



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

October 24, 2019

Randolph Johnston
PO Box 530
Chester, MD 21619

Re: Agency Interest Number: 130237
Tracking Number: 201860874
Tidal Authorization Number: 19-WQC-0013

Dear Randolph Johnston:

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 was sent to you by the 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 Megan Spindler at megan.spindler@maryland.gov or 410-537-3622 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Stewart'.

Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division



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



for
WETLAND LICENSE 19-WQC-0013

WATER QUALITY CERTIFICATION NUMBER: **19-WQC-0013**
EFFECTIVE DATE: **October 24, 2019**
EXPIRATION DATE: **November 14, 2021**
CERTIFICATION HOLDER: **Randolph Johnston**
ADDRESS: **PO Box 530**
Chester, Maryland 21619
PROJECT LOCATION: **2500 Little Creek Rd**
Chester, MD 21619

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 WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN STATE TIDAL WETLANDS LICENSE NUMBER 19-WQC-0013 (“LICENSE”) WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND WITH ALL TERMS AND CONDITIONS OF THE LICENSE. A COPY OF THE LICENSE, INCLUDING APPROVED PROJECT DRAWINGS AND OTHER ATTACHMENTS, IS ATTACHED HERETO AND IS HEREBY INCORPORATED BY REFERENCE.

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.

SPECIAL CONDITIONS

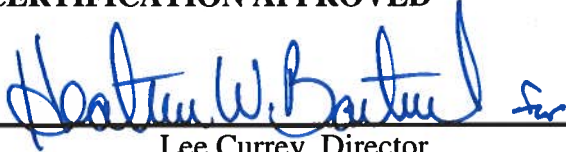
- A. The terms and conditions of Tidal Wetlands License No. 19-WQC-0013 are hereby incorporated, by reference, into this Water Quality Certification. The Certification Holder shall comply with these conditions to ensure that the authorized activities will not result in a violation of the State's water quality standards.

GENERAL CONDITIONS

- A. The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant is to notify this Department ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.
- 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. 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 Certification Holder shall ensure the proposed project shall be constructed in accordance with the authorized plan and any authorized revisions.
- E. The Certification Holder shall ensure that 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.
- F. The Certification Holder shall notify the Water and Science Administration, Tidal Wetlands Division, in writing, upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this Water Quality Certification to his/her name.
- G. The Certification Holder shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- H. The Certification Holder shall ensure that a copy of this Permit, including the approved plans, is available at the site until the authorized work is complete.
- I. The Certification does not relieve the Certification holder from the responsibility of obtaining all necessary federal, State, and local government authorizations.
- J. The Certification Holder shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. 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 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.

Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification, and legal proceedings may be instituted against the Certification Holder in accordance with the Annotated Code of Maryland. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime.

CERTIFICATION APPROVED

A handwritten signature in blue ink, appearing to read "Lee Currey", is written over a horizontal line.

Lee Currey, Director
Water and Science Administration

A handwritten date "10/29/2019" in blue ink is written over a horizontal line.

Date

Tracking Number: 201860874
Agency Interest Number: 130237

Effective Date: October 11, 2019

Enclosure: Executed Tidal Wetlands License No. 18-WL-0526 with all plans and attachments.

cc: WMA Inspection & Compliance Program



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

RECEIVED
NOV 28 2018
STATE BOARD OF PUBLIC WORKS
WETLANDS ADMINISTRATION

Larry Hogan
Governor
Nancy K. Kopp
Treasurer
Peter Franchot
Comptroller
Sheila C. McDonald
Executive Secretary

November 14, 2018

Randolph Johnston
P.O. Box 530
Chester, MD 21619

RE: Wetlands License No. 18-0526, Crab Alley Bay, QA Co., MD

Dear Licensee(s):

Enclosed please find the original and one copy of the above-mentioned wetlands license issued to you on November 14, 2018.

After you have read all the conditions of the license, please ensure that the license is signed by the licensee (or designee) and the entire original license (including plans) is returned to this office *within 15 business days* in the enclosed envelope. The Executive Secretary signs and validates the license after BPW receives the license signed by the licensee. Retain the copy of the license for your records.

Please note that you must notify the MD Department of the Environment, Inspections and Compliance Program, by calling (410) 537-3510 in Baltimore, or (410) 901-4020 in Cambridge, five days prior to commencing work.

This does not constitute your federal authorization. Contact the U.S. Army Corps of Engineers, Baltimore District, (410) 962-4500 (Maryland Section Southern) or (410) 962-4252 (Maryland Section Northern) regarding the status of the federal permit.

If you have any questions concerning this license, please contact me.

Sincerely,

William Morgante
Wetlands Administrator

Enclosure

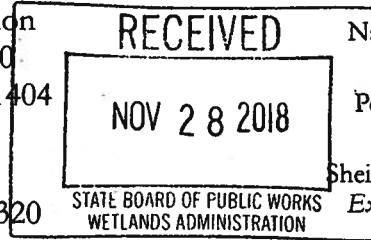
cc: MDE, Tidal Wetlands Division



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320



Larry Hogan
Governor
Nancy K. Kopp
Treasurer
Peter Franchot
Comptroller
Sheila C. McDonald
Executive Secretary

WETLANDS LICENSE NO. 18-0526

RANDOLPH JOHNSTON

The Maryland Board of Public Works authorizes you to:

- I. Construct a 295-linear-foot low profile stone breakwater 180 feet channelward of the mean high water line.
- II. Construct a 200-foot long low profile stone, sand containment sill and fill and grade with 300 cubic yards of sand along 400 feet of eroding shoreline; plant with 950 square feet of marsh vegetation, all extending a maximum 35 feet channelward of the mean high water line.

Crab Alley Bay south of the mouth of Crab Alley Creek, Johnson Island, Chester, Queen Anne's County, Maryland

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

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

- A. Due to wintering and/or staging waterfowl, Licensee shall perform no in-water work from November 15 through March 1 of any year.
- B. Licensee shall construct the marsh establishment area in accordance with the following conditions:
 - a. Licensee shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
 - b. The marsh establishment area shall be planted within one year following completion of the filling operation.
 - c. The marsh establishment project shall be maintained as a wetland, with non-nuisance species aerial coverage of at least 85% for three consecutive years. If

- 85% coverage is not attained, the reasons for failure shall be determined, corrective measures shall be taken, and the area shall be replanted.
- d. If the fill is graded hydraulically, Licensee shall use a turbidity curtain around the perimeter of the instream work.
 - e. If the existing bank is to be cleared or graded;
 - i. 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
 - ii. 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.
- C. Licensee shall accept the terms of the attached marsh maintenance plan by signing and returning the standard plan to Maryland Department of the Environment's (MDE) Compliance Division, Water and Science Administration, prior to commencement of any work authorized under this License. If the Licensee wishes to propose an alternative marsh maintenance plan, the alternative plan must be submitted to and approved by MDE's Tidal Wetlands Division, Water and Science Administration, prior to commencement of any work authorized under this License. Any alternative plan must provide assurances of success that are at least equivalent to those of the standard plan, in terms of the extent of native marsh plant coverage, elimination of invasive species and timeframe for plant establishment.

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

1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated May 23, 2018, which are hereby incorporated into this License.
2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.
5. Licensee shall notify MDE's Inspection and Compliance Program, in writing, of the project:
 - start date at least five business days before beginning work; and
 - completion date no more than five business days after project completion.

MDE/Inspection and Compliance Program: 410-537-3510
6. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.

"Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.

8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands or State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands and State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Inspection and Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article, Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at *410-537-3249*, by email at *MDE.MCLB@maryland.gov* or by accessing the *MDE MCLB webpage*.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this License authorizes.
19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.

EXPIRATION: This License expires November 14, 2021. If the authorized work is not completed by the expiration date, all activity must stop.

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

By the authority of the Board of Public Works:

Sheila C. McDonald
Sheila C. McDonald
Executive Secretary

Effective Date: November 14, 2018
Approved as: Secretary's Agenda Item 6
Board of Public Works Meeting Date: November 14, 2018

I accept this License and all its conditions.

11/27/18
Date

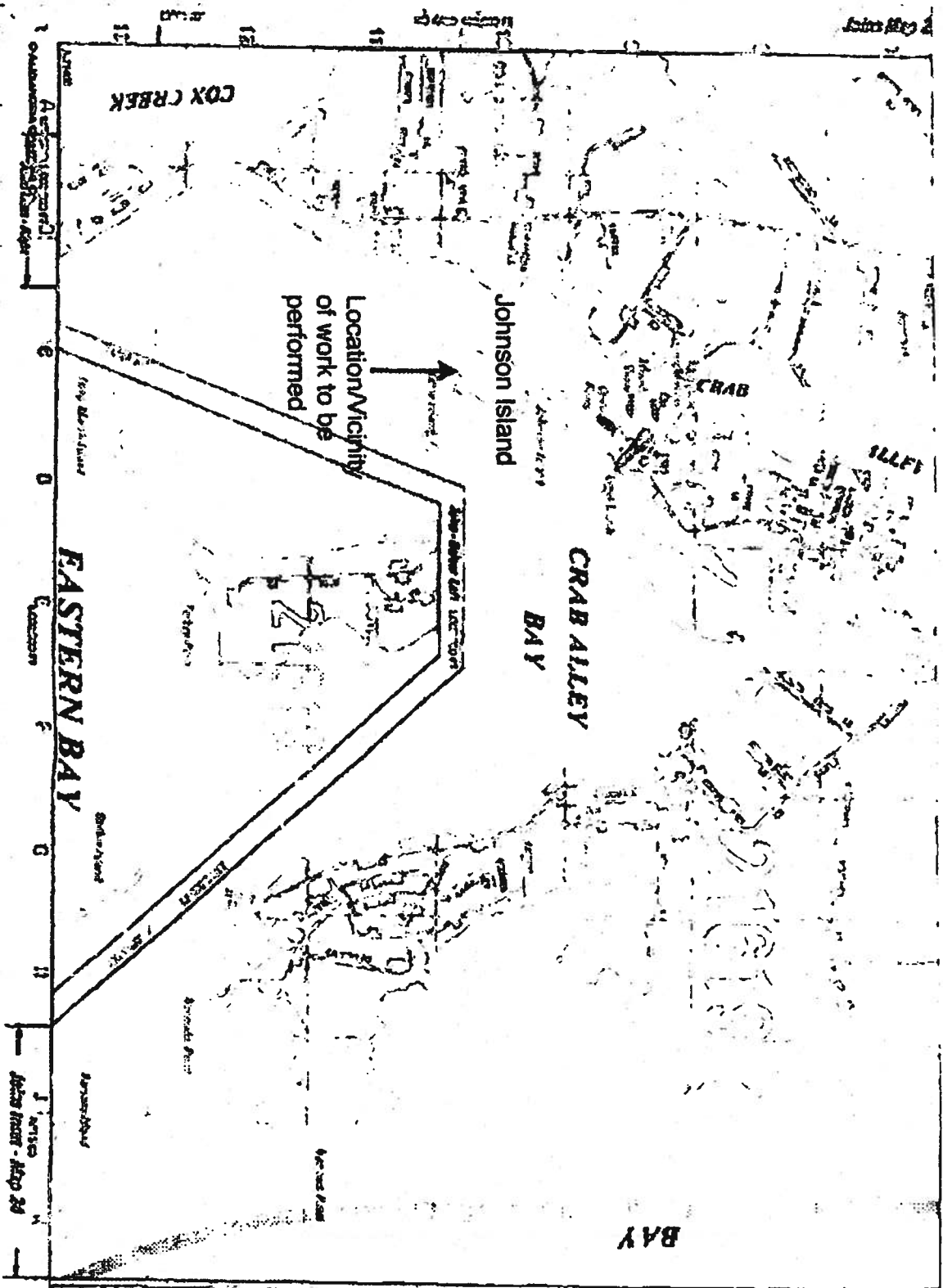
Randolph Johnston
Licensee (Signature)

RANDOLPH JOHNSTON
Name (Printed)

OWNER
Title

betsyjohnston@gmail.com
Email (To receive completed license.)



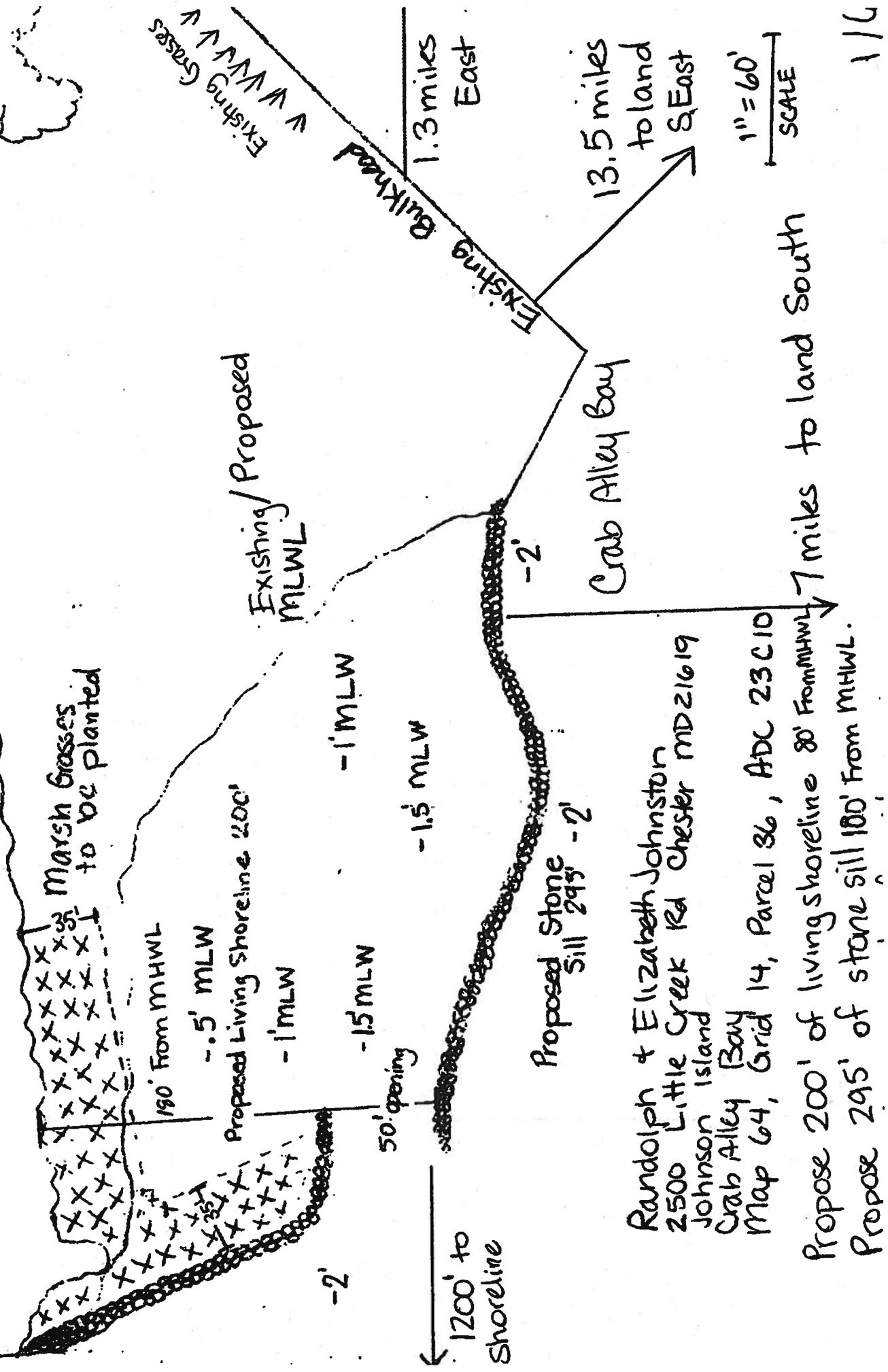


AI# 130237
 Tracking# 201860874
 MDE Permit# 18-WL-0526
 5/23/18

TRACKING # 201860874
 MDE PERMIT # 13-WL-0526
 5/23/18
 2 of 0
 MP

Existing / Proposed
 MHWL

Existing Bulkhead



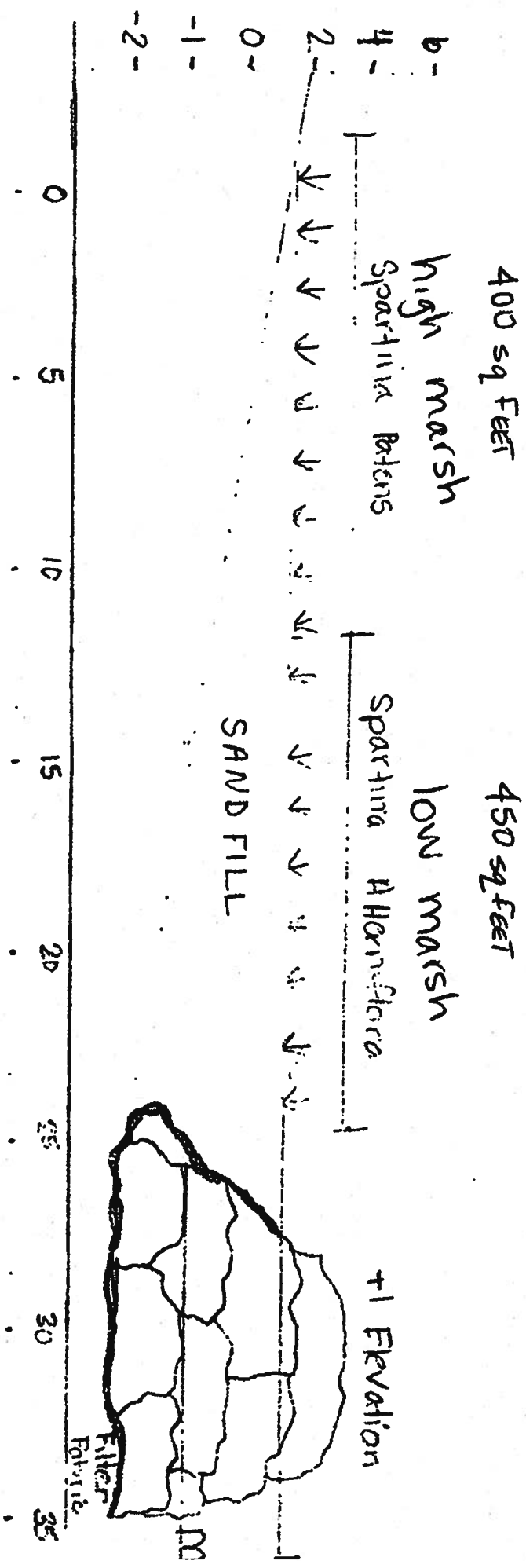
Randolph + Elizabeth Johnston
 2500 Little Creek Rd Chester MD 21619
 Johnson Island
 Crab Alley Bay
 Map 64, Grid 14, Parcel 36, ADC 23 C 10

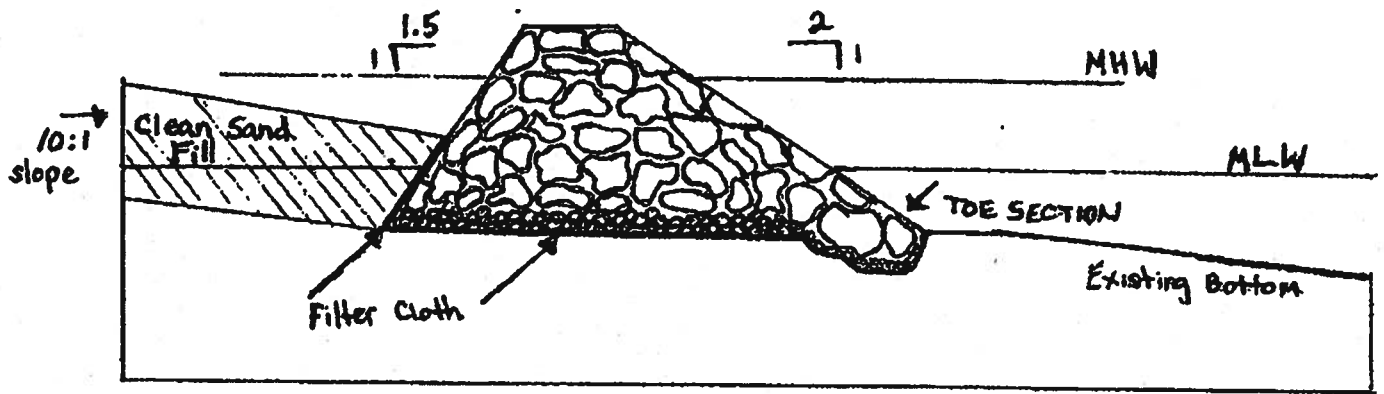
Propose 200' of living shoreline 80' From MHWL
 Propose 295' of stone sill 100' From MHWL

TRACKING# 201860874
 MDC PERMIT# 18-WL-0526
 5/23/18
 3 OFF
 MAP

Randolph + Elizabeth Johnson
 2500 Little Creek RD CHESTER MD 21619
 JOHN SON ISLAND
 Crab Alley Bay
 Map 64, Grid 14, Parcel 36 ADC 22 CID

Living Shoreline
 Cross section



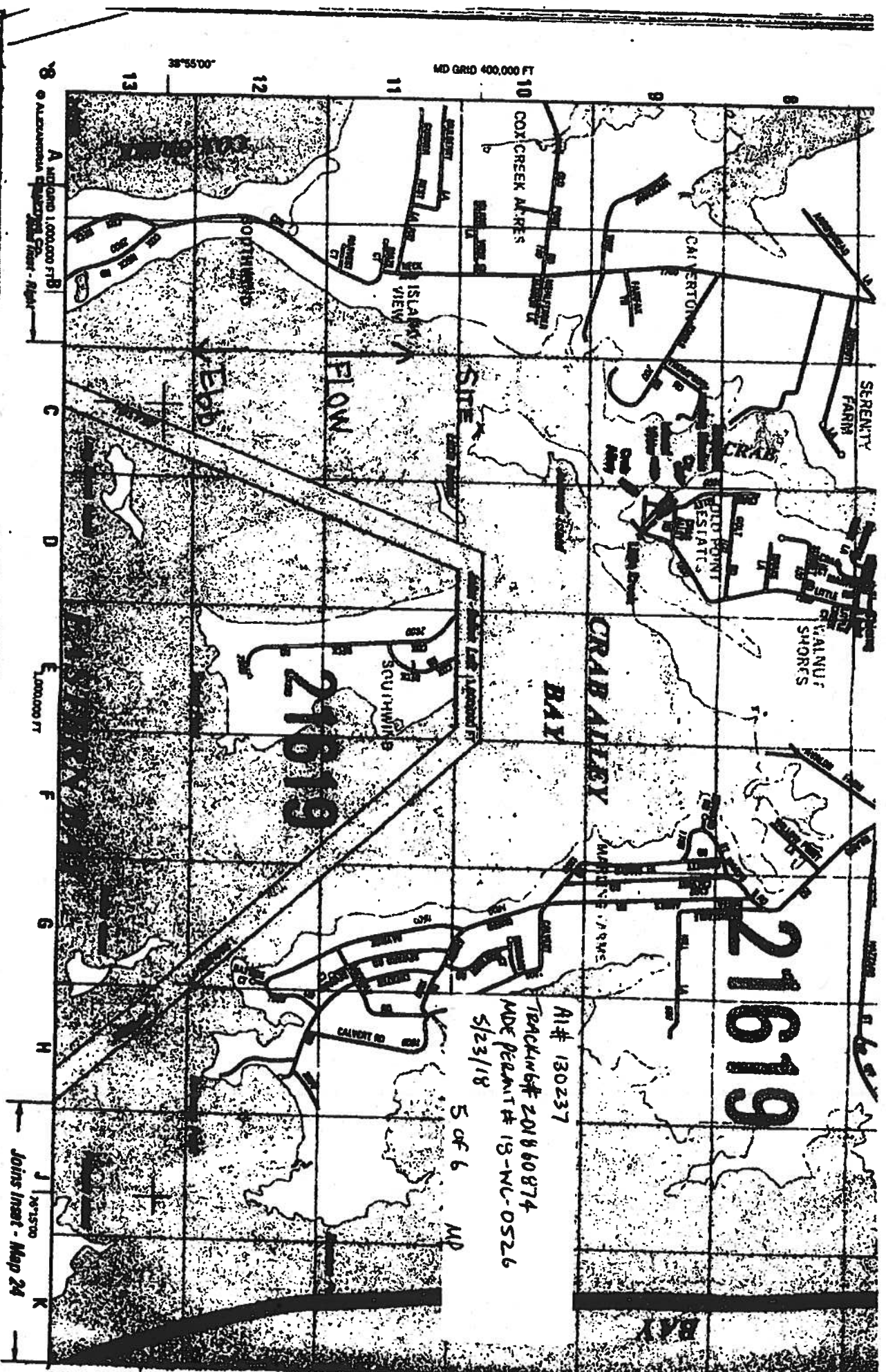


Stone Sill Crosssection

Randolph + Elizabeth Johnston
 2500 Little Creek RD CHESTER MD 21619
 JOHNSON ISLAND

AI# 130237
 TRACKING # 201860874
 MDE PERMIT # 18-WL-0526
 5/23/19
 + of 6
 up

3/4



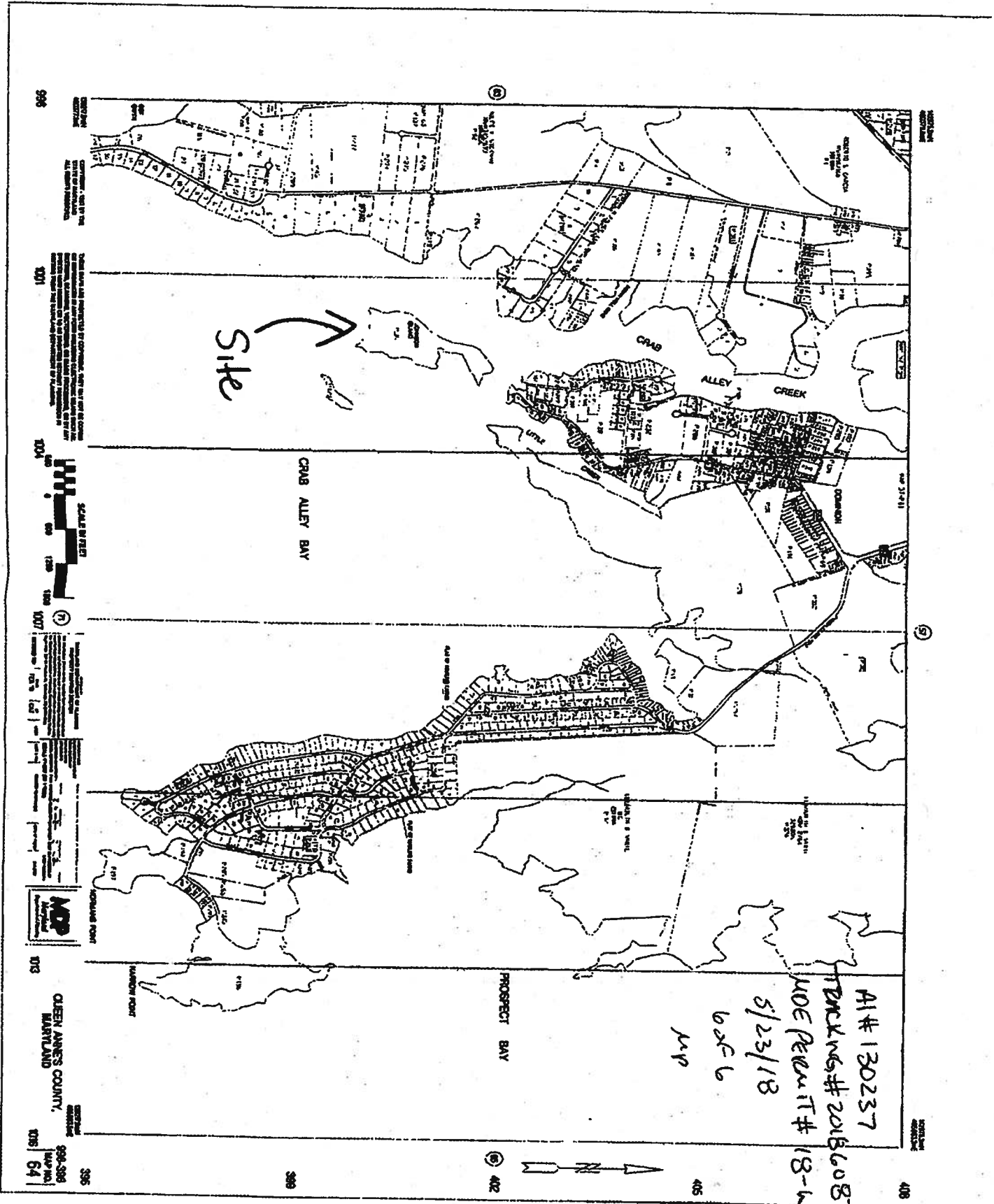
Randolph + Elizabeth Johnston
 21619 Little Creek Rd Chester MD 21519
 JOHNSON ISLAND
 Crab Alley Bay
 Trap 64, Grand 14, Parcel 36 PDC 23 CID
 5/1,

Propose 200' of living shoreline 80' from MHWL
 Propose 295' of stone sill 180' from MHWL
 Plant 850 square yards of marshgrass

AI# 130237
 Tracking# 201860874
 MDC Permit# 13-WL-0526
 5/23/18

5 of 6 MP

Joints Inset - Map 24
 1/8" = 150'



A1# 130237
 PNC# 201860874
 UOE Permit # 18-WA-0
 5/23/18
 bsf6
 MJP

6/1

Watershed Resources Register

Attachment: A

Legend

MD WetlandMaps1972

Wetlands Maps 1972

Boundary

Footprint

Image
Red: Band_1
Green: Band_2
Blue: Band_3

Parcel Boundaries

Parcel Boundaries

Nontidal Wetland Mitigati

Models

Water

Terrain

Wetlands and Blue & Gree

Biological Data

Sea Level Rise

Stormwater Print

Add Data

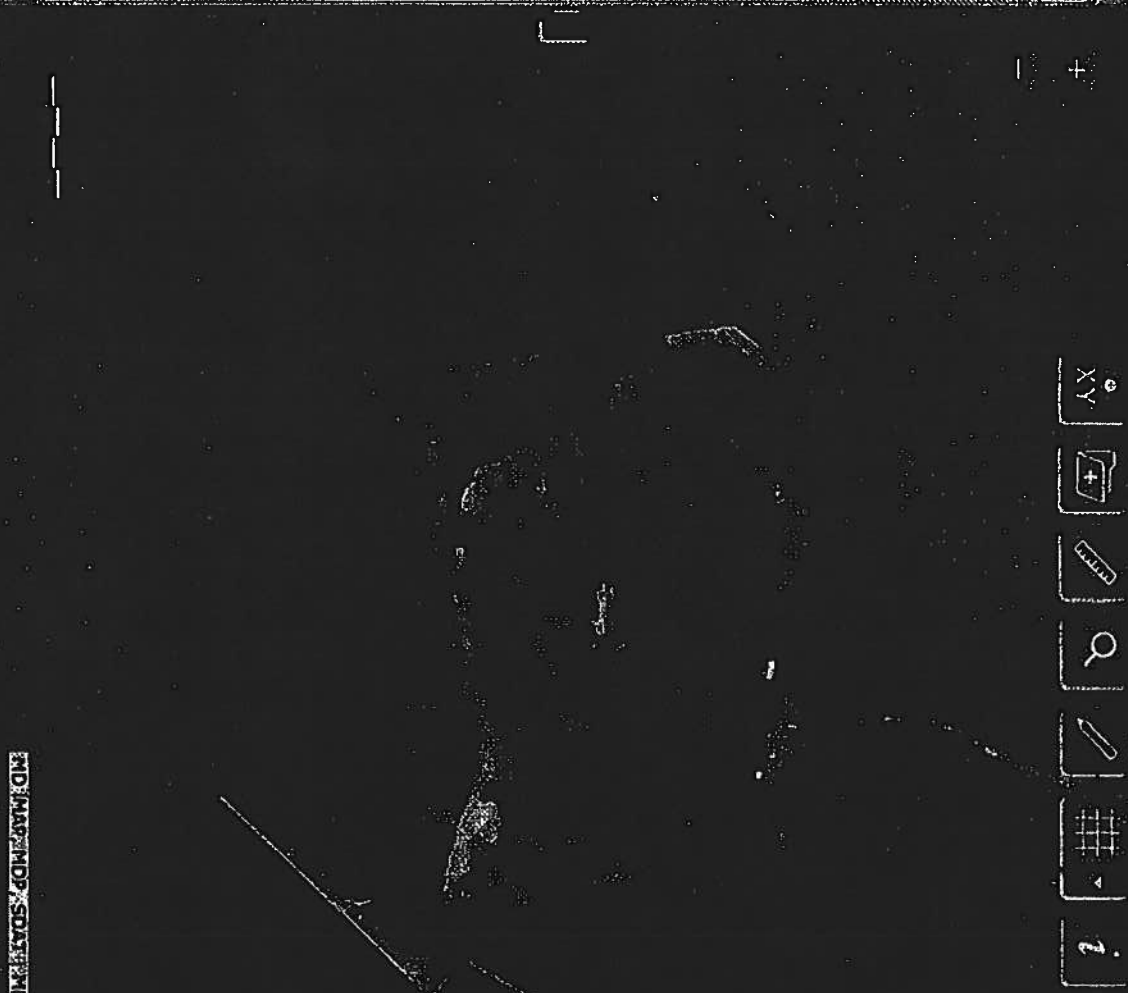
Navigation toolbar with icons for Home, Previous, Next, Full Screen, Print, and other map controls.

27 barnes m, pernyville, md
DNR Depth Soundings
Site Visit Information

ZOOM TO COUNTY
ZOOM TO WATERSHED

Watershed Resources

- Legend
- Site Visits
- Parcel Boundaries
- Parcel Boundaries
- NonTidal Wetland Mitigation
- Models
- Water
- Terrain
- Wetlands and Blue & Green
- Biological Data
- Sea Level Rise
- Stormwater Print
- Oyster Beds
- Tidal Wetlands
- Anadromous Fish
- Protected Lands



ATTACHMENT: B

XY + - [Map Tools: Home, Measure, Search, Layers, Full Screen, Info]

27 Dames to Perryville, md
Zoom to COUNTY
Zoom to WATERSHED

to add Site Visit Information

Watershed Resources

Legend

- MD WetlandMaps1972
 - Wetlands Maps 1972
 - Boundary
 - Footprint
 - Image
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Parcel Boundaries
 - Parcel Boundaries
- Nontidal Wetland Mitigation
 - Nontidal Wetland Mitigation
- Models
 - Models
- Water
 - Water
- Terrain
 - Terrain
- Wetlands and Blue & Green
 - Wetlands and Blue & Green
- Biological Data
 - Biological Data
- Sea Level Rise
 - Sea Level Rise
- Stormwater:Print
 - Stormwater:Print

Add Data

ATTACHMENT: C

Login to add site visit information

Responsible S: DNR Dept Soundline

27 Barnes Ln, Perryville, md

ZOOM TO COUNTY

ZOOM TO WATERSHED