

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

23-WL-0638

Applicant: Edwin A. and John O. Crandell,
Inc.
733 Crandell Road
West River, Maryland 20778
David Harris
dharris@eajocrandell.com

Agent: Doldon W Moore and Associates LLC
PO Box 1
Owings, Maryland 20736
dwmooorej@verizon.net

Date Application Received: July 19, 2023 **Public Notice Required?** Yes

Comment Period Closing Date: March 01, 2024

Maryland Coordinates: 131122 x 439736

Location of Proposed Work: The proposed project is located within the tidal waters of Tenthouse Creek at 1014 Benning Road, Galesville, MD 20765 in Anne Arundel County.

Purpose of Proposed Work: The purpose of the structures is to provide additional safe mooring for the commercial barges.

Description of Authorized Work:

- I. North pier: Replace in-kind a 253-foot long by 6-foot wide pier, three tapered 14-foot long by 3-foot wide finger piers, and twelve mooring piles; and to construct a 27.8-foot long by 6-foot wide pier extension, all extending a maximum of 280.8 feet channelward of the mean high water line at an existing bulkhead.
- II. South Pier: Replace in-kind a 88-foot long by 23-foot wide platform, and a 171-foot long by 6-foot wide pier; and to construct a 37.2-foot long by 6-foot wide pier extension, all extending a maximum of 296.2 feet channelward of the mean high water line at an existing bulkhead.

Waterbody: Tenthouse Creek

Requires Water Quality Certification?: No, all activities are Section 10 and do not require a WQC.

Qualifies for Maryland State Programmatic General Permit?: No, the Army Corps has issued separately a Letter of Permission. The proffered permit was issued on August 21, 2024.

Area of Vegetated Wetland Impacts Requiring Mitigation: zero square feet

Area of Open Water Tidal Wetlands Requiring Mitigation: zero square feet

Area of Wetlands Created: zero square feet

Was the Applicant's Original Project Modified?: Yes, the applicant originally proposed new pier extensions extending a maximum of 380 feet channelward of the mean high water line at an existing bulkhead, which was beyond the quarter-distance of the waterway. The applicants reduced the new pier extensions to extend no further than the quarter-distance.

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 February 1, 2023 – March 1, 2023 and publishing the public notice for the proposed project in The Capitol Gazette on February 7, 2024. In addition, the public notice was provided to adjacent property owners listed on Attachment A.

Before the Public Notice, the Department received multiple comments from eleven commenters originating with the Neighbor Notification letters sent initially by the applicant. The eleven commenters were Mark Bird, Steve Sharkey, Sherry Schiller, Jeanette Curry, Janice Bird, Elle Bassett (AA Rivers Federation), Dottie Rodda, Mark and Susan Case, Millicent and Rodney Calver, and James Day (WRIA). During the Public Notice comment period, many of the eleven commenters commented again, along with six additional new commenters who were Buz Winchester, Bruce Kisliuk, Mark L. Plaster, Ashley Eden, and William Bird. All of the comments fall under five basic categories: navigation, environmental impact, safety, negative aesthetic impacts to the community, and personal property values. All of these topics are addressed in Public Hearing document (Attachment B)

In August 2023, the United States Coast Guard (USCG) provided an unfavorable recommendation for the pier extensions beyond the quarter-distance. The USCG reversed their unfavorable recommendation and provided a favorable recommendation in support of the piers extending to 380-foot channelward after receiving comment-responses from the applicant showing the waterway bathymetry, channel markers, piers, and other structures, and showing sight distances. The applicant compiled all the comments from 2023 and responded thoroughly and individually. It was these figures and explanation that convinced the USGS that the pier extensions would not be a hazard to navigation.

The Department received a request for a public informational hearing from both contiguous neighbors, Mark Bird and Steve Sharkey.

The Public Hearing Notice for the proposed project was published in The Capitol Gazette on March 20, 2024. The Public Hearing was held on April 22nd, 2024 and the hearing record is attached (Attachment B). Written commenters were Mark Bird, Steve Sharkey, Kathleen Smith, and Dennis Harvey opposed; and Dick Bean in favor.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and determined that no instream construction activity should occur from November 15 through March 1, inclusive, of any given year to protect overwintering of waterfowl. The DNR comment is addressed in Special Condition E.

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 not perform any construction from November 15th through March 1st of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:

Melissa McCanna

Melissa McCanna, Natural Resource Planner
Tidal Wetlands Division

12/6/2024

DATE

[Signature]

Jonathan Stewart, Acting Division Chief
Tidal Wetlands Division

12/6/2024

DATE

[Signature]

D. Lee Currey, Director
Water and Science Administration

Dec 10, 2024

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE