

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

20-WL-1483

Applicant: Robb Merritt
2066 Lord Baltimore Dr
Baltimore, MD 21244
rmerritt@merritt-
companies.com
410-594-7409

Agent: Davis, Bowen & Friedel Inc.
C/o Ken Eaton and Andrew Scrutchfield
100 North Washington street, Suite 103
Easton, Maryland 21601
ajs@dbfinc.com
keaton@dbfinc.com
410-770-4744/302-424-1441

Date Application Received: December 9, 2020 **Public Notice Required?** Yes

Comment Period Closing Date: August 15, 2021

Maryland Coordinates: 157409 x 445072

Book Map Coordinates:

Location of Proposed Work: 435 Ginn Lane, Pasadena, MD 21122

Purpose of Proposed Work:

1. To provide required mitigation for impacts associated with Wetlands License 20-0187;
2. To make improvement to an existing pier;
3. To protect the shoreline from erosion.

Description of Authorized Work:

- Reconstruct and expand three existing groins on the west side of the property with the following dimension:
 - 101.3-foot long by 30-foot wide,
 - 85.3-foot long by 30-foot wide, and
 - 82.6-foot long by 30-foot wide;
- Construct a 96-linear foot and a 99-linear foot low profile stone sand containment sill between the groins, and fill and grade with 209 cubic yards of sand and plant with marsh vegetation within 35 feet channelward of the mean high water line in order to create 3,625 square feet of marsh;
- Construct 184 linear feet of low profile stone sand containment sill on the east side of the property, and fill and grade with 91 cubic yards of sand and plant with marsh vegetation within 35 feet channelward of the original mean high water line in order to create 3,760 square feet of marsh;
- Remove an existing pier, 575 square feet of platform space and piles reconfigure by installing the following:
 - 20-foot long by 4-foot wide gangway,
 - 121-foot long by 6-foot wide floating pier,
 - 40-foot long by 5-foot wide floating platform,
 - 70-foot long by 5-foot wide "L" floating platform,

- 13-foot by 14-foot boat lift with associated piles, and
- Two PWC lifts.
- All pier structures will be located within a maximum of 136.1 feet channelward of the mean high water line;
- Construct and backfill 176 linear feet of replacement bulkhead within a maximum of 18 inches channelward of a deteriorated bulkhead.

Waterbody: Broad Creek

Requires Water Quality Certification?: Yes, WQC (21-WQC-0321) will be issued by MDE.

Qualifies for Maryland State Programmatic General Permit?: No.

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: 7,385 s.f. This is mitigation for impacts associated with Wetlands License 20-0187

Was the Applicant's Original Project Modified?: Yes. After it was determined by the Department that 20-0187 would require mitigation, the Applicant modified the plans for 20-1483 to create 7,385 square feet of marsh to serve as mitigation; which exceeds the required 6,870 square feet of required mitigation.

Department Comment:

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 July 15, 2021 to August 15, 2021 and publishing the public notice for the proposed project in The Capitol Gazette on July 20, 2021. In addition, the public notice was provided to the following adjacent property owner:

- Khaled Kebaish, 1001 Snapper Cove Road, Pasadena, MD 21122

The Department received no comments and no requests for a public informational hearing.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and had no comments regarding impacts to State natural resources.

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

In reviewing these proposed shoreline stabilization structures, the Department determined that rebuilding and expanding the existing groins can be authorized because they are currently existing functional groins that have degraded. Breakwaters were not considered because there are already existing groins in place and expanding these groins over their existing footprint has the least impact. Beach nourishment was not considered because after mitigation was required for 20-0187, the area between the groins was selected for a living shoreline. The Department recommends a replacement bulkhead because there is an existing functional bulkhead.

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.

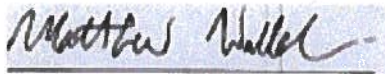
Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

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 perform all work in accordance with the Certification of Water Quality issued by the Maryland Department of the Environment, Tidal Wetlands Division.
- F. The Licensee shall construct the mitigation 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. The marsh establishment area shall be planted within one year following completion of the filling operation.
 - 3. The marsh establishment project shall be maintained as a wetland, with non-nuisance species' aerial coverage of at least 85% in perpetuity. If 85% coverage is not attained, the reasons for failure shall be determined, corrective measures shall be taken, and the area shall be replanted.
 - 4. If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
 - 5. 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.

- G. The Licensee shall accept the terms of the attached marsh maintenance plan by signing and returning the standard plan to the Water and Science Administration, Tidal Wetlands Division prior to commencement of any work authorized under this License. If the Licensee wishes to propose an alternative marsh maintenance plan, the alternative plan must be submitted to and approved by the Tidal Wetlands Division, Water and Science Administration, prior to commencement of any work authorized under this License. Any alternative plan must provide assurances of success that are at least equivalent to those of the standard plan, in terms of the extent of native marsh plant coverage, elimination of invasive species and timeframe for plant establishment.
- H. The Licensee shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.
- I. The existing or authorized pier shall not comprise more than a maximum of 6 slips, lifts, or hoist inclusive of a maximum of six mooring piles with no greater than 4 boat slips, lifts, or hoists.
- J. The total platform area shall not exceed the existing platform square footage in its existing configuration, as depicted in the attached plans.
- K. The Licensee shall not attach accessory platforms to any existing or proposed boatlifts.
- L. The Licensee shall complete construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:



 Matthew F Wallach, Natural Resource Planner
 Tidal Wetlands Division

10/22/21 ^{2021 TCR}

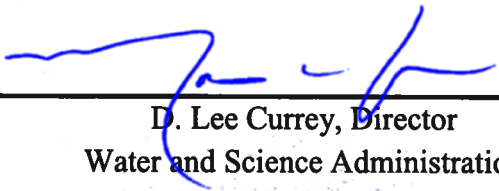
 DATE



 Tammy Roberson, Division Chief
 Tidal Wetlands Division

10/28/2021

 DATE



 D. Lee Currey, Director
 Water and Science Administration

10/28/2021

 DATE

WETLANDS ADMINISTRATION CONCURRENCE:

 William Morgante, Wetlands Administrator
 Board of Public Works

 DATE