

ATTACHMENT A

ADJACENT PROPERTY OWNERS NOTIFIED IN PUBLIC NOTICE PROCESS

1. KINDLER, ROGER
1471 Grandview Road
Arnold, MD 21012-2440

2. SIMMONS TRUSTEE, WILLIAM C
184 SEVERN WAY
Arnold, MD 21012-2440

3. MCWILLIAMS, SEAN PATRICK
182 SEVERN WAY
Arnold, MD 21012-2440

4. KEFFER, TIMOTHY T
1436 WESTWAY
Arnold, MD 21012-2440

5. JONES, GEORGE T TRUSTEE
1438 WESTWAY
Arnold, MD 21012-2440

6. SIEBERT, ROBERT A TRUSTEE
1444 WESTWAY
Arnold, MD 21012-2440

7. STEFFEN, KANDYCE L
1440 WESTWAY
Arnold, MD 21012-2440

8. DEMENTHON, DANIEL F
1448 WESTWAY
Arnold, MD 21012-2440

9. ANSTEY, MARK M TRUSTEE
1428 RAVINE WAY
Arnold, MD 21012-2440

10. BENEDICT, MARY I
C/O CHARLES E ILIFF JR
455 W JOYCE LN
ARNOLD MD 21012-2240
11. MORRELL, CRAIG P
1546 BRIARCLIFF RD
Arnold, MD 21012-2440
12. 1542 BRIARCLIFF LLC
1810 ARAPAHOE ST
GOLDEN CO 80401
13. ILIFF, NICHOLAS T
1514 & 1522 BRIARCLIFF RD
Arnold, MD 21012-2440
14. MCCORMICK, JULIE M
1538 BRIARCLIFF RD
Arnold, MD 21012-2440
15. MADSEN, ERIC R
1534 BRIARCLIFF RD
Arnold, MD 21012-2440
16. ENGELSTEIN TRUSTEE, JOEL M
1528 BRIARCLIFF RD
Arnold, MD 21012-2440
17. VAN HOVER TRUSTEE, ANTHONY J
1524 BRIARCLIFF RD
Arnold, MD 21012-2440
18. WILSON, DOUGLAS R
439 W JOYCE LN
Arnold, MD 21012-2440

19. REED, AMY S
186 SEVERN WAY
Arnold, MD 21012-2440

20. TOTAH, IBRAHIM S
188 SEVERN WAY
Arnold, MD 21012-2440

21. CHRISTOPOULOS, JOHN
190 SEVERN WAY
Arnold, MD 21012-2440

ATTACHMENT B

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Arnold, MD 21012-2440

5. JONES, GEORGE T TRUSTEE
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Arnold, MD 21012-2440

6. SIEBERT, ROBERT A TRUSTEE
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Arnold, MD 21012-2440

7. STEFFEN, KANDYCE L
1440 WESTWAY
Arnold, MD 21012-2440

8. DEMENTHON, DANIEL F
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Arnold, MD 21012-2440

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GOLDEN CO 80401
13. ILIFF, NICHOLAS T
1514 & 1522 BRIARCLIFF RD
Arnold, MD 21012-2440
14. MCCORMICK, JULIE M
1538 BRIARCLIFF RD
Arnold, MD 21012-2440
15. MADSEN, ERIC R
1534 BRIARCLIFF RD
Arnold, MD 21012-2440
16. ENGELSTEIN TRUSTEE, JOEL M & ALLYN
1528 BRIARCLIFF RD
Arnold, MD 21012-2440
17. VAN HOVER TRUSTEE, ANTHONY J & KAY
1524 BRIARCLIFF RD
Arnold, MD 21012-2440
18. WILSON, DOUGLAS R
439 W JOYCE LN
Arnold, MD 21012-2440

19. REED, AMY S
186 SEVERN WAY
Arnold, MD 21012-2440

20. TOTAH, IBRAHIM S
188 SEVERN WAY
Arnold, MD 21012-2440

21. CHRISTOPOULOS, JOHN
190 SEVERN WAY
Arnold, MD 21012-2440

PUBLIC NOTICE COMMENTORS NOT PREVIOUSLY NOTIFIED

22. TRIMBLE, LEA & SKIP
1517 BRIARCLIFF RD
Arnold, MD 21012-2440

23. KING, BETHANY & GARRETT
1533 BRIARCLIFF RD
Arnold, MD 21012-2440

24. WAGNER, CHRISTINE
1531 BRIARCLIFF RD
Arnold, MD 21012-2440

25. SEMPLE, NAT
1520 BRIARCLIFF RD
Arnold, MD 21012-2440

26. BELT, CYNTHIA & DAVID
1515 BRIARCLIFF RD
Arnold, MD 21012-2440

27. DOODY, ANNE
1510 OAKDALE CIRCLE

Arnold, MD 21012-2440

28. MAYO, TRICIA & MARC
1505 OAKDALE CIRCLE
Arnold, MD 21012-2440

29. SWIFT, MARTHA & BRIAN
1501 OAKDALE CIRCLE
Arnold, MD 21012-2440

30. SCHAUB, SUSAN & JEFFREY
1500 OAKDALE CIRCLE
Arnold, MD 21012-2440

31. ROSBURG, ERIC & ELIZABETH
24 ARNOLD RD
Arnold, MD 21012-2440

32. BUCKLEY, ROBERT
1509 OAKDALE ROAD
Arnold, MD 21012-2440

Attachment “C” – Sign in Sheet

Name	Mailing Address	Email	Wish to Speak? Yes/No
Chris Snyder	8348 Governor Ritchie Hwy, Pasadena, MD 21122	Chris.snyder@waterfrontedc.com	No
Roger Kindler	1471 Grandview Rd., Arnold, MD 21012	Kindler1598@gmail.com	No
Craig Morrell	1546 Briarcliff Rd., Arnold, MD 21012	craig.morrell@morrellcommercial.com	Yes
Nick Illiff	1514 Briarcliff Rd., Arnold, MD 21012	Niliff77@gmail.com	No
Bill Morgante	80 Calvert Street, Annapolis, Maryland 21401	bill.morgante@maryland.gov	No
Lucy Iliff	455 W. Joyce Ln., Arnold, MD 21012	lucyiliff@aol.com	No
Ross Powers	1473 Grandview Rd	Ross.d.powers@gmail.com	No
Julianne Degraw Fertus (for Douglas Wilson)	439 w. Joyce Ln., Arnold, MD 21012	bosundog@gmail.com	No
Eric Madsen	1534 Briarcliff Rd., Arnold, MD 21012	ericjanmadsen@gmail.com	No
Elizabeth Rosburg	24 Severn Way, Arnold, MD, 21012	emrosborg@gmail.com	Yes
A Van Hover	152 Briarcliff Rd, Arnold, MD 21012	avanhover@gmail.com	
Joel Engelstein	1528 Briarcliff Rd., Arnold, MD, 21012	Jme43@hotmail.com	
Charles Iliff	455 W.Joyce Ln., Arnold, MD, 21012	Charlie@ilimer.com	Yes
Daniel DelMartha	1110 West Way, Arnold, MD., 21012		No
Skip Trimble	1517 Briarcliff Rd., Arnold, MD, 21012	johnnelsontrimble@gmail.com	Yes
Carol Denny	182 Old River Rd., Arnold, MD, 21012	Carol.denny@gmail.com	



Public Hearing Report

Regarding Tidal Wetlands License Under COMAR 26.24.01.05.H.

<u>Application No.:</u>	23-WL-0629	<u>Date:</u>	April 15, 2024
<u>Applicant:</u>	Pines Community Improvement Association	<u>Time:</u>	6:00 PM
<u>MDE Staff</u>	Kathryn Burcham Tammy Roberson Jonathan Stewart	<u>Location:</u>	Severna Park Library, 45 W McKinsey Rd, Severna Park, MD 21146

*Advisory: This report and its attachments reflect only the statements, comments, and questions made during the public hearing and following comment period. **This hearing was recorded, and this report is based upon that recording and the personal notes of Department staff during the hearing.** It does not represent any statement of fact by the Department, or a decision to recommend approval or denial of a license to the Board of Public Works.*

- Hearing Opened: Tammy Roberson, of Maryland Department of the Environment (MDE or “the Department”), serving as Hearing Officer, opens the Hearing at 6:00 PM. Presented overview of hearing purpose, authority and procedures, in accordance with COMAR 26.24.01.05.
- Elected Officials Present
 - None
- Opening Presentation by Applicant
 - Presenter - Dave Forbes, Representative of the Applicant for “Pines Community Improvement Association” (PCIA) presented proposed project.

Main Points

- The current mooring system associated with the bulkhead is failing and not adequate for the community, and so a new floating dock system is being proposed.
- The PCIA group mooring field requires MDE authorization at this time. No modifications have been made to the mooring field since 1996. Forty-seven mooring buoys are associated with the field.
- No more than 25 vessels have been moored at any given time associated with the mooring field.
- Group mooring prevents rogue anchoring within the north fork of Chase Creek.
- DNR’s registration for the group mooring field was renewed in March of 2023.
- Seeking an authorization for the group mooring field at this time is to remain in compliance with state regulations.

4. Questions and Comments: The hearing was well attended and many attendees spoke. The majority of the statements were in opposition to the project. No elected officials were present. The following is a summary of all comments and questions presented at the hearing and during the comment period ending on April 30, 2024.

General Questions Regarding the Project: The Hearing Officer began by soliciting questions directly related to the proposed floating pier and after-the-fact mooring field project. The Applicant and Agent responded to several of these statements. Their responses have been included where appropriate and are in italics.

- How many vessels will the new floating pier accommodate?

There will be 36 slips associated with the floating pier system.

- Is there a limit on vessel size for the new proposed floating pier?

Yes, however, the exact limit is unknown at this time. It is anticipated that the limit of length of any vessel will be 36 feet, however, there will likely be additional limitations.

- Have there been any considerations for other plans rather than the floating pier system?

Yes, several other avenues have been evaluated, and the current proposal is anticipated to be most feasible. With continued sea level rise, and the current failing bulkhead system, the new proposed floating system will be able to accommodate the community for years to come. A fixed pier system was considered, however, due to environmental concerns, was abandoned.

- It was indicated that several of the 47 moorings have been ‘set aside’ for the Briarcliff community. How many moorings have been set aside?

Four moorings have been set aside and are not included in this application.

- Who has authorized the Mooring Field previously?

The MD Department of Natural Resources (DNR) has previously been registering the field under a group mooring registration, however, the group mooring is also viewed as a mooring field and requires the Department’s authorization in order to be viewed as compliant.

- Sheet 12 of the materials describes the main access of the pier and appears to angle out/away from the existing bulkhead. Sheet 14 has the proposed pier parallel to the existing bulkhead. Which is accurate?

Sheet 12 is accurate; sheet 14 is a proposed schematic and used for detailed viewing.

- The floating pier system – will it be partially dismantled in the winter?

No.

- Will the system rest on the bottom at low tide?

No.

- What is the weight of each floating system?

Unknown.

- Has the Department done anything to review the accuracy of the mooring field proposal?

The Department has consulted with MD DNR regarding the history of the group mooring registration, however, the mooring field authorization has a separate review process from MD DNR's group registration review process. There has been no field verification that the buoys associated with the mooring field are currently being proposed in the areas in which they currently reside.

- How many boats are currently accommodated by the existing system and how many will be accommodated by the proposed system?

There are currently 36 slips associated with the existing system, however, two are unusable and several are dinghy-sized slips. The new floating pier proposal proposes 36 slips.

Project Comments Summary: In general, the parties attending the hearing and making comment to the Department were against the project. The primary concerns involved the mooring field, proper notification, equal access to water, and environmental impacts. Any corresponding responses made by the Applicant, Agent or Hearing Officer during the hearing are included below in italics.

- Mooring Field/Group Mooring Legitimacy: Concerns regarding the mooring field's registration and authorization status were raised. Attendees voice concerns that the mooring field does not meet the current regulatory requirements.
- Proper Notification: Briarcliff community members have not been notified of the mooring field in the past and are opposed to the mooring field as it sits today.
- Navigation Issues: Attendees voiced concerns regarding navigation associated with the mooring field which is seeking after-the-fact authorization.
- Equal Access of Water and Riparian Rights: Several comments noted that the mooring field does not allow for equal access to water from Briarcliff community.
- Impacts to Wildlife/Habitat: Concerns about environmental impacts due to the proposed floating pier and mooring field.
- Commercial Mooring Field: Concerns were raised that the mooring field is being authorized to become a commercial mooring field for PCIA to charge a fee for the use of a buoy in the field.

PCIA Agents confirmed the field is not intended to be commercial and no fees will be associated with use of a buoy in the field.

- Floating Pier: There were fewer comments regarding the proposed floating pier, however, concerns regarding the capacity of the structure for vessels, the proposed materials to be used in the structure, and environmental concerns were raised.

5. Hearing Closed

- a. Participants notified that comments are due by 5:00 PM on Tuesday, April 30, 2024; must be post marked by that date or via email.
- b. The Department may request additional information from the applicant.
- c. Hearing is adjourned by Tammy Roberson **at 7:04pm.**

6. Comments Received after Hearing: Several additional written comments were received prior to the close of the hearing record on April 30, 2024. A summary of all comments received and addressed follow. Any corresponding responses from the Applicant, their Agent, or MDE are included below in italics.

- Concerns that the mooring field has never been previously notified to interested parties.
 - *MDE determined that because the Department was not aware of the mooring field prior to receiving the application for the floating pier system, there has been no previous opportunities to notify interested parties. Interested parties who were noticed in the process included any riparian property owners that bordered the mooring field and riparian property owners upstream of the north fork of Chase Creek, where this project is proposed.*
 - *The group mooring registration, administered by DNR, does not have a public notice requirement.*
- Concerns regarding the current bulkhead condition and stability where the floating pier structure attaches to the shore.
 - *MDE has determined that the current bulkhead is still functional, however, shoreline erosion control is a separate activity from pier structures and there is no requirement to repair any damages to the bulkhead prior to authorization for the mooring field and floating pier structure. Replacement of the existing bulkhead is not proposed in this application and, therefore, it is beyond the scope of this application.*
 - *The agent has also indicated that the proposed pier structure will not be attached to the bulkhead system.*
- Concerns regarding PCIA's role in the mooring field administration.
 - *If the mooring field is authorized, then PCIA may remove, assign, and install any authorized mooring buoys. Any changes to configuration of the mooring field or the installation of additional buoys within the mooring field must receive necessary approvals.*
 - *The agent has indicated that they will not be charging any fees associated with the use of the mooring field.*
- Concerns regarding previous authorizations for the mooring field.
 - *The Department has no record of previously authorizing a mooring field in this location, but aerial imagery suggest the mooring field has existed since prior to 1972 and has been expanded upon after 1972. Any mooring buoys locations installed prior to 1972 and currently used are legally "grandfathered" structures and do not require authorization by the State. The mooring field has been and is currently registered as a group mooring under DNR's authority. Questions were also received regarding the federal authorization. For information relevant to the U.S. Army Corps of Engineers' authorization, please reach out to their office at 410-962-2809.*
- Questions regarding the difference between a mooring field and a group mooring.

- *DNR has the authority to register group moorings, however, a mooring field requires state and federal authorization according to COMAR 26.24 and the Maryland State Programmatic Permit (MDSPGP-6). Most often, group moorings are also considered mooring fields and should be registered with DNR and receive appropriate authorizations.*
- Concerns regarding ongoing maintenance of the mooring field.
 - *The authorization allows for three years for the installation of structures; structures can remain in the water after installation. They will need to be re-registered through DNR as a group mooring according to DNR's requirements. Any changes to the mooring field would require authorization by the State.*
- Concerns regarding the maintenance of existing marina structures, including the existing sewage pump out.
 - *MDE has determined that the property meets regulatory requirements for a marina expansion. Additionally, the Department has recommended the inclusion of a special condition to address these concerns. The special condition recommended is as follows: "The Licensee shall, prior to any boat being moored at the facility, certify to the Water and Science Administration, Tidal Wetlands Division, that dockside sewage pump out facilities to accommodate sewage from vessels using the applicant's marina are installed, operated, and maintained. The facilities shall be connected to a public sewage treatment system serving the area or to an on-site sewage disposal system sized, installed, and operated in compliance with the requirements of the Anne Arundel County Health Department."*
 - *The agent has confirmed that the existing pump out and marina facilities are functional.*
- Concerns regarding navigation and equal riparian access relevant to the mooring field proposal.
 - *MDE has determined that after consulting with MD DNR's Fishing and Boating services that the group mooring does not exceed these limits for mooring buoy placement under DNR's regulations. These regulations are intended so no one buoy does not extend over a third of the waterway from one shoreline's mean high water line to the opposite shoreline's mean high waterline. Additionally, DNR has confirmed that navigation will be maintained with the proposal. Navigational value is expected to be equal to or greater than what is currently in place with the proposed changes.*
- Concerns regarding the number of mooring buoys proposed in the mooring field.
 - *MDE has determined that the current proposal meets all regulatory requirements.*
 - *The agent has shared that the currently proposed mooring field is what has been registered with DNR since 2008 and has been used since prior to the 90's. There are fewer mooring buoys proposed in the mooring field in this Department application than are registered in the group mooring registration with DNR to accommodate the proposed floating pier.*
- Concerns regarding altering the Severn River's scenic and wild qualities.
 - *MDE has determined that mooring buoys and pier structures are typical structures to view on the water and therefore will not alter the River's scenic and wild qualities.*

- Concerns regarding the existing navigational channel as opposed to the new navigational channels proposed.
 - *The Department has determined that new navigation channels can be proposed and accepted; the existing fairway, which are the current conditions, will be impacted by the proposal, however, new channels have been proposed and MDNR's Division of Boating and Fishing Services has reviewed the proposal and has indicated that reasonable navigation will be maintained by the proposal.*

- Question regarding who the public should reach out to with any questions/concerns regarding the mooring field.
 - *The agent has indicated that the beach and boating coordinator position is a volunteer position and the person holding that position changes from time to time. The preferred means to contact the beach and boating committee is by email; boating@pinesonthesevern.org.*
 - *If there are any issues with the mooring field, please either report to MD DNR's Natural Resource Police or to the MDE's compliance inspectors. DNR's Natural Resource Police, who can be reached at 410-260-8888, would be able to assist with any issues regarding the maintenance or abandonment of buoys, whereas the Department's compliance inspectors, who can be reached at 410-537-3510, would be able to assist with any concerns regarding compliance with a State authorization or regulations for activities in, on, over, under or through State tidal wetlands. The Department would not be able to assist with any concerns regarding individual mooring buoys that are placed by individuals and not in association with the proposed PCIA mooring field.*

- Concerns regarding whether or not a depth study was performed for the project.
 - *No additional water depth surveys are required for this application. In order to ensure that vessels will be placed in appropriate water depths and that navigational access is maintained, the Department has recommended the inclusion of special conditions H: The Licensee shall ensure that all moorings have sufficient water depths to prevent vessels from grounding or resting on the bottom at mean low water; and I: The Licensee shall ensure that navigation through the mooring field is maintained, and vessels moored within the community mooring field do not impede navigation through the waterway.*

- Concerns regarding the U.S. Army Corps of Engineers' (USACE) involvement in the authorization.
 - *For information relevant to the U.S. Army Corps of Engineers' authorization, please reach out to their office at 410-962-2809.*

- Concerns regarding the weight and material used in the proposed floating pier.
 - *MDE does not regulate the weight or materials used in construction.*

- Concerns regarding impacts to the environment, including Submerged Aquatic Vegetation (SAV).
 - *According to the Virginia Institute of Marine Science (VIMS), there has been no documented presence of Submerged Aquatic Vegetation (SAV) around or near this site for over five years. MDE reviews the previous five years of available SAV mapping to determine if a proposal will impact SAV. At the time of application submission, MDE reviewed 2017 to 2021 maps. There has been no documented presence in the years 2022, 2021, 2020, 2019, 2018, 2017, and 2016. There are no anticipated adverse impacts as relevant to the proposed work.*

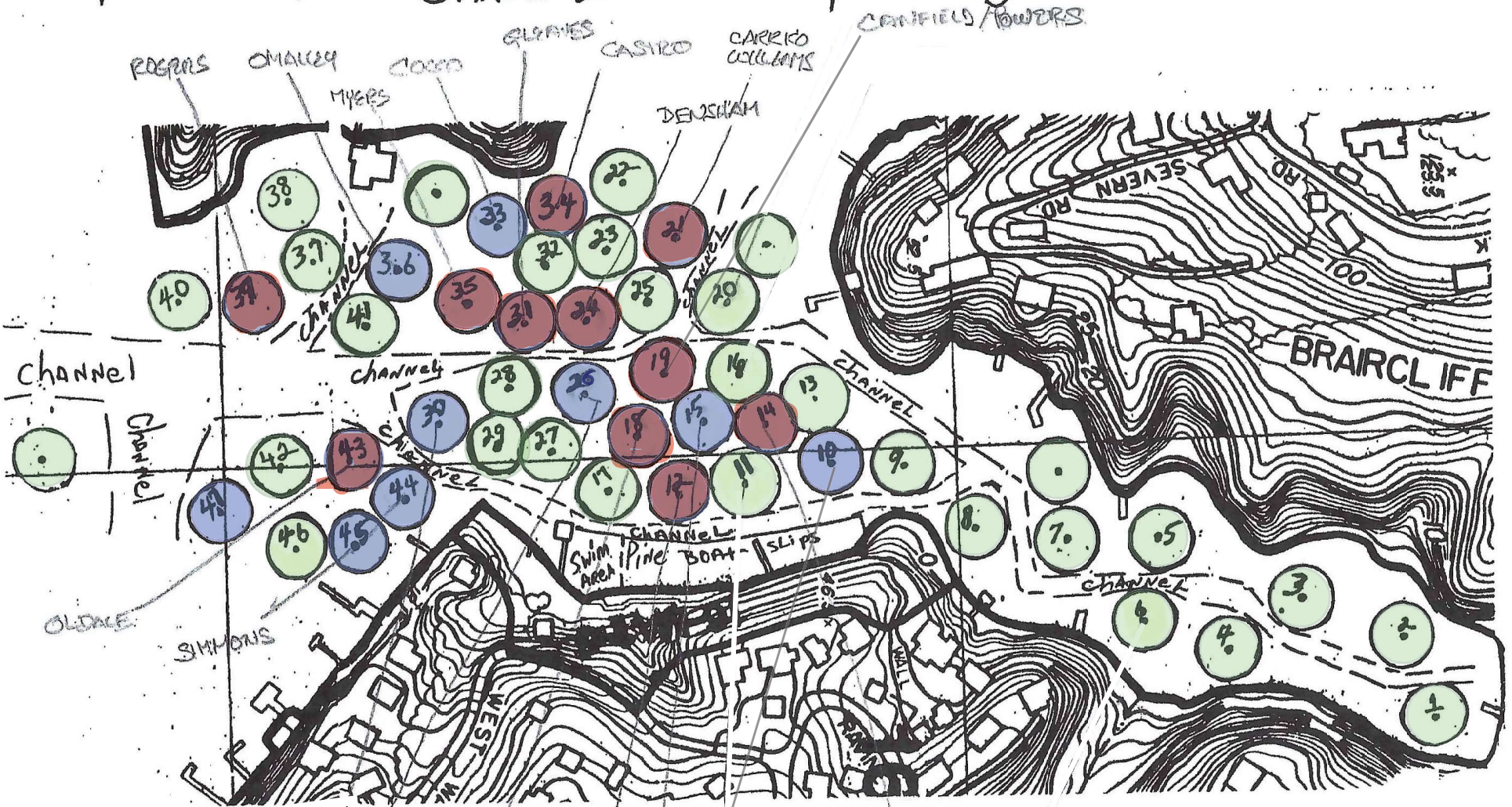
- *The agent has considered alternative designs, including a fixed pier design, but moved forward with the proposed floating pier structure to avoid unnecessary environmental impacts.*
- Concerns regarding who will be allowed to use moorings within the mooring field.
 - *Pines on the Severn administers the group moorings under authority of DNR.*
 - *The agent has indicated that the proposed mooring field layout includes four moorings earmarked for use by chase creek riparian property owners.*
 - *Individuals can place their own mooring buoys within state waters if all associated regulations are followed. DNR, not MDE, regulates individual mooring buoys. The establishment of a community mooring field does not include or exclude individual mooring buoys from being placed in Chase Creek by individuals not associated with PCIA if all DNR regulations are met.*
- Concerns regarding consistency between plan sheets was raised.
 - *The agent has addressed consistency issues between plan sheets with the current plan set.*
- Concerns regarding the final authority of the mooring field resting solely with PCIA were raised.
 - *The Department and Maryland Board of Public Works (BPW) has final authority on the authorization of the mooring field and proposed floating pier.*
 - *The agent has been accommodating to interested parties requests and has indicated that they will be more than willing to continue to work with the Briarcliff community in the overseeing of the mooring field/group mooring*



Attachment 'E'



PCIA North Chase Creek Group Moorings



- Buoys actively present in the water
- Buoy space reserved but no buoy actively present at this time
- Buoys that have been in the water since 1972 and are still currently in the water