

**WATER AND SCIENCE ADMINISTRATION  
TIDAL WETLANDS DIVISION**

**Wetland Report and Recommendation**

State Wetlands Case No:

22-WL-1259

Applicant: Gibsons Grant Community  
Association, Inc  
220 Defense Hwy, Ste 405  
Crofton, Maryland 21144  
Bill Dodd (HOA President)  
whdodd@cablespeed.com  
410-924-1526

Agent: Waterfront Engineering, Design and  
Construction, Inc  
8348 Governor Ritchie Hwy  
Pasadena, Maryland 21122  
Chris Snyder  
[Chris.Snyder@waterfrontedc.com](mailto:Chris.Snyder@waterfrontedc.com)  
410-789-1494

Date Application Received: December 06, 2022 Public Notice Required? Yes

Comment Period Closing Date: September 15, 2023

Maryland Coordinates: 146404 x 462973

Book Map Coordinates: Queen Anne's Co. ADC Map Num: 0 Ed: Coord: 0 X

Location of Proposed Work: The project will take place in Queen Anne's County, on Kent Island, within the Gibson Grants Community, along the northern shore of Chester Way.

Purpose of Proposed Work: The purpose of this project is to repair the existing revetment, stabilize the shoreline, and allow tidal interaction with existing marsh.

Description of Authorized Work: Construct 630 feet of stone revetment 14.5 feet in width. The revetment will have five ten-foot-wide vents and extend 25-feet channelward of the mean high water line. Mitigation will include three activities; areas where scouring has occurred behind the stone will be filled with approximately 50 cubic yards of sand and replanted with 1,100 square feet of spartina patens, the eastern area of the project will have 2,057 square feet of phragmites removed and replanted with spartina patens, the remaining impacts will be resolved with payment into the Tidal Wetlands Compensation Fund.

Waterbody: Chester River

Requires Water Quality Certification?: No, the WQC has been issued for the Maryland State Programmatic General Permit.

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 2,835 s.f.

Area of Wetlands Created: 3,157 s.f.

Was the Applicant's Original Project Modified?: Yes, the original design requested to construct a 630-foot long by 10-foot wide linear segment of revetment. The area behind the revetment was to be filled and planted at an elevation of +5.0 mean low water.

Department Comment: The shoreline along the Chester River at Gibson Grant has a 24-mile fetch. Aerials show that prior to 2005 stone was emplaced along this shoreline to reduce erosion. At this time the Gibson Grant Community was an undeveloped farm field. Over time the stone has degraded allowing marsh to establish landward. Due to existing stone and the distance of the fetch the site qualifies for a Living Shoreline waiver.

The original project requested to emplace stone at +5.0 mean low water and fill the area between the stone and uplands. The project was redesigned to move the revetment channelward of the established marsh and include vents for tidal flushing. The vents allow the marsh to continue to function as a tidal marsh. This redesign allows for structural shoreline stabilization with no adverse effect to tidal wetlands.

The redesign emplaces stone 25 feet channelward of the mean high-water line. MDE determined permanent impacts outside the existing 10 foot wide stone footprint requires mitigation for open water impacts. The project will have 2,835 square feet of open water impacts. Due to the mitigation being out of kind the ratio is increased by a factor of 2 totaling 5,670 sq ft. The agent identified scouring within the marsh that could be filled and planted to a total of 1,100 square feet of restoration. The agent also proposed to remove 2,057 square feet of phragmites and replant the area with spartina patens. The total area of wetlands enhancement is 3,157 square feet.

The remaining impacts are 2,513 square feet. MDE determined the remaining impacts could be resolved by payment into the Tidal Wetlands Compensation Fund. Payment into the fund at a 1:1 ratio after tidal wetlands creation and enhancement of an existing tidal wetlands would be 1,257 square feet or \$2,161.18.

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 August 15, 2023, to September 15, 2023, and publishing the public notice for the proposed project in The Record Observer on August 18, 2023. In addition, public notice was provided to adjacent property owners listed below:

Chester Station Joint Venture  
2444 Solomons Island Rd  
Annapolis, MD 21401

Howard Brown  
100 Painters Mill Rd  
Owings Mill, MD 21117

During the public notice period the adjoining neighbor Michael S. O'Brian from Chester Station Joint Venture called the office with concerns about impacts to his parcel. It was explained to Mr. O'Brian this authorization does not allow for any impacts on his property, even temporarily. Should any impacts occur, they would be unauthorized. Mr. O'Brian was satisfied with this response and had no further concerns or comments.

During the review process the HOA president changed from Jaime Kinsel to Bill Dodd. Mr. Dodd has been part of the review process since the initial site meeting and was present at the public information hearing (PIH) held on October 26, 2023. After the change in president, the project was discussed with Mr. Dodd. Mr. Dodd had no comments or concerns during discussions about the project.

The Department received a request on September 8, 2023, for a PIH from Albert Cipolari. The hearing was conducted on October 26, 2023, at 6:30 pm in the Gibson's Grant Clubhouse. During the meeting Mr. Cipolari expressed shoreline buffer (critical area) and other upland concerns and identified the homeowners association is not responsible for the installation of the shoreline erosion control but White's Heritage, management firm of the developer. Mr. Cipolari submitted a package during the open comment period. The

summary of those documents revolved around the Buffer Management Plan (BMP) for Gibson Grant being changed to include tree removal. He believes the Community acted outside their authority to update the Buffer Management Plan. Once the PIH was announced 16 households of the Gibson Grant Community voiced their support of the project through email.

To follow up on Mr. Cipolari's claims, Amy Moredock, the Director of Queen Anne's County Planning and Zoning, was contacted and she provided the original (BMP) and its 2019 amendment. Mr. Kinsel (former HOA president) provided the transfer of the deed from White's Heritage to Gibsons Grant Community Association, Inc which occurred in 2019. This was confirmed by accessing the Maryland Department of Assessments and Taxation website. Therefore, since 2019 Gibson Grant Community Association, Inc. has been the property owner of the parcel where work is proposed.

After reviewing the provided documents, Mr. Cipolaris upland concerns are outside MDE jurisdictional review of the project. In addition, Gibson Grant HOA is the riparian property owner and within their riparian rights to seek authorization for shoreline stabilization. Mr. Cipolaris contact information is below:

Albert Cipolari  
127 McGuckin Street  
Chester, MD 21619  
301-949-0547  
circipo@aol.com

The project was screened for potential impacts to resources that would require the Maryland Department of Natural Resources (DNR) to review the project. No impacts to DNR jurisdictional resources were identified, therefore they did not review the project.

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.



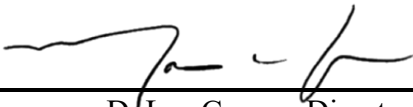
### **SPECIAL CONDITIONS:**

- 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 design and construct the stone revetment to prevent the loss of fill material to waters of the State of Maryland.
- F. The Licensee shall not use asphalt rubble in the revetment. Filter cloth shall be placed between the riprap and the soil. Prior to emplacement of the revetment, all rebar is to be cut off flush with the concrete. After emplacement of the revetment, any rebar exposed as a result of the concrete breaking during the emplacement is to be cut flush with the concrete. Except for the larger material placed along the leading edge of the revetment, the concrete shall be broken prior to emplacement so that random sized interlocking pieces are formed.
- G. The Licensee shall construct at least 5 vents (opening in the stone edging), to facilitate marsh flushing and shall be located along the stone edging as depicted on the attached plans.
- H. The Licensee shall have all work proposed above the mean high water line reviewed and authorized by Queen Anne’s County Department of Planning and Zoning.
- I. The Licensee shall not stockpile any material in State or private tidal wetlands.
- J. The Licensee shall use marsh mats where access over marsh is required to protect the existing marsh.
- K. 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.

- L. The Licensee shall maintain the mitigation site and monitor for 5 years subsequent to the completion of construction. The licensee shall submit a monitoring report to the Tidal Wetlands Division verifying that the wetland construction has been successful no later than December 31 of each per the required 5 years of monitoring. A project shall be considered successful if there is a survival rate of 85% of the plants in forested and scrub/shrub wetlands and if plants cover 85% of the surface area for emergent wetlands. If these standards are not met, the licensee shall determine the reason(s) for failure, correct the problem(s), and replant the project.
- M. The Licensee shall submit photographs on an annual basis for the first five growing seasons to the Tidal Wetlands Division, Water and Science Administration in order to document the success of the project in terms of the extent of native marsh plant coverage. Photographs shall be taken from at least two directions, as necessary to fully depict the living shoreline.
- N. The mitigation project shall be constructed in accordance with the plans dated January 8, 2024.
- O. The Licensee shall pay \$2,161.18 USD into the Maryland Department of the Environment (MDE) Wetland Compensation Fund to mitigate the impacts to 1,257 square feet of open water. Payment is required to be submitted to MDE within six months of the issuance date of the license or prior to the commencement of any construction, whichever comes first. Failure to comply with this condition will result in automatic suspension of the license. An invoice for payment and instructions will be mailed separately.
- P. The Licensee shall assure that all excavated material from the wetland enhancement of the Phragmites area shall be buried at an approved disposal site to prevent the spread of this species, or the Phragmites shall be treated with RODEO in accordance with State and federal laws, for at least one growing season prior to excavation.
- Q. The Licensee shall obtain a General Permit for Discharges from the Application of Pesticides from MDE by contacting the Industrial Discharge Permits Division at 410-537-3323 prior to the application of any herbicide to eradicate Phragmites. Toxic materials use permits are required for any homeowner, farmer, local government or other person who wants to control aquatic life in ponds, ditches or waterways by the deliberate use of chemical products.
- R. The Licensee shall plant the existing Phragmites area depicted on the existing plans dated January 8, 2024 with Spartina patens.

DEPARTMENT OF THE ENVIRONMENT APPROVAL:

 <hr style="border: 1px solid black;"/> <p style="text-align: center;">Matt Godbey, Natural Resource Planner Tidal Wetlands Division</p>	<p>2/23/2024</p> <hr style="border: 1px solid black;"/> <p>DATE</p>
 <hr style="border: 1px solid black;"/> <p style="text-align: center;">Tammy Roberson, Division Chief Tidal Wetlands Division</p>	<p>2/23/2024</p> <hr style="border: 1px solid black;"/> <p>DATE</p>
 <hr style="border: 1px solid black;"/> <p style="text-align: center;">D. Lee Currey, Director Water and Science Administration</p>	<p>2/27/2024</p> <hr style="border: 1px solid black;"/> <p>DATE</p>

WETLANDS ADMINISTRATION CONCURRENCE:

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William Morgante, Wetlands Administrator  
Board of Public Works

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DATE