



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

Larry Hogan  
*Governor*  
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*Executive Secretary*

August 23, 2018

TO: Anne Arundel County Dept. of Public Works  
And Persons Interested in the Subject Application  
for a State Wetlands License

RE: Tidal Wetlands Case No. 17-1184

You are receiving this letter because the Maryland Department of the Environment (MDE) has identified you as an interested person with respect to the Anne Arundel County Dept. of Public Works' application to the Board of Public Works for a tidal wetlands license. As you may know, this application seeks authorization from the Board of Public Works to provide shoreline erosion control and beach nourishment at Beverly Triton Beach Park.

MDE has prepared a Report and Recommendation (R&R) for the Board of Public Works that recommends granting the license. A copy of the R&R is enclosed with this letter. Some of you provided comments outlining your concerns about this project at a public hearing on May 30 at the Edgewater Community Library.

Please review the enclosed MDE R&R. If you take exception and would like your comments taken into account by the Board of Public Works, you must notify this office no later than **September 24, 2018**. (COMAR 23.02.04.08B(3)).

Written comments should be sent to: William Morgante, Wetlands Administrator  
Maryland Board of Public Works  
80 Calvert Street, Room 117  
Annapolis, MD 21401 or to  
bill.morgante@maryland.gov

After the deadline, we will notify you of the date of the Board of Public Works meeting at which the application is scheduled to be considered and let you know how to request a personal appearance at the Board meeting, if you desire. The Board meeting date to review this application is not currently set. (COMAR 23.02.04.09.)

Sincerely,

William Morgante  
Wetlands Administrator

Enc. MDE Report & Recommendation



**WATER AND SCIENCE ADMINISTRATION  
TIDAL WETLANDS DIVISION**

**Wetland Report and Recommendation**

State Wetlands Case No:

17-WL-1184

<b>Applicant:</b> Anne Arundel County Dept of Public Works 2662 Riva Rd Annapolis, Maryland 21401	<b>Agent:</b> BayLand Consultants & Designers, Inc 7455 New Ridge Rd, Ste T Hanover Maryland 21076 410-694-9401
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**Date Application Received:** November 30, 2017 **Public Notice Required?** Yes

**Comment Period Closing Date:** March 1, 2018

**Maryland Coordinates:** 135136 x 443897

**Book Map Coordinates:** Anne Arundel Co. ADC Map Num: 30 Ed: 26 Coord: 1 K

**Location of Proposed Work:** The proposed project is located within tidal waters in the Chesapeake Bay at Beverly Triton Beach Park in Anne Arundel County.

**Purpose of Proposed Work:** The purpose of the project is to provide shoreline erosion control and beach nourishment at Beverly Triton Beach.

**Description of Authorized Work:** To emplace 27,000 cubic yards of clean sand along 2,352 feet of shoreline as beach nourishment within a maximum of 82 feet channelward of the mean high water line. Suitable material may be obtained from Rockhold (18-0136), Broadwater (17-1262), or Carrs Creek (17-1263) channel dredges.

**Requires Water Quality Certification?:** Yes.

**Qualifies for Maryland State Programmatic General Permit?:** No.

**Area of Vegetated Wetland Impacts:** none

**Area of Wetlands Created:** 13,000 square feet of marsh plantings above the Mean High Water line.

**Was the Applicant's Original Project Modified?:** No.

**Department Comment:**

*History of Authorizations:*

Breakwater construction, beach nourishment, beach grass plantings above the mean high water line, and some other work was authorized in 1998 (98-0022) for a southern section of the beach along Chesapeake Drive. The authorization was extended and subsequently modified in 2000 (98-0022R). A northern section of the beach within the park boundaries was added and it is this northern section that is the subject of the

current application. The 2000 authorization was for breakwater construction along 2,352 linear feet of shoreline, beach nourishment using 23,525 cubic yards of clean sand, and 1000 square feet of beach grass above the mean high water line.

In 2002, Anne Arundel Department of Public Works (AADPW) received an authorization (02-1509) to create and dredge a 1,240-foot long access channel from the Chesapeake Bay to the existing breakwaters. The 8,800 cubic yards of sand dredged from the channel was to be beneficially used as beach nourishment along the same 2,352 linear feet that was the subject of the 2000 modification, 98-0022R. The offshore channel was not dredged and instead trucking was the methodology for beach nourishment. In 2003, the AADPW re-used 15,000 cubic yards of dredged sand from the Magothy River dredging for beach nourishment.

In 2006, the AADPW received an authorization (06-1838) for 27,000 cubic yards of beach nourishment along the 2,352 of shoreline, but no nourishment was ever conducted under this authorization. It is this 2006 authorization the AADPW seeks to have re-authorized exactly, with the addition of 13,000 square feet of marsh plantings above the Mean High Water line.

*Current Authorization:*

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 website from February 1, 2018 to March 1, 2018 and publishing the public notice for the proposed project in The Capital on February 14, 2018. In addition, the public notice was provided to adjacent property owners listed on Attachment A.

The Department received several requests for a public informational hearing from local citizens. The hearing was announced in The Capital on May 10, 2018. The hearing was held on Wednesday, May 30, 2018 at 6:30 PM at the Edgewater Community Library. All previous commenters were also notified by the Department via email. The subsequent list of attendees and interested parties is Attachment B, "Interested Parties List B." A transcript of the hearing is Attachment C. The Public Hearing is summarized in Attachment D.

Written comments from the Public Notice period and from the Public Hearing were similar, and the written comments reflected the comments and questions at the hearing. See Section 6 of the Public Hearing Report, Attachment D.

In addition to the summary of all Department-received written comments in Attachment D, one letter was received from elected officials: Senator Astle and Delegate Howard expressed support for the beach nourishment as a Beneficial Reuse under Executive Order 01.01.2017.13, Waste Reduction and Resource Recovery Plan.

Several comments expressed concern regarding the loss of sand from the previous beach nourishment placement that occurred in 2003 and why the existing breakwaters could not be improved to prevent future sand loss. According to the agent, the process of beach nourishment is an ongoing process. The breakwaters were designed to allow for migration of sand back and forth along the beach in a standing condition. COMAR 26.24.02.02(D) provides that beach nourishment is an acceptable structural shoreline control measure provided it is demonstrated that the fill material meets the five criteria specified in that provision. To ensure that the material is consistent with these criteria, the Department has included Special Condition E of this Report. The migration of sand (littoral drift) along the shoreline is a natural process. The Department, when approving structures for a beach nourishment project, require that the design shall allow the natural littoral movement of sand along the shore (COMAR 26.24.04.01-4A(1)). The applicant has

provided information to demonstrate that any sand migration resulting from the proposed beach nourishment is intended to naturally migrate within the confines of the existing beach, will not result in adverse impacts to neighboring properties and is consistent with the Department's beach nourishment requirements as previously demonstrated under the original 2006 authorization for the same project by the Department.

Members of the public also expressed concern regarding the use of trucks to transport the clean sand to the beach and questioned why the material could not be transported by barge. Provided it is demonstrated that the proposed beach nourishment project is designed to avoid or minimize impacts to tidal wetlands, the proposed method of transportation of the beach nourishment material is outside of purview of the Department's regulations.

In addition to the Department's comment opportunities, the applicant held a public meeting on May 7, 2018. From that meeting, eighteen written comments were shared with the Department. The Army Corps' Public Notice period was March 23, 2018 until April 23, 2018. The Corps shared five of their email Public Comments. All commenters from the shared County and Corps' meeting and notice, respectively, were included on the Interested Parties List B. The comments were similar in content, and written by many of the same commenters as the State's processes.

The Maryland Department of Natural Resources (DNR) reviewed the project and determined they had no comment.

The Maryland Historical Trust reviewed that proposed project and determined that there are no historic properties negatively 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 insure that impacts to resources are avoided and minimized to the maximum extent possible and to insure 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-

- D. No marsh shall be filled, dredged, or otherwise altered or destroyed.
- E. All sand emplaced on the beach as beach nourishment shall be of the similar or larger and more uniform grain size as that on the existing beach. Representative samples of each source shall be tested to ascertain if the sand is suitable as beach nourishment.
- F. Prior to the start of each beneficial re-use nourishment activity, submit a detailed dredged material disposal plan from each source of dredged material to be approved by the Water and Science Administration, Tidal Wetlands Division.
- G. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each nourishment operation.
- H. Beach nourishment fill material shall be placed above the mean high water line, before final grading to achieve the desired beach profile, unless site conditions prohibit the placement of fill material above the mean high water line and specific measures are designed to prevent material from washing away from the site.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:



Melissa McCanna, Natural Resource Planner  
Tidal Wetlands Division

17 August 2018

DATE



April Field, Chief, Western Region  
Tidal Wetlands Division

8/17/18

DATE



D. Lee Currey, Director  
Water and Science Administration

8/17/18

DATE

BOARD OF PUBLIC WORKS CONCURRENCE:

\_\_\_\_\_  
Bill Morgante, Wetlands Administrator  
Board of Public Works

\_\_\_\_\_  
DATE

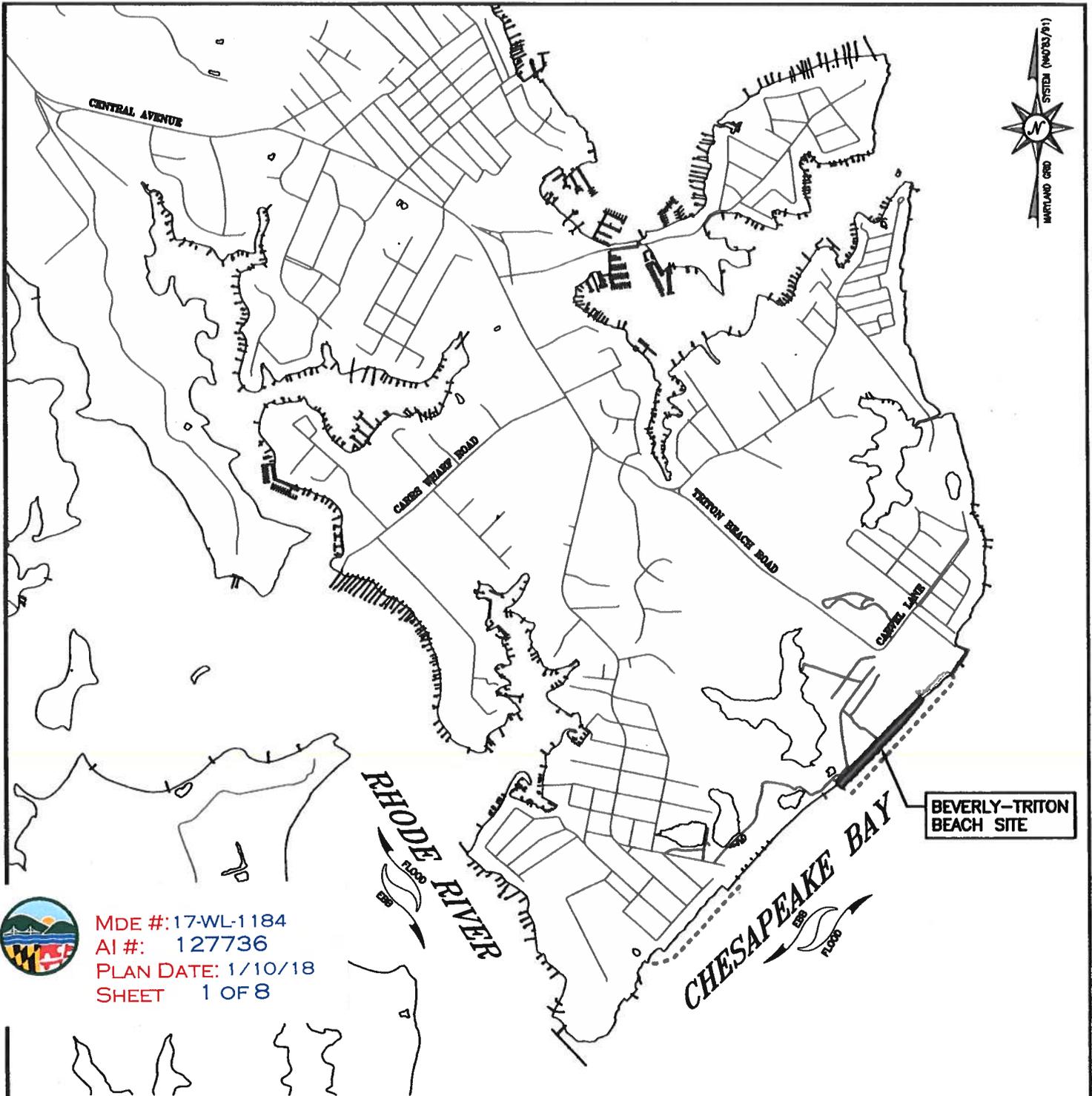
## **Attachments**

Attachment A: Interested Parties List A. Adjacent property owners notified for the Public Notice period, February 1 to March 1, 2018.

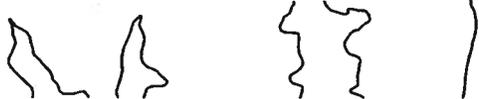
Attachment B: Interested Parties List B. Commenters on the Department's Public Notice (February 1 to March 1, 2018), and Public Hearing (May 30, 2018), and commenters from the applicant's and Army Corps' public processes.

Attachment C: Transcript of the Public Hearing, May 30, 2018.

Attachment D: Public Hearing Report



MDE #: 17-WL-1184  
 AI #: 127736  
 PLAN DATE: 1/10/18  
 SHEET 1 OF 8



**BEACH NOURISHMENT  
 AT  
 BEVERLY TRITON BEACH  
 ANNE ARUNDEL COUNTY, MD**

APPL. BY: ANNE ARUNDEL COUNTY  
 DEPARTMENT OF PUBLIC WORKS

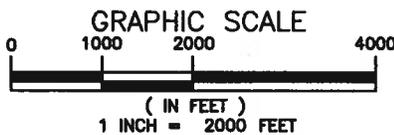
**VICINITY MAP**

DATE: November 2017 SHEET 1 OF 8

PREVIOUSLY PERMITTED UNDER MDE WETLANDS LICENSE NO. 06-WL-1838 AND U.S. ARMY CORPS OF ENGINEERS PERMIT CENAB-OP-R (AA DPW/BEVERLY TRITON BEACH NOURISHMENT) 06-84270-24

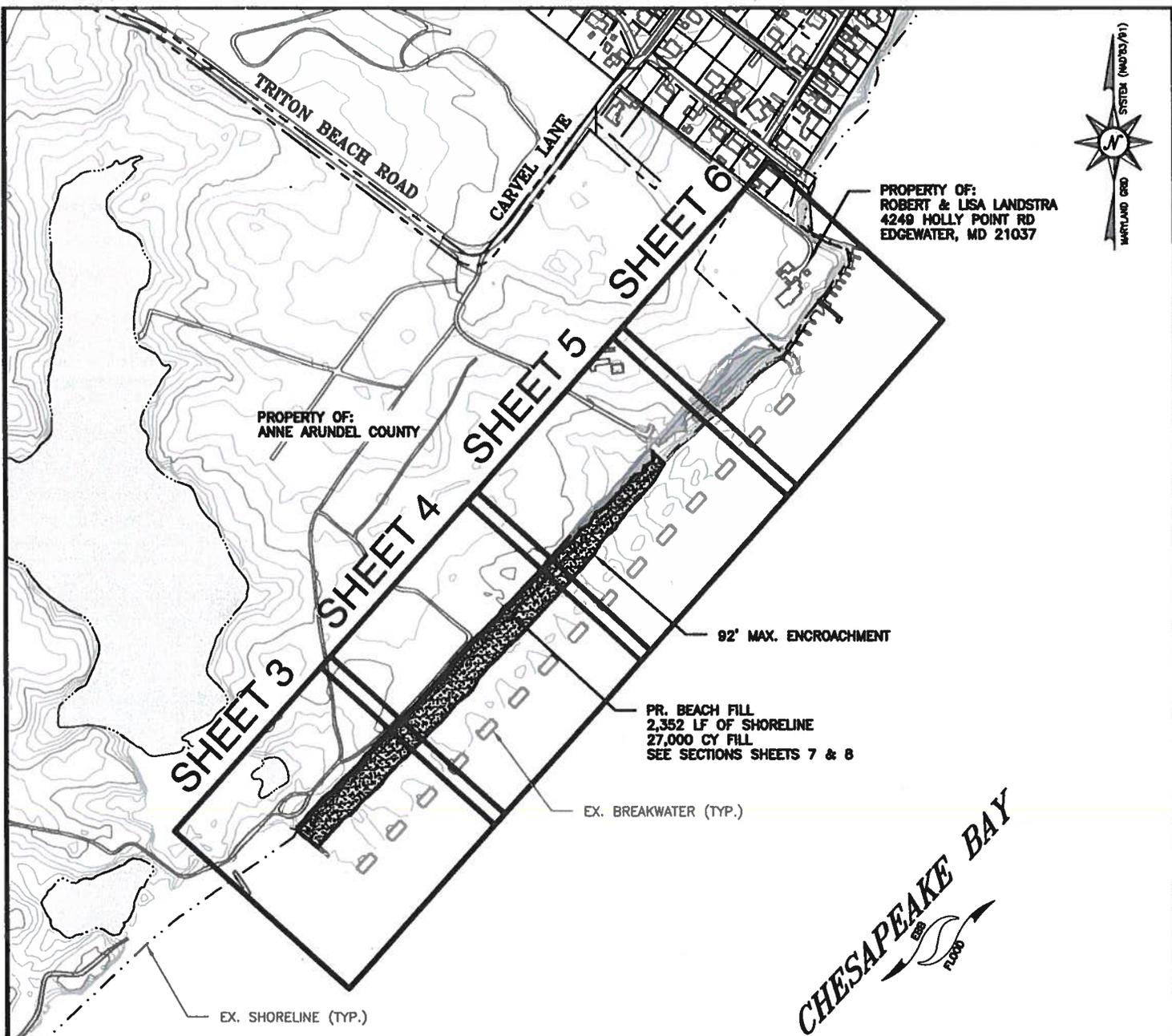
**NOTE:**

1. CONTOURS AND ELEVATIONS ARE IN FEET AND REFER TO MLW.
2. TIDAL RANGE IS 0.94 FEET.
3. BASEMAP COMPILED FROM ANNE ARUNDEL COUNTY 2016 PLANIMETRICS AND 2016 IMAGERY.
4. TOPOGRAPHIC SURVEY WAS PERFORMED BY BAYLAND ON 10/17/2017.
5. THESE ARE PERMIT DRAWINGS ONLY AND SUBJECT TO CHANGE DURING THE PERMIT PROCESS. DESIGNS ARE TO BE APPROVED SEPARATELY.



**Bayland**  
 Consultants & Designers, Inc.  
*"Integrating Engineering and Environment"*  
 7455 New Ridge Road, Suite T Phone: (410) 694-9401  
 Hanover, Maryland 21076 Fax: (410) 694-9405  
 www.baylandinc.com

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PROPERTY OF:  
 ROBERT & LISA LANDSTRA  
 4249 HOLLY POINT RD  
 EDGEWATER, MD 21037

PROPERTY OF:  
 ANNE ARUNDEL COUNTY

92' MAX. ENCROACHMENT

PR. BEACH FILL  
 2,352 LF OF SHORELINE  
 27,000 CY FILL  
 SEE SECTIONS SHEETS 7 & 8

EX. BREAKWATER (TYP.)

EX. SHORELINE (TYP.)

APPROX. 2,000 LF TO ADJACENT PROPERTY  
 CONSTANCE T. JANSEN  
 100 OAKFORD AVE.  
 EDGEWATER, MD 20137

**CHESAPEAKE BAY**  
 1880



MDE #17-WL-1184  
 AI #: 127736  
 PLAN DATE: 1/10/18  
 SHEET 2 OF 8

PREVIOUSLY PERMITTED UNDER MDE WETLANDS LICENSE NO. 08-WL-1838 AND U.S. ARMY CORPS OF ENGINEERS PERMIT CENAB-OP-R (AA DPW/BEVERLY TRITON BEACH NOURISHMENT) 08-84270-24

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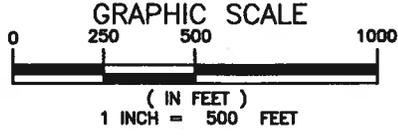
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 DEPARTMENT OF PUBLIC WORKS

**KEY SHEET**

DATE: November 2017 SHEET 2 OF 8

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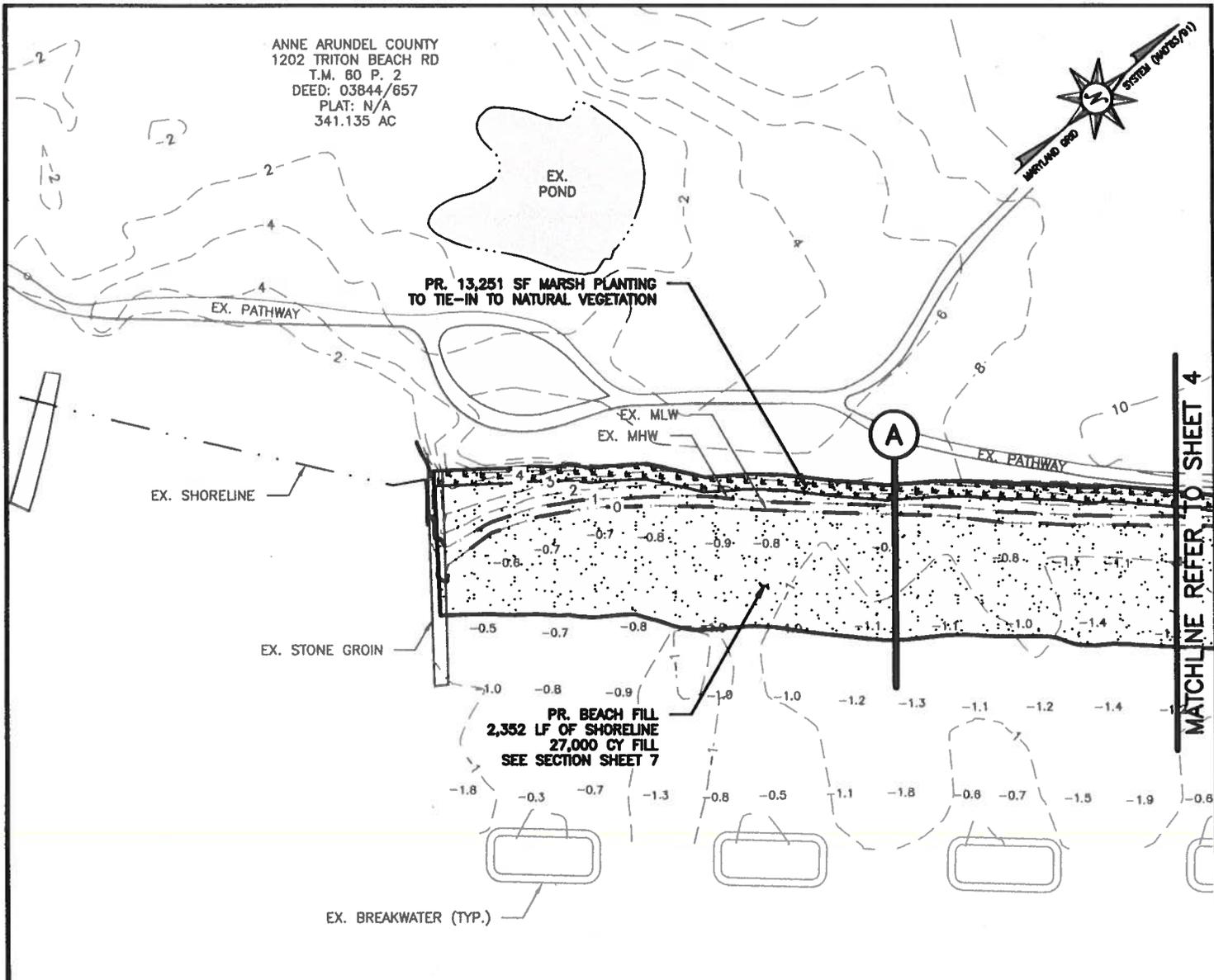
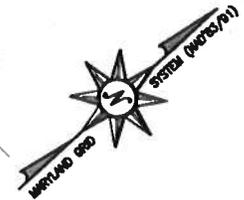


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ANNE ARUNDEL COUNTY  
 1202 TRITON BEACH RD  
 T.M. 60 P. 2  
 DEED: 03844/657  
 PLAT: N/A  
 341.135 AC



**LEGEND**

-  EX. MARSH PLANTINGS
-  PR. BEACH FILL AREA
-  PR. MARSH PLANTINGS

**CHESAPEAKE BAY**



MDE #17-WL-1184  
 AI #: 127736  
 PLAN DATE: 1/10/18  
 SHEET 3 OF 8

PREVIOUSLY PERMITTED UNDER MDE WETLANDS LICENSE NO. 06-WL-1838 AND U.S. ARMY CORPS OF ENGINEERS PERMIT CENAB-OP-R (AA DPW/BEVERLY TRITON BEACH NOURISHMENT) 06-64270-24

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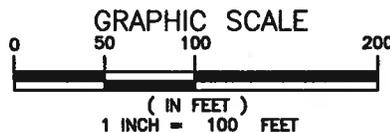
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**SITE PLAN**

DATE: November 2017 SHEET 3 OF 8

**NOTE:**

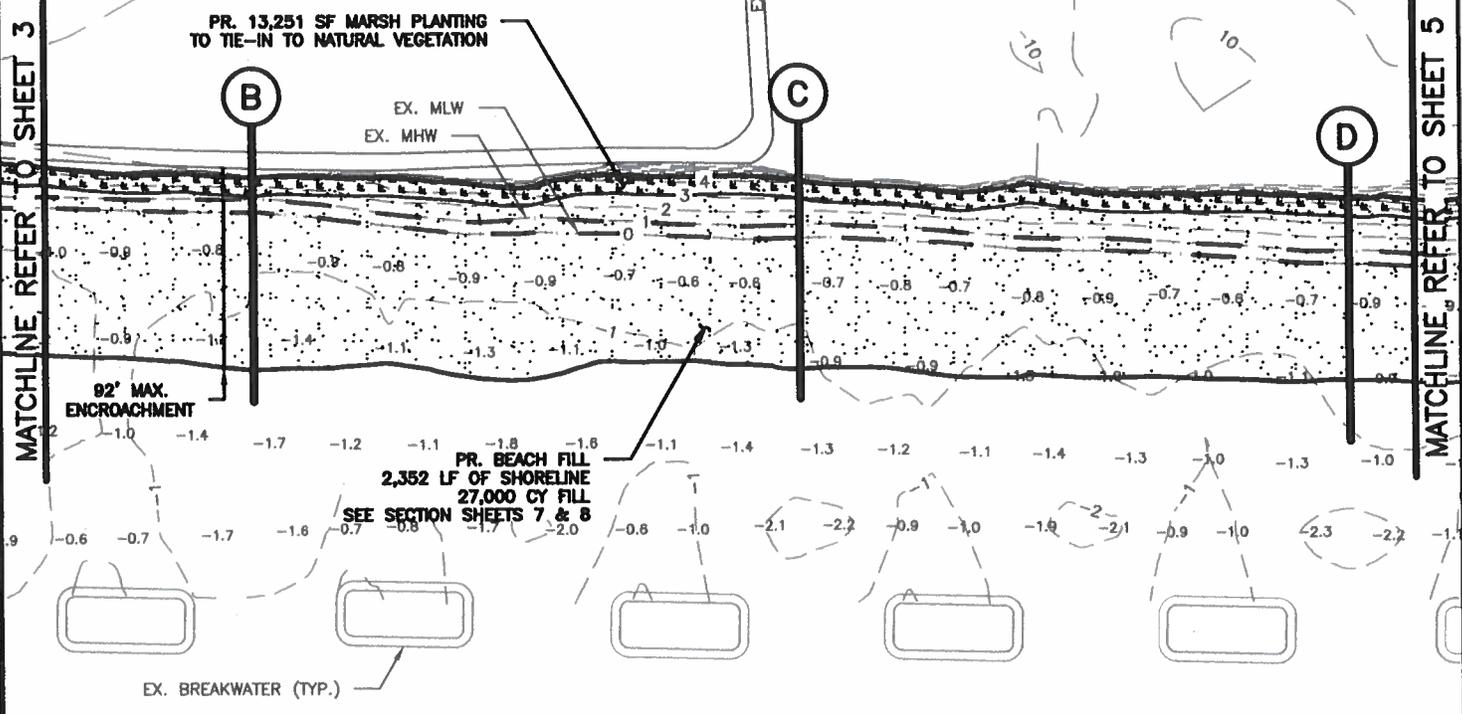
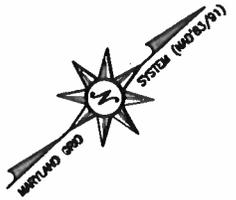
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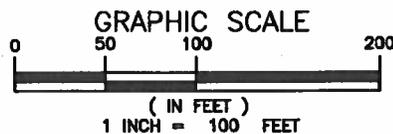
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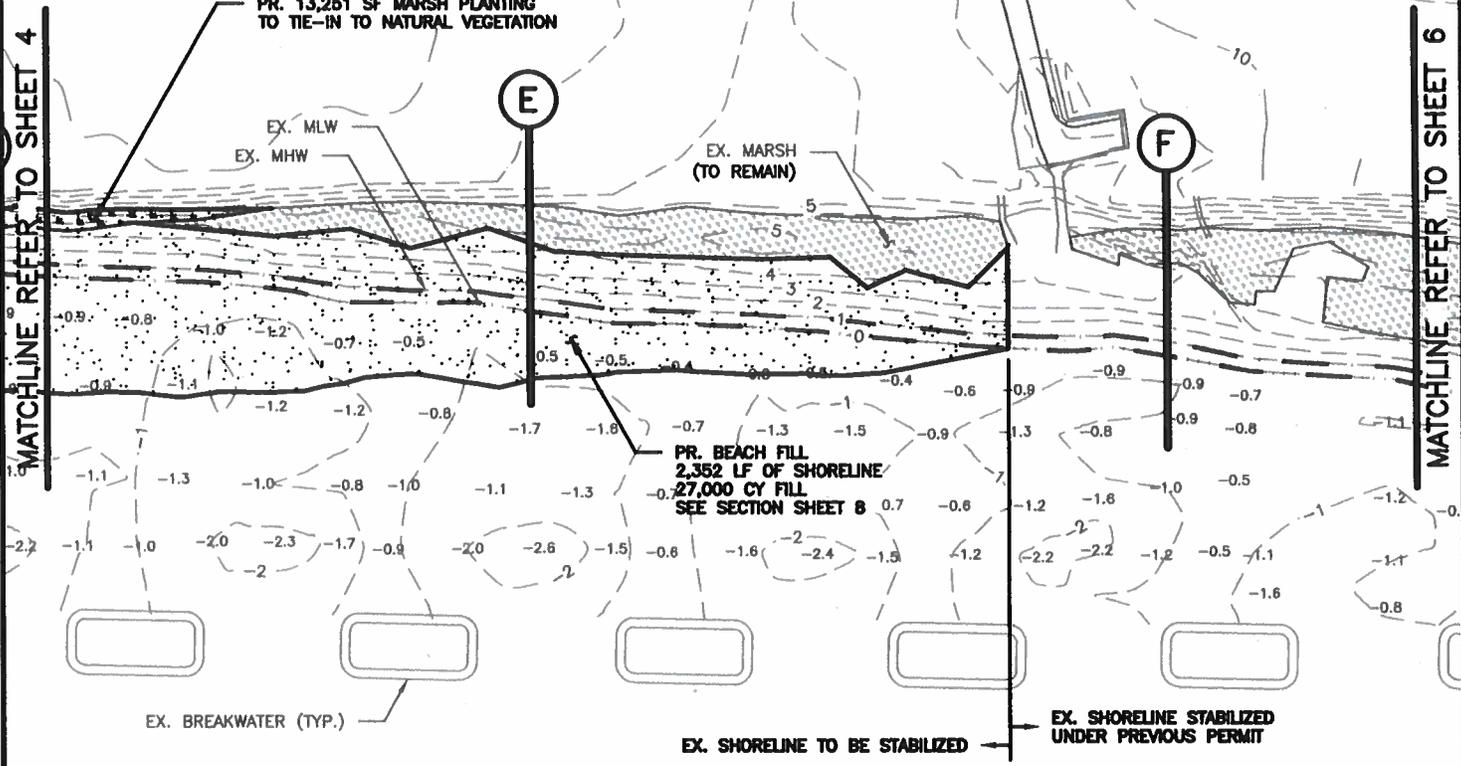
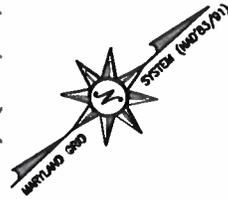
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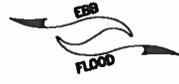
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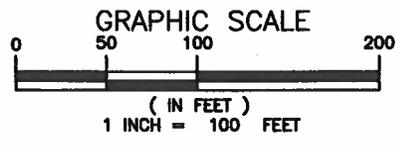
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DATE: November 2017 SHEET 5 OF 8

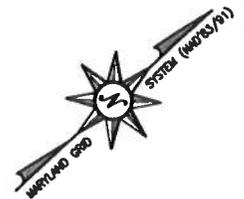
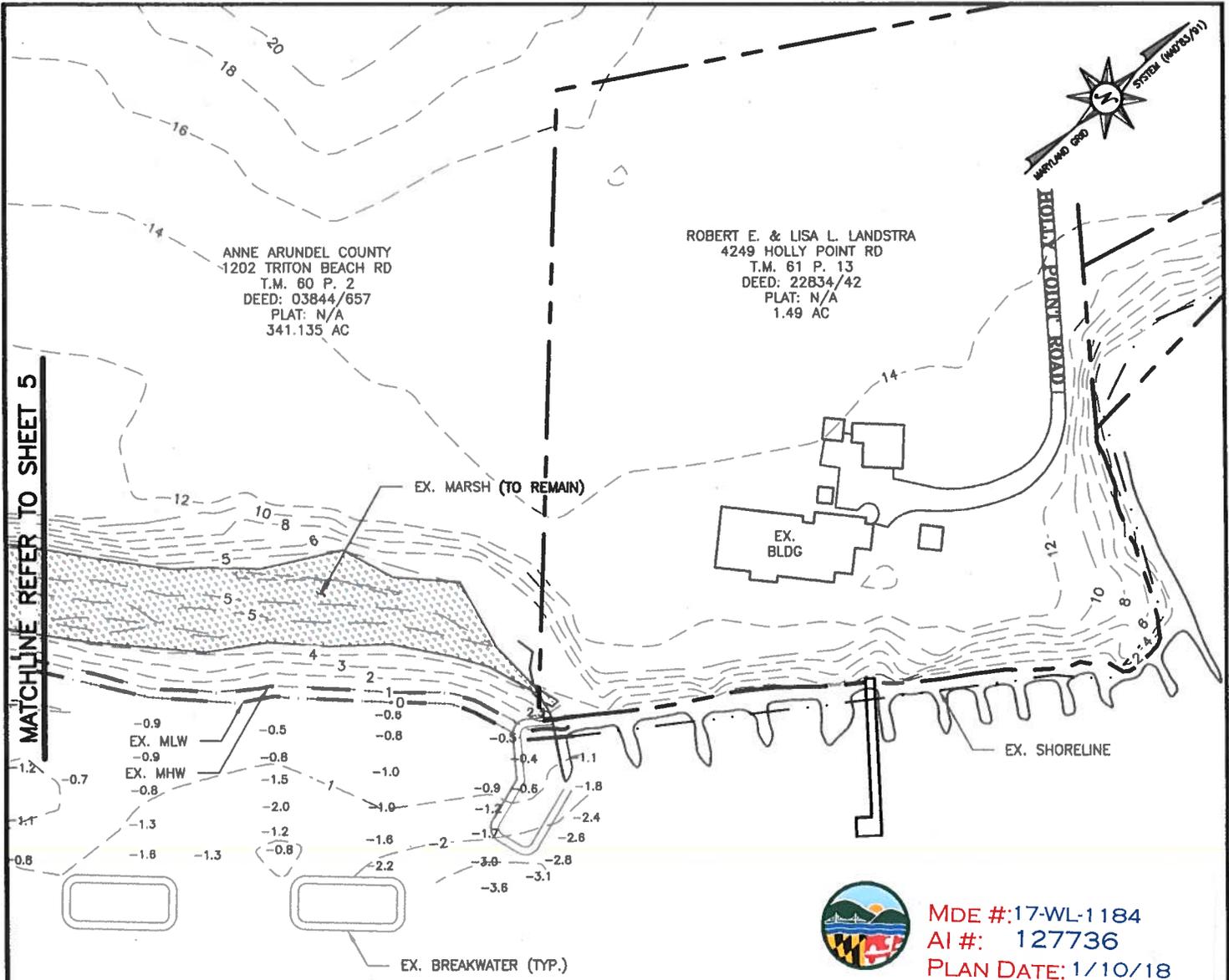
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MATCHLINE REFER TO SHEET 5



MDE #: 17-WL-1184  
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SHEET 6 OF 8

**LEGEND**

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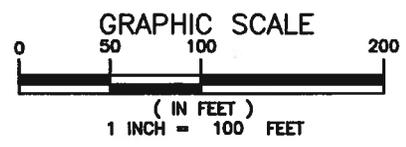
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DATE: November 2017 SHEET 6 OF 8

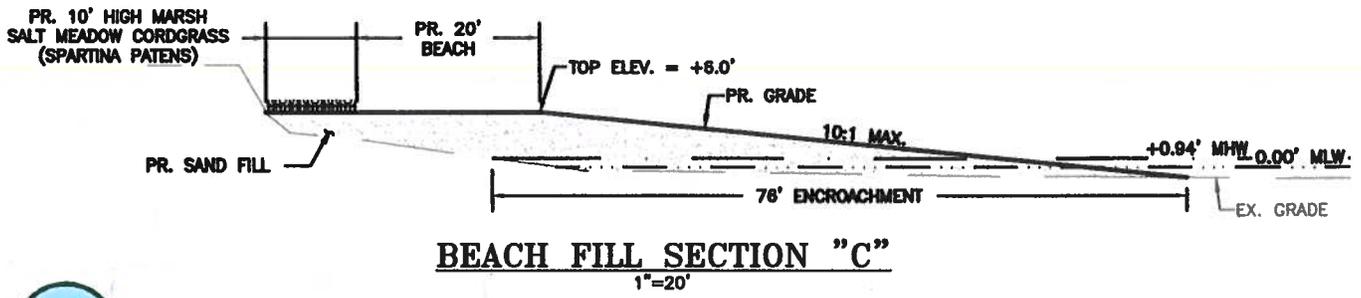
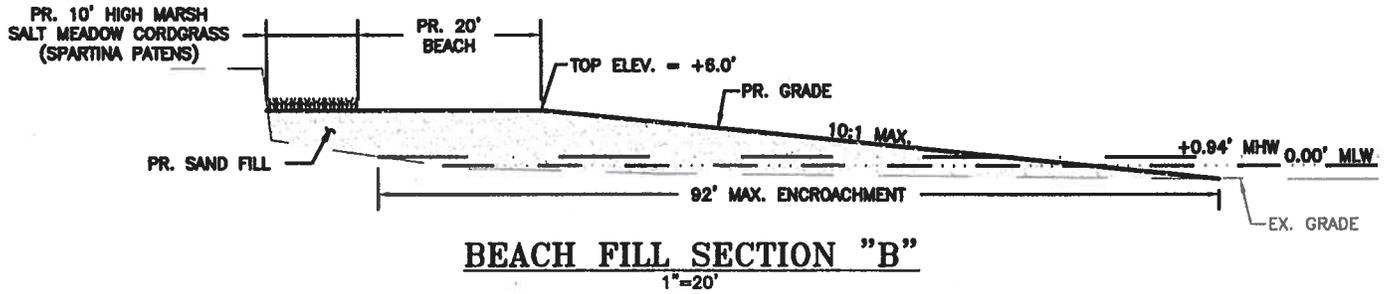
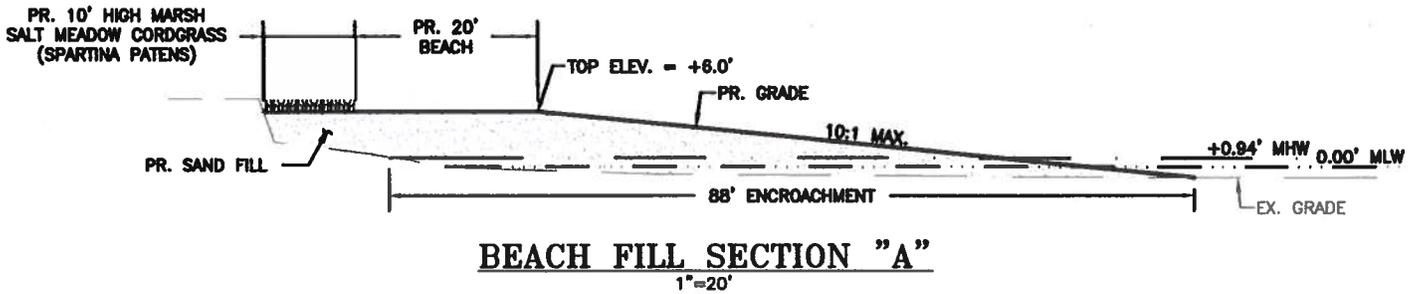
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  4. TOPOGRAPHIC SURVEY WAS PERFORMED BY BAYLAND ON 10/17/2017.
  5. THESE ARE PERMIT DRAWINGS ONLY AND SUBJECT TO CHANGE DURING THE PERMIT PROCESS. DESIGNS ARE TO BE APPROVED SEPARATELY.



**Bayland Consultants & Designers, Inc.**  
"Integrating Engineering and Environment"

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Hanover, Maryland 21076 Fax: (410) 694-9405  
www.baylandinc.com

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MDE #: 17-WL-1184  
 AI #: 127736  
 PLAN DATE: 1/10/18  
 SHEET 7 OF 8

PREVIOUSLY PERMITTED UNDER MDE WETLANDS LICENSE NO. 06-WL-1838 AND U.S. ARMY CORPS OF ENGINEERS PERMIT CENAB-OP-R (AA DPW/BEVERLY TRITON BEACH NOURISHMENT) 06-84270-24

**BEACH NOURISHMENT  
 AT  
 BEVERLY TRITON BEACH  
 ANNE ARUNDEL COUNTY, MD**

APPL. BY: ANNE ARUNDEL COUNTY  
 DEPARTMENT OF PUBLIC WORKS

**SITE DETAILS**

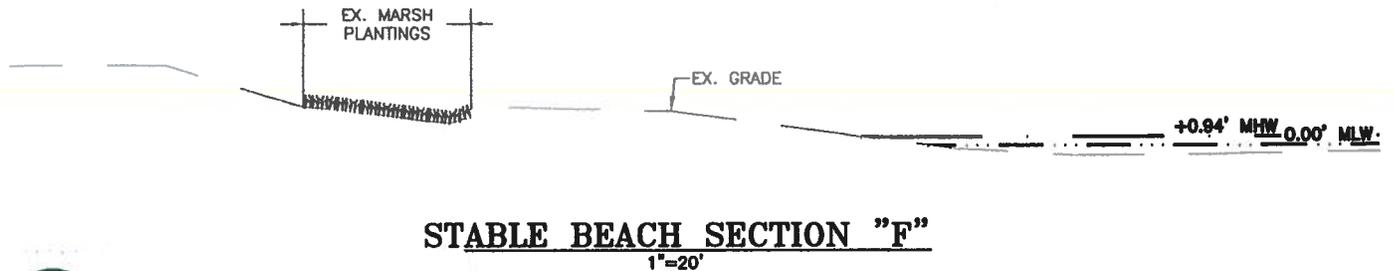
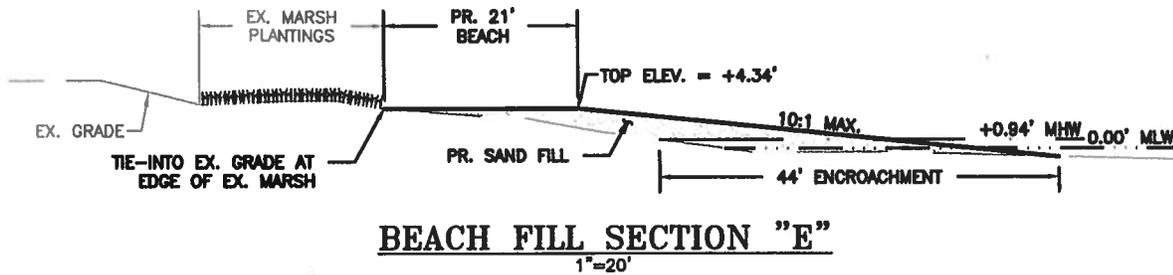
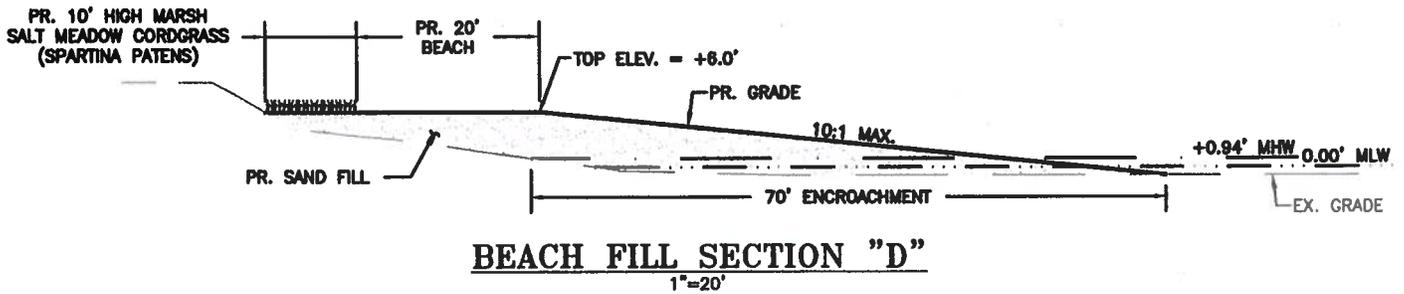
DATE: November 2017 SHEET 7 OF 8

**NOTE:**

1. CONTOURS AND ELEVATIONS ARE IN FEET AND REFER TO MLW.
2. TIDAL RANGE IS 0.94 FEET.
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**B&D**  
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MDE #17-WL-1184  
AI #: 127736  
PLAN DATE: 1/10/18  
SHEET 8 OF 8

PREVIOUSLY PERMITTED UNDER MDE WETLANDS LICENSE NO. 06-WL-1838 AND U.S. ARMY CORPS OF ENGINEERS PERMIT CENAB-OP-R (AA DPW/BEVERLY TRITON BEACH NOURISHMENT) 06-84270-24

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DATE: November 2017 SHEET 8 OF 8

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ATTACHMENT A: INTERESTED PARTIES LIST A

BEVERLY TRITON BEACH ADJACENT PROPERTY OWNERS									
NAME	PROPERTY ADDRESS	CITY	STATE	ZIP CODE	MAILING ADDRESS	CITY	STATE	ZIP CODE	ZIP CODE
Anne Arundel County	1202 Triton Beach Road	Mayo	MD	21106	Dept. of Rec. & Parks PO Box 1831	Annapolis	MD	21404	21404
Robert & Lisa Landstra	4249 Holly Point Road	Edgewater	MD	21037	PO Box 1480	Edgewater	MD	21037	21037
John Hepler & Heather McColi	1583 Stuart Road	Edgewater	MD	21037	3478 South River Terrace	Edgewater	MD	21037	21037
Lawrence & Kim Awad	1579 Stuart Road	Edgewater	MD	21037	1579 Stuart Road	Edgewater	MD	21037	21037
Scott & Susan Taylor	1575 Stuart Road	Edgewater	MD	21037	1575 Stuart Road	Edgewater	MD	21037	21037
Bernard & Margaret Dove	1569 Stuart Road	Edgewater	MD	21037	1569 Stuart Road	Edgewater	MD	21037	21037
Colin & Martha Kelly	1563 Stuart Road	Edgewater	MD	21037	1563 Stuart Road	Edgewater	MD	21037	21037
William & Ann Bell	4257 Carvel Lane	Edgewater	MD	21037	4257 Carvel Lane	Edgewater	MD	21037	21037
Marc & Cheryl Bowen	1211 Triton Beach Road	Edgewater	MD	21037	1211 Triton Beach Road	Edgewater	MD	21037	21037
Constance T Jansen	100 Oakford Avenue	Edgewater	MD	21037	100 Oakford Avenue	Edgewater	MD	21037	21037