



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, BALTIMORE DISTRICT**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201-2930**

August 6, 2021

Operations Division

County Commissioners of Worcester County  
Worcester County Government Center  
1 West Market Street  
Snow Hill, Maryland 21863

Dear Applicant:

This is in reference to the status of your Department of the Army permit NAB-2020-60802 (Worcester County Commissioners Selsey Rd/Shoreline Stabilization), dated July 23, 2021. This office is in receipt of your signed copy of the permit indicating your acceptance of its terms and conditions.

Enclosed is your permit that has been dated and validated with the appropriate Baltimore District signatures. Also, enclosed is a yellow card, ENG Form 4336, which must be conspicuously displayed at the site of work prior to commencement of construction. In addition, enclosed is a compliance self-certification form. Upon completion of the authorized work and required mitigation, you are required to complete the enclosed compliance certification form and return it to this office. Please include your Corps permit number (NAB-2020-60802) on your submittal to the following email address: [NAB-Regulatory@usace.army.mil](mailto:NAB-Regulatory@usace.army.mil).

You may proceed with the construction indicated therein, provided you have obtained all other required state and/or local authorizations.

A copy of this letter is also being forwarded to the Maryland Department of the Environment for informational purposes.

If you have any questions concerning this matter, please contact Ms. Erica W. Schmidt, of this office, at (410)-962-6029 or via email at [Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@usace.army.mil).

Sincerely,

Erica W. Schmidt  
Acting Chief, Maryland South Section

Enclosures

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To identify how we can better serve you, we need your help. Please take the time to fill out our new customer service survey at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

## DEPARTMENT OF THE ARMY PERMIT

Permittee must have a copy of this permit available on site or upon request.

Application Name and Permit Number: **NAB-2020-60802 (Worcester County Commissioners Selsey Rd/Shoreline Stabilization)**

Issuing Office: U.S. Army Engineer District, Baltimore  
Corps of Engineers  
2 Hopkins Plaza  
Baltimore, MD 21201

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

To emplace approximately 70 linear feet of stone revetment to extend no more than 10 feet channelward of the approximate mean high water (MHW) shoreline.

To create marsh along approximately 1,100 linear feet of shoreline:

- Living Shoreline: To deposit approximately 8,490 cubic yards of sloped, sand fill, stabilized with approximately 7,400 square feet of *Spartina alterniflora* and 45,530 square feet of *Ammophila breviligulata* and *S. patens* to extend no more than 105 feet channelward of the approximate mean high water (MHW) shoreline. The work includes beach nourishment in some areas landward of the breakwaters as part of the living shoreline project.
- Stone Sills:
  - to construct a 110 linear foot stone sill of varying height, approximately 18-feet wide at the base and 5-feet wide at the top, to extend no more than 75 feet channelward of the approximate MHW shoreline
  - to construct a 70 linear foot stone sill of varying height, approximately 18-feet wide at the base and 5-feet wide at the top, to extend no more than 50 feet channelward of the approximate MHW shoreline

- Breakwaters:
  - to construct a 120 linear foot stone breakwater of varying height, approximately 21-feet wide at the base and 5-feet wide at the top, to extend no more than 105 feet channelward of the approximate MHW shoreline
  - to construct a 95 linear foot stone breakwater of varying height, approximately 21-feet wide at the base and 5-feet wide at the top, to extend no more than 45 feet channelward of the approximate MHW shoreline.
  - to construct a 130 linear foot stone breakwater of varying height, approximately 21-feet wide at the base and 5-feet wide at the top, to extend no more than 90 feet channelward of the approximate MHW shoreline
  - to construct a 130 linear foot stone breakwater of varying height, approximately 21-feet wide at the base and 5-feet wide at the top, to extend no more than 90 feet channelward of the approximate MHW shoreline
  - to construct a 75 linear foot stone breakwater of varying height, approximately 21-feet wide at the base and 5-feet wide at the top, to extend no more than 80 feet channelward of the approximate MHW shoreline

Temporary Access: to deposit sand and matting as necessary for equipment access; and to install a steel pipe at the tidal inlet, temporarily impacting approximately 2,100 square feet of tidal wetlands.

Project Location:

The proposed project is located in the Isle of Wight Bay at the end of Selsey Road, Ocean City, Worcester County, Maryland

Permit Conditions:

General Conditions:

1. Permittee must have a copy of this permit available on site or upon request.
2. The time limit for completing the work authorized ends on December 31, 2026. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

3. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
4. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
5. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
6. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
7. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. No in-water work may be conducted from the period April 1 to June 30, inclusive of any year, to protect juvenile summer flounder during their peak abundance in Maryland coastal Bays.
2. The permittee must use clean substrate fill material, not more than 10% of which shall pass through a standard number 100 sieve.
3. The marsh establishment area must be planted within one year following completion of all work in WOTUS. Within 30 days of completion of the filling operation, the permittee must notify the Corps.
4. Within 30 days of completion of the work in WOTUS, the permittee must submit plans showing the final project construction as built. Once submitted, the permittee or authorized agent must notify the Corps to coordinate a compliance site visit.
5. The marsh establishment project must be maintained as a wetland, with non-nuisance species, aerial coverage of at least 85%, for 3 consecutive years. If 85% coverage is not attained, the reasons for failure shall be

determined, corrective measures shall be taken, and the area replanted. During this 3-year timeframe, the permittee must submit, to the Corps an annual monitoring report. At a minimum, the monitoring reports must:

- a) A delineation of wetland establishment areas after construction to include vegetation species and percent cover, differentiating between high and low marsh and quantify area of each.
- b) Photographs of site conditions annually along the entire marsh establishment project area. Photographs should be representative of each cross section identified on the attached plans, and show vegetation, condition of stone sills, any storm damage when applicable.
- c) Identify any necessary corrective measures and provide notes on a copy of a project plan set.

- 6. The permittee must submit annual reports and final project as-built plans to the Corps by December 31 of the monitoring or completion year. If the Corps determines that the plantings are failing to achieve the required success criteria or the stone has been damaged and are in need of repair, the permittee must coordinate with the Corps and the Maryland Department of the Environment concerning applicable remedial measures. Monitoring reports are required for years 2 and 3 as well as an as-built monitoring report upon completion of work in WOTUS.

All notifications and information required to be submitted to the Corps Baltimore District Office should be sent by email to [NAB-Regulatory@usace.army.mil](mailto:NAB-Regulatory@usace.army.mil). The Corps permit number (NAB-2020-60802 (Worcester County Commissioners Selsey Rd/Shoreline Stabilization)) must be included in the subject line.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above:

To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

To discharge fill into waters of the U.S. pursuant to:

- Section 404 of the Clean Water Act (33 U.S.C. 1344).

To make alterations to, or temporarily or permanently occupy or use, a Corps of Engineers federally authorized civil works projects pursuant to:

- Section 408 of the Clean Water Act (33 U.S.C. 408).

To transport dredged material for the purpose of dumping it into ocean waters pursuant to:

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law or to comply with the appropriate local critical area regulations.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.


b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
WESTON S. YOUNG, CAO  
\_\_\_\_\_  
Permittee

7/23/2021  
\_\_\_\_\_  
Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of  
Esther S. Pinchasin  
Colonel, U.S. Army  
Commander and District Engineer

\_\_\_\_\_  
Erica W. Schmidt  
Acting Chief, Maryland South Section  
Regulatory Branch

08/06/2021

\_\_\_\_\_  
Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and



the liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Application Name and Permit Number: **NNAB-2020-60802 (Worcester County Commissioners Selsey Rd/Shoreline Stabilization)**

\_\_\_\_\_  
Transferee

\_\_\_\_\_  
Date



This notice of authorization must be  
conspicuously displayed at the site of work.

United States Army Corps of Engineers

20 \_\_\_\_\_

A permit to \_\_\_\_\_

at \_\_\_\_\_

has been issued to \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_

Address of Permittee \_\_\_\_\_

Permit Number

\_\_\_\_\_  
*District Commander*



**DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
ATTN: REGULATORY BRANCH  
2 HOPKINS PLAZA  
BALTIMORE, MD 21201**

**COMPLIANCE SELF-CERTIFICATION FORM**

AUTHORIZATION NUMBER: NAB-2020-60802 (Worcester County Commissioners Selsey Rd/Shoreline Stabilization)

Corps Project Manager: Ms. Erica Schmidt

Upon completion of the authorized work, sign this certification and return it to the address above or the following electronic mail address: [nab-regulatory@usace.army.mil](mailto:nab-regulatory@usace.army.mil) . Please include the following text in the email subject line: Compliance Certification Form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

**Please complete the following information:**

1. Date authorized work commenced: \_\_\_\_\_
2. Date authorized work completed: \_\_\_\_\_
3. Was all work completed in accordance with your authorization, including all general and/or specific conditions?  
YES \_\_\_ NO \_\_\_
4. Explain in detail any deviations to the authorized work and/or compliance with conditions:  
(use additional sheets if necessary)
5. If compensatory mitigation is required, please provide a status below:
6. Attach labeled photographs showing completed work.

\_\_\_\_ I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said authorization.

\_\_\_\_ I hereby certify that the work is NOT in compliance with the above referenced authorization as detailed in #4 above and would like to discuss this project with a project manager.

I can be reached at: ( ) \_\_\_\_\_ - \_\_\_\_\_.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date