



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

April 24, 2020

A&S Smith Development, Inc
c/o Bay Environmental, Inc
2661 Riva Rd, Bldg 800 Ste A
Annapolis, MD 21401

Re: Agency Interest Number: 70311
Tracking Number: 201960444
Tidal Authorization Number: 19-WQC-0027

Dear Ms. Hershfield:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by the BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Melissa McCanna at melissa.mccanna@maryland.gov or 410-537-4053 with any questions.

Sincerely,

Danielle Spendiff, Chief
Western Region
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WATER QUALITY CERTIFICATION



19-WQC-0027

EFFECTIVE DATE: **April 24, 2020**
EXPIRATION DATE: **December 24, 2024**
CERTIFICATION HOLDER: **A&S Smith Development, Inc**
ADDRESS: **48 South River Rd South**
Edgewater, Maryland 21037
PROJECT LOCATION: **5230 Breezy Point Rd**
Chesapeake Beach, MD 20732
Plum Point Creek in Calvert

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH §9-313 THROUGH §9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN THE ATTACHED PLAN SHEETS DATED February 24, 2020 AND/OR DESCRIBED STATE TIDAL WETLANDS LICENSE NUMBER 19-WL-0313 (“LICENSE”) WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION. A COPY OF THE APPROVED PROJECT DRAWINGS DATED February 24, 2020 IS ATTACHED HERETO AND IS HEREBY INCORPORATED BY REFERENCE.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE CORPS OF ENGINEERS.

THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

SPECIAL CONDITIONS

- A. The Certification does not relieve the Certificate Holder from the responsibility of obtaining all necessary federal, State, and local government authorizations. The Certificate Holder shall obtain Wetlands License 19-0313 prior to the commencement of construction.

- B. The Certificate Holder 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.
- C. The Certificate Holder shall submit a detailed dredged material disposal plan to and approved by the Water and Science Administration, Tidal Wetlands Division within six months of the effective date of this license or prior to commencement of any work under the license, whichever comes first. Failure to comply with this condition shall result in automatic suspension of the license.
- D. If hydraulic dredging is performed, the dredged material placement site (DMP) shall be constructed to limit turbidity in the discharge to waters of the State. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified.
- E. Maintenance dredging:
 - a. Subsequent maintenance dredging shall be done within the scope of the work licensed in terms of area and depths involved.
 - b. No more than 500 cubic yards of material shall be dredged at each maintenance dredging.
 - c. Subsequent maintenance dredging shall be in compliance with all applicable conditions of this license.
 - d. Detailed dredged material disposal plans shall be submitted to and approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
 - e. The Water and Science Administration, Inspections and Compliance Program shall be notified of, and approve each maintenance dredging operation a minimum of 10 days prior to the start of the dredging.
- F. The Certificate Holder 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. Dredged material pipelines shall be installed, marked and maintained in accordance with all U.S. Coast Guard requirements for navigational safety. Dredge material pipelines and associated equipment shall be removed as soon as practicable, upon completion of activities authorized under this License.

GENERAL CONDITIONS

- A. The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant is to notify this Department ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.

- B. 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.
- 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 Certification Holder shall ensure the proposed project shall be constructed in accordance with the authorized plan and any authorized revisions.
- E. The Certification Holder shall ensure that all fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
- F. The Certification Holder shall notify the Water and Science Administration, Tidal Wetlands Division, in writing, upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this Water Quality Certification to his/her name.
- G. The Certification Holder shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- H. The Certification Holder shall ensure that a copy of this Permit, including the approved plans, is available at the site until the authorized work is complete.
- I. The Certification does not relieve the Certification holder from the responsibility of obtaining all necessary federal, State, and local government authorizations.
- J. The Certification Holder shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This Certification 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.
- K. The Certificate Holder shall conduct the authorized work in accordance with the plans and drawings dated February 24, 2020, which are hereby incorporated into this Water Quality Certification.
- L. Until this authorized work is complete, the Certificate Holder shall have available at this site a copy of this Water Quality Certification including the plans and drawings.
- M. This Water Quality Certification constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This Water Quality Certification does not bestow any other federal, State, or local government authorization.

- N. The Certificate Holder shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.
- O. The Certificate Holder 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:
 - a. Start date at least five business days before beginning work; and
 - b. Completion date no more than five business days after project completion.
- P. The Certificate Holder may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this Water Quality Certification specifically authorizes the activity.
- Q. The Certificate Holder may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
- R. The Certificate Holder shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
- S. This Water Quality Certification does not transfer a property interest of the State.
- T. The Certificate Holder shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. Miss Utility: 800-257-7777
- U. The Certificate Holder 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.
- V. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, the Certificate Holder shall conduct the authorized work in accordance with a locally approved Soil Erosion and Sediment Control Plan.
- W. The Certificate Holder shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
- X. This Water Quality Certification is granted only to the Certificate Holder. The Certificate Holder may transfer the Water Quality Certification only with written approval from the Maryland Department of the Environment. If the Maryland Department of the Environment approves the transfer, the transferee is subject to all Water Quality Certification terms and conditions.
- Y. The Water Quality Certification 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 Water Quality Certification authorizes.
- Z. The Maryland Department of the Environment may modify, suspend, or revoke this Water Quality Certification in its reasonable discretion.
- AA. This Water Quality Certification expires December 31, 2024. If the authorized work is not completed by the expiration date, all activity must stop.

BB. A Water Quality Certification may be extended prior to the expiration of the term. The Certificate Holder must request an extension in writing from MDE 14 days prior to the expiration of the term

Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification, and legal proceedings may be instituted against the Certification Holder in accordance with the Annotated Code of Maryland. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

04/28/20

Date

Tracking Number: 201960444
Agency Interest Number: 70311

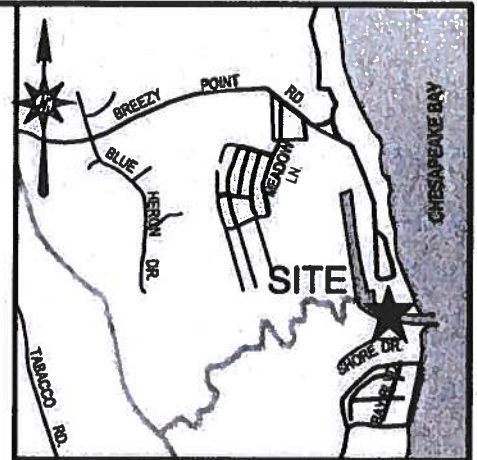
Effective Date: April 22, 2020

Enclosure: Plans dated February 24, 2020 with all attachments.

cc: WMA Inspection & Compliance Program

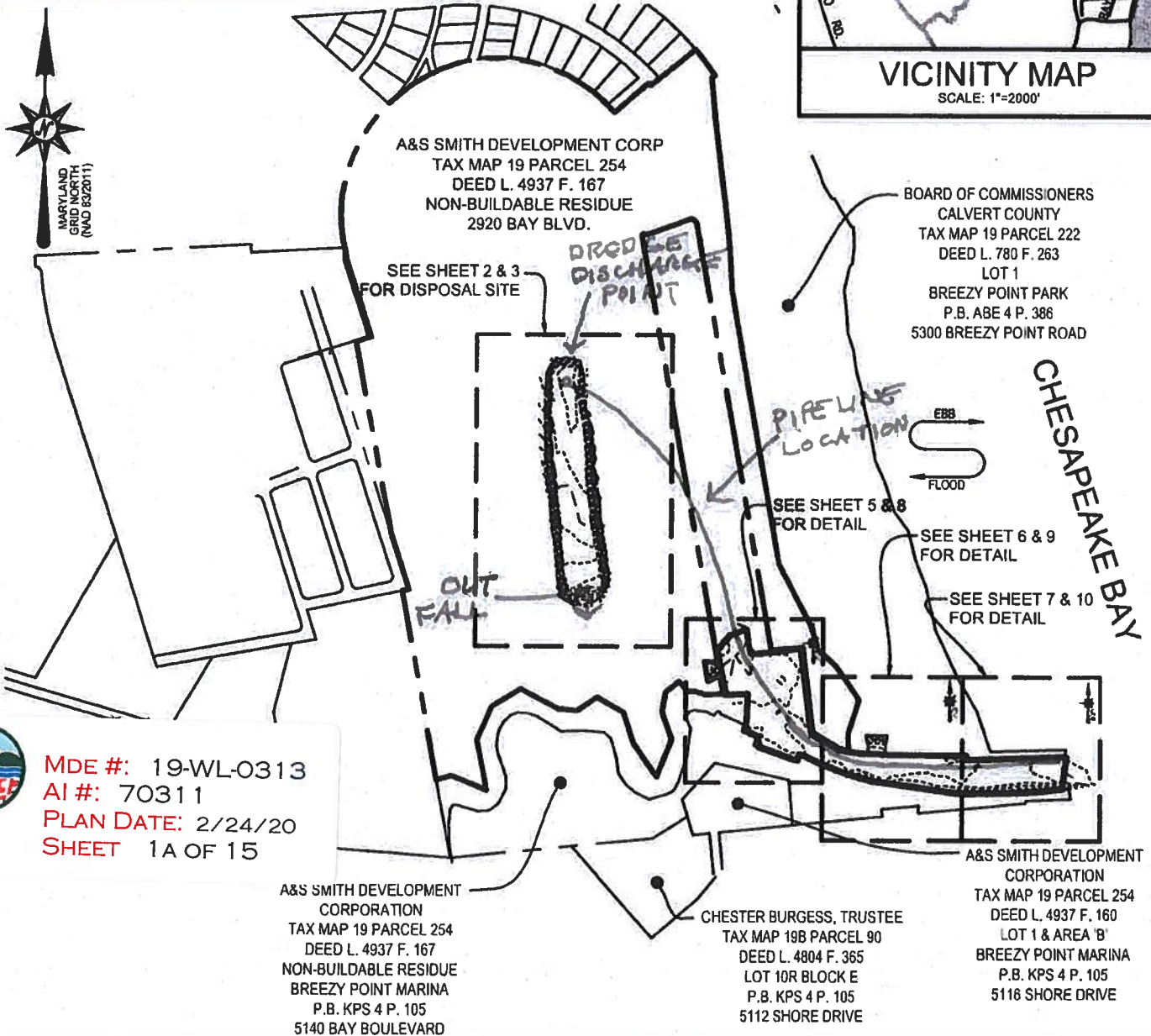
GENERAL NOTES

1. APPLICANT: A&S SMITH DEVELOPMENT CORPORATION
TAX ACCOUNT #: 05-23881
2. DEVELOPER: TBD
3. SITE ADDRESS: 2920 BAY BLVD.
CHESAPEAKE BEACH 20732
4. DEED REFERENCE: L. 4937, F. 167
5. PROPOSED DEVELOPMENT: HYDRAULICALLY DREDGE 6,960 CU. YD. AT -5.0 BELOW MLW FROM AREAS SHOWN ON PAGES 3-8. DISPOSE OF SPOIL IN APPROVED LOCATION SHOWN ON SHEET 2.
6. STATION: 5875512
MEAN TIDE RANGE = 0.97
MHW = 1.19
MLW = 0.22
DATUM: MLLW



VICINITY MAP

SCALE: 1"=2000'



MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 2/24/20
SHEET 1A OF 15

Bay Engineering Inc.

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2661 Riva Road, Building 800
Annapolis, Maryland 21401
410.897.9290
410.897.9295 fax
email: info@bayengineering.com
www.bayengineering.com



SITE PLAN

2920 BAY BLVD.
CHESAPEAKE BEACH, MD 20732
TAX MAP 19, GRID 5, PARCEL 60
2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: 1"=400'

DATE: 02-13-2020

JOB NO.: 19-6986

FOLDER
REF:

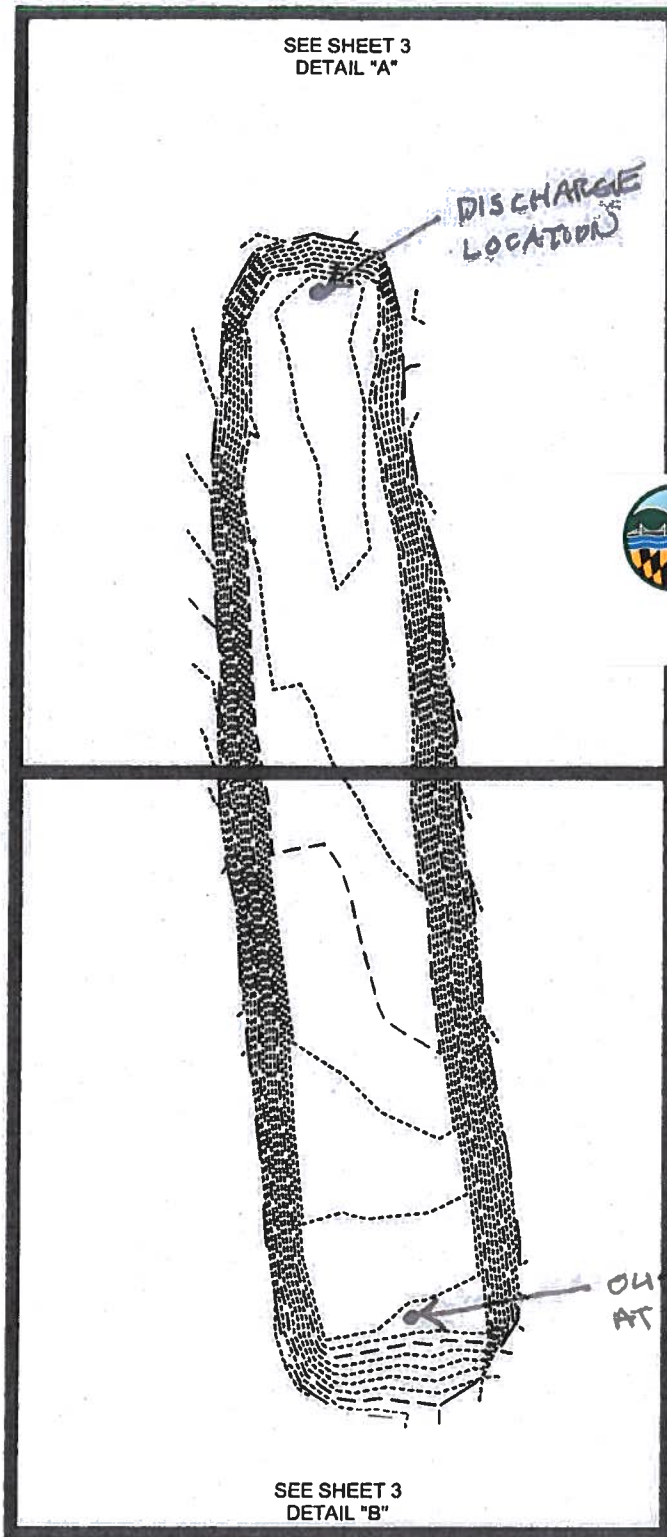
SHEET 1 OF 16

SEE SHEET 3
DETAIL "A"

DISCHARGE
LOCATION



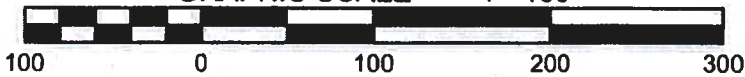
MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 2/24/20
SHEET 1B OF 15



SEE SHEET 3
DETAIL "B"

OUTFALL
AT DISPOSAL SITE

GRAPHIC SCALE 1"=100'



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DISPOSAL AREA (KEY SHEET)

2920 BAY BLVD.
CHESAPEAKE BEACH, MD 20732
TAX MAP 19, GRID 5, PARCEL 60
2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: AS SHOWN

DATE: 02-13-2020

JOB NO.: 19-6986

FOLDER

REF:

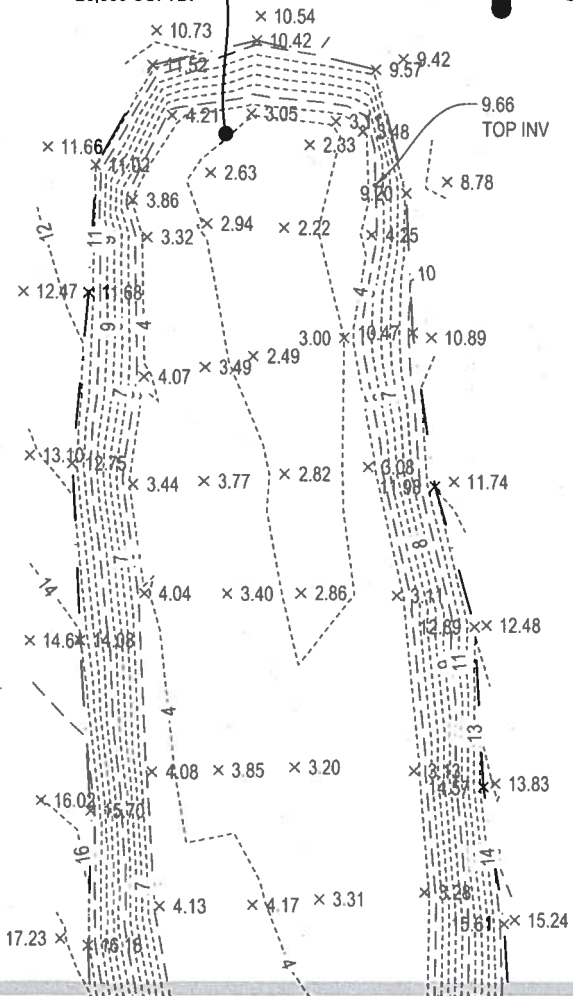
SHEET 2 OF 16



MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 2 OF 15

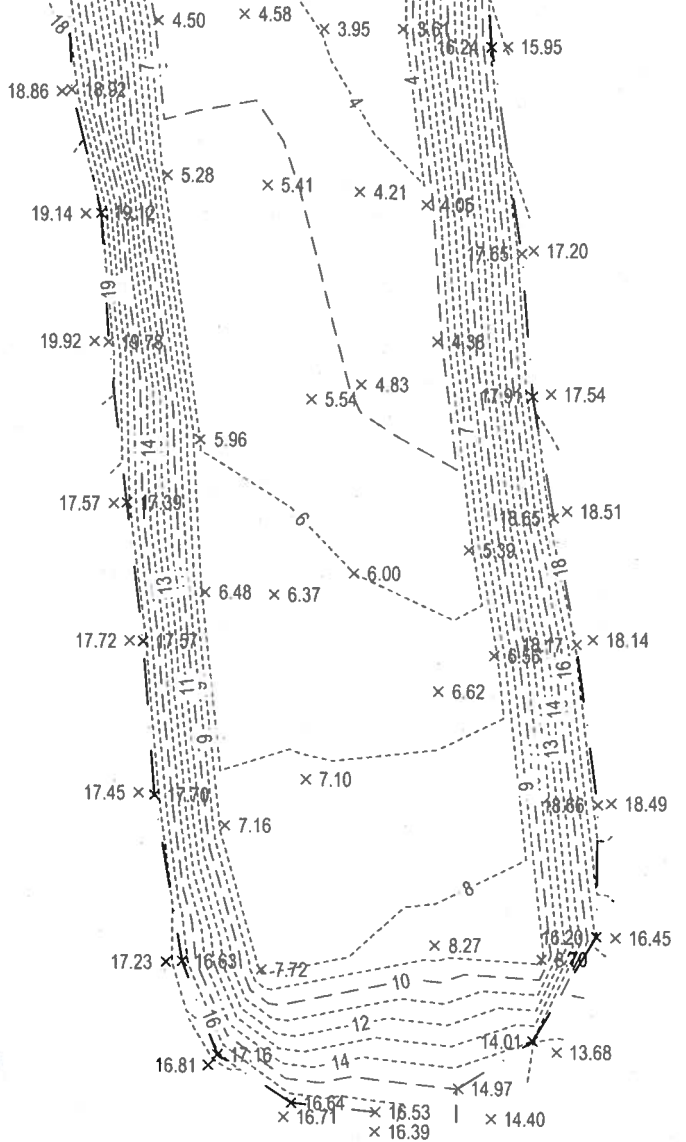


TOTAL VOLUME
 26,800 CU. YD.

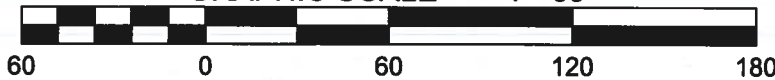


MATCH LINE THIS SHEET

MATCH LINE THIS SHEET



GRAPHIC SCALE 1"=60'



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DISPOSAL AREA

2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: AS SHOWN

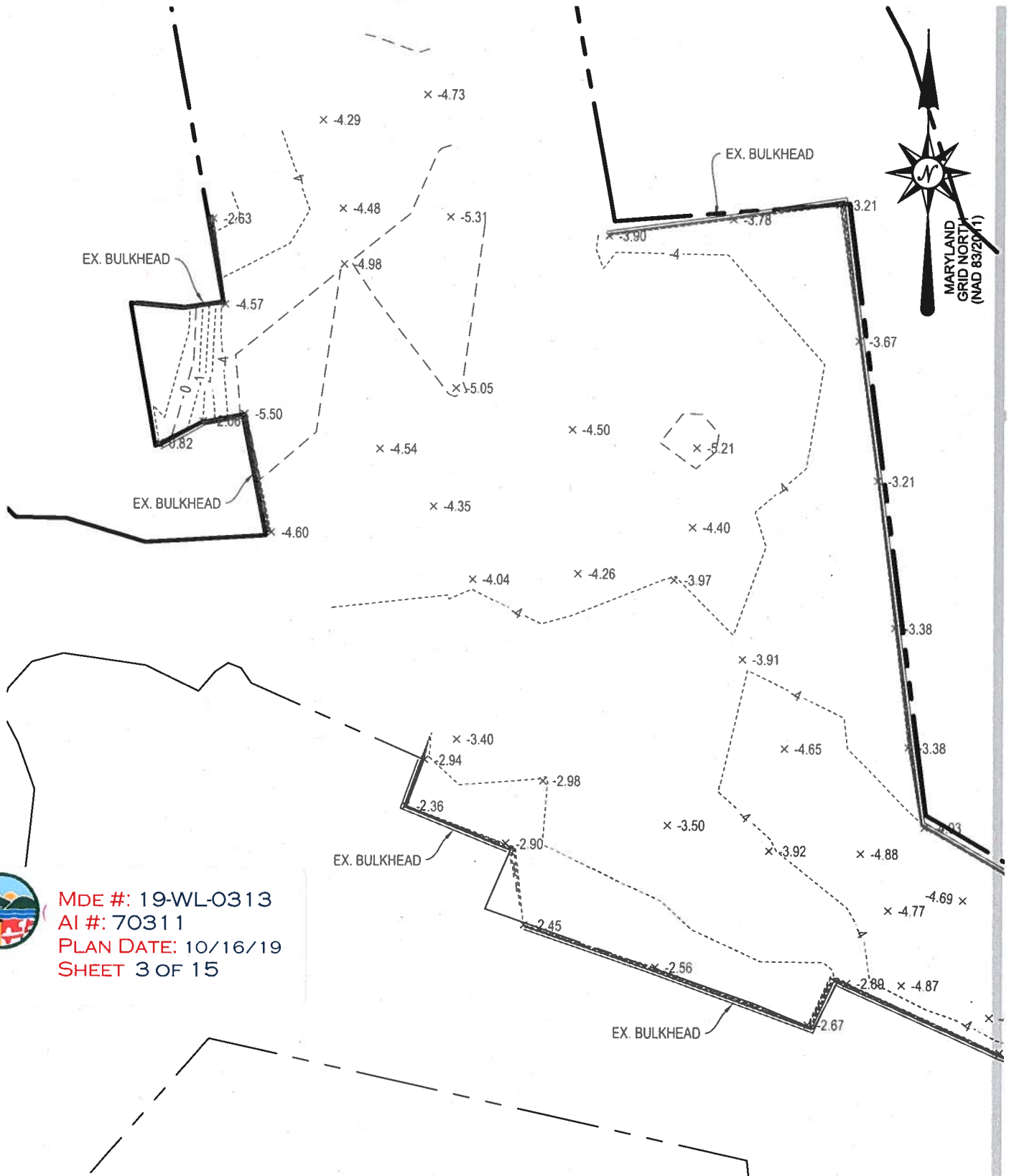
DATE: 05-20-2019

JOB NO.: 19-6986

FOLDER

REF:

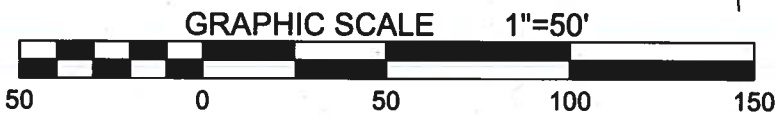
SHEET 2 OF 14



MATCH LINE "A"



MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 3 OF 15



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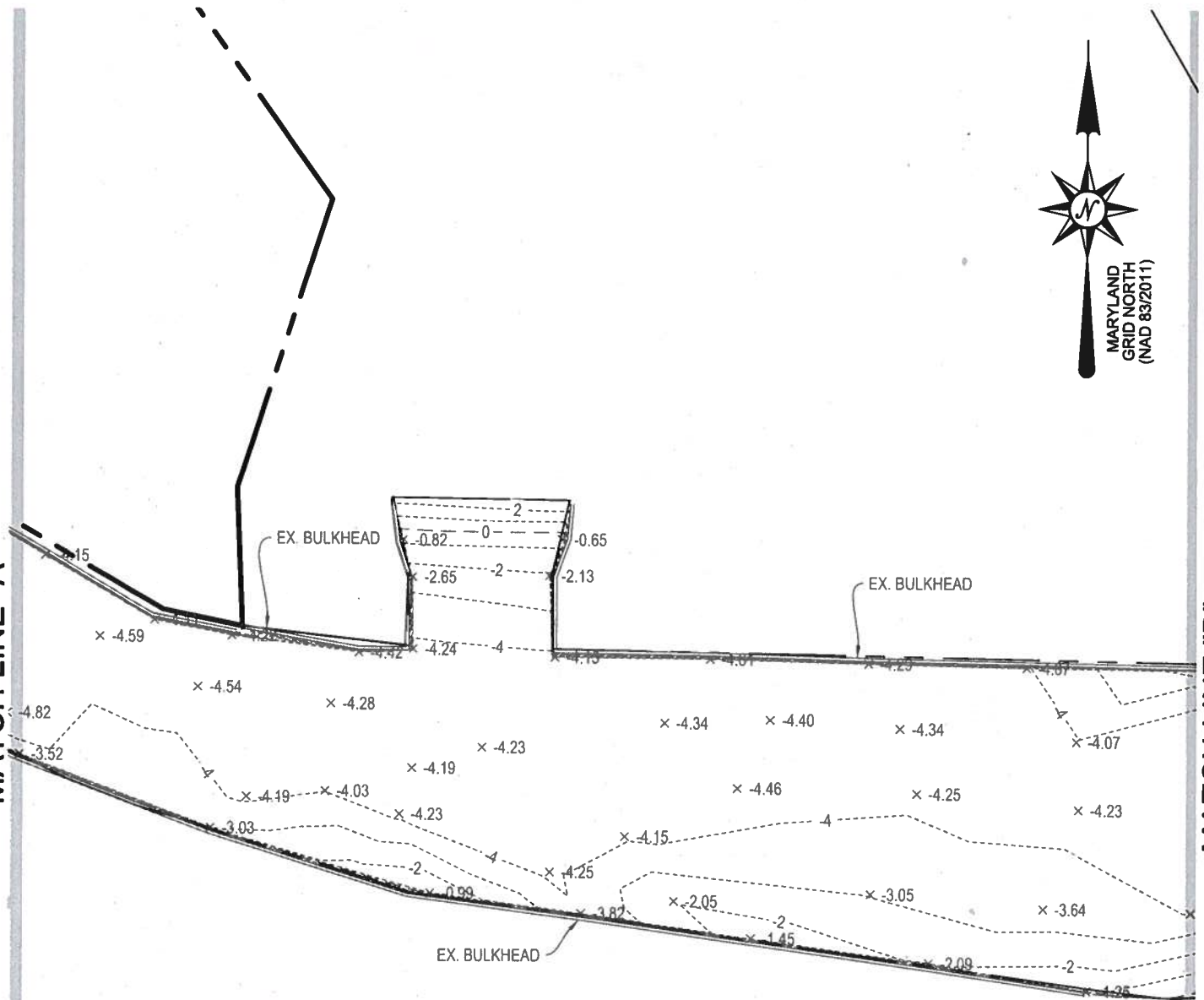
PLAN VIEW - EXISTING
 2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J. STADLER
SCALE: AS SHOWN
DATE: 05-20-2019
JOB NO.: 19-6986
FOLDER REF:
SHEET 3 OF 14

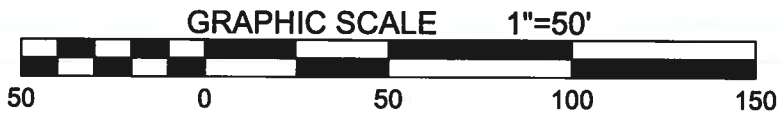


MATCH LINE "A"

MATCH LINE "B"



MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 10/16/19
SHEET 4 OF 15



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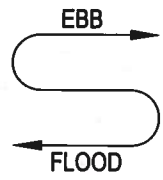


PLAN VIEW - EXISTING
2920 BAY BLVD.
CHESAPEAKE BEACH, MD 20732
TAX MAP 19, GRID 5, PARCEL 60
2ND ELECTION DISTRICT, CALVERT COUNTY, MD

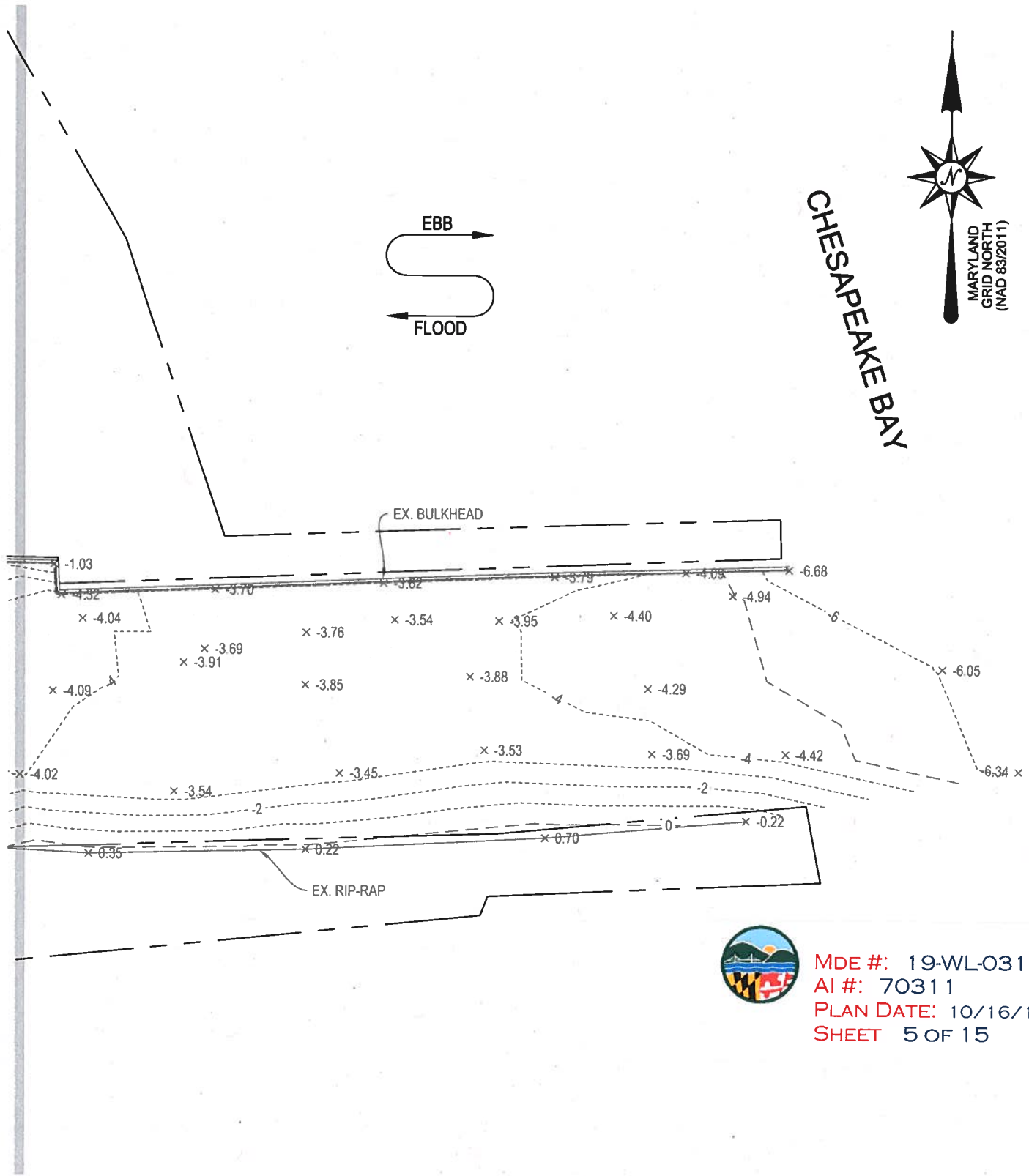
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SCALE: AS SHOWN
DATE: 05-20-2019
JOB NO.: 19-6986
FOLDER
REF:
SHEET 4 OF 14



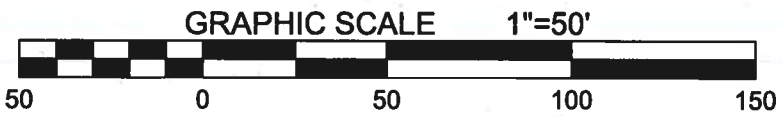
CHESAPEAKE BAY



MATCH LINE "B"



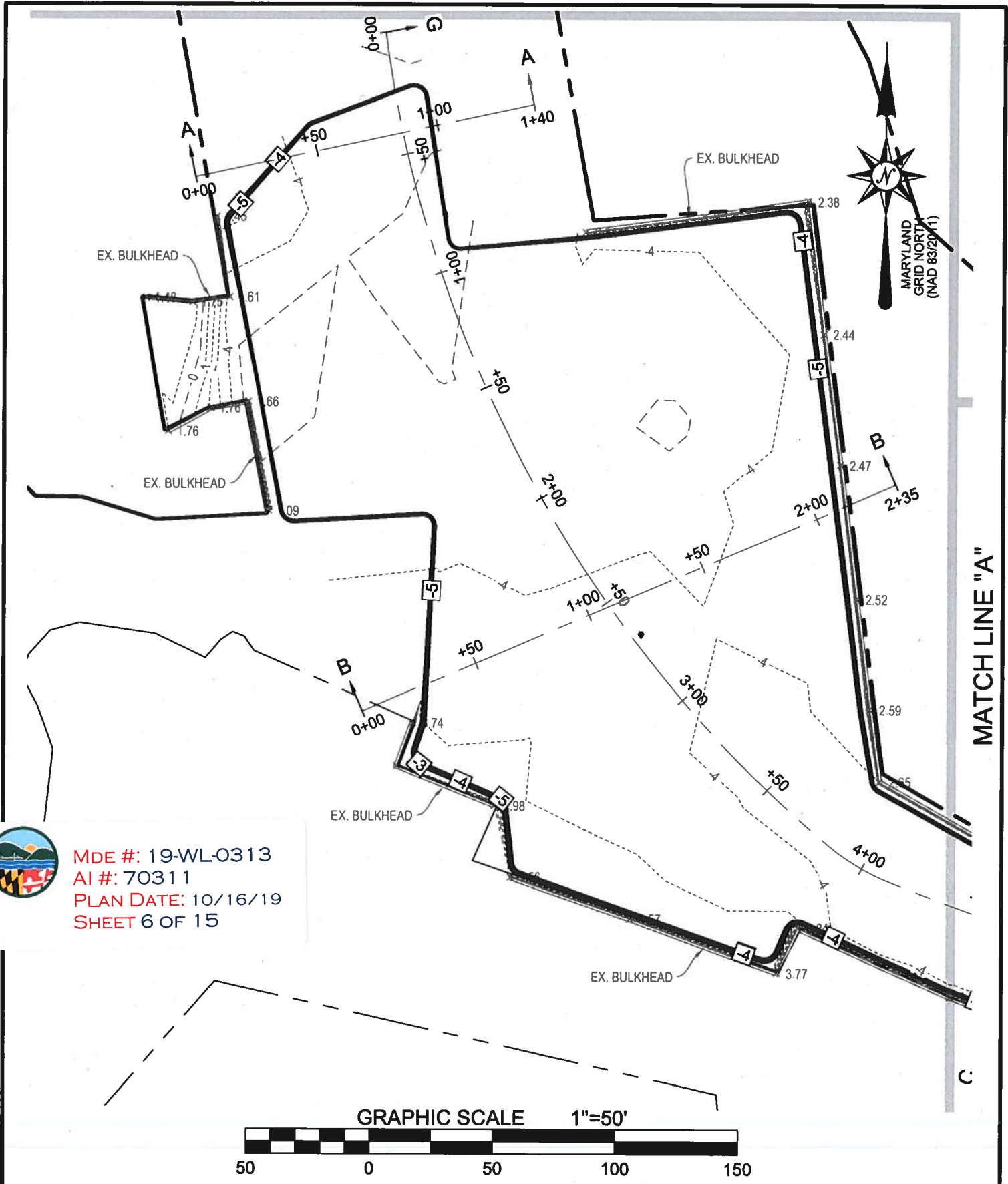
MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 5 OF 15



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 2661 Riva Road, Building 800
 Annapolis, Maryland 21401
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 email: info@bayengineering.com
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PLAN VIEW - EXISTING
 2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER
SCALE: AS SHOWN
DATE: 05-20-2019
JOB NO.: 19-6986
FOLDER REF:
SHEET 5 OF 14



MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 10/16/19
SHEET 6 OF 15

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PLAN VIEW - PROPOSED

2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: AS SHOWN

DATE: 05-20-2019

JOB NO.: 19-6986

FOLDER

REF:

SHEET 6 OF 14

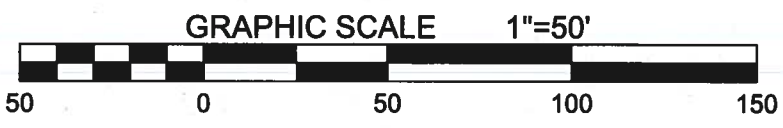
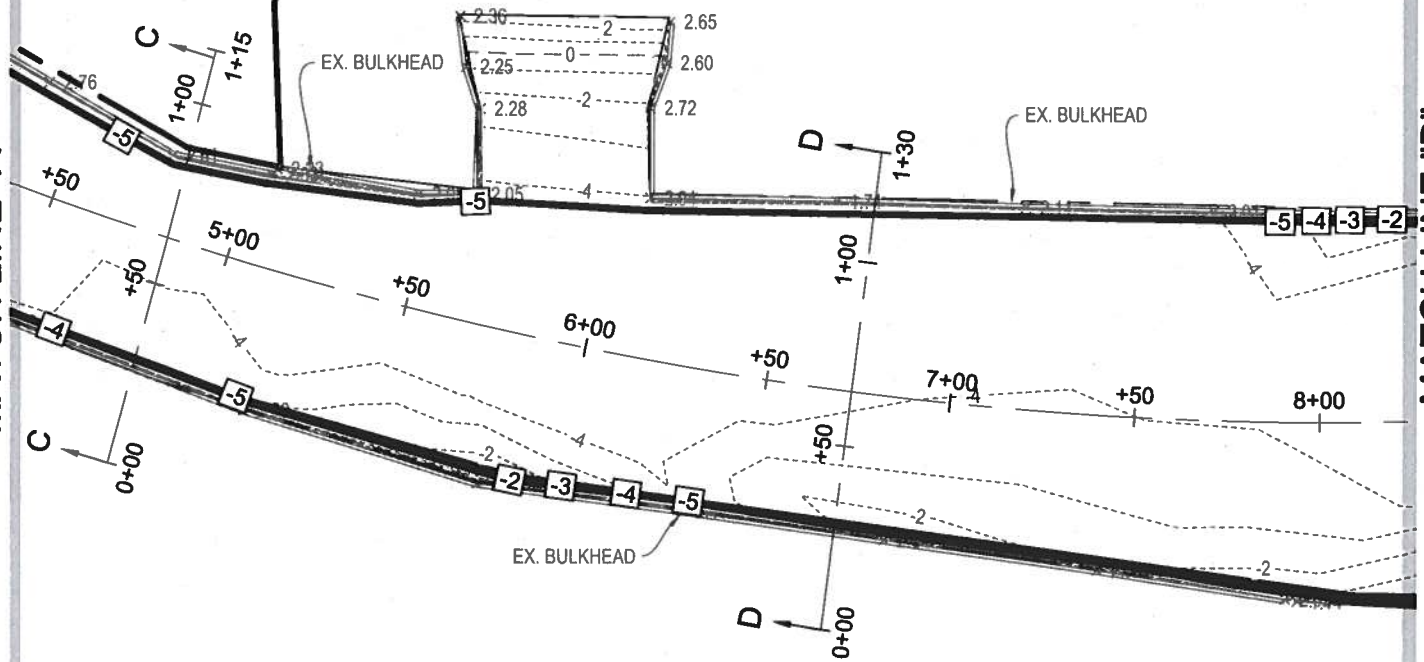


MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 7 OF 15



MATCH LINE "A"

MATCH LINE "B"



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PLAN VIEW - PROPOSED

2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: AS SHOWN

DATE: 05-20-2019

JOB NO.: 19-6986

FOLDER

REF:

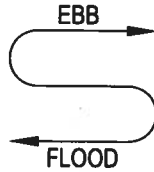
SHEET 7 OF 14



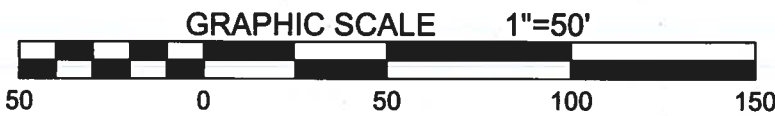
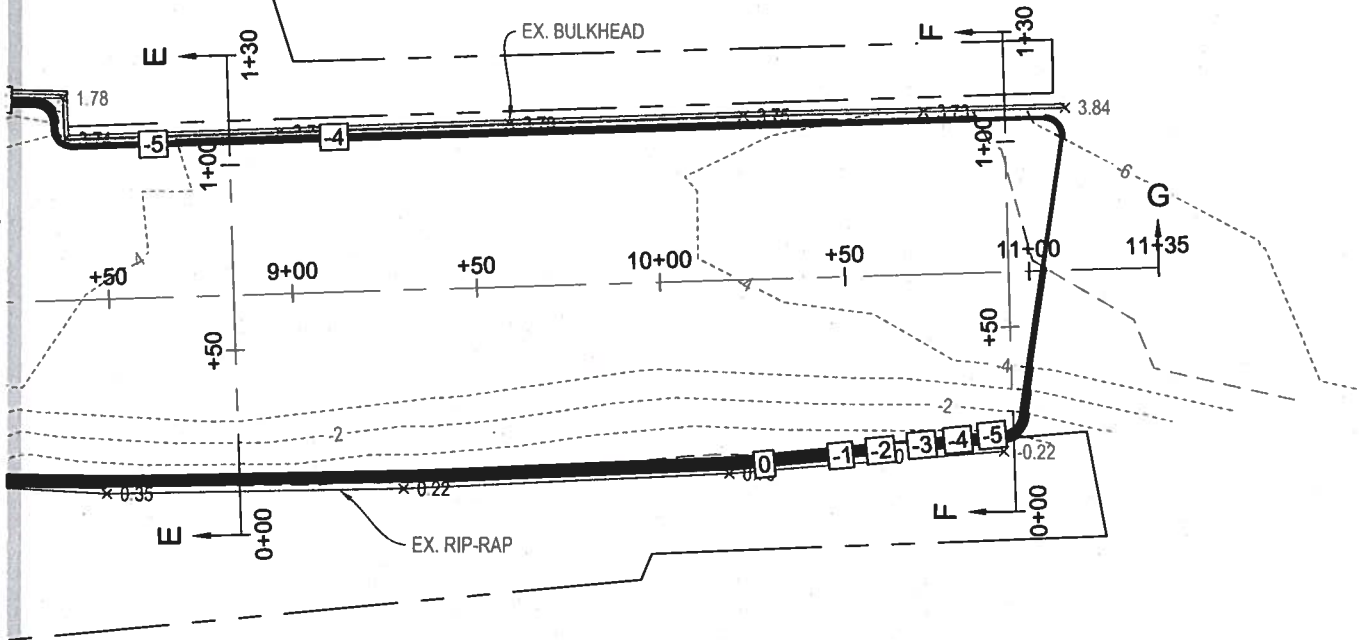
MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 8 OF 15



CHESAPEAKE BAY



MATCH LINE "B"



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PLAN VIEW - PROPOSED

2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J. STADLER

SCALE: AS SHOWN

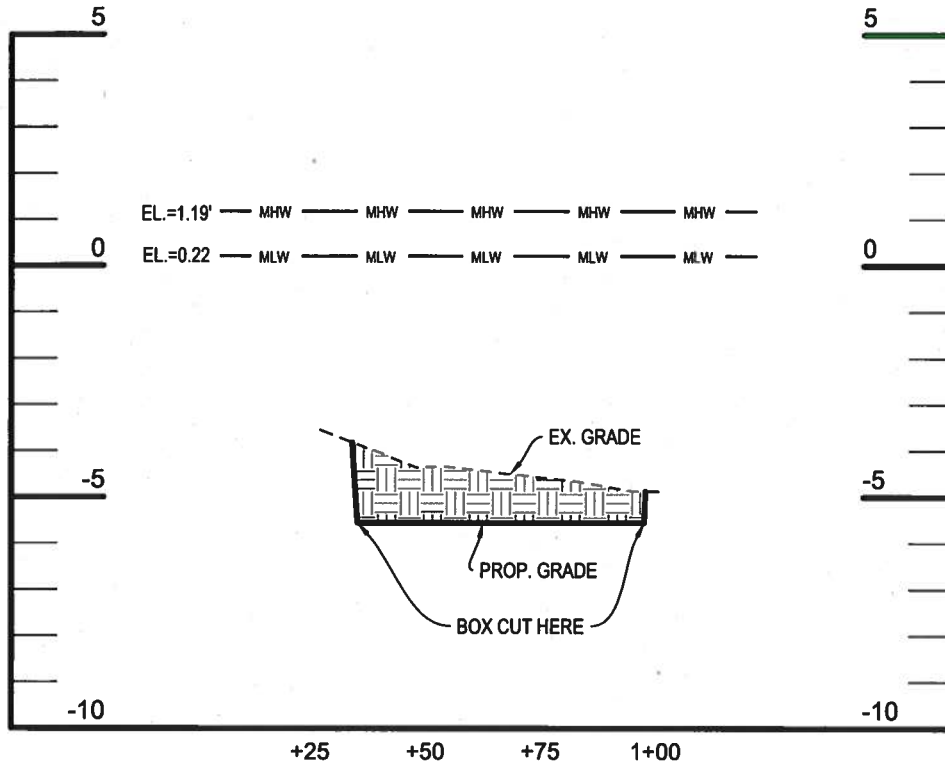
DATE: 05-20-2019

JOB NO.: 19-6986

FOLDER

REF:

SHEET 8 OF 14

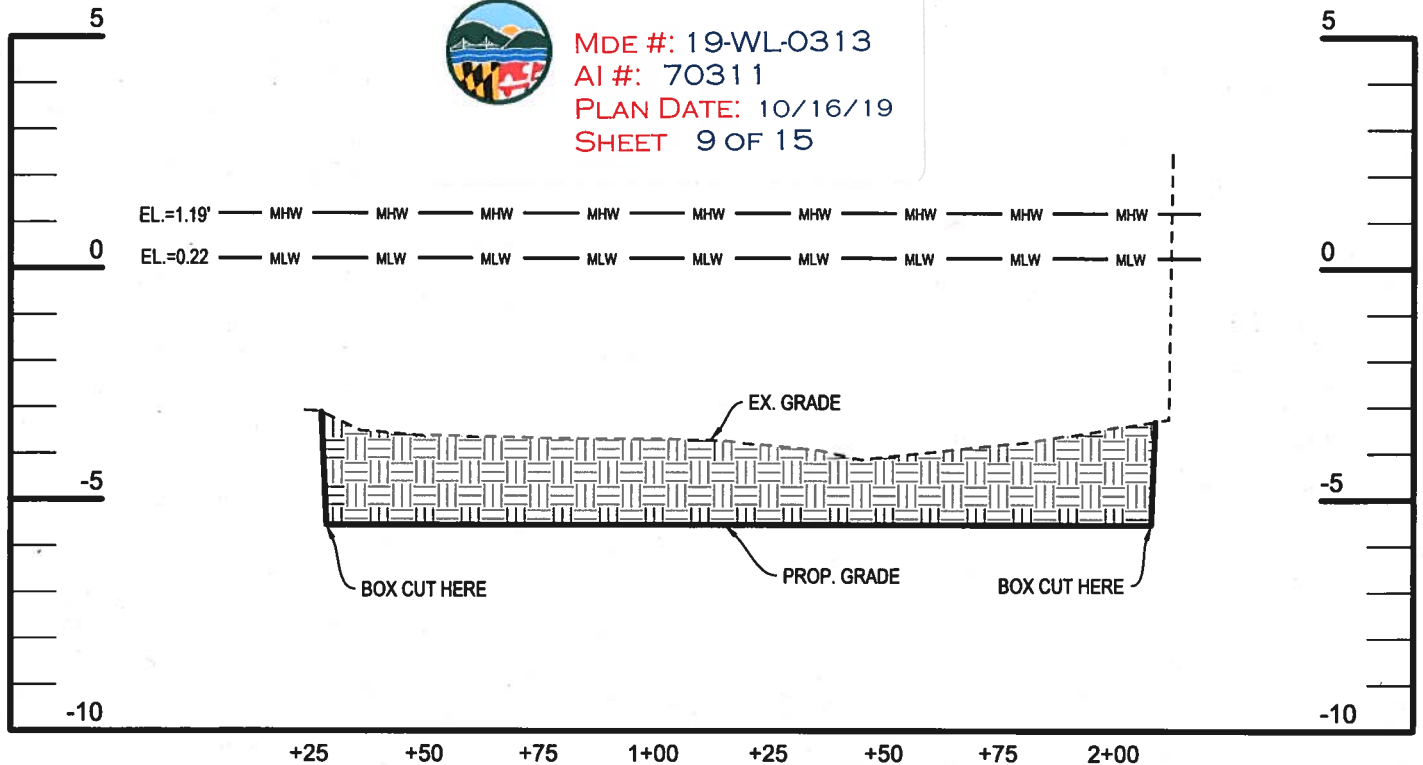


SECTION A-A

SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL



MDE #: 19-WL-0313
 AI #: 70311
 PLAN DATE: 10/16/19
 SHEET 9 OF 15



SECTION B-B

SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL

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PROFILES

2920 BAY BLVD.
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 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD

DRAWN BY: J.STADLER

SCALE: AS SHOWN

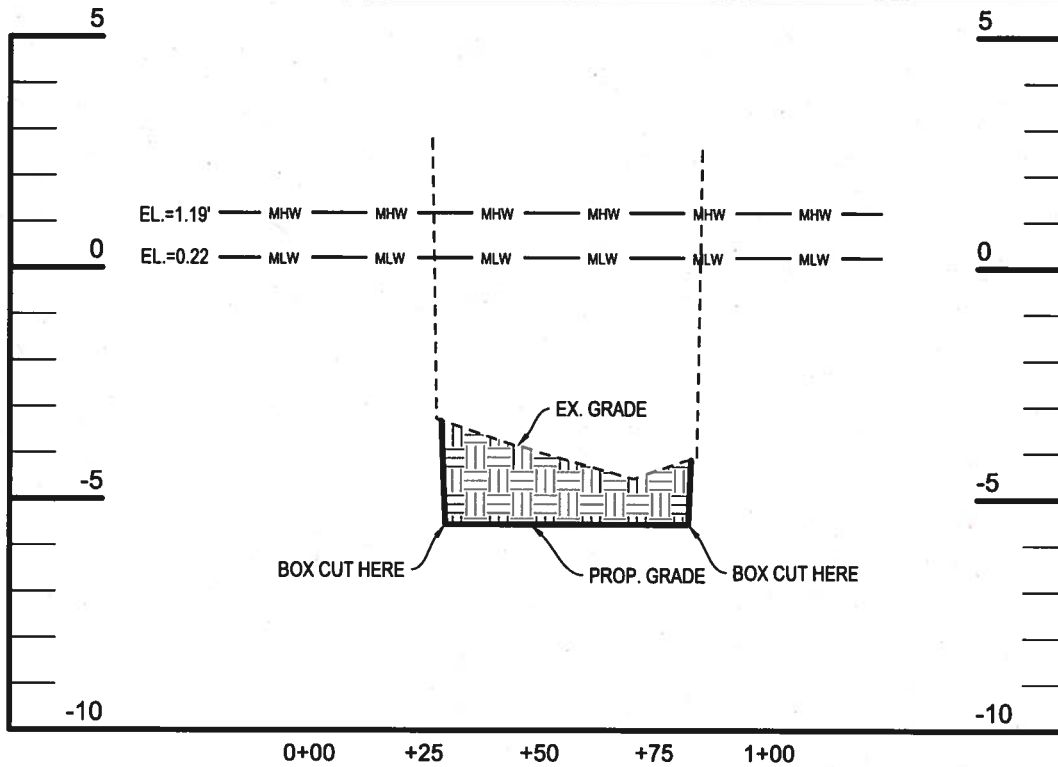
DATE: 05-20-2019

JOB NO.: 19-6986

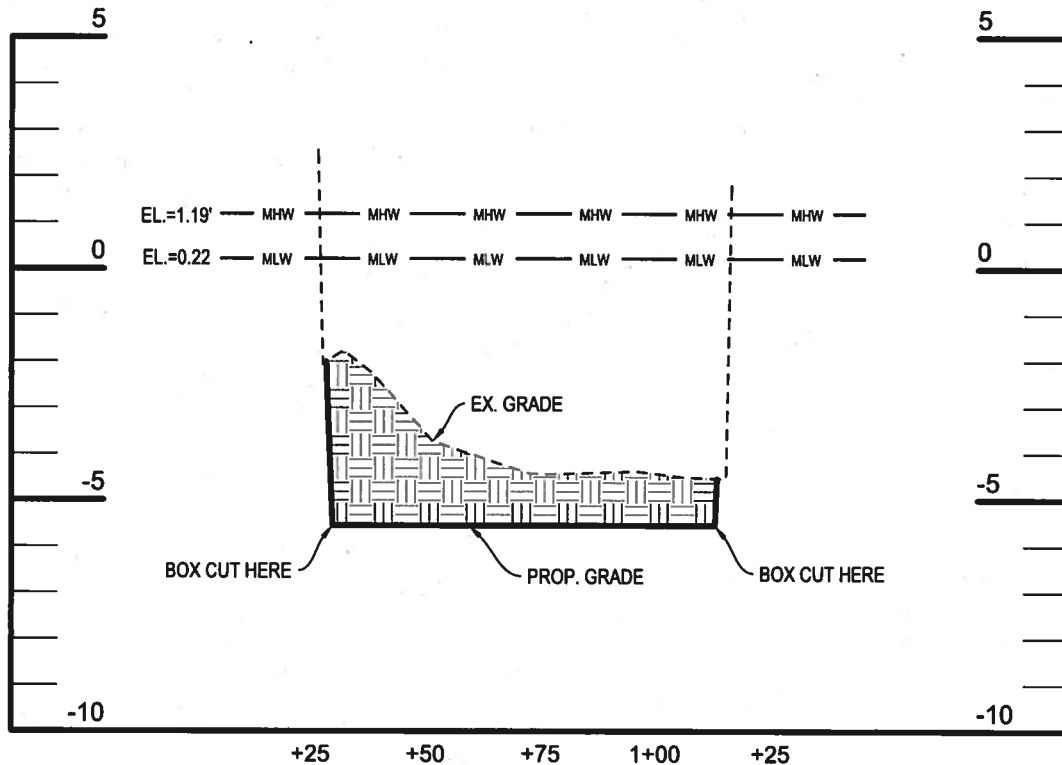
FOLDER

REF:

SHEET 9 OF 14



SECTION C-C
SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL



SECTION D-D
SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL

Bay Engineering Inc.

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Annapolis, Maryland 21401
410.897.8280
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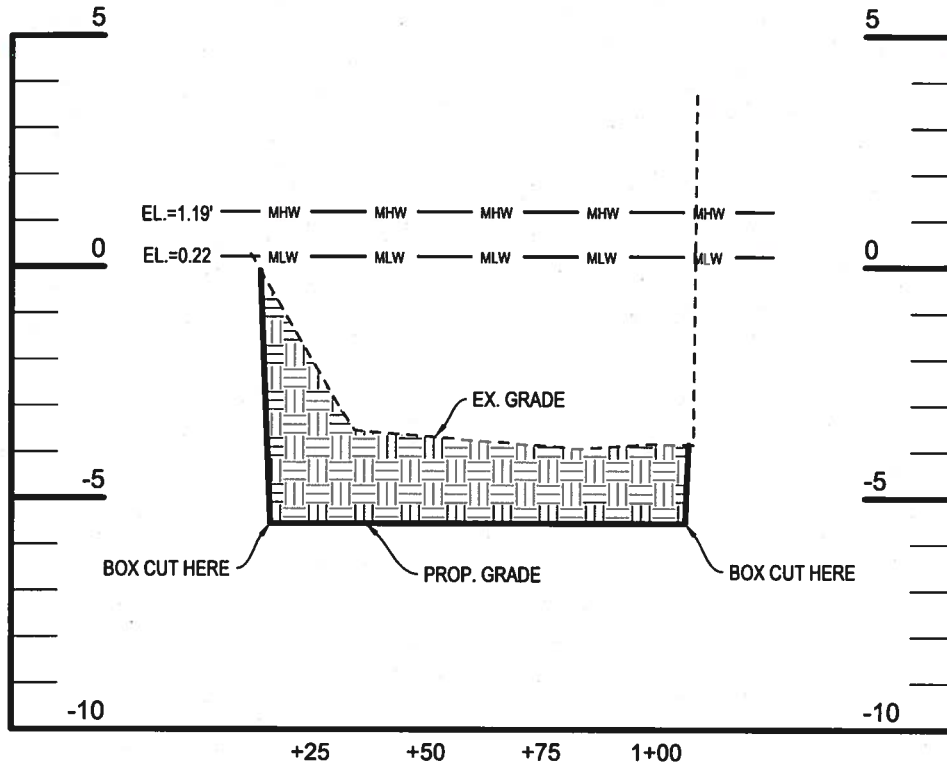


PROFILES

2920 BAY BLVD.
CHESAPEAKE BEACH, MD 20732
TAX MAP 19, GRID 5, PARCEL 60
2ND ELECTION DISTRICT, CALVERT COUNTY, MD

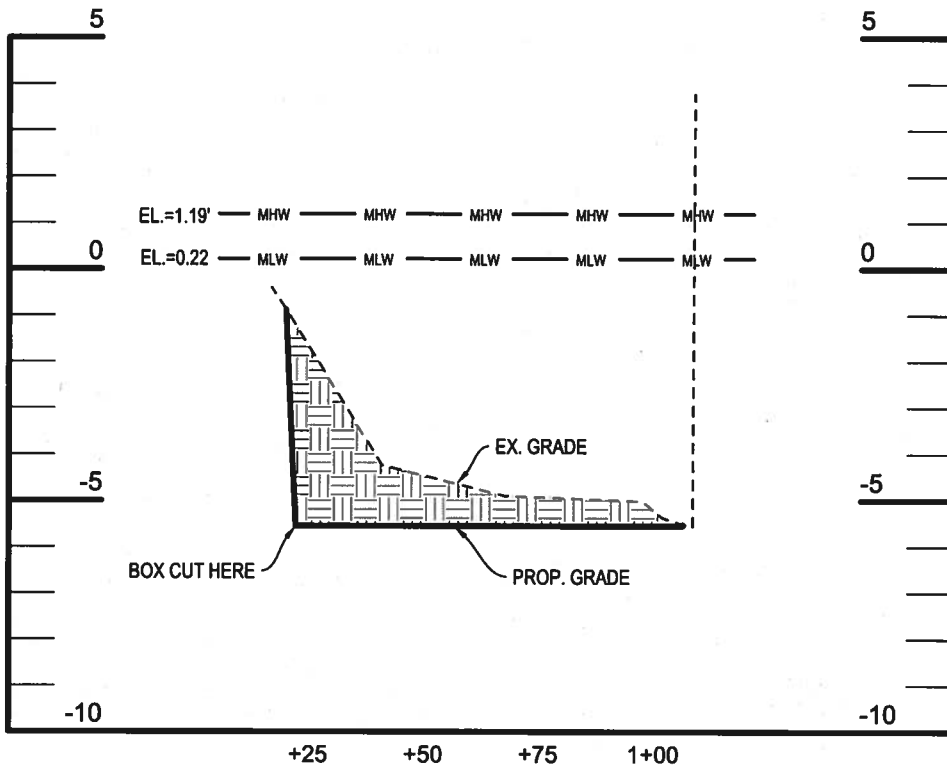


MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 10/16/19
SHEET 10 OF 15



SECTION E-E

SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL



SECTION F-F

SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL

Bay Engineering Inc.

Engineers, Planners and Surveyors
 2661 Riva Road, Building 800
 Annapolis, Maryland 21401
 410.897.8290
 410.897.8295 fax
 email: info@bayengineering.com
 www.bayengineering.com

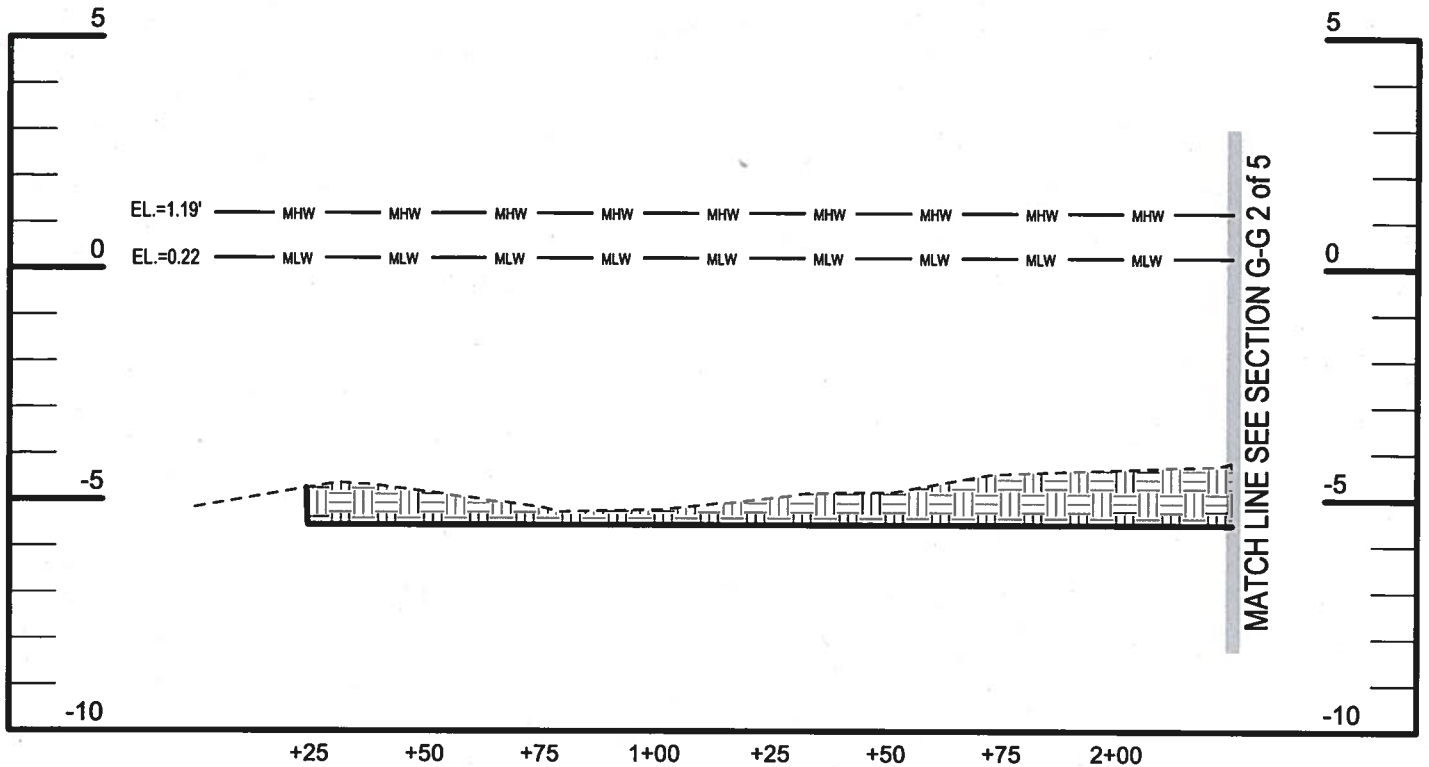


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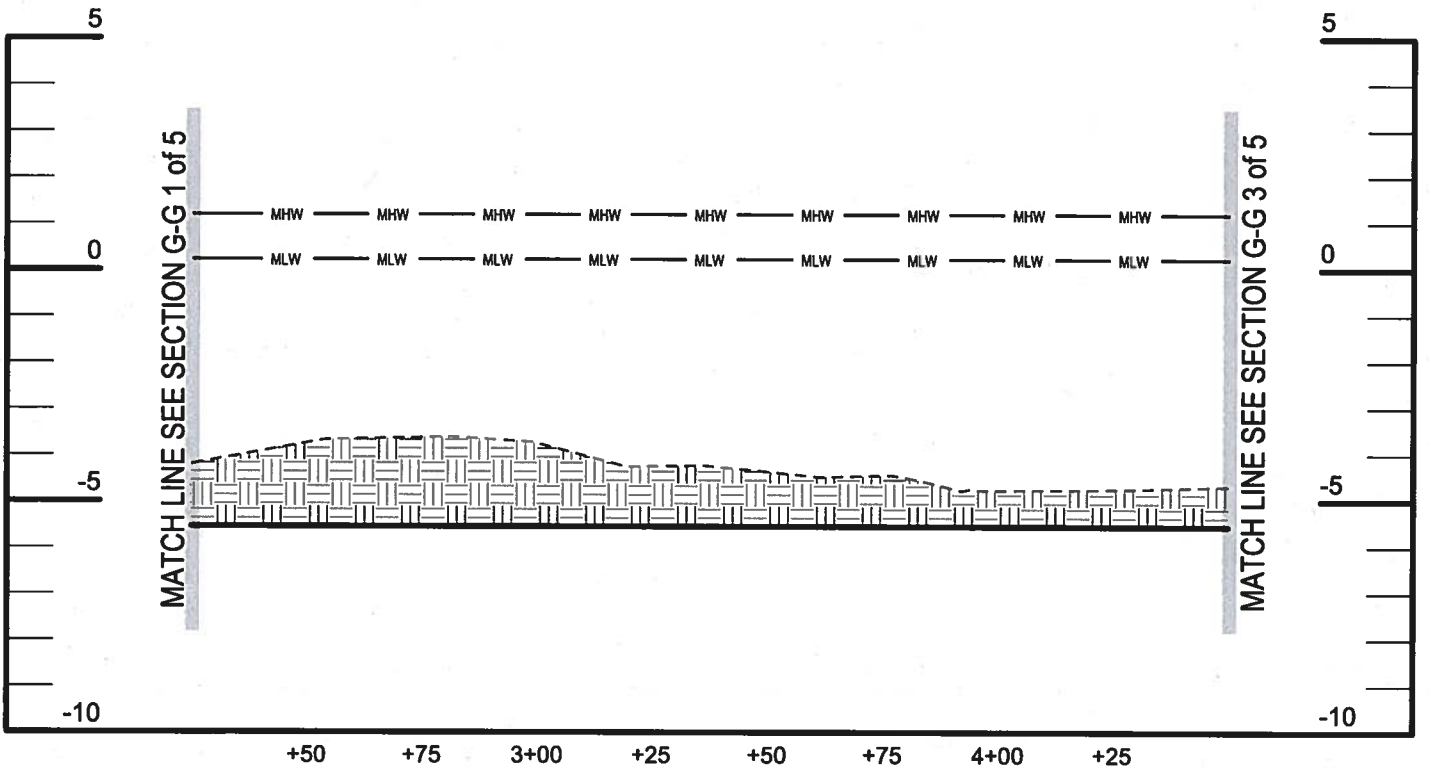
2920 BAY BLVD.
 CHESAPEAKE BEACH, MD 20732
 TAX MAP 19, GRID 5, PARCEL 60
 2ND ELECTION DISTRICT, CALVERT COUNTY, MD



MDE #: 19-WL-0313
AI #: 70311
PLAN DATE: 10/16/19
SHEET 11 OF 15



SECTION G-G 1 of 5
 SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL



SECTION G-G 2 of 5
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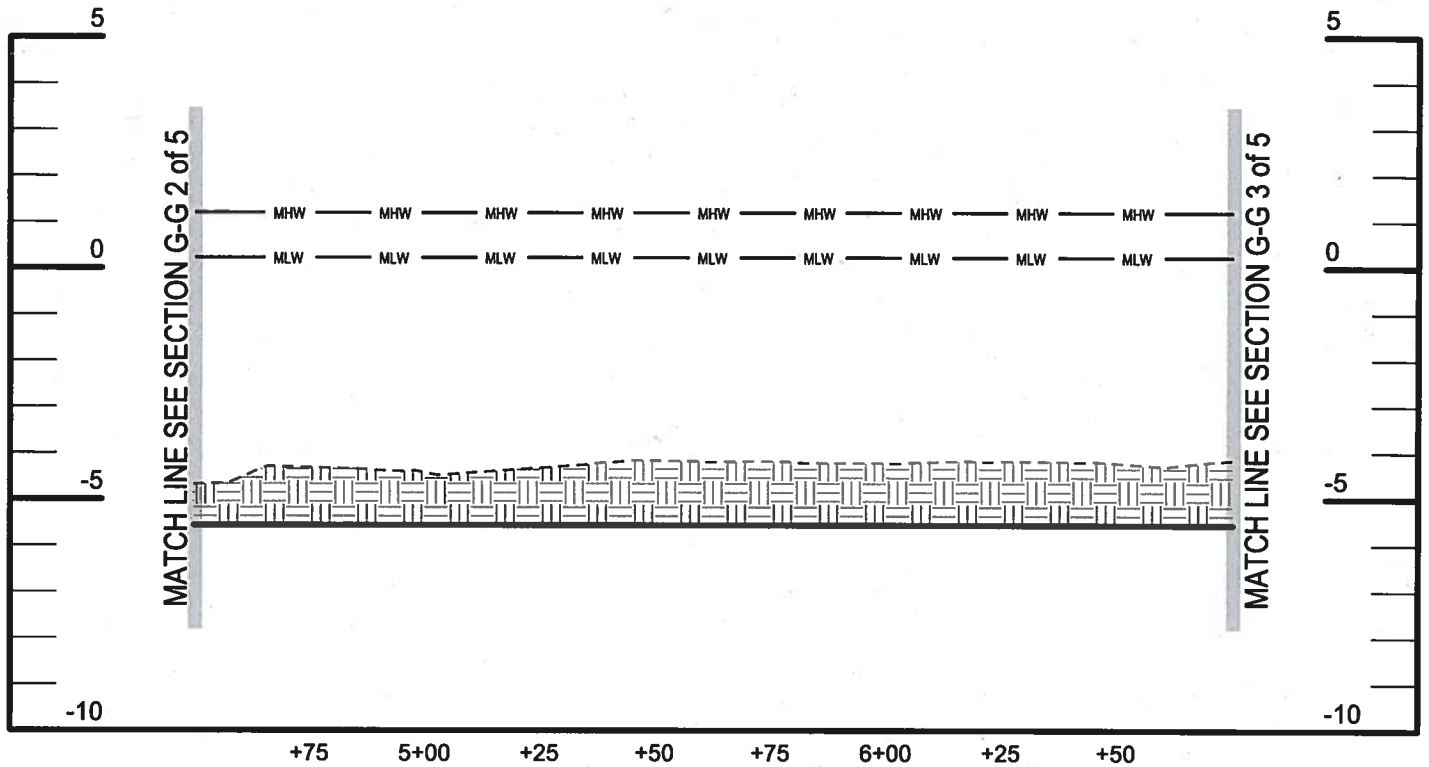


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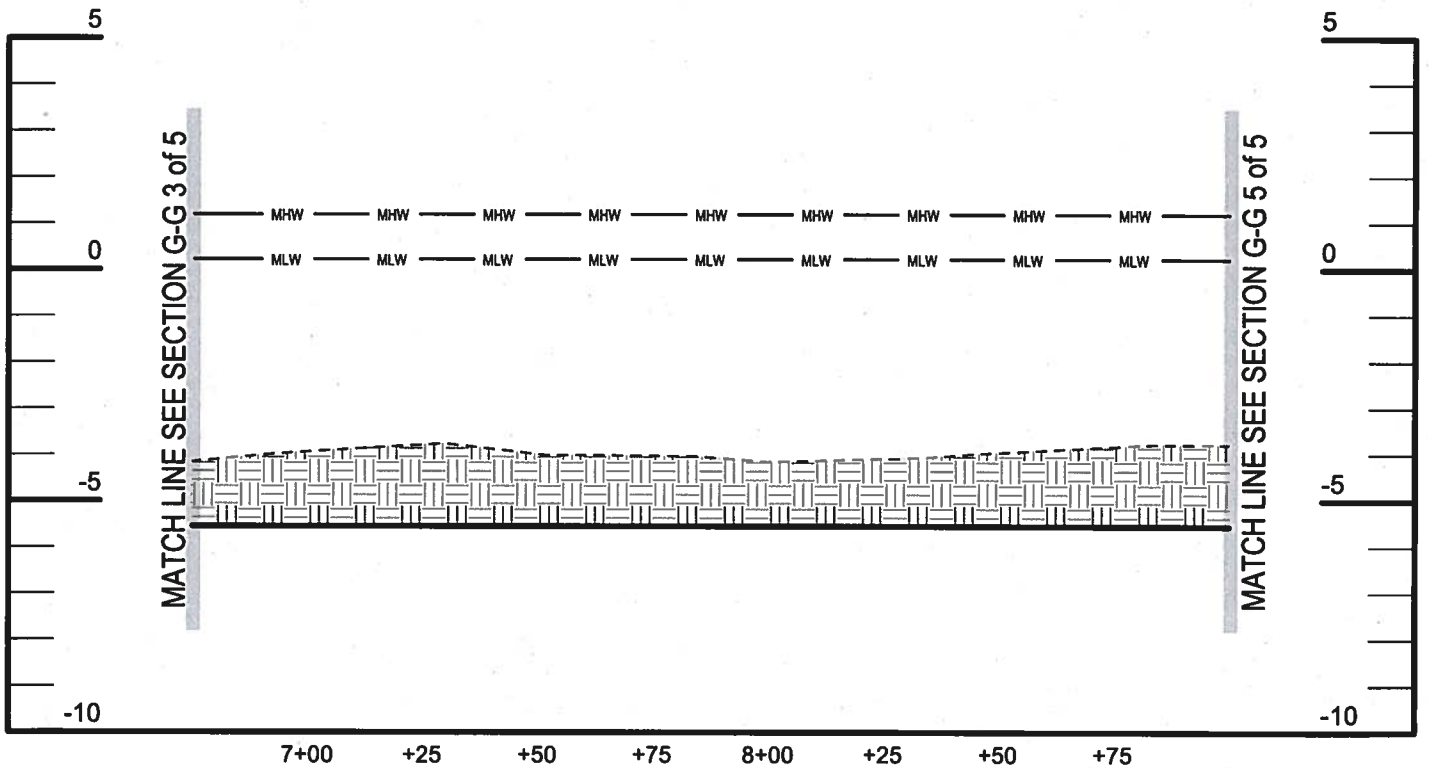
2920 BAY BLVD.
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MDE #: 19-WL-0313
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 SHEET 12 OF 15



SECTION G-G 3 of 5
 SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL



SECTION G-G 4 of 5
 SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL

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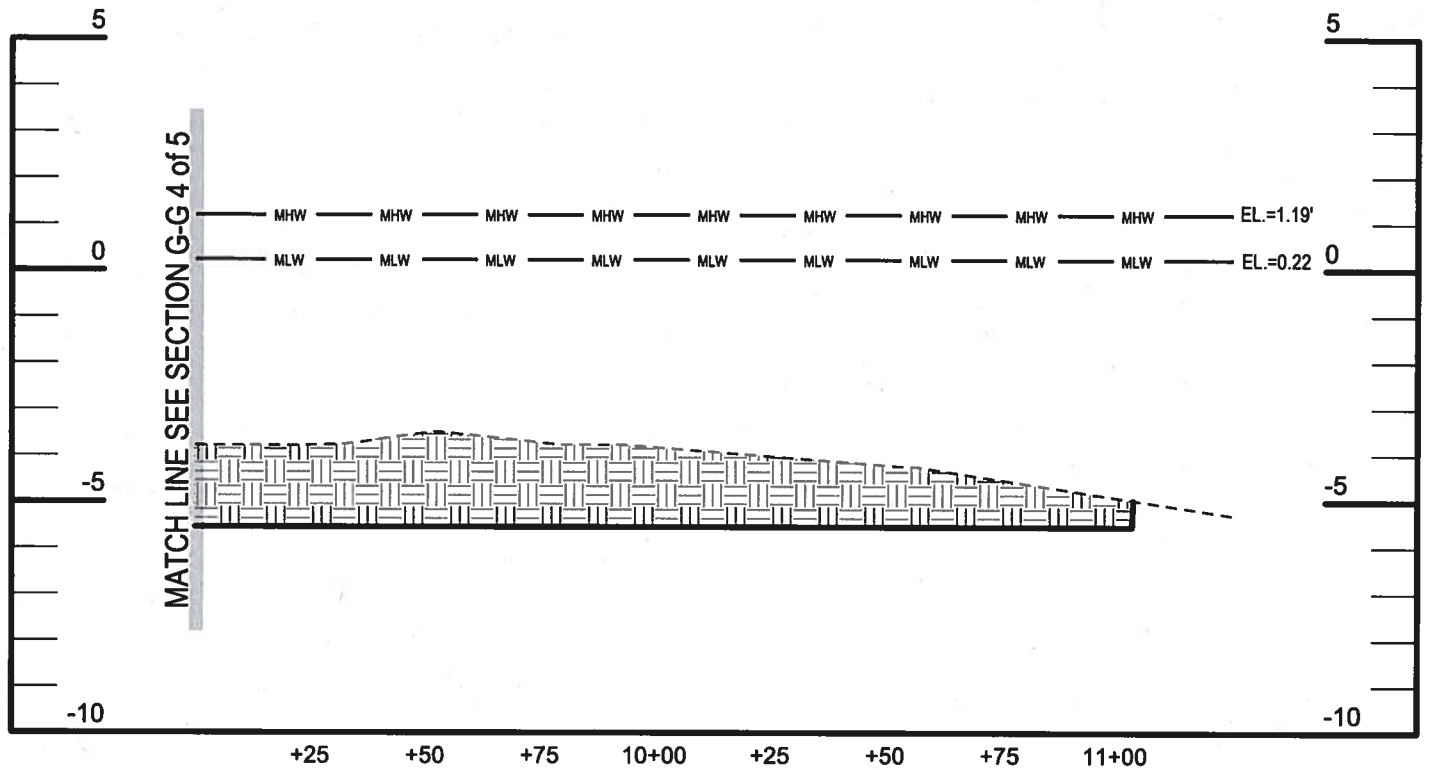


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 SHEET 13 OF 15



SECTION G-G 5 of 5
 SCALE: 1"=4' VERTICAL; 1"=40' HORIZONTAL

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MDE #: 19-WL-0313
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PLAN DATE: 10/16/19
SHEET 14 of 15

Wednesday, June 19, 2019

A & S Smith Development Corporation



VIA ELECTRONIC MAIL

Mr. Milton McCarthy
Bay Environmental, Inc.
2661 Riva Road
Building 800, Suite A
Annapolis, MD 21401

Re: A&S Smith Development, Inc.
Breezy Point Marina
5230 Breezy Point Road
Chesapeake Beach, MD 20732
Tracking # 201960444 AI# 70311

Dear Mr. McCarthy,

I am writing at the request of Ms. Melissa McCanna of Maryland Department of the Environment. She is requesting a letter from A&S Smith Development, Inc. confirming that we will accept and have the capacity at our existing disposal site for 6,960 cubic yards of dredge material that we are removing from our entrance channel. As owner of this facility, we own the entire property that includes the marina, parking areas, support buildings, and the dredge material disposal site. We have expended a significant amount of funds to have surveys done to determine the volume of material to be dredged, and surveyed the existing disposal site to determine its capacity. Based on the engineering from the survey work, there is more than adequate capacity in the disposal site to accommodate the amount of material to be dredged. I just find it odd that someone would require my permission to use my property for my own use. I hope this adequately addresses Ms. McCanna's request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Laura Hershfield
President
A&S Smith Development, Inc.
48 South River Road
Edgewater, MD 20732

A&S Smith Development Corporation

48 S. River Rd. South
Edgewater, MD 21037
Office: (410) 956-2288
Info@piersevenmarina.com
www.piersevenmarina.com



MDE #: 19-WL-0313
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SHEET 15 OF 15