



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary Designate
Suzanne E. Dorsey, Deputy Secretary

February 16, 2023

Potomac River Fisheries Commission
c/o Martin L Gary
PO Box 9
Colonial Beach, VA 22443

Via email: martingary.prfc@gmail.com

Re: Agency Interest Number: 127394
Tracking Number: 202360025
Tidal Authorization Number: 22-WQC-0053

Dear Potomac River Fisheries Commission:

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 at with any questions.

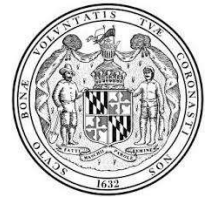
Sincerely,

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

Tammy K. Roberson
Division Chief
Tidal Wetlands Division



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



22-WQC-0053

EFFECTIVE DATE: **February 16, 2023**
CERTIFICATION HOLDER: **Potomac River Fisheries Commission**
ADDRESS: **Attn: Martin Gary PO Box 9
Colonial Beach, VA 22443**
PROJECT LOCATION: **Off Hogg Island or Kitts Point
Saint Inigoes, MD 20684**

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 POTOMAC RIVER FISHERIES COMMISSION AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED August 8, 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

To deposit approximately 40,000 cubic yards of concrete rubble within two existing 50 acre artificial reef sites with a final post construction depth of 4 to 8 feet off of the river bottom substrate with clearances of approximately 16 feet at mean low water.

GENERAL CONDITIONS

1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.
2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
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 NAB-2020-60435, until such time as that federal approval expires or is not administratively extended.

SPECIAL CONDITIONS

1. Any and all monitoring of the emplacement material shall be provided to MDE by December 31st each year through the length of the license.
2. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot

Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.

3. 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.
4. The issuance of this license 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 Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
5. The Licensee shall not perform any construction from November 15th through March 1st of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.
6. The Licensee shall maintain a 250-foot buffer zone around federal aids to navigation and from private piers, a 150-foot buffer from aquaculture leases and pending aquaculture leases and a 150-foot buffer from federally-designated channels in accordance with U.S. Coast Guard requirements.
7. All in-water structures designating the lease area shall be marked in accordance with U.S. Coast Guard requirements. The location of said structures shall be published in the U.S. Coast Guard "Local Notice to Mariners." The applicant/licensee shall contact: Commander (AOWW), U.S. Coast Guard Atlantic Area, 431 Crawford Street, Portsmouth, VA 23704, to ensure meeting all Coast Guard requirements.
8. All rebar is to be cut off flush with the concrete prior to emplacement. Any rebar exposed as a result of the concrete breaking during emplacement is to be cut flush with the concrete. The use of asphalt rubble is not authorized by this License.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 2, 4: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which 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

2. Statement of Necessity for General Conditions 5, 8, 9: 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. Statement of Necessity for General Condition 6: This 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 which 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

4. Statement of Necessity for General Condition 7: 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

5. Statement of Necessity for General Condition 10: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws which 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; 40 C.F.R. 121, 15 C.F.R. 930, Md. Ann. Code, Env. Article, Title 1, Subhomtitles

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 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 1: Activities which discharge in regulated waters must be conducted according to certain procedures to maintain water quality. Monitoring the quality, characteristics, effects, and compensatory offsets may be necessary to ensure that water quality standards are met. In addition, oversight of mitigation and rectification of temporary impacts to meet performance standard may require monitoring to ensure that a regulated water is established, enhanced, or restored to meet designated uses and other water quality standards.

Citation: COMAR 26.08.10B(1)(f); COMAR 26.08 02.10B(1)(g); COMAR 26.24; COMAR 26.23; COMAR 26.17.04

7. Statement of Necessity for Special Condition 3: 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

8. Statement of Necessity for Special Conditions 5: A time of year restriction is necessary to allow for wintering waterfowl to move from breeding areas to seasonally use suitable winter habitat. Breeding and wintering habitat are both essential to support waterfowl populations. Breeding habitat would not sustain waterfowl during winter. Disturbance during the closure period would interfere directly or indirectly with designated uses.

Citation 1) COMAR 26.08.02.02.B.(3); COMAR 26.08.02.02.B.(1)(d); COMAR 26.08.02.03.B.(1)(b); COMAR 26.08.02.03.B.(2)(e); COMAR 26.24

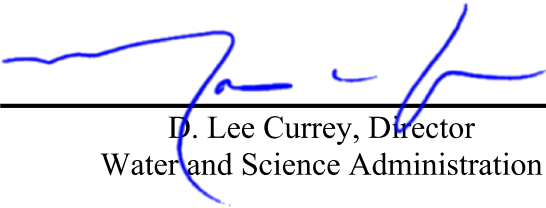
9. Statement of Necessity for Special Conditions 6 & 7: The condition is necessary to ensure that discharge will not interfere with designed uses for water contact, recreation, and fishing. It is necessary to ensure a nuisance is not created.

Citation: 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, 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 26.24; COMAR 26.08.02.01B(1) and B(2); COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

10. Statement of Necessity for Special Condition 8: 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

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

2/18/2023

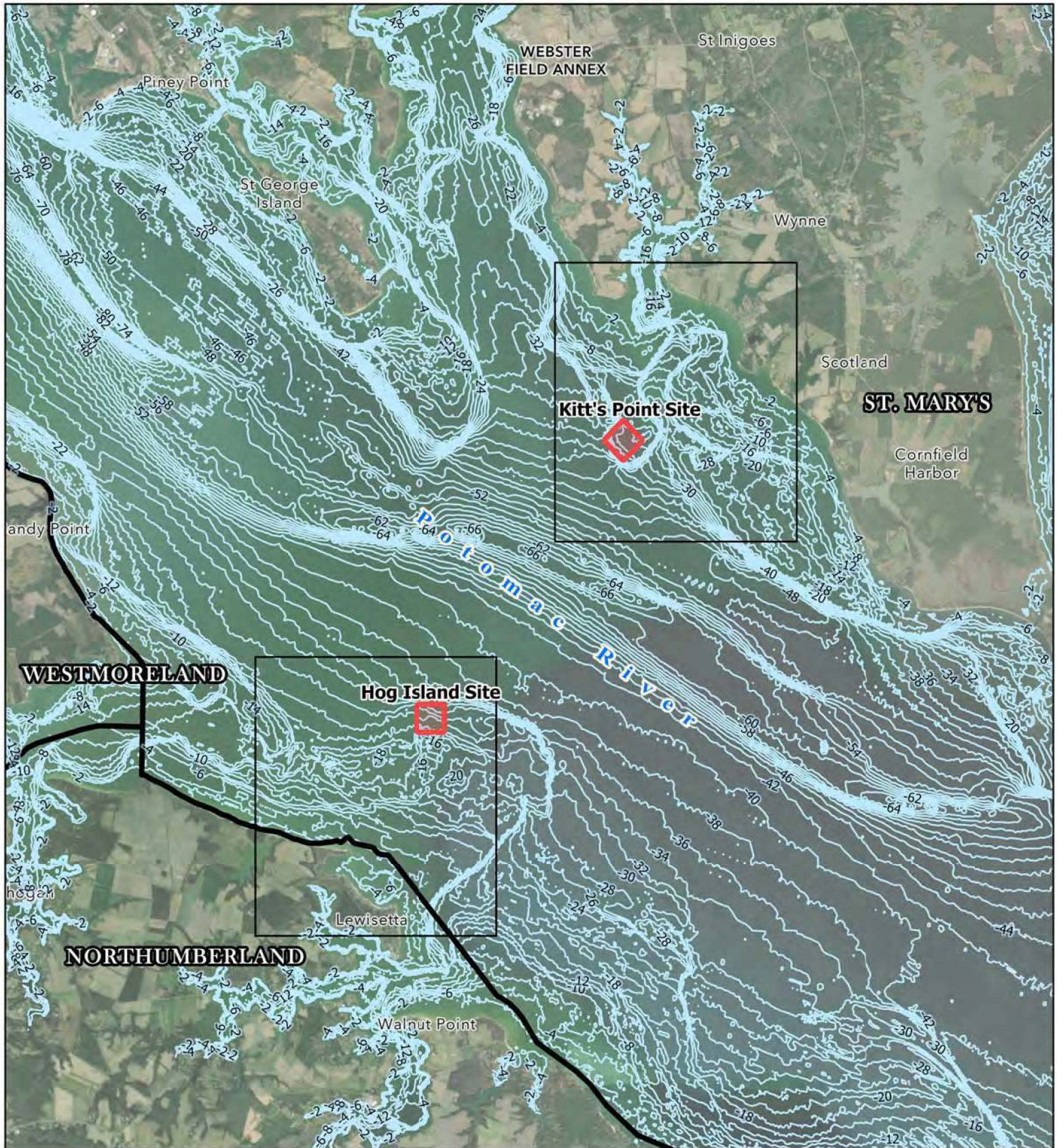
Date

Tracking Number: 202360025
Agency Interest Number: 127394

Effective Date: February 16, 2023

Enclosure: Plan Sheets dated August 8, 2022

cc: WSA Inspection & Compliance Program
Army Corps of Engineers



**Existing PRFC Artificial Reefs
Lower Potomac River**

Vicinity Map

St. Mary's County, Maryland

August 2022

Imagery Source:

<https://services.arcgisonline.com/>

ArcGIS/rest/services/World_Imagery/MapServer





202060435

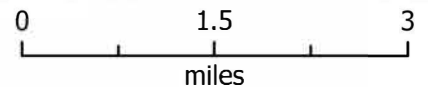
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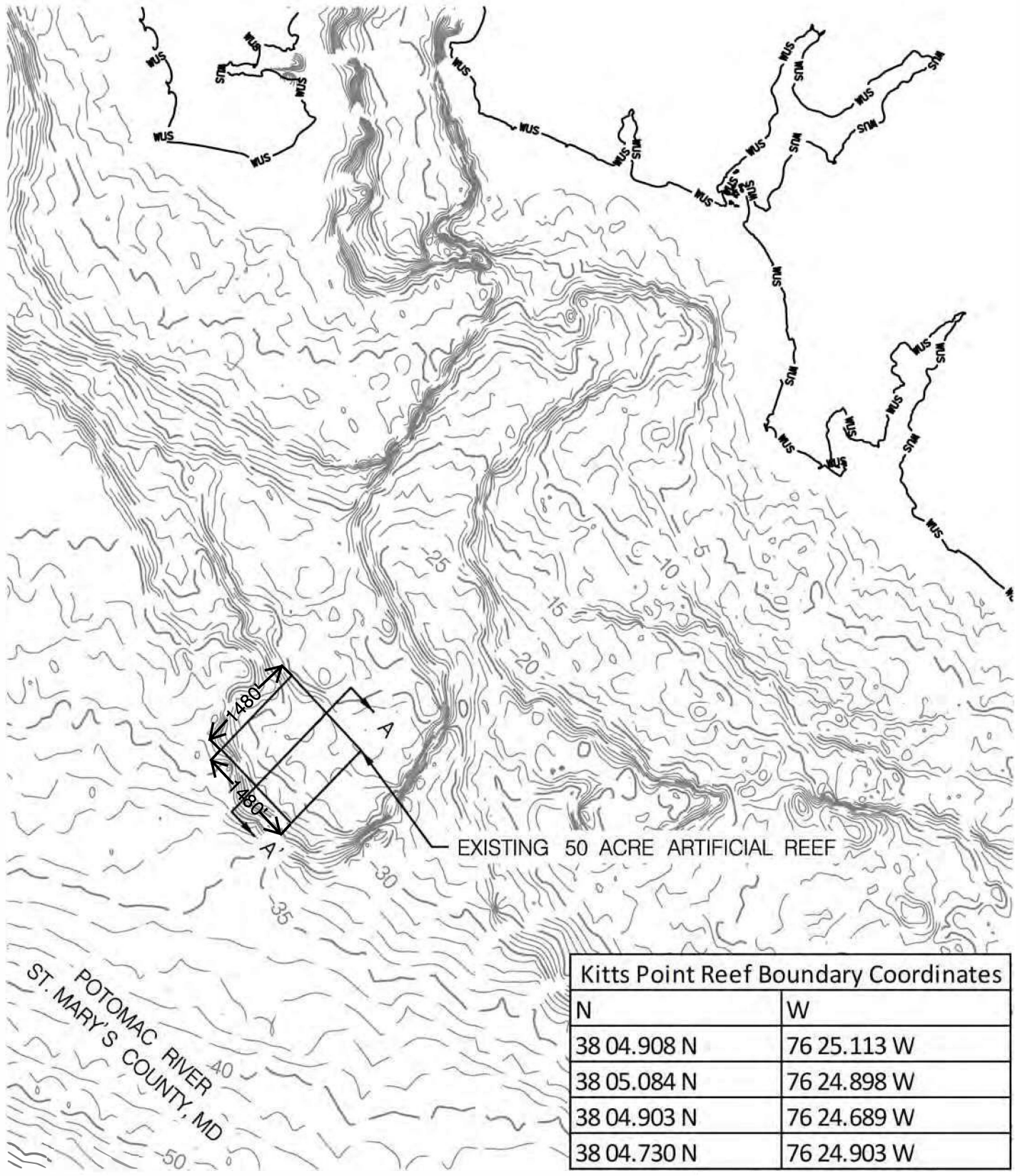
8/8/22

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-  Existing PRFC Artificial Reefs
-  County Boundary
-  2' Bathymetric Contour
-  CAD Sheet Boundary





EXISTING 50 ACRE ARTIFICIAL REEF

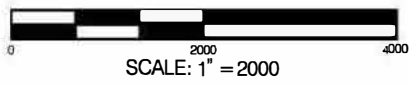
Kitts Point Reef Boundary Coordinates	
N	W
38 04.908 N	76 25.113 W
38 05.084 N	76 24.898 W
38 04.903 N	76 24.689 W
38 04.730 N	76 24.903 W

LEGEND

- — EXISTING MAJOR BATHYMETRIC CONTOUR
 - — EXISTING MINOR BATHYMETRIC CONTOUR
 - WUS — WATERS OF THE US 202060435
 - — — COUNTY BOUNDARY 22-WQC-0053
- 8/8/22
2 of 5



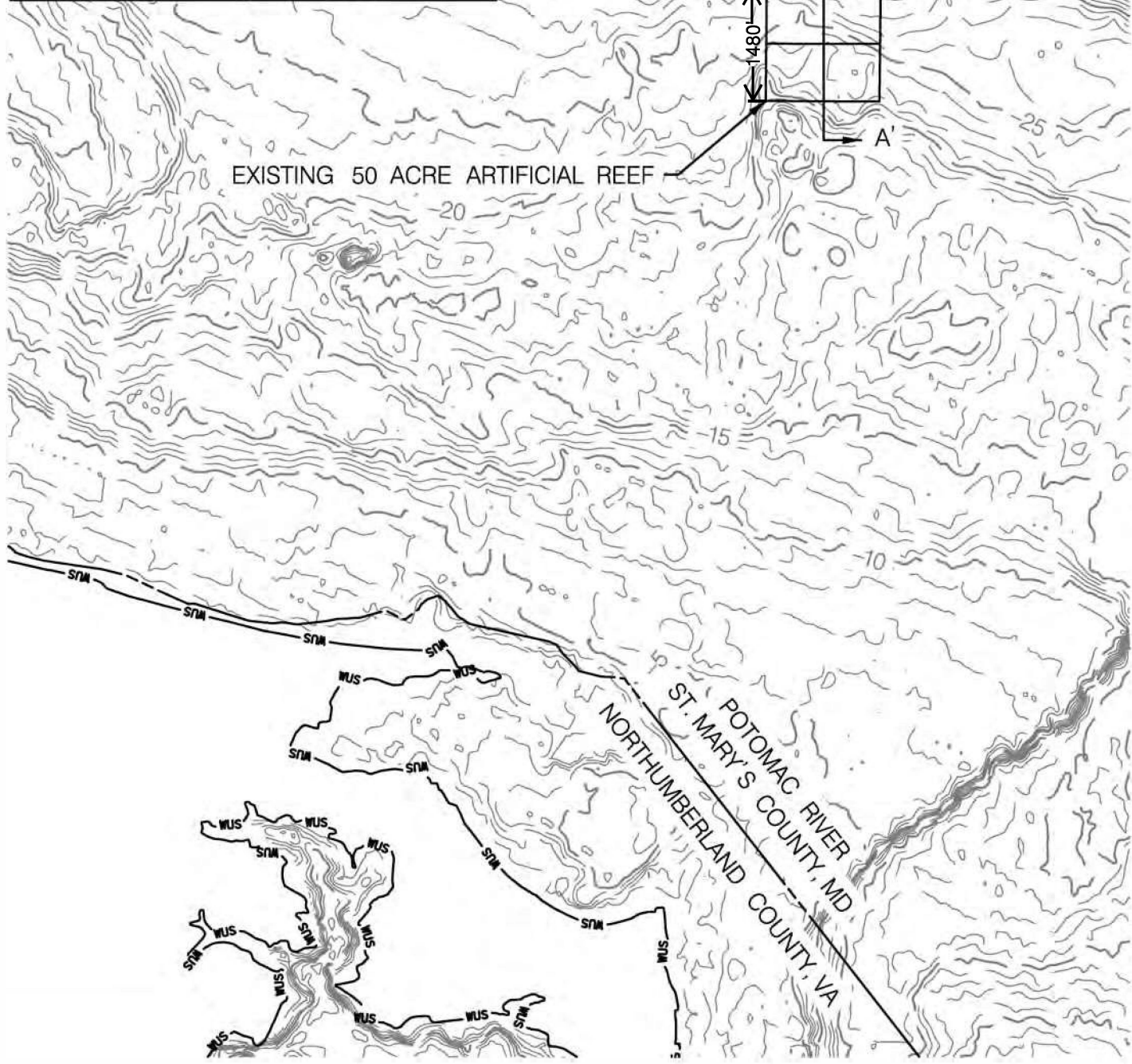
KITTS POINT



KITTS POINT ARTIFICIAL REEF PROJECT
 LOWER POTOMAC RIVER
 ST. MARY'S COUNTY, MD
 APPLICATION BY: POTOMAC RIVER FISHERIES COMMISSION
 8/8/2022

Hog Island Reef Boundary Coordinates

N	W
38 02.276 N	76 27.503 W
38 02.274 N	76 27.194 W
38 02.030 N	76 27.199 W
38 02.033 N	76 27.508 W



LEGEND

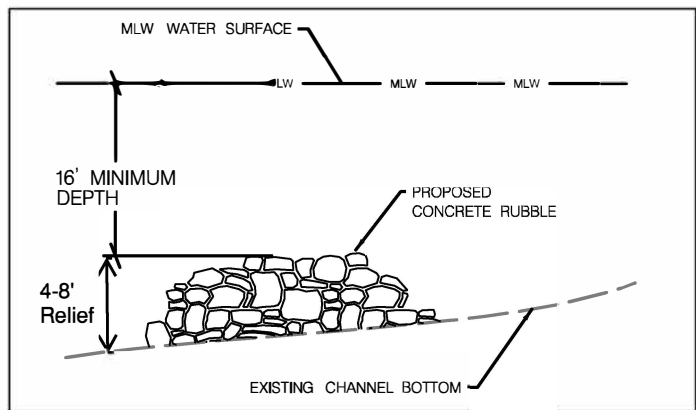
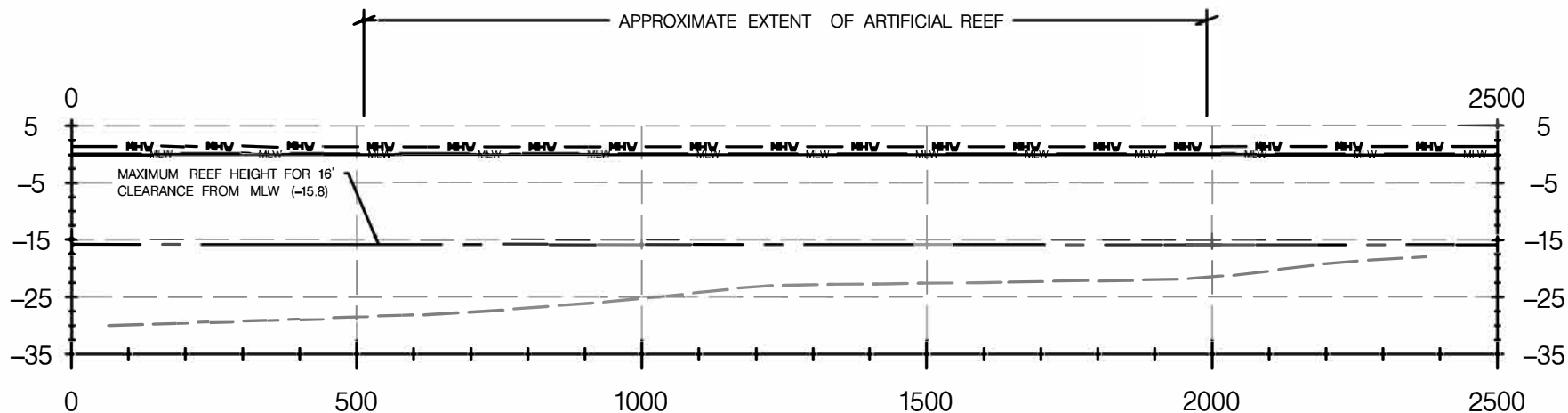
- EXISTING MAJOR BATHYMETRIC CONTOUR
 - EXISTING MINOR BATHYMETRIC CONTOUR
 - WATERS OF THE US
 - COUNTY BOUNDARY
- 202060435
22-WQC-0053
8/8/22
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HOG ISLAND

SCALE: 1" = 2000'

SHEET 4 OF 5

HOG ISLAND ARTIFICIAL REEF PROJECT
LOWER POTOMAC RIVER
ST. MARY'S COUNTY, MD
APPLICATION BY: POTOMAC RIVER FISHERIES COMMISSION
8/8/2022



MLW CLEARANCE DETAIL (NOT TO SCALE)

HOG ISLAND SECTION VIEW A-A'

202060435

22-WQC-0053

8/8/22

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ALL ELEVATIONS REFERENCED TO
MEAN LOWER LOW WATER (MLLW)
DATUM FOR NOAA TIDES AND
CURRENTS STATION 8635750
(LEWISSETTA, VA)

LEGEND

- EXISTING CHANNEL BOTTOM (MLLW DATUM)
- MEAN LOWER LOW WATER (DATUM)
- MEAN HIGH WATER
- MEAN LOWER LOW WATER



HORIZONTAL SCALE: 1" = 300'
VERTICAL SCALE: 1" = 30'

HOG ISLAND ARTIFICIAL REEF
PROJECT
LOWER POTOMAC RIVER
ST. MARY'S COUNTY, MD
APPLICATION BY: POTOMAC RIVER
FISHERIES COMMISSION
8/8/2022