

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

22-WL-1295

Applicant: Herrington Harbour Inc
7494 Lake Shore Dr
North Beach, Maryland 20714
Steuart Chaney
Steuart@herringtonharbour.com

Agent: Doldon W Moore and Associates LLC
c/o Doldon Moore
PO Box 1
Owings, Maryland 20736
dwmoorej@verizon.net

Date Application Received: December 16, 2022 **Public Notice Required?** Yes

Comment Period Closing Date: December 1, 2023

Maryland Coordinates: 117930 x 439954

Location of Proposed Work: The proposed project is located at 7149 Lake Shore Drive, North Beach, MD 20714 within the tidal waters of Chesapeake Bay in Anne Arundel County.

Purpose of Proposed Work: The purpose of the project is shoreline erosion control and beach nourishment.

Description of Authorized Work: To restore/stabilize the beach shoreline by adding sand and improving the existing breakwaters.

- I. Deposit 1,242-cubic-yards of sand along the existing beach, extending a maximum of 25-feet channelward of the mean high-water line.
- II. Install stone approximately 41-linear-feet of rock to the ends of the existing breakwaters to reduce the width of the vents from 44-feet, 40-feet and 42-feet down to 35-feet, 25-feet and 25-feet.
- III. Add stone to three existing breakwaters that have subsided to bring them up to their original height of 4-feet above the mean low water line.
- IV. Install two 50-foot long by 16-foot wide stone breakwater/wave screens that are 4 feet above the mean high water line. They are proposed channelward of the existing breakwater vents and will not exceed 140-feet channelward of the mean high-water line.
- V. Create a sand tombolo by depositing 330-cubic-yards of clean sandy fill that will be 82-feet-long by 53.5-feet-wide and will be 3-feet above the mean low water line.
- VI. Maintain four existing warning markers on poles in the existing breakwaters. All proposed work is within a maximum of 140 feet channelward of the mean high water line.

Waterbody: Herring Bay

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 permit is required.

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?: No.

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 November 1, 2023 to December 1, 2023 and publishing the public notice for the proposed project in The Capitol Gazette on November 6, 2023. In addition, the public notice was provided to adjacent property owners:

Charles and Cynthia Sclater
604 Walnut Ave.
Rosedale, MD 20714

Rizwan & Trisha Shah
607 Friendship Rd.
Friendship, MD 20758

The Department did not receive a request for a public informational hearing, but did receive comments from:

Charles and Cynthia Sclater
604 Walnut Ave.
Rosedale, MD 20714
csclater@hotmail.com

Deborah Diehlmann
240-401-1087
Deborah@ImagineBay.com

Their comments briefly summarized were:

1. Concern and a perceived history of sand drift into their shoreline and water access.
2. Herrington Harbor nourishing the beach without authorization to do so.
3. Nourishing the beach with no long-term results retaining the sand on-site.
4. Debris trapped on their shoreline because of the structures.

The applicant responded with a letter detailing the history of the applicant's shoreline and the southern neighbors. The response was written by the applicant's agents/consultants as well as an additional consultant, Scott Hardaway. To summarize the applicant's response, the aerials and water depths presented depicted an increase in water depth to the south (comment 1); and that the proposed structures will provide long-term sand retention (comment 3). The applicant hired a third party to review the proposal and its potential affects per the comments.

For Comment 1, hydrographic surveys were reviewed from years 2011, 2014, 2021, and 2022. The hydrographic surveys depicted an increase of nearshore water depth of one foot between 2011 and 2022. Also shown on the plans are two activities above mean high water designed to address neighbor comments: Add rock atop an existing groin making it 125-foot-long by 5-foot-wide and 2-foot-high; and plant a 125-foot long by 5-foot wide area landward of the groin with American beach grass. These activities were added to address the neighbors' comments that sand blows onto their property and that storm events wash sand onto their property and within their water access.

For comment 3, the report supports the proposed changes—reducing the vent widths, and adding vent protection, “windows. It was noted that future beach nourishment is a possibility, but that structures proposed amounted to a “vigorous” project, including a design suggestion to reduce the length extension of breakwater B. In other words, the design, as is, exceeds the project goals of reducing shoreline erosion.

For Comments 2 and 4, the Department urged the commenters to report any suspicious activity to our Compliance Department and that debris washing ashore is not regulated by the Department.

Another person was carbon-copied on their emails and has commented in the past on other marina applications, Mark Curl, markcurl@aol.com, but did not comment to the Department on this application.

The Maryland Department of Natural Resources (DNR) reviewed the proposed project and suggested a waterfowl time of year restriction from November 15th through March 1st of any given year to protect overwintering waterfowl. The applicant submitted a request for waiver and DNR waived the time of year restriction.

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.

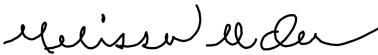
Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

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 construct the beach nourishment 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. If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
 3. 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.


DEPARTMENT OF THE ENVIRONMENT APPROVAL:



Melissa McCanna, Natural Resource Planner
Tidal Wetlands Division

March 13, 2024

DATE



Tammy Roberson, Division Chief
Tidal Wetlands Division

3/13/2024

DATE



D. Lee Currey, Director
Water and Science Administration

3/13/2024

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE

Edited to reflect waterfowl time of year restriction was waived by DNR on March 12, 2024.