-foot long by 80-foot wide “South Living Headland” breakwater that includes 582 cubic yards of stone and sand fill and planted with 3,937 square feet of tidal marsh vegetation;
 - c. The “South Living Headland” breakwater includes strategically placed and anchored woody debris as depicting on the attached plans;
 - d. Emplace 347 cubic yards of sand along 80 feet of shoreline and plant with 2,905 square feet of tidal marsh vegetation within 64 feet channelward of the mean high water line;
 - e. Emplace 1,319 square feet of beach nourishment along 48 feet of shoreline within 43 feet channelward of the mean high water line.
2. Tred Avon Yacht Club:
 - a. Construct a 40-foot long by 45-foot wide “Living Headland (East)” breakwater that includes 108 cubic yards of stone and sand fill and planted with 887 square feet of tidal marsh vegetation;
 - b. Construct a 47-foot long by 34-foot wide “Living Headland (West)” breakwater that includes 113 cubic yards of stone and sand fill and planted with 875 square feet of tidal marsh vegetation;
3. Oxford-Bellevue Ferry Terminal:
 - a. Construct a 39-foot long by 31-foot wide “Living Headland” breakwater that includes 85 cubic yards of stone and sand fill and planted with 882 square feet of tidal marsh vegetation;
4. Strand Beach (Northwest Shoreline of Strand Road):
 - a. Construct a 94-foot long by 59-foot wide stone and sand offshore “Living Breakwater (East)” that includes 1,609 square feet of tidal marsh vegetation within 170 feet channelward of the mean high water line;
 - b. Construct an 89-foot long by 50-foot wide stone and sand offshore “Living Breakwater (Middle)” that includes 1,609 square feet of tidal marsh vegetation within 170 feet channelward of the mean high water line;
 - c. Construct an 86-foot long by 49-foot wide stone and sand offshore “Living Breakwater (West)” that includes 1,580 square feet of tidal marsh vegetation within 160 feet channelward of the mean high water line;
 - d. Construct a 78-foot long by 36-foot wide “Living Headland (East)” groin that includes 350 cubic yards of stone and sand fill and planted with 1,874 square feet of tidal marsh vegetation and 39 square feet of dune vegetation;
 - e. Construct a 141-foot long by 37-foot wide “Living Headland (West)” groin that includes 820 cubic yards of stone and sand fill and planted with 4,053 square feet of tidal marsh vegetation and 75 square feet of dune vegetation;
 - f. Emplace 4,951 cubic yards of sand along 778 feet of shoreline and plant with 26,949 square feet of tidal marsh vegetation within 75 feet channelward of the mean high water line;
 - g. The three offshore breakwaters and two “Living Headlands” include strategically placed and anchored woody debris as depicting on the attached plans;
 - h. Emplace 18,762 square feet of beach nourishment along 558 feet of shoreline within 49 feet channelward of the mean high water line;
 - i. Construct three temporary sand causeways for the construction of the offshore breakwaters with a maximum width of 36 feet within a maximum of 83 feet channelward of the mean high water line;

- j. Construct a 131-foot long by 4-foot wide timber walkway with a 5-foot by 5-foot mid-walkway platform over the proposed marsh vegetation extending 40 feet channelward of the mean high water line;
 - k. Construct a 72-foot long by 4-foot wide timber pier with a 5-foot by 5-foot mid-walkway platform over the proposed marsh vegetation landward of the mean high water line;
5. Town Creek (Southeast shoreline of East Strand Road):
- a. Construct a 73-foot long by 22-foot wide “Living Headland (East)” groin that includes 111 cubic yards of stone and sand fill and planted with 596 square feet of tidal marsh vegetation;
 - b. Construct a 28-foot long by 24-foot wide “Living Headland (West)” breakwater that includes 24 cubic yards of stone and sand fill and planted with 233 square feet of tidal marsh vegetation;
 - c. Emplace 437 cubic yards of sand along 110 feet of shoreline and plant with 2,912 square feet of tidal marsh vegetation within 32 feet channelward of the mean high water line;
 - d. Remove an existing outfall pipe and replace that discharge with a regenerative stormwater conveyance (RSC) landward of the mean high water line.

GENERAL CONDITIONS

1. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Authorized work under this Certification shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Maryland Department of the Environment.
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 202161319 until such time that it expires or is not administratively extended.

SPECIAL CONDITIONS

1. The Certificate Holder shall construct the marsh establishment 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% 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, 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:
 - i. 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
 - ii. 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.
2. The Certificate Holder shall follow the requirements of the marsh maintenance plan as required by Wetlands License 20-WL-0737 and any subsequent modifications.
3. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetland buffer, or nontidal wetland expanded buffers to ensure that any discharge will not result in a failure to comply with water quality standards in COMAR 26.08.02 or other water quality requirements of state law or regulations be met.
4. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission ("Commission") shall be obtained. This 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 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.
5. 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.

6. 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.
7. The Certificate Holder shall design and construct the project using Best Management Practices (BMPs) to prevent the loss of fill material to waters of the State of Maryland.
8. The Certificate Holder shall not stockpile any material in State or private tidal wetlands.

CITATIONS AND STATEMENTS OF NECESSITY

1. General Authorities

- a. General Conditions 1, 2, 10; Special Condition 4, 6, 7, 8

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met to maintain designated uses of waters.

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 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

- b. General Condition 3

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the terms of the federal authorization and to maintain designated uses of waters. The Corps of Engineers authorization and plans include details about amount and location of discharges, as well as other conditions for reducing adverse effects to water quality, which ultimately supports maintaining designated uses. The Certification conditions and decision are based upon based on the details of the Corps of Engineers authorization and plans.

Citation: COMAR 26.08.02.01E(2)

- c. General Condition 5

Statement of Necessity for Condition: The 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 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 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

2. Unauthorized or Incidental Discharges - General Conditions 4, 8, 9; Special Conditions 1, 2, 7, 8

Statement of Necessity for Condition: 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. Inspections and Compliance - General Condition 6

Statement of Necessity for Condition: 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

4. Marsh Establishment and Maintenance - Special Conditions 1, 2

Statement of Necessity: 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: 1) COMAR 26.08.02.02.B.(3) 2) COMAR 26.08.02.03-3.C.(2)d.(5); 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

5. Performance Standards for Water Quality – Special Condition 3

Statement of Necessity for Condition: 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.

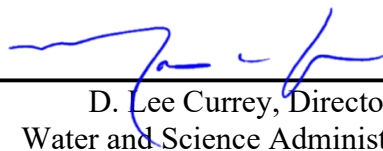
Citation: COMAR 26.08.07.03B(1)(b); 26.08.02.03B(2)

6. Licensed Marine Contractor – Special Condition 5

Statement of Necessity: 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

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

7/20/2022

Date

Tracking Number: 202061098
Agency Interest Number: 168866

Effective Date: **July 18, 2022**

Enclosure: Plan Sheets dated June 1, 2022

cc: WSA Inspection & Compliance Program
Army Corps of Engineers