



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

LAND PRESERVATION PROGRAM
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS/FORESTRY
COMMUNITY HYGIENE

March 18, 2022

This notification is to advise you that the Department has received and is presently reviewing the following request for a shoreline construction project:

Maryland Department of Natural Resources - Request No. 2022-031 – Request to install an anchored artificial wooden raft in Chincoteague Bay to provide nesting site for two state endangered colonial water bird species. Common Tern and Black Skimmer. This activity was carried out in 2021 under permit NR21-0174 and this application is being made to request installation of a larger raft for same purposes. This project is located at Spoils Island, Chincoteague Bay, also known as Tax Map 59. Tenth Tax District of Worcester County, Maryland.

The Department in considering this application will make specific findings of fact with regard to the environmental impact, navigational impact, recreational potential, commercial benefit to Worcester County, impact of the proposed construction upon the surrounding neighborhood and upon property values therein, and any other pertinent issues. Approval from the Department does not guarantee approval from any other applicable regulatory agencies.

If you have an interest which may be adversely affected by the issuance of this permit, you are requested to notify this Department in writing within fifteen (15) calendar days which will end on April 2, 2022.

Sincerely,

Brandy Whitlock
Environmental Inspector

cc: Interested Parties
David Bradford, Deputy Director
File



WORCESTER COUNTY
SHORELINE CONSTRUCTION
APPLICATION

Request No.: 2022-031
Submission Date: 3-18-22

x Major Construction (\$300.00) Minor Construction (\$150.00)

Written Description of Proposed Improvement (include channelward distance):

The project will install an anchored wooden raft in Chincoteague Bay in April 2022 to provide a nesting site for two state endangered colonial waterbird species, Common Tern and Black Skimmer. This activity was carried out in 2021 under permit NR21-0174. This application is being made to request installation of a larger raft for the same purposes. A detailed description of the modified project is attached, as well as partner information.

Property Description:

Map: 0059 Parcel: N/A Lot: N/A Section: N/A Block: N/A Tax District:
Street Address: South Point Spoils Island, Sinepuxent Wildlife Management Area
Subdivision: N/A
Dwelling on lot: Dwelling under construction: Vacant: Commercial:

Owner: Maryland Department of Natural Resources Phone No. 410-703-0413
Mailing Address: 580 Taylor Ave., Annapolis, MD 21401
E-Mail Address: jonathan.mcknight@maryland.gov

Contractor: N/A Phone No.:
Mailing Address:
E-Mail Address:

Recorded Adjacent Property Owner: Thomas Johnson
Property Address: 5827 South Point Rd
Tax Map: 50 Parcel: 5 Lot: Section: Block:

Recorded Adjacent Property Owner:
Property Address:
Tax Map: Parcel: Lot: Section: Block:

As the applicant, I attest that the information presented on this application, site plan and any written documentation attached hereto is known to be accurate. I understand that the proposed shoreline improvement will be constructed to meet or exceed minimum design standards adopted by the Department. Any deviation from these standards will require construction plans sealed by an engineer registered in the State of Maryland. I acknowledge that any falsification of information presented may result in revocation of this approval and of the subsequent Shoreline Construction Permit.

Owner/Applicant's Signature 3/15/22
Date

DEPT. USE ONLY:

Notification Distribution Date: 3-18-22 Public Comment Deadline: 4-2-22 (15 calendar days)
Department Approval Date: Expiration:



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

March 15, 2022

Operations Division

Maryland Department of Natural Resources
Wildlife and Heritage Service
c/o Mr. Jonathan McKnight
580 Taylor Avenue E-1
Annapolis, Maryland 21404

Dear Mr. McKnight:

This is in reference to your January 10, 2022, modification request to Department of the Army (DA) permit, NAB-2020-61788 (Maryland DNR and MD-DC Audubon/Floating Nesting Islands), issued on May 3, 2021, authorizing construction of a total of four (4) approximately 16-foot wide by 16-foot-long (1,024 square feet) temporary floating nesting structures in water depths of minus -4.0 feet MLW in Chincoteague Bay located at the southeast side of South Point Spoils Island, Worcester County, Maryland.

You requested that the Corps of Engineers, Baltimore District (Corps) modify the above referenced DA permit to enlarge the size of the temporary floating nesting structures by approximately 1,280 square feet to provide greater potential nesting area for state-listed Endangered colonial waterbirds.

As a result of our reevaluation of your project, including the requested modification, the project with the modification has been found to be "not contrary to the public interest." Therefore, the work description is hereby amended to state:

"To temporarily install a total of nine (9) approximately 16-foot wide by 16-foot (2,034 square feet) long floating bird nesting rafts connected together by latches and secured in place with anchor lines; all to extend no more than approximately 344 feet channelward of the open marsh interface approximately .25 miles southeast side of South Point Spoils Island, in Chincoteague Bay, Worcester County, Maryland."

All other conditions of the original May 3, 2021 DA permit remain in effect and adherence shall be strictly maintained. In addition, all required State and local authorizations must be secured prior to commencement of construction.

A copy of this letter is being furnished to the Maryland Department of the Environment for informational purposes under State Tidal Wetlands License No. 20-

1213(R1). If you have any questions concerning this matter, please contact Ms. Lamuelle Coleman of this office at (410) 395-4660 or via email at Lamuelle.L.Coleman@usace.army.mil.

By Authority of the Secretary of the Army:

Issued for and on Behalf of
Estee S. Pinchasin
Colonel, U.S. Army
Commander and District Engineer



Jason R. Peters, PWS
Chief, Maryland South Section



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works
Wetlands Administration
80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Larry Hogan
Governor

Nancy K. Kopp
Treasurer

Peter Franchot
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 20-1213(R1)

MARYLAND DEPARTMENT OF NATURAL RESOURCES

A minor modification (pursuant to COMAR 23.02.04.17.B.(1)) was made to the original license. Changes to original license language are shown with a strikethrough, and revisions shown with bold type.

The Maryland Board of Public Works authorizes you to:

*Place ~~four (4)~~ **nine (9)** 16-foot wide by 16-foot long attached floating bird nesting rafts with ~~four~~ anchor lines within a maximum of 125 feet from the four corners of the nesting rafts, all extending a maximum of .25 miles southeast of South Point Spoil Island.*

Chincoteague Bay, .25 mile southeast of South Point Spoils Island, Ocean City, Worcester County, Maryland

Issuance of this Tidal Wetlands License constitutes the State's determination that the authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING SPECIAL CONDITION(S):

- A. The rafts shall be located in an area where SAV has not been present for the last 5 years.
- B. Floating nesting rafts shall be located in an area where water depths are equal to or greater than 3 feet at mean low water.
- C. The nesting rafts shall be removed after the nesting season as determined by the Maryland Natural Resources Wildlife and Heritage Department.
- D. The Licensee shall clearly mark or illuminate the outermost extent of the nesting rafts and the associated anchor structures according to United States Coast Guard regulations.

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:

1. Licensee shall conduct the authorized work in accordance with the plans and drawings as accepted by MDE dated ~~March 5, 2021~~ **November 23, 2021** which are hereby incorporated into this License.

2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.
5. Licensee shall notify MDE's Inspection and Compliance Program by phone (410-537-3510) AND in writing (MDE, Inspection and Compliance Program, 1800 Washington Boulevard, Baltimore, MD 21230) of the following:
 - start date at least five business days before beginning work; and
 - completion date no more than five business days after project completion.
6. If MDE has issued a Water Quality Certification with respect to the authorized work, Licensee shall comply with all conditions of that certification.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally-approved Buffer Management Plan before beginning the authorized work.

"Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.
8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Inspection and Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally-approved Soil Erosion and Sediment Control Plan.
15. 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 email at *MDE.MCLB@maryland.gov* or by accessing the Maryland Department of the Environment, Environmental Boards webpage.

- 16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
- 17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
- 18. Licensee shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this License authorizes.
- 19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.
- 20. This License expires April 21, 2024. If the authorized work is not completed by the expiration date, all activity must stop.

Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.
 Board of Public Works: 410-260-7791

By the authority of the Board of Public Works:

**William
Morgante**

Digitally signed by
William Morgante
Date: 2022.03.04
10:54:14 -05'00'

William Morgante
Wetlands Administrator

Effective Date: April 21, 2021
Approved as: Secretary's Agenda Item 4
Board of Public Works Meeting Date: April 21, 2021
Revised: March 3, 2022 (R1)

I accept this License and all its conditions.

March 4, 2022



Date

Licensee (Signature)

Jonathan A. McKnight

Name (Printed)

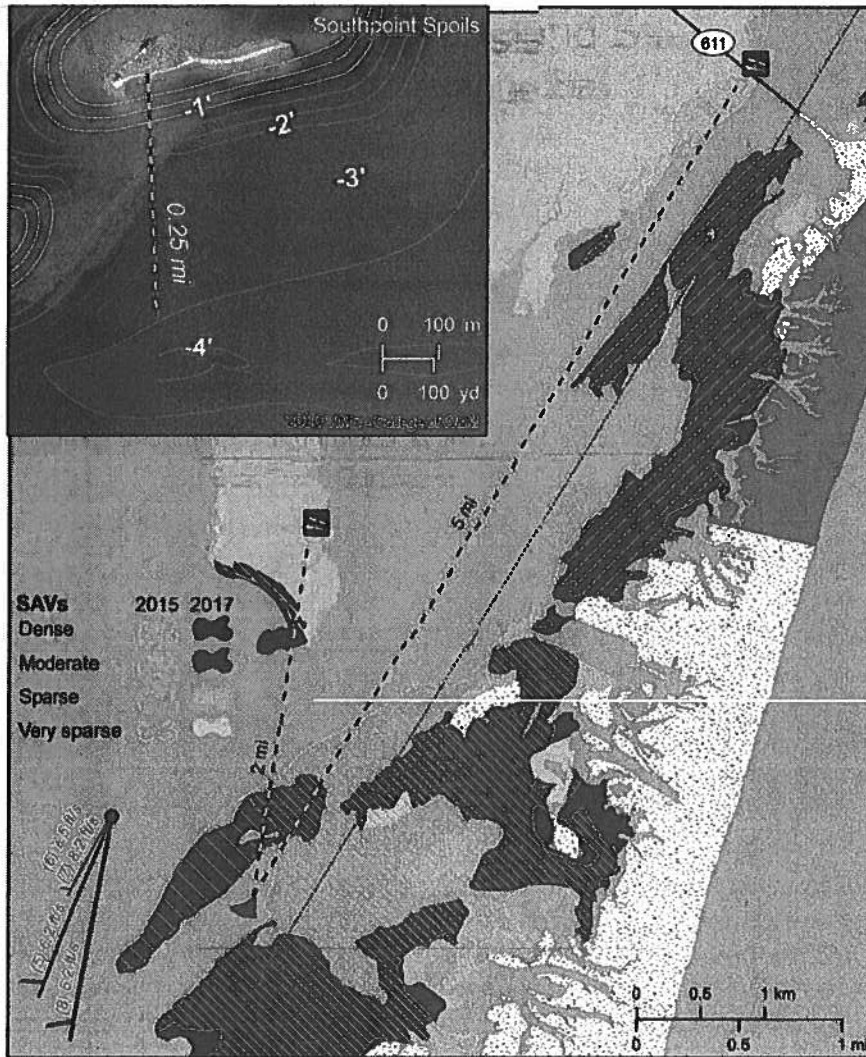
Associate Wildlife Director

Title

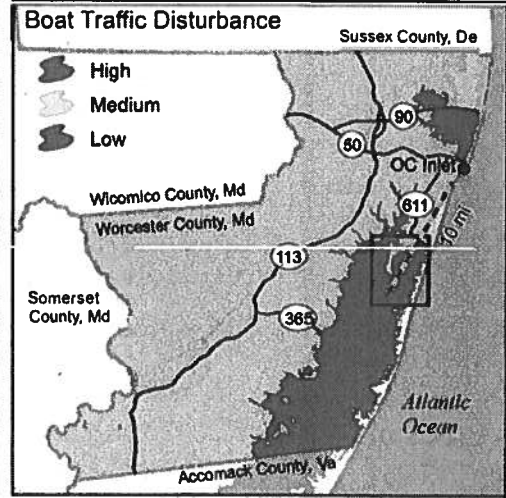
jonathan.mcknight@maryland.gov

Email (to receive completed license)

Floating Island Site Chincoteague Bay, Md



- Boat ramp
- National Seashore Jurisdiction
- Floating Island Site
- Assateague Island Management**
- MDDNR
- NPS
- Average Wind Direction**
- (Month) Average Speed feet/second (ft/s)*

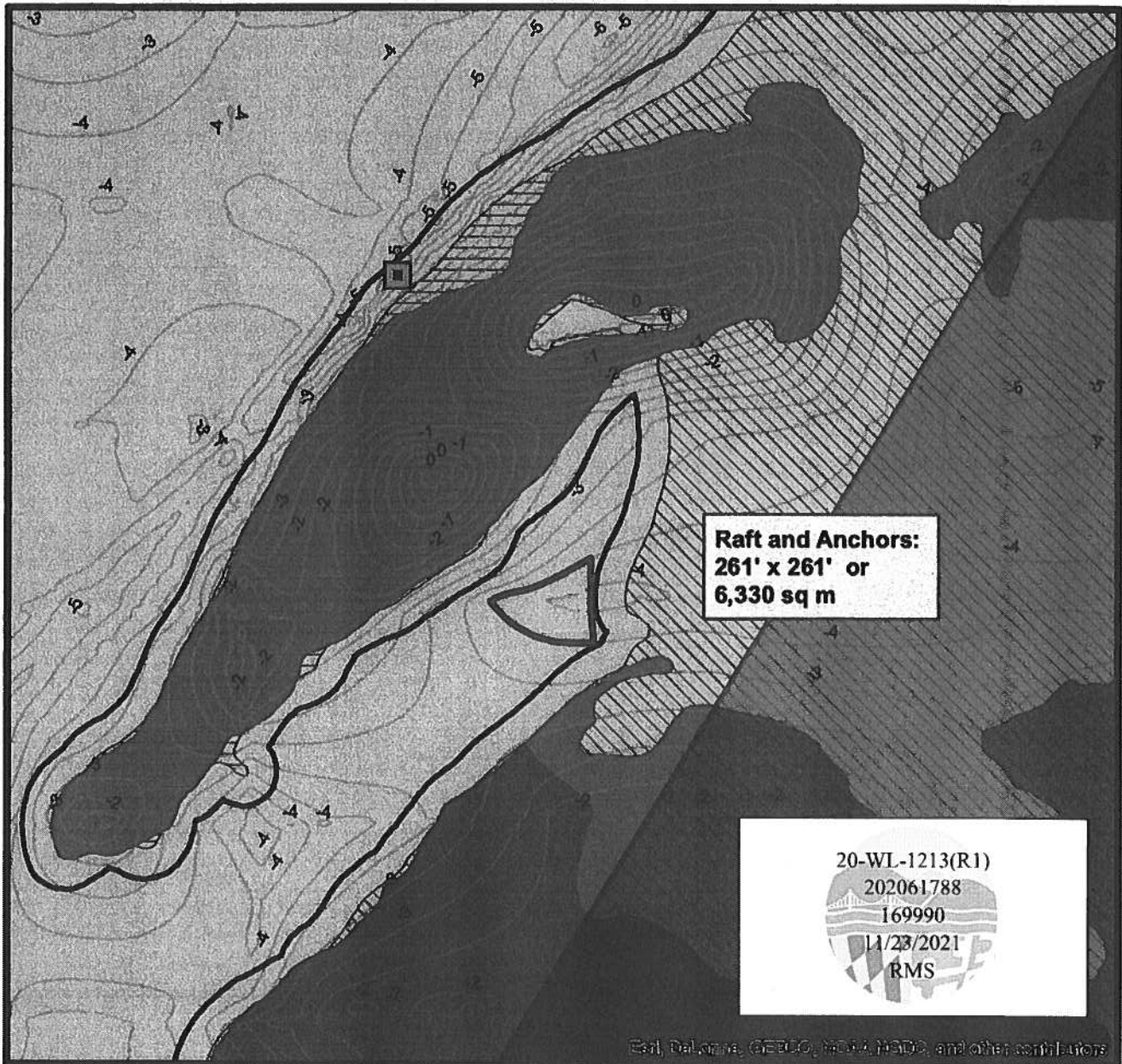


Source: Md Dept. of Natural Resources, Coastal Bays Boater's Guide, Assateague Island National Seashore, NOAA Coastal Management.

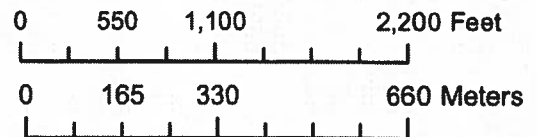
Prepared: 8 March 2021

20-WL-1213(R1)
202061788
169990
11/23/2021
RMS

Vicinity Project Area for Proposed Tern Nesting Raft



- Channel Navigation Markers
- 200 foot Buffer from SAV
- Raft Anchorage Area
- Tern Raft Project Area (20,745 sq m)
- Assateague Island National Seashore



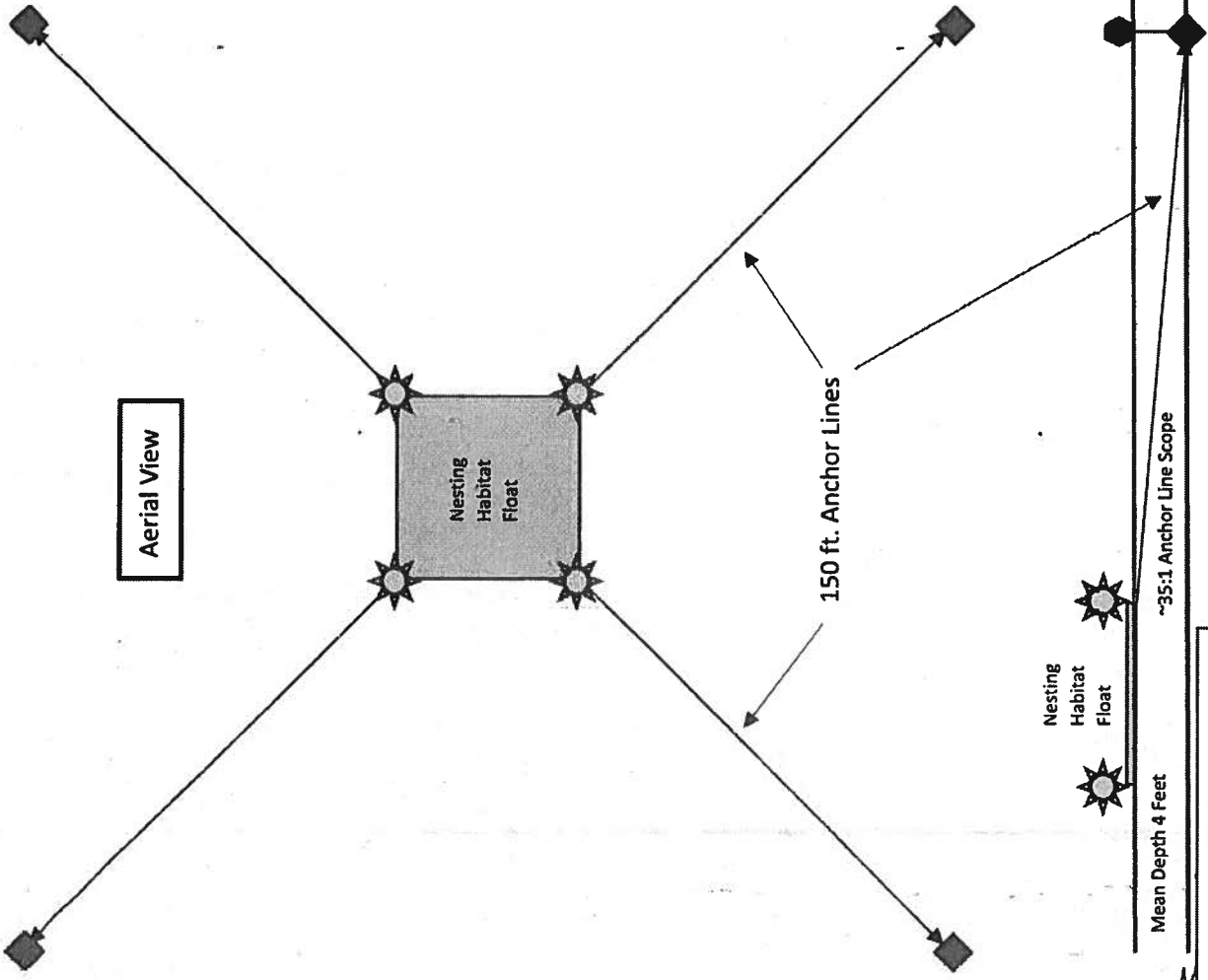
SAV Beds

- | 2015 | 2017 | |
|------|------|-------------|
| | | Dense |
| | | Moderate |
| | | Sparse |
| | | Very Sparse |

2017 is the most recent year for SAV data collected in this area. No 2018 or 2019 SAV data are within this area.

Data Sources: Coast Guard Channel Markers and Assateague Boundary: National Park Service GIS data download website.
SAV Beds: MD Dept. of Natural Resources.









Aerial View

Cross Section View

Key:

-  Anchor Light, white, 3 feet above float
-  Anchor, 25 lb. Danforth design
-  Marker Buoy
-  Anchor Lines

Anchoring and Lighting Diagram

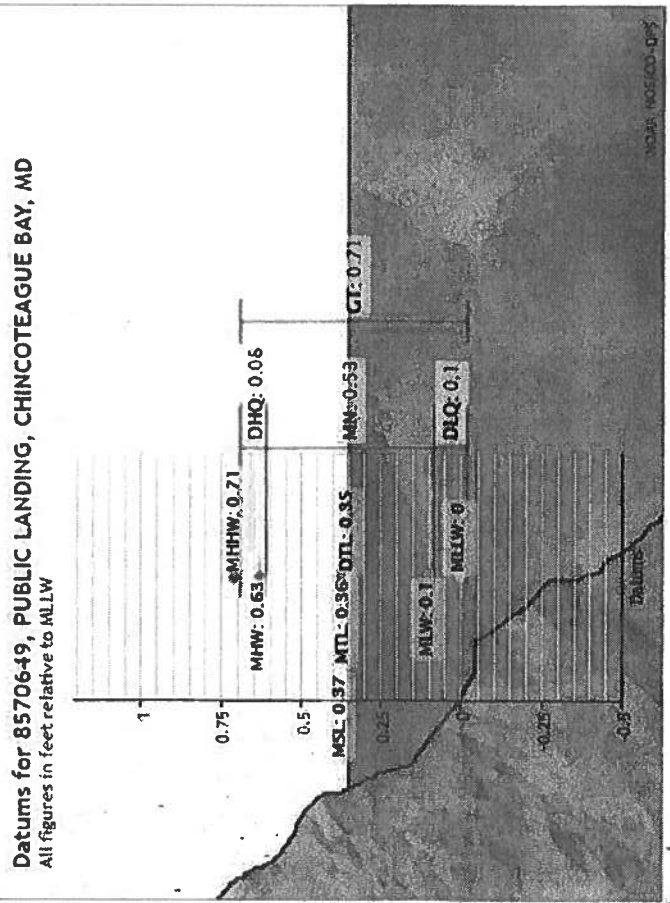
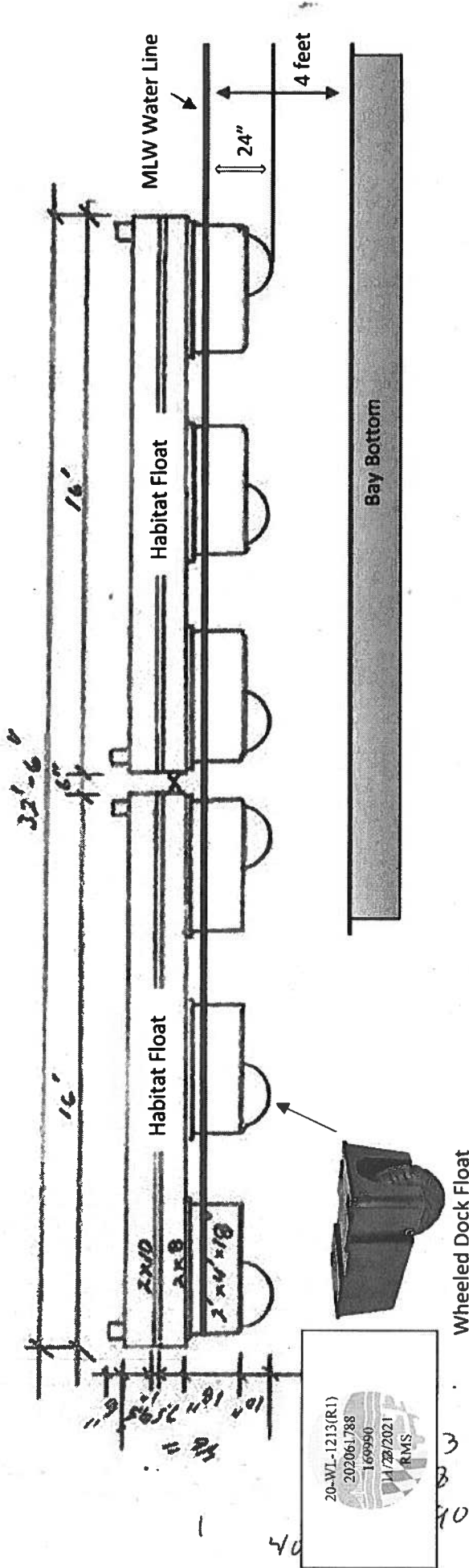
This diagram is not drawn to scale, it is for illustration purposes only. The nesting habitat float is ~48 ft. by ~48 ft. Anchor lines are 150ft. long with an average slope of ~35:1. The habitat float is anchored in water that is a mean depth of 4 ft. Anchors are marked with small buoys. The nesting habitat float is 2,304 sq. ft. (0.05 acre). The area occupied by the nesting habitat float and anchoring array is 261 ft. x 261 ft. (1.56 acres).

Drafted by David F. Brinker 5 March 2021

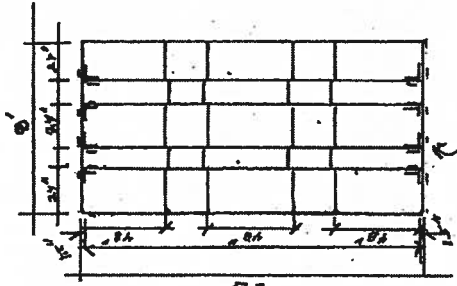
RMS edits 3/3/2022 to reflect increase in nesting habitat float dimensions.

20-WL-1213(R1)
 202061788
 169990
 11/23/2021
 RMS

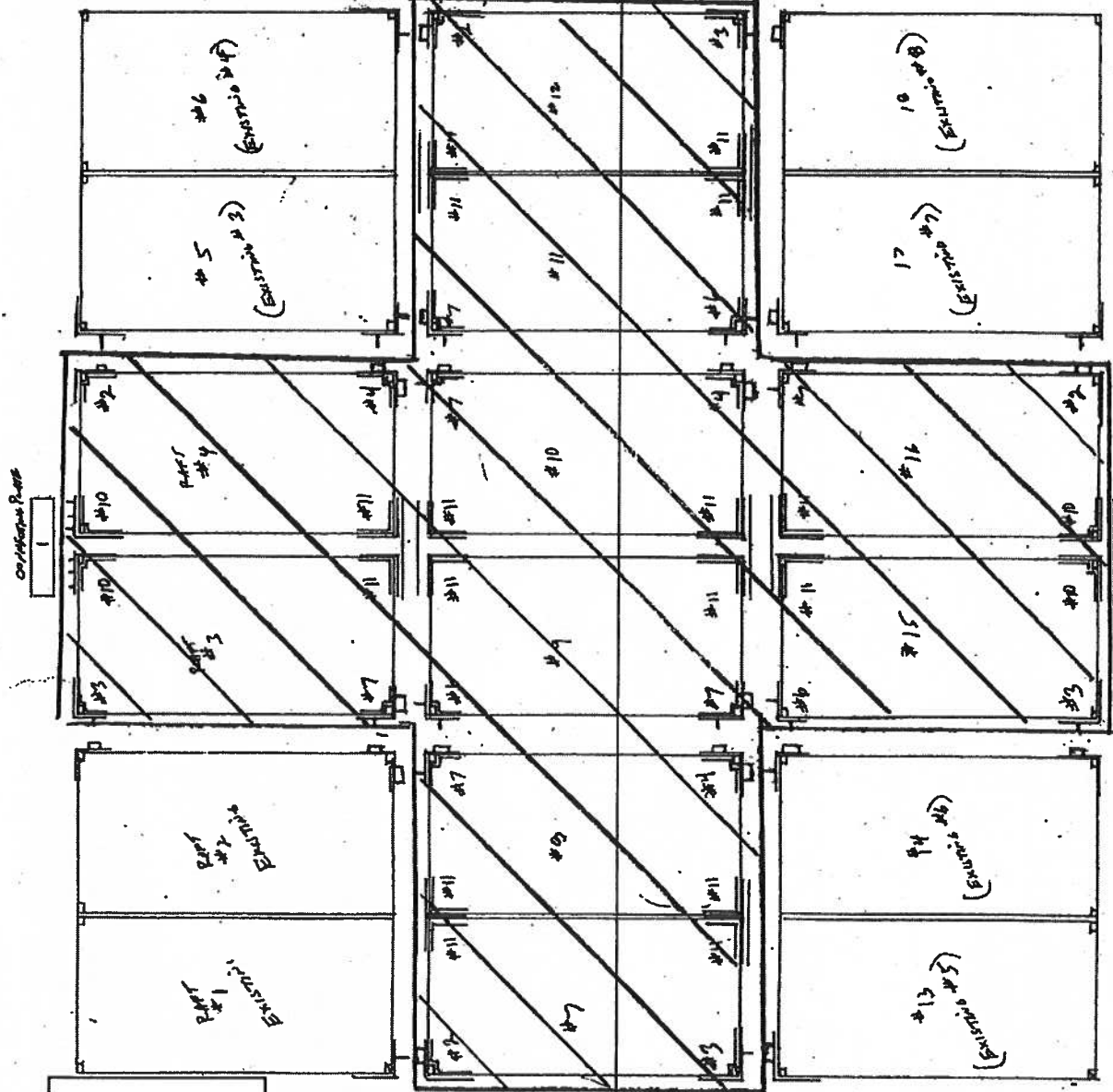
Note: Cross-section shows dimensions of float deployed in 2021. Revised configuration will be 48' by 48' using 9 16' by 16' sections (RMS)



COASTAL NESTING RAFTS
SIDE VIEW
SCALE 1/4" = 1'
BY: JOHN J. COLEMAN
12702 WEST FORD COURT
WHEATON CITY MARYLAND
21942
410.726.0075
2/16/2021



INSIDE AND OUTLINE OF 2x4s WITH 2x4s PER ROW



Circulation Route

20-WL-1213(R1)
202061788
169990
14/28/2021
RMS

NEW
ADDITION

Minimum Capital Requirements
 Prepared by:
 James J. Collins
 12502 WEST END QUAY
 W. O. G., WASHINGTON 21874
 410-276-0097
 JRCOLLINS LLC @ Box 6875, NCT
 27816

16'-3"
NEW ADDITION