

January 10, 2025

Marzio & Roanna De Spirito c/o Lane Engineering, LLC Attention: Sarah Freund 117 Bay Street Easton, MD 21601

Via email: sfreund@leinc.com

Re: Agency Interest Number: 180440 Tracking Number: 202460045

Tidal Authorization Number: 24-WQC-0031

Dear Mr. & Mrs. De Spirito:

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 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 Michaela Harrington at Michaela.harrington@maryland.gov with any questions.

Sincerely,

Jonathan Stewert Acting Chief

Tidal Wetlands Division



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



24-WOC-0031

EFFECTIVE DATE: January 10, 2025

CERTIFICATION HOLDER: Marzio & Roanna De Spirito

c/o Sarah Freund

ADDRESS: 1613 Elkwood Ct

Annapolis, MD 21409

PROJECT LOCATION: 9001 St. Michaels Rd

Saint Michaels. MD 21663

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 MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED DREDGING PROJECT AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED September 17, 2024 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION.

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.

PROJECT DESCRIPTION

Mechanically dredge a 195-foot long by 20-foot wide irregularly shaped spur channel and a 75-foot long by 56-foot wide irregularly shaped basin to a depth of 3 feet below mean low water; and deposit approximately 440 cubic yards of dredged material on an approved upland disposal site located at 13131 Ocean Gateway, Queen Anne, MD 21657; and to provide for periodic maintenance dredging for six years.

GENERAL CONDITIONS

- 1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.
- 2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
- 3. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
- 4. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
- 5. 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.
- 6. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.
- 7. Authorized representatives of the Department shall be provided access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.
- 8. No stockpiles of any material shall be placed in Waters of the U.S. or state or private tidal wetlands.
- 9. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
- 10. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization NAB-2024-60045 until such time that it expires or is not administratively extended.

SPECIAL CONDITIONS

1. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission ("Commission") shall be obtained. This Certificate 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.

- 2. All work performed under this Water Quality Certificate 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. Licensing by MCLB shall occur prior to the beginning of construction activities. 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.
- 3. The issuance of this Certificate 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 Certificate Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- 4. The Certificate Holder, due to the close proximity of the project site to an active oyster lease (TA 544), shall notify the below leaseholder(s) at least 30 days prior to commencement of construction so that aquaculture gear and product may be relocated by the leaseholder as they determine necessary to avoid oyster loss or damage during construction.

Leaseholder contact information:

Raymond P. Basel, Sr. 7961 Bozman Neavitt Rd. Bozman, MD 21612 rpbent82@gmail.com

Natural Resources Article §4-11A-16 establishes that a person, other than the leaseholder, may not willfully and without authority catch, willfully destroy, remove, alter or transfer any marker, shellfish, equipment, or structures on any aquaculture or submerged land lease area. For additional information on shellfish aquaculture leasing, please contact Rebecca Thur, MD DNR Leasing and Permitting Coordinator, at rebecca.thur@maryland.gov or at 410 260-8252.

- 5. The Certificate Holder shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.
- 6. The Certificate Holder shall dispose of dredged material only at the dredge disposal site approved by this Water Quality Certification. The Certificate Holder shall submit an application for modification of the Certificate to MDE for approval of any dredge disposal site not authorized within the Certificate.
- 7. The Certificate Holder shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The Certificate Holder shall:
 - a. Dredge no more than 500 cubic yards of material at each maintenance dredging.
 - b. Comply with all applicable conditions of this license.
 - c. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
 - d. Notify and receive approval from the Water and Science Administration, Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
 - e. The Certificate Holder shall stake the dredge area and receive approval from the Water and Science Administration's, Compliance Division prior to the start of dredging.
- 8. 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.

- 9. The Certificate Holder shall conduct maintenance dredging within the scope of this Certification in terms of authorized dredged area, volume of material and authorized depths.
- 10. The Certificate Holder shall not perform any dredging from December 16th through March 14th and June 1st to September 30th of any year due to a shellfish area located within 500 yards of the area authorized to be dredged.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1, 3: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

2. Statement of Necessity for General Conditions 5, 8, 9: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3. Statement of Necessity for General Condition 6: This condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

Citation: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

4. Statement of Necessity for General Condition 7: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained. These conditions are necessary to ensure that the activity was conducted, and project completed according to terms of the authorization/certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

Citation: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

5. Statement of Necessity for General Condition 10: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws which authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; 40 C.F.R. 121, 15 C.F.R. 930, Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 2: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

7. Statement of Necessity for Special Conditions 5, 6, 7: Unauthorized discharges may enter regulated waters as result of activity or structural failure. A plan to address inadvertent discharges will prevent or address further violations of water quality standards and failure of water to meet designated uses, including uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation COMAR 26.08.02.02B(1)d; COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1) and B(2); 26.08.02.01B(2); 26.08.02.02B(1)

8. Statement of Necessity for Special Condition 8: The condition is necessary to ensure that the dredging results in water depths which are appropriate to support designated uses of fishing and water contact recreation and propagation of fish, other aquatic life and wildlife; and ensure that no discharges are unsightly, create a nuisance, change to an objectionable color or interferes with designated uses.

Citations: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1); 26.08.02.02B(3); COMAR 26.08.02.03B

9. Statement of Necessity for Special Condition 9: The limits on the scope of maintenance dredging are necessary to ensure that no discharges would violate water quality standards and designated uses for water clarify, turbidity, growth and propagation of fish, other aquatic life, and wildlife; and water contact recreation

Citations: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

10. Statement of Necessity for Special Condition 10: A time of year restriction is necessary to maintain the designated use for support of estuarine and marine aquatic life and shellfish harvesting.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.02-16.

11. Statement of Necessity for Special Condition 4: Nuisance or non-native species may spread and disrupt and dislodge native species from their habitat, leading to declines in distribution, density, growth and propagation. SAV are a critical habitat for many aquatic species. Limitations on loss will sustain habitat for a variety of aquatic species, including anadromous fish and threatened or endangered species. Water quality regulations state minimum thresholds for SAV in tidal waterways. In addition to direct loss, turbidity created by construction or ongoing operation must be limited for support of aquatic life and meet water quality standards. Oyster bar creation supports/expands designated use for growth and propagation of oyster bars in Support of designated uses for growth and propagation of fish, other aquatic life, and wildlife and the designated use for support of estuarine and marine aquatic life and shellfish harvesting. The conditions are necessary to allow for continued oyster harvesting and propagation; and maintain and not interfere with the designated use- support of estuarine and marine aquatic life and shellfish harvesting. The conditions ensure that discharges will not result in failure to support designated uses for marine and estuarine aquatic life and submerged aquatic vegetation; and growth, propagation of fish, other aquatic life, and wildlife, and shellfish harvesting.

Citation: COMAR 26.08.02.02-1; COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.03B; COMAR 26.08.02.03-3C; COMAR 26.08.02.02B(2)-B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03-3C; COMAR 26.08.02.02-1

CERTIFICATION APPROVED

D. Lee Currey, Director Water and Science Administration Jan 16, 2025

Date

Tracking Number: 202160045 Agency Interest Number: 180440

Effective Date: January 10, 2025

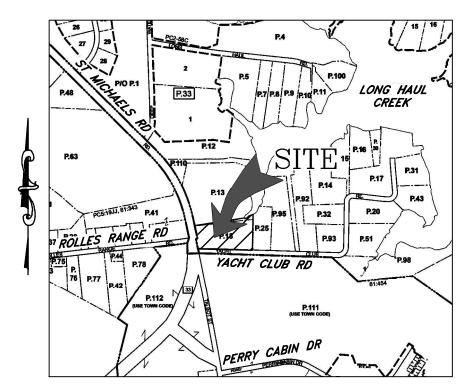
Enclosure: Plan Sheets dated 09/17/2024

cc: WSA Inspection & Compliance Program

Army Corps of Engineers

DREDGING PERMIT DRAWINGS PREPARED FOR MARZIO & ROANNA DE SPIRITO IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND

24-WL-0029 202460045 180440 09/172024 MTH



VICINITY MAP
SCALE: 1" = 1,000'

ENGINEER

Lane Engineering, LLC
117 BAY STREET
EASTON, MARYLAND 21601
(410) 822-8003

OWNER/DEVELOPER

MARZIO & ROANNA DE SPIRITO 1613 ELKWOOD COURT ANNAPOLIS, MD 21409 (301) 980-6143

PROJECT LOCATION

9001 ST MICHAELS ROAD ST MICHAELS, MD 21663

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	12/18/23	DSR				
MDE RESUBMITTAL	09/17/24	DSR				

SHEET No. 1 DATE: AS NOTED SCALE: AS NOTED JOB No. 230377 FILE No. B620

TITLE SHEET

ON THE LANDS OF MARZIO DE SPIRITO & ROANNA DE SPIRITO

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 23, GRID 14, PARCEL 18

<u>Lane Engineering, LLC</u>

Established 1986
Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

Date: 09/17/2024 — 12:22pm User: afreund Project Manager: DSR Drawing Path: C:\swap\AcPublish_22512\HMP-PLTS-230377.dwg | Sheet1

XREF Fle(s): GBS-BASE-LETR-230377/VLD-BASE-MLW0-230377/RAR-BASE-230377/CSP-BASE-230377/CSF-BASE-230377/CPR-SRCE-230377/VSF-BASE-MLW0-230377

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LEGEND & ABBREVIATIONS

24-WL-0029

202460045

MEAN HIGH WATER (APPROXIMATE)
MEAN LOW WATER (APPROXIMATE)

180440 09/172024

MTH

PROPERTY LINE

MHW

MLW

SPOT ELEVATION/SOUNDING x-2.15

PROJECT NOTES

- 1. THE PROPERTY BOUNDARY AND EXISTING CONDITIONS SHOWN HEREON WERE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A BOUNDARY AND/OR EXISTING CONDITIONS SURVEY HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF THE ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC.
- THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY AND ARE NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.
- 3. SOUNDINGS SHOWN HEREON PROVIDED BY TOPOGRAPHIC SURVEY FOR PERMITTING PURPOSES ONLY.
- 4. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
- 5. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER = 0.0'.
- 6. MEAN TIDAL RANGE = 1.38'
- 7. LOT SIZE = 5.45 AC±
- 8. DISTANCE TO CHANNEL CENTERLINE = 70'±
- 9. MAXIMUM CHANNELWARD ENCROACHMENT = $73'\pm$
- 10. ZONING CLASSIFICATION = RC (RURAL CONSERVATION)
- 11. 911 ADDRESS = 9001 ST MICHAELS RD ST MICHAELS, MD 21663

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SITE & PROJECT NOTES

ON THE LANDS OF MARZIO DE SPIRITO & ROANNA DE SPIRITO

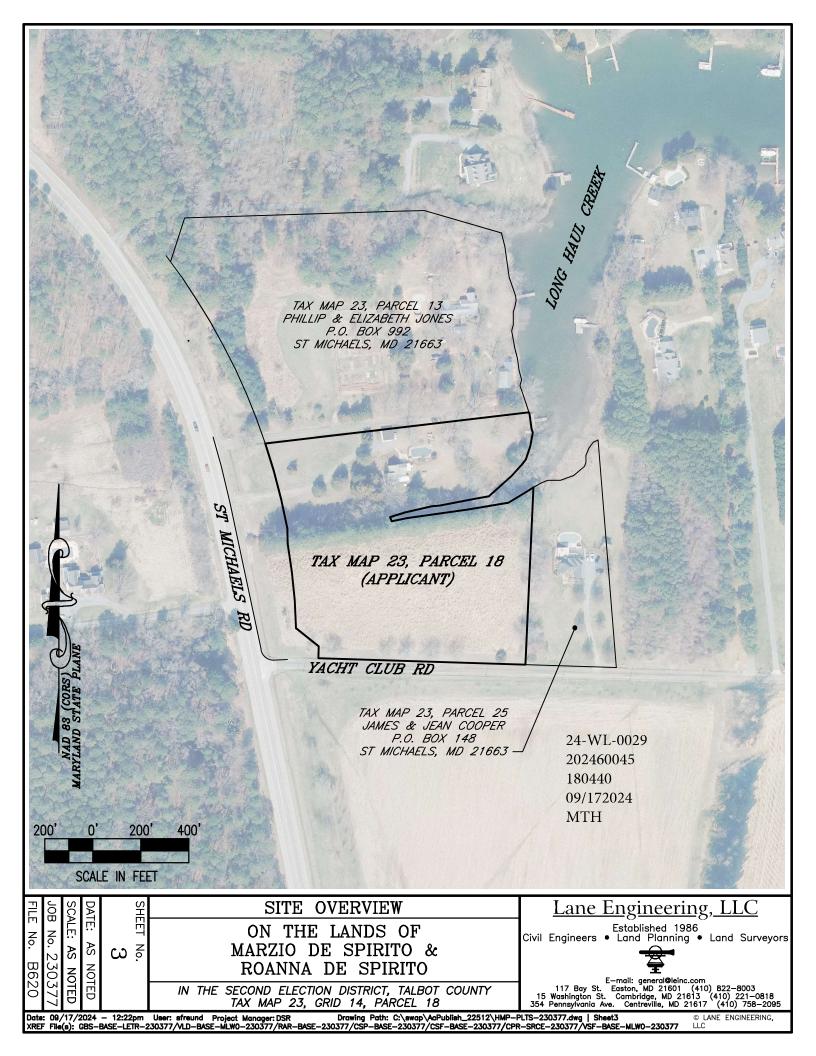
IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 23, GRID 14, PARCEL 18

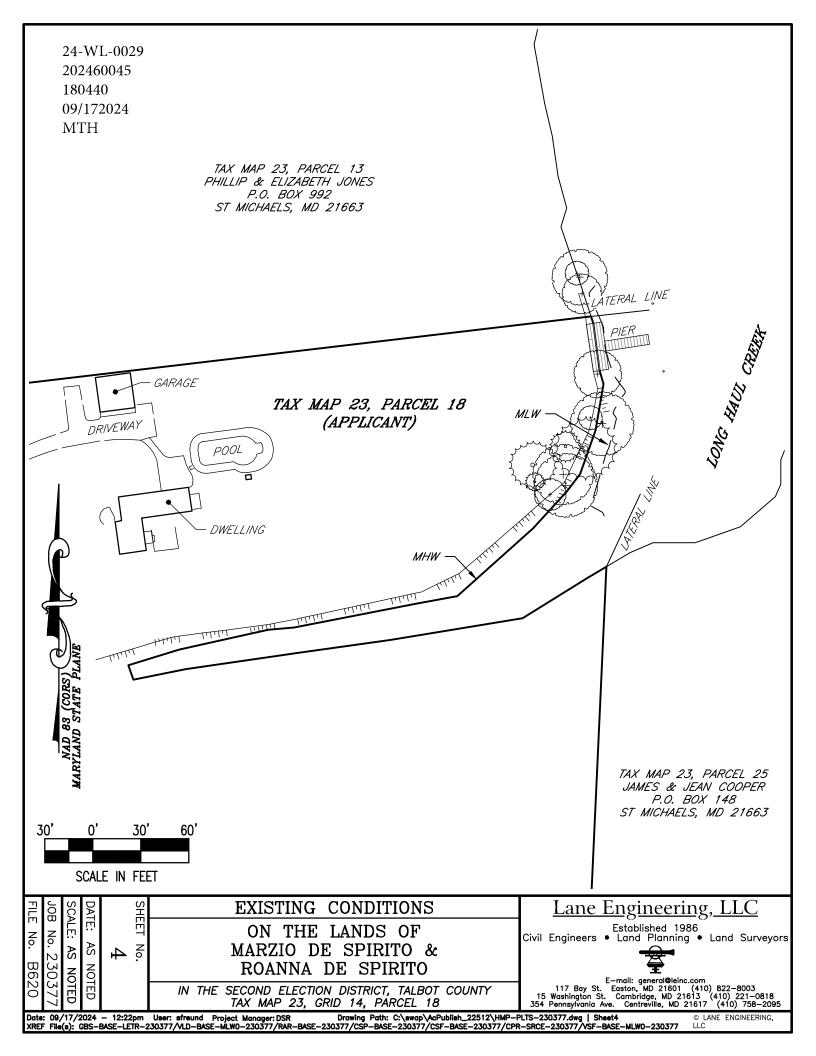
Lane Engineering, LLC

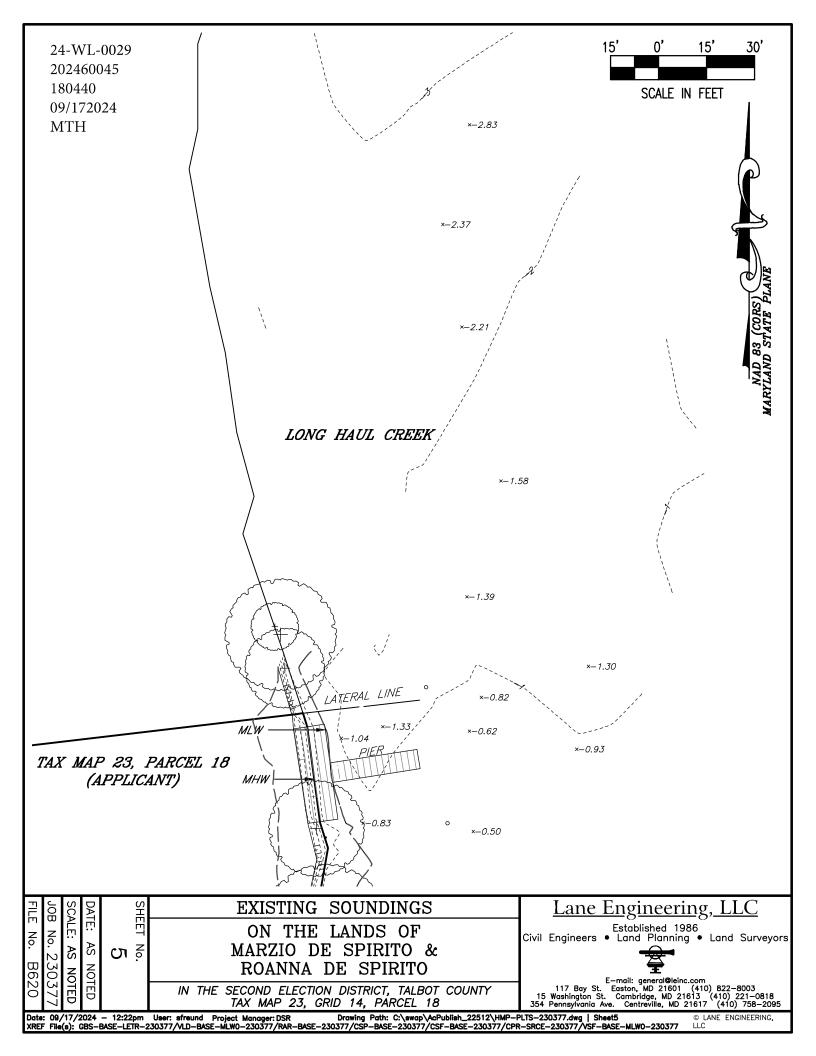
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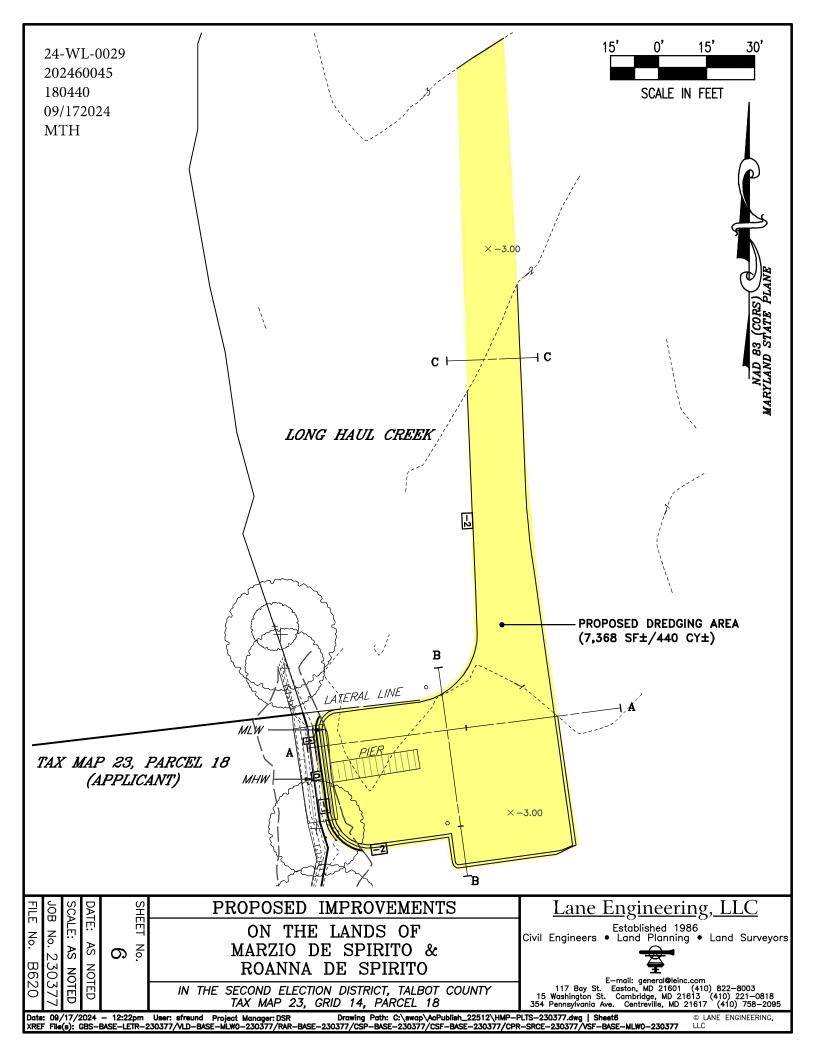


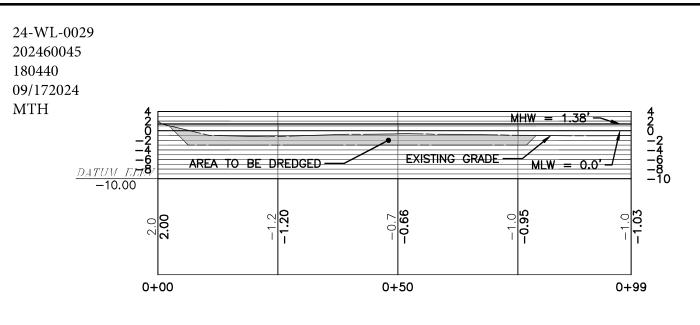
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15 Washington St. Cambridge, MD 21613 (410) 221-0818
354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095



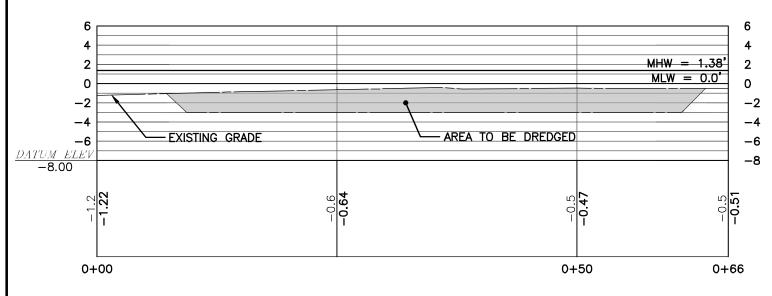








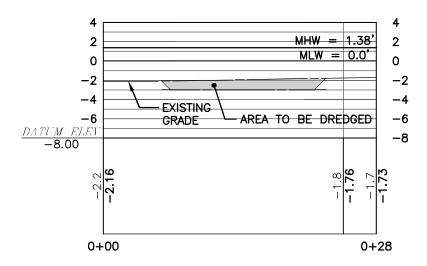
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Date: 09/ XREF File	Date: 09/17/2024 - 12:22pm User: afreund Project Manager: DSR Drawing Path: C:\swap\AcPublish_22512\HMP-PLTS-230377.dwg Sheet7 © LANE ENGINEERING, XREF File(a): GBS-BASE-LETR-230377/VLD-BASE-MLW0-230377/RAR-BASE-230377/CSP-BASE-230377/CSF-BASE-230377/CPR-SRCE-230377/NSF-BASE-MLW0-230377				

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24-WL-0029 202460045 180440 09/172024 MTH

DEPENDABLE SAND & GRAVEL

TAX MAP 4, GRID 6, PARCEL 15 13131 OCEAN GATEWAY QUEEN ANNE, MD 21657

DREDGING PLACEMENT SITE

ON THE LANDS OF

MARZIO DE SPIRITO

ROANNA DE SPIRITO

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 23, GRID 14, PARCEL 18

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

In The Second Election District, Talbot County
TAX MAP 23, GRID 14, PARCEL 18

Date: 09/17/2024 — 12:22pm User: afreund Project Manager: DSR Drawing Path: C:\swap\AcPublish_22512\HMP-PLTS-230377.dwg | Sheet9

XREF Fle(s): GBS-BASE-LETR-230377/VLD-BASE-MLW0-230377/RAR-BASE-230377/CSP-BASE-230377/CSF-BASE-230377/CPR-SRCE-230377/VSF-BASE-MLW0-230377