



WILDLIFE AND HERITAGE SERVICE

PERMIT/LICENSE

Effective: 08/11/2014

ENDANGERED SPECIES - TIGER BEETLE

Expires: 8/11/2017

PERMIT #: 55910

Chesapeake Haven

55 Main Ave.

EARLEVILLE, MD 21919

County of Residence:

Cecil

Location:

Authority Statute(s): NR 10-2A-05.1 ACM

Regulation(s): 08.03.08.14

GENERAL CONDITIONS

Conditions in state law and regulations cited above, are hereby made a part of this permit/license. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal, of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

The validity of this permit is also conditioned upon strict observance of all applicable federal, local or other state laws.

Permittee is not authorized by this permit to access private property or publically held property without express permission from the appropriate authority.

Permittee, employees, and contractors under permittee's control and supervision are authorized to incidentally take Puritan tiger beetles (*Cicindela puritana*) at the location given above. The incidental take authorized herein is for construction activities that may disturb and ultimately render unsuitable certain portions of beach and cliff habitat. No direct take of Puritan tiger beetles is authorized.

Prior to beginning any construction activities, including staging of equipment or stock piling materials, the mitigation requirements established in accordance with the Maryland Puritan Tiger Beetle Habitat Conservation Program must be satisfied.

No construction, earth-moving, staging of equipment and materials, or related activities shall occur on the beach or cliff between May 31st and August 1st of any year.

The permittees shall grant permission to representatives of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the Maryland Department of Natural Resources, or their designees, to access their shoreline areas to monitor the status of the Puritan tiger beetle and its habitat. To the extent possible, notification will be provided to permittees prior to any proposed access.

ISSUED BY: Rvan Halev

PERMITS COORDINATOR

ISSUED: 08/11/2014



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SPECIAL CONDITIONS

1. The specific habitat areas in question are clearly identified in the drawings associated with the General Tidal Wetland License (14-GL-0207) which was issued by the Maryland Department of the Environment. This corresponds to the joint Federal/State wetland permit application #201460386.

2. Work is authorized for 321 linear feet and will correspond directly to the areas delineated in the above referenced permit.

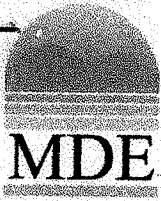
3. The issuance of this Incidental Take Permit and its associated date of effectiveness indicates that the mitigation debt required has been paid in full.

No Species on File

ISSUED BY: Rvan Halev

PERMITS COORDINATOR

ISSUED: 08/11/2014



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • www.mde.maryland.gov

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

July 1, 2014

Chesapeake Haven Civic Association, Inc
c/o Martha Harris
1601 W Pulaski Highway
Elkton, MD 21921


Re: Tracking Number: 201460386
Tidal Authorization Number: 14-GL-0207

To Whom It May Concern:

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State license or permit authorizing work in tidal wetlands is attached. Your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP); however your project requires a separate review by the U.S. Army Corps of Engineers and issuance of the required federal permit. The federal permit is not attached. You should not begin any work until you have obtained all necessary State, local, and federal authorizations.

Please take a moment to read and review your authorizations to insure that you understand the limits of the authorized works and all of the general and special conditions. If you are aggrieved by the Department's decision to authorize this project subject to the conditions set forth in the License, you may petition the circuit court in the county where the land is located within 30 days after receiving this license. Please contact Meghan Senkel at meghan.senkel@maryland.gov or 410-537-3074 with any questions.

Sincerely,



Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

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Lieutenant Governor

GENERAL TIDAL WETLANDS LICENSE

14-GL-0207

Licensee: Chesapeake Haven Civic Association, Inc

Address:
55 Maine Avenue
Earleville, Maryland 21919

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To emplace 321 feet of stone revetment a maximum of 10 feet channelward of the mean high water line as depicted on the plans dated June 16, 2014. The project is located on the Chesapeake Bay on community property located channelward of 55 Maine Avenue and 100 Cecil Avenue, Earleville in Cecil County, Maryland.

By applying for and receiving this General License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This general license is subject to the following conditions:

SPECIAL CONDITIONS

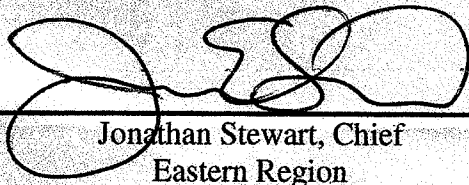
- A. All work shall be permitted under, and performed in accordance with, the Critical Area requirements of the local jurisdiction where the project is located. This authorization does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means 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 the local jurisdiction in the form of a Buffer Management Plan.

- B. 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.
- C. All work performed under this tidal wetlands license shall be conducted by THE PROPERTY OWNER OR BY A MARINE CONTRACTOR REGISTERED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT in accordance with Chapter 286 of the 2010 Laws of MARYLAND. A LIST OF REGISTERED MARINE CONTRACTORS CAN BE OBTAINED BY CONTACTING THE DEPARTMENT AT 410-537-3837 OR BY VISITING THE DEPARTMENT'S WEB PAGE AT:
- <http://www.mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/RegisteredMarineContractors.aspx>
- D. Construction shall not commence until all requirements of Maryland's Puritan Tiger Beetle Habitat Conservation Program have been satisfied as administered by the Maryland Department of Natural Resources.
- E. No asphalt rubble shall be used in the revetment. Filter cloth shall be placed between the riprap and the soil. Prior to emplacement of the revetment, all rebar is to be cut off flush with the concrete. After emplacement of the revetment, any rebar exposed as a result of the concrete breaking during the emplacement is to be cut flush with the concrete. Except for the larger material placed along the leading edge of the revetment, concrete shall be broken prior to emplacement so that random sized interlocking pieces are formed.
- F. The revetment shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland.

GENERAL CONDITIONS

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet or 100 cubic yards of fill.
- B. The licensee certifies real property interest in the contiguous upland.
- C. This license is valid only for use by the licensee. Permission for transfer of the license shall be obtained from the Maryland Department of the Environment. The terms and conditions of this license shall be binding on any assignee or successor in interest of the licensee.
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public.

- E. This license is void if the licensee fails to obtain all required State, federal, and local approvals before beginning work on the licensed structure or activity.
- F. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license.
- G. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values.
- H. The licensee shall notify the Water Management Administration, Compliance Division at (410) 537-3510 at least five days before beginning the activity.
- I. This license expires three years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained.
- J. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.

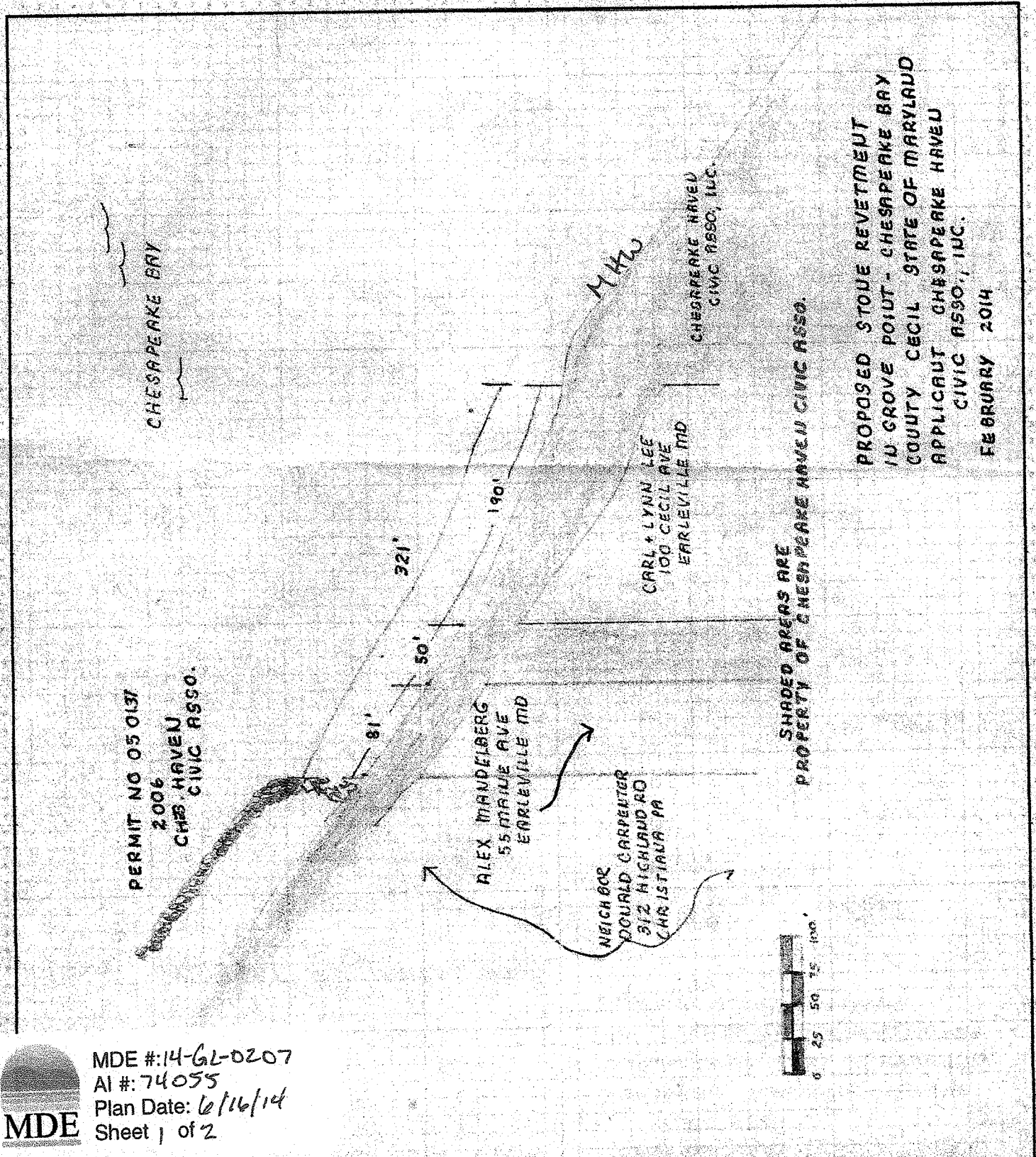

Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division

Date of Issuance: July 1, 2014

Tracking Number: 201460386
Agency Interest Number: 74055

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

JOB _____
 SHEET NO. _____ OF _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____



PROPOSED STONE REVETMENT
 IN GROVE POINT - CHESAPEAKE BAY
 COUNTY CECIL STATE OF MARYLAND
 APPLICANT CHESAPEAKE HAVEN
 CIVIC ASSO., INC.
 FEBRUARY 2014

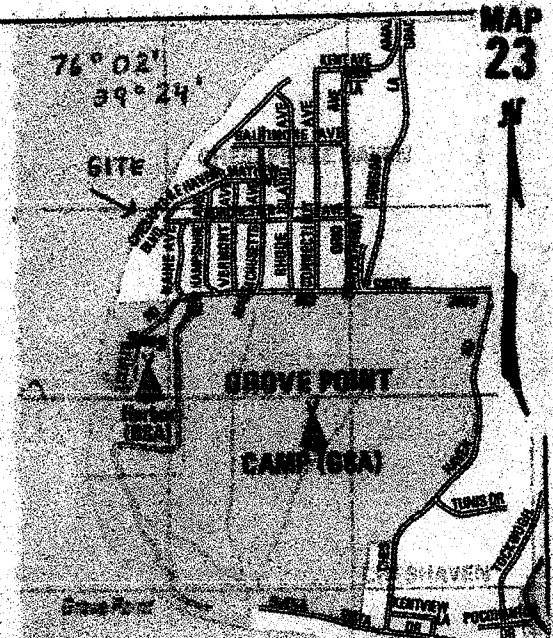


MDE #: 14-GL-0207
 AI #: 74055
 Plan Date: 6/16/14
 Sheet 1 of 2

Revised 6/16/14

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

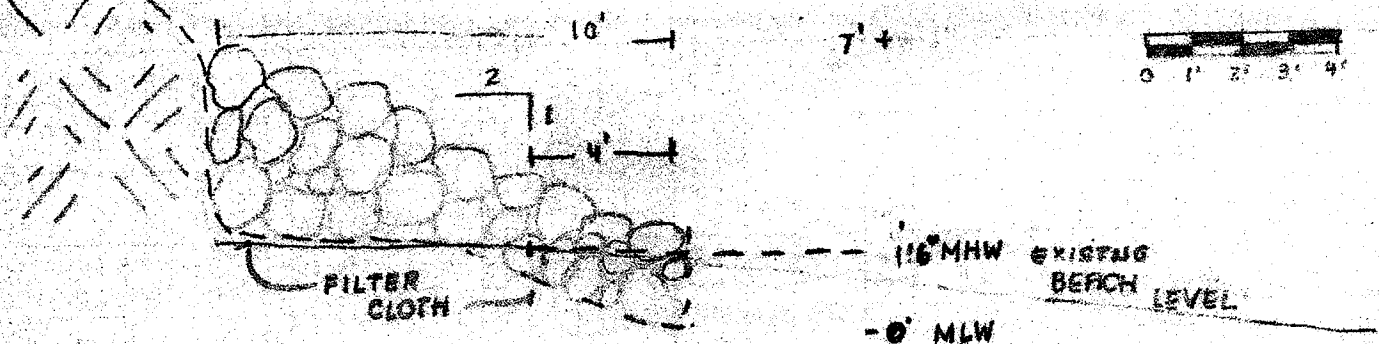
JOB CHESAPEAKE HAVEN CIVIC ASSO., INC.
 SHEET NO. _____ OF _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____



VICINITY MAP
 R.D.C. CECIL COUNTY, MD
 MAP 23 A-8

EXISTING
 BANK

PROPOSED REVETMENT FOR
 CHESAPEAKE HAVEN
 CIVIC ASSO., INC.



400-800 LB AVE WEIGHT STONE

PROPOSED STONE REVETMENT
 IN GROVE POINT CHESAPEAKE BAY
 COUNTY CECIL STATE OF MARYLAND
 APPLICANT CHESAPEAKE HAVEN
 CIVIC ASSO. INC
 FEBRUARY 2014



MDE #: 14-66-0207
 AI #: 74055
 Plan Date: 6/16/14
 Sheet 2 of 2



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

JUL 29 2014

Operations Division

**SUBJECT: CENAB-OP-RMN (Chesapeake Haven Civic Association/Revetment)
2014-60386-M12**

Chesapeake Haven Civic Association, Inc.
Attn: Mr. V. Alex Mandelberg
55 Maine Avenue
Earleville, Maryland 21919

Dear Mr. Mandelberg:

This is in reference to your application dated February 8, 2012, wherein you requested Department of the Army (DA) authorization to install a 321-foot long revetment that would extend a maximum of 10 feet channelward from the approximate mean high water shoreline into the Chesapeake Bay. All work must be completed in accordance with the enclosed plans dated February 2014, at the intersection of 55 Maine Avenue and 100 Cecil Avenue, in Earleville, Cecil County, Maryland.

The U. S. Army Corps of Engineers, Baltimore District, (Corps) has determined that the proposed work, if accomplished in accordance with the enclosed plan(s), is authorized as a Category B f(1) – New Tidal Revetments under the DA Maryland State Programmatic General Permit-4 (MDSPGP-4). This general permit was published in the Corps Special Public Notice #11-77 issued on September 28, 2011. This MDSPGP-4 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-4 authorization for your project may be modified, suspended, or revoked.

The enclosed list of activity-specific impact limits and requirements and general conditions must be followed for purposes of the MDSPGP-4 in performing the work.

In addition to the enclosed list of conditions, you must also comply with the following special conditions:

1. No construction, earth-moving, staging of equipment and materials, or related activities shall occur on the beach or cliff between May 31 and August 1 of any year.
2. The permittee must grant permission to representatives of the U.S. Fish and Wildlife Service (FWS), U.S. Army Corps of Engineers, and the Maryland Department of Natural Resources, or their designees to access their shoreline areas to monitor the status of the Puritan tiger beetle population and its habitat.

To the extent possible, notification will be provided to permittees prior to any proposed access to the shoreline area landward of the intertidal zone.

3. The applicants must notify the Corps and FWS before initiation of construction and upon completion of their project at the addresses provided below. All additional information to be sent to FWS must be sent to the following address:

U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
Phone: 410.573.4537
Fax: 410.269.0832

U.S. Army Corps of Engineers
Baltimore District
CENAB-OP-RMN/Attn: Steve Elinsky
P.O. Box 1715
Baltimore, Maryland 21203-1715
Phone: 410.962.4503

As a condition of the MDSPGP-4 authorization, you are required to complete and sign the **enclosed** Compliance Self-Certification Form regarding the completed work and any required mitigation. The signed form should be returned to the Regulatory Branch at the above address **within 60 days** following completion of the authorized work and any required mitigation. Your signature on the self-certification form verifies your understanding that the work was completed in accordance with the terms and conditions associated with your DA permit.

Please be aware that the terms and conditions of this permit will continue to be binding on the new property owner(s) if structures or work authorized by this permit exist at the time of ownership transfer of the associated property. Although the construction period for work authorized by this MDSPGP-4 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the legal responsibility to comply with its terms and conditions, the transferee (new owner) must provide a mailing address and telephone number along with their signature and date in the space provided below and mail a copy to the above address.

Your MDSPGP-4 authorization is valid until September 30, 2016 unless the permit is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-4. When changes to the MDSPGP-4 occur, a public notice announcing the changes will be issued.

Be advised that you have 12 months from the effective date of the MDSPGP-4's expiration, modification or revocation to complete the work under the present terms and conditions provided you have commenced construction or are under contract to commence construction of the authorized work.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.

If you have any questions concerning this letter, please call Mr. Steve Elinsky of this office, at 410.962.4503.

Sincerely,



Joseph P. DaVia
Chief, Maryland Section Northern

Enclosures

Cc:

Mr. Andy Moser, U.S. Fish & Wildlife Service

Mrs. Meghan Senkel, MDE - Tidal Wetlands Division

TRANSFEREE SIGNATURE

DATE

AREA CODE / TELEPHONE NO.

PRINTED NAME

ADDRESS

To identify how we can better serve you, we need your help. Please take the time to fill out our new customer service survey at: <http://www.nab.usace.army.mil/Missions/Regulatory.aspx>





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Effective October 1, 2011

2014-60386-M12

Corps Permit Number

CENAB-OP-R-MDSPGP-4 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-4)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-4. It has been determined that the project qualifies for the MDSPGP-4. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VII of the MDSPGP-4 effective on October 1, 2011.

VII. General Conditions: To qualify for MDSPGP-4 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific conditions in the MDSPGP-4 category list and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-4 does not obviate the need to obtain other Federal, State, or local authorizations required by law.
2. **Geographic Jurisdiction:** This MDSPGP-4 will authorize work undertaken within the geographic limits of the State of Maryland under the regulatory jurisdiction of the Baltimore District.
3. **Applicability:** Applicability of the MDSPGP-4 shall be reviewed with reference to the Corps definition of waters of the United States, including wetlands, and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.
4. **Minimal Effects:** Projects authorized by the MDSPGP-4 shall have no more than minimal individual and cumulative adverse environmental effects.
5. **Discretionary Authority:** Notwithstanding compliance with the terms and conditions of the MDSPGP-4, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-4 based on concerns for the aquatic environment or for any other factor of the public interest. This authority may be invoked on a case-by-case basis during the review process for Category B activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposed project warrant individual review. In some rare instances, the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific proposed project, which has already received a case-specific verification as a Category A activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with Section VIII.E of the MDSPGP-4.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-4 is voided. No work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-4.

Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights. Prior to commencing the construction or installation of an authorized structure in navigable waters of the United States, the permittee must submit a "Private Aids to Navigation Application" to the Commander of the USCG.

d. The permittee must provide location coordinates of the authorized structures, including minimum depth and other pertinent information to the USCG and request that a Local Notice to Mariners is issued regarding the authorized work.

10. For Aerial Transmission Lines Across Navigable Waters: The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the USCG for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

b. Corps Regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both the National Electrical Safety Code requirements and ER 1110-2-4401 apply, the greater minimum clearance is required.

A. National Concern:

1. **Historic Properties:** Any activity authorized by the MDSPGP-4 shall comply with Section 106 of the National Historic Preservation Act. Maryland Department of the Environment, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine whether National Historic Preservation Act Section 106 consultation is required. The applicant must notify the Corps if they have knowledge that the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee discovers any previously unknown archaeological or other cultural resource while accomplishing the work authorized by the MDSPGP-4, the permittee shall immediately notify the Corps of what has been found and stop work in the permit area until the required coordination has been completed. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied.

recovery period (i.e., in-water noise levels below 155dB peak re 1µPa) must be provided between work days. Pile driving construction must adhere to one of the following methods: (a) piles must be installed in-the-dry during low water; or (b) piles must be drilled and pinned to ledge; or (c) vibratory hammers must be used to install any size and quantity of wood, concrete, or steel pilings; or (d) impact hammers must be limited to one hammer and <50 piles installed per day with the following: wood piles of any size; concrete piles <18-inches diameter; steel piles <12-inch diameter if the hammer is <3,000 pounds and a wood cushion is used between the hammer and steel pile; or (e) approved pile driving methods that will allow noise level thresholds to be met.

(ii) Sediment Disturbing Activities Time-of-Year Restriction: Sediment disturbing activities, which includes pile driving activities, are prohibited during the period April 1 through June 30 within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels <6 ppt for the protection of shortnose sturgeon and early life stages in these waters.

5. Essential Fish Habitat (EFH) and Fish and Wildlife Coordination Act: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. Essential Fish Habitat has been defined by Congress as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has determined that many of the MDSPGP-4 Category A activities are eligible for EFH general or programmatic concurrence and require no further EFH consultation. National Marine Fisheries Service, in consultation with the District, has determined that individual EFH consultation is needed for some projects potentially eligible for authorization under Category A of the MDSPGP-4 that may adversely affect EFH. The Corps will coordinate with NMFS as part of the Category B review procedures. EFH conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. If the EFH coordination and consultation requirements cannot be resolved under the MDSPGP-4 process, an alternate Corps permit review process is required for the project. The Corps will be initiating consultation under these authorities on this MDSPGP-4, and any conditions from that consultation to protect NOAA trust resources will be inserted into this MDSPGP-4.

6. Wild and Scenic Rivers: No activity is authorized under the MDSPGP-4 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or FWS).

7. Federally Authorized Civil Works Projects:

a. Federal Navigation Projects: The MDSPGP-4 does not authorize interference with any existing or proposed Federal navigation projects. 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 shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, 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. (See VII.A.9.a.)

b. Federal Navigation Channel Setbacks: All activities must comply with the Baltimore District Minimum Setback Guidance for Structures Along Federally Authorized Channels. Please see the Baltimore District’s Regulatory webpage to view this guidance:
<http://www.nab.usace.army.mil/Wetlands%20Permits/publications.htm>.

c. Other Federally Authorized Civil Work Projects (e.g., flood control, dams, and reservoirs): The MDSPGP-4 does not authorize interference with any proposed or existing Federally authorized civil works project.

b. Stream mitigation, focusing on functional replacement, will generally be required for any project that involves losses of more than 200 linear feet to stream channels and rivers through the use of mitigation banks, in-lieu-fee programs, or by the permittee as required by special condition of the MDSPGP-4 and/or the State authorization. Stream mitigation can include stream restoration, establishment, enhancement (including enhancement of riparian buffers), and stream preservation. Riparian buffer areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns. The need to require mitigation for impacts to open waters will be determined on a case-by-case basis.

c. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu-fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee.

d. For permittee-responsible mitigation, the special conditions of the MDSPGP-4 verification must clearly indicate the party or parties responsible for the implementation, performance, and long-term management of the compensatory mitigation project.

3. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to preconstruction contours and elevations upon completion of the work.

4. **Temporary Fill and Mats:** Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-4. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-4 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original, pre-construction contours and revegetated with native wetland species.

5. **Erosion and Sediment Control:** Adequate erosion and sediment control measures, practices, and devices, such as turbidity curtains in tidal waters, vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States should be performed during periods of low-flow or no-flow, whenever practicable.

6. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through, or spawn/nursery within the area (e.g., anadromous/catadromous fish); unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine, and resident fish. Permanent culvert or pipes placed in streams must be depressed in accordance with the State of Maryland regulations. If depression of the culvert is not practicable, the applicant must submit a narrative, along with their application, documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. The applicant may find it helpful to contact their regional fishery agency for recommendations about the measures to be taken to allow for fish passage

D. Procedural Conditions:

1. **Inspections:** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. **Compliance Certification:** Every permittee who receives a written MDSPGP-4 verification shall submit a signed Compliance Certification Form within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Failure to submit the Compliance Certification Form by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. The Corps will provide a blank copy of the Compliance Certification Form to the permittee with the MDSPGP-4 verification. The completed form will include the following:

a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-4 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-4 verification, including any general and/or specific conditions and requirements, the permittee shall describe the specifics of the deviation from the authorized activity.

b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.

c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the Baltimore District at the following address:

**U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P. O. Box 1715
Baltimore, Maryland 21203-1715**

3. **Transfer of MDSPGP-4 Verifications:** If the permittee sells the property associated with a MDSPGP-4 verification, the permittee may transfer the MDSPGP-4 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-4 verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this MDSPGP-4 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-4, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-4 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

4. **Maintenance:** The permittee shall properly maintain the work or structure authorized by the MDSPGP-4 in good condition and in compliance with the terms and conditions of the MDSPGP-4, including maintenance to ensure public safety.

5. **Property Rights:** The MDSPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

2014-60386-M12

Corps Permit Tracking Number

MDSPGP-4
ACTIVITY (f-1))
New Tidal Revetments and Tidal Shoreline Erosion Control Structures other than
Revetments, and Toe Protection for New or Existing Bulkheads

The authorized New Tidal Revetments and Tidal Shoreline Erosion Control Structures other than Revetments, and Toe Protection for New or Existing Bulkheads work must comply with the following applicable activity-specific conditions indicated by an "X" in the boxes below, all general conditions of this general permit, and any project-specific special conditions.

This activity authorizes discharges of dredged or fill material associated with construction of tidal shoreline erosion control structures and construction of new tidal revetments. Examples of shoreline erosion control structures include, but are not limited to, low profile sills, breakwaters, and groins. All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and requirements listed below, in addition to the general conditions of this permit (Sections 10 and 404; limited to all tidal waters and wetlands).

☐ **Category A Impact Limits and Requirements:**

- i. For new tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills, groins, breakwaters, etc.), and toe protection for new or existing bulkheads, the structure is limited to 500 linear feet in length along the shoreline and must not extend more than 10 feet channelward of the mean high water shoreline.
- ii. Total impacts to waters of the United States must not exceed 5,000 square feet.
- iii. Toe protection for new or existing bulkheads may not extend more than 10 feet channelward of the bulkhead structure.
- iv. This Category A activity does not authorize discharges of dredged or fill material into special aquatic sites, including intertidal mudflats, wetlands, shellfish beds, and sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), or anadromous fish spawning areas.

☒ **Category B Impact Limits and Requirements:**

- i. Total temporary and permanent impacts to tidal waters of the United States are not to exceed 1/2 acre (21,780 square feet), including no more than 2,000 linear feet in length along the shoreline.
- ii. The structures may not extend more than 25 feet channelward of the mean high water shoreline.
- iii. Compensatory mitigation will not be required when the total amount of vegetated wetlands which is filled, in square feet, does not exceed the length of the activity along the shoreline in linear feet (e.g., 100 square feet maximum for a 100-foot-long revetment).



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Operations Division

MDSPGP-4 PERMIT COMPLIANCE CERTIFICATION FORM (10/1/11)

Corps Permit Tracking No. 2014-60386-M12 Category & Activity Number Cat. B, Activity f(1)
Project Name Chesapeake Haven Civic Association/
Revetment Applicant Name Mr. V. Alex Mandelberg
Waterway Chesapeake Bay County Cecil

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-4 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within 60 days following completion of the authorized work and any required mitigation (but not the mitigation monitoring, which requires separate submittals), to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District, ATTN: CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland 21203-1715.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____
3. Was all work and any required mitigation, completed in accordance with your MDSPGP-4 authorization, including all general and/or specific conditions? YES ___ NO ___
4. For Category A projects involving pile driving activities that are within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels less than 6 parts per thousand (See Appendix B of the MDSPGP-4), please indicate the pile driving method that was used for the authorized work:
 - ____ (a) Piles must be installed in-the-dry during low water;
 - ____ (b) Piles must be drilled and pinned to ledge;
 - ____ (c) Vibratory hammers must be used to install any size and quantity of wood, concrete, or steel pilings;
 - ____ (d) Impact hammers must be limited to one hammer and <50 piles installed per day with the following: wood piles of any size; concrete piles <18-inches diameter; steel piles <12-inch diameter if the hammer is <3,000 pounds and a wood cushion is used between the hammer and steel pile;
 - ____ (e) Approved pile driving methods that will allow noise level thresholds to be met.
Describe: _____

EDWARD P. HOWELL, INC.
1601 W. Pulaski Hwy
ELKTON, MARYLAND 21921
(410) 287-5353 Fax (410) 287-6650

JOB CHESAPEAKE HAVEN CIVIC ASSO., INC.

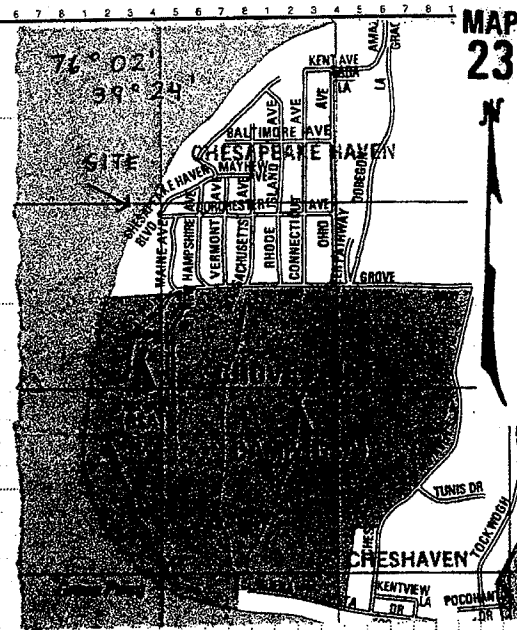
SHEET NO. _____ OF _____

CALCULATED BY _____ DATE _____

CHECKED BY _____ DATE _____

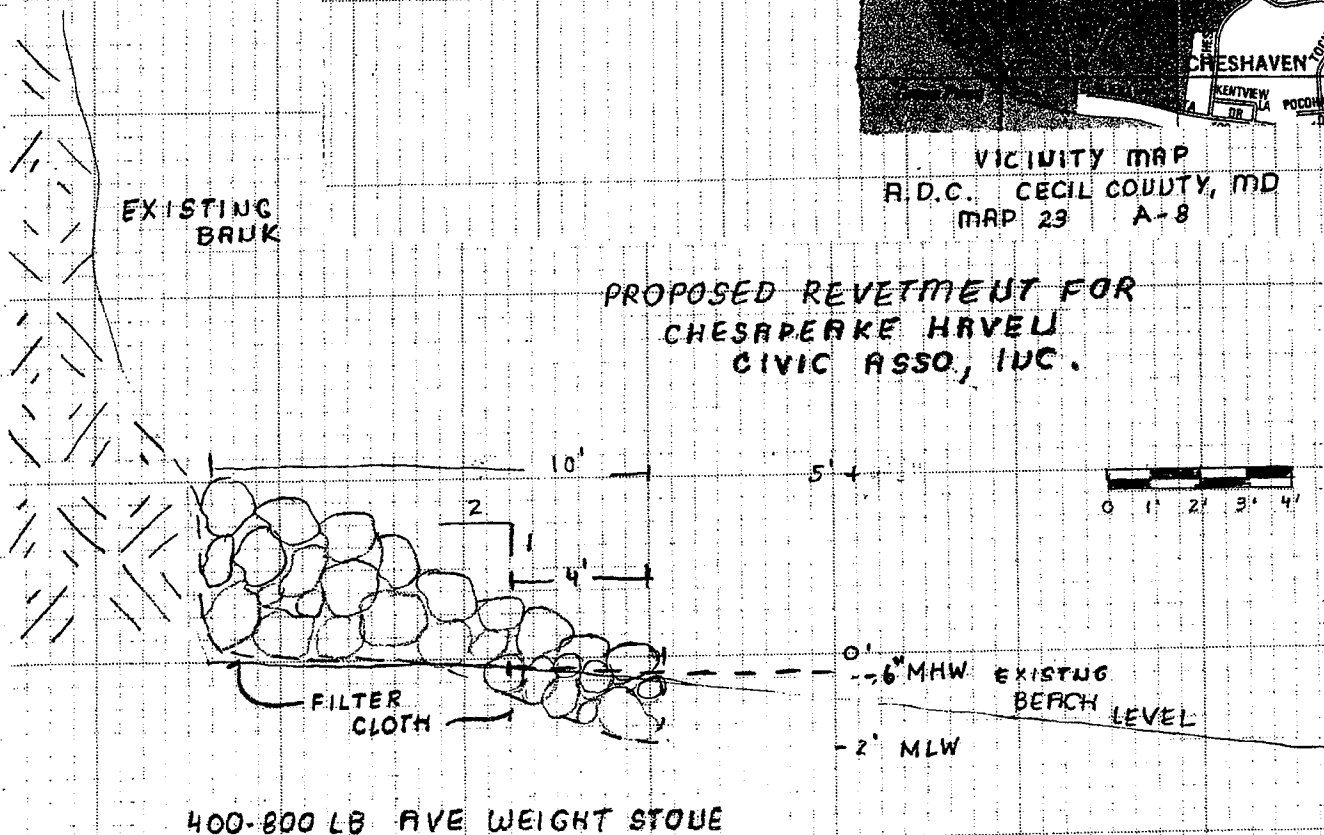
SCALE _____

MAP
23



VICINITY MAP
A.D.C. CECIL COUNTY, MD
MAP 23 A-8

**PROPOSED REVETMENT FOR
CHESAPEAKE HAVEN
CIVIC ASSO., INC.**

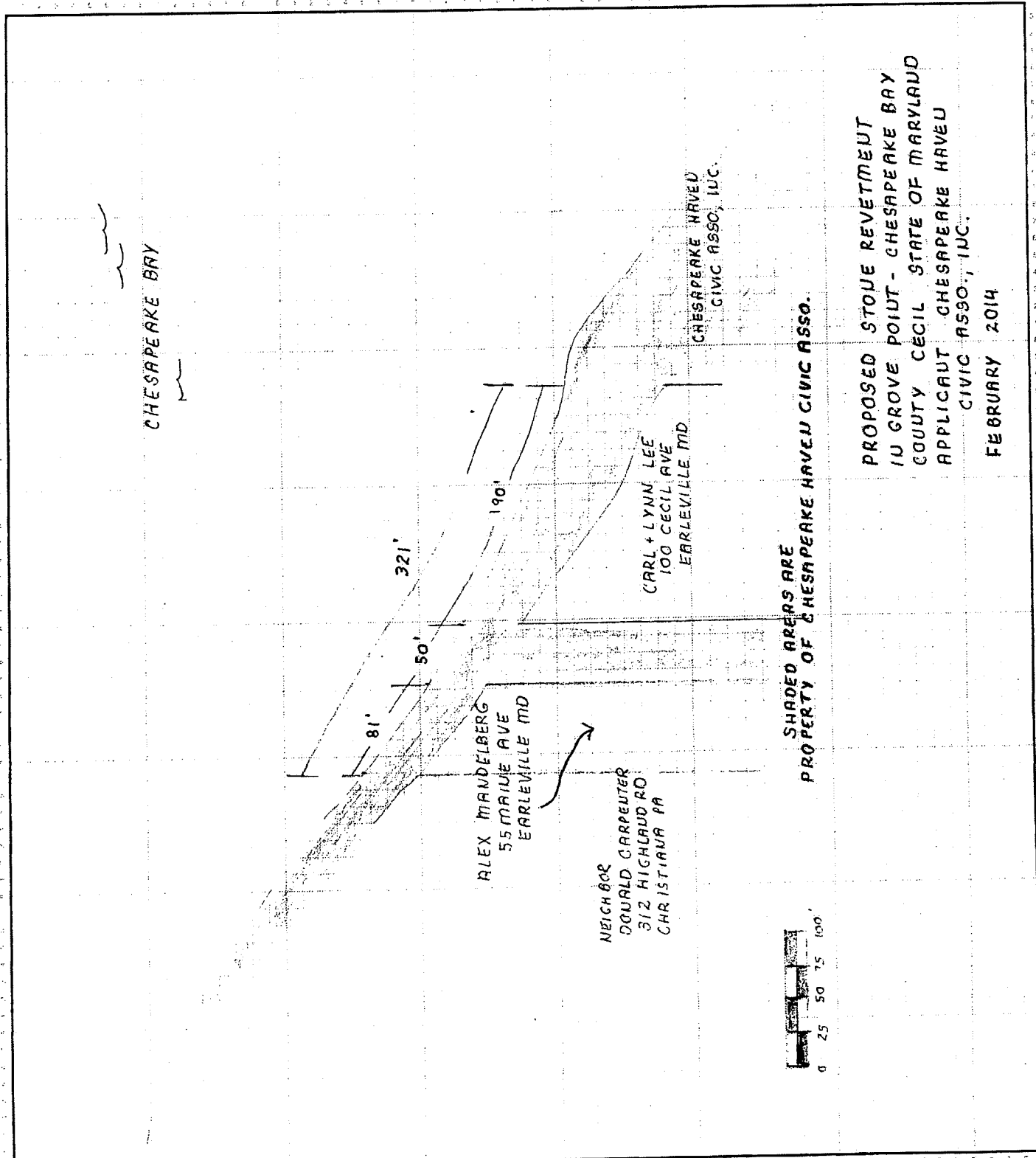


400-800 LB FIVE WEIGHT STONE

PROPOSED STONE REVETMENT
IN GROVE POINT CHESAPEAKE BAY
COUNTY CECIL STATE OF MARYLAND
APPLICANT CHESAPEAKE HAVEN
CIVIC ASSO. INC
FEBRUARY 2014

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

JOB _____
 SHEET NO. _____ OF _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____



SHADED AREAS ARE
 PROPERTY OF CHESAPEAKE HAVEN CIVIC ASSO.

PROPOSED STONE REVETMENT
 IN GROVE POINT - CHESAPEAKE BAY
 COUNTY CECIL STATE OF MARYLAND
 APPLICANT CHESAPEAKE HAVEN
 CIVIC ASSO., INC.

FEBRUARY 2014