

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

23-WL-0496

Applicant: Annapolis Dept of Public Works c/o Burr M. Vogel 145 Gorman St, 2nd Fl Annapolis, Maryland 21401 410-263-7967 bmvogel@annapolis.gov	Agent: Chris Rager BayLand Consultants & Designers, Inc 7455 New Ridge Road, Ste T Hanover, Maryland 21076 410-694-9401 crager@baylandinc.com
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Date Application Received: May 31, 2023 **Public Notice Required?** Yes

Comment Period Closing Date: October 15, 2023

Maryland Coordinates: 147333 x 442885

Location of Proposed Work: Tucker Street Public Boat Ramp, End of Tucker St., Annapolis, Anne Arundel Co., Maryland 21401

Purpose of Proposed Work: To improve navigational access.

Description of Authorized Work: Remove an existing geo-grid boat ramp and construct a 55-foot long by 22-foot wide concrete boat ramp with 110 linear feet of stone flank wingwalls; and, a 42-foot long by 6-foot wide floating pier with a 24-foot long by 6-foot wide floating platform, and a 15-foot long by 5-foot wide kayak launch, with all work extending a maximum of 49 feet channelward of the mean high water line.

Waterbody: Weems Creek

Requires Water Quality Certification?: Yes, WQC will be issued by MDE.

Qualifies for Maryland State Programmatic General Permit?: No. The United States Army Corps of Engineers alternate review and issuance of an individual permit is required.

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 plans were revised to "flip" the floating pier and platform from the western side of the boat ramp to the eastern side in response to concerns about navigable access for slip owners at the adjacent shared dock. The 110 linear feet of boulder flank wall was added after public notice, and the size of the floating platform was reduced to avoid being within the setback area.

Department Comment:

ANNAPOLIS DEPT OF PUBLIC WORKS
Report and Recommendation for 23-WL-0496
Page 1 of 5

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 September 15th, 2023 to October 15th, 2023 and publishing the public notice for the proposed project in The Capital on September 21st, 2023. In addition, the public notice was provided to adjacent property owners listed below:

Claude Street LLC
415 Monterey Ave
Annapolis, MD 21401

Madeline & Campbell Killefer
317 Tucker St
Annapolis, MD 21401

Bruce & Janice Bolten
315 Tucker St
Annapolis, MD 21401

The Department received comments from several residential property owners on Tucker Street, where the project is located:

Tom and Marie Pohida
411 Monterey Ave
Annapolis, MD 21401
(301) 639-7740
marie.pohida@gmail.com, tom.pohida@gmail.com

Campbell and Madeline Killefer
317 Tucker St
Annapolis, MD 21401
(301) 461-9997
campbell.killefer@gmail.com

Susan Shapiro
311 Tucker St
Annapolis, MD 21401
(410) 320-9600
shapiro@councilbaradel.com

Katie and Kevin Cooke
415 Monterey Ave
Annapolis, MD 21401
katiepcooke@gmail.com

Stacey Speier
313 Tucker St
Annapolis, MD 21401
Stacey.speier@gmail.com

Donna Bruce
313 Tucker St
Annapolis, MD 21401
(410) 212-5747
dnbruce@msn.com

A recurring concern in these comments was related to potential congestion and capacity issues on the residential street, which the Department is unable to address. In response, the Department advised the commenter to address the City of Annapolis with these concerns. Below are other comments relevant to the Department’s jurisdictional review and how they are addressed in the response letters that will be individually sent out to each commenter:

1. Environmental Impacts

Comment: “The plan calls for the removal of the existing ramp. Has there been an environmental study how much silt and other sediments will be released into the critical areas adjoining the ramp?”

Response: The Department reviewed the project and determined that an additional environmental analysis was not required.

Comment: “The latest drawing sketches show a 15- or 16-foot-wide ramp. More than half of the Tucker Park living shoreline is proposed to become concrete for the pier abutment and boat ramp. The impervious (concrete) coverage is approximately doubled compared to the existing ramp. What is being done to counteract the decrease in living shoreline and increase in impervious coverage within the 100 foot buffer zone protected by Maryland Critical Area Law?”

Response: During a visit to the site on July 7th, 2023, a few stands of phragmites were observed about 25-30 feet to the right of the existing geo-grid boat ramp. Even though the footprint of the boat ramp is expanding, based on the plan sheets, the proposed boat ramp will not be located in the footprint of existing marsh vegetation. Impacts to the Critical Area are not within the scope of the Department’s jurisdictional review, and would have to be addressed by the City of Annapolis.

2. Navigable Access

Comment(s): “The design will encourage people to moor their small craft to the right of the ramp and infringe on the existing critical area; The design with the kayak ramp will possibly infringe on the riparian rights of the homeowners on Tucker Street as they may not be able to safely navigate their vessels from the dock without interference of the ramp. The homeowners’ docks are designed for vessels as large as 40 feet. The ramp will greatly comprise their ability to safely navigate to and from their deeded slips.” ; “Increased congestion on the water in the small area of Weems Creek would be inconsistent with “navigational safety” under COMAR section 26.24.02.03. B (13).”

Response: In response to concerns about navigable access for adjacent riparian properties, the agent submitted a revised plan set with the pier and platform structures to be farther away from the deeded slips referenced. The proposed ramp and associated pier/platform are located within the property line extensions and 5-foot setback areas that are determined by the City. The Department determined that navigational safety would be maintained. MDE does not regulate where boats are docked outside of wet slips or lifts – MDE recommended reaching out to either DNR’s Natural Resources Police, or the Annapolis Harbormaster with this specific concern.

3. Viewshed/Aesthetic Enjoyment

Comment: “If the project were to be constructed as the city proposes, the addition of much more concrete, steel, wooden platforms, piers, bollards and cleats from the proposed project would be inconsistent with the “aesthetic enjoyment” of Weems Creek, subsection 03.B(3)(c), the “natural, scenic...and aesthetic values” of the water viewscape, subsection 03.B(10), and the “scenic and wild qualities” of a scenic creek feeding to the Severn River, which is a designated Maryland scenic river. Subsection 03.B(18).”

Response: There is an existing public boat ramp at the location, and the proposal includes typical structures that are viewed on the waterfront. Therefore, the Department determined the structures are consistent with existing structures in the vicinity.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and determined that all ramp removal, excavation activity, and concrete work associated with the project should be completed behind a cofferdam. Work performed behind a cofferdam is considered to be working in the dry, and may proceed without a time of year restriction to protect NOB 6-1.

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, to reduce any potential adverse effects to aquatic resources, shall construct and maintain a cofferdam or similar containment structure around and channelward of the boat ramp area prior to any excavation and backfilling along the shoreline through completion of any excavation and backfilling along the shoreline and concrete work.

- F. The Licensee shall have all work proposed above the mean high water line reviewed and authorized by City of Annapolis Department of Planning and Zoning.
- G. The Licensee shall not stockpile any material in State or private tidal wetlands.
- H. The Licensee shall install chocks, stoppers, bracing or similar devices to prevent the floating structure from resting on the bottom substrate during periods of low water.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:

 <hr style="border: 1px solid black;"/> <p>Mel Throckmorton, Natural Resource Planner Tidal Wetlands Division</p>	<p>2/13/24</p> <hr style="border: 1px solid black;"/> <p>DATE</p>
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 <hr style="border: 1px solid black;"/> <p>Tammy Roberson, Division Chief Tidal Wetlands Division</p>	<p>2/13/2024</p> <hr style="border: 1px solid black;"/> <p>DATE</p>
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 <hr style="border: 1px solid black;"/> <p>D. Lee Currey, Director Water and Science Administration</p>	<p>2/15/2024</p> <hr style="border: 1px solid black;"/> <p>DATE</p>
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WETLANDS ADMINISTRATION CONCURRENCE:

<hr style="border: 1px solid black;"/> <p>William Morgante, Wetlands Administrator Board of Public Works</p>	<hr style="border: 1px solid black;"/> <p>DATE</p>
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