



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E. Dorsey, Deputy Secretary

August 31, 2023

Tilghman on Chesapeake Community Association  
c/o BayLand Consultants & Designers, Inc  
Attn: Chris Rager  
7455 New Ridge Rd, Ste T  
Hanover, MD 21076

Via email: [crager@baylandinc.com](mailto:crager@baylandinc.com)

Re: Agency Interest Number: 79415  
Tracking Number: 202360029  
Tidal Authorization Number: 23-WQC-0001

Dear Tilghman on Chesapeake Community Association:

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 Michaela Harrington at [michaela.harrington@maryland.gov](mailto:michaela.harrington@maryland.gov) or 410-537-4182 with any questions.

Sincerely,

Tammy K. Roberson  
Chief  
Tidal Wetlands Division



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



**23-WQC-0001**

EFFECTIVE DATE: **August 31, 2023**  
CERTIFICATION HOLDER: **Tilghman on Chesapeake Community  
Association  
c/o Chris Rager**  
ADDRESS: **21450 Avalon Court  
Tilghman, MD 21671**  
PROJECT LOCATION: **Avalon Court  
Tilghman, MD 21671**

**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 TILGHMAN ON CHESAPEAKE COMMUNITY LIVING SHORELINE PROJECT AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED July 17, 2023 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**

Construct an approximately 612-linear foot low profile stone, sand containment sill including 27 concrete oyster break structures; fill and grade with approximately 2,320 cubic yards of sand and plant approximately 7,327 square feet of high marsh and 1,420 square feet of low marsh, all extending a maximum of 90 feet channelward of the mean high water line.

## **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 authorization NAB-2022-61087 until such time that it expires or is not administratively extended.

## **SPECIAL CONDITIONS**

1. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certificate 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.
2. 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.

3. 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.
4. The Certificate Holder shall construct the marsh establishment area in accordance with the following conditions:
  - The Certificate Holder shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
  - The marsh establishment area shall be planted within one year following completion of the filling operation.
  - 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.
  - If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
  - If the existing bank is to be cleared or graded:
    - 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
    - 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.
5. The Certificate Holder shall accept the terms of the marsh maintenance plan associated with State Tidal Wetlands License 22-WL-0697 by signing and returning the standard plan to the Water and Science Administration, Tidal Wetlands Division prior to commencement of any work authorized under this Certification. If the Certificate Holder wishes to propose an alternative marsh maintenance plan, the alternative plan must be submitted to and approved by the Tidal Wetlands Division, Water and Science Administration, prior to commencement of any work authorized under this Certification. 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.
6. The Certificate Holder shall submit photographs on an annual basis for the first five growing seasons to the Tidal Wetlands Division, Water and Science Administration in order to document the success of the project in terms of the extent of native marsh plant coverage. Photographs shall be taken from at least two directions, as necessary to fully depict the living shoreline.
7. Due to submerged aquatic vegetation, the Certificate Holder shall perform no in-water work between April 15<sup>th</sup> and October 15<sup>th</sup> of any year,
8. The Certificate Holder shall have all work proposed above the mean high water line reviewed and authorized by Talbot County Department of Planning and Zoning.

## **CITATIONS AND STATEMENTS OF NECESSITY**

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1, 3, 8: 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 and Special Conditions 4, 5, 6: 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, 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 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 2: 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

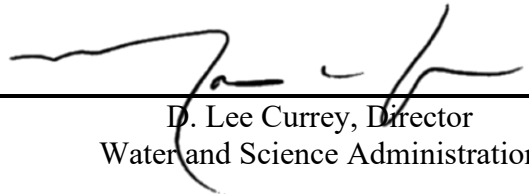
7. Statement of Necessity for Special Conditions 4, 5, 6: Tidal wetlands provide essential habitat, water quality, food, and movement corridors for wildlife, and support of estuarine and marine aquatic life and shellfish harvesting. Successful establishment is necessary to prevent discharges which interfere with designated uses, including growth and propagation of fish, other aquatic life, and wildlife through loss of stream channel habitat and wetlands. Required establishment, re-establishment, or enhancement and loss limits will maintain the designated use.

Citations: COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(3) and B(4); COMAR 26.24.

8. Statement of Necessity for Special Condition 7: A time of year restriction is necessary to maintain the designated use for support of estuarine and marine aquatic life and shellfish harvesting.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.02-16.

## CERTIFICATION APPROVED

  
\_\_\_\_\_  
D. Lee Currey, Director  
Water and Science Administration

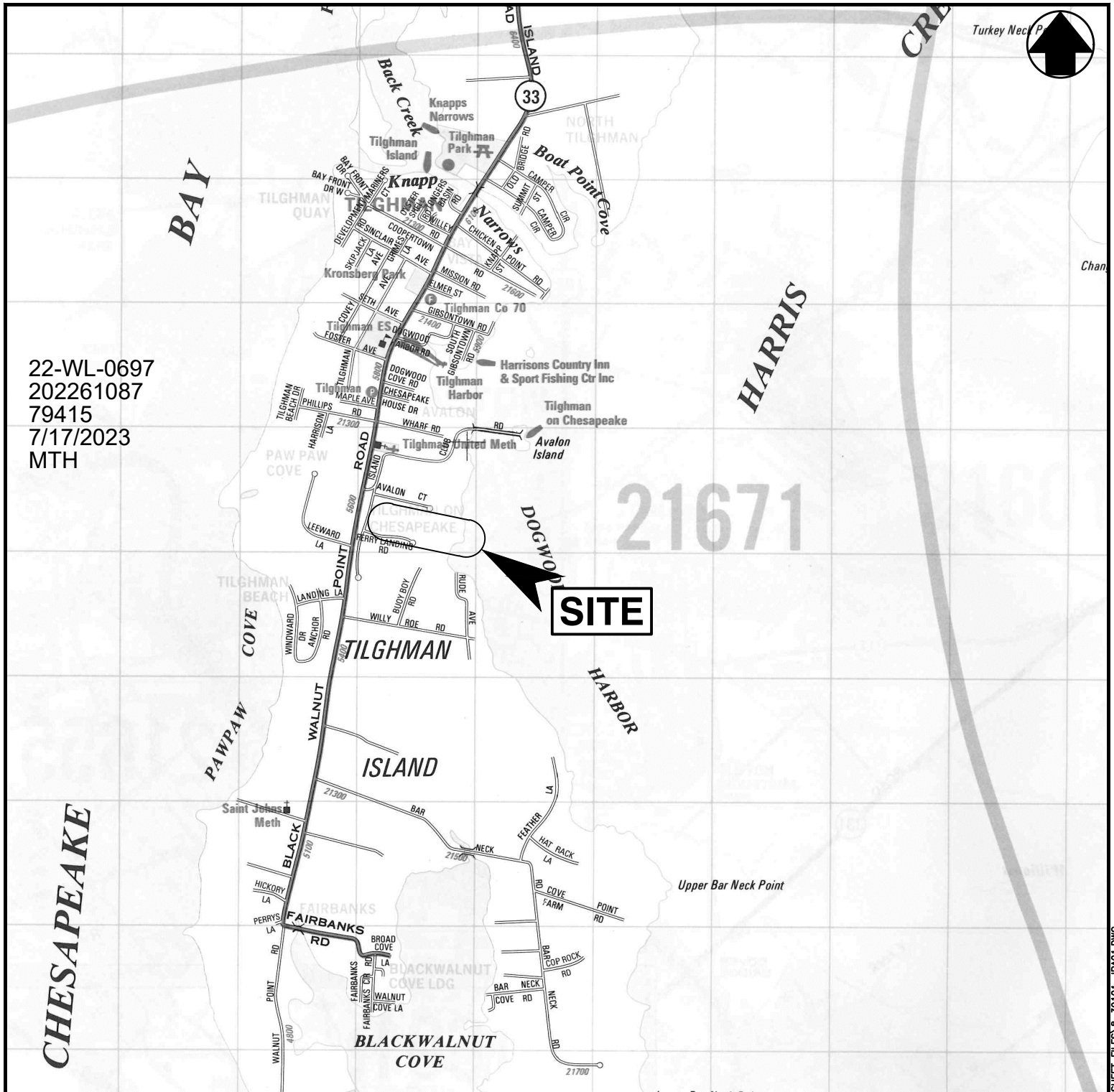
9/1/2023  
\_\_\_\_\_  
Date

Tracking Number: 202360029  
Agency Interest Number: 79415

Effective Date: August 31, 2023

Enclosure: Plan Sheets dated July 17, 2023

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers



22-WL-0697  
 202261087  
 79415  
 7/17/2023  
 MTH

TALBOT COUNTY ADC MAP COORDINATES:  
 PROJECT SITE: MAP 16 GRID D5

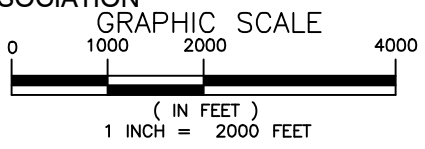
MAP COPYRIGHT KAPPA MAP GROUP LLC, (800) 829-6277  
 PERMITTED USE NUMBER BJE051055

**TILGHMAN ON THE CHESAPEAKE  
 RESILIENT GREEN  
 INFRASTRUCTURE  
 TALBOT COUNTY, MD**

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

**VICINITY MAP**

DATE: JULY 2023 SHEET 1 OF 7

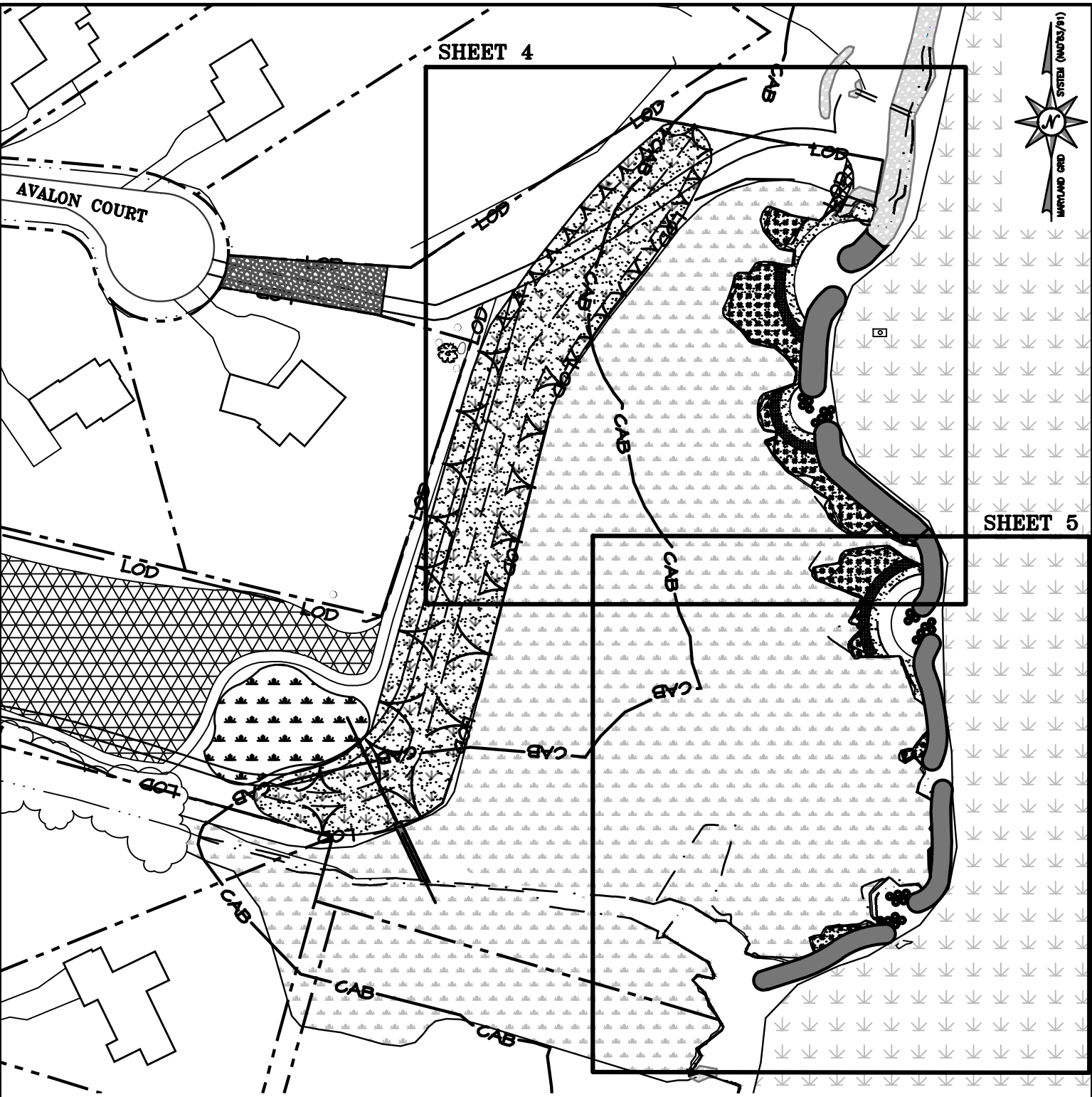


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SHEET 4



SHEET 5

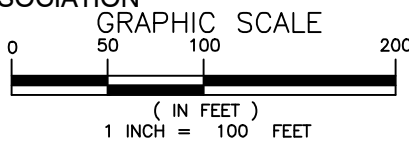
TILGHMAN ON THE CHESAPEAKE  
RESILIENT GREEN  
INFRASTRUCTURE  
TALBOT COUNTY, MD

22-WL-0697  
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79415  
7/17/2023  
MTH

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

KEY SHEET

DATE: JULY 2023 SHEET 2 OF 7

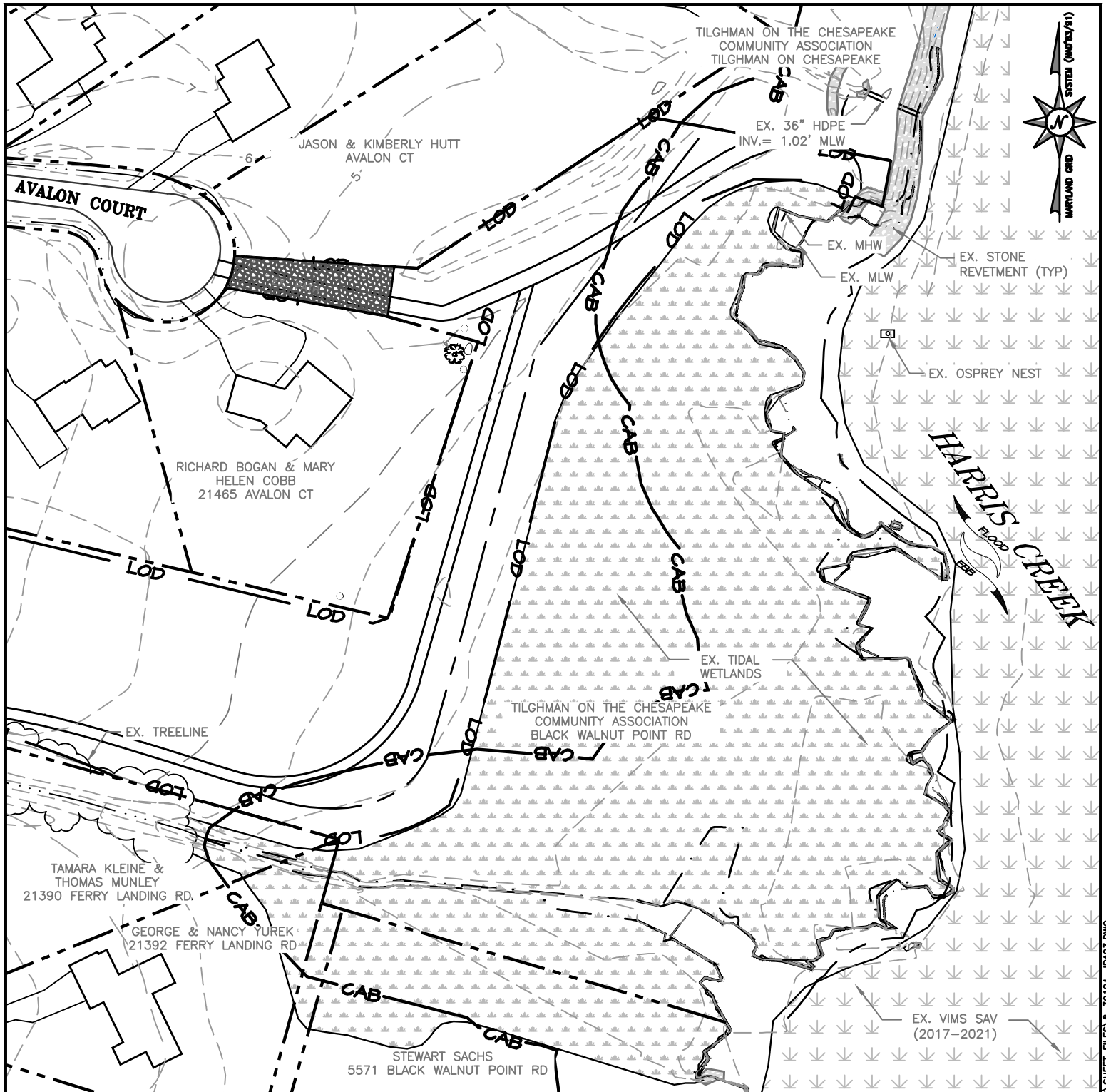


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**HATCH LEGEND**

-  EX. TIDAL WETLANDS
-  EX. VIMS SAV

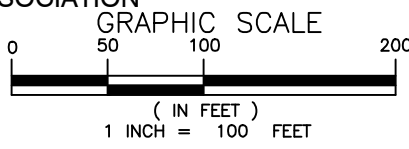
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 79415  
 7/17/2023  
 MTH

**TILGHMAN ON THE CHESAPEAKE  
 RESILIENT GREEN  
 INFRASTRUCTURE  
 TALBOT COUNTY, MD**

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

**EXISTING CONDITIONS**

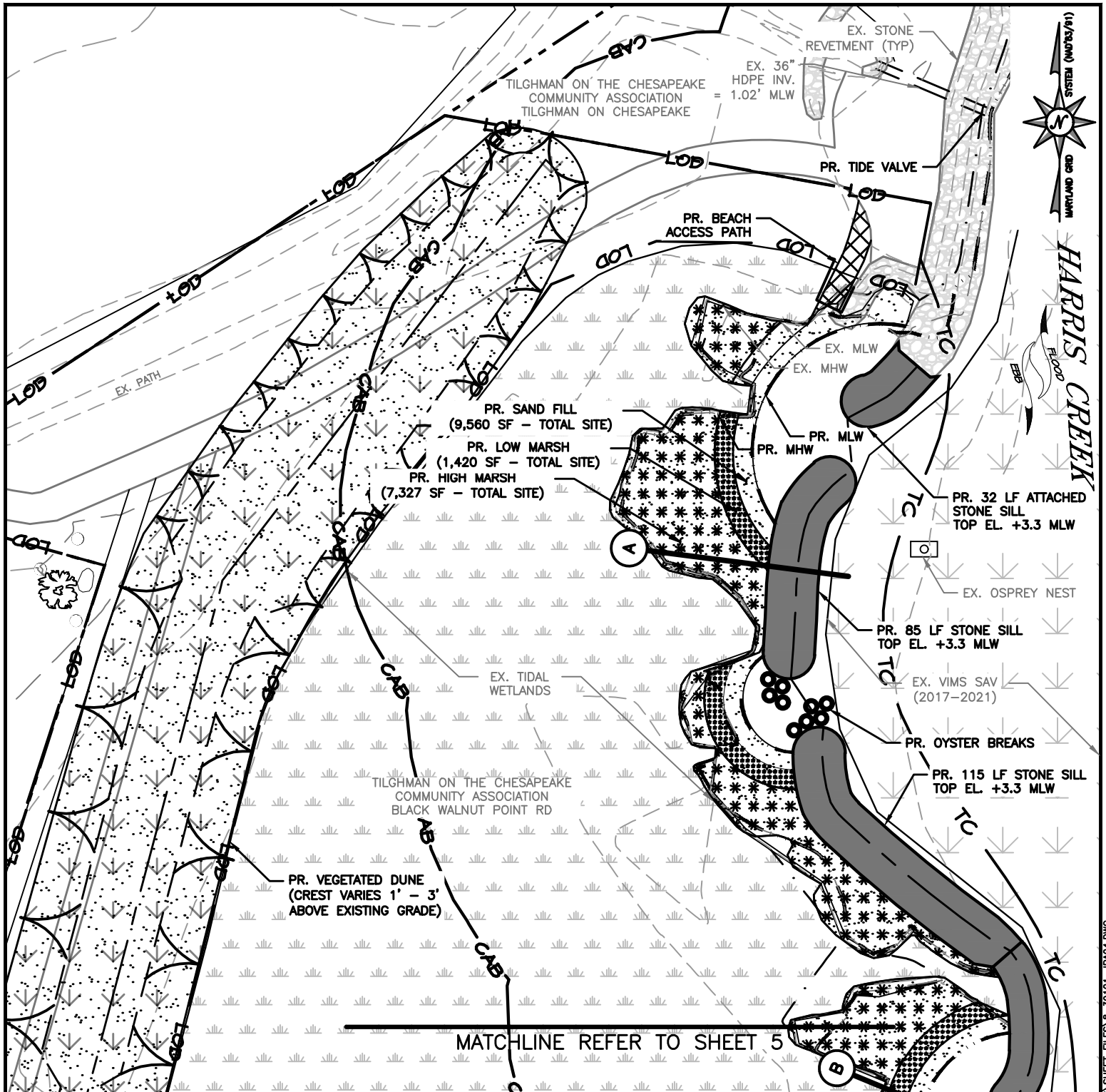
DATE: JULY 2023 SHEET 3 OF 7




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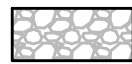

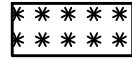

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HARRIS CREEK  
FLOOD

MATCHLINE REFER TO SHEET 5

**HATCH LEGEND**

-  EX. STONE REVETMENT
-  PR. STONE SILL
-  PR. MARSH PLANTINGS
-  PR. SAND FILL

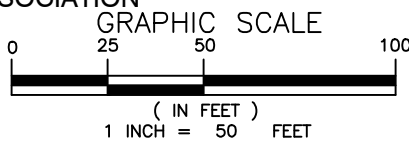
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7/17/2023  
MTH

TILGHMAN ON THE CHESAPEAKE  
RESILIENT GREEN  
INFRASTRUCTURE  
TALBOT COUNTY, MD

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

**SITE PLAN**

DATE: JULY 2023 SHEET 4 OF 7



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HARRIS CREEK  
FLOOD  
EPP

MATCHLINE REFER TO SHEET 4

PR. LOW MARSH  
(1,420 SF - TOTAL SITE)  
PR. SAND FILL  
(9,560 SF - TOTAL SITE)

PR. HIGH MARSH  
(7,327 SF - TOTAL SITE)

TILGHMAN ON THE CHESAPEAKE  
COMMUNITY ASSOCIATION  
BLACK WALNUT POINT RD

EX. TIDAL  
WETLANDS

PR. 63 LF STONE SILL  
TOP EL. +3.3 MLW

PR. MLW  
PR. MHW

PR. 103 LF STONE SILL  
TOP EL. +3.3 MLW

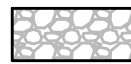

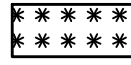

PR. 105 LF STONE SILL  
TOP EL. +3.3 MLW

EX. VIMS SAV  
(2017-2021)

PR. OYSTER BREAKS

PR. 109 LF STONE SILL  
TOP EL. +3.3 MLW

**HATCH LEGEND**

-  EX. STONE REVETMENT
-  PR. STONE REVETMENT/GROIN/SILL
-  PR. MARSH PLANTINGS
-  PR. SAND FILL

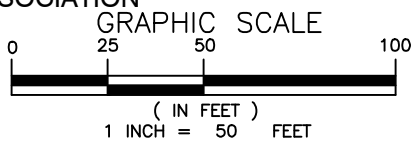
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7/17/2023  
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TILGHMAN ON THE CHESAPEAKE  
RESILIENT GREEN  
INFRASTRUCTURE  
TALBOT COUNTY, MD

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

**SITE PLAN**

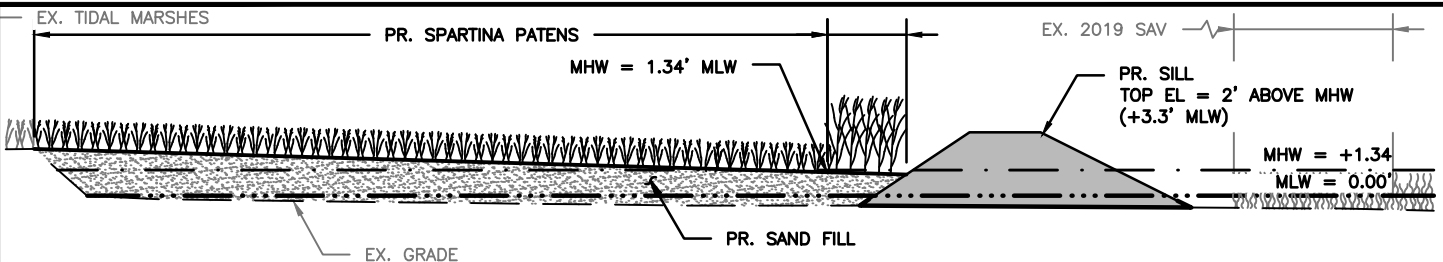
DATE: JULY 2023 SHEET 5 OF 7




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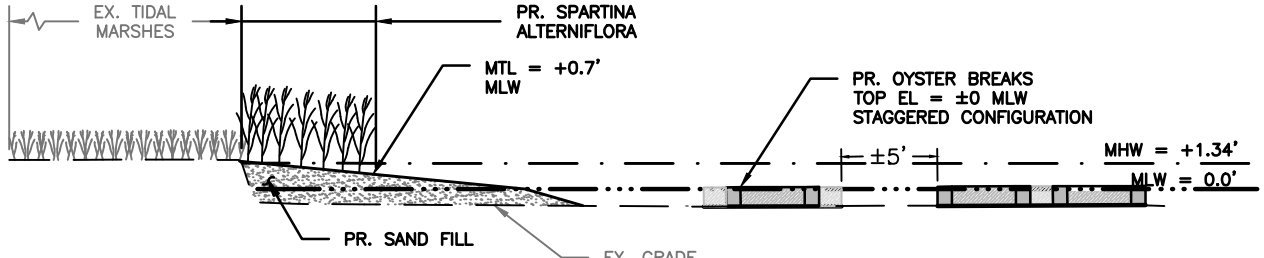
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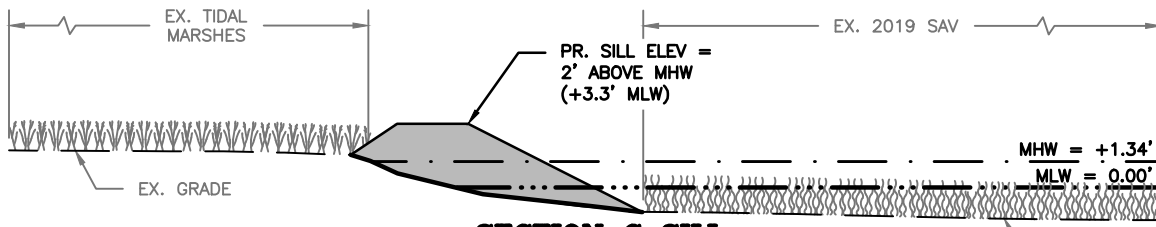
**SECTION A BREAKWATER**

SCALE: 1" = 10'



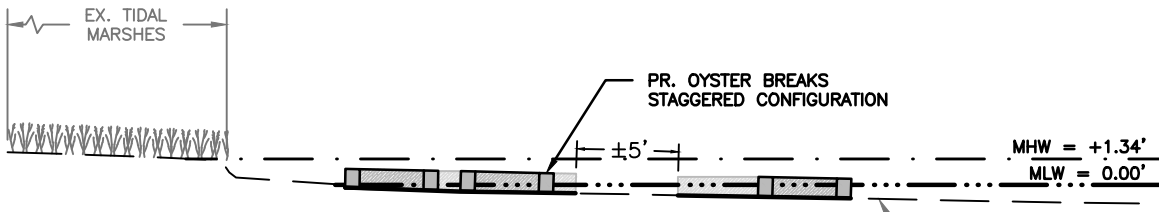
**SECTION B OYSTER BREAK**

SCALE: 1" = 10'



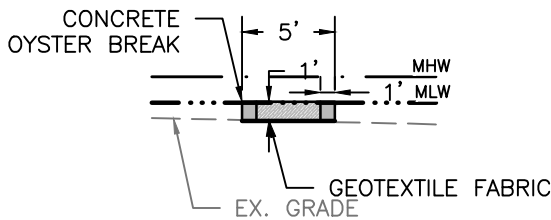
**SECTION C SILL**

SCALE: 1" = 10'



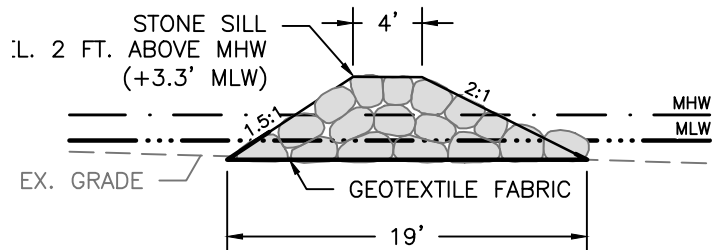
**SECTION D OYSTER BREAK**

SCALE: 1" = 10'



**TYPICAL OYSTER BREAK**

SCALE: 1" = 10'



**TYPICAL SILL**

SCALE: 1" = 10'

TILGHMAN ON THE CHESAPEAKE  
RESILIENT GREEN  
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TALBOT COUNTY, MD

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APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

**CROSS SECTIONS**

DATE: JULY 2023 SHEET 6 OF 7

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## PROJECT SUMMARY

### PROPOSED STRUCTURES:

#### STONE SILL STRUCTURE

TOTAL LENGTH - 612 LF

AVERAGE WIDTH - 19 FT

MAX. CHANNELWARD ENCROACHMENT - 90 FT

#### CONCRETE OYSTER BREAKS

TOTAL QUANTITY - 27

AVERAGE WIDTH - 2.4 FT

MAX CHANNELWARD ENCROACHMENT - 35 FT

SAND FILL - 9,560 SF (2320 CY); CHANNELWARD OF MHW - 9,560 SF

HIGH MARSH PLANTINGS - 7,327 SF

LOW MARSH PLANTINGS - 1,420 SF

22-WL-0697

202261087

79415

7/17/2023

MTH

## IMPACT SUMMARY

TOTAL AREA OF IMPACT FROM MHW INTO TIDAL WATERS: 21,844 SF (0.50 ACRES)

TOTAL AREA OF IMPACT TO PRIVATE TIDAL WETLANDS: 0 SF

TOTAL AREA OF IMPACT TO SHALLOW WATER HABITAT: 7,312 SF (.17 ACRES)

TOTAL AREA OF IMPACT TO 2017-2021 SAV: 0 SF

## NOTES

1. BASEMAP COMPILED FROM TALBOT COUNTY 2019 PLANIMETRICS AND 2017 IMAGERY.
2. CONTOURS ARE IN FEET AND REFER TO MLW.
3. TIDAL RANGE 1.34 FEET.
4. BATHYMETRIC & TOPOGRAPHIC SURVEY WAS PERFORMED BY BAYLAND ON NOVEMBER 23, 2021.
5. THESE ARE PERMIT DRAWINGS ONLY AND SUBJECT TO CHANGE DURING THE PERMIT PROCESS. DESIGN DRAWINGS ARE TO BE PREPARED SEPARATELY.

## TILGHMAN ON THE CHESAPEAKE RESILIENT GREEN INFRASTRUCTURE TALBOT COUNTY, MD

APPL. BY: TILGHMAN ON CHESAPEAKE COMMUNITY ASSOCIATION

### SITE NOTES

DATE: JULY 2023 SHEET 7 OF 7

