

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

22-WL-1358

Applicant: Kentmorr Marina Properties LLC c/o Peter McArdle 910 Kentmorr Road Stevensville, Maryland 21666 410-643-0029 kentmormarina@verizon.net	Agent: BayLand Consultants & Designers, Inc c/o Chris Rager 7455 New Ridge Road, Ste T Hanover, Maryland 21076 410-694-9401 crager@baylandinc.com
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Date Application Received: December 30, 2022 Public Notice Required? Yes

Comment Period Closing Date: September 01, 2023

Maryland Coordinates: 138740 x 455034

Book Map Coordinates: Queen Anne's Co. ADC Map Num: 0 Ed: Coord: 0 X

Location of Proposed Work: 910 Kentmorr Road, Stevensville, MD 21666

Purpose of Proposed Work: Improve Navigable Access and Beach Nourishment.

Description of Authorized Work:

1. Hydraulically and/or mechanically dredge an approximately 2,000 linear feet by 76 feet wide (151,249 square foot) entrance channel area to a maximum depth of 6.0 ft at mean low water, approximately 55,349 square feet of channel area is proposed as maintenance dredging and approximately 95,900 square feet as new dredging area;
2. Place up to approximately 700 cubic yards of resulting dredge spoil to nourish an existing beach within the historic footprint extending a maximum 42 ft from the mean high water line;
3. Transport approximately 4,982 cubic yards of dredge material to an approved disposal site at 5360 Browns Way Road, Churchton in Anne Arundel County, Maryland;
4. Provide for periodic dredging for six years.

Waterbody: Chesapeake Bay Proper - 02139900

Requires Water Quality Certification?: Yes, 23-WQC-0029.

Qualifies for Maryland State Programmatic General Permit?: No, The authorization will be issued by the United States Army Corps of Engineers directly to the applicant and reviewed under the alternate review process.

Area of Vegetated Wetland Impacts Requiring Mitigation: 0 s.f.

Area of Open Water Tidal Wetlands Requiring Mitigation: 0 s.f.

Area of Wetlands Created: 0 s.f.

Was the Applicant's Original Project Modified?: Yes, the original plans included beach nourishment to the north and south of the marina's entrance channel. The plans have been revised to only include beach nourishment to the south of the marina's entrance channel.

Department Comment: Kentmorr Marina has received previous authorization to dredge its entrance channel. Previous authorizations for dredging include Wetland Licenses 95-0460, 02-0218, 05-1450, 06-0781, 07-WL-0148, and 15-WL-0144. Of the 151,249 square feet of proposed dredge area, 55,349 square feet were identified to be dredged to a maximum depth of 6.0 feet mean low water. The remaining 95,900 square feet is not covered under any previous authorizations and therefore is consider new dredging. The expanded dredging area is necessary to ensure proposed dredging depths connect to existing water depths of at least 6.0 feet mean low water.

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from August 1, 2023 to August 30, 2023 and publishing the public notice for the proposed project in the Record Observer on August 11, 2023. In addition, the public notice was provided to adjacent property owners listed below:

Todd & Veronica Bendit
6507 Greyswood Road
Bethesda, MD 20817

Kentmorr Marina Properties LLC
910 Kentmorr Road
Stevensville, MD 21666

The Department discussed with the Agent the potential request for a public informational hearing during the public notice period because of comments received from adjacent neighbors and from an attorney representing residents of the Kentmorr Air Park. After discussion, the Agent requested that a public informational hearing date be identified in the public notice. A public information hearing was held on September 28, 2023. The public information hearing was attended by several residents with waterfront property to the north of the marina. The comments provided by the concerned neighbors to the north were related to the marina's past violations of their previous dredging authorization and the resulting deposition of dredge material impacting the ability to access the water from their piers. Video evidence was provided showing that Kentmorr Marina had performed hydraulic dredging without following the conditions of their previous authorization. The neighbors expressed concern that future dredging and beach nourishment would result in that dredge material being deposited beneath their piers and making water depths too shallow to access the water without extending their piers. Those neighbors that provided comments are listed below:

John Young – 810 Kentmorr Road
youngconsultinggroup@gmail.com
703-722-1450 (O) & 202-341-7200 (M)

Sam Yedlin – 900 Kentmorr Road
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Sam Gass – 806 Kentmorr Road (Property owner)

sggva@aol.com

Walter Davis – 806 Kentmorr Road (Tenant)

Walter.e.davis91@gmail.com

After providing comments to the applicant/agent the plans were revised to only include beach nourishment to the south of the marina's entrance channel which should accommodate approximately 700 cubic yards of dredge material. The remaining dredge material will be transported to an approved Dredge Material Placement Site located at 5360 Browns Way Road, Churchton, in Anne Arundel County. The Department received a letter from Edwin A. & John O. Crandell, Inc, dated March 17, 2023, stating that the Dredge Material Placement Site had capacity exceeding 6,000 cubic yards.

The project was screened for potential impacts to resources that would require the Maryland Department of Natural Resources (DNR) to review the project. No impacts to DNR jurisdictional resources were identified..

The Maryland Historical Trust reviewed that proposed project and determined that there are no historic properties affected by this undertaking.

The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To ensure that impacts to resources are avoided and minimized to the maximum extent possible and to ensure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

SPECIAL CONDITIONS:

- A. 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.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code

of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.

- D. The issuance of this license is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- E. The Licensee shall construct the beach nourishment area in accordance with the following conditions:
 - 1. The Licensee shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
 - 2. If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
 - 3. If the existing bank is to be cleared or graded:
 - a. The Licensee shall perform all work under and in accordance with an approved Soil Erosion and Sediment Control Plan from the applicable sediment and erosion control agency; and
 - b. The Licensee shall perform all work under and in accordance with the Critical Area requirements of the local jurisdiction in the form of an approved Buffer Management Plan.
- F. The Licensee shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.
- G. The Licensee shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The licensee shall:
 - 1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
 - 2. Comply with all applicable conditions of this license.
 - 3. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
 - 4. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
- H. The Licensee shall stake the dredge area and receive approval from the Water and Science Administration's, Compliance Division prior to the start of dredging.
- I. The Licensee shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
- J. The Licensee shall dispose of dredged material only at the dredge disposal site(s) approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.
- K. If hydraulic dredging is performed, the dredged material placement site (DMP) shall be constructed to limit turbidity in the discharge to waters of the State. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of

the DMP 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.

- L. Dredged material pipelines shall be installed, marked and maintained in accordance with all U.S. Coast Guard requirements for navigational safety. Dredge material pipelines and associated equipment shall be removed as soon as practicable, upon completion of activities authorized under this License.
- M. The dredge operator shall have a person at the discharge point of the DMP 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.
- N. In the event of any inadvertent releases of dredged material into State tidal wetlands from a pipe breakage, all dredging operations shall immediately cease. Licensee shall take steps to stop all dredged material from entering State tidal wetlands and shall immediately notify MDE's Compliance Program of the pipe breakage. Licensee shall not resume dredging operations until receiving approval from MDE's Compliance Program.
- O. If Licensee does not obtain approval from the U.S. Coast Guard, or the U.S. Coast Guard denies Licensee's application, Licensee may only proceed with mechanical dredging or submit an application to MDE for a modification to this License.
- P. If the U.S. Coast Guard's approval alters the proposed pipeline route, Licensee shall submit an application and revised plans to MDE for a modification to this License.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:

 _____ Robert M Simmons, Natural Resource Planner Tidal Wetlands Division	<u>1/26/2024</u> DATE
 _____ Tammy Roberson, Division Chief Tidal Wetlands Division	<u>1/27/2024</u> DATE
 _____ D. Lee Currey, Director Water and Science Administration	<u>1/30/2024</u> DATE

WETLANDS ADMINISTRATION CONCURRENCE:

 _____ William Morgante, Wetlands Administrator Board of Public Works	 _____ DATE
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