

Appendix A

Agency and Public Re-initiation Coordination

(2018-2019 & 2024-2025)



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 21, 2024

Civil Project Development Branch
Planning Division

RE: Request for Updated Resource Information
Atlantic Coast of Maryland Shoreline Protection Project,
Ocean City, Worcester County, Maryland.

The U.S. Army Corps of Engineers, Baltimore District (USACE), in partnership with the Maryland Department of Natural Resources (MD DNR), is proposing to dredge an offshore shoal in federal waters to obtain sand for the Atlantic Coast of Maryland Shoreline Protection Project (project) starting in September 2025. The project is located in the Town of Ocean City, Worcester County, Maryland. The project places sand on the beach of Ocean City, generally every four years, to reduce the risk of coastal storm damage. The last renourishment was completed in January 2021.

USACE is preparing to dredge approximately 900,000 cubic yards of sand from the borrow area known as Weaver Shoal, located in federal waters offshore of Ocean City, Maryland, for placement along 8.3 miles of shoreline in Ocean City and along 1,500 feet of shoreline in Sussex County, Delaware. This work will be accomplished by a construction contract issued and administered by the Baltimore District and is scheduled to occur between September 2, 2025, and May 24, 2026. A plan showing project placement location and the Weaver Shoal borrow area is enclosed.

The Atlantic Coast of Maryland Shoreline Protection Project is a federal coastal storm risk management project that was authorized by Section 501(a) of the Water Resources Development Act of 1986 (PL 99-662), as amended by Section 104 of the Energy and Water Development Appropriations Act of 1990 (PL 101-101). Its purpose is to reduce the risk of damage to infrastructure in Ocean City, Maryland from coastal storms. The project consists of an 8.3-mile elevated beach berm backed by a 1.4-mile concrete-capped steel sheet pile bulkhead and a 6.9-mile vegetated sand dune, with a 1,500-foot transition into Sussex County, DE that ties the project into the Fenwick Island Coastal Storm Damage Reduction Project, a federal project managed by USACE, Philadelphia District.

A local cooperation agreement between the Department of the Army and the State of Maryland, represented by the Secretary of the Maryland DNR, was executed for initial construction and 50 years of periodic renourishment on March 30, 1990. Initial construction was completed in 1994, with a cost share of 65% federal and 35% non-federal. Seven periodic renourishments have occurred since 1998, the most recent being completed in 2021. Since 1990 the project has prevented an estimated \$927M in damages to Ocean City.

The proposed borrow area, known as Weaver Shoal, is located 7.2 miles offshore of Ocean City, Maryland in the U.S. Department of Interior, Bureau of Ocean Energy Management (BOEM) Mid-Atlantic Planning Area. The shoal is approximately 3.8 square miles in area, with a length of 4.1 miles and a maximum width of 1.4 miles. Water depths range from 29 to 65 feet. The area of the shoal that is specifically slated for use as a borrow area is described in the June 2019 Baltimore District geotechnical engineering report entitled *Renourishment Borrow Study – Isle of Wight and Weaver Shoals*. The borrow area (designated as W-C) is 8,000 feet long by 2,000 feet wide and encompasses 367 acres, with water depths ranging from 31 to 49 feet. Adhering to established requirements to minimize long-term impacts to the shoal, sand will be hydraulically excavated from the specified borrow area by trailing suction hopper dredge, then transported to the project area and hydraulically pumped from the hopper dredge to the shoreline.

An August 2008 Supplemental Environmental Impact Statement (SEIS) and February 2020 Environmental Assessment (EA) for this project were prepared with BOEM serving as a formal cooperating agency, consistent with the tenets of the National Environmental Policy Act (NEPA), and with USACE serving as the lead agency, with substantial input from the non-federal sponsor. Both documents, which can be found at <https://www.nab.usace.army.mil/OceanCity/>, included a comprehensive suite of physical environment, habitat, and living resource parameters, including essential fish habitat, endangered species, and historic and cultural resources within federal waters that could be affected by the proposed action. Analyses included potential direct and indirect impacts associated with the proposed action. Of the four shoals considered in the 2020 EA, two were removed from consideration for this action due to their high fishery value (Shoal B and Isle of Wight Shoal). Material from the Weaver Shoal was dredged during the 2020-2021 re-nurishment event.

The Finding of No Significant Impact (FONSI) signed in February 2020 determined that all practicable means to avoid and minimize adverse environmental effects had been incorporated into the EA and that changes in the proposed project from the 2008 SEIS would not significantly affect the human environment; therefore, no additional Environmental Impact Statement (EIS) was warranted.

The scheduled periodic renourishment of the project will be constructed pursuant to all conditions outlined in State of Maryland Wetlands License No. 15-0988 (issued March 23, 2016 and expires March 23, 2026); Maryland Department of the Environment Water Quality Certification No. 15-WQC-0988 (issued March 23, 2016 and expires March 23, 2026); State of Delaware Subaqueous Lands Permit No. SP-432/18 (issued February 5, 2019 and expires February 5, 2029); and State of Delaware Water Quality Certification No. WQ-432/18 (issued February 5, 2019 and expires February 5, 2029). As the Maryland permits (Water Quality Certification and Tidal Wetlands License) expire prior to the end of the anticipated construction window, Maryland DNR is working to renew and extend these permits.

The schedule for the periodic renourishment includes bid advertisement in April 2025, bid opening in May 2025, and contract award in July 2025. As currently scheduled, the selected contractor will commence work sometime after Labor Day of 2025 and complete all work prior to Memorial Day weekend of 2026.

USACE is requesting the recipients of this letter to provide updated information and data, as necessary, relevant to their respective disciplines and areas of expertise. Responses are requested by April 30, 2024. USACE will review any additional data received as a result of this request. If you have any questions regarding the Atlantic Coast of Maryland project or this request, please contact Christopher Johnson by email at Christopher.a.johnson@usace.army.mil, or mail at USACE, Planning Division, 2 Hopkins Plaza, Baltimore, MD 21201.

Sincerely,

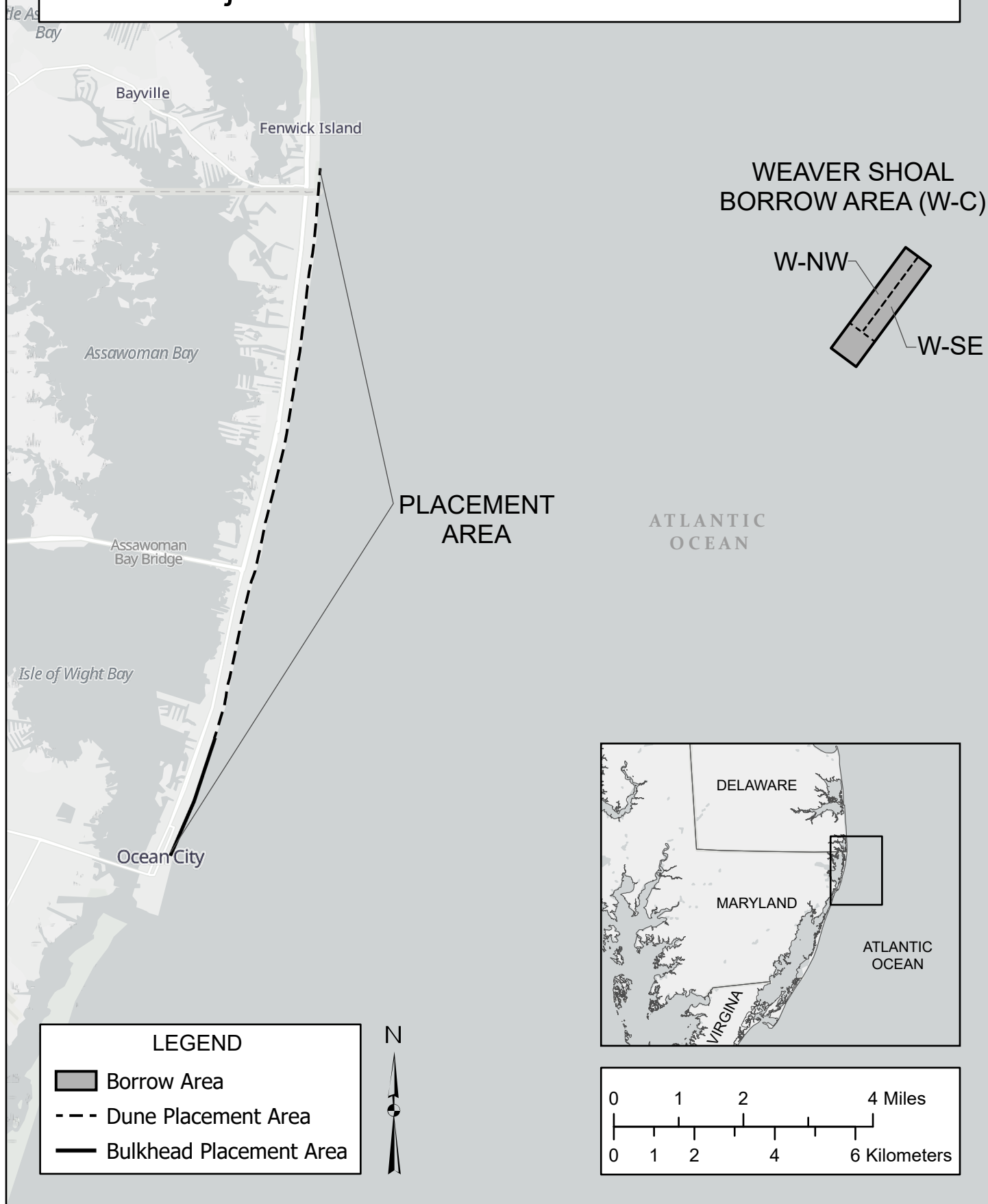


Daniel M. Bierly, P.E.
Chief, Civil Projects Development Branch
Planning Division

Enclosures

cc: Perry Otwell, Maryland DNR
Doug Piatkowski, BOEM

Atlantic Coast of Maryland Shoreline Protection Project and Weaver Shoal Borrow Area



From: [Holmes, Jennifer L. \(DNREC\)](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Cc: [Cole, Kimberly B. \(DNREC\)](#)
Subject: [Non-DoD Source] RE: Atlantic Coast of MD Shoreline Protection Project - DE 2024
Date: Friday, April 12, 2024 1:43:54 PM
Attachments: [image001.png](#)

Dear Chris Johnson,

Thank you for the updates regarding this project. If the scope of the project within Delaware's coastal zone has not changed from that described in the conditional concurrence issued by the Delaware Coastal Management Program dated January 3, 2019, then that conditional concurrence would still be in effect. Please feel free to contact me if you have any questions.

Thank you,
Jennifer



Jennifer L. Holmes
Coastal Regulatory Programs Manager
Delaware Coastal Programs
Phone: 302-739-9283
Direct Line: 302-739-9255
Email: jennifer.holmes@delaware.gov
100 W. Water St., Suite 7B, Dover, DE 19904

From: Johnson, Christopher A CIV USARMY CENAB (USA) <Christopher.A.Johnson@usace.army.mil>
Sent: Wednesday, March 20, 2024 2:57 PM
To: Cole, Kimberly B. (DNREC) <Kimberly.Cole@delaware.gov>; Clark, John (DNREC) <John.Clark@delaware.gov>
Cc: Leasure, Charles W CIV USARMY CENAB (USA) <Charles.W.Leasure@usace.army.mil>; Perkins, Catherine J (Katie) CIV USARMY CENAB (USA) <Catherine.J.Perkins@usace.army.mil>; Eldridge, Purvis I CIV USARMY USACE (USA) <Purvis.I.Eldridge@usace.army.mil>; douglas.piatkowski@boem.gov <douglas.piatkowski@boem.gov>; perry.otwell@maryland.gov <perry.otwell@maryland.gov>
Subject: Atlantic Coast of MD Shoreline Protection Project - DE 2024

Good Afternoon,

The U.S. Army Corps of Engineers – Baltimore District would like to reinstate coordination with the Delaware Department of Natural Resources and Environmental Control and Delaware Coastal Management Program regarding the Atlantic Coast of MD Shoreline Protection Project in Ocean City, Worcester County, MD.

An August 2008 Supplemental Environmental Impact Statement (SEIS) and February 2020 Environmental Assessment (EA) for this project were prepared with BOEM serving as a formal cooperating agency, consistent with the tenets of the National Environmental Policy Act (NEPA), and

From: [Traver, Carrie](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Cc: [Witman, Timothy](#); [Esch, Emma \(she/her/hers\)](#)
Subject: [Non-DoD Source] RE: Atlantic Coast of MD Shoreline Protection Project - 2024
Date: Tuesday, April 30, 2024 1:54:26 PM

Dear Mr. Johnson,

Thank you for reinitiating coordination with the US Environmental Protection Agency (EPA) for the Atlantic Coast of Maryland Shoreline Protection Project (Project). As described, the US Army Corps of Engineers (USACE) is preparing to dredge approximately 900,000 cubic yards of sand from the borrow area known as Weaver Shoal, located in federal waters offshore of Ocean City, Maryland, for placement along 8.3 miles of shoreline in Ocean City and along 1,500 feet of shoreline in Sussex County, Delaware. The proposed work is scheduled to occur between September 2, 2025, and May 24, 2026.

In 2008, USACE prepared a supplemental Environmental Impact Statement (EIS) evaluating four shoals in federal waters and in February 2020 prepared a supplemental Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA). EPA offers the following comments for your consideration:

Supporting Documentation

The Request for Updated Resource Information indicates that the area of the shoal that will be used as a borrow area is described in the June 2019 Baltimore District *Renourishment Borrow Study – Isle of Wight and Weaver Shoals* geotechnical report. We request that you provide a copy of this document to EPA and provide a link to on the project website, if it can be made publicly available.

Climate Change

The 2008 EIS and 2020 EA did not address impacts to climate or assess greenhouse gas emissions (GHGs). Section 5.1.4 of the 2020 EA states “Greenhouse gases produced by dredging activities would indirectly impact climate but constitute a negligible human greenhouse gas contribution overall. In accordance with President Trump’s *Executive Order on Energy Independence (EO 13783)*, USACE did not quantify emissions of various greenhouse gases nor give detailed consideration to their impacts on climate in preparation of this EA.” EO 13783 was revoked by EO 13990 *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, on January 20, 2021.

- In response to EO 13990, on January 9, 2023, the Council on Environmental Quality (CEQ) published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews. (<https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>) CEQ indicated that agencies should use this interim guidance to inform the NEPA review for proposed actions as appropriate. EPA

recommends the USACE apply the guidance to ensure robust consideration of potential climate impacts, mitigation, and adaptation. Overall, impacts of climate change on the Project should be considered, including from sea level rise.

- This guidance states, “Given the urgency of the climate crisis and NEPA's important role in providing critical information to decision makers and the public, NEPA reviews should quantify proposed actions' GHG emissions, place GHG emissions in appropriate context and disclose relevant GHG emissions and relevant climate impacts, and identify alternatives and mitigation measures to avoid or reduce GHG emissions. CEQ encourages agencies to mitigate GHG emissions associated with their proposed actions to the greatest extent possible, consistent with national, science-based GHG reduction policies established to avoid the worst impacts of climate change.” Please note that the interim guidance also indicates that stating emissions from a proposed federal action are only a small fraction of global or domestic emissions “merely notes the nature” of climate change, and is not useful context for considering climate change effects under NEPA. We suggest evaluating GHG emissions and considering ways that emissions could be reduced or mitigated where possible.

Monitoring

As described in the 2020 EA, surveys focusing “on overall coarse scale bathymetric character” of the offshore shoal will be conducted before and after each dredging event. We recommend assessing the bathymetric monitoring data to ensure geomorphologic integrity of the shoals is being maintained. In addition, we recommend conducting pre- and post- dredging monitoring of benthic communities to ensure recovery of biota as well to inform future dredging efforts.

During this assessment, we recommend that the USACE evaluate whether new information relevant to potential impacts to species, habitats, and/or mitigation measures warrants an updated analysis. For example, the availability of new information regarding dredging impacts to sea turtles or the occurrence of horseshoe crab concentration areas on the OCS could inform additional avoidance or mitigation measures.

Thank you for coordinating with EPA. We look forward to continue to working with you on the Project.

Sincerely,
Carrie

Carrie Traver

NEPA Branch

EJ, Community Health, & Environmental Review Division

U.S. Environmental Protection Agency, Region 3

215-814-2772

traver.carrie@epa.gov

From: [Danielle Spendiff -MDE-](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Cc: [Alex Vazquez -MDE-](#)
Subject: [Non-DoD Source] Re: Atlantic Coast of MD Shoreline Protection Project - MDE 2024
Date: Tuesday, April 30, 2024 5:07:12 PM

Good afternoon Chris,

Please find MDE's comments and recommendations below with regard to reinitiation of the Atlantic Coast of MD Shoreline Protection Project in Ocean City, Worcester County, MD:

- The request notes that an extension of time will be needed due to the expiration of State of Maryland Wetlands License No. 15-0988 on March 23, 2026. The following information will need to be submitted to MDE prior to a recommendation of reauthorization and extension of the Wetlands License to the Maryland Board of Public Works:

1. Reason the structure or activity could not be constructed or performed within the license period;
2. Revised schedule for completion of the structure or activity (annual, or one-time occurrence);
3. Assurance that all other State, federal, and local approvals either have not expired or have been authorized or extended; and
4. Detailed justification for the new request of 900,000 cubic yards of placement of sand, which is 4.5 times greater than the authorized amount of 200,000 cubic yards. The justification will need to include updated information on purpose and need including beach erosion, and the number of years that the activity is planned to occur.

- MDE notes that 15-WQC-0988 issued on March 23, 2016 also specifies a volume of 200,000 cubic yards of sand for placement; as such, a new WQC may be required. Please provide the detailed justification requested above as well as updated plans for the project for MDE to determine whether the WQC conditions are adequate to protect water quality.

- A new Federal Consistency Determination under the Coastal Zone Management Act may be required for this work as the previous determination was issued concurrent with 15-WQC-0988; should a new Federal Consistency Determination be required, MDE requests submission of the request via our [CZM portal](#) including updated [Coastal Policy Checklists](#), as applicable.

MDE appreciates the opportunity to review the updated information and looks forward to continued coordination on the project- please do not hesitate to reach out if you have any questions regarding this information.

Thank you,

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From: [Maryland Historical Trust](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Subject: [Non-DoD Source] MHT e106 project review – MHT Completed Comments
Date: Thursday, April 11, 2024 11:42:11 AM

Date: April 11, 2024

To: Chris Johnson
U.S. Army Corps of Engineers Baltimore District, Planning Division

Project Name: Atlantic Coast of MD Shoreline Protection Project
County: Worcester County
Agency: Corps of Engineers
Second Agency: -- Not noted --
MHT Log #: 202401470

MHT Response: Thank you for providing the Maryland Historical Trust the opportunity to comment on the above-referenced undertaking using the MHT e106 system. The Maryland Historical Trust has reviewed the submitted project for its effects on historic and archeological resources, pursuant to Section 106 of the National Historic Preservation Act of 1966 and/or the Maryland Historical Trust Act of 1985. We offer the following comments and/or concurrence with the agency's findings:

Please refer to the note below or attached document for MHT's comments on the undertaking and/or specific recommendations for continuing consultation with our office.

Thank you for your recent letter. It is unclear from the management summary provided to MHT if any work was conducted in Maryland state waters. MHT / MD SHPO comments and recommendations dating from 2018 are still valid and we have no new information about potential historic properties within the APE and no new comments.

Thank you for your cooperation in this review process. Since the MHT response is now complete, this response will appear in the Completed section of your project dashboard. No hard copy of this response or attachments will be sent. If you have questions, please contact the following MHT project reviewers:

Troy Nowak troy.nowak@maryland.gov



Maryland Historical Trust
Project Review and Compliance
100 Community Place
Crownsville, MD 21032
mht.section106@maryland.gov

[MHT.Maryland.gov](https://mht.maryland.gov)
Planning.Maryland.gov

From: [Robert Bourdon - NOAA Federal](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Subject: [Non-DoD Source] Atlantic Coast of MD Shoreline Protection Project - NOAA 2024
Date: Tuesday, April 30, 2024 12:29:54 PM

Good afternoon Chris,

NOAA Fisheries Habitat & Ecosystem Services Division has no updated data to share relevant to the Atlantic Coast of MD Shoreline Protection Project. As planning for this effort continues, we request that the Corps continue to follow the agreed upon conservation recommendations and best management practices from our previous coordination efforts. Additionally, applicable Mid-Atlantic Fishery Management Council policies regarding beach nourishment should continue to be followed to the greatest extent possible (<https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56c4cac42fe131b524a95387/1455737546729/HabPolicies-Combined.pdf>).

Thank you for the opportunity to provide input to this project. We look forward to coordination with your office for future cycles of beach renourishment.

Regards,
Rob

--

Robert Bourdon
Marine Habitat Resource Specialist
[NOAA Fisheries Greater Atlantic Regional Fisheries Office](#)
[Habitat & Ecosystem Services Division \(Habitat Conservation\)](#)
Annapolis, MD Field Office
(410) 205-6055 (Office - forwarded to mobile)

From: [Deeley, Sabrina M](#)
To: [Johnson, Christopher A CIV USARMY CENAB \(USA\)](#)
Cc: [LaRouche, Genevieve](#)
Subject: [Non-DoD Source] RE: [EXTERNAL] RE: Atlantic Coast of MD Shoreline Protection Project - 2024
Date: Tuesday, June 4, 2024 8:30:58 AM
Attachments: [2024-05 IPaC_roughpolygon_AtlanticCoastShoreLine.pdf](#)

Hello Chris,

I apologize for the delay. Thank you for giving us an opportunity to review/comment on this effort.

Our conclusions regarding USFWS' resources remains unchanged.

However, please note that

- If not already accomplished, USACE should coordinate with National Marine Fisheries Service for updated assessments of their resources outlined in the PAR/EA.
- For an updated list of possible bird species in the area, you may want to run your project through IPaC to get an updated bird species list. Since we did not have a shapefile, we ran the with an overly-large polygon (attached).

Please feel free to contact me if you require anything more.

Thanks!

Sabrina

Sabrina Deeley, PhD
Fish and Wildlife Biologist
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
Office: 410-573-4535
Sabrina_Deeley@fws.gov

From: Johnson, Christopher A CIV USARMY CENAB (USA) <Christopher.A.Johnson@usace.army.mil>
Sent: Friday, May 24, 2024 11:29:17 AM
To: LaRouche, Genevieve <Genevieve_LaRouche@fws.gov>; Koppie, Craig <craig_koppie@fws.gov>
Cc: Leasure, Charles W CIV USARMY CENAB (USA) <Charles.W.Leasure@usace.army.mil>; Perkins, Catherine J (Katie) CIV USARMY CENAB (USA) <Catherine.J.Perkins@usace.army.mil>; Piatkowski, Douglas N <Douglas.Piatkowski@boem.gov>; perry.otwell@maryland.gov
<perry.otwell@maryland.gov>
Subject: [EXTERNAL] RE: Atlantic Coast of MD Shoreline Protection Project - 2024

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

01/28/2025 15:52:40 UTC

Project code: 2025-0048159

Project Name: Atlantic Coast of Maryland Shoreline Restoration Project

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for
'Atlantic Coast of Maryland Shoreline Restoration Project'

Dear Chris Johnson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on January 28, 2025, for "Atlantic Coast of Maryland Shoreline Restoration Project" (here forward, Project). This project has been assigned Project Code 2025-0048159 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is

required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Roseate Tern (<i>Sterna dougallii dougallii</i>)	Endangered	No effect

Conclusion If there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the Chesapeake Bay Ecological Services Field Office and reference the Project Code associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

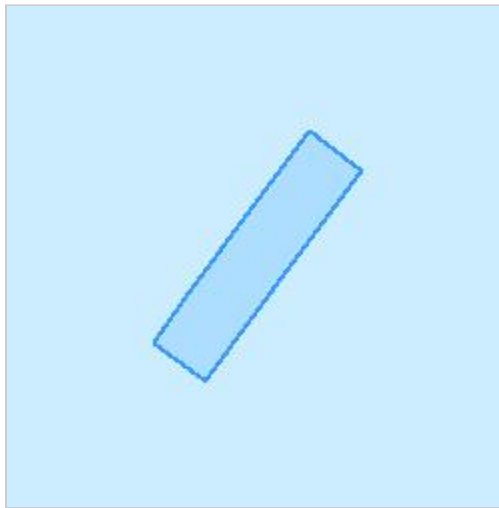
Atlantic Coast of Maryland Shoreline Restoration Project

2. Description

The following description was provided for the project 'Atlantic Coast of Maryland Shoreline Restoration Project':

The United States Army Corps of Engineers (USACE) Atlantic Coast of Maryland Shoreline Protection Project (Atlantic Coast Project) includes the placement of sand on the beach of Ocean City, MD, generally every four years, to reduce risk of coastal storm damage. USACE and U.S. Department of Interior, Bureau of Ocean Energy Management (BOEM), prepared an Environmental Impact Statement (EIS) in 2008 recommending four offshore shoals on the Outer Continental Shelf (OCS) as future sources of sand for the Atlantic Coast Project: Weaver Shoal, Isle of Wight Shoal, Shoal "A," and Bass Grounds (also known as First Lump or Shoal "B"). The most recent beach replenishment effort, completed in December 2017, exhausted readily available sand from nearby shoals in state ocean waters. Accordingly, USACE is proposing to obtain future sand for the project from offshore shoals in the OCS as recommended in the 2008 EIS. The next beach nourishment is scheduled for 2026 and is anticipated every four years thereafter for duration of the project authorized life (through 2044). USACE has occasionally placed sand on Ocean City beach more frequently than every four years following severe storms, most recently in 2017 when only three years had passed since the previous beach nourishment in 2014.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.43097105,-74.92403402605504,14z>



QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

No

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

Yes

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Is the lead federal action agency the Natural Resources Conservation Service?

No

10. Will the proposed project involve the use of herbicide where listed species are present?

No

11. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

12. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

13. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

14. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

15. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

No

16. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

No

17. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

No

18. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

No

19. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

No

20. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

No

21. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

Note New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

No

22. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

No

23. Will the proposed project involve blasting where listed species may be present?

No

24. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

Yes

25. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

Note: Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

No

26. Will the proposed project impact streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

No

27. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

No

28. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

No

29. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

30. Will the proposed project result in changes to beach dynamics that may modify formation of habitat over time?

Note: Examples of projects that result in changes to beach dynamics include 1) construction of offshore breakwaters and groins; 2) mining of sand from an updrift ebb tidal delta; 3) removing or adding beach sands; and 4) projects that stabilize dunes (including placement of sand fences or planting vegetation).

Yes

31. [Hidden Semantic] Is the project area located within the roseate tern AOI?

Automatically answered

Yes

32. If you have determined that the roseate tern is unlikely to occur within your project's action area or that your project is unlikely to have any potential effects on the roseate tern, you may wish to make a "no effect" determination for the roseate tern. Additional guidance on how to make this decision can be found in the project review section of your local Ecological Services Field Office's website. CBFO: <https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review> ; MEFO: <https://www.fws.gov/office/maine-ecological-services> ; NJFO: <https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide> ; NEFO: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step5> ; WVFO: <https://www.fws.gov/office/west-virginia-ecological-services/project-planning>. If you are unsure, answer "No" and continue through the key.

Would you like to make a no effect determination for the roseate tern?

Yes

33. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

Automatically answered

No

34. [Semantic] Does the project intersect the Indiana bat critical habitat?

Automatically answered

No

35. [Semantic] Does the project intersect the candy darter critical habitat?

Automatically answered

No

36. [Semantic] Does the project intersect the diamond darter critical habitat?

Automatically answered

No

37. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

Automatically answered

No

38. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

Automatically answered

No

39. Do you have any other documents that you want to include with this submission?

Yes

SUBMITTED DOCUMENTS

- *USFWS PAR 2018_ACMD.pdf* <https://ipac.ecosphere.fws.gov/project/6FGYQMQMVFVFAFEWHP27PHEG4VY/projectDocuments/156246631>

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?
0
2. Approximately how many total acres of disturbance are within the disturbance/
construction limits of the proposed project?
375
3. Briefly describe the habitat within the construction/disturbance limits of the project site.
Underwater sandy shoal and beach.

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Chris Johnson
Address: 2 Hopkins Place
City: Baltimore
State: MD
Zip: 21201
Email: christopher.a.johnson@usace.army.mil
Phone: 4438077461



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

01/28/2025 15:40:41 UTC

Project Code: 2025-0048159

Project Name: Atlantic Coast of Maryland Shoreline Restoration Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

PROJECT SUMMARY

Project Code: 2025-0048159

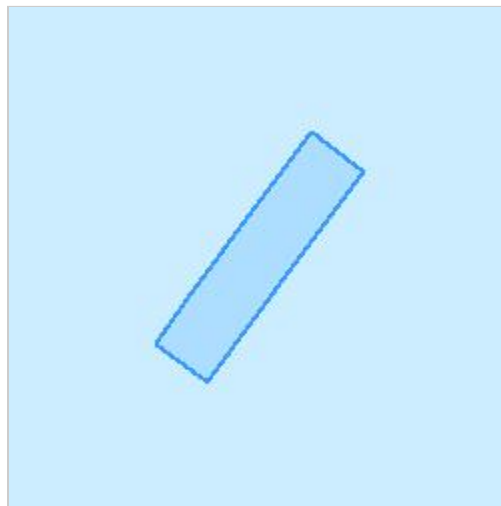
Project Name: Atlantic Coast of Maryland Shoreline Restoration Project

Project Type: Beach nourishment

Project Description: The United States Army Corps of Engineers (USACE) Atlantic Coast of Maryland Shoreline Protection Project (Atlantic Coast Project) includes the placement of sand on the beach of Ocean City, MD, generally every four years, to reduce risk of coastal storm damage. USACE and U.S. Department of Interior, Bureau of Ocean Energy Management (BOEM), prepared an Environmental Impact Statement (EIS) in 2008 recommending four offshore shoals on the Outer Continental Shelf (OCS) as future sources of sand for the Atlantic Coast Project: Weaver Shoal, Isle of Wight Shoal, Shoal "A," and Bass Grounds (also known as First Lump or Shoal "B"). The most recent beach replenishment effort, completed in December 2017, exhausted readily available sand from nearby shoals in state ocean waters. Accordingly, USACE is proposing to obtain future sand for the project from offshore shoals in the OCS as recommended in the 2008 EIS. The next beach nourishment is scheduled for 2026 and is anticipated every four years thereafter for duration of the project authorized life (through 2044). USACE has occasionally placed sand on Ocean City beach more frequently than every four years following severe storms, most recently in 2017 when only three years had passed since the previous beach nourishment in 2014.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.43097105,-74.92403402605504,14z>



Counties:

ENDANGERED SPECIES ACT SPECIES

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Chris Johnson
Address: 2 Hopkins Place
City: Baltimore
State: MD
Zip: 21201
Email: christopher.a.johnson@usace.army.mil
Phone: 4438077461

2018-2019 Agency Coordination

DNREC Permits



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF CLIMATE, COASTAL, & ENERGY

DELAWARE COASTAL
MANAGEMENT PROGRAM

100 W. WATER STREET, SUITE 7B
DOVER, DELAWARE 19904

Phone: (302) 739- 9283
<http://de.gov/coastal>

January 3, 2019

Andrew May
USACE, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

RE: Delaware Coastal Management Program — Federal Consistency Determination Conditional Concurrence for USACE Baltimore District Atlantic Coast of Maryland (FC 2019.0003)

Dear Mr. May,

The Delaware Coastal Management Program (DCMP) of the Delaware Department of Natural Resources and Environment Control (DNREC) has completed its review of the above referenced project. This letter is in response to the federal consistency determination dated and received November 2, 2018, submitted by you on behalf of the U.S. Army Corps of Engineers (USACE) Baltimore District.

PROPOSED ACTION

The USACE Baltimore District is proposing to continue periodic placement of up to 95,000 cubic yards of beach-compatible sand on the Atlantic coast beach, from the Maryland/Delaware state line to a point not more than 0.3 miles north at Fenwick Island, Delaware. Placement is anticipated to occur approximately every four years as part of the continuing Atlantic Coast of Maryland Project. The purpose of this project is to provide coastal flood and erosion risk management in the vicinity of Ocean City, Maryland, against a one percent annual chance storm event on the Atlantic Ocean.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities located inside or outside of Delaware's federally approved coastal management area that can have reasonably foreseeable effects on coastal uses must be implemented in a manner consistent with the enforceable policies of the DCMP including: wetlands management, beach management, coastal waters management, subaqueous lands and coastal strip management, public lands management, flood hazard areas management, historic and cultural areas management, state owned coastal recreation and conservation, recreation and tourism, air quality management, living resources, pollution prevention, and coastal management coordination.

FEDERAL CONSISTENCY ANALYSIS

The Delaware CZM Program consists of a network of programs administered by several agencies. The DNREC DCMP coordinates the review of consistency determinations with agencies administering the enforceable and advisory policies of the program. The following agencies participated in this review:

DNREC, Division of Parks and Recreation
DNREC, Division of Watershed Stewardship, Shoreline and Waterway Management
DNREC, Division of Fish and Wildlife
DNREC, Division of Air Quality
DNREC, Division of Water, Wetlands and Subaqueous Lands

To protect living resources of the State, the DNREC, Division of Fish and Wildlife recommended further coordination with the appropriate agencies if specific nesting birds are documented in the area (see Conditional Concurrence section).

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.42, the public was invited to participate in the review of the Atlantic Coast of Maryland project. Public notice of this proposed action was published in the Delaware State News, The News Journal, and DNREC public notices list service on November 11, 2018. The public was given 20 days to submit comments on the published notice. No public comments were received in response to this notice.

CONDITIONAL CONCURRENCE

Based on its review and pursuant to National Oceanic and Atmospheric Administration regulations (15 CFR 930), the DCMP conditionally concurs that the USACE Atlantic Coast of Maryland Project, as proposed above, is consistent to the maximum extent practicable with the program.

The project area may be utilized by piping plovers (*Charadrius melodus*). As such, to be consistent with the DCMP's enforceable and advisory policies, the following condition must be satisfied as it relates to the Living Resources policies 5.11.2.1, 5.11.3.1, 5.11.3.2, and 5.11.4.1:

1. If piping plovers nest within the project site, the USACE will need to coordinate and cooperate with DNREC, Division of Fish and Wildlife on the protection and management of this new nesting habitat.

Failure to comply with 15 CFR §930.4 as it relates to the condition above will result in this conditional concurrence being considered an objection. Under this scenario, the applicant is advised that pursuant to 15 CFR 930, subpart H, and within 30 days from receipt of this letter, a request may be submitted to the Secretary of Commerce to override the objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the Delaware Coastal Management Program and the federal permitting or licensing agency. The Secretary may collect fees for administering and processing the request.

Thank you for the opportunity to review and respond to the Atlantic Coast of Maryland federal consistency determination. If you have any questions, please contact me or Jennifer Holmes of my staff at (302) 739-9283.

Sincerely,



Kimberly B. Cole, Administrator
Delaware Coastal Management Program

KBC/jlh

cc: FC File 2019.0003

Robert Ehemann, DNREC DPR

Mike Powell, DNREC DWS

Audrey DeRose-Wilson, DNREC DFW

Katie Esposito, DNREC WSLs

Deanna Morozowich Cuccinello, DNREC DAQ



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FAX (302) 739-6304

The State of Maryland
Department of Natural Resources
Tawes State Office Building, D-3
580 Taylor Avenue, Annapolis, MD 21401
C/o: Andy Hanas
Tax Parcel: N/A – Linear project

Subaqueous Lands Permit: SP-432/18
Water Quality Certification: WQ-432/18
Date of Issuance: 2/5/2019
Construction Exp. Date: 2/5/2029
Amended Date: N/A

SUBAQUEOUS LANDS PERMIT & WATER QUALITY CERTIFICATION

GRANTED TO:

The State of Maryland

FOR THE FOLLOWING ACTIVITIES:

**To place approximately 95,000 cubic yards of sand dredged from an offshore borrow source
for beach replenishment**

LOCATED ON PUBLIC SUBAQUEOUS LANDS:

**Along the Atlantic coast shoreline,
Between Virginia Avenue and the Delaware/Maryland state line,
Fenwick Island, Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C., §7205, and the Department's Regulations Governing the Use of Subaqueous Lands, 7 Del. C., Section 6003, the Department's Regulations Governing the Control of Water Pollution and Section 401 of the Clean Water Act, permission is hereby granted on this 5th day of February A.D. 2019, to construct the above-referenced project in accordance with the approved plans (3 sheets), as approved on February 4, 2019; and the application dated October 12, 2018, and received by this Division on October 15, 2018.

WHEREAS, pursuant to the provisions of 7 Del. C., §7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

WHEREAS, in accordance with Section 401 of the Clean Water Act, 33 U.S.C Section 1341 and 7 Del. C., §6003, the State of Delaware, by and through the Department of Natural Resources and Environmental Control, certifies that the permitted activity will be conducted in a manner which will not violate the applicable water quality standards of the State of Delaware subject to the terms and conditions of this approval.

Delaware's good nature depends on you!

NOW THEREFORE, this Permit/Certification is issued subject to the attached Subaqueous Lands Permit General Conditions, Water Quality Certification General Conditions, and the following Special Conditions:

SPECIAL CONDITIONS:

1. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
2. This Permit/Certification is valid for 10 years and shall expire **on February 5, 2029**. The previous Permit/Certification issued to the State of Maryland, SP-234/09 and WQ-233/09 shall be considered null and void.
3. This Permit/Certification authorizes the placement of up to 95,000 cubic yards of clean, compatible sand for periodic beach replenishment, as part of the continuing US Army Corps of Engineers Atlantic Coast of Maryland project.
4. The purpose of this project is to replenish beach and dune systems, anticipated to occur every four (4) years unless severe storms require emergency replenishments, as needed for shoreline protection from major storm events. Any other use without prior approval shall constitute reason for this Permit/Certification being revoked.
5. Piping Plover migration occurs between March 1 through June 15 and August 1 through September 15. If nesting piping plovers occur within the project area, the permittee shall notify the DNREC Division of Fish and Wildlife, Species Conservation and Research Program.
6. The permittee shall notify the DNREC Division of Fish and Wildlife, Species Conservation and Research Program within 24 hours of the observation or interaction (including captures, injuries or mortalities) of any State and/or federally listed species.
7. No work shall occur within 300 meters of American Oystercatcher nests or broods. The applicant shall coordinate with DNREC, Division of Fish and Wildlife staff.
8. Harbor, Gray, Harp and Hooded seals migration typically occurs between November through April. If seals are present on the beach nourishment segment, work shall stop immediately and the DNREC Division of Fish and Wildlife, Species Conservation and Research Program shall be notified immediately for guidance.
9. Borrow areas include the Weaver, Isle of Wright and Borrow Area #9, all located in Federally-jurisdictional waters off the coast of Ocean City, Maryland. Sand will be hydraulically-pumped from the borrow area to the shoreline and graded to profile with dozers.
10. All pipelines shall be placed in a manner that avoids resulting in navigation hazards.
11. There shall be no activities, including staging and stockpiling of equipment, in State-regulated wetlands or subaqueous lands unless authorized by this Permit/Certification and approved plans.
12. The work authorized by this permit is subject to the terms and conditions of the appropriate Department of the Army Individual Permit.

IN WITNESS WHEREOF, I, Tyler Brown, the duly authorized representative of Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 5th day of February, 2019.

A handwritten signature in black ink, appearing to read 'Tyler Brown', written over a horizontal line.

By Tyler Brown, Section Manager
the duly authorized representative of the Secretary of the
Department of Natural Resources and Environmental Control

A handwritten signature in blue ink, appearing to read 'Katie Esposito', written over a horizontal line.

Katie Esposito, Environmental Scientist
Wetlands and Subaqueous Lands Section



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FAX (302) 739-6304

**SUBAQUEOUS LANDS PERMIT & WATER QUALITY CERTIFICATION
CONTRACTOR'S COMPLETION REPORT
POST-CONSTRUCTION**

Subaqueous Lands Permit & Water Quality Certification Number: SP-432/18; WQ-432/18

Name: State of Maryland

Project Location: Atlantic coast shoreline,
Fenwick Island, Sussex County, Delaware

Parcel #: N/A – Linear project

*I hereby certify that I have constructed the project authorized by the above-referenced
Subaqueous Lands Permit in accordance with the approved plans for the project.*

Printed Name of Contractor

Name of Company

Contractor's Signature

Date

Telephone Number

Upon completion of construction, this form shall be completed, signed by the contractor, and
mailed to the Wetlands and Subaqueous Lands Section at:

**DNREC
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

Or faxed to the Wetlands and Subaqueous Lands Section at: **302-739-6304**

***This form must be received by the Department within ten days of the date that
construction is completed.***

For official use only

Compliance inspection date _____ Built in accordance with plans ☐ Yes ☐ No

Scientist: _____

Delaware's good nature depends on you!

Affix
Proper
Postage
Here

Mail to:

DNREC – Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, DE 19901



WETLANDS AND SUBAQUEOUS LANDS SECTION

PERMIT NO.: SP-432/18; WQ-432/18

CONSTRUCTION EXPIRATION DATE: 2/5/2029

TO CONDUCT THE FOLLOWING ACTIVITIES:

**To place approximately 95,000 cubic yards of sand dredged from an offshore borrow source for beach replenishment
LOCATED ON PUBLIC SUBAQUEOUS LANDS:**

**Along the Atlantic coast shoreline,
Between Virginia Avenue and the Delaware/Maryland state line,
Fenwick Island, Sussex County, Delaware**

ISSUED TO: State of Maryland

LOCATION OF WORK: Same as above

**DISPLAY THIS CERTIFICATE IN A HIGHLY
VISIBLE LOCATION ON THE JOB SITE.**

Authorized by: _____



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

GENERAL CONDITIONS

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the Permit conditions, the final stamped and approved plans, and with the information provided in the Permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Permit shall exceed the dimensions for that structure identified on Page One of this Permit.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Permit authorization.
8. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
10. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The permittee shall protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the activities authorized herein.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phase of the construction and may conduct pre and post-construction inspections, collect any samples or conduct any tests that are deemed necessary.
14. The permittee shall maintain all authorized structures and activities in a good and safe condition.

Delaware's good nature depends on you!

15. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
16. The permittee and contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee and contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
17. No construction shall occur after the construction expiration date identified on Page One of this Permit. The permittee may file a construction expiration date extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
18. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
19. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited unless specifically addressed in the special conditions of this Permit. Disturbance of subaqueous lands or wetlands in the path of construction activities shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
20. This Permit is personal and may not be transferred without the prior written consent of the Department. Prior to the transfer of the adjacent upland property, the permittee shall obtain the written consent of the Department to transfer the Permit to the new upland property owner. Failure to obtain such written consent may result in the revocation of this Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
21. The permittee shall notify the Wetlands and Subaqueous Lands Section prior to the commencement of the work authorized by this Permit.
22. No portion of the structure shall be installed within ten (10) feet of the adjacent property lines.
23. No portion of the structure shall exceed 20% of the width of the water body as measured at mean low water.
24. The structures authorized by this Permit shall be constructed and maintained in a manner so as to assure water access to adjacent properties.
25. This Permit does not authorize any future repairs below the water line, or any additions or modifications to the structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
26. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action which could include the revocation of this Permit and subsequent restoration of the site to preconstruction conditions.



U.S. Army
Corps of Engineers
Baltimore District

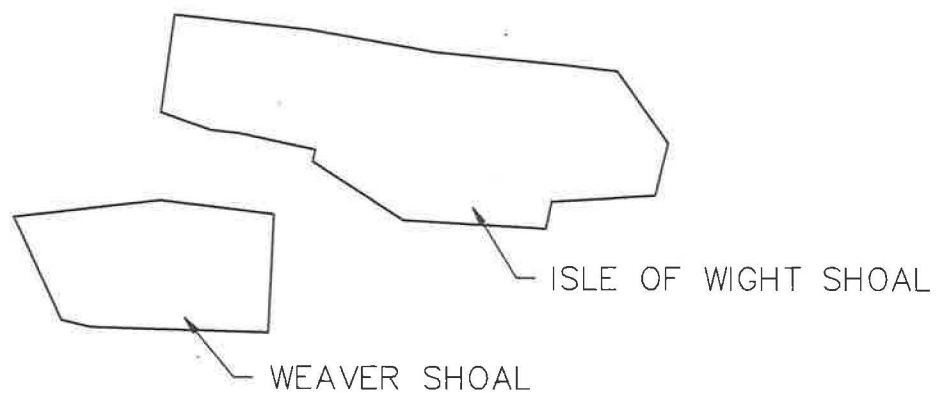


State of Maryland DNR
Annapolis, MD

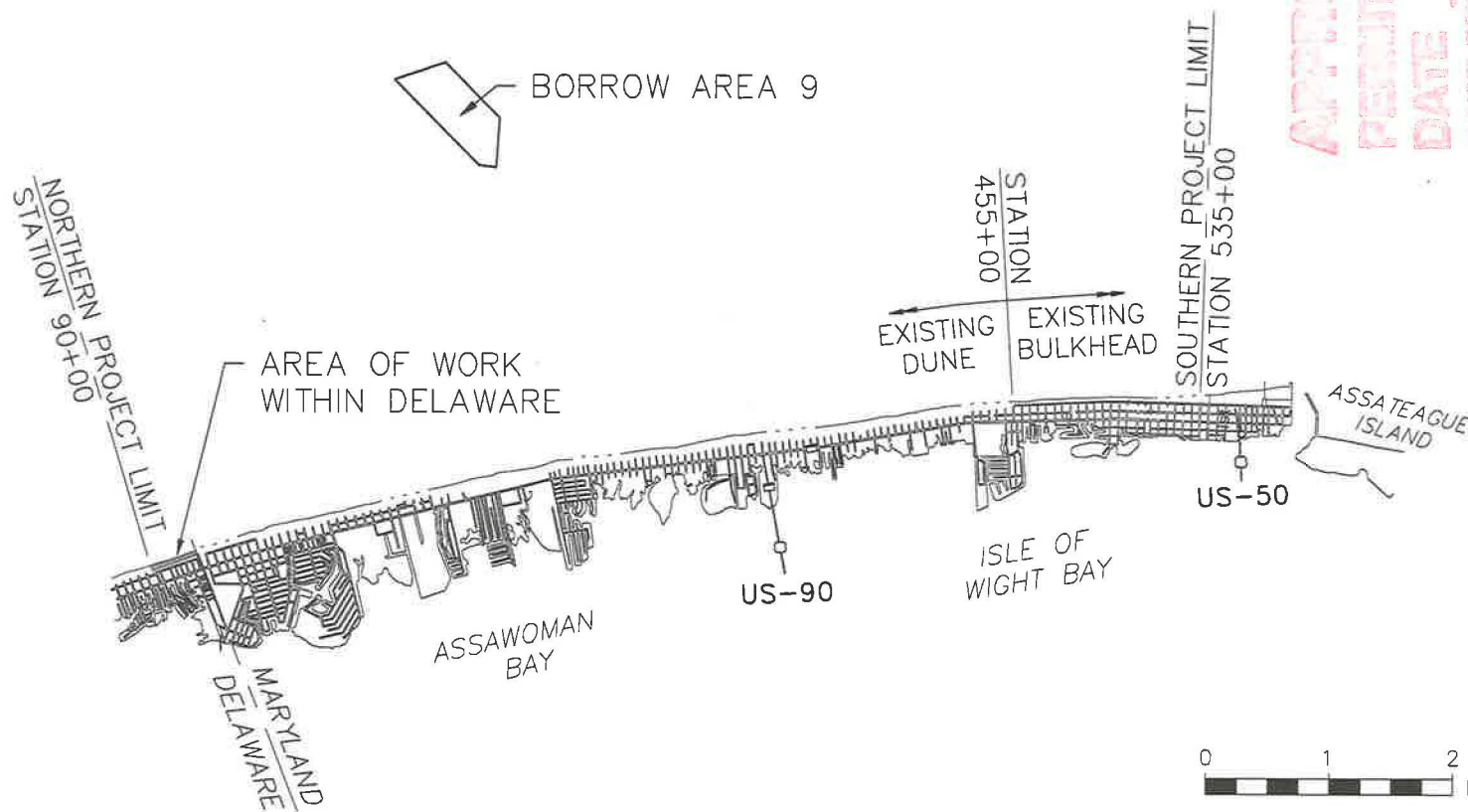
ATLANTIC COAST OF MARYLAND
SHORELINE PROTECTION PROJECT
GENERAL PLAN

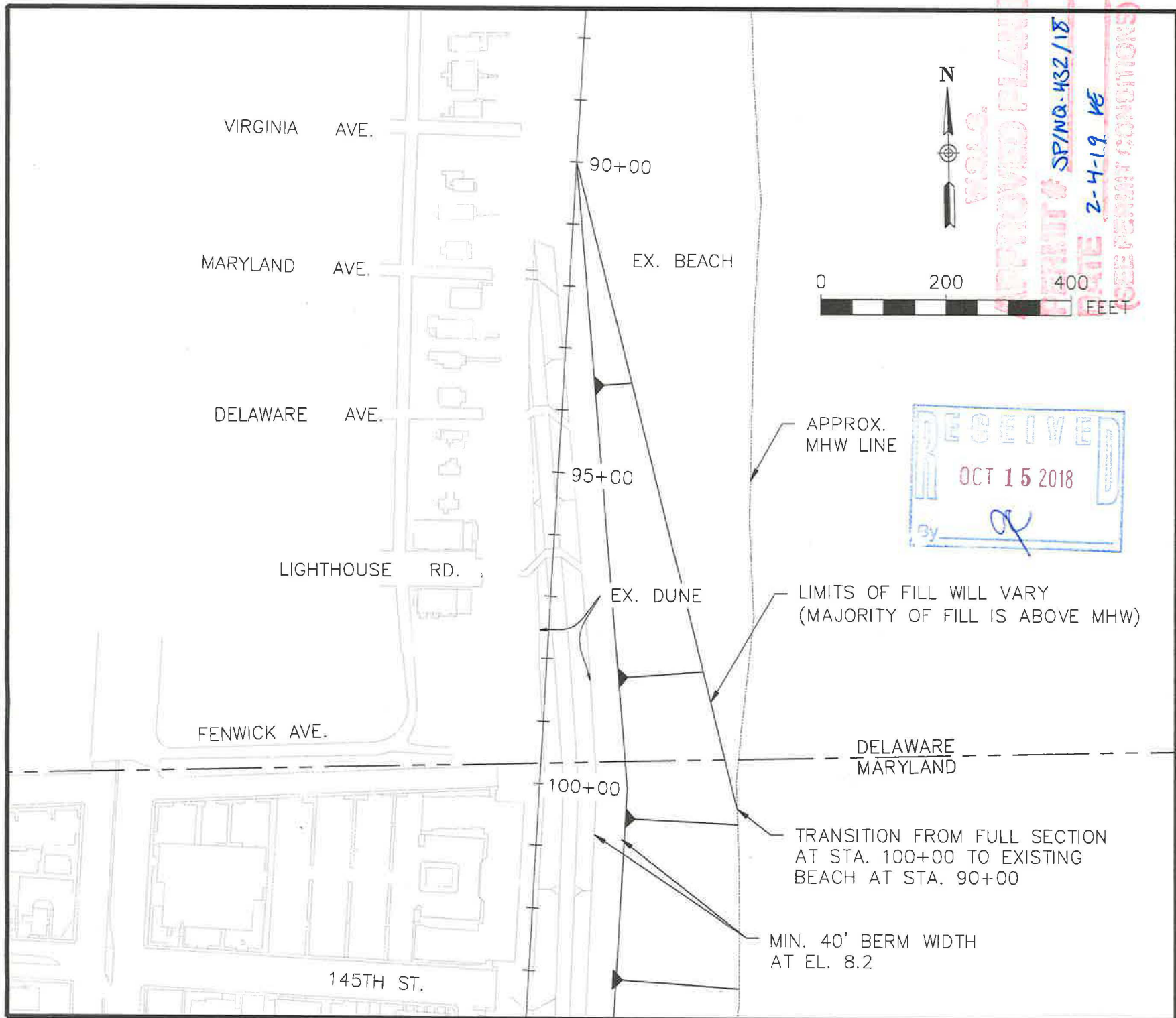
Figure:

1



APPROVED PLANS
PERMIT # SP/NQ-432/18
DATE 2-4-19 VE
(SEE PERMIT CONDITIONS)

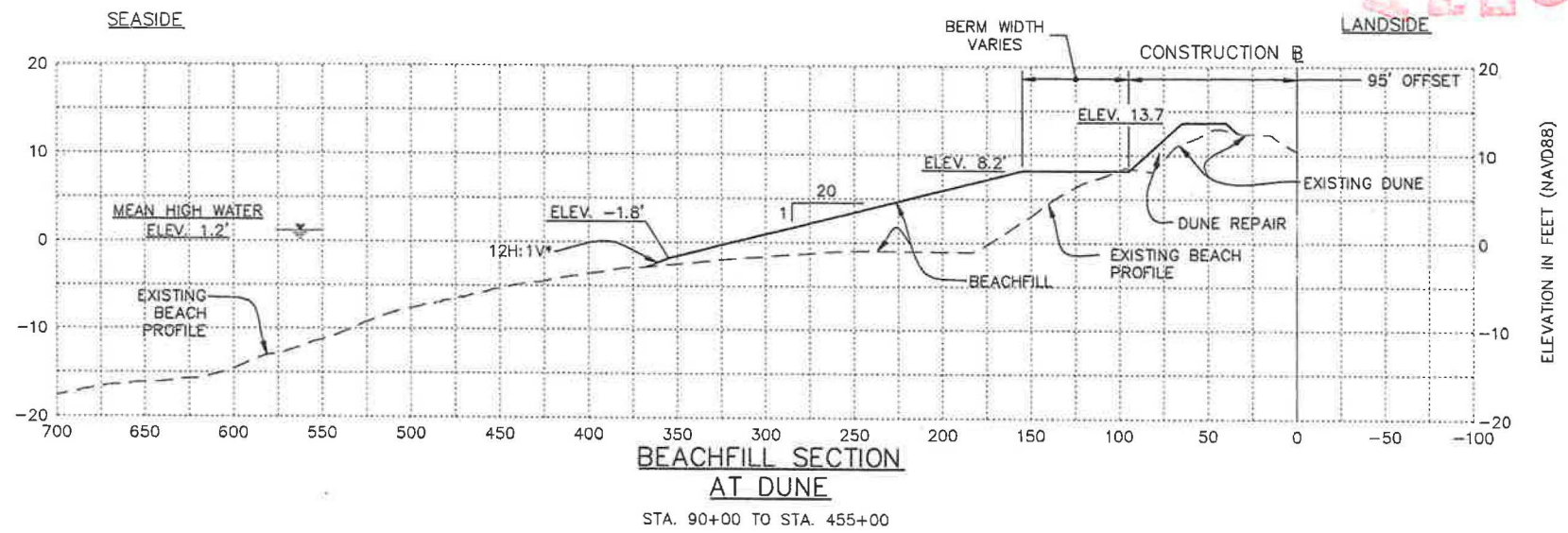




ATLANTIC COAST OF MARYLAND
SHORELINE PROTECTION PROJECT
PLAN VIEW

Figure:

W.S.
 APPROVED PLAN
 PERMIT # SP/NA-432178
 DATE 2-4-19 KE
 (SEE PERMIT CONDITIONS)



RECEIVED
 OCT 15 2018
 By *[Signature]*

ATLANTIC COAST OF MARYLAND
 SHORELINE PROTECTION PROJECT
 TYPICAL CROSS SECTION

Maryland Board of Public Works Wetlands License



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration

80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Wes Moore
Governor

Dereck E. Davis
Treasurer

Brooke Lierman
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 24-0714
MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Maryland Board of Public Works authorizes you to:

- I. Maintenance dredge by hydraulic method, approximately 200,000 cubic yards of sand annually from offshore borrow sites in the Atlantic Ocean
- II. Place the sand by pumping along the entire 10-mile length of the Ocean City beach within a maximum of 165 feet channelward of the mean high water line.
- III. Provide for a 10-year license.

Atlantic Ocean, Ocean City, Worcester 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 (CZMP), 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):**

None.

**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 as accepted by MDE on September, 2024, 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 Compliance Program by BOTH phone AND in writing of the following:
 - (a) start date at least five business days before beginning work; and

(b) completion date no more than five business days after project completion.

Eastern Division: 410-901-4020 407 Race Street, Cambridge, MD 21613

6. Licensee shall comply with any regulations, conditions, or instructions issued by MDE, including any Water Quality Certification issued with respect to the authorized work.
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/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/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 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 of 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 Maryland Department of the Environment, Environmental Boards 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. Licensee shall promptly comply upon notice of any such action.
20. This License expires .

WL#24-0714

Maryland DNR

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

21. In conducting work authorized under this license, licensee may not cause injury to private property; invade the rights of others; or infringe any federal, state, or local laws or regulations.
22. Licensee shall maintain any authorize structure in good condition and perform the authorized activity in a workmanlike manner in accordance with this license.
23. In conducting work authorized under this license, licensee shall eliminate or minimize adverse effects on fish, wildlife, and the natural environment.

By the authority of the Board of Public Works:

William Morgante
Wetlands Administrator

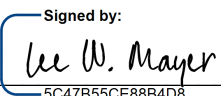
Effective Date:

Approved as: Secretary's Agenda Item 6

Board of Public Works Meeting Date: February 12, 2025

I accept this License and all its conditions.

3/20/2025
Date

Signed by:


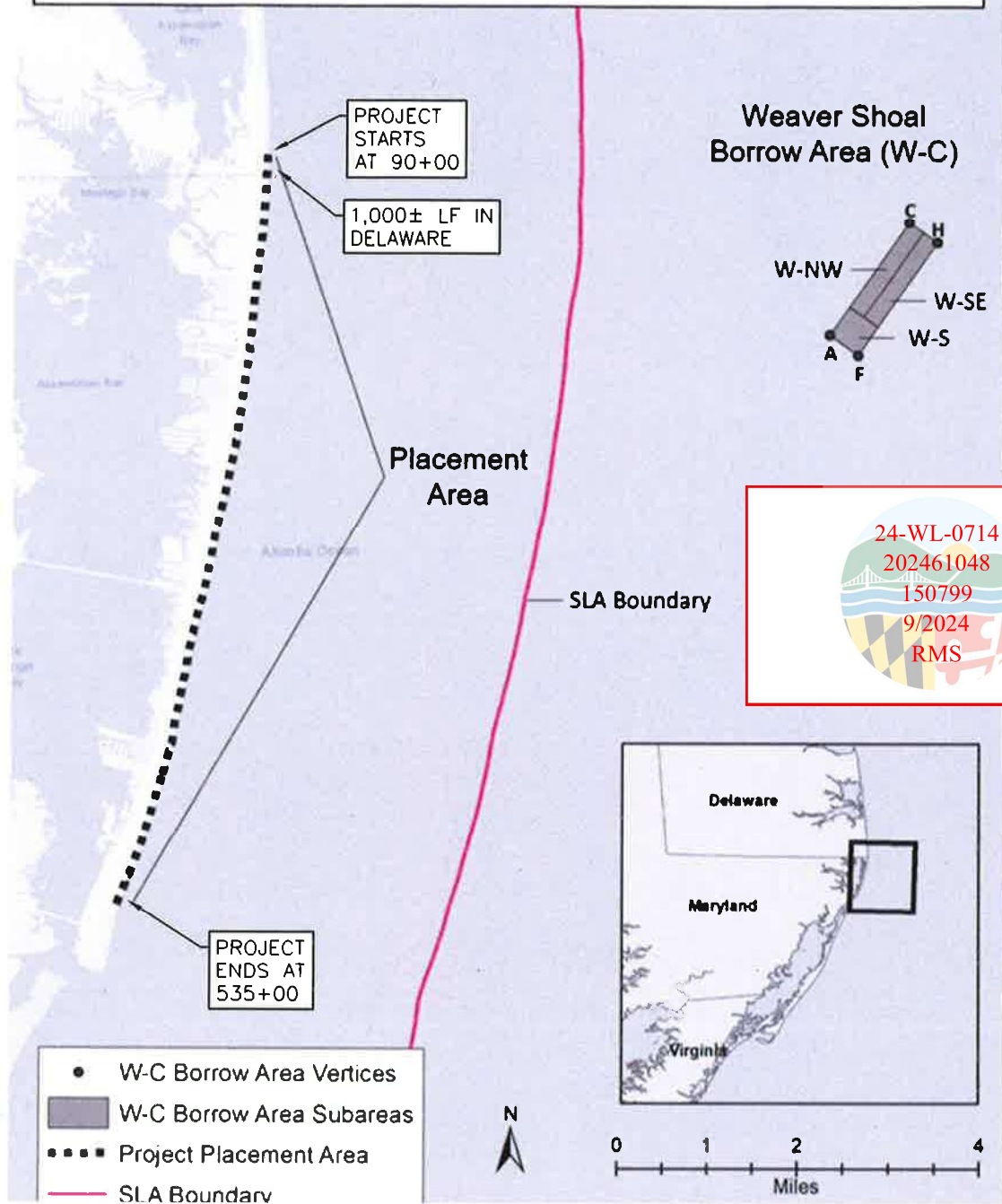
5C47B55CE88B4D8...
Licensee (Signature)

Lee W. Mayer
Name (Printed)

Infrastructure Supervisor
Title

Lee.mayer@maryland.gov
Email (to receive completed license)

Atlantic Coast of Maryland Shoreline Protection Project and Weaver Shoal Borrow Area



PROJECT LENGTH = TOTAL = 44,500± LF = 8.42 ± MILES

MARYLAND = 43,500± LF

DELAWARE = 1,000± LF

PURPOSE NOTE

- PROVIDE STORM PROTECTION & REPAIR ERODED BEACH FRONT.
- MAINTAIN BEACH FOR TEN (10) YEARS.

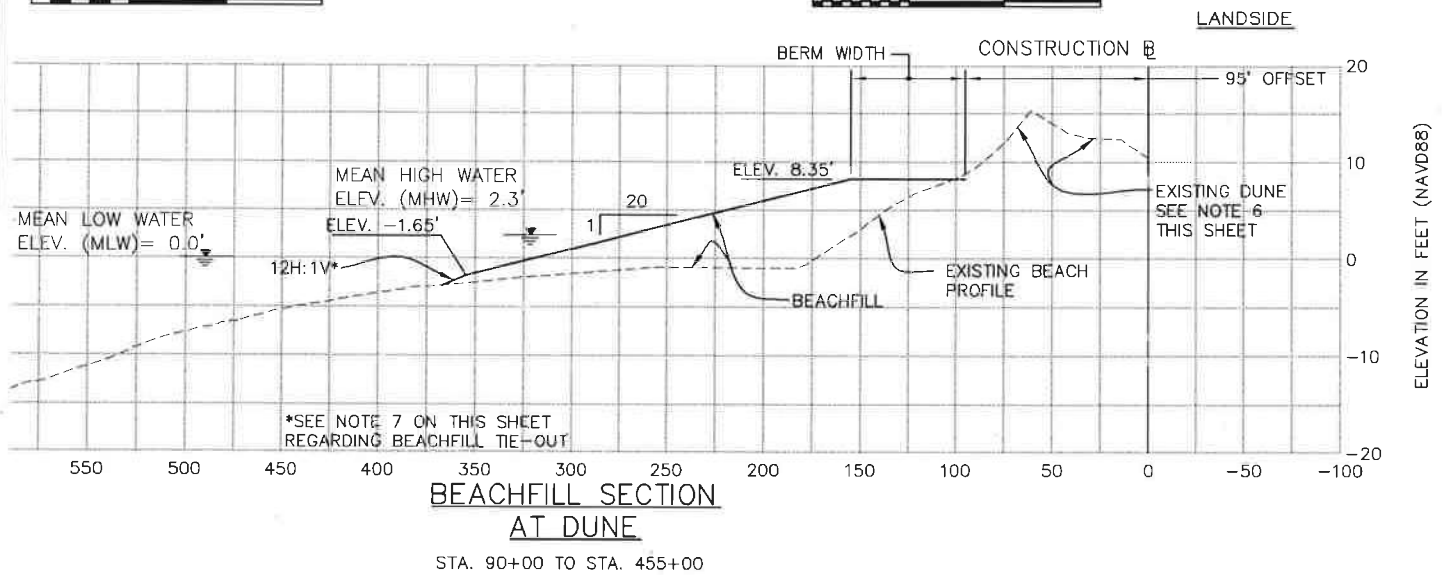
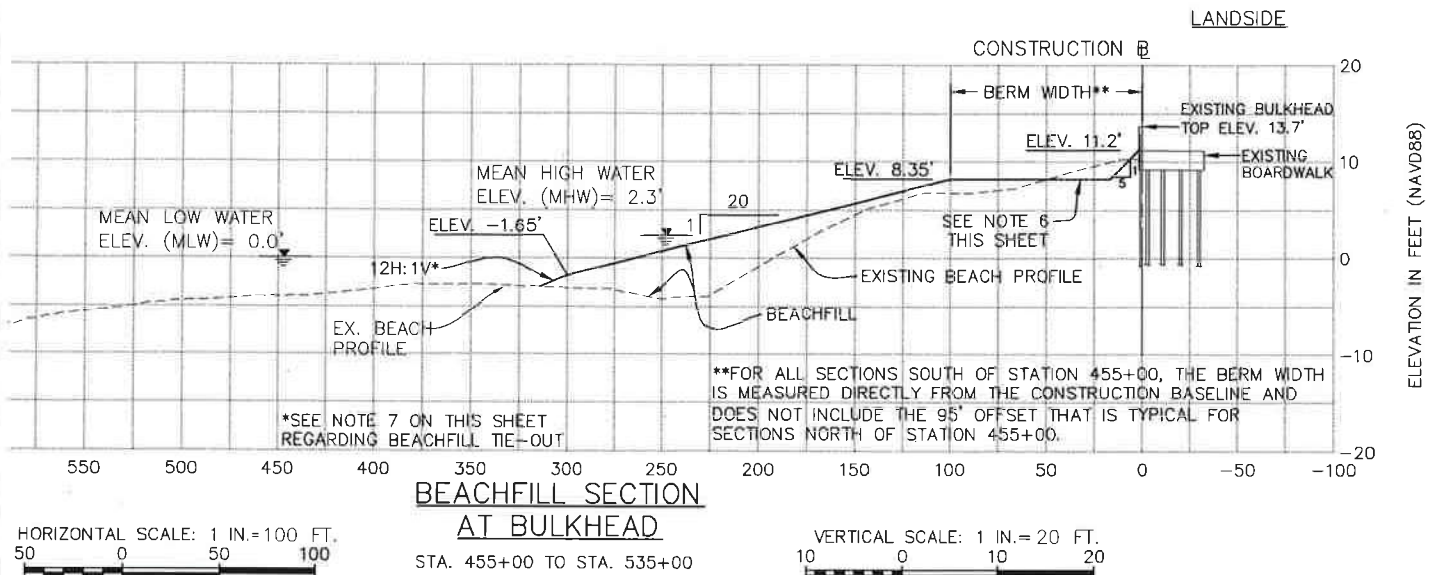
MAINTAIN REPLENISHED BEACH AS REQUIRED FOR A MINIMUM PERIOD OF TEN (10) YEARS.
ESTIMATED ANNUAL REPLENISHMENT REQUIRED = 200,000 CUBIC YARDS



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 1 OF 2



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 2 OF 2



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

Lawrence J. Hogan, Jr.
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

Sheila C. McDonald
Executive Secretary

April 18, 2016

MD Dept. of Natural Resources
Attn: Jordan Loran
Tawes Building – 580 Taylor Avenue – D-3
Annapolis, MD 21401

Dear Applicant(s):

RE: Wetlands License No. 15-0988, Atlantic Ocean, Worcester Co., MD
Enclosed please find the original and one copy of the above-mentioned wetlands license issued to you on March 23, 2016.

After you have read all the conditions of the license, please ensure that the license is signed by the named licensee and the entire original (including plans) is returned to this office within 15 business days in the enclosed envelope. Please retain the copy of the license for your records. This license is valid for a period of three years, as indicated on page three.

^{10 years}
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. Please contact the U.S. Army Corps of Engineers, Baltimore District, at (410) 962-4500 (Maryland Section Southern) or (410) 962-4252 (MD Section Northern) regarding the status of the federal permit.

If you have any questions concerning any of the terms and conditions of the attached license, please contact me at the address or telephone number shown above.

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

Lawrence J. Hogan, Jr.
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

Sheila C. McDonald
Executive Secretary

WETLANDS LICENSE NO. 15-0988

MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Maryland Board of Public Works authorizes you to:

Maintenance dredge by hydraulic method, approximately 200,000 cubic yards of sand annually from off shore borrow sites in the Atlantic Ocean and pump sand for placement along the entire 10 mile length and 260-foot wide strand of the Ocean City beach within a maximum of 260 feet channelward of the mean high water with the inclusion of a maintenance dredging provision for the period of ten years, as depicted on the plans dated November 14, 2015.

Atlantic Ocean along a 10-mile strand of the Ocean City beach in Ocean City, Worcester 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 CONDITIONS:

The dredger shall have a person at the discharge point in constant radio communication. If a problem is incurred the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified. MDE Compliance shall be notified.

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 November 14, 2015, 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 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*
5. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
6. 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.
7. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
8. Licensee may not stockpile material in State tidal wetlands or State tidal waters of the U.S.
9. Licensee shall allow unfettered public use of State wetlands and State tidal waters of the U.S.
10. This License does not transfer a property interest of the State.
11. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
12. 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.

13. 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.
14. Unless the property owner performs his or her own authorized work, only a marine contractor registered with the Marine Contractors' Licensing Board may perform the authorized work. The Registered Marine Contractors list may be obtained from MDE.
410-537-3249; MDE.MCLB @maryland.gov
15. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
16. 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.
17. 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.
18. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
19. This License expires March 23, 2026. If the authorized work is not completed by the expiration date, all activity must stop.

By the authority of the Board of Public Works:



Sheila C. McDonald
Executive Secretary

Effective Date: March 23, 2016

Approved as: Secretary's Agenda Item 2

Board of Public Works Meeting Date: March 23, 2016

I accept this License and all its conditions.

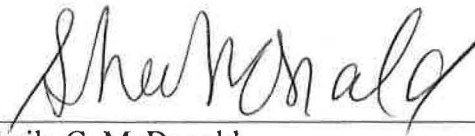
Date

Licensee (Signature)

Name (Printed)

13. 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.
14. Unless the property owner performs his or her own authorized work, only a marine contractor registered with the Marine Contractors' Licensing Board may perform the authorized work. The Registered Marine Contractors list may be obtained from MDE.
410-537-3249; MDE.MCLB@maryland.gov
15. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
16. 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.
17. 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.
18. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
19. This License expires March 23, 2026. If the authorized work is not completed by the expiration date, all activity must stop.

By the authority of the Board of Public Works:



Sheila C. McDonald
Executive Secretary

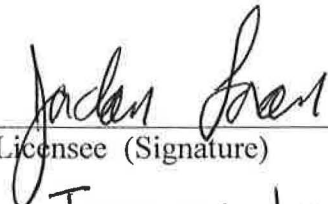
Effective Date: March 23, 2016

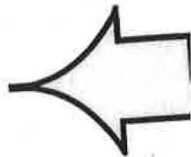
Approved as: Secretary's Agenda Item 2

Board of Public Works Meeting Date: March 23, 2016

I accept this License and all its conditions.

4/20/2016
Date


Licensee (Signature)
JORDAN LORAN
Name (Printed)



Attachment A

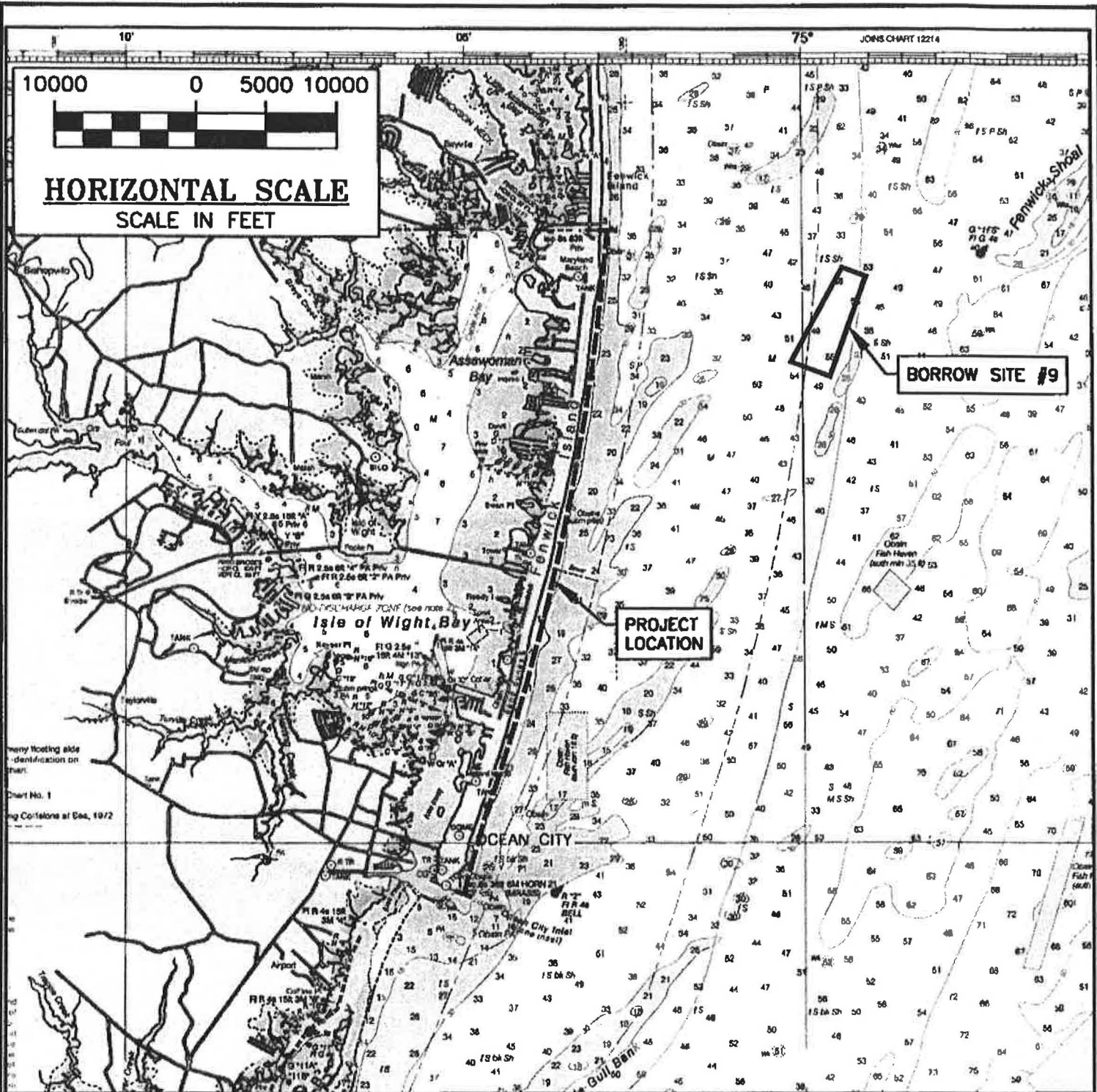
Adjacent property owner:

State of Delaware

Department of Natural Resources and Environmental Control

89 Kings Highway

Dove, Delaware 19901



PROJECT LENGTH

15-WL-0988



AT # 150794

201561754

11/4/15

PURPOSE NOTE

- PROVIDE STORM PROTECTION & REPAIR ERODED BEACH FRONT.
- MAINTAIN BEACH FOR TEN (10) YEARS.

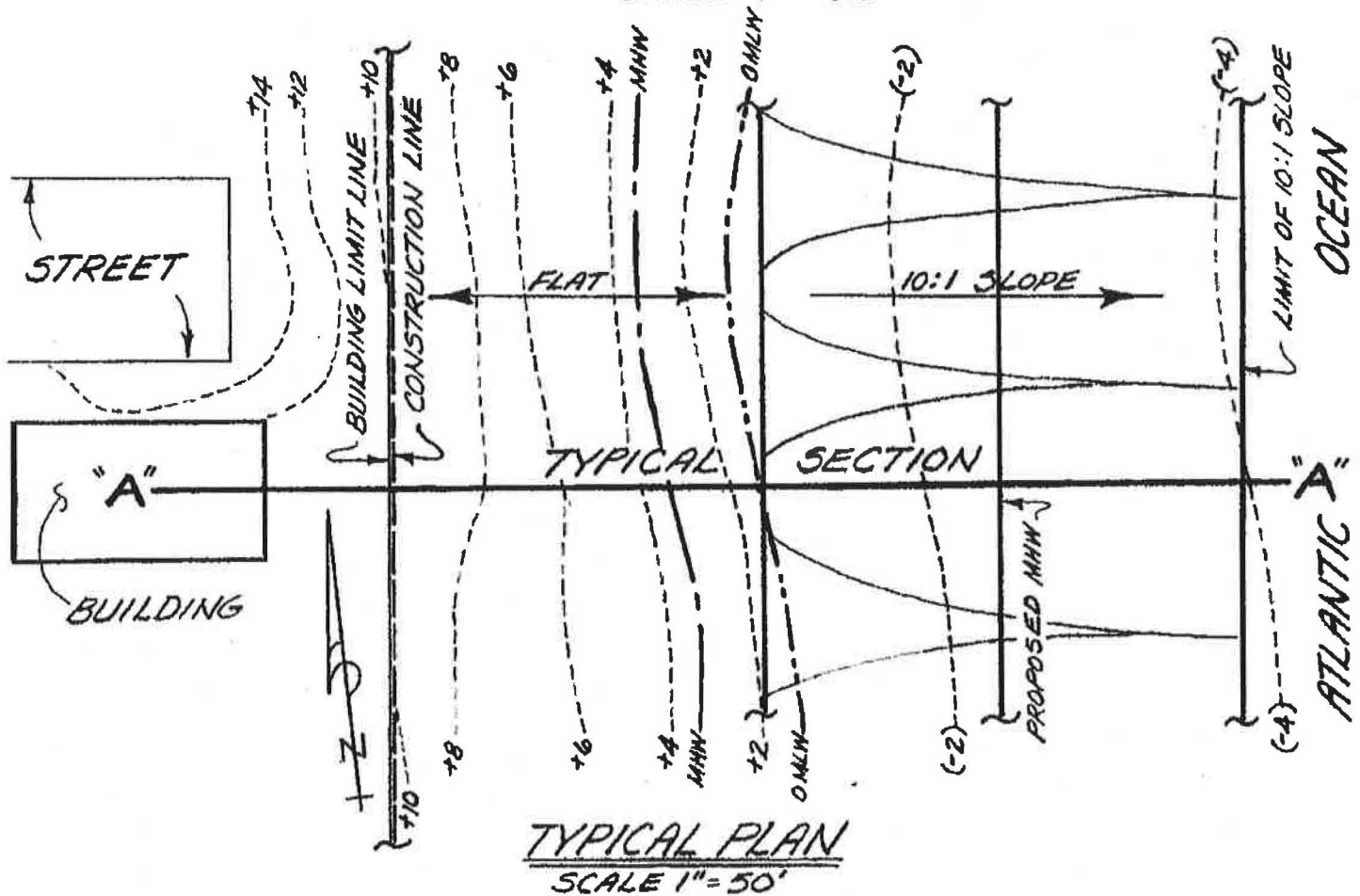
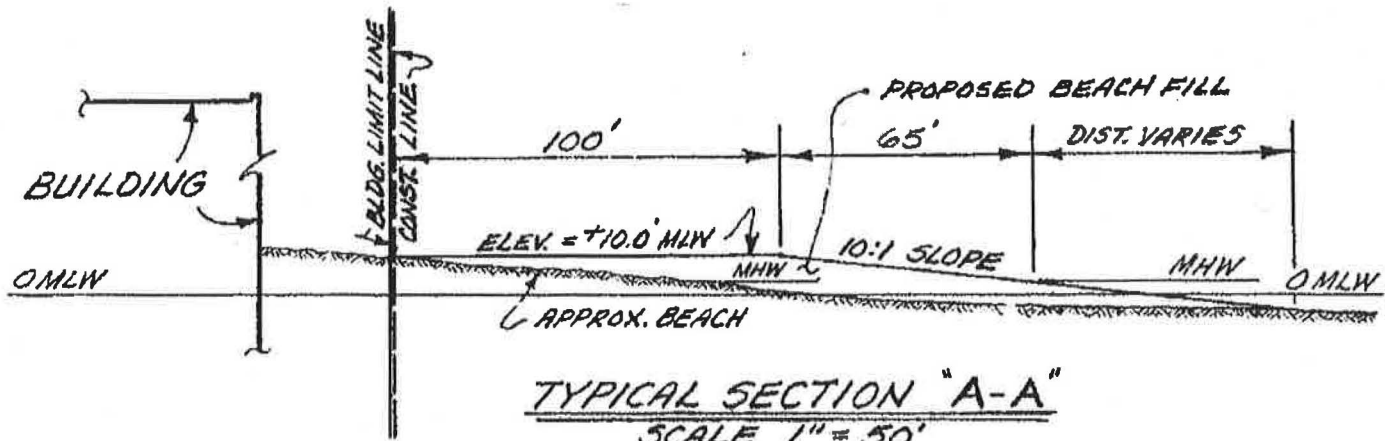
MAINTAIN REPLENISHED BEACH AS REQUIRED FOR A MINIMUM PERIOD OF TEN (10) YEARS. ESTIMATED ANNUAL REPLENISHMENT REQUIRED = 200,000 YDS³



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 1 OF 5



15-Wb-0928
AI # 150799
201561754
11/4/15



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 2 OF 5

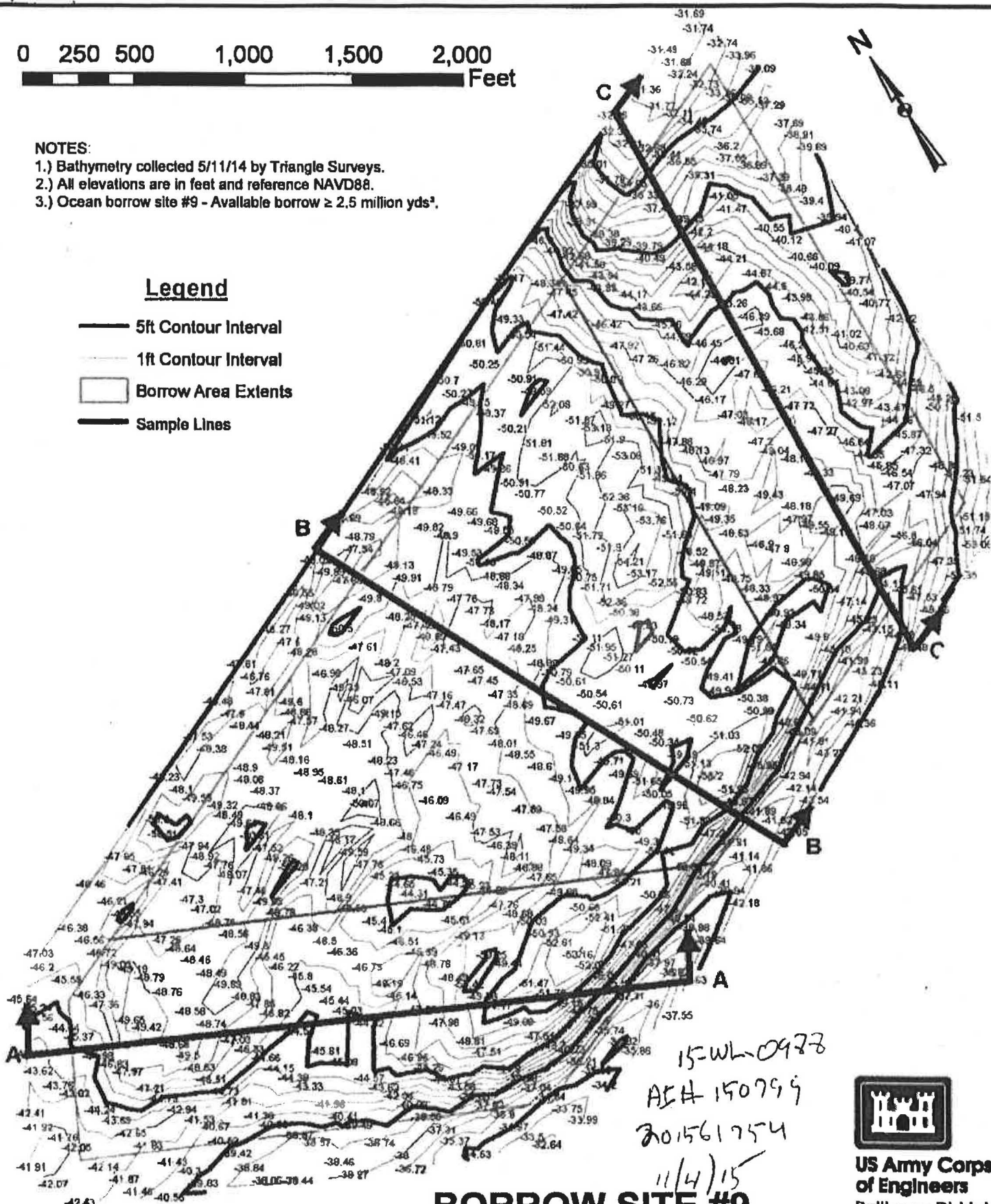
0 250 500 1,000 1,500 2,000 Feet

NOTES:

- 1.) Bathymetry collected 5/11/14 by Triangle Surveys.
- 2.) All elevations are in feet and reference NAVD88.
- 3.) Ocean borrow site #9 - Available borrow ≥ 2.5 million yds³.

Legend

- 5ft Contour Interval
- 1ft Contour Interval
- Borrow Area Extents
- Sample Lines



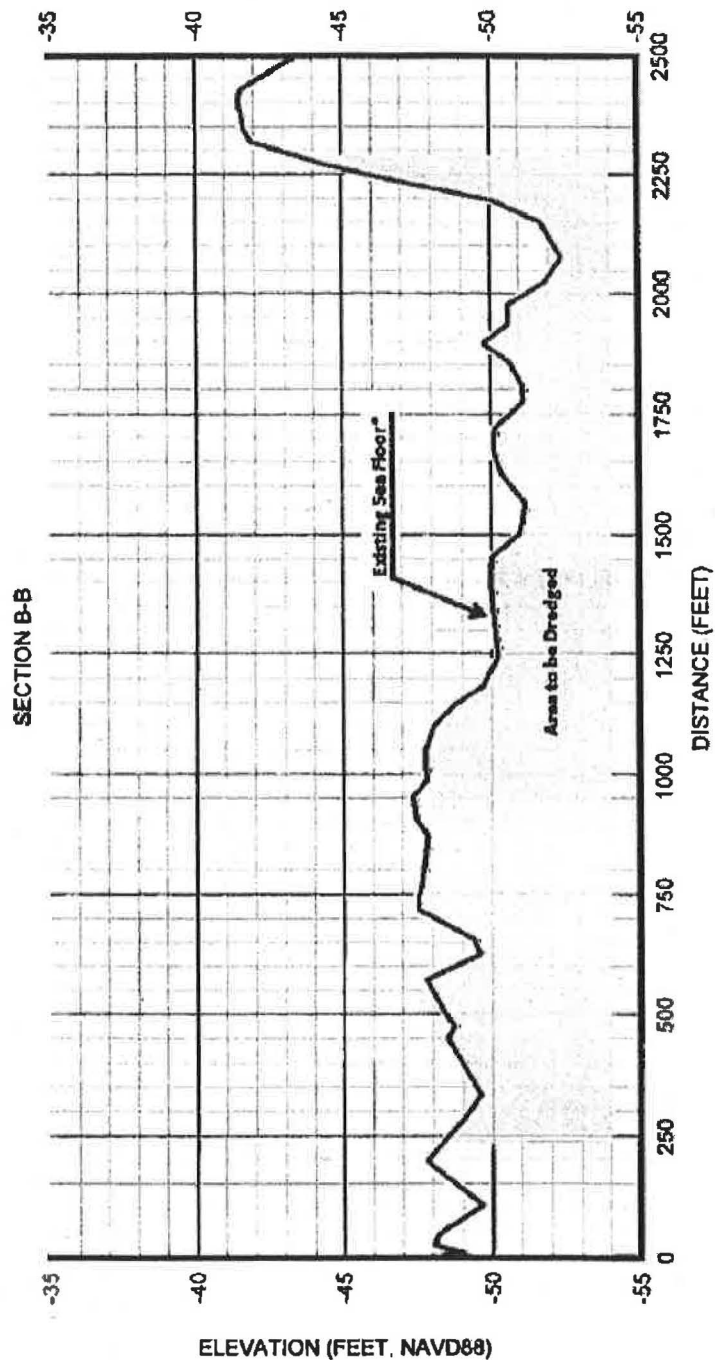
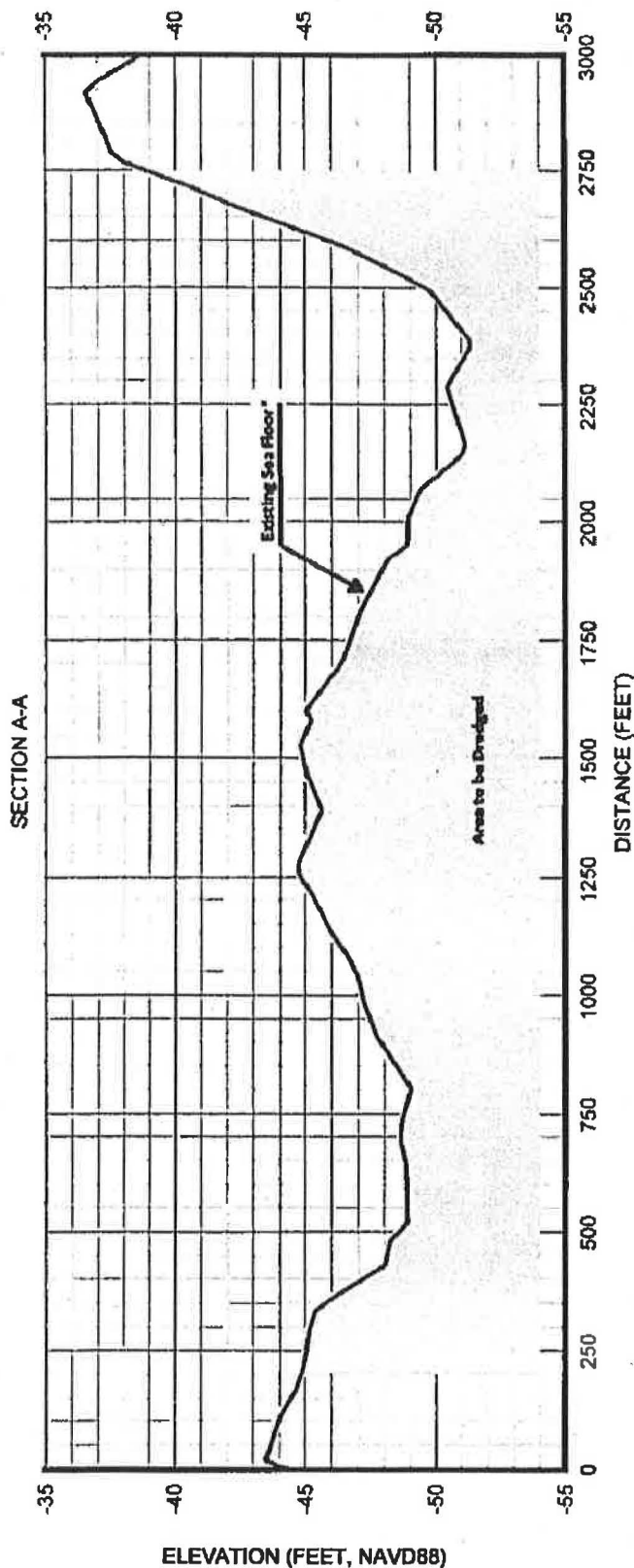
**US Army Corps
of Engineers**
Baltimore District



**STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND**

**BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND**

SHEET 3 OF 5



PER POST BORROW SURVEY BY TRIANGLE
SURVEYS 5/11/14

15-WL-0638

AI#150799

201561756

11/4/15

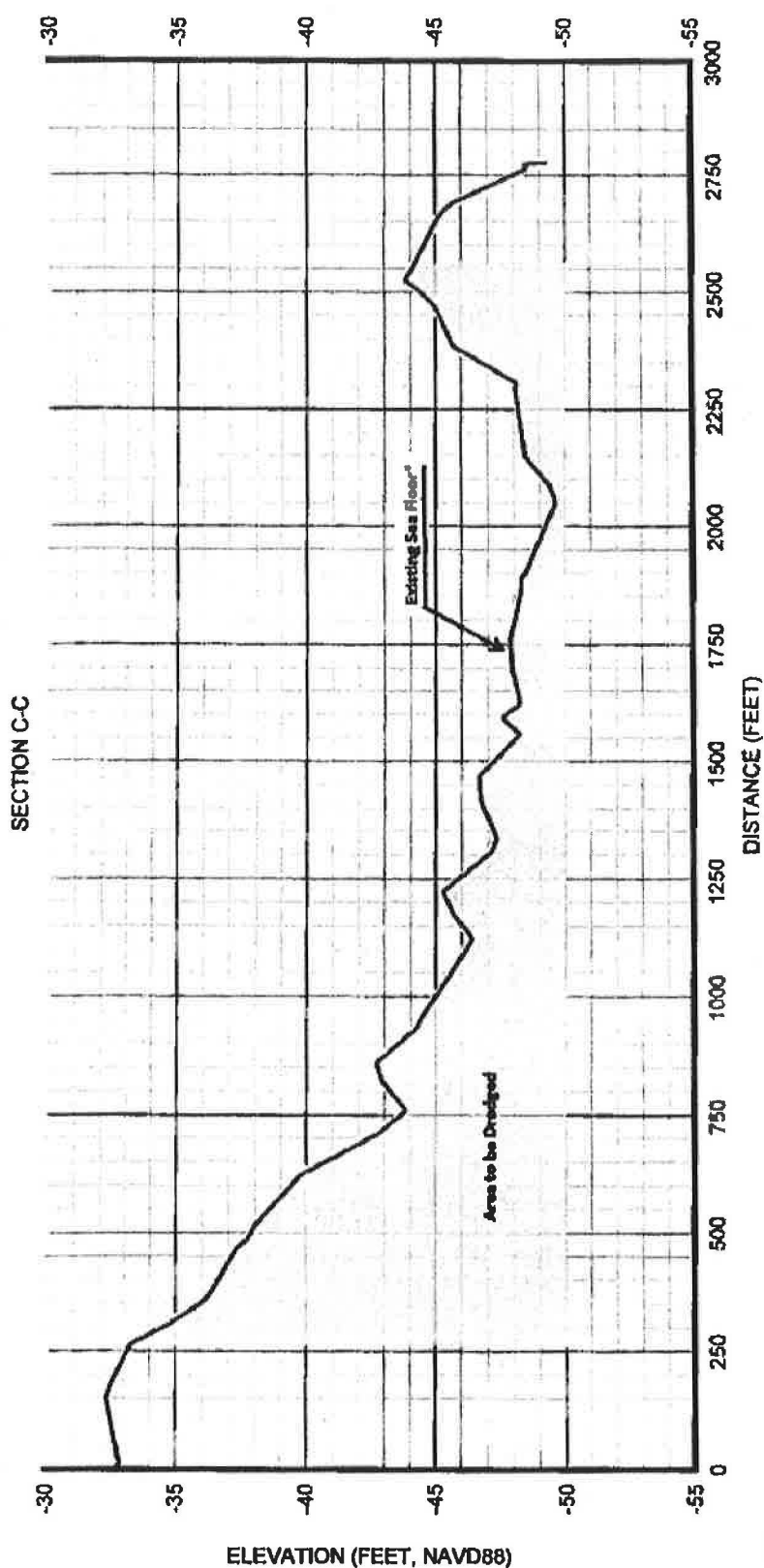
SECTION A-A & SECTION B-B, BORROW SITE #9



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 4 OF 5



PER POST BORROW SURVEY BY TRIANGLE
SURVEYS 5/11/14

15-WL-0988
AT HL 150799

201561754

11/2/15

SECTION C-C, BORROW SITE #9



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

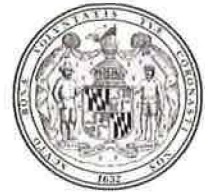
BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 5 OF 5

MDE Water Quality Certification



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
WATER QUALITY CERTIFICATION



for
WETLAND LICENSE 15-WL-0988

WATER QUALITY CERTIFICATION NUMBER: **15-WQC-0988**

EFFECTIVE DATE: **March 23, 2016**

EXPIRATION DATE: **March 23, 2026**

CERTIFICATION HOLDER: **MD Dept of Natural Resources**

ADDRESS: **Attn: Jordan Loran Tawes State Office
Building 580 Taylor Avenue, D-3
Annapolis, Maryland 21401**

PROJECT LOCATION: **Route 50 to Delaware State Line
Ocean City, MD 21842
Atlantic Ocean in Worcester**

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, ANNOTATED CODE OF MARYLAND, THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") HAS DETERMINED THAT THE FOLLOWING REGULATED ACTIVITY, IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION'S TIDAL WETLANDS DIVISION DATED November 4, 2015, AND PREPARED BY Jordan Loran AND INCORPORATED HEREIN, WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS:

To maintain dredge by hydraulic method, approximately 200,000 cubic yards of sand annually from off source borrow sites in the Atlantic Ocean; and pump sand for placement along the entire 10 mile length and 260 foot wide strand of the Ocean City beach within a maximum of 260 feet channelward of the mean high water with the inclusion of a maintenance dredging provision for the period of ten (10) years as depicted on the plans dated November 14, 2015.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVAL, 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. None.

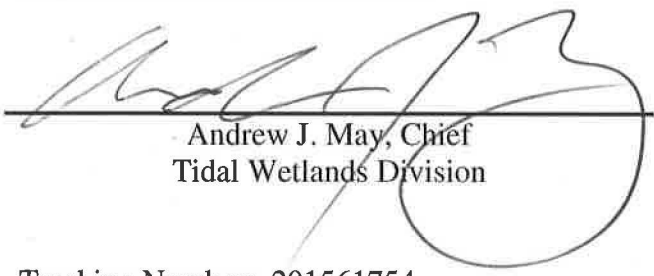
GENERAL CONDITIONS

- 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 Water Quality Certification shall be conducted 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 410-537-3249 or by e-mail at MDE.MCLB@maryland.gov.
- 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 Management 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

May 9, 2016



Andrew J. May, Chief
Tidal Wetlands Division

Tracking Number: 201561754
Agency Interest Number: 150799

Enclosure: Plans dated November 4, 2015
cc: WMA Inspection & Compliance Program



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration

80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Wes Moore
Governor

Dereck E. Davis
Treasurer

Brooke Lierman
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 24-0714
MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Maryland Board of Public Works authorizes you to:

- I. Maintenance dredge by hydraulic method, approximately 200,000 cubic yards of sand annually from offshore borrow sites in the Atlantic Ocean
- II. Place the sand by pumping along the entire 10-mile length of the Ocean City beach within a maximum of 165 feet channelward of the mean high water line.
- III. Provide for a 10-year license.

Atlantic Ocean, Ocean City, Worcester 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 (CZMP), 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):**

None.

**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 as accepted by MDE on September, 2024, 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 Compliance Program by BOTH phone AND in writing of the following:
 - (a) start date at least five business days before beginning work; and

(b) completion date no more than five business days after project completion.

Eastern Division: 410-901-4020 407 Race Street, Cambridge, MD 21613

6. Licensee shall comply with any regulations, conditions, or instructions issued by MDE, including any Water Quality Certification issued with respect to the authorized work.
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/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/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 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 of 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 Maryland Department of the Environment, Environmental Boards 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. Licensee shall promptly comply upon notice of any such action.
20. This License expires .

WL#24-0714

Maryland DNR

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

21. In conducting work authorized under this license, licensee may not cause injury to private property; invade the rights of others; or infringe any federal, state, or local laws or regulations.
22. Licensee shall maintain any authorize structure in good condition and perform the authorized activity in a workmanlike manner in accordance with this license.
23. In conducting work authorized under this license, licensee shall eliminate or minimize adverse effects on fish, wildlife, and the natural environment.

By the authority of the Board of Public Works:

William Morgante
Wetlands Administrator

Effective Date:

Approved as: Secretary's Agenda Item 6

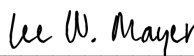
Board of Public Works Meeting Date: February 12, 2025

I accept this License and all its conditions.

3/20/2025

Date

Signed by:



Licensee (Signature)

Lee W. Mayer

Name (Printed)

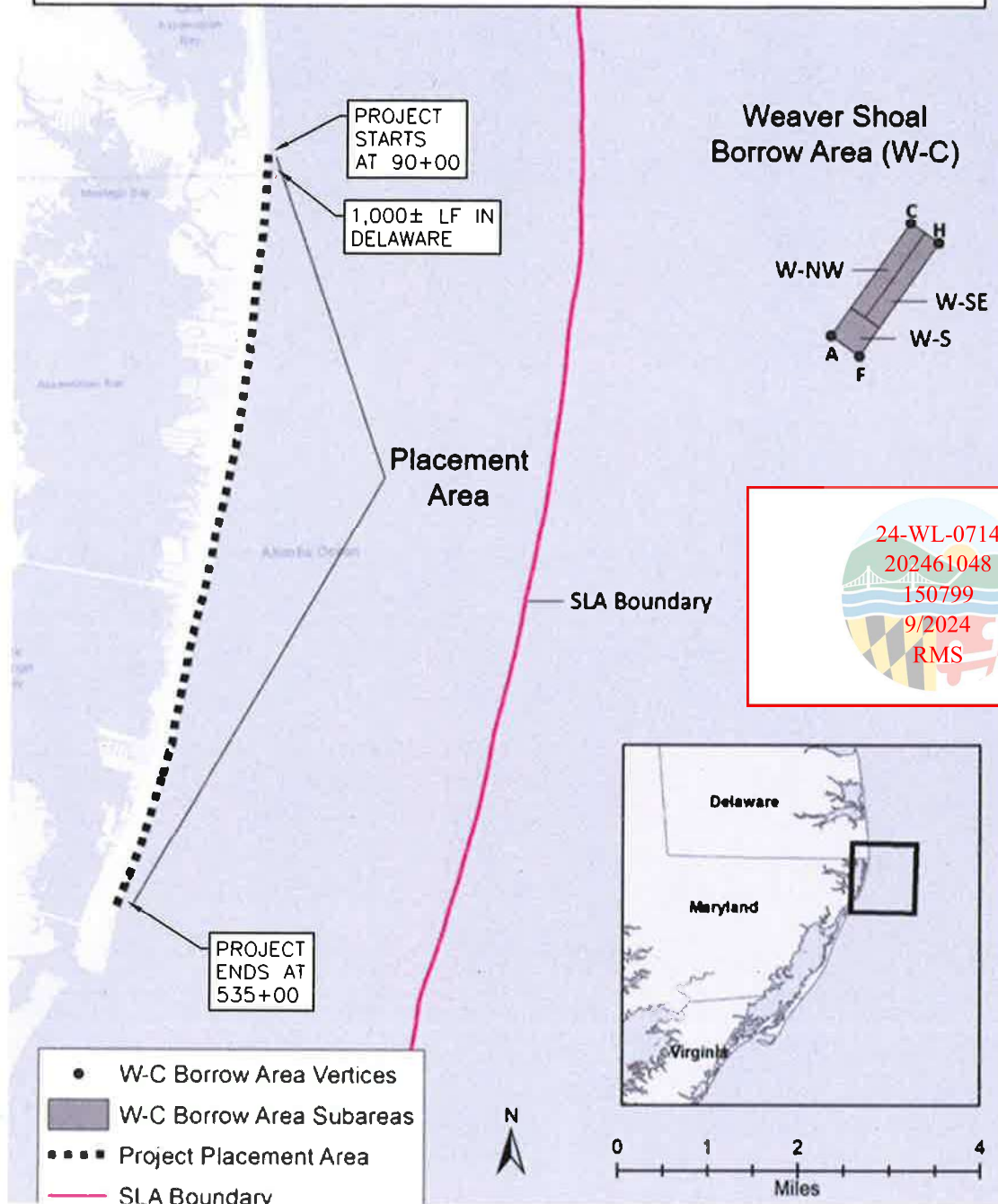
Infrastructure Supervisor

Title

Lee.mayer@maryland.gov

Email (to receive completed license)

Atlantic Coast of Maryland Shoreline Protection Project and Weaver Shoal Borrow Area



PROJECT LENGTH = TOTAL = 44,500± LF = 8.42 ± MILES
MARYLAND = 43,500± LF
DELAWARE = 1,000± LF

PURPOSE NOTE

- PROVIDE STORM PROTECTION & REPAIR ERODED BEACH FRONT.
- MAINTAIN BEACH FOR TEN (10) YEARS.

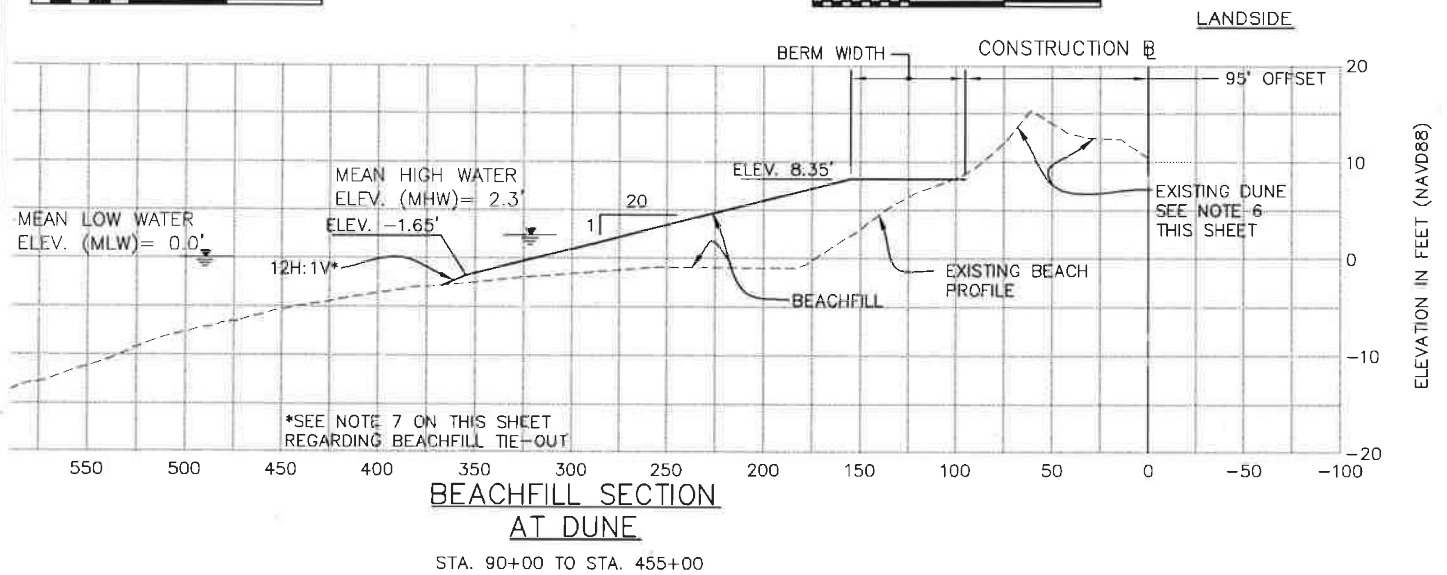
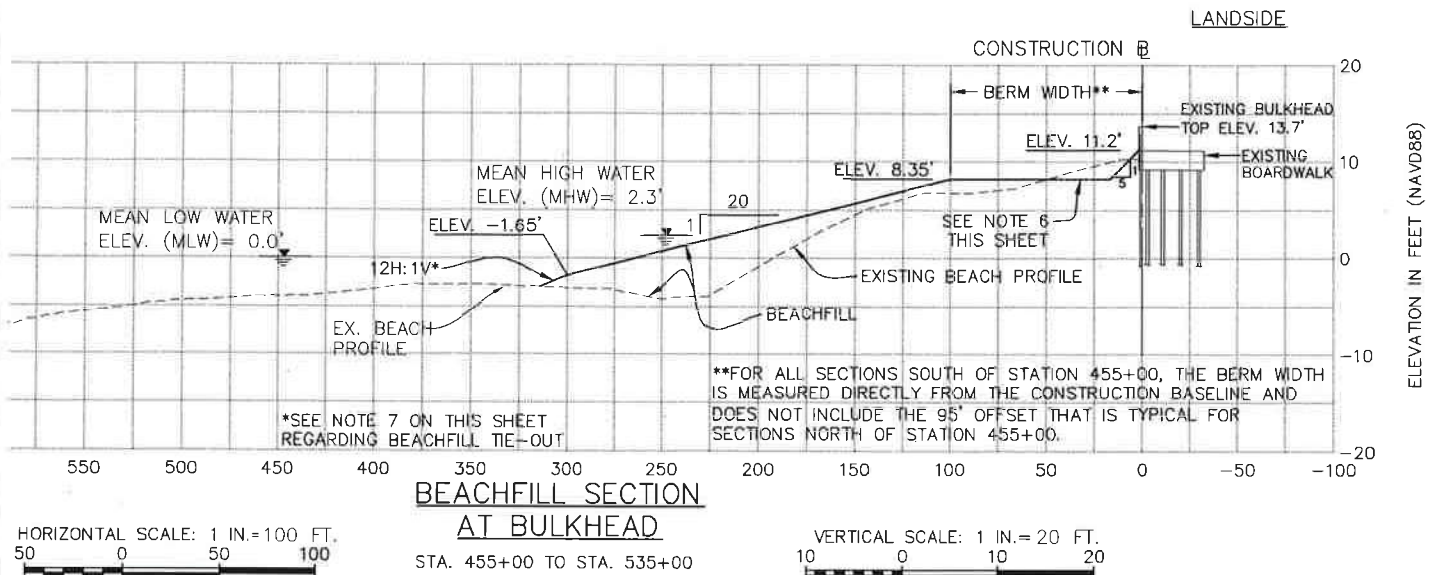
MAINTAIN REPLENISHED BEACH AS REQUIRED FOR A MINIMUM PERIOD OF TEN (10) YEARS.
ESTIMATED ANNUAL REPLENISHMENT REQUIRED = 200,000 CUBIC YARDS



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 1 OF 2



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 2 OF 2