

WATER AND SCIENCE ADMINISTRATION TIDAL WETLANDS DIVISION

Wetland Report and Recommendation

State Wetlands Case No: 26-WL-0371

Date Application Received: May 05, 2026

Applicant: Virginia R. Foster
Applicant Address: 43805 Blake Creek Rd
Valley Lee, Maryland 20692
Applicant Email: river_house_farm@yahoo.com

Agent: Virginia R. Foster
Agent Address: 43805 Blake Creek Rd
Valley Lee, Maryland 20692
Agent Email: river_house_farm@yahoo.com

Public Notice Required? Yes Public Comment Period Closing Date: August 15, 2026

County: St. Mary's Maryland Coordinates: 58782 x 438385

Location of Proposed Work: On Lane Pond adjacent to 43805 Blake Creek Rd., Valley Lee, MD, 20692, St. Mary's County

Purpose of Proposed Work: To improve navigable access.

Description of Authorized Work: To mechanically maintenance dredge an approximate 18-foot long by 66-foot wide (1,188 square feet) entrance channel to the maximum depth of 1.0 foot at mean low water resulting in approximately 93 cubic yards of material to be deposited for beneficial reuse on an adjacent beach located at 43805 Blake Creek Rd., Valley Lee, MD, 20692.

Waterbody: Potomac River

Requires Water Quality Certification: No. MDE has issued a Water Quality Certification for the MDSPGP-6.

Qualifies for Maryland State Programmatic General Permit?: Yes. Category B and will be issued by the United States Army Corps of Engineers directly to the applicant.

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?: No

Department Comment: The project site is situated within a tidal pond adjacent to the Potomac River. Historical aerial imagery indicates that the tidal inlet has exhibited a recurring pattern of opening and closure over the preceding years. The applicant has submitted photographic evidence demonstrating historical vessel navigation through the inlet and the presence of a vessel docked at the associated pier. Furthermore, historical aerial records confirm the presence of existing piers within Lane Pond. Based on this assessment, the proposed project is not anticipated to result in detrimental impacts to the environment or surrounding properties

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, 2026 to August 15, 2026 and publishing the public notice for the proposed project in The Enterprise on July 17, 2026. In addition, the public notice was provided to adjacent property owners listed below:

Adjacent Property Owner: Cullison Family Trust

Adjacent Property Owner Address: P. O. Box 156, Callaway, MD 20620

Adjacent Property Owner: Thomas Buckler, Jr.

Adjacent Property Owner Address: 19210 Lake Drive, Leonardtown, MD 20650

Adjacent Property Owner: Jane Nau

Adjacent Property Owner Address: P. O. Box 448, Valley Lee, MD 20692

Adjacent Property Owner: Thomas Lazorcak

Adjacent Property Owner Address: 5612 Robin Lane, Camp Springs, MD 20746

The Department did receive public comments from Thomas Lazorcak but no request for a public hearing.

Mr. Lazorcak spoke with Justin Berezna on July 29 and alleged he owns the pond as well as opening to the pond as well as other concerns. The Department requested Mr. Lazorcak to provide documentation on ownership of the pond or the opening.

Following the July 29 phone call with Justin, Mr. Lazorcak contacted the following MDE staff in August:

- Suzanne Dorsey, Deputy Secretary with the Department
- Jonathan Stewart, Tidal Wetlands Division Chief

Mr. Lozorcak relayed the same concerns with Suzanne and Jonathan which was his contention that he owns the opening and the pond, the impact to the pond and his property would be devastating, he has a 40-year dispute with his neighbors, the county and the State property tax accessors are

not properly showing his ownership of the pond, and that he has surveys showing his ownership. He has been offered assistance to find the correct contact point to dispute property boundaries which he has refused and he has been asked to provide any and all documentation that he may have regarding the parcel boundaries and tax records that may differ from the official State Department of Assessments and Taxation (SDAT). The Department has received no alternative information from Mr. Lozorcak that shows ownership of the opening or the pond by him. The Department, based on the existing records, view the opening and the pond as State tidal wetlands subject to the Board of Public Works and MDE's jurisdiction. SDAT and the St. Mary's county Department of Land Use & Growth Management have confirmed he does not own either (see Attachment 1).

Mr. Lazorcak was made aware by Suzanne, Justin, and Jonathan of the following:

- Based on MDE's assessment, we will be approving the R&R for the dredging.
- His concerns will be included in the official record and forwarded to Mr. Morgante at the BPW.
- He has two opportunities to contest this decision. First with Mr. Morgante, Wetlands Administrator for the Board of Public Works(BPW) and at the BPW Meeting. And second, through the court system.
- He was provided Bill Morgante's number in advance of the R&R to discuss his concerns

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and determined The Licensee shall not perform any construction from November 15 through March 1 of any year to protect wintering waterfowl. The proposed project site is located in a Historic Waterfowl Concentration Area.

The Maryland Historical Trust reviewed the 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:

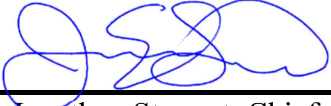
- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.
- B. The Licensee 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 or is not otherwise exempt from the licensing requirement, all work performed under this Tidal Wetlands Permit 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 and COMAR 26.30. The licensed marine contractor shall be authorized for the appropriate license category to perform or solicit to perform the activities within this authorization, if applicable. A list of licensed marine contractors and their license category 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 at <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/LicensedMarineContractors.aspx>.
- 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.
- F. The Licensee shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.
- G. The Licensee shall dispose of dredged material only at the dredge disposal site(s) approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.

- H. The Licensee shall install a turbidity curtain around and channel ward of the beach nourishment area while the excavation and backfilling along the shoreline until complete.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:


Justin Berezniak
Natural Resource Planner
Tidal Wetlands Division

8/26/26
DATE


Jonathan Stewart, Chief
Tidal Wetlands Division

August 26, 2026
DATE


Heather L. Nelson, Program Manager
Wetlands and Waterways Protection Program

Aug 26, 2026
DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE